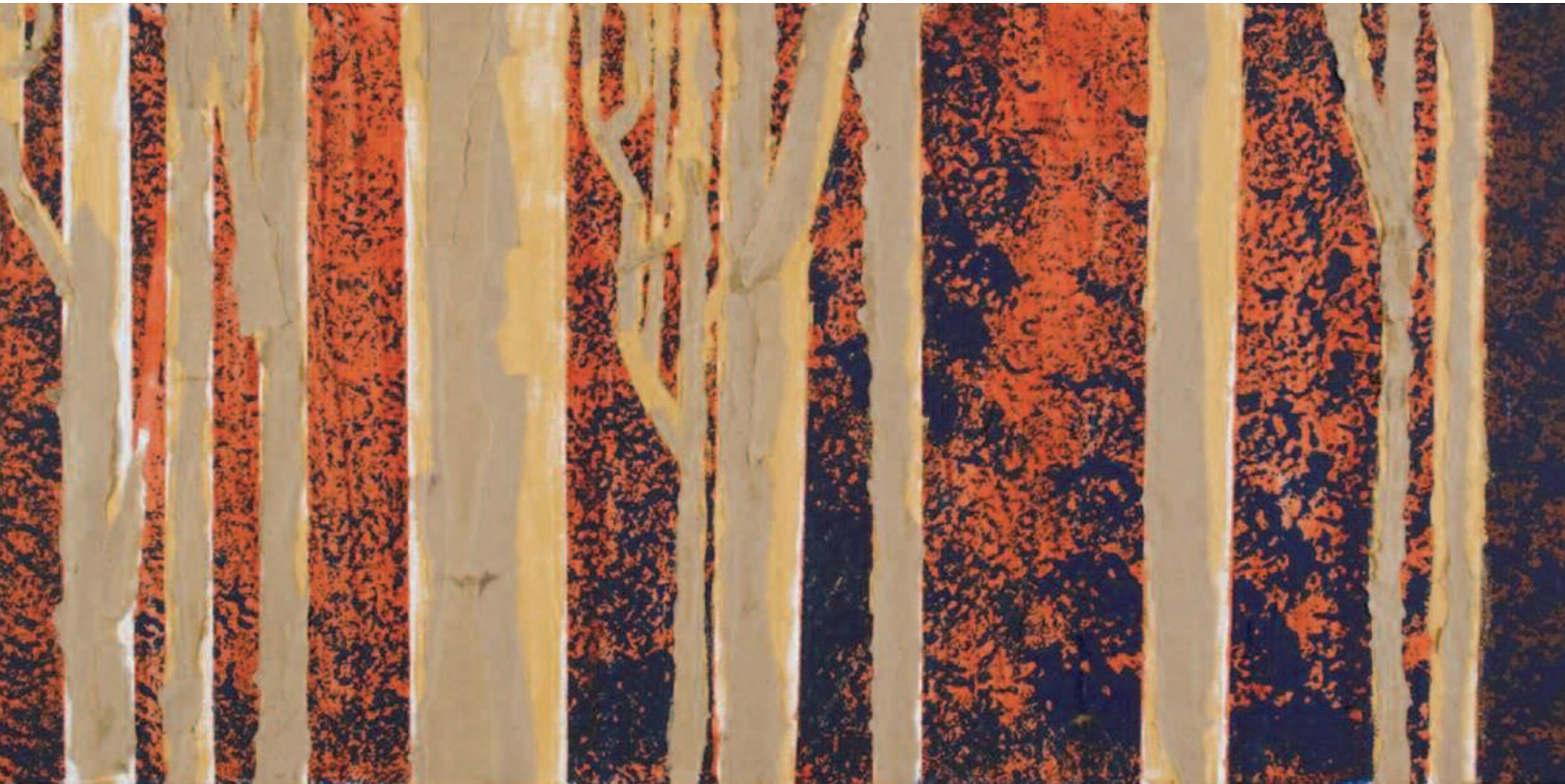


Protocol between Corrections Victoria, Department of Justice and Disability Services, Department of Human Services 2008



Protocol between Corrections Victoria, Department of Justice and Disability Services, Department of Human Services

2008

Published by the Victorian Government Department of Human Services
Melbourne, Victoria

© Copyright State of Victoria 2008

This publication is copyright, no part may be reproduced by any process
except in accordance with the provisions of the *Copyright Act 1968*.

This document may also be downloaded from the Department of Human Services website at:
www.dhs.vic.gov.au

Authorised by the State Government of Victoria, 50 Lonsdale Street, Melbourne

Printed on sustainable paper.

Accessibility

If you would like to receive this publication in an accessible format, please
email disability.services@dhs.vic.gov.au

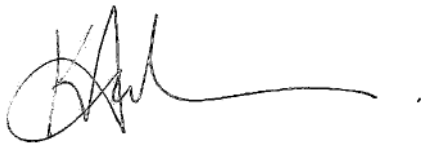
Message from the Commissioner, Corrections Victoria

I am pleased to introduce the protocol between Corrections Victoria, Department of Justice and Disability Services, Department of Human Services.

This protocol represents Corrections Victoria's ongoing commitment to work in close partnership with Disability Services, and so respond more effectively to offenders who have a disability. There is a shared vision to assist offenders with a disability adopt a crime free lifestyle – this offers the opportunity for improved individual outcomes, which in turn enhances community safety, through reducing recidivism and harm minimisation. The partnership between the two organisations is essential to a whole of system response that provides interventions which are more effective and improve rehabilitation prospects for offenders with a disability. We face a challenging task, as the rates of re-offending for this offender group are higher than for other offenders.

This document formalises this unique collaboration, as there are few other examples nationally and internationally of correctional and disability service systems working so closely together. Within Victoria, this cooperation occurs both in prisons and in the community, where offenders are on community based orders.

The protocol provides contemporary guidance on what must be a relationship between Corrections Victoria staff and Disability Services staff which continues to evolve. It represents an important building block for the further development of an effective continuum of care for a population that requires our full attention.



KELVIN ANDERSON
Commissioner
Corrections Victoria

July 2008

Message from the Executive Director, Disability Services

It is my pleasure to introduce the protocol between Corrections Victoria, Department of Justice and Disability Services, Department of Human Services.

This protocol not only describes the context of service provision for both organisations, the key points of interface and respective roles and responsibilities but importantly it also sets out the agreed practice principles within which the organisations will work together. In doing so, the protocol outlines the basis for a collaborative working relationship that is underpinned by the shared objective of better outcomes for people with a disability. This objective will be pursued through quality service provision that enhances independence, addresses re-offending and protects community safety.

The Victorian State Disability Plan 2002 – 2012 identifies the crucial role that partnerships play in achieving better outcomes for people with a disability, their families and carers and local communities. Relevant priorities of the plan include promoting and protecting people's rights and strengthening local communities. Collaboration between Corrections Victoria and Disability Services in situations where people with a disability are involved in the criminal justice system is recognised as vital to ensure equitable access to appropriate supports with a view to non-offending lifestyles and enhanced community participation.

The important commitment made by Corrections Victoria and Disability Services as documented in this protocol, gives support to direct service provision that recognises the particular expertise of correctional and disability workers and encourages innovative, individualised responses that cannot be independently achieved by either organisation alone.

The way we work will continue to evolve over time along with increased knowledge and understanding of effective service responses. The dynamic and evolving partnership between Corrections Victoria and Disability Services will be guided by this protocol and our continued efforts to address the needs of both people with a disability and their communities.



ARTHUR ROGERS
Executive Director
Disability Services

July 2008

Contents

Introduction	1
Scope	2
Protocol aims	3
Service descriptions and policy directions	3
Disability Services	3
Corrections Victoria	5
Practice principles	6
Statutory and voluntary services	6
Confidentiality and sharing of information	7
Case practice	8
Collaboration during the court process	10
Possible disability	10
At court	10
Reports for the court	10
Point of interface flowchart: Court	11
After court	11
General principles in relation to bail applications	12
Sentencing	13
Community Based Order with a Special Condition of Justice Plan	13
Review of justice plan by the Department of Human Services	15
Community Correctional Services responsibilities	15
Indigenous offenders	16
Point of interface flowchart	17
CBO or adjournment with/out conviction with special condition of a justice plan	17
CBO without special condition of a justice plan	17
Other community based non-custodial sentences	17
Custodial sentences	18
Role of Statewide Forensic Service (SFS)	18
Disability Prison Pathway Program	18
Responsibility for prison programs	19
Entry into the Prison – Informing the Correctional System	20
Police custody	20
Reception	20

Classification/Placement	21
Remand prisoners	21
Indigenous prisoners	21
Sentenced prisoners – initial classification and placement/classification	22
Initial classification	22
Safety concerns	23
Transfers of people with an intellectual disability	23
Case management	24
Review and assessment	24
Mentor program	25
Contact and communication with prisoners	25
Point of interface flowchart: Custody	26
Pre-release planning	27
Parole	27
Extended Supervision Orders	28
Point of interface flowchart: Pre-release planning and parole	29

Introduction

Corrections Victoria and Disability Services have jointly developed the following protocol detailing shared responsibilities for providing services to adult offenders¹ and prisoners² with a disability.

The protocol adopts a ‘strengths-based’ approach to supporting a non-offending lifestyle. It also recognises the emerging and developmental nature of policy and service delivery frameworks for offenders with a range of disabilities, including physical and sensory disabilities, acquired brain injury (ABI) and neurological impairments. This policy direction is consistent with the provisions of the *Disability Act 2006*.

The protocol aims to provide a professional framework for staff to interpret defined roles and responsibilities in the context of good practice principles, and to form a basis for local protocols to be developed by regional Correctional Services and Disability Services. The defined agreement between the two organisations is intended to maximise positive outcomes for adult offenders with a disability, while contributing to the overall objectives of both Disability Services and Corrections Victoria.

1. The term ‘offenders’ refers to people who have been found guilty of an offence by a court of law including those sentenced to prison or community based dispositions.

2. The term ‘prisoner’ refers to people on remand or serving a custodial sentence.

Scope

This protocol outlines the roles and responsibilities of Disability Services and Corrections Victoria in relation to adult offenders and prisoners with a disability at the interface of the two service systems. It also includes principles of good practice in collaborative work focused on positive outcomes for mutual clients.

The definition of disability used in this protocol is in accordance with the Disability Act:

- (a) a sensory, physical or neurological impairment or acquired brain injury or any combination thereof, which -
 - (i) is, or is likely to be, permanent; and
 - (ii) causes a substantially reduced capacity in at least one of the areas of self-care, self-management, mobility or communication; and
 - (iii) requires significant ongoing or long term episodic support; and
 - (iv) is not related to ageing; or
- (b) an intellectual disability; or
- (c) a developmental delay.

The interface between Disability Services and Corrections Victoria generally occurs after a person has been convicted of a criminal offence. There are a range of situations in which Disability Services may be provided to people involved in the criminal justice system in accordance with court, statutory or civil orders that do not involve Corrections Victoria and are therefore outside the scope of this protocol. Examples include various situations involving the courts, police, supervised treatment orders and custodial or non-custodial supervision orders under the *Crimes (Mental Impairment Unfitness to be Tried) Act 1997*.³

There may also be situations where a range of Disability Services may be requested or provided to people involved with Corrections Victoria when justice plan conditions do not apply, such as when a person has a disability other than intellectual. Providing Disability Services in these situations is in accordance with regular case practice, policy guidelines including those related to service access.⁴

Disability Services are also provided to people in custody under a range of circumstances, including regional case management, and prison-based treatment programs.⁵

3. More information including guidelines for Disability Services staff can be located on the Disability Services website at www.dhs.vic.gov.au/ds

4. Information regarding Disability Services policy and guidelines on 'service access' can be located on the Disability Services website.

5. More information can be found in the section 'Custodial sentences'.

Protocol aims

The protocol aims to:

- address the key points of contact between Disability Services and Corrections Victoria
- confirm the partnership between Disability Services and Corrections Victoria by outlining the collaborative approach to service delivery for adult offenders and prisoners with a disability
- clarify the roles and responsibilities of Disability Services and Corrections Victoria
- promote effective communication and service coordination between Disability Services and Corrections Victoria
- provide key information and guidelines regarding access to services
- ensure that offenders and prisoners with a disability are provided with effective and efficient services
- promote positive outcomes for people with a disability involved in the correctional system
- form the basis of local protocols to be developed by regional Disability Services and Corrections Victoria.

Service descriptions and policy directions

Disability Services

The Department of Human Services Disability Services is responsible for funding and providing a range of supports and services for people in Victoria with intellectual, physical and sensory disabilities, neurological impairments and ABI. In accordance with the *State Disability Plan* the purpose of these supports is to improve the quality of life for Victorians by enhancing people's independence, choice and community inclusion.

Disability Act

The Disability Act⁶ aims to provide a legislative framework that supports the objectives of the *Victorian State Disability Plan 2002-2012* and the 'Individual Planning and Support' approach (see description below) by reaffirming and strengthening the rights of people with disabilities and recognising that this requires support across the government sector and within the community.

The Act aims to:

- promote and protect the rights of people with a disability
- support the development of a strong and stable disability sector that is sustainable into the future
- provide a fairer and more equitable system of disability supports for people with a disability.

State Disability Plan 2002–2012

In 2002 the Victorian Government released the *Victorian State Disability Plan 2002–2012* outlining a new vision for Victoria and priority strategies for realising this vision. The *State Disability Plan* is the first disability plan to take a whole-of-government and whole-of-community approach, including disability supports, health and community services, recreation, education, employment, transport and housing. It is also the first disability plan to address the needs of people with a range of disabilities, including intellectual, physical and sensory, ABI and neurological impairments.

6. A copy of the Disability Act can be located on the Victorian Legislation and Parliamentary Documents website at: www.dms.dpc.vic.gov.au

Individualised Planning and Support (IP&S)

The IP&S approach has been developed to specifically support the objectives of the State Disability Plan. The approach focuses on enabling people with a disability to receive the supports they require through informal networks and within the generic structures of education, health, employment, and community services.

IP&S involves people with disabilities directing planning processes to the greatest extent possible and exploring supports that are flexible and wide ranging, including consideration of those outside the existing disability support system.

Disability Services provided by community service organisations

To achieve its mission, Disability Services funds community service organisations to provide support for people with intellectual, physical, sensory and neurological disabilities and ABI. Services include:

- housing and support such as crisis housing for people with an intellectual disability involved in the criminal justice system
- vocational, recreational and other day programs and options
- case management and case coordination services
- other supports and services (such as outreach).

Disability Services provided by the Department of Human Services

Regional Disability Services teams focus on practical ways to improve the quality of life for people with a disability through supports and services that enhance people's independence, choice and community inclusion. Disability Services seeks to improve links and connections with other program areas within the Department of Human Services, other government departments, local government and community organisations and to support these agencies to develop and provide supports to people with a disability and their families and carers.

Disability Services directly delivers a number of support services for people with disabilities through Disability Accommodation Services (DAS) and Disability Client Services (DCS). These include:

- a range of supported accommodation services
- a range of supports including 'intake and response', referral, short-term support, assessments and case management services
- 'specialist services' including behaviour intervention, family intervention and support, speech therapy and other clinical services
- outreach services
- specialist forensic disability services including residential rehabilitation and treatment and clinical consultancy through the Statewide Forensic Service (SFS).⁷

More information about Disability Services can be located on their website at: www.dhs.vic.gov.au/ds

7. See 'Role of Statewide Forensic Service' under 'Custodial sentences'. More information about the SFS can be located at the Disability Services website under 'Criminal justice'.

Corrections Victoria

Aims and mission

The mission of Corrections Victoria is to deliver a safe and secure corrections system in which offenders and the community are actively engaged in promoting positive behaviour change. The Reducing Re-offending Framework describes how this mission will be achieved by assessing, treating and managing offenders in order to reduce their risk of re-offending.

Corrections Victoria manages a sixty CCS locations across the state and is responsible for managing Victoria's eleven public prisons and overseeing the contracts relating to managing the two privately operated prisons.

Corrections Victoria is increasingly taking a differentiated approach to dealing with the needs of different offender populations so that reoffending is better addressed and community safety enhanced. Offenders with a disability, along with Indigenous and female offenders, are key populations for which the universal approaches are being reviewed and targeted approaches adopted.

Corrections Act 1986

The *Corrections Act 1986*⁸ (as amended) gives the State the direct authority for the security, safety and welfare of prisoners and offenders, and for the maintenance of standards, in both the public and private correctional services. The purposes of this Act are to provide for:

- establishing, managing and securing prisons, and prisoners' welfare
- administering services related to community based corrections and the welfare of offenders.

Corrections Victoria 'Disability Framework'

In response to the Victorian Government's commitment and approach to disability, the clear over-representation of offenders with a disability in the correctional system, and in order to address service gaps for this population, Corrections Victoria has adopted new policy directions. These directions attempt to consolidate various service initiatives and inter-departmental and agency partnerships that have commenced to address the needs of prisoners and offenders with a disability through a strategic, overarching approach – the Corrections Victoria *Disability Framework 2007-2009*. The *Disability Framework* also interfaces with the Department of Justice *Disability Action Plan 2005-2008*.

The Corrections Victoria *Disability Framework* articulates a systematic and integrated approach to address the serious issues of high recidivism and over-representation of offenders with a disability, as well as the need for improved service provision. It will do this by better identifying and assessing offenders with a disability, addressing their access to generic services, developing and delivering specialist services and programs where necessary, and enhancing the partnership between Corrections Victoria and Disability Services.

There are overarching principles that govern the policy approaches to offenders with a disability; these are stated in the *Corrections Victoria Victorian Correctional Management Standards (2008)*, and the *National Standard Guidelines for Corrections in Australia (2004)*.

Developing policies and delivering services for offenders with a disability are underpinned by the 'responsivity' principle – that is, treatment and service approaches being matched to offender needs and characteristics.

Corrections Victoria directly delivers specialist services and facilitates access to generic services to offenders with a disability in prisons and CCS, addressing the following domains:

8. The *Corrections Act 1986* can be located on the Victorian Legislation and Parliamentary Documents website at www.dms.dpc.vic.gov.au

- identifying offenders with a disability
- containing and supervising offenders in a safe, secure, humane and just manner, and in line with the principles of the *Charter of Human Rights and Responsibilities Act 2006*
- providing appropriate assessment and subsequent opportunities for rehabilitation
- case management to ensure effective offender management
- facilitating reparation to the community, for example by undertaking community work.

More information about Corrections Victoria can be located on the Department of Justice website at www.justice.vic.gov.au, including a profile of each prison in Victoria and Corrections Victoria Disability Framework and Correctional Management Standards.

Practice principles

The following principles are drawn from both Disability Services and Corrections Victoria policy and practice instructions⁹ and provide overarching guidance for the collaborative working relationship between the organisations:

- People with a disability are citizens who have the right to be respected and the right to have equal opportunities to participate in the social, economic, cultural, political and spiritual life of society. As citizens, people with a disability also have equal responsibilities towards Victorian society and should be supported to exercise these.
- All offenders with a disability have the same rights as other offenders to access and participate in services and programs that are appropriate to their needs. They should also have the same opportunities for a range of support, advocacy and sentencing options.
- Every attempt will be made to reduce the barriers that prevent participation in services and programs and for additional measures to be provided that ensure all people have access to services and programs.
- Equality of opportunity for offenders with a disability will be actively promoted, and unlawful discrimination will not be tolerated.
- Close partnerships between disability and correctional systems are integral to providing better outcomes for offenders with a disability in addressing reoffending and enhancing community safety.

Statutory and voluntary services

In accordance with the Disability Act, accessing Disability Services is voluntary and a person must consent to receive or engage in services. By contrast, Corrections Victoria works with 'offenders' who have been convicted in court and sentenced to a term of imprisonment or a community based disposition. Prison treatment programs however are provided on a voluntary basis.

9. Disability Client Services *Criminal Justice Practice Manual, State Disability Plan 2002–2012, Department of Justice Disability Action Plan, Disability Act 2006, Corrections Victoria Disability Framework, Charter of Human Rights and Responsibilities Act 2006.*

Confidentiality and sharing of information

The complex issue of sharing information within the working relationship between Disability Services and Corrections Victoria must be considered in accordance with various legislation, including:

- *Disability Act 2006*
- *Corrections Act 1986*
- *Sentencing Act 1991*
- *Freedom of Information Act 1982*
- *Information Privacy Act 2000*
- *Health Records Act 2001*
- *Human Services (Complex Needs) Act 2003*
- *Charter of Human Rights and Responsibilities Act 2006*

In any particular situation that can arise when working with an offender or alleged offender with a disability a number of pieces of legislation, organisational principles, policies and practices can be relevant. Both Disability Services and Corrections Victoria staff should familiarise themselves with the regulatory framework within which they work, and seek advice when unsure of what action to take. Within that framework, information would relate to the care, management or rehabilitation of the person concerned.

At all times this should take place within the general principle of involving the person with a disability as much as reasonably possible in the processes, decisions and actions that concern them. This includes providing information in appropriate formats and may involve verbal as well as written information. The person should be informed that wherever possible their consent will be requested prior to the release of information and of the situations in which their consent is not required, so they can choose whether or not to disclose particular information.

Additional guidance for Disability Services staff can be found in the section ‘Confidentiality and offending behaviour’ in the Disability Client Services *Criminal Justice Practice Manual*.¹⁰

When considering information sharing, Corrections Victoria staff should become familiar with, and abide by, the requirements set out in relevant sections of the *Corrections Act 1986*. Prison staff should refer to section 30, while CCS staff should refer to section 91. Additional guidance for Corrections Victoria staff can also be found in policies including the CCS operating guidelines, the Corrections Victoria Director’s Instruction on Release of Information, and local operating procedures.

10. The Disability Client Services *Criminal Justice Practice Manual* can be located on the Disability Services website.

Case practice

Disability Services

Disability Services is responsible for following regular case practice for people involved in the criminal justice system as with others in the community who have requested services as follows:

- receive requests for disability supports from a person with a disability or a person on behalf of a person with a disability and make a decision and recommendation whether to accept or refuse that request, under section 49 of the Disability Act
- assess the needs of the individual
- in conjunction with the person, and other relevant people in the individual's life (as nominated by the person), undertake a process for planning¹¹ in order to develop an individualised plan that meets identified needs
- implement the individualised plan and services
- monitor the progress of the plan
- review the plan and, where appropriate, cease intervention.

This process does not change when working with a person involved in the criminal justice or correctional system. However, some additional tasks may need to be undertaken in partnership with Corrections Victoria for people with an intellectual disability when the sentencing court has requested a 'statement of disability', justice plan or plan of available services or if the Adult Parole Board has requested a plan for the Parole Board. These include:

- carrying out a target group determination
- developing a justice plan or plan for the Adult Parole Board
- if a person has been placed on a Community Based Order (CBO) with the special condition of a justice plan, monitoring and reviewing the plan
- notifying the relevant CCS officer if the person does not attend the services stipulated in the justice plan or parole order.

In these instances, the partnership is between Disability Services and Community Correctional Services.

An individualised approach is emphasised where the needs of the offender in reducing the risk of reoffending is considered. Other areas to be considered are risk issues, both to the community (in ensuring community protection) and the individual (including and not limited to risk of self-harm).

Disability Services policy and practice in relation to working with clients involved with the criminal justice system is outlined in the Disability Client Services *Criminal Justice Practice Manual* which can be located on the Disability Services website.

Corrections Victoria

Consistent with its mission, Corrections Victoria has described in the *Reducing Re-offending Framework* (2004) how it will achieve its mission through assessing, treating and managing higher risk offenders in order to reduce their risk of reoffending. This relies on effective offender management by all staff to maximise opportunities for offenders to change their behaviour.

The Offender Management Framework (2006)¹² documents a number of practice principles that are based on the 'what works' literature. These practice principles ensure that offender management practices are linked to evidence-based theory and enable a consistent, system-wide approach to offender management.

11. The Disability Services planning policy and guidelines can be located on the Disability Services website.

12. The *Offender Management Framework* can be located on the Department of Justice website under 'Prison management'.

The aims of offender management are to:

- maintain a safe and secure community
- motivate offenders to engage in and continue with programs and services
- identify and monitor offenders' risks and needs
- based on these risks and needs coordinate and prioritise offenders' access to appropriate programs, services and activities.

The role of correctional staff in maintaining security and actively engaging offenders in programs and services is central to effective offender management.

Developing the Individual Management Plan (IMP)

Corrections Victoria staff are responsible for working with the offender or prisoner to develop an IMP. When developing an IMP it may be necessary for Corrections Victoria staff to use all available means to ensure engagement of offenders with a disability; this may involve engaging other parties, including Disability Services. However, Corrections Victoria staff anticipating or seeking to recommend conditions that an offender undergo assessment and support by Disability Services, should first:

- seek the person's views
- consult with the relevant service
- consider options available to address the presenting concerns
- consider, on balance, the implications should the person be unwilling to participate in an assessment and support by Disability Services and seek alternative approaches to addressing concerns, for example:
 - CCS staff could seek advice from Disability Services Intake and Response¹³
 - prison staff should contact the SFS Disability Prison Services Coordinator.¹⁴

When developing an IMP with an offender or prisoner with a disability, CCS and custodial staff should refer to the relevant Corrections Victoria Operating Manuals, Offender Management Framework, and local operating procedures for further guidance.¹⁵

13. For direct connection to the regional Disability Intake and Response Service call 1800 783 783 or TTY 1800 008 149. Alternatively refer to the Disability Services website under 'Supports for people'.

14. For more information see 'Role of Statewide Forensic Service' in the 'Custodial sentences' section and the Disability Services website.

15. Custodial staff should refer to the Corrections Victoria Sentence Management Manual and local operating procedures. CCS staff should refer to the Corrections Victoria, Community Correctional Services, Offender Management Manual. Further information is contained in the Offender Management Framework, which can be located on the Department of Justice website under 'Prison management'.

Collaboration during the court process

Possible disability

Where CCS identifies a person who may have a disability (as defined by the Disability Act) during a court assessment and this is likely to impact on sentencing options, contact should be made with the Disability Services Intake and Response team (see footnote 13).

If the person has not previously been determined as having a disability by Disability Services it may be necessary to adjourn the hearing for such a determination to occur. Disability Services Intake and Response will arrange a referral for this assessment if necessary. The adjournment should be for the shortest possible time to enable the necessary work to be done (six weeks is considered reasonable).

When it is determined that a person has a disability other than intellectual, Disability Services will assist CCS to identify appropriate services and supports for the person including those provided by Disability Services and community service organisations. These may include specialist ABI services and supports.

At court

The level of Disability Services involvement at court varies depending on the seriousness of the charges and the likely impact of the case. Disability Services staff should refer to the section titled 'At court' in the *Criminal Justice Practice Manual* on the Disability Services website for further information and guidelines about court processes including committal procedures, attendance at court and giving evidence.

Reports for the court

Pre-sentence report: Community Correctional Services

When the court has found a person guilty and is considering a community based disposition, CCS may be requested by the court to prepare a pre-sentence report.

The pre sentence report outlines the offender's suitability for a community based correctional order (CBO or adjournment with/without conviction) and may provide advice regarding appropriate conditions and other sentencing dispositions as requested by the courts.

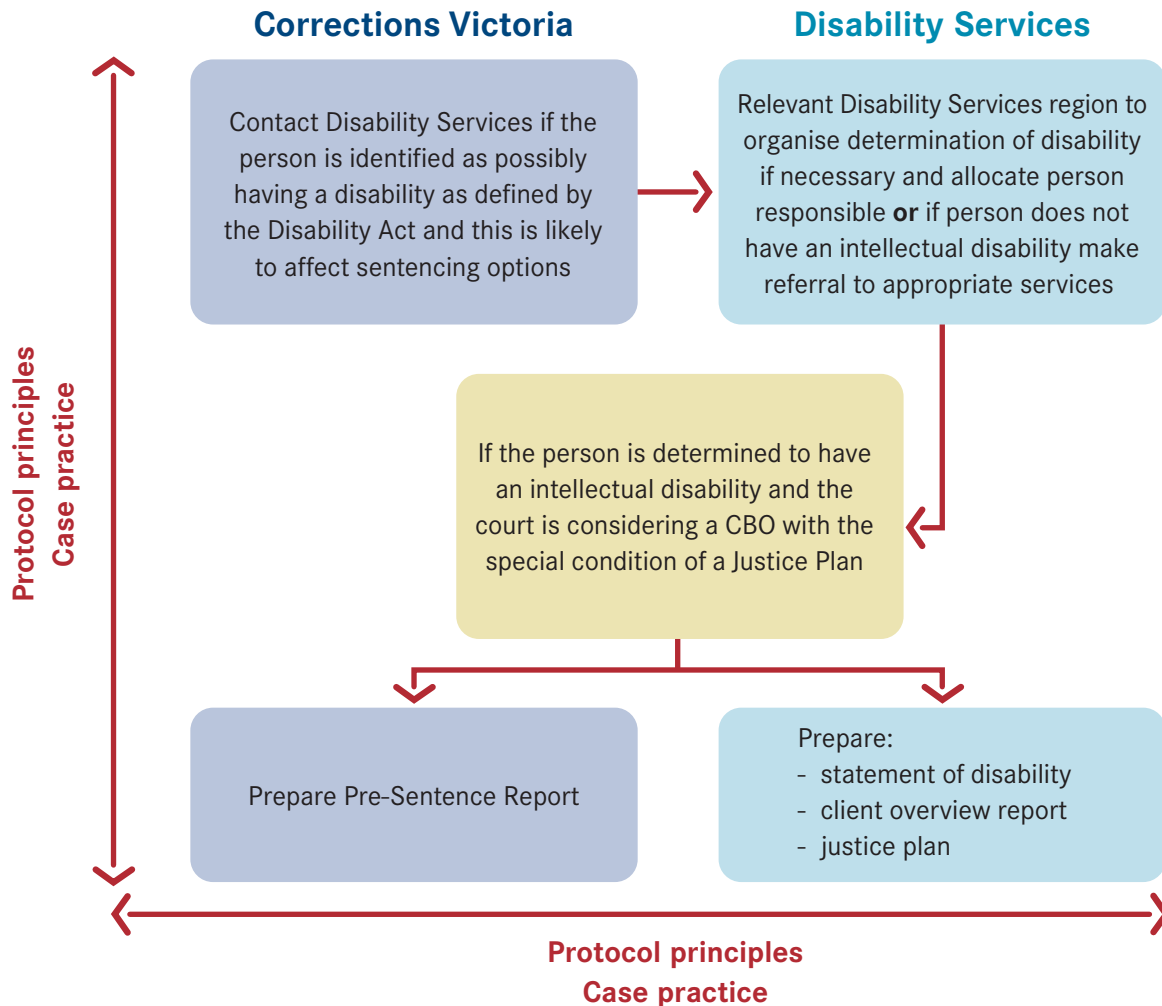
CCS staff should refer to the CCS operating guidelines when requested by the court to prepare a pre-sentence report.

Disability Services reports and documents

The court can request a 'Plan of Available Services' from Disability Services in relation to a person who has an intellectual disability. This request comes after a person with an intellectual disability has pleaded guilty or has been found guilty. In response to the request from the court, Disability Services will either develop a justice plan or organise an assessment for a Residential Treatment Orders before developing a plan of available services. Disability Services must also provide a statement of disability.

For more information regarding preparing reports and documents by Disability Services including the plan of available services, justice plan, client overview report and statement of disability refer to the Disability Client Services *Criminal Justice Practice Manual* on the Disability Services website.

Point of interface flowchart: Court



After court

The procedures to follow for Disability Services clients after court vary depending on the type of disposition. When people are sentenced to orders that involve Corrections Victoria, whether they be community based or custodial, collaboration should continue between Disability Services and Corrections Victoria to ensure appropriate supports are in place. Disability Services workers should also refer to the section titled 'After court' in the Disability Client Services *Criminal Justice Practice Manual* on the Disability Services website for further information and guidelines including what happens immediately after the court case, confidentiality issues and justice plan reviews.

General principles in relation to bail applications

- Bail is to an address, not a service of the Department of Human Services. The person bailed is responsible for meeting the conditions of bail, not the management or staff of the place to which the person is bailed.
- The services provided by Disability Services are voluntary. Each person with a disability or their legal guardians must give consent to accept services.
- Disability Services offers accommodation, support, care and developmental programming but not in a secure or supervised setting as applies in a correctional setting, and cannot guarantee the safety of the community.
- If a person with a disability is offered accommodation support from Disability Services they can leave at any time they choose.
- Disability Services does not have the authority to detain people.

Sentencing

It is during the sentencing stage of the criminal justice process that Disability Services will usually commence contact with the relevant CCS office.

Under the Sentencing Act, special provisions relevant to offenders with an intellectual disability are made available. These relate to Division 6, Part 3: Special Conditions for Intellectually Disabled Offenders:

- Section 80 (1) (2) and (3) Special Conditions of justice plans
- Section 81 (1) and (2) Review of justice plans by the Secretary
- Section 82 (1) (2) (3) (4) (5) and (6) Review of Special Conditions by Sentencing Court
- Section 83 Notice of Application to the Court.

Other community based, non-custodial sentences (not specific to offenders with intellectual disability) include:

- adjournment without conviction (also called a bond or undertaking) or an adjournment with conviction
- fine
- CBO
- suspended sentence
- Intensive Correction Order (ICO)
- Combined Custody and Treatment Order (CCTO)
- Home Detention Orders.

Of these, the court orders that have the special conditions of a justice plan attached are:

- adjournment with or without conviction
- CBO

There is general agreement between Corrections Victoria and Disability Services that in most circumstances a CBO is the most appropriate community disposition for offenders with an intellectual disability. When adjournments with or without conviction are ordered, there is no supervising agency such as CCS.

There are other sentencing options that can be used for people with a disability where Disability Services and Corrections Victoria may both be involved with the offender, including ICOs. As with all situations where both agencies are involved with a person, collaborative work principles should be applied to ensure regular communication between workers to clarify responsibilities and expectations, coordinate planning and service provision and promote a non-offending lifestyle. Further information regarding sentencing options can be found in the Disability Client Services *Criminal Justice Practice Manual* under 'A guilty court finding – adult jurisdiction' on the Disability Services website.

Community Based Order with a Special Condition of justice plan

CBOs are made if the defendant consents to the order and the court has received a pre-sentence report developed by CCS recommending that the person is suitable for the order, and that there are appropriate services available for the conditions of the order to be carried out. CCS is responsible for supervising these orders.

When a Disability Services client with an intellectual disability is released on a CBO with the special condition of a justice plan, CCS is responsible for supervising the order. However Disability Services must monitor the implementation of the plan and assist with arrangements for the offender to meet their conditions, as stated in the plan.

Information regarding the preparation of justice plan reports, including how they are requested can be found in the Disability Client Services *Criminal Justice Practice Manual* on the Disability Services website.

It is important to note that prior to a court making a request for reports from Disability Services, the consent of the person with a disability is required, in order that information can be provided to Corrections Victoria. Requests from the court for reports override the need to gain a person's consent to prepare the reports.

In situations where a person with a disability is released on a CBO with special conditions of a justice plan, regular communication and collaboration between Disability Services and CCS is important in order to ensure the order meets the needs of the community and the person in reducing the likelihood of reoffending. This includes the development of collaborative strategies when issues arise regarding the person's motivation and participation in programs.

Other important points to remember:

- A Disability Services case manager must be allocated to monitor the implementation of the justice plan for its duration (up to two years).
- The implementation of the justice plan by Disability Services should be in conjunction with the implementation of the individual's other plans if they exist, for example a support plan. The implementation of the justice plan should follow usual case practice guidelines.
- The Disability Services case manager may need to assume case coordination where multiple services are involved.
- At all times, the Disability Services workers must be aware that Disability Services has a responsibility to the court to monitor the implementation of the justice plan.
- Disability Services is responsible for reporting back to the supervising authority when a client is not complying with the order.
- It is the responsibility of Corrections Victoria to carry out breach proceedings where they are the supervising authority.

Joint responsibilities of Disability Services, CCS and the offender in relation to justice plans:

- As for all offenders, CCS is responsible for managing and supervising the offender throughout the duration of the CBO.
- The offender must report to CCS within two working days of receiving the CBO.
- After an offender has been released on a CBO with justice plan conditions, the Disability Services worker and the CCS officer should, as a matter of priority, meet to establish a suitable working relationship based on the roles and requirements of each worker and the best interests of the offender. At a minimum, phone contact between the two parties should occur within three business days of commencement of the order.
- Disability Services is able to provide a copy of the justice plan directly to CCS if requested. This will support the ability of the two services to work collaboratively with the offender.
- Disability Services and CCS must work together and with the offender to identify their expectations.
- It may also be appropriate to develop a contract of responsibilities to enable the offender to have a clear understanding of their obligations and to understand the consequences of not complying.

Review of justice plan by the Department of Human Services

Relevant legislation relating to the review of justice plans is the Sentencing Act, Part 3, Section 81: Review of justice plan by Secretary (of the Department of Human Services). The review of justice plans is a significant process in the collaborative working relationship between Disability Services and CCS.

The Disability Services case management practice responsibilities in the Review of Justice Plans under the Sentencing Act are as follows:

- Disability Services has responsibility to review the justice plan annually, and should involve CCS in the review.
- The justice plan can, however, be reviewed sooner if directed by the court, requested by the offender, or in the case of CBOs, requested by the Secretary to the Department of Justice or their delegate.
- If the justice plan continues to be appropriate, meets the offender's needs and they are complying with the services recommended in the justice plan, implementation of the justice plan should continue.
- If the person is not complying with the conditions of the justice plan, they should be reminded of their obligations to the court and the necessity to comply.
- If the person will not comply with the conditions of the justice plan, or if at the review, the conditions of the justice plan are deemed to be no longer appropriate, it may be necessary to make an application to the court for a review of the justice plan.
- If there are concerns in relation to non-compliance with the justice plan, and the justice plan has been reviewed and determined as appropriate, the Disability Services worker may need to outline their concerns regarding the implementation of the justice plan in writing to CCS, requesting a written response outlining intended action.
- It is always necessary to make application to the sentencing court to seek any amendment or to cancel a justice plan. This application to the court can be made by the offender, the Secretary to the Department of Justice or their delegate (if the sentence is a CBO), or the Secretary to the Department of Human Services or their delegate. CCS staff should confirm the Department of Justice delegations prior to an application being made.

Further information and guidelines for Disability Services staff including reviewing justice plans by the sentencing court and varying a justice plan can be found in the *Criminal Justice Practice Manual* section titled 'After court'.

Community Correctional Services responsibilities

- Where an offender has failed to comply with a condition of the order or has been absent from a scheduled appointment or unpaid community work, the Community Corrections Officer (CCO) will interview the offender to determine if the reason for the non-compliance or absence was reasonable.
- A breach of an order is managed in accordance with the CCS breaching policy and guidelines.
- Where an absence is deemed to be without reasonable explanation, the CCO will consider a range of responses as outlined in the CCS operating guidelines.
- The policy provides for greater latitude in determining the reasonableness of absences of offenders who have an intellectual disability.
- The CCO managing the offender is responsible for preparing a breach report and issuing a summons to the offender. A CCO is responsible for prosecuting a breach in the Magistrate's Court and acts as an informant for higher court matters where the Director of Public Prosecutions prosecutes such breaches.
- The CCO managing the offender will undertake regular reviews of the offenders progress throughout the duration of the order.

Indigenous offenders

The Corrections Victoria Indigenous Policy and Services Unit is a resource for both CCS staff and Indigenous offenders. Where an Indigenous offender has a disability the Corrections Victoria Indigenous Policy and Services Unit should be contacted.

Community Based Order – no justice plan conditions

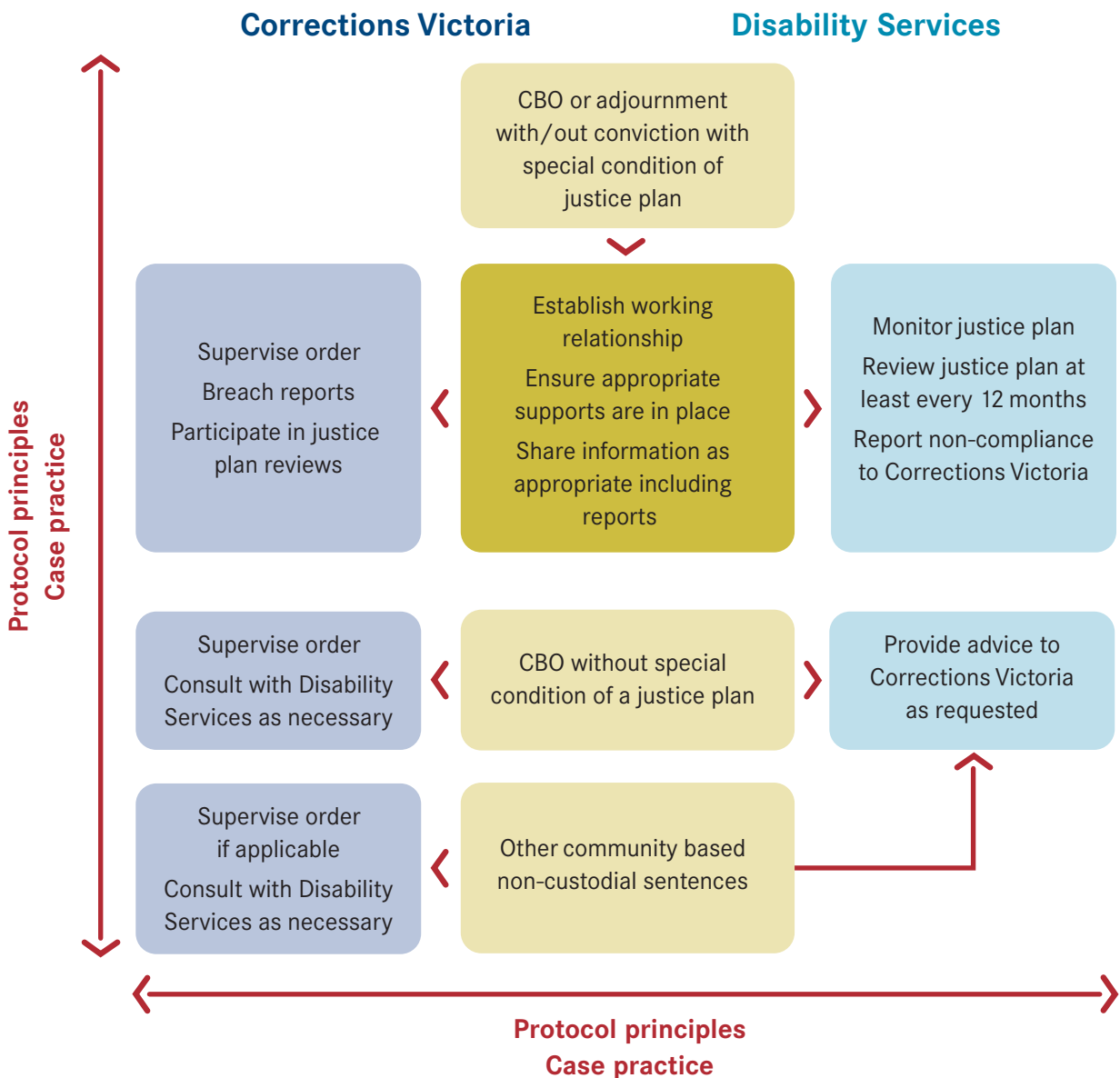
When a person with a disability has been released on a CBO with no attached justice plan conditions, CCS is responsible for supervising the order. Although Disability Services does not have specific responsibilities in these situations, the supervising CCO may consult with Disability Services and the two agencies should work together wherever possible to ensure appropriate supports are in place for the person.

Point of interface flowchart:

CBO or adjournment with/out conviction with special condition of a justice plan

CBO without special condition of a justice plan

Other community-based non-custodial sentences



Custodial sentences

Role of Statewide Forensic Service (SFS)

The SFS provides services to prisoners with an intellectual disability. The SFS Disability Prison Services Coordinator provides support to prisoners with an intellectual disability in the Victorian prison system and an additional SFS disability prison worker position provides a similar service to prisoners with an intellectual disability at Loddon Prison. The SFS program support team (PST) assists these positions by providing offence-related group work to prisoners with an intellectual disability.

The SFS Disability Prison Services Coordinator is the link between Disability Services, SFS and Corrections Victoria. In cooperation with Corrections Victoria, the SFS Disability Prison Services Coordinator contributes to the development of all aspects of services for male and female prisoners with an intellectual disability. Additionally the SFS Disability Prison Services Coordinator:

- assists the SFS PST in relation to assessments and consultations for prisoners
- assists regional case managers in providing services to prisoners
- coordinates prisoner release planning.

The SFS Disability Prison Services Coordinator reports to the manager of Forensic Client Services in the PST. Services at Port Phillip Prison and Loddon Prison focus on social skills and release planning and are conducted with the assistance of a psycho-educational trainer from the SFS PST. These programs assist the prisoner to adapt to prison life and ultimately return to the community.

Disability Prison Pathway Program

The Disability Prison Pathway Program (DPPP) provides a range of programs and services that take account of the needs of prisoners with a cognitive impairment. Within this target group, the mandate of SFS is to work with prisoners with an intellectual disability. The DPPP is based on an integrated approach to the services and initiatives funded or operated by Corrections Victoria, with those provided by SFS including rehabilitation programs and offender case management.

Broadly the aims of Prison Services are to:

- support a safe and secure environment
- provide an opportunity for the prisoner to learn skills that will assist their integration into the prison environment and reintegration back into the community
- begin the process of intervention to address offending behaviour.

Established prison programs are available to prisoners with a cognitive impairment. These programs are or will be modified to ensure they are appropriate to the needs of these prisoners. Careful consideration will be given to the types of programs appropriate to the needs of individual prisoners, which may result in accessing mainstream programs and services.

Underpinning the DPPP are several key approaches. Delivering services and programs in specialist units is based on a 'treatment community approach'.¹⁶ It is also based on a strengths-based approach, which seeks to take account of all areas of a prisoner's life. A commitment to a 'continuum of care' is also in place, wherein the custodial system, comprised of public and private providers, and the disability sector, are interconnected and work closely together. This includes appropriately transferring information, joint planning, integrating case management and offender management services, and providing specialist advice in prisoner management.

16. Treatment community approach: Primarily driven by a therapeutic perspective in a secure setting, this approach promotes the development of pro-social attitudes, values, and behaviours of offenders through the use of positive peer culture in a defined unit/community. By definition all staff working in the treatment community are committed to, and put into practice, the values of a 'treatment community' approach.

Following assessment of the risk of reoffending, access to specialist programs is on the basis of clinically assessed needs and other factors including sentence length.

Port Philip Prison and Loddon Prison are central to the DPPP, where dedicated services from both the correctional and forensic disability service systems are provided. It is recognised that not all male prisoners can or should be accommodated within these specialist services. Individual programs and/or secondary consultations support individual male and female prisoners at other prison locations.

The Port Philip-Loddon Prison corridor is structured on the premise that a significant part of the prisoner's sentence will be served at Port Phillip Prison accessing programs and services designed to reduce reoffending. Prisoners may be placed in cottages at Loddon Prison towards the end of their sentence to build and support their independent living skills.

Prisoners may also be moved to minimum security prisons as part of the transition process. While no minimum security (open) prison has been identified specifically to house prisoners with an intellectual disability, no restrictions exist on ascribing a minimum security rating to prisoners with an intellectual disability. Where assessed as being suitable for mainstream placement a prisoner with an intellectual disability may be housed at a minimum security facility.

Responsibility for prison programs

The overarching responsibility for providing and coordinating programs and services in prisons rests with Corrections Victoria. Consistent with the partnership approach, delivering these programs is a shared task between Corrections Victoria and Disability Services, primarily the SFS.

Based on available best practice and evidence, programs to address reoffending fall into three broad categories:

- offence-specific
- offence-related
- habilitation.

Offence-specific programs refer to cognitive skills, violence, sex offending and drug and alcohol-related programs. Offence-related programs include human relations, social skills, anger management and implications of disability. Habilitation programs seek to address skills deficits such as independent living skills, literacy and numeracy, and also include recreation, work skills/industries and education.

These programs are primarily delivered at Port Philip Prison and Loddon Prison, addressing the needs of male prisoners. Where Indigenous prisoners may access these programs, advice should be sought from the Corrections Victoria, Indigenous Policy and Services Unit with regard to cultural issues that may need to be addressed. Consistent with the partnership approach the delivery of programs to female prisoners when mainstream programs are assessed as not suitable is a shared task between Corrections Victoria and Disability Services, primarily the SFS.

Prisoners are encouraged to attend industry work and have the opportunity to attend a range of Technical and Further Education (TAFE) courses.

Entry into the Prison – Informing the Correctional System

If Disability Services, including case managers and accommodation services is aware that a person with a disability has been arrested and entered the prison system, they should inform the SFS Disability Prison Services Coordinator,¹⁷ who will in turn inform the Manager, Operations, Sentence Management Unit, Corrections Victoria as soon as possible (if the coordinator is not available, the Disability Services worker should contact the Forensic Client Services team manager at SFS). It is important for Disability Services to provide information regarding the person to the prison where the person is being detained and to the Manager, Operations, Sentence Management Unit, to assist in their safe management and placement. As detailed in the section on police custody below, the only information that Disability Services should voluntarily convey to the prison and to the Manager, Operations, Sentence Management Unit, is information that is necessary to ensure the health and wellbeing of the individual in custody. An example is any medication or treatment that the individual normally receives and would require while in custody.

Where unusual or exceptional circumstances exists surrounding the entry of person with a disability into prison, the Regional Manager, Disability Services or delegate will contact the Prison General Manager and Manager, Operations, Sentence Management Unit (or vice versa) as soon as possible to advise of this event. Unusual or exceptional circumstances would include a person with a severe cognitive impairment entering the prison system at very short notice.

Police custody

If a person with a known or suspected disability is held in police custody, the Disability Services Intake and Response Service should be contacted for advice, information and referral. This may involve referral to specialist community ABI or other services for further information, assessment and support. (See the Disability Services website under ‘Supports for people’)

Where it is established that an existing client of Disability Services (specifically, a person with an intellectual disability) is being held in police custody, it is important for Disability Services to provide information regarding the person to the police station where the person is being detained, to assist in their safe management.

If a Disability Service worker is aware of a person with a disability being held in police custody they should contact the duty sergeant at the police station where the person is being held and provide relevant information. The only information that a Disability Service worker should voluntarily convey to the police in relation to a person with a disability who is being held in police custody is information that is necessary to ensure the health and wellbeing of the individual. An example is any medication or treatment that the individual normally receives and would require while in custody

Where it is established that a client of Disability Services (specifically, a person with an intellectual disability) is being held in police custody awaiting transfer to prison, the Disability Services worker should contact the SFS Disability Prisons Services Coordinator.

Reception

The Victorian correctional system has a comprehensive reception procedure for male and female prisoners. The reception process establishes key information about the prisoner and utilises that information in the placing of, and case planning for, the prisoner.

In almost all cases male prisoners enter the prison system through the Melbourne Assessment Prison (MAP), while all female prisoners progress through the reception process at the Dame Phyllis Frost Centre. The reception and subsequent assessment process varies depending on whether the prisoner is on remand or has been sentenced.

¹⁷ Contact details for the SFS can be located on the Disability Services website.

Prisoners with a possible disability

There may be occasions when reception or other prison staff believe a prisoner who is received into custody may have a disability. In such cases, advice should be sought from clinical or health services staff at the location. Where there is reason to suspect the prisoner may have an intellectual disability the prison will contact the SFS Disability Prison Services Coordinator.

The following prisoner details will be required:

- name
- aliases
- date of birth
- current address.

If the person has not undergone a Disability Services target group determination, the SFS Prison Services Coordinator can make arrangements for this to occur upon prisoner consent. More information can be located in the Disability Client Services Criminal Justice Practice Manual on the Disability Services website.

Classification/Placement

The Sentence Management Unit, Corrections Victoria has responsibility for classifying and placing prisoners. When a prisoner with a disability is received into prison, account will be taken of their disability and issues including vulnerability, safety and access to programs and services considered in the placement process. The SFS Prison Services Coordinator can be contacted to provide advice about suitable placement. Male prisoners who are identified as having an intellectual disability through the reception process at MAP will be transferred to a prison location deemed appropriate as soon as practicable. The placement process will consider suitability for the Corrections Victoria DPPP – see section on the Disability Prison Pathway Program.

Remand prisoners

Remand prisoners will usually be accommodated at the Metropolitan Remand Centre (MRC). Prison staff will confirm the transfer and location of the prisoner with the SFS Disability Prison Services Coordinator as soon as possible.

In some cases, the Assistant Manager of the Sentence Management Unit with the MAP portfolio will need to consult with the SFS Disability Prison Services Coordinator, local prison management and the Manager, Disability Pathways, Corrections Victoria prior to the prisoner's transfer. Concerning placement within MRC, the Manager, Disability Pathways, Corrections Victoria and SFS Prison Services Coordinator can be contacted to provide advice about suitable placement and case conference if necessary.

Women prisoners on remand are held at the Dame Phyllis Frost Centre. In some cases additional support, advice and monitoring of female prisoners will be carried out by the Manager, Disability Pathways, Corrections Victoria and the SFS Disability Prison Services Coordinator.

Indigenous prisoners

The Corrections Victoria Indigenous Policy and Services Unit is a resource for both prison staff and Indigenous prisoners and is involved in case planning for all Indigenous prisoners. Where an Indigenous prisoner has a disability the Corrections Victoria Indigenous Policy and Services Unit should be contacted.

Sentenced prisoners – initial classification and placement/classification

There are a number of steps involved, depending on the length of the prisoner's sentence. This process is essentially the same for all prisoners. However, there are additional key stakeholders who play important roles when prisoners with an intellectual disability are involved, as outlined below.

The purpose of classification is to accommodate prisoners in a safe and secure environment that assists in adapting to prison routines and provides the opportunity to undertake programs that address individual needs (including cultural) and offence-related behaviour.

Initial classification

The classification process varies according to the length of sentence, as follows:

- male prisoners serving less than six months, or four months for women:
 - Victorian Intervention Screening Assessment Tool (VISAT) – Short Assessment¹⁸ is completed by MAP/Dame Phyllis Frost Centre staff.
 - initial classification conducted by a Sentence Management Panel.¹⁹
- male prisoners serving six months or more, four months or more for female prisoners or who receive a sentence with a parole period or a Combined Custodial and Treatment Order:²⁰
 - intervention screening assessment including VISAT Long Assessment and Tier 1 Report completed by an assessment officer, Sentence Management Unit
 - initial classification conducted by a Sentence Management Panel.

The initial classification establishes the sentence plan, which includes:

- determining initial security ratings
- determining broad program needs and appropriate interventions
- determining initial placement of all sentenced prisoners
- assessing the requirements for protection or separate placement from incompatible prisoners
- identifying any other relevant information about the prisoner for the advice of the provider, such as methadone program participation.

The initial classification of prisoners takes account of a variety of factors. Generally, those accommodated at the Marlborough Unit at Port Phillip Prison will be seen as suitable, requiring and consenting to treatment to address offending behaviour. Placement of prisoners at Loddon Prison as the preferred medium security location aims to support the development of independent living skills. The decision to accommodate prisoners in a mainstream unit may include consideration of inter-prisoner dynamics, previous experience in the prison system, or the specific requests of the prisoner.

18. VISAT is an individually administered risk assessment tool that is used to determine a prisoner's risk of re-offending, offence-specific and offence-related needs for male and female offenders aged 18 years and over. There are two versions of the VISAT:

- VISAT – Short: administered to male prisoners who receive sentences of less than 6 months and female prisoners who receive sentences of less than 4 months.
- VISAT – Long: administered to male prisoners who receive sentences greater than 6 months and females who receive sentences greater than 4 months.

19. The Sentence Management Manual can be found on the Department of Justice website
Note: a minimum of two persons constitutes a panel for purposes of interviewing a prisoner.

20. More information can be found in the Sentencing Act on the Victorian Legislation and Parliamentary Documents website.

In these cases, a sentence management panel will consult with local prison management (classified location) prior to making the final decision. Where such a placement is made, special consideration will be given to ensuring that the prisoner continues to receive appropriate program support.

The placement options for women prisoners are the Dame Phyllis Frost Centre or Tarrengower Prison. Generally, women prisoners are accommodated in the mainstream population at the Dame Phyllis Frost Centre unless, as a result of special circumstances, the prisoner requires a higher level of supervision and an alternative placement is required.

Safety Concerns

Where a male sentenced prisoner with an intellectual disability is transferred immediately to Port Philip Prison to address concerns regarding the prisoner's safety, Marlborough Unit staff in consultation with the SFS Disability Prison Services Coordinator completes an assessment that identifies the most appropriate placement within the prison system. The Manager, Disability Pathways endorses this recommendation and the advice is provided to the Manager, Operations, Sentence Management Unit.

Transfers of people with an intellectual disability

Once assessed, prisoners with an intellectual disability may be considered for transfer to other units, prisons or have an application made by Corrections Victoria to have a section 166 or 180 transfer under the Disability Act to a residential treatment facility or a residential institution.

Applications for these transfers are extremely rare and are only considered if the person with a disability is believed to be at undue risk in the prison system and Disability Services can provide a more appropriate placement.

To be considered for a section 166 transfer the prisoner must have an intellectual disability and be serving a sentence of imprisonment, be remanded for sentence, or be remanded in custody. To be considered for a section 180 transfer the person must have an intellectual disability and be detained on remand or under a supervision order under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*.

The *Disability Act 2006* states that the Secretary to the Department of Justice must be satisfied that the making of an order for transfer is in the best interests of the person and the community having regard to:

- whether any physical, mental or emotional risk to which the person has been or may be exposed if detained in a prison is significantly greater than the risk to which a person who does not have an intellectual disability would be exposed; and
- whether the person would be more appropriately placed in a residential treatment facility or residential institution instead of a prison.

For a section 166 transfer, the Secretary to the Department of Justice must also have regard to whether programs are offered by the residential treatment facility or residential institution which are designed to reduce the likelihood of the person committing further criminal offences.

The *Disability Act 2006* defines the eligibility criteria for admission to a residential institution, including that the Secretary must be satisfied that the person with an intellectual disability requires services which can be provided by admission to the residential institution and one or more of the following:

- admission to a residential institution provides the best possible choice of services for enhancing the person's independence and self-sufficiency and is least likely to produce regression, loss of skills or other harm to that person or
- admission to a residential institution is the option which is the least restrictive of the person as is possible in the circumstances or

- unless the person is admitted to a residential institution the person or any person with whom they reside will suffer serious physical or emotional harm.

The *Disability Act 2006* also defines the criteria for entry to a residential treatment facility, including that the Secretary must be satisfied that the person has an intellectual disability and:

- the person presents a serious risk of violence to another person and
- all less restrictive options have been tried or considered and are not suitable and
- the residential treatment facility can provide services for the treatment of the person with a disability and that treatment is suitable for that person and
- the Senior Practitioner has been notified of the proposed admission and
- an appropriate order applies enabling compulsory treatment (see section 152: 2 of the Act).

Applications for these transfers are coordinated by the General Manager, Sentence Management, Corrections Victoria, who will consult with the Director, Community and Individual Support Branch, Disability Services.

When considering an application for transfer under section 166 of the Disability Act, Corrections Victoria staff should refer to the guidelines set out in section 13 'Intellectual Disability Services Transfers' in the Corrections Victoria Sentence Management Manual. Disability Services staff should refer to the Residential Treatment Facilities Implementation Guide on the Disability Services website.

Case management

The provision of offender case management by the correctional and forensic disability service systems is complementary and integrated. The CCS operating guidelines (underpinned by *Director's Instructions No. 2.2* and *2.3*, 'Prisoner Placement and Review' and 'Offender Management' respectively) encapsulates the requirements of assessing need, managing risk, planning and implementing interventions, and transition towards community re-integration.

Liaison between program areas is critical during reception into the correctional system, and in the planning phase for release. The SFS Disability Prison Services Coordinator plays an important role in providing case management services and support for prisoners with an intellectual disability in Victorian prisons. Similarly, the Manager, Disability Pathways, Corrections Victoria will be an internal resource in the correctional system, and between the correctional system and Disability Services.

Disability Services case management for prisoners is the responsibility of the region of origin. If the region cannot be determined, case management becomes the responsibility of the region in which the prison is located.

The SFS Disability Prison Services Coordinator will contact the regional case manager or contact person on a regular basis to keep the region informed of progress and to ensure timely pre-release planning occurs.

Additional information regarding the duration and nature of Disability Services case management for prisoners with a disability can be found in the Disability Client Services *Criminal Justice Practice Manual* on the Disability Services website.

Review and assessment

The progress of all prisoners is monitored and reviewed by the Review and Assessment Committee at each prison, which oversees the implementation of Sentence Plans and Local Plans for each prisoner. Any prisoner who is serving an effective sentence of more than 12 months must be reviewed by the Review and Assessment Committee at least every six months.

The Review and Assessment Committee's functions include:

- ratifying the Local Plans
- supervising prisoners' participation in programs
- making recommendations to the Sentence Management Unit on reclassifying prisoners
- developing management strategies for high-risk and/or complex needs prisoners as required
- making recommendations to the prison manager in relation to prisoners' participation in the Custodial Community Permit Program ('Corrections Administration Permits' and 'Rehabilitation and Transition Permits').

The general manager of each prison is responsible for ensuring a multidisciplinary Review and Assessment Committee regularly convenes at the prison. This committee can include the SFS Disability Prison Services Coordinator and the Manager, Disability Pathways, Corrections Victoria where problematic prisoners are involved. The Sentence Management Unit assistant managers for each prison location are responsible for monitoring Review and Assessment Committee decisions and processing recommendations.

Mentor program

In order to provide additional practical support to prisoners with a cognitive impairment, mentor positions have been established at both Port Phillip Prison and Loddon Prison. Prisoner mentors are selected for their capacity and willingness to assist prisoners with a disability to understand daily routines and to assist in creating a stable environment by providing positive role models.

In addition to supporting prisoners on an individual basis, prisoner mentors may facilitate group programs such as personal hygiene, art and craft, budgeting and cooking skills. These programs are based on the identified needs of prisoners at any particular time.

Contact and communication with prisoners

Telephone access

A prisoner can only phone a person who is placed on the prisoner's phone list. A prisoner can make an unlimited number of phone calls to any person on their approved phone list provided the call is no longer than 20 minutes in duration.

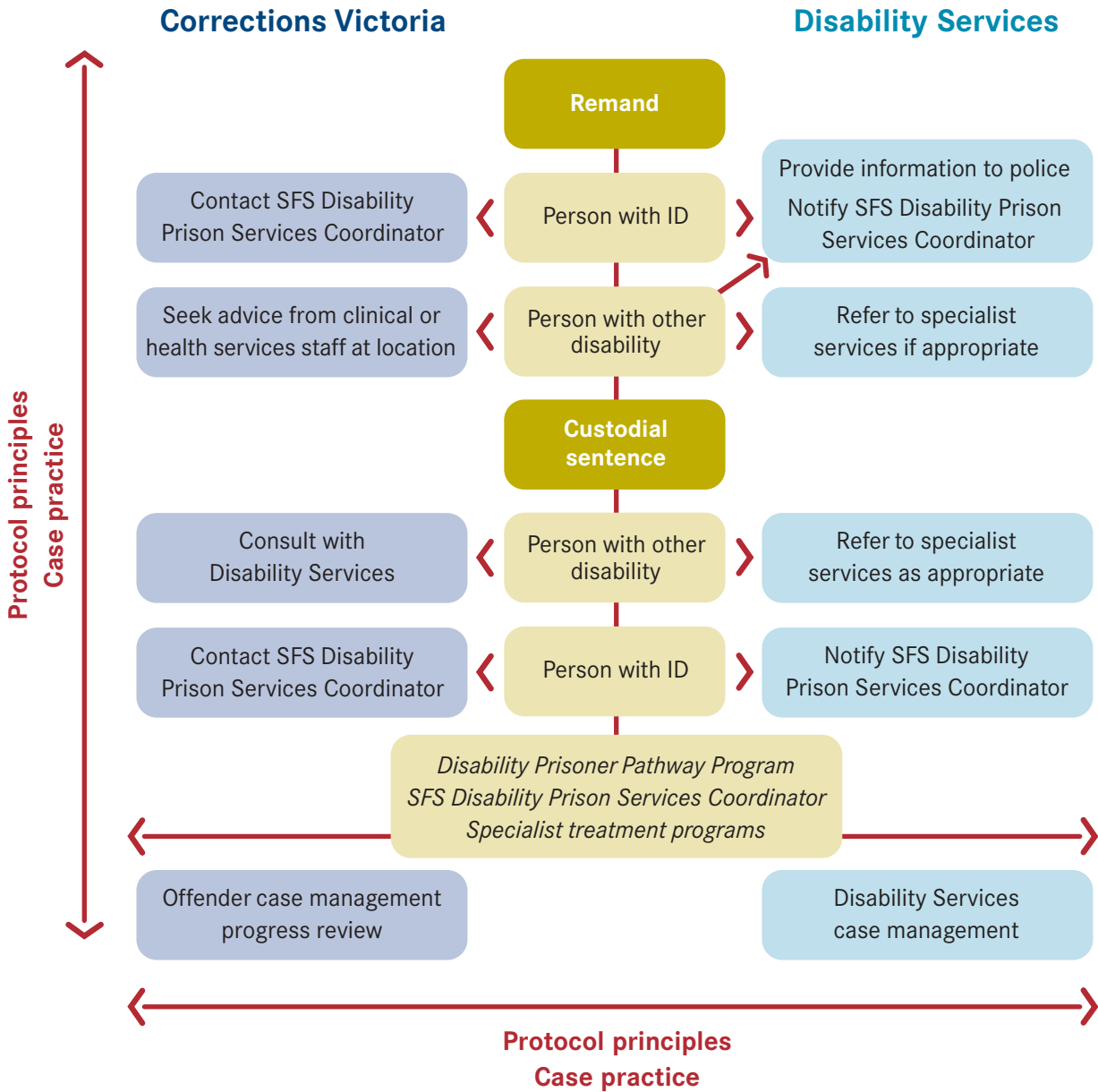
Disability Services workers may contact the SFS Disability Prison Services Coordinator or the Manager, Operations, Sentence Management Unit to ask to be placed on the prisoner's phone list. The SFS Disability Prison Services Coordinator or the manager of Sentence Management will then inform the prisoner of the request and seek the prisoner's consent. A person cannot be placed on the prisoner's phone list without the prisoner's consent.

Once the prison is informed of the request it will take up to two weeks for the case manager to be placed on the phone list. This may take less time in emergencies. In emergencies, the Disability Services worker should discuss the request with the Manager, Operations, Sentence Management Unit.

Prison visits

Disability Services support to people with a disability in prison requires access to prisoners in order to maintain face-to-face contact, undertake planning and complement prison-based programs and services. The SFS Disability Prison Services Coordinator and SFS disability prison worker at Loddon Prison assist regional Disability Services workers and other professionals to gain access to clients while in custody. More information about Prisons, including contact details, can be located on the Department of Justice website under 'Prisons'.

Point of interface flowchart: Custody



Pre-release planning

Collaborative work between Corrections Victoria and Disability Services is crucial during pre-release planning. The SFS Prison Services Coordinator fulfils a key role in this process by finding out if a person wishes to return to their region of origin and initiating contact with regional Disability Services six months prior to the person's earliest release date, or 12 months if the minimum sentence is over five years' duration.

During the pre-release planning phase, the person may be eligible for a Rehabilitation and Transition Permit, or Corrections Administration Permit, under the Corrections Victoria, Custodial Community Permit Program. The permit plan may include assisting the person to familiarise themselves with the environment they anticipate moving to upon release, connecting with family, and linking in with support services including their regional Disability Services case manager and office, and CCS officer and location.

In accordance with the *Disability Services access policy*, involvement in the criminal justice system is seen as one of the priority indicators for service access.

Additional information relating to the role and responsibilities of Disability Services in pre-release planning for prisoners with a disability can be found in the Disability Client Services *Criminal Justice Practice Manual* on the Disability Services website.

Parole

All prisoners who are sentenced to a maximum and a non-parole period sentence are eligible for parole. To determine whether the prisoner will be released on parole the APB will request a parole assessment report from CCS and in the case of a prisoner with a disability, may request a plan from Disability Services in order to assess the prisoner's suitability for parole and any relevant conditions upon release from prison.

Preparing the parole assessment report and the plan for the Parole Board will require liaison between the CCS officer and Disability Services worker at least six weeks before the Adult Parole Board hearing. The plan for the Parole Board prepared by Disability Services should include services that are available, appropriate, and specifically address a client's offending behaviour.

SFS staff based at Port Philip Prison or Loddon Prison will ensure that a regional Disability Services worker from the region in which the person intends to live is allocated to participate in this parole process.

When a person is released from custody on parole with the services identified by Disability Services as a condition of the parole order, Disability Services cannot compel the client to participate in the identified services. However, the Disability Services worker should encourage the person to attend those services. In the event the person does not attend, the Disability Services worker should notify the person's Community Corrections Officer.

More information can be found in the Disability Client Services *Criminal Justice Practice Manual* on the Disability Services website.

Extended Supervision Orders

The *Serious Sex Offenders Monitoring Act 2005*²¹ empowers the Supreme or County Court to make an Extended Supervision Order (ESO) of up to 15 years for eligible offenders. In accordance with this Act the APB has the power to impose the conditions of an ESO for serious sex offenders upon release from prison. These orders are considered for sex offenders assessed as being at high risk of reoffending and whose jail sentences have expired. CCS is responsible for supervising these orders. Disability Services may be engaged to contribute to developing ESOs for people with a disability. More information for Disability Services workers can be found in the Disability Client Services *Criminal Justice Practice Manual* on the Disability Services website.

21. The Serious Sex Offenders Monitoring Act can be located on the Victorian Legislation and Parliamentary Documents website.

Point of interface flowchart: Pre-release planning and parole

