



COMMUNITY INSTRUCTION	Managing non-compliance: Good Behaviour Order
COMMUNITY INSTRUCTION NO.	C14.1
SCOPE	Community Corrections

PURPOSE

To provide instruction to Community Corrections Officers (CCOs) on informing the Court of an offender's alleged non-compliance with the conditions of their Good Behaviour Order (GBO).

PROCEDURES

1 Details of alleged non-compliance

- 1.1 All instances of alleged non-compliance need to be recorded on the offender information management system. This may include, but is not limited to, instances where the offender has:
 - a. failed to attend supervision as directed and has failed to notify of their inability to attend
 - b. failed to comply with a reasonable direction (e.g. a referral has been made to an offence specific program and the offender has failed to participate as directed)
 - c. failed to attend Community Service Work (CSW) as per their 3.1.3 CSW Work Instruction without notifying of their inability to attend or providing a reasonable excuse for their absence.
- 1.2 Individual instances of alleged non-compliance should be discussed with the offender as they occur. If the offender provides written evidence to excuse their absence, this must be recorded in a case note and uploaded onto the offender information management system.
- 1.3 In determining whether to inform the Court of the offender's alleged non-compliance, consideration should be given to demonstrated patterns of behaviour that may indicate poor compliance, or poor engagement with supervision. Examples of such may include, but are not limited to:
 - a. the offender's propensity to request that appointments be rescheduled, to the extent that they are not attending face-to-face appointments and contact is only maintained via telephone calls
 - b. the offender's demonstrated opposition to engage in meaningful conversations in relation to their criminogenic risk factors during supervision, or to engage in interventions as identified on their case management plan.

2 Informing the Court of the offender's alleged non-compliance

- 2.1 The CCO must inform the sentencing Court if they believe, on reasonable grounds, that the offender has breached any of the offender's good behaviour obligations. This is done by completing form 1.4.4 Alleged Breach of GBO – Magistrates or 1.4.2 Alleged Breach of GBO - Supreme (GBO Breach Report). The CCO must also complete the relevant sections of 1.4.8 Breach GBO – form 5 and form 6:
 - a. form 5 is to be completed if a summons to attend Court is requested
 - b. form 6 is to be completed in instances where a warrant has been requested.

- 2.2 All GBO Breach Reports must be approved and signed by a Team Leader (TL). The TL is responsible for ensuring information in the report matches information in case notes or other Service records, and that the instance or instances constitute non-compliance.
- 2.3 Once approved, the information in the GBO Breach Report must be sworn or affirmed by the completing CCO before a Justice of the Peace.
- 2.4 The finalised GBO Breach Report must be scanned and emailed as a PDF document to the relevant sentencing Court. The form 5/6 must be attached to the email as a Word document. A copy of the relevant Order/s must also be attached to the email. Emails should be sent to either JACS.MCRegistryBreaches@courts.act.gov.au or SCRegistry@courts.act.gov.au and include ppuallocations@act.gov.au.
- 2.5 The CCO must case note that the GBO Breach Report was sent to the Court and upload the scanned document in the offender information management system.

3 Advising the offender of the notification made to Court

- 3.1 Further to the conversations as per section 1.2 of this document, the CCO must also make reasonable attempts to inform the offender that the GBO Breach Report has been sent to the sentencing Court.

4 Continuing to work with the offender

- 4.1 Informing the sentencing Court of the alleged non-compliance does not preclude the CCO from continuing to work with the offender, unless there is a warrant issued for their arrest.
- 4.2 If there is an active warrant issued, the CCO should encourage the offender to present themselves to Court or to the City Police station to have the warrant dealt with prior to re-engaging with Community Corrections.
- 4.3 The CCO must make reasonable attempts to engage the offender who has been summonsed to Court in relation to an alleged breach. If the offender remains engaged in the period leading up to attending Court, the Breach Officer in attendance will be able to provide an update to the Court about any progress the offender has made since the GBO Breach Report was submitted.
- 4.4 If the alleged breach is in regard to non-attendance at CSW, the CCO must consult with the CSW Co-ordinator to determine if the offender is able to resume CSW as per the existing Work Instruction. In some instances, the offender will be required to sign a new 3.1.3 CSW Work Instruction and may not be offered CSW on the same terms as previously agreed upon.

RELATED DOCUMENTS AND FORMS

- 3.1.3 CSW Work Instruction
- 1.4.4 Alleged Breach of GBO – Magistrates
- 1.4.2 Alleged Breach of GBO - Supreme
- 1.4.8 Breach GBO – form 5 and form 6

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26 October 2021

Document details

Criteria	Details
Document title:	Managing non-compliance: Good Behaviour Order Community Instruction 2021
Document owner/approver:	Assistant Commissioner, Community Corrections
Date effective:	The day after the approval date
Review date:	3 years after the approval date
Responsible Officer:	Director, Community Operations
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V1	October 21	First Issued	M Butler