COPP 14.1 Re-entry Release Orders

Prison

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| PrinciplesAs referenced in the Guiding Principles for Corrections in Australia, 2018*:*1.1.1 Informed, impartial, appropriate and timely information is shared with courts, releasing authorities and other relevant stakeholders to support decision making. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all public and private prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

Part 4 of the [*Sentence Administration Act (SAA) 2003*](#_top)provides for the making of a Re-entry Release Order (RRO) for eligible prisoners and may be made as a precursor to freedom. The Prisoners Review Board (PRB) must consider applications made by every prisoner who applies to be released under an RRO.

A written report shall be provided to the PRB as soon as practicable after a prisoner applies, to assist the PRB in their decision. When deciding whether to make an RRO, the PRB will have regard to the release considerations relating to the prisoner[[1]](#footnote-1), with the safety of the community the paramount consideration in all cases[[2]](#footnote-2).

The re-entry release program aims to facilitate the successful re-entry of prisoners into the community. It promotes a constructive, self-supporting and law-abiding community lifestyle through the:

* re-establishment of family and community ties
* development of re-entry and social skills
* participation in education or other personal development
* exposure to a period of normal employment
* service to the community
* participation in treatment programs or counselling, where relevant.

# Eligibility

### Prisoners eligible to apply for a RRO will have a Re-entry Release Eligibility Date (RRED) identified on TOMS and the prisoner’s Individual Management Plan (IMP) and/or Sentence Information Advice to Offender sheet.

### A prisoner may apply to the PRB to be released under a RRO if they[[3]](#footnote-3):

1. are not serving a parole term
2. are not serving life imprisonment or indefinite imprisonment
3. are not detained in custody subject to an order made under the [*High*](#_top) *Risk Serious Offenders Act 2020*
4. are not a Governor’s pleasure detainee subject to release by the Governor[[4]](#footnote-4)
5. will have been in custody under sentence for a continuous period of at least 12 months at the release date that would be specified in the RRO if it were made; and
6. would be within 6 months of being eligible for release in any event, after the release date that would be specified in the RRO if it were made.

### A prisoner serving a parole term imposed before the 28 January 2007[[5]](#footnote-5), may apply to be released under an RRO, under the amended provisions of the *SAA 2003*. If an RRO is made in these circumstances, the RRO period will end on the date of release to parole or freedom, whichever occurs first. Where the RRO period occurs prior to eligibility for parole, the prisoner may be paroled or returned to custody after the RRO period ends.

### Prisoners are not eligible for an RRO if they are subject to management under the [*Criminal Law (Mentally Impaired Accused) Act 1996*](#_top).

### A prisoner who is a non-citizen or is subject to a deportation order is eligible to apply for a RRO.

**Note:** Any release from custody would result in a prisoner who is a non-citizen being apprehended and removed from Australia, refer [COPP 14.6 – Prisoners Released from Custody](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

# Application

### Prisoners eligible to apply for a RRO should complete an application not less than 3 months prior to their RRED, using the Re-Entry Release Report from TOMS.

### Prisoners shall provide the re-entry release plan to support their application, to include:

1. confirmation of their intended residential address
2. confirmation of employment or details of their work history and a strategy for seeking employment; or
3. details of proposed vocational training, including evidence of acceptance for enrolment by the nominated institution; or
4. acknowledgement of the requirement to engage in organised and suitable gratuitous work for the entire re-entry release period (hours, days and nature of work); or
5. acknowledgement of the requirement to engage in activities that will facilitate their re-entry into the community[[6]](#footnote-6) .

### The Superintendent shall ensure prisoners are offered support and assistance, where required, to enable them to prepare the re-entry release plan.

### Organised and suitable gratuitous work shall be arranged in conjunction with the Community Corrections Officer (CCO), for an organisation approved by the Chief Executive Officer (CEO). A medical clearance regarding the prisoner’s capacity to undertake the proposed work may be required.

### Activities, ordered by the CCO, to facilitate the prisoner's re-entry into the community may include, but are not limited to:

1. educational, vocational or personal development programmes or courses
2. counselling in relation to behavioural matters.

### Prisoners shall be advised that in addition to other requirements of their RRO, they will be required each week to complete the prescribed hours of community corrections activities[[7]](#footnote-7).

### The PRB, generally, will not grant re-entry release applications:

1. for periods of less than 4 weeks
2. where the prisoner is subject to confirmed extradition
3. where the prisoner is undertaking a prison-based program (eg sex offender treatment program)
4. where the prisoner has escaped during the current sentence.

### Where a prisoner makes an application in circumstances set out in ([section 4.1.7](#_Where_a_prisoner)), the Superintendent/OIC shall, if they support progression of the application, provide reasons why consideration should be given.

# RRO Reports

### The Superintendent/OIC for all applications, except those referred to in [section 4.1.7](#_The_Superintendent/OIC_for), shall ensure the following reports are concurrently requested:

1. CCO report
2. prison re-entry release assessment report
3. any other reports considered necessary (eg psychological, Victim- offender Mediation Unit (VMU) and treatment completion reports).

### The Superintendent/OIC shall ensure the CCO is provided with a copy of the prisoner’s Re-Entry Release Report, including details of the applicant’s:

1. accommodation (address, telephone number, names of person(s) residing at the address, and the relationship to the prisoner)
2. intended re-entry release plan including name, address and telephone number of any proposed employer or details of vocational training, personal development program or counselling arrangements.

**Note:** Documents available on TOMS or Contents Manager (eg Criminal History, Judge’s Sentencing Remarks (JSR’s), Pre-Sentence Reports (PSRs), Sentence Summary or Individual Management Plan (IMP) are not to be forwarded.

### Reports provided by the CCO shall verify accommodation and social support details and provide any further information relevant to the prisoner’s re-entry release plan that may assist subsequent assessment and recommendations.

### Prison Officers preparing the Re-entry Release Assessment Report shall interview the prisoner to ensure they understand the obligations and responsibilities of re-entry release.

### Prison Officers shall liaise with CCOs, to ensure any risks and needs, identified by the CCO, associated with the prisoner’s application are suitably taken into account.

# Superintendent/OIC Assessment

### The Superintendent/OIC, in assessing the prisoner’s application and relevant reports, shall ensure the following is considered:

1. eligibility of applicant
2. release considerations relating to the prisoner[[8]](#footnote-8)
3. community safety[[9]](#footnote-9) (recommendations regarding the wearing or installation of a device for monitoring purposes)
4. behaviour whilst in prison
5. likelihood of completing re-entry release
6. relationship between the application and the aims of the program
7. validity of re-entry release plan regarding compliance[[10]](#footnote-10)
8. determination as to the personal safety of the community[[11]](#footnote-11)

### The Superintendent/OIC shall ensure, prior to making a recommendation the following is also considered:

1. prisoner's representation
2. prison report
3. CCO’s report
4. judge's sentencing remarks and pre-sentence report
5. other reports requested and available, if relevant.

# Superintendent/OIC Recommendation

### The Superintendent/OIC shall ensure a recommendation is forwarded to the PRB with the following documentation, as relevant:

### re-entry release report

### prisoner's application

### all other relevant reports

### criminal and traffic record

### judge's sentencing remarks

### pre-sentence report.

# Prisoners Review Board Consideration/Approval Notification

### The PRB shall advise the prisoner and the CEO or delegate in writing of a decision to deny or defer a RRO. Where this occurs, the prisoner may make a written submission to the PRB to review the decision[[12]](#footnote-12).

### The PRB shall issue and forward an approved RRO to the relevant prison.

### A Prison Officer, if necessary, shall explain or read decisions/correspondence from the releasing authority (PRB) to prisoners and advise of the appeal process.

# Re-Entry Release Order to be Signed

### The Superintendent/OIC shall ensure the prisoner signs the RRO on or before the release date, indicating their understanding and agreement to comply with the standard obligations and requirements of the order.

### The Superintendent/OIC shall ensure the prisoner is provided with a copy of the RRO and the original signed RRO is forwarded to the Sentence Information Unit (SIU).

### Prison staff shall complete the exit requirements in accordance with [COPP 14.5 – Authorised Absences and Absence Permits (Prison),](https://justus/intranet/prison-operations/Pages/prison-copps.aspx) prior to the prisoner’s release date.

# Refusal to Sign Re-Entry Release Order

### The Superintendent/OIC shall advise the PRB if a prisoner does not sign the RRO on or before the release date specified in the order (taken as having been cancelled[[13]](#footnote-13)).

# Prisoner to Report Following Release

### The prisoner must report to a Community Corrections centre nominated in the RRO within 72 hours after being released from prison[[14]](#footnote-14).

# Release of a Person Subject to a Suspended RRO

### Notwithstanding the period of suspension indicated on an order for suspension of re-entry release, the Superintendent/OIC shall release the prisoner at the prisoner’s earliest date of release (EDR or MAX) or the date indicated on a Parole Order.

### The Superintendent/OIC shall, if the RRO is still in force, release the prisoner from prison, subject to section 12.1.1 if:

1. the period of suspension expires
2. no further order for suspension of re-entry release is made
3. a cancellation of re-entry release is not issued.

# Annexures

## Related COPPs

* [COPP 14.5 – Authorised Absences and Absence Permits](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.6 – Prisoners Released from Custody](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

## Related Document

* Sentence Information Advice to Offender Sheet

## Definitions and acronyms

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| Term | Definition  |
| Chief Executive Officer (CEO) | Director General of the Department of Justice |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff on how the relevant legislative requirements are implemented. |
| Community Corrections Officer (CCO) | A person appointed as a Community Corrections Order as defined in s. 98 *Sentence Administration Act 2003.* |
| EDR | Earliest Date of Release |
| Guiding Principles for Corrections in Australia, 2018  | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Officer in Charge (OIC) | As defined in s. 3(1) [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)and refers to either the designated Superintendent or the officer in charge of a prison at a particular time.Also includes any contract worker authorised by the Commissioner in accordance with s. 15I (1) (a) [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)to perform the functions of a superintendent in a privately operated prison. |
|  JSRs | Judge’s Sentencing Remarks |
| Individual Management Plan (IMP) | The approved plan developed in consultation with treatment and education assessors and the prisoner. The IMP spans the prisoner's sentence through to release. It identifies prisoner needs and contains recommendations for prison placements, security classification and interventions that will assist the prisoner to live a pro-social life on release to the community. |
| Pre-Sentence Report (PSR) | Pre-Sentence Reports, ordered by a court, provide relevant information to assist a court in sentencing an offender.  |
| Prison Officer | As defined in s. 3(1) *Prisons Act 1981*. Also includes any contract worker authorised by the Commissioner in accordance with s.15I (1)(b) *Prisons Act 1981* to perform the functions of a prison officer. |
| Prisoners Review Board (PRB) | The Board established under s. 102 *Sentence Administration Act 2003* and the authority responsible for determining the release of prisoners to Early Release Orders. |
| Re-Entry Release Order (RRO) | As defined in s. 54(1) *Sentence Administration Act 2003* |
| Re-Entry Release Date (RRD) | As defined in s. 52(1)(a) *Sentence Administration Act 2003* |
| Re-entry Release Eligibility Date (RRED) | As defined in s. 50(e) *Sentence Administration Act 2003* |
| Release considerations | Release considerations relating to a prisoner, has the meaning given to that term by [s. 5A *Sentence Administration Act 2003*](#_top) |
| Superintendent | The Superintendent as defined in Section 36 of the [*Prisons Act 1981*](#_top)and includes any reference to the position responsible for the management of a private prison under Part IIIA of the [*Prisons Act 1981*](#_top). Does not extend to the Officer in Charge of a prison. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Justice, Corrective Services to record and manage comprehensive information relating to prisoners. |
| Victim-offender Mediation Unit (VMU) | VMU is a unit within both Youth Justice and Adult Community Corrections that offers reparative mediation and protective conditions services to victims of adult offenders and young people. |

## Related legislation

* *Criminal Law (Mentally Impaired Accused) Act 1996*
* *High Risk Serious Offenders (HRSO) Act 2020*
* *Parole and Sentencing Legislation Amendment Act 2006*
* *Prisons Act 1981*
* *Sentence Administration Act 2003*
* *Sentence Administration Regulations 2003*

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the Compliance Manual.
* The relevant Deputy Commissioner will ensure that management oversight occurs as required.
* Monitoring and Compliance Branch will undertake checks in accordance with the Operational Compliance Framework.
* Independent oversight will be undertaken as required.

**Document version history**

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| 1.0 | Operational Policy | Approved by the Director Operational Projects, Policy, Compliance and Contracts | 11 August 2021 | 31 September 2021 |
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1. s5A *Sentence Administration Act 2003* [↑](#footnote-ref-1)
2. s5B and 52(3) *Sentence Administration Act 2003* [↑](#footnote-ref-2)
3. s50, *Sentence Administration Act 2003.* [↑](#footnote-ref-3)
4. s27B(1), *Sentence Administration Act 2003* [↑](#footnote-ref-4)
5. Commencement date of the *Parole and Sentencing Legislation Amendment Act 2006* [↑](#footnote-ref-5)
6. s56(2) *Sentence Administration Act 2003* [↑](#footnote-ref-6)
7. s55(b) *Sentence Administration Regulations 2003* [↑](#footnote-ref-7)
8. s5A *Sentence Administration Act 2003* [↑](#footnote-ref-8)
9. s5B *Sentence Administration Act 2003* [↑](#footnote-ref-9)
10. s56 *Sentence Administration Act 2003* [↑](#footnote-ref-10)
11. S52(3) *Sentence Administration Act 2003* [↑](#footnote-ref-11)
12. s115A *Sentence Administration Act 2003* [↑](#footnote-ref-12)
13. s58(1) *Sentence Administration Act 2003* [↑](#footnote-ref-13)
14. s55(a) *Sentence Administration Act 2003* [↑](#footnote-ref-14)