

# Supporting people with disability in custody

Practice guide

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This document has been developed in partnership with the NSW Department of Communities and Justice (DCJ) in particular staff from the Community Safety Program. This valuable resource will assist in supporting NDIS participants who have entered into or are exiting from a custodial setting.

## Mainstream and NDIS interfaces to support a person with disability in custody

### Purpose

This document has been developed as a guide to support both disability and mainstream sector employees, in working with National Disability Insurance Scheme (NDIS) participants who are in contact with the NSW Justice system. The document aims to ensure transition planning and collaboration between the two sectors, is as smooth as possible in supporting participants with complex support needs, who are currently in custodial settings.

The document is designed to be read in conjunction with a range of other resources available to practitioners and may be subject to change as further guidelines are developed and released by the National Disability Insurance Agency (NDIA) or justice systems, to support staff working with this cohort. Whilst this guide is focused on the NSW Justice system interfaces, there may be guiding principles and resources that are helpful to professionals working with NDIS participants across Australia who are in contact with the justice system in each jurisdiction.

### Centrelink interface

#### Why it matters?

Access to income will ensure the participant can sustain tenancy and live in the community.

#### Things to know

<b>Centrelink payments</b>	<p>All Centrelink payments are suspended when a participant has been in custody for up to two years (including Disability Support Pension – DSP, Youth Allowance, Newstart, rent assistance, transport subsidy).</p> <p>A participant can apply to have their DSP restored if they are released from gaol while their payment has been suspended.</p>
<b>Cancelled payments</b>	<p>Payment will be cancelled once a participant has been imprisoned for over two years. Once payment is cancelled, a participant who wishes to reapply for DSP will need to lodge a new full claim, provide current medical evidence, and attend any required assessments to show they meet the payment's eligibility requirements.</p> <p>Recipients who remain eligible for DSP while in psychiatric confinement in a forensic hospital and undertaking a course of rehabilitation are not affected by this measure.</p>
<b>Discharges</b>	<p>The local Centrelink office is provided with a copy of monthly discharge lists to facilitate interviews between a Centrelink officer and the participant prior to their release, and/or arrange for payments at the time of release. Unscheduled discharges do not allow for this process however, Centrelink may be able to retrieve the participant's details if justice provides the participant's Medicare number, Centrelink number and the phone number registered with Centrelink. An appointment can be made to restart any Centrelink payments on release. A participant may need assistance in this area. If the participant is under financial management with the Trustee and Guardian (TAG), they will need to be notified.</p>

<b>Centrelink crisis payment</b>	<p>Participants exiting prison or psychiatric confinement because of an offence may be entitled to a Centrelink crisis payment, which can be deposited into a nominated bank account or can be claimed in person. The one-off payment is equal to a week's pay at the existing income support payment rate.</p> <p>To be eligible a participant must be an Australian resident, must contact Centrelink within seven days of their release from custody and must show that they are in financial hardship. Financial hardship is defined as, (1) single and funds total less than two weeks of the highest rate of any income support payment, or (2) part of a couple and funds total less than four weeks of the highest rate of any income support payment. More information can be found <a href="#">here</a>.</p>
<b>Bank accounts</b>	<p>There is a risk that participants do not have a bank account or know their account numbers. This may mean that they will not access Centrelink or crisis payments.</p> <p>Attempts should be made as early as possible prior to the participants release, to address any barriers to possibly accessing Centrelink support by contacting the local Centrelink office.</p>

## NDIS interface

### Why it matters?

The NDIS funds disability supports which can be essential to supporting the transition to, and sustainment of, the participant in living in the community. The NDIS does not fund criminogenic or other mainstream support needs, which means early engagement is essential to clarify funding gaps.

### Available resources

[NDIS Justice Guidelines](#)

### Things to know

<b>Advising the NDIA</b>	<p>The NDIA should be advised by the participant, their nominated representative, or their support coordinator that they have entered a custodial setting, once it has been determined that this has occurred, and the sentence timeframe is known.</p> <p>The participant's contact with the corrections system is likely to require an NDIA planner with experience in developing plans for participants with complex support needs. Where a participant is allocated to a local area coordinator or standard NDIA planner instead, discuss with these staff the need to engage a complex support needs planner. They can then escalate this request to be considered by NDIA management.</p>
<b>Justice Liaison Officers</b>	<p>The NDIA has introduced Justice Liaison Officers (JLOs) to provide a single point of contact for workers to coordinate support for NDIS participants in youth and adult justice systems. The JLOs can provide support to the NDIA planners, act as an escalation point and can provide advice to the mainstream service system.</p>
<b>Capacity building supports</b>	<p>Generally, any core supports (those practical day to day supports around a person's activities of daily living such as personal care) that would usually be funded for participants with complex support needs in the community, cannot be delivered into a custodial setting.</p>

	<p>Capacity building supports such as functional assessments, positive behaviour support planning and support coordination services can be funded and provided in a custodial setting, and it is very important to have these services in place to assist to with a participant's transition out of custody.</p>
<p><b>Functional assessments</b></p>	<p>Conducting functional assessments when the participant is in custody is not an optimum environment, due to the difficulty of generalising functioning in the confined gaol environment to the community. Often people with functional impairments can fare better in the routinised gaol environment where meals are provided, the area they traverse is small, and they don't have direct access to money. However, to assist with developing transitional supports prior to release from custody, any appropriate functional assessment should be conducted within the custodial setting, with appropriate consideration of the context of the assessment.</p> <p><b>Ways to assist:</b></p> <ul style="list-style-type: none"> <li>• NDIA may agree to fund 'in reach' supports to ensure the participant stays engaged</li> <li>• Clinical assessments conducted by specialist forensic providers can be conducted either face to face or via video link. To enquire about private professional access to JUST Connect, email the JUST Connect support team at <a href="mailto:justconnect@justice.nsw.gov.au">justconnect@justice.nsw.gov.au</a>. Please note that if you wish to use JUST Connect to contact an adult in custody at a correctional centre, you will first need to obtain a Visitor Identification Number (VIN). To obtain a VIN, please fill in the <a href="#">VIN application form</a>.</li> <li>• State-wide Disability Services (SDS) can be requested to facilitate this process if the participant is at the Long Bay Correctional Complex. Contact SDS via <a href="mailto:SDS-osp@justice.nsw.gov.au">SDS-osp@justice.nsw.gov.au</a>. For participants in rural correctional facilities, the Services and Programs Officers (SAPO) can be requested to facilitate arrangements. This is subject to capacity and other considerations.</li> <li>• Justice Health may be requested to conduct and/or assist in functional assessments and other relevant reports that focus on the participant's support needs related to their disability. This may then be provided to the NDIA as evidence for reasonable and necessary supports. This is subject to resourcing and at the discretion of Justice Health staff.</li> <li>• Information regarding physical health and psychiatric health care can be requested via Medico Legal Officer   Health Information and Record Service (HIRS)   Justice Health and Forensic Mental Health Network at <a href="mailto:JHFMHN-MedicoLegal@health.nsw.gov.au">JHFMHN-MedicoLegal@health.nsw.gov.au</a>.</li> </ul>
<p><b>Re-activating NDIS plans</b></p>	<p>If a participant's plan is on hold due to them entering a custodial setting, it can be re-activated prior to their release date, to enable transitional planning. This will enable NDIS related supports to be in place for release and should be done as early as possible in the transition process. This will ensure appropriate assessments are completed and support coordination is in place, and you are actively seeking appropriate service models to support the participant upon release. More information can be found <a href="#">here</a>.</p>
<p><b>NDIS funding</b></p>	<p>An NDIS plan for release may include funding for:</p> <ul style="list-style-type: none"> <li>• Clinical assessments by specialist forensic providers, conducted either face to face or via video link</li> <li>• Support coordination (level 2) hours to explore accommodation options and transition planning (capacity building)</li> </ul>

	<ul style="list-style-type: none"> <li>• A specialist support coordinator (level 3) with clinical expertise to liaise with clinicians to assist and navigate referral processes and any mainstream interface issues (capacity building)</li> <li>• All allied health assessment needs (improved daily living and improved relationships)</li> <li>• An NDIS commission registered positive behaviour support practitioner who can begin working with the participant, while in custody, to create/update a positive behaviour support plan prior to their release (capacity building)</li> <li>• Transitional supports for a service provider to meet with the participant a few times pre-release to start building rapport (CORE)</li> </ul>
<p><b>Justice funded programs</b></p>	<p>Depending on their circumstances some NDIS participants may be eligible for specific justice funded programs upon their release. Please refer to the <a href="#">Funded Partnerships Initiative</a> (FPI).</p> <p>Each service has eligibility criteria that varies depending on the participant's needs. For example, a participant with dual diagnosis of mental health and cognitive impairment will be able to access the <a href="#">Extended Reintegration Services</a> (ERS), compared to someone with only one diagnosis. Refer to the ERS fact sheet for more information.</p> <p>It is important for a support coordinator to clarify this based on each participants circumstances to ensure this is considered as part of any transition into the community.</p>

## NSW Housing interface

### Why it matters?

NSW Housing provides a range of short term (Link2Home) and long-term (social housing) accommodation or accommodation products, which can address issues related to risk of homelessness on release.

### Contacts details

- **For participants** – participants can apply for housing whilst in custody by phoning 1800 422 322 and selecting option 2 and then 2 again.
- **For corrective services staff** – if you are working with a participant who will be paroled, you can call 02 8671 8699 to apply for housing assistance. Participants being released at the end of their sentence may not use this function (this number is only for corrective services staff use and is not to be used by participants).

### Things to know

<p><b>NSW Housing</b></p>	<ul style="list-style-type: none"> <li>• Identify if the participant is eligible for social housing and submit an application.</li> <li>• If the participant has an active Child Protection Alert, community corrections can apply to NSW Housing for an exemption, where appropriate safeguards are in place (relevant where accommodation is sourced closer than stipulated limits to a school or childcare).</li> <li>• Justice Health can complete NSW Housing Medical paperwork.</li> <li>• NSW Housing and Link2Home (short-term accommodation) will require a release date and a SAPO letter which lists diagnoses and reasoning for needing the service, as well as a submission of release form.</li> </ul>
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<b>HASI and CLS</b>	The <a href="#">Housing and Accommodation Support Initiative (HASI)</a> and <a href="#">Community Living Supports (CLS)</a> are state-wide programs providing support to people who have a severe mental illness, so that they can live and participate in the community.
<b>Temporary accommodation</b>	Temporary accommodation from a participant's release date can be arranged up to four weeks prior to release, through Set2Go. This can <u>only</u> be used by corrective services staff.
<b>Crisis accommodation</b>	Participants may also be eligible for crisis or transitional accommodation through a specialist homelessness service (SHS). SHS providers can be found <a href="#">here</a> .

## Supporting a person with disability when first entering custody

### Why this matters

To ensure accurate information is provided to the correctional facility, as many entry processes rely on self-reporting to gain information about the participant. This can result in incorrect information or inaccurate information being provided to the correctional facility; meaning the participant's needs may not be appropriately met while in custody.

### Available resources

Download a copy of the Justice Handbook to better understand the process:

- [Male handbook](#)
- [Women's handbook](#)
- [Family handbook](#)

### Things to know

<b>Intake Screening Questionnaire</b>	The Intake Screening Questionnaire (ISQ) occurs within the first 24 hours of custody, with a focus on immediate needs and safety. This is a self-report by the participant. Although this is not the only time information is gathered about the participant, it is important for the support coordinator to check if the correctional centre has accurate information on the participant's disability, mental and/or health problems and medications.
<b>Support coordinator contacts</b>	<ul style="list-style-type: none"> <li>• Support coordinator to contact <a href="mailto:Sentence.Admin@justice.nsw.gov.au">Sentence.Admin@justice.nsw.gov.au</a> to provide the participant's Public Guardian contact details. Corrective services sentence admin is responsible for ensuring that this information is sought and entered in the database.</li> <li>• Support coordinators should liaise directly with the CSNSW Sentence Admin to ensure NSW corrections hold relevant information, when participants they are working with first enter custody.</li> <li>• Support coordinator to contact correctional facility and establish the key contact person to communicate with regarding the participant. When appropriate, the support coordinator can contact this person regarding the participant's pre-release planning and activities, to foster continuity in care. This is particularly important for participants on remand, and those applying for s32 as they are likely to be released early.</li> </ul>
<b>Prisoners' Aid Association of NSW</b>	Prisoners' Aid Association of NSW provides facilities to store prisoners' personal possessions. They collect property from inmate's homes and from the police to have it stored until release at no expense to the individual. More information is available <a href="#">here</a> .

## Supporting a person with disability who will be released from custody

### Why this matters

Navigating the release process can be difficult for a person with a cognitive impairment. Assistance should be provided to ensure all mainstream and disability supports are known and in place.

### Available resources

- [Surviving on the outside: Getting out of prison](#)
- [Planning your release \(men\)](#)
- [Planning your release \(women\)](#) – handbooks developed by corrective services and the Community Restorative Centre

### Things to know

<b>Possible release date</b>	A participant may be involved in various programs designed to plan for their exit on entry whilst in custody. Confirm the participant's earliest possible release date (EPRD). This could include things like a participant's automatic release date, the date at which a person becomes eligible for parole, the end of their limiting term, or the court date of any appeals that might overturn their sentence. Contact <a href="mailto:SDS-osp@justice.nsw.gov.au">SDS-osp@justice.nsw.gov.au</a> to request sentence expiry information.
<b>Transitional supports</b>	Determine if the participant is known to, or can be referred to, the Department of Communities & Justice Community Safety Program (CSP) for transitional supports. A fact sheet, consent form and referral form are available by contacting the CSP mailbox at <a href="mailto:CSPMailbox@justice.nsw.gov.au">CSPMailbox@justice.nsw.gov.au</a>
<b>Transition planning</b>	Support coordinator or case manager to arrange a transition planning meeting with all stakeholders and follow the Transitional Planning Meeting Agenda template. Stakeholders can include: <ul style="list-style-type: none"> <li>• NDIS planner</li> <li>• State-wide Disability Services (SDS) SAPO or psychologist</li> <li>• Custodial case manager</li> <li>• Community Corrections</li> <li>• CSP team</li> <li>• Justice Health</li> <li>• NSW Housing and Community Mental Health team (from Local Health District)</li> </ul>
<b>NDIS plan</b>	<ul style="list-style-type: none"> <li>• Inform NDIS, TAG and Centrelink of release date to restart any/all welfare payments.</li> <li>• Arrange for the NDIS to schedule a plan review meeting to occur at least 12-14 weeks prior to release (as per the NDIS Justice Guidelines – page 4). If the sentence is shorter in length, the support coordinator should keep in regular contact of the participant and check that the plan is still in place.</li> <li>• The NDIS planner can create a three-to-six-month plan to transition out of custody and into the community. It should include suitable hours of support coordination and/or specialist support coordination, to explore potential housing options and transitional planning.</li> </ul>
<b>Supported Independent Living</b>	Confirm with the NDIA if the functional impact of the participant's disabilities warrants Supported Independent Living (SIL). If it is determined prior to the planning meeting that the participant is likely to require more intensive models of support such as a Supported



	<p>Independent Living (SIL) placement, Individual Living Options (ILO), and possibly Specialist Disability Accommodation (SDA), then any appropriate functional assessments (including a possible housing model assessment undertaken by an occupational therapist), with recommendations to approve more intensive models of support, must be obtained to support any planning conversations to minimise the risk of delayed or poor plan outcomes.</p>
<p><b>Exiting custody appointments</b></p>	<ul style="list-style-type: none"> <li>• The responsibility falls to CSNSW to ensure an appointment has been made for any participant exiting custody. Centrelink officers visit some gaols weekly.</li> <li>• The local Centrelink office is provided with a copy of the monthly and daily discharge lists to facilitate interviews with inmates prior to their release, and/or arrange for payments at the time of release.</li> <li>• If the participant is under financial management with TAG, they will need to also be notified.</li> </ul>
<p><b>Transitional release plan</b></p>	<p>Things to be aware of when creating a transitional release plan:</p> <ul style="list-style-type: none"> <li>• A lack of accommodation is a perceived barrier to be granted bail by the magistrate, or parole by the State Parole Authority.</li> <li>• If the participant has a financial guardian, TAG will need to approve a budget that the participant can afford for rental accommodation.</li> <li>• Risks need to be identified, well defined and appropriate mitigation strategies developed as part of any transition plan. For example, any curfews need to be reported or any restrictions on environment such as schools need to be identified. Identifying risks in advanced will usually highlight these restrictions.</li> <li>• CSNSW have a number of requirements for release including arranging a release certificate, which can be used to seek government housing or financial assistance and Gate Money (Gratuity) and Special Gratuity payment if applicable.</li> </ul>
<p><b>What to arrange leading up to release</b></p>	<p>Arrange for the following leading up to release:</p> <ul style="list-style-type: none"> <li>• Request CSNSW views/update on person's eligibility for CSNSW funded transitional accommodation options</li> <li>• Request OT or behaviour support practitioner's view on a suitability of CSNSW funded transitional accommodation options</li> <li>• Centrelink liaison</li> <li>• Centrelink crisis payment</li> <li>• Make sure the inmate has a bank account and knows the account number</li> </ul>

## Supporting a person in the forensic mental health system who will be released from custody

### Why it matters

The Justice and Forensic Mental Health Network (Justice Health), rather than corrective services, is the primary contact for participants receiving forensic mental health services in custody.

### Things to know

#### Transition arrangements

Obtain an update on the participant's 'readiness to commence release planning' from the Legal Aid Solicitor representing the participant at the MHRT. Be aware of the scheduled release date to allow for appropriate transition arrangements to be put in place. These include:

- Pending the update on participant's readiness to commence the pre-release planning, establish the timeline and key milestones to be achieved during the pre-release planning (allow at least six months prior to the submission of person's application for release).
- Identify all stakeholders involved in participant's care, clarify their roles and responsibilities in relation to participant's release planning and establish a communication strategy among all stakeholders.
- A medication plan, mental health care and treatment plan should be obtained from Justice Health to support transition to the community
- If a person in a custodial setting is not yet an NDIS participant, Justice Health may conduct a Comprehensive Functional Assessment and a mental health assessment, if required, to assist with access eligibility and planning conversations. However, where a person is already an NDIS participant, an NDIS provider can be engaged to undertake these assessments to assist with determining eligibility for SIL/SDA, and other relevant supports that may be required for participants with forensic mental health needs.
- Obtain Justice Health views on participant's likely compliance with any treatment post their release, and/or the need for a Forensic Community Treatment Order (FCTO). Request Justice Health nurse to transfer the participant's FCTO to the local Community Mental Health (CMH) Service.
- Justice Health can submit an application to the Mental Health Review Tribunal (MHRT), accompanied by doctor's report. The process takes approximately four weeks. Once the MHRT has received an application, they book a hearing usually within two to three weeks of the application date. The timeframe may be extended pending other applications.
- If the participant is not being released with a FCTO, arrange for Justice Health to make a referral to the local CMH team to do an assessment for a CTO after release. The ability to undertake assessment or waiting time will vary based on resourcing, however any previous reports such as behaviour support plans may be of assistance to undertake these assessments.
- The Mental Health Review Tribunal may make a conditional release order for the participant in custody. These orders may cover where the participant is to reside post release, what services they should receive, treatment considerations and medications.
- The MHRT will appoint a case manager – who will be primarily responsible for maintaining regularly contact with the participant and overseeing care and treatment in relation to their conditional release order. They will also provide a report updating the tribunal on the person's progress.

<b>Medication</b>	If the participant is on medication, they will not be provided with any medication unless a support worker meets them at the gate (then three days of medication and medical charts can be provided). As part of the transition planning, an appointment should be booked with a GP or CMH team soon after release to handover relevant information pertaining to care and current treatment. Often for this cohort, going through a period of rapid transition and missing medication is likely to aggravate mental health condition.
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## Top tips for release planning

Even where support has been arranged in the community, minor issues at point of release can lead to crisis where agencies are not working in partnership.

### Things to know

<b>Release dates and times</b>	<p>Offenders are generally released during office hours to ensure the required checks and procedures can be carried out. However, if their release date falls on a weekend, and there are no more detainers (warrants) on their file, release may occur.</p> <p>If the participant is being released on bail or parole you or the participant can request in writing in advance, that they not be released on a weekend or late at night. The participant must provide consent for you to contact sentence admin. If the participant has served their full sentence they must be released, and this will not be an option.</p>
<b>Obligations and orders</b>	The participant and the support coordinator should be made aware of any orders or conditions that they need to comply with upon release that may have reporting requirements eg Child Protection Register obligations, probation and parole conditions etc. The participant may need support to meet these obligations such as transport to local police stations or the Community Corrections Office for reporting purposes.
<b>Disability support staff</b>	Support coordinators should have arranged disability support staff to meet the participant at the prison gates. Make sure the prison gate knows in writing who the support staff are and their contact details, so they can advise the participant to wait until the staff member arrives and the Officer in Charge can contact the support staff if required.
<b>Medication</b>	<ul style="list-style-type: none"> <li>Without a support staff person in attendance, no medications can be provided to a participant. If a support person is present a medication chart and three days of medication can be provided. A medical appointment in the community should be arranged by the support coordinator prior to their release.</li> <li>Check the medication chart includes the participants Master Index Number (MIN) so their local GP can access their Justice Health records.</li> </ul>
<b>Therapeutic programs</b>	Support coordinator to check with Justice if the participant has completed any therapeutic programs in gaol. This can reassure the market when seeking supports and accommodation.
<b>Crisis payment</b>	Support coordinator to check the participant has their crisis payment, gate money and/or special gratuity and release certificate when picked up at the gate.
<b>Release certificate</b>	A release certificate can be used to seek government housing or financial assistance. Keep a copy of the certificate on the participant's file.

## Additional resources

The [Custody2Release form](#) is designed to assist in the transfer of summary information about the participant as they exit custody. The form builds on the effective [Admission2Discharge](#) tool that is used to assist with transitions into and out of health settings.

## Helpful contacts

Organisation	Why they are helpful	Contact details
CS sentence administration	Sentence admin deals with ensuring all relevant information on an inmate in the database.	<ul style="list-style-type: none"> <li>Phone: 02 83461000</li> <li>Email: <a href="mailto:sentence.admin@dcj.nsw.gov.au">sentence.admin@dcj.nsw.gov.au</a></li> </ul>
Prisoner aid of NSW contact details	Assist in getting the participants belongings to them while in prison	<ul style="list-style-type: none"> <li>Phone: 0412430214</li> <li>Service email: <a href="mailto:c.baird@prisonersaidnsw.org">c.baird@prisonersaidnsw.org</a></li> <li>Email: <a href="mailto:manager@prisonersaidnsw.org">manager@prisonersaidnsw.org</a></li> <li>More info: <a href="http://prisonersaidnsw.org">prisonersaidnsw.org</a></li> </ul>
Community Safety Program	May be able to provide specialist tertiary support to participants in relation to transition planning	<ul style="list-style-type: none"> <li>Email: <a href="mailto:CSPMailbox@dcj.nsw.gov.au">CSPMailbox@dcj.nsw.gov.au</a></li> </ul>
Housing and Accommodation Support Initiative (HASI) and Community Living Supports (CLS)	Provide housing support to participants	<ul style="list-style-type: none"> <li>More info: <a href="#">HASI and CLS</a></li> </ul>
Centrelink crisis payments	Provides a one-off payment to participants in serious financial hardship	<ul style="list-style-type: none"> <li>More info: <a href="https://servicesaustralia.gov.au/crisis-payment">servicesaustralia.gov.au/crisis-payment</a></li> </ul>
Justice Health contact	May be able to provide assessments to the participant while in custody	<ul style="list-style-type: none"> <li>Phone: 02 9700 3000</li> <li>More info: <a href="http://justicehealth.nsw.gov.au">justicehealth.nsw.gov.au</a></li> </ul>

## Glossary of terms

Term	Definition
CCO	Community Corrections Order
CRO	Conditional Release Order
CTO	Community Treatment Order
CMU	Custodial Case Management Unit
CSNSW	Corrective Services NSW
CPIR	Case Plan Intervention Report
EPRD	Earliest Possible Release Date
ICO	Intensive Corrections Order
IDRS	Intellectual Disability Rights Service
MHRT	Mental Health Review Tribunal
MOSP	Manager of Services and Programs
OS&P	Offender Services and Programs
OIMS	Offender Integrated Management System
RAPO	Regional Aboriginal Program Officer
SAPO	Services and Program Officers
SDS	Statewide Disability Services