

NSWLRC Parole Question 4 – Reintegration Into the Community and Management on Parole

Question 4.1- Case Management of offenders in custody

How could case management of offenders in custody be improved to ensure that any issues that may impede successful reintegration on parole are identified and addressed?

There is an inherent contradiction with the status quo of case management processes. This stems from having prison officers taking on welfare responsibilities, two roles that are incompatible.

In a hearing conducted by ICAC¹, case management was seen as ineffective. Welfare officers had been dismissed and their roles had subsequently been taken on by prison officers.

Justice Action asserts that the case management and welfare of prisoners cannot be conducted by prison officers. The coercive nature of their responsibility means prisoners have effectively lost support from welfare.

We propose that regular assessment of the case management system around the Agreed Parole Plan (APP) needs to be conducted, involving listening to prisoner needs, increased approachability and greater transparency.

Justice Action has also submitted the [Justice Reform Initiative](#) that addresses how successful preparation for reintegration on parole can be achieved.

Question 4.2 – Role of the Serious Offender’s Review Council

What changes, if any, should be made to the Serious Offenders Review Council’s role in the custodial case management of offenders?

Justice Action’s view is that the Serious Offender’s Review Council is redundant and its role can be integrated with the SPA. The SORC has the effect of increasing administrative tape for potential parolees. Moreover, the question paper highlights how “some high risk recidivist offenders may still fall outside SORC’s jurisdiction despite experiencing some of SORC’s involvement” [4.37]. This also adds an unnecessary level of uncertainty and confusion.

Question 4.3- Custodial rehabilitation programs

(1) How could the process for selecting and evaluating the rehabilitation programs offered to offenders in custody be improved?

There are a wide range of programs which purportedly assist individuals in their rehabilitation, but it is essential that we make sure that these programs help achieve objectives of restorative justice. That is, do they bring together all those

¹ *Report on investigation into the case management and administration of community service orders*, <www.icac.nsw.gov.au>.

with stakes in specific offences and identify/address the related harms, needs and obligations as part of a healing process?

Justice Action believes that the best method for selecting which programs should be offered to offenders is by offering the programs to prisoners with adequate explanation about what they are. This could be done in the form of an Expo day, as used elsewhere in DCS, to allow prisoners to make informed choices.

In a similar nature, the best way to evaluate these programs is through the feedback of the participants, as is done by other educational institutions for the general public. The effectiveness of a program on offer can be measured from attendance, usefulness, whether people have completed the program, and so on. We believe these programs should accommodate people with special needs as well.

(2) How could offenders be given sufficient opportunity to participate in in-custody rehabilitation programs?

Justice Action reiterates that the opportunity for offenders to participate in in-custody rehabilitation programs is absolutely essential. Our [Justice Reform initiatives](#) (linked) refer specifically to using the person's time effectively in prison.

There must also be greater access to these programs in order for them to be more effective and comprehensive. In part, this means removing the need for prisoners to transfer to other facilities to access programs and offering more support to the mentally ill. This could be facilitated by the access to technology in cells, which Justice Action has addressed in our proposal, [Computer in Cells](#) (linked). There must also be no discouragement in accessing these opportunities, such as a loss of earnings or the propagation of the ideas that involvement in these programs reduces one's productivity and that they divert funding. The money that is required for the delivery of these programs should be seen as a form of Justice Reinvestment. This investment will allow for parole to be granted more rapidly, leading to a smoother reintegration process and prevent the prisoners from recidivism.

Furthermore, [restorative justice](#) programs must be extended to include not just the pre-sentencing stage as an alternative to imprisonment, but actually working with offenders and victims throughout any sentence.

Question 4.4 - Access to education and work programs in custody

(1) What education and work programs would boost offenders' employability and improve their prospects of reintegration when released on parole?

At Justice Action we strongly believe that the prisoners themselves should be consulted on the programs they want as this is an individual and unique decision.

Justice Action has also made a key proposal, [Computers in Cells](#) (linked), as part of our Justice Reform Initiatives. The provision of computers in cells could help reduce the reoffending of prisoners. By granting prisoners the ability to access emails, legal resources, educational programs and career websites, they will be more equipped to resettle into the community and become productive members of society. Such access is fundamental to reducing recidivism and is inexpensive. Examples of computer use which could allow prisoners to enhance their ability to resettle into the community:

- Enrolment in university/TAFE courses
- Searching for job opportunities online

(2) Are offenders given sufficient opportunities to access in-custody education and work programs in order to achieve these outcomes?

Justice Action believes that offenders are currently not given sufficient access to education and work programs or they are ineffective and irrelevant. This has been made clear to us through our communications with prisoners, where they have expressed their concern that access to programs is severely lacking. We believe that greater access to technology is one of the ways to increase opportunities for in-custody education and programs.

Currently access to computers is highly restricted, and our proposals regarding this have been mentioned above (see question 4.4). There is no provision of computers in individual cells in NSW or most prisons around the world. Usually prisoners are only able to access a computer up to five times a year, or for a limited number of hours under intense supervision.

The provision of computers in fact comes at a very small cost to the Department of Corrective Services NSW, as many organisations have already expressed interest in contributing to the project.

Question 4.5 - Short sentences and limited time post-sentencing

How could in-custody case management for offenders serving shorter sentences be improved to reduce reoffending and improve their prospects for reintegration on parole?

For offenders serving shorter sentences, greater support for reintegration must be provided. At present, they get nothing. This can be done by introducing the offender to support networks with community services and organisations through, for example, Expos (as used elsewhere in the DCS).

Furthermore, the access to other opportunities for reintegration through education and training must be provided with incentives such as vouchers to attend training courses. Such support should be extended to include the post-release period.

Justice Action asserts that offenders with less than six month sentences should also be engaged in custodial planning as program participation can facilitate the continuation of post-release education and training, which in turn reduces

recidivism.

Question 4.6- Pre-release leave

How could pre-release leave programs to be improved to:

- (1) Prepare offenders sufficiently for life on parole; and**
- (2) Ensure offenders can access pre-release leave prior to parole**

In order to increase access to pre-release leave prior to parole, the issue of attaining a suitable sponsor must be addressed. The introduction of trained and paid mentors to take on those duties (such as those used by the Women In Prison Advocacy Network), rather than Corrective Service officials, would be more effective.

Pre-release leave should be more readily accessible to those who have met the requirements of their Agreed Parole Plan.

Question 4.7 – Transitional centers before release

- (1) How effective are in preparing offenders for release on parole?**

Transitional centers **are limited by their availability** to the large number of prisoners who are soon to be released. The fact that the two facilities are limited to providing services to females only leaves a large void for male ex-inmates who are attempting to re-integrate back into the community. This is not even close enough to addressing the demand in the number of people who need these services; rendering it effective only to a certain extent.

Moreover, only 16 to 21 women can be assisted through this facility at any one time limiting this service and making it incapable of meeting the needs of those who really need it in the 3 to 12 month period before they are released.

Justice Action emphasises that prisoners should be entering transitional centers before their earliest possible release date (EPRD) and not after. Currently there are significant waiting periods which means that effective time incarcerated is unnecessarily extended.

- (2) How could more offenders benefit from them?**

There is a need for a larger number of facilities in NSW. The level of facility needed must be based on the amount of people that are released during a monthly period. Also taking into account the actual number of people each facility can hold and provide services for. There are differences in the services required between male and female.

Question 4.8 Back-end home detention

Should the Corrective Services NSW proposal for a back-end home detention scheme, or a variant of it, be implemented?

Justice Action believes that home detention (HD) is destructive. This is due to the enormous pressure it puts on the families of the offenders, with the Corrective Services essentially compromising their privacy. The financial, emotional and physical costs to the family are great, with women being especially affected by HD. It is effectively a cost cutting exercise that allows DCS to punish more people at reduced cost. For further information, refer to <http://www.justiceaction.org.au/cms/about/our-views/item/35-home-detention>.

Question 4.9 Day Parole

1. How could a day parole be of benefit in NSW?

A day parole scheme, such as that used in some Canadian jurisdictions, is not the equivalent to the works release program used by NSW Corrective Services. This current works program in NSW is underutilized. It has the potential to be very useful. We believe that the focus should be on improving and expanding the current program rather than implementing a new one.

2. If a day parole scheme were introduced, what could such a scheme look like?

See above.

Question 4.10: Re-entry courts

(1) Should re-entry courts be introduced in NSW?

The creation of an additional authority in the form of re-entry courts in NSW would lead to confusion and mismanagement of cases. Justice Action believes that using the Agreed Parole Plan in cooperation with the State Parole Authority (SPA) is sufficient if the SPA is able to operate effectively.

(2) If re-entry courts were introduced, what form could they take and which offenders could be eligible to participate?

See above.

(3) Alternatively, could the State Parole Authority take on a re-entry role?

See above.

(3) If the State Parole Authority were to take on a re-entry role, which offenders could be eligible to participate?

All of them.

Question 4.11 : Planning and preparing for release to parole

How could release preparation be changed or supplemented to ensure that all offenders are equipped with the information and life skills necessary to be ready for release to parole?

See Agreed Parole Plan.

Question 4.13 Intensity of parole supervision

(1) Are there any improvements that need to be made to the intensity of parole supervision in terms of levels of monitoring and surveillance?

Electronic monitoring is almost completely incompatible with social reintegration. The highest priority must be placed on the right to privacy for people reintergrating.

(2) How could the intensity of parole supervision be changed to strike the right balance between: (a) monitoring for breach; and (b) directing resources towards support, intervention and referrals to services and programs?

Justice Action would firstly like to highlight the distinction between support and supervision. Supervision involves a measure of security, while support should be based on the welfare of the prisoner. It is imperative that the roles of supervision and support are done independently. The current situation is that prisoners are forced to confide personal matters, such as the status of their health, etc., with parole officers who have the power and authority to return them to prison. The effect is that the parolee will not confide in or ask assistance of these officers. These roles should be conducted by different people.

Justice Action proposes a system of mentoring with Certified Peer Specialists (CPS) be implemented instead, using community support. Information about our peer-mentoring program can be found at <<http://www.justiceaction.org.au/cms/prisons/alternatives/ja-mentoring/item/20-ja-mentoring>>.

Question 4.14 Duration of parole supervision

Should the duration of parole supervision in NSW be extended? If so, by how much?

Following on from the distinction between supervision and support made in the preceding section, Justice Action believes that rather than extending parole supervision, the duration of support provided to offenders should be increased.

We emphasise that the parole period is already determined and should not be changed.

Question 4.15 Information sharing and complains checking

(1) How sufficient are:

(a) current information sharing arrangements between Corrective Services NSW and other agencies (government and nongovernment)

We believe current information sharing arrangements between Corrective Services NSW and other agencies (government and nongovernment) are adiquite.

(b) compliance checking activities undertaken by Community Corrections?

If there is a risk of crime, it is a matter for the police. There is no need for Corrective Services involvement. Parolees suffer through this unnecessary intervention. There are instances where ex parolees have had there new lives destroyed when the CCG (Community Compliance Group) unnecessary arrive at work places etc.

Question 4.16 Electronic monitoring of parolees

(1) How appropriate is the current electronic monitoring of parolees?

It is highly ineffective. It is a corrosive and destructive process that seems to be continued so the state can claim they have an effective monitoring program. The process uses badly outdated technology and has massive and incompatible social integration issues.

(2) What are the arguments for or against increasing electronic monitoring of parolees?

It has an overwhelmingly negative impact on the reintegration of a parolee. There is no data showing that the use of electronic monitoring reduces reoffending.

Question 4.17 Workload and expertise of Community Corrections officers

(1) What improvements could be made to ensure parolees are supervised effectively?

Far more random checking should be taking place. This should not involve contact with the subject under supervision to maintain privacy.

(2) What are the arguments for and against Community Corrections implementing specialist case managers or specialist case management teams for certain categories of offenders?

Specialist case managers or specialist case management teams should not be used. They reduce flexibility within Community Corrections.

(3) If specialist case management were to be expanded, what categories of offenders should it apply to?

See above.

Question 4.18 Housing for parolees

What changes need to be made to ensure that all parolees have access to stable and suitable post-release accommodation, and that post release housing support programs are effective in reducing recidivism and promoting reintegration?

The tender process for housing that replaces CoSP's needs to provide the same level of funding that was in place for CoSP's.

Question 4.19 Programs for parolees

(1) What level of access should parolees have to rehabilitation and other programs while on parole?

As high as possible.

Do parolees currently have that level of access?

No. As an example, Forensic Psychology Services, that provides group treatment for parolees, does not provide meeting times outside of normal working hours. It's hard enough for parolees to get a job without adding problems of regular absenteeism from work.

(2) Are there any problems of continuity between custodial and community based programs?

Yes. Parolees are being returned to the community without insuring places are available in courses.

(3) Can any improvements be made to the way the programs available to parolees in the community are selected or evaluated?

Yes. Parolees are clients of these services. Ask them for ideas on how they can be improved.

Question 4.20 Barriers to integrated case management

(1) To what extent is Community Corrections case management able to achieve a throughcare approach?

This is limited through lack of Housing, Health and other services.

(2) What are the barriers to integrated case management?

Records management between Corrective Services and Parole needs much higher levels of integration.

(3) What other services or supports do parolees need but are not able to access? What are the barriers to accessing these services and supports?

Housing and employment services are always an issue. Independent counseling.