AREAS FOR POTENTIAL REVIEW, THE STATE PAROLE AUTHORITY

1. Membership.

Currently Authority sittings are made up of a judicial officer (a former judge or magistrate, empowered to write warrants for arrest), a representative each of Probation and Parole officers and police, and two community members, with the community members appointed by The Attorney General. This balance was created in 2009. Before that panels included the same three employed representatives and four community members. This meant that, if community representation was agreed on an outcome, it could not be overruled by the chairperson and police and P and P representatives. I am unaware of any community consultation which preceded this change. The source of advice to the Attorney General which led to it is unknown to the public, so far as I'm aware. I wonder if the current balance is what the community would wish. I myself have been a member of panels where community representation was agreed, but outvoted on ultimate outcome. In the past there has been a commitment to achieving a balance between community members who live in Sydney and those who live in regional and rural centres. It does seem to me that that rural representation has been weakened in recent appointments. Since there must be, by legislation, thirteen community members, and only two sit per panel, there is certainly no guarantee that individual panels will reflect overall Authority membership. Costs to bring members from the country and to accommodate them must be very significant.

Legislation also provides that different areas of society, to do with ethnicity and the like, will be reflected in community membership. It seems to me that recent membership has more represented the male Anglo-Celt middle class. Again, given that only two community members will sit on any one panel, I think it would be useful to examine the extent to which this situation regarding members is ideal. I have seen listed , for example, panels which have included a serving police officer and two former male senior police officers as the community membership. Does this matter?

I myself responded to a call for expressions of interest in being a community representative and submitted a select cv. I was called to an interview where the selection panel included representatives of Victims of Crime, a Prisoners Action Group, senior officers of SPA and Corrective Services, various ethnic groups.

To my knowledge, in the history of SPA there have been two community members so selected. Both now have left. All others have been appointed directly by The Attorney General. The means by which community representatives have been placed on SPA is not transparent, or even opaque. Is there any form of performance appraisal carried out on the work of community members, or, so far as that goes, judicial members? I don't know who would be able to answer that question. If such procedures exist

(and, for example, transparent performance reviews are carried out on principals of two-teacher schools, transparent and capable of appeal), they are done in secret. Is this, I wonder, in line with community expectation?

ISSUE ONE: Is the current membership of The New South Wales State Parole Authority the most desirable one, given its dual tasks of protecting the safety of the community and reducing inmate recidivism? Is the means for creating community representation what the community would wish and expect?

ISSUE TWO : Does the means of selecting judicial and community members of SPA , the supervision practices that exist for them and the structure of deciding panels guarantee the reflection of community expectations when parole issues are decided?

2. Means of Proceeding.

The Authority has two forms of sittings, PJPs, closed sittings where members work "off the paper", and court hearings where those who have received adverse finding at PJPs may, if they choose, appear before an Authority panel At court hearings, parolees may have legal representation. Is it appropriate that decisions concerning the liberty or continuation of incarceration of some of our citizens be conducted in settings in which those inmates cannot appear, cannot challenge evidence given by, for example Probation and Parole officers, cannot give explanations of matters referred to in reports considered, cannot be represented? It is true that those who receive adverse findings can seek to have PJP decisions overturned at open court hearings, but by the time they are held up to a moth of incarceration may have passed, or parolees may have been returned to jail at the cost of employment or accommodation.

ISSUE THREE: Does the current means of proceeding at PJPs provide adequate guarantees for the right s of parolees and inmates?

3. Case load.

When I commenced service at The Authority in 2009, a PJP commonly would deal with about sixty cases. I thought this load excessive for a number of reasons. Working from individual records, a member may be presented with no fewer than two, not uncommonly more than thirty documents per case. I can prepare, with comprehension, maybe thirty average cases a day. It would take me two days to prepare a PJP.

Recent policy from the office of The Attorney General, it seems to me, has been to reduce the number of people in prison. As a result, I believe that study would show that, over the past eighteen months or so, sentences have become shorter, parole times longer. As a result, and inevitably, case loads at The Authority have become greater as prisoners are moved through their sentences at a greater rate. As well, after the previous-to-most-recent state budget, the Authority secretary announced that the Authority budget had been a cut (a "savage" cut was the term used). He announced that we may have to cope with fewer sittings. There have been further cuts, for example to Probation and Parole officer numbers in the state budget of 2013.

At my final sitting at The Authority we had a case load of 106. We arrived to be given six extra cases to consider.

In order for the work of the day to be done, warrants for the arrest of those whose parole has been revoked must be written, the judicial officer must sign them. In order to achieve these outcomes, hearings begin at 9.00 a.m., with the intention of finishing by about 1.00 p.m. after a morning tea break of some thirty minutes.

At 112 cases at a sitting, that allows well less than two minutes per case consideration at a meeting. I'm not sure that that's the sort of amount of time family members would expect to be given to consideration of the possible release to parole of loved ones, or, so far as that goes, to the return to live next door of a troubled person with a prolonged criminal history.

Members are appointed presumably on the basis of their ability to suggest means of proceeding to reduce the possibility of re-offending of those achieving parole. Even if we can find time in the process of preparing cases to consider various alternatives for particular individuals, the press of getting through case loads within a pre-determined amount of time is such that consideration of these at a PJP sitting virtually is impossible. In the thousands of cases on which I presided (if that's the term) I may have achieved discussion of significant alternative means of proceeding on perhaps four occasions. Members have the process before them of considering which courses an inmate has completed, what the conduct has been of an inmate or parolee, what conditions should be set, from a pre-determined list, for inmates granted parole.

In recent decades, extraordinary work has been done in universities, consultancy firms and complex organizations themselves to maximize the impact of organization members on the wisdom and effectivesness of decisions "We can't afford to make mistakes, that's the key," I'm informed by my nephew who now lives in Belgium and works supervising the manufacture of chocolates. None of this work has ever reached SPA. I do not regard myself as an expert in this field, though my own masters' degree was in management. I was, frankly, amazed at the decision making practices at SPA : I thought them antiquated.

A frustration in this process is that much of it is virtually pre-ordained. An inmate, clearly, has satisfied requirements for parole and it is granted. These cases take about as much time as those which are very complex and which would benefit from prolonged consideration of alternative ways of proceeding, perhaps in some cases operating outside general conditions, given the expertise assembled at the session. The consideration of the latter is compromised because of the weight of numbers of the former.

ISSUE FOUR: Is the current means of dealing with cases calculated to maximize the contribution of the expertise of members, to contribute to a reduction in recidivism and a maximization of public safety given that parole procedures see thousands of people at any one time serving prison sentences in the community?

4. Chairpersonship.

A great deal is known these days about skill in so chairing meetings of a number of individuals with disparate skills and personalities to best achieve organizational goals. This is my observation: meetings at The Authority always are chaired by judicial members; throughout their careers, judicial members largely have worked in isolation; some of them are not very good at chairing meetings; one or two with whom I've worked have appeared to me not very interested in the opinions of members whose opinions differ from their own. [redacted]

ISSUE FIVE : Is the current means of chairing meetings at the Authority calculated to give best contribution to the skills and knowledge of Authority members?

5. Evaluation.

Great weight is given by panels to the question of the courses completed by applicants for parole. So far as I can establish, none of those courses ever has been subject to appropriate educational evaluation. In other words, we are spending a lot of money to run courses for inmates, we are releasing them because they have completed them, refusing them if they have not without a shred of evidence as to whether the courses have any impact on the possibility of re-offence.

Seems pretty silly to me.

ISSUE SIX: Is there a case for a cycle of evaluation of the courses being offered to prisoners with the intention of reducing recidivism? Is this process, absolutely normal in well-structured teaching/learning situations, a vital issue to community well-being?

6. Availability of courses.

While this is a Corrective Services issue rather than one relating to the responsibilities of The Parole Authority, it is noticeable that, not uncommonly, inmates apply to do courses virtually at the time of incarceration, only to find that they have reached their earliest release date without the course coming available. This regularly poses dilemma for members of the Authority.

ISSUE SEVEN; Should a means be investigated (perhaps drawing on the skills available through TAFE) to guarantee that inmates have access to membership of courses to address offending behavior within a reasonable waiting time? (At present, waits of four years for some courses are not uncommon).

7. Rescinding of Revocation.

As earlier has been mentioned, a parolee whose parole has been revoked may apply to be heard at public hearing to request that the revocation be rescinded. In my time at the Authority it was clear that there were quite different attitudes towards rescission on the part of the two most senior judicial members, so that rescission was very likely if one chaired a hearing, far less likely if the other did. It was my impression that one of the judicial officers had a zeal to remove prisoners from jail, or to return them to parole, in my opinion at times at threat of public safety. In any case, clearly, there has not been consistency in the matter at The Authority, consistency, in my view, being an aspect of justice.

The Act provides that Authority members may, with the supervision of The Attorney, develop guidelines regarding the granting of parole and rescission of revocation. Through the channels of The Authority I sought to create the negotiation of such guidelines. I was unsuccessful.

Issue eight; Should Authority members, with the approval and guidance of the Attorney, develop guidelines for the granting of parole and the rescission of revocation? Or should, as is currently the case, individual panels, under the chairpersonship of individual judicial members, make their own decisions without reference to the other opinions and attitudes within The Authority?

8. Prisoners facing extradition.

Sometimes parole is considered for inmates who, upon release, will be extradited to a home country. When this happens, no supervision of parole is possible and , in effect, a sentence is shortened, since prisoners on parole still are serving their sentences, though that is happening in the community.

Again, different views as to how to proceed exist between those in senior positions at The Authority. My effort to have guidelines created to resolve the matter have not been successful.

ISSUE NINE: Should the Authority negotiate guidelines to deal with this matter, which clearly evokes considerable community concern when it emerges?

9. The CCMG.

Former Commissioner of The Department of Corrective Services, Mr Ron Woodham, created the CCMG in an apparent attempt to provide supervision of the most dangerous of parolees outside office hours. Given that these people are serving prison sentences in the community, and that two or more appointments might be missed with supervisors before a matter is reported to SPA for consideration of revocation of parole, this structure always seemed a sensible-enough provision to me. Parolees may be quite dangerous to community safety, as recently we have seen.

The Attorney General decided on the disbanding of the CCMG last year. The reasons for that decision were never expounded publicly. The most recent state budget saw a reduction in the number of Probation and Parole officers.

[redacted]

[redacted]

[redacted]

ISSUE TEN : Was the nature of decision-making that led to the disbanding of the CCMG evidence based, or an example of the influence of the limited base of advice which the AG allows himself? Should the CCMG be re-instated? Does the Attornet make decisions on the basis of the best possible collection of evidence?

Noel Beddoe,

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