



YOUR REFERENCE

DATE

16 December 2013



Paul McKnight  
Executive Director  
Law Reform Commission of New South Wales  
DX 1227 Sydney

Dear Mr McKnight

### **Parole Question Papers 4 and 5**

Thank you for the opportunity to comment on question papers 4 and 5 issued in your reference on Parole. As was the case with the first three papers, the ODPP has no practical experience in regard to most of the issues impacting and the processes relating to the grant of parole, we are limited as to what we can make informed comments on. Accordingly we will limit our response to the following:

#### **Question 4.8 – Back-end home detention**

We agree that the model proposed by Corrective Services for back-end home detention addresses the concerns about back-end home detention and truth in sentencing. We support the introduction of back-end home detention along the lines suggested.

#### **Question 4.9 – Day Parole**

Day Parole could be of some benefit in NSW, it could for instance be appropriate and beneficial to prisoners who are able to return to employment or have particular reasons and need to be in contact with a supportive family and relatives i.e. where there are clear benefits of reintegration in this way to both the community and the prisoner. Although if Day Parole were limited to this group it may well be that the cost of administration would not justify its introduction.

#### **Question 4.10 – Re-Entry Courts**

In our view the Drug Court already operates as a re-entry court for the group of offenders most likely to benefit from a re-entry court structure. Any expansion of a re-entry type of parole should be considered as an expansion of the Drug Court rather than setting up a new jurisdiction.

#### **Question 5.3 Revocation in response to reoffending**

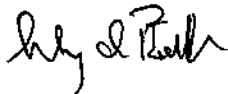
In our view there would be merit in the CAS Act providing that parole is automatically revoked if a parolee is sentenced to a new period of full time imprisonment. There is often uncertainty when a parolee appears for sentence on a fresh offence as the sentencing court does not know what the Parole Board is going to do about the breach. This can cause some doubt about what sentence to impose if the sentencing court is not minded to impose a further

full time custodial sentence. Clear guidelines as to the type of factors that the Parole Board takes into account in revoking parole would assist the sentencing court in this regard.

**Question 5.13 Making breach of parole an offence**

We do not support making breach of parole an offence. We cannot see that there would be any increase in a deterrent effect of creating an offence, on the contrary to do so could have incremental detrimental impact generally on the prison population and specific detrimental effect on prisoners.

Yours faithfully



**Lloyd Babb SC**

**Director of Public Prosecutions**