

QUESTION PAPER 4

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?

The case plan prepared by the Community Corrections Officer (CCO) at the beginning of the sentence should be followed up at 6 monthly intervals (at least) to ensure the case plan is being adhered to, and to address any changes in behaviour or placement of inmate by ensuring the inmate is able to complete the program/s nearing his/her early release date (ERD).

Question 4.2: Role of the Serious Offenders Review Council

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

CCO involvement should be considered. Currently the CCO is not involved in the case management plan.

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?

Nil response

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

Nil response

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?

Nil response

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

Nil response

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?

Inmates on short sentences could be given priority to complete short offence targeted programs or training programs to assist them in gaining employment.

Question 4.6: Pre-release leave

How could pre-release leave programs be improved to:

(1) Prepare offenders sufficient for life on parole, and

Nil response

(2) Ensure offenders can access pre-release leave prior to parole?

Paragraph 4.61 of the Paper provides that, 'although escorted leave may be a valuable tool for helping institutionalised offenders become accustomed to public spaces outside correctional complexes, unescorted leave is likely to be much better preparation for life on parole.'

Assistance in adjusting to society may be best provided by an escort, who can lead by example and monitor the progress and welfare of the offender, would be of great benefit. That a sponsor be, 'able to assist the offender to re-assimilate into family and community life, be able to convey the offender to and from the correctional centre, have known the offender from outside the correctional environment, be a person of integrity and preferably also be a mature family member' is appropriate. The NSW Police Force does not support relaxing the rules that govern decisions on prisoner classification and the appropriateness of sponsors.

Question 4.7: Transitional centres before release

(1) How effective are transitional centres in preparing offenders for release on parole?

Nil response.

(2) How could more offenders benefit from them?

Offenders released from a structured environment into a chaotic or unstable home environment often reoffend and return to prison. Inmates who do not have suitable post release accommodation should be released into these transitional centres to assist them into re-integrating and reduce the risk of recidivism.

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?

The NSW Police Force supports the CSNSW proposal for a back-end home detention scheme, but not a variant to that scheme. It may reduce the effect of institutionalisation and facilitate re-integration, obtaining employment, addressing offending behaviour by attending programs not available in custody and re-establishing community support networks. The details of any variation on the proposal should be subject to Justice Cluster consultation.

Question 4.9: Day parole

(1) How could a day parole scheme be of benefit in NSW?

Consideration may be given to the Canadian model for day parole.

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

The scheme should look to preserve truth in sentencing by requiring the accused person to request that the sentencing judicial officer consider allowing day parole at the time of sentence.

Question 4.10: Re-entry courts

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

The NSW Drug Court is currently operating as a re-entry court and any expansion of re-entry criteria should be considered within the framework of the Drug Courts. See also the response below.

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

This should be considered within the operational sphere of the Drug Courts. Re-entry courts should not be permitted to make orders releasing a prisoner before the expiry of the non-parole period. This would compromise the principle of truth in sentencing and act as an inappropriate quasi appeal mechanism.

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

No. The re-entry model should be retained within the judicial jurisdiction.

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

See answer to (3).

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?

CCOs should be involved in the planning and preparation to ensure that offenders have completed relevant programs to address offending behaviour and reduce recidivism. If on a court based parole order, a program pathway in the community should be designed for the inmate prior to release. In the majority of cases (court based parole orders) the CCOs get involved only a few weeks before release to ensure the inmate has suitable post release accommodation. This can prove to be too little time for CSOs to make a valuable contribution.

Question 4.12: Conditions of parole

(1) How could the three standard conditions that apply to all parole orders be improved?

Current standard conditions appear adequate.

(2) Should the power of sentencing courts and SPA to impose additional conditions on parole orders be changed or improved?

Current powers of courts and SPA adequate.

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?

Nil response

(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.

Nil response

Question 4.14: Duration of parole supervision

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

Current practices appear effective.

Question 4.15: Information Sharing and compliance checking

(1) How sufficient are:

(a) Current information sharing arrangements between Corrective Services NSW and other agencies (government and non government) and

Current information sharing between the NSW Police Force and the Department of Corrective Services is centralised to the Corrections Intelligence Group (CIG). This section has online access to NSWPF's primary database COPS to facilitate the sharing of information.

Information sharing with CCOs is often ad hoc and may be subjective. The CCOs use the information sharing arrangements to identify offences committed by the parolee, whilst police officers use the information for law enforcement purposes.

(b) Compliance checking activities undertaken by Community Corrections?

Nil response

(2) What legal obstacles are blocking effective information sharing between Corrective Services and other agencies (government and non-government)?

The NSW Police Force and Corrective Services regularly share information and intelligence.

Question 4.16: Electronic monitoring of parolees

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

Nil response

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

With an increase in electronic monitoring comes the need to increase resources to monitor offenders. There is a high degree of public interest in monitoring high risk offenders, but it can also be viewed as an impediment to re-integration. There is a need for electronic monitoring, but the extent and scope of it requires extensive stakeholder consultation. It is critical that the Justice Cluster be satisfied that any electronic monitoring system is reliable before being implemented

Question 4.17: Workload and expertise of Community Corrections officers

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

Nil response

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

Nil response

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

Nil response

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?

Nil response

Question 4.19: Programs for Parolees

What level of access should parolees have to rehabilitation and other programs while on parole? Do parolees currently have that level of access?

Nil response

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

Nil response

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

Nil response

Question 4.20: Barriers to integrated case management

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

Nil response

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

Nil response

(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?

Nil response

QUESTION PAPER 5

Question 5.1: Exercise of discretion in reporting breaches and SPA's lower level responses.

(1) What level of discretion should Community Corrections have to manage breaches of parole (or certain types of breaches) without reporting them to SPA?

Nil response.

(2) What formal framework could there be to filter breaches before they are reported to SPA?

Any formal framework should be expressed in legislation. All breach reports should be via the Director for that region and any action instigated by the Director (warning letter) should be part of a response considered by SPA when a request for revocation comes before it.

(3) What lower level responses should be available to SPA? What lower level responses should be included in the CAS Act?

One warning for non custodial convictions and one warning for any breach of a condition may be appropriate for inclusion in the CAS Act. However if a parolee commits a criminal offence whilst on parole, it should be regarded as a material breach and not subject to any lower level response.

Question 5.2: Response to non-reoffending breaches

(1) Should there be any changes to the way SPA deals with non-reoffending breaches.

Yes. For non-reoffending breaches, the SPA should have the option of revoking parole and re-instating it after the parolee spends four weeks in custody. The release should not be automatic but subject to a suitability report by the CCO.

(2) What immediate sanctions short of revocation should SPA have available to respond to non-reoffending breaches?

After a SPA warning the next sanction should include revocation.

(3) Should SPA be able to revoke parole for short periods as a way of dealing with non-reoffending breaches?

Yes

Question 5.3: Revocation in response to reoffending

(1) What changes should be made to improve the way SPA deals with parolees' reoffending?

Parole should be automatically revoked if a parolee is sentenced to a new period of full time imprisonment. If a parolee commits a criminal offence whilst on parole, it should be regarded as a material breach and not subject to any lower level response.

(2) What provision, if any, should be made in the CAS Act to confine SPA's discretion not to revoke parole?

A presumption that parole will be revoked once a parolee is convicted of any new offence that carries a term of imprisonment as a maximum penalty. Automatic revocation following a new conviction for a violent or sexual offence or the possession or use of a prohibited firearm or weapon may be appropriate.

Question 5.4: Date of revocation and street time

(1) What further restrictions should be included in the CAS Act on selecting the revocation date?

The revocation date should be the date of the breach.

(2) What changes, if any, should be made to the operation of street time?

If the interstate offence was not committed whilst on parole for a NSW offence, SPA should be given the power to make a determination on whether the sentence for the offence committed interstate - if handed down in NSW at the time of sentence for the NSW offence - would have been concurrent or cumulative. If the latter, it may be appropriate that time spent in custody interstate be added as street time.

If the interstate offence was committed whilst on parole for a NSW offence, it may be appropriate that time spent in custody interstate should be added as street time. However the SPA should be able to reduce the amount of street time on its assessment of how much longer the accused person would have spent in custody in NSW should the offence have been committed in NSW.

Question 5.5: Review hearings after revocation

Should reviews of revocation decisions only be available if SPA considers that a hearing is warranted? If so, why?

Nil response

Question 5.6: Rescinding revocations to allow completion of rehabilitation programs after fresh offending

What provision should be made in the CAS Act in relation to how SPA's decision making should interact with rehabilitative dispositions in response to fresh offending.

In the majority of cases, the SPA stands the matter over for the court outcome and the revocation is rescinded if bail is granted or the inmate is accepted in to the Drug

Court Program. This issue may be better addressed if the revocation is confirmed and parole re-instated under Manifest Injustice to enter a rehabilitation centre

Question 5.7: Appeals and judicial review of SPA's revocation decisions

Should there be any changes to the mechanisms for appeal or judicial review of SPA's revocation decisions?

Current mechanisms appear appropriate.

Question 5.8: Reasons for SPA's decision

What changes could be made to the manner or extent to which SPA provides reasons for its decisions in revocation matters?

Current practice is effective and transparent.

Question 5.9: Emergency Suspensions

What improvements could be made to SPA's power to suspend parole?

Current legislated reasons are sufficient and effective.

Question 5.10: SPA's power to hold an inquiry

Should SPA use s169 inquiries more regularly? If yes, how could this be achieved?

Current use of s169 appears appropriate.

Question 5.11: Information Sharing

What changes could be made to improve the way that agencies in NSW share information about breaches of parole?

Currently, a CCO finds information on a parolee by contacting the local intelligence officer at a Local Area Command or checking the justicelink system for any new charges. The difficulty with just checking justicelink is that it only shows if the parolee has been charged; it does not show any pending charges or incidents under investigation.

Question 5.12: Role of the Serious Offenders Review Council

What role could SORC have when SPA decides to revoke or rescind parole for serious offenders?

SORC should have a role when a serious offender's parole is revoked and the SORC should be given the opportunity to make a submission at the Review Hearing. Once the serious offender is revoked, management should be given to SORC and a review hearing granted only if supported by the SORC.

Question 5.13: Making breach of parole an offence

Should breach of parole be an offence in itself? If breach of parole were to be an offence, what should the maximum penalty be?

No. When parole is revoked the offender is serving the remainder of the sentence.

Question 5.14: Reconsideration after revocation of parole

How should the 12 month rule as it applies after parole revocations be changed?

The 12 month rule as it applies should be changed to reflect the circumstances of the breach and to assist the offender's reintegration. The current 12 month rule is very punitive and inflexible. The 12 month rule should be able to be reduced if not to do so would result in manifest injustice. Removing the 12 month rule will give the SPA the flexibility to ensure that the offender's parole is reinstated if it is in the public interest.

The time at which the offender should be able to apply for parole re-instatement should depend on the length of the further sentence, i.e. if an offender with a remaining two year term of parole commits an offence on parole and receives a six month term of imprisonment, following which their parole is revoked, they should be able to apply for parole re-instatement after serving the six month term. No offender should be able to apply for reinstatement of parole before the end of serving three months in custody following revocation of parole.

Question 5.15 Breach processes for ICOs and home detention

What changes should be made to the breach and revocation processes for ICOs and home detention?

The current processes are appropriate.