

# **PROBATION AND PAROLE OFFICERS' ASSOCIATION SUBMISSION ON PAROLE**

## **QUESTION PAPER 4 REINTEGRATION INTO THE COMMUNITY AND MANAGEMENT ON PAROLE**

The Probation and Parole Officers' Association of NSW (referred to in this document as 'the Association') welcomes the opportunity to make a submission in response to the NSW Law Reform Commission's Parole Review Questions Paper 4. The submission begins with some introductory comments before addressing the nominated questions in the papers.

### **INTRODUCTORY COMMENTS**

The questions of re-integration into the community and management on parole are integral to the work and practice of Probation and Parole Officers in NSW, now known as Community Corrections Officers to more accurately reflect the scope of their duties, are responsible for the supervision of offenders subject to a variety of community-based correctional orders. Additionally, they provide advice to sentencing and releasing authorities, both in terms of offenders' suitability for community-based orders and in respect of their compliance with the conditions of liberty.

The NSW legislation governing the duties of Community Corrections Officers primarily concerns the Crimes (Sentencing Procedures) Act and the Crimes (Administration of Sentences) Act.

The Association has considerable expertise in the administration of parole in NSW and seeks to inform the NSW Law Reform Commission's review. It agrees that the review should focus on what improvements can be made to the parole. As a peak body for practitioners, the Association emphasises that legislative review in this area requires competent, informed technical analysis, based on research and other evidence. While broader political and media considerations are both relevant and important, the Association underlines that these should not be the dominant influences in shaping social and legislative policy.

The following comments view the issues raised in the Question Paper from the perspective of the practitioner. These comments do not purport to represent Corrective Services NSW (CSNSW), although a copy of this submission will be provided to the relevant Assistant Commissioner.

The comments are referenced to the relevant section of the Question Paper.

## Question Paper 4

### *Question 4.1 Case management of offenders in custody*

**(1) 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 Association recognises that the primary concern of custody is the safety of the broader community. Within the definition of 'community safety' lies both the detention and containment of men and women who are prone to anti-social, sometimes dangerous acts, as well as the imperative to release inmates with better resources and capabilities for law-abiding lives.

The criminology literature refers to two deleterious general processes that promote deviance – 'criminalisation' and 'prisonisation'. Both these cultural dynamics promote the creation of crime and criminals. They relate not only to organised crime syndicates but also to the manner in which the justice institutions label and process the men and women who commit acts to bring them within the control and intervention of those agencies. More than labeling citizens as 'offenders' and 'criminals' these institutions, often unintentionally, perpetuate and maintain self-beliefs that are conducive to further offending. Justice agencies are merely the agents of the broader community, but their practices directly impact upon the experience of those drawn within the criminal legal jurisdiction. Thus the practices of justice agencies are pivotal to not only detection, but also rehabilitation.

In the case of custody, the herding and confining of criminals perpetuates associations, values and beliefs to the extent that prisons often act as 'universities of crime'. Certainly the placement of younger offenders in the company of older recidivist criminals is one such highly questionable practice that, rather than deterring further offending, often promotes the transfer of contacts, networks, skills and techniques promote and prolong criminal careers.

It is true to say that the inmate population does not consist entirely of those who are dangerous to society. Many inmates have committed property crimes or frequently driven without a licence. Persistence in illegal behavior often results in imprisonment in the context that community-based alternatives have been tried without desistence.

One particular concern in relation to offenders on remand is the increasing instance whereby the offender is transported to court from custody and receives a back-dated sentence and released from court immediately to parole. The offender is not allowed back onto the escort truck for the purposes of being taken back to the correctional centre to collect his personal belongings, which include identification and cash. If the matter has been dealt with later in the day at an outer metro location such as Penrith, Gosford or Wyong, the offender is left to his own devices to deal with his circumstances. This leaves the offender vulnerable and at an increased risk of re-offending.

In these cases, there has been a failure in 'Throughcare' and it is not uncommon that the first information Community Corrections receives about a parole release is when the offender rings the counter bell at the local office, asking for assistance to collect his belongings from the MRRC and announcing that he is on parole. It can take several days and even weeks for the parole order documents and case history file to progress from the court to the correctional centre, and then to Community Corrections for registration.

The practice of releasing offenders on back-dated sentences needs to be reviewed in relation to the offender's needs and immediate circumstances so that release to parole occurs as a transition back into the community.

The other key practical consideration is that suitable post release accommodation and other basic facilities and services are in place when offenders are released from custody. CSNSW's Throughcare policy attests to the importance of critical services and support being in place when the inmate is released to liberty, either conditional liberty (parole) or unconditional. There is a substantial body of research that attests to the importance of accommodation as a factor that promotes social stability. The loss or absence of accommodation promotes instability. It is, therefore, vital that inmates have immediate access to suitable accommodation upon release. Many inmates are able to return to their families upon release. But for those inmates who lack social support or have obvious limitations on where they can reside<sup>1</sup> and will be subject to parole supervision, parole officers currently spend an inordinate amount of time simply finding a bed. CSNSW had partially addressed this problem with Community Offender Support and Program centres (COSPs). The recent closure of some of these facilities has augmented an already intractable problem. But there can be no doubt about the importance of this single factor of the initial address and area to where an inmate is released.

Similarly, inmates require immediate access to their clothes and property, money, accommodation, and other forms of support. Consequently, it is also important, for example, that Centrelink visit the correctional centre to ensure payments are set up for the inmate's release; that medication, for example, anti-psychotics or opioid substitutes (including methadone) be organised prior to release. When inmates are taken to Court and ordered to be released, these many practical problems follow.

While CSNSW has a limited number of reception goals, it releases inmates from all correctional centres. So the onus is on each correctional centre to have resources and procedures in place to address these transitional issues, according to CSNSW policy.

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<sup>1</sup> The most common example is offenders who commit sexual offences against children and are subject to the conditions of the child protection register. CSNSW has a policy that these offenders do not reside within areas where children congregate, without high level approval.

## **Question 4.2**

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

The Association regards the Serious Offenders Review Council as a valuable asset that progresses serious offenders through sentences to release. Its presence demarks NSW from other states and territories, which were recently criticised publicly.<sup>2</sup> If anything, the role of the Serious Offenders Review Council should be expanded or enhanced, certainly not curtailed.

## **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?**

Demand clearly outstrips the supply of offender rehabilitation programs in custody. CSNSW runs some commendable and effective group programs, including the Violent Offenders Therapeutic Program and the Sex Offenders Treatment Program. These two programs are well constructed and resourced, but only a relatively small number of inmates complete them.

In recent years, CSNSW has increased the range of programs in custody, with some success, and is presently re-structuring with a view to making further improvements. Over a ten year period, CSNSW has greatly improved many inmates' capacity to adapt to normal, lawful community life through offence-based programs, education, visits, and very practical means like providing birth certificates. A compulsory drug treatment program has been established in recent years and works release programs continue to channel inmates towards release to the workforce.

The Association also notes the CSNSW inmate reception and screening processes which identify intoxication, withdrawal symptoms, mental instability and risk of harm. CSNSW recognises cultural differences including dietary and religious preferences.

However, the Association notes that CSNSW perpetuates many unfavourable situations by limiting offence-based programs to sentenced inmates, meaning that inmates on remand remain largely untreated. The other *meta-problem* is the perpetual movement of inmates from centre to centre caused by increasing inmate numbers. CSNSW has recently implemented a project to reduce these movements to control its costs, but the Court's practice of short and back-dated sentences frustrates and negates these efforts. CSNSW also limits the times and opportunities when inmates might attend programs through its structured days and the amount of cell-time. Custody is a regulated environment and the manner in which it is regulated favours security and cost considerations above all

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<sup>2</sup> Notably the Victorian review of parole in 2012, following the murder of Jill Meagher by Adrian Bailey.

others. The political will to redress this imbalance is not bolstered by the mass media, with many commentators arguing the very opposite. Consequently, public support for higher levels of rehabilitation, while necessary to improve the broader society and supported by research, is ambivalent.

The Association also notes that inmates often dissociate from efforts to assist them, for various reasons, including peer pressure, frustrating rehabilitation plans and service providers alike. It is often a series of battles to persuade and convince an inmate to contemplate an initiative, to make a commitment, to maintain that commitment and to commit to completion.

Nonetheless, the current situation could be markedly improved, but would require shifts in custodial management culture and a degree of increased resources.

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

Most importantly, the supply of programs needs to increase. Perhaps the nature and regulation of custody also needs to change to allow greater participation, notably of unsentenced inmates. The design of correctional centres reflects the priorities of security and (to a lesser extent) cost minimisation, which is particularly evident in the design of maximum security facilities. However, it is possible for facilities to be designed to better facilitate participation in rehabilitation programs.<sup>3</sup>

***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 re-integration when released on parole?**

There is a considerable literature that demonstrates social disadvantage amongst inmate populations and how programs that raise education and work skills can redress these deficits. The links between social disadvantage and offending are more evident in some cases than others. Some offenders have few problems participating in the workforce, but others experience profound difficulties.

Similarly, many offenders have profound educational deficits, largely because of unsuitability or inability to respond to the classroom setting. This can be caused or compounded by perceptual or learning difficulties, which are sometimes well diagnosed and documented, but often not. For the majority of inmates, like the corresponding populations that they come from, practical, 'hands-on' learning which is skill-based, rather than conceptual, provides a pragmatic solution. Transferability of skills from custody to the community is a key consideration, so

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<sup>3</sup> CSNSW and the Designing Out Crime Centre embarked on a project which gives an indication of what can be achieved. See <http://newsroom.uts.edu.au/events/2014/05/thinking-inside-box> Accessed 12/05/2014

the role of industry greatly assists. The 'Gloria Jeans' staff training program at Dillwynia is a sustainable model, worthy of replication. A key element of this program is the employer's attitude to staff with criminal convictions, which removes this as a potential barrier to employment after release.

It is conceivable that business and other community agencies could play a far greater role in developing and working with inmates, though this would necessarily imply some changes and adjustments to custodial operations.

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

Some of the opportunities afforded to some inmates are highly effective. But, as stated earlier, demand clearly outstrips supply. In education, inmates rely heavily on distance learning, which requires certain levels of literacy and entails a learning style that is suitable for some, but perhaps not most inmates. For those suited to distance learning programs, long periods of cell-time assist and promote study, but the same cannot be said for employment, attitude and cultural programs, which require far greater levels of human interaction.

The gap between the work hours offered inmates and those they would be expected to undertake in similar work roles in business has widened markedly over the past two decades. Australians, compared to other countries, are spending a lot more time at work, but the custodial setting has not mirrored this broader demographic trend.

As stated earlier, advances in rehabilitation programs can easily be undermined by transfers of inmates between correctional centres across NSW. Inmates also may be transferred from the major metropolitan centres to regional locations, such as Goulburn, Bathurst and Lithgow, creating an increased sense of dislocation through the inability of family or friends to visit. This affects inmates to varying degrees, but probably impacts upon indigenous inmates most harshly.

CSNSW's lack of support for cultural programs is a further concern for Aboriginal, Maori, Fijian, Tongan, Samoan and other indigenous communities. The inmate population reflects migration trends in the broader community. While it recognises specific cultural religious and dietary practices, beyond this, the particular problems of migrants and inmates from migrant families do not appear to be addressed in an overt and systematic manner.

It needs to be recognised that Corrective Services Industries operates specific programs in a limited number of correctional centres for a limited number of inmates. It is a model program for CSNSW, but does not encompass or provide opportunities for the 11,000 plus unsentenced and sentenced, male and female inmates within the NSW prison system.

### ***Question 4.5 Short sentences and limited time post-sentencing***

**How could in-custody case management for offender serving shorter sentences be improved to reduce offending and improve their prospects of reintegration on parole?**

The discussion of short sentences cannot be separated from unsentenced inmates and the greater use of custody as a means of incapacitation, treatment or for punishment. Custody provides a range of experiences for inmates and its use is far more diverse than 'as punishment' or on remand.

Further, the limited resources for programs and resources in custody evoke responses of prioritisation and delay. If greater levels of services and programs were available, these responses would be less required and more may be achieved in preparing inmates with short sentences for release. Addiction, accommodation and mental health problems need to be better addressed prior to release.

The introduction of the new Bail Act (2013) may impact favourably on the remand population, through its revised procedures. But the likelihood is that various recent trends will, in the main, continue, as the revisions to the bail act were intended to improve the equity of bail decisions, not to specifically reduce the remand population.

So the solution to the problem of providing better prospects for those serving short sentences will remain in the hands of CSNSW. The sorts of options that should be explored relate to classification rules and procedures; the use of maximum security for all remandees, irrespective of risk assessment; and the limited supply of services and programs.

There is an array of options, including placing an obligation upon CSNSW to engage in custodial case planning from an early point. However, such an approach has notable cost and operational implications. CSNSW presently directs its services towards satisfying duty of care obligations, of which self-harm, harm to others, health crisis, addiction, withdrawal and mental health crisis are the greater priorities. It is conceivable that smaller, purpose-built remand facilities with varying security levels would provide better environments for short sentence inmates.

### ***Question 4.6 Pre-release leave***

**How could pre-release leave programs be improved to:**  
**(1) prepare offenders sufficiently for life on parole; and**  
**(2) ensure offenders can access pre-release leave prior to parole?**

As noted in the Question Paper, there a number of difficulties for inmates seeking pre-release leave. Within these, the notion of unescorted leave is particularly sensitive to media scrutiny and inconsistent with community perceptions of safe, secure custody. Yet, the context of custody varies considerably and must be

administered in a cost-effective and constructive manner that incorporates the interests of rehabilitation, as well as other broad community interests, rather than on the basis of a singular risk-averse approach. In some cases, access to pre release leave greatly assists transition to the community.

While the Association supports a diverse definition of custody, there is value in clear differentiation between the security levels of custody, home detention and parole. Retaining distinctions in these contexts assists the legislature, the courts, administrators and the general public to understand and administer the adjudications of the courts. Having said that, technologies such as electronic monitoring (EM) and closed circuit television (CCTV) could markedly alter the traditional definitions of custody. For example, it is conceivable that, when combined, these technologies permit a residence or other community-based premises to be established as a custodial environment for a given person.

One approach to the problem of access to pre release leave would be to empower the courts to specify a custodial period, a pre-release transitional period and a parole supervision period. This would extend the components of a sentence from two components to three. Its advantage would be to extend truth in sentencing, to provide sentence administrators with clarity as to which inmates to place in pre release programs and when. Such a scheme requires further definition as to its administration. For example, once the custodial period expires, the inmate progresses to the pre-release transitional period, which would incorporate various forms of leave and program conditions. Would these be administered by custodial staff or an independent authority. What would be the authority to deal with breaches of conditions and what would be their consequences? Would breach of parole then result in a return to the pre-release transitional centre or custody?

Another approach might be to proclaim a general entitlement to pre release leave within the six months prior to parole release. But there would be numerous problems and inequities in such a proposal. A prescriptive entitlement reduces incentives to earn such a privilege. Long-term inmates might benefit from a period in excess of six months. Retrospective application to sentences would create various inequities and administrative complications, confusing inmates and the general public alike.

#### ***Question 4.7 Transitional centres before release***

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

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

The role of transitional centres clearly relates more to women than men in NSW. The closure of numerous Community Offender Services and Programs (COSP) centres in 2014, while well targeted as a cost-saving measure, augments the problem of transitional accommodation, particularly for men. CSNSW has implemented interim measures with not-for profit organisations to address this gap and has conducted a tender process to establish a longer-term arrangement.



The Association highlights the need to retain distinctions between custody and parole contexts and the specific justification for the two existing transitional centres for women. It supports that justification as custody affects some women and their children in a particularly adverse manner. Aboriginal women and women with babies, infants and young children have strong claims for a markedly altered custodial setting, that reduces the impacts of incarceration on their dependents. The Association supports the expansion of such programs.

If transitional centres were a form of pre-release transitional programs as outlined in the previous question, they could be extended to other women inmates and provided for men. There is a sense in which some of the COSPs became release centres for men who struggled to achieve offers of accommodation, notably perpetrators of sexual abuse of children, amongst others. Whether such COSPs should operate as transitional centres or parole release accommodation is a relevant point.

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

##### **Should the CSNSW proposal for back-end home detention scheme, or a variant of it, be implemented?**

The Question Paper outlines the schemes that operate in South Australia, the United Kingdom (UK) and the proposed scheme for CSNSW. The Association concurs with the reasoning of the Law Reform Commission. It supports all three models. The UK model has the advantage of regarding progression from custody to home detention as the normal passage of a sentence. The research and evaluation of the UK model supports its utility.

The Association concurs with the CSNSW proposal in that home detention be a component of the court adjudication, with the parole authority authorising progression to the program. The Association also supports home detention being a form of pre-release transitional program as outlined in the previous two questions. It further insists that home detention should be administered by community corrections, with breaches reviewed by the parole authority. By regarding home detention, pre-release leave and transitional centres as pre-release transitional programs, many barriers of distance and technology can be overcome. The problems of rural and remote areas may not be fully overcome, but would be partially addressed.

The Association also supports the UK model's element of making home detention available to any custodial sentence from three months to four years, apart from certain prisoners, typically some categories of violent and sex offenders. The expansion of home detention requires further definition and an economic appraisal of the proposal. Expansion of community corrections staff will be needed.

Both EM and CCTV could be applied to residences, but need not be mandatory elements. There are a number of constraints associated with the current technical infrastructure. At present, CSNSW does not have the equipment and

infrastructure available to make back-end home detention a viable sentencing option. The electronic equipment currently being used by CSNSW is outdated and antiquated. With the roll-out of the National Broadband Network (NBN), most metropolitan areas will not support the current equipment, which is over twenty years old and requires dedicated copper landlines. Overcoming these technical limitations will be critical widespread implementation of home detention. The NBN may facilitate use of web cameras and on-line conversations for interviews.

### ***Question 4.9 Day parole***

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

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

The Association notes the merits of such as proposal, but makes no submission at this time.

### ***Question 4.10 Re-entry courts***

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

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

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

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

The Association notes the merits of re-entry courts, but notes that such as scheme would have a large number of impacts on existing practice. It make no further submission at this time.

### ***Question 4.11 Planning and preparing for release on 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?**

Throughcare and placement officers (TAPO) were utilised in Community offender support programs (COSP). The role has been deleted since the restructure and closure of COSP's. TAPO's could be reinstated within the custodial environment to network with Housing, Area Health and other community agencies to assist the Parole Unit transition the offender into stable circumstances on release.

Association members working in correctional centres are faced with ongoing challenges.

### **Question 4.12 Conditions of parole**

- (1) How could the standard conditions that apply to all parole orders be improved?**
- (2) Should the power of sentencing courts and SPA to impose additional conditions on parole orders be changed or improved?**

The Association makes no submission at this time.

### **Question 4.13**

- (1) Are there any improvements that need to be made to the intensity of parole supervision in terms of levels of monitoring and surveillance?**
- (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, interventions and referrals to services and programs?**

The Association comments that CSNSW has detailed policies in this area. Those policies purportedly assess the levels of risk that particular parolees pose to the community and prescribe corresponding levels of resourcing and contact. The Association emphasises that the use of the Level of Service Inventory – Revised (LSI-R) assesses the service levels needed for any given parolee but does not specify how much supervision that person receives.

The amount of supervision available to any given parolee is limited by the overall resources of community supervision, other services and the community as a whole. The Association regards the overall level of staffing and other resources applied to community corrections as inadequate. Community corrections practice and effectiveness are limited by the resources that can be applied to each parolee. Because the overall resource base is limited, CSNSW has extensive policy and procedures to assess and prioritise cases. Further the workload of a Community Corrections Officer is typically an amalgam of Pre Sentence Reports, probation supervision, intensive corrections orders supervision and parole supervision. Research guides and assists the effectiveness of practice, but staff struggle with the volume and complexity of cases. While various efficiencies have been implemented, there has been a clear trend of work intensification, whereby each case requires additional tasks, checks, reviews, documentation, etc. Case management is dynamic - problems,

ambiguities and crises arise, diverting an officer's attention to those present demands.

The under-resourcing of community corrections is particularly evident when compared to the resources directed towards policing, courts and custody. Budget comparisons between detection, prosecution and rehabilitation provoke questions as to the need for a greater investment in community rehabilitation. By way of illustration, it is often reported that there are 13,000 operational police, 7,000 correctional officers, but barely 1,000 community corrections officers. As the analysis develops, the problem is better understood. Police and custodial staff work shifts with penalty rates, while community corrections officers do not, so the staff costs and costs of services further augment the imbalance.

Further comments in relations to resourcing are made in Question 4.17.

#### ***Question 4.14 Duration of parole supervision***

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

The extension of supervision and sentences is a controversial practice that is contrary to 'Truth in Sentencing' principles. The Association does not support such practices as it re-constitutes an arbitrary re-sentencing process, contravening natural justice.

A second aspect to this question is the limitation of three years parole supervision as a condition of orders. This period can be extended in exceptional circumstances by SPA, but not beyond the expiry date of the order.

#### ***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**

**(b) compliance checking activities undertaken by community corrections?**

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

This is a complex area as both state and commonwealth bodies are involved in compliance checks. The Association makes no submission at this time.

**Question 4.16 Electronic monitoring of parolees**

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

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

The Association considers electronic monitoring to be a defining feature of custody for Home Detention. Consequently, it is not in favour of the electronic monitoring of parolees, as this imposes a custodial component to parole, which is conditional release from custody to the community.

Various forms of electronic monitoring are proposed to monitor compliance with restrictions on place and associations. The Association makes no further submission at this time.

**Question 4.17 Workload and expertise of Community Corrections officers?**

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

The Association believes that parolees are being supervised more effectively now, compared to 18 months ago, when CSNSW had two supervision branches within the one organization with diverging practices, based on differing orientations. Some parolees were being supervised predominantly with surveillance and compliance activities, with limited referrals and case management. This work was undertaken by a group called the Community Compliance and Monitoring Group (CCMG), rather than by the Probation and Parole Service.

A review of the CCMG indicated that it was expensive and inefficient, over-serviced some offenders and under-serviced others. Its practices had little to no support from research, but enjoyed some popular support. In May 2013, the CCMG was effectively disbanded, with remaining staff joining Probation and Parole staff as the new Community Corrections division. This was formally referred to as the merger of Probation and Parole and CCMG.

Importantly, during the past 18 months, CSNSW has implemented a singular approach to risk assessment and management. That approach uses the Level of Service Inventory – Revised (LSI-R) and a second assessment of the consequences of offending to determine priority and resources. While there are many limitations to this method, it is superior to subjective or clinical assessments.

The other significant event that has occurred is the re-commencement of recruitment and training in October 2013. For many years, recruitment within Probation and Parole was spasmodic or suspended. Consequently, the organization relied on a temporary workforce, recruited by local managers and

not accredited to undertake the full range of Probation and Parole work. Recruitment to fill all current Community Corrections Officer vacancies begins a task of resourcing offices with trained and accredited staff. Training has also been reviewed to emphasise and develop skills, rather than knowledge of procedures. Some training in 'Pro-social modeling' has been incorporated.

Haphazard recruitment occurred not only in the appointment of trainee Probation and Parole Officers, but also Unit Leaders and Managers of various grades. This is important to explore further, as the standard of parolee supervision is determined not only by the supply and capability of Community Corrections Officers, but also their supervisors – Unit Leaders and Managers.

The merger of Probation and Parole and CCMG produced a middle management re-structure which resulted in retirements and redundancies of a quantum of experience managers and saw less experienced appointments to management at various levels. It also brought staff with differing orientations and practices together. Put in a polarized form, some staff retain an emphasis on compliance and surveillance, while others promote rehabilitation in the context of community safety. Risk appetites and tolerance vary considerably.

The merger of Probation and Parole and CCMG also produced the loss of some 200 staff positions. While the CCMG had over 300 staff positions, only 92 were estimated as necessary to effect the merger. The Association believes that this was a blatant underestimation and has exacerbated workload/resourcing imbalances in most offices.

The merger also resulted in displaced staff being appointed to vacant positions, negating merit selection. This particularly affected Unit Leader and Manager positions, where displaced staff were not required to compete with other Service staff. Conversely, competent experienced staff who were well equipped for promotion were prevented from applying for many unit Leader and Manager positions. Given that community corrections is a state-administered monopoly, the impacts of these appointments are felt for years.

Another factor to be considered is parole supervision is the competing demands of other core business programs, which, in a sense, divert resources and attention away from parole supervision.

Consequently, the Association believes that CSNSW has a long way to go in the proper resourcing of parole supervision, managing workload and developing the expertise of Community Corrections Officers. It has proposed a number of measures to address resource and capability problems, including the following three broad strategies:

- a) Proper resourcing of community corrections offices. The underestimation of resources in the merger, which saw the majority of community corrections offices receive CCMG cases with no additional staff needs to be addressed.
- b) Re-engineering the Pre Sentence, Intensive Corrections Order and Home detention assessments. This is a waste-reduction measure. At the

present time, the Courts may call for three separate assessments on successive occasions, rather than a single assessment on a single occasion.

- c) State-wide 'Pro-social modeling' training of Community Corrections Officers, Unit Leaders and Managers. This is needed to develop the skill and knowledge of staff along a consistent, research-based approach.

The Association also notes that policy, procedures and practice continue to be generated in a 'top-down' style rather than 'bottom-up'. That is, the voice and needs of operational practitioners are not being met effectively.

The Association has agreed with CSNSW to conduct CCO Development Days, but these do not constitute a program of staff development for CCOs over a period of years. Much of the organisation's training and development efforts are directed at primary training and assessing competency after the first year.

Community Corrections staff generally regard the past 18 months as a turnaround period, during which regressive supervision and recruitment practices were halted and more productive and rational approaches put in place. The Association argues that the fundamental role of community corrections officers is to supervise the orders of the courts and apply case management strategies that assist offenders to comply with the conditions of their orders. It also recognises obligations to inform the courts and SPA of breaches of conditions.

It endorses practice based on the 'What Works', 'pro-social modeling', 'good lives' and 'desistance' literature. It recognises that the formation of the Community Compliance and Monitoring Group was an experiment that had become expensive, inefficient and ineffective. The recent 18 months has provided a unified policy approach consistent with a Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation<sup>4</sup> and is a case management approach based on a social learning theory of crime. As such it posits that offending occurs because of various essentially social factors, which can be redressed or managed through case management strategies.

The professional development of Community Corrections Officers remains largely underemphasized, under-developed and under-resourced. This is particularly evident in comparisons with other occupational fields - medicine, the law, psychology, allied health professions, etc who have annual professional accreditation requirements.

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

Before proceeding to examine arguments for and against specialist teams, it is important to consider what categories of offenders are valid, relevant and

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<sup>4</sup> See [https://cpoc.memberclicks.net/assets/Realignment/risk\\_need\\_2007-06\\_e.pdf](https://cpoc.memberclicks.net/assets/Realignment/risk_need_2007-06_e.pdf) Accessed 26/02/2014.

meaningful. The criminological research literature tends to recognise such categories of offending as juvenile offenders, sexual offending, violent offending, domestic violence, drink driving, white collar crime, drug offenders, etc and community corrections uses such dichotomies as a means shaping case management strategies and perhaps group programs. The Association considers these categories as meaningful and valid as they relate to offending behavior, nominating specific aspects.

The criminological literature attests to programs and strategies that address factors that have a bearing on, if not cause, offending behavior. Some programs also reflect the sense that some aspects of offending are 'deviant' or portray 'damage' or 'inadequacy', which can be remediated. Contextual social factors such as homelessness, unemployment, poor budgeting, social isolation can similarly be redressed. Others again, seek to address cultural exclusion and disadvantage by focusing on culture and language as a means of repair and re-orientation, forming Aboriginal, Torres Strait Islander, Maori, Pacific Islander, or Arabic-speaking groups.<sup>5</sup>

However, CSNSW has postulated various nebulous and poorly defined terms - 'high risk', 'dangerousness', and even 'extreme high risk'. Such terms reflect the language of the tabloid media and relate more to the potential media publicity of bizarre or grotesque crime and the associated criticism of government agencies for not taking more, or earlier, or stronger action to prevent acts with tragic consequences. Such terms need to be scrutinized as to their meaning and implications. For example 'high risk' literally means high likelihood. Perhaps the unstated implied meaning is 'probability of offending' or 'probability of offending with serious consequences'.

In June 2012 the Association published 'High Risk Offenders Supervision Models: A Discussion Paper'<sup>6</sup> which clarifies the relationships between risk, need and the LSI-R. It also proposed a model which CSNSW adopted: to merge CCMG resources into district offices. It envisaged that further resources would permit greater specialization and supply of services. In many cases, additional field contact can promote quicker connections to services, detect offender inertia, or assure that important actions are being undertaken. At some locations, staff had, at earlier times, formed 'high risk' teams to redress parolees breaking down within the first three months of parole. However, such 'specialization' would need

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<sup>5</sup> See Morseu-Diop, N. (2010), *HEALING IN JUSTICE: An International Study of Indigenous Peoples' Custodial Experiences of Prison Rehabilitation Programs and the Impact on their Journey from Prison to Community*, PhD Thesis, School of Social Work and Human Services, The University of Queensland, <http://espace.library.uq.edu.au/view/UQ:210170>, Accessed 21/03/2014.

<sup>6</sup> 'High Risk Offenders Supervision Models: A Discussion Paper', Probation and Parole Officers' Association of NSW, June 2012. [http://www.ppoansw.com.au/top\\_left\\_sub\\_content.php?id=114](http://www.ppoansw.com.au/top_left_sub_content.php?id=114) Accessed 28/03/2014



to be constructed in a manner that promoted support and interactions with parolees, rather than fragmentation of services.<sup>7</sup>

At the present time, community corrections has a number of specialist roles at various offices – Drug Court, Court Duty, Community Service Organiser, Home Detention, etc. The Association also supports the formation of teams to deal with particular cases or cultural groups – high need, recent releases to parole, etc. It also makes sense to develop specialist services for particular populations – indigenous, some of whom may have a greater likelihood of re-offending.

However, it is important to differentiate between ‘high need’ and ‘high risk of re-offending’. Similarly, it is important to understand what CSNSW posits as high priority cases. It is conceivable that a number of offices across the state could form specialist case management teams based on the assessed needs of clients and/or the hypothesis that increased levels of contact and enquiries might either enhance positive case outcomes or prevent adverse case outcomes.

It is true that the amount of work that Community Corrections Officers can undertake with parolees is limited by the resources, particularly the staffing resources. Community Corrections Officers often state that they would work more effectively if they had lower caseloads and were able to undertake more field enquiries. There is a degree of frustration at being ‘deskbound’ and that more effective communication often occurs in homes, at workplaces, etc. There is no doubt that community corrections is under-resourced, compared to other agencies, such as police, education and health, even child protection. The Association contends that community corrections, particularly in relation to parolees, is constrained by workload and resources. At least two metropolitan offices established specific parolee caseloads and teams, in the past. But the current level of resources appears to have precluded resuming this developing area of practice.

**If specialist case managers were to be expanded, what categories of offenders should it be applied to?**

The Association has largely addressed this question in the previous answer.

***Question 4.18 Housing for parolees***

Research indicates that stable, supportive accommodation is one the most, if not the most, important feature immediately subsequent to release. This was addressed in the Association’s answer to Question 4.1. CSNSW has various partnerships with Housing NSW and non-government agencies. The closure of COSPs (discussed earlier) has seen more parolees released without stable

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<sup>7</sup> See Robinson, G. ‘What Works in Offender Management’, *Howard Journal*, Vol. 44 no. 3, July 2005, pp 307 – 318.  
[http://www.ppoansw.com.au/fckeditor/UpFilesimage/whatworksinoffender\(1\).pdf](http://www.ppoansw.com.au/fckeditor/UpFilesimage/whatworksinoffender(1).pdf) Accessed 21/03/2014.

accommodation. While it is acknowledged that this situation may not be resolved in all cases, it remains an area where further funding would assist the solution.

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