



PRISONERS REVIEW BOARD

Annual Report

For the year ended 30 June 2012



PRISONERS REVIEW BOARD

Attorney General
The Hon. Mr Michael Mischin, MLC

Foreword,

To the Attorney General,
The Honourable Mr Michael Mischin, MLC

In accordance with section 112 of the *Sentence Administration Act 2003*, I present to you the Annual Report of the Prisoners Review Board of Western Australia for the year ended 30 June 2012.

A handwritten signature in blue ink, appearing to read 'Robert Cock'.

His Honour Judge Robert Cock QC
Chairman
Prisoners Review Board
24 September 2012

In line with State Government requirements, the Prisoners Review Board Annual Report is published in an electronic format with limited use of graphics and illustrations to help minimise download times.



PRISONERS REVIEW BOARD

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About Our Annual Report

The Annual Report is the major publication produced by the Board. It complies with the requirements of the *Sentence Administration Act 2003* and is used to inform Parliament, Government, other agencies, the media and members of the community about the activities and achievements of the Board.

As well as fulfilling our statutory responsibilities, the Annual Report is an opportunity to explain the work and function of the Board.

Once tabled in Parliament, the Annual Report is available from our website at www.prisonersreviewboard.com.au



PRISONERS REVIEW BOARD

The Prisoners Review Board

(The Board)

On 26 March 2012 His Honour Judge Robert Cock QC of the District Court of Western Australia was appointed Chairperson of the Prisoners Review Board and Mentally Impaired Accused Review Board.



The Prisoners Review Board was established In January 2007 under the *Sentence Administration Act 2003* as an independent statutory body after the Mahoney Inquiry made a number of recommendations to improve the management of parole.

One of the key recommendations of the Mahoney Inquiry was that the safety of the community must be the paramount consideration in granting parole. The Mahoney recommendations focus the Board's decision making on the release considerations set out in section 5A of the *Sentence Administration Act 2003*. These are the factors that Parliament has identified as being relevant to the exercise of the power to release a prisoner on parole.

The Board meets at least six times a week to consider approximately sixty parole applications, reports of breaches of parole and requests to amend parole orders. Each meeting is chaired by either the Chairperson or a Deputy Chairperson and includes two Community Members, a Department of Corrective Services representative and a representative from the Western Australia Police Service.



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The Prisoners Review Board has jurisdiction over the following prisoner groups:

- A prisoner serving less than 12 months imprisonment where the court has ordered a parole period must apply;
- A prisoner serving 12 months but less than 2 years where the court has determined a period of parole may apply;
- Prisoners serving 2 years or more where the court has determined that a period of parole may apply;
- Prisoners sentenced to indefinite imprisonment. These prisoners are first eligible for parole after the completion of the minimum finite term of their sentence. In most cases, parole will be considered again every three years after that.

Since 2010 all new Board members, including new Deputy Chairpersons, are required to undergo a week long training programme before taking up their positions. The representatives from the Department of Corrective Services and the Police Service are also required to undergo training before making parole decisions. Professional development sessions are compulsory for all members. These are held regularly and the focus is on information directly related to the work of the Board.

The Board comprises members with a broad range of expertise and a variety of skills who are diverse in gender, culture, religion, race, beliefs, age, political affiliation and marital status. Periodic and careful recruitment of staff ensures the Board continues to deliver a high standard of service focussed on making informed, well reasoned decisions about release on parole.

Victim Submissions

The Board is required to consider the effect that the release of a prisoner would have on a victim, pursuant to the section 5C of the *Sentence Administration Act 2003* (SAA 2003). In addition, section 5B of the SAA 2003 states that, in reviewing a prisoner for early release, the Board must consider the safety of the community as the paramount consideration.

Valuable information regarding victims is provided to the Board from some of the Government's victim support agencies, in particular, from the Victim-Offender Mediation Unit and the Victim Notification Register.

Victims of crime are invited to write a submission to the Board in relation to a prisoner who has affected them. The Board acknowledges this can be a distressing and difficult process for victims of crime; however, all victim submissions are informative to the Board and victims are encouraged to make a written submission addressing either or both of the following:



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- The victim's opinion of the effect the release of the prisoner would have on the victim; and
- Make suggestions about the conditions they would like to see applied to a Parole Order in the event the prisoner is released.

Victim submissions are treated as strictly confidential and are bound by confidentiality guidelines outlined in the *Sentence Administration Act 2003*. In addition, victim submissions are not accessible to prisoners, even if they make an application through the *Freedom of Information Act*. The Board is obliged to have regard to any victim's submission received and to give the submission such weight as it sees fit. It is the policy of the Board that all victims should be treated with courtesy, compassion and respect for their rights and dignity.

During 2011/2012 the Board received 45 victim submissions. The Board is currently working with the victim support agencies to try and increase the number of submissions it receives.

PRB Website Publication of Decisions

One of the major consequences of the Mahoney Inquiry was the creation of a public-access website for the Prisoners Review Board, in line with the recommendation to make the Board's decision making process more transparent and accountable. Publication of decisions are approved by the Board's Chairperson. When the Chairperson considers it is in the public interest, including the interest of the prisoner and any victim, the decision is made public.

During the 2011/12 financial year the Board published on the PRB website 377 decisions and the supporting reasons.

www.prisonersreviewboard.wa.gov.au



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MESSAGE FROM THE CHAIRPERSON

2012 has seen a change in leadership at the Board. On 26 March 2012 I was appointed Chairperson of the Prisoners Review Board and Mentally Impaired Accused Review Board, succeeding Justice Narelle Johnson, of the Supreme Court, who held the positions for the previous 3 years. I am pleased to record my gratitude to her Honour for the work during her term in which she greatly encouraged a disciplined and principled approach in all Board processes, involving in particular, evidence based decision making. She has imposed her well known strong work ethic and clarity of thinking, and left for me many elements which I have been very pleased to inherit.

This change of leadership, together with a number of new appointments to the Board will, however, assist to invigorate the Board and, I hope, assist us in further improving our processes and the quality of our decisions. The beneficiaries of this will be all our stakeholders, particularly the community, by way of better acceptance and understanding of our important role in the criminal justice system.

The Board is established under and its functions are conferred on it by the *Sentence Administration Act 2003*. The Board considers prisoners for release from custody to early release orders, colloquially known as “parole”, sets or varies conditions of release and considers applications for the suspension and/or cancellation of early release orders. The Board also considers re-entry release orders and makes recommendations to the Attorney General about the release of and re-socialisation programmes for various categories of prisoners, predominantly those serving life or indefinite sentences.

In making the decision to release a prisoner on parole, the Board is required to apply the release considerations set out in section 5A of the *Sentence Administration Act 2003*. These are the factors that the Parliament of Western Australia has identified as being relevant to the exercise of the power to release a prisoner on parole. Essentially, after considering all the information available to it, the Board is required to make a risk assessment applying the factors under section 5A. The Board is further required to consider whether the imposition of any conditions on release could appropriately deal with any risk factors identified. The Parliament has also determined, as set out in section 5B, that the Board must regard the safety of the community as the paramount consideration. It can be seen that the legislation under which the Board operates requires it to consider the interests of the prisoner, the victim and the community. Often the competing interests of these three groups are not easily reconciled.

It is critically important that the members of the Board keep uppermost in their minds their obligation to consistently apply these release



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considerations and not to give undue or inappropriate consideration to factors which, although they may be a relevant consideration, do not over-ride the statutory requirements. This is in part achieved through regular professional development sessions with all members to identify and clarify for the members the operation of the relevant statutory provisions, as well as to identify for them and guide them in the application of the several legal rulings, from the Supreme Court and the Court of Appeal, of the last 2 years. Members also receive presentations on other relevant issues, to assist them address the other factors statutorily relevant.

Whilst there can never be true equivalence in all outcomes, because of the greatly varied circumstances of each prisoner, it is nevertheless a requirement that the same considerations are applied consistently in each case.

Well thought-out, open debate within each Board meeting is strongly encouraged. It is the role of the Chair of each meeting to facilitate debate and ensure that each Board member not only identifies his or her view of the appropriate outcome, but goes on to explain the reasons for that view. In that way, the other members become aware of factors that they may not, themselves, have considered, or to which they would not otherwise have given sufficient regard.

Of course, the Board is not only required to make a decision with respect to parole, it is also required to give its reasons for allowing parole, refusing it or adjourning consideration to a later date. This is one aspect where particular attention to improve the quality of the work of the Board also meets another objective, that of improving the quality of communication with the prisoners. The Mahoney Inquiry in 2007 and a number of recent decisions in the Court of Appeal and the Supreme Court of Western Australia have stressed the importance and the responsibility of the Board to provide adequate and detailed reasons for all decisions made by it. As such, it is incumbent on the Board to identify every fact or matter which has led to the decision to deny or to release a prisoner on parole and not simply to rely on one or some of those matters. Further, as it is the release considerations which are applied to the issue, where possible, the reasons for the decision should be referable to those specific terms. It is also vitally important that those reasons can be readily understood by the prisoner directly affected by them. Much effort has gone into ensuring that the reasons given, and the documents which communicate those reasons to the prisoner, are of a consistently high standard.

The decisions of the Board are, at times, adversely impacted by a number of external factors over which the particular prisoner has had no power. Many such factors have been of concern to the Board for several years. There is a significant difficulty in finding housing in the



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community which is appropriate for certain parolees. There are well documented and extensive problems arising as a result of high rate of mental illness amongst prisoners and parolees. The overwhelming effects of substance abuse continue, both in the prison setting and the community. A further area of concern is the limited provision of rehabilitation and training programmes for prisoners and parolees. Many of the challenges faced by the Board are common to other government departments, and with that focus in mind, it is imperative that the Board maintains close and positive relationships with the several government departments and non-government agencies involved in the management and treatment of prisoners and parolees.

I am pleased to report that I have been warmly welcomed by all members of the Board and the administrative staff. Each member of the Board, and its 3 deputy chairpersons, I am pleased to report, treat their role with the considerable respect that its importance deserves. All are conscientious and contribute to a very relevant and responsible discussion at the meetings of the Board.

I am particularly grateful for the energy, enthusiasm and personal guidance of my 3 deputies, Christine Kannis, Barbara Hostalek and Catherine Harvey. I also thank Stephanie Brakespeare, whose resignation as a deputy chairperson had been given prior to my appointment but with whom I had the pleasure of working for my first week.

Throughout what has been my relatively short period here, I have observed the Board to have been ably supported by a small administrative team of equally hardworking and conscientious individuals, working at times under considerable pressure and constraints. Under the leadership and constant guidance of Robynann Davies, the Executive Manager and supported by Dawn Arrowsmith, the Senior Secretary and Serina Oregioni, who has been acting as the Registrar, all staff have contributed to what I have found to be a very harmonious workplace.

A handwritten signature in blue ink, appearing to read 'Robert Cock'.

His Honour Judge Robert Cock QC
Chairman
Prisoners Review Board
24 September 2012



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Executive Manager's Report

This financial year, the administrative staff have embarked on a continuous improvement and change management program with the objective of progressively turning the office into a best practice operation.

Administrative staff worked closely with the Board to improve the quality and timeliness of members' files for meetings. The introduction of machine folioing and typed indices made a significant contribution to the efficiency and timeliness of file collation. The creation of hard copy files supplemented by the manual photocopying, collation, packaging and dissemination of documents for members to read constitutes a large part of 'business as usual'.

Planning has commenced to move toward the modern world of electronic documents and 'paperless meetings'. Discussions with the Computer Technology Group of the Department of the Attorney General have led to a scoping project to identify an electronic solution for Board meetings.

Work has also commenced on the development of an upgrade to the website for the Prisoners Review Board. One of the Board's most important roles is to inform the community about the Western Australian parole system. The upgrade to the new website will shift the focus from the 'the Board' to 'parole' and will place a strong emphasis on accessibility by indigenous Australians, people with disabilities and people who speak major languages other than English.

I have been very impressed by the way the administrative staff have faced a number of challenges throughout the year, not the least being an undertaking to redefine the workplace culture. With support and assistance from a Change Management Consultant, the staff have developed ground rules and values to create a workplace with a positive attitude and supportive behaviour.

Throughout the year a key focus has been developing staff with the skills and knowledge to ensure the administrative support provided to the Board is of the highest quality. Regular training sessions have been undertaken which cover technical training and the 'soft' skills. A number of staff have been given opportunities to learn, grow and stretch their abilities which has seen performance levels steadily improve in parallel.

Over the next twelve months, the administrative staff will continue to demonstrate their professionalism and strive to maintain a high standard of administrative support to the Board.

I'm confident that the administrative staff will continue to impress with their diligence and commitment meeting all challenges for 2012-2013.



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Functions of the Board

"The Board or any other person performing functions under this Act must regard the safety of the community as the paramount consideration". **S5B Sentence Administration Act 2003**

The Board's functions are conferred by the *Sentence Administration Act 2003*. The Board considers prisoners for release from custody on parole, sets or varies conditions of release and considers applications for the suspension and/or cancellation of orders. In relation to prisoners serving Life or Indefinite sentences the Board only has the power to make a recommendation to the Attorney General either for release on parole or for approval to participate in a Re-socialisation Program.

It also considers re-entry release orders and makes recommendations about re-socialisation programs for various categories of prisoners.

Parole is...

Parole is the release of a prisoner from custody to serve the balance of their sentence in the community. Parole does not mean prisoners are free without supervision. They are still considered sentenced prisoners.

Parole is not...

Parole is not the shortening of a prison sentence, nor is it granted for compassionate reasons. It is not a reward for good behaviour in prison, nor is it automatically granted to first time offenders. Parole is a privilege and is only given to prisoners who are considered by the Board to be committed to and demonstrably capable of maintaining a positive lifestyle and becoming a contributing member of the community.

How Parole Works

Supervised Parole Orders are subject to a set of standard conditions and additional stipulated conditions that the Board thinks fit to impose. Such additional conditions might include:

- A requirement as to where the prisoner must reside;
- A requirement to undergo regular and random urinalysis testing for all illicit drugs and alcohol;
- A requirement that the prisoner engages in training, employment or voluntary work;
- A requirement to engage in counselling to address specific personal matters.



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The prisoner must give a written undertaking to comply with the standard conditions and additional conditions imposed by the Board for the duration of the Parole period.

If a prisoner fails to comply with any of the conditions of the Parole Order, including conviction and sentence for further offences while the order is current, they are then in breach of Parole and the information is passed to the Board.

If a breach occurs, the Board has a number of options available to pursue:

- Note the breach but take no further action
- Issue a first and final warning letter
- Suspend Parole for either a fixed or indefinite term; or
- Cancel Parole.

The following case studies demonstrate the options considered by the Board when a prisoner breaches their Parole Order.

Case Study for Issuing a Warning Letter

The prisoner was released on Parole following his first term on imprisonment and he had a history of complying with bail and a term of suspended imprisonment. The original conviction was for reckless driving under the influence of drugs and alcohol.

During the first three weeks of Parole the prisoner had met all the requirements for supervision including attending the CYJ office and appointments for substance abuse counselling. He was then instructed to attend for a urinalysis test the following morning.

The prisoner failed to attend the urinalysis test appointment but reported to his CCO the following morning with a certificate from his GP stating he had attended Accident and Emergency the previous day with his daughter who required medical attention with a sporting injury. As the prisoner had breached a condition of his parole by not attending for the urinalysis test the information was passed to the Prisoners Review Board.

The Board considered the seriousness of his original reckless driving offences, his compliance during the first three weeks and that after the failed attendance for the urinalysis test he had reported at the earliest opportunity with evidence of the reason. The Board decided to issue a warning letter stating he needed to comply with all future requirements or he risked having his Parole either suspended or cancelled.



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Case Study for Suspending Parole

After a two year period in prison for possession of and intent to sell drugs the prisoner was released to Parole. Her plan was to live with her partner who had care of their children, to engage with Department of Child Protection parenting programmes and to stay away from her previous associates who had also abused and sold drugs.

After two months of being on Parole and complying with all requirements the prisoner told her CCO that her relationship with her partner had broken down and as she was no longer living with the children she did not want to attend the parenting programme and she would be moving in to a house with an old friend as she had no where else to live. As this change of circumstances meant her Parole plan had collapsed the CCO informed the Prisoners Review Board.

The Board considered that the prisoner was now planning to be in regular contact with people known to use and sell drugs, that she did not have the support of her partner and was not engaging with a support service to develop her personal skills. The Board concluded that in this environment the prisoner was vulnerable to re offending and so placing the community at risk. The Board accepted the prisoner had no where else to live other than with her friend and that she had not so far re offended. The Board concluded that her Parole should be suspended and the prisoner returned to prison for six weeks to allow time to make an alternative plan for Parole which would ensure she had the support necessary to resume living in the community without re offending.

Case Study for Cancelling Parole

The prisoner was released to Parole following a 12 month period in custody for assaulting his partner. The conditions of Parole were not to consume alcohol, to stay away from the town where the victim lived, to attend substance abuse counselling, immediately engage in training or employment and abide by the conditions of a Violence Restraining Order which had been taken out by the victim.

The Prisoners Review Board received notice from the Police that the prisoner had been arrested for disorderly behaviour when under the influence of alcohol and in the town he was specifically required to avoid. The Board decided that as the prisoner was abusing alcohol and had travelled to where the victim lived the risk to the safety of the victim was too high and Parole was immediately cancelled.



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Case Study for Suspending Parole

The Prisoner is serving a 4 year term of imprisonment for grievous bodily harm and aggravated burglary of a dwelling. The Prisoners Review Board considered the Prisoner's application for Parole and decided that release would not present an unacceptable risk to the safety of the community and released the Prisoner to a 12 month Parole period to be served in the community.

The Prisoner is subject to the standard obligations under section 29 of the Sentence such as:

to report to Community Justice Services Centre within 72 hours of release
Must notify Community Corrections Officer of any change of address or place of employment within 2 working days after the change
Must comply with section 76 of the Sentence Administration Act 2003

The Prisoner is subject to the requirements of the Order:

You must not commit an offence

You must not use or be in possession of any illicit drug including cannabis

You must not leave the State of Western Australia without written permission from the Board

And further the Prisoners additional requirements under section 30 included:

- No Direct or In direct contact with the victims
- Not to change address without prior Community Corrections Officer approval.
- Attend programs and counselling as directed.
- Regular and random urinalysis for all illicit substances and alcohol.
- Substance abuse counselling and programmes as directed.
- Not to consume alcohol.
- Not to attend licensed premises other than licensed cafes and restaurants.
- Submit to breath testing as required by Police.

The Prisoner was complying with all conditions of Parole until the Board received breach advice from their Community Corrections Officer that the prisoner self reported the use of alcohol at work for Christmas. The prisoner remained in employment, was participating in psychological counselling and had completed substance use counselling. The Prisoner had not breached any aspects of the no direct or indirect contact with the victim. The CCO had requested a warning letter in view of the Prisoners compliance with Parole and self admissions to the use of alcohol and that the prisoner was willing to re-engage with substance use counselling in the community. The Board determined to suspend Parole for a fixed term of 4 weeks and then re-release the prisoner back to the community in view of their prior compliance with other aspects of Parole and to allow for their re-engagement with service providers to assist in rehabilitation.



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Case Study for Cancel Parole

The prisoner is serving a two year term of imprisonment for two counts of attempt to manufacture a prohibited drug, stealing a motor and driving recklessly.

The Prisoners Review Board considered the prisoner's application for Parole and decided that their release would not present an unacceptable risk to the safety of the community.

The prisoner is subject to the standard obligations under section 29 of the Sentence such as:

- to report to Community Justice Services Centre within 72 hours of release
- to notify Community Corrections Officer of any change of address or place of employment within 2 working days after the change
- to comply with section 76 of the Sentence Administration Act 2003.

The prisoner is subject to the requirements of the Order:

- You must not commit an offence
- You must not use or be in possession of any illicit drug including cannabis
- You must not leave the State of Western Australia without written permission from the Board.

And further the Board can impose additional requirements as deemed necessary: The prisoner's additional requirements under section 30 included:

- Regular and random urinalysis for all illicit substances and alcohol.
- Not to consume alcohol.
- Not to attend licensed premises other than licensed cafes and restaurants.
- Submit to breath testing as required by Police.
- Substance abuse counselling and programmes as directed.
- Not to change address without prior Board approval.

The Prisoner complied exceptionally well for the first 6 months of his release however the Board was informed that he provided a positive urine result to the detection of methylamphetamine. As a result he had breached his Parole Order. The prisoner's explanation for the positive result was that he was at a party and some-one may have spiked his drink as he knew a lot of people there were on drugs. His Parole was suspended by his CCO and a warrant for his arrest was issued. The Board considered the matter when he was received to custody. The Board determined to cancel his Parole and he served the remainder of his sentence in custody.



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OUR PERFORMANCE

During 2011/2012 the Board met on 344 occasions and considered 4887 matters. This represents an increase of 7.5% in the number of matters considered compared with the previous financial year.

| | Cases Considered | No. of Board Meeting |
|---------|------------------|----------------------|
| 2010/11 | 4532 | 298 |
| 2011/12 | 4887 | 344 |

Snapshot of Facts

| | 2011-12 | 2010-11 | Change (%) | |
|--|---------|---------|------------|---|
| Prisoners in custody (at 30 June) | 4958 | 4646 | 6.7 | ▲ |
| Prisoners eligible for Parole (at 30 June) | 2639 | 2582 | 2.2 | ▲ |
| Parole Orders made | 700 | 754 | 7.1 | ▼ |
| Parole Orders completed successfully | 325 | 339 | 4.1 | ▼ |
| Parole Orders cancelled/suspended | 350 | 286 | 22.4 | ▲ |
| Parole applications denied | 1794 | 1731 | 3.6 | ▲ |
| Parole Orders transferred from Western Australia | 15 | 5 | 200 | ▲ |
| Parole Orders transferred to Western Australia | 28 | 11 | 154.5 | ▲ |

The number of Orders made to release offenders on Parole decreased by 7% and the number of cases where the Board denied Parole increased by 3.6%.

The Board denies Parole when the risk to the safety of the community is unacceptable. The reasons include, but not limited to:



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- Nature of offence and extent of criminal history;
- Poor compliance with prison regime;
- Failure to undertake programmes that address offending behaviour;
- Previous poor performance on parole or any other court imposed order;
- Unsuitable, unconfirmed or no post release plans / accommodation;
- Insufficient time available for an effective period of supervised Parole;
- Outstanding criminal charges.

Life and Indefinite Term Prisoners

In 2009/2010, a separate Board, constituted with the same members, was created as recommended by the Mahoney Inquiry, to consider Parole applications from prisoners serving life or indefinite terms of imprisonment. In 2011/2012, this advancement has continued to be particularly successful as it allows for a far greater level of debate and consideration of the relevant issues unique to this group of prisoners.

The Governor may make a Parole Order in respect of a prisoner serving life imprisonment but only if the prisoner has served the minimum period set by the court under section 90 of the *Sentencing Act 1995 (WA)* and a report about the prisoner has been by the Board under section 12 or 12A of the *Sentence Administration Act 2003* or section 34 of the *Offenders Community Corrections Act 1963*.

The release date is set by the Governor and the Parole period must be at least six months but not more than five years.

A statutory report provided by the Board deals with the release considerations relating to the prisoner and recommends whether or not the Governor should exercise the power to release the prisoner and on what conditions.

In 2011/2012 the Board met on 46 occasions to consider 200 matters relating to life and indefinite term prisoners. The Governor released on Parole one life and indefinite term prisoner to Parole during this period.

In 2011/2012 the Board provided thirty-three statutory reports regarding prisoners serving life and indefinite term sentences to the Attorney General.

Stakeholder Relationships

In order for the Board to operate effectively the Board has actively sought to improve relationships with:

- the Department of Corrective Services – with which a memorandum of understanding is being developed;
- Legal Aid;
- Department of Corrective Services; and
- Department of Child Protection



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Statistical Requirements

S112 the Sentence Administration Act 2003

The performance of the Board's functions during the previous financial year

Table 1

The number of prisoners who became eligible to be released under a Parole Order during the previous financial year;

| | 2011/12 | 2010/11 |
|--------------------------------------|---------|---------|
| Number | 2639 | 2582 |
| % of Prison Population as at 30 June | 53% | 55% |

A prisoner's eligibility for Parole is determined by the Court as part of their sentence.

Table 2

The number of prisoners who applied to be released under a Re-entry Release Order during the previous financial year;

| | 2011/12 | 2010/11 |
|--------|---------|---------|
| Number | 7 | 14 |

Prior to 2007, prisoners eligible for Parole could also apply for early release under a Re entry Release Order. Those sentenced after 2007 are only eligible for release on Parole. So the number eligible to apply for a Re entry Release Order will decline over time.



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Table 3

The number of prisoners who were refused an Early Release Order by the Board or the Governor during the previous financial year;

| Early Release Order | 2011/12 | | 2010/11 | |
|------------------------------|-------------|---|-------------|---|
| | No. | % of all those eligible to apply for a Parole Order | No. | % of all those eligible to apply for a Parole Order |
| Parole | 1384 | | 1391 | 53.8 |
| Re-Entry Release Order | 7 | 0.26 | 14 | 0.54 |
| Short-Term Parole supervised | 403 | 15.2 | 326 | 12.6 |
| Total | 1794 | | 1731 | 66.9 |

When assessing a prisoner's application for Parole the Board must take into account the release considerations:

- The risk of a prisoner re-offending if they are released on Parole and the level of risk this would pose to the community or any individual in the community.
- The circumstances and the seriousness of the applicant's crime and their criminal history.
- Any remarks made by the court at the time of sentencing which relate to the offence and the offender's risk to the safety of the community.
- Concerns the victim may have and how it would affect them if Parole was approved.
- The prisoner's behaviour while in custody, showing how they might act on Parole, and/or previous behaviour during any community-based order.
- The prisoner's participation in rehabilitation programs available in custody and, if not, the reasons.
- The prisoner's performance in any programs while in custody.



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- The likelihood of a prisoner committing an offence if released on Parole.
- The likelihood of an applicant complying with all their Parole conditions.
- Any other considerations that may be relevant to a release on Parole.

The Board is required to assess risk to the safety of the community to determine release on Parole. Short Term Parole applicants are routinely not assessed by the prisons for treatment programs. So it is less likely this cohort will meet the Board's criteria for release on Parole. The Board denies Parole for a number of reasons; some of the reasons include but are not limited to:

- Nature of the offence(s);
- Poor compliance with prison regime;
- Failure to undertake programmes that address offending behaviour;
- Previous performance on Parole.

Table 4
The number of prisoners released under an Early Release Order by the Board or the Governor during the previous financial year;

| Early Release Order | 2011/12 | | 2010/11 | |
|----------------------------------|------------|---|------------|---|
| | No. | % of those eligible to be released under a Parole Order | No. | % of those eligible to be released under a Parole Order |
| Parole | 371 | 14 | 441 | 17 |
| Short Term Parole (supervised) | 319 | 12 | 292 | 11.3 |
| Short Term Parole (unsupervised) | 10 | 0.4 | 21 | 0.8 |
| Re entry Release Order | 0 | - | 0 | - |
| Total | 700 | 26.4 | 754 | 29.2 |

The Board takes into account the individual merits of each case to determine whether to release a prisoner to Parole. Before making its decision, the Board reviews reports from Community Corrections Officers, Custodial Staff, Victim Support Organisations, Medical Practitioners, Psychologists and Psychiatrists. In addition the Board examines the offender's criminal history, any comments made by the sentencing court, and any victim submission statements and reports from the victim mediation unit. In making decisions to



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grant, deny, or cancel Parole the Board gives paramount importance to the safety of the community.

When the Board decides to release a prisoner to Parole, in addition to the standard obligations of the order (section 29 of the Act), the Board may impose additional requirements (section 30 of the Act) to address accommodation, lifestyle and treatment issues to further reduce the risk to the safety of the community. These include:

- Testing for all illicit substances and alcohol
- Substance abuse counselling
- Not to change Residence as directed by the Board
- Abstinence from alcohol
- No direct or indirect contact with the victim(s)
- Not to attend licensed premises
- Psychological counselling and/or other programmes as directed
- Submit to breath test as required by Police
- Attend programmatic or therapeutic intervention as directed

Table 5
The number of prisoners who completed* an Early Release Order during the previous financial year;

| | 2011/12 | | 2010/11 | |
|----------------------------------|--------------|---|------------|---|
| | No. | % of those released on Parole in each separate category | | % of those released on Parole in each separate category |
| Parole | 73** | 19.7 | 130 | 29.4 |
| Short Term Parole (supervised) | 241** | 75.5 | 194 | 66.4 |
| Short Term Parole (unsupervised) | 11*** | 110 | 15 | 71.4 |
| Total | 325 | | 339 | |

*“Completed” means the prisoner neither breached the conditions of Parole nor was convicted of another offence for the duration of the Parole period. Short Term Parole (unsupervised) generally occurs where the prisoner is serving a term of less than 12 months and their only requirement is not to



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commit an offence. For this cohort “completed” means they were not convicted of another offence for the Parole period.

**The likely explanation for the disparity of completing Short Term Parole to Parole is the duration. To “complete” a Short Term Parole requires compliance for a maximum of 6 months. Parole can be for a period up to 2 years.

***The reason for the number of Short Term Parole unsupervised completing an Early Release Order exceeding the number of Short Term Parole unsupervised released, is that one prisoner was released in the previous financial year and completed the Order this financial year.

Table 6

The number of Early Release Orders suspended or cancelled during the previous financial year and the reasons for suspension or cancellation;

| | 2011/12 | | 2010/11 | |
|-------------------------|------------|-------------------------------|------------|-------------------------------|
| | No. | % of those released on Parole | No. | % of those released on Parole |
| Parole Orders cancelled | 312 | 44.7 | 261 | 34.6 |
| Parole Orders suspended | 38 | 5.4 | 27 | 3.6 |
| Total | 350 | 50.1 | 288 | 38.2 |

Parole is either cancelled or suspended for a fixed term if the prisoner either re-offends or breaches the conditions of their Parole Order or behaves in any way that poses an additional risk to the safety of the community.

Table 7

The number of prisoners for whom participation in a Re-Socialisation Programme was approved by the Board or the Governor during the previous financial year;

| | 2011/12 | 2010/11 |
|--|----------|----------|
| | No. | No. |
| Approved for participation in Re-Socialisation Programme | 0 | 1 |



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A Re-Socialisation Program is designed to allow a life and indefinite term prisoner to be gradually reintegrated into the community in preparation for release from prison. The purpose of a Re-Socialisation Programme is to equip a prisoner for re-entry into the general community by addressing their education, employment and family and community support networks. The aim is to improve the prisoner's ability to pursue a pro-social, law abiding lifestyle.

A proportion of prisoners serving life and indefinite sentences have their sentences administered under the Offenders Community Corrections Act 1963 and there are no provisions under this legislation that allow prisoners to participate in Re-Socialisation Programmes.

Table 8
The number of prisoners who completed Re-Socialisation Programmes during the previous financial year;

| | 2011/12 | 2010/11 |
|---|---------|---------|
| | No. | No. |
| Number who completed a Re-Socialisation Programme | 0 | 4 |