



## Procedures

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## 1. Introduction

The purpose of these procedures is to provide staff with procedural information as to the process by which to manage parole reports and associated communication with relevant releasing authorities.

## 2. Definitions

ARMS	At Risk Management System
Assessment Case Management (ACM) system	An electronically managed system to support the assessment, classification and case management of prisoners.
Commonwealth Attorney-General	The authority responsible for determining release to commonwealth parole.
Authorised Assistant Superintendent	The Assistant Superintendent or Manager Assessments (or in the case of privately operated prisons, the relevant Assistant Director) of the prison whose responsibilities include prisoner management and/or assessments. The Authorised Assistant Superintendent is authorised by the Designated Superintendent to undertake the responsibilities as described in this document.
‘generally’	Where the word ‘generally’ is used in any provision in this policy, it is taken to mean that what is stated in that provision is the intention, and may only be varied in exceptional circumstances.
HP TRIM	The official database used to manage Departmental records.
Parole review	The process of considering release to parole
Prisoners Review Board (PRB)	The Board established under s 102 of the <a href="#">Sentence Administration Act 2003</a> and the authority responsible for determining release to state parole.

### 3. Acronyms

ACM	Assessment Case Management
ARMS	At Risk Management System
CBIS	Community Business Information System
EED	Earliest Eligibility Date
EXCO	Executive Council
PRB	Prisoners Review Board
SRD	Statutory Review Date
TOMS	Total Offender Management Solution

### 4. Parole (short term) (mandatory or discretionary)

- 4.1 A prisoner serving less than 12 months imprisonment (from Sentence Start Date to Earliest Date of Release (EDR)) may be eligible to be released on short term parole subject to the requirements of this section.
- 4.2 Prisoners subject to parole (short term) fall into 2 categories:
- Section 23(3)(a) [Sentence Administration Act 2003](#) – Discretionary parole release, where the PRB **may** make an order for release on parole.
  - Section 23(3)(b) [Sentence Administration Act 2003](#) – Mandatory parole release, where the PRB **must** make an order for release on parole on the prisoner's EED (see [Section 4.10](#) and [Section 4.11](#) for further information).
- 4.3 The Authorised Assistant Superintendent shall ensure that a 'Parole (Short Term) Checklist' in ACM (for both Discretionary (short term) and Mandatory (short term) parole) is completed not less than 8 weeks prior to the prisoner's Earliest Eligibility Date (EED) for release on parole. The Authorised Assistant Superintendent shall ensure that all questions in the 'Parole (Short Term) Checklist' in ACM are completed and that necessary contact has been made with the prisoner's parole sponsor(s) to confirm the details provided by the prisoner in relation to accommodation or employment upon release.
- 4.4 All relevant documentation not available electronically, such as the prisoner's parole plan, letters of support, certificates and treatment completion reports, are to be forwarded to the Prisoners Review Board (PRB). Copies are to be stored on a Prisoner Management File/Unit File.
- 4.5 In the event of a backdated sentence or a very short prison term resulting in less than 8 weeks to the prisoner's EED, the Authorised Assistant Superintendent shall arrange for the 'Parole (Short Term) Checklist' to be prepared and forwarded to the PRB immediately. Such cases are to be given appropriate priority to ensure compliance with s 17(2) of the [Sentence Administration Act 2003](#).
- 4.6 In the event that a prisoner requests to deny their own parole they should supply the request in writing by using [Appendix 2 – Prisoner refusal to be released on parole \(SAA s 33\(1\)\)](#), acknowledging the effect that the parole denial will have upon their sentence. In these circumstances the Authorised Assistant Superintendent is to ensure that the conclusion only of the 'Parole (Short Term)

Checklist' is completed, in accordance with s 17 of the [Sentence Administration Act 2003](#).

- 4.7 In the case of prisoners subject to Mandatory (short term) parole sentences, the Authorised Assistant Superintendent shall recommend whether the order should be supervised or not and include any conditions of release deemed appropriate and reasons for the recommendation.
- 4.8 In the case of prisoners subject to Discretionary (short term) parole, the Authorised Assistant Superintendent shall have consideration to all relevant ACM checklists and the applicable Court History, information contained in Total Offender Management Solution (TOMS), Community Business Information System (CBIS) and HP TRIM, and any other relevant documentation, and make a recommendation whether to adjourn, deny or release a prisoner to parole. The recommendation should also include whether to supervise or not, and include any conditions of release deemed appropriate and reasons for the recommendation.
- 4.9 The Authorised Assistant Superintendent shall put appropriate comments in the conclusion and finalise the 'Parole (Short Term) Checklist'.
- 4.10 The requirements of [Section 9](#) apply in relation to the communication of all parole decisions and associated PRB correspondence to prisoners.
- 4.11 A prisoner subject to only a Mandatory (short term) parole term can only be denied release at their EED if the prisoner requested that their parole be denied.
- 4.12 Mandatory release of prisoners subject to s 23(3)(b) [Sentence Administration Act 2003](#) may be deferred where the prisoner is remanded in custody without bail on other matters, or deferred for up to seven (7) days to enable travel/transport arrangements to take effect.
- 4.13 Prisoners serving both state and commonwealth terms will require both state and commonwealth parole checklists to be completed.

## 5. Parole reviews

- 5.1 A prisoner serving more than 12 months imprisonment (from Sentence Start Date to Earliest Date of Release (EDR)) may be eligible to be released to parole.
- 5.2 This section does not apply to prisoners requiring EXCO approval for release (see [Section 7](#)).
- 5.3 The Authorised Assistant Superintendent shall ensure that the 'Parole Review Checklist' in ACM is completed not less than 8 weeks prior to the prisoner's Earliest Eligibility Date (EED) for release on parole.
- 5.4 The Authorised Assistant Superintendent shall ensure that all questions in the 'Parole Review Checklist' in ACM are completed and that necessary contact has been made with the prisoner's parole sponsor(s) to confirm the details provided by the prisoner in relation to accommodation or employment upon release.
- 5.5 All relevant documentation not available electronically, such as the prisoner's parole plan, letters of support, certificates and treatment completion reports, are to be forwarded to the Prisoners Review Board (PRB). The superintendent shall ensure that assistance is offered to prisoners where necessary in regards to the preparation of their written parole plan.

- 5.6** In the event of a backdated sentence resulting in less than eight weeks to the prisoner's EED, the Authorised Assistant Superintendent shall arrange for the 'Parole Review Checklist' to be prepared and forwarded to the PRB immediately. Such cases are to be given appropriate priority to ensure compliance with s 17(2) of the [Sentence Administration Act 2003](#).
- 5.7** In the event that a prisoner requests to deny their own parole they should supply the request in writing by using [Appendix 2 – Prisoner refusal to be released on parole \(SAA s 33\(1\)\)](#), acknowledging the effect that the parole denial will have upon their sentence. In these circumstances the Authorised Assistant Superintendent is to ensure that the conclusion only of the 'Parole Review Checklist' is completed, in accordance with s 17 of the [Sentence Administration Act 2003](#).
- 5.8** The Authorised Assistant Superintendent shall have consideration to all relevant ACM checklists and the applicable Court History, information contained in Total Offender Management Solution (TOMS), Community Business Information System (CBIS) and HP TRIM, and any other relevant documentation. The Authorised Assistant Superintendent shall put appropriate comments in the conclusion and finalise the 'Parole Review Checklist'.
- 5.9** The Authorised Assistant Superintendent's recommendation whether to adjourn, deny or release a prisoner to parole should include whether to supervise or not, and include any conditions of release deemed appropriate and reasons for the recommendation.
- 5.10** The requirements of [Section 9](#) apply in relation to the communication of all parole decisions and associated PRB correspondence to prisoners.
- 5.11** Prisoners serving both state and commonwealth terms will require both state and commonwealth parole checklists to be completed.

## **6. Reconsideration for parole**

- 6.1** This section applies to:
- Prisoners subject to a parole review by the PRB following an adjournment or a previous denial of parole
  - Prisoners in breach of parole and subject to consideration for re-release on parole.
- 6.2** This section does not apply to prisoners requiring EXCO approval for release (see [Section 7](#)).
- 6.3** The Authorised Assistant Superintendent shall schedule the completion of the necessary report in line with Section 6.4 below.
- 6.4** Parole reconsideration reports are to be submitted via the 'Parole Review Checklist' or the 'Parole Addendum Report' no later than 14 days prior to the prisoner's review date, as stated on TOMS.
- 6.5** Generally the 'Parole Addendum Report' should only be used:
- for the prison to address a specific issue only (ie a late change in parole plan)
  - if the prisoner's release on parole was adjourned for a specific issue only
  - if the next review date set by the PRB is 6 months or less

- if a report is requested by the PRB after a parole suspension/cancellation

In all other cases, the 'Parole Review Checklist' should be used.

- 6.6** The Authorised Assistant Superintendent shall ensure that all questions in the relevant report in ACM are completed and that necessary contact has been made with the prisoner's parole sponsor(s) to confirm the details provided by the prisoner in relation to accommodation or employment upon release.
- 6.7** All relevant documentation not available electronically, such as the prisoner's parole plan, letters of support, certificates and treatment completion reports, are to be forwarded to the PRB. Copies are to be stored on a Prisoner Management File/Unit File, along with a copy of the 'Parole Review Checklist', for on-forwarding to the Corporate Records Branch upon the prisoner's release.
- 6.8** The requirements of [Section 9](#) apply in relation to the communication of all parole decisions and associated PRB correspondence to prisoners (or in the case of commonwealth parole, decisions/correspondence from the Attorney-General).

## **7. Executive Council (EXCO) approval for release**

- 7.1** Prisoners serving a sentence of life imprisonment or an indefinite term of imprisonment will be subject to EXCO approval for release.
- 7.2** Parole review checklists for prisoners subject to EXCO approval for release are to be submitted via the 'Parole Review – EXCO Approval Checklist'.
- 7.3** The Manager Release Planning shall advise the prison when a 'Parole Review – EXCO Approval Checklist' has been requested by the PRB. An 'Offender Note' will be placed on the ACM system instructing when this is due.
- 7.4** The Authorised Assistant Superintendent shall arrange for the completion of a 'Parole Review – EXCO Approval Checklist' by the specified due date and shall also consider any other relevant reports when completing the 'Parole Review – EXCO Approval Checklist' (eg psychological report, Community Corrections Officer's report).
- 7.5** The Authorised Assistant Superintendent's recommendation whether to adjourn, deny or release a prisoner to parole should include reasons for the recommendation and any conditions of release deemed appropriate.
- 7.6** Upon completion of the report, the Authorised Assistant Superintendent shall forward the report and all relevant documentation not available electronically such as the prisoner's parole plan, letters of support, certificates and treatment completion reports, to Sentence Management. Copies of documents are not to be sent to the PRB directly from the prison.
- 7.7** Sentence Management shall forward the 'Parole Review – EXCO Approval Checklist', together with supporting documentation, covering letter and Re-Socialisation Programme Progress Reports (if applicable), to the PRB.
- 7.8** Sentence Management shall also forward a copy of the report and all documentation sent to the PRB, to Corporate Records Management.
- 7.9** The requirements of [Section 9](#) apply in relation to the communication of all parole decisions and associated PRB correspondence to prisoners.

## **8. Commonwealth parole**

- 8.1** Prisoners serving a commonwealth sentence will require the Commonwealth Attorney-General's approval to be released to parole.
- 8.2** The 'Commonwealth Parole Report' in ACM will be required to be completed for prisoners serving commonwealth (federal) sentences six (6) months prior to the EED of the commonwealth term.
- 8.3** Where the Commonwealth Attorney-General (or delegate) is considering refusing release to commonwealth parole, the prisoner will be informed of this along with the reasons for such a decision. The prisoner will be given the opportunity to make a submission at this point. The delegate is required to consider the submission when deciding whether to release the prisoner to parole.
- 8.4** Where Commonwealth parole is refused, the Commonwealth Attorney-General's Department must provide written notice to the prisoner within 14 days after the refusal, including reasons for the refusal and an explanation that the prisoner will be reconsidered for parole within 12 months. The prisoner will be given the opportunity to make a submission at this point.
- 8.5** Correspondence from the Commonwealth Attorney-General's Department in line with Section 8.3 and 8.4 above will be sent to the respective Superintendent, for communication in line with [Section 9](#).
- 8.6** Any query in relation to parole or release of commonwealth prisoners is to be directed to the prisoner's Community Corrections Officer (CCO) if known, or the Coordinator Commonwealth Parole and Interstate Transfers.
- 8.7** Prisoners serving both state and commonwealth terms will require both state and commonwealth parole checklists to be completed.

## **9. Parole orders and other correspondence**

- 9.1** Prisons shall have in place processes for communicating parole decisions to prisoners. This shall also extend to general correspondence received from releasing authorities (ie PRB in relation to state parole, or the Commonwealth Attorney-General's Department in relation to commonwealth parole). If necessary, the Officer designated to advise prisoners of decisions/correspondence from the releasing authority will explain or read the correspondence to the prisoner, and advise the prisoner of the process of appeal. Requests for a review of a state parole decision should be initiated with the use of [Appendix 1 – Request for a review of a decision of the Board](#).
- 9.2** Prisoners must be given a copy of their signed Parole Order upon release. A second signed copy is to be forwarded to the Sentence Information Unit. In relation to commonwealth parole, the Coordinator Commonwealth Parole and Interstate Transfers must also be given a signed copy. A copy of the parole order and other correspondence is to be stored on the Prisoner Management File/Unit File and forwarded to Corporate Records Management upon the prisoner's release.
- 9.3** Prisoners must not be released from prison to parole until he/she certifies they accept the conditions of the parole order by signing the Parole Order (or copy). If a prisoner refuses to sign the Parole Order, he/she must not be released. The PRB

(state parole) or Coordinator Commonwealth Parole and Interstate Transfers (commonwealth parole) is to be informed immediately.

- 9.4** The Officer designated in accordance with Section 9.1 above will record the date and time of the advice to the prisoner and any pertinent comments in 'Offender Notes' on ACM.
- 9.5** Some prisoners may suffer adverse emotional reactions if parole is refused / adjourned. In line with the [ARMS Manual](#), all staff should be alert for any change in mood/behaviour and make a referral to At Risk Management System (ARMS) if there are any concerns regarding risk of self-harm or suicide. In addition, an adverse emotional reaction may also indicate an increased risk of escape. Where staff become aware of such a reaction the Authorised Assistant Superintendent should be immediately informed so that consideration can be given to the prisoner's security rating and placement.

## 10. Approved

Commissioner or delegated authority as per Policy Directive 78

Signature:



Date: 6 March 2014

## 11. Policy sponsor

Deputy Commissioner Adult Custodial

## 12. Contact person

The following person may be approached on a routine basis in relation to this policy:

Manager, Release Planning (State Parole)

Coordinator, Commonwealth Parole and Interstate Transfers (Commonwealth Parole)

Principal Operational Policy Officer

## 13. Amendment history

Version	Approved	Effective from
1. First published <sup>1</sup> as part of PD78	10 May 2012	10 May 2012
2. Reviewed – Policy and Procedures separated	6 March 2014	26 March 2014

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<sup>1</sup> Parole previously provided for in AC Rule 18 – Assessment and Sentence Management of Prisoners