

Case Management cont.

Parole Releases, Denials and Cancellations – 2007-08 to 2011-12

	Releases					Denials					Cancellations				
	2011-12	2010-11	2009-10	2008-09	2007-08	2011-12	2010-11	2009-10	2008-09	2007-08	2011-12	2010-11	2009-10	2008-09	2007-08
Male	1,677	1,623	1,537	1,534	1,435	277	182	177	181	169	602	491	494	458	392
Female	166	169	132	122	166	19	19	17	9	17	57	39	45	31	43
Total	1,843	1,792	1,669	1,656	1,601	296	201	194	190	186	659	530	539	489	435

Special Conditions of Parole

Where appropriate, the Board imposes special conditions on parole orders to address accommodation, lifestyle and treatment issues, including:

- attendance for assessment and treatment for alcohol or drug addiction, or submitting to medical, psychological or psychiatric assessment and treatment
- testing for alcohol or drug use
- attendance for personal development programs (often in conjunction with anger management programs)
- residence as directed by the Board
- attendance for treatment at the Community Forensic Mental Health Centre
- no contact, directly or indirectly, with the victim or certain potential victims (an important protection for vulnerable persons in some situations)
- no unsupervised contact with children
- participation in the sex offender maintenance program
- avoidance of certain geographical areas
- abstinence from alcohol
- assessment by, and participation in, drug programs as directed by supervising Community Corrections Officers, and
- participation in drug programs as directed by supervising Community Corrections Officers in consultation with the Community Offenders Advice and Treatment Service (COATS).

Special Conditions Imposed on Parole Orders 2011-12



The Board regularly imposes the special condition 'that you undergo assessment and treatment for alcohol or drug addiction or submit to medical, psychological or psychiatric assessment and treatment as directed' as a condition of the parole order. This special condition provides supervising Community Corrections Officers with the authority to direct offenders to programs designed to address alcohol, drug and gambling addictions, and to arrange psychiatric and psychological treatment. In most cases, the Board identifies the particular needs of the offender and directs the Community Corrections Officers to arrange the appropriate treatment and programs. From time to time during the supervising period, the offender may require counselling for health problems and other issues, and this condition provides the Community Corrections Officers with the flexibility to arrange treatment without having to refer back to the Board.

Monitoring the Supervision of Offenders on Parole

The Board interviews offenders at its office and at Community Correctional Services offices in regional Victoria so that it can monitor their progress while on parole. In addition, the Board consults with Community Corrections Officers about the individual management of specific offenders and the broader issues affecting the supervision of offenders on parole. This process gives Community Corrections Officers, particularly those new to Community Correctional Services, the opportunity to gain a clear understanding of the Board's requirements and to discuss difficult issues surrounding the supervision of offenders.

Review of Decisions

The Board aims to ensure that its proceedings are conducted properly and fairly for all parties involved. In making decisions to grant, deny, defer or cancel parole, the Board considers each case on its merits, while using flexible guidelines developed over many years to streamline the decision-making process.

Once the Board makes its decision, an offender (prisoner, parolee or those subject to a supervision order) can request a review at any time after the decision is made. A request for a review of a decision can be initiated if:

- there is new information and/or a change in circumstances or
- the offender believes the decision was wrong.

A review may be initiated in writing by the offender or by a person on behalf of the offender. The Board will review decisions in order to ensure that the law and operating principles are respected and that the Board's decisions are based upon relevant and reliable information. The three member division of the Board which reviews the decision may, based on the material and information before them, confirm or change the decision of the original decision-makers.

Victims of Crime

The Board fully appreciates the difficulties faced by victims of crime and their families who are exposed to the criminal justice system. A Victims Register commenced on 30 August 2004 and is managed by the Victims Support Agency of the Department of Justice. The Victims Registrar maintains contact with victims of crime who have asked to receive information about an adult prisoner who has been convicted of committing a violent crime against them. The aim of the Register is to provide victims of violent crime with timely, relevant and accurate information about offenders during their period of imprisonment. Individuals included on the Register have a right to send a written submission to the Board, when the prisoner for whom they are registered is being considered for parole. During the financial year, 95 submissions were provided for the Board's consideration (69 in 2010-11).

The Board regularly imposes special conditions on parole orders which are designed to protect victims from contact with offenders. The Victims Registrar will provide information about the release of an offender on parole to victims who are on the Register, including any special conditions that the Board has imposed that are relevant to the victim.

People on Parole

Parole Orders Completed Successfully

During 2011-12, 1,042 offenders completed parole orders successfully, compared with 1,132 completed parole orders in 2010-11. This result included offenders who were released on parole prior to the current reporting year but who completed their parole period during the reporting year.

Breach of Parole Orders

If an offender 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 Board may cancel the order. If a parole order has expired but a court imposes a sentence of more than three months imprisonment for an offence or offences committed during the parole period, the Board still has jurisdiction to cancel parole.

If a breach occurs, the Board considers the following actions:

- note the breach but take no further action
- issue a warning by way of:
 - the individual's attendance in person before the Board
 - a warning given by the Regional Manager of the supervising CCS location, or
 - a letter from the Board
- add conditions, or
- cancel the order.

During 2011-12, offenders breached 1,386 parole orders, compared with 1,059 parole orders in 2010-11. These results include parole orders made by the Board in previous financial years.

Of the 1,386 parole orders breached, the Board cancelled 659 orders, representing 47.5% of all orders breached. The 2011-12 cancellation rate is a decrease compared with the 2010-11 period when 50% of the 1,059 parole orders breached by offenders resulted in cancellation of parole.

The Board considered the remaining breaches to be insufficient in severity to warrant returning the offender to prison. Usually, offenders in this category breached their parole by way of conditions, such as failure to attend one or more supervised appointments.

Breaches Resulting in Cancellation

The Board considers parole breaches to be a serious matter and often deals with such breaches by cancelling parole orders. Consideration of cancellation requires a re-consideration of the issues addressed when granting the parole order, in the light of the offender's subsequent conduct on parole and other circumstances arising since the offender's release on parole. This consideration also occurs in the context that the offender is continuing to serve a single sentence of imprisonment notwithstanding conditional release on parole.

The paramount consideration remains community safety. Sometimes this requires that decisions are made urgently, based on limited information.

Factors relevant when considering whether to grant parole remain potentially relevant when considering cancellation. In addition the Board considers:

- time spent on parole
- time left before parole expires
- compliance with conditions (and, in the case of special conditions, the reason why those conditions were imposed)
- impact of the breach behaviour on the community
- whether there has previously been a warning by the Community Correctional Services Centre Manager
- whether there has previously been a warning by the Board
- whether the position might be appropriately dealt with by such a warning, or by the amendment of

or imposition of conditions, or by some other step short of cancellation, and

- the need to maintain the integrity and credibility of the parole system.

When the Board cancels a parole order, it issues a warrant for the arrest of the offender who is then returned to prison custody where they are liable to serve the unexpired portion of their original sentence. Offenders whose parole is cancelled will be considered for re-parole, applying the same considerations as are set out in relation to the granting of parole, in the light of the circumstances of the cancellation and the sentence or sentences then to be served.

The number of cancellations increased by 24.3% from 530 in 2010-11 to 659 in 2011-12. Of the 659 parole orders cancelled, 552 (84%) resulted from the failure of the offender to comply with the conditions of parole, compared with 429 (81%) in 2010-11. A total of 107 parole cancellations (16%) resulted from a further conviction and sentence being imposed on the offender, compared with 101 (19% in 2010-11).

During 2011-12, the reasons for cancelled parole orders included continued drug abuse by the offender, failure to attend for supervision appointments, failure to participate in programs as specified in the order, and convictions for further offences.

Most parole orders that were cancelled due to the offender failing to comply with the conditions of parole involved continued substance abuse and/or failure to attend supervision appointments and/or programs. The majority of such breaches occurred in the first six months of parole, a period in which many offenders experience difficulty in adjusting to the transition from prison to the community.

Parole Orders Completed Successfully and Cancelled 2007-08 to 2011-12

	2011-12	2010-11	2009-10	2008-09	2007-08
Completed Successfully *	1,042	1,132	1,064	1,094	1,010
Cancelled	659	530	539	489	435

* Includes a count of the number of parole orders completed during each financial year. The figures include both orders made prior to and during the reporting year that were successfully completed between 1 July 2011 and 30 June 2012.

Cancellation of Parole 2007-08 to 2011-12

Period After Release	By Condition					By Conviction and Sentence					Total					Proportion (%)				
	2011-12	2010-11	2009-10	2008-09	2007-08	2011-12	2010-11	2009-10	2008-09	2007-08	2011-12	2010-11	2009-10	2008-09	2007-08	2011-12	2010-11	2009-10	2008-09	2007-08
Release to <3 months	233	200	171	163	152	16	10	20	16	11	249	210	191	179	163	38	40	35	37	38
3 to <6 months	150	111	100	89	70	17	13	28	19	23	167	124	128	108	93	25	23	24	22	21
6 to <12 months	99	71	74	69	55	39	34	46	37	29	138	105	120	106	84	21	20	22	21	19
12 months or more	70	47	43	36	47	35	44	57	60	48	105	91	100	96	95	16	17	19	20	22
Total	552	429	388	357	324	107	101	151	132	111	659	530	539	489	435	100	100	100	100	100

Breaches Not Resulting in Cancellation

During 2011-12, the Board considered 727 cases involving breaches of the conditions of a parole order which, given all the circumstances, should not be cancelled. This result represents a 37.4% increase when compared with the 529 cases in 2010-11.

Often, a minor breach of parole does not justify returning an offender to custody. In such cases, the Board:

- warns the offender formally
- requests the Community Correctional Services Regional Manager or the Centre Manager to warn the offender, or
- issues a warning by letter.

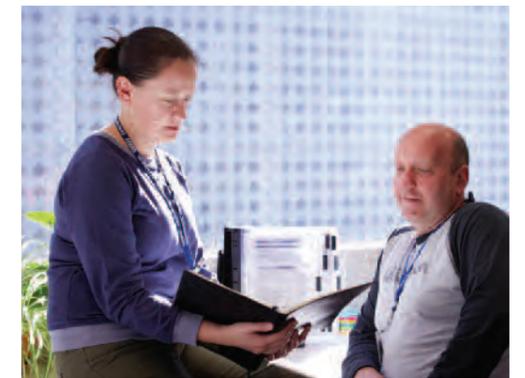
In most cases, such warnings are sufficient to remind offenders about their parole obligations and responsibilities and, usually, offenders then go on to complete their parole orders successfully.

Of the 727 cases involving breaches not resulting in cancellation:

- 169 offenders (23%) were warned by the Board, compared with 121 (23%) in 2010-11
- 541 offenders (75%) were warned by the Regional Manager or the Centre Manager of the Community Correctional Centre, compared with 392 (75%) in 2010-11
- 8 offenders (1%) were warned by letter, compared with 7 (1%) in 2010-11
- 9 cases (1%) involved no further action being taken by the Board, compared with 9 (1%) in 2010-11.

Breaches Not Resulting in Cancellation – 2007-08 to 2011-12

	2011-12	2010-11	2009-10	2008-09	2007-08
Warned by the Board	169	121	126	146	148
Warned by Community Correctional Services Staff	541	392	297	310	278
Warned by Letter	8	7	20	12	24
No Action Taken by the Board	9	9	7	16	2
Total	727	529	450	484	452



Victoria Police ROPE (from l to r): Detective Senior Constable Catherine Liddy and Detective Senior Constable Brendan Finn

People on Parole cont.

Supervising People on Parole

Community Corrections Officers employed by Community Correctional Services, a Branch of Corrections Victoria, supervise offenders released on parole. These officers are accountable to the Board pursuant to s73 of the *Corrections Act 1986*.

Community Corrections Officers provide court advice and supervise individuals released on a number of different non-custodial, community based orders. Upon release from custody, a parolee must report within two working days to the Community Correctional Services Centre nearest to their home or to the offender's most convenient location.

Release of Drug Abusing Offenders

Under the Victorian Prison Drug Strategy, prison managers are required to perform random urine analyses of prisoners to determine their Identified Drug User (IDU) status. Offenders guilty of illicit drug use are tested more frequently and are subject to an escalating range of prison sanctions.

The Board considers drug use by offenders very seriously. It advises offenders that they must remain drug free for a designated period in order to be considered suitable for release on parole. The Board recognises that offenders who use drugs while in custody will usually continue to use drugs after they are released and, therefore, are likely to re-offend. On numerous occasions, the Board has revoked parole orders for offenders who have continued to use drugs in prison prior to their release on parole.

The Board supports those offenders who show initiative in addressing their drug use issues by participating in drug treatment programs.

Monitoring Offenders Convicted of Serious Offences

The Board pays particularly close attention to offenders who have been convicted of serious offences, both

during their period of imprisonment and during any period of parole. Generally, the Board reviews such offenders from the commencement of their sentence and at regular intervals thereafter.

These reviews are conducted more frequently as the offender's parole eligibility date draws nearer. In addition, the Board conducts personal interviews with these offenders on a regular basis. Through this process, the Board can observe the progress of offenders while they are in custody. This also enables the Board to encourage participation in programs that will assist them to reintegrate into the community.

Prior to a prisoner's earliest eligibility date for parole, the Board may, in appropriate cases, fix a tentative date for release on parole. This date is tentative only and may later be revoked. This procedure enables long-term offenders who, by reason of their good behaviour, have achieved a minimum security rating in prison to make application for a rehabilitation and transition permit as provided for by section 57 of the *Corrections Act 1986*.

When an early decision to release an offender is made, the Board continues to monitor the progress and behaviour of the offender. If an offender fails to act in an appropriate manner within the prison system, the Board may revoke the order or defer release.

The Board actively supervises those offenders convicted of serious offences who have been released on parole. Upon release, the Board monitors these individuals by obtaining progress reports from the supervising Community Corrections Officer and requiring such offenders to attend interviews every three months during the first year of their parole supervision period. If the parolee responds well to parole supervision, the intervals between these interviews may be extended as the supervision period progresses. Generally, the Board receives progress reports until the parole period expires.

Offenders Detained under s93A of the Sentencing Act 1991

In cases involving offenders with a mental illness detained under s93A of the *Sentencing Act 1991*, the sentencing court may require such individuals to serve their sentences in an approved mental health institution. Such facilities include the Thomas Embling Hospital, which is managed by the Victorian Institute of Forensic Mental Health, known as Forensicare.

Detainees become eligible for parole only when the Mental Health Review Board or the Chief Psychiatrist discharges them.

During 2011-12, the Board visited the Thomas Embling Hospital to monitor the progress of detainees. In addition, a member of the Board's staff communicated on a regular basis with treating doctors and staff at the hospital. This procedure ensured that hospital staff brought any changes in the condition of detainees to the Board's attention between visits to the hospital. Consequently, the Board was able to consider cases and make urgent and appropriate decisions without the need to attend the hospital.

Additionally, the Board's procedures ensured that such individuals could be released on parole without being returned to prison. This procedure benefited detainees with significant mental health problems by assisting their reintegration into the community. The Board worked with representatives of Thomas Embling Hospital and Community Correctional Services Centres to develop appropriate release plans which provided a high level of support for detainees once they were released on parole.

In conjunction with the management of Thomas Embling Hospital, the Board continued to maintain a register of detainees. Although the Board granted parole for detainees only after they were discharged by the Mental Health Review Board or Chief Psychiatrist, the Board monitored the progress of detainees during their treatment periods.

Youth Transfers

The following information details youth transfers as defined under s467, 471 and 475 of the *Children, Youth and Families Act 2005*.

Transfers from Prison to a Youth Justice Centre

S471 of the *Children, Youth and Families Act 2005* provides:

If the Adult Parole Board considers it appropriate, in the interests of a person under the age of 21 years imprisoned in a prison, to transfer that person to a youth justice centre, the Adult Parole Board may, if satisfied, after considering a report from the Secretary to the Department of Human Services;

(i) that person is suitable for detention in a youth justice centre;

and

(ii) a place is available in a youth justice centre — direct that person be transferred to a youth justice centre.

During 2011-12, two persons were transferred from prison to a youth justice centre, pursuant to this section, the same number as in 2010-11.

Transfers from a Youth Justice Centre to a Prison

S467 of the *Children, Youth and Families Act 2005* provides:

The Youth Parole Board may, on the application of the Secretary to the Department of Human Services, direct a person aged 16 years or more sentenced as a child by the Children's Court or any other court to be detained in a youth justice centre be transferred to a prison to serve the unexpired portion of the period of his or her detention as imprisonment.

When a person transfers to prison, he or she becomes subject to the jurisdiction of the Board as if the period of detention served by that person, prior to the transfer, had been a minimum term.

S475 of the *Children, Youth and Families Act 2005* provides that if a person:

(a) has been sentenced to detention in a youth justice centre; and

(b) before the end of that sentence is sentenced to a term of imprisonment with respect to any offence the Youth Parole Board may direct that the person serve the unexpired portion of the period of detention as imprisonment in a prison and thereafter the person is subject to the jurisdiction of the Adult Parole Board as if the period of detention served by him or her before that sentence of imprisonment or his or her release

on parole by the Youth Parole Board had been a non-parole period.

During 2011-12, 12 persons were transferred from a youth justice centre to a prison, compared with 16 in 2010-11.

Interstate Transfers

The *Parole Orders (Transfer) Act 1983*, as amended, provides the legislative basis for the transfer of parole orders between jurisdictions.

During 2011-12, the Registrar of Transferred Parole Orders advised the Board of the transfer from Victoria of 18 parole orders interstate (19 in 2010-11) as shown in the following table.

Parole Orders Transferred from Victoria – 2007-08 to 2011-12

Jurisdiction	2011-12	2010-11	2009-10	2008-09	2007-08
New South Wales	5	8	9	10	8
South Australia	1	1	3	4	1
Western Australia	1	4	1	3	2
Queensland	9	3	8	10	5
Northern Territory	-	-	2	-	-
Tasmania	2	3	1	-	3
Australian Capital Territory	-	-	3	-	-
Total	18	19	27	27	19

The Registrar of Transferred Parole Orders also advised the Board of the transfer to Victoria of 21 parole orders from interstate (48 in 2010-11) as shown in the following table.

Parole Orders Transferred to Victoria – 2007-08 to 2011-12

Jurisdiction	2011-12	2010-11	2009-10	2008-09	2007-08
New South Wales	14	27	12	14	15
South Australia	-	3	5	3	2
Western Australia	1	3	4	4	1
Queensland	4	14	6	8	4
Northern Territory	-	1	-	-	-
Tasmania	2	1	1	-	2
Australian Capital Territory	-	-	1	1	1
Total	21	49	29	30	25

Home Detention Program

Legislative Changes to Home Detention

A change of government at the state election in November 2010 brought with it a commitment to abolish home detention.

The *Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011* was introduced to Parliament on 15 June 2011. This Bill amended the *Sentencing Act 1991* and the *Corrections Act 1986* to remove home detention from the Victorian Statute Book at the front end through the courts and at the back end through the Board.

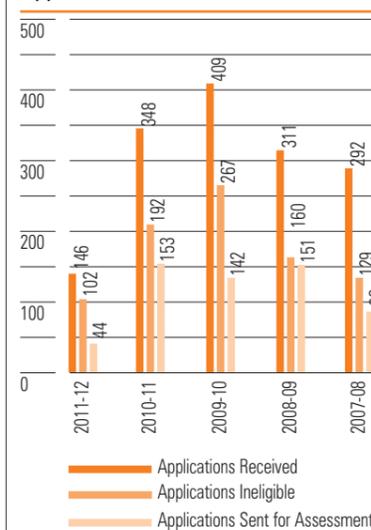
The Bill received Royal Assent on 22 September 2011. On 21 December 2011 the Government announced that the *Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011* would come into effect on 16 January 2012.

As a result of the abolition of home detention, statistics have been compiled for the period 1 July 2011 to 16 January 2012 only.

Applications Received

Between 1 July 2011 and 16 January 2012, the Board received a total of 146 applications from offenders wishing to participate in the program, compared with 348 applications in 2010-11.

Applications Received



Applications Deemed Ineligible

After a comprehensive assessment of received applications, the Board deemed 102 applicants (compared with 192 in 2010-11) ineligible to participate in the program for a number of reasons, including:

- prison security rating
- unsuitable accommodation
- nature of past offence
- insufficient time to undertake the program

Applications Sent for Assessment

Between 1 July 2011 and 16 January 2012, the Board requested Community Correctional Services to undertake an assessment of 44 offenders. Of those 44 offenders, 13 were assessed as unsuitable to participate in the program and 10 were assessed as suitable. Due to the abolition of the program, 21 outstanding assessments were not required to be completed by Community Correctional Services.

Assessment of Applications

Thirteen applicants were assessed as unsuitable for the program between 1 July 2011 and 16 January 2012 because of:

- concerns regarding the suitability of accommodation
- nature of offences
- outstanding matters.

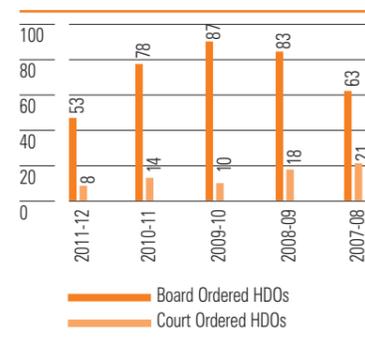
The Board was able to exercise its power to refuse home detention in cases where there had been a positive recommendation from Community Correctional Services. The Board made such decisions on the basis that the offender may present an unacceptable risk to the community.

Home Detention Orders Made

After careful consideration, the Board made 53 home detention orders between 1 July 2011 and 16 January 2012 (78 in 2010-11). Prior to a home detention order being made, the Board would endeavour to interview the offender by video conference or in person to explain the requirements of the program.

The courts made eight home detention orders during 2011-12 (compared with 14 in 2010-11).

Orders Made

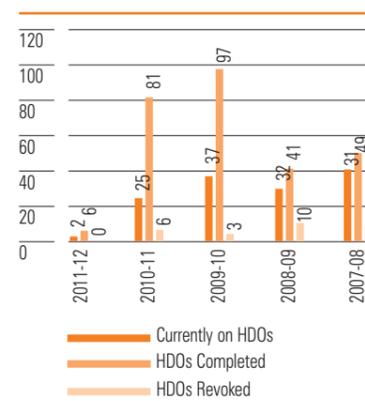


Order Status

During 2011-12, 62 offenders successfully completed their home detention order (81 in 2010-11).

The Board did not revoke any orders during 2011-12, compared with six in 2010-11. As at 30 June 2012, two offenders, both on front end orders, were participating in the program (compared with 25 as at 30 June 2011).

Order Status



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- Manager's Report
- Scope of the Division's Jurisdiction
- Custody, Eligibility and Parole Management
- Post-Sentence Order Management
- Statistical Profile

Statistical Summary

Cases considered by the Division
2,936

New post-sentence orders made
by the courts
50

Orders revoked by the court at review
3

Post-sentence orders under
the jurisdiction of the Division
at 30 June 2012
85

Offenders who breached conditions
on their orders
12

Average length in years of new orders
made
5

The Division officially met
121

Percentage increase in the number
of cases considered
33

Emergency powers used
1

The Division directed offenders
to reside at Corella Place
8

Offenders directed to be subject to
electronic monitoring by the Division
17

Supervision orders completed
1

Victim submissions received and
considered by the Division regarding
supervision orders
58

Introduction

The Division is responsible for the supervision of serious sex offenders subject to post-sentence supervision and detention orders and extended supervision orders. The *Serious Sex Offenders (Detention and Supervision) Act 2009* (SSO(DS)A) provides for the post-sentence supervision and detention of high-risk sex offenders. The SSODSA is gradually repealing orders made under the *Serious Sex Offenders Monitoring Act (2005)* SSOMA. The Division is also responsible for overseeing matters for sex offenders in custody and on parole.

Established by the SSO(D)SA, the Division has the following functions conferred upon it in respect to its post-sentence mandate:

- monitor compliance with and administer the conditions of a supervision order
- give directions and instructions to an offender in accordance with any authorisation given to the Adult Parole Board under a supervision order
- review and monitor the progress of offenders on detention and supervision orders, and interim detention and supervision orders
- inquire into breaches of supervision orders, and recommend actions to the Secretary to the Department of Justice
- make decisions to ensure the carrying into effect of the conditions of supervision orders
- make recommendations to the Secretary in relation to applying to a court to review the conditions of supervision orders, and
- any other function conferred on the Adult Parole Board by or under the Act.

The Division oversees Corrections Victoria's management of sex offenders on supervision orders and routinely engages with offenders in order to:

- maintain a safe and secure community
- motivate sex offenders on orders to engage in and continue with programs and services
- engage offenders in a way that acknowledges their stage of change and motivates them to move through stages of change
- ensure, as far as the Division is able, that restrictions placed on supervision orders are proportionate to the offender's risk and appropriately take account of an offender's human rights
- review offenders subject to detention orders in accordance with their status as an 'unconvicted prisoner', and
- identify and monitor the risks and needs of sex offenders.

Chairperson's Report



The primary purpose of the Division is to oversee post-sentence orders for serious sex offenders made pursuant to the legislation under which it is established – the SSO(DS)A. In 2009, the decision was made to broaden the Division's legislated mandate to include, acting as the Board, custody, eligibility and parole matters for all other sex offenders in the Victorian adult criminal justice system. In being responsible for the administration of all sex offender orders, the Division's role ultimately benefits the community as it provides comprehensive coordination, administration and monitoring capacity. The offenders, who are subject to these orders and whose risk, rehabilitation and liberty require special consideration, also benefit from the specialist knowledge and experience of the Division. The Division is responsible for custody, eligibility and parole management, transitional management and post-sentence management. The Division's role and experience has allowed it to develop insight into the workings of the sex offender management system in Victoria.

In light of the Division's experience in carrying out its role over a number of years, it is timely to review its operation and issues that have arisen and need to be considered.

Since its establishment, the Division has through its members developed and followed a consistent interpretation and application of legislation, particularly the SSO(DS)A. The Division has developed and followed a responsive approach to overseeing orders. In the early stages of its establishment the Division sought to gauge the sentencing courts' approach to the application of the legislation. The Division believes the courts have confidence in the Division's administration of their orders. In light of the Division's experience in carrying out its role over a number of years, it is timely to review its operation and issues that have arisen and need to be considered. They concern the management of sex offenders while in prison, on parole and being supervised on a supervision order.

Custody, Eligibility and Parole Management

Where it acts as the Board, the Division monitors the progress of sex offenders in custody and communicates with them in order to make appropriate decisions regarding their parole when they become eligible under the sentence they are serving. This includes taking account of any sentencing remarks of the sentencing judge including those relating to the non-parole period. The non-parole period the court determines must be served before the offender is eligible to be released under the supervision of parole. The fixing of a non-parole period provides an opportunity for supervised release and a reintegration regime for offenders to enhance community safety and offender rehabilitation. The non-parole period is an important element of the sentence structure, which the Division must consider, although it is not obliged to grant parole when that period has been served. Whether it does then or later depends on whether it is appropriate to do so in all the circumstances including the protection of the community.

Programs

It is generally the Division's position that sex offenders who are assessed as suitable for participation in a prison Sex Offender Program (SOP) and will be offered such a program, do so before being considered eligible for parole. This position is taken in the interests of community safety. The assessment is carried out by SOP clinicians utilising an analysis tool (Static 99). Sometimes the assessment includes a face-to-face interview with the offender but is usually via file review. An offender assessed as moderate to low risk or higher will usually be recommended for the SOP. Although regarded as suitable, an offender may not be offered the program because it cannot be completed before the expiry of their sentence as distinct from when they are eligible for parole. They may still be offered the SOP even though it cannot be completed before the expiry of the non-parole period. This means the offender will go past their eligibility date and this can be a cause of anxiety and frustration for offenders. The SOP is in modular form and generally takes about six months to complete and until

recently has only been delivered at the Marnongeeet Correctional Centre.

Since 2008, the demand for prison based SOP treatment has exceeded the capacity of the Corrections Victoria to provide it. This appears to be a result of the number of prison beds allocated for treatment and the length of the sentences of offenders. Significantly, in this reporting period, only 33% of offenders assessed as suitable for participation in Corrections Victoria's SOP completed treatment prior to the completion of their non-parole period. Some did not or will not complete treatment until more than 12 months after their eligibility date for parole, despite their preparedness to undertake the program as soon as it was available. There are some who refuse to undertake the program, which results in them not being considered for parole until they do so. This has flow on effects and compounds the problem for those who are willing to address their offending behaviour. It should be noted however that 43.3% more prisoners have participated in treatment this year than last year and the demand for treatment continues to increase.

This delay has been a matter of concern to the Division in the administration of the parole system. It has meant that offenders have remained in prison longer than they would have if the SOP had been available earlier so they could complete it before the expiry of their non parole period and thus be able to be considered for parole at that time. In this sense, the non-parole period set by the court is undermined as it is not the function of the Division to alter the eligibility date set by the Court. It is a matter of concern that prisoners cannot be considered for parole when eligible because they have been unable to undertake the SOP, which they were always willing to undertake and where otherwise it would be appropriate to grant them parole. It is not considered that this situation is in the public interest.

A further effect of this delay is to either defer or displace intensive transitional support programs, including the preparation of substantial parole plans. The Division expects that the preparation of comprehensive release plans commences early enough to ensure that an offender's risks and needs are addressed so that they may be considered when an offender becomes eligible for parole. The efforts of Community Correctional Services in the timely preparation of release-related reports are to be commended. However, as discussed, where an offender should undertake the SOP the Division cannot consider parole release plans until the offender has completed the SOP, which may be some considerable time after the expiry of the non parole period. The administrative, financial and sentence management burden that treatment delays place on the criminal justice system are significant and of concern.

Another cause of delay in undertaking the SOP is an outstanding appeal. Although suitable, an offender cannot commence the SOP until an appeal is finalised whether it be against sentence or conviction. This is because the

offender's legal status is unresolved, the sentence may be quashed or altered. It is the Division's experience that unresolved appeals in a significant number of cases considerably delay the undertaking of the SOP and consequently result in offenders well exceeding their eligibility date before they can be considered for parole through no fault of their own. Delay in the determination of appeals affects the administration of the parole system generally and the Division is pleased to note the recent initiatives taken to speed up the appeal process. It is recognised that appeals must take time to resolve but lengthy delays such as 18 months or two years or more have a serious effect on the administration of the parole system, particularly for sex offenders.

The administrative burden that treatment delays create for the Division's secretariat is considerable. The impact on the children, partners and parents of these offenders is challenging to manage and inquiries from these members of the community account for the majority of inquiries to the Division. It also becomes challenging for the Division to manage offenders' motivation to participate in treatment once they have been detained beyond their eligibility date for the sole reason that a place in a treatment program has yet to be offered. Best practice literature is clear that maintaining an offender's responsivity is key to the efficacy of treatment particularly for sex offenders.

The Division is aware of the issues faced by the SOP that are affecting the timely delivery of its service. It is pleasing to note that initiatives are being taken by the Corrections Victoria to improve the timely delivery of programs for sex offenders. This involves making more programs available and including other locations. The Division is committed to working with Corrections Victoria in the implementation of the plan it has established to overcome these challenges in the 2012-13 reporting period. It is in the community's interests that this occur.

Transitional Management

With respect to the management of offenders on parole and for whom an application for a supervision order is in progress, the Division appreciates the additional sources of information that it receives during the Secretary's application for a post-sentence order. Essentially, however, the Division must continue to manage the parolee as such and not in accordance with post-sentence legislation. This is especially relevant to housing.

Finding suitable housing for sex offenders in the community is a considerable challenge. The Division expects, however, that efforts to support the search for suitable housing through community agencies, independently or through the Corrections Victoria Housing Project be made for parolees who are likely to transition to the post-sentence regime.

Post-Sentence Management

The Board commenced the administration of post-sentence orders under the *Serious Sex Offenders Monitoring Act 2005* and, over the last seven years, the Board has acquired considerable experience through the Division in the area of sex offender management. As the Division has shaped its practices, so too have the areas responsible for the operational management of offenders subject to these orders. Sex offender management continues to be an area of primary concern for both Government and the community.

Risk Management

Risk assessment and risk management are critical in the administration of supervision orders. An offender is placed on an order because the offender is judged to be an unacceptable risk of committing a sexual offence. Conditions are imposed to manage the risk even though they affect the offender's liberty. The legislation is clear, in that the imposition of restrictions must be related to sexual reoffending and that offenders subject to post-sentence orders are members of the community. Risk must be approached on an individual basis rather than a generic basis. There can be a tendency with sex offenders to deal with them as a generic group rather than individually as all offenders are different with different risk factors. In carrying out its role the Division focuses on the risk factors present in the particular case under consideration and how they are affected by any action that the Division might take. In the end what is involved is managing the risk posed by that particular offender, not sex offenders in general.

In this reporting period, despite the growth in post-sentence population, the Division only directed that offenders reside at Corella Place on eight occasions. The Division endeavours as much as it can to ensure that Corella Place is an alternative accommodation for those offenders who cannot be housed in the broader community. However, unfortunately the reality is that there will be an increasing number of offenders who will not be able to be managed safely in the community and already there are indications of this occurring. This has significant resource and management implications as there are signs that some offenders are becoming increasingly difficult to manage in Corella Place despite the commendable and dedicated efforts of the staff who work in a very difficult and challenging environment.

The Division endeavours to ensure that, where appropriate and consistent with the risk and the conditions set by the court, offenders are provided, through the directions they are given, with an opportunity to demonstrate that certain ongoing restrictions are not necessary for community protection and that they are becoming more skilled in managing their own risk. This is consistent with the decision of Justice Bongiorno in the Supreme Court on 22 October 2009.

On 10 February 2012, the Court of Appeal delivered its judgement in a case where the offender who had been placed on a supervision order challenged a number of the conditions imposed by the court. Those conditions related to residence, curfew, access to schools and public parks, participation in the activities of clubs and organisations, contact with female children between the age of 12 and 16 years, electronic or other monitoring restrictions and residing in a residential facility.

Each of these conditions imposed considerable restrictions on the offender. The Court of Appeal considered each in the context of the legislation and confirmed the conditions relating to residence, residential facility and monitoring, varied the curfew condition, and quashed those relating to schools and public parks, clubs and organisations and contact with children.

The following principles arise from the Court's judgement:

- conditions should not be imposed for an improper purpose
- restrictions imposed by conditions should not constitute more than the minimum interference with an offender's liberty, privacy or freedom that is necessary to give effect to the conditions
- conditions should be reasonably related to the gravity of the offending, and
- conditions should not be ambiguous.

While the Court, and not the Division, imposes the conditions, it is nevertheless clear that these principles apply to the implementation of those conditions and therefore should be applied by the Division when deciding upon the exercise of a discretion conferred by a condition. Most conditions imposed confer some discretion on the Division with respect to their operation.

This means that the Division should not impose directions for an improper purpose, or that constitute more than the minimum interference with liberty, privacy, or freedom that is necessary to give effect to the conditions. Directions imposed by the Division should be reasonably related to the gravity of the offending and they should not be ambiguous.

It may sometimes be the case that those involved in managing an offender on supervision, request directions that are not consistent with these principles. Although such requests might be made with the best of intentions, the Division has to be resolute in the application of these principles and the exercise of its discretion.

Each case will vary and ultimately has to be judged on its particular circumstances. However, the Court of Appeal judgement illustrates the care that needs to be taken in each case and the careful application of the principles referred to. The Court's judgment is timely in articulating these principles and in providing guidance to the courts and the Division on the approach to be taken in this difficult area.

The Division identifies with the comments of the Court of Appeal concerning the Division's difficulty in being able to attend satisfactorily to frequent requests, for example, for variations of a curfew. As pointed out by the Court, applications have to be made well in advance if the Division is to properly evaluate them and this can mean that the flexibility, which the role of the Division is intended to produce, cannot as a matter of practicality be achieved. As the number of offenders on orders grows, consideration of requests for permission under conditions is increasing and placing considerable pressure on the Division and its staff. Often such requests have to be considered by a special meeting of the Division due to the need to make a decision within a certain time period. It is inevitable that this situation will continue, with increased demands on the Division and staff.

Some offenders on supervision orders are also registered under the *Sex Offender Registration Act* [SORA].

This legislation imposes additional requirements and responsibilities on them, which they must manage at the same time as the onerous obligations of their supervision order. This is unsatisfactory and of no benefit in managing risk. If anything, it is a hindrance to have offenders subject to different regimes that were introduced separately and are not integrated.

The Victorian Law Reform Commission delivered a comprehensive report on the operation of SORA in April 2012. Recommendations for changes to make the legislation more effective were made.

Page 91 of the Report discusses this situation. The Commission states: "No useful protective purpose is served by requiring people whose compliance with their supervision order is comprehensively monitored by a specialist division of the Adult Parole Board to abide by a second set of reporting obligations."

Accordingly, the Commission recommended that reporting obligations under the SORA should be suspended if an offender is subject to a supervision or interim supervision order.

The Division concurs with these views and supports the recommendation of the Commission. Its implementation would facilitate the administration of supervision orders without affecting the risk.

Administration

The orders made by courts are becoming clearer in their conditions and the discretion they confer upon the Division indicates that they regard the Division's role as important. The significance that courts attach to the Division's independence is also clearer. As already discussed, this inevitably means that the Division is drawn into operational and process matters regarding the administration of orders. The administrative burden of the Division's responsibilities is a significant one for both members and secretariat. Among

other things, frequent reporting on matters relating to case management, the negotiation of complex and critical offender needs and administering three separate Acts complicates meetings. Nevertheless, the Division will continue to discharge the responsibilities conferred upon it to the best of its ability and looks forward to working with its secretariat and Corrections Victoria to improve processes and resources.

Acknowledgements

I take this opportunity to thank Community Correctional Services, especially specialist case managers, the staff at Corella Place, prison officers, clinicians and other service providers for the cooperation and assistance they provide to the Division. Their work is difficult and challenging in an area that has a high profile and where, when things go wrong, some people are quick to criticise and attribute blame.

Members and Secretariat

It has been a challenging year for the members and secretariat. I would like to thank the Division's members who have discharged their responsibilities diligently and with careful consideration of the needs of the community, the offenders, victims and the law. I would like to thank them for contributing their time and expertise for another demanding year.

Finally, but most importantly, I thank the staff of the Division, without whose efforts and dedication, the Division and its stakeholders would not be able to discharge their responsibilities. The support and leadership shown by the Division's Manager, Anthony Vitale has, once again, been outstanding. I thank him and his team for their work in the complex, challenging and high profile area of sex offender management.



Judge David Jones AM
Chairperson
Detention and Supervision Order Division

Manager's Report



Our objective is to support the Division's members, its Chairperson and stakeholders to achieve community protection and support offender rehabilitation.

In last year's report I touched on the Division's achievements, which I measured by the stability of its staffing complement, the solidarity of professional partnerships and our team's commitment to improving and getting our processes right. In this reporting period, the need to work together with stakeholders, the community and within our own team has never been more important.

While the Division's team and I are clear on our responsibilities, the reporting requirements of a secretariat are complex. Our objective is to support the Division's members, its Chairperson and stakeholders to achieve community protection and support offender rehabilitation. The extent to which our responsibilities are met relies on our processes and how we work with and within Corrections Victoria's complex offender management framework, its resources and policies.

Resources

One of the greatest challenges for the Division in this reporting period has been maintaining the integrity of operations with the resources provided to it. It remains the Division's general policy that all sex offenders assessed as suitable for participation in the SOP successfully complete the program in custody before being considered eligible for release. The SOP treatment system prioritises entry into programs based on a prisoner's earliest eligibility date for parole. A gradual increase in shorter sentences for sex offenders coupled with limited prison treatment beds has seen the SOP develop a backlog of prisoners awaiting treatment. The secretariat's role in managing the impact of this is to liaise with the SOP to negotiate a resolution so that the Division is able to achieve its objective of having all suitable prisoners released as close to their earliest eligibility date as possible. I would like to take this opportunity to thank Melissa Braden and the SOP team for being responsive in developing a plan to overcome the backlog in the treatment system.

This year, the Division's workload increased significantly. In the context of a sustainable government initiative, this has made the management of human resources and demand management challenging. Growth in these areas is likely to continue. Administratively, the Division's mandate is broad and the work is complex and confronting. In January of this year, to meet demand, the Division resumed a full weekly sitting schedule. This included weekly meetings in Carlton as well as servicing Hopkins correctional Centre, Langi Kal Kal Prison and Fulham Correctional Centre as well as Corella Place. The significant increase in Special Meetings in this reporting period was mostly related to post-sentence matters. As the Chairperson similarly points out, this confirms the Division's position in relation to the management of these orders: that is, the Division's role is complex and the criminal justice system continues to rely heavily on it to achieve its operational requirements.

Responsivity

Special Meetings for the Division increased by 80% in the reporting period. This confirms the growth in the Division's workload and demand on members to be responsive to operational needs of Corrections Victoria's Sex Offender Management Branch. This significant trend highlights two important factors that the Division's team will need to manage well as it moves into another reporting period where similar growth and demand is expected. First, the integrity of decisions needs to be safeguarded. This means that decisions always need to be evidence based and that the systems by which the Division's team gathers evidence and provides it to decision-makers needs to be responsive. I am confident in our systems and I take this opportunity to remind operational areas of the importance that the Division places on having access to full information when it is required to make a decision. Secondly, the secretariat will need to

review ways to operate within its mandate of overseeing orders and not become involved in operational issues relating to these orders. This is consistent with the Chairperson's approach and offers a means by which significant administrative burdens on the Division's team can be relieved.

Reviews and Development

Continuous improvement is essential for the integrity of any service delivery model. Sex offender management is no exception. In 2004 and 2005 the *Sex Offender Registration Act 2004* (SORA) and the former post-sentence legislation, the *Serious Sex Offender Monitoring Act 2005* were respectively introduced. These Acts saw a range of sex offender management initiatives introduced across Victoria. This year, His Honour Judge David Jones AM and I participated in a review of the SORA, undertaken by the Victorian Law Reform Commission (VLRC). In preparing for the Division's contribution to the review, statistics indicated that, at the time, over 85% of offenders registered under the SORA were also subject to some form of post-sentence order. This demonstrates the extent and significance of sex offender management, the value that the community, rightly, places on it and the scope of responses the government has implemented to address this. For my team, this means that it is very important that we get things right. Thank you to VLRC Chairperson, Professor Neil Rees and his team for delivering a number of recommendations that complement and serve to enhance the Division's operations.

Collaboration on reviews such as the one undertaken by the VLRC indicates that no services can fully function without the cooperation of others. Service systems, including courts, are no longer sentencing or managing offenders in silos and the concept of therapeutic jurisprudence and multiagency cooperation has never been more important. This year the Division developed its partnership with Corrections Victoria's Disability Pathways. There is an overrepresentation of sex offenders with an intellectual disability or cognitive impairment. In aiming to assist the Division to make informed decisions regarding these offenders, having the Division's team work more closely with Dr Barry Waterman's team is an important step in developing stronger ties with agencies whose work with these offenders can affect decisions made by members.

This year, the Division's members and management team participated in the Sentencing Advisory Council's review of the adult parole system in Victoria. Among other things, it highlighted the importance of having members and secretariat versed in the interpretation and use of risk assessment tools. While the recommendations produced by the report relate to the Board as whole, I remain committed to the development and implementation of a professional development framework for the Division's staff and members. This framework will aim to keep decision-makers

and staff, who regularly monitor incoming information related to the case management of sex offenders, familiar with best-practice assessment, intervention and transitional tools and methods.

Victims

The Division's administration, by virtue of the legislation that gives effect to it, needs to provide service to the community. Our relationship with the Victims Support Agency (VSA) allows us to do this well. Inquiries from victims and members of the community account for a significant proportion of the daily correspondence received by the Division. I would like to take this opportunity to confirm, first, the value of the service that the VSA offers. It provides eligible victims of crime with more information than the Division is permitted to under law. Secondly, I would like to thank Elizabeth Hall and Joel Jeremieczyk for their ongoing collaboration with the Division's secretariat.

Recognition

As I have mentioned, the role of the Division is broad and challenging. Supporting the staff who maintain sex offender management systems for the Division is critical. I would like to thank the dedicated Division team who provide a responsive and high-quality service to both the members and myself. Thank you to Michael Hepworth for his advice regarding the legal management of complex cases. I take this opportunity to thank David Provan and the Board's Management Team for their support and guidance. A special thank you to Judge Jones for supporting us and maintaining a tone for the Division which its secretariat is so pleased to administer, and to the Division's membership for their valued contribution.



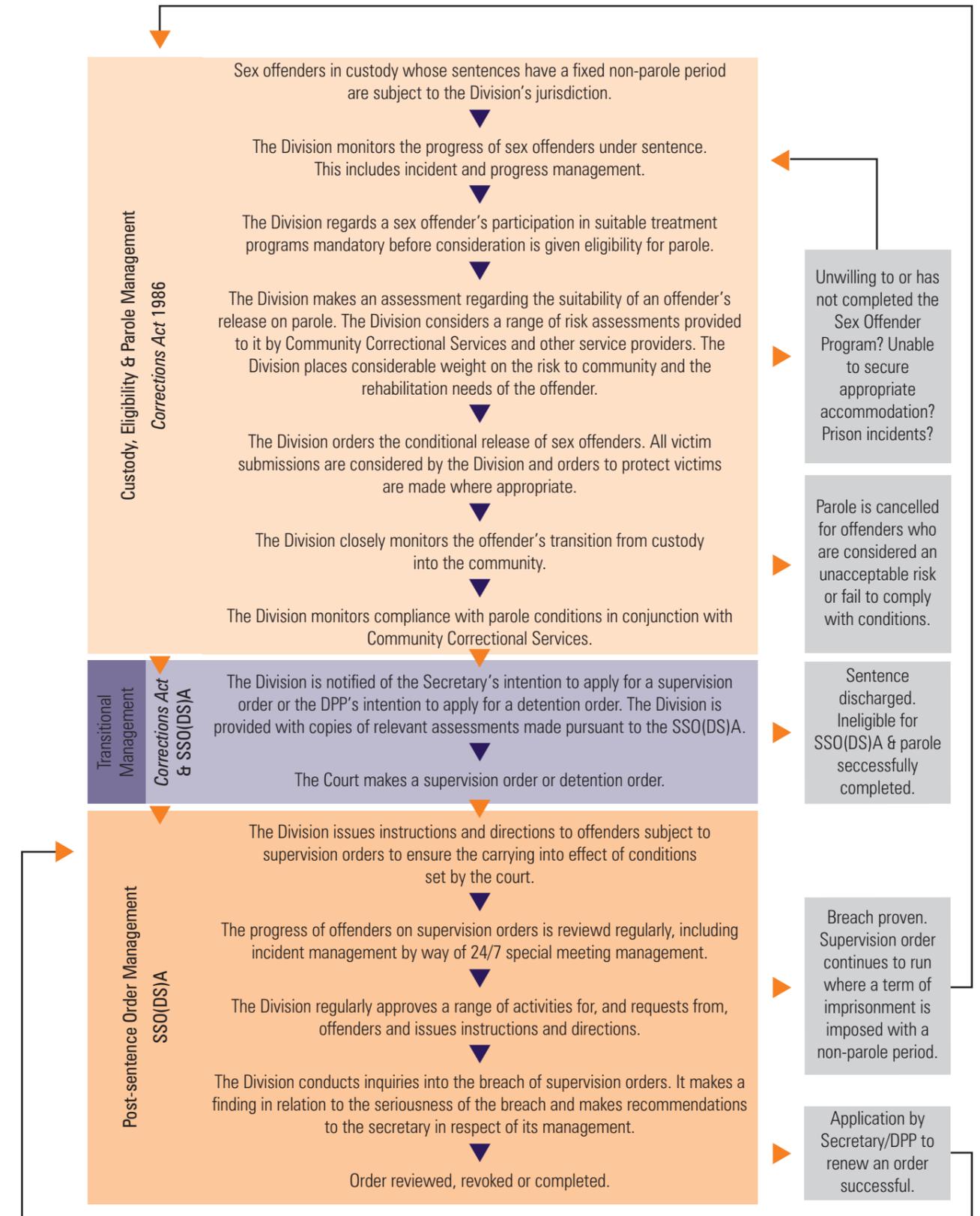
Anthony Vitale
Manager
Detention and Supervision Order Division



Truong Trinh, Anthony Vitale, Kym Gray and Sarah Ivasile

Scope of the Division's Jurisdiction

The Division's jurisdiction covers the monitoring of custodial sentences where a non-parole period is fixed, the determination of eligibility for and management of parole in the community and the transition to and management of post-sentence orders.



Custody, Eligibility and Parole Management

The Division engages with sentenced sex offenders in the early stages of their sentence. This enables it to require, as early as possible, that prisoners undertake to engage in programs that address their assessed risks and need.

The aim of the Division is to prepare prisoners for supervised release and safe reintegration into the community on, or as close to, their parole earliest eligibility dates as possible, where such release is appropriate having regard to all the circumstances and the Board's assessment of any risk to community safety.

Programs

Corrections Victoria's Sex Offender Program (SOP) assesses offenders to determine if they are at a high, moderate or low risk of sexual reoffending. Offenders assessed as low risk receive intensive case and environmental management through Community Correctional Services.

It is the Division's general policy that all sex offenders assessed as suitable for participation in the SOP, conducted in prison, successfully complete the program before being considered eligible for release. Failure of sex offenders to participate in recommended programs may result in denial of parole.

Orders for Release of Sex Offenders who are not Subject to a Supervision or Detention Order

Community safety is the paramount consideration in all decisions relating to the granting of parole. Through the granting of parole the Division also seeks to facilitate the rehabilitation of the offender, recognising that the community benefits from the rehabilitation of offenders.

In determining eligibility, the Division considers a range of assessments and information provided to it. Based on

the material relevant to it, each case is considered individually. The materials may include clinical reports, parole assessment reports and plans, residential environmental scans, progress and incident reports and victim submissions.

Under the *Corrections Act* 1986, the Division imposes stringent conditions on parole orders of sex offenders. Through the regular review of offenders, it aims to ensure that sex offenders understand that their compliance with these conditions is rigorously enforced. For example, the Division may require that sex offenders participate in the SOP and undertake psychiatric or other treatment in the community. In some cases, the Division requires that an offender must not:

- associate with certain persons
- engage in particular activities
- be employed in particular jobs
- reside in particular geographical locations
- have contact with victims or their family members, even under supervision, and
- have any contact with children or young persons

Post-Sentence Order Management Orders

	Supervision Orders	Detention Orders
Court of Origin	County and Supreme Courts	Supreme Court
Max Length	15 years	3 years
Minimum Review Period	3 years (or at a shorter interval if required by the court)	1 year (or at a shorter interval if required by the Court)
Placement	Broader community or Corella Place	Greenhill Detention Unit – Hopkins Correctional Centre
Conditions	Set by Court and administered by the Division	Not applicable

The Division manages non-compliance and escalations in, or presentations of, unacceptable risk to the community in the same way that other parole breaches are dealt with.

Transitional Management

The eligibility for consideration under the SSO(DS)A post-sentence regime requires that offenders, among other factors, be remanded in custody or serving a custodial sentence. Most offenders subject to a supervision order will have transitioned from a parole order.

The transitional management of such offenders requires that the Division uphold the sentence structure imposed by the court, including the non-parole period and the requirements that the Division, acting as the Board, are required to discharge under the *Corrections Act* 1986.

The Division does value additional information, such as psychological assessments and other material prepared for the post-sentence hearing as beneficial in its adjudication throughout the transitional period.

Where offenders on supervision orders have breached an order and are sentenced to a term of imprisonment

with a non-parole period fixed by the court, both the post-sentence and parole orders will run concurrently. In these instances, the Division must have regard to both pieces of legislation.

Legislation

The main purpose of the SSO(DS)A is to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who present an unacceptable risk of harm to the community to be subject to ongoing detention or supervision. The secondary purpose of the Act is to facilitate the treatment and rehabilitation of such offenders.

Sentencing courts set and control all conditions on supervision orders made under the SSO(DS)A. Conditions constitute the minimum interference with offenders' liberty, privacy and freedom of movement necessary to ensure the purpose of the condition as well as being reasonably related to the gravity of risk of reoffending. Where the Division is authorised, it can impose a range of instructions and directions on an order to ensure that the conditions set by the court are carried into effect. The Secretary to the Department of Justice remains the applicant in all matters under the SSO(DS)A and the Division is able to recommend, to either the Secretary or the sentencing court, a review of conditions on a supervision order.

Court	Condition	That you must comply with any form of electronic monitoring as directed by the Adult Parole Board.
Division	Instruction and Direction	The Adult Parole Board directs you to comply with electronic monitoring.

Example of an instruction and direction issued by the Division pursuant to a court ordered condition.

Monitoring

Community Correctional Services, under its Specialist Case Management Model, provides the Division with expertise in the intensive management of high-risk sex offenders. The Division's role in this process is to ensure that offenders are managed in accordance with their risk, the legislation which, inter alia, protects the human rights of the offender, and in accordance with the conditions imposed by the court when making or reviewing the supervision order.

Victims

Pursuant to section 129 of the SSO(DS)A, the Division welcomes and considers all submissions made to it by victims who are registered on the Victims Support Register.

Victims of crime and members of the community may also make written submissions directly to the Division.

Offender Rights

The SSO(DS)A takes account of the *Charter of Human Rights and Responsibilities* (2006) (the Charter). The human rights of offenders subject to post-sentence orders are provided for by the inclusion of provisions relating to the:

- provision of reasons for directions if requested by an offender
- provision of permission to inspect documents relating to a decision
- right to make submissions to the

Division in relation to instructions and directions issued by the Division, and

- right to be heard by the Division in relation to submissions.

Members

The Division comprises of the following membership.

Judge David Jones AM
(Chairperson)

Justice Bernard Teague AO
(Judicial Member)

His Honour John Dugan AM
(Judicial Member)

Michael Hepworth
(Full-Time Member)

Carmel Arthur
(Community Member)

Jim Berg
(Community Member)

Dr Julian Davis
(Community Member)

Vera Olson
(Community Member)

Judith Wright
(Community Member)

Janet Farrow
(Community Member)

Dr Kerry Jones
(Community Member)

Total Judicial Members	3
Full-Time Member	1
Total Community Members	7
Total	11
Female Members	5
Male Members	6
Total	11

Statistical Profile

Orders Made By the Court

Post-Sentence Orders Made in 2011-12

The courts made 50 new post-sentence orders in the 2011-12 reporting period.

Orders made by the Court	Detention Orders		Supervision Orders				Total
	Interim Detention Orders made by the Supreme Court	Detention Orders made by the Supreme Court	Supervision Orders made by the Supreme Court	Supervision Orders made by the County Court	Interim Supervision Orders made by the Supreme Court	Interim Supervision Orders made by the County Court	
2011-12	0	0	1	43	0	6	50
2010-11	0	0	1	30	0	5	36
2009-10	0	0	0	7	1	5	13

Of the total number of orders made, the majority (88%) were full orders, indicating that the processes for the application and finalisation of matters pursuant to the SSO(DS)A are responsive. The number of new orders made in this reporting period increased by 39% from the previous year.

Forty-four full orders were made by the courts in this reporting period. Thirteen were made as a result of a review of an extended supervision order. These figures signal the final stages of the gradual ceasing of effect of extended supervision orders made pursuant to the SSOMA. Four supervision orders confirmed interim supervision orders.

Length of Supervision Orders Pursuant to the SSO(DS)A Excluding Interim Orders

Duration of Supervision Orders	3 Yrs	4 Yrs	5 Yrs	6 Yrs	7 Yrs	8 Yrs	9 Yrs	10 Yrs	11-15 Yrs	Total
2011-12	11	4	10	2	3	2	3	6	3	44
2010-11	3	0	13	2	1	5	1	2	4	31
2009-10	0	0	3	1	0	1	0	1	1	7

Applications Refused and Orders Not Made

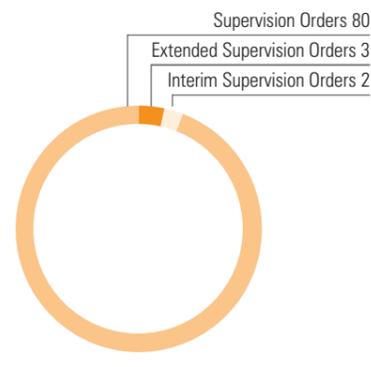
One application for a supervision order and one application for a detention order were refused by the court.

Orders Revoked, Overturned and Completed

In the 2011-12 reporting period, the courts ordered that three supervision orders be revoked at the time of their review. One order was completed.

Current Post-Sentence Orders Under the Division's Jurisdiction

As at 30 June 2012, the Division was responsible for the administration of 85 post-sentence orders.



Division's Management of Post-Sentence Orders

Pursuant to section 72(1)(bf) of the *Corrections Act* 1986, the Division is required to report on its management of offenders subject to post-sentence orders.

Corella Place	2011-12	2010-11	2009-10
Offenders directed to reside at Corella Place	8	8	4

After having given due consideration to the risk posed to the community and the impact on the rehabilitation of the offender, the Division may direct an offender to reside at Corella Place where the conditions imposed by the Court empower it to do so. Corella Place is a transitional residential facility located near Ararat for offenders subject to supervision orders and who are without suitable accommodation in the broader community.

The Division has and will continue to view the placement of offenders at Corella Place as a last resort. The expectation is that matters concerning offenders residing within the community, which are not related to the risk of sexually reoffending or which do not adversely affect the rehabilitation of the offender, will be managed in the community where possible.

In the 2011-12 reporting period, the Division gave effect to court-ordered residential conditions, by directing offenders to reside at Corella Place on eight occasions.

Emergency Powers

	2011-12	2010-11	2009-10
Offenders in respect of whom an emergency power was exercised	1	0	0

The emergency powers captured in the SSO(DS)A provide the Division with the authority to give directions to manage an offender in a way that is inconsistent with, or not provided for, by the conditions of the supervision order. Emergency powers may be used when there is an imminent risk of harm to the offender or the community or when accommodation specified by the court as a condition of the order becomes unavailable.

During 2011-12, the Division used its emergency powers once. This was the first time it has exercised this power.

Electronic Monitoring

Where authorised by the Court making the order the Division is able to direct offenders subject to supervision and interim supervision orders to comply with electronic monitoring. In the 2011-12 reporting period, 17 offenders on supervision or interim supervision orders were directed by the Division to comply with electronic monitoring.

	2011-12	2010-11	2009-10
Offenders directed to comply with electronic monitoring under a supervision or interim supervision order	17	30	5

Breaches of Conditions

In 2011-12, the Division investigated four instances where offenders breached conditions on a supervision order. On each occasion, the Division inquired into the seriousness of the

breach and in this reporting period, pursuant to s.161 of the SSO(DS)A, made one of the following recommendations:

- (a) take no action
- (b) give a formal warning to the offender
- (f) recommend that the Secretary bring proceedings in respect of the offence.

Pursuant to s172(3), the Secretary may, after having regard to the seriousness of the breach, file a charge sheet without having the Division investigate. In this reporting period, the Division noted eight instances where the Secretary initiated breach proceedings for offenders on supervision orders

	2011-12	2010-11	2009-10
Number of breaches of conditions on a supervision or interim supervision order	12	2	0

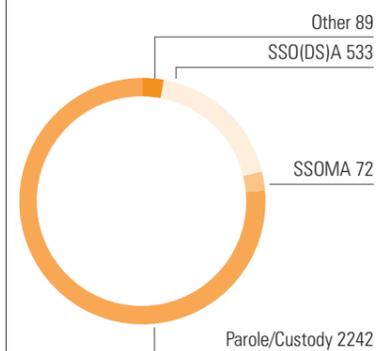
Activities of the Division

The Division, consisting of the Chairperson, or acting Chairperson, and two other members from the panel, meets weekly at its premises in Carlton as well as conducting prison hearings with sex offenders. The Division meets with offenders residing at Corella Place, Langi Kal Kal Prison and Hopkins Correctional Centre as well as conducting special meetings. Special meetings are unscheduled meetings that comprise a panel of Division members usually convened at short notice to respond to an issue that cannot be left until a scheduled meeting. Inevitably, the number of special meetings is increasing and is likely to continue to do so as the number of sex offenders on supervision orders and parole orders increases and the requirements of supervision become greater.

Our Organisation

Sex Offender Cases Considered by the Division in 2011-12

The Division considered 2,936 cases relating to orders made under the SSO(DS)A and the SSOMA, as well as sex offenders on parole or in custody and for whom parole is being considered. This figure is an increase of 33% on the number of cases considered in 2010-11 and reflects the ever-increasing workload and pressures on the Division which are unlikely to abate in the future but rather to continue to grow.



Meetings

In this reporting period, the Division convened on 121 occasions.

Year	Weekly sittings at Carlton	Special Meetings	Country Prison Sittings	Total
2011-12	35	74	12	121
2010-11	39	41	8	88
2009-10	15	4	7	26

Victims

The Division is committed to the consideration of victim submissions in respect of offenders in custody, on parole in the community or subject to a supervision order.

	Supervision Orders	Parole
Submissions received and considered	4	54

In this reporting period, the Victims Support Agency (VSA) invited seven registered victims to provide a written submission pursuant to the SSO(DS)A, of which it received four. The Division also received and considered 54 victim submissions through the VSA for parole matters.



Community Relationships
 Visitor Profile
 Privacy/Information
 Financial Performance

Community Relationships

The Board and its administrative staff aim to build positive and constructive working relationships by regular attendance at conferences to speak about the work of the Board, meeting with business units within Corrections Victoria and other agencies and participating in a range of initiatives.

Meetings and Working Parties

During 2011-12, staff of the Board participated in the following meetings:

- Carlton Building Management Steering Committee
- Justice Mental Health Partnership Group
- Offender Management Managers meetings, Corrections Victoria
- Parole Practice Committee
- ROPE and Victoria Police liaison meetings
- Serious Violent Offender Steering Committee
- Sex Offender Program staff
- Targeted Programs (Offender Management Division) liaison meetings
- The Division, Sex Offender Program and Sex Offender Management Branch Quarterly Meetings
- Unlawful Release and Detention Working Party
- Victims Register Steering Committee.

Initiatives

During 2011-12, the Board strengthened its relationships with stakeholders and the community by participating in a range of initiatives.

2011 Corrections Victoria Community Work Partnerships Awards

Community groups engaging offenders to help Victorians in innovative ways were recognised at the 2011 Corrections Victoria Community Work Partnerships Awards on 16 February 2012. Justice Whelan was a member of the judging panel. Michael Hepworth and David Provan were pleased to

attend the awards presentation function.

The Awards are presented each year at an event attended by the Minister for Corrections and the Commissioner of Corrections Victoria, as well as Corrections Victoria staff and community work partners from throughout Victoria. Since its inception in 1999, the Awards ceremony has proven to be an excellent opportunity for participants in community work programs and staff to meet with representatives from other non-profit organisations and to see the outstanding work that is being achieved by prisoners and offenders across Victoria.

'A Conversation with the Board'

As part of the Board's commitment to continuous improvement, the Board's management team offered a service to all prisons to attend peer educator meetings and facilitate information sessions, which were called 'A Conversation with the Board'. The purpose of the session is to meet with the peer educators and respond to any general issues and questions relating to parole and the process. Pauline Bailey, Cheryn Leahy, Anthony Vitale and David Provan attended eight prisons between July 2011 and June 2012 and facilitated information sessions.

Parole Practice Committee

Staff of the Board participated in the quarterly Parole Practice Committee (PPC) meetings. PPC membership includes representatives from each Community Correctional Services (CCS) region together with staff of the Board. The Committee's purpose is to provide a forum where participants can suggest ideas for improvement, discuss issues, challenges and developing trends, as well as engage in activities and joint projects that will strengthen the working relationship between CCS and the Board.

Community Correctional Services Training

Community Correctional Services provides centralised pre-service training for Community Corrections Officers (CCO), Leading CCO and Senior CCO staff. The training is provided by the Centralised Training Team (CTT), which focuses on building foundation skills to ensure consistent practice, raise standards and support a structured learning and development culture. As part of the training, the CTT has established a network of information sessions delivered by key stakeholders to Corrections Victoria. One such relationship is with the Board, which provided information sessions, including tours of the Board, to enhance the knowledge that CCS staff have about the role, jurisdiction, functions and legislative responsibilities of the Board.

Staff of the Board delivered a total of 5 CTT information sessions during 2011-12.

Information Sessions

Staff of the Board delivered information sessions at the Annual Reintegration Services meeting, ACSO (Australian Community Support Organisation), Community Correctional Services and Prison General Managers forum, brimbyn barrig wilam (find path home) Koori Transition Forum, Independent Prison Visitor Scheme, Court Registrar Trainees Royal Melbourne Institute of Technology (RMIT) University Program, Intake and Assessment Worker Network meeting, Human Rights Unit, Child Witness Service, Specialist Case Worker Induction Training, Victorian Law Reform Commission Sex Offenders Roundtable and at the Australian Psychological Society's College of Forensic Psychologists annual meeting.

A total of 26 information sessions were delivered during 2011-12.

Visitor Profile

While the Board's hearings are not open to the public, it welcomes applications from individuals who have a legitimate purpose and wish to observe Board meetings.

Those with a legitimate purpose may include judges, magistrates, academic researchers and students, trainee community corrections staff, and persons with a particular interest in the operations of the Board, for example, those engaged in similar operations from other jurisdictions.

By encouraging visitors, the Board takes an open and transparent approach to its operations, while enabling visitors to gain a greater understanding of the Board's responsibilities. At the same time, the Board ensures its meetings are conducted with the utmost integrity and a high standard of quality in terms of its decision-making.

All visitors are required to read the Fact Sheet 2 - Observers at Board Meetings and sign a *Confidentiality Declaration*. The Chairperson of the Division ensures that the visitor has signed the declaration and explains the importance of maintaining the strict confidentiality of the proceedings.

All visitors to the Board must:

- not participate in the hearing in any way
- not speak, and avoid any form of non-verbal communication during the hearing
- not take notes without the prior permission of the Chairperson of the Division
- not bring cameras, tape recorders, mobile phones, palm pilots or any other personal electronic device into the hearing room
- leave the hearing room, if asked, while confidential or sensitive information is being discussed or if it is determined that their presence affects the hearing process
- avoid discussing the hearing with another person while outside the hearing room.

During 2011-12, 94 visitors (69 in 2010-11) attended meetings of the Board, including The Hon. Jill Hennessy MP, Member for Altona, Shadow Minister for the Anti-corruption Commission, Corrections and Crime Prevention, and staff/students from the following organisations:

- trainee Community Corrections Officers from various locations
- Australian Institute of Public Safety, La Trobe University, University of Melbourne, Monash University, Royal Melbourne Institute of Technology and Victoria University
- Victorian magistrates, judges and court staff
- various work units within Corrections Victoria
- Victims Support Agency
- Youth Parole and Youth Residential Boards of Victoria.



Cheryn Leahy explains Fact Sheet 2 – Observers at Board Meetings and the Confidentiality Declaration to visitor Sue Frisch

Privacy/Information

Freedom of Information and Privacy

The privacy principles contained in the *Victorian Information Privacy Act 2000* and *Corrections Act 1986* prescribe the manner in which the Board handles information collected and/or received about prisoners, offenders and parolees.

It is the Board's policy not to provide copies of any reports or meeting minutes to those who make a request, even if the request is accompanied by a 'written authority'. The reports prepared by psychiatrists, psychologists, Community Corrections Officers and other professionals to assist the Board in carrying out its decision-making function are submitted 'in confidence' and are 'strictly confidential'.

The Board is not subject to the provisions of the *Freedom of Information Act 1982*.

Fact Sheets

The Board makes available the following fact sheets:

- **Fact Sheet 1** - General Guide to Parole
- **Fact Sheet 2** - Observers at Board Meetings and Confidentiality Declaration
- **Fact Sheet 3** - General Guide to Prisoner Interviews
- **Fact Sheet 4** - General Guide for Victims
- **Fact Sheet 5** - Parolees Required to Attend the Board
- **Fact Sheet 6** - Information for Community Corrections Officers who Attend the Board
- **Fact Sheet 7** - The Detention and Supervision Order Division of the Board
- **Fact Sheet 8** - Request for a Review of a Board Decision

Available Publications

The Board offers a range of publications and information to the public, including:

- Adult Parole Board of Victoria Annual Report
- Fifty Years of the Adult Parole System in Victoria 1957 to 2007
- Victims Support Agency brochure - Victims Register
- Corrections Victoria brochure - Sex Offender Program

Website

For further information about the Board, visit our website at www.justice.vic.gov.au/paroleboard.

A Sustainable Future

The Board is committed to responsible sustainability management, and operates in a manner that protects and improves the environment.

A number of energy and water saving features which will help us reduce our impact on the environment have been introduced at the Board's premises at 444 Swanston Street, Carlton. The building has lighting on sensors for after hours and sensor lighting in the bathrooms. The kitchen has water reduction measures, water wise taps, recycling and compost bins.

Public transport is close to its premises, and Board members, staff and visitors are encouraged to use it. Bicycle racks are also provided in the basement of the building for those staff who ride to work.

Financial Performance

Operating Statement and Financial Summary—2007-08 to 2011-12

Revenue

The Board is funded by Corrections Victoria and utilises the Department's systems for the payment of its accounts. Consequently, there is no requirement for the Board to maintain a bank account.

Audited Accounts

The Board's accounts are audited as part of the accounts of Corrections Victoria, Department of Justice and are published in the Department's Annual Report.

Assets

The Board is not a body corporate, and does not have power under its legislation to purchase, hold, or dispose of real and personal property.

Employee Benefits

All employees of the Board are paid by Corrections Victoria, and as such the Board does not make payments directly in respect of employees' superannuation, payroll tax and WorkCover.

Member Remuneration

Remuneration of sessional members and the Board's full-time member is fixed by the Governor in Council.

Judicial Members are not remunerated for their work on the Board. Retired Judicial Members and Community

Members are remunerated at the rate of \$474 per sitting day. Retired Judicial Members are remunerated at the rate of \$548 per day when acting as chairperson of a division. These rates are set out in the Department of Premier and Cabinet's *Guidelines for the Appointment and Remuneration of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees*.

Budget Strategy for 2012-13

Our budget strategy for 2012-13 is to maximise productivity while operating within our budget allocation.

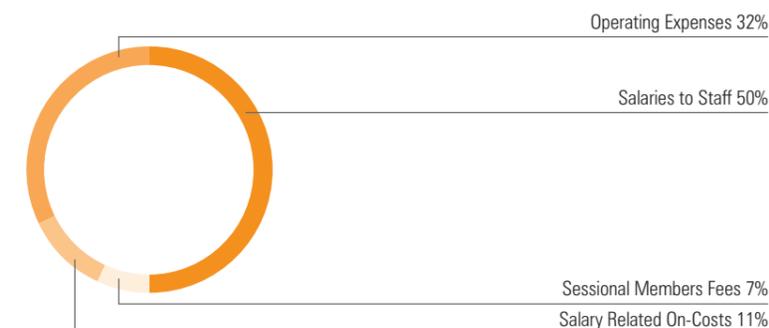
Funding

	2011-12 \$	2010-11 \$	2009-10 \$	2008-09 \$	2007-08 \$
Total appropriation from Corrections Victoria (includes base and funding for initiatives)	2,808,800	2,777,400	2,523,200	2,171,000	1,805,200

Expenditure

Salaries to staff	1,401,036	1,356,329	1,316,818	1,135,530	934,572
Sessional member fees	204,649	174,463	153,353	110,710	90,486
Salary related on-costs	292,676	289,739	296,994	193,243	183,662
Operating expenses	878,100	846,093	674,156	792,652	686,514
Total	2,776,461	2,666,624	2,441,321	2,232,135	1,895,234

Operating Expenditure Percentage Distribution 2011-12



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For Our Readers

Distribution and Additional Copies

We print and distribute 500 copies each year and, once tabled in Parliament, the Annual Report is available from our website www.justice.vic.gov.au/paroleboard.

More Information

To find out more about the information contained in this Annual Report, telephone the Board on 9094 2111 or 1300 766 946 (Victorian Country Callers).

Feedback

Your feedback is valuable to the Board and helps to improve the quality of our Annual Report. To provide feedback please contact the Board by telephone or email your feedback to apb.enquiries@justice.vic.gov.au.



The photographs in the Annual Report are taken of our members and staff as they go about their daily work. We appreciate the willingness of members and staff to be photographed and agreeing to have their photograph included in the Annual Report. We thank them for their co-operation and assistance.

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