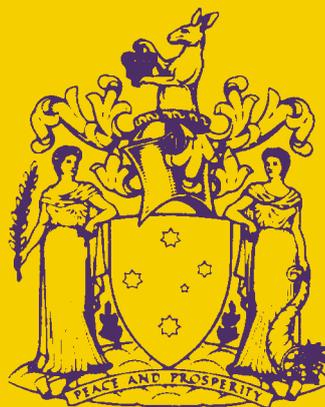


# ADULT PAROLE BOARD OF VICTORIA



**2003-04** ANNUAL REPORT



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The Honourable André Haermeyer, MP  
Minister for Corrections.

Dear Minister,

In accordance with the requirements of Section 72(1) of the *Corrections Act 1986* (the Act), the Adult Parole Board (the Board) has the honour of submitting its Annual Report to the Minister relating to the 12 months ended 30 June 2004 concerning:

- (a) number of persons released on parole;
- (b) number of persons returned to prison on cancellation of parole;
- (ba) details of the number of persons placed on home detention orders;
- (bb) details of the number of persons with respect to whom a home detention order has been revoked and who were returned to prison;
- (bc) details of the impact of home detention orders on persons residing with offenders; and
- (c) operation of this Division and Division 4, and the activities of the Board and officers assisting the Board.



Murray B Kellam  
Chairperson  
30 September 2004



*Board members and staff meet at H M Bendigo Prison for a series of prison hearings. Board members visit prisons on a regular basis to interview offenders and monitor their progress. From left—Board staff members Helen Kostic and Christina Mavrakis, Secretary Norman Wills, Board members Vera Olson, John Dugan, The Honourable Justice Murray Kellam, The Honourable Justice Bernard Teague, Acting Operations Manager of H M Bendigo Prison Andrew Gray and Board member Michael Hepworth.*

*At the Adult Parole Board (the Board), our purpose is to play an important role within the Victorian criminal justice system by managing the appropriate release of offenders on parole for the benefit of the Victorian community.*

## Our Objectives

Our objectives are to:

- fulfil our statutory obligations under the *Corrections Act 1986* efficiently and effectively and in the best interests of the community;
- make independent and appropriate decisions regarding the release of offenders on supervised conditional release;
- make appropriate orders relating to cancelling parole and returning offenders to prison custody;
- ensure that offenders are properly prepared to reintegrate into the community; and
- develop a flexible, responsive and skilled administrative staff.

The Adult Parole Board (the Board) was established in 1957 after the Victorian Parliament passed the *Penal Reform Act 1956*. The Board replaced the Indeterminate Sentences Board, which had been in operation since 1908.

The concept and development of the operation of the parole system in Victoria was initiated by the then Inspector-General of Penal Establishments and Reformatories Mr A R Whatmore and The Honourable Mr Justice J V Barry of the Supreme Court of Victoria.

An independent statutory body established under the *Corrections Act 1986*, the Board exercises its jurisdiction over the release of offenders on parole. The Board provides a framework that enables offenders to undertake a step-by-step re-entry into the community.

When deciding whether to release an offender on parole, the Board considers the interests of the community, the rights of the victim, the intentions of the sentencing authority and the needs of the offender.

Preparing offenders for release on parole begins as soon as they enter the prison system. The Board meets with offenders at a relatively early stage during their sentences. These meetings ensure that offenders undertake appropriate programs designed to assist them to re-enter society successfully. Offenders on parole are interviewed at the Board's premises in Footscray.

During 2003–04, the Board interviewed 1,675 offenders, compared with 1,651 in 2002–03. This result is consistent with the Board's policy of early intervention in offender management.

The Board is beginning to interview some offenders who have been convicted of serious offences or those who have psychiatric issues on a more regular basis. The Board needs to be satisfied that such offenders are well equipped to be reintegrated into the community on release. With regular interviews, the Board can monitor their progress for an appropriate period prior to release on parole.

# ADULT PAROLE BOARD MEMBERS AND SECRETARY

## Chairperson

The Honourable Justice Murray B Kellam, Judge of the Supreme Court of Victoria. Appointed as Member on 22 August 2000. Appointed Chairperson on 20 March 2003.

## Deputy Chairperson

The Honourable Justice Bernard G Teague, Judge of the Supreme Court of Victoria. Appointed as Member on 20 March 1991. Acting Chairperson from 7 June 2000 to 25 February 2002 and Chairperson from 26 February 2002 to 20 March 2003. Appointed Deputy Chairperson on 20 March 2003.

## Members

Her Honour Judge Carolyn Douglas, Judge of the County Court of Victoria. Appointed as Member on 17 March 1998.

His Honour Judge David Jones, AM, retired Judge of the County Court of Victoria. Appointed as Member on 26 February 2002.

Ms Jelena Popovic, Deputy Chief Magistrate of Victoria. Appointed as Member on 17 March 1998.

Mr Michael Hepworth appointed Full-Time Member on 18 September 2001.

Ms Penny Armytage, Secretary to the Department of Justice. Appointed as Member on 17 March 2003.

## Part-Time Members

Mr John M Dugan, Retired Chief Magistrate of Victoria. Appointed as Part-Time Member on 31 October 1990.

Mrs Pamela Carty-Salmon appointed as Part-Time Member on 2 July 1974. Appointment expired on 23 June 2004.

Ms Margaret E Pitt, appointed as Part-Time Member on 3 May 1994. Appointment expired on 23 June 2004.

Mr Leon Worth, appointed as Part-Time Member on 21 June 1994. Appointment expired on 23 June 2004.

Ms Theresa Sgambaro, appointed as Part-Time Member on 2 August 2000.

Mr Jim Berg, appointed as Part-Time Member on 17 October 2000.

Mr Terry Laidler, appointed as Part-Time Member on 17 October 2000.

Ms Vera Olson, appointed as Part-Time Member on 15 January 2001.

## Secretary

Mr Norman Wills, appointed as Secretary from 14 December 1998 to 2 October 2000. Re-appointed as Secretary on 4 October 2001.



Members of the Adult Parole Board, from left, Deputy Chairperson The Honourable Justice Bernard Teague, Jim Berg, Theresa Sgambaro, Chairperson The Honourable Justice Murray Kellam, Terry Laidler, John 'Darcy' Dugan, Michael Hepworth, Secretary Norman Wills and Vera Olson. Not present— Her Honour Judge Carolyn Douglas, His Honour Judge David Jones, Jelena Popovic and Penny Armytage.

# THE YEAR AT A GLANCE

Item	2003–04	2002–03	% Change
Cases considered	7,061	6,732	4.9
Board meeting days	115	112	2.7
Meetings at prisons	52	51	1.9
Offenders interviewed at prison	1,675	1,651	1.5
Parole orders made	1,706	1,588	7.4
Parole orders breached	809	611	31.4
Parole orders completed successfully	1,066	887	20.2
Special conditions imposed on parole orders	1,892	1,447	30.7
Parole orders denied	93	82	13.4
Parole orders cancelled	472	379	24.5
Reason for cancelling parole orders due to:			
• failure to comply with conditions of parole	265	239	10.9
• further conviction and sentence	207	140	47.8
Length of parole served prior to cancellation:			
• day of release to less than three months	117	115	1.7
• three to less than six months	137	122	1.2
• six to less than 12 months	120	83	44.6
• 12 months or more	98	45	102
Breaches not resulting in cancellation	337	246	34.5
Warnings issued relating to breaches not resulting in cancellation by:			
• Board	53	60	(1.2)
• Community Correctional Services Staff	198	108	83.3
• Letter from Board	16	3	433.3
Cases where no further action was taken by Board relating to breaches not resulting in cancellation	70	75	(6.7)
Home detention applications received	233	-	-
Home detention orders made by Board	26	-	-
Home detention orders made by courts	3	-	-
Home detention orders revoked	1	-	-
Transfers from youth training centres to prison	11	13	(1.5)
Transfers from prison to youth training centres	2	6	(66.7)
Parole orders transferred outside Victoria	51	35	45.7
Parole orders transferred to Victoria	22	33	(33.3)
Total employees	14	13	0.8
Judicial members	6	6	-
Full-time member	1	1	-
Part-time members	4	7	(42.8)

## Highlights

- The Board met on 115 occasions (112 in 2002–03) and considered 7,061 matters (6,732 in 2002–03).
- Of the 115 occasions the Board met, 52 were at various Victorian prisons (51 in 2002–03) where 1,675 offenders were interviewed (1,651 in 2002–03).
- The number of offender releases totalled 1,706, an increase of 7.4%, while the number of denials also increased, totalling 93—a 13.4% rise.
- The number of parole orders successfully completed rose from 887 in 2002–03 to 1,066 in 2003–04, representing a rise of 20.2%.
- Parole cancellations totalled 472 (379 in 2002–03) representing an increase of 24.5%.
- The number of parole orders breached totalled 809, compared with 611 parole orders breached in 2002–03.

## CHAIRPERSON'S MESSAGE

The Adult Parole Board continued to discharge its onerous duties within an environment marked by many challenges, including a general increase in the prison population over recent years, and difficulty in accessing sufficient psychiatric and housing support in the community for high-need parolees.

During the year under review, the Board met on 115 occasions to consider 7,061 cases as compared with 6,732 cases considered during 2002–03.

### Complex cases

Throughout the financial year, we adopted a case management role with many offenders who exhibited a range of complex needs and issues. As part of this role, we worked closely with Corrections Victoria and other agencies in developing integration programs for parolees before their release. In addition, we managed and supervised them intensively throughout their parole period. Clearly, such measures served the community's interest with regard to individual offenders in reducing the risk of recidivism.

### Mental health issues

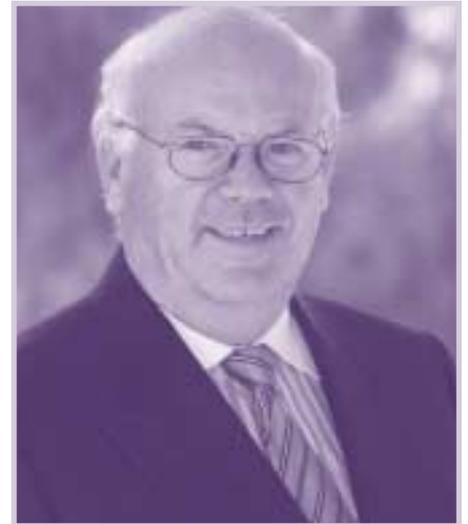
During the reporting period, we dealt with numerous offenders who suffered from mental impairment. We are most concerned that the resources for dealing with such persons are now stretched beyond capacity. The in-patient and out-patient resources of Forensic Psychiatric Services are under significant pressure due to demand.

Notwithstanding the best endeavours of Forensicare, it is becoming more and more difficult to provide the level of safety the community requires, as well as the level of psychiatric support that many offenders who suffer from psychiatric and psychological problems require.

### Sex offender program

In the last Annual Report, the Board expressed some concern about the availability of sexual offender programs to prisoners. To a large extent, these concerns were resolved during the last financial year. We consider that **all** sexual offenders should be assessed for such programs while they are serving their prison sentences. Those who are assessed as being suitable to undertake sexual offender programs in prison should be provided with appropriate programs, and be required to participate in them, before becoming eligible for parole.

The provision of assessment services and sexual offender programs, both in prison and in the community, met the Board's requirements during the year under review. I am grateful to the Sexual Offender Unit of Corrections Victoria and to Mr William Wainwright, in particular, for his efforts in achieving the current satisfactory situation with regard to the Sexual Offender Program.



Chairperson Justice Murray Kellam.

The Board monitored the release of sexual offenders carefully and regularly placed strict conditions relating to appropriate parolee accommodation and matters such as contact with victims and other offenders. Of particular concern to the Board has been the unavailability of appropriate accommodation for such offenders while they are on parole. I am grateful for the wonderful work done by Sister Claire McShee of ACSO-COATS in this regard. Ensuring that such offenders do not re-offend is paramount to the interests of the community. Obtaining appropriate accommodation for such persons is vital in protecting the community, since it reduces the risk of re-offending.

## Drug-abusing prisoners

The Board continues to be concerned about the rate of recidivism among drug-using offenders. Until the community deals with widespread drug abuse by young people and the underlying social conditions leading to such abuse, recidivism by such persons will persist.

However, the Board is pleased to observe the continued endeavours of Corrections Victoria in reducing the availability of drugs in prisons and in delivering intensive drug programs to prisoners. In particular the Opiate Substitution Program holds considerable promise in assisting drug-abusing prisoners to avoid illicit drug use upon release.

Community interests dictate that strong endeavours must be made to reduce the scourge of drug abuse in the community. In fact, most burglaries and armed robberies and numerous other violent offences occur in a context of sustained drug abuse by offenders. This situation will remain unchanged until the community regards providing suitable treatment for such individuals as an issue of real importance, justifying the allocation of appropriate resources.

## The community perception of parole

Regrettably, some elements of the media, and other members of the wider community, fail to understand that granting parole serves the public interest, rather than constituting a privilege accorded to a prisoner for good behaviour in prison. Often, the Board grants parole after it is satisfied that a prisoner has made sufficient progress during the non-parole period to justify conditional release. However, the principal purpose of granting parole is to serve the public interest by closely supervising the offender during his or her period of reintegration into the community.

In many cases, onerous conditions of parole include imposing:

- a curfew;
- strict conditions about place of residence;
- requirements to attend programs; and
- random substance testing.

Some sexual offenders receive appropriate medication to reduce their risk of offending during parole periods. The Board regularly refuses to grant parole to prisoners who do not actively engage in prison programs, or who have a poor record on previous grants of parole. Nonetheless, the Board firmly believes that the public interest is not served by releasing longer term prisoners into the community at the end of their sentences without supervision, nor without having strict conditions imposed on their parole orders.

## Visitors to board sittings

As always, the Board extended invitations to attend Board meetings to a number of individuals, including politicians, to enable them to obtain a greater understanding of the Board's responsibilities. The Board remains willing to extend invitations to attend Board meetings to those who have a responsibility to the public regarding matters relevant to the Board's functions, subject only to agreed confidentiality of the meetings.

## Membership of the Board

The part-time members of the Board bring their extensive experience of life and community values to bear on board decisions. As I note under 'Acknowledgments', the terms of three part-time members have expired after many years of community service. The Board looks forward to the early appointment by the Governor-in-Council of suitably experienced, skilled and knowledgeable members of the community to replace them.

## CHAIRPERSON'S MESSAGE

There is no statutory limit on the number of part-time members but the Board considers that its workload at the present time is such that the appointment of at least four part-time members would be appropriate.

### Industrial action

During the year under review, industrial action by employees of the Department of Justice significantly affected the provision of detailed parole assessment reports, progress reports and other necessary information to the Board. As a consequence of the industrial action, the Board had insufficient information to make parole orders in a number of cases, thereby delaying the parole of a number of prisoners by up to several months. However, apart from that concern, the industrial action did not seriously disrupt the operations of the Board during the months of the industrial dispute. I am particularly grateful to the hardworking staff of the Board, the senior staff of Corrections Victoria, and to the senior managers of Community Corrections offices throughout Victoria who provided the Board with the information necessary to conduct its operations. In particular, the Board is grateful for the care taken to ensure that we were kept informed of any issue that might endanger the public safety throughout this period.

### Acknowledgments

It is appropriate that I record my appreciation to a number of people. First, I express my gratitude to the Deputy Chair of the Board, the Honourable Justice Teague who has unhesitatingly (and at all hours) provided me, other Board members and the staff of the Board with wise advice and support throughout the reporting year.

The increasing pressure of hearings and complexity of preparatory work has increased the workload of the Board's members significantly. As the Herald-Sun stated in an editorial dated 10 July 2004:

*"Board members have a difficult, complex balancing act to weigh up the community interest, victims' rights, the intent of sentencing and the welfare of the prisoner. They receive few public plaudits. But they deserve due recognition for selflessly fulfilling a role essential in any civilised society."*

Indeed, I am grateful for the continuing enthusiastic support I have received from members and for their individual contributions to the Board. Fortunately, the Board has attracted a hardworking, enthusiastic and diligent staff. We simply could not function without their hard work, which I acknowledge with gratitude.

In particular, I congratulate Anna Djuric—through her commitment she has made a major contribution to the successful implementation of the Home Detention Program as part of the Board's functions. Norman Wills continued to fulfil his obligation as Board Secretary beyond the call of duty. His sensible, calm diligence constitutes a substantial contribution to the Board's success.

I appreciate the continued support of Corrections Victoria. Commissioner Mr Kelvin Anderson, Director of Statewide Services Mr Dennis Roach and the hardworking Community Corrections officers, who provided numerous reports to the Board, have given strong and enthusiastic support. Other organisations, such as ACSO-COATS and *Bridging the Gap* have assisted the Board in fulfilling its functions with the most difficult parole cases.

Finally, on behalf of the Board, I express our appreciation to Pam Carty-Salmon, Leon Worth and Margaret Pitt, who have served the Board with distinction over many years prior to the expiry of their appointment terms in June 2004. Collectively, they have provided 50 years of dedicated service as Board members, and their contributions cannot be overstated.



The Honourable Justice Murray Kellam  
Chairperson

# SECRETARY'S REPORT

The past financial year marked a time of consolidation when we implemented a number of new initiatives, while shifting our direction concerning the ongoing management of offenders on parole.

## Our performance

Since 1998–99, the Board has experienced an upward trend in the number of cases considered from 4,534 to 7061, equating to an increase of 56%. While our resources continued to be fully stretched in meeting our targets, staff achieved a high level of quality in their work.

In nearly all cases considered by the Board, the staff of Community Correctional Services (CCS) provide regular reports indicating the progress of offenders. Along with the Board, the CCS is also responding to the increasing workload generated by the upward trend in meeting the Board's needs by providing such reports in a timely manner. In providing such reports, CCS can request changes to the reporting regime, permission to travel or a tightening or reduction in program conditions. Consequently, the Board can adapt parole to reflect an offender's individual management requirements.

## Prison visits

In 2003–04 the Board interviewed 1,675 offenders at prison—a similar number compared with 1,651 offenders in 2002–03. Board members used video conferencing to interview offenders in prison in a more timely manner. In addition, this technology has enabled the Board to interview

CCS Officers in country locations and offenders on parole without either having to attend the Board's office.

## Actively monitoring offenders

As noted in the Chairperson's comments, the Board is more actively monitoring offenders who have been released on parole. The Board's staff are playing a more interventionist role in managing offenders by regularly discussing issues concerning the management of offenders with CCS Officers. The purpose of this approach is to achieve the required balance of program attendance, supervision, community work and other requirements, to ensure the offender successfully completes the order. Such a proactive approach often avoids having to initiate breach proceedings against an offender.

## CCS work bans imposed

During the reporting period, the Board's resources were fully stretched when CCS staff imposed work bans. These work bans resulted in a number of offenders having their cases considered after their earliest eligibility date for parole. The Board's staff worked tirelessly with CCS executive staff, to enable the Board to consider a significant number of cases during the period of the work bans.

After CCS staff lifted the work bans, Board staff again worked tirelessly to prepare cases for consideration by the Board, thereby reducing the period offenders were detained beyond their earliest eligibility date for parole.



Secretary Norman Wills.

## Annual reviews of offenders

Staff of the Board began attending annual reviews of offenders, which are conducted by the Sentence Management Unit of Corrections Victoria. Attending an offender's annual review, which is usually held prior to the Board interviewing the offender, has allowed Board staff to identify issues relevant to the long-term rehabilitation and reintegration of some offenders.

As a consequence, the practice brings offenders to the Board's attention at an earlier stage. The Board can then identify and propose programs and other assistance to better equip the offender for release into the community. In addition, these annual reviews can identify offenders who may require ongoing psychiatric and psychological treatment. This treatment can be recommended at the time the Board interviews the offender.

In the case where an offender has been previously interviewed by the Board, staff can provide the Board's view of the programs and other requirements that it has proposed for an offender.

The annual review enables a coordinated plan to be developed for offenders that encompasses program participation, and such a plan can only enhance the rehabilitation and reintegration prospects of offenders released from custody.

## Home detention commenced

On 1 January 2004, the Home Detention Program commenced, allowing the Board to release non-violent, low security offenders convicted of specific offences to home detention, after serving two-thirds of their sentences, for a maximum period of six months. Home detention enables low-risk offenders to maintain the employment, family and community ties necessary for rehabilitation and reintegration. Courts can also release offenders directly to home detention. The program provides for the Board to revoke a home detention order that has been made by the Board or the courts.

The Home Detention Program presented new challenges in terms of establishing new practices and procedures that ensure files were properly prepared for consideration by the Board. In particular, processes were developed, allowing the Board to revoke an order at any time on a 24-hour basis.

## Information technology

As has been reported over recent years, the Board has again fully supported the Criminal Justice Enhancement Project (CJEP). Unfortunately, there have been delays in the implementation of CJEP across the Department of Justice. However, we expect that the Board will be linked to the new system early in 2005.

## New legislation

Legislation establishing a Victims Register will commence in the coming year. The legislation provides for victims to receive information about adult offenders who have been convicted of violent crimes against them. Victims have a statutory right to make submissions to the Board stating any concerns they may have about offenders prior to parole.

We will be working with Corrections Victoria to ensure that proper processes are established and that statements are provided for the Board's consideration, in a timely manner.

## Acknowledgments

The Board acknowledges the valuable post-release services offered by the following agencies:

- Australian Community Support Organisation (ACSO);
- Community Offenders Advice and Treatment Service (COATS);
- Salvation Army;
- Anglicare;
- Brosnan Centre;
- Galiamble Halfway House; and
- Percy Green Memorial Hostel.

Without the considerable assistance provided by such agencies, offender rehabilitation would be far more difficult to achieve.

In particular, I would like to take this opportunity to thank the Board's staff for the efficient and effective manner in which they undertook their work this financial year. Despite many challenges tackled under the pressure of an ever-increasing workload, they provided an excellent level of service to the Board, the public and colleagues in the corrections environment.



Norman Wills  
*Secretary*

# OUR PERFORMANCE

## Cases considered

During 2003–04, the Board met on 115 occasions (112 in 2002–03) and considered 7,061 matters (6,732 in 2002–03). Cases considered by location are set out in the table below. This result represents a 4.9% increase in the number of cases considered, compared with the previous financial year.

The Board has experienced a rising trend in cases considered since 1998–99 when it considered 4,534 matters, representing a 56% increase over this period. The continued rise in cases considered is significant and has placed enormous strain on the Board's resources.

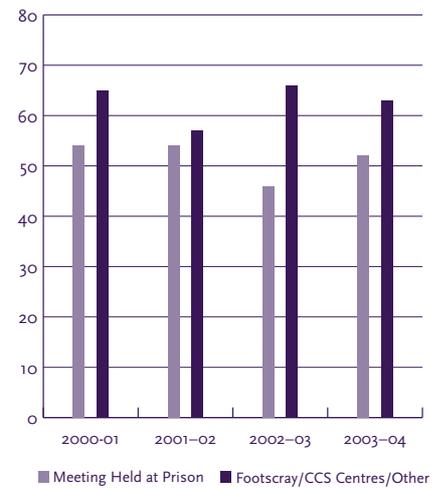
Although the number of cases considered increased by a smaller degree than in the previous year, the complexity of cases involving offenders both in custody and on parole demanded more of the Board's time in determining cases. The Board continued to monitor specific offenders

who had been released on parole with problems surrounding psychiatric and accommodation issues, and the risk of drug use.

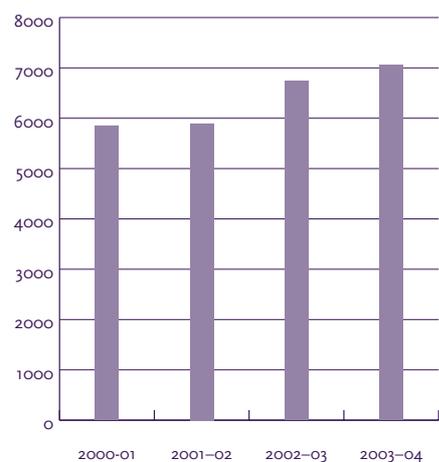
To monitor such offenders, the Board required offenders to regularly attend interviews at its Footscray office or, if they resided in country Victoria, their closest CCS Office. In addition, the Board requested reports from CCS to stay informed of the progress of offenders. The transient and drug culture lifestyle of many offenders prior to their imprisonment usually presents difficulties in obtaining new accommodation on release. Such regular reports enable the Board to intervene and re-direct the lifestyle of offenders.

The Board will continue to maintain its involvement with offenders on parole, and take appropriate action when necessary, to ensure they are able to meet the conditions of their parole.

Number of Board Meetings Conducted to Consider Cases—2000–01 to 2003–04



Total Number of Cases Considered—2000–01 to 2003–04



## CASES CONSIDERED BY LOCATION—2001–02 TO 2003–04

Location	No of Meeting Days			%			No of Cases			%		
	03–04	02–03	01–02	03–04	02–03	01–02	03–04	02–03	01–02	03–04	02–03	01–02
Footscray (HQ)	48	48	49	45	46	44	5,312	5,034	4,342	75	75	74
Prisons	52	51	48	42	43	43	1,675	1,651	1,510	24	25	26
CCS Centres	14	12	13	12	10	12	67	44	36	1	-	-
Thomas Embling Hospital	1	1	1	1	-	-	7	3	8	-	-	-
<b>Total</b>	<b>115</b>	<b>112</b>	<b>111</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>7,061</b>	<b>6,732</b>	<b>5,896</b>	<b>100</b>	<b>100</b>	<b>100</b>

## Prison visits

During 2003–04, the Board undertook a regular program of prison visits to:

- offer additional opportunities for offenders to access the Board directly through personal representations. This was especially useful for those offenders whose release on parole has been, or may be, denied or deferred by the Board;
- provide more effective integration of the Board's activities within the correctional system;
- increase the Board's contact with prison and community-based corrections staff; and

- enable the Board to make more informed assessments by directly discussing cases with individual offenders.

Of the 115 occasions the Board met, 52 meetings were held at various Victorian prisons (51 in 2002–03) where the Board interviewed 1,675 offenders (1,651 in 2002–03). This result represents a 1.5% increase in the number of offenders interviewed by the Board at prison and a 2% increase in prison visits, compared with 2002–03. While the Board would like to interview more offenders in prison, current staffing levels do not allow additional prison visits. However, the Board conducted an additional meeting at Fulham Correctional Centre during the reporting year.

The Board aims to ensure that all offenders are aware of their obligations and the consequences if they breach their parole. However, it is impossible for the Board to interview all offenders who are released on parole, particularly if a court fixes short non-parole periods for offenders or where offenders are transferred within the prison system.

If the Board does not interview offenders in prison, the Full-Time Member interviews them by video conference prior to release or the Board directs them to attend its premises in Footscray. Such offenders are then interviewed by either the Board, the Full-Time Member or the Secretary who explains fully to them their responsibilities and obligations under parole.



Board members frequently use video conferences to interview offenders in prison and those on parole at Community Correctional Centres. From left, Board members Theresa Sgambaro, Jim Berg and Justice Teague interview Senior Community Corrections Officer Lisa Ashton (centre video screen) at the Ballarat Community Correctional Centre before speaking with an offender.

# OUR PERFORMANCE

## Offenders in custody

On 30 June 2004, the number of offenders undergoing prison sentences totalled 3,010, compared with 3,068 on 30 June 2003. The number of offenders fluctuates over a 12-month period as offenders enter and leave the prison system on a daily basis, either after having been released on parole or when their sentences expire. For example, the above figures do not take into account offenders who were sentenced to a short non-parole period, and entered and left prison in the same year. The number of offenders in custody totalled 3,624 in June 2004 (3,763 in June 2003).

## Offenders considered for release

Corrections Victoria notifies the Board about offenders who have a future eligibility for parole. At that time, the Board considers each case and decides to:

- grant release;
- defer consideration until a later date; or
- deny release on parole.

The Board takes into consideration the individual merits of each case to determine the appropriate time to release a offender on parole. Before making its decision, the Board reviews reports from Community Correctional Officers (CCOs), custodial staff, medical practitioners, psychologists and psychiatrists (refer to 'Factors that influence Board decisions' opposite).

In addition, the Board examines the offender's criminal history and any comments recorded by the sentencing court. The offender or others interested in the case may make representations for consideration by the Board, including written submissions from victims. To assist the decision-making process, the Board may interview the offender and professional people working with the offender. The Board pays close attention to offenders convicted of serious offences, particularly violent crimes.

## Factors that influence Board decisions:

- Nature and circumstances of the offence(s).
- Comments made by the judge when imposing the sentence.
- Prior criminal history.
- Previous performance when under supervision in the community.
- Potential risk to the community or the offender.
- Release plans.
- Assessments and recommendations made by appropriate professionals, including psychiatrists, psychologists and CCOs.
- Submissions made by the offender, the offender's family, friends and potential employers, or any other relevant individuals.
- Representations made by the victim or by persons related to the victim.
- Conduct of the offender while in custody or under supervision.
- Willingness of the offender to participate in relevant programs while in custody and the extent of the offender's cooperation.

### PAROLE RELEASES, DENIALS AND CANCELLATIONS—2001-02 TO 2003-04

	Releases			Denials			Cancellations		
	03-04	02-03	01-02	03-04	02-03	01-02	03-04	02-03	01-02
Male	1,557	1,458	1,281	93	75	63	438	352	368
Female	149	130	120	-	7	2	34	27	26
<b>Total</b>	<b>1,706</b>	<b>1,588</b>	<b>1,401</b>	<b>93</b>	<b>82</b>	<b>65</b>	<b>472</b>	<b>379</b>	<b>394</b>

The Board aims to ensure that its proceedings are conducted properly and fairly for all parties involved. While there is no formal avenue of appeal against a decision of the Board, offenders may request a review of any Board decision. This review may be initiated in writing by the offender, or by a person on behalf of the offender, or by the offender requesting an interview with the Board.

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.

## Releases and denials on parole

During 2003–04, the Board:

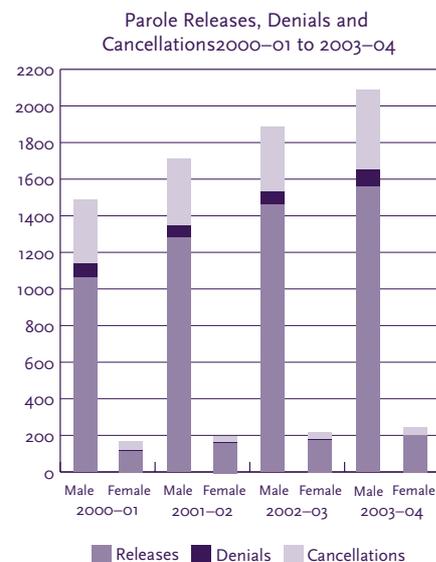
- made orders for the release of 1,706 persons on parole (1,588 in 2002–03);
- denied 93 persons release on parole (82 in 2002–03); and
- cancelled parole orders for 472 persons (379 in 2002–03).

As shown above, the number of offender releases increased by 7.4% as did the number of cases where the Board denied parole, rising 13.4%.

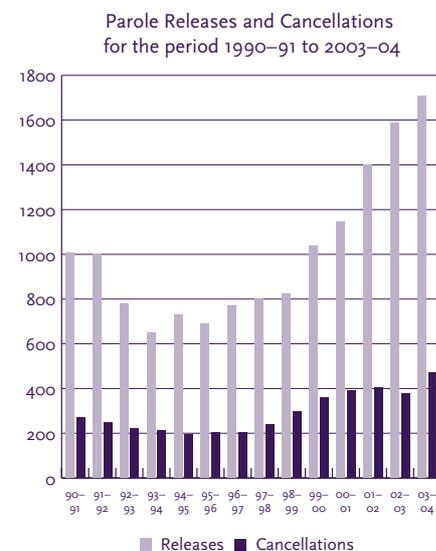
The Board denies parole for a number of reasons, including:

- failure of offenders to undertake programs that address their offending behaviour;
- continuous drug use;
- their previous performance on parole; and
- insufficient time for an effective parole period.

Cancellations increased by 24.5%. The major reason for this increase was due to parole being cancelled as a consequence of offenders being convicted of offences they committed while on parole.



The graph shows rises in the number of parole releases, denials and cancellations made by the Board.



Both the number of parole releases and the number of parole orders cancelled by the Board increased.

# OUR PERFORMANCE

## Special conditions of parole

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

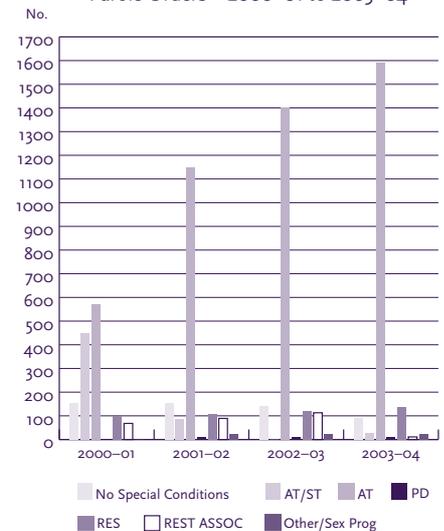
- attendance for assessment and treatment for alcohol or drug addiction, or submitting to medical, psychological or psychiatric assessment and treatment;
- testing for alcohol or drug use;
- attendance for personal development programs (often in conjunction with anger management programs);
- residence 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 (this is an important protection for vulnerable persons in some situations);
- no unsupervised contact with children;
- participation in the Sexual Offender Supervision Program;
- avoidance of certain geographical areas;

- abstinence from alcohol;
- assessment by, and participation in, drug programs as directed by CCOs; and
- participation in drug programs as directed by CCOs in consultation with the Community Offenders Advice and Treatment Service (COATS).

During 2003–04, the Board continued to impose more stringent conditions on the parole orders of sex offenders, while ensuring sex offenders understood that their expected compliance with these conditions would be rigorously enforced. For example, in some cases, the Board required that an offender must not:

- associate with certain persons;
- be employed in particular jobs;
- reside in certain neighbourhoods or households; or
- have contact with victims or their family members, even under supervision.

Special Conditions Imposed on Parole Orders—2000–01 to 2003–04



The graph shows the number and nature of the more significant special conditions imposed on parole orders during the year. The special condition of Assessment and Treatment (AT) was significantly greater than any other condition imposed, reflecting a large number of offenders who are being released from the prison system with complex psychological and psychiatric needs.

### Legend:

AT—Assessment and treatment for drug addiction, psychological, psychiatric or medical conditions.  
 ST—Testing for substance abuse.  
 PD—Personal development programs.  
 RES—Residential restrictions.  
 REST ASSOC—Restricted association/no contact (including no contact with victim).  
 OTHER—Includes attendance at the Community Forensic Mental Health Centre and Sexual Offender Supervision Program, as well as conditions such as abstinence from alcohol.

**Note:** The number of special conditions imposed exceeds the number of orders granted since some orders have more than one special condition imposed.

The special condition of Assessment and Treatment (AT) is almost invariably imposed as a condition of every parole order. This special condition provides supervising CCOs 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 CCO to arrange the appropriate treatment and programs. The offender may, from time to time during the supervising period, require counselling for health problems and other issues, and this condition provides the CCO with the flexibility to arrange treatment without having to refer back to the Board.

## Monitoring the supervision of offenders on parole

The Board regularly interviews offenders who are on parole at its offices and at the offices of CCS in regional Victoria for the purpose of monitoring their progress while on parole. In addition, the Board takes the opportunity to consult with CCOs about the individual management of specific offenders and the broader issues affecting the supervision of offenders on parole. This gives CCOs, particularly those new to CCS, the opportunity to gain knowledge about the Board's requirements and to discuss difficult issues surrounding the supervision of offenders.

## Victims of crime

The Board understands the difficulties faced by victims of crime and their families who are exposed to the criminal justice system. The Board regularly imposes special conditions upon parole orders designed to protect victims from contact with parolees. When requested, the Board discloses information about the release of an offender on parole, including any special conditions imposed that are relevant to the victim of such an offender.

## Available publications

The Board offers a range of publications that assist in explaining its role with regard to offenders and the general public. These publications include guides relating to:

- parole;
- offender interviews;
- information for victims of crime;
- home detention;
- parolees required to attend the Board; and
- visitors attending Board meetings.



From left, Board members Justice Teague, Michael Hepworth and John Dugan discuss the development in drug treatment programs at H M Bendigo Prison with Manager Drug and Alcohol Program Suzanna Dick.

# PEOPLE ON PAROLE

## Parole orders completed successfully

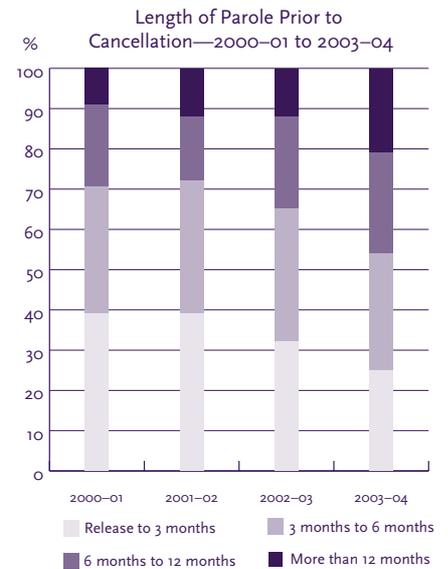
The number of parole orders that were successfully completed by offenders during the financial year rose 20.2% from 887 in 2002–03 to 1,066 in 2003–04. These figures include offenders who were released on parole prior to the current reporting year but who completed their parole period during the reporting year.

## Breach of parole orders

During 2003–04, the Board made 1,706 parole orders and offenders breached 809 parole orders. Not all of the parole orders breached were made by the Board in the year under review. This result compares with 2002–03 when offenders breached 611 of the 1,588 parole orders made by the Board. Of the 809 parole orders breached, the Board cancelled 472 orders, representing 58.8% of all orders breached.

With regard to the remaining breaches, the Board considered them minor breaches insufficient enough to warrant returning the offender to prison. Offenders who fell into this category usually breached their parole by way of conditions—a warning and an adjustment to their reporting regime was considered sufficient for the purposes of successfully completing parole. As noted elsewhere in this Annual Report, the Board experienced significant rises in both warnings issued by CCS staff and letters of warning issued by the Board relating to breaches not resulting in cancellation.

If a parolee fails to comply with any of the conditions of the parole order, including conviction and sentence for further offences while the order is current, he or she is 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 committed during the parole period, the Board still has jurisdiction to cancel parole.



The graph represents the length of parole served prior to cancellation of the parole order by the Board.

### PAROLE ORDERS SUCCESSFULLY COMPLETED AND CANCELLED—2002–03 TO 2003–04

Number of Parole Orders:	2003–04			2002–03		
	Male	Female	Total	Male	Female	Total
Successfully Completed*	978	88	1,066	807	80	887
Cancelled	438	34	472	352	27	379
Total	1,416	122	1,538	1,159	107	1,266

\*Includes a count of the number of parole orders completed during each financial year. It is not a count of the number of individuals that completed an order. Individuals can have more than one parole order during a reporting period. These figures include both orders made prior to and during the reporting year.

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

- (a) Note the breach but take no further action.
- (b) Issue a warning by way of:
  - the individual's attendance in person before the Board;
  - the Regional Manager of the supervising location;
  - or
  - a letter from the Board.
- (c) Add conditions.
- (d) Cancel the order.

### Breaches resulting in cancellation

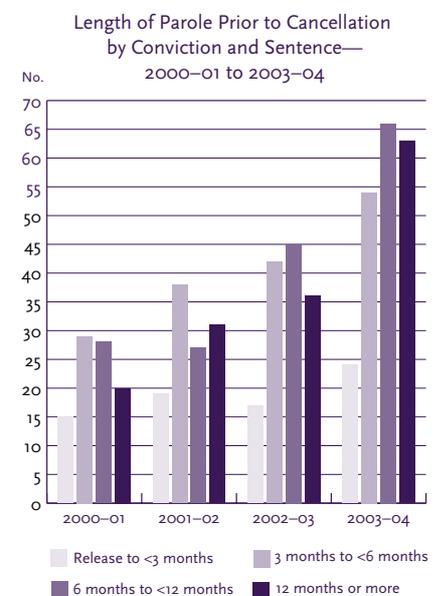
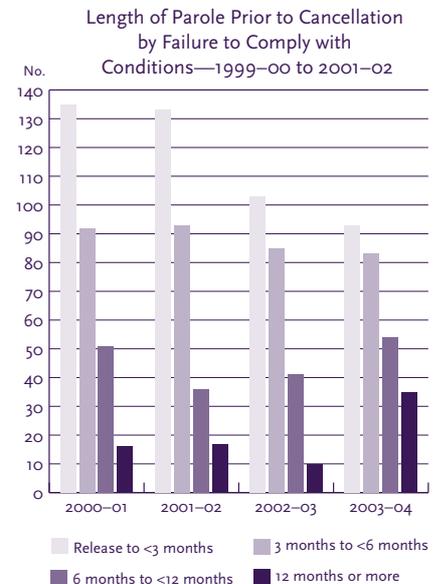
When the Board cancels a parole order, it issues a warrant for the arrest of the offender who is then returned to prison custody. The offender is liable to serve the unexpired portion of his or her original sentence. However, the Board may again release the offender on parole during this period.

The Board determines whether the time spent on parole by the offender prior to cancellation is to be deducted from the unexpired portion of parole. In making this decision, the Board takes into account the nature of the breach and the offender's response to parole supervision.

The number of cancellations increased 24.5% from 379 in 2002-03 to 472 in 2003-04. The cancellation of parole due to the offender being convicted of offences while on parole increased significantly during the year under review. The Board will monitor this trend in the coming financial year.

Of the 472 parole orders cancelled, 265 (56.1%) resulted from the failure of the offender to comply with the conditions of parole, compared with 239 (63%) in 2002-03.

A total of 207 parole cancellations (43.9%) resulted from a further conviction and sentence being imposed on the offender, compared with 140 (37%) in 2002-03.



The graphs above show the length of parole prior to cancellation by the Board for failure to comply with conditions and for further conviction and sentence.

## CANCELLATION OF PAROLE—2001-02 TO 2003-04

Period After Release	By Conditions			By Conviction and Sentence			Total			%		
	03-04	02-03	01-02	03-04	02-03	01-02	03-04	02-03	01-02	03-04	02-03	01-02
Release to less than 3 months	93	103	133	24	17	19	117	120	152	25	32	39
3 to less than 6 months	83	85	93	54	42	38	137	127	131	29	33	33
6 to less than 12 months	54	41	36	66	45	27	120	86	63	25	23	16
12 months or more	35	10	17	63	36	31	98	46	48	21	12	12
Total	265	239	279	207	140	115	472	379	394	100	100	100

The Board considers parole breaches to be a serious matter and often deals with such breaches by cancelling parole orders. With the exception of certain general obligations that apply to all persons on parole, conditions under which individuals are released are specific to each individual case. The Board clearly explains the supervision requirements for each individual. In the event of non-compliance, the offender will be required to appear before the Board so that it may assess whether any breach has, in fact, occurred and determine what course of action should be taken.

During 2003–04, the reasons for cancelled parole orders included continued drug abuse, failure to attend for supervision or community work, failure to participate in programs as specified in the order, or convictions for further offences. Parole orders cancelled by the Board for the period 2001–02 to 2002–03 are described on page 17.

Most parole orders that are cancelled for failure of the offender to comply with the conditions of parole are with respect to continued substance abuse and failure to attend supervised appointments and/or programs. The majority of such breaches occur in the first six months of parole. This is the time when offenders find it difficult to adjust to the transition from prison to the community.

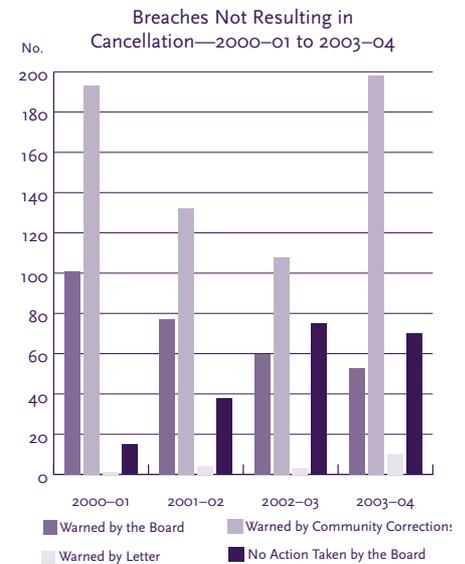
## Breaches not resulting in cancellation

During 2003–04, the Board considered 337 cases involving breaches of the conditions of a parole order where it decided, considering all the circumstances, not to cancel the order. This result represents a 34.5% increase when compared with 246 cases in 2002–03.

The Board does not take action, particularly for a minor breach, if the offender's CCS Officer has addressed the breach to ensure the offender continues to comply with his or her conditions of parole. This procedure may merely involve an adjustment to the offender's reporting regime or the addition or deletion of specific conditions.

Of the 337 cases involving breaches not resulting in cancellation:

- 53 (16%) were warned by the Board, compared with 60 (24%) in 2002–03;
- 198 (60%) were warned by the Regional Manager or Centre Manager of the Community Correctional Centre, compared with 108 (44%) in 2002–03;
- 16 (4.8%) were warned by letter, compared with three (1%) in 2002–03; and
- 70 (21%) involved no further action being taken by the Board, compared with 75 (31%) in 2002–03.



The graph shows the total number of breaches not resulting in cancellation and the various actions taken.

When the Board cancels a parole order, the offender immediately returns to prison to serve the whole outstanding period of his or her sentence. Most often, the sentence the offender is required to serve constitutes the whole period of parole regardless of the period they spent on parole. The Board can re-parole offenders in appropriate circumstances. When deciding whether or not to cancel parole, the Board considers the:

- type of breach;
- remaining parole period;
- performance of the offender and his or her compliance with the other conditions of parole; and
- long-term rehabilitation of the offender, including employment and education issues.

Often, a minor breach of parole does not justify returning an offender to custody. In such instances, the Board formally warns the offender, requests that the Regional Manager or Centre Manager from CCS warn the offender, or issues a warning by letter. In most cases, such warnings are sufficient to re-focus offenders with

regard to their parole obligations and responsibilities and, usually, offenders successfully complete their parole orders.

Frequently, the Board does not have jurisdiction to cancel an order even though an offender has breached his or her parole. These circumstances arise when an offender commits an offence while on parole but the offender is not dealt with by the court until after the parole period has expired. In these circumstances, the Board can take action only by cancelling parole and returning the offender to custody if the court imposes a sentence of more than three months' imprisonment on any one charge.

Often sentences imposed on such convictions are less than three months or it is not possible to identify whether any one charge has had a sentence of more than three months imposed.

### **Revocation of cancellation orders**

The Board has a policy, with regard to less serious offences, of revoking cancellation orders and withdrawing warrants for apprehension and return to custody in relation to offenders who have not come before the courts in any jurisdiction in the Commonwealth of Australia after 10 years after the warrant was issued.



Hugh Roberts and John Insana of Community Corrections Services (CCS) show Board Secretary Norman Wills (centre) the results of recent graffiti removal work as an example of the type of constructive, community-based work carried out by offenders on parole. In partnership with local councils, Corrections Victoria has been organising graffiti removal programs for many years. Geelong CCS was the first to commence the program more than eight years ago, followed by Dandenong CCS. Since then, a number of other CCS offices have begun the program in partnership with their local councils and, in one case, the local Magistrates' Court. The program has proved to be very successful, resulting in an increase in the frequency of work performed by the graffiti removal crews from once a week to up to three times a week. Crime Prevention Victoria partially funds the program as part of the State Government's strategy 'Grappling with Graffiti'.



From left, Julie Bozinovski discusses an offender's application for the Home Detention Program with Home Detention Coordinator Anna Djuric. In assessing applications, Anna and Julie review such issues as the offender's security rating, prior offences and the sentence imposed by the court.

## Home detention

On 1 January 2004, the Home Detention Program began—a Victorian Government initiative that enables the Board to direct carefully selected non-violent, low security offenders from prisons to serve part of their sentences by way of home detention. Home detention enables low-risk offenders to maintain the employment, family and community ties necessary for rehabilitation and reintegration.

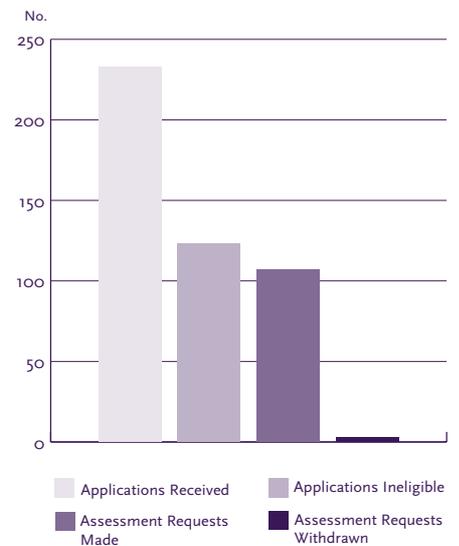
The program provides for the Board to release offenders on home detention, after they have completed two-thirds of their sentences, for a maximum period of six months. In addition, the program enables the Board to revoke court orders and its own orders where there has been a breach of the order.

Since the introduction of the program, the Board has received a total of 233 applications from offenders wishing to participate. The Board carefully assesses the application to ensure the offender is eligible.

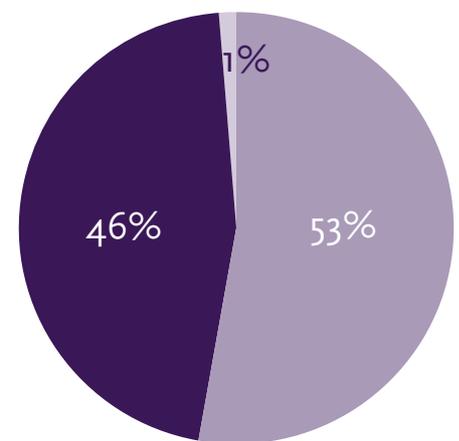
On determining an application, the Board assesses information relating to the:

- offender's criminal history;
- past and current sentencing arrangements;
- psychological, psychiatric, medical and intervention order history;
- prison conduct; and
- program participation.

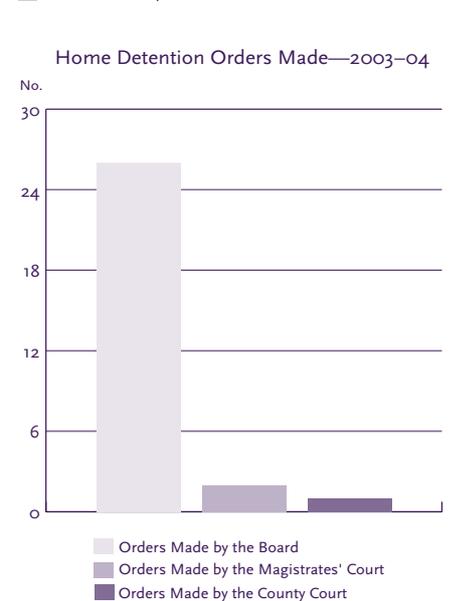
Home Detention Caseload Activity—2003–04



Home Detention Applications Considered by Outcome—2003–04



Home Detention Orders Made—2003–04



Once the Board's home detention staff have determined an application eligible for the program, they request the Home Detention Unit of CCS to provide an assessment report for the Board. Before making a decision to grant home detention, the Board interviews every offender by video conference or in person and explains the requirements of the program.

Of the 233 applications received:

- the Board determined that 123 applications were ineligible for the program;
- the Board made 107 assessment requests to the Home Detention Unit for a report; and
- offenders withdrew three applications.

During 2003–04, the Home Detention Unit completed 37 assessments and determined 11 assessments to be unsuitable for the program. The Board made 26 home detention orders and the courts made three orders, including two orders from the Magistrates' Court and one order from the County Court. The Board only revoked one order due to accommodation issues. The Board revoked the order prior to the release of the offender from custody. As at 30 June 2004, the Board was awaiting completion of 59 assessments.

The Board may exercise its power to refuse home detention in cases where there has been a positive recommendation from the Home Detention Unit. The Board makes such decisions on the basis that the offender may present an unacceptable risk.

The Board has the capacity to respond to a breach of a home detention order at any time. Consequently, if the Board revokes a home detention order, then it can arrange the execution of a warrant on a 24-hour basis.

### **Impact of home detention orders on co-residents**

In assessing the suitability of an offender for a home detention order, a representative of the Home Detention Unit conducts a comprehensive and confidential interview with all persons who will be residing with the offender (co-residents). The aim of the interview is to ensure co-residents fully appreciate the monitoring procedures and core conditions for the offender and to identify any negative or positive impact an order may have upon family relationships.

The Home Detention Unit will only recommend an offender for the Home Detention Program in cases where no risks exist with regard to the safety of any co-resident. Ongoing monitoring ensures that any risk to co-residents is identified swiftly. To date there have been no instances of concern to warrant the removal of an offender on a home detention order from the accommodation.

## **Supervising people on parole**

Community Correctional Officers in the CCS Branch of Corrections Victoria supervise offenders released on parole and home detention in Victoria. These officers are accountable to the Board under section 73 of the *Corrections Act 1986*.

Community Correctional Officers provide court advice and supervise individuals released on a number of different non-custodial, community based orders. Upon release, a parolee reports to the CCS Centre nearest to his or her home or to the parolee's most convenient location.

The Board actively supervises convicted murderers released on parole. To monitor these individuals, the Board obtains progress reports and conducts interviews every three months. The frequency of contact diminishes depending on the satisfactory progress of parolees and the duration of their parole.

## People convicted of murder

The Board pays particularly close attention to persons who have been convicted of the charge of murder both during their period of imprisonment and during any period of parole.

The Board reviews such offenders from the commencement of their sentence at intervals not exceeding five years. 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 remain in custody. The process also enables the Board to encourage their participation in programs that will assist them to reintegrate into the community.

Three years prior to the earliest eligibility for parole, the Board may, in appropriate cases, fix a tentative date for release on parole. This enables long-term offenders who, by good behaviour, have achieved a minimum security rating in prison to make application for leave pursuant to the Corrections Act. This date is tentative only and may be revoked.

When an earlier decision is made to release an offender, 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 revokes the order or defers release.

Upon release on parole, the Board requires such parolees to attend interviews at least every three months during the first two years of the parole supervision period. In addition, the Board obtains reports on their progress from the supervising CCOs. If the parolee responds well to parole supervision, the intervals between these interviews may be extended as the supervision period progresses. Normally, the Board receives progress reports until this period expires.

## People detained under Section 93 of the Sentencing Act 1991

In cases involving detainees with a mental illness, the sentencing court may require such detainees 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, commonly known as Forensicare.

Detainees become eligible for parole only when the Mental Health Review Board or the Chief Psychiatrist discharges them, at which time they return to prison to complete any unexpired portion of their sentences.

During 2003–04, the Board visited the Thomas Embling Hospital more regularly 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.

In addition, the Board's procedures ensured such individuals were 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 CCS Centres to develop appropriate release plans that 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 develop 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

### Transfers from youth training centres to prisons

Section 240(1) of the *Children and Young Persons Act 1989* provides:

*The Youth Parole Board may, on the application of the Director-General, 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 training 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.

During 2003–04, 11 persons were transferred from a youth training centre to prison, compared with 13 in 2002–03.

### Transfers from prisons to youth training centres

Section 244(1) of the *Children and Young Persons Act 1989* 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 training centre, the Adult Parole Board may, if satisfied, after considering a report from the Director-General:*

- (i) that person is suitable for detention in a youth training centre; and*
- (ii) a place is available in a youth training centre—direct that person be transferred to a youth training centre.*

During 2003–04, two persons were transferred from prison to a youth training centre, compared with six in 2002–03.

## Interstate transfers

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

During 2003–04, the Registrar of Transferred Parole Orders advised the Board of the transfer from Victoria of 51 parole orders interstate as shown opposite.

The Registrar of Transferred Parole Orders advised the Board of the transfer to Victoria of 22 parole orders from interstate as follows shown opposite.

## Release of sex offenders

The Board acknowledges that the release of sex offenders on parole can be a highly contentious and emotive issue. Given the serious nature of such offences, members of the community often become concerned when

### PAROLE ORDERS TRANSFERRED FROM VICTORIA—2001–02 TO 2003–04

	2003–04	2002–03	2001–02
New South Wales	23	12	23
South Australia	5	6	6
Western Australia	4	-	4
Queensland	14	13	10
Northern Territory	1	-	1
Tasmania	4	4	-
Australian Capital Territory	-	-	1
<b>Total</b>	<b>51</b>	<b>35</b>	<b>45</b>

### PAROLE ORDERS TRANSFERRED TO VICTORIA—2001–02 TO 2003–04

	2003–04	2002–03	2001–02
New South Wales	5	15	10
Western Australia	1	3	9
South Australia	6	4	3
Queensland	10	9	2
Tasmania	-	-	5
Northern Territory	-	1	3
Australian Capital Territory	-	1	0
<b>Total</b>	<b>22</b>	<b>33</b>	<b>32</b>

## Case Study: Long-Time Offender Sentenced for Armed Robbery Undergoes Intensive Drug Counselling, Finds Job and Successfully Completes Parole

Mr B pleaded guilty to two counts of armed robbery and two counts of theft of a motor car. The County Court sentenced Mr B to a total of four years, 10 months with a non-parole period of three years, four months. In sentencing, the Judge noted that Mr B had a considerable criminal history spanning 14 years and had been to prison on four occasions. The Judge also noted that Mr B had a sad history. At 14, he was drinking alcohol and smoking cannabis and by 16 he was intravenously using amphetamines. Mr B had graduated to heroin at age 23. The Judge also noted that Mr B had not undergone any formal drug rehabilitation.

The Board interviewed Mr B in prison and advised him that he must undergo an intensive drug course before the Board would consider him for parole. Just prior to his earliest eligibility date for parole, the Board again interviewed Mr B and received a report from Community Correctional Services indicating that he had completed the intensive drug course and that accommodation with his mother and stepfather had been arranged.

The Board advised Mr B that it would release him on parole and included a condition that he undergo further drug counselling. Mr B completed the drug counselling and quickly found a job. He regularly attended for supervision and community work and successfully completed his parole.

attempts are made to reintegrate such individuals into the community. While there is always a risk of re-offending by some sex offenders, that risk can be minimised with appropriate management of the parolee.

The Board aims to manage sex offenders from the early stages of their sentence. This approach enables the Board to identify and discuss, as early as possible, what is expected of such individuals while they are in custody, as well as any potential obstacles to their reintegration. The Board requires sex offenders to participate in programs offered within the prison system as appropriate, including the Wimmera Treatment Unit (WTU) at the Ararat Prison (with an annex at Langi Kal Kal Prison). Failure of sex offenders to participate in recommended programs may result in denial of parole.

When structuring the conditions of parole, the Board considers personal problems specific to the sex offender and the particular risk that individual may present to the community. For example, the Board requests detailed reports from CCS regarding the accommodation arrangements of sex offenders who are being considered for release on parole to ensure that such accommodation is appropriate. These reports include the approximate distance of any proposed accommodation from schools, kindergartens, playgrounds, child care centres, and leisure or other facilities where children and young persons might congregate.

The Board regularly imposes several special conditions on the parole orders of sex offenders. Such conditions may require the sex offender to participate in the Sexual Offender Supervision Program at the Community Forensic Mental Health

Centre. Alternatively, the Board may require sex offenders to undertake psychiatric and other treatment. In addition, it may be appropriate for the Board to impose conditions that protect the victims of sexual assault or abuse. (Refer to page 14 for a list of some of these conditions.)

In last year's Annual Report the Board expressed concerns about the assessment and availability of programs to sexual offenders. As noted in the Chairperson's Message, these concerns were resolved and the provision of assessments and programs, both in prison and in the community, have met the Board's requirements during the reporting year.

The Board considers that some offenders have a greater incentive and are more responsive to programs if they are conducted before they

### **Case Study: Offender with a "Pathological Gambling Problem" Sentenced for Employer Theft Undertakes Ongoing Counselling and Home Detention**

Ms K pleaded guilty in the County Court to three counts of theft from her employer, which constituted a substantial amount of money. When interviewed by the Police, Ms K admitted taking the money and stated that she used it for the sole purpose of gambling. The sentencing Judge accepted that all the money had been spent on poker machines and that Ms K had lost up to \$3,000 per night. In a psychological report tendered in Court, Ms K was described as having a "pathological gambling problem". The Court sentenced Ms K to two years, nine months' imprisonment with a non-parole period of 20 months.

Ms K applied to be released on home detention for the maximum statutory period of six months, giving her an effective period of 14 months' imprisonment. The Board requested a report from the Home Detention Unit (HDU) of Community Correctional Services. The report indicated that Ms K, since her imprisonment, had undertaken regular ongoing counselling sessions with Gamblers Anonymous. In addition, she had undertaken other programs to assist her on release from prison. Ms K satisfied the HDU that her proposed accommodation was suitable and the HDU recommended her for release on home detention. After interviewing Ms K by video, the Board granted her parole, as required by legislation. The Board accepted the recommendation from the HDU and made an order to release Ms K on home detention.

become eligible for parole. Offenders are assessed by the WTU for the purpose of determining if they are at a high or low risk of offending upon release. Currently, if offenders are classified as low risk then they are unlikely to be offered a place in a Sexual Offender Supervision Program. The nature of these offences and the consequences that impact upon victims have resulted in courts fixing sentences with non-parole periods attached, reflecting the seriousness of the offences. The Board's view is that unless there are exceptional circumstances, all offenders who have been convicted of sexual offences should undertake an appropriate Sexual Offender Supervision Program, either in prison or upon parole.

The Board encourages assessment of sexual offenders for such programs while they are serving their prison sentences. Those who are

assessed as being suitable to undertake sexual offender programs in prison should be provided with appropriate programs, and be required to participate in them, before becoming eligible for parole.

### Release of drug abusing offenders

Under the Victorian Prison Drug Strategy, prison managers are required to perform random urine analyses of offenders to determine their Identified Drug Users (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, otherwise they will not be released on parole.

The Board recognises that offenders who use drugs while in custody will 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 continued to use drugs in prison prior to their release on parole.

All prisons provide drug and alcohol courses, with Fulham Correctional Centre and H M Bendigo Prison offering more intensive courses. The Board supports those offenders who show initiative in addressing their drug issues by participating in drug treatment programs and who submit willingly to voluntary drug testing. The Board gives offenders the opportunity to undertake such treatment and voluntary drug testing prior to making an order for their release on parole.

### Case Study: Offender Addresses Her Gambling and Drug Addictions, Obtains Full-Time Employment and Successfully Completes Her Parole

Ms J pleaded guilty to one count of trafficking amphetamine and cannabis. The Judge noted that, on two previous occasions, Ms J had been convicted of drug trafficking. The Judge also noted that Ms J suffered from Hepatitis C and required regular medication.

Ms J had four children from previous relationships and two of her children had also been convicted of offences. A psychological report tendered at the hearing indicated that Ms J had a gambling addiction and had abused amphetamines. The Board interviewed Ms J and directed her to undertake programs to address her gambling and drug addiction. In addition, the Board informed Ms J that she would again be interviewed so the Board could check on her progress. The Board advised Ms J she would not be released on her earliest eligibility date for parole due to her previous poor performance on parole.

At the second interview with Ms J, the Board was satisfied that she had addressed her gambling and drug issues and a report from Community Correctional Services recommended parole. The Board released Ms J on parole two months after her earliest eligibility date for parole with conditions that she continue gambling and drug counselling. Ms J successfully completed the programs, obtained full-time employment and completed parole.

## VISITOR PROFILE

While hearings are not open to the public, the Board encourages visitors to attend Board hearings, subject to their agreed confidentiality, including:

- judges of the Supreme and County Courts;
- magistrates and politicians;
- individuals involved in the criminal justice system;
- representatives of the corrections community;
- organisations offering offender rehabilitation programs;
- CCOs attending interviews involving parolees under their supervision; and

- students undertaking appropriate tertiary studies who attend meetings to observe the Board's operations, as part of a course of study.

In this way, 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.

During the reporting year, visitors who attended meetings of the Board included:

- Robert Scott, Member of the Victorian Civil and Administrative Tribunal;

- Sue Tait of the Intellectual Disability Review Panel;
- Dennis Roach, Director of Statewide Services, Corrections Victoria;
- staff from Sentence Management, Corrections Victoria; and
- students from the University of Melbourne, Victoria University, Royal Melbourne Institute of Technology, Holmesglen Institute of TAFE and Kangan TAFE.



Board staff, from left—Cheryn Bagaric, Pauline Bailey, Christina Mavrakis and Ester Tudisco—meet with Megan McClelland (standing in centre) of the Sentence Management Unit of Corrections Victoria regarding placement of offenders within the prison system and leave programs. Staff regularly attend the Annual Reviews of offenders conducted by the Sentence Management Unit where discussions occur with offenders regarding their participation in programs to address offending behaviour, prison placement and the leaves program and the Board's expectations are clarified on these issues.

# ADMINISTRATIVE STAFF PROFILE

As the administrative hub, the Board's Secretariat provided vital support to the Board and comprised a total of 14 staff (13 in 2002-03). Staff were responsible for gathering all relevant material regarding offenders for inclusion in the Board's files. Such material included:

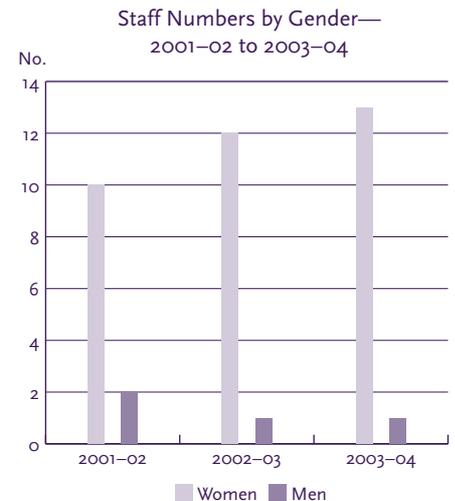
- psychiatric and psychological reports;
- CCS reports;
- incident reports involving offenders;
- judges' sentencing comments;
- previous criminal history;
- victim impact statements tendered at court hearings; and
- other material the Board may request.

Staff are also involved in providing information and advice to the public, CCOs, offenders and prison staff.

## CCS Work Bans

CCS work bans occurring from December 2003 to February 2004 placed a considerable strain on the Board's staff. The work bans resulted in a number of offenders having their cases considered after their earliest eligibility date for parole. The Board's staff worked tirelessly with CCS executive staff, enabling the Board to consider a substantial number of cases during the period of the work bans.

Once CCS staff lifted the work bans, Board staff again worked diligently to prepare cases for consideration by the Board, thereby reducing the period offenders were detained beyond their earliest eligibility date for parole.



## STAFF NUMBERS AND COMPOSITION BY VICTORIAN PUBLIC SERVICE (VPS) BAND/GRADE\*—2001-02 TO 2003-04

VPS Grade	2003-04			VPS Band:	2002-03			2001-02		
	Male	Female	Total		Male	Female	Total	Male	Female	Total
VPS Grade 6	1	-	1	VPS-5	1	-	1	1	-	1
VPS Grade 5	-	-	-	VPS-4	-	-	-	-	-	-
VPS Grade 4	-	1	1	VPS-3	-	5	5	-	5	5
VPS Grade 3	-	5	5	VPS-2	-	6	6	1	4	5
VPS Grade 2	-	7	7	VPS-1	-	1	1	-	1	1
VPS Grade 1	-	-	-							
<b>Total</b>	<b>1</b>	<b>13</b>	<b>14</b>		<b>1</b>	<b>12</b>	<b>13</b>	<b>2</b>	<b>10</b>	<b>12</b>

\*On 1 November 2003, the Victorian Government introduced a new career structure across the Victorian Public Service, changing from a five-level structure to a six-level structure.

## Training and development

The Board's administrative staff continued to meet an ever-increasing workload due to a program of continuous staff development. We give staff the opportunity to develop their skills by performing higher levels of work responsibilities with the aim of further expanding their skill levels. This process strengthens the knowledge capacity of staff who are much better equipped to provide information and advice to the public.

In addition, staff undertake more rewarding and challenging work, while ensuring that when they move on to perform new job roles, remaining staff are able to more readily take up higher level positions with little or no disruption to the Board's administrative operations.

During 2003–04 the Board conducted an internal training program to equip staff to meet the challenges of an increased workload. In addition, staff attended training sessions that enabled them to gain a greater knowledge of the criminal

justice system and the wider corrections environment. This training assisted staff in providing qualitative advice to the public and colleagues in the corrections environment.

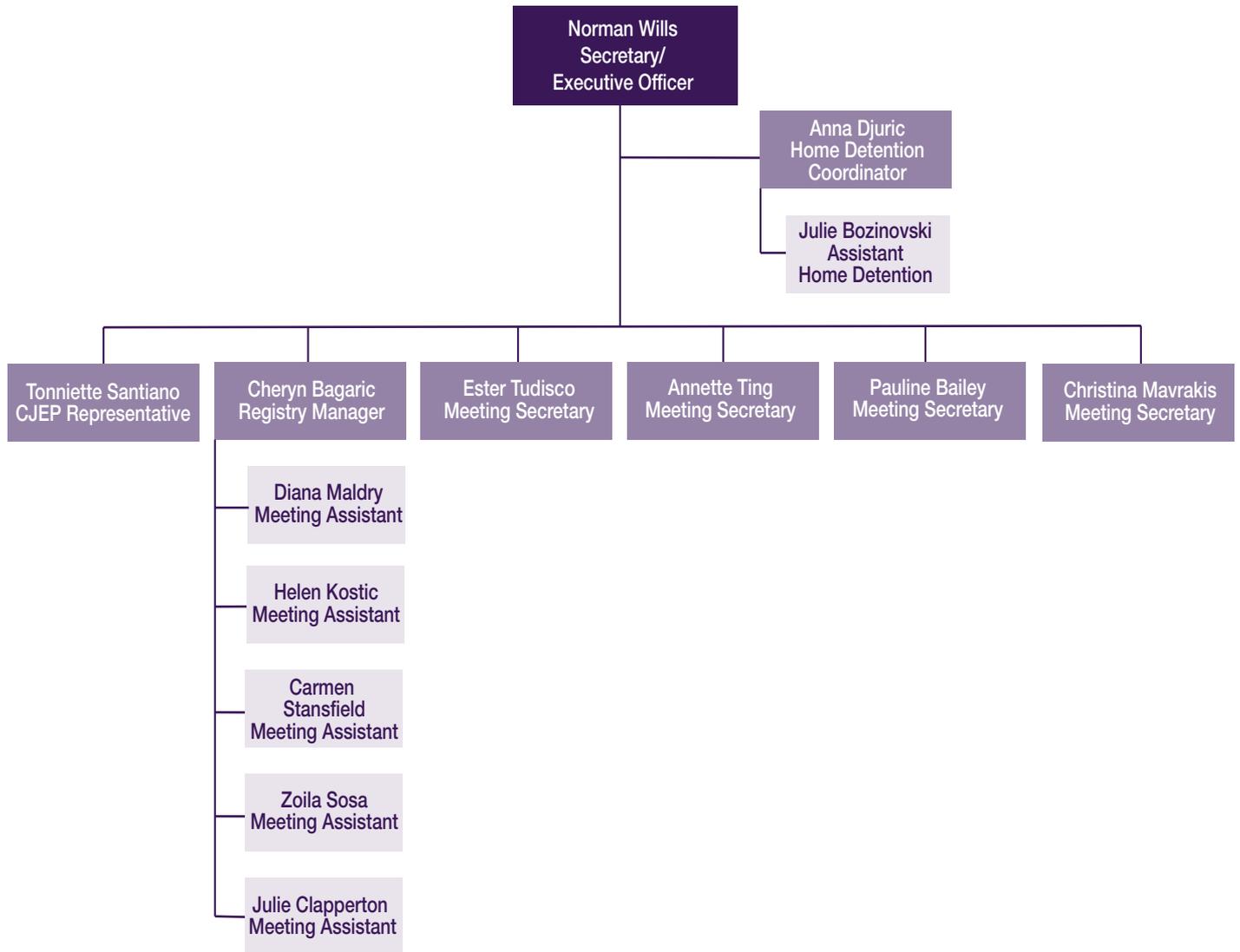
## Equal employment opportunity

We are an equal employment opportunity employer. Appointments and promotions are based on merit, and staff members receive the training and experience required to enhance their skills and abilities.



The Board's administrative staff with Secretary, from left—Julie Clapperton, Carmen Stansfield, Zoila Sosa, Annette Ting, Pauline Bailey, Diana Maldry, Cheryn Bagaric, Anna Djuric, Tonniette Santiano, Secretary Norman Wills, Christina Mavarakis, Julie Bozinovski, Ester Tudisco and Helen Kostic.

# ORGANISATIONAL STRUCTURE



## Legislative mandate

The operation of the Board is governed primarily by the *Corrections Act 1986* (the Act). The Act provides for the membership of the Board to comprise:

- (a) one or more Judges of the Supreme Court appointed by the Governor-in-Council on the recommendation of the Chief Justice of the Supreme Court, one of whom is appointed chairperson;
- (b) one or more Judges of the County Court appointed by the Governor-in-Council on the recommendation of the Chief Judge of the County Court;
- (c) one or more Magistrates appointed by the Governor-in-Council on the recommendation of the Chief Magistrate;
- (d) one or more retired Judges of the Supreme Court or the County Court, or retired Magistrates appointed by the Governor-in-Council as part-time members;

- (e) a person appointed by the Governor-in-Council as a Full-Time Member;
- (f) such number of persons as are appointed by the Governor-in-Council as Part-Time Members; and
- (g) the Secretary to the Department of Justice.

As an independent statutory body, the Board's decisions are free from political or bureaucratic involvement.

Membership of the Board at 30 June 2004 (as detailed on page 2) comprised:

- two Judges of the Supreme Court of Victoria;
- two Judges of the County Court of Victoria;
- one Magistrate;
- one retired Magistrate;
- one Full-Time Member;
- Secretary to the Department of Justice; and
- four Part-Time Members (two female and two male) representing the community.

## Jurisdiction of the Board

The Board has jurisdiction over the release of offenders from custody, offenders who are on parole and pre-release permit, and offenders who are serving prison sentences for State offences, all of whom meet the criteria for release as stated in the Act.

Such persons are:

- (a) offenders serving sentences of three years or more, with or without a non-parole period, imposed prior to the commencement of the *Corrections (Remissions) Act 1991*, who are eligible for release on pre-release permit under the provisions of the Act;
- (b) offenders for whom a court has ordered a prison sentence where a non-parole period applies; and
- (c) young persons transferred to prison from a youth training centre under sections 240, 244 and 246 of the *Children and Young Persons Act 1989* and provisions contained in the *Children and Young Persons (Miscellaneous Amendments) Act 1996*.

In addition, the Board has jurisdiction over the release of offenders from custody, on pre-release permit, or serving prison sentences for Federal offences imposed prior to the commencement of the *Corrections (Remissions) Act 1991*.

In addition, the Board submits reports and recommendations on any offender requested by the Minister for Corrections.

### Meetings of the Board

Generally, the Board meets every Wednesday at its office at 71 Moreland Street, Footscray. The Board visits all 13 prisons on a regular basis and conducts meetings at these institutions. A quorum for a meeting of the Board comprises the Chairperson, or in the Chairperson's absence an Acting Chairperson, chosen according to the procedure determined by the Chairperson, and at least three other Board members. The Board may also exercise its powers and functions in a division of the Board, which consists of three members, of whom at least one must be a judge, retired judge, magistrate or retired magistrate who acts as Chairperson.

The Board visits CCS Centres in both rural and metropolitan locations as an important part of its visitation program. However, because prison visits are widely dispersed across the State, it is often difficult to maintain a schedule of regular visits. During 2002–03, the Board visited Ararat, Ballarat, Bendigo, Sale, Shepparton, Wangaratta and Wodonga CCS Centres.

# HOW TO CONTACT US

You may contact the Adult Parole Board as follows:

Adult Parole Board of Victoria  
71 Moreland Street  
Footscray, Victoria 3011  
Telephone: (03) 9687 8055  
Facsimile: (03) 9687 8498

