



# PAROLE BOARD

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OF THE NORTHERN TERRITORY



ANNUAL REPORT  
2016





The Hon Natasha Fyles MLA

**Minister for Correctional Services**

I am pleased to provide this report on the activities of the Parole Board of the Northern Territory during the year ending 31 December 2016, in compliance with section 3H of the *Parole Act*.

A handwritten signature in black ink that reads "S. Southwood".

The Hon Justice Stephen Southwood

**Chairperson**

### **Purpose of the Annual Report**

The purpose of this report is twofold: first, to meet the statutory reporting requirements of the *Parole Act* as outlined in section 3H; and second, to increase public awareness of the Parole Board's role in the criminal justice system.

The Parole Board of the Northern Territory makes important decisions that affect the freedom of individuals and impact upon victims, their families and the communities into which offenders are released.

Members of the Parole Board take their responsibilities seriously and are committed to affording the public every opportunity to understand the process by which the Board arrives at its decisions.



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## YEAR IN REVIEW

### Chairperson's Message

As at 30 June 2016 the total number of Aboriginal adults in prison in the Territory was 1,393 of which an estimated 1,293 were Aboriginal men. The total adult male Aboriginal population in the Territory is about 25,000. This means that more than 1 in 25 Aboriginal men are in prison in the Territory and equates to an imprisonment rate of 5,172 prisoners per 100,000 adult male Aboriginals. It is not unusual to see three generations of Aboriginal men in custody in the same prison. There is also an increasing number of Aboriginal women in prison.

While in absolute terms the number of Aboriginal prisoners are not large by world standards, the rate of imprisonment is amongst the highest rates of imprisonment in the world. If staff numbers are included, the Darwin Correctional Centre is within the top 14 population centres in the Northern Territory. As at June 2016 the total prisoner population in the Territory was greater than the population of Maningrida. In the recent past the total prisoner population in the Territory has been greater than the population of Jabiru which is the 10th most populous town in the Territory.

In 2016 the median aggregate length of a sentence of imprisonment was 18 months and the median age of adult prisoners was 33 years. The most common offences/charges were assault and cause serious harm (46% or 769 prisoners) followed by sexual assault (11% or 187 prisoners). Seven in ten prisoners (72% or 1,194) had previously been imprisoned under sentence. Unsentenced prisoners comprised 28 percent (463 prisoners) of the adult prison population. The median

time spent on remand by unsentenced prisoners was 2.1 months.

Most offenders in the Territory come from deprived backgrounds and most offences involve the misuse of alcohol or dangerous drugs or both. While many offenders have spent part of their lives in remote communities, most offences are committed in the major urban centres of Darwin, Alice Springs and Katherine by people who are unemployed and misusing substances. Only a small percentage of the prison population in the Territory is comprised of career criminals who have been engaged in organised criminal activities.

The rate of incarceration of Aboriginal people is unacceptable. Further steps must continue to be taken to reduce the number of Aboriginal people in prison.

Against this background, 129 prisoners were released on parole in 2016. Of those released, 114 became eligible for parole in 2016. This means that only about 39 percent of prisoners who became eligible for parole in 2016 were released on parole. The major impediments to releasing prisoners on parole include lack of accommodation, lack of support in the community, and failure to obtain access to rehabilitation programs in prison. There remains a chronic shortage of accommodation for parolees. The failure to obtain access to programs in prison is the result of insufficient resources to provide the necessary programs to all prisoners who need to undertake rehabilitation programs.

These problems can be overcome, to some degree, by prisoners participating



in the Sentenced to a Job Program and finding a placement in a community based rehabilitation centre.

79 prisoners or about 27 percent of prisoners who were eligible for parole in 2016 declined parole. The most common reason given for prisoners declining parole is the fear of failing to comply with the conditions of parole and the consequent loss of street time when parole is revoked. The effect of a revocation means that some prisoners remain in the Corrections system for periods of time that far exceed the length of the sentence imposed by the sentencing court.

Of the 114 eligible prisoners who were released on parole, 41 parolees had their parole revoked. Only about 5 percent of the total 63 parolees, who had their parole revoked in 2016, had their parole revoked for reoffending. The great majority of revocations were for technical or conditional breaches.

It is apparent that more needs to be done to prepare prisoners to be released on parole, encourage prisoners to apply for parole and assist parolees to comply with their parole conditions. It is important that the innovative steps introduced by Mr Ken Middlebrook while Commissioner for Corrections, which are referred to later in this report, are maintained and supported by Government. Rehabilitation programs within the prison need to be adequately resourced. Accommodation needs to be provided for prisoners who are eligible for parole and unable to find accommodation, and the non-government organisations that provide rehabilitation programs to prisoners in the community need to be

adequately funded.

Warehousing disadvantaged prisoners in prison in a risk averse manner with no prospect of advancement has never been a solution to either reducing the rate of crime or the rate of incarceration. It has been clearly demonstrated that with disadvantaged people more imprisonment does not equal less crime. The available evidence suggests that the rates of recidivism are far less amongst prisoners who have participated in the Sentenced to a Job Program and have obtained some of the skills necessary to participate in the community in a meaningful way.

Imprisonment and parole should be seen as a continuum aimed at preparing prisoners for a successful re-entry into the community as law abiding citizens. Re-entry is likely to be more successful if prisoners are better equipped with skills and education to re-enter the community, are employed and have accommodation. This means that prisoners need to be appropriately classified upon entry into the prison and suitable management and re-integration plans need to be prepared for each prisoner. The aim of each plan must be the prisoner's successful re-entry into the community. The management plan needs to be structured in such a way as to enable prisoners to undertake necessary rehabilitation programs and educational courses, lower their security rating and enter the Sentenced to a Job Program. Contrary to what has been said in one or two recent reports, the emphasis on prisoner employment has been one of the most important and successful innovations in Corrections in the Territory. Corrections must be adequately funded and resourced



to undertake each and every one of these tasks. The approach must be holistic. There cannot and must not be a trade-off between the different elements involved in preparing a prisoner to re-enter into the community. For example, the jobs program is just as important, if not more important, than rehabilitation programs.

While there is a significant cost associated with the matters to which I have referred, ultimately there will be very significant savings for the Territory if the number of people in prison is reduced.

As to the encouragement of prisoners to apply for parole, on behalf of the Board, Corrections has made submissions to Government about the introduction of sanctions based parole. Such a model has the advantage of increased supervision with electronic monitoring and parolees knowing in advance the consequence of each violation of their parole conditions. On each occasion, the consequence will be a short term of imprisonment which will be swiftly administered. The purpose of the sanction is to achieve behavioural change. Under this model of parole, prisoners do not lose their time in the community unless their parole is revoked. That is, both time in the community and time serving a sanction counts towards the expiry of the term of imprisonment imposed by the sentencing court. The time a prisoner spends in prison, once the prisoner is granted parole, is in the prisoner's hands. As the consequences of a breach are known in advance, the prisoner can make an informed choice about how the prisoner behaves in the community. This model has proved successful in reducing recidivism rates in more than 20 jurisdictions in the

United States of America. The Board is confident that this model will result in fewer prisoners declining parole and more prisoners successfully completing their parole thereby reducing the rates of incarceration and recidivism.

It is also important that prisoners and their families and communities are better educated about parole so that prisoners are supported while on parole and their families and community members do not encourage them to engage in acts which will result in a breach of parole. Both Probation and Parole Officers servicing remote communities and NAAJA have played an important role in educating prisoners and their communities about parole. However, further consideration needs to be given to the establishment of additional community based corrections officers.

I thank the members of the Board, the Secretary of the Parole Board, the Manager of the Secretariat, the staff in the Secretariat and all of the Probation and Parole Officers who have prepared reports and conducted enquiries on behalf of the Board for their outstanding work during 2016. The Parole Board performs a very important function in our system of criminal justice and that function could not be fulfilled without the good work of all the people I have mentioned.

I would also like to thank Mr Alasdair McGregor for his very good service during his term on the Board.

<sup>1</sup> During the course of preparation of this report the Government has introduced a Bill into Parliament which, when enacted, will establish sanctions based parole. In addition, the Government has provided significant funding to support this program. Both initiatives are supported by the Board.



## Statistics at a Glance

Number of matters before the Parole Board	855
Number of distinct prisoners with matters before the Parole Board	450
Number of initial parole applications	289
Number of prisoners granted parole	129 <sup>2</sup>
Number of prisoners refused parole	129
Number of prisoners who declined parole	79
Number of parole orders revoked	63

<sup>2</sup> All figures following are total figures and not as a result of initial parole applications only.



## PROFILE

The Parole Board of the Northern Territory (the Board) is an independent statutory body established under section 3A of the *Parole Act*. The Board consists of 18 members who act independently of political and bureaucratic influence to make decisions about the parole of prisoners in the best interests of the community as a whole, including the offender and the victim.

Parole is an important element of the criminal justice system as it allows prisoners to serve the balance of their sentence of imprisonment in the community, under supervision and on very strict conditions. The purpose of parole is to release prisoners into the community in a manner that provides support and increases their chances of becoming members of the community who are free of a criminal lifestyle.

The Board may:

- i. grant a prisoner release on parole;
- ii. deny a prisoner release on parole;
- iii. defer consideration of a prisoner's application for parole until a later date;
- iv. amend or vary a parole order; or
- v. revoke a parole order.

The Board makes decisions in relation to both adult and youth offenders and their jurisdiction extends to prisoners serving a sentence of life imprisonment for the crime of murder.

In addition to the standard conditions of parole, the Board has the power to impose

additional conditions which it believes are necessary to support the offender and prevent re-offending. It may also make recommendations to the Chairperson about the revocation of parole for either:

- a breach of a condition of parole; or
- offending committed by the parolee while on parole.

Decisions of the Parole Board by their very nature have the capacity to impact not only on individuals but on the broader community. Members of the Parole Board are aware of the trust that is placed in them and take their responsibilities seriously.

Parole Board members are supported by the Secretariat of the Parole Board and operational and administrative staff within Northern Territory Correctional Services.



## Parole Board Members

Section 3B of the *Parole Act* stipulates that the Board must have 18 members who are to be:

- (a) the Chief Justice or another Judge of the Supreme Court nominated by the Chief Justice; and
- (b) the Commissioner of Correctional Services; and
- (c) 2 police officers nominated by the Commissioner of Police; and
- (d) 2 persons, each of whom is –
  - i. a medical practitioner; or
  - ii. a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student); and
- (e) 2 persons, each of whom represents the interests of victims of crime; and
- (f) 10 persons who reflect, as closely as possible, the composition of the community at large and include women and Aboriginals and Torres Strait Islanders.

Members described in subparagraphs (d), (e) and (f) are appointed by the Administrator for three year terms, are eligible for reappointment, and may resign their membership in writing to the Minister.

In the absence of a member appointed under subsections (d), (e) or (f), the Minister may appoint a person to act as a member of the Board. In 2016, the Minister did not appoint any acting members of the Board.

The Chairperson of the Board has:

- responsibility for resolving questions of law; and
- a casting vote where votes are equal on questions to be determined by a majority of votes.

In 2016 the Board was chaired by the Honourable Justice Stephen Southwood. The Honourable Justice Judith Kelly chaired the meeting on three occasions in place of Justice Southwood and the Honourable Justice Mildren on one occasion. The NT Police were represented by Superintendent Col Goodsell on eighteen occasions, Detective Acting Senior Sergeant Patrick Carson on five occasions and Detective Senior Sergeant John Ginnane on four occasions.

At the close of 2016, membership of the Board comprised:

<b>Justice Stephen Southwood</b>	Chairperson
<b>Mr Mark Payne</b>	Commissioner, Northern Territory Department of Correctional Services
<b>A/Commander Col Goodsell</b>	NT Police representative
<b>Detective Senior Sergeant Patrick Carson</b>	NT Police representative
<b>Ms Kathryn Crawley</b>	Psychologist
<b>Mr Paul Rysavy</b>	Psychologist
<b>Ms Susan Crane</b>	Victims of crime representative
<b>Ms Sue Lowry</b>	Victims of crime representative
<b>Mr John Brears</b>	Community member
<b>Mr Mark Coffey</b>	Community member
<b>Mr John Flynn</b>	Community member
<b>Ms Selina Holtze</b>	Community member (Alice Springs)
<b>Mr Harold Howard</b>	Community member (Tennant Creek)
<b>Mr Eric Houget-Poole</b>	Community member
<b>Ms Patricia Jane Lloyd</b>	Community member (Alice Springs)
<b>Mr Mark McAdie</b>	Community member
<b>Mr Ken Middlebrook</b>	Community member



## Appointment of new community member to the Board

In June 2016 the previous Commissioner for NT Correctional Services Mr Ken Middlebrook was appointed to the Parole Board as a community member.

Mr Middlebrook has a wealth of knowledge of corrections both in the Northern Territory and New South Wales. He made a significant contribution to the Board in his capacity as Commissioner for Corrections and many significant contributions to NT Correctional Services in his eight years of service. His contribution included the introduction of basic education and vocational training programs for prisoners, the simplification of the classification system to enable prisoners to be kept at appropriate classification levels, the introduction of the Sentenced to a Job Program which focused on prisoners progressing to pre-release community or paid employment, the establishment of the Barkly and Datjala Work camps where low security prisoners are able to undertake community work programs to support local communities or undertake pre-release paid employment, the establishment of a partnership with the University of New England and the introduction of accelerated numeracy and literacy programs – QuickSmart and QuickStart – that are tailored made to the work environments in which prisoners may find work post release, the partnership with the Batchelor Institute of Indigenous Tertiary Education, the establishment of Northern Territory Correctional Industries (which focused on real jobs producing items and goods and set a foundation for prisoners to progress to pre-release paid employment), and the placing prisoners in residential rehabilitation programs in the community

under the supervision of Community Corrections.

The steps Mr Middlebrook undertook while Commissioner for Corrections were aimed at reducing disadvantage and giving prisoners a real opportunity to live lawful lives in the community. The steps acknowledged the fact that more than 85 percent of prisoners are Aboriginal people with low levels of numeracy and literacy who have been unemployed for most of their lives. Further, they recognised that in the past many thousands of dollars were spent on programs that prisoners did not have the literacy and numeracy skills to benefit from.

The pre-release employment programs established by Mr Middlebrook enabled many prisoners to be employed in meaningful paid employment for the first time in their lives. The employment regime was based on prisoners taking charge of their lives and assuming responsibility for their conduct. Prisoners on paid employment paid tax, paid board at the prison, paid off outstanding fines and obtained drivers licences. Prisoners refereed football matches and supported other community activities in an environment that normalised their re-entry into the community. Prisoners who undertook the education courses offered by Batchelor Institute of Tertiary Education were able to continue in those programs in communities where the Batchelor Institute of Indigenous Tertiary Education has a presence. There has been a significant increase in the number of Aboriginal prisoners who have completed courses offered by the Institute and are now better able to fully participate in their communities.

The approach taken by Mr Middlebrook was not risk averse. It was solution

focussed and based on a realistic appraisal of risk and the planned and coordinated management of risk.

Mr Middlebrook's skills and knowledge will be of great assistance to the Board.

Mr Middlebrook elected not to undertake any Board related activities during 2016 while the Royal Commission into Youth Detention and Child Protection was underway as he was required to give evidence at the Royal Commission about a number of incidents that occurred at the Don Dale Youth Detention Centre.<sup>3</sup>

## Northern Territory Community Corrections

### Secretary

The Secretary of the Parole Board is a statutory role that is held by the Director of Northern Territory Community Corrections. The Secretary provides administrative support and strategic advice to the Board.

Ms Tracy Luke is the Director and held the role of Secretary throughout the year. Ms Luke commenced working as a probation and parole officer in Victoria in 1998, she holds a Bachelor of Social Work and relocated to the Northern Territory in 2008 to undertake a management position within NT Community Corrections.

Ms Sophie Williams, the Manager of the Parole Board Secretariat acted in the place of Ms Luke on four occasions in 2016.

### Parole Board Secretariat

The Parole Board Secretariat is comprised of the Manager of the Parole Board Secretariat and the Parole Board Administrators.

The Manager Parole Board Secretariat provides high level assistance, advice, strategic support and quality control to the Secretary, Chairperson and the Board. The Manager also oversees the Parole Board Administrator positions.

The Parole Board Administrators have the primary responsibility for coordinating and providing all administrative support for the monthly meetings of the Board.

The work of the Secretariat of the Parole Board continues to increase as a result of new practices designed to enhance the provision of procedural fairness and improve the decision making of the Board, and the increasing emphasis on the continuing education of Board members.

### Parole Officers

The functions of parole officers under section 3R of the *Parole Act* are to:

- supervise persons released on parole as assigned by the Parole Board;
- prepare reports as required by the Parole Board;
- maintain case records and statistics as required by the Parole Board;
- carry out the directions of the Parole Board in relation to a parole order;

<sup>3</sup> At the time of publication of the Annual Report Mr Middlebrook had resumed sitting on the Board as he had given evidence at the Royal Commission.



- investigate and make reports to the Parole Board on the employment and place of living available to each person applying for release on parole;
- perform such other duties as directed by the Parole Board or the Chairperson.

Parole officers commence working with a prisoner eight months before they become eligible for parole. During this time the parole officer works closely with the prisoners, their family, communities and victims to ensure that Parole Board members are provided with comprehensive, timely and reliable information.

## UNDERSTANDING PAROLE

The *Sentencing Act* provides that a sentencing court may fix a non-parole period (NPP) for an offender who is sentenced to a term of imprisonment of at least 12 months.

The NPP set by the sentencing court stipulates the minimum time a prisoner must serve in custody before being eligible for release on parole. Contrary to other jurisdictions, a prisoner does not have a right to be released on parole and is not automatically granted parole on the expiry of their NPP.

The Parole Board has full authority to decide if and when a prisoner is released on parole after the expiry of the NPP. The Board may decide a prisoner is not to be granted parole and should serve the whole of their sentence in prison.

Unless parole is revoked, a prisoner who is released on parole is supervised in the community by a Probation and Parole Officer for the balance of the term of the prisoner's sentence of imprisonment. The prisoner is supervised in accordance with conditions fixed by the Board. The purpose of parole is to assist the prisoner re-integrate into the community and live a lawful life.

## Parole Process

### Arrangements for Board Meetings

The table below sets out the frequency of meetings of the Board, the quorums that are required to constitute a meeting of the Board, and the number of votes required for the Board to make a decision about parole for prisoners serving a life sentence for the crime of murder and for all other sentences of imprisonment with a non-parole period.

## LIFE IMPRISONMENT

Meetings held quarterly

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Quorum requires the Chairperson and seven other members

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Decisions require a unanimous vote

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## ALL OTHER SENTENCES

Meetings held monthly

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Quorum requires Chairperson and three other members

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Decisions require a majority vote

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### Matters considered at Board meetings

Parole is a complex administrative process. The Board may hear a number of different types of matters at each meeting. Some of the types of matters considered by the Board are:

- applications for parole;
- revocation of parole for conditional breaches or reoffending;
- reports about breaches of parole (revocation reports or advice);
- notifications that a parolee has completed their parole order;
- reports providing updates on current parolees and their progress;
- matters about prisoners declining parole;
- applications for variations of parole conditions;
- applications by parolees to travel interstate; and
- notification of a parolees formal transfer to another jurisdiction.

### Attendance of Prisoners at Board hearings

It is the practice of the Board to decide parole matters on the relevant documents without the prisoner being present. The Board is of the view that the materials received or obtained by the Board provide a fair and comprehensive basis to decide whether a prisoner should or should not be granted parole.

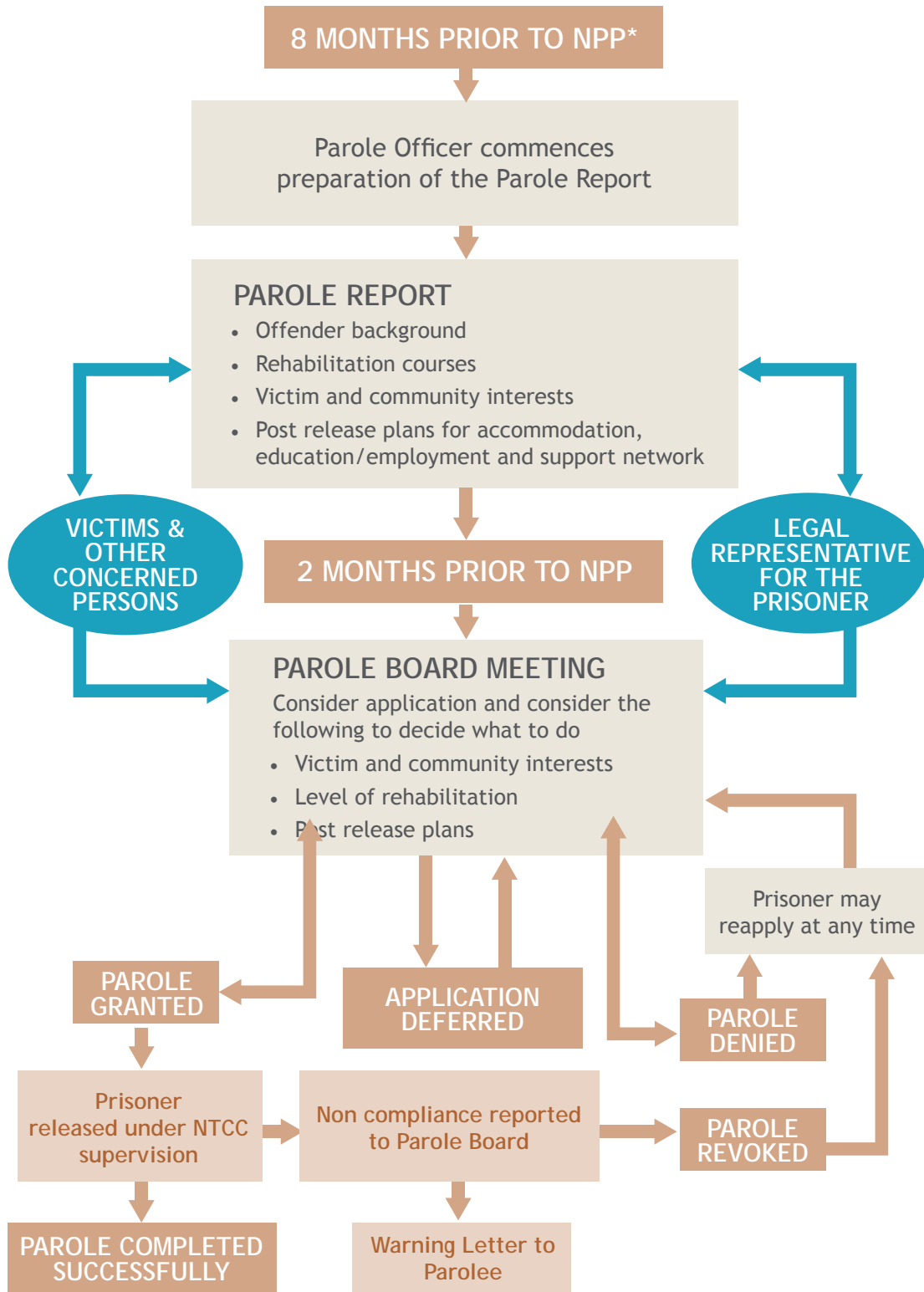
The Chairperson may require a prisoner to be brought before the Board pursuant to section 3G of the Parole Act.

Either the prisoner or their legal representative may write to the Secretary of the Board requesting that the prisoner be required to attend their parole hearing. Applications are determined by the Chairperson after consultation with members of the Board.

In 2016, no prisoners appeared before the Board, however Mr John Rawnsley of the North Australian Aboriginal Justice Agency (NAAJA) attended one meeting to provide legal submissions on behalf of a prisoner being considered for parole and the Board received numerous written submissions from the legal representatives of prisoners about parole matters.

Two representatives from Territory Families also appeared before the Board at two meetings to provide information on a youth in the care of the Minister who was being considered for parole in line with a protocol being developed with Territory Families in relation to youth in care.

The Board also received advice from Ms Yvette Nichols, Manager for Offender Development at Darwin Correctional Centre on one occasion in relation to the management plan for a particular prisoner.



\*non-parole period (NPP)

### Prisoners serving a life sentence

When considering applications for parole by prisoners serving a term of imprisonment for life for the crime of murder, the Board must have regard to the principle that the public interest is of primary importance and, in doing so, must give substantial weight to the following matters:

- a. the protection of the community as the paramount consideration;
- b. the likely effect of the prisoner's release on the victim's family; and
- c. if the prisoner is an Aboriginal or Torres Strait Islander, the likely effect of the prisoner's release on the prisoner's community.

Section 3GB(4) of the *Parole Act* stipulates that the Board must give reasons for any decision or direction of the Board on a matter concerning a prisoner who is serving a term of imprisonment for murder and those reasons must be included in the record of its proceedings.

## No Body No Parole - Amendments to the Parole Act

On 5 August 2016 amendments to the *Parole Act* came into effect to include provisions that preclude the granting of parole for prisoners convicted of murder unless the Parole Board is satisfied that the prisoner has cooperated satisfactorily in the investigation of the offence to identify the location, or last known location, of the remains of the victim.

The amendment brings the Northern

Territory in line with other jurisdictions in Australia who have introduced similar legislation.

### Variation of Parole Conditions

Sections 5(6) and 5(6AA) of the *Parole Act* provide the Chairperson with the authority to amend a parole order by varying or revoking a condition at any time before the expiration of the order. Under section 5(7) the variation does not take effect until the notice of the variation is given to the parolee.

Parole conditions may be varied or revoked due to the extent to which the parolee has succeeded in rehabilitating themselves in the community.

### Revocation of Parole Orders

Under s 5(6) and s 5(6AA) of the *Parole Act* the Chairperson has power to amend a parole order by varying or revoking a condition at any time before the expiration of the order. Under section 5(7) the variation does not take effect until the notice of the variation is given to the parolee.

A breach of parole may fall into one of two categories:

- re-offending – this means that the parolee has committed a fresh offence whilst released on parole; or
- conditional – this means that the parolee has breached one of the conditions of their parole order.

The Chairperson has the authority to make a decision about the revocation of a parolee's parole order and issue an



Instrument of Revocation under sections 5(6) and 5(6AA). However, it is the practice of the Chairperson in non-urgent matters, to consult Board members at Board meetings about revocations and accept the recommendations of the Board. If a parole order is revoked, the parolee is arrested by police and brought before the Local Court. The Local Court must commit the parolee to prison if the Court is satisfied that parole has been revoked.

Alternatively, the Board may request the Commissioner of Police to have a parolee who fails to comply with their parole conditions arrested and brought before the Local Court for cancellation of the parole order. Submissions may then be made on behalf of the parolee about why parole should not be revoked. The Local Court has discretion to cancel or refuse to cancel parole on such occasions.

## Principles of Parole

When considering whether to release a prisoner on parole, the Board considers:

- the interests and safety of the community;
- the rights of the victim, including their families;
- the intentions of the sentencing Judge;
- the needs of the prisoner; and
- whether the prisoner has recognised the error of their ways and is prepared to change their behaviour for the better and live a lawful life.

In making their decision the Board takes into consideration a number of factors:

- the nature and circumstances of the offence(s);
- comments made by the sentencing Judge when imposing sentence;

- the prisoner's criminal history and patterns of offending;
- the possibility of the prisoner re-offending while on parole and the likely nature of the re-offending;
- the risk of harm to the community and the victim;
- release plans, including accommodation and employment;
- reports, assessments and recommendations made by a variety of professionals, including medical practitioners, psychiatrists, psychologists, custodial staff and/or community corrections officers;
- rehabilitation courses undertaken by the prisoner;
- education courses undertaken by the prisoner;
- institutional reports in relation to the prisoner's behaviour while in prison;
- the security rating of the prisoner within the prison;
- victim's safety, welfare and whereabouts;
- representations made by the victim or by persons related to the victim;
- submissions made by the prisoner, the prisoner's family, friends and any potential employers or any other relevant individuals;
- submissions made by the legal representatives of the prisoner; and
- whether the prisoner can be adequately supervised in the community under the standard conditions of parole or whether additional parole conditions should be imposed.

The Board has an unfettered discretion and considers each case on its own merits.

The Board considers a range of material when deciding whether or not to release a prisoner to parole. The documentation will always include:

- a Parole Report prepared by the assigned parole officer;
- an Institutional Report prepared by staff of the Correctional Centre or Detention Centre where the prisoner or detainee is held;
- the facts of the prisoner's offending;
- a record of the prisoner's prior convictions; and
- the remarks of the sentencing Judge, if the prisoner was sentenced in the Supreme Court.

The Board may also consider such other reports as are relevant for the individual case, including:

- pre-sentence reports;
- psychological/psychiatric assessments and reports;
- rehabilitation course assessments and reports including assessments and exit reports about Violent Offender Programs, Sexual Offender Programs, Alcohol and Other Drug Programs and Family Violence Programs;
- medical assessments and reports;
- assessments and reports from substance misuse programs and treatment facilities;
- legal submissions made on behalf of the prisoner;

- letters and/or reports from interstate services;
- letters from the prisoner or written on behalf of the prisoner; and
- letters from the victim or victim's representative.

## Release plans of prisoners

Parole officers take considerable time to talk to prisoners about their release plans, including proposed accommodation as this is a pivotal factor in the success or failure of the prisoner's parole.

Reintegration into the community is a fragile process. During this time prisoners need the support of Northern Territory and Australian government agencies, family, friends and their community.

Access to suitable accommodation is a vital part of re-integration into the community and can assist a prisoner to remain stable and abstain from the use of alcohol or other drugs. Opportunities for employment is also an important factor.



## Parole Conditions

The standard parole conditions attached to every Northern Territory parole order are:

1. the parolee must be of good behaviour and must not commit another offence during the period of the order;
2. the parolee shall be subject to supervision on parole of a parole officer, appointed in accordance with this parole order, and shall obey all reasonable directions of the parole officer appointed;
3. the parolee shall report to the parole officer, or other person nominated by the parole officer, in the manner and at the places and times directed by the officer and shall be available for interview at such times and places as a parole officer or nominee may from time to time direct;
4. the parolee shall not leave the Northern Territory without the written permission of the supervising parole officer;
5. the parolee shall enter into employment arranged or agreed upon by the parole officer and shall notify the parole officer of any intention to change employment before such change occurs or, if this is impracticable, then within such period after the change as may have been directed by the parole officer;
6. the parolee shall reside at an address arranged or agreed upon by the parole officer and shall notify the parole officer of any intention to change address before such change occurs or, if this is impracticable, then

within such period after the change as may have been directed by the parole officer;

7. the parolee shall not associate with any person specified in a direction by the parole officer to the parolee;
8. the parolee shall not frequent or visit any place or district specified in a direction by the parole officer to the parolee.

The Board frequently places additional conditions upon the release of an offender. These conditions are tailored to maximise protection of the community, facilitate the prisoner's successful reintegration and reduce the risk of re-offending.

One of the purposes of placing conditions on parole is to address and manage factors that underlie the prisoner's offending behaviour. Additional conditions often include:

- to not consume, possess or purchase alcohol;
- breath testing and urinalysis;
- no contact, directly or indirectly, with a victim or other specified person;
- to reside at a specified community or outstation;
- participation in and completion of an assessment/treatment/counselling regime (residential or sessional attendance) e.g. alcohol programs, domestic violence programs, sex offender programs, psychiatric treatment;
- not consume a dangerous drug or abuse a prescribed substance that is lawfully obtained;



- not to engage in conduct that might lead to a domestic violence order being made;
- curfew;
- be subject to electronic monitoring.

## Electronic monitoring

Since its introduction in 2014 electronic monitoring has been an effective tool for managing offenders on parole and has been welcomed by the Board as an additional tool to enhance the ability of NTCS staff to monitor specific conditions relating to an offender's movements and location and can provide more timely notification of non-compliance. Electronic monitoring can contribute to the following outcomes:

- Improve community safety through enhanced surveillance and monitoring of an offender's whereabouts and movements
- Reduce the time taken to identify and respond to non-compliance
- Enhance compliance with curfew requirements and movement restrictions
- Create exclusion zones that protect the victims of crime
- Reduce the need for intrusive surveillance methods such as late night home visits
- Monitor alcohol consumption with the use of Secure Continuous Remote Alcohol Monitoring (SCRAM)

### Transfer of Parole Orders

The Parole Orders (Transfer) Act commenced in 1984 as part of a national scheme under which a parolee can transfer to another jurisdiction and have

their parole order registered under the corresponding Act in that jurisdiction.

Upon registration of the parole order with the receiving jurisdiction the parolee ceases to have any connection with the originating jurisdiction. The parole order and original sentence are treated as though they were imposed in the receiving jurisdiction.

National Guidelines have been introduced to streamline the process of transferring offenders on community based supervision orders between Australian jurisdictions.

In 2016, two parolees were transferred out of the Territory to South Australia. Two parolees transferred their period of parole to the NT.

### Extradition

Extradition involves the return of an offender from another jurisdiction, this may happen in a number of instances, including:

- when a parolee has left the Northern Territory without permission;
- when a parolee on authorised travel has;
  - o failed to comply with parole conditions whilst interstate; or
  - o committed further offences.

The Board may consider extradition of the parolee to the Northern Territory so the outstanding balance of their sentence of imprisonment can be served. Each case is considered on its merits.

In 2016, no parolees were extradited back to the Territory.



## Victims of Crime

The Board takes the view that victims and the community are entitled to be kept safe for at least the length of a prisoner's head sentence of imprisonment. Therefore prisoners should not be granted parole if the prisoner cannot be managed in the community in a manner which keeps the victim safe throughout any period that the prisoner is on parole.

The Board is cognisant of the rights of victims of crime contained in the Northern Territory Charter for Victims of Crime and ensures the guiding principles of the Charter are incorporated into the practice and procedure of the Board.

Under the Charter the victim may apply in writing to the Secretary of the Board requesting:

- a direction be given to a prisoner not to approach them whilst on parole; and
- for advice about the outcome of any parole proceedings concerning the prisoner.

Parole officers liaise with the victims, the Crime Victims Services Unit and Witness Assistance Service and the general community to ensure victim's concerns are taken into consideration throughout the parole process and that the victim is kept informed of any developments. Victim issues and concerns are identified in reports prepared for the Board's consideration and may result in special conditions being added to a parole order to ensure the safety of the victim.

Additionally, where a matter has a registered victim, the Secretary of the Board provides timely written updates to the Director of the Crime Victims Services Unit as stipulated by the *Victims of Crime Rights and Services Act*.

## Supporting Indigenous Offenders

Northern Territory Correctional Services have formal arrangements with North Australian Aboriginal Justice Agency (NAAJA) to operate the Throughcare Support Program.

The program aims to support successful reintegration and prevent recidivism by:

- Providing education to individuals, their families and communities about parole;
- Assisting Aboriginal prisoners throughout the parole process by raising their awareness of the factors that have contributed to their offending behaviour and help them identify relevant rehabilitative programs while in custody;
- Assisting Aboriginal prisoners to develop sustainable and effective post-release plans in collaborations with their families, communities and NT Correctional Services (NTCS); and
- Assisting Aboriginal parolees to successfully complete their parole orders and reintegrate into the community through the provision of targeted interventions and supported case management post release.

Under these arrangements the following occurs when a prisoner or detainee is a client of NAAJA:

- The Secretary of the Board provides the relevant Throughcare Support Officer with a copy of the letter they send to a prisoner, informing the prisoner of the decision of the Board about whether the prisoner has been granted parole or not. The Throughcare Support Officer can go through the letter with the prisoner and also obtain further information from the Secretary if necessary.

- Where the Board makes a decision about the parole of a prisoner contrary to the recommendation contained in the report of the parole officer, a meeting may be held with the parole officer, the Throughcare Support Officer and the prisoner to discuss the Board's reasons for decision.

NAAJA has been advised that if the prisoner wishes to make an application to be present at the meeting of the Board

which considers his or her application for parole, then this can be done by the Throughcare Support Officer and any such application will be considered on its merits. Further, NAAJA have been advised the Board will consider any written submissions that are made on behalf of a prisoner about parole. The Board also regularly refers Aboriginal prisoners who would be assisted by legal representation or additional throughcare support to NAAJA.

## PERFORMANCE

### PAROLE APPLICATIONS

No. of initial parole applications made in 2016

287

#### Outcome of the initial hearing

- Parole applications granted	60	(21%)
- Parole applications deferred	90	(31%)
- Parole applications refused	79	(28%)
- prisoner declined parole	57	(20%)
Other*	1	(0%)

No. of subsequent applications made in 2016

270

#### Outcome of subsequent hearings

- subsequent applications granted	68	(25%)
- subsequent applications deferred	108	(40%)
- subsequent applications refused	49	(18%)
- prisoner declined parole	22	(8%)
Other*	23	(9%)

\*parole order amended, parole revoked, noted



## PAROLE APPLICATIONS FROM LIFERS

No. of initial Parole applications made in 2016	2
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### Outcome of the initial hearing

- Parole applications granted	0	(0%)
- Parole applications refused	0	(0%)
- Parole applications deferred	2	(100%)
- prisoner declined parole	0	(0%)

No. of subsequent applications made in 2016	5
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### Outcome of subsequent hearings

- subsequent application granted	1	(20%)
- subsequent application denied	1	(20%)
- subsequent applications deferred to 2016	1	(20%)
- subsequent applications deferred to 2017	2	(40%)

## NUMBER OF PAROLE APPLICATIONS DETERMINED (GRANTED / REFUSED IN 2016)

Parole Applications determined (granted or refused)	139
Subsequent applications determined (granted or refused)	119
<b>Grand Total</b>	<b>258</b>

## ELIGIBLE FOR RELEASE IN 2016

Number of applicants who became eligible for parole in 2016 and were granted parole in 2016 (as opposed to deferred applications from 2015)	114
Number of 2016 applicants granted parole and revoked in 2016	41
Number of 2016 applications adjourned to 2017	50

## NUMBER OF PRISONERS WHO DECLINED AND WHY\*

Reason	No.	
Fear of revocation – Parole conditions too difficult	35	(44%)
Obtained employment with the Sentenced to a Job Program	12	(15%)
Other	12	(15%)
Wishes to participate in rehabilitation programs	11	(14%)
Wants to attend work camp / employment	6	(8%)
Wishes to reduce security rating	3	(4%)
<b>Grand Total</b>	<b>79</b>	

\*noting that reasons for declining parole are vast and varied and often overlap



## PAROLE CONDITIONS VARIED

No. of parole orders varied	27
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## REVOCATIONS

No. of reports received by Parole Board documenting non-compliance	111
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### Outcomes

- Parole revoked by the Board	24
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- Parole revoked out of session (Chairman)	39
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- Warning letter sent	16
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- Stern warning letter sent	8
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- No Action	6
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- Amend parole order	7
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- Deferred for outcome of court	9*
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- Deferred for further police / community corrections investigations	2
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\*This figure relates to 5 individual parolees, deferred numerous times throughout 2016

## FREEDOM OF INFORMATION APPLICATIONS

No. of freedom of information applications	9
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## PAROLE ORDERS TRANSFERRED TO ANOTHER JURISDICTION

No. of parole orders transferred to another jurisdiction	2
	South Australia

## BREACHES RESULTING IN PAROLE REVOCATION

Type of Breach		
- Conditional	53	(84%)
- Re-offending	5	(8%)
*other	5	(8%)
<b>Total</b>	<b>63</b>	

\*Includes prisoners who had their parole revoked prior to release from prison



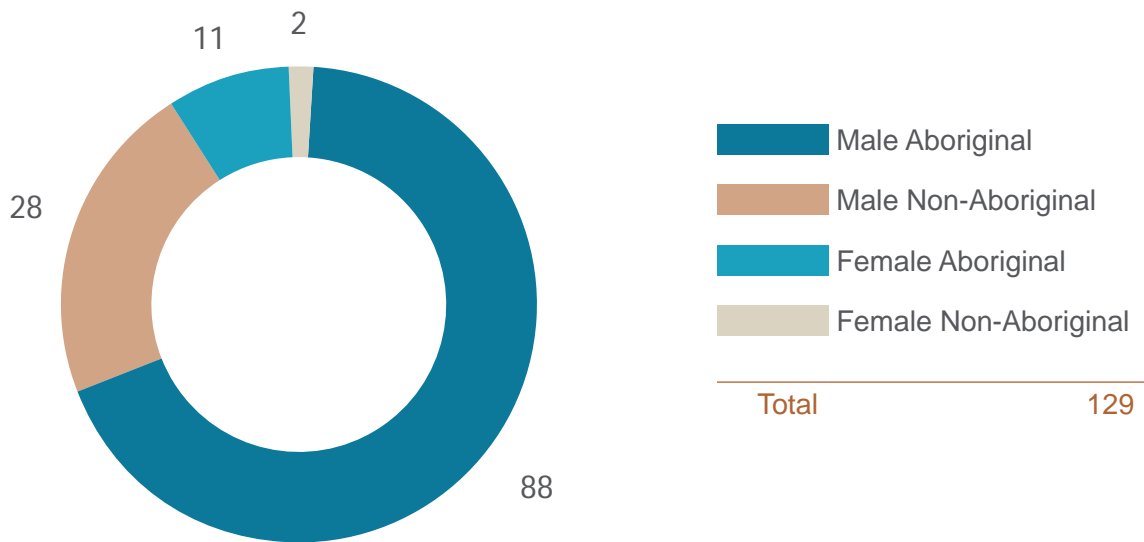
## ADDITIONAL PAROLE CONDITIONS SET

Non-consumption of alcohol	136
Breath Testing	136
Non-consumption of dangerous drugs	104
Urinalysis	104
Reside at particular address or community / outstation	54
Attend Treatment/Program	74
General assessment, treatment and/or counselling	108
Specific assessment, treatment and/or counselling*	43
Nil Contact – Victim	65
Nil threats - Victim	54
Nil Contact – Children	1
Curfew	54
Available for checks	50
Nil possession of firearm	50
Not engage in conduct that results in DVO	80
Electronic Monitoring	96
Electronic Alcohol Monitoring	8
Not engage in volatile substance use	5
Other **	23

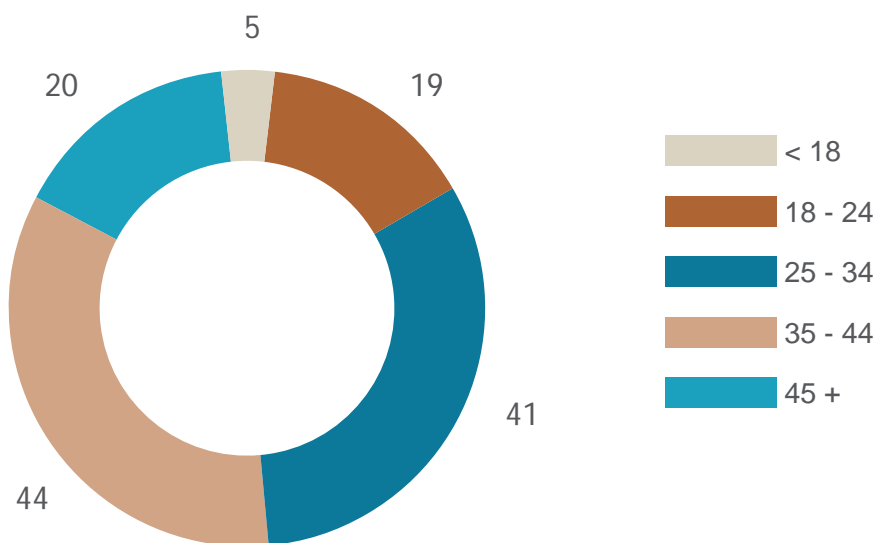
\* Includes: mental health counselling, specific anger management, drug and alcohol counselling, Family Violence Program

\*\* Includes: not visit specified communities; comply with medication regime; not drive a motor vehicle; maintain employment

### CHARACTERISTICS OF PRISONERS RELEASED TO PAROLE DURING 2016 BY SEX AND ABORIGINALITY

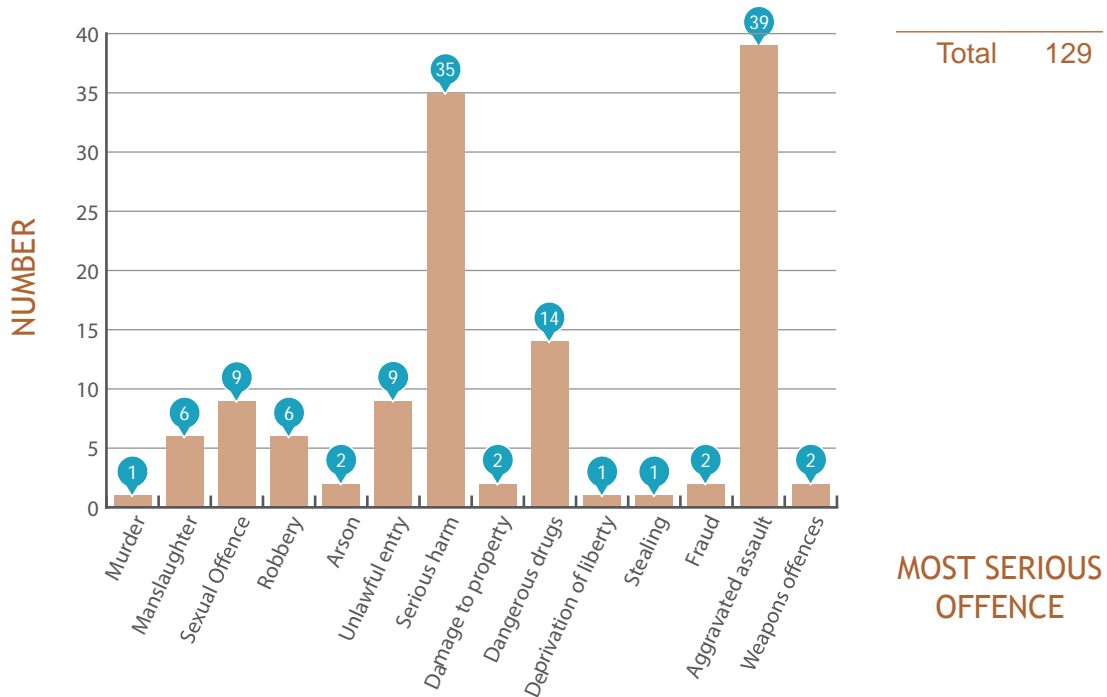


### PRISONERS RELEASED TO PAROLE DURING 2016 BY AGE

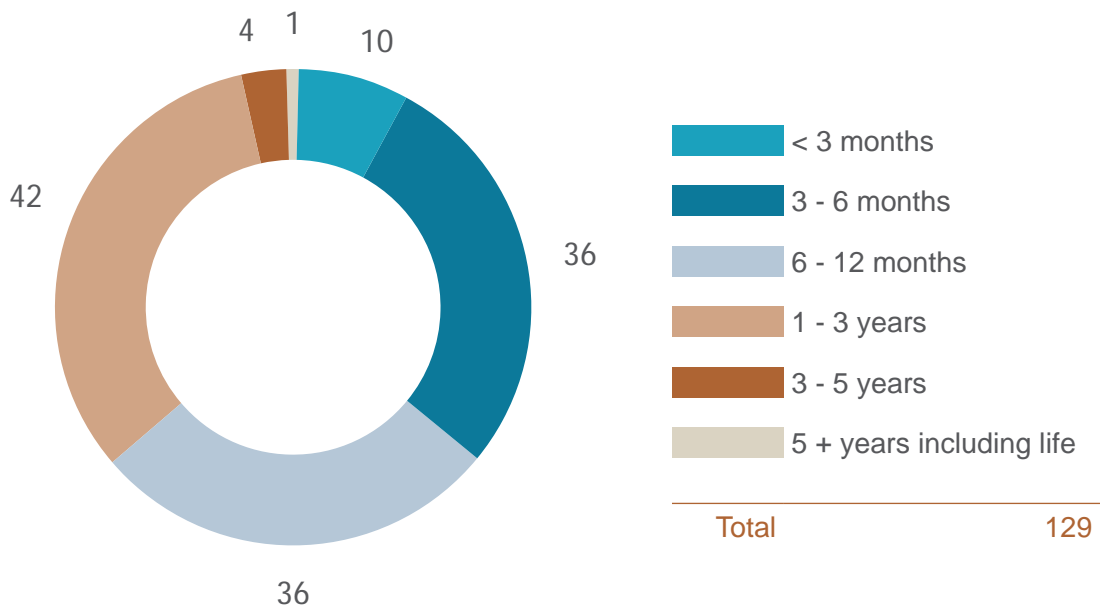




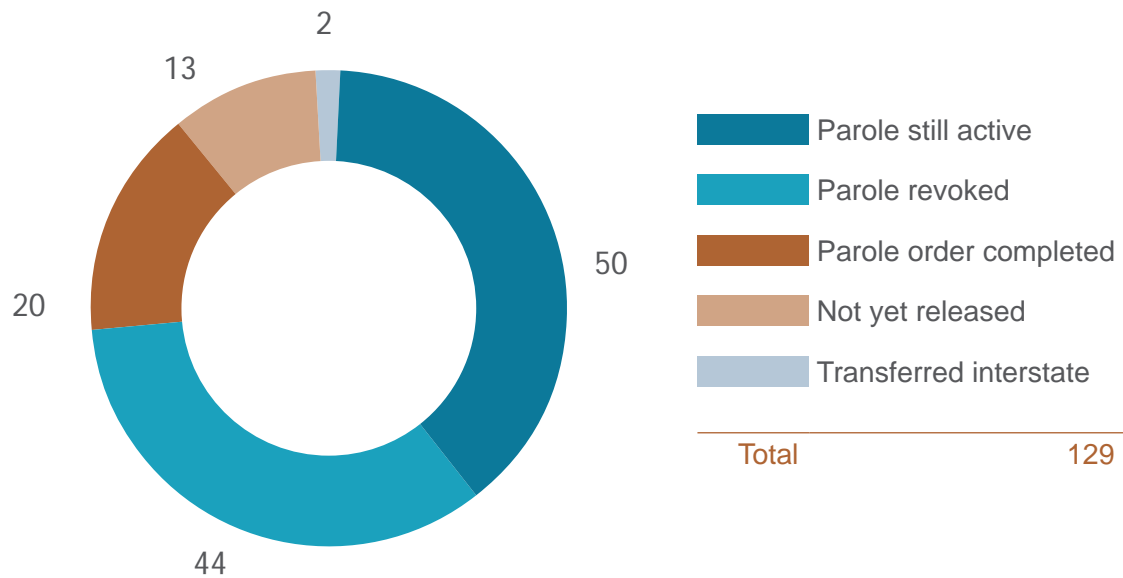
## PRISONERS RELEASED TO PAROLE DURING 2016 BY MOST SERIOUS OFFENCE CATEGORY



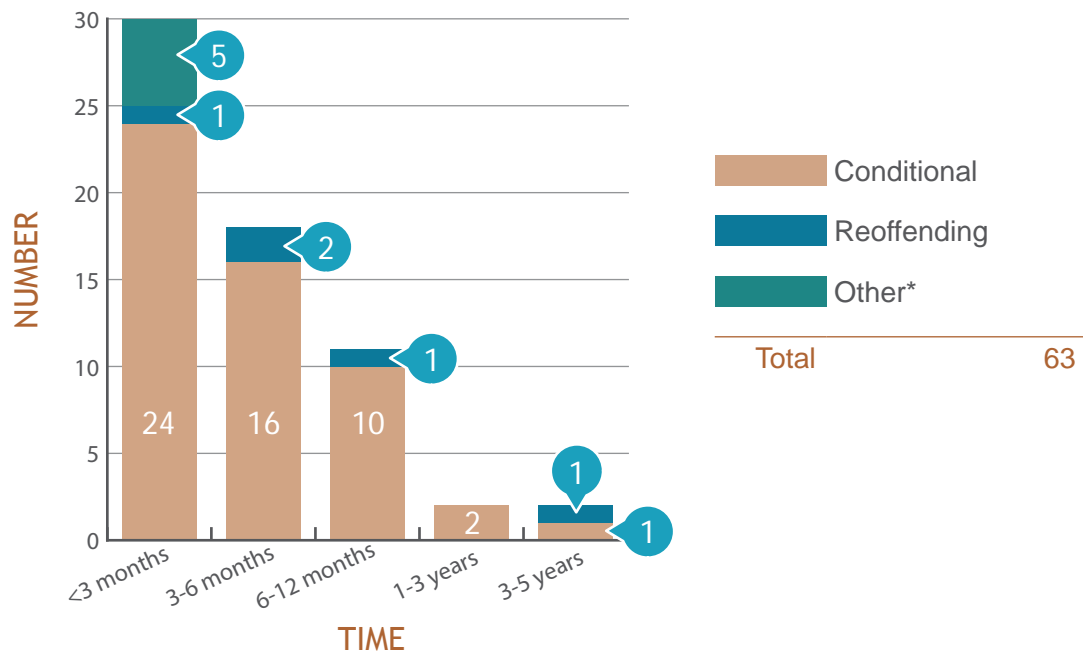
## LENGTH OF PAROLE FOR PRISONERS RELEASED TO PAROLE DURING 2016



## OUTCOMES OF PRISONERS GRANTED PAROLE DURING 2016 AS AT 31 DECEMBER 2016



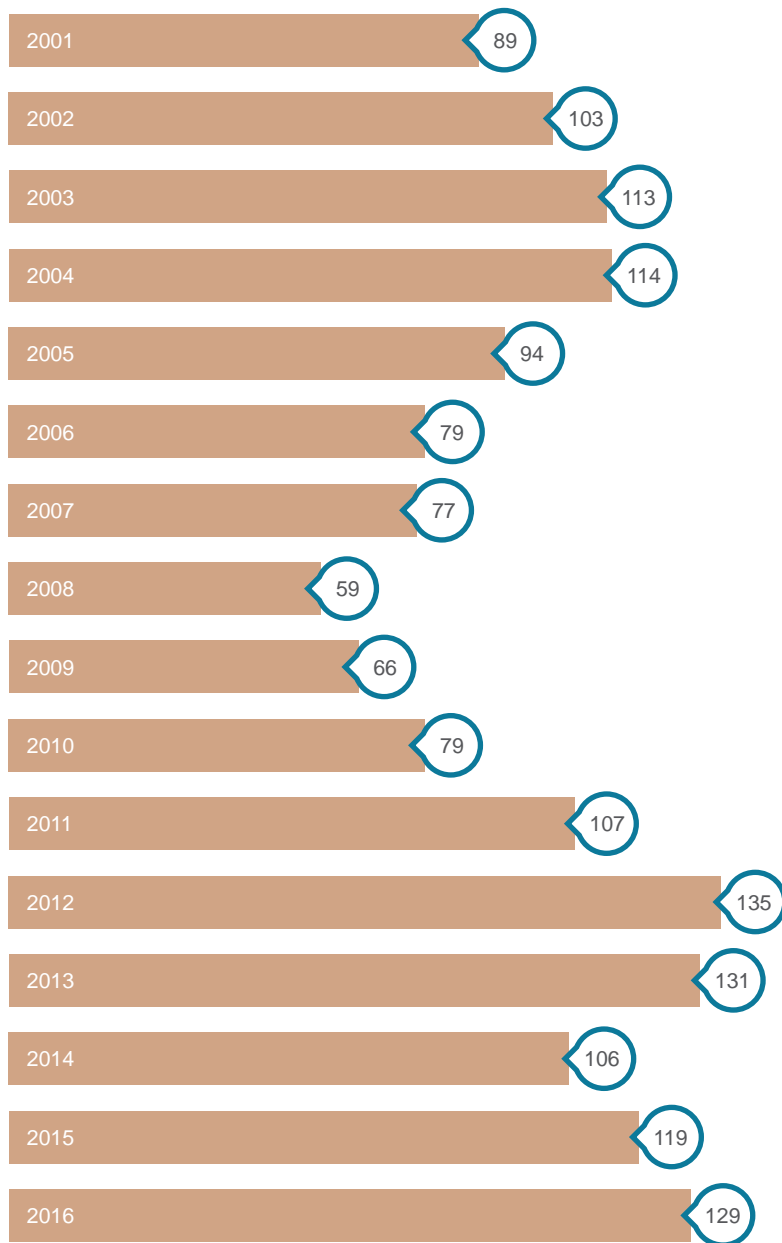
## PERIOD ON PAROLE PRIOR TO REVOCATION - CONDITIONAL AND RE-OFFENDING 2016



\*Includes prisoners who had their parole revoked prior to release from prison

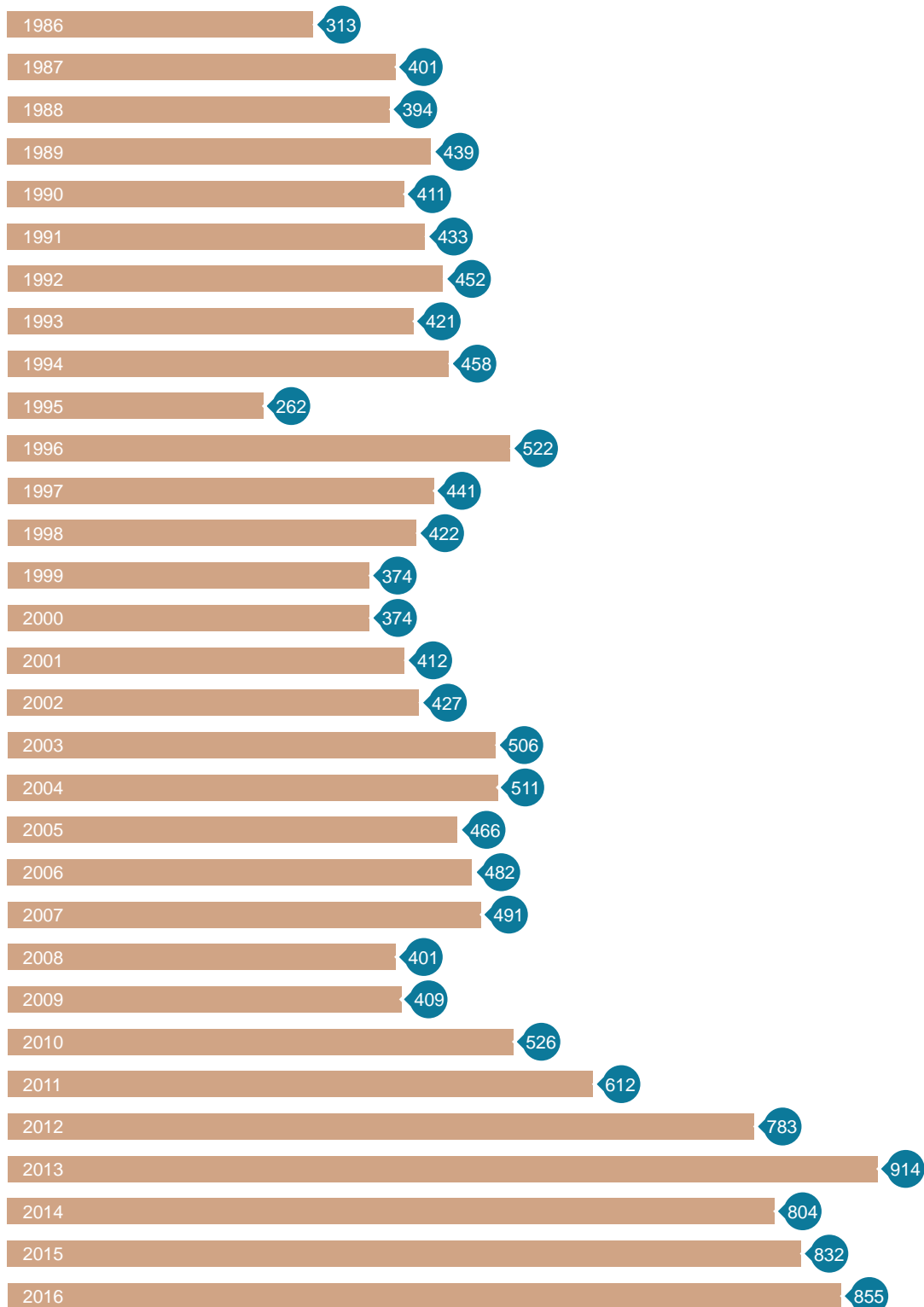


## PRISONERS RELEASED TO PAROLE 2001 - 2016





## ANNUAL TOTAL OF ITEMS OF BUSINESS 1986 - 2016





## PAPERLESS BOARD MEETINGS

The Northern Territory Parole Board is a paperless Board. All material is provided to Board members on an iPad. The use of iPads and the eSCRIBE system has proven to be a much more efficient way for members to receive and access all of the documents which they must consider at each meeting of the Board.

Paperless meetings are now business as usual for the Parole Board and will continue to be into the future.

## Restructure of Correctional Services

September 2016 saw a change of Government and a resultant restructure of Correctional Services. The former Department of Correctional Services merged with the Department of Attorney General & Justice and the responsibility for youth detention and community youth supervision was transferred to Territory Families (formerly Department of Children and Families).

The change has not affected the operations of the Parole Board and youth who have been sentenced to a term of imprisonment with a non-parole period are still considered by the Parole Board of the Northern Territory.

As at 31 December 2016, Northern Territory Community Corrections continued to supervise youth in the community and prepare parole reports for the Board. It is anticipated that youth supervision in the community would be transferred to Territory Families by the end of 2017.

## COMMIT AND A SANCTION-BASED MODEL OF PAROLE FOR THE NT

On 14 August 2015, Judge Steven Alm, Circuit Court Judge from Hawaii, met with members of the Parole Board and senior staff from across the former Department of Correctional Services to present the Hawaii's Opportunity Probation with Enforcement (HOPE) program.

The HOPE program is an intensive supervision program that aims to reduce crime and drug use while saving money spent on incarceration and prison costs. It provides the Hawaiian Parole Authority and the Court with the ability to return offenders to prison for short periods of time in the case of minor breaches without having to completely restore the order. All those involved in the sentencing process consider the sanctions to be fair and proportionate.

The results of the HOPE program demonstrate that a swift and consistent response to probation violations reduces the likelihood of the offender breaching or reoffending in the future.

Following Judge Alm's presentation, the Courts and NTCS developed the Compliance Management or Incarceration in the Territory (COMMIT) Program and implemented a 12 month trial for offenders on suspended sentences in Darwin and Alice Springs.

The COMMIT Program is based on the principles of 'swift, certain and fair' justice, as outlined below:

- **Swift** – The offender attends court (or is arrested and brought before the court) within 72 hours after the

breach is known and a sanction is immediately imposed by the court (generally 2 – 7 days in custody).

- **Certain** – Offenders, probation and parole officers, legal counsel, as well as family are aware that a breach will result in a sanction in accordance with a sanction matrix. At the time the offender is sentenced the Court warns the offender in open court about the importance of compliance and the certainty of the consequences for noncompliance. The warning emphasises that the offender must take personal responsibility and be accountable for the offender's behaviour in the community. The probationer is told that everyone in the court room wants the probationer to succeed.
- **Fair** (or Proportionate) – The sanctions are perceived to be fair and reasonable by everyone involved in the sentencing process.

The COMMIT trial has been running since July 2016 and has been showing promising results.

On behalf of the Board, Corrections made submissions to Government that the 'swift, certain and fair' justice model should be made available to parolees. This will allow the Board increased options when dealing with violations of parole conditions.

Currently, the NT Parole Board has the following options to deal with non-compliant parolees:

1. a warning letter;
2. a further and final warning letter; and
3. revoke parole.

The amendments to the Parole Act would afford the Board increased options in dealing with parole violations in a swift, certain and proportionate manner, assisting parolees in successfully completing parole.

As at 31 December 2016, the amendments are expected to be passed by Parliament in mid-2017.

## Parole Board Training Workshop

Training workshops are an essential element of the professional development of Parole Board members.

Workshops provide an opportunity to:

- share information about current developments in the Department that impact on prisoners;
- deliver training and share information on contemporary practices and research in relation to offender management and the work of the Parole Board; and
- receive feedback from members on the current operations of the Parole Board and any matters that may be of concern for them.

A workshop was held on 6 December 2016. The one day workshop saw presentations from Correctional Services staff, the Department of the Attorney-General and Justice, Territory Families and external organisations who work closely with both the Board and the Department.

Presentation topics for the 2016 workshop were:

- Prisoner Programs
- Parole Act Amendments



- NAAJA Throughcare update
- Prisoner Management
- Community Justice Centre
- Youth Detention
- Community Corrections Programs
- Electronic Monitoring
- Sentence Management
- Hamburger Report / Strategic Purpose and Direction Strategy
- Victims

The presentations provided Board members with relevant and important information that will assist them when considering matters of parole. They also provide the Board with a greater understanding of particular programs and services available to offenders both whilst in custody or serving their period of parole in the community.

## **PARTNERSHIPS**

Parolees face many barriers to successful reintegration in the community that place them at risk of re-offending, including difficulties securing accommodation and employment.

To try and overcome the barriers to reintegration, Northern Territory Correctional Services entered into a partnership with NAAJA aimed at expanding the amount of throughcare available to prisoners and parolees. NAAJA has developed their own throughcare programs which complement and supplement the throughcare provided by the Community Corrections Division of Correctional Services.

A similar partnership existed with CAALAS

but CAALAS ceased to be funded to provide such services.

The purpose of throughcare is to assist prisoners who are on parole to set realistic goals, identify appropriate support networks and maintain practical plans for re-integration in the community.

## **North Australian Aboriginal Justice Agency (NAAJA)**

NAAJA's Indigenous Throughcare Program started in 2009. It has two prison-based case workers who provide parole related information, advice and assistance to prisoners and detainees; and seven Palmerston-based case managers who provide case management support to up to 15 Aboriginal and Torres Strait Islander clients. One Palmerston-based case manager works specifically with youth, one assists clients with their parole applications and two work specifically with people convicted of family and domestic violence related offences.

The role of the Prison-based case workers includes:

- educating participants, their families and communities about parole;
- assisting participants to successfully obtain parole by raising their awareness of the factors that have contributed to their offending behaviours and helping them identify relevant rehabilitative programs while in custody;
- assisting participants to develop sustainable and effective post-release plans in collaboration with their families, communities, NT Correctional Services; and,
- assisting participants to successfully complete their parole orders through

the provision of supported case management post-release.

The role of the Palmerston-based case workers includes:

- Accepting referral of participants, including from the Darwin Correctional Centre, Territory Families, the NAAJA Prison-based case workers, external service providers or the family of Aboriginal and Torres Strait Islander prisoners;
- Engaging participants willing to work with NAAJA on a voluntary basis six months prior to their release to assess their transitional needs including but not limited to rehabilitation, accommodation, family support and employment;
- Working alongside participants to help them identify their post-release risks and goals, and develop a corresponding case management plan;
- Assisting participants to identify and access relevant services and programs that can be accessed to achieve their transitional goals post-release;
- Providing participants with case management support post-release for a mutually agreed period of time that emphasises participant empowerment and individual responsibility; and,
- Working in partnership with key stakeholders to avoid duplication and provide essential services that enhance a participant's prospects of a successful reintegration. These include community groups and government agencies.

## Batchelor Institute of Indigenous Tertiary Education (BIITE)

Batchelor Institute has been engaged as the main provider for education at Darwin Correctional Centre and Alice Springs Correctional Centre under a Service Level Agreement (SLA) for the delivery of VET courses between 2015 until 2022. This partnership provides, where practical, continuity of VET based education for individuals entering and leaving NTCS correctional facilities irrespective of where that training commenced. Education courses currently accessible are:

- Foundation Skills (Literacy and Numeracy)
- Engineering
- Health Support Service
- Kitchen Operations
- Agrifood
- Visual Arts
- Furniture Making
- Construction
- Food Processing
- White Card



## University of Southern Queensland (USQ) - Making the Connection

Making the Connection is taking digital technologies, that don't require internet access, into prisons to enable prisoners to enrol in a suite of tertiary and undergraduate programs. This program is currently being successfully implemented in the majority of jurisdictions across Australia with approximately two hundred and forty prisoners engaged.

The project is federally funded under a \$4.39 million grant over three years under the Higher Education Participation and Partnerships Program. The project provides notebook computers at no cost to participating prisoners, currently allowing them access to a suite of five courses;

- Tertiary Preparation Program
- Indigenous Higher Education Pathway Program
- Associate Degree in Business and Commerce
- Diploma of Science
- Diploma of Arts

## University of New England (UNE) - QuickSmart

QuickSmart is a literacy and numeracy intervention program that supports the development of basic literacy and numeracy facts. The program has focused on a peer tutor delivery model and NTCS has been supported by UNE to train suitable prisoners to deliver tutoring sessions to less capable prisoners. This not only builds concepts around learning of literacy and numeracy but has also provided positive educational experiences and development of associated skills such as confidence and self-esteem in participants as tutors and students.

## Work Camps

Datjala and Barkly Work Camps provide prisoner education through local agreements with providers such as Safety Training Services and Anglicare at Datjala and Charles Darwin University and Group Training NT at Barkly.

## CONTACT DETAILS

For more information on the Parole Board contact the Parole Board Administrator:

Postal Address: GPO Box 3196, Darwin NT 0801

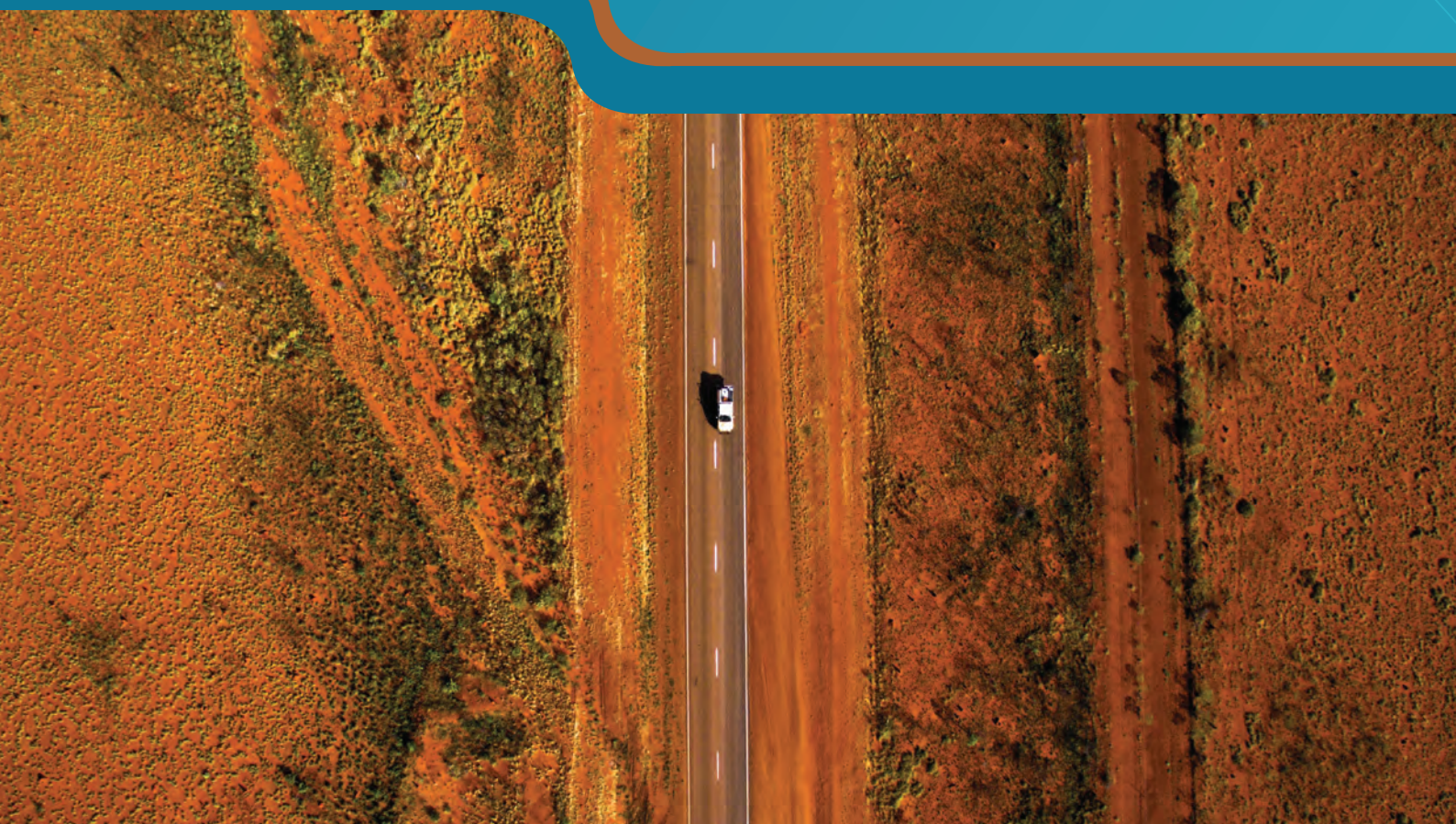
Phone: (08) 8935 7477

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**PAROLE BOARD**  
OF THE NORTHERN TERRITORY