



PAROLE BOARD

OF THE NORTHERN TERRITORY



ANNUAL REPORT

2017



The Hon Natasha Fyles MLA

Attorney-General and Minister for Justice

I am pleased to provide this report on the activities of the Parole Board of the Northern Territory during the year ending 31 December 2017, 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 was foreshadowed in the 2016 annual report of the Parole Board, on 13 September 2017 the *Parole Amendment Act 2017* commenced. That Act amended the *Parole Act* by establishing the Parole Sanction Regime otherwise known as COMMIT parole. An immediate consequence of the introduction of COMMIT parole was an increase in the number of prisoners released on parole in 2017.

One hundred sixty one prisoners were released on parole in 2017. This is the highest number of prisoners released on parole in a single year in the Northern Territory. In contrast the number of prisoners released on parole in 2016 was 129. So there has been an increase of about 24 percent in the number of prisoners being released on parole from the previous year. This is a most important outcome as, once again, our prisons in the Northern Territory have reached full capacity and the vast majority of prisoners are Aboriginal men. Minister Fyles is to be congratulated for her support in sponsoring this legislation. Before the amending Act commenced, the Parole Board could only deal with parole violations by doing nothing, issuing a warning letter or revoking parole.

Whenever parole is revoked all "street time" is lost. This still remains the case under the amended *Parole Act*. Revocations of parole frequently result in offenders spending far more time in the corrections system than was contemplated when their head sentence was imposed by the sentencing Judge. For example, if a parolee:

- is sentenced to six years imprisonment with a non-parole period of three years;
- is released on parole after serving three years, and

- has his parole revoked after spending two years in the community,

the parolee will go back to prison after spending five years in the corrections system; and the parolee will have to serve another three years in prison. So the total time spent in the corrections system will increase from six years to eight years. If there are further grants of parole and further revocations the time the offender remains in the corrections system could be extended even further. This risks the prisoner becoming institutionalised and having less and less capacity and resilience to succeed in living a lawful life in the community.

Apart from anything else, the lack of COMMIT parole under the unamended Act resulted in a significant number of prisoners declining parole because they were afraid they would not receive the support they need in the community, would fail while on parole and would end up remaining in the corrections system for a very long time. Prisoners were concerned the lack of support would lead to them breaching their parole conditions and their parole being revoked. It is hoped that the Sanctions Regime will encourage more prisoners to apply for parole and comply with their conditions. As has been demonstrated by the number of prisoners released on parole in 2017, if this occurs, it will reduce the number of people in prison quite significantly.

The aims of the COMMIT parole are to:

- reduce prison numbers by increasing the number of community based offenders;



- reduce the time offenders spend in prison and in the corrections system;
- reduce the rate of re-offending;
- change the behaviour of offenders so they are capable of making appropriate life choices and leading a lawful life;
- help community based offenders through their orders rather than see a revocation of parole and the loss of street time;
- improve offender compliance; and
- reduce drug and alcohol misuse.

COMMIT parole is made available to higher risk offenders who have a history of non-compliance with conditions of supervision in the community (that is, who have a history of failure) and of substance misuse.

Crime attracts reckless and impulsive people for whom delayed and low probability threats of severe punishment are much less effective than immediate and high probability threats of comparatively lenient punishment. Offenders are less inclined to think about the consequences of their actions. Consequences do not normally guide their actions.

A central feature of an offender's behaviour is that the benefits of crime are immediate, while the costs of crime to the offender are uncertain and usually spread out over a long period of time. Therefore, the consequences/costs to the offender of crime are significantly discounted or devalued by the offender and much greater value is placed on the immediate circumstances. Rational choice theory is inapplicable.

Delivering relatively modest sanctions certainly, swiftly and consistently is likely to be more effective than sporadically lowering the boom.

The idea of the Sanctions Regime is to make the cost of a bad decision an immediate consideration. To make the cost of the bad decision something that cannot be ignored by the parolee. A parolee cannot ignore the cost of a parole violation today if he is in prison tomorrow, particularly if that is going to happen every time there is a parole violation.

It is now widely recognised that in order to be deterred by a sanction, an offender must:

- realise there is a criminal sanction for the act being contemplated;
- know the sanction that is to be imposed;
- take into account the risk of incurring the sanction when choosing to offend or not offend;
- believe there is a real likelihood of being caught;
- believe the sanction will be applied; and
- be willing (and able) to alter their choice to offend in light of the sanction.

For deterrence to work effectively, the conditions I have just referred to must be satisfied. Knowledge of penalties logically precedes perceptions of certainty and severity of penalties. For deterrence to influence the decision-making process, the offender must have knowledge of the punishment for the offence and the likelihood of it being imposed so an informed choice is made about whether or not to offend.

COMMIT parole incorporates these principles. The prisoner is told and therefore knows:

- there will most certainly be a sanction imposed on the prisoner for each parole violation;

- the specific sanction that will be imposed for each particular breach of parole conditions. The sanctions are perceived to be fair and reasonable and are designed to correct the parolee's behaviour;
- compliance with conditions of parole will be rigorously monitored and therefore all violations will be immediately detected;
- the sanction for each parole violation will be swiftly enforced. Parolees are to be held accountable for their actions and decision making;
- how much time a parolee spends in prison is dependent on the choices made by the parolee. It is only if the parolee makes a bad decision that the parolee will be returned to prison; and at the time the parolee makes the bad decision, the parolee clearly knows the cost of the bad decision;
- the COMMIT regime will persist for the duration of the parole period. The prisoner knows that neither the Parole Board nor his/her Probation and Parole Officers will give up on the prisoner. The system is going to be in place for the duration of the prisoner's time on parole.

Under COMMIT parole, parolees receive swift, predictable and modest sanctions of a short term in prison for each detected violation of their parole conditions. Throughout the period of parole, bad behaviour is tied to a known swift and certain consequence so parolees can learn from their bad choices.

The idea is to make a parole violation an illogical and costly choice for the parolee.

COMMIT parole sends a consistent message to parolees about personal responsibility and accountability and

includes a consistently applied and timely mechanism for dealing with parole violations. The sanctions are structured in such a way that parolees receive a lesser penalty if they take responsibility for their actions.

COMMIT parole is solution focussed. It involves the cooperation of the parolee, Community Corrections, Throughcare workers, the Police, the Legal Aid Agencies, Prosecutions and the Local Court to ensure that any parole violation is dealt with swiftly.

A critical aspect of COMMIT parole is the relationship that Probation and Parole Officers establish with parolees. COMMIT parole requires the active management and supervision of parolees.

Active management/supervision involves Probation and Parole Officers developing a sound relationship with the parolee; and actively encouraging the parolee to pursue rehabilitation, education and employment. It also means Probation and Parole Officers will need to actively monitor all directions that are given to the parolee. Probation and Parole Officers will need to monitor things like: did the parolee attend for urinalysis; have the urinalysis tests results been returned, did the parolee commence the residential rehabilitation program; and so on.

COMMIT parole is not merely deterrence based. The purpose of COMMIT parole is to change the parolee's behaviour while the parolee is exposed to life in the community so the parolee is successfully re-integrated into the community. Parole conditions are designed to address the parolee's criminogenic needs, assist in their rehabilitation, and support them in the community so they can develop the capacity to make good decisions.



COMMIT parole practice and procedure involves the following elements.

- an assessment of the prisoner's suitability for COMMIT parole conducted by the prisoner's Probation and Parole Officer;
- a decision by the Parole Board to release the prisoner on COMMIT parole;
- a warning to the parolee about the nature of COMMIT parole and the consequences of parole violations;
- rigorous and active supervision of the parolee in the community;
- swift detection and mandatory reporting of all parole violations to the Parole Board Secretariat;
- swift and consistent imposition of the relevant sanction in accordance with the gazetted sanctions matrix;
- the issue of a Sanction instrument by the Chairperson of the Parole Board for all proven parole violations;
- instructing prosecutions to appear in the Local Court on behalf of Corrections;
- directing the parolee who has violated their conditions to attend court;
- swift commitment of the parolee to prison by the Local Court in accordance with the sanction imposed by the Chairperson of the Parole Board;
- a further warning by the Judge in the Local Court;
- the parolee serving the sanction in prison with no loss of street time;
- a further warning of the parolee before the parolee is released from prison at the end of a sanction;
- continuation of the original COMMIT parole order upon release from prison.

The main elements of the warning are as follows.

- everyone wants the prisoner to succeed;
- no-one is going to give up on the prisoner for the duration of the parole period. If the prisoner receives a sanction for a parole violation, there will be no loss of street time. That will only occur if parole is revoked;
- COMMIT parole is designed to keep the prisoner in the community. Everyone wants the prisoner to stay in the community;
- however, the prisoner is going to be treated like an adult who is capable of making the right choices and is going to be held accountable for all bad choices. This is to enable the prisoner to change the prisoner's behaviour and learn not to make bad choices;
- how much time is spent in prison after the prisoner is released on parole is in the prisoner's hands. If the prisoner makes the right choices the prisoner will stay in the community. If the prisoner makes the wrong choices a sanction will be imposed. Time back in prison will be a swift and certain consequence of the prisoner's bad choices;
- while on parole, a parolee is not free to do as the parolee likes. All parole violations will be detected, all parolees will be monitored and supervised very closely, and there will be a swift and certain sanction for each and every violation;
- the prisoner is told the sanctions for each parole violation;
- the prisoner is told it is most important that the prisoner works cooperatively with his Probation and Parole Officer;

- good compliance over an extended period of time (one to three years), may result in the Probation and Parole Officer recommending to the Chairperson of the Parole Board parole conditions are reduced and the parolee is managed less intensively.

A Probation and Parole Officer's sanction report for a parole violation should, if reasonably practicable, be made to the Parole Board Secretariat within 72 hours of the parole violation being detected; and each and every violation must be reported. This is a critical part of the procedure.

It is also important to understand that it is mandatory to report each and every parole violation. There is no discretion as to reporting parole violations. For example, if a parolee is half an hour late for curfew, the Probation and Parole Officer must not give the parolee the benefit of the doubt. The violation must be reported. It is for the Chairperson of the Parole Board to determine whether instead of imposing a sanction, nothing should be done or a warning letter should be issued. The Chairperson retains the discretion to: do nothing; issue a warning letter; impose the sanction or revoke parole.

The effect of rigorous, consistent and swift detection and reporting of parole violations is to continually re-inforce that it is the parolee's bad choice that results in a sanction – it is absolutely nothing to do with the Probation and Parole Officer – it is everything to do with the parolee's bad decision.

All Probation and Parole Officers have now been trained in COMMIT parole. While it is too early to accurately determine the impact that COMMIT parole is having on recidivism (it normally takes two years to assess the impact that a particular program is having on recidivism), anecdotally this

regime appears to be working well. This is in no small part due to the good work being undertaken by the Probation and Parole Officers who are supervising parolees who have been placed under this regime. The introduction of COMMIT parole has resulted in a significant increase in their work load and a steep learning curve, both of which they have handled exceptionally well and very professionally.

Issues which have continued to be of concern to the Parole Board during 2017 included the security classification of prisoners who have committed sexual offences in the past and prisoners who are serving life sentences for the crime of murder, the lack of transitional housing for prisoners particularly in remote areas, and the lack of availability of residential rehabilitation programs for sex offenders in the community. The security classification of the prisoners to which I have referred has restricted the reintegration work which can be done with the prisoners prior to their release into the community. The lack of transitional housing and residential rehabilitation programs is depriving these prisoners of the same opportunity that is given to other prisoners to assist them in their successful reintegration into the community. An important development in 2018 has been the decision of Corrections to use prisoners to construct transitional housing throughout the Northern Territory.

In August 2017 I attended the Annual Association of Paroling Authorities International (APAI) Conference in Vancouver Canada. I found this a very worthwhile experience. A number of very valuable papers were presented at the conference. They will provide ongoing assistance to the deliberations of the Parole Board. I also established a connection with the past Chairperson of the Parole Board of Canada, Mr Harvey Cenaiko. The Parole Board of



Canada experiences similar issues in the more remote parts of Canada to those experienced by the Parole Board of the Northern Territory. Arrangements were made for Mr Cenaiko and other representatives of the Parole Board of Canada to visit the Northern Territory in October 2017 so they could visit the Datjala and Barkly Work Camps and we could share our respective experiences of the operation of the Work Camps in the Northern Territory and the various kinds of Healing Villages in Canada. Unfortunately at the last moment the Canadians were unable to travel to the Northern Territory.

The work of the Parole Board has continued to increase. This period saw an increase of 13 percent in the number of matters considered by the Board. I would like to thank all of the Members of the Parole Board for their very diligent and capable work in 2017.

I would also like to reiterate my welcome to Ms Fran Kilgariff to the Board. Fran was appointed a member of the Parole Board in 2017 and she brings a wealth of community experience and wisdom to the Parole Board.

Statistics at a Glance

Number of matters before the Parole Board	985
Number of distinct prisoners with matters before the Parole Board	450
Number of initial parole applications	325
Number of prisoners granted parole	161
Number of prisoners refused parole	118
Number of prisoners who declined parole	86
Number of parole orders revoked	76

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:

1. grant a prisoner release on parole;
2. deny a prisoner release on parole;
3. defer consideration of a prisoner's application for parole until a later date;
4. amend or vary a parole order;
5. order a parolee serve a prison sanction for non-compliance with their order; or
6. 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(1) 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) two police officers nominated by the Commissioner of Police; and
- (d) two 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) two persons, each of whom represents the interests of victims of crime; and
- (f) Ten 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 2017, 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 2017 the Board was chaired by the Honourable Justice Stephen Southwood. The Honourable Justice Judith Kelly acted as the Chairperson from 22 April to 1 May 2017 however was not required to chair any meetings of the Board. The NT Police were represented by Detective Superintendent Col Goodsell on 13 occasions, Acting Superintendent Peter Kennon on 13 occasions and Acting Superintendent Stefan Herald on two occasions.

At the close of 2017, membership of the Board comprised:

Justice Stephen Southwood	Chairperson
Mr Mark Payne	Commissioner, Northern Territory Department of Correctional Services
Detective Superintendent Col Goodsell	NT Police representative
A/ Superintendent Peter Kennon	NT Police representative
Ms Kathryn Crawley	Psychologist
Mr Paul Rysavy	Psychologist
Ms Susan Crane	Victims of crime representative
Ms Sue Lowry	Victims of crime representative
Mr John Brears	Community member
Mr Mark Coffey	Community member
Mr John Flynn	Community member
Ms Selina Holtze	Community member (Alice Springs)
Mr Harold Howard	Community member (Tennant Creek)
Ms Frances Mary Kilgariff	Community member (Alice Springs)
Ms Patricia Jane Lloyd	Community member (Alice Springs)
Mr Mark McAdie	Community member
Mr Ken Middlebrook	Community member
Dr Leonard Notaras	Community member



Appointment of new community member to the Board

On 11 May 2017, following a formal recruitment process, the Attorney-General and Minister for Justice endorsed the appointment of Ms Frances Mary Kilgariff to the Parole Board as a community member.

Ms Kilgariff was born and raised in Alice Springs and has had a wide and varied career including the pivotal role of Mayor of Alice Springs for eight years. Ms Kilgariff has also held teaching positions, Senior Executive positions with the Northern Territory Public Service, a position as the NT Grants Commissioner, a Government Business Manager for the Commonwealth Government and as a radiographer in the Health system.

Ms Kilgariff has a strong interest in the prosperity and development of the Northern Territory and has been a member of many boards and committees including the YMCA Alice Springs and St John Ambulance NT. In 2011 Ms Kilgariff was awarded a Medal in the Order of Australia for her services to local government and the social development of Alice Springs. With her extensive work history, life skills, community contacts and professional experience Ms Kilgariff brings with her a wealth of knowledge and diversity to the Board.

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 McKay, Manager Parole Board Secretariat, acted in the place of Ms Luke on three occasions in 2017.

Parole Board Secretariat

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

Probation and Parole Officers

The functions of Probation and 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;
- 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.

Probation and Parole Officers commence working with a prisoner eight months before they become eligible for parole. During this time the Probation and 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.

On application, 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

Board Meetings

The information 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

Quorum requires the Chairperson and seven other members

Decisions require a unanimous vote



All other sentences

Meetings held monthly

Quorum requires Chairperson and three other members

Decisions require a majority vote

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;
- 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; and
- notification of a parolee's successful completion or 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.

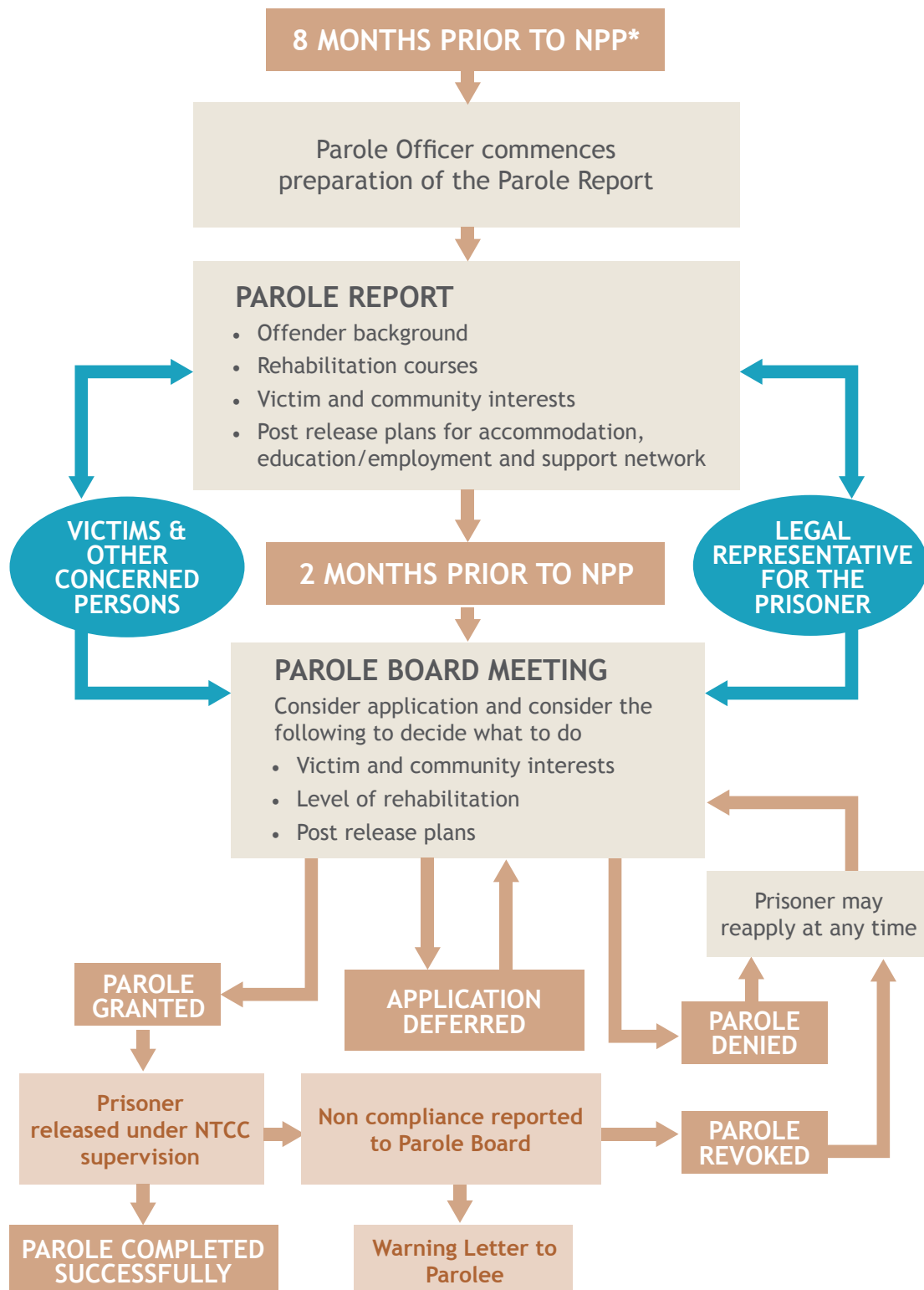
In 2017, two life sentenced prisoners appeared before the Board via videolink.

In addition, numerous prisoners appeared before the Chairperson of the Parole Board either in person or via videolink to receive their COMMIT warning hearings prior to their release to COMMIT parole. The Chairperson delivered the warning hearings in the presence of Community Corrections staff as a training opportunity prior to Community Corrections undertaking all COMMIT parole warning hearings.

Mr Jeff Prosser of the North Australian Aboriginal Justice Agency (NAAJA) provided numerous detailed written submissions to the Board on behalf of prisoners seeking parole.

Representatives from Territory Families attended several meetings of the Board when youth matters were considered to provide advice and answer questions of the Board.

Furthermore, several Correctional Services staff were permitted to attend several meetings of the Board as observers for training purposes.



*non-parole period (NPP)



Prisoners serving a life sentence for the crime of murder

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.

Furthermore, the Board must not release a life sentenced prisoner to parole unless the Board considers that the prisoner has cooperated satisfactorily in the investigation of the offender to identify the location or last known location of the remains of the victims of the offence. The Board consider a report from the Commissioner of Police outlining the level of cooperation when making this assessment.

Section 4B(8) 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.

Variation of Parole Conditions

Section 5B of the *Parole Act* provides 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 5B(2) 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 section 5B 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. 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. 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.

Ordering of Sanctions - COMMIT Parole

With the introduction of COMMIT parole in 2017 via amendments to the *Parole Act*, the Parole Board now have the option to order a parolee to serve a prison sanction for an act of non-compliance with their parole order. Importantly, the sanction does not extend the sentence as a revocation of parole would.

The sanctions are designed to be “swift, certain and fair” in line with the principles of the Hawaii’s Opportunity Probation with Enforcement (HOPE) Program, to effect behaviour change and assist parolees to 1) take responsibility for their behaviour and 2) complete their orders successfully.

For more information on the COMMIT parole program, refer to Chairperson’s message.

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 Probation and Parole 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 Probation and 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

Probation and 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 generally 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 Probation and Parole Officer, appointed in accordance with this parole order, and shall obey all reasonable directions of the Probation and Parole Officer appointed;
3. the parolee shall report to the Probation and Parole Officer, or other person nominated by the Probation and 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 Probation and 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 Probation and Parole Officer;

5. the parolee shall enter into employment arranged or agreed upon by the Probation and Parole Officer and shall notify the Probation and 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 Probation and Parole Officer;
 6. the parolee shall reside at an address arranged or agreed upon by the Probation and Parole Officer and shall notify the Probation and 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 Probation and Parole Officer;
 7. the parolee shall not associate with any person specified in a direction by the Probation and Parole Officer to the parolee;
 8. the parolee shall not frequent or visit any place or district specified in a direction by the Probation and Parole Officer to the parolee.
- 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 to engage in conduct that might lead to a domestic violence order being made;
 - curfew;
 - be subject to electronic monitoring;
 - be subject to the COMMIT program

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:

- 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 or drugs;
 - breath testing and urinalysis;
 - no contact, directly or indirectly, with a victim or other specified person;
 - to reside at a specified community or outstation;
 - 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 2017, no parolees were transferred out of the Northern Territory. Four 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 2017, no parolees were extradited back to the Northern 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.

Probation and 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 Aboriginal 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 collaboration 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 Probation and Parole Officer, a meeting may be held with the Probation and 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.

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.



PERFORMANCE

PAROLE APPLICATIONS

No. of initial parole applications made in 2017	321
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Outcome of the initial hearing

- Parole applications granted	71	(22%)
- Parole applications deferred	104	(32%)
- Parole applications refused	82	(26%)
- prisoner declined parole	64	(20%)

No. of subsequent applications made in 2017	221
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Outcome of subsequent hearings

- subsequent applications granted	82	(37%)
- subsequent applications deferred	62	(28%)
- subsequent applications refused	36	(16%)
- prisoner declined parole	20	(9%)
Other*	21	(10%)

*parole order amended, parole revoked, noted

PAROLE APPLICATIONS FROM LIFERS

No. of initial parole applications made in 2017	4
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Outcome of the initial hearing

- Parole applications granted	2	(50%)
- Parole applications refused	0	(0%)
- Parole applications deferred	2	(50%)
- prisoner declined parole	0	(0%)

No. of subsequent applications made in 2017	11
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Outcome of subsequent hearings

- subsequent applications granted	6	(55%)
- subsequent applications refused	0	(0%)
- subsequent applications deferred to 2017	4	(36%)
- subsequent applications deferred to 2018	1	(9%)



NUMBER OF PAROLE APPLICATIONS DETERMINED (GRANTED / REFUSED IN 2017)

Parole Applications determined (granted or refused)	155
Subsequent applications determined (granted or refused)	124
Grand Total	279

ELIGIBLE FOR RELEASE IN 2017

Number of applicants who became eligible for parole in 2017 and were granted parole in 2017 (as opposed to deferred applications from 2016)	102
Number of 2017 applicants granted parole and revoked in 2017	48
Number of 2017 applications adjourned to 2018	37

NUMBER OF PRISONERS WHO DECLINED AND WHY*

Reason	No.	
Fear of revocation – Parole conditions too difficult	49	(57%)
Obtained employment with the Sentenced to a Job Program	10	(12%)
Other	14	(16%)
Wishes to participate in rehabilitation programs	7	(8%)
Wants to attend work camp / employment	2	(2%)
Wishes to reduce security rating	4	(5%)
Grand Total	86	

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

PAROLE CONDITIONS VARIED

No. of parole orders varied	49
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REVOCATIONS

No. of reports received by Parole Board documenting non-compliance	112
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Outcomes

- Parole revoked by the Board	24
- Parole revoked out of session (Chairman)	52
- Warning letter sent	9
- Stern warning letter sent	9
- No Action	5
- Amend parole order	0
- Deferred for outcome of court	10
- COMMIT sanction	3

FREEDOM OF INFORMATION APPLICATIONS

No. of freedom of information applications	8
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PAROLE ORDERS TRANSFERRED TO ANOTHER JURISDICTION

No. of parole orders transferred to another jurisdiction	0
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PERIOD ON PAROLE PRIOR TO REVOCATION - CONDITIONAL AND RE-OFFENDING 2017

Time on parole category	Conditional	Re-offend	Grand Total
<3 months	44	0	44
3-6 months	15	2	17
6-12 months	5	1	6
1-3 years	6	1	7
3-5 years	1	0	1
5+ years	1	0	1
Grand Total	72	4	76

ADDITIONAL PAROLE CONDITIONS SET

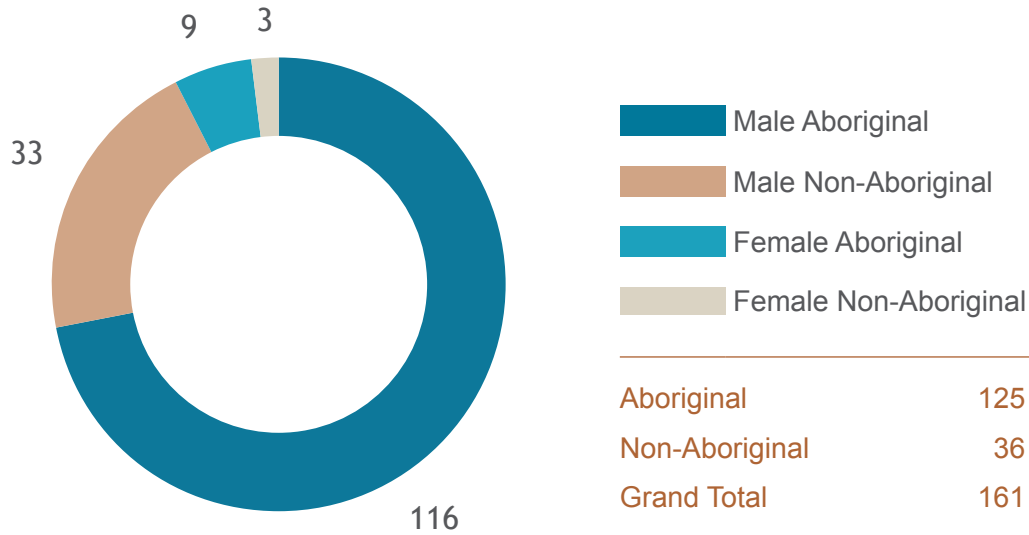
Non-consumption of alcohol	187
Breath Testing	187
Non-consumption of dangerous drugs	145
Urinalysis	145
Reside at particular address or community / outstation	59
Attend Treatment/Program	94
General assessment, treatment and/or counselling	156
Specific assessment, treatment and/or counselling*	38
Nil Contact – Victim	72
Nil threats - Victim	60
Nil Contact – Children	1
Curfew	105
Available for checks	52
Nil possession of firearm	93
Not engage in conduct that results in DVO	119
Electronic Monitoring	136
Electronic Alcohol Monitoring	29
Not engage in volatile substance use	4
COMMIT parole / Sanctions Regime	16
Other **	76

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

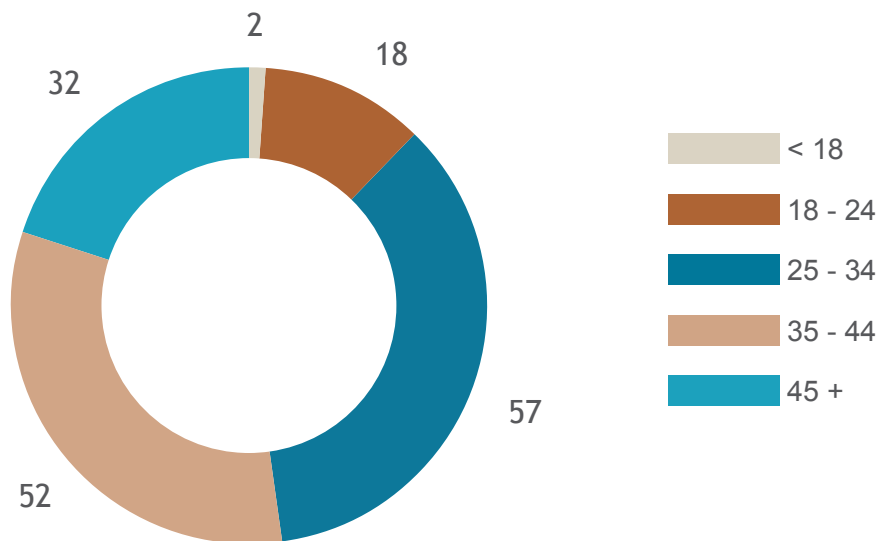
** Includes: not visit specified communities; comply with medication regime; not drive a motor vehicle; maintain employment



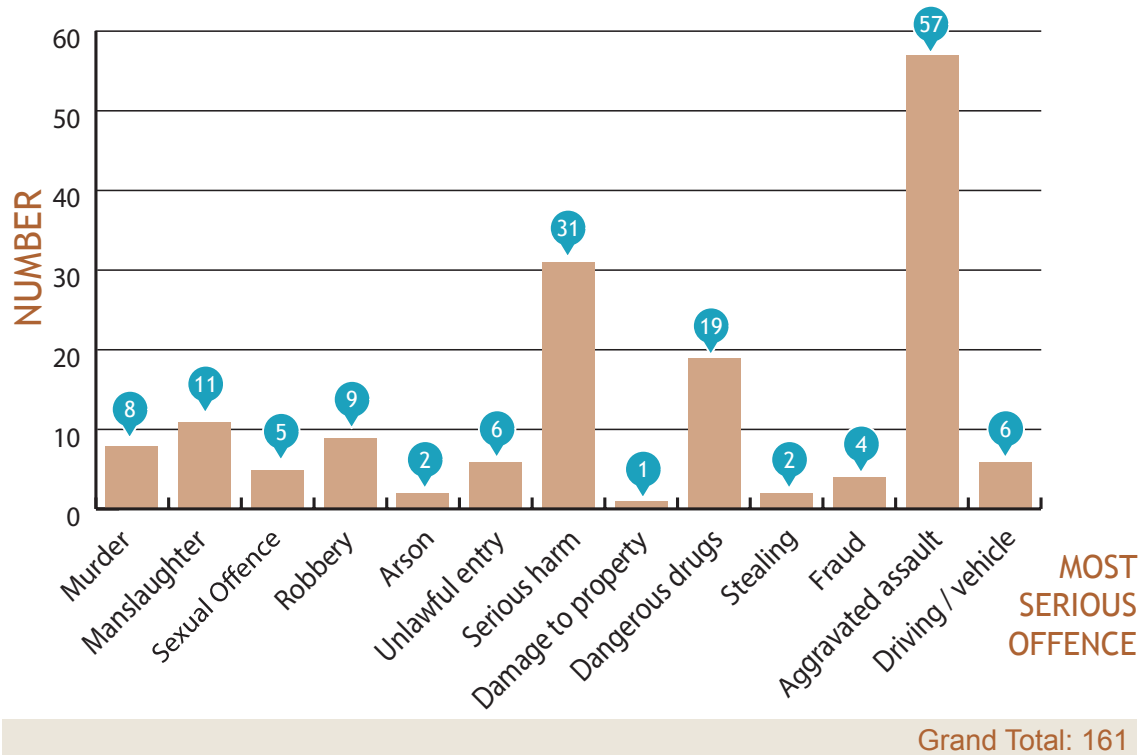
CHARACTERISTICS OF PRISONERS RELEASED TO PAROLE DURING 2017 BY SEX AND ABORIGINALITY



PRISONERS RELEASED TO PAROLE DURING 2017 BY AGE

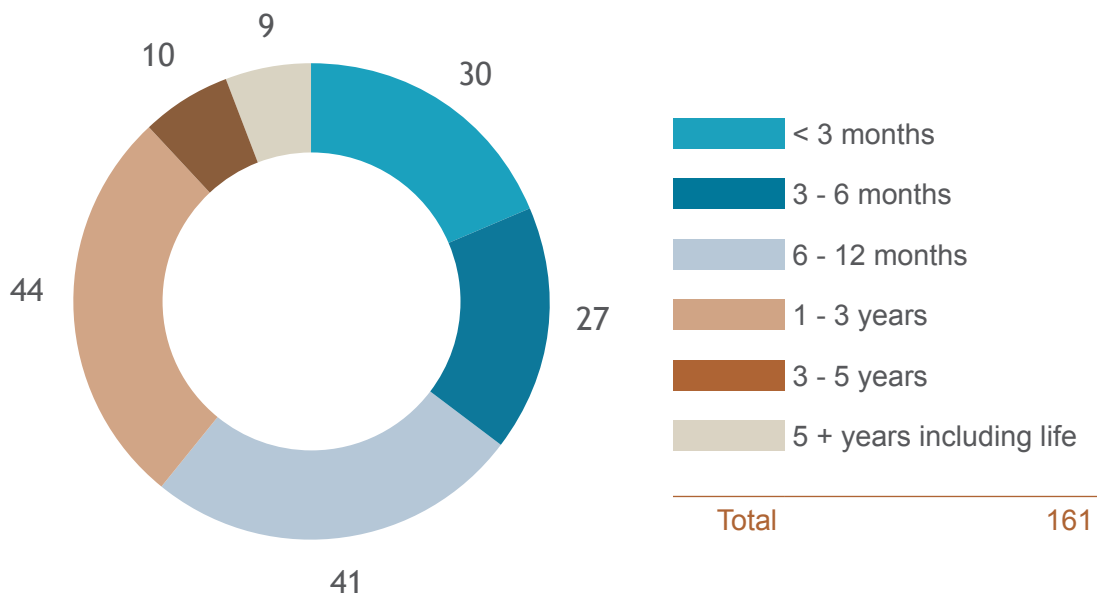


PRISONERS RELEASED TO PAROLE DURING 2017 BY MOST SERIOUS OFFENCE CATEGORY

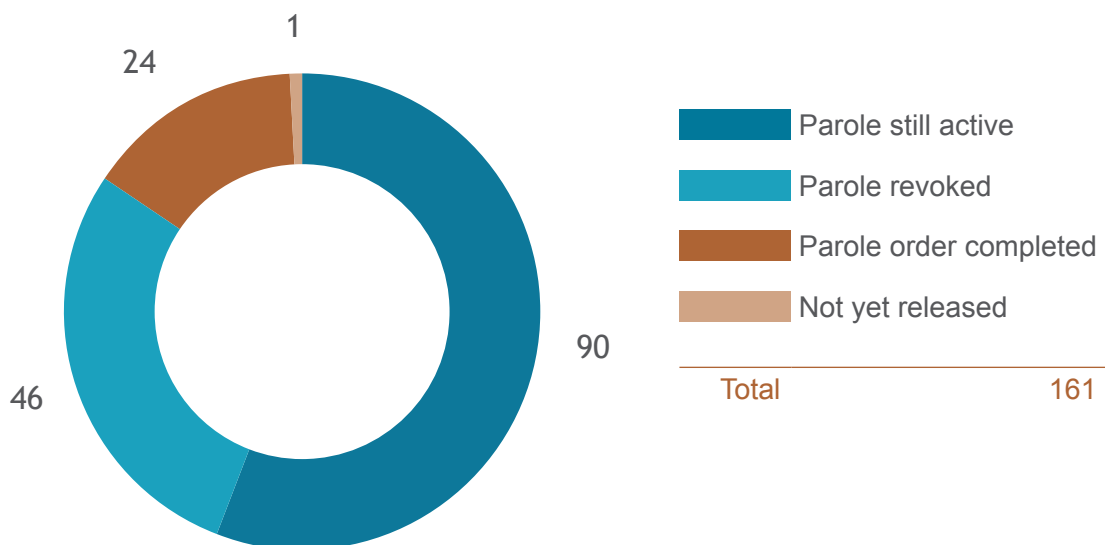




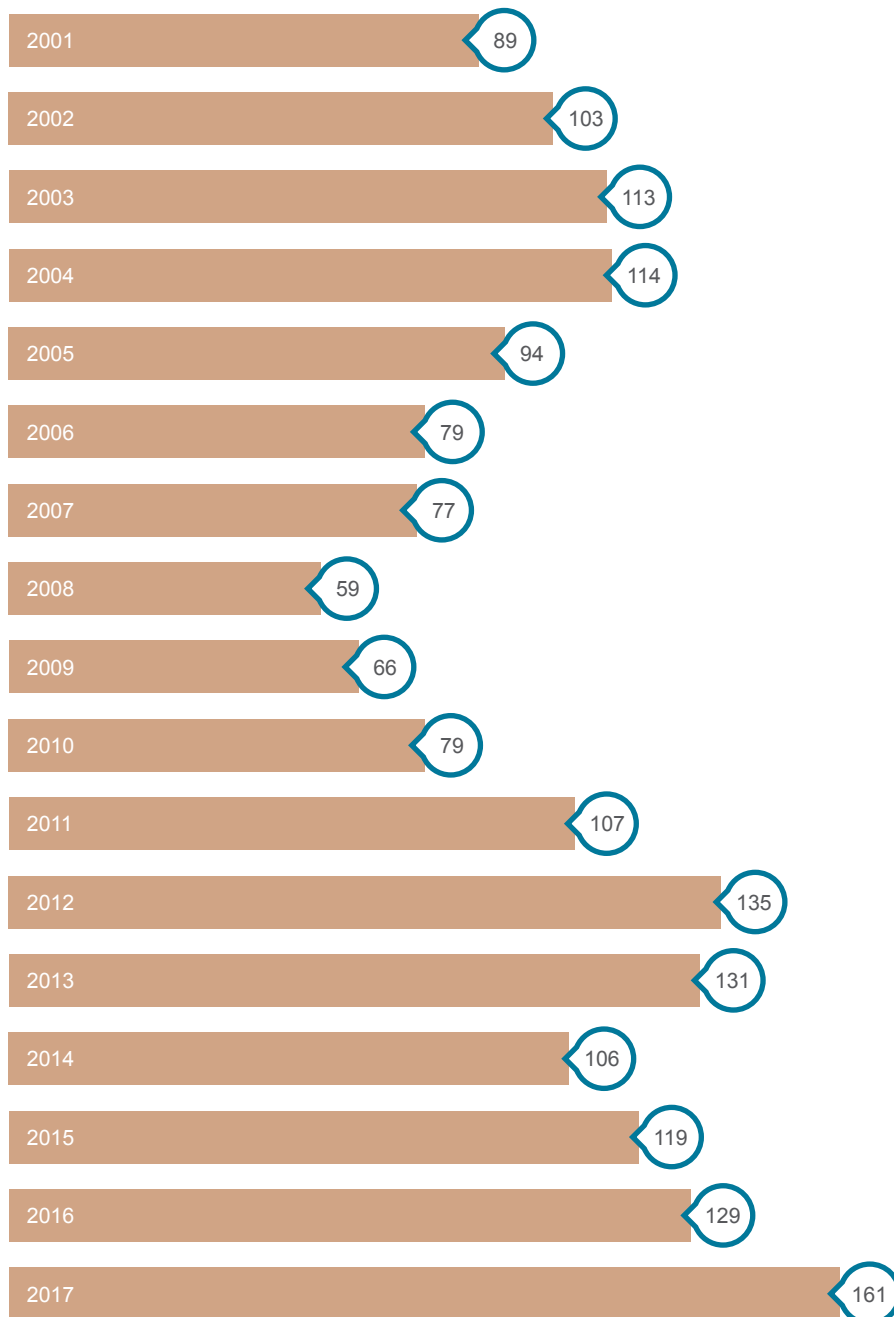
LENGTH OF PAROLE FOR PRISONERS RELEASED TO PAROLE DURING 2017



OUTCOMES OF PRISONERS GRANTED PAROLE DURING 2017 AS AT 31 DECEMBER 2017

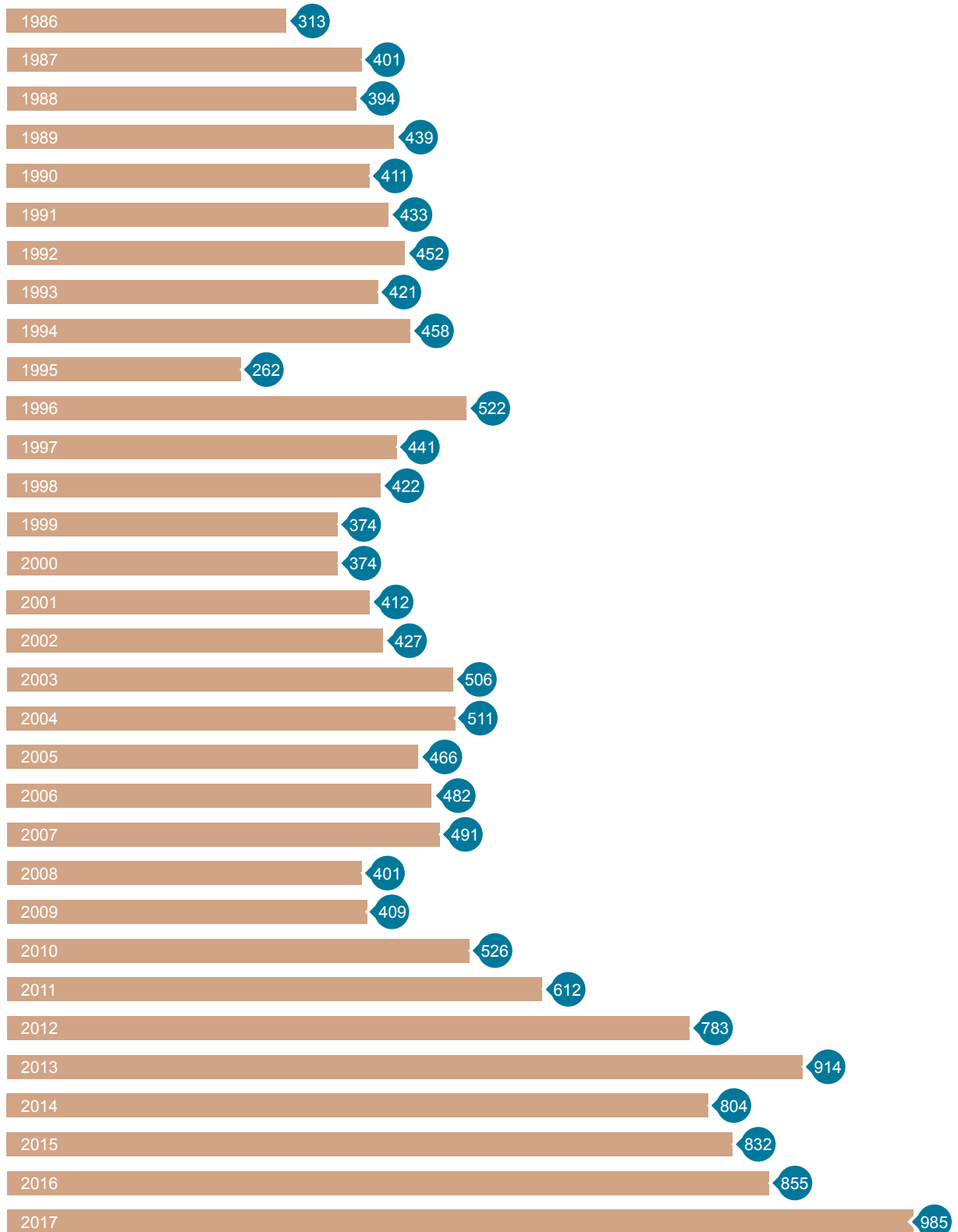


PRISONERS RELEASED TO PAROLE 2001 - 2017





ANNUAL TOTAL OF ITEMS OF BUSINESS 1986 - 2017



ASSOCIATION OF PAROLING AUTHORITIES INTERNATIONAL (APAI)

2017 APAI Conference

The Association of Paroling Authorities International (APAI) is a global association dedicated to the accomplishment of public safety and successful offender re-entry through training, education, standards of evidence-based research and best practices, providing peer based technical assistance and support in collaboration with strategic partners.

The APAI hold an annual conference and in April 2017, the Chairperson of the Parole Board represented the Northern Territory at the conference in Vancouver, Canada.

The theme of the 2017 APAI Conference was Public Safety and Accountability and some of the topics of relevance to the Northern Territory included (but were not limited to):

- psychopathy;
- Indigenous and Ethnocultural Offenders;
- who's Protected by What? Exploring Interactions Between Risk and Protective Factors. The Evaluation of Protective Factors using the SAPROF;
- overview of Canada's Parole System;
- giving Victims a Voice in the Parole Process Canada;
- the Impact and Implications of Intergenerational Trauma Effects on Criminality, Victimization and Development;
- Engaging Stakeholders: The Potential Utility of Information Sheets. Evaluation of the Structured Decision Making Framework in three US States;

- implementing Gender Informed Strategies in Parole Release and Supervision;
- international Perspectives on Parole;

The Chairperson also attended a Chairs only event that covered the following topics:

- public accountability of parole organisations;
- strengthening Parole Boards from within;
- scientific Evidence;
- aligning parole statutes with recognised best practice;

Furthermore, the Chairperson took a tour of the Kwikwèxwelhp Healing Village, a local residential rehabilitation centre.

The conference was an opportunity for the Chairperson to represent the Northern Territory on an international platform, enhance relationships, build networks and allow opportunities for growth, innovation and new initiatives in the Northern Territory.

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 Community Corrections within NT 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 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.

Bachelor 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 240 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 skills. 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:

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Web: www.paroleboard.nt.gov.au

Email: ParoleAdministrator.NTDCS@nt.gov.au



PAROLE BOARD
OF THE NORTHERN TERRITORY