

**INQUIRY INTO ISSUES RELATING TO THE OPERATIONS
AND MANAGEMENT OF THE DEPARTMENT OF
CORRECTIVE SERVICES**

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Subject:

Summary

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**Probation and Parole Officers'
Association of New South Wales
Incorporated**

**P O Box 1327
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**SUBMISSION TO LEGISLATIVE COUNCIL GENERAL
PURPOSE STANDING COMMITTEE NO. 3:**

**INQUIRY INTO ISSUES RELATING TO THE OPERATIONS AND
MANAGEMENT OF THE DEPARTMENT OF CORRECTIVE
SERVICES AND RELATED AGENCIES.**

Overview of Association:

The Probation and Parole Officers' Association represents the professional interests of people working within community corrections. Our aim is to build safer communities through the enhanced professionalism of probation and parole officers, contributing to justice debate and providing information surrounding community-based management of offenders. We are not affiliated with any industrial group, preferring instead, to employ advocacy, argument and the use of mutual counsel. The Association is affiliated with PACCOA, the national Probation and Community Corrections Officers' Association so that our members are also members of the national body. PACCOA, in turn, holds formal affiliation agreements with the American Probation and Parole Association, the Conférence Permanente Européenne de la Probation and the New Zealand Association of Probation Officers.

Introduction:

This submission is confined to comments regarding the third area of inquiry: "The inter-state transfer of Offenders and Parolees with regard to:

- a. Communication and agreement between Authorities
- b. Ministerial sign-off under the Acts and informal arrangements made between jurisdictions"

The other areas of the Inquiry, whilst of interest to the Association in their impact upon offenders and the community as a whole, are beyond the scope of practice and expertise of the Association.

The Association fully supports the development of formal agreements, including standardised processes and necessary attendant legislation, to facilitate the inter-jurisdictional transfer of offenders. Indeed legislation has been in place for the interstate transfer of parolees for many years and the issue of transfer of community-based orders has been on the agenda of the Corrective Services Administrators' Annual Conference for about ten years, culminating in the trial of transfer currently underway between the Australian Capital Territory and New South Wales. Legislation has been passed in both jurisdictions to enable the trial and if successful it is likely that it will be adopted Australia-wide.

Recent events in New South Wales have impacted adversely on the operation of transfer arrangements and jeopardised the positive working relationships which existed for many years. It is recognised that these events may have highlighted some inadequacies in the informal arrangements which had been observed, however the resultant restrictive practice complicates and undermines quality in case management, hinders reintegration of offenders into society and ultimately threatens community safety.

Issues for consideration:

We live in a global community. Borders are no longer barriers to the conduct of our daily lives and the speed of communication and transport have evolved. We can now travel by train across the country on the same rail gauge. Technological developments enable rapid exchange of intelligence across jurisdictions. Legislation, policy and practice must maintain pace with developments or risk archaic policies governing unworkable procedures which are at odds with the needs of the community.

It is a reality that inmates are released at the conclusion of their sentences and that they must reside somewhere. Research substantiates the long-held belief of practitioners that the prospects of successful reintegration are enhanced by the availability of community supports and stable accommodation¹. These factors, combined with supervision and focussed case management, contribute much to a reduction in the likelihood of reoffence. Case management by officers of Community Offender Services targets the offending behaviour and incorporates appropriate restrictions and monitoring with collateral checks and access to relevant treatment providers. The degree of intervention and monitoring is dependent upon the level of presenting risk to the community, so that those more likely to reoffend are subject to more rigorous surveillance and intervention. Case management is evidence-based and the safety of the community is paramount.

Community safety is enhanced when offenders are released subject to strict conditions in regard to which their compliance is monitored and failure to

¹ As evidenced in the final report of the Australian Housing and Urban Research Institute on Ex-Prisoners and Accommodation by Baldry, McDonnell and Peeters

comply promptly reported. Community safety is enhanced when offenders are engaged in case management which focuses on the offending behaviour within the context of assessed risk. Community safety is enhanced when case management incorporates safety measures which are sustainable when offenders have completed their obligations under the legal order.

It is also a reality that the media inject fear into the community by the manner of reporting and hold politicians to ransom for a reactive response to situations such as the events that unfolded on the North Coast of New South Wales in mid-2005. Encouraging a "not in my back yard" response actually may serve to **increase** the risk to the community as the sustainable case management which could have been implemented was abandoned. The subject community may now encounter the return of the offender, upon completion of his sentence, absent any restrictions at all. Government and its agents must lead the community with education and information. Politicians and bureaucrats must work together to enhance the profile of Community Offender Services and bolster public confidence in the ability of the professionals to do their jobs.

Consideration of inter-jurisdictional transfers must be in the context of these realities. Development of protocols surrounding informal arrangements is a necessity and should incorporate the following:

- Case management which incorporates risk assessment must underpin proposals for transfer.
- Protocols must include an agreement as to the quantum and nature of information to be exchanged
- The bases for rejecting inter-jurisdictional transfers must be agreed and relate to the case management
- There should be no exclusions on the basis of nature of offence
- Short interstate journeys (such as for business or compassionate reasons) must be incorporated in the agreement
- Specific agreements should be made in relation to border towns such as Albury/Wodonga
- Agreements must be made in relation to inmates sentenced in ACT and held in NSW Correctional Centres, as well as to Commonwealth offenders
- The offenders' area of origin should be a factor for consideration, given the likely community support available
- Australia-wide agreement concerning the exchange of all pertinent information is essential. The information to be exchanged includes:
 - Access to all Probation and Parole records and correctional centre records
 - Summaries of response to any orders completed as a juvenile
 - Police intelligence and complete criminal histories
 - Court actions pending and completed
 - Records of convictions, sentences and summaries of performance in relation to matters overseas
- The agreements should be developed by practitioners under the direction of the Heads of Community Corrections Services across the nation

Recommendation:

The Association urges that a meeting of the Heads of Community Corrections be convened and tasked with the development of agreements between jurisdictions, engaging with the Probation and Community Corrections Officers' Association of Australia for practitioner representation.

Contact:

Any inquiries regarding this submission should be directed to Moira Magrath, Secretary, telephone 02 9685 2666 or email moira.magrath@dcs.nsw.gov.au