

Submission
No 20

**INQUIRY INTO COMMUNITY BASED SENTENCING
OPTIONS FOR RURAL AND REMOTE AREAS AND FOR
DISADVANTAGED POPULATIONS**

Organisation:

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Theme:

Summary:

SUBMISSION
LEGISLATIVE COUNCIL
STANDING COMMITTEE ON LAW AND JUSTICE

**Inquiry into Community Based Sentencing Options for rural and remote
areas disadvantaged populations**

Submission by Alan PERRY

I would like to advise that the contents of this submission are based on my own thoughts and experiences and should not be confused or accepted as those of my employer.

I am currently employed by the Corrective Services Department of New south Wales, Community Offenders Services. I hold the position of District Manager of Probation and Parole Services at Coonamble District Office. The staff consists of myself, one permanent Field Officer, one permanent Clerical Officer and one part-time Community Service Sessional Supervisor (10 hours per week).

This office services an area of about 17,500 sq. kilometres spanning from Gulargambone in the south to the Queensland Border in the north. Supervision of offenders also takes in the Lightning Ridge Opal Fields, comprising numerous opal fields both concentrated and scattered about an area of approximately 250 sq. kilometres.

The main known towns that fall within our responsibility are Coonamble, Walgett, Lightning Ridge, Goodooga, Gulargambone, Quambone. There are numerous small townships also serviced by Probation and Parole. At present there are supervised offenders in all main towns listed. Most concentration of offenders is the Walgett and Lightning Ridge areas, usually averaging from 40 to 50 in each centre.

Probation and Parole operate from Reporting Centres located at Gulargambone, Walgett and Lightning Ridge. With Walgett and Lightning Ridge we depend on Attorney Generals (Local Court Houses) to undertake our supervising duties. In Gulargambone we have been able to access a community hall. Any other centres that are visited, offenders are either interviewed at their homes or places of abode or out of a departmental vehicle. Part of the supervision process depends on regular home visits of offenders, which can be quite demanding in these isolated and distant areas.

This District Office services three (3) Local Courts, Coonamble, Lightning Ridge and Walgett. Also one (1) District Court also located at Coonamble.

Coonamble Local Court - Sittings usually three (3) days per month.

Lightning Ridge Local Court - Sittings usually one day per fortnight.

Walgett Local Court - Sittings usually four (4) days per fortnight.

Coonamble District Court - Sittings usually two (2) weeks quarterly.

This District Office provides a Court Duty Officer on the list day at each Local Court and avail staff for District Court sittings. The duties undertaken at Court involve, on request of the Magistrate or Judge, for a Pres – Sentence Report, is to interview and assess those offenders for suitability for Community Based

Sentencing options:

Including:

S9 / S10 / S11 / S12 - Bonds with or without supervision.

Community Service Work Orders (CSO) with or without programme components.

Periodic Detention. (Usually assessed unsuitable due to distance from their place of abode.)

As the Committee would be no doubt aware, sentencing procedures rely on thorough and appropriate Pre - Sentence Assessment. An offender's suitability depends on many things and the person must meet certain criteria. Some things impacting on sentencing assessment are; the type of offence committed, prior criminal history, previous response to supervision of community orders, mental health, physical health, addictive issues being drug, alcohol, domestic issues and employment.

Problems usually arise for Officers performing Court Duty in remote areas. Inability to access information pertaining to an offender can be frustrating for many reasons. No telephone service, no availability of on-line computer system, failure of general office machinery eg, fax and photocopier. All these systems invariably fail at one time or another and due to the distance involved it is imperative that these things remain working. It is most important for remote offices to service the Courts, simply because of the time it would incur to try and locate offenders on bail for the preparation of reports, etc.

There is, however positive steps being made by this Service to address some of these issues. At present we are trialling a laptop computer system, which will allow access to the main - frame computer, therefore allowing instant access to information. As it is still in the testing stage, there is no set time for its full-time introduction.

Changes need to be undertaken in the area of Justice that should enhance the whole of this system. The Committee should at least consider the introduction of a centralised system of information involving, Attorney Generals, Corrective Services and NSW Police. Accessing a centralised system would allow for an offender to be identified by a unique number and current offences, outstanding Court matters and remand and supervision orders could be recorded. Enhancing the system can only flow on in a positive way in identifying offenders before they commit further crimes, therefore alleviating some of the pressure on community sentencing options. These three services need to be acting in unison if we are to address the ever-increasing offending behaviour of offenders. Ideally more money and including staff is needed to be injected into remote areas, allowing for our Service to deliver much needed programmes, liaison with other agencies and substantially enhance our capacity to supervise offenders.

At present we have a system where Police arrest an offender, who may be a current client of Probation and Parole, in times past an arrest slip was posted to the District Office, where the offender was being supervised. This may have taken several months. The Attorney Generals Department do not have computer access for all Local Courts operating in isolated and remote areas. Probation and Parole clients are the usual offenders before the Court. It becomes a cumbersome duty in maintaining proper supervision and administering the orders of these individuals. Lack of computer access then adds precious time to daily duties and also pressuring Local Court staff to supply Court necessary information. Even instances within the Corrective Services have highlighted some problems, where a supervised offender is remanded back into custody and the supervising officer is not made aware. It is good case management to find these people in the system, which can take some time.

I believe it is necessary for the Committee to understand some of the issues facing staff in these areas. Without firstly addressing such issues, nothing will change, as these committed people will invariably give-up and leave these areas. Committee members really need to visit these remote and isolated places for a first hand insight into the problems arising in such areas.

Rural and remote areas take up most of the land area of New South Wales. The populations of these areas are mostly fairly small, but the incidents of crime per capita would, I believe, be fairly high. Also I believe that many people currently incarcerated in main-stream Correctional Centres in New South Wales would a high proportion of inmates from isolated or remote areas and also be from indigenous backgrounds. The sooner we can offer adequate supervision to people in these places and include further Community Sentencing options, the better. There is a need for a Periodic Detention Centre centrally located in this area and Walgett would appear to be a prime area. This is not a suggestion so we can lock more up but an opportunity to meet the community expectations and lessen the impact on offenders and their families and enhance community participation and expectations and employment.

Sentencing Options:

Supervision Orders (Bonds)

This sentencing option allows for the offender to remain in the community and continue leading a relatively normal life. The ability to stay with family and remain in employment is seen as a positive for an offender to remain pro – social. Supervision may include referral to counselling or programme participation in relation to alcohol or drug use / abuse. Domestic Violence issues and anger, these can all be addressed if there is access to agencies or people qualified to undertake such duties. There is a current distinct lack of these types of intervention and are usually concentrated in one area and not accessible to other small communities. Mostly it is the lack of money and availability of community transport, which negates some offenders from intervention. In these cases Probation and Parole can only monitor and support for the period of supervision.

Community Service Orders

The main centres of this district, being Coonamble, Walgett and Lightning Ridge are presently involved with Community Service Work Orders. Coonamble has several agencies and we are able to place most offenders, which also include the Gulargambone town-ship as it is part of the Coonamble Shire. Walgett is slowly accepting Community Service workers again after a period where there was a distinct lack of community involvement. The major problem in this area of sentencing is the lack of support from the Local Council. There have been numerous approaches to the Council in this regard, but to date nothing has transpired. In their defence though, the Council is undergoing a current restructure. We wait and hope.

Periodic Detention

Periodic Detention is not an option as the nearest facilities to our district are, Bathurst, Newcastle (Tomago) and Tamworth. Time, distance and cost usually preclude an offender for this sentence unless he can arrange accommodation with family or friends. Otherwise a full-time custodial sentence is the only remaining option.

***A Purpose built Periodic Detention Centre built in Walgett would alleviate this situation. Centrally located in the Walgett Shire, outside the township on acreage could undertake both weekly and weekend detention offenders. It could also provide a centre Community Service Workers and include Phase to offenders of Periodic Detention. Areas of the centre could also be used for programmes and / or counselling. It would allow especially indigenous offenders to remain in familiar territory and access to family. The centre could provide a bus to pick offenders up and drop off, alleviating the situation of 'NO' public transport. Walgett could service the towns of Coonamble, Lightning Ridge, Goodooga, Brewarrina, Collarenebri and even Bourke.

Elders Group – (Dharriwaa) – Walgett

Over several months, I have attended the "Elders" meetings at Walgett. They have expressed major concerns regarding the release of parolees back into the community. They return with no money, no employment and no through-care support in relation to support counselling. It has been explained that through-care is now an initiative of Corrective Services where an offender has the opportunity to access and adjust to community needs and responsibilities. The Elders have proposed an indigenous multi purpose centre, where such people can be accommodated and be supported until they are able to integrate back into the community. This may also be an option that may alleviate further offending behaviour in isolated and remote areas.

Time has not allowed me the opportunity to address these issues in full. Hopefully some of the comments made in this submission may be considered and if I can be of any further help during the course of this inquiry, I would be only to happy to oblige.



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