



# Information Booklet for Registered Victims

## Parole considerations for offenders in NSW

Corrective Services NSW  
Victims Register

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# 1. Introduction to offenders being considered for parole

If you are the victim of an offender who is eligible for parole, this booklet provides information to victims on the CSNSW Victims Register about offenders who are being considered for parole.

If the offender is classified as a 'serious offender', ask us for the booklet that explains parole for them.

## 1.1 What is parole?

Parole means that the offender gets to serve part of their sentence in the community. The parole period is set by the judge at the time the offender is sentenced. Its purpose is to assist with a successful transition back into the community at the end of a sentence. While on parole, the offender must obey parole conditions and will be supervised by a Community Corrections Officer.

## 1.2 Meaning of 'offender' in this booklet

'Offenders' are people who are serving a sentence of at least three years and one day with a 'non-parole period'. A non-parole period is the amount of time in the offender's sentence that they must serve in a correctional centre (prison).

## 1.3 Who decides if an offender can be released on parole?

In NSW, the State Parole Authority decides whether offenders serving a sentence of over three years should be released on parole. When considering parole, the Authority must first consider the safety and protection of the community. If the Authority decides to release an offender on parole, it will set conditions that the offender must obey while he/she is on parole.

## 1.4 When can an offender be considered for parole?

At least two months before an offender's earliest possible release date, the State Parole Authority must hold a meeting to consider if the offender should be released into the community on parole.

An offender's earliest possible release date is the day that their non-parole period expires.



*When we register you, we will let you know the offender's earliest possible release date. You can call us any time if you want to check what this date is.*

## 2. Will the offender see my submission?

### What is a submission?

You can tell the State Parole Authority in writing, how you feel about the offender maybe being released on parole. This is called a 'written submission'. In it you can ask for conditions that you feel the offender should obey, if he/she is granted parole.

### How long do I have to write a submission?

You will usually have six to eight weeks before the consideration date to write your submission. It is best to give us your submission as early as possible.

### Will the offender see my submission?

If you choose to write a submission, you can ask the State Parole Authority not to show it to the offender. This is called a 'section 194'.

### Do I have to write a submission?

Writing a submission is optional and you should not feel like you have to do this. Even if you don't write a submission, the State Parole Authority must consider the impact the offender's release may have on victims.

### How do I write a submission?

We are here to help you: We can meet with you face-to-face or on the phone to help you prepare a submission. You can use the submission template that we will send you, or you can write the submission in your own style.

### What happens to my submission if parole is declined?

Your submission will be carried forward to the next consideration.



*We will contact you four to six months before the offender's earliest possible release date (before the first State Parole Authority meeting). We will tell you about the process and ask you if you want to write a submission. We will send you the submission template and explain how to write it. If you wish, we can also help you when you write it.*

## 3. Overview of the parole consideration process

### 3.1 The State Parole Authority consideration process

The State Parole Authority must consider an offender for parole towards the end of their non-parole period. The State Parole Authority meets privately to go through information about the offender and decides to grant or refuse parole, or it may stand over the matter for consideration at a later date. You cannot attend this meeting.

### 3.2 Information considered by the State Parole Authority

At the parole consideration meeting, the State Parole Authority will consider:

- the safety of the community,
- the Judge's remarks from when the offender was sentenced,
- the offender's behaviour in custody,
- any programs the offender finished to work on their offending behaviour,
- whether the offender successfully took part in external leave programs, and
- the impact that release would have on the victim(s).

### 3.3 Outcomes from the parole consideration meeting

After going through all the information, the State Parole Authority decides to grant or refuse parole or stands-over the decision to a later date if it needs more information to make a decision.

#### 3.3.1 Parole is granted

If the State Parole Authority decides to grant parole, a parole order is made with conditions that the offender must obey when in the community.

**Offender will be released:** If parole is granted, the offender will be released into the community.

**When is the offender released?** The offender is not released on the day that parole is granted, because they can only be released on their earliest possible release date. If the matter was delayed past the earliest possible release date, the State Parole Authority will specify that the offender can be released several days or weeks after the meeting.



*We will let you that the offender has been granted release on parole and what their parole conditions are. On the day after the offender is released, we will let you know again, that he/she has been released. At this time we will tell you that we will not contact you again unless the offender breaches parole and their parole is revoked.*

**Offender will be supervised in the community:** In the community, the offender will be supervised by Community Corrections for up to three years or until their full sentence expires (whichever comes first).

**What are the offender's parole conditions?** The offender must obey the conditions of their parole order for as long as they are on parole. On the parole order there are 11 standard conditions and any additional conditions set by the State Parole Authority.

**Can the offender's parole conditions be changed?** The offender or a Community Corrections Officer may submit an application to change the parole conditions. If the State Parole Authority approves the changes, we will let you know of the new parole conditions.



*We will let you know if the offender's Parole Order conditions change.*

**What happens if the offender breaches their parole conditions?** If the offender breaches their parole conditions, their parole may be revoked and they may be returned to custody.



*Go to Section 3.5 to learn more about breach of parole orders.*

### 3.3.2 Parole is refused

#### Parole refusal can be reviewed

If parole is refused, the offender can apply to have the decision reviewed. The State Parole Authority can also decide to have a review hearing, even if the offender does not apply.

**Review hearing not approved:** If the offender applies for a review hearing and the State Parole Authority does not approve it, we will let you know that parole was refused and that the next time the offender will be considered for parole will be in 12 months. If you wrote a submission, you can use the same one at the next parole consideration.

**Review hearing approved:** If the State Parole Authority a review hearing, a date will be set for this hearing as soon as possible. The hearing will be public, which means you can attend it if you like.



*We will let you know the date of the review hearing and let you know that you can attend it.*

**Outcome from the review hearing:** At the review hearing, the State Parole Authority can again decide to refuse parole, or change their decision to grant the offender's release.



*We will let you know the outcome of the review hearing.*

#### Parole reconsiderations in the future

If parole is refused, and the State Parole Authority does not review their decision, the next time the offender will be considered for parole will be in 10 months. If you wrote a submission, you can use the same one at the next parole consideration.

**Parole may be reconsidered on every anniversary:** If the offender wants to be reconsidered for parole, they must apply every 12 months on the anniversary of their earliest possible release date.



*You must let us know if you want to update your submission before the next parole consideration.*



*If an offender is reconsidered for parole, we will let you know after the hearing, whether a formal decision was made to grant or refuse parole. The State Parole Authority will use your submission from the previous hearing.*

**Parole reconsidered before the anniversary under ‘manifest injustice’:** The offender may have been refused parole because their release was not considered appropriate. If the offender or their solicitor believes they are suitable for release, they can apply for parole to be reconsidered before the 12-month anniversary, under a legal term called ‘manifest injustice’.

For example, if parole was refused because the offender did not finish a specific program, the offender can apply for parole to be reconsidered earlier under ‘manifest injustice’ if they finish the program before the 12-month anniversary.



*We will let you know if the offender applies to have their parole reconsidered under ‘manifest injustice’.*

**Parole not reconsidered at the next anniversary:** If the offender does not apply for future parole considerations, the State Parole Authority does not have to reconsider them for parole. The offender will then only be released when their sentence ends.



*We will let you know that the offender did not apply for parole.*

### 3.3.3 Parole decision stand over (delay)

If the State Parole Authority needs more information to decide whether to grant or refuse parole, it may stand over (delay) the matter to be considered at a future date.



*We will let you know if the State Parole Authority delayed the matter to a later date. We will let you know once a new meeting date is set.*

## 3.4 Circumstances when parole may be granted

While very rare, in special circumstances, the State Parole Authority may make an order to release an offender on parole where they may not be eligible for release on parole.

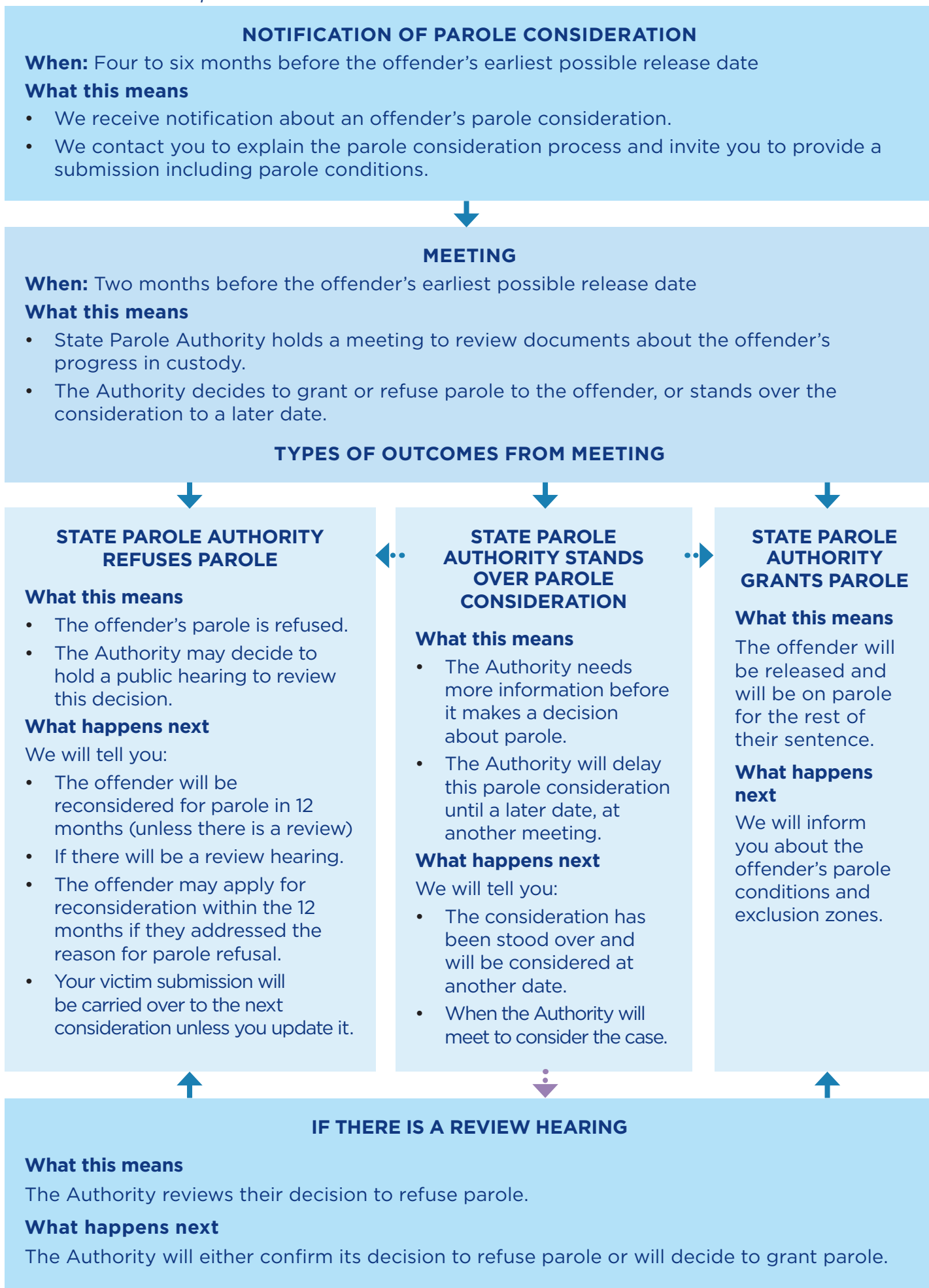
This is allowed through Section 160 ‘Parole orders in exceptional circumstances’ of the *Crimes (Administration of Sentences) Act 1999*.



*We will let you know if an offender is being considered for parole due to exceptional circumstances.*



Flow chart 1: Parole process for offenders



## 3.5 Breach of parole

### What is a parole breach?

A parole breach happens if the offender does not comply with the standard and/or additional conditions of their parole order. If they commit a new criminal offence, they are also breaching their parole order.

### What happens when an offender breaches parole?

If an offender commits a new offence or does not obey their parole conditions, their Community Corrections Officer will submit a breach report. Depending on how serious the offence or breach is, the State Parole Authority may issue a warrant to provisionally (temporarily) return the offender to custody. The State Parole Authority then holds a public hearing to go through what happened during the breach.

### 3.5.1 Outcomes from the parole breach review hearing

At this hearing the State Parole Authority meets to discuss the parole breach. There are three types of outcomes that can arise from this meeting.

#### Outcome 1: Revocation due to breach of parole supervision condition

The offender's parole is revoked because they breached their parole supervision condition. This means the offender will stay in custody. They will generally be reconsidered for parole 10 months after the date that their parole was originally granted. This means the next parole consideration will be held sooner than 12 months.

#### Outcome 2: Revocation due to a new offence

The offender's parole is revoked because they committed a new offence. If the offender is charged with the new offence and receives custodial sentence (i.e. they need to serve it in a correctional centre), they may remain in custody until any non-parole period or fixed sentence expires. The offender may be eligible for parole before their new earliest possible release date. If their new sentence is less than 3 years, they will automatically be released on parole.

#### Outcome 3: Reinstatement of parole (rescission of the revocation)

The offender's parole order is reinstated. This means the offender will be released back into the community under the same parole conditions they had before or they may amend the parole order.



*We will let you know of the State Parole Authority's decision to revoke parole or return the offender to the community, after the hearing. If the offender receives another custodial sentence that is not related to you, we legally cannot let you know about the offender's new offence.*

## 4. Relevant legislation about parole

Laws about parole are contained in the following NSW legislation:

- *Crimes (Administration of Sentences) Act 1999 (NSW)*
- Crimes (Administration of Sentences) Regulation 2014 (NSW)
- *Crimes (Sentencing Procedure) Act 1999 (NSW)*

## 5. Contact us

Call us if you have any questions about this booklet or for information about an offender. Our business hours are from 9am to 5pm, Monday to Friday (excluding public holidays).

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