

## Introduction

Parole is the conditional release of an offender from custody. When an offender is granted parole, they serve the unexpired portion of their prison sentence under supervision in the community. Parole is not leniency or a reward for good behavior.

The purpose of parole is to supervise and support the reintegration of offenders before the end of their total sentence, while providing a continuing measure of protection to the community. Parole does not mean that offenders are free without supervision. Offenders continue to serve their sentence while on parole, under the supervision of CSNSW Community Correction.

Parole provides the opportunity for Community Corrections to assist and monitor offenders to adapt to a normal and lawful community life. Parole is a conditional release that involves a thorough assessment of risk to community safety, and a bridge between custody and liberty.

Parole serves the community interest by ensuring offenders are supervised and supported during reintegration, thereby reducing their likelihood of reoffending. It provides a more effective way of protecting the community than would a more sudden release of offenders at sentence expiry, without assistance and supervision.

## Types of parole

There are two types of parole:

### Parole ordered by a court (statutory parole)

- The offender's total sentence (non-parole and parole period together) is 3 years or less.
- In most cases, release is automatic when the non-parole period finishes.
- From 26 February 2018, court parole was replaced with Statutory Parole.

### Parole ordered by the State Parole Authority (SPA)

- The offender's total sentence is more than 3 years. The offender can only be released to parole if SPA approves their release.
- The decision is usually made in the 3 months before the end of the non-parole period.
- When deciding whether to release an offender on parole, SPA's most important considerations include the risk to community safety if the offender does or does not have a period of parole supervision.

## Number of offenders on parole as at 30 June 2018

|                        | Male         | Female     | Not known* | Total        |
|------------------------|--------------|------------|------------|--------------|
| Court based            | 3,904        | 488        | 1          | 4,393        |
| SPA                    | 1,860        | 149        |            | 2,990        |
| <b>Total offenders</b> | <b>5,715</b> | <b>634</b> | <b>1</b>   | <b>6,350</b> |

\*Gender not recorded at time of registration

## What is the NSW State Parole Authority?

The NSW State Parole Authority is an independent statutory authority that:

- decides if an inmate should be released to parole if their sentence is more than 3 years and includes a non-parole period
- sets conditions of parole
- determines if parole should be revoked and the offender returned to prison during their period of parole supervision.



When considering the release of Serious Offenders to parole, SPA takes into consideration reports and advice provided by the Serious Offenders Review Council (SORC).

## Do offenders need to apply for parole?

In NSW, offenders do not need to make an application for parole consideration.

The *Crimes (Administration of Sentences) Act 1999* (the Act) prescribes that SPA must consider whether or not an offender should be released to parole not earlier than 60 and no later than 21 days before an offender's parole eligibility date (i.e. earliest release date).

## What factors are considered for granting parole?

SPA considers each case on merit, but is required to take into consideration a range of factors, including:

- the need to protect community safety
- the nature and circumstances of the offence
- relevant comments made by the sentencing court
- the offender's criminal history
- the likely effect on any victim and/or victim's family of the offender being released on parole.

An important part of SPA's consideration is the *Pre-release Report* which is prepared by Community Corrections for each offender. The report provides a summary and recommendations about the release of the offender to parole.

## What happens if parole is refused?

When parole is refused, the offender is provided with the documents the Authority considered in making their decision. They also receive information that outlines why parole was refused, with reference to the legislation. The Parole Authority will either give the offender the opportunity to apply for a review of the decision or grant a review hearing automatically.

Also, under the 'manifest injustice' provisions of the Act, the offender may apply to SPA for a review of their eligibility for parole where their circumstances have changed, and where parole has been refused.

If release to parole is refused, SPA automatically reconsiders it twelve months later.

## Who supervises offenders on parole?

All adult offenders released to parole are managed and supervised by CSNSW Community Corrections officers.

Parolees are required to report to the Community Corrections office closest to their home. Officers will also arrange to visit offenders at their homes.

Community Corrections officers are responsible for monitoring compliance with the conditions of parole, alongside preparing and implementing a case management plan for each offender, which aims to address offending behaviours, in order to reduce the risk of reoffending.

## What are the conditions of parole?

All offenders are supervised subject to the conditions imposed by SPA or the courts. Conditions may include counselling for drug and alcohol abuse, which is a requirement for attending psychiatric treatment, group work programs, and residential restrictions.

Offenders on parole are also required to comply with other conditions, and cannot:

- change address without permission
- leave NSW without permission
- start a new job or change jobs without permission
- associate with anyone or go to any place they are directed not to
- possess or use any illicit drugs.

## What happens if parole conditions are breached?

Community Corrections officers are required to take appropriate action if an offender breaches the conditions of their parole order or commits a further crime.

The consequences of breaching parole will vary depending on the seriousness of the breach. Repeated serious breaches are likely to result in the revoking of the parole order and the offender being returned to custody.

## Further information

Further information is available at the SPA website: [www.paroleauthority.nsw.gov.au](http://www.paroleauthority.nsw.gov.au) and at the CSNSW website (see below).