



Western Australian Auditor General's Report

The Management of Offenders on Parole

Report 11 – November 2011





**THE PRESIDENT
LEGISLATIVE COUNCIL**

**THE SPEAKER
LEGISLATIVE ASSEMBLY**

THE MANAGEMENT OF OFFENDERS ON PAROLE

This report has been prepared for submission to Parliament under the provisions of section 25 of the *Auditor General Act 2006*.

Performance audits are an integral part of the overall audit program. They seek to provide Parliament with assessments of the effectiveness and efficiency of public sector programs and activities, and identify opportunities for improved performance.

The information provided through this approach will, I am sure, assist Parliament in better evaluating agency performance and enhance parliamentary decision-making to the benefit of all Western Australians.

A handwritten signature in black ink, appearing to read 'C. Murphy'.

COLIN MURPHY
AUDITOR GENERAL
23 November 2011

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Auditor General's Overview

Parole is used by every jurisdiction in Australia. It is widely used because it has benefits in reintegrating prisoners into the community. Parole allows an offender's reintegration to be controlled under conditions intended to reduce their risk of reoffending, and for them to be supported to help re-establish a normal life. These avenues are not available when a prisoner is released after completing the full term of their sentence in prison. Parole is also a substantially lower cost way for a prisoner to complete their sentence compared to remaining in prison.

The benefits come with risks, most importantly the risk to community safety from an offender committing an offence while on parole. Because of this, parole can be a controversial issue and there is debate about the best way to ensure the community remains safe. Specifically, should offenders remain in prison for their full sentences so they cannot reoffend or should they complete their sentences on parole because supervised release is a better way to reduce the long term risk of recidivism? How the balance of benefits and risks is perceived often influences the community's attitude to parole.

Minimising the risks and maximising the benefits of parole relies on the effective and consistent supervision and monitoring of parolees, making sure that offenders comply with parole conditions, and when they do not, appropriate action is taken. Over the last two years DCS has made significant changes in both policy and practice. This has had a positive impact, and progress is being made but DCS still has work to do to fully implement the changes and deliver more consistent management of offenders.

Executive Summary

Background

In Australia, crime costs around \$36 billion per year. This translates to around \$1 601 for every person in Australia or a total of \$3.7 billion in Western Australia. Additionally, it costs Australian governments more than \$10.7 billion to deal with these crimes, with corrective services accounting for 22.7 per cent of this cost.

The Department of Corrective Services (DCS) is responsible for managing offenders in Western Australia. This includes offenders in custody awaiting trial, offenders convicted and sentenced for their crimes, as well as offenders in the community on parole or other community based orders. Offender management includes supervising offenders, ensuring access to treatment programs which aid in rehabilitation and supporting prisoners to lead a law abiding lifestyle.

Offender management attracts a large amount of public interest and scrutiny. An offender on parole committing a serious crime often makes headline news and can impact public perceptions of the justice system.

Parole provides an avenue for reintegrating and resocialising offenders into the community. A prisoner on parole is released from custody before the end of the maximum term of imprisonment imposed by the court to serve the remainder of their sentence in the community under supervision. Any prisoner released on parole remains on parole until the end of their sentence, unless it is cancelled or suspended.

There are mixed views about parole. Some believe that it does not provide justice and that the best way to ensure the community remains safe is to keep offenders locked up for as long as possible.

Advocates of parole believe it provides the best long term outcome for the community and offenders. They argue that, prisoners who spend a sustained period of time in custody invariably find it difficult to re-establish themselves into society and to lead a law abiding lifestyle on release.

But, parole comes with risks. If an unsuitable offender is released, or parolees are not supervised and monitored appropriately, the community may be put at an increased risk.

The Prisoners Review Board (PRB) is responsible for making decisions on parole taking into consideration a number of factors with community safety of paramount importance. The PRB also sets parole conditions before release. These conditions aim to lower the risk that a parolee may reoffend both in the short and long term. Conditions may include restrictions on where a parolee must live, who they may not have contact with and the rehabilitative programs they must attend.

Once released into the community, Community Corrections Officers (CCOs), employed by the Department of Corrective Services, supervise parolees. CCOs meet with parolees on a regular basis to help them return to a law abiding lifestyle. This may involve linking offenders into treatment programs, ensuring they comply with parole conditions and prompt reporting to the PRB when a parolee breaches a condition.

Our audit assessed whether DCS effectively manages parolees in the community. We focused on two questions:

- Does DCS have a suitable legislative and policy framework in place for managing offenders on parole?
- Do DCS's day to day practices ensure that offenders on parole are effectively managed in the community?

The audit focused on adult prisoners paroled from Western Australian adult custodial facilities and managed by metropolitan Community Corrections Centres.

Audit conclusion

Parole has benefits and risks. It is a cost effective way to supervise some offenders, and can help reduce the long term risk of reoffending by providing controlled reintegration into the community. However, it also creates a short term crime risk – a risk that can be lessened but not eliminated by good management of the parolee by DCS.

Achieving the best balance between these risks can be difficult. DCS has undertaken numerous reviews of how it manages parolees and then taken steps to improve its practices. This includes a new Enforcement Policy that more strictly requires parolees to comply with their parole conditions. Non-compliance invariably leads to cancellation of parole. This addresses short term risk by removing the opportunity for parolees to reoffend in the community but DCS does not yet know what impact this will have on long term reoffending rates.

DCS has also updated its policies to make supervision and reporting requirements more clear and so overcome a high level of inconsistent supervision of offenders. Inconsistent supervision can also increase the short term risk to the community. These actions have had some success though inconsistent supervision is still evident. Although DCS has taken a number of measures to communicate the new enforcement policy to staff, not all staff fully understand or apply the new policy.

Although the policy framework has been improved, some gaps remain in the monitoring it requires of parolees. In particular, there is limited monitoring of some parole conditions as well as some others that are considered impractical to monitor. Not adequately checking compliance with these parole conditions may enable a parolee to return to behaviours that initially contributed to their imprisonment.

Key findings

- DCS has improved its management of parolees but more improvements could be made. Issues identified in DCS internal professional standards reviews – such as a lack of senior staff oversight, not adequately using assessment tools that help determine a parolee's supervision level and reporting frequency and not always explaining to a parolee their obligations – were still evident despite DCS taking a proactive approach to identify them.
- Because DCS is not monitoring all parole conditions, and for some conditions relies on parolees to 'self-report' non-compliance, some parolees may be breaching their orders without DCS knowing. This is because some conditions such as 'not to enter licensed premises' or 'not to have contact with females under 16' are impractical to monitor. The stricter enforcement of parole conditions reduces the incentive for parolees to self-report issues that could result in cancellation of their parole.
- Better monitoring of some parole conditions is needed. The use of drug tests and the monitoring of program attendance are inconsistent, reducing the effectiveness of both conditions. There was no evidence that DCS had confirmed program attendance for over 55 per cent of parolees. Similar inconsistencies were evident with parolees requiring drug testing. Not checking these conditions often enough may enable a parolee to return to high risk behaviours without DCS addressing the increased risk.
- The introduction of the Enforcement Policy by DCS has not yet led to consistent supervision of offenders. Despite efforts by DCS to communicate policy changes, understanding and application of the policy is variable.
- Changes by DCS to its Enforcement Policy have reduced the discretion of CCOs to deal with breaches of parole conditions and requires all breaches to be reported to the PRB. It is not yet clear if this change will reduce the frequency that offenders breach parole or if the increased cancellation of parole will have a negative impact on long term reoffending rates.
- Parole numbers in Western Australia have fallen significantly. In the nearly five years up to October 2008, 92 per cent of prisoners who were eligible for parole had it granted by the PRB. Since September 2009 this has decreased to 21 per cent.
- There has been a significant increase in the average number of monthly parole cancellations. From March 2006 to November 2008 the average monthly cancellation of orders was 2.09 per 100 parolees. Since December 2008 this has nearly doubled to 3.96 per 100 parolees.
- The reduced granting of parole and increase in the cancellation of parole orders has increased the prison population by over 700. DCS has estimated that accommodating the increased prisoner population cost about \$115 950 per day in 2009-10.
- Western Australia has a lower rate of offenders on parole and a higher rate of offenders in prison, compared to the Australian average. In March 2011, the rate of offenders on parole was 27.6 per 100 000 individuals in Western Australia and 69.5 per 100 000 in Australia. In contrast the rate of imprisonment in Western Australia is 213.6 per 100 000, compared with the Australian average of 125.

Recommendations

To improve the effectiveness of parole, DCS should:

- ensure that relevant staff have a consistent understanding of its parole policies
- conduct regular reviews of staff compliance with parole policies and the ongoing suitability of methods for monitoring parole conditions. This should include:
 - parolee accommodation
 - drug testing
 - parolee attendance at programs
- establish the impact and effectiveness of the Enforcement Policy and other parole initiatives, and track and report progress against these on a regular basis
- put systems in place to gather the data required to report against parole initiatives
- improve the integration of offender information so that CCOs have up-to-date and comprehensive documentation in one location.

Response from the Department of Corrective Services

The Department of Corrective Services (DCS) welcomes the report and the recommendations of the performance audit on the management of offenders on parole in Western Australia. Prior to the review the Department had already commenced a significant body of work into addressing a number of concerns highlighted by this review as well as other internal directed reviews.

In recent years the Adult Community Corrections (ACC) philosophy has moved from a 'welfare based' model to one which ensures compliance with all community orders and provides a robust, contemporary and credible system of supervision of offenders which focuses on risk assessment, risk management and public protection as the priority. In 2009, the Enforcement Policy for non-compliance with order requirements was developed for staff and stakeholders around the required response to any non-compliance.

The review undertaken by The Office of the Auditor General (OAG) has highlighted the Department's need to not only ensure that a sound communication strategy is in place for the dissemination of policy and procedural change, but that the information communicated is embedded in operational practice. This issue has previously been identified by the Division and a number of strategies have been implemented which already show very positive improvement in enforcement.

The key focus for DCS is to contribute to community safety by upholding the integrity of custodial and non-custodial sentences and by positively influencing offender behaviour to reduce reoffending. The Department acknowledges the need for continuous improvement in compliance with policies and procedures governing the management of parolees in the community and will use the Auditor General's report to inform future developments.

Audit focus and scope

The objective of this audit was to assess whether DCS effectively manages parolees in the community.

Our audit focused on two lines of inquiry:

- Does DCS have a suitable legislative and policy framework in place for managing offenders on parole?
- Do DCS's day to day practices ensure that offenders on parole are effectively managed in the community?

The audit focused on prisoners paroled from metropolitan Western Australian adult custodial facilities as two thirds (66 per cent) of parolees are based in the metropolitan area. It did not include prisoners paroled from forensic mental health or juvenile facilities.

Our audit was undertaken after DCS completed a statewide review of parolee management in 2010. The DCS statewide review examined 190 files of parolees who were active in the community in late 2009 or early 2010 to see whether or not DCS was complying with its policies. The outcomes of the DCS review were used to inform and focus our audit. Rather than repeat the work conducted by DCS, we used a limited sample of parolees to determine if problems identified by DCS still existed 12 months later. During our fieldwork we reviewed 21 files managed by DCS in late 2010 and early 2011.

The DCS review was undertaken following extended discussions with the Office of the Auditor General concerning our interest in auditing the management of parole. We agreed to delay our audit to enable DCS to undertake a review and then bed down any system and procedural changes. We used some of the work conducted in the DCS review to inform our fieldwork.

This audit was conducted in accordance with the Australian Auditing and Assurance Standards.

Parole offers potential benefits to the community and offenders but comes with risks

Parole is an opportunity provided by the Court, granted by the Prisoners Review Board and managed by DCS

Not all convicted offenders who are sentenced to prison are given the opportunity for parole. The Court decides during initial sentencing whether to include parole as an option for sentences over 12 months, taking into consideration factors such as:

- the seriousness of the current offence
- previous criminal history – does the offender have a long criminal history?
- previous parole history – had the offender breached parole conditions on any previous sentence?

Offenders with poor past performance on parole or a long and serious criminal past may be less likely to have parole as an option on their current sentence. Most prisoners on short term sentences of 12 months or less are automatically eligible for parole after serving half of their prison term.

For each prisoner eligible for parole, DCS prepares a report for the PRB. It includes information about the offence and the offender's attitude to the offence, the prisoner's behaviour in custody, attendance and gains made in treatment programs, an assessment of the suitability of the proposed place of residence as well as a recommendation on potential conditions to be placed on the offender if released into the community. The report is part of a range of information the PRB uses to decide whether or not to grant parole. The report also helps the PRB decide what conditions to impose if the parolee is released. When deciding, the PRB considers the factors in accordance with the *Sentence Administration Act 2003*, victims of the offence and primarily, the safety of the community.

Parole is only granted to a prisoner if they agree to abide by the conditions set by the PRB. These conditions are aimed at lowering the risk that a parolee may reoffend by restricting the parolee's contact with anti social peers, access to high risk situations and targeting offending behaviour. Conditions may include restrictions on where a parolee can live, who they may not have contact with and rehabilitation programs they must attend. Parole is considered a privilege and can be cancelled at any time by the PRB. If parole is cancelled, the offender serves out the remainder of their sentence in prison.

Parole can deliver important benefits

Parole provides a controlled and supervised way of integrating prisoners into the community after a period of imprisonment

Parole allows a prisoner to be released from custody to serve a portion of their sentence in the community under supervision. Parole aims to increase the likelihood of offenders reintegrating into society and to reduce the likelihood of reoffending by providing support through programs and supervision.

Parole conditions such as attendance at drug and alcohol counselling and restricting association with criminal elements aim to prevent circumstances likely to result in reoffending. Supervision requirements such as regular scheduled meetings with Community Corrections Officers (CCOs) help ensure offenders remain aware of their obligations while also alerting the CCOs to assistance that can be provided to help

Parole offers potential benefits to the community and offenders but comes with risks

reintegration. These meetings also provide the opportunity for CCOs to identify any change in parolee behaviour or circumstances that may increase the risk of reoffending. The PRB can then be notified so action can be taken.

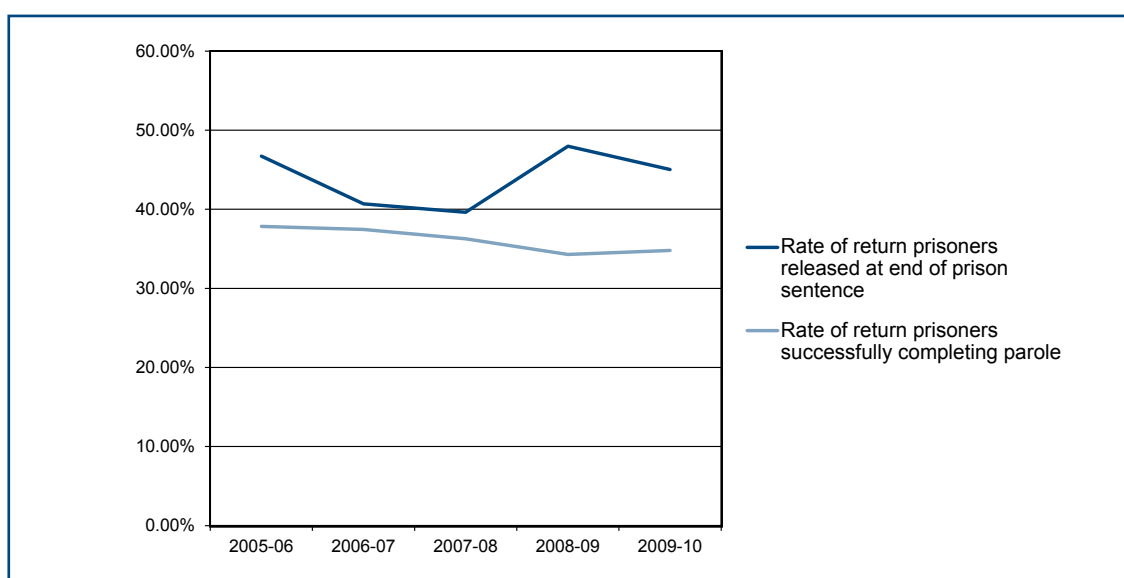
The control and support mechanisms offered by parole do not exist for prisoners who complete their full sentence in custody. These prisoners are released without conditions and with the same rights and freedom as any other citizen.

DCS offers help to prisoners to obtain identification documents and find accommodation. This service is available to all newly released prisoners, including parolees.

Parole has the potential to reduce reoffending

DCS data and external research supports the view that the successful completion of parole can contribute to reducing recidivism. Recidivism is measured by DCS as the rate of return to prison. In the five years between 2005-06 and 2009-10, recidivism of Western Australian prisoners granted parole was between three and 10 per cent lower than those who served their full sentence (Figure 1).

The type of offenders given parole, and their circumstances may also contribute to why they are less likely to reoffend. Courts consider offending history when deciding whether or not to make an offender eligible for parole. Offenders who have a significant criminal history or who have breached parole in the past are less likely to be provided this option again. The PRB also considers the behaviour of the prisoner while subject to any previous release order or when in prison as well as other criteria when granting parole. This method of selection means offenders who successfully complete parole may be less likely to reoffend.



Source: DCS and OAG

Figure 1: Rates of return of prisoners completing their sentence on parole and those completing their sentence in prison

DCS measures the recidivism rate two years post release. Over the past five years the rate of return to prison was higher for offenders completing their sentence in custody compared with those who successfully complete parole.

Parole offers potential benefits to the community and offenders but comes with risks

Parole offers a cost effective way to supervise some offenders

Parole can be a cost effective way for some prisoners to serve a portion of their sentence. DCS reported in its 2009-10 annual report that it was 7.4 times more expensive to keep a prisoner in custody than manage them in the community. In 2009 it cost DCS \$262.82 per day to keep an offender in custody compared with \$35.48 to manage them in the community.

Parole does create some risk to the community

Parole has been a contentious issue since it was brought into statute by the *Offenders Probation and Parole Act 1963*. Discussion papers around that time supported parole in theory, but raised concern about the type and amount of people who would receive parole. Parliamentary and public concern at the time was that if too many people, or the wrong type of people were released on parole it would undermine justice and put community order and safety at risk.

DCS does not measure the number of people on parole who commit serious crimes. Therefore, it is difficult to assess how real this risk is. Nevertheless, the basis of public concern has some validity. When certain types of prisoners are released on parole they attract large media and public interest (Figure 2). Research also suggests that the general public tend to demonise offenders and ignore the long term consequences of not actively intervening to address issues that contribute to prisoners reoffending.

Released killer seen as danger

Amanda Banks and Daniel Mercer
The West Australian
August 27, 2011, 2.35am

A killer responsible for one of WA's worst murders is back behind bars only weeks after being released amid fears he may pose a risk to a female magistrate.

Source: The West online

Figure 2: Newspaper headline 27 August 2011

Parole offers potential benefits to the community and offenders but comes with risks

It is the role of DCS to manage parole risk

Effective management of offenders on parole is critical, but even then, a risk remains that some offenders will commit serious offences while on parole. If this occurs, it diminishes public confidence in the system and has serious repercussions for victims of those crimes and their families.

In some instances reoffending may be linked to a failure to adequately supervise or to enforce conditions. Conditions placed on parolees are intended to reduce the likelihood of reoffending. Breaching conditions can be an indicator of increased risk of reoffending.

In order to know whether a parolee is at an increased risk of reoffending DCS must ensure parolees are supervised and monitored appropriately, and breaches of conditions are reported to the PRB.

CCOs employed by DCS have the job of managing parolees day-to-day. This involves meeting with parolees on a regular basis to monitor their compliance with parole orders, organising programs for offenders and providing general guidance and support to assist them cope in society. CCOs also provide information to the PRB to help it make decisions about parolees.

The proportion of prisoners released on parole has fallen significantly

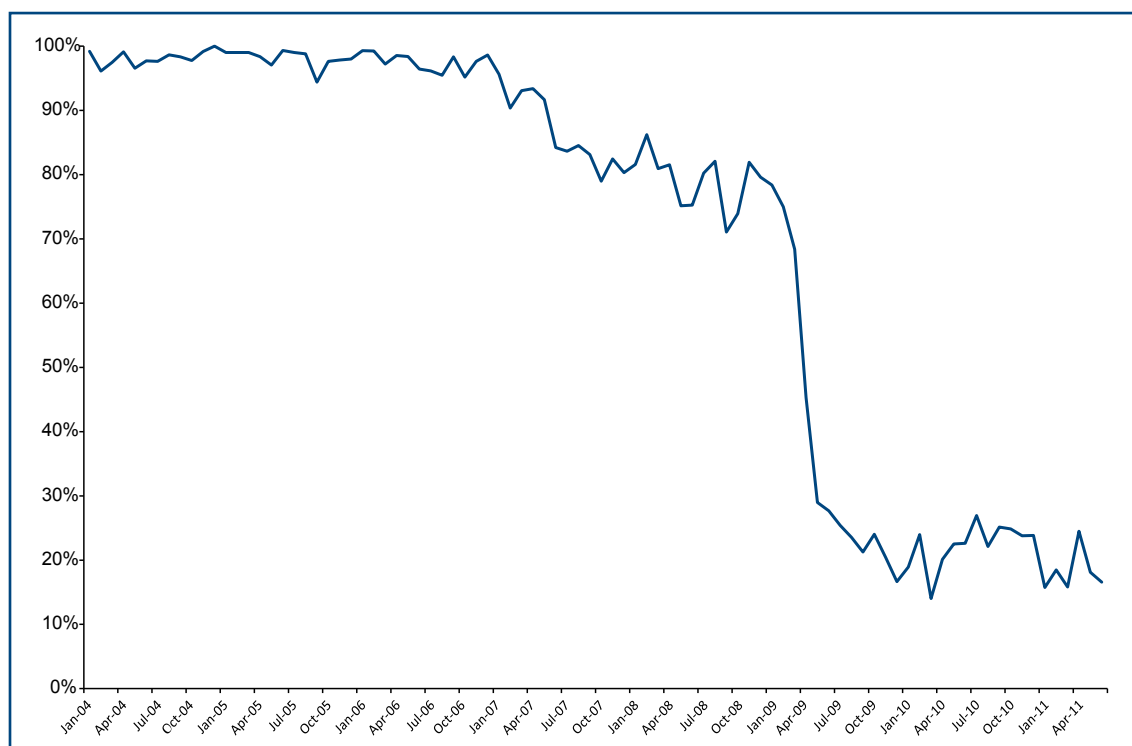
More offenders are staying in prison for their full sentence

The number of prisoners being released on parole has fallen significantly since 2009. In addition to this, a stricter focus by DCS in enforcing and reporting breaches of parole conditions has led to more concerns being reported to the PRB and more parole orders being cancelled. The combination of fewer releases and more cancellations has resulted in more prisoners spending more time in prison.

Between January 2004 and October 2008 an average of 92 per cent of prisoners applying for parole were successful and were released. In comparison, an average of 21 per cent of offenders were released on parole between September 2009 and June 2011 (Figure 3). This means that the number of parolees in the community fell from 1 479 in March 2006 to approximately 423 in August 2011.

The decline in the rate of release is mainly due to the PRB's stringent application of statutory release considerations when making parole decisions. The PRB is giving increased emphasis to its statutory requirement to have priority regard for the safety of the community when considering parole applications.

Parole offers potential benefits to the community and offenders but comes with risks



Source: DCS and OAG

Figure 3: The percentage of eligible offenders who applied for and were granted parole between January 2004 and April 2011

Between January 2004 and October 2008 an average of 92 per cent of prisoners who applied for parole had it granted. This has now decreased to around 21 per cent from September 2009 to June 2011. Between early 2009 and mid 2009 there was a significant drop in parole approvals.

There has also been a significant increase in the proportion of parole orders being cancelled by the PRB. This is the result of a new Enforcement Policy by DCS that requires all breaches of conditions to be reported to the PRB and reduced tolerance by the PRB to parolees breaching parole conditions.

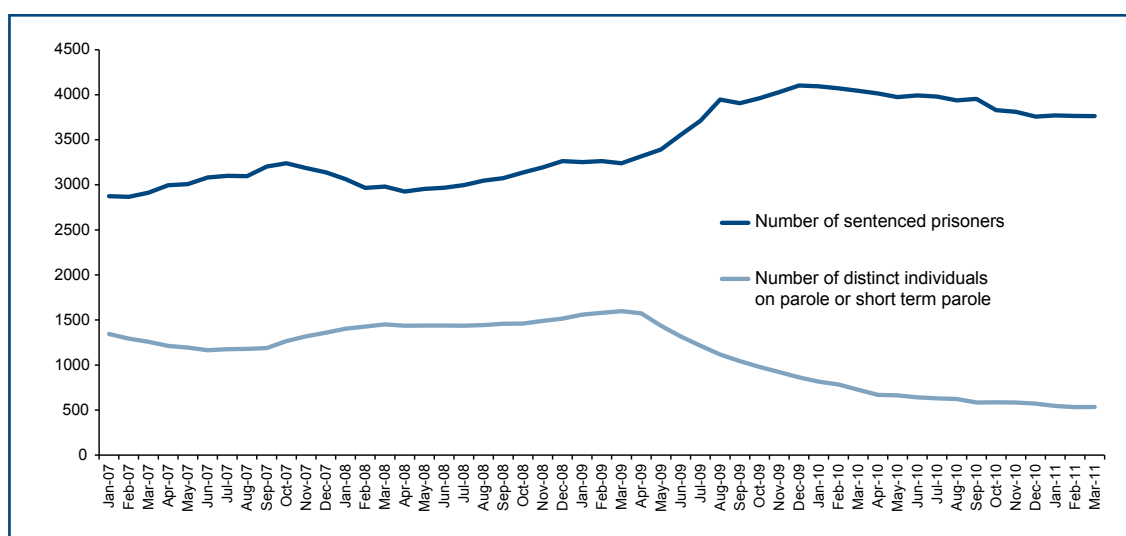
Changes in the balance of offenders in the community and prisons has a financial impact on DCS

Any dramatic reduction in the proportion of prisoners denied parole has a corresponding upward impact on prison numbers and a cost implication for DCS. Obtaining more beds, supervising staff and other resources to cater for the increased prison population takes time, money and planning.

Fewer prisoners being granted parole since 2009 has contributed to a significant increase in prison numbers. In April 2009, the number of convicted prisoners was 3 316. By December 2009, this number had risen to 4 102, an increase of 786 (Figure 4). DCS has advised that the system cannot react quickly to changes of this magnitude. In order to cope with this change in numbers, DCS used short term strategies, such as double bunking prisoners and increasing the use of overtime and casual staff. However, DCS advised that this is not sustainable long term and poses additional risk within the prison environment.

Parole offers potential benefits to the community and offenders but comes with risks

The cost involved in keeping these additional offenders in prison was substantial. DCS estimates the difference between these offenders remaining in prison and being supervised in the community was approximately \$147.52 per day. This equates to \$115 950 per day or the equivalent of approximately \$42 million per year. DCS has a funding model agreement with the Department of Treasury to allow them to obtain additional funding throughout the year to cater for fluctuations in the prison population.



Source: DCS and OAG

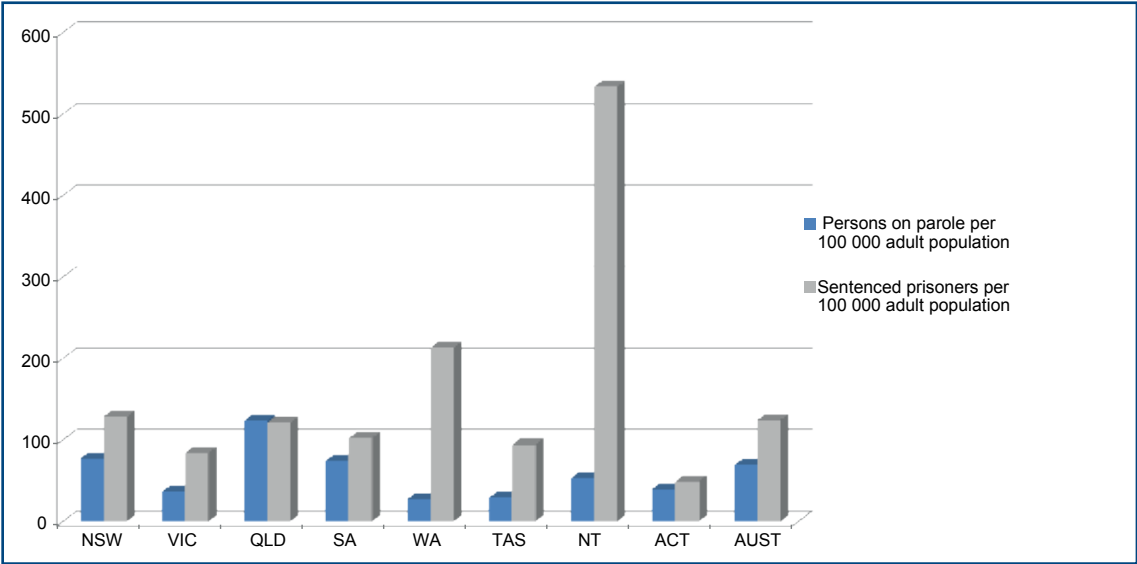
Figure 4: Comparing the number of sentenced prisoners to the number of offenders on parole between January 2007 and March 2011

Since April 2009 there has been a drop in the number of prisoners on parole and an increase in the number of offenders in custody. This drop in the population of offenders on parole has contributed to an increase in the population of sentenced prisoners, but other factors such as a change in sentencing arrangements have also had an impact.

Western Australia has a lower rate of offenders on parole and a higher rate of offenders in prison compared to the Australian average

Western Australia has the lowest rate of offenders on parole per 100 000 people. In March 2011, the rate was 27.6 individuals on parole per 100 000 in Western Australia, well below the Australian average of 69.5. Also, the proportion of convicted offenders serving a sentence in prison is higher in Western Australia than any jurisdiction, except the Northern Territory. In Western Australia the rate is 213.6 per 100 000, compared with the Australian average of 125 (Figure 5).

Parole offers potential benefits to the community and offenders but comes with risks



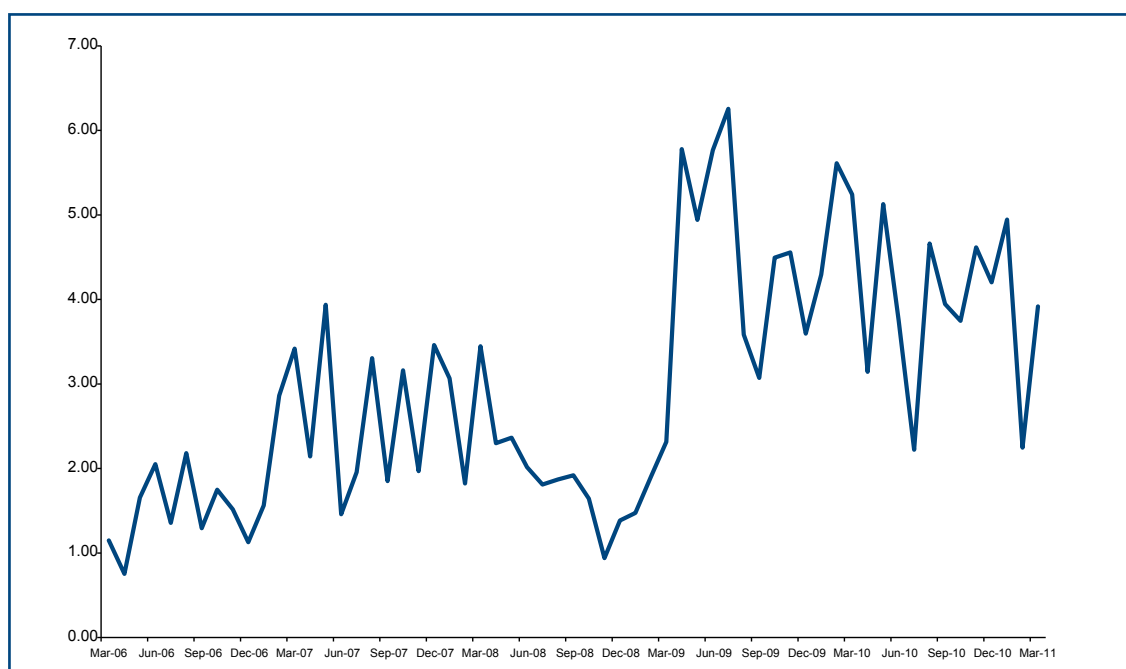
Source: ABS and OAG

Figure 5: Offenders on parole and sentenced prisoners per 100 000 people across Australia
The rate of offenders currently on parole in Western Australia is lower than most states and the Australian average. Western Australia also has a higher proportion of sentenced offenders in custody.

A shift towards stricter enforcement and reporting addresses short term risk to the community but it is too soon to know the impact on long term reoffending

DCS's revised Enforcement Policy is intended to tighten control over how parolees are supervised but it may also have other consequences

In 2009 DCS introduced a new Enforcement Policy requiring CCOs to report all breaches and incidences of non-compliance of conditions by parolees to the PRB. This reduced the discretion CCOs had in dealing with non-compliance. The policy was intended to address concerns raised in internal reviews of inconsistent practice, including how breaches of parole conditions were handled, and reduce the risk that an offender commits a crime while on parole. The effect of increased reporting to the PRB of parolees breaching conditions has been a higher proportion of parole orders being cancelled (Figure 6). It is too soon to know what impact the policy change will have on long term reoffending rates.



Source: DCS and OAG

Figure 6: The number of cancellations per 100 offenders on parole

Since December 2008 the average monthly number of parole cancellations has nearly doubled to 3.96 per 100 parolees.

The key focus of DCS is to reduce the risks posed by offenders to community safety. DCS seeks to reduce the short term risk by the way it manages offenders within the criminal justice system. Reducing the long term risk is linked to the rehabilitation of offenders. The difficulty faced by DCS is how best to balance both short and long term risk. Being tough on offender compliance may negatively impact long term reoffending rates, but being too soft may increase the short term risk posed to the community by offenders on parole.

A shift towards stricter enforcement and reporting addresses short term risk to the community but it is too soon to know the impact on long term reoffending

DCS manages the parole risk to the community by ensuring that conditions the PRB placed on parolees are enforced and by prompt reporting to the PRB when conditions are breached. Effective management minimises the short term risk that a parolee may commit an offence or be tempted to engage in activities that increase the likelihood that they will reoffend while on parole.

Effective rehabilitation is more likely if an offender completes their parole order and so receives the maximum period of supervision and programs mandated by their parole conditions. Assisting offenders to successfully complete parole can therefore reduce the long term risk to the community.

DCS has introduced an Enforcement Policy to minimise short term risk but does not know its impact on long term reoffending

Prior to the 2009 Enforcement Policy, CCOs exercised considerable discretion with regard to parolee compliance with conditions. CCOs we interviewed advised they would often take a more supportive approach to handling lessor breaches with a view to increasing the chance of effective rehabilitation. Rather than report concerns to the PRB in the first instance, they would adopt intervention strategies to reduce the likelihood of further breaches.

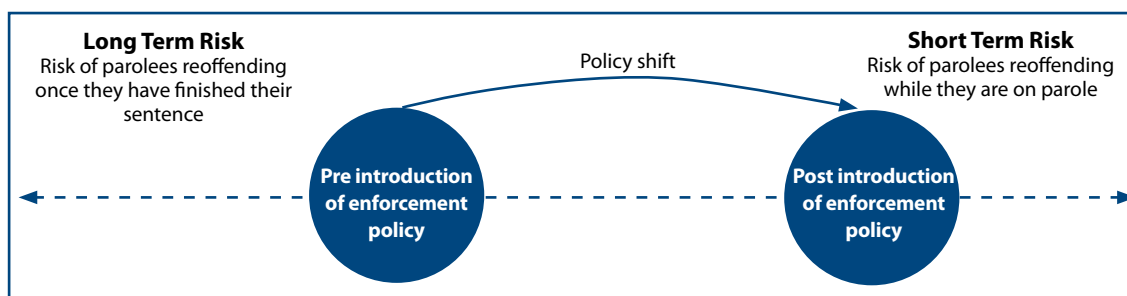
Giving CCOs considerable flexibility in how to handle breaches meant some offenders were allowed to stay in the community despite breaching their conditions. This increased the short term risk to the community as breaching conditions can indicate an increased risk of reoffending.

To minimise this risk, DCS released the 2009 Enforcement Policy which removed CCO discretion to deal with breaches in different ways. The Enforcement Policy requires all non-compliance by parolees with parole conditions to be reported immediately to the PRB.

The effect has been a higher proportion of breaches being reported to the PRB and more parole orders cancelled. While this approach addresses short term risk, it is not yet known what effect it will have on the frequency of offenders breaching parole in the long term, though DCS expects that it will result in fewer breaches.

It is also not known what effect the policy will have on long term reoffending rates. As previously mentioned, parole provides a controlled and supervised environment for rehabilitation and reintegration into society. Increased cancellation of parole may therefore have a negative long term effect on reoffending rates (Figure 7).

A shift towards stricter enforcement and reporting addresses short term risk to the community but it is too soon to know the impact on long term reoffending



Source: OAG

Figure 7: Change in focus for managing parolees in the community

The introduction of the Enforcement Policy has reduced the opportunity for parolees who breach conditions to remain in the community. This reduces the short term risk, possibly at the expense of managing long term risk factors.

DCS does not have a mechanism to monitor all conditions so it is likely that parolees are breaching some conditions without DCS knowing

Some conditions are impractical to monitor and others are not regularly monitored

Parole conditions are intended to be a deterrent to a parolee's exposure to situations or locations that may heighten the risk of reoffending. However, DCS does not and/or cannot monitor compliance with all types of parole conditions. This reduces the likelihood that non-compliance will be detected.

Several common parole conditions, such as whether a parolee has contact with victims or other restricted people, consumed alcohol or entered licensed premises are impractical to monitor. Nevertheless, they are important for ensuring that parolees understand their obligations and behavioural requirements.

Forty-three per cent of the orders we reviewed had restrictions on who a parolee could contact. Of those, 22 per cent were required 'not to contact females under 16' and 11 per cent 'not to contact outlaw motorcycle gangs'. Fifty-seven per cent had the condition 'not to consume alcohol' and the same amount were not permitted 'to enter a licensed premises'.

In the absence of other methods of detection, some CCOs ask the parolee about each condition during their meetings, while others rely on the parolee to volunteer the information without any form of prompting.

DCS does not undertake compliance checks of some conditions that are practical to monitor such as where a parolee is living. The CCOs we interviewed advised they do not leave the centres to make random house checks to confirm a parolee's address or whereabouts. Eighty-one per cent of the orders had the condition 'not to change address without prior approval'. The suitability of residences is only checked before a parolee is released from prison. This means a parolee may be living at another address or have other people move in with them without DCS knowing.

A shift towards stricter enforcement and reporting addresses short term risk to the community but it is too soon to know the impact on long term reoffending

DCS believes that breaches of conditions not to enter licensed premises, not to visit certain locations, and limiting who a parolee can have contact with may be detected by the WA Police. However, the police would only know that a parolee is breaching a condition if they were creating a disturbance and police could identify them. DCS has advised that the Police do not routinely monitor parolees unless they are considered to be very high risk to the community.

DCS relies on parolee ‘self-reporting’ but the enforcement policy provides a disincentive for parolees to disclose information

CCOs rely on parolees to provide them with information and to ‘self-report’ activities that could result in breach action. However, the stricter enforcement of parole conditions reduces the incentive for parolees to report issues that could result in cancellation of their parole. In the absence of other methods for detecting breaches of some conditions, parolees may be breaching conditions without DCS knowing.

CCOs consistently advised us that the Enforcement Policy has led to a change in offender behaviour. CCOs informed us that parolees are now less likely to share information that could see them return to prison, such as drug use. Prior to the policy, parolees were more likely to share information as they were offered support and intervention but remained on parole. That discretion has been replaced by the requirement to report any breaches or concerns to the PRB.

Changes to policy have not yet delivered consistent supervision of offenders

DCS has recognised the importance of getting its business right. Since 2007 it has undertaken seven reviews. The most significant of these was a high level strategic review undertaken in December 2009, which redefined and refocused the business of Adult Community Corrections. It resulted in 66 recommendations, the majority of which were accepted and implemented by early 2011.

The other six reviews had an operational focus on areas including managing offender non-compliance, supervision of high risk offenders and the case management of offenders on parole.

One of these six reviews, which commenced in 2010, was triggered by a notification of a potential OAG audit of parole. The DCS review involved an extensive file analysis of the management of parolees covering the period from late 2009 to early 2010. The review found senior oversight of case management was lacking and most offender assessments failed to include key information or address offending behaviour. The review also found that not all CCOs were complying with policy when dealing with breaches of parole conditions.

We used key findings from this review to inform and focus our fieldwork and to establish if the problems identified by DCS still existed. Our sampling method allowed us to review a limited selection of parolees to identify concerns, rather than repeat the work conducted by DCS. Our findings indicated some improvement in DCS' compliance with policy. Though given that parolee numbers are at their lowest point in over 10 years, this was expected. However issues remain.

Offender management remains inconsistent as not all staff understand or apply the new Enforcement Policy

The introduction of the new Enforcement Policy was intended to reduce inconsistency in responding to breaches by offenders. However, these inconsistencies still remain.

Despite the clear policy requirement for CCOs to report all instances of parolees breaching conditions, we still found a number of instances of CCOs not complying with this policy requirement. Types of non-compliance included:

- parolees missing scheduled meeting with CCOs that are required under their parole order. No explanation was evident on file (electronic or hard copy) for the reason for missing the appointment and the PRB was not notified as required by DCS policy.
- parolees changing address without the required approval. This is a common parole condition that aims to ensure that parolees reside at locations and in environments that do not contribute to the risk of reoffending. The parolees in these instances failed to seek approval from the PRB as to the suitability of the new address, but no action was taken by the CCOs.

Similar issues were identified by DCS's own 2010 internal review which found that 67 per cent of those cases where parolees had breached conditions had not been recorded in the electronic database (C-BIS), had not been discussed with a senior officer, or the appropriate advice had not been provided to the PRB.

Changes to policy have not yet delivered consistent supervision of offenders

We found that staff were not referring to written policy because an up-to-date, consolidated policy manual was not maintained and the issuing of both policy changes and 'instructions' left staff uncertain as to what was the current version. This was evident in at least one centre, where staff were still following an old instruction, despite a newer version being released.

Despite efforts by DCS to communicate policy changes to all staff, CCOs we spoke with were confused about the practical application of policy, and in particular, the Enforcement Policy. This lack of understanding resulted in the wrong practice being followed when parolees breach conditions. DCS also relies on managers to communicate and enforce policy, but this communication is not always consistent, and may be adding to CCOs confusion. An example of this was noted at one DCS centre where a misunderstanding about the Enforcement Policy had resulted in the entire centre implementing the wrong practice when parolees breached conditions.

A new policy Handbook has recently been released to address these issues. The Handbook is a 'live' document located on the DCS intranet. It allows staff at any location to view the most recent policies relating to the management and supervision of community based orders. DCS anticipates that the release of the new policy Handbook, coupled with continuing efforts to communicate changes to all staff will result in increased compliance with policy.

There are weaknesses in setting parolee supervision levels, planning parolee management and case oversight

DCS has processes and controls in place to ensure CCOs take an appropriate management approach for each parolee. This includes establishing a correct supervision level based on an assessment of risk, determining the frequency of meetings between the parolee and CCO as well as having a detailed plan for how the parolee will be managed while under supervision. The ability to provide good management is also dependent upon a CCO being able to access the necessary information about parolees easily and having safeguards, by way of senior management reviews, to ensure staff follow processes and use the tools available.

Another important step is explaining to parolees how they will be managed and their obligations, including the consequence if these are not met. The combination of these activities increases the likelihood of a successful outcome.

CCOs are not always using tools to establish supervision levels appropriately

The Harm and Supervision Assessment tool (HASA) and Proposed Supervision Level (PSL) help set the appropriate supervision level and meeting frequency between parolees and their CCO. Failing to use these tools or not using them appropriately increases the risk that parolees will not be well supervised in the community.

The HASA helps establish a supervision level, by identifying offenders' criminogenic needs and a range of risks. Criminogenic needs are those behaviours and attitudes that need to be addressed to reduce reoffending. DCS policy requires it be completed when the parole assessment report is written or within four weeks of parole being granted in the absence of a written report being prepared.

Changes to policy have not yet delivered consistent supervision of offenders

The 2010 DCS internal review found that 43.6 per cent of HASAs were not of an acceptable standard because criminogenic needs and the risk of causing harm had not been appropriately identified by CCOs. We could not test whether the right needs had been identified. Instead, we tested whether the criminal history and criminogenic needs stated in the HASA lead to an appropriate management plan and proposed supervision level. We found instances of:

- no HASA evident on the offender's file (either hard copy or electronic)
- notes that were not comprehensive enough to evidence proper decision-making
- the HASA was completed outside the timeframe required by DCS policy.

The Proposed Supervision Level (PSL) is the other tool DCS uses for establishing the necessary supervision level. The PSL is a computer generated 'flag' that prevents a parolee assessed as requiring high supervision by the HASA, automatically defaulting to a medium setting in C-BIS and therefore reporting less frequently than necessary.

DCS policy states that a PSL is to be completed for every offender during the parole pre-release assessment. However, its 2010 internal review found that this was occurring in less than half of the cases. In order to improve compliance with the policy, it was recommended that the PSL event be completed at the same time as the HASA.

We found that this problem has not been rectified. Sixty-one per cent of our sample either did not have a PSL or was generated more than a week after release, contrary to policy.

Management plans do not contain all parolee requirements

Before a prisoner is released to parole CCOs compile a parole assessment report for the PRB. This report provides information to help the PRB make a decision about whether the offender should be released, and if so, what behaviours need to be addressed and conditions placed on them. The PRB considers all available information when setting parole conditions. This means additional conditions may be added by the PRB that have not been suggested by the CCO.

There is no evidence that DCS has improved since its 2010 review where almost half of the management plans failed to incorporate all identified criminogenic needs or additional parole order conditions.

DCS policy requires offenders to have a management plan outlining how they will be managed during parole. This management plan should contain the following information:

- what objectives are set for the parolee – these may be to gain employment, re-establish family connections, address offending behaviour
- how the objective will be met – these are the strategies that will be used including any programs or interventions that may be required
- who will be involved – the program providers or counsellors
- when the programs or interventions will take place.

Changes to policy have not yet delivered consistent supervision of offenders

While not included in the policy, DCS has advised that there is also an expectation that any special conditions or requirements set by the PRB in the parole order.

To ensure that all conditions are monitored appropriately, including any additional requirements placed on the parolee by the PRB, the management plan should be adjusted during the first case review.

None of the management plans we reviewed had incorporated all of the additional requirements listed on the parole order. For example, the following additional conditions were not included in any management plans:

- a condition that stipulated that parolees were not to change address without prior approval – this was contained in 81 per cent of the orders in our sample
- a condition controlling alcohol use – this was contained in 57 per cent of the sampled orders.

Most of the CCOs we interviewed advised that they do not see the management plan as a tool to monitor and address all the parole conditions. Rather, it is a plan for addressing offenders' criminogenic needs. CCOs advised that some parole conditions do not relate to the identified offending behaviour and so are not listed. This confusion between the concept and application of the management plan has led to conditions not being included and may increase the likelihood that they are not being addressed.

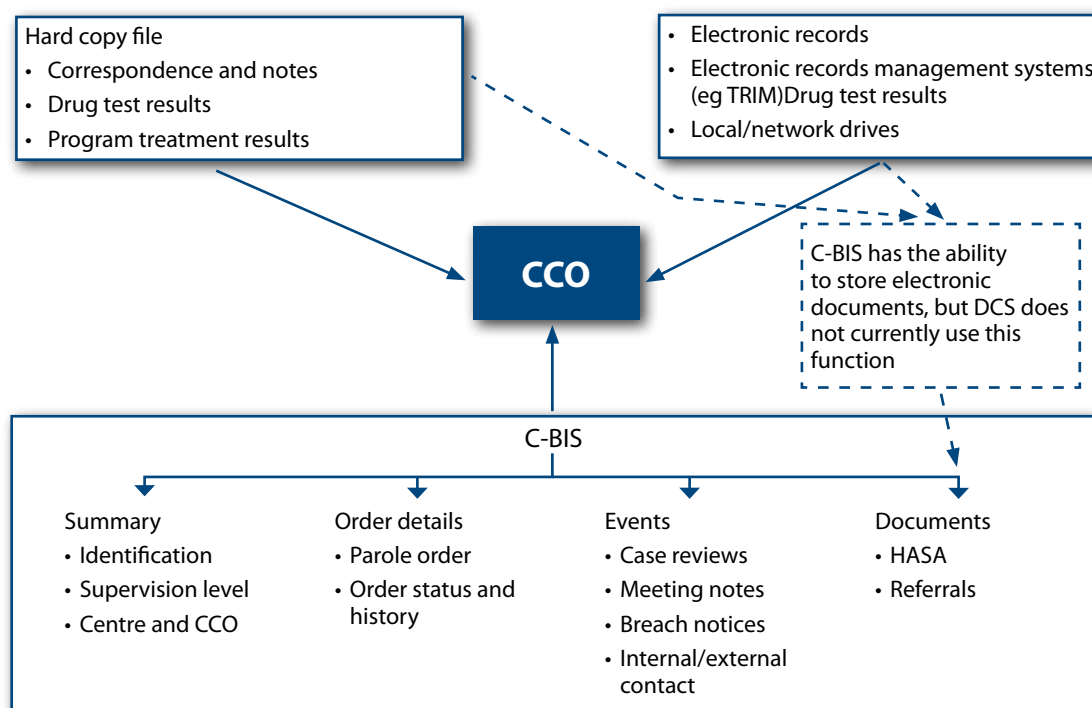
Information on parolees is stored in multiple locations increasing the chance that CCOs may overlook crucial details

Information about offenders in the community is currently recorded in many different locations including on C-BIS, hard copy files within centres and other electronic systems (Figure 8). The lack of a single location for all information about an offender affects CCO efficiency and increases the chance that information relevant to the management of an offender will be missed.

CCOs advised that the multiple information locations particularly impacted their efficiency when filling in for another CCO, or when a parolee, who has been on parole for an extended period is transferred to them. Our testing confirmed that information such as the results of drug tests could be recorded in one of a number of different locations and that this could cause information to be overlooked and errors made.

We noted that C-BIS can save scanned documents, allowing all information to be stored in one location. We have recommended to DCS that they consider using this function. DCS has advised that due to the confidential nature of some documents, such as physiological reports, these cannot be uploaded to C-BIS. They are currently exploring the increased application of C-BIS for less sensitive documents, such as drug test results.

Changes to policy have not yet delivered consistent supervision of offenders



Source: OAG

Figure 8: Offender information is kept in a variety of sources

Offender information is stored primarily in C-BIS, but key information is also held in offenders' hard copy file and other electronic systems. This spread of information makes it more difficult or time consuming for CCOs to familiarise themselves with new files.

A lack of oversight by senior staff is contributing to inconsistent practices

Reviews by management are an important safeguard to ensure processes are being followed and to improve the consistency of decision-making. Senior CCOs and centre managers are required to review decisions made by CCOs. We expected that senior officers would demonstrate that they engaged with the case and made an informed judgment about CCO's case management, but found that this does not always happen.

DCS's 2010 review found that senior officer endorsement of management plans was lacking. It also found a lack of comment by senior officers in the case review endorsements, especially where issues are evident on the file. We examined three aspects in the files in our sample where we expected senior oversight to be evident. These were:

- the HASA
- parolee case reviews
- breach advice to the PRB.

In 38 per cent of our sample there were weaknesses in some or all of these areas.

Changes to policy have not yet delivered consistent supervision of offenders

Most parolees are advised of their obligations and consequences of non-compliance

Explaining to parolees their obligations and consequences if they breach makes it less likely they will inadvertently breach their conditions. It also makes parolees aware of the importance of complying with the rules. This should improve parole completion rates. We found most, but not all CCOs are doing this.

In 95 per cent of the files we reviewed, we found evidence that offenders had their obligations explained, either in meeting notes in C-BIS or a signed copy of the enforcement policy on the offenders' physical file.

Use of drug testing and monitoring of program attendance is inconsistent, reducing the effectiveness of both conditions

Part of CCO's role in supervising offenders in the community involves checking that an offender meets their release conditions. We found that CCOs are not undertaking these checks as well as they could, which decreases the effectiveness of imposing restrictions on offenders. This may increase short term risk to the community.

In some cases drug testing is not used randomly or often enough

Drug testing is a tool available to the PRB to deter a parolee's drug use and allow CCOs to monitor offender behaviour. For these reasons the requirement to undergo 'random regular' drug testing is a common condition on parole orders.

For drug testing to be an effective tool for deterrence and monitoring, the PRB expects that parolees should not be able to predict when they will be tested and so cannot time their use of drugs to avoid detection.

According to the PRB, this had been an issue in the past, with CCOs advising parolees the date and regularity of testing enabling parolees to 'plan' their drug use or attempt to alter the results by drinking water to dilute the sample. This issue was still evident during our audit, with one of the parolees having weekly testing each Friday.

In addition to the random nature of testing, the frequency of testing is also important. It should reflect a parolee's:

- level of risk
- history of drug use
- current circumstances.

Changes to policy have not yet delivered consistent supervision of offenders

The PRB advised that they expect that parolees who have drug testing as a condition of parole would be tested at least monthly and more frequently for those high risk offenders. They believe that checking any less enables the parolee to return to high risk behaviours without the CCO becoming aware of the problem or addressing the risk. DCS's 2010 internal review into parole also recommended that a minimum frequency for random drug testing be established, but this has not happened.

Over 70 per cent of offender files we reviewed had drug testing as a requirement. We found a number of examples of where drug testing was not carried out as frequently as expected by the PRB including a parolee who had only been tested twice over a 5.5 month period.

CCOs are not consistently checking parolee program attendance

Attending programs and counselling is another frequently used parole condition. Both the PRB and CCOs can require that parolees attend counselling or programs to reduce the risk of further offending and address offending behaviour. Programs can range from one-on-one counselling through to group sessions and can be run internally by DCS or by not-for-profit organisations or other private providers.

We expected to find that parolees would be referred to the specific suitable program provider very soon after release into the community. DCS' 2010 internal review recommended that this should occur within four weeks of a parolee's release – a benchmark that was met in 80 per cent of the files we reviewed.

We also expected to find that CCOs were making contact with the program providers to confirm that the parolee was attending the program and periodically thereafter to confirm that the program was still appropriate to address their needs. However, in over 55 per cent of cases examined there was no evidence that this had occurred.

Auditor General's Reports

REPORT NUMBER	2011 REPORTS	DATE TABLED
10	Audit Results Report – Annual 2010-11 Assurance Audits	9 November 2011
9	Use of CCTV Equipment and Information	19 October 2011
8	Ensuring Compliance with Conditions on Mining	28 September 2011
7	Second Public Sector Performance Report 2011 – Use of ICT contractors in government – Acceptance of gifts and benefits by public officers in the Department of Health	7 September 2011
6	Right Teacher, Right Place, Right Time: Teacher Placement in Public Schools	31 August 2011
5	Public Sector Performance Report 2011 – Agency Compliance with Procurement Requirements – Managing the Priority Start – Building Policy	29 June 2011
4	Information Systems Audit Report	15 June 2011
3	Audit Results – Annual Assurance Audits completed since 1 November 2010, including universities and state training providers; and Opinion on a Ministerial Notification	25 May 2011
2	Opinion on Ministerial Notification: Ministerial decision to not provide information to Parliament in relation to the theatre production of <i>The Graduate</i>	23 March 2011
1	Raising the Bar: Implementing key provisions of the <i>Liquor Control Act</i> in licensed premises	23 March 2011

The above reports can be accessed on the Office of the Auditor General's website at www.audit.wa.gov.au

On request these reports may be made available in an alternative format for those with visual impairment.