

Parole applications from life-sentenced prisoners

Information for families and others
bereaved by homicide



Government of South Australia
Victims of Crime SA

This booklet should be read alongside our ***Information for people affected by homicide*** booklet that outlines a number of key things to think about and how to cope after significant trauma.



Victims of Crime SA acknowledges and respects Aboriginal peoples as the state's First Peoples and nations and recognises Aboriginal peoples as Traditional Owners and occupants of lands and waters in South Australia.

Introduction

Homicide is a crime that has a sudden, shocking and devastating impact on a victim's family and friends. It is an incredibly traumatic and complicated life experience.

Nothing can prepare you for this. Your world is abruptly and forever changed.

While the pain of losing your loved one is permanent, most people learn to cope and survive despite their loss and intense trauma.

Learning that the offender has applied for parole can be extremely difficult. A lot of victims find themselves revisiting painful thoughts, feelings and memories.

The parole process can be confusing but it is important that you understand the process and take time to consider your options.

This booklet has information to help explain the parole application process, how you can participate and who can help you.

This booklet deals specifically with prisoners who have been sentenced to life in prison. The general parole process for other offences can be different.

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About parole

Parole is when a prisoner is released from custody to serve the rest of their sentence in the community subject to conditions set by the Parole Board.

The purpose of parole is to supervise and support the prisoner's reintegration while still protecting the community and co-victims.

When can a prisoner apply for release onto parole?

A life-sentenced prisoner may apply for release onto parole no sooner than six months prior to the end of the non-parole period. The non-parole period is set when the court sentences the prisoner, or when the prisoner applies to the court to fix a conditional release date.

How will I know when they apply for release on parole?

Co-victims who are registered with the Department for Correctional Services via the DCS Victims Register will automatically be advised by the Parole Board when a life-sentenced prisoner applies for release on parole. It is a good idea to be registered with this service who will monitor prisoner progress and advise you of any significant changes. See the back of this booklet for more about the DCS Victims Register.

The Commissioner for Victims' Rights also attempts to contact co-victims who are not registered with the DCS Victims Register.

Who decides if a life-sentenced prisoner is released?

The Parole Board of South Australia decides whether to approve, defer or refuse an application. It cannot resentence someone, rather it oversees the court's sentence and monitors the prisoner's compliance once they are in the community.

Isn't being on parole the same as being released?

No. When a life-sentenced prisoner is granted parole it means they can live in the community, but it does not give them total freedom to do whatever they like. They must follow certain conditions like reporting to their Community Corrections Officer, getting permission before they move house or leave the state.

How long is a life-sentenced prisoner on parole?

If a prisoner sentenced to life imprisonment is released on parole, they remain on parole for life.

This is the case unless parole is cancelled and they are returned to custody to serve the remainder of their sentence.

A prisoner can then apply to the Supreme Court of South Australia for a new non-parole period to be set, and the parole process may start over.

Learning of a parole notification

Learning about a life-sentenced prisoner's application for parole can be difficult.

It can bring a renewed focus to your grief and loss and you might experience a range of strong physical and emotional reactions.

Not all victims have the same reactions and there is no right or wrong way to think and feel.

How you might react

You may:

- > be angry that the offender might be released on parole. This can seem unfair when you are continuing to deal with your loss.
- > feel frightened.
- > be concerned for the safety of the community as you do not want others to experience the pain and suffering you have.
- > believe the offender deserves a second chance.
- > accept the offender has completed their non-parole period and will likely be released at some point.
- > not want to think about it at all or not want to comment.

These are all normal reactions.

Your views may also change over time.

If at any stage you become concerned or overwhelmed by the way you are feeling you should consult your doctor or counsellor.

You are entitled to feel the way you do and to tell the Parole Board. Your views are important to the Parole Board.





The Parole Board

The Parole Board is an independent body who ultimately decides if a prisoner should be released.

The Parole Board:

- > hears parole applications and decides whether a prisoner is released on parole
- > sets parole conditions
- > monitors the progress of those on parole
- > hears breaches of parole conditions and determines what action is to be taken
- > undertakes prisoner reviews.

The Parole Board cannot change the sentence the court gave a prisoner.

Who is on the Parole Board?

There are ten members on the board who are appointed by the Governor of South Australia.

The Presiding Member and the two Deputy Presiding Members must have extensive experience in the criminal justice system.

Other members include:

- > a psychiatrist
- > an expert in criminology
- > a person of Aboriginal descent
- > a former police officer
- > a person with knowledge and experience in matters related to the impact of crime on co-victims and the needs of co-victims.

How does the Parole Board make their decision?

The Parole Board considers a wide range of factors and information before deciding whether to release a prisoner.

The most important thing for the Board to consider is the safety of the community.

The prisoner's behaviour and insights

The Parole Board will pay particular attention to the prisoner's ability to address their offending behaviour.

They will look at how the person has behaved during their time in prison and what they have done to address their offending behaviours.

This includes things like:

- > good behaviour while in custody
- > taking part in education or support programs
- > showing remorse for the offence
- > the likelihood of compliance.

The Board does not look positively at prisoners who do not admit their guilt.

The Board can refuse parole for prisoners who have not shown any significant attempt to address their offending behaviour or who are deemed to pose a risk to the community.

Cooperating with the investigation

The Parole Board must not release a life sentenced prisoner onto parole unless they are sure that the prisoner has satisfactorily cooperated with the investigation. This could be either before or after the prisoner was sentenced to imprisonment.

The Commissioner of Police will provide a report about the prisoner's cooperation in the investigation of the offence. This report includes the:

- > nature and extent of the prisoner's cooperation
- > timeliness of their cooperation
- > truthfulness, completeness and reliability of any information or evidence provided
- > significance and usefulness of the prisoner's cooperation.

Other considerations

The Parole Board will also consider:

- > the likelihood of the prisoner complying with conditions of parole
- > how the prisoner has behaved on any previous release on parole or other community-based supervision order
- > any reports on the social background, medical, psychological or psychiatric condition of the prisoner.

Importantly the Parole Board also considers the impact of the release on co-victims as well as their safety concerns.

Making a submission to the Parole Board

Any person who has been affected by the prisoner's crime can write to the Parole Board.

This is an opportunity to tell the Parole Board how you feel and have any safety concerns considered.

Written submissions should be addressed to:

Secretary
Parole Board of South Australia
181 Flinders Street
Adelaide, South Australia 5000.

You can also ask to make your submission in person. Contact the Parole Board on 8224 2555.

Commissioner for Victims' Rights submissions

Writing submissions can be difficult or traumatic for victims. Many victims do not know where to start.

For this reason the Parole Board asks the Commissioner for Victims' Rights to make a submission on behalf of co-victims. Victims of Crime South Australia (VOCSA) is the office of the Commissioner and assists in making the submissions.

VOCSA takes all reasonable steps to contact any co-victims - whether they are registered with the DCS Victims Register or not. This can be a lengthy process and may involve contacting other agencies, such as police, in attempt to locate the whereabouts and current contact details of co-victims.

VOCSA will contact registered and non-registered co-victims to obtain their views on the prisoner's application. These views will be included in a submission to the Parole Board.

Sometimes it is not possible for VOCSA to locate all co-victims. If you believe you have an interest in a parole matter and would like your views represented you can contact VOCSA.

Alternatively, you may nominate a family member or significant other to represent your views and liaise with VOCSA. You can discuss this when they contact you or you contact VOCSA for the first time.

Many co-victims appreciate the opportunity to be heard but you do not have to participate if you don't want to.

What to include in a submission

There are no rules about what to include in your submission, but you could:

- > write about any perceived safety concerns or other worries, such as the impact on your health and wellbeing or ongoing issues relating to the impact of the offence on you and other co-victims and family members
- > request that certain locations or areas be noted in the conditions as restricted areas

- > outline any outstanding issues you feel should be brought to the Board's attention (e.g. copies of Intervention Orders or Family Court Orders that may be relevant)
- > include any sensitive dates you would like avoided if the Parole Board approves the release of the offender. (e.g. your loved one's birthday and the date of their death.)

You are entitled to express your anger but your submission should not be rude or offensive. Be frank and be honest.

Will the prisoner see my submission?

All submissions to the Parole Board are confidential and prisoners **will not** have access to them.

If information from your submission is used to justify the Parole Board's decision and the prisoner asks for an explanation of that decision, the Board will summarise the relevant information in its report to the prisoner.

The Parole Board does not say that the information came from a co-victim but specific information might, by its nature, identify the source. For example, a prisoner may be able to identify a co-victim as the source of information if that information was known only to the prisoner and the co-victim before the crime.

Parole Board decisions and reviews

When the Parole Board determines to release a life-sentenced prisoner, their decision can be reviewed.

If the Board orders the release of a life-sentenced prisoner, it must provide a copy of the order and a written statement including the reasons for making the order to the following people:

- > the Chief Executive of the Department for Correctional Services
- > the prisoner
- > the Attorney-General
- > the Commissioner of Police
- > the Commissioner for Victims' Rights.

This notification is the start of a 60-day review period.

Parole Administrative Review Commissioner (PARC)

During this time, the Attorney-General, Police Commissioner or Commissioner for Victims' Rights can ask for the decision to be reviewed by the Parole Administrative Review Commissioner (PARC)

The PARC can:

- > agree with or vary the Parole Board's decision
- > make a new decision
- > send the matter back to the Parole Board with

directions or recommendations.

VOCSA will contact you to tell you of the Parole Board's decision. At this point, you will be told about the start of the 60-day period.

There must be valid grounds for the review. This could be that:

- > the decision made by the Parole Board is seen to be illogical or inconsistent with the law
- > the Parole Board has not paid adequate attention to the impact of the prisoner's release on the deceased co-victim's family.

VOCSA will notify you of the final decision.

What happens if there is no request for a review?

If the Parole Board does not receive a request for review, it will set a date for prisoner's release onto parole.

VOCSA will contact you again to tell you about the release date and any conditions that relate to you.

Staff from the Department for Correctional Services, Victim Services Unit will then keep registered victims informed.



If you want to receive ongoing information you should register as soon as possible. For information about the DCS Victims Services Unit see the 'Where can I get help' section at the back of this booklet.

How long is a life-sentenced prisoner on parole?

A prisoner serving a life sentence who is released on parole will remain on parole for the rest of their sentence - unless the release is cancelled or suspended, or the sentence extinguished.

In other words, they will be on parole for life.

If parole is refused when can the prisoner re-apply?

If the prisoner's application is refused, they can lodge another application in 12 months' time from the date of refusal.



Parole conditions

When granting parole, the Parole Board will usually set a range of conditions the prisoner must accept before being released.

The prisoner will be informed of the parole conditions set by the Board and will not be released onto parole unless they have accepted the conditions in writing.

All parolees are subject to the following conditions:

- > they do not commit any offence
- > they do not possess an offensive weapon (unless the Parole Board approves)
- > they be under the supervision of a Community Corrections Officer and obey the officer's reasonable directions.

Prisoners with life sentences who are released on parole are also subject to additional conditions:

- > they do not possess any firearm or ammunition or part of the same
- > they surrender any firearm or ammunition or part of the same owned or possessed by them
- > they submit to gunshot residue testing as reasonably required by their Community Corrections Officer.

Other common parole conditions

- > Not consuming alcohol or other illegal drugs
- > Not entering licensed clubs or bars
- > Attending referred programs
- > Reporting to the Community Corrections Officer assigned to the offender
- > Seeking prior consent from their Community Corrections Officer to change residence
- > Not leaving the state of South Australia, without prior written permission of the Parole Board or their Community Corrections Officer
- > Not entering a specific area or location
- > Not contacting the victim or the victims' family. (This is an automatic condition for registered victims. You can ask for this condition to be removed.)
- > Urine testing and alcohol breath testing at the Community Correction Officer's discretion or as directed by the DCS/Parole Board
- > Any other condition the Board sees fit to impose.

What happens if the parolee breaches their parole conditions?

If a parolee does not comply with the conditions of their parole order, they are in breach of parole.

The Parole Board can then take the following action:

- > Where a member of the Parole Board suspects on reasonable grounds that a parolee may have breached a condition of parole, the Presiding Member or Deputy Presiding Member may either:
 - summons the parolee to appear before the Parole Board
 - issue of a warrant for the apprehension of the parolee, for the purpose of bringing the parolee before the Parole Board.
- > Where appropriate, it is the Parole Board's policy to extradite a parolee who has absconded or who commits breaches and/or offences in other states and territories.

When a life-sentenced prisoner is alleged to have breached their parole conditions the Commissioner for Victims' Rights is asked to make a submission to the Parole Board. VOCSA will contact the co-victims and ask for their views.

If the breach is proved the Parole Board can:

- > admonish and warn the parolee
- > order the parolee serve up to 200 hours of Community Service Work as a penalty
- > change a condition
- > release the parolee from custody (having already served time in custody) or
- > cancel parole.

VOCSA will notify you of the Parole Board's decision.

What if I don't want to be contacted anymore?

Some co-victims initially wish to participate in these processes but find that after a while they no longer want to think about the offender. They no longer want to be kept informed because the contact is causing them distress. You can opt out at any time, you just need to tell VOCSA.

Who should I tell if my contact details change?

If you are registered with the Department for Correctional Services, Victim Services Unit you should notify them if your contact details change at any time.

If you are not a registered co-victim you should notify VOCSA if your contact details change at any time (See the back of this booklet for contact details).

Where can I get help?

Victims of Crime SA (VOCSA)

Victims of Crime SA is led by the Commissioner for Victims' Rights and supports South Australian victims of crime.

Our office can:

- > provide information, advice and support
- > help to deal with the physical, emotional and financial impact of crime
- > help victims in their dealings with prosecution authorities and government agencies.

The Commissioner for Victims' Rights is an independent statutory officer appointed to help victims of crime, advocate on their behalf and ensure their rights are upheld.

The Commissioner also monitors and reviews laws and court practices on victims.

Phone: 7322 7007

Email: victimsofcrime@sa.gov.au

Web: www.voc.sa.gov.au

Department for Correctional Services, Victim Services Unit

The Department for Correctional Services, Victim Services Unit provides registered victims with timely and accurate information about a prisoner's movement through the correctional system, as well as assessing and responding to registered victims' individual needs and concerns. Victim information is confidential.

You can contact the Department for Correctional Services, Victims Services Unit at any time to seek information or advice or to download the Victim Registration Form.

Phone: 1800 370 550

Email: DCSVictimServices@sa.gov.au

Web: www.corrections.sa.gov.au/victims-info

Address: GPO Box 1747, Adelaide, SA 5001

Parole Board of South Australia

The Parole Board is an independent body who ultimately decides if a prisoner should be released.

Phone: 8224 2555

Address: 181 Flinders Street, Adelaide, SA 5000

Before contacting the Parole Board you may want to consider contacting the Victim Services Unit or VOCSA in the first instance. The Victim Services Unit and VOCSA can assist you in your dealings with the Parole Board.

Parole Process



