



Ministerial Review of
Custodial Community Permit Program Report

JUNE 2002

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Department of Justice

Ministerial Review of the Custodial Community Permit
Program
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30 June 2002

The Hon Andre Haermeyer MP
Minister for Police and Emergency Services and
Minister for Corrections
Level 1, 55 St Andrews Place
Melbourne VIC 3002

Dear Minister,

Re: Review of the Custodial Community Permit Program

The Panel has now concluded its work in relation to the review you required on the Custodial Community Permit Program. (CCPP). We are now pleased to submit our report and recommendations for your consideration.

During the course of this review extensive consultation was undertaken with a broad range of stakeholders and other interested parties. Written and oral submissions have been given appropriate consideration in the development of this report and recommendations.

The Panel has been extended excellent support and co-operation by the Office of the Correctional Services Commissioner (OCSC), CORE and private providers. We have been favourably impressed by the commitment and professionalism of all corrections staff in facilitating this review. We particularly wish to acknowledge the excellent performance of our Executive Officer, Shauna Hearity, to whom we are most grateful.

New Commissioner's Guidelines have been developed collaboratively by OCSC and the Panel. These Guidelines, a copy of which is attached to this report, will comprehensively address the many practical and policy issues arising from the daily management of the Program.

We believe that the implementation of the recommendations in this report will improve the CCPP substantially, especially in the areas of accountability and risk management. Further, public confidence in the Program should be markedly enhanced by these measures and the introduction of a Victims Register.

Yours sincerely,

Neil Comrie AO, APM
(Chair)

Vivienne Roche
(Member)

Norman Banner
(Member)



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Executive Summary

Background

In a speech at the Australian and New Zealand Society of Criminology Conference at the University of Melbourne in February, 2001 the Minister for Corrections announced his intention to review the Custodial Community Permit Program (CCPP).

A Review Panel chaired by Neil Comrie AO, APM was subsequently appointed in February 2002 to undertake this task, with the following terms of reference:

To make recommendations to the Minister for Corrections on:

1. Policy, legislative or operational changes to the program likely to promote the safe rehabilitation and reintegration of prisoners; and
2. Strategies to ensure that the program maintains the confidence of the community and delivers on the Government policies of community safety, release transition and rehabilitation of prisoners.

Legislative basis of CCPP

Under the terms of the *Corrections Act 1986*, provision has been made through the CCPP for prisoners in Victoria to be temporarily absent from a prison for a particular purpose and specified time, while still remaining in the custody of the Secretary, Department of Justice. Like many programs in operation in other jurisdictions, the program has various purposes, including enabling prisoners to be temporarily absent from prison for medical, educational, compassionate and rehabilitative reasons.

Sections 55–58 of the *Corrections Act 1986* cover the conditions and circumstances under which prisoners may currently be temporarily absent from prison. Permits can be issued in accordance with Division 3 – Custodial Community Permits, sections 57–58D of the *Corrections Act 1986* and Division 13 – Custodial Community Permits, sections 42–43 of the *Corrections Regulations 1998*. Guidelines issued by the Sentence Management Unit (SMU) are used as a guide for implementation of the Act and Regulations.

Rationale for Program

The two primary objectives of the corrections system may be summarised as:

- to protect the community; and
- to encourage offenders to adopt law-abiding lifestyles.

It may therefore be argued that the corrections system has not met its aims if it releases into the community prisoners who have not undertaken a program of rehabilitation and who are ill-equipped for returning to community life. Indeed, the community continues to suffer if released prisoners return to criminal behaviour because they cannot cope with the requirements of responsible citizenship as a consequence of their institutionalisation in the corrections environment.

For this reason, the CCPP was introduced in its present form in 1989. The Program has operated in a generally successful manner since its introduction but, given the passage of time, a review of the Program is both timely and appropriate. This Ministerial Review has not been asked to examine the question of the continued operation of the Program but rather to examine how the existing Program may be enhanced.

New Directions for Program

The current Program has provided the opportunity for minimum security prisoners to engage in a range of approved activities outside of the prison environment in the period leading up to their release into the community. Essentially, these activities, including education, community assistance, maintenance of family ties and physical fitness, have been aligned with the philosophy of rehabilitation and reintegration into the community.



However, the CCPP has also been utilised to permit prisoners to undertake external activities which are not directly related to rehabilitation and/or reintegration but are necessary in the management of prisoners in a humane corrections environment. These activities include receiving specialist medical treatment, the administration of justice (attendance at tribunals), emergency – funeral or serious illness and interprison visits. There does not appear to be any logical reason why this group of activities should operate under the auspices of a program focused on rehabilitation and reintegration. The Ministerial Review of the Custodial Community Permit Program Panel (the Panel) therefore recommends the creation of two new permit programs to more appropriately accommodate these disparate groups of activities: a Rehabilitation and Transition Permit Program and a Corrections Administration Permit Program to allow for other vital activities not associated with rehabilitation and/or reintegration. Although this will require legislative amendment in due course, the Panel believes it is possible for the new focus of the program to be implemented under the existing legislation and current title (CCPP) by separating program activities into two groups and amending the program guidelines.

The focus of rehabilitation and reintegration activities under the CCPP has been directed to long-term, minimum security prisoners. However, there is another group of prisoners who, as a consequence of serving a sequence of shorter sentences, are also institutionalised and are therefore in need of rehabilitation and reintegration activities prior to their release. In the view of the Panel, access to the Program by carefully selected prisoners from this group would be consistent with the objectives of the Program and the broader aims of the corrections system. While accepting that there are strong and divergent views within the community on sentencing and the general treatment of convicted criminals, one fact is beyond dispute – even the most notorious of criminals will eventually be released back into the community on completion of their sentence. It is therefore in the best interests of the community to take all necessary action to reduce the likelihood of prisoners re-offending on their release from prison.

The Panel has been mindful of a number of proposed transitional program initiatives to be developed under the Corrections *Reducing Reoffending Strategy*. The Panel has therefore worked with prison managers and other senior Corrections staff to develop a new suite of guidelines to provide greater clarity and consistency in the operation of the current Program. Subject to the Minister accepting the recommendations contained in this report, these guidelines will also apply to and support the operation of the proposed Rehabilitation and Transition Permit Program and the Corrections Administration Permit Program. The new Guidelines not only provide for more accountability in the administration of these Permit Programs, but they also establish an effective framework within which meaningful activities and outcomes for individual prisoners can be developed in a structure that enables transferability between prisons.

Maintaining Community Confidence in Program

The Panel has paid particular attention to the issues of community safety, security and confidence in the Program. The key recommendations of this report therefore focus on these issues. This approach has led to a greatly enhanced emphasis on victims rights with a recommendation for the introduction of a Victims Register. Other recommendations suggest legislative amendment to the Corrections Regulations to raise the profile of community safety and security; strengthening of the accountability processes for the issue of a permit; introduction of a requirement that local police are advised of prisoners on unescorted permit activities; and that any prison sentence resulting from an offence of escape under the Program must be cumulative rather than concurrent. The Panel has also expressed the view that non-compliance in a prison environment should result in a review of the prisoner's access to the Program.

Increased Community Awareness

Although there have been comparatively few breaches of the conditions of the Permit Program since its introduction in 1989, the Panel believes that media coverage of these breaches has created a negative perception of the Program within the broader community. Because the level of knowledge within the community about corrections issues generally and the Permit Program specifically is quite limited, public discussion and media coverage of these issues is often negative and unbalanced. The Panel has proposed that this issue should be addressed by an ongoing positive and proactive communications strategy to raise the level of public awareness of these issues.



Consultation

During the course of this Review, a broad range of consultations occurred with key stakeholders and other interested parties. Discussions were held with many of these groups and individuals who represented a broad range of professional and community interests. Many written submissions were received and similar Permit Programs in operation within Australia and overseas were examined. Several submissions canvassed issues outside the terms of reference for the review. The Panel is grateful for the input of all who have contributed to the development of the findings in this Report.

Conclusion

The Panel believes that the introduction of the recommendations contained in this Report will enhance community safety and security and promote community confidence in the Permit Program. Legislation, policies and procedures implemented to support these recommendations will ensure that the Permit Program offers a positive mechanism for the safe rehabilitation and reintegration of prisoners into the community following their release from custody.



Summary Of Recommendations

1. Legislation	Page No
The Panel recommends that necessary legislative amendments be enacted to enable the implementation of the Review's recommendations, including:	
(a) that the <i>Corrections Act 1986</i> be amended and the existing permit sub-program titles of Administration of Justice; Health Requirements; Emergency – Funeral or Serious Illness; and Maintenance of Family Ties – Interprison Visits be discontinued and the activities of these sub-programs be accommodated under the new title of <i>Corrections Administration Permits</i> , to operate under new Commissioner's Instructions;	18
(b) that the <i>Corrections Act 1986</i> be amended and the existing permit sub-program titles of Physical Fitness; Education; Maintenance of Family Ties (Primary Care Giver) and Community Assistance be discontinued and the activities of these sub-programs be accommodated under the new title of <i>Rehabilitation and Transition Permits</i> ;	23
(c) that Regulation 42 of the <i>Corrections Regulations 1998</i> be amended to require that “adequate consideration be given to the safety and welfare of members of the public” as the first stated consideration in the issue of a Permit; and	32
(d) that Section 58 of the <i>Corrections Act 1986</i> be amended in order to provide for cumulative terms of imprisonment for offences of escaping from custody while under the Permit Program.	37
(e) that Regulation 43 of the <i>Corrections Regulations 1998</i> be amended so that condition (f), which requires that a prisoner must not use non-prescribed drugs should be joined with condition (c) which requires that a prisoner must not consume alcohol.	32
2. Guidelines	
The Panel recommends that new guidelines be issued by the Correctional Services Commissioner to enable the implementation of the Review's recommendations, including:	
(a) that Rehabilitation and Transition permits be made available to “Release Assistance” short-term prisoners where it is determined that a program of rehabilitation and reintegration activities is likely to reduce the probability of future offending which may be associated with a state of institutionalisation in these prisoners; and that any application for a permit for a “Release Assistance” prisoner may only be initiated by the relevant Prison Manager or Sentence Management Unit and not by individual prisoners;	23
(b) that all Rehabilitation and Transition Permit Program activities must form part of a planned, progressive, appropriately structured and approved program with agreed timelines and outcomes that are regularly reviewed;	36
(c) that prison managers have delegated responsibility for issuing Corrections Administration Permits except in the case of permits for prisoners classified as “Special Category” or “High Profile” which would require the authority of the Correctional Services Commissioner; and	18
(d) that a prisoner on a permit program found guilty at a Governor's Hearing of non-compliance with Prison Regulations will be the subject of an automatic review of the circumstances of the case at an R&A Committee meeting. Such prisoners may be ineligible for access to the Rehabilitation and Transition Permit Program for a period of up to six months from the date of the Hearing.	32
(e) That the provisions of the Ministerial Escape Policy issued on 30 April 1993, that any prisoner convicted of escape/attempted escape will not be eligible for inclusion in the CCP program for reasons other than medical, administration of justice, family emergencies, funerals or inter-prison visits, should also apply the proposed new Permit Programs.	32



<p>3. Approval Process</p> <p>The Panel recommends that new guidelines be issued by the Correctional Services Commissioner to enable the implementation of the Review's recommendations, including:</p> <ul style="list-style-type: none"> (a) that all permit applications from "Special Category", "High Profile" and "Release Assistance" prisoners, irrespective of the period of the sentence remaining to be served, be forwarded with appropriate recommendations from prison management to the Director, Sentence Management Unit for consideration of approval; (b) that the existing practice of prison management approving permits for "Special Category" and "High Profile" prisoners in the final twelve months of a sentence should be ceased forthwith; (c) that the existing requirement for the Correctional Services Commissioner to approve a permit for the release of a prisoner to be held under police protection should continue; (d) that where it is necessary to issue a permit for a prisoner to leave prison to assist police in the investigation of a criminal offence, approval for such permit should only be granted by the Correctional Services Commissioner; and (e) that in cases of emergency where a Corrections Administration Permit (currently Administration/Pressing Necessity Permit) would apply to "Special Category" or "High Profile" prisoners, prison managers seek approval by telephone or other suitable means of communication from the Director, Sentence Management Unit prior to the issue of a permit. 	<p>34</p> <p>34</p> <p>33</p> <p>33</p> <p>34</p>
<p>4. Ministerial Community Advisory Committee (MCAC)</p> <p>The Panel recommends that:</p> <ul style="list-style-type: none"> (a) the existing role of MCAC should continue and that public safety and security be primary considerations of the Committee in providing advice on the issue of permits; (b) on receipt of an application for a permit for a "Special Category", "High Profile" or "Release Assistance" prisoner, the Director, Sentence Management Unit will give appropriate consideration to all relevant issues and then place the permit application before the MCAC for advice on that application. On receipt of this advice, the Director, Sentence Management Unit will finally determine approval or disapproval of the application; (c) the advice of the MCAC on each application placed before it is to be formally recorded in the minutes of the Committee meetings; and (d) the MCAC advise the Minister on the progress of the implementation of the recommendations of this Review; the first report being provided twelve months after the introduction of revised Guidelines for the Program and a further report two years after the first report. 	<p>34</p> <p>34</p> <p>34</p> <p>35</p>
<p>5. Communications Strategy</p> <p>The Panel recommends that:</p> <ul style="list-style-type: none"> (a) the Commissioner engage professional media consultants to develop a positive media strategy to better inform the community about the corrections environment with particular focus on rehabilitation and transition activities within the overall <i>Reducing Offending Strategy</i>; (b) a component of this communications strategy should be the development of a professionally presented package of information for dissemination to the community by Corrections officials; (c) a small team of Corrections officers be trained and assigned to ongoing duties to perform public relations activities, including regular presentations to community groups, service clubs and schools; and 	<p>31</p> <p>31</p> <p>31</p>



(d) that the Correctional Services Commissioner develop and deliver a training program to those responsible for administering the proposed Rehabilitation and Transition Permit Program with such training program addressing the philosophy, policies and procedures associated with the Program.	23
6. Victims Register	
The Panel recommends that the Secretary, Department of Justice:	
(a) establish as a matter of urgency a voluntary Victims Register for victims of violent offences, consistent with the provisions established in the <i>Corrections (Custody) Act 2001</i> ; and	29
(b) arrange for the development of an information brochure for victims of violent crime that outlines the procedures for applying to be registered on Victoria's Victims Register and provides relevant sentencing information.	29
7. Other Issues	
The Panel recommends that:	
(a) the Correctional Services Commissioner accommodate the Victorian Prisoner and Offender Employment Pilot Program under the provisions of the proposed Rehabilitation and Transition Permit Program;	24
(b) the Correctional Services Commissioner arrange for the conduct of a longitudinal study of the efficacy of the Rehabilitation and Transition Permit Program and that the Ministerial Community Advisory Committee be responsible for monitoring the progress of this study;	35
(c) the application of Rehabilitation and Transition Permits to "Release Assistance" prisoners be initially implemented as a pilot program with a review of the efficacy of the program to be undertaken by the OCSC twelve months after implementation;	23
(d) the Correctional Services Commissioner develop and implement procedures to ensure that local police are advised regarding prisoners on unescorted permit activities;	35
(e) the Secretary, Department of Justice initiate a review of the CCP Program as applied to fine defaulters in collaboration with the Sheriff's Office and the OCSC;	25
(f) the recommendations of Justice Vincent regarding security patients continue to operate as policy; and	35
(g) the Correctional Services Commissioner investigate the purchase of an appropriate relational data base to enhance the operations of the PIMS system and provide greater access to appropriate intelligence reports.	38



Chapter 1: Introduction

1.1. CONDUCT OF THE INVESTIGATION

In a speech at the Australian and New Zealand Society of Criminology Conference at the University of Melbourne in February 2001, the Minister for Corrections announced his intention to review the Custodial Community Permit Program (CCPP) given the length of time since the last report on the Program and the need to align it with the new Government's correctional initiatives, especially the proposed pre-release and transitional programs. Following funding to support the review of the Program provided in the 2000/01 budget, an independent panel was commissioned to review the management and operation of the CCP Program.

The terms of reference of the investigation were:

To make recommendations to the Minister for Corrections on:

1. Policy, legislative or operational changes to the program likely to promote the safe rehabilitation and reintegration of prisoners; and
2. Strategies to ensure that the program maintains the confidence of the community and delivers on the Government policies of community safety, release transition and rehabilitation of prisoners.

The Ministerial Review of the Custodial Community Permit Program Panel (the Panel) commenced its inquiries on 18 February 2002. The Panel comprised Neil Comrie, AO, APM, Chairperson, Vivienne Roche, Senior Policy Analyst, and Norman Banner, Correctional Services Expert. Ms Shauna Hearity of the Office of the Correctional Services Commissioner acted as Executive Officer to the review.

During the course of its investigations, the Panel undertook research concerning correctional programs in Australia and other relevant jurisdictions including Canada, New Zealand and the United Kingdom. It invited a broad range of individuals and groups to contribute to the consultation process and these are detailed at Appendix 1. The Panel received 33 written submissions in response to written requests, and met with more than 76 individuals and groups. Members of the Panel visited Tarrengower, Dhurringile, Port Phillip, Barwon and Loddon Prisons, and consulted with staff and prisoners at each of these locations. The Panel also consulted a number of people with special knowledge and/or experience in aspects of prison management. Details of all of these contacts are contained in Appendix I.

A Reference Group comprising senior officers from the correctional system provided assistance to the Panel and was a valuable 'sounding board'.

1.2. CUSTODIAL COMMUNITY PERMIT PROGRAM

Under the terms of the *Corrections Act 1986*, provision has been made through the CCPP for prisoners in Victoria to be temporarily absent from a prison for a particular purpose and specified time, while still remaining in the custody of the Secretary, Department of Justice. Like many programs in operation in other jurisdictions, the program has various purposes, including enabling prisoners to be temporarily absent from prison for medical, educational, compassionate and rehabilitative reasons.

1.2.1. Legislative Basis For CCPP

Sections 55–58 of the *Corrections Act 1986* cover the conditions and circumstances under which prisoners may currently be temporarily absent from prison. Permits can be issued in accordance with Division 3 – Custodial Community Permits, sections 57–58D of the *Corrections Act 1986* and Division 13 – Custodial Community Permits, sections 42–43 of the *Corrections Regulations 1998*. Guidelines issued by the Sentence Management Unit (SMU) are used as a guide for implementation of the Act and Regulations.

Under the legislation, there are seven categories of permit, broadly grouped around the following purposes:

- to enable the prisoner to participate in approved education, work and physical fitness activities;
- to enable the prisoner to engage in approved rehabilitation and reintegration programs in preparation for release;



- to enable the prisoner to attend the funeral of a person with whom the prisoner has had a long-standing relationship, or to visit such a person should he or she be seriously ill or in personal acute need; and
- to enable the prisoner to receive health treatment not available within the prison system, or to assist in the administration of justice.

The length of a permit varies from several hours up to a maximum period of three days. In special circumstances permits may be issued for a longer period such as in the case of permits issued for police protection and rehabilitation/reintegration. In the majority of cases prisoners are escorted when subject to a Custodial Community Permit (CCP), except in some circumstances when prisoners who have a C2 or minimum security rating may be absent on a permit without escort.

Sections 42–43 of the *Corrections Regulations 1998* and the *Custodial Community Permit Guidelines* issued in November 1996 support the legislation. The *Regulations* outline who can issue permits and the conditions of permits. The Secretary is given power to issue a permit if it is for a purpose outlined in the Act. The Secretary delegates his or her powers to the Commissioner and Prison Managers. Permits can only be issued if adequate consideration has been given to the safety of members of the public together with the safety and welfare of the prisoner and facilities exist for the provision of adequate and suitable escort and transport where necessary.

A prisoner subject to a CCP must abide by specific conditions. The *Corrections Regulations 1998* outline the following conditions of a CCP:

- The prisoner is to be of good behaviour; and
- The prisoner must not consume alcohol; and
- The prisoner must comply with all lawful orders given by an escorting or supervising officer; and
- The prisoner may be returned to prison if the escorting or supervising officer reasonably believes that there has been a breach of the permit or failure to comply with an order or direction given by the officer; and
- A copy of the custodial community permit is to be retained by the prisoner when unescorted for the duration of the permit period; and
- The prisoner must not use non prescribed drugs; and
- The prisoner must comply with all times of attendance as stated in the permit.

The *Custodial Community Permit Guidelines* specify relevant procedures in relation to eligibility criteria, escort arrangements and program administration.

1.3. HISTORY OF THE CCPP

The program has undergone significant modifications since its inception in 1973, principally in response to public concern that such leaves of absence placed the community at risk of harm and that “truth in sentencing” principles were being undermined.

The most recent significant changes were introduced in 1989–91 following two influential Reviews and a Report prepared by the Ministerial Community Advisory Committee (MCAC).

Murray Review (August 1988)

Conducted by The Honourable Mr Justice Murray, this review was initiated following the publicity surrounding the granting of temporary leaves to two notorious prisoners serving sentences of 60 years (they were originally sentenced to death) for the murder of a schoolgirl. The Review investigated the principles, fairness, benefits and risks of the program with the principal responsibility of advising the Minister on whether or not the program, suspended during the period of review, should be reinstated. Mr Justice Murray concluded that the operation of the program was, in essence, sound and apart from recommending some minor alterations to its administration, recommended that the program be reinstated.

Jona Review (March 1989)

Responding to criticism that the Murray Report did not adequately address community concerns about the temporary release program, the Minister established the Ministerial Community Advisory Committee, chaired by Mr Walter Jona, in December 1988. The Committee delivered its Report in March 1989 in which it recommended a number of changes to the program, including that greater restrictions be placed on the



eligibility criteria and that the program take greater account of the impact the temporary release of prisoners might have on victims.

MCAC Report (September 1990)

The MCAC submitted a Report to the Minister following the first anniversary of its establishment. The Report covered the first year of operation of the CCPP and concluded that, apart from some minor administrative modifications, the program was operating successfully.

1.4. TYPES OF CCPP

1.4.1. Custodial Community Permits available to all Prisoners

Consistent with the Victorian Government's objective of treating offenders in a just and humane manner, some categories of the CCP are open to all prisoners. These categories include:

- **Medical CCP** – Health permits enable a prisoner to attend a doctor, dentist, hospital or clinic outside the prison, or to obtain medical or dental treatment or assessment not otherwise available in the prison. All prisoners are eligible to access health permits. The prison manager approves these permits based on medical advice.
- **Family Ties Emergency CCP** – these permits allow a prisoner to attend the funeral of a person with whom the prisoner has had a long-standing close personal relationship; or to visit a seriously ill person with whom the prisoner has had a long-standing close personal relationship; or to visit a person with whom the prisoner has had a long-standing close personal relationship in a time of acute or significant personal need where other options cannot address the problem. The prison manager approves these permits.
- **Administration of Justice CCP** – Administration of Justice permits can be granted to enable prisoners to attend a court or tribunal hearing, for police protection, to assist police or case conferences between prisoners. Prison managers can approve leave for prisoners to attend court or tribunal hearings and case conferences between prisoners. The Correctional Services Commissioner or his or her delegate approves permits for police protection and assisting police.

1.4.2. Custodial Community Permits available to Minimum Security Prisoners

Other categories of CCP are only available to prisoners with minimum-security classifications¹ but may occur at any point in the prisoner's sentence that the prison manager deems appropriate. These categories are the Physical Fitness, Education and Community Assistance CCPs.

- **Physical Fitness CCP**

A permit may be issued to enable a prisoner or prisoners to participate in a recreation program where that activity cannot conveniently or appropriately be conducted within the prison. All 'C' rated prisoners can apply for access to the physical fitness permit. The prisoner submits an application to the prison manager who makes a recommendation to the Review and Assessment Committee. The Review and Assessment Committee makes a recommendation to the prison manager, who then makes the final decision about whether to grant the permit.

- **Education CCP**

An education permit enables a prisoner to undertake an approved educational or vocational program where that program cannot be conveniently or appropriately conducted within the prison. All 'C' rated prisoners can apply for access to the education permit. The prisoner submits an application to the appropriate prison officer (usually the education officer) who submits a report and recommendation to the prison manager. The prison manager provides a report and recommendation to the Review and Assessment Committee. The Review and Assessment Committee makes a recommendation in response to the application. The prison manager makes the final decision.

¹ C1 – minimum security. A C1 rating is applied when a prisoner is assessed as being a minimal escape risk but who requires limited supervision. A C2 minimum security rating is applied to those prisoners who represent a very low escape risk and who can be trusted in open conditions without constant supervision.



- **Community Assistance CCP**

Community assistance permits enable prisoners to work on projects in connection with the operation of the prison or other work projects outside the prison and to perform voluntary work in the community for any purpose from which the community benefits. It also enables people to perform unpaid community work in default of payment of a fine.

All 'C' rated (minimum security) prisoners are eligible for community assistance permits. In relation to work permits the prisoner makes an application to the prison manager who makes a recommendation to the Review and Assessment Committee. The prison manager issues the permit but must only approve a permit on the recommendation of the Review and Assessment Committee.

In relation to voluntary work in the community, prisoners may apply for inclusion in the program through the R & A process but the more usual practice is that the prison manager identifies appropriate C rated prisoners to undertake the available work opportunities.

1.4.3. Family Ties

The Family Ties CCPP allows for permits to be granted for emergencies and funerals, to enable interprison visits and to maintain family ties with primary care givers. Whereas all prisoners are eligible to apply for permits in cases of emergencies (as defined) and for interprison visits to a member of his or her immediate family where that person is also in custody, only 'B' and 'C' rated prisoners are eligible to apply for permits as primary care givers.

In relation to primary caregivers, permits can be granted to prisoners who have been the primary caregiver of a child or children or sick or elderly relative prior to imprisonment, in order to maintain family ties. The duration and frequency of the permit varies according to the security classification of the prisoner.

A category 'B' prisoner may be eligible to access 8 hours every 6 months; category 'C1' prisoners may be eligible to access 8 hours every 6 weeks; and 'C2' prisoners may be eligible to access 24 hours per calendar month. The prisoner makes an application to his or her case manager who provides a report and makes a recommendation to the prison manager. The application is then referred to the Review and Assessment Committee for recommendation. The prison manager makes the final decision to grant the permit

1.4.4. Rehabilitation and Reintegration CCP

The Rehabilitation and Reintegration permit is aimed specifically at easing the prisoner back into the community prior to his or her release through activities that enable him or her to re-establish community ties, including seeking work and accommodation or other appropriate supports. This type of CCP is less accessible, being available only to those minimum security prisoners in the last twelve months of their sentence who have served at least three years in continuous custody.

In exceptional circumstances, minimum security prisoners serving a minimum of six years may be eligible for leave in the final third of their sentence but not exceeding three years. Prisoners submit an application to their caseworker. The caseworker submits a report and recommendation to the prison manager. The prison manager submits a report and recommendation to the Ministerial Community Advisory Committee for its recommendation. The matter is then referred to the Review and Assessment Committee for its recommendation. The prison manager is responsible for the final decision to grant the permit.

As at 16 May 2002, of the 2,930 sentenced prisoners in Victorian prisons, only 5.4 per cent were eligible to participate in the Rehabilitation and Reintegration CCP Program.²

² As at 16 May 2002, of the 2930 sentenced prisoners, only 158 minimum security prisoners had met the minimum continuous custody requirement to access a Rehabilitation and Reintegration CCP.



1.5. PROGRAM ACCOUNTABILITY

The responsibility to release prisoners on a CCP ultimately lies with the prison manager, the only exception being in Justice Administration cases, where the Correctional Services Commissioner decides on whether or not to approve the permit. Apart from where the decision to grant the permit is made by the prison manager alone, for example for medical purposes (and then on the basis of medical advice), the decision of the prison manager to grant leave is usually informed by a recommendation from one of the following two bodies. (In the absence of the prison manager, the officer-in-charge, who may be a Senior Prison Officer, could approve the permit.)

1.5.1. Review and Assessment Committee

The appropriateness of most CCP applications for rehabilitative purposes is considered by the Review and Assessment (R&A) Committee. The R&A Committee comprises prison staff who have regular contact with the prisoner and is chaired by an officer of Supervising Officer level or above. The R&A Committee considers reports from the prisoner's case manager containing evidence necessary to justify the application for the CCP made by the prisoner (eg. verification of the relationship with a seriously ill relative whom the prisoner seeks to visit), as well as relevant security, intelligence and escort arrangements if appropriate. The recommendations of the R&A Committee are not binding on the prison manager, though they are rarely disregarded.

In some instances, such as when a permit to access local community education resources is granted, it is subsequently issued routinely without reference to the R&A Committee once the appropriateness of the activity has been established.

1.5.2. Ministerial Community Advisory Committee

Applications for Rehabilitation and Reintegration CCP from "Special Category"³ and "High Profile"⁴ prisoners are forwarded to the Ministerial Community Advisory Committee for recommendation. This Committee, currently comprised of five members broadly representative of relevant community interests, considers all applications for CCP for these prisoners. Applications are then referred to the prisoner's Review and Assessment Committee for recommendation. The prison manager makes a final decision to grant the permit.

3 Special Category prisoners include prisoners serving a sentence of at least ten years in custody; prisoners convicted of the offence of murder; and prisoners sentenced to an indefinite term of imprisonment.

4 A prisoner may be designated a High Profile prisoner by the Sentence Management Unit as a result of notoriety because of the nature and extent of offending; prior security breaches; management concerns; and/or the Commissioner believes that any facet of the prisoner's movement through the system may cause the community a high degree of concern. The Commissioner maintains a list of "High Security" prisoners who must be escorted by SESG when absent from prison.



1.6. CCPPs GRANTED 1997–2001

In the five years between 1997 and 2001, 16,177 CCPs were granted to Victorian prisoners through the R & A process as shown in the following table.

Table 1 Type of R & A approved CCP granted to Victorian prisoners 1997–2001

Type of CCP	Female	Male	Total
Health CCP	169	776	945
Unpaid Community Work CCP	631	2,565	3,196
Family Ties CCP	1,135	1,166	2,301
Rehabilitation/Reintegration CCP	183	5,111	5,294
Physical Fitness CCP	587	3,312	3,899
Education CCP	59	483	542
Total CCP 1997–2001	2,764	13,413	16,177

During the five years from January 1997 to December 2001, 4,243 individual prisoners were granted permits through the R & A process to undertake a range of CCP activities. Of these 4,243 prisoners, 669 were females and 3,574 were males. These permits were issued to prisoners for the activities shown in Table 2 below. However, because a CCP permit can be issued to an individual prisoner for more than one type of activity over a period of time, the prisoner numbers shown in Table 2 by permit type exceed 4,243. For example, one individual prisoner may have had R & A approved CCP permits for several activities, such as unpaid community work, physical fitness and rehabilitation/reintegration, at different times during the course of his or her imprisonment.

Table 2 Number of prisoners granted R & A approved CCPs 1997–2001

Type of CCP	Female	Male	Total
Health CCP	51	459	510
Unpaid Community Work CCP	506	2,071	2,577
Family Ties CCP	319	806	1,125
Rehabilitation/Reintegration CCP	25	699	724
Physical Fitness CCP	493	2,470	2,963
Education CCP	19	233	252

As Table 2 shows, the majority of prisoners receiving CCP through the R&A process in the period 1997–2001 were granted permits either for community work or for physical fitness activities.

Not all CCP is granted through the R & A process. Medical permits are often authorised by the prison manager on the basis of medical advice; community work permits may also be issued by the prison manager directly without an application being made through the R & A process. Analysis of prisoner movements for the period 1997 to 2001 indicates that 20,682 Health CCPs and 135,358 Community Assistance CCPs were issued independently of the R & A process as shown in Table 3 below.



Table 3 Number of CCP Movements for Health and Community Assistance CCPs

Type of CCP	Number of CCP Movements		
	Female	Male	Total
Health CCP	3,826	16,853	20,682
Unpaid Community Work CCP	7,829	127,528	135,358

As explained above, an individual prisoner may be granted more than one permit and thus may also generate a substantial number of associated movements. Thus, 4,018 individual prisoners accounted for the 135,358 CCP Community Work movements identified above. This can be explained by the following example: a work gang of 20 prisoners undertaking community work for five days per week would generate 100 prisoner movements.

Table 4 Number of individual prisoners accounting for non-R & A Health and Community Assistance CCPs 1997–2001

Type of CCP	Number of Prisoners		
	Female	Male	Total
CCP Health (20,682 movements)	767	5,035	5,802
CCP Unpaid Community Work (135,358 movements)	441	3,577	4,018

Although there are occasionally escapes by prisoners while on the CCP program, these are very infrequent.

Table 5 Escapes of prisoners while on R & A approved CCP 1997–2001

Type of CCP	Female	Male	Total	Escapes
Health CCP	169	776	945	4
Unpaid Community Work CCP	631	2,565	3,196	2
Family Ties CCP	1,135	1,166	2,301	1 ⁵
Rehabilitation/Reintegration CCP	183	5,111	5,294	3 ⁶
Physical Fitness CCP	587	3,312	3,899	1
Education CCP	59	483	542	0
Total CCP 1997–2001	2,764	13,413	16,177	11

As indicated in Table 5 above, in the five years from 1997 to 2001, on only 11 occasions have prisoners escaped while on a CCP. All instances of escape were by male prisoners and in 8 instances the prisoner was under escort during the CCP. These 11 escapes represent considerably less than one percent (0.06 per cent) of all CCPs granted and only three of these escapes (0.01 per cent) were by prisoners on Rehabilitation and Reintegration CCPs.

5 Escaped from funeral parlour while attending mother's funeral on escorted CCP.

6 Data does not include escape by a prisoner from Loddon on 9 January 2002 while on an escorted R&R CCP. This prisoner committed several additional offences prior to being recaptured and is currently remanded to appear in court in May 2002.



1.7. IMPACT OF CCP ON RECIDIVISM

In the absence of comprehensive data on the outcomes from the CCP program, the Panel undertook a preliminary analysis of recidivism rates for discharged offenders who had participated in Rehabilitation and Reintegration CCPs. This showed that discharged offenders who had participated in R&R CCPs had a lower recidivism rate than the recidivism rate calculated for all prisoners discharged. This suggests that the program does assist in the successful transition of offenders back into the community, although it should be noted that the data do not allow for the effects of other correctional intervention programs that the prisoner may have also received during his or her sentence.

Table 6 Recidivism rate of all prisoners discharged compared to prisoners who had participated in the Rehabilitation and Reintegration CCP Program

Recidivism rate⁷ of prisoners discharged who had R&R CCPs	1997–98	1998–99	1999–00	2000–01
Recidivism rate, prisoners returning to prison ⁸	14.29	27.27	25.00	33.33
Recidivism rate, prisoners returning to corrective services	19.05	31.82	35.71	40.74

Recidivism rate of all prisoners discharged	1997–98	1998–99	1999–00	2000–01
Recidivism rate, prisoners returning to prison	25.51	31.28	33.71	34.09
Recidivism rate, prisoners returning to corrective services	35.31	39.31	42.95	44.25

The positive effects on recidivism suggested by the above analysis are also supported by research undertaken in Western Australia⁹ that examined the effects of work release and special leave on recidivism.

1.8. USE OF CCPP FOR FINE DEFAULTERS

CCPPs are also utilised to facilitate a program of community work for fine defaulters under the provisions of the *Corrections Act 1986* Division 3, Sections 57(1)(c). The Fine Defaulter program has been in operation since March 1998 and is administered by the Sentence Management Unit (SMU) of the Office of the Correctional Services Commissioner (OCSC).

Penalty enforcement warrants are generated from the Perin Court (usually for outstanding parking fines, speeding fines and similar offences). The Sheriff arrests a person on a Perin warrant for outstanding fines and takes them to a police station. At the police station the person is asked a number of questions by the Sheriff including his or her ability and willingness to participate in a community work program. This information is facsimiled to the Assistant Manager Fine Default, Sheriff, located at the Melbourne Assessment Prison where the permits are processed.

For fine defaulters to be eligible for a CCP they must have a confirmed address, not have any outstanding charges, be unlikely to raise undue community concern if placed on the program, not have a history of serious problem behaviour or breaches while subject to a Community Corrections Order or Fine Default scheme, no outstanding warrants due to parole or community order breaches, no history of serious assault or sexual offence convictions and agree to the conditions contained within the Custodial Community Permit. This information is checked by the staff of the Fine Default program at the Melbourne Assessment Prison.

7 Rate derived from the number of individuals who have returned to prison with a new prison sanction within two years of their release.

8 Recidivism is defined here as the proportion of sentenced prisoners, *not subject to further supervision or contact with corrective services*, who return to corrections within two years of discharge from prison. Prisoners discharged from remand only episodes or prisoners discharged onto parole are excluded from the figures. The 2000–01 recidivism rate is based on prisoners discharged during 1998–99, thus allowing two full years following discharge for a prisoner to return.

9 Broadhurst, R G (1993) *Evaluating Imprisonment and Penal Policy in Western Australia: an Analysis of Return to Prison*, Volume 1, pp112–114, unpublished Doctoral Thesis.



Following confirmation of an offender's eligibility for the program, the CCP is facsimiled back to the police station for signature by the prisoner. Once the form has been signed it is sent back to the Assistant Manager at the Melbourne Assessment Prison. A copy of the CCP is also sent to the Community Corrections Centre where the prisoner is to undertake community work. The permit holder is then released from the police station, at which time they attend the community corrections location for placement at a community work site.

For a fine of \$100 a person would be required to either spend one day in prison or participate in two hours community work. If a person is considered unsuitable for community work the matter is referred to the Magistrates Court.

1.9. TEMPORARY ABSENCE PROGRAMS IN OTHER AUSTRALIAN JURISDICTIONS

All other Australian States operate temporary leave of absence programs that are very similar to Victoria's CCP program. A more comprehensive description of these programs is contained in Appendix II to this report.

Under these programs, prisoners may be eligible for temporary leave for health, administration of justice, compassionate reasons, education and training, employment and home leave. Physical fitness and recreation leave (similar to that available to Victorian prisoners) is available in New South Wales, Western Australia, Northern Territory, South Australia and Queensland.

Generally all prisoners in other Australian jurisdictions have access to health, administration of justice and compassionate leave, although in the Northern Territory prisoners are only eligible for compassionate leave if they are a minimum security rating.

A key feature of all temporary leave programs is their use to assist prisoners to reintegrate into the community through education and training, employment and home release programs. Generally, minimum security prisoners are eligible for these programs depending upon the period of time they have spent in custody.

1.10. LEAVE OF ABSENCE PROGRAMS IN OTHER COUNTRIES

Many other countries also operate temporary leave programs. The purpose of such programs is generally for medical or humanitarian reasons, or for the purpose of community services, maintaining family contact or accessing rehabilitative programs. In Holland, for example, the program has been operating since 1961 and has considerably more generous provisions than the Victorian Program. The Correctional Service of Canada¹⁰ also operates a Temporary Absence (TA) program for prisoners. Several studies have examined the rate of success of participation in this program and, in general, offenders who have participated in TAs had a higher likelihood of success following release than other groups¹¹. Similar programs also operate in New Zealand and England.

As in Victoria, the level of escapes by prisoners on these programs is extremely low.

Further details of these programs can be found at Appendix II.

10 Canada's federal correctional system is administered by the Correctional Service of Canada.

11 Johnson, S.L. & Grant, B.A. 1999, *Using Temporary Absence in the Gradual Reintegration Process*, Research Branch, Correctional Service of Canada, viewed 1 May 2002 http://www.csc_scc.gc.ca.



Chapter 2: Trends in Correctional Policy and Practice

During the course of its investigations, the Ministerial Review into the Custodial Community Permit Program Panel (the Panel) examined emerging trends in correctional practice in Australia and in other countries to better inform its deliberations. It is clear from the literature that one of the major factors impacting on correctional policy over the past decade in Australia and internationally has been the significant growth in prison populations. This has occurred even though, with the exception of theft and burglary, crime rates have remained relatively constant¹².

The fact that general incarceration rates are now outstripping adult population growth appears to be linked to several inter-related factors, including “truth-in-sentencing”, the abolition of early-release programs, the impact of drug-related crime and “tough on crime” policies pursued by industrialised nations across the world.

2.1. GROWTH IN PRISONER NUMBERS

According to the Australian Bureau of Statistics¹³ the number of people in prison in Australia has increased by 50 per cent over the decade to 30 June 2001. During the same period the adult imprisonment rate increased by over 28 per cent (from 117 to 151 prisoners per 100,000 adult population) and the proportion of prisoners who were Aboriginal and Torres Strait Islander rose from 14 per cent in 1991 to 20 per cent in 2001. Although just 15 per cent of the total Australian adult population were males aged between 20 and 35 years, this group accounted for over half (56 per cent) of all prisoners.

Although the factors that have led to a rise in crime are complex, they doubtless include such issues as the collapse of employment opportunities, especially for unskilled men, an explosion in drug abuse, substantial increase in the availability of higher value consumer goods and widespread changes in social attitudes¹⁴. Indeed there is an emerging consensus that a substantial proportion of the increases in robbery and street crime is linked to illicit drug use.

In response to widespread community perceptions regarding increases in crime, mandatory minimum sentencing policies have been introduced in many Australian States in the belief that length of time in prison acts as a deterrent to future recidivism¹⁵. At the same time mandatory minima sentencing guidelines, restrictions on remissions and other reforms have had the combined effect of limiting parole board discretion and reducing the number of prisoners eligible for parole.

These and other factors have combined to cause severe and persistent crowding in prisons. One consequence of this overcrowding has been the necessity for governments to substantially increase public spending on corrections, both in maintaining the increased number of prisoners as well as in constructing additional prison capacity¹⁶. At the same time correctional policy has begun to place greater emphasis on strategies and programs that reduce the likelihood of a prisoner’s subsequent incarceration as well as on alternatives to imprisonment, including community-based supervision using electronic surveillance devices.

12 In Victoria, over 80% of all crimes reported to police are property crimes. These include motor vehicle theft, breaking and entering, and vandalism. Crimes against the person account for only 7% of crimes and include homicide, assault, sexual assault, and robbery. Property crime increased by 10% from 325,736 offences in 1995/96 to 357,381 in 1999/00.

13 Australian Bureau of Statistics 2001, *Prisoners in Australia June Quarter* (Cat No. 4517.0)

14 *Criminal Justice: The Way Ahead*, Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, February 2001, viewed 1 May 2002, <http://www.hmprisonservice.gov.uk>.

15 Several studies using meta-analysis to determine whether prison reduced criminal behaviour or recidivism have concluded that prisons should not be used with the expectation of reducing criminal behaviour; that prison actually produces slight increases in recidivism and excessive use of incarceration has enormous cost implications. See Gendreau and Goggin, *The Effects of Prison Sentences on Recidivism*, Solicitor General Canada, User Report 1999-3; McGuire, J. (Ed) 1995 *What Works: Reducing Offending, Guidelines from Research and Practice*, John Wiley & Sons, United Kingdom; Tonry & Petersilia (Eds) 1999 *Prisons, Volume 26*, University of Chicago Press.

16 Australian Institute of Criminology estimates of the economic costs of crime in Victoria are at least \$4 billion. In addition, the cost of administering police, the courts and the correctional system is estimated at \$1.5 billion, making an overall annual cost of at least \$5.5 billion, approximately \$3,150 per annum for each Victorian household.



2.2. REDUCING REOFFENDING – GUIDELINES FROM THE RESEARCH

Since the mid-1980s there have been a number of studies undertaken using the statistical tool of meta-analysis¹⁷ to investigate the effects of various interventions on recidivism. Taking all these meta-analyses together it can be demonstrated that “treatment programs” are effective in reducing recidivism. James McGuire¹⁸ suggests that the net effect of such treatments is, on average, a reduction of recidivism rates of between 10 per cent and 12 per cent.

Although the cumulative findings from these complex analyses do not suggest that there is any one single approach that will consistently result in reduced recidivism, they do suggest that there are a number of design principles which underpin more effective programs:

- *Risk assessment and allocation.* More effective programs have a match between offender risk level (such as prior history of offending) and the degree of service intervention. Accordingly, higher risk individuals should receive more intensive services.
- *Focus on dynamic risk factors.* More effective programs are based on an assessment that distinguishes between factors that contribute directly to offending behaviour (such as drug dependency and poor cognitive skills), and those with a less direct relationship (such as depression and low self-esteem). If the purpose of the program is to reduce reoffending, there should be a focus within it on the “criminogenic needs” as goals of the program.

The research also suggests that because both prisoners and staff have a wide range of learning styles, more effective programs have a systematic matching of learning styles. In general, most offenders have learning styles that require active, participatory ways of working so that more effective programs have a structured, directive approach.

Various studies have also attempted to quantify the economic costs and benefits of correctional intervention programs. One recent study¹⁹ that examined seven programs focused on burglary, child molestation and substance abuse, as well as criminality generally found benefit-cost ratios ranging from 1.13:1 to 7.14:1. Similarly an Australian study²⁰ of prison-based sex offender treatment estimated that if a 14 per cent point reduction in recidivism is achieved following an in-prison treatment program, this could result in an economic gain of up to \$39,870 per prisoner or \$3.98 million for 100 treated prisoners.

Although these meta-analyses provide some encouraging evidence about the possibility of reducing offending, considerable research remains to be done. As James McGuire has indicated,²¹ evidence-based research is critical to the development of effective government services in a range of areas, including the criminal justice system and, since there is a strong body of evidence that sentencing, of itself, “doesn’t bring about changes in a prisoner’s behaviour” governments ignore research and evaluation “at their peril”.

17 Meta-analysis involves the aggregation and side-by-side analysis of large numbers of experimental studies. It enables the recalculation of the data from different experiments by expressing the changes from pre-test to post-test in ‘standard deviation units’, which are independent of the precise outcome measure used, and which cumulatively provide a new variable called ‘effect size’.

18 McGuire, J. (Ed) (1995) *What Works: Reducing Offending, Guidelines from Research and Practice*, John Wiley & Sons, United Kingdom, pp 3–25.

19 Welsh, B C. and Farrington, D.P. 2000, “Correctional Intervention Programs and Cost-Benefit Analysis” in *Criminal Justice and Behaviour*, 27 (1), 115–133.

20 Donato, R and Shanahan, M. 1999 *The Economics of Implementing Intensive In-Prison Sex-offender Treatment Programs*, Trends and Issues in Criminal Justice, No. 134, Australian Institute of Criminology, viewed 1 May 2002 <http://www.aic.gov.au>.

21 James McGuire, Department of Clinical Psychology, University of Liverpool, Presentation to the OCSC, 30 April, 2002.



2.3. PRISON SERVICES IN VICTORIA

Historically, the government owned and operated all prisons in Victoria. Amendments to the *Corrections Act* in 1995 established the legislative framework for private sector involvement in providing correctional services.

There are currently 13 prisons in Victoria. Together these prisons provide a total design capacity of 2,875 places, but they currently accommodate over 3,500 prisoners, including persons remanded in custody.

Approximately 60 per cent of prisoners are held in the eleven prisons managed by the public provider, CORE – the Public Correctional Enterprise. The remaining 40 per cent of prisoners are held in Fulham Correctional Centre, managed by Australasian Correctional Management (ACM), and Port Phillip Prison, managed by Group 4 Correction Services.

In common with other States and relevant international jurisdictions, Victoria has experienced significant growth in prisoner numbers in recent years. Over the last five years the prison population has grown by 39 per cent or over 950 prisoners, and reached a record level of 3,550 prisoners in May 2002.

This growth is due to three main factors:

- an increasing number of offenders being sentenced to prison (increasing receptions);
- increasing sentence lengths for serious offences (compounding growth); and
- the impact of the drug problem, which has increased the rate of receptions, particularly for prisoners serving short sentences, and contributed to a wide range, and seriousness, of offences. It is estimated that 70–85 per cent of prisoners have drug problems.

The majority of prisoners received into the Victorian prison system are characterised by complex personal needs and problems as well as by repeat offending. Currently over 64 per cent of male prisoners and almost 61 per cent of female prisoners have previously been in prison²².

International research suggests there is a strong but complex link between crime and drug use. Illicit drugs have a pervasive influence on prisoners' behaviour and the nature of their offences and are believed to be a significant factor in the increase in the incidence of repeat offending.

Additional information about Victoria's prison system is contained in Appendix III.

2.4. CORRECTIONAL POLICY IN VICTORIA

The Victorian Government has developed an overarching "*Reducing Offending Strategy*" that recognises:

- the immediate cost impact of high custodial rates;
- the broader cost and impact of crime on victims, the community and offenders;
- the urgent need and opportunity to try new approaches in response to new problems; and
- that while custody removes offenders from the community for a period, imprisonment alone will not reduce the likelihood of reoffending and may in fact increase the risk of reoffending.

This whole-of-government response encompasses all stages of the criminal justice continuum, beginning with prevention and early intervention strategies that seek to stop the development of future criminal behaviour at one end and progressing to initiatives to improve the community reintegration of prisoners at the end of their sentences at the other.

It is now recognised that much of the growth in imprisonment is linked to lower level, repeat offenders with entrenched, underlying problems, especially drugs, for which alternatives to custody can often provide more effective and cost-effective responses. Accordingly, a wider range of diversion, treatment and rehabilitation options, supported by strengthened Community Correctional Services, are being developed to better meet the needs of these offenders.

For offenders whose crime warrants a custodial sentence, a focus on rehabilitation is vital for two reasons. First, in order to meet the public's desire for protection in the longer term and secondly, to help prisoners to break out of the endless cycle of reoffending in which they seem trapped. As there is now clear evidence

²² Sentenced prisoners as at 28/02/2001.



that targeted and theoretically based programs can reduce recidivism and in a cost effective way, the correctional system is placing a greater focus on pre-release and post-release services that meet the basic needs of prisoners and assist them to make connection back into the community.

2.4.1. Prisoner Management

Individual Management Plans were introduced into Victorian prisons, in conjunction with the principles of unit management, in the early 1990s. These have been established and used with varying degrees of success, depending on the extent of staff training and understanding of their purpose at the time of implementation.

The premise that all prisoners are not the same and do not make the same demands on prison resources and programs is accepted intuitively, but it is not broadly applied in practice across the corrections system. The Office of the Correctional Services Commissioner (OCSC) is now developing an *Offender Management Strategy* that will enable a more targeted analysis of the different support requirements of individual prisoners.

The model is based on an assessment of the criminogenic needs of prisoners shortly after reception. This assessment recognises the importance of distinguishing between factors that contribute directly to offending behaviour (such as drug dependency and poor cognitive skills), and those with a less direct relationship (such as depression and low self-esteem).

The development of these new assessment tools means that each prisoner should have an individualised plan that is based on his or her assessed needs and that is subject to regular progress reviews and amendment as required. It follows that participation in particular activities, including the Custodial Community Permit Program (CCPP) must reflect the prisoner's special needs and characteristics as outlined in his/her Individual Management Plan.

2.4.2. Transitional Support

There is strong evidence that transitional programs²³ are successful in easing the return of prisoners to the community. The most successful programs are those that address the needs identified by prisoners themselves. Research²⁴ shows a remarkable consistency in these needs. They include practical support²⁵, in particular, assistance with housing, employment and income support; emotional support, including assistance with interpersonal problems, loneliness and family reunification; and health support, including assistance with substance abuse and mental illness.

Importantly there is encouraging evidence from other jurisdictions that transitional support programs assist in delaying or preventing further offending when provided as part of an integrated systematic response.

However, as Ward²⁶ notes, developments were occurring in a policy vacuum and her Report cogently argued for the development of a formal service delivery framework that would link the now disparate service initiatives into a cohesive whole and increase the potential to achieve desired synergies. It is further argued that the proposed model must recognise the role that temporary absence and graduated release programs play in facilitating the transition from custody to community.

The Victorian Government has since allocated additional funding to provide transitional support services as part of a suite of program initiatives aimed at reducing offending. Pre- and post-release support services

23 Ward, L. 2001 *Transition from Custody to Community: Transitional Support for People Leaving Prison*, Report prepared for the Office of the Correctional Services Commissioner, Victoria.

In this report, the phrase *transitional support* is used to incorporate interventions designed to facilitate a prisoner's successful return from custody to community. Note that this does not include parole, training/vocational or drug treatment services provided in custody, nor offence-specific interventions designed to reduce offending behaviour. While it is acknowledged that all prison interventions that aim to reduce the likelihood of re-offending may fulfil the technical definition of transitional support programs, analysis of the total rehabilitative endeavour is beyond the scope of Ward's paper.

24 Haines, K. 1990, *After Care Services for Released Prisoners: A Review of the Literature*. Cambridge, University of Cambridge.

25 NACRO, 1998, *Going Straight Home: A Paper on Homelessness and Offenders*. London, National Association for the Care and Resettlement of Offenders.

26 Ibid p.34.



currently being implemented include targeted housing services provided in conjunction with the Office of Housing, a pilot employment assistance program, a standardised pre-release program and a 'leaving prison' kit. In addition, the Bridging the Gap program provides intensive post-release support for high risk and high need offenders with drug or alcohol issues. In future, the Community Transition Units currently being developed will provide an intensive release preparation program (see section 2.4.3). At the same time, proposed policy initiatives such as home detention raise at least the theoretical possibility that electronic monitoring be applied at the back end of the system as an alternative form of supervised early release.

This Ministerial Review acknowledges the importance of temporary absence programs in facilitating access by prisoners to a range of transitional support services. It supports the broad thrust of the recommendations as outlined in the report *Transition from Custody to Community: Transitional Support for People Leaving Prison*.

As the Kirby Report²⁷ found, one of the striking features of the correctional services system in Victoria, in contrast with other systems, is the relative paucity of research and evaluation in the area of criminal justice and particularly of correctional programs. This Review supports the approach taken by other correctional systems, such as those in Canada and England, in establishing mechanisms to ensure that programs aimed at reducing the likelihood of reoffending fully reflect international research in the area and that they are indeed effective. To this end the United Kingdom has established a Joint Prison/Probation Service Accreditation Panel to promote the quality and effectiveness of correctional programs. Given that many of the programs for prisoners in Victorian prisons are delivered by contracted external agencies, the Review believes that the Correctional Services Commissioner should consider the establishment of a similar mechanism to foster quality improvement in these programs and facilitate evaluation of their relative effectiveness.

2.4.3. Community Transition Units

The aim of the Community Transition Unit (CTU) program, currently under development by the OCSC, is to establish three innovative and effective 20 bed community-based correctional centres for low-risk prisoners, two for males and one for females, to ease their transition from prison to community. The program will achieve this by developing community links and providing programs that aim to reduce participants' recidivism and improve post-release health and safety outcomes. CTUs are supervised residential facilities used as placement options at the end of an offender's sentence.

Residential transition services units or pre-release centres, similar to the proposed Victorian CTUs, have operated in other Australian jurisdictions since the early 1980's, and internationally since the early 1970's. In Victoria, however, it is intended that CTUs will be gazetted as prisons.

It is proposed that to be eligible for entry into the CTU program, prisoners must have a minimum of three months left to serve of their sentence; have a C2 rating (minimum security); and have had an individual risk/needs assessment completed. All CTU participants will be expected to work (either by way of seeking paid employment, being in paid employment, attending community work projects, participating in programs, or working within the unit).

2.5. INTERNATIONAL TRENDS

2.5.1. Canada

Historically, Canada's criminal justice system viewed incarceration, for the most part, as the appropriate response to crime. More recently the focus of Canadian correctional policy²⁸ has moved to an alternative, restorative justice approach, following a recent review of 50 studies involving over 300,000 offenders that concluded that incarceration had contributed little to the long-term protection of society.

A key component of the *Correctional Strategy* for the Correctional Service of Canada (CSC) is a structured offender intake assessment process, using research-based tools to assess risks and needs. This process results

27 *Report of the Independent Investigation into the Management and Operations of Victoria's Private Prisons*, October 2000, page 103.

28 *Canada – National Report on Contemporary Issues in Corrections*, Paper presented at the 20th Asian and Pacific Conference of Correctional Administrators, Sydney, November 2000.



in a comprehensive assessment of individual offender risk to public safety, as well as a multi-disciplinary case plan for treatment and intervention throughout the sentence.

A second key component is the development of a broad range of research-based institutional and community-based programs designed to meet the needs of offenders and to enhance treatment effectiveness. An international program of program accreditation, developed in collaboration with the United Kingdom and Scottish Prison Services, underpinned by ongoing research and evaluation, provides information on effective approaches.

A third key component is a comprehensive research-based assessment of each offender's potential for community reintegration. Assessment tools have been validated with CSC's offender population and continue to provide valuable support to the process.

The fourth component is community reintegration. Risk and reintegration management in the community involves services that provide continuity of the individual's correctional plan developed in the institution. CSC is involved with non-profit, voluntary agencies through contractual arrangements for the provision of services to released offenders.

The Correctional Service of Canada reports that the rate of reoffending for federal offenders is now the lowest ever recorded. Research into the Day Parole program showed that 93.9 per cent of participating prisoners did not reoffend, including 99.3 per cent without a new violent offence. Comparisons of recidivism show that, within two years of discharge, offenders convicted of new offences accounted for 30 per cent of cases in Canada, 35 per cent of cases in Australia and 32 per cent of cases in England/Wales.

2.5.2. New Zealand

Over the last decade of the twentieth century the total prison population in New Zealand increased by 45 per cent (June 1990–June 2000) and forecasts²⁹ suggest that the offender population will continue to grow, with greatest increases for Pacific Peoples, followed by Maori, then European.

In late 1999 a national referendum held on the justice system received a 91 per cent "Yes" vote to the following question:

Should there be a reform of the justice system placing greater emphasis on the needs of victims, providing restitution and compensation for them and imposing minimum sentences and hard labour for all serious violent offences?

Subsequently the New Zealand Government embarked on a major program of reform including a comprehensive review of sentencing and parole provisions and the development of a new Corrections Act.

One of the strategic goals of this new program is the implementation of *Integrated Offender Management*, a major initiative designed to ensure that programs and interventions are targeted at those at higher risk of re-offending and at factors that are related to offending behaviour. A key component of this strategy is the development of a Criminogenic Needs Inventory (CNI), a structured interview process that provides a systematic identification of the factors directly related to an offender's offending patterns. As a partial response to addressing the over-representation of Maori in the criminal justice system, a Maori-specific component has been included in the CNI.

A further component of *Integrated Offender Management* is the design of a new framework for the management of services to support offenders in their transition back into the community.

The New Zealand Government established a CTU-like *habilitation centre* pilot program in 1995. The pilot program, covering nine centres and 79 residents, was evaluated 30 months after establishment. The evaluation found that most residents stated clearly that the program was assisting them to re-integrate into the community after a term of imprisonment. The average reduction in recidivism was 14 per cent for all participants, and 20 per cent for participants who spent three months or more at a centre³⁰.

29 *New Zealand – National Report on Contemporary Issues in Corrections*, Paper presented at the 20th Asian and Pacific Conference of Correctional Administrators, Sydney, November 2000.

30 Yeboah, D. 2000 'The Evaluation of New Zealand's Habilitation Centre's Pilot Programme', *Journal of Criminal Justice*, Vol 28.



2.5.3. United Kingdom

In the past decade, the policy framework underpinning UK correctional services has been developed and refined. As a result, the provision of offender resettlement and after care services has been legitimised as the core business of correctional authorities, along with sentence management and the delivery of custodial rehabilitation programs. This gives it unprecedented status in the history of UK correctional services.

A key focus of activity has been the integration of custodial and community based parole functions to achieve better continuity of service. The location of parole officers within prisons has been central to these efforts.

The UK correctional framework emphasises transitional support services that address housing, employment and social isolation. Identification of appropriate support services generally relies on prisoner self-referral and/or needs-based assessment by the allocated case manager.

2.5.4. Other Australian Jurisdictions

In the past decade, most Australian jurisdictions have invested in residential programs that provide community-based supervision of sentenced prisoners in the pre-parole phase. These range from larger scale, state run pre-release centres that are considered part of the prison stock, through to community-based work release hostels and small community-based houses run by charitable organisations.

The Parramatta Transition Centre for Women in NSW opened in 1996. The evaluation of the centre, released in May 2001, shows that of the 79 women who have participated in the program since its opening and been released, only one returned to custody. This represents a 1.4 per cent recidivism rate. This compares favourably with an overall re-offending rate of 39.5 per cent for prisoners in NSW returning to prison.³¹

Similarly, several jurisdictions have developed some form of intensive community-based supervision that provides accelerated movement of prisoners back into the community, often with electronic monitoring and/or restrictive release conditions.

³¹ The figures for 1997–98 are for all prisoners only. The equivalent figures for Victoria are: return to prison: 33.7 per cent, return to corrective services: 42.9 per cent.



Chapter 3: Review Findings – Policy, Legislative or Operational Change

This chapter addresses the first of the terms of reference for the Review regarding the Ministerial Review into the Custodial Community Permit Program Panel's (the Panel) view on policy, legislative or operational changes to the Custodial Community Permit Program (CCPP) likely to promote the safe rehabilitation and reintegration of prisoners.

3.1. OVERALL STRUCTURE OF THE CURRENT CCPP

A comprehensive description of the functions and activities of the CCPP is provided in Chapter 1 of this Report. The Panel formed the view that the program, which has been in operation under this title since 1989, is not a cohesive program as such, but can be better described as a collection of separate activities that share a common program title. It concluded that although parts of the program applied to a range of activities deemed necessary for the effective management of long-term prisoners in the period leading up to their release into the community, other aspects of the program related to quite different objectives of the correctional system. This view was also reflected in submissions from and discussions with prisoners:

I do not know why such absences from prison (health, funeral, administration of justice) are considered CCP's. They do not comply with the spirit of the CCPP and they are not considered by prisoners to be leave³².

This Review has provided a timely opportunity to assess the appropriateness and effectiveness of these activities in relation to the new policy objectives of the Victorian Government. As a consequence the Panel has concluded that the activities presently provided under the current program can be more effectively organised to take account of the purpose of particular activities.

It proposes that those administrative and other activities that apply to all prisoners and that relate to the Government's objective of treating offenders in a just and humane manner should be separated into a discrete permit program to be known as the Corrections Administration Permit. It further proposes that those activities that facilitate the rehabilitation and reintegration of prisoners as well as their transition back into the community after release should form part of a structured and integrated program linked to the identified needs of individual prisoners. This program should be known as the Rehabilitation and Transition Permit Program. Although these changes will require legislative amendment in due course, the Panel believes it is possible for the new focus of the permit program to be implemented under the existing legislation and current title (CCPP) by separating program activities into two groups and amending the program guidelines.

3.2. CORRECTIONS ADMINISTRATION PERMIT

As described in Chapter 1, there are a range of special circumstances which require that a prisoner (irrespective of their classification) be removed from prison on a temporary basis. These include:

- the administration of justice;
- health requirements;
- attendance at funerals or a visit to a family member in case of serious illness; and
- interprison visits to a member of the prisoner's immediate family where that person is also in custody.

Each of the special circumstances outlined above requires a response from corrections authorities which can best be described as "normal business" in the management of prisoners in a just and humane manner. Given that the prisoners engaged on these activities at all times remain in custody, the Panel is of the view that normal management processes should facilitate these prisoner movements and that the necessary guidelines could be accommodated under Commissioner's Instructions and subsequently reflected in prison provider Operating Manuals. In these circumstances, the inclusion of such activities in a permit program designed to promote the rehabilitation and reintegration of offenders does not appear to be appropriate.

32 Submission to the Review Panel from a prisoner at Barwon Prison.



To meet the requirements of the *Corrections Act 1986*, a legal authority is required to permit a prisoner to be absent from a prison. For example, a “C2” (minimum security) classified prisoner making an unescorted visit to a medical specialist would be still deemed to be “in custody” under the conditions of a permit issued for that purpose.

The Panel believes that a separate Corrections Administration Permit program should be created to allow a prisoner to move outside a prison to accommodate those administrative activities or circumstances of pressing necessity which are not directly associated with rehabilitation and/or reintegration. Responsibility for approving these Corrections Administration Permits should lie with the Prison Manager with the exception of permits for prisoners classified as “Special Category” or “High Profile” which would require the authority of the Correctional Services Commissioner.

The only exception to this requirement should be in cases of sudden illness or emergency, such as a serious illness of a person with whom the prisoner has had a long-standing close personal relationship. In such cases Prison Managers should, if the circumstances are justifiable, issue a Corrections Administration Permit on the basis of pressing necessity and following telephone approval by the Sentence Management Unit (SMU).

Recommendation

The Review Panel recommends:

- that the *Corrections Act 1986* be amended and the existing permit sub-program titles of Administration of Justice; Health Requirements; Emergency – Funeral or Serious Illness; and Maintenance of Family Ties– Interprison Visits be discontinued and the activities of these sub-programs be accommodated under the new title of *Corrections Administration Permits*, to operate under new Commissioner's Instructions.
- that prison managers have delegated responsibility for issuing Corrections Administration Permits except in the case of permits for prisoners classified as “Special Category” or “High Profile” which would require the authority of the Correctional Services Commissioner.

3.3. REHABILITATION AND TRANSITION PERMIT PROGRAM

Although punishment of the wrongdoer is, perforce, a primary reason for incarceration, along with, in appropriate cases, protection of the community, save for the exceptional, rare case where protection of the community is the paramount purpose of incarceration, all reasonable steps need to be taken to enhance a prisoner's prospect of rehabilitation and reformation. To put it another way, a prison system which, by its operation, increases, rather than diminishes, the rate of recidivism, is a failed system³³.

Apart from the management of sentenced prisoners, a major commitment of corrections authorities is to rehabilitate prisoners and to provide programs to effectively reintegrate them on release back into the community. Several submissions to the Panel stressed the importance of providing opportunities for both short and long term prisoners “to develop the skills, networks and confidence necessary to be able to live in the community without reoffending”³⁴

The principal purpose of rehabilitation and reintegration is to prevent re-offending, thus reducing the numbers of those in the community who become victims of crime and consequentially reducing the costs of maintaining a prisoner in a prison environment.

Research has identified that the most effective transitional support programs are those that offer practical support, including assistance with housing, employment and income support; together with health support, including assistance with substance abuse and mental illness issues.

33 Submission to the Review Panel from the Honourable Chief Judge Glen Waldron.

34 Submission to the Review Panel from The Police Association.



As outlined in Chapter 2, there is now strong evidence that such transitional programs³⁵ are successful in easing a prisoner's return to the community and that these programs do assist in delaying or preventing further offending when provided as part of an integrated and systematic response. The research also suggests that such programs are cost-effective when considered against the more than \$50,000 annual cost of maintaining a prisoner in prison. This view was supported by several submissions to the Panel, including:

It is our belief that the goals of the program are founded on the international confirmed knowledge and experience that effective resettlement into the community is primarily dependent on the offender's continued relationship with family or significant others and on the offender's capacity to engage in further training or employment upon release³⁶.

There are, of course, those prisoners who, because of the nature of their crime and the likelihood of their re-offending, should be maintained in a strict security environment until the conclusion of their sentence.

For many other prisoners, however, isolation, lack of personal support and inadequate financial resources often lead them to the decision to re-offend with the objective of being returned to the secure environment to which they have become accustomed. Many long-serving prisoners become "institutionalised" and unable to cope with the demands of living in the community without access to a structured program that assists them to make the transition from a regulated corrections environment back into the community. The problems encountered by some long term prisoners have been graphically described in the previous report into the leave of absence program by The Honourable Mr Justice Murray:

"I got my first leave after 13 years – 13 years of not trusting people... of not speaking to a woman or a child. I felt like Rip Van Winkle. I soon discovered that whatever I did was wrong or inappropriate..."

"There is no reality beyond prison ... you keep your mind inside, and keep your sanity. Life outside is just an abstraction..."

Corrections authorities have therefore developed a number of programs which allow for the gradual transition of a prisoner back into positive community life following their release. These programs are generally aimed at reducing the sense of alienation from the community, being able to cope with the many technological, cultural and physical changes which have occurred during the term of imprisonment, changing unhealthy lifestyles and maintaining family and community ties. Currently, Victorian prisoners with a minimum security classification may be able to participate in some community-based activities that support reintegration through the CCPP.

3.3.1. A Program of Rehabilitation/Reintegration Activities

The current sub-programs which operate under the CCPP, described more fully in Chapter 1, and that are, in the Panel's view, clearly related to the process of rehabilitation and reintegration are:

- Rehabilitation/Reintegration;
- Physical Fitness;
- Education;
- Family Ties (Primary Caregiver); and
- Community Assistance/Community Work.

35 Ward, L. 2001 op cit.

In this report, the phrase *transitional support* is used to incorporate interventions designed to facilitate a prisoner's successful return from custody to community. Note that this does not include parole, training/vocational or drug treatment services provided in custody, nor offence-specific interventions designed to reduce offending behaviour. While it is acknowledged that all prison interventions that aim to reduce the likelihood of re-offending may fulfil the technical definition of transitional support programs, analysis of the total rehabilitative endeavour is beyond the scope of Ward's paper.

36 Submission to the Review Panel from Father Peter Norden, Jesuit Social Services.



The Panel considers that although each of these activities has a valid place in the Program, it is necessary to rationalise the conditions under which such permits may be granted to ensure greater clarity of the guidelines applying to the Program, its overall credibility and consistency in its application. The guidelines must be “user friendly”, providing a clear understanding of the purpose and expected outcome of each permit application and its link to the identified rehabilitation needs of eligible individual prisoners.

As a matter of principle, the Panel believes that no program of activity for rehabilitation and/or reintegration purposes should be undertaken without such activity having been approved as part of a structured package, with definite timelines and outcomes having been agreed and approved in advance. The activities should be consistent with the specific needs of the prisoner as identified in his or her individual management plan and the rationale for their inclusion and the expected outcomes clearly described. Equally importantly, the prisoner’s progress against these plans should be regularly monitored. This approach, as recommended by the Panel, appears consistent with the focus of the *Offender Management Strategy* currently being developed by the Office of the Correctional Services Commissioner (OCSC), which includes an assessment of all offenders for their level of need, the referral of high need offenders to intensive programs and the engagement of all offenders in meaningful tasks on an individualised basis, together with ongoing monitoring and review of progress.

3.3.2. Rehabilitation and Transition through Physical Fitness

Prison managers have emphasised to the Panel the considerable value of allowing prisoners to participate in physical fitness activities outside the prison environment.

The Panel was informed that these activities have a number of benefits, including:

- interaction with the local community through sporting events requiring them to practice restraint, sportsmanship and other pro-social behaviours;
- exposure to a normal lifestyle outside prison including the responsibility to make sound decisions;
- re-enforcing to prisoners that they are part of the community, not excluded from it;
- the encouragement to pursue a healthy lifestyle and break long standing unhealthy habits and addictions;
- the development of more positive and professional relationships between prisoners and staff which aids in the overall management of the prisoners; and
- access to sporting facilities not available within the prison.

The Panel is concerned that in the past permits which formerly fell under the title of “Physical Fitness” have been issued in an ad hoc manner and have not been part of a structured program with clearly established goals and objectives. While the Panel recognises the value of using fitness programs to break the cycle of unhealthy lifestyles and to provide the opportunity for positive interaction with local communities, ad hoc application of these permits have a high risk of undermining community confidence in the integrity of the Program. Therefore, the Panel has included physical fitness as one of a suite of rehabilitation and transition activities to ensure that all such activities are planned in a structured manner with clearly stated and agreed outcomes linked to a prisoner’s individual management plan. Eligibility to apply for physical fitness activities would continue to be restricted to minimum security prisoners for whom such activities were clearly related to the individual’s reintegration needs, with continued participation being subject to ongoing monitoring to ensure that the prisoner achieved the identified outcomes.

3.3.3. Education

The Panel was informed that education provides one of the most effective vehicles for the rehabilitation/reintegration of prisoners. Not only does education offer a real opportunity to bring about positive change in an offender’s behaviour with an increased likelihood of withdrawal from future criminal activity, but it also markedly enhances his or her prospects of future employment. Investment in education is redeemed by prisoners ceasing to be a burden on society and accepting their responsibilities as members of the broader community.



Appropriately case managed programs of education and training intervention would lead to reduced rates of return to crime .. [as] part of a long term strategy of re-positioning prisoners within the community with a genuine range of skills³⁷.

A number of “success” stories were brought to the attention of the Panel. One example was provided of a “C2” prisoner who had undertaken a Diploma of Management through the University of Ballarat and who was granted an escorted seven hour CCP to attend his graduation at the University campus³⁸. The prisoner described this experience as “the pinnacle of all my .. achievements to date” [and which] has “fostered my interest in continuing with my education”..[to] “further enhance my employment prospects post-release.” The prisoner also related how his 75 year old mother had travelled to Ballarat for the occasion and “it was a proud moment for a mother whose son is incarcerated”.

A continuing education program may require a prisoner to attend an educational institution external to the prison environment for training not available within the prison. Accordingly, the Panel supports the inclusion of appropriate education activities within the Rehabilitation and Transition Permit Program where it can be demonstrated that such activities are clearly related to the offender’s reintegration needs, that the offender has a “C2” classification and the activities are not available within the prison.

The Panel was also informed of initiatives within the corrections system in relation to traineeships, and that discussions are being held to identify traineeship opportunities linked to prison industries³⁹. The Panel supports such initiatives and believes that these are consistent with the overall objectives of the proposed Rehabilitation and Transition Permit Program.

3.3.4. Maintenance of Family Ties (Primary Care Giver)

CCPP’s are crucial to maintaining family ties. For family suffers during the incarceration and has to make sacrifices. Family also needs re integration of a different type⁴⁰.

The current CCP program may permit a prisoner who has been the primary care giver of a child or children or a sick or elderly relative prior to imprisonment to visit that individual. Also, a prisoner who has a child residing in custody may be permitted to accompany the child outside the prison for medical reasons or in the interests of the socialisation of the child. The importance of maintaining contact with families cannot be underestimated. For women prisoners who are also mothers, contact with their children is critical to their morale and to prospects of rehabilitation. Accordingly, the Panel considers that these activities should be included within the proposed Rehabilitation and Transition Permit Program.

3.3.5. Community Assistance

The community benefits greatly from projects that would not normally be undertaken due to inadequate funding or budget constraints. Projects can be completed at minimal cost to service organisations⁴¹.

This provision currently permits “C” classified prisoners to engage in external work projects which are connected with the operation of a prison or regular work projects outside the prison. The prisoner may also be permitted to perform unpaid community work including any activity from which the community benefits. These activities not only enable a prisoner to develop work skills which may enhance his/her prospects of rehabilitation but also provide considerable benefit to the community through projects that might not otherwise be undertaken. Activities include maintenance of local community properties, such as community houses, special schools and churches as well as the development and maintenance of community recreational facilities, such as walking tracks and other open spaces.

37 Submission to the Review Panel from Dr Peter Harris, Director, Global Education Enterprises.

38 Submission to the Review Panel from Adrian McMillan, Prison Education Manager, Ararat Prison.

39 Office of Training and Further Education 1999, *Planning Guide for Providers of Training and Further Education in Victoria 2000–2002*, p. 88.

40 Submission to the Review Panel from prisoner at Dame Phyllis Frost Centre.

41 Submission to the Review Panel from John Myers, General Manager, Fulham Correctional Centre.



The Panel concluded that these activities should be viewed as a means of reparation for the crimes committed by the prisoners and apart from tangible community benefits, prisoners often develop work skills and a work ethic which enhances the likelihood that they will not reoffend. As such these activities should be included within the proposed Rehabilitation and Transition Permit Program but, similar to other activities, participation should be consistent with the offender's identified reintegration needs and the goals of his or her individual management plan.

3.3.6. Eligibility for the CCP Rehabilitation and Reintegration Program

As described in Chapter 1, this Program supports the transition of long serving prisoners back into the community. Access to this Program is currently restricted to "C" classified prisoners who are serving a minimum of three years in continuous custody and are in the final twelve months of their sentence. In exceptional circumstances, prisoners serving a minimum of six years in continuous custody may be eligible in the final one third of their sentence, but not for a period of more than three years⁴².

The Panel believes that it is appropriate that the current rehabilitation/reintegration program should continue to be accessible to long term prisoners as presently defined for the purposes outlined above.

In general terms, many short term prisoners, because of their security classification and the questionable benefits of their access to the permit program, are not suitable for entry to this program, although the Panel did receive a number of submissions that argued that such activities would benefit a wider group of prisoners than those currently eligible.

It is not just long-termers who get institutionalised; nor does the process of institutionalisation occur only at the end of long sentences. Short term prisoners (and especially those who spend little time in the community before returning to prison) can be similarly affected⁴³.

During the course of this Review, the Panel has been made aware of an additional group of prisoners who may also benefit from access to the rehabilitation/reintegration program. This group have been described as "life by instalment" prisoners. These are prisoners who have served a sequence of short term sentences with little time spent in the community between the sentences. The cumulative impact of these sentences is that these prisoners become as institutionalised as some longer term prisoners. But they do not qualify for programs that provide targeted transitional support, which may be the catalyst that enables them to break out of their destructive offending patterns. It is difficult to provide a precise definition for "life by instalments" prisoners, however the following case study was identified to illustrate this category of prisoners.

Prisoner "A" is a 29 year old prisoner who is currently serving 8 months for property and driving offences. He has been in adult prison custody on eleven prior occasions since October 1989 and also has a history with Juvenile Justice. He also has a recorded history with Community Correctional Services.

Prior to his most recent reception, Prisoner "A" spent only 30 days in the community after release following a 2 month remand period. Between prior sentences he spent periods of typically between one to two months in the community; one exception to that was an eight month period he spent at freedom (subject to a suspended sentence).

Given that the aim of the rehabilitation/reintegration program is to facilitate return to the community and thus reduce re-offending, the Panel concluded that there appears to be sufficient justification for the entry of carefully selected shorter term "life-by-instalments prisoners" to this program. In the first instance these "Release Assistance" prisoners would be identified by either SMU or the local prison Review and Assessment Committee as suitable for admission to the permit program on the basis that there is evidence to suggest that rehabilitation will be enhanced as a consequence of a particular program of targeted transitional activities. Prisoners would not be able to "apply" for admission to the program. To ensure consistency in the application of this process, the Panel believes that approval of these "Release Assistance" applications should be the responsibility of the Sentence Management Unit after consideration by the MCAC.

42 Minimum security Governor's Pleasure and other indeterminate sentence prisoners who are recommended to participate in the program by the Adult Parole Board may also apply for inclusion.

43 Submission to the Review Panel from Rod Wise, Director, Prison Services, CORE.



In order to ensure that community confidence is maintained, the Panel recommends that the admission of “Release Assistance” prisoners to the program be introduced as a pilot program. It is noted that implementation of this category will be on a case by case basis and may require SMU to undertake a review of these prisoners’ security ratings to ensure that they are eligible for a “C” classification prior to admission to the Rehabilitation and Transition Program.

The implication of “Release Assistance” prisoners accessing the Program may be particularly useful in addressing the special needs of prisoners with a mental illness.

Recommendation

The Panel recommends that:

- the *Corrections Act 1986* be amended and the existing permit sub-program titles of Physical Fitness; Education; Maintenance of Family Ties (Primary Care Giver) and Community Assistance be discontinued and the activities of these sub-programs be accommodated under the new title of *Rehabilitation and Transition Permits*;
- Rehabilitation and Transition Permits be made available to “Release Assistance” short-term prisoners where it is determined that a program of rehabilitation and reintegration activities is likely to reduce the probability of future offending which may be associated with a state of institutionalisation in these prisoners; that any application for a permit for a “Release Assistance” prisoner may only be initiated by the relevant Prison Manager or Sentence Management Unit and not by individual prisoners; and
- the application of Rehabilitation and Transition Permits to “Release Assistance” prisoners be initially implemented as a pilot program with a review of the efficacy of the program to be undertaken by the OCSC twelve months after implementation.

3.3.7. Training of custodial staff involved in Rehabilitation and Transition Permit Program

During the course of consultations on this Review, the Panel has been made aware of concerns about the apparent lack of understanding by some custodial staff of the rationale for the rehabilitation/reintegration component of the permit program. This concern stems from the lack of clarity about the specific aims and expected outcomes of the current program. This appears to have led to a situation in which the success of the existing program is often measured by how strictly rigid rules are adhered to, rather than whether meaningful outcomes relating to rehabilitation/reintegration of prisoners are achieved.

The adoption of the recommendations in this Report will bring about significant changes to the permit program, including an enhanced focus on rehabilitation/reintegration and a requirement for related activities to form part of a structured program, with clearly defined and agreed outcomes. To achieve the maximum benefit anticipated from the implementation of these changes, it is critical that correctional staff administering the Rehabilitation and Transition Permit Program receive appropriate training on the philosophy, new policies and processes of this Program.

The Panel is aware of current plans in the Office of Correctional Services Commission (OCSC) to appoint a number of offender management supervisors to support correctional staff in the development of case management strategies. It may be possible for these positions to play a role in supporting the training of staff in the philosophy and practice of the Rehabilitation and Transition Permit Program within the overall structure of the *Offender Management Strategy*.

Recommendation

The Panel recommends that the Correctional Services Commissioner develop and deliver a training program for those responsible for administering the proposed Rehabilitation and Transition Permit Program with such training program addressing the philosophy, policies and procedures associated with the Program.



3.4. OTHER RELATED ISSUES

3.4.1. Work Release Programs

Work release should commence early in one's sentence so that a work ethic is established by release. It would be beneficial to prisoners to have the opportunity to save money during these work release programs, to enable them, upon release, to literally start over⁴⁴.

During the consultation process, a number of individuals raised with the Panel the issue of a work release program as a positive component of any transitional strategy. A number of arguments were put forward for such a program, including:

- a regimen of daily work commitments is a positive influence on prisoners;
- a work release program can provide access to skills not available in prison;
- being exposed to other employees in a workplace environment has strong and positive socialising influences;
- part of the income earned by prisoners can be applied to the costs incurred by the State for their maintenance, thus enhancing community confidence in the program; and
- prisoners can accrue a reasonable sum of money to support themselves and their family on release from prison.

Ex-prisoners face many difficulties finding work following their release from prison. Even if they can find real job opportunities, disclosing a prison record often leads employers to consider other applicants without openly discriminating against the ex-prisoner, and non-disclosure can often lead to termination of employment once a prison record is revealed. Currently there is no direct link between the prison system and external employment opportunities for prisoners to address this issue and help them find and maintain work.

A discussion on this subject with one long-term recidivist prisoner was of particular interest. He explained that on previous occasions he had been released from prison into the community without any financial resources to support himself. After a short time in somewhat desperate circumstances, he committed a number of crimes (which he described as “earners”) to obtain cash to provide for food and accommodation. He argued that had he been able to be involved in a work release program he may not have engaged in this criminal activity to support himself.

Whilst a proposal for a work release program is beyond the scope of this Review, the Panel considered that a work release program could be readily accommodated under the provisions of the proposed Rehabilitation and Transition Permit Program. The Panel is also aware that work release programs were canvassed as part of the Ward Report⁴⁵ and that such programs already operate in Queensland and Western Australia.

The Panel was also informed of the *Victorian Prisoner and Offender Employment Pilot Program*, initiated by the Office of the Correctional Services Commissioner, that aims to provide a targeted group of prisoners and offenders with assistance to secure and maintain employment. Using a case management approach, this program aims to provide prisoners and offenders with tailored, individualised vocational advice and training. It actively assists with job search and placement. Participants will be followed up and supported to develop workplace skills and experience which will help ensure their longer-term employability and motivation to remain crime-free. The program will also work with employers to ensure that participating employers understand the program and are involved in ways which provide mutual benefits for participants and employers.

Recommendation

The Correctional Services Commissioner accommodate the Victorian Prisoner and Offender Employment Pilot Program under the provisions of the proposed Rehabilitation and Transition Permit Program.

44 Submission to the Review Panel from the Corrections Working Group – Federation of Community Legal Centres.

45 Ward, L. 2001 *Transition from Custody to Community: Transitional Support for People Leaving Prison*. Report prepared for the Office of Correctional Services Commissioner, Victoria.



3.4.2. Religious Events

During the course of the Review, the Panel was asked to consider the use of the Program to permit prisoners to attend external religious events. The Panel is aware that there is currently considerable opportunity for prisoners to practice their religious beliefs within the prison environment. Accordingly, the Panel formed the view that to agree to this proposition would give some prisoners an advantage not enjoyed by others and would create an extremely difficult management issue for prisons. Having given due consideration to this matter, the Panel is not convinced that the Program should be broadened to accommodate religious events external to the prison environment.

3.4.3. Fine Defaulters

As previously described (Chapter 1) CCPs are also utilised to facilitate a program of community work for fine defaulters under the provisions of the *Corrections Act 1986*. However, as this aspect of the program does not appear to directly relate to the terms of reference for this Review, such terms of reference focusing on “the safe rehabilitation and reintegration of prisoners” and on “community safety, release transition and rehabilitation of prisoners”, the Panel has given only minimal consideration to this issue.

Nevertheless, a number of concerns about this process were raised with the Panel including the lack of a formal process for a breach proceeding to be taken (albeit that Section 58 of the Act creates an offence for a prisoner who fails without reasonable excuse to comply with any conditions of a permit). This was felt to undermine the credibility of the program.

The Panel is of the view that the current application of the permit program to fine defaulters is anomalous to the general thrust of the program it has recommended, which is aimed at the reintegration and transition of long-term prisoners. Consequently we concluded that this application of the permit program should be incorporated within the proposed Corrections Administration Permit Program. However, it is clear from the consultation process undertaken by the Panel that there are a number of concerns about this aspect of the program and that urgent consideration should be given to a separate review to address these concerns and ensure that the process to deal with fine defaulters is adequate and credible.

Recommendation

The Panel recommends that the Secretary, Department of Justice initiate a review of the CCP Program as applied to fine defaulters in collaboration with the Sheriff's Office and the OCSC.

3.4.4. Adult Parole Board

Consultations with MCAC members during the course of the Review identified difficulties in assessing whether it was appropriate to grant a prisoner a CCP in circumstances when his or her parole date had not been set by the Adult Parole Board. After discussions with senior members of the Parole Board there is now a mechanism that enables MCAC and OCSC to discuss such cases with the Parole Board. Additionally, the Parole Board has agreed that it will introduce processes that indicate whether a prisoner subject to MCAC consideration will be granted parole and is therefore eligible for the permit program.

3.4.5. Subsidy

During the course of its consultations the Panel became aware of the financial constraints experienced by some prisoners incarcerated in country prisons who are approved to travel by public transport to Melbourne on rehabilitation and reintegration permits. At present prisoners are not entitled to any concessions for travel fares. In other jurisdictions, notably the United Kingdom, prisoners are granted a subsidy to assist them in participating in home leave. The Panel is of the view that the provision to prisoners in remote areas with a Rehabilitation and Transitional Permit subsidy (where they have inadequate financial resources to pay for the fare themselves) should be investigated.



3.4.6. Travelling Time

At present there are no consistent guidelines as to whether travelling time to a destination for reintegration and rehabilitation purposes is included in the time allocated for the leave. Prisoners in distant country locations at times are required to travel distances of up to six hours to spend time with family members. For example where travel time is included in a twelve hour permit enabling a prisoner to travel from Beechworth to Melbourne and to return to Beechworth, the prisoner would spend little time with his or her family. This issue was considered at the workshop of senior correctional staff facilitated by the Review Panel held to consider how the proposed new focus of the permit program could be articulated in a revised set of guidelines. There was consensus at the workshop that the time for the permit should be determined and the necessary travel time then added on.

3.4.7. Release Strategy

The final day of a prisoner's sentence may fall at a weekend or on a public holiday. During the Panel's consultation with stakeholders, information was provided that prisoners who are released on weekends or public holidays are more likely to quickly re-offend on release because of the lack of immediately available support services. A pre release plan which returns prisoners to the community at times when support services are available is likely to be more successful. The Panel believes that the Correctional Services Commissioner should investigate options to ensure that appropriate support services are in place if it is not possible to avoid such circumstances.



Chapter 4: Review Findings – Maintaining Community Confidence

The terms of reference required the Ministerial Review into the Custodial Community Permit Program Review Panel (the Panel) to consider “strategies to ensure that the Program maintains the confidence of the community and delivers on the Government policies of community safety, release transition and rehabilitation of prisoners”.

After considering issues related to this aspect of the terms of reference the Panel has concluded that this requirement is best met by:

- ensuring that community safety is the paramount consideration in any decision regarding the issue of permits under the Program;
- an appropriate acknowledgment in legislation to this effect;
- addressing the issue of victims’ rights under the Program; and
- ensuring the community is better informed about the Program and correctional issues in general.

This approach has led to the Panel recommending:

- that a Victims’ Register be established as a matter of priority;
- that Regulation 42 of the *Corrections Regulations* be amended to require that adequate consideration is given to the safety and welfare of members of the public (as the first stated consideration) in the issue of a permit;
- a strengthening of the accountability processes for the issue of a permit;
- that permit activities must form part of a structured program tailored to meet the individual rehabilitation and/or transition needs of prisoners;
- implementation of procedures to ensure that local police are advised of prisoners on unescorted permit activities; and
- that prison sentences for offences of escape under the Program should be cumulative on any sentence(s) already being served.

The Panel believes that the adoption of these recommendations will lead to an enhanced level of community confidence in the Permit Program.

The Panel has also been cognisant of balancing community views regarding “truth in sentencing” principles with providing a program which is specifically designed to reduce the likelihood of prisoners re-offending following their release from prison. Submissions to the Panel demonstrated that there are a diverse range of views in the Victorian community about how criminal justice is best served, ranging from incarcerating prisoners in a maximum security environment for the duration of their sentence to less draconian alternatives such as community-based rehabilitation programs. However, regardless of one’s particular view, the reality is that at the conclusion of their sentence, even the most notorious of prisoners will be released back into the community. Without some program of rehabilitation while in prison linked with appropriate preparation to be integrated back into the community, institutionalised prisoners in particular are at a high risk of returning to their previous criminal behavioural patterns.

*It seems obvious that the community will benefit if people are released from custody in a way which minimises the difficulties experienced by that person*⁴⁶.

The recommendations of the Panel in this report therefore reflect the aim of enhancing community confidence in the Permit Program while at the same time providing the foundations for an effective program of rehabilitation and transition for prisoners. In the Panel’s view the community should be beneficiaries from the application of both approaches in the proposed new Permit Program.

46 Submission to the Review Panel from prisoner at Port Phillip Prison.



4.1. VICTIMS REGISTER

*There should be an establishment of a Victims Register. The Victims Register would alert those victims who sought to be advised of the fact that the person involved in the crime in which they were a victim was about to be released or on the Custodial Community Permit Program*⁴⁷.

With the increasing complexity of society and the evolution of systems of justice the State has gradually assumed a dominant role in the justice process in many parts of the world. Specific forms of behaviour are defined by the State as crimes, which have come to be seen as crimes against the State more than as violations of victims' rights. In Victoria, as elsewhere, the State has taken over the responsibility for the investigation of the offence, the prosecution of the suspect, adjudication and enforcement of the sentencing decision. Until comparatively recently the major focus in the administration of justice was on ensuring due process for the defendant, who is threatened with State-imposed punishment, and who should, therefore, be afforded all possibilities of establishing his or her innocence, and/or presenting other considerations in his or her defence. Similar attention was not paid to the victim as the State was assumed to be representing his or her interests and a view began to emerge that the victim could aptly be called the "forgotten person" in the administration of justice.

In the past few decades there has been an increasing recognition that any member of a community may become a victim, and that most crimes contribute to the victimisation of other community members and the deterioration of community harmony. This has led to a new framework of restorative justice, which involves the offender, the victim, and the community in creating a balanced approach to justice, becoming increasingly popular in many industrialised countries. Reflecting these trends, on November 29, 1985, the General Assembly of the United Nations adopted *the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*⁴⁸ based on the philosophy that victims should be treated with compassion and respect for their dignity and that they are entitled to prompt redress, through access to the criminal justice system, for the harm that they have suffered.

Governments and organisations around the world have responded to the challenge of implementation in different ways. For example, the United Kingdom has developed a comprehensive *Victims Charter* that sets out the service standards that victims can expect to receive. Elsewhere, the Canadian and New Zealand Governments have established Victims Registers that offer the option for victims of violent crimes to receive information about the prisoner's sentence.

In Australia, a Victims Register operates in all States, except Victoria. These Victims Registers operate on a self-referral basis and a victim may apply to register himself or herself onto the register. A victim is generally defined as a person who is the direct victim of a serious offence or, if the victim is deceased, his or her immediate family. Once a person is registered as a victim he or she is entitled to receive information in relation to the offender, including information about impending release, escape or change in security classification that results in the offender being eligible for unescorted absence from prison. Victims Registers are administered through the Department of Corrections in each State.

In New South Wales, Western Australia, South Australia and Queensland victims can also make submissions to the body releasing the offender on temporary release or parole about concerns that they would like taken into account in relation to the offender being released. In New South Wales, these submissions are made to the Parole Board or Serious Offenders Review Council, in Western Australia to the Sentence Management Directorate or the Parole Board and in Queensland concerned persons make a submission to the Queensland and Regional Corrections Boards. In South Australia consideration of victims' concerns is coordinated through the Department for Correctional Services.

In Victoria, although the establishment of a Victims Register was mandated in 1996, this has yet to be implemented. The Panel is of the view that the proposed Victims Register should be established as a matter of urgency. The *Corrections (Custody) Act 2001* now allows for a primary victim of an offence, where the prisoner is serving a sentence of imprisonment, to be given information regarding the length of a prisoner's sentence, the date and circumstances upon which an offender will be released (including bail, custodial community permit and parole), and details of any escape. A primary victim is defined in the

47 Submission to the Review Panel from Mel Barnett, MCAC Member.

48 <http://www.victimology.nl/>.



Victims of Crime Assistance Act 1996 as “a person who is the victim of violence who is injured or dies as a direct result of an act of violence committed against him or her or in the prevention of an act of violence whether or not an act of violence was actually committed”.

It is timely, in the Panel's view, for a Victims Register to be established to complement the introduction of the legislation. Several submissions were received supporting the introduction of a Victims Register. One submission from a victim emphasised the need to be informed of the release of a prisoner on a Custodial Community Permit (CCP) and raised concerns that the offender not be allowed to frequent areas where the offender may encounter the victim or the victim's family.

Research indicates that victims who are kept informed by authorities of the developments in their case are more likely to judge the justice procedure as fair and feel that they were treated by authorities with dignity and respect⁴⁹. There is currently no systematic process whereby victims of crime in Victoria are provided with relevant information. In England, however, the *Victims Charter* requires that victims of sexual or violent offences be provided with an opportunity to receive information about the offender's sentence as well as information about the operation of the criminal justice system in general. Consistent with this obligation, the British Home Office produces a document entitled *Release of Prisoners: Information for Victims of Sexual or Violent Offences* and the Panel concluded that a similar document should be produced in Victoria. (See Appendix IV). This would enhance the range of available support services for victims of crime by providing them with relevant information about the stages in a prisoner's sentence, when decisions might be taken about temporary or permanent release and what conditions, if any, might apply to the prisoner's release.

Recommendation

The Panel recommends that the Department of Justice:

- establish as a matter of urgency a voluntary Victims Register for victims of violent offences, consistent with the provisions established in the *Corrections (Custody) Act 2001*;
- arrange for the development of an information brochure for victims of violent crime that outlines the procedures for applying to be registered on Victoria's Victims Register and provides relevant sentencing information.

4.2. PROACTIVE COMMUNICATIONS STRATEGY

.....the public is generally misinformed on criminal justice issues and needs to be re-educated. To this end, consideration should be given to ways that relevant information can be disseminated in the community....perhaps a public relations sub committee should be established to investigate possibilities⁵⁰.

Generally speaking, media coverage of the current CCP Program is negative and emotional, driven largely by lack of knowledge of the program and acknowledged public fear of crime and criminals. “Truth in sentencing” considerations are also a factor in any discussion on the public acceptability of any program for prisoners that permits them to undertake activities outside the prison environment before the end of their sentence of imprisonment.

In these circumstances, it is understandable that on the rare occasion that a prisoner breaches the conditions of a permit there is a flurry of negative media attention on that incident. There have also been rare instances of victims encountering in a public environment the prisoner who offended against them while a prisoner is on a CCP. These instances are usually accompanied by circumstances where the victim has not been made aware in advance of the admission of the prisoner to the permit program. Nevertheless, these are very rare occurrences. In the five years from 1997 to 2001 a total of 16,177 permits were granted and on only 11 occasions did prisoners escape whilst on a CCP.

⁴⁹ *Guide for Policymakers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, viewed 1 May 2002, <http://www.victimology.nl/>.

⁵⁰ Submission to the Panel from Arthur Bolkas.



The community has great expectations of the corrections system. Apart from securely confining the prisoner for the period of the sentence determined by the relevant court, there is an expectation that the prison sentence will be a factor in reducing the likelihood of that prisoner continuing to offend in the future. Rehabilitation is therefore not only a feature of a corrections environment but is also high on the agenda of community expectations. It is critical, therefore, that the community understands the nexus between the Permit Program and rehabilitation and transition strategies.

In order for this program to be successful a public education program is essential. It is vital the community understands that prisoners need to be prepared for release, otherwise they are more likely to fall into old habits and re offend. To not adequately prepare prisoners for release will in the long run increase the chance of re offending, which will result in higher crime rates and cost the community more. A community education program would need to involve popular and local media outlets⁵¹.

Experience in recent years has demonstrated that metropolitan media coverage of the CCPP is almost exclusively negative and often involves criticism of officials responsible for administering the Program. The response, politically and bureaucratically, to such incidents is invariably reactive and ad hoc. In the absence of an established and accepted positive general background of knowledge about the Program, it will continue to be subjected to unbalanced and emotive media coverage. This scenario does not assist in the development of more effective and contemporary strategies for the management of sentenced prisoners.

The Panel believes that there is a strong case for the implementation of a positive communications strategy designed to proactively balance media coverage of the Program. This strategy should involve the ongoing promotion of the Program and its benefits to the community. There is a real opportunity for this strategy to manage the release of examples of many of the “good news” stories which exist within the activities of the Program. Examples of recidivist offenders who have returned to the community as productive citizens are both newsworthy and worthy of celebration. The Panel has also seen many examples of positive coverage in regional media of the benefits of community work performed under the auspices of the Program. A well informed community which understands the purpose and impact of this Program will have more confidence in program activities and is less likely to react negatively to isolated incidents.

The Panel has therefore concluded that professional media consultants should be engaged to develop a positive media strategy to enable the Office of the Correctional Services Commissioner (OCSC) to provide ongoing proactive advice to the community on the underlying rationale and the many benefits and achievements of the Program in particular and the key policy directions of the Victorian *Reducing Reoffending Strategy* more generally. This communications strategy may include the following components:

- an ongoing pro-active program of activity designed to inform the community about the corrections system, with emphasis on the application of the Program in the community;
- the development of a professional package of information to provide for positive and consistent dissemination of relevant material to the community by Corrections officials;
- a small group of specially selected and trained Corrections officers who will act as a public relations team to provide information to the community by engaging in presentations to community groups, service clubs and schools; and
- an opportunity to present to the community a professional image of the Corrections service and its officers.

51 Submission to the Review Panel from Chaplains Advisory Committee.



Recommendation

The Panel recommends that:

- the Commissioner engage professional media consultants to develop a positive media strategy to better inform the community about the corrections environment with particular focus on rehabilitation and transition activities within the overall Reducing Offending Strategy;
- a component of this communications strategy should be the development of a professionally presented package of information for dissemination to the community by Corrections officials; and
- a small team of Corrections officers be trained and assigned to ongoing duties to perform public relations activities, including regular presentations to community groups, service clubs and schools.

4.3. ACCOUNTABILITY AND APPROVAL PROCESSES

The issue of accountability is one which has been given careful consideration by the Review Panel.

In relation to the current CCP Program, accountability rests with the Minister for Corrections (politically), the Secretary of the Department of Justice (legislatively) and through legislative delegations to the Correctional Services Commissioner. These levels of accountability cannot be delegated but responsibility for the performance of certain functions within this accountability may be delegated. For example, legislative and formal policy delegations also make other officers in the OCSC and the Ministerial Community Advisory Committee (MCAC) responsible for certain aspects of the Program. Private prison service providers also have obligations under legislation and contractual arrangements with the OCSC and the Department of Justice.

In any effective accountability system there must be clear reporting lines and delegation arrangements. Those held accountable and responsible must understand and formally accept their designated roles.

It is also critical that those held accountable for any matter must have the authority to have a direct input into all decisions relating to that matter. Conversely, it is inappropriate to hold an individual accountable over an issue for which they have no authority.

It is in this context that the Panel has examined all legislation, policies and procedures associated with the current CCP Program. This examination has revealed a range of shortcomings in each of these areas which collectively and individually cloud the lines of accountability and responsibility. The Panel has therefore concluded that substantial changes should be implemented to remove this uncertainty and that these should occur within the context of the implementation of the proposed Rehabilitation and Transition Permit Program and the proposed Corrections Administration Permit Program.

The implementation of some simple “rules” to support the current “guidelines” may assist centres with the decision making process and therefore reduce the possibility of the program being compromised⁵².

4.3.1. Eligibility and Access to Permit Programs

If the recommendations contained in this Report are accepted, it will be necessary to amend Regulations 42 and 43 of the *Corrections Regulations 1998* so that they more closely reflect the philosophy of the new Permit Program. Regulation 42 (b) currently states that the Secretary may issue a permit if he or she is satisfied that “adequate consideration has been given to the safety and welfare of the prisoner and members of the public”. The Panel believes that Regulation 42 should be redrafted so that the first stated consideration in the issue of a permit is “to ensure that adequate consideration be given to the safety and welfare of members of the public”.

52 Submission to the Review Panel from John Myers, General Manager, Fulham Correctional Centre.



Similarly, Regulation 43 refers to the conditions of the permit (see page 2 of this Report). The Panel believes that condition (f) which states that a prisoner must not use non-prescribed drugs should be higher on the list given the injunction in Regulation 43 (c) that “the prisoner must not consume alcohol”.

During the course of the Review, the Panel heard that access to the CCP Program was often seen as a “right” obtained along with a “minimum security” classification. Consequently, in addition to the changes to the Regulations outlined above, the Panel believes that eligibility for participation in the Rehabilitation and Transition Permit Program should be linked not only to the identified needs of each individual prisoner but also to his or her continued good behaviour. The Panel is of the view that any non-compliance with Prison Regulations that has led to a prisoner being found guilty at a Governor’s Hearing should lead to an immediate review of that prisoner’s eligibility to access to the Program and possible exclusion for a period of up to six months.

The Panel also believes that the provisions of the Ministerial Escape Policy issued on 30 April 1993, namely that any prisoner convicted of escape/attempted escape⁵³ will not be eligible for inclusion in the CCP Program for reasons other than medical, administration of justice, family emergencies, funerals or inter-prison visits, should also apply to the proposed new Permit Programs.

Recommendation

The Panel recommends that:

- Regulation 42 of the *Corrections Regulations 1998* be amended to require that “adequate consideration be given to the safety and welfare of members of the public” as the first stated consideration in the issue of a permit; and
- a prisoner on a permit program found guilty at a Governor’s Hearing of non-compliance with Prison Regulations will be the subject of an automatic review of the circumstances of the case at an R&A Committee meeting. Such prisoners may be ineligible for access to the Rehabilitation and Transition Permit Program for a period of up to six months from the date of the Hearing.
- That Regulation 43 of the *Corrections Regulations 1998* be amended so that condition (f), which requires that a prisoner must not use non-prescribed drugs should be joined with condition (c) which requires that a prisoner must not consume alcohol.
- That the provisions of the Ministerial Escape Policy issued on 30 April 1993, that any prisoner convicted of escape/attempted escape will not be eligible for inclusion in the CCP program for reasons other than medical, administration of justice, family emergencies, funerals or inter-prison visits, should also apply the proposed new Permit Programs.

4.3.2. Approval Processes

The Panel has concluded that in the interests of clarity, to reduce risks and thereby to enhance community confidence in both the proposed Rehabilitation and Transition Permit Program and the Corrections Administration Permit guidelines, the approval process for permits needs to be significantly tightened.

The Sentence Management Unit (SMU) already carries the responsibility for identifying those prisoners who are designated as “Special Category”, and their Individual Management Plans are marked accordingly. As the ongoing management of these prisoners, despite their individual classification at any given time, is likely to attract public attention, it is imperative that these cases be dealt with in a manner which will engender public confidence in the system.

It is the view of the Panel that all Special Category and Release Assistance applications should be approved at a senior level in the SMU of the OCSC. This requirement will ensure that:

- the OCSC is aware of the existence of permits for these prisoners;
- there is consistency in the application of the guidelines; and
- the OCSC can closely monitor the activities under these programs.

⁵³ In this context escape refers only to those incidents which led to a conviction of escape being recorded against a prisoner.



As previously suggested in chapter 3, the only exception to this requirement should be in cases of sudden illness or emergency, such as attendance at a funeral or serious illness of a person with whom the prisoner has had a long-standing close personal relationship. In such cases Prison Managers should, if the circumstances are justifiable, issue a Corrections Administration Permit on the basis of pressing necessity and following telephone approval by the SMU.

The existing requirement for the Correctional Services Commissioner to approve a Permit for the release of a prisoner to be held under police protection should remain. Where it is necessary to assist in the administration of justice by permitting a prisoner who agrees to assist the police in the investigation of a criminal offence, approval for a Permit should rest with the Manager of Sentence Management. (This level of approval will clarify the current option of the Prison Manager or the Correctional Services Commissioner as the approving official. It is unclear why such an option was provided but it does create some scope for uncertainty and inconsistency.)

Recommendation

The Panel recommends that:

- the existing requirement for the Correctional Services Commissioner to approve a permit for the release of a prisoner to be held under police protection should continue; and
- where it is necessary to issue a permit for a prisoner to leave prison to assist police in the investigation of a criminal offence, approval for such permit should only be granted by the Correctional Services Commissioner or his or her delegate.

4.3.3. Approval of Permits for Special Category Prisoners in the Final Twelve Months of Sentence

The current practice of “local approval” of permits by prison management in the final twelve months of sentence of Special Category prisoners presents a number of significant issues which should be addressed. The Panel became aware of a prisoner appearing before a Review and Assessment Committee (R & A Committee) seeking access to the permit program. This prisoner, who had served twelve years of a sentence, had previously declined to make an application through the MCAC process when first eligible to do so. His current application to the R & A Committee was in the final twelve months of his sentence, and in accordance with existing practice his application could be considered and finally determined by that Committee without reference to Sentence Management or MCAC.

The Panel understands that the key purpose for establishing the MCAC process was to provide an independent oversight of the Permit Program and to provide advice on individual applications by Special Category prisoners. The current practice which allows a Special Category prisoner to gain access to the Permit Program by making their first application for a permit in the last twelve months of their sentence, thus avoiding the additional scrutiny of Sentence Management and MCAC, is not consistent with the original intent in establishing the Committee.

The Panel is of the view that this practice should cease forthwith and that all permit program applications by Special Category prisoners must be processed through the MCAC process, irrespective of the time remaining to be served on a sentence.



Recommendation

The Panel recommends that:

- all permit applications from “Special Category”, “High Profile” and “Release Assistance” prisoners, irrespective of the period of the sentence remaining to be served, be forwarded with appropriate recommendations from prison management to the Director, Sentence Management Unit for consideration of approval;
- the existing practice of prison management approving permits for “Special Category” and “High Profile” prisoners in the final twelve months of a sentence should be ceased forthwith; and
- in cases of emergency where a Corrections Administration Permit (currently Administration/Pressing Necessity Permit) would apply to “Special Category” or “High Profile” prisoners, prison managers seek approval by telephone or other suitable means of communication from the Director, Sentence Management Unit prior to the issue of a permit.

4.3.4. Role of MCAC in the Approval Process

The MCAC was established to report to the Minister for Corrections on the progress and operation of the Custodial Community Permit Program. This Committee provides the opportunity for independent advice to be provided on the issue of permits to Special Category prisoners (as well as those considered “notorious” or “high profile”) with particular attention being given to the justification for and the appropriateness of the conditions attached to the permit. Considerations of public safety and security are key issues for the Committee in assessing applications and this added layer of review of the permit process encourages a more rigorous examination of pertinent issues.

As the Committee is part-time, advisory in nature and has no executive powers, it is, in the view of the Panel, inappropriate for the Committee to have final determinant authority for the issue of permits. Such authority should rest with professional public officials who are accountable and who have the knowledge, training and experience to make such critical decisions.

Nevertheless, for the reasons stated above, the role of the MCAC needs to be built into the decision making process. It is considered that all applications for Special Category or Release Assistance prisoners should be initially processed by prison management and forwarded with an appropriate recommendation to the Director, Sentence Management Unit. After due consideration and before a final decision on any application is determined, the Manager, Sentence Management Unit should place all applications before MCAC for its consideration and advice. The recommendation of the MCAC for each case presented to it for advice will be formally recorded in the minutes of MCAC meetings. Following this process, the Director, Sentence Management Unit should then finally determine approval or disapproval of the permit applications and notify the prison accordingly.

Recommendation

The Review Panel recommends that:

- the existing role of MCAC should continue and that public safety and security be primary considerations of the Committee in providing advice on the issue of permits;
- on receipt of an application for a permit for a “Special Category”, “High Profile” or “Release Assistance” prisoner, the Director, Sentence Management Unit will give appropriate consideration to all relevant issues and then place the permit application before the MCAC for advice on that application. On receipt of this advice, the Director, Sentence Management Unit will finally determine approval or disapproval of the application; and
- the advice of the MCAC on each application placed before it is to be formally recorded in the minutes of the Committee meetings.



In 2001, Mr Justice Vincent recommended that the MCAC consider all leave applications from Security Patients (those securely contained and treated at the Thomas Embling Forensic Hospital either under Section 93(1)(e) of the *Sentencing Act 1991* or under section 16(3)(b) of the *Mental Health Act 1986*, in lieu of a prison sentence due to their mental ill health). Security patients are not eligible for the permit program, but can access temporary leave under sections 52–53 of the *Mental Health Act 1986*.

The recommendations of Justice Vincent, including that the final decision to grant leave be made by the Secretary, Department of Justice or his delegate, the Correctional Services Commissioner, have been implemented and should continue to operate as policy.

Recommendation

The Panel recommends that the recommendations of Justice Vincent regarding security patients continue to operate as policy.

4.3.4.1. Monitoring the Permit Program

One of the roles established for the MCAC is “to report from time to time to the Minister for Corrections on the progress and operation of the CCP Program”. Consistent with this role, the Panel recommends that the MCAC assume responsibility for monitoring the overall effectiveness of the proposed new Rehabilitation and Transitional Permit Program and advising the Minister accordingly. The Panel believes that an appropriate reporting cycle would be an initial report twelve months after the introduction of revised Guidelines for the Program and then a further report two years after the first report.

As indicated earlier in this report, the Panel is concerned about the lack of research and evaluation of correctional programs and policy. Accordingly we are strongly of the view that a longitudinal study should be conducted to assess the benefits of the Rehabilitation and Transitional Permit Program. Consistent with its role in monitoring the operation of the current Program, the Panel believes that MCAC is the most appropriate body to oversee such a study.

Recommendation

The Panel recommends that:

- the Correctional Services Commissioner arrange for the conduct of a longitudinal study of the efficacy of the Rehabilitation and Transition Permit Program and that the Ministerial Community Advisory Committee be responsible for monitoring the progress of this study; and
- the MCAC advise the Minister on the progress of the implementation of the recommendations of this Review; the first report being provided twelve months after the introduction of revised Guidelines for the Program and a further report two years after the first report.

4.3.5. Advice to Police of Unescorted Absences

Although only minimum security (C2) prisoners are eligible for specific periods of unescorted absence, the Panel formed the view that public confidence in the program would be enhanced if local police were informed when a prisoner was to participate in an unescorted Rehabilitation and Transition Permit activity in the local community. If police are informed of a prisoner’s temporary release from prison this may minimise the possibility of any misunderstanding about the status of a prisoner. It may also enable police to respond more speedily in the event of any breach of the permit conditions by the prisoner.

Recommendation

The Panel recommends that the Correctional Services Commissioner develop and implement procedures to ensure that local police are advised regarding prisoners on unescorted permit activities.



4.3.6. Guidelines to Support the Proposed Rehabilitation and Transition Permit Program

The Panel is aware that adopting the recommendations contained in this Report will necessarily lead to significant changes in the policies and processes involved in the current rehabilitation/reintegration Permit Program. For these new policies and processes to be successfully implemented, complementary detailed guidelines will need to be developed and issued under the authority of the Correctional Services Commissioner. As the Panel heard many times, it is critical that programs be applied in a consistent manner across the Correctional system. As such the new guidelines must clearly describe the purpose of the proposed Rehabilitation and Transition Permit Program, its components, in what circumstances prisoners are eligible to participate in the Program, provide a detailed description of the process for approving the permit and the associated accountability processes so that the Program can be applied consistently across the prison system.

Internal guidelines are essentially operational in nature, and as such must have credibility and be user friendly to those who apply them on a daily basis. For this reason, the Panel believes that the guidelines are best developed by the operational managers; i.e. the prison managers, in the first instance and then considered for approval by the Correctional Services Commissioner. This process will ensure that there is “ownership” of the guidelines and a commitment to apply them in a consistent manner. Accordingly the Panel facilitated a workshop of senior correctional staff to consider how the new focus of the program could be incorporated into a set of revised guidelines for the CCP Program, pending introduction of legislation required to introduce the two new programs recommended in this report. Revised guidelines were developed by the OCSC as a consequence of this workshop.

While preliminary work on these guidelines is possible, the final document cannot be completed until the Minister has had an opportunity to consider the recommendations contained in this report.

Recommendation

The Review Panel recommends that new guidelines be issued by the Correctional Services Commissioner to require that all Rehabilitation and Transition Permit Program Activities must form part of a planned, progressive, appropriately structured and approved program with agreed timelines and outcomes that are regularly reviewed.

4.4. ACTION ON BREACH OF PERMIT CONDITIONS

The Permit Program has operated in a generally successful manner since its introduction in 1989 (although an earlier version of the program had been in operation since 1973). Despite the substantial numbers of permits that have been granted since that time, there have been very few breaches of the conditions of the permits, especially breaches involving escapes from custody.

However, public attention to these incidents through the media has been intense, often accompanied by highly emotive commentary which generally fails to balance the facts of the escape in question against the considerable advantages of the program. Public disquiet resulting from such incidents has in the past led to the whole program being suspended for a period of time.

It is therefore critical that all reasonable measures are taken to minimise the risks of breaches of permit conditions. Many of these measures will be addressed by the implementation of the recommendations of the Panel, but legislative action is required to provide an appropriate sanction to deter permit holders from escaping from custody.

Section 58 of the *Corrections Act 1986* creates an offence for “A prisoner who fails without reasonable excuse to comply with any conditions of a custodial community permit” and provides for imprisonment for a term of not more than three years. This penalty appears to be an adequate disincentive for a prisoner to escape, however an analysis of previous sentences imposed on escapees from this program has revealed that the value of this disincentive is eroded by the imposition of concurrent sentences.

By way of contrast, the *Sentencing Act 1991*, Section 16(3) provides that “Every term of imprisonment imposed on a prisoner by a court in respect of a prison offence or an escape offence must, unless otherwise directed by the court because of the existence of exceptional circumstances, be served cumulatively on any uncompleted sentence or sentences of imprisonment...”



The Panel is of a view that a similar provision for sentences for offences of escape while on a Permit Program should be required to be cumulative unless there are exceptional circumstances. It is considered that an appropriate amendment to the *Corrections Act* will not only provide a significant disincentive for prisoners to escape but will also enhance community confidence in the permit program.

Recommendation

The Review Panel recommends that Section 58 of the *Corrections Act 1986* be amended in order to provide for cumulative terms of imprisonment for offences of escaping from custody while under the Permit Program.

4.5. PRISONER RECORDS – INADEQUATE DATA

Consideration of applications for permits place substantial pressure on corrections officials and MCAC to make informed and responsible decisions in the public interest. It is therefore imperative that both these officials and Committee have access to high quality information and intelligence reports to aid them in this process.

Discussions with Corrections staff and a detailed briefing on the operation of the Prisoner Information Management System (PIMS) and the Protel Intelligence System have revealed some concerns about the ability of prison managers and other Corrections staff to readily access critical information and intelligence in the permit process.

Whilst the PIMS/Protel Systems hold a large amount of information/intelligence there is no effective mechanism to link much of this data. For example, in examining one prisoner's file it was noted that there were 260 intelligence reports logged under the Protel system. However, to effectively link important information on persons/locations/dates/vehicles/crimes and so forth, staff presently are required to read each report individually. This is a time consuming exercise and creates a disincentive to rigorously identify important information and potential risk factors.

Although comprehensive records are maintained on prisoners at individual prisons, there is no overarching system which draws all of these records together into one effective records management facility. Some of these shortcomings were highlighted in the January 2002 report (by the Sentence Management and Monitoring and Review Units of OCSC) of the investigation into the escape of David Blyth from the Custodial Community Permit Program. Further, the somewhat disjointed structure of the current Victorian corrections model, with both private and public providers, has led to the establishment of a number of intelligence mechanisms, best described as "silo" operations which are not effectively linked. The Panel is of the view that this situation significantly increases the level of risk in the management of prisoners and is a matter which should be addressed urgently. The most effective means of rectifying this problem would be the introduction of a Statewide intelligence network which operates under the control of the OCSC.

In the absence of software which would provide an effective mechanism for the search and analysis of an information/intelligence database, corrections officials and prison managers will continue to be placed in a position where they are required to make decisions on permit applications using incomplete background information. They have expressed some lack of confidence in the material that they can access in this process and acknowledge an unacceptable risk factor in making decisions under these circumstances.

Community safety and security and public confidence in the Permit Program were primary considerations of the Panel. The Panel is of the view that the lack of an effective relational database creates a risk level which is not acceptable when examined against these imperatives.

It is the understanding of the Panel that the PIMS System can be considerably enhanced with the introduction of a relational database which can be applied to all currently collected information and intelligence. Such relational databases are commonly employed in law enforcement and are purchasable as "off the shelf" systems. Such a system should be introduced into the corrections environment as a matter of urgency.

While the implications of privacy legislation will need to be considered, it is strongly argued that community safety and security must be the paramount consideration in this matter.



Recommendation

The Review Panel recommends that the Correctional Services Commissioner investigate the purchase of an appropriate relational data base to enhance the operations of the PIMS system and provide greater access to appropriate intelligence reports.

4.6. CONCLUSION

The Panel believes that the introduction of the recommendations contained in this Report will enhance community safety and security and will promote community confidence in the Permit Program. Legislation, policies and procedures implemented to support these recommendations will ensure that the Permit Program offers a positive mechanism for the safe rehabilitation and reintegration of prisoners on their release into the community.



Appendix I: Consultation Process

The following individuals and/or organisations were invited to make a submission to the review. Those individuals and/or organisations who were interviewed by members of the Panel and/or who made a formal submission to the review are indicated by an asterisk in the table below.

Name	Title	Agency	Interviewed	Submission Received
Carolyn Ainio	Project Officer, Aboriginal Projects	OCSC	●	
Bill Allgood	General Manager	Western Prison Region, CORE	●	
Kelvin Anderson	Director	Port Phillip Prison	●	
Penny Armytage	(Former Commissioner) Executive Director, Operations Division	Department of Human Services	●	
Arthur Bolkas	Individual			●
Alf Bamblett	Chair	Aboriginal Justice Committee		
Luke Baker		Salvation Army		
Dennis Barnes	Operations Manager	H M Prison Ararat		●
Mel Barnett	MCAC Member		●	●
Saul Bastomsky	Official Prison Visitor			
Jim Beggs	Prison Industries Advisory Committee			
Carmel Benjamin	Director	Victorian Women's Prison Council	●	
Anne Beschle		Community Housing Limited		
Bill Braithwaite	Chief Executive Officer	Ararat Rural City Council		
Susan Briggs	Senior Policy Advisor	Victorian Institute of Forensic Mental Health		●
Brosnan Centre				●
Julie Brown	Assistant Manager, Fine Default	Sheriff's Department	●	
Tony Calabro	Executive Director	ACSO		●
Christine Cappello		ACSO		
Teresa Cianciosi		Prison Advice Service, Victoria Legal Aid		
Her Honour Judge Jennifer Coate	President	Children's Court		
The Honourable Justice John Coldrey	Judge	Supreme Court	●	
Kevin Collister	Executive Officer	HM Prison Barwon	●	
John Corcoran	President	Law Institute of Victoria		
Corrections Working Group	Federation of Community Legal Centres			●
John Costello	Chief Executive Officer	Indigo Shire Council		
Frank Covill	Official Prison Visitor			
Trevor Craig	General Manager	Security and Emergency Services Group, CORE	●	
Marg D'Arcy	Manager	CASA House		



Name	Title	Agency	Interviewed	Submission Received
David Daley	Director	Community Correctional Services	●	
Paul Delphine	Chief Executive Officer	CORE		
Judy Dixon*	Director	Victims Referral and Assessment Service		
Robert Eldridge	Acting Director, Strategic Planning and Development	OCSC	●	
Salvatore Fasone	Victims Assistance Co-ordinator	Brimbank Community Legal Centre		
Dimity Fifer	Chief Executive Officer	Victorian Council of Social Services		
Russell Ford	Acting Director, Monitoring and Review	OCSC	●	
Ari Frieberg	Department of Criminology	University of Melbourne		
Frank Giggins	Bethany Family Support			
Ivan Gilbert	Chief Executive Officer	Mount Alexander Shire Council		
Ian Goulden		Community and Public Sector Union		
Richard Gray	General Manager	Northern Prisons Region, CORE	●	●
Ian Gray	Chief Magistrate	Magistrates Court		
Julia Griffith	Manager	Juvenile Justice, DHS		
Peter Harmsworth	Secretary	Department of Justice	●	
Peter Harris	Director	Global Education Enterprises		●
His Honour Judge John Hassett		Catholic Commission for Justice, Development and Peace		
Michael Hepworth	Full Time Member	Adult Parole Board	●	
Lisa Homotopoulos	Executive Officer	CORE	●	
Robin Inglis	Victorian Aboriginal Legal Service			
Max Johns	Manager, Operational Review and Inspection	CORE	●	
Walter Jona	Former MCAC Chair		●	
Cheryl Jones	Individual			●
Max Kaltman		Jewish Chaplaincy Service		
Shane Kelly	Acting Director, Sentence Management Unit	OCSC	●	
Graham Kent	Assistant Secretary (Industrial Relations)	The Police Association	●	
Christine Kozar	Clinical Manager	OCSC	●	
Barbara Kenz	Case Manager	H M Prison Ararat		●
Julian Knight	Individual			●
Nunzio La Rosa		Victoria Legal Aid		
Judy Lazarus	Chief Executive Officer	VACRO	●	
Alistair Lever	Manager, Policy Development	OCSC	●	
Kevin Lewis	Managing Director	Australasian Correctional Management		

* Declined Panel's invitation to be interviewed.



Name	Title	Agency	Interviewed	Submission Received
Sarah Langmore	Office of Housing and Community Building	Department of Human Services		
Andrea Lott	Manager	Melbourne City Mission		
Toni Malby	Individual			●
Kieran McCann	Manager Private Corrections	Kangan Batman TAFE		●
Adrian McMillan	Prison Education Manager Ararat and Langi Kal Kal Prison	Ballarat University		●
Noel McNamara	President	Crimes Victims Support Association		●
Ken McNamara	Chief Executive Officer	Hobson Bay City Council		
Steve Medcraft	President	People Against Lenient Sentencing		●
Craig Minogue	Individual			●
Rev Kevin Mogg		Catholic Social Services		
Brendan Money	General Manager	Dame Phyllis Frost Centre	●	
Paul Mullet	Secretary	The Police Association	●	●
Stephen Myall	Solicitor	Law Institute of Victoria		
John Myers	General Manager	Fulham Correctional Centre	●	●
Joe Narbaluk	Administrator	Enmaraleek Society		
Cam Nguyen	President	Australian Vietnamese Women's Welfare Association		
Christine Nixon APM	Chief Commissioner	Victoria Police		
Fr Peter Norden	Director	Jesuit Social Services		●
Emilia Novac	Individual			●
Beth O'Brien	Program Co-ordinator	Kangan Batman TAFE – D.P.F.C		●
Sr Mary O'Shannassy	Catholic Prison Ministry			
Geoff Orr	Industry Supervisor	H M Prison Dhurringile	●	
Tony Parsons	Director	Victoria Legal Aid		●
Rev Ian Paxton	MCAC Member		●	
The Honourable Justice John Phillips	Chief Justice	Supreme Court		
David Philp	Divisional Social Program Secretary	The Salvation Army		
Jelena Popovic	Deputy Chief Magistrate	Magistrates Court	●	
Jenny Pretty	Victims Assistance Co-ordinator	Ovens & King Community Health Service		
David Prideaux	General Manager	Central Prison Region, CORE	●	
Prison Fellowship (Vic)				●
Rob Prossor	Head Of Department (Education)	Golburn Ovens TAFE		●
Ann Reilly	General Manager Offender Services	CORE		
Mark Renshaw	Project Officer	OCSC (CPSU delegate)	●	
David Ring	Policy Worker	Mental Health Legal Centre		●
Dennis Roach	Acting Commissioner	OCSC	●	
Peter Rollinson	Port Phillip Prison			
Anne Rosewood	Manager – Bridging the Gap	VACRO	●	



Name	Title	Agency	Interviewed	Submission Received
Sean Ryall	Program Advisor	OCSC	●	
Jonathan Chambers	Senior Chaplain	Anglican Criminal Justice Ministry		●
Ken Seymour	Accommodation Supervisor	H M Prison Dhurringile	●	
Mandy Smith	Operations Manager	H M Prison Tarrengower	●	
Paul Spandano	General Manager	H M Prison Barwon	●	
Robin Steven	Senior Prison Officer	H M Prison Dhurringile	●	
The Honourable Justice Bernard Teague	Chair	Adult Parole Board	●	
Liz Thomas	Support Worker	Flat Out		●
Jeff Thompson	Operations Manager	H M Prison Dhurringile	●	
The Honourable Justice Frank Vincent	Former Chair Adult Parole Board		●	
Dr Ruth Vine	Deputy Chief Psychiatrist	Department of Human Services	●	
Greg Waddell	General Manager	Kangan Batman TAFE – Social and Applied Services Group		●
His Honour Chief Judge Glen Waldron AO	Chief Judge	County Court		●
Gary Walker	Operations Manager	H M Prison Loddon	●	
Lisa Ward	Author Ward Report		●	
Julie Watson	Drug and Alcohol Counsellor	H M Prison Dhurringile	●	
Lyndon Webb	Chief Executive Officer	Wellington Shire Council		
Norman Wills	Secretary	Adult Parole Board	●	
Kim Wells*	Shadow Minister for Corrections			
Richard Whaley	Prison Fellowship			
Geoffrey Whitbread	Chief Executive Officer	Greater Geelong City Council		
Jani White	Victims Assistance Co-ordinator	Ballarat Community Health Centre		
Clive Williams	General Manager	H M Melbourne Assessment Prison	●	
Dave Williams	Operations Manager	H M Prison Loddon	●	
Ron Wilson	General Manager	Kangan Batman Tafe – Strategic Services		●
Chief Inspector John Winther	Community Liaison Division	Victoria Police	●	
Rod Wise	Director of Prisons	CORE	●	●
Prisoners at Dhurringile Prison – 7			●	
Prisoners at Tarrengower Prison – 5			●	
Prisoners at Loddon Prison – 6				●
Prisoners at Port Phillip Prison – 2			●	
Prisoners at Barwon Prison – 2			●	

* Declined Panel's invitation to be interviewed



Appendix II: Australian and Overseas Temporary Absence Programs

Introduction

Outlined below is a summary of temporary leave of absence programs offered in other Australian jurisdictions and Holland, Canada, United Kingdom and New Zealand. The Panel acknowledges the assistance of other jurisdictions in providing details of the operation of their leave programs.

All other Australian States operate temporary leave of absence programs that are very similar to Victoria's CCP program. Under these programs, prisoners may be eligible for temporary leave for health, administration of justice, compassionate reasons, education and training, employment and home leave. Physical fitness and recreation leave (similar to that available to Victorian prisoners) is available in New South Wales, Western Australia, Northern Territory and Queensland.

Generally all prisoners in other Australian jurisdictions have access to health, administration of justice and compassionate leave, although in the Northern Territory prisoners are only eligible for compassionate leave if they have a minimum security rating or less.

A key feature of all temporary leave programs is their use to assist prisoners to reintegrate into the community through education and training, employment and home release programs. Generally, minimum security prisoners are eligible for these programs depending upon the period of time they have spent in custody.

Australian States and Territories differ in relation to the accountability process for approving leave. In some jurisdictions the prison manager approves leave of absence, however, in other jurisdictions the Commissioner, Director of Prison, Minister or the Governor of the State approves certain leaves for different categories of prisoners.

Western Australia Authorised Absences

Western Australia operates a highly regulated 'authorised absences' program to address prisoners' needs and facilitate reintegration into the community. Authorised absences may be granted for compassionate reasons, activity programs, home leave and special leave. Health and administration of justice matters are not considered temporary leave in Western Australia. They are granted on a case by case basis by prison management.

All prisoners have access to compassionate leave of absence. Most applications are granted by the Director under a 'general approval' given by the Minister. However, applications not covered by the 'general approval' must be forwarded to the Minister for approval.

The Minister approves all activity programs, which include community work, charitable or voluntary work, work associated with the operation of the prison, sport, religious observance or any other activity. All minimum security prisoners may be included in activity programs. Prisoners are selected to be involved in the programs by the prison management.

Home leave may be granted to a prisoner if they have served a period of twelve months continuous imprisonment and are within twelve months of release on parole or release and have achieved a minimum security rating. Applications are forwarded from the prison management to the Director for recommendation. The Executive Director approves the application.

Special Leave can be granted by the Minister in exceptional circumstances. The last application approved was for a prisoner to attend university. Approximately four applications have been approved under this category since 1982 when the *Prisons Act* was proclaimed. The Minister approves the leave.

Prisoners can apply for a Work Release Order (WRO). This is a community-based program similar to parole but precedes parole. To be eligible for a WRO the prisoner must have been in continuous custody for 12 months as a sentenced prisoner and be in the final 6 months of his or her sentence at the time of release on work release if granted.



Prisoners undergoing life imprisonment, strict security life imprisonment, strict custody, safe custody or serving a term of imprisonment of more than fifteen years require a recommendation from the Minister and approval from the Governor of Western Australia for any leave of absence.

Prisoners have the right to one appeal against the decision to deny leave of absence.

South Australian Leave of Absence

The South Australian leave of absence program enables prisoners to be temporarily absent from prison. Leave of absence may be approved for compassionate leave, in-patient or psychiatric examination, sporting activities, family leave, work release, work experience, job search or community work and education.

All prisoners are eligible for compassionate leave and in-patient or psychiatric examination. Compassionate leave is approved by the Director of Custodial Services and in-patient or psychiatric examination leave is approved by the prison manager.

Resocialisation Leave is a program of leaves for the purposes of job search, work release, work experience, education, family leaves, community work and sporting activities. Minimum security prisoners may be eligible for Resocialisation Leave Programs which can be accessed after a prisoner has served twelve months of his or her sentence. The prison manager approves these leaves except where a prisoner is listed on the High Notoriety Prisoner List, where the proposed program of leave is referred to the Director of Custodial Services for approval.

Northern Territory Leave

Northern Territory does not have an extensive leave program and there are no guidelines for a scheduled set of leaves to gradually reintegrate a prisoner back into the community. Each application is considered on a case by case basis. Leave of absence can be granted to a prisoner for health, compassionate reasons, education and training, employment, recreation, participation in community projects and reintegration into the community or such reasons as the Director thinks fit.

All prisoners can access health leave. Prisoners may be eligible to be absent for compassionate reasons if they are a medium security rating or less. The family or the community requesting the prisoners attendance at a funeral pay all costs associated with the prisoner's attendance.

Leave of absence is available for education and training, employment, recreation, participation in community projects and reintegration into the community. Minimum and open security prisoners are eligible to apply for these leaves. Life sentence prisoners, prisoners held at the Administrators Pleasure, serious sex offenders, prisoners convicted of serious violent crime and people smugglers are not permitted to work off the prison reserve.

The Commissioner is responsible for all decisions to grant leave.

Queensland Leave

The Queensland Department of Corrective Services provides for leave of absence for prisoners for compassionate reasons, medical, dental or optical treatment, educational or vocational activities, community service, resettlement purposes or leave for another purpose that justifies the granting of leave.

All prisoners have access to compassionate leave and health leave of absence. The prison manager approves these leaves.

Prisoners can participate in education, community service and resettlement leaves and are eligible to apply if they have served less than eight years, if they have been accommodated in open or community custody (the lowest classification) for at least three months. Prisoners serving a sentence of eight years or more must have been accommodated in open or community custody for at least six months. Generally the prison manager approves leave programs except in certain circumstances.



Prisoners can participate in work programs known as the WORC (Work Outreach Camps) and WCC (Women's Community Custody). These programs are for effective rehabilitation of prisoners and supervision of offenders in the community. The granting of a Community Work Order is subject to approval by the Director, Community Custody.

Prisoners can access Post Prison Community Based Release Orders. Post Prison Community Based Release Orders allow for prisoners to obtain employment or be placed on a home detention order and parole. The Queensland Community Corrections Board deals with prisoners whose sentences are for eight years or more. Prisoners who are serving less than eight years and more than two years are subject to orders from the Regional Community Corrections Board.

New South Wales External Leave Program

The New South Wales Department of Corrective Services provides programs at correctional centres and within the community that address inmate needs and assist them to adapt to normal community life on their release. Many of these programs are facilitated through the External Leave Program.

All prisoners have access to the External Leave program for matters relating to health, compassionate leave and the administration of justice. The Regional Commander generally approves these leaves, however the approval of the Commissioner is required in the case of serious offenders and prisoners who may be subject to public interest. In the case of sporting and other supervised events including work outside the prison, the matters are referred to the Regional Commander for consideration.

Programs that assist prisoners to reintegrate into the community include work release, vocational training programs and day and week end release programs. The eligibility criteria for these programs is for the prisoner to be serving a sentence of not less than twelve months and/or to be within eighteen months of the earliest possible release date (non parole period) and have served half the minimum term⁵⁴.

Where special family circumstances exist, a prisoner who was the sole family wage earner prior to being imprisoned can apply to participate in the Work Release Program. The previous employer must agree to the program.

Minimum security prisoners can also access day and week end leave. Prisoners must be in the company of a 'sponsor' at all times when taking day leave or week end leave. A sponsor must have a criminal record check, be a person of integrity and be a positive influence in helping the inmate complete the leave successfully.

The External Leave Program also enables prisoners to participate in sporting and other supervised activities. Leave permits can be granted to prisoners who are low security, are within two years of their effective date of release, have served a minimum of six months and have served half of her/his sentence. The leaves are supervised at all times.

Under the New South Wales correctional system, prisoners who are primary carers are able to care for their children in jail. A complementary program allows women to look after their child/children while living at a transitional unit between three months and eighteen months of the end of their sentence. In the case of primary carers and sole family wage earners, the matter is referred from the Case Management Committee to the Assistant Commissioner Inmate Management for determination.

To be eligible for an External Leave program prisoners must have a C3 classification (male inmates) or Category 1 classification (female inmates). In the majority of cases the Case Management Team refers a recommendation to the Governor of the prison to approve the reclassification of a prisoner to minimum security so that the prisoner becomes eligible to participate in the External Leave Program.

54 These criteria do not apply to Special Needs Groups such as females, indigenous prisoners, young adults, prisoners with disabilities and prisoners aged 55+. Depending upon the circumstances of the offence these groups can access programs less than six months into their sentence. Prisoners located in isolated areas, participating in the Young Offenders Program and prisoners who have contributed to the Young Offenders Program can access day leave or week end leave twice per month. As NSW houses prisoners from the ACT, interstate leave can also be granted to prisoners to go to the ACT.



In cases where the application is from a serious offender, public interest prisoner or forensic patient managed by the Mental Health Review Tribunal, the application is referred to the Serious Offender Review Committee or its sub committee, the Pre Release Leave Committee, for consideration. The decision to grant a leave permit is made by the Commissioner. The Serious Offender Review Committee and its sub committee, the Pre Release Leave Committee, is headed by a judge with community members and government department members.

Tasmania Temporary Absence Programs

Tasmania allows prisoners to be temporarily absent from prison for health, funerals, family emergencies, education, work and programs approved by the Director of Prisons for social reintegration, release preparation and the maintenance of family and cultural ties. Aboriginal prisoners may be eligible to attend events of specific cultural significance to the Aboriginal community.

All prisoners are eligible for health, funeral and family emergency absences. Prisoners may be eligible for educational, vocational training or work experience programs if they have served at least 25% of their sentence and are minimum security. Prisoners can participate in the paid employment program if they have a non parole period of two years and are in the final three months of sentence.

Tasmanian pre release and resocialisation absence programs incorporate maintenance of family and cultural ties and programs approved by the Director of Prisons for social reintegration. Prisoners may be eligible if they are minimum security and have served two years imprisonment.

The Director of Prisons approves all leaves.

Holland

Article 47 of the Netherlands Prison Act enables the Minister of Justice to grant an inmate temporary leave from the institution. Initially, leaves were restricted to special cases, such as leave to visit a critically ill family member or to attend a funeral. The Article also permits selected inmates to leave the institution during the day to engage in employment, to participate with a team in sports matches and so on. The program was initiated in 1961 and following a Government report on prison issues in 1976 opportunities have been considerably expanded⁵⁵. The report was predicated on the view that successful rehabilitation requires inmates to have the opportunity to establish contacts with their private and social relations outside the institution and that prison leave was a major tool for facilitating this.

The temporary leave program operating in the Netherlands is considerably more generous than that operating in Victoria. Leave options operating in open or very low security institutions include “weekly leave” whereby inmates are able to spend their weekends at home with their families. Refusal to grant leave is based on the presence of negative indications such as “the fear that the leave will be misused”.

As in Victoria, only a very small proportion of prisoners on the program abscond. An investigation of the background of absconders from the program concluded that incidents of absconding are almost impossible to predict. The study⁵⁶ also investigated the perceptions of prisoners and found that inmates consider a leave to be especially important because it enables them to renew their contacts with the outside world. More than half the inmates reported spending time at home; a significant number (33 per cent) indicated using the leave primarily to discuss problems with the partner and/or children. Only a very few (3 per cent) reported arranging matters for the period after release.

55 Rook, A and Verhagen, J (1987) “Leave from Prison [in the Netherlands] in Brand-Koolen, M.J.M. *Studies on the Dutch prison System*, Dutch Studies on Crime and Justice, A Series from the Research and Documentation Centre, Kugler publications, pp 95–114.

56 Ibid



Canada

The Temporary Absence Program operated by the Correctional Service of Canada⁵⁷ provides an opportunity for the correctional system (consisting of case management officers, offenders, treatment personnel, parole officers, and administrators) to test the offender's ability to behave appropriately in non-prison settings under varying degrees of supervision.

The aims of the program are:

1. To encourage offenders to maintain family and community ties and avail themselves of rehabilitative activities, with the goal of safely reintegrating them into the community as law-abiding citizens through a gradual and controlled release program of temporary absences; and
2. To ensure public safety is maintained through a rigorous application of legislated decision criteria and appropriate supervision of offenders who have been granted temporary absences.

The purpose of temporary absences may be for medical or humanitarian reasons or for the purpose of community service, maintaining family contact or accessing rehabilitative programs. All offenders may be considered for medical or humanitarian escorted temporary absences. Only offenders classified as medium or minimum security may be considered for the other types of absences. In addition, for these other types of absences, the offender, in most cases, must have served at least one-sixth of their sentence.

Correctional Service of Canada advises that the strength of the program is that it provides offenders with a gradual reintegration into the community and allows the offender access to the community for specific purposes. It is considered that there are very few weaknesses in the program, except for the potential for the offender to not return from the absence. However, the success rate of temporary absences in Canada has consistently been over 99 per cent. The only other potential weakness of the program is the pressure that may be placed on an offender participating in the program to return to the institution with contraband. Ongoing efforts are made to ensure that routine security procedures are in place to alleviate this type of pressure being placed on the offenders participating in the program.

Several studies have examined the rate of success of participation in the Temporary Absence program following release and, in general, offenders who have participated in TA's had a higher likelihood of success following release than other groups⁵⁸.

United Kingdom: UK Release on Temporary Licence

The United Kingdom operates a Release on Temporary Licence Program which is divided into three categories – compassionate licence, facility licence and resettlement licence. Compassionate licences include such activities as visits to dying relatives or funerals or other tragic personal circumstances; primary carers, marriages or religious ceremonies and medical appointments. Facility licences include education, training or work experience to help in prisoner rehabilitation or for a limited variety of official purposes (administration of justice). The Resettlement licence is to enable prisoners to maintain family ties and links with the community and to make suitable arrangements for accommodation, work and training on release.

Prisoners who are in Category A (maximum security) or on the escape list, unconvicted and convicted unsentenced prisoners, prisoners who are subject to extradition proceedings and sentenced prisoners who are remanded on further charges, or who are awaiting sentence following further convictions are not eligible for any licence. Furthermore, Category B (medium security) prisoners are not eligible for facility licence. All prisoners except the abovementioned are eligible for compassionate licence. All minimum security prisoners have access to facility and resettlement licence.

To be eligible for facility licence the prisoner must have served at least one quarter of the term of imprisonment. Prisoners sentenced after 1 October 1992 are eligible for resettlement leave if they have served four years or more after completion of half of the sentence. Prisoners sentenced before 1 October 1992 may apply for resettlement licence when they have completed one third of the prison term.

57 Canada's federal correctional system is administered by the Correctional Service of Canada.

58 Johnson, S.L. & Grant, B.A. (1999) *Using Temporary Absence in the Gradual Reintegration Process*, Research Branch, Correctional Service of Canada.



Prisoners apply within the prison for a licence. They undergo a risk assessment before being granted a licence. The prison governor approves all licences except for prisoners who have a life sentence. The governor is required to consult Prison Service Headquarters in certain aspects of decision making before granting a licence to life sentence prisoners.

New Zealand

In New Zealand the Department of Corrections operates a Temporary Release From Custody Program under which the Minister has delegated to the Chief Executive of the Department of Corrections the power to approve temporary leave for a particular purpose. Temporary release is available for prisoners who require admission to hospital for treatment and will not be guarded; for medical and other treatment not requiring hospital admission; release into police custody; compassionate reasons, including attending the birth of a prisoner's own child; release to attend church services; attend treatment and rehabilitation agencies for assessment; to seek employment; home leave and to assist reintegration; and pre-release temporary release.

A number of specific activities have been designated as approved activities to assist reintegration, including:

- temporary release to an approved sponsor between 8.00am and 9.00pm (or later at the superintendent's discretion where the activities are not necessarily concluded by 9.00pm);
- temporary release for up to three days with an approved sponsor to participate in cultural or religious activities in the area;
- temporary release on a daily basis to attend educational or training courses;
- temporary release to enable involvement in community projects and activities in association with staff, members of service clubs, cultural or church groups or other community organisations between the hours of 8.00am and 9.00pm (or later at the superintendent's discretion where these activities are not necessarily concluded by 9.00pm);
- temporary release on a daily basis for inmates granted release to work to attend job interviews;
- shopping temporary release for two hours during a late shopping night for those inmates who are on release to work. They may also attend, unaccompanied, sporting fixtures or go to the movies on Saturday afternoon;
- temporary release to enable individuals to play as members of an established community sports team or to umpire/referee games in a local competition;
- temporary release for such time as is necessary for carefully selected inmates to participate in outdoor pursuit programs;
- temporary release for carefully selected inmates to attend drug and alcohol programs, or social skills programs run by established community groups or organisations; and
- temporary release on a daily basis to attend a family conference.



Appendix III: Overview of the Corrections System

In Victoria, the Department of Justice is responsible for the adult corrections system, which comprises prison services and community correctional services⁵⁹. The Government's key outcome for the correctional services system is that offenders in Victoria are treated in a just and humane manner, and encouraged to adopt law-abiding lifestyles.

1.1. STRUCTURE OF THE CORRECTIONS SYSTEM IN VICTORIA

Historically, the government owned and operated all prisons in Victoria. Until 1992, the Office of Corrections (OOC) operated as a separate government department that reported to the Minister for Corrections. Established in August 1983, the OOC was responsible for policy and planning of the adult corrections system, and for the delivery of all prison and community correctional services.

However, since 1992, the corrections system has undergone a significant change that involved the private sector's participation in financing, designing and constructing prison facilities and operating prisons under contractual agreements.

1.1.1. System Developments 1992–2002

In October 1992, the OOC was abolished and reconstituted as the Correctional Services Division of the new Victorian Department of Justice. In the following year, the Corrections (Management) Bill, which established the legislative framework for private sector involvement in the corrections system, was introduced into State Parliament. Later in 1993, the then Government announced that expressions of interest would be sought from the private sector for the design, financing, construction and management of three new prisons to replace the Coburg Prison Complex and Fairlea Women's Prison.

The Corrections (Amendment) Bill, introduced in October 1994, provided for the appointment of a Commissioner for Correctional Services within the Department of Justice. The Commissioner's role is described in section 8A of the *Corrections Act 1986*.

The Office of the Correctional Services Commissioner (OCSC) commenced operations within the Department of Justice on 1 July 1995. The following year CORE – the Public Correctional Enterprise (CORE) was established separately within the Department of Justice, headed by its own chief executive on 1 July 1996. Under the *Corrections Act 1986*, the Secretary is deemed to have custody of all prisoners. As such the Department of Justice retained responsibility for setting policy and standards to ensure the safe custody and welfare of prisoners and offenders, but responsibility for providing correctional services was contracted out to one public and three private providers.

In August 1996, the Metropolitan Women's Correctional Centre opened and Fairlea Women's Prison was closed. Fulham Correctional Centre opened in April 1997 and enabled the closure of the Sale, Morwell River and Pentridge prisons. Five months later, Port Phillip Prison opened and the Metropolitan Reception Prison was closed.

In October 2000 the Government resumed control of the Metropolitan Women's Correctional Centre and it was subsequently renamed the Dame Phyllis Frost Centre in March 2001.

The policy of the Victorian Government is that there will be no new private prisons in Victoria, with the private management of existing prisons to be phased out in accordance with current contract obligations. The correctional services element of the prison services agreements with the two private prisons is currently subject to review/re-tender (following the conclusion of the end of the first five year service term).

⁵⁹ Young offenders are managed by the Department of Human Services, except in special circumstances.



1.2. PRISON SERVICES

The 13 prisons in Victoria provide a total design capacity of 2,875 places, but they currently accommodate over 3,500 prisoners, including persons remanded in custody.

Eleven of these prisons are managed by the public provider, CORE. CORE also manages all Community Correctional Services in the State, such as Intensive Correction Orders, Community Based Orders and Parole Orders. It also manages the Security and Emergency Services Group (SESG), which is used on a contract basis by private prison providers and by the Correctional Services Commissioner.

The Fulham Correctional Centre is managed by Australasian Correctional Management (ACM). It also has the contract for prison health care services at nine CORE prisons through its subsidiary Pacific Shores Health Care. ACM took over the management of the Melbourne Custody Centre (previously managed by the Victoria Police) in March 1999.

Group 4 Correction Services manages the Port Phillip Prison. This prison houses the system-wide secondary and tertiary medical services, including a prison hospital and long-term psychiatric unit. Group 4 also has the contract for the Victoria Police prisoner transportation service.

Approximately 60% of prisoners are held in prisons operated by the public provider, and 40% of prisoners are held in the two prisons owned and operated by private sector companies.

Table 1.1 Publicly Operated Prisons in Victoria

Prison	Design Capacity	Security Level	Prisoners	Commenced Operation
Ararat Prison	256	Secure	Male	1967
Barwon Prison	250	Secure	Male	1990
Beechworth Prison	123	Secure	Male	1860
Bendigo Prison	80	Secure	Male	1863
Dame Phyllis Frost Centre	125	Secure	Female	1996
Dhurringile Prison	106	Open	Male	1965
Langi Kal Kal Prison	100	Open	Male	1993
Loddon Prison	250	Secure	Male	1990
Melbourne Assessment Prison	250	Secure	Male	1989
Tarrengower Prison	38	Open	Female	1987
Won Wron Prison	127	Open	Male	1964

Table 1.2 Privately Operated Prisons in Victoria

Prison	Design Capacity	Security Level	Prisoners	Commenced Operation	Operator
Fulham Correctional Centre Correctional Management	590	Secure	Male	1997	Australasian
Port Phillip Prison Correction Services	580	Secure	Male	1997	Group 4



1.3. GROWTH IN PRISONER NUMBERS

In common with other States and comparable international jurisdictions, Victoria has experienced significant growth in prisoner numbers in recent years. Over the last five years the prison population has grown by 39 per cent.

On 30 June 2002, Victoria's prison population was 3391, compared with 2,440 at 30 June 2001, an increase of 951 prisoners. This growth is due to three main factors:

- an increasing number of offenders being sentenced to prison (increasing receptions);
- increasing sentence lengths for serious offences (compounding growth); and
- the impact of the drug problem, which has increased the rate of receptions, particularly for prisoners serving short sentences, and contributed to a wide range, and seriousness, of offences. It is estimated that 70–85 per cent of prisoners have drug problems.

The OCSC in its *Strategic Plan 2001–2002* has also identified increasing recidivism among prisoners – the percentage of prisoners returning to correctional services within two years of their release from custody. It has been estimated that recidivism has increased steadily from 35% to 44% in the last four years. The recidivism rate of ex-prisoners returning to prison within two years has also increased, rising from 26 per cent in 1997–98 to 34 per cent in 2000–01.

Not only has the correctional system had to accommodate greater numbers of prisoners, but the complexity of the issues that the prisoner profile presents, such as high levels of substance abuse and mental health problems, has led to sustained pressures.

1.3.1. Growth in Numbers of Male Prisoners

The number of male prisoners in Victoria increased by 36 per cent from 30 June 1996 to 30 June 2001. The number of male prisoners received into prison custody each year has also increased from 3,761 in 1995–96 to 4,433 in 1999–00, an increase of 18 per cent.

The imprisonment rate for men has also increased from 136 per 100,000 adult population as at 30 June 1996 to 170.9 per 100,000 as at 30 June 2001.

1.3.2. Growth in Numbers of Female Prisoners

Over the five years to 30 June 2001, the number of women prisoners in Victoria increased by 94 per cent from 127 to 247. During the same period, the male prisoner population increased by only 36 per cent. As at 16 May 2002 there were 257 females in Victorian prisons.

The number of women received into prison custody each year has also increased, from 374 in 1995–96 to 526 in 1999–00, an increase of 41 per cent. Male prisoner receptions increased by 18 per cent over the same period.

The imprisonment rate for women has similarly increased from 7.2 per 100,000 adult population at 30 June 1996 to 12.9 per 100,000 as at 30 June 2001.

1.3.3. Prison Occupancy

As a result of the increase in prisoner numbers there is significant crowding in Victorian prisons and police cells. The Victorian prison system is currently operating well in excess of its design capacity, and this has meant using more than 780 temporary beds (such as stretchers and bunk beds) across the system. It is anticipated that by 30 June 2002, 940 temporary beds will be in use in Victoria's prisons.



1.4. PRISONER PROFILE

The majority of prisoners received into the Victorian prison system are characterised by complex personal needs and problems as well as by repeat offending. Currently over 64 per cent of male prisoners and almost 61 per cent of female prisoners have previously been in prison⁶⁰.

International research suggests there is a strong but complex link between crime and drug use. Illicit drugs have a pervasive influence on prisoners' behaviour and the nature of their offences and are believed to be a significant factor in the increase in the incidence of repeat offending. This is reflected in the increasing number of drug offences, and in the incidence of other serious crimes such as robberies, assaults and homicides. This research is supported by a survey of prisoner profiles undertaken in early 1999.

The 1999 survey revealed that for male prisoners:

- 83% had a drug problem;
- 6% were on methadone;
- 85% had been imprisoned previously or placed on community based orders;
- 57% had been imprisoned previously and placed on community based orders; and
- 64% had breached a correctional order.

The profile of female prisoners from the 1999 survey revealed that:

- 66% had an existing drug habit;
- 15% were on methadone;
- 85% had been imprisoned previously or placed on community based orders;
- 47% had been imprisoned previously and placed on community based orders;
- 59% had breached a correctional order; and
- 24% had a partner who was also in prison.

⁶⁰ Sentenced prisoners as at 28/02/2001.

Table 1.4 Profile of Victorian prisoners⁶¹

Male Prisoners	Female Prisoners
<p>Male prisoners comprise the overwhelming majority of the Victorian prison population. They account for approximately 90% of all prisoner receptions and about 94% of the prison population.</p> <p>As at 30 June 2001 there were 3,144 male prisoners in Victorian prisons:</p> <ul style="list-style-type: none"> • 20.2% were under 25 years of age; • 10.6% were 50 years of age or over; • 4.36% identified themselves as Aboriginal or Torres Strait Islander; • 64.5% had been in prison previously (including periods spend on remand); • 82.1% were undergoing a sentence of imprisonment; • 34.8% of sentenced prisoners were serving 12 months or less;⁶² • 42.8% of sentenced prisoners reported that they had committed their offence(s) under the influence of drugs and/or to support a drug habit; • 24.2% had been identified as a suicide risk; • 24.1% were recorded as 'protection' prisoners; • 90.7% had not completed secondary schooling; • 63.5% had been unemployed at the time of their reception into custody; and • 28% were married or in defacto relationships at the time of their reception into custody. <p>The most serious offence for which male prisoners were sentenced or remanded was:</p> <ul style="list-style-type: none"> • offences against the person (31.3%); • robbery/extortion (14.27%); • property offences (28.4%); • offences against good order (10%); • drug offences (11%); • motor vehicle/traffic offences (2.2%); and • other/unknown (2.6%). 	<p>Female prisoners comprise a relatively small proportion of the Victorian prison population. They account for approximately 10% of all prisoner receptions and about 6% of the prison population.</p> <p>As at 30 June 2001 there were 247 female prisoners in Victorian prisons:</p> <ul style="list-style-type: none"> • 27.3% were under 25 years of age; • 7.1% were 50 years of age or over; • 8.5% identified themselves as Aboriginal or Torres Strait Islander; • 60.9% had been in prison previously (including periods spent on remand); • 75.3% were undergoing a sentence of imprisonment; • 53.1.0% of sentenced prisoners were serving 12 months or less;⁹ • 52.7% of sentenced prisoners reported that they had committed their offence(s) under the influence of drugs and/or to support a drug habit; • 29.8% had been identified as a suicide risk; • 10.2% were recorded as 'protection' prisoners; • 82.5% had not completed secondary schooling; • 71.5% had been unemployed at the time of their reception into custody; and • 33.2% were married or in defacto relationships at the time of their reception into custody. <p>The most serious offence for which female prisoners were sentenced or remanded was:</p> <ul style="list-style-type: none"> • offences against the person (21.7%); • robbery/extortion (16.2%); • property offences (34%); • offences against good order (10.6%); • drug offences (14.5%); • motor vehicle/traffic offences (0.9%); and • other/unknown (2.6%).

61 Figures for 30 June 2001 are from the OCSC Data Warehouse.

62 Note that the proportion of sentenced prisoner receptions serving less than 12 months is significantly higher than the stock figure reported in the table. For 1998–99, for example, 75.5% of male and 87.9% of female prisoners who were sentenced at the time of reception into custody or who were unsentenced at the time of reception but who subsequently received a sentence of adult imprisonment, received a sentence of less than 12 months.



1.5. LEGISLATION

The *Corrections Act 1986* and the *Corrections Regulations 1998* provide the legislative basis for the provision of correctional services. The Corrections (Amendment) Bill introduced in October 1994 enabled the Minister for Corrections to enter into contracts for the financing, construction and operation of privately owned prisons; and provided for the appointment of a Commissioner for Correctional Services.

The *Corrections (Custody) Act 2001* provides for the Secretary of the Department of Justice, on the written request of a person who was the primary victim of a violent crime, to give certain information to the person making the request. Such information may include details about the length of the prisoner's sentence, the date or circumstances of the prisoner's likely release (including release on a custodial community permit) and details of any escape by the prisoner.

1.6. PRISONER MANAGEMENT

Prisoners are to be managed in such a way as to meet the Government's objectives of containment and supervision, rehabilitation, and reparation to the community.

Prisoner Management encompasses all aspects of managing a prison. The prison management system should effectively:

- (a) *control and supervise prisoners in a humane and just manner while maximising the protection of the community;*
- (b) *provide for the personal safety of staff and prisoners through a prison environment that aims to protect the physical and emotional wellbeing of individuals;*
- (c) *encourage prisoners to develop responsibility for their actions and reinforce law-abiding and non-violent participation in the community; and*
- (d) *provide prisoners with opportunities for rehabilitation.*⁶³

While there is one Prison Management Specification related to prisoner management, in fact all specifications relate, directly or indirectly, to the effective management of prisoners.

The Government has developed a comprehensive Corrections Long Term Management Strategy which includes a Rehabilitation Framework for prisoners under which a range of targeted offending behaviour programs together with improved pre and post release support in order to reduce reoffending are currently being implemented.

1.7. PRISONER PLACEMENT

The Sentence Management Unit (SMU) within the OCSC determines prisoners' placements and their subsequent progression through the prison system. The SMU must balance security, management concerns, needs of prisoners, the public's need for protection, and the efficient and effective operation of the correctional system.

The SMU prisoner management function commences with:

- determination of a prisoner's security classification (maximum, medium and minimum security are the three classifications utilised within the system);
- creation of an individual management plan for the prisoner, including consideration of any special needs of the prisoner (such as a special protection requirement); and
- optimum placement of the prisoner to a selected prison.

Following the prisoner's arrival at the selected prison, responsibility for prisoner management decisions transfers to the prison operator who is required to:

- provide prisoners with sufficient information and adequate orientation upon reception into the prison;

⁶³ Office of the Correctional Services Commissioner 1995 *Correctional Policy and Management Standards: Women's Prisons in Victoria* p.17 and Office of the Correctional Services Commissioner 1996 *Correctional Policy and Management Standards: Men's Prisons in Victoria*, p.17.



- undertake an individual assessment of the prisoner with a view to establishing treatment needs;⁶⁴
- assign the prisoner to a particular unit within the prison;
- designate a case manager to supervise the prisoner's individual management plan, including the programs designed to meet the management of the prisoner or to support the prisoner in achieving rehabilitation goals; and
- form a local Review and Assessment Committee comprising representatives of prison management and other corrections and program staff at the prison to review the prisoner's progress against the individual management plan.

The Victorian adult correctional system applies the following five tier rating system to the classification of prisoners:

- A1 – high security
- A2 – maximum security
- B – medium security
- C1 – minimum security. A C1 rating is applied when a prisoner is assessed as being a minimal escape risk but who requires limited supervision.
- C2 – minimum security. A C2 rating is applied when a prisoner is assessed as representing a very low escape risk who can be trusted in open conditions without constant supervision.

In addition, prisoners may also be classified as either Special Category or High Profile prisoners by the SMU. Special Category prisoners include prisoners serving a sentence of at least ten years in custody; prisoners convicted of the offence of murder; and prisoners sentenced to an indefinite term of imprisonment. A prisoner may be designated a High Profile prisoner as a result of notoriety because of the nature or extent of offending; prior security breaches; management concerns or the Commissioner believes that any facet of the prisoner's movement through the system may cause the community a high degree of concern.

1.7.1. Monitoring

The OCSC progressively monitors the ongoing tasks undertaken at the local prison level in managing prisoner plans, and reviewing progress against plans. In other words, the SMU has the key responsibility, beyond its important initial decisions (as described above), for monitoring the overall effectiveness of prisoner management functions progressively undertaken within prisons.⁶⁵

The Monitoring and Review Unit within the OCSC conducts a second layer of review and monitoring. It is responsible for assessing the extent to which correctional services in the public and private sectors have been delivered against the required standards.

1.8. INDUSTRIES AND EDUCATION

The *Corrections Act 1986* establishes the authority for the provision of prison industry sites and prison industries. In section 84H, the Act provides that the Secretary of the Department of Justice may, for or in connection with the management of prison industries and prison industry sites, direct sentenced prisoners to work, and require prisoners to comply with such directions.

There are three types of industries in prisons: primary, manufacturing and service. Primary industries include agriculture and horticulture, landcare, landscaping, reforestation, and beef production. Manufacturing industries include formed wooden products, metal fabrication, electronic component assembly, and textiles. Service industries include activities associated with the operation of kitchens, laundry, internal cleaning and general maintenance within prisons.

⁶⁴ For example, under the *Correctional Policy and Management Standards*, the prison provider must ensure that all prisoners' literacy and numeracy skills are assessed within one month of their arrival in the prison, and subsequently provide access to accredited adult basic education, including workplace literacy programs for those who require it.

⁶⁵ Auditor-General of Victoria 1999, *Victoria's Prison System: Community Protection and Prison Welfare*,. Special Report No.60 pp 105–106.



Prisoners are required to work for six hours per day, 10 days per fortnight and are paid at a rate approved by the Correctional Services Commissioner. Time off from work can be approved to allow prisoners to undertake part-time studies and, wherever possible, the accredited training programs they undertake are to be integrated with their work. Allowance is also made for prisoners to participate in certain rehabilitation programs during work hours.

Prison Operators are required to keep a separate set of accounts for prison industries. Any profits made by the private prison operators from the operation of prison industries are to be disbursed in agreement with the Secretary of the Department of Justice. The Justice Policy Branch of the Department of Justice oversees this component of the Prison Contracts.

The *Correctional Policy and Management Standards* require that 'prisoners are given opportunities to develop skills necessary for effective participation in the labour market after their release'.⁶⁶ To this end, prison managers must provide accredited education and training programs that enable prisoners to continue training as they move through the prison system. They must also allow prisoners to pursue part-time studies that are accredited with outside education providers.

1.8.1. Corrections Education Management Consortium

The Corrections Education Management Consortium is responsible for coordinating vocational education and training programs across the corrections system, and for developing initiatives in vocational education and training for the corrections system.

All Prison Operators are required to provide information pertaining to the education and vocational training needs of the prisoner population on an annual basis to inform the development of the Annual Training Plan for corrections education and training.

1.8.2. Post-Release Employment and Further Training Programs

The OCSC Reducing Offending Strategy includes a Pre-and Post-Release Employment Pilot project, funded by the Victorian Government in the 2001/02 State Budget.

The purpose of the Pre-and Post-Release Employment Pilot is to provide a targeted group of prisoners and offenders with assistance to secure and maintain employment. The program complements other Government strategies to reduce re-offending among moderate to high risk offenders by strategic intervention to tackle offence-related issues – unemployment, homelessness and substance abuse, for example.

Using an approach which provides a service continuum beginning prior to release (for prisoners) and upon sentencing (for offenders other than those on parole), this program will provide individualised assistance for up to six months prior to release, and for up to twelve months post-release (for prisoners). Offenders serving community based orders will be eligible for assistance throughout the term of their order, and may still be referred to the program up to twelve months after the satisfactory completion of their order.

The program will work with employers, recruiting program participants to ensure the employers understand the program and are involved in ways which provide mutual benefits for participants and employers.

1.9. PRISONER HEALTH SERVICES

1.9.1. Health Model

The changes to Victoria's prison system resulted in a revised approach to prison health care service provision. The following three-tiered intervention model was developed to encompass all health care needs:

- *Primary Health Care*: Services routinely provided at a local level, such as medical practitioner sessions, psychiatric consultations, nursing services, dentistry, optometry and limited access to pathology and radiology.
- *Secondary Health Care*: Services usually found in a community or district hospital. These services are usually

⁶⁶ Office of the Correctional Services Commissioner 1995, *Correctional Policy and Management Standards: Women's Prisons in Victoria* Department of Justice, p.38 and p.39; Office of the Correctional Services Commissioner 1996, *Correctional Policy and Management Standards: Men's Prisons in Victoria* Department of Justice, p.38 and p.40.



subject to referral from primary care. Such services may include inpatient services (acute medical, surgical and accident and emergency), inpatient nursing, ambulatory care, psychiatric services not requiring involuntary admissions, and specialist medical outpatient services. Secondary services may also include support and allied health services such as physiotherapy, occupational therapy and diagnostic services.

- *Tertiary Health Care*: Services usually found in a major hospital or referral centre including the highest levels of diagnostic and treatment services. These services are usually subject to referral from primary or secondary care.

All prison operators are responsible for providing primary health care services within their own prisons. The current model allows for the health service delivery to be sub-contracted (as is the case at Port Phillip Prison and all CORE prisons) or provided in-house (as at Fulham and Dame Phyllis Frost Centre).

Secondary and tertiary general health care services are provided by the contracted health care provider (St Vincent's Correctional Health Service) at Port Phillip Prison pursuant to a Health Agreement. At the time of writing a review of this Health model is currently in progress.

1.9.2. Corrections Health Board

The Corrections Health Board was established in May 1999 following the release of the report of the *Review of Suicide and Self Harm in Victorian Prisons* (Kirby Report) which recommended the establishment of the Board.

The functions of the Corrections Health Board are summarised in the Board's terms of reference:

- to oversee and direct the planning of health and related services for offenders, and to provide advice in respect of policy development, standards setting and performance monitoring of health services in the Victorian correctional system;
- to promote system-wide participation and collaboration in the development of 'best practice' in the standards and delivery of health services; and
- to oversee and advise on research and development initiatives that will enhance service standards and system performance.

Members are appointed jointly by the Minister for Corrections and the Minister for Health. The Policy and Standards Unit of the OCSC provides executive support to the Board.

1.10. ADVISORY COMMITTEES AND BOARDS

1.10.1. Official Prison Visitors

The Official Prison Visitors scheme provides the Minister for Corrections with independent advice regarding the operation of the prison to which the Official Visitor is appointed. A secondary role is to facilitate contact and involvement between the prison and the community. The scheme was established in July 1986.

Official Visitors are expected to meet with prisoners and staff at the prisons to which they have been appointed at least once every four weeks. They must provide a written report to the Correctional Services Commissioner following each visit.

The OCSC seeks interested applicants through a public advertising process. The OCSC assesses applicants and makes recommendations to the Minister for Corrections. Appointments are made for a period of two years under section 35 of the *Corrections Act 1986*.

Meetings of Official Visitors, which the Minister usually attends, are held every six months.

The OCSC's Monitoring and Review Unit provides support services to the Official Visitors scheme and addresses any issues raised in the monthly reports received from Official Visitors.

1.10.2. Chaplains Advisory Committee

The *Corrections Act 1986* guarantees prisoners the right to practise the religion of their choice. The only exception would be if this requirement would result in a situation contrary to the good order and security of the prison.



All prison providers fund chaplaincy programs within their prison. CORE directly funds a number of chaplains, from a range of denominations, to provide services within the public prison system. Each private provider funds a position of Coordinator of Chaplaincy Services. The Coordinator then negotiates to ensure prisoners' religious needs are met. This can be done through the Coordinator providing services, or by arranging for other chaplains to come to the prison. Appointments to chaplaincy positions are made on nomination from the churches and the advice of the Chaplains Advisory Committee. (CAC)

The CAC was established in 1965 to provide advice and a forum for discussion on chaplaincy services between the churches and prison managers. The OCSC assumed responsibility for liaison with the Committee in July 1998 and regular six-monthly meetings are held between the CAC, OCSC and prison providers to discuss issues of concern.

1.10.3. Ministerial Community Advisory Committee

The Ministerial Community Advisory Committee (MCAC) was established by the then Minister for Corrections in September 1989 to report to the Minister for Corrections on the progress and operation of the Custodial Community Permit Program (CCPP).

Custodial community permits may be issued to prisoners for health, physical fitness, education, administration of justice, community assistance, family ties, or rehabilitation/reintegration reasons.

MCAC is only involved with rehabilitation/reintegration permits, which aim to prepare a prisoner for release by enabling them to establish community ties, look for work and accommodation, or to undertake other relevant activities. Prisoners serving a minimum sentence of three years or more are eligible to participate during the last twelve months of their sentence. Prisoners serving a minimum sentence of six years or more may apply to participate during the final third of their sentence (up to a maximum of three years). These applications are considered by MCAC.

MCAC also advises the Minister, when necessary, about 'high-profile' prisoners who are participating in the program, and responds to matters referred by the Minister.

The SMU of the OCSC provides executive support to MCAC.

1.10.4. Prison Industries Advisory Committee


The Prison Industries Advisory Committee advises the Minister for Corrections on issues relating to the operation of industries within the Victorian prison system. An officer of the OCSC provides executive support to the Committee.

1.10.5. Community Liaison Committees

Group 4 Correction Services at Port Phillip Prison and Australasian Correctional Management at Fulham Correctional Centre have established community liaison committees to address issues raised by local communities about their prisons. In addition to community representatives, membership of the committees includes the OCSC and local government representatives. The committees meet on a quarterly basis.



Appendix IV: Home Office – Release of Prisoners Information for Victims of Sexual or other Violent Offences


Home Office
 BUILDING A SAFE, JUST
 AND TOLERANT SOCIETY

Release of Prisoners

Information

for victims of
sexual or other
violent offences

1 Introduction

a This leaflet explains that, under the Criminal Justice and Court Services Act 2000 and the Victim's Charter (see below), the National Probation Service will contact you to find out if you want to know what happens to an offender after he or she is sentenced to prison.

b You can expect a member of the Probation Service to contact you if one of the following applies to you.

- You have suffered a sexual or violent offence for which the offender has been sentenced to one year or more in prison or a young offenders' institution. (In this leaflet, all references to prisoners or prisons apply equally to young offenders or young offenders' institutions, or similar institutions.)
- You have a close relationship with someone who has suffered this type of offence and who is vulnerable, for example, a child or elderly relative, and you are acting on their behalf.
- You had a close relationship with someone who has died as a result of this type of offence.

c The National Probation Service can also offer this service if you have been a victim of other serious offences, for example, if you are afraid the offender may try to find you. However, the National Probation Service are not able to offer this service where the offender has been sentenced to less than 12 months in prison.

d These procedures apply where the prisoner is sentenced to be held in a prison in England or Wales, and is being released to an address in these countries. They do not apply where an offender has been sentenced to be held in hospital, although the Government is considering ways in which the victims of these offenders may also receive or provide information.

The Victim's Charter is a charter for victims of crime. It was published in June 1998 and tells you what standards of service you can expect from the criminal justice agencies (for example, the police, the courts) and how to complain if you do not get them. A consultation document about the charter was issued in spring 2007, and changes may be introduced to the charter as a result of this.



• These procedures also do not apply where a prisoner receives a number of sentences, for different offences, which add up to more than 12 months in total, unless one of the sentences is for 12 months or more for an offence against you.

2 How long will the prisoner be in prison?

a Under the current law, prisoners do not usually serve the whole of their sentence in prison. When a prisoner is released will depend on the length of their sentence, how much time they spent in prison before they were sentenced and whether they have passed a risk assessment for being released on licence or Home Detention Curfew (which involves wearing an electronic tag to check where they are after a certain time at night). The period of supervision on licence is an important part of a prisoner's sentence. The National Probation Service supervise all adult prisoners who were sentenced to 12 months or more after October 1992 for a set period after they are released. All young prisoners are released on licence and are automatically supervised for a set period. There are more details on these arrangements below.

b The National Probation Service work with prisoners and prisons to draw up a plan for supervising offenders after their release. This includes approving where a prisoner will live, and whether any restrictions will apply to them after their release. The Probation Service then supervise prisoners when they return to the community.

Life-sentence prisoners

c There are special rules for life-sentence prisoners, who may not be released at all if they are considered to be a danger to the public. The National Probation Service supervise all life-sentence prisoners on a life licence. Even after their release, life-sentence prisoners can be sent back to prison at any time during the rest of their life if their behaviour gives serious cause for concern.

Other sentences of 12 months or more

d Offenders who are sentenced to 12 months or more fall into two other main categories.

Automatic conditional release

- Offenders serving a sentence of 12 months to four years will usually be considered for release on a Home Detention Curfew two months before the halfway point of their sentence. Serious sex offenders cannot apply for a Home Detention Curfew. Decisions about other prisoners are based on careful risk assessment. If they are refused a Home Detention Curfew, these prisoners must be released at the halfway point of their sentence. The National Probation Service always supervise these prisoners after their release. How long the National Probation Service supervise prisoners for varies depending on whether they were released on a Home Detention Curfew or not, but can last until the end of their sentence for some sex offenders. If an offender breaks any of the conditions of their curfew or supervision, they could be sent back to prison. Also, if the offender commits a new offence at any time before the end of the sentence, they could be sent back to prison until the end of their original sentence, and also have to serve any new sentence for the new offence.
- For an offender who commits a sexual or violent offence, the courts have the power to say they must be supervised for even longer after they are released, if the court considers that this is needed to prevent them from committing further offences. These offenders are released under the arrangements set out above, and serve the extended supervision period on top of the period they would be expected to serve on licence. Licence conditions apply for the whole supervision period, and the offender may be sent back to prison if they break these conditions.

Discretionary conditional release

- Discretionary conditional release applies to offenders who are serving a fixed sentence of four years or more. These prisoners become eligible for release from prison (known as 'parole') at the halfway point of their sentence, and may be released on parole at any point between the halfway and two-thirds point. Parole decisions are based on careful risk assessment. If a prisoner is refused parole, they will be released when they have served two thirds of their sentence.



Whether the prisoner is released on parole or after serving two thirds of their sentence, the National Probation Service would still supervise them until three quarters of their sentence has passed. If the offender breaks any of the conditions of the supervision, they could be sent back to prison. Also, if the offender commits a new offence at any time before the end of the sentence, they could be sent back to prison until the end of their original sentence, and also have to serve any new sentence for the new offence.

■ If you would like to know more about the sentence the prisoner in your particular case will serve, you can ask the victim liaison officer when they contact you.

3 Contact by the National Probation Service

■ If you are in the group of people listed in paragraph 1b, the National Probation Service will normally write to you within two months of the offender being sentenced. They will offer to meet with you for the following purposes:

- To give you information about prison sentences in general and how prisoners can proceed through the system.
- To ask you whether you would like them to contact you at key stages in the criminal justice process and tell you when the prisoner is being considered for final release.
- To check whether you have any concerns which you would like them to take into account when they are considering the conditions for the prisoner's final release.
- To give you the name of someone you can contact at the Probation Office which covers your area.
- To explain how they will use any information you provide.
- To tell you about any other services that may be able to help.

4 Your choices to give and receive information

You have the following choices:

- You can choose to be told about stages in the prison sentence (when decisions might be taken about temporary or permanent release), and give your views about conditions that will apply when the prisoner is released or other matters.
- You can choose to be kept informed about stages in the prisoner's sentence, but decide not to give your views about conditions that will apply to the prisoner's release.
- You can choose not to be given any information. In this case, tell your victim liaison officer.

You can change your mind, at any time, about being contacted. But if you do, or if you change your address, you will need to let the victim liaison officer know immediately.

5 What happens if you give information

- If you want to be kept informed and to give information or express your views or concerns, you should tell the victim liaison officer at your first meeting. The following will happen if you do this:
 - The National Probation Service will tell you when the offender is being considered for release.
 - The National Probation Service will discuss your views and concerns with you before the prisoner is released. They will also give you the opportunity to give your views about the conditions that will apply when the offender is released.
 - Before the offender is released, the National Probation Service write an assessment report in which they give their recommendations to the authority considering the conditions of the offender's release. The National Probation Service will consider your views when recommending any conditions.
 - The National Probation Service will give you the choice of knowing what is written in any assessment report about you and your views. This report is



written before the offender is released. They will also tell you about any extra conditions of release, relating to your concerns, which they are recommending.

- The prisoner will normally have the right to see the assessment reports, except in certain circumstances. The victim liaison officer will be happy to explain this to you before you give your views.
- You also have the right to give information to the prison governor or parole board, but the prisoner will normally have the right to see this information. You can discuss this with the victim liaison officer.
- Once the parole board or prison governor has decided about the offender's release, the National Probation Service will tell you whether the offender will have to keep to any conditions after they are released. If so, the National Probation Service will give you details of any conditions which relate to contact with you, and any other information they consider appropriate in your case.

6 The Prison Service's victims' helpline

- a** If you decide not to have contact with the victim liaison officer, you can ring this helpline if you have received, or are worried about receiving, unwanted contact (including letters or phone calls) from a prisoner. You can also tell the helpline, or your victim liaison officer if you have one, if you are worried about the possible temporary release, parole, or final release of a prisoner.
- b** The helpline staff will pass on the details of your call to the prison governor, who will then investigate and decide what action to take. This could include checking any letters the prisoner sends and monitoring their phone calls to prevent them from contacting you again and, if there is enough evidence, taking disciplinary or criminal proceedings. If a prisoner has contacted you, this will be taken into account when they are being considered for parole or release on a temporary licence.
- c** The helpline cannot pass information back to you. But it will confirm, in writing, that it has passed your concerns on to the governor, who will normally write to you to tell you what action has been taken.

d The helpline number is **0845 7585112**. It is open from 9am to 4pm, Monday to Friday. Calls are charged at local rates.

7 What Victim Support can offer

- a** Victim Support is the national charity which helps victims of crime. Trained volunteers and staff based in local schemes in England and Wales offer emotional support, information and practical help to people who have been affected by crime. You may well have been in contact with your local Victim Support scheme already. Victim Support also runs the Witness Service in the Crown Court and in many magistrates' courts.
- b** If you would like to discuss this leaflet, or you need help in coming to terms with the effect the crime has had on you, or if you would like to talk, in confidence and for free, to someone who is independent, you can contact your local scheme. The details are in the phone book under 'Victim Support', or you can contact the Victim Supportline on **0845 3030900** to get the local number. Calls are charged at local rates.

8 The National Probation Service should contact you within two months of the offender being sentenced. However, if they have not been in touch, you can contact your nearest Probation Office, which should be able to give you more information. The address and phone number will be in the local phone book under 'Probation Service'. The Probation Office can also help you with any questions you have about this leaflet, or you can contact Victim Support.





Glossary

ACM – Australasian Correctional Management

CAC – Chaplains Advisory Committee

CCP – Custodial Community Permit

CCPP – Custodial Community Permit Program

CITB – Corrections Industry Training Board

CNI – Criminogenic Needs Inventory

CORE – CORE the Public Correctional Enterprise

CSC – Correctional Services Canada

CTU – Community Transitional Unit

MCAC – Ministerial Community Advisory Committee

OCSC – Office of the Corrections Services Commissioner

OOC – Office of Corrections

PIMS – Prison Information Management System

R&A Committee – Review and Assessment Committee

SESG – Security and Emergency Services Group

SMU – Sentence Management Unit

TA – Temporary Absence

The Panel – Panel for the Ministerial Review of the Custodial Community Permit Program

WCC – Women's Community Custody

WRO – Work Release Order



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