



Information Booklet for Registered Victims

Parole considerations for serious offenders in NSW

Corrective Services NSW
Victims Register

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1. Introduction to the parole process for serious offenders

If you are the victim of a serious offender in NSW, this booklet provides information to victims on the CSNSW Victims Register about serious offenders who are being considered for parole. If the offender is not classified as a 'serious offender', ask us for the booklet that explains parole for other types of offenders.

1.1 What is parole?

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

1.2 Meaning of 'serious offender' in this booklet

A 'serious offender' is an offender managed by the Serious Offenders Review Council. According to the *Crimes (Administration of Sentences) Act 1999* this is an offender who:

- is serving a sentence for life, or
- is serving one or a series of sentences where the sentence (or the combined sentences in the series) will not allow the offender to become eligible for release from custody or on parole, until he or she has spent at least 12 years in custody, or
- is for the time being required to be managed as a serious offender in accordance with a decision of the sentencing court, the Parole Authority or the Commissioner, or
- has been convicted of murder and who is subject to a sentence in respect of the conviction

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

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

1.4 When can a serious offender be considered for parole?

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

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



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

2. Submissions about parole consideration

What is a submission?

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

How long do I have to write a submission?

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

Will the offender see my submission?

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

Do I have to write a submission?

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

How do I write a submission?

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

What happens to my submission if parole is declined?

Your submission will be carried forward to the next consideration.



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

3. Overview of the parole consideration process

3.1 The State Parole Authority consideration process

The State Parole Authority decides on parole in two steps.

1. **First parole consideration – private meeting:**
State Parole Authority meets privately to go through information about the offender and makes an initial intention to grant or refuse parole, or it may stand over the matter for consideration at a later date. You cannot attend this meeting.
2. **Final parole consideration – public review hearing:**
State Parole Authority holds a public review hearing to make a final decision to grant or refuse parole. You can attend this hearing.

3.2 Access to documents about the offender

If you want to see what the offender did in custody to work on their offending behaviour, you can contact us to access modified versions of these documents. We can only show you this information after the State Parole Authority makes an initial intention to grant or refuse parole.

We cannot give you copies of these documents. You can access these documents either by i) coming to our office in Parramatta, or ii) phoning us and we will read it to you.



We will let you know that you can see modified versions of the documents when we let you know whether the State Parole Authority intends to grant or refuse parole.

3.3 Information considered at the first parole consideration – private meeting

The first parole consideration is at a private meeting of the State Parole Authority. Victims and community members cannot attend this meeting.

During this meeting, the State Parole Authority will consider:

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

What does the Serious Offenders Review Council do?

When a serious offender is being considered for parole, the Serious Offenders Review Council will let the State Parole Authority know whether it thinks that the offender should/should not be released on parole. If the State Parole Authority makes an initial intention that is not what the Serious Offenders Review Council recommended, the State Parole Authority must provide reasons for this decision.

3.3.1 Outcomes from the private meeting

After reviewing the information, the State Parole Authority makes an initial intention to grant or refuse parole, or stands-over the decision to a later date if it needs more information to make an intention.

3.3.1.1 Intention to grant parole

If the State Parole Authority makes an initial intention to grant parole, it will add any additional conditions intended to be included on the parole order. A date will be set for a public review hearing, which will happen about 4-6 weeks after the private meeting.

The public review hearing lets the State Parole Authority consider any additional information, including submissions from the offender, the State and registered victims.



We will let you know whether the State Parole Authority intends to grant parole to the offender. We will tell you that the next step will be for the State Parole Authority to make a decision at a public review hearing. We will let you know when this hearing is, so that you can go to it if you want. We will tell you that you can update your written submission, if you like. We will tell you that if you want, you can read your submission out loud at the public review hearing.

3.3.1.2 Intention to refuse parole

If the State Parole Authority makes an initial intention to refuse parole, an offender can submit an application to the State Parole Authority asking the Authority to review its decision. This is called a parole review application. In the application, the offender must justify to the Authority why their review is needed.

If the State Parole Authority made an initial intention to refuse parole, here are two things that can happen.

- The offender will not be released on parole:
 - If the offender did not request a review of the Authority's intention to refuse parole, they will be formally refused parole.
 - If the offender submits a parole review application but the Authority does not agree to review it, the offender will be formally refused parole.
- The offender's consideration continues on to the public review hearing:
 - If the offender submits a parole review application and the Authority agrees to review it, the offender's parole consideration process will proceed to a public review hearing.



We will contact you after the private meeting to let you know that the State Parole Authority intends to refuse parole. If the offender submits a parole review application, we will let you know if there will be a public review hearing.

3.3.1.3 Stand over – parole intention

At the private meeting, the State Parole Authority may decide that it needs more information before it can make an intention to grant or refuse parole. In this case, the State Parole Authority will stand over (delay) the decision until a later date. When initially considering release to parole, a decision must be made no later than 21 days before an offender's earliest possible release date.



We will let you know if the decision was delayed. If so, we will let you know the new meeting date.

3.4 Information considered at the final parole consideration – public review hearing

What is a public hearing?

A public review hearing is held four to six weeks after the private meeting, in a public court. At this hearing, a formal decision is made to grant or refuse parole.

The formal decision may be different to the State Parole Authority's initial intention. For example, the State Parole Authority may initially intend to grant parole, but based on information at the public review hearing, the offender was refused parole.

Who can attend a public hearing?

Anyone can attend these hearings: victims and members of the public. This may include media representatives.

What if I can't or don't want to attend the public hearing?

If you are unable to attend (or don't want to), we can go to the public review hearing for you, and then let you know of what was said in the hearing. Please let us know beforehand, if you want us to go the hearing for you.

Can I read my submission to the court?

You can read your submission to the court to let the court know how the offender's release will impact you. These oral submissions must be given by the registered victim(s). We can only read submissions for victim in exceptional circumstances.

Who else can make a submission?

The State can also make a submission about the parole consideration. The Commissioner of Corrective Services NSW may provide submissions through the Crown Solicitor's Office opposing parole on behalf of the State.

3.4.1 Outcomes from the public review hearing

After going through all the information, the State Parole Authority makes the formal decision to grant or decline parole, or it can stand over the decision to another day.

3.4.1.1 Parole is granted

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

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

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



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

Offender will be supervised in the community: In the community, the offender will be supervised by Community Corrections for up to three years or until their full sentence expires (whichever comes first). If the offender's sentence is still current at the end of three years, the State Parole Authority can apply to extend supervision for up to three years at a time, or until the offender's sentence expires (whichever comes first).

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

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



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

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



Go to Section 3.6 to learn about breach of parole orders.

3.4.1.2 Parole is refused

If parole is refused at the first consideration, we will let you know that parole has been refused and that the next time the offender will be considered for parole will be in 10 months. If you wrote a submission, you can use the same one at the next parole consideration.

Parole may be reconsidered on every anniversary: If release was refused at the first consideration, offenders must apply to be reconsidered for parole. The offender can apply to be reconsidered for parole every 12 months on the anniversary of their earliest possible release date.



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



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

NOTIFICATION OF PAROLE CONSIDERATION

When: Four to six months before the offender's earliest possible release date

What this means

- We receive notification about an offender's parole consideration.
- We contact you to explain the parole consideration process and invite you to provide a submission including parole conditions.



MEETING

When: Two months before the offender's earliest possible release date

What this means

- State Parole Authority holds a meeting to review documents about the offender's progress in custody.
- The Authority makes an intention to grant or refuse parole to the offender, or stands over the consideration to a later date.

TYPES OF OUTCOMES FROM MEETING



STATE PAROLE AUTHORITY REFUSES PAROLE

What this means

- The Authority has formed an intention to refuse parole.
- The Authority may decide to hold a public hearing to review this decision.

What happens next

NO PUBLIC REVIEW HEARING

The parole matter will not go to the public review hearing if:

- The offender did not apply for a review, or
- The Authority decided a review hearing was not warranted.

PROCEED TO PUBLIC REVIEW HEARING

There will be a public review hearing if:

- The Authority calls for a review, or
- If the offender applies for a review and convinces the Authority that a review is warranted.



STATE PAROLE AUTHORITY STANDS OVER PAROLE CONSIDERATION

What this means

- The Authority needs more information before it forms an intention about parole.
- The Authority will delay this parole consideration until a later date, at another private meeting.

What happens next

We will tell you:

- The consideration has been stood over and will be considered at another date.
- When the Authority will meet to consider the case.



STATE PAROLE AUTHORITY GRANTS PAROLE

What this means

A public hearing date will be set for 4-6 weeks after the private meeting.

What happens next

We will contact you to:

- inform you of the intention to grant parole.
- invite you to update your submission for the public review hearing.
- let you know the date of the public review hearing and invite you to attend.
- advise you that you have the right to access modified documents about programs the offender completed in custody to address their offending behaviour.



PUBLIC REVIEW HEARING

(continued next page)

PUBLIC REVIEW HEARING

When: 4 to 6 weeks after the private meeting

What happens:

- State Parole Authority holds a public hearing to decide on whether to grant or refuse parole, or stand over the consideration to a later date.
- You can attend this hearing and provide an oral submission to the State Parole Authority about how you'll be impacted if the offender is released on parole.

TYPES OF OUTCOMES FROM PUBLIC REVIEW HEARING

STATE PAROLE AUTHORITY DECIDES TO REFUSE PAROLE

What this means

- The offender is not released on parole.

What happens next

We will inform you that:

- The offender will be reconsidered for parole in 12 months.
- The offender may apply for reconsideration within the 12 months if they addressed the reason for parole refusal.
- Your victim submission will be carried over to the next consideration.
- You may update your submission before the next consideration, if you like.

STATE PAROLE AUTHORITY STANDS OVER PAROLE CONSIDERATION

What this means

- The Authority needs more information before it makes a decision about parole.
- The Authority will delay this parole consideration until a later date, at another private meeting.

What happens next

We will tell you:

- The consideration has been stood over and will be considered at another date.
- When the Authority will meet to consider the case.

STATE PAROLE AUTHORITY DECIDES TO GRANT PAROLE

What this means

- The offender will be released and will be on parole for the rest of their sentence.

What happens next

- We will inform you about the offender's parole conditions and exclusion zones.

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

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



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

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



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

3.4.1.3 Parole decision stand over (delay)

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



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

3.5 Circumstances when parole may be granted

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

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



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

3.6 Breach of parole

What is a parole breach?

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

What happens when an offender breaches parole?

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

3.6.1 Outcomes from the parole breach review hearing

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

Outcome 1: Revocation due to breach of parole supervision condition

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

Outcome 2: Revocation due to a new offence

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

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

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



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

4. Relevant legislation about parole

Laws about parole are contained in the following NSW legislation:

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

5. Contact us

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

Email: victims.register@dcj.nsw.gov.au

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