COPP 14.4 Parole Applications

Prison

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| Principles As referenced in the [*Guiding Principles for Corrections Australia 2018*:](https://justus/intranet/prison-operations/Documents/guidelines-for-corrections-in-aus.pdf)  1.1.1 Informed, impartial, appropriate, and timely information is shared with courts, releasing authorities and other relevant stakeholders to support decision making. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all public and private prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

In Western Australia, a court sentencing an offender to a fixed term of imprisonment of 6 months or more, may make an order that the offender be eligible to be considered for parole in respect to that term[[1]](#footnote-1). Prisoners may also be granted parole (short term) by the Prisoners Review Board (PRB), in circumstances set out in the *Sentence Administration Act 2003*[[2]](#footnote-2), when serving less than 6 months imprisonment.

The PRB must consider a prisoner’s eligibility for State Parole, or in the case of Commonwealth Parole, the Commonwealth Attorney-General. Written reports that deal with the release considerations relating to the prisoner must be provided to the PRB[[3]](#footnote-3) or Commonwealth Attorney-General in a reasonable time before the date when the prisoner concerned is eligible for parole release.

A prisoner sentenced to a parole term, will have an Earliest Eligibility Date (EED) set, indicating when they are eligible for release to parole. In the case of a prisoner serving a sentence of life imprisonment, the Statutory Review Date (SRD) indicates when the prisoner is eligible to be considered for release.

# Parole – Short Term Mandatory or Discretionary

### A prisoner serving less than 6 months imprisonment from Sentence Start Date (SSD) to Earliest Date of Release (EDR) may be eligible to be released on short term parole, subject to the requirements of this section.

### Prisoners subject to parole (short term) fall into 2 categories:

### discretionary parole release - the PRB may make an order for release to parole[[4]](#footnote-4)

### mandatory parole release - the PRB must make an order for release to parole on the prisoner’s EED[[5]](#footnote-5)

### The Authorised Assistant Superintendent shall ensure for both mandatory and discretionary (short term) parole:

### the Parole (short term) Checklist on the Total Offender Management Solution (TOMS) is completed in full, not less than 8 weeks prior to the prisoner’s EED for release to parole

### contact has been made to confirm the details provided by the prisoner regarding accommodation and/or employment upon release.

### In the event of a backdated sentence or very short prison term resulting in less than 8weeks to the EED, the Authorised Assistant Superintendent shall arrange for the Parole (short term) Checklist to be prepared as a priority and emailed to the PRB immediately.

### In the event a prisoner advises they do not want to be released to short term parole, the request, addressed to the PRB, shall be in writing, acknowledging the effect their parole refusal shall have on their sentence.

### The Authorised Assistant Superintendent, in addition to the prisoner’s written request, shall ensure the conclusion section only of the Parole (short term) Checklist is completed, and an offender note shall be entered on TOMS explaining the reasons for refusal.

### In the case of prisoners subject to mandatory (short term) parole release, the Authorised Assistant Superintendent shall recommend:

### whether the order should be supervised or not

### any release conditions providing justification for the recommendation.

### The Authorised Assistant Superintendent, prior to incorporating comments and finalising the Parole (short term) Checklist for Discretionary (short term) parole, shall consider the following:

### relevant Assessment Case Management (ACM) checklists and TOMS information

### the prisoner’s court history

### Community Business Information System (CBIS) information

### relevant documentation in Content Manager

### any other relevant documentation.

### The Authorised Assistant Superintendent shall ensure all relevant documentation, not otherwise electronically available, such as the prisoner’s parole plan, letters of support, certificates, and treatment completion reports are:

### attached with the Parole (short term) Checklist; or

### emailed to the PRB; and

### copied and stored on the Prisoner Management File/Unit File (where applicable).

* + 1. A prisoner subject to a mandatory (short term) parole term can only be denied release at their EED if the prisoner refuses, in writing, to be released to parole.
    2. Mandatory parole release may be deferred if the prisoner is remanded in custody without bail on other matters,or deferred for up to 7 days to enable travel/transport arrangements to take effect.

# Parole Reviews

### A court sentencing a prisoner to an imprisonment term may make them eligible for parole consideration, where the term imposed is six months or more (i.e. SSD to EDR).

### The Superintendent shall ensure prisoners are offered support and assistance, where required, to enable them to prepare a written parole plan.

### The Authorised Assistant Superintendent shall ensure:

### the Parole Review Checklist in the ACM module on TOMS is completed in full, not less than 8 weeks prior to the prisoner’s EED for release to parole

### contact has been made to confirm the details provided by the prisoner regarding accommodation or employment upon release.

### In the event of a backdated sentence resulting in less than 8 weeks to the prisoner’s EED, the Authorised Assistant Superintendent shall arrange for the Parole Review Checklist to be prepared as a priority and emailed to the PRB immediately.

### In the event a prisoner advises they do not want to be released to parole, the request, addressed to the PRB, shall be in writing, acknowledging the effect their parole refusal will have on their sentence.

### The Authorised Assistant Superintendent shall ensure, in addition to the prisoner’s written request, that the conclusion section only of the Parole Review Checklist is completed, reporting the prisoner’s reasons if known. An offender note shall be entered on TOMS explaining the reasons for refusal.

### The Authorised Assistant Superintendent, prior to incorporating their comments and finalising the Parole Review Checklist, shall consider all relevant and available information associated with the prisoner. This includes:

### relevant ACM checklists and TOMS information

### the prisoner’s court history

### CBIS information

### relevant documentation in Content Manager

### any other relevant documentation.

### The Authorised Assistant Superintendent’s recommendation whether to adjourn, deny or release a prisoner to parole shall include whether to supervise or not, and include any conditions of release deemed appropriate and reasons for the recommendation.

### The Authorised Assistant Superintendent shall ensure all relevant documentation, not otherwise electronically available, such as the prisoner’s parole plan, letters of support, certificates and treatment completion reports are:

### attached with the Parole Review Checklist; or

### emailed to the PRB; and

### copied and stored on the Prisoner Management File/Unit File (where applicable).

# Reconsideration for Parole

### This section applies to prisoners:

### subject to a parole review by the PRB following an adjournment or a previous denial of parole

### in breach of parole and subject to consideration for re-release to parole.

### At the request of the PRB, the Authorised Assistant Superintendent shall schedule the completion of reports for parole reconsideration, ensuring they are submitted no later than 14 days prior to the prisoner’s review date.

### The PRB will often advise which report type is required to be completed. Generally, the TOMS Parole Review Checklist on TOMS shall be used for parole reconsideration. The TOMS Parole Addendum Report may be used in the following circumstances:

### for the prison to address a specific issue only (i.e. a late change in parole plan)

### if the prisoner’s release to parole was adjourned for a specific issue only

### if the next review date set by the PRB is 6 months or less

### if a report is requested by the PRB after a parole suspension/cancellation.

### The Authorised Assistant Superintendent shall ensure all questions in the relevant report are completed and contact has been made to confirm the details provided by the prisoner in relation to accommodation and/or employment on release.

### The Authorised Assistant Superintendent shall ensure all relevant documentation, not otherwise electronically available, such as the prisoner’s parole plan, letters of support, certificates and treatment completion reports are:

### attached with the relevant report; or

### emailed to the PRB; and

1. copied and stored on the Prisoner Management File/Unit File (where applicable).

# Executive Council (EXCO) Approval for Release

### Prisoners serving a sentence of life imprisonment or an indefinite term of imprisonment are subject to EXCO approval for release to parole. For these cases, a report shall be completed using the Parole Review – EXCO Approval Checklist on the ACM module on TOMS.

### The Manager, Release Planning, shall advise the prison when the PRB has requested a report and place an offender note on TOMS advising when this is due.

### The Authorised Assistant Superintendent shall arrange for the completion of the report by the specified due date and consider any other relevant reports required (e.g. psychological report, Community Corrections Officer’s (CCO) report).

### The Authorised Assistant Superintendent’s recommendation whether to adjourn, deny or release a prisoner to parole should include reasons for the recommendation and any conditions of release deemed appropriate.

### The Authorised Assistant Superintendent shall ensure all relevant documentation are emailed to the Release Planning Branch. Relevant documentation will include:

### parole plan

### letters of support

### certificates

### treatment completion reports

### Copies of documents are not to be sent to the PRB directly from the prison.

### The Release Planning Branch shall forward:

### the Parole Review – EXCO Approval Checklist on TOMS, together with supporting documentation, covering letter and re-socialisation program progress reports (if applicable) to the PRB

### a copy of all the documentation saved to Content Manager.

# Commonwealth Parole

### Prisoners serving a Commonwealth sentence require the Commonwealth Attorney-General’s approval to be released to parole.

### The Commonwealth Parole Report shall be completed 6 months prior to the prisoner’s EED. Generally, Sentence Management staff shall advise prisons when these reports are required.

### The Commonwealth Attorney-General (or delegate) shall inform the prisoner and provide reasons, when considering refusing the prisoner’s release to commonwealth parole. The prisoner shall be given the opportunity to make a submission, prior to the decision being made.

### Where Commonwealth parole is refused, the Commonwealth Parole Office must provide written notice to the prisoner within 14 days after the refusal, including:

### reasons for the refusal

### advice that the prisoner shall be reconsidered for parole within 12 months.

### The prisoner shall be provided an opportunity to make an appeal submission if commonwealth parole is refused.

### Relevant Commonwealth parole correspondence from the Commonwealth Parole Office will be communicated to the respective Superintendent by email.

### Prison staff shall direct any queries in relation to parole or release of Commonwealth prisoners, to the relevant CCO if known, or the Commonwealth Parole Office.

# Parole Orders and other Correspondence

### The relevant Officer, if necessary, shall explain or read decisions and correspondence from the releasing authority (PRB) to a prisoner to ensure understanding and advise of the appeal process.

### Prisoners shall complete the [Request for Review of a Decision](https://justus/intranet/prison-operations/Pages/copp-forms.aspx), when requesting a review of a parole decision.

### When a prisoner is released to parole the following shall be completed:

### provide the prisoner with a copy of the signed Parole Order

### forward a second signed copy to the Sentence Information Unit

### provide a copy of the Commonwealth Parole Order to the Commonwealth Parole Office

### store a copy of the parole order and other correspondence on the Prisoner Management File/Unit File and saved to Content Manager.

### The Superintendent/Officer in Charge (OIC) shall ensure prisoners are not released to parole until they sign the Parole Order, indicating their understanding and agreement.

### The Superintendent/OIC shall immediately notify the PRB or Commonwealth Parole Office if a prisoner refuses to sign the Parole Order.

### The relevant Officer assigned to advise the prisoner of decisions/correspondence from the releasing authority shall record in ACM, ’Offender Notes’ on TOMS, the date and time the prisoner was advised and any pertinent comments.

### Some prisoners may suffer adverse emotional reactions if parole is refused/adjourned. All staff should be alert for any change in mood/behaviour and make a referral via the At Risk Management System (ARMS), if there are any concerns regarding a prisoner’s risk of self-harm or suicide, refer to the [At Risk Management System (ARMS Manual).](#_Related_COPPs_and)

### An adverse emotional reaction may indicate an increased risk of escape or increased security risks within the prison. Where staff become aware of such a reaction the Authorised Assistant Superintendent shall be immediately informed so that consideration can be given to the prisoner’s security rating and placement.

# Annexures

## Related COPPs and documents

* [Request for Review of a Decision](http://justus/intranet/prison-operations/Pages/copp-forms.aspx)
* [At Risk Management System (ARMS) Manual](http://justus/intranet/prison-operations/Documents/arms-manual.docx)

## Definitions and acronyms

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| Term | Definition |
| Assessment Case Management (ACM) system | An electronically managed system to support the assessment, classification, and case management of prisoners. |
| At-Risk Management System (ARMS) | The At-Risk Management System is the Department's multi-disciplinary suicide prevention strategy for offenders. The tri-level system includes:   * Primary prevention - strategies to create physical and social environments in the detention centre that limits stress on detainees. * Secondary prevention - strategies to support detainees at statistically higher risk of self-harm or suicide. * Tertiary prevention - strategies aimed directly at individuals identified as at risk of self-harm or suicide. |
| Authorised Assistant Superintendent | The Assistant Superintendent or Manager Assessments (or in the case of privately operated prisons, the relevant Assistant Director) of the prison whose responsibilities include prisoner management and/or assessments. The Authorised Assistant Superintendent is authorised by the Superintendent to undertake the responsibilities as described in this document. |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff on how the relevant legislative requirements are implemented. |
| Commonwealth Attorney-General | The authority responsible for determining release to commonwealth parole. |
| Community Business Information System (CBIS) | A business application used by Adult Community Corrections (ACC) staff and Offender Services staff to manage offenders in the community. |
| Community Corrections Officer (CCO) | A person appointed as a Community Corrections Officer as defined in s 98 *Sentence Administration Act 2003.* |
| Content Manager | The department’s Record Management System used to capture, store and manage corporate records securely and in accordance with relevant legislation, policies and standards. |
| EDR | Earliest Date of Release |
| EED | Earliest Eligibility Date |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Officer in Charge (OIC) | As defined in s 3(1) [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)and refers to either the designated Superintendent or the officer in charge of a prison at a particular time.  Also includes any contract worker authorised by the Commissioner in accordance with s 15I (1) (a) [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)to perform the functions of a superintendent in a privately operated prison. |
| Parole Order | An order that on a release date specified in the order a prisoner is to be released to parole for a parole period specified in the order as defined in s 28 *Sentence Administration Act 2003.* |
| Parole Review | The process of considering release to parole |
| Prison Officer | As defined in s. 3(1) *Prisons Act 1981*. Also includes any contract worker authorised by the Commissioner in accordance with s.15I (1) (b) *Prisons Act 1981* to perform the functions of a prison officer. |
| Prisoners Review Board (PRB) | The Board established under [s.102 of the *Sentence Administration Act 2003* and the authority](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_887_homepage.html) responsible for determining the release of prisoners to Early Release Orders. |
| SSD | Sentence Start Date |
| SRD | Statutory Review Date |
| Superintendent | The Superintendent as defined in s 36 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)and includes any reference to the position responsible for the management of a private prison under Part IIIA of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). Does not extend to the Officer in Charge of a prison. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Justice, Corrective Services to record and manage comprehensive information relating to prisoners. |

## Related legislation

* *Sentence Administration Act 2003*
* [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual.](https://justus/intranet/department/standards/Pages/monitoring.aspx)
* The relevant Deputy Commissioner will ensure that management oversight occurs as required.
* Monitoring and Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework](#_top).
* Independent oversight will be undertaken as required.

# Document Version History

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by the Director Operational Projects, Policy, Compliance and Contracts | 3 August 2021 | 13 September 2021 |
| 2.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 14 August 2023 | 17 August 2023 |

**Corrective Services**

1. s 89 *Sentencing Act 1995* [↑](#footnote-ref-1)
2. Division 4 *Sentence Administration Act 2003* [↑](#footnote-ref-2)
3. s 17 *Sentence Administration Act 2003* [↑](#footnote-ref-3)
4. s 23(3)(a) [*Sentence Administration Act 2003*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_887_homepage.html) [↑](#footnote-ref-4)
5. s 23(3)(b) *Sentence Administration Act 2003* [↑](#footnote-ref-5)