

COMMIT Program and Parole Act Amendments

Swift, Certain and Fair

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NT COMMIT Program Pilot

SWIFT: Immediate sanction applied to all nominated breaches

CERTAIN: Offenders know a breach will result in known sanctions

FAIR: Sanctions are perceived to be reasonable/proportionate and designed to encourage behaviour change

COMMIT Assessment criteria

Risk Level –
LSI:SV
Medium /
High

Alcohol
and/or Drug
Misuse

Previous Non-
compliance

Previous
Imprisonment

Responsivity

Suspended Sentence of Imprisonment

Current Situation:

Non-compliance with Parole Order – All or Nothing

- The Chairperson is able to make a decision regarding non-compliance with the parole order within a short period of time.
- However, the options available are very limited. Generally speaking, where a parolee is non-compliant with his or her parole order the option is to revoke, or not revoke, the order. In practice, this translates to the following options, to:
 - a) take no action;
 - b) issue a warning letter;
 - c) issue a further 'stern' warning letter;
 - d) vary the conditions of the order; or
 - e) revoke the parole order.
- If the parole order is revoked by the Chairperson, a the Local Court must commit the parolee to prison or a detention centre (for a youth) for the entirety of the parole period.

Swift, certain and Fair Parole Sanctions:

The proposed amendments will ensure:

- » There is a predetermined, clear and immediate sanction for non-compliance; and
- » Supervision to continue once the short sanction is served as the existing parole order will recommence (unless it is varied).

The acts of non-compliance that will be targeted include:

- » Failure to attend scheduled supervision appointments
- » Drug and alcohol use;
- » Curfew violations; and
- » Other appropriate acts of non-compliance e.g. non-contact conditions

Revocation and cancellation of the parole order will still be an option available when serious non-compliance occurs or demonstration of disregard for the parole order.

Swift, Certain and Fair Sanctions

Benefits of the proposal

- » Increased options/greater flexibility for the Parole Board when determining parole suitability;
- » Increased options/greater flexibility for Chairperson when considering acts of non-compliance with parole order;
- » Reinforce the gravity and seriousness of each incident of non-compliance with a parole order;
- » Demonstrate to other offenders that the Chairperson will take swift, consistent and proportionate action for non-compliance with orders, without revoking the order;
- » Reduce the rate of recidivism in the Northern Territory;
- » Reduce the incarceration rate of Indigenous people in the Northern Territory; and
- » Enhance the management of parolees in the community and increase the prospects of their successful reintegration into community and thereby enhance community safety.

Example:

- » **Offender sentenced – 2 years imprisonment with a non-parole period of 12 months.**
- » **The person is granted parole at the earliest possible point in time – 12 months imprisonment with 12 month parole order.**
- » **The Parole Board determines that the offender should be managed subject to the ‘swift, certain and fair’ supervision model.**
- » **After serving 6 months on parole, the parolee is non-compliant and the Chairperson considers the non-compliance; determining it to be minor/lower level.**

Under the proposed regime the following may occur:

1. The Chairperson can impose a sanction, in accordance with the gazetted sanctions matrix, by written order of the Chairperson;
2. The parolee is apprehended by a police member or is directed to attend court by PPO (as the case may be);
3. A warrant of commitment is issued by the Local Court for the period of imprisonment stated in the order;
4. The parolee is taken into custody under the warrant;
5. The parolee serves the 7 day sanction of imprisonment for the act of non-compliance;
6. The parolee is released back into the community on the existing parole order and the conditions continue as they were (unless varied). The termination date of the order remains unaffected;
7. The parolee has now served 12 months and 7 days imprisonment under the sentencing order. The term of imprisonment served under the sanctioning regime does not extend the original parole order/sentence. The parolee now has 5 months and 3 weeks remaining on the parole order; and
8. If the parole order is later revoked by the Chairperson or cancelled by the court, the term of imprisonment served under any previous sanctioning regime is counted towards time served. As is the case now, no credit is given for 'street time'.

Proposed Timeline

Introduction of Bill: May 2017

Passage of Bill: August 2017

Implementation: Preparations commence now and take effect in September 2017

Questions?

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