



## **Parole: Question Paper 4: Reintegration into the community and management on parole**

### **Submission from the Shopfront Youth Legal Centre**

#### **Introduction**

The Shopfront Youth Legal Centre is a free legal service for homeless and disadvantaged young people aged 25 and under. Established in 1993 and based in Darlinghurst in inner-city Sydney, the Shopfront is a joint project of Mission Australia, the Salvation Army and the law firm Herbert Smith Freehills.

The Shopfront's main area of practice is criminal law. Two of our solicitors are accredited specialists in criminal law; one is also an accredited specialist in children's law. Our four solicitors appear almost daily for vulnerable young people in the Local, Children's, District and occasionally Supreme Courts.

The Shopfront's clients come from a range of cultural backgrounds, including a sizeable number of indigenous young people. Common to nearly all of our clients is the experience of homelessness: most have been forced to leave home due to abuse, neglect, domestic violence or extreme family dysfunction. Most of our clients have limited formal education and therefore lack adequate literacy, numeracy and vocational skills. A substantial proportion also have a serious mental health problem or an intellectual disability, often co-existing with a substance abuse problem.

Although the Shopfront is a youth legal service, and has expertise in children's matters, the majority of our clients are in fact young adults aged 18 to 25. We therefore have a good working knowledge of both the juvenile and adult criminal justice systems.

#### **Question 4.1: Case management of offenders in custody**

##### **How could case management of offenders in custody be improved to ensure that any issues that may impede successful reintegration on parole are identified and addressed?**

In our experience, very few inmates receive adequate case management while in custody. Barriers to effective case management include:

- a) Resources - effective case management requires skilled staff with backgrounds in social work or related disciplines. Adequate case management can also be very time-consuming and case workers cannot perform effectively with too large a caseload.
- b) Short sentences, or unplanned releases (e.g., when an inmate receives a back-dated sentence after a lengthy period on remand) can make it difficult to formulate a case plan.
- c) Frequent transfers between correctional centres, which may result from reclassification or from prison overcrowding, are also a significant barrier to effective case management.

However, we believe that these barriers can be overcome and that effective case management would likely result in long term cost savings by better preparing prisoners for community life, thus reducing recidivism and the "revolving door".

This question also has some relevance to Question 4.20, about integrated case management and "throughcare". We suggest that guidance could be drawn from Juvenile Justice which, in our view, case manages offenders much more effectively than Corrective Services. As noted in your

Question Paper 6, Juvenile Justice offers similar programs to offenders in custody and in the community. Moreover, Juvenile Justice Officers continue to be responsible for case-managing their clients whether they are in the community or in custody. Although a JJO's face-to-face contact with their client may decrease while the young person is in custody, our experience is that the JJO maintains close contact with detention centre case managers. While this does not alleviate all the problems associated with moving between custody and the community, it makes for a smoother transition.

It is also our experience that Corrective Services does not make the most of the information and support that may be available from community-based organisations. While it is true that many prisoners have little or no support available in the community, some inmates have had contact with a number of services such as community mental health centres, crisis and supported accommodation, counselling and case management services. Some of these services (especially case management services for young people aged 18 to 25) are willing and able to work with clients even while they are in custody. However, in our experience, Corrective Services rarely recognises or utilises the support these agencies may be able to provide. In some cases, we have seen correctional centres actively discourage the involvement of case workers from the "outside". Coordinated case management involving such organisations is, in our view, an important part of preparing inmates for their release into the community.

#### **Question 4.2: Role of the Serious Offenders Review Council**

##### **What changes, if any, should be made to the Serious Offenders Review Council's role in the custodial case management of offenders?**

We have no practical experience of the SORC and have no comments to offer in response to this question.

#### **Question 4.3: Custodial rehabilitation programs**

##### **1. How could the process for selecting and evaluating the rehabilitation programs offered to offenders in custody be improved?**

We do not have sufficient knowledge of the Program Accreditation Panel to comment on how well it performs its functions. However we believe it is important that the panel includes some experts independent of Corrective Services, and that programs are also evaluated by independent bodies (eg BOCSAR, universities or research institutes).

##### **2. How could offenders be given sufficient opportunity to participate in in-custody rehabilitation programs?**

As discussed in Question 1, short sentences, uncertainty about release dates, and frequent transfers between correctional centres can present barriers to case management. This is also true in relation to offenders access to educational programs.

Many of our clients, even those serving relatively long sentences, have access to programs denied or interrupted due to frequent transfers and/ or reclassification. It is also our understanding that access to programs is very limited for remand prisoners. While uncertainty about a prisoner's release date is a challenge, it is not a good enough reason to restrict access to programs for inmates on remand.

We note the comments about the Statewide Disability Services in Paragraph 4.41 of the Question Paper. The Shopfront has worked with a significant number of clients with intellectual disabilities and other cognitive impairments; in our experience, the services of the Statewide Disability Services are very difficult to obtain.

Access to counselling and psychological therapy could also be vastly improved. It is well-known that a large proportion of inmates, particularly women, have histories of unresolved trauma which often involves sexual assault or serious family violence. Although mental health services are provided by Justice Health, in our experience their resources rarely extend beyond the administration of medication and periodic psychiatric reviews. There are also psychologists employed by Corrective Services but their resources are very limited. There does not appear to be anything resembling psychotherapy or intensive counselling, which is what many inmates require.

We understand that some centres, including Juvenile Justice centres and Silverwater Women's Correctional Centre, are trialling the use of the counselling scheme available through Victims Services. This is a very welcome development and we hope to see this or a similar service rolled out to other correctional centres.

#### **Question 4.4: Access to education and work programs in custody**

##### **1. What education and work programs would boost offenders' employability and improve their prospects of reintegration when released on parole?**

We have no specific comments to make about the type of work or education opportunities that would be desirable. We believe that many of the educational courses currently on offer, provided that inmates are able to access them, provide reasonable vocational training.

There will always be a difficulty with making in-custody employment sufficiently relevant to prepare inmates for the "real world". However, we suggest that some improvements could be made, particularly as regards access to information technology. Traditionally, access to computers in custody has been extremely limited, partly due to cost, but largely due to concerns about security. We understand that Corrective Services has started investing in IT access for inmates, including an intranet which allows inmates to access information and learn important skills, while mitigating security risks associated with full internet access. We support this initiative, as technological literacy is now an essential vocational and survival skill.

##### **2. Are offenders given sufficient opportunities to access in-custody education and work programs in order to achieve these outcomes?**

See our answer to the previous question about access to programs. Similar considerations apply.

**Shane**, aged 20, comes from an extremely dysfunctional family background, has been a victim of sexual assault, and has been involved in both the juvenile and adult criminal justice systems.

He is currently serving a sentence of imprisonment for robbery offences committed when he was 18-years-of-age. His aggregate non-parole period is 3½ years.

His frequent custodial movements since sentence have made it very difficult for him to access programs and work in prison.

From October 2012 to March 2013, Shane undertook the compulsory Drug Treatment Program at Parklea, before being discharged from the program. He was placed in segregation for around 2½ months whilst awaiting a final decision from the Drug Court whether to be discharged or accepted back into the program. He ultimately chose not to seek re-entry to the program.

In April 2013, Shane was transferred to John Morony 1 at Windsor. This was supposedly for the purpose of completing the Involuntary Drug and Alcohol Treatment (IDAT) program. However, he was then assessed as unsuitable for IDAT because he had been discharged from of the Drug Treatment Program at Parklea.

While at John Morony 1, Shane put in numerous applications for programs such as SMART Recovery, an alcohol and other drug program. However, there were no programs commencing at the relevant time, as they were only being run every few months. After making many job applications, Shane finally obtained a yard sweeper's job in his last three weeks at John Morony 1.

In early August 2013, Shane was classified as C1 and sent to John Morony 2, a correctional centre which aims to provide programs for young adult male offenders. However, he did not even get past Reception. Shane was told that he was now an A classification because of his pending charges at the Children's Court. He had recently been charged with a robbery offence which was allegedly committed more than two years prior, before he turned 18 and well his entry into custody.

After being laced in an observation cell at Reception at John Morony 2 for two days, Shane was then transferred to the Metropolitan Remand and Reception Centre (MRRC) at Silverwater. However, around one week later he was moved to Lithgow Correctional Centre. This denied Shane the opportunity to undertake any work or programs at the MRRC.

Since then, Shane has been transferred to other correctional centres, including the Long Bay Hospital, where he has remained for a significant period awaiting treatment for a shoulder injury.

For the best part of the last nine months, Shane has not had any meaningful access to programs, education or employment. His classification continues to be affected by his outstanding Children's Court charge and restricts access to the programs that otherwise would be available.

Shane is currently pessimistic about his chances of being granted parole at the end of his non-parole period. Shane, aged 20, comes from an extremely dysfunctional family background and has been involved in both the juvenile and adult criminal justice systems.

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#### **Question 4.5: Short sentences and limited time post-sentencing**

##### **How could in-custody case management for offenders serving shorter sentences be improved to reduce reoffending and improve their prospects for reintegration on parole?**

The better implementation of "throughcare" (discussed further in our response to Questions 4.1 and 4.20) could help alleviate the challenges posed by short sentences.

## Question 4.6: Pre-release leave

How could pre-release leave programs be improved to:

1. prepare offenders sufficiently for life on parole; and
2. ensure offenders can access pre-release leave prior to parole?

We believe that pre-release leave should not be confined to work release but should also be for the purposes of attending educational courses, spending time with family (especially dependent children) or attending therapeutic appointments and programs.

As pointed out in Paragraph 4.62 of the Question Paper, lack of suitable sponsors is a barrier to pre-release leave. Better funding of community organisations, and closer communication between these organisations and Corrective Services (as discussed in our response to Question 4.1) could assist with this.

## Question 4.7: Transitional centres before release

1. How effective are transitional centres in preparing offenders for release on parole?

We do not have direct experience of the two transitional centres.

However, we have had a number of clients accommodated at the Biyani program at Parramatta, which is presumably one of the “co-existing disorder residential centres” referred to in paragraph 4.71 of your question paper.

We have been in quite close contact with these clients and with staff of Biyani, both during the assessment phase and while the clients have been residing in the program. Based on our observations, we believe it is an extremely valuable program which fills a significant gap. It works effectively with women who have high and complex needs, who need structure and support but for whom a residential drug rehabilitation program may not be necessary or appropriate. One of the benefits of Biyani is that it is available not only for women being released on parole, but for those on section 11 and 12 bonds, as an alternative to full-time custody.

2. How could more offenders benefit from them?

Presumably funding is a barrier to making transitional centres more widely available. We imagine there would also be issues with security, identifying and fitting out suitable properties, and recruitment of appropriately skilled staff.

Our experience suggests that there is also a need for better integration between custodial and community case management, and better preparation for release on parole (as discussed elsewhere in this submission). This would allow the earlier identification of prisoners who may be suitable for transitional centres or Biyani-type programs, and would facilitate a more streamlined transition.

**Julia** is a young woman with mental health and substance abuse problems. She was charged with some break and enter offences and refused bail.

We, as her legal representatives, were of the view that the Biyani program would be of benefit to her, and sought an assessment with a view to having her released to Biyani on a section 11 or section 12 bond.

Although she was deemed suitable for Biyani, the sentencing magistrate was of the view that Julia should spend a further period in custody before being released. She was sentenced to a term of imprisonment with a recommendation that she be released to Biyani or a rehabilitation program at the end of her non-parole period in a few months' time.

Despite the court's recommendations, and the fact that there had already been some contact with Biyani, it appears that very little was done while Julia was in custody to prepare for her release.

As is regrettably common, Julia was not seen by a parole officer until about a month before her expected release date. The parole officer did not appear to be aware of the circumstances and it was only after being contacted by the Shopfront Youth Legal Centre that she sought to have Julia

assessed for Biyani. By this time, of course, the assessment process and the length of the waiting list meant that Julia could not get into Biyani until several weeks after her release date.

Julia's parole officer told her she would be making an application for pre-release revocation on the grounds that there was no appropriate accommodation for Julia until a place at Biyani became available.

After some advocacy from the Shopfront Youth Legal Centre, the parole officer agreed to consider Julia's parents as an interim accommodation option while awaiting a place at Biyani. As there was insufficient time to conduct the necessary assessments and home visits prior to Julia's release date, a pre-release revocation was still sought and was granted by the SPA. However, Julia was paroled to her parents' place shortly thereafter, and spent several weeks there before entering the Biyani Program.

Clearly, a more seamless transition to Biyani could have been achieved with better case management and communication between the custodial and non-custodial branches of Corrective Services.

#### **Question 4.8: Back-end home detention**

##### **Should the Corrective Services NSW proposal for a back-end home detention scheme, or a variant of it, be implemented?**

We support this proposal in principle, although it is unlikely to be of much benefit to our clients unless Corrective Services is actively involved in arranging housing for them.

Care would also need to be taken to ensure it does not have the unintended consequence of increasing the length of sentences in general or non-parole periods in particular.

#### **Question 4.9: Day parole**

##### **1. How could a day parole scheme be of benefit in NSW?**

As we see it, day parole appears to have features in common with pre-release leave (discussed in question 4.6).

We believe day parole could be of benefit in assisting prisoners to reintegrate into the community, whilst still subject to the structure and supervision of a correctional centre.

It would also allow prisoners the opportunity to make applications, and attend assessments for, community housing services while they are still accommodated within a Correctional Centre. Currently it is extremely difficult, if not impossible, for prisoners to arrange appropriate post-release housing while they are still in custody (as discussed further in question 4.18).

##### **2. If a day parole scheme were introduced, what could such a scheme look like?**

At this point we do not offer any suggestions as to what such a scheme would look like. However, we would be interested in being involved with any consultations that may be held in relation to such a proposal.

#### **Question 4.10: Re-entry courts**

##### **1. Should re-entry courts be introduced in NSW?**

This idea is certainly worth exploring. Our experience of the Drug Court, and to a lesser extent the Compulsory Drug Treatment Correctional Centre, has been positive and it would be beneficial if some of the features of these programs could be applied in a broader context.

##### **2. If re-entry courts were introduced, what form could they take and which offenders could be eligible to participate?**

At this stage we are unable to offer suggestions on what form a re-entry court would take.

We suggest that the kinds of offenders eligible to participate would be those who have been identified as having complex needs, including homelessness, mental health issues, cognitive impairments, and alcohol and other drug problems. Such offenders would ordinarily be identified by Corrective Services, especially under an improved case management system. Inmates could also

refer themselves (or be referred by their solicitors or other persons with an interest in their welfare) for assessment.

### **3. Alternatively, could the State Parole Authority take on a re-entry role?**

There is some merit in this suggestion, as it would alleviate the need to set up a new court structure. Perhaps a separate division of the SPA would be constituted, with one judicial and one or two other members, for this purpose

### **4. If the State Parole Authority were to take on a re-entry role, which offenders could be eligible to participate?**

We suggest the same types of offenders as identified in our answer to question 2.

## **Question 4.11: Planning and preparing for release to parole**

### **How could release preparation be changed or supplemented to ensure that all offenders are equipped with the information and life skills necessary to be ready for release to parole?**

In our experience, there is very little assistance available to prepare inmates for release.

We have worked with a large number of young adults who have served custodial sentences; in many cases we have been in contact with them in the period leading up to their release. While we are aware of the existence of some resources (such as the *Getting Out* handbook), we were unaware of many of the other resources mentioned in your question paper. This suggests that these are not widely available or practically accessible.

As your Question Paper points out (at paragraphs 4.102 and 4.103) a large proportion of offenders will be unable to make use of the written handbooks, and it is unrealistic to expect them to take the initiative for their release.

Although prisoners eligible for parole receive additional support from Community Corrections (as mentioned in paragraph 4.99 of your Question Paper), we have found this to be true more in theory than in practice. In our experience, Community Corrections often become involved very late in the piece, when there is little time left to make proper arrangements before the end of the non-parole period. This sometimes results in parole being refused or (in the case of sentences of 3 years or less) pre-release revocation applications. The above case study of "Julia" illustrates this problem.

We agree with the alternative approach proposed in paragraph 4.103, that is the resourcing of additional officers within prisons who could engage in "pro-active case management to ensure that all offenders are equipped with the necessary information, skills and services in place before their release". This should be a basic component of the "throughcare" approach.

## **Question 4.12: Conditions of parole**

### **1. How could the three standard conditions that apply to all parole orders be improved?**

We agree with the concerns discussed in the Question Paper about the vagueness of some of these conditions.

It would be preferable if "good behaviour" were to be replaced with a condition that the offender not be convicted of an imprisonable offence.

We also believe that the condition requiring the offender to "adapt to normal lawful community life" is vague and arbitrary, and we question whether it is appropriate or necessary.

### **2. Should the power of sentencing courts and SPA to impose additional conditions on parole orders be changed or improved?**

We agree with the comments in the Question Paper about inappropriate non-association conditions, as well as rigid alcohol and other drug-related conditions which can set offenders up to fail.

We believe it is important that the courts and the SPA have enough power to tailor conditions to the offender's circumstances, and to review those conditions if necessary.

### **Question 4.13: Intensity of parole supervision**

#### **1. Are there any improvements that need to be made to the intensity of parole supervision in terms of levels of monitoring and surveillance?**

As far as we are aware, Community Corrections uses an appropriate risk assessment tool to decide upon the level of supervision required. This means, at least in theory, that it does not waste resources on intensively supervising low-risk offenders.

We are not sure whether the concerns expressed about inadequate supervision of high-risk offenders are well founded or not. If such offenders are not being appropriately supervised, we suggest that this is a resourcing issue that needs to be addressed.

#### **2. How could the intensity of parole supervision be changed to strike the right balance between:**

- a. Monitoring for breach; and**
- b. Directing resources towards support, intervention and referrals to services and programs?**

As noted in paragraph 4.121 of your Question Paper, “research indicates that intensive supervision is only effective in reducing recidivism when it is combined with the delivery of evidence based rehabilitation programs”. This is certainly consistent with our experience.

We therefore believe that priority should be given to “support, intervention and referrals to services and programs”. With appropriate services and programs in place, the need for monitoring may be lessened (although of course not alleviated altogether).

### **Question 4.14: Duration of parole supervision**

#### **Should the duration of parole supervision in NSW be extended? If so, by how much?**

We see some merit in extending the duration of supervision for offenders serving lengthy periods of parole. However, we believe that the SPA’s current power to extend the supervision of a serious offender is already adequate.

### **Question 4.15: Information sharing and compliance checking**

#### **1. How sufficient are:**

- a. current information sharing arrangements between Corrective Services NSW and other agencies (government and non-government) and**
- b. compliance checking activities undertaken by Community Corrections?**

We believe that current laws and information-sharing arrangements are adequate. In most cases, Corrective Services will ask for (and a parolee will give) consent to check up with external agencies about a parolee’s compliance with their obligations.

We cannot comment on whether or not Community Corrections is, in practice, actively checking on parolees’ compliance.

#### **2. What legal obstacles are blocking effective information sharing between Corrective Services and other agencies (government and non-government)?**

We are not aware of any legal obstacles. As already mentioned, in most cases Community Corrections will have the parolee’s consent to access information from external agencies. In other circumstances, the exemptions from privacy legislation would appear to be sufficient.

It is important that parolees do not lose all their rights to privacy and confidentiality, especially over sensitive information.

### **Question 4.16: Electronic monitoring of parolees**

#### **1. How appropriate is the current electronic monitoring of parolees?**

We do not have practical experience with parolees being electronically monitored.

## **2. What are the arguments for or against increasing electronic monitoring of parolees?**

An argument in favour of increased electronic monitoring is that it could give the SPA more confidence in granting parole.

A counter-argument is that electronic monitoring is costly, of limited effectiveness (at least not without other interventions), and may result in net-widening (ie. parolees being subjected to electronic monitoring in cases where such an intrusion is not warranted).

### **Question 4.17: Workload and expertise of Community Corrections officers**

#### **1. What improvements could be made to ensure parolees are supervised effectively?**

We refer to our answer to question 4.13, and reiterate our view that effective supervision requires more than just monitoring.

A significant proportion of offenders under supervision will have high and complex needs, and are at risk of recidivism if they are not adequately supported. For these offenders, effective supervision requires a case management approach delivered by appropriately skilled and experienced staff.

Having worked in the criminal justice system for 20 years, and having had numerous clients under supervision during this period, we have observed that the quality of supervision seems to have declined in recent years. While there have been some positive developments (such as the use of risk assessment tools to better assess the level of supervision required), other developments have been less positive.

Firstly, many Probation and Parole Officers appear to have very high caseloads, with limited time to spend with their clients. These resource constraints are apparent in the declining quality of pre-sentence reports – instead of the helpful and comprehensive reports that the courts used to receive, PSRs have become increasingly brief.

Another disturbing trend is what we see as a shift in the culture of the Community Corrections service. In recent years we have seen a shift away from a social work approach (with an emphasis on supporting and case managing offenders) to a more compliance-based approach, where offenders are often directed to comply with certain obligations without being adequately supported to do so.

For example, a young man with an intellectual disability was directed to attend a group-based alcohol and other drug program to address his cannabis use (which, incidentally, was not related to his offending). The program was cognitively beyond him and he stopped attending after the first session. Breach action was taken, without any apparent attempt to explore the reasons why he had stopped attending or to put in place a more appropriate intervention for him. Regrettably, this is not an isolated example. We have also provided the case studies of “Jason” and “Lachlan” to illustrate the extent of the problem.

**Jason** is a young man with mental health issues and a history of homelessness, who was convicted of having sexual intercourse with a 15-year-old girl. The relationship was consensual but for the fact that the young woman was below the age of consent. He was sentenced to a supervised bond.

While under supervision, Jason had to leave his public housing accommodation due to threats and violence from neighbours. He was offered a property in another location. His probation officer would not approve the new address as it was close to a primary school and he was a “child sex offender”.

Jason is clearly not a “paedophile” and there was no evidence that he posed any risk to primary school-aged children. Nevertheless, Probation and Parole refused to allow him to move into the property. When asked for assistance to find alternative housing, the Probation Officer appeared surprised and did not see it as part of his role. This left Jason in an untenable position – he effectively had to choose between homelessness and breach action.

## **2. What are the arguments for and against Community Corrections implementing specialist case managers or specialist case management for certain categories of offenders?**

We believe that specialist case management teams would be of benefit. Clearly, however, offenders do not always fit neatly into categories and so it would be desirable to have multi-disciplinary teams working closely together.

## **3. If specialist case management were to be expanded, what categories of offenders should it apply to?**

There are several categories of offenders who could potentially benefit from specialist case management, for example, sex offenders, violent offenders, Aboriginal offenders, offenders with serious substance abuse problems, offenders with intellectual disabilities, and those with severe mental health problems.

**Lachlan** is a young man in his early 20s with a very traumatic and difficult history. He had to leave home in his early teens due to a breakdown in relations with his mother, who had experienced mental illness. Lachlan ended up living with his biological father, who he had never met before.

Lachlan's father was a violent man who subjected him to physical and sexual abuse, and exposed him to drug abuse. This led to a period of chronic homelessness, as well as a substance abuse disorder. As a young adult, Lachlan began to experience psychotic symptoms and was diagnosed with schizophrenia.

Lachlan has committed several offences, some of them violent, and has spent periods in custody. It is clear that he needs a very high level of support to prevent him from re-offending.

In November 2013, after serving a 4-month non-parole period, Lachlan was released on parole under the supervision of Community Corrections. Lachlan was directed to reside with his former foster parents in a rural area, but was soon asked to leave after he broke one of their house rules by consuming some alcohol.

It is also necessary to note that during the 4 months in which Lachlan was incarcerated, Justice Health assessed him as not needing any anti-psychotic medication. This is curious, given that they were provided with copies of psychiatric reports with a clear diagnosis. Lachlan was not reassessed by a psychiatrist on release and was only offered a basic level of counselling through the local alcohol and other drug service. It appears that no advocacy was done by Community Corrections on this issue.

After leaving his foster parents' home, Lachlan became homeless. He was briefly admitted to a psychiatric facility and, after being discharged, he presented at the Community Corrections office. His parole officer was of the view that, due to Lachlan not having anywhere suitable to reside, he would need to submit a breach report.

After some advocacy from the Shopfront Youth Legal Centre, Community Corrections agreed to submit another report which reduced the severity of the alleged breach, and also informed the SPA that Community Corrections had approved Lachlan to live at a friend's house in the same rural area. Community Corrections were very clear that this was a sub-optimal option and gave Lachlan some further directions, which included reporting to his parole officer daily, actively seeking accommodation and a direct instruction not to consume alcohol.

Shortly after this, a case worker from the Shopfront Youth Legal Centre travelled to the country to meet with Lachlan. Lachlan presented as highly anxious and unable to concentrate; he voiced concerns about his mental health, his drug use, his accommodation, and his risk of re-offending. It appeared he was living in a chaotic environment, resulting in considerable lack of sleep and engagement in high-risk behaviours, including consumption of alcohol and illicit drugs (which was discovered by Community Corrections and was the subject of a further breach report).

Lachlan was attempting to find alternative accommodation, however there are only two refuges and two caravan parks in his local area, all of which were full at the time. At no point did Community Corrections facilitate a referral, or take Lachlan to Housing NSW to start the public housing process and apply for some of the 28 days' temporary accommodation for which people in Lachlan's situation are eligible.

On this same day the Shopfront case worker accompanied Blake to Housing NSW. In spite of a breach being submitted and the likelihood of an arrest warrant being issued, Lachlan was identifying that his stress levels were high and this often led to offending behaviour. Lachlan identified that if he had somewhere safe, stable and quiet to sleep that night, it could go a long way to mitigate the risk of criminal behaviour and further charges. The Shopfront case worker agreed, however in spite of 2 hours in the Housing NSW office and several calls with his parole officer, Lachlan's application for temporary accommodation was denied. Community Corrections were unwilling to support this application for temporary accommodation; it was their view that Lachlan had already spent 5 days at his current accommodation without offending, and was at no higher risk of re-offending if he remained there.

In the interim, the SPA had revoked Lachlan's parole and had issued an arrest warrant. Lachlan handed himself in approximately a week later and remains in custody while awaiting a revocation review hearing.

While Lachlan has been in custody, the Shopfront Youth Legal Centre's case workers have been in close contact with him, and have been to visit him, in an attempt to develop an exit plan should the SPA be prepared to reverse the revocation. The case workers have found a place for Lachlan in a highly-supported youth housing project. After much advocacy from the Shopfront, Community Corrections has agreed to inspect this property with a view to making a recommendation to the SPA.

Lachlan clearly has extremely complex needs. In our view, it is necessary for Community Corrections to ensure that any conditions and directions imposed are also met with sufficient levels of support. Coordination and involvement with other specialised professionals is also necessary to provide Lachlan with an opportunity to make positive change, instead of setting him up to fail.

#### **Question 4.18: Housing for parolees**

##### **What changes need to be made to ensure that all parolees have access to stable and suitable post-release accommodation, and that post-release housing support programs are effective in reducing recidivism and promoting reintegration?**

In our experience, arranging post-release housing from within custody is extremely difficult, even with a considerable amount of advocacy.

Many providers of community housing and supported accommodation are reluctant to accept people directly from custody, without first undertaking a comprehensive face-to-face assessment. Facilitating this process while an offender is in custody is extremely difficult, if not impossible.

Despite the NSW Government's stated commitment to the "no exits into homelessness" principle, it appears that Housing NSW still lacks the resources or commitment to put this principle into practice. Prisoners who have made applications for public housing, even if they are on the priority list, usually face long waiting periods with no guarantee of being housed on release.

Another significant problem is the "3-month policy" imposed by Housing NSW. Essentially this means that a public housing tenant will lose their housing if they are in custody for longer than three months. This has adversely affected many of our clients, some of whom have waited years to obtain stable housing, only to become homeless again after a relatively short period in custody. Having been released from custody into homelessness, it is no surprise that they often reoffend or face breach action for failing to comply with supervision requirements. We are aware that a number of community organisations and advocates have called for the abolition of the 3-month policy. We believe that this must be addressed as a matter of urgency.

We concede that there are problems associated with leaving public housing properties empty for long periods, particularly as housing stock is so limited. However, we note that other public housing tenants who are absent for long periods (for example those who are overseas or in hospital) do not lose their tenancies, provided that the rent is still paid. We acknowledge that a prisoner's lack of income means they do not have capacity to pay rent while they are in custody. However, these concerns could perhaps be accommodated by allowing short-term sub-letting so that properties do not sit idle with rent unpaid.

We welcome the introduction of the Funded Housing Initiative, outlined in paragraph 4.146 of the Question Paper. We hope it will provide streamlined access to post-release accommodation while avoiding some of the problems associated with COSPs.

### **Question 4.19: Programs for parolees**

#### **1. What level of access should parolees have to rehabilitation and other programs while on parole? Do parolees currently have that level of access?**

We believe that parolees should receive priority access to rehabilitation and other programs. Currently, parolees do not always have access to the programs they need. This is partly due to inadequate arrangements being made prior to release; this is particularly true with residential and other drug rehabilitation programs, which often have long waiting lists.

#### **2. Are there any problems of continuity between custodial and community based programs?**

We believe there are serious continuity problems between custodial and community-based programs. The Compulsory Drug Treatment Correctional Centre is perhaps the only program that seems to achieve appropriate continuity. The lack of integration between custodial and community case management, referred to elsewhere in this submission, is a problem that needs to be addressed.

#### **3. Can any improvements be made to the way in the programs available to parolees in the community are selected or evaluated?**

We refer to our answer to question 4.3 and suggest that similar considerations apply.

### **Question 4.20: Barriers to integrated case management**

#### **1. To what extent is Community Corrections case management able to achieve a throughcare approach?**

As already mentioned elsewhere in this submission, we believe that more can be done to achieve a throughcare approach, despite the obvious barriers.

We suggest that the approach taken by Juvenile Justice is a model that, with the adequate provision of resources, could be implemented in the adult system.

#### **2. What are the barriers to integrated case management?**

We refer to our answer to questions 4.1 and 4.3.

#### **3. What other services or supports do parolees need but are not able to access? What are the barriers to accessing these services and supports?**

Many of the services and supports needed by parolees have been mentioned in paragraphs 4.157 to 4.159 of your question paper.

We would also add that many offenders, particularly those with complex needs, have themselves been victims of crime. Many have been victims of serious and prolonged child abuse, sexual assault and domestic violence. This often causes problems such as homelessness, mental illness and substance abuse, which in turn leads to offending. Unless the underlying trauma is addressed, the risk of re-offending remains high. In our view, offenders' needs as victims of crime are often overlooked or paid inadequate attention.

### **The Shopfront Youth Legal Centre January 2014**

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