

Audit Report:

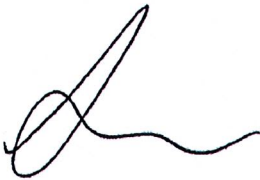
- Parolees
- Community-based Offenders subject to Electronic Monitoring (including bailees)

The Hon Natasha Fyles MLA

Attorney-General and Minister for Justice

On 5 June 2019 the Chief Minister announced an audit of Community Corrections, with a focus on people subject to parole and electronic monitoring.

I am pleased to provide the attached Audit Report which has been compiled in accordance with the approved Terms of Reference.



Scott McNairn MBA

COMMISSIONER FOR CORRECTIONAL SERVICES

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1 Executive Summary

On 5 June 2019, the Chief Minister requested an urgent audit to determine the degree to which the monitoring of parolees and people subject to electronic monitoring is compliant with legislation, policy, directives and practice and has been conducted in accordance with the Community Corrections Offender Management Framework (OMF). Further, the audit to consider whether electronic monitoring is operating as an effective tool to monitor the compliance of offenders.

Community Corrections and the Professional Standards Unit have now audited 109¹ people on parole and 196 people subject to electronic monitoring. There are 49 parolees who are also on electronic monitoring, therefore a total of 256 files from across the jurisdiction were subject to review.

The audit **did not identify any serious issues** in the management of parolees or community-based offenders on electronic monitoring.

Key highlights from the audit report are as follows:

- The majority of parolees and offenders on electronic monitoring have an individual case plan in place. All supervised offenders are subject to a standardised, high intensity monitoring and compliance regime until their individual plan is completed.
- The majority of parolees and offenders on electronic monitoring, who are subject to alcohol and/or drug restrictions, have been subject to random testing in line with policy requirements. In cases where the policy requirements have not been met, this often reflects a short period where testing has not been sufficiently frequent rather than the absence of testing. Other impediments to frequent testing include the remote location of some offenders, offender's employment commitments requiring travel away from home and that the random nature of testing requires unannounced visits at times when parolees and offenders may not be available.
- Although a portion of parolees and offenders on electronic monitoring had demonstrated some non-compliance with their order, these had been identified and actioned by Probation and Parole Officers in all cases. No instances of non-compliance were identified during the audit that required remedial action by Probation and Parole Officers.
- The risk profile of parolees includes people on parole for life due to murder, manslaughter, violent and sexually related offences. This type of offending often attracts longer sentences with non-parole periods, to allow for the adequate supervision of these offenders upon their release.
- Electronic monitoring assists with information gathering in relation to the locality of an offender and can detect any unauthorised movements. It is a useful tool to assist with tracking the movements of offenders, however electronic monitoring does not limit or monitor who the offender may be with or what they are doing. Probation and Parole Officers are required to analyse the data and work with offenders to ensure they are complying with their orders and requirements.
- Corrective action was required in some minor administrative areas, such as documents not being readily available or stored in the wrong place on the electronic file. None of these administrative matters constituted a risk to public safety.

The audit report makes eight recommendations to:

- ensure drug and alcohol testing and electronic monitoring resources are focused on monitoring the compliance of higher risk offenders;
- ensure administrative tasks are completed;
- streamline recruitment processes for Probation and Parole Officers; and
- increase Community Corrections' capacity to conduct drug and alcohol tests and audits.

¹ The scope was revised from the initially reported 103 parolees, to include parolees who were in custody serving a sanction on 5 June 2019 and parolees who have federal and interstate parole orders registered in the NT.

2 Audit Framework

2.1 Terms of Reference

The Terms of Reference were approved by Commissioner Scott McNairn on 5 June 2019. The Terms of Reference provide definition to the audits announced by the Chief Minister which include:

- An audit on all persons on parole; and
- An audit on all community based offenders subject to electronic monitoring.

The below provides an excerpt of the approved Terms of Reference (refer to Attachment A).

2.1.1 Overall Objective

To determine whether the monitoring of parolees and community based offenders subject to electronic monitoring is compliant with legislation, policy, directives and practice and has been conducted in accordance with the Community Corrections Offender Management Framework (OMF). Further, to determine whether electronic monitoring is operating as an effective tool.

2.1.2 Scope of the Audit

The audit is applicable to all primary work locations; Alice Springs, Tennant Creek, Borroloola, Katherine, Casuarina, Palmerston, Groote Eylandt, Wadeye, Nhulunbuy and Jabiru.

The specific items to be addressed include, for persons on parole:

- Statutory requirements for administering the order
- Random drug and alcohol testing
- Risk assessments and offender management plans
- Other monitoring and intelligence gathering activities
- Any other relevant matters that may arise during the investigation

The specific items to be addressed include, for all community-based offenders subject to electronic monitoring:

- The application of electronic monitoring to monitor conditions relating to curfews and other movement restrictions
- Whether electronic monitoring is operating as an effective tool to monitor compliance
- Any other relevant matters that may arise during the investigation

2.1.3 Findings

To identify any practices which have not been implemented or monitored as per the OMF, and to identify any training, resourcing and staffing issues contributing to this. Any recommended system changes that will improve community safety outcomes.

2.1.4 Reporting

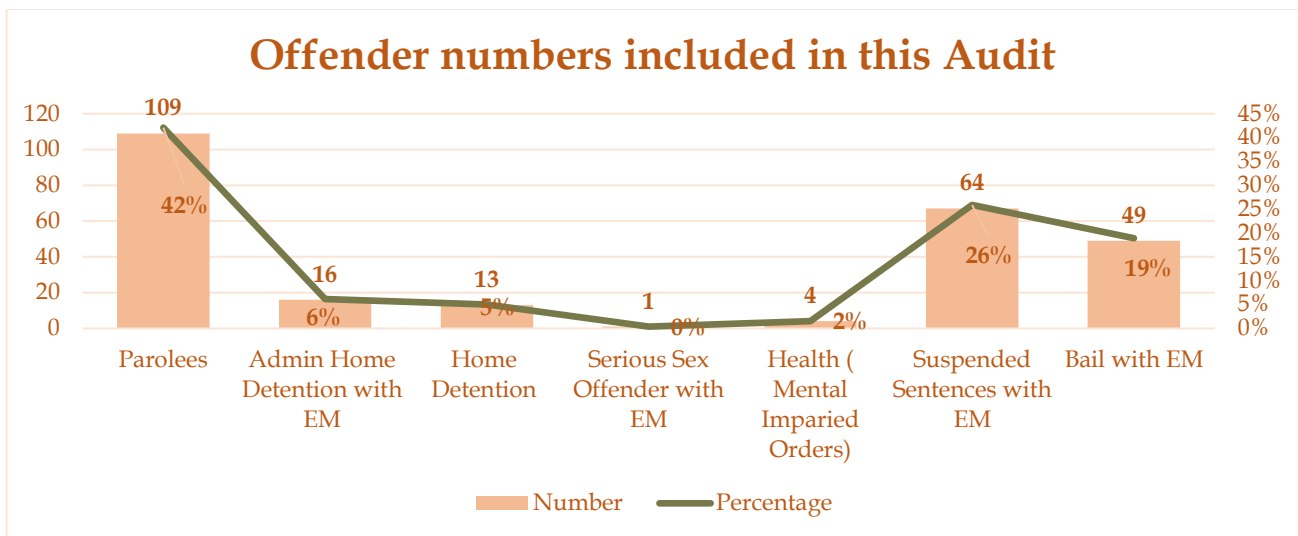
Regional Managers to provide completed file review forms to the Manager Professional Development and Standards by close of business Tuesday 11 June 2019.

The Manager Professional Development and Standards and other senior staff to conduct a secondary independent audit and provide the Director Community Corrections with a summary report detailing the findings and recommendations of the audit by Thursday 13 June 2019.

2.2 Files subject to Audit

Numbers on parole and electronic monitoring included in this audit are as follows:

- Parolees = 109² (49 are on electronic monitoring)
- Administrative Home Detention with electronic monitoring = 16
- Home Detention with electronic monitoring = 13
- Serious Sex Offender with electronic monitoring = 1
- Health (Mental Impairment Orders) with electronic monitoring = 4
- Suspended Sentence with electronic monitoring = 64
- Bail with electronic monitoring = 49



In total, 256 files have been audited.

2.3 Key Performance Indicators

Community Corrections have a set of key performance indicators (KPIs) in place which are based on similar standards to other jurisdictions. Not all targets are set at 100% in recognition that the locality of offenders, the time taken to engage with and develop rapport and the many competing demands of Probation and Parole Officers, may impact the timely completion of some activities to the required standard. One of the most significant issues impacting development of rapport with individuals is the fact many Aboriginal people, particularly those in remote areas, speak English as a second or third language. As a result the KPI targets are generally set at 85%.

Where relevant, the assessment against the KPIs has been done and is reported throughout the audit report.

2.4 Auditing Process

Community Corrections developed a multi phased approach to completing the audit to ensure the fidelity and integrity of the process:

- Phase 1 – identification of offenders falling within the scope of the audit

² The scope was revised from the initially reported 103 parolees, to include parolees who were in custody serving a sanction on 5 June 2019 and parolees who have federal and interstate parole orders registered in the NT.

- Phase 2 – primary audit of the file completed by the allocated Probation and Parole Officer and endorsed by the Team Leader and Regional Manager
- Phase 3 – secondary audit of the file completed by independent Corrections staff based in Head Office, including Professional Standards Unit
- Phase 4 – data collation and analysis
- Phase 5 – report preparation and finalisation

These phases were run concurrently wherever possible to ensure Community Corrections was able to meet the timeframes provided for the completion of the audit.

2.4.1 Scope of Parolee Audits

The auditing of parolee files was limited to the actions taken by Community Corrections staff, particularly Probation and Parole Officers to ensure the management of the parolee in accordance with the directions of the Parole Board and compliance with the Offender Management Framework (OMF).

The audit **did not** consider the actions or decisions of the Parole Board; items which are out of scope include decisions relating to the release of a prisoner, conditions that were imposed on the parolee or any other matters referred to the Parole Board or the Chairperson for a decision.

2.4.2 Audit Templates

Community Corrections developed two templates for the file review that reflect the objectives and scope of the audit as established in the Terms of Reference. A different template was required for people on bail as Probation and Parole Officers have limited powers with regards to the management of bail orders and only monitor compliance rather than addressing offending behaviours.

The template was endorsed by the Director Professional Standards who has extensive experience and expertise in the conduct of audits within a correctional services setting.

The templates were distributed to staff on Thursday 6 June; later on 6 June an example of a file review that had been completed to a high standard was distributed to key staff so this could be used as a model.

2.4.3 Secondary Audits

The secondary audit was then conducted by a person who is independent of the office that is currently supervising the file; primarily these audits were completed by staff based in Head Office.

Guidelines were provided to staff undertaking the secondary audits to ensure that certain items were treated consistently to enhance the quality of the data that was produced for analysis. Some of the outcomes were then subject to further review to ensure consistent interpretation of the guidelines.

2.4.4 Data collation and analysis

Data was collated in an excel spreadsheet to support the use of analytical tools such as pivot tables to facilitate the cross referencing of data sources and gather the information required to meet the agreed objectives. Excel also provides a range of options for the presentation of data in a visual format using appropriate graphs for the data array.

2.4.5 Report Preparation and Finalisation

A report has been prepared for the Chief Minister and Regional Offices have been advised that remedial administrative actions are to be completed by the end of June 2019.

SECTION 2: PAROLE AUDIT

4 Parole Overview

4.1 NT Parole Board

The Parole Board (the Board) is an independent statutory body established under section 3A of the *Parole Act*. The Board consists of 18 members and includes a Supreme Court Judge, the Commissioner of Correctional Services, police officers and medical practitioners. The Board make decisions about the parole of prisoners in the best interests of the community as a whole, including the offender and the victim.

The actions or decisions of the Board including decisions relating to the release of a prisoner, conditions that were imposed on the parolee or any other matters referred to the Board or the Chairperson for a decision are outside the Terms of Reference of this audit.

4.2 Overview of Parole

Parole is an important element of the criminal justice system as it allows prisoners to serve the balance of their sentence of imprisonment in the community, under supervision and on strict conditions. The purpose of parole is to release prisoners into the community in a manner that provides support and increases their chances of becoming members of the community who are free of a criminal lifestyle. The Northern Territory parole system aims to encourage prisoners to apply for and succeed on parole.

Where a court sentences an offender to a term of imprisonment of not less than 12 months, and does not suspend all or part of the sentence, it must fix a non-parole period (NPP) unless it considers that the nature of the offence, the past history of the offender or the circumstances of the particular case make the fixing of such a period inappropriate. The NPP cannot be fixed at less than 50% of the period of imprisonment that the offender is to serve under the sentence and in the case of certain sexual offences and drug offences the NPP cannot be fixed at less than 70% of the period of imprisonment. Generally speaking, the standard NPP for murder is 20 years; however, in some circumstances that period may be 25 years. Furthermore, a NPP cannot be fixed at less than eight months, for example, where a person is sentenced to 12 months imprisonment, the minimum NPP that can be fixed is eight months, not six months (as per the 50% rule mentioned above).

Probation and Parole Officers commence working with prisoners up to six months prior to their NPP date and prepare complex reports for the Parole Board to consider as part of a parole application.

4.3 COMMIT Parole

In 2017, the *Parole Act* was amended to increase the range of options available to the Board in the case of non-compliance with the conditions of a parole order. As a result, the *Parole Act* now supports swift, certain and proportionate sanctions of up to 30 days to be imposed for acts of non-compliance with parole conditions while supporting a parolee through their order and transition into the community (COMMIT parole).

Prior to these amendments there were limited options for addressing non-compliance with a parole order, in that the Board could only warn a parolee that their behaviour was placing their liberty at risk, or revoke the parole order. Fear of failure was driving a significant portion of prisoners to decline parole, despite having met the requirements of their prisoner management plan.

The purpose of COMMIT parole is to change the parolee's behaviour while the parolee is exposed to the challenges of life in the community so the parolee is successfully re-integrated into the community. Parole conditions are designed to address the parolee's criminogenic needs, assist in their rehabilitation, and support them in the community so they can develop the capacity to make good decisions.

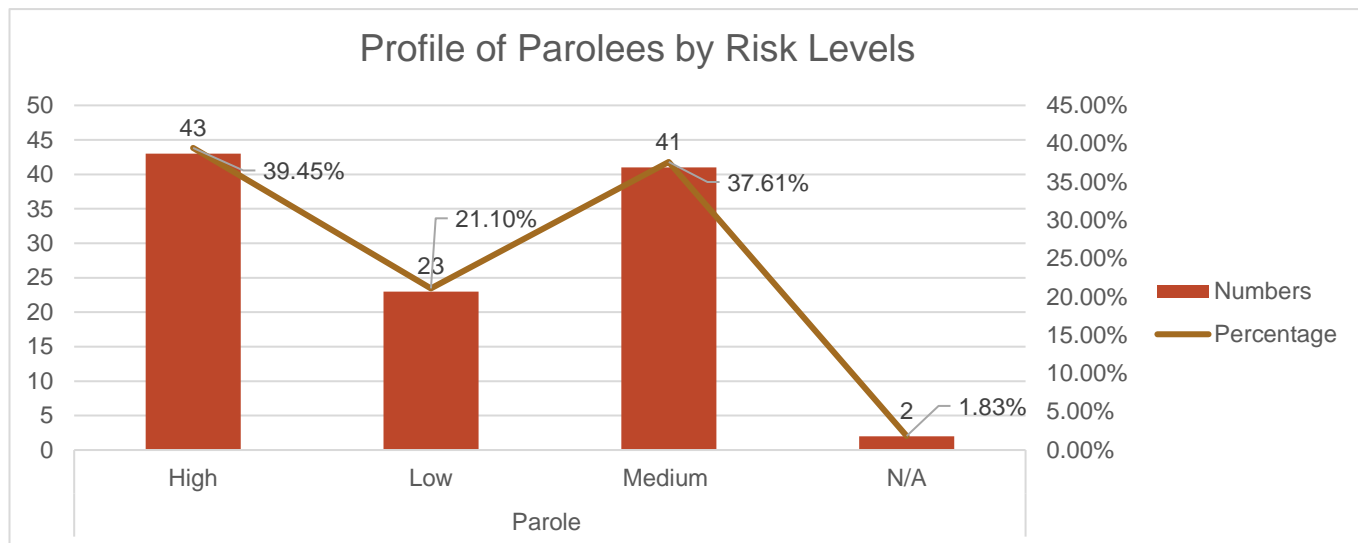
Under the COMMIT regime, Probation and Parole Officers are required to investigate and report all non-compliance with parole conditions to the Chairperson within 72 hours. They do not have discretion to decide whether a parolee's reason for not complying with their parole order (including following the directions of a probation and parole officer) may be legitimate, however they must include this information in the report to the Chairperson wherever possible. The Chairperson will typically issue a sanction in line with the sanctions matrix (as published in the Northern Territory *Gazette*), however they also retain the

authority to take no action, issue a warning to the parolee, or to revoke the parole order depending on the circumstances of the non-compliance.

COMMIT parole is particularly suited to prisoners with higher needs as determined by a risk assessment tool, who have experienced issues with drug and/or alcohol misuse and who have previously breached the conditions of supervised court orders. The more intensive level of supervision and monitoring, along with the certainty of a custodial sanction for every instance of non-compliance with a parole condition, assists these more challenging prisoners to develop pro-social skills and behaviours while on parole, rather than being released at the end of their sentence with no supervision and support.

5 Parole Audit Findings

5.1 Profile of Parolees



The risk profile of parolees includes people on parole for life due to murder, manslaughter, violent and sexually related offences. This type of offending often attracts longer sentences with non-parole periods, to allow for the adequate supervision of these offenders upon their release.

There are two parolees whose risk level is reported as N/A. Both parolees are non-citizens and have been in the care of Australian Border Force since their release to parole.

There are currently 44 parolees subject to COMMIT parole.

5.2 Statutory Requirements for Administering Parole Orders

5.2.1 Parole Orders

There are signed copies of the current parole order available on the Integrated Offender Management System (IOMS) for all 109 parolees.

Prior convictions and sentencing remarks/agreed facts are available for all parolees. These documents are a critical part of the parole assessment process and inform case planning activities.

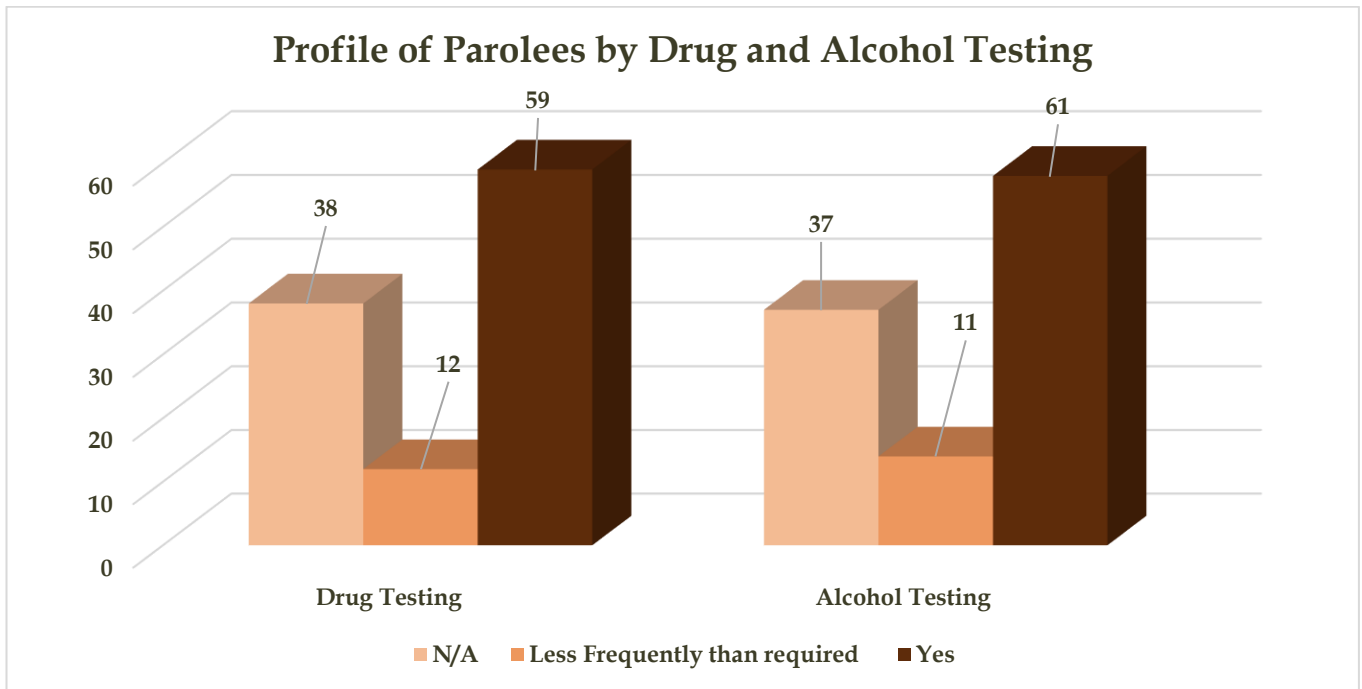
5.2.2 COMMIT Parole

Section 5E of the *Parole Act* requires that, if a parole order contains a condition that a parolee is subject to the sanctions regime (COMMIT parole), a Probation and Parole Officer explains the consequences of non-compliance with a parole order, prior to release on that order; or as soon as practicable after an existing parole order is amended by the Chairperson. The parolee must acknowledge that they have been given a copy of the sanctions matrix and understand the consequences of non-compliance with their parole order and sign the COMMIT (Parole) Acknowledgement Form.

A COMMIT warning hearing is delivered by a Probation and Parole Officer which covers the requirements of the program and statutory obligations. This warning is reiterated in the event the parolee is required to serve a sanction for non-compliance with the parole order.

Of the 45 people on COMMIT parole, there is evidence that 45 warning hearings have been undertaken. For 9 parolees, some administrative processes were not evident on IOMS during the audit, including the signed Acknowledgement Form being accessible. Case notes confirm all 9 parolees have been verbally instructed of, and agreed to, the requirements of COMMIT parole, however the form has not been uploaded into the system.

5.3 Random Drug and Alcohol Testing



Drugs

The audit identified that random drug testing was required on 71 of the 109 parolees:

- 59 parolees (83%) were drug tested in accordance with the requirements of the OMF.
- 12 parolees were not tested with sufficient frequency to meet the requirements of the OMF.
- 38 parolees did not require drug testing.

Of the 12 parolees where the OMF standards were not met for drug testing:

- 4 parolees live or work in a remote region which can affect Community Corrections ability to consistently meet the OMF requirements.
- 8 parolees have had some drug testing but not consistently to the required standard. Most of these parolees are supervised by offices that have experienced staffing pressures.

Alcohol

The audit identified that random alcohol testing was required on 72 of the 109 parolees:

- 61 parolees (85%) were breath tested in accordance with the requirements of the OMF.
- 11 parolees were not breath tested with sufficient frequency to meet the requirements of the OMF.
- 37 parolees did not require breath testing.

Of the 11 parolees where the OMF standards were not met for alcohol testing:

- 1 parolee has been in residential rehabilitation since commencing parole.
- 6 parolees live or work in a remote region which can affect Community Corrections ability to consistently meet the OMF requirements.
- 1 parolee has been interstate (with the permission of the Parole Board).
- 2 parolees are frequently not at home when compliance officers attend to conduct random, unannounced alcohol tests. This does not necessarily constitute a breach of the parole order.
- 1 parolee is subject to a low testing regime set by the Parole Board, and testing has been compliant with these revised requirements.

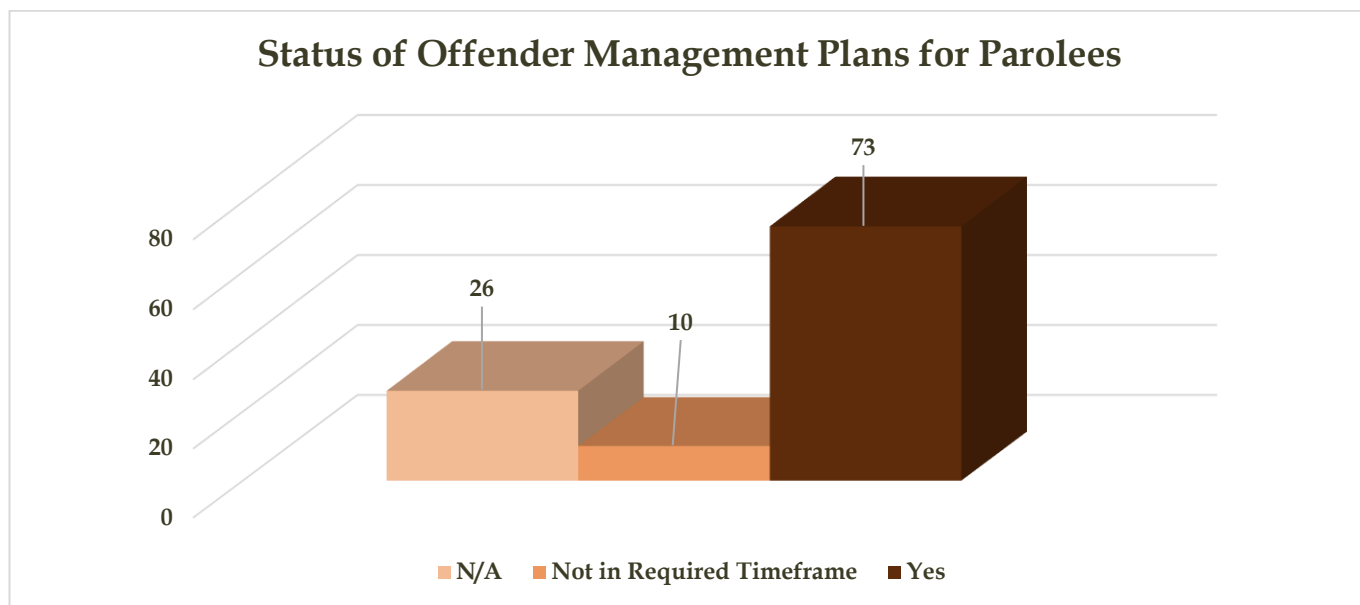
Some offenders have both alcohol and drug testing on their order, Probation and Parole Officers will often focus on the area that contributed to their offending.

Alcohol and drug testing is not the only way Probation and Parole Officers monitor substance use by parolees, particularly those in remote regions. Regular checks are undertaken with police, community and family about other indicators of use. Parolees prohibited from consuming alcohol are also placed on the Banned Drinker Register for the duration of their parole order.

5.4 Risk Assessments and Offender Management Plans

Parolees are required to have risk assessments undertaken and a case plan developed as per the OMF.

The audit found that 107 parolees have had risk assessments undertaken. Community Corrections did not undertake a risk assessment on two parolees who have been released into the custody of Australian Border Force pending deportation.



KPI target for Offender Management Plans = 85% to be completed

The OMF sets out the supervision and monitoring requirements for a parolee when they first commence supervision, ensuring they are subject to a standardised, high intensity monitoring and compliance regime until their individual plan is completed. These requirements are revised through the development of an offender management plan which is completed within eight weeks of their release, then subject to ongoing reviews in accordance with the parolee’s assessed level of risk. Where a plan is not completed or reviewed within the guidelines in the OMF, the parolee continues to be managed under their existing regime. As such it does not constitute a risk to public safety.

The audit found:

- 73 parolees (88%) have offender management plans completed or reviewed within the timeframe prescribed in the OMF. This exceeds the KPI target.
- 26 parolees are still within their first eight weeks of supervision and are not yet required to have an offender management plan.
- 10 parolees did not have an offender management plan completed or reviewed within the required timeframe specified in the OMF. This has now been rectified and all parolees have current plans.

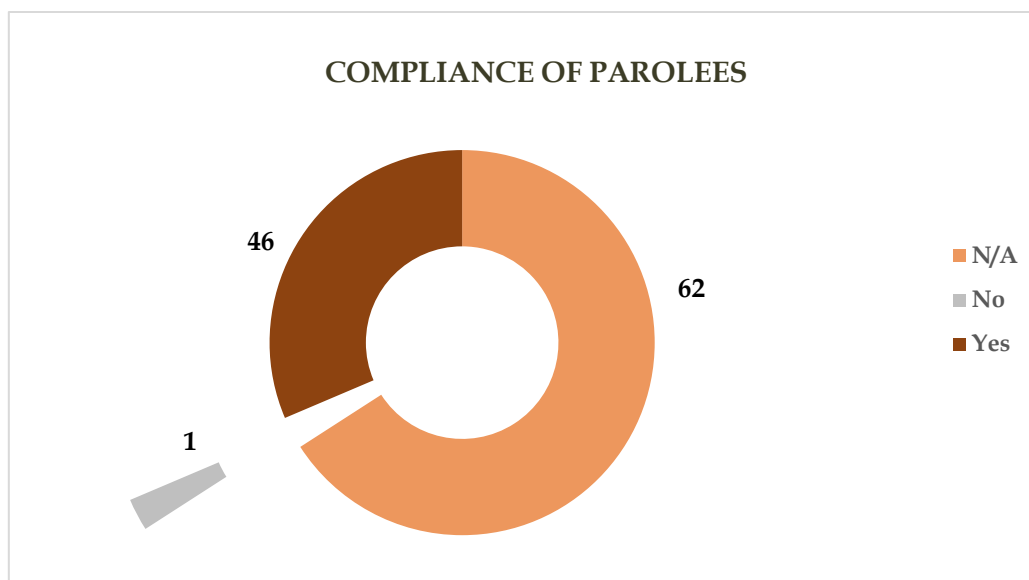
Of the 10 parolees who did not have an offender management plan developed or reviewed within the required timeframe, the most significant pressure appears to be resourcing:

- 8 parolees were supervised by offices experiencing significant staffing pressures due to vacancies, long term leave and staff movements.
- 2 parolees have been on parole for a number of years and have stability in their management requirements.

5.5 Other Monitoring and Intelligence Gathering Activities

5.5.1 Non-Compliance and Breach Action

KPI target for failures to comply with orders to be breached within timeframe = 80% to be completed



62 parolees did not have any non-compliance detected with the conditions of their parole orders.

47 parolees had some form of non-compliance that had been identified and actioned by a Probation and Parole Officer. These typically include positive alcohol or drug tests, failing to complete a residential rehabilitation program, not attending for supervision or counselling as directed, or not being at their place of residence for curfew.

- In 46 cases (98%), this non-compliance was addressed in accordance with the requirements of the OMF.
- In one case, the non-compliance had been reported by the Probation and Parole Officer in accordance with the requirement of the OMF, however the parolee had been issued a warning letter by the Parole Board and case notes do not indicate if this has been discussed with the parolee. This does not constitute a risk to community safety.

No instances of non-compliance were identified during the audit that required remedial action by Probation and Parole Officers.

5.5.2 Third Party Checks

Third party checks are required and perform two key functions; to facilitate contact with significant persons in the offender's life, and to ensure that the information provided to the Probation and Parole Officer is verifiable and accurate. This communication enables Probation and Parole Officers to build a relationship with key people and develop a therapeutic alliance with the offenders they supervise.

Of the 109 people on parole, the audit found:

- 107 have had third party checks whilst they have been on parole. Checks were primarily with programs, employers and family members.
- Two parolees are currently completing residential rehabilitation programs and the Probation and Parole Officer will need to undertake relevant third party checks. Neither of these parolees are assessed as being high risk.

5.6 Other Relevant Matters Identified During the Investigation

It was noted during the audit that the level of risk and compliance status of parolees matched the frequency of their attendance at reporting and supervision sessions.

Many offenders have a condition to attend a form of counselling or treatment at the direction of a Probation and Parole Officer. This could relate to addressing a criminogenic need or a responsivity issue.

SECTION 3: ELECTRONIC MONITORING AUDIT

6 Electronic Monitoring Overview

6.1 Electronic Monitoring Background

Electronic monitoring was introduced in 2014 and is used to monitor prisoners and non-custodial offenders (including accused persons on bail). G4S Australia is contracted to provide both electronic monitoring equipment and primary monitoring services.

Two forms of technology are used to monitor offender's locations relevant to permitted or prohibited places and zones. Radio Frequency (RF) devices operate in conjunction with a monitoring unit installed at the offender's place of residence. These devices are suitable for monitoring compliance with a curfew or requirement to complete a residential treatment program, but do not report an offender's location if they are out of range from the monitoring unit. Global Positioning Satellite (GPS) devices provide a higher level of monitoring as they can be used to both limit an offender's movements within a particular location and to restrict entry to prohibited locations. GPS devices require daily charging by the offender, and require continuous GPS and GSM signal to work effectively. This is the most common type of monitoring device used by Community Corrections.

Electronic monitoring can aid with the confinement (inclusion zones and curfews), restriction (exclusion zones) and surveillance of individuals within the criminal justice system. The incorporation of a robust electronic monitoring system provides a mechanism to increase the precision and detail of surveillance of individuals subject to monitoring requirements and may also enhance the likelihood of individual compliance and behavioural change.

6.2 Electronic Monitoring Policy

In 2015, the Commissioner approved the Electronic Monitoring Policy outlining the philosophy and principles underpinning the use of the technology. This Policy highlights that electronic monitoring is an additional tool, not a standalone measure, to enhance the monitoring and supervision of offenders. Its use should be purposeful rather than to passively monitor offenders who are not also subject to movement restrictions.

6.3 Electronic Monitoring Assessment

Prior to applying electronic monitoring to an individual, a comprehensive assessment is undertaken by Community Corrections. This includes the offender's willingness to wear and maintain the device and a check of the offender's residence. During this process, staff will confirm the residence and other residents do not pose a threat to officers attending after-hours, there is sufficient GSM coverage (or a reliable landline), that a movement restriction is likely to assist in the effective monitoring of the offender in the community and that Community Corrections is able to respond to any violations in a manner commensurate with the risk posed by the offender.

6.4 Responding to Alerts and Violations

Staff at the G4S monitoring centre provide round the clock monitoring services and will resolve lesser alerts generated by the system such as telephoning an offender with a low battery alert and instructing them to charge their device. G4S escalate more serious alerts to Community Corrections who respond according to a structured violation matrix. This may include deploying Probation and Parole Officers to an offender's location or contacting police to request they locate and arrest the offender.

Many alerts and violations occur after business hours yet are still escalated to Community Corrections for immediate attention to ensure a risk assessment is undertaken to support community safety. Until 2018, this involved a pool of Probation and Parole Officers and Team Leaders performing on-call duties in addition to their full-time daily duties.

As the numbers on electronic monitoring increased, this placed further pressure on staff. Additional funding was received to trial a more robust and sustainable model for managing on-call requirements for 2018/19

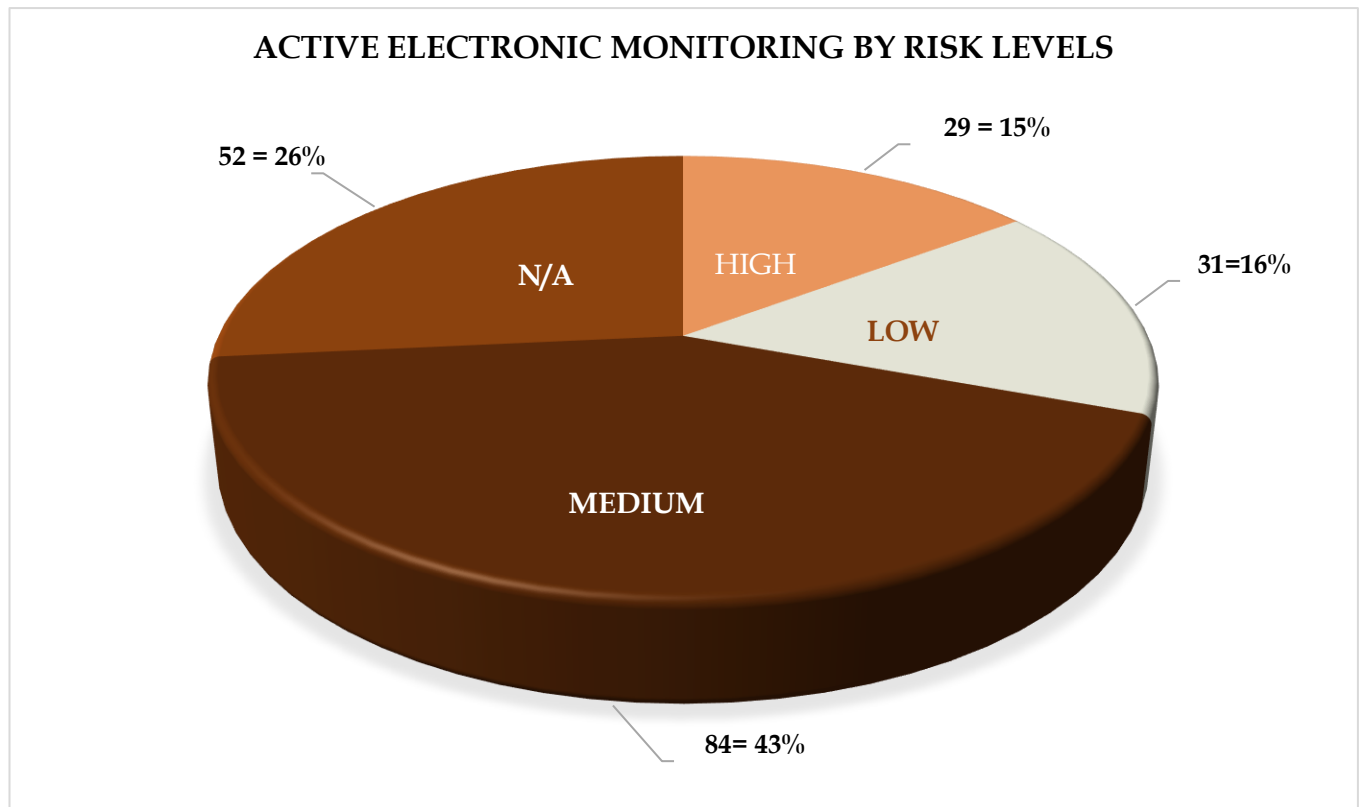
and 2019/20. Community Corrections introduced an evening shift whereby one Probation and Parole Officer is on duty between 3pm and 1am. The evening shift employee primarily deals with out-of-hours issues such as positive drug and alcohol tests, electronic monitoring issues, curfew breaches and other urgent issues as required. This officer then remains on call to respond to any alerts received between 1am and the start of the next business day (or evening shift if it is a weekend or public holiday).

The evening shift has alleviated some pressures on staff to perform on-call duties, however off-duty staff may still be required to attend to urgent matters at all times of the night and on weekends or public holidays, and take on the duties of the evening shift officers if they are unable to work due to personal or recreational leave.

The day-to-day management of electronic monitoring is supported by Compliance Officers working on rostered shifts. These officers perform installation and removal of electronic monitoring equipment and troubleshoot minor faults in addition to other compliance activities such as random drug and alcohol testing. When offenders cut off their electronic monitoring bracelet staff are required to go to the location to undertake collateral investigations as to the whereabouts of the offender and to retrieve these expensive pieces of equipment.

7 Electronic Monitoring Audit Findings

7.1 Profile of Offenders on Electronic Monitoring



Of the 52 which are N/A, 48 are subject to bail and are yet to be sentenced (the additional one person on bail is also supervised on a suspended sentence) and four are Department of Health clients subject to electronic monitoring.

7.2 Statutory Requirements for Administering Orders

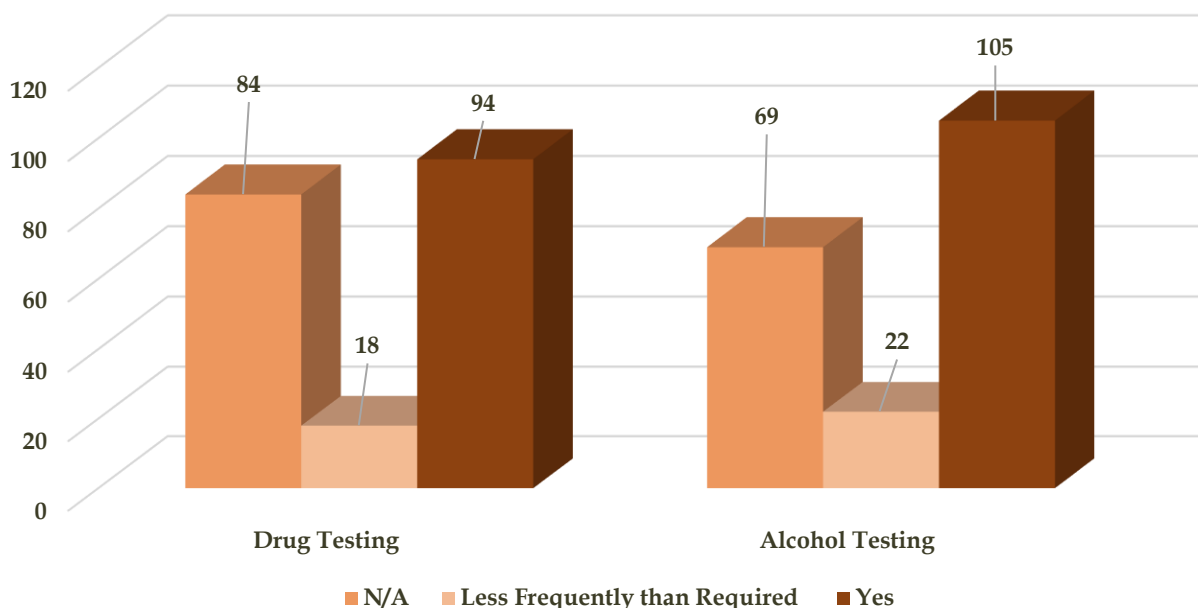
Community Corrections has order details for all 196 offenders on electronic monitoring.

- 194 people have signed copies of the current supervision orders available on file.
- In 2 instances, signed copies of the current bail orders had not been received from court, however the order details were available on IOMS.

7.3 Random Drug and Alcohol Testing

Drug and alcohol testing may occur because there is a specific order condition relating to drug and alcohol testing, or because it is a general requirement of the specific order type (i.e. home detention and administrative home detention). The OMF specifies how frequently alcohol and drug testing should be undertaken, which is dependent on the type of order and the stage of supervision. Testing should target known periods of risk for alcohol or drug use by an individual. Offenders are required to make themselves available for testing, which typically means they are expected to answer the phone when contacted by Compliance Officers and provide their location. Officers may not be able to test an offender if they are a significant distance from their home location, at a location where safety of officers could be compromised, or are unable to be contacted.

Electronic Monitoring - Drug and Alcohol Testing



Drugs

The audit identified that random drug testing was required on 112 of the 196 offenders:

- 94 offenders (84%) were drug tested in accordance with the requirements in the OMF.
- 18 offenders were not tested with sufficient frequency to meet the requirements of the OMF.
- 84 offenders did not require drug testing.

Of the 18 offenders on electronic monitoring where the OMF standards were not met for drug testing:

- 2 offenders live or work in a remote region.
- 1 offender has been in rehabilitation for the majority of the supervision period.
- 1 offender had been non-compliant and Community Corrections was unable to contact him for a period of time. He was subsequently breached and is now compliant with his order.
- 12 offenders have had some drug testing but not consistently to the required standard. Most of these offenders are supervised by offices that have experienced staffing pressures.
- 2 offenders have not had any random drug testing. Both offenders are subject to testing only as a result of their order conditions and not because it relates to their offending.

Alcohol

The audit identified that random alcohol testing was required on 127 of the 196 offenders:

- 105 offenders (83%) were breath tested in accordance with the requirements of the OMF.
- 22 offenders were not breath tested with sufficient frequency to meet the requirements of the OMF.
- 69 offenders did not require breath testing.

Of the 22 offenders where it was identified that the OMF standards were not met for alcohol testing:

- 2 offenders live or work in a remote region.
- 7 offenders have been in residential rehabilitation for the majority of their supervision.

- 4 offenders are frequently not at home when compliance officers attend. This does not constitute a breach of the order if the visit occurs outside of curfew hours.
- 9 offenders have had some breath testing but not consistently to the required standard.

Regional Offices will undertake a review of how frequently offenders are being tested to ensure it is appropriate for the level of risk and represents an appropriate allocation of resources. Additional Compliance Officers would increase the frequency of testing.

Some offenders have both alcohol and drug testing on their order, Probation and Parole Officers will often focus on the area that contributed to their offending.

Alcohol and drug testing is not the only way Probation and Parole Officers monitor substance use by offenders, particularly those in remote regions. Regular checks are undertaken with police, community and family about other indicators of use. Offenders prohibited from consuming alcohol are also placed on the Banned Drinker Register for the duration of their order.

7.4 Risk Assessments and Offender Management Plans

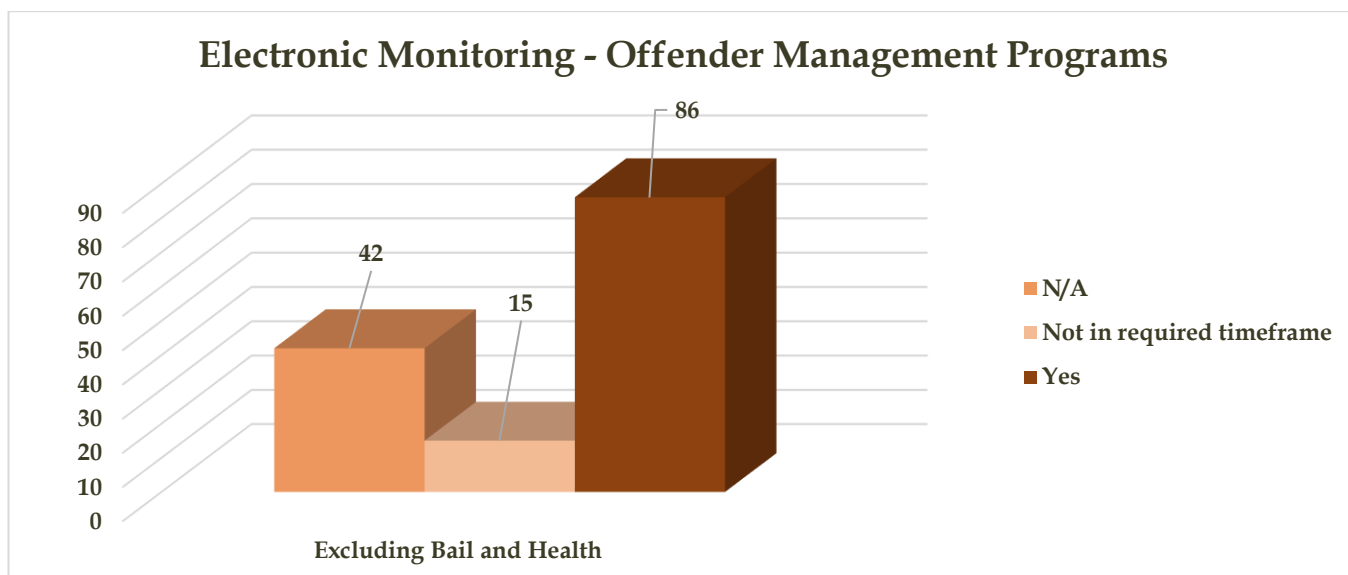
Offenders on suspended sentences, home detention, administrative home detention and serious sex offender orders are required to have risk assessments undertaken and a case plan developed as per the OMF. Risk assessments and OMPs are not required to be completed by Community Corrections for persons only subject to bail or Department of Health clients.

The OMF sets out the supervision and monitoring requirements for an offender when they first commence supervision, ensuring they are subject to a standardised, high intensity monitoring and compliance regime until their individual plan is completed. These requirements are revised through the development of an offender management plan which is completed within eight weeks of their release, then subject to ongoing reviews in accordance with the parolee’s assessed level of risk. Where a plan is not completed or reviewed within the guidelines in the OMF, the offender continues to be managed under their existing regime. As such it does not constitute a risk to public safety.

The audit found:

- 130 offenders have had risk assessments undertaken within the timeframe required in the OMF.
- 13 offenders have risk assessments that were not completed or reviewed within the timelines required in the OMF. This has now been rectified and the offenders have current plans.

KPI target for Offender Management Plans = 85% to be completed



Of the offenders requiring OMPs, the audit found:

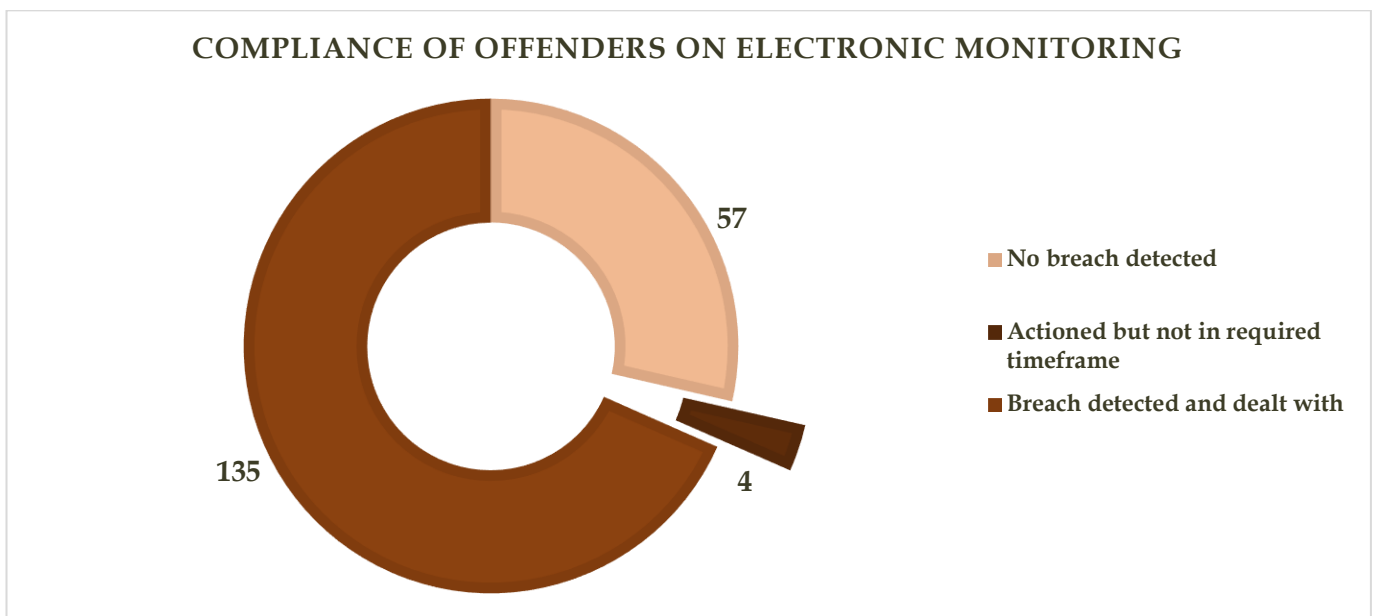
- 86 offenders (85%) have OMPs completed or reviewed within the timeframe prescribed in the OMF. This meets the KPI target.
- 15 offenders did not have an OMP completed or reviewed within the required timeframe specified in the OMF.
- 42 offenders did not require an OMP as they are still within their first eight weeks of supervision and are working with their Probation and Parole Officer to develop this plan.

Of the 15 offenders on electronic monitoring who did not have an offender management plan developed or reviewed within the required timeframe:

- 14 offenders are supervised by offices experiencing significant staffing pressures due to vacancies, long term leave and staff movements.
- 1 offender's plan was overdue by less than a week and has since been completed and approved.

7.5 Other Monitoring and Intelligence Gathering Activities

7.5.1 Non-Compliance and Breach Action



KPI target for failures to comply with orders to be breached within timeframe = 80% to be completed

The audit identified:

- 57 offenders had no instances of non-compliance with the conditions of their order.
- 135 offenders (97%) have had non-compliance with order conditions investigated and actioned by Probation and Parole Officers in accordance with the requirements of the OMF. These typically include positive alcohol or drug tests, failing to complete a residential rehabilitation program, not attending for supervision or counselling as directed, or not being at their place of residence for curfew.
- 4 incidents of non-compliance have been detected by Probation and Parole Officers, however some administrative actions remained incomplete. In each case the breach was returned to the sentencing authorities within the timeframes set out in the OMF, however documentation was not uploaded onto IOMS.

No instances of non-compliance were identified during the audit that required remedial action by Probation and Parole Officers.

7.5.2 Third Party Checks

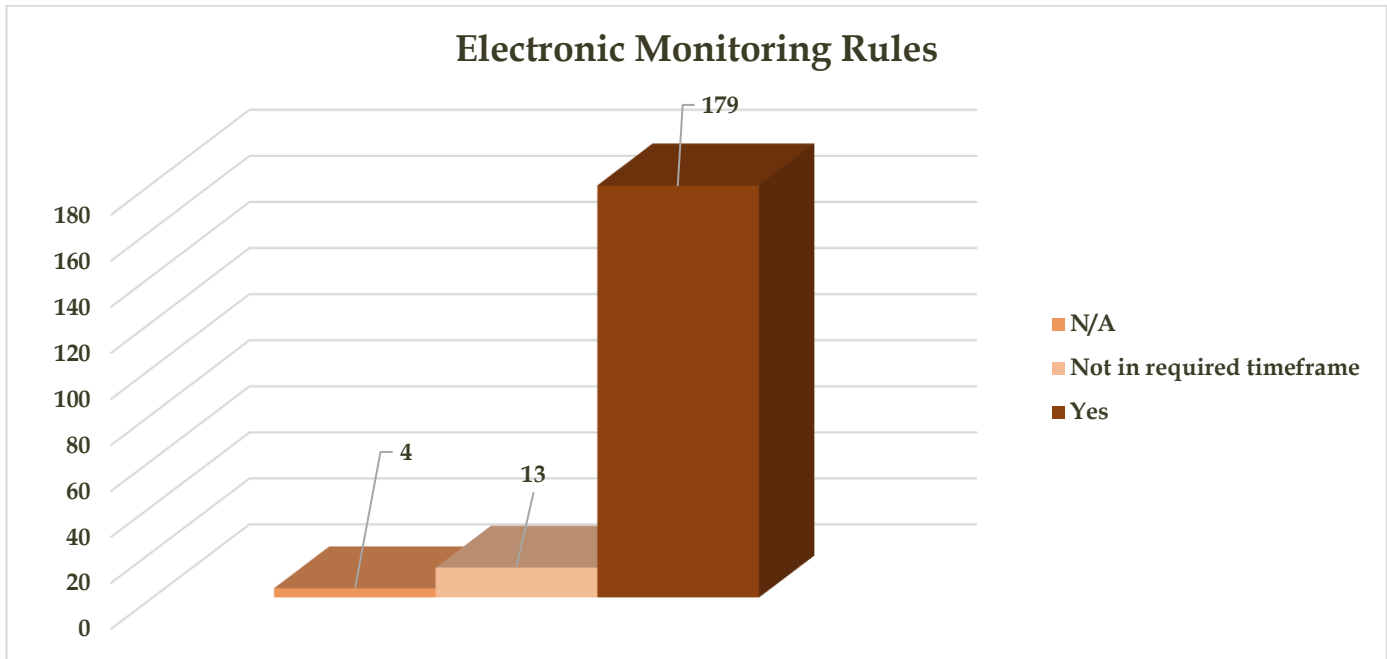
Third party checks are required and perform two key functions; to facilitate contact with significant persons in the offender’s life, and to ensure that the information provided to the Probation and Parole Officer is verifiable and accurate. This communication enables Probation and Parole Officers to build a relationship with key people and develop a therapeutic alliance with the offenders they supervise.

Of the 196 people on electronic monitoring:

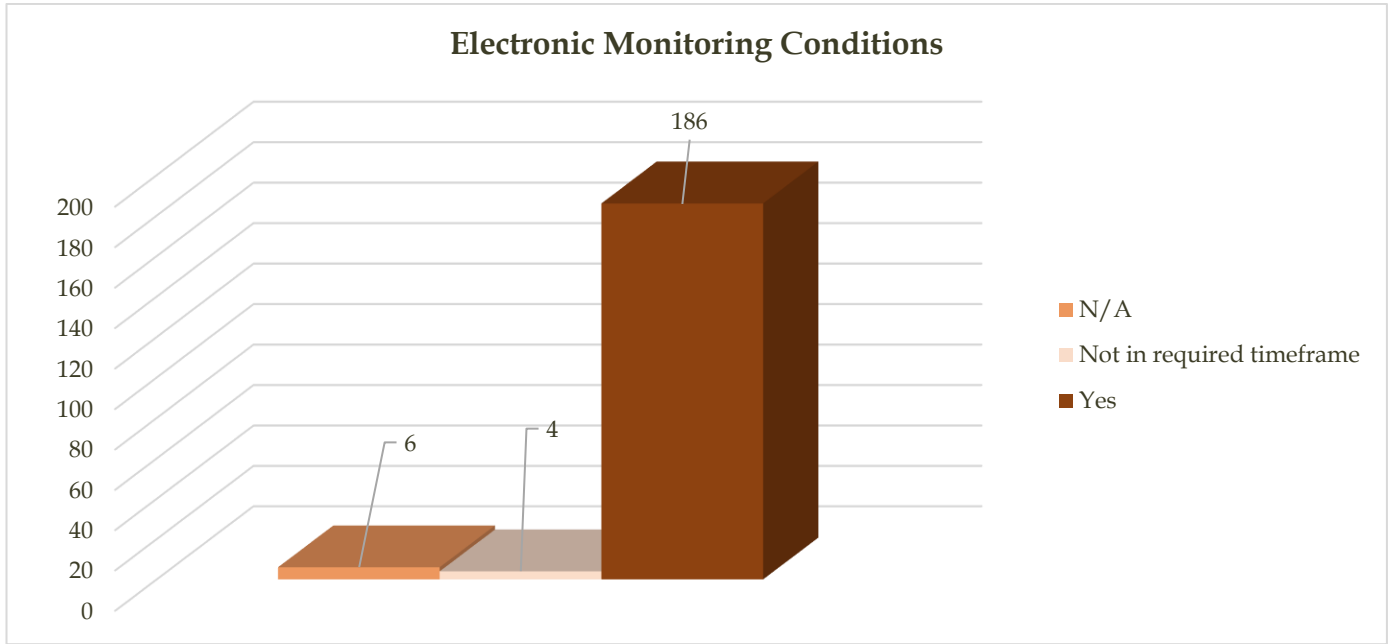
- 174 people had third party checks undertaken which were primarily with programs, employers and family to confirm their progress on the order.
- 10 people do not require checks including the four Department of Health clients.
- 12 people have not had any third party checks undertaken, however they are all subject to electronic monitoring and there are no outstanding instances of non-compliance.

7.6 Application of Electronic Monitoring

Probation and Parole Officers undertake regular checks of the person’s movements and this assists to verify that they are attending employment and other pro-social activities as agreed in their case plans.



- The EM Rules document has been signed by 179 of the 196 offenders subject to electronic monitoring.
- 4 Department of Health clients are not required to sign the EM Rules.
- Regional Offices will undertake follow up action for the 13 people who have not signed the EM Rules as a matter of priority.



There are 196 people on electronic monitoring of which 190 have inclusion and/or exclusion zones in place, which includes curfews. Of these:

- 186 curfews / movement restriction conditions were implemented within the specified timeframe in the OMF.
- 4 curfew / movement restriction conditions were implemented outside the required timeframes but are currently in place.
- Of the 6 marked as N/A, 4 are offenders who do not have any movement restrictions specified in their court orders and 2 are Department of Health Clients.

7.7 Effectiveness of Electronic Monitoring as a Compliance Tool

Electronic monitoring is a tool to assist with tracking the movements of offenders; this does not necessarily directly correlate to the nature of the offending and the risk posed by the unsanctioned movement. Some movements can be innocuous by nature and other movements might cause a risk. It relies on Probation and Parole Officers to assess the type of violation which has occurred.

Electronic monitoring assists with information gathering in relation to the locality of an offender. However electronic monitoring does not limit or monitor who the offender may be with or what they are doing. Probation and Parole officers are required to analyse the data and work with offenders to ensure they are complying with their orders and requirements.

A prompt response from Community Corrections and Police is required if a serious violation occurs, for example a confirmed strap tamper, or breach of victim inclusion zone, and a risk to the community is identified. Due to the geographically dispersed population in the Northern Territory, it is difficult for swift responses to occur in remote localities. Electronic monitoring is simply a tool to assist with information gathering in relation to the locality of an offender.

7.8 Other Matters Identified During the Investigation

It was noted during the audit that 16% of offenders subject to electronic monitoring have been assessed as low risk. This is inconsistent with literature which suggests that electronic monitoring should target offenders at medium and high risk of reoffending.

The majority of offenders are attending for supervision appointments with their Probation and Parole Officer as directed. The level of risk and where offenders are on the intervention spectrum impacts on the frequency for attendance at supervision sessions.

SECTION 4: FINDINGS & RECOMMENDATIONS

8 Summary of Findings and Recommendations

8.1 Findings

8.1.1 Parole

1. The audit did not identify any serious issues in the management of parolees.
2. Probation and Parole Officers have completed or reviewed, a case plan, in the prescribed timeframes for 88% of parolees, which exceeds Community Corrections' current Key Performance Indicator of 85%.
3. Of the parolees subject to alcohol and/or drug restrictions:
 - a. 85% have been tested for alcohol consumption in line with the frequency required by the OMF.
 - b. 83% had been tested for drug use in line with the frequency required by the OMF.
 - c. Of the remaining parolees who required testing, the audit found testing had been less frequent than required by the OMF. Impediments to testing include the remote locality of some parolees, and that the random nature of testing requires unannounced visits at times when parolees may not be available, as outlined in section 5.3.
4. Probation and Parole Officers had identified and actioned breaches relating to 47 parolees who had not been compliant with their conditions. All non-compliance resulted in action being undertaken by the Parole Board.
5. No instances of non-compliance by parolees were identified during the audit that required remedial action by Probation and Parole Officers.

8.1.2 Electronic Monitoring

6. The audit did not identify any serious issues in the management offenders on electronic monitoring.
7. Electronic monitoring is a useful tool to assist with tracking the movements of offenders. Inclusion and exclusion zones can detect any unauthorised movements of offenders. Curfews also ensure offenders remain at their place of residence during times assessed as having increased risk of reoffending.
8. 85% of people on electronic monitoring (excluding bailees and Department of Health clients) have a case plan which was completed or reviewed in line with the OMF.
9. Of the offenders on electronic monitoring subject to alcohol and/or drug restrictions:
 - a. 83% have been tested for alcohol consumption in line with the frequency required by the OMF.
 - b. 84% have been tested for drug use in line with the frequency required by the OMF.
 - c. Of the remaining people who required testing, the audit found testing had not been as frequent as the OMF requires. Impediments to testing include the remote locality of some offenders, and that the random nature of testing requires unannounced visits at times when offenders may not be available, as outlined in section 7.3
10. Probation and Parole Officers had identified and actioned breaches relating to 139 people subject to electronic monitoring who had been non-compliant with conditions.
11. No instances of non-compliance were identified during the audit that required remedial action by Probation and Parole Officers.
12. 16% of offenders subject to electronic monitoring have been assessed as low risk. This is inconsistent with literature which suggests that electronic monitoring should target offenders at medium and high risk of reoffending.

13. A prompt response from Community Corrections and Police is required if a serious violation occurs, for example a confirmed strap tamper, or breach of victim inclusion zone, and a risk to the community is identified. Due to the geographically dispersed population in the Northern Territory, it can be difficult for swift responses to occur in remote localities. Electronic monitoring is simply a tool to assist with information gathering in relation to the locality of an offender.

8.2 Recommendations

1. That Regional Offices review how frequently parolees and offenders on electronic monitoring are being tested for drug and alcohol use to ensure it is appropriate for the level of risk and represents an appropriate allocation of resources.
2. That the frequency requirements for drug and alcohol testing, set out in the OMF, are reviewed to ensure resources are targeted at the testing of high risk offenders.
3. That the frequency requirements for drug and alcohol testing, set out in the OMF, are reviewed to accommodate the challenges of testing offenders in remote locations.
4. Additional resources are allocated to increase the frequency of drug and alcohol testing of offenders, particularly high risk and remote offenders.
5. That regional offices review the use of electronic monitoring on low risk offenders.
6. That regional offices conduct a regular audit to ensure all administrative tasks have been completed.
7. Recruitment process and the delegations relating to work force planning are reviewed to streamline the ongoing recruitment of Probation and Parole Officers.
8. Additional resources are allocated to increase the capacity of Community Corrections to conduct more intensive audits of offender management.

TERMS OF REFERENCE

Review of Community Corrections Parolees and community-based offenders subject to Electronic Monitoring

On 5 June 2019, two separate audits were announced which include:

- an audit on all persons on parole; and
- an audit on all community based offenders subject to electronic monitoring.

Overall Objective

To determine whether the monitoring of parolees and community based offenders subject to electronic monitoring is compliant with legislation, policy, directives and practice and has been conducted in accordance with the Community Corrections Offender Management Framework (OMF). Further, to determine whether electronic monitoring is operating as an effective tool.

Scope of the Audit

The review is applicable to all primary work locations; Alice Springs, Tennant Creek, Borroloola, Katherine, Casuarina, Palmerston, Groote Eylandt, Wadeye, Nhulunbuy and Jabiru.

The specific items to be reviewed include, for persons on parole:

- Statutory requirements for administering the order
- Random drug and alcohol testing
- Risk assessments and offender management plans
- Other monitoring and intelligence gathering activities
- Any other relevant matters that may arise during the investigation

The specific items to be reviewed include, for all community-based offenders subject to electronic monitoring:

- The application of electronic monitoring to monitor conditions relating to curfews and other movement restrictions
- Whether electronic monitoring is operating as an effective tool to monitor compliance
- Any other relevant matters that may arise during the investigation

Findings

To identify any practices which have not been implemented or monitored as per the OMF, and to identify any training, resourcing and staffing issues contributing to this. Any recommended system changes that will improve community safety outcomes.

Reporting

Regional Managers to provide completed file audit forms to the Manager Professional Development and Standards by close of business Tuesday 11 June 2019.

The Manager Professional Development and Standards and other senior staff to conduct a secondary independent review and provide the Director Community Corrections with a summary report detailing the findings and recommendations of the audit by Thursday 13 June 2019.



SCOTT MCNAIRN MBA
COMMISSIONER
Northern Territory Correctional Services

5 June 2019