



Sentence Management

Parole Applications and Process

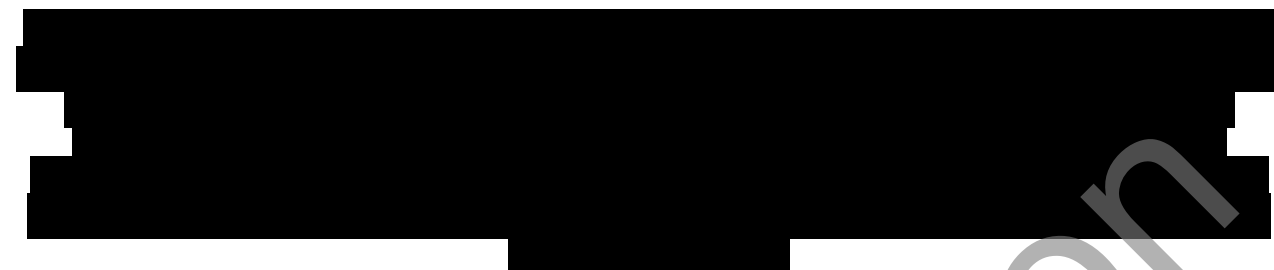
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Custodial Operations Practice Directive

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Human Rights

To ensure corrective services officers act or make decisions in a way that is compatible with human rights, officers must give proper consideration to human rights relevant to the decision including but not limited to:

- the right to equal and effective protection against discrimination;
- freedom of movement;
- the protection of families as the fundamental group unit of society and the protection of children;
- the right to have access, based on the prisoner's abilities, to further vocational education and training that is equally accessible to all;
- the prisoner's right to privacy; and
- the prisoner's cultural rights, both generally and for Aboriginal peoples and Torres Strait Islander peoples.

Limitation of Human Rights

Human rights can be limited if certain conditions are present:

- the limit must be provided under law;
- it must be reasonable;
- its imposition on the human rights must be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

Prisoners' human rights should only be limited to the extent that is reasonably and demonstrably justified.

Outgoing Interstate Transfer of a Parole Order (from Custody)

This Custodial Operations Practice Directive (COPD) outlines the process for facilitating the outgoing interstate transfer of Parole Orders that are yet to be granted by the Parole Board Queensland. For offenders who are currently being supervised in the community and wish to transfer an active Parole Order interstate, refer to Operational Practice Guidelines (OPG) Travel and Transfers – Outgoing Interstate Transfer of a Parole Order.

Interstate transfers of Parole Orders are facilitated in accordance with the provisions of the *Parole Orders (Transfer) Act 1984*.



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A prisoner may nominate an interstate address as part of their application for Parole. In order for the Parole Board to consider the nominated address, approval for interstate transfer of Parole is to be sought from the interstate authority.

Interstate transfers of Parole Orders are governed by the National Frameworks and National Operating Procedures which is a set of agreed transfer practices for all Australian State and Territories. Once a Parole Order is registered interstate, the Parolee is no longer subject to the authority of Queensland Corrective Services or the Parole Board Queensland.

Prisoner Requests to Transfer Interstate

Sentence Management Services is to advise the prisoner that requests to transfer interstate can take up to three months to process. In cases where a short period of time remains until the prisoner is released, the prisoner should also be encouraged to source accommodation options in Queensland in addition to applying to transfer Parole interstate.

If a prisoner plans to re-locate interstate upon release from custody the application process is to be commenced prior to release.

Information Sheet (A3)

Provide the prisoner with the Information Sheet (A3) which explains the process of transferring Parole interstate.

Application and Consent Form (A4)

Sentence management is to assist the prisoner to complete the Application and Consent Form (A4) which is to be signed by the prisoner.

Consent for Release of Health Information

Sentence Management Services is to provide the prisoner with a Consent for Release of Health Information to Queensland Corrective Services Form to complete and sign.

Assess Eligibility

Two criteria must be met in order for a Parolee to be eligible for an interstate transfer of Parole.

1. There must not be any appeal action outstanding regarding the order the offender wishes to transfer.
2. There must not be any breach action outstanding regarding the order the offender wishes to transfer.

Departmental Application Form (A5)

Sentence Management Services is to complete all sections of the Departmental Application Form (A5) and verify the details pertaining to the prisoner's request. This includes contacting the proposed sponsor / co-residents of the nominated address to verify the address details and that the sponsor/co-residents are willing to accept the prisoner.

Victims Register (VR) and relevant intel checks must also be undertaken.

The Sentence Management Officer is to provide the Consent for Release of Health Information Form to the Nursing Unit Manager and obtain information in relation to the prisoner's medical and psychiatric conditions.





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Verify Application and Confirm Eligibility

The Assistant Manager of the Sentence Management Services is to verify the contents of the application and ensure all components are completed prior to forwarding the pack to the QCS Central Contact.

Forward Application to QCS Central Contact

Sentence Management Services is to forward the following information to

- Offender Application and Consent Form (A4);
- Departmental Application Form (A5);
- All supporting documents outlined in part 3 of the Department Application Form (A5), including, but not limited to:
 - Parole Order (if available);
 - Criminal History and police facts/sentencing remarks (must be ordered if not held on file);
 - Verdict and Judgment Record and/or Warrant of Commitment for Offences;
 - Sentence calculation;
 - Medical/psychological reports;
 - Any assessments which outline the prisoner's criminogenic needs.

Alternatively, this information is to be forwarded via mail to:

Queensland Corrective Services
GPO Box 1054
Brisbane QLD 4001

Determination of an Application to Transfer Parole Interstate

The interstate authority will decide whether the prisoner's application to transfer parole interstate will be approved or conditionally approved pending the granting of parole.

The decision is forwarded to the QCS central contact who will forward the approval decision form via email to the Sentence Management Services email address at the relevant corrective services facility where the prisoner is being accommodated. Where the decision is to decline the prisoner's application to transfer parole, Sentence Management Services is to inform the prisoner of this decision. Reasons related to victim issues or intelligence information must not be disclosed to the prisoner.

There is no appeal process. Should the applicant still wish to transfer, a new application must be submitted.

QCS Central Contact – Forward Approval Decision Form to Sentence Management

The QCS central contact is to forward the Approval Decision Form (A7) to Sentence Management Services and the Parole Board (if relevant). If the transfer is approved, Sentence Management Services must contact the interstate jurisdiction to make reporting arrangements and share these details with Parole Board Queensland.

Sentence Management Services is to inform the prisoner of the decision and if the transfer is declined, ensure that reasons related to victim issues or intelligence information are not to be disclosed.





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Additional Considerations – Conditional Approval

If the application has been conditionally approved the Sentence Management Officer is to discuss the conditions of the approval with the prisoner. The prisoner may choose not to proceed with the application.

If the prisoner wishes to proceed, the Sentence Management Officer is to resolve any outstanding conditions on the approval where possible. The prisoner is to sign the Approval Decision Form (A7) agreeing to the conditions that will be imposed upon transfer to the interstate jurisdiction. The Sentence Management Officer is to send this to the QCS central contact.

If the prisoner wishes not to proceed with the transfer, the prisoner is to complete and sign the Withdrawal of Application (A10). The Sentence Management Officer is to send this to the QCS central contact.

Consider Parole Application

The Parole Board will consider the interstate address as part of the application for Parole.

Travel Permit

Sentence Management Services are required to complete and provide the Approved Form 34a Permit to Leave and Remain out of Queensland Pending Interstate Transfer Upon Release (Board Ordered Parole) to the Parole Board for signature. The Parole Board is to sign the Approved Form 34a Permit to Leave and Remain out of Queensland Pending Interstate Transfer Upon Release (Board Ordered Parole).

If the prisoner is subject to Court Ordered Parole and approval for interstate transfer is granted whilst in custody, Sentence Management Services staff are required to complete the Approved Form 34 Permit to Leave and Remain Out of Queensland and forward it to the relevant delegate for endorsement – refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers. Sentence Management Services staff are also required to liaise with Community Corrections staff to ensure the prisoner is inducted onto their order prior to their release.

For further information refer to *Corrective Services Act 2006* s212.

Explain Travel Permit Conditions to Prisoner and Sign Travel Permit

Sentence Management Services is to ensure the prisoner understands the conditions of the Travel Permit prior to the prisoner signing the permit.

Sentence Management Services are required to email a copy of the prisoner's signed Parole Order to the QCS central contact, ensuring both prisoner and delegates have endorsed the order.

Release Prisoner to Parole and Inform Community Corrections Office

Sentence Management Services is to transfer the IOMS file and hardcopy file to the nearest Community Corrections office and advise the District Manager of that office that the Parolee was released immediately to the Travel Permit.

Monitor Parolee Whilst on Travel Permit

The Community Corrections office will take carriage whilst the prisoner is subject to the Travel Permit.





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Additional Considerations – ANCOR Offenders

Sentence Management is to advise the Child Protection Offender Register (CPOR) of the offender's transfer as soon as practicable using Administration Form 2 – Notice to Child Protection Offender Registry of Particular Event Under CP(OROPO)A. The completed form is to be emailed to CPOR@police.qld.gov.au.

Federal Offenders

Whilst offenders subject to Commonwealth Parole Orders have a condition listed on their order which allows them to travel/reside anywhere in Australia, Federal Offenders are still required to apply and gain approval through Queensland Corrective Services as per the above process. The application is then to be forwarded to the QCS Central Contact.

Prior to any travel permit being issued the Federal Attorney-General's Unit must be advised.

