

## REVIEW OF VICTORIA'S ADULT PAROLE FRAMEWORK - CASE STUDY

### Background

The third bullet in the Review's Terms of Reference asks: *"whether the existing legislative and administrative framework facilitates adequate information sharing between relevant agencies for the proper management of parolees"*.

### The Case

On 25 October 2011 David Patrick CLIFFORD pleaded Guilty in the Supreme Court of Victoria to the murder of Elsa Janet CORP on 1st February 2010.

On 1st February 2010 CLIFFORD:

- was nearing the end of a 21 month period of parole following 15 months imprisonment for an offence committed in February 2007 ("Offence 2");
- was on bail having been charged with an assault committed earlier in the period of parole ("Offence 3", for which he subsequently pleaded guilty and was sentenced in July 2010) and committed during the period of a suspended sentence for an offence committed prior to Offence 2 ("Offence 1");
- had been charged, convicted and sentenced to 4 months imprisonment for yet another offence ("Offence 4") committed during the period of parole (and possibly during the period of his suspended sentence), then released on 15 December 2009 while still on parole and bail, without either being revoked.

The periods of remand and sentences for Offences 1-4 are shown in barchart form at Schedule 1.

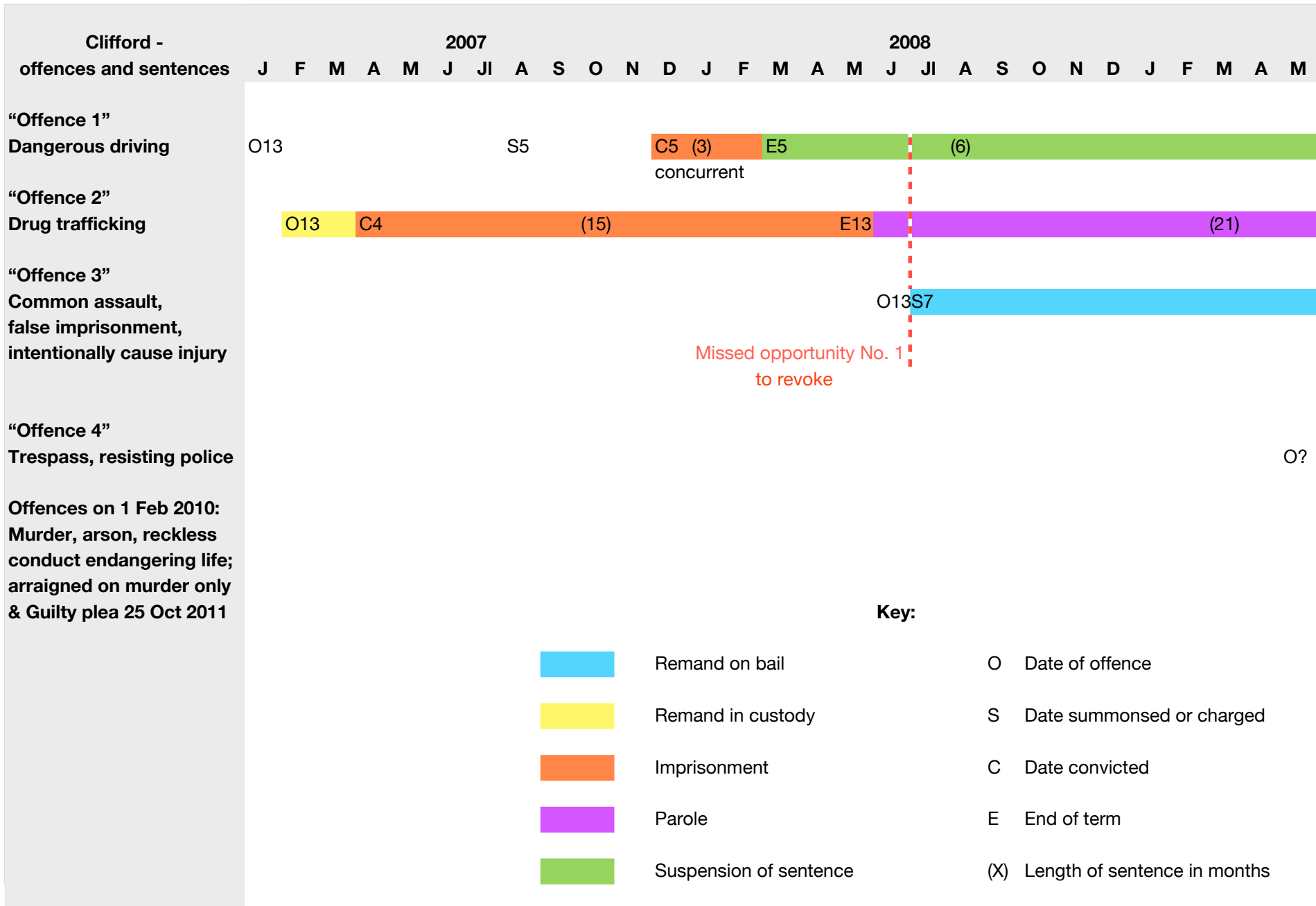
**It is difficult to understand why CLIFFORD was at liberty on 1st February 2010, but for which Elsa CORP would in all probability still be alive today.** Not only does her family have the right to know, but it is in the wider public interest that the matter be investigated independently and rigorously, either as a case study within the Review or as a separate but related inquiry.

### Suggested Terms of Reference

Elsa CORP's family request that any inquiry should:

- (1) Investigate all instances and aspects of the remand, sentencing and offender management of David Patrick CLIFFORD between 1st January 2007 and 1st February 2010, plus any related matters which the inquiry considers relevant;

- (2) Determine whether relevant statutes, precedents, regulations, guidelines and procedures were followed, particularly with regard to granting of bail, granting of parole, parole management, revocation of bail and parole and activation of suspended sentence;
- (3) Determine whether on the balance of probabilities there was any maladministration (including lack of communication between authorities or agencies) or professional incompetence or negligence, and if so identify individuals against whom there is prima facie evidence of shortcomings which if established would justify disciplinary or administrative proceedings;
- (4) Express an opinion as to whether in all the circumstances the relevant statutes, precedents, regulations, guidelines and procedures, and related staff selection and training, were adequate to protect the public. In particular consider the effect of concurrency of sentences, suspended sentences and parole. Identify any areas needing improvement or meriting more detailed scrutiny.



Schedule 1

2009												2010						
J	Jl	A	S	O	N	D	J	F	M	A	M	J	Jl	A	S	O	N	D
E5																		
[Purple bar]							E13											
[Blue bar]							C30 (12 + 12parole)											
<p>Sentence originally 21 + 12 parole;  reduced on appeal Jun 2011.</p> <p>Suspended sentence from Offence 1 activated?  Parole from Offence 2 revoked?</p>																		
S9							CE15											
<p>(4)</p> <p>Missed opportunity No. 2 to revoke</p>																		
OS1																		
<p>V</p> <p>V</p> <p>V</p> <p>V</p>																		