Meaning of the word 'Parole'

The conversation for this podcast story came from a phone call from a Yolngu mother whose son was being offered parole but had no understanding of what 'parole' meant. Our Yolngu co-producer, Dianne Gondarra, checked around with all her contacts and found that nobody within the community understood what parole meant either. So we researched the word in English and Yolngu Matha and produced this program to help alleviate confusion.

Without a clear understanding of the meaning of the word 'parole' it's impossible for Yolngu parolees to stick to their parole conditions. This is why so many Yolngu end up being penalised and put back in jail. All because they do not understand what the English word parole is about.

This is a hard subject for English first language speakers to understand. But imagine if Balanda (mainstream western Australians) were being jailed under the Yolngu system of law. And they had to work through and understand all the Yolngu Matha academic terms around the Madayin system of law. This confusion around English legal terms is why so many Yolngu end up in jail, completely confused many times as to why they are there.

In this podcast series, we will investigate a number of other English words that also create problems for the Yolngu Matha speaking prisoners. Like understanding what is meant by an 'unexpired sentence'. The English word 'sentence' has many different meanings in different contexts. And the word 'unexpired' is one that almost no Yolngu person would have any idea what it means. This problem is added to because Yolngu Matha is a suffixing language and in most cases prefix words are understood without the prefix, leading to a complete misunderstanding because 'unexpired' to them simply becomes 'expired'.

We then discuss 'parolee' and 'parole officer', where the meaning of parole changes from a verb to a noun. To complicate this matter these officers are sometimes called 'probation officers' too, and you can be 'out on probation'.

To give the complete example of what parole is about we also had to talk about 'parole orders' and how they fit into the whole picture. Again, the English word 'order' causes confusion because you can order food and now you can also have a parole order.

First Nation People like Yolngu are English fifth or sixth language speakers. If they are to be ready for meaningful employment throughout their lifetime, without the stop-start complications caused by confusion around English legal terms, Yolngu people need access to podcasts like this. These discussions help them navigate the minefield of concept language in the English speaking world.

Story No. 1: What is the meaning of the word 'parole'?

Dianne Gondarra: Yo, Wamut (skin name for Richard Trudgen).

Richard Trudgen: Yo, sister.

DG: What is the meaning of 'parole'?

RT: Parole, parole. That English word parole – is that what you're asking?

DG: Yeah, that's what I'm asking, what is the meaning of the English word parole? What does it mean?

RT: Like, sometimes some Yolnu might hear them saying, 'we're going to let you out of jail on parole', 'you'll be out on parole', Balanda, hey?

DG: Yes, 'you're going to be on parole', 'get out on parole', 'we are going to send you out', 'you will exist on parole'. That's what they say to us.

RT: Yeah. And some people might hear while they are in jail that they've got to go before a parole board. You see, the parole board, like a board of directors. But it's a different name, 'parole board'.

DG: Yeah sometimes they say you have to go to a parole board.

RT: Hmm.

DG: So parole and parole board are separate from each other?

RT: Yo, yeah separate, separate.

DG: I see.

RT: Parole board is where they work out if you have behaved well inside jail and they will work through the law and your behaviour and maybe they will say, 'we will give you parole; you can go out on parole.'

DG: This is what the parole board says.

RT: Yo.

DG: This is what they say.

RT: That's what they say.

DG: They will say this after considering all the law. Is that what you say?

RT: Yo, yes they will say what will happen.

DG: They look at all the law in relation to your situation as to whether you can go out and accompany the legal situation.

RT: Yo.

DG: Where is the foundation of the word parole? Where does it come from? What does it mean at its foundation?

RT: Yeah, when I look at the root words in relation to the word 'parole', it is not clear, but when I look at that root meaning (foundation), it comes from the Latin 'word of honour' – this is what they say it has as its foundation.

DG: So the foundation for the word parole is 'word of honour'.

RT: Hmm. A bit too hard.

DG: What is this 'word of honour'? What is it like?

RT: I know it's a bit hard, but if I was to say it in my Yolŋu Matha and English, I would say, 'my word I give you is lawful and the truth - not a lie I give you. From the depths of my conscience I will give you only truthful information. Not any deceit or incorrect words. Correct information I will give you, so you can believe my word - märr yuwalk (märr is spiritual power and strength, your inner soul, centre of your being. Yuwalk means true or truthfully). 'On my honour', we say in English, on my honour, on my credit within my soul, my inner being. I'm not sure if I'm making it clear in Yolngu Matha or what? Hey?

DG: Märr yuwalk.

RT: Märr yuwalk, yeah.

DG: Word of mine.

RT: Yo.

DG: This is what he will come out on.

RT: Hmm.

DG: Not on an insignificant word, something that's made up.

RT: Yo.

DG: On a märr yuwalk word given.

RT: Yes. On my 'word of honour' they will say in English.

DG: On my word of honour

RT: Yo

DG Is this what parole means?

RT: That's the foundation to the root word of 'parole'.

DG: That's it's foundation meaning, Richard, it stems from.

RT: Let's look at that meaning now.

DG: Yeah.

RT: There are a number of meanings now and they're very different from each other for the word parole. Hey?

DG: Yo.

RT: But let's just look at that one meaning. Where there is a Yolŋu person inside the jail and the correctional service officers start to talk about, 'you have to go to the parole board this morning', yeah. And you go to the parole board and then they say, 'okay you can go home on parole', 'you are out on parole'. This is what they say. Hey?

DG: I see.

RT: And when we're looking at that, the meaning for parole in that situation is a conditional release of a prisoner serving an unexpired sentence. On a promise of good behaviour. It's a bit long here. So let's look at the first part of it.

DG: And he comes out on that word.

RT: Yo.

DG: He comes out of jail with strings attached.

RT: Yo.

DG: With conditions that he has to comply with.

RT: On a 'conditional release', they will say, of the prisoner.

DG: Yo, conditional, they will have to comply with.

RT: Yo.

DG: The prisoner.

RT: Hmm.

DG: Conditional, they'll have to comply with while on parole, with strings attached.

RT: Yeah.

DG: Yo, with a number of strings attached, buku-guykthun, with a legal sanction or proclamation applied to the prisoner in relation to their conditional release. Buku-guykthun.

RT: Yeah, buku-guykthunmirri, I think is a good way of saying it. Because he can go home, that's okay but he is on a promise of good behaviour.

DG: Yo, yeah, he can sit at home. But they are going to watch what he does, his behaviour.

RT: Hmm.

DG: Make sure he follows all the law, doesn't break any law. Because he's has been released with strings attached and has been buku-guykthun, had a sanction or legal proclamation proclaimed over him and his release.

RT: Yeah.

DG: Yo.

RT: Hmm. So sister we're talking about that word parole and what it means. That's come back again. Hey?

DG: Yo

RT: And we'll talk about it some more and what it means. Parole. What does parole mean. Yeah?

DG: Yo.

RT: Yo, that's good.

Story No. 2: Parole and an unexpired sentence

DG: Yo, Wamut.

RT: Yo, morning sister.

DG: Can you tell us some more about the meaning and the application of this word, 'parole'?

RT: Yeah, parole. We were saying that it's the conditional release. We'll talk about that later. But it's for the prisoner that is in jail and he's still got, what we call in English, he can go out, he can be released from prison but it's an unexpired sentence – the sentence is still active has authority over him. It is still in existence. 'Unexpired', that's another English word that is quite difficult. Hey?

DG: Yo, this is one (difficult word) 'unexpired'.

RT: Yo, unexpired time in relation to his prison sentence, hey?

DG: Yo.

RT: Unexpired usually has got something to do with time, yeah?

DG: Yo.

RT: The time has not run out yet, it is still active.

DG: He hasn't come out of the doors yet. He hasn't come out of the 'inside doors' time yet.

RT: Yo, or I like to say, that the time is still active or alive, hey?

DG: Yo, yeah his time is not run out yet. He hasn't entered a time to be outside the doors yet.

RT: For his sentence, hey?

DG: Yo, for his punishment he is receiving?

RT: Yeah, yeah for his punishment.

DG: Or his buku-guykthun (with a legal sanction or proclamation applied to the prisoner) or he has had a legal sanction applied to him under law.

RT: Hmm.

DG: When they send them out then there are legal strings attached to his going out.

RT: Hmm.

DG: Goes out with legal strings attached to him.

RT: His conditions for example.

DG: Yo.

RT: The law that he has to apply to his going out, hey?

DG: Yo, you as a Yolngu have conditions, legal strings attached to you.

RT: Hmm, hmm.

DG: Conditions, yeah.

RT: Yeah.

DG: You as a Yolngu person have legal strings attached.

RT: Yeah.

DG: You have legal conditions to have to follow while you're being observed by them.

RT: Yo.

DG: And that will continue on and on and on until the doors open and the time (for your sentence) has run out.

RT: Yeah. But wait, we still have an unexpired sentence. Let's just look at that word 'unexpired'.

DG: Okay.

RT: You can say unexpired, you can say djugu, it still active. The contract is still active and alive. Or what did you say before? Another one is an unexpired ticket, for example.

DG: Yo, ticket or credit card.

RT: Credit card, your credit card is still active alive, has authority.

DG: Unexpired, yes it still has authority, it is still unexpired, like it's still valid in time, it is not expired.

RT: Yo.

DG: Like a license.

RT: Like sister, that word 'expire'. It can have another meaning, like in English you say 'that license is still alive', 'credit card is still alive' – it has authority, it still has life, hey?

DG: Yo.

RT: Unexpired, hey.

DG: Yo.

RT: And we can also say if somebody, if a person dies, he 'expires', expiring, he has died. Yeah?

DG: Yo.

RT: So unexpired should be 'he is still alive', like for example...

DG: Yo, like for example...

RT: Hmm.

DG: Like in a work situation if it is still used, you won't put it down and not use it.

RT: Hmm.

DG: You are not going to pick it up and not use it.

RT: Yo.

DG: if you want to use your license, use it, because it is still valid.

RT: Valid, it still has authority.

DG: Still has authority, is still alive, your license.

RT: Yes, that's another way of looking at it, unexpired example.

DG: Yo.

RT: And when we're talking about the Yolŋu person in jail, his sentence, it's got a time attached to it. The time inside is established. The magistrate or judge has already established how long he would spend inside.

DG: Yo.

RT: But half-way, half-way the parole board will say, the board will investigate whether if he has been on good or bad behaviour inside. They will decide if you have been on good behaviour inside and then the parole board will say, 'you can go

out', 'you can leave jail on parole'. But you're sentence is still alive and active. It's still an unexpired sentence. That's how they call it an unexpired sentence. Hey?

DG: Yo, you are still inside.

RT: Still inside, yo.

DG: The law still has you captured inside.

RT: Yo.

DG: You haven't really come out of it yet. You still have strong legal strings attached to you.

RT: Hmm, that's a good way of saying it because you don't go out as a free man, you go out with legal strings attached, hey?

DG: Yo.

RT: Not as a free person.

DG: You go out with a lot of legal strings attached.

RT: Hmm.

DG: And sometimes we see people say, 'have you completed your sentence?'

RT: Hmm.

DG: Your punishment or whatever.

RT: Hmm.

DG: Have you reconciled the law.

RT: Hmm...

DG: Are you finished, have you reconciled the law. 'I've still got strings attached.'

RT: No, the time is not finished yet.

DG: No, I have still got legal strings attached.

RT: Yo.

DG: Time hasn't run out yet.

RT: Yo.

DG: It hasn't expired yet, it's still unexpired.

RT: It's unexpired still.

DG: Yo.

RT: Yo.

DG: We still have some sentence to go, it's getting close.

RT: Hmm.

DG: I still have one month to go.

RT: Yo, yeah now sister this is important because if you're parole mirri, if you're out on parole and you break any law or get off the track that they've established for you while you're on parole. If you break that, you go straight in. No court case, nothing else exists, anything, you go straight back into jail. Hey?

DG: This is true brother. Lots and lots of Yolngu break this law because they don't understand it.

RT: Yeah.

DG: They don't understand this is as a buku guykthun, sanction at law that is applied to them.

RT: Hmm.

DG: Like as it would apply under Yolngu law.

RT: Yep.

DG: Maybe they have painted on you the sacred emblems of your particular Bäpurru corporate clan group. (Family crest emblems give your Bäpurru corporate clan group legitimacy in Madayin law. When they are painted on someone it is a sign that they are now enmeshed, assenting to that law and so should act in a completely lawful way). Or maybe they have guykthun, applied a legal proclamation under Yolngu law over you.

RT: Hmm.

DG: If that is the case under Yolngu law, you have to work through the situation and complete the full term of the punishment/ sanction applied and you get to the cleansing/ closing ceremony (smoking ceremony) where everything is completed and you're free to go.

RT: Yep.

DG: In/ at the right time.

RT: Hmm, yeah. You might even have two problems now. Because you have that one problem from before where the sentence wasn't completed, it was an unexpired sentence. And you'll have that new trouble from where you broke the terms of the parole, hey?

DG: Yo, so your time in jail may be added to.

RT: Yes.

DG: So maybe now you're the spending a longer term in jail.

RT: Yo.

DG: Yes this is where it's absolutely essential for us to understand what parole means.

RT: Yo.

DG: Parole is the situation where a legal guykthun sanction or proclamation is applied over you as a prisoner.

RT: Yo.

DG: When a legal guykthun proclamation is applied to us, we need to follow all the conditions of that proclamation and not break the law. Where if you break the law, then the punishment will be applied.

RT: Yo and sister let's come back and talk a bit more about some of those laws and conditions relating to parole, hey? They need to be adhered to, hey?

DG: Yeah.

RT: Let's return again and continue the conversation.

DG: Yo.

Story No. 3: Probation and Parole Officer

DG: Yo, Wamut.

RT: Yo, morning sister.

DG: This morning can you please explain more of the conditions (in relation to the word 'parole').

RT: Conditions, yo.

DG: Hmm.

RT: Yeah, conditions for that parole, that parole order, what they say, the captain. It's more confusing for Yolŋu, sister, when we can call that person a parolee, a P-A-R-O-L-E-E.

DG: Ah yeah.

RT: That's the name given to the prisoner. A parolee, yeah.

DG: Yeah.

RT: So, sometimes Yolnu will hear that word. That Yolnu who is coming out of parole, with strings attached, they would say that parolee must follow these particular conditions, hey?

DG: Yeah, like for example an employer gives somebody work, the worker contracts somebody to work for them, they will be called an employee.

RT: Yeah, that's right.

DG: Like that's the similar example.

RT: You are called an employee, and that's the same here, a parolee. Yep?

DG: Yo.

RT: Yo, now we need to say one other thing too. That Parole Board, the keepers of the law inside the prison. The Parole Board, the keepers of the law, they will give that parolee, that Yolnu coming out of jail, they will give him a 'parole order'. A parole order. That will give the parolee information as to what he can do, or can't do, while he is on parole. Until that time the sentence runs out, until that sentence dies, for example. Hey?

DG: Like Wamut, the legal conditions will accompany that Yolngu coming out of jail with legal strings attached to him. And he will continue in that state on and on until that time for his sentence runs out.

RT: Yes, yes that's the way. And that parole order, that's what the Parole Board says, will have a number of different conditions, yeah?

DG: Hmm.

RT: And the first one will be for everybody. For everybody. That parolee must not commit another offence during the period of the order. While that order is in existence, he cannot break any law, anything. Yeah?

DG: Yo. They are called, keepers of the law, the Parole Board.

RT: Yo.

DG: They will work out all the conditions to keep the parolee out of trouble. So they will set down the laws in relation to his parole. Those conditions will stay in place until the end of the parole period. These conditions/ laws will care for the parolee during the parole.

RT: Yeah, it's called another offence during that period or offence. That offence means, that he should not make rubbish of any sense of the law, not to foul it in any way.

DG: Yo. Yes he is not to foul or make rubbish of the law in any way while he's out with legal strings attached to him. He has to abide by the conditions set out for him according to the laws set out. He is not allowed to break any laws during this time while his outside. He is not to break any laws as they have set out for him.

RT: Yo. And the number two, sister, is he must be supervised and obey the directions by the probation. That's another new word, the 'probation' and parole officer. Probation and parole are similar in meaning, a worker officer. He should follow what they say. He will have a probation or parole officer that he has to listen to and follow whatever he says, yeah?

DG: Yo, at the same time as he is out on parole he needs to sit under the care and control of the parole officer.

RT: Hmm.

DG: He will look after him. When you are sitting out on parole you are on probation. Probation means that they are keeping an eye on him. Making sure you keep to the law.

RT: Hmm and sometimes they might hear them say, 'he's your probation officer'. Two names they will use: probation officer or parole officer. They are the same person, hey?

DG: So, they will use two names for this person?

RT: Yo.

DG: Probation officer, parole officer. Two names are used but they are the one person who will look after you.

RT: Yo, and so you need to report to that probation and parole officer and be available for interview with him. You don't live with him, you just go to his office at the right time and report for an appointment. Yeah?

DG: Yo, and so this is the person who will look after you, the parole officer or probation officer. He is a person who is going to look after you so you need to report to them. He will give you information.

RT: And there's lots of other conditions, sister, I'll just say. You have to live at the arranged address where you said you were going to live. If you change to another address you have to let your probation officer/ parole officer, know. Hey?

DG: Yes, the place you are living as a home address, you have to live there. If you want to change this living address you have to go and see your probation officer, parole officer, they are the same person. And give them your changed address.

RT: Yo, when that Yolnu is on parole he has to listen to the parole order from the Parole Board. And he also has to listen to the parole officers, yeah? If they tell him to do something, a new law or something, he has to do it. He has to follow the directions of both the Parole Board and the parole officer.

DG: Yo, when you come out of jail (on parole).

RT: Hmm.

DG: When you come out of jail (on parole) you have to follow the directions of the Parole Board, what they have set down for you to follow. And also the directions of the parole officer.

RT: Hmm.

DG: If they sort out something new for you, big or small, something new. If they set down a new direction, you need to follow it.

RT: Hmm.

DG: They are there to look after you like a supervisor, to look after you.

RT: Hmm. Yo, sister, let's come back again, yeah?

DG: Yo.

RT: And we'll give you some more conditions. I will tell you about more conditions that a parolee must follow while they are out on parole, yeah?

DG: Hmm.

RT: While he's 'out on parole', they say. Out on parole. It's true that there are legal strings attached.

DG: Yo.

Story No. 4: Understanding parole order

DG: Hey Wamut?

RT: Yo, sister what is it?

DG: Can we sort these two out a little bit more, 'parole' and 'probation'?

RT: Parole and probation. They go together but they are a bit separate from each other - they're a bit different, hey?

DG: Yeah.

RT: And when you asked me to investigate that more, I'm going 'oh, this is where it's really hard with English'. Yolnu haven't got that English foundational experience and knowledge. Because we don't think about it much you see. It's a bit like Yolnu and using Yolnu Matha, it's more easy for you to think it through.

DG: Yo.

RT: But parole is something they do in court. First the court will sort it out. The court might tell you, 'you can have parole half-way', or they might tell you how many months you will be inside parole miriw, without parole. Then after that you can have parole if behave yourself inside jail. What do you call that word?

DG: Dhuwurr-dhunupa (a lawful honest person). They watch your performance and practice in jail to see that you behave yourself and do everything right. You do not break any laws while you're inside.

RT: That's right. And so, parole, they will work through it. The Parole Board, the keepers of the law inside the jail, they will work through the parole issues and put you on parole. But at the same time you're on probation. They will check up on you and see if you are behaving yourself, hey? What they say in English sometimes is that there is a 'probation period' in your work when you start a new job. There will be a probation period in your work. They will be checking up on how you work for a number of months.

DG: Yeah, they can check on you.

RT: Hmm.

DG: If you are on parole, you're out of jail so the people looking after you are going to be checking up on you all the time.

RT: Yeah.

DG: Like you were saying.

RT: Hmm.

DG: When you're on probation.

RT: Yo.

DG: When you're on probation.

RT: Hmm.

DG: They're gonna keep an eye on you when you go to work. You're on probation for 6 months and if you work and are very active, they're going to give you full-time employment.

RT: Yo.

DG: That's how it is.

RT: If your probation period is good. During the probation period you worked well and do everything you're asked, sometimes they'll give you full-time.

DG: Yo, or they might shift your employment up into another level.

RT: Yo, yo. That's how it is.

DG: In your work situation.

RT: So, sometimes they call it probation officer, sometimes they call it parole officer however these two positions are the same, they're not two different positions, hey?

DG: In this legal situation we're talking about.

RT: Yo.

DG: And this legal situation is where you have been/ received buku guykthun, legally sanctioned under law, and you have legal strings attached to your parole.

RT: Yo.

DG: There's one name, probation and parole officer.

RT: Yo, yo.

DG: They're one and the same person. Somebody there to help you.

RT: Yo, and sister, because this is the last program this morning, we'll talk on this, what is the meaning of parole, we'll talk through a little bit more of the laws and the conditions. To make sure we do not break any laws while we are on parole or probation, yeah?

DG: Yo, yeah let's look at this a bit more, brother.

RT: Yo, yo.

DG: The meaning of these two words comes out from two different linguistic roots but their meaning comes out to work together.

RT: Yeah.

DG: This word 'parole' and this word 'probation'.

RT: Hmm.

DG: When we are talking about parole, you are out of jail but still have legal strings attached back to your jail sentence.

RT: You have legal strings attached to you.

DG: Yo, and probation, they're gonna keep an eye on you. Your outside of jail but they can keep an eye on you. So they come together around the same issue.

RT: Yo.

DG: This is how it is.

RT: Yeah, and sometimes sister, that parole board, those keepers of the law inside the jail, will say, 'you can go out of jail on parole' but you can't hang around with certain groups of people. They might tell you that you have to stay away from certain individuals. And not associate with another person if the probation and the parole officer tells you. Yeah?

DG: Yo. This could be another law that the probation officer or the parole officer tell you. Not to associate with particular people who might get you into trouble or it could be not with children. That you're not allowed to go close to them. Or it might be with members of your family that you are not allowed to go close to. And other groups like that.

RT: Yes groups like that. Also you might have to stay away from a place or an area if the probation or parole officer tell you to. Yeah?

DG: Yo. And another thing is they might stop you from going to a particular place, otherwise you could be penalised for it. You see, these are the sort of laws or conditions they might put on you.

RT: Hmm, and sometimes sister, they might say 'you can't drink or buy alcohol'. Yeah?

DG: Yo. And sometimes they might tell you, 'you cannot buy or drink alcohol'.

RT: Hmm.

DG: If this has been a problem for you in the past, they might put a restriction on your access to alcohol. So they might put a penalty on you in relation to alcohol.

RT: And they might tell you, 'you have to live in a particular community called by its name'. And that you can't travel around to other communities. Or that you have to live in an outstation. They might say that in that buku guykthun sanctions proclaimed law, yeah?

DG: Yo. They will hold you by law to stay in your own home. They will tell you whether you can stay in your own community or in a homeland. If they tell you you can't stay in one particular community, you might have to stay in another place. What. Will they give them an option as to where you may want to stay?

RT: Well it's whatever they say, the parole officer or the Board, whatever they say, hey?

DG: Yo.

RT: And if they say the name of the community or the name of the outstation that's it, there is no more conversation.

DG: Yo.

RT: You can't go to other places.

DG: Hey brother, you can't just go anywhere.

RT: Yeah.

DG: Everything is due to that particular Yolngu person's circumstances.

RT: According to their conditions, their parole order, hey?

DG: Yo.

RT: What the paper says on the parole order. You see, yeah?

DG: What the Board gives you on the parole order, this is the one information you need to follow in relation to your particular trouble you're involved in.

RT: Yo.

DG: This is the information they have already given you, instructions through the order. So it's important for the Yolngu person to follow what the parole officer or the probation officer tells you. What the Board has already instructed them.

RT: Yeah, so sister it's important for that parolee, that Yolŋu, that comes out of jail, for him to know what is in his parole order. What is the parole order saying to him in the full extent. You need to know all the points of that parole order. If he doesn't and you break the law, you go straight back into jail, no court case. You go straight back in, hey?

DG: Yeah you see. This is very important. You have to know the parole conditions and what is in the order, and the information in it. You have to know what legal conditions are in the order. You can't plead innocence while you're breaking the law. You might have a condition like you can't drink alcohol and yet you don't know about it and you drink alcohol, because you didn't know. You'll be going straight back to jail, no more court.

RT: Yo, yo, everyone, this is the meaning for parole and Parole Board, parole officer, probation officer. They have buku guykthun, to proclaim a legal sanction over you. You don't go out as a free person, a free man, you're not free. But under a way of law you have to stay.

DG: Yo, this is what we've told you.

RT: Yo everyone that's all, goodbye.