

Response by the New Zealand Parole Board to the *Independent Review of New Zealand Parole Board Decision Given on 28 June 2006 to Release Graeme William Burton on Parole* dated 5 March 2007

The most important issue for the Board now is the New Zealanders who have been deeply affected by this tragic set of circumstances - we wish to ensure that we all learn from this experience, and we undertake to do everything in our power to prevent this from ever occurring again.

The Independent Review undertaken by Chief District Court Judge Russell Johnson and Professor James Ogloff identified five areas for the Board to consider in future decision-making.

This Independent review deals with the process and the decision leading to the release of Mr Burton. Anything to do with his management post release is covered by the Department of Corrections' reviews.

We are determined to consider the five areas identified seriously, and make any necessary changes in co-operation with the Department of Corrections, aiming to improve processes for the future.

Those 5 areas, a summary of relevant points from the Independent Review, and the Board's responses are as follows:

1. Communications between the Board and the Department of Corrections

Summary of Review: the Board requires information from Corrections and Corrections needs to monitor the consequences of the Board's decision-making, to ensure that release decision-making and planning is done in a way that maximises the protection of the community, while affording opportunities for the safe integration of the prisoner into the community.

Board's Response: Discussions are currently underway between the Board and Corrections to improve the nature and quality of the flow of information.

2. The psychological reports before the Board

Summary of Review: Psychological reports would be of greater utility if their summaries were prepared in a format that clearly addressed the matters of concern to the Board. Ongoing training of Board members would be beneficial in the area of re-offending and violence risk assessment.

Board's Response: The Board will consult with Corrections' Psychological Service on the format of the summaries of their reports to the Board. The Independent review confirmed that

internationally it is acknowledged that there are deficiencies in risk assessment systems, and they change as more research is conducted. The Board is already aware of the need to maintain its work at the highest level of international standards, and will continue training of all members, with local and international experts providing direct instruction on assessing risk.

3. Dealing with release expectations over time

Summary of Review: If the Board does not have the necessary information to make a release decision, it is important for the Board to solicit such information, but it would be best to withhold decisions regarding release until after the information is received and considered.

Board's Response: The Board will discuss with Corrections the need to obtain all relevant information including the results of any trial or temporary releases to avoid the need to make release decisions until all information is available.

The Board will discuss with Corrections suggested amendments in order that they might be more flexible.

4. How the Board deals with untested allegations of misconduct

Summary of Review: It would have been prudent for the Board to have delayed its decision regarding Mr Burton, subject to obtaining clarification from Corrections about the allegations of misconduct.

Board's Response: As noted above, the Board will discuss with Corrections the provision of all relevant information prior to making release decisions. In the wider context the Ministry of Justice and the Law Commission have recommended that the Board be empowered to summons witnesses to provide direct information at hearings.

5. Overcoming any disjunction between the Board's expectations and the reality of supervision after release

Summary of Review: There should be a mechanism for confirmation that Corrections can adequately service the Board's proposed special conditions before release is effected.

Board's Response: The Board notes that in general at present the conditions imposed on release are those proposed by Corrections in its Pre Release Reports to the Board. The Board will discuss with Corrections any further mechanism necessary to ensure such proposals are workable. The Board also notes that under the Criminal Justice Bill 2006 once an offender is released, the Board will be able to monitor the offender's compliance with their release

conditions by requesting a progress report from Corrections, and/or requiring the offender to attend a hearing.