



NEW ZEALAND
PAROLE BOARD

New Zealand Parole Board hearings information for victims

This booklet explains:

- ◆ **What information you may receive**
- ◆ **What input you may provide**
- ◆ **How the hearings process works**

July 2004





Who is this booklet for?

This booklet is for you if you are a victim of crime and registered as part of the victim notification system. Victims of certain serious offences can apply to the New Zealand Police to be registered and this gives you certain rights.

As a registered victim you are entitled to receive information about an offender's hearings. These are conducted by the New Zealand Parole Board. (Notification about hearings comes directly from the Board.) Even if you aren't a registered victim, under the Victims' Rights Act 2002 you still have rights to provide input and get information about the New Zealand Parole Board's decisions. (See Unregistered victims' rights on page 12.)

To find out more about the victim notification system contact your local Police, court victim advisor, or your local office of Victim Support.

Note

This booklet is a guide to hearings only and does not cover every aspect of the parole process.

For full details you might like to read the legislation governing parole – the Parole Act 2002. There should be a copy in your public library, or your local Victim Support office may be able to help you.

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Foreword

The rights of victims in relation to hearings conducted by the New Zealand Parole Board are clearly set out in the Parole Act 2002, and it is the duty of the Board to ensure that those rights are upheld.

Our policies and procedures are designed to ensure this happens. Through the hearings process the Board will ensure you have the opportunity to receive information about, and provide input to, the Board's considerations of an offender's case – if you wish to do so.

The Board has a range of complex information to consider in making its decisions and input from victims is part of that. We believe that for victims to contribute effectively it is important you understand how the process works.

This booklet explains the hearings process from a victim's point of view and focuses on how you may participate if you choose to.

If you have questions or concerns at any time please do not hesitate to contact an Administrator for the Board – the details are at the back of this booklet.

Yours sincerely

**The Hon. A A T Ellis
Chairperson, New Zealand Parole Board**



The New Zealand Parole Board and your rights

What is the Board?

The New Zealand Parole Board is an independent, statutory body. It considers offenders who are eligible for:

- ◆ release on parole;
- ◆ home detention; and,
- ◆ release on conditions (that is, where they are to be released automatically but with set conditions).

Other cases considered by the Board include applications for compassionate release and recalls of offenders who have breached the conditions of their parole, home detention or compassionate leave. The Board may also impose special conditions relating to an extended supervision order.

The Board has around 30 members – some are judges and some are people appointed from the community. It makes its decisions according to the Parole Act 2002. The

members consider cases in panels of three or sometimes more, and each panel is chaired by a convenor – usually a District Court Judge. The Board itself is chaired by a High Court or District Court Judge.

What am I entitled to?

If you are a registered victim you are entitled to:

- ◆ receive information about the hearing for the offender if he or she is being considered for release on parole, home detention or release on conditions, and – in certain cases – you can be supplied with specific information about them;
- ◆ make a submission in writing to the Board in advance of the hearing, and orally to the panel considering the case (or to a panel member in the case of an unattended hearing. See hearings page

- 5). You may also involve support people in various ways in making submissions;
- ◆ be advised of the Board's decision. (You are also entitled to be notified about any decisions of the Board to grant compassionate release, or variations to, or discharge of, conditions.)

Important

You are under no obligation to provide a written submission or to meet with the Board to make an oral submission. Even if you don't provide input to the hearing process, as part of the victim notification system you will still be advised of the Board's decision.

Safety of the community

The Board's paramount consideration in making a decision about the release of an offender is the safety of the community. This will be the Board's main concern in each case, whether or not victims have made submissions.



Summary of the process for the Board to consider a case

- ◆ An offender's hearing is scheduled according to his or her eligibility for consideration.
- ◆ The Board notifies the offender, any victims and the Police of the hearing and that it may be 'attended' or 'unattended' (see Hearings page 5).
- ◆ The Board requests information from Department of Corrections' staff involved with the offender and invites written submissions from victims, Police and the offender. Victims, and the offender, may advise their preference for an attended hearing. You may request certain information about the offender to assist with your submission.
- ◆ The Board receives the information requested and any written submissions.
- ◆ The type of hearing is decided and advised. If unattended, victims and offenders may request a review of that decision.
- ◆ The final decision is made on the type of hearing. If it is unattended, victims and offenders are advised they may request an interview with a panel member. If it is attended, victims and offenders are offered the opportunity to make oral submissions.
- ◆ Arrangements are made for any interviews or oral submissions.
- ◆ The hearing is held. The panel reviews all written information, and any oral submissions are heard. For unattended hearings the panel member who conducted any pre-hearing interviews reports on those.
- ◆ The panel makes a decision about the case. The decision is notified in writing to any registered victims, the Police, and the offender.



Hearings

Types of hearings

There are two types of hearings.

Attended hearings are those where the offender is present when the Board meets to consider his or her parole. An attended hearing can also involve talking with you as the victim, though not usually at the same time as the offender, and not generally at a prison location.

Unattended hearings are held when the Board believes it has all the information necessary to reach its decision (including consideration of your written submission if supplied) and there is no requirement for the offender to be present.

An offender can also elect not to attend a hearing.

The vast majority of hearings are attended – that is, the Board meets with the offender. Most victims choose to make submissions in writing, though this is

entirely your choice. If you make a written submission you can also still make an oral submission.

The following sections explain in more detail what will happen if you are a registered victim, and if the offender for whom you are registered is eligible for consideration by the New Zealand Parole Board, and if you choose to contribute to the hearing process.

The Board will write to you at the different stages outlined here explaining the process and what you need to do to participate.

What information will I get about the hearing?

The Board will write to you telling you that a hearing is scheduled and advise the month it will take place. The letter explains what sort of hearing it will be.

You can give your views on the type of hearing by writing to the Board before it decides which is the most appropriate. If you give reasons this will help the Board in its decision. (The offender can also give views.)

If you are taking part in the hearing you may – with the Board's permission – involve support people in this. (See Submissions page 6 and Support people page 8.)

Even with an unattended hearing you can request an interview with a panel member before the hearing to give you a chance to state anything you wish to have considered at the hearing. You can involve a support person at this interview. (See Submissions page 6 and Support people page 8.)



Submissions

What are my rights to have input?

You are entitled to provide written submissions and make oral submissions to the panel considering the case, or to a panel member.

Written submissions

What can I provide?

The first letter you get from the Board invites you to make a written submission (this is like a letter from you to the Board) stating your views about the case. It's at this point that you can also make a submission about the type of hearing.

Does the offender see my submission?

The offender receives copies of all the material the Board is considering, including written submissions. However, your address and contact details are deleted and the offender is only allowed to read the submission; they cannot keep a copy.

In exceptional circumstances, where the Board has strong concerns that there could be health or safety risks in showing a report or submission to the offender, the Board can withhold material.

Can I get information for my submission?

If the offender is serving a long-term sentence (that is over 12 months under the Criminal Justice Act 1985 or over 24 months under the Sentencing Act 2002) you are entitled to certain information about him or her. This information is:

- ◆ a list of any programmes attended and completed since the start of the sentence;
- ◆ current security classification;
- ◆ any subsequent convictions since beginning the sentence.

If you wish to receive this information, you need to advise the Department of Corrections. Please note that this information is to assist you in preparing a submission and is not to be used for any other purpose.

How should my submission be prepared?

If possible, keep it brief (e.g. no more than four pages), write on one side of the paper only, and type it or write clearly. This will help the Board should they need to refer to it during the hearing. Receipt of your submission will be acknowledged.

Oral submissions

What happens if I wish to make an oral submission (speak to the panel)?

You need to advise the Board you wish to make an oral submission. An appointment will be made for you to speak to the panel.

The meeting will take place at a venue to be arranged with you. Usually this will not be at a prison.

Is the offender told what is in my oral submission?

As an oral submission is part of the information the Board considers in making its decision, the main content of your submission would generally be reported to the offender, unless the Board decides to withhold it (as explained earlier under Written submissions). Your address and contact details are not given.

Can I get help with preparing a submission?

Victim Support workers may be able to assist you to prepare a written or oral submission.

Is there any financial help available?

There is a government fund to assist victims to attend parole hearings. To apply for assistance with travel, accommodation and special expenses such as childcare contact your local Victim Support office.

Can anyone else make a submission about my concerns?

Other people can send written submissions to the Board on your behalf. If you have family or other supporters who want to do that, you need to tell them when their submissions must get to the Board.

Support people who accompany you to meet with the Board can, with the Board's permission, also speak in support of you. (See Support people page 8). The Police will also be notified of the hearing and will be able to make submissions.



Support people

Can I bring support people?

You may – with the Board's permission – involve a support person or support people when you meet with the panel considering the case or have an interview with a panel member. This could be family, whānau, friends or other supporters, such as a Victim Support worker.

What can support people do?

Support people can be with you when you meet with the panel. If the panel agrees, they can speak in support of you, or on your behalf.

If there are special circumstances you can request that they represent you, meaning they meet with the panel member instead of you and pass on your views.

Can I have my lawyer?

With the Board's permission, you can be represented by your lawyer at an attended hearing. Write to the Board requesting approval before the hearing.

What if I need an interpreter?

If you need an interpreter you may arrange for one to attend. You need to confirm arrangements with the Board. All costs will be your responsibility.

How many support people can I have?

You can generally have up to three people supporting you. However, for an unattended hearing you can generally have just one person.

Given the nature of the matters to be discussed, it is usually not appropriate for children to be involved as support people, or to accompany you or support people to a meeting or interview.

How do I organise to have support people with me?

If you wish to involve support people, write to the Board requesting permission, advising the names of those you wish to accompany you.

When the Board has responded to your request, and the details are confirmed, tell your support people when and where you are meeting the panel, or panel member in the case of an unattended hearing.



Information the Board considers

What information does the Board consider?

The Board's prime consideration in making decisions is the safety of the community. It uses a range of information in making decisions.

This can include:

- ◆ details about the offender's current and previous convictions, sentencing notes and pre-sentence reports;
- ◆ a report from the Department of Corrections explaining programmes or work or other activities the offender has done during the sentence, and the progress they've made in their sentence plan;
- ◆ information about any restorative justice processes undertaken;
- ◆ information about how the offender's parole or home detention would be

managed, including any special conditions recommended if they are released;

- ◆ a report from a psychologist about the offender's offending, treatment and risks of re-offending;
- ◆ advice from other specialists;
- ◆ submissions from victims and Police;
- ◆ submissions from the offender.

Who sees this information?

All the panel members receive this information to consider before the hearing.

The offender is entitled to see all the information the Board is using to make a decision about his or her case. Copies of reports and other material – except any victims' submissions – will generally be given to the offender at least five working days before the hearing.

Your submission – with your address and contact details deleted – are only shown to the offender; the offender is not allowed to keep a copy. The main content of your oral submission is reported to the offender. Victims' submissions and other material may occasionally be withheld from the offender. (See Submissions page 6.)



Decisions

How does the Board make a decision?

The panel of the Board deciding the case considers all the material provided – both written and oral – and weighs it up. The legislation states that victims' submissions and any restorative justice outcomes are also to be taken into account.

What is most important to the Board?

The most important consideration for the Board is community safety. By law, the Board must decide that the offender does not pose an 'undue risk' to the safety of the community before he or she can be granted parole or release on home detention. In assessing undue risk the Board must consider both the likelihood of further offending and the nature and seriousness of any likely subsequent offending.

Note: the Board does not make decisions on the release of all offenders. Those who have reached their statutory or final release

date are required by law to be released. The Board's only role in these cases is to set conditions that they must comply with when they are released.

What else does the Board take into account?

The legislation also states that offenders must not be detained any longer than is consistent with the safety of the community, and that they must not be subject to release conditions or detention conditions that are more onerous or last longer than is consistent with the safety of the community.

When do I hear the decision?

The panel generally decides the case at the hearing. The Board then writes to you after the hearing to:

- ◆ tell you the decision;
- ◆ inform you of any conditions imposed by the Board on the offender - however, the Board may withhold notice of a

particular condition if disclosing the condition would significantly interfere with the privacy of any other person (other than the offender).

- ◆ advise whether parole or home detention has been granted.

You will also be told:

- ◆ if the Board declines to grant parole or home detention and the approximate date for the offender's next hearing;
- ◆ if the Board postpones the offender's next hearing for a fixed time, such as two years.

The offender can apply for a review of the decision on certain grounds and if the decision is changed you will be advised. The Police are also advised of the outcome.



More information

Non-registered victims' rights

Police will advise if you are eligible for Victim Notification or you can ask your local office of Victim Support about it.

Even if you aren't a registered victim, under the Victims' Rights Act 2002 you still have rights to provide input and get information about the New Zealand Parole Board's decisions.

If you are not eligible for Victim Notification but you are a victim as defined by the Victims' Rights Act 2002 you have the following rights:

- ◆ you can make a submission in writing to the New Zealand Parole Board about the offender's case and the Board will give consideration to it;
- ◆ you can apply to the Board to make an oral submission (to the full panel for an attended hearing or to a panel member for an unattended hearing – see pages 6, 7 and 8 for more details);
- ◆ then, if you make a written submission or

if (with the Board's permission) you make an oral submission you will be notified of the Board's decision about an offender's case;

- ◆ if the offenders is to be released - on parole, or home detention, or at their final release date - you will be told the release conditions. This information includes the standard conditions imposed and any special conditions. However, the board may withhold notice of a particular condition if disclosing the condition would significantly interfere with the privacy of any other person (other than the offender).
- ◆ alternatively, if the Board does not grant release you will be told when the next hearing will be or if the hearing is postponed.

If you want all the details governing victims' rights, you should read the Victims' Rights Act 2002 and the Parole Act 2002. There should be copies in your public library or you

can access them on the internet at www.legislations.govt.nz.

A Victim Support worker will be able to help you in different ways. You can contact Victim Support on 0800 VICTIM (0800 842 846) or telephone your local Police station and ask them to transfer you to Victim Support. Further information is also available on the Victim Support website: www.victimsupport.org.nz

If you think you are entitled to the rights outlined above contact the New Zealand Parole Board who will advise if you qualify.

Special conditions relating to an extended supervision order

The Chief Executive of the Department of Corrections may apply to the sentencing court to have an "extended supervision order"

imposed on eligible offenders who have been convicted of certain sexual offences, who are considered to be at a high risk of reoffending in a similar manner. The sentencing court must consider a specialist assessment about



More information (continued)

the offender, and if granted, an extended supervision order may last for up to 10 years. The offender would be subject to standard release conditions and the Chief Executive or a Probation Officer may apply to the Board to impose special conditions. For high-risk child sex offenders conditions similar to home detention may be imposed for the first 12 months of the extended supervision order.

Victims are able to make written submissions to the Board for a hearing to set special conditions relating to an extended supervision order. With the Board's permission, they may also make oral submissions on whether special conditions should be imposed, what the conditions should be, and their duration.

If an extended supervision order is granted, the sentencing court must give a copy of the order to all victims registered as part of the victim notification system. Registered victims will also receive notification of any special conditions imposed by the Board, however the Board may withhold notice of a particular

condition if disclosing the condition would significantly interfere with the privacy of any other person (other than the offender).

The offender has the right to appeal the making of an extended supervision order by the sentencing court, and to seek a review of any special conditions imposed by the Board.

What if I have questions?

If you have questions at any time you can contact the Board – by writing or by telephoning the regional office that has written to you. Send your letter to an Administrator at that office, or, if you telephone, ask to speak to an Administrator. The contact details are on the front of the Board's letters.

What other help or information can I get?

Victim Support

A Victim Support worker can support you by:

- ◆ helping you prepare your oral or written

submission;

- ◆ helping you apply for financial assistance to attend a hearing;
- ◆ attending an interview or hearing with you if you wish;
- ◆ speaking on your behalf (with the Board's permission).

Contact Victim Support on 0800 VICTIM (0800 842 846) or telephone your local Police station and ask them to transfer you to Victim Support. Further information is also available on the Victim Support website: www.victimsupport.org.nz

Legislation

You can read the legislation under which the New Zealand Parole Board operates. This is the Parole Act 2002. There should be a copy in your public library.

Information about sentencing is contained in the Criminal Justice Act 1985 and the Sentencing Act 2002.



Contacts

Contact points

For more information about victims' rights in relation to cases heard by the New Zealand Parole Board contact the Board.

Write to:

New Zealand Parole Board
PO Box 939
Wellington

Or visit the Board's website:
www.paroleboard.govt.nz

Or telephone one of our regional offices and ask to speak to an Administrator:

Northern Regional Office (09) 307 2509
Central Regional Office (04) 495 8400
Southern Regional Office (03) 365 8124

If you are registered as part of the victim notification system and you change your address or telephone number, please write to:

Victim Information Manager
Department of Corrections
PO Box 1206
WELLINGTON



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