

Summary of “Independent Review of New Zealand Parole Board Decision Given on 28 June 2006 to Release Graeme William Burton on Parole”

The Independent Review, which was commissioned by the New Zealand Parole Board (“the Board”), required two questions to be addressed. Those questions, and a brief summary of the responses to those questions, are as follows:

Question 1: On the information available to the Board, was the decision to release Mr Burton on parole a reasonable one?

Response: On the information available before the Board on 28.06.06, the decision to release Mr Burton on parole was reasonable.

In its dealings with Mr Burton over several years the Board gave due consideration to the potential risk that Mr Burton posed to the community and carefully balanced that risk potential against the public interest in reintegrating him back into the community as a law abiding citizen.

Question 2: Is there anything to be learned by the Board in the exercise of its function, from this tragedy?

Response: The Independent Review has identified the following five areas for the Board to consider in future decision-making:

- ***Communications between the Board and the Department of Corrections:*** 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.
- ***The psychological reports before the Board:*** the psychological reports in Mr Burton’s case were generally sound, however the 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.
- ***Dealing with release expectations over time:*** 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.
- ***How the Board deals with untested allegations of misconduct:*** While ultimately it would be improper to deny parole based on groundless allegations, 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.

- ***Overcoming any disjunction between the Board's expectations and the reality of supervision after release:*** It seems desirable for there to be a mechanism for confirmation that Corrections can adequately service the Board's proposed special conditions before release is effected.