

Frequently asked questions

How do offenders apply for parole?

In most cases offenders do not 'apply' to the New Zealand Parole Board. If they are eligible (according to their sentence) to be considered for release on parole or home detention the Board will arrange to consider their case at the correct time. (Offenders can apply for consideration to serve their sentence on home detention if the sentencing judge allows this. And after they become eligible for parole and have had one hearing offenders can also apply for their case to be considered earlier than scheduled.)

Who decides when offenders get seen by the Board?

The date offenders become eligible for their case to be considered by the Board depends on their sentence. Their exact eligibility depends on the length and type of sentence they are serving and any special restrictions imposed such as a minimum period of imprisonment. (The sentence types are set out in the Criminal Justice Act 1985 and the Sentencing Act 2002.) After the Board has considered a case once, if it declines release offenders are usually seen every year following that. However, in special circumstances, the Board has the discretion to postpone the next hearing for a set time such as two or three years.

Does the Board make all release decisions?

No. The Board considers the cases of those offenders who are eligible for parole or home detention. It does not decide the release of offenders on short-term prison sentences – they are released when they have served half of their sentences. Nor does the Board decide the release of offenders sentenced under the Criminal Justice Act who are required by law to be released after serving two thirds of their sentences, or those who have served their sentences in full. The Board's only role for these offenders is to set conditions.

Do victims have special rights?

Yes. Victims of certain serious offences who are registered as part of the victim notification system are entitled to have input to the Board's considerations of a case. They can receive information from the Board about the hearing, make submissions – written and oral (involving support people if they wish), and be told the Board's decision. The Parole Act 2002 specifically requires the Board to give due weight to victims' submissions.

Can anybody make a submission?

Yes. Anyone is entitled to send a written submission to the Board. However, apart from the offender, only registered victims and Police will be *notified* of when

a hearing is due and *invited* to make submissions. If submissions are received from the general public these will be provided to the panel of Board members considering the case for them to review. Note that the Board is *required* to take into account the submissions of victims, but this is not a requirement for general submissions. Offenders will generally be shown any other submissions on the same basis as victims' submissions. (*See What about offenders?*)

Can anyone get information about a decision?

The Board is subject to both the Official Information Act and the Privacy Act. The Board also recognises the public interest in its work and decision making. However, in disclosing information the Board needs to balance the privacy of the offender and any victims with the public interest in its decisions.

Who is the Board accountable to?

The New Zealand Parole Board is an independent, statutory body accountable to Parliament. The Board is required to provide an annual report about its operations to the Attorney-General.

Where to go for more information

Legislation

You may want to look at the legislation about parole and sentencing. There should be copies of the relevant Acts in your public library.

For full details about the New Zealand Parole Board's roles and responsibilities you could read the Parole Act 2002.

For information about eligibility for parole for offenders sentenced before 30 June 2002 see the Criminal Justice Act 1985, and for offenders sentenced after 30 June 2002 see the Sentencing Act 2002.

Note: all eligible offenders, regardless of when they were sentenced, will have their cases considered by the New Zealand Parole Board. But their eligibility to be considered is determined by the sentence they were given and this will vary between the Criminal Justice Act and the Sentencing Act.

There is also explanatory information about the legislation available from the Ministry of Justice. See the Ministry's website www.justice.govt.nz

The management of parole or home detention

If the Board has made a decision to grant release on parole or home detention, or an offender has been released with conditions set by the Board, or an offender is subject to an extended supervision order, once the offender is released their conditions are supervised by the Community Probation Service of the Department of Corrections.

For information about parole and home detention you can contact a Community Probation Service office. They are listed under Department of Corrections in the Blue Pages of your phone directory.

For more general information on the New Zealand Parole Board, visit the Board's website at: www.paroleboard.govt.nz

General queries about the Board

If you have a general query about the operations of the Board contact:

The Manager
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NEW ZEALAND
PAROLE BOARD

Parole hearings and decisions

A summary of the role
and operations of the
New Zealand Parole Board



This leaflet explains, in broad terms, how the New Zealand Parole Board makes decisions about the release of offenders on parole or home detention and sets conditions.

It covers:

- What parole, home detention and conditions are*
- What the Board is*
- What cases the Board considers*
- Who has input to the process*
- What information the Board uses*
- What rights victims have*
- What offenders are entitled to*
- How the Board makes a decision.*

This leaflet is only an overview. If you want more information or have specific questions you will need to look at more detailed material. Other sources of information are listed on the back.

Parole, home detention and conditions

Parole is when an offender is released from prison to serve the remainder of his or her sentence in the community on conditions supervised by a Probation Officer. Most offenders will be on parole for a set period and during that time they can be 'recalled' to prison if they don't meet the conditions of their parole. Offenders sentenced to life imprisonment or preventive detention are on indefinite parole.

Home detention is when an offender serves his or her sentence, or part of the sentence, at home (or at an approved place of residence). Offenders serving home detention wear an electronic device so their movements can be monitored and they receive intensive supervision from a Probation Officer.

Conditions are special restrictions or requirements that an offender has to follow on parole or home detention, or if released at the end of their sentence on conditions. Conditions may include regular reporting to a Probation Officer, certain employment and living arrangements and restrictions on those, and participation in rehabilitative programmes. Conditions are supervised by a Probation Officer.

Extended supervision order special conditions are designed to provide extra supervision of offenders convicted of certain child sex offences. The Board's role is to set special conditions, after a court has made an extended supervision order. Special conditions can range from home detention-type conditions (for the first 12 months of an order), to restrictions on where an offender may go, restrictions on meeting certain person(s) or classes of persons (eg persons under the age of 16), and the electronic monitoring of their movements.

What is the Board?

The New Zealand Parole Board is an independent, statutory body. It makes decisions according to the Parole Act 2002.

The Board has around 20 members – some are judges and some are people appointed from the community. The members consider cases in panels of three or sometimes more. Each panel is chaired by a convenor, usually a District Court Judge. The Board is chaired by a High Court Judge.

What cases does the Board consider?

The Board considers offenders who are eligible for:

- release on parole
- home detention
- release on conditions (that is, where they are to be released at their statutory release date but with set conditions. For these cases the Board does not make a decision on release, the Board's only role is to specify conditions), and
- special conditions for extended supervision orders.

The Board also considers other cases such as applications for compassionate release (for example, if an offender has a terminal illness) and recalls of offenders.

The Board does not consider the release of offenders on short-term prison sentences (that is, those sentenced to less than one year's imprisonment prior to 30 June 2002, or less than two years after 30 June 2002). These offenders must be released when they have served half their sentence.

The date offenders are eligible to be considered by the Board depends on their sentences. The Board gets information from the Department of Corrections about offenders' sentences and schedules hearings when they are due to be considered.

Who has input?

The Board gets information from a range of people. Key participants are: the Department of Corrections staff – Corrections Officers, psychologists and Probation Officers – who are involved with the offender; victims registered on the victim notification system; Police involved with the case; and sometimes other specialists. Supporters of victims and offenders can also give input.

What information does the Board use?

The Board uses a comprehensive range of information when considering each case. This includes:

- information about the offender's offence/s, sentence and any previous offending
- reports from the Department of Corrections about the offender's 'sentence plan' (what they will do to address their offending while they are in prison) and what progress they have made in this
- any special reports such as psychological assessments about the offender's treatment and risk of re-offending
- plans for how release or home detention would be managed including any special conditions recommended

- submissions from victims and Police with their views about the case
- submissions from the offender.

Do victims have rights?

Victims of certain serious offences can be registered on the victim notification system. This means they are entitled to get information from the Department of Corrections and the New Zealand Parole Board about the offender for whom they are registered. The Board notifies them of a hearing for the offender. They are invited to make written submissions and may arrange to meet with the panel of the Board considering the case, or a panel member, to give oral submissions. With the Board's permission they can involve support people and may be represented by their lawyer. When the panel has made its decision they will be notified in writing. If the offender is to be released on parole or home detention, they will be advised of the conditions imposed - however, the Board may withhold a condition if disclosing it would unduly interfere with the privacy of any other person (other than the offender).

Non-registered victims

Victims who are not registered as part of the victim notification system have the following rights:

- They 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
- They 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)
- If they make a written submission, or if they (with the Board's permission) make an oral submission, they can be notified of the Board's decision. If the offender is to be released they will

be advised of the conditions imposed – however, the Board may withhold a condition if disclosing it would unduly interfere with the privacy of any other person (other than the offender).

Note: The general public can also continue to send written submissions to the Board but the Board is not required to take them into account in reaching a decision.

What about offenders?

Offenders are entitled to make submissions, written and oral, and with the Board's permission can involve support people or be represented by their lawyer at a hearing. In the interests of natural justice an offender is entitled to see all the information the Board is using to make decisions about them. When showing a victim's submission to an offender the victim's address and contact details are removed. In exceptional circumstances the Board can withhold material from the offender.

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 to be given due weight.

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 released 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 offending.