

## Who decides when offenders get seen by the Board for release on parole?

The date offenders become eligible to be considered by the Board for release on parole 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 term 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, 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 specified time such as within two or three years, depending on the offender's sentence.

## Does the Board make all release decisions?

No. The Board considers the cases of offenders serving long-term sentences who are eligible for release on parole. It does not decide the release of offenders on short-term prison sentences. Nor does the Board decide the release of offenders sentenced under the Criminal Justice Act 1985 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 of release.

## Frequently asked questions

### Do victims have special rights?

Yes. Victims of certain serious offences who are registered as part of the victim notification system are entitled to receive notice of, and to have input to, the Board's considerations of a case. They are also entitled to request certain information about the offender from the Department of Corrections. They can receive information from the Board about the hearing, make written and oral submissions (involving support people if they wish), and be told the Board's decision.

Victims who are not registered as part of the victim notification system can make written submissions, may request to make oral submissions (involving support people if they wish), and be told of the Board's decision.

The Parole Act 2002 specifically requires the Board to give due weight to victims' submissions.

### Can anybody make a written submission?

Yes. Anyone is entitled to send a written submission to the Board. However, apart from the offender, only certain parties (for example; registered victims and the Police) will be notified of when a hearing is due. If written 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 written submissions on the same basis as victims' written submissions. (See *What about offenders?*)

### Can anyone get information about a decision?

The Board is subject to both the Official Information Act 1982 and the Privacy Act 1993. When considering the disclosure of information about an offender to a third party the Board needs to balance the privacy of the offender (and any victims) with the public interest in making the information available.

### 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 Parole Act 2002 and the Sentencing Act 2002 in your public library, or you may access them at [www.legislation.govt.nz](http://www.legislation.govt.nz).

Note that all offenders eligible for parole, regardless of when they were sentenced, will have their cases considered by the New Zealand Parole Board under the Parole Act 2002. However their eligibility to be considered is determined by the sentence they were given which will vary depending on whether they were sentenced under the Criminal Justice Act 1985 or the Sentencing Act 2002.

There is also explanatory information about the legislation available from the Ministry of Justice. See the Ministry's website at [www.justice.govt.nz](http://www.justice.govt.nz)

### The management of parole

If the Board has made a decision to grant release on parole, 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 and Psychological Service of the Department of Corrections.

For information about parole you can contact a Community Probation & Psychological Service office. They are listed under Department of Corrections in the Blue Pages of your phone directory. You may also wish to visit the Department of Corrections' website at [www.corrections.govt.nz](http://www.corrections.govt.nz).

For more general information about the New Zealand Parole Board, visit the Board's website at: [www.paroleboard.govt.nz](http://www.paroleboard.govt.nz).

### General queries about the Board

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

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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 (“the Board”) makes decisions about the release of offenders on parole and sets conditions.*

## *It covers:*

- ◆ *What release on conditions and parole 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 page.*

## **Parole 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.

**Release on conditions** - an offender is released on conditions when they reach the date at which they must be released from prison. The Board’s role in these cases is to set any special conditions of release, which may be imposed in addition to the standard release conditions specified in the Parole Act 2002.

**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.

**Special conditions for an extended supervision order:** an extended supervision order is designed to provide extra supervision of offenders convicted of certain child sex offences. The Board’s role is to set any special conditions, after a court has made an extended supervision order. Special conditions can range from residential restrictions (within the first 12 months of an order), to restrictions on where an offender may go, and the electronic monitoring of their movements.

## **What is the Board?**

The New Zealand Parole Board is an independent, statutory body. It makes decisions in accordance with the Parole Act 2002.

The Board has around 35 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 former Chief District Court Judge, Judge David Carruthers.

## **What cases does the Board consider?**

The Board considers offenders who are eligible for:

- ◆ release on parole
- ◆ release on conditions at the end of a long-term prison sentence (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.

Offenders serving short-term prison sentences are not considered for release on parole. (Short term sentences are 24 months or less for offenders sentenced after 30 June 2002, and 12 months or less for offenders sentenced before that date).

The date when an offender is to be considered by the Board depends on their sentence(s). The Department of Corrections is responsible for determining an offender’s eligibility and release dates. An offender is scheduled for a Board hearing when:

- ◆ they are eligible to be considered for parole, or
- ◆ they must be considered for release on conditions, or
- ◆ in all other cases, the Board receives an application regarding the offender.

## **Who has input?**

The Board receives 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; and sometimes other specialists (for example Mental Health Services). Supporters of victims and offenders can also have 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 management plan (what they will do to address their offending while they are in prison) and what progress they have made with this

- ◆ any special reports such as psychological and/or psychiatric assessments about the offender’s treatment and risk of re-offending
- ◆ plans for how release would be managed including any special conditions recommended
- ◆ evidence and material provided by witnesses who have been summoned by the Board
- ◆ submissions from victims and Police with their views about the case
- ◆ submissions from the offender.

The offender is generally given a copy of the information that the Board will consider about their case, with the exception of victim’s submissions (which an offender may read but not keep a copy). When showing a victim’s submission to an offender the victim’s address and any other contact details are removed. In exceptional circumstances the Board can withhold material in a victim’s submission 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 receive certain 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, for most hearings, are entitled to meet with the panel of the Board considering the case to give oral submissions. If they make an oral submission, they can involve support people and may, with the Board’s permission, be represented by their lawyer. When the panel has made its decision about an offender, the victim(s) will be notified in writing. If the offender is to be released on conditions, or on parole the victim(s) 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 can make a submission. However they are not able to request information from the Department of Corrections and they will not be informed of the Board’s decision unless they made a submission.

## **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 usually 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 any other contact details are removed. In exceptional circumstances the Board can withhold material in a victim’s submission 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 Parole Act 2002 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. In assessing ‘undue risk’ the Board must consider both the likelihood of further offending, and the nature and seriousness of any likely offending.