

Independent Review Commissioned by NZ Parole Board Relating to Decision
Made 21 October 2021, to Release Mr Joseph James Bridger on Parole
August 21, 2022

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Background summary and Review Questions

In February 2022 the New Zealand Parole Board commissioned a review to address the following two questions:

On the information available to the Board, was the release decision a reasonable one?

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

The scope of this review is narrow, comprising a review of documentation made available to me, representing material collected and reviewed by the Board at the time of making the decision to release Mr Brider on parole. However, the documentation indicates that the (re)assessments of Departmental Psychologists formed an important part of the information being considered by the Board in this case, and therefore, in conducting this review, I also inevitably draw on my research and clinical expertise in the risk assessment, rehabilitation and reintegration of male prisoners at high risk of sexual and violent reoffending.

Before considering these two questions specifically, I provide some context for his release, including a summary of his Board appearances and associated decisions, and an overview of some of the key issues in the background information provided to the Board to assist its decision-making. Finally, I provide an opinion on the two questions at hand.

Introduction

The New Zealand Parole Board considers parole applications for about 5000 people each year. About a quarter of the hearings for the majority who have determinate sentences, result in a person being released on parole. Typically those on longer sentences may appear to the Board on multiple occasions, as

they work through particular tasks that the Board or prison deem desirable or necessary as part of preparing for a safe release.

Those on determinate “long -term” sentences may be released prior to their statutory release date, as a result of a Board decision. These people are referred to as having been “released on parole” and their entry into the community may be subject to a variety of Special Conditions imposed by the Board. These Special Conditions (S. 15, Parole Act 2002) have one or more of the following aims: (a) to reduce the person’s risk of reoffending, (b) to facilitate or promote their rehabilitation or reintegration, and (c) to provide for the reasonable concerns of victims of the offender.

S 28 (2)of the Act states that “The Board may give a direction [to release a person on parole] only if it is satisfied on reasonable grounds that the offender, if released on parole, will not pose an undue risk to the safety of the community or any person or class of persons within the term of the sentence, having regard to—

- (a) the support and supervision available to the offender following release; and
- (b) the public interest in the reintegration of the offender into society as a law-abiding citizen.

The Parole Act 2002 made provision for 11 standard release conditions that include reporting to the Community Probation Service as directed, residing where directed, working only in approved employment, non-association, and taking part in rehabilitative or reintegrative activities. A wide range of options can further be included in Special Conditions, covering residential and financial restrictions, treatment and reintegration programming, prohibition of drug and alcohol consumption, association with particular people or classes of people, or entering or remaining in specific areas; and requirements to take prescription medications. Electronic monitoring may be used to impose curfews at the person’s residence and keep track of their whereabouts on approved absences. The Board may also require parolees to attend a monitoring hearing to review their progress, after they have been released.

Although all those on long sentences are released on at least six months of statutory oversight from Community Probation, in practice this is a very short period in which to reintegrate. When the person concerned has been in prison for a number of years, it is in the interests both of the community and the prisoner to be released earlier with longer community oversight, if the standard of “not posing undue risk” is judged to have been met. Longer parole in high risk prisoners has been shown to predict better recidivism outcomes (Polaschek et al., 2018). Therefore, if the standard of “not posing undue risk” can be met, it is the interests of the community and of people in prison to be released before their statutory release date, and this interest is reflected in the legislation.

Taking into account this context, Mr Brider was sentenced in July 2014 to 7 years and 9 months imprisonment for Husband Rapes Wife, Unlawful Sexual Connection with Spouse, Abduction for Sex - Female Over 16, and Injures Intent to Injure/Reckless Disregard (Manually). He was paroled on November 10 2021, at a date set at his fourth parole hearing on 21 October 2021, by videoconference to Christchurch Prison. Mr Brider’s Statutory Release Date was 4 Feb 2022, 3 months later. That is, he was released with about 9 months of oversight, and for the first 3 months, was able to be recalled to prison if he breached his release conditions. He was subject to 14 special release conditions, which, briefly summarised, included electronic monitoring with an initial evening/overnight curfew, a prohibition against entering the geographical area where his former victim resided, and requirements to attend psychological assessment, and alcohol and drug assessment, and undertake any recommended treatment, to refrain from having or using any non-prescribed drug or alcohol, to get approval for any employment, and to notify his probation officer if he started, resumed or ended an intimate relationship.

Summary of Appearances Before, and Decisions Made by the Board

Mr Brider's first appearance was at Whanganui prison on 27 Feb 2018. The Board briefly noted the circumstances of his offending. Referring to the November 2017 Psychological Report prepared for the hearing (henceforth referred to as PsyR1), the Board, declined parole, noting that Mr Brider should consider attending both the Adult Sex Offender Treatment Programme (ASOTP; an intensive special treatment unit programme for men at high risk of future serious crime and with a history of sexually assaulting adults) and the Dependency Treatment Unit (DTU) for his history of problematic substance use. The Board indicated that they would see him again in a year.

The next hearing was on 31 July 2019 at Auckland Prison, again by AVL to the Board in Wellington. He was at that time completing the first phase of the DTU, having declined to attend the ASOTP on two occasions since his last appearance to the Board. Mr Brider cited safety reasons related to the Mongrel Mob as grounds for declining. Instead he had requested individual psychological treatment, and the outcome of this request was unknown at that time. He was judged to have completed the DTU programme well, though no specific details of his progress were reported. His behaviour around the prison was described as very good. Mr Brider had begun to consider release to a location in the South Island to distance himself from gang associations, and was mentioning the Moana House residential programme as a step toward reintegrating into the community. He was encouraged to attend offending-focused treatment, and a full psychological risk assessment was requested for his next hearing in August 2020.

At the August 2020 hearing, this time in Christchurch, a comprehensive psychological report was available (PsyR2). Mr Brider had completed the DTU, and was starting the ASOTP, where he was expected to remain until early 2021. He was declined parole, and was to be seen again before end of June 2021.

Mr Brider appeared again before the Board by AVL, on 15 June 2021. Again, an up-to-date Psychological Report was available (PsyR3), containing a current

risk assessment, along with information on Mr Brider's background, progress in treatment and plans for release. In this decision the board pointed out that "significant violence was involved in his offending" and drawing from the Psychologist's report, noted that while in the community, Mr Brider had been involved in "almost daily violence toward others, typically members of rival gangs. Weapons were involved. Mr Brider reported gaining pleasure from inflicting pain on others". Salisbury St Foundation was seen to be a highly desirable part of his release plan, but with no guarantee of a bed, and his statutory release date less than 9 months away, the Board suggested that additional reintegration preparation be undertaken with [suppressed], a Christchurch based reintegration service provider.

At his final appearance to the Board, 21 October 2021 at Christchurch Men's prison by AVL, the Board noted that their task now was to determine "whether the proposed conditions of release will meet identified issues of risk", such that the person's release does not pose an undue risk. The Board spoke to Mr Brider about his safety plans and release plans and appears to have been satisfied by his answers. The Board noted the "strong suite of proposed release conditions" including accommodation from the [suppressed] organisation and "one-on-one support for several days", along with less frequent ongoing contact with [suppressed] and his probation officer after that time. It was observed again that Mr Brider had no non-statutory forms of positive social support in the area to which he was being released.

The PAR made available for this hearing stated that "in the absence of SSF's intensive programme, and the absence of 24/7 oversight and support during the initial stages of his release, this [sic] has raised concerns around aspects of his risk in the community ..." (p. 2). The PAR offered suggestions for ameliorating the resulting estimated increase in risk due to the lack of a bed at SSF. The author of the PAR went on to write that this increased risk resulted from the loss of continuous oversight and "challenging and providing Mr Brider with feedback around the management of his thoughts/behaviours whilst "in the moment" noted

to be features of SSF. Taking into account the new arrangements made for reintegration, the Board formed the view that the level of risk posed by Mr Brider's release was not undue, given the proposed release plan and conditions to be imposed, and set November 10 2021 as his parole release date.

Overview of Mr Brider's Risk Factors, Progress toward Parole and Release Circumstances

At a superficial level, Mr Brider's background, circumstances and progress in prison resemble those often seen in high-risk prisoners as they traverse through their sentence toward parole, and re-enter the community. His childhood was replete with typical risk factors: a history of violence victimisation and sexual abuse, parental relationship violence and alcohol abuse, and being bullied at school, which developed over time into truanting, bullying, weapon carrying, assaults at school, gang association, and personal drug and alcohol abuse.

His adult conviction history was versatile, with most convictions for dishonesty; he came to prison for his most serious offence to date, the abduction, violent assault and sexual violation of his then intimate partner. In prison he initially was not interested in rehabilitation but he eventually "came around to it" and successfully completed both the DTP and the ASOTP, at which point he was released very close to his statutory release date with a wide range of provisions to ensure he was not an "undue risk".

Having carefully reviewed all of the information made available to the board, I note that, particularly in hindsight, there are several troubling aspects to his presentation and history that, taken together, suggest that he was more at risk of serious violent offending, including sexually violent offending than would have been evident to the Board at their final hearing.

The Board must make its decisions based on the information it does have. This information included the final psychologist's report (PsyR3), though it was prepared for the previous hearing and addressed the scenario of a release to SSF. It

described changes made in the ASOTP (rehabilitation programme for men at high risk of crime and with a history of sexual violence) as representing early signs of behavioural change; the writer considered that it would require considerable dedication and effort to continue this progress before his gains would protect him against further offending. The author suggested that if Mr Brider was to be released to Salisbury St Foundation (SSF), his plan indicated “a moderate reintegrative concern”. As I already noted, SSF is a unique facility that provides very close residential oversight of residents in the early stages of release, and therefore a level of monitoring and support that is capable both of detecting when men are slipping back into old habits, and of providing consistent, personalised support with consolidating the changes that began as “baby steps” in prison. In my view, without this very supportive release environment, and with no positive personal supports in the release area, Mr Brider was unlikely to retain the gains, he had made in the supportive environment of the treatment programme, let alone extend them.

The PAR provided to the Board for the final hearing *was* written based on the alternative release plan (i.e., not including a place at SSF). It noted concern about some aspects of his risk to the community effectively being increased as a result of the change. The author offered additional options for the Board to consider, but, again, in my view, even taken in its totality the proposal provided little in the way of ongoing support for prosocial desistance, and, given Mr Brider’s characteristics, would do little to hold Mr Brider to account if he started to lose ground, compared to a 24/7 residential rehabilitative environment.

Conclusions

Taking all of these points together, I now return to the Board’s decision. Unfortunately at the final Board meeting, it was realised that a bed at SSF was very unlikely to materialise because of the SSF waitlist. The Board referred to the psychologist’s report written for the previous hearing (PsyR3) in noting his estimated risk of violent and sexual offending respectively. But it did not mention whether it was recognised that the “moderate” level of reintegrative need noted

in that report might now be significantly higher, given that SSF was now not able to be part of the release plan.

The reality is that New Zealand has far too few residential community facilities like SSF, and the next best options for someone with Mr Brider's assessed level of future risk provide significantly less support and oversight, and require much more active, self-directed engagement from the parolee to get the best from them. I am also not privy to RPFA-R assessment the psychologist reported in in the PsyR3 report, but the way that assessment is reported suggests to me that his reintegrative needs were significantly higher under the alternative scenario of no residential rehabilitation on release. I am not an expert on release facilities in the Christchurch area, but I assume that with no bed at SSF, the Board adopted the next best (combination of) option(s), and given that Mr Brider's statutory release was imminent anyway, gave him a release date. In my professional assessment, it is very likely Mr Brider was thus released with a substantially higher level of unmet reintegrative need than would have been the case if he had been going directly to a residential rehabilitation facility.

I am not privy to the actual scenario that unfolded after his parole began since that information is outside of the scope of this review. However, I can, like the Board on the day of the hearing, anticipate what Mr Brider's lifestyle might have been like. He had supported accommodation, and likely had "one-on-one support for several days" from [suppressed]. He would have to report to Probation but there is usually a considerable wait to see a psychologist, or alcohol and drug service after release and it was not specified in the release decision how much ongoing contact he would have with [suppressed]. Consequently, I imagine that he had plenty of time on his hands in which no one would be particularly aware of how he was settling in, and with only the night-time curfew requiring him to be at his accommodation. In other words, it would have been easy for Mr Brider's prosocial functioning to have deteriorated without that necessarily being detected by those involved in his reintegration.

Two additional points are worth making. First, ideally Mr Brider would have had a condition to have no contact with women whatsoever until he posed less of a risk to women's safety, but this would not be an enforceable condition in practice unless he was placed on some form of higher level order, such as an Extended Supervision Order. It is possible Mr Brider met the standard for being at "very high risk" of future violence toward women with whom he was seeking or entering an intimate relationship, but in the absence of a calibrated risk instrument for serious violence toward intimate partners, and given that the levels and types of risk that were estimated did not meet that threshold, a proposal to impose such an order would be expected to have been unsuccessful. And of course such an application is made by Ara Poutama, not the Board.

Second, clearly a more structured release to a facility like Salisbury St Foundation would have been very desirable for Mr Brider. But there are very few facilities around the country that offer this level of reintegrative support, even though they would often make safer the re-entry of men at high risk of offending who are leaving prison. Less ideal release options are therefore the norm, whether release is early or at the end of the sentence.

Concluding Comments

In conclusion, I return to the questions that are the focus of this review.

- a) On the information available to the Board, was the release decision a reasonable one?

On balance, with careful reflection on the advice the Board was given, and my current understanding of the options available, I think that the decision was reasonable. I did not see evidence in the documented final decision that the Board fully understood the gaps in the "strong suite of conditions" that replaced SSF as an option, particularly with regard to the opportunities that suite still provided for violence toward women. But given the advice provided to them, I also do not think they overlooked options that might have provided better

protection against that risk, given his imminent statutory release. It might be asked whether outcomes would have been better had he been held to his statutory release date (another 3 months approximately). Given my knowledge of Ara Poutama's operational environment, of men nearing release with a high number of risk factors and of the community resources available to such men, I would consider it very unlikely that holding Mr Brider until his statutory release date would have been a better decision.

(b) Is there anything to be learned by the Board, in the exercise of its function, from this tragedy?

There are always valuable points of reflection after such a tragedy. The Board did what it could to protect his previous victim. An attempt was also made to protect future potential women victims; the condition to advise the Probation Officer if Mr Brider did enter an intimate relationship was an indication that the Board was well aware of Mr Brider's risk to women. Such a condition was unlikely to be effective given its reliance on his disclosure, which itself relied on the point at which he judged himself to be "in a relationship". No other effective option seems to present itself with regard to direct routes to protecting future victims.

For its own future development the Board may wish to ponder whether, in hindsight, the release conditions proposed were actually "comprehensive". In particular, the [suppressed] Reintegration Plan gave no specific indication that the organisation tailored its support around Mr Brider's specific profile and level of risk factors and reintegrative needs. It is not clear whether the Board had access to more detailed information than was in the written report from [suppressed] that I reviewed, but given the likely low level of support proposed after the first few days (e.g., "at least weekly" contacts with social work support are mentioned, but it is not clear that they would be more often than weekly), if the workers involved also were not particularly aware of the specific warning signs to probe, or activities to check on in Mr Brider's life, the comprehensiveness of the release support could be considered questionable.

Reference

Polaschek, D. L. L., Yesberg, J. A., & Chauhan, P. (2018). A year without a conviction: An integrated examination of potential mechanisms for successful re-entry in high-risk violent prisoners. *Criminal Justice & Behavior*, *45*, 425-446. <https://doi.org/10.1177/0093854817752757>