

The Parole Process

a guide for victims/
survivors

How to make a submission
and have your say



“New Zealand is unique in the opportunity it offers victims/survivors to participate in the parole process.

You play a vital role. The New Zealand Parole Board keenly invites you to have a say – either in writing, in person, or both. We all value the balance and insight it brings to our work.

Your input helps the Board’s decision-making about whether to release an offender or not.”

Sir Ron Young
Chair, New Zealand Parole Board



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This booklet is a guide to parole hearings and provides answers to some frequently asked questions. It does not cover every aspect of the parole process. You can find more detailed information about the parole process on the New Zealand Parole Board website - paroleboard.govt.nz/about_us/parole_process

Your rights as a registered victim

As a registered victim, you will receive notifications when:

- the offender has an upcoming hearing where they will be considered for parole
- the offender is approaching the end of their sentence and a hearing has been scheduled at which their release conditions will be determined
- an application has been made to change the offender's release conditions, after they have been released from prison
- the offender is on parole and has been recalled to custody
- the offender has - or has not - been recalled to prison following the final recall hearing.

You will also be advised of the Parole Board's decision following any hearing.

A guiding principle

One of the principles of the law that guides the Parole Board's decisions is that:

The rights of victims (as defined in section 4 of the Victims' Rights Act 2002) are upheld and submissions by victims and any restorative justice outcomes are given due weight.

"When we first started going to parole hearings, we had a familiar face that would welcome us and make us comfortable before the hearing.

Looking back that was one of the best things that helped in the beginning."

Feedback from a survivor

Making a submission to the Parole Board

Why make a submission?

Victim meetings and submissions are an important part of the Parole Board's decision-making.

What you say to the Parole Board assists them in deciding whether to release an offender, and what special conditions they need to follow on their release, such as any areas they cannot go.

Anyone can make a submission to the Parole Board about an offender, but only registered victims will be automatically notified prior to the parole hearing.

How can I make a submission?

If you want to make a submission, you can do this in writing or in a meeting with the Parole Board (either in person or by video link) or both.

Offenders are not present at victim meetings with the Parole Board.

You can use the form at the end of this booklet to make your written submission.

What should I include in my submission?

Your submission is an opportunity to explain how the crime has affected you – and your whānau and friends.

It's also a chance to say how you feel about the offender being potentially released on parole.

If you are opposed to the offender being released on parole, the Parole Board will take your view into consideration. The Parole Board must, however, also consider whether a supported and supervised transition from prison is more in the community's interest than release at the end of the offender's sentence with limited oversight.

You can also suggest release conditions for the Parole Board to consider.

For example:

- You may wish for the offender to not have any contact with you. The Parole Board may prohibit the offender from contacting you while on parole, either directly or indirectly.
- You may be concerned about unintentionally running into the offender. The Parole Board may prohibit the offender from entering areas where you work and live and make the offender wear an electronic monitoring bracelet.

"I was initially scared that the offender would also be at the hearing, but I was relieved to hear he wouldn't be."

Feedback from a survivor

Note: It's important to include your full residential address in your submission. This allows the Parole Board to consider what/if any special conditions could be put in place to exclude an offender from a particular area.

By including your address, you are giving consent for the Parole Board to use the information for this purpose for the upcoming hearing and all subsequent hearings. This information is not shown to the offender.

You can withdraw this consent at any time by emailing us at info@paroleboard.govt.nz or writing to New Zealand Parole Board, PO Box 939, Wellington 6140, New Zealand.

"Now that I know how important it is to be kept informed about any upcoming hearings, I want to make sure that all my family members and myself are listed and informed. It's been an important thing to do in memory of my daughter."

Feedback from a survivor

Will the offender see or hear my submission?

Your written submission is likely to be seen by the offender. The offender will not be able to retain a copy of your submission.

The Parole Board can refuse to allow the offender to see your submission if there are exceptional circumstances.

If you don't want the offender to see your submission, it will help the Parole Board if you can explain what you consider the exceptional circumstances are that means the Board should withhold it.

Note: Your residential information or any other contact information provided, will not be shown to the offender.

What support can I access?

Victim Support has funding to assist victims to attend meetings with the Parole Board including travel, accommodation, and special expenses such as childcare. Please contact your local Victim Support office for more information.

You can have support people accompany you when you meet with the Parole Board. If the support person will be speaking on your behalf the Parole Board should be advised in advance.

Support people do not have to be family/whānau. It's a good idea to let the Parole Board know as early as possible how many support people you're wanting to have with you.

If you need an interpreter, again let the Parole Board know as soon as possible. Victims / Survivors are not expected to cover the cost of an interpreter.

Do I have to make a submission?

You are under no obligation to provide a written submission or meet the Parole Board to make an oral submission. It's your choice.

Whether you provide input to the hearing process or not, you will still be advised of the Parole Board's decision.

Any written submissions you've provided are retained on your file until the end of the offender's sentence. That means if you choose not to make a submission at each hearing, earlier ones will be available to the Parole Board.

Can someone else make a submission on my behalf?

Yes, other people can send a written submission to the Parole Board on your behalf. You will need to tell them when their submissions are due. That will be explained in our notification letter.

What information can I get to help me?

You can request information about the offender, including programmes they've attended while in prison, their prison security classification and any further convictions imposed since the beginning of their sentence.

Phone: 0800 PAROLE (0800 727 653)

Email: info@paroleboard.govt.nz

You can also:

- update your contact details
- let us know you want to stop receiving notifications.

Parole

What is parole?

Parole is the discretionary decision to release an offender from prison to serve the remainder of his or her sentence in the community on conditions supervised by a Probation Officer.

An offender's appearance at a parole hearing does not mean that they will be granted parole automatically.

The Parole Board must decide that the offender does not pose an undue risk to the safety of the community before parole can be granted.

Who is eligible for parole?

Offenders sentenced to more than two years in prison must be considered for release on parole by the Parole Board when they reach their parole eligibility date.

The parole eligibility date is the date when the offender has served one-third of their total sentence. In some cases, a sentencing Judge may specify a longer minimum non-parole period meaning the parole eligibility date is more than one-third of the total sentence.

If a person is sentenced to life imprisonment, their parole eligibility date is no earlier than 10 years, or

longer if specified by a Judge. For those sentenced to preventive detention, parole eligibility is no earlier than five years.

If an offender has been held in prison on remand before they are sentenced, that time in prison can be counted towards their total sentence. In these cases, it can mean the parole eligibility date may be soon after sentencing.

What if parole is declined?

Further hearings will take place at intervals determined by the Parole Board, but an offender must be considered no later than 24 months after their previous hearing.

For offenders who are not granted parole, and will complete their full sentence in prison, the Board can impose release conditions for up to a maximum of six months past their statutory release date. That's the date at which the offender must, by law, be released from prison.

What is the Parole Board?

The Parole Board is an independent statutory body.

It considers offenders who are eligible:

- for parole
- to be released on conditions at their statutory release date.

The Parole Board may also:

- see offenders for progress hearings after they have been released on parole
- recall an offender from parole to continue serving their sentence in prison
- set special conditions for a court-imposed

extended supervision order

- consider applications for release on compassionate grounds if an offender is seriously ill and unlikely to recover, or if they have given birth to a child
- make a postponement order to increase the amount of time before an offender's next parole hearing
- add, vary, or discharge any release conditions at a progress hearing, or on application from a Probation Officer or the offender.

The Parole Board sits in panels of at least three members. Each panel is chaired by a convenor.

Community safety, including that of victims/survivors, is the paramount consideration in all the Parole Board's decision-making.



What happens at a parole hearing?

The Parole Board meets with the offender and any supporters they may have to discuss their case.

The Parole Board will assess the offender's risk on release and consider what release conditions could reduce any risk of harm to people in the community if they are to be released.

When making its decision the Parole Board considers a wide range of information, which may include:

- submissions from
 - victims/survivors
 - the Police
 - the offender, their supporters and their lawyer
 - details of the offending and any previous convictions
- a parole assessment report completed by the Department of Corrections
- how the offender would be managed if they were to be released on parole
- reports from health practitioners such as psychologists and forensic psychiatrists.

The Parole Board generally makes its decision at the hearing and the offender is informed verbally on the day. This is then followed by a full written decision.

What happens after the hearing?

Registered victims will be told of the Parole Board's decision after the hearing.

In most cases, this will involve a phone call or email from a Hearing Manager on the day, or in the days shortly after the hearing.

During the call, you will be provided with brief details of the outcome, such as:

- whether parole was approved or declined
- if parole was approved, the date the offender will be released from prison and any release conditions that may be relevant to you
- if parole was declined or the hearing is adjourned, the approximate date when the person will next appear before the Parole Board.

You will also receive a written copy of the decision when it is available. This is usually within 10 working days of the hearing.

The written decision will include the reasons for the Parole Board's decision and a list of any special conditions imposed by the Board. Typically, the written decision will have some information withheld under the Official Information Act 1982 to protect the privacy of individuals.

If the offender is to be released, in most cases, the release date will be approximately 2-3 weeks after the hearing.



Changes to special conditions

You will also be able to make a submission if the offender or the Probation Officer makes an application to change or remove any release conditions that may affect you after the offender has been released.

These applications may be made because the applicant believes a condition is no longer relevant or required to protect the community, or there is a need for new conditions to be imposed. The Parole Board will take your view into account when it decides whether to make the change to conditions.

What if the offender breaches their conditions or re-offends on release?

While on parole offenders are supervised by a Probation Officer from Community Corrections. If an offender's risk to themselves or others is escalating, or they commit another crime or breach their release conditions, Community Corrections can apply to the Parole Board to recall the offender.

The Parole Board has the power to issue an interim recall order and have them arrested and returned to prison immediately. You will be advised if an interim recall order has been made and the panel's decision about whether a final recall order is made.

Offenders can also be charged with breach of conditions, which can result in up to 12 months imprisonment if convicted.

What is compassionate release?

The Parole Act allows for the compassionate release of an offender, if they have given birth to a child or are seriously ill and unlikely to recover.

Compassionate releases are not initiated by the Board. An application must be made in writing, along with supporting medical evidence.

The Board Chairperson determines whether the application for release is referred to a panel for consideration.

If the application is referred to a panel you will be advised of what is happening and have the opportunity to make a submission. You will also be advised of the panel's decision when it is made.



Submission form

Contact information

New Zealand Parole Board

Phone: 0800 PAROLE (0800 727 653)

Email: info@paroleboard.govt.nz

Website: www.paroleboard.govt.nz

Postal address:

New Zealand Parole Board
PO Box 939
Wellington 6140
New Zealand

Other helpful organisations/sites:

Victim Support

www.victimsupport.org.nz

Victim Support provides a free, nationwide support service for people affected by crime, trauma, and suicide in New Zealand.

Police

www.police.govt.nz/advice-services/advice-victims/information-victims-crime

Includes information on the Victim Notification Register and links to other resources.

Ministry of Justice

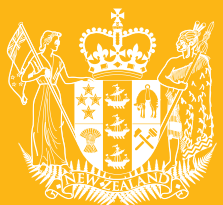
victimsinfo.govt.nz

A website to help victims of crime, their whānau or friends deal with the practical and emotional effects of a crime.

Te whanaketanga o te whakaaro:
Change the mindset, the person will follow.



This design reflects on changing of pathways, individual growth, thus encouraging whānau growth. This talks to the many pathways one can walk in life; helping one to change their mindset is a major way to help an individual walk a new path.



**NEW ZEALAND
PAROLE BOARD**

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