

# ANNUAL REPORT 2015|2016



WORKING WITH OTHERS TO  
PROTECT OUR COMMUNITY


When making decisions about, or in any way relating to, the release of an offender, the paramount consideration for the Board in every case is the safety of the community.




**NEW ZEALAND  
PAROLE BOARD**

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In determining whether an offender will pose an undue risk to the safety of the community during the remainder of their sentence the Board considers all available relevant information, including:

- Details of offences
  - Victim submissions
  - Assessed risk of reoffending
  - Rehabilitation needs and programmes completed by offenders
  - Behaviour in prison
  - Release plan
  - Submissions from the offender
- 

# THE PAROLE JOURNEY

Parole is a journey from: incarceration to the community; criminal to prosocial attitudes and behaviour. The leaf motif and colour choices used in this report aim to symbolise this journey. The colour of the leaf changes as the seasons change, offenders need to develop and grow in similar ways. The creative work, design and publication of this document was undertaken by prisoners at Rimutaka Prison Print Shop, a New Zealand Department of Corrections' facility and demonstrates the level of talent and skill that can be unlocked.



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# CHAIR'S REPORT

HON. J. WARWICK GENDALL QC, CNZM  
CHAIR NEW ZEALAND PAROLE BOARD



The New Zealand Parole Board continues to undertake many hearings. Over the past year the Board has seen 4,896 offenders serving long term sentences (in excess of two years imprisonment) and conducted 8,074 hearings. These determine parole issues, recall applications, the imposition of final release conditions and progress hearings. The Board's capacity to conduct all of this work of up to 150 hearings per week in most weeks of the year, is only possible due to the efficient and able administrative services provided by the Department of Corrections staff and management, panel structures usually of 3 to 4 Board members, and the efficient comprehensive methods of assessing an offender's risk.

The percentage of offenders granted parole in this year was 23.3%.

The innovation brought about last year involving the use of secure electronic tablets for all panel members upon which information relating to an offender is stored has led to efficient processing and information retrieval, as has the use of video conference hearings.

Changes to the Parole Act 2002 which came into effect on 2 September 2015 enabled the Board

to fix the time before which an offender may next be seen at up to two years, rather than the previous one year provision. Since September 2015, 701 offenders have had their next appearance date fixed at between one to two years. Further, the power to postpone the date for seeing an offender was increased to five years. Postponement orders of five years may be made for offenders serving finite sentences of ten years or more, life or preventive detention. A total of 35 offender hearings have been postponed for three to five years since the Amendment. A further important change is that in cases where an offender is scheduled to be seen after the expiration of more than one year, the Board

Over the  
last year  
the Board has  
conducted 8,074  
hearings



may specify relevant activities, that is, a programme for rehabilitation or reintegration of an offender, that it expects the offender to complete before the next scheduled parole hearing. This is a measure of "sentence management" that was outside the Board's previous statutory powers or obligation and is being used on occasions to enable offenders who need a particular programme or treatment activity to clearly understand what is expected of them to reduce their risk.

**"The law changes have permitted the Board to better assess... the undue risk to the community criteria, and recognise victims' concerns over having to confront hearings too frequently"**

The statutory requirement that the Board assess undue risk, and the viability of parole, is demonstrated in some of the statistics. The Department of Corrections research illustrates that a year after release, offenders released on parole are significantly less likely to re-offend than those offenders who complete their full sentence and are not paroled. Generally, offenders are serving longer periods in prison since the enactment of the Parole Act 2002 and its amendments. Of those offenders who are eligible for parole, but declined and proceed to complete their full sentence and are released only on final conditions, about 50% will re-offend. That is because offenders who cannot or will not acknowledge or address the causes of their offending cannot be released as they remain an undue risk to the community. About one-third of offenders (30% or about 600 annually) fall into this category and are not released till their sentence end date.

The statutory terms of some Board Members ended this year, namely, Rhonda Pritchard, Tim Burns and Douglas Bailey, also Thomas Broadmore who retired during this term. I wish to convey my thanks to them for their valuable service and contribution to the work of the Board. I record, sadly, the death in September 2015, of Avinash Deobhakta who had

been a Board member for ten years, from 2002 to 2012. The sharp legal rigour he brought to the Board inquiries was matched with a strong sense of fairness, compassion, sense of humour and humility.

I acknowledge on behalf of the Board the work of administrative staff and other support from the Department of Corrections. Without that assistance and support the parole system could not effectively operate. Justice and Corrections sectors of New Zealand present many challenges, and the Board acknowledges the co-operative attitude and support of the agencies which is vital to New Zealand Parole Board work in our duty to protect community safety by only releasing those who pass the high threshold required by the legislation. 🍀

Hon. J. Warwick Gendall QC, CNZM

Chair New Zealand Parole Board

# HEARINGS

Just because an offender is eligible for parole does not mean they will be released



Hearings are conducted in the manner of an inquiry. There is no set length of time for a hearing. Sometimes they can be short, but generally they are about half an hour. It depends on what needs to be explored and who is present. Hearings are held either in the prison or by video link, with the offender, Corrections staff, supporters and lawyer present (with prior Board permission). Victims do not attend offender hearings.

Hearings can also be unattended. This is where the offender is not present, but a hearing is conducted on the information available.

An offender is able to waive their right to attend their hearing, but must do so in writing. Even if the offender waives their appearance, the hearing itself will continue. The offender can still make a written submission.

The Board decides who will attend hearings and who will speak. The Board does, on occasions, allow media representatives to attend some hearings and report on proceedings.

Panel members will ask the offender questions including, but not limited to:

- The offences that brought the offender to prison
- Progress in prison
- Courses undertaken
- Lessons learnt
- Behaviour
- Plans if released, including risk mitigation

Where the Board has met with registered victims it may report to the offender on what the victim(s) have said in their submission.

If the offender has supporters present, the Board may invite them to speak as well as direct questions to them. Corrections staff may also provide comment.

When the Board is deliberating, only the members and the Board's administrator are present in the hearing room. All other persons, including the offender, must leave.

Just because an offender is eligible for parole, it does not follow that they will be released. This can only occur if the Board is of the view that any risk to the community an offender may pose is not undue.

**"There is no set length of time for a hearing"**



# COMMUNITY SAFETY



Offenders must not be detained any longer than is consistent with the safety of the community

The New Zealand Parole Board applies the framework set in the Parole Act 2002 to determine undue risk.

The Board considers available information including:

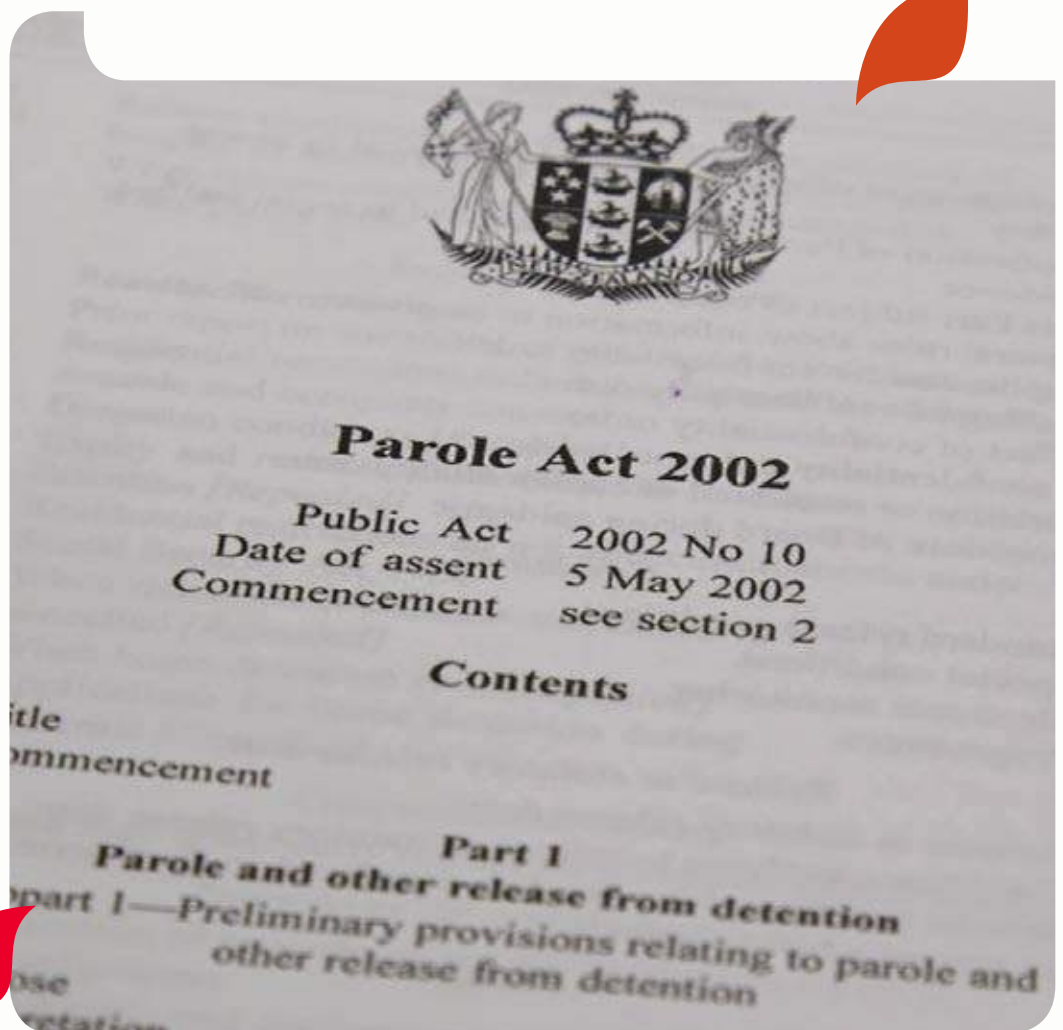
- Details of offences
- Victim submissions
- Psychological and prison reports
- Assessed risks of reoffending
- Rehabilitation needs and programmes completed by offenders
- Behaviour during the sentence
- The release plan
- Submissions from the offender
- That they have somewhere to be released to, work and support

The Board assesses whether if released the offender will no longer pose an undue risk to the safety of the community during the remainder of their sentence.

- Offenders released on parole are significantly less likely to reoffend than those who complete their full sentences
- Offences committed by those released on parole are significantly less serious than those released at the end of their sentence
- Around 50% of offenders who are not paroled (but were eligible), and complete their full sentence, reoffend

**“Offenders released on parole are significantly less likely to reoffend than those who complete their full sentences”**

## A CLOSER LOOK



The number of hearings and offenders seen remained similar to 2014/15. The Board saw 4,896 offenders in 2015/16 with 8,074 hearings (of all types) in total. This was 71 fewer offenders but 19 more hearings overall.



PAROLE HEARINGS UP BY 112  
FROM 2014/15



COMPLIANCE HEARINGS  
2014/15—349  
2015/16—301



RECALLS UP BY 30  
FROM LAST REPORT

# THIS REPORT—2015/16

## HEARINGS

(THIS IS EVERY APPEARANCE BEFORE THE BOARD)

### HEARINGS BY TYPE



PAROLE



STATUTORY RELEASE  
CONDITIONS (SRD)  
AT COMPLETION OF  
SENTENCE



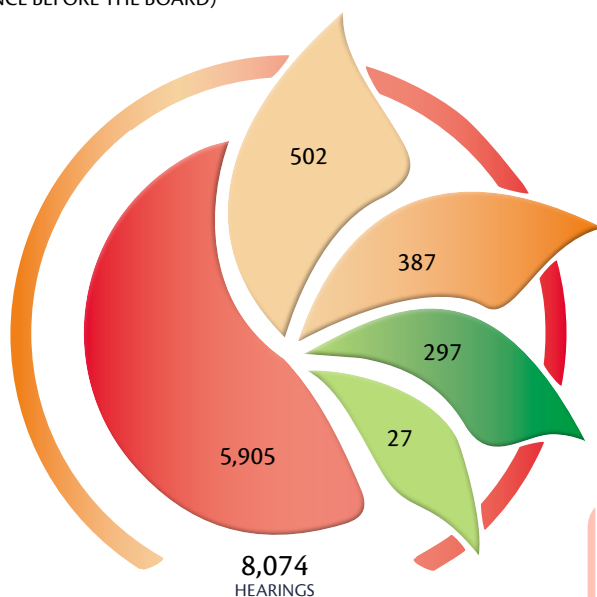
RECALLS



PROGRESS



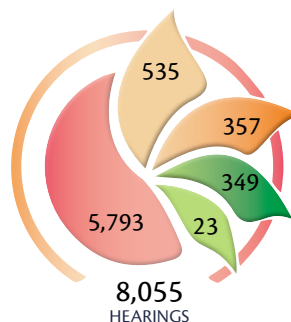
EXTENDED SUPERVISION  
ORDER (ESO)



8,074  
HEARINGS



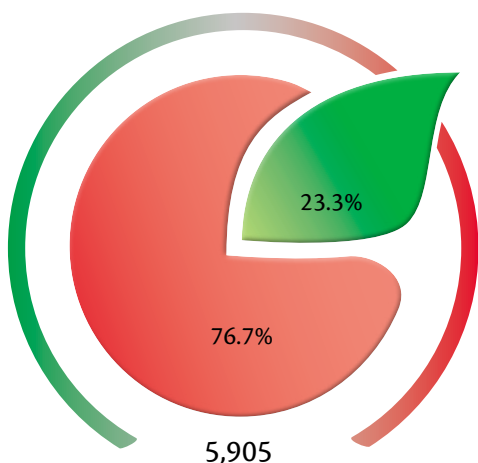
2014/15



8,055  
HEARINGS



### PAROLE HEARINGS—2015/16



5,905

5,905 PAROLE HEARINGS

1,378

4,527

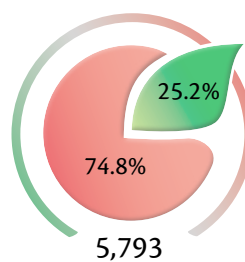


DECLINED



APPROVED  
FOR PAROLE

2014/15



5,793

5,793 PAROLE HEARINGS

1,459

4,334

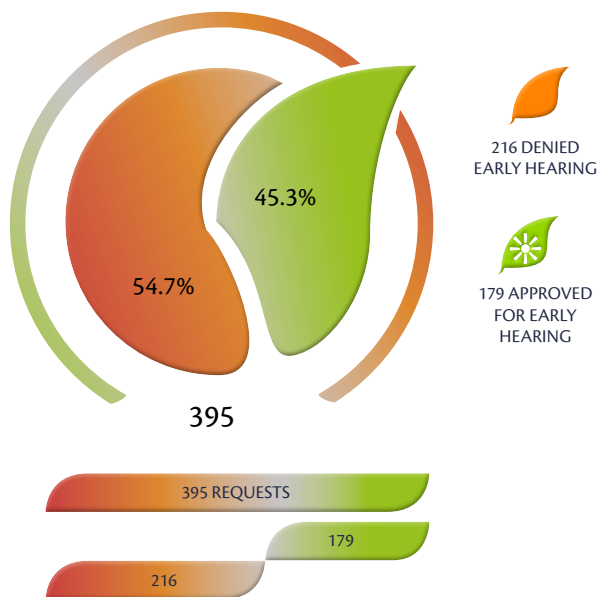
Due to changes to the Parole Act 2002 in the 2015 Amendment Act, the Board now has discretion to routinely set a future hearing up to two years following the last hearing, rather than on an annual cycle.

When the Board sees an offender on a sentence of 10 years, life or preventive detention the Board can postpone the next hearing for up to five years.

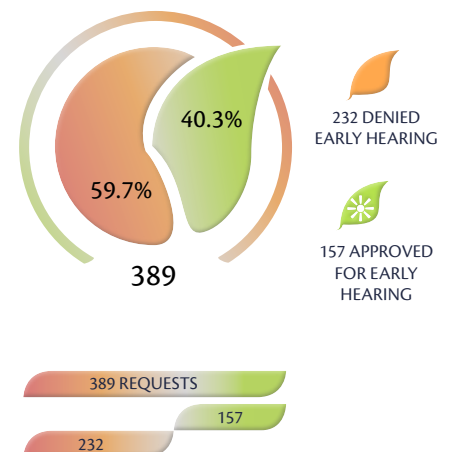
Another additional responsibility is the Board can now specify the activities an offender is required to complete as part of their rehabilitation. These are considered and implemented by the Department of Corrections as part of offender management. The changes allow the Board to give offenders longer periods to undertake and complete rehabilitation and reintegration programmes. One positive effect is that registered victims are not required to make submissions as often.

Offenders are able to apply for hearings earlier than the date specified by the Board. The 2015/16 year showed a consistent volume of such applications with previous years.

#### REQUEST FOR EARLIER HEARINGS IN 2015/16



#### 2014/15



#### 40 POSTPONEMENT ORDERS MADE IN 2015/16

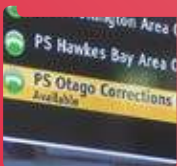
5 FOR TWO YEARS MADE PRIOR TO 1 SEPTEMBER 2015

22 FOR THREE YEARS

3 FOR FOUR YEARS

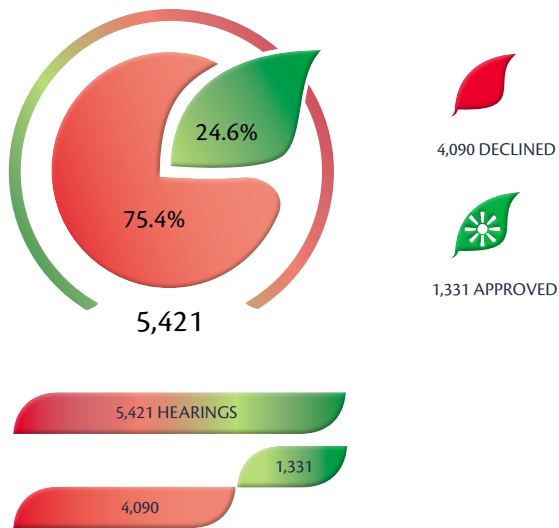
10 FOR FIVE YEARS

#### 49 POSTPONEMENT ORDERS MADE IN 2014/15



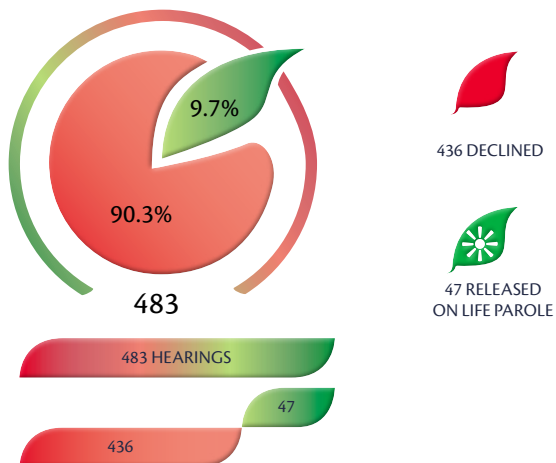
## THIS REPORT—2015/16

### DETERMINATE SENTENCE HEARINGS



**i** OF THE 4,090 DECLINED; 701, OR 17.1% HAD THEIR NEXT HEARING DATE SET FOR BETWEEN ONE AND TWO YEARS.

### INDETERMINATE SENTENCE HEARINGS (LIFE OR PREVENTIVE DETENTION)



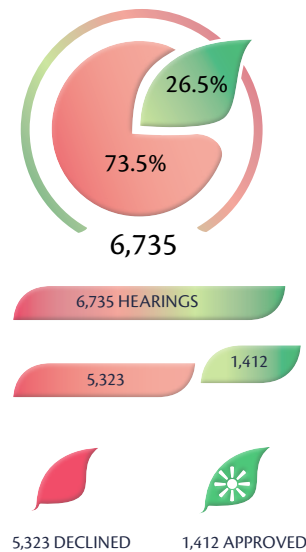
### REVIEWS OF HEARINGS 2015/16

**i** 27 NONE WERE REFERRED BACK TO THE BOARD

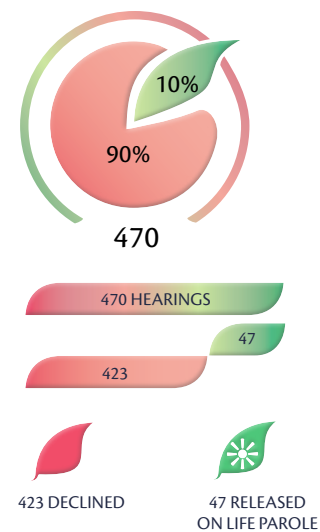
### COMPASSIONATE RELEASE APPLICATIONS 2015/16

**i** 6, ALL APPROVED FOR RELEASE

## 2014/15



## 2014/15



### 2014/15

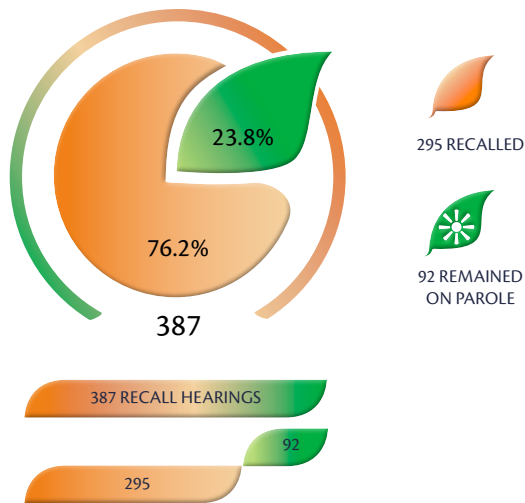
**i** 66 OF WHICH ONE WAS REFERRED BACK TO THE BOARD

**i** 3, TWO APPROVED FOR RELEASE

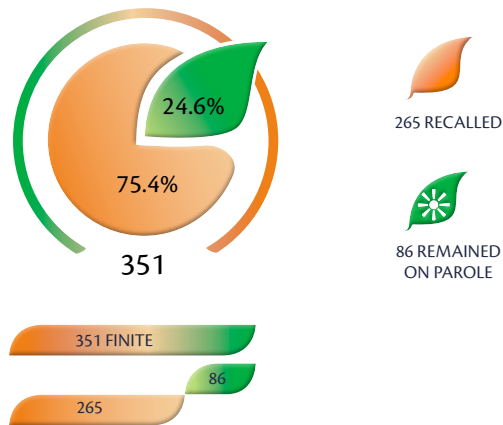
## THIS REPORT—2015/16

### RECALL HEARINGS

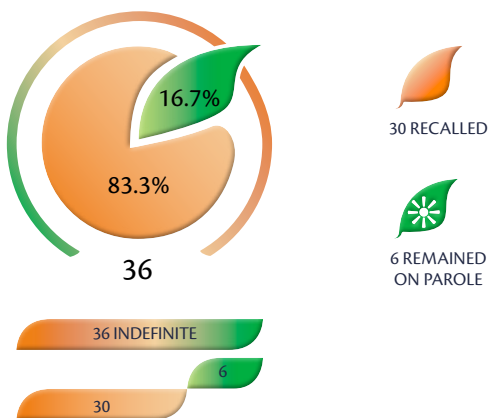
(OFFENDERS WHO WERE ON PAROLE)



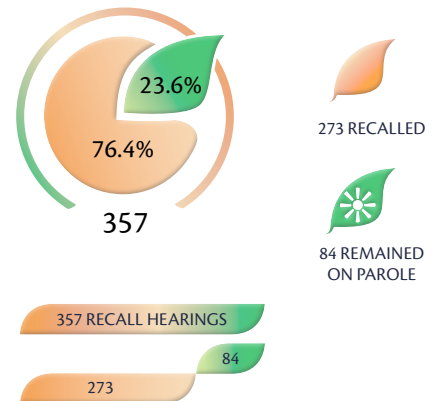
### RECALL HEARINGS FOR DETERMINATE SENTENCES (FINITE)



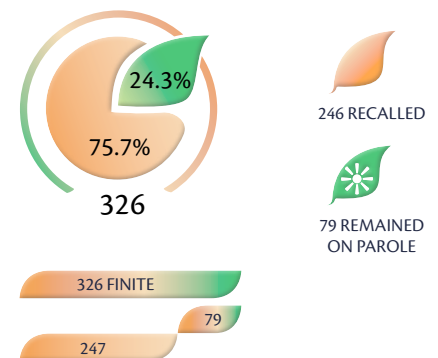
### INDETERMINATE SENTENCES (LIFE OR PREVENTIVE DETENTION)



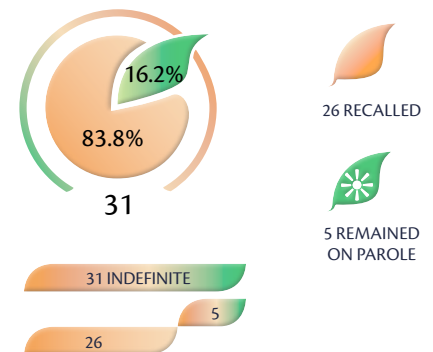
## 2014/15



## 2014/15



## 2014/15



Around 50% of offenders who are not paroled (but were eligible), and complete their full sentence, re-offend



# MEDIA



Victims are now advised that the outcome is going to be released, to avoid the very real stress that unexpected media coverage can create

The Board's approach to news media is one of openness and transparency, but respecting the rights of victims and offenders.

The Board has continued to release decisions to media. The Board has received 409 formal requests for hearing outcomes from 197 offender hearings.

From 1 February 2016 hearing outcomes released were posted on [www.paroleboard.govt.nz](http://www.paroleboard.govt.nz) adding over 150 to the site. Over 80 hearing results were released to registered non-media organisations such as victim and community groups during the same period.

Sensitive personal information about an offender, victims and others is not available for publication and information is routinely redacted as a result.

Journalist familiarisation with the Board and hearing processes continued in 2015/16.

The policy for media attendance at hearings stresses the legislative requirements that all hearings must:

- be run in the manner of an inquiry
- in an atmosphere that encourages persons appearing before the Board to speak for themselves, and
- as freely and frankly as possible.

The Board only allows media presence at a hearing when it is in the public interest, does not impinge on victim privacy, and does not impede the hearing process.

The familiarisation process involves:

- Journalists viewing the Board videos on [www.paroleboard.govt.nz](http://www.paroleboard.govt.nz)
- Discussion on the hearing process with Board staff
- Attendance at another hearing as an observer

**“all hearings must be run in the manner of an inquiry”**



# VICTIMS

The process of releasing hearing outcomes to the media has been changed to reflect a stronger commitment to victims



The New Zealand Parole Board hears victims in separate meetings to offenders. Registered victims can provide submissions in writing, in person, or both. Registered victims will be notified of hearings, and receive copies of hearing outcomes. Even if not registered as a victim with New Zealand Police, any victim may make a submission to the Board.

A registered victim will automatically receive notification:

- that the offender has become eligible for parole
- when the offender's parole hearing will be
- that they can make a written submission ahead of the Board hearing and/or an oral submission
- that the offender is being considered for release on conditions
- of the Board's decision after each hearing, with full hearing outcome mailed to them.

If a victim decides to make a written submission, assistance can be provided through Victim Support. Victim support can be contacted on 0800 VICTIM—(0800 842 846).

A victim will not appear at the same hearing as an offender. Victim meetings and submissions are an important part of the decision making process.

A victim seeking the benefits of registration will need to go through New Zealand Police. <http://www.police.govt.nz/advice/victims/information-victims-crime>

They are eligible if:

- they have been a victim of a sexual violation or serious assault
- the offence included serious injury or death of a person
- they have ongoing fears for either their own physical safety or the safety of a member of their immediate family.





# THE BOARD



Members of the New Zealand Parole Board—as at 30 June 2016.

## Chair:

Hon. J. Warwick Gendall QC

## Deputy Chair:

Hon. Marion Frater

## Panel Convenors:

Michael Behrens QC

Judge Louis Bidois

Russell Callander

Judge Michael Crosbie

Phil Gittos

Judge Carolyn Henwood

Judge Anne Kiernan

Judge Jane Lovell-Smith

Judge David Mather

Judge Eddie Paul

Alan Ritchie

Judge David Saunders

Kathryn Snook

Judge Arthur Tompkins

Neville Trendle

## Members:

Associate Professor Philip Brinded

Lesley Campbell

Martha Coleman

Leith Comer

Ross Crotty

Grant Crowley

Dr Sally Davis

Sue Driver

Paul Elenio

Douglas Hauraki

Glenda Hughes

Bryan McMurray

Lavinia Nathan

Shannon Pakura

Sam Perry

Fiona Pimm

Paula Rose

Alexander Shaw

Dr Jeremy Skipworth

Lawrence Tawera

Dr Paul Taylor

James Thomson

Tania Williams-Blyth





