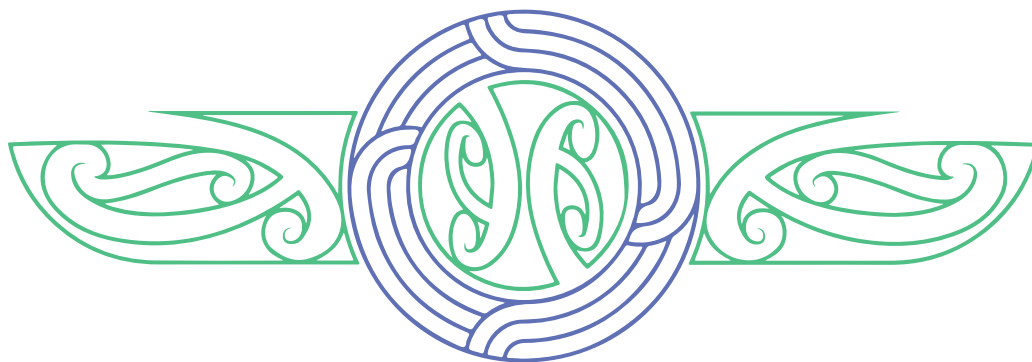


# NEW ZEALAND PAROLE BOARD



ANNUAL REPORT  
2016—2017



**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.

# CHAIRPERSON'S REPORT

The New Zealand Parole Board is comprised of 39 members. The Chair and Deputy Chair are former High Court Judges; there are 11 District Court Judges, current or retired; and 26 community-based members. They are appointed by the Governor-General on the recommendation of the Attorney-General and encompass a wide-range of experience and backgrounds including law, medicine, psychology, probation and Corrections, social service and business. There is wide ethnic and gender representation.

During the past year, the Board conducted a total of 7,739 hearings, sitting in panels of three, four or five members. This is slightly down on the previous year. These hearings have involved 4,711 offenders serving long-term sentences that are in excess of two years imprisonment. The Board does not have any involvement with offenders who are sentenced to two years or less, or to community-based sentences.

Parole hearings are required when the offender has served one third of their sentence fixed by the sentencing judge, or where there is a minimum non-parole period fixed either by law or the judge. When that time has been reached a hearing must take place. In addition, the Board hears recall applications, and sets statutory release conditions when an offender is not released on parole, but completes their finite sentence to its end.

The Board also sits to impose special conditions on some serious violent and sexual offenders who are subject to an Extended Supervision Order made by the sentencing court.

The Board's statutory function is to direct a release on parole only if satisfied that an offender will not pose an undue risk to the safety of the community, or any person, during the remainder of the sentence.

Risk assessment is more than using statistical tools. Amongst the factors that the Board takes into account are the seriousness of the offending, criminal history, psychological and remedial makeup. It also considers whether treatment has been successful on the present sentence, gender (male offenders are known to usually be more at risk than female offenders), pro-criminal attitudes, social factors such as unemployment or education, substance abuse, past abuse history, lack of remorse, anti-social personality, psychopathic factors, gang associations and the strength of their release plan. These are but a few considerations; often there are many more.

Two conferences were held during the current reporting year.

The Board's conference in July 2016 encompassed an educational programme, to provide members with a better understanding of factors common to women offenders and to assist them in assessing risks. The conference was held at Auckland Region Women's Corrections Facility. The Board does not assume that female offenders' risks are the same as male offenders. In fact, they are very different.

Women are more involved in drug and property (dishonesty) crimes than violent crimes. In a general sense they pose a lower risk than male offenders. They become

# ***Risk assessment is more than using statistical tools***

immersed in serious crime through ways that are unique to them, and which are not the same as those that lead to men receiving long-term sentences. Factors relevant to women include a cycle of poverty, an offending partner or family, and drug abuse. Many have children; many are single parents; many have significant disorders arising out of traumatic past abuse experiences. Their criminal behaviour is often linked to relationship issues. Often their partner was a co-offender.

For those women who are to be released on parole, the quality and stability of relationships has everything to do with their success in the community.

A second conference was held in May 2017, focussing on best practice, and on structured decision making. The keynote speaker was Professor Jim Ogloff, the Director of the Centre for Forensic Behavioural Science at Swinburne University of Technology in Melbourne. We also heard from Professor Devon Polaschek from the New Zealand Institute for Security and Crime Science at the University of Waikato, and Dr Nick Wilson, the Department of Corrections' Principal Advisor on psychological research.

The 2015 amendment to the Parole Act 2002 extended the period between parole hearings from within 12 months to a maximum of two years. The amending legislation also empowered the Board, where the next hearing is more than 12 months away, to specify relevant rehabilitation or reintegration activities it expects an offender to complete before the next hearing, and to make

postponement orders of up to five years duration for offenders serving an indefinite sentence, or a determinate sentence of 10 years or more.

These changes, which have been welcomed by victims, are beginning to have an impact on the Board's workload.

The Board receives submissions from, and holds individual meetings with, registered victims. It recognises this area involves an often high level of emotional impact, anxiety and often cost. Victims often feel traumatised each time an offender comes up for consideration of parole. The Board is mindful of this, and hope that the 2015 legislative changes will give them some respite from unnecessary hearings.

Unlike the Canadian system, interviews or meetings with victims are held in private, and never within a prison or in the presence of an offender.

The Parole Act requires that the rights of victims be upheld and that their submissions are 'given due weight'. That does not mean that the outcome of release or otherwise is determined by victims, but is important that they have a voice and the opportunity to speak with a panel of the Board, if that is their wish.

There are often occasions when victims are able to inform a panel of behaviour of an offender which triggered or led to the crime. They may also relay stories of the impact of the offending on them, which can provide an insight into issues of risk, empathy and remorse.



**Hon. J Warwick Gendall QC, CNZM**  
**Chairperson**



Victims' views are sought and heard by the Board in order to respect their role as individuals participating in the criminal justice system after becoming ensnared in it against their will.

The Board publicly expresses its gratitude to victims who make the time and the effort to provide information to panels despite the pain and anxiety this can cause to them.

Over the past year, the statutory terms of some Board members ended. Lavinia Nathan, Lesley Campbell, and Alick Shaw finished their service, as did District Court Judges Michael Behrens, Carolyn Henwood, Russell Callander and David Saunders. I, on behalf of the Board, express my thanks to all of these members for their important contribution to the criminal justice system and community safety.

I would also like to mark the considerable contribution of Rob Handyside, who resigned as the Board's Director of Education, Development and Support. Rob was the first person to fill the role, having been appointed in April 2010.

On behalf of the Board, I also acknowledge the work of the administrative staff and support provided by the Department of Corrections. Without that assistance, the parole system would not be able to operate. The Justice and Corrections sectors in New Zealand face many challenges, which the Board acknowledges.

Finally, may I express the Board's appreciation of its Minister, the Honourable Christopher Finlayson QC, Attorney-General, who, as always, has provided a ready ear and willingness to assist the Board in performing its duty to protect community safety.

**Hon. J Warwick Gendall QC, CNZM**  
Chairperson  
New Zealand Parole Board





## TWO DAYS BEHIND THE WIRE FOR THE PAROLE BOARD

*A REPORT FROM THE DEPARTMENT OF CORRECTIONS INTERNAL MAGAZINE*

Prisons are not routinely used as conference venues but, with a focus on female offenders, the New Zealand Parole Board was pleased to use Auckland Region Women's Corrections Facility (ARWCF) as the venue for its annual conference on 28 and 29 July 2016.

Although Board members are familiar with prisons, as about 60% of hearings are held behind the wire and Corrections' staff are closely involved with the processes, Board members said experiencing the life of ARWCF outside of the Parole Board hearing room, was a valuable experience.

While the Board is statutorily independent, and has the specific role of assessing risk and judging discretionary release of eligible longer term prisoners it shares with Corrections the goal of working to keep New Zealand safe. The Board's aim is that by better understanding the particular issues faced by female offenders, changes in their offending, and the support available to them in custody and the community, they will be better able to fulfil that goal.

The Board is concerned about the increasing numbers of women offending, and greater incidence of serious crime, mirroring trends in Australia, Europe and North America. Accordingly, it was appropriate that Deputy Chief Executive Service Development, Jo Field, led the conference presentations

with an analysis of trends in women's offending, sentences imposed, programmes completed, followed by an outline of new initiatives by the department to meet these challenges. Other presentations picked up on these themes.

Social Anthropologist Dr Donna Swift gave an account of her research work on girls' involvement in violence and intergenerational transmission of family violence.

Dr Jackie Short, a Forensic Psychiatrist at Capital and Coast District Health Board, talked about developments in the understanding and treatment of women's mental health.

The Board was also particularly interested in presentations by Anglican Action and Reclaim Another Woman (RAW) which provide accommodation and support for women post-release, and from the Prison Director Cheryle Mikaere on the work of the advisory panels. The Board was pleased to have the opportunity to get out of the whare, and move around the prison in groups led by Manager Industries Mohammed Shah and Security Manager Dhiraj Lal.



***“Reading things in reports is good, but how they work is often better seen personally”***

This familiarisation tour included seeing the Mothers with Babies Unit and the Horticulture and Distribution industries.

“Reading things in reports is good, but how they work is often better seen personally,” says Alistair Spierling, Manager, New Zealand Parole Board.

The Board appreciated the effort put into hosting the conference by Cheryle Mikaere and the ARWCF team as it made a huge difference to the smooth running of the event.







## THE PAROLE ACT

The Parole Act 2002 requires the Board to consider offenders who are eligible for release on parole, compassionate release and release at their statutory or final release date. It also considers cases where either the Department of Corrections or Police have applied to have an offender, who was released on parole, recalled to prison. An offender on parole may also be required to attend hearings to monitor their progress.

The Board does not consider the release of an offender on a short-term prison sentence, of two years or less, unless it involves an application for compassionate release made to the chairperson.

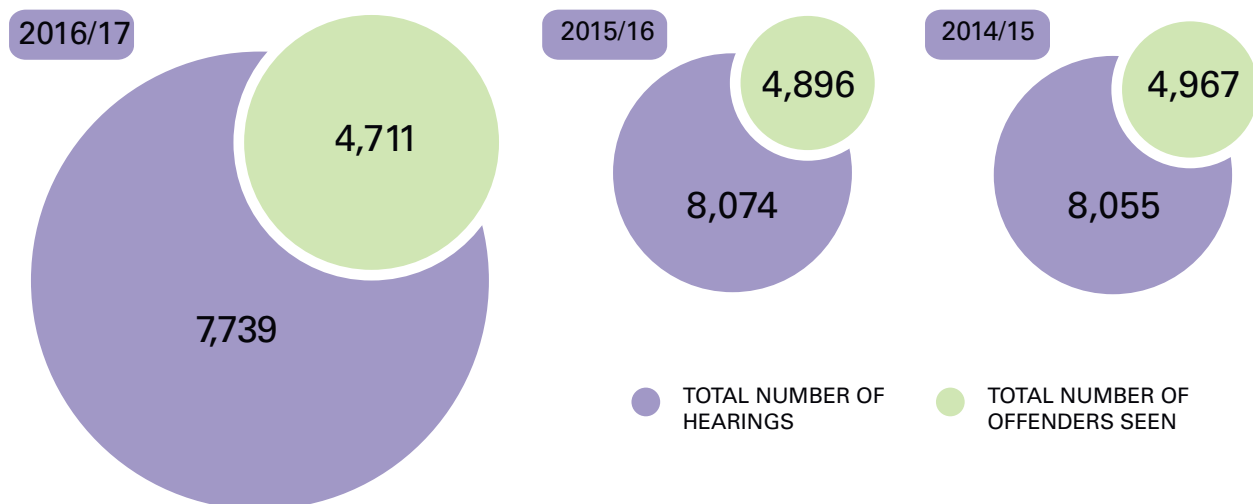
With the Board holding between 7,000 and 10,000 hearings a year, on some weeks up to 200 hearings can be heard, with several panels often meeting at the same time.

***“The Board sits in panels of three, four or five members to consider cases either in person at one of the country’s prisons or by video conference”***

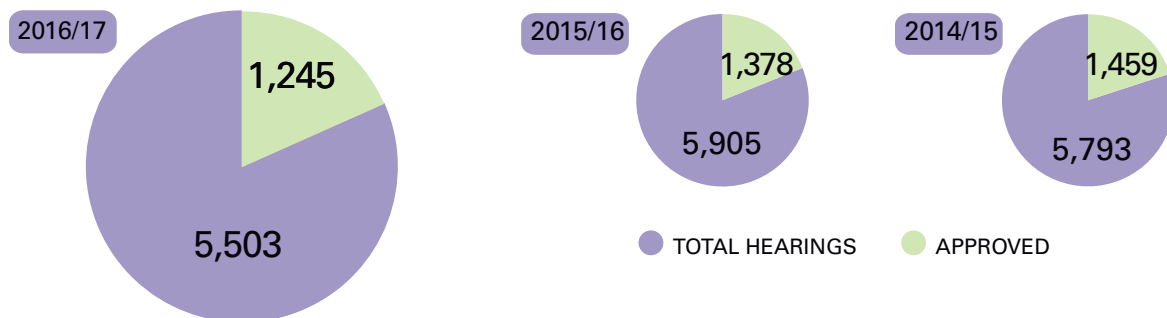


# HEARINGS

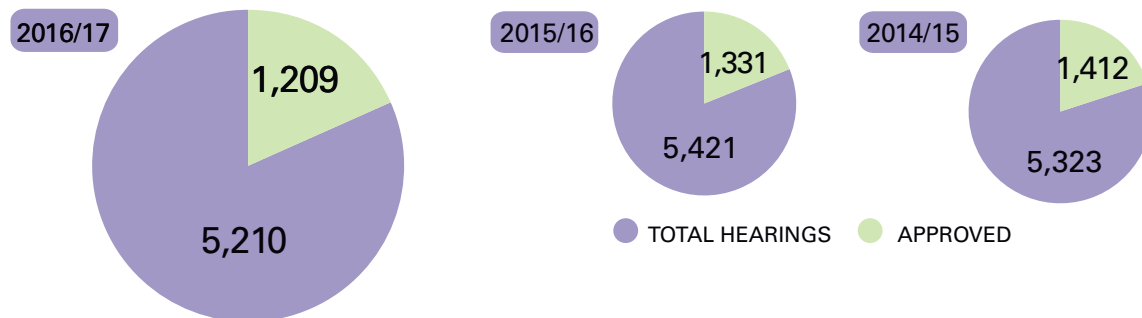
## NUMBER OF HEARINGS OVERALL



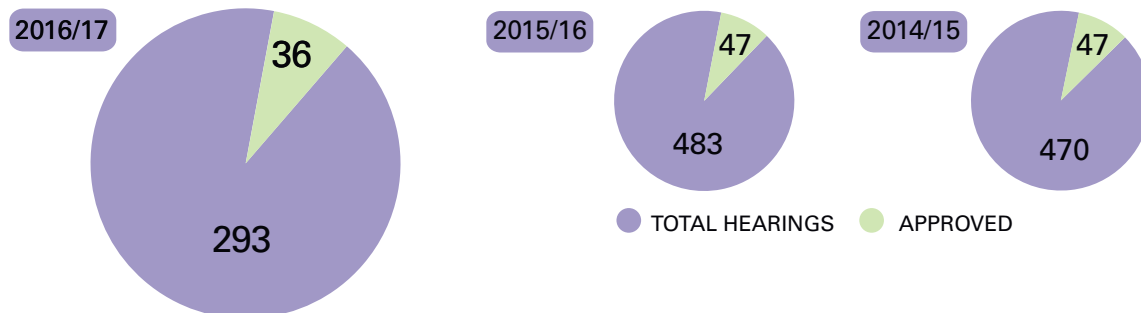
## PAROLE HEARINGS



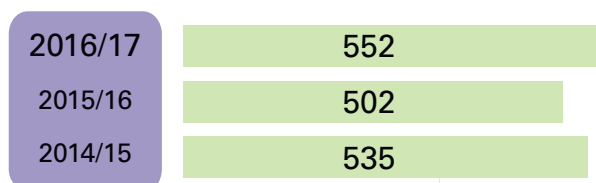
## PAROLE HEARINGS FOR OFFENDERS ON DETERMINATE SENTENCES



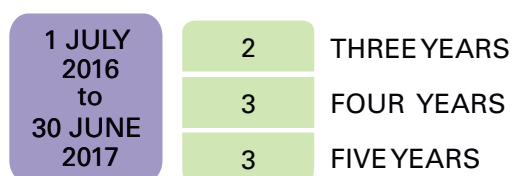
## PAROLE HEARINGS FOR OFFENDERS ON INDETERMINATE (INCLUDING LIFE) SENTENCES



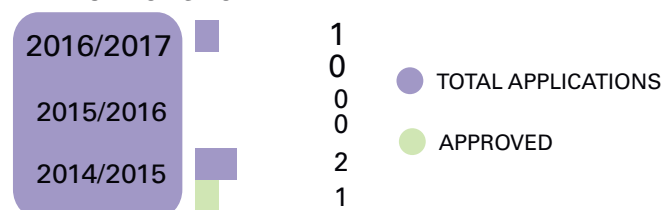
## RELEASE ON CONDITIONS ((FINAL RELEASE DATE—STATUTORY RELEASE DATE))



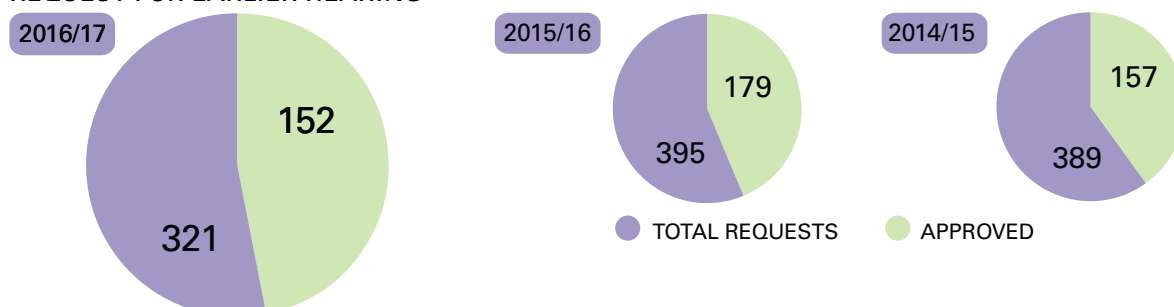
## OFFENDERS POSTPONED IN TOTAL



## APPLICATIONS FOR EARLY REFERRAL



## REQUEST FOR EARLIER HEARING





# COMPASSIONATE RELEASE

## Section 41 of the Parole Act 2002

- (1) The Board may, on referral by the chairperson, direct that an offender be released on compassionate release on either of the following grounds:
  - (a) the offender has given birth to a child:
  - (b) the offender is seriously ill and is unlikely to recover.
- (2) Every referral by the chairperson for consideration for compassionate release must be in writing and set out the reasons why the chairperson is making the referral.
- (3) The Board may, as part of a direction for compassionate release, impose the standard release conditions and any special conditions on the offender, and may vary, or waive the obligation to comply with, any standard release conditions if necessary in the circumstances.

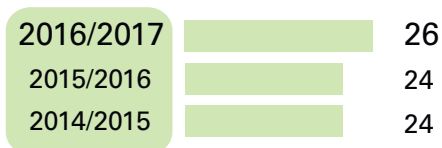
## APPLICATIONS FOR COMPASSIONATE RELEASE



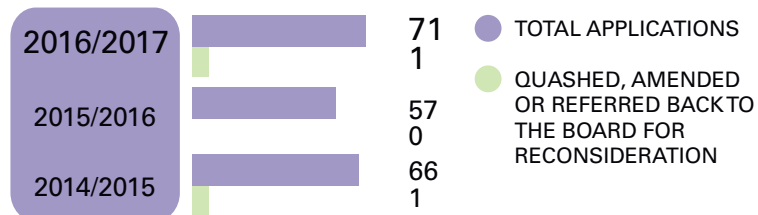




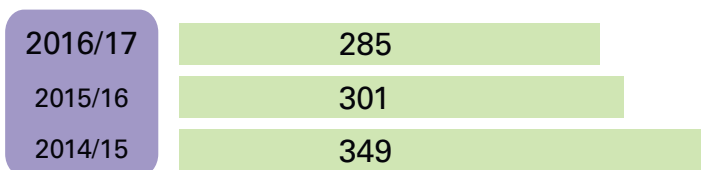
#### REVOCATION OF DECISIONS



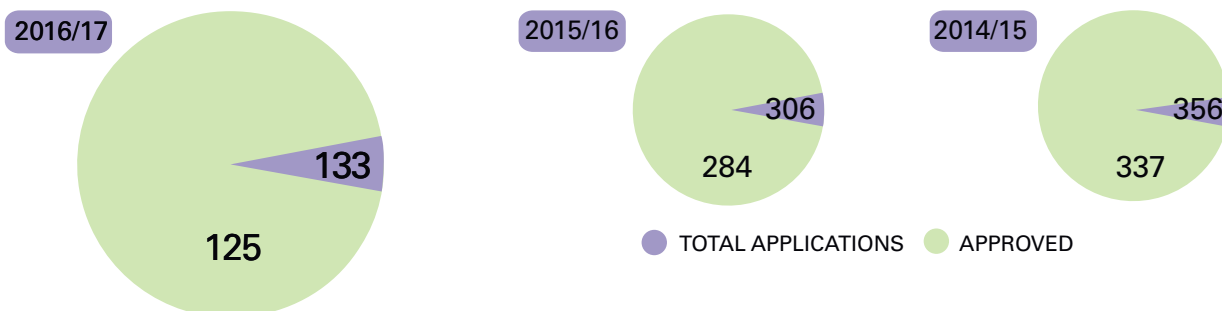
#### REVIEWS



#### MONITORING HEARINGS

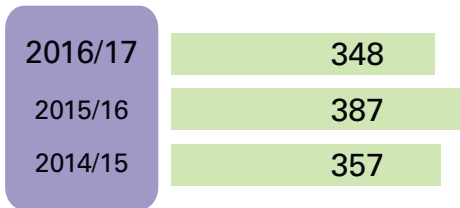


#### APPLICATIONS FOR VARIATION OF CONDITIONS

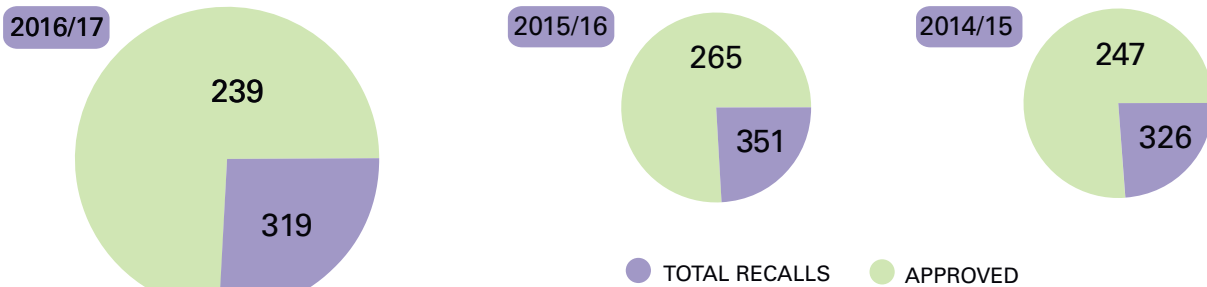


# RECALL HEARINGS

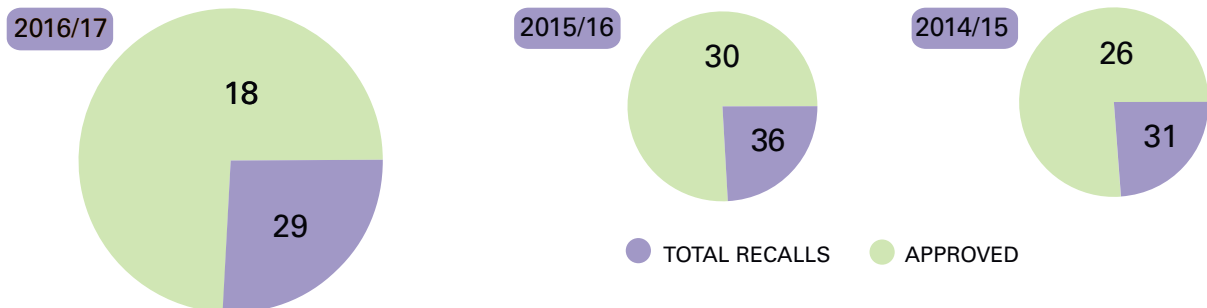
## TOTAL RECALL HEARINGS



## RECALL OF OFFENDERS ON DETERMINATE SENTENCES

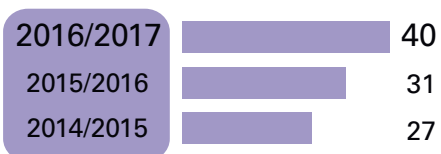


## RECALL OF OFFENDERS ON INDETERMINATE SENTENCES



# EXTENDED SUPERVISION ORDERS

## IMPOSITION OF SPECIAL CONDITIONS



## BIENNIAL REVIEWS



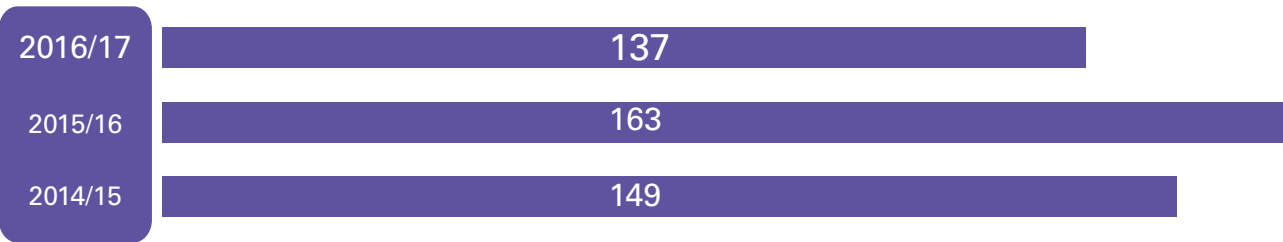
# VICTIMS SUBMISSIONS

The Parole Board receives written submissions and holds meetings with registered victims to hear their views on offender(s), their offending and their possible release.

The Board accepts written comments via email, fax, and letters, as well as on forms which are contained in our victim pamphlets.

The number of oral submissions made to the Board by victims was slightly lower in 2016-2017.

## VICTIM ORAL SUBMISSIONS



# MEMBERS OF THE NEW ZEALAND PAROLE BOARD 2016–2017

## CHAIRPERSON

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### **Hon. J Warwick Gendall QC, CNZM**

Became a barrister sole in 1986 and was appointed Queen's Counsel in 1996. He took appointment to the High Court Bench the same year and was based in the Wellington High Court. He was made a Companion of the New Zealand Order of Merit in 2012. Appointed: 2012

## DEPUTY CHAIRPERSON

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### **Hon. Marion Frater CNZM**

Was appointed a District Court and Family Court Judge in 1990. She was Chair of the Arohata Prison Board from 1999 to 2002 and from 2003 to 2007 was a Judge of the High Court. She was made a Companion of the New Zealand Order of Merit in 2017. Appointed: 2007

## PANEL CONVENORS

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### **Michael Behrens QC**

District Court Judge 2004-2013. Appointed: 2014

### **Judge Louis Bidois**

Was appointed a District Court Judge in July 2002. Judge Bidois' tribal affiliation is to Te Arawa. Appointed: 2011

### **Russell Callander QSO**

Stipendiary Magistrate 1978-1981, District Court Judge 1981-2013. Appointed: 2002

### **Martha Coleman**

Barrister with expertise in human rights and public law. Appointed: 2014

### **Judge Michael Crosbie**

Appointed to the District Court Bench in 2001. Appointed: 2003

### **Phil Gittos QSO**

District Court Judge 1994-2014. Appointed: 2014.

### **Judge Carolyn Henwood CNZM**

Appointed a District Court Judge in 1985. Appointed: 2006

### **Judge Anne Kiernan**

Appointed a District Court Judge in 2002. Appointed: 2011

### **Judge Jane Lovell-Smith**

Appointed District Court Judge in 1994. Appointed: 2002

### **Judge David Mather**

Appointed a District and Family Court Judge in 1997. Appointed: 2012

### **Judge Eddie Paul**

Sworn in as a District Court Judge at Auckland in 2008. Appointed: 2010

### **Alan Ritchie**

Barrister and solicitor. Current Judicial Conduct Commissioner. Appointed: 2008

### **Judge David Saunders**

Appointed to the District Court in 1993. Appointed: 2002

### **Kathryn Snook**

Is a barrister and solicitor with 20 years experience working in private practice and government. Appointed: 2011

### **Judge Arthur Tompkins**

Appointed a District Court Judge in 1997. Appointed: 2004

### **Neville Trendle**

Retired New Zealand Police 2001. Barrister and former consultant at the Law Commission. Appointed: 2008

### **Tania Williams-Blyth**

Senior family lawyer and former District Inspector of mental health. Appointed: 2014



## BOARD MEMBERS

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### **Associate Professor Philip Brinded**

Forensic psychiatrist in private practice.  
Appointed: 2004

### **Lesley Campbell**

24 years with the Probation Service.  
Appointed: 2010

### **Leith Comer**

Former senior army officer and Chief Executive of the Ministry of Maori Development.  
Appointed: 2014

### **Ross Crotty**

Barrister and solicitor. Appointed: 2014

### **Grant Crowley**

Formerly a senior officer in the New Zealand Army, and more recently a chief executive in the legal sector. Appointed: 2015

### **Dr Sally Davis**

Doctor of Clinical Psychology. Appointed: 2015

### **Sue Driver**

Is a consultant in areas of governance, management and evaluation. Appointed: 2012

### **Paul Elenio**

Nearly four decades experience as a newspaper reporter, editor and manager. Appointed: 2014

### **Douglas Hauraki**

Former general manager and Chief Executive of the Maori Education Trust. Appointed: 2012

### **Glenda Hughes**

A former Police Officer, and current chair of the New Zealand Racing Board. Appointed: 2010

### **Bryan McMurray**

Retired from the Prison Service in 2008, after 37 years in the criminal justice system.  
Appointed: 2008

### **Lavinia Nathan**

Previously managed the Te Piriti Unit for child sex offenders, and is a Community Magistrate.  
Appointed: 2002

### **Shannon Pakura**

Was the former Chief Social Worker for Child Youth and Family. Appointed: 2008

### **Sam Perry**

Partner in law firms for 35 years and current consultant at Brandons. Appointed: 2015

### **Fiona Pimm**

Experience in the health sector with primary care organisations, district health boards and Te Runanga O Ngai Tahu. Appointed: 2015

### **Paula Rose QSO**

Former superintendent and national road policing manager. Appointed: 2014

### **Alick Shaw**

Former Wellington City Councillor and Deputy Mayor, now an independent hearings commissioner. Appointed: 2011

### **Dr Jeremy Skipworth**

Is a forensic psychiatrist and clinical director of the Mason Clinic. Appointed: 2008

### **Lawrence Tawera**

24 years with the Probation Service.  
Appointed: 2015

### **Dr Paul Taylor**

Paediatrician and author. Appointed 2014.

### **James Thomson**

Former probation officer and service manager responsible for home detention in Christchurch.  
Appointed: 2002







NEW ZEALAND  
PAROLE BOARD

Designed  
and  
Produced



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