



NEW ZEALAND
PAROLE BOARD



Annual Report
2017–2018



Chairperson's report

Hon J Warwick Gendall QC, CNZM

The New Zealand Parole Board reached its 15th anniversary on 3 July 2017. More than 133,000 hearings have been held since the Board's inception. During the past year, the Board conducted a total of 8,321 hearings, sitting in panels of three, four, or five members. The overall hearing number is slightly up on last year, but is broader than just parole consideration. It includes progress/monitoring hearings, applications for variation of conditions, recall hearings, and procedural matters. Some offenders were seen more than once during the year, for different purposes.

Significantly, over the past year the Board held 177 face-to-face meetings with victims, which is an all-time high since the creation of the Board in 2002. There were also many written submissions received from registered victims and others. The Board is conscious of the anxiety, pain, and trauma that victims can feel when an offender appears for parole consideration.

Long-term prisoners are serving only a slightly longer proportion of their sentence before being granted parole, than they were a decade ago

The public is rightly concerned about the prison population which,



as of March 2018, exceeded 10,800. However, long-term prisoners are serving only a slightly longer proportion of their sentence before being granted parole than they were a decade ago. Department of Corrections data shows long-term prisoners served an average of 75 percent of their sentence before being granted parole in 2008. The most recent figure is 79 percent of sentence served prior to parole. The increasing prevalence of gang membership amongst the prison population is likely contributing to this slight increase. There has also been a steady decline in the rate of parolees being re-imprisoned within a year of release. A decade ago, 21 percent were being re-imprisoned within a year. That percentage has fallen to 16 percent in the latest statistics.

These figures illustrate that the Board has been able to select those prisoners who can safely be released on parole, and those who need to remain in prison for

further rehabilitation before they can be safely released.

I want to take this opportunity to reflect on changes that have added value to the parole system

As this is my final report after six years as Chair of the New Zealand Parole Board, I want to take this opportunity to reflect on changes that have added value to the parole system during my tenure.

Law changes in 2015 mean the Board can now specify relevant activities it expects an offender to complete before the next scheduled parole hearing. That is, a programme for rehabilitation or reintegration to be considered and implemented by the Department of Corrections. This change enables offenders to clearly understand what is expected of them.

I express my grateful thanks to all Board members for their loyal support, commitment, dedication, and friendship

Parole postponement changes have also made a difference to the Board's work. Since September 2015, the Board has been able to set an offender's next hearing date within two years rather than annually. Further, the maximum parole postponement period was extended from three years to five. This measure improves the Board's efficiency in cases where there is little prospect of release. As well, stress is reduced for registered victims who are saved from having to make submissions to the Board as often.

In 2017, a law change came into effect enabling random testing for offenders with a special condition prohibiting drug or alcohol consumption. The testing itself is carried out by Community Corrections, and the Board must inform the individual of the need to submit to testing, if required. Anecdotally, we believe this mechanism is a useful tool for probation officers to monitor compliance, although it is too early for the statistics to reflect this.

Technology has played a major part in enabling Board members to better prepare for hearings. All members now use a secure web-

based service which provides them with a full file of material for each offender appearing at the Board. This includes the criminal history, sentencing notes, any specialist reports, and victim submissions.

Video conference (VC) hearings are now a mainstay of the Board's operations. They enable a Board to be present in multiple prisons or Community Corrections sites within a sitting day. However, the Board recognises that there is a need for a mix of in-person and VC hearings.

Technology has played a major part in enabling Board members to better prepare for hearings

During the past year, we have farewelled some Board members. Judge Anne Kiernan returned to the UK, and the statutory terms of Dr Paul Taylor and Mr Ross Crotty ended. I wish to express the Board's thanks to them for their important contribution to the criminal justice system and community safety. There have been seven new Board members

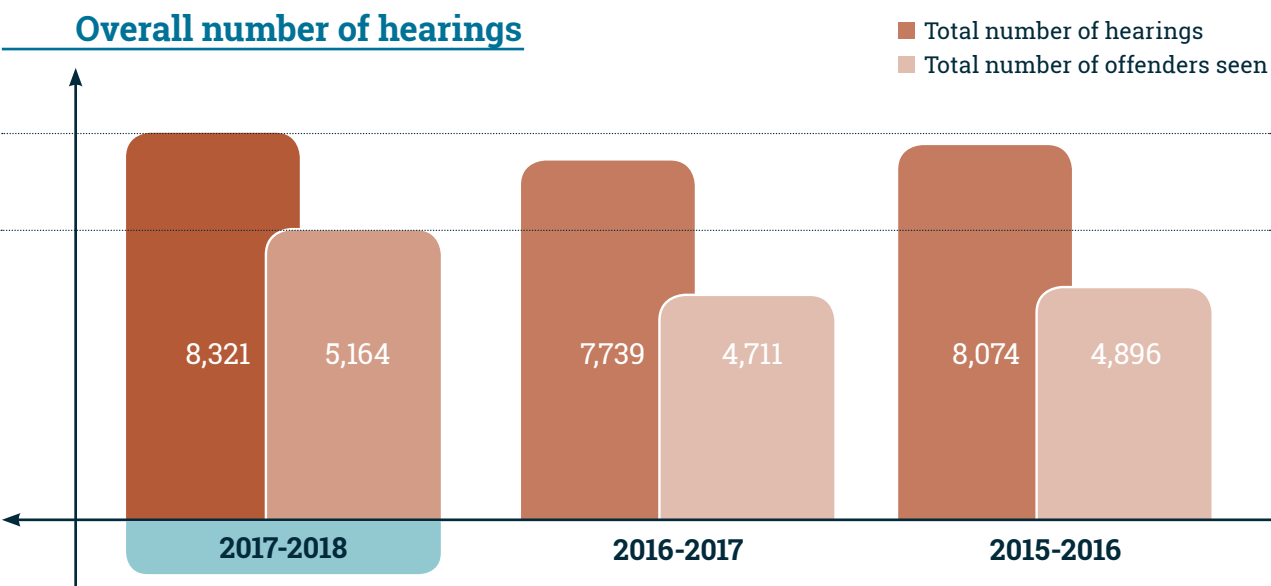
appointed in the past year – District Court judge Charles Blackie, and retired District Court judges Neil MacLean and Barry Lovegrove, as panel convenors. Chris King, Greg Coyle, Michael Quigg and Robert Gray have joined as community members. As Chairperson, I have had the privilege of sitting with all these new members, and welcome their contribution to the Board's work.

I express my grateful thanks to all Board members for their loyal support, commitment, dedication, and friendship. I make special mention of the Deputy Chairperson, the Hon Marion Frater, who is also ending her service to the Board after 11 years. Her hard work, common sense, compassion, and judgment will be greatly missed. Lastly, I thank the Board's manager Alistair Spierling, his deputy Kerry Te Nana, and all the administrative staff for their tireless, professional, and invaluable service and support to the Board's 40 members. The parole system, so essential in any civilised society, would not be able to operate without that assistance.

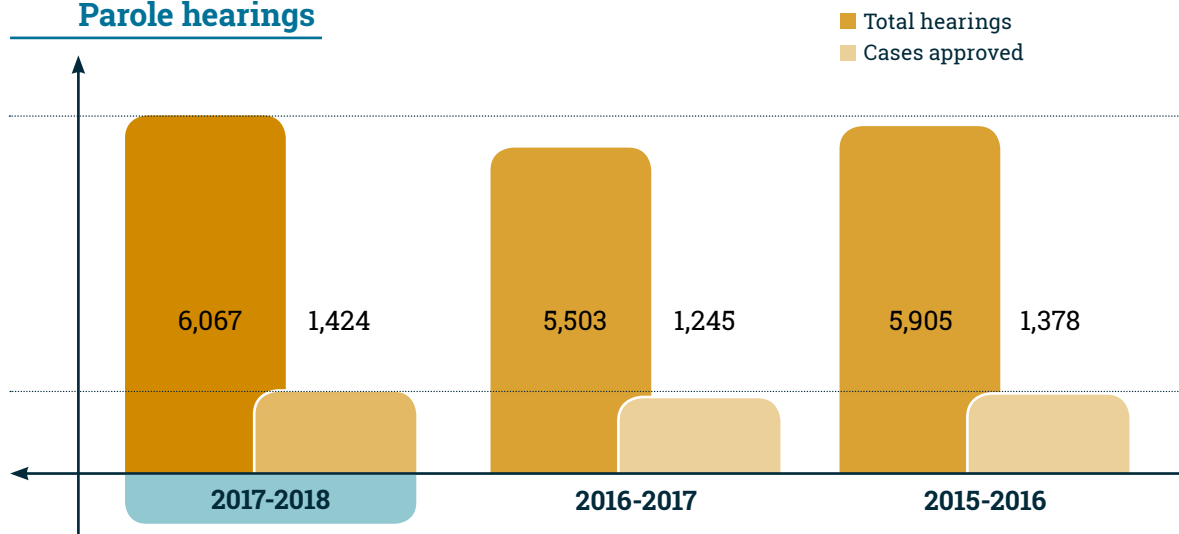
Hon J Warwick Gendall QC, CNZM
Chairperson
New Zealand Parole Board

Hearings

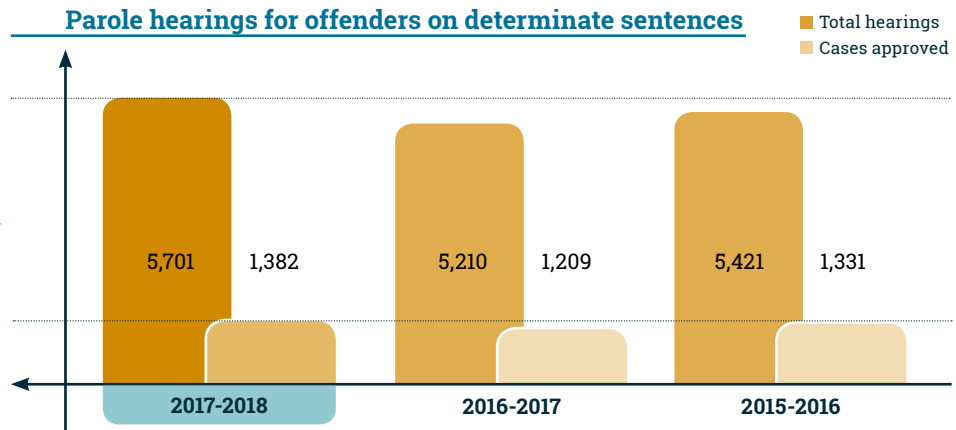
By the numbers



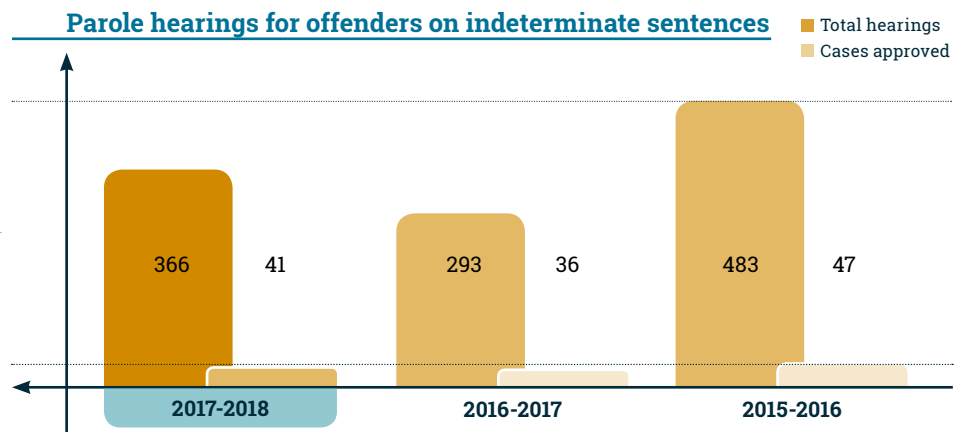
Parole hearings



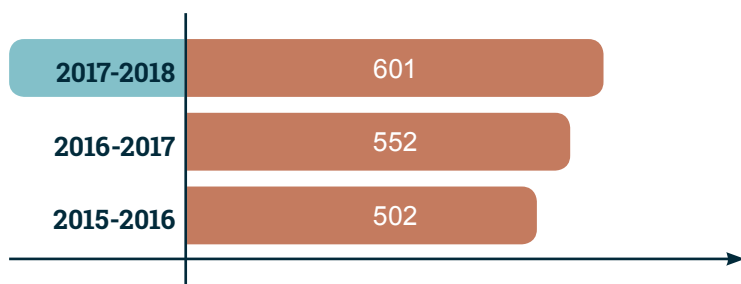
Parole hearings for offenders on determinate sentences



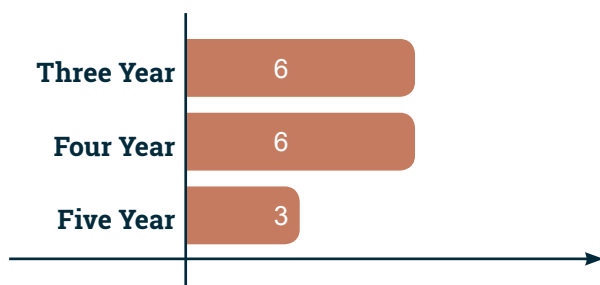
Parole hearings for offenders on indeterminate sentences



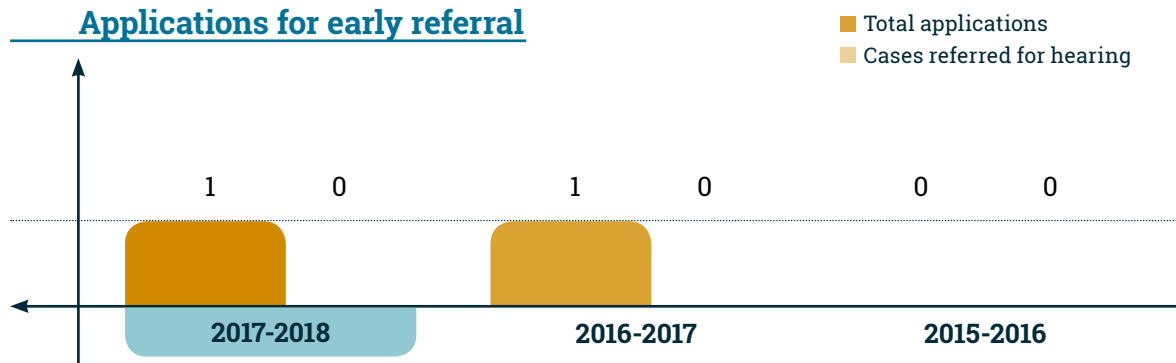
Release on conditions at final release date/statutory release date



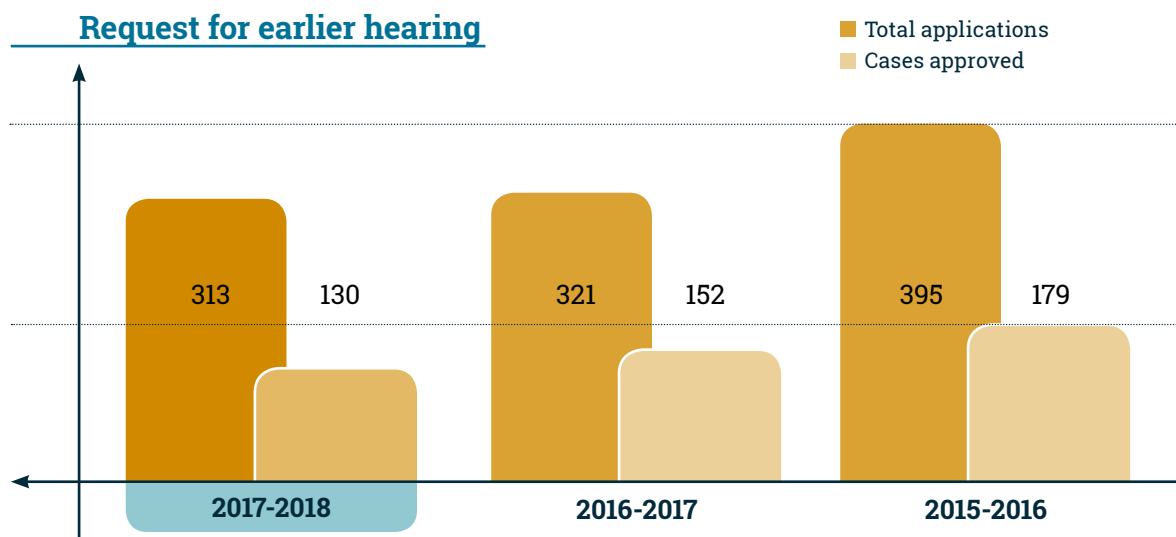
Parole postponement



Applications for early referral



Request for earlier hearing



Kiwi attitude a barrier to fraud detection

An article published in the Law Society's magazine LawTalk

Fraud and its many complexities were at the forefront of discussion at the New Zealand Parole Board conference, which heard a “she’ll be right attitude” hampers detection of the crime in this country.

The Serious Fraud Office’s general counsel, Paul O’Neil, made the observation as a guest speaker at the Board’s conference in May 2018.

He says financial illiteracy, an ageing population, and complacency in workplaces, were among the so-called “growing vulnerabilities” for uncovering fraud in New Zealand.



SFO general counsel Paul O’Neil speaking at the NZPB conference in May 2018

“There is a complacency, within private and public sector organisations, that fraud – and in particular corruption – just doesn’t occur. That probably conflates two things – one, it’s a failure to appreciate what corruption looks like, but the other thing is it’s a bit of a ‘she’ll be right attitude,’” said Mr O’Neil.

The Serious Fraud Office mounts about a dozen prosecutions a year on average but says there are challenges to overcome.

“There is a reluctance to report corruption in a New Zealand context, and... people do take advantage of that,” Mr O’Neil said.

Board member Alan Hackney, a clinical psychologist, responded with his insights on the common traits of fraudsters. He pointed out that most tend to be older people with no criminal history, who believe they are not harming anyone, and who have almost no opportunity to reoffend.

Assessing the reoffending risk of a white-collar criminal falls to the New Zealand Parole Board and is no easy task, according to the Board’s chairperson, Warwick Gendall QC.

“Globally, there are very few specialised tools for determining the statistical risk of reoffending in fraud cases, particularly by serious recidivist female fraudsters. But risk assessment is about much more than using statistical tools,” he said.

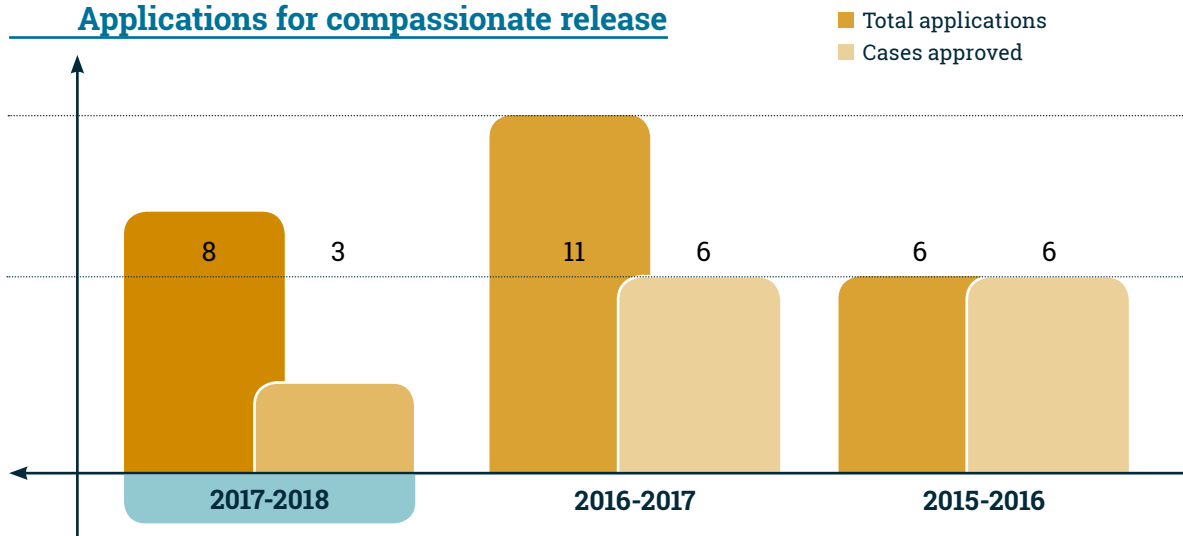
Assessing the reoffending risk of a white collar criminal falls to the New Zealand Parole Board and is no easy task

The Board makes its risk assessments with the benefit of expert input from treatment providers, forensic psychologists, Corrections officers, and others.

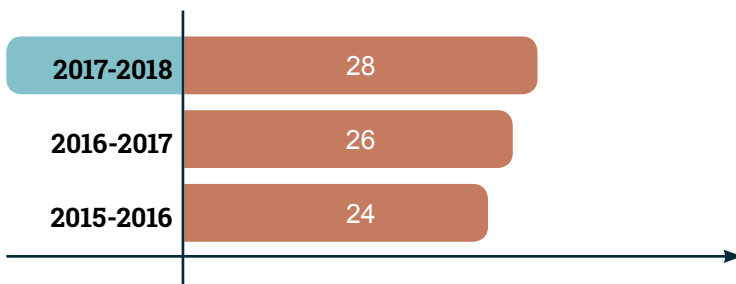
“We take into account the seriousness of the offending, alongside a person’s criminal history, psychological and remedial makeup. The strength of a person’s release plan is, of course, a crucial element,” said Justice Gendall.

“Hearing first-hand from the Serious Fraud Office gives Board members a valuable insight into the unique challenges of these cases at all stages of the criminal justice process,” he said.

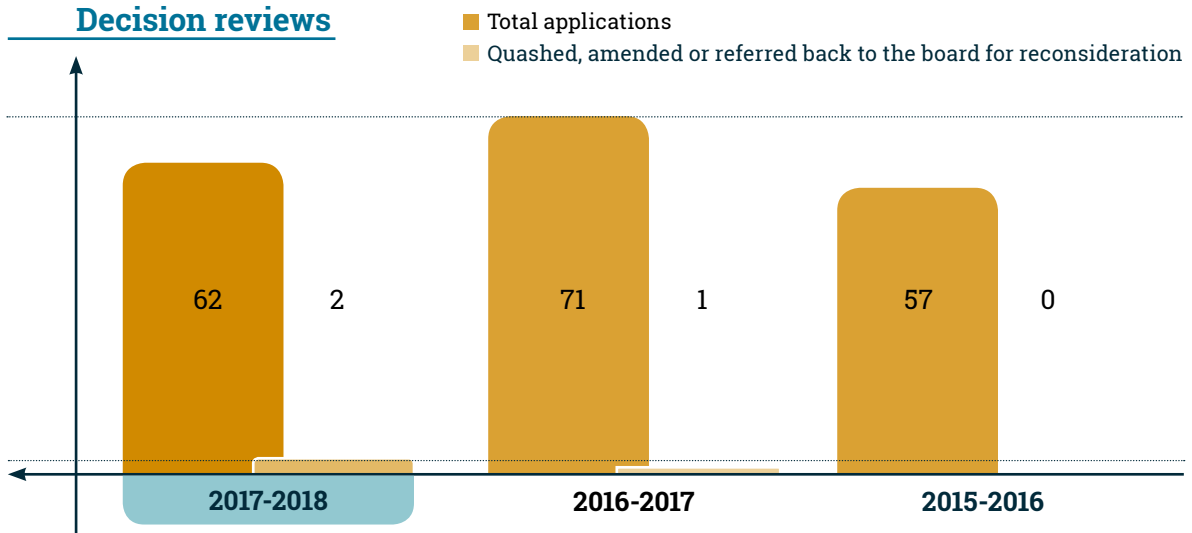
Applications for compassionate release



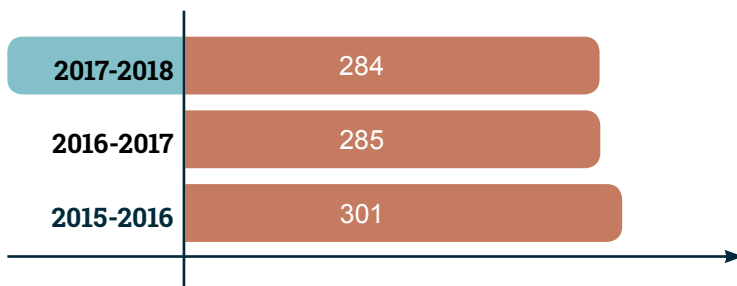
Decisions revoked



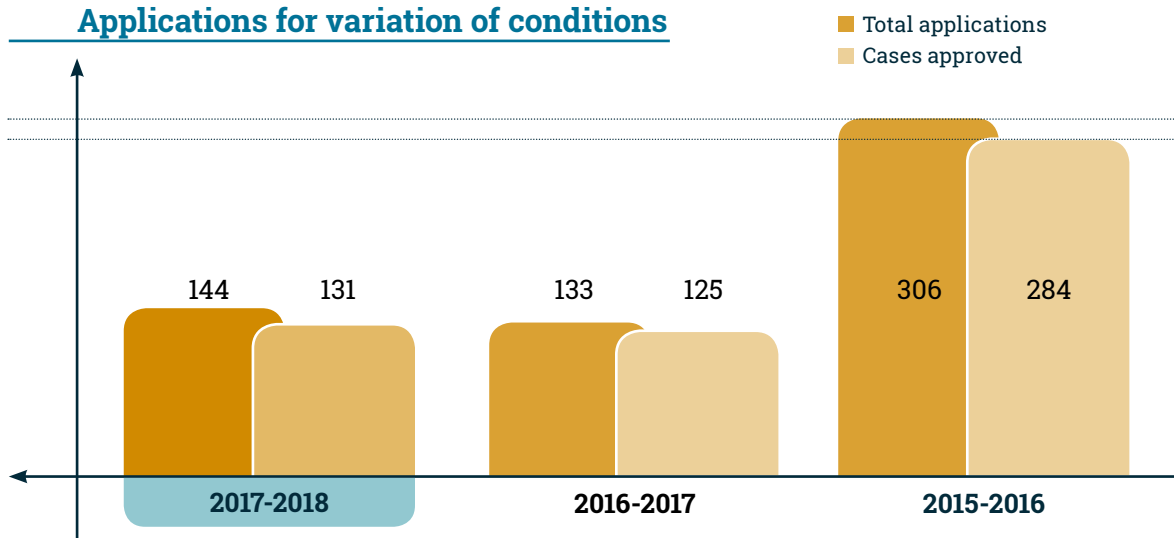
Decision reviews



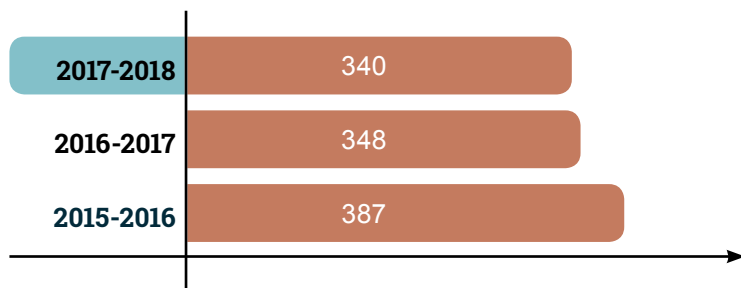
Progress hearings held



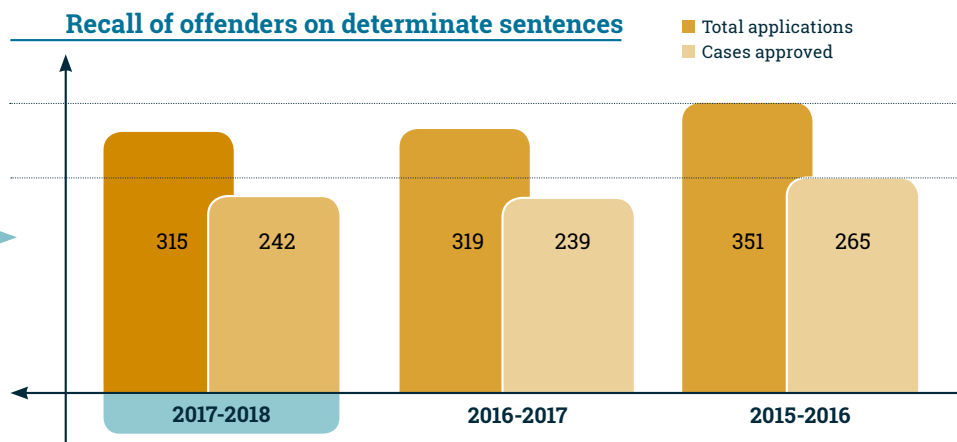
Applications for variation of conditions



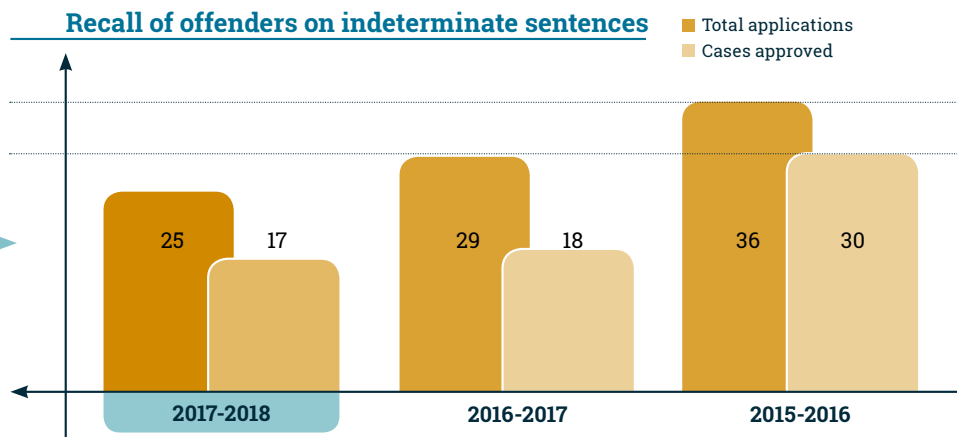
Recall hearings held



Recall of offenders on determinate sentences



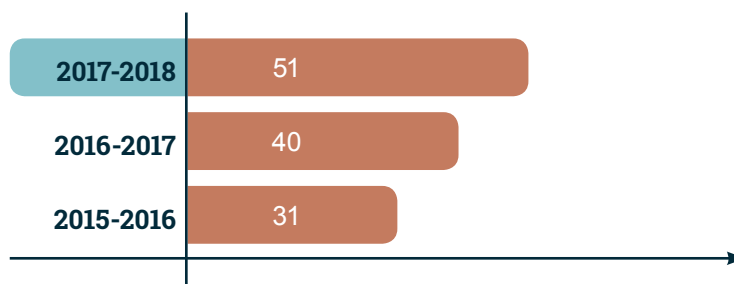
Recall of offenders on indeterminate sentences



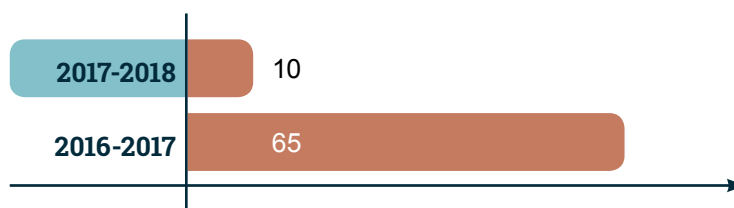


Extended Supervision Orders

Imposition of special conditions

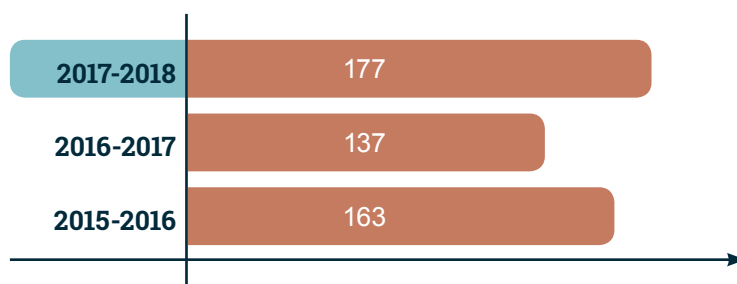


Biennial reviews



Victim submissions

Oral submissions to the NZPB



The 2017-2018 year marked an all-time peak for oral submissions by registered victims to the New Zealand Parole Board.

“It’s a watershed moment,” said the Board’s manager, Alistair Spierling.

“Scores of written submissions are made each year, but the 177 oral submissions made are a testament to the courage and willingness of victims to be seen and heard in the parole process.”

Victims must be officially registered via Police in order to receive information and have a say.

“It’s also crucial that registered victims keep their contact details up to date with us, and indicate if they prefer email as their first point of contact,” said Mr Spierling.





First parole hearings at Whare Oranga Ake

The New Zealand Parole Board has held its first ever hearings in the kaupapa Māori environment of Whare Oranga Ake at Hawke's Bay Regional Prison.

The Board usually holds its hearings in person or by video conference, but went to the whare after a one-off invitation from its managers, Choices Kahungunu Health Services.

It was also the last visit to the prison for the Board's outgoing Deputy Chairperson, Marion Frater, who was born and raised in Hawke's Bay.

This is an innovative place doing important reintegration work

"The day began with a mihi whakatau to welcome the Board members – Doug Hauraki, Fiona Pimm, and myself. We also looked around the unit and observed some of the impressive carving work being done," said Mrs Frater.

"I particularly valued the opportunity to speak with staff and view the whare," she said.

Whare Oranga Ake is a reintegration unit outside the wire. It helps prisoners train for employment, find work, find accommodation on release and form supportive networks with iwi, hapu and community organisations while strengthening their cultural identity.

The unit can accommodate 24 people, and three of those appeared at the Board.

"The strength of support was evident in the three hearings we held. This is an innovative place doing important reintegration work – it's a credit to the vision of Sir Pita Sharples," said Mrs Frater.

"It was a really poignant day. I have been convening parole hearings at Hawke's Bay Prison for the past decade and to end my term on the Board with an occasion like this was very special," she said.



New Zealand Parole Board

Members 2017–2018



Chairperson

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

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

Judge Louis Bidois
Judge Charles Blackie
Martha Coleman
Judge Michael Crosbie
Phil Gittos QSO
Barry Lovegrove
Judge Jane Lovell-Smith
Judge David Mather

Judge Neil MacLean
Judge Eddie Paul
Alan Ritchie
Kathryn Snook
Judge Arthur Tompkins
Neville Trendle
Tania Williams-Blyth

Board members

Associate Professor Philip Brinded
Leith Comer
Greg Coyle
Grant Crowley
Dr Sally Davis
Sue Driver
Paul Elenio
Robert Gray
Alan Hackney
Douglas Hauraki
Glenda Hughes
Chris King

Bryan McMurray
Mary More
Michael Quigg
Shannon Pakura
Sam Perry
Fiona Pimm
Paula Rose
Dr Jeremy Skipworth
Waimarama Taumaunu
Lawrence Tawera
Jim Thomson



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.



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