



Annual Report 2011/12

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# Recognising 10 years of Parole Board service

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New Zealand Parole Board

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# Foreword

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Sir,

I have the honour to forward the Annual Report of the New Zealand Parole Board, for the year ended 30 June 2012.



**Judge Sir David Carruthers**

Chairperson


New Zealand Parole Board

The law in this report is stated as at 30 June 2012.

References to legislation in this report are not a substitute for the statutes themselves.

This report has been prepared to inform Parliament, New Zealand Parole Board stakeholders and the general public around the operations of the Board. This report complies with section 119 of the Parole Act 2002 where the Board is required to give an account of the performance of its functions during the financial year.

The most important reason for a Parole Board lies in the fact that the international research shows that managed release on parole with a right of recall back to prison during the term of a sentence is about four times more effective in preventing reoffending than automatic release at the end of the term of imprisonment.



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The Board has held 6256  
parole hearings this year  
– an increase of 26.6% on  
last year.

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# There are a number of principles in the Act which the Board must take into account when making its decisions.



Mark\* was sentenced to life imprisonment after killing his estranged wife. They had two children who had now lost their mother and effectively their father. He was 40 at the time. After extensive counselling, rehabilitation and employment within the prison, Mark was considered as posing no undue risk to the community and was released into a strong support network and full-time work.

Mark was released by the former National Parole Board, prior to 2002. He has now been on parole for 15 years. He has become a successful businessman, winning awards for his work. He belongs to community assistance and business networking groups and sponsors children in third-world countries. He no doubt lives every day with the tragedy he caused – and will continue to be on parole for life – but while he is considered as posing no undue risk to the community, he is able to contribute in a meaningful way to New Zealand society.

\*Not his real name.

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# Chairperson's Report

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## It is my pleasure to report on last year's activities of the New Zealand Parole Board.

This report will not only concentrate on the activities of the Board up to the end of June of this year but will look back further over the last few years. There are two reasons for doing this. First, this year is the 10th anniversary of the inception of the New Zealand Parole Board following the passing of the legislation in 2002. The other reason lies in the fact that this is my last Annual Report. I have resigned from the position of Chairperson of the New Zealand Parole Board as at 23 July 2012. This is consequent on my appointment as Chairperson of the Independent Police Conduct Authority.

I begin, as usual, with some comments about the people who do the work of the Parole Board. It is appropriate that they should be mentioned first in any Annual Report. It is upon their professionalism, dedication and hard work that the success of the Board depends. Once again this

year, we have received outstanding service from the Board and members of the administrative support staff.

During the year, we had occasion to farewell a number of our members – Judges Avinash Deobhakta and Bernard Kendall and community members Darlene Cullen and Fleur Grenfell who each, in their separate ways, made a great contribution to the work of the Board over the years.

It is pleasing to record that Judge James Rota, who was seriously ill, is now recovering and is beginning to spend some time sitting on panels with his colleagues. I also record with pleasure the appointment of Judge David Mather as a panel convenor.

And of course it is an enormous pleasure to record that my successor as Chairperson of the New Zealand Parole Board is to be the Honourable Justice Warwick Gendall, presently a sitting High Court Judge, whose experience and expertise in the field of criminal law and its application to the communities of this country is very well known.

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# This year is the 10th anniversary of the inception of the New Zealand Parole Board following the passing of the legislation in 2002.

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This year has been another very busy one. The statistics speak for themselves. The Board's work is still being dealt with on time and with dispatch. New members appointed in the previous year have all settled well into the work and are making their own unique contributions to it.

At the time of writing this report, we are awaiting the appointment of new members following the usual process of advertisement and interviews. There are some six places needing to be filled. Some of the older community panel members have reapplied for a further term. It is not known when these final decisions will be made.

Significant successes during the year have been the completion of the Structured Decision-Making Guidelines for the Board under the chairmanship of Associate Professor Phil Brinded, a comprehensive report on administrative and procedural aspects of our work by the Efficiency and Information Committee, chaired by Judge

Sir Patrick Mahony, and the extension of video conferencing to significant parts of the work and the development of principles around its use.

Once again, a highly successful conference was held with our Australian friends – this time in Queensland, hosted by the Queensland Parole Board. A number of members and administrative support personnel were able to attend. It was an outstanding success and a great opportunity not only to experience the hospitality of our Queensland friends but to renew friendships and discuss common issues with all of our colleagues from Australia.

During the year, I was also able to work with and address colleagues of Singapore and Canada. We are all enriched by those continuing associations.

A further international conference was held in Orlando, Florida, hosted by the Association of Paroling Authorities International, and this was attended by our Deputy Chairperson the Hon

## THE PAROLE NUMBERS

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Number of hearings	3293	3970	4259	4273	4546	4938	6256
Number of cases approved	906	1125	1249	1339	1338	1542	1531
Percentage approved	27.5%	28.3%	29.3%	31.3%	29.4%	31.2%	24.4%

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## Chairperson's Report - continued

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Marion Frater. She presented a keynote address to the conference, which was enthusiastically received. Again, it was a meeting of friends and colleagues with common interests. These occasions, although rare, are enormously valuable for the connections they enable and for the continuing associations and benefits that spring from them. It is very important that we continue to play our part in these international opportunities thereby both giving and receiving advice and comparing modern techniques, all aimed at enhancing the safety of our communities. It is because of these opportunities that the New Zealand Parole Board is recognised as having international standing in this important work.

Alistair Spierling, Manager of the Administrative Support Service, is shortly to travel to spend some time with our New South Wales colleagues having a look at their new information-gathering systems and IT upgrades. He will bring benefits as well to the New South Wales people from this exchange, which is to happen in early July.

There has been much other activity during the year. The core tasks of the Board is to see every eligible prisoner to assess their readiness for release on parole, attending to all recall applications, dealing with applications for compassionate release, reviews, dealing with the growing number of section 26 applications for earlier hearings, deciding on appropriate release conditions for those at the end of their sentence, dealing with the often quite complex section 107 applications and extended supervision orders and dealing with all these matters expeditiously and fairly. These tasks are, of course, the heart of the Board's work and are under good and active control.

In addition to this, there are enhancements planned on a continuing basis. Under the leadership of the Hon Marion Frater and the guidance of Rob Handyside, our Director of Education, Support and Development, there is

a substantial programme of self-improvement, review and continuing education. There are, in addition, legislative proposals for amendments and constant policy and other discussions to be had across a number of government departments. The history of this Board over the last 10 years has been one of constant development and improvement. It has been exciting to be associated with it.

One of the legislative proposals that is now before the Parliamentary Draftsman is that of an amendment to our legislation to provide for screening processes aimed at trying to achieve greater efficiencies in our work without losing sight of the fundamental rights that are to be protected. The Board will apply the law as it is decided by Parliament in the usual way.

At the end of 7 years as Chairperson of the Board, I want to express my appreciation to my deputy, the Hon Marion Frater, who has been an outstanding friend and administrator and a tireless worker. I have enjoyed nothing but the finest support from Alistair Spierling, the innovative, imaginative and flexible Manager of the Administrative Support Service. Kerry Te Nana, Manager Systems & Compliance, has also become a good friend, and I have been superbly assisted by my EA Raj Mani who has provided me with professional and personal support at the highest level. Sonja de Friez has been an exceptional Communications Manager and has

### HEARING VOLUME BY TYPE

Parole	6256
Recall	654
SRD Conditions	555
Progress	400
ESO	25



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been responsible for a sea change in the way the public and the media have connected to our work.

I could not leave the Board without referring to the hard work of our administrative support staff. The administrators work under great pressure to provide us with the best service possible, and they often go well beyond what is required by their job descriptions in providing support for the Board.

And finally in this context, those with whom I sit on the Parole Board of New Zealand have become personal friends. I hold them in the highest regard. We have together done this very hard work, which is not always well understood, and we have all regarded it as being an opportunity to serve our country and help contribute towards safer communities. This is a Board that is full of energy, outward looking and highly motivated to do this difficult but important work, and I am proud of all we have achieved to date.

I have to thank members of the Department of Corrections who have been so pivotal for the success of the Board over these years. The Department is going through a major restructuring at the present time. That is never easy and will be uncomfortable for many. I have a

great respect for Corrections Officers and those who have provided professional and administrative services to the Board over these years, and again, those are friendships that will continue after I have left this position.

I leave this Board with some sadness, although it seems to be the right time to go. It has been a privilege to serve New Zealand in this way and to work with such inspiring and dedicated people. I will never forget these years that have brought me such satisfaction, stimulation and interest, and I will never forget the people with whom I have had the privilege of working.

Finally, it is appropriate for me to wish my successor Justice Gendall well. I know that he will receive the same unfailing and generous support that I have enjoyed over these 7 years.

A handwritten signature in black ink, appearing to read 'David Carruthers'.

**Judge Sir David Carruthers**  
Chairperson

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# Manager's Report

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This is the 10th Annual Report of the New Zealand Parole Board, and it is an opportunity to reflect on the achievements of the administration in supporting the Board since its inception on 1 July 2002.

Parole is not something new. It has its origins in ancient Greek and Roman times where prisoners were given conditional release after giving an undertaking not to take arms against their captors again. Its modern origins, in this part of the world, can be traced to 1840, when Alexander Maconochie, a Scottish geographer and captain in the Royal Navy, was appointed superintendent of the British penal colonies in Norfolk Island. He developed a plan to prepare the prisoners for eventual return to society that involved three grades. The first two consisted of promotions earned through good behaviour, labour and study. The third grade in the system involved conditional liberty outside of prison while obeying rules. A violation would return them to prison and starting all over again through the ranks of the three-grade process.

In New Zealand, parole first became available in

the late 1890s. There have been statements made in the media in recent years that parole is a failed “experiment”. It must be the longest-running experiment ever, having been in existence for many centuries.

Much has changed since the 1840s when considering suitability for parole. Good behaviour does not automatically lead to parole, but bad behaviour will see parole denied. What is important now is undue risk. Does the offender pose an undue risk to the safety of the community should they be released on parole?

The administration clearly has no say in the suitability of an offender for parole or whether or not they pose an undue risk; that is the responsibility of the Board members. The administration does, however, play a crucial role in supporting the Board by ensuring that all the information they need to make an informed decision is made available to the members in advance of hearings. This information includes, but is not restricted to, judges’ sentencing notes, pre-sentence reports, specialist reports, criminal history of the offender, any written submissions

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# Total number of hearings held by the Board – 9427.

## Number of individuals seen – 4995.

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from the offender and any submissions from registered victims.

The challenge for the administration is gathering all the background information and supplying it to the Board members in a timely and accessible way. Until 2008, this information was provided in hard copy, and it was conceivable for a Board member living in, say, Christchurch who was required to sit on a Board in Auckland to receive by courier as many as nine suitcases of files to read in advance of the hearing. The nine suitcases would then be conveyed from Christchurch to Auckland. The costs of printing, courier and airline excess baggage fees were such that there needed to be a much more efficient and cost-effective method of supplying members with the information.

In 2008, the administration developed a simple but effective electronic solution. This involved supplying all Board members with laptop computers and scanning all the background information for hearings onto secure memory sticks. Instead of transporting large suitcases of paper around the country, members now carry their laptop and memory stick only. This simple solution has been picked up by parole authorities around the world; one or two have taken the development to the next step and given their members online access to the background information. That enhancement awaits us, and we will look at the possibilities of doing something similar during the 2012/2013 year.

The use of audiovisual equipment – or as it is more commonly known, video conferencing – is also being used at an increasing rate by the Board. Our friends in Australia have been conducting hearings by video conference for many years, but the development for the New Zealand Board is still in its infancy. In the 2010/2011 year, approximately 10% of all hearings were conducted by way of video conference. In the current reporting year, this number has increased slightly to 11.2%.

It is expected that hearings undertaken by way of video conference will continue to trend upwards. Whilst conducting hearings this way is much more cost-effective, there are other considerations for the Board. The concept of “fair hearing” is a crucial one and is not always met by video conferencing. The volumes of hearings by video conference will increase, but whether we get to the levels that some of the Australian States have, I am unsure.

During the past year, Darlene Cullen, Fleur Grenfell, Judge Bernard Kendall and Judge Avinash Deobhakta were farewelled from the Board. Ms Grenfell was one of the original members, having been appointed in 2002.

In mid June 2012, we said farewell to Judge Sir David Carruthers, who had led the Board since July 2005. Sir David built on the very solid foundations established by the late Mr Tony Ellis QC, who was the first Chairperson. Under Sir David’s watch, we saw many enhancements, and



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## Manager's Report - continued

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to try and list them all would be a disservice, as some would be overlooked, but the development of a structured decision-making tool for the Board, the creation of the position of Director of Education, Development and Support and the use of audiovisual equipment for Board hearings are just three. Sir David's contribution to parole was recognised by the Association of Paroling Authorities International in May 2012 when he was awarded the prestigious Ben Baer award at its conference in Orlando, Florida. This award recognises and rewards an individual who has demonstrated significant service in the field of parole or community corrections.

I thank Sir David for his leadership of the Board and his support of me personally.

I want to acknowledge the hard work of the administration staff. Their task is a difficult one. I am proud of the work they do and the commitment each and everyone has to the Board and the Department of Corrections.

I have relied on Kerry Te Nana who, as Manager of Systems and Compliance, deputises for me in my absence. Kerry does an outstanding job and

takes on the additional responsibility willingly and without complaint. The work of Sonja de Friez as Communications Manager continues to be of the highest level. I also recognise the strong and supportive leadership of Jonathan Gee and Ross Gillett as Operations Managers who ensure that the Board get the best support possible.

Many challenges face the administration. Work has commenced on improving the quality of the information that we provide to registered victims. All the letters that are sent to victims have been or are being reviewed.

Again, I acknowledge the continued support that the administration receives from the Board members. They have been tolerant as we deal with a workload that is not diminishing.



**Alistair Spierling**

Manager  
Administrative Support Service  
New Zealand Parole Board

### CASE STUDY: RELEASE ON PAROLE

It was in high school that Dave\* first used drugs. By the time he was 18, he was addicted to morphine and killed his drug dealer.

He completed the Drug Treatment Unit and overcame his addiction. Dave received counselling and attended rehabilitation courses. He also began to study – and 7 years into a life sentence, he received his BA.

At his first hearing, he was declined, and on his second hearing, his risk was assessed as being low, and he was released on parole conditions for life. Dave left prison in 2006 – he continued his studies completing a doctorate and is now a specialist in his field.

\*Not his real name.

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## The Board

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Judge Sir David Carruthers	Judge Sir Patrick Mahony	Mr Richard Lewis
Judge Louis Bidois	Judge Eddie Paul	Mr Bryan McMurray
Judge Peter Butler	Judge James Rota	Ms Lavinia Nathan
Judge Russell Callander	Judge David Saunders	Ms Shannon Pakura
Judge Michael Crosbie	Judge Ian Thomas	Mr Stephen Paul
Hon. Marion Frater	Judge Arthur Tompkins	Mr Alick Shaw
Judge Carolyn Henwood	Judge Richard Watson	Dr Jeremy Skipworth
Judge David Holderness	Associate Professor Phil Brinded	Ms Kathryn Snook
Judge Ray Kean	Ms Lesley Campbell	Mrs Rhonda Pritchard
Judge Anne Kiernan	Ms Darlene Cullen	Mr Alan Ritchie
Judge Margaret Lee	Mr Michael Christensen	Mr Jim Thomson
Judge Barry Lovegrove	Ms Janice Donaldson	Mr Neville Trendle
Judge Jane Lovell-Smith	Mr Matt Hakiaha	Mr Robin Wilson
Judge John Macdonald	Ms Glenda Hughes	

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## Education

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The education programme we have developed applies the principles outlined in Hallmarks of a Quality Hearing, which was developed in Canada and adopted during our workshops in 2010. In the past year, we have continued a workshop programme and added a mentoring component, assigning experienced members as mentors for newly appointed members. The focus of all education is the enhancement of skills required to use a structured decision-making process.

In September 2011, regional groups visited rehabilitation programmes in prisons and the community to increase knowledge of the programmes and their outcomes. The Department of Corrections and contracted programme providers have been very helpful to Board members, assisting an understanding of the principles and research that underpin their activity.



#### CASE STUDY: RELEASE ON PAROLE

Barry\* is a 54-year-old child sex offender who has several convictions for related offences. He was sentenced to preventive detention and admitted his offending. After successfully completing Te Piriti rehabilitation programme for child sex offenders, he appeared before the Board for the first time. It was clear that he had addressed his offending, but the Board was not satisfied that he had robust support in the community should he be released. This is a common problem for men who have spent a long time in prison. He was able to remain at the unit while attending group sessions to reinforce skills and knowledge he obtained during the main programme.

In conjunction with the professionals at Te Piriti, he began forming a circle of support for his eventual release. It started with two key people from a church group that was visiting the prison. On the advice of the Parole Board, Barry was granted temporary releases, starting with 4 hours at a time, later being as long as 72 hours. While on these temporary releases, Barry met other people introduced to him by his sponsors. He soon had six supporters who all met the requirements of responsible circle members. This group attended training and helped Barry to make a seamless transition from prison life to the community.

The circles of support and accountability, which involves community volunteers forming very tight and well educated support groups, would usually (but not necessarily) come from the faith community. They are volunteers who all show commitment and perseverance in order to support and keep accountable those prisoners who would typically have no support in the community and who suffer rejection from most people..

The journey of circle volunteers with their core member is usually an exciting and rewarding one. Very few of these men reoffend.

\*Not his real name.

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## Victim Meetings

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The victim meetings can be an essential part of the decision-making process. What the victim has to say assists the Board in making its decision, particularly when it assesses the offender relative to the safety of the community. The victim meetings form part of the Board hearing.

What the victim has to say assists the board

in making its decision, particularly when it assess the offender relative to the safety of the community. The Board is also required by law to uphold the rights of victims. The submissions by victims and any restorative justice outcomes are given due weight in the Board's decision-making process.

### VICTIM SUBMISSIONS

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Oral	94	103	126	98	92	105	137
Written	422	443	435	387	337	320	332
Unsolicited	48	18	9	11	7	33	10

### CASE STUDY: RESTORATIVE JUSTICE

Paul\* killed his partner in front of her daughter, Mary\*. When he became eligible for parole, Mary, now much older, came to see the Board, each time asking the panel not to release him. After many years, Mary instigated a restorative justice conference with the murderer, and she finally heard answers to all the questions that the criminal justice process had not yet provided for her. Mary then wrote to the Board saying she had her answers and was not coming to see the Board any more. Mary said she was now getting on with her life and left it up to the Board to exercise its duty to be careful, and she hoped it would do it well. This is a case where the restorative justice processes made no real difference to the risk assessments or prospects of reintegration of the prisoner, notwithstanding the real advantages to him in terms of reconciliation and simply saying sorry, but the Board continues to assess his risk as too high to release. The great advantages in this situation have been to the victim.

\*Not their real names.



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## Policy

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The Policy Committee's principal role is concerned with the Board's statutory responsibility to develop policies on how the Board discharges its functions under the Parole Act. It periodically reviews existing policies and develops new ones and submits them to the Chairperson for confirmation. Once confirmed, they become the formal policy of the Board.

Present policies deal with such issues as media

attendance at parole hearings, when an offender who is recalled to prison is next seen by the Board for parole and the hearing of oral submissions from victims. All policies are publicly accessible and are available on the Board's website. The Committee also reviews aspects of the Board's practice and operations and considers whether any changes or improvements should be made.

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## Media

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The Board's approach to media is one of openness and transparency. The Board works closely with journalists, building relationships and providing a broad range of information to assist them in informing the public about the New Zealand Parole Board's role and processes.

Written decisions are released on request and only after the offender and any registered victims have received their copies. As well as the ordinary reporting of Board decisions, a number of feature articles are regularly facilitated and managed. These in-depth items provide the public with a thorough and accurate portrayal of the Board and its role and processes.

In 2008, journalists began attending and reporting on hearings. This has been highly

successful, with journalists and the public gaining a more comprehensive knowledge of the risk assessments undertaken by Board members. Reporters with an interest or some experience in the area of parole are regularly taken through Board hearings as observers, as this gives them a real experience of the processes, which assists them when reporting on decisions.

The Board has developed and maintained positive relationships with journalists and their organisations. The Board is willing to assist journalists by providing quality information, which ensures accuracy in reporting. The Board provides, on request, approximately 250 written decisions to journalists. It also answers around 1200 general queries annually.

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## Categories Of Hearings

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### POSTPONEMENT

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Total	5	5	7	13	18	33	21

The Board can postpone a hearing for a maximum of 3 years where it is satisfied that, in the absence of any significant change in their circumstances,

an offender will not be suitable for release when they are next due to be considered for parole.

### COMPLIANCE

	2007/08	2008/09	2009/10	2010/11	2011/12
Total	57*	529	517	491	397

Compliance hearings can be held during the 12 months following the release of an offender on parole. This enables the Board to monitor the offender's progress on parole. If there are any undue risks, the Board has the ability to make an interim recall order at the hearing and return the

offender immediately to prison. The Board can also vary their release conditions or impose new conditions.

\*Compliance hearings commenced on 1 October 2007.

### RELEASE ON CONDITIONS (STATUTORY RELEASE DATE)

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Number approved	408	387	469	475	502	512	539

These are cases where the Board has no discretion in the release of an offender. The Board's only role is to impose conditions on release. These offenders have served their entire

sentence and must be released. The statutory release date in most cases is the same as the offender's sentence end date. This is not a release on parole as the offender cannot be recalled.



## RECALL

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Number of applications	269	394	400	518	539	513	654
Number of recalls approved	229	336	287	340	354	333	357
% approved	85.1%	85.2%	71.7%	65.6%	65.6%	64.9%	54.5%

When an offender is released from prison, they are required to comply with their standard and special conditions of release. Standard conditions are set by legislation, and special conditions are imposed by the Board. Management of the offender's parole and release on conditions is the

responsibility of the Community Probation Service.

The offender can be recalled to prison at any time up to their statutory release date, on application by the Community Probation Service.

## RECALLS FOR OFFENDERS ON DETERMINATE SENTENCES

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Number of applications	198	237	239	461	502	483	603
Number of recalls approved	164	190	170	305	331	312	334
% approved	82.8%	80.1%	71.1%	66.1%	65.9%	64.5%	55.3%

## RECALLS FOR OFFENDERS ON INDETERMINATE SENTENCES

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Number of recalls	13	23	29	50	33	30	51
Number of recalls approved	12	21	16	30	22	21	23
% approved	92.3%	91.3%	55.1%	60%	66.6%	70%	45%

#### APPLICATION FOR EARLY REFERRAL FOR CONSIDERATION FOR PAROLE

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Total	2	11	4	2	4	3	1
Approved	1	0	1	0	4	2	1

Under section 25 of the Parole Act 2002, the Chairperson of the Board may, in exceptional circumstances, refer an offender who has not

yet reached his or her parole eligibility date for consideration by the Board for parole.

#### REQUEST FOR EARLIER HEARING

	2008/09	2009/10	2010/11	2011/12
Total	378*	548	543	521
Referred for earlier hearing	200	280	278	252
Not referred	178	265	265	269

Under section 26 of the Parole Act 2002, the Board may, at any time after an offender's parole eligibility date, consider the offender for release on parole at a time other than when the offender is due to be considered for parole. An offender may apply at any time to the Board to exercise its

discretion to consider the offender for parole.

\* The Board has only been able to record these applications electronically since 26 September 2008. This figure captures the number of applications from 26 September 2008 to 30 June 2009.

#### APPLICATION FOR SPECIAL CONDITIONS OF AN EXTENDED SUPERVISION ORDER (ESO)

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Total	42	46	40	26	47	39	25

Under section 107F of the Parole Act 2002, the Chief Executive of the Department of Corrections can apply to the sentencing court to have certain child sex offenders made the subject

of an extended supervision order. If an order is granted, an application for special conditions to be imposed on an offender's ESO can be made to the Board.

### APPLICATION FOR VARIATION OF CONDITIONS

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Total	45	40	100	413	436	475	427
Number approved	39	33	93	382	410	459	398
Approved (%)	86.6%	82.5%	93%	92.4%	94%	96.6%	93.2%

Under section 56 of the Parole Act 2002, an offender who is subject to release conditions may apply at any time to the Board for the variation or discharge of any of those conditions. A Probation Officer may also apply.

Since 1 October 2007, the Board has had the power to vary or add to an offender's special release conditions at a compliance hearing held under section 29B of the Parole Act 2002.

### APPLICATIONS FOR COMPASSIONATE RELEASE

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Total	4	2	2	6	4	3	2
Approved	2	2	1	6	4	3	1

Under section 41 of the Parole Act 2002, the grounds for compassionate release are terminal illness or an offender having given birth.

### REVOCATION OF DECISIONS

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Total	9	45	41	24	24	24	28

Under section 28(5) of the Parole Act 2002, the Board may revoke a direction to release an offender on parole at any time before parole commences.

If a decision is revoked there must be another hearing held as soon as is practicable.

## REVIEWS

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Total	90	96	98	122	101	108	136
Quashed, amended or referred back to Board for reconsideration	10	22	15	16	12	11	14

Under section 67 of the Parole Act 2002, an offender may, within 28 days of the Board's decision, apply in writing to the Board for a review of that decision. Grounds for an application for review are that the Board:

- failed to comply with the Act;
- made an error of law;
- failed to comply with a policy of the Board;
- based its decision on erroneous or irrelevant information; or
- acted without jurisdiction.



NEW ZEALAND  
**PAROLE BOARD**

Parole hearing

Under section 21(1) of the Parole Act 2002

Hearing:

7 May 2012  
At Auckland Regional Prison

**Members of the Board:**

Judge B Lovegrove – Panel Convenor  
Judge J Rola  
Ms L Nathan  
Mr J Thomson

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**DECISION OF THE BOARD**

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# Glossary Of Terms

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**Compliance hearings:** The ability of the Board to monitor parolees by reviewing their compliance with their release conditions during the first year, with the power to recall.

**Determinate sentence:** A sentence of imprisonment with a fixed term.

**Extended supervision order (ESO):** Under sections 107A–Z of the Parole Act 2002, offenders convicted of certain sexual offences against children may be made subject to extended supervision orders lasting for up to 10 years. The Chief Executive of the Department of Corrections can apply to the Board to have special conditions imposed on an offender subject to an extended supervision order. These can include electronic monitoring conditions for the first 12 months.

**Final release date (FRD):** This is relevant to offenders sentenced under the Criminal Justice Act 1985 and sentenced before 30 June 2002. The law requires that an offender must be released from custody on their FRD, if their FRD is also their statutory release date.

**Imposition of conditions:** An offender who is detained under a long-term pre-commencement date sentence must be released from detention on his or her FRD. An offender who is otherwise detained under a long-term sentence must be released from detention on their statutory release date. Both these types of cases only come before the Board for the determination of the nature and duration of release conditions.

**Indeterminate sentence:** A sentence of imprisonment that is imprisonment for life or preventive detention.

**Parole:** When an eligible offender is released from prison to serve the remainder of his or her sentence in the community on conditions supervised by a Probation Officer. Most offenders will be on parole for a set period, and during that time, they can be recalled to prison if they do not comply with their release conditions. Offenders sentenced to life imprisonment or preventive detention are on parole indefinitely.

**Postponement of consideration for parole:** If the Board is satisfied that, in the absence of a significant change

in the offender's circumstances, an offender will not be suitable for release at the time when they are next due to be considered for parole, the Board can make a postponement order under section 27 of the Parole Act 2002. Depending on the type of sentence, the offender's hearing can be postponed for up to 3 years.

**Recalls:** These occur when a Probation Officer or the Chief Executive of the Department of Corrections (where offenders are subject to indeterminate sentences) or the Commissioner of Police successfully applies to the Board to have a released offender recalled to prison to continue serving their sentence of imprisonment.

**Reviews:** These occur when an offender applies for a review of a Board decision about them. Reviews are undertaken by the Chairperson or a panel convenor and there is no hearing. Only an offender can apply for a review. Grounds for a review are set out in section 67 of the Parole Act 2002 and include:

- the Board not complying with the procedures laid down in the Act;
- the decision being based on an error of law;
- failed to comply with a policy of the Board;
- the Board basing its decision on erroneous or irrelevant information;
- the Board acting without jurisdiction.

**Statutory release date (SRD):** The date on which an offender who is subject to one or more sentences of imprisonment must be released from detention and ceases to be liable to be recalled.

**Variation and/or discharge of special conditions:** Section 56 of the Parole Act 2002 allows an offender who is subject to an extended supervision order or to release conditions to apply to the Board at any time for a variation or discharge of any of the special conditions. In addition, a Probation Officer may also apply at any time for the variation or discharge of any special conditions imposed by the Board on an offender.





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