



NEW ZEALAND
PAROLE BOARD

Report of the
NEW ZEALAND PAROLE BOARD
for the year ended
30 June 2003

*Presented to the House of Representatives in accordance with section 119 of
the Parole Act 2002.*

Madam Attorney

I have the honour to forward the report of the New Zealand Parole Board for the year ended 30 June 2003.

Hon. A A T Ellis QC
Chairperson
New Zealand Parole Board

1. GENERAL

1.1 *Introduction*

The Parole Act in 2002 established the New Zealand Parole Board (the Board). It replaced the 17 former District Prison Boards and Parole Board.

The former structure had District Prison Boards responsible for inmates serving sentences of more than one year and less than seven years, with the Parole Board responsible for offenders serving seven years or more.

The District Prison Boards also considered inmates for home detention, where leave to apply had been given by the sentencing Judge.

The Parole Act 2002 defines the cases to be considered by the Board. The Act states that the Board must operate in panels of at least three members, one of whom must be a Panel Convenor. For serious cases the Board has sat in panels of up to six.

Projections for the Board's first year was that it would undertake 3,500 hearings plus 500 re-hearings, a total of 4,000 hearings. The actual number of hearings conducted between 1 July 2002 and 30 June 2003 was 7,704, 93% above the estimate. This has had a serious impact on the Board's workload. The hearings involved 6,022 offenders. Details of hearings are set out later in this report.

In view of the greater than anticipated volume of hearings, steps must be taken to increase the number of lay members.

1.2 *Members*

In December 2001 the Ministry of Justice called for applications for people to become Board members. There were 312 expressions of interest received. Following short-listing and interviews the Governor-General approved the following as Board members:

Ms Wendy Ball
 Ms June Jackson
 Ms Lavinia Nathan
 Ms Grace Dorset
 Ms Sandy Gill
 Ms Fleur Grenfell
 Ms Janice Donaldson
 Ms Alison Timms
 Mr Matt Hakiha
 Mr Stephen Thomsen
 Mr Jim Thomson
 Mr Robin Wilson
 Rev Maurice Gray

In addition the following Judges were appointed as Panel Convenors:

Judge B Buckton
 Judge R Callander
 Judge M Crosbie
 Judge J Dalmer
 Judge A Deobhakta
 Judge R Johnson
 Judge R Kean
 Judge J Lovell-Smith
 Judge J MacDonald
 Judge D Saunders
 Judge P Toomey
 Judge E Unwin
 Judge R Watson

Two additional Panel Convenors, Judge B Lovegrove and Judge B Kendall, were appointed in April 2003. Judge Buckton died in March 2003. His sudden death was keenly felt by all members of the Board. He was the former Deputy Chairperson of the Parole Board and, following the death of Justice Heron in early 2002, was Acting Chairman. Judge Buckton was the link between the new and old Boards, and his contribution to the Boards was considerable.

1.3 *Victims of Offences*

The Parole Act 2002 increased the rights of victims in the parole process. The Board is required to notify every registered victim of an offender when that offender has a hearing pending. In order to receive this notification the victim is required to be registered on the Victim Notification Register. Victims are entitled to make oral and written submissions to the Board. With leave of the Board, they are entitled to be represented by counsel and, if they are making an oral submission, be accompanied by one or more support person(s). Victims are entitled to receive information about an offender to assist them in making their submission. This information is restricted to the programmes the offender has undertaken while in prison, programmes completed, offender security rating, and whether or not the offender has been convicted of any other offence whilst in prison.

The Board has been at pains to insert conditions on parole that safeguard victims as far as practicable. This impacts particularly on place of residence, limits on movement and contact with victims. The Board has also been concerned to assist with restorative justice measures, where this is possible.

2. BOARD FUNCTIONS

2.1 *Consideration for Release on Parole*

Eligibility for a parole hearing is set out in the Parole Act 2002. The legislation requires the Board to consider for parole any offender who was sentenced to a term of imprisonment of more than two years, and who was sentenced on or after 1 July 2002, at the completion of 1/3 of the sentence, unless the offender received a minimum non-parole period at sentence or was sentenced to Preventive Detention or Life Imprisonment. The latter two categories must be considered for parole at the completion of 10 years imprisonment.

Where parole is declined, the Board must reconsider the matter at least once in the 12 months following the last hearing.

The Board has the power to postpone further hearings for up to 3 years.

Offenders serving a long-term sentence prior to 1 July 2002, under the Criminal Justice Act 1985, are considered for parole by the Board. The criteria for parole in these cases is set out in the Criminal Justice Act.

For the year ended 30 June 2003, the Board considered 1,732 individual offenders for parole. 830 (48%) were granted parole, the balance of 902 (52%) were denied parole.

2.2 *Discretionary (Early) Release on Parole*

Offenders can make an application to the Board for early consideration for parole. Such an application is made to the Chairperson. The Chairperson may refer an offender who has not yet reached his/her parole eligibility date to the Board for consideration.

Any such referral must be in writing and must include reasons why the Chairperson is making the referral.

Offenders may also apply on compassionate grounds to the Chairperson for early consideration for parole. The grounds for referral by the Chairperson to the Board are limited to:

- (a) the offender having given birth to a child;
- (b) the offender is seriously ill and unlikely to recover.

For the year ended 30 June 2003, 21 offenders were considered under the early referral provision, 13 were released on parole, and eight were declined.

The Board approved the release of three offenders on compassionate grounds in the year ended 30 June 2003. In all cases the offenders were seriously ill and unlikely to recover. One other offender had his application declined.

2.3 *Home Detention*

Offenders who are subject to a short-term sentence (less than 2 years imprisonment) and who are granted leave to apply for Home Detention under section 97 of the Sentencing Act 2002 by the sentencing judge, may apply to the Board at any time for Home Detention. Under section 100 of the Sentencing Act, the sentencing judge may defer the start date of the sentence for up to two months.

If approved by the Board, offenders in this category may serve their sentence on Home Detention. This group of cases is referred to as front-end home detention.

Offenders serving a long-term determinate sentence may apply to the Board for Home Detention anytime after the date that is five months before their parole eligibility date.

Should the Board approve the Home Detention it must commence from any time that is after the date that is three months before the offender's parole eligibility date. This group of cases is referred to as back-end Home Detention.

Volume for the year ended 30 June 2003

Front-end applications	2386	
Approved	1385	(58%)
Declined	1001	(42%)
Back end applications	490	
Approved	238	(49%)
Declined	252	(51%)

2.4 Imposition of Conditions – Parole Act 2002 Section 104

An offender who is detained under a long-term pre-cd sentence must be released from detention on his or her final release date. These cases only come before the Board for the determination of the nature and duration of post release conditions.

The Board dealt with 1,027 such cases during the 2002/03 year.

2.5 Section 107 Applications – Order That Offender Not Be Released

The Chief Executive of the Department of Corrections may apply to the Board at any time before an offender's final release date for an order that the offender not be released before the applicable release date.

The Board must make the order if it is satisfied that the offender would, if released, commit a specified offence between the date of release and the applicable release date. Such orders must be reviewed every six months.

The Board made 21 new orders, declined one and reviewed 19 existing orders.

2.6 Recall Applications

The Board dealt with 346 recall applications during the year. A total of 290 recall applications were approved.

Applications for recall are lodged by the Department of Corrections, with those relating to indeterminate sentences requiring to be lodged by the Chief Executive. Recall applications for offenders subject to determinate sentences are made by a Probation Officer.

The grounds for recall are set out in section 61 of the Parole Act 2002, and include undue risk posed by the offender to the safety of the community or any person, breach of parole conditions by the offender and where the offender has committed an offence punishable by imprisonment.

2.7 *Variation of Conditions*

Section 56 of the Parole Act 2002 allows an offender who is subject to release or detention conditions to apply to the Board at any time for a variation or discharge of any of those conditions. In addition, a Probation Officer may apply at any time for the variation or discharge of any condition imposed by the Board on an offender.

In the year ended 30 June 2003, the Board varied the conditions of 114 offenders. In nine other cases the applications were declined.

2.8 *Reviews*

Over the 12 months there have been 179 reviews under section 67 of the Parole Act, which were dealt with by the Chairperson and designated Panel Convenors. There have been no appeals or applications to the High Court under section 68 of the Parole Act.

The Board maintains a register of its decisions and is contemplating providing limited access to them on its website. The Board has also kept statistical records relating to its work. The most important statistics form part of this report. The development of statistical comparisons is an ongoing function of the Board, and it is anticipated that there will be extended statistical information in next year's report.

The Board has responded to applications under the Official Information Act in accordance with that Act's provisions. The Board has also responded in accordance with the provisions of the Privacy Act. This has created some tension with the media.

Offenders' and victims' requests for information have been dealt with in a timely fashion.

3. BOARD PROCEDURES AND POLICIES

In accordance with section 109(2) of the Parole Act, the Board has developed policies to assist it in discharging its functions. They are currently being reviewed and will be published.

4. BUSINESS CONDUCTED

Panels of the Board sat for a total of 468 days during the year. The average number of cases considered each sitting day was 17. In addition, the Board held two conferences for its members.

Statistical details of the Board's work are set out in the following pages.

5. PUBLICITY

The Board has produced three booklets. One is a general booklet describing the role of the Board, another is provided to offenders and describes their rights and the rights of victims, and the third is prepared specifically for victims.

During the year, the Board received some media attention. Unfortunately most of this attention was negative and related to the release of high profile offenders either on parole or at their final release date. In responding to the media, the Board wherever possible releases its full decisions, but the Board must retain personal information unless it considers there are overbearing issues of public interest. This has created significant problems in relation to some media reporting.

The Board has appointed its own Communications Manager. In addition to responding to requests from the media, the Communications Manager will be seeking opportunities to promote the activities of the Board to the community. Further, staff and Board members have made themselves available to give public addresses on the functioning of the Board.

6. DEPARTMENT OF CORRECTIONS

The Department of Corrections has met its obligations under section 110 of the Parole Act. Training was provided to all new members prior to July 2002. The Department, through the Board's Administrative Support Service, has ensured that all offenders entitled to a hearing were heard. With three exceptions, all registered victims required to be notified of a pending hearing were notified. The exceptions were oversights on the part of the administration, which apologised to the victims concerned.

The number of cases considered by the Board in its first year of operation was some 3,700 more than had been forecast. The volume of work has resulted in five additional Panel Convenors being appointed.

The Department of Corrections was able to gain additional funding to allow it to increase the number of support staff it provides to the Board and thereby ensure that it met its requirements for administrative support.

7. THANKS

I thank all members and administrative staff for their considerable efforts. The volume of hearings, at 93% greater than forecast, is a concern, as is the stress this workload places on members and the administration. Additional members are going to be necessary if the volumes continue at the levels of the first year.

TOTAL CASES CONSIDERED 1 JULY 2002–30 JUNE 2003

Parole cases	1732
Home detention	2876
Section 104 cases	1027
Recall applications	346
Section 107	41
TOTAL	6022

OUTCOMES IN PAROLE CASES

		%
Release on parole	830	47.9
Release to home detention	1623	56.4
Declined parole	902	52.1
Declined parole—postponed for further consideration	4	
Miscellaneous, e.g. variation of conditions, early referral application, revocation	162	
Compassionate Release approved	2	

RECALL APPLICATIONS

Released on parole	Granted	215
	Declined	49
	TOTAL	264
Released on Home Detention Front-end	Granted	59
	Declined	7
	TOTAL	66
Released on Home Detention Back-end	Granted	16
	Declined	0
	TOTAL	16

SECTION 107 APPLICATIONS

Number of original applications	Granted	21
	Declined	1
Reviews		19
TOTAL		41

TIME SERVED BY OFFENDERS RELEASED ON PAROLE

(a) *Inmates serving indeterminate sentences*

Inmates sentenced to life imprisonment or preventive detention become eligible for release on parole after seven years if sentenced prior to 1 August 1987, or after 10 years if sentenced after that date, unless a minimum term has been imposed by the court.

Number of inmates released*	1997	1998	1999	2000	2001	2002**	2002/03**
Life imprisonment	7	22	12	10	24		23
Preventive detention	2	0	4	2	4		1
TOTAL	9	22	16	12	28		24
Average number of years served	10.8	10.1	10.9	13.1	12.2		12.1

Reporting year for New Zealand Parole Board is 1 July 2002–30 June 2003.

*Does not include inmates recalled to continue a sentence of life imprisonment or preventive detention and subsequently released on parole.

** Figures for the period 1 January 2002 to 30 June 2002 are not available.

(b) Inmates serving determinate sentences

Inmates sentenced under the provisions of the Criminal Justice Act generally become eligible for parole after serving one-third of their sentence and are entitled to be released under the mandatory release provisions of that Act, after serving two-thirds (66%) of their sentences in most cases. The New Zealand Parole Board is required to impose release conditions for these inmates.

		2002/03
(i)	Inmates released*	1925
	Percentage of sentence served	50.8%
(ii)	Length of sentence	
	10 years or more	56
	7 to 10 years	135
	Less than 7 years	1734
(iii)	Type of offence	
	Drugs	265
	Sex	285
	Violence	724
	Other	651
	TOTAL	1925

*Does not include inmates released at final release (two-thirds) date or recalled offenders subsequently released.

(c) Re-offending

Statistics on the numbers of offenders released by the New Zealand Parole Board, who are either re-imprisoned or re-convicted within 12 months of release, will be available next year.

