



**NEW ZEALAND
PAROLE BOARD**

VICTIMS' GUIDE

Victim meetings and submissions are an important part of the decision making process.

What victims say assists the Board in making decisions on whether or not to release an offender.

The Board is required under the Parole Act 2002 to give due weight in its decision making process to any submission from victims and the outcome of any restorative justice initiative.

So please, if you want to share something, whether it's small or large - irrespective of your writing - it could make a difference.

It's important.

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THE DISTINCTION BETWEEN RELEASE ON PAROLE AND RELEASE ON CONDITIONS

RELEASE ON PAROLE

Release on parole is a release before the end of the sentence. The offender will be subject to conditions for a specified period. These conditions may include matters relating to the safety of victims.

RELEASE ON CONDITIONS

A release on conditions refers to a release when the offender has reached the end of the sentence. They must be released at that point but they will be subject to conditions for a further six months. Those may include conditions relating to the safety of victims.

REGISTERING AS A VICTIM

If you are a victim of crime and want to be told when the offender is going to appear before the Parole Board you need to register as part of the victim notification system.

Anyone can make a submission to the Board about an offender, but only registered victims are automatically advised of a pending hearing, sent information about the offender on request, and advised of the outcome.

Registration is not automatic. You have to apply to the police for registration. But you don't have to wait until after a trial to register; you can register at any time.

To find out more about the victim notification system contact police, the court victim adviser or your local Victim Support office. You can also visit:

www.corrections.govt.nz or www.police.govt.nz

This booklet is only a guide to hearings and does not cover every aspect of the parole process.

HOW DOES PAROLE WORK?

Offenders sentenced to more than two years in prison must be considered for release on parole by the New Zealand Parole Board (the Board).

The Board does not decide when an offender must be considered for parole, this is set out under the Parole Act 2002 (the Act).

Offenders sentenced to more than two years imprisonment become eligible for parole after serving one third of their sentence unless:

- the sentencing judge has set a longer minimum non-parole period.
- the offender is subject to a life sentence which has an automatic non-parole period of 10 years unless the sentencing judge has set a longer minimum non-parole period.
- The offender is sentenced to preventive detention in which case the sentencing judge will set the minimum non-parole period of at least five years.

Offenders sentenced to life imprisonment or preventive detention are on parole indefinitely.

Those excluded from this process are offenders sentenced to second or third strike offences. They are seen by the Board before the end of their sentence for release conditions to be imposed. They are not eligible for parole.

Parole is a privilege, not a right; it is not automatic or guaranteed.

WHAT IS THE NEW ZEALAND PAROLE BOARD?

The Board is an independent statutory body.

It considers offenders who are eligible:

- for parole
- to be released on conditions.

The Board may also:

- see offenders for progress hearings once released
- set special conditions for a court imposed extended supervision order
- recall an offender to prison
- make a postponement order
- vary or discharge any release conditions imposed.

WHO MAKES UP THE BOARD?

The Board has around 40 members; a mix of judges and community members. All members are appointed by the Governor-General. The Board is currently chaired by a former High Court Judge.

The Board sits in panels of at least three members. Each panel is chaired by a convenor – usually a District Court Judge, or former District Court Judge.

In addition every two months the Board convenes an extended board to consider those serving life sentences or preventive detention. That panel normally has five members and includes a forensic psychiatrist.

YOUR RIGHTS AS A REGISTERED VICTIM

WHAT ARE YOU ENTITLED TO?

If you are a registered victim you will automatically receive notification:

- that the offender has become eligible for parole
- that the offender is being considered for release on conditions.

You will also be:

- invited to make a written or oral submission or both ahead of the Board hearing
- advised of the Board's decision following the hearing.

The Board's paramount consideration when making a decision about the release of an offender is the safety of the community. This will be the Board's main concern in each case, whether or not victims have made submissions

WHAT IS THE PROCESS FOR PAROLE?

OFFENDERS DO NOT APPLY FOR PAROLE.

1. An offender's hearing is scheduled according to his or her parole eligibility date.
2. The Board's administration notifies the offender and registered victims of a pending hearing, and invites them to make submissions.
3. The Board requests and receives background information and a parole assessment report from the Department of Corrections.
4. Offenders can make a written submission prior to the hearing.
5. Victims registered on the Victim Notification Register can make written and or oral submissions. Oral submissions are heard separately, without the offender present and always at a separate location – not at the prison.
6. A panel of the Board meets with the offender and any supporters. The panel considers all written information, and any oral submissions heard.
7. The panel makes a decision. The reasons for the decision in writing are provided to the offender. Every person who was notified of the offender's pending hearing will be advised of the outcome.
8. Registered victims will receive an edited copy of the Board's reasons for the decision.

MAKING SUBMISSIONS

As a registered victim you are under no obligation to provide a written submission or to meet the Board to make an oral submission. Even if you don't provide input to the hearing process, you will still be advised of the Board's decision.

DOES THE OFFENDER SEE/HEAR MY SUBMISSION?

Yes, generally the offender will be able to read your submission, or a summary of an oral submission may be read to them at the hearing. However, while your name remains your contact details are deleted. The offender can not keep a copy of your written submission.

WRITTEN SUBMISSIONS

WHEN WILL I KNOW WHEN TO SEND IN MY SUBMISSION?

If you are a registered victim you will automatically receive a hearing notification inviting you to make a written submission.

CAN I GET INFORMATION FOR MY SUBMISSION?

If the offender is eligible for parole or release on conditions, and you are a registered victim, you are entitled to ask for:

- a list of any rehabilitative programmes attended and completed during the sentence.
- the offender's current prison security classification.
- any convictions imposed since the beginning of the sentence.

If you wish to receive this information, you must make a request to the Department of Corrections.

This information is to assist you to prepare a submission and is not to be used for any other purpose. Please note that if the offender is not released you will automatically receive this information before each subsequent hearing.

HOW SHOULD MY SUBMISSION BE PREPARED?

If possible, keep it brief, use one side of the paper only, and type it or write it out clearly. This will help the panel should they need to refer to it during the hearing. Receipt of your submission will be acknowledged.

ORAL SUBMISSIONS

WHAT HAPPENS IF I WANT TO MAKE AN ORAL SUBMISSION?

You need to advise the Board's administration that you wish to make an oral submission. An appointment will be made for you to meet the Board.

The meeting will take place at a venue to be arranged with you. This will not be at a prison and will be scheduled before the offender is seen by the Board. Some meetings are through video conferencing.

IS THERE ANY FINANCIAL HELP AVAILABLE?

Victim Support has funding to assist victims to attend parole hearings including travel, accommodation and special expenses such as childcare. Please contact your local Victim Support office regarding this.

CAN ANYONE ELSE MAKE A SUBMISSION ABOUT MY CONCERN?

Yes other people can send written submissions to the Board on your behalf. You will need to tell them when their submissions must be received by the Board.

WHAT OTHER SUPPORT CAN I HAVE?

If you are making an oral submission, support people can also accompany you but you must get prior permission from the Board if you would like someone to speak on your behalf. Support people do not have to be family.

If you need an interpreter you may arrange for one to attend. The costs for this are your responsibility.

NON-REGISTERED VICTIMS

Even if you are not a registered victim, under the Victims' Rights Act 2002 you still have the right to provide input and get information about the Board's decisions.

You will not be notified automatically when an offender has a hearing but you can make written submissions and apply to give an oral submission to the Board about the offender's case.

If you prepare a submission you will be notified of the outcome of the hearing.

DECISIONS

The most important consideration for the Board is community safety. By law, the Board must be satisfied that the offender does not pose an 'undue risk' to the safety of the community before parole can be granted.

In assessing undue risk the Board must consider both the likelihood of further offending, and the nature and seriousness of any likely subsequent offending.

There are cases where the Board's only duty is to impose release conditions. An offender, by law, must be released at the end of the sentence imposed by the court. The Board's role in these cases is to set the conditions with which the offender must comply for a period of six months from the date of release.

WHAT INFORMATION DOES THE BOARD CONSIDER TO MAKE ITS DECISION?

The panel of the Board deciding the case considers all of the material provided which may include:

1. Details of the offending and offender's current previous convictions.
2. Summary of facts, sentencing notes and pre-sentence reports.
3. A parole assessment report completed by the Department of Corrections.
4. Any restorative justice processes undertaken.
5. If the offender were to be released on parole or released on conditions, how they would be managed.
6. Specialist reports.
7. Submissions from victims and police.
8. Submissions from the offender.
9. Submissions from supporters.
10. Intelligence reports.

WHEN WILL I KNOW THE DECISION?

The panel generally makes its decision at the hearing. The Board's administration will advise a registered victim of the outcome and will send an edited copy of the reasons for the decision. If the offender is to be released this will include any standard and special conditions imposed by the Board. The Board may withhold a condition if disclosing it would significantly interfere with the privacy of any other person (other than the offender). If parole is declined you will be advised of the approximate date for the offender's next hearing. The offender can apply for a review of the decision on certain grounds.

SUBMISSION TO THE NEW ZEALAND PAROLE BOARD

Important note – the offender may read a copy of your submission

1. YOUR DETAILS

Your Title and Name:

Victim's Name (if you are not the actual victim):

Postal Address:

Telephone Numbers (optional) Daytime: ()

Evening: ()

Email Address (optional):

Which of the following phrases best describes you:

- I am a victim of the offender named below.
- I am the parent/legal guardian of the victim named above
- I am the representative of the victim named above
- Other

2. OFFENDER DETAILS

Name:

3. INFORMATION ABOUT THE RISK THE OFFENDER MAY POSE TO THE SAFETY OF THE COMMUNITY

Detail of any information you think the Board might not have that it should know about:

Continue on a separate sheet if necessary

Important note – the offender may read a copy of your submission

4. CONCERN YOU HAVE ABOUT THE OFFENDER BEING RELEASED

Detail your concern about the offender being released.

Continue on a separate sheet if necessary

5. OTHER INFORMATION

Include any other information you wish to submit to the Board to consider at this offender’s hearing.

Continue on a separate sheet if necessary

I understand that the person named as the offender in part 2 of this form may be able to read (but not keep) a copy of this submission, although my contact details will be removed. I understand that in exceptional circumstances the New Zealand Parole Board may withhold some of the information that I have supplied, from the named offender, so as not to prejudice the mental or physical health of the offender, or endanger the safety of any person.

Signed

Date

MORE INFORMATION

If you have any questions at any stage in the process please do not hesitate to contact the New Zealand Parole Board.

NEW ZEALAND PAROLE BOARD

Phone 04 495 8400

Phone 0800 727 653

Fax 04 495 8401

PO Box 939

Wellington New Zealand

info@paroleboard.govt.nz

www.paroleboard.govt.nz

THE DEPARTMENT OF CORRECTIONS

Please note Victim Support can also help you prepare for a hearing on **0800 VICTIM** or **0800 843 846**.

www.corrections.govt.nz

VICTIM SUPPORT

Phone 0800 842 846

www.victimsupport.org.nz



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