



NEW ZEALAND
PAROLE BOARD

BOARD HEARING

WHEN MAKING DECISIONS ABOUT OR IN ANY WAY RELATING TO, THE RELEASE OF AN OFFENDER, THE PARAMOUNT CONSIDERATION FOR THE NEW ZEALAND PAROLE BOARD IN EVERY CASE IS THE SAFETY OF THE COMMUNITY.

The New Zealand Parole Board is an independent statutory body.

It considers offenders who are eligible:

- for parole
- to be released on conditions.

The Board may also on application:

- impose special conditions for an extended supervision order
- recall an offender to prison
- make a postponement order
- vary or cancel any release conditions imposed
- release an offender on compassionate grounds.

The Board also undertakes monitoring hearings.

HOW DOES PAROLE WORK?

Offenders sentenced to more than two years in prison are eligible to be considered for release on parole by the New Zealand Parole Board. Those excluded from this process are offenders sentenced for second or third strike offences. They are seen by the Board prior to the end of their sentence for release conditions to be imposed. They are not eligible for parole.

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

Most 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 term of imprisonment

For offenders serving life sentences, an automatic non-parole period of 10 years is imposed, again unless the sentencing judge has set a longer minimum term of imprisonment.

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 to three months the Board convenes an extended board to consider those serving life and preventive detention. The panel normally has four members and includes a forensic psychiatrist.

THE PROCESS

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.

OFFENDER HEARING

Hearings are conducted in the manner of an enquiry.

There is no set length of time for a hearing. Sometimes they can be quite short, but generally they are about half an hour. It depends on what needs to be explored and who is present. Hearings are held either in person in the prison, or by video link, with the offender, Corrections staff, supporters and lawyer (with prior Board permission). Victims do not attend offender hearings.

Hearings can also be unattended. This is where the offender is not present, but a hearing is still conducted.

An offender is able to waive their right to attend their hearing but must do this in writing. Even if the offender waives their appearance, the hearing itself will continue. The offender can still make a written submission.

The Board decides who will attend hearings and who will speak. The Board does on occasions allow media representatives to attend some hearings and report on proceedings.

It is important to note, that when the Board is deliberating only the members and the Board's administrator are present in the hearing room. All other persons, including the offender, must leave.

Panel members will ask the offender questions including but not limited to:

- progress in prison
- courses undertaken
- learnings
- behaviour
- the offences that brought the offender to prison
- plans if released, including risk mitigation.

Where the Board has met with registered victims it may report to the offender on what the victim(s) have said in their oral submission.

If the offender has supporters present, the Board may direct questions and invite them to speak. Corrections staff may also provide comment.

JUST BECAUSE AN OFFENDER IS ELIGIBLE FOR PAROLE, IT DOES NOT MEAN THEY WILL BE RELEASED.

DECISIONS

Immediately following the discussion with the offender, supporters and Corrections staff, the Board will deliberate alone to consider its decision. The Board will then invite the offender and others attending the hearing back to deliver its decision. If the decision is to release, the offender will be told of the release date and conditions that must be adhered to.

Reasons for the decision will be provided to the offender, normally within a few days.

If parole is declined the offender and registered victims will be advised of the approximate date for the offender's next hearing.

Registered victims will receive an edited copy of the reasons in due course.

The most important consideration for the Board is community safety. By law, the Board must decide 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.

Having decided that the offender does not pose an undue risk, the Board must release on parole.

There are cases where the Board's only role is to impose release conditions. When an offender has reached their statutory release date, they are required by law to be released. The Board's only role in these cases is to set the conditions, up to six months beyond the sentence end date.

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.

WHO SEES THIS INFORMATION?

The Board must take all reasonable steps to ensure that the information received on which it will make its decision is made available to the offender in advance of the hearing.

The Board may in exceptional circumstances, order that any information referred to above not be made available to an offender, if in the opinion of the relevant panel convenor, it would prejudice the mental or physical health of the offender, or endanger the safety of any person.

SUBMISSIONS

Anyone can make a written submission to the Board about an offender, but only registered victims are automatically advised of a pending hearing. On request they are sent information to help with preparing their submission by the Department of Corrections.

Anyone else who wishes to make a submission about a specific offender, supportive or not, can at any time.

A written submission should be brief, written on one side of the paper only, and written or typed clearly.

INVOLVEMENT OF SUPPORTERS

Offenders are generally entitled to have up to three supporters at a hearing. This can include family, friends or lawyer. Supporters have to be over 16, and permission is needed from the Board.

Even if the Board allows an offender to have supporters at the hearing, the prison manager must also approve entry to the prison.

The Board may ask supporters questions during the hearing.

INVOLVEMENT OF VICTIMS

Victims on the Victim Notification Register have certain rights.

They have the right to be informed:

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

And:

- be invited to make written submissions ahead of the Board hearing and/or an oral submission
- be advised of the Board's decision following the hearing
- be sent information about the offender on request from the Department of Corrections
- receive an edited copy of the Board's reasons for the decision in writing within approximately ten days following the hearing, (whether or not they have made a submission).

In all its considerations the Board must under the Parole Act 2002, recognise the rights of victims and give due weight to victims' submissions and any restorative justice outcomes.

ORAL SUBMISSIONS

Registered victims must advise the Board's administration if they wish to make an oral submission. An appointment will be made to speak with the Board.

The meeting will take place at a venue other than a prison and will be scheduled prior to the offender being seen by the Board. Some meetings are undertaken by video link.

MORE INFORMATION

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



NEW ZEALAND
PAROLE BOARD