

15 May 2019

C107168

Kate McIntyre  
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Tēnā koe Ms McIntyre

Thank you for your email to the Ministry of Justice dated 7 April 2019, requesting information about offender breaches in the community. As the information you have requested is more closely associated with the functions of Corrections, your request was transferred to us under section 14(b)(ii) of the Official Information Act. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety and reducing re-offending are Corrections' main priorities. In accordance with the Corrections Act 2004, we must make public safety paramount when managing offenders, and administer all sentences in a safe, secure, humane and effective manner.

You have requested:

1. *The total number of people per annum who are recalled due to a breach in release conditions. Please break this down by year as far back as records permit. Please break this down further by ethnicity and sex.*

We have interpreted this part of your request as a breach of parole conditions, as people subject to release on conditions cannot be recalled to prison for breaching those conditions. Further information about release conditions is available on our website at: [www.corrections.govt.nz/homepage\\_redev\\_2019/footer\\_links/working\\_with\\_offenders/prison\\_sentences/release/notification\\_of\\_prisoner\\_release.html](http://www.corrections.govt.nz/homepage_redev_2019/footer_links/working_with_offenders/prison_sentences/release/notification_of_prisoner_release.html)

Release on parole is an opportunity for offenders to reintegrate into the community from prison, while subject to standard and special conditions imposed by the New Zealand Parole Board (the Board) that facilitate or promote the rehabilitation or reintegration of the offender. The offender's compliance with these conditions is managed by Community Corrections.

Any breach of parole conditions is taken seriously. A range of enforcement sanctions are available, including formal prosecution for breach of conditions, which can result in imprisonment. Offenders can also be recalled to prison to continue serving their sentence in prison for reasons such as an increase in their risk of re-offending, or if further offending has occurred.

Release conditions, including the prospect of recall, last for six months after the offender's Statutory Release Date (that is, the date an offender must be released, if they had not been granted parole before this date). For offenders serving indeterminate sentences, these conditions are imposed for life.

Corrections or Police can apply to the Board for an offender to be recalled to prison for a range of reasons, set out in section 61 of the Parole Act. On receipt of the application, a Board panel convenor determines whether the offender is an undue risk to the safety of the community. If so, an interim recall order is made and an arrest warrant issued.

Please find attached, as Appendix One, a breakdown of offenders, who were recalled to prison due to breaching their parole conditions.

2. *The total number of people (who) are imprisoned for breach of bail conditions per annum. Please break this down per year as far back as records permit. Please break this down further by ethnicity and sex.*

Breaching bail conditions is not an offence for which people can be sentenced to imprisonment. It can, however be a reason bail is revoked and a person is placed into custody remand. Therefore this part of your request is declined under section 18(e) of the OIA, as the information requested does not exist or cannot be found.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with Corrections. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi nui



Rachel Leota  
National Commissioner