

# JUDGES' UPDATE

AUGUST 2004

Information for the Judiciary

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## ES and EM: What the new measures mean for CPS

Law changes introducing Extended Supervision and Electronic Monitoring of offenders have had an immediate impact on the Department of Corrections.

Both measures took effect in July with the passing of the Parole (Extended Supervision) Amendment Act.

### ES – for high-risk child sex offenders

The Department has already identified a number of offenders who might be eligible for an Extended Supervision (ES) order. It's contacting these individuals, to advise them of the new law, their rights, and the fact that an application to the sentencing court may be made against them. If approved, the Parole Board can impose special conditions under an ES order.

Extended Supervision allows for people who've sexually offended against anyone under 16 years to be monitored for up to 10 years after their release into the community.

The law can be applied retrospectively to offenders who were in prison but have since been released, or who were on parole, or subject to release conditions on 11 November 2003.

The Department has until January 2005 to apply to the sentencing court to impose ES orders on these people.

Under ES, offenders may be required to report regularly to a Probation Officer, attend treatment programmes and counselling as directed, and be subject to home and employment checks. A small number of the highest risk offenders on ES may be subject to person-to-person monitoring up to 24 hours a day. Some may also be subject to electronic monitoring.

The measures are based on research that shows people convicted of sexually offending against children remain at a high risk of re-offending for a long time after they're released.

Long-term monitoring aims to reduce the opportunities of such people to re-offend. ES orders can prohibit an offender having contact with anyone under 16 years, and restrict access to certain places (e.g. schools).

## YOUR INPUT

*Judges' Update is distributed quarterly to the judiciary, courts, and Parole Board. If you have any comments or suggestions for this publication, please contact:*

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DEPARTMENT  
OF CORRECTIONS

# From the General Manager

*Tena koutou katoa and welcome to the first issue of Judges' Update for the new financial year.*

*Recent changes in legislation mean some additional responsibilities for the Community Probation Service.*

*This issue of Judges' Update looks at Electronic Monitoring and Extended Supervision, which provide new regimes to monitor some categories of high-risk offenders in the community.*

*You'll also read about the Victim Notification system that sets out how we communicate with victims of crime to ensure they are included in the justice process.*

*Each of these measures requires us to work closely with others in the justice sector and with our combined strength we can maximise our effectiveness.*

*In this financial year, CPS will spend increased funds to raise staff numbers and improve service delivery. Our aim remains to help build safer communities by reducing re-offending and protecting the public.*

*Statistics for the last financial year show a rise in the number of offenders on Community Work and Home Detention. These sentencing options support our efforts to manage offenders in the community, while at the same time enforcing the penalties the courts have imposed.*

*Our work with indigenous offenders has also been recognised at a recent conference in Australia. The Department continues its commitment to Maori with the roll out of Kia Mau, a new cultural awareness training programme for CPS staff. It's designed to boost our ability to work with Maori communities and offenders for the well-being of everyone.*



**Katrina Casey**, General Manager  
Probation and Offender Services  
Department of Corrections

## EM – more power to protect the public

New legislation allows the New Zealand Parole Board to impose Electronic Monitoring on some offenders released into the community. However, it is anticipated that EM will be appropriate for only a small number of high-risk cases.

Alistair Spierling from the NZ Parole Board says while the law change extends the scope for Electronic Monitoring, it's expected that the Board will impose EM on the recommendation of CPS, rather than of its own volition.

Under the Parole (Extended Supervision) Amendment Act the NZ Parole Board can apply EM as a condition of an offender's parole or release conditions for two purposes:

- to deter an offender from breaching their conditions such as a curfew or programme attendance, and
- to monitor compliance with those conditions.

The Community Probation Service lodged the first application for Electronic Monitoring of an offender within days of the new legislation being passed, and the Parole Board in Christchurch approved this.

The case involved a teenage parolee living with his parents and travelling to work each day. Wearing an electronic anklet, the offender is constantly monitored to check that he's complying with his parole conditions, which include a night curfew, and attendance at a treatment programme.

Work is currently underway to finalise procedures for assessing potentially eligible offenders, making appropriate recommendations, and managing offenders who do have EM conditions imposed.

Over the next few months, the Department will also pilot new ways to electronically monitor these offenders, including Global Positioning Systems and voice-verification technology.

# From the CPS Annual Report

## Home Detention on the rise

The number of offenders serving prison sentences on Home Detention rose significantly in the past financial year.

New starts on Home Detention for the 2003/04 year rose by 23.8 percent nationally, from 1575 to 1950. The rise in the Community Probation Service's Northern region was 30 percent, compared with Central's 36 percent, and Southern's 18 percent rise.

Part of the increase resulted from changes to the Sentencing and Parole Acts 2002, which gave judges wider scope in granting offenders leave to seek Home Detention.

The increase prompted CPS to allocate more staff and resources to assess and manage home detainees. The number of Home Detention reports produced rose dramatically. Nationally, Probation Officers prepared 4124 reports for offenders seeking HD, compared to 3090 the previous year.

The proportion of HD sentences successfully completed rose from 85 to 88 percent between the 2002/03 year and the year just gone.

In the year ending 30 June 2004, 13 offenders on HD applied to return to prison. Of those, 12 had been released on front-end HD and one on back-end HD. Three originally had been convicted of property offences, five of violent offences, three of drugs offences, two of driving offences and one of a fraud offence.

Nine offenders applied to return to prison due to a breakdown in their accommodation arrangements. Three applied because they felt they could no longer comply with the conditions of their detention.

The number of Home Detention breaches rose from 59 to 101, but the number of offenders recalled to serve their sentences in prison changed only slightly.

This table shows Home Detention statistics for the past two financial years, 2003/04 and 2002/03 by region.

	<i>HD reports 03/04 (02/03)</i>	<i>New Starts</i>	<i>Successful Completion %</i>	<i>Breaches</i>	<i>Recalls on HD</i>	<i>Reoffending</i>
Northern	761 (766)	462 (355)	92 (92)	30 (8)	9 (2)	n/a
Central	1689 (1079)	693 (547)	93 (84)	27 (14)	4 (13)	n/a
Southern	1674 (1250)	795 (673)	81 (83)	44 (37)	42 (38)	n/a
<b>National</b>	<b>4124 (3090)</b>	<b>1950 (1575)</b>	<b>88 (85) %</b>	<b>101 (59)</b>	<b>55 (53)</b>	<b>38</b>

Figures for 2002/03 are shown in brackets

## Community Work hours top 7 million

The courts have sentenced offenders to more than seven million hours of Community Work since the new sentence was introduced in July 2002.

The community-based sanction was created by the Sentencing Act 2002 and replaces the sentences of Periodic Detention and Community Service.

For the period 1 July 2002 to 30 June 2004, courts imposed 55,979 new sentences totalling 7.39 million hours. The average sentence was 132 hours, but the range is from 40 to 400 hours.

In the 12 months from 1 July 2002, 20,543 new sentences, of 200 hours or less, were imposed totalling more than 2.5 million hours. The total hours served by 30 June 2004 were 2.14 million hours, or 85 percent, by which time all hours should have been completed.

CPS has 56 service centres around the country that manage Community Work sentences. Offenders are assigned work either through individual agency placements or in supervised work parties.

As at 30 June 2004, CPS employed 385 men and women

as Senior Community Work Supervisors or Community Work Supervisors. They're responsible for supervising, transporting and instructing offenders involved in myriad community projects undertaken each week.

CPS was managing 17,313 current sentences of Community Work.

The table below shows Community Work statistics for the period 1 July 2002 to 30 June 2004.

<b>Community Work</b>	<b>02/03</b>	<b>03/04</b>	<b>Total</b>
New sentences	27,936	28,043	55,979
Total hours imposed	3,703,411	3,684,576	7,387,987
Total hours completed*	1,573,063	2,279,523	3,852,586
Average sentence hours	132.6	131.4	132 hrs
Successful completion of sentence (%) **	89	76	<b>Target 70%</b>
Breaches	4319	9488	13,807

\*Note: This was the first year for Community Work and some offenders were still serving Periodic Detention and or Community Service sentences.

\*\*Note: Not all offenders have reached the end of the 12 or 24 months in which their hours must be completed.

# Keeping victims informed

More than 1500 victims of crime have registered with the Victim Notification system since the Victims' Rights Act was passed in December 2002.

The Department of Corrections is one of several government agencies involved in the notification process and it's committed to its responsibility for providing specified information to registered victims on numerous issues, including an offender's:

- temporary or part-time release from detention
- impending release from prison or Home Detention
- escape from, or death in prison
- convictions for breaching release or detention conditions.

The Department has notification coordinators in every prison and at each area office around the country.

Jan Ryan became the Department's Victims Information Manager last November. Since then, Corrections has consolidated the way it manages victims' notification.

Victims must apply to the police to be registered. Once verified, their details are sent to the Department to be added to a central database. From there, a local coordinator handles notification to victims, says Jan.

Most of that is by letter, but victims can, and do ring for more information. Jan's developing a training package for coordinators to ensure victims are dealt with considerately and appropriately, as required under the Act.

Jan says it's important victims understand that registration is not automatic. Corrections now has a Memorandum of Understanding with Victim Support to raise victims'

awareness of the system and help them apply to register, if necessary.

Victims also need help to understand what an offender's sentence means, she says. "At the time of sentencing, it needs to be made very clear to victims that at some point in the future offenders are entitled to be considered for release. Victims need to know what the sentence length really means, in lay terms."

The register has 1564 active cases, representing 1383 victims and 1367 offenders. So far this year, new registrations number 314. The total number of new activations has risen each year, from 282 in 2001 to 577 for 2003.

Victims can have multiple offenders, and offenders can have multiple victims. Cases are active until the offender is no longer liable for recall, the victim asks to be removed from the system, or the Department loses contact with the victim. Victims are responsible for maintaining their current contact details.

Other agencies including the NZ Parole Board, Ministry of Health, Immigration Service, Child, Youth and Family, Courts, and Ministry of Justice also have responsibilities to victims. These agencies have integrated their services as much as possible through an Operational Protocol for Victim Notification. However, they cannot contact victims unless the victims are registered as part of the notification system.

Jan says an independent review of the system will begin soon after the register's second anniversary on 18 December 2004.

## *NZ shines in trans-Tasman conference*

New Zealand appears to be leading Australia in working with indigenous offenders in a more responsive, collaborative way, says Lawrence Tawera, National Adviser, Maori Service Development, Probation and Offender Services.

He and Community Probation Service Southern Regional Manager Warwick Duell recently attended a conference in Alice Springs, NT, entitled Working with Indigenous Offenders - is probation part of the problem/solution?

The conference was organised by the Probation and Community Corrections Officers' Association (PACCOA). It attracted 200 delegates from all over Australia, several of Aboriginal descent. There were keynote speakers from South Africa, Britain, and New Zealand.

Lawrence says the conference was an excellent opportunity to discuss common issues and themes with people from other similar jurisdictions.

"It was good to hear about what is happening elsewhere, but also a bit disturbing. I would say that we're years ahead of where the Australians are now ... '85 in terms

of responding to the specific needs of indigenous people.

"For us it was quite an affirmation that New Zealand is heading in the right direction, although there is still a lot to be done."

Many delegates showed interest in visiting New Zealand to learn more, says Lawrence. "We welcome that. It's about sharing ideas and experiences and informing them about some of the work we do so they'll be able to make improvements in their own places."

Warwick and Lawrence co-presented their paper, named after the Department of Corrections' kaupapa statement. "Kotahi ano te kaupapa, ko te oranga o te iwi" outlined the Department's progress in improving responsiveness to Maori, and how this was being done in the context of Probation and Offender Services.

The shared presentation gave a working model of the partnership the Department fosters between Maori and Pakeha, and that had a profound effect on the audience, says Lawrence.