

30 May 2022

C149851

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 28 March 2022 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about Extended Supervision Orders (ESOs). Your request has been considered under the Official Information Act 1982 (OIA).

Corrections delivers an essential public service in prisons and communities and we are committed to continuing our work to keep New Zealanders safe. Corrections does not decide who is in prison and who is in the community – this is a matter for the Courts and New Zealand Parole Board.

An ESO is used to monitor and manage the long-term risk posed by a high-risk person who has committed sexual or violent offences. An ESO can be imposed for up to ten years at a time. At any one time, there are more than 200 people nationally being managed in the community on an ESO.

ESOs were introduced in 2004 to monitor people convicted of child sex offences. Originally, the Courts could impose an ESO for a period of up to 10 years. Changes to the legislation regarding ESOs came into effect through the Parole (Extended Supervision Orders) Amendment Bill 2014, enabling ESOs to be renewed for as long as they are needed, with regular mandatory review by the Courts. The 2014 amendment also expanded ESOs to include the management of high-risk sex offenders against adults and very high-risk violent offenders.

ESOs are granted by the Court on application from the Chief Executive of the Department of Corrections. When subject to an ESO, individuals are required to comply with extensive conditions, including 13 standard conditions. These standard conditions are set out in section 107JA of the Parole Act 2002. Once the Court has imposed an ESO, Corrections applies to the New Zealand Parole Board for special conditions to be imposed, in addition to standard conditions. Special conditions are tailored to the person's risks and rehabilitative needs. They can include electronic monitoring, restricting an offender's whereabouts, curfews, treatment and counselling as directed.

Probation Officers actively monitor a person's compliance with these conditions to reduce their likelihood of re-offending and keep the public safe. They also provide ongoing

assistance with additional needs, including ongoing treatment, employment, and finding accommodation. Finding stable accommodation for people subject to an ESO is one of our biggest challenges.

We acknowledge the location of these people can be a concern for communities, particularly if they have convictions for sexual offending against children. We work hard to balance this concern with our obligation to safely manage people who can no longer lawfully be detained in prison. We carry out an extensive and robust process to assess the suitability of every address proposed, and a range of factors are considered. This includes the location of victims, proximity to places designed for children, physical factors such as shared access, location of support services, and the ability to ensure a clear GPS signal at all times.

We carry out community notification on the placement of people subject to an ESO on a case-by-case basis depending on their specific risk. When making these decisions, victims are a key consideration. In many cases, sexual offending has occurred in the family setting or smaller communities in New Zealand. Care needs to be taken that any notification does not inadvertently lead to the identification of victims and cause further distress. In making all notification decisions, we balance this risk with the benefit of providing communities with information. Our Community Corrections staff who manage notifications have strong relationships with the Ministry of Education, early learning centres, schools, boards of trustees, mayors, local MPs, community groups, local residents, and others.

More information about ESOs is available here:

www.corrections.govt.nz/working_with_offenders/prison_sentences/release/extended-supervision

You requested:

- *How many people are currently subject to an ESO nationwide?*
- *How many people were subject to an ESO at the start of each calendar year from 2017-2022?*

The table below shows the number of people subject to an ESO, including interim ESOs, as at the end of each financial year from 2016/17 to 2020/21. We have provided the information at the end of financial years, rather than at the start of calendar years, in line with our standard reporting conventions. Figures are also provided as at the end of the most recent quarter, 31 March 2022.

Financial year	Number of people subject to an ESO or interim ESO
30/06/2017	211
30/06/2018	222
30/06/2019	226
30/06/2020	227
30/06/2021	222
31/03/2022	223

- *For those currently on an ESO, what is the average time they have spent on it?*

As at 31 March 2022, the average period of time that people currently serving an ESO have been subject to the order is 1,666 days.

- *For those currently on an ESO, what is the longest period of time any one person has been subject to the order (broken down by region please)?*

The table below shows the longest period of time a person currently on an ESO has been subject to the order, as at 31 March 2022, broken down by region. Further information about Corrections' regional catchments is available [here](#).

Region	Number of days
Southern	3,719
Central	5,240
Northern	4,292
Lower North	4,605

- *How many specialist residencies around the country are there that house multiple people subject to ESOs (broken down by region)?*

Not all ESOs are released to a supported accommodation facility. As noted above, we carry out an extensive and robust process to assess the suitability of every address proposed, and a range of factors are considered on a case-by-case basis.

The table below provides the number of properties where Corrections have either contracted an external service or where Corrections runs an internal service that have had more than one person subject to an ESO residing in the property as at 7 April 2022.

Region	Number of Properties
Northern	1
Central	2
Lower North	3
Southern	4

- *How many full-time-equivalent staff are specifically employed nationwide by Corrections to monitor and supervise those subject to ESO, at these residences and outside?*

There are no staff specifically employed by Corrections to monitor people subject to an ESO, but rather, internal and external staff who manage people subject to a range of sentences and orders. This can include monitoring individuals subject to Extended Supervision Orders and those with Intensive Monitoring conditions.

Each person on an ESO reports to a Probation Officer who actively monitors a person's compliance with the conditions of their ESO to reduce their likelihood of re-offending and keep the public safe. ESO conditions can be among the most stringent imposed on people in

the community and Probation Officers may also provide assistance with additional needs, including ongoing treatment, employment, and finding accommodation.

Many people who are subject to an ESO will have a special condition of electronic monitoring. As a result, Corrections' EM Operations teams are also involved in monitoring their compliance.

The High Risk Response Team was established in December 2010 to provide a national focus on the management of the highest risk and most complex people in the community and prisons. The team, which includes a National Manager and four regional teams each consisting of four or five staff, manages and has oversight of the processes involved in Corrections' applications for ESO and Public Protection Orders. However, it also has oversight of a range of other matters.

- *When was Te Whare Manaaki established and what is the ethos around it?*
- *What is its capacity?*

Te Whare Manaaki is a community-based residential service that is run by the Pact group. Pact is a highly experienced provider of a wide range of social services that support people recovering from mental illness and addiction, as well as those with intellectual disabilities. The placement of people at Te Whare Manaaki with Corrections is through a contracted service. It offers a 24/7 service for up to four people at a time and was established in September 2018. The purpose was to improve reintegration outcomes in the community for people being released into the Otago region through successfully transitioning them into long term sustainable accommodation and helping them to engage with appropriate community services and support.

- *How is it determined who will reside there? Is it designed to house people on a long-term basis?*

The service is intended for men over the age of 18 who are subject to an ESO, have ongoing health and treatment needs or have high and complex reintegration needs. Referrals are initiated by Corrections and are then passed onto a referral panel that consists of staff from both Corrections and the service provider. The service is designed to house people for a period of three to six months. The referral panel may agree to extend this period up to 12 months.

- *How much does it cost to run Te Whare Manaaki per year (please break down costs/budget as specifically as possible)?*

We are unable to provide this information as it is commercially sensitive. Releasing this information could reveal the costs of contracts, affecting Corrections' ability to procure services and negotiate with providers in the future and potentially disadvantage these providers in future negotiations. Accordingly, your request for the costs related to Te Whare Manaaki is withheld under section 9(2)(b)(ii) of the OIA, to protect information where making the information available would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

In accordance with section 9(1) of the OIA, we have also considered countervailing public interest relating to the release of the information, including public interest considerations relating to transparency and accountability. The release of a provider's contract cost may likely present competitors with an advantage during any future procurement processes, by providing them with information that may damage each company's negotiating position, identify financial arrangements, and enable competitors to copy successful products or strategies.

We are therefore satisfied that in this case, the public interest considerations do not outweigh the withholding reasons outlined above.

- *How many ESO breaches have there been nationwide in the last three years? How many offenders were responsible for those breaches?*

Corrections takes all instances of non-compliance with community-based sentences and orders extremely seriously. Under an ESO, offenders are required to comply with an extensive number of conditions, including 13 standard conditions. We actively manage a person's compliance with their conditions and hold them to account if they breach. Potential penalties can include breach action, increased reporting to Community Corrections, or formal prosecution potentially resulting in imprisonment.

The table below provides the total number of breaches laid for the last three financial years and the number of distinct people who had charges laid against them.

	2018/19	2019/20	2020/21
Charges	288	269	289
People	108	103	104

These breaches can be attributed, in part, to the enactment of the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 and the Sentencing and Parole (Drug and Alcohol Testing) Amendment Acts 2016. The introduction of the Child Sex Offender (CSO) Register and with it, the close liaison between Probation Officers and the person's CSO Register Case Manager helped to identify areas of non-compliance with conditions and non-compliance with the CSO Register.

The two Drug and Alcohol Testing Amendment Acts enabled Corrections to require people under our management in the community to complete drug and alcohol testing. This has resulted in a higher number of breaches for people who were subject to conditions not to possess or consume drugs and alcohol.

People subject to an ESO are some of New Zealand's most complex and challenging people to manage in our communities and we are committed to continuing our work to keep New Zealanders safe.

- *How many new offences (excluding breaches) have been committed by those on an ESO in the last three years? Can you break those crimes down as specifically as possible? (eg sex offences, violence, dishonesty etc)*

The table below provides the number of convictions for offences that were committed by people subject to an ESO for the last three financial years by date of the offence, broken down by offence type. It is important to note that there can be multiple convictions against one person and there may be further charges outstanding that have yet to have an outcome determined.

Offence type	2018/19	2019/20	2020/21
Burglary	3	6	1
Dishonesty	5	12	10
Drugs	5	5	4
Other	30	16	40
Property	3	4	1
Sexual	11	37	7
Traffic	3	7	11
Violence	15	24	9
Weapons	2	1	3

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response 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



Leigh Marsh
Acting National Commissioner