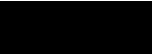


06 September 2024

C184743



Tēnā koe 

Thank you for your email of 17 July 2024 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about compassionate leave. Your request has been considered under the Official Information Act 1982 (OIA).

People in prison may be released or removed from prison for 'compassionate reasons' under several categories. An overview of these categories and an explanation of Corrections' role in allowing release or removal for these reasons, is provided below.

### **Temporary removal**

During a temporary removal, an eligible prisoner may be escorted by staff outside of the prison for a number of reasons, including for specialist healthcare not available in prison or for compassionate reasons, such as to attend a funeral, or to visit a seriously ill family member. Safety is our top priority and thorough risk assessments and comprehensive plans to mitigate any risks identified are completed for temporary removals, noting that all temporary removals must be approved by the General Manager Custodial. The person is always supervised and under the control of Corrections Officers while outside of the prison. Remand-accused, remand-convicted and sentenced prisoners can be escorted on a temporary removal.

Temporary removals procedures are detailed in the Prison Operations Manual, which is publicly available [here](#).

### **Temporary release**

Temporary release is the release of an individual from the custody of Corrections for a period of time while they remain serving a sentence of imprisonment. It is primarily used to support and enable a sentenced prisoner's reintegration into the community prior to their release but can be granted for compassionate reasons.

Temporary releases are also often used when people are participating in a Release to Work programme or are on a 'guided release' from prison to undertake activities to support their reintegration into the community, such as setting up a bank account.

Individuals on temporary release are not under direct supervision by custodial staff, but a suitable and approved sponsor. Temporary release is only available to sentenced individuals who meet eligibility criteria.

Every application for temporary release is assessed by a multi-disciplinary panel made up of case management, psychology, probation, custodial and intelligence staff. Panels can also include external representatives from the community, or external stakeholders such as the New Zealand Police. These panels consider the benefit of the temporary release to the individual as well as potential risks and suitable mitigations. The panel ultimately makes a recommendation to the Prison General Manager to allow them to make an informed decision about approving the release and imposing any conditions they would be required to comply with, such as GPS monitoring.

Temporary release procedures are publicly available in the Prison Operations Manual [here](#).

### **Bail on compassionate grounds**

People in prison on remand, who are yet to be convicted or sentenced by the Court, may be granted bail by the Courts for compassionate reasons (for example to attend a tangi or a funeral) and released from prison for a period. In these cases, people on remand or their legal representative make an application to the Court for bail. A judge decides whether to grant an individual bail and what conditions they must comply with, including when they need to return to the prison. Corrections is not generally a party to the proceedings. A person granted Court-imposed bail is not in Corrections' custody, and therefore is not accompanied by Corrections Officers.

Compliance with bail relates to the functions of the New Zealand Police, not Corrections. Furthermore, Corrections manages people at the direction of the Courts and the New Zealand Parole Board and (apart from Temporary Release and Temporary Removal procedures outlined above) does not determine who is in prison and who is in the community.

### **Compassionate release**

Compassionate release can be granted to sentenced individuals by the New Zealand Parole Board, in accordance with section 41 of the Parole Act 2002. Compassionate release almost always involves cases where an individual is seriously ill and is unlikely to recover, however, compassionate release can also be granted if a person has given birth. This is a form of release from prison rather than a temporary form of 'leave'.

The New Zealand Parole Board is an independent statutory body. For more information about compassionate release on parole, you may wish to contact the New Zealand Parole Board directly. You can do so by email, at: [info@paroleboard.govt.nz](mailto:info@paroleboard.govt.nz)

For the reasons explained above, please note that the data provided to answer each of your questions below does not encompass compassionate release, as granted by the New Zealand Parole Board. It also doesn't include bail on compassionate grounds as granted by the Court, with compliance on bail relating to the functions of the New Zealand Police, not Corrections.

Please also note Corrections classifies escapes from custody under the following standard reporting categories:

- Breakout – prisoner has left the area contained by the outermost perimeter security fence or, if there is no such fence, from the prison building.
- From escort – prisoner escaped from escort while under supervision, including from escorted outings and court escorts.
- Breach of temporary release order – prisoner breached a condition of their temporary release, including failing to return within reasonable time without reasonable cause.
- Absconding – prisoner has left a designated area and is away from direct custodial control, including walking away from work parties.

Corrections publishes quarterly statistics for escapes according to these categories on our website [here](#).

You requested:

1. *The number of requests by inmates for 'compassionate leave' (or whatever the official term is) to attend to dying relatives/funerals/tangi etc, for each of the past five years (calendar or financial, however the data is held.)*
2. *Of those 'compassionate leave' requests, the number of those granted for each of those same years.*

Please see the below tables presenting the total number of recorded Temporary Release and Temporary Removal requests and of those requests, the total number that has been approved. Noting these requests have been made for the purposes of 'Attending a Funeral, Tangi, Or Subsequent Ceremonial Commemoration of The Death (for example, The Unveiling of a Headstone) Of A Family Member or Close Friend'. These figures exclude people granted compassionate bail by the Court. Please note that if a person is not granted the opportunity to attend a funeral, we are able to facilitate a viewing of the funeral via video link or livestream on site.

**Temporary Release**

Financial Year	Total requests	Approved
2019-2020	6	3
2020-2021	7	3
2021-2022	5	2
2022-2023	1	1
2023-2024	1	1

**Temporary Removal**

Financial Year	Total requests	Approved
2019-2020	3	1
2020-2021	3	2
2021-2022	3	1
2022-2023	2	1
2023-2024	6	3

3. *Of those granted 'compassionate leave', the number of those who have absconded from Corrections' custody.*
4. *Of those who have absconded, the number of those who are still on the run.*

These questions are answered together.

None of the above people who had an application for temporary release or removal approved for the purposes of 'Attending a Funeral, Tangi, Or Subsequent Ceremonial Commemoration of The Death (For Example, The Unveiling of a Headstone) Of A Family Member or Close Friend' absconded from Corrections' custody.

5. *Any reports/briefings/aide memoire written by Corrections in the past 2 years which discuss the issue of inmates absconding while on compassionate leave.*

We have interpreted this question to relate to any information prepared for the Minister of Corrections. Noting that there have been no incidents considered in scope of your request since 2019, there are no reports, briefings or aides memoire written by Corrections in the past two years that discuss the issue of people absconding while on temporary release or temporary removal for compassionate reasons to attend a funeral or tangi, as granted by Corrections. Therefore, this part of your request is refused in accordance with section 18(e) of the OIA as the document alleged to contain the information requested does not exist.

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  
Commissioner Custodial Services