

Appendix A: Corrections Service Network



Prisons, Corrections Facilities & Remand Centre

A. Northland Region Corrections Facility, Ohaeawai Road, Kaikohe	J. Hawke's Bay Regional Prison, 138 Mangaroa Road, Hastings
B. Auckland Prison, Paremoremo Road, Auckland	K. Manawatu Prison, Camp Road, Palmerston North
C. Mount Eden Corrections Facility, 1 Lauder Road, Mount Eden, Auckland	L. Rimutaka Prison, Freyberg Road, Trentham, Upper Hutt
D. Auckland Women's Regional Corrections Facility, 20 Hauta Drive, Manukau, Auckland Auckland South Corrections Facility, Hautu Drive, Manukau, Auckland	M. Arohata Prison, 1 Main Road, Tawa, Wellington
E. Spring Hill Corrections Facility, Te Kauwhata Road, Huntly	N. Christchurch Men's Prison, 555 West Coast Road, Christchurch
F. Waikeria Prison, Waikeria Road, Waikeria	O. Christchurch Women's Prison, Newtons Road, Christchurch
G. Tongariro/Rangipo Prison, Rangipo Prison Road, Turangi	P. Rolleston Prison, Walkers Road, Christchurch
H. New Plymouth Remand Centre, 95 Powderham Street, New Plymouth	Q. Otago Corrections Facility, 62 Narrowdale Road, Otago
I. Whanganui Prison, Pauri Road, Whanganui	R. Invercargill Prison, 42 Liffey Street, Invercargill

Appendix B: Legislative Framework for Corrections

Legislation administered by the Department

The Department is responsible for administering the Corrections Act 2004 and the Corrections Regulations 2005, which provide the legal framework for managing and operating the corrections system. The Corrections Act sets out the purpose of the corrections system, and its guiding principles. In doing so, it places obligations on the Department, for example to:

- make public safety the paramount consideration in decisions about the management of offenders
- assist in the rehabilitation of offenders and their reintegration into the community.

While the overall regime of the Act and the Regulations remains sound, there have been a number of amendments to implement new policies, such as provision for contract managed prisons (2009), and to improve clarity. The most recent amendments to the Act came into force in June 2013, and included measures needed to maintain the ban on smoking in prisons. The most recent amendments to the Regulations provided for a more humane and flexible approach to the placement of transgender prisoners, and came into force in February 2014.

Legislation jointly administered with the Ministry of Justice

There are two Acts jointly administered with the Ministry of Justice:

- The Sentencing Act 2002 covers the sentencing process and the criminal sanctions available to the courts. Of most relevance for the Department, it includes requirements to prepare pre-sentence reports and detailed prescription of home detention and community-based sentences.
- The Parole Act 2002 covers parole, release dates, and extended supervision orders for child sex offenders.

There have been significant changes to both of these Acts. For example, in 2007 the range of non-custodial sentences available to the courts was expanded and in 2010 new provisions were introduced for sentencing repeat serious violent offenders. More recently, the Department proposed a number of technical amendments and minor policy changes to assist its administration of sentences and orders in the community. These changes were included in the Administration of Community Sentences and Orders Act 2013 and came into force in January 2014.

Other legislation

Some legislation, though not administered by the Department, has a significant impact on its operations. For example:

- the Department has responsibility for administering electronically monitored bail, as established by the Bail Amendment Act 2013
- the Victims' Rights Act 2002 requires the Department to provide certain information to victims who are on the Victims Notification Register
- the Prisoners' and Victims' Claims Act 2005 established processes that must be followed in dealing with litigation by prisoners alleging breaches of their rights.

Appendix C: Offenders Managed by Corrections

People managed by Corrections in prison.

- Remand – person is held in Corrections' custody while awaiting trial or sentencing.
- Short finite sentence of imprisonment – offender is sentenced to imprisonment for a finite term of two years. The prisoner is automatically released at the halfway point of their sentence.
- Long finite sentence of imprisonment – offender is sentenced to imprisonment for a finite term of longer than two years. Prisoner is eligible for parole after serving one-third of their sentence (or longer, if the court sets a minimum non-parole period). Prisoner must be released at their sentence expiry date (ie. after serving the full term of their imprisonment).
- Preventive Detention – offender is sentenced to an indefinite term of imprisonment for a serious sexual or violent offence. Court sets a minimum non-parole period, but offender could remain in prison for the rest of their life if the Parole Board considers they continue to pose an undue risk to public safety.
- Life – offender is sentenced to an indeterminate life sentence for murder. As with preventive detention, the court sets a minimum non-parole period but offender could remain in prison for the rest of their life if the Parole Board considers they continue to pose an undue risk to public safety.

Offenders on a community-sentence being managed by Corrections.

- Community Work – offender does unpaid work in the community to make up for their offending.
- Community Detention – offender is required to comply with an electronically-monitored curfew imposed by the court.
- Supervision – offender is required to comply with standard and special conditions imposed by the court for a period of 6-12 months. Conditions may include restrictions on their living and working arrangements and who they may associate with, and they may be required to participate in programmes and address issues that led to their offending.
- Intensive Supervision – similar to supervision, but for high-risk offenders for a period of 6-24 months. Offender is required to address the causes of their offending with intensive oversight from a probation officer.

- Home Detention – offender is required to remain at an approved residence at all times under electronic monitoring, unless leave is approved by a probation officer for specific purposes, such as employment or rehabilitation.
- Post-detention conditions – offenders who have completed a sentence of home detention may have conditions imposed.

Offenders managed in the community by Corrections before or after a term of imprisonment.

- Electronic Bail – Corrections has responsibility for managing offenders on electronically-monitored (EM) bail.
- Release on Conditions – offenders who served a short prison sentence must comply with conditions, set by the court at sentencing, when released from prison. Conditions can include reporting to a probation officer and not changing address or taking up employment unless approved by the probation officer.
- Parole – offenders released by the Parole Board from a long, finite term of imprisonment, with conditions set by the Board. Conditions can include residential restrictions (with consent of the offender) and participation in programmes for rehabilitation or reintegration. Offenders can be recalled to prison if their risk increases while in the community.
- Post-release Conditions – offenders who are released at their sentence expiry date, having served the full length of a long, finite term of imprisonment, are subject to six months of conditions set by the Board.
- Life-long parole – offenders released from an indeterminate prison sentence (preventive detention or life) remain on parole for the rest of their lives, subject to conditions set by the Parole Board.
- Extended Supervision – currently allows the Department to manage child sex offenders in the community for up to 10 years following their release from a finite term of imprisonment.

Appendix D: Key Powers and Functions

The Corrections Act 2004 sets out the powers and functions of the Minister of Corrections, the Chief Executive and the Inspector of Corrections, as detailed below.

Powers and functions of the Minister

- (1) The Minister has the following powers and functions:
 - (a) declaring land or buildings to be a community work centre or prison
 - (b) approving rates of earnings for prisoners
 - (c) fixing the weekly rate of the cost of detaining prisoners for the purpose of enabling deductions to be made
 - (d) placing notifications in the *Gazette*
 - (e) presenting a copy of the terms of any prison management contract, and of the terms of any variation to a prison management contract, to the House of Representatives
 - (f) any other powers and functions conferred under the Act or regulations made under the Act.
- (2) The Minister may give general directions to the chief executive in relation to the exercise of powers and functions conferred on the chief executive under this Act or any regulations made under the Act.
- (3) Subsection (2) does not authorise the Minister to give directions about the exercise of powers and functions in relation to a particular person.
- (4) As soon as practicable after giving a direction under subsection (2), the Minister must publish in the *Gazette* and present to the House of Representatives a copy of the direction

Powers and functions of the Chief Executive

- (1) The chief executive has the following powers and functions:
 - (a) ensuring that the corrections system operates in accordance with the purposes set out in the Act
 - (b) ensuring the safe custody and welfare of prisoners (other than prisoners detained in Police jails or in institutions that are not corrections prisons)
 - (c) ensuring the welfare of offenders serving a sentence of imprisonment on home detention, or subject to community-based sentences or sentences of home detention or conditions imposed under the Parole Act 2002 or Sentencing Act 2002, during periods while, in the presence of any employee of the department, those offenders carry out their sentences or undergo any supervision forming part of the conditions to which they are subject
 - (d) exercising the powers relating to the temporary release or removal of prisoners
 - (e) visiting and inspecting any prison, community work centre, or probation office and, at his or her discretion, interviewing any person under control or supervision
 - (f) inquiring into the treatment and conduct of persons under control or supervision
 - (g) inquiring into all abuses or alleged abuses within each prison, community work centre, or probation office or in connection with it:
 - (h) inquiring into any complaint made to him or her by a person under control or supervision
 - (i) exercising all or any of the powers and functions of a prison manager:
 - (j) issuing instructions or guidelines

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- (k) ensuring that processes are established and maintained to—
 - (i) identify the communities significantly affected by policies and practices in the corrections system and
 - (ii) provide opportunities for those identified communities to give their views on those policies and practices and
 - (iii) ensure that those views are taken into account
- (l) any other powers and functions conferred by or under this Act or regulations made under this Act
- (2) The chief executive must consult with the Commissioner of Police, or any person nominated for the purpose by the Commissioner, about the manner in which powers and functions conferred under this Act or any regulations made under this Act on the chief executive are to be exercised in relation to—
 - (a) any Police jail; or
 - (b) any prisoner detained in a Police jail.
- (3) The chief executive must comply with any general direction given by the Minister under section 7(2) of the Act

Powers and functions of Inspectors of Corrections

- (1) Inspectors of corrections have the following powers and functions:
 - (a) powers and functions relating to complaints, investigations and inspections as defined in the Act
 - (b) visiting and inspecting any prison, community work centre, probation office, or other place (including a dwellinghouse) at which a person under control or supervision is or was detained or required to attend, work, or live, and, at his or her discretion, interviewing any person who is or was under control or supervision
 - (c) examining the treatment and conduct of persons who are or were under control or supervision
 - (d) inquiring into all abuses or alleged abuses relating to the management of the sentence of a person who is or was under control or supervision
 - (e) inquiring into any matter referred to him or her by the chief executive:
 - (f) for the purposes of this section, taking evidence under oath, or otherwise
 - (g) reporting in writing to the chief executive on any of the matters outlined above, or any other matter relating to any prison, community work centre, probation office, or any other place (including a dwellinghouse) at which a person under control or supervision is required to attend, work, or live, as often as he or she sees fit, and whenever he or she is requested to do so by the chief executive:
 - (h) any other powers and functions conferred under this Act or any other enactment.
- (2) Whenever an inspector of corrections reports to the chief executive under subsection (1)(g) about any matter concerning a Police jail or a prisoner detained in a Police jail, the inspector must forward a copy of his or her report to the Commissioner of Police