

24 September 2020

C125697

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Tēnā koe s9(2)(a)

Thank you for your email of 18 August 2020, requesting various information about preventive detention. Your request has been considered under the Official Information Act 1982 (OIA).

Preventive detention is an indeterminate prison sentence. An individual sentenced to preventive detention may be released on parole but remain managed by Corrections for the rest of their life and can be recalled to prison at any time. Preventive detention is usually reserved for people convicted of serious sexual or violent offending. It is separate to life imprisonment, which is a sentence type usually reserved for people convicted of murder.

The decision to sentence a person to preventive detention rests with the sentencing judge. The decision to grant release from prison is the responsibility of the New Zealand Parole Board, which is an independent statutory body.

You requested the following information. Please note that some of your questions have been re-ordered for ease of response:

How many prisoners sentenced to preventive detention have been freed on parole during the past six years? I request that this information be broken down by years - i.e. 2020, 2019, 2018, 2017, 2016 and 2015.

How many people have been sentenced to preventive detention over the past 11 years? I request that this information be broken down by years - i.e. 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, and 2010.

Please see the information attached as Appendix One from 2009/10 to 2019/20. We have provided this information by financial year rather than calendar year, in line with our usual reporting conventions. The information provided is for initial sentence starts and initial releases only. People sentenced to preventive detention who have been released on parole, recalled to prison and subsequently released again have only been counted for their first release. Please note, with improved data capturing and analysis, this data may differ slightly to figures previously reported elsewhere.

What is the average prison length of an inmate serving a sentence of preventive detention?

We have interpreted your request to be the average length of time served by an individual sentenced to preventive detention prior to their first release on life parole.

Of people sentenced to preventive detention who have been released onto life parole, the average length of time served prior to their release for the first time since sentencing is 18 years. Some people currently in prison on preventive detention have not been granted release on parole, and the time served by these individuals to date is not counted toward this average.

Of the people sentenced to preventive detention in the past 11 years, how many received their sentence at the High Court in Hamilton?

According to Corrections' records, there have been 12 people sentenced to preventive detention through the High Court in Hamilton between the 2008/09 and 2019/20 financial years.

Of the people sentenced to preventive detention and freed on parole during the past six year, how many received their sentence at the High Court in Hamilton?

Of the individuals sentenced to preventive detention and released on parole between the 2015/16 to 2019/20 financial years, five received their sentence from the High Court in Hamilton.

For people sentenced to preventive detention, when can they be considered for parole? (assuming they have not been sentenced to a minimum prison term)

Individuals sentenced to preventive detention must be in prison for a minimum of five years in accordance with section 89(1) of the Sentencing Act 2002. However, a Judge may set a longer period of non-parole reflecting the gravity of the offence, risk to the community or other factors at the discretion of the Judge.

Can only the Parole Board release a prisoner serving a sentence of preventive detention? What factors does the Parole Board take into consideration when making their decision?

Preventive detention is categorised as an indeterminate sentence; therefore, individuals can only be released on parole by the New Zealand Parole Board (the Board). This means they will be managed by Corrections for the rest of their life unless their conditions are discharged by the Board. These individuals can be recalled to prison at any time.

When making decisions about, or in any way relating to the release of an individual in custody, the paramount consideration for the Board in every case is the safety of the community.

In all its considerations the Board must comply with the Parole Act 2002. Guiding principles for the Board are outlined in [section 7 of the Act](#), which the Board must take into account when making its decisions.

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

A handwritten signature in blue ink, consisting of a series of fluid, connected strokes that form a stylized, elongated shape.

Rachel Leota
National Commissioner

Appendix One: Information on Preventive Detention

Numbers of people sentenced to preventive detention released on parole¹	
Financial Year	Released on Parole
2014/15	4
2015/16	7
2016/17	3
2017/18	5
2018/19	8
2019/20	10

Numbers of people sentenced to preventive detention²	
Financial Year	Sentence Starts
2009/10	16
2010/11	10
2011/12	13
2012/13	9
2013/14	10
2014/15	13
2015/16	11
2016/17	13
2017/18	10
2018/19	13
2019/20	9

¹ Please note this data is for a first release from a sentence only. All subsequent releases and recalls have been excluded.

² Please note this data is for an initial sentence start only. All subsequent recalls have been excluded.