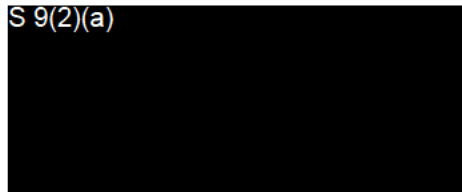


3 March 2021

S 9(2)(a)



Tēnā koe S 9(2)(a)

Thank you for your Official Information Act 1982 (OIA) request of 28 September 2020, requesting information relating to compassionate leave granted to people in prison between the 2015/16 and 2019/20 financial years. I apologise for the delay in responding and thank you for your patience.

People in prison may be released or removed from the confines of prison for 'compassionate reasons' under several categories. An overview of these categories 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. The individual is always supervised and under the control of Corrections Officers while outside of the prison. Remand-accused, remand-convicted and sentenced individuals can be escorted on a temporary removal. Safety is our top priority and thorough risk assessments and comprehensive plans to mitigate any risks identified are completed for temporary removals. All reasons for which an eligible prisoner may be granted temporary removal are available here:

https://legislation.govt.nz/regulation/public/2005/0053/latest/DLM315825.html?search=sw_096be8ed8197ebbf_29_25_se&p=1&sr=3.

More information about temporary removals is available on Corrections' website, at: www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04.05-Temporary-removals

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 prisoner's reintegration into the community prior to their release, and can be granted for compassionate reasons. Temporary releases

are also often used when people are undertaking paid employment or are on a 'guided release' from prison to undertake activities to support their reintegration, 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, and probation, custodial and intelligence representatives. Panels can also include external representatives from the community, or external stakeholders such as the Police. These panels consider the benefit of the temporary release to the individual as well as potential risks and suitable mitigations. The panels ultimately make a recommendation to the Prison Director 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.

Further information relating to temporary release criteria is outlined in section 26 of the Corrections Regulations 2005, which is publicly available at:
www.legislation.govt.nz/regulation/public/2005/0053/latest/DLM315822.html

Information relating to the purposes for which eligible prisoners may be temporarily released or temporarily removed is outlined in section 29 of the Corrections Regulations 2005, which is publicly available at:
www.legislation.govt.nz/regulation/public/2005/0053/latest/DLM315825.html

Bail on compassionate grounds

People in prison on remand 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.

For more information about court-imposed bail, you may wish to contact the Ministry of Justice. You can do so by email, at: OIA@justice.govt.nz

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. This is a form of release from prison rather than a temporary form of 'leave'.

For more information about compassionate release, you may wish to contact the New Zealand Parole Board directly. You can do so by email, at: info@paroleboard.govt.nz

You requested:

1. *How many times has compassionate leave been granted to serving prisoners.*
2. *Please tell me the grounds for leave (eg due to the prisoner's terminal illness, allowing the prisoner to attend a funeral/tangi, etc).*
3. *Please let me know how many applications for compassionate leave were made in each of these years, and how many were granted/declined.*
4. *Please tell me the length of time each prisoner was permitted leave (ie how many days/hours were the permitted).*

We have interpreted your request for details of 'compassionate leave granted to serving prisoners' to relate to applications for temporary removal and temporary release as these are the two forms of absence from prison that can be granted by Corrections staff.

Please refer to Appendix One which details the following information:

- Table One: Number of applications for temporary removal, by application result, between 2015/16 and 2019/20.
- Table Two: Reasons for the approved temporary removal between 2015/16 and 2019/20.
- Table Three: Number of applications for temporary release, by application result, between 2015/16 and 2019/20.
- Table Four: Reasons for the approved temporary release between 2015/16 and 2019/20.

These figures represent all temporary removals and are not specific to compassionate reasons only. Please note, it is not mandatory for Corrections staff to record the length of time each individual in prison was permitted to be away. Although this information will be held on an individual's records, there is no requirement for these details to be centrally recorded within our operational database. As such, this information does not currently exist in a form that can be readily supplied to you and would instead require the initiation of a project to extract, analyse and present the data in the form requested. Your request for this information is refused under section 18(g) of the OIA, as this information is not held by Corrections or venture or Minister of the Crown or organisation and there are no grounds for believing that the information is either held by another department or connected more closely with the functions of another department.

5. *Please tell me on which occasions the prisoner did not return to custody as agreed and what the consequences were for those prisoners who did not return as agreed.*
6. *For those who did not return when they agreed to, please tell me how long they were absent and how they were located.*

7. *Please also tell me, in each instance, which prison the prisoner was being held in.*

Corrections reports against four categories of escapes:

- *Breakout:* A breakout escape is where a prisoner breaches the area contained by the outermost perimeter security fence or if there is no such fence, from the prison building. Examples include going over, under, through or around security barriers; forced exit from facilities.
- *From escort:* An escape from escort is when an individual escapes while outside of the prison and under the supervision of custodial staff, including court escorts.
- *Absconding:* An abscond is defined as when an individual physically leaves their designated area and is not under the direct custodial control of staff (including when a prisoner walks away from their work party undertaking work outside of the prison).
- *Breach of temporary release conditions:* A breach of temporary release conditions includes incidents where an individual is found to have breached a condition of their temporary release, which results in either an internal or external charge of escaping.

If someone escapes the supervision of custodial staff while on temporary removal, or fails to return or returns late to prison as part of their temporary release, Corrections contacts the Police immediately. Police are then responsible for locating the individual. Individuals can be charged with escaping custody, which can result in a maximum sentence of five years imprisonment.

Please refer to Table Five in Appendix Two, which shows the number of escapes broken down by prison, date the individual left the prison, and escape category, between 2015/16 and 2019/20. There have been no breakout escapes or breaches of temporary release conditions from New Zealand prisons since 2014. Please note, these figures include all escapes, and are not specific to temporary removals carried out for compassionate reasons.

Corrections is unable to provide you with the consequences for individuals involved in a non-breakout escape. This information is not held centrally and would require staff members to manually search through a large number of case files to locate the information you have requested. As such, your request for this information is refused under section 18(f) of the OIA, as the information requested cannot be made available without substantial collation or research. In accordance with section 18B of the OIA, we would like to give you the opportunity to amend or clarify your request in such a way as to make the request in a form that would remove the reason for the refusal and enable Corrections to respond. For example, you may be interested in a particular case.

Please note, it is not mandatory for Corrections staff to record how an individual was located after they did not return to prison at the agreed upon time, how many days

they absconded for, or when they were returned to custody. Although this information may be held in incident reports, on file notes, within correspondence with Police or within other documents, there is no requirement for these details to be recorded within the operational database where escape incidents are recorded. This information does not currently exist in a form that can be readily supplied to you and would instead require the initiation of a project to extract, analyse and present the data in the form requested. As such, your request for this information is refused under section 18(g) of the OIA, as this information is not held by Corrections or venture or Minister of the Crown or organisation and there are no grounds for believing that the information is either held by another department or connected more closely with the functions of another department.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise them 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 black ink, appearing to be 'Topia Rameka', with a long horizontal line extending to the right.

Topia Rameka
Acting National Commissioner

Appendix One:

Table One: Number of applications for temporary removal, by application result, between 2015/16 and 2019/20.

Application result	Financial year				
	2015/16	2016/17	2017/18	2018/19	2019/20
Approved	33,567	31,179	32,463	33,011	28,904
Declined	246	236	357	373	295
Unknown	1,117	1,113	1,479	1,369	1,446
Total	34,930	32,528	34,299	34,753	30,645

Notes:

- These figures represent all temporary removals and are not specific to compassionate reasons only.
- 'Unknown' may include applications that have been withdrawn, are incomplete, the prisoner may have changed their mind etc.

Table Two: Reasons for approved temporary removals between 2015/16 and 2019/20.

Reason for approved temporary removals	Financial year				
	2015/16	2016/17	2017/18	2018/19	2019/20
Birth	24	27	16	-	-
Give birth, or to attend the birth of a prisoner's child, or visit the prisoner's new-born child	-	-	5	27	18
Medical	11,132	11,931	9,822	-	-
Obtain medical, or other, assessment or treatment	-	-	3,528	14,187	13,361
Pre-release	32	18	6	-	-
Prepare for the possibility of release	-	-	11	87	19
Assist with reintegration	4,304	4,307	2,883	-	-
Undertake an activity that supports the rehabilitative or re-integrative needs of the prisoner	-	-	963	4,077	2,902
Compassionate	164	144	176	-	-
Recognise or maintain a family relationship or friendship	-	-	44	215	153
Inter prison transfer	17,910	14,751	14,986	14,328	12,363
Collect property	1	1	-	-	-
Engage with, take part in, or attend a religious, community, cultural, educational, recreational, service, or sporting group activity, or event	-	-	23	90	88
Total	33,567	31,179	32,463	33,011	28,904

Notes:

- 'Undertake an activity that supports the rehabilitative or re-integrative needs of the prisoner', may include examples such as grocery shopping or attending a job interview.
- In 2018/19, there was a change in reporting temporary removals. Consequently, the statistics for the years 2018/19 and 2019/20 are denoted by a '-' and are represented by the row below. I.e: In 2015/16, the reason for a temporary removal was titled 'Birth', however in 2018/19, it was changed to 'Give birth, or to attend the birth of a prisoner's child, or visit the prisoner's new-born child.' Consequently, the figures are reported under the new reporting conventions for the following years.
- There was no change in reporting titles of 'Inter prison transfer', 'Collect property' and 'Engage with, take part in, or attend a religious, community, cultural, educational, recreational, service, or sporting group activity, or event.'

Table Three: Number of applications for temporary release by application result, between 2015/16 and 2019/20.

Application result	Financial year				
	2015/16	2016/17	2017/18	2018/19	2019/20
Approved	1,186	1,687	2,486	3,055	2,128
Recommended	13	20	120	624	469
Approved as Escorted Outing	1	6	14	10	2
Changed to Escorted Outing	2	1		1	2
Declined	22	38	63	84	46
Deferred	2	2	4	10	2
No value entered	214	265	400	376	371
Total	1,440	2,019	3,087	4,160	3,020

Notes:

- These figures represent all temporary releases and are not specific to compassionate reasons only.

Table Four: Reasons for approved temporary releases between 2015/16 and 2019/20.

Reason for approved temporary releases	Financial year				
	2015/16	2016/17	2017/18	2018/19	2019/20
To accompany a seriously ill member of the individual's family to medical treatment, and support the family member at the treatment	-	-	-	1	-
To visit a member of the individual's family, or a close friend who is seriously ill or incapacitated	8	4	5	11	9
To attend the funeral, tangi, or subsequent ceremonial commemoration of the death (for example, the unveiling of a headstone) of a family member or close friend	14	14	25	13	5
To attend the birth of the individual's child	-	-	1	-	-
To enable the individual to give birth, or attend the birth of their own child or visit their newborn child	-	-	-	-	-
Educational purposes (for no more than five days per year, where residence away from the prison is involved)	-	-	1	-	-
Guided release	-	454	1,060	1,572	1,205
Home leave to visit their family for residential reintegration	33	36	15	-	-
To visit their family	-	-	9	29	11
Other	1	2	2	-	-

Other treatment/care/ medical appointments not requiring hospital admission	1	2	1	-	-
To obtain, whether by appointment or otherwise, medical, surgical, or dental assessment or treatment that is not available in the prison	-	-	-	13	2
To assist police in relation to the prevention, investigation, and detection of offences	-	-	4	13	21
To assist the police in relation to the prevention, investigation and detection of offences (prisoner must consent)	7	6	5	-	-
To visit a community facility for educational, cultural, or recreational purposes as part of preparing for release	-	-	1	-	5
To attend a family group conference	1	6	-	2	-
To attend a programme at an approved agency for assessment or treatment of the individual's rehabilitative or re-integrative needs	-	-	2	4	
To attend a religious service or religious activity	-	-	1	8	4
To attend any agency (for up to 16 weeks) for assessment or treatment of the prisoner's rehabilitative or reintegrative needs (drug and alcohol programme) run by an approved established community group or organisation	1	2	-	-	-
To attend any agency (for up to 16 weeks) for assessment or treatment of the prisoner's rehabilitative or reintegrative needs (social skills programme) run by an approved established community group or organisation	-	-	1	-	-
To attend any agency for assessment or treatment of the individual's rehabilitative or re-integrative needs	-	-	1	1	
To be involved in a community project or other reintegrative activity in association with a community organisation	10	206	124	22	-
To be involved in a community project or other reintegrative activity in association with staff	2	59	169	6	-
To be involved in a community project or other re-integrative activity in association with staff or members of service clubs, religious or cultural groups, or other community organisations	1	-	2	7	23
To be temporarily removed for any other reason to prepare for the possibility of release	-	-	1	1	1
To engage an agency or person that will support the individual on release	-	-	12	2	
To have a tattoo removed (including any pre-procedure assessments and post-procedure checks)	-	-	-	1	1
To identify particulars for summons (Policing Act 2008, section 33)	-	-	-	2	
To participate in an outdoor pursuit's activity	-	-	2		

Pre-release purpose involving the collection or purchase of clothing, arrangement of accommodation, or any other such issue with an agency necessary for imminent release back into the community	1	-	-	1	2
Other reason to recognise or maintain a family relationship or a friendship	-	-	-	-	1
To recognise or maintain a family relationship or friendship	-	-	1	3	-
To seek employment (whether directly with a prospective employer or through an agency) or to receive vocational or other training	1	2	3	-	-
To seek paid employment (whether directly with a prospective employer or through an agency)	-	-	4	12	1
To undertake any other activity that supports the rehabilitative or re-integrative needs of the individual	-	-	46	383	293
To undertake non-self-employment	-	-	245	1795	1423
To undertake paid employment	1,355	1,221	1,291	109	
To undertake self-employment	-	-	28	149	13
To visit a community facility on a daily basis for cultural or recreational purposes	1	1	-	-	-
To visit a community facility on a daily basis for educational purposes	-	1	-	-	-
To visit family on a daily basis	3	3	25	-	-
Total	1,440	2,019	3,087	4,160	3,020

Notes:

- In 2018/19, there was a change in some reporting temporary releases. Please note, there were not changes in reporting titles for all categories. Where changes have occurred, the statistics for the years 2018/19 and 2019/20 are denoted by a '-' and are represented by the row below. I.e: In 2015/16, the reason for a temporary release was titled 'To attend the birth of the individual's child', however in 2018/19, it was changed to 'To enable the individual to give birth, or attend the birth of their own child or visit their newborn child.' Consequently, the figures are reported under the new reporting conventions for the following years.

Appendix Two:

Table Five: Number of non-breakout escapes broken down by prison, date the individual left the prison, and escape category, between 2015/16 and 2019/20.

Financial year	Event date	Prison	Escape category
2015/16	05/10/2015	Christchurch Men's Prison	From Escort
	05/12/2015	Auckland Region Women's Corrections Facility	From Escort
2016/17	21/08/2016	Hawke's Bay Regional Prison	From Escort
	04/12/2016	Christchurch Men's Prison	From Escort
	06/01/2017	Hawke's Bay Regional Prison	From Escort
	13/05/2017	Mt Eden Corrections Facility	From Escort
	22/06/2017	Spring Hill Corrections Facility	From Escort
	19/10/2017	Auckland Region Women's Corrections Facility	From Escort
2017/18	25/12/2017	Auckland Region Women's Corrections Facility	From Escort
	24/03/2018	Mt Eden Corrections Facility	From Escort
	27/03/2018	Invercargill Prison	From Escort
	28/05/2018	Christchurch Men's Prison	Absconding
	23/07/2018	Rimutaka Prison	From Escort
2018/19	07/08/2018	Mt Eden Corrections Facility	Absconding
	26/02/2019	Auckland Region Women's Corrections Facility	Absconding
	26/06/2019	Manawatu Prison	From Escort
	12/09/2019	Mt Eden Corrections Facility	From Escort
2019/20	17/09/2019	Mt Eden Corrections Facility	From Escort
	12/10/2019	Rimutaka Prison	From Escort
	02/01/2020	Auckland Region Women's Corrections Facility	Absconding
	09/02/2020	Spring Hill Corrections Facility	From Escort
	12/02/2020	Mt Eden Corrections Facility	From Escort
	02/03/2020	Whanganui Prison	Absconding
	10/05/2020	Rimutaka Prison	From Escort