

12 February 2021

C127276

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your email of 5 October 2020, requesting information about the temporary release of people in prison. Your request has been considered under the Official Information Act 1982 (OIA). I apologise for the delay in responding and thank you for your patience.

Temporary release is the release of an individual from the custody of Corrections who is still serving a prison sentence. It is primarily a tool to be used to support and enable the person's reintegration into the community when they are released. During a temporary release, the prisoner is supervised by an approved sponsor such as their employer if taking part in Release to Work or a case manager or reintegration service provider for Guided Release. Temporary release is only available to people who have been sentenced and meet eligibility and suitability criteria.

Every application for temporary release is assessed by a multi-disciplinary panel made up of case managers, psychologists, and probation, custodial and intelligence staff. The panel can also include external representatives from the community, such as the New Zealand Police. These panels consider the risk to the public and the benefit to the individual in prison. A recommendation is then provided to the decision maker to allow them to make an informed decision about approving the individual's participation, and any conditions that they should comply with, including GPS monitoring.

More information about temporary release is available on Corrections' website, at: https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04.06-Temporary-release

Alongside temporary release, every year we carry out tens of thousands of prisoner escorts between prisons, courts, medical facilities and rehabilitation providers as a temporary removal. These escorts, where people are actively supervised and monitored by custodial staff, are managed in accordance with our temporary removal policy.

Robust security processes are in place for all individuals under our management who require assessment or treatment outside of the secure confines of a prison. Safety is our top priority, and each time an individual is transported outside of the secure prison perimeter, we carry out a thorough risk assessment and put together a comprehensive plan to mitigate any risks identified. This includes specifying the number of escorting staff, whether the person will be GPS monitored, what type of restraints are to be used, and the transport method.

More information about temporary removals is available at:

https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04.05-Temporary-removals.

Please note that remand prisoners may also apply to the Court to be granted bail for a specified period of time. Corrections is not a party to the proceedings. A judge decides whether to grant the person bail and what conditions they must comply with, including what time they must return to prison. A person granted bail is not in Corrections custody, and therefore not accompanied by corrections officers.

Please note, for the purposes of answering your request, we have interpreted your questions to relate to incidents that occurred while a person was on temporary release, as permitted under Prison Operations Manual *M.04.06 Temporary release* policy, described above. Temporary removal and bail incidents have been excluded.

You requested:

- 1. How many temporary releases have been granted for prisoners in Corrections care broken down by year and month dating back to October 5, 2017 up until and including today October 5, 2020.*
- 2. How many prisoners, granted temporary release within that period stated above, have breached their release conditions.*

Please refer to Table One in Appendix One, which shows the number of temporary release applications approved for people in prison broken down by month, and the number of breaches and/or incidents. Corrections reports this information by calendar month and figures are therefore provided for each full month from 1 October 2017 to 30 September 2020.

You will note there were no temporary releases over the Level 4 lockdown period of 25 March to 27 April 2020.

Breaches of temporary release conditions vary and can include (but are not limited to):

- failing to return within reasonable time without a good reason
- poor behaviour, or
- contraband located on the individual on their arrival back to prison.

There have been no escapes from temporary release for the last five financial years. However, if an individual did abscond while on temporary release from custody, we

would immediately contact New Zealand Police, who are responsible for locating and returning the individual to custody. A person who is convicted of escaping lawful custody can receive a maximum sentence of five years' imprisonment.

3. *With particulars such as how they breached their release, a detailed reason why they were granted release, what prison they were released from and how, when and where they were taken back into Corrections care.*

Please refer to Appendix Two, which details the following tables:

- Table Two: Number of individuals that breached their temporary release conditions, broken down by type of breach, between 1 October 2017 and 30 September 2020,
- Table Three: Number of individuals that breached their temporary release conditions, broken down by the prison they were released from, between 1 October 2017 and 30 September 2020, and
- Table Four: Breakdown of circumstances for each individual who returned late or did not return from temporary release, between 1 October 2017 and 30 September 2020.

Please note, when an individual is granted temporary release, the reason(s) for the release are not recorded in a centralised database, or in a readily extractable format. To retrieve this information, staff members would be required to manually search through a large number of case files. 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.

4. *What the Department of Corrections internal policy is for considering a temporary release for a prisoner.*

Information regarding Corrections' policy for considering temporary release for an individual in prison is available here:

www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04.06-Temporary-release.

As such, your request for this information is refused under section 18(d) of the OIA, as the information you have requested is publicly available. Further information Corrections uses relating to classes of people in prison who may be temporarily released is also outlined in Corrections Regulations 2005, Regulation 26 which is publicly available at:

www.legislation.govt.nz/regulation/public/2005/0053/latest/DLM315822.html?search=sw_096be8ed8197ebbf_26_25_se&p=1&sr=3

Information relating to the purposes for which eligible people may be temporarily released or temporarily removed is outlined in Corrections Regulations 2005, Regulation 29 which is publicly available at:

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

5. *Additionally I also request any and all photographs, video recordings and audio recordings relating to incidents of prisoners who have breached their temporary release conditions.*

Please note, a breach of temporary release conditions generally occurs outside of any Corrections facility. As such, Corrections would not usually hold photographs, video recordings and audio recordings relating to incidents of people who have breached their temporary release conditions.

There may be cases where Corrections has information of this nature; however, in such cases it would be held by the prison site and this type of information is not centrally collated. There are 18 prisons across New Zealand.

Consequently, 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. As per section 18B of the OIA, we have considered whether consulting with you would enable the request to be made in a form that would remove the reason for the refusal, for example by limiting the request to a specific incident. However, we do not consider that the request can be appropriately refined in this instance, as any information that is held by Corrections would likely be withheld pursuant to the following sections of the OIA:

- 9(2)(a), to protect the privacy of natural persons, including that of deceased natural persons; and
- 6(c), as the release of this information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial

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



Rachel Leota
National Commissioner

Appendix One

Table One: Number of temporary releases approved for people in prison broken down by month, and the number of breaches and/or incidents between 1 October 2017 and 30 September 2020.

Application date	Applications approved	Number of breaches/incidents
October 2017	170	0
November 2017	237	1
December 2017	195	3
January 2018	173	1
February 2018	228	1
March 2018	224	1
April 2018	238	3
May 2018	266	1
June 2018	241	2
July 2018	264	4
August 2018	247	2
September 2018	266	1
October 2018	308	7
November 2018	271	1
December 2018	203	1
January 2019	225	0
February 2019	259	3
March 2019	255	6
April 2019	224	3
May 2019	281	5
June 2019	263	4
July 2019	257	0
August 2019	252	0
September 2019	212	5
October 2019	218	4
November 2019	254	1
December 2019	182	2
January 2020	215	3
February 2020	246	1
March 2020	133	1
April 2020	0	0
May 2020	18	0
June 2020	141	2
July 2020	171	0
August 2020	147	0
September 2020	180	0

Appendix Two

Table Two: Number of individuals that breached their temporary release conditions, broken down by type of breach, between 1 October 2017 and 30 September 2020.

Reason for breach	Number of breaches
Accessed internet	1
Asked co-worker for contraband	1
Behaviour	11
Being in an area at work without permission	1
Contraband	7
Family visits	2
GPS issues	2
GPS out of bounds	5
Inappropriate relationships	2
Injury	16
Late/did not return	7
No issue recorded	7
Individual was unsupervised	2
Used telephone	5

Notes:

- An 'Injury' is classified as a breach by an individual on temporary release and can include the following:
 - ankle, back, leg, minor, shoulder or soft tissue injury;
 - a bicycle accident;
 - a cut finger;
 - nail in a hand; or
 - scratches received.

Corrections' reporting system for these cases includes injuries that may have been sustained while people are on Release to Work, and do not necessarily reflect a breach of the terms of their temporary release.

Table Three: Number of individuals that breached their temporary release conditions, broken down by the prison they were released from, between 1 October 2017 and 30 September 2020.

Prison Facility	Number of breaches
Arohata Prison	1
Auckland Regional Women's Corrections Facility	1
Auckland South Corrections Facility	6
Hawkes Bay Prison	25
Manawatu Prison	1
Northland Region Corrections Facility	2
Otago Corrections Facility	1
Rimutaka Prison	11
Spring Hill Corrections Facility	10
Tongariro	2
Waikeria Prison	6
Whanganui Prison	3

Table Four: Breakdown of circumstances for each individual who returned late or did not return from temporary release, between 1 October 2017 and 30 September 2020.

How the individual returned	When the individual returned	Comments	Number of breaches and number of individuals involved
Returned themselves	Same evening	Supervisor thought they finished at 7pm and consequently, did not notify the prison.	1 incident, 1 individual
Returned themselves	Same evening	A call was received from the sponsor advising they had been held up.	1 incident, 1 individual
Returned themselves	Same evening	Truck the individual was driving while working got a flat tyre.	1 incident, 1 individual
Picked up by staff	Same evening	On return from Release to Work programme was lost taking shortcut.	1 incident, 1 individual
Picked up by staff	Same evening	At worksite.	1 incident, 3 individuals