**M.04.06.Res.03 Temporary release decision making framework**

This resource provides guidance for decision makers to follow once they have determined that the prisoner satisfies the legislative requirements described inM.04.06.01 Prisoners eligible to be temporarily released, M.04.06.02 Temporary release purposes and M.04.06.03 Objectives of temporary release.

**Balancing benefits against risks**

Temporary release can be beneficial for prisoners’ integration into the community following release from prison. However, the release of a prisoner into the community without appropriate supervision carries inherent risks to the safety of that community.

To determine whether a prisoner should be granted temporary release of any kind, you must balance the benefits of the prisoner being temporarily released against these inherent risks.

To assist with this balancing exercise some guidance has been provided in the section below. This guidance is not exhaustive and all relevant information available should be considered when determining the application.

**Should the prisoner be temporarily released?**

The decision maker must satisfy themselves that the prisoner should be temporarily released.

In making that decision the decision maker must:

1. satisfy themselves they have delegated authority to approve the proposed temporary release, including that they are complying with any limits on the delegation (e.g. is the proposed duration of the temporary release such that it must be referred to a regional commissioner?)
2. satisfy themselves the proposed temporary release would facilitate the achievement of one of the objectives in section 62(2)(a) of the Corrections Act 2004 (see M.04.06.03 Objectives of temporary release);
3. satisfy themselves the proposed temporary release is for a purpose specified in regulation 27 of the Corrections Regulations 2005 (see M.04.06.02 Temporary release purposes). If the proposed temporary release is not for one of those purposes, it must be referred to the chief executive for consideration as to whether exceptional circumstances apply;
4. consider the purposes of, and principles guiding the operation of the corrections system, contained in sections 5 and 6 of the Corrections Act 2004; and
5. weigh the required considerations contained in section 62(3) of the Corrections Act 2004.

| **Required consideration** | **Factors you should consider** |
| --- | --- |
| 1. **Will release of the prisoner pose an undue risk to the safety of the community while the prisoner is outside the prison?**   **(Mandatory consideration under section 62 of the Corrections Act 2004)** | * The prisoner’s offence history * The rehabilitative programmes undertaken by the prisoner * Any risk assessments completed on the prisoner * Rehabilitative / reintegrative temporary removals undertaken by the prisoner * Other temporary releases already undertaken by the prisoner * The prisoner’s behaviour when undertaking education, training, programmes, work or other activities in the prison * Any history of escape * Any history of inappropriate contact with victims * The prisoner’s history of compliance with conditions (imposed by the court / police / corrections / the parole board) |
| 1. **Is the proposed sponsor suitable to supervise the prisoner on their proposed temporary release?**   **This assessment forms part of the mandatory consideration in section 62 of the Corrections Act 2004 to consider the extent to which the prisoner should be supervised or monitored while outside the prison.**  **Note:**  If the prisoner is a resident in a Whare Oranga Ake, appointed services providers can fulfil the role of their sponsor | * The report completed by Community Corrections * Any issues raised by Corrections Intelligence * Any issues raised by other agencies * Information about the sponsor’s interaction with the prisoner and staff while visiting the prison * The sponsor’s behaviour on previous temporary releases of the prisoner |
| 1. **What benefits will the prisoner and the community receive through the temporary release?**   **(Mandatory consideration under section 62 of the Corrections Act 2004)** | * The prisoner’s reintegrative needs * How the temporary release will meet those identified needs * The prisoner’s Parole Board assessments and Parole Board reports * The needs of the prisoner’s family / whānau that will be met through the temporary release |
| 1. **What effect will the temporary release have on the integrity of the prisoner’s sentence?**   **(Mandatory consideration under section 62 of the Corrections Act 2004)** | * The proportion of sentence the prisoner has served (i.e. if they have served a low proportion of their sentence could releasing them compromise the purpose of the sentence of imprisonment?) * The prisoner’s progress and commitment towards addressing their rehabilitative and reintegrative needs * The likely time frame for the prisoner’s release |
| 1. **Can the purpose of the temporary release be facilitated through a temporary removal?** | * The benefits of facilitating the purpose of the temporary release through a temporary removal * The disadvantages of facilitating the purpose of the temporary release through a temporary removal |
| 1. **Additional considerations for a prisoner being considered for release to work** | * The prisoner’s current employment and their performance in it * The prisoner’s need for employment * The skills the prisoner will develop by undertaking employment outside the prison * The contribution those skills could have to the prisoner’s reintegration |
| **Consideration of release to work placement once suitable employment has been found** | |
| 1. **The suitability of the identified employment for the individual prisoner** | * The skills and qualifications required by the prisoner to be successful in the identified employment * The risks the employment area poses for the prisoner * The employer’s history of hiring prisoners * The employer’s health and safety environment and the extent to which the employer’s environment generally mirrors Corrections’ commitment to health and safety as defined in Corrections’ Health, Safety and Wellbeing Policy Statement * Any information provided by Corrections Intelligence, or external agencies, about the employer * If the proposed job is on departmental property, the security risks posed by the prisoner undertaking the role * How the prisoner will get to their proposed employment * If it is proposed that the prisoner will drive themselves to their place of work, the suitability of the proposed vehicle and the suitability of the prisoner to drive |

**What conditions should be imposed on the temporary release?**

Conditions are imposed on a temporary release to mitigate any risks posed by the prisoner to the community. The overarching consideration must be what is required to ensure *this* temporary release is successful for *this* prisoner.

The conditions considered in this table are not exhaustive –any other relevant conditions may be imposed but this table should be used as a guide.

| **Condition** | **Factors that should be consider when determining what conditions to impose (if relevant)** |
| --- | --- |
| **Subject to checks through telephone calls**  **(mandatory consideration)** | **The decision maker should start from the presumption that the prisoner should be subject to a structured series of checks through telephone calls. From that starting point the following should be consider:**   * The length of the temporary release * The prisoner’s past temporary releases * The prisoner’s activities during the proposed temporary release |
| **GPS monitoring**  **(mandatory consideration)** | **Decision makers must consider whether the prisoner should be subject to GPS monitoring while on temporary release. The decision maker should start from the presumption that the prisoner will be subject to GPS monitoring and then consider the following factors:**   * The prisoner’s risk of escape * The location of the prisoner’s release (consider issues with GPS in the area) * Other methods which could be used to monitor the prisoner |
| **Not to contact or associate with any person under the age of 16; or**  **Not to contact or associate with any person under the age of 16 without supervision** | * The prisoner’s offending history * The prisoner’s risk to children * The prisoner’s release conditions (if already set by a court) |
| **Not to contact any named person (for example a victim, co-defendant or partner who was involved in the prisoner’s offending)** | * The prisoner’s VNR status * The prisoner’s history of contacting victims/inappropriate contact with others * The prisoner’s gang status * The prisoner’s release conditions (if already set by a court) |
| **A geographical condition (for example not to go somewhere or to be confined to a specific place)** | * The location and type of the prisoner’s offending * The location of the prisoner’s victims * The prisoner’s history of contacting victims/inappropriate contact with others |
| **Not to drive any motor vehicle other than in an emergency** | * The prisoner’s traffic offending history |
| **Not to enter any licenced premises** | * The prisoner’s offending history as relating to an issue with alcohol * The prisoner’s identified needs relating to alcohol |
| **Not to access the internet** | * The prisoner’s offending history as relating to an issue with internet based offending |
| **To maintain a travel log (if the prisoner is transporting themselves to release to work)** | * The prisoner’s mode of transport to work |