



25 March 2020

C119674

Moka Harris

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Tēnā koe Moka

I refer to your email of 5 March 2020, requesting further information about temporary release of prisoners. Your request has been considered under the Official Information Act 1982 (OIA).

You requested:

Please clarify your online guidelines and also please allow me to gain the knowledge of any other grounds or reason for day/weekend releases. I wanted to know if inmates are allowed to also apply for these leaves, just to spend family time, no reason.

As we advised you in our response dated 5 March 2020, information pertaining to the purposes for which eligible prisoners may be temporarily released or temporarily removed under section 62 is outlined in Corrections Regulations 2005, which is publicly available at:

www.legislation.govt.nz/regulation/public/2005/0053/latest/DLM315825.html.

As you have specified you are seeking information on whether prisoners can apply for temporary leave from prison for the purpose of spending time with family, we draw your attention to the following clauses of section 29 of the Corrections Regulations 2005:

- (1) *A prisoner who is eligible for temporary release, or temporary removal, under section 62 may be temporarily released or temporarily removed (as the case may be) for any of the following purposes that the chief executive considers will facilitate 1 or more of the objectives specified in section 62(2)(a) of the Act (subject to the considerations in section 62(3)):*
 - (a) *to recognise or maintain a family relationship or a friendship (for example, attending a funeral or tangi)*
 - (f) *to prepare for the possibility of release by, for example, -*
 - (i) *engaging with a person or agency that will support the prisoner on release*

As such, a prisoner can apply for temporary release on the above basis. However, it is important to note that they must first fulfil the prerequisites outlined in *classes of prisoners who may be temporarily released under section 62* which is outlined in Corrections Regulations 2005, regulation 26 which is publicly available at: www.legislation.govt.nz/regulation/public/2005/0053/latest/DLM315822.html.

Prisoners who wish to apply for leave are encouraged to speak to unit staff. Unit staff will determine eligibility against the requirements outlined in the above eligibility criteria. If the prisoner is eligible, staff will assist in filling out the M.04.06.Form.06 Application for temporary release (including guided release and release to work). Unit staff will then progress the application to the Custodial Systems Manager (CSM) who conducts a quality assessment and makes a recommendation. If the CSM recommends approval, the application progresses to an Advisory Panel.

Advisory panels have been established to provide advice to the Prison Director on the suitability of prisoners who have applied for activities outside the prison perimeter and special permission visit applications. These activities include:

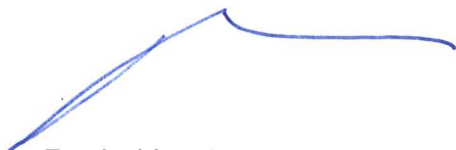
- Temporary Release, including Release to Work
- External Self Care and Whare Oranga Ake
- External Work Party (on prison property)
- External work Party (off prison property)

The Advisory Panels are comprised of staff from Corrections, external agencies, and community representatives who will provide advice to the Prison Director to enable them to collect and clarify information and different perspectives relevant to their decision. The Prison Director then provides a recommendation to the relevant decision maker. If the temporary release applied for is less than 12 hours, it is the decision of the Regional Commissioner. If the temporary release applied for is more than 12 hours, it is the decision of the National Commissioner.

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.

Please note that this response may be published on Corrections' website. Typically, responses are published monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Ngā mihi nui

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

Rachel Leota
National Commissioner