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C147349

Cherie Kara

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Tēnā koe Cherie

Thank you for your email of 3 February 2022 to the Ministry of Justice, which was then transferred on the same day to the Department of Corrections – Ara Poutama Aotearoa, requesting information about Extended Supervision Orders (ESOs). Your request has been considered under the Official Information Act 1982 (OIA).

Corrections delivers an essential public service in prisons and communities, and we are committed to continuing our work to keep New Zealanders safe.

An ESO is used to both monitor and manage the long-term risk posed by a high-risk sex offender or a very high-risk violent offender in the community for up to ten years at a time. At any one time there are more than 200 offenders nationally being managed in the community on an ESO.

ESOs were introduced in 2004 to monitor people convicted of child sex offences. Originally, the Courts could impose an ESO for a period of up to 10 years. Changes to the legislation regarding ESOs came into effect through the Parole (Extended Supervision Orders) Amendment Bill 2014, enabling ESOs to be renewed for as long as they are needed, with regular mandatory review by the Courts. The 2014 amendment also expanded ESOs to include the management of high-risk sex offenders against adults and very high risk violent offenders.

ESOs are granted by the Court on application from the Chief Executive of the Department of Corrections. When subject to an ESO, individuals are required to comply with extensive conditions, including 13 standard conditions. These standard conditions are set out in section 107JA of the Parole Act 2002. Once the Court has imposed an ESO, Corrections applies to the New Zealand Parole Board for special conditions to be imposed, in addition to standard conditions. Special conditions are tailored to the individual's risks and rehabilitative needs. They can include electronic monitoring, restricting an offender's whereabouts, curfews, treatment and counselling as directed.

Probation officers actively monitor a person's compliance with these conditions to reduce their likelihood of re-offending and keep the public safe. They provide ongoing assistance

with additional needs, including ongoing treatment, employment, and finding accommodation. Finding stable accommodation for people subject to an ESO is one of our biggest challenges. We acknowledge the location of these people can be a concern for communities, particularly if they have convictions for sexual offending against children.

We work hard to balance this concern with our obligation to safely manage people who can no longer lawfully be detained in prison. We carry out an extensive and robust process to assess the suitability of every address proposed, and a range of factors are considered. This includes the location of victims, proximity to places designed for children, physical factors such as shared access, location of support services, and the ability to ensure a clear GPS signal at all times.

We carry out community notification on the placement of people subject to an ESO on a case-by-case basis depending on their specific risk. When making these decisions, victims are a key consideration. In many cases, sexual offending has occurred in the family setting or smaller communities in Aotearoa New Zealand. Care needs to be taken that any notification does not inadvertently lead to the identification of victims and cause further distress. In making all notification decisions, we balance this risk with the benefit of providing communities with information. Our Community Corrections staff who manage notifications have strong relationships with the Ministry of Education, early learning centres, schools, boards of trustees, mayors, local MPs, community groups, local residents, and others.

We take all instances of non-compliance with community-based sentences and orders extremely seriously. We actively manage a person's compliance with their conditions and hold them to account if they breach. Potential penalties can include breach action, increased reporting to Community Corrections, or formal prosecution potentially resulting in imprisonment.

More information about ESOs is available here:

www.corrections.govt.nz/working_with_offenders/prison_sentences/release/extended-supervision

For context, as Appendix One we have provided the number of people subject to an Extended Supervision Order as at 30 June for each financial year from 2013/14 to 2020/21, in accordance with Corrections' standard reporting conventions.

Please note that the lead offence in the data provided is defined as violence or sexual. Sexual offending can be against an adult or a child.

You requested:

I would like to request some information about the use of the Parole (Extended Supervision Orders) Amendment Act 2014 and the Management through the Department of Corrections' Community Probation and Psychological Services, in the eight years since it came into effect.

Also Can I please have these numbers broken down into the various policing regions in New Zealand.

1. For each of the years 2014-2022, the number of Extended Supervision orders that were successful for both high risk sex offenders and very high risk violent offenders.

Appendix Two provides the number of people who were subject to an Extended Supervision Order, by district and lead offence, as at 30 June for each financial year from 2013/14 to 2020/21.

2. For each of the years 2014-2022, the number of Extended Supervision orders that were not successful for both high risk sex offenders and very high risk violent offenders.

We are unable to provide the requested information prior to 2017. To provide this information would require substantial collation or research, therefore this question is partially refused in accordance with section 18(f) of the OIA.

In accordance with section 18A and 18B of the OIA we have considered whether fixing a charge, extending the time limit or consulting you would enable us to provide a response. Due to the wide scope involved in this request, we do not believe this would enable the request to be granted in this instance.

As at 3 March 2022, the following applications to the New Zealand Courts for an Extended Supervision Order were unsuccessful, from 2017/18 to 2021/22 as at 28 February 2022.

Year	Offending Type	District Court
2017/18	Sexual	Wellington
2017/18	Sexual	Rotorua
2017/18	Sexual	Dunedin
2018/19	Sexual	Christchurch
2018/19	Sexual	Wellington
2018/19	Sexual	Christchurch
2019/20	Sexual	Auckland
2019/20	Sexual	Auckland
2019/20	Sexual	Christchurch
2020/21	Sexual	Christchurch
2020/21	Sexual	Wellington
2020/21	Sexual	North Shore
2020/21	Sexual	Whangarei
2020/21	Sexual	Christchurch
2020/21	Sexual	Christchurch
2021/22	Sexual	Hamilton
2021/22	Sexual	Hamilton
2021/22	Sexual	Manukau
2021/22	Violence	Wellington
2021/22	Sexual	Christchurch

Table notes:

- Lead offence is defined as violence or sexual. Sexual offending can be against an adult or a child.

3. For each of the years 2014-2022, the number of breaches made on offenders with Extended Supervision orders for both high risk sex offenders and very high risk violent offenders.

Appendix Three provides the number of people who were convicted of a breach while subject to an Extended Supervision Order, by financial year, district and lead offence, from 2013/14 to 2021/22 as at 31 December 2021. The data does not represent unique individuals. People can appear in more than one district in a year, and in multiple years.

The increase in breaches can be attributed, in part, to the enactment of the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 and the Sentencing and Parole (Drug and Alcohol Testing) Amendment Acts 2016. The introduction of the Child Sex Offender (CSO) Register and with it, the close liaison between Probation Officers and the person's CSO Register Case Manager helped to identify areas of non-compliance with conditions and non-compliance with the CSO Register.

The two Drug and Alcohol Testing Amendment Acts enabled Corrections to require people under our management in the community to complete drug and alcohol testing. This resulted in an increase in breaches for people who were subject to conditions not to possess or consume drugs and alcohol.

4. For each of the years 2014-2022, the number of successful recalls made on offenders with Extended Supervision orders for both high risk sex offenders and very high risk violent offenders.

People who are subject to an ESO are not eligible to be recalled to prison as there is no current prison sentence to be recalled to. Therefore, this request is refused in accordance with section 18(e) of the OIA as this information requested does not exist.

5. For each of the years 2014-2022, the number of new convictions made on offenders with Extended Supervision orders for both high risk sex offenders and very high risk violent offenders.

Appendix Four provides the number of people who were convicted of an offence while subject to an ESO, by financial year, district and lead offence, from 2013/14 to 2021/22.

Please note that the new convictions provided in Appendix Four also include the breaches represented in Appendix three as a breach is a conviction. Again, the introduction of the CSO Register increased the number of convictions of ESOs who are convicted for offences against the CSO Register.

6. For each of the years 2014-2022, the number of offenders with Extended Supervision orders whom passed away for both high risk sex offenders and very high risk violent offenders.

7. For each of the years 2014-2022, the number of offenders with Extended Supervision orders whom passed away from suicide or self harm for both high risk sex offenders and very high risk violent offenders.

Questions six and seven are refused in accordance with section 18(f) of the OIA as it would require substantial collation or research. This information is not held centrally and would require each file to be reviewed.

In accordance with section 18A and 18B of the OIA we have considered whether fixing a charge, extending the time limit or consulting you would enable us to provide a response. Due to the wide scope involved in this request, we do not believe this would enable the request to be granted in this instance.

8. For each of the years 2014-2022, the number of offenders with Extended Supervision orders whom have NOT received any further convictions or recalls for both high risk sex offenders and very high risk violent offenders.

Appendix Five provides the number of people who have not been convicted of an offence while subject to an ESO, by financial year, district and lead offence, from 2013/14 to 2021/22.

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

I trust the information provided is of assistance. I encourage you to raise any concerns about this response 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 - People subject to an Extended Supervision Order as at the stated date.

	30/06/2014	30/06/2015	30/06/2016	30/06/2017	30/06/2018	30/06/2019	30/06/2020	30/06/2021
Sexual	216	200	212	203	213	213	206	202
Violence	7	4	8	8	6	4	5	9
Total	223	204	220	211	219	217	211	211

Table notes:

- These figures present a snapshot as at the last day of each financial year from 2013/14 to 2020/21.
- As with all offender populations, the number of people on an Extended Supervision Order can fluctuate daily due to court decisions and scheduled order end dates.

Appendix Two – Successful applications for an Extended Supervision Order, by district and lead offence, from 2013/14 to 2020/21.

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22*
Northern Region									
Auckland									
Sexual	2	2	5	10	8	1	-	1	-
Manukau									
Sexual	-	3	1	1	3	-	2	-	-
Violence	-	-	-	1	-	-	-	-	-
Tai Tokerau									
Sexual	-	1	1	2	-	3	2	-	-
Waitemata									
Sexual	-	1	3	1	-	2	1	-	1
Violence	1	-	-	-	-	-	-	-	-
Central Region									
Bay of Plenty									
Sexual	-	1	-	1	-	1	2	-	-
Taupo/Rotorua									
Sexual	-	-	2	1	1	1	-	3	1
Violence	-	-	1	-	-	-	-	-	-
Waikato									
Sexual	4	3	5	9	7	1	2	12	2
Violence	1	-	2	-	-	-	1	-	2
Lower North Region									
East Coast									
Sexual	3	-	5	2	5	3	1	1	-
Violence	-	-	-	-	-	1	-	1	1
Wairarapa/ Manawatu									
Sexual	3	1	1	-	4	2	2	2	-
Violence	-	-	-	1	-	-	1	-	-
Wellington									
Sexual	2	2	4	4	5	5	8	3	-
Whanganui/ Taranaki									
Sexual	-	-	1	1	1	-	2	2	-
Violence	-	-	-	1	-	-	-	-	-
Southern Region									
Canterbury									
Sexual	3	4	5	3	6	2	4	6	2
Violence	-	-	-	2	-	1	-	-	1

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22*
Nelson/West Coast									
Sexual	-	-	-	-	1	-	-	-	-
Otago									
Sexual	-	-	1	-	2	3	2	3	-
Southland/Central Otago									
Sexual	-	-	-	1	2	-	-	-	-
Not recorded									
Sexual	-	-	1	-	1	-	-	-	-
Violence	-	-	1	-	-	-	-	-	-
Total	19	18	39	41	46	26	30	34	10

Table notes:

- 2021/22 data is as at 31/12/2021.
- Lead offence is defined as violence or sexual. Sexual offending can be against an adult or a child.
- Districts are Corrections' districts, not policing districts.
- The district represents the district where the person started their ESO

Appendix Three – Convictions for a breach while subject to an Extended Supervision Order, by financial year, district and lead offence, from 2013/14 to 2021/22.

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22*
Northern Region									
Auckland									
Sexual	7	12	11	5	15	13	10	6	1
Manukau									
Sexual	2	6	5	7	8	3	6	8	2
Violence	1	1	1	-	1	1	-	1	-
Tai Tokerau									
Sexual	3	-	-	2	6	2	3	3	1
Waitemata									
Sexual	4	2	3	2	2	2	5	2	-
Violence	-	1	-	-	-	-	-	-	-
Central Region									
Bay of Plenty									
Sexual	-	1	1	1	1	2	1	2	3
Taupo/Rotorua									
Sexual	5	2	1	4	4	2	3	6	6
Violence	-	-	-	1	1	1	1	1	-
Waikato									
Sexual	8	10	10	14	11	23	15	13	7
Violence	-	-	-	2	2	-	-	2	1
Lower North Region									
East Coast									
Sexual	6	3	6	7	11	9	8	3	3
Violence	-	-	-	-	-	-	-	1	3
Wairarapa/Manawatu									
Sexual	2	2	4	1	4	6	3	4	-
Violence	-	-	-	-	1	2	1	-	-
Wellington									
Sexual	2	5	4	3	8	7	10	11	7
Violence	-	-	-	-	-	1	-	1	1
Whanganui/Taranaki									
Sexual	3	1	1	4	3	1	3	8	3
Violence	-	-	-	-	1	-	1	-	-
Southern Region									
Canterbury									
Sexual	6	4	2	9	7	7	10	8	5

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22*
Violence	-	-	1	1	1	2	2	1	1
Nelson/West Coast									
Sexual	2	3	2	4	1	-	1	1	-
Otago									
Sexual	1	2	4	3	5	4	5	6	1
Southland/Central Otago									
Sexual	1	2	1	4	4	1	-	1	-
Total	51	52	55	71	92	82	86	79	44

Table notes:

- *2021/22 data is as at 31/12/2021.
- Lead offence is defined as violence or sexual. Sexual offending can be against an adult or a child.
- Districts are Corrections' districts, not policing districts.
- The district represents the district where the person started their ESO.
- The data does not represent unique individuals. People can appear in more than one district in a year, and in multiple years.
- People may have started the Extended Supervision Order at any time prior to the breach conviction, not necessarily within the 2013/14 - 2021/22 timeframe.

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Sexual	6	5	7	3	2	10	1	3	-
Otago									
Sexual	8	3	6	11	10	7	-	5	5
Southland/Central Otago									
Sexual	2	15		8	11	3	3	2	1
Not recorded									
Sexual	4	-	-	1	4	-	8	3	1
Violence	-	4	1	-	4	11	4	1	-
Total	187	203	180	251	349	343	264	256	148

Table notes:

- 2021/22 data is as at 31/12/2021.
- Lead offence is defined as violence or sexual. Sexual offending can be against an adult or a child.
- Districts are Corrections' districts, not policing districts.
- The district represents the district where the person started their ESO.
- The data does not represent unique individuals. People can appear in more than one district in a year, and in multiple years.
- People may have started the Extended Supervision Order at any time prior to the breach conviction, not necessarily within the 2013/14 - 2021/22 timeframe.
- Breaches are convictions and are included in this table.

Appendix Five – People who have not received any further convictions or recalls while subject to an Extended Supervision Order, by financial year, district and lead offence, from 2013/14 to 2021/22.

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Northern Region								
Auckland								
Sexual	15	11	12	13	11	8	6	3
Violence	1	-	-	-	-	-	-	-
Manukau								
Sexual	3	5	2	1	2	3	3	2
Violence	-	-	-	1	-	-	-	-
Tai tokerau								
Sexual	-	1	1	2	-	-	-	-
Waitemata								
Sexual	3	3	5	5	3	4	4	2
Central Region								
Bay of Plenty								
Sexual	1	1	1	1	-	-	2	1
Taupo/ Rotorua								
Sexual	1	1	2	1	2	3	1	2
Violence	-	-	1	-	-	-	-	-
Waikato								
Sexual	12	12	13	20	22	11	9	11
Violence	1	1	3	-	-	-	1	-
Lower North Region								
East Coast								
Sexual	8	7	8	8	4	3	3	4
Violence	-	-	-	-	-	-	-	1
Wairarapa/ Manawatu								
Sexual	8	8	6	2	7	4	5	7
Wellington								
Sexual	8	8	9	9	5	11	11	10
Violence	-	-	-	-	-	-	1	-
Whanganui/ Taranaki								
Sexual	3	3	4	4	3	3	2	-
Violence	-	-	1	1	1	-	-	1
Southern Region								
Canterbury								
Sexual	15	14	14	17	16	13	10	12

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Violence	-	-	-	2	1	1	-	-
Nelson/West Coast								
Sexual	1	1	2	1	1	1	1	1
Otago								
Sexual	5	5	4	3	4	4	5	5
Southland/ Central Otago								
Sexual	4	2	1	2	1	1	-	-
Total	89	83	89	93	83	70	64	62

Table notes:

- 2021/22 data is as at 31/12/2021.
- Lead offence is defined as violence or sexual. Sexual offending can be against an adult or a child.
- Districts are Corrections' districts, not policing districts.
- The district represents the district the person is serving their ESO in.