



23 January 2015

c69579

K Logan
fyi-request-2201-93fb1b3d@requests.fyi.org.nz

Dear K Logan

Thank you for your email dated 26 November 2014, requesting information about the admissibility of overseas convictions into pre-sentence reports in New Zealand. As you are aware, the Ministry of Justice has transferred your request to the Department of Corrections for response. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety is the Department's number one priority. We are committed to improving the safety of the community by achieving a 25 percent reduction in re-offending by 2017; this will equate to 600 fewer re-imprisonments, 4,000 fewer people being reconvicted on community offences and 18,500 fewer victims.

As you may be aware, a sentencing judge may ask a probation officer to provide detailed information about an individual who has been convicted of an offence. The probation officer will then complete a pre-sentence report using the Department's Provision of Advice to Courts (PAC) assessment framework; which includes interviewing the offender, making enquiries with the offender's family and friends and gathering information from within the Department and other agencies including the New Zealand Police. The PAC assessment also includes the following consideration:

"Do the police have information about previous callouts or other contact with the offender which may not be apparent from their history?"

This PAC consideration covers any information received by probation staff from the New Zealand Police via Interpol. Although there is no explicit guidance or requirement for staff to gather information about convictions from other jurisdictions, staff may gather or receive this information through the course of their enquiries with the New Zealand Police or from other sources such as the offender and other third parties.

The probation officer can provide a copy of the completed pre-sentence report to the court, the offender, the offender's lawyer, and the prosecuting counsel. The sentencing judge will then use the report, along with other information, to assist them in making a fully informed and appropriate decision about sentencing.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Department. 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.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized loop that resembles a teardrop or a drop shape.

Jeremy Lightfoot
National Commissioner