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Tēnā koe Adam

Thank you for your letter dated 11 November 2024 to the Department of Corrections – Ara Poutama Aotearoa, requesting the following information:

*What processes and protocols the Department of Corrections currently has in place regarding applications for the release of prisoners on compassionate grounds, such as to attend a tangi, visit a terminally ill whānau member or attending the birth of a child. What are these processes? Do they defer depending on the prison? Are there specific contact people or documents that lawyers can provide the prison with?*

Your request has been considered under the Official Information Act 1982 (OIA).

People in prison may be released or removed from prison for 'compassionate reasons' under several categories. An overview of these categories and an explanation of Corrections' role in allowing release or removal for these reasons, is provided below. However, I wish to be explicit that Corrections does not decide who is and who is not remanded into custody. This is decided by the Courts. If a person has been remanded into Corrections custody while the Courts process is ongoing, it is the Courts who will decide whether a person should be released from Corrections custody onto Police Bail for compassionate reasons.

### **Bail on compassionate grounds**

People in prison on remand, who are yet to be convicted or sentenced by the Court, may be granted bail by the Courts for compassionate reasons (for example to attend a tangi or a funeral) and released from prison for a period. In these cases, people on remand or their legal representative make an application to the Court for bail. A judge decides whether to grant an individual bail and what conditions they must comply with, including when they need to return to the prison. Corrections is not generally a party to the proceedings. A person granted Court-imposed bail is not in Corrections' custody, and therefore is not accompanied by Corrections Officers.

Compliance with bail relates to the functions of the New Zealand Police, not Corrections. Furthermore, Corrections manages people at the direction of the Courts and the New Zealand Parole Board and (apart from Temporary Release and Temporary Removal procedures outlined above) does not determine who is in prison and who is in the community.

### **Temporary removal**

During a temporary removal, an eligible prisoner may be escorted by staff outside of the prison for a number of reasons, including for specialist healthcare not available in prison or for compassionate reasons, such as to attend a funeral, or to visit a seriously ill family member. Safety is our top priority and thorough risk assessments and comprehensive plans to mitigate any risks identified are completed for temporary removals. The person is always supervised and under the control of Corrections Officers while outside of the prison. Remand-accused, remand-convicted and sentenced prisoners can be escorted on a temporary removal.

Temporary removals procedures are detailed in the Prison Operations Manual, which is publicly available [here](#).

### **Temporary release**

Temporary release is the release of an individual from the custody of Corrections for a period of time while they remain serving a sentence of imprisonment. It is primarily used to support and enable a sentenced prisoner's reintegration into the community prior to their release but can be granted for compassionate reasons.

Temporary releases are also often used when people are participating in a Release to Work programme or are on a 'guided release' from prison to undertake activities to support their reintegration into the community, such as setting up a bank account.

Individuals on temporary release are not under direct supervision by custodial staff, but a suitable and approved sponsor. Temporary release is only available to sentenced individuals who meet eligibility criteria.

Every application for temporary release is assessed by a multi-disciplinary panel made up of case management, psychology, probation, custodial and intelligence staff. Panels can also include external representatives from the community, or external stakeholders such as the New Zealand Police. These panels consider the benefit of the temporary release to the individual as well as potential risks and suitable mitigations. The panel ultimately makes a recommendation to the Prison General Manager to allow them to make an informed decision about approving the release and imposing any conditions they would be required to comply with, such as GPS monitoring.

Temporary release procedures are publicly available in the Prison Operations Manual [here](#).

### **Compassionate release**

Compassionate release can be granted to sentenced individuals by the New Zealand Parole Board, in accordance with section 41 of the Parole Act 2002. Compassionate release almost

always involves cases where an individual is seriously ill and is unlikely to recover, however, compassionate release can also be granted if a person has given birth. This is a form of release from prison rather than a temporary form of 'leave'.

The New Zealand Parole Board is an independent statutory body. For more information about compassionate release on parole, you may wish to contact the New Zealand Parole Board directly. You can do so by email, at: [info@paroleboard.govt.nz](mailto:info@paroleboard.govt.nz)

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 hope this information is helpful. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Leigh Marsh  
Commissioner Custodial Services