

List of recommendations of the Government Inquiry into Matters Concerning the Escape of Phillip John Smith/Traynor

	Inquiry Recommendation (Verbatim)	Lead Agency (Supporting agency)	Government Response
Assessment of Mr Smith's risk and sentence management			
1.1	The Department of Corrections should continue to invest in risk-assessment capability and tools, including best practice intelligence approaches that enable it to better identify complex high-risk prisoners who are eligible for 'outside the wire' activities	Department of Corrections	Agree
1.2	The Department of Corrections should ensure the planning of each prisoner's pathway through his or her sentence is documented, reviewed regularly, and developed in a risk-based and multi disciplinary way.	Department of Corrections	Agree
1.3	There should be a continuing constructive dialogue between the New Zealand Parole Board and the Department of Corrections.	Department of Corrections	Agree
1.4	[Recommendation withheld – fair trial]	Department of Corrections	Agree
Temporary release from prisons in general and Mr Smith's temporary releases in particular			
2.1	Temporary release is a valuable rehabilitative and reintegrative tool. With focused and effective risk management, the interim restrictions on eligibility for temporary release should be lifted	Department of Corrections	Agree
2.2	When the Department of Corrections completes its current review of temporary release, it should thoroughly assess programmatic risk.	Department of Corrections	Agree
2.3	In any temporary release programme, the suitability and specific risks posed by each prisoner (particularly high risk prisoners) must be individually assessed against a structured framework and specially designed tools to balance benefits, risks and risk mitigations.	Department of Corrections	Agree
2.4	The Department of Corrections' reform programmes aimed at multidisciplinary decision making and integrated practice, should include the administration of temporary releases, and be given	Department of Corrections	Agree

	appropriate priority.		
2.5	The Department of Corrections should not approve a reintegrative temporary release unless: (a) Each proposed sponsor has been carefully scrutinised for suitability and reliability; (b) Systems for providing advice and support are in place; (c) All sponsors (including co-sponsors) have agreed to the conditions and itinerary of the release.	Department of Corrections	Agree
2.6	Approval for temporary releases of high-risk prisoners should be determined by a senior decision maker, who should consider the individual risks posed by the particular prisoner, the suitability of the conditions imposed, and the purposes and nature of the planned release.	Department of Corrections	Agree
2.7	The Department of Corrections should improve the monitoring of temporary releases, including by: (a) Considering the greater use of community probation officers; (b) Debriefing and seeking feedback from sponsors after each release.	Department of Corrections	Agree
2.8	The Department of Corrections should regularly use its internal audit regime to test frontline practice and performance in implementing the temporary release programme.	Department of Corrections	Agree
2.9	The Corrections Regulations 2005 should be reviewed to ensure they accurately reflect the purposes for which temporary releases are granted, in particular the full range of reintegrative releases.	Department of Corrections	Agree
Response to Mr Smith's escape			
3.1	The Department of Corrections should revise the national memorandum of understanding with the New Zealand Police and its application in the local service-level agreements addressing failure to return from temporary release, breach of conditions of temporary release and prisoner escape from "outside the wire" activity. This should include specific consideration of the risks posed by serious offenders.	Department of Corrections, New Zealand Police	Agree
3.2	The Department of Corrections should develop scalable incident management procedures to address actual and potential breaches of temporary release conditions. These should be based, in part, on a	Department of Corrections	Agree

	wider risk appreciation of “outside the wire” activities, particularly for serious offenders.		
3.3	The Police should engage with and take account of the work undertaken by the Department of Corrections in response to recommendations 1 and 2.	New Zealand Police	Agree
3.4	The Department of Corrections should not rely passively on registered victims to notify them of changes of circumstance, but should take positive steps, at regular intervals, to confirm contact details and whether victims wish to make other changes, for example, whether victims wish to receive direct notifications or to be notified through an authorised representative or to be removed from the register.	Department of Corrections Ministry of Justice	Agree
3.5	Measures to contact registered victims when the whereabouts of a serious offender cannot be ascertained should be reviewed. This review should include consideration of section 41 of the Victims’ Rights Act 2002 and whether all victims should be contacted including those with nominated representatives.	Department of Corrections Ministry of Justice	Agree
3.6	The Department of Corrections, when the victim notification register coordinator is not on duty, should have a senior staff member on duty who is trained in communication with victims and, when calls to victims are required, makes the calls.	Department of Corrections	Agree
3.7	The Police should review current border alert processes to: (a) Achieve greater speed and efficiency – the processes (including forms) must be readily understandable and operable for frontline staff (b) Ensure after-hours requests are acted on promptly.	New Zealand Police, <i>Customs</i>	Agree
3.8	The Police should plan for the early involvement of Interpol when a prisoner’s whereabouts cannot be ascertained (including a prisoner on temporary removal or temporary release).	New Zealand Police	Agree

3.9	When the Department of Corrections notifies the Police that the whereabouts of a prisoner cannot be ascertained, it should also provide Police with the most recent contact details for any registered victims, so the Police can contact them and assess whether protection or additional support is required. Depending on the risk as assessed by both the Department of Corrections and New Zealand Police, some situations may warrant a high degree of urgency in responding to victims' protection.	Department of Corrections, New Zealand Police	Agree
Information sharing, identity and passports			
4.1	The New Zealand Police, Department of Internal Affairs and Immigration New Zealand should develop systems to provide real-time access to the birth, citizenship, passport and immigration databases to validate official identities for people charged. Consideration should be given to preparing and Approved Information Sharing Agreement or Agreements, in consultation with the Privacy Commissioner, and to amending the Identity Confirmation Act to allow access by charging Agencies (particularly the Police) without consent.	New Zealand Police, Department of Internal Affairs, Immigration New Zealand	Agree in principle, subject to further work
4.2	Once those systems are in place, the New Zealand Police should be required to establish an official identity for all people charged with an offence.	New Zealand Police	
4.3	In principle, the same requirement should apply to prosecutions by any agency, and officials should prioritise work to facilitate this.	New Zealand Police, charging agencies	
4.4	The New Zealand Police, Ministry of Justice, Department of Corrections and Department of Internal Affairs should develop systems to ensure the Registrar of Births, Deaths and Marriages notifies criminal justice agencies and NZTA of all name changes for those with convictions for category 3 or 4 offences under the Criminal Procedure Act 2011 (those with a maximum penalty of two years' imprisonment or more).	Department of Internal Affairs, New Zealand Police, Ministry of Justice, New Zealand Transport Agency	
4.5	The Parole Act 2002 should be amended to make it a standard condition of parole that the individual not leave New Zealand without the permission of a probation officer.	Department of Corrections	Agree
4.6	There should be a legislative restriction on people subject to Extended Supervision Orders, released on conditions, serving home detention sentences, or subject to intensive supervision or community detention	Department of Corrections	Agree

	leaving New Zealand without permission of a probation officer.		
4.7	There should be a legislative restriction on special patients leaving new Zealand without prior permission of the appropriate official under the mental health legislation	Ministry of Health	Agree
4.8	The Department of Corrections, the Ministry of Health and district health boards should have legislative authority to take photographs and other biometric details of offenders and special patients without their consent.	Department of Corrections, Ministry of Health	Agree
4.9	Section 200 of the Land Transport Act 1998 should be amended to permit photographs of drivers held by NZTA to be shared with law enforcement agencies for law enforcement purposes	Ministry of Transport, New Zealand Police, New Zealand Transport Agency	Agree in principle, subject to further work.
4.10a	Serious offenders who are subject to a criminal justice system should not be permitted to hold, seek to obtain or renew, or use a passport without permission from the Court, New Zealand Police, Department of Corrections, the Parole Board or the Director of Mental Health as appropriate.	Department of Internal Affairs	To be further considered as part of the wider information management work programme.
4.10b	Department of Corrections and New Zealand Customs Service should be enabled to streamline border alert processes for serious offenders. Any expansion beyond the current categories of people subject to border alerts will need to balance technical and operational requirements with the level of risk to public safety.	TBC	To be further considered as part of the wider information management work programme.
4.10c	Internal Affairs' systems should be improved and expanded to ensure there is a more comprehensive administrative process to exercise the discretion to refuse a passport in respect to serious offenders.	Department of Internal Affairs	To be further considered as part of the wider information management work programme.
4.10d	Officials should review the practicality of deactivating passports for serious offenders, whether by Department of Corrections seizing them or Internal Affairs cancelling them.	Department of Internal Affairs, Department of Corrections	Agree in principle, subject to further work

4.11	There should be a requirement for passport applicants to declare whether they fall within any of the categories in section 4(3)(b) of the Passports Act 1992	Department of Internal Affairs	Agree
4.12	The Minister of Internal Affairs should have the discretion to cancel the passport of a person who falls within any of the categories in section 4(3)(b) of the Passports Act 1992	Department of Internal Affairs	To be further considered as part of the wider information management work programme.
4.13	The Department of Corrections should obtain passport and citizenship information of all serious offenders (particularly non-New Zealand citizens) in custody or subject to community based sentences. If necessary, there should be legislative change to give effect to this.	Department of Corrections	To be further considered as part of the wider information management work programme.
4.14	The Justice Sector Information Strategy Governance Group should oversee ongoing work to identify and progressively close any gaps that remain, including flight by those on bail.	Ministry of Justice, <i>Department of Corrections, New Zealand Police</i>	Agree