

## **Q&As – Supervision regime for deported offenders**

### **What will the supervision regime do?**

The supervision regime will ensure that offenders who return to New Zealand after serving time in an overseas prison are subject to the same sort of supervision as those who served a prison sentence in New Zealand.

The regime will automatically apply to all deported offenders who were sentenced to more than one year in prison in another country, and who return to New Zealand within six months of being released from custody. This will ensure the regime covers those who are most likely to need oversight and support, but not those who have been back in the community for some time.

The length of supervision periods will be related to the length of the sentence imposed:

A sentence of more than one year to two years	Six months' supervision
A sentence of more than two years to five years	One year's supervision
A sentence of more than five years	Two years' supervision
A sentence of life imprisonment (or equivalent)	Five years' supervision

The regime will also allow special conditions to be imposed on offenders returning after spending more than six months in the community, if they were subject to supervision or monitoring at the time they were deported.

### **What standard conditions will apply to all offenders?**

During their supervision period, returning prisoners will be subject to standard release conditions mirroring those in Parole Act 2002.

The standard conditions require the offender to report to a probation officer, who has the authority to impose restrictions on the offender's living and working arrangements, and who they associate with. The offender must notify their probation officer if they change their residential address.

The standard conditions will apply automatically for qualifying offenders without requiring any special hearing or court order.

### **What special conditions can be imposed?**

The Department of Corrections will have the authority to apply to the District Court for one or more special conditions at any time during the offender's period of supervision.

As with the standard conditions, special conditions are designed to reduce the offender's risk of re-offending and help their rehabilitation and reintegration.

For example, a special condition may restrict an offender to living at a specific residential address, or require them to attend an assessment and complete specified

rehabilitation programmes. The special conditions will reflect those in the Parole Act 2002.

### **What will happen to prisoners returning to New Zealand who were sentenced to a prison term of one year or less?**

The automatic supervision regime will only apply to returning offenders who have been sentenced to more than one year's imprisonment in another country.

This is consistent with New Zealand prisoners who are sentenced to one year or less, who are not subject to mandatory release conditions when they leave prison.

The regime will, however, allow special conditions to be imposed on any offenders who were subject to supervision or monitoring at the time they were deported. This will allow us to continue to monitor those who have not been recently released from prison or who only served a short sentence immediately prior to their release, but who are still seen as a sufficiently high-risk to require continued monitoring.

The register of deported offenders will record the details of people who have been, or are about to be, sent back to New Zealand after being convicted of a crime, serving a prison term or having their visa cancelled on character grounds. This ensures that local police have all the relevant information available about individuals who may settle in their district.

### **What support is available for offenders who need help settling back into New Zealand?**

The Department of Corrections has provided a one-off grant of \$100,000 to Auckland PARS to assist New Zealand offenders being deported from Australia. PARS (formerly the Prisoners' Aid and Rehabilitation Society) is a charitable organisation that helps former prisoners and their families integrate into the community.

The Government is looking at other types of assistance to help reintegrate returning offenders into the community.

As New Zealand citizens they are entitled to other support from Work and Income if they need it. Depending on the person's individual situation, this can include Jobseeker Hardship benefit, Accommodation Supplement and Steps to Freedom grant.

### **What measures are already in place to manage high-risk deported offenders?**

New Zealand authorities already have some ability to supervise offenders who committed serious crimes overseas.

In December 2014 the Government made changes to the Extended Supervision Order (ESO) regime and introduced Public Protection Orders (PPO).

These law changes have made it possible for high risk sexual offenders and very high risk violent offenders who pose a danger to the community to be subject to prolonged periods of supervision or detention once they have returned to New Zealand.

## Comparison between current provisions for New Zealand offenders and the proposed regime for returning offenders

	Sentence served in New Zealand	Sentence served overseas (current)	Sentence served overseas (proposed supervision regime)
<i>Term of release conditions</i>			
<b>Sentence of more than one year's imprisonment to two years'</b>	Period of release conditions that may extend up to six months beyond the sentence expiry date.	No monitoring or supervision.	Six months of release conditions.
<b>Sentence of more than two years' imprisonment to five years'</b>	Where the offender is released before the sentence expiry date, release conditions for a specified period of not less than six months, which may extend up to six months beyond the sentence expiry date.		One year of release conditions.
<b>Sentence of more than five years' imprisonment</b>	Where the offender is released at the sentence expiry date, release conditions for a period of six months.		Two years of release conditions.
<b>Life imprisonment (or equivalent)</b>	Standard conditions for the rest of the offender's life and special conditions for specified period.		Five years of release conditions.
<i>Nature of release conditions</i>			
<b>Standard conditions</b>	Standard release conditions apply to all offenders and require them to report to a probation officer as directed, and authorises the probation officer to give directions in relation to residence, employment and associates.	No monitoring or supervision.	Same standard conditions as if sentence served in NZ.
<b>Special conditions</b>	Special conditions are imposed on individual offenders and are designed to reduce the risk of re-offending, help the rehabilitation and/or reintegration of the offender and provide for reasonable concerns from the offender's victim(s).		Same special conditions as if sentence served in NZ.
<i>Imposition of conditions</i>			
<b>Special conditions</b>	Imposed either by the court at sentencing, or by the Parole Board upon	No monitoring or supervision.	Imposed by court on application of a probation officer.

	offender's release.		
	<i>Police powers to compel information</i>		
<b>Requiring identifying information</b>	<p>Police have authority to require identifying particulars of from persons detained for committing an offence.</p> <p>Police must take person's identifying particulars in a manner that is reasonable in the circumstances; and may only use reasonable force that may be necessary.</p> <p>Identifying particulars include:</p> <ul style="list-style-type: none"> <li>• biographical details (for example, the person's name, address, and date of birth)</li> <li>• a photograph or visual image, and</li> <li>• fingerprints.</li> </ul>	<p>Although New Zealand authorities endeavour to obtain information from returning offenders, there is no authority to require them to provide information or detain them.</p>	<p>Police will be authorised to detain returning offenders, for no longer than reasonably necessary, to require returning offenders to provide the following information:</p> <ul style="list-style-type: none"> <li>• Name and aliases</li> <li>• Date of birth</li> <li>• Place of birth</li> <li>• Intended address</li> <li>• Fingerprints</li> <li>• Photograph and measurements, and</li> <li>• Familial ties to NZ.</li> </ul>
<b>Compulsory DNA collection</b>	<p>Police may require a person convicted of an imprisonable or relevant offence to give a DNA sample without their consent.</p> <p>Person is required to attend to give a sample on a date not later than 14 days after the day of notice and six months after the date of their conviction.</p>	<p>Police may request any returning offender's consent to take a DNA sample. If a returning offender does not consent there is no authority to obtain DNA compulsorily.</p>	<p>Police will be able to acquire DNA without the offender's consent where an overseas conviction for an offence which corresponds to an imprisonable offence under New Zealand law formed the ground for removal or deportation.</p> <p>Police must seek DNA as soon as reasonably practicable, but no later than six months, after a person's arrival in New Zealand.</p> <p>Person required to attend to give a sample on a date between 15 days and six months after the day of notice, or Police could take the sample at the airport with the offender's consent.</p>