

24 MAY 2016

Hannah Gabriel  
fyi-request-3920-4bd3e0d3@requests.fyi.org.nz

Dear Ms Gabriel

Thank you for your email of 22 April 2016 to the Ministry of Social Development, requesting the following information under the Official Information Act 1982 (the Act):

*1. What is your procedure/policy when asked by Police, Corrections, Probation, Housing New Zealand or the Courts to comment on whether an offender should be granted bail or allowed to service a community sentence (Community or Home Detention) in a Housing New Zealand property? Please provide any policy documents, briefings and templates that you have in relation to this. It would also be great if you could give a run down of who makes the decisions (is it a head office decision or made regionally etc) and describe the process the decision maker needs to go through.*

*2. Do you have an informal or formal relationship with Police, Corrections, Probation, Housing New Zealand and/or the District or High Court in relation to bailing offenders to Housing New Zealand Properties and/or allowing them to serve community based sentences from Housing New Zealand properties? Please provide any memorandums of understanding or evidence of other formal or informal arrangements with the above organisations on this issue.*

On 26 April 2016, your request was transferred to Housing New Zealand under Section 14(b)(ii) of the Act.

Housing New Zealand's bail policy has been included in our standard Tenancy Agreements since 2010, and I have copied the relevant section below.

*'Where you wish to have an additional person, who is not normally resident at the premises, join your household for a period of more than three months (including those who either are bailed or apply to serve a sentence of home detention at the premises) then you must obtain Housing New Zealand's written approval before that person moves in with you.'*

People who are usually resident at the property prior to the application for bail will generally be given permission to be bailed to their home address. There may be exceptional cases where Housing New Zealand does decide to refuse consent. For example, as a landlord Housing New Zealand has a duty under Section 45(1)(e) of the Residential Tenancies Act 1986 to take all reasonable steps to ensure that none of its tenants cause or permit interference with the reasonable peace, comfort or privacy of those around them. Housing New Zealand considers all relevant information in reaching such a decision. Decisions are made by the Tenancy Manager, in consultation with the

Area Manager, as well as other agencies such as Police and the Department of Corrections.

Housing New Zealand has information sharing agreements with Police and the Department of Corrections. All information shared by Housing New Zealand pursuant to these agreements is provided in accordance with the Privacy Act 1993 and other relevant legislation. The relevant sections of each memorandum of understanding (MOU) are attached in Appendix A. Housing New Zealand will work closely with other agencies where required.

It is important to note that Housing New Zealand's MOU with the Department of Corrections is from 2009. On 14 April 2014 responsibility for assessing housing need and managing the waitlist for housing shifted to the Ministry of Social Development.

I trust this information is useful to you.

Yours sincerely

A handwritten signature in cursive script that reads "Rachel Kelly".

**Rachel Kelly**  
**Manager Government Relations**

## **Appendix A: Relevant sections from Housing New Zealand's Memorandum of Understanding with Police and Department of Corrections**

*Housing New Zealand's Memorandum of Understanding with Police states:*

- In circumstances involving police bail there is no requirement for communication between Police and HNZC;
- Where Police intend to oppose court bail applications and are aware that the address for bail purposes is a HNZC tenancy they may seek advice from HNZC around the suitability of the address;
- Where Police are able to ascertain that a property, to which someone has applied to be bailed to specifically under electronically monitored (EM) bail, is a HNZC tenancy, they may seek advice from HZNC around the suitability of the address for the purposes of EM bail.

*Housing New Zealand's Memorandum of Understanding with the Department of Corrections states:*

*Community Probation & Psychological Services (CPPS) manages offenders serving community-based sentences and orders such as supervision, intensive supervision, community work, home detention, extended supervision orders or parole. They also provide information and reports to the judiciary for the purpose of sentencing and specialist clinical assessment and treatment services.*

CPPS will liaise with their HNZC counterpart when there is no suitable alternative accommodation available for an offender, and particularly when accommodation is critical to the successful reintegration of the offender. This liaison may be while the offender is still in prison, or after they are released or sentenced to a community based sentence / order:

- **Pre-release:** this will usually take place as part of parole assessment enquiries for offenders serving long term prison sentences (those that are over two years), but can also occur for high risk offenders being released from short term sentences (those two years or less). This is usually carried out in consultation with PS Reintegration Caseworkers and Sentence Planners.
- **After release/sentence:** if an offender is released or sentenced and if the offender does not have any accommodation or suitable accommodation. For instance, if an offender is residing at an address the supervising Probation Officer deems unsuitable, the Probation Officer may work with HNZC to source suitable accommodation. Offenders subject to parole and extended supervision typically have special conditions related to accommodation requiring the supervising Probation Officer to approve the accommodation. CPPS is therefore the most appropriate group to liaise with HNZC with regard to offenders subject to a parole or extended supervision order.

