

13 June 2017

C85945

Steve Hall
fyi-request-5913-df2b86be@requests.fyi.org.nz

Dear Mr Hall

Thank you for your email of 21 May 2017, requesting information about the early release of prisoners on compassionate grounds. Your request has been considered under the Official Information Act 1982 (OIA).

The Corrections Act 2004 places an obligation on Corrections to provide a standard of health care that is reasonably equivalent to the standard of care available to the public.

All Corrections' prisons meet the Royal New Zealand College of General Practitioners' standards for general practice. Prisoners are often suffering from extremely poor health (both physical and mental) when they arrive in prison. The healthcare they receive in Corrections' care often far exceeds what they were accessing in the community.

The level of healthcare provided in prisons is at a primary care level. Prisoners' needs are met by district health boards when they require care beyond the level that can be provided in prison. In the case of palliative/end of life care, Corrections goes beyond a primary level with healthcare staff providing support for daily activities e.g. showering, when the individual doesn't require hospitalisation. When a prisoner is facing a terminal illness, our staff do their utmost to ensure the prisoner's welfare and dignity is maintained.

Corrections has, therefore, established a comprehensive end of life treatment and care plan for prisoners who require it. We are able to manage prisoners presenting with high and complex health needs. For instance, care has been provided to prisoners suffering from debilitating diseases or conditions such as dementia, cancer, motor neurone disease and diabetes. The Department is increasingly engaging with community health care services in the provision of palliative and end of life care for prisoners.

At these times Corrections works closely with family members to ensure both the prisoners and their wider family members' needs are met and the comfort and wellbeing of the prisoner is at the forefront.

Corrections ensures that patients have the right to be involved in all decisions regarding their end of life care. They can designate a family member who will be

consulted and involved in decisions along with the patient and medical and custodial team. All assessment and treatment plans are patient centered, evidence based and individualised to the needs of the patient.

A full plan is established to care for the prisoner's needs including their medical treatment, their psychological needs and their social, spiritual and cultural requirements.

For treatment purposes, a prisoner is permitted to leave prison, usually with a prison escort. Prisoners attend hospitals, outpatient clinics and specialists in this way.

Corrections does not make decisions on the compassionate release of prisoners. Rather, any decision to release a prisoner on parole is made by the New Zealand Parole Board (NZPB), which is an independent body. However, Corrections can and will make applications for compassionate release to the NZPB. The application will include supporting health information and a recommended release proposal including any special conditions required.

Further information regarding the early release for a seriously ill prisoner can be found on the Department's website:

http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Release/R-2.html

You have asked two questions regarding the early release of prisoners on compassionate grounds.

'In the last year how many prisoners were released early from their sentence on compassionate grounds?'

The Department collates, analyses and reports information by financial year. Accordingly, in order to appropriately respond, where you have requested information for 'the last year', I have interpreted this as the most recent full financial year.

I am advised that in the 2015/16 financial year, seven prisoners were released early on compassionate grounds. All of these were on the grounds that *'the offender is seriously ill and is unlikely to recover'*, as per section 41 of the Parole Act 2002, and were approved following a decision of the NZPB.

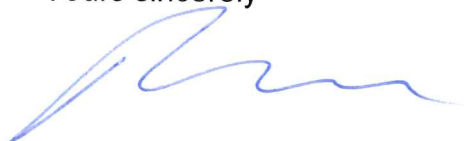
'What guidelines and considerations are used to determine suitability for release on compassionate grounds?'

As detailed above, the NZPB, and not Corrections, makes decisions on the suitability and eligibility of each application for compassionate release.

As notified on 29 May 2017, I have transferred this part of your request to the NZPB in accordance with section 14 of the OIA. I understand that they have since responded to you.

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



Rachel Leota
Acting National Commissioner