



Memorandum

To: Law Societies

From: Sir Ron Young, NZ Parole Board
Chairperson

Date: 02 August 2024

Subject: **Recalls**

You may recall that we have previously discussed recalls and the difficulties in ensuring that counsel have received relevant information in a timely way, and that the offender also has received relevant information as required.

The current recall process is as follows:

- a) The offender is arrested and returns to prison.
- b) We provide the recall application and notice of recall to the prison within two days of being notified of the return to prison.
- c) The prison provide the recall application, notice of recall received from the Parole Board, to the offender within one day.
- d) There is a receipt from the offender, to note receiving of the documents.
- e) We are contacted by a lawyer who advises that they represent the offender. The Parole Board sends relevant information to the lawyer within 24 hours of notification.
- f) There is a hearing somewhere between 14 and 30 days.

Given the above process, I'm open to any suggestions as to how to more speedily send the relevant information to the offender and counsel. Currently we are trying to test whether in fact the prison is providing the offender with the relevant information within 24 hours of receipt from the Board. We are satisfied that the Board is generally complying with the obligation to send the information to the prison within two days of the offender's arrest.

There may be ways in which we can speed up sending the relevant documents to counsel. One of the difficulties with recalls is that we will not be certain who counsel is. We could consider whether it would be appropriate to send the relevant information to the offender's previous counsel from when the offender was released. The concern is that presumably counsel's instructions will have ended on the release decision so there may be issues of representation and privacy.

I'm happy to discuss.

A handwritten signature in black ink, appearing to be 'Sir Ron Young', written in a cursive style.

Sir Ron Young

Chairperson