

## **APPRAISAL REPORT:**

### **File/Document ID:**

**Client Name:** Department of Corrections (Corrections)

**Disposal Type:** Class-based Schedule

**Agency Coverage:** Community Probation Services (CPS) Regional, Area and Local Offices

**Scope:** Records relating to individual offenders serving sentences and orders managed by Community Probation Services, and certain other associated records. Applies to paper records only.

### **1. Executive Summary**

This is a renewal of Corrections Schedule OP 93/0071 (Schedule 93/71), which expired at the end of 2007. That Schedule covered offender files relating to individuals serving sentences and orders managed by Community Corrections Local Offices (now part of CPPS), together with certain associated and other administrative records located in those offices.

This is a class-based Schedule developed as an updated version of Schedule 93/71. The updating process was achieved through research, consultation with administrative and managerial staff dealing with the records, three appraisals (including 2 site visits) and inspection of Corrections' Integrated Offender Management System (IOMS). The Schedule has been updated to cover a range of new and changed sentences and orders introduced over the past 10 years.

The Schedule covers paper records only; it does not cover records in IOMS. The development of IOMS has not resulted in substantial changes to offender paper files. They continue to be managed in the same way and their core content remains essentially the same. Most of the other records associated with offender management and listed in Schedule 93/71 have now been subsumed into IOMS. Corrections plans to review the relationship of the paper record with electronic records held in IOMS as a future project, but the relationship is unlikely to change substantially in the medium term.

Historical parole and supervision offender files, manual registers and indexes, accident records, offender files relating to life parolees, those on extended supervision and highest risk offenders (HRX), and other offender files identified by Corrections to be significant, unusual or of particular public interest are recommended for retention. This report also recommends the retention of a 5% sampling of remaining offender files relating to the sentences and orders listed in Class 1 of the Schedule. This is a reduction from the 10% sampling recommended in Schedule 93/71.

Given the intention noted above to instigate a project to review the relationship between paper and electronic records, approval of this Schedule is sought only up until the end of 2014. By that time it is intended that the review will have been completed, and a comprehensive Disposal Schedule will have been developed to cover all paper and electronic prisoner and offender information created and maintained across the Department (by both Prison Services and Community Probation & Psychological Services). This proposed Schedule will also supersede Schedule OP 00/0066 (Schedule 00/66) covering prisoner records, which is due to expire at the end of 2010.

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*Quantity recommended for retention as public archives:*

*Quantity recommended for destruction:*

*Estimated amount added per year:*

800 files per annum (2%)

36,000 files per annum (98%)

800 files (20 linear metres)

## 2. Appraisal Circumstances

This is a renewal of Corrections Schedule 93/71, which expired at the end of 2007. That Schedule covered records relating to individual offenders serving sentences and orders managed by Community Corrections Local Offices, together with certain associated and other administrative records located in those offices. The equivalent operations group in Corrections' current organisational structure is known as Community Probation & Psychological Services (CPPS). This Schedule covers records managed by the Community Probation Service (CPS) only. Further information is provided in Section 3 of this report.

The primary reason for this appraisal was to enable CPS to continue to manage disposal of paper records and avoid undue pressure on records storage space. This Schedule covers paper records only. Corrections plans to address the relationship of the paper record with electronic records held in IOMS as a future project. However, an understanding of this relationship was a significant factor in this appraisal, and is discussed further below.

Corrections also wished to update Schedule 93/71 to include a number of new sentences and orders that have been introduced over the last 10 years. Some of these sentences and orders came into force as recently as 1 October 2007. The community work sentence was introduced in 2002, replacing the sentences of periodic detention, community service and community programme. As from 1 October 2007, the new sentences and orders of intensive supervision and community detention were introduced, along with residential restrictions as special conditions for parole. Home detention has been introduced, refined and developed over the last 10 years. It was first introduced in 1999 as an option on release from prison. However, this was removed in 2007 and home detention became a stand-alone sentence with the option of post-detention conditions being imposed as special conditions. As well as these key changes, other refinements in sentencing have taken place over this period.<sup>1</sup>

The records covered by this Schedule are located in Regional, Area and Local CPS Offices around the country. Some offices have transferred inactive records to offsite storage due to limited storage space. The number and location of these offices are essentially the same as they were at the time of the previous appraisal. There are 140 CPS offices, comprising 3 Regional Offices, 12 Area Offices and 125 Service Centres. The records largely consist of offender files, together with a few types of associated records. The latter are essentially the residual administrative record types remaining in Schedule 93/71, once those records no longer in existence, no longer in paper format, or now covered by GDA's 1-4 are omitted. This is discussed further in Sections 5 and 7 of this report.

The records are well-organised and in good condition. With some slight differences from office to office, they follow a well-established method of organisation and management, which in essence remains the same as described in the previous appraisal report. The reactivation of inactive files should an offender re-offend and receive the same type of sentence or order continues to be a key factor in file management. Corrections provide staff with very detailed offender file management guidance and instruction as part of its CPPS Operations Manual. This document is available on Corrections' website and also includes information and procedures relating to sentencing and sentence management, IOMS, interaction with other agencies, offender risk management etc.<sup>2</sup> Further information about the records is provided in Section 7 of this report.

The appraisal for Schedule 93/71 took place when Corrections had been a separate Department for a comparatively short time. Prior to this it had been a division of the Department of Justice. At the time of that appraisal, Corrections was in the process of introducing its Client Offender Management System (COMS). It was expected that COMS would largely take over from the paper file. COMS was superseded by IOMS in 1999. Observations made in the course of the previous appraisal pointed toward a consequent reduction of information on paper files, countered to an extent by a persistent print-and-file pattern. The expected replacement of the paper file has not happened for a number of reasons, with the result that overall, the content of offender files is not significantly different from that reported in the previous appraisal.<sup>3</sup> This situation is not expected to change substantially in the medium term. The move to the electronic record is more apparent in the associated records listed in Schedule 93/71, such as indexes,

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<sup>1</sup> For a brief history of sentencing legislation, refer to Appendix 1 of this report.

<sup>2</sup> Refer to <http://www.corrections.govt.nz/public/policyandlegislation/cpps>

<sup>3</sup> There are however some differences which are discussed further in Sections 5 and 7 of this report.

registers, agency musters (listings), file transfers etc. The IOMS / paper interface is discussed further in Section 7 of this report.

### 3. Public Office Information

<i>Agency code</i>	ABVS
<i>Agency name:</i>	Department of Corrections
<i>Year established:</i>	1995
<i>Year Dis-established:</i>	Current

Relevant legislation includes:

- Sentencing Act 2002
- Parole Act 2002
- Corrections Act 2004

The Department was restructured in July 2007 and is currently organised into the following groups:

- *The Office of the Chief Executive* provides assurance and support to the Chief Executive, including internal audit, inspectorate, professional standards, communications and legal services.
- *Policy, Strategy and Research* provides strategy, research, evaluation and policy advice and development.
- *Organisational Development* provides organisational development services, including human resources services, strategy, guidelines and policy support, industrial relations, employment law, capability building, internal communications and payroll.
- *Business Information and Planning* provides business information and planning advice and services to the Department, including finance, procurement, planning, reporting, monitoring, select committee liaison, production of statement of intent and annual reports.
- *Systems and Infrastructure* provides services relating to information management, information technology, facilities management, business continuity planning, pandemic risk, Parole Board administration and support, and victim notification.
- *Rehabilitation* has overall responsibility for ensuring rehabilitative services are coordinated and integrated. This Group is also responsible for Corrections Inmate Employment and Treaty and Pacific Peoples' relations.

The Department has two operational arms:

- *Prison Services* is responsible for the containment, rehabilitation, reintegration and health of prisoners and for escorts, court services and Prison College.
- *Community Probation & Psychological Services* is responsible for administering sentences and orders in the community, design and delivery of psychological services, including special treatment units and programmes, and provision of information to the courts and the New Zealand Parole Board.

The 2007 restructure resulted in psychological services, programme delivery and the work of probation staff being combined in the new CPPS entity. This group is coordinated at a regional level with the aim of enabling greater coordination between the Department's two operational arms. The introduction of new sentences and orders from October 2007 triggered a significant increase in numbers of probation officers. The CPS team now manages sentences of supervision, community work, and post-prison orders for parole, release on conditions and extended supervision; and from October 2007, the new community sentences of home detention, community detention (electronic monitoring of curfews) and intensive supervision.<sup>4</sup>

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<sup>4</sup> Sentences are briefly described in Section 7 of this report. Refer to the CPPS Operations Manual, (<http://www.corrections.govt.nz/policy-and-legislation/cpps-operations-manual.html>) for more detailed information.

## 4. Methodology

This is a class-based Schedule developed as an updated version of Schedule 93/71, which expired at the end of 2007.

The methodology was as follows:

- A comparative analysis was made between Schedule 93/71 and the situation now, with each class in the current Schedule checked to ascertain whether the records still existed, still existed in paper form, and/or whether they were now covered by GDA's 1-4. Classes were updated to include changes in the sentencing structure, including new sentences.
- The updating process was achieved through a combination of research and consultation with administrative and managerial staff dealing with the records. The updating process covered the current structure, holdings and classification of the records, changes to the legislative / organisational framework affecting the records, changes to existing sentences and orders, descriptions of new sentences and orders, retention provisions and disposal actions.
- Three appraisals were undertaken, two of which involved site visits to the Lower Hutt Area Office and the Wellington Service Centre. These two sites were selected in order to continue to compare notes with previous appraisers who visited the same offices. A small sample of older offender files from the Tauranga Service Centre was also examined.
- The IOMS system was researched and inspected, primarily to ascertain the current nature of the paper / electronic records relationship, and gain an understanding of how IOMS is expected to develop in the medium term.

## 5. Consultation

Both internal and external consultation was undertaken during the development of this Schedule. A list of stakeholders consulted is included in Appendix 3.

- **Internal Consultation**  
Internal consultation was co-ordinated by a member of the CPPS Head Office Operations Team. The purpose was to ensure that the on-going operational business needs of the Department would be met by the proposed retention periods. Telephone interviews were conducted with four staff members from CPPS Area Offices and Service Centres in Christchurch, Hamilton, Rotorua and Napier. Extensive notes were taken during these interviews. In addition, another staff member was interviewed during the site visit to the Lower Hutt Area Office. The revised Schedule was drafted and circulated to the interviewees for comment. Their feedback was incorporated into the final Appraisal Report and Disposal Schedule. There was overall agreement that the recommended retention periods were appropriate from the local office business perspective.

The Department's Maori and Pacific Policy Manager was contacted for comment. Neither the Maori Advisory Group or the Pacific Advisory Group are scheduled to meet for some time. These Groups do not access information relating to specific offenders. Their interest lies principally with statistical data and trends, which is provided mostly from data warehouse reporting. The proposal already discussed, to undertake a more comprehensive review of offender information management within the next 3 years, will provide a better opportunity to consult with these Groups and understand the particular interest Maori and Pacific people may have in the management of these records. The CPPS National Advisor Maori Development will also be invited to be involved in this review.

The draft Disposal Schedule was then submitted to the CPPS Manager Business Support. A memorandum was prepared for the General Manager CPPS. Following the General Manager's sign-off, the Schedule was submitted to Archives New Zealand.

- **External Consultation**  
External parties likely to have an interest in these records in the future are researchers, other justice sector agencies, the offenders themselves, and possibly descendants of offenders. The appraisal report for the previous CPS Schedule 93/71 contains no reference to any external consultation. The appraisal report for prisoner records (Schedule 00/66) however, does refer to

external consultation; with a lecturer from the Victoria University Institute of Criminology, a post-graduate history student from Victoria University, and a Police history liaison officer.

A criminology lecturer was asked to comment on this draft Schedule on behalf of researchers. Their suggestion was to maintain the sample level at 10%, rather than lower it to 5% as recommended in this revised Schedule. They also suggested an agency retention period of 3-5 years for records of offenders serving sentences and orders at the lower end of the sentencing hierarchy, as well as permanent retention of a 5-10% sample of these records. While Corrections understands why researchers would have an interest in retaining a wide sample of records, we do not agree with this suggestion. It would result in a significant increase in the volume of records being retained. Much of the information on the records at the lower end of the sentencing hierarchy is transactional and is generated from or duplicated in IOMS.

Corrections made contact with other justice sector agencies. The Police no longer have a person in the role of History Liaison Officer. A discussion with the Manager of the NZ Police Museum did not reveal any areas of common interest regarding these files, except perhaps the HRX material, which is recommended for permanent retention anyway. Approaches were made as well to the Ministry of Justice as it was felt they may have an interest in these records from a policy perspective. However, no feedback was received from the Ministry in relation to the appraisal report or schedule.

No external groups were identified that could represent Maori or Pacific peoples' views on retention of CPS records. Neither grouping has indicated any particular interest in the past regarding their retention. Also, it must be noted that these records contain personal information, so any requests for access are considered in accordance with the Privacy Act or Official Information Act and those that are retained are unlikely to be made available to the public at large for some 100 years.

It is impossible to predict the future level of interest in these records from offenders or their descendants, but it is not anticipated that it will be high. When processing Privacy or Official Information Act requests for information that do not specifically mention that it is a request for 'prison records', Corrections staff do as a matter of course include CPS records within the scope of the request. An examination of the Department's correspondence register shows that specific requests for CPS records are rare. Generally these requests are for information that is available from IOMS (sentence, dates served, etc).

## 6. Relevant Precedent

While Schedule 93/71 needed updating in light of the new and changed sentences and orders, impact of IOMS, and introduction of GDAs 1-4, it was still considered relevant for this appraisal because:

- The core content of the offender files remains the same.
- Offender files continue to be managed largely in the same way.
- Offender file series continue to be managed for the most part in the same way, with files for high volume, minor sentences and orders being managed separately from files for sentences and orders higher in the hierarchy.

Key departures from this precedent are:

- The recommendation to reduce sampling from 10% to 5%. Reasons include increased volume and the recommendation to retain extended supervision and HRX files as public archives.
- Termination sheets are not recommended for retention as public archives. The termination sheet is now a sparse IOMS screen printout and is not always printed and filed.

Schedule 00/66 covering prisoner files was also considered relevant precedent for this appraisal, for the following reasons:

- Consistency of treatment of Corrections records.
- Prisoner files are part of the broader picture of sentence and order management (a 'companion set').
- Considerable research into national and international precedent was undertaken as part of that appraisal, including sampling techniques.
- It is a comparatively recent appraisal.

- Older prisoner files (especially those created by the Department of Justice Head Office prior to 1995) often include Probation Service records.

The key departure from Schedule 00/66 is the level of sampling recommended here. Reasons for this change include the comparatively minor level of offending, the recommendation to retain extended supervision and HRX files as public archives, and the much higher volume of records.

Expired Corrections Schedule OP 95/0094b (Schedule 95/94b) also covered offender files, specifically those held by Psychological Services. While these records could also be viewed as a “companion set”, they are a discrete series of files in the nature of medical or patient files. While summary psychological reports may appear on appropriate CPS offender files, there is no other interface in terms of the paper record. Schedule 95/94b has not been taken into account in this appraisal.

*Previous Disposal Authorities:* Schedule 93/71, Dated 17 November 1997

## 7. Disposal Criteria

The criteria in the Archives NZ Appraisal Standard have been applied to this Schedule, including their application in the appraisal reports relating to Schedule 93/71 and Schedule 00/66.

In assessing value, particular attention has been given to the following factors:

Criteria for retention:

- Accountability for treatment of offenders
- Evidence of the core activity of reducing re-offending, and its level of success across a range of community-based sentence and order types
- Source of unique information on individual offenders serving community-based sentences and orders, particularly those at the higher end of the sentencing hierarchy
- Alternative source of information to that held in IOMS, in a physical format that is accessible, useable and sustainable.

Criteria for non-retention:

- The largely homogenous, transactional nature of most of the offender files at the lower end of the sentencing hierarchy
- The increasing volume of offender files relating to minor offending and the ongoing costs of retaining them
- The increasing duplication of information across physical and electronic formats.

## 8. Description and Evaluation of Classes

### **Offender Files**

The arrangement of offender files alphabetically by surname in sentence groupings, described in the previous appraisal, remains in essence the same. There is some updating in terms of file covers, but often this is simply an outside covering to colour-code names for ease of reference, with the split pin file inside. This method suits the continuing practice of reactivating offender files when a new sentence or order of the same type is imposed. Most reactivation of files happens for rehabilitative sentences or orders in the sentencing hierarchy.<sup>5</sup>

CPS manages two main offender situations

- Post-prison orders – these include parole, released on conditions and extended supervision

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<sup>5</sup> The sentencing hierarchy is based on the degree of restriction on the offender’s liberty and the level of supervision provided in each sentence or order. Imprisonment is the most severe penalty and convict and discharge the least severe. See Appendix 2 of this report for more information on the sentencing hierarchy and rehabilitative sentences and orders.

- Sentences served in the community – these include home detention, intensive supervision, supervision, community detention and community work.

The offender files are arranged alphabetically in separate groupings according to the type of sentence or order.

#### *Post-prison orders*

Post-prison orders managed by CPS are parole, release on conditions and extended supervision. Probation Officers liaise with and provide information to the New Zealand Parole Board, which was established as an independent statutory body under the Parole Act 2002. It replaced 17 District Prison Boards and the National Parole Board. Otherwise the CPS process of managing parolees continues in the same manner as at the time of the last appraisal. Life parole applies to all offenders released from prison having served a life sentence or preventative detention. The parole period lasts for the natural life of the person. Parole may come with special conditions, e.g. residential restrictions.

A new sentencing option was introduced in 2002 involving releasing offenders on conditions after short terms of imprisonment. Conditions may relate to employment, living arrangements and rehabilitative programmes. The release arrangements vary according to the length and type of the prison sentence.

The order of extended supervision was introduced in 2004 to manage offenders assessed as at the highest risk of re-offending sexually against children. It involves close monitoring of an offender and the management of relapse prevention strategies, and may be imposed for up to 10 years.

The content of files in this grouping is similar to that described under the “Parole / Community Programme / Supervision” class in Schedule 93/71. While there continues to be a gradual diminution in the richness of detail about the offender on the paper file, most differences owe more to format than content, with the newer files reflecting the IOMS-generated nature of the documentation.

Typically files for offenders serving post-prison orders contain:

- A release licence (for parolees)
- A pre-sentence or pre-release report
- Previous convictions list (printed out from the Court Management System (CMS) via IOMS)<sup>6</sup>
- Summary of facts, court order(s) and service documents signed by the offender (documentation is generated via CMS/IOMS)
- Offender details form (for input into IOMS)
- An Offender Warning System assessment
- Sentence planning documentation, including the offender’s “induction”, rehabilitative / re-integrative needs assessments, instructions to report, programme referrals etc (most of this is generated in IOMS, printed and filed)
- Case notes and correspondence with offenders, service providers etc (IOMS generated, printed and filed)
- A printout of the IOMS termination screen (not always on file)
- Where enforcement action has been taken by way of formal court proceedings, CPPS copy of summons, summary of facts and other documents relating to prosecution of offenders.

#### *Sentences served in the community*

Home detention was introduced in 1999 as an option on release from prison, with the objective of managing the offender’s reintegration into the community. This option was removed in 2007, when home detention became an alternative sentencing option to prison in appropriate cases. Home detention requires the offender to remain at an approved residence and comply with a range of conditions imposed by the court. It is at the higher end of the sentencing hierarchy, sitting between imprisonment and community-based sentences. Home detention files contain bulky electronic monitoring reports generated by the contractor providing monitoring services.

Intensive supervision was added as a community-based sentence in 2007. While both supervision and intensive supervision sentences require the offender to comply with a range of conditions imposed by the

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<sup>6</sup> IOMS interfaces with the courts, police and other relevant agencies – see further below

court, the latter is aimed at offenders convicted of more serious offences, with more complex rehabilitative needs and at higher risk of re-offending.

Community detention and community work are lower in the sentencing hierarchy than other community-based sentences. These sentences are essentially punitive.

Community detention came into force as a sentence in 2007 and involves electronic monitoring of offenders. This is reported on the following day, not in real time as for home detention.

Community work files contain essentially the same information as the earlier equivalents of periodic detention and community service as described in Schedule 93/71. The records are of a routine administrative nature and do not go into detail about the offender.

Typically files for offenders serving sentences and orders in the community contain:

- A copy of the court order of sentence
- A summary of facts
- Previous convictions (if any)
- Offender details form (for input into IOMS)
- Instructions about the sentence, where and when to report
- An Offender Warning System assessment<sup>7</sup>
- A printout of the IOMS termination details screen (not always on file). This is the equivalent of the termination sheet referred to in Schedule 93/71. As it no longer records information about the offender's behaviour, progress etc, it has not been recommended for retention as a public archive.
- Where enforcement action has been taken by way of formal court proceedings, CPPS copy of summons, summary of facts and other documents relating to prosecution of offenders.

Electronically monitored sentences and orders also contain other information and reports about the electronic monitoring, including from the electronic monitoring provider.

Community work files also contain:

- A work placement assessment
- An agency agreement and attendance register if the offender is placed at an agency.

#### *Historical offender files*

Schedule 93/71 required supervision and parole files closed before 1 January 1950 to be transferred to Archives NZ. The job file notes that only 3 districts held files prior to 1950; however it is unclear why this date was selected as a grandparent date. A search of Archway indicates some files from the Gisborne office may have been the only files transferred since the current Schedule was approved. Although the likelihood of historical files still being held in CPS offices or off-site storage is low, this class has been retained in the event that any are located.

The grandparent date has been revised from 1 January 1950 to 1 January 1972. This brings this Schedule into line with Schedule 00/66 for prisoner files, which requires the retention of all files closed prior to 1 January 1972. The 1972 date relates approximately to the time when the Wanganui Computer (known latterly as the Law Enforcement System or LES) first became operational. The Wanganui Computer/ LES was the primary electronic data management system for the Justice sector from the early-1970's through until the late-1990's/ early 2000's. It had a significant impact on the way data and records were captured and managed.

#### *Offender Warning System (OWS), Highest Risk (HRX) Offenders and Extended Supervision*

All offenders are assessed against a set of internal criteria for the purpose of identifying those who might present a significant risk to the public, CPS staff or themselves. These offenders are included on the Corrections' OWS and become subject to special sentence management requirements (for example, zero tolerance to non-compliance, and nil relaxation of reporting requirements). Offenders who are assessed,

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<sup>7</sup> All offenders undergo an OWS assessment – see further below.

by Psychological Services, as posing the highest risk to public safety are identified as highest risk (HRX) offenders<sup>8</sup>. These offenders are included in the OWS.

Each CPS office maintains an OWS register of offenders they manage. This register is maintained in IOMS and is regularly monitored, updated and reported against. OWS paper files are identified by an orange file cover and are filed in normal alphabetic sequence within the appropriate file series grouping.

The OWS designation is essentially for sentence and order management purposes. It identifies offenders who present a significant risk, and results in specific sentence and order management requirements being imposed on them. There are a large number of OWS files in existence - over 2,000 at any one time. An offender's OWS status can change throughout the course of a sentence or order, which presents difficulties in how this criterion might be applied to the selection of files for permanent retention. Also, the information contained on these files is no different from the information contained on other files in the same sentence or order grouping.

The HRX sub-group, and those offenders on Extended Supervision however, are considered significant as these are core groups of high-risk offenders as defined by the legislation. The volume of HRX and Extended Supervision files is smaller, and this Schedule recommends that a 100 percent sample of these files be retained permanently.

### **Other Records**

Both offices visited held a series of ringbinders containing reports requested by the court. These files contain pre-sentence reports and supporting documentation and home leave reports. This series is primarily used for reference, hence its class title "copies of court reports" in Schedule 93/71. Interviews with staff indicated the material will also be in IOMS and usually filed on the offender file. There may be a small amount of material filed here that is not a "copy". The reports will also be held by the court in its record. This class has been included in this Schedule.<sup>9</sup>

In one office there was also a series of ring-binders containing applications for home leave. Staff indicated these records are now interfiled with court reports, however a residual class has been included in this Schedule to manage the disposal of these records where they are held as a discrete series.

### **The IOMS / Paper Interface**

IOMS is available in every CPPS office and throughout Corrections, as well as in most courts. Corrections provides administrative support to the New Zealand Parole Board, to which IOMS is also available. Data is entered into CMS by courts administrative staff at sentencing, and is transferred to IOMS via an information technology interface. Thereafter, CPPS staff are responsible for maintaining and modifying the data within IOMS.

The main types of records held in IOMS are:

Offender	Personal details of the offender.
Sentence/Order	Details of the conviction, sentence and/or order, linked to the offender record. This information can be quite complex, as a number of combinations of concurrent sentences and orders can be imposed.
Case Notes	Staff responsible for managing an offender enter details of all interactions relating to that offender.
Document	For example, correspondence, forms, sentence plans, reports etc.
Staff	Details of the staff member allocated to the offender's case.
Agency	Information about a person or organisation sponsoring a programme or service for offenders.
Programme	Details of an individual programme on which, or service to which, an offender is sent.

<sup>8</sup> Refer to s.182 Corrections Act 2004

<sup>9</sup> Refer to class 3.3 Reports requested by the court

Most of the administrative records associated with offender management and listed in Schedule 93/71 have now been subsumed into IOMS. Manual registers, indexes, probationers' record cards, etc are no longer created. An Archway search shows a few records of this nature have been transferred to Archives New Zealand. This class of record has been retained in the revised Schedule however to ensure any remaining registers and indexes are retained as public archives.<sup>10</sup>

It is not clear whether the "agency listings" class in Schedule 93/71 refers to lists or "musters" of offenders managed by a particular office, or lists of agencies providing programmes or services for offenders. However, both types of information are now managed in IOMS. Court lists are generated from IOMS and any paper copies are working copies only. The process of tracking offender file location when offenders move to other areas, previously managed by "transfer out letters" and "receipts for files transferred", is now managed through notes fields in IOMS. Computer history requests date from the days of the Wanganui computer (or LES). Lists of previous convictions are now supplied by the court via the CMS/IOMS interface and filed on the offender file. Requests from the court for reports to be written are now usually verbal or filed either on the offender file or with the reports requested by the court.<sup>11</sup> None of these classes are included in this Schedule.

The relationship between the paper offender file and IOMS records is more complex. While IOMS is now regarded as the primary storage system for offender information, it is clear from the relevant sections of the CPPS Operations Manual and from interviews with staff that the paper file is still regarded as a critical record. For example, some documentation is signed by the offender to acknowledge service, understanding of sentence or order requirements, etc. There are other signed original documents which go to the court and the New Zealand Parole Board. In a review of IOMS in 2003, Corrections recognised that there are tasks more appropriately suited to manual solutions, and planned a comparatively conservative work programme for the future development of CPPS IOMS at least until 2012.<sup>12</sup>

IOMS is offender-centric rather than sentence or order-centric and is becoming more so, with the increasing options for the court to order offenders to serve several combined sentences and/or orders. For example, an offender could be sentenced concurrently to community detention, community work, and supervision. This is straightforward to apply in IOMS but presents difficulties for paper file management that is based on sentence groupings. In the past, if an offender file was reactivated and the sentence was different, this information was added to the file cover. Now, where an offender receives multiple types of sentences and/or orders it is preferred that, there be more than one offender file for that offender.

Over time, it is probably inevitable that the value of the paper offender file will reduce further as it gives way to the electronic offender record. However, the paper file cannot yet be considered to be simply a copy of the electronic record. While the existence of IOMS as an alternative source of information has been taken into consideration in this report, the recordkeeping attributes of IOMS and its compliance with electronic recordkeeping systems standards have yet to be investigated in this context.

### ***High Volume Offender Files and Sampling***

The volume of CPS offender files is much higher than the volume of prisoner files. Corrections figures indicate that in the first 9 months of 2007, there were around 6,000 sentenced offenders in prison at any one time. As a result of the new sentencing structure after October 2007, a higher proportion of offenders were expected to serve sentences in the community instead of in prison.

The highest volume of files relate to community work. In the 2006-07 year, 31,387 offenders started community work sentences. This was projected to increase to 34,000 during the 2008-09 year. Community detention figures were expected to reach 2,500 over the 2008-09 year.

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<sup>10</sup> The class "commitment register" in Schedule 93/71 refers to processing financial vouchers, is now managed by SAP and covered by GDA/2

<sup>11</sup> The remaining classes omitted from this Schedule relate to generic administrative records covered by GDAs 1-4

<sup>12</sup> Refer to <http://www.corrections.govt.nz/public/news/ioms-review/framework-future.html>

Volumes for the other offender file types are also significantly higher than for prisoner files. In the 2006-07 year, a total of 13,881 offenders started serving other CPS-managed sentences or orders, and this figure was projected to increase to over 17,500 during the 2008-09 year.<sup>13</sup>

Excluding life parolees and significant / unusual / particular public interest files, a 10% sampling of the equivalent of this grouping is required by Schedule 93/71. It is recommended that this sampling level is reduced from 10% to 5%. Corrections is now able to identify most files of high public interest through its HRX processes, and these have been recommended for retention as public archives. However, this system is based on risk and will not necessarily identify other significant or unusual cases, for example, the offending of a high-profile public figure. This additional category has therefore been retained from Schedule 93/71. Life parolees' files also continue to be recommended for retention as public archives.

Once the higher risk and significant files are removed from this offender file grouping, the remaining files will consist of high volume, homogenous files dealing with comparatively minor offences. It is recommended that these files continue to be sampled, to provide evidence of levels of success in reducing re-offending across a broad spectrum of offenders and offences. However, it is considered that a 5% sampling should be sufficient to provide this evidence, given the gradually reducing value of the paper record, the increasing availability and richness of the electronic record, and the cost of retaining high volumes of files.

### **8.1 Parole, Home Detention, Released on Conditions, Extended Supervision, Intensive Supervision, Supervision, and remaining Community Programme Offender Files**

<i>Class Title:</i>	Parole, Home Detention, Released on Conditions, Extended Supervision, Intensive Supervision, Supervision, and remaining Community Programme Offender Files
<i>Class Description:</i>	Files relating to the management of individual offenders serving any of these sentences / orders, or a combination of them.
<i>Class number:</i>	1
<i>Value:</i>	Supervision and parole files closed before 1 January 1972 are rare and of value in providing information relating to the management of offenders from an historical perspective. Files relating to life parolees, those on extended supervision and highest risk offenders are of value in providing insight into the behaviour and management of serious offenders in the community and evidence of factors such as levels of recidivism and efforts to prevent it. Other significant, unusual cases or cases of particular public interest are of informational and research value. A sampling of remaining cases is of value in providing evidence of overall levels of success in the reduction of offending and concomitant accountability. The remaining offender files in this class are high volume, homogenous files dealing with minor levels of offending and are of routine, administrative value only.

Note: For files on offenders serving home detention, the routine electronic monitoring reports add significantly to the bulk of these files, but contain little information of long-term value or interest. This information is duplicated elsewhere in the Department's electronic information systems. To reduce the size of these files, it is recommended that these reports be purged from those files selected for archiving, except in cases where monitoring reports provided evidence that led to breach action.

#### Recommended for retention as public archives

Classes 1.1 – 1.6

- Accountability for treatment and management of offenders over time to protect the public interest

<sup>13</sup> Figures have been taken from Corrections' website – refer to <http://www.corrections.govt.nz/public/communityassistance/correctionsinthecommunity/introduction>

- Evidential value – levels of success in core activity of reducing offending
- Informational value – management of offenders in the community over time, offender behaviour and progress, document cases of notoriety, high public interest, etc.
  - e.g. Offender files
  - e.g. Highest risk offender files
  - e.g. Historical offender files

#### Recommended for destruction

Within Classes 1.1 – 1.6

- *Only for files on offenders serving home detention*, routine electronic monitoring reports, except in cases where monitoring reports provided evidence that led to breach action.

Class 1.7

- Accountability - files of low public interest dealing with minor offences
- Evidential value – sufficiently covered by classes recommended for retention
- Informational value – homogenous files, sufficiently covered by classes recommended for retention
- Cost considerations – high volume, low value files
  - e.g. Offender files

## **8.2 Community Work, Community Detention, and remaining Periodic Detention or Community Service Offender Files**

<i>Class Title:</i>	Community Work, Community Detention, and remaining Periodic Detention or Community Service Offender Files
<i>Class Description:</i>	Files relating to the management of individual offenders serving any of these sentences, or a combination of them
<i>Class number:</i>	2
<i>Value:</i>	These files relate to the management of offenders serving non-rehabilitative sentences at the medium to lower end of the sentencing hierarchy. These sentences are essentially punitive, and therefore the information on them is of a routine administrative nature only.

#### Recommended for retention as public archives

No records in this class are recommended for retention as public archives

#### Recommended for destruction

All records in this class are recommended for destruction

- No long-term accountability, evidential or informational value – of routine administrative nature only
- Cost considerations – very high volume records
  - e.g. Offender Files

## **8.3 Records Associated with Offender Files**

<i>Class Title:</i>	Records Associated with Offender Files
<i>Class Description:</i>	Records relating to certain administrative processes associated with the management of individual offenders serving sentences and/or orders in classes 1 and 2 of this schedule.
<i>Class number:</i>	3

*Value:* Remaining paper registers, indexes and probationers record cards are of value as historical summary information about offenders and the sentences they served. Applications for home leave, probation officers' diaries and duty officers' books are routine administrative records of no long-term value. Pre-sentence interview notes and supporting information are raw data used to develop pre-sentence reports and are of short-term administrative value only. Reports requested by the court are administrative records for reference only. Section 77 of the Sentencing Act 2002 applies the Injury Prevention, Rehabilitation and Compensation Act 2001 to persons serving community-based sentences. The effect is to require Corrections or its service provider to keep accident records / registers in these circumstances. Because this situation relates to a Corrections core activity, these records have been covered in this Schedule and not by GDA/1. However, the same classes have been applied as for GDA/1 to recommend retention of accident records covering fatalities and/or prosecution only.

#### Recommended for retention as public archives

Classes 3.1 and 3.7

- Accountability for safety and treatment of offenders and management of community-based sentence implementation
- Informational value – historical summary information about offenders and sentences
- Evidential value – evidence of how a core activity is managed to minimise cost to taxpayers via safety measures
  - e.g. Registers / indexes
  - e.g. Probationers record cards
  - e.g. Accident registers

#### Recommended for destruction

Classes 3.2 – 3.6

- No accountability, evidential or informational value – routine administrative / reference records only.
  - e.g. Applications for home leave
  - e.g. Routine accident records
  - e.g. Probation officers diaries

## **9. Access Recommendations**

[Removed]

## **10. Transfer Arrangements**

[Removed]

### **Disposal authorisations**

- Valid until 31 December 2014.

## Appendices

### 1 History of Sentencing Legislation

#### **Criminal Justice Act 1985**

(Replaced Criminal Justice Act 1954)

- New sentence of community programme introduced
- Existing sentences of supervision, non-residential periodic detention, community service continue
- Existing release from prison on parole continues
- Residential periodic detention removed

#### **Criminal Justice Amendment Act 1993**

- Community care sentence becomes community programme

#### **Criminal Justice Amendment Act 1999**

- New release from prison option home detention introduced
- Existing sentences of supervision, periodic detention, community programme and community service continue
- Existing release from prison to parole continues

#### **Sentencing Act 2002 and Parole Act 2002**

- Sentences of periodic detention, community service and community programme removed
- New sentence of community work introduced
- Released on conditions from short term sentences of imprisonment introduced
- Existing sentence of supervision continues

#### **Parole Amendment Act 2004**

- Sentence of extended supervision introduced

#### **Sentencing Amendment Act 2007 and Parole Amendment Act 2007**

- New sentences of intensive supervision and community detention introduced
- Home detention sentence as an alternative to prison introduced, with the option of post-detention conditions
- Front-end and back-end home detention orders removed
- Residential restrictions introduced as electronically-monitored special condition of parole.

## 2 Sentencing Hierarchy and Rehabilitative Sentences and Orders

### 2a Sentencing Hierarchy

The sentencing hierarchy splits sentences into six tiers, based on the severity of the sentence:

<b>Tier</b>	<b>Severity</b>	<b>Available Sentences</b>
Incarceration	Highest	Prison
High severity community option		Home Detention
Enhanced standard community option		Community Detention and Intensive Supervision
Standard community option		Community Work and Supervision
Low severity community option		Fines and Reparation Orders
Minor community option	Lowest	Discharge without conviction or Order to come up for sentence if called upon

### 2b Rehabilitative Sentences and Orders

Rehabilitative sentences and orders include:

- those following release from prison (parole and release on conditions)
- extended supervision order
- home detention
- intensive supervision
- supervision.

### **3 Stakeholder Consultation**

#### **Internal Consultation**

##### **CPPS Staff**

Senior Operations Advisor, CPS Operations - Head Office

General Manager, Community Probation & Psychological Services - Head Office

Business Services Manager - Hawkes Bay-Gisborne Area Office

Business Services Adviser - Hamilton Area Office

Administration Officer - Napier Service Centre

Manager CPS Operations - Head Office

Service Manager - Kingsley Service Centre, Christchurch

Administration Officer Home Detention - Lower Hutt Service Centre

Administration Officer Home Detention - Rotorua Service Centre

Manager Business Support - Head Office

##### **Other Corrections Staff**

Acting Manager, Maori and Pacific Policy - Policy, Strategy and Research - Head Office

#### **External Consultation**

##### **Victoria University of Wellington**

Senior Lecturer - Institute of Criminology, Victoria University of Wellington

##### **New Zealand Police**

Manager - New Zealand Police Museum