

Department of Corrections made errors in documentation but parole hearing set correctly

Legislation	Ombudsmen Act 1975
Agency	Department of Corrections
Ombudsman	David McGee
Case number(s)	178662
Date	July 2010

Whether Department of Corrections staff failed complainant with respect to a Parole Board hearing—Ombudsman found errors in documentation but complainant not disadvantaged

The complainant was a prisoner waiting to appear before the NZ Parole Board (Board). He claimed that prison staff failed to provide the necessary documentation to the Board to facilitate his appearance before a sitting. He also complained that a staff officer's response to his complaint about this matter was unreasonable and that hearing dates were altered on the IOMS Parole Board Register. The complainant believed he was disadvantaged by not having had the opportunity to appear before the hearing as originally scheduled, and had been imprisoned for another two months until being released on parole following a later hearing.

The Ombudsman sustained one aspect of the complaint (ground 3).

The Ombudsman was advised by the Department that the reason the complainant had not been brought before the earlier Board, was due to an administrative error by the Board. As Departmental staff at the prison were not responsible for the error. It cannot be said therefore that staff did not fail to provide the necessary documentation to the complainant (although it was accepted there were some anomalies in the documentation). With regard to the second ground of complaint, the Ombudsman was unable to determine what information the complainant provided to the prison officer and even if that officer had misconstrued aspects of the complainant's complaint (which seemed likely), the Ombudsman noted that the advice provided by the officer was given in good faith. The fourth ground of complaint was also not upheld, with the Ombudsman noting that the date set was at a time when the complainant became eligible for the hearing.

The ground of complaint which was sustained concerned dates which were altered in the documentation. The Board accepted that on occasion, dates were entered and then amended on the complainant's computer records. Exhaustive inquiries as to how these changes occurred failed to clearly explain the reason for the inconsistent information. However the Ombudsman considered that the complainant was not disadvantaged by this situation as he was only entitled to appear before the Board at the time he eventually did appear.

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