



**Corrections Amendment Bill
Justice Select Committee**

The Salvation Army New Zealand Fiji and Tonga with Samoa Territory Submission

EXECUTIVE SUMMARY:

1. Overall, The Salvation Army **supports** the passing of this Bill into legislation. We believe this Bill will fulfil its stated purposes the Explanatory Note, particularly the goal of improving the *ability of the Department of Corrections to safely and humanely manage prisoners.*¹
2. This is a very large Bill with numerous amendments to the Corrections Regulations 2005. In the sections below, we will provide some general comments on our criminal justice system. Then following that, there are some specific comments to the amendments proposed in this Bill. Through our various social services, we have frequent interactions with our corrections system, from counselling services inside prisons, through to different reintegration work once people leave prisons. Therefore, The Salvation Army considers it crucial to comment on this Bill given its relevance to our mission and criminal justice-related work.

BACKGROUND:

3. The Salvation Army is an international Christian church and social services organisation that has worked in New Zealand for over one hundred and thirty years. The Army provides a wide-range of practical social, community and faith-based services, particularly for those who are suffering, facing injustice or those who have been forgotten and marginalised by mainstream society. We are passionately committed to our communities as we aim to fulfil our mission of caring for people, transforming lives and reforming society through God in Christ by the Holy Spirit's power.²
4. As mentioned above, there are several points of connection between our criminal justice system and The Salvation Army. For example, we have a Court Chaplaincy service that, among other things, helps explain court procedures and decisions, directs people to the right courtrooms, and advises people about where to get legal advice from. In addition, The Army's Addiction, Supportive Accommodation and Reintegration Service (ASARS) provide services at more than 30 locations throughout the country. ASARS' reintegration service helps former prisoners with housing on release from prison, as well as a safe and supported transition into the community. Our support focuses on the following areas: assistance in improving employment resilience; assistance in finding permanent sustainable accommodation; assistance in acquiring necessary skills to retain sustainable employment; and assistance in maintaining spiritual, personal and culture wellbeing; assistance in managing household, family/whānau and financial commitments; assistance with connecting to pro-social family, whānau and community support.

¹ <http://www.legislation.govt.nz/bill/government/2018/0035/latest/whole.html#LMS23085>

² <http://www.salvationarmy.org.nz/our-community/mission/>

5. This submission has been prepared by the Social Policy and Parliamentary Unit of The Salvation Army. This Unit works towards the eradication of poverty by encouraging policies and practices that strengthen the social framework of New Zealand. This submission has been approved by Commissioner Andrew Westrupp, Territorial Commander of The Salvation Army's New Zealand Fiji and Tonga with Samoa Territory.

GENERAL COMMENTS:

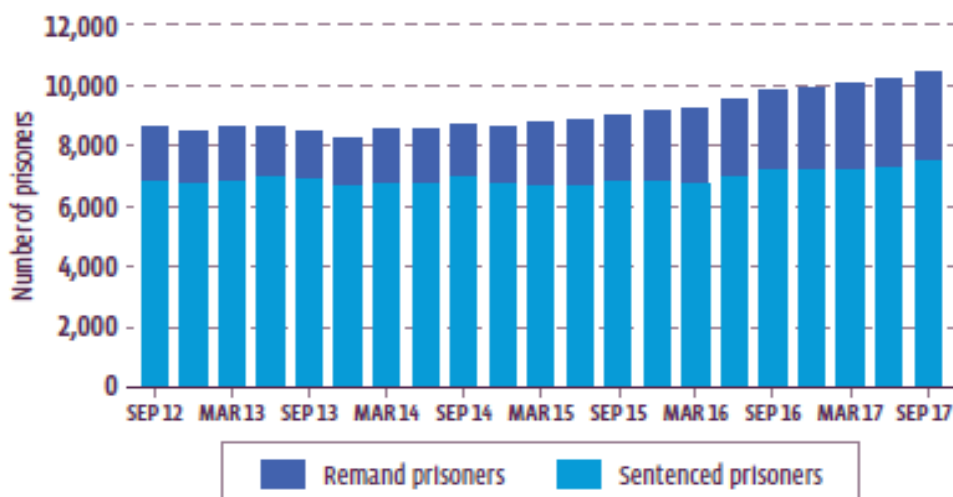
6. The Salvation Army believes our nation needs a strong criminal justice system that protects our citizens, deters people from committing crimes, and rehabilitating and reintegrating. Our views on our criminal justice system are fundamentally rooted in our Christian worldview, particularly the truth that God is inherently both just and righteous: "*righteousness and justice are the foundation of thy throne*" (Psalms 89:14). It is popularly known and discussed, even in our secular New Zealand society, that the Christian God is a God of love and mercy. This is completely true. However, the holistic and complete picture of the Christian God is that He is also intrinsically just, righteous and holy. Consequently, He believes in these elements – love, mercy, justice, righteousness and holiness – and these form the basis of how we view and work in and with the criminal justice sector.
7. We have an effective high-level Memorandum of Understanding with the Department of Corrections which allows us to work closely together in service provision and design, and also in research and advocacy.
8. The Salvation Army has, through our social services and research and advocacy work, consistently engaged with the Government around our criminal justice system. In 2016, we released *Beyond the Prison Gate*, which looked closer into various issues within our criminal justice sector, and also discussed reimagining what life after prison could look like in the future for former prisoners.³ In *Beyond the Prison Gate*, we supported 12 Recommendations to the Government about our criminal justice system. We strongly believe these Recommendations are still hugely relevant today, and they included: developing a cross-party justice re-investment strategy; calls to the Department of Corrections to ensure all those leaving prisons has a form of ID accepted by banks and agencies, has their benefit established before leaving, has 6-months stable accommodation upon release, and Navigation Services are available to all those leaving prisons; a review of the current Clean Slates Regime, and; reducing racial inequalities in the criminal justice system must become a priority for our nation.⁴
9. In our annual State of the Nation reports, we have consistently documented various crime and punishment progress indicators. We will not go into detail here about this information. But it is sufficient to acknowledge here two critical priorities we believe our criminal justice sector must address:

³ http://www.salvationarmy.org.nz/sites/default/files/uploads/20161207spputsa-prison-gate-2016_report.pdf

⁴ Ibid.

- a. **Rising Prison numbers** – The Government has made a commitment to reducing our prison muster over the next 15 years. We commend this target. But we also recognise the urgent need to reduce our prison numbers, potentially through reforms of the Bail Act, and the increased use of community based sentences. The figure below, from our 2018 State of the Nation report *Kei A Tatou*, illustrates clearly our rising prison numbers.⁵ This requires pressing attention from our Government, particularly with progressing discussions around the new prison in Waikeria.

Figure 8: Prisoner population—2012-2017 (quarterly)³³



- b. **Recidivism, rehabilitation and reintegration** – Again, we believe these are vital areas of need for our criminal justice system. We submit that reintegration services must be more adequately funded to help reduce recidivism and reimprisonment rates, particularly for former prisoners of Maori and Pacific ethnicity. Truly effective rehabilitation in prison, and strong reintegration post prison, will ideally move people away from the criminal justice sector, and direct them and their whanau to more meaningful and positive life outcomes.

SPECIFIC COMMENTS TO THE LEGISLATION:

10. Given the large number of amendments in this Bill, we have tallied our responses in a table format below to clearly identify our perspectives.

⁵ <http://www.salvationarmy.org.nz/sites/default/files/uploads/20180214tsastateofthenation2018.pdf>, pg. 33.

Clause	Description	Salvation Army Feedback
4.	Inclusion of psychoactive substances in definition of drug	<ul style="list-style-type: none"> • We support this clause • We recognise that the Psychoactive Substances Authority does not currently have any approved products. Therefore any psychoactive substances found in prisons would be illegal. If the Psychoactive Substances (Increasing Penalty for Supply and Distribution) Amendment Bill was to pass, what effect would this increased penalty have on prisoners found with these substances who are already serving a sentence? • Our view is that, regardless of the disciplinary offence aspect, effective addictions treatment is crucial for any prisoner found with these dangerous products. We have previously supported the Psychoactive Substances Bill mentioned above to this Committee. But we have also advocated for better treatment services for those facing these use and addictions issues.
5 and 18.	Statutory appeals process for process of placing mothers and their babies	<ul style="list-style-type: none"> • We strongly support this amendment. We believe any reviews undertaken by the Chief Executive should consider all available information, particularly if that mother has been working with NGO services operating within the prison walls. Building a healthy connection between mothers and babies, even inside the prisons, is vital for the rehabilitative and reintegration processes for that mother.
6.	Delegated powers of health centre managers	<ul style="list-style-type: none"> • We support this provision, as long as the person delegated these important roles are suitably qualified medical staff, and can also ensure the safety and wellbeing of the prisoner and the staff.
7.	Declaration of Police cells as part of a Corrections prison	<ul style="list-style-type: none"> • We understand the practicality of this amendment. However, as argued above, our contention is that prison numbers must decrease. This will consequently lead to less and less reliance on Police cells because of prison bed shortages.
8.	Maximum detention lengths in Police jails	<ul style="list-style-type: none"> • We support this. However, we believe the rehabilitation, support and navigation services that prisoners receive in our main prisons should also be made available where appropriate to those prisoners serving parts of their sentences in Police jails.
9.	Information about disciplinary offences	<ul style="list-style-type: none"> • We support this provision. But we believe that merely handing over the information

		<p>does not necessarily mean the prisoner has understood what does and does not constitute a disciplinary offence. We believe provision needs to be made to clearly identify that prisoners have understood this information. Furthermore, if English is not the first language of that prisoner, then we believe the Department must employ methods such as translations of information, or using the Language Line, to ensure this information is understood. There might also be scope to have this information creatively but effectively communicated through other mediums, including short video presentations and so on.</p>
10 – 14.	Self-harm provisions	<ul style="list-style-type: none"> • We fully support the Bill’s moves to better manage those prisoners at-risk of self-harm. We also believe it is important that the safety of Department staff is maintained during what are often chaotic and challenging self-harm situations for prisoners. • Under clause 12, we acknowledge that associating with other inmates might strengthen the wellbeing of that prisoner. But sometimes these other inmates through bullying or intimidation are causing the at-risk behaviour of that prisoner. Segregation then, with clear parameters, is useful in these situations. • Under clause 14, new section 61D, we submit that many NGOs and community groups hold important information about people going into prisons. We submit that better information sharing (with the proper privacy protections) is vital in getting a more accurate picture of the risk of self-harm for certain prisoners.
16.	Outgoing phone calls by prisoners	<ul style="list-style-type: none"> • As the Department has iterated, maintaining family and social relationships through prisoner communication is extremely important. We also understand that prisoners and their families can face made socio-economic challenges. We pose the possibility of all calls from prisons to landlines be made free so that cost is not a block to maintaining these family and social relationships.
19.	Expectation of conditions	<ul style="list-style-type: none"> • We support this.
20.	Mechanical restraints in hospital and outside prisons	<ul style="list-style-type: none"> • We support this amendment, as long as the restraints do not hinder effective and necessary medical treatment.
21, 22 and 25.	Imaging technology to detect	<ul style="list-style-type: none"> • We support these changes. These provisions are positive, as long as their fundamental

	contraband	human rights are not affected.
26.	Tattooing and contacting people in breach of a Court order	<ul style="list-style-type: none"> • We support these provisions. • We also note that can be incidences of prisoners forced to get tattoos. We hope that in these cases, these prisoners will not be sanctioned for the bullying behaviour of other inmates. • We fully support maintaining the integrity and protection of Court orders, particularly if the order protects victims of crimes.