

Justice Sector Long Term Insights Briefing – Focus on Imprisonment in Aotearoa

Comments on the public consultation draft

Prepared by the Social Policy and Parliamentary Unit of The Salvation Army Te Ope Whakaora

11th October 2022

1. The Salvation Army welcomes this briefing document that captures well key trends and the issues relating to imprisonment in Aotearoa New Zealand in 2022. The Long Term Insights (LTI) Briefing provides sound evidence and analysis that will inform the future of justice policy.
2. The Salvation Army's vision for imprisonment in this country is that we should aim to have among the lowest imprisonment rates among the other wealthy countries with which we compare ourselves (e.g. OECD countries). Our prison system needs to be part of a system that enables transformation and healing and reduces the likelihood of further offending and harm.
3. The public narrative about law and order is often emotive and reactive, and has tended to be influenced by 'tough on crime' narratives that do not reflect the reality of lives of those affected and the communities they live in. Transforming imprisonment will involve addressing the social and economic exclusion that results in our country's high imprisonment rate.
4. We recognise that prisons in this land are a product of the colonial settlement in the 19th Century and were unknown amongst tangata whenua prior to this time. There is still much to be learned from drawing upon mātauranga Māori to inform alternatives to imprisonment and approaches to justice shaped by the Te Tiriti o Waitangi relationship.

[Background of The Salvation Army](#)

5. The mission of The Salvation Army Te Ope Whakaora is to care for people, transform lives, and reform society by God's power. The Salvation Army is a Christian church and social services organisation that has worked in New Zealand for over one hundred and thirty years. It provides a wide range of practical social, community, and faith-based services, particularly for those who are suffering, facing injustice, or who have been forgotten and marginalised by mainstream society.
6. The Salvation Army's combined services provide support to around 140,000 people annually. In the year ending June 2022, we provided support for almost 500 people with specific reintegration services, over 2,000 whanau with supportive accommodation, and over 2,000 Tangata Whaiora with addictions and other drugs support. In addition, we also have court chaplains who provide support for whanau in the justice system and prison chaplains who provide ongoing spiritual support for those who are incarcerated. Our vast range of services from Kaitia to Invercargill provides food banks, financial mentoring, and social work to support our communities and particularly our whanau who are finding a way to get back on to their feet after being incarcerated.
7. This submission has been prepared by the Social Policy and Parliamentary Unit (SPPU) of The Salvation Army. The SPPU works towards the eradication of poverty by advocating for policies and practices that strengthen the social framework of New Zealand. This submission has been approved by Commissioner Mark Campbell, Territorial Commander of The Salvation Army's Aotearoa New Zealand Fiji Tonga, and Samoa Territory.

Structural Change

8. Long term trends such as the huge reduction in youth offending and imprisonment rates for young adults under 25 are very welcome signs of significant social changes.
9. The large reduction in the prison population since 2017 is also a positive sign of change in the way our justice system chooses to hold people accountable for their actions.
10. The ageing of the prison population brings new challenges to help with reintegration of offending in old age as well as their conditions of imprisonment.
11. Not enough progress is being made to overcome the enormous inequities in the impact of imprisonment on Māori. Continued incremental reform of the system that treats Māori so much more punitively will not bring fairer outcomes in the long-term. Implementing justice practices shaped by and driven under the mana of Te Ao Māori must define the coming years in justice policy.
12. The evidence showing an increase in the proportion of the prison population sentenced for sexual violence and other violent offending points to a noticeable trend in the nature of reported crime and the way it is changing and perhaps becoming more serious. The future of imprisonment will mean better managing a likely growing proportion serious offenders in an overall declining prison population.
13. A major change in imprisonment policy should enable the release of resources currently tied to running expensive prisons and applying those resources across the range of alternative justice processes. Reducing the prison population must not be seen as a cost saving exercise but as a reinvestment in better ways to respond to offending and heal and rehabilitate offenders and their victims.

Remand Prisoner numbers must decrease

How might the use of custodial remand change in the next 20 to 30 years?

14. Continued review of sentencing practices, bail and parole policies is needed with a view to ensuring that the prisoner population continues to decline. In this context there needs to be more focus placed on remand prisoners as their numbers are not reducing as fast as numbers of sentenced prisoners, and they have much more limited access to support or rehabilitation services.
15. If this country is to achieve imprisonment rates among the lowest in the OECD that will require the prisoner numbers to continue to fall to below half of the current level. The imprisonment rate in New Zealand in Dec 2021 was 164 per hundred thousand (149 June 2022). New Zealand is now around the mid-point in OECD countries for imprisonment rates. Our international benchmark for low imprisonment is to aim to match Finland 50 /Norway 56 /Japan 37 with the lowest rates in OECD.
16. With 40 percent of the current population on remand, there is clearly a need to find more robust ways to keep victims and communities safe while ensuring people do not spend long-periods on remand. People in prison on remand where they have not been convicted and/or sentenced, have no or very limited access to support and rehabilitation services.
17. The Salvation Army runs a group of bail houses that seek to provide safe and supportive places for people on remand to live while awaiting sentencing or court processes. There is a lack of

such safe options for those who cannot be remanded in their communities so increasing the number and range of such services will help reduce the prison remand numbers.

18. Remand and bail conditions and associated case management systems need to look at further developing services and supports that can enable people to be safely remanded into the community. Channelling resources currently spent on keeping people in prison on remand away into community-based alternatives needs to be a focus of future policy.

Equity for Māori

Are there different ways of thinking about imprisonment that could contribute to ending the over-representation of Māori in the prison population?

19. The Salvation Army and many others have reported for years about the huge disparity in imprisonment rates experienced by Māori. Māori are six times more likely to be imprisoned than non- Māori. Halving our prison population will be led by policies that no longer lead to mass imprisonment of Māori. If the Māori imprisonment rate is reduced to match the lowest rates in other OECD countries of around 50 per hundred thousand, that would mean less than 500 Māori in prison (among a much-reduced prison population of less than 3,000), compared to the current 4,100.
20. This will take a major re-orientation of the justice system away from the current imprisonment-based paradigm to one where kaupapa Māori approaches to justice lead the response. A reorientation of justice is possible and has been implemented for young people over the past 15 years. Imprisonment rates for young Māori under 25 years are much lower than for older age groups. A similar fall in overall imprisonment will need a planned re-orientation of justice resources towards alternative pathways for accountability for actions and forms of restoring relationship and healing.

Victimisation and Offending

How can whānau, hapū, iwi and community best support people in the system to not reoffend and live more productive lives?

21. Imprisonment policy needs to recognise the interwoven nature of offending and victimisation, that offenders and victims come largely from the same communities that are most affected. These communities are defined by a wide of range social and economic disparities. Investing in overcoming deprivation and hardship will have the best chance of supporting further long term change in imprisonment. Imprisonment ends with people often being released back into struggling communities so it is crucial that social welfare, housing, health, employment and education policy focuses on strengthening the communities impacted by high offending and imprisonment. The aim must be to support the both victims living with the impacts of crime and the possibility of successful reintegration for people in release.

Rehabilitation and reintegration

How might rehabilitation and reintegration programmes need to evolve to respond to the needs of an older prison population with more complex needs?

22. There has been a significant increase in investment in additional reintegration and rehabilitation programmes in recent years, yet rates of reimprisonment and re-offending have not shown evidence of meaningful or sustained reduction amongst released prisoners. The 24 month

reimprisonment rates in 2021 were 2-3 percentage points lower than five years earlier (State of the Nation 2022) at 44.8 percent for Māori and 33.4 percent for non-Māori. But such incremental progress points to the need for a radical change in how we work with prisoner pre and post-release.

23. The Salvation Army has a significant commitment to reintegration services and aims to offer effective and life-changing support to those leaving prison. We believe that the most effective rehabilitation programmes are those which offer long-term support to prisoners after their release. There needs to be a balanced effort into both rehabilitation and reintegration of prisoners back into society.
24. The Army also wishes to see greater emphasis being placed on addressing prisoners' mental health and addictions problems while in prison and on supporting them into sustainable employment and housing post release. Current programmes that work with prisoners pre-release and allow this to continue after release in the community offer the best chance of longer term sustained improvement, reduced offending and improved wellbeing.
25. The Salvation Army submission to the Ara Poutama Aotearoa Department of Corrections consultation on options to improve rehabilitation, reintegration and safety outcomes was prepared in September 2022. That submission provides important feedback that should be read alongside these comments on the issues raised in the LTI Briefing:
 - Trauma-informed approaches to support programmes steeped in te Ao Maori and involving marae-based healing that are based in relationships with local iwi and hapu are needed to make healing possible.
 - Staff training that is culturally and context-specific both within the prison system and for those involved in reintegration will be central to improving reintegration outcomes.
 - Flexibility of case management systems with the purpose allowing people to work towards goals that support their successful reintegration into society is needed. Case management will need to include a focus on overall hauora, involve community probation and ensure practical basics such as bank accounts and personal ID are organised in a timely way
 - Learnings from the use of technology during the pandemic run programmes for both those sentenced and on remand show that a more flexible and potentially cost-effective approach is possible to reintegration work.

Ageing Prison Population

26. The insights about the of the prison population are important information for services like The Salvation Army reintegration services. It means a closer focus on the age profile of clients and how this is changing. This is an emerging trend and the goal of further large reductions in the prison population in the coming years will need to be supported by planning for the older demographic of prisoners on release.