



Corrections Amendment Bill Law and Order Select Committee

The Salvation Army (New Zealand, Fiji and Tonga Territory) Submission

1. BACKGROUND

- 1.1 The Salvation Army is an international Christian and social services organisation that has worked in New Zealand for over one hundred and twenty 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.
- 1.2 The Salvation Army has a Court and Prison Services which provides court officers and chaplains for courts and prisons around New Zealand. The Court and Prison Services is committed to working with everyone and anyone involved in the court or prison process and attempts to be immersed in the reality of the criminal justice system in New Zealand¹. Our Courts and Prison Services are located around the country and assist people by supporting them through the court procedures, arranging court-ordered drug and alcohol assessments and arranging transport and accommodation (if necessary).
- 1.3 This submission has been prepared by the Social Policy and Parliamentary Unit of The Salvation Army. The Unit works towards the eradication of poverty by encouraging policies and practices that strengthen the social framework of New Zealand. It provides social research and robust policy analysis, engaging with national opinion makers in politics, government, business, media and education.
- 1.4 This submission has been approved by Commissioner Donald Bell, the Territorial Commander of The Salvation Army's New Zealand, Fiji and Tonga Territory.
- 1.5 We would like the opportunity to publicly talk to these issues with Government that are raised in this submission if there is such a process. Our contact details for this submission are at the end of this paper.
- 1.6 We are acutely aware that law, crime and justice are all areas that Government is concerned about and active in developing policies and laws in these areas. We applaud this focus.

¹ Smith, Dr Leanne and Bonnie Robinson. (2006) Beyond the Holding Tank: Pathways to Rehabilitative and Restorative Prison Policy, The Salvation Army, Social Policy and Parliamentary Unit, p 13.

In fact, already in 2012, we have had at least four major justice related amendment bills (including this one) before Select Committee. We also note that Government passed around **18 justice-related bills** in its last term. We acknowledge that many of these policy and legislative changes are positive and help ensure that those involved in justice procedures are supported through this process.

But we cannot necessarily equate quantity with quality. We humbly remind the Select Committee that responding to amendments to legislation is not an easy or small thing, especially for charities like The Salvation Army. Time and resources are needed when responding via submissions, particularly when the amendments are very complex and huge in number. Such a large volume of vital legislative changes that are set within often very short timeframes makes it difficult at times to respond comprehensively through the submission process.

2. THE SALVATION ARMY PERSPECTIVE

- 2.1 We wish to highlight the justice related submissions to Select Committees that we have already made in 2012. These include our submissions to the Corrections Amendment Bill, Bail Amendment Bill and Administration of Community Sentences and Orders Amendment Bill.² In these submissions we have consistently advocated for greater investment into rehabilitation and reintegration services.
- 2.2 We continue to strongly advocate for more of a focus by Government and its funding on rehabilitation and reintegration services.

Nearly \$4 billion is being spent on the justice sector with approximately 40 per cent of that funding to Police, 30 per cent to the Ministry of Justice (includes court and judiciary) and 30 per cent to the Department of Corrections.³ The Treasury's most recent analysis of the fiscal costs of crime in New Zealand was in a 2006 report which stated that crime cost us over \$9 billion in 2003/04.⁴ According to Budget 2012 approximately \$151 million is being invested in rehabilitation and reintegration services and programmes.⁵ The table below, taken from our annual State of the Nation report, details recidivism rates and the spending over the last five years on rehabilitation and reintegration services.⁶ This table indicates that reoffending and re-imprisonment rates have remained fairly constant over the last five years.

² All of our submissions are available at: <http://www.salvationarmy.org.nz/research-media/social-policy-and-parliamentary-unit/submission-papers/>

³ <http://www.treasury.govt.nz/government/longterm/fiscalposition/2009/15.htm>

⁴ <http://www.rethinking.org.nz/assets/Cost%20of%20Crime/Cost%20of%20Crime%20Treasury%202006.pdf>

⁵ <http://www.treasury.govt.nz/budget/2012/estimates/est12corr.pdf>

⁶ <http://www.salvationarmy.org.nz/research-media/social-policy-and-parliamentary-unit/state-of-nation-reports/the-growing-divide/>

Table 11: Prisoner recidivism, and spending on rehabilitation and reintegration services⁴²

| June years | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|---|--------|--------|--------|--------|--------|--------|
| TOTAL PRISON POPULATION | | | | | | |
| 12 month re-imprisonment rate | 27.7% | 27.6% | 27.2% | 27.6% | 28.4% | 27.1% |
| 12 month prison to reconviction | 41.1% | 42.3% | 43.5% | 47.6% | 47.5% | 45.3% |
| 24 month re-imprisonment rate | 39.2% | 38.8% | 39.7% | 36.8% | 37.9% | 39.2% |
| 24 month prison to reconviction | 56.4% | 55.4% | 57.6% | 58.7% | 61.9% | 62.2% |
| MĀORI PRISON POPULATION | | | | | | |
| 12 month re-imprisonment rate | 29.9% | 31.2% | 30.5% | 31.0% | 32.6% | 29.7% |
| 12 month prison to reconviction | 44.9% | 47.6% | 47.9% | 52.3% | 52.2% | 50.0% |
| 24 month re-imprisonment rate | 43.3% | 42.5% | 42.1% | 41.5% | 43.3% | 44.0% |
| 24 month prison to reconviction | 61.5% | 60.3% | 62.4% | 64.4% | 68.2% | 67.3% |
| SPENDING ON REHABILITATION AND REINTEGRATION SERVICES⁴² | | | | | | |
| Total spend in June 2011 (\$ millions) | 92.3 | 96.7 | 111.6 | 115.6 | 128.9 | 130.4 |
| Spend per sentenced prisoner in June 2011 (\$) | 15,431 | 15,626 | 18,160 | 18,569 | 19,579 | 19,115 |

We acknowledge that spending on rehabilitation and reintegration has increased since 2006 and has increased further in 2012 as stated above. However, we believe this investment is inadequate and unrealistic when dealing with some of the serious rehabilitation and reintegration needs that prisoners have. Through our Courts and Prisons services, we gain an intimate understanding of these issues. We believe funding must be targeted at rehabilitation and reintegration services as well as initiatives that work to help offending and criminal behaviour.

We implore Government to significantly increase its spend on rehabilitation and reintegration services in the coming years. We acknowledge that the budgeted spend on the various arms of the justice sector have already been allocated in this year's Budget. But this is a position we will continue to advocate for.

3. RESPONSES TO SPECIFIC AMENDMENTS TO LEGISLATION

We understand that the Minister of Corrections has requested that this Committee consider further amendments to the Corrections Amendment Bill proposed on a draft Supplementary Order Paper (SOP). In regards to these new proposed amendments, our responses are:

- 3.1 We support Clause 23 of the SOP dated 26 June 2012 where water is made available to prisoners when they need it.
- 3.2 Clause 27 of the SOP amends section 98 of the principal Act regarding strip searches of prisoners deemed a risk of self harm. Section 90 of the principal Act holds the definition of a 'strip search'. We are aware that Clause 26 of the original Corrections Amendment Bill amends section 90 of the principal Act.

A strip search is clearly a hugely invasive process for any person. We understand that the ethos that is likely behind this provision is that those at risk of self harm are safe in segregation and do not have any objects available to them for further self harm. But because this is such an invasive procedure to a person's personal and bodily integrity, we believe greater safeguards are needed to eliminate abuse of these powers.

We believe further clarification is needed in these provisions. We do not want any abuse of this new Clause 27. Prisoners could possibly be assigned an 'at-risk' classification by officials in order to facilitate a strip search when in fact they are not at risk of self harm.

- 3.3 We are somewhat troubled about Clauses 29-33B and the extension of these reading privileges and duties to non-custodial staff. The standard set in the principal Act where only prison managers and officers can read and withhold mail is a high one. With these new clauses, non-custodial staff could perform these functions. What training or safeguards will be placed around these non-custodial staff to ensure mail is not read and withheld arbitrarily? Prison managers and officers would likely have had proper training to be able to accurately identify the prohibited criteria set in section 108 of the principal Act. We believe the standard should remain the high standard set in the 2004 principal Act.
- 3.4 While we can appreciate the necessity of the new Clause 40A of the SOP, we also wish to request more direction as to what happens with any material found on these electronic communication devices that *is not* prohibited by the Act. For example, if there are photographs of the prisoner's family on the device, what will happen to the device (and therefore the photographs) once it has been seized under Sections 189A to 189C of the principal Act?

4. CONCLUSION

We wish to thank the Law and Order Select Committee for the opportunity to comment on these further amendments to the Corrections Amendment Bill as per the Minister's recent draft SOP. We continue to promote the humane and safe treatment of those of our communities who are incarcerated. Furthermore, we continue to strongly advocate for greater investment into and understanding of rehabilitation and reintegration services. Thank you and God bless.

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