

# Beyond the Prison Gate

## Reoffending and Reintegration in Aotearoa New Zealand

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December 2016

**We welcome your feedback**

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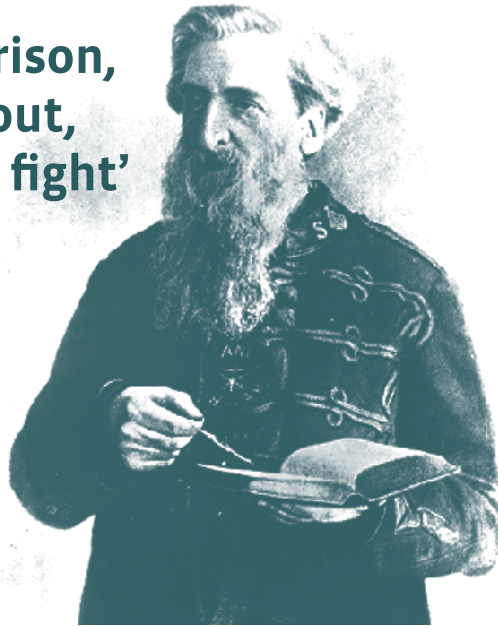
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**‘While men go to prison,  
in and out, in and out,  
as they do now, I’ll fight’**

William Booth | 1890



**‘Instead of the Government  
spending over 90 grand to  
keep us in prison every year,  
why don’t they invest it on  
keeping us out?’**

Salvation Army research participant | 2016



“WHEN I SEE HOW MUCH IT COSTS TO KEEP SOMEONE IN PRISON FOR A YEAR, I’M GLAD I DON’T PAY ANY TAXES.”

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## Executive Summary

This report seeks to provide a 10-year update of what it could mean for New Zealand's criminal justice system to look *Beyond the Prison Gate*. It is released on the cusp of 2017, a year of particular significance because it marks the deadline for the Government's Better Public Services target to reduce the composite reoffending rate by 25%—a target that looks increasingly out of our grasp. 2017 also marks the year in which New Zealand's prison population is likely to reach a record muster of 10,000 inmates, prompting further spending on New Zealand's prisons with a price tag in the billions.

These landmarks suggest that we need a re-imagining of beyond the prison gate. This report has sought to engage directly with a group of Salvation Army clients who have experienced prison. Their voices and experiences starkly bring to light that prison, and life after prison, is not congruent to reducing recidivism or strong communities. Their experiences of poverty, homelessness, unemployment, stigma, addiction and family breakdown illustrate a different kind of sentence that has continued beyond their time inside.

*'It's been tempting to do something stupid or breach my conditions just so I can go back inside. At least in there you have somewhere warm to sleep and something to eat.'* Salvation Army research participant, 2016

*'You are given your standard release papers and your \$350 Steps to Freedom and let out and it is basically "see ya". Then you have to wait two weeks for your benefit to come through with the stand-down period so you are trying to survive on \$350. It's not enough.'* Salvation Army research participant, 2016

Defying previous records, New Zealand's prison population has reached 9,798 as at 30 September 2016.<sup>1</sup> This population growth over the past decade continues a trend that has been comparably recent in the last generation. Through the 1970s and early 1980s, the Department of Corrections noted that prisoner numbers remained relatively stable at around 2,600.<sup>2</sup> However since 1985, prisoner numbers in New Zealand have more than tripled.<sup>3</sup> The Ministry of Justice forecast in December 2015 that this growth will continue in the next decade by a further 940 places.<sup>4</sup>

The Department of Corrections acknowledges that the crime rate is a relatively weak driver of prison muster,<sup>5</sup> and the New Zealand Crime and Safety Survey 2014 confirms that crime rates and criminal offending have continued to fall, in line with other Western nations.<sup>6</sup> Key pieces of legislation have contributed significantly to this growth in prison population, particularly changes to bail law, sentencing and parole. These legislative reforms are quite intentional, and are consistently characterised by a specific 'tough on crime' narrative that portrays a 'victim' versus 'offender' dichotomy and assumes that prison is the pathway to public safety. Such narratives often arise in the political arena leading up to an election or when high profile, often violent crimes are extensively covered in the media. This is consistent with 'penal populism', a feature of New Zealand culture

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(and other Western cultures) that manifests in a contest over which political party can be ‘toughest’ on crime to attract favour in the eyes of the public.<sup>7</sup>

*‘I wish that people would apply that saying about books to us. Don’t judge a book by its cover. You don’t know what people have gone through and why they ended up in prison, what childhood they had.’*

*Salvation Army research participant, 2016*

This trajectory is unsustainable on several levels. Firstly, it is impacting severely and disproportionately on minority groups, particularly Māori. Māori make up approximately 15% of the general population,<sup>8</sup> but nearly 51% of the prisoner population. The mass incarceration of Māori is frequently the elephant in the room—yet to be met with any meaningful recognition and investigation.

*‘All this stuff about partnering with iwi on the outside ... yeah, I’m Māori and most of the guys in there are. But what does it mean for me in the long run? People still see you as a criminal just cos you are brown.’*

*Salvation Army research participant, 2016*

These choices are also fiscally very expensive. The Department of Corrections has had to reset its cost base to accommodate booming prison population levels, with an unexpected increase in the past 18 months above and beyond the 2011 Justice Sector forecast.<sup>9</sup> In 2011, Deputy Prime Minister Bill English conceded to a Families Commission forum that prisons were ‘a moral and fiscal failure’.<sup>10</sup> Yet in October 2016, the Government announced it was to spend a further \$1 billion above and beyond its ‘phase one prison capacity build programme’ adding another 1,800 prison beds.<sup>11</sup>

*‘The Government seems to focus a lot of energy and resources on all the programmes inside, release to work, all that stuff which is all well and good. But that feeling that you get when you are released, prison has messed with your head. It is like being let out of a cage—it has this effect on you, it is really overwhelming. That can be a huge trap; it is like setting you up to fail. If you are in for three months or six years, the feeling when you get out is still the same.’* Salvation Army research participant, 2016

Such spending reflects increasingly paradoxical Government priorities. There is credible evidence that sending someone to prison has very little effect in deterring them from reoffending—and indeed, sending someone to prison for longer might actually increase the likelihood that he or she will reoffend.<sup>12</sup> Canadian researchers warn that ‘excessive use of prison’ may be indefensible and indeed ‘fiscally irresponsible’, given the significant wider social costs of even modest increases in recidivism.<sup>13</sup>

As spending on prison continues to burgeon, the Government’s Better Public Services target to reduce reoffending by a composite measure of 25% by 2017 is flailing. At the end of October 2016, the Department of Corrections released its 2015/16 Annual Report, which reported a further stalling for a second year in a row. The Department noted that ‘on the basis of recent results, it is unlikely that the target of 25% reduction in the rate of reoffending by 2017 will be achieved’.<sup>14</sup>

*‘It’s like they are setting you up to fail and punishing you again cos you are homeless. I saw guys inside who were back in [prison] for not reporting to probation. I would be back inside too if it wasn’t for Addington [Salvation Army].’* Salvation Army research participant, 2016

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A 10-year view of primarily post-prison reoffending statistics indicates this failure is not a new phenomenon. Demonstrably, there is little evidence of any change in overall reoffending/reimprisonment rates on release from prison over the past decade:

Recidivism index general prison population 2006-2015 (Source: Department of Corrections Annual Reports)

Year ending June	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Total prison population</b>										
<b>12-month reimprisonment rate</b>	27.7%	27.6%	27.2%	27.6%	28.4%	27.1%	27.0%	26.7%	25.9%	28.1%
<b>12-month prison to reconviction</b>	41.1%	42.3%	43.5%	47.6%	47.5%	45.3%	43.3%	44.2%	41.7%	43.7%
<b>24-month reimprisonment rate</b>	39.2%	38.8%	39.7%	36.8%	37.9%	39.2%	37.0%	37.3%	36.8%	36.5%
<b>24-month prison to reconviction</b>	56.4%	55.4%	57.6%	58.7%	61.9%	62.2%	59.9%	58.8%	58.9%	57.0%

*'I have been in and out over the years ... now I am over it. I have probably cost the State hundreds of thousands of dollars. It could have been so different. I want to tell the young guys it is not worth it.'* Salvation Army research participant, 2016

A political and legislative obsession with risk aversion and control is also at risk of failing to meaningfully reduce reoffending. There are signs that this wider narrative is inhibiting the evolving approach within the Department of Corrections itself and effective alternative approaches to reintegration in the community. Although the desire to have retribution for criminal offending that causes harm is entirely understandable, if we are to reduce reoffending and improve public safety, we must effectively reintegrate offenders in the community, given that the vast majority of prisoners will not spend their life in prison.

*'My probation officer wouldn't let me take a job, and didn't tell me why. There were no safety issues as it wasn't a people job. Probation and release [conditions] are like extending your jail sentence. They call that reintegration?'* Salvation Army research participant, 2016

*'If you have somewhere to lay your head, cook your own meals, and space to call your own, that is huge. You start to feel human again. Like you could be a good member of society. Your head is so messed up when you come out, you need that space to adjust and get back on your feet. Time to stop hearing the keys and doors clang every time you wake up.'* Salvation Army research participant, 2016

If the societal and fiscal costs of crime, imprisonment and reoffending are to be reduced, political courage is required to begin a new narrative. If we are to be a nation of a 'fair go' and 'second chances', this will begin with reasoned and rational debate and evidence-based discussion about how we have got to where we are, along with re-defining what it actually means to have a safe and productive society. The somewhat surprising example of the 'smart on crime' and 'justice re-investment movement' in the United States in the past decade demonstrates such a discussion can result in effective and policy initiatives with the power to decrease the prison population, reduce reoffending and strengthen community safety. For example, since some US states have enacted bipartisan justice reinvestment legislation, they have reduced their prison muster and

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recidivism rates, crime rates have dropped, and millions of dollars have been saved, all while increasing public safety.

#### South Carolina Justice Reinvestment Legislation: 2010-2015:

- State prisoner population is down **8.2 per cent**.
- Percentage of prisoners returning to prison has dropped from over **31 per cent** to **27.5 per cent**.
- **49 per cent** fewer people on supervision are revoked for violations of supervision conditions, and **six per cent** fewer are revoked due to a new crime.
- Before the reforms, **over half** of state prisoners were low-level, nonviolent offenders; only **37 per cent** of prisoners are in this category now.
- Crime has dropped by **14 per cent**.
- The state has saved **\$12.5 million**.

Given these results, perhaps it is time, in the words of our research participant, to shift our focus to beyond the prison gate:

*‘Instead of the Government spending over 90 grand to keep us in prison every year, why don’t they invest it on keeping us out?’*

### Summary of Recommendations

The complexity of the different challenges raised by this report cannot be met by a silver bullet and this report does not attempt to realistically offer such a solution. However, this report has raised specific areas of concern in which action can be taken through specific initiatives, as summarised below:

1. That the New Zealand Government commits to a cross-party Justice Reinvestment Strategy that aims to:
  - a. Reduce spending on custodial prison services and increase public safety.
  - b. Re-invest savings in strategies that can decrease crime, reduce reoffending, and strengthen neighbourhoods and communities, particularly those disproportionately impacted by imprisonment and reoffending.
2. That the Department of Corrections makes it standard practice that:
  - a. Every prisoner leaving prison has or is supported to apply for a form of ID accepted by most major banks and agencies.
  - b. Every prisoner leaving prison has been able to set up their benefit (if required) prior to their release.
  - c. Navigation services are extended and are available to all prisoners on their release.

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3. That the Department of Corrections ensures all ex-prisoners are provided with six months of accommodation or the means for stable accommodation.
4. Review the operation of the current clean slate regime and consider a tiered model similar to the UK Rehabilitation of Offenders Act 1974.
5. Create post-prison public/private industry schemes that will employ prisoners for six months before release and 12 months post release if they have no other employment, dependent on not reoffending.
6. A core goal of reintegration strategy is aligned with whānau ora to empower communities and extended families (whānau) to support families within the community context, rather than individuals within an institutional context.
7. That a New Zealand-based 'Community Action for the Reintegration of Ex-Offenders' (CARE) Network is developed.
8. That every person leaving prison should have a sponsor or mentor from a community reintegration service under the umbrella of CARE.
9. That the Department of Corrections makes reducing racial inequalities in reoffending an urgent strategic priority.
10. That the Department of Corrections engages with and adequately resources alternative methods of whānau, hapu/iwi and community-led reintegration services, and recognises the fundamental role of whānau and whanaungatanga in the social integration of Māori ex-prisoners.
11. The Department of Corrections creates a coherent, integrated and well-funded long-term strategy in partnership with the Ministry of Health and District Health Boards to prisoner and ex-prisoner health and well-being and that of their families and whanau.
12. That the National Health Council's recommendations in its 2010 report 'Health in Justice Kia Piki te Ora, Kia Tika!' are fully adopted.

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Around 15,000 people are released from our prisons in New Zealand each year.<sup>15</sup> For some, the symbol of the prison gate might represent a hopeful line between confinement and freedom, or time served and a second chance at a better life. Yet for many, it is the beginning of a different kind of sentence. As this report will explore, the reality of life beyond the prison gate can too often be characterised by further confinement, homelessness, unemployment, stigma, addiction and, for many, reconviction and reimprisonment.

In 1890, Salvation Army founder and Methodist minister William Booth committed that ‘*While men go to prison, in and out, in and out, as they do now, I’ll fight.*’ Booth believed fighting poverty and social injustice were part of the core tenets of the Christian faith, which led to The Salvation Army being at the coal face of caring for those who are marginalised and forgotten by society of the day. Commenting on the prison system at the time, Booth said:<sup>16</sup>

*Our prisons ought to be reforming institutions, which should turn men out better than when they entered their doors. As a matter of fact, they are often quite the reverse. There are few persons in this world more to be pitied than the poor fellow who has served his first term of imprisonment or finds himself outside the gaol doors without a character, and often without a friend in the world. Our people, thank God, have never learnt to regard a prisoner as a mere convict. He is ever a human being to them, who is to be cared for and looked after as a mother looks after her ailing child.*

The Salvation Army has been working at the prison gate since the 19<sup>th</sup> century, starting with the original ‘Prison Gate Brigades’, where brigade members met discharged prisoners upon their release and offered them a home and the prospect of a job. ‘Prison Gate Homes’ offered housing, food, clothing and assistance with finding employment. Wherever The Salvation Army went in the world it developed programmes for inmates, including: in Australia, the opening of the first Prison Gate Home; in the United States, the founding of the Volunteer Prison League; in France, at the notorious penal colony of Devil’s Island to assist inmates; and in Canada, pioneering work in the development of probation.<sup>17</sup>

Much has changed and evolved since 19<sup>th</sup> century Prison Gate Brigades, but The Salvation Army today aims to remain faithful to its original vision as summarised in its current New Zealand Mission Statement: ‘caring for people, transforming lives and reforming society’. This mission has inevitably led The Salvation Army to continue to work with those in the criminal justice system: in the courts, in the prisons, and beyond the prison gate in rehabilitation and reintegration services. Its Supportive Accommodation Service receives those on bail and parole, and The Salvation Army also provides addiction services around the country to those whose criminal offending and addictions intersect. Salvation Army chaplains (known as Court and Prison officers) work with everyone—court and prison staff, judges, lawyers, Police, offenders, victims, offender’s families and victim’s

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families. The Salvation Army Reintegration Service is contracted to support up to 500 released prisoners a year in various centres around New Zealand, with some receiving six months of support, including a flat to live in for 13 weeks, and support for a further 13 weeks in their own accommodation.

In 2004, when The Salvation Army established its Social Policy and Parliamentary Unit, its staff travelled throughout New Zealand and asked frontline Salvation Army staff about key social issues as they experienced them. Court and Prison Officers and others expressed concern about growing prison rates, and what they perceived to be high rates of recidivism despite harsher penalties.

In 2006, The Social Policy and Parliamentary Unit delved into these concerns and released the discussion document *Beyond the Holding Tank*, which highlighted the challenge of finding and implementing new ideas and policies that really focus on reducing recidivism and the need for prison. The authors identified the difficulty of such a task in an environment in which the public debate is often framed around the rush to punish, with calls from the public—and consequently politicians—for harsher penalties based on emotional rhetoric and individualised cases rather than evidence and experience.<sup>18</sup>

*... New Zealand, if recent legislation and the prison projections are anything to go by, seems determined to increase its use of prison. Ignorance of the facts about prison, combined with sensationalist media reporting of crime, leads to public pressure for harsher penalties. Politicians in New Zealand currently find these pressures difficult to resist ...*

The report authors at the time were not alone in their concern. In 2007, former Ombudsman Mel Smith wrote in his report to the Prime Minister on the criminal justice sector:<sup>19</sup>

*I express my concern in the report about how the issues of crime and criminal justice have become highly politicised and often the subject of uninformed and superficial public and media comment. There has been, and continues to be, a lack of constructive and clear headed public debate about the issues. As a consequence, there is an absence of rational decision making based on any critical examination of the issues. This tends to act as an impediment to constructive change. This situation exists at the policy development, political and legislative stages and also importantly at the various operational levels.*

*Beyond the Holding Tank* made several recommendations in 2006 and went on to warn that:<sup>20</sup>

*New Zealand's prison policy is unsustainable. If incarceration rates continue to rise at current rates, our need for prison beds will continually outstrip our ability to supply. Currently we are on a trajectory towards the United States prison model, with mega-prisons and sometimes-inhumane treatment of inmates arising out of the highest incarceration rate in the world. If we do not wish to continue on this path, then we need to find other ways to deal with offenders and discourage offending and reoffending.*

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## Chapter 1: Where are we now?

A decade on from *Beyond the Holding Tank's* statement in 2006, New Zealand's prison population has hit an all-time high and continues to surpass records set in previous years. The prisoner population had reached 9,798 as at 30 September 2016<sup>21</sup> and is expected to surpass 10,000 for the first time in 2017. The Department of Corrections has had to reset its cost base to accommodate booming prison population levels, with an unexpected increase in the past 18 months above and beyond the 2011 Justice Sector forecast.<sup>22</sup>

**Table 1: Prison population growth since 2006** (Source: Department of Corrections Annual Reports)

Average prisoner population for 30 June years											
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
<b>Sentenced prisoners</b>	5,982	6,191	6,146	6,260	6,612	6,854	6,709	6,816	6,766	6,755	6,813
<b>Remand prisoners</b>	1,342	1,543	1,712	1,841	1,875	1,719	1,909	1,836	1,694	1,977	2,380
<b>Remand prisoners as % of total</b>	18.3%	20.0%	21.8%	22.7%	22.1%	20.0%	22.1%	21.2%	20.0%	22.6%	25.9%
<b>Total prisoner population</b>	7,324	7,734	7,858	8,101	8,487	8,573	8,617	8,652	8,460	8,732	9,193

As **Table 1** indicates, the prison population has increased in the past decade, with a fairly sharp increase in the remand population between 2014 and 2016. This population growth over the past decade continues a trend that has been comparably recent in the last generation. Through the 1970s and early 1980s, the Department of Corrections noted that prisoner numbers remained relatively stable at around 2,600.<sup>23</sup> However, since 1985, prisoner numbers in New Zealand have more than tripled.<sup>24</sup> The Department largely attributes this rapid increase to significant legislative changes over the past 15 years such as the Bail Act 2000, the Sentencing Act 2002 and the Parole Act 2002.<sup>25</sup>

**Table 2: Imprisonment as a sentence** (Source: Statistics New Zealand)

Imprisonment sentences as proportion of all sentences											
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
<b>All ethnicities</b>	11.4%	11.0%	8.9%	8.9%	9.3%	9.6%	9.5%	10.1%	10.2%	11.3%	12.1%
<b>Māori</b>	16.3%	15.5%	12.9%	13.3%	13.5%	14.0%	13.8%	14.5%	14.8%	15.5%	16.5%
<b>Non-Māori</b>	8.8%	8.6%	6.7%	6.5%	6.9%	7.1%	7.0%	7.5%	7.4%	8.6%	9.1%

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**Table 2** indicates the proportion of sentences of imprisonment dipped after 2007, most likely due to the introduction of the Sentencing Amendment Act 2007, which introduced additional community-based sentences and elevated home detention to a stand-alone sentence. The policy behind the amendment was expounded in the Explanatory Note to the Criminal Justice Reform Bill:<sup>26</sup>

*The purpose of the Bill is to introduce a range of measures to arrest the sharp increase in the prison population in recent years. This increase is no longer sustainable, neither financially nor socially. New Zealand’s imprisonment rate is considerably higher than countries that we habitually compare ourselves with, such as the United Kingdom, Canada, and Australia. The Bill, which includes some measures that will have an immediate effect and others that will take longer for their impact to be felt, is intended to contribute to a reduction in the imprisonment rate over time.*

There was clearly a commitment at the time to actively reducing the imprisonment rate given that the prison population was no longer considered ‘sustainable, neither financially nor socially’. However, **Table 2** illuminates that although there was a successful decrease in the overall imprisonment rate from 11% to 8.9% between 2007 and 2008, this progress has not been maintained. Rather, the imprisonment rate has for the first time increased above 2006 levels to 12.1% in 2016.

**Table 3: Māori sentenced as percentage of all sentences** (Source: Statistics New Zealand)

Māori as % of all sentences											
Years ending 30 June	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Imprisonment	49.5%	49.2%	51.0%	53.2%	52.3%	53.0%	53.5%	54.0%	55.5%	53.9%	55.6%
All sentences	34.6%	35.0%	35.0%	35.6%	35.8%	36.5%	37.0%	37.7%	38.5%	39.3%	40.8%

Both **Table 2** and **Table 3** also demonstrate the disproportionate impact on Māori of imprisonment rates. Māori make up approximately 15% of the general population,<sup>27</sup> but a higher proportion of Māori are sentenced to imprisonment, rising to nearly 56% in the year ending June 2016. Long-time justice reformer Dr Kim Workman argues New Zealand has now reached the level, in relation to Māori, of ‘mass imprisonment’.<sup>28</sup> This describes a situation where imprisonment rates are far higher than the comparative and historical norm, and fall disproportionately on particular (often racial) groups, so that the effects cease to be explicable in terms of individual offending and involve whole communities.<sup>29</sup> In this situation:<sup>30</sup>

*... imprisonment becomes part of the socialisation process. Every family, every householder, every individual in these neighbourhoods has direct personal knowledge of the prison—through a spouse, a child, a parent, a neighbour, a friend. Imprisonment ceases to be a fate of a few criminal individuals and becomes a shaping institution for whole sectors of the population.*

Far from stopping crime, mass imprisonment creates unstable communities and families, poverty, and social alienation. If Māori are being imprisoned at a significantly higher rate than non-Māori, this raises significant questions as to the collective impact on their whānau and communities when imprisoned and on release. This phenomenon has most commonly been attributed to the United States, which is currently confronting the fiscal and social ramifications of having the highest rates of incarceration in the developed world. How the US is confronting this phenomenon and seeking to bring change is discussed further in ‘Chapter 6: Beyond the Prison Gate in the US’ of this report.

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## The next ten years

In December 2015, The Ministry of Justice published their 10-year forecast of New Zealand's prison population, which predicts an ongoing increase in the total prison population over the next decade, at a time when prosecutions are expected to remain flat.<sup>31</sup> The overall increase between 2015 and 2025 is expected to grow by a further 940 places.<sup>32</sup> In the Department's briefing to the incoming Minister of Corrections in December 2015, the Department noted these further increases will place a 'longer-term financial strain on the Department'.<sup>33</sup>

The increase occurs in both the remand and sentenced populations, with the main increase in remand numbers occurring in the first two years, while the increase in the sentenced population has a greater effect later in the forecast period.<sup>34</sup> Specific prisoner population pressures have been identified by the Ministry of Justice in the next 10 years and are explored in more detail below:<sup>35</sup>

- prosecution mix: 150 places
- deported offenders from Australia: 100 places
- increase in remandees: 200 places
- 'three strikes' offenders: 240 places
- offenders serving life or preventive detention sentences: 150 places
- parole deferral: 100 places.

## Prosecution mix

A projected increase of an extra 150 prisoners is attributed to a slight increase in the proportion of prosecutions for more serious offences, which flows into prison sentence numbers.<sup>36</sup> However, the Ministry of Justice forecast explicitly notes this *is not the same as the level of crime*, and that crime in New Zealand actually continues to fall.<sup>37</sup> The system just chooses to deal with it in different ways.<sup>38</sup> It is also noted that this increase in prosecutions for more serious crimes is not large and 'is around the scale of inter-year variability that was seen in the early years of the century'.<sup>39</sup>

## Deported offenders

This expected increase of an extra 100 prisoners is due to predictions of additional prosecutions from the 'behaviour of New Zealand citizens with criminal records being deported from Australia'.<sup>40</sup> Deportation of serious offenders has always occurred; however, in December 2014 changes to the Australian Migration Act enabled Australian officials to facilitate the deportation of suspected or convicted New Zealand citizens living in Australia.<sup>41</sup>

Many deportees arriving in New Zealand have grown up in Australia and have little or no family or social support in New Zealand. Data indicates deportees as a general demographic have similar reoffending rates to offenders released in New Zealand. Approximately 35 per cent of returning offenders from 2000 to 2002 were reconvicted of an offence within 12 months of their deportation, and approximately 48 per cent were reconvicted of an offence within 24 months.<sup>42</sup> However, this reoffending rate may not be as directly comparable in predicting

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rates for the most recent cohort of deportees, given the law change lowered the threshold to capture any non-citizen offenders sentenced to a year or more in prison, which could include less serious offenders than previously.

PARS (formerly the Prisoners' Aid and Rehabilitation Society) is a charitable organisation that helps former prisoners and their families integrate into the community, and as at February 2016 received approximately \$200,000 from Corrections to assist with the influx of Deportees from Australia.<sup>43</sup> Corrections Minister Judith Collins estimated this would allow for an approximate \$1,000 per deportee to assist with reintegrative needs, such as helping the person sign up to bank accounts, benefits, an IRD account and arrange immediate accommodation.<sup>44</sup>

There is an indication that just over 1,000 New Zealand citizens living in Australia have been affected by the recent law change,<sup>45</sup> with 157 arriving in the space of nine months after the change came into effect.<sup>46</sup> If Minister Collins's estimate is correct, current PARS funding to support deportees' reintegration needs to reduce their likelihood of reoffending will only serve 200 of the estimated 1000 in the near future.

### Increase in remandees

A remand prisoner is defined by the Department of Corrections as 'someone held in custody while they wait for their trial or sentencing'.<sup>47</sup> A remand prisoner could be held in Police or Court cells, psychiatric facilities, or in prison. They are usually kept separate from sentenced prisoners in units or wings only for remand prisoners, and may experience multiple moves between Police, Courts, and the Department of Corrections and, occasionally, psychiatric facilities.<sup>48</sup> A defendant will be put on remand if they are not granted bail. Whether a defendant is granted bail is determined by a judge in the defendant's preliminary appearances leading up to trial or sentencing. This decision is informed by a number of factors under the Bail Act 2000.

Remand prisoners are becoming an increasingly significant portion of the prison population. The Department of Corrections noted in their 2014/15 annual report that a major component of the increase in New Zealand's prison population has been due to an increase in remandees.<sup>49</sup> The length of time spent on remand has also increased due to pressures on the court system.<sup>50</sup> This sharp increase is reflected in the extra \$15 million required to accommodate further 'muster growth' in the 2015/16 year and \$3.6 million for additional remand beds at Mt Eden Corrections Facility.<sup>51</sup> In the next 10 years the remand population is expected to increase further, accounting for a projection of an additional 200 prisoners.<sup>52</sup>

### Reasons for rise in numbers

The Ministry of Justice attributes this increase to several factors. The introduction of the Bail Amendment Act 2013 continues to cause more offenders to be remanded in custody.<sup>53</sup> Firstly, it increases the number of situations where a defendant is subject to a reverse 'burden of proof'. Secondly, it removes a different bail test for younger defendants in certain circumstances. Thirdly, it introduces new powers to arrest young defendants for breach of bail conditions.

Minister Collins heralded this change in 2013 as fulfilling the National-led Government's 2009 election-win promise to 'deliver on tougher bail laws'<sup>54</sup> and to

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‘make New Zealand safer and protect the public’.<sup>55</sup> Such a promise came against the backdrop of several high-profile cases of homicide crimes committed while offenders were on bail.<sup>56</sup>

At the time the reform to bail laws was proposed, the Ministry of Justice advised in their Regulatory Impact Statement (RIS) that while public safety was a legitimate objective, there was no fool proof way to identify which defendants would offend on bail, and there was little public safety benefit if a defendant remanded in custody would not have offended while on bail.<sup>57</sup> The RIS also included data that recorded the most serious offences committed on bail, as a proportion of all defendants who offended on bail in the six-year period 2004 to 2009. Traffic and Regulatory Offences was the ‘most serious’ offence for the highest proportion of defendants (19.8%), with homicide and related offences the lowest (.1%).<sup>58</sup>

In the December 2015 prison population forecast, the Ministry of Justice noted that since the Bail Amendment Act was enacted, there has been an increase in the use of custodial remands *across a range of offending*—not just for offending specified in the new Act, but also for less serious offending such as fraud and offences against the administration of justice. The latter can include breaches of parole and probation conditions, such as failing to attend an appointment. The forecast went on to say that ‘it seems likely that, despite its tight focus, the Act has been interpreted as a suggestion to be more rigorous in determining overall eligibility for bail.’<sup>59</sup> This somewhat contradicts Minister Collin’s continued assurance that she believed the Amendment Act was still fit for purpose in 2015.<sup>60</sup>

*I don’t resile from [the reforms] at all. I am fully confident that the right people are in prison. It just means that we have to adjust to [rising prison costs]. The fact is that the public who we represent expect that violent recidivist defenders with long track records shouldn’t be getting bail when they’re going to commit further crimes.*

However, a broad-brush use of remand can also have other costs. In the initial assessment process of weighing the potential costs and benefits of a change to the law, the RIS also noted the risk that:<sup>61</sup>

*... in addition to the fiscal costs of remanding additional defendants in custody, there are other unquantifiable costs. Remanding a defendant in custody removes a potentially productive member from society, affecting their employment and income as well as their personal relationships. It also exposes individuals to the negative influences of other offenders while in prison. For these reasons, the decision to remand a defendant in custody should not be made lightly.*

While the RIS ultimately recommended changes to bail law, this comment explicitly identifies the counter-productive impact remand can have, and hints at a broader understanding of societal cost and safety. Being remanded in custody has the potential to ‘criminalise’ a defendant and may remove the pro-social aspects of their lives, which is highly relevant not only to questions of possible reoffending, but also to the community’s resilience and productivity.<sup>62</sup>

*... high rates of imprisonment break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce future income potential, and engender a deep resentment toward the legal system. As a result, as communities become less capable of managing social order through family or social groups, crime rates go up.*

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These collateral impacts particularly impact communities that experience disproportionate rates of imprisonment and reimprisonment, as starkly illustrated by Māori imprisonment and remand rates. The 2015 Trends in the Prisoner Population report identifies that Māori are even more over-represented in the remand population, making up 54 per cent in June 2015, with the number of Māori remandees increasing by 96 per cent between June 2003 and June 2015.<sup>63</sup>

This question of the cost of imprisonment on our communities is especially cogent if more defendants with less serious offending remanded in custody are exposed to the ‘negative influences’ of the prison environment. Corrections admits the ‘particular challenge’ of custodial remandees given that they are outside the scope of many rehabilitation programmes, have ‘security and segregation requirements’ above those of sentenced prisoners, and are among the ‘short serving’ demographic of offenders who are ‘known to face a range of difficulties on release, including getting access to help they need before or as soon as they leave prison’.<sup>64</sup> Given the sharp increase in this proportion of the prison population, post-release challenges are likely to continue, especially when remand prisoners spend the equivalent length of an actual prison sentence inside, but may not ultimately be convicted or sentenced to a prison sentence. The short-serving prison demographic is a group that has high reoffending/reimprisonment rates, particularly those serving less than two years. In the 2013/14 Recidivism index, those who had served less than six months had a reimprisonment rate of 33.5 per cent and a reconviction rate of 53.5 per cent after 12 months out of prison. This increased further after 24 months out of prison, with a reimprisonment rate of 41.0 per cent and a reconviction rate of 64.7 per cent.<sup>65</sup>

### ‘Three strikes’

In the 2008 National-Act Parties’ Confidence and Supply Agreement, the National Party agreed to support the introduction of the Sentencing and Parole Reform Bill,<sup>66</sup> which passed into law on 1 June 2010. The Sentencing and Parole Reform Act 2010 amended the Sentencing Act and introduced a regime where repeat conviction of qualifying offences by those over 18 would cumulatively increase penalties, including no parole on a term of imprisonment after a ‘second strike’, and a mandatory requirement on judges to sentence an offender on their ‘third strike’ to the maximum possible term of imprisonment without parole, regardless of seriousness.

Like the Bail Amendment Act 2013, the new regime (‘Three Strikes’) was linked back to 2008 election promises and identified as ‘uphold[ing] the Government’s election pledge to remove eligibility for parole for the worst repeat violent offenders’.<sup>67</sup> Its primary rationale was offered by Minister Collins as being able to improve public safety and to deter serious offenders from reoffending, who said: ‘By helping keep the worst repeat offenders behind bars for longer and deterring criminals from committing further crimes because of the escalating severity of sentences, this legislation will help make New Zealand a better, safer place.’<sup>68</sup>

At the time Three Strikes was being introduced there was some question as to the effectiveness of the proposed regime in light of similar reforms overseas, and its compliance with basic liberty principles—with leading criminal justice legal academics openly opposing the law and making a case for why it was unjust.<sup>69</sup>

More recently, there has been critique of Three Strikes now it has been in place more than five years, with similar questions asked as to the effectiveness of the

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regime. In 2015, it was pointed out that none of the empirical data we have so far points strongly to the Three Strikes law being a powerful deterrent effect on criminal offending and that it is difficult to draw a clear conclusion as to its effectiveness.<sup>70</sup> Concerns have also been expressed as to its exacerbation of the criminal justice system's disproportionate effect on minority groups, with Māori 6.68 times more likely than Pākehā to be first-strikers and Pasifika 4.49 times as likely.<sup>71</sup>

In a 2015 public lecture, Professor Warren Brookbanks stated that this disproportionality is the Three Strikes' most 'disturbing feature' and echoed previous critiques that when we compare strikers to the general population we see a 'dramatic ethnic overrepresentation of both Māori and Pasifika, akin to that of African-Americans under California's three strikes ...'<sup>72</sup> Perhaps even more disturbing is that this disproportionate impact was predicted and accepted in the Explanatory Note of the Bill when it was introduced, with the statement that 'the policies [are] expected to impact on Māori the most', and that 'long sentences without parole deprive offenders of the possibility of rehabilitation, compounding the effects on the whānau of offenders and the intergenerational effects on children separated from parents.'<sup>73</sup>

Between June 2010 and October 2015, there have been 104 second strikes and no third strikes.<sup>74</sup> The 2015 prison population forecast has predicted the Three Strikes regime will account for approximately a further 240 prison places over the next decade, around 10 of them being for offenders on their third strike, making this particular population pressure the biggest area of additional growth.<sup>75</sup>

The cost of Three Strikes in 2009 was expected to 'gradually increase over time, as elderly offenders are significantly more costly to detain than the average prisoner.'<sup>76</sup> The impact of the Three Strikes regime's release of second strikers and third strikers poses reintegrative challenges if offenders are not being released under the Parole Board regime. The intention of the parole regime is to ensure public safety, and as such requires robust release plans in advance to attempt to meet the challenges faced on the outside after a significant term has been served in prison to reduce the risk of reoffending. Those who have served long sentences can become institutionalised and, as such, need significant support and accountability for successful reintegration.<sup>77</sup> Under the Three Strikes regime, those interventions are no longer available if offenders are not eligible for parole. This is particularly concerning given Canadian research has found that longer terms of imprisonment, presumed to be more of a deterrent to offending, are actually associated with slightly higher rates of reoffending.<sup>78</sup> Indeed, in the Government's own Regulatory Impact Statement on Three Strikes in 2009, it admitted that 'most research has found that imprisonment has little if any specific deterrent effect'.<sup>79</sup>

## Longer prison sentences

This forecast accounts for offenders serving life or preventive detention sentences, of which there are more, and more who are spending longer incarcerated (150 places) and parole deferral (100 places). Offenders given sentences greater than two years must be considered for parole after serving one-third of their sentence unless a longer minimum non-parole period has been imposed by the Court. Their release is then governed by the New Zealand Parole Board, which decides if they are suitable for release. Frequently, the Parole Board

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denies parole and decides to hold prisoners for longer.<sup>80</sup> In 2015, a new law passed that allowed for longer deferral between parole hearings if prisoners are deemed ‘not ready’ at the appointed time. The Ministry of Justice noted in their prison forecast that this legislation is ‘likely to increase prison time for longer-term offenders’ and as such has been factored into their forecast.<sup>81</sup>

The intention behind the legislation was to ‘improve the efficiency of the parole system and reduce stress for registered victims by making it easier for the Board to prevent hearings where there is no prospect of release’. The policy also aimed to ‘provide incentives for prisoners to comply with their offender plans and to improve their behaviour, which in turn will help to reduce reoffending’. The Regulatory Impact Statement at the time, prepared by the Department of Corrections, was optimistic that ‘any increase to the prison population would be likely to be offset by shorter prison times where prisoners are motivated to meet the conditions set by the Board to enable an early hearing,’ and that ‘on balance, the impact on the prison population is expected to be negligible or slightly reduce the population’.<sup>82</sup> This is somewhat different to the Ministry of Justice’s 2015 forecast that the legislation is ‘likely’ to increase prison time for longer-term offenders.

Having a policy that seeks to ‘provide incentives’ to improve behaviour and reduce reoffending is dependent on the availability of mechanisms and tools for prisoners to do so. The completion of programmes approved or recommended by the Parole Board infers that such programmes will be made to the prisoner. However, many such programmes, such as Drug Treatment Units, have long waiting lists, and other programmes are only available in certain regions.<sup>83</sup> The Officer of the Auditor General in its report on the Corrections target to reduce reoffending also expressed concern at Corrections’ scheduling system, which it called ‘reactive’, in that it does not plan for or forecast future anticipated demand for programmes.<sup>84</sup> The report also noted this is not just about increasing the number of facilities available, but also having meaningful plans in place as to where the prisoner will go *after* rehabilitation is completed, so that progress made is not undermined by sending a prisoner back to a mainstream unit in a non-therapeutic setting.<sup>85</sup> A positive example given of a more streamlined transition was the pre-release unit at Auckland Men’s Prison. This unit was set up in a high-security area, but run as a therapeutic community with a focus on reintegrating into the community.<sup>86</sup>

### How did we get here?

A forecast looks to our past to better predict and plan for our future. Several key themes emerged from analysis of the 2015-2025 prison population forecast.

Firstly, that a significant proportion of the population pressures that will contribute to further booming prison numbers are dependent on *how* the justice system has chosen to deal with crime in the past 10 years, rather than the amount or seriousness of crime dealt with. These choices are impacting severely and disproportionately on minority groups, particularly Māori. Secondly, that the decisions leading to the system choosing to do so in a certain way continue to be inherently political. And thirdly, that the growth of the prison population is already putting pressure on the Department’s ability and budget to reduce reoffending, and posing unique challenges to the successful reintegration of different demographics when they leave prison.

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## Crime and prison

The Ministry of Justice echoed other reports in its forecast that New Zealand's recorded crime rates are following the trend evident in other Western nations such as the United States, Australia and the United Kingdom by continuing to fall.<sup>87</sup> In 2012, New Zealand recorded the lowest number of criminal offences since 1994, when comparable records were first collected.<sup>88</sup>

Major changes in the way crime is reported in 2014 have made it somewhat difficult to consistently report on trends in rates of criminal offending and victimisation.<sup>89</sup> Additionally, an estimated 68 per cent of crime is not reported to Police.<sup>90</sup> However, despite these limitations, the New Zealand Crime and Safety Survey (NZCASS) provides credible evidence of recent trends in falling offending and victimisation.

The NZCASS is a random, face-to-face survey with almost 7,000 New Zealand residents aged 15 or over. It has been carried out three times: in 2006, 2009, and most recently in 2014. The NZCASS collects information about New Zealanders' feelings of safety and their experiences of crime. The survey provides information about the extent and nature of crime and victimisation in New Zealand, measures how much crime gets reported to Police, provides some understanding of who experiences crime and how they react, identifies groups more at risk of being a victim, aims to better understand the experiences and needs of victims, and measures crime trends in New Zealand. The NZCASS confirms that crime rates and criminal offending have fallen. Key findings include:<sup>91</sup>

- 1.9 million incidents of crime identified in 2013, compared to 2.7 million in 2008—a reduction of 30%
- 865,000 adults experienced one or more offences in 2013, compared to 1.3 million in 2008—a reduction of 31%
- while almost a quarter (24%) of adults in New Zealand experienced one or more household or personal incidents of crime in 2013, over three-quarters (76%) experienced no crime.
- 31% of adults said there was a crime problem in their neighbourhood—down from 35% in 2009.

## The punitive and the political

The above findings continue to challenge the perception that New Zealand's growing prison muster is a result of more crime. Instead, how the system chooses to deal with crime and with those who offend, including the use of prison, is significantly shaped by the Government of the day. Legislative reform is a major tool in that reshaping. As indicated above from the Ministry of Justice, key pieces of legislation, rather than crime rates, have contributed significantly to prison numbers, particularly the Bail Amendment Act 2013, the Three Strikes regime, and changes to parole.

These legislative reforms are not accidental, and are consistently characterised by a specific 'tough on crime' narrative that portrays a 'victim' versus 'offender' dichotomy, constantly references public safety, and assumes prison deters people from reoffending. Such narratives often arise in the political arena leading up to an election or when high profile, often violent crimes are extensively covered in the media. This is consistent with 'penal populism', a feature of New Zealand culture (and other Western cultures) that manifests in a contest over which political party can be 'toughest' on crime to attract favour in the eyes of the public.<sup>92</sup>

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John Pratt, in his piece ‘The Dark Side of Paradise’ identifies this paradoxical phenomenon that has resulted in New Zealand—considered by the world a friendly, egalitarian nation—continuing to have the second highest imprisonment rate amongst comparable Western nations and highly disproportionate imprisonment of our indigenous peoples, despite falling crime rates.<sup>93</sup> Pratt identifies the perceived cultural push to punish as evolving out of New Zealand’s colonial history. European settlers highly valued the egalitarian values and social mobility, as they were no longer restrained by lineage and breeding rules. However, there was still a sense of the importance of particular moral and social standards, and the State had to become the guarantor of stability and uniformity to ensure a paradisiacal new nation. The desire to defend the new colonial ‘paradise’ led to a marked intolerance of those who threatened social cohesion, and fear of the ‘other’ and those who were different or resisted State control. Those who offended were seen to be ‘doubly abhorrent’, as they were seen as challenging a particular way of life that must be maintained at all costs.

New Zealander’s attitudes in more recent times is somewhat mixed. In mid-2014, the Ministry of Justice and Colmar Brunton conducted a survey of New Zealanders about their perceptions of crime and the criminal justice sector.<sup>94</sup> Respondents were generally confident in their view on the importance of prisons and the undesirability of releasing prisoners on parole under the current system. Two-thirds (67%) of respondents believed prisons keep the public safe by securely containing offenders.<sup>95</sup> Strikingly, however, the majority of people were not confident in the role prisons play in deterring offenders from reoffending, with only eight per cent believing prison deters people who have been to prison from reoffending, and only 14 per cent believing prison gives offenders the help they need to stop offending.<sup>96</sup>

This reinforces the common view that prisons are necessary for safety, yet the vast majority of people surveyed did not believe that our prisons are reducing reoffending or playing a deterrence role. The public appears to believe, to some extent, that our prisons are necessary but also failing at the same time. This dissonance is also reflected at a political level. Earlier in 2016, Corrections Minister Judith Collins defended the rising prison muster and associated costs, but made no comment on whether it can actually reduce reoffending:

*People are in prison because they should be in prison. The fact is we have longer sentences for violent offenders and issues like methamphetamine supply. It is right that we should treat these very seriously. It’s better than going back to soft sentences for extremely violent, recidivist offenders.<sup>97</sup>*

This suggests the Minister of Corrections still maintains a strong philosophical commitment to the use of prison, and her view that more punitive sentences are considered an effective tool with which to ‘keep society safe’.

But this approach is not consistent across the board—even within the Government’s own leadership. In 2011, Deputy Prime Minister Bill English conceded to a Families Commission forum that prisons were ‘a moral and fiscal failure’.<sup>98</sup> He later said he hoped the new 1,000-bed prison in Wiri would be the last because ‘they’re very, very expensive’.<sup>99</sup> English said they cost \$250,000 a bed in capital costs, and \$90,000 per prisoner to run and ‘when we’re tight for money, it would be good if we could have ... less young people coming into the ... pipeline where they start with a minor offence and end up with a 10-year sentence’.<sup>100</sup>

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## Chapter 2: Reducing reoffending

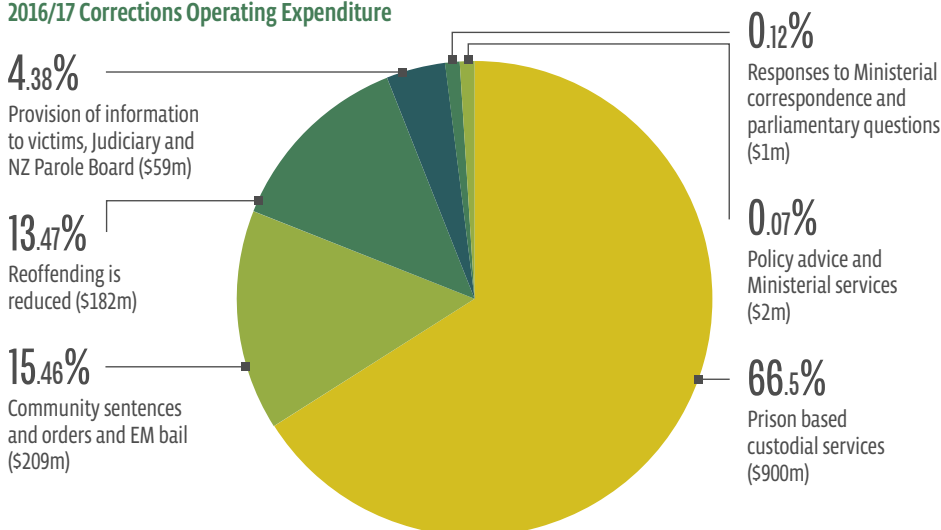
In 2016, spending on prisons had not slowed. Further funding was committed to ‘reduce reoffending’ and ‘meet recent growth in the prison system’ under the multi-department Justice Sector budget announced by English.<sup>101</sup> His 2011 hope that that the new 1,000 bed Wiri Prison would be the last, because ‘they’re very, very expensive’, has not been realised.

Several months after Budget 2016, the Government announced it was to spend a further \$1 billion adding another 1,800 prison beds.<sup>102</sup> Most of the new places will be in a new 1,500-bed facility at Waikeria Prison in the Waikato.<sup>103</sup> This further spending is in addition to increasing stretched capacity by ‘adding 341 prisoner places through the use of double bunking and converting facilities to accommodate prisoner beds.’<sup>104</sup>

This commitment reflects the unique paradox that the Justice sector, particularly Corrections, is facing. It has been tasked by the Government with reducing reoffending by 25 per cent by 2017, yet the prison system is now under increasing pressure, with all-time high numbers of inmates, which is putting pressure on capacity and budgets.

The Department of Corrections’ annual and permanent appropriations (‘Budget’) for 2016/17 total \$1.765 billion, an increase of \$145 million, or 8.9 per cent, from estimated actual expenditure of \$1.620 billion in 2015/16.<sup>105</sup> This 2016/17 Budget includes an ‘Operating Expenditure’ of \$1.353 billion and ‘Capital Expenditure’ of \$412 million, for the purchase and development of assets by and for the use of the Department of Corrections. The increase in spending is largely focused on ‘responding to the growth in the prison population’.<sup>106</sup> Prison-based custodial services took up the majority of the previous year’s operating expenditure with \$814 million (64%) in 2015/16<sup>107</sup>. This increases to nearly \$900 million (67%) in 2016/17.<sup>108</sup>

2016/17 Corrections Operating Expenditure



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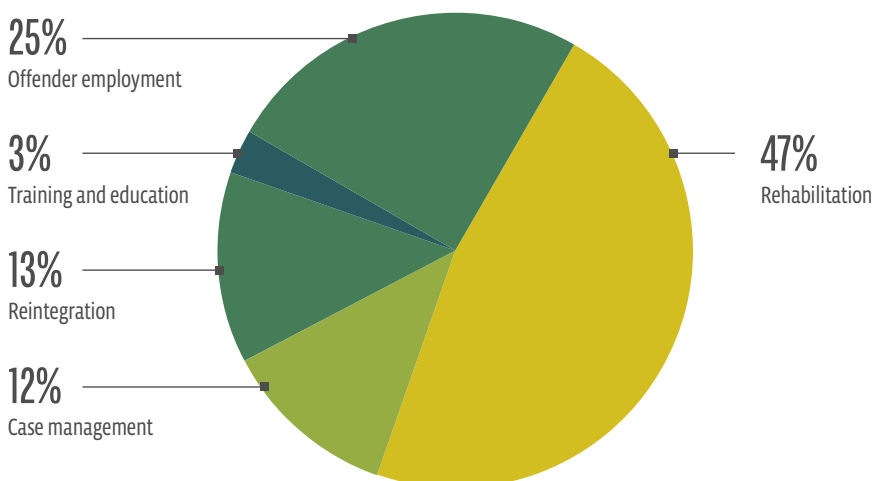
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## Strategic objectives

‘Prison-based’ custodial services come under the strategic objective of ‘Public Safety is improved’.<sup>109</sup> The budget for this broader target also covers services provided to the Judiciary and the New Zealand Parole Board, and sentences and orders served in the community.

Interestingly, reintegration and rehabilitation services are not classified under the objective to ‘Improve Public Safety’; rather, they are newly classified as ‘Reducing Reoffending’.<sup>110</sup> This budget is intended to achieve a reduction in reoffending rates. It seeks to provide for ‘the timely assessment of the rehabilitative and reintegrative needs of offenders and those remanded in custody and ensures identified offender needs are addressed through rehabilitation, education, employment and reintegration activities’.<sup>111</sup> Activities classified under this budget are case management, training and employment, offender employment, rehabilitation and reintegration. In 2015/16, the estimated actual budget was just over \$180 million, and this will increase slightly to just over \$182 million in 2016/17.<sup>112</sup>

Reducing Reoffending 2016/17 Budget



## New policy initiatives

As the below table indicates in more detail, The Department of Corrections has had to reset its cost base to accommodate booming prison population levels, with an unexpected increase in the past 18 months above and beyond the 2011 Justice Sector forecast.<sup>113</sup> This has resulted in ‘new policy initiatives’ of an extra \$15 million to accommodate further ‘Muster Growth’ in the 2015/16 year, \$3.6 million for additional remand beds at Mt Eden Corrections Facility, and an extra \$9 million for the Mt Eden Corrections Facility ‘Step -In’.<sup>114</sup> In July 2015, Corrections invoked a step-in clause in their Crown contract with private prison operator Serco and took over the management of Mt Eden, after claims and concerns of mismanagement. The financial year of 2017/18 sees the ‘prison capacity build programme phase one’ initiative increasing to \$23.6 million. These figures, however, do not include the more recent announcement by the Government for ‘phase two’ of a further 1,800 prisoner places in the network, at a construction cost of around \$1 billion.<sup>115</sup>

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Only *two out of the eleven* new policy initiatives are committed to the ‘Reducing Reoffending’ target, with \$5 million a year committed for the next five years to the Out of Gate service for short-serving prisoners and approximately \$1 million a year for release planning.<sup>116</sup>

New Policy Initiative	Appropriation	2015/16 Final Budgeted	2016/17 Budget	2017/18 Estimated	2018/19 Estimated	2019/20 Estimated
Corrections Financial Stability Post 2015/16	Public Safety is Improved MCA-Prison based custodial Services		\$52.8m	\$52.8m	\$52.8m	\$52.8m
Prison Capacity Build Programme – Phase One: Immediate Capacity Responses	Public Safety is Improved MCA – Prison-based Custodial Services		\$19.5m	\$23.6m	\$18.1m	\$18.1m
Muster Growth (Maintaining Financial Stability in 2015-16)	Prison-based Custodial Services	\$15m	-	-	-	-
Mt Eden Corrections Facility Step-In (Maintaining Financial Stability in 2015-16)	Prison-based Custodial Services	\$9m	-	-	-	-
Mt Eden Corrections Facility Management Options	Public Safety is Improved MCA-Prison-based Custodial Services	-	\$5m	\$5m	\$5m	\$5m
Out of Gate Navigation Services for Short-Serving Prisoners	Reoffending is Reduced	-	\$5m	\$5m	\$5m	\$5m
Electronic Monitoring of Offenders Serving Sentences in the Community (Maintaining Financial Stability in 2015-16)	Public Safety Is Improved MCA-Sentences and Orders Served in the Community	\$2.6m	\$2.2m	\$2.2m	\$2.2m	\$2.2m
Management of Offenders Returning to New Zealand	Public Safety is Improved MCA-Sentences and Orders Served in the Community	\$2.5m	\$3.9m	\$3.2m	\$2.7m	\$2.2m
Share of Costs for Budget 2015 Whole-of-government Initiatives	Prison-based Custodial Services and Sentences and Orders served in the Community	(\$1.8m)	-	-	-	-
Temporary Release and Pre-release Planning (Guided Release)	Reoffending is Reduced	-	\$1.2m	\$1m	\$1m	\$1m
Strengthened Electronic Monitoring Strap for High Risk Offenders	Sentences and Orders Served in the Community	\$0.6m	-	-	-	-
<b>Total Initiatives</b>		<b>\$27.8m</b>	<b>\$89.6m</b>	<b>\$92.8m</b>	<b>\$86.8m</b>	<b>\$86.3m</b>

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These budgets reflect increasingly paradoxical Government priorities. There is credible evidence that sending someone to prison has very little effect in deterring them from reoffending—and indeed, sending someone to prison for longer might actually increase the likelihood that he or she will reoffend.<sup>117</sup> JustSpeak, in its 2014 report on New Zealand’s prison system, *Unlocking Prisons*, explored the three main factors that make prison ineffective in reducing reoffending: 1) Prison provides a criminal learning environment; 2) prison fails to address or can compound the underlying causes of offending; and 3) being sent to prison can contribute to post-release stigma and challenges after release.<sup>118</sup> A Canadian review of 117 studies dating from 1958 and involving 442,471 offenders found prison can have a ‘criminogenic effect’ that gives credence to the ‘prison as schools of crime’ perspective. As such, the authors warned ‘excessive use of prison’ may be indefensible and indeed ‘fiscally irresponsible’, given the significant wider social costs of even modest increases in recidivism.<sup>119</sup>

Given these collateral impacts on communities, Dr Kim Workman notes we need a clearer understanding of what we mean by ‘public safety’, especially since this is ‘a term which has found its way into government lexicon, without ever being defined.’<sup>120</sup> Indeed, the ‘prison-based custodial services’ budget is classified by the New Zealand Government under the heading ‘Public Safety is Improved’, whereas the reintegration and rehabilitation services budget is classified separately. The Vera Institute of Justice puts it this way:<sup>121</sup>

*... the pivotal question for policy makers is not ‘Does incarceration increase public safety?’ but rather, ‘Is incarceration the most effective way to increase public safety? The emerging answer to the rephrased query is ‘no.’ Analysts are nearly unanimous in their conclusion that continued growth in incarceration will prevent considerably fewer, if any, crimes—and at substantially greater cost to taxpayers... As William Spelman has cautioned, ‘It is no longer sufficient, if it ever was, to demonstrate that prisons are better than nothing. Instead, they must be better than the next-best use of the money.’<sup>122</sup>*

As spending on prison continues to burgeon, the Government’s ‘Better Public Services’ targets set in 2011 somewhat ironically seek to focus on delivering ‘evidence-based results’ specifically relate to reducing crime. These targets are identified as being a priority to the Government, with the incentives being that ‘by delivering sustained reductions in crime and reoffending, social and economic harm is further reduced’.<sup>123</sup> The targets break down to two separate goals: Result 7, ‘to reduce the rates of total crime, violent crime and youth crime’, and Result 8, to which this report lends its focus, ‘to reduce reoffending’.<sup>124</sup>

## Reducing reoffending by 25 per cent

By June 2017, the Government’s target is to reduce reoffending by 25 per cent. The reoffending rate is measured against a baseline at June 2011.<sup>125</sup> This would see the reoffending rate drop to 22.6 per cent from the 2011 baseline of 30.1 per cent.<sup>126</sup> This is a composite measure that takes into account the rate of reimprisonment among prisoners within 12 months of their release, and the rate of reconviction among community-sentenced offenders within 12 months of the start of their sentence. This target is hoped to be achieved by ‘Strengthen[ing] rehabilitation and reintegration services to prepare and support people to live law-abiding lives’.<sup>127</sup> The Department of Corrections is largely responsible for this target, along with the Ministry of Social Development and Child, Youth and Family. The cost

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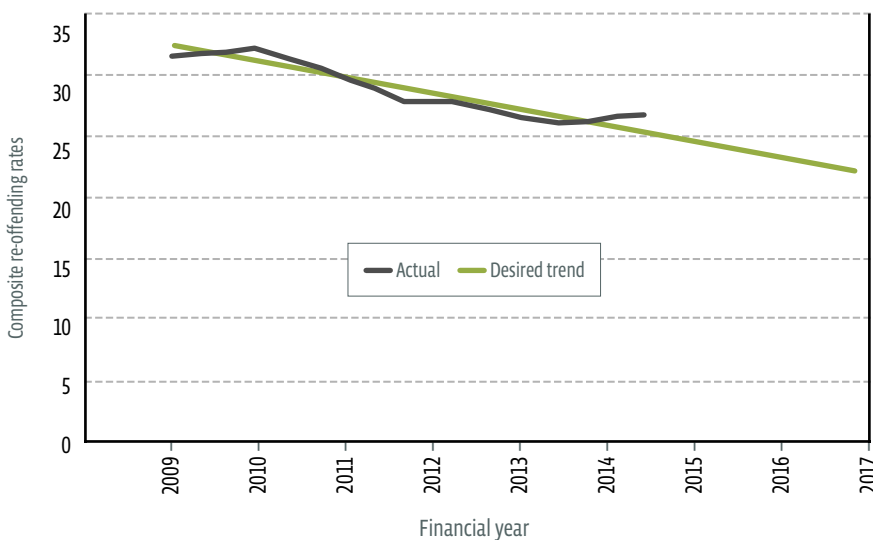


of the target is funded through reprioritisations as a result of the Department of Corrections' expenditure review, and the Department has set specific measures to reduce the reoffending, which include:<sup>128</sup>

- expanding alcohol and drug treatment for offenders in prison and the community
- expanding rehabilitation programmes that are proven to reduce reoffending
- enhancing rehabilitation services provided directly by probation officers for offenders on community sentences
- delivering rehabilitation in partnership with iwi and community groups and contracting for results
- implementing working prisons and increase prisoners' participation in education and employment
- working with employers and industry to provide real jobs for offenders after release from prison
- partnering with iwi and communities to establish reintegration centres that support offenders' social and accommodation needs.

The Department reported progress in the first few years of the reducing reoffending target, with the reoffending rate dropping by 12.6 per cent from the baseline in February 2014. However, since this initial drop, the Department admits its progress has since slowed, which it attributes to the increase in the 'proportion of offenders with more entrenched and complex issues.'<sup>129</sup> As the below table indicates, rather than dropping in the 2014/15 year, composite reoffending rates increased.<sup>130</sup>

Quarterly composite re-offending rates



At the end of October 2016, the Department of Corrections released its 2015/16 Annual Report, which reported a further stalling for a second year in a row. The Department noted that 'on the basis of recent results, it is unlikely that the target of 25% reduction in the rate of reoffending by 2017 will be achieved.'<sup>131</sup>

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## Reoffending rates in the past decade

A 10-year view of post-prison reoffending statistics indicates this failure is not a new phenomenon. **Table 4** breaks down the composite reoffending rates to both the reimprisonment and reconviction rates following a prison sentence 12 months after release and 24 months after release.

**Table 4: Recidivism index general prison population 2006-2015** (Source: Department of Corrections Annual Reports)

Year ending June	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>TOTAL PRISON POPULATION</b>										
12-month reimprisonment rate	27.7%	27.6%	27.2%	27.6%	28.4%	27.1%	27.0%	26.7%	25.9%	28.1%
12-month prison to reconviction	41.1%	42.3%	43.5%	47.6%	47.5%	45.3%	43.3%	44.2%	41.7%	43.7%
24-month reimprisonment rate	39.2%	38.8%	39.7%	36.8%	37.9%	39.2%	37.0%	37.3%	36.8%	36.5%
24-month prison to reconviction	56.4%	55.4%	57.6%	58.7%	61.9%	62.2%	59.9%	58.8%	58.9%	57.0%

Demonstrably, there is little evidence of any change in overall reoffending/reimprisonment rates on release from prison over the past decade. In fact, since 2006 the reoffending rates have actually increased in all categories except for the 24-month reimprisonment measure, which has only slightly reduced by 2.7 per cent.

**Table 5: Recidivism index Māori prison population 2006-2015** (Source: Department of Corrections Annual Reports)

Year ending June	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>MĀORI PRISON POPULATION</b>										
12-month reimprisonment rate	29.9%	31.2%	30.5%	31.0%	32.6%	29.7%	30.4%	30.1%	29.3%	32.1%
12-month prison to reconviction	44.9%	47.6%	47.9%	52.3%	52.2%	50.0%	47.3%	48.4%	46.2%	49.0%
24-month reimprisonment rate	43.3%	42.5%	42.1%	41.5%	43.3%	44.0%	40.8%	41.8%	41.2%	41.3%
24-month prison to reconviction	61.5%	60.3%	62.4%	64.4%	68.2%	67.3%	65.6%	63.5%	64.4%	63.2%

**Table 5** shows that Māori reoffending/reimprisonment rates are consistently 10 to 12% higher than for the general prisoner population. As with the general prisoner population reoffending rates, reoffending for Māori has not decreased over the past decade, with the exception of the 24-month reimprisonment rate, which has decreased by 2%.

In a 2008 briefing to the incoming Minister, the Department of Corrections noted that one of the 'critical issues' and 'long-standing challenge facing the Department' was the over-representation of Māori, given that in 2008 Māori made up almost half of the offenders the Department manages, both in the community and in prison.<sup>132</sup>

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Despite Māori over-representation in the prison population and in the reoffending population continuing to rise, In 2013 the Department of Corrections dropped an overall strategy, the *Māori Strategic Plan 2008-2013* in favour of the *Creating Lasting Change Strategy 2011-2015*, which does not include any strategy to deal with reoffending by Māori.<sup>133</sup>

In the recently released summary of the 2016/17 strategy *Change Lives Shape Futures* ‘Reducing reoffending among Māori’ has been identified as a one of four priorities.<sup>134</sup>

*Māori make up half of all offenders. Reducing this level of offending is one of the significant long term challenges we all face. Participation rates and achievement levels of Māori in programmes proven to address criminogenic needs are comparable to all offender groups. What stands out is the over-representation of Māori offenders who are gang affiliated, and/or serve shorter prison sentences—two areas where reducing reoffending is more challenging.*

Corrections’ most recent priority constructs Māori reoffending rates in a particular way, by pointing with some confusion to the disproportionate figures despite the ‘comparable’ achievement and participation rates in Corrections rehabilitation and reintegration programmes. This construction has resulted in the Department concluding that the main reasons for such disproportionality must primarily be as a result of gang participation and length of time in prison.<sup>135</sup>

*If you’re in a gang you’re almost twice as likely to reoffend, and often more seriously, no matter the level of help received in prison. That’s why we must challenge gang participation. If we can better support short-serving prisoners and impact gang affiliation, we can reduce Māori reoffending dramatically.*

This approach is problematic as it does not acknowledge any potential issues with the Department, or the Crown’s own approach, despite decades of over-representation for Māori in the criminal justice system. This approach has attracted particular criticism with regards to its implications not only pragmatically for reducing reoffending targets, but also for its Treaty of Waitangi implications. In 2015-16, a Waitangi Tribunal claim was lodged and heard under urgency in July 2016. The claim alleged that:<sup>136</sup>

*... the Crown has breached the principles of the Treaty of Waitangi by, failing to make a long term commitment to bring the number of Māori serving sentences in line with the general Māori population; failing to set a specific target to reduce reoffending by Māori; failing to have an overall strategy to reduce reoffending by Māori; and failing to engage with Māori at an overall strategic level. It is also alleged that the existing rehabilitative programmes implemented by the Crown are not appropriately assessed to ascertain whether they are contributing or could contribute to an overall reduction in reoffending by Māori.*

The claim was lodged by former probation officer Tom Hemopo and his iwi, Ngati Kahungunu. Interested parties and expert witnesses included representatives from *JustSpeak*, Moana Jackson, Dr Tracey McIntosh, Dr Anne Opie and Dr Kim Workman. The Waitangi Tribunal is yet to release its findings at time of writing. Virtually all the claimant witnesses contended that far greater recognition needs to be given to the broader concept of the determinants of Māori reoffending and offending, including the intergenerational effect of marginalisation and colonisation.<sup>137</sup>

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*The critical point is that the failings identified are symptomatic of the broader problem of the Department's failure to have an effective overall strategy, a Treaty consistent strategy, to reduce Māori reoffending. It is not good enough to say 'everything we do is for Māori' if what the Department does is not working. The system that has been failing Māori for so long needs to be reviewed in a fundamental way and an overall strategy adopted to ensure that current trends are reversed. Anything short of such fundamental change is likely to amount to no more than tinkering and a further failure to address some very disturbing trends.<sup>138</sup>*

In the closing statement, it was also highlighted that one of the 'key questions' raised by the enquiry was whether the Department should spend less money on housing inmates and devote a greater proportion of the substantial Corrections' budget to rehabilitation and reintegration:<sup>139</sup>

*As is clear from the evidence, it is important to include within the concept of rehabilitation (the focus of this particular issue) the concept of reintegration. All witnesses agreed that the high risk time for an inmate during his/her Corrections experience is when he/she returns to the community at the end of their prison sentence. Wrap around services, which the Department, amongst others, is responsible for, are critical to the goal of reducing reoffending.*

The applicants stated that The Department has Treaty duties to engage and involve Māori communities as far as practicable in the design and implementation of effective rehabilitation and reintegration programmes.<sup>140</sup> As one expert witness noted, the 'heart and soul' of reintegration is with the communities.<sup>141</sup>

Given little evidence of change in overall reoffending/reimprisonment rates on release from prison over the past decade, if New Zealand is to have any success in the current Better Public Service target vision to 'creating lasting change by breaking the cycle of reoffending', it is vital these concerns are taken seriously. Indeed, as stated by the Department itself in 2008, 'to succeed overall, we must succeed for Māori'.<sup>142</sup>

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## Chapter 3: Risk and Reintegration

Offenders who reoffend are, by definition, those who have been unable to successfully integrate/reintegrate into society. Although the desire to have retribution for criminal offending that causes harm is entirely understandable, if we are to reduce reoffending and thereby reduce further harm, we must ultimately reintegrate offenders in the community, given that the vast majority of prisoners will not spend their life in prison. However, how 'reintegration' is conceptualised can be influenced by a complex variety of factors. This includes different philosophical constructions of the personhood of the 'offender' and what constitutes meaningful reintegration. This chapter explores some of the dominant paradigms that have influenced Corrections' approach to reintegration.

### Corrections and reintegration

In May 2004, the then Minister of Corrections, the Hon Paul Swain, held a Ministerial Forum on Offender Reintegration, issuing a challenge for New Zealand to be a 'world leader in reintegration'.<sup>143</sup> A key part of the Department's strategy at the time was its 'Integrated Offender Management System' (IOMS), which used a structured computerised approach to offender management and relied heavily on the use of standard tools to assess and manage the needs of offenders.<sup>144</sup> Offenders were assessed before *and* after sentencing. Assessment tools were then used to identify the offender's *risk* of reoffending, their criminogenic (offence-related) *needs*, and their *responsivity* (motivation to change). The Risk principle assumes criminal behaviour can be predicted, and that treatment services should be 'matched' to the level of risk of the offender.<sup>145</sup> The Needs principle is that treatment should target needs that have direct relevance in reducing reoffending (i.e. criminogenic needs).<sup>146</sup> Criminogenic needs are considered 'dynamic risk factors' that, when changed, are associated with changes in the probability of reoffending.<sup>147</sup> The Risk, Needs and Responsivity (RNR) model<sup>148</sup> was continued into the Department's management of ex-prisoners in the community, with release plans and conditions developed out of their assessment.

The IOMS system was later described as a 'large and expensive failure' by some, with reoffending rates increasing since the system was implemented.<sup>149</sup> Various critiques pointed out that applying such a framework to reintegration strategy was problematic.<sup>150</sup> These are explored in more detail below.

### 'Needs'

In the RNR paradigm, many of a person's 'needs' are often framed as individual deficits, rather than recognised as 'the social and interactive dimensions of offenders' hardships'.<sup>151</sup> It views an offender in a silo separate from their place in, and the influences of, their family, community and the society in which they

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have grown up and will be released into. By only identifying the criminogenic needs of the individual, it does not necessarily identify how these ‘needs’ will be met or how they will be influenced in the transition beyond the prison gate in the community. This paradigm also identifies and defines the needs of the individual, rather than their needs being self-determined. Successfully making a transition out of prison into the community where the same features of management and control will not be present in the long term can be at odds with a model focused on addressing needs with programmes within a controlled environment.

### ‘Risk’

The obsession with risk reduction can contribute to fear of offenders and an unwillingness on the part of the public to accept them readily into communities.<sup>152</sup> An objectification of an offender as a ‘problem’ that needs to be ‘fixed’ or managed can also have implications for how they are viewed when they are released into society—once a human is objectified, society may treat them as being ‘less human’, and less deserving of other human rights.<sup>153</sup> Victim and offender rights are played off against each other by regarding victims and offenders as demographically and morally distinct.<sup>154</sup> Dr Kim Workman notes that this sharp dichotomy is not accurate, rather:<sup>155</sup>

*... the social and demographic indicators that identify those who are most likely to be victimized are identical to the markers for those likely to be offenders. The life stories and cultural contexts that weave victims and offenders together (often within the same person) make any attempt to separate the two an exercise in simplification.*

The 2014 Crime and Safety Survey confirms this observation and previous findings that the demographic characteristics of those who are imprisoned (disproportionately those who are socio-economically disadvantaged, with over-representation of Māori and Pasifika) tends to mirror that of those who are victimised or exist within the same community. The survey found crime is concentrated in poorer communities, with younger Māori and Pasifika more likely to be a victim of a crime. For example:<sup>156</sup>

- 3% of the population experience 53% of all crime in New Zealand
- people experiencing financial hardship or living in more highly deprived areas were more likely to be the victim of crime than the New Zealand average
- Māori were more likely than the New Zealand average to experience all types of crime in 2013—it was still the case that Māori have higher victimisation than Europeans, even after both age and deprivation are accounted for
- people aged 65 and over were less likely to be the victim of crime, while those under 40 were more likely.

Most who criticise the risk management fixation argue not that the calculation of risk is invalid, but merely that it is an ‘incomplete accounting of the various and complex factors that figure into the risk for re-offence, and likewise the factors that contribute to change or desistance’.<sup>157</sup> This becomes particularly problematic if an emotional and reactive political and public narrative on law and order is contributing towards constructing a particular expression of risk management, as it is not capable of nuance as to why people offend or reoffend, what works to prevent reoffending, and who is actually at risk. As such a simplistic construction may interfere with other strategies to reduce reoffending.

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Other approaches have emerged or re-emerged as viable contrasts or additions to the RNR model. These include:

- The ‘Good Lives’ model, developed in part as a response to the prevalent RNR model. In contrast, the Good Lives Model assumes offenders typically share the human needs and aspirations of the rest of the community, and that their offending occurs as a consequence of the way they seek the primary human goods emerging from these needs.<sup>158</sup>
- ‘Desistance Theory’, underpinned by the concept that criminality is further entrenched through segregation and punishment.<sup>159</sup> Instead, desistance theory seeks to break this cycle by helping offenders have a pro-social identity in the community and challenging how the community sees and engages with offenders.
- Whānau Ora, driven by indigenous Māori values. Its core goal is to empower communities and extended families (whānau) to support families within the community context, rather than individuals within an institutional context.
- Restorative Justice, expressed both from faith-based and indigenous values and seeks to bring together the offender and the victim to hold the offender accountable for their offending, but at the same time allowing for restitution and successful reintegration into society.

While there is still an ongoing and ‘lively debate’, particularly in academia, as to the most effective and appropriate approach to reintegration,<sup>160</sup> (especially between adherents to the RNR and the ‘Good Lives’ model) Corrections’ approach in 2016 has seen some reform to the theoretical approach in which they seek to operate their programmes. A review of the whole department in 2012 and again in 2014 by the State Services Commission identified that a more integrated approach was needed if reoffending was to be meaningfully reduced.<sup>161</sup>

*The primary epistemological base adopted by Corrections is behavioural psychology with interventions based on theories of criminogenic behaviour. This has tended to produce a: deficits-based approach, and to lead towards a lesser emphasis, or less coherent emphasis, on the contextual factors that lead to positive behaviour, such as employment, social connections and an appropriate place to live. The strategy and process for successful integration are less well defined than they are for rehabilitation and vary throughout the organisation. In the next four years, throughout Corrections and related entities, excellence will necessitate the complete implementation of ‘end-to-end’ offender-centric case management from the earliest stage of a person’s offending. There will be a coherent approach to behavioural and positive strengths- based offender engagement and a greater emphasis on successful reintegration of offenders into the community.*

Some change at an operational level is reflected in the Departments’ current approach to reintegration. It heavily emphasises contextual factors in its reintegration strategy, emphasising key areas such as employment, accommodation, education and training, skills for life, oranga, and family/whānau/community relationships.<sup>162</sup> The Out of Gate service ‘incentivises’ the provider to help offenders build on and develop relationships with family and whānau, employers and social service agencies. The Department’s new ‘end-to-end case management’ model sees prisoners assigned case managers tasked with providing ‘complete support’ from the beginning of the sentence to coordinating release, where previously there may have been (depending on availability) a

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variety of professionals involved in sentence planning, parole assessment reports, social workers, release-to-work coordinators and reintegration workers.

Despite a shift to a more ‘holistic’ approach to offenders and their transition from prison to the community, the 2014 follow-up review also noted ‘risk’ is still the main driving force in engaging with offenders both in prison and in managing their transition back into the community.<sup>163</sup>

*The dominant paradigm remains risk and the treatment of risk, both terms being routinely embedded in our interview discussions. There is a multiplicity of risk assessments, a continuing emphasis on programmes rather than more holistic offender-centric interventions and a tendency to collect quantitative aggregate data, rather than the development of information at a more offender-centric and qualitative level.*

This is not necessarily a surprise in the context of punitive criminal justice policy and narratives identified earlier. A variety of risk management tools are still used in prison and when an offender is released on probation.<sup>164</sup> At a policy level, legislative developments have trended towards a risk-averse approach to offenders leaving prison and reintegrating into the community.

In December 2014, two Acts were passed that increased Corrections’ powers to control ‘high risk’ offenders who have come to the end of prison sentences. The Public Safety (Public Protection Orders) Bill enables the High Court to make a Public Protection Order (PPO) to detain high-risk individuals beyond their completed sentence until they no longer ‘pose a serious and imminent threat to public safety’.

This Bill was passed alongside the Parole (Extended Supervision Orders) Amendment Bill, which extends supervision for high risk offenders in the community. The media release that accompanied the passing of the two laws introduced them as: ‘New measures to keep dangerous criminals locked up for longer and better protect victims will soon come into force.’<sup>165</sup>

In 2015, the Sentencing (Electronic Monitoring of Offenders) Legislation Bill amended the Parole Act and the Sentencing Act to enable electronic monitoring of offenders released from a sentence of imprisonment of two years or less, and of offenders sentenced to intensive supervision. Minister Collins stated that the Bill meant that ‘people who were not previously able to be electronically monitored and were in the community without GPS monitoring will now be monitored. Corrections will know where they are, and the community will be safer.’<sup>166</sup>

In 2016, the Child Protection (Child Sex Offender Register) Bill created an agency register for those convicted of a child sex offence. Offenders are required to provide a range of personal information which must be updated following any change in their circumstances so that they can be monitored and tracked for risks of reoffending. Offenders will remain on the register for a term of life, 15 years or eight years depending on their offence and the sentence imposed.

These developments indicate a common thread of wanting to increase the level of control of offenders even once they have ‘done their time’, accompanied by a fear or expectation they will reoffend. All of these particular legislative developments also raise concerns of impingements of basic civil liberties of prisoners and released prisoners, including the New Zealand Bill of Rights Act 1990 protections against retroactive penalties, ‘double jeopardy’ and arbitrary detention. This is consistent with a particular lens of viewing offenders ‘less human’ and less

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deserving of basic human rights, which is contrary to the fundamental principle that even those deprived of their liberty ‘shall be treated with humanity and with respect for the inherent dignity of the person’.<sup>167</sup>

A significant challenge posed by such a dominant narrative of risk aversion at an operational and policy level is not that public safety concerns of reoffending are not highly relevant, nor that those who have offended should not be held accountable for actions. Rather, the concern is whether such a *construction* of risk management accurately reflects reality, and is what is most effective in preventing, reducing or mitigating reoffending beyond the prison gate.

This becomes particularly problematic if this narrative hinders effective initiatives to reduce reoffending. The Department of Corrections seeks to address reintegrative barriers such as employment before an offender leaves prison with its Release to Work and Offender Employment Programme. This is a central part of Corrections’ strategy to help offenders build ‘positive lifestyles’, particularly given that ‘recent data has shown that people who find stable employment on leaving prison are significantly less likely to commit crime in the 12 months following their release’.<sup>168</sup> Yet this aim has been hampered in the past year and Corrections was not able to meet its target of the number of prisoners engaged in employment activities. This was attributed to ‘a high profile breach of temporary release which led to Corrections reviewing prisoners eligible to work outside the prison environment’.<sup>169</sup> The breach was the escape of prisoner Philip John Smith to Brazil while on temporary release, which attracted significant media coverage and a Government inquiry.

### Case Study: Philip John Smith and Corrections’ reintegrative policy

The Government inquiry describes how Philip John Smith had been a prisoner in various prisons around New Zealand for over 18 years in relation to offences of murder, child sex offending, extortion and kidnapping and fraud.<sup>170</sup> He had not been paroled after his minimum period of imprisonment. On the morning of 6 November 2014, Mr Smith had been released from Spring Hill Corrections Facility (Spring Hill) on a temporary release of 74 hours’ duration.<sup>171</sup> He was meant to be supervised by sponsors and to stay at a designated address in Auckland for the three nights involved.<sup>172</sup> Mr Smith had been granted previous temporary releases, both from Auckland Prison (Paremoremo) and from Spring Hill. These temporary releases were in the nature of reintegrative releases to help him prepare for life in the community and to satisfy the New Zealand Parole Board that he posed no undue risk to the community.<sup>173</sup>

Mr Smith did not return to Spring Hill as planned at 9:30 am on 9 November 2014. Not until the next day was it known that Mr Smith had left New Zealand and successfully boarded a flight for Santiago in South America with an onward ticket for Rio de Janeiro in Brazil. Mr Smith contacted New Zealand media while he was in Brazil. His subsequent arrest by Brazilian Police and deportation to New Zealand maintained media and public interest, and sparked a Government Inquiry to investigate aspects of the escape.

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The inquiry report made a variety of recommendations about what procedure/s could be improved and which findings gave rise to issues of practice, performance and system design within the Department of Corrections.<sup>174</sup> The inquiry also made some cautionary remarks that the incident should not be met with a knee-jerk uniform reaction at a policy level to reintegrative release across the board.<sup>175</sup>

*Temporary releases (including releases to work and reintegrative releases) are valuable mechanisms that strengthen the rehabilitative efforts of many prisoners. To exclude certain categories of prisoner as being unsuitable per se rather than assessing the risks and benefits of temporary release for individual prisoners could be seen as a retrograde step and inconsistent with current government policy.*

The report's authors noted as background information that temporary removals and temporary releases are a long-standing instrument of penal policy and have value, and that the number of breaches of temporary release conditions is, in fact, very small.<sup>176</sup> Since 2007, only four prisoners serving indeterminate sentences have failed to return on Temporary Release, one being Mr Smith.<sup>177</sup> Indeed, such releases, if managed well with good planning mechanisms and support, can be vital in promoting public safety in the long term as they test a prisoner's ability to function in society without causing harm.

The inquiry also explicitly discussed the Circles of Support and Accountability (COSA) programme, a primarily faith-based volunteer initiative that works with and supports offenders in safely reintegrating them into community. Anglican Action describes Circles of Support as informed by restorative justice principles, emphasising the need to hold the offender accountable for their offending, but at the same time allowing for restitution and successful reintegration into society.<sup>178</sup> The programme is often aimed at offenders whose offending is held to be particularly reprehensible by society, as such offenders are often rejected by their families and the community due to the nature of their offending. When offenders return to communities after completing their sentence, they may receive limited social support and this lack of support may increase the risk of reoffending. The mission of Circles of Support is to substantially reduce the risk of offending as people re-enter the community and lead responsible, productive, and accountable lives.<sup>179</sup> Overseas studies into the model have shown significant reductions in rates of reoffending in all domains of offending compared to those not in the circles.<sup>180</sup>

Phillip Smith had been connected to the programme through the Te Piriti specialist unit at Auckland Prison and pretended to be monitored by a COSA sponsor when he fled to South America while on temporary release from Springhill in 2014. The authors of the inquiry into his escape emphasised that the failures leading to the escape were not attributable to the programme *per se*, but rather, the Department's *resourcing, support and monitoring* of the programme.<sup>181</sup>

*The Circle of Support and Accountability (CoSA) programme, introduced at Te Piriti as part of a pre-release pathway for long-serving prisoners who had completed treatment, was not effectively supported, resourced*

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*or monitored. There was no formal risk assessment for this initiative. The initiative, however, has merit and the Department of Corrections should consider how to give it best effect.*

Indeed, the authors endorsed the programme itself as a programme with promise in working towards the strategic policy goal of effective rehabilitation and reintegration for offenders:<sup>182</sup>

*... we note that the Parole Board is supportive of CoSAs being put in place for prisoners. Given that rehabilitation of prisoners is sound public policy, we support the CoSA concept and see merit in its being expanded and properly supported. We note from the international examples that CoSAs are a community-based initiative, not run from within prisons. They have multi-agency and probation service leadership.*

Despite the inquiry's endorsement of the programme and its recommendation that Corrections consider how to support it in the community, in December 2015 Radio New Zealand reported that Corrections had let lapse its only two contracts to fund volunteers for the scheme—in Auckland and Hamilton, where there were a total of eight groups.<sup>183</sup> It is unclear whether the Philip Smith case was the trigger for funding for the CoSA programme to be phased out,<sup>184</sup> but leaders of the programme have publicly expressed concern that the programme has since been undermined.<sup>185</sup>

## The politics of risk

The public fallout from the Philip Smith case and its potential impact on the use of reintegrative tools such as release to work, temporary release, offender employment and the CoSA programme illustrates the delicate relationship that exists in the reintegration space. Prioritising community reintegration is increasingly positioned politically as being at odds with public safety. Kathy Fox highlights the multiple roles that Corrections is playing and the complex, and often problematic, interaction between these roles:<sup>186</sup>

*Corrections is in many businesses at once: the coercion and compliance business, the treatment/mental health business, and the community reintegration business. These do not always fit neatly in the same package. Moreover, they exist within a context of public pressure to be tough, risk averse, cost-effective, and responsive to all stakeholders.*

The Philip John Smith Inquiry also identified that the principles of 'containment' and 'reintegration' in Corrections means striking the difficult balance between public interest in containing prisoners who pose risk to the community, and public interest in preparing for prisoners for release.<sup>187</sup> The latter is not always as politically palatable. But as the inquiry also notes, the failure to provide effective rehabilitative and reintegration programmes also puts the community 'at risk from released prisoners who have no preparation for life outside'.<sup>188</sup>

A risk-averse narrative can also become more problematic as the Government moves to a model that increasingly outsources reintegration to the community. Two key pillars of the reducing reoffending strategy is to partner with iwi and communities in delivering rehabilitation and establishing reintegration centres

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that support offenders' social and accommodation needs, also in partnership with community providers. The Out of Gate initiative also relies on a contracting model with community groups. Many community providers such as The Salvation Army's Reintegration Service, PARS, Pathway, and MUMA have different models of care that tend to be holistic and 'strengths-based' and are often informed by faith-based or indigenous cultural restorative values that do not always sit cohesively inside an increasingly risk adverse and deficit-based philosophy and legislative framework. Dr Kim Workman notes that a compliance and risk management framework is particularly resented by Māori.<sup>189</sup>

*For generations, Māori have been treated as subjects of dependency, and successive governments have implemented programmes and policies which are paternalistic, and deny Māori the opportunity to take control of their lives. One of the reasons for current resistance to the Department of Corrections, and the poor Māori recidivism rate, is that it exists in a culture which wants to do things to people, whether or not they are willing subjects. Stemming from the compliance culture which permeates the organisation, offenders are, through the sentence management process, subjected to well-meaning decisions about what they need to do in their lives to 'put things right'. It is often deeply resented by Māori.*

It is also important to note that different approaches to reintegration are not necessarily any less effective option for ex-prisoners and in reducing reoffending. As indicated above, the CoSA model that is informed by restorative justice principles has had significant international success in reducing reoffending rates. The Corrections Act also explicitly affirms the place of restorative justice in the criminal justice system, stating that 'offenders must, where appropriate and so far as is reasonable and practicable in the circumstances, be provided with access to any process designed to promote restorative justice between offenders and victims'.<sup>190</sup>

Pathway, a Christchurch faith-based reintegration programme is underpinned by the 'Good Lives' Model, Desistance Theory, and is informed in practice by Motivational Interviewing. Drawing on these concepts, Pathway not only seeks to reduce reoffending but 'fundamentally transform the lives of clients'.<sup>191</sup> An independent research study into the programme found that those people involved with the Pathway programme were 33.3 per cent less likely to be reconvicted and 42.9 per cent less likely to be reimprisoned than what would be expected if they were not involved with the programme.<sup>192</sup>

A challenge for community based reintegration services is that they are operating outside of the prison context on often limited resources, with some programmes heavily relying on volunteer hours, but are expected to adhere to increasing legislative duties in risk management for their clients. Supporting clients who have complex needs and are subject to stringent risk management conditions can take up significant time and resources. Involving the community more and attracting support and volunteers can also become increasingly difficult if, at a legislative and political level, the discourse espoused or condoned from the Government is contributing to a fear-based narrative around ex-offenders in the community.

Indeed, if a legislative trajectory continues to dictate or encourage a particular construction of public safety, there is a danger some community-based models are no longer seen as viable or as worthy of both public and financial support. This could significantly inhibit Correction's reliance on its community contracting

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model. The Department's own internal efforts to 'take a coherent approach to behavioural and positive, strengths-based offender engagement, and a greater emphasis on successful reintegration of offenders into the community'<sup>193</sup> are also threatened in this context if the political and legislative narrative is discordant with operational strategy. Given that reintegration ultimately happens in the community, this trajectory is at risk of creating a cyclical problem that may have negative implications for crime prevention and the Government's own targets of reducing reoffending. It is therefore essential that an obsession with risk management does not dominate the reintegration space at the ultimate cost of hindering it.

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## Chapter 4: Hearing the voices of experience

The Salvation Army Social Policy and Parliamentary Unit was prompted to carry out its own research to better understand the experiences of ex-prisoners, the barriers and gaps that they see to meaningful post-prison reintegration into society, and to offer some recommendations for improvement. It was considered important to have the voices of those who have personally experienced life post-prison shape this report, as experts in their own right on their own lived experience. This prompting occurred in the scoping and consultation stage of the report when it was identified that current public discourse surrounding prisoners and ex-prisoners can commonly neglect the personal perspectives of individuals themselves and what they perceive and experience as barriers.

### Methodology

Our research involved the collection of information via four focus groups and a survey from individuals who were accessing different services of The Salvation Army and had an experience of prison at some point. The Social Policy and Parliamentary Unit partnered with The Salvation Army Reintegration Service for the survey, and with Salvation Army Bridge addiction treatment centres and the Army's two major Supportive Accommodation Service centres for focus groups to broaden the demographic to those who are not directly engaged with a specific reintegration service.

A holistic questioning framework was used in the research in line with the Model of Care in The Salvation Army's Supportive Accommodation Service. This model actively seeks to identify multiple dimensions of a person's wellbeing and resilience, including their own mental, physical or spiritual wellbeing, as well as how these interplay with their place in a family, the wider community and their access to socio-economic factors such as housing and employment. The model was also chosen in contrast to the dominant narratives identified in chapter three. Such narratives can result in over-individualising the challenges faced on release of prison by only addressing what are considered individual deficits such as behaviour and skillsets, without appreciating the complex interplay between both internal and external barriers to meaningful reintegration into society.

Questions in the survey and focus groups therefore consisted of a combination of different categories, including people's experience and preparation for the transition from prison to the community, barriers to income and employment, health and wellbeing, accommodation, family and community, along with culture, spirituality and identity. A priority in the research was also to ask and discuss the participants' own ideas of what they thought could address the barriers that exist in the post-prison journey to reintegration into society.

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## Survey

A survey was developed and distributed nationwide to Salvation Army Reintegration Service staff to distribute to or carry out with clients who wished to participate. The survey consisted of a combination of multi-choice, ranking and open-ended questions under different categories, including income and employment, health and wellbeing, accommodation, family and community, and culture, spirituality and identity. The survey was over a period of three months from March to June 2016.

Sixteen survey responses were received from Reintegration Services in Christchurch, Wellington and New Plymouth. Given the small sample size, a decision was made not to use the survey as a data set; however, to honour the participant's voices and their participation, their responses to open-ended questions have been collated verbatim and included in this report.

## Focus groups

A series of four focus groups were carried out at Salvation Army Supportive Accommodation Service and Bridge centres in Christchurch, Auckland, Manukau and Whangerei with a total of 33 participants. Focus groups and their purpose were advertised at centres in advance. It was emphasised that any participation was voluntary and that identities would remain anonymous.

A set of semi-structured questions in line with the survey were asked and discussed within focus groups that lasted approximately one hour. The researcher aimed to establish a relaxed, comfortable environment, with personal introductions, food and drinks. When possible, a support staff member known to the participants was present in addition to the researcher to assist with notetaking and the group process, and to help make participants feel more comfortable. Detailed notes were taken from all focus groups and a summary of each focus group was prepared. A range of themes was identified across all focus groups. Analysis included the identification of similarities and differences in views, and the degree of disagreement and agreement on particular issues—within and across the focus groups.

## Research participants

A total of 33 participants took part in focus groups, and 16 individuals completed surveys. With the exception of a single female who participated in a focus group, all participants were males. Research participants were engaged in some form with the following services.

## The Salvation Army Supportive Accommodation Service

The Salvation Army Supportive Accommodation Service supports those unable to live independently within their community of choice. Its Model of Care is a holistic client-centred approach to wellbeing, with a focus on identifying the range of services available for those who seek support as they progress towards independent living. People can self-refer or are often referred by the Parole Board, Corrections, District Health Boards and other government departments and community organisations.

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Addington Supportive Accommodation for Men in Christchurch has capacity to accommodate 83 men, with single shared rooms, independent units and a supported house/flatting situation. Epsom Lodge in Auckland is a 93-bed facility for men and women, with a separate secure women's wing with 12 beds, and allocated beds for youth aged 17-24. Both services regularly accommodate clients who have experienced prison and have nowhere else to go.

### The Salvation Army Bridge

The Salvation Army Bridge is a national addiction treatment service with treatment centres in most major centres of New Zealand. The Bridge offers an evidence-based, best-practice treatment for people moderately to severely affected by their harmful use of or dependency on alcohol and/or other drugs (AOD) as a practical expression of its Christian-based love and concern for all people in the community.

### The Salvation Army Reintegration Service

The Salvation Army Reintegration service is contracted to support up to 500 released prisoners a year in various centres around New Zealand, with some receiving six months of support, including a flat to live in for 13 weeks. Clients are also supported in their own accommodation for up to a year or longer if required.

### Privacy and ethics

#### Surveys

The survey included an introduction sheet, consent form and ethics statement. For participants with literacy challenges, staff conducted the survey verbally and recorded participant answers. Staff were required to discuss the consent form and ethics statement with participants before beginning the survey and focus groups, and did not proceed without being satisfied of their informed consent. No personal details such as names, birthdates and birthplaces were recorded, nor any other information that could identify an individual.

#### Focus groups

At the start of each focus group, the purpose of the project was explained. Individuals were assured they would be treated with respect and confidentiality would be maintained, with no names or personal details used in any report. It was made clear that participation was voluntary. Individuals had the opportunity to ask questions about the project and opt out of the focus group before it began or at any time in the focus group process. No participants chose to leave during the process.

Information gathered from participants in the survey and focus groups has only been used in support of the research objectives, and for no other purpose. Once the report was published, all completed surveys and notes from focus groups were destroyed.

### Limitations

The most significant limitation is the number of participants able or willing to participate in the research. Focus groups are not designed to generalise findings to a whole population, but they do provide a richness of detail and the opportunity for group reflection that other methods do not offer.

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The sampling technique for both the survey and the focus groups also primarily relied on ex-prisoners already accessing some form of assistance from The Salvation Army. It is recognised that this may limit the scope of the information provided, but this is tempered slightly by the different access points and services provided by Salvation Army staff involved in carrying out the research—meaning that not all participants were specifically accessing a tailored reintegration service. The focus groups provided an opportunity for less structured discussion and open feedback. In one focus group there were two individuals present who wished to take part that had a criminal history but did not have an experience of prison.

## Research findings

### Release from prison

Participants were asked what support they had received prior to release from prison, and what preparations they were able to make.

#### Inconsistent support

Feedback on reintegration preparation in the pre-release period was mixed. Most participants knew they were entitled to a pre-release checklist and some form of release preparation with their case manager. Some had an interview with their case manager about their release, but it was described as ‘just ticking boxes’. Others recalled having no meeting with their case manager about a plan for their release. A minority of participants had a good relationship with their case manager and knew what their plan was.

Feedback received on what support participants received on their release from prison was also mixed. Some had no one to pick them up from the prison gate, some had family, and others were picked up by an Out of Gate navigator or a Salvation Army support worker.

There was, however, a strong theme that participants did not feel prepared for release by Corrections, and did not have access sufficient resources or information to begin their reintegration journey.

*‘You are given your standard release papers and your \$350 Steps to Freedom and let out and it is basically “see ya”. Then you have to wait two weeks for your benefit to come through with the stand-down period so you are trying to survive on \$350. It’s not enough.’*

*‘I don’t know what the point of having navigator is if there is nothing to navigate to.’*

*‘Prisons should be more involved in prepping you. Everything should be lined up. I want to be able to stand on my own two feet but you need guidance to get there.’*

Given the variety and the number of participants it is hard to get a full picture of the effectiveness and efficacy of the pre-release and post-release period. However, the lack of uniformity suggests there could be improved alignment and consistency of support for all prisoners in the release pathway.

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## Lack of personal documentation

A major barrier also highlighted repeatedly by participants was that not having ID and a bank account on release from prison significantly slowed down the process of being able to receive a benefit and apply for jobs. Participants described either having no ID on release, or being given a form of prison ID that is no longer accepted at most major banks and agencies. This meant that they were barred (sometimes for several weeks) from:

- opening a bank account
- applying for and receiving a benefit
- applying for jobs and receiving a wage
- applying for accommodation
- applying for a driver's licence
- enrolling with a primary healthcare provider.

This, in turn, affected the ability of participants to meet key basic needs such as housing, healthcare, income and employment.

## Housing

### Availability

Housing was consistently a major hurdle for participants, with homelessness considered a standard state post-release. Many were released with no one to meet them, or dropped at a bus station or an emergency shelter with nowhere to live permanently and little idea of what was available.

*'It's been tempting to do something stupid or breach my conditions just so I can go back inside. At least in there you have somewhere warm to sleep and something to eat.'*

One participant described her experience of coming out of prison and return to motherhood:

*'I ended up homeless with my kids after prison. Every second day we got the bus to the WINZ officer to try and get a house—nothing.'*

Participants also spoke of their ineligibility for State assistance, such as the accommodation supplement. Because they had no address and thus had no proof of rental payments with which to justify payment, they were unable to apply for the accommodation supplement.

Another major issue relating to the theme of availability was the stigma associated with having just come out of prison:

*'Every time you apply for a flat you have to tick the box which asks if you have any previous convictions. So you have failed before you even get started. No one wants you.'*

*'I was ashamed of my offending and didn't want to be a burden on my family by staying with them.'*

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### Affordability

A key barrier to participants securing housing after prison was cost. The standard ‘Steps to Freedom’ grant of \$350 was described as ‘useless’ in covering any form of housing costs in the immediate aftermath from prison, whether it was a rental home or a boarding house. Several participants cited that they had paid between \$250 and \$300 for a single room for one week in a boarding house situation:

*‘How on earth we are meant to pay rent with that I have no idea. I had \$30 leftover a week for food, transport, everything. The rest went on a tiny horrible room in a Boarding House with other guys who had a [criminal] history. It wasn’t good.’*

### Stability

Participants described how the lack of stable accommodation resulted in more onerous reporting conditions, with many having to report to their probation officer every 24 hours because they were homeless:

*‘It’s like they are setting you up to fail and punishing you again cos you are homeless. I saw guys inside who were back in [prison] for not reporting to probation. I would be back inside too if it wasn’t for Addington.’*

Participants emphasised how important it was to have somewhere to call home in the post-prison journey, and the effect it could have on getting other aspects of their lives ‘sorted’:

*‘If you have somewhere to lay your head, cook your own meals, and space to call your own, that is huge. You start to feel human again. Like you could be a good member of society. Your head is so messed up when you come out, you need that space to adjust and get back on your feet. Time to stop hearing the keys and doors clang every time you wake up.’*

### Employment

A major theme that emerged repeatedly from participants was how vital employment was to successfully reintegrate into the community and prevent them from reoffending:

*‘Work is number one, it makes you feel like you have got your self-esteem back. You have something to get up for in the morning. It makes you a better person.’*

*‘No employment sends most people into relapse.’*

*‘Jobs, jobs jobs!! That is the key.’*

A minority spoke of finding employment successfully after prison, but said how important being able to go straight into a job with a good employer was:

*‘You got to find the good bosses who are willing to give you a second chance. They are in 100%.’*

*‘I was one of the lucky ones. I went straight into a job with my old boss as he needed me when I got out. That was huge being able to do that.’*

*‘More pro-active and personal contact with a work broker prior to release and a confirmed job offer on release would be very significant. Having no job is a big factor in reoffending.’*

*‘Having a job prevents negative thoughts.’*

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## Barriers to employment

### Stigma

Participants also regularly voiced their frustration at how difficult it was to get into employment upon release from prison even if they were willing and able.

*‘You turn up to interviews and it is all good and then they find out you have been in prison. After that it is all over.’*

*‘It feels like there is no point because most application forms have a box you have to tick if you have a [criminal] history nowadays. I have applied for 20 jobs a week since I have been out, nothing. Couldn’t even get an interview.’*

*‘Having visible prison tattoos can seem intimidating to employers and customers.’*

### Mental health

Although participants emphasised how vital employment was to their reintegration, the effect of prison on their state of mind and how this impacted their search for employment also emerged as a significant barrier.

*‘You come out straightaway and you have to go to these job seeker workshops at WINZ in your first week. But you are sitting there in this room with all the other guys who have been released recently and the atmosphere is not good. Everyone is on edge after being inside for so long. You can’t focus.’*

*‘You need a chance to get your head sorted. Even just a few weeks. A chance to get on your feet and your head straight. Especially after all the shit that goes down inside. Filling out application forms and talking well in an interview is the last thing you are ready for.’*

### Risk aversion

A recurring theme was also how sentence restrictions and probation decisions played into restricting employment options, with participants frustrated at how they were not allowed to work in certain jobs because their probation officer did not approve it, or they missed job opportunities because of the courses and appointments they were required to attend as part of their sentence conditions.

*‘My probation officer wouldn’t let me take a job, and didn’t tell me why. There were no safety issues as it wasn’t a people job. Probation and release [conditions] are like extending your jail sentence. They call that reintegration?’*

*‘There are so many courses and things you have to be at. You miss out on jobs going as you can’t get out of your courses. If you breach, back inside you go.’*

## Family, whānau and community

### Disconnection

Separation—physically and emotionally—from family was a common theme that emerged from research participants, along with their grief at this separation and remorse at the effect their offending and imprisonment had on their families:

*‘After I was released it was hard to reconnect with family cos of the significant [geographical] distance of where I did my lag and the fact that my family had broken up as a result of jail.’*

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*'My son was born whilst I was in jail. I still haven't seen him.'*

*'I couldn't get compassionate release to go to a family member's funeral.'*

*'I struggle with grief a lot still. I still can't see my children because of my [release] conditions.'*

### The importance of family in reintegration

Another theme that emerged was that for those who did have family support, it was considered vital in their reintegration journey:

*'If you have no family, you have nothing. No support.'*

*'I was lucky and had my missus to go back to ... that keeps you on track. I know she doesn't want me to go back inside again.'*

*'I want to stay out for my kids.'*

*'If I didn't have my family I don't know where I would be today. Probably back inside or dead.'*

### Probation

Participants consistently voiced that their relationship with their probation officers felt like an extension of the sentence they had been under inside prison, and was another relationship of control, risk management and distrust. While many spoke reflectively and with acceptance about the need for risk and release planning, participants highlighted that a relationship of mutual respect and support was more effective once they had left prison:

*'Probation not trusting me or forming a relationship of trust was frustrating. Always asking the same questions.'*

*'You don't want to tell them you are struggling as you are afraid they will just breach you.'*

*'It changes so much you can't keep track. If you get a rare good probation officer they change so often you are back to square one.'*

Participants also emphasised strongly that their preferred source of support in this process if family was not available was a community support worker from an NGO, rather than their probation officer:

*'You need that relationship of trust and respect. Just someone to check in on you to see if you are doing ok. That means a lot. You are more likely to let them know what's going on and ask for help if you have that trust. It's an equal relationship, not controlling.'*

*'Having someone who believes in you as a person and is non-judgemental, which is so different to everyone else. Human to human.'*

### Peer Support

Research participants came up with their own ideas for an alternative model of support in reintegration based on the value of having those who had experienced a similar journey to them but had turned their lives around as support people and mentors:

*'Someone who has been there before, done the lags but now is on the right track and has been for a while ... they would get it.'*

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*'We need to be getting some of the older guys who have been there to mentor the young fellas. To tell them it isn't worth it. To get them back on track when they are going to act out again. Set up a house so you have somewhere to live when you come out with all the professionals to do addiction stuff and then a few guys like [research participant] to be a good influence. Why don't we employ the older guys to do that, pay them? Then they have a job too.'*

*'I have been in and out over the years ... now I am over it. I have probably cost the State hundreds of thousands of dollars. It could have been so different. I want to tell the young guys it is not worth it.'*

## Culture, spirituality and identity

A strong theme that emerged from research participants was the stigma they experienced or perceived from others, and how that affected them:

*'I would go into the shop to buy something and be freaking out that everyone was watching me. I always felt like people were looking at me.'*

*'It follows you everywhere ... WINZ, landlords, jobs, everything.'*

*'I wish that people would apply that saying about books to us. Don't judge a book by its cover. You don't know what people have gone through and why they ended up in prison, what childhood they had.'*

*'We are more than just a number.'*

### Culture

A mix of views emerged from participants about their views on reintegration and cultural identity; however, a common theme was the importance of respect or mana:

*'Inside you know your place and you know the guys and you know how it works. It's brutal but at least you know where you stand. When you come out you don't have a place. You are at the bottom.'*

*'I was part of the Māori Focus Unit and it was really good. It's different. You feel respected.'*

Participants also emphasised the difference they saw between 'talk' about culture and what that looked like in practice beyond specific reintegration or rehabilitation programmes.

*'All this stuff about partnering with iwi on the outside ... yeah, I'm Māori and most of the guys in there are. But what does it mean for me in the long run? People still see you as a criminal cos you are brown.'*

*'It needs to start young. Back in the day when I was a kid there was all that stuff where you would know where you were from and you would learn that stuff and go to kapahaka which was like a big family. That doesn't seem to happen anymore. That's what the young ones should be doing. It can be too late once you have been inside.'*

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## Health and wellbeing

### Addictions

#### Transition

Many focus Group participants noted the sudden difference between participating in an addiction programme in prison, such as in Drug Treatment Units, and being released into the community after prison. For some, the sharp difference in environments was overwhelming for their mental state, which proved challenging in maintaining recovery or progress:

*'I finally got into treatment in the DTU inside. And it was really helpful. But when I got out, everything went out the window. The sudden change really messes with your head.'*

*'I completed DTU but it wasn't real. You can't have a therapeutic programme in a violent place'*

*'The feeling of getting out of that environment was overwhelming. It's like a rush. As soon as I got out the only people waiting for me were my mates with some booze. And the cycle all started again.'*

*'I went straight to the bottle store when I got out.'*

#### Availability and Access

Participants also consistently spoke of the waiting lists to get on treatment inside and outside the Prison Gate:

*'It was impossible to get on a treatment programme inside [Mt Eden]. The waiting list was huge. By the time you got a place on the programme, it is basically your release date, so there was no point.'*

*'I tried getting on a rehab programme when I came out [of prison] but over and over and again it was the same thing. No beds available. Especially for meth. Which was the biggest problem with my behaviour.'*

Focus Group participants in Whangarei spoke of how coming out of a prison to a more rural and isolated community with less infrastructure than main centres heightened the challenges of accessibility:

*'It takes me over an hour to get to my programme. If you don't have a car you are screwed. There are no buses up here. All these appointments that you have to make as part of your release conditions, it is too much. I know guys who couldn't comply with their release conditions; straightaway a breach. And they go back inside for a really minor breach. In and out, in and out.'*

### Mental Health

#### Confinement

A strong theme that emerged from all the Focus Groups, which was discussed at length, was the effect of prison and a long period of confinement on participants' mental health, which affected their ability to reintegrate effectively into society on release:

*'The Government seems to focus a lot of energy and resources on all the programmes inside, release to work, all that stuff which is all well and good. But that feeling that you get when you are released, prison has messed with*

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*your head. It is like being let out of a cage—it has this effect on you, it is really overwhelming. That can be a huge trap; it is like setting you up to fail. If you are in for three months or six years, the feeling when you get out is still the same.'*

*'I couldn't even see the sky from my cell, which is really disorientating coming back to the real world.'*

*'When you are inside and you act out cos you have issues, the response is usually meds and solitary confinement. You are even more alone. It made it harder to cope being around people when I got out.'*

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## Chapter 5: Barriers to reintegration –discussion and recommendations

Reducing reoffending and creating a safer society is impacted by how successfully each individual integrates or reintegrates into society post-prison. As The Salvation Army’s research participants expressed, life after prison poses enormous challenges. The fact that many ex-prisoners reoffend is partially, at least, related to the fact that reintegrating into community life is ‘fraught with tribulations, from the practical and mundane’, such as the need for proper identification and a bank account, to more complex issues such as the need for non-criminal associates, positive social supports, and access to employment and housing, among many others.<sup>194</sup> The Corrections Act 2004 stipulates that ‘offenders must, so far as is reasonable and practicable in the circumstances within the resources available, be given access to activities that may contribute to their rehabilitation and reintegration into the community’.<sup>195</sup>

Countries with high imprisonment rates, like the United States and New Zealand, are discovering the links between the lack of opportunities and resources for released prisoners and their risks for reoffending, and are seeking to confront the enormous challenges created by the aftermath of imprisonment.<sup>196</sup> The reintegrative themes and challenges raised and discussed by the research participants are further explored below in light of New Zealand’s reducing reoffending targets and other relevant research. This section seeks to make concrete recommendations of further action needed to confront the challenges that can face ex-prisoners beyond the prison gate.

### Release planning

The challenges posed simply by lack of acceptable ID for research participants demonstrate how overlooked elements in the release process can impact on other key aspects of reintegration—prisoners need the tools to access other important steps in the reintegration process, and neglecting such tools can hinder efforts to reduce reoffending. In an American longitudinal study, it was found that holding some form of identification, either at the moment of release or acquiring one soon after that was not affiliated to the Department of Corrections, was an overlooked factor of importance and related to better job outcomes for released prisoners.<sup>197</sup>

New Zealand-based research has specifically examined the role of release planning in the reintegration experiences of high-risk offenders, and found better quality release plans that are more specific, confirmed and more pro-social, were linked to lower rates of reoffending after release from prison.<sup>198</sup> The underlying connection to reduced reoffending was that because in the early days of release the basic needs of offenders were guaranteed, they could start to think about living a better life.<sup>199</sup> This research also emphasised that to help offenders make

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quality and effective plans, it is important they feel ownership over the process and a sense of some empowerment and capability in being able to develop a good plan.<sup>200</sup>

Funding was announced in the 2016 Budget for a new Guided Release Practice Framework that will see case managers work more intensively with long-serving prisoners to identify, plan for and carry out specific and meaningful reintegration activities so they are better prepared for release. It will include bringing together the prisoner, their family or community support, and Corrections staff for comprehensive reintegration planning.<sup>201</sup> This shows positive prioritisation of the reintegration planning stage for long-serving prisoners. However, given the high rates of recidivism amongst short-serving prisoners, there could be benefit in ensuring more robust support and planning is also given to this group.

The Out of Gate service is the main tenet in the Department's strategy of reintegration for the short-serving prison population. This is predominantly contracted to Community Reintegration providers who provide 'navigation-style' services to support the reintegration of offenders sentenced to two years' imprisonment or less, or those in custody on remand. Their 'case management approach' focuses on addressing employment, accommodation, education and training, living skills, health/wellbeing, whānau, family and community links.

Corrections results of Out of Gate have seen 67 per cent of prisoners who complete their programme and received the service remain out of prison for six months and 53 per cent for 12 months, which is a small-scale reduction against a sample of comparable offenders who did not engage in the service.<sup>202</sup> However, Out of Gate is only available to offenders serving sentences of two years or less or who have been on remand for more than 60 days. Given that approximately 70 per cent of all remand periods started in 2014/15 were for less than two months,<sup>203</sup> this is unlikely to be serving a large proportion of remandees. Secondly, Out of Gate tends to provide support only for approximately one month after release. Given the high reoffending statistics for short-serving prisoners, particularly after they have been out of prison for more than a year, it is questionable how effective this service can be for reducing reoffending in the long term.

Lastly, as eloquently put by a focus group participant: 'There is no point in having a navigator if there is nothing to navigate to.' If basic needs such as income and housing are not available, good planning and navigation, and indeed reducing the risk of reoffending, can be significantly compromised.

### Recommendations

- **The Department of Corrections makes it standard practice that:**
  - Every prisoner leaving prison has or is supported to apply for a form of ID accepted by most major banks and agencies.
  - Every prisoner leaving prison has been able to set up their benefit (if required) prior to their release.
  - Navigation services are extended and are available to all prisoners on their release.

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## Housing

Homelessness was a common state for research participants on their release. In 2014, authors of a review of Corrections also identified that difficulty in finding appropriate accommodation is already a ‘constraint on effective integration of offenders into the community.’<sup>204</sup> It is unclear exactly how many prisoners in New Zealand become homeless on their release, but in 2014 Corrections estimated that approximately 650 prisoners have unmet housing on release from prison.<sup>205</sup> However, it was not stipulated whether this is the immediate release period or over an extended period of time. It is also unclear if the Statistics New Zealand definition to define homelessness was also used, given that this definition includes living in temporary accommodation such as supported accommodation and boarding houses, uninhabitable housing, and sharing accommodation in someone else’s private dwelling.

Stability is also relevant. Emergency housing or a boarding house can meet a particular need, especially in the days immediately following release from prison, but research has also identified the importance of *stable* housing in reducing reoffending. A 2006 Australian study followed several hundred prisoners from New South Wales and Victoria through pre-release, immediate post-release and three, six and nine months after release,<sup>206</sup> finding that unstable accommodation was statistically significant in re-incarceration rates. Of those who had moved twice or more, 59 per cent were re-incarcerated. Of those who had *not* moved or only moved once, 22 per cent were re-incarcerated at nine months. This suggests some relationship between homelessness and unstable living circumstances and reoffending that results in returning to prison.

The significance of stability also speaks to the relevance of factors beyond a physical place to stay. In the Auckland context, local agencies engaged in providing housing to ex-prisoners emphasised that providing housing or housing support is a lot more than just a home. Although having a safe place to live is an important step towards desisting from crime, it is also the support and relationships that an individual has around them.<sup>207</sup>

Ex-prisoners do not commonly meet the current criteria for state housing, and current housing stock is ‘not well-configured for this group (largely single males who need smaller units).’<sup>208</sup> This means ex-prisoners commonly have to rely on private rentals or community-owned housing stock. As indicated by research participants, this can be extremely difficult—especially if they are not eligible for income-related rent subsidies and are not desirable candidates to private landlords. The authors of the Corrections review identified that some policy change is required to improve accessibility to state housing, including access and prioritisation criteria.

Certain demographics of ex-prisoners also may face bigger hurdles to housing, such as 17-year-olds, given that the majority of housing providers surveyed in Auckland-based research only provided specific support for ex-prisoners aged 18 and over.<sup>209</sup> Remandees often don’t know their release date, which is largely dependent on external factors such as shifting court volumes. Location of release can dictate accessibility to housing, depending on the proliferation and waiting lists of local NGO services specific to ex-prisoners<sup>210</sup> and regional pressures on general social and private housing stock. Earlier in 2016, media reports stated Wellington Police were concerned that ex-prisoners were migrating south ‘en masse’ to Wellington because of funding cuts and the Auckland housing crisis.<sup>211</sup>

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In a previous report by The Salvation Army Social Policy and Parliamentary Unit, the focus on housing in Auckland illustrated that one of the primary causal factors for homelessness in Auckland is a lack of supply of affordable rental properties in the areas that need it most.<sup>212</sup>

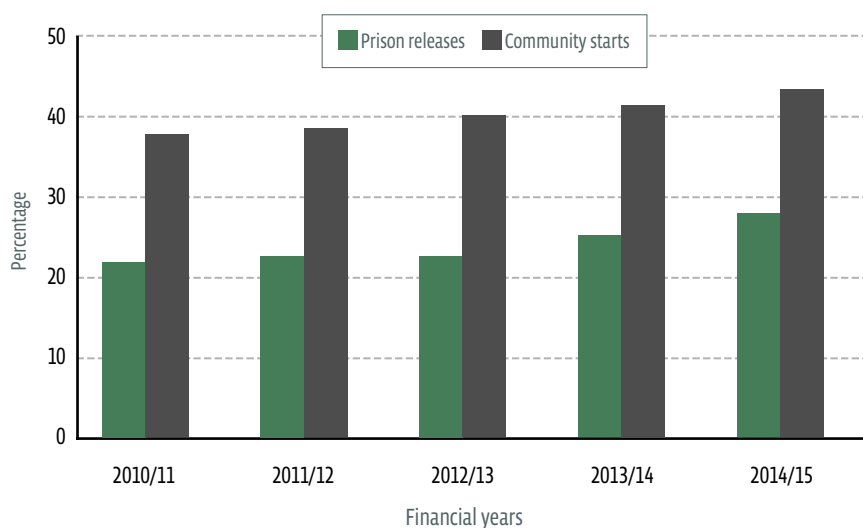
### Recommendation

- That the Department of Corrections ensures all ex-prisoners are provided with six months of accommodation or the means for stable accommodation.

## Employment

It is well established that employment is a key factor for intervening in the ‘revolving door’ of the prison gate. Recidivism studies routinely find ex-prisoners who maintain stable employment are significantly less likely to be rearrested and re-incarcerated.<sup>213</sup> Ex-prisoners, however, can face significant barriers to such employment and as a demographic have low rates of employment after release.<sup>214</sup>

Offenders in employment six months after being released from prison or commencing a community-based sentence or order



The challenge faced by ex-offenders to obtaining and retaining meaningful employment is not necessarily met by a simple fix or programme, given that the contributing barriers can come from different directions. ‘Supply-side’ barriers relate to characteristics of individual ex-prisoners that may make them unattractive to employers.<sup>215</sup> This may include things such as their criminal history, that they have recently been in prison, limited work history, and contributing factors that commonly make up the prisoner demographics, including active addictions, mental health challenges and socio-economic factors.<sup>216</sup> As indicated by the research participants, contributing factors can also include challenges directly compounded by prison, such as the restrictions of release conditions, approval from probation officers, lack of acceptable ID and bank accounts, and the mental health effects of coming out of the prison environment.

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‘Demand-side’ barriers relate to legislation and policy barriers to employment, as well as employer practices.<sup>217</sup> Certain vocations will be unavailable to some because they have criminal convictions or due to the nature of those convictions. Employer prejudices and practices—such as standard pre-employment screening out of ex-offenders—fall within this group of barriers.<sup>218</sup> These barriers can also include what jobs are available, where they are available, and local infrastructure that impacts on accessibility.

The different ‘sides’ from which challenges come necessitates that strategy to improving employment outcomes for prisoners on release must realistically appreciate the breadth of barriers that ex-prisoners face on release from different spheres *and* take an integrated approach to addressing such barriers.

Traditionally, Corrections has focused on the individual ‘needs’ of the offender through its IOM system, with rehabilitation programmes assigned to a prisoner’s personal sentence plan seeking to get offenders ‘work ready’ through skills-based courses dealing with literacy, formal qualifications and life skills. In 2014, the National-led Government announced an election promise of turning every New Zealand prison into a ‘working prison’, with every eligible prisoner working a structured 40-hour-a-week timetable that included work experience, skills training and education. Minister Anne Tolley announced the strategy as an opportunity for prisoners ‘to learn good habits and take responsibility for their lives’ that would translate into their post-release habits and employment.<sup>219</sup>

*For many prisoners this will be a new experience, so every prisoner in a New Zealand prison will have the opportunity to make a positive contribution to society when they are released and they will have that experience of having to work a full working week.*

This strategy was hoped to give prisoners ‘the skills they need to live a crime-free life outside prison’,<sup>220</sup> which indicates a continuation of primarily addressing the individual deficit of the prisoners while they are inside in the hope this will translate into employment and making a contribution to society on release.

In more recent times there has been improvement in seeking to combat some ‘demand’ challenges by partnering with employers and industries to transition some prisoners into work, and increased cooperation between Corrections and Work and Income. In October 2016, a three-year \$15 million pilot scheme was announced by Government where Work and Income case managers will work with a group of prisoners, beginning 10 weeks before release and for 12 months after release to develop individual plans to get them into employment and help them access training and support services.<sup>221</sup> Corrections’ ‘Release to Work’ programme also seeks to create a staggered reintegration process where some eligible prisoners are matched with employers who become their sponsors on temporary release, with the hope that this employment will become permanent at the end of their sentence. In the 2014/15 financial year, 50 per cent of prisoners who took part in Release to Work gained permanent employment with the same employer at the end of their prison sentences.<sup>222</sup> The Out of Gate service also seeks to also provide navigational support in relation to employment, such as preparing clients for interviews or help with CVs.

These initiatives are positive movements to bridge the gap between incarceration and the post-release period and the significant hurdles that it can bring. However, the challenge remains of the external constraints on such initiatives effectively translating to meaningful employment for ex-prisoners on release.

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## Employer attitudes

Even if an ex-prisoner is ‘work ready’ and has significant support to navigate the job application and training process, the reality remains that some employers do not feel comfortable hiring individuals with a criminal record.<sup>223</sup> This reality reflects the complex dynamic in the reintegration process of the interaction between an individual moving from State-imposed control in prison, to living in a community that is subject to public attitudes towards ex-prisoners. This dynamic requires that community support be actively facilitated if employment for ex-prisoners is identified as a key strategy in reducing reoffending and promoting community safety.

In Singapore, an innovative initiative called The Yellow Ribbon Project is spearheaded by the Community Action for the Rehabilitation of Ex-Offenders (CARE) Network, a group of major community and government organisations responsible for the rehabilitation of ex-offenders.<sup>224</sup> Started in May 2000, CARE aims to improve the effectiveness of rehabilitation of ex-offenders by engaging directly with the community and employers, coordinating member agencies’ activities, fundraising, and developing rehabilitation initiatives for ex-offenders. It identifies the importance of the community playing an important part in helping create a stable social environment where ex-offenders and their families can feel a sense of belonging and find hope to start afresh, and acknowledges ex-offenders are also part of the community. Supporting ex-offenders and their families is marketed as both socially responsible and laudable.<sup>225</sup>

## Criminal record screening

Ex-prisoners commonly face criminal record checks when seeking employment, often before they have an opportunity to interview with an employer. As one of the participants noted:

*It feels like there is no point because most application forms have a box you have to tick if you have a [criminal] history nowadays.*

New Zealand’s ‘clean slate’ regime was introduced in 2002 with the Criminal Records (Clean Slate) Bill. The legislation creates a ‘clean slate scheme’ to limit the effect of an individual’s convictions if the individual satisfies relevant eligibility criteria. To be eligible for a ‘clean slate’ in New Zealand, a person must have:

- no convictions within the past seven years
- never been sentenced to a custodial sentence including jail or corrective training
- never been ordered by a court, after a criminal case, to be detained in a hospital because of a mental condition
- never been convicted of a ‘specified offence’, including sexual offending against children or the mentally impaired
- paid in full any fine, reparation or costs ordered by a court in a criminal case
- never been indefinitely disqualified from driving.

As the eligibility criteria indicates, those who have served time in prison are immediately barred from having their convictions ‘concealed’ from criminal record employment checks, regardless of the offence, time served or period of time since their sentence was served.

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There is a legitimate debate as to the balance that must be struck between the public interest of employers knowing about ex-prisoners' past offending, and the desire to give ex-offenders a meaningful opportunity at a 'second chance' in becoming better integrated into the community through employment—especially if reoffending statistics are affected by the success of this reintegration. Different emphases were reflected in the Select Committee's recommendations at the time. Interestingly, there was cross-party support for the biblical concept of seven-year cycles of renewal and forgiveness (as found in Leviticus chapter 25).<sup>226</sup> Ultimately, it was recommended that a blanket non-custodial sentence threshold was set:

*Most of us do not think it appropriate to enable convictions which attracted a custodial sentence to be concealed, on the basis that custodial sentences are generally used as a sentence of last resort for serious or recidivist offenders.*

However, in practice, imprisonment is not always used as a 'last resort' for serious or recidivist offenders. The sentencing judge is also tasked with a broad discretionary judgment that can include giving a short sentence of imprisonment for a relatively minor offence to give a 'short sharp shock'.<sup>227</sup> Most Australian jurisdictions include some shorter custodial sentences in their clean slate schemes, as does the UK Rehabilitation of Offenders Act 1974.<sup>228</sup>

The current clean slate threshold is inconsistent with areas such as immigration and travel, where there is not a blanket ban on those with convictions that have resulted in a short custodial sentence. For example, a factor in assessing whether a person is deemed to have a substantial criminal record for the purposes of a visa in Australia is if they have been 'sentenced to a term of imprisonment for 12 months or more'.<sup>229</sup> A custodial sentence in and of itself is not a measure, but rather the length of sentence is used as an indication.

The rationale for a blanket non-custodial threshold also becomes weak when the length of time since an offence is taken into account, a factor considered relevant in setting the seven-year 'rehabilitation period' for eligible convictions to be concealed under the original clean slate regime. The case for the public or other agencies knowing about convictions on the basis of a high risk of reoffending is no longer compelling if an offender has not reoffended for a significant period of time. Contemporary research shows the recidivism risk of a person last convicted seven years prior approaches zero, whether or not they have served a custodial sentence.<sup>230</sup> Certain 'higher risk' categories of offences are already excluded through the definition in the Act of a 'specified' offence, which bars all sexual offences against children and rape and indecent assault.

A particularly compelling basis for the reform of the clean slate regime may be Correction's impending target to reduce reoffending, particularly if this seeks to target its efforts on particularly recidivist demographics, including ex-prisoners who have served a short sentence. Ex-prisoners who have served a sentence of less than six months had the highest rates of recidivism in the 2013/14 year, with 33.5 per cent reimprisoned within 12 months and 53.5 per cent reconvicted within 12 months.<sup>231</sup> The advantage of a tiered regime such as the UK Rehabilitation of Offenders Act 1974 is that it creates a more nuanced 'capture' of less serious offenders, so there is a scaled, proportionate response to offending and rehabilitation. The UK regime has also developed further in recent years, with rehabilitation periods for clean slates substantially reduced in 2014.

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## Recommendations

- Review the operation of the current clean slate regime and consider a tiered model similar to the UK Rehabilitation of Offenders Act 1974.
- Create post-prison public/private industry schemes that will employ prisoners for six months before release and 12 months post release if they have no other employment, dependent on not reoffending.

## Family, whānau and community

Research shows family, community and pro-social support is vital to stop reoffending,<sup>232</sup> acknowledged in the Department of Correction's approach to reintegration.<sup>233</sup> The Corrections Act also stipulates that:<sup>234</sup>

*an offender's family must, so far as is reasonable and practicable in the circumstances and within the resources available, be recognised and involved in:*

- decisions related to sentence planning and management, and the rehabilitation and reintegration of the offender into the community; and*
- planning for participation by the offender in programmes, services, and activities in the course of his or her sentence.*

However, a particular construction of and pre-occupation with risk management by the State in approaching reintegration can further stigmatise and marginalise ex-offenders, and subsequently undermine their integration into a community. Relationships of trust and mutual respect, which research participants described as important to their reintegration journey, can be difficult to facilitate in this context and can take time. The participants' suggestion of a peer-based mentoring programme in a residential wrap-around context, particularly in the immediate release period for those who have nowhere to go, or in the community with 'the young fellas' as a prevention tool could have an empowering effect for all parties.

At a societal and community level, if public safety is to be achieved on a long term and sustainable basis, successful reintegration also has to be about more than a risk assessment of the likelihood of reoffending, as described by Dr Kim Workman:<sup>235</sup>

*If we want to achieve safer communities, then we need socially integrated citizens. The role for those involved in prisoner reintegration is, therefore, not only about reducing reoffending. It is equally important to work toward the restoration of whānau and community peace, and ensure that former offenders can access the same social goods and resources as other law-abiding members of the community. This approach recognises that former prisoners regularly face unequal treatment and stigmatisation—and usually face a raft of other social problems.*

Indeed, these 'raft' of social problems for ex-prisoners do not only affect the individual, they also have wider rippling effects on the strength and resilience of their immediate whānau and society in general. The whānau of prisoners tend to be among the poorest in society, and can already be in crisis or suffering other adversities before the imprisonment of a family member, which can perpetuate

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such vulnerability.<sup>236</sup> According to PILLARS, a charity that supports the children and whānau of prisoners, children of prisoners are also far more likely to become prisoners themselves, than the children of non-prisoners.<sup>237</sup> Given that an ex-prisoner's challenges can be compounded on release from prison, this can have profound social-economic and emotional effects on their family. It is therefore vital that any strategy to lead meaningful reintegration not only facilitates an individual's access to social goods and resources, but also acknowledges the hardships of the families and communities into which many ex-prisoners return and that imprisonment can exacerbate these hardships.

### Recommendations

- **A core goal of reintegration strategy is aligned with whānau ora to empower communities and extended families (whānau) to support families within the community context, rather than individuals within an institutional context.**
- **That a New Zealand-based 'Community Action for the Reintegration of Ex-Offenders' (CARE) Network is developed.**
- **Every person leaving prison should have a sponsor or mentor from a community reintegration service under the umbrella of CARE.**

### Culture, spirituality and identity

The importance of not invisibilising culture and identity is essential in the context of effective reintegration. This is particularly cogent in the context of significant racial disparities among those who are imprisoned and reimprisoned, as identified in chapters one and two of this report.

Alternative approaches to reintegration rooted in a non-Western worldview also provide a significant opportunity to work more dynamically and effectively with ex-prisoners and their families. In 2006, a 'high priority' for Corrections was to address reoffending by Māori and Pacific offenders.<sup>238</sup>

*Māori and Pacific peoples continue to be disproportionately represented in the criminal justice system, the Department is committed to providing quality programmes and services that are effective for Māori and Pacific peoples from initial assessment through to intervention and release.*

As chapter two highlighted, progress in reducing inequalities has not been realised. Currently the Department highlights its two Whare Oranga Ake reintegration units and partnership with the National Urban Māori Authority for its Out of Gate service as examples of culturally appropriate services for Māori in reintegration. However, given the very limited of prisoners who can engage with the two units, the scope of such services is questionable for the 51 per cent of the prison population who are Māori. This scope is also questionable for the Out of Gate service, given that 64 per cent of offenders referred to Out of Gate are Māori and only one of the main providers appears to have a strong cultural approach to ex-prisoners.<sup>239</sup>

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If disproportionate reoffending is to be meaningfully reduced, it is essential there are national strategic priorities that actively seek to address these inequities to ensure access to such initiatives is not confined to a small few. If partnership with Māori and other minorities is going to be meaningful for the Department, this may also require questioning what current policy and operational settings exist that inhibit alternative methods of pursuing reintegration with ex-prisoners and their families. Opportunities raised by the research participants include an approach that prioritises building positive social identity and respect, forming reciprocal relationships of trust, and emphasising the power of and wellbeing of whānau as a positive social construct with which to effect individual change for ex-prisoners—‘something which Māori have always known.’<sup>240</sup>

### Recommendations

- That the Department of Corrections makes reducing racial inequalities in reoffending an urgent strategic priority.
- That the Department of Corrections engages with and adequately resources alternative methods of whānau, hapu/iwi and community-led reintegration services, and recognises the fundamental role of whānau and whanaungatanga in the social integration of Māori ex-prisoners.

### Health and wellbeing

Prisoners are already a high-needs group with regards to mental health and addictions. As reported in the National Study of Psychiatric Morbidity in New Zealand prisons:<sup>241</sup>

- 89% had had a lifetime prevalence of substance abuse
- 52% of prisoners were found to have lifetime psychotic, mood or anxiety disorders
- 20% were thinking ‘a lot’ about suicide
- 60% had a mild to severe personality disorder
- 90% of those with major mental disorders also had a substance abuse disorder.

Certain demographics within the prisoner population also face marked vulnerabilities, with Department research showing women in prison have often experienced abuse throughout their lives and generally suffer worse mental health than male prisoners.<sup>242</sup>

The prison environment itself can also exacerbate existing mental health or addiction problems. In the 2010 *Health in Justice* report by the National Health Committee, it was identified that aspects of prison that worsen health outcomes include:<sup>243</sup>

- The physical environment, including poor building design, overcrowding, and substandard living conditions;
- The social environment, in which assaults, sexual abuse, illicit drugs, and lack of purposeful activity are commonplace;
- The institutional environment, including prison practices such as strip-searches, frequent transfers, separation from family networks, and inappropriate use of at-risk units.

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Both the existing vulnerabilities of prisoner demographics and the effects of the prison environment itself on health are problematic for reintegration. As feedback from our research participants indicates, this vulnerability can continue to be compounded by other challenges that present themselves on release, such as the sudden change from a confined environment, not having a stable home or alienation from family and community support networks. Such factors are therefore relevant to reintegration and risks of reoffending.

The Government, as part of its Better Public Service targets set in 2012, seeks to reduce reoffending in this area by ‘expanding alcohol and drug treatment for offenders in prison and the community’ and ‘expand[ing] rehabilitation programmes that are proven to reduce reoffending, and deliver rehabilitation services in partnership with iwi and community groups and contract for results’. In the 2014 follow-up review of Corrections, the authors noted that ‘much more needs to be done’ to improve access to appropriate community-based drug, alcohol and mental health programmes to prevent these factors constraining the ability of to “scale up” effective [re]integration initiatives managed by Corrections such as Out of Gate.<sup>244</sup>

A particular area of improvement identified by the 2014 review was in regard to getting the right mental health provision for offenders supervised by probation services, or who [re]integrated back with the community without parole or release conditions.<sup>245</sup> The authors also recommended that closer consideration is given to a more effective integration between mental health and addiction services.<sup>246</sup>

This identification is consistent with the challenges facing the research participants. In practice, the access to and the success of programmes for ex-prisoners in the community can be limited by other factors such as geographical isolation, resources, infrastructure, and the effect of prison itself on their health. The Department cannot primarily rely on the Out of Gate service in its reintegration strategy if the services to navigate released prisoners to are under-resourced or not available.

To the Department’s credit some of these gaps have been acknowledged more recently. The Minister of Corrections recently announced that nearly \$14 million from the Justice Sector Fund would be made available to purchase mental health services for offenders in prison and in the community during the next two years, a new initiative for the department. A trial in four districts will involve mental health workers maintaining ongoing contact with prisoners after their release to help maintain their progress.<sup>247</sup>

However, the Select Committee that recommended next years’ Budget for the Department of Corrections noted concerns at the reach and stability of this funding given that it was only committed for two years, and questioned whether the mental health sector has the capacity to deal with about 6,000 prisoners who require services.<sup>248</sup> The Minister of Correction’s response to these concerns was her confidence that future Budgets would continue to allocate funding and the contracting market would be able to expand with the demand.<sup>249</sup> She pointed out that effort that had been put into other rehabilitation areas in recent years, such as drug and alcohol treatment and literacy programmes, and ‘with these programmes in place, it was now possible to focus on mental health’.

This response is somewhat problematic. Firstly, it suggests a certain lack of coherence to the Department’s strategy in addressing these rehabilitative and

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reintegrative challenges, and how such challenges intersect. As identified above, in the National Study of Psychiatric Morbidity in New Zealand prisons, 90 per cent of those with major mental disorders also had a substance abuse disorder, and such challenges are closely intertwined. A piecemeal strategy that only focuses on establishing specific programmes before it addresses other areas is therefore very likely to be constrained by the other interrelated challenges facing ex-prisoners.

Secondly, it does not acknowledge the significant constraint that prison environment itself is inherently un-therapeutic.<sup>250</sup> If the exacerbation of the prison environment on the high incidences of prisoners with mental health and addiction vulnerabilities is ignored, it is much more difficult to accurately quantify the need for appropriate services on a prisoner's release and predict the ability and capacity of contracted community organisations to respond. This is intensified when the unintended consequences of prison for the health and wellbeing of ex-prisoners on their family and whānau are not taken into account in the reintegration process.

If reoffending is to be meaningfully reduced, these constraints must be acknowledged and shape the Government's response to reaching its reducing reoffending targets.

### Recommendations

- That the Department of Corrections creates a coherent, integrated and well-funded long-term strategy in partnership with the Ministry of Health and District Health Boards to prisoner and ex-prisoner health and well-being and that of their families and whanau.
- That the National Health Council's recommendations in its 2010 report 'Health in Justice Kia Piki te Ora, Kia Tika!' are fully adopted.

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## Chapter 6: Beyond the prison gate in the USA

The United States is not usually a nation lauded for its criminal justice system, given that it continually tops the world in its imprisonment rates, with the highest prison population rate in the OECD of approximately 693 people per 100,000 population.<sup>251</sup>

While New Zealand has many distinct and significant differences to the US, the States' criminal justice system and how it has been shaped has similarities to the New Zealand context. These include a prevailing 'tough on crime' narrative in the past few decades that has increased the use of prisons and led to an 'era of mass incarceration', which in the US is at the core of the fourfold increase of the prisoner population since the early 1970s:

*Sentencing policies in this country have changed dramatically over the past generation. New gang laws, drug laws, three-strike laws, mandatory minimum sentences, and Truth in Sentencing laws which took away judges' discretion in sentencing, combined with drastic changes to parole and community supervision have caused more people to go to prison for longer sentences and had an especially devastating effect in minority communities. Incarcerating more people requires building new prisons; the cost of construction has forced governments to cut budgets for schools, after-school programs, drug treatment, job training and many social programs that also especially affect poor and minority communities. Inside the newly built prisons, policymakers in many states cut funding for programs and services such as education and skills trainings. Ex-inmates released today are less prepared, offered less assistance in their reintegration and face an increasing likelihood of being returned to prison.*

The social and fiscal costs of mass imprisonment and the political choices that have led to this era are now being recognised with a broader bipartisan movement that is continuing to gain momentum. Criminal justice reform of a wider scope, including the Justice Department's 'smart on crime' initiative, is being lauded as a 'rare area of bi-partisan consensus',<sup>252</sup> and 'Washington's Bipartisan Cause'.<sup>253</sup> In 2014, the Attorney General gave a speech on the 'paradigm shift' in the way the US is approaching such issues:<sup>254</sup>

*The United States will never be able to prosecute or incarcerate its way to becoming a safer nation. We must never, and we will never, stop being vigilant against crime—and the conditions and choices that breed it. But, for far too long—under well-intentioned policies designed to be 'tough' on criminals—our system has perpetuated a destructive cycle of poverty, criminality, and incarceration that has trapped countless people and weakened entire communities—particularly communities of colour.... statistics have shown—and all of us have seen—that high incarceration rates and longer-*

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*than-necessary prison terms have not played a significant role in materially improving public safety, reducing crime, or strengthening communities.*

This includes critical sentencing law reform, which is slowly beginning to reverse the tough-on-crime era of the 1990s, particularly sentencing laws for low-level and non-violent crime. One year after launching key sentencing reforms, the first significant drop in the federal prison population was recorded in more than three decades.<sup>255</sup> In the public sphere, a wide ranging coalition of advocacy groups from across the political spectrum banded together in 2015 under the banner of the ‘Coalition for Public Safety’, which describes itself as the nation’s largest partnership dedicated to reducing the prison population and reforming its iniquities.<sup>256</sup> According to TIME magazine, the coalition includes some of the ‘powerhouses in the conservative world, including Koch Industries and Americans for Tax Reform, as well as major advocacy groups on the left like the Center for American Progress and the American Civil Liberties Union.’<sup>257</sup> Impetus for the coalition includes the significant fiscal and social costs of America’s ‘over-incarceration’ and ‘over-criminalisation’ problem, which is costing Americans \$80 billion per year and the fact that 60 per cent of the people in prison are now racial and ethnic minorities.<sup>258</sup> One in three of all Americans now have a criminal record, which carries lifelong barriers that can block successful re-entry and participation in society because of restrictions on employment, housing, and voting.<sup>259</sup>

### The Second Chance Act 2007—community safety through recidivism prevention

These US realities have particularly forced reflection on what has been coined a ‘re-entry (‘reintegration’) crisis’, given that 95 per cent of all prisoners will be released to the community and many will reoffend.<sup>260</sup> In 2000, then Attorney General of the United States Janet Reno called prisoner reintegration ‘one of the most present problems we face as a nation’.<sup>261</sup> Then, in 2004, President Bush announced in his State of the Union address a commitment to addressing the reintegrative challenges of ex-prisoners on their release.<sup>262</sup>

*This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can’t find work, or a home, or help, they are much more likely to commit crime and return to prison ... America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life.*

This address ultimately resulted in the ‘Second Chance Act of 2007: Community Safety Through Recidivism Prevention’ Bill (SCA), which was signed into law in 2008. The SCA called for strengthening community re-entry (reintegration) services for people leaving prison.<sup>263</sup> Services include welfare, housing, health and mental health services, education, and job training—and the Act stipulates that these are delivered through collaboration of the criminal justice, public health and social service systems.<sup>264</sup> The legislation also highlighted the need for providing programmes and services to people while they are in prison, as well as mechanisms for maintaining and supporting relationships with their families and children. The SCA has been deemed the ‘first comprehensive legislation that attempts to address the multifaceted problems ex-inmates face following incarceration.’<sup>265</sup> Key advantages and possible lessons from what was considered a landmark piece of American legislation for the New Zealand context are explored in more detail below.

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### It is bi-partisan and seeks to change the narrative

The SCA was supported by more than 200 organisations and had broad bi-partisan support, with 113 co-sponsors in the House and 34 in the Senate.<sup>266</sup> The introduction of the Second Chance Reauthorization Act of 2015 reflected continued momentum of the bi-partisan consensus in the US on the urgent need for criminal justice reform.<sup>267</sup> The Act in its own title also seeks to change the narrative by using the language of a ‘second chance’ at a better life. It points to community safety being linked to reducing reoffending through alternative means, rather than classifying prison custodial services alone as the means to best achieve public safety.

### It is integrated

A central goal of the SCA is to encourage collaboration of the criminal justice, public health and social service systems to promote successful reintegration by facilitating access to resources and opportunities among partnering agencies.<sup>268</sup> The Act also authorises the Attorney General—in consultation with the Secretary of Housing and Urban Development, the Secretary of Labour, the Secretary of Health and Human Services, and other appropriate Department heads—to establish an interagency task force on federal programmes and activities related to the reintegration of offenders into the community.<sup>269</sup> This means the responsibility for reintegration is not primarily in the remit of the Corrections Department and enables greater collaboration for the multiple and interrelated challenges facing ex-prisoners. The inter-agency task force is also required to identify ‘federal barriers’ to successful reintegration and analyse their impact.<sup>270</sup>

### It partners with and is informed by the community, offenders and victims

The SCA emphasises that strategies and initiatives must be developed in collaboration with community groups, faith-based organisations, service providers, citizens, victims and formerly imprisoned individuals.<sup>271</sup> This included allowing local districts to design programmes to suit their needs, which has resulted in funding for alternative models that sit somewhat ‘outside’ the formal criminal justice system, such as a community and tribal panel models and a mentoring model which involves community volunteers.<sup>272</sup> Programme grant recipients also have a somewhat reciprocal relationship with the grant body, as they are required to provide their consultation with crime victims, and provide analysis and identification of regulatory and statutory hurdles to a prisoner’s reintegration into the community. This means ‘on the ground’ expert knowledge is also informing ongoing work at a policy level.

### It explicitly invests resources

The goal of the SCA is to look at reintegration by way of new and improved, funded, collaborative strategies.<sup>273</sup> It has ratified a mandate at a legislative level for reintegration as a clear societal aim worthy of investment. Funding grants also explicitly prioritise evidence of collaboration with local government or Indian tribes, state and local government agencies overseeing health, housing, employment services and local law enforcement, and partnerships with community-based and faith-based organisations. Grant recipients are required to develop a reintegration strategic plan that contains measurable performance outcomes.

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### It is pragmatic and informed by research

The Act also funds research and evaluation projects and created the ‘National Reentry Resource Center’, a clearinghouse of information relating to prisoner re-entry.<sup>274</sup> This means robust research and best practice is informing programmes and strategies to reduce recidivism, and that community programmes and services are supported by the NRRC, given that it also provides a central hub of education, training and technical assistance to the various agencies working within the reintegration sector. The NRRC also maintains online state and local reintegration directories to help individuals returning home after imprisonment and their families identify service providers in their communities.

### It identifies the harm of imprisonment to families

Several sections of the SCA explicitly focus on the children and families of prisoners or ex-prisoners returning to the community. These include:

- an introduction through the SCA of alternatives to prison programmes such as a family based substance abuse treatment
- further support for the ‘Federal Resource Center for Children of Prisoners’, including review of policies and practices of Corrections to support the parent-child relationship
- authorisation of the Secretary of Health and Human Services to review and report recommendations about the role of Child Protective Services at the time of arrest, and to develop regulations that address ‘Family Preservation services’ for families impacted by imprisonment
- authorisation of the National Institute of Justice to conduct research on offender reintegration, including a study identifying the number and characteristics of children who have had a parent imprisoned.

The legislation is not without its limits for some application in the New Zealand context. For example, its applicability to the disproportionate reimprisonment rates of Māori, and the Treaty of Waitangi implications of these statistics. The reducing recidivism agenda of the SCA is still predominantly driven from a Western philosophical framework that is largely rooted in modernity, with its emphasis on measurable outcomes and science-based practices to reintegration support, treatment and intervention programmes. The legislation also does not necessarily fully capture the principle of a ‘better life’ vision that President Bush initially alluded to in his state of the nation address.

However, the SCA movement does contain key principles that can be gleaned for New Zealand, including a bi-partisan approach to minimising the social harm of imprisonment and reducing reoffending for ex-prisoners and their families, and ambitiously seeking to create an integrated, collaborative, well-funded, and evidence-based strategy with which to achieve this aim. It also seeks to explicitly and continually identify regulatory and statutory hurdles to effective reintegration that creates a more fluid dynamic where barriers to reintegration can be more effectively addressed as they change or arise in the policy and public environment, such as the Clean Slate regime in New Zealand. Such a robust and integrated strategy could be an effective tool for the New Zealand Government to make better progress on its increasingly out-of-reach reoffending reduction targets.

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The SCA is part of a wider powerful alternative narrative in the US that has the potential to reframe the debate around the use of prison and what it means to be ‘smart on crime’. Ultimately, as this report has also explored, any reintegration strategy is inherently limited to performing a harm minimisation rather than a prevention role in relation to the social and financial costs of imprisonment. New Zealand, as identified in earlier chapters of this report, is also facing an over-incarceration problem, with prison population levels booming beyond original forecasts and continuing to rise. Spending on prisons is increasing to keep up with the demand of the rising prison muster, and efforts to reduce reoffending are struggling to make any significant headway in New Zealand’s recidivism rates.

## The Justice Re-investment movement

However, there is plenty of opportunity for change. The ‘justice re-investment’ (JRI) movement, of which the above SCA and ‘smart on crime’ initiative is a part at a federal level, involves advancing fiscally-sound, evidence-based criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer.<sup>275</sup> Similar movements are gaining traction in Australia and the United Kingdom.<sup>276</sup> The key goals are to ‘reduce spending on corrections and increase public safety’, and ‘re-invest in strategies that can decrease crime and strengthen neighbourhoods’.<sup>277</sup>

*Jurisdictions use the justice reinvestment approach to design, enact, and adopt new policies, practices, and programs that reduce recidivism, improve public safety, impact prison and jail populations, and otherwise help generate savings... Jurisdictions then use the justice reinvestment approach to determine how to invest a portion of the generated savings from policy changes such as reducing or averting growth in the jail and prison populations in strategies to increase public safety such as community-based treatment, probation, prevention-oriented policing strategies, and community-based recidivism reduction efforts.*

This means savings can be subsequently reinvested into ‘high stakes’ neighbourhoods to which the majority of people released from prisons return; for example, by redeveloping ‘abandoned housing and better coordinating such services as substance abuse and mental health treatment, job training, and education’.<sup>278</sup> This model is seeing real results. The Bureau of Justice Assistance in the US gives the following examples of ‘success stories’ of those states that have enacted Justice Re-Investment legislation.<sup>279</sup>

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## Case studies: The Justice Re-investment movement

- **Kentucky**

In Kentucky,<sup>280</sup> the prison population had increased from 14,919 to 21,638 inmates from 2000 to 2009. With an average increase of 4.2 per cent per year, Kentucky had the fifth fastest growing prison population in the nation, despite steady crime rates.

In March 2011, Kentucky passed sweeping JRI legislation focused on three goals: to improve public safety, lower costs, and reduce recidivism while still holding offenders accountable. The Public Safety and Offender Accountability Act focuses prison space on serious offenders, strengthens community supervision, and makes system-wide improvements across Kentucky's corrections system.

At the time of passage, state leaders estimated the policy package would save Kentucky \$422 million dollars over the next decade and reduce the number of prison inmates by 3,824 by 2020.

The JRI State Assessment Report notes that Kentucky's pretrial release rates have increased since JRI enactment: comparing rates from the year before and the year after enactment, five per cent fewer defendants were held in jail prior to disposition, with no harmful effects on public safety. Because of this one aspect of the legislation, counties have saved roughly \$25 million.

- **North Carolina**

North Carolina's prison population<sup>281</sup> was expected to grow by 10 per cent, or about 3,900 people, by 2020. Analyses indicated that more than half of prison admissions were people who had failed on probation. Only a small percentage—around 15 percent—of people released from prison first underwent a period of community supervision, resulting in many high-risk offenders returning to the community without supervision or services.

The North Carolina JRI working group, with the support of OJP's Bureau of Justice Assistance (BJA) technical assistance, developed a set of policy options designed to address gaps in the state's sentencing, supervision and treatment systems. North Carolina's Justice Reinvestment Act passed with near-unanimous bi-partisan support in both houses and was signed into law on June 23, 2011. As a result, North Carolina projects its prison population in 2017 will be reduced by 5,000 inmates compared to previous projections, which translates into \$560 million in averted costs and cumulative savings. Early indications are that Justice Reinvestment Act is having the intended impact: the prison population decreased almost 5.6 per cent between December 2011 and June 2013, in part due to the state's Justice Reinvestment Act. This allowed five prisons to close.

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- **South Carolina**

Since South Carolina<sup>282</sup> enacted its justice reinvestment legislation in 2010, the total number of state prisoners is down 8.2 per cent. Recidivism rates have declined as well—the percentage of prisoners returning to prison has dropped from over 31 per cent to 27.5 per cent; and 49 per cent fewer people on supervision are revoked for violations of supervision conditions, and six per cent fewer are revoked due to a new crime. Another of South Carolina’s goals was to reserve prison for those convicted of violent and serious crimes. By this measure, the state has been successful as well: before the reforms, over half of state prisoners were low-level, nonviolent offenders; only 37 per cent of prisoners are in this category now. Crime has dropped by 14 per cent over the past five years. In all, the state has saved \$12.5 million while increasing public safety.

The Justice Reinvestment model also recognises that these issues go far beyond a criminal justice parameter and that effective resolution cannot be found within the criminal justice system alone.<sup>283</sup> This recognition is particularly cogent for how we seek to address and investigate the mass incarceration of New Zealand’s indigenous population, when Māori comprises approximately 15 per cent of the general population, but are imprisoned at a rate of 54 per cent. Māori reoffending/reimprisonment rates are consistently 10 to 12 per cent higher than for the general prisoner population. If New Zealand is to make any headway on reducing reoffending, it is therefore vital that the disproportionate imprisonment and reimprisonment of Māori and the impact on communities are properly recognised and investigated.

### Recommendation

- **That the New Zealand Government commits to a cross-party Justice Re-Investment Strategy that aims to:**
  - Reduce spending on custodial prison services and increase public safety.
  - Re-invest savings in strategies that can decrease crime, reduce reoffending, and strengthen neighbourhoods and communities, particularly those disproportionately impacted by imprisonment and reoffending.

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## Chapter 7: Where to next?

As our report findings suggest, solutions and programmes that operate in policy or budget silos can only go so far. The challenges facing ex-prisoners interact with and influence each other, and are positioned within a particular political, social and economic context. If reoffending is to be meaningfully reduced, reintegration must be explicitly identified as a worthy societal goal to reduce the whole of society cost of imprisonment and reoffending. This may take a level of political courage at a legislative level, especially if reintegrative and rehabilitative goals are constrained by a narrative that prioritises confinement and control as the main path to public safety.

To paraphrase the US Attorney General in 2014, [Aotearoa New Zealand] will never be able to [confine] itself to a safer nation. We cannot afford it. New Zealand has chosen to use imprisonment as a very expensive and ineffective tool, despite decades of a rising prison muster, stagnant reoffending rates, and the associated fiscal and societal price tag. The mass incarceration of Māori is frequently the elephant in the room—yet to be met with any meaningful recognition and investigation.

A political and legislative obsession with risk aversion and control is also at risk of failing to meaningfully reduce reoffending, if the wider narrative inhibits the evolving approach within the Department of Corrections itself and alternative approaches to reintegration in the community.

The experiences of our research participants starkly bring to light that life beyond the prison gate is not congruent to reducing recidivism or strong communities. The barriers that exist on release from prison are significant, and require adequate attention and resourcing if we are to create a safe society in the long term.

If the societal and fiscal costs of crime, imprisonment and reoffending are to be reduced, political courage is required to begin a new narrative. If we are to be a nation of a ‘fair go’ and ‘second chances’, this will begin with reasoned and rational debate and evidence-based discussion about how we have got to where we are, along with re-defining what it actually means to have a safe and productive society. The somewhat surprising example of the change in the tide in the US in the past decade demonstrates such a discussion can result in effective and policy initiatives with the power to decrease the prison population, reduce reoffending and strengthen community safety. Given these results, perhaps it is time, in the words of our research participant, to shift our focus to beyond the prison gate:

*‘Instead of the Government spending over 90 grand to keep us in prison every year, why don’t they invest it on keeping us out?’*

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## Summary of Recommendations

The complexity of the different challenges facing ex-prisoners and the often difficult path to reintegration cannot be met by a silver bullet and this report does not attempt to realistically offer such a solution. However, this report has raised specific areas of concern in which action can be taken through specific initiatives, as summarised below:

1. That the New Zealand Government commits to a cross-party Justice Re-Investment Strategy that aims to:
  - a. Reduce spending on custodial prison services and increase public safety.
  - b. Re-invest savings in strategies that can decrease crime, reduce reoffending, and strengthen neighbourhoods and communities, particularly those disproportionately impacted by imprisonment and reoffending.
2. That the Department of Corrections makes it standard practice that:
  - a. Every prisoner leaving prison has or is supported to apply for a form of ID accepted by most major banks and agencies.
  - b. Every prisoner leaving prison has been able to set up their benefit (if required) prior to their release.
  - c. Navigation services are extended and are available to all prisoners on their release.
3. That the Department of Corrections ensures all ex-prisoners are provided with six months of accommodation or the means for stable accommodation.
4. Review the operation of the current clean slate regime and consider a tiered model similar to the UK Rehabilitation of Offenders Act 1974.
5. Create post-prison public/private industry schemes that will employ prisoners for six months before release and 12 months post release if they have no other employment, dependent on not reoffending.
6. A core goal of reintegration strategy is aligned with whānau ora to empower communities and extended families (whānau) to support families within the community context, rather than individuals within an institutional context.
7. That a New Zealand-based 'Community Action for the Reintegration of Ex-Offenders' (CARE) Network is developed.
8. That every person leaving prison should have a sponsor or mentor from a community reintegration service under the umbrella of CARE.
9. That the Department of Corrections makes reducing racial inequalities in reoffending an urgent strategic priority.

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10. That the Department of Corrections engages with and adequately resources alternative methods of whānau, hapu/iwi and community-led reintegration services, and recognises the fundamental role of whānau and whanaungatanga in the social integration of Māori ex-prisoners.
11. The Department of Corrections creates a coherent, integrated and well-funded long-term strategy in partnership with the Ministry of Health and District Health Boards to prisoner and ex-prisoner health and well-being and that of their families and whanau.
12. That the National Health Council's recommendations in its 2010 report 'Health in Justice Kia Piki te Ora, Kia Tika!' are fully adopted.

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**ISBN 978-0-9941296-4-2 (Electronic)**

Authorised and approved by Commissioner Robert Donaldson, Territorial Commander, as an official publication of The Salvation Army New Zealand, Fiji and Tonga Territory.

‘Beyond the Prison Gate: Reoffending and Reintegration in Aotearoa New Zealand’ by Annaliese Johnston was produced by The Salvation Army Social Policy and Parliamentary Unit, 16B Bakerfield Place, Manukau 2104, New Zealand. Director Lieut-Colonel Ian Hutson.

This report is available for viewing or download from [www.salvationarmy.org.nz/PrisonGate](http://www.salvationarmy.org.nz/PrisonGate)

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