

Beyond the Prison Gate

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Reoffending and Reintegration in Aotearoa New Zealand

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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 2016.¹ 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 2,600.² However since 1985, prisoner numbers in New Zealand have more than tripled.³ The Ministry of Justice forecast in December 2015 that this growth will continue in the next decade by a further 940 places.⁴

The Department of Corrections acknowledges that the crime rate is a relatively weak driver of prison muster,⁵ 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.⁶ 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 (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.⁷

'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,⁸ 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.⁹ In 2011, Deputy Prime Minister Bill English conceded to a Families Commission forum that prisons were 'a moral and fiscal failure'.¹⁰ 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.¹¹

'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.¹² 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.¹³

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’.¹⁴

‘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

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 (see table below).

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

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
Total prison population										
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%

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 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.
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.