



Refining Criminal Justice Outcomes: An Evidence-based Programme for Reform

PART 3 OF A BRIEFING NOTE SERIES

by Vincent Wijesingha, PhD

This Briefing Note is the final instalment of a series of three issued since August. The series began in Briefing Note 1¹ with an exploration of some fundamental questions in criminal justice policy and continued in Briefing Note 2² with a survey of some current resolution and rehabilitation programmes. In this final part, I explore how the ideas I illustrated previously might be put into practice.

Kua takoto te manuka.³

INTRODUCTION

This concluding Briefing Paper on criminal justice reform draws together the findings of the previous two papers published since August in order to make some recommendations for systemic reform. A large volume of research is published annually, both at home and abroad, trying to understand the phenomenon of crime and discover principles that might guide reform. The literature is by no means at one on the subject—there is a variety of perspectives and approaches⁴. What I offered in parts one and two of this series was a holistic account of a range of crime drivers integrating personal, societal, and procedural components. In Part 3, I show how these components indicate certain optimistic lines of policy development.

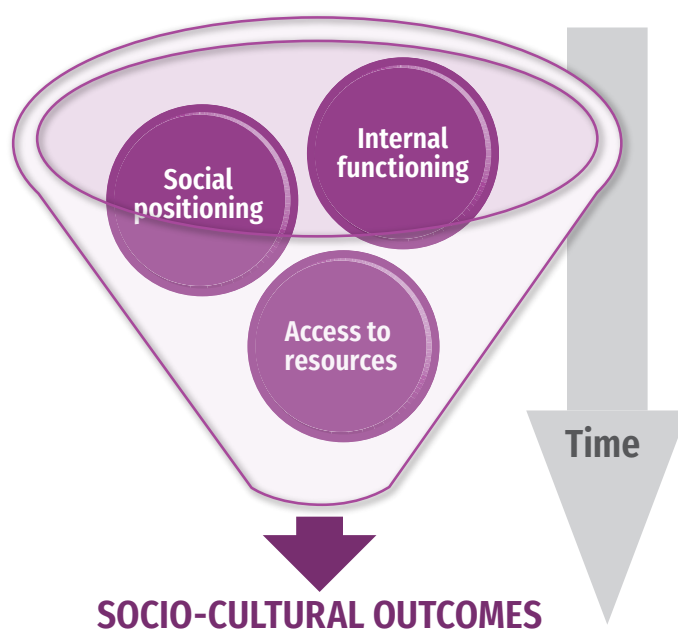
Its proposals are multidisciplinary, addressing issues that emerge at various levels of the criminal justice process, from pre-trial to post-sentence reintegration⁵. It also emphasises a collaborative approach among agencies to reduce silos and close the gaps across public policies. And finally, it tries to approach the difficult—often intractable—needs of offenders from a place of compassion while not overlooking the needs of victims and the concerns of the wider public.

These Briefing Papers do not pretend to comprehensiveness. Rather, I hope to expand the conversation through a fairly wide survey of evidence. I have tried to be systemic within a fairly limited research agenda, addressing the needs of offenders in their context but also addressing the needs of victims. I hope to persuade you that a holistic approach could achieve a more equitable, sustainable, and compassionate criminal justice system that reduces offending and recidivism, safeguards the rights of victims, and brings about a safer New Zealand.

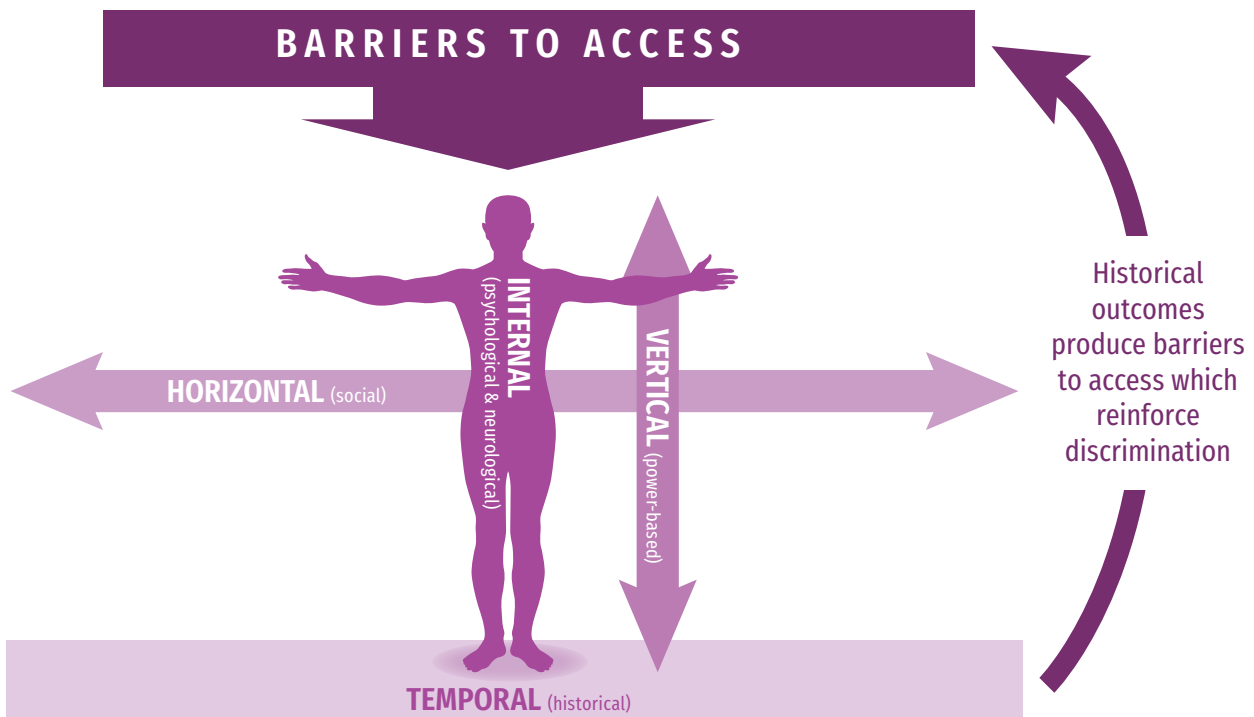
PRINCIPLES FOR REFORM

Crime is a deeply complex issue grounded in a community's cultural history and value system. Traditionally, criminal behaviour (particularly in societies that interpreted behaviour in terms of virtue) was framed in moral terms resulting in a criminal jurisprudence that pursued retribution in order to punish the offender for the moral transgression and secure vengeance for the party harmed by their action. These are giving way, in the modern world, to more holistic approaches.

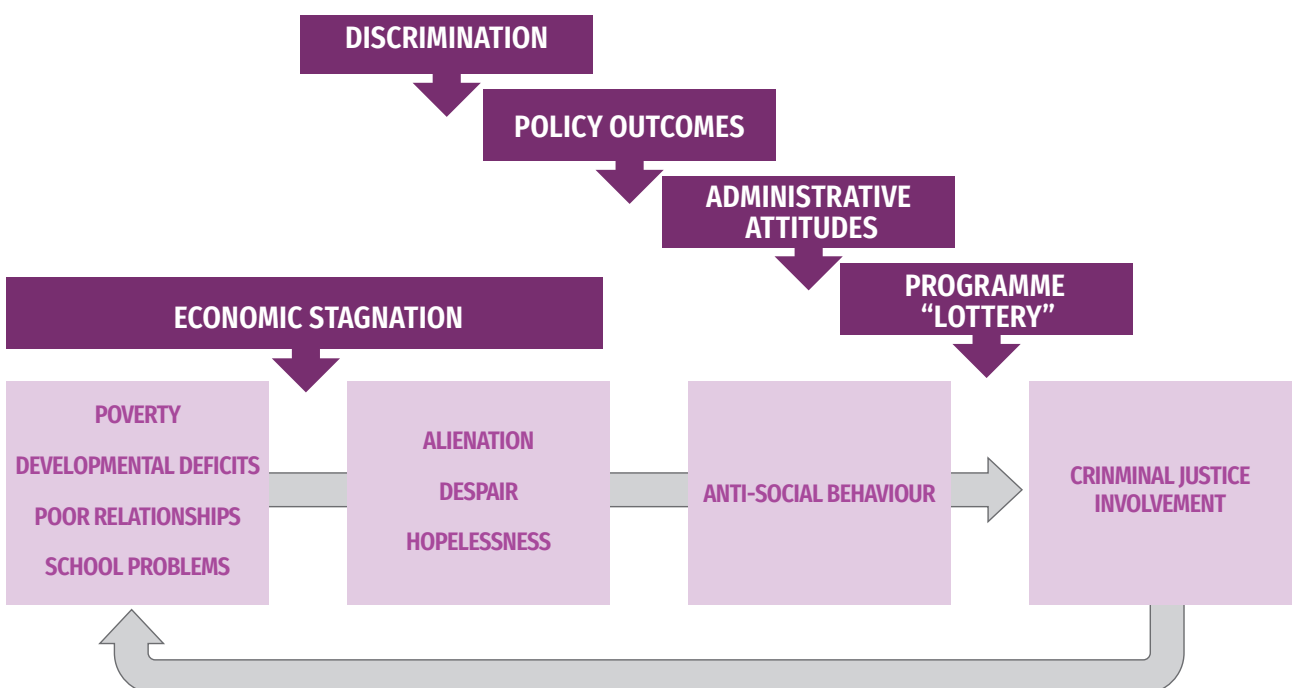
Our knowledge of human development and motivation has grown. We have come to understand that criminal offending is a complex phenomenon wrapped up in interconnected features of individuals' lives including those that emerge from their history and socio-economic experience. Human beings are individual and social actors who interact within three spheres: their internal functioning (psychological, neurological and genetic), social positioning and interaction, and access to resources. These are grounded in their histories, producing certain socio-cultural outcomes over time. These can include various discriminations such as being deprived of resources or experiencing institutional barriers when seeking to access public welfare. These restrictions are particularly experienced by communities which have experienced historical colonisation and its effects today. It should come as no surprise that indigenous communities worldwide are disproportionately represented both in deprivation *and* criminal justice statistics⁶.



It is useful (and important) to note here that the appalling outcomes experienced by indigenous peoples in respect of both historically-generated deprivation and involvement in the criminal justice system are by no means an indictment of indigenous worldviews, although that suggestion continues to linger in the public discourse. The problem argued here is of a close relationship between deprivation and the drivers of crime. Given that colonisation has generated widespread deprivation outcomes, the relationship is grounded in the fact of deprivation and its resulting social outcomes. I am promoting the idea that poverty is a primary factor—or at least an important one—in understanding the phenomenon of crime. Hence, while Māori are so disproportionately represented in both sets of statistics (poverty and crime) and would benefit the most from the proposals presented in these Briefing Notes, the general principles emerging from this analysis would apply equally to all those who come into contact with the criminal justice system regardless of their ethnic or cultural background.



There is widespread acceptance today of what I referred to in Briefing Note 2, as “push” factors which make many individuals vulnerable to criminal behaviour. Such factors include poverty, deficit development, poor relationships, and school problems. These become the source of alienation and despair which are powerful motivators for anti-social behaviour patterns. They are additionally compounded by discrimination by police, courts and corrections agencies. Furthermore, philosophical assumptions underlying the objectives of criminal justice policy (such as retribution) add to the challenge of reducing crime and recidivism. The “programme lottery” which determines whether, when, and if an offender receives therapeutic input during and after their sentence also impact on policy effectiveness. Together with regional underdevelopment and economic stagnation (areas more vulnerable to crime) which produce hopelessness, a vicious circle of despair and victimisation has arisen in the heart of New Zealand’s communities most vulnerable to crime.



In Briefing Note 1, I identified a set of principles that might help to frame these challenges. At the heart of the framework was the idea that poverty and deprivation are key contributory factors in despair and hopelessness which are, in turn, factors that make individuals vulnerable to criminal behaviour. I followed on in Briefing Note 2 by suggesting that problems in policing, the management of trial and sentencing, and access by individual offenders to post-sentence therapeutic services produce a stubborn persistence in the volume of crime in New Zealand. This is a multidimensional policy problem which can only be remedied if all aspects of it are addressed as a single policy framework. If we are to achieve desistance, that is, the production of a criminal justice policy framework that delivers for ex-offenders access to resources, pro-social values, new behavioural structures, and new self-concepts, the approach must be multidimensional. It must also be grounded in a policy structure that renews and reinterprets the philosophical foundations of our criminal justice policy⁷.

To begin with, distinction should be made between different forms and levels of offending. To be sure, certain offences and patterns of offending 'demand a solemn and punitive response by society so as to give the measure of its revulsion as well as to protect it from further assault by such offenders'⁸. Such sentencing should be guided by the principles of retribution and incapacitation. Such principles can also be legitimate and just when addressing the harm experienced by victims of such crimes, harm that can follow them as post-traumatic distress deep into their lives (as well as those of their families and descendants).

Other types of offending require a departure from straightforward retribution principles. These include those which produce less (or no) harm and/or are carried out by individuals more likely to stop offending after their sentence such as first-time offenders, those convicted of traffic offences or offences 'against justice'⁹, or older offenders at the end of a long criminal career.

However, I would like to emphasise that in respect of offences which continue to warrant retribution and incapacitation (referred to above), I am not disregarding the need for rehabilitation and reintegration programmes, nor suggesting that such offenders be excluded from such programmes. Such offenders are in as great a need of healing and recovery as others. However, good evidence on what works for such offenders is far less developed and would merit further research on its own.

Limiting ourselves to the former group of offenders, there is sufficient evidence to suggest they would benefit from programmes aimed at promoting desistance through attempting the following goals:

1. Promote therapeutic reparative assumptions in sentencing whereby the sentence is designed to repair the whole person
2. Build pro-social values, behaviours, and social networks in rehabilitation through appropriate therapeutic interventions that reshape values and behaviours
3. Provide wraparound support as the ex-offender tries to rebuild the resources of life that would help him or her to become reintegrated into their networks.

These elements are targeted towards the achievement of restoration whereby the individual ex-offender permanently abandons offending precisely because their resources of life are more desirable and fulfilling than those that promote offending. Such a programme enables the ex-offender to re-story their life according to a new identity strengthened by personal agency and reinforced by a confidence in their ability to live according to the new narrative. This is the essence of desistance.

Desistance is likely to work more effectively when its principles are pursued together with case resolution processes and rehabilitation programmes that aim to holistically uncover and address the individual offender's crime drivers. In Briefing Note 2, drawing on the extensive work carried out by the Justice

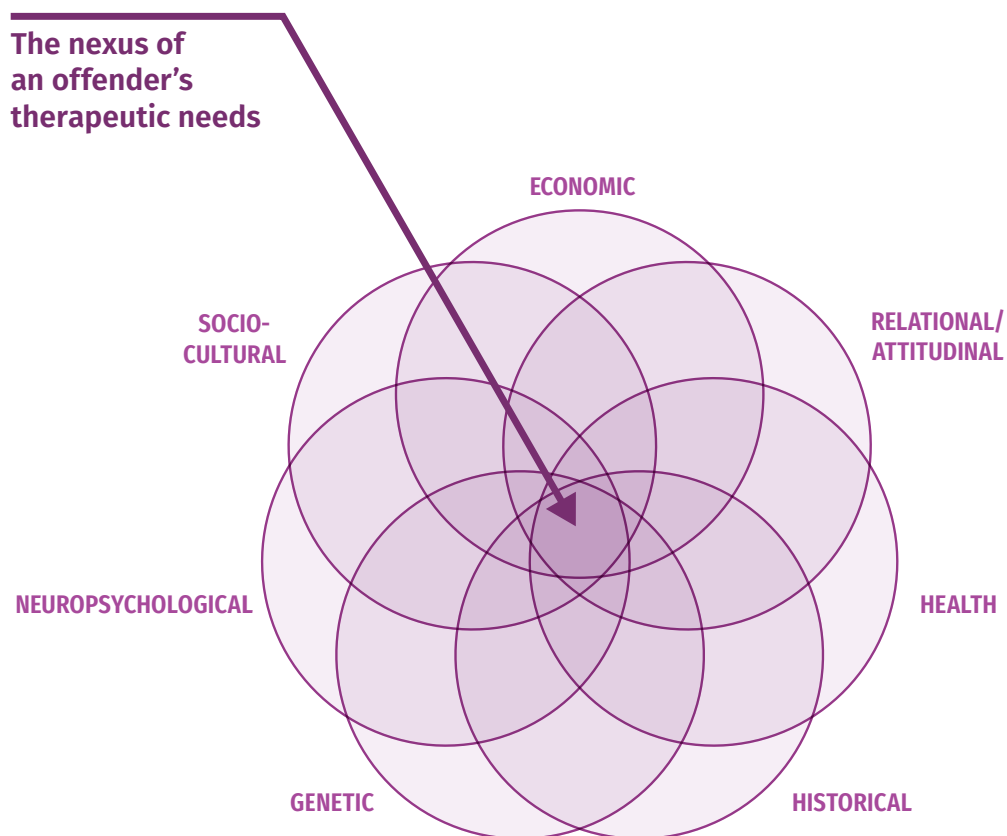
Advisory Group, I recommended that the following innovations be explored:

- Casework approach to pre-sentencing assessment and therapeutic programming
- Removing procedural delays
- Replacing the traditional courtroom approach with an inquisitorial methodology¹⁰
- Improving the quality and amount of legal representation each offender can access¹¹
- A more activist judiciary which discovers the desistance needs of the specific offender including running trials in a way that achieves holistic, therapeutic intervention
- Pre-sentence, sentence, and post-sentence programmes tailored to need¹².

This framework would facilitate a holistic approach to individual offenders on the assumptions set out above that crime is rooted in the totality of the offender's history and worldview. Furthermore, it would complement and support the assumption that the human being functions from a personality core that is a biopsychosocial unity mediated by their brain processes and genetics and shaped by socio-cultural, historical, and environmental influences. It is useful to view the offender as possessing characteristics and experiencing processes that interconnect and interrelate, producing a dynamic system capable of learning, development, and growth.

Finally, I note the question of regeneration in those regions most affected by crime. This series of Notes has focussed to a greater extent on those features of criminal justice that are traditionally associated with it, that is, court processes, rehabilitation programmes, and reintegration support. However, I argued that a key framing element which determines my approach to reform is the relationship of crime to socio-economic conditions. Poor communities experiencing deprivation, lack of resources, degraded community facilities, and a shortage of employment opportunities (not to mention funding and technical input to develop new profit-making initiatives) are socially corrosive: they produce despair and hopelessness which are primary correlates of crime¹³.

There is a further strong link between these communities and drug use. Anecdotal information also suggests that gang activity is greater in these communities. The effect of these factors is magnified and compounded for the victims of crime and those who experience multiple discrimination (such as Māori women who make up an alarming two-thirds of the female prison population). Ultimately, they generate entire communities and regions locked into cycles of deprivation and crime. Those who aspire to better lives by seeking support and life resources are dependent on the availability of services and programmes which are manifestly inadequate, particularly in the regions.



This constitutes another vicious circle in which a series of interlocking factors feed off one another to produce cycles of deprivation which generate vulnerabilities to crime. However, it is useful to pause here to note that while the evidence of a relationship between deprivation and crime is strong, there are those, indeed many, who do not fall victim to lives of crime. Tom Gash's (2017) book on the situation in Britain surveys a range of insights to demonstrate that the link is not causal, much less fixed. There are those born into or experiencing struggling circumstances who succeed in living lives far removed from crime. What is the, as it were, "circuit breaker" that operates here? Further research is warranted. Suffice it to say here that poverty and despair are significant correlates of crime in the majority of cases in New Zealand and, therefore, this set of Briefing Notes has chosen to explore reforms within that context.

Economic regeneration, therefore, should be a central plank in a wider platform of reform. However, it is beyond the scope of these papers to probe the (more complex) economic factors of reform which should be the focus of separate research. But among a tentative list of proposals for economic regeneration, I would suggest exploring synergies between social development and regional investment funding, deepening infrastructure inputs, and tax and subsidy incentives for industries (including start-ups) to locate in the regions. Much detailed policy thinking is called for here.

AGENDA FOR REFORM

The research programme that resulted in this series of Briefing Notes made a careful reading of studies from a wide range of perspectives. These included state, NGO, and service delivery sectors in mainstream, experimental, and culturally-appropriate methodologies. It also drew on orthodox and emerging criminology research. The result has been a fairly broad—if not exhaustive—evaluation of what the literature suggests is effective. This was mainly captured in Briefing Note 1.

In the second instalment, I carried out a basic evaluation of some programmes that met the criteria identified. What emerged was a set of policy and programme characteristics that seemed to confirm many of the fundamentals identified in the literature review. The analysis of this Briefing Note series is essentially based on this combination of theoretical and programme characteristics.¹⁴ They seem to promote the usefulness of holistic interpretations of the problem of crime. These include an awareness of the systemic and structural factors that make an individual vulnerable to criminal behaviour. These factors challenge traditional punishment approaches geared towards retribution rather than rehabilitation which are then reinforced by penal-populist attitudes and reproduced in the media. Such attitudes are inevitably underlined by our natural compassion for the victims of crime, our fears of experiencing similar victimisation, and our collective despair at the limited success of corrections programmes (evidenced by recidivism rates). They are, therefore, understandably deep-seated and difficult to shift.

Such societal pressures seep into a court system labouring under an immense volume of work which perhaps accounts for procedural rather than reparative approaches, a sort of conveyor-belt system. Our court procedures are not designed for more creative therapeutic methods of case resolution¹⁵. Judges are constrained in the range of sentence options (incorporating rehabilitation programmes) available to them although I have no doubt they yearn for a more effective sentencing regime. Programmes are inadequate to meet the volume of demand and are insufficiently distributed across prisons and regions, resulting in a “lottery” of availability. This is also the case with post-release reintegration programmes: in The Salvation Army we receive a significant volume of anecdotal feedback about the struggles and challenges that post-sentence offenders experience. These range from a total absence of post-sentence support to minimal support available under current resourcing or programmes that are sporadic and difficult to access.

Furthermore, some support does not meet the ex-offender at his or her times of vulnerability (which can be times of extreme stress and anxiety). Welfare groups keen to provide aftercare support anecdotally report difficulties with procedural requirements that they cannot meet or which do not take account of their resource limitations¹⁶. Ultimately, what has resulted is a system that is—while no doubt seeking to remedy such challenges—constrained by legal, procedural, or administrative limits.

These perspectives have been developed in these Notes alongside some general principles for reform. Given the complex and multi-layered dimensions of criminal justice solutions, such ideas are by no means comprehensive or failure-proof. Rather, they represent some best-case findings. Stating them in general terms now is possible as we near the conclusion of my evaluation. What appears to be desirable (and achievable) is:

A policy framework with tighter multidisciplinary cooperation and collaboration among relevant agencies and organisations in the development, delivery, and review of trial and rehabilitation services. Programmes should contain culturally meaningful components that draw on traditional wisdom and the input of community elders. The aim of programmes should be to produce more efficient, appropriate, and targeted supports for offenders at all stages of the case resolution and rehabilitation process. Programme delivery should be underpinned at all points by holistic, evidence-based, casework-oriented plans of action with an emphasis on desistance.

This general statement gives rise to some key proposals for reform. Drawing from the framework I developed in Briefing Note 2, they are listed under three basic headings which explore (a) recommendations in the case resolution space, (b) reintegration programmes, and (c) community development. Necessarily they are brief and would benefit from a wider conversation which this Briefing Note series hopes to stimulate. At this stage, they are intended to provide a framework to explore innovations that may, given what I have surveyed in the programme and research spaces, have considerable scope for success. I hope the flow of my arguments across the two previous reports provides sufficient framing for these recommendations. They are set out below together with basic implementation suggestions.

Improving court processes

Recommendation	Relevant agency	Priority	Timescale
<i>Increase holistic criminology knowledge among court officers through a series of seminars with a professional accreditation process</i>	Courts Department of Corrections Research bodies Police	1	12 months
<i>Research and explore more creative sentencing options including supplementing punishment with desistance-oriented programmes, resulting in guidebooks for sentencing agencies</i>	Courts Department of Corrections Ministry of Justice Service delivery organisations Research bodies	2	24 months
<i>Better legal representation for dependants by reviewing legal aid and funding for community law centres (Ideally, more and better quality legal representation is required)</i>	Ministry of Justice Treasury	3	24 months
<i>Expand support for vulnerable defendants (such as those with mental health, disability, and literacy issues) through dedicated funding at the legal aid and community law centre levels</i>	Ministry of Justice Treasury Police	4	24 months
<i>Review prison sentences for an agreed set of offences, particularly where harm does not arise and which could be more effectively addressed with behavioural or resource inputs</i>	Ministry of Justice Parliament	5	24 months
<i>Research the possibility of implementing inquisitorial options in the criminal courts</i>	Ministry of Justice Parliament Research bodies	6	36 months
<i>Expand funding for research into treatment of serious offending, particularly with respect to violence and sexual harm and including those who are habitual, persistent, or systematic offenders. (This should also include research into the crossovers between psychosis and such offending.)</i>	Ministry of Justice Parliament Research bodies	7	36 months

Refining reintegration programmes

Recommendation	Relevant agency	Priority	Timescale
<i>Develop and implement a casework approach to offender management, including the production of guide books and a training programme</i>	Department of Corrections Courts Police Research bodies	1	24 months
<i>Bring together relevant stakeholders to produce and review culturally-specific programmes</i>	Iwi Courts Department of Corrections Ministry of Justice Service delivery organisations Research bodies	2	48 months
<i>Draw together regional- and iwi-specific contribution in programme design and delivery in a national corrections forum</i>	Iwi Courts Department of Corrections Ministry of Justice Service delivery organisations Research bodies	3	12 months
<i>Develop and implement programmes that address correlational dimensions of crime</i>	Courts Department of Corrections Service delivery organisations	4	48 months
<i>Improve and fund holistic post-sentence programmes</i>	Ministry of Justice Treasury	5	24 months
<i>Improve and fund wraparound services that meet the complex needs of offenders post-sentence</i>	Courts Department of Corrections Ministry of Justice Treasury Service delivery organisations	6	24 months
<i>Foster a culture of rehabilitation and restoration in justice agencies through a programme of training</i>	Courts Department of Corrections Ministry of Justice Service delivery organisations Police	7	12 months
<i>Remove programme “lottery” across prisons by expanding rehabilitation services and strengthen oversight of programme delivery</i>	Department of Corrections Ministry of Justice	8	36 months

Community development

Recommendation	Relevant agency	Priority	Timescale
<i>Rapid expansion of victim support services, expansion of funding for research into victimology, and public education campaigns to promote better understandings of victims' needs and how these should be delivered.</i>	<i>Iwi Courts Treasury Ministry of Justice Police Service delivery organisations</i>	1	<i>6 months</i>
<i>Cross-government strategy to address poverty and economic stagnation at the regional and community levels rather than only at the demographic level (ie. community poverty reduction rather than child poverty reduction). Such a strategy should be coordinated with the Living Standards Framework and policies associated with the Wellbeing Approach to produce a comprehensive policy configuration.</i>	<i>Cabinet level</i>	2	<i>12 months</i>
<i>The development of economic proposals to regenerate the regions that have experienced economic stagnation over many decades. Such a proposal document should include options to cross-measure social development indicators and regional investment funding, deepen infrastructure inputs, and expand tax and subsidy incentives for industries (including start-ups) to locate in the regions.</i>	<i>Cabinet level</i>	3	<i>12 months</i>

A perspective on crime victimisation

A framework such as the above, which includes a recommendation on victim support, necessarily invites a consideration of the policy impact on the victims of crime. There is a considerable body of international research documenting the profound, deep-seated, and often enduring effects of victimisation. These range from direct physical costs (for example, replacing stolen property, the loss of which has interrupted daily functioning), injury and medical treatment, guilt at not having protected oneself or one's family, fear of re-victimisation, and deep psychological reactions such as anger, depression, or anxiety. They can also give rise to post-traumatic stress which manifests in a range of (sometimes debilitating) symptoms like flashbacks, sleeplessness, or agoraphobia (fear of the outdoors). In some instances, the effects of victimisation lead to long-term debilitating mental health outcomes and/or life-limiting conditions¹⁷.

These are significant and serious consequences and no offender reform initiative can afford to ignore the needs of victims. Interestingly, a New Zealand survey of victim's attitudes to restorative justice conferences suggested the key areas of satisfaction were when the victim felt heard regarding the impact of the crime on him or her and was able to express this directly to the offender. They also found it useful to hear the offender's perspective (perhaps as a way of putting the offending into context). By having the opportunity to experience this, victims believed they might gain the resources and insights to move on and achieve closure¹⁸. These findings provide a window into the needs of victims, seemingly based on a desire for simple justice and reparation. Findings such as these, together with those on the impact of crime more generally, are replicated internationally¹⁹.

The lessons for any programme for criminal justice reform is that offender initiatives should be balanced against adequate protections and safeguards for victims of crime so as to ensure they continue coming forward to report crime in the knowledge they will be supported, treated with respect, and taken seriously. (The New Zealand Crime and Victims Survey 2019 estimated less than a quarter of all crime is actually reported²⁰.) Services to protect victims and prevent re-victimisation (including at trial) as well as to deliver therapy support are crucial if offender management programmes are not to drive victims underground,

fearful of seeking help because of the perception that the cultural sentiment has shifted in favour of offenders: the cultural sentiment must never shift in favour of offenders but rather in favour of desistance.

A general and abiding cultural value must be that society will tolerate no harm and that those alleging a crime are taken seriously and treated with respect. This must include harm that is often hidden (for example, family violence, sexual assault, and harm against vulnerable groups such as the Rainbow community and elders). In this context, I also remind the reader that further work needs to be done to eliminate toxic masculinity, an unfortunate cultural artefact that results in such damaging social practices as binge drinking that are known to abet violence. Toxic masculinity is likely a source of gender and sexuality assumptions that are often at the root of violence. To this should be added the assumption, sometimes operating in the background of crime reporting, of victim blaming, producing utterances such as “if you only hadn’t dressed that way” or “you should not provoke them to violence”.

Research cited above suggests that New Zealand has improving victim support services. However, more needs to be done to ensure victims’ voices are heard. New Zealand research published in 2019 by Petrina Hargrave indicates two thirds of victims perceive that justice is not done by them and more than half have no faith in the justice system²¹. The research noted, as I have above, that an offender-centric system should not result in eliminating the voices and needs of victims of crime. Victims’ perceptions suggest a strong belief in the inability of the justice system to deliver for victims particularly in relation to support through and after the trial process. In addition, victims report barriers to, or inconsistent delivery of, support services.

I fully support the recommendations of Dr Hargrave’s research which calls for more education at both public and agency levels about the nature and worth of meaningful and adequate victim support and of the perspectives of victims, for example, in relation to the experience of re-victimisation. Victims also speak of a desire for natural *as well as* procedural justice. While procedural justice (ie. a sentence) may have been delivered, natural justice involves the recognition of a wrong having been done, knowledge of the impact on the victim, the presence of remorse, and an undertaking of accountability by the perpetrator. These are key considerations which must sit firmly within the totality of policy transformation.

CONCLUDING REMARKS

This set of Briefing Papers has explored the important, indeed pressing, project of reform in broadly abstract terms. I have sought to present a vision of what could be achieved were we to engage the research that has emerged as well as the lessons of successful programmes. Essentially, I have promoted a set of institutional, administrative, and procedural reforms based on the limitations of the present model. Some of my proposals are radical and require an honest, evidence-led conversation involving the nation as a whole. Imaginative leadership is called for.

The conversation needs to pay attention to the push and pull factors in the context of the multiple deprivations and discriminations that are experienced by offenders and the special issues that are thrown up by the experience of victimisation. It should not be mistaken that a compassionate approach to offending removes the duty of personal responsibility: an effective criminal justice system must make demands of offenders to desist from offending on the basis that a fair and just society, and one that promotes the wellbeing of all, requires the fulfilment of a social contract by all members. But it also makes demands of the nation’s leadership to show creativity and daring, engaging in a wide-ranging conversation that engages the fears and reservations of the New Zealand public concerned about the perceived impact of alternative approaches to crime management.

APPENDIX - RESEARCH METHODOLOGY

Some readers may wish to know my research methodology. This Briefing Note series is not the product of a formal meta-analysis. At the outset, I consulted with a small range of specialists in corrections and programme delivery. I then surveyed the more widely-known texts, a small collection of journal articles, and several evaluative studies and statistical reports. Some of these sources were recommended by the specialists consulted and others were identified in the bibliographies of the works consulted.

In terms of the programmes evaluated, I limited myself to those that I discovered through my reading and specialist consultation and which had some amount of literature associated with them, either full-scale programme evaluations (in most cases) or, where identified, news reports and other non-specialist literature. The result is, I hope, a rather limited but sufficiently detailed (and, in places, speculative) analysis to be useful to the policy community.

I acknowledge that there is a self-fulfilling interaction here in that I allowed the literature to determine my search for programmes deemed successful and then correlated the factors exhibited by the programmes to the literature: in effect, a confirmation bias in action. This is somewhat to be expected given the limited literature on these successful programmes. It is also a result of the limited scope of my research. However, I compared these findings against wider sociological literature that explored the effects of poverty and alienation so as to limit the confirmation bias.

As I suggest elsewhere in these reports, thorough comparative evaluations of successful programmes should be undertaken together with detailed reviews of the multidisciplinary literature to produce a more thorough analytical literature. Also, the value of longitudinal cohort studies cannot be overestimated. A conference that then draws together these investigations would be exceptionally useful.

ABOUT THE AUTHOR

Vincent Wijeyasingha has been an analyst with the Social Policy and Parliamentary Unit since July 2018. He originally trained as a social worker and subsequently took a doctorate in social policy from Sheffield University in 2002. He works on criminal justice policy and drug reform, and has research interests around the contradictions of welfare policy in a neoliberal state and in what indigenous epistemologies and value systems can teach us. Of Sri Lankan, Malay, French, and Irish ancestry, Vincent's family has lived in Singapore for several generations. In his own time, he is working on a book about a government sting operation against Singaporean activists in the 1980s.

*We welcome your comments on this Briefing Note series.
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ENDNOTES

- 1 Available at <https://www.salvationarmy.org.nz/article/reconsidering-aotearoa-new-zealand-criminal-justice-policy-model>.
- 2 Available at <https://www.salvationarmy.org.nz/article/resolution-rehab-nz>.
- 3 “The leaves of the manuka tree have been laid down.” This whakataukī lays down a challenge to New Zealand to explore different approaches to criminal justice policy.
- 4 See, for example, Gash, T. (2017). *Criminal: The Truth about Why People Do Bad Things*. London, United Kingdom: Penguin.
- 5 Please consult the Glossary in Briefing Note 2 for definitions of specialist and technical terms.
- 6 Brittain, E. & Tuffin, K. (2017). Ko tēhea te ara tika? A discourse analysis of Māori experience in the criminal justice system. *New Zealand Journal of Psychology*, 46(2), pp. 99-107. Available at <https://www.psychology.org.nz/wp-content/uploads/Maori-interactions-with-criminal-justice-system.pdf>. The authors list research that shows similar outcomes for the indigenous peoples of New Zealand, Australia, and Canada. While Singapore does not publish ethnic data on criminal justice, anecdotal narratives seem to suggest similar outcomes in the Malay community: See Maryam Binte Mohamed Mokhtar; Noor Ashikin Binte Abdul Rahman; Ang, I. M.; & Amellia Binte Abdul Razak. (2012). *The Malay Underclass: An Exploration of a Uniquely Singaporean Social Issue*. Unpublished final year project, Wee Kim Wee School of Communication and Information, Nanyang Technological University, Singapore; and Nursyahida Ahmad. (2014). *Trends and Policies Affecting Malay Muslim Community Outlook and Underclass*. Working Paper No 14002. Singapore: Centre for Research on Islamic and Malay Affairs (RIMA). Available at <http://www.rima.sg/wp-content/uploads/2014/08/Working-Paper-Series-Nursyahida.pdf>; and Suriani Suratman. (2001). *Studies on Malay Families and Households in Singapore – A Critical Assessment*. Unpublished paper. Department of Malay Studies, National University of Singapore.
- 7 Doogue, Judge J-M. (2018). Generations of disadvantage: A view from the District Court bench. *22nd Annual New Zealand Law Foundation Ethel Benjamin Commemorative Address*, 15 October. Available at <http://www.districtcourts.govt.nz/reports-publications-and-statistics/publications/22nd-annual-new-zealand-law-foundation-ethel-benjamin-commemorative-address/>.
- 8 Wijesingha, V. (2019). *Reconsidering the Aotearoa New Zealand Criminal Justice Policy Model*. Part 1 of a Briefing Note series, p. 11. Auckland, New Zealand: The Salvation Army. Available at https://www.salvationarmy.org.nz/sites/default/files/files/%5Bfile_field%3Atype%5D/20190812sppucriminal_justice_briefing_note_part_1.pdf
- 9 Defined as ‘escaping lawful custody; resisting police; breach of bail; obstructing police; failing to furnish name and address’ in Ministry of Justice. (2018). *Youth Justice Indicators Summary Report April 2018*, p. 24. Wellington, New Zealand: Author. Available at <https://www.justice.govt.nz/assets/Documents/Publications/Youth-Justice-Indicators-Summary-Report-201804.pdf>.
- 10 A template could be borrowed from the family courts.
- 11 My understanding from anecdotal accounts is that the Public Defender System tends to attract younger, less-experienced lawyers with consequent quality issues in legal representation.
- 12 These recommendations are echoed in the research reported in McNeill, F., Farrall, S., Lightowler, C., & Maruna, S. (2015). Discovering desistance: Reconfiguring criminal justice. *Practice: The New Zealand Corrections Journal*, 3(1), April. Available at https://www.corrections.govt.nz/resources/research_and_statistics/journal/volume_3_issue_1_april_2015_desistance/discovering_desistance_reconfiguring_criminal_justice.
- 13 Wilkinson, R. & Pickett, K. (2010). *The Spirit Level: Why Equality is Better for Everyone*. London, United Kingdom: Penguin.
- 14 See Appendix for a brief description of my research methodology.
- 15 See Kós, Hon. Justice Stephen. (2018). *Better Justice*. An Address to the Legal Research Foundation Annual General Meeting, Auckland, 20 August. Available at <https://www.courtsofnz.govt.nz/publications/speeches-and-papers/#speechpaper-list-2018>.
- 16 For example, an informal welfare group is required to have a physical address if they want to engage in letter-writing with prisoners. Those which only have a post office box address are not allowed to write. I have also had feedback that books donated to prisoners are mysteriously lost between delivery and receipt or that prisoners’ books and study materials are mislaid when they transfer between prisons.
- 17 Some key research papers are: Shapland, J. & Hall, M. (2007). What do we know about the effects of crime on victims?. *International Review of Victimology*, 14, pp. 175-217. Available at <https://journals.sagepub.com/doi/pdf/10.1177/026975800701400202>; and Cook, B.; David, F.; & Grant, A. (1999). *Victims’ Needs, Victims’ Rights: Policies and Programs for Victims of Crime in Australia*. Canberra, ACT, Australia: Australian Institute of Criminology; and Lurigio, A. J. (1987). Are all victims alike?: The adverse, generalised, and differential impact of crime. *Crime and Delinquency*, 33(4), pp. 452-467;
- 18 Ministry of Justice. (2016). *Restorative Justice Victim Satisfaction Survey*. Wellington, New Zealand: Author. Available at <http://www.victiminfo.govt.nz/assets/Research/20170303-RJ-Victim-Report.pdf>.
- 19 van Dijk, J.; van Kesteren, J.; & Smit, P. (2007). *Criminal Victimization in International Perspective: Key findings from the 2004-2005 International Crime Victims Survey and European Survey on Crime and Safety*. The Hague, Netherlands: Boom publishers.
- 20 Ministry of Justice. (2019). *New Zealand Crime and Victims Survey: Help Create Safer Communities. Key Findings*. Wellington, New Zealand: Author. Available at <https://www.justice.govt.nz/assets/Documents/Publications/NZCVS-A4-KeyFindings-2018-fin-v1.1.pdf>.
- 21 Hargrave, P. (2019). *Victims Voices: The Justice Needs and Experiences of New Zealand Serious Crime Victims*. Wellington, New Zealand: Victim Support. Available at https://victimsupport.org.nz/wp-content/uploads/2019/08/VS-Victims-Voices-Research-Report-Aug-2019_WEB-PRINT.pdf