



## Addictions, Supportive Housing and Reintegration Services

### **Consultation on options to improve rehabilitation, reintegration, and safety outcomes in the corrections system**

**Ara Poutama Aotearoa – Department of Corrections**

**23<sup>rd</sup> September 2022**

#### **Executive Summary**

1. Due to the limited timeframe to provide feedback on this consultation we have only addressed certain areas in the discussion document (5,6,7.3). Given the breadth of the document and the many areas, we work in that cross paths with those in Corrections we would have appreciated a greater length of time to provide greater feedback to these areas.
2. We continue to acknowledge the overrepresentation of Māori in Corrections' custody. We support Corrections' attempt to engage Māori in leadership spaces, with whanau, and address disparities in education and health. However, as a partner that works closely with Corrections, we have noted that these high-level commitments have limited translation to practice on the ground. We recommend programmes and services to take a trauma-informed approach and significant training that is culturally and context-specific is provided for Corrections staff. If we can get the basics right for Māori, then we will get it right for everyone else.
3. We also support providing options for the remand cohort as this is an area, we have continually highlighted in our State of the Nation report. In addition, we address case management plans as we know the integral role this plays in the well-being and outcome of inmates. Whilst we provide recommendations concerning these issues we also acknowledge the shortfalls in case management plans to support reintegration.

#### **Background of The Salvation Army**

4. The mission of The Salvation Army Te Ope Whakaora is to care for people, transform lives, and reform society by God's power. The Salvation Army is a Christian church and social services organisation that has worked in New Zealand for over one hundred and thirty years. It provides a wide range of practical social, community, and faith-based services, particularly for those who are suffering, facing injustice, or who have been forgotten and marginalised by mainstream society.
5. The Salvation Army's combined services provide support to around 180,000 people annually. In the year ending June 2022, we provided support for almost 500 people with specific reintegration services, over 2,000 whanau with supportive accommodation, and over 2,000 Tangata Whaiora with addictions and other drugs support. In addition, we also have court chaplains who provide support for whanau in the justice system and prison chaplains who provide ongoing spiritual support for those who are incarcerated. Our vast range of services from Kaitiāia to Invercargill provides food banks, financial mentoring, and social work to support our communities and particularly our whanau who are finding a way to get back on to their feet after being incarcerated.
6. This submission has been prepared by the Addictions, Supportive Housing and Reintegration Services (ASARS) and the Social Policy and Parliamentary Unit (SPPU) of The Salvation Army. The

SPPU works towards the eradication of poverty by advocating for policies and practices that strengthen the social framework of New Zealand. This submission has been approved by Commissioner Mark Campbell, Territorial Commander of The Salvation Army’s Aotearoa New Zealand Fiji Tonga, and Samoa Territory.

**Feedback to the proposed changes:**

**Supporting strategic shifts through operational and regulatory means:**

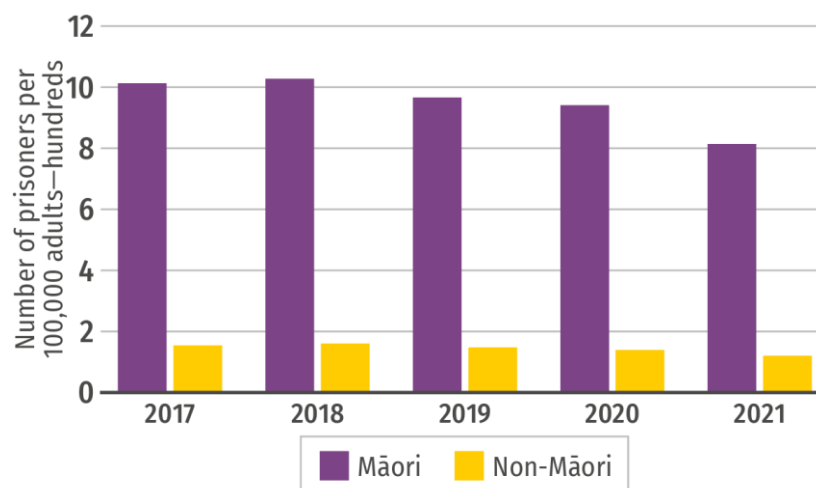
**5. Supporting improved rehabilitation and reintegration outcomes for Māori**

**5.1 Issues relating to specific areas of rehabilitation and reintegration where Corrections needs to improve outcomes for Māori**

5.1a TSA agrees with the issues highlighted regarding partnership with Māori in leadership, cultural involvement, and inequitable outcomes in health and education. In our view, the continued inequitable outcomes that Māori continues to experience are embedded in the substratum of historical experiences in society and perpetuated within our correctional system.

5.1b These experiences have led to 53% of the incarcerated population being represented by Māori whilst only making up 17% of our general population. We continue to highlight in our State of the Nation report the overwhelming disparity between Māori and non-Māori. Māori are significantly overrepresented in imprisonments, and they are imprisoned at a rate six times greater than non-Māori as shown in Figure 1. It is estimated that the Māori population will make up 25% of the total population in the coming decades, so it is critical that Māori experience the mana motuhake and tino rangatiratanga they rightly deserve - Freedom and the right to live a self-directed life beyond the prison gate.

Figure 1: Imprisonment rates for the adult population (18 years old and over)—2017–2021



5.1c We note that the approaches highlighted in the discussion document are high-level solutions. However, in our view, if these possible approaches are not translated into practical approaches operationally nothing will change for Māori. Below we highlight areas to consider regarding the possible approaches highlighted.

***“to increase the number of programmes and services that are designed, developed, and delivered by and with Māori.”***

- i. TSA recommends that all future initiatives adopt a trauma-informed understanding. Adverse childhood experiences for all prison populations are significantly higher than non-prison populations, for Māori they are at least 4 to 5 times higher in reported incidences of trauma (emotional abuse, physical abuse, addictions, family harm, etc). In our experience in supporting people through corrections is that these adverse traumatic experiences coupled with inequities in education and health are at the root of offending. Programmes and initiatives that do not address the whole picture will result in superficial and temporal improvements for Māori.
- ii. We highlight the Hōkai Rangi strategy and Correction's commitment to prioritise, embed, and protect mātauranga Māori. We recommend broadening mātauranga Māori programmes by the implementation of a kaupapa Māori national programme to operate within all its facilities. A national approach to content, training and supervision of staff would ensure best practice standards are applied and monitored.
- iii. We have noted as a partner working alongside Corrections that currently kaupapa Māori programmes are not operating consistently nationwide and the level of competence and effective application/engagement varies significantly across facilities. For example, we recently reviewed a training presentation for Corrections staff that was based on the Diagnostic and Statistical Manual of Mental Disorders (DSM). DSM is a handbook widely used by clinicians and psychiatrists in the United States to diagnose psychiatric illnesses which are built, created, and based on western paradigms of thinking and fail to incorporate cultural relevancy. We do not disregard medical models but question the efficacy of such training or approach that is not context-specific, culturally relevant, or applicable for correction staff who are not clinicians. This example highlights a clear disregard for the Hōkai Rangi strategy's commitment to delivering outcomes with and for Māori. Training for staff which are irrelevant or non-applicable demonstrate how critical the need is for investment and engagement with Māori in staff training and programme development.
- iv. To address the current shortfalls in correctional staff training we recommend that funding should be provided for whakapapa Māori staff to complete a 1-year Alcohol and other drugs or other such therapeutic treatment papers that are within the context of whānau, Iwi and Hāpu knowledge. There are registered bodies such as Te Wānanga o Raukawa that would provide these opportunities. Non-Māori staff should also be offered this opportunity, but Māori staff should be given this as a priority including paid leave to study to work with their people currently incarcerated.
- v. Successful outcome measurements for programs for Māori should be developed and determined by Māori. Successful outcomes defined by western paradigms of thinking surmise that what's important to Pakeha is important to Māori. These assumptions prolong inequitable outcomes and result in programs that fail to meet the needs of Māori.

**“Involve whānau in the healthcare of people in prison (whether that healthcare is given in prison or offsite) where consent for this is provided”**

- i. Community / Whānau-based programmes in a Te Aō Māori worldview for mental health and well-being issues cannot be addressed in isolation. An ecological method and community-based approach that involves their whānau, Iwi would provide community solutions to help heal their people. These programmes could be worked in co-design frameworks with Corrections. These programmes should be trauma-informed, steeped in a Te Aō Māori model of care and involve Marae-based healing.
- ii. Traditional Māori healing approaches have never been fully recognised or recovered since their outlawing in 1907, although the re-emergence of these approaches should be incorporated and would help to revitalise their traditional healing practices and restore Te Aō Māori healing practices that saw their hāpu flourish pre-colonisation. We note Corrections current relationships with local Iwi and Hāpu these relationships could be a way of seeking to incorporate these approaches.
- iii. TSA recommends that Corrections should engage with Ngāi Tahu Māori health research unit (and others nationally) to seek input, advice and governance and co-design in these programmes.

## 5.2 Treaty-Specific Principles

5.2a Whilst we would like to see te Tiriti O Waitangi incorporated explicitly into the principles of the Act we acknowledge that the principles of the Corrections Act 2004 are thorough and address the needs and well-being of all offenders and alleged offenders. We note the challenges in incorporating te Tiriti O Waitangi principles into other legislation as the ambiguity often lacks clarity in the practice of the law.

5.2b We also highlight that in recent case law, there's been more focus on the articles of Te Tiriti o Waitangi, not necessarily the principles of Te Tiriti o Waitangi. In our view focussing on the articles provide a greater scope of accountability.

- Kāwanatanga – the governing of Aotearoa New Zealand by the Crown (Article 1).
- Tino rangatiratanga – Māori, hapū and iwi having control over their resources, culture and communities (Article 2).
- Ōritetanga – Māori having equal rights, as citizens of Aotearoa New Zealand (Article 3).
- Religious protection - This ensures that Māori and Pākehā alike have the freedom and protection to practise their religion, faith and cultural customs (Article 4).

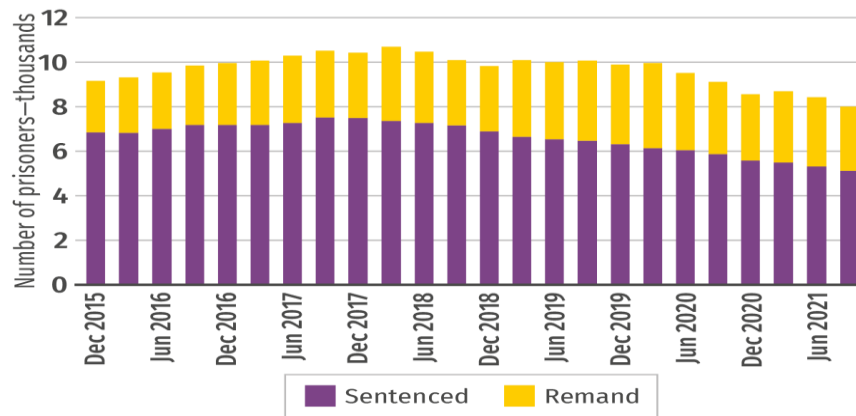
We believe that under Section 196 using the guidelines by the Chief executive and Commissioner of Police addressing the articles of Te Tiriti o Waitangi in the Corrections system would be more impactful, rather than the court-defined 'principles' from *New Zealand Māori Council v Attorney-General* [1987].

## 6. Providing remand-accused people with greater access to non-offence-focused programmes and services

- i. TSA has continued to highlight concerns about the increasing remand population in prison. Figure 2 shown below of the prison population shows that whilst sentenced

prisoners have been declining the proportion of prisoners on remand remains consistent. In our view, those on remand should have options to access services and programmes for their well-being irrespective of the duration of their incarceration.

Figure 2: Prisoner population—2015–2021 (quarterly)



- ii. TSA does not support the current status quo and we acknowledge the challenges concerning logistics and resourcing for providing programmes and support for the remanded population. However, in review of the options provided in the discussion document, we note that Corrections have failed to acknowledge one of the key learnings from the Covid-19 pandemic with respect to technology. The innovations, advancements in technology and adaptations we learnt as a society adapting to lockdowns provide a mechanism for programs to run parallel for sentenced and remand cohorts that are cost-effective, comply with regulation and overall support the remand population. We recommend that technology be provided or integrated into these options shown in the discussion document.
- iii. In our view, Corrections should set clear timelines to provide support for promoting change, health, and well-being from the time someone enters prison irrespective of whether they are on remand or sentenced. The discussion document addresses the inclusion of the remand cohort in programmes but does not highlight other areas concerning the health and well-being of the remand population.
- iv. Under section 50 of the Corrections Act (2004) “The chief executive must ensure that, as far as is practicable, every prisoner is provided with an opportunity to make constructive use of his or her time in prison.” The average time for remand is 75 days and for many, this period is longer. We believe that this is a missed opportunity to provide support to the remand cohort and we acknowledge Correction’s attempt to address this issue. Whilst offence focussed programs are not applicable, we believe the remand cohort should have the option to access short-term motivation, education or cultural development programs.
- v. In addition, we acknowledge the toll incarceration takes on the whanau of the remand cohort. We believe that long-lasting benefits can be achieved when whanau can journey alongside those incarcerated to support each other. In the long-term, we’d hope to see wrap-around support for those incarcerated as a collective as opposed to as an individual.

**Miscellaneous amendments to legislation to assist day-to-day operations**

7.3. Case Management Plans

### **Flexible Approach**

- i. The Salvation Army as a reintegration service provider acknowledges the importance of case management plans and the flexibility required to ensure that these plans are effective for custodial care and reintegration. Case management plans play a role in the well-being and long-term outcomes of those we support exiting the prison system.
- ii. Whilst we acknowledge the need for flexibility to complete these plans, we do not agree with the options in the discussion document. We believe timeframes for completion provide structure and that case management plans should not be split. We recommend that case management plans should work collectively as one plan in separate stages and that each stage be allocated a different time frame for completion. Parts of the plan which are admin natured such as release location etc can be completed at stage 1. Other aspects such as the use of time in custody for programs can be developed at the latter stages.
- iii. Our issue however largely concerns the way that case management plans are developed and implemented for people. In our view, the primary purpose of case management plans should be to allow people to work towards goals that support their successful reintegration into society. In our experience working alongside corrections that effort towards reintegration is only made in their case management plan when people are close to their release.
- iv. Case management plans need to be strengths-focused and include a focus on overall hauora. The case management plan needs to consider that people often offend within the context of drug and alcohol and when that context is removed (by imprisonment) there is an opportunity to work on the bigger picture. Currently, there is the sense that people are 'processed' whereas meaningful goals could be developed early that could support the early release and reintegration of the person, which is a win-win in our view.
- v. This is a space where community probation needs to be worked into this relationship to become streamlined and focussed on the best support for a positive outcome and not just wholly on the risk. In our experience, there have been multiple instances where reintegration has been held back because of this issue and personal bias getting in the way.
- vi. Our services have noted major challenges for service providers but also for the people they serve as a result of inadequacies in basics such as bank accounts and identification. In our view, every individual that leaves the prison system should do so with a bank account set up and formal identification. These should be a compulsory requirement integrated into a person's case management plan.
- vii. We often see too many instances where many of the people we serve have to use family members or a friend's bank accounts or our service's accounts to get payments from MSD. We believe these sorts of situations can be easily mitigated if bank accounts are set up for people whilst incarcerated. Furthermore, challenges often arise where family members use the person's payment or challenges with people accessing their entitlements through MSD. These challenges exacerbate challenges people face when they leave prison and continue to diminish their mana and independence.

### **Case Management Review Timeframes**

- viii. To address the issues identified in the discussion document around review times and from our experience reviewing case management plans should be dependent on the needs of the case. In our view, section 51 of the Corrections Act 2004 does not define regular intervals and this provides Corrections with the flexibility to dictate what regular intervals mean in practice. The discussion document alludes to regular intervals are to be consistent with all

inmates but that is not the case – clarity can be provided by utilising section 196 of the act – under section 196 the Chief executive and Police Commissioner may issue information on official policy and guidance in respect to the interpretation of the provisions of the act (Section 196 (1)(c)). The review and development of official policy and guidance on case management review time frames can address the issue without the tedious process of legislative change.

- ix. In review of the solutions provided in the discussion document for case management review time frames, we reiterate our point that review time frames should be case-by-case dependent. Some inmates need constant reviewing and support, and some do not – however, we still acknowledge that without structured timeframes to work towards a case-by-case basis may unintentionally lead to some inmates’ case management plans being overlooked. We disagree with the options provided in the discussion document and believe a mixture of these options should be adopted
- Regular intervals for case management plan review should depend on the needs of the case and the length of time incarcerated.
    - Case management plans should be reviewed based on the needs/change in circumstance/significant event occurring for the inmate or at the minimum timeframe below. If an inmate does not need to have their case reviewed based on need then the timeframes below would be applicable.
    - If the proposed time incarcerated is less than two years then the review time frame should be once every 6 months since the last review.
    - If the proposed time incarcerated is two years or more then the review time frame should be once every 12 months since the last review.

If you have any questions or concerns concerning our submission, please contact me Ana Ika – Social Policy Analyst/ Advocate - [ana.ika@salvationarmy.org.nz](mailto:ana.ika@salvationarmy.org.nz)