

Updating statistics on the NZ Penal system

Allan Harvey,

Since 1985 prison numbers in NZ have trebled. It is likely that we will have over 10,000 men and women incarcerated in New Zealand prisons for the first time this year.

The reason for these growing numbers is not related to crime rates, or court appearances. Minister of Justice, Amy Adams says the latest data from Statistics NZ show a 6.8% drop in the number of adults receiving sentences in 2015. For youth offenders (those 17 and under) the decrease is 9.5%. In 2015 there were 5,400 fewer adults charged in the criminal court and 200 fewer in the youth court.

The New Zealand Crime and Safety Survey shows a 30% decline in crime from 2008 to 2013. The government's Better Public Service results reveal a 17% decrease for total crime from 2011 to September 2015. This shows a 39% decrease for youth crime and 10% decrease for violent crime. These trends are also found internationally. Crime rates are falling and Police are handling crime differently. Police are using pre-charge warnings and alternative mechanisms (eg community and iwi justice panels, or diversion) to ensure minor offending is more appropriately dealt with.

Surprisingly crime rates are a relatively weak driver of prison numbers (muster). Prison populations are more influenced by serious crime rates (violence, sexual offending and serious drug offences). They are also very significantly influenced by policy decision making and how the judicial system responds to crime.

Why then is our prison muster rising? Court of Appeal Judge Christine French gave an address on this topic on 6 November 2015. She identified that the prison muster rose from 6,000 in 2002 to 8,641 in December 2014. She argued that as the "new" Sentencing Act had not changed "*there must be an argument that the main reason for the unprecedented increase in prison population after 2002 was the judiciary responding to popular demand.*" She then commented that a NZ survey in 2003 "*showed a strong correlation between support for tougher penalties and a lack of knowledge about existing tariffs and crime rates.*" The public is generally quite ignorant about prisons, imprisonment conditions and rehabilitation. The Sensible Sentencing Trust is a very successful lobby group who sow seeds of misinformation, distrust and fear to increase support for more punitive sentencing and harsh prison conditions.

NUMBER OF PRISONERS IN EACH PRISON

Prisoner population by location and status (as at 31 March 2016)

| Prison | Remand Prisoners | Sentenced Prisoners | Total |
|---|-------------------------|----------------------------|--------------|
| Total Male Prisoners | 2,305 | 6,348 | 8,653 |
| Auckland South | 0 | 948 | 948 |
| Auckland | 61 | 540 | 601 |
| Christchurch Men's | 334 | 556 | 890 |
| Hawke's Bay | 138 | 492 | 630 |
| Invercargill | 49 | 105 | 154 |
| Manawatu | 102 | 185 | 287 |
| Mt Eden Corrections Facility | 835 | 152 | 987 |
| Northland Corrections Facility | 47 | 337 | 384 |
| Otago Corrections Facility | 112 | 319 | 431 |
| Rimutaka | 180 | 798 | 978 |
| Rolleston | 0 | 257 | 257 |
| Spring Hill Corrections Facility | 161 | 558 | 719 |
| Tongariro/Rangipo | 0 | 297 | 297 |
| Waikeria | 181 | 401 | 582 |
| Whanganui | 105 | 403 | 508 |
| Total Female Prisoners | 187 | 433 | 620 |
| Arohata (Women) | 25 | 62 | 87 |
| Auckland Women's Corrections Facility | 121 | 287 | 408 |
| Christchurch Women's Corrections Facility | 41 | 84 | 125 |
| | | | |
| Total | 2,492 | 6,781 | 9,273 |

Our NZ Corrections service is much more than just prisons. Each day Corrections manage 30,000 offenders in the community serving community based sentences and over a year more than 50,000 offenders start a community sentence or order and most complete such a sentence within a year of starting.

Fig 1
Offenders serving prison sentences
Totals of both sentenced and remand prisoners from 2003 to 2015

Fig 2
Community-sentenced offenders
Totals on release orders and sentences 2005 to 2015

Both graphs come from Page 3

Department of Corrections *Briefing to Incoming Minister* December 2015
http://www.corrections.govt.nz/_data/assets/pdf_file/0009/827352/Corrections_BIM_Dec_2015_REDACTED_FINAL.pdf

Those graphs show a growth of 100% in prisoners on remand from 2003 to 2015. It also shows a growth in sentenced prisoners from 5,000 to nearly 7,000 in the same time period. Changes that have contributed to these increases include the Bail Act 2000 which made it more difficult for those charged with offences to obtain bail. The sentencing Act 2002 which increased the likelihood of a prison sentence being imposed for minor offending and the Parole Act 2002 which meant prisoners serving over 2 year lags (sentences) being liable to serve a greater proportion of the imposed sentence.

The big jump in community sentences after 2007 results from new legislation providing for home detention, intensive supervision and community detention as alternatives to shorter terms of imprisonment. The impact on the prison muster (figure 1) can be seen as small [less than 500] of the nearly doubling of community sentences [16,000 more].

Corrections has a very impressive target to reduce reoffending by 25% (RR25) by 2017. This has been spoken about in previous seminars and last year Corrections staff were able to report they were at 15% and were optimistic for achieving their goal. We have been rather cynical about this goal as their measure is reoffending at 12 months post sentencing. That is a fairly short time frame and many may even have reoffended but are still in the system being processed through the court system but that can still count in Corrections RR numbers until they are reconvicted.

Fig 3 Progress towards the 25% target
Percentage progress from June 2011 to June 2017

Fig 4 Counts of re-offenders
Total number from 2011 to 2017

From Page 13 of Department of Corrections *Briefing to Incoming Minister* December 2015

http://www.corrections.govt.nz/_data/assets/pdf_file/0009/827352/Corrections_BIM_Dec_2015_REDACTED_FINAL.pdf

Corrections response to the fall away from the RR25 target is to introduce a new programme RR25 “Boost”. This programme has some very good initiatives. They have a new Family Violence programme and other short rehabilitative initiatives. Corrections are also working with Police and Ministry of Social Development to support a whole of government action plan to support women with gang connections, to support families after release and to improve outcomes for the children of gang members who are incarcerated.

Another very positive initiative is encouraging and supporting offenders to find work and community living skills. Corrections are hoping to have 1000 prisoners placed in employment by 2019 and to have 200 employers signed up to memoranda of understandings to support prisoners while serving, on release and for the first 6 months in the job. Corrections aim is to help their clients’ lead positive, pro-social lives away from crime.

Corrections analysis for the up-turn in reoffending shown in the above graph include;

- Police are prosecuting a greater % of those they arrest and are reducing alternative options for resolution.
- Conviction rates have increased to 73% of those charged in 2014 cf just 68% in 2009.
- Sentencing has moved to 63% in 2014 of sentences being a Correction’s managed sentence cf just 51% in 2009. This reflects an on-going decline in the use of fines by sentencing judges. This probably reflects the fact that many being processed through our courts are without jobs and that fines have little deterrent for many despite the effort the Ministry of Justice has placed on improving collection of fines. If any of you have witnessed a “fines court’ where fines are converted to community sentences you will see the pointlessness of fining those who have no disposable income and just cannot pay fines imposed.

How have Corrections coped with increasing prison musters? They have built more prisons, introduced double bunking, and expanded the capacity of existing prisons with devices like the container cells (3 cells per 40ft container). However all these strategies are not coping with the increase in numbers which are consistently beyond Correction’s forecasts.

Most of the content of this paper has come from Corrections website which has a wide range of resources and research relating to its work. I commend their website to you all <http://www.corrections.govt.nz/>

One paper that took my interest was a qualitative study of 54 women who were currently serving a sentence and had at least one prior sentence. They were asked about their perceptions of what influenced their reoffending. They identified four items of things that “went wrong” that led them to reoffending.

- Relationships going wrong created stress, trauma, abuse, loss of custody of children and family estrangement. Clearly supporting and improving relationships have a protective and positive impact on lives.
- Drugs, alcohol and gambling
- Economic pressures including the difficulty in finding meaningful employment.
- Returning to neighbourhoods where pro-social support networks and services were absent

The study found identity plays a key role in the desistance process. Desisters cease to hold the identity of an offender instead regarding themselves in a pro-social light.

Women who reoffended had 2 different narratives;

- Spiralling down women who see crime as the inevitable outcome of loss of control, an inability to cope with emotional instability or external stressors.
- Reverting to script who saw offending as a logical means of addressing financial hardship and relationship commitments and meeting the emotional need to feel OK.

Conclusion

I encourage all to listen carefully to the papers presented, and to reflect on how as members of the Society of Friends and as individuals we might support initiatives in our community to build positive self-identity, self-esteem and emotional resilience for those involved with the Department of Corrections.

References

Department of Corrections *Prison facts and statistics - March 2016, 31 March 2016*
http://www.corrections.govt.nz/resources/research_and_statistics/quarterly_prison_statistics/PS_March_2016.html

NZ Lawyer Magazine *Number of court appearances on the decline* by Miklos Bolza
4/4/2016
<http://www.nzlawyermagazine.co.nz/news/number-of-court-appearances-on-the-decline-213996.aspx>

[NZ Lawyer Magazine *How are sentencing judges influenced by public opinion?*n by Miklos Bolza 16/11/2015](#)

<http://www.nzlawyermagazine.co.nz/news/how-are-sentencing-judges-influenced-by-public-opinion-208413.aspx>

Department of Corrections *Briefing to Incoming Minister* December 2015

[http://www.corrections.govt.nz/_data/assets/pdf_file/0009/827352/Corrections BIM Dec 2015 REDACTED FINAL.pdf](http://www.corrections.govt.nz/_data/assets/pdf_file/0009/827352/Corrections_BIM_Dec_2015_REDACTED_FINAL.pdf)

Department of Corrections *Women's Experiences of Re-offending and Rehabilitation*

23 February 2016

http://www.corrections.govt.nz/resources/research_and_statistics/womens_experiences_of_re-offending_and_rehabilitation.html

