

# JUDGES' UPDATE

AUGUST 2003

Information for the Judiciary



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## YOUR INPUT

Welcome to the August issue of *Judges' Update* for 2003. If you have any comments or suggestions for this publication, please contact the General Manager Probation and Offender Services.

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## Keeping the faith

A faith-based inmate reintegration programme pilot has been launched recently in the Wellington region.

Designed to work in tandem with the new 60-bed faith-based unit planned to open in Rimutaka Prison in October this year, 'Operation Jericho' is aimed at providing intensive and ongoing pre- and post-release fellowship and support for offenders on parole or on Home Detention.

Lawrence Tawera, Operations Adviser with the Community Probation Service (CPS), says that Operation Jericho has been set up the same way as any other reintegrative programme offered by CPS.

"A big part of reducing re-offending is ensuring reintegrative and rehabilitative programmes meet offender's needs, whatever they are," says Lawrence. "Operation Jericho is a programme that addresses faith-based needs, just as we have programmes that address cultural or substance abuse needs."

Trained volunteer mentors from local church groups will be assigned to an inmate before release, and will help ensure the offender's spiritual wellbeing is catered for once released, providing both support and fellowship.

Kim Workman, National Director for Prison Fellowship in New Zealand and the man behind Operation Jericho, believes fellowship is essential to successful Christian living, both in and out of prison. "Christians make up a relatively small but very close-knit segment of the prison population. Christians in prison have the opportunity to experience a level of fellowship that few 'free-world' believers will ever experience."

Kim says other factors such as solidarity, accountability and the pressure to validate one's beliefs through action all combine to create an environment that promotes fellowship and spiritual growth in prison.

Once released, however, many Christian ex-prisoners find themselves in a totally different environment.

"Suddenly the high levels of support are gone," says Kim. "Without a proactive plan in place before release, few ex-prisoners will solidly connect with a church after release. Without this source of spiritual and social support, there is little else to do except return to old friends, habits and eventual failure."

Kim says that whole project has been developed in partnership with the Department and, more specifically, the Community Probation Service. "Prison Fellowship sees this as the start of an enduring partnership between a government agency and a community provider."

Lawrence also stresses the importance that is placed on effective liaison between the assigned mentor and the Probation Officer. "It's very much a joint effort between the person delivering the programme and the Probation Officer. They must work together to deliver the most effective means of ensuring the public is protected and the chances of re-offending are reduced."

# From the General Manager

Welcome to the third issue of Judges' Update for 2003.

This issue follows the publication of the Department of Corrections' new set of Strategic Business Plans, which lay out the overall direction of the Department for the next five years.

The main Strategic Business Plan is supported by six companion strategies – the Maori Strategic Plan, the Pacific Strategy and four operational strategies (Information Technology; Facilities and Infrastructure; Human Resources Management; and Communication).

There are four guiding themes identified in these Plans that underpin all our work and support the Department's overarching purpose of contributing to the justice sector outcome of Safer Communities.

The four themes are:

1. Ensuring effective offender management
2. Improving responsiveness to Maori
3. Contributing to reducing re-offending
4. Enhancing capability and capacity

This issue of Judges' Update has elements of all four themes reflected in its stories.

The Tikanga Maori programme pilot for women offenders is one example of the Community Probation Service's initiatives aimed at improving responsiveness to Maori. Another initiative is the faith-based 'Operation Jericho', aimed at reducing re-offending by providing support and fellowship to offenders.

The article on our programme referral process reflects our emphasis on enhancing the capability and capacity of our people, systems and infrastructure, while the story on Home Detention highlights some good results around our work to ensure effective offender management.

More information about the Department's Strategic Business Plan and its associated documents is available on the Department's website [www.corrections.govt.nz](http://www.corrections.govt.nz), or you can request a copy of the complete plan by contacting our Head Office in Wellington on (04) 499 5620.



**Katrina Casey**, General Manager  
Probation and Offender Services  
Department of Corrections

# Matching programmes to needs

Recommending an intervention that most effectively reduces an offender's likelihood of re-offending is an essential part of the Community Probation Service's work.

It relies on an accurate assessment of an offender's risks, needs and responsivity (or level of motivation), leading to the sentencing recommendations made to Judges as part of the pre-sentence report and the overall management of the offender's sentence.

CPS Service Analyst Kim Webster says it's important Judges recognise that the recommendations made in the pre-sentence report are based on a robust assessment and intervention referral process.

"Pre-sentence reports are used by Judges to make important decisions about an offender's sentence," says Kim. "If we want an intervention to effectively reduce re-offending, then our recommendation needs to be based in sound and proven process."

## The assessment process

A key part of this assessment and referral process is the Criminogenic Needs Inventory, or CNI. This highly developed assessment tool allows a Probation Officer to more accurately pinpoint the needs of offenders, which will help identify the most suitable intervention in each case.

The CNI assessment has a number of component parts, involves structured questions and the administration of tests such as DAST (Drug Abuse Screening Test) and AUDIT (Alcohol Use Disorders Identification Test). It also requires the assessment of the motivation levels of an offender and their ability to respond appropriately to an intervention, as well as a detailed review and analysis of the information gathered.

"Interventions are matched to an offender's motivation, risk and ability," says Kim. "Criminogenic programmes, for example, are aimed at offenders most at risk of re-offending, who have a demonstrated need and who also display appropriate levels of motivation."

Kim adds that the outcome of an assessment may not necessarily lead to the offender being referred to a criminogenic programme run by the Department.

"It may be more appropriate for the offender to be referred to a specialist community-funded programme for a need to be addressed, such as child sex offending or domestic violence, or for the offender not to be referred to a programme at all.

"Alternatively, an offender's motivation may be assessed as being too low to be able to respond sufficiently to a criminogenic programme. In these cases, the offender may be referred to programme aimed at increasing responsivity, such as Straight Thinking or a Tikanga Maori programme."

Offenders on Community Work sentences cannot be referred to programmes, but offenders on a joint sentence of Community Work and Supervision can be referred to programmes if suitable.

"Our understanding of factors leading to offending and our ability to identify them accurately is continually evolving, and so are the range of programmes developed to address these factors effectively," says Kim.

CPS is currently augmenting the process around programme referral, and details of this will feature in an upcoming issue of Judge's Update.

# Home Detention – is it working?

## What are the numbers?

Since its introduction to the New Zealand criminal justice system in October 1999, Home Detention has become a viable alternative to imprisonment for some offenders, imposing stringent restraints on the offender and emphasising public safety while at the same time reducing custodial costs.

The introduction of the Sentencing and Parole Acts in July 2002 resulted in a significant increase in the number of offenders being granted leave to apply for Home Detention. This in turn led to an increase in the number of requests for Home Detention reports and subsequently an increase in the Home Detention muster.

At June 2002, the muster was 187. By June 2003, it had more than doubled to roughly 480.

## Is it working?

Peter Mildenhall, Team Leader for Policy and Operations with the Community Probation Service, says that results using the Recidivism Index (see table right) point to the fact that Home Detention is working. "When you compare offenders on Home Detention with those offenders in prison classified as minimum security, there's a marked difference. Home Detention has a significantly lower rate of recidivism."

"As more data becomes available in future years, we'll be able to draw more precise conclusions about the reasons behind the success of Home Detention," says Peter. "It's clear, however, that Home Detention meets certain needs in some offenders that imprisonment does not. For example, in some situations the effects of contamination on an offender in prison may far outweigh any rehabilitative benefits.

"Home Detention, on the other hand, allows eligible offenders to remain in a positive environment while undertaking rehabilitative and educational programmes to address the causes of their offending. It also means offenders can retain or seek employment, and maintain family relationships and responsibilities where appropriate or necessary."

## The Recidivism Index

Two of the measures the Department uses to determine the success of Home Detention are the rates of re-conviction and the rates of re-imprisonment. Together these make up what is referred to as the Recidivism Index. This index

is monitored on a regular basis following the completion of an offender's sentence. This method of measuring re-conviction rates is based on internationally-used definitions of re-offending.

Over a 12 and 24-month follow-up period, the Recidivism Index (percentage of offenders re-imprisoned or reconvicted) of Home Detention is significantly lower than that of offenders in prison classified as minimum security:

### Recidivism Index

(percentage of offenders re-imprisoned or reconvicted)

<i>12-month follow-up period (2000/2001)</i>	<i>Minimum security offenders in prison</i>	<i>Home Detention</i>
<b>Re-convicted</b>	32.1%	18.6%
<b>Re-imprisoned</b>	18.0%	7.1%
<i>24-month follow-up period (1999/2000)</i>	<i>Minimum security offenders in prison</i>	<i>Home Detention</i>
<b>Re-convicted</b>	48.7%	29.4%
<b>Re-imprisoned</b>	29.1%	11.9%

## Breaches and Recalls

More evidence on the success of Home Detention can be found in the high percentage of Home Detention orders successfully completed, measuring around 87%. Of the 13% of offenders not successfully completing their sentence, approximately 8.5% are due to breaches of condition and/or recalls to prison. The other 4.5% are due to voluntary return to prison, subsequent sentence imposed, sentence appealed, offender died or deported, or sentence cancelled or discharged by court or parole board.

## Offence Types on Home Detention

As at December 2002, data indicated that there had been no major change in the offences committed by those released to Home Detention post the new legislation. The four most common categories of offences for those released to Home Detention remained serious traffic and theft at approximately 27% each, followed by drugs at 20% and minor violence at 15%. All other offences fell between 1– 4%.

# The impact of criminal associates on offending

By David Riley, Director of Psychological Service, Department of Corrections.

Commonsense approaches and research findings don't always sit compatibly with one another in the criminal justice area. One example of this is the repeated failure of research to demonstrate any relationship between punishment and deterrence. But one area where commonsense is strongly supported by research evidence is the relationship between offending and criminal peers and antisocial beliefs.

These concepts formed the basis for a number of sociological theories which focus on the role of criminal subcultures in the genesis of deviant behaviour and the reinforcement of attitudes and beliefs supportive of it. In a New Zealand context, many of these processes were eloquently described in Alan Nixon's book *A Child's Guide to Crime*.

Over the last twenty years, social scientists have paid increasing attention to those factors which must be changed in order to reduce re-offending. This has given rise to the notion of dynamic predictors of re-offending – the logic being that by bringing about some change in those areas which are most associated with criminal behaviour, that behaviour itself may be modified in some way.

A great deal of research has accumulated which has demonstrated that – contrary to some earlier thinking in this field – some areas, such as personal distress and neurotic disposition, have only weak associations with subsequent criminal behaviour, whereas other areas

reveal a much stronger relationship.

In a recent large scale review of published studies of the predictors of recidivism, criminal associates and anti-social attitudes and beliefs were the two areas most strongly associated with subsequent criminal behaviour. The fact that both of these areas are potentially subject to modification provides some guidance as to the types of interventions which may fruitfully be employed to bring about a reduction in downstream offending.

Modern psychological approaches to offender treatment emphasise the central role of thinking processes in criminal behaviour and these are incorporated under the general rubric of cognitive behavioural treatment. This approach focuses on the faulty thinking patterns, erroneous assumptions, and ill-founded and illogical inferences which often lay behind criminal behaviour.

This approach seeks to teach offenders that their behaviour is under their control and that major change can be brought about by challenging self justification, taking responsibility, being aware of consequence, and considering a range of alternatives.

Similarly, the impact of criminal associates on offending may be lessened by providing offenders with more pro-social models, and taking all reasonable steps to minimise the reinforcement of antisocial attitudes and beliefs within custodial settings and other environments in which sentences may be managed.

## New Tikanga Maori Pilot

A new Tikanga Maori programme pilot has recently been launched in Wellington. Aimed at Maori women offenders, the programme is designed to increase participants' motivation to address their offending, as well as help increase their desire to become a positive role model for their children and younger members of their wider whanau.

Rachel Jones, Operations Adviser and Community Probation Service representative for the pilot, says that the programme is part of a process for reintegrating traditional Maori cultural values, philosophies, knowledge and practices into the everyday lives of Maori offenders.

"The Tikanga Maori programmes offer a culturally responsive programme for Maori who look to their culture as a pathway for solutions to address the underlying causes of their offending and to develop positive goals for the future," says Rachel.

"The new programme being piloted for women offenders provides a more targeted option, emphasising the woman's place in whanau and the responsibility and honour that goes with that. It also encourages contact and relationships with positive female role-models within the Maori community."

The programme will be piloted in the Wellington region, and be monitored,

guided and supported by a Programme Support team consisting of representatives from various Departmental business units. An external subject matter expert group will also guide the considerations for the project, and the Department will contract an external evaluator to evaluate the pilot.

If the pilot is judged successful, and subject to funding the programme will be taken nationwide.



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