

JUDGES' UPDATE

ISSUE 3 2001

Information for the Judiciary



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YOUR INPUT

Welcome to the August issue of Judges' Update for 2001. If you have any comments or suggestions for this publication, please contact the General Manager Community Probation Service.

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ISSN 1174-8141

Rotorua Judge's innovative sentencing

Tokoroa Service Manager Dave Rennie writes about an innovative approach to sentencing taken by Rotorua District Court Judge Cooper and the supporting work of Probation Officer Graham Shailer.

In February this year, John (not his real name) deliberately rammed his car into other vehicles owned by members of his family. He later appeared in court on charges of wilful damage. According to the Judge, he was "within a whisker" of a prison sentence. John had a string of past convictions for violent offences. Enquiries indicated there was a long-running feud within his family, centring on the actions of two young men, one of whom was John. Other serious offences had been committed during the feud. John had rammed the cars because his brother-in-law had been seriously assaulted, allegedly by other whanau members, and was in a coma in Waikato Hospital. However, police enquiries were unable to establish the identity of the offenders.

In the normal course of events, John would probably have been sentenced to a term of imprisonment and the feud would have simmered in his absence, and resumed after his release. However, on this occasion, Judge Cooper attempted to break the cycle and remanded the case to allow Tokoroa Probation Officer Graham Shailer to conduct a series of whanau hui. Three hui have been held to date and have included the Probation Officer, Court Victim Advisor, kaumatua, kuia, church

members and members of the offender's and victim's families.

John was eventually sentenced to a Community Programme. Elements of the programme included attending a Violence Prevention Programme, alcohol counselling, reparation and a formal apology. The whanau has also been brought together to confront the issues that have been causing so much distress and ongoing criminal offending.

Three months have elapsed since the programme commenced. The two protagonists have apologised to each other and have shaken hands, in the presence of those at the hui. The two factions of the whanau seem to have reconciled. This has brought a noticeable peace to the small rural township (population 850) where all concerned live. If it had not been for the initiative of the Judge and the efforts of Probation Officer Graham Shailer, the healing between the two groups may not have occurred, and ongoing offending would have been likely. The case is characteristic of Graham's work. He is well known and respected in the rural communities that he has serviced for many years.

This case has taken a lot of Graham's time, but his contribution to making a difference is clear.

From the General Manager

The Criminal Justice Act, under which the Community Probation Service manages offenders, is only 16 years old. However, over this time we have seen some major changes to the types and severity of offending in New Zealand. The public has also sent a strong message about its desire for tougher sentencing.

The Government has acknowledged these factors with a major sentencing review, which has been carried out by the Ministry of Justice.

New legislation relating to parole and sentencing has recently been drafted and was made public this month.

We don't know yet exactly how the new sentencing legislation will change what we do. We do know that changes to community-based sentences and parole are very likely and we have started planning for the work that has to be done to ensure that any changes are fully incorporated into our operations. This preparation will continue right up to when the legislation is enacted early next year.

One thing we do know about the legislation is that it shares similar principles with Integrated Offender Management. These principles are that we assess offenders on their risk, needs and motivation and then we use this information to recommend the appropriate sentence and rehabilitative interventions.

This issue looks at how two Christchurch Probation Officers are working with the new Level 2 reports. We also have a small group of Probation Officers undergoing training in facilitating the criminogenic programmes. Finally, I would like to acknowledge the allowances that Judges and court staff made recently during industrial action by some of our staff. Your patience during this time was appreciated.



Ann Clark
General Manager
Community Probation Service

Promising results from programme for Maori violent offenders

Only three offenders of the 12 who graduated from the first He Tete Kura Mana Tangata programme for Maori violent offenders have re-offended.

Recently appointed Community Probation Service Programmes Co-ordinator, Sunny Wikiriwhi-Hemopo, who oversaw the first programme in 2000, is pleased with the outcome.

"Of the three who re-offended, two committed non-violent offences, less serious than their previous violent offending," she says.

A second He Tete Kura Mana Tangata programme began at the end of June at Nga Whare Waatea Marae in Mangere with 12 participants. Those who successfully complete the programme are expected to graduate towards the end of the year.

He Tete Kura Mana Tangata is based on the philosophical view of nga tikanga Maori.

"It reaffirms the message that violence is not acceptable and looks at Maori violent behaviour and how this has impacted on whanau and victims as well as its dysfunction in the wider hapu and community," Sunny says.

He Tete Kura Mana Tangata links a Maori person's cultural esteem and mental well-being. "To understand and change Maori offending, we need to accept that there are many historic traditional Maori belief systems which must be considered before attempting to address someone's offending behaviour."

The programme is facilitated by Probation Officers Matehaere Maihi and Hohepa McLean from Mangere Service Centre.

"Their in-depth knowledge of tikanga Maori and te reo have really contributed to the success of the programme."

Timing set for IOM roll-out

Community Probation Service is now in its second year of IOM implementation and activities are on track to have the model fully in place by the end of the 2001/2002 year. To manage the IOM implementation, it has been divided into different components and these components have been phased in on a geographical basis.

At the start of the 2001/2002 year all Areas have implemented Screening, Induction, Level 1 Assessment and Sentence Planning/Sentence Management components. One Area (Wellington) has completed the Level 2 Assessment component and five Areas (Hamilton, Bay of Plenty, Rotorua, Christchurch and Nelson/Marlborough/West Coast) have substantially completed Level 2 Assessment.

During the 2001/2002 year the other Areas will commence implementation of Level 2 Assessment in September and aim to complete as follows:

- April 2002 - Dunedin, Invercargill
- June 2002 - Manukau, Auckland, Tararua, Taranaki-Wanganui, Hawkes Bay-Gisborne, Waitemata, Taitokerau.

The last remaining component of IOM, Reintegrative Services, will be piloted in September and implemented in all Areas in October/November.

Demographic changes drive future offending patterns

Demographic changes in New Zealand's population are the driving force behind the changing patterns of offending, according to a new report by the Department of Corrections.

The report, *Regional Offender Forecasts to 2013 by Gender, Ethnicity and Age*, was prepared by Michael Rich, of The Department's Policy Development Group, and provides offender forecasts for Community Probation Service and Public Prisons Service.

The projections are based on demographic trends within the population as recorded by Statistics New Zealand. Statistics New Zealand projects strong population growth in the northern North Island, especially among Maori and Pacific peoples and in the younger age groups. These groups are already strongly represented in the Corrections system.

Here are some of the main points of the report. Please note that the forecasts do not reflect current policy developments, such as the Sentencing and Parole Reform Bill.

Overall growth

The general population is projected to grow by 1 percent per year. However:

- Community Probation Service new starts are expected to grow 1.1 percent per year. During the past five years they have declined 3.2 percent per year.
- Prison musters (sentenced and remand) are expected to grow 3.5 percent per year. During the past five years they have grown 5.5 percent per year.

Ethnicity

The growth in offender numbers is largely attributable to the overall growth in Maori and Pacific peoples populations. Maori and Pacific peoples are both over-represented in the offending rate statistics. This is partly because greater proportions of Maori and Pacific peoples will be between 15-24 years old, and this age group is more likely to offend. Interventions that reduce re-offending by young Maori and Pacific peoples will be critical.

Gender

Over the next 13 years, females will increase by around 4 percent as a percentage of the overall offending population. Correspondingly, males will decrease by about 4 percent as a percentage of the overall offending population.

Growth Drivers

Statistics New Zealand predicts the population drift north is expected to continue, while the population of the South Island will decline further. As a result, strongest offender growth is expected in the northern North Island. This growth comes on top of a large existing number of offenders, and so it results in significant rises in offender numbers. The expected growth rates decrease markedly when moving from north to south.

Prisons

While this forecast goes out to the calendar year 2013, the Department's National Prison Facilities and Services Strategic Plan extends only to the year 2008.

This plan outlines the requirement to build a women's prison by the end of 2003 for 150 inmates to serve the northern North Island. The facility has the potential to expand to contain 350 inmates.

Planning is underway to build a men's prison by the end of 2005 for 620 inmates to serve the northern North Island. The projections show that there will be almost 4000 inmates from this region by the year 2013, which suggests about 2000 extra beds will be needed by then to support the region.

A copy of the full report is available on the Department of Corrections' website: www.corrections.govt.nz.

Probation Officers trained to run criminogenic programmes

Four Probation Officers are about to graduate as fully trained criminogenic programme facilitators.

Criminogenic programmes are targeted to high-risk offenders who have been assessed as responsive to interventions.

Mere Tupaea-Cole and Te Miri Bevan from Manukau and Ian Miller and Raewyn Smith from Hamilton have just completed a four-week training period with four Corrections Officers.

A small group of Probation Officers were the first to be trained as criminogenic programme facilitators last year.

The training is four weeks in total, with a two-week break in the middle of the training where the participants return to their offices to consolidate their learning. The last part of the training prepares them for delivery of programmes.

A graduation ceremony is to be held later this month, which will be attended by Service Managers and Head Office staff.

As well as training in facilitating the criminogenic programmes (including the Violence Prevention Programme, Making Our Drivers Safe, Substance Abuse Programme and the Mixed Programme), the training also covers running the 30-hour Structured Individual Programme (SIP).

Another round of training is planned for October, with the selection process for facilitators currently underway.

Criminogenic programmes are currently available in Manukau, Wellington and Christchurch, and shortly in Hamilton.

Thank you...

We would like to thank those Judges who kindly took the time recently to be interviewed for their feedback on this newsletter.

Your feedback was very positive, overall. The main trend that emerged from the survey was that many of you are interested in seeing more articles about sentencing patterns and statistics, as well as discussion around sentencing issues. Some of you also suggested we introduce an "odd spot" section in the newsletter.

We are looking at how to take on board this feedback for future newsletters. You may notice some changes in the content of the newsletter over the next 12 months. For instance, in this issue we've included a humorous anecdote that was 'Heard On Circuit' - enjoy!

Testing times for Southern Judges

Judges are used to asking the questions - not answering them. However, Christchurch Service Manager Adrian Ramsay turned the tables on about 20 Judges at the Southern Region District Court Judges' Conference held recently.

Adrian staged a quiz to see how much the Judges knew about Integrated Offender Management. He devised a mock "exam paper" to find out whether the Judges understood various important points about IOM, such as whether a Probation Officer can recommend Supervision or imprisonment in a same-day report.

Adrian says that the Judges became "quite competitive" and seemed eager to outdo each other to win the trophy.

"Four of the Judges got 11 out of 12 correct and most of them got at least half the answers right, which was encouraging."

Adrian left behind an answer sheet so the Judges could see where they could improve their knowledge.

How well do you fare? Here are five quick questions, adapted from Adrian's quiz:

1. Name the three Services of the Department of Corrections, which are working closely together under IOM.
2. When a Probation Officer screens an offender, this identifies the offender's level of _ _ _ _ .

3. Is it possible to obtain an oral report, from the Probation Officer in the court, on an offender currently 'on strength' with Community Probation Service?
4. Would a Probation Officer usually recommend imprisonment or Supervision in a Same day/Level 1 report?
5. True or false: A judge may direct any level of report in any circumstance when an offender has been convicted of an offence punishable by imprisonment.

Answers:

1. *Community Probation Service, Public Prisons Service, Psychological Service.*
2. *Risk.*
3. *Yes.*
4. *No, except as part of a breach or review action of a sentence of Periodic Detention or Parole.*
5. *True. This is called "Judicial Override".*

If you wish to find out more about Integrated Offender Management, please contact your nearest Area Manager.

Probation Officers enjoy challenge of new reports

Christchurch Probation Officers Nick Williamson and Melissa Brussov are two of many Probation Officers around the country who have completed IOM Assessment training and are now writing Level 2 reports for the courts.

"Level 2 training was intensive and challenging. I see IOM as a more thorough way of doing what we used to do," Nick says.

Until recently both Nick and Melissa worked in Provision of Information in the Christchurch District Court, although since the training, Nick has relocated to Richmond Service Centre. He has been a Probation Officer for 21 years.

"I haven't found IOM too difficult and I was apprehensive about making the change. But it has been easier than I thought. Level 2 reports are easier to write than I first expected and they get easier as you get more experienced."

The training has had other spin-offs for their work in the field.

Melissa says that attending the training courses with local Corrections Officers has "broken down barriers in a big way".

"We understand each other's roles a lot better now and when we go to the prison to do a custody report, knowing the Corrections Officers helps us get into the prison much more quickly."

Heard on circuit....

Straight Thinking works....in the strangest ways.

At least, it did for one offender, who appeared in court recently. Back in June 2000 he was sentenced to nine months' Supervision, with a condition that he take part in a Straight Thinking programme.

Unfortunately, he later re-offended and appeared in court on driving and theft charges. However, all was not lost.

Following his arrest, he admitted voluntarily to 10 burglaries spanning the past year. When asked by police why he'd admitted to the burglaries he said that he had "not been thinking straight" and he "wanted to change and face up to what he had done".

The man's lawyer emphasised the role that Straight Thinking had made in his client's admissions. The Judge imposed

a term of two years' imprisonment, suspended for two years and three months' Periodic Detention.



DEPARTMENT
OF CORRECTIONS