

# JUDGES' UPDATE

DECEMBER 2003

Information for the Judiciary

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## Judges' work 'in action'

Service Manager Alex Holmes and his team at the Taupo Community Probation Service sees working closely with judges as a key part of their work.

Alex makes a point of meeting regularly with local judges, and says it helps ensure a smooth and efficient working relationship between Judiciary and the Community Probation Service.

"We work hard to form good relationships with our judges and we like to keep them involved and informed about what's going on in the region. Our work is so closely interlinked that it makes sense to keep judges informed and up-to-date about what's going on – especially in practical terms."

Local Area Executive Judge, Judge Phillip Cooper, is keenly interested in finding out more about what's happening with the offenders he sends off to the Community Probation Service, and so approached Alex about finding out more about Community Work in the Taupo/Turangi districts.

"I'm aware that nine times out of ten, when a judge sentences an offender that will be the last he or she will see of the case," says Judge Cooper. "The judge will have no idea of the outcome or what's happened to the offender.

"On the other hand, (Community Probation staff) are able to see what happens and, if they are the right person for that role, can have influence. They have the opportunity to say the right thing at the right time and be a catalyst for real change."

Judge Cooper says that he was particularly keen to meet the local community agency sponsors. "They are often the 'unsung heroes', and I was keen to express the local judges' appreciation for all they do in the local community."

Alex took the opportunity to set up an occasion for local Community Work agency sponsors to meet with and chat to Judge Cooper, while at the same time providing a valuable and rare forum for agency sponsors to meet face-to-face with Community Probation staff and each other.

He and his team arranged for a lunchtime get-together, which saw around twenty agency sponsor representatives, probation staff and Judge Cooper attending the lunch.

Alex says everyone enjoyed the chance to meet and chat with each other.

"They don't often get to meet each other and see who else is involved in Community Work, so from that aspect it was very useful for them.

"It was a very positive day. Everyone got to meet and mix with all the other staff working at the Taupo Centre, plus it meant Judge Cooper could see 'in action' his work with sentencing and how that work and the work of the Community Probation Service is received and supported by the community."

## YOUR INPUT

Welcome to the December 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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ISSN 1174-8141



DEPARTMENT  
OF CORRECTIONS

# From the General Manager

Welcome to the final issue of Judges' Update for 2003, another busy and challenging year for the Community Probation Service.

This year we have continued to see on a practical level the impact of new legislation on our day-to-day operational practice, while at the same time working hard to improve the quality and timeliness of our service.

This has not always been easy, particularly in the face of a changing pattern of volumes.

While we continue to focus on high-risk offenders, the management of the community-based Community Work sentence has also been a particular focus, as staff and offenders come to terms with the implications of the changes from the previous sentences.

2003 has also been a year where we have been able to see the positive effects that a stronger, more stable foundation can provide in terms of moving forward as a business, with a raft of initiatives being launched.

Examples of this are the innovative programmes currently being piloted, such as the Reducing Youth Offending Programme, the faith-based Operation Jericho and the Tikanga Maori Programme for Women.

For the Community Probation Service to achieve its overarching objective of helping to create safer communities, it's vital that we continue to coordinate our efforts with others who share the same ideals and aims. These programmes and others highlight our commitment to developing and maintaining positive and strong working relationships with the local community and other agencies. I look forward to continuing to keeping you informed about our work through 2004 and I wish you and your families a safe and happy holiday season.



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

## Community sex offender treatment programmes show encouraging results

A recent study of New Zealand community-based treatment programmes for paedophiles has shown that these types of programmes are performing well.

The study finds that adult sex offenders are 20 per cent less likely to re-offend if they receive community-based treatment rather than no treatment at all.

In New Zealand, treatment options for child sex offenders fall into three main groups: prison-based sex offender treatment units (such as Kia Marama at Rolleston Prison and Te Piriti at Auckland Prison), community provider programmes, and individual intervention through a psychologist.

Community treatment programmes are run by Auckland-based SAFE Network Inc, STOP Wellington Inc and STOP Trust Christchurch. Programmes are funded by a number of agencies, including Corrections, Child, Youth and Family, and other community funding grants.

The research, carried out by Dr Ian Lambie and Dr Malcolm Stewart of Auckland University, was commissioned by the Department of Corrections as part of its research and evaluation programme.

The national study was the first of its kind and followed 175 adult male sex offenders who had received community treatment. The men were followed for four years after they completed the programme as other research has found that the greatest rates of re-offending occur between two and four years after treatment.

Results from the study found that on average participants had two previous victims and had about six convictions before they started the treatment programme.

Researcher Dr Ian Lambie said the study shows that New Zealand programmes are highly effective as the results are in line with the best international practice and the low re-offending rates of Maori – who made up 14 per cent of the study participants – showed efforts to create services that were 'acceptable' for Maori had been successful.

"With specialist help most adult sex offenders could be rehabilitated and integrated into our communities to live safe and productive lives".

Dr Lambie believes these programmes have a positive effect on local communities.

"When further sexual offending is reduced to this extent there are huge social and financial benefits to our communities as there are fewer victims of sexual abuse in the future.

"The evaluation shows that participants who completed the community-based programmes had a recidivism rate of 5 per cent, compared to a rate of 16 – 21 per cent for untreated child sex offenders," says Jared Mullen, General Manager Policy Development.

"It's reassuring to know that effective programmes for this type of offending are available and being delivered in New Zealand," says Jared.

# Community Work

The sentence of community work is a key part of the Community Probation Service's work, forming the basis for a crucial area of relationship building and management between the Service and the community.

Manager Operational Policy and Planning Tracy Mellor says that as the sentence impacts the majority of offenders, most Community Probation staff and local community groups, it is important that communication about the sentence is kept clear and open.

"I think we all appreciate that initially there were some teething problems around the management of this sentence, and some misunderstandings in terms of sentencing and management of offenders," says Tracy.

"But we must also recognise there have been vast improvements made in terms of compliance and practice with this sentence, and that we are continuing to improve our service in this area."

## An opportunity for rehabilitation and reparation

General Manager Probation and Offender Services Katrina Casey adds that it is important to understand that rehabilitative programmes cannot be delivered to offenders via the community work sentence alone.

"The community work sentence is reparation-based, not rehabilitation-based. To deliver both, the offender must be sentenced to both supervision and community work, which gives them access to rehabilitative or motivation-based programmes."

(For an example of this, see "In the news..." page 4.)

## Some facts about community work...

### New Starts

- The Community Probation Service manages approximately 29,000 offenders on community work sentences each year. This is approximately the same number of offenders as the combined number of those who were previously sentenced to periodic detention or community service.

- Approximately 40% of offenders currently serve all or part of their community work sentence working for an agency/sponsor. Previously, approximately 27% of the combined number of offenders were serving a community service sentence.

## Key changes in the Sentencing Act 2002

- Community service and periodic detention were effectively combined into a single sentence, known as community work.
- On average, offenders serving community work sentences have three times longer than offenders serving periodic detention sentences to complete the same number of hours. (133 hours is the equivalent of 17 weeks or 4 months at one day per week).
- The new legislation means that if an average of 33% of those able to report in any given week did report, the full number of sentenced hours would be completed within the available 12 month period.
- Information from sample sites indicates that approximately 50% of those able to report in any given week are doing so, and that sentences are being completed in an average of 25 weeks (or 6 months).

## Serving the sentence

- The average community work sentence is for 133 hours. Offenders have 12 months to complete sentences of up to 200 hours, and 24 months to complete sentences of over 200 hours. There is no minimum requirement for undertaking community work, and up to 40 hours can be done in any one week.
- The Probation Officer and the offender agree the way in which the offender will complete their hours. Offenders are encouraged to complete their hours as quickly as possible. Following this agreement, the Probation Officer issues the offender with an Instruction to Report in this way. Failure to comply with the Instruction to Report (i.e. failure to complete the hours on the

agreed days) can and will result in action being taken against the offender.

## Musters

- The average muster of offenders on periodic detention during 2001/02 was 6,363, and for community service in the same year this was 4,709.
- The average muster of offenders on community work climbed steadily during 2002/03, from 11,239 in July 02 to 16,996 in June 03. There are some indications that it is now levelling out.
- This increase in musters is to be expected, as offenders now have 12 or 24 months to complete their hours (compared to the previous average of 4 months). This means that a lower percentage of offenders on muster (i.e. offenders with hours still to complete) will be expected to turn up to work some of their hours during any given week.

## Enforcement Action

Formal enforcement action (breach or review action) is being taken in approximately 26% of cases (i.e. the equivalent of 26% of all new starts have formal enforcement action taken against them at some point while serving their sentence). The average over the previous three years was approximately 22%. This action follows less formal attempts by Probation Officers to get compliance, e.g. by talking, reprimanding and trying to remove barriers for offenders attending community work.

## Attendance and Completion rates

Between 1 July and 30 October 2002, 7,961 offenders were sentenced to a total of 977,303 hours of community work.

The number of community work hours actually served by these offenders was 792,358 or 81% of the maximum hours which had to be served.\*

\*This information relates to all offenders who were sentenced to 200 hours or less, between 1 July and 30 October 2002. All of these offenders should have completed their hours before 30 October 2003. All offenders, whether they served their hours in a work party or on an agency placement, are included. The information is based on that which is available in IOMS. Attendance and completion rates have been defined as the extent to which offenders have attended a work party or agency placement and completed the hours they are required to work.

# Reducing Youth Offending Programme

## First families graduate pilot programme

The pilot for the Reducing Youth Offending Programme has seen the first of its families 'graduate', with three young people completing the programme in Christchurch and another two in Auckland.

A joint initiative between the Department of Corrections and Child, Youth and Family Services, the Reducing Youth Offending Programme targets 14 to 18 year-olds who pose a high risk of becoming serious adult offenders. The programme aims to help young offenders develop the skills to stop re-offending and leave them and their family/whanau in a position to manage their own situation on an ongoing basis.

Nick Scott, Programme Manager, Christchurch Reducing Youth Offending Programme, says that the factors that have contributed to the young person's offending meant success wasn't an easy thing to achieve.

"We are working with a very difficult population. The programme works with high risk young people, so it's important we are realistic about the successes we can achieve," he says.

## Keeping youth on the programme crucial

Nick stresses that being able to keep a young person on the programme for a significant period of time is crucial if the best result is going to be achieved.

"The high risk profile of these young offenders means it is likely there will be some re-offending during the course of the programme. If we are able to keep working with them through the period, then there's a better chance we'll succeed."

Nick also says that even though some young people do not complete the whole programme, progress can still be made with their families.

"That will help in the future when the young person is back home, and it may also be that a young person has made some progress and will be able to continue the programme at a later stage.

## Referrals

When the pilot programme was launched in Christchurch and Auckland in May this year, judges in those areas would have started seeing referrals from June for young people up for sentencing to attend the Reducing

Youth Offending Programme.

Sue Montgomery, Programme Manager, Auckland Reducing Youth Offending Programme, says that to date, referrals for young people have been slow, but that this is changing.

"Caseloads are growing as more referrals are made as the wider community becomes aware of the programme and its benefits."

## Multi-Systemic Therapy

The programme uses a framework based on Multi-Systemic Therapy, which has been used successfully in overseas high-risk recidivist youth offenders, including those with mental health and substance abuse problems.

Nick Scott says the first national Multi-Systemic Therapy conference was held this year, and that staff from both the Auckland and Christchurch team attended the first national MST conference.

"It was a very productive conference," says Nick. "It was extremely useful for caseworkers to talk to other workers from different government departments who work with the same model."

## In the news...

*The following article appeared in the Manuwatu Evening Standard (27/09/03) and illustrates how one judge combined a sentence of community work, supervision and programme attendance to address one offender's need for "deterrence, rehabilitation and reformation".*

## Judge decides that community work and supervision more use than time in jail

Lawyer Fergus Steedman stood and drew breath, ready to make submissions to keep his client, Nelson Giraldo, out of prison.

But Judge Grant Fraser beat him to the punch.

"I intend to deal with him by way of community work," Judge Fraser said.

"I have nothing else to say, sir," Mr Steedman replied.

Giraldo was appearing in the Palmerston North District Court for sentence on his seventh drink-driving conviction.

His first of six prior convictions was recorded in 1986, his most recent was in 1996.

He also has a string of convictions for drugs and violence, dating from 1980.

Judge Fraser said that in a normal situation he would have "absolutely no doubt" about sending someone facing a seventh drink-driving conviction to prison.

But imprisoning Giraldo would be an "easy option" as it would only remove him from the community for a period of time, the judge said. It would not help him address the reasons for his offending.

Giraldo began to make a comment from the dock, but Judge Fraser pre-empted him.

"I wouldn't bother making too much comment, in case I change my mind about how I am going to deal with you."

Quoting from a probation report, Judge Fraser said it was worrying that Giraldo had considered himself fit to drive when he had a breath-alcohol reading of

959 micrograms of alcohol per litre of breath, but gave him credit for his "self-imposed" driving disqualification since the time of the offending.

He said Giraldo's "limited insight" into the causes of his offending was also of concern.

Any sentence had to act as an appropriate denunciation and deterrent, but also needed to address the need for "rehabilitation and reformation".

Judge Fraser then sentenced Giraldo to 175 hours' community work with six months' supervision. He was also ordered to attend a criminogenic, or straight-thinking programme, if found suitable. He was also disqualified from driving for a year.

"You have been dealt with extraordinarily leniently . . . but if you come back on any further excess breath alcohol (charge), there's no doubt in my mind that you are going to go to jail for a long time," Judge Fraser said.