

JUDGES' UPDATE

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Information for the Judiciary



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YOUR INPUT

Welcome to the November 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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New legislation proposes two new sentences

The draft Sentencing and Parole Reform Bill, currently before the Justice and Law Select Committee, has the potential to impact significantly on the work of the Community Probation Service.

The legislation proposes changes to the purpose and principles of sentencing and the introduction of two community-based sentences: Community Work and Supervision, instead of the current four. It also proposes changes to the sentences of imprisonment, the introduction of a new nationwide body for parole decisions and some changes to eligibility for Home Detention, Parole and the new provision, release on conditions.

The Department of Corrections is currently planning for the changes which could result from the Bill and as part of this work, the Community Probation Service's planning for the changes to community-based sentences is well underway. The Service is currently developing new draft operational practice and planning for potential training requirements so it can be ready for the expected implementation date of 1 July 2002.

The current Bill details how the two community-based sentences are proposed to work. Community Work is proposed to be for a minimum of 40 hours up to a maximum of 400 hours and may be done at a Community Work Centre (formerly a Periodic Detention Centre),

or another agency (like the current Community Service), or a combination of both. Placement will be determined by the Probation Officer post-sentencing.

The sentence of Supervision can be imposed for a minimum of six months and a maximum of two years. There will be standard conditions for all offenders on Supervision. There can also be special conditions for programmes and/or special conditions to cover other needs.

The Bill proposes that the maximum penalty for breach of Community Work or breach of Supervision is three months' imprisonment or a \$1000 fine.

General Manager, Ann Clark, says the implementation of changes to the community-based sentences will be aligned with the current implementation of Integrated Offender Management (IOM).

"We will manage these changes to ensure that any impact on our service delivery is minimised. However, by mid-2002 we will have largely implemented IOM in most of our Areas. The new legislation is also consistent with IOM as it makes it explicit that a sentence may be imposed on an offender to assist with his or her rehabilitation and reintegration."

Submissions on the draft Bill closed last month and the Select Committee is expected to consider the submissions until approximately February 2002.

From the General Manager

As the year draws to a close, it is an opportunity for us to look ahead to 2002, particularly to the new Sentencing and Parole Reform Bill. Public submissions on this Bill have now closed and the Justice and Law Select Committee will consider these submissions until approximately February 2002. We are currently anticipating the enactment date for the Bill will be March 2002 with a provisional implementation date of 1 July 2002.

Community Probation Service staff are working hard at planning for the likely changes that the new legislation will bring. For example, it is likely that two new sentences of Community Work and Supervision will replace the existing sentences of Supervision, Community Service, Periodic Detention and Community Programme. However, it is still too early to say what the full implications of the new legislation will be.

We are well on track with our work to ensure any changes are planned for and can be incorporated seamlessly into our operations. Of course, this work is being done at the same time as the implementation of Integrated Offender Management which is now nearing completion, with all Community Probation Service sites expected to have completed the full implementation by mid-2002.

Probation Officers are currently being trained in IOM Level 2 Assessment, where they are learning how to prepare the new-style remand reports for the court. We are also rolling out criminogenic programmes, including Making Our Drivers Safe and the 30-hour Structured Individual Programme. Probation Officers are trained to deliver these programmes to offenders. In this final issue of Judges' Update for 2001, we look at the Community Probation Service's annual results for the 2000-2001 year. I believe we have achieved some good results, particularly in the context of the additional demands placed on staff by the roll-out of IOM. If you would like a copy of the Annual Report, this can be requested from the Department's Information Centre on 04 460 3217.

I would like to thank you for your support and feedback throughout the year and extend my best wishes for the holiday season.



Ann Clark
General Manager
Community Probation Service

Good results achieved in busy year

The Department of Corrections has tabled in Parliament its Annual Report for 2000-2001. Community Probation Service General Manager Ann Clark says the Service's results are encouraging, particularly given that they were achieved during the implementation of Integrated Offender Management, which has placed extra demands on staff around training and learning the new assessment and sentence management regimes.

Some key results for us included the number of reports prepared for the courts, 32,759, of which 92 percent were provided to the quality standards outlined in Community Probation Service's operational manual. Only four written complaints were received from Judges, well below the forecast level.

Other key results for Community Probation Service in the 2000-2001 year included the percentage of offenders who were reconvicted for an offence committed within 12 months of completion of their sentence. These included:

- Community Service: 19 percent
- Supervision: 40 percent
- Periodic Detention: 38 percent
- Home Detention: 27 percent.

The Department of Corrections has adopted standards to measure the outcomes of its work towards its goal of reducing re-offending. The Recidivism Index (RI) measures the rate of re-offending over a period and the Rehabilitation Quotient (RQ) measures the effectiveness of rehabilitative interventions, comparing a group that has received a particular intervention with a control group that is similar in aspects of age, ethnicity and risk of re-offending.

Key findings around the latest available statistics include:

- The Rehabilitation Quotient results show a drop of 11 percent in the number of Community Probation Service offenders re-imprisoned after receiving psychological treatment (compared to 5.1 percent for Public Prisons Service).
- Offenders on a community-based sentence had lower re-offending rates than inmates released from prison.
- Males are re-imprisoned and reconvicted at a higher rate than females.
- As offenders age, re-offending rates drop by about two-thirds.
- Re-offending is highest for property offenders and lowest for sex offenders.
- Released high security inmates re-offended more than released minimum security inmates and offenders on Home Detention.
- The reconviction rate for offenders who have completed Periodic Detention is double that for offenders who have completed Community Service.

As Integrated Offender Management is implemented around the country, interventions will be targeted more accurately to offenders who are at the greatest risk of re-offending and who are the most responsive to interventions. This is expected to lead to further improvements in the RQ figures.

Home Detention results encouraging

The latest re-offending statistics show Home Detention is working to help the Department of Corrections reduce re-offending, two years after its successful introduction in New Zealand.

The Department's annual report shows that last year, only 27 percent of offenders were reconvicted within 12 months of completing a Home Detention order. Only 11 percent were re-imprisoned over the same period.

The re-imprisonment rate for minimum security inmates within 12 months is 17 percent and for medium security inmates, 53 percent.

772 offenders were directed to complete a Home Detention order and 96 percent of these offenders either took part in programmes which addressed their rehabilitative needs or were in employment.

The annual report also noted that Home Detention releases from prison, three months prior to the inmate's Parole Eligibility Date, had a reimprisonment rate of 6 percent, substantially lower than those released from minimum security. Ann Clark, Community Probation Service General Manager, finds these results encouraging and acknowledges the work of the Home Detention teams. "The Probation Officers working in Home Detention have learned a lot about working with offenders' reintegration needs as well as addressing their offending needs. We hope these good results continue."

There are currently approximately 200 offenders on Home Detention and 1206 have served sentences since the scheme was introduced in October 1999.

Corrections Law Reform submissions analysed

The Department of Corrections is reviewing the legislation that relates to how it operates and has proposed a Corrections Act to replace the Penal Institutions Act, which is now almost 50 years old. The new legislation would also replace some sections in the Criminal Justice Act that relate to Corrections.

In April this year, the Department released a public discussion document called Better Corrections Law for New Zealand to seek comment from the public and targeted groups, including staff, on the proposed legislation. The aim of the review is to consolidate and update existing legislation so that it reflects modern thinking on corrections services.

Although the legislation primarily focuses on prisons, it will also contain provisions relevant to the operation of the Community Probation Service.

About 180 submissions have been received, from individuals, including past or present inmates, family members of victims or offenders and Corrections employees as well as organisations such as NZPARS, Sensible Sentencing Trust and the Salvation Army.

The majority of the submissions were concerned with imprisonment, advocating better conditions for inmates.

Some issues came through repeatedly in the submission process, including:

- The need to signal in legislation the expectation of partnership with and participation of Maori throughout the Corrections system.
- The importance of providing all offenders with appropriate rehabilitation and reintegration opportunities.
- Dissatisfaction with the current prison visiting regime and inmate communications, including phone calls.
- A strong view that offenders should be placed in prisons close to their families.
- Criticism of an "excessive reliance on imprisonment" as a response to offending.

The information gathered from the submission process, which also included a series of focus groups and public meetings held around the country, has been used by the Department to prepare policy papers for Cabinet on the new legislation.

It is anticipated that the Bill will be introduced to Parliament early next year, when the public will have a further opportunity to comment.

Copies of the report on the submissions, Better Corrections Law: Summary of Submissions on Better Corrections Law for New Zealand, are available from the Department's Information Centre, ph 04 460-3217.

Reintegrative Services for offenders piloted

Offenders in Nelson and Greymouth will be taking part in a pilot of Reintegrative Services – a component of Integrated Offender Management which aims to manage social or environmental factors facing offenders when completing their sentence.

Reintegrative Services is the final component of Integrated Offender Management to be introduced. The pilot in the Nelson Marlborough West Coast Area runs from November to February 2002 and the results of its evaluation will inform the nationwide roll out from March 2002.

Reintegrative Services sees Probation Officers working with offenders to help them resolve or manage issues that may be obstacles to an offending-free lifestyle, such as budgeting or employment skills. This may involve referring them to community providers or government agencies such as Work and Income. Reintegrative Services will formalise procedures that are currently used by Probation Officers. An offender's reintegrative needs are assessed to see what level of support they need and this information is then included in their Sentence Plan.

Project co-ordinator Sara Mace says Reintegrative Services is for all offenders, although some will have the ability to meet their own needs and will need minimal support such as being provided with information about relevant community providers. For offenders who need greater support, a Probation Officer will work with them to find ways to resolve or manage their need.

Reintegrative Services builds on the requirements of the Criminal Justice Act. The information collected during the social circumstances assessment will form the basis of the post-sentence procedures.

New sentencing recommendations for driving offenders

Probation Officers are now recommending a sentence of Supervision with a condition to attend the Making Our Drivers Safe (MODS) criminogenic programme for many high-risk driving offenders appearing in court for sentencing.

Community Probation Service General Manager Ann Clark says the reason for the recommendation is that there is good evidence that the MODS programme can reduce re-offending among offenders with repeat driving convictions.

It is more effective for offenders to take part in MODS while serving a community sentence, because participants are able to put their new skills into practice and adopt them into their lifestyles. Research shows that programmes addressing offending needs are of most benefit if they are targeted to high risk offenders, teach the skills offenders need to change, are structured and intensive and address skill and coping deficits from a

cognitive-behavioural perspective.

MODS is one of four new criminogenic programmes being introduced around the country. The others are the Violence Prevention Programme, Substance Abuse Programme and the Mixed Programme. These new programmes support the existing programmes Community Probation Service uses with offenders, such as Straight Thinking, and the tikanga Maori programmes. Criminogenic programmes are for offenders of all ages and ethnicity and are specifically for offenders on sentences of Supervision, Parole or Home Detention. Special conditions may be imposed by the court around assessing the offender's suitability for a particular programme. MODS and other criminogenic programmes have been introduced in Manukau, Hamilton, Wellington and Christchurch and will be implemented in other areas around the country between February and July 2002.

SIP programme to roll out nationwide

Eligible offenders around the country will soon start taking part in the Structured Individual Programme (SIP). SIP is a short, structured intervention targeted at high-risk offenders who are restricted from attending standard criminogenic programmes, such as Making Our Drivers Safe, for reasons including geographic isolation.

SIP will initially be available to offenders in rural sites where criminogenic programmes are not offered and to offenders on Home Detention. SIP will be implemented first in the Hamilton, Rotorua, Bay of Plenty Coast and Nelson Marlborough West Coast Areas.

SIP was piloted in the Taitokerau Area earlier this year, where seven Probation Officers worked with 20 offenders individually. SIP takes up to 30 hours and helps offenders develop relapse prevention skills, using modules on motivation, offence mapping and structured thinking as well as targeted modules

such as dealing with alcohol and drug issues.

During the pilot, many of the Taitokerau Probation Officers expressed their enthusiasm for working with offenders using SIP. Probation Officer Susan Whatmough says she started out somewhat sceptical but is now a strong advocate of SIP.

"I found that the work was best understood by the offenders using their visual skills and actually drawing pictures or writing the words. The biggest response I had was from the offence-mapping exercise, which literally reduced one offender to tears as he visualised the lead-up to his offending."

Probation Officers in the Hamilton, Rotorua, Bay of Plenty Coast and Nelson Marlborough West Coast Areas will begin training in the delivery of SIP early next year. Shortly afterwards, Probation Officers in Christchurch, Wellington, Dunedin and Invercargill will begin training.

Milestone for IOM implementation

Probation Officers in the final nine Areas are now being trained in IOM Level 2 assessment.

Level 2 assessments, which are completed on high-risk offenders, are comprehensive and explore an offender's behaviour, thoughts, feelings and social conditions related to offending, as well as examining other needs that may affect offending. These assessments focus on the key factors present just prior to and during the offending. The new-style remand pre-sentence reports also present information on the offender's social circumstances.

As well as informing judicial decisions, information gathered for these reports helps the Department of Corrections target interventions, such as programmes, to offenders who are assessed as being suitable and responsive to addressing their offending needs.

Months of planning and preparation is behind the current staff training in the Taitokerau, Waitemata, Auckland, Manukau, Hawkes Bay-Gisborne, Taranaki-Wanganui, Tararua, Dunedin and Invercargill Areas.

When the current round of training is completed by the middle of next year, all Community Probation Service Areas around the country will be using the new Level 2 Assessment reports. Managers in all areas will also go through the training, to assist them with implementation and supporting staff.

Facelift for historic Dunedin Court

Court servicing staff in Dunedin have moved, along with the court, to temporary premises for 12 months during the renovations to the historic 99-year-old Dunedin Courthouse in Stuart Street.

Opened in 1902 on the site of Dunedin's original jail, the courthouse has a long and varied history and has seen some famous modern trials such as the David Bain case.

The \$11 million refurbishment project will see a two-storey addition to the old building to accommodate the Family and civil courts. It will also see the ornate interior of the building restored and a revamp of the building's heating and plumbing. The building is said to be one of the best examples of Gothic architecture in Dunedin.

Dunedin Service Manager Les Carse says the old BNZ Bank in the Exchange area has been renovated to serve as a temporary courthouse during the renovation period. "Our staff report that they were able to maintain services without disruption during the relocation and are enjoying the extra office space in the temporary site."

Heard on circuit....

Wellington District Court Judge Richard Watson was unmoved by a defendant's excuse for not answering when police hammered on his door during a bail check. He had been in a deep sleep after "superman sex", the man claimed. Responded Judge Watson: "Next time we'll make sure the police take kryptonite". He was equally unmoved

by a greying man who stole hair dye because he had been "too embarrassed" to buy it. "It's nice for some to have enough hair to put dye on," the Judge mused, referring to his own sparse locks. "I'm sure Mr (equally thinning lawyer, Michael) Scott would endorse that view." The defendant was fined \$100. The dye cost him \$9.49.

Source: *The Dominion*, 28 September, 2001



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