

JUDGES' UPDATE

MAY 2003

Information for the Judiciary



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YOUR INPUT

Welcome to the May 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.

Community Probation Service,
Department of Corrections
Private Box 1206, Wellington
ph 04 499 5620
fax 04 460 3203

ISSN 1174-8141

Pilot aimed at reducing youth offending

From this month, judges in Auckland and Christchurch will start seeing referrals for youth offenders to attend the Reducing Youth Offending Programme.

The Programme is a joint initiative between the Departments of Corrections and Child, Youth and Family Services. The Programme commenced in May and is being piloted until June 2006 in south and central Auckland and Christchurch.

The Programme uses a framework based on Multi-Systemic Therapy, which has been used successfully in the United States, Canada and Norway with high-risk recidivist youth offenders, including those with mental health and drug and alcohol problems.

Brian Hayward, Programme Manager of the Auckland pilot programme and formerly a Regional Manager for Relationship Services, says the Programme is for youth offenders aged 14 to 18 years inclusive who are at a very high risk of becoming serious adult offenders.

"The Programme is resourced to take 130 cases per year, with a maximum of 65 cases at any one time. Two thirds of the programme capacity is in Auckland with the other third in Christchurch. The Programme's goal is to reduce the rate or the severity – or both – of re-offending for these high-risk youth offenders," says Brian.

Programme Manager for the pilot site in Christchurch and former Community Probation Service Manager Nick Scott says the partnership between Child, Youth and Family and the Department of Corrections allows for a greater level of coordination, and is one of the key differences of the Programme.

Nick also says that basing the Programme on Multi-Systemic Therapy differentiates it markedly from other approaches. "Multi-Systemic Therapy has been used in New Zealand for around a year now, primarily within the mental health area. Early results with this population are very promising."

Another strength of the Programme is the focus on working with the offender's family/whanau or caregiver. The Programme Case Workers will work with the family/whanau members to address the factors that are contributing to the youth's continued offending. While each family has one allocated Case Worker, the Case Workers work in teams to provide a 24 hour, seven days a week service.

Multi-Systemic Therapy – an overview

Multi-Systemic Therapy (or MST) is an intensive community-based intervention programme for high-risk recidivist youth offenders.

The programme is demanding and very goal-focused. It is designed to work within the whanau/family's existing environment to achieve sustainable changes that can be maintained after the completion of the Programme.

Services are time-limited, individualised and provided in the context of whanau/family values, beliefs and cultures. A team of Case Workers provides services 24 hours a day, seven days a week.

Case Workers carry small caseloads of 4 to 6 and are responsible for the delivery of the treatment and the Programme outcomes.

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From the General Manager

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

As you may have seen, the Government recently announced additional funding for the Community Probation Service. The Service's overall budget of \$81.3 million will increase by \$8 million in the 2003/4 financial year, and then by a further \$3.3 million in the following year. In real terms this means a 22% increase in the number of Probation Officers over the next three years plus training budgets will be boosted by almost 80%.

The resources in the first year will help meet increased volumes and demand pressures that have occurred since the new Sentencing and Parole Acts were introduced last year. The extra resources in the second and third years will help to improve the quality of sentence management, particularly of high-risk offenders.

This is the culmination of a lot of hard work over the last few months – and the next few months will see some complex planning to allocate the first of the new resources.

Another positive this quarter is that a settlement has been reached with the PSA on the Collective Agreement for Probation Officers and Administration Officers, and has been ratified by staff. This is good news for all parties – and again, one that has come about after a great deal of hard work.

This issue of Judges' Update takes a look at the new Reducing Youth Offending Programme being piloted in Auckland and Christchurch. It's an intensive and innovative programme that aims to identify, assess and work with high-risk youth to reduce their potential for offending.

The insert included with this issue has been created to give you a quick reference guide to the Programme. I hope you will find it useful.



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

The business of predicting risk

Department of Corrections psychologists continue to monitor the latest developments in risk assessment.

Director of the Psychological Service within the Department of Corrections David Riley says an assessment of an offender's risk is fundamental to almost every decision made during their passage through the criminal justice system.

"It affects everything from considerations as to whether the offender should be remanded in custody to the level of restriction which should be imposed at the time of parole," says David. He also says that the general consensus among criminology scholars is that even simple risk assessment devices such as checklists invariably outperform the judgements of experts, including psychiatrists, Parole Boards, psychologists or experienced Correctional staff.

"Over three quarters of a century ago, Ernest Burgess developed the first scientific risk assessment device by coding items in the criminal histories of 3,000 men released on parole by the State of Illinois," says David. "Since then, this field has seen significant advances, especially over the last 20 years."

David says developments in the area of risk assessment methodology have enabled much more accurate predictions to be made about future violent or sexual offending.

While much of the work in this area has been undertaken in North America and Britain, the New Zealand Department of Corrections has been active also. A detailed risk assessment process has been developed by modelling the relationship between criminal history variables held on offenders in the law enforcement system with subsequent re-offending.

The Department has also been looking at measures developed overseas which predict both sexual and violent re-offending. A recent study using cases released by the New Zealand Parole Board indicated that by applying modern risk assessment procedures, it was possible to correctly identify 75% of those individuals who would commit serious offences in the future, while at the same time only misclassifying 25% of that group as high risk.

In other words, for every three individuals who are correctly predicted to re-offend seriously, only one individual would be falsely placed into this category.

These processes are being used by the Department as targeting guidelines for treatment, and staff of the Psychological Service draw upon this rapidly growing body of knowledge to inform their reports to the New Zealand Parole Board, and also those reports which are required by the Court when a sentence of preventive detention is being considered in accordance with Section 88 of the Sentencing Act. The Department now has available measures which accurately predict the probability that a given offender will re-offend and be imprisoned within a specified time period.

"These are predictions which have the potential to inform decisions in relation to both sentencing and release on parole," says David.

Pilot aimed at reducing youth offending (continued from front page)

"The Case Workers work intensively with the youth offender and their family/whanau for a period of up to six months. The Case Workers are not office-based – we meet wherever it suits the family and will assist them in any way we can. For example, Case Workers may attend meetings at the young person's school if their support is required," says Nick.

One point Nick stresses is the time required to provide information and conduct a detailed risk assessment before an offender is accepted for treatment.

"We do a very thorough risk assessment of the young person and provide information to their family on the expected level of their participation to determine whether they are suitable for the Programme. This process takes two weeks which means judges may be asked to give a remand period of up to four weeks, which is longer than usual." Nick adds that young people detained in custody will be given priority for assessment.

Programme Profile: *Straight Thinking*

Straight Thinking is one of the Department of Corrections' core programmes. The Programme aims to increase the motivation of offenders by targeting the beliefs, attitudes and behaviours that led to their offending, and helping them recognise the consequences of their actions.

It is also used to encourage offenders to attend other programmes which are specifically designed to reduce re-offending.

Straight Thinking is an intensive 70-hour programme, divided into two-hourly sessions. Topics covered in the Programme include:

- self-control
- thinking
- social and problem-solving skills
- victim awareness
- creative thinking
- critical reasoning
- social perspective taking
- values enhancement

The Programme is particularly effective for offenders who have a medium to high risk of re-offending and have been assessed as having a cognitive skills deficit. Offenders must show some willingness to work towards change and demonstrate a lack of reasoning or thinking skills as a key factor in their offending.

Straight Thinking is available to male and female offenders of all ages and ethnic groups, either in prison or on community-

based sentences. Corrections staff refer offenders for assessment for the programme, role model appropriate behaviour and give offenders the support necessary to complete the programme.

In the year 2001/02, nearly 600 offenders were accepted to attend a Straight Thinking programme, with around 60% graduating.

What Straight Thinking facilitators say about the Programme:

"The programme teaches offenders that offending doesn't just happen out of the blue, but is preceded by thoughts about the event. A lot of people say it gives them options they never would have considered."

Sue Linklater, Straight Thinking facilitator, Christchurch.

"Straight Thinking addresses the offender's behaviour and helps them see the big picture by thinking about the consequences of their actions, looking at their lifestyle and relationships. Skills learned on the programme, such as problem solving, are easily transferable into their daily lives."

Hazel Mitchell, Straight Thinking facilitator, Napier.

"It gives people an opportunity to learn in a different and perhaps more successful way than they might have been used to at school. The Programme has three different learning styles, so you are usually able to cater for everyone's needs. The aim is that they can use the things they learn in daily life to make it less likely for them to re-offend."

Tim Marshall, Straight Thinking facilitator, Gisborne.

Cultural Assessment expanded

The pilot of Specialist Maori Cultural Assessment, underway since November 2002 in central Auckland and the Waikato, has recently been expanded to include female offenders. The Waitemata CPS Service Centres are also now part of the pilot.

Specialist Maori Cultural Assessment (SMCA) is expected to provide more comprehensive cultural information for sentence planning and sentence management, as well as potentially improving the motivation of eligible offenders to address their cultural needs.

Maria McDonald, Manager, Cultural Perspectives, says SMCA is a key element in the Department of Corrections' strategy for effectiveness

for Maori.

"As a Department, we have a strategic goal of improving outcomes for Maori communities," says Maria. "SMCA is another tool to help us work more effectively with Maori offenders."

At this stage, the cultural assessment process is being used with a limited number of Maori offenders who receive sentences of longer than 13 weeks in custody or supervision in the community. The use of the cultural assessment process is likely to be expanded once it has been fully tested during the pilot.

During the pilot, offenders are referred for a Specialist Maori Cultural Assessment immediately post-sentence if there are indications pre-sentence that

this may be beneficial for the sentence planning process.

Maria says feedback from offenders involved in the pilot so far is very positive. "Offenders seem to be responding very well to the style of the assessment. We are encouraging staff to make sure any eligible offenders are referred so that the potential benefits of this assessment for Maori offenders can be fully tested."

The initial pilot will go until 30 June 2003. An external review of the pilot is being undertaken to ensure that learnings from the initial pilot period can be incorporated into future development and use of the cultural assessment process.

Drug dependency and the Courts

In March, Community Probation Service Operational Policy and Planning Manager Tracy Mellor took part in the Institute of Judicial Studies conference: *Drug Dependency and the Courts: Options for Intervention*. Tracy's presentation focused on 'Sentencing Options and Outcomes – the interface between the Courts and Community Probation Service'.

Substance abuse is a major problem and one of the primary risk factors that gives rise to and sustains offending. Department of Corrections assessments indicates that 70% of offenders link their most recent offending with alcohol and other drug issues.

Effective treatment requires assessment of needs, recommendations of appropriate sentences and interventions and sentence management to ensure the offender is complying with their sentence plan.

Assessment

A Probation Officer uses the pre-sentence assessment to evaluate an offender's risk. If the offender is assessed as 'high risk', the Probation Officer will then assess any substance abuse needs the offender may have that relates to their current offending.

Effective treatment means assessment of needs, recommendations of appropriate sentences and interventions and sentence management to ensure the offender is complying with their sentence plan.

The offender's motivation to address their offending is also analysed before the Probation Officer makes a recommendation to the Judge on the

appropriate sentence and interventions for the offender. During this process, the Court may also order the offender to undertake an alcohol and drug assessment which will determine whether the offender receives community-provided alcohol and drug treatment.

The change in the legislation last year means that offenders only on Community Work cannot attend programmes. If a community-based sentence is appropriate, the Probation Officer will recommend that high-risk people are sentenced to Supervision so their needs can be addressed. This may be in addition to Community Work.

Interventions for drug and alcohol needs

Criminogenic programmes offered by the Department are the key interventions for offenders with alcohol and drug needs who are motivated to change their behaviour.

These 100-hour programmes are delivered by highly trained facilitators over 10 weeks and are aimed at:

- Identifying the relationship between alcohol and drug and other needs;
- Changing the way in which the offender thinks and solves problems;
- Providing skills and strategies to cope in high risk situations; and
- Providing relapse prevention and maintenance techniques.

Young offenders in Auckland and Christchurch may also be referred to the pilot Reducing Youth Offending Programme (see front page article and insert).

The Probation Officer will work with the offender to ensure that they are attending their recommended interventions and meeting the other requirements of their sentence.

Offenders may also attend health-funded community providers or treatment centres for substance abuse. The emphasis of these programmes is on the addiction and health aspects of

substance abuse. These programmes are used for those offenders who do not meet the criteria for the Department's main programmes.

Other interventions

If the offender is not highly motivated or if Maori cultural needs are identified, the Probation Officer may instead recommend the offender attends a Straight Thinking or Tikanga Maori programme, or both.

A mental health study in 1999 estimated nearly 90% of prison inmates had a history of drug and alcohol abuse or dependence at some time in their lives.

Victim Notification

The enactment of the Victims' Rights Act 2002 on 18 December last year ensures victims of serious crimes are provided with more information about the management of the offender throughout their sentence insofar as the victim's physical safety and security may be affected.

Sections 30 to 48 of the Act details specific responsibilities for various government agencies and departments, including the Department of Corrections with regards to certain offences. In order to fulfil these obligations and integrate their services as much as possible, an Agreement Concerning Victim Notification has been made between the Police, the Departments of Corrections, Labour and Child, Youth and Family, the New Zealand Parole Board and the Ministry of Health. The Community Probation

Service also communicates with Public Prisons Service, Department for Courts and victim support groups, to enable the smooth running of the Victim Notification service.

Under the new legislation, Police are the main contact for receiving victim notification applications and co-ordinating the agencies involved. This was previously carried out by the Department of Corrections.

The Department of Corrections will continue to provide people on its Victim Notification Register (VNR) with information about offenders serving custodial sentences, and now has an additional responsibility to provide information about offenders serving community-based sentences, for example, parole.



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