

JUDGES' UPDATE

FEBRUARY 2002

Information for the Judiciary



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YOUR INPUT

Welcome to the February issue of *Judges' Update* for 2002. If you have any comments or suggestions for this publication, please contact the General Manager Community Probation Service.

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Home Detention trends emerge

More than 1540 offenders have been released to Home Detention since its introduction to New Zealand in October 1999.

Trends are now beginning to emerge around the use of Home Detention and these are detailed in the recently released Ministry of Justice publication, *Conviction and Sentencing of Offenders in New Zealand 1991 to 2000*.

The report presents figures on the use of Home Detention in 2000.

In that year, there were 5,385 cases where a court imposed a prison sentence of two years or less, and for 1,602 cases, leave was granted to apply for Home Detention. Of these 1602 offenders, 731 had a Home Detention hearing in 2000 and 392 eventually had their release to Home Detention approved in 2000.

Other findings around front-end Home Detention included:

- Whether or not the court granted leave to apply for Home Detention varied significantly by the type of offence. Forty five percent of offenders imprisoned for two years or less for a drug offence and 37 percent of offenders imprisoned for a traffic offence were granted leave to apply, compared to 6 percent of offenders imprisoned for an offence against good order and 16 percent of offenders imprisoned for an offence against justice.
- The fewer times an offender had been to prison previously, the more likely they were to be granted leave to apply for Home Detention. Forty one percent of offenders who had not been imprisoned in the last 20 years were granted leave to apply, compared to 18 percent of those who had been imprisoned more than five times.
- Female offenders were more likely than male offenders to be granted leave to apply by the courts (45 percent of cases compared to 28 percent).

The report also covered pre-parole Home Detention, where inmates are released

from prison to Home Detention, up to three months prior to their parole eligibility date. This is also known as "back-end" Home Detention. The data revealed:

- Of a possible 1040 inmates who could have applied for pre-parole Home Detention, 18 percent had a Home Detention hearing before a District Prisons Board or Parole Board in 2000.
- Female inmates were more likely than male inmates to have a Home Detention hearing (33 percent and 18 percent respectively).
- The likelihood of a Home Detention hearing was higher for inmates with sentences less than four years. Inmates with sentences of more than seven years rarely had a Home Detention hearing before a Parole Board.
- Whether pre-parole inmates had a Home Detention hearing varied significantly from prison to prison. Female inmates at Arohata Prison (42 percent) and male inmates at Manawatu Prison, Dunedin Prison and Invercargill Prison (all 38 percent) were the most likely to have a Home Detention hearing. Only five percent of male inmates at Rimutaka Prison had a hearing.
- Data showed that 189 pre-parole inmates had a Home Detention hearing in 2000. Forty seven percent had their release to Home Detention approved and the same percentage had their application declined. Seven percent had the decision deferred.
- Whether Home Detention was approved varied according to the type of offence, with 70 percent of inmates sentenced for drug offences having their applications approved. For violent and property offences the proportions were 30 percent and 36 percent.
- Only one of the 90 pre-parole inmates whose Home Detention ended in 2000 was recalled to prison. For front-end offenders only five were recalled to prison in 2000.

From the General Manager

This year, a major priority is planning for and implementing the changes that the new Sentencing and Parole Reform Bill will bring. The Justice and Law Select Committee is currently considering public submissions on the Bill and we are anticipating a provisional implementation date of the new legislation on 1 July.

*Community Probation Service is working with the Department's other Services and Groups to ensure any changes are planned for and can be incorporated into our operations. This work is progressing solidly. See the story on this page, **Sentencing Reform planning work intensifies.***

This planning work is happening at the same time as the final stages of the implementation of Integrated Offender Management. Assessment training for Probation Officers has been fully implemented in six Areas, and is well underway in the remaining nine Areas of: Taitokerau, Waitemata, Auckland, Manukau, Hawkes Bay-Gisborne, Taranaki-Wanganui, Tararua, Dunedin and Invercargill. This training, which covers the preparation of the new-style remand reports for the courts, will continue until June.

These Level 2 assessments, which are completed on high-risk offenders, explore their behaviour, thoughts, and feelings related to offending and examine their social circumstances. The assessments focus on the key factors present just prior to and during the offending. 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.

Thank you for your feedback on the usefulness of these reports. Your suggestions will be incorporated and by April you should be seeing revisions in the content of the reports.



Ann Clark

General Manager

Community Probation Service

New programmes roll out nationwide

Twenty four trained Probation Officers are now running new driving, violence and alcohol and drug programmes with offenders in Waitemata, Auckland, Manukau, Hamilton, Bay of Plenty Coast, Wellington, Nelson and Christchurch. Programmes will start in Rotorua and Taranaki Areas by the end of April.

These new programmes are called: Making Our Drivers Safe, the Violence Prevention Programme, Substance Abuse Programme and the Mixed Programme, which is a generic programme targeted at a range of offending needs.

These programmes, developed by the Department of Corrections, are based on research that 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 provide offenders with the strategies needed to cope when they find themselves in the same situation again.

These programmes support the existing programmes Community Probation Service uses with offenders, such as Straight Thinking, and the tikanga Maori programmes like Te Wairua O Nga Tangata Maori.

As part of the new IOM assessment process, Probation Officers are now recommending a sentence of Supervision with a condition to attend the Making Our Drivers Safe programme for many high-risk driving offenders appearing in court for sentencing. 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 also 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. These programmes are for offenders of all ages and ethnicity and are specifically for people 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 and subsequent participation.

Managing offenders' reintegrative needs

Probation Officers in Greymouth and Nelson are nearing the end of the pilot for Reintegrative Services, the final component of IOM.

Greymouth Service Manager Raymond Clark says all the Probation Officers in Greymouth are working with Reintegrative Services and are enjoying being part of the pilot.

Reintegrative Services attempts to provide offenders with the skills to manage or overcome social or environmental issues, such as budgeting, that face offenders when completing their sentence. This may involve referring them to community providers or government agencies such as the Department of Work and Income.

Head Office Reintegrative Services Project Co-ordinator Sara Mace says no major barriers affecting the nationwide implementation have been identified by the pilot.

"The Probation Officers involved in the pilot have not found the process difficult to integrate into business as usual. In most cases it's not a big change to the way they have been working. Reintegrative Services essentially just puts a formal process around the type of work they've always done with offenders." An offender's reintegrative needs are assessed as part of the new Level 2 assessment process and again after sentencing, to see what level of support they need. This information is then included in the offender's sentence plan. The information collected during the pre-sentence social circumstances assessment forms the basis of the post-sentence procedures. Offenders being considered for release from prison are also assessed for their reintegrative needs.

About 50 offenders are involved in the pilot, which runs until the end of February. It is then expected to be rolled out around the country from March in Areas that have completed Assessment training and from May in other Areas.

Sentencing Reform planning work intensifies

The work being done by Community Probation Service to plan for the introduction of the Sentencing and Parole Reform Bill is intensifying as the likely implementation date of 1 July draws closer.

The new legislation is likely to have a significant impact on our work, as it proposes two new community-based sentences, Community Work and Supervision, which will replace the current four sentences of Community Service, Periodic Detention, Community Programme and Supervision.

Community Probation Service staff are currently working on developing new operational practice and planning for potential training requirements, with staff training expected to take place around May and June.

Staff have been consulted on the potential Human Resources impacts of the legislation and work is underway to brief community organisations who currently sponsor offenders on community sentences. Under the new legislation, these organisations will be known as agencies and changes are expected to existing rules for offenders on community placements with these groups.

General Manager Ann Clark says the Community Probation Service is working alongside staff from the wider Department in planning for the legislation.

"We will be managing these changes to ensure that any impact on our service delivery to courts and the judiciary is minimised."

She notes that offenders are required to be sentenced to Supervision with special conditions (with or without Community Work) in order to take part in rehabilitative programmes or Straight Thinking. See story on opposite page, *New programmes roll out nationwide.*

Department's Treaty of Waitangi plan released

The Department of Corrections has released the Treaty of Waitangi Strategic Plan 2001-2003. The plan has been produced by the Department's Cultural Perspectives Unit and is the result of wide consultation with Maori groups and communities.

A supplementary document, Let Maori Take the Journey, has also been released. This is a summary of the hui and written submissions that informed the Strategic Plan.

The Department's Treaty Relationship Manager Charlie Tawhiao says supporting Maori aspirations for wellness and well-being is the key theme of the strategy.

"The strategy aims to support that by initiating partnerships with Maori as well as ensuring Corrections services are effective and responsive for Maori."

The plan sets out how the Department intends to address its responsibilities under the Treaty of Waitangi. The strategy will have a number of implications for the Community Probation Service, covering both operational and human resources initiatives.

The documents are available on the Department's website, or from the Information Centre, phone 04 460-3217.

Structured Individual Programme begins

Earlier this month, five Probation Officers graduated as Structured Individual Programme trainers and are currently training colleagues in their regions in how to deliver the programme to offenders.

By the end of March, selected Probation Officers in Bay of Plenty Coast, Nelson Marlborough West Coast, Hamilton and Rotorua Areas will have been trained and will be running the programme with offenders.

The next Areas where Probation Officers will be trained are Wellington, Dunedin, Invercargill and Christchurch, from May.

The programme targets high-risk offenders who are unable to attend the longer programmes due to geographic location or sentence length. The programme enables Community Probation

Service to provide individualised targeted programmes to offenders in locations such as the West Coast, where it can be difficult to bring a group together.

The main aim of the programme is for offenders to understand their offending patterns, develop specific skills to prevent relapse, including specific modules that are targeted at alcohol and drug use, violence, lifestyle balance and mood states, depending on the individual needs of the offender. The programme is 25-30 hours long and spread over 10 to 15 sessions in either a group of up to three or individually with the Probation Officer.

By the end of June, it is expected that about 90 offenders will have started and/or completed a Structured Individual Programme.

IOM enhancing management of offenders

The implementation of IOM has seen a boost in co-operation between Community Probation Service, Psychological Service and Public Prisons Service staff in Auckland.

Community Probation Service's Auckland Service Manager Brian Williams says he has been impressed with the way staff from all Services have worked together to support Probation Officers while they complete their first IOM assessments on offenders.

IOM has introduced a more consistent way of assessing offenders' needs, risk and willingness to change. The same process is used for developing sentence plans and approaching intervention, whether for offenders in prison or on community-based sentences.

After completing their training, Probation Officers are required to take part in Supported Practice, where they interview an inmate in prison and complete the assessment, observed by a psychologist from the Psychological Service. The psychologist provides support and advice from the pre-interview through to post-interview stage.

Brian says protocols have been developed with staff at Auckland Central Remand Prison and Mt Eden Men's and Women's Prisons, which have smoothed the way for these Supported Practice interviews, which can take up to five hours in total.

"It's made things a lot smoother, in terms of Probation Officers coming and going from prisons and being able to find an appropriate place to conduct quite long interviews with inmates."

Brian says that Probation Officers and prison sentence planners have done the IOM training together, which has also had positive spin-offs on their working relationships.

"It has given Probation Officers a better understanding of PPS and it has also given those PPS staff a better idea of the Probation Officer's role."

By increasing understanding and co-operation between staff in the different Services, the implementation of IOM will lead to better management of offenders, both those in prison and those serving community-based sentences.

Odd spot

In the news....

Finland's courts have handed down a \$US100,000 speeding fine to a senior executive, after he was caught racing his motorbike down a Helsinki street, doing 47mph in a 31mph zone. Finnish traffic fines vary according to the offender's average income, however, the executive is appealing the record sentence because his income dropped drastically after the previous year, when it was boosted by big stock option sales. His appeal will be heard in May.

Former British prison inmates can now get back in touch with former cellmates thanks to a website. The site is based on the successful Friends Reunited site and it is operated by former inmates, who insist that the site is not a forum for organising crime, despite the tongue-in-cheek welcome on the site: "Should you find old friends or colleagues, you may be able to share those old times again or work together on your latest venture."

"A Judge is not supposed to know anything about the facts of life until they have been presented in evidence and explained to him at least three times."

- Lord Chief Justice Parker.



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