

# JUDGES' UPDATE

MAY 2002

Information for the Judiciary



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## YOUR INPUT

*Welcome to the May 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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## New Community Work sentence starts soon

With Parliament passing the Sentencing Act (2002) and the Parole Act (2002) earlier this month, Community Probation Service is now in the final stages of planning for the implementation from 30 June.

The biggest change is the replacement of Community Service and Periodic Detention with the new sentence of Community Work. The sentence of Supervision is modified under the new law and Community Programme is abolished.

Judges will determine the number of hours of Community Work an offender is sentenced to, between 40 and 400. The Probation Officer will determine what type of work the offender will undertake, either supervised work at a Community Work Centre or an individual placement with an approved agency, or a combination of both. The Probation Officer will consider the offender's character and history, physical and mental capabilities and the outcome of any restorative justice processes when making this decision.

For a short time there will be a transitional phase with two systems in operation. Offenders already sentenced to Community Service or Periodic Detention will complete their sentence under the old system and offenders sentenced after 30 June will be managed under the new sentence requirements.

Community Probation Service staff have been briefed on the new legislation, and Probation Officers with responsibilities for Community Work will receive in-depth training in June.

There will be a settling-in period as staff adapt to the new legislation and the transitional arrangements, although the implementation period will be managed so court servicing levels are not adversely affected.

The legislation's main impact on pre-sentence reports will be the incorporation of the new sentencing principles and conditions for Supervision and Release on Conditions. Rehabilitation and reintegration are core principles for pre-sentence reports and there is also more focus on reparation.

# From the General Manager

Parliament's passing of the new sentencing legislation has been hard to miss, with considerable media coverage of the new legislation including the usual debate on crime and justice issues.

Away from the headlines, Community Probation Service staff are working hard to be ready for the Sentencing Act (2002) and Parole Act (2002) when they become operational on 30 June.

The new legislation comes at a time when the Department of Corrections is in the final stages of implementing Integrated Offender Management. The new legislation does not change IOM. Under the new legislative requirements, the same processes and tools will be applied when assessing and managing offenders.

IOM is based on research findings that show that efforts to reduce re-offending are most effective when targeted at high-risk offenders, are tailored to their individual needs and where there is a willingness to change on the part of the offender. These principles remain the same as Probation Officers begin working under the new legislation.

One of the final parts of IOM to be rolled out across Community Probation Service and Public Prisons Service is Reintegrative Services. Recent issues of Judges' Update have covered the work being done to prepare and pilot Reintegrative Services. By addressing reintegrative needs such as accommodation and employment, the offender's response to programmes can be improved. See the story in this issue 'Sentence management process upgraded.' We look forward to working closely with the judiciary over the next few months as we all get used to working with the new legislation.



Ann Clark

General Manager

Community Probation Service

## Sentence management process upgraded

**The February issue of Judges' Update reported on the pilot of Reintegrative Services, the component of IOM which attempts to provide offenders with the skills to manage or overcome social or environmental factors that could be barriers to remaining offence-free. The pilot was successful and the Reintegrative Services process is being rolled out nationwide.**

The Reintegrative Services process is being used by both Public Prisons Service and Community Probation Service. Within Community Probation Service it standardises work that Probation Officers have always done and is a way of managing risk, sentence compliance and improving offenders' responsivity to programmes, says IOM Implementation Manager Richard Bargh.

"Reintegrative Services enables issues such as accommodation, employment and finances to be identified and addressed. When these needs are addressed, an offender's response to programmes is improved." For offenders who have completed a programme, addressing their reintegrative needs helps them to maintain what they've learned from the programme and helps prevent them from getting into situations where they can no longer cope, situations that in the past would have led to them re-offending.

An offender's reintegrative needs are assessed to see what level of support they need. This information is then included in their Sentence Plan. Offenders being considered for release from prison are also assessed for their reintegrative needs.

The sentence planning/sentence management process Probation Officers use with offenders has been upgraded to include findings from the pilot, which took place in Nelson and Greymouth from November to February. Probation Officers in Hamilton, Rotorua, Bay of Plenty Coast, Nelson Marlborough West Coast, Christchurch and Invercargill Areas are now receiving refresher training, incorporating Reintegrative Services.

## Justice Richard Heron

**Parole Board chairman and High Court Judge, Justice Richard Heron died of cancer at Easter.**

Community Probation Service General Manager Ann Clark would like to acknowledge the contribution made to the justice system by Justice Richard Heron.

"Justice Heron had a long and distinguished career as a judge and we always had a very good working relationship with him. I would particularly like to acknowledge his leadership of the Parole Board," Ann says.

Justice Heron retired from the High Court at the end of last year due to ill health, but continued as chairman of the Parole Board. His last meeting was a month before he died. He was New Zealand's longest-serving High Court Judge, with the Scott Watson trial one of his most well-known hearings.

At his retirement he described his career as a "remarkable adventure" which he was leaving early because of his ill-health. He also indicated that his work on the Parole Board was the most difficult and most misunderstood aspect of his work.

## ***New Zealand Home Detention different from UK system***

The United Kingdom's system of Home Detention has grabbed the headlines recently, with stories of offenders committing crimes after being released early from prison on the scheme.

This publicity makes it timely to take a closer look at the differences between the UK system of Home Detention and our own, says Community Probation Service General Manager Ann Clark.

The UK has two variations of the scheme, an early release option, where inmates may be released from two to 12 weeks early from prison and a front-end option as an alternative to imprisonment. This second option has had only limited uptake.

However, unlike New Zealand, offenders on Home Detention in the UK may not be under the supervision of a Probation Officer, nor will they complete rehabilitative programmes while on Home Detention.

The UK system is also curfew-based. The offender must remain at home during the curfew period only, which is often a nine to 12 hour period from early evening onwards.

Ann Clark says the significant differences between the two systems means that New Zealand offenders have considerably more support, rehabilitation opportunities and supervision while on Home Detention, so that re-offending during the sentence is less likely.

Official UK figures show that about 44,000 inmates were released on Home Detention between January 1999 and December 2001. Figures also indicate 893 offences had been committed by tagged offenders on Home Detention, including rape and serious assaults.

New Zealand figures for 2000 show there were 91 back-end (pre-Parole) inmates who completed an order of Home Detention. Only one of these people was either recalled or returned to prison while on Home Detention.

Both systems include the use of an external contractor to provide the electronic monitoring via an anklet or bracelet.

In England and Wales, young offenders between 10 and 15 years old can now be sentenced to a Home Detention curfew as an alternative to prison.

## ***Probation Officer interviews help with burglary reduction research***

Interviews with Probation Officers will help Ministry of Justice researchers complete a study evaluating what works in reducing residential burglaries.

Probation Officers in Manurewa, Christchurch (Sydenham), Lower Hutt and Rotorua will be selected for interviews by the end of June.

The three-year study is being conducted in partnership with the New Zealand Police and will examine Police practices in relation to reducing residential burglary. In 2000, burglary accounted for 16.7 percent of all offences in New Zealand, with two thirds of these residential burglaries. More than 75 percent of the people surveyed in the 1996 New Zealand National Survey of Crime Victims who felt their neighbourhood had a crime problem identified burglary as their most serious concern.

The Ministry expects the report to be finalised in December 2004.

## ***New initiative aims to help offenders into employment***

A new initiative aimed at helping offenders into employment was launched earlier this month.

Start Over is a scheme which will see staff from Work and Income work closely with offenders, particularly those released from prison, to help them find employment.

The campaign will encourage employers to hire offenders and a new freephone number has been set up so employers can register Start Over

vacancies with Work and Income or request more information.

Corrections staff already address employment issues with offenders as part of the Reintegrative Services component of sentence planning. Work and Income staff will liaise with Corrections staff, building on existing relationships and processes.

Work and Income work brokers will advise Start Over jobseekers about handling discussions about their

history and about promoting their work skills to employers.

If a Start Over vacancy is not filled after two days, it will become available to all Work and Income jobseekers. Because of disclosure issues, employers who register a position with Start Over will not be aware if candidates are offenders or not. However, employers can still perform any usual security and background checks.

## Helping Samoa develop probation services

Community Probation Service's Southern Regional Manager Warwick Duell recently travelled to Samoa to lead a training programme for all five of the country's Probation Officers.

The training was funded by New Zealand Overseas Development Assistance, administered by the Ministry of Foreign Affairs and Trade.

Warwick developed the training and a supporting plain-English training manual for the project.

Wellington lawyer Michael Okkerse co-facilitated the training, which covered assessing offenders, developing an offence chain, offence mapping and relapse prevention skills.

Warwick says the content covered the international approach to 'what works' in reducing re-offending, combined with our New Zealand experience.

"It was very hands-on and was well-received. It was interesting, identifying the relationship between international practices and the Samoan culture and traditions. Their Probation Officers have recognised some challenges in this area. They're keen to look beyond their current approach and develop new skills and more effective ways of working with offenders." The visit was reported on locally by the Samoa Observer, which interviewed Samoa's Chief Probation Officer, Tuli Fepuleai. She said Samoa did not have adequate services for addressing crime-related problems, for example psychologists, alcohol and drug counsellors and rehabilitation centres.

## Papua New Guinea interested in NZ system

Community Probation Service Senior Operations Adviser Jasmine Thompson recently joined Judge Stan Thorburn at a Papua New Guinea conference where 400 representatives from local community groups and the justice sector gathered to discuss alternatives to imprisonment.

Papua New Guinea prisons are overcrowded and remand inmates are often imprisoned alongside sentenced inmates. Many people, particularly young people, are remanded in custody because they can't afford to pay bail. Sometimes they are remanded for years before coming to trial. Many are on minor charges and could have been bailed if they had access to money to pay the bail bond. There is no welfare or benefit system.

Jasmine spoke to the conference about New Zealand's community sentences and how Community Probation Service works. Her and Judge Thorburn's presentation about the New Zealand system generated a number of questions and comments from participants.

Jasmine says taking part in the conference was a good, if slightly unusual experience. "Our hotel in Port Moresby was in enclosed grounds with razor-wire high fences and guards at the entrance."

## Odd spot

### A run-in with the law...

A disqualified driver on the West Coast struck double trouble while driving to court last month. The man was on his way to court to appear on a charge of driving while disqualified when he collided with another car. The car was being driven by none other than Judge Raymond Kean, who was also on his way to court to hear several cases, including the other driver's. The man apologised and said he

was in a hurry because he was a disqualified driver on his way to court. Judge Kean handed him his business card and told the attending police officer that the man was "not having a good day".

Neither party was injured, but the man now faces two charges of driving while disqualified and was also charged with failing to give way. Judge Kean disqualified himself from hearing the man's case

that day and the man was to appear before another judge at a later date.

*(sourced from reports in the Dominion and Evening Post, April 12, 2002)*



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