

# JUDGES' UPDATE

APRIL 2005

Information for the Judiciary

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## Setting release conditions

CPS is managing an increasing number of offenders released on conditions after serving short prison sentences.

In the six months to 31 December, the number of offenders released on conditions was up 22 percent on the forecast figure. In the first half of the 2004/05 year, 2295 offenders left prison on post-release conditions monitored by CPS. The forecast for the six month period was 1882.

The figures are directly related to a rise in the number of short prison sentences being imposed in that period.

### Law change

Changes introduced with s.9, which replaces s.93 (1) & (2), of the Sentencing Amendment Act 2004 allow judges to impose release conditions that can remain in effect for up to six months after the offender's sentence end date.

This means offenders who have served a short term of imprisonment, less than 24 months, can be monitored in the community while they complete a rehabilitation programme, which they might not have enough time to do while behind bars, or if release conditions are only imposed to their sentence end date.

For example, a person sentenced to six months' imprisonment may be released after serving three months and remain on conditions for up to nine months after they leave prison. Nine months gives the Probation Officer plenty of time to ensure rehabilitation programmes are scheduled and completed.

Part of the Probation Officer's role is to keep the offender motivated to comply with all the conditions of their sentence. Setting special conditions that extend six months past the sentence end date gives offenders enough time to get help with alcohol and drug problems, budgeting, education, anger management, parenting, etc.

### YOUR INPUT

*Judges' Update is distributed quarterly to the judiciary, courts, and Parole Board. If you have any comments or suggestions for this publication, please contact:*

**Jacqui Kerr-Bell**  
CPS Communications Adviser  
Community Probation Service  
Department of Corrections  
Private Box 1206  
Wellington

DDI 04 4603025  
Fax 04 4603203

ISSN 1174-8141

Email [jacqui.kerr-bell@corrections.govt.nz](mailto:jacqui.kerr-bell@corrections.govt.nz)



DEPARTMENT  
OF CORRECTIONS

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# From the General Manager

*Tena koutou katoa*

*In recent months, the Department of Corrections has sharpened its focus on reintegration to help offenders as they leave prison to rejoin the community under our supervision.*

*This includes offenders on Parole and Release on Conditions, and those released to serve their sentences on Home Detention.*

*Together with other government agencies and community-based providers, our staff have developed joint initiatives to support offenders with serious reintegration issues.*

*In this issue of Judges' Update, you'll read of projects in Auckland and Wellington to test if our combined efforts can ease the transition from custody to the community.*

*Housing - or lack of it - is identified as a significant barrier to successful rehabilitation for some ex-prisoners.*

*Regaining employment - and keeping it - is another hurdle for offenders trying to contribute to their families and the wider community.*

*By addressing these barriers, we hope to boost each offender's chances of staying out of trouble and avoiding further offending.*

*Judges, too, can enhance reintegration efforts.*

*Using the provisions of the Sentencing Amendment Act 2004, the Court can ensure offenders serving short prison terms have time, once they're released, to complete rehabilitation programmes.*

*This issue also includes an update on the Reducing Youth Offending Programme, which has reached another milestone, and latest statistics comparing CPS with Australian jurisdictions.*

*We've also sent you a copy of the inaugural Snapshot, a new CPS publication designed to give an annual overview of our business.*

*If you have any topics or issues you'd like Judges' Update to address, please contact the CPS Communications Team on 04 460 3025 or email me [katrina.casey@corrections.govt.nz](mailto:katrina.casey@corrections.govt.nz)*

*Noho ora mai*



**Katrina Casey**, General Manager  
Probation and Offender Services

## Setting release conditions *(continued)*

### Standard and Special Conditions

Offenders sentenced to less than 12 months' imprisonment may have conditions imposed on their release. Offenders sentenced to between 12 and 24 months' imprisonment have standard conditions imposed as an order of the court unless the judge specifies otherwise. They may also have special conditions.

### What it means for CPS

The way s.9 (2A) of the Act is written, it's possible that special and standard conditions may be set for different lengths. However, there is good reason that standard

conditions should not end before special conditions.

Offenders released on conditions are supervised by Probation Officers in the community until their standard conditions end.

If an offender is not subject to standard conditions, they cannot be monitored by CPS. Therefore, it is vital that standard conditions last at least as long as special conditions.

When standard conditions are set to end before special conditions Probation officers have been advised to alert the judge either during the court appearance or by means of an application to vary the conditions of the sentence.

# International benchmarking - comparing CPS with overseas

International benchmarking shows the Department of Corrections compares favourably with its trans Tasman counterparts.

New Zealand has been a participating member of the National Corrections Advisory Group (NCAG) since 1998. The group operates under the direction of the Corrective Services Administrators<sup>1</sup> and co-ordinates the Australasian benchmarking project, which was initiated to review benchmarks and best practice across the corrections industry in Australasia.

The Australasian Comparative Analysis 2003/2004 compares figures from New Zealand with eight Australian corrections' jurisdictions. Despite some marked differences in demographics, geography, and systems, the analysis indicates New Zealand is performing well in many areas both in prison and the community.

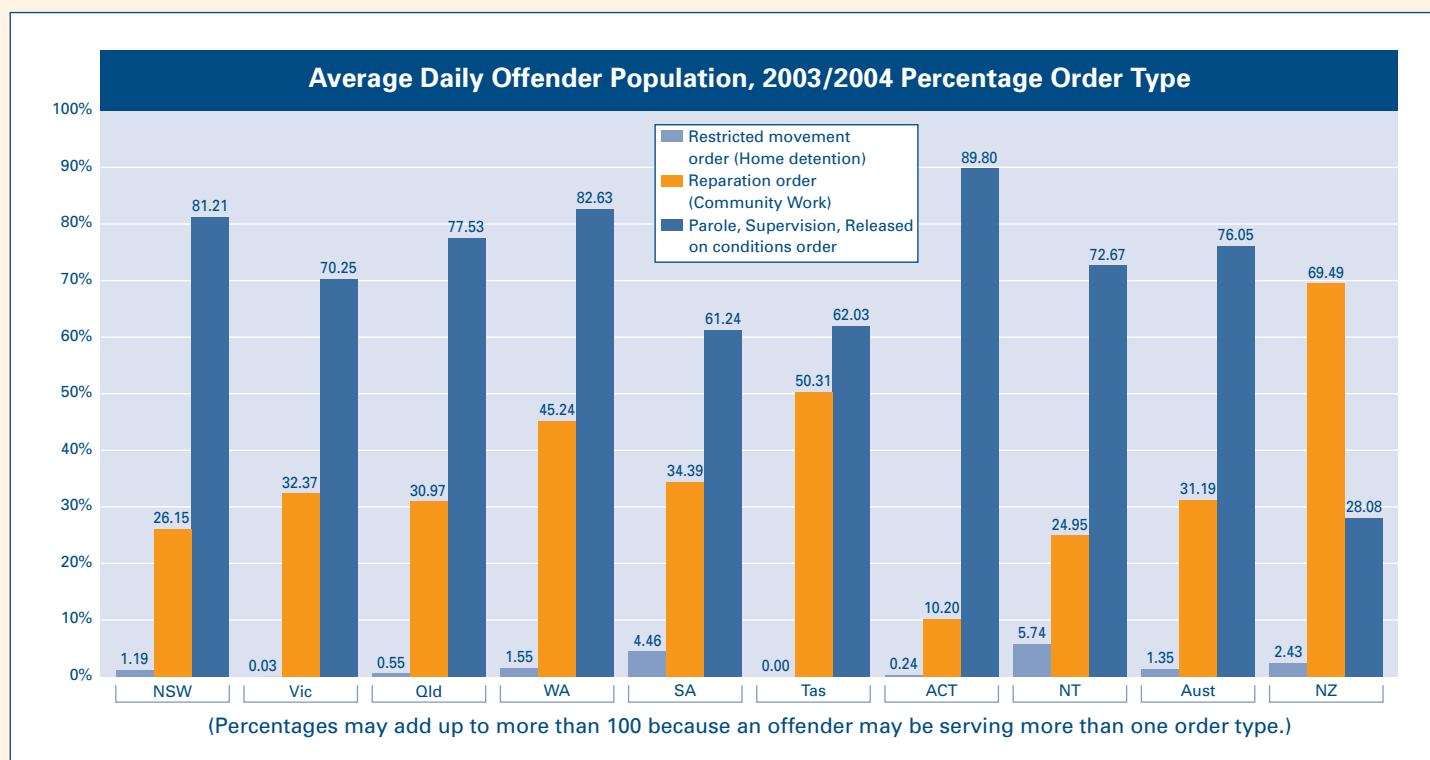
## NZ was the highest/best ranked jurisdiction for:

- Prisoner/prisoner non-serious and other assaults
- Prisoner/staff non-serious assaults
- Prisoner secondary education
- Cost per Home Detention offender
- Cost per report on community-based offenders
- Prisoner:staff ratio
- Offender: Community Work Supervisor ratio
- New offender registrations:staff ratio

## NZ performed less well on:

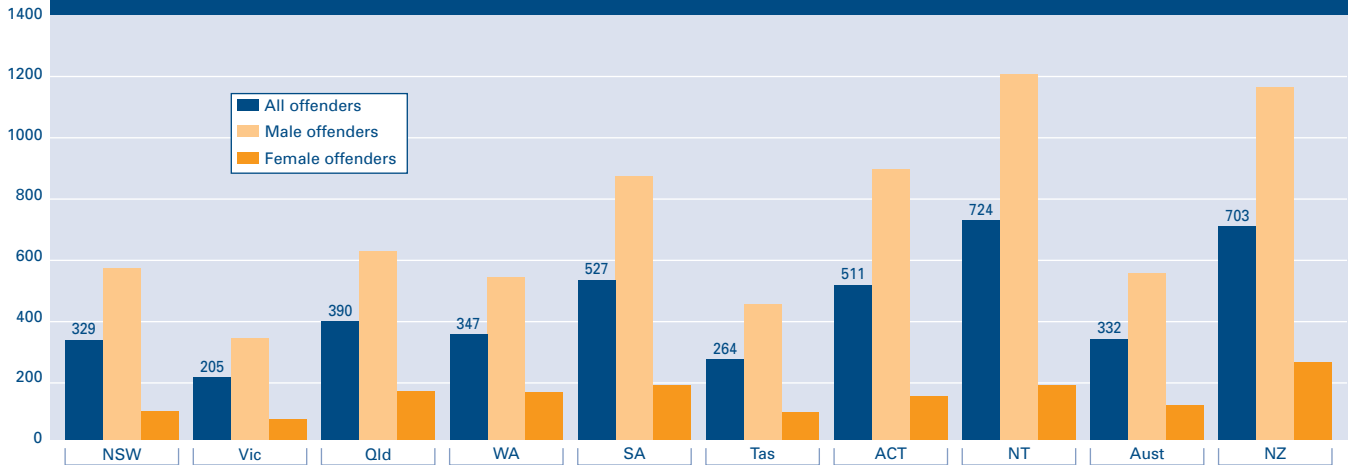
- unnatural deaths (ranking 9th)
- positive tests as a percentage of total random drug tests (sixth, although three states did not offer data)
- inmate employment as a percentage of total inmate population (8th), and
- rate of return of prisoners to corrective services (7th) and rate of return of community offenders to corrective services (6th)

New Zealand was the only jurisdiction where reparation sanctions, such as Community Work sentences, out numbered compliance orders, such as supervision, release on conditions or parole.



<sup>1</sup> The CEs of the various corrective services departments.

## Community-based Offender Rate 2003/2004



New Zealand has 703 community-based offenders per 100,000 adults, more than double the Australian rate of 332 per 100,000. New Zealand's imprisonment rate calculated against the adult population is 200 prisoners per 100,000. That's similar to Western Australia (202.5), but higher than the Australian average of 150 per 100,000 and the rates for NSW (161.4) and Qld (179).

The community-based offender rate refers to the average number of offenders (including those on inactive orders in some jurisdictions) per 100,000 population, calculated on either a daily basis or, where this is not available, on the first day of each month.

All rates are calculated against adult population, based on age of entry to adult corrective services in the jurisdiction (aged 18 years and over in all jurisdictions

except Victoria, Queensland and New Zealand where the rate is calculated against persons aged 17 and over).

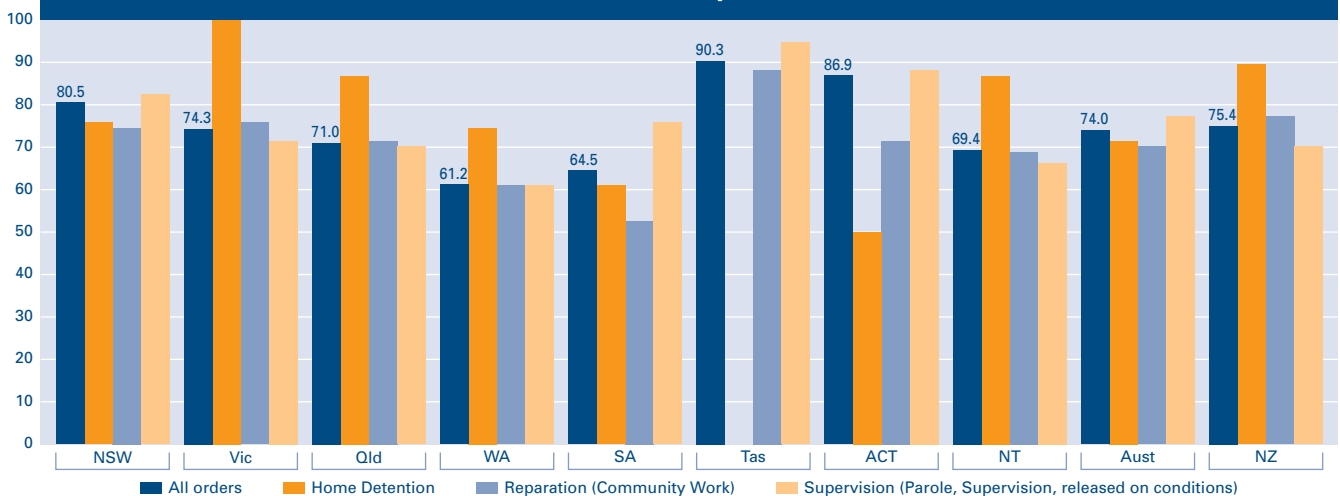
### Staffing

In New Zealand CPS employs one operational staff member for every 22.7 offenders it manages. This is on par with NSW and Tasmania, but fewer than Qld (1:26.6). CPS staff here managed more offenders than counterparts in WA (16.4), ACT (17.7), NT (18.7) and Vic (20.4).

### Home Detention

New Zealand topped the rankings for successful completion of Home Detention orders at 75.4%. Rates for all orders were on par with the Australian average.

## Successful Order Completion 2003/2004



### What's next?

NCAG is developing measures for the 2004/2005 comparative analysis exercise, in particular return to corrections data, staff ratio measures, successful completion of community-based sentences and will conduct a Home Detention benchmarking study.

# Multi-agency approach to reintegration

Reaction's been positive so far to a multi-agency prisoner reintegration pilot based at Rimutaka Prison.

The pilot was launched in October and identifies 10 new inmates each month being released to the Wellington region who present with a high risk of re-offending and high needs.

The project involves Corrections working closely with Work and Income, Housing New Zealand, Wellington City Housing, Prisoners' Aid and Rehabilitation Society, the NZ Police, and a range of other non-government organisations.

Corrections' Regional Reintegration Coordinator Aroha Reweti-Lord (PPS), and Probation Officer Paula Sharpe (Wellington Area) are working full-time on the pilot.

CPS Area Manager Wellington/ Wairarapa Gill Hood says it's a good example of Corrections working with other agencies to improve reintegration services, and reduce any risk to the community.

Paula interviews inmates who're eligible for the pilot before they leave prison, obtaining their consent to take part and to share information between the relevant agencies.

Each inmate has an effective reintegration plan, which is activated by the Operational Project Group, made up of representatives from the participating agencies.

Paula says inmates have welcomed the opportunity to participate in the pilot that addresses some of their more complex needs including housing, employment, benefits, and rehabilitation programmes.

The Operational Project Group meets monthly to review each inmate's reintegration plan, identify any potential issues and risks, and to assign a primary support person who will ensure the appropriate agencies responds to the former inmate's needs.

## *Housing initiative to help reintegration*

A supported accommodation service for released prisoners, being piloted in Auckland, has moved a step closer.

The Department of Corrections has called for proposals from potential service providers to work with the Department and Housing New Zealand Corporation (HNZC) to offer accommodation and reintegrative support services to newly-released prisoners.

Senior Policy Adviser Rachel Lockwood says the pilot will run for about a year, catering for up to 10 offenders at any one time.

The pilot service targets offenders with a serious need for accommodation in the community with the objective of reducing re-offending.

### **Background**

In 2003-04 the Department of Corrections undertook a comprehensive review of its reintegrative services framework, which included hosting a community forum. This identified that accommodation is a key need area for released prisoners and that the Department could improve its provision of services in this important area.

Rachel Lockwood says finding suitable housing is a real issue for many inmates being released. "The pilot will give us a clear indication of how tackling this practical need can affect an offender's reintegration and contribute to reducing re-offending."

### **The pilot**

During the pilot, offenders will increase their level of self-reliance and develop pro-social behaviour. One of the pilot's main aims is for offenders to progress to more permanent housing, and address any other reintegrative needs they may have.

HNZC will provide housing from its community housing stock. A community provider will be selected to provide support to released inmates and manage the tenancies. The Department will remain responsible for supervising the offenders and their release conditions.

The pilot's target group is offenders who have no suitable accommodation options available on their release from prison and who may be subject to Parole or release conditions. They may also have other reintegrative needs that require addressing by the provider.

Potential participants for the pilot will initially be identified as part of the pre-release process for offenders and will then be referred to the provider if they have a reintegrative need for accommodation support and present other reintegrative needs.

Alternatively, offenders already released on conditions who lose their existing accommodation may be referred to the housing pilot by CPS staff.

### **Timeframes**

A preferred provider will be selected and a contract is expected to be signed in the next few weeks.

## Re-offending rates on Home Detention for 1 July - 31 December 2004

Latest figures show that 1.4 percent of offenders who started Home Detention in the six months to 31 December re-offended while on Home Detention. That's down slightly on the 1.7 percent for the 2003/2004 year.

In this period, 13 detainees were charged with further offending.

At the time of their alleged offending, eight had already been recalled for absconding from their residences. Warrants to arrest had been issued but they re-offended before they were apprehended.

Eleven offenders were on front-end orders. Two were charged with violent offences, seven with dishonesty, and one each with property and administration offences.

Two offenders were on back-end orders. One was charged with a further dishonesty offence, the other was convicted on a charge of aggravated robbery, committed a month after he had absconded. A warrant for his arrest had been issued.

In the same six month period, CPS took breach and/or recall action against 10 percent of the 868 offenders who started Home Detention.

The rates of re-offending on Home Detention are still much lower than enforcement rates for other community-based

sentences including Parole, which for the same period range from 23-25 percent.

Re-offending rates on Home Detention	July-Dec 04
New starts	868
No. of detainees charged with further offending	13
No. of breach charges laid	44
No. of recall applications	43
% of new starts charged with further offending	1.4 %
% of new starts subject to recall/breach action	10 %

### Fewer new starts

Meanwhile, the number of offenders starting Home Detention in the second quarter (Oct-Dec) was down 14 percent on the previous three months. The Parole Board also recorded a marked drop in hearings for front-end Home Detention in the six months to December last year.

This has been attributed in part to the Sentencing Amendment Act 2004 which came into effect in July. It tightened the criteria used to determine which offenders are granted leave to apply for front-end detention, and which are eligible for Imprisonment to be deferred while they applied for Home Detention.

## Intervention programme gives offender new attitude

A man who wasted his teenage years on drugs, alcohol and crime says a Community Probation Service intervention programme he did five years ago helped change his life.

Now in his mid-20s, Pete (not his real name) has a wife and child, runs his own business and he's stayed out of trouble for four years.

His downward spiral began at a young age. He'd been abused as a child, and left to care for his younger siblings while his mother went to work. Pete began stealing from neighbours and rebelling. Before long, Pete became a familiar face to Child, Youth and Family, and the Youth Court.

By 17, he'd left home and was living on the street. Mixing with the wrong crowd, Pete began stealing cars, burgling houses and using drugs.

He moved around the South Island leaving a random trail of victims in his wake.

"I've got 50 burglary convictions. And that's only a fraction of the ones I did. I'm not proud of it."

He was jailed, released, and found work

but everything unravelled as he fell back into his old ways. He was caught drink-driving, was sentenced to supervision, bluffed his way through rehabilitation and carried on as before.

The next judge suspended his prison term and ordered him to repay \$7000 to his numerous victims. Again, Pete wasted his chance and wound up back in court facing another jail term.

Instead he was sentenced to what was then called Periodic Detention with a period of Supervision by a Probation Officer. While on supervision, he completed the Invercargill Attitude programme - a prelude to today's Straight Thinking programme for offenders in the community and in prison.

It teaches offenders how to think about what they do before they do it and how to avoid situations where they might re-offend. It also addresses the way their offending has hurt others.

"It made me feel a little bit better that I was staying out of trouble," says Pete. But within months he was back with the same crowd and was locked up yet again for cheque fraud.

The subsequent nine month stint in prison proved to be his last. Pete says he finally realised he was ready to change.

In prison, he was given job as a cleaner and one day overheard other inmates doing the new Straight Thinking programme. It reminded him of what he'd learned on the Attitude programme.

"It just made me really think about the Attitude programme. It really emphasised the victims and explained the effect offending has on the victims. I was able to look back on that whole course that I did. It began to make sense. I was definitely ready for it. It really hit home that what I was doing affected them."

The goals Pete had set during the Attitude course suddenly seemed realistic. "Today I look back and I still think about the Attitude programme daily. I recently came across a wallet full of money and handed it to the police. I feel really good about being honest."

"If I had not done the course, there's no way I would have changed."