Alternatives to Prison
A Report for the New Zealand Council for Civil Liberties

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I Introduction

Many New Zealanders consider themselves lucky to live in such a progressive and forward thinking nation. New Zealand is generally viewed by the international community as a good international “citizen” that respects the rule of law and human rights. In many areas, New Zealand has good cause to be proud. When it comes to the prison system, however, New Zealand needs to make major changes.

Consider the following facts:

- According to the International Centre for Prison Studies, the rate of imprisonment in New Zealand is the second highest in the world. This rate is higher than that in Britain and Canada, even though they have more violent crime.
- In July 2010, Bill English announced that Corrections would soon be the biggest department in the country.¹
- The New Zealand approach to imprisonment has been described by the International Centre for Prison Studies as an example of “what not to do”.²
- Nearly 80% of those sent to prison serve six months or less.³

These facts are reflective of many New Zealanders’ attitudes to crime. Although the crime rate in New Zealand is going down, a 2003 study found that 83 per cent of New Zealanders held inaccurate and negative beliefs that the crime rate was increasing.⁴ Between 2006 and 2009, only 57 per cent of New Zealanders reported feeling “safe”.⁵ In contrast, 75 per cent of United States citizens reported feeling safe, despite a murder rate four times higher than that of New Zealand.⁶

As can be seen from the above statistics, public and governmental attitudes toward crime are unrealistic and overly punitive. This report seeks to explore the alternatives to prison available in New Zealand and internationally in the hopes that by embracing a

¹Roger Brooking Flying Blind (ADAC, Wellington, 2011) at 45.
²Brooking, above n 1, at 33.
³Brooking, above n 1, at 27.
⁴Brooking, above n 1, at 50-51.
⁵Brooking, above n 1, at 50-51.
⁶Brooking, above n 1, at 50-51.
change in approach, crime will be reduced while New Zealand society will become more fair and free.

Scope of this report:

This report considers both alternatives to imprisonment, and prison-based rehabilitation services, which are offered in New Zealand and internationally. It then makes several recommendations towards areas where New Zealand could improve, either by expanding existing policies or adopting practices which operate effectively overseas. It is important to note at the outset that any action taken after an offence has been committed is an “ambulance at the bottom of the cliff” strategy after offending behaviour has become much more entrenched. Therefore it will be less effective at reducing future offending than earlier interventions directed towards the causes of crime which aim to prevent offending in the first place. While there is certainly scope to adopt broader approaches to crime prevention in New Zealand, this report is limited to policies which are offered once offending has already occurred.

II Youth Criminal Justice in New Zealand

New Zealand’s approach to youth offending was revolutionized with the Children, Young Persons and Their Families Act 1989. The Act requires that youth offenders be subjected to alternative procedures other than prison, including diversion and supervision of various forms. Almost 80 per cent of all children and young people apprehended by police are given some form of diversion. Of the youth that appear in the court system, the majority are dealt with by the Youth Court, which approaches offending and sentencing in a unique manner, with imprisonment an absolute last resort. Section 208(d) of the Children, Young Persons and Their Families Act requires that any Court be guided by "[t]he principle that a child or young person who commits an offence should be kept in the community so far as that is practicable and consonant with the need to ensure the safety of the public”.

An important component of New Zealand’s approach to youth offending is the Family Group Conference (FGC). With assistance provided by a Youth Justice Co-ordinator, offenders meet with their family, the police and the victim to decide together how the

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offender can be made accountable for his or her crime and how his or her needs can be met. The participation of victims – where they are willing – can have a lasting impact on youth offenders and can lead to their acceptance of responsibility and remorse.

Donald Schmid conducted a survey of youth justice co-ordinators who play a key role in the FGC process.\(^8\) Half of those surveyed believed the victim’s attendance and input at the FGC was what made the conference effective.\(^9\) Further, according to the vast majority of co-ordinators, a victim’s choice not to attend dramatically reduced the impact of the FGC on the offender and the effectiveness of the process.\(^10\) Co-ordinators found it much more difficult to show the offender the harm from their conduct when the victim was not in attendance, undermining the effort to hold the offender accountable.\(^11\) About 88 per cent of surveyed co-ordinators believed that group conferences could be used effectively with adult offenders, including some who believed the process could be even more effective with adults that young persons.\(^12\)

Usually a plan is formulated at the FGC, and if this plan is successfully completed, the young person may be discharged without receiving a criminal record. Around half of all conferences result in Court proceedings, where a range of orders may be imposed, including Supervision with Activity, where a specified programme may be attended, or Supervision with Residence, where a young person is usually placed in one of four Youth Justice Residences for three months.\(^13\)

According to Principal Youth Court Judge Andrew Becroft, the Youth Court alternatives have been successful; the majority of young offenders have been diverted away

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\(^8\) About three quarters of all co-ordinators responded to the survey.


\(^10\) Schmid, above n 9, at 14.

\(^11\) Schmid, above n 9, at 14.

\(^12\) Schmid, above n 9, at 15.

\(^13\) “Young People and Crime”, above n 7.
from the criminal justice system and kept out of prison. Following this, most have taken the opportunity to maintain a clean record as they age out of criminal offending by their early twenties.

A Rangatahi Courts

The Youth Court has also instituted the Rangatahi court option for Maori youth offenders. These courts initially operated on marae in Gisborne, Manurewa and Waitakere. More recently, three more Rangatihia courts have begun operating in Hamilton, Orakei and Waitara, with their first sittings in 2010. These courts allow both judge and marae elders to monitor young offenders as they complete tasks established in an FGC. The courts were a judicial creation to address the over-representation of young Maori in the Court system. The dual authority of the pakeke of the marae and the presiding judge creates an individualised approach to sentencing and allows the young person to be held accountable to the “victims” as well as the wider community and the marae. The approach has been well received in New Zealand.

III Adult Diversion and Restorative Justice in a Domestic Context

Some of the features of youth criminal justice have been applied to the adult system. Diversion is available to remorseful adult offenders with little or no history of previous offending. This gives offenders a second chance after acknowledging guilt and accepting responsibility for their actions. Diversion also supports victims of crime as the offender is required to offer some form of recompense – often an apology or reparation – to the victim.

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15Judge Becroft, above n 15.

16Brooking, above n 1, at 74.

17http://news.tangatawhenua.com/archives/6844

18Ibid.

19Heemi Taumaunu, District Court Judge “Nga Kooti Rangatahi o Aotearoa (Rangatahi Courts of New Zealand)” (Massey University, 2010).


21“Adult diversion scheme policy” above n 21, at 16-17.
Restorative justice programmes are also used for adult offending. A restorative justice conference is a voluntary meeting held by facilitators with the victim and offender. As the process is non-statutory, it has flexibility to adapt to the needs and circumstances of the offender and victim. Offenders are held to account for their offending and must seek to redress the harm caused to the victim and community: victims may receive an apology, reparation and an understanding of why the crime was committed.

Restorative justice conferences can be a condition of getting police adult diversion, or a mitigating factor pre-sentence, or held after sentencing. Section 8(j) of the Sentencing Act 2002 requires that "any outcomes of restorative justice processes that have occurred, or that the court is satisfied are likely to occur" must be taken into account in sentencing. Thus while offenders who complete the restorative justice process may still be imprisoned, their sentence is likely to be reduced.

Project Turnaround is one example of a community-based restorative justice programme. Of the 750 cases handled between 1996 and 2006, two thirds involved victims. This is a high participation rate compared to other restorative justice processes. Almost all conferences reached an agreement, with approximately 90 per cent of offenders completing all aspects of their agreement within the timeframe. Twelve months after completing their programme, 82 per cent of participants had not reoffended, a very successful rate of reducing recidivism. In 2000, Project Turnaround received an International Community Justice Award in London for “implementation of an outstanding community-based project which places the victim’s views at the heart of the process and which has contributed significantly to reducing reconviction rates while retaining public confidence.”


23“Restorative Justice” above n 23.

24“Restorative Justice” above n 23.

25Judge Becroft, above n 15.

26Judge Becroft, above n 15.

27Judge Becroft, above n 15.

28Schmid, above n 9, at 18.
It should be noted that community-based schemes are highly contingent on the particular individuals involved, and it is often difficult to translate the service in exact form to a different community. There is a "troubling phenomenon experienced in several countries, including New Zealand, where programmes are widely implemented across a correctional system, only to deliver outcomes that fall well short of those achieved by small-scale pilots or the expectation generated by international research".\(^{29}\) This problem typically stems from the use of inexperienced and inadequately trained staff, the lack of availability of expert supervisors, and high rates of participant drop-out and non-completion.\(^{30}\)

The Ministry of Justice released an evaluation of restorative justice programmes in 2011. This assessed reoffending rates over two years following restorative justice conferences held in 2008 and 2009. Offenders who participated in restorative justice conferences in 2009 had a reduced rate of offending that was 20 per cent lower than a similar group who did not receive restorative justice.\(^{31}\) While the reduction in reoffending for the 2008 cohort was not deemed statistically significant, the report notes that this may be due to the reduced sample size in 2008 and the unequal coverage of restorative justice across the court clusters analysed.\(^{32}\) The report concludes that "the congruence with the results from [a 2005 study] provides further weight to the finding that restorative justice reduces reoffending".\(^{33}\)

IV Community-Based Sentences

There are four community-based sentences available in New Zealand: community detention, community work, intensive supervision and supervision.\(^{34}\) The specific

\(^{29}\)"What Works Now? A review and update of research evidence relevant to offender rehabilitation practices within the Department of Corrections” (December 2009) Department of Corrections, at 51.

\(^{30}\)“What Works Now? A review and update of research evidence relevant to offender rehabilitation practices within the Department of Corrections” above n 30, at 51.


\(^{34}\)“Sentence Types” (29 May 2012) Statistics New Zealand <http://www.stats.govt.nz/tools_and_services/tools/tablebuilder/criminal-conviction/info-
requirements of these programmes vary. For example, an offender sentenced to community work must report to a probation officer who will place them with an agency to complete not less than 40 hours of work and not more than 400 hours of work. When required, the offender must report to their supervising probation officer. Offenders sentenced to supervision may be restricted in various ways, concerning their work, residence, associates and special conditions imposed by the court. Intensive supervision is similar, yet may also include participation in residential treatment and training programmes, and requires regular reporting on sentence compliance.

**V Rehabilitation Needs and Programmes**

Dealing with drug- and alcohol-related offending should be a major focus for New Zealand’s criminal justice sector given that 80 per cent of all crimes occur under the influence of alcohol or drugs or to feed a drug habit.

The Government has acknowledged that two-thirds of prisoners have addiction problems, while as many as 90 per cent have literacy issues. This helps to explain why this country suffers from a high recidivism rate. The Government is aiming for a 25 per cent reduction in reoffending by 2017. In order to achieve this, $65 million worth of funding will be reprioritised over the next four years. The extra funding seeks to increase employment prospects for offenders by providing around 8,000 prisoners with expanded rehabilitation services and just under 3,000 with additional employment and education training. The extra funding also seeks to reduce reoffending by providing more support within the community:

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35“Sentence Types” above n 38.
36“Sentence Types” above n 38.
37“Sentence Types” above n 38.
38“Sentence Types” above n 38.
39Brooking, above n 1, at 25.
40(30 May 2012) 680 NZPD.
41(22 May 2012) 680 NZPD.
42(30 May 2012) 680 NZPD.
43(22 May 2012) 680 NZPD.
41,000 community-based offenders will receive increased support from probation officers, with another 6,000 receiving support from iwi and community-based groups.\textsuperscript{44} While we agree that this is a step in the right direction, more is needed to address this pervasive issue.

\textbf{A Alcohol and Drug Offences}

Current processes for treating drug and alcohol addictions are woefully inadequate. For example, only five per cent of the 30,000 people convicted for drink driving each year (a third of which are repeat offenders) are even ordered to have an alcohol assessment, let alone be ordered to undergo treatment.\textsuperscript{45} New Zealand also suffers a shortage of treatment centres: more than a dozen residential treatment programmes have closed down, while those that continue to operate are seriously underfunded.\textsuperscript{46} As a result, these centres have very long waitlists; for example, the average wait for addicts seeking treatment in the Wellington area is 18 months.\textsuperscript{47} District Court judges have expressed concern about the shortage of treatment programmes to the Law Commission, who acknowledged the problem in an August 2009 Issue Paper.\textsuperscript{48} The shortage was also recognised by the National Committee for Addiction Treatment in 2005 and Welfare Working Group in 2011.\textsuperscript{49}

The National Committee for Addiction Treatment recommended an increase in funding for community-based treatment programmes of $150 million over three years.\textsuperscript{50} Community-based treatment is substantially cheaper and more effective than treatment offered in prison: Roger Brooking considers the benefit-to-cost ratio of community-based treatment is four to eight times higher than treatment in prison.\textsuperscript{51} The reduction in re-offending from this recommended investment would result in savings between $1.2 billion and $2.4 billion, mainly in reduced costs of crime.\textsuperscript{52}

\begin{footnotesize}
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\item \textsuperscript{44}Ibid.
\item \textsuperscript{45}Brooking, above n 1, at 25.
\item \textsuperscript{46}Brooking, above n 1, at 26.
\item \textsuperscript{47}Brooking, above n 1, at 67.
\item \textsuperscript{48}Brooking, above n 1, at 65.
\item \textsuperscript{49}Brooking, above n 1, at 66.
\item \textsuperscript{50}Brooking, above n 1, at 34.
\item \textsuperscript{51}Brooking, above n 1, at 37.
\item \textsuperscript{52}Brooking, above n 1, at 35.
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These treatment programs should not be confined to those who undertake them willingly; there is compelling evidence that ‘unmotivated’ offenders can still be effectively rehabilitated.\(^\text{53}\)

**B Literacy**

One major barrier to rehabilitation within prison is the basic or non-existent literacy skills of prisoners – an estimated 90 per cent of prisoners have poor literacy skills.\(^\text{54}\) As a result, offenders may be denied the chance to participate in rehabilitation like drug and alcohol programmes.\(^\text{55}\) For example, one prisoner was denied alcohol treatment until he attended a literacy skills program. He was denied entry into this programme because his literacy skills were so poor that he could not keep up with the group work. He was told that he required one-on-one education, however because Corrections does not provide one-on-one lessons, he was denied any education.\(^\text{56}\) Surprisingly, in 2005 nearly half of the $3 million education budget went unspent.\(^\text{57}\)

**C Prison-Based Rehabilitation Programmes**

The Corrections Department offers two broad types of interventions for offenders who have entered the prison system. The first is rehabilitation, which includes motivating offenders by drawing on their desire to change and addressing the underlying factors of past offending with psychological treatment. The second is reintegration, which teaches skills which will assist prisoners and their families upon released from prison. For example, these can develop family and parenting skills and provide education, qualifications and practical work experience.

The Department of Corrections conducted a review to determine the value for money offered by various Corrections policies. The review found that the effectiveness and cost-effectiveness of prison based rehabilitation reduce as offenders reach adulthood.\(^\text{58}\)


\(^{54}\)Brooking, above n 1, at 90.

\(^{55}\)Brooking, above n 1, at 90.

\(^{56}\)Brooking, above n 1, at 91-92.

\(^{57}\)Brooking, above n 1, at 93.

\(^{58}\)Doug Martin, Richard Tait and Paul Clarke “Value for money review of Department of Corrections” (13 July 2009) Martin Jenkins <http://www.rethinking.org.nz/assets/Cost%20of
offenders may still be rehabilitated as adults, but this is far more expensive and has lower rates of reducing recidivism than earlier intervention.\footnote{59} Thus the review suggested focusing particularly on youth offenders, which can control the longer term costs of their ongoing re-offending.\footnote{60} The review also notes that the Department of Corrections is an “ambulance at the bottom of the cliff” and that, once offenders enter and re-enter the Corrections system, their behaviour is much more entrenched.\footnote{61} Therefore, rehabilitation takes a long time and must be expected to be less effective than earlier interventions outside the Corrections environment.\footnote{62}

The review found that for medium- and high-risk offenders, the benefits of rehabilitative programmes exceed the costs.\footnote{63} However, for low-risk offenders who participate in lower-intensity programmes, the cost of delivering these short-term programmes may exceed the benefits.\footnote{64} There is a difficult trade-off between delivering more expensive programmes which deliver better results, or cheaper programmes with lesser results which may be accessible to more offenders.\footnote{65}

One of the problems with short term rehabilitation efforts offered in New Zealand has been the purpose of the programme. Roger Brooking has criticised the approach of some prison-based rehabilitation programmes, particularly the short-term ‘Straight Thinking’ programme, which was for many years this was a cornerstone of the Department of Corrections’ approach to rehabilitation.\footnote{66} Its purpose was to address the lack of critical reasoning skills required for social integration.\footnote{67} Despite over 10,000 prisoners being
required to attend, it was found that the programme didn’t work (in fact it increased the likelihood of reoffending) and was cancelled in 2006. Brooking contends that one of the reasons ‘Straight Thinking’ was not successful was because it was only 70 hours in duration and it didn’t address drug and alcohol issues. Reasoning skills taught in the programme will, Brooking considers, ‘go out the window’ once an offender is back in society and has relapsed into addiction.

The most effective programmes (with the best results in reducing re-offending) tend to be targeted to higher-risk offenders, are high-intensity (over 300 hours) and are delivered by specialised personnel like clinical psychologists. One of the most effective programmes is the ‘Sex Offender Treatment Programme’, which consists of two 60-bed units within prison where offenders attend an intensive rehabilitation programme 12 hours per week over nine months. A 2003 evaluation of one of the units found that the programme had a 5.47 per cent reoffending rate compared to the untreated group rate of 21 per cent. This type of rehabilitation is effective, yet also expensive, costing around $800,000 more than normal incarceration over the period of the programme. The review suggests extending the Special Treatment Units, as there are only 180 beds available but around 700 high-risk offenders who might benefit from this high-intensity treatment. The difficulty with any extension to these programmes is the limited availability of clinical psychologists, who are instrumental to the programme’s success.

**D Community-based approach to Rehabilitation**

Treatment programmes attended in prison usually lack follow-up. Drug treatment programmes offered in prison in New Zealand run for six months and

68Brooking, above n 1, at 104.

69Brooking, above n 1, at 104-105.

70Martin, Tait and Clarke, above n 62, at [112].

71Martin, Tait and Clarke, above n 62, at 39.

72Martin, Tait and Clarke, above n 62, at 39.

73Martin, Tait and Clarke, above n 62, at 39.

74Martin, Tait and Clarke, above n 62, at [112].

75Martin, Tait and Clarke, above n 62, at [112].
reduce re-offending by about 30 per cent for two years; however, this reduction in reoffending does not necessarily last. While Corrections provides the initial treatment programmes, it does not offer follow-up with treatment on release or aftercare. A U.S. study of 1,461 inmates in California, Texas and Delaware found that 75 per cent of those who had drug treatment in prison but no aftercare eventually re-offended and ended up back in prison. In contrast, when aftercare was provided, only a quarter returned to prison. As this example shows, treatment in prison may not be enough, and post-release community-based rehabilitation needs to be automatic.

E Conclusion about the approach to rehabilitation

A Drug Court pilot is to be established in Auckland for offenders with severe drug and alcohol dependencies, as was recommended by the Law Commission. Results from the five-year pilot will determine the effectiveness, costs and benefits of the Court, after which the scheme may be continued and broadened. It is small-scale at this stage, dealing with approximately 100 offenders per year with treatment-related costs of $2 million. The Court will be open to offenders who plead guilty to an offence where alcohol or drugs were contributing factors, and where there is a serious penalty such as a term of imprisonment of up to three years. Once offenders have graduated from the treatment programme, their success can be considered at sentencing.

Drug courts have been extensively utilised in other jurisdictions, including Australia, Canada, England and particularly in the United States, where 2,300 are

76Brooking, above n 1, at 178.
77Brooking, above n 1, at 178.
78Brooking, above n 1, at 178.
79Brooking, above n 1, at 178.
80Simon Power and Georgina te Heuheu “Drug Court pilot announced for Auckland” (press release, 19 October 2011).
81Power and te Heuheu, above n 87.
82Power and te Heuheu, above n 87.
83Power and te Heuheu, above n 87.
84Power and te Heuheu, above n 87.
Based on the relatively long-term operation of drug courts in US states, they have seen a recidivism rate of only 17 per cent, which stands in stark contrast to a typical recidivism rate of 60 to 70 per cent.86

Another approach to consider would be that of Germany. German courts feature a strong use of suspended sentences. Any sentence of less than two years can be suspended, with a probation period of two to five years.87 The benefit of this is that the court also has the power to mandate treatment for an offender’s drug or alcohol problem as a condition of the sentence.88 This can be done by either attending a course or living in an institution.89 A probation officer is assigned to ensure that the order is followed through.90 In practice German courts suspend roughly three-quarters of all prison sentences of less than one year and 60 per cent of sentences between one and two years.91 Offenders successfully completed the court’s order in around two-thirds of cases.92

In summary, our recommendation is that treatment-based rehabilitation programmes should be utilised as an alternative to prison. We also canvass a range of international approaches for consideration below.

VI International Approaches - Specialist Courts

A The Management Court Proposal (United States and New Zealand)

Prominent New Zealand criminal defence lawyer, the late Greg King, developed the idea of Management Courts after studying similar courts in the United States. These courts emphasise rehabilitation and reintegration in sentencing and parole decisions.93 While Courts

85Brooking, above n 1, at 74.

86Brooking, above n 1, at 76.


88Ibid.

89Ibid.

90Ibid.

91Ibid.

92Ibid.

in the United States typically deal with one aspect of criminality, drug addiction for example, King envisaged a holistic court which addresses the whole litany of issues associated with offenders.94 Thus the court could consider and attempt to treat drug and alcohol issues alongside mental health problems and lack of education or job skills training.

Management Courts can operate both at sentencing and upon release from prison. Where operating at sentencing, the trial judge could refer an offender to the Management Court once guilt has been established. The Court will have wide powers to draw together records and support from many agencies to then develop a personalised programme for the offender. This programme will include punishment conditions, like community work and prohibition from driving, alongside rehabilitative conditions like attending counselling or treatment programmes. Additionally, there could be conditions designed for public safety like curfews or submitting frequently for alcohol and drug testing. Where the prisoner is completing “re-entry management” after release from prison, the needs for punishment, denunciation and deterrence would have already been addressed by their imprisonment, therefore the Court’s primary focus is towards rehabilitation and reintegration.

Management Court appearances would be characterised by interaction and an ongoing relationship between the offender and members of the Court. Judges would speak directly to offenders in a caring and supportive way, congratulating and encouraging their progress and ensuring they are on track with their programme. Additionally, there will be a team of individuals – the judge; police prosecutor; defence lawyer; case manager and others – who provide on-going support for the offender.

This approach contrasts to the current system where judges typically become disassociated with a case once a sentence has been imposed with little ability to oversee its compliance.95 Further, subject to limited exceptions like home detention, the court cannot impose the same variety of conditions on a defendant at sentencing that can be imposed when the defendant was on bail.96 For example, a judge imposing bail can apply conditions like a curfew, restrictions from particular places or people and prohibitions from the use of drugs and alcohol; these cannot typically be imposed at sentencing.97 Thus defendants are often

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94King, above n 100.
95King, above n 100.
96King, above n 100.
97King, above n 100.
subject to far fewer restrictions after sentencing than whilst on bail. Management Courts will instead provide broad discretion for judges to impose a variety of sentences and will require on-going support and oversight from the Court towards the offender.\textsuperscript{98}

King considers that rehabilitative requirements could be imposed even where offenders are not motivated to change.\textsuperscript{99} Past policy has assumed that successful rehabilitation is contingent on an offender being motivated to attend treatment and change; however, extensive research in the United States has shown that rehabilitative programmes can succeed even for people who don’t express a desire to change and are only attending because they are being made to do so by the court.\textsuperscript{100}

**B Drug Treatment Programmes (Kansas)**

Kansas is a state traditionally tough on crime. However, it recognised that prisons are poorly equipped to deal with the root causes of substance-based offending. As a result of this, the state enacted legislation that mandated treatment and supervision rather than incarceration for low-level first and second offence drug possession.\textsuperscript{101} All treatment programmes require training and certification from the Kansas Department of Corrections in order to ensure a high standard.\textsuperscript{102} From a cost standpoint a year’s treatment was US $4,700, while a year in prison was a minimum of US$ 10,000. In addition to this, treatment helps to offset costs of unpaid taxes and child support that might otherwise stem from a drug offender’s incarceration.\textsuperscript{103}

**C Alternatives to Incarceration Programme (New York)**

The Alternatives to Incarceration programme (ATI) aims to lower costs by specifically targeting offenders who would otherwise be incarcerated and placing them in low-cost

\textsuperscript{98}King, above n 100.

\textsuperscript{99}King, above n 100.

\textsuperscript{100}King, above n 100.


\textsuperscript{102}Ibid.

\textsuperscript{103}Ibid.
treatment programmes. Each programme serves the general population and one of three specialised areas: women, youth and substance abusers. Some examples include the Nathaniel Project, which provides intensive treatment for offenders with serious mental illnesses and the Safe Communities Programme, which works intensively with drug addicts. Eighty-six per cent of participants did not reoffend in the next six months, while 66 per cent had not reoffended after three years. This compares favourably with statistics for offenders who did not enter ATI programmes.

D “Joined Up” Policy (England)

The “Joined Up” policy is a government initiative which aims to increase the level of involvement of health and employment experts in the criminal justice system. This is very effective when dealing with offenders with mental health problems or substance abuse issues. Offender-specific orders are implemented through the Integrated Offender Management programme. This helps to treat or rehabilitate offenders by using personnel with relevant, specialised knowledge. This reduces incarceration by steering offenders away from the criminal justice system and more toward health and employment services.

VII Re-integration

New Zealand is woefully inadequate at providing effective reintegration services, which is a substantial contributor to re-offending. One option for offenders released from prison is to stay in a halfway house, which is meant to aid reintegration back into society.

105Ibid.
106Ibid.
107Ibid.
109Ibid.
110Ibid.
111Ibid.
Only two halfway houses are funded by Corrections, with a total of 28 beds nationwide.\(^{112}\) This means that less than one per cent of sentenced inmates are released into Corrections-operated halfway houses or supervised accommodation each year.\(^{113}\) In contrast, 60 per cent of Canadian Federal prisoners are released into halfway houses, and the rate of recidivism for these offenders is substantially less.\(^{114}\)

Other jurisdictions such as the Finland, the United States and Canada have effective models for reintegration that New Zealand would do well to take notice of.

**A Early Release (Finland)**

The Finnish criminal justice system places a strong emphasis on early release. This avoids prison costs as it results in shorter sentences on average.\(^{115}\) The policy is especially strong when it comes to youth offenders. Offenders aged 18 to 20 are released after either one-third (for first-time offenders) or half (for recidivists) of their sentence.\(^{116}\) Once the offender is released he or she is placed on probation for a term equal to the remainder of his or her sentence, but for no longer than three years. If the parole conditions are violated then the offender will be re-imprisoned for the remainder of the sentence.\(^{117}\)

**B Supervised Probationary Release (Finland)**

Supervised Probationary Release is a new form of early release designed for long-term prisoners who are in need of greater levels of support. It involves the probation service drawing up a sentence plan while the offender is still in prison.\(^{118}\) This helps to set goals for the prisoner when he is reintegrated into society.\(^{119}\) The prisoner agrees to abstain from the use of both drugs and alcohol, this is supervised by a probation officer.\(^{120}\) The plan includes

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\(^{112}\)Brooking, above n 1, at 30.

\(^{113}\)Brooking, above n 1, at 30.

\(^{114}\)Brooking, above n 1, at 30.


\(^{116}\)Ibid.

\(^{117}\)Ibid.


\(^{119}\)Ibid.

\(^{120}\)Ibid.
information on housing, employment and community participation opportunities. This helps to reintegrate offenders into society, which they might otherwise be unprepared for.  

C Transition Services (Arizona)

Arizona has introduced a transition services programme in an attempt to reduce the recidivism rate. Prior to release from prison, drug offenders in Arizona are offered a range of services. This includes assistance in finding employment and housing, job training and treatment for their addiction. This recognises that these services help offenders to be far more productive citizens upon release. As one state legislator put it, “You can’t be a good employee if you’re an addict”. The programme is innovative in the sense that it partially funds itself by releasing offenders early. The money saved by taking the offender out of prison is put into treatment.

D Friendship Circles (Canada)

The aim of Friendship Circles is to provide a supportive environment for offenders re-entering the community. The programme involves members of the community volunteering to provide support to offenders. The circles will usually consist of four to six volunteers who meet with the offender throughout the week. The aim is to provide emotional support and aid in dealing with everyday issues. These programmes have been used in tandem with imprisonment so the benefit would be either a decrease in the recidivism rate or the potential for it as a future alternative to incarceration. This approach however, would probably need

121 Ibid.
123 Ibid.
124 Ibid.
126 Ibid.
127 Ibid.
further investigation before being applied here. A similar programme was trialled at Rimutaka Prison and was not found to lower the recidivism rate.

**VIII Recommendations**

- Expansion of rehabilitation programmes within prisons and the community, particularly:
  - For younger offenders, where earlier intervention is more cost effective and has a higher rate of reducing future reoffending than with older offenders where criminality is more entrenched;
  - For alcohol and drug related offences (building on the Drug Court trial), given the severe lack of programmes available in the community and in prisons. It is essential that drug and alcohol rehabilitation offered in prison be followed up upon release by community programmes, to ensure that new behaviour is entrenched; and
  - Expanding prison-based intensive treatment programmes for high-risk offenders like the Special Treatment Units, while recognising the increasing need for clinical psychologists for such expansion.

- Educational approaches
  - An expansion of literacy programmes, as a large percentage of offenders lack competent literacy skills.
  - An increase in prison-based programmes for gaining qualifications and work experience, which would allow offenders to use their time in prison productively and provide them with useful skills for reintegration.

- Create continuity through following up in-prison treatment with programmes in the community

- Consider implementing the Management Court model, both as a sentencing and reintegration tool. This is consistent with the current Drug Court pilot but adopts a broader framework to address the wide range of problems associated with typical offenders.