

Briefing for the Incoming Minister

Department of Corrections

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Executive Summary

The Department of Corrections exists primarily to administer the sentences and orders of the criminal courts. On any given day Corrections manages almost 35,000 offenders serving 40,000 community sentences and orders, and around 8,000 prisoners. The Department also provides information, reports and support to the Judiciary to assist with sentencing, and to the New Zealand Parole Board to assist with parole decisions.

The Department contributes to the wider Justice Sector's overall outcome of a "Safe and Just Society". This is achieved through three intermediate outcomes: "Upholding the Integrity of Sentences and Orders", "Reducing Re-offending", and "Offenders Managed Safely and Humanely".

Estimated expenditure for 2008/09 is \$965 million (funded by \$931 million of Crown operating revenue, plus \$34 million primarily from prison based industries), with assets totalling nearly \$1.9 billion. As a result of a 2003 Output Pricing Review, the Department is currently funded to deliver services to an adequate (or "restore and maintain") standard rather than "satisfactory".

The Department achieves standards of compliance, offender safety and security, and reducing re-offending that are comparable with the best corrections systems in the world. However, in common with many other countries, meeting society's expectations and demands has become increasingly challenging.

The Department currently faces two key challenges:

- strong growth in the community offender population
- ongoing pressure on prison capacity.

Driving these immediate challenges are some critical issues:

- growth in the community offender population has accelerated following the introduction of several new community sentences in October 2007 (the single biggest changes to community sentencing in New Zealand history).
- the Department's Community Probation and Psychological Services have grown by 95% since 2003 - 48% of probation officers now have less than two years experience. However, numbers of requests for pre-sentence reports, and offenders on sentences continue to grow above funded levels.
- the current growth trend in prison numbers commenced in 2003 when the prison population stood at less than 6,000. Despite slowing, following the introduction of the new community sentences, the prison population currently stands at around 8,000. On existing policy and sentencing settings, the prison population is forecast to exceed 10,700 by 2016.
- current prison capacity is expected to be fully utilised by mid-2010, despite significant expansion over the last four years. This pressure is exacerbated by the need to replace some obsolete and unsafe facilities which cannot be upgraded cost-effectively.

- the over-representation of Māori is a more longstanding challenge. Māori make up almost half of the offenders the Department manages, both in the community and in prison. Reducing Māori re-offending is a major priority for the Department.

The Department has made considerable progress with the capability of its staff and systems. However overall growth in numbers of offenders to be managed, combined with large numbers of inexperienced staff (over 40 percent of frontline staff have less than two years experience, due to extensive recruitment over the past five years), means that staff training and support remain a critical focus for attention.

It is acknowledged that further large-scale growth in the country's justice sector poses severe fiscal and operational challenges if not restrained. The Department will continue to work with other Justice Sector agencies on strategies to reduce crime and re-offending. However, it will also be seeking funds both for additional Probation capacity and to commence planning for further prison capacity.

Over the last five years, the Department has significantly improved service delivery and results across most areas of its activity. Examples include:

- continuing reductions in the number and rate of prisoner escapes from Corrections custody
- improved detection of contraband entering prisons, indicated by reduced numbers of positive drug tests
- increased numbers of prisoners in prison-based industries and on temporary release from prison to take up employment
- consistent evidence of reduced rates of re-offending amongst programme participants, at levels comparable with international best practice
- more prisoners involved in adult literacy and other educational courses
- successful introduction of major new community sentence options: Community Detention, Intensive Supervision, and Home Detention as a stand-alone sentence
- better systems and procedures for managing high-risk offenders in the community, including an expansion of electronic monitoring
- comprehensive re-design of rehabilitation programmes delivered by Community Probation and Psychological Services to offenders in prison and the community, including high intensity programmes delivered in Special Treatment Units
- expansion of rehabilitation activities with proven effectiveness (including doubling the number of intensive drug and alcohol programmes)
- increase in the number of community programmes for sex offenders and domestic violence offenders
- an improved prisoner transportation system that ensures greater safety and security of prisoners

- establishment of a National Health Service for prisoners, providing health services consistent with Ministry of Health standards
- improvements in cross-agency services such as health and preparation for release from prison
- improvements in information sharing and working with Police on the management of high risk parolees in the community.

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Overview of the Department of Corrections

What Corrections does

The Department of Corrections exists primarily to administer the sentences and orders of the criminal Courts. The Department also provides information, reports and support to the Judiciary to assist with sentencing, and to the New Zealand Parole Board to assist with parole decisions.

As part of the wider justice sector, the Department contributes to the sector's overall outcome of a "*Safe and Just Society*", through three intermediate outcomes, "*Upholding the Integrity of Sentences and Orders*", "*Reducing Re-offending*", and "*Offenders Managed Safely and Humanely*". The Department's vision statement, expressed in its 2008–2013 Strategic Business Plan, is:

Improving public safety by ensuring sentence compliance and reducing re-offending, through capable staff and effective partnerships.

Underlying this is the commitment "*to succeed overall, we must succeed for Māori offenders*".

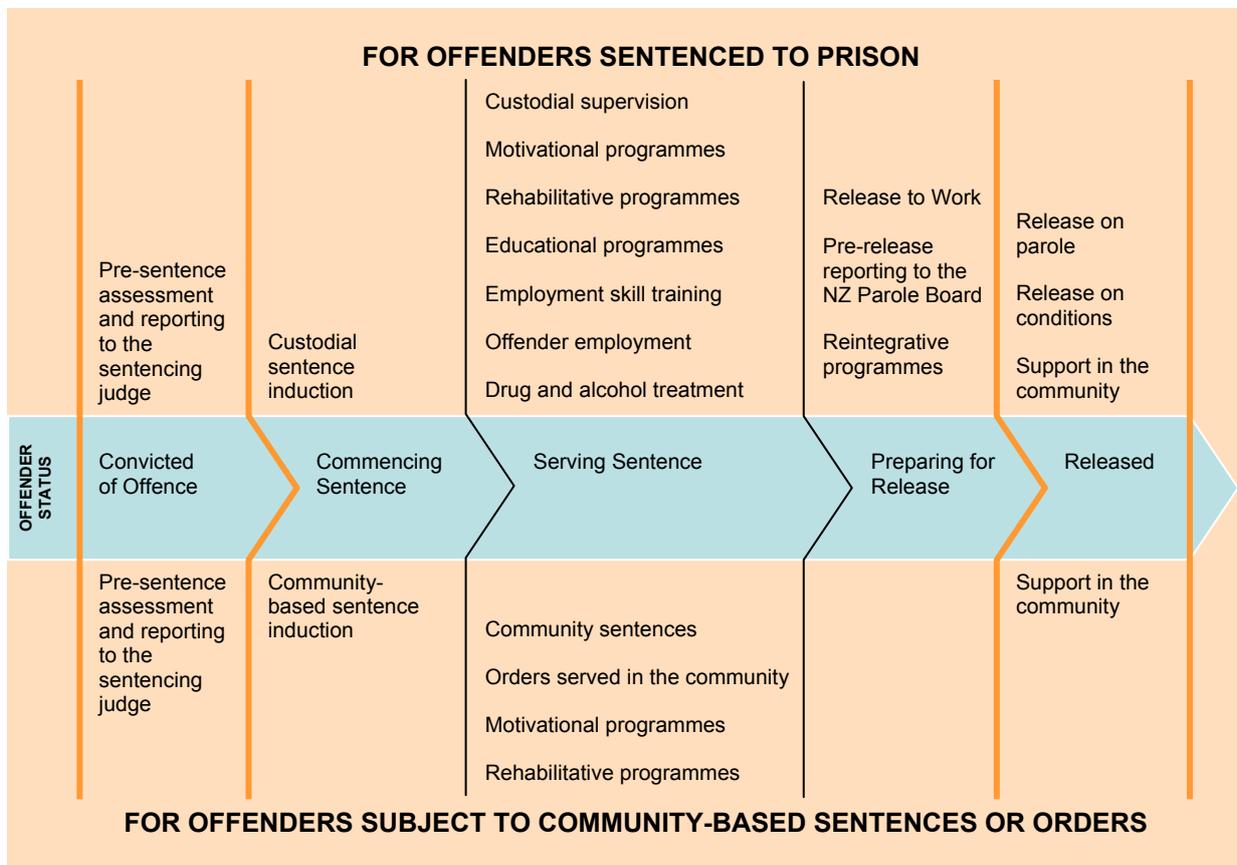
The Department manages offenders through an integrated approach that applies across all sentences and order types (see Figure 1 below). This process starts at the pre-sentence stage when probation officers assess offenders' individual risks and needs. The assessment forms the basis of advice to the Judiciary on appropriate sentencing options. Once sentenced, the Department's core responsibility of ensuring compliance with the sentences and orders of the Courts and Parole Board contributes to improved public safety through the incapacitation of the offender. Assessment information also ensures that, once sentenced, the individual is managed safely, securely and fairly and, as far as possible, given opportunity to participate in rehabilitative activities. This includes supports necessary to reintegrate to society.

Rehabilitation programmes are targeted towards prisoners who are willing to address the factors that led to their offending. Those assessed with a moderate risk of re-offending may be eligible for medium-intensity programmes. Prisoners who are higher-risk may qualify for a high-intensity programme at one of the Department's six special treatment units (one currently being developed). Youth prisoners (generally 17–18 year olds) may qualify for a programme run in a Youth Unit. Research evidence confirms that the greatest impacts are achieved through such targeting. Special focus units in prison deliver rehabilitative programmes to selected prisoners. These include drug and alcohol treatment, culturally-focused interventions (for Māori and Pacific offenders), and faith-based programmes. Education and employment opportunities are also made available to many prisoners.

Reintegration support is directed towards those leaving prison, to help ensure basic needs are met (accommodation, employment, social support, etc). Efforts are made to promote contact with family/whānau, and to more generally support reintegrative success. A policy of housing prisoners in facilities close to their home

region supports this goal. We also work with offenders in the community to address similar needs in order to reduce their risks of re-offending.

Figure 1: Offender Management Process



Offenders managed in the community are similarly assisted to engage in rehabilitative activity. However, some sentences, such as Community Work, serve purposes related to community reparation, and do not involve referral to rehabilitative programmes. Offenders completing Community Work sentences generate more than a million hours of free labour to community groups and charitable organisations.

Community Probation and Psychological Services also work closely with other agencies when offenders have been released from prison. This commonly includes collaboration with Police in the management of high-risk offenders such as child sex offenders.

Key facts

- Corrections is one of the larger government departments, with over 7,000 full-time equivalent (FTE) staff positions (as at October 2008). Those positions are filled by approximately 7,600 employees in the following groups:
 - Community Probation and Psychological Services employ around 1645 FTE staff. This includes approximately 900 probation officers, 310

- community work supervisors, 100 psychologists, 90 rehabilitation programme facilitators, as well as managers, and administrative staff.
- Prison Services employ around 4,070 FTE staff, including approximately 3,310 corrections officers, 200 nurses and clinical staff, 170 frontline managers, 90 sentence planners, 120 operational and administrative staff in prisons, and various other specialist and support staff.
 - The Rehabilitation group of around 370 staff is primarily made up of Corrections Inmate Employment staff, including 300 prisoner employment instructors.
 - Business Information & Planning group employs around 255 staff located throughout the country, including accounting staff.
 - Organisational Development group employs around 235 staff located throughout the country, including payroll, human resources and training staff.
 - Systems and Infrastructure group employs around 320 staff, including information technology staff, NZPB administrative support services and 80 facilities management staff in regional offices
 - Policy, Strategy and Research group employs 30 staff.
 - The Office of the Chief Executive employs around 60 staff throughout the country, including legal, investigative, communications, audit and inspectorate units.
- Corrections workforce is considerably more ethnically diverse than the general public service, which is of value in working with offenders. Around 22 percent of the staff are Māori, and 9 percent are Pacific.
 - Over 93 percent of Corrections staff work from almost 180 locations throughout the country, with the remainder based in the Wellington head office.
 - Corrections managed approximately 85,000 non-custodial sentences and orders in the community over the course of last year, including over 55,600 new starts. Last year, 47 percent of all sentences and orders in the community were served by offenders of Māori ethnicity.
 - The community offender population serve either community *sentences* (Home Detention, Community Detention, Intensive Supervision, Supervision, Community Work) or *orders* (Parole, Parole with residential restrictions, Release on Conditions, Extended Supervision, Residential Orders). Offenders may be serving more than one sentence or order at the same time - currently, around 35,000 offenders are serving more than 40,000 sentences and orders.
 - A core role of Community Probation and Psychological Services is provision of information to Courts and New Zealand Parole Board, which includes pre-sentence reports, pre-release plans, and specialist risk assessments. Around 36,000 reports are prepared annually for the Judiciary to assist with sentencing, and over 70,000 hours of staff support is provided to the Courts. The Department also provides around 5,000 Parole Board reports to inform parole decisions.

- The prison population is made up of sentenced prisoners (approximately 80% of the total) and prisoners remanded in custody prior to conviction or sentencing (20%). Currently around 8,000 people are held in prisons, an increase of 50 percent over the total number in prison ten years ago. Much of this growth has been in custody remand. A peak population of 8,457 was recorded in September 2007. Māori make up 50 percent of the total prisoner population.
- The Department manages 20 prisons: 17 men's prisons and three women's prisons. Women number about 450 or 6 percent of the total prison population. There were 21,000 individual prisoner receptions during the year, the majority under custody remand orders.
- The majority of sentenced prisoners (85%) received each year serve less than 12 months in prison. The average period spent on remand is around 60 days.
- The average cost of keeping an offender in prison is currently \$90,746 per year, which is lower than that of comparable countries, despite including depreciation which is not costed in many countries. The average annual cost of managing an offender on a community sentence is \$3665, ranging from \$2,000 for community work to \$25,000 for Home Detention.
- New Zealand compares favourably with other, similar jurisdictions internationally in rates of prison escapes, prisoner drug use, prisoner assaults and self-harm, and in community sentence compliance.

Financial summary

Corrections operate a balance sheet totalling over \$1.9 billion, including \$1.7 billion of physical assets.

Estimated total revenue for the 2008/09 financial year is made up of:

- \$931m from the Crown
- \$34m from other sources (mainly prisoner employment activities, excl. gst).

Estimated total expenditure for the 2008/09 financial year is \$965m, allocated as follows:

- \$682m (70.7%) for prison based services (including primary health care of prisoners), made up of \$554m for administration of sentences of imprisonment, \$116m for custodial remand, and \$12m for transportation of prisoners and their supervision while at Court
- \$124m (12.9%) for management of community-based sentences and orders
- \$100m (10.4%) on offender rehabilitation, made up of \$62m on rehabilitation programmes, psychological services and reintegrative services, and \$38m on prisoner education and employment

- \$51m (5.3%) for provision of information to the Courts and the New Zealand Parole Board (and administrative services to the latter)
- \$7m (0.7%) for provision of policy advice and services such as prison inspectorate, contract management and victim notification.

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Key challenges facing the Department

Introduction

According to most indicators, the Department of Corrections is achieving standards of offender safety and security, and reductions in re-offending, to a standard comparable with the best national corrections systems in the world. However, in common with many corrections systems internationally, meeting society's expectations and demands has become increasingly challenging.

The most critical issues confronting the Department have arisen from the unrelenting growth in the number of offenders Corrections is required to manage. This growth (which accelerated significantly from 2003) is a consequence of a range of factors. There have been upward trends in some types of crimes, especially serious drug offending and certain types of violence, especially family violence, as a consequence of changing public attitudes and police practices. However, much of the growth is understood to be the consequence of changes in justice sector policies and operations in recent years. This includes higher Police Officer numbers, higher rates of resolution of crime, greater use of custody remands, longer average imposed sentence lengths, and tightening of parole release decisions.

All of these factors have combined to increase the volume of offenders both on community sentences, and in prison. At around 190 prisoners per 100,000 population, New Zealand has one of the highest imprisonment rates in the developed world (of western countries, only the USA is higher with almost 800 per 100,000; Australia's rate is 126, and many European states are under 100). New Zealand also has comparatively high numbers of offenders on community sentences; for example, our community sentence population proportionally is three times higher than Australia's.

Concerted efforts across the Justice Sector in recent years have had some effect in addressing growth in prisoner numbers, though serving mainly to slow, rather than reverse, trends. As a consequence, Government decisions are required within the next few months on strategies to address looming capacity deficits, in both the community and prison settings. These decisions relate to the need for additional staff in Community Probation and Psychological Services, and prison bed capacity.

The other major challenge facing the Department is more longstanding, and seemingly intractable – that of the over-representation of Māori amongst the offender population. Māori over-representation had been noticeable from the mid-1950s, but increased to current levels by the mid-1980s, by which time 50 percent of prisoners were Māori (as are 45% of community sentenced offenders). Succeeding for Māori across all areas of our business is therefore a key priority for the Department, and is expressed in the strategic commitment *“to succeed overall, we must succeed for Māori”*.

The following information is structured according to the Department's current strategic priorities. These priorities are outlined in more detail in the recently published *“Strategic Business Plan 2008-2013”*.

(i) Ensuring Sentence Compliance

The Department's core responsibility is to administer the sentences and orders of the Courts and Parole Board. Ensuring compliance is crucial to maintaining the integrity of sentences and orders. Holding offenders to account in this manner preserves public trust and confidence in the justice system, and contributes to improved public safety through both incapacitation and deterrence of future offending.

Sentence compliance is achieved when offenders:

- complete the imposed sentence or order
- comply with all directives and restrictions inherent to the sentence or order
- are treated fairly
- (in prison) are contained safely, securely and humanely
- experience appropriate consequences in the event of non-compliance.

Interest in sentence compliance is strong amongst the public generally, and our performance on relevant indicators influences public trust and confidence in the justice system.

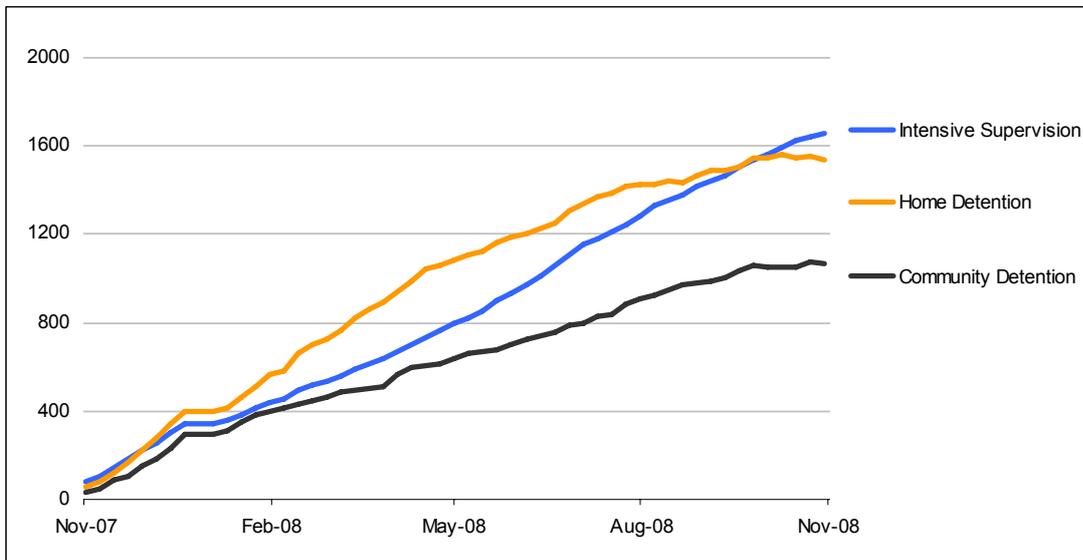
Current priorities and looking forward

Growth in community sentence volumes and complexity

The critical focus in relation to compliance currently is the community-based offender population. Pressures have risen substantially because of sustained growth in volumes over the last 18 months, which are now well above funded levels. Community sentence completion rates of 70 - 90 percent (which are comparable with similar overseas jurisdictions) are being maintained, but with increasing difficulty.

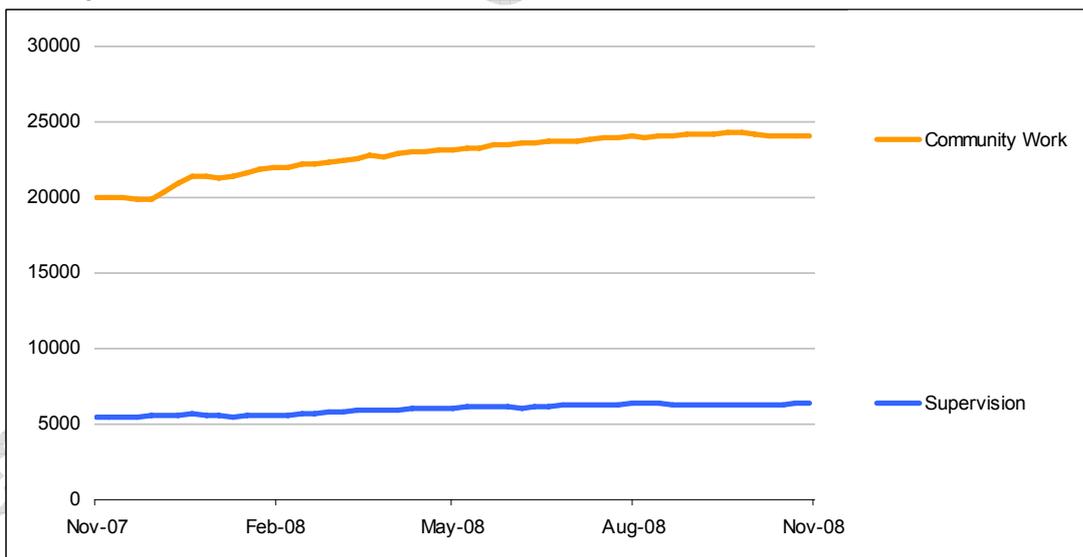
Following introduction of the new community sentencing regime in October 2007, there has been steady and continuous growth from zero to a total of over 4000 offenders on the three new sentences (see Figure 2 below). These sentences are more complex to administer due to the distinct requirements of each sentence, and because judges can impose varying sentence combinations. The use of these sentences by the judiciary was more rapid and greater than expected. While the new sentences have alleviated pressure on prison capacity, they have also meant that a growing number of more challenging offenders are serving community sentences, requiring more careful management than previously was the case with most offenders on community sentences previously.

Figure 2: Numbers on the new community sentences Nov. 2007 – Oct. 2008: Home Detention, Intensive Supervision, Community Detention



Somewhat unexpectedly however, numbers on the two existing community sentences - Community Work and Supervision - also increased significantly. From late 2007, the numbers on these sentences grew by around 5,000, to reach the current total of around 30,000 (see Figure 3 below; note that the scale of the two graphs presented here differ; about 30,000 offenders are serving Community Work and Supervision, compared to about 4,000 on the new sentences).

Figure 3: Numbers on existing community sentences Nov. 2007 – Oct. 2008: Community Work and Supervision



The combined effect of these pressures – unexpectedly high volumes, greater administrative complexity, and more challenging offenders together with more inexperienced staff - has affected the ability of staff to follow key procedures in a timely manner. It has the potential to seriously impair achievement of service delivery standards. Community Probation and Psychological Services received a further increase in resources in Budget 2008. However volumes of offenders and

the volume of requests for pre-sentence reports have continued to increase above these levels. Community Probation and Psychological Services have reviewed their procedures and are making changes to relieve the pressure on key staff. These efforts seek to ensure that service delivery is improved to a satisfactory standard especially for high risk offenders. It is reviewing its performance in this area every few months and ensuring that remedial action is taken when problems are identified. Recruitment is continuing, and there remains a strong focus on staff training. However, the pressures in this area are increasing the risk of compromises to public safety, and potential for “knock-on” impacts on the prison population if judges were to lose confidence in community sentences.

Maintaining prisoner sentence compliance

Comparison with similar countries such as Australia, England and Wales, Scotland, Ireland, and Canada, shows that New Zealand’s prison-based compliance rates also compare well internationally. Escapes and incidents of serious disorder, including assaults, are lower than in most comparable jurisdictions.

Escapes from custody have declined significantly in the last five years as physical security has been improved. Only the category of “walk-aways” has increased slightly, in part a consequence of increasing numbers of prisoners employed in prison work parties, and on release-to-work arrangements.

Drug use, as measured by random testing of prisoners, is high by international standards, but has fallen steadily following major initiatives designed to stop the flow of contraband into prisons. Over the last decade, positive random drug tests around the country have fallen from approximately 34 percent to 13 percent during 2007/08. Increased prison-based alcohol and drug treatment programmes are expected to further reduce demand for drugs by prisoners.

Crime prevention in prisons

The smuggling of cell phones into prison is of concern, as these can be used to organise criminal activity, or to harass and threaten victims, witnesses or other members of the public. The capacity to “jam” cell-phone signals is well advanced in New Zealand prisons, placing us significantly ahead of comparable jurisdictions such as Australia. Progressive roll-out on a site-by-site basis has been necessary, as varying geographical and spatial features of individual prisons require different technological solutions.

Monitoring of prisoners’ telephone calls has also been increased, which also reduces illegal activities and harassment of members of the public by prisoners. A specialist team (the Department of Corrections Intelligence Team) focuses on crime prevention, and the Department frequently involves other law enforcement agencies in crime prevention and intelligence sharing.

Maintaining control over organised crime and gang influence and activity in prisons requires constant vigilance and initiative. Confirmed gang members currently account for 27 percent of the total prison population, and it is estimated that a further 10 percent of prisoners are gang affiliates. The Department has a Gang Management Strategy to curb the activities and influence of gangs within the prison environment. This strategy is currently being updated in light of international and

local experience, and in collaboration with Police and local communities. The approach is intended to be more comprehensive, addressing recruitment into gangs, as well as targeting criminal behaviour in prison such as violence, “taxing” and drug use.

Disruptive and violent prisoners

Corrections Officers deal with aggressive and challenging prisoners on a daily basis. The role is a demanding one, and assaults on staff do occur from time to time. Although total assaults on Corrections staff, and work-related injuries, are down compared to past years, the severity of some recent assaults is of considerable concern to managers, staff and unions.

The Department has several initiatives underway to improve staff safety and support when dealing with aggressive and uncooperative prisoners. A Prison Staff Safety project is exploring options for personal protective equipment that could be used within prisons by staff, such as stab-proof vests and pepper spray, and enhanced training courses in prisoner management.

A current challenge for the Department is presented by a number of severely violent and disruptive prisoners. This description applies to relatively few prisoners nationally (15 – 30 at any given time), but their behaviour can significantly threaten the safety of staff and other prisoners, and undermine the maintenance of good order. An earlier response to the same issue - the Behaviour Management Regime - was discontinued in 2004 following successful legal action by a group of prisoners. The Department is currently designing a more effective management approach for severely violent and disruptive prisoners. It is likely that this will be implemented in a specially designated maximum-security unit, and entail a system whereby prisoners move towards more normalised conditions as their behaviour improves.

High risk offenders

When offenders with a degree of notoriety are released from prison, it is not uncommon for there to be extensive media reporting of the release, with associated expressions of public concern and alarm. On the other hand, less well-known offenders who nevertheless pose high risks are also released from time to time. The Department has protocols for planning the release of “high-risk/high-profile” prisoners, as well as their post-release management. Both stages involve a joint approach with representatives from other justice and social sector agencies (Police, Housing, Ministry of Social Development, and occasionally Ministry of Health).

Extended Supervision Orders for high risk child sex offenders may be imposed by the Courts with special conditions set by the Parole Board. These allow the Department to maintain a degree of monitoring and supervisory control over this very small group of ex-offenders (currently 130) for up to ten years after completion of their sentence and parole order.

In cases of prisoners who continue to pose very high risks of further serious offending, the Department is able to apply to the Parole Board (under Section 107 of the Parole Act 2002) to have the individual serve their entire sentence without being considered for parole.

(ii) Reducing Re-offending

Much of the crime that occurs in the community is committed by recidivist offenders. Around 68 percent of released prisoners are reconvicted and return to a Corrections-managed sentence, in the community or in prison, within four years of release (the figure for released Māori prisoners is 74 percent)¹. However, rates of reconviction and re-imprisonment here are not dissimilar to those in other countries with comparable criminal codes and sentencing practices.

When offenders become motivated to adopt an offence-free lifestyle, the result is less crime in the community, and fewer people in prison or on community sentence management. Corrections therefore has a long-standing commitment to reducing re-offending amongst the offenders it manages. Local and international experience proves that well-designed and competently delivered programmes can have positive effects on re-offending rates.

Current priorities and looking forward

Rehabilitation programmes

A range of rehabilitative programmes for offenders are delivered in prison and in the community. These are designed to address the drivers of offending, and thereby reduce the likelihood of re-offending. This area of activity is a significant challenge, as many offenders are deeply entrenched in offending lifestyles, and many are unmotivated to change. Maintaining quality of delivery in correctional rehabilitation is also an on-going challenge. Although impacts are moderate, our programmes nevertheless are on a par with the best examples of offender rehabilitation elsewhere in the world, and reliably produce measurable reductions in re-offending amongst participants.

A highly specialised methodology is applied to measure the impact of programme participation on re-offending rates. Evaluations produced in 2005 led to the discontinuation of some programmes, revision and enhancements to others, and expansion of those that were proving to be most effective. The redesign of rehabilitation programmes, undertaken in the last two years, has resulted in the following additions to the suite of programmes:

- three high-intensity (300-hour) special treatment unit programmes are now in operation at various prisons, targeting high-risk violent offenders and sexual offenders against children, with a fourth unit to open next year
- medium-intensity (140-hour) rehabilitation programmes are available to both prisoners and offenders managed in the community
- shorter rehabilitation and motivational programmes are offered to those on short sentences, and follow-up “maintenance” courses to those who have recently completed more intensive programmes

¹ These figures include convictions or recalls to prison for breaching parole or other post-release order.

- specialised rehabilitation programmes have been developed for women prisoners (“Kowhiritanga”), and teenage prisoners in youth units (“Focus”).

The Department also employs a number of psychologists, whose work focuses on assessments for the Parole Board, treatment of individual high-risk offenders both in prison and in the community, and the delivery of the more intensive group-based rehabilitation programmes. The psychologists have recently piloted programmes to address the treatment needs of particularly challenging sub-groups of offenders, such as sex offenders against adult victims, and offenders with personality disorders. A new programme for high-risk 17-20 year-olds in the community has also been piloted.

The Department also funds the provision of programmes delivered by providers in the community. These focus on domestic violence, sex offending and Tikanga Māori. Drug and alcohol programmes for offenders in the community are funded and provided by the health sector. Offenders are also placed at residential programmes such as Moana House in Dunedin and Odyssey House in Christchurch and Auckland.

Three community residential centres run rehabilitative or reintegrative programmes, primarily for prisoners leaving prison, under contract for the Department. These are Montgomery House in Hamilton, Te Ihi Tu in New Plymouth and Salisbury Street in Christchurch.

The Department also manages contracts with providers of supported accommodation for prisoners leaving prison with high reintegrative needs. A total of 48 beds are provided across the country. Offenders receive support for up to three months while in the unit or house, with the option for a further three months support after they are assisted to find their own accommodation.

Alongside specific programmes, probation officers and corrections officers are trained to exert positive influence with offenders continuously in their day-to-day interactions.

Alcohol and drugs

The majority of offenders have histories of addiction and substance abuse, which typically have contributed to their criminal offending; estimates range as high as 90 percent amongst the prisoner population.

Corrections administers a screening test to offenders at the pre-sentence stage to identify alcohol, drug and/or gambling problems, and uses this information to develop sentence plans and refer offenders to appropriate addiction services.

Corrections provide a range of services itself to offenders with substance abuse problems, including prison-based drug treatment units. The number of such units has been expanded from three to six over the last two years, currently providing treatment places for around 500 prisoners per annum.

Offenders being managed in the community who have significant substance abuse problems are referred to health sector services funded by the Ministry of Health for further assessment and treatment.

Expansion and improvements in alcohol and drug service provision to offenders in prisons, and now particularly in the community, has been a priority for justice sector agencies over the last three years. Some progress has been made to improve screening, assessment and treatment of substance-abusing offenders in the community. An example is a District Health Board-funded addiction treatment service being trialed in Auckland. More work is underway to build addiction treatment services capacity, as very significant and unmet needs exist throughout the country.

Employment and training

Offenders who obtain employment after completing a sentence are less likely to re-offend than are those who remain unemployed. Therefore, improving offenders' education and employment skills is an important element of rehabilitation. New Zealand complies with the International Labour Organisation rules on forced labour, both in prisons and in relation to community work sentences. The International Labour Organisation will shortly be reviewing our standards of compliance.

The Department has strengthened and expanded opportunities that prisoners have to improve their employment prospects, and to align employment and training opportunities to gaps in regional labour markets. The Prisoner Employment Strategy boosted the number of prisoners who are able to access high-quality work experience and thereby acquire skills and qualifications. By June 2008 the proportion of prisoners in employment-related activity passed 50 percent, despite marked growth in the prison population. Maximising the number of prisoners in prison employment remains a priority; while there are still gains to be made in this area, the Department is on track to achieve its current target of 60 percent of prisoners employed by 2010.

Between 130 and 185 prisoners have been on Release to Work at any one time. This arrangement involves low-risk prisoners who are nearing the end of their sentences being released to work for local employers, returning each night to the prison. The numbers currently on Release to Work represent a significant increase from previous years.

The Department has made a considerable investment in literacy and numeracy education in prisons to address identified needs. Departmental estimates suggest up to 90 percent of prisoners have literacy or numeracy needs sufficient to impede their employment. A new assessment procedure is now in use and is more accurately detecting literacy deficits in prisoners. The Department has contracted providers to deliver literacy and numeracy courses in all New Zealand prisons from July this year. Approximately 1850 prisoners per year will participate in literacy or numeracy courses. The Department will continue to monitor demand for literacy and numeracy interventions. A review of the level of provision will be undertaken once the courses have been running for a year and, if appropriate, resources may be sought to expand these services.

In addition to the literacy and numeracy education outlined above, the Department delivers a number of other educational initiatives. These include:

- providing quality trade and technical national certificate courses delivered by polytechnics and institutes of technology
- supporting self-directed learners to enrol in degrees and certificates by distance learning
- providing access to school level education.

A focus on improving the quality and quantity of education and training has almost doubled the number of NZQA credits earned by prisoners over the last year (from 20,350 in 2006/07 to 37,563 in 2007/08).

Reintegration

Many offenders face significant social and personal obstacles on their release from prison which can prevent their successful reintegration and increase the chance of re-offending. These obstacles include unemployment, inadequate accommodation, financial difficulties, marital or family conflicts, lack of social support, and chronic and/or complex health problems. Providing practical support to offenders in these areas as they return to the community is important in reducing the likelihood of re-offending. The Department has work underway to improve both the co-ordination and the range of services to assist offenders deal with reintegrative challenges.

Specialist teams of staff who focus on prisoner reintegration are active in all prisons. A special reintegration unit operates at Rimutaka Prison. Prisoners held in this unit prior to release receive assistance with their individual reintegrative concerns such as accommodation, advice on relationships, and help with money concerns.

Some reintegration services are provided in partnership with other organisations such as the Prisoners' Aid and Rehabilitation Society. The Ministry of Social Development contribute to prison reintegration teams, with Work and Income workers in prisons assisting prisoners approaching release to find employment.

Pacific offenders

Like Māori, Pacific peoples are over-represented at all stages of the criminal justice system: while the proportion of Pacific people in the general population is 7 percent, Pacific offenders currently make up 11 percent of the prison population, and 9 percent of the community offender population. In comparison to Māori or European, a slightly higher proportion of Pacific offenders are serving prison sentences for violent and sexual offences. On the other hand, the re-offending rate for Pacific people is lower than other groups, although there is concern over escalating rates of re-offending amongst Pacific youth.

The new Spring Hill Corrections Facility (near Meremere in North Waikato) incorporates the country's first unit-based intervention for Pacific offenders. The unit is a venue for a unique violence prevention programme designed for Pacific offenders (the Saili Matagi Programme), along with a range of associated cultural activities and community involvement. A *fale* (Pacific meeting house) has been built

on site, and serves as a venue for activities as well as facilitating links between prisoners, their families and the community.

Youth offenders

Up to the age of 17 years, young offenders are dealt with mainly in the youth justice system administered by Child, Youth and Family. Corrections becomes responsible for under-17 year olds only if they have been charged with or convicted of offences at the highest level of seriousness, or at the request of Child, Youth and Family if the young person cannot be safely housed in one of their specialist facilities.

Typically there are fewer than 30 under-18 year olds in prison at any one time. Women under the age of 18 are typically mixed with adults as there are generally fewer than five of them nationwide, which is too small a number to justify housing them separately.

Unless awaiting trial or in other exception circumstances, men under the age of 18 are housed in four specially designated youth units at Hawkes Bay, Waikeria, Rimutaka and Christchurch Prisons. These units also house 18 and 19-year-olds who are assessed as being vulnerable and at risk if held in mainstream prison units. The structured regime of Youth Units involves an average of 30 hours per week in vocational training, education and rehabilitation programmes. The Focus rehabilitation programme was designed specifically for young offenders, who can be difficult to work with in groups.

Community Probation and Psychological Services deal with a larger number of under-18 year olds (typically several hundreds at any one time) on community sentences and orders. Responding to concerns regarding high re-offending rates amongst young offenders, a programme has been developed and piloted for high-risk 17-20 year-olds in the community.

(iii) Enhancing Capability and Capacity

The capability and capacity of the Department of Corrections to deal with the demands we face is arguably our most pressing organisational issue. Associated with this are several significant risks. As discussed above, recent years have seen rapid growth in the numbers of offenders being sentenced to prison and community sanctions. This growth has tended to exceed forecast increases, with the result that expansion of capacity has often lagged behind actual demand. Volume growth has also necessitated recruitment of significant numbers of new staff for both community probation and prison services. This has resulted in a very high percentage of inexperienced staff, in both front line, managerial and support roles: 40 percent of Corrections Officers and 46 percent of probation officers have less than two years experience. Meeting standards in the management of parolees has been under particular pressure because of resource issues.

The quality of services provided, including the time able to be spent with each community-based offender, reflects Government purchase and funding decisions. Since the 2003 Output Pricing Review, the Department has been funded to deliver services at the "restore and maintain" level. While this level of funding allows for adequate standards of service, it is not desirable over the longer term. Significant growth in volumes since 2003 has also meant some erosion of the intended standards.

Current priorities and looking forward

Community offender management: Capacity

Capacity issues for Community Probation and Psychological Services (both in terms of staff recruitment and training, and facility development) are expected to remain a strategic challenge for the foreseeable future. New community-based sentences introduced in October 2007 have provided the Judiciary with a broader range of options intended in the main as alternatives to prison sentences. The introduction of these sentences was supported by provision of extra resources to employ additional staff, and meet associated costs. Additional funding was secured for 88 probation officer positions through the 2008 budget, as well as extra administration and service manager positions. Recruitment to these new positions has taken some time in parts of the country.

The new sentences were expected to reduce numbers in prison by around 450, making use of electronic monitoring for home and community detention to keep lower risk offenders in the community. It is now estimated that, because of the new sentences, the prison population is currently 700 lower than it would otherwise have been - the equivalent of a larger-sized prison. In fact, judicial uptake of the new sentences has occurred at rates significantly higher than anticipated. This has meant that Community Probation and Psychological Services are managing volumes of offenders on each of the new sentences greatly in excess of anticipated numbers.

As already noted, pressure from managing unexpectedly large numbers of offenders has resulted in issues with maintaining service standards. If the shortfall between

resources and demand continues, there is potential for service delivery standards to degrade further, which could have flow-on effects in terms of prisoner numbers, and public safety.

To meet adequate standards of service to manage the existing unanticipated volumes, Community Probation and Psychological Services need an additional 200 probation officers, 17 psychologists, and 50 management and administrative support staff. The costs of the electronic monitoring contract both for Home Detention and Community Detention, and associated equipment, have also increased significantly because of the increases in volumes of offenders on these sentences. The Department is preparing a budget bid for the required resources, based on the most up to date information available.

Prison capacity

The Department has commissioned and opened four new prisons in the past five years. These facilities, in conjunction with expansion on existing sites, have added a total of 2,400 beds to total prison capacity, which now stands at around 8,500 (with additional though sub-standard capacity available for emergency use – see Figure 4 below).

Despite this increased capacity, the most recent (October 2008) prisoner population forecast indicates that, on existing policy settings, numbers in prison will continue to rise over the next eight years, from 8,000 at present to around 10,700 by 2016.

If currently projected levels of growth are realised, the prison estate needs at least another 2200 beds, or 275 new beds in each of the next eight years. Changes to key settings, such as more restrictive approaches to bail or parole would, without countervailing measures, increase these estimates. An immediate concern is the prospect that existing in-use capacity is exhausted by mid-2010.

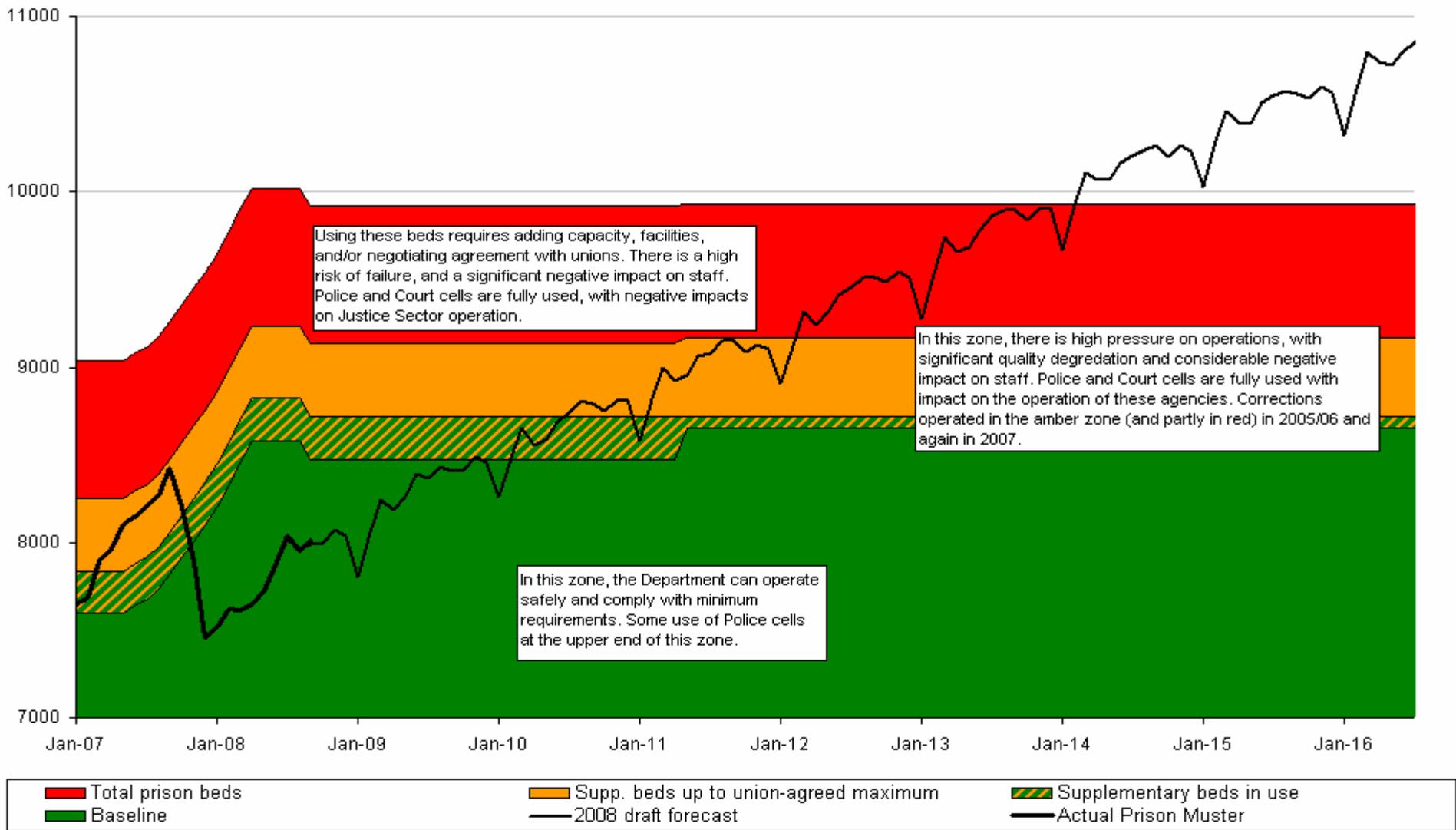
As well as additional bed numbers, staff numbers will need to increase significantly. Support facilities such as receiving offices, prisoner health units and at-risk units will also need to be expanded. At some prisons such facilities are already inadequate, relative to the total number of prisoners on the site.

Aggravating these pressures is the fact that a significant proportion of the prison estate is approaching, or has already reached, the point of obsolescence. Some facilities can no longer be regarded as fit for purpose, with some being at risk of non-compliance with relevant building standards. The refurbishment of some of those units is not economical. Deterioration of obsolete or near-obsolete capacity may be slow, but risks increase as replacement is delayed. The Department is preparing a business case to address various capacity issues, including providing for some replacement of capacity that is at the end of its economic life.

The following graph (Figure 4) gives actual and forecast prisoner numbers, against a backdrop representing the various levels of prison capacity. Only the capacity in the “green” band is fully functional and immediately useable. Various and escalating risks apply as greater proportions of the “amber” and “red” zones are pressed into service, as is explained in the text boxes superimposed on the graph.

1982

Figure 4: Prison capacity and the 2008-2016 prisoner forecast



Relea

Expansion of the prison estate on the scale suggested by the forecast is a daunting prospect for all stakeholders. The fiscal consequences are very significant, and recruitment and other issues raise major practical concerns in the short term, as well as longer term questions about the feasible upper limit on the size of our Corrections system. Avoiding such expansion will require bold policy or strategy changes. Initiatives are being developed across the justice and social sectors to address crime and the effects of crime. However, crime reduction strategies typically have impacts in the medium- to long-term. Other potential responses to the problem of muster growth carry significant risks, both social and political. For example, alternative (non-custodial) sentences transfer pressure onto community offender management which, as noted above, is already experiencing significant strain.

The Department considers a prudent approach to managing risks associated with the prison population is to plan for additional capacity, whilst continuing with other justice sector agencies to develop initiatives that reduce crime and re-offending. Currently the best options for additional prison capacity include expanding the current redevelopment project at Mt Eden Prison, and increasing the number of beds on other existing sites.

Prison capability

Growth in prisoner (and bed) numbers in recent years has seen a corresponding growth in the number of staff required to supervise and manage these prisoners. Recruitment and training of Corrections Officers is a key component of capacity planning, especially when new facilities are established.

In order to maintain a safe and consistent standard of prisoner management Prison Services not only recruited new staff but also transferred experienced staff to the new prisons. Approximately 50 percent of staff in the four new prisons have prior experience at other New Zealand prisons. This strategy is believed to have contributed significantly to the relatively trouble-free commissioning of new prison facilities.

However, overall growth in staff numbers has meant that more than 40 percent of Corrections Officers now have less than two years experience. This also means the proportion of experienced staff to mentor and oversee newer staff is lower. The Department is enhancing training and support for frontline prison staff and their managers to ensure that safety and security are maintained at required levels. At the same time, staff are supported in their efforts to change prisoners' behaviour both in prison and after release.

(iv) Strengthening Partnerships

The challenge of reducing re-offending, as well as the enforcement of compliance, requires the Department to work with a number of partners. The Justice Sector comprises a core set of agencies - the Ministry of Justice, Department of Corrections, Police, Crown Law Office, and the Ministry of Social Development with respect to youth offenders. We also work closely with many other government agencies, non-government agencies, groups and communities. At an individual level, Corrections staff often need to work in partnership with an offender's family or whānau.

Strengthening these partnerships is a key priority for the Department, based on an acknowledgement that we cannot achieve our outcomes on our own.

Current priorities and looking forward

Health and Corrections interface

Corrections is funded to provide prisoners with primary health services that are reasonably equivalent to those available in the community. All secondary and tertiary health services are the responsibility of the local DHB and prisoners are eligible for these services based on the same eligibility criteria as any other member of the public.

Corrections works with the Ministry of Health to ensure prisoners' health needs are considered in the development of health sector standards, guidelines and strategies. Many prisoners have histories of non-involvement with health services while in the community, and enter prison with high levels of health needs. Prisons provide a unique opportunity to identify health needs and provide appropriate treatments, including specialist services. Resolving offenders' health needs can be an important contribution to their rehabilitation, for example, by improving their prospects for employment.

In a tight labour market the Department faces significant challenges in recruiting and retaining nurses. There are also escalating costs in contracting primary health providers such as general practitioners and dentists. Further, the prisoner population is aging, with an increasing number of elderly prisoners with chronic and/or complex health needs.

Mental health problems are also common amongst prisoners, with up to 20 percent of the prisoner population at any given time requiring some level of mental health care. Ensuring adequate access to primary and secondary mental health services is therefore critical, as are addiction services and the management of prisoners with personality disorders.

Corrections also have an interest in ensuring that the health needs of offenders are adequately recognised in national frameworks of healthcare delivery. In the community, key challenges for the Department include ensuring that offenders have access to addiction services (alcohol, drugs, and problem gambling) and mental health care, that barriers to service delivery are resolved, and that the health sector plans appropriately for the high and complex health needs of some offenders.

Community and voluntary sector

The community and voluntary sector is a key service-delivery partner. The Department has nationally-based contractual relationships with the Prisoners' Aid and Rehabilitation Society and with Prison Fellowship for the delivery of services and programmes. The Prisoners' Aid and Rehabilitation Society and the Salvation Army have recently signed contracts to deliver supported accommodation to higher-risk offenders. At a local level, both Prison Services and Community Probation and Psychological Services have a number of relationships with national and local voluntary and community bodies who provide services, generally of a reintegrative or educational nature. Over 3,000 community volunteers work in prisons.

Support for victims

Correction's major contribution to supporting victims is in enforcing the sanctions of the Court by ensuring offenders comply with sentences and orders, and working to reduce future re-offending. There is also a direct role in administering the Victim Notification System. The Department maintains the details of victims forwarded by the Police in a secure environment within its core electronic business system (IOMS). Victim notification coordinators at each prison and Community Probation and Psychological Services Area Office use the information to provide notification services to registered victims. The New Zealand Parole Board's administration support service also accesses the information to fulfil the Board's notification responsibilities under the Parole Act 2002.

The Department has a growing role with other justice and community agencies in developing restorative justice initiatives, particularly restorative justice conferences in prisons between offenders and their victims. The Department also supports community based initiatives that bring together offenders and victims after sentencing.

Ombudsmen's role in safe and humane management

The Department has an important relationship with the Office of the Ombudsmen. This agency provides an external review function, complementary to the Department's own independent internal Inspectorate. There are two dimensions to this relationship. Firstly, the office provides an independent complaints service to prisoners via a 0800 number, serving as a key "safety valve" for the prison environment. Though most complaints received from prisoners are able to be resolved within the same day, a small number are deemed to require more extensive investigation.

The second dimension is the Ombudsmen's role in providing an independent, external review of standards of offender management. This role is currently being expanded, and will include the investigation of all deaths in custody and selected serious incidents. The Ombudsmen also have a role in monitoring New Zealand's compliance with the United Nations Optional Protocol to the Convention Against Torture (OPCAT). This involves on-site inspections at prisons.

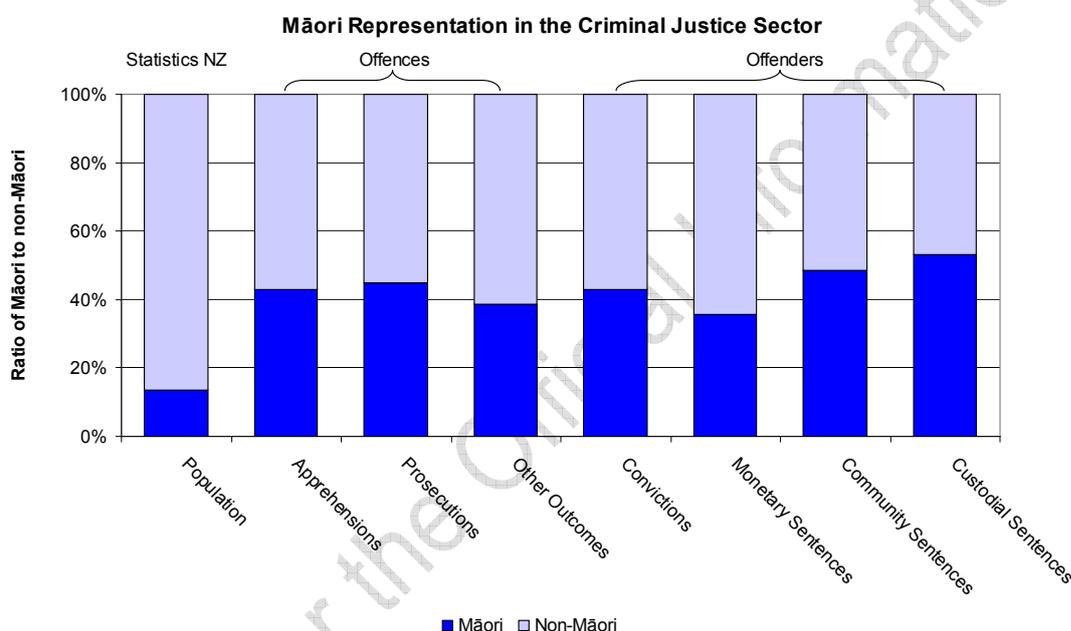
(v) *Succeeding with Māori*

Doing better in reducing Māori reoffending has been given special priority in the Department's strategy and planning, because Māori make up almost half of the offenders the Department manages, both in the community and in prison. This underlies the Department's commitment that *"to succeed, we must succeed for Māori"*.

Māori representation in the criminal justice sector

Statistically, Māori are over-represented at every stage of the criminal justice process beginning at the apprehension stage. The extent of over-representation gradually increases through consecutive phases, including at prosecution, conviction and sentencing to imprisonment.

Figure 5: Rates of Māori representation at each stage of the criminal justice process



Māori comprise 40 percent of all Police apprehensions, and are apprehended for committing at least three times the number of offences as non-Māori. Māori also receive fewer warnings/cautions or diversions than non-Māori. Differences are also apparent in convictions data with 12 percent of all convictions against Māori resulting in a custodial sentence, compared to 8 percent for European and Pacific peoples.

The over-representation of Māori offenders on custodial and community sentences and orders increased steadily from the mid-1950s, and over the past 20 years the proportion in the prison population has remained stubbornly around 50 percent. Research shows that more than 30 percent of all Māori males between the ages of 20 and 29 years have a record of serving one or more sentences administered by the Department of Corrections; the corresponding figure for non-Māori is around 10 percent. On any given day throughout the last decade, an average of 3 percent of all Māori males between the ages of 20 and 29 years were in prison, either on remand or as sentenced prisoners; again, the corresponding figure for non-Māori is less than one sixth of that.

Succeeding with Māori across all areas of our business is therefore a key priority for the Department.

Ensuring Sentence Compliance – looking forward

The recent strengthening of community sentences has reduced the imprisonment rates for all offenders, particularly for those previously receiving shorter terms of imprisonment. This should have a particular impact for Māori offenders as they are currently more likely to be sentenced to shorter terms.

Motivating Māori offenders to comply with sentences is an important aspect of compliance. Collaboration through our partnerships with relevant agencies and Māori communities (whānau, hapū and iwi) is a key element.

Reducing Re-offending – looking forward

The Department's more intensive rehabilitation programmes are as effective for Māori offenders as they are for non-Māori offenders. Increasing the motivation and participation rates of Māori offenders in the Department's rehabilitation programmes is therefore a key priority.

The Department also delivers a range of programmes and services that reconnect Māori offenders to Māori culture as a lever to motivate positive change. These programmes have been developed in collaboration with Māori service providers, community and iwi groups. They include Tikanga Māori programmes teaching cultural knowledge, skills and identity. Māori Focus Units within prisons provide a "therapeutic community"-type environment in which Māori culture is the basis for productive daily routines and interactions. The more intensive Māori Therapeutic Programmes, delivered within Māori Focus Units, seek to change offending-related attitudes and behaviour.

Evidence from evaluations shows that culturally enriched programmes strengthen the cultural identity of Māori offenders, improve their attitudes and behaviours, and motivate them to participate in other forms of rehabilitation.

Alongside opportunities for Māori offenders to develop a positive cultural identity, it is equally important for Māori offenders to learn skills that are applicable to wider society that will help to reduce re-offending. In particular, the Department is focusing on improving literacy and numeracy skills and the employment and training skills of Māori offenders. Māori prisoner participation in employment and training opportunities is being prioritised.

Enhancing Capability – looking forward

As highlighted previously in this briefing, a quarter of the Department's workforce identify as Māori, making the Department the single largest core agency employer of Māori staff within the public sector. Whilst recruitment strategies continue to target Māori communities, the emphasis is now placed on the development of Māori staff into more senior leadership roles within the Department.

It is equally important that all staff have the confidence to work with whānau, hapū, iwi and other Māori community groups. Within Community Probation and Psychological Services, specialist probation officer positions known as Kaiwhakahaere have been appointed to assist fellow probation staff in establishing

effective relationships with Māori offenders and their whānau, to support sentence compliance and reduce re-offending.

Strengthening Partnerships – looking forward

Central to our efforts to reduce re-offending by Māori, the Department has built collaborative working relationships with hapū and iwi, Māori community providers, Māori volunteers and other government and community agencies. Following a review of the Department's Māori advisory capacity, a Maori Services Team has been established to support and enhance the quality of services for the rehabilitation and reintegration of Maori offenders, including effective linking to tribal and sub-tribal groups, with a particular emphasis on Maori prisoner reintegration. The team comprises a National Manager, three Regional Relationship Managers and ten Area Advisers.

A network of Māori volunteers (or Kaiwhakamana) is linked with local prisons and provides direct cultural advice and support to Māori offenders in prison. Whānau, hapū and iwi provide support to Māori offenders and their whānau for the duration of their sentence, and especially when offenders reintegrate to communities. Key culture-based programmes and services to support rehabilitation are delivered by Māori community service providers both in prisons and communities. The Department is also strengthening the capability of Māori providers and enabling them to better support the work we do by, for example, facilitating annual regional meetings between Tikanga Māori programme providers.

Significant events and decision points over the coming weeks

Date	Event or decision	Description
Current	<p>Current Budget Bids</p> <ul style="list-style-type: none"> • • • • • • • • <p><i>The information above has been withheld pursuant to section 9(2)(g)(i) of the Official Information Act 1982 to protect free and frank advice</i></p>	<p>These bids are proposed for additional funding.</p>
	<p>Community Work Supervisor Negotiation with the PSA.</p>	<p>Negotiation commenced in June 2008. An initial offer was rejected by PSA members in August. Negotiations are ongoing</p> <p><i>Some information (above) has been withheld pursuant to section 9(2)(g)(i) of the Official Information Act 1982 to protect free and frank advice</i></p>
	<p>Office of Auditor General has undertaken an audit on parole management, which is expected to be tabled in Parliament in February 2009.</p>	<p>The Department has just received a copy of the draft report, and will be responding by mid-December. A full briefing will be provided to you by 19 December 2008, with an update when the Department receives the final report (expected later in January 2009).</p>

	December 2008 report back on permanent vehicle standards.	One of the final pieces of work to address the recommendations made by the Office of the Ombudsman following their official investigation into the death of a prisoner in August 2006 in a prisoner escort vehicle. It covers the recommendation to set (achievable) national standards for prisoner escort vehicles and formulate national procedures for commissioning any new vehicles required.
	Northland Regional Corrections Facility has required remedial works because of building subsidence.	No decision required – for information only. A contract has been let to Mainzeal - 44 prisoners will be moved out by late November 2008. Discussions with insurers are expected to be finalised by the end November 2008. Completion of the remedial works is currently scheduled for July 2009.
	Commencement of international tender process for electronic monitoring of home detention expected later this year.	No decision required - for information only.
	Corrections (Amendment) Bill No. 2	The Bill was reported back to the House from the Law and Order Select Committee, but lapsed when the House rose for the Election. It includes important provisions on reading prisoner's mail and cell phone jamming. A decision is required on whether to proceed.

Key Personnel and Organisational structure

Head Office: Key Personnel

Barry Matthews, Chief Executive

<p>Prison Services (PS)</p> <p>Harry Hawthorn</p> <p>General Manager</p> <p>Responsibility for the safe and humane containment, rehabilitation, re-integration, and health of prisoners. Prison Services is also responsible for escorts and Court services.</p>	<p>Community Probation & Psychological Services (CPPS)</p> <p>Katrina Casey</p> <p>General Manager</p> <p>Responsible for the management of community sentences and orders, the provision of psychological services, the design and delivery of rehabilitative programmes, and reports for Judges and the New Zealand Parole Board.</p>
<p>Rehabilitation Group (RG)</p> <p>Phil McCarthy</p> <p>General Manager</p> <p>Overall responsibility for ensuring rehabilitation and reintegration is co-ordinated and integrated. Also has direct responsibility for managing Corrections Inmate Employment and the Māori Services team. Also has responsibility for Memoranda of Understanding with partner agencies.</p>	<p>Organisational Development (OD)</p> <p>Vince Arbuckle</p> <p>General Manager</p> <p>Responsible for providing organisational development and human resource advice and services to the Department including human resources strategy/policy/support and information systems, industrial relations, employment law, capability building, and payroll.</p>
<p>Office of the Chief Executive (OCE)</p> <p>Mike Martelli, General Manager</p> <p>Manages key functions on behalf of the Chief Executive including Internal Audit, the Inspectorate, the Professional Standards Unit, Communications, (external communications, publications), Ministerial Services, and Legal Services (except HR legal advice for which OD has responsibility).</p>	<p>Systems and Infrastructure (SI)</p> <p>Bob Calland</p> <p>General Manager</p> <p>Manages Information Technology, facilities management, office services, business continuity planning, emergency planning, Parole Board administrative support and victim support services.</p>
<p>Business Information and Planning (BIP)</p> <p>John Bole</p> <p>General Manager</p> <p>Responsible for providing business information and planning advice and service to the Department: this includes finance, procurement, related transaction processing, planning, management reporting and monitoring, and external reporting to Parliament.</p>	<p>Policy, Strategy and Research (PSR)</p> <p>Jane von Dadelszen</p> <p>General Manager</p> <p>Responsible for strategies and policy initiatives, and legislation, from a "whole of justice sector" perspective, to guide the development of the Department's operational policies and practices, and its overall direction and priorities. Provides specialist advice and support on policy and initiatives for Māori and Pacific offenders, and research and evaluation projects to improve effectiveness of offender services.</p>

Appendix 1: Overview of the Justice Sector

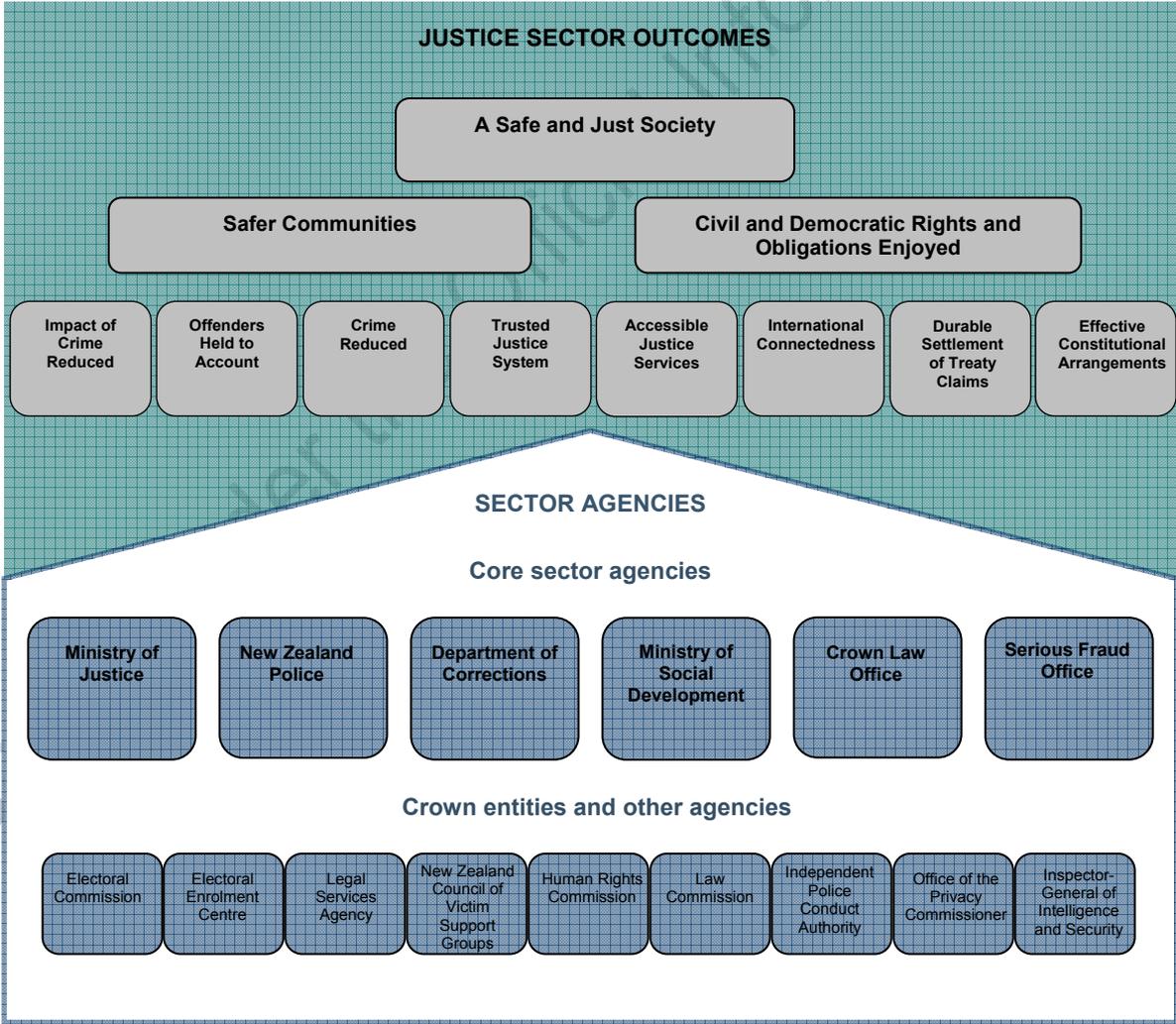
The New Zealand Justice System

New Zealand’s justice system includes constitutional arrangements and legal frameworks, civil and criminal structures and processes, police investigation and apprehension of offenders, judicial process and dispute resolution, and management of offenders in prison or on community-based sentences and orders. It includes all the processes that citizens and the State are required to follow to ensure equitable dispute resolution, and the balancing of the rights and obligations of the State and individuals, and between individuals.

In order to ensure the effective management of the New Zealand justice system, the various agencies involved have recognised the need to operate as a cohesive sector. The Ministry of Justice has a pivotal role in leading the work of the Justice Sector.

The Justice Sector

The New Zealand Justice Sector works for a safe and just society where communities are safe and civil and democratic rights are enjoyed by all, such as the right to vote, the right to a fair trial and the right to have a grievance considered.



The sector comprises the Ministry of Justice, Department of Corrections, New Zealand Police, the Crown Law Office, the Serious Fraud Office², Ministry of Social Development (regarding Youth Justice matters) and a number of Crown entities and other agencies.

The Justice Sector is large and diverse, touching on all areas of New Zealand society. It covers criminal, civil and democratic processes. The sector includes police and court work, imposing and collecting fines, running prison and probation services and managing general elections.

A snap-shot of activity in the justice sector

On average, every day of the year (250 working days for Courts; 365 for the Police, Child, Youth and Family and Corrections):

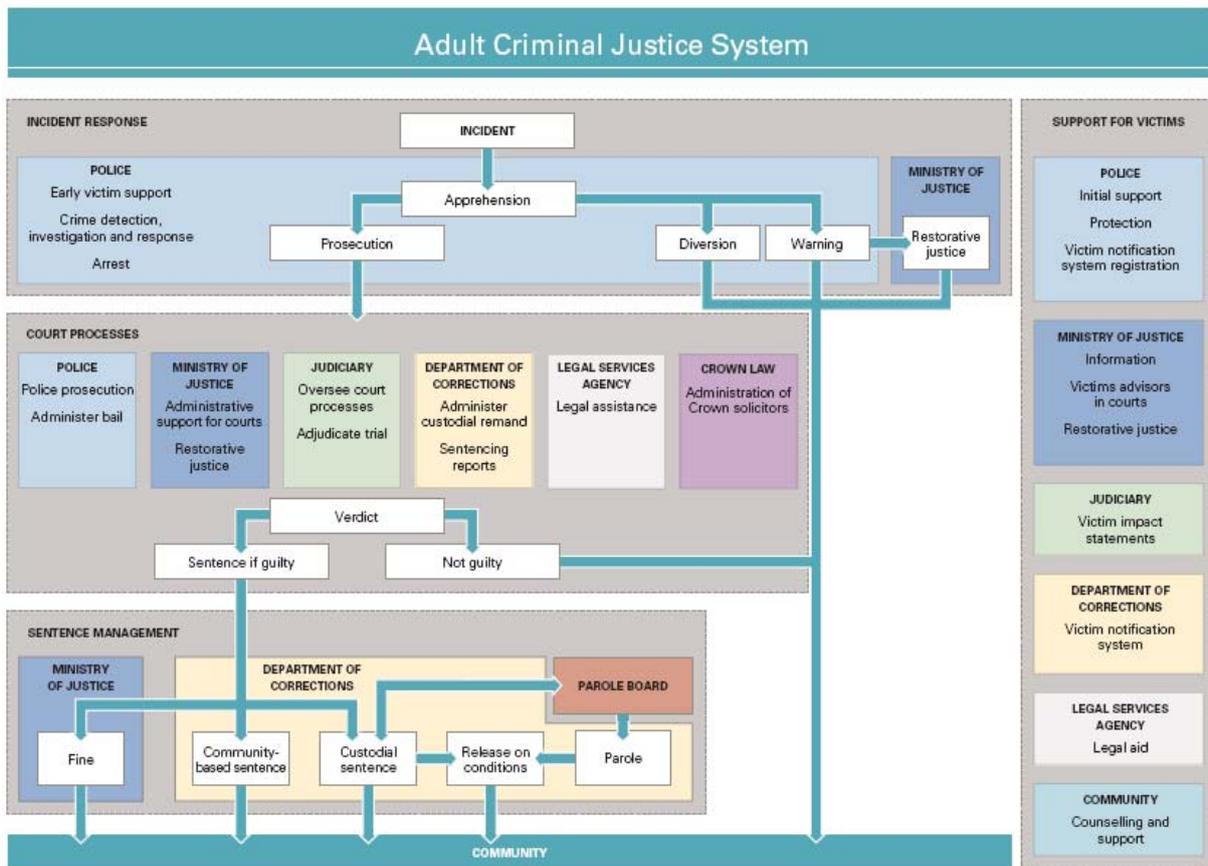
- Police answer 1,931 emergency calls and 2,963 other calls
- 1,169 crimes are recorded
- 830 on-road speed traffic and 3,900 infringement notices are issued
- more than 10 jury trials are disposed of in the District Courts
- 26 youth justice cases are referred to Child, Youth and Family, and 24 Family Group Conferences are convened
- 815 cases are disposed of by the criminal summary jurisdiction of the District Court
- 163 applications are made in Disputes and Tenancy Tribunals
- 365 applications are made in the civil jurisdiction of the District Court and the Family Court
- approximately 7,900 people are in prison, and 33,900 offenders are on community-based sentences.

The sector also:

- employs more than 29,000 staff, and operates from over 500 sites around the country
- administers more than 180 individual Acts of Parliament
- makes 14 million electronic data transactions per year through 32 separate electronic data interfaces
- manages 405 gigabytes of criminal data in the justice data warehouse, which is updated daily.

² The Serious Fraud Office (Abolition and Transitional Provisions) Bill was before the House when Parliament was dissolved before the general election.

This diagram shows the key stages and government agencies involved in the adult criminal justice system.



Collaboration and Coordination

The Secretary for Justice provides leadership to the Justice Sector as a whole and chairs the Justice Sector Chief Executives Group, which meets monthly and provides oversight and direction for the sector.

Justice agencies have a number of mechanisms in place to ensure that sector agencies are working together to achieve desired outcomes for the sector. These include:

- Shared outcomes framework and performance information, which supports coordinated planning and improved understanding of the effectiveness of initiatives and interventions across the sector.
- The Justice Sector Information Strategy enables agencies to access relevant, current information and operate from a shared perspective; and data systems investments to take into account the impact on other justice agencies.
- The shared justice sector budget process supports sector planning processes and means that Ministers are provided with advice about shared funding priorities, the relative contribution of initiatives to shared outcomes, and the flow-on impacts of initiatives on other parts of the Justice Sector.
- The Justice Sector prison forecast provides the sector with a shared view of future capacity constraints in the justice system (based on existing policy settings), including the underlying drivers of growth.
- Sector wide collaboration on policy development, which includes the work that the Ministry of Justice, Police, Law Commission, State Services Commission and other agencies have undertaken on the development of proposals and

legislation to combat organised crime in New Zealand. This work includes the creation of the new Organised and Financial Crime Agency of New Zealand.

- Sector wide operational forums for co-operation, which support collaboration and improved understanding of operational issues and flow-on impacts.

Current Challenges for the Justice system³

Civil

The justice system plays a vital role in the economy. By enforcing contracts, the court system gives individuals and companies the certainty they need to enter into business agreements. A well functioning court system supports economic activity by providing a timely and enforceable means of resolving civil and commercial disputes through the High Court, District Court, Disputes or Tenancy Tribunal. For the system to be effective, the courts need to be accessible. Cases need to be heard within a reasonable time frame. However, in the High Court, and in Auckland in particular, there can be lengthy waiting times for civil fixtures. Further, under current settings, civil disputes cannot always be resolved through the courts at a cost that is in keeping with the nature and scope of the dispute and the enforcement of the resolution (for example, the collection of civil debt can be unduly lengthy).

Criminal

Over the last decade total recorded crime has decreased, both in absolute numbers and per head of the population. During that period, the offence categories with the highest levels of offending have been dishonesty, drugs and anti-social, and violence (in that order). The reduction in total crime is mainly due to fewer dishonesty offences, such as theft, burglary and fraud. Some types of crime have increased, including violent offences and property damage.

Despite the reduction in total crime, there has been significant growth in volumes dealt with throughout the New Zealand justice system. For example, growth in the prison population has been due to an increase in the use of imprisonment since 2002 and an increase in the average time served by prisoners. This has had significant fiscal impact, creating a need for additional prisons to be built to meet demand for prison beds and placing strain on court capacity.

Imprisonment also has wider social and economical costs and impacts on families, communities and the labour force.

Real expenditure has increased significantly for the Justice Sector since 1999; 21 percent for Police, 29.7 percent for the Ministry of Justice and 76.7 percent for the Department of Corrections. This growth reflects a period of significant increase in demand for services.

Since 2001, 68 percent of additional expenditure provided for Corrections supported increases in custodial capacity and 42 percent of new Police funding has been used for improving capability and capacity. The most significant investments in the Ministry of Justice have supported the implementation of new legislation, new services, and restoring capability and capacity.

³ For more information about trends in criminal justice, see *The New Zealand Criminal Justice Sector Outcomes Report* (2008) at <http://www.justice.govt.nz/pubs/reports/2008/criminal-justice-sector>

The recent introduction of additional non-custodial sentences has reduced the number of offenders being imprisoned on shorter sentences. However, prison forecasts suggest there are still underlying growth factors that will lead to an increase in the prison population. In particular, the average time served by offenders on some longer term sentences continues to rise, and the average amount of time served on remand also continues to increase (primarily because of the increase in jury trials).

In order to achieve increased value for money the sector will require a response that will:

- address the underlying causes of crime in the medium to long term, including focussing on early interventions for at-risk children and their families and whanau
- reduce opportunities for offending and re-offending
- enhance victim satisfaction with the criminal justice system
- alleviate short term prison capacity issues.

While there are a number of opportunities for improving efficiency within the justice system that will help reduce pressure on prison capacity in the short term, the most promising avenue in the long term lies in tackling the underlying drivers of criminal offending and re-offending. To do this, the Justice Sector relies on interventions in the health, education and social development fields.

This approach requires ongoing integrated action between many government agencies. Agencies involved to date in this work include the Department of the Prime Minister and Cabinet, the Treasury, the State Services Commission, the Department of Corrections, the New Zealand Police, the Law Commission, Te Puni Kōkiri, and the Ministries of Justice, Social Development, Health, Education, and Transport.

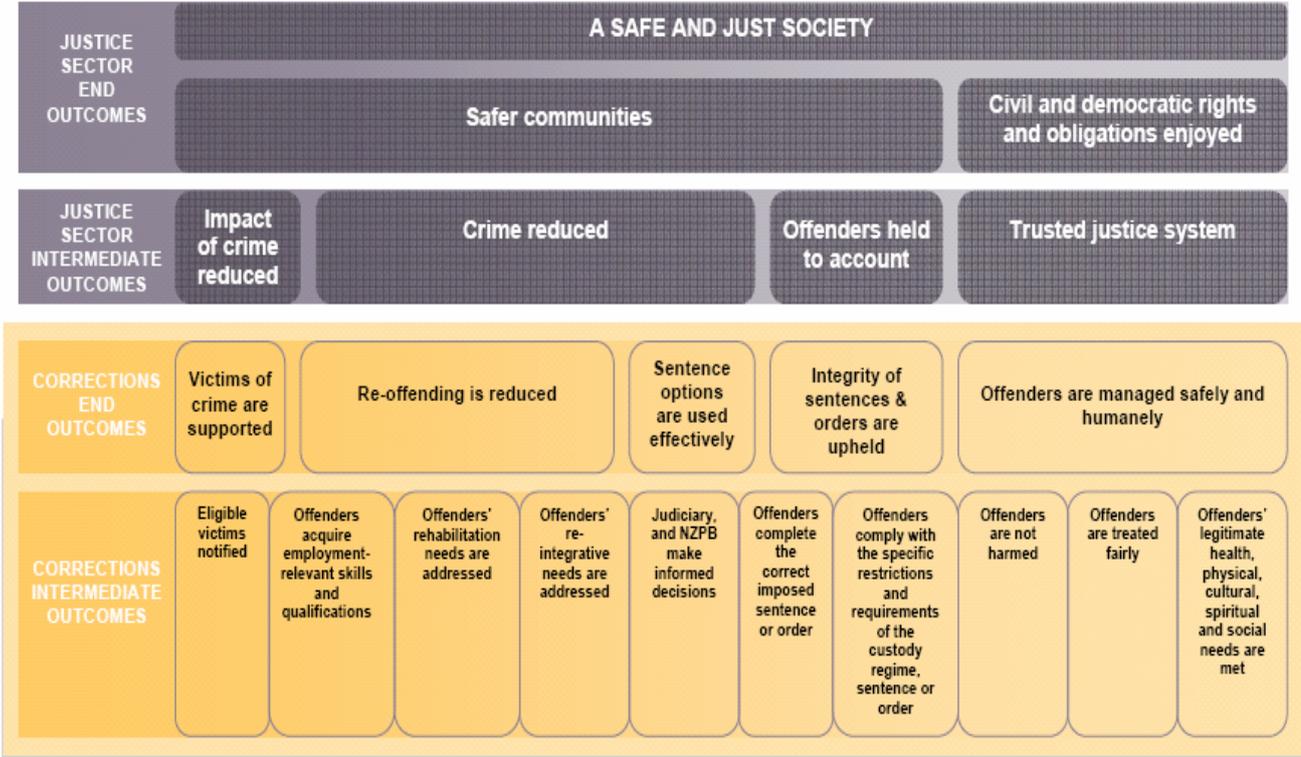
Appendix 2: Corrections' Contribution to the Justice Sector's Outcomes

The wider justice sector (primarily NZ Police, the Ministry of Justice, and Corrections) seeks to achieve certain outcomes for the benefit of New Zealand society. A hierarchy of outcomes have recently been agreed, and is shown below. Beneath the higher-level sector outcomes, specific outcomes to which Corrections contributes directly are noted, as shown in the diagram below. These outcomes (known as Corrections "End Outcomes") specify the major outcomes the Department is trying to achieve. These are:

- integrity of sentences and orders are upheld
- offenders are managed safely and humanely
- re-offending is reduced
- sentence options are used effectively
- victims of crime are supported

Beneath these five areas, more detailed outcomes have been defined, which are referred to as "intermediate outcomes". The outcomes of the Department, and how they fit into the wider justice sector, are illustrated in the following diagram.

Justice Sector Outcomes Framework



The Department is developing a wider range of outcome indicators to assess the impact of our work on society, both to inform decisions on progressive improvement of services, and to prioritise specific outcomes for greater effectiveness.

Appendix 3: Main legislative and international requirements

NZ legislation

The Department operates in accordance with the Corrections Act 2004 and Corrections Regulations 2005. The Sentencing Act 2002 and the Parole Act 2002 and their associated regulations also have particular relevance to the operations of the Department.

The Department of Corrections must operate in accordance with the purposes and principles of the Corrections Act 2004. Under the Act, the Department must:

- make public safety paramount when managing offenders
- administer all sentences in a safe, secure, humane and effective manner
- operate facilities in accordance with New Zealand legislation and based on other agreements (such as the United Nations Standard Minimum Rules for the Treatment of Prisoners)
- ensure that offenders are treated fairly by providing them with information about the rules, obligations, and entitlements that affect them, and ensuring that decisions made about them are fair and reasonable and that they have access to an effective complaints procedure.

Key provisions of the Corrections Act 2004 include:

- Setting up statutory roles and responsibilities, including those of the Minister
- Establishment and operation of community work centres and prisons, including detention in custody
- Security classification systems;
- Requiring the Department to assess prisoners devise individual management plans and provide programmes, within resources available, for their rehabilitation and reintegration into society;
- Transfer of Prisoners;
- Segregation (denial or restriction of association)
- Temporary release and removal
- Work and earnings
- Prisoners' minimum entitlements based on the United Nations Standard Minimum Rules for the Treatment of Prisoners – including living conditions, exercise, diet and visiting;
- Coercive powers including the use of force and restraints;
- Searching;
- Opening of mail and withholding correspondence, and monitoring of telephone calls;
- Alcohol and drug testing, and the requirement to produce a Drug Strategy;
- Offences against discipline and other offences;
- Complaints, investigations and inspections;
- Escort services and courtroom custodial services;
- Disclosure of information, including between the Department and the Police, including information on released, highest-risk offenders and the Immigration Service;
- Public management of prisons; and

- Regulation making powers

The Corrections Regulations 2005 comprise 14 parts and 8 schedules. The main areas covered are:

- administration of the corrections system
- movement of prisoners
- property and prisoner finances
- security classification of prisoners
- segregation of prisoners
- prisoner treatment and welfare (including health care)
- visits to prisons
- use of force, non-lethal weapons and mechanical restraints
- drug and alcohol testing
- discipline and order
- complaints
- special categories of prisoners
- prisoner placement.

Other core business legislation

Armed Forces Discipline Act 1971

Bail Act 2000

Child Support Act 1991

Children, Young Persons and Their Families Act 1989

Coroners Act 2006

Crimes of Torture Act 1989

Criminal Investigations (Bodily Samples) Act 1995

Criminal Justice Act 1985

Criminal Procedure (Mentally Impaired Persons Act) 2003

Immigration Act 1987

Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003

Mental Health (Compulsory Assessment and Treatment) Act 1992

Victims' Rights Act 2002

Public Sector Legislation

Public Finance Act 1989

State sector Act 1988

Ombudsmen Act 1975

Official Information Act 1982

Privacy Act 1993

New Zealand Bill of Rights Act 1990

Other relevant legislation

Misuse of Drugs Act 1975

Protected Disclosures Act 2000

Health Act 1956 and Health (Infectious and Notifiable Diseases) Regulations 1966

Employment related legislation e.g. Employment Relations Act 2000

Resource Management Act 1991

Building Act 2004

Key International Obligations

United Nations Standard Minimum Rules for the Treatment of Prisoners (1955)
Specifies basic standards for faculties and management of prisoners.

United Nations Optional Protocol to the Convention Against Torture (2002)
(OPCAT). Ratified by NZ in 2007; it establishes an international inspection system for places of detention.

International Labour Organisation (ILO) Convention 29 on Forced Labour (1930),
ratified by New Zealand in 1938. This is the main international convention on the
employment of prisoners and offenders serving some community-based sentences.

United Nations Convention on the Rights of the Child 1989 (UNCROC), ratified by
New Zealand in 1993. Includes principles concerning the detention of children,
defined as those 17 years and younger.

United Nations Covenant on Civil and Political Rights 1966, ratified by New Zealand
in 1978. Provides standards concerning procedures for lawful detention.