

# About Time

Turning people away from a life of crime and reducing re-offending

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Report from the Department of Corrections  
to the Minister of Corrections



*Kotahi ano te kaupapa; ko te oranga o te iwi*

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## Foreword

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New Zealand has a high rate of imprisonment by international standards, second only in the Western world to the United States. This needs to reduce. Why? Because increasing imprisonment does not reduce the crime rate any more than other sentencing options, yet it costs substantially more than other options.

We need new approaches to stop people offending in the first place, and to reduce re-offending. This is not a soft option. Society will be protected. Those people who should be in prison will be, in some cases for life.

The path to reducing imprisonment and reducing the crime rate includes prevention, alternative sentencing and rehabilitation.

Prevention starts with our children. Some offenders imprisoned for the first time are teenagers convicted of their first adult offence – although they may have an extensive history in the youth justice system – these youth are identified as a group for whom imprisonment could be reduced. Once a teenager is in prison their risk of re-conviction and re-imprisonment quadruples.

We must act to stop children from socially and economically disadvantaged families growing up into a life of crime. We know the earliest possible intervention works best and costs the least. Working with a five-year-old to change aggressive and defiant behaviour is estimated to cost \$5,000 and has a success rate of 70 percent; the same behaviour at age 20 costs \$20,000 and has a success rate of only 20 percent.

Alternative sentencing and rehabilitation applies to those in the criminal justice system who could be dealt with differently, and those who could be turned around from re-offending.

Many offenders are in prison for driving, property or drug-related offences. In 1999, just over 29 percent of offenders were in prison for property offences, around 22 percent for traffic offences, and 20 percent for other offences including drugs. It's not that these people should not be in prison, it is what we do with them while they are inside that will make a difference between a crime rate that goes up, or down.

We must use sound, research-based, rehabilitation programmes for offenders so they do not re-offend.

Our strategies must work for Māori. The Doone report on preventing crime by Māori says in 1998, Māori were 3.3 times more likely to be prosecuted, more likely to be convicted, and more likely to be sentenced to imprisonment; Māori made up 14 percent of the general population and 51 percent of the prison population. Providing for the unmet needs of Māori is a matter of urgency.

Our strategies must also work for other groups in society such as women and Pacific peoples.

A further benefit of reducing imprisonment is that reducing the prison population will eventually reduce the need for new prisons to be built. This, I feel, will be welcomed by our communities.

This report represents the beginning of a process to reduce the use of imprisonment. It suggests strategies which will be seriously considered and, where possible, implemented – rehabilitation programmes for serious driving offenders; drug and alcohol treatment for high-risk offenders; and Day Reporting Centres for offenders aged between 15 and 18 years.

It is not a report in isolation. Its outcomes link to the Corrections Law Review's aim to achieve better corrections law for New Zealand and to the Sentencing and Parole Reform Bill's aim to establish a firm, fair and rational sentencing framework for New Zealand.

In 2000, the Department of Corrections took their draft Treaty of Waitangi Policy Statement to Māori to seek their views on what the Department was proposing. At each hui and meeting a strong and passionate call arose from within Māori people. That call is expressed best in the statement:

***Kotahi ano te kaupapa; ko te oranga o te iwi***

*Let there be one unifying purpose to your work; the wellness and well-being of the people.*

The goal of wellness and well-being for the people has been adopted as the kaupapa statement for this report.



Matt Robson  
MINISTER OF CORRECTIONS



# About Time

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## Executive summary

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### Background

1. Cabinet invited a nominated Ministers' Group to report to the Cabinet Social Equity Committee with a strategy to reduce the growth of inmate numbers, and, over time to bring about a reduction (CAB (00) M22/14 refers).
2. This report and the accompanying Cabinet paper have been prepared by the Department of Corrections for submission to the Minister of Corrections as Convenor of the Ministers' Group.
3. The Terms of Reference for the report are attached as the Appendix.
4. The report shows that the annual average daily prison muster doubled between 1985 and 1999, and is projected to increase by a further 27 percent before the year 2011.
5. This report introduces 10 options for reducing the use of imprisonment, which are summarised in Table 1 on the following page. Four of these options will increase the range of services available to Māori and increase their effectiveness. This Report does not recommend changes in current policy in the use of imprisonment for remand. There has not been time to develop proposals in this area.

### Introduction

6. There is evidence that a marked reduction in inmate numbers can be achieved over time by 'decarceration' – which involves shortening the list of crimes for which imprisonment is an option, and shortening sentences – without an increase in criminal offending.
7. However, successful use of decarceration requires long-term adherence to a political accord that prevents populist appeal using the 'fear of crime' theme, and public understanding that reducing imprisonment does not necessarily increase crime. The report concludes that decarceration is not a major option in New Zealand at the present time.
8. This report introduces 10 options for reducing imprisonment by reducing serious victimisation. Eight of these approaches have the advantage over decarceration that they also improve public safety. The 10 options are introduced under three headings:
  - **Prevention**, which involves the introduction of a planned and integrated range of barriers to progress from disadvantaged childhood to serious adult offending.
  - **Alternative sentencing**, for selected teenage offenders to provide for intensive rehabilitation featuring job placement as a way of reducing progress to recidivist adult offending.
  - **Rehabilitation of established adult offenders**, so as to improve their prospects of staying out of prison.

**Table 1: Reducing the use of imprisonment – summary table of options and their expected outcomes**

INTERVENTION NUMBER	PAGE NUMBER IN REPORT	NATURE OF INTERVENTION	TARGET GROUP	EXPECTED OUTCOMES
1	Prevention section p29	Counselling services for high-risk young women	Young women in the youth justice, adult justice, and child protection systems	1) Fewer children born to high-risk mothers in adverse circumstances 2) Reduced demand for child protection services and justice services
2	Prevention section p30	Further investment in Family Start support for high-risk births subject to positive evaluation	Babies and their mothers and families	1) Improved early parenting and family circumstances for high-risk families 2) Improve adult outcomes for disadvantaged children
3	Prevention section p31	Screen selected new entrants and treat conduct disorder at school entry	Conduct disordered five-year-olds	1) Reduce early school failure; limit onset of problem behaviours and progress to youth and adult offending 2) Improve school performance and general life prospects
4	Prevention section p32	Risk assessment and rehabilitative services for selected early offenders	High-risk youth offenders aged of 10-13 years	1) Reduce progress of high-risk youth offenders to adult crime 2) Improve educational outcomes and employment prospects
5	Alternative sentencing section p36	Intensive rehabilitation and job placement for selected teenage offenders	Highest risk teenage offenders at first adult offence (for whom prison is not a likely outcome)	1) Prevent further offending by youth at risk of entry to adult cycle of re-offending (15% to 25% success rate)
6	Alternative sentencing section p39	Intensive rehabilitation and job placement for selected teenage offenders	Highest risk teenage offenders at first adult offence (for whom prison is a likely outcome)	1) Prevent further offending by youth at risk of entry to adult cycle of re-offending (15% to 25% success rate) 2) Reduce Māori over-representation in prisons
7	Rehabilitation section p48	MODS driver rehabilitation programme for offenders in adult justice system	Repeat disqualified drivers heading for imprisonment	1) Reduce incidence of disqualified driving leading to imprisonment 2) Reduce general offending
8	Rehabilitation section p51	Drug and alcohol rehabilitation	High-risk adult offenders with drug or alcohol problems	1) Reduced adult re-offending and re-imprisonment 2) Reduced serious violent offending 3) Reduce Māori over-representation in prisons
9	Reducing the imprisonment of Māori p56	Outcome evaluations of all Māori programmes	Existing interventions for Māori	1) Identify 'best practice' – improve rehabilitative programmes for Māori offenders
10	Reducing the imprisonment of Māori p56	Education programmes for Māori programme providers	Existing and potential Māori programme developers and providers	1) Increased number of programme places in tikanga Māori rehabilitation 2) Reduce Māori over-representation in prisons

9. The 10 options for reducing the use of imprisonment include:
- Four options (1, 2, 3 and 4) that focus resources on high needs children and youth to prevent progress to teenage offending – estimated to compound to a 10 percent reduction in imprisonment or more each year in the long term.
  - Two options (5 and 6) that address the unmet needs of high-risk teenage offenders and so prevent progress to adult crime – estimated to reduce imprisonment by around 2 percent per annum within five years of inception.
  - Two options (7 and 8) that ‘break the cycle’ of continuing re-offending and re-imprisonment of serious adult offenders – estimated to reduce imprisonment by 5 percent per annum within three years of inception.
  - Two options (9 and 10) that address the specific need to increase the range and effectiveness of services available to Māori.
10. All of the options introduced here are expected to reduce the imprisonment of Māori in line with the reduction they bring about in the imprisonment of non-Māori. However, reducing the over-representation of Māori among inmates requires measures that either select for services groups that are predominantly Māori – and so direct a greater proportion of available resources to Māori (as options 6 and 8 are expected to do) – or provide services that are more effective for Māori (as in options 9 and 10).

## Statistics on imprisonment

11. New Zealand’s use of imprisonment as a sanction is high by the standard of countries with which we would normally compare ourselves. According to new information provided by the UK Home Office Research Development and Statistics Directorate, New Zealand’s rate of imprisonment is the second highest in the Western world. New Zealand currently imprisons at a rate of 150 inmates per 100,000 persons – relative to comparable countries (Scotland and England 120, Australia and Canada, 110). However, international comparisons of imprisonment rates can sometimes be misleading.
12. Average daily prison musters have increased by 99 percent from 1985 to 1999 due to steady growth in demand of 200 prison places per year. This growth in inmate numbers has been due to increases in both the number of offenders imprisoned and, in particular, increases in the average sentence length – due mainly to increases in number and severity of violent crimes. Growth may have slowed to an estimated 137 prison places per year during the last 18 months, possibly as a result of the introduction of Home Detention. Further reductions in imprisonment due to Home Detention are unlikely. Current capacity projections call for an additional 1,400 men’s prison places and 200 women’s places before the end of 2010 (28 percent of the annual average muster for 1999). This estimate includes an allowance of 350 spaces for the impact of the Sentencing and Parole Reform Bill.
13. Ninety six percent of inmates are men and 51 percent of male inmates are Māori, so Māori are over-represented on a population basis by 3.5 times.
14. In order to neutralise growth in inmate numbers and bring about a modest downward trend, a reduction in imprisonment of at least 275 prison places, or 5 percent of current men’s musters, is required. In order to achieve significant improvements for Māori an annual reduction of significantly more than 5 percent must be achieved.

15. Analysis of the flows into prison suggest that there may be a high rate of imprisonment early in the offending career of young male adults, as indicated by these statistics:
  - Among offenders imprisoned for the first time, when grouped according to the number of previous court appearances, the largest group have no previous adult court appearances – they are imprisoned for their first adult conviction (or group of convictions).
  - Sixty percent of current inmates were first imprisoned as teenagers.
16. Four percent of inmates are women, and few women inmates are high-risk repeat offenders. Therefore five of the 10 options to reduce imprisonment focus on males. However, since women offend for different reasons to men, the Department of Corrections is developing risk and needs assessment procedures specifically to identify the rehabilitative needs of women, and this is expected to lead to the provision of appropriate services for women inmates. Since women and their children are sometimes victimised by violent male partners, the major benefit to women of the options recommended here is that they are expected to reduce the victimisation of women and children in their homes.
17. This report has considered the implications for Pacific peoples. Among inmates, Pacific peoples are only slightly over-represented (1.4 times) compared to Māori and their risk of re-imprisonment is lower on average. All of the options presented here are expected to reduce their imprisonment in line with reductions in the imprisonment of other cultures. The Department of Corrections intends to examine rehabilitation options specifically for Pacific peoples in 2001/02.

### **Reducing imprisonment by means of crime prevention**

18. This Report introduces a 'trajectory theory' of the origin of criminal behaviour. Trajectory theories have emerged from social science research in New Zealand (the Christchurch and Dunedin longitudinal studies) and in many other studies internationally. The findings show that the great majority of tomorrow's serious adult offenders can be found among the children of today's socially and economically disadvantaged families. Children and youth who are at risk of becoming serious adult offenders are identifiable with increasing certainty from birth to the beginning of their adult offending career.
19. The life-cycle view of the origin of serious and chronic adult offending and its implications for crime control have been applied in recent crime prevention policy developments in Australia and the USA. The recent Doone report on reducing Māori offending from the Department of the Prime Minister and Cabinet endorses the same general principle, as does the recent review of 'what works to reduce offending by young people' from the Ministry of Youth Affairs, and the publication 'Whanake rangatahi: Programmes and services to address Māori youth offending' from Te Puni Kōkiri.
20. Successful implementation of a policy of prevention has the potential to bring about larger reductions in victimisation and imprisonment than any other available strategy – conservatively estimated here at 10 percent reduction per year, compounding. The essence of a prevention strategy is an organised and co-ordinated series of barriers to progress along the trajectory leading to repeat adult offending.

21. Consequently, one strategy for reducing serious victimisation, and hence imprisonment, is to:
- Identify those on the trajectory to serious adult offending, and
  - Provide social services, educational services and/or justice services that interrupt progress along the trajectory.
22. The Report refers to this strategy as ‘prevention’. There are two fundamentals for an effective preventive strategy:
- You have to be able to recognise the small proportion of high need cases among the many casual offenders before you can deal with unmet needs.
  - Earliest possible intervention works best and costs least. For example an intervention for a 5-year-old who is aggressive, defiant, and rule-breaking is estimated in the Report to cost \$5,000 per case with a success rate of 70 percent. The same behaviours at the age of 25 years cost \$20,000 per case with a success rate of 20 percent at most.
23. The Report identifies four life-cycle points at which successful preventive services have been demonstrated, and sketches a profile of the service that would be required to bring about a reduction in imprisonment. Where an option intersects with developments in social policy or justice policy under development by other agencies, as three of them do, Cabinet is invited to refer the option to the relevant agency for action by inclusion in the relevant projects. The four crime prevention options are summed up in Table 2 below.

**Table 2: Summary of preventive options for reducing imprisonment**

INTERVENTION POINT	DESCRIPTION OF SERVICE	SERVICE PROVIDER	ESTIMATED COST PER CASE	ESTIMATED BENEFIT/COST RATIO
BEFORE BIRTH	<b>OPTION 1</b> Effective family planning advice to very high-risk young women in the youth justice, child protection and adult justice systems	DCYFS, Corrections	\$500	50:1
AT BIRTH	<b>OPTION 2</b> Further expansion of the Family Start programme. Identify high-risk births and support mothers and families	DCYFS, Health Service Providers, Māori Service Providers	\$3,000	25:1
AT PRIMARY SCHOOL ENTRY	<b>OPTION 3</b> Identify behaviour disorder and provide a behaviour change programme including support for family and school	Education Service Providers	\$5,000	51:1
EARLY YOUTH OFFENDING	<b>OPTION 4</b> Risk assess persistent, early offenders (age 10-14 years). Provide intensive services directed to criminogenic needs for selected cases	NZ Police, DCYFS	\$10,000	25:1

## **Reducing imprisonment by means of alternative sentencing**

24. Two key principles are brought together under this heading. The first is *getting the right people in prison* – making sure that offenders who are dangerous are kept out of the community. The second involves the idea that, whenever possible, young adults who are at the beginning of what may become a lifetime of crime should be given intensive rehabilitation in an effort to improve their chances of success in the mainstream of society, and reduce victimisation in the long term. The most successful approach to the rehabilitation of young adults involves community-based rehabilitation that is focused on placing the young person in a job, initially with a high degree of supervision.
25. Options 5 and 6 involve selected high-risk teenagers who have received a first conviction in the adult justice system. They would be sentenced to rehabilitation in community-based Day Reporting Centres with significant rewards and sanctions encouraging participation. Option 5 deals with high-risk teenage offenders who are not expected to receive a prison sentence, and option 6 deals with imprisonable cases without convictions for serious violence.
26. Option 6 is expected to select groups that contain up to 70 percent Māori, and therefore contribute to reducing the proportion of Māori among inmates by directing increased resources to their rehabilitation.

## **Reducing imprisonment by means of rehabilitation**

27. Established adult offenders are difficult to rehabilitate, and it has to be accepted that some will be extremely resistant to change. However, the Department of Corrections has developed a response to the need for rehabilitation of established adult offenders based on international best practice and successful local trials. Known as Integrated Offender Management, this system is currently funded to provide rehabilitative services for 18 percent of eligible offenders. Trials in New Zealand and internationally have shown that the kind of rehabilitative experiences provided by Integrated Offender Management reduce the expected incidence of re-offending 12 months after programme completion by 10 to 15 percent – which is typically a one-third to one-quarter reduction in recidivism.
28. Options 7 and 8 introduce strategies that break the cycle of re-offending and imprisonment involving established adult offenders by means of extensions to the current Integrated Offender Management system. Options 7 and 8 are summed up in Table 3 below.
29. Option 7 provides for the rehabilitation of frequent disqualified driving offenders, who currently account for 16 percent of all imprisonments, by means of the Making Our Drivers Safe (MODS) driver rehabilitation programme. Disqualified drivers occupy more than 78 percent of the prison space devoted to driving offenders, and they re-offend frequently. Research evidence from trials shows that MODS will reduce the imprisonment of this offender group.

**Table 3: Summary of rehabilitative options for reducing imprisonment**

OPTION NUMBER	SERVICE PROVIDER	ESTIMATED BENEFIT/COST RATIO	ESTIMATED PROGRAMME COST	ESTIMATED REDUCTION IN IMPRISONMENT
7: Rehabilitation of offenders with multiple disqualified driving convictions	Department of Corrections	4:1	\$1.485m	0.5% to 1.0%
8: Rehabilitation of drug and alcohol-dependent offenders	Department of Corrections	19:1	\$13.589m	3.6% to 5.8%

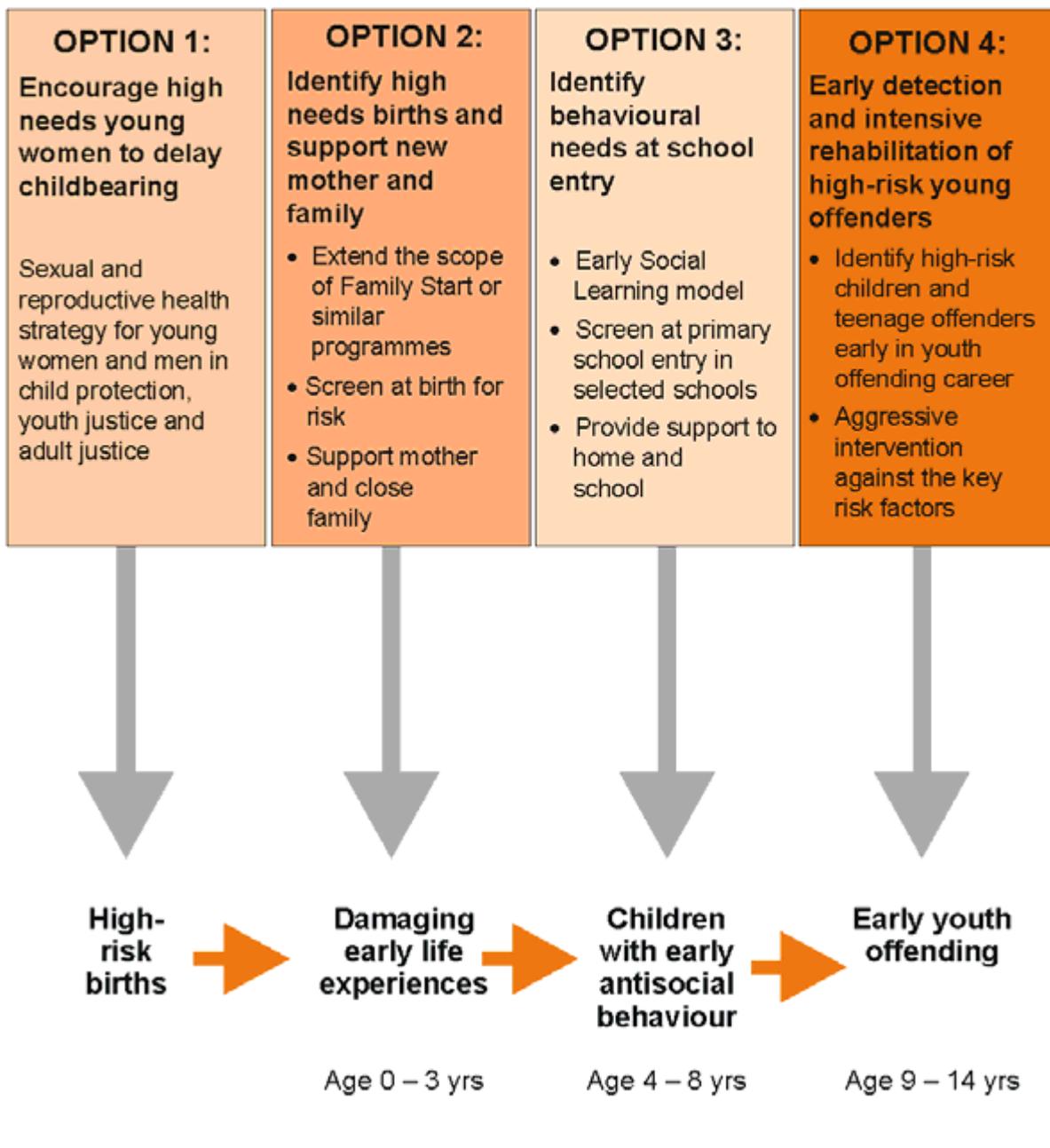
30. Option 8 involves the introduction of a range of three levels of drug and alcohol rehabilitation programmes for offenders at high risk of imprisonment. Department of Corrections research shows that drug or alcohol use is a factor in almost all criminal offences, and many offenders have a degree of dependency. Three programme intensities are proposed so that intensity can be matched with each offender's degree of dependency, for optimum use of the funds available.
31. Option 8 is expected to select groups with higher-than-normal composition of Māori offenders, and so contribute to reducing the proportion of Māori among inmates by directing increased resources to their rehabilitation.
32. Options 9 and 10 address the need to develop ways to assist Māori to reduce the proportion of inmates that are Māori. Both options implement the principle that rehabilitative programmes for Māori should be built on a 'knowledge pool' that includes both Western scientific explanations for offending and cultural explanations, including in particular, tikanga Māori. Whakapapa is also a positive force that can be employed in the rehabilitation of Māori option 9 identifies the fact that currently there is a 'knowledge gap' because 'what works best' in rehabilitating Māori is not known – in the sense that there are not enough proven practices bringing together tikanga, whakapapa, and researched rehabilitation practices. Option 10 addresses the 'supply of Māori programme presenters gap' that must be filled before tikanga-based programmes can be provided in volume.

# Summary Chart

Three strategies for reducing the use of imprisonment

## STRATEGY A: Prevention

Reduce the number of disadvantaged children and youth who progress to early offending



**Trajectory to prison** →

## STRATEGY B:

### Alternative Sentencing

Reduce the progress of high-risk teenage offenders into 'a lifetime of adult crime'.

#### Early detection and intensive rehabilitation of high-risk teenage offenders

- Risk assess teenagers at first offence in the adult justice system
- Select high-risk cases for intensive rehabilitation and job placement through Day Reporting Centres

#### OPTION 5:

Youth who are not likely to be imprisoned

#### OPTION 6:

Youth who are liable to imprisonment

## STRATEGY C:

### Rehabilitation

Break the cycle of re-offending and re-imprisonment involving serious adult offenders.

#### Prison-based rehabilitation

Provide rehabilitative services to reduce the number of prisoners who are re-convicted and re-imprisoned.

- Provide rehabilitative services to reduce the number of inmates who are re-convicted and reimprisoned.

#### OPTION 7:

MODS driving programme

#### OPTION 8:

Alcohol and drug rehabilitation

#### Options for reducing imprisonment of Māori

- **OPTION 9:** Identify best practice for Māori rehabilitation
- **OPTION 10:** Create a workforce of Māori rehabilitation programme providers
- **OPTIONS 6 and 8** will select groups that are mostly Māori and therefore reduce Māori over-representation in prisons

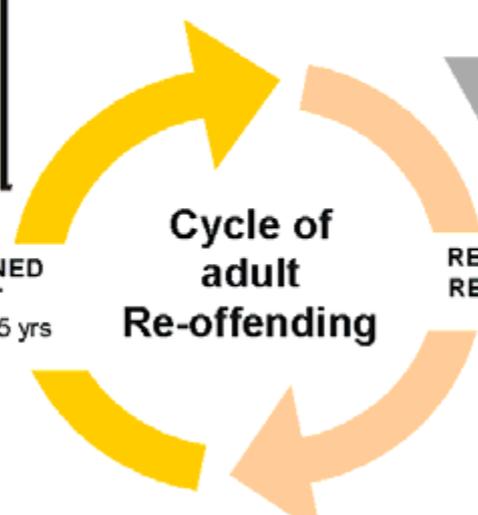
#### Early adult offending

Age 15 – 19 yrs

**IMPRISONED ADULT**  
Age 17 – 45 yrs

**Cycle of adult Re-offending**

**RELEASED AND REIMPRISONED**







# About Time

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## Introduction

33. Cabinet invited a nominated Ministers' Group to report to the Cabinet Social Equity Committee with a strategy to reduce the growth of inmate numbers and, over time, to bring about a reduction (CAB (00) M22/22 refers). This report is submitted by the Department of Corrections to the Minister of Corrections as Convenor of the Ministers' Group. The Terms of Reference approved by the Ministers' Group are attached as the Appendix. A Cabinet paper that lists recommendations to Cabinet concerning ways to further advance the options developed below accompanies this report.
34. The first major factor that has shaped the content of the report is the fact that the most direct way of reducing inmate numbers is not appropriate in the current climate in New Zealand. Growth in inmate numbers is a problem that a number of governments have attempted to tackle. The strategy that has been attempted most frequently – 'decarceration' – involves either reducing the list of offences for which imprisonment is an option, or reducing sentence lengths, or both simultaneously. However, decarceration is likely to have limited public acceptability in New Zealand, given the results of the criminal justice referendum conducted in association with the last election, because decarceration would be seen widely as reducing public safety. Therefore, this report sets out a number of options for reducing imprisonment that either increase public safety, or at least do not reduce it. Reducing future victimisation is central to the options that are presented here.
35. This report identifies three strategic directions for policy that reduce imprisonment while enhancing public safety, and these headings are used to organise the body of the report:
  - **Crime prevention**, which includes a planned and integrated range of social, educational, and correctional interventions that are directed towards identifying high need babies, children and youth who are at risk of becoming antisocial and interposing progressively higher barriers to progress towards chronic and serious adult offending. Based largely on the findings of longitudinal studies of children growing to adulthood, this section of the report applies the concept of 'interrupting trajectories to chronic adult crime' by early detection of high need cases and interventions based on international best practice. Four options are presented in this category.
  - **Alternative sentencing**, which here refers to diverting high-risk teenage offenders to intensive rehabilitation programmes provided in Day Reporting Centres, with the objective of providing intensive re-education and re-socialisation to improve their chances in the mainstream of society. It is suggested in this section that we need to get the right people into prison – so that diversion from imprisonment to alternative sanctions should only be considered where there is assurance that, overall, public safety will be increased. Two options are presented under this heading.
  - **Rehabilitation of established offenders**, many adult offenders re-offend on a number of occasions and may eventually be imprisoned and re-imprisoned. Rehabilitation programmes provided through the Department of Corrections Integrated Offender Management system address the factors contributing to each offender's continuing antisocial behaviour. Integrated Offender Management is currently funded to provide

rehabilitative services for 18 percent of offenders entering the adult justice system. The Department of Corrections estimates that a further \$26m is required to extend coverage of rehabilitative services to all suitable offenders in the top half of the risk of re-offending range.

36. In summary, this report introduces ten options for reducing the number of offenders who are imprisoned, organised under the three headings introduced above. Five of the options involve extensions to the Department of Correction's Integrated Offender Management programme, which provides research-proven rehabilitative services for offenders who are at high risk of re-offending. Four of the remaining five options involve an outline sketch of interventions that would be funded through other agencies, possibly social services, education, or youth justice. Two options are formulated to support Māori by using the strengths of whanau, tikanga and whakapapa, and another two are expected to select mostly Māori groups, and thus divert more rehabilitation resources to Māori.

### A brief review of reasons for using imprisonment

37. Any discussion of options for reducing inmate numbers should include consideration of what society expects to achieve by imprisonment, and the extent to which imprisonment of offenders meets those expectations.
38. Imprisonment is society's 'ultimate sanction' and it is considered to have four socially desirable outcomes – deterrence, rehabilitation, incapacitation and retribution. Some of these are more relevant to modern justice policy than others.
- **Deterrence** is based on the principle that the imprisoned person or other like-minded people will be deterred from similar actions in the future as a result of the possibility of imprisonment. The notion of deterrence has a common-sense plausibility about it.

However, the deterrent effect of imprisonment is difficult to demonstrate experimentally. A recent research paper from the Office of the Solicitor General of Canada brings together the results of 50 studies of the deterrent effect of imprisonment, which together involved more than 300,000 offenders.<sup>1</sup> The study found that imprisonment, instead of a community sentence, did not reduce re-offending after release. It also found that longer prison sentences did not reduce re-offending, and may have increased it. The report noted:

*None of the analyses found imprisonment to reduce recidivism. The recidivism rate for offenders who were imprisoned as opposed to given a community sanction were similar. In addition, longer prison sentences were not associated with reduced recidivism. In fact, the opposite was found. Longer sentences were associated with a 3% increase in recidivism...This finding suggests some support to the theory that prison may serve as a 'school for crime' for some offenders.*

*Regardless of the type of analysis employed, no evidence for a crime deterrent function was found.*

A similar result has been reported for imprisonment of traffic offenders.<sup>2</sup>

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<sup>1</sup> Gendreau *et al*, 1999

<sup>2</sup> See a series of papers by Yu, culminating in Yu, 2000

39. However, these findings do not exclude the possibility of a general deterrent effect – people who do not offend may be dissuaded from becoming offenders by the knowledge that imprisonment could result:
- **Rehabilitation.** The second possible objective for the use of imprisonment is rehabilitation. In this case prison is used to confine the offender while programmes are provided that are expected to prevent further offending. The use of imprisonment solely for rehabilitation reasons is an expensive option and it cannot be justified on benefit/cost grounds unless community-based rehabilitation has failed.
  - **Incapacitation.** While an offender is confined to prison he or she cannot commit further offences against the public. Imprisonment solely for incapacitation is used in circumstances where there is clear evidence of dangerousness and high risk of persistent offending, so that the risks to public safety are judged to outweigh the rights of the offender. It is an option that is being used increasingly internationally as a means of managing high-risk violent offenders.
  - **Retribution.** Imprisonment for retribution holds that certain crimes require a clear response from society, regardless of any other merits or demerits of imprisonment – ‘just deserts’. Crimes considered to be in this category include serious violent offences, serious sexual offences, and others. Where imprisonment is used primarily for retribution, the incidence of serious crimes will largely determine inmate numbers.
40. Public opinion supports retribution, and can demand a lot of it – especially when encouraged by sensationalistic reporting of crime stories in the news media, and ‘fear of crime’ politics.

### International experiences with reducing imprisonment

41. Many countries have found that inmate numbers tend to increase with time, until at some point action is deemed necessary to reduce growth. Growth in the number of imprisoned offenders often results in social concerns,<sup>3</sup> and several countries have introduced policies to bring about reductions in inmate numbers. Decarceration policies are not always successful<sup>4</sup> primarily because the chosen policy instruments fail to have their intended effect. The two reviews introduced in the Report below provide the best advice available on what has worked internationally.
42. The experience of Finland provides perhaps the best example of a sustained and successful programme to reduce inmate numbers, and the implications of that for crime rates. Finland reduced its national imprisonment rate from around 180 inmates per 100,000 of population a generation ago, to the current rate of 40 per 100,000. In percentage terms, this represents a reduction down to 22 percent of the original value – a sustained reduction in imprisonment of around 3 to 4 percent a year for more than 20 years. Imprisonments for violence and drug offences increased across the decarceration period, while imprisonments for property offences and traffic offences decreased markedly.
43. While the incidence of reported crime increased in Finland during the period of decarceration, it increased less than that in other Nordic countries, which were not reducing the use of imprisonment.

<sup>3</sup> See Mauer, 1999

<sup>4</sup> See discussions in Young and Brown, 1993; Lappi-Seppala, 1998

44. The key reviewer of the Finnish decarceration programme<sup>5</sup> concludes that there is no obvious connection between imprisonment rates and crime rates. He suggests that the key factors behind the success of the Finnish programme were these:
- There was 'expert understanding of criminology' behind the policy changes, both in government and in the public services.
  - There was a political accord, maintained across the entire period, that the reduction in imprisonments was necessary, and that there would be no use of 'fear of crime' as a populist theme.
  - Finnish media reported crime stories in a 'sober and reasonable' way, and did not 'sensationalise crimes to compete for market share'.
  - The principal changes made involved an overlapping series of measures both to reduce sentence lengths, and to reduce the range of crimes that resulted in imprisonment both based on a re-examination of the proper role of imprisonment.
  - The Finnish public continued to support decarceration measures for the entire period, in particular for three reasons:
    - There was responsible reporting of offences by news media, as noted above.
    - No politicians used 'fear of crime' or 'soft on crime' as a populist themes.
    - Regular public education pieces advised of the limited crime reduction gains to be had from imprisonment.
  - Particular emphasis was placed on changing the sentencing decisions of judges.
  - A range of crime control strategies was introduced that went beyond the core justice sector, and included education, social welfare and youth justice.
45. A recent review of international experiences with decarceration<sup>6</sup> concludes with some useful observations:

*(This study) has shown that increases in prison populations over time tend to be caused by both changes in both admissions and length of detention, but that reductions in the prison population over time are more easily achieved through regulating the length of detention than the number of admissions. In cross-national comparison, jurisdictions with high prison populations typically do not send proportionately more offenders to prison, but rather impose longer terms on those who do go to prison...Offence or conviction rates account for only a small part of the variations in the use of imprisonment.*

*Similarly, it is difficult to attribute variations in imprisonment practice to... policy choices within the criminal justice system. To begin with, penal policies frequently do not have their intended effect, either because they are inappropriately targeted or because other countervailing pressures within the criminal justice system or wider political and socio-economic structure militate against their successful implementation. More importantly, penal policies are not simply based on rational decisions about the methods of punishment that will efficiently control crime... Variations (between jurisdictions) are driven by a range of more intangible cultural factors (such as) public sensibilities about punishment, which go to make up a society's penal values.*

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<sup>5</sup> Lappi-Seppala, 1998

<sup>6</sup> Young and Brown, 1993

*This sort of analysis of imprisonment rates demonstrates the limitations of efforts at 'rational' penal reform that attempt to alter penal practices by redefining penal philosophies or offering a greater choice in the smorgasbord of sanctions.*

*Ultimately, effecting very substantial shifts in the use of imprisonment – for example, making English or New Zealand prison rates as low as those of the Netherlands – involves changing a range of socio-cultural attitudes and values that go well beyond the technical penological agenda. To argue this is not to deny the possibility of change; it is rather to argue for a different level of social and political debate.*

## **The role of restorative justice**

46. Restorative justice processes are already taking place within the justice system in a variety of different ways. These include the statutorily imposed family group conferences in the youth justice system, community panels that can recommend diversion of minor adult offenders out of the court system, and voluntary requests for facilitated meetings between adult victims and offenders at any stage, including during imprisonment. Government support announced in the 2000/2001 budget includes the funding for community-based groups, managed by the Crime Prevention Unit, and the court referred pilot in three court regions.
47. The new court-referred restorative justice pilot will focus on alternatives for more serious offenders, for instance those who commit burglary or theft, assault, or criminal damage. A restorative justice conference will only take place if the victim chooses and the offender pleads guilty and agrees to participate. The restorative justice conference report will provide the judge with additional information to draw upon in sentencing relating to the harm caused to victims and the future re-integration of the offender in the community. The judge will continue to sentence in open court.
48. This report does not recommend changes in current policy in the use of imprisonment for remand. There has not been time to develop proposals in this area, which has also been traversed in recent reviews of bail policy.





# About Time

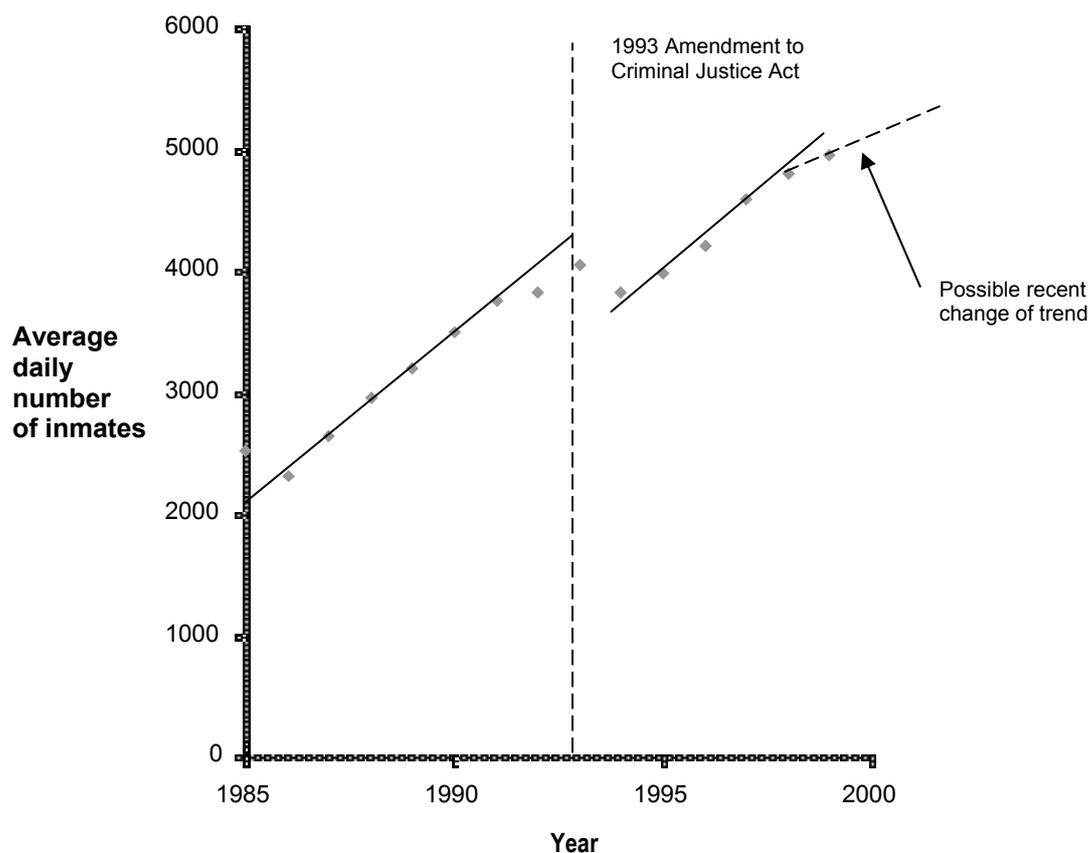
Turning people away from a life of crime and reducing re-offending

## Statistics on imprisonment in New Zealand and internationally

49. This section examines available information on the use of imprisonment as a means of social control in New Zealand and internationally. It then sets out the implications of this information for reducing inmate numbers.

### Time trend in the use of imprisonment

Figure 1: Average daily numbers in prison 1985 to 1999



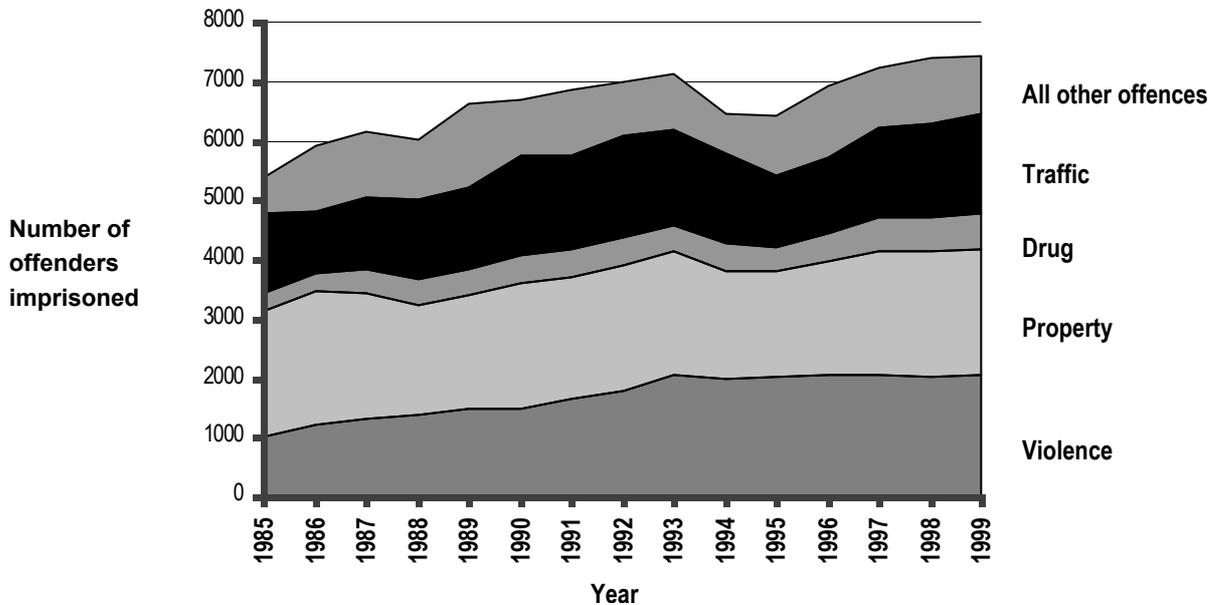
Source: Spier, 1999

50. Figure 1 above illustrates trends in the annual average daily number of people in prison (sentenced and remanded) in the 15 years from 1985 to 1999. According to the Figure there has been a reasonably constant rate of growth throughout that period, of around

275 new prison places per year, which was interrupted for three years by the effects of the 1993 Criminal Justice Amendment Act, which reduced demand for prison space by reducing sentence lengths. The effect of that steady growth has been to increase the annual average muster by 99 percent from 2,820 at the beginning of the review period, to 5,665 in 1999. During the last two years the rate of growth may have declined and current projections of prison populations to the end of 2,010 allow for an annual growth of 137 new prison places per year.<sup>7</sup>

51. Assuming that the lower rate of growth continues, the reduction in prison use needed to bring growth in imprisonments to zero amounts to 137 fewer prison places in the first year than current forecasts call for, 274 fewer prison places in the second, 411 fewer in the third year and so on. If Government wished to bring about a continuing modest decline in imprisonment, as measured by average daily musters – of, say two-and-a-half percent per year, then the reduced number of imprisonments in the first year would have to be 138 more than the reduction needed to bring about zero growth – a total reduction of 275 fewer prison places. To sustain the downward trend a further reduction of 275 places would be required in the second year – 550 below the current trend line, and so on.

**Figure 2: Numbers of people sentenced to imprisonment by offence type 1985 to 1999**



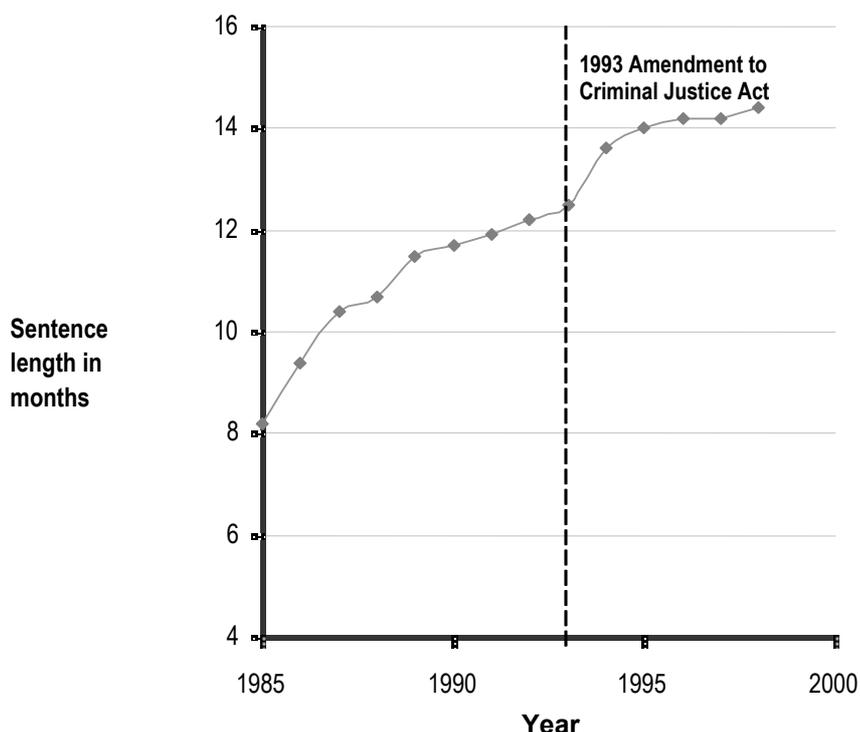
Source: Data supplied by the Ministry of Justice

52. This report recommends 275 fewer prison spaces on a compounding basis as a target for the 'reducing imprisonment' exercise. If the current lower rate of growth continues this target will achieve a modest reducing trend. If the previous high rate of growth re-emerges this target will still produce zero growth in inmate numbers in the future.
53. Figures 2 and 3 show that the steady growth in the number of inmates in the period since 1985 has been brought about by two factors – increasing numbers of people are being sentenced to prison (Figure 2), and sentences are getting longer (Figure 3).

<sup>7</sup> Figure from current Department of Corrections projections

54. In Figure 2 the number of people imprisoned each year since 1985 is disaggregated by major offence type. The graph suggests that the 38 percent increase in imprisoned offenders across the review period was brought about by a 45 percent increase in space occupied by offenders sentenced for violence. Prison sentences for property offences decreased by 27 percent, and traffic offences decreased by 2 percent. Imprisonments for traffic offences have been increasing during the last four years – up from 18.7 percent of imprisonments in 1985 to 22.4 percent in 1999.

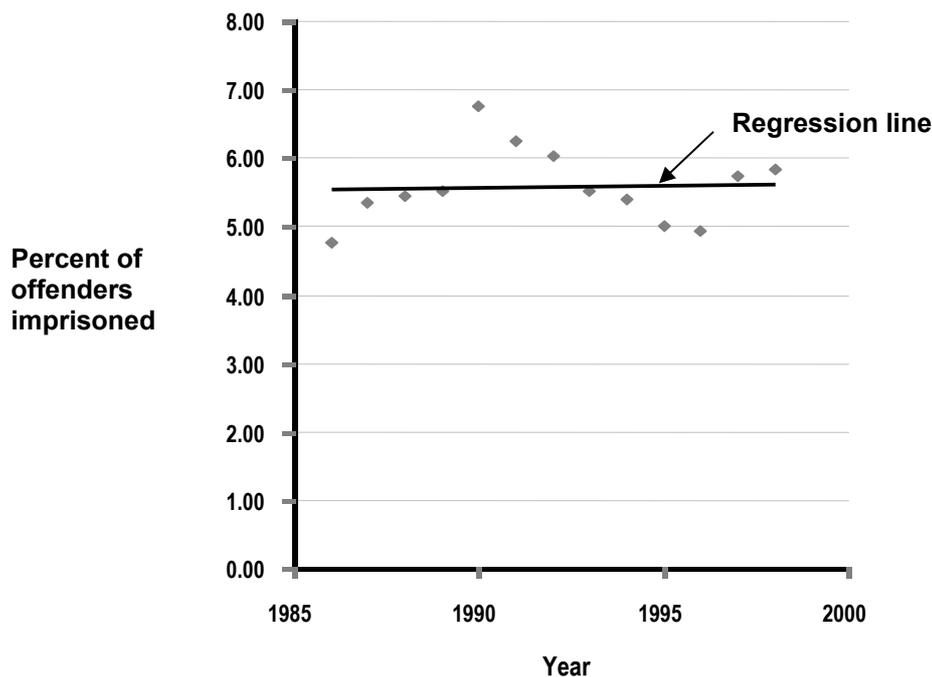
**Figure 3: Trend in average sentence length 1985 to 1999**



Source: Data supplied by the Ministry of Justice

55. In 1999, 28.4 percent of offenders sentenced to prison were convicted of a property offence, 27.5 percent were convicted of a violent offence, and 22.4 percent were convicted of traffic offences.
56. Figure 3 illustrates the trend in the average sentence length imposed, in the period 1985 to 1999. As the Figure shows the average sentence length has increased significantly – by more than 75 percent – across the review period. This trend to increasing sentence lengths is consistent with the increase in the proportion of imprisonments for violence, and the decrease in the proportion of imprisonments for property offences illustrated in Figure 2. While sentence lengths are increasing, this is probably due to changes in the seriousness of offences, rather than increasing sentence lengths for comparable offences.
57. Figure 4 illustrates trends in the proportion of convictions that result in prison sentences. A linear regression line fitted to the data shows almost no slope, indicating that there has been no overall change in the trend of the use of imprisonment as a sanction across the review period, and suggesting that courts have become neither more nor less likely to use imprisonment as a sanction. However, the percentage of convictions resulting in imprisonment varies from year-to-year across a 1.5 percent range.

**Figure 4: The proportion of all offences resulting in prison sentences – 1985 to 2000**

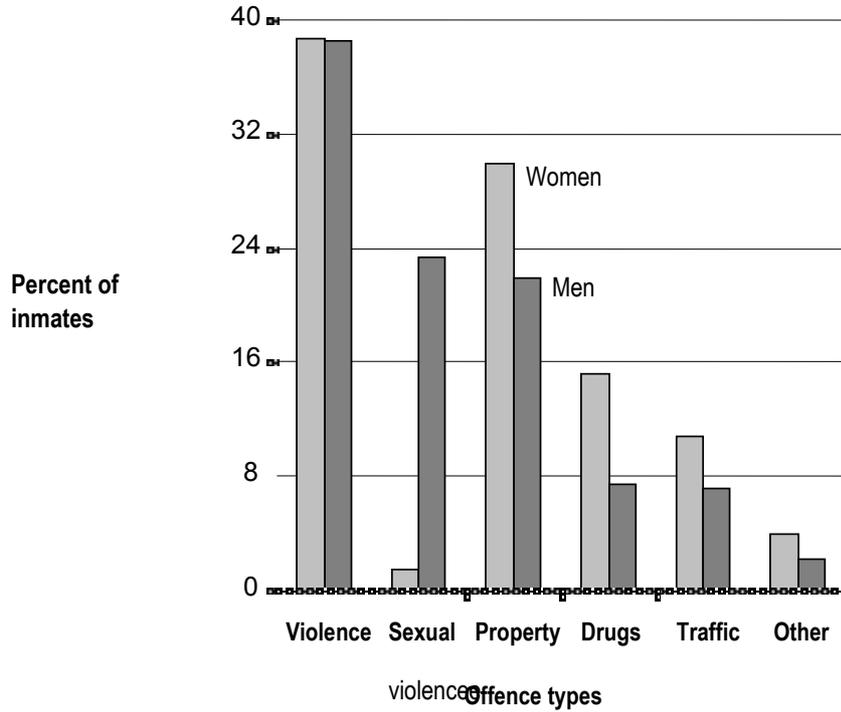


Source: Spier, 2000

### Offences resulting in imprisonment

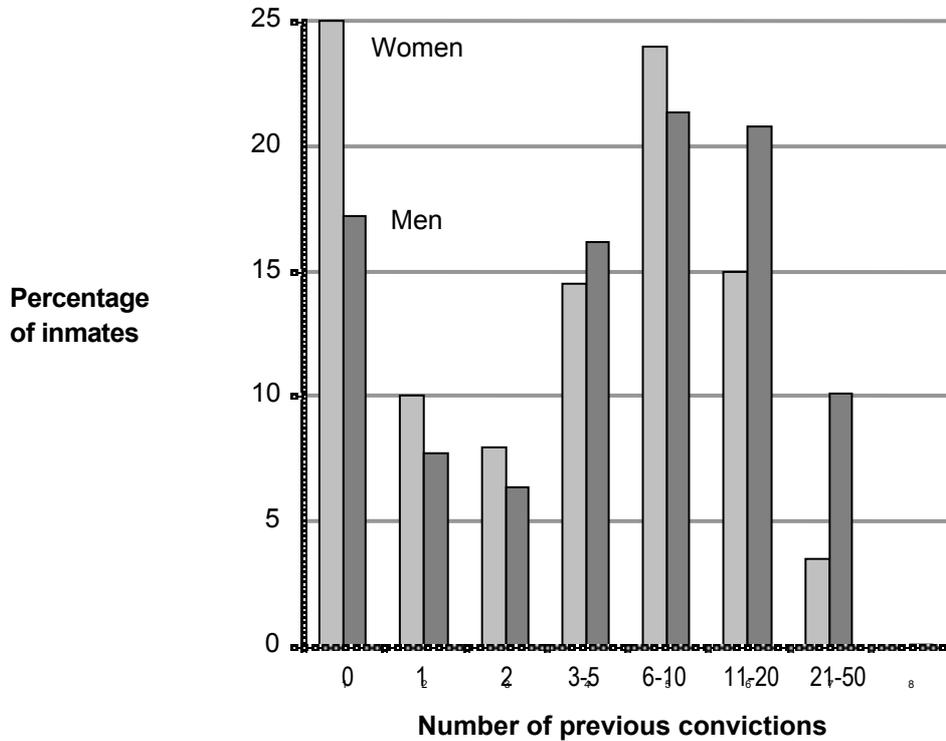
58. Figures 5 and 6 provide a snapshot of the number and nature of the offending that brought about their current imprisonment. For both men and women the offence category containing the largest number of cases is violence, at around 38 percent. A further one-quarter of men were imprisoned for sexual violence and another one-quarter for property offences. Women had higher rates of imprisonment for property offences.
59. At the time of the 1999 prison census 5,647 inmates were men and 233 (or 4 percent) were women. From the standpoint of reducing the use of imprisonment, male offenders are the obvious targets. In terms of offence categories for which there may be alternative sanctions allowing less use of imprisonment, property offences and traffic offences stand out.

Figure five: Major offence of those in prison as at November 1999



Source: Rich, 2000

Figure six: Number of previous convictions for offenders in prison as at November 1999



Source: Rich, 2000

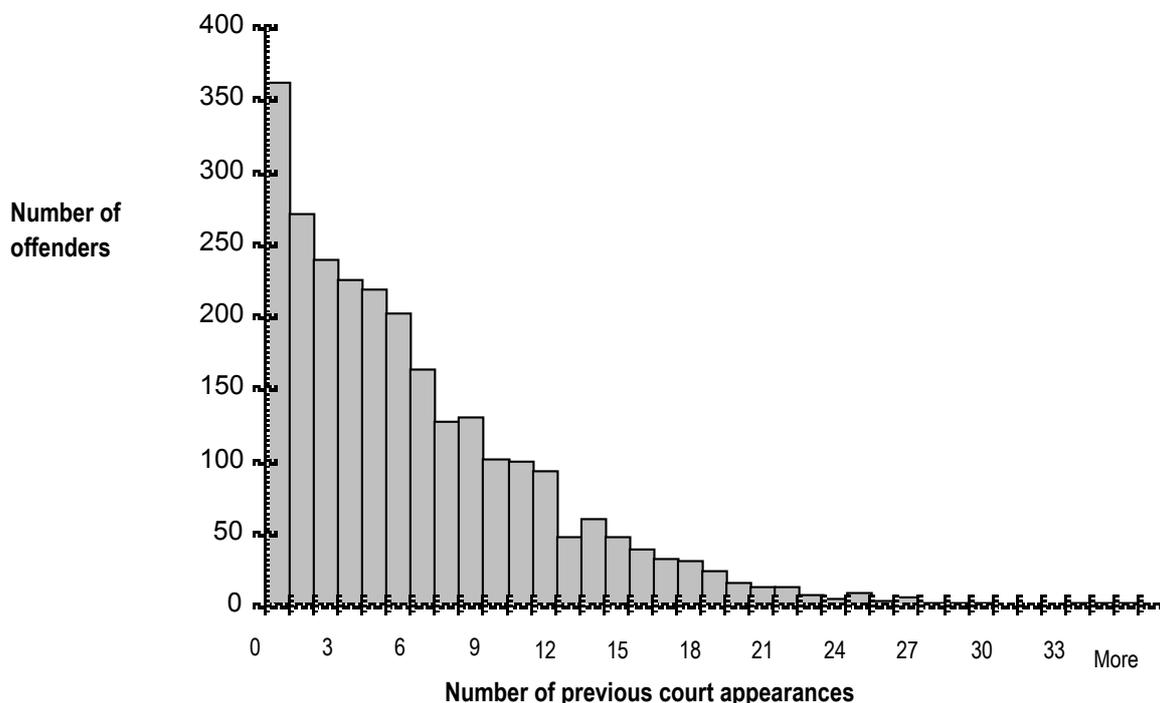
## First-time convictions resulting in imprisonment

60. Figure 6 illustrates the number of *previous convictions* – convictions received before the conviction that brought about imprisonment – against the offenders in prison during November 1999. The significant point in this figure is the large proportion of both men and women inmates who were imprisoned as a result of their first conviction (or group of convictions, if they were convicted on several charges at a single court appearance) in the adult justice system. For men, the proportion was 17 percent and for women it was 25 percent. This finding is contrary to the widely held view that ‘You have to do a lot of offending to get into prison in New Zealand’.
61. Figure 6 suggests that a significant number of offenders are imprisoned for their first adult conviction. While most of them probably have extensive records in the juvenile justice arena (and may be responsible for serious crimes) they will have had no previous experience of the adult system. Since the juvenile justice system emphasises diversion from formal justice procedures and restorative mediation procedures, this group is unlikely to have received significant rehabilitative services.
62. One option for reducing the use of imprisonment, therefore, is greater use of intensive rehabilitation as part of an alternative sentence for some offenders liable for imprisonment as a result of their first adult conviction. Options 5 and 6 deal with this principle. Figure 7 presents an analysis of the adult offending records of inmates imprisoned for the first time in 1993. The number of court appearances<sup>8</sup> provides a measure of criminal activity that differs from convictions; it is possible to receive many convictions at any one court appearance. Court appearances therefore, provide a view of the length of a criminal career that can be obscured when considering the number of convictions. Both views of criminal activity are presented and paint a similar picture.
63. As the Figure shows, of the 2,220 people imprisoned for the first time in 1993, the largest group of inmates (358) was imprisoned at the first appearance in an adult court. The median number of previous court appearances<sup>8</sup> is four – meaning that equal numbers of cases fall either side of four previous court appearances.
64. Together, the number of offenders imprisoned on their first or second court appearance is 25 percent of those imprisoned for the first time in 1993. This shows that a relatively short adult criminal career before imprisonment is common among inmates.

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<sup>8</sup> Resulting in a conviction

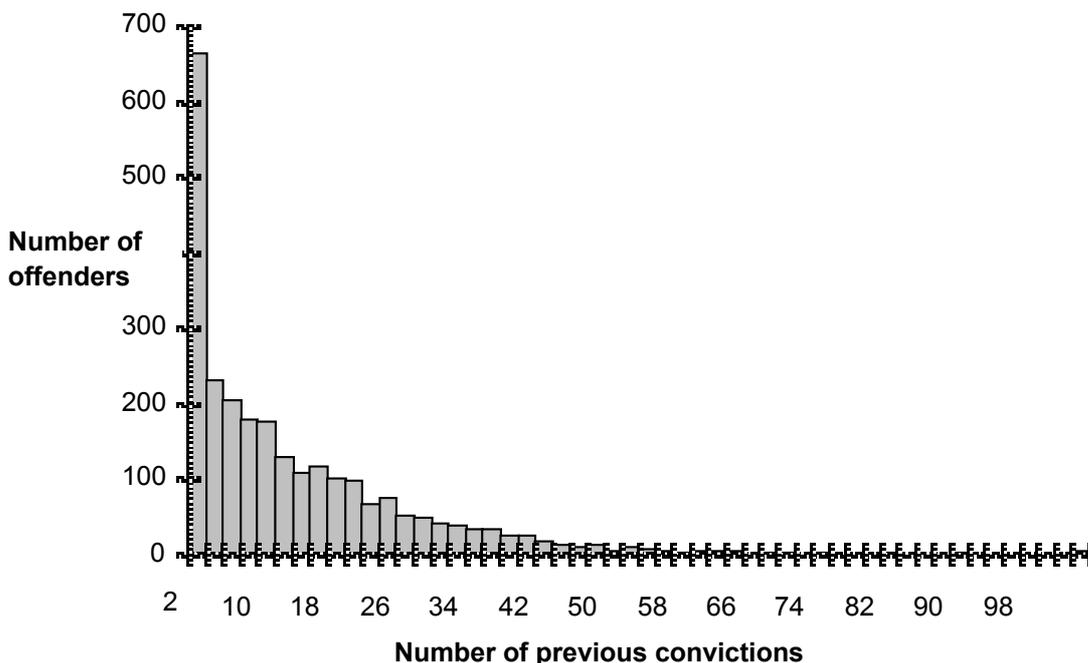
**Figure 7: Number of previous court appearances resulting in a conviction by those going to prison for the first time in 1993**



Source: Wanganui Computer records for 1993

65. The data in Figure 7 suggest that imprisonment can occur relatively early in an offender's criminal career – one-half of first-time imprisonments occurring on the fourth adult court appearance or before. Figure 8 below examines the same issue using data on the number of convictions held by those entering prison for the first time in 1993. As the Figure shows, the largest group had only one or two adult convictions at the time they entered prison for the first time. Data on the number of convictions held by those entering prison for the first time supports the data on previous court appearances shown in Figure 7 but amplifies the difference.
66. While one offender in the 1993 data had to be convicted of 98 offences before being imprisoned for the first time, Figures 6, 7 and 8 suggest that a significant proportion of those imprisoned for the first time are at the beginning of an adult offending career and not established adult offenders.

**Figure 8: Numbers of previous convictions against those going to prison for the first time**



Source: Wanganui Computer records for 1998

67. Table 4 examines the age and offence types of the 358 offenders who make up the longest bar in Figure 7 – those who were imprisoned at their first court appearance. The most significant aspect of these data is the high rate of imprisonment of teenagers as a result of a first adult offence. According to the Table, 101 offenders in 1993 were imprisoned for a first offence while still teenagers – 40 percent of whom did not commit serious violent or sexual offences. On the basis of the 1993 data, it is likely that there would be around 50 offenders per year in this category at the present time.

**Table 4: Ages and offence categories of those imprisoned for their first adult conviction in 1993**

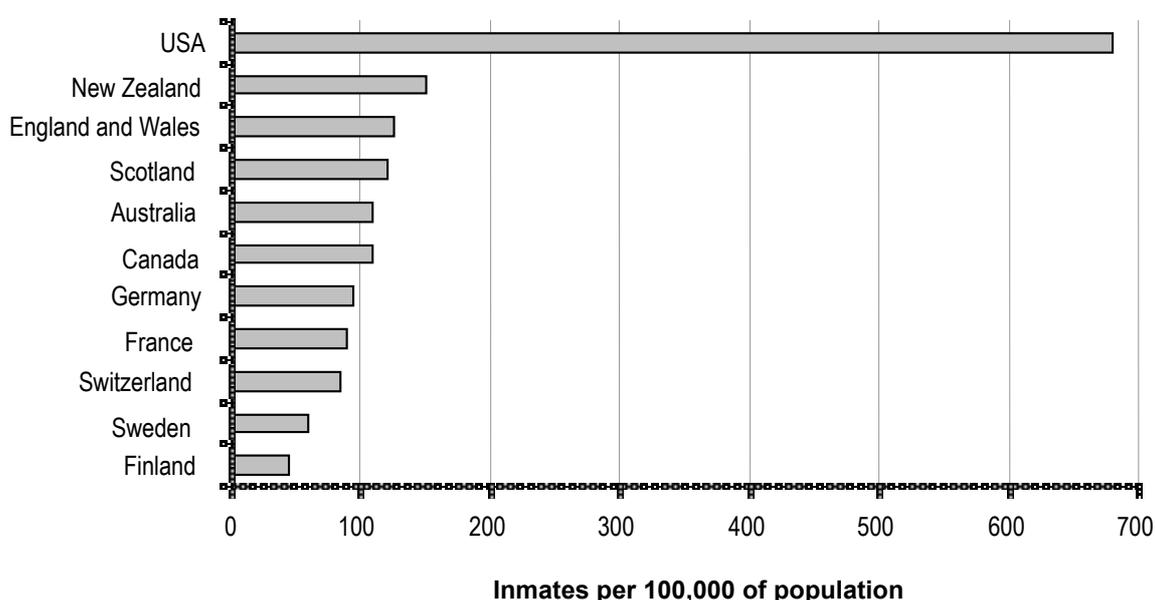
AGE	SERIOUS VIOLENT	OTHER VIOLENT	ALL SEX	ALL PROPERTY	DRUG AND ALCOHOL	TRAFFIC	JUSTICE RELATED	TOTALS
UNDER 20	51	2	9	31	3	0	7	101
20-24	17	1	14	5	2	0	13	51
25-29	7	0	11	8	3	0	8	37
30-34	6	0	10	11	4	0	5	36
35-40	3	0	12	6	1	0	3	25
ABOVE 40	9	0	71	19	3	0	6	108
<b>TOTALS</b>	<b>93</b>	<b>3</b>	<b>127</b>	<b>80</b>	<b>16</b>	<b>0</b>	<b>42</b>	<b>358</b>

68. In 1993, no traffic offenders were imprisoned for a first offence (except for cases resulting in a fatality, which are counted as manslaughter in 'serious violent').

## International comparisons

69. Figure 9 compares New Zealand’s imprisonment rate with 10 OECD countries. Two of these countries were chosen for inclusion in this comparison because they set the top (USA) and the bottom (Finland) of the OECD range. The remaining eight are countries with which New Zealand would normally be compared for social policy and corrections purposes – Australia, England, Scotland, Canada, three European countries and a Scandinavian country. These statistics are the most recent available. They have been collected by the UK Home Office Research Development and Statistics Directorate from national prison authorities during 1998 and 1999, and published in the year 2000.

**Figure 9: Imprisonment rate in selected countries – Inmates per 100,000 of population in selected countries**



Source: Walmsley, 2000

70. In comparison with the 10 other countries, New Zealand’s imprisonment rate is higher than all except the USA – which is pursuing a policy of very high imprisonment in an attempt to reduce homicides and drug crimes. In 1999 New Zealand had 150 inmates (including remand inmates and youth inmates) for every 100,000 people in the country, which is more than twice the published imprisonment rate of Sweden, and more than three times that of Finland. Current Department of Corrections’ capacity requirement projections suggest that New Zealand’s imprisonment rate will rise by a further 10 to 20 percent before the year 2011.
71. However, New Zealand’s current imprisonment rate at 150 per 100,000 is not greatly above that of Australia (110) or England and Wales (125).
72. Comparisons of national imprisonment rates need to be interpreted with caution because there are differences in definitions of people ‘imprisoned’. Some countries count remand inmates in their imprisonment statistics, as New Zealand does, and some do not. Some countries imprison remanded offenders at a significantly higher rate than others. Australia does not count teenagers in secure youth prisons as ‘imprisoned’. Further, some country’s imprisonment rates are the average of a number of jurisdictions – such as

Australia and USA. Nevertheless, New Zealand's imprisonment rate is sufficiently above the other nations shown here to suggest that it is 'probably the second highest in the Western world'.

## Findings

73. The analysis of imprisonment statistics presented in this section suggests six implications for the use of imprisonment:
- i. New Zealand's use of imprisonment is probably the second highest in the Western world and further growth in our imprisonment rate is expected in the next ten years.
  - ii. Annual average prison musters have increased 99 percent in the period 1985 to 1999 due to steady increases in both the number of persons imprisoned and the average sentence length – the two main drivers of inmate numbers. Growth in inmate numbers has not been brought about by increasingly liberal use of the sentence of imprisonment, but by increasing numbers of convictions for crimes that bring imprisonment.
  - iii. A reduction in the use of imprisonment by 275 prison spaces per year on a compounding basis is suggested here (275 below the expected number in year one; 550 below the expected number in year two; 825 below the expected number in year three; and so on). This will remove any remaining growth in the system and achieve a modest downwards trend.
  - iv. There is evidence that New Zealand imprisons a significant number of offenders for a first adult conviction, and a proportion of those are still teenagers. The available information suggests a pattern of early imprisonment of high-risk teenage offenders. Since imprisonment by itself does not reduce re-offending, it may well be possible to reduce future victimisation by investing the cost of these early imprisonments in intensive community-based rehabilitation. This is particularly so for teenagers, who are easier to rehabilitate, and who may be at the threshold of a lifetime of criminal offending.
  - v. While the imprisonment of property offenders has declined in the last 15 years, it is still high at more than 28 percent of offenders imprisoned.
  - vi. More than 95 percent of inmates are male, and among the 4 to 5 percent of inmates who are women, the risk of re-imprisonment is significantly lower than it is for imprisoned men. Consequently, a systematic way of allocating resources for prevention or rehabilitation – by means of benefit/cost analysis, or on the basis of risk scores – will allocate resources overwhelmingly to male offenders. However, the Department of Corrections recognises that there is an ethical issue involved because it is unacceptable for women offenders to have fewer opportunities to address their offending.



# About Time

Turning people away from a life of crime and reducing re-offending

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## Prevention

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74. One direction that policy could take in order to bring about reductions in the use of imprisonment is to introduce new procedures that would reduce the incidence of serious crime by reducing the number of serious offenders. As a way of reducing imprisonment, this direction for policy has the advantage that it also brings about improvements in community safety. Options for crime prevention arise out of an understanding of the forces that give rise to and sustain serious criminal offending. Crime prevention offers a number of potentially powerful options for reducing imprisonment. They are also lower in cost and more effective than the other major approach – rehabilitation of established adult offenders. However, prevention options are long term, and results would not be achieved for several years, and in the case of the first option, for a generation.

### The origins of serious offending

75. Most serious crimes are committed by multiple recidivist adult male offenders – the ‘hard core’ criminals. Several longitudinal studies of children growing to adulthood indicate that tomorrow’s hard core can be found among the children of today’s socially and economically disadvantaged families.<sup>9</sup> Young people who are at risk of becoming serious adult offenders are recognisable with increasing certainty as newborns, as school entrants, as young offenders, and as early adult offenders as they proceed along what is now a well-understood developmental path. Terrie Moffitt<sup>10</sup> notes that:

*...a substantial body of longitudinal research consistently points to a very small group of males who display high rates of antisocial behaviour across time and in diverse situations. The professional nomenclature may change but their faces remain the same as they drift through successive systems aimed at curbing their deviance: schools, juvenile justice programmes, psychiatric-treatment centers, and prisons.*

76. The Australian National Anticrime’s programme has identified prevention as a major direction for policy. Their recent report *Pathways to prevention* supports Terrie Moffitt’s view above. It notes:<sup>11</sup>

*...we take the view that the roots of criminal offending are complex and cumulative, and that they are embedded in social as well as personal histories. To uncover the risk factors that are the facilitating conditions for entry into a criminal career requires a life course perspective that views each potential young offender as someone who is developing over the life course and in specific social settings.*

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<sup>9</sup> Moffitt, 1990; 1993; 1996; Fergusson *et al*, 1994; 1996; 2000

<sup>10</sup> Moffitt, 1996

<sup>11</sup> National Crime Prevention, 1999

77. This report puts forward the view that potentially the most effective way to reduce serious crime rates in the longer term – and hence to reduce the use of imprisonment – is to take a life course approach to crime prevention. This involves putting in place a planned and co-ordinated series of progressively more powerful barriers to progress along the trajectory to serious adult offending. This approach to crime prevention, which is advocated by the US Office of Juvenile Justice and Delinquency Prevention,<sup>12</sup> is supported by the findings of numerous longitudinal studies, and in particular by the Christchurch Health and Development Study.<sup>13</sup> It also forms the foundation of the recent Australian National Anticrime's programme *Pathways to prevention* project.
78. Studies of children growing to adulthood, such as the Christchurch Health and Development Study, identify the key 'risk factors' and unmet needs that sustain progress along the trajectory to adult crime. They indicate the kinds of results that interventions would have to achieve in order to resolve unmet needs and reduce risk of progress toward adult imprisonment. These findings suggest that an effective prevention programme would have to link up policy and practice in social services, education, youth justice and adult justice.
79. Consequently this section of the report considers social services, youth justice, education, and adult justice specifically from the perspective of what could be done in those service delivery areas to improve the chances of high need children and young persons for a life in the mainstream.
80. This report presents a series of four interventions based on the principle of identifying those whose circumstances have placed them on the trajectory to serious adult offending, and interrupting their progress. Each of the four interventions involves recognising the presence of key risk factors and needs, and then addressing those risks and needs before the individuals concerned progress to the next stage on the trajectory. The section that follows sets out what is known about the core trajectory to serious adult offending and the key risks and needs to be addressed to prevent progress along it.

### **The trajectory to serious and chronic adult offending**

81. The Christchurch Health and Development Study, among other longitudinal studies, uses the concept of 'trajectories' through childhood and youth to describe the sequence of developments that lead to adult criminal offending. Several trajectories have been proposed, with some that lead to short-term or low-level offending, and one clear, central trajectory that leads to continuing adult offending,<sup>14</sup> and eventually to imprisonment.
82. Trajectory theories of the origin of persistent antisocial behaviour and criminal offending have been advanced in recent years from several studies in different parts of the world.<sup>15</sup>
83. It is important to note that the central trajectory is not necessarily a conveyor belt to adult crime. Children on the trajectory early in their lives may leave it if their circumstances improve – usually they join related but less serious trajectories that may still involve offending behaviour – while others from related trajectories may join the central trajectory if their circumstances worsen. By the mid-teenage years, however, most are settled in their behaviour patterns. Even if a young person remains on a high-risk trajectory, this does not condemn the adult to criminal offending. A proportion of children who are seriously disadvantaged in social and economic terms grow to become happy and productive adults. Children and youth who have experienced a number of deprivations,

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<sup>12</sup> Office of Juvenile Justice and Delinquency Prevention 1995

<sup>13</sup> Fergusson *et al.*, 1996; 2000

<sup>14</sup> Ferguson, Horwood and Nagin, 2000

<sup>15</sup> See for example, Moffitt, 1993; Fergusson *et al.*, 1996; Nagin *et al.*, 1995; Catalano and Hawkins, 1996; Patterson and Yoerger, 1997; Patterson *et al.*, 1998; Silverthorn and Frick, 1999; Fergusson *et al.*, 2000:

unmet needs and damaging life experiences are at risk of adult disorder, which includes offending. They are not condemned to it.

84. Taken together, the longitudinal studies suggest that children who become youth offenders and then progress to adult offending have experienced an unrelenting series of adverse life events. They have accumulated a number of needs for appropriate social, educational, and justice services that have not been met. Some of these adverse events are of their own making – in that they are consequences of their own disordered behaviour – and some are beyond their control. A number of the key life course risk factors have to do with the family of origin, and once established in a family, if not addressed, they may pass from one generation to the next.
85. The most influential risk factors are present at birth and have to do with the mother. The greater the number of maternal risk factors, the greater the chance that her newborn will experience problems that will ultimately affect adult functioning. According to the results of the Christchurch Health and Development Study, each one of the risk factors on the list below increases the probability of antisocial behaviour as a young adult by between four times and ten times. Together they increase risk by hundreds of times. The key maternal risk factors are these, the mother:
  - is young
  - has little education
  - is from a disadvantaged family of origin where she received little care and affection
  - is, or has been, substance dependent
  - is socially isolated and without family connections
  - has a number of male partners in a serial fashion.
86. After the first year of life the key risk factors include social isolation of the child, harsh and erratic discipline, changes of father figure, and changes of dwelling place.
87. By primary school entry the child on a trajectory to adult offending will show conduct disorder – which is a pattern of regular breaking of major rules in all settings, school, home and community<sup>16</sup> – and frequent defiance of authority. Schools tend to respond punitively to conduct disorder, so that the child may begin playing truant, or may experience a continuing series of sanctions, which may eventually lead to suspension or expulsion. Parents tend to respond to conduct disordered children either by ‘giving up’ – washing their hands of any attempt to control behaviour – or by the use of intermittent, stern physical punishment, which may become physical abuse. Both of these responses contribute to the child’s worsening behaviour.
88. Conduct disordered children are vulnerable to substance abuse, and most will take up some combination of cigarettes, alcohol, or drugs at the first opportunity. Some will offend in order to obtain money for substance abuse. Children with normal behaviour do not enjoy the company of these aggressive, rule-breaking, defiant children. Consequently, high-risk children tend to link up with others like themselves, and mutually support each other’s developing antisocial behaviour.
89. By secondary school age, many conduct disordered children will have begun to show the behavioural disorders they will experience as adults. They may already have committed a number of offences. Their performance at school will be so poor that they have no prospect of obtaining employment qualifications, and suspensions or expulsions among this group are common. High-risk young women are likely to be established substance

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<sup>16</sup> Fergusson *et al.*, 1988

abusers, may show self-harming behaviour including attempted suicide, and may be at risk of unwanted pregnancy, sexually transmitted diseases, and exploitation or abuse.

90. Other research<sup>17</sup> shows that in early adulthood the serious and chronic offender will demonstrate a range of behaviour problems which may include self-harming (self-tattoos, cutting with razor blades, suicide attempts), abuse of partner and children, drug or alcohol dependence, low or zero employment prospects, aggressive and defiant behaviour, and internalising disorders (depression, anxiety). As they age, their behavioural disorders and criminal lifestyle become increasingly entrenched and more difficult to change. Their prospects for rehabilitation become progressively lower, although they never reach zero. If not rehabilitated earlier, lifetime offenders tend to 'burn out' after the age of 40 years and show a retreat from offending against the community at large. As partners and parents, however, they continue to be physically, emotionally, and sexually abusive, and to replicate in their own parenting behaviour the experiences that gave rise to their own childhood problems. Many serious adult offenders will be supported in institutions or on welfare for the greater part of their adult lives, and they can cost taxpayers up to \$5.0m.<sup>18</sup>

### **Interventions that interrupt progress to adult offending**

91. The material that follows identifies four points in the life-cycle of crime at which successful preventive services have been demonstrated in appropriate scientific studies.<sup>19</sup> The report sketches a profile of each service, including the theoretical grounding for the service and an estimate of its expected costs and benefits per person taking part.
92. The benefit/cost estimates accompanying the options involve the use of a 'cost of crime' methodology developed by the Department of Corrections. The results show a general pattern – early interventions cost much less and result in more rehabilitations, but they have high rates of incorrect identifications – false positives and false negatives. Despite this their benefit/cost ratios are the highest. As a child moves along the trajectory toward chronic adult offending the cost of a successful intervention becomes progressively higher (eventually reaching hundreds of thousands of dollars) but procedures for selecting the very high-risk cases from among the many casual offenders become progressively more accurate. Overall, benefit/cost ratios decline with advancing offender age. The economic calculations are preliminary estimates based on some assumptions about the effectiveness of risk instruments and the expected costs of services.
93. In the following material we will compare the costs of interventions at different points along the central trajectory, including the cost of treating false positives, with the cost to victims and to taxpayers of a lifetime of crime.
94. The cost of a lifetime of crime has been estimated for this report from an analysis of criminal records held on the Wanganui Computer. The analysis selected a group of recent cases whose first adult conviction was before the age of 18 years and who had at least one conviction after the age of 35 years. During any one year there are around 3,500 offenders meeting this description in the justice system – out of perhaps 50,000 cases per year. The mean number of convictions for these 'lifetime offenders' was 56.3, and when the costs of crimes to victims and taxpayers were applied,<sup>20</sup> the mean cost of an offender's 'lifetime of crime' was \$3.0m. In this analysis we use \$3.0m as the economic benefit of an intervention that rehabilitates a young person who would otherwise have continued on the pathway leading to a lifetime of crime.<sup>21</sup>

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<sup>17</sup> Moffitt, 1993

<sup>18</sup> The cost to taxpayers and victims of a 'life of crime' varies between \$1.0m and \$6.0m

<sup>19</sup> See for example McCord and Tremblay, 1992

<sup>20</sup> Using the current Department of Corrections costs of crimes estimates

<sup>21</sup> The cost of \$3.0m developed here differs from the crime costs given in Figure 12 because Figure 12 is based on crime costs incurred in the first five years after conviction

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**OPTION 1: REDUCING THE NUMBER OF HIGHEST RISK BIRTHS**

95. Young women of any cultural group in the age range between 13 and 18 years who enter the youth justice system, the child protection system, or the adult justice system can be high-risk mothers – if they have children while they are still young. If they are sexually active and have a number of partners they are at risk of undesirable outcomes, including unintended pregnancy, infection, and exploitation. If kept by the birth mother, any child born to young women with no education, a history of substance abuse, and criminal offending, is an exceptionally high-risk baby (although not automatically a ‘problem child’) because the high level of support and guidance required by the young mother will not normally be available. Young women from disadvantaged backgrounds who are receiving social or justice services, should be further supported by a sexual and reproductive health strategy, including advice on contraception, avoiding exploitation and infection, and the advantages for her children of delaying childbearing until she is settled, mature, and suitable support is available.
96. Similarly, young men in the child protection system and youth or adult justice systems, who may have relationships with several young women in a serial fashion, should receive appropriate advice and training on the responsibilities of parenthood and the advantages for their children of mature parents in a stable relationship.
97. This option could be implemented by means of service purchasing arrangements at little additional cost. We know little about the statistics of this option, but even conservative estimates suggest that it is potentially a high benefit/cost policy. The benefit/cost estimate below is based on these assumptions:
- service providers charge an additional \$500 per case for this service
  - when cases are selected with the aid of risk assessment methods, one-in-15 interventions prevents the birth of a child that the mother would have kept (a low estimate of risk instrument effectiveness)
  - one-in-two births are male, which is the target sex for crime prevention
  - one-in-four male births to this kind of mother follow the trajectory to serious adult offending
  - an adult male lifetime offender generates \$3.0m in costs to victims and taxpayers.
98. These five assumptions yield a benefit/cost ratio of 50:1<sup>22</sup> – which is an estimate of the crime prevention return per dollar spent on this intervention. However, an effective intervention in this area would also reduce future demand for income support, child protection, youth justice services, and possibly psychiatric services, which would increase the estimated return per dollar spent.

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<sup>22</sup> In this preliminary estimate future benefits have not been discounted back to a present value

## **OPTION 2: SUPPORT FOR HIGH-RISK NEW MOTHERS AND THEIR FAMILIES**

99. With suitable risk assessment methods, births from which mother and baby are likely to experience early difficulties are relatively easily to identify. Family Start, which is a programme consistent with the findings of the Christchurch Health and Development Study, is an example of an early intervention programme designed to limit the effect of early risk factors on the life of the newborn, and improve family circumstances by providing individualised support for mother and family. At the time of writing, Family Start services are provided by 16 local organisations nationally, some funded by the Department of Child Youth and Family Services, some by the Health Funding Authority, and some by Early Childhood Development. Other early intervention support services may also achieve reductions in adult offending.
100. All Family Start programmes are modelled on the Early Start programme in Christchurch. Early Start workers risk assess and needs assess births and then assemble a personalised package of responses for each family. Early Start is currently undergoing a formal evaluation based on a comparison of a group of programme families with an equivalent group of non-programme families. Results so far suggest that there are gains in child and maternal health, and in parenting practices and child behaviour. Assuming that the Early Start programmes receive favourable evaluations (as similar programmes have overseas) one option that Government has for reducing the onset of the behavioural disorders is to extend the coverage of Family Start nationally – to make the service available to more economically and socially disadvantaged mothers and their new babies. Other social services that support high need families during the early years of children's lives can produce equally valuable results.
101. The estimates of the economics of this option are these:
- the cost per case is \$3,000, and the mothers of both baby girls and boys are supported
  - one-in-ten of the selected boys would have progressed to lifetime adult offending
  - one-half of interventions are successful in preventing progress to lifetime adult offending.
102. These conservative estimates give a benefit/cost ratio of 25:1, which, once again is only an estimate of the return in the form of reduced costs of adult male offending. Other significant social benefits include reduced use of health services, and more productive lives.

### OPTION 3: DEAL WITH CONDUCT DISORDER AT SCHOOL ENTRY

103. In the introduction to this section it is suggested that socially and economically disadvantaged children on a trajectory toward difficulties with adult functioning become identifiable from an early age. Most high need children show marked behaviour disturbances at or before primary school entry. These disturbances can include Conduct Disorder, Attention Deficit Disorder, and Oppositional Defiant Disorder, all of which we refer to here as 'conduct disorder'.
104. One option for limiting progress toward criminal offending is to identify and treat high need, conduct disordered children at school entry in disadvantaged neighbourhoods. In addition to limiting progress to adult offending, dealing with behavioural disorders at school entry improves school performance and significantly reduces school bullying.
105. A valuable model for an intervention at school entry is provided by a non-government initiative called Project Early, which is based on the philosophy that well socialised, compliant children almost never grow up to be disordered adults. Project Early targets severely behaviourally disordered children in seven primary schools and their contributing pre-schools in eastern Christchurch. The project was initiated four years ago by a group of parents in the area. The project employs two staff with professional qualifications in behavioural psychology on a total budget of around \$100,000 pa, all of which is obtained by fundraising. An initial evaluation of Project Early found success with 24 out of 30 children aged five to seven and seven out of 11 cases aged eight to 11. Project Early is noteworthy for its use of researched behavioural treatment methods, and the assessment of outcomes for each individual case. It meets all the required standards for a highly professional and effective social service.<sup>23</sup>
106. The staff of Project Early work with the parents and teachers of selected children to change the way in which key people respond to the child's individual pattern of unacceptable behaviour and non-compliance. This process often involves working in children's homes at high stress times to demonstrate good parenting skills, and with teachers in the classroom. Project Early staff often find that the parents of behaviourally disordered children have limited skills, and may be perpetuating poor parenting strategies they experienced as children – something that contributes to the transfer of disadvantage between generations.
107. Our estimates of the economics of the intervention are these. We assume:
- the cost per case is \$5,000<sup>24</sup>
  - both boys and girls are treated, but boys represent 80 percent of selected cases
  - one-in-seven of the selected boys would have progressed to lifetime adult offender status
  - seventy five percent of cases are successful.
108. These estimates yield a benefit/cost ratio of 51:1.
109. Services provided under options 1, 2, and 3 would be offered to young women, men, and families who would always have an unencumbered choice about whether to accept support or not. For Māori, effective services could be obtained by resourcing existing iwi and marae support structures and, by drawing on whanau strengths, on whakapapa, and on tikanga Māori.

<sup>23</sup> Independent outcome evaluations are reported in Church, 1996 and Church, 1999. An Australian equivalent programme evaluation is provided in Royal Children's Hospital, 1997

<sup>24</sup> Project Early current costs are between four and five thousand dollars

#### **OPTION 4: IDENTIFICATION AND MANAGEMENT OF HIGH-RISK EARLY YOUTH OFFENDERS**

110. In the introduction to this report we suggested that the youth justice area is currently being reviewed in other programmes, and it is not the intention of this report to re-examine matters under consideration elsewhere. However, this report briefly notes the policy implications for youth justice from the objective of reducing serious adult offending, and hence imprisonment.
111. Youth justice services can play a key role in preventing progress along the core trajectory to serious adult offending and to imprisonment. High needs, behaviourally disordered children who are at risk of progressing to serious adult offending become more identifiable between the ages of ten and 15 years, as they begin their offending career. The single most powerful indicator of membership of the trajectory to serious adult offending is early repeat offending as a child.<sup>25</sup> From a preventative standpoint, a key function of the youth justice system is to identify these individuals as early as possible and to ensure that they receive services that will improve their chances of a life in the mainstream of society.
112. From a prevention standpoint the key principles are 'earliest possible recognition' – ideally before 12 years of age – and 'determined interventions against the risk factors' that are contributing to offending behaviour.
113. The youth justice area is characterised by a large proportion of cases that involve basically pro-social children and youth who 'did something silly', and only a small proportion of cases involving young people who are on the pathway to adult crime. International experience shows that simple risk assessment procedures distinguish between the high-risk cases and the rest with sufficient accuracy,<sup>26</sup> and there is a considerable range of options for proven rehabilitative programmes.<sup>27</sup>
114. Very briefly, those key changeable risk factors for high-risk early youth offenders include school failure, substance dependency, deviant friends ('in with a bad crowd') and a family that is also experiencing difficulties due to unmet needs – poor supervision, criminal parents, or forms of child abuse. For girls, sex abuse is a particular problem. Māori youth may face additional risk factors<sup>28</sup> due to the consequences they must deal with resulting from the tension between the Māori world view and that of the dominant Western paradigm of the New Zealand European culture.
115. As with risk assessment for the identification of high-risk adult offenders, there is good current research information on 'what works' to remedy the risk factors characteristic of core high-risk early youth offenders, and thereby shut down the pathway to serious adult offending.<sup>29</sup> Briefly, those methods include:
- re-entry to school with performance incentives
  - guidance and support for improved parenting
  - a complete, enforced ban on alcohol and drug use
  - new pro-social activities and friends.
116. Under current arrangements the Police Youth Aid Division deals with nearly all 'younger' young offenders, and Child, Youth and Family deal with most 'older' young offenders,

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<sup>25</sup> Recent data from the Christchurch Health and Development Study shows that core trajectory young people have on average a more than 80 percent chance of involvement in a notified offence every year between ages 11 and 19. See also Loeber and Farrington, 2000

<sup>26</sup> Hawkins, *et al* 1998; LeBlanc, 1998

<sup>27</sup> See for example Lipsey and Derzon, 1998

<sup>28</sup> Currently being examined in a Department of Corrections research project

<sup>29</sup> Office of Juvenile Justice and Delinquency Prevention, 1995

typically 14 years of age and up. Serious cases in both age groups are referred to the Family Court, or the Youth Court.

117. The Police Youth Aid section does not currently risk assess young offenders, and rehabilitative services through the Police are currently limited to less than 5 percent of all cases. The Department of Child, Youth and Family Services has experience with risk assessment, primarily for child protection purposes, and for young persons 14 years and older.
118. If risk assessment and interventions are left until persistent young offenders 'age out' of the Youth Aid domain and into the Department of Child, Youth and Family Services age band of 14 years or more, high-risk young offenders have had several crucial years in which to fall further behind at school, to become more experienced in criminal offending, to further develop substance dependence, to collect more criminal offending associates, and to victimise more people. Correcting their behaviour becomes more demanding, considerably more expensive, and less likely to be successful.
119. Applying the preventive philosophy introduced here to youth justice would require the earliest possible detection and interventions for children and youth on the trajectory to serious adult offending. This, in turn, would require Police Youth Aid to risk assess on a continuing basis around 2,000 persistent offenders in the ten to 13 age group each year (a simple one-page risk screen as used overseas would probably be sufficient)<sup>30</sup> and either to provide rehabilitative services to cases selected on the basis of risk, or to refer offenders to appropriate services.
120. Our estimates of the economics of this option are these:
  - cost per case is \$7,000
  - one-in-four cases would proceed to lifetime adult offender status without the intervention
  - one-in-three cases is successful in preventing further offending.
121. These estimates yield a benefit/cost ratio of 36:1.
122. Finally, in support of the principle of very early interventions embodied in options 2, 3 and 4, two quotes from recent US publications. First, from Rolf Loeber and David Farrington, joint chairpersons of the US Study Group on Very Young Offenders:<sup>31</sup>

*Is this knowledge (of the need for early intervention against problem behaviour) translated into early preventive interventions? Overall, society seems prepared to carry the huge cost of dealing with serious and violent juvenile offenders in adolescence and adulthood rather than to take cost-effective preventive measures in childhood ... Of all known interventions to reduce juvenile delinquency preventive interventions that focus on child delinquents probably will take the largest 'bite' out of crime... In summary, a reorientation of agencies toward 'early' prevention is urgently needed...*

Second, from Walker and co-workers, in a report on the effectiveness of a primary school entry programme:<sup>32</sup>

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<sup>30</sup> Loeber and Farrington, 1998

<sup>31</sup> Loeber and Farrington, 2000

<sup>32</sup> Walker *et al.*, 1998

*Powerful evidence suggests that antisocial children and youth follow a developmental trajectory in which the antisocial acts they engage in become more serious. Their early identification and exposure to interventions designed to divert them from this path is clearly in the public interest. As public policy, this strategy could save millions of dollars in later incarceration costs.*



# About Time

Turning people away from a life of crime and reducing re-offending

## Alternative sentencing: Day Reporting Centres for teenagers who have received a first adult conviction

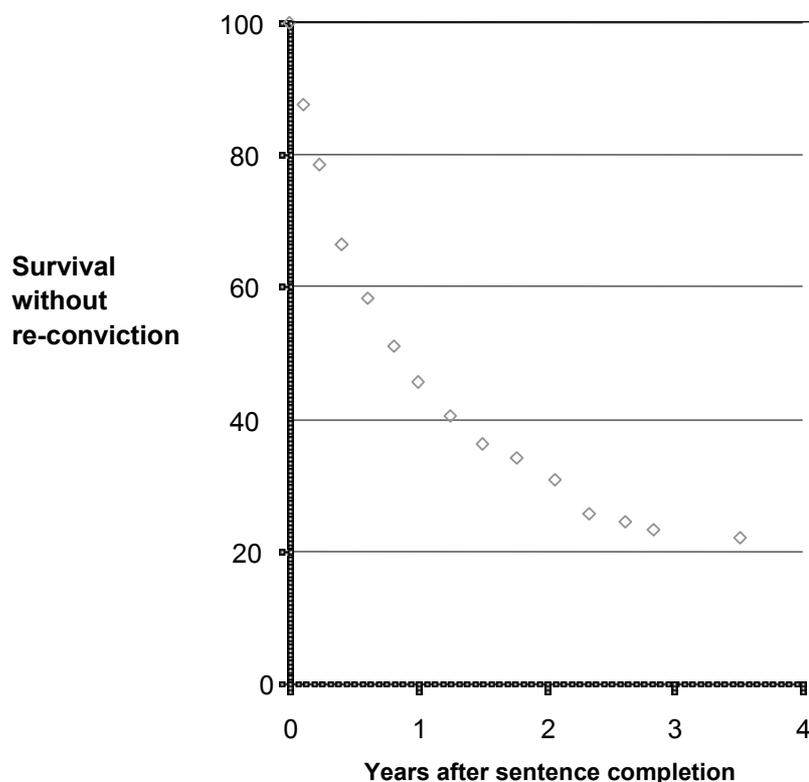
123. Two key principles are brought together under this heading. The first is getting the right people into prison – making sure that teenage offenders who are dangerous are kept out of the community. The second principle involves the idea that, whenever possible, teenagers who are at the beginning of what may become a lifetime of crime should be given intensive services to address their unmet needs and to increase their chances of success in the mainstream of society. The most successful setting for the rehabilitation of young adults involves community-based rehabilitation that is focused on placing the young person in a job, initially with a high degree of supervision.<sup>33</sup>
124. Options 5 and 6 propose sentencing of selected teenagers who have been convicted of a first adult offence to sanctions that require their participation in intensive rehabilitation in community-based centres called Day Reporting Centres. The offenders selected for both options would be those at greatest risk of becoming established adult offenders. Risk assessment technology developed specifically for identifying this group is being trialled during 2000/01. Option 5 involves a proposal for high-risk teenage offenders whose offence does not make them likely to be imprisoned, and option 6 involves those who are. The two groups are separated so that Cabinet may, if it wishes, endorse the diversion of teenagers with community sentences to Day Reporting Centres without endorsing the diversion of teenagers liable to imprisonment.
125. Offenders who enter the adult justice system while still teenagers are at risk of becoming established adult offenders. Figure 10 below illustrates survival without re-offending for all teenagers imprisoned at first offence in 1993. It shows a pattern of rapid re-offending with more than one-half of offenders reconvicted within one year of first sentence completion, and potentially 80 to 90 percent reconvicted within five years. This re-offending pattern is characteristic of high-risk established adult offenders.
126. Options 5 and 6 involve intensive rehabilitative services and would be delivered through the Department of Corrections' Integrated Offender Management system, which is introduced and discussed at the start of the following Rehabilitation section. Briefly, the Department of Corrections is implementing its Integrated Offender Management strategy to help reduce re-offending – as Integrated Offender Management becomes established the Department will be well placed to target and intervene with specific groups of offenders including high-risk young adult offenders. The number of programme places that can be provided will largely determine the ability to impact significantly upon the re-offending and re-imprisonment rate of offenders.

<sup>33</sup> Zampese and Gray 1998

### OPTION 5: EARLY IDENTIFICATION AND REHABILITATION OF HIGH-RISK YOUNG ADULT OFFENDERS – DAY REPORTING CENTRES

127. Option 5 involves the same set of general principles as option 4 – ‘first contact’ with the justice system – in this case the adult justice system – would result in an assessment of risks and needs, followed by provision of intensive rehabilitative services for cases that are judged to be at significant risk of becoming established adult offenders. As with the youth justice system a ‘young age at first serious offence’ is the single strongest indication of progress to the next stage of offending. Therefore, this option focuses on those who commit a first adult offence as teenagers.

**Figure 10: Re-conviction of teenagers imprisoned at first offence**



Source: Wanganui Computer records for 1993

128. Under this option the offence would still result in an appropriate sanction, part of which may be withheld in return for good performance in the rehabilitation programme. Serious violent offences would still result in imprisonment.
129. This option involves the introduction of a new community-based service known as Day Reporting Centres, which would provide intensive rehabilitation and supervision for young men and women in the 15 to 18 age range. Offenders in the programme would normally live at home.
130. A typical candidate for this programme will be from a socially and economically deprived background and will have accumulated a number of entrenched unmet needs – conduct disorder, school failure, substance dependence, no work record or employment prospects, criminal associates – all possibly made worse by an entrenched defiant attitude and/or low IQ.

131. Identifying youth at risk of a lifetime of offending is one key to success with this option. The Department of Corrections has a risk assessment instrument designed for this purpose under trial in 2000/01. The instrument has been developed by combining a number of threads from current international best practice for the identification of youth who are potentially violent, recidivist, and psychopathic adult offenders. Given a satisfactory result from the trial and the availability of sufficient resources, this instrument will be available for introduction nationally by the end of the current financial year.
132. Key features of the Day Reporting Centre programme proposal include these:
- A programme that draws on the research-proven interventions for youth set out in the Department of Corrections' publication *When the bough breaks*<sup>34</sup> the best of which report reductions in subsequent offending of between 30 and 50 percent. We assume a 25 percent effect size – re-offending reduced from perhaps 70 percent of cases to 45 percent.
  - For Māori, effective services could be obtained by resourcing existing iwi and marae support structures and, by drawing on whanau strengths, on whakapapa, and on tikanga Māori. There would be emphasis on strengthening the capacity of the family/whanau to support pro-social development of the young person.
  - Particular emphasis on the multi-systemic therapy kind of programme, which has produced 50 percent reductions in subsequent offending for this age group and offender type in overseas trials.<sup>35</sup>
  - Strong focus on developing employment skills followed by job placement with initial supervision.
  - An 'elective' Māori-offender-focused component to the programme, employing the principles set out in the *Reducing imprisonment of Māori* section of this report.
  - Compulsory attendance, five days a week for six months.
  - Night-time curfew for selected offenders, with electronic monitoring, where appropriate
  - Strong rewards for compliance and strong sanctions for non-compliance.

### Numbers of cases and estimates of costs and benefits

133. This proposal for Day Reporting Centres is based on the following information about case numbers and costs:
- Each Day Reporting Centre has two intakes per year of 35 offenders each, a throughput of 70 offenders per year per centre.
  - Costs include:<sup>36</sup>
    - establishment cost of \$325,000 per unit<sup>37</sup>
    - annual running costs of \$630,000 per unit (\$9,000 per offender)
    - additional costs to the income support system of \$18,000 per unit per year in increased benefit payments
    - reduce future imprisonment by an estimated 0.2 percent per Day Reporting Centre.

<sup>34</sup> Zampese and Gray 1998

<sup>35</sup> Henggeler *et al*, 1993

<sup>36</sup> Extracted from Department of Corrections report prepared for 2000/01 Budget round: *Business case: A community based intervention to reduce re-offending by serious young offenders*

<sup>37</sup> Amortised over ten years at 10 percent = \$56,430 capital charge per year per unit

- The following assumptions produce a benefit/cost estimate of 37:1:
  - all-up cost per case of \$10,063<sup>38</sup>
  - benefit per case \$375,000.<sup>39</sup>

134. Ethnicities and genders. Analysis of a sample of records from the Wanganui Computer suggests that the top 25 percent of risk scores are:

- One hundred percent male (young women make up 20 percent of first-time adult offenders under the age of 20 years, but their risk scores are low in comparison with the young men).
- In terms of ethnicity:
  - 65 percent Māori
  - 25 percent New Zealand European
  - 8 percent Pacific peoples
  - 2 percent other ethnicities.

### **Location and community safety**

135. Further work needs to be done on Day Reporting Centres, including number and location. However, because of the high proportion of Māori in this offender group, units could deliver programmes for Māori and could be located accordingly – possibly Marae-based. Since the majority of this offender group would have served their sentences in the community anyway, Corrections does not expect a reduction in community safety. In the long-term, community safety would be significantly improved.

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<sup>38</sup> \$9,000 running + \$806 capital + \$257 increased welfare payments

<sup>39</sup> Assumes a 50 percent selection error ; 25 percent effectiveness; \$3m of offending costs if not rehabilitated

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**OPTION 6: ALTERNATIVE SENTENCE FOR YOUNG IMPRISONABLE OFFENDERS**

136. Information presented in the statistics section of this report suggests that the New Zealand justice system imprisons some offenders while they are still teenagers, and often for a first adult conviction. Once imprisoned and released most of these young offenders continue to develop a career of crime,<sup>40</sup> as their re-offending curve in Figure 11 shows.
137. One view of the high rate of early imprisonments is that it is an inevitable consequence of the offences committed by these young offenders. If one takes a 'retribution'<sup>41</sup> view of imprisonment, then certain crimes demand imprisonment, regardless of the age and record of the offender. An alternative view, however, is that less victimisation is likely to occur in the longer term if responsive teenage offenders who are not yet settled into a life of crime were diverted back into the mainstream of society. However, since diversion from imprisonment may be seen as reducing public safety, this proposal is limited to young offenders without a record of violent or serious sexual offences, perhaps 50 to 70 cases per year.
138. One key to a role in the mainstream of society is a job. Research indicates that vocational skills learned that are directly oriented to employment reduce re-offending and re-imprisonment.<sup>42</sup> Consequently, option 6 emphasises the selection of young, imprisonable offenders without a record of violent or sexual offences for community based, intensive re-education, (and where necessary re-socialisation), job skills training, job placement, and aftercare once placed – to be provided by the Community Probation Service. An excellent model for option 6 is the US Department of Labour Job Corps programme.
139. This programme could be sited at Day Reporting Centres, which were discussed in option 5. The programme could also be run independently of the Day Reporting Centres. Option 6 caters for a similar offender group as the current sentence of Corrective Training (CT), which provides a 'short, sharp shock' for serious young offenders. The Sentencing and Parole Reform Bill proposes the abolition of CT, after a recent review of re-offending among 'graduates' of CT has shown that more than 95 percent re-offended within five years of sentence completion. This result is similar to overseas findings on 'get tough' programmes, which have shown that they often increase subsequent offending.<sup>43</sup> Corrective Training is a correctional option that could be phased out and replaced by option 6, with serious teenage offenders attending Day Reporting Centres for intensive rehabilitation.
140. The young offender would still receive an alternative sanction, and could be liable for recall to prison for non-compliance.
141. Because of the high proportion of Māori among teenage offenders imprisoned for a first adult offence, and the likely effectiveness of this programme option, Day Reporting Centres have the potential to make a significant contribution to reducing the imprisonment of Māori. This option is discussed further in the Reducing Imprisonment of Māori section.

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<sup>40</sup> Sixty percent of those currently in prison were first imprisoned as teenagers

<sup>41</sup> See Introduction

<sup>42</sup> Gendreau, Goggin and Gray 1998; Gaes *et al* 1999

<sup>43</sup> Gendreau, Goggin and Fulton 2000

### **Numbers of cases and estimates of costs and benefits**

142. In terms of its costs and benefits, we estimate that option 6 would:

- avoid an estimated \$12,500 in imprisonment costs per offender
- cost an estimated \$5,000 per offender in addition to estimated savings
- require 70 programme places per year
- have an effect size of 25 percent (reduce imprisonment by 20 cases)
- produce a benefit per case of \$375 000<sup>44</sup>
- reduce imprisonment by 0.2 percent per annum.

143. These estimates give a benefit/cost ratio of 75:1. This high value results from the avoided costs of imprisonment, which pay most of the treatment cost.

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<sup>44</sup> As for footnote 22



# About Time

Turning people away from a life of crime and reducing re-offending

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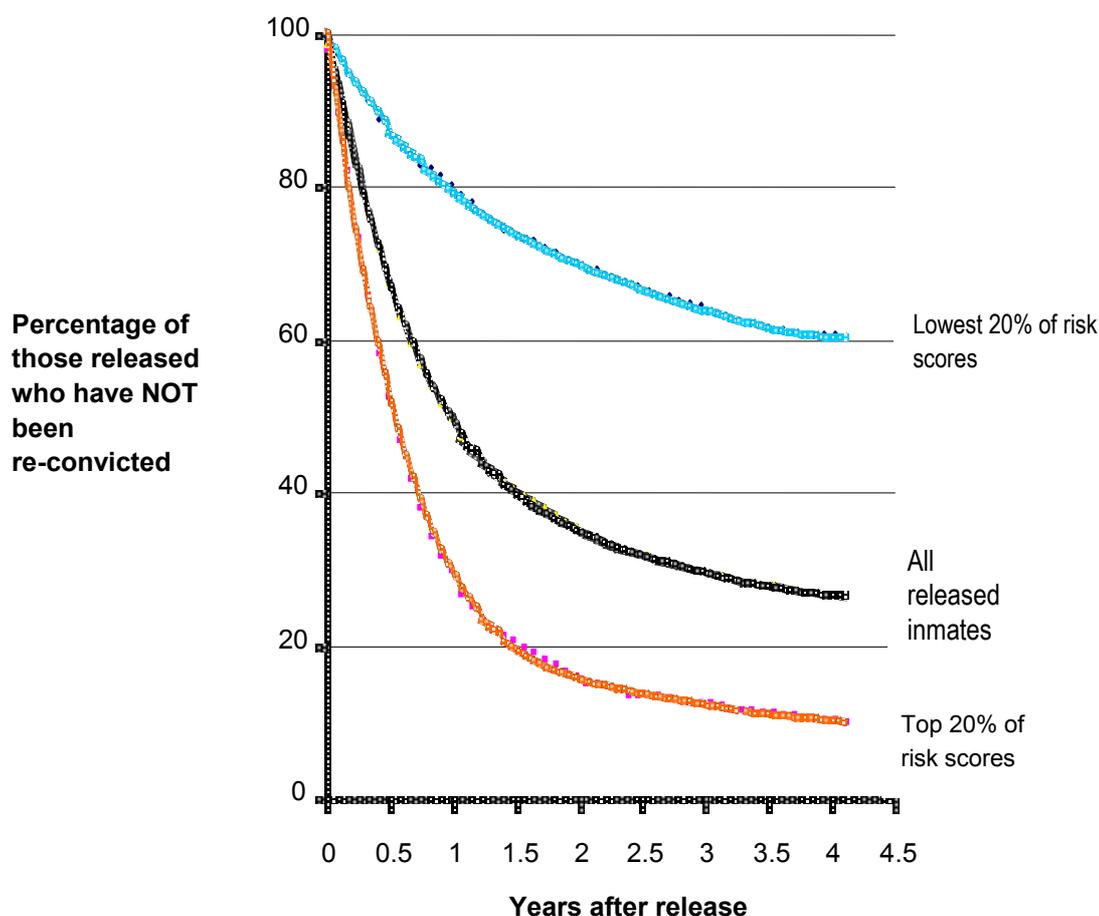
## Rehabilitation

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144. This section sets out the theoretical justifications and scientific evidence supporting the use of rehabilitation of offenders currently in the justice system as a way of reducing future victimisation and further use of imprisonment. Two options are presented at the end of this discussion:
- Option 7 is a proposal requiring \$1.485m per annum in new funding for Vote: Corrections for the rehabilitation of imprisonable repeat disqualified drivers. This programme is estimated to reduce the use of imprisonment by 0.5 percent in the first year after initiation, rising to 1.1 percent in year four and thereafter.
  - Option 8 involves the intensive treatment of alcohol and drug dependent offenders, as a way of reducing further offending and improving their health status. Estimated to reduce demand for prison space by 2.8 percent of capacity in the first year after initiation, rising to 5.4 percent in the second year and thereafter. This option requires \$13.6m per annum.
145. Options 5 and 6 (discussed above) also involve rehabilitation through services provided by Integrated Offender Management. The discussion of rehabilitation principles that follows also applies to these two options. However, since they also involve a sentencing decision that may be different from that which their offence would normally incur they are discussed under the heading of Alternative Sentencing.

## Introduction

146. The majority of crimes are committed by people who have offended before, usually many times. Serious criminal offending is not something that many people in society engage in very often, it is something that a small group of people engage in sporadically, and some repeatedly. Rehabilitation of offenders currently in the justice system has the potential to bring about reductions in offending after sentence completion, and thereby to achieve reductions in victimisation, and, if it is well targeted, reductions in imprisonment.
147. Figure 11 below illustrates 'survival without re-conviction' for offenders released from prison in 1993. As the curves show, the rate of re-offending is strongly influenced by risk score, as measured by the Department of Corrections' risk assessment procedure. Offenders with the lowest 20 percent of risk scores re-offend more slowly, reaching 40 percent re-offending by four years after release. High-risk former inmates re-offend rapidly and reach 25 percent survival, or 75 percent re-conviction after one year, and 10 percent survival, or 90 percent re-conviction, after four years. Overall, all released inmates had a re-conviction rate of around 73 percent after four years.

**Figure 11: Survival without re-conviction after release from prison**

Source: Wanganui Computer records for 1993

### What works to prevent chronic repeat offending?

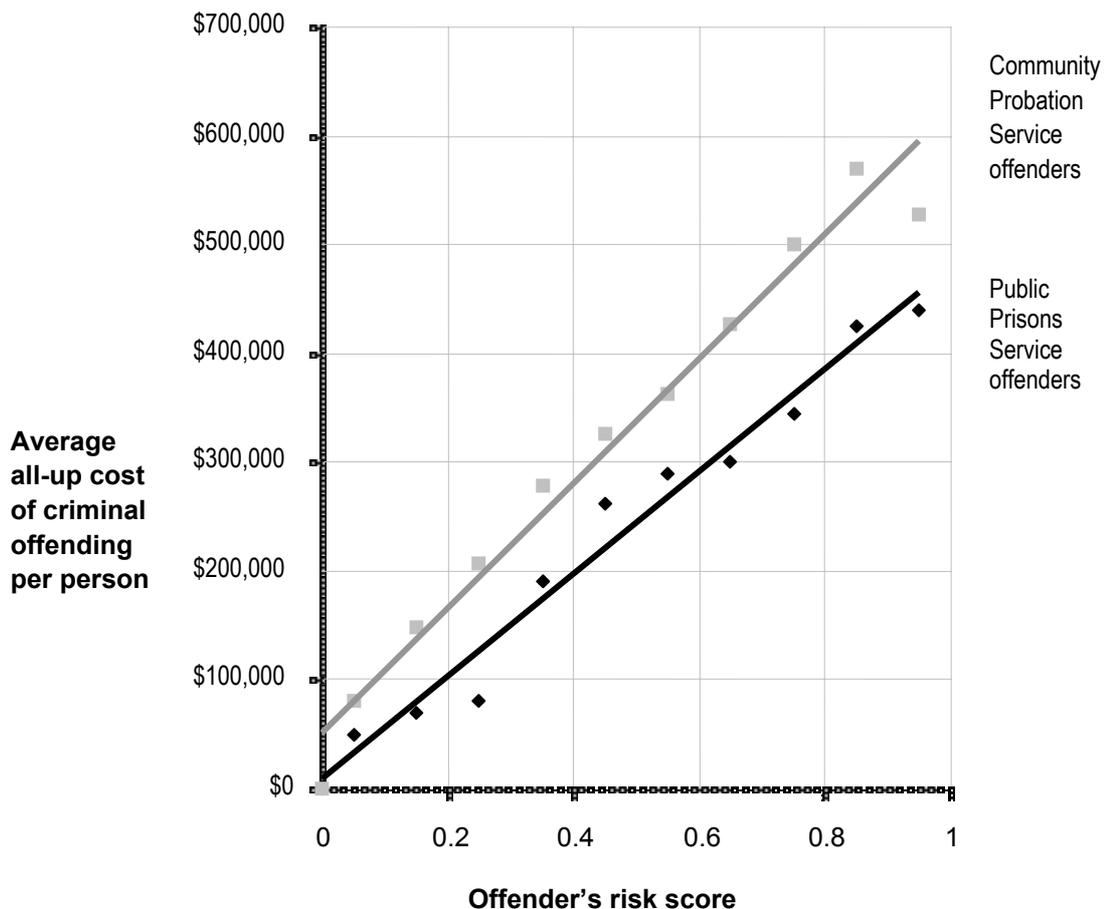
148. 'What works?' as a way of preventing established offenders from continuing to offend has been one of the central questions in offender management for several decades. Until recently, the commonly held view was that 'nothing works' – established adult offenders continue offending until they 'burn out' sometime after the age of 40 years, and attempts to rehabilitate before then are pointless. More recently, however, reliable experimental evidence has accumulated suggesting that under certain circumstances rehabilitation can reduce the frequency and/or the seriousness of future offending, and occasionally shut it down entirely – 'some rehabilitation programmes are successful with some offenders in some settings when applied by some staff'.<sup>45</sup> The 'certain circumstances' that must be provided to reduce the incidence of future imprisonable offences are summed up in the 'risk-needs-responsivity model'.
149. Rehabilitation rates for established adult offenders remain low, however – typically 10 to a maximum of 30 percent. For inmates as a whole (Figure 11 above) rehabilitation has the potential to reduce the expected 73 percent reconviction at the end of four years, to 50 to 60 percent reconviction – perhaps a one-third reduction in offending and also in victimisation.

<sup>45</sup> See for example, Andrews *et al.*, 1990; Gendreau and Ross, 1987; Lipsey, 1992

**The risk-needs-responsivity model**

150. The mainstream approach to the rehabilitation of established adult offenders was set out in three key research reports published in 1990 and 1994.<sup>46</sup> Together these studies established the ‘risk-needs-responsivity’ model, which suggests that effective rehabilitative services must be matched to each individual offender’s risk level, needs profile, and responsivity profile. Rehabilitation must be individualised and carefully targeted.
151. ‘Risk’ is a measure of an offender’s expected frequency and severity of re-offending, as measured by a research-proven actuarial procedure. Under the risk-needs-responsivity model, resources for rehabilitation are allocated in proportion to risk – high-risk cases receive more intensive treatment, and resources may be withheld from low-risk offenders, so that high-risk offenders can receive the necessary intensity of services. Risk assessment is now being introduced nationally as an aid to the management of offenders referred to the Department of Corrections.

**Figure 12: Relationship between offender’s risk score and the average cost of future offending in the five years following conviction**



Source: Wanganui Computer records for 1993

152. Figure 12 illustrates the relationship between risk score, as measured by the Department of Corrections risk assessment procedure (which produces scores ranging from zero to one), and the cost to taxpayers and victims of the number of re-offences over five years following a conviction. Two curves are shown, one for offenders given community sentences, and one for those sentenced to prison. As the graph shows, the risk assessment procedure distinguishes clearly between Department of Corrections offenders who are likely to cost taxpayers and victims most and those likely to cost least – i.e. between offenders that Corrections would most want to rehabilitate, and those that are lower priorities.
153. One feature of Figure 12 deserves further comment. According to the relationship shown in the figure, the highest risk offenders generate costs of one-half-a-million dollars each or more, on average, in the five years following a conviction.<sup>47</sup> If a rehabilitative programme required as part of the sentence could reform one person in that high-risk range, that success would be worth at least half-a-million dollars of ‘benefit’ in the form of avoided costs to Police, Courts, Corrections, income support, and victims. Effective rehabilitation of serious offenders is very worthwhile, both in fiscal terms and in social terms. This means that investments in rehabilitation can be large and still meet reasonable benefit/cost criteria.
154. The term ‘needs’ refers to the ‘criminogenic needs’ that may be contributing to the individual’s offending behaviour. Criminogenic needs are risk factors whose reduction is associated with reduced re-offending, including reduced re-imprisonment.<sup>48</sup> Many of the factors that give rise to adult disorder are largely set in place by adulthood, such as antisocial personality and behaviour. However, there is a group of adult risk factors that can be modified, and that have been shown in empirical studies to bring about reduced re-offending. A small group of these factors tend to be found consistently in different countries and regardless of the way in which offenders’ needs are assessed.<sup>49</sup> These are:
- **Drug and/or alcohol dependence.** Most serious offenders are substance dependent, and most serious crimes are committed under the influence of drugs or alcohol. Women offenders are often more seriously dependent than men. Drug and alcohol control programmes have been shown to reduce subsequent offending.<sup>50</sup>
  - For Māori offenders, there may be a group of **culture-related risk factors** to do with the status of Māori in a predominantly non-Māori culture.<sup>51</sup> Māori cultural risk factors include lack of cultural identity, negative image of Māoridom, relationship with Whanau, and the presence or absence of whakawhanaunga, or a sense of group membership.
  - **Beliefs and emotions that support offending.** Inappropriate emotions and beliefs drive much offending. For example, some offenders experience emotions of satisfaction or elation while committing an offence and believe that what they are doing is ‘cool’, or ‘staunch’.
  - **Lack of employment.**<sup>52</sup> Criminal records often exclude offenders from employment. Others have low educational attainment and little or no occupational skills or experience so that their prospects for employment are very low. Some are defiant and

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<sup>46</sup> Andrews *et al*, 1990; Antonowicz and Ross, 1994; Andrews and Bonta, 1994

<sup>47</sup> Five-year re-offending costs are significantly lower than the \$3.0m cost of a lifetime of offending used to estimate the benefits of prevention options

<sup>48</sup> Gendreau *et al* 1996; Andrews and Bonta, 1994

<sup>49</sup> Bakker, *et al* 2000

<sup>50</sup> Dowden and Brown, 1998

<sup>51</sup> Maynard *et al* 1999

<sup>52</sup> Gendreau, Goggin and Gray, 1998

resist any kind of authority. As long as an offender is not employed he or she is at significantly greater risk of re-offending and re-imprisonment.

- **Criminal associates.**<sup>53</sup> Research suggests that the presence in the life of the offender of friends and associates who are also criminal offenders is a powerful predictor of recidivism.
155. The Department of Corrections has developed and field-tested a needs assessment procedure known as the CNI – the Criminogenic Needs Inventory.<sup>54</sup> When applied at the time of sentencing, the CNI determines the presence or absence and the severity of six universal risk factors (see Table 5) and 4 MaCRNs, or Māori culture-related risk factors in the period leading up to the offence. Table 5 is drawn from the results of the CNI trial.
156. The CNI will be extended to include Māori culture-related risk factors. It is intended that further work will be undertaken to develop assessment processes to gauge the full nature and extent of those cultural issues to inform the planning and delivery of services to redress the problems. This is an area where competence lies in a full understanding of tikanga and will require specialist skills. It will also require a supervisory model for those doing the assessments that ensures they work in a manner consistent with tikanga. The Department intends working on that supervisory model in parallel with the development of the cultural assessment model.
157. Table 5 shows high frequencies in the time leading up to the offence of the six general criminogenic risk factors among sentenced offenders. On average, more than 90 percent or more of convicted persons have ‘emotions and beliefs that support offending’, which means that they may experience elation while committing crimes, and/or they believe offending is justified, clever, or other thoughts that justify their offending. Eighty nine percent are substance dependent, 80 percent had criminal associates, and almost 80 percent had persistent problems with accommodation, money and/or employment. Fifty six percent had problems with relationships with partner or family.
158. Finally, the term ‘responsivity’ refers broadly to learning style – different offenders respond to different kinds of presentation styles. The term can also refer to the offenders’ willingness, or lack of willingness, to deal with their personal and lifestyle problems in an open and honest way. Many high-risk offenders maintain an attitude of aggressive non-co-operation throughout their sentence.

**Table 5: The incidence of criminogenic needs among serious offenders during the period leading up to an offence**

CRIMINOGENIC NEED	FREQUENCY AMONG TRIAL CASES %
Beliefs and emotions supporting offending	93
Drug or alcohol dependence	89
Criminal associates	81
Lifestyle problems	79
Prone to violence	63
Family relationship problems	56

Source: Coebergh *et al*, 1998

<sup>53</sup> Goggin, Gendreau and Gray, 1998

<sup>54</sup> Coebergh *et al*, 1998

159. To get the best results from a correctional system that uses the risk-needs-responsivity model, sentencing policy must support rehabilitation. This requires two legislated options: first, a sentencing judge should have available an assessment of the offender's risk and need profiles, together with a recommended rehabilitative programme. Second, sentencing policy should allow a sentence that takes account of the conditions needed for rehabilitation.

### **Implementing the risk-needs-responsivity model: Integrated Offender Management**

160. The Department of Corrections is in the process of implementing Integrated Offender Management, based on the risk-needs-responsivity model. Integrated Offender Management involves a co-ordinated approach to managing offenders and ensuring sentence compliance to significantly reduce re-offending. The aim is to ensure that interventions are targeted, effective, cost efficient, consistent, mutually reinforcing, offender focused and that the sentence is managed in a way that supports and reinforces these interventions. The number of programme places that can be provided will largely determine the ability to impact significantly on the re-offending and re-imprisonment rate of offenders. Current resources will allow for the 18 percent of offenders who have a 90 percent or higher probability of reconviction to receive an intervention. An estimated additional \$26m is required to target those with a 50 percent probability of re-conviction and above. The Department's IT system will need modification to support Integrated Offender Management.
161. Integrated Offender Management comprises four processes: induction, assessment, offender management, and re-integrative services. All offenders irrespective of their sentence/order will go through all four phases.
162. Induction relates to the initial orientation of the offender to the sentence that they will serve. Assessment has been discussed on page 44 and includes both an assessment of risk and of the needs that contribute to the offenders' crime.
163. Offender management is about ensuring that services, programmes and inmate employment are delivered in a way that integrates and co-ordinates core sentence management and reducing re-offending. Provision of rehabilitative programmes to appropriate offenders is a key component of this phase. The programmes have been identified through a comprehensive review of research on criminogenic needs, effective programmes to address those needs and the prevalence of needs among offenders in New Zealand. As part of this identification process, the criminogenic needs of Māori have been specifically considered through research and consultation.
164. Based on evidence as to 'what works' in the New Zealand context and on the primary needs of the offender population, the following rehabilitation programmes will be implemented or extended:
- Adult Basic Education
  - Straight Thinking (cognitive skills)
  - MODS (programme for driving offenders)
  - Alcohol and Substance Abuse
  - Violence Prevention
  - Sexual offending against children
  - Tikanga Māori (promoting Māori culture and values)
  - Work and vocational skills
  - EQUIP (a programme for young offenders).

165. As information is collected about the Integrated Offender Management processes it will be possible to examine the targeting and impact of rehabilitation on specific groups. An example of the use of such information relates to a small group of teenage and adult male offenders who commit serious violent and sexually violent offences, frequently. Sometimes, they re-offend within weeks or months of release from prison. Work being done by the Department of Corrections to better identify and manage these offenders is occurring, but will be greatly enhanced by information from Integrated Offender Management. However, to maximise the ability to have Integrated Offender Management inform future targets and methods for rehabilitation it will be necessary to realign the Department of Corrections IOMS computer system with Integrated Offender Management. Resources required for this have yet to be scoped.
166. Lack of employment prospects is a major reason why some adult offenders continue in a cycle of re-offending and re-conviction for long periods. Employment brings about significant reductions in re-offending. Two things can be done to help chronic offenders find employment – one is vocational training as part of their sentence, so that the offender develops marketable skills, and the other is a business sector that is willing to take on workers with a criminal record, including time spent in prison. In the last Budget, Government provided an additional \$500,000 for an expansion of vocational training for inmates. Businesses who employ ex-inmates perform a valuable social service because they reduce the risk of victimisation in society as a whole by making it possible for rehabilitated offenders to take up a new life.

## OPTION 7: REHABILITATION OF REPEAT DISQUALIFIED DRIVERS

167. Offenders who drive during periods of licence disqualification are often persistent re-offenders. Seventy percent of those convicted of driving while disqualified are re-convicted of the same offence within five years. Six percent of those convicted of driving while disqualified have five or more previous convictions for the same offence. Since 15 percent of those convicted are imprisoned, disqualified driving creates a significant demand for prison space. Consequently, reducing the incidence of recidivist disqualified driving would reduce the use of imprisonment.
168. During the calendar year 1999, there were 7,697 convictions for driving while disqualified, of which 1,155 resulted in imprisonment, for an average sentence length of 6.9 months. Assuming that most of these offenders served one-half of their imposed sentence before release, disqualified drivers accounted for 346 prison beds, or 6 percent of prison capacity. This amount of space is 70 percent of the demand for prison space that results from traffic offences as Table 6 below shows.

**Table 6: Sources of demand for prison space as a result of traffic offences**

	Number of serious traffic cases	Percent imprisoned	Average sentence length	Percent of total number of sentenced person-months
<b>Driving causing death</b>	64	19	20.8	2.2
<b>Driving causing injury</b>	1,004	5	11.0	4.9
<b>Driving with excess alcohol</b>	19,606	3	4.1	21.3
<b>Driving while disqualified</b>	7,697	15	6.9	70.4
<b>Reckless/dangerous driving</b>	1,866	2	3.5	1.2

Source: Spier, 1999

169. Research in New Zealand and elsewhere<sup>55</sup> suggests that offenders who drive while disqualified break many laws in addition to traffic laws. By the time they are imprisoned for disqualified driving they have an average of 21 prior convictions, 11 for general offences and ten for traffic offences.<sup>56</sup> They can be characterised as opportunistic offenders who exhibit a wide range of antisocial and defiant behaviour. It is likely that they are alcohol or drug-affected at the time of their offending,<sup>57</sup> and that they are convicted on a number of charges at any one court appearance. Ninety five percent of them are male,<sup>58</sup> and 94 percent have at least one prior conviction for a serious traffic offence.

<sup>55</sup> Discussed in Department of Corrections report: *Review of the rehabilitation of serious traffic offenders*

See also Bakker *et al*, 2000

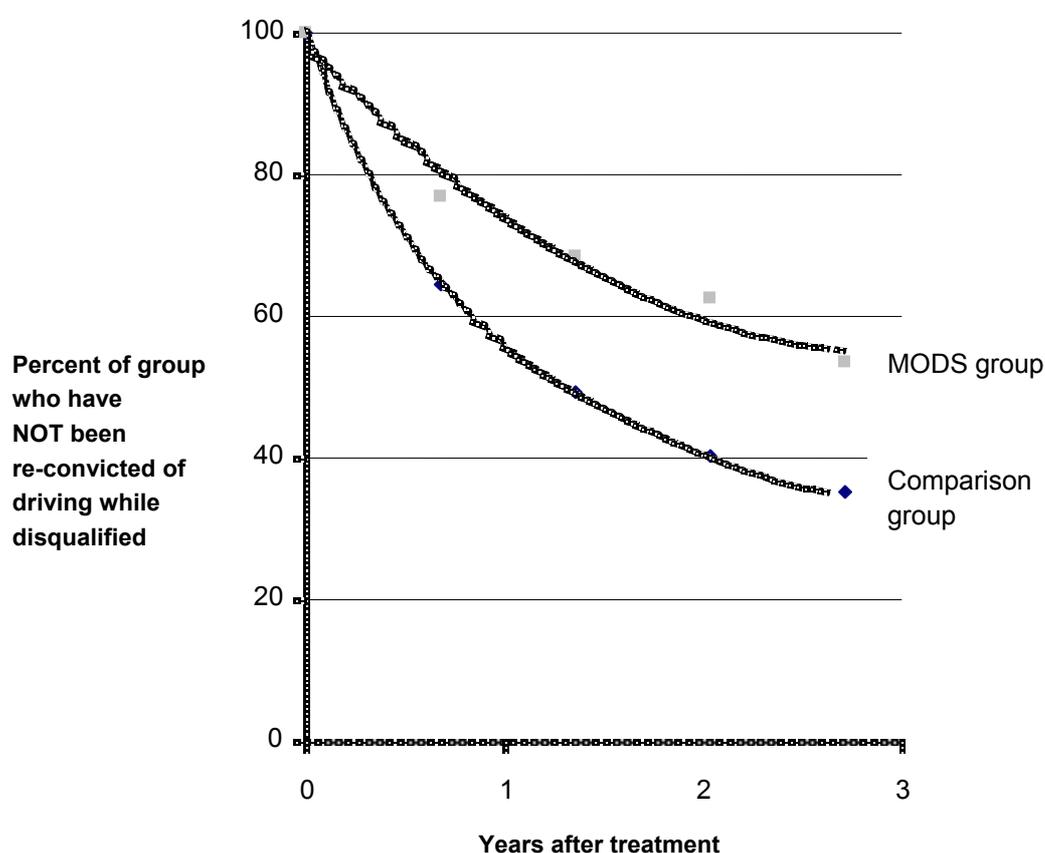
<sup>56</sup> From an analysis of criminal records held on the Wanganui Computer

<sup>57</sup> Bakker *et al*, 2000

<sup>58</sup> Spier, 1999

170. Research into the motivations of repeat disqualified drivers suggests that they are a reasonably discrete offender type. They often exhibit high levels of anger, anxiety, alcohol dependence, and helplessness in relation to controlling their own behaviour. Offending often occurs at times of personal stress and may be accompanied by heavy use of alcohol and high-risk driving. This research has culminated in the development of a rehabilitation programme that addresses the specific risk factors behind disqualified driving.<sup>59</sup>
171. The Making Our Drivers Safer (MODS) programme is a 100-hour small group programme conducted in 36 sessions. It includes modules that address the risk factors that give rise to repeat disqualified driving – anger, personal problems, lack of self-control, poor relationship skills, substance abuse, combined with a module on relapse prevention. Making Our Drivers Safer has been evaluated in a trial programme conducted in Christchurch.

Figure 13: The effect of the MODS programme on disqualified driving behaviour



Source: Bakker *et al* 2000

172. Figure 13 above illustrates the results of the MODS trial.<sup>60</sup> The figure compares the re-offending curve for MODS participants with that for a matched comparison group. As the figure shows, almost three years after programme participation re-conviction for driving while disqualified was high in both groups, but 18 percent fewer convictions occurred in the treatment group. Given that all offenders in the treatment and comparison

<sup>59</sup> Marlatt and Gordon, 1985 (in Bakker *et al*, 2000)

<sup>60</sup> See also Bakker *et al*, 2000

groups had several previous serious driving convictions, and most had been imprisoned for disqualified driving, re-conviction would almost certainly result in re-imprisonment.

173. Participation in MODS also reduced re-conviction for 'driving under the influence' by 4 percent and for 'all criminal reconvictions' by 10 percent.
174. The MODS proposal seeks additional funding of \$1.485m for 500 programme places, at \$2,970 per place. If these programme places were targeted at imprisoned disqualified drivers, the benefits would include an 18 percent reduction in subsequent justice sector costs of re-convictions for disqualified driving, and a 10 percent reduction in the justice sector costs of convictions for general offending. On a per-participant basis these savings amount to \$5,171 for disqualified driving and \$7,664 for all other offending, for an overall benefit/cost ratio of 4.3:1.<sup>61</sup> New funding for 500 MODS programme places is expected to reduce the number of disqualified drivers re-convicted and re-imprisoned. The effect of the programme is to reduce the numbers of offenders sentenced to prison progressively by reducing the 'return flow' of previously imprisoned offenders by 18 percent of the total number who took part in the programme. The effect of this is to reduce demand for prison places by 30 in the first year after the MODS programme is initiated, rising to 66 places in the fourth year.
175. In summary, the effect of an annual expenditure of \$1.485m on MODS programme places for imprisoned disqualified drivers, is to reduce the use of imprisonment by 0.5 percent of total prison space in year one, increasing to 1.0 percent by year four, at a benefit/cost ratio of 4.3:1.

### **Rehabilitation of alcohol and drug dependent offenders**

176. In the introduction to this section it was noted that substance abuse was one of the major risk factors that give rise to and sustain adult offending. A recent review of psychiatric morbidity among inmates found that 83 percent of them had alcohol or drug dependence problems at some time in their lives. Table 5 is extracted from Department of Corrections' research. It reports that nearly 90 percent of offenders were alcohol or drug affected in the period leading up to their offence. Consequently effective treatment of substance dependence for offenders currently in the corrections system has the potential to bring about significant reductions in re-offending and re-imprisonment.
177. Effective alcohol and drug treatment programmes bring about a range of desirable outcomes, including reducing imprisonment, health gains, improvements in social functioning, reductions in abuse of partner and children, and reductions in re-offending. The most successful programmes have been shown in high-quality research to reduce re-offending by 33 percent in a group of high-risk, multiple offenders.<sup>62</sup>

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<sup>61</sup> Reduced cost of disqualified driving assumes re-imprisonment for 3 months, costs up-rated by 3.38 to reflect all justice sector and income support costs. Reduced cost of general offending assumes that all offenders are low risk PPS cases (average ROC\*ROI = 0.3) minus traffic offence costs for that group.

<sup>62</sup> Discussed in joint Department of Corrections / Ministry of Health Cabinet paper : *The provision of alcohol and drug treatment services to offenders in the corrections system*

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**OPTION 8: ALCOHOL AND DRUG REHABILITATION OF OFFENDERS IN THE CORRECTIONS SYSTEM**

178. The current gap between the funded supply and demand for alcohol and drug treatment for offenders in the corrections system has been estimated in a joint Corrections/Health paper to be \$13.589m annually. This amount of additional funding would provide 2,100 brief 'harm reduction' programme places, 3,140 programme places in group sessions with individual follow-up, and 500 intensive residential programme places. The package as a whole has an estimated benefit/cost ratio of 19:1.
179. Alcohol and drug treatment has the potential to bring about significant reductions in imprisonment. For prison inmates, current proposals call for 100 intensive treatment places per year and 1,000 standard treatment places per year. The intensive programme is expected to reduce the return to prison of high-risk offenders within one year of release from 70 percent to 40 percent. The standard programme is expected to reduce the return within one year of medium-risk cases from 50 percent to 40 percent. Together the two programmes are estimated to reduce the number of offenders imprisoned by 120 in the first year after initiation, and by 145 offenders per year thereafter. The \$3.405m alcohol and drug treatment proposed for inmates is estimated to reduce demand for prison space by 1.5 percent in the first year after initiation and by 1.8 percent per year, thereafter.<sup>63</sup>
180. The \$10.184m proposal for services for Community Probation Service offenders will have a larger effect on imprisonment. Assuming that the 400 intensive programme places are allocated to high-risk cases, the 2,100 standard programme places to average-risk cases, and the brief harm reduction programme places to low-risk cases, imprisonment is estimated to reduce by 2.1 percent of prison capacity in the first year after programme initiation, and by 4 percent in the second year and thereafter.<sup>64</sup>
181. In summary, the provision of an additional \$13.589m of alcohol and drug treatment services to offenders in the corrections system is estimated to reduce imprisonment by 285 sentences in the first year after programme initiation and by 460 sentences per year thereafter – which is 3.6 percent of prison capacity in year one and 5.8 percent in year two.

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<sup>63</sup> This estimate assumes: average sentence length nine months actual time served. Note that these reductions will compound IF all rehabilitated offenders remain out of the corrections system

<sup>64</sup> Estimates Community Probation Service to Public Prisons Service curves for top 20 percent Community Probation Service risk scores and middle 60 percent of risk scores. No imprisonment effect from harm reduction – lowest Community Probation Service to Public Prisons Service risk group is almost zero





# About Time

Turning people away from a life of crime and reducing re-offending

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## Reducing the imprisonment of Māori

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182. Māori are over-represented in the criminal justice system and the collective efforts of justice sector agencies to assist Māori to reduce this disparity have not changed the situation. In his report on preventing Māori crime Peter Doone notes.<sup>65</sup>

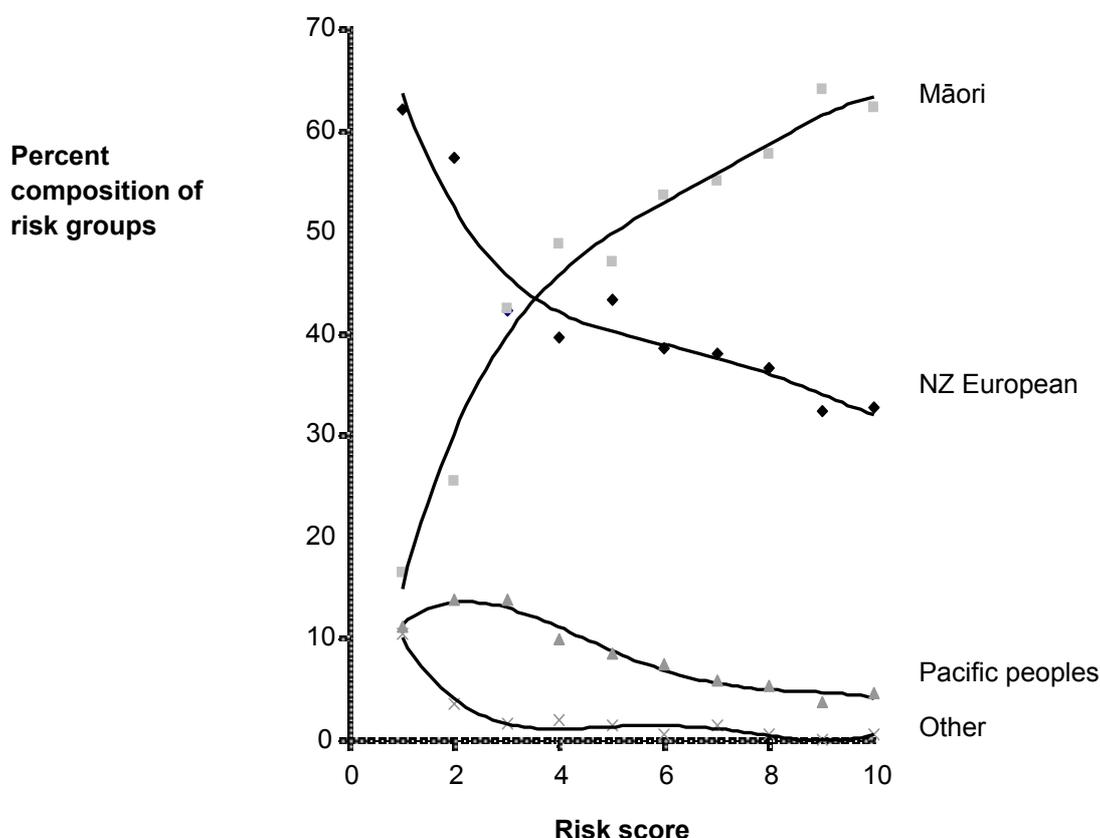
*Criminal Justice data shows that Māori are over-represented at every stage of the Criminal Justice process. In 1998 they were 3.3 times more likely to be apprehended for a criminal offence than non-Māori. They were more likely to be prosecuted, more likely to be convicted, and more likely to be sentenced to imprisonment. The result was that Māori made up 14 percent of the general population and 51 percent of the prison population. These gaps are widening, not narrowing.*

183. According to the Australian Pathways to prevention, serious offending comes about as a result of personal histories and cultural histories – the history of the individual and of the individual's culture. Like colonised minorities in other countries, some Māori have become socially, culturally, and economically marginalised in New Zealand, resulting in a higher incidence of social difficulties, including offending. Similar social difficulties are found among non-Māori with equivalent personal and social histories. The general solution to this situation is to assist Māori to develop their social, cultural and economic resources and to use tikanga Māori and whakapapa as positive forces for the rehabilitation of Māori offenders.
184. Because of the higher rate of unmet needs for social support services and therefore a higher rate of offending among Māori, there are correspondingly high levels of victimisation in Māori families and Māori communities. Serious male offenders of all ethnicities tend to victimise their immediate family first, and then those who live close to them. The four options proposed in this report to reduce Māori offending will bring about reductions in domestic violence and crime in Māori communities.
185. Among those imprisoned, Māori are further over-represented among those who are at risk of re-offending more frequently and more seriously, as Figure 14 shows. In comparison with their numbers in prison, Māori are under-represented among those whose risk score indicates that they are not likely to be re-imprisoned, and significantly over-represented among those whose risk score indicates that they will probably be re-imprisoned for further serious offences.

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<sup>65</sup> Doone 2000

**Figure 14: Ethnic composition of inmate groups with different risk scores**



Source: Wanganui Computer records for 1993

186. Providing for the unmet needs of Māori is a matter of urgency. The general framework introduced here for the reduction of all imprisonments – prevention, alternative sentencing, and rehabilitation should be the basis of efforts to reduce Māori imprisonment. However, Department of Corrections’ policy includes the intention to ensure that the development and evaluation of programmes for Māori should draw from a knowledge pool that includes Western theories and practices, and tikanga Māori theories and practices. Tikanga-based approaches can meet the specific cultural needs of Māori offenders, and thereby assist in the construction of positive family relationships, person accountability, and responsible behaviour.

- Rehabilitation approaches are likely to produce results more quickly than prevention approaches, and in particular option 6 (Day Reporting Centres to reduce the flow of young Māori into recidivist adult offending) and option 8 (drug and alcohol programmes) which are expected both to reduce recidivism and to improve family safety.
- Programme development and delivery, therefore, also require expert understanding of tikanga, whakapapa, and te reo, and contact with appropriate whanau, and marae – in addition to understanding Western treatment modalities that bring about prevention and rehabilitation.
- There needs to be a targeting mechanism in place that delivers a share of the resources available for reducing imprisonment that is commensurate with the degree of over-representation of Māori in prisons – which is 3.5 times. While all of the options

introduced in this report are expected to reduce Māori imprisonment to the same extent that they reduce non-Māori imprisonment, that will not by itself reduce the over-representation of Māori among the imprisoned. In order to reduce the over-representation of Māori among the imprisoned, prevention and rehabilitation policy must be targeted so as to have a greater impact on Māori.

187. The high representation of Māori in high-risk groups provides a way of targeting rehabilitative services at Māori offenders. If high-risk cases are considered for inclusion in rehabilitative programmes first, up to 70 percent of resources will flow to Māori offenders which will not only reduce imprisonment of Māori but also over-representation.
188. The effectiveness of efforts to reduce imprisonment of Māori – through preventive and rehabilitative interventions – will depend on the availability of two key commodities:
  - Research-proven programmes combining aspects of tikanga Māori and standard ‘criminogenic’ responses into programmes that work, and
  - Māori programme developers and deliverers – including whanau, hapu, and iwi, which may have key roles in programme delivery.
189. Currently in the adult justice sector there are shortages of both of these commodities. While there are a number of Māori programmes introduced or in the trial stage, there is insufficient outcome data for policy makers and service purchasers to make informed decisions about ‘what works best’ for which Māori offenders, and even whether programmes that blend Western and Māori views of the solutions to offending behaviour work at all. Similarly there are no places to go for Māori programme providers to ‘up-skill’ with the demanding combination of Western psychology and tikanga Māori that their important mission demands of them.
190. Getting the very best results from the resources available for reducing Māori imprisonment will involve making progress with these two issues:
  - Closing the ‘knowledge gap’ about what particular combination of psychology and tikanga works best for Māori offenders, and
  - Closing the ‘training and supply of Māori programme presenters’ gap.

## **OPTIONS 9 AND 10: Reducing the imprisonment of Māori**

191. Options 9 and 10 deal with the two outstanding matters in point 190 above. Option 9 involves a proposal for thorough outcome evaluations of standard Integrated Offender Management rehabilitative interventions and the major kinds of tikanga-based and hybrid programmes. The Department of Corrections will include this proposal in discussions for the 2002/03 budget round. Similarly, option 10 will involve the development of a proposal for training and development of a workforce skilled in the development and delivery of rehabilitation programmes for Māori.

## **Services for Pacific peoples offenders**

192. Figure 14 provides the key information on imprisonment of Pacific peoples:

- Pacific peoples are slightly over-represented among inmates in comparison with their numbers in the New Zealand population (1.4 times) and significantly less over-represented than Māori.
- Among inmates, their risk scores are mostly low, indicating that their probability of serious re-offending is lower.
- As a result, fewer Pacific peoples will be selected under current rehabilitation policy, which directs the limited resources available for rehabilitation to the highest risk scores.
- Consequently, the Department of Corrections intends to consider options for the rehabilitation of Pacific peoples inmates during the 2001/02 year, including strategies to optimise the effectiveness of services provided to Pacific peoples and targeting mechanisms that ensure appropriate delivery of available resources.



# About Time

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# About Time

Turning people away from a life of crime and reducing re-offending

## APPENDIX

### TERMS OF REFERENCE FOR CAB (00) M 22/22:

#### REDUCING THE PRISON POPULATION

#### A: BACKGROUND

In Minute CAB (00) M 22/22, Cabinet invited the Minister of Corrections (convenor) in consultation with the Ministers of Justice, Police and Transport, to work with relevant departments to develop a strategy aimed **at slowing growth in and, in time reducing the prison population**. Cabinet also invited the Ministers concerned to report to the Social Policy and Health Committee by the end of August 2000 in relation to imprisonment related to driving offences, and by the end of September 2000 in relation to all other offence categories.

A number of other policy projects are underway that have a bearing in this topic. These include a possible Taskforce on aspects of youth justice, the Sentencing Reform Bill, and procedures for the management of psychiatrically disturbed inmates. It is proposed that this Taskforce should not re-consider these matters.

#### B: TERMS OF REFERENCE FOR THE OFFICIALS GROUP

The primary objective is to:

**Recommend options for a strategy aimed at slowing the growth in and, in time, reducing the prison population**

The Officials Group is to:

1. Set out the broad options that exist for strategies to reduce the number of offenders receiving prison sentences. I recommend that this involve considering the following headings:
  - a) Early identification and intervention for offenders on a trajectory toward prison.
  - b) Reducing the return to prison of ex-inmates as a result of serious re-offending.
  - c) Increased use of effective alternatives to prison, such as home detention.
2. Consider and report on the factors that must be taken into account in selecting options for presentation to Ministers, including:
  - a) Consistency with Government objectives for the justice sector.
  - b) Consistency and conflict with existing agency policies.
  - c) Implications for community safety.
  - d) Evidence for effectiveness.
  - e) Implications and opportunities for Māori and Pacific peoples.

- f) Cost implications and cost effectiveness.
  - g) Legislative implications.
  - h) The potential impact of each option on prison populations and the timing of the expected benefits.
3. Set out the nature and recommended timing of any follow-on work required to develop specific options against each strategy approved by Cabinet.
  4. Select and recommend options for strategies to be put to the Social Policy and Health Committee in response to the Cabinet Minute, including broad priorities for future development.

### **C: RECOMMENDED TIMETABLE**

An option will be presented that will allow the Ministerial Group to report to the Social Policy and Health Committee on both topics (driving offences, and all other offences) at the end of September. This timetable assumes that the Ministerial Group adopts this option, and that Cabinet agrees to the revised reporting timetable.

<b>Target date</b>	<b>Milestone</b>
21 July	First meeting of Officials Group. Consider, amend, approve terms of reference, timetable, and schedule of meetings
When available	Terms of Reference agreed by Ministers
31 July	Officials Group has an agreed work plan
21 August	Officials Group has received working papers for review
24 August	Working paper reviews back to authors
28 August	All final working papers available
14 September	Draft report out for consultation
18 September	Officials Group approve final version
22 September	Final version to Ministers Group for approval
3 October	Report to SPH

### **D: REPRESENTATION ON THE OFFICIALS GROUP**

The following Ministers have been nominated in the Cabinet Minute as members of the Ministers' Group

- Minister of Corrections (Convenor)
- Minister of Justice
- Minister of Police
- Minister of Transport.

It is recommended that the Associate Minister of Corrections also be invited to join the Ministers' Group.

Given the policy areas that will be covered by the Officials' Group the following agencies are invited to be represented on the Officials' Group, or to submit working papers through the Chairperson of that Group:

- Department of Corrections (Chair)
- Ministry of Justice
- Police
- Ministry of Transport and or Land Transport Safety Authority
- Ministry of Māori Development
- Ministry of Pacific Island Affairs
- Department of Child, Youth and Family Services
- Ministry of Youth Affairs
- Department for Courts
- Ministry of Women's Affairs
- Department of the Prime Minister and Cabinet
- The Treasury
- The State Services Commission.