

**Corrections Amendment Bill
Justice Committee**

The Salvation Army New Zealand Fiji Tonga and Samoa Territory Submission –10 August 2023

Summary:

1. Overall, we are generally supportive of the amendments set out in this Bill. The Salvation Army has already submitted to the Department of Correction's (DOC) consultation on options to improve rehabilitation, reintegration, and safety outcomes. We refer the Justice Committee back to this submission because it contains valuable feedback from clients engaged with our national reintegration service¹. Our earlier submission contains key feedback and so it is worthwhile revisiting that submission rather than repeat the same findings in this current submission. The context DOC operates is indeed increasingly complex and difficult. Therefore, in our view, the changes in this Bill go in some way to improve safety and the rehabilitation and reintegration options available to prisoners.
2. This Bill offers gradual, incremental improvements which we welcome. But some bold steps are needed as well in this space to ensure DOC staff and prisoners are safe and protected. The Bill is full of great intentions on paper. But to enact or fulfil these intentions requires enough DOC staff and investment in this staff to do their jobs well. Our understanding is that the DOC staff and system is extremely stretched. The good intentions of this Bill will not go far if there are not enough staff to do all this much needed work.

Background of The Salvation Army:

3. The mission of The Salvation Army Te Ope Whakaora is to care for people, transform lives, and reform society by God's power. The Salvation Army is a Christian church and social services organisation that has worked in New Zealand for over one hundred and forty years. It provides a wide range of practical social, community, and faith-based services, particularly for those facing various forms of hardship and vulnerability.
4. The Salvation Army employs almost 2,000 people in New Zealand, and the combined services support around 150,000 people annually. In the year to June 2022, these services included providing around 83,000 food parcels to families and individuals, providing some 2,300 people with short-or long-term housing, over 4,000 families and individuals supported with social work or counselling, around 6,600 people supported to deal with alcohol, drug, or gambling addictions, around 3,500 families and individuals helped with budgeting, court and prison chaplains helped 3,300 people.
5. This submission has been prepared by the Social Policy and Parliamentary Unit (SPPU) of The Salvation Army. The SPPU works towards the eradication of poverty by advocating for policies and practices that strengthen the social framework of New Zealand. It has also been informed by the work of our national network of financial mentors or budgeters throughout

¹ Available here: <https://www.salvationarmy.org.nz/article/consultation-options-improve-rehabilitation-reintegration-and-safety-outcomes-corrections>

the country. This submission has been approved by Commissioner Mark Campbell, Territorial Commander of The Salvation Army's Aotearoa New Zealand Fiji Tonga, and Samoa Territory.

Provisions to modernise and future proof the Act:

6. The Salvation Army is generally supportive of these aspects of the Bill, particularly the operational changes proposed to adjust the definition of 'intelligence purpose', clarifying when DOC staff can disclose information and ensuring which types of communications can be exempt from monitoring.
7. We support the other procedural or operational changes set out in these specific amendments around the monitoring of visits if approved by the CEO of the DOC on reasonable grounds. The basis for this reasonable grounds' determination is important as it points to the proposed change in the definition of 'intelligence purpose'. But more importantly, it goes towards ensuring the safety of DOC staff, other persons and wider public (with the reference to the promotion or encouraging of a crime or offence).

Disciplinary procedures in prison:

8. This set of operational amendments are positive, and we support these changes. The push to incentivise good behaviour and modernise things with audio visual resources within this disciplinary process is a good move. Again, moves to improve safety for prisoners and DOC staff are welcome, especially in the disciplinary process where hearings can be complex and heightened emotionally.

Non-lethal weapons:

9. Again, the operational clarity in this section is welcome. This clause is procedural and ensures the Minister of Corrections has clear information from which to base their decision to support or disallow the use of non-lethal weapons. Following due process is important. But in these matters where there is passive or aggressive resistance from prisoners, timeliness is a critical factor. Still, given the huge physical and mental impact of these non-lethal weapons for staff and prisoners, following the right process under the principal Act and associated regulations is vital. Furthermore, the flow of accurate and trusted information to the Minister is equally vital to ensure a well-informed decision is made.

Rehabilitation and reintegration outcomes for Maori:

10. The over-representation of Maori in the prison system is well documented. We have noted this ourselves in several State of the Nation reports, advocacy papers, submissions, and political meetings over the years. Consequently, we strongly support the provisions in this Bill to give effect to the principles of The Treaty of Waitangi.
11. There are some aspects of this set of amendments that we want to discuss briefly.
 - a. Firstly, this Bill calls for increased access to cultural activities and matauranga Maori. On paper, this is a welcome inclusion. But the key aspect is, when considering that this is part of the move to improve rehabilitation and reintegration for Maori, whether there are *enough* high-quality, appropriate programmes that prisoners can be referred to if they wish to join these and it is part of their management plan.

- b. Secondly, the inclusion of views from whanau, iwi and hapu, where reasonable, on where prisoners serve their sentences, is a positive move. But we also acknowledge that many Maori are disengaged with their whanau, iwi and hapu. Would there be scope for other groups like social service providers who have been working with the prisoner to provide feedback in this area, especially if that person is disengaged with their own Maori cultural identity?
- c. Thirdly, the improved access to cultural activities for Maori raises the question of whether or not cultural activities (or similar activities) for non-Maori are available too, especially if there is good evidence that this will help that prisoner's rehabilitation and reintegration journey. There are *some* Pasifika activities available. But what about for other groups of prisoners? Are there neutral cultural activities, services or programmes available for non-Maori and non-Pasifika that could help with rehabilitation and reintegration?
- d. Finally, the temporary release for cultural activities is also positive. However, we are again mindful here of the needs, views, and realities of the victims of that offender's crime and whether or not the victim(s) would be adversely affected by planned temporary releases for cultural activities. Will victims be informed of this temporary release? If not, why not?

Limited mixing of remand accused and convicted prisoners:

12. We understand the rationale behind these operational changes, particularly as we have strongly advocated increased support and programmes for the high and increasing numbers of people in remand. But we have some concerns for the mixing of those on remand and those sentenced. The Bill's proposal to mix accused and convicted people for Maori, educational, religious, or therapeutic programmes does have some merit given the severe lack of programmes for the accused. Our own survey of our reintegration clients found nearly three-quarters of respondents called for remand prisoners to get access to the same programmes as sentenced prisoners have. Fundamentally, there is the clear issue that those on remand have not been found guilty or sentenced. But intuitively, we are concerned of the potential mixing of younger remand prisoners with more long-term prisoners. At the same time, there could be benefits e.g. older sentenced prisoners challenging those on remand to 'go straight'. But that is risky. The real issue here is the clogging up of our court systems and the subsequent snail's-pace of due process for many on remand. Remedying this problem should be dealt with in unclogging the court systems, or providing specific remand-focussed programmes and services, and *not* trying to remedy this through mixing under this Bill.

13. We are opposed to any mixing of those under 18 with the general population in prison.

Miscellaneous provisions:

14. This set of technical provisions in the Bill are positive. The body imaging technology provisions are positive and will hopefully help stretched DOC staff.

15. We welcome the clause that allows prisoner information to be disclosed with IRD. However, the focus of our support here is the growing debt to government work that the IRD and Social Wellbeing Agency have been engaging in recently. A critical factor in good reintegration is to ensure the financial hardship that prisoners leaving prisons face is reduced as much as possible. We hope this information sharing between DOC and IRD will help in that process. Prisoners leaving with inflated child support payment debts or WINZ

over-payments incurred during their time in prison are unfair as there is no opportunity to earn income or repay these debts.
