

LONG TERM  
INSIGHTS  
BRIEFING

# Justice Sector

## PUBLIC CONSULTATION

FOCUS ON 

IMPRISONMENT  
IN AOTEAROA





## What kind of future do you want to create?

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This paper summarises some of the top level findings we have gathered so far towards preparing the justice sector Long-term Insights Briefing into imprisonment. It looks at changes and trends in the prison population over the past 60 years and considers the relationships between these changes.

It is important that we examine our past to better understand the historical causes and consequences that have come together to form where we are today. We can then consider the risks and opportunities for the future and better understand how our choices can shape that future.

We are particularly interested in what New Zealanders think about the future risks and opportunities associated with these changes and invite you to have your say on these to inform the final briefing. We want to know:

- **How do you see imprisonment changing in the future?**
- **What specific changes would you like to see?**
- **What kind of future focus can you see that would be beneficial for Māori and for other people disproportionately represented in the prison system?**

Some of the main themes we wish to explore and their potential implications for the future are highlighted below and then covered in more detail in the rest of this document.

### Changing needs of people in prison

This briefing shows that the nature of people in the prison system has changed considerably over the last 60 years. Today the prison population contains proportionately fewer young people and more people convicted of serious violence and sexual violation. It contains fewer people sent to prison for the first time, and a greater proportion of people who have spent more of their lives in institutions including, but not limited to, prisons. While there are fewer people in the system, there is a proportionately higher level of need among this population.

### Ending Māori over-representation

A review of the Māori prison population over the past 60 years shows that changes that increased the prison population disproportionately impacted Māori, while changes which reduced levels of imprisonment had less impact for Māori. The number of Māori in prison has fallen over the last four years, down to 4,108 people in June 2022, representing less than 1 percent of adult Māori. However, over-representation has increased, with Māori representing 53 percent of men in prison and 67 percent of women in prison in 2022. This is the case despite changes in the age structure of the general Māori population and falls in the number of younger Māori entering the prison system.

### The future use of custodial remand

The briefing shows remanding people in prison while waiting for a court hearing, trial or sentencing increased rapidly following changes to legislation and practice. It is predicted that the remand population will account for half the prison population within the next 10 years, while 50 percent of the women's prison population is already on custodial remand. The increasing length of time to progress through court means that people spend more time on custodial remand, which limits people's access to rehabilitation and reintegration services and can ultimately affect their release date. Remand can also impact people's employment and housing, as well as having an impact on social and family connections.

## FOCUS QUESTIONS

**Are there different ways of thinking about imprisonment that could contribute to ending the over-representation of Māori in the prison population?**

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**How might the use of custodial remand change in the next 20 to 30 years?**

### The evolution of rehabilitation, reintegration and the role of the community

The briefing highlights the increased tailoring of rehabilitation programmes over the past 30 years to address the specific needs of Māori, Pacific peoples, women and younger people and the increased role of mātauranga Māori and Māori models of wellbeing in informing the design of programmes.

The strength of community, whānau and family to support rehabilitation and reintegration is critical for providing pathways to avoid entry into prison and to prevent returning to prison after release. Government agencies are increasingly recognising the role communities, iwi and hapū play in building local solutions for keeping people safe, preventing entry into prison and the justice system generally, and supporting rehabilitation and reintegration.

### Public submissions

We want to hear from anyone with an interest in imprisonment in New Zealand. Participation in the survey is voluntary and anonymous. Your submission will only be used to inform the final draft of the Long-term Insights Briefing on imprisonment due to be presented to Parliament in November 2022. Submissions will be analysed together and names of individual submitters will not be identified in the briefing. Please do not name or identify other people – any answers with identifiable information or details about cases before the court cannot be used and will be deleted.

Your submission will become official information. This means justice sector agencies may be required to release all or part of the information in your submission in response to a request under the Official Information Act 1982. Justice sector agencies may, however, withhold all or parts of your submission if necessary to protect your privacy or if it has been supplied subject to a duty of confidence. Please tell us if you don't want all, or specific parts, of your submission released and the reasons why.

Contribute here: <https://consultations.justice.govt.nz>

## FOCUS QUESTIONS

**How might rehabilitation and reintegration programmes need to evolve to respond to the needs of an older prison population with more complex needs?**

**How can whānau, hapū, iwi and community best support people in the system to not reoffend and live more productive lives?**

**Thank you.**

**Your contribution  
will support a better  
understanding of  
how different choices  
may shape the future  
of imprisonment in  
New Zealand.**

**Ngā mihi.**



# Introduction

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Long-term Insights Briefings are a new government initiative to encourage all New Zealanders to think about the future and what matters most for our long-term wellbeing.

They require the public service to develop and share insights on the trends, risks and opportunities that may affect Aotearoa New Zealand. These briefings are not government policy but are an opportunity to identify and explore issues that are important for our collective future.

A joint Justice Sector Long-term Insights Briefing is being prepared by Ara Poutama Aotearoa, the Ministry of Justice, the Serious Fraud Office, Crown Law and Oranga Tamariki working through the Justice Sector Leadership Board, together with [Ināia Tonu Nei](#), a name shared by a kaupapa, a hui, a report and a group of kaitiaki with a goal to reform the justice system.

This first Justice Sector Briefing examines long-term insights about imprisonment.

## The main considerations are:

- **How has the prison population changed and why?**
- **What helps keep people away from prison?**
- **What are the future risks and opportunities?**

Imprisonment is a broad topic with many overlapping long-term issues. The economic and social costs of imprisonment, especially for Māori, made this topic an obvious choice for the first briefing.

This is an opportunity for some important new analysis of historic trends across the prison system. While other research has looked into specific areas of change at particular times, this briefing offers a chance for a number of agencies to come together to look systematically across the sector over a 60-year period and gain new insights to inform how we work together to create a better future.

## Have your say

An initial public consultation on the topic for the briefing took place in late 2021. More than 1,500 New Zealanders took part. The full results are available on the Ministry of Justice website<sup>1</sup>.

The initial public consultation involved a non-representative survey on the Ministry of Justice website for public review during November 2021. It received 176 responses.

A representative online public survey was also undertaken by an independent research company, which included a Māori booster sample. This representative random survey, conducted by Research New Zealand, took place from November to December 2021 and included 1,347 adults aged 18 and over, of whom 402 identified as Māori.

Over three-quarters of those surveyed stated they knew little or nothing about imprisonment in New Zealand, with 18 percent reporting knowing 'nothing at all'. Just a third of respondents felt imprisonment was currently used 'too little', a third felt current use was about right, 15 percent felt it was used 'too much' and the balance didn't know. When asked about the future, just under half felt prison should be used more and just over a third felt it should be used less or

not at all. Māori were more than twice as likely as non-Māori to think imprisonment was used too much. More than half of Māori suggested that prison should be used less or not at all in the future.

Compared with the public survey, people who answered the non-representative survey were much more likely to report having direct or indirect experience of the prison system. Respondents to the opt-in survey were far more likely to think that prison was used too much (88 percent) and more likely to feel that prison should be used less (53 percent) or not at all (40 percent) in the future.

We are now asking for further public feedback which will inform the final briefing to be presented to Parliament in November 2022.

This short consultation document summarises some of the top-level findings so far and asks some questions to prompt public discussion around these long-term issues. We want to know your views on how the prison system should look in future, so we can reflect community views in the final briefing.

<sup>1</sup>[Justice Sector Long-Term Insights Briefing | New Zealand Ministry of Justice](#)



## Key facts and insights

The first consultation phase highlighted that people can have strong opinions about imprisonment and who is in prison and why.

This briefing provides information and insights so that public debate can be based on strong evidence. It contains useful facts about the prison system that may not be widely known.

### The number of people in prison has been falling since 2018

While the number of people in prison did rise rapidly from the mid-1980s to 2018, the total prison population has been falling for the last four years. Since reaching a historic high in March 2018 of more than 10,800, the prison population has fallen sharply. The number of people in prison on 30 June 2022 (7,700) was the lowest June figure since 2006. Recent falls have been due to a combination of changes in sentencing patterns, the management of bail and remand, as well as the impact of the COVID-19 pandemic.

The most recent prison projection predicts the prison population will continue to fall until 2024, reaching a

low of 7,200. From 2024 the population is expected to increase by 800 to reach 8,000 in 2031. People on custodial remand are predicted to become 50 percent of the total prison population, up from 40 percent currently. It is important to bear in mind that this projection is based on current trends and policy (including the impact of changes to legislation, policy and practice that have been formally approved) and represents only one possible future.

### Fewer Māori are going to prison but Māori make up an increasing proportion of the prison population

The number of Māori in prison has been falling for the last four years, along with the general prison population. However, the Māori prison population has dropped at a lower rate, resulting in Māori making up a larger proportion of the prison population.

The number of Māori in prison on 30 June 2022 (4,108) represents 0.7 percent of adult Māori. It is the lowest June figure since 2008 and almost 1,200 lower than June 2018. However, Māori made up 54 percent of people in prison on 30 June 2022, rising from 51 percent on 30 June 2017.



THE NUMBER OF  
PEOPLE IN PRISON  
HAS BEEN FALLING

MORE THAN  
**10,800**  
IN MARCH 2018



DOWN TO  
**7,700**  
IN 30 JUNE 2022



Generally, changes that contributed to an increase in the prison population had a more negative impact on Māori, while changes that reduced imprisonment for less serious offending did not benefit Māori to the same degree as non-Māori.

#### The number of people remanded in custody has been falling since 2020

If people are “remanded in custody” they must wait for their trial or sentencing in prison. The number of people remanded in custody rose strongly from the year 2000 when there were 690 people on remand to reach a peak of more than 3,900 people in January 2020. The number fell to 3,104 on 30 June 2022; a similar level to June 2018 (3,200).

The number of Māori remanded in custody also rose strongly from the year 2000, when there were 350 Māori on remand, to a peak of more than 2,200 in January 2020. This number then fell to 1,793 at 30 June 2022, a similar level to June 2018 (1,808).

#### Fewer young people are in prison

The number of younger people in prison has been falling continuously since 1980. In that year, 64 percent of prisoners were under 25 years old; by June 2022 this had fallen to 10 percent. During the same time, the proportion of prisoners under 20 years old fell from 29 percent to just 1.2 percent.

There was a larger change for Māori. In 1980, 73 percent of Māori prisoners were aged under 25 years old; by June 2022, this had fallen to 12 percent. During the same time, the proportion of Māori prisoners under 20 years old fell from 38 percent to 1.6 percent.

#### Most people in prison have committed serious offences

Although crime rates have been falling, mostly this has involved less serious crime that rarely results in imprisonment. On the other hand, convictions for the most serious offences – serious violence and sexual offending and, more recently, dealing in methamphetamine – have increased.

The rise in the prison population was compounded by law changes prompted by public concern, which resulted in longer stays in prison for people convicted of the most serious offences.

Most people serving sentences in prison have been convicted of serious sexual or violent offending. New Zealand prisons are not full of people on minor charges. For example, the idea that people are routinely sent to prison for cannabis possession is untrue – people are rarely imprisoned for that. Most of the time no one is in prison solely for cannabis possession or use. Even cannabis dealing only makes a small contribution to the prison population; on 30 June 2022 there were only 48 people serving sentences for dealing cannabis – 10 fewer than in 1980. Most people in prison are there for serious crimes.

**IN 1980**  
**64%** of prisoners were  
under 25 years old;

by **JUNE 2022**  
this had fallen to

**10%**



**MĀORI PRISONERS UNDER  
20 YEARS OLD FELL**

**38% to 1.6%**

from 1980 to 2022

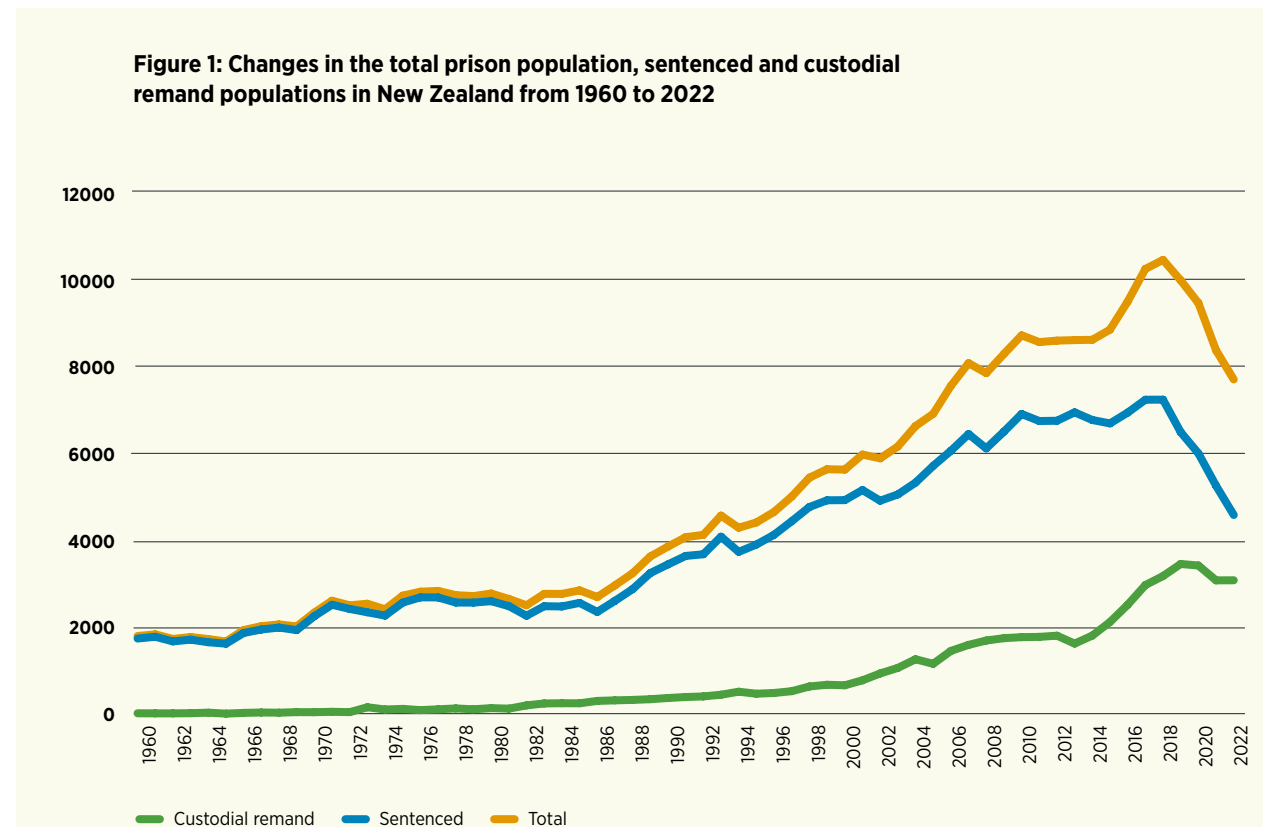


## How did the prison population change from 1960 to 2022?

As shown in Figure 1, prisoner numbers remained relatively stable throughout the 1970s and early 1980s, followed by a rapid rise from the mid-1980s. After reaching a historic high in March 2018, the number of people in prison has since fallen sharply.

The patterns of change were different for people convicted and sentenced to imprisonment and people remanded in custody.

There are currently significantly fewer people in prisons designed to hold a much larger population. Significant changes to the number of people in prison creates challenges and opportunities.



The mix of people going to prison and the type of offending taking them there has changed over time.

**SOME OF THE MAIN TRENDS ARE:**

There are **fewer young people** in prison now compared to

**1980**

**The prison population is aging**

The proportion of people in prison identified as **Māori** has **grown**

The proportion of people in prison identified as **Pacific** has **grown**

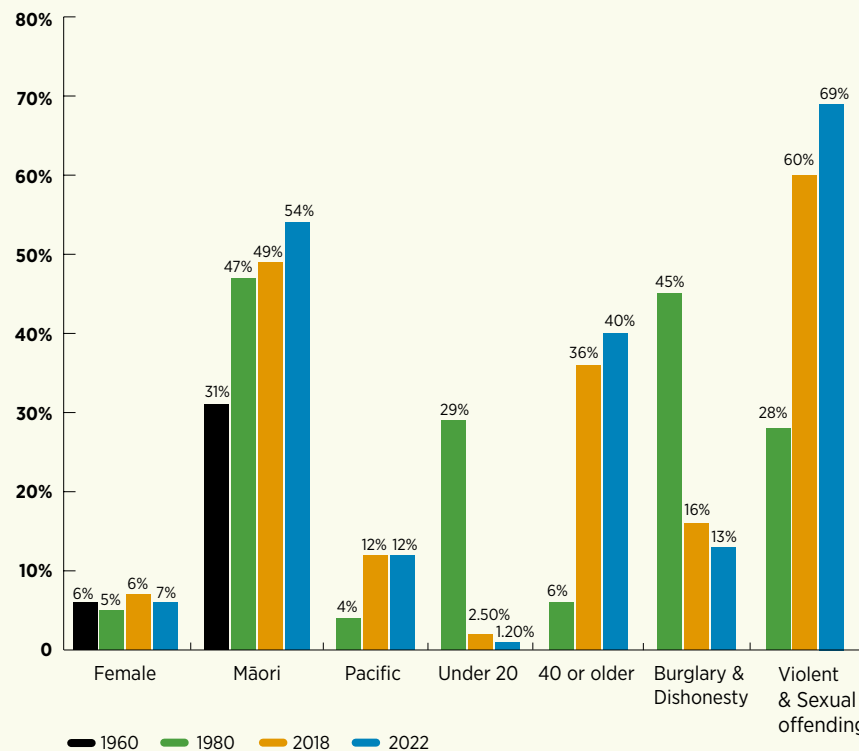
The proportion of **women in prison** has fluctuated around

**6%**

More people in prison are now there for **violent or sexual offending**

Less people are in prison for **burglary and dishonesty offending**

**Figure 2: Proportion of the prison population for selected demographic measures and key offence types at significant points of change to the prison population**





## What caused the changes?

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The causes of crime are complicated, and there is no single or simple explanation. The prison system is the end point of a long chain of social and economic factors, and justice processes.

A wide range of influences have interacted to bring about changes to the prison population.

**Some key factors include changes in:**

- **social factors (for example, education, health, employment etc)**
- **population**
- **social and political attitudes to behaviours (such as sexual violence and violence)**
- **law and policy**
- **police numbers and practices**
- **conviction rates**
- **sentencing practices**
- **prison release practices.**

These factors are affected by the impacts of colonisation on Māori and by direct, indirect, and systemic racism. This has been identified by a range of researchers and experts in the field such as Moana Jackson, Tracey McIntosh, Kim Workman, Khylee Quince, among others; and in the Turuki! Turuki! report of the Te Uepū Hāpai i Te Ora Safe and Effective Justice Advisory Group.

The long-term rise in the number of people in prison was mainly due to more convictions for serious violent and sexual offending, and changes in the sentencing and release of people convicted of these offences. A rise in convictions for dealing in methamphetamine has contributed to the prison population growth since 2003. Successive governments have seen policy changes that increased imprisonment as a way to ensure public safety. The introduction of the new parole approach in 2002 for people serving longer sentences also substantially lengthened the time people spent in prison.

More recent falls have been influenced by changes in sentencing patterns, the management of bail and remand, as well as the impact of the COVID-19 pandemic.

# Imprisonment rates

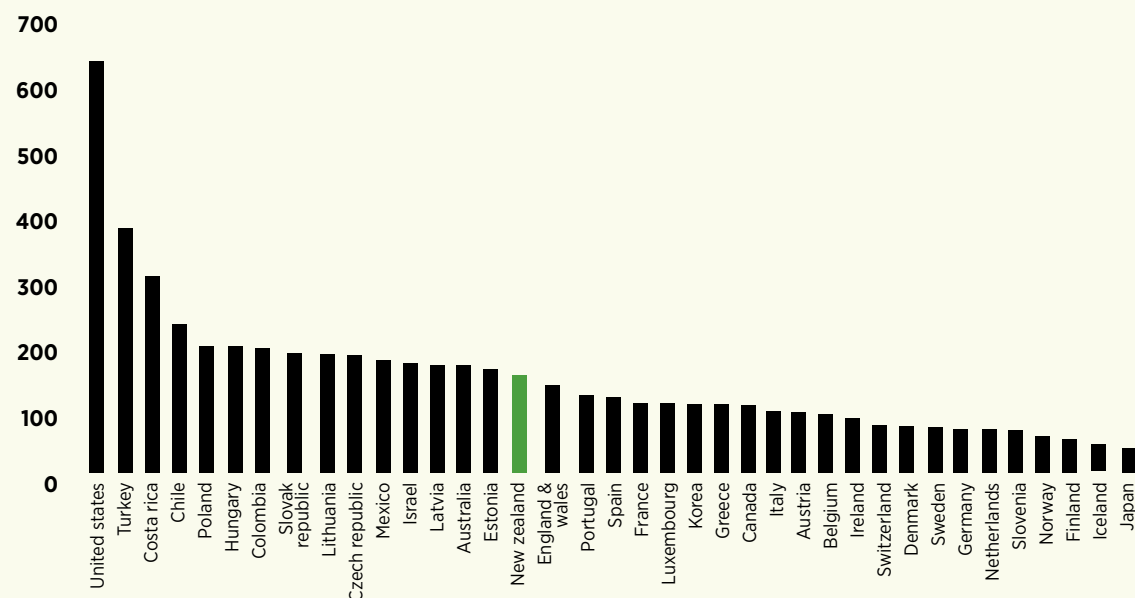
New Zealand's imprisonment rate has traditionally been high compared to similar jurisdictions and much higher than many European countries.

Imprisonment rates are usually calculated as the number of people in prison per 100,000 people in the population. It is a crude measure because it does not recognise some important differences when comparing with other countries.

For instance, there are differences between jurisdictions in the age threshold at which people can be sentenced to imprisonment. The age structure of populations can vary between countries; those countries with the oldest populations will, all other things being equal, have lower rates. Not all jurisdictions report at the same point in the year, and prison populations can be seasonal with highs and lows during the year. New Zealand has tended to have a lower population heading into Christmas and a higher one during the first quarter of the calendar year.

There are other factors around the nature of offending and the likelihood of arrest that can generate differences between jurisdictions that limit the validity of comparisons.

**Figure 3: Imprisonment rates per 100,000 people for OECD member states at 30 June 2022**



The graph on the previous page shows comparisons taken from the World Prison Brief compiled at Birkbeck University of London. It compares New Zealand to other OECD countries using the most recently available rates.

New Zealand had the 8th highest imprisonment rate in the OECD in 2018; in 2022 it has the 16th highest rate. Figure 3 shows the position of New Zealand in June 2022 against other OECD countries<sup>2</sup>.

The gap between the New Zealand rate and those countries with lower rates in 2018 has narrowed in the last four years. For most of the last 10 years New Zealand has had higher rates than the two jurisdictions we intuitively compare ourselves to: Australia and England & Wales. In 2018 New Zealand's rate (214) was higher than Australia (172) and much higher than England & Wales (140); by 2022 New Zealand's rate (149) was lower than Australia (165) and much closer to England & Wales (134).

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<sup>2</sup>Note for some countries the rates are from 2021.



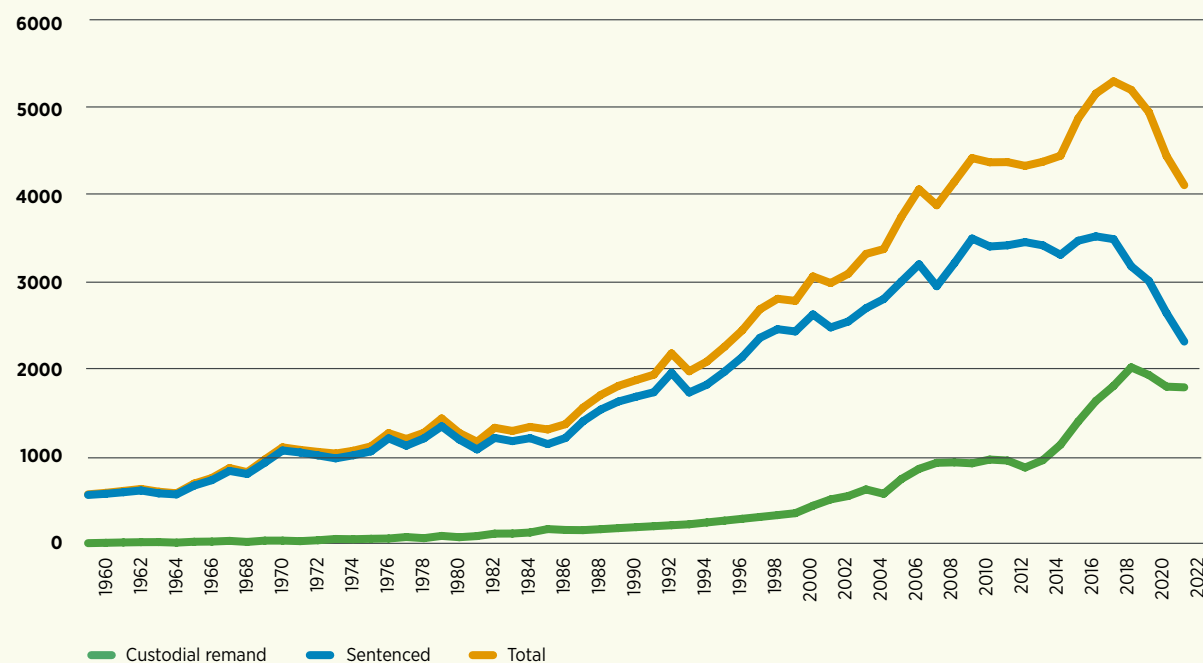
## What happened to the Māori prison population?

At the beginning of the 20th century Māori were about 5 percent of the general population and accounted for 2 percent of prison admissions.

By the 1930s, the level of Māori imprisonment had trebled. Across this time, a shift toward reformatory penal approaches, which emphasised the importance of personal circumstances and moral correction, led to more government intervention in the lives of young people, which disproportionately impacted young Māori men.

While the total prison population grew gradually during the 1960s and 1970s, the number of Māori in prison grew much more rapidly. Between 1960 and 1979, Māori men accounted for most of the total increase in imprisonment. The Māori male prison population rose by 135 percent (from 515 to 1,208) between 1960 and 1979, compared to a 19 percent increase in the non-Māori prison population (from 1,190 to 1,416).

**Figure 4: Māori prison population 1960 to 2022**



Māori over-representation in prison began to develop before 1960 – and by 1960 the level was already significant with Māori making up 30 percent of the prison population. By 1980 the proportion had grown to 45 percent. The proportion has been consistently at or above 50 percent since 1999, only dipping below twice. Changes to policies and practices made since 1980 have not altered levels of Māori over-representation.

The number of Māori in prison is now falling, having dropped 22 percent from 5,295 to 4,108 between June 2018 and June 2022. Despite this, Māori make up an increasing proportion of the prison population – rising from 51 percent of people in prison in 2017 to 54 percent of people in prison at June 2022. While Māori imprisonment has dropped alongside the non-Māori prison population, it has not done so to the same degree, with greater reductions seen in non-Māori imprisonment. This is why the *proportion* of Māori in prison has risen, while the *number* of Māori in prison has fallen.

Figures like these can create the impression that a large proportion of Māori are in prison. However, on 30 June 2022 1.4 percent of adult Māori men were in prison and just 0.1 percent of Māori women were in prison, these proportions have been reducing for the last 10 years.

A complex range of factors affect imprisonment rates, including a larger proportion of Māori in lower socio-economic groups and higher rates of Māori unemployment. It has become increasingly well documented that the ongoing impacts of colonisation and systemic racism on Māori have been significant contributing factors.

## **Māori born after 1990 have had less involvement in the criminal justice system and, accordingly, have experienced much lower rates of imprisonment.**

The younger age structure of the Māori population also played an important part. For example, the time when Māori imprisonment grew coincided with the time when the Māori population had very high proportions of people in the age groups most vulnerable to imprisonment.

Comparing different groups of people born at particular times shows that certain birth cohorts were more affected by imprisonment than others. For example, analysis shows that Māori boys who were born in the 1950s to 1970s went on to experience higher levels of imprisonment before age 20 than those born in the 1980s and much higher than those born after 1990. The generations of Māori born in the 1950s to 1970s also experienced the greatest level of state care.

Māori born after 1990 have had less involvement in the criminal justice system and, accordingly, have experienced much lower rates of imprisonment.





## Pacific peoples in prison

From fewer than 100 in 1980 the number of Pacific people in prison grew to just over 1,200, before falling for the last four years.

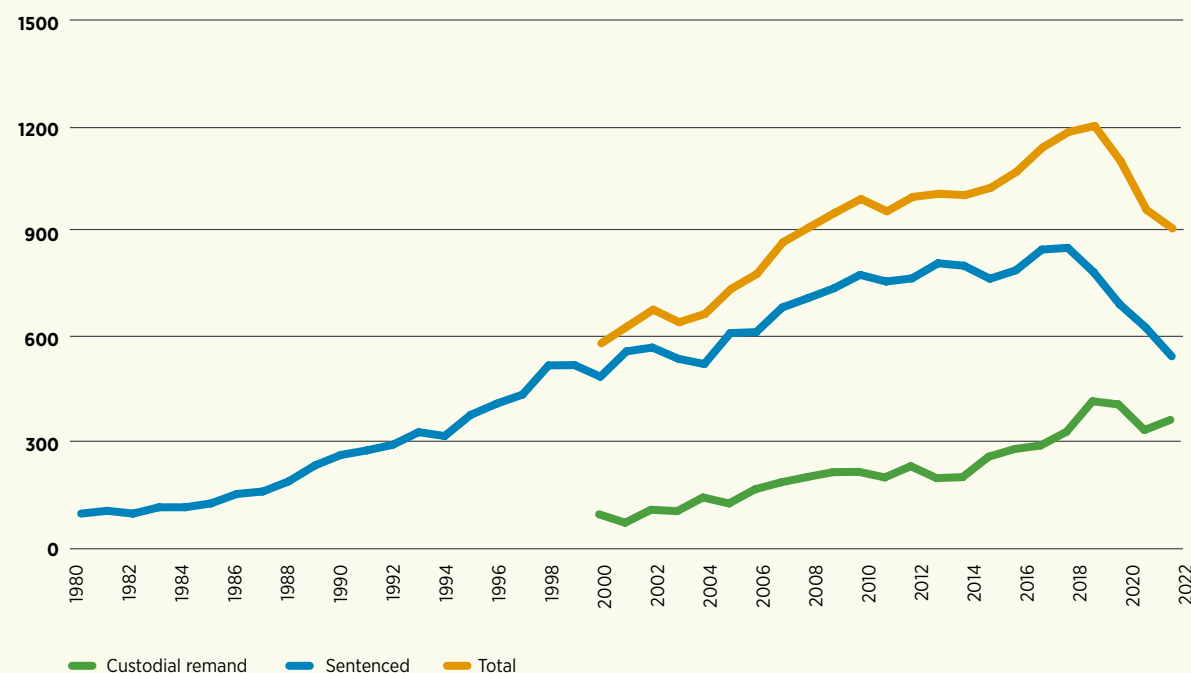
The number of Pacific people in prison on 30 June 2022 (904) is the lowest June figure since 2007, almost 300 lower than June 2018. However, the number of Pacific people in prison has dropped at a slightly lower rate than the general population. This means that Pacific peoples make up a larger proportion of the prison population.

The effects have been different for Pacific men than women. Pacific men now make up 12.4 percent of the male prison population, up slightly from 12.1 percent in 2018. The proportion of Pacific women in the women's prison population has fallen from 5.9 percent in 2018 to 4.5 percent on 30 June 2022.

Generally, changes that contributed to an increase in the prison population had a more negative impact for Pacific men, while recent changes reducing imprisonment for less serious offending has not benefitted Pacific men to the same degree. The younger age structure of the Pacific male population played a part in the high rate of growth from 1980 to 2018.

In June 2022, of those prisoners who identified as Pacific people, 39 percent identified as Samoan, 23 percent as Cook Island Māori, 23 percent as Tongan, 5 percent as Niuean, 5 percent as Fijian, with the remaining 5 percent spread across other Pacific groups. This composition does not vary greatly from the distribution of Pacific peoples in the general population.

**Figure 5: Pacific people's prison population 1980 to 2022**





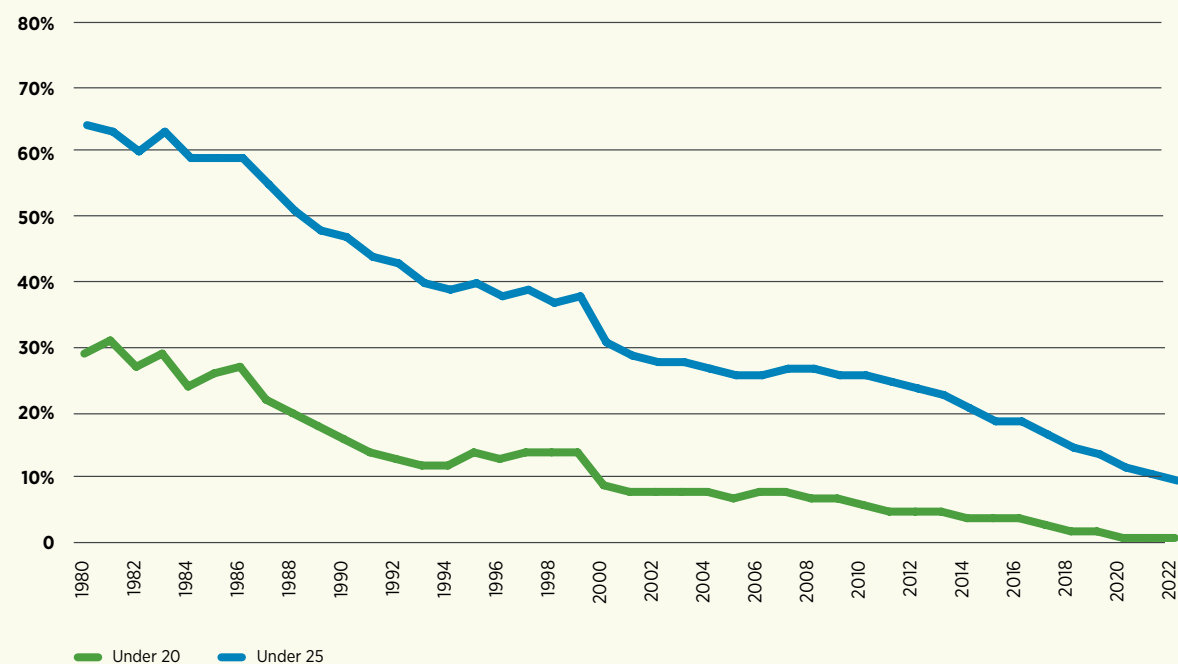
## Fewer young people going to prison

The drop in the number of young people in prison is one of the most significant and continuous changes seen over the last 40 years.

In 1980, 29 percent of the prison population was under 20 years-old, however, by 2022 it was only 1.2 percent. The pattern is similar for Māori. In 1980, 38 percent of Māori in prison were under 20 years-old; by 2022, just 1.6 percent were. The reduction is a consequence of a number of factors including the closure of borstals, a desire to keep young people out of prison, greater use of non-custodial sentences as well as changes in the age structure of the general population.

More recently there has been a transformation in the likelihood of young adults being imprisoned. Young people born since 1990 have been progressively less likely to be imprisoned in the first five years of adulthood. It is not because they are receiving alternative sentences; there has been a significant drop in the number of young people receiving fines and community-based sentences, as well as prison sentences.

**Figure 6: Proportion of people aged under 20 and under 25 in the total prison population 1980 to 2022**

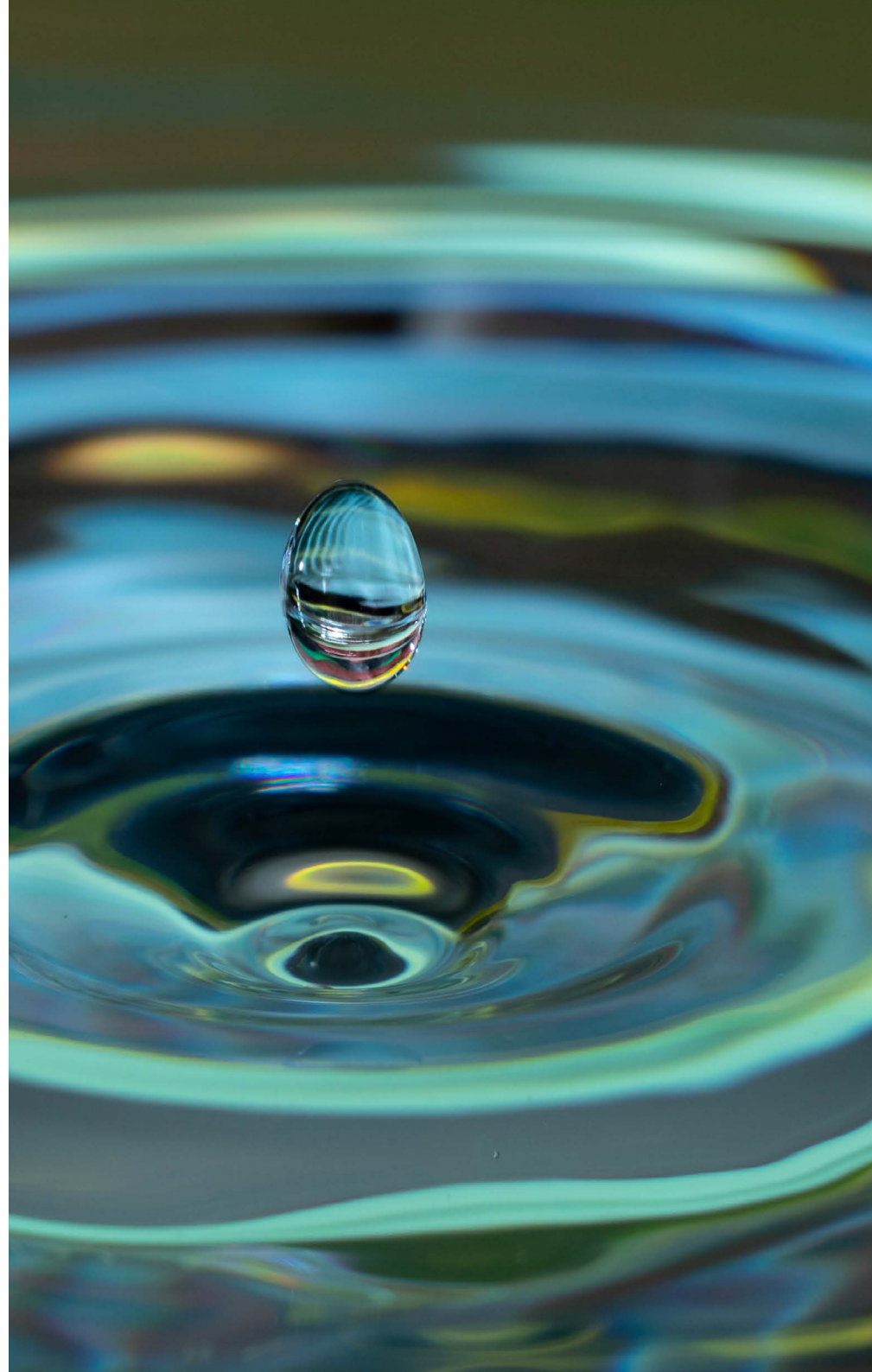


Young people are not simply being diverted away at earlier stages of the system: they are not entering the criminal justice system to anywhere near the extent they once did. Fewer young people are being arrested, charged, and prosecuted by the police. This is a global trend: youth crime has fallen across the world in recent decades.

Reasons for the drop in youth crime are complex. They include: fewer opportunities for offending due to improvements in security, new leisure activities, changes in styles of parenting and better support for young people.

Analysis of Statistics New Zealand's Integrated Data Infrastructure (IDI) reveals that successive age groups are achieving better outcomes. Looking at outcomes for different groups of 17 year-olds between 2013 and 2019 shows that, over time, young people were more likely to leave school with a qualification and to have accessed mental health services, and less likely to have been suspended from school, or to have been on an income benefit.

Historical evidence shows that government spending on education and other services for young people increased significantly through the 1990s. Young Māori born in the 1990s are also likely to have benefitted from the Māori Renaissance, a movement which began much earlier and saw the creation of more opportunities and support for young Māori, for example, the expansion of Kōhanga Reo and Kura Kaupapa.





## The prison population is aging

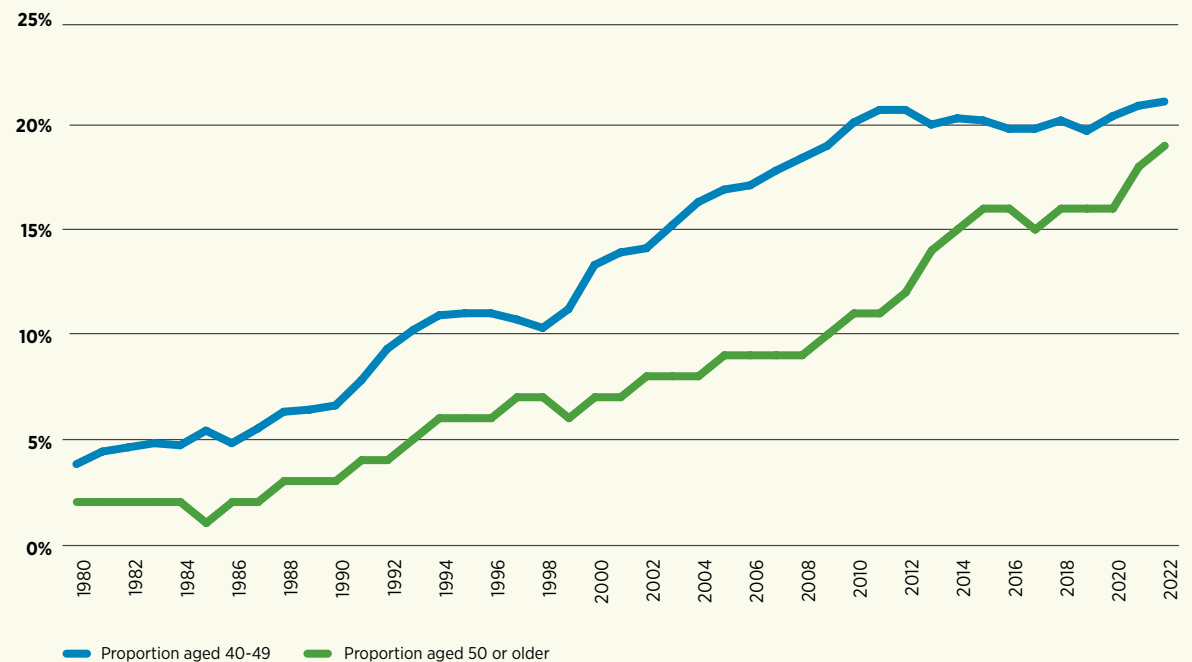
As fewer young people arrive in prison and leave sooner, the remaining prison population has an increasingly older age profile.

Those born in earlier generations are remaining in the system longer. The average age of the prison population in New Zealand has risen from 25 in 1980 to 38 in 2022.

It is worth noting that those cohorts who experienced the highest levels of state care, including in residential institutions, also experienced the highest imprisonment rates.

These cohorts are also those who have experienced the longest criminal careers and form a large part of today's aging prison population. This is not to suggest that experiencing state care led directly to imprisonment. Other factors are likely to have been at play. It is also important to note that most of those who experienced state care did not go on to experience imprisonment.

**Figure 7: The proportion of people in the prison population aged 40-49 and 50 or older 1980 to 2022**





## Women in prison

Women make up a very small proportion of people in prison and have never represented more than 7 percent of the total prison population in New Zealand.

The women's prison population has followed similar trends to the men's prison population. From 1960 to 1980 there was very little change in the number of women in prison and, as the general women's population rose by 54 percent over that time, this represented a net decrease in the imprisonment rate. There were almost no women on remand.

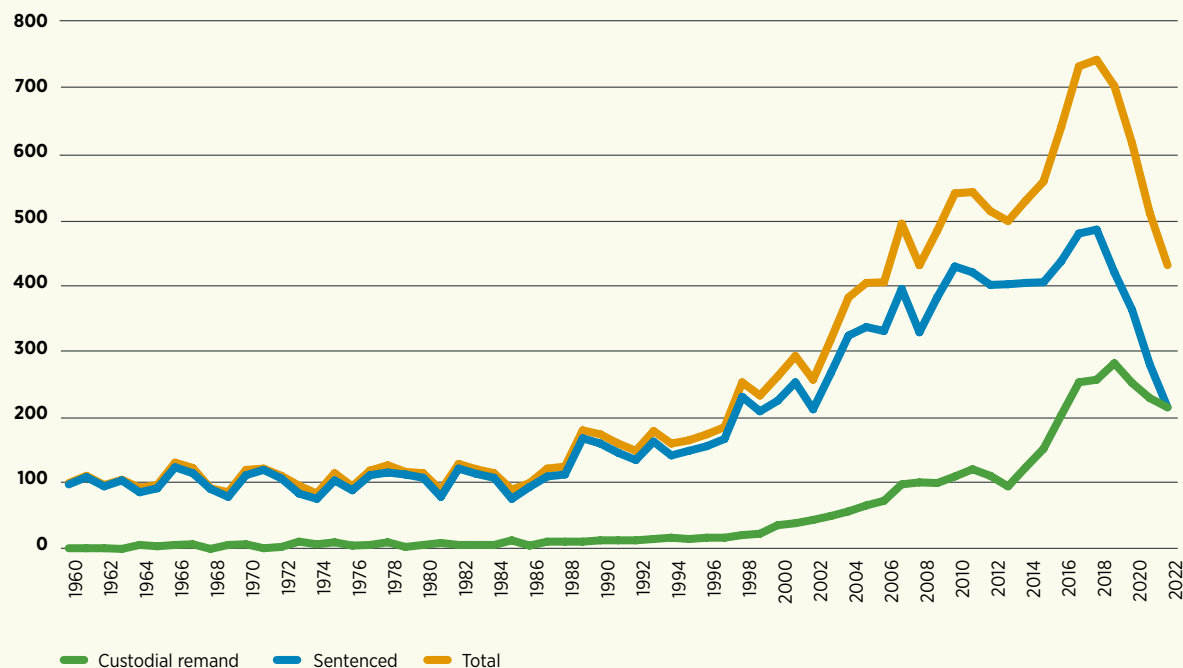
Numbers remained low and relatively constant until the late 1980s, when a period of sustained growth began. The number of women in prison more than doubled between 1980 and 2000: a faster rate than the 24 percent rise in the number of adult women in New Zealand.

The number of Māori women in prison began to rise from 1986, reaching 100 for the first time in 1997. Māori women made up between 55 and 60 percent of the women in prison from 1997 to 2020. In 2022 the proportion reached 67 percent. Again, it is important not to think this means a high proportion of Māori women are in prison, 0.1 percent of adult Māori women were in prison in June 2022.

The total number of women in prison peaked at 809 in January 2018. Since then, numbers have fallen sharply, dropping 46 percent to 433 women in New Zealand prisons on 30 June 2022.

The remand population is a significant part of the women's prison population. In June 2022, 50 percent of women in prison were on remand – a far greater proportion than the men's population. Māori women represented a significant proportion of those on remand: about 72 percent at 30 June 2022.

**Figure 8: Women's prison population 1960 to 2022**





## People remanded in custody

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While waiting for a trial or sentencing, people can either stay out of prison – remanded at large or remanded on bail, with associated conditions imposed on them – or they can be remanded in custody.

Any time someone is remanded in custody before conviction is a cause for concern. The presumption of innocence demands that there be good reason for remanding someone in custody. Remand in custody may be made when there is a risk the defendant will offend on bail, will not appear in court or may otherwise attempt to interfere with the process by intimidating a witness.

About 40 percent of people in prison are there on remand. This counts as time served against any sentence of imprisonment.

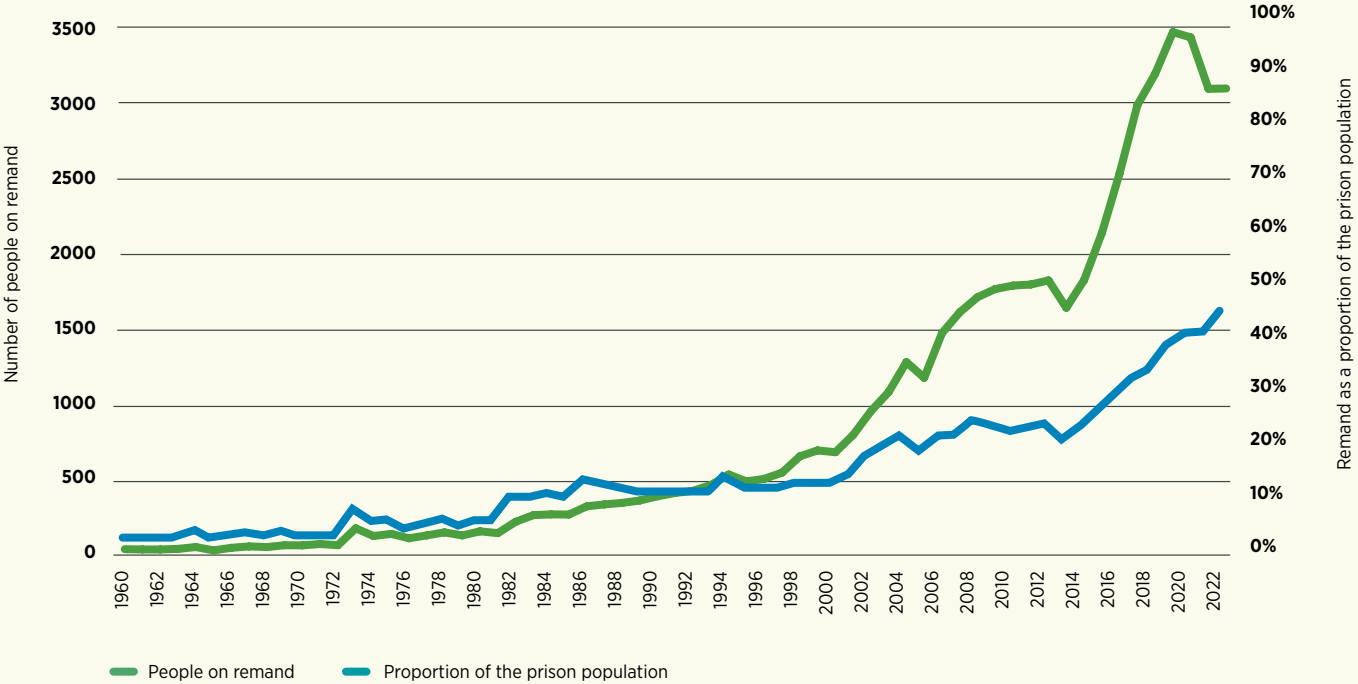
Concerns have been raised about the number of people remanded in custody while waiting for the resolution of charges against them. Growth in numbers on remand accelerated between June 2014 and June 2020, rising from 21 percent of the prison population to 36 percent. The population peaked at more than 3,900 in January 2020.

The remand population began to drop from March 2020. Despite falling by about 800 people, the remand population as a proportion of the total prison population has risen to 40 percent. This is because the sentenced population has fallen at a faster rate than the remand population.

More time spent on remand reduces the time available for people to undertake rehabilitation programmes once sentenced. Not completing treatment can, in turn, make early release on parole less likely.

The rise in numbers of people remanded in custody was partly due to more serious offending and more people appearing before court. The rise is often attributed to the Bail Act amendments in 2013, but there are other important reasons. For example, new technology has allowed for better recording and retrieval of information by Police, there has been more consistent application of law changes on offending while on bail introduced in 2000, and there has been better enforcement of bail conditions. Less tolerance for family violence and slower court processes also contributed to the increase.

Figure 9: Number and proportion of the prison population on remand 1960 to 2022





# Violent and sexual offending

The reasons behind the rise in the number of people in prison are complicated. Punitive responses to crime are a part of this story. These responses were also a reflection of changing social attitudes to violence against women and children.

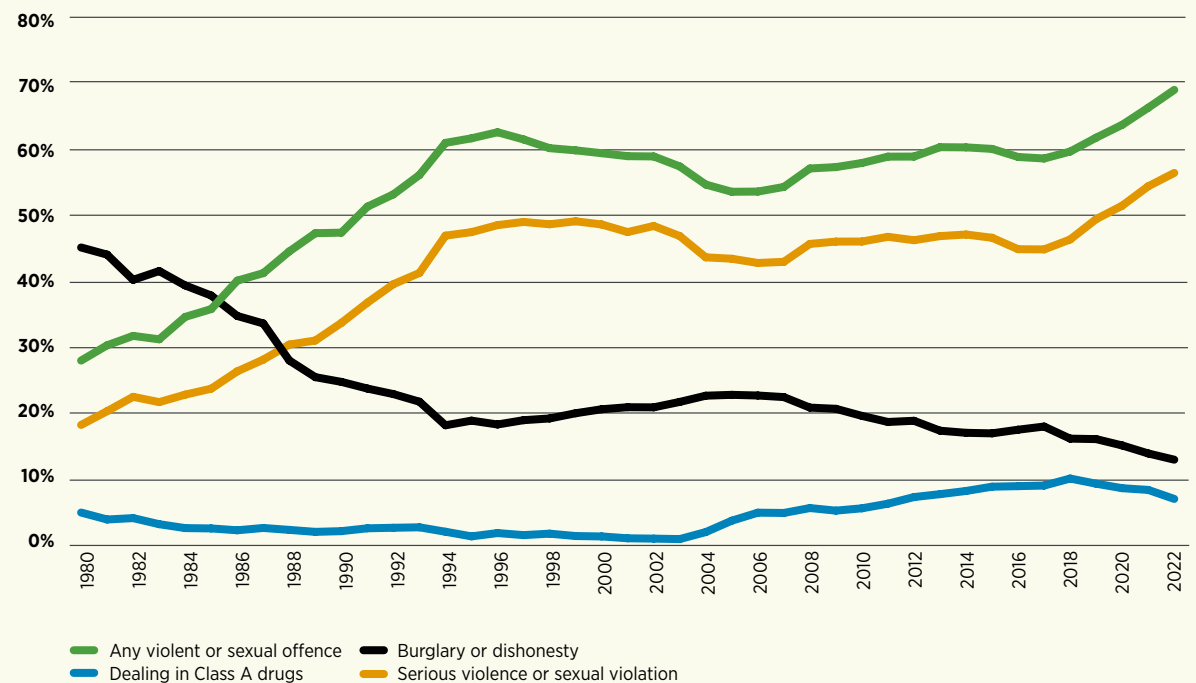
Most of the growth in the prison population is due to more people being convicted of serious violent and sexual offending and longer sentences being imposed. Our changing social and policy responses to these issues have had clear implications for prison numbers.

As shown in Figure 10, the types of offences leading to imprisonment changed substantially between 1980 and 1995. From less than a third of the prison population in 1980, violent and sexual offences quickly reached 60 percent of the population. Almost all of the increase was in serious violent offending and sexual violation. Meanwhile, the increase in dealing in Class A drugs in the 2000s reflects the introduction of methamphetamine into New Zealand on a widespread basis during that decade.

In 1980, one in seven prisoners was facing a charge or serving a sentence for serious violence; in 2022 this was one in three. About 45 percent of the increase in the prison population between 1980 and 2022 was due to serious violent offending.

In 1980, one in 25 prisoners was facing a charge or serving a sentence for sexual violation; in 2018 it was one in five. About 26 percent of the increase in the prison population between 1980 and 2022 was due to sexual violation offending.

**Figure 10: The proportion of the total prison population for select offence groups 1980 to 2022**







## Rehabilitation services

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Since the turn of the 20th century successive governments have seen rehabilitation or reform as being a key purpose of imprisonment.

Rehabilitation has changed dramatically over time. In the first part of last century 'reform' was closely tied to prison labour, with hard work believed to reshape character. The mainstay of rehabilitation, group treatment programmes, were a relatively recent invention, with the first group programmes introduced into New Zealand prisons in the 1980s.

From the 1970s onwards there was growing scepticism about the practice of psychology in prisons following several high profile international studies which concluded mistakenly that correctional rehabilitation wasn't working. This led to a group of Canadian researchers exploring what distinguished effective from ineffective treatment. They developed the 'Risk-Needs-Responsivity' model.

This has evolved over time to include principles of effective intervention, which continue to underpin the design and delivery of treatment programmes in New Zealand and most other jurisdictions.

There is now good evidence that prison rehabilitation programmes that adhere to these principles can reduce reoffending. The programmes that lead to the greatest reductions in reoffending are those that target people at a higher risk of reoffending, focus on addressing factors associated with offending, are based on social learning and cognitive behavioural approaches, and are tailored to the needs of the person.

Prison programmes delivered in a way that separates a group of prisoners from the mainstream prison – creating a form of “therapeutic community” – tend to achieve the best results. There are a number of different therapeutic community models run inside prisons in New

Zealand, including special treatment units for people convicted of violent and sexual offences. There are also Te Tirohanga units which are therapeutic communities specifically designed to meet the needs of Māori, and which incorporate mātauranga Māori, local tikanga, and involve local kaumātua and kuia.

Today mātauranga Māori and Māori models of wellbeing inform most of Corrections' rehabilitation programmes. Since the 1990s, specific rehabilitation programmes for Māori, Pacific peoples, women and younger people have been introduced.

Correctional rehabilitation programmes often have a modest impact on reoffending rates – effective programmes typically achieve a 5 to 10 percentage point reduction in reoffending. Some evidence, both

internationally and in New Zealand, indicates that effectiveness has waned slightly in recent years. Research about how people stop offending shows that most people do not stop offending straight away, rather people typically stop offending gradually. It is also the case that an absence of reoffending does not necessarily mean that a person has been successfully reintegrated into the community. Conversely, improvements in people's wellbeing do not necessarily translate to reductions in reoffending. This raises an important question about what should be the primary goal of Correctional rehabilitation: is the aim merely to stop reoffending in the short-term, or should rehabilitation also be focused on longer term goals such as improving people's wellbeing to support more fulfilling and productive lives?





## Reintegration services

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There has long been a recognition that the community plays an important part in supporting people leaving prison.

In the 1960s reintegration services were primarily delivered by non-government organisations and volunteers, who provided accommodation and other practical supports. Local kaumātua and kuia also provided a wide range of support to Māori in prison and their whānau throughout this time. Until more recently, this work was not typically funded by central government.

Significant investment during the last 10 years has boosted reintegration services. For example, a throughcare service for people leaving prison after short sentences was introduced in 2013. The “Out of Gate” service is delivered by community-based providers. From 2014 on, several tailored employment services have been developed to help people find jobs after leaving prison. Supported accommodation services have also expanded significantly, in recognition of the housing barriers faced by people released from prison.

Several new reintegration services have been introduced into custodial remand settings. These programmes recognise that people remanded in custody have different reintegration needs, as people try to keep jobs and housing while uncertain of how long they’re going to stay in prison.

Evidence is mixed on the impact of reintegration programmes on reoffending. Both international and New Zealand research has shown that employment services can help to reduce reoffending, especially when accompanied by other supports. Evidence on the impact of throughcare services has been more mixed. In New Zealand, reoffending rates for people who have experienced throughcare services have fluctuated from year to year. Supported accommodation has again delivered mixed results, although more recent international studies suggest it can successfully reduce reimprisonment when used as an alternative for the last stages of prison sentences. More New Zealand research is needed into the most effective models of supported accommodation.

## **Thank you for taking the time to read this paper.**

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The top-level findings summarised here are informing the development of the justice sector Long-term Insights Briefing, which will be tabled in Parliament in November 2022.

It will be a better briefing for drawing on diverse views and experiences, so please let us know what you think about the future of imprisonment in New Zealand.

Contribute here: <https://consultations.justice.govt.nz/>



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