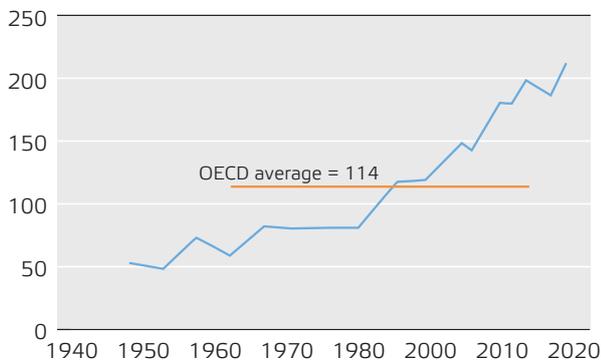




The Opportunities Party Criminal Justice Policy

Aotearoa New Zealand's prison population has been growing faster than our general population for decades. Every year we lock up more people, costing more money, while most importantly failing to tackle the causes of crime. Indeed there's evidence that putting people in prison makes many of them more, not less, likely to commit crime.

NEW ZEALAND PRISON POPULATION RATE (prisoners per 100,000 of the general population) – 1950-2016



World Prison Brief, Institute for Criminal Policy Research

The upshot is that we have, as a proportion of our general population, the 2nd largest prison population in the western world (after the United States). At 210 per 100,000 of the general population, it is 84% higher than the advanced economy average.

It is unlikely New Zealanders are twice as inclined towards crime as people in these other countries. So, what is driving our high prison population?

FOUR THINGS YOU NEED TO KNOW ABOUT CRIME

1. Experts believe prison contributes to crime rates
2. The main drivers of crime are social and economic
3. The size of the prison population has more to do with our government's criminal justice policy than the extent of criminal activity.
4. TOP's criminal justice policy addresses facts and issues that are old news, but on which Establishment parties have failed to act

1. *Experts believe prison contributes to crime rates*

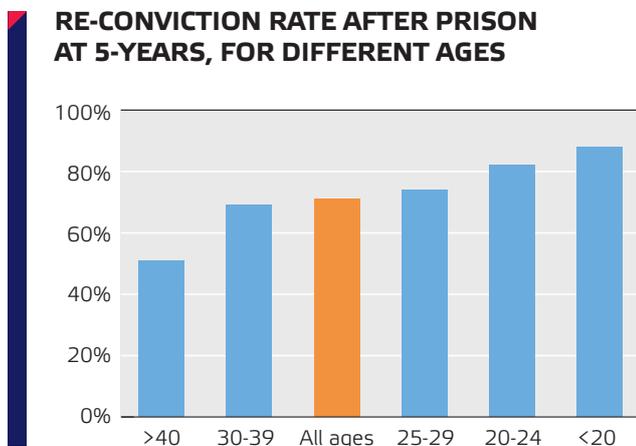
"Most criminologists would predict that, on balance, offenders become more, rather than less, criminally-oriented due to their prison experience."

US criminologists, Francis T Cullen, Cheryl Leo Jonson and Daniel S Nagin (2011) ¹

Apart from punishment, two of the stated goals of prison are to deter offending and rehabilitate prisoners. Like prisons in most of the world, New Zealand prisons do a poor job of deterring or rehabilitating prisoners.

Those with the most direct experience of prison often reoffend. Within a year, 29.7% of those released from New Zealand prisons in 2014/15 were re-imprisoned; and 44.2% were reconvicted.²

A 5-year follow up study on a sample of almost 5,000 prisoners released in 2002/03 found that at the 5-year mark, just over half (52%) were back in prison, and 71% had been reconvicted.³



Not all crimes are detected and punished, and there is a natural tendency for people to commit fewer crimes as they age, so the actual failure of New Zealand prisons to deter offending or to rehabilitate could be close to 100%.

There are credible explanations:

- (a) Prisons are ‘schools for crime’ – and ideal place to recruit for criminal enterprises.
- (b) The stigma of prison makes it harder for ex-prisoners to find employment and reintegrate into the law-abiding community.
- (c) Many prisoners have problems– substance abuse, mental disorders, low literacy – that are connected to the choices they have made and which prison either fails to adequately address or makes worse.

2. The main drivers of crime are social and economic

Like health and education, crime is largely determined by what happens in society, not what happens in the criminal justice system.

One of the most consistent research findings is the link between socio-economic deprivation or disadvantage and elevated rates of crime. These findings have been replicated in many societies and using different measures of socio-economic disadvantage.⁴

In addition, there is a relationship between a country’s prison population rate (the number of people in prison per 100,000 of the general population) and economic inequality: the more economic inequality, the higher the prison population rate.⁵

Also, international comparisons suggest a link between economic inequality and both property crime and violent crime. Property crime is strongly related to changing income inequality; violent crime, less so. North American and some international analyses validate a positive relationship between inequality and violent crime, while the European data is less conclusive.⁷

A fundamental objective of TOP’s policies is to reduce economic inequality and therefore crime rates. Our **Tax Reform** policy will ensure owners of assets pay their fair share of tax, allowing us to cut income taxes by up to one third, making 80% of people (particularly renters and wage earners) better off. Our **Thriving Families** policy will help support young families (especially those with children under three) and all poor families with children. Our **education policy** will ensure all children can access free, high quality, full time early childhood education, which is the best way to reduce the learning outcomes between rich and poor. Our **climate policy** will see a massive investment in housing insulation and energy efficient heating. This will be backed up by **greater rights for renters** including security of tenure and a warrant of fitness for rental housing to make sure all children grow up in a warm dry home. We will also help young people transition into the adult world by instituting an **Unconditional Basic Income** of \$200 per week for 18-23 year olds.



Rehabilitating offenders.

The Opportunities Party’s commitment to tax and welfare reform, health and education will ensure far fewer New Zealanders fall through the cracks. Our reform of criminal justice will focus on more effective rehabilitation programmes. Taken together, we expect a lower crime rate, lower criminal justice costs and more New Zealanders making a positive contribution to their community.

Scandinavian countries demonstrate that this is possible to achieve. They all have far lower prison rates (lower even than the OECD average) and crime rates than we do here in New Zealand. Some of that is no doubt due to their investment in progressive social policies such as the TOP policies discussed above. However, they also invest much more in rehabilitation and reintegration, and have lower rates of reoffending as a result. The crucial lesson from Norway’s experience is making sure offenders leave prison more likely to get a job than when they went in.⁸

3. The size of the prison population has more to do with our government’s criminal justice policy than the extent of criminal activity

There is no evidence that putting more people in prison reduces crime rates,⁹ nor that high rates of crime explain high rates of imprisonment. The biggest factor determining the prison population is the government’s criminal justice legislation,¹⁰ which is strongly influenced by public sentiment.

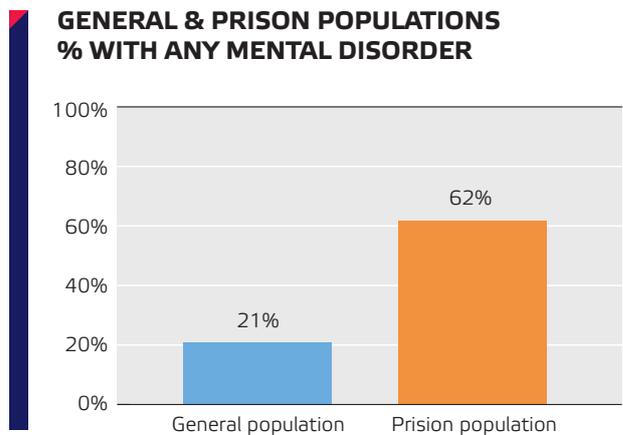
Prison rates and crime rates can decline at the same time. In the US from 2010 to 2015, the prison population rate fell 8.4% and the combined violent and property crime rate declined 14.6%. In the 44 US states where the crime rate fell, some imprisonment rates increased by up to 13.5%, some decreased by as much as 25.2%.¹¹ The Netherlands’ prison population grew steadily since the 1970s, peaked in 2006, and has been decreasing since.¹²

At the same time, the results of a large scale survey of the Dutch population from 2005 to 2014, found that violent crime, property crime, vandalism, the total victim’s rate and “unsafety feelings” significantly declined over this period.¹³ There is no consistent relationship between prison and crime and it is possible to lower prison rates and crime rates.

In summary, the international evidence suggests that New Zealand’s high prison population can be reduced while crime also declines.

4. TOP’s Criminal Justice policy addresses facts and issues that are old news, but on which Establishment parties have failed to act

We know that New Zealand prisons are training grounds for criminal activity; that many prisoners are mentally ill, have addiction problems or come from disadvantaged backgrounds; that the prison population has been growing faster than the general population for decades, as have prison costs; and that Māori are hugely over-represented in the prison population.



Indig, Devon, Craig Gear and Kay Wilhelm (June 2016) Comorbid substance use disorders and mental health disorders among New Zealand prisoners. Department of Corrections

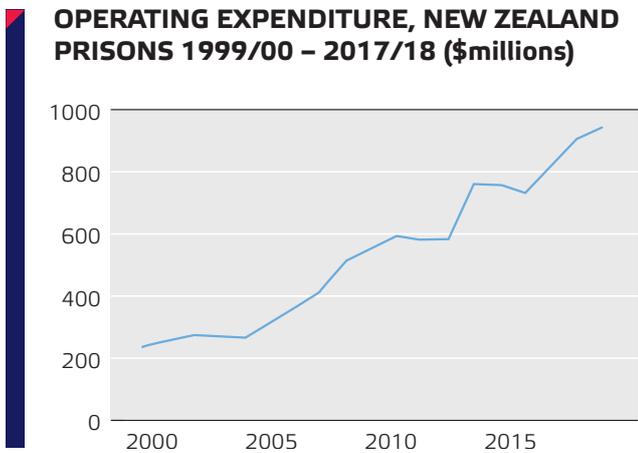
Māori are 15% of the general population but account for 51% of all prisoners. That’s a compelling sign that something is wrong.

None of the facts or issues identified above would surprise Sir Clinton Roper (1918-1994), or anyone who has read his 1989 report, *Te Ara Hou: The New Way*, now over a quarter of a century old.¹⁴

Despite the problems being obvious for decades, Establishment parties have failed to implement effective solutions, and so the prison population has grown. More accurately, politicians have been too timid to take on a vociferous segment of the public who demand simplistic retribution – “lock ‘em up”.

The media gives individual tragedies a high profile and politicians respond to public anxieties by enacting more punitive sentences to keep the public safe. Successive governments have tightened bail conditions, lengthened custodial sentences and made parole harder to get; in short, seen to it that more people are in prison for longer, with little if any better justice outcomes to show for it.

Unsurprisingly, our prison population has continued to grow and with it the cost to taxpayers.

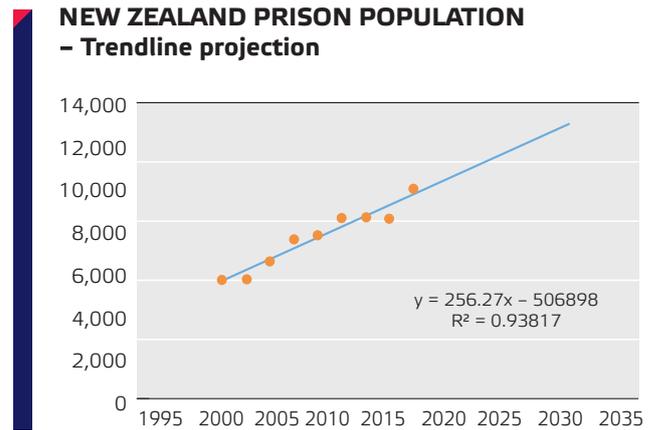


Treasury budget documents, Vote Corrections for relevant years

A VICIOUS CYCLE

What will happen if the government sticks with its current criminal justice policies? We have made a simple model of what could happen to the prison population and the government’s prison budget.

If the prison population continues to grow as it has so far during the 21st century, by 2027 it will be about 12,500.



Data from World Prison Brief, Institute for Criminal Policy Research

The fiscal consequences of this prison population are modeled in the table below. We make some simplifying assumptions: that each occupied prison bed costs \$100,000 a year¹⁵ and that the capital costs of new prisons are \$1bn for 1,800 prison beds.¹⁶

FINANCIAL PROJECTION 1: COSTS IF PRISON POPULATION KEEPS GROWING AS IT HAS SO FAR IN THE 21ST CENTURY – 2017-2027

Year	Prison population trendline projection	2017 +	Operating cost (\$millions)	Cumulating Operating cost (\$millions)	Capital cost (\$millions)	Operating + Capital, cumulating (\$millions)
	A	B	C	D	E	F
			= A*\$100,000			= D + E cumulating
2017	9999	(1)	\$999.9	\$999.9		\$999.9
2018	10,255	255	\$1,025.5	\$2,025.4	\$1000	\$3,025.4
2019	10,511	511	\$1,051.1	\$3,076.5		\$4,076.5
2020	10,767	767	\$1,076.7	\$4,153.2		\$5,153.2
2021	11,024	1,024	\$1,102.4	\$5,255.6		\$6,255.6
2022	11,279	1,279	\$1,127.9	\$6,383.5		\$7,383.5
2023	11,536	1,536	\$1,153.6	\$7,547.1		\$8,547.1
2024	11,792	1,792	\$1,179.2	\$8,726.3	\$1000	\$10,726.3
2025	12,049	2,049	\$1,204.9	\$9,931.2		\$11,931.2
2026	12,305	2,305	\$1,230.5	\$11,161.7		\$13,161.7
2027	12,561	2,561	\$1,256.1	\$12,417.8		\$14,417.8

POLICIES TO BREAK THE VICIOUS CYCLE

1. Reverse the effects of the Bail Amendment Act 2013 to lower the remand prison population (prisoners awaiting trial or sentencing).

The first step is to reverse the effects of the Bail Amendment Act 2013 and lower the remand prison population (defendants in prison awaiting trial or sentencing). The 2013 amendment to the bail law led to a jump in the remand population, which is now almost a third of the prison population.

The Bail Amendment Act 2013 amended the Bail Act 2000 to make it more difficult for defendants to get bail from the court. The general rule guiding a court is that before it has anyone detained, the police or prosecution must satisfy the court that there is just cause for the detention. The Bail Amendment Act changes this for bail hearings (with some exceptions) and shifts the ‘onus of proof’ to the defendant seeking bail. That is a bit like saying some people are guilty until proven innocent.

Reversing the effects of the Bail Amendment Act will create a one-off reduction in the prison population of about 1,500, but will not alone stop the long term increasing trend.

Invest more in parts of the criminal justice system that are known to work.

Savings made by reducing the remand prison population (the average cost of a remand prisoner is currently about \$87,000 a year, or \$239.00 a day¹⁷) can be reinvested in parts of the present criminal justice system that are known to work. This will allow us to invest in kickstarting a ‘virtuous circle’ of reduced crime, reduced prison numbers and reduced costs.

2. Raise the Youth Court age from 17 to 20 so that young people 14 to 19 years of age go before the Youth Court.

The Youth Court works. Since 2011, it has overseen a reduction in youth offending of 48%.¹⁸ Compare this with the record of prison – which sees over 85% of people under 20 reoffend within 5 years.

The Youth Court is the part of the District Court that deals with young people aged 14, 15 and 16 (there are exceptions when the Youth Court transfers the young person to the District Court). Included in the Youth Court are Rangatahi Courts and Pasifika Courts, which utilise Māori and Pasifika cultural processes respectively.

At present, a young person 17-years or older is dealt with as an adult in a District Court or the High Court. We want to apply the same Youth Court regime to young people aged 17 to 19-years of age that is now applied to 14 to 16-year olds.

Youth Court interventions are more concerned to rehabilitate rather than punish. There is every reason to extend this approach to young people under 20 – their brains are still developing and they respond to good rehabilitative interventions.

As a rule, interventions at a younger age work better and cost less than interventions at an older age while having higher expected benefits, if only because the benefits last longer than for older people, as do the costs if problems are not effectively addressed.

3. Increase the number of Alcohol and Other Drug Treatment Courts (AODT 'drug' Courts)

Drug and alcohol addictions are a major driver of crime. TOP has already committed to doubling investment in drug and alcohol treatment programmes through our **Real Deal Cannabis** and **Real Action on Alcohol** policies. These programmes are very cost effective, returning between \$4-7 for each \$1 invested.

The AODT Court is an alternative to prison for repeat offenders with alcohol or other drug dependencies. 87% of prisoners have trouble with drugs at some point in their lives, compared to just 12% in the general population.¹⁹

For offenders, the AODT Court involves an intensive therapeutic process supervised by the court. The idea is that instead of sentencing someone to prison (which doesn't much help them or the community they return to) they are sentenced to rehab. They serve a prison sentence only if they fail to complete rehab.

The AODT Court pilot, established in November 2012, is a joint initiative between the Judiciary and the government. Any District Court can run an AODT court process but practically it needs financial help. The help needed for the AODT court to deal with 100 participants at one time are funded by government at two pilot sites in Auckland. So far the pilot is reducing participants' likelihood of reoffending in the short-term by around 15%.²⁰

New Zealand's AODT courts were copied from the US "drug courts". There is good evidence that in the US they are cost-effective. Adult drug courts achieve on average, a statistically significant 10.7% reduction in reoffending compared with those who go before ordinary courts.²¹

TOP would increase the number of AODT Courts from 2 to 7 over the next 2 years (3 in Auckland and 1 in Wellington, Christchurch, Hamilton and Dunedin) and then evaluate the case for more AODT Courts.

4. Properly fund Restorative Justice and expand its presence in the criminal justice system over the next 10 years.

The limit to more Restorative Justice is mainly funding. The Sentencing Act 2002, Parole Act 2002, and the Victims' Rights Act 2002 provide statutory recognition of restorative justice in the formal criminal justice system.

New Zealand evidence shows reoffending rates for those who participated in restorative justice conferences were 15% lower after a year than comparable offenders who did not participate, and 7.5% lower after three years.²²

A systematic review of the international evidence on restorative justice conferences, using only randomized controlled trials, found that on average they cause a modest but highly cost-effective reduction in repeat offending, with substantial benefits for victims. A cost-effectiveness estimate for seven United Kingdom experiments found a ratio of eight times more benefit in costs of crimes prevented than the cost of delivering the restorative justice conferences.²³

Restorative Justice has an important place in The Opportunity Party's Criminal Justice policy. Part of what has been driving criminal justice since at least 2000 is anti-elitism. Traditionally, criminal justice was the providence of judges, public servants and other experts. Restorative justice can be thought of as a state-provided space where citizens meet each other, in this case, offenders and victims, to heal their relationship. The state provides the space but what happens there is up to the participants. In this sense it is anti-elitist but not, as criminal justice has recently tended to be, punitive and tyrannical. Restorative Justice can be done in line with tikanga Māori if that is what the participants choose. It is also a logical extension of our **Democracy Reset** policy, which aims to put more decision making power in the hands of ordinary people.

Develop more options to cost-effectively address offending.

Investing more in what works will kick-start a virtuous cycle of reduced prison populations, which in turn frees up funding that could be applied to further reinvestment in new ideas that can reduce crime and the prison population.

5. Develop an innovative alternative-to-prison industry that provides judges and the Parole Board with good cost-effective alternatives to putting or keeping people in prison.

This policy assumes that the courts and the Parole Board are well aware of prison's failings and if they had the option of referring offenders to good alternatives to prison, they would.

The Opportunities Party does not have all the answers but we believe that if properly funded, New Zealanders are smart enough to come up with better ways to treat offenders' addictions and mental illness, rehabilitate and reintegrate them into the community.

To work well and provide taxpayers with value for money solutions, the sector needs reliable government funding over an extended period; and an ability to experiment and take risks.

We expect that iwi would play an important part of the alternative-to-prison industry because of the high number of Māori in the criminal justice system, and because the different tikanga Māori perspective iwi bring will make the industry more innovative.

Our reform programme is fiscally neutral, meaning it won't cost the taxpayer any more. It will be funded from the savings from reducing the prison population.

We want to reduce the prison population to 6,000 by 2027 and invest some of the money saved in rehabilitating offenders and good social policies.

THE GOAL

If New Zealand achieves a prison population of 6,000 by 2027, that would cut the current prison population by about 40% from today's numbers or 52% from the numbers currently projected for 2027. New Zealand's prison population would then be about 112 prisoners per 100,000 of the general population, which is about the current advanced economy average.²⁴

We believe that a prison population similar in size to the advanced economy average size is a realistic goal for New Zealand.

We have modeled the fiscal difference between the growing prison population and a prison population that declines by 400 each year to reach the target of 6,000 by 2027. However, to give future governments the benefit of the doubt, we assume that once the anticipated 1,800-bed, \$1bn prison is filled, the prison population will stop growing. The prospect of another \$1bn prison in 2024/25 could well motivate any Government to rethink its criminal justice policy. It hasn't happened so far, but it is possible, and it ensures our forecast errs on the low side.

FINANCIAL PROJECTION 2: COST DIFFERENCE 2017-2017, BETWEEN (I) THE PRISON POPULATION GROWING AS IT HAS SO FAR IN THE 21ST CENTURY, BUT FLATTENING OFF IN 2025, AND (II) IMPLEMENTING TOP’S POLICY

Year	Prison pop. (reducing each year by 400 to meet 2027 target)	Prison pop. trendline projection but flattening off in 2025	Difference with prison pop. Projection but flattening off in 2025	Difference in Operating costs (\$million)	Difference in capital costs (\$million)	Total cumulating difference, operating + capital costs (\$million)
	A	B	C	D	E	F
			= B - A	= C*\$100,000		= D + E cumulating
2017	10,000	9999	(1)	(\$0.1)		(\$0.1)
2018	9,600	10,255	655	\$65.5	\$1000	\$1,065.5
2019	9,200	10,511	1,311	\$131.1		\$1,196.6
2020	8,800	10,767	1,967	\$196.7		\$1,393.3
2021	8,400	11,024	2,624	\$262.4		\$1,655.7
2022	8,000	11,279	3,279	\$327.9		\$1,983.6
2023	7,600	11,536	3,936	\$393.6		\$2,377.2
2024	7,200	11,792	4,592	\$459.2		\$2,836.4
2025	6,800	12,049	5,249	\$524.9		\$3,361.3
2026	6,400	12,049	5,649	\$564.9		\$3,926.2
2027	6,000	12,049	6,049	\$604.9		\$4,531.1

The difference between, on the one hand, The Opportunity Party’s criminal justice policies and achieving its goal of reducing the prison population to 6,000, and on the other hand, criminal justice as usual, is about \$4.5bn over the next 10 years. A significant proportion of these savings will be invested in a range of rehabilitation programmes with the balance being available for other government spending priorities or to reduce taxes.

Our simple model can no doubt be improved but it is a useful point of reference for a conversation on the next decade of criminal justice policy.

Reverse or amend legislation that is putting more people in prison or keeping them their longer for no good reason.

The Opportunities Party is all about fairness and evidence-based policy. During our research, we came across several pieces of legislation that are far from fair or based on evidence suggesting that they reduce crime or make New Zealanders safer.

6. Remove the ‘three strikes’ legal regime created by the Sentencing and Parole Reform Act 2010 (the ‘three strikes Act’).

The Sentencing and Parole Reform Act 2010 created a new legal regime that we want removed from the law.

It creates a three-stage regime where the consequences for repeat serious violent offenders are aggravated with each conviction or 'strike'. At the third 'strike' the judge must sentence the offender to the maximum term of imprisonment prescribed for the offence and order that it be served without parole, unless removing parole would be "manifestly unjust".

The three strikes policy ignores an important principle of good sentencing: proportionate response to criminal wrongdoing. It inevitably leads to situations where a relatively minor offence is treated like a more serious offence. By taking from judges the power to consider all the relevant factors of a case, it inevitably leads to absurdity and injustice.

7. Amend the Parole Act 2002 so that long-term prisoners are eligible for and more likely to be granted parole earlier.

The Parole Act 2002 specifies how and when offenders are released from prison. Under the Act, most offenders sentenced to more than two years in prison are eligible (but not entitled) for release on parole after serving one-third of their sentence.

The effect of the Parole Act is that parole has been harder to get and that has contributed to the growing prison population. We would amend the Act with the intention that more prisoners would be released earlier on parole than is currently the case. In some cases, this would be the result of our policy to develop an alternative-to-prison industry that would ensure investment in reintegration programmes such as housing for former prisoners.

In addition, it may be necessary to redefine the meaning of 'short-term [prison] sentence'. Under the Parole Act, if an offender is serving a short-term sentence, they must be released after serving half of their sentence (upon release they may be subject to release conditions imposed by the court that sentenced them). Currently, short-term prison sentences are those sentences of 2 years or less (section 4 of the Parole Act). The definition of short-term sentence could be extended from 2 to 3 or even 4 years.

Design legal rules that include offenders in the community.

Any criminal justice policy that works against reintegrating offenders back into the community is unlikely to reduce reoffending.

8. Amend the Criminal Records (Clean Slate) Act 2004 so that its purpose of limiting "the effect of an individual's convictions in most circumstances" (the Act, section 3) is strengthened.

The Clean Slate Act essentially wipes someone's criminal record after seven years, provided they were not sentenced to prison. The record remains available to the Police but in most circumstances, not to anyone else.

We would review the Act to reduce the seven year period and widen the coverage of the Act to include criminal convictions that resulted in a prison sentence.

A good model appears to be New York city legislation called the Fair Chance Act, which makes it unlawful for employers with four or more employees to ask about the criminal record of job applicants at any point before making a job offer. If, after a job offer, an employer wants to revoke the offer based on the existence of a criminal record, the employer must provide the applicant with a copy of any background check and give him or her three business days to respond.

9. Reverse the effects of the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010 so that prisoners sentenced to less than 3 years have the right to vote.

The Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010 amended the Electoral Act 1993 so that no offender sentenced to prison after the Act came into force in 2012 can vote. Up to then, and since 1993, prisoners whose sentence was no longer than three years could vote.

This is inconsistent with the New Zealand Bill of Rights Act which affirms the right of New Zealand citizens over the age of 18 to vote. The policy has twice been found to be inconsistent with Bill of Rights Act: first by the Attorney-General during the passage of the bill through Parliament, and then in 2015 by Justice Heath in the Auckland High Court.

If we exclude prisoners from the political community, can we expect them to feel part of it or fidelity to its criminal law?

In summary, The Opportunities Party has a case for reducing the prison population and reinvesting some of the money saved into interventions that will actually work to reduce crime. In the longer term, our goal is to reduce the size of the prison population to the advanced economy average, which would be half the size projected for 2027.

- 1 Cullen, Francis T, Cheryl Leo Jonson and Daniel S Nagin (2011) 'Prisons do not reduce recidivism: The high cost of ignoring science' *The Prison Journal* 91(3) 485-655 at p. 535. (http://tpj.sagepub.com/content/91/3_suppl/485_T)
- 2 Department of Corrections. 2015/16 Annual Report, Appendix Two: Recidivism Index.
- 3 Nadesu, Arul (March 2009) Reconviction patterns of released prisoners: A 60-months follow-up analysis. For the re-imprisonment rate see Graph 1, p. 6; the re-conviction rate, Graph 2, p. 7. (www.corrections.govt.nz/resources/research_and_statistics/reconviction-patterns-of-released-prisoners-a-60-months-follow-up-analysis2.html)
- 4 Fergusson, David M and Nicola R Swain (2004) 'How does economic disadvantage lead to crime', *Journal of Child Psychology and Psychiatry*, 45(5): 956-966.
- 5 See the graph at the Equality Trust page Imprisonment. (www.equalitytrust.org.uk/imprisonment).
- 6 Elgar, Frank J and Nicole Aitken (2010) 'Income inequality, trust and homicide in 33 countries', *European Journal of Public Health*, Vol. 21, No. 2, 241-246. The study found that in a group of 33 countries, income inequality accounted for 64% of the variance in homicide rates. (<https://academic.oup.com/eurpub/article/21/2/241/498070/www.who.int/whosis>).
- 7 Ruffranco H G, Power M, Pickett KE, Wilkinson R (2013) 'Income Inequality and Crime: A Review and Explanation of the Time-series Evidence'. *Social Criminol* 1. (www.equalitytrust.org.uk/sites/default/files/Income%20Inequality%20and%20Crime%20-%20A%20Review%20and%20Explanation%20of%20the%20Time%20series%20evidence_0.pdf)
- 8 Bhuller, Manudeep, Gordon B. Dahl, Katrine V. Løken and Magne Mogstad (2016) 'Incarceration, Recidivism and Employment', Department of Economics, University of Bergen (July 25).
- 9 Farrell, G., Tilly, N., Tseloni, A., and Mailley, J. (2010), 'Explaining and sustaining the crime drop: Clarifying the role of opportunity-related theories', *Crime Prevention and Community Safety* (2010) 12, 24 - 41.
- 10 In 2016, Corrections explained "the major causes" of New Zealand's steadily growing prison population to the incoming Minister of Corrections. They were five pieces of 21st century criminal justice legislation. The Bail Amendment Acts 2011 and 2013 made it harder to get bail; the Victims' Rights Amendment Act 2014 and the Sentencing Amendment Act 2014 increased likelihood of adjournments for Restorative Justice; the Parole Act 2002 meant that prisoners serving longer sentences (two years plus) are liable to serve a greater proportion of the imposed prison sentence. Department of Corrections (December 2016) Briefing to the Incoming Minister at p. 4. (www.corrections.govt.nz/resources/strategic_reports/briefing_to_the_incoming_minister/briefing_to_the_incoming_minister_december_2016.html)
- 11 The PEW Charitable Trusts (December 2016) National Imprisonment and Crime. Rates Continue to Fall: Crime dropped faster in 2015 in states with larger prison declines (www.pewtrusts.org/en/research-and-analysis/fact-sheets/2016/12/national-imprisonment-and-crime-rates-continue-to-fall).
- 12 Institute for Criminal Policy Research, World Prison Brief.
- 13 Statistics Netherlands (CBS) Fewer and fewer Dutch affected by crime, unsafety feelings and neighbourhood nuisance. (www.cbs.nl/en-gb/news/2015/10/fewer-and-fewer-dutch-affected-by-crime-unsafety-feelings-and-neighbourhood-nuisance)
- 14 Ministerial Committee of Inquiry into the Prisons System (1989) *Prison Review*. TeAraHou: The New Way, Crown: Wellington.
- 15 Corrections reports that the average cost of a sentenced prisoner per day is \$307.53 (Department of Corrections, Annual Report 2015/16, 'Offender Summary') which adds up to \$112,248.45 a year. We would rather our model erred on the low side than the high side.
- 16 Jones, Nicholas and Audrey Young (Oct 18 2016) 'Tax cuts could be affected by \$2.5b plan for more prison beds'. *New Zealand Herald*. (www.nzherald.co.nz/nz/news/article.cfm?id=1&objectid=11730990)
- 17 Department of Corrections, Annual Report 2015/16, 'Offender Summary'.
- 18 Ministry of Justice, Trends in child and youth prosecutions: Court statistics for 10-16 year olds in the year ended December 2015 (www.youthcourt.govt.nz/assets/Documents/Publications/trends-in-child-and-youth-prosecutions-december-2015.pdf)
- 19 Indig, Devon, Craig Gear and Kay Wilhelm (June 2016) Comorbid substance use disorders and mental health disorders among New Zealand prisoners. Department of Corrections
- 20 Office of the Minister of Justice, Office of the Minister of Health to Cabinet Social Policy Committee, Report-back on the Alcohol and Other Drug Treatment Court Pilot and other AOD-related Initiatives. (www.justice.govt.nz/assets/Documents/Publications/Report-back-on-the-Alcohol-and-Other-Drug-Treatment-Court-Pilot-and-other-AOD-related-Initiatives-Paper.pdf)
- 21 Washington State Institute for Public Policy (January 2006) Evidence-Based Adult Correctional Programs: What works and what does not at 3, Exhibit 1 (www.wsipp.wa.gov/Reports/06-01-1201).
- 22 Ministry of Justice. Reoffending Analysis for Restorative Justice Cases 2008-2013: Summary Results (www.justice.govt.nz/assets/Documents/Publications/rj-Reoffending-Analysis-for-Restorative-Justice-Cases-2008-2013-Summary-Results.pdf).
- 23 Strang H, Sherman LW, Mayo-Wilson E, Woods D, Ariel B (2013). Restorative Justice Conferencing (RJ) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review. *Campbell Systematic Reviews* 2013:12.
- 24 For the population projection relied on for this statement see Stats NZ, Population projection, National population projection, by age and sex 2016 (base-)-2068, 50th percentile (median) at <http://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE7542#>.
The 50th percentile indicates an estimated 50 percent probability that the actual result will be lower, and a 50 percent probability that the actual results will be higher, than this percentile. Specifically, 6,000 represents a prison population rate of 112, if we assume the population of 2027 is 5,345,100.