

New Zealand Justice Sector Long-term Insights Briefing

Long-term insights about imprisonment and what these tell us about future risks and opportunities

Consultation Document

November 2021

About this document

This consultation document outlines the proposed topic for the Justice Sector Long-term Insights Briefing. It provides information on what topic has been proposed and why, the approach for developing the Briefing, a summary of key historical trends, and links to recent government reports that have drawn on extensive public consultation. It is designed to support the provision of consultation feedback through the online survey at:

<https://consultations.justice.govt.nz/sector/justice-sector-long-term-insights-briefing/>

New Zealand's Justice Sector agencies

The justice sector is made up of:

- Ministry of Justice
- New Zealand Police
- Ara Poutama Aotearoa – Department of Corrections
- Oranga Tamariki – Ministry for Children
- Crown Law Office
- Serious Fraud Office.

We work together to make New Zealand safer and to deliver accessible justice services and better outcomes for all New Zealanders

What is a Long-term Insights Briefing?

Long-term Insights Briefings are a new government initiative requiring agencies to develop and share insights on the trends, risks and opportunities that affect or may affect Aotearoa New Zealand.

Under the Public Service Act 2020, chief executives of government departments are required to publish a Briefing at least once every three years. However, the Long-term Insights Briefings are not government policy. The value of the Briefings is the opportunity to identify and explore the issues that matter for the future wellbeing of the people of New Zealand.

For more information about the overall process, please visit [the LTIB guidance webpage](#).

The Justice Sector Long-term Insights Briefing

The proposed topic for the first Justice Sector Briefing is ***Long-term insights about imprisonment and what these tell us about future risks and opportunities***

This topic was chosen by the [Justice Sector Leadership Board](#) (made up of the leaders of the public sector justice agencies) and [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).

The Briefing will draw on current evidence to provide an analysis of past and present data, and the impact of previous events and interventions on Aotearoa New Zealand's prison population, in order to answer:

- **What has been driving changes in imprisonment and the prison population over the past 60 years?** Data analysis will identify when significant changes occurred within the prison population and draw links to wider social, economic and demographic change and/or changes to the justice system, such as changes to legislation and policy.
- **What works to keep people away from prison?** Existing research and evaluations will be gathered to identify what societal factors (e.g. literacy, employment) and what approaches help keep people away from prison. The evidence will also identify what conditions are necessary to support the success of those initiatives (e.g. the importance of timing for successful rehabilitation programmes in prisons).
- **What are the future risks and opportunities?** The analysis of data and evidence will provide insight into what has occurred over the past 60 years and why. A future thinking piece linked to the evidence will consider possible future pathways for imprisonment and the prison population, and the impact that those futures could have on New Zealand society.

Justice partnerships

Ara Poutama Aotearoa – Corrections, the Ministry of Justice – Tāhū o te Ture, Oranga Tamariki, Serious Fraud Office and Crown Law are working together on this Briefing. Police are not required to produce a Long-term Insights Briefing due to their statutory independence, however they will also provide input.

We are also working with Ināia Tonu Nei to produce this Briefing. More information about Ināia Tonu Nei can be found at <http://www.iniatonunei.nz>

The Justice Sector Leadership Board and Ināia Tonu Nei have agreed to work together on this Long-term Insights Briefing in the context of the [mana ōrite agreement](#). The mana ōrite agreement is underpinned by the understandings that:

- Te Tiriti provides for the exercise of kāwanatanga by the Crown in exchange for active protection of te tino rangatiratanga of tāngata whenua, and
- Māori are best placed to identify what works for Māori and must have a lead role in decision-making, in design and in delivery of responses for Māori.

This work presents an opportunity for Justice Sector agencies to work collaboratively with Māori on a project of broad interest and importance for the sector, and to be a model for cross-agency strategic analysis. Consultation with additional Māori partners and stakeholders across the sector will continue during the project.

Improving our justice system

The Justice Sector Briefing is an opportunity to understand where we are at and where we might be heading on our journey to improve the justice system for all people in Aotearoa New Zealand. It will build on what we already know about imprisonment by drawing on existing research and extensive public consultation that has already taken place. It will enable the justice system to consider options to be more responsive to the diverse needs of all people in Aotearoa New Zealand and improve outcomes across generations.

This Long-Term Insights Briefing is expected to be the first in a series of Briefings that examine the Justice Sector, to inform ongoing work towards a better justice system for all people in Aotearoa New Zealand.

The prison population: looking to the past to understand what could happen in the future

The Justice Sector Long-term Insights Briefing will look at the growth of the prison population over the past 60 years. This section sets out some key trends that the Long-term Insights Briefing will seek to understand and explain. Through looking at what has driven changes within the prison population, we will have a better understanding of what could happen in the future.

What do we mean when we refer to the prison population?

The prison population is comprised of people on **remand** and people on **prison sentences**.

People on **remand** are waiting for a bail hearing, trial or sentencing. Any time spent on remand is taken into account after a prisoner is sentenced and offset against their prison sentence. For example, if a person spends four months on remand and is sentenced to 12 months in prison, they have already served four months of their sentence.¹

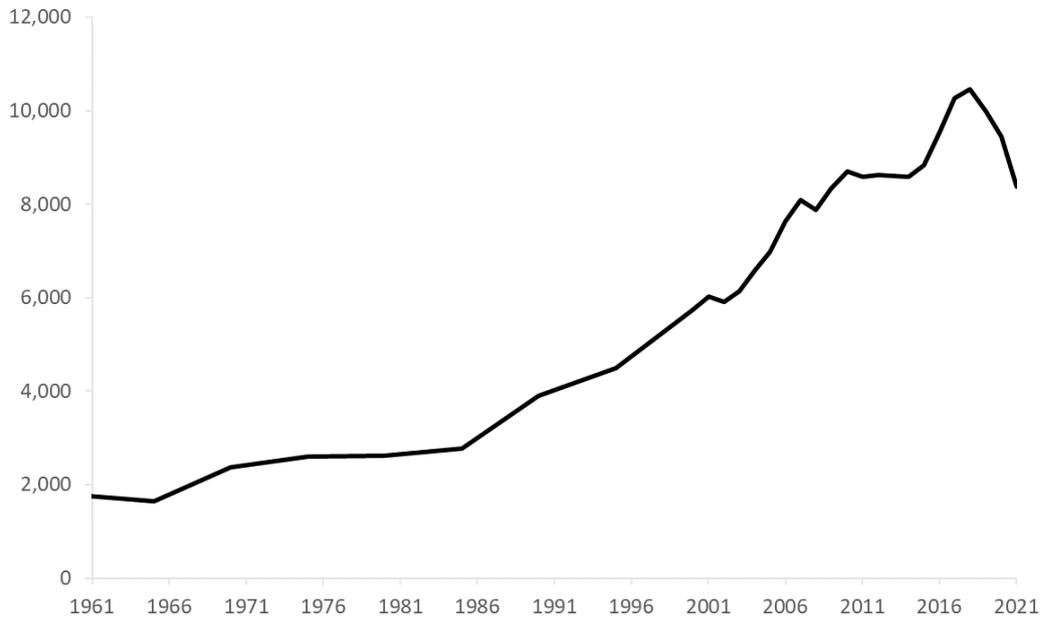
People may receive a **prison sentence** after they have been convicted of an offence. This ranges from short sentence of less than two years to indeterminate sentences, including preventive detention and life sentences without a set end point. People on indeterminate sentences can be released but can be recalled to prison.

Any reference to the prison population includes both people on remand and sentenced to imprisonment unless stated otherwise.

¹ Technically people on bail in the community are “remanded on bail” and people in prison are “remanded in custody” but any reference to remand in this document refers solely to people in prison.

The prison population grew significantly from 1960-2017

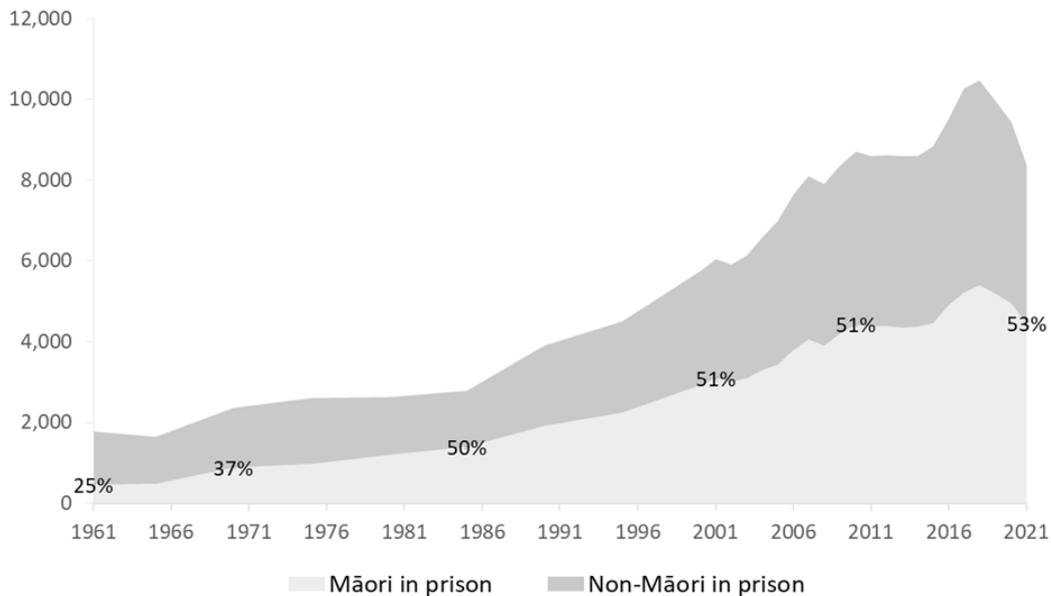
From 1960 to 2017, there was a sustained period of growth in the prison population from less than 2,000 people in 1961 to 10,000 people in 2017.



Over the same period, the total population grew from 2.3 million in 1960 to 5.0 million today.

The prison population grew slowly and steadily until 1985

Between 1961-1985, the prison population increased incrementally. However, the proportion (i.e. percentage) of the prison population who are Māori steadily increased from 25% in 1960 to 50% in 1985. This is a significant change that the Long-term Insights Briefing will be seeking to understand.



Source: Department of Corrections (post 2000); Te Ara The Encyclopaedia of New Zealand (1960 – 2000)

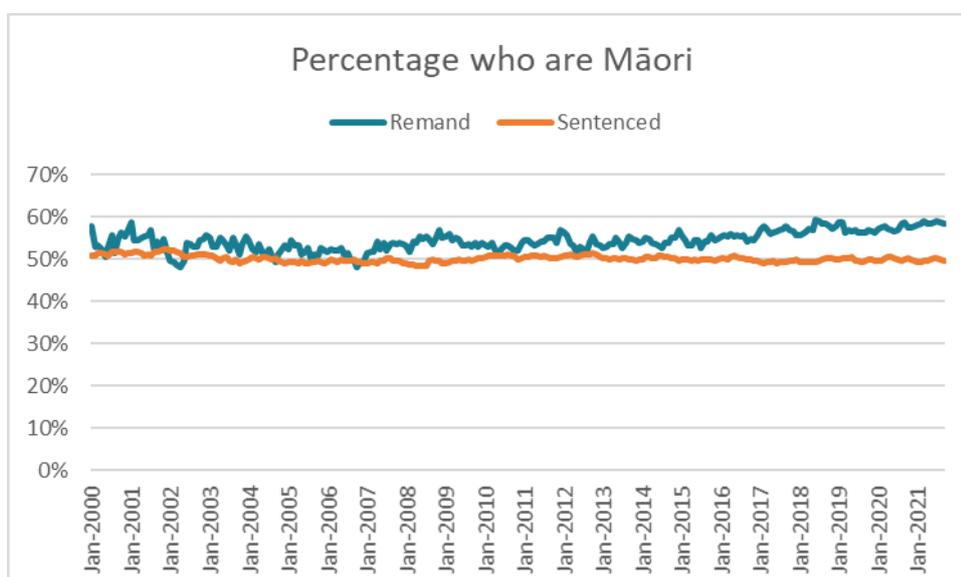
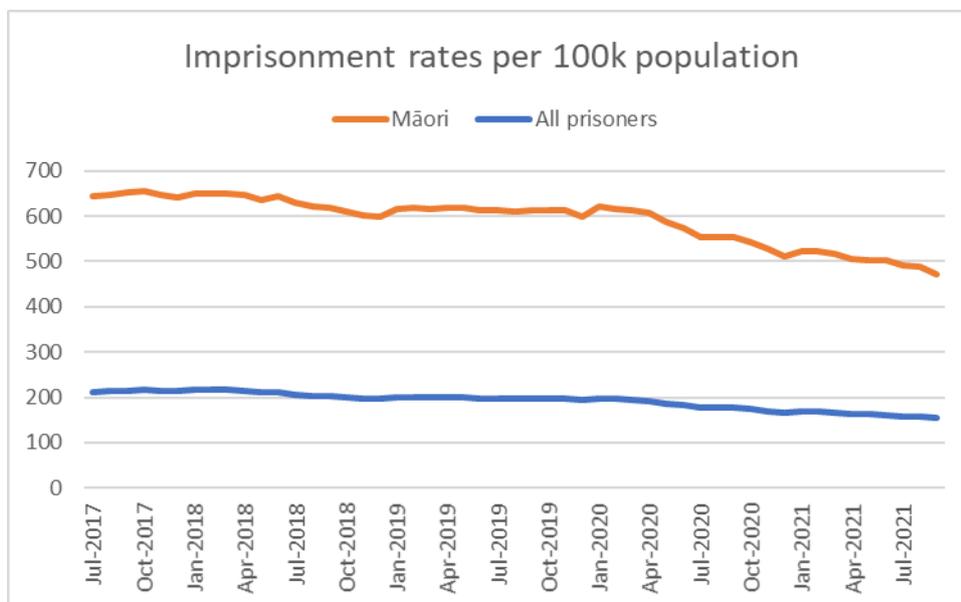
From the mid-1980s to 2017 the prison population grew at a much faster rate

This changed in the 1980s when the prison population experienced unprecedented growth. The prison population doubled in less than 15 years and the resulting population pressures resulted in Ara Poutama Aotearoa: Department of Corrections building new facilities and developing new approaches to managing prisons. This period of time is one of the focus areas for the Long-term Insights Briefing.

For the first time in six decades, the prison population experienced a decline from 2018 to 2021

After decades of consistent growth, there has been a downward trend in both the rate of imprisonment per 100,000 for Māori and the total prison population since 2018, with two distinct sharp declines over the past four years. The first decline occurred when the prison population peaked at almost 11,000 in March 2018 but dropped by 1,000 before the end of that year.

The second decline began in March 2020 after the prison population had sat near 10,000 for 15 months, this decline has yet to cease and the prison population as of 30 September 2021 was approximately 7,920. More work is required to understand the balance of reasons for these changes.

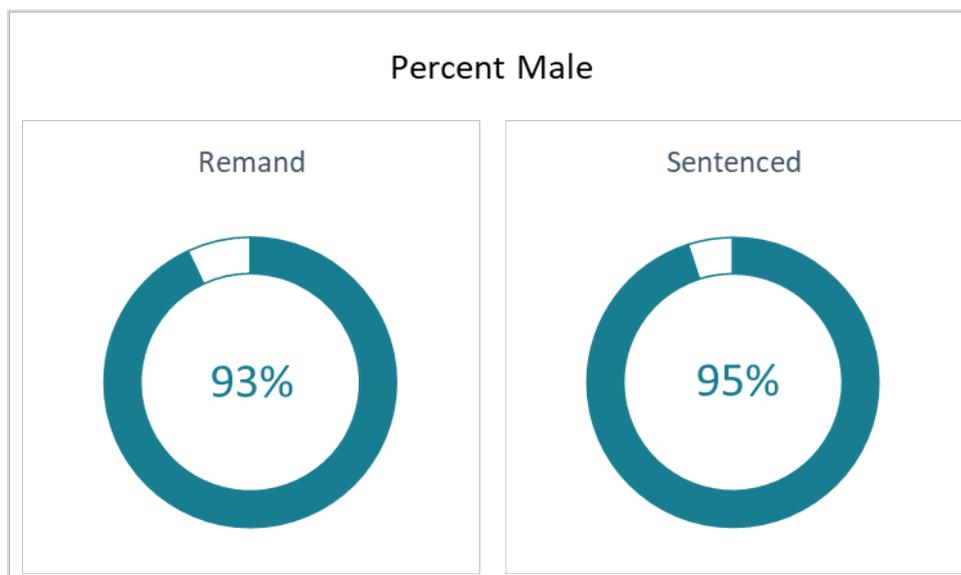
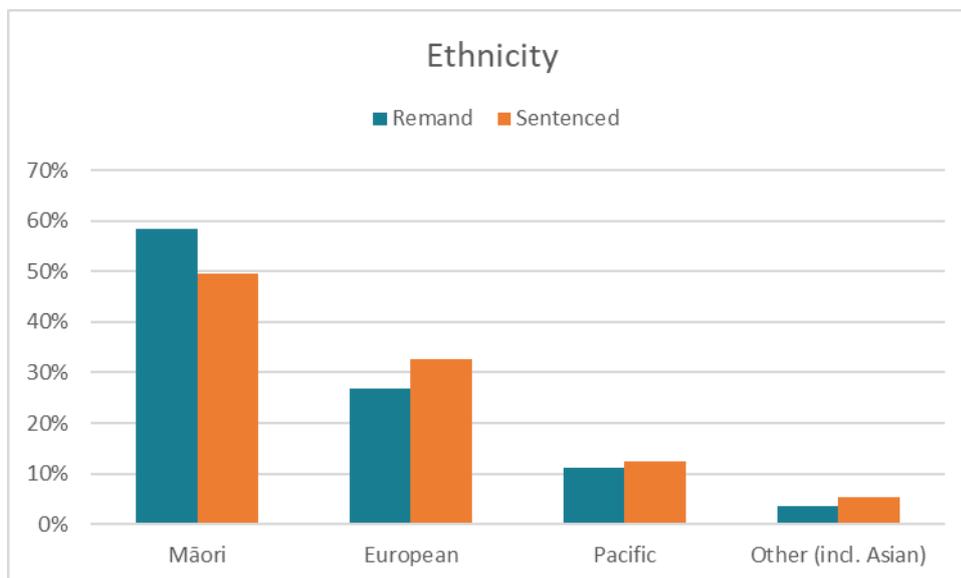


Aotearoa New Zealand has a comparatively high rate of imprisonment

Aotearoa New Zealand still has a higher imprisonment rate than many of the countries to which we often compare ourselves. The most recent World Prison Brief data has New Zealand at 164 prisoners per 100,000 population, which is higher than Scotland (137), England and Wales (131), Canada (104), Ireland (75), Sweden (73), Denmark (72) and Norway (56) but similar to Australia (167) and much lower than the USA (629).²

Overview of the current prison population

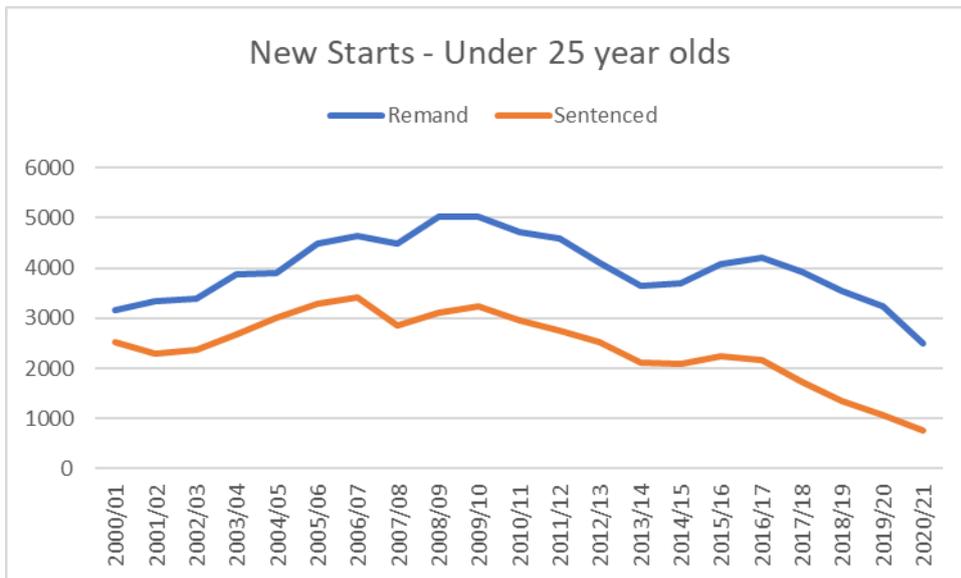
As of 30 September 2021, there were 7,920 people in New Zealand prisons. Of these, 5,057 (64%) were serving sentences of imprisonment and 2,863 (36%) were on remand awaiting court hearings or sentencing. There were 7,474 men in prison and 446 women, representing 94% and 6% of the total population respectively. More than half of the people in prison identify as Māori.



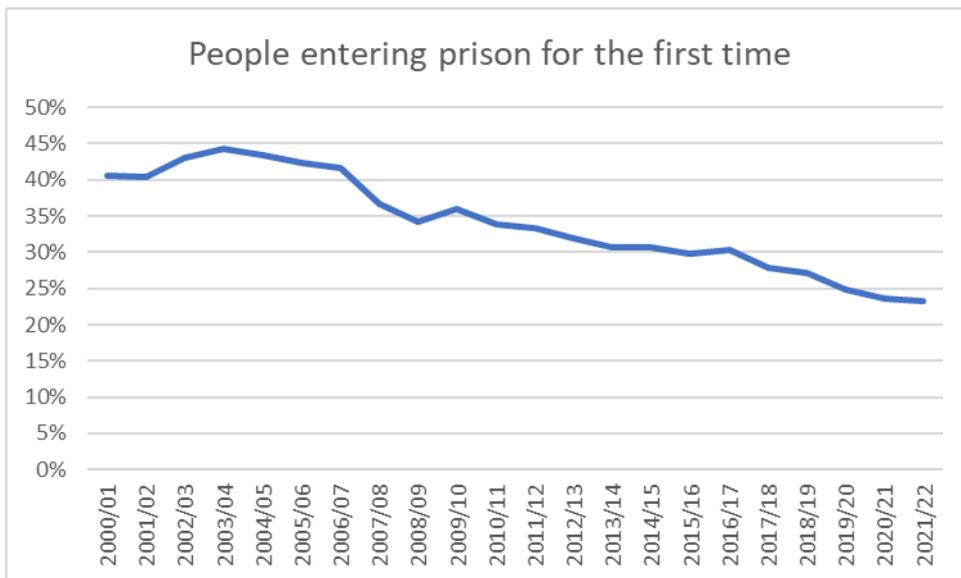
² www.prisonstudies.org, all 2021 data except USA 2019 and Canada 2018.

There has been a significant decline in the number of young people entering prison

The number of people under 25 years old entering prison is declining at a faster rate than the rest of the prison population. This is potentially a significant trend.

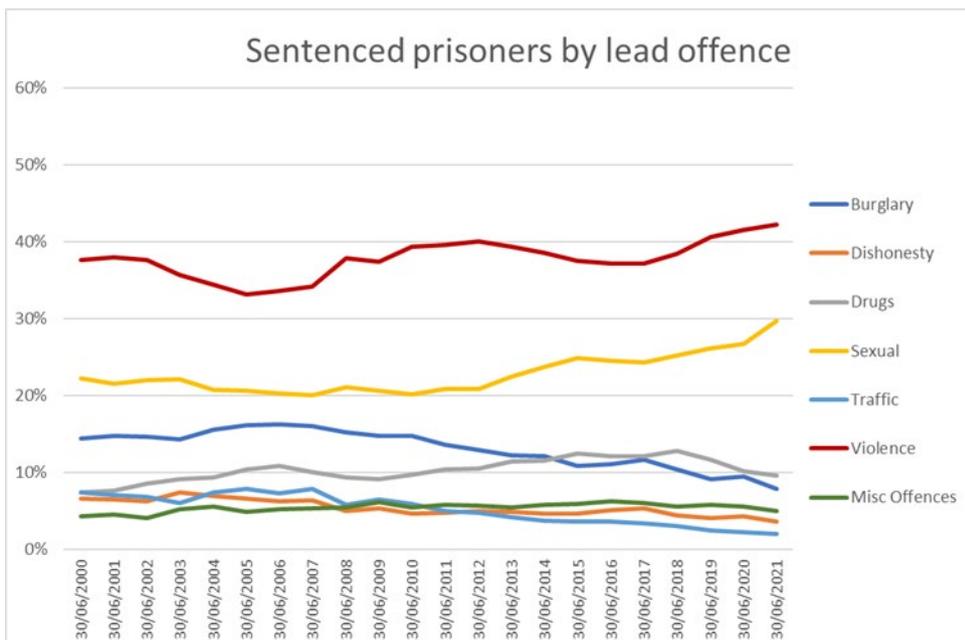
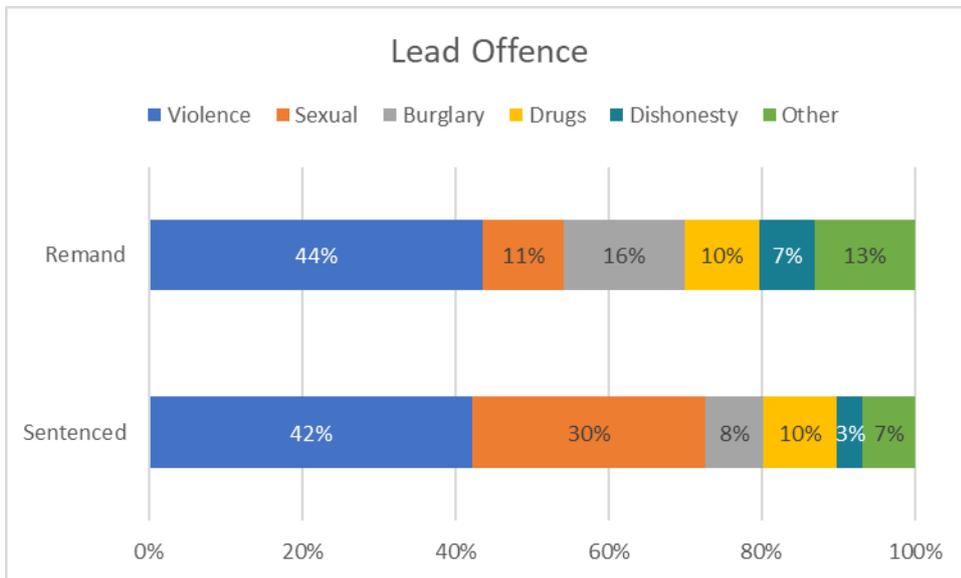


The decrease in people under 25 entering prison is likely connected to a reduction in the proportion of people being imprisoned for the first time over the last two decades.



The majority of people in prison have been charged with or convicted of violent or sexual offences

This is the type of offence they are charged with, or convicted of, that carries the greatest penalty. This is an important aspect of understanding the drivers of imprisonment in Aotearoa New Zealand that the Long-term Insights Briefing will consider.



Long-term Insights Briefing: What we've heard

In recent years, the Government has undertaken widespread public consultation to help inform the future justice system. The Ināia Tonu Nei kaupapa, born out of Māori resistance to the lack of Māori voice at the Crown's Criminal Justice Summit in August 2018, was central to making this happen. The following reports have been published as a result of this consultation and have helped to inform the choice of topic for this Long-term Insights Briefing:

- [*He Waka Roimata: A Vessel of Tears*](#) – first report by Te Uepū Hāpai i te Ora: The Safe and Effective Justice Advisory Group. This report captured feedback from New Zealanders on the current state of the justice system and offers insights on how it can be improved.
- [*Te Tangi o te Manawanui: Recommendations for Reform*](#) by Dr Kim McGregor, Chief Victims Advisor to Government, which makes recommendations on how the justice system can be improved for victims.
- [*Ināia Tonu Nei: Now is the Time*](#) by Te Ohu Whakatika (the organisers of the 2019 Hui Maori on justice) which called for decolonising of the justice system and establishing a mana ōrite model of partnership to co-design the justice system.
- [*Turuki! Turuki! Move Together!*](#) – the final report by Te Uepū Hāpai i te Ora: The Safe and Effective Justice Advisory Group, delivering a suite of recommendations to guide a fresh approach to the way criminal justice is delivered.
- A suite of papers authored by the Government's Chief Science Advisor for the justice sector, Professor Ian Lambie:
 - [*Using evidence to build a better justice system: The challenge of rising prison costs*](#) (March 2018)
 - [*It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand*](#) (June 2018)
 - [*Every four minutes: A discussion paper on preventing family violence in New Zealand*](#) (November 2018)
 - [*What were they thinking? A discussion paper on brain and behaviour in relation to the justice system in New Zealand*](#) (January 2020)

Have your say on the future of our justice system

The Briefings help us to think about the future and what will matter most for the long-term wellbeing of people in Aotearoa New Zealand. Your input into this Briefing is important to help ensure we reflect the diverse views of our communities.

There will be two opportunities for you to have your say:

- The first round of consultation is aimed at seeking feedback on the focus areas for the Briefing and runs from 2-30 November 2021.
- The second round of public consultation will take place in 2022, to seek feedback on the draft Briefing.

What do you see as the future risks and opportunities for our prison system? Have your say on the proposed focus areas for the Justice Sector Long-term Insights Briefing at:

<https://consultations.justice.govt.nz/sector/justice-sector-long-term-insights-briefing/>

After you have completed the survey , if you have additional feedback on this consultation document or other matters relating to the Justice Sector Long-term Insights Briefing that you want to share, please email LTIB@justice.govt.nz