

Crime & JUSTICE



 Presbyterian Church
of Aotearoa New Zealand



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Prayer

Loving and just God, you call us to follow the way of Christ,

to be bearers of the Good News for those who are imprisoned, for those who are the victims of cruelty and injustice and, and for those who work within the justice system.

We strive to support a vision of a society where people are treated fairly and where those who are on the margins are healed and restored.

Give us the strength to be people of both hope and justice.

Slow our readiness to judge, and quicken our readiness to forgive.

May we be the agents of your mercy, grace and healing love

and so proclaim your Kingdom.

In Jesus' name,

Amen.

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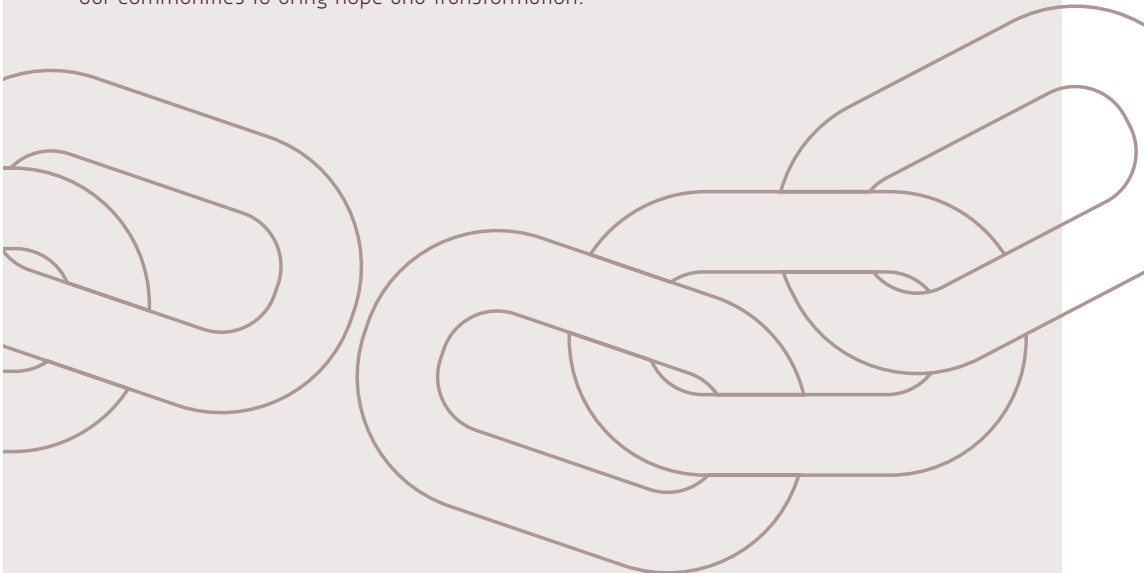


Introduction

Few issues today evoke such a strong emotional response as crime and its consequences. Alarmingly, the only thing that some people fear more than crime is death. Fear of crime can invade a person's life, destroying their sense of safety and security, creating a society that is both anxious and mistrustful.

Little wonder crime continues to be such a topic of hot debate when politicians, anecdotal stories and the evening news leave us with the perception that we are facing the threat of a crime wave. Ideally public debate around crime would be informed but most discussion is based on rhetoric and emotion.

As Christians we are confronted with a special challenge; faced with a regular media diet of crimes of murder, rape, child abuse and other forms of violence, we too can feel inadequate, threatened and unsafe. It can be difficult to reconcile Christian teaching about love and forgiveness if our initial gut response is toward swift retribution. We need to think not only beyond our immediate emotional reactions to crime, but the consequences for our witness to the Gospel of redemption through Jesus Christ. The aim of this booklet is to explore ways we can share this thinking with our churches and our communities to bring hope and transformation.



CRIME AND JUSTICE: A BIBLICAL AND THEOLOGICAL PERSPECTIVE

By Graham Redding

Probably the best known symbol for justice in the Western world is the depiction of the ancient Roman goddess Justitia (Lady Justice) holding a set of scales: The weighing up of claim and counter-claim; justice in the balance. Lady Justice wears a blindfold, portraying the fact that justice must be exercised in a dispassionate and objective manner. Our entire legal system is built on this premise. It is the reason that honour killings, retribution and lynch mobs have no place in our justice system.

At the centre of the Christian faith, however, stands the image not of a blindfolded goddess holding a set of scales in one hand and a sword in the other, but Christ crucified, a victim of Roman justice. Revealed in the innocence of this man is the extent to which the most dispassionate and objective justice system can be subverted by vested interests. Revealed in this man's dying prayer, "Father, forgive them for they know not what they do," is the conviction that justice in itself is not enough, that the humanity of the perpetrators of injustice must be upheld alongside the humanity of the victims, and that justice must serve still higher goals of reconciliation, healing and rehabilitation. It is this conviction that in recent decades has provided much of the impetus for the restorative justice movement and that historically has lain behind Christian opposition to capital punishment. No one is beyond hope. The Crucified One himself intercedes for them.

In the preface to his book *Exclusion and Embrace*, Croatian theologian Miroslav Volf says that at the conclusion of a lecture that he gave on reconciliation, fellow theologian Jürgen Moltmann stood up and asked if Volf could really embrace a *četnik*. It was the winter of 1993. For months the notorious Serbian fighters called *četnik* had been sowing desolation in Volf's native country, herding people into concentration camps, raping women, burning down churches and destroying cities. Volf had just argued that we ought to embrace our enemies as God has embraced us in Christ. How does one remain loyal both to the demand of victims for justice and to the gift of forgiveness that the Crucified One offers to the perpetrators of crime and injustice? Volf's reply to Moltmann's question was, "No, I cannot – but as a follower of Christ I think I should be able to." This reply does not render justice obsolete; nor does it mean that there should no longer be consequences for actions. Rather, it places the demand for justice on a new foundation and says that, as people of faith, we cannot be content with justice being reduced to mere punishment. We are called to pray and strive for something more, as difficult as that may be.





01:

STUDY ONE:
What's happening?

Study 1

CRIME AND JUSTICE: WHAT'S HAPPENING?

"Mercy without justice leads to weakness. Justice without mercy leads to tyranny."
St Augustine

The Bible and the moral foundation of punishment¹

The moral foundation of punishment is problematic as there are several competing views. A Biblical perspective is anchored in the principle of retribution: punishment is deserved in proportion to the seriousness of an offence. However, the Biblical endorsement of retribution is qualified and carefully nuanced. The fundamental aim is not to inflict suffering on offenders but to reassert the existence of the moral order. That moral order emphasises the connections between justice, right relationships and seeking after community well-being. For this reason, punishment should normally aim both at making reparation to victims and at restoring offenders into the community

How do we punish?

New Zealand criminal justice system has four types of punishment. At this moment, this many people are experiencing each punishment:

- » Monetary and property deprivation - 300,000 people
- » Community service and learning - 55,000 people
- » Home detention - 3200 people
- » Prison - 8562 people
- » Awaiting sentencing - 1300 people

Who is in prison?

New Zealand imprisons a higher percentage of our population than any First World nation except the United States. Within New Zealand's 20 prisons:

- » 95 percent of prisoners are male
- » 52 percent of prisoners are Māori
- » 36 percent of prisoners are European
- » 10 percent of prisoners are Pacific peoples
- » 95 percent are minimum or medium security prisoners
- » 40 percent are serving short sentences (12 months or less)

- » 50 percent of prisoners are under 30 years
- » 62 percent of male prisoners and 53 per cent of female prisoners received their first conviction between ages of 14 and 19
- » 60 children and young people aged 14-17 years are in adult prisons

What's the cost of punishment?

The Department of Corrections annual budget is \$1.3 billion and rising. The average cost per prisoner each year is \$93,000; the average cost of home detention is \$10,000 per year and the average cost of a community sentence is \$3,500 per year. It is estimated there will be 10,300 prisoners by 2017 and more prisons will need to be built. Since 2005, close to \$1 billion dollars have been spent constructing four new prisons.²

In July 2010 Finance Minister Bill English announced that the Corrections Department was set to become the largest government department. He said \$400 million will need to be found in the next three years to cope with bulging prisons and this shortfall could expand under more punitive justice measures because, "Every time you ask for harsher penalties, that shortfall gets bigger. Lock another person up; that's another \$90,000 [a year] plus another \$250,000 capital [spending]."³

Imprisonment in the Bible

The only good news about prison in the Bible is that God is shown as consistently wanting to set prisoners free. Jesus states that he has come "to proclaim release to the captives" (Luke 4:16-20) and that caring for prisoners is one of the marks of those who follow him, ("I was in prison and you visited me"), and a way in which disciples can experience Jesus after his death and resurrection (Matt 25:36). This was not just meant in a spiritual sense but also physically. The Greek word *episkeptomai* means more than just spending time. It implies showing practical care for those incarcerated.⁴

Are we in a crime wave?

The Police report that overall crimes have declined over the past 10 years. In addition, the Police have become better at resolving crime, with the resolution rate rising from 36 to 50 per cent overall, for serious violence from 71 to 80 per cent and the murder resolution rate from 62 to 91 per cent.

The rate at which young people are being apprehended has been on the decline since 2001. There is a worrying increase in violent offending by youth, although the Principal Youth Court Judge points out that most of it is for common assault and threatening behaviour.⁵

The most recent victim survey showed that the risks of being a victim of violence did not change much between 2000 and 2005. For household offences such as burglary and vehicle crime there appears to have been a small increase between 2000 and 2005.⁶

Rise in violent crime and family violence

There has been a concerning increase in the number of people apprehended and charged with violent offences. The Police report there are two reasons for this: they are officially recording more incidents, and have widened their definition of what constitutes family violence to include minor breaches including verbal abuse. Secondly, the increase in reported family violence over a six-month period coincided with intense Police training where they were encouraged to report and record incidents regardless of their severity. The Police also attribute the recent increase to the success of the "It's Not OK" campaign.⁷

A close examination of youth violence statistics show a similar trend, with Police receiving reports for school bullying and threats of violence, which are behaviour not always reported to the Police in the past.

This explanation as to why violent crime figures have risen does not sit well with those convinced that there is a crime wave despite evidence to the contrary. Nor has it been well accepted by those pursuing a political agenda for increased imprisonment with increased punishment.

CASE STUDY: Police Inspector Fiona Prestidge

The Area Commander of New Plymouth Police, Inspector Fiona Prestidge is the wife of the Rev Paul Prestidge and the chairperson of the national Police Christian Support Network. The Network, officially recognised by the NZ Police, was created four years ago to help staff work through faith-based, work-related issues.

Inspector Fiona Prestidge has been in the police for 24 years and she says that it is hard for her to separate her Christian discipleship from her work. "The Kingdom of God is a more tangible, necessary and hopeful thing when your work brings home the daily reality of a fallen world; a world where redemption is evident too". Even when she is "sorely tested by the most tragic, unpleasant or outright evil situations," Fiona says she has God to lean on for wisdom and strength. "One of the big challenges is to keep yourself from becoming hardened. Police officers can fall into the trap of self-righteousness, creating an 'us and them' world that consigns offenders to the rubbish heap. Redemption and hope should be the hallmark of a Christian police officer."

Fiona has had her strength tested. "I was working alone and stopped a car and the driver threatened to kill me and drove off. When I pursued him he did a U turn and came hurtling down the road, lining up my patrol car and crashing

head on into me." Fiona says it is by God's grace that she has managed to come through such attacks without emotional scars. "Knowing I am known and loved by God and that the perpetrators of violence and crime are loved by God too brings perspective and freedom from the potentially destructive effects of being a victim," Fiona says.

The perception that crime rates are increasing is something that annoys Fiona, because in fact crime has decreased markedly over recent years. "This wrong perception damages community well-being. It's scare-mongering by certain groups, fuelled by increased crime reporting in the media; decreased recorded crime levels are not being accurately reported." Fiona says such reporting is irresponsible as it creates an atmosphere where people are fearful of crime "which can be as harmful, if not more so, than actually being a victim of crime".

Punishment is not effective for young offenders:

- » "Getting tough" interventions (boot camps, "scared straight", paramilitary training) almost always fail. Punishment and detention are not effective forms of rehabilitation
- » The likelihood of re-offending increases by 25 percent after a deterrent sentence⁸
- » Research, involving 50 studies and more than 300,000 prisoners, on the deterrent effect of imprisonment found that imprisonment instead of a community sentence did not reduce re-offending after release. It also found that longer prison sentences did not reduce re-offending and may increase it.⁹ This is because prison serves as a "school of crime" for some offenders.

Fear of crime

Fear of crime continues to grow despite the ongoing decline in overall crime. A 2006 New Zealand crime and safety survey showed that those who fear crime the most are Asian, Māori and Pacific young women who are also sole parents living with their children. Forty per cent of all New Zealanders said that fear of crime had a moderate or high impact on their quality of life.¹⁰

Another recent survey found that more than 80 per cent of respondents agreed - or strongly agreed - that crime was a serious problem in New Zealand, but 63.2 per cent believed it was a problem only in *other* areas, dismissing crime as part of everyday life in their own region.¹¹

Who are the victims of crime?

The latest National Victims Survey shows that 50 per cent of all victimisations are experienced by only 6 per cent of New Zealanders, and that the things that make

people most likely to be victimised are identical to those that make a person most likely to be an offender. Older people are perceived to be the most likely to be victimised, however people aged 60-plus are the least likely to experience crime.¹²

CASE STUDY: Presbyterian church member with offender in the family*

"One of the members of our family offended last year and is currently in prison. I visit him but it is not the easiest thing to do as we are in Auckland and the prison is located outside of our region.

"When I arrive at the prison I am put through many visitor checks; it is all very difficult. During one visit to the prison I noted that there were not many books in the visitor children's play area and what were there were damaged. A mother who was visiting her husband told me that she had asked the wardens if there could be more books or even some toys. I wrote to the prison chaplains telling them this and letting them know there wasn't much available for the children. The congregation of my church chose to supply children's books to the prison for both the visiting area and the prison library so that the imprisoned parents can make tapes of themselves reading the books which they then send home to their children to listen to. I was absolutely over the moon when my family and I visited next and I found the new books out in the children's area and children being read to by their prisoner fathers."

**Church member requested anonymity*

Are prisoners 'spoilt' in prison?

Prisoners usually have their own small cell and they are allowed to bring in a 14" television, books and a hot water jug. Cell phones are banned. Each week they are entitled to use a prison phone to make a five minute phone call and to have a private visitor.¹³ Prisoners are fed on \$4 per day, and meals are not large. A sample three meal menu: three slices of toast with margarine and vegemite, a creamed corn sandwich and one piece of fruit, and a mince pie with tomato sauce, vegetables, margarine and bread.¹⁴

How has the imprisonment rate increased?

In 10 years, prisoner numbers have climbed from 4,500 to 8,500 - an 88 per cent increase. When compared to similar nations, New Zealand imprisons more people for minor offences. More than 47 per cent of those currently in prison are serving less than six months imprisonment.

The two key drivers of our prison population growth are an increase in both the volume and the length of prison sentences, and the increase of time served before prisoners are granted parole.

Three Strikes Bill

The Sentencing and Parole Reform (Three Strikes) law came into effect under the National Government in 2010; it means the permanent imprisonment with no parole of criminal offenders on the occasion of their third conviction for one of 40 specified violent offences. The Three Strikes proposal was supported by the ACT party, the National Government, the Sensible Sentencing Trust and others who believe that we need to send a stronger message of deterrence to known and would-be offenders. The Three Strikes bill was opposed by all other political parties; the Attorney General, the Ministry of Justice, the Treasury and the Human Rights Commission also advised against its implementation as did members of Prison Fellowship and Prisoners Aid and Rehabilitation Society (PARS) who believe it is inhumane and will simply lead to more people in prison for longer periods. They argued that this law would require the Department of Corrections to move away from programmes aimed at community reintegration of all prisoners to managing a programme for the permanent imprisonment of prisoners convicted for the third time.

Lock 'em up and throw away the key?

The notion that the safest thing we can do with violent offenders is lock them away for long periods is based on the idea that the more people locked up, the safer the community. However, most offenders are eventually released – over 9000 a year, and of those 15 – 20 per cent have untreated diagnosable mental illness, and 80 per cent are dependent on drugs and alcohol. Seventy per cent will reoffend within four years of release. Imprisonment isn't working. Fortunately there are alternatives.

Talking Points

- » Do you think New Zealand is in a crime wave and if so what has given you this impression? Discuss if the facts and figures above have surprised you and if so how and why?
- » The story of God's justice and love is the story of God bringing good out of evil, joy out of mourning, hope out of grief and despair, and life out of death. Discuss how God's justice and love can transform and restore victims of crime.

Reflection

Read Luke 19:110

The story of Zacchæus and his encounter with Jesus speaks to the offenders in prison who just want to be able to put things right and put something back into the community they have wronged.

- » What are some of the ways offenders can make reparation for their crimes?

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- 1 Jubilee Centre. An eye for an eye? The morality of punishment. Christopher Townsend, March 1997
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- 3 Cheng, Derek. Corrections to become monster department. NZ Herald 2 July, 2010
- 4 Marshall, Christopher D. Prisons, Prisoners and the Bible, a paper delivered to Prison Fellowship's Breaking Down the Walls Conference, Matamata, 14-16 June, 2002
- 5 Data from the Ministry of Justice (1995-2007)
- 6 Mayhew P and Reilly J. The New Zealand Crime and Safety Survey 2006. Ministry of Justice, Wellington, New Zealand. 2007
- 7 Maxwell, Gabrielle. Changing Crime Rates 1998 -2007, Addressing the causes of Offending, IPS Forum, February 2009
- 8 Lambie, Ian, Solutions to Youth Offending in New Zealand in Addressing the Causes of Offending ed by Gabrielle Maxwell, Institute of Policy Studies, Victoria University, 2009
- 9 Gendreau P, Goggin Co and Cullen, FT, The effects of prison sentences on recidivism, User Report: Office of the Solicitor General, Canada, p.24, 1999
- 10 Mayhew P and Reilly J. The New Zealand Crime and Safety Survey 2006. Ministry of Justice, Wellington, New Zealand. 2007
- 11 Rowe, Michael. Assoc Prof. Not in my backyard? Crime in the Neighbourhood, Victoria University, Institute of Criminology, Wellington. 2009
- 12 www.socialreport.msd.govt.nz/safety/fear-of-crime.html
- 13 Prisoner's rights report: Prison policy, prison regime and prisoners' rights in New Zealand. Department of Corrections
- 14 MacLeod, Scott. Three square prison meals on \$4 a day, NZ Herald, 14 September 2002



02:

STUDY TWO: What's the impact?

Study 2:

WHAT'S THE IMPACT?

How safe do we feel?

Surveys are regularly conducted to find out how safe New Zealanders feel. A recent Victoria University Institute of Criminology study found that 80 per cent of those surveyed agreed or strongly agreed that the country's crime rate was rising.¹ New Zealand's third National Quality of Life survey found that although people were concerned about vandalism and car theft, nine out of 10 said they felt safe in their homes. When asked where they got their information about the national crime rate, people said from the media.²

What assistance is given to prisoners to stop re-offending?

Unfortunately, once in prison very little is offered to prisoners by way of work, training, addiction and other rehabilitative programmes. The 2010 National Health Committee reports that 89 per cent of prisoners had lifetime substance abuse, 52 per cent had lifetime psychotic, mood or anxiety disorders and 60 per cent had mild to severe personality disorders. Only around 5 per cent get mental health treatment while in prison. Mental health and addiction problems contribute to a prisoner suicide rate nearly five times higher than the general population. Untreated disorders and addictions are driving a cycle of crime.³

In July 2010, the Department of Corrections Chief Executive Barry Matthews said he wanted to expand drug and alcohol treatment in prisons but did not have the resources.⁴

Little is done to assist the 9000 prisoners released each year. They need to reintegrate into society and their local community with family and friends. There are a limited number of reintegration officers and community organisations available to assist inmates and resources are stretched, resulting in high levels of re-offending; **two thirds of released prisoners are reconvicted and re-imprisoned within four years.**⁵

CASE STUDY: John Tuitama – Child, Youth & Family (CYF) Youth Justice Coordinator

For the past five years John Tuitama has worked for Child, Youth & Family as a youth justice coordinator convening family group conferences.

A career working with young people was something John had always been drawn to having long been involved with youth at the church he has attended most of his life, Pacific Island Presbyterian Church, Newton, Auckland.

"About 17 years ago I returned from a short-term mission and was offered work by a Maori trust teaching drama to young offenders and youth at risk. I thought I knew about youth but working with those damaged kids for four years was an eye opener."

The Trust paid for John's social work studies. "I was thinking I would go into probation but then I found out about youth justice and how it is like probation for young people at a stage when they still have the opportunity for real change."

John says the family group conference gives family and whānau, the young offender, and the victim the opportunity to come together and help decide how the young person can face up to what they did wrong, make amends and turn their life around without getting a criminal record. "The offenders are usually aged 14 to 17 but sometimes we are dealing with 12 to 13 year olds."

Repeat offenders occupy much of John's time but he says there are success stories. "For me it's about working with those who want the input to make positive change."

The media's response to crime

When we are constantly bombarded with messages telling us that we live in an unsafe society, it is almost inevitable that we will become convinced that crime is rampant and that our risks of being victimised are quite high.⁶

Regardless of the facts that say otherwise, there is little doubt that many people believe that crime is getting worse. Community safety reports indicate that fears about public safety have been on the rise since 2001.⁷

Our concerns inevitably reflect the media coverage given to the most violent and distressing crimes. The media plays a major role in constructing and amplifying in our minds a disturbing "reality" about crime. Jeremy Rose of Media Watch has compared the emphasis on crime and violent deaths in selected lead newspapers around the world; New Zealand ranked third for such stories.⁸

The media heavily influences the formation of New Zealand's public policy toward crime and justice. In recent years this has largely been driven by media-generated stories instead of social science research. We should be alarmed to learn that it is the public's perception of crime and criminal justice, rather than evidence, that is shaping responses to crime.⁹

It is not only the amount but it is the type of media coverage that is a problem. Inaccurate and selective reporting of crime statistics emphasises rises in crime rather

than providing a balanced account. Choice of commentators is another problem; using self-styled “sensible sentencers” and the Police union rather than knowledgeable and unbiased experts increases the negativity of tone. The outcome is to distort our perception of crime, unwarrantedly increase fearfulness about personal safety and undermine public confidence in those who are responding to it.

The Sensible Sentencing Trust (SST) and its national spokesperson Garth McVicar are an example of an extremely powerful claim maker. With its considerable media profile, the SST is able to publicise such dramatic (and dubious) statistical claims as a 4850 per cent increase in murder over the past 50 years, and a 108 per cent increase in violent crime over the past decade.¹⁰ These claims reinforce in the minds of the public the perception that crime is spiralling out of control, thus laying the groundwork for the SST’s policy agenda.

What factors have contributed to crime in our communities?

On 3 April 2009, over 100 people attended the Drivers of Crime ministerial meeting to identify factors that have contributed to crime in the community. Here are some of the themes the discussion identified:¹¹

Parenting and family

- » Lack of parenting skills
- » Lack of positive male presence in families
- » Young mothers, lacking support, education and parenting skills
- » Intergenerational acceptability of crime in the family

Family breakdown

- » Individual
- » Mental health issues
- » Behaviour issues and conduct disorder
- » Substance abuse (drug and alcohol)

Community and identity

- » Lost sense of community and need to rebuild this
- » Deterioration of morals and ethics
- » Communities not involved in solutions
- » Urbanisation of Māori and loss of support structures
- » Glorification of criminal behaviour by media

Schooling and education

- » Teachers not equipped to deal with real issues students face
- » Psychological development of young males behind physical development
- » Youth boredom and truancy
- » Under 16s appearing in court not in school

Socio-economic

- » Poverty and concentration of poverty in some communities
- » Lack of government ability to respond
- » Lack of budgeting skills

Justice system issues

- » Justice system responses may be increasing crime ie youth units, lack of interventions for people on short sentences.
- » Current legislation drives and creates crime

Service delivery

- » Lack of services to address underlying issues ie health
- » Fragmented government policies and lack of commitment to longer term approaches
- » System not community and family focused
- » Fund only what works and stop what doesn't

Long-term approach

- » Non-partisan, long-term approach needed. Get out of the electoral cycle and the need for short wins.

Māori and the Justice System

Māori make up 52 per cent of all those in prison, and account for 47 per cent of violent offending convictions¹² although they make up just 15 per cent of the New Zealand population. The Department of Corrections reports that:

- » "Māori are over-represented in the criminal justice system and the collective efforts of justice sector agencies to assist Māori to reduce this disparity have not changed the situation."

Serious offending comes about as a result of history of the individual and of the individual's culture. Like colonised minorities in other countries, some Māori have become socially, culturally, and economically marginalised in New Zealand, resulting in a higher incidence of social difficulties. The general solution to this situation is to assist Māori to develop their social, cultural and economic resources and to use tikanga Māori and whākapapa as positive forces for the rehabilitation of Māori offenders.

Reflection

Read Genesis 1:27 & 31

- » What, in your opinion, are the main causes of crime?
- » If we are all created in God's image, and therefore good, what are the influences that result in some people becoming "too bad to be part of the community"?

Notes:

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- 5 Cheng, Derek. Corrections to become monster department., NZ Herald 2 July, 2010
- 6 Prof Fattah, Crime and Older People, Australian Institute of Criminology, 1995
- 7 Ministry of Justice New Zealand Crime & Safety Survey, 2006
- 8 Maxwell, Gabrielle. Changing Crime Rates 1998 -2007, Addressing the causes of Offending, IPS Forum, February 2009
- 9 Roberts, JV, Sentencing Reform in New Zealand: An analysis of the Sentencing Act 2002 (2003) 36 Australian and New Zealand Journal of Criminology 249, p.250
- 10 There were 40,121 recorded violent offences in 1997 and 50,371 such offences in 2006. Even without accounting for New Zealand's population increase over that time period, this does not come close to the SST's claims
- 11 www.justice.govt.nz/policy-and-consultation/crime/documents/jspu/Drivers-of-Crime-Ministerial-Meeting-Proceedings-21.04.09.pdf
- 12 Ministry of Justice, Youth Apprehension Rates by Ethnicity, 2004



03:

STUDY THREE:

What can we do about crime?

Study 3

WHAT CAN WE DO ABOUT CRIME?

How can Christians respond to criminal justice - Care and Community¹

Care

The New Testament expressly calls on believers to demonstrate practical care for those in prison

Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured (Heb. 13:3).

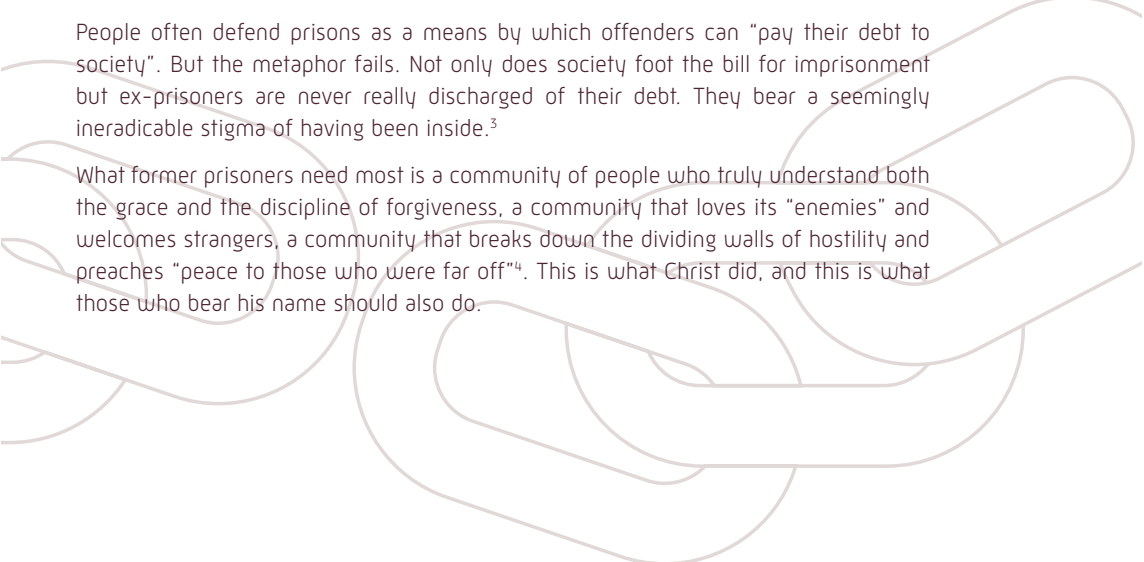
In 2 Timothy, Paul expresses gratitude that Onesiphorus was not ashamed of his imprisonment, but eagerly searched him out in Rome to support him. Paul is so grateful for this act of compassion he prays that Onesiphorus "will find mercy from the Lord on that Day"². Jesus also makes a connection between caring for prisoners now and the outcome of Final Judgment.

Community

The second element of a Christian position on prisons must be a commitment to the reintegration of released prisoners into "communities of care". Concern for those behind bars must be accompanied by generous hospitality towards them when they have finished their sentences and face the struggle of re-entering an often suspicious and hostile community.

People often defend prisons as a means by which offenders can "pay their debt to society". But the metaphor fails. Not only does society foot the bill for imprisonment but ex-prisoners are never really discharged of their debt. They bear a seemingly ineradicable stigma of having been inside.³

What former prisoners need most is a community of people who truly understand both the grace and the discipline of forgiveness, a community that loves its "enemies" and welcomes strangers, a community that breaks down the dividing walls of hostility and preaches "peace to those who were far off"⁴. This is what Christ did, and this is what those who bear his name should also do.



Imprisonment doesn't work

New Zealand's Chief Justice Dame Sian Elias says imprisonment doesn't work. She says that sentences are now too long and suggests executive amnesties to send some prisoners into the community early, with more needing to be done on rehabilitation, and more use of home detention. She says there should be a focus on community education, early intervention, improved mental health and drug and alcohol treatment, more community-based sentences, and improvements in the probation service.^{5,6}

Given that **imprisonment neither deters nor effectively punishes nor rehabilitates**, we need to consider some other approaches. What can we do to reduce offending, both at an individual and community level? One thing Christians can do is add our voices to those calling for government to put interventions in place.

The recent Drivers of Crime Ministerial meeting recommended that the following interventions be in place within the next two years:⁷

- » Parenting advice, support and intervention, from pregnancy and through early childhood years, particularly for vulnerable.
- » Coordinated and effective early screening, diagnosis and intervention programmes for at-risk families and individuals.
- » Addressing the alienation and disengagement of young people from education; giving teachers the skills and support to deal with difficult behaviour; improving alternative education and pathways back into education.
- » The provision of more accessible mental health, drug and alcohol treatment services, with greater use of tikanga Māori based models.
- » Providing positive leisure, sports and cultural activities and role models for young people for their spare time and energy.
- » Improve the quality and availability of therapeutic and reintegration services for prisoners and offenders serving community-based sentences.
- » Reinvigorate a sense of caring and responsibility within communities by building leadership and resources.
- » Interventions should be evidence-based, with a strong focus on what works.
- » Support innovative, community-based and Māori-designed programmes, but these need to be evaluated and demonstrate effectiveness.

- » Immediate development of long-term (10 year), cross-party, inter-agency approach to addressing the underlying drivers of crime, developed in partnership with iwi and communities.

What has worked overseas?

Finland had 180 prisoners per 100,000 in 1970; this dropped to around 40 per 100,000 by 2000 because Finnish prisons changed their focus to greater employment and rehabilitation. Inmates in open prisons are paid normal wages, but they have to pay board and lodging, taxes, and maintenance to their partner and/or children. In Finland the public are better informed about real crime levels because the media report crime in a less emotional and graphic way, using research-based data, encouraging a more rational debate.⁸

Christians volunteering in prisons

In the last seven years, the number of Christian prison volunteers in New Zealand has more than doubled from around 1200 to nearly 4000; about 86 per cent of all prison volunteers.

Volunteers assist **prison chaplaincy** with worship services and Bible studies. The evangelical church is well represented in this group - 20 years ago prison ministry could not have survived without the faithfulness and support of the evangelical church.

Through the Prison Fellowship Targeted Communities programme, trained Christian mentors work one-on-one with prisoners up to eight months before they leave prison, and for up to two years after they are released.

Prison Fellowship is not the only Christian group working to encourage churches to be more involved in this area. There are many organisations looking to work with churches and individuals to assist those affected by crime in our communities.

Victim Support

Victim Support is a community organisation that works closely with the Police to help people hurt by crime and other trauma. Victim Support's 1000-plus volunteers give their time and use their life experience, training and skills to support victims in their community.

CASE STUDY: Sue Staveley, Victim Support volunteer

Sue Staveley attends Hawera Presbyterian Parish and she has been a Victim Support volunteer for five years. Having always been drawn to helping people, Sue trained to work with Victim Support in 1997, and later retrained when she moved to Hawera. "I felt God was telling me to get re-involved and around the same time I found out that the local Victim Support needed volunteers."

Sue says that after training, volunteers have the ongoing support of a supervisor. Her work is conducted mostly over the phone. "I might call to see how they are doing or they might request someone to talk to or they might need help on where to go for information. I also go to court with victims to support them during that process".

The first case that Sue was called to was a suicide. "I prayed hard the whole way there because I didn't know what I was going into. When I arrived I found that the man who had found the suicide had had a heart attack. It was a stressful situation for everyone. I helped the family of the suicide for six weeks."

Sue says that she may be there for victims for a year or more if a court case is involved. "Victims can also need our support again years later when offenders come up for parole. We provide support for as long as we are needed."

[See back pages for contact details]

What does Victim Support say victims need?⁹

- » Ensuring that people won't be put in further harm's way, either from the offender or the criminal justice system as it deals (or fails to deal) with the offender.
- » Effective emotional and practical resources to help victims restore their lives and achieve if not some final sense of successful healing or peace of mind, then at the very least a sense of control over re-establishing a shattered life or some progress out of trauma, shock and grief.
- » Providing information about what is happening, how the processes of dealing with offenders works and what will happen in the future.

CASE STUDY: Carol Frost, Presbyterian Chaplain at Christchurch Women's Prison¹⁰

After 15 years volunteering with Prison Fellowship at a men's prison, Carol Frost was invited by Prison Chaplaincy Service of Aotearoa New Zealand to apply to be a Presbyterian chaplain at Christchurch Women's Prison.

Chaplaincy has its ups and downs, Carol says. "You make this commitment to the women and then they let you down - a lot". But this isn't surprising, she says, when you hear about the women's difficult backgrounds. "I keep in mind that the women are no different than me, they just grew up in a different family from me. Many have been sexually abused."

Carol holds a Sunday service for inmates and has a Bible time mid-week, and as she is a trained counsellor and psychotherapist she provides counselling. She is assisted in her chaplaincy by volunteers and by an assistant chaplain who runs the Sycamore Tree programme.

Keeping the women busy can be a challenge, Carol says, because they spend such long hours locked in their cells. "Some do not have friends or families who will loan them a TV or radio, so donations are appreciated."

Carol says that she loves to bring women to faith in Christ "because I know it makes for real change". Carol worries that the women's faith journey might cease once they are released from prison. "After the women have left, I encourage them for the first time in their lives to go along to a church; unfortunately instead of being welcomed by the congregation, they are ignored, so they leave."

Churches could, Carol says "send someone along to visit with the women who are soon to be released, just a few times, then they would have a church to go to where they would see a friendly face and be encouraged to stay. It's about providing hospitality and discipling". Christchurch churches interested in inviting women to attend their church can contact Carol on (03) 344-6875.

In May 2010, Dr Graham Redding, moderator of the Presbyterian Church of Aotearoa New Zealand was invited by the Sunday Star-Times newspaper to ask the Prime Minister a question:¹¹

Graham Redding: At the same time as the government is moving to "toughen up on crime" and attend to victims' rights, what sorts of things do you think could or should be done to tackle the high rate of reoffending in this country and better serve the goals of restorative justice and the rehabilitation of offenders?

John Key: The one thing a lot of our prisoners have in common is they are repeat offenders. Over 90 per cent of all offenders starting new prison sentences in 2009 had a previous history with Corrections. If we can stop their reoffending then we'll make a real impact on the number of offenders in our prisons. Some prisoners cannot be rehabilitated, and the government has an obligation to keep the community safe from repeat, violent offenders. But for others, turning to crime is often the result of them being poorly equipped to live law-abiding lives. Drug and alcohol problems and a lack of even basic work skills are huge impediments to offenders turning their lives around. For those who are willing to change we have a responsibility to support them and offer them every chance to do so. The government is fulfilling its promise to double the

number of places for drug and alcohol rehabilitation and give employment, job skills and literacy training to an extra 1000 prisoners a year.

What is the Presbyterian Church doing about family violence?

As well as taking a public stance against family violence, Presbyterian parishes are helping to build stronger families as the cornerstone of reducing family violence. The Church strengthens families by:

- » Operating formal early childhood education centres, and providing preschool education, in its churches around New Zealand.
- » Providing fellowship meetings for parents and children including music and movement classes (Mainly Music), and parenting courses such as Toolbox.
- » Running coffee and worship groups for teens and young people in a safe environment.
- » Running youth groups that teach life skills as part of their regular programmes (including anger management).
- » Offering relationship counselling and courses at various parishes.
- » Participating in initiatives like White Ribbon Day.

What can we do to curb media influence on public policy?

The media has great capacity to influence our reality of crime in New Zealand, either through publicising the claims of interest groups or by devoting particular attention to certain events.

Many academics, critics and even some journalists feel that media standards are falling, that journalists are less thorough and less ethical than they once were, and that we now have too much opinion and too few facts.

So what can we do when we read or hear a media report that contains unbalanced claims about crime and justice issues from different claim-makers? We could write to the newspaper, TV or radio station and call for more robust reporting that is less about impact and more about truth or understanding. For example, we could ask that our media coverage focuses less on the graphic detail of a crime and more on an offender's background, which might help us as a society prevent future crime.

CASE STUDY: Restorative Justice and Sycamore Tree

Janet Sim Elder, convenor of the Knox Presbyterian Church, Dunedin, social justice work group

I first heard about the restorative justice movement in the early 1990s when Professor Howard Zehr, a Mennonite Theologian from the United States, visited

New Zealand. I read the transcripts of his talks and was hooked. Here was a core Gospel activity that may offer some balm to the increasing political and community preoccupation with tougher sentences and demonising of human beings.

In 2000 I read in the newspaper that Dunedin was to be one of only four jurisdictions in the country (a world-first initiative) to pilot restorative justice as an option. I didn't hesitate to apply to be a facilitator. The training challenged me in ways I had not imagined possible.

In late 2007 I was approached to be a facilitator of the Sycamore Tree Programme in the new Otago Corrections Facility south of Dunedin. I have since done five programmes there together with the Rev Claire Brown.

Sycamore Tree is an in-prison victim-offender programme (run by Prison Fellowship) where six courageous people from the community who have been victims join with six inmates (all men) from the prison for eight two-hour sessions. They are not connected by the same crimes.

Participants are able to tell their stories in a safe and respectful place within the prison. Victims hear prisoners accept the wrongness of their crimes, and they have a significant experience of vindication, while prisoners are given a realistic context in which to consider their own offending.

Elements of restitution are considered and given some symbolic form. The interests of the wider community in the process are recognised at the graduation celebration and afternoon tea. Some victims will find that the Sycamore Tree process is sufficient to meet their emotional needs arising from the harm suffered, and for others it will be a further step in the healing process. For both victims and prisoners, involvement in the Sycamore Tree programme may be an excellent preparation for having a restorative justice conference with their specific victims/offenders.

(See back pages for contact details)

Helping the children of prisoners: Pillars and Angel Tree

CASE STUDY: Peter Kipfer, Pillars mentor¹²

There are 22,000 children in New Zealand suffering as a result of having a parent in prison. Since 1988, Pillars has provided adult mentors, often from churches, to children with a parent in prison. The impact of the stigma attached to having a parent in jail should not be underestimated. Without intervention, children of

prisoners are known to develop the health, emotional and social problems that can lead to criminal behaviour and are about seven times more likely to end up in prison than any other child.

Peter Kipfer, who attends St Columba @ Botany Downs in Auckland, says he had been a regular volunteer with prison ministry before he approached Pillars to become a mentor. Once his application was accepted he was put through rigorous background checks and training. "They have a good screening process, including Police checks, which need to be there because you are working with children. I needed all of the training because I do not have children myself."

Peter says that "Pillars try to find common interests. I was matched with an eight-year-old boy and our first meeting was for each of us to see if we were a good fit. We were very lucky because we clicked."

The activities that child and mentor do together don't have to be expensive, he says. "Pillars try to get free tickets to things such as the zoo; otherwise we have fun doing free things. On our first trip we walked up a mountain and chased rabbits. We also go to the park and play ball, go to the beach and collect things. He has been to my home - we bought a fruit tree and planted it in my garden."

The topic of the boy's father being in jail comes up, Peter says, and through his Pillars training he knows neither to "initiate it nor push it; when it comes up naturally we just discuss it".

Pillars mentors make a commitment to work with their child for at least one year, which Peter says is fair or else the child learns to trust someone who could walk out on them. "He has told me that I am the only one that ever comes and does fun stuff with him."

Angel Tree

Angel Tree provides Christmas toys to prisoners' children who might otherwise be overlooked during the Christmas season. While Prison Fellowship coordinates the programme, it is a combined effort with churches, prison chaplains, Christian volunteers, ministry and social service organisations coming together to purchase, wrap and deliver over 3000 presents each Christmas. Angel Tree also provides camps for prisoners' children. *(See back pages for contact details)*

The work of Prison Fellowship

Prison Fellowship is a national Christian volunteer movement, committed to the spiritual, moral, social and physical wellbeing of prisoners, ex-prisoners, their families, crime victims and those who serve the criminal justice system. As well as Sycamore Tree and Angel Tree, its core activities include:

Faith based units

Prison Fellowship and the Department of Corrections established a 60 bed prison unit at Rimutaka Prison for prisoners who want to explore the Christian faith. There is also a 24 bed unit at Linton (chaplains run) and a new 20-30 bed unit at Springhill.

Volunteer work

Some 1100 volunteers go into prisons weekly to counsel, take services, and befriend prisoners.

Victim offender conferences

One-to-one actual victims and offenders; phenomenal stories.

Operation Jericho

Mentoring and aftercare service to support prisoners released from the faith unit.

Criminal Justice Reform

Advocates for criminal justice reform, leads the Rethinking Crime and Punishment Project in partnership with the Salvation Army, and contributes fresh policy ideas about rethinking alternatives to prison.

(See back pages for contact details)

Restorative justice – an alternative response to justice

Restorative justice is a theory of justice that emphasises *repairing* the harm caused by criminal behaviour. Restorative justice began in New Zealand in the early 1990s with the formation of several voluntary groups to provide restorative justice services to the Courts. Later, restorative justice pilot schemes were trialled in District Courts,¹³ and the use of restorative justice was given statutory recognition in the Sentencing Act 2002, the Parole Act 2002 and the Victims' Rights Act 2002, and the Corrections Act 2004. There are currently 19 community-based restorative justice providers in New Zealand funded by the Ministry of Justice.

CASE STUDY: Why restorative justice is effective**Rev Paul Prestidge**

My experience is in restorative justice victim-offender conferencing before adult courts where the offender has pleaded guilty but hasn't yet been sentenced. Offenses I've dealt with range from burglary and assault through to vehicle and industrial accidents where someone was killed.

Quite often the cases involve very sad and very angry people. Imagine the conference where we met to talk about what should happen with a young intellectually disabled man who, after many years, had finally gained his driver's

licence - and amazing feat achieved through the support of his wonderful family. Not long after this young man hits a 14-year-old girl walking home. By the time the conference came around she was by no means "out of the woods". So we all sit down together; two wonderfully loving families very sad and scared about what might happen.

It took a good deal of emotional courage for them to face up to each other, knowing that the evening was bound to be full of tears and wondering whether it would do any good. The emotion inevitably present when offenders and victims come together can be the thing that best leads to healing and reconciliation.

My commitment to victim-offender conferencing is fundamentally theological. It better reflects the reality of the Kingdom of God that Jesus taught and I believe is true.

One of the five great discourses in Matthew's Gospel is all about reconciling justice. Matt 18.20: "where two or three are gathered in my name, I am there among them". In my Protestant tradition this verse was mostly trundled out at prayer meetings where less people had arrived than had been hoped. But in fact the context is Jesus teaching his followers how to deal with offenders...if someone offends against you...go by yourself...take another...only then go before the whole church.

Reflection

Read 2 Corinthians 5:16 - 20

Paul talks of restorative justice as being about how we live in relationship with God and with one another. If a member of the community breaks one of our laws then the response should be for the community to do all it can to restore the broken relationship and allow that person to resume their place in the community.

- » What factors hinder reconciliation between offenders and their communities?
- » How are released prisoners treated when they return to your community?

Bible Study: Prisons and prisoners¹⁴

There are dozens of references to prisons and prisoners in the Bible – from Joseph's imprisonment in Genesis 37 to Satan's imprisonment in Revelation 20.4. Probably the most renowned prisoner was the apostle Paul.

Acts 8:3; 9:1-2; 22:4-5; 26:10; Phil. 3:6

Prior to his conversion, Paul imprisoned other people. He locked up countless Christian believers, both male and female, and on occasions cast his judicial vote for their execution.

Eph. 3:1; Philem. 1,9, cf. 2 Tim 1:8

After his conversion Paul became the imprisoned and referred to himself as a "prisoner of Jesus Christ".

2 Cor 6:5, cf. 11:23-28

Paul speaks of enduring numerous "afflictions, hardships, calamities beatings, imprisonments, riots, labours, sleepless nights, hunger".

Acts 5:19, 22-23; 12:6-11; 16:25-26

Paul was not alone in this experience. Peter and John were also repeatedly thrown in jail, and, like Paul, they too were sometimes busted out of jail by divine intervention.

Cf. Matt. 25:36, Matt. 18:34; Heb. 13:3, cf. Jer. 52:11; 2 Chron. 16:10

Things were no better in New Testament times. With few exceptions, prisons in the Roman period were dark, disease-ridden and overcrowded.

Isa. 42:6-7; cf. 61:1, 12; Luke 4:16-20

One of the striking tasks expected of the awaited Messiah was to "to bring out the prisoners from the dungeon, from the prison those who sit in darkness". This is precisely the role Jesus claims for himself at the beginning of his ministry.

cf. Eph. 4:8; Col. 2:15

Jesus talked about freeing people from the material structures and ideological systems that robbed them of freedom and dignity.

Mark 15:15; Matt. 27:26

Jesus' entire ministry of feeding the hungry, healing the sick, forgiving the guilty, embracing the outsider, loving the enemy and confronting the oppressor was a fleshing out of his proclamation of release to the captives. Ironically it cost Jesus his own freedom and his own life to do so, with the convicted murderer Barrabas being the first literal prisoner to benefit from it!

Acts 16:25-26

But others followed, such as the inmates at Philippi who also had their chains struck off when Paul and Silas were freed by divine intervention.

Heb. 13:3

The New Testament expressly calls on believers to demonstrate practical care for those in prison. Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured.

Matt. 25:34-40

Jesus also makes a connection between caring for prisoners now and the outcome of Final Judgment.

Acts 16:27-34

The New Testament displays a concern for the welfare of those who run prisons. As a result of Paul's concern, the Philippian jailer underwent a dramatic conversion.

Eph. 2:14-17

What former prisoners need most is a community of people who truly understand both the grace and the discipline of forgiveness, a community that loves its "enemies" and welcomes strangers, a community that breaks down the dividing walls of hostility and preaches "peace to those who were far off". This is what Christ did, and this is what those who bear his name should also do.

NOTES

- 1 Marshall, Christopher D. *Beyond Retribution – A New Testament Vision for Justice, Crime and Punishment*, Lime Grove House Publishing, Australia, New Zealand, 2001
- 2 2 Tim 1:16-17
- 3 Cayley, *Expanding Prison*, 41; cf. Marshall, *Beyond Retribution*, 117
- 4 Eph. 2:14-17
- 5 Chief Justice's call for shorter sentences, TV3 NEWS, 16 July 2009
- 6 www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10585446
- 7 *Drivers of Crime Ministerial Proceedings* www.beehive.govt.nz/feature/drivers+crime+ministerial+meeting
- 8 Lappi-Seppälä, M, *Regulating the prison population: experience from a long-term policy in Finland*: National Research Institute of Legal Policy Research Communications, Helsinki, p.38. 1998
- 9 Paine, Tony, *Victim Support, Victims Rights: an agenda for prevention*. 26 - 27 February, Institute of Policy Studies, Victoria University, Wellington
- 10 Singer, Angela. *Chaplain helps prisoners find compassion*. Spnz, September 2010
- 11 Hubbard, Anthony. *John Key: Man in the hot seat*. Sunday Star Times, 16 May 2010
- 12 Singer, Angela. *Prisoners' children suffer harsh sentence*. Spnz, September 2010
- 13 *Prison Fellowship, Speakers and Presenters Information*, n 67, May 2006
- 14 Marshall, Christopher D. from "Prison, Prisoners and the Bible", a paper delivered to the Breaking Down the Walls Conference, Tūkuā Ngā Here Kia Maramā Ai Matamata, 14-16 June, 2002.

NOTES



Prison Fellowship: Christian volunteers working in prison ministry, programmes include Sycamore Tree and Angel Tree. To volunteer www.pfnz.org.nz/becoming_a_volunteer.htm or www.pfnz.org.nz/regions_directory.htm

Rethinking Crime and Punishment: raising public debate about prison and alternative forms of punishment www.rethinking.org.nz/

Restorative Justice service providers:
www.restorativejusticeaotearoa.org.nz/site_user_list

Justus: support for children of prisoners, parents and caregivers www.justus.org.nz

Pillars: volunteer to mentor children of prisoners. Christchurch, Deborah Swaney (03) 377 3990 x705, deborah@pillars.org.nz Auckland, Annabelle Watson (09) 262 2639, mentoringakl@pillars.org.nz www.pillars.org.nz

Police Christian Support Network: connecting Christian Police staff with each other www.pcsn.org.nz/contactus.php

New Zealand Prison Chaplains: pastoral care to prison inmates, staff, and their families www.pcsanz.org/

Department of Corrections: volunteer at a prison, (04) 495 8428, volunteering@corrections.govt.nz

Prisoners Aid & Rehab (PARS): accepts donations of TVs, radios, toasters, blankets, clean clothing, basic cooking utensils and cooking pots for prisoners. PARS national Wellington (04) 527 7091, Canterbury Jane Hossack (03) 371 9181, Taranaki/Wanganui Steve Treloar (06) 345 5969

It's Not OK: information about family violence, what it is and where to get help www.areyouok.org.nz/

White Ribbon Day: men fighting violence against women
<http://whiteribbon.org.nz/>

Salvation Army: report Beyond the Holding Tank, 2006, on pathways to rehabilitative and restorative prison policy
<http://salvationarmy.org.nz/uploads/BeyondTheHoldingTank.pdf>

The National Network of Stopping Violence Services: community organisations working to end men's violence www.nnsvs.org.nz/

Age Concern Canterbury: home and personal safety for older persons initiative, (03) 366 0903, Yvonne@ageconcern.org.nz

International Prison Chaplains' Association: papers linking Christian ideas with matters of justice www.justicereflections.org.uk/index.html

Prison Fellowship International: www.pfi.org/

Churches' Criminal Justice Forum (UK): www.ccjf.org/

Jubilee Centre: resources for churches on crime and justice
www.jubilee-centre.org/topics.php?topicID=7

International Centre for Prison Studies:
www.kcl.ac.uk/schools/law/research/icps/links.html

Sisters Inside Inc: advocates for women in the criminal justice system
www.sistersinside.com.au/

Howard League: penal reform organisation www.howardleague.co.nz

Ministry of Justice: www.justice.govt.nz/

Ministry of Social Development: www.msd.govt.nz/

Images: istockphoto.com, Getty images and Families Commission





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