

16 April 2024

Submission to the Committee Secretariat of the Justice Committee on the ***Parole (Mandatory Completion of Rehabilitative Programmes) Amendment Bill***.

The Justice and Peace Commission of the Catholic Diocese of Auckland raises awareness by advocating and promoting Catholic Social Teaching on social justice issues on behalf of the Catholic Bishop, Catholic Diocese of Auckland.

Our submission is led by our Crime and Reconciliation Committee, who advocate for inmate rehabilitation through restorative justice measures that align with Catholic Social Teachings by emphasising and supporting human dignity and right relationships.¹

We, the Commission, strongly oppose the proposed Bill as we believe insufficient consideration has been given to the effectiveness of the amendment.

While the concept behind this amendment aligns with our pursuit in fostering human dignity, right relationships, and the common good through reconciliation, forgiveness, and healing, it does not sufficiently or adequately address several critical factors necessary for the successful completion of rehabilitative programmes.

The goal of the amendment should therefore be twofold: to foster a justice that reconciles and restores disrupted social relationships, and to encourage reintegration into society.²

Perspective:

We, the Commission, believe observing and maintaining the delicate balance between appropriate punishment and effective rehabilitation is essential to upholding human dignity within prison environments.³ Through our pastoral and spiritual experience in Prison Ministry, Prison Chaplaincy and volunteering in Aotearoa, New Zealand prisons we witness and appreciate that inmates face several barriers that hinder the successful completion of rehabilitative programmes. We believe these barriers must be given extensive consideration. Barriers include but are not limited to:

Limited access to rehabilitative programmes:

¹ Catholic Prison Ministries Coalition. (n.d.). *Restorative Justice*. [Restorative Justice - Catholic Prison Ministries Coalition](#)

² Justice and Peace Office. (n.d.) *Catholic Social Teaching on Imprisonment*. [Catholic Social Teaching on Imprisonment - Justice and Peace](#)

³ Ibid.

Possibly the most critical barrier to this Bill and the aim of Mandatory Completion of Rehabilitative Programmes is the limited access, resources, and low success rate of current rehabilitation programmes being offered in Aotearoa, New Zealand prisons.⁴

Restricted privacy and overcrowding in prisons: Prison environment can be characterized by conditions of limited privacy and overcrowding. These stressful environments will affect a prisoner's ability to focus and complete rehabilitation programmes.⁵

Educational underachievement: Many prisoners have poor literacy and numeracy skills, which can make it challenging for them to access education and vocational training programmes. Without the addition of adequate education, prospects of completing rehabilitation are severely diminished.⁶

Understaffing and budget constraints of prisons: Budget cuts within correctional facilities impact the availability and quality of rehabilitation programs. Even when prisoners are motivated to complete these programs, resource limitations will hinder their rehabilitation progress or completion.⁷

Difficulty accessing physical and mental health services: Prisoners often have difficulty accessing the necessary physical and mental health services required to lead productive and healthful lives.⁸ The lack of access to needed healthcare and mental health support and treatment can lead to an inadequate rehabilitation system that is insufficient to the needs of those seeking to engage in rehabilitation programmes.⁹

Trauma informed practices: A study by the Department of Corrections found that over half (57 percent) of prisoners have experienced sexual and/or family violence. The rate was higher for women at 75 percent compared to 56 percent for men. Furthermore, the study showed that 52 percent of female prisoners, and 22 percent of male prisoners have a lifetime diagnosis of Post-Traumatic Stress Disorder (PTSD). These statistics

⁴ Johnstone, L. (March 2024). *Changes to NZ's parole laws to improve rehabilitation could lead to even longer prison times*. The Conversation. [Changes to NZ's parole laws to improve rehabilitation could lead to ...](#)

⁵ Ministry of Justice. (July 2016). *Prisoner Education and Employment, Evidence Brief*. [Prisoner Education and Employment - justice.govt.nz](#)

⁶ Johnstone, [Changes to NZ's parole](#)

⁷ Lin, April L.Y et al. (July 2018). *Effective rehabilitation through evidence-based corrections*. [Effective rehabilitation through evidence-based corrections](#)

⁸ Johnstone, [Changes to NZ's parole](#)

⁹ Bevan, M (July 2017). *'New Zealand prisoners' prior exposure to trauma'*. Department of Corrections. [New Zealand prisoners' prior exposure to trauma](#)

suggest high rates of trauma within the prison population.¹⁰ It is this inmate trauma, by lack of available services and resources, that remain unchecked, undiagnosed and/or untreated.

These experiences of trauma can also have a range of long-term affects including the development of PTSD, or other mental health disorders such as depression and anxiety, substance abuse, and inter-personal problems. These psychological and behavioural impacts can contribute directly to criminogenic needs i.e. the depression, anxiety, and substance abusing behaviour stemming from trauma can be direct contributors to offending and reoffending.¹¹

Separation from loved ones: The lack of emotional support from family and friends can negatively impact motivation to engage in rehabilitation efforts.¹²

Changing the law to make rehabilitative programmes mandatory prior to being eligible for parole does not stipulate that the rehabilitative programmes on offer are either adequate or fit for purpose. For example, of the 29 rehabilitation programmes currently being offered in New Zealand prisons, only three are available to remand prisoners. Delays in the court system also mean that 45 percent of the overall prison population currently resides on remand, while 23 percent of all prisoners complete their entire sentence while awaiting trial.¹³

We witness inmates waiting several years for rehabilitation programmes, or the inconsistency of rehabilitation programmes that commence after parole hearing dates, thus rendering parole consideration invalid without the completion of a rehabilitative programme.¹⁴ By any other professional standards, these delays and liabilities would not be tolerated.

Should rehabilitative programmes become mandatory, how much longer will inmates have to serve? It seems inconceivable that an incarceration duration could have the potential of an indefinite term i.e. not being considered for parole because a rehabilitative programme was never completed. The Bill should specify a reasonable timeframe within a prison term by which rehabilitation should be completed.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ministry of Justice, [Prisoner Education and Employment - justice.govt.nz](https://www.justice.govt.nz/prisoners/prisoner-education-and-employment)

¹³ Department of Corrections. (n.d.). *Rehabilitation programmes*. [Rehabilitation programmes | Department of Corrections](https://www.doc.govt.nz/rehabilitation-programmes/)

Department of Corrections. (n.d.). *Our Approach to Rehabilitation brochure*. [Our Approach to Rehabilitation brochure - Department of Corrections](https://www.doc.govt.nz/our-approach-to-rehabilitation-brochure/)

¹⁴ Johnstone, [Changes to NZ's parole](https://www.nzherald.co.nz/changes-to-nz-parole/)

Moreover, applying a specified date in **24A subsection (1)** of no more than 12 months to be considered for parole after a parole due date does not guarantee the availability or completion of adequate mandatory rehabilitation. By adequate rehabilitation we suggest interventions that are proportionally and appropriately matched to the offence or offender's need, thereby reducing the likelihood of reoffending, or committing more serious crimes in the future.¹⁵

Notably, it is this Bill's lack of evidence-based solutions that mandatory rehabilitative programmes will encourage prisoner reintegration into society or assist in a "more productive life upon release". We also question whether a true balance can be achieved between mandatory requirements and an individual's genuine desire for change.

Missing rehabilitative factors:

The Commission approves of the insertion of **rehabilitative programme** to amend Section 4 (Interpretation). However, rather than offering the same meaning definition as provided in section 3 (1) of the Corrections Act 2004, special consideration should be given to include **religious and spiritual** in item (b) of the rehabilitative programme definition.

Including the terms **religious and spiritual** in the rehabilitative programme definition will help to acknowledge the crucial work of our Prison Chaplains and volunteers, Catholic and ecumenical alike, who are currently placed in every prison in Aotearoa, New Zealand. Chaplains play a vital role in supporting prisoners during their incarceration by providing sacramental, religious, spiritual, social, emotional, and cultural assistance as part of the rehabilitation process.¹⁶

The Catholic Church considers Prison Ministry and Prison Chaplaincy as '**corporal acts of mercy**' as they align to visiting the imprisoned. This is based on the teachings of Jesus Christ, who in Bible scripture (Matthew 25:36) said, "I was in prison, and you visited me." By visiting those in prison, chaplains are following Christ's example of showing mercy and compassion. When visiting the imprisoned, Prison Chaplains and

¹⁵ Mitchell, M. (June 2023). *National will deliver rehabilitation to more prisoners*. National Party. [National will deliver rehabilitation to more prisoners](#)

¹⁶ Fitzsimons, M. (April 2022). *Prison chaplaincy 'hugely important'*. Catholic Archdiocese of Wellington. [Prison chaplaincy 'hugely important' | Archdiocese of Wellington \(catholic.org.nz\)](#)
New Zealand Catholic Bishops Conference. (2010). *New Senior Catholic Prison Chaplain appointed*. Catholic.org.nz. [New Senior Catholic Prison Chaplain appointed - New Zealand Catholic Bishops Conference](#)

volunteers become the practical application of Jesus' teachings of love, forgiveness, and service by bringing hope and meaning to an otherwise hopeless situation.¹⁷

Furthermore, if the terms **religious and spiritual** are included in the rehabilitative programme definition, it will provide due recognition and legitimacy to Prison Ministry and Prison Chaplaincy as an integral and recognised part of successful inmate rehabilitation. The definition may also assist in identifying and developing key research indicators for future data compilation and statistical purposes.

In sum

We, the Commission, oppose the Bill as it assumes there are enough effectively managed rehabilitative programmes, and presumes inmates have failed to attend rehabilitative programmes as an act of non-compliance. The reality is quite the opposite due to staff shortages, lack of programme funding, curtailed visits, and ineffective management. Moreover, if the Bill is passed, the result will be further overcrowding of prisons and prolonged prison terms.

The Commission would only support this Bill if the concerns outlined in this submission were adequately addressed, and in addition, a review process established to ensure that rehabilitative programmes are effectively managed for each parole case.

We make this submission in the spirit of restorative justice in our pursuit of changing social conditions and structures that hinder the most vulnerable from fulfilling their potential.¹⁸ “One cannot speak of offenders repaying debts without offering them a window, and they cannot change their lives without seeing the horizon.”¹⁹ We believe this Bill could be both window and horizon given the appropriate and necessary adjustments.

We would like to make an oral submission to this Bill.

I runga i te tika me te rangimarie | In justice and peace,

The Justice and Peace Commission, Catholic Diocese of Auckland.

¹⁷ NZ Catholic. (January 2021). *New booklet to help get more prison chaplains*.
<https://nzcatholic.org.nz/2021/01/29/22616/>

¹⁸ New Zealand Catholic Bishops Conference. (2023). *Te Kahu o te Ora: Consistent Ethic of Life*.
<https://www.catholic.org.nz/assets/Consistent-Ethic-of-Life-booklet-26-September-2023.pdf>, 37.

¹⁹ Ibid. 36. Quoting Pope Francis. (2019). Address to Vatican Conference on the Catholic Church's pastoral care of prisons.

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