

14 May 2024

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

**Lorraine (Introductions)**

Kia ora koutou, my name is Lorraine Elliott, I am the Vicar for Social Impact for the Catholic Diocese of Auckland, with me today is my colleague, Kathleen Card, the Executive Secretary for the Justice and Peace Commission for the Catholic Diocese of Auckland. Thank you for giving us this opportunity.

(Shortened preamble)

We oppose the Bill in its current form.

The assumption that rehabilitative programmes are sufficiently managed, and that non-attendance is a matter of non-compliance is far from the reality faced by inmates. Challenges such as staff shortages, funding limitations, restricted visitations, and management inefficiencies paint a different picture—one that could lead to exacerbating prison overcrowding and extending sentences if the Bill is passed without revision.

The Commission's support for this Bill is conditional upon addressing the concerns we have raised within our written submission, and again today in our oral submission.

Furthermore, we reiterate the establishment of a review process that ensures the effective management of rehabilitative programmes for each parolee.

**Kathleen:**

The Justice and Peace Commission, which advocates for social justice, guided by the teachings of the Catholic Church, has dedicated itself to this cause of inmate rehabilitation. It is through restorative justice measures that we seek to uphold the sanctity of human dignity and foster right relationships within our society.

The essence of this Bill, while at first glance, aligns with our mission to nurture human dignity, right relationships, and the common good. However, it falls short in addressing the multifaceted aspects necessary for successful completion of rehabilitative programmes.

Our vision for this Bill is dual: to cultivate a justice system that not only reconciles but also restores the social bonds disrupted by crime, and to pave the way for the seamless reintegration of former inmates into society.

From our religious and spiritual vantage point, the balance between just punishment and effective rehabilitation is delicate yet crucial. Our pastoral and spiritual work within prison ministry has granted us a window into the lives and souls of inmates. It is through this lens that we have witnessed the myriad of obstacles that impede the path to rehabilitation.

**Lorraine:**

Among these barriers especially, is the limited access to rehabilitative programmes which stands as a towering hurdle. The current state of rehabilitation in Aotearoa prisons is marred by scarce resources and a disheartening failure in the success rates of existing rehabilitative programmes.

The prison environment, that is plagued by overcrowding and a lack of privacy, creates a milieu of stress that hampers an inmate's ability to engage fully in rehabilitative efforts.

Moreover, the spectre of educational underachievement looms large, with many inmates struggling with basic literacy and numeracy skills, thus hindering their ability to benefit from educational and vocational training.

The constraints of understaffing and budget cuts within correctional facilities cast a long shadow over the availability and quality of rehabilitation programmes, even for those inmates who possess the motivation to change.

The challenge of accessing essential physical and mental health services stands as a testament to an inadequate rehabilitation system that fails to meet the needs of those earnestly seeking transformation.

**Kathleen:**

The principles of Catholic Social Teaching compels us to consider the profound impact of trauma on the incarcerated population.

The psychological and behavioural consequences of inmate trauma are far-reaching, contributing directly to criminogenic needs. Depression, anxiety, and

substance abuse, all stemming from unresolved trauma, can become the catalysts for offending and reoffending.

**Lorraine:**

The Commission observes with concern the current state of rehabilitative programmes in Aotearoa prisons. The mandatory completion of these programmes, as stipulated by the Bill, does not equal programme adequacy, suitability, or sustainability. Furthermore, only a fraction of programmes are accessible to remand prisoners, with the majority of the prison population residing on remand due to court delays, the system is fraught with inconsistencies.

Inmates are often subjected to prolonged waits (sometimes years) for rehabilitation programmes or face the paradox of programmes commencing after parole hearings, thereby nullifying the possibility of parole being granted without completing rehabilitation. Such systemic delays and liabilities would not be tolerated in any other profession or service.

**Kathleen:**

The mandatory nature of these programmes also raises a critical question: How much longer will inmates be required to serve?

The prospect of an indefinite incarceration due to not completing a rehabilitation programme is inconceivable and unjust. The Bill must, therefore, mandate a reasonable timeframe within a prison term for the completion of rehabilitation.

The Bill's provision for a specified date of no more than 12 months for parole consideration after a parole due date, one needs to ensure the availability or completion of adequate mandatory rehabilitation. Adequate rehabilitation must be tailored to the offence and the offender's needs, effectively reducing the likelihood of reoffending or escalating criminal behaviour.

It is the absence of evidence-based solutions within the Bill that casts doubt on whether mandatory rehabilitative programmes will truly facilitate prisoner reintegration into society or support a more productive life after release.

The Commission questions the feasibility of striking a balance between mandatory requirements and an individual's authentic desire for change.

**Loraine:**

In light of these considerations, we encourage the Committee to reflect deeply on the proposed Bill and its implications. It is imperative that we strive for a justice system that not only rehabilitates but also compassionately acknowledges the human dignity of every individual affected by its policies, that includes prison staff and volunteers.

The Justice and Peace Commission acknowledges the effort to include rehabilitative programmes within the amendment of Section 4 (Interpretation). Yet, we urge the Committee to consider a broader definition that encompasses religious and spiritual aspects in item (b) of the rehabilitative programme definition.

The inclusion of the words religious and spiritual would serve to recognize the pivotal role of our Prison Chaplains, Church, and Parish volunteers. These dedicated individuals, representing the Catholic community and various Christian faiths, are present in every prison across Aotearoa, New Zealand, offering a broad spectrum of support that spans sacramental, religious, spiritual, social, emotional, and cultural dimensions of rehabilitation.

**Kathleen:**

The Catholic Church regards Prison Ministry and Prison Chaplaincy as corporal acts of mercy, that is... the physical embodiment of actions that are inspired by the life and teachings of Jesus Christ. It is through these ministries that chaplains embody the principles of mercy, compassion, love, forgiveness, and service, bringing hope to those who find themselves in despairing, desperate and often hopeless circumstances.

By formally recognising religious and spiritual support within the rehabilitative programme definition, will not only validate the essential work of these ministries and peoples but also lay the groundwork for future research and data analysis to further inform and develop policy and practice.

**Loraine:**

To summarise today's oral submission:

The Commission opposes the Bill in its current form, we cite a disconnect between the perceived effectiveness of rehabilitative programmes and the actual challenges inmates face.

Today we have highlighted issues such as staff shortages, insufficient funding, limited visitations, trauma informed services, and administrative

deficiencies which directly affect the effectiveness and success of rehabilitative programmes.

We believe if these factors are left unchecked and the Bill proceeds without change, prison overcrowding will worsen, and prison sentences will lengthen.

**Kathleen:**

Our submission is made in the spirit of restorative justice, driven by a commitment to transform social conditions and structures that impede the vulnerable from realizing their full potential. We believe that with the right adjustments, this Bill has the potential to be both a window of opportunity and a horizon of hope for offenders seeking to repay their debts to society and embark on a path of change.

**Lorraine:**

(Shortened Conclusion)

Thank you for considering our perspectives and for your commitment to justice that heals and restores.