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Minister of Department of Corrections

The Honourable Andrew Little  
Minister of Justice

The Honourable Julie-Anne Genter  
Minister for Women

Ray Smith  
Chief Executive of Department of Corrections



RECLAIM  
ANOTHER WOMAN

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## Tomorrow's Prisons

### Introduction

In the Hon Kelvin Davis' press release, commenting on the Ombudsman's report into prisons on 5 December 2017, he noted:

*"I've made it clear to Corrections that I expect our prisons to be a place where people serve their time, receive the rehabilitation they require and reintegrate back into communities, not to return."*

*"If we want to reduce the prison population, we can't just lock people up – the focus has to be on rehabilitation. For this to be successful we must have the right culture in our prisons and the facilities have to be up to scratch."*

In a recent NZ Herald interview, on 22 February 2018, with the Hon. Andrew Little he indicated *"Our big challenge is to draw to all New Zealanders attention what has actually been happening and to win a social licence to say we have to do things differently."* He said he wanted a *"national conversation"* which sought out the best ideas but also led to a better-informed nation that understood *"tough-on-crime"* policies were leaving a legacy of failure.

In February 2013, RAW (Reclaim Another Woman) commenced its journey with Corrections. As we launch into 2018 I believe, through ongoing conversation, reading and working with predominantly Māori recidivist female offenders, RAW is now in a strong position to help identify solutions to stopping and reducing our amplifying female prison population in the New Zealand public prison system.

It is also important to keep in mind *"the pathways women take into offending are also different, and it is more common for women to be affected by trauma and victimisation; mental health issues; unhealthy relationships; parenting difficulty and stress; and economic marginalisation. Recent*

*analysis has shown that 52% of women in prison have Post Traumatic Stress Disorder.*” – Department of Correction’s Briefing to Incoming Minister, page 32.

The following proposal is aimed specifically at modifying women’s prisons to achieve the Ministers’ goals above, and outlines strategies for reducing recidivist offending in women.

Continuing to do what has always been done and expecting a 25% improvement in reoffending is ultimately the definition of insanity. To reduce the alarming growth in the female prison population and effect reduced recidivist behaviour will require a change in policy direction, investment in people and programmes, and courage.

While RAW does not claim to be academic experts, the proposals raised in this document have been ignited by the stakeholders, women who collectively have walked the journey to prison repeatedly. With the benefit of the RAW programme these same women are now successfully reintegrating into the community. The ideas outlined are ones they believe if they had been in place during their prison journey may have prevented them returning to prison.

We are looking forward to a “conversation” on the role of prisons to rehabilitate and reintegrate women into society rather than providing expensive training grounds to further criminal education as highlighted by Professor Ian Lambie in “Using evidence to build a better justice system: The challenge of rising prison costs”, Office of the Prime Minister’s Chief Science Advisor, 29 March 2018.

## **Background**

The inspiration for this document was a focus group held 1 February 2018 at RAW’s Head Office with 7 RAW women and 2 staff from the Department of Corrections. The Department of Corrections representatives have been assigned the task of:

- improving outcomes and understanding for women on the inside
- reducing the return rate to prison
- ensuring women are released ready to truly reintegrate into the community, and
- changing their lives to shape their futures.

Wahine – E rere ana ki te Pae Hou: Women's Strategy 2017 - 2021 document clearly outlines the female prison demographic as well as some of the challenges that attach to these women, yet it does not provide solutions to get the 25% reduction in reoffending we, as a society, are all looking for and that incarcerated women and their families deserve.

As the Women’s Strategy outlines, women who go to prison have often had incredibly difficult lives by most New Zealander’s standards. Some have been born into families that were struggling, to be left to their own devices to determine their life’s pathway. However, it is a normal life journey for these women who are heavily influenced by those around them and who are often into drugs, alcohol, and subjected to violence. They are also frequently dependent on the state system and criminal activity to survive which in many cases brings very lucrative returns. Given they do not know any other lifestyle they certainly do not find every aspect of how they live difficult relative to societal expectations. It is simply their normal. Our mistake in endeavouring to get change is continuing to lay our normal over the top of theirs when our thinking, goals and ambitions are simply not theirs.

Prison stays are also part of this lifestyle and certainly do not generate hardship for them. At the recent RAW focus group with Corrections this was very quickly pointed out. This focus group of 7

highly recidivist offenders, who collectively have spent more than 50 years on the inside have historically cost the country in excess of \$5 million.

To typify the feedback these 7 provided:

- Max stated, “If they hadn't made it so easy in prison then I wouldn't have returned so many times” or
- Patricia said “I thought prison was going to be hard but the only hard part was being away from my children”.

Not only has time in prison been part of their normal life journey, it neither acts as a deterrent or facilitates early intervention and encouragement to take up opportunities to change behaviour essential for a pro-social lifestyle on release.

RAW provides highly recidivist female offenders with opportunities to live a purposeful, healthy, and safe lifestyle which the RAW women choose to embrace as their new normal. Most of the women in this RAW Focus Group are highly recidivist yet they are now all in RAW facilitated jobs they love or in study supported by RAW tertiary scholarships; they live in unsupervised homes; and have reconnected with their estranged children, supporting them in a positive and functional way.

For RAW the measure of success at the lowest end is a de-amplification of the criminal process and at the higher end it is degrees and diplomas, ongoing employment, and the women contributing to social change within socially disadvantaged demographics.

To date we have had 36 offenders through the model (almost 5% of the female prison population) and not one has gone back to prison with an amplification of their criminal history.

RAW is in a privileged position to have found a pathway for incarcerated women who genuinely want to change their lives and this document outlines both RAW's perspective and speaks on behalf of the RAW women for change to begin within the prison.

## **Moving towards tomorrow's prisons**

The Women's Strategy (page 14) indicates 89% of women offenders are being managed in the community by Corrections, and greater effort will be invested in ensuring women do not breach their conditions resulting in imprisonment. Generally, most women's criminal activity starts with smaller crimes resulting in community service. Over time as criminal activity escalates **the RAW Focus Group pointed out that prison was the one thing that interrupted their offending. While imprisonment may have taken them away from their tamariki and whanau it was a necessary part of the "possible" journey of change – the circuit breaker.**

### **Formal and life skills education**

In the Department of Correction's Briefing to Incoming Minister they state *“A key part of being able to successfully reintegrate is also having the education and employment training, skills and opportunities to be able to participate in society, including finding work”*, page 30, and *“the aim is to ensure that prisoners learn essential skills and are work ready. By gaining work experience within a prison industry, people have the opportunity to train and upskill themselves, gaining unit standards and qualifications. They are also learning positive work attitudes, teamwork, communications skills and sensible decision making.”* page 32.

Education is a game changer. Most of our female offenders are well down on the scale of achievement whether it be literacy and numeracy, or primary or secondary school achievement.

Many of the women have left school before 15 and “around 60% of women in prison (70% Maori women) have literacy and numeracy levels lower than NCEA level 1. This means they can struggle to read or write, and have difficulty carrying out basic everyday tasks such as filling in forms, applying for jobs, accessing support, getting a driver’s licence or helping their children with schoolwork.”

For those with slightly better literacy and numeracy skills, tertiary institutions such as the Polytechnics, prefer students to have completed 3 years of high schooling (including English and Maths) to allow students to keep pace in class, complete assignments and tests and ultimately qualify confident in the skills they have developed.

To compound this Professor Ian Lambie, in “Using evidence to build a better justice system: The challenge of rising prison costs”, para. 60, page 16 notes “92% of young people in youth justice residences showed significant difficulties in at least one area of achievement (IQ, attention, literacy, numeracy, verbal abilities)” and “Reading comprehension has been found to predict future offending.” With the intergenerational impact of crime, women in prison as parents play a vital role on release to encourage and support the education of their tamariki. To do so women need to raise the base level of their own education to both understand the significance of education for their tamariki and to confidently support their tamariki learnings.

On the home front many of the women lack life skills required for functional family life. This can include parenting skills, communicating through a challenge (e.g. anger management), relationship behaviours, social drinking, financial literacy, housekeeping, cooking, gardening and gaining a valid driver’s licence.

**These women are most often resourceful and resilient, having learnt to survive. However, we should not lose sight of the fact that they are on the inside for a reason and this provides a wonderful opportunity to get real change.**

#### **Recommendation 1**

***“Tomorrow’s Prisons” are educational institutes providing formal and life-skill learning at whatever level is required.***

In India, to educate 1.25 billion people, the Indian Government has pledged to get a school within a two-mile radius of every village and if they can't achieve this they will provide the child with a bicycle to reach a school.

Education is the game changer, it gives hope and purpose.

Education should not be a cost for offenders or Corrections. After all, the first year of tertiary education is now free in recognition of the importance education has in creating a productive and financially independent workforce.

Nor should education be non-negotiable. Opportunities should be available as soon as women enter Remand.

While we are not suggesting prisons become boot camps, a high focus on healthy, disciplined living will have huge benefits in the prisons.

Healthy, fit and mentally motivated individuals go onto achieve great things, we all know that.

Tomorrow's Prisons become non-negotiable learning institutions with case managers facilitating a learning programme to meet each woman's needs early in her incarceration (starting in Remand) that:

- bridges the gaps in basic education
- provides vocational training
- provides basic life skills for a family home
- promotes healthy living with a focus on wellness as women who look after and value themselves are in a better position to positive impact on their families.

**Women exiting prison should have the following as non-negotiable deliverables:**

**All women**

- Basic literacy and numeracy to primary school standard, and preferably to secondary (NCEA level 1 or higher).
- A learner's licence, and preferably a restricted driver's licence.
- Have completed a culturally appropriate parenting course (even if they have no children yet) as these women can provide the circuit breaker to a criminal lifestyle for the next generation.
- Introduction course on life skills including communication skills (e.g. anger management), relationship behaviours, social drinking, financial literacy, housekeeping, nutrition and cooking, gardening, the importance of daily movement and keeping themselves well.
- A completed and current CV.
- A recognised form of identification (or ID card).
- All fines which can be remitted, cleared. Currently, prisoners can apply for remittance, but most do not complete the process before release. Once released fines cannot be remitted and the added burden of additional debt and financial hardship increases the risk of reoffending.
- A health clearance and a supply of any medication (including contraception) to carry them over until they can register with a doctor.
- A bank account set up.
- If not transitioning straight into employment, a benefit that will be paid in their first week of exit.

**For those on longer sentences, in addition to the above**

- Have completed a programme which addresses offence related thinking and feelings or addiction, self-management and problem-solving skills such as DTU, Kowhiritanga or another suitable programme which may assist in successful reintegration even if it is not a requirement to achieve parole.
- Completed some form of vocational training with a qualification.
- Introduction course on transacting in the modern world - engaging with agencies on-line, internet banking, mobile phone technology and apps, etc for those whose sentences mean that technological changes have passed them by.
- A full driver's licence.
- Engaged with an employer at some level.
- Have had at least two outside visits to busy locations, e.g. supermarket, mall etc as crowded

- environments after a long incarceration can be intimidating.

## The Incentive

While using prison as a circuit breaker and a positive training institution there needs to be an incentive for women to positively engage in prison for change. A criminal record resulting in imprisonment continues to create barriers for women in the community years after serving their sentence. Even if a woman wants a different life on release her criminal record continues to discriminate against her for work, housing, employment, vocational study and global travel, to name a few, for the rest of her life.

Unless a first-time imprisoned offender gains recognition for no new offending following release (subject to some conditions), which results in a clean slate after a period of years, there is little incentive for that offender to aspire to live legally and endeavour to thrive when they can expect to be penalised for their criminal history for the rest of their life.

RAW sees this as an important step in reducing recidivist offending and could work as follows:

- For a first sentence resulting in imprisonment, women who have received a sentence of less than x number of years become eligible.
- If after y number of years, a woman has not received a subsequent sentence, resulting in imprisonment or not, she will have her criminal history removed from the public record. It is not clean-slated in entirety. Should she subsequently reoffend, her criminal history becomes part of the public record again.

With this incentive available, prison case workers have an attractive incentive to encourage women to engage in programmes, including some of the additional options suggested below, to maximise the circuit breaker for successful reintegration on release.

## Recommendation 2

***Create an incentive for prison to be a circuit breaker to a person's criminal lifestyle.***

***A person's criminal record, for specified crimes or short periods of incarceration, be remitted from public record where no further offences occur over a designated period.***

*As part of the journey to living a legal life away from crime leaving their mistakes behind matters for women, especially in relation to a clean record for employment, housing and re-establishing contact with children and family (including those residing overseas), is valued.*

**Time is a major problem for women in prison. They simply have too much of it and use it poorly.**

Choice is another huge problem. **All their lives they have made what society would see as poor choices yet on the inside they are still being asked to make choices with little insight or skill to do so.**

The sentencing time is a massive opportunity to reduce the prison population and create functional offenders that will become contributors for this country moving forward. This needs to start when women are on remand, which can be up to 2 years. By the time a woman is sentenced she can have served a large percentage of her total sentence time reducing the opportunity to get real change.

### **Recommendation 3**

*Run a series of pilots in women's prisons based on a strongly disciplined and non-negotiable programme, just as Corrections does with DTU and Kowhiritanga.*

*Learn what works to shift the women's 'normal', create momentum to a legal life and resource women for a life outside prison as functioning community and family members.*

#### **Promote and reward desirable behaviour**

Offenders quickly become aware of their rights, of which there are many, and learn to play the system well.

Unsurprisingly, the system appears to be fearful of disruption and the cost and time it will engage to achieve change when the issue of rights arises.

An example of this was the removal of cigarettes from the prisons. Massive disruption was foreseen and none occurred. After all, it would be a natural assumption for an offender, when locked away, that they would not be able to smoke in prison.

Effecting change to reduce recidivist behaviour will challenge perceived entitlement amongst the women but can be achieved without breaching women's rights. It will take considerable courage to change the culture of entitlement to a culture of opportunity.

For example, the lozenges that were introduced to replace cigarettes now need to be removed. Women are issued with the lozenges regardless of whether they are smokers or not. These are:

- Creating health issues as they are addictive and destroying their teeth, increasing demand for dental assistance. Most of the RAW Focus Group have continued to use the lozenges on release or returned to smoking as the lozenges create ongoing dependency that does not encourage the women to permanently quit smoking.
- They have become a huge bartering tool with new entrants to the prison being bullied by other women to feed their lozenge habit or as a source of currency to gain other supplies. As many of the women have some experience of dealing drugs or selling goods from criminal activity, the market in prison for lozenges continues to reinforce the same anti-social behaviour that resulted in their imprisonment in the first place.

### **Recommendation 4**

*Women's prisons are surveyed for situations that create bartering or leverage for bullies over other women and prison staff and are eliminated.*

*Bartering and leverage are counter-productive to the goals of resolving addiction and learning new socially constructive behaviour.*

#### **Case Managers**

The answer to the challenge of managing women offenders and reducing the numbers of women incarcerated overall within the prisons, in the view of the RAW team, is on the inside. The women are an available audience, unlike the men numbers are still small, and this creates the perfect opportunity to learn what works to shift women's 'normal' to a legal and socially engaged life in a disciplined and non-negotiable process.

## **Recommendation 5**

*Case Manager's focus is to support and inspire learning and change.*

Case Managers' roles should be about supporting and inspiring offenders to make the right choices for themselves. Maximising the sentence time with early Case Manager engagement to best fit a dream and a vision that an offender may have. Note, that this will take time to unpick as these women have never engaged in a big picture focus on themselves as their self-worth is often very low or their life experience and outlook narrowly focused.

Prison today allows offenders huge choice and opportunity for great change. The women RAW work with have led colourful and eventful lives but have a very narrow vision on what life has to offer them on release. Without the opportunity to dream big and explore what life could be like, the women, with low motivation and endless opportunities to opt out, make less ambitious choices.

For example, I refer you to a woman that RAW had for 7 weeks, a chronic glue sniffer that spent most of her life locked in dark sheds and abused by men. Prison is her sanctuary where she quilts, sews, and is clean with friends that don't abuse her. On the outside she is tormented. She has had a dreadful life (by our standards) and subjected her 6 children to the same. Her children are a result of unprotected sexual abuse. She knows no different and she is soon to be released to return to that life. There is no help, no change has been made, with her only hope of respite being that she returns to prison soon.

Surely there is another way, surely her life has some value. The biggest impact would be to get her parenting her children differently, so they don't travel her journey, which they currently all are. But that will require life and parenting skills along with some basic education. Some of this is already available but very selectively applied and fully negotiable (unless a sentencing requirement) and not something this woman would be equipped to channel without help, nor possibly have an appetite for if left to her own devices.

Case Managers need to be selected for their ability to engage, relate to, and develop a purpose for each woman. They need to be provided with the tools and programming to inspire the women.

## **Tomorrow's Prisons Outcomes for Women**

In summary:

### **Recommendation 1**

"Tomorrow's Prisons" are educational institutes providing formal and life-skill learning at whatever level is required.

### **Recommendation 2**

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A person's criminal record, for specified crimes or short periods of incarceration, be remitted from public record where no further offences occur over a designated period.

As part of the journey to living a legal life away from crime leaving their mistakes behind matters for women, especially in relation to a clean record for employment, housing and re-establishing contact with children and family (including those residing overseas), is valued.

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Bartering and leverage are counter-productive to the goals of resolving addiction and learning new socially constructive behaviour.

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The following practical changes to the prison system should be considered to assist in delivering the above recommendations:

- all case managers be offered training to inspire and motivate women in the right direction.
- A functional employers' training hub be created (a full topic in itself).
- Entrepreneurial opportunities to be included and run as classes as part of lifestyle and academic learning.
- Consider relocating the mothers' and babies' unit outside the prison wall as even very young children should not be raised in prison.
- TV to be on for only 3 hours a day, 7pm to 10pm, and educational channels only.
- More reading and online educational material to be prioritised on the inside.
- A non-smoking policy should mean just that; remove the smoker lozenges as this is just trading one unhealthy habit for another and creating a black market inside.
- Life skills courses to be added to the academic programme to provide a mixed day of learning. This should include parenting programmes for all women and a focus on wellness as women who look after and value themselves are in a better position to positive impact on their families.
- Create a culture of privilege gained through participation, not gained through perceived entitlement.

## **Conclusion**

Prison should contain, rehabilitate and provide the skills and support on exit to reintegrate. Currently, Correction's budgetary constraints prevent the emphasis moving from containment to a greater emphasis on rehabilitation and reintegration.

Reintegration support on leaving prison is a separate topic to this document. Without a focus on providing purpose, structure and learning for the women in prison, then reintegration is either undesired because they do not aspire to anything different for themselves and their children, or too difficult because they lack the education and life skills they need to manage in life within societal expectations.

Continuing to do what has always been done and expecting a 25% improvement in reoffending is ultimately the definition of insanity. To reduce the alarming growth in the female prison population and effect reduced recidivist behaviour will require a change in policy direction, investment in people and programmes, and courage.

Regards

A handwritten signature in black ink that reads "Annah Stretton". The signature is written in a cursive style with a horizontal line underneath the name.

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