

BEFORE CHRISTCHURCH CITY COUNCIL

Independent Hearings Commissioners

UNDER THE

the Resource Management Act 1991
(the **Act**)

IN THE MATTER OF

A request by Ara Poutama Aotearoa/Department of Corrections for resource consent to establish a rehabilitative and reintegrative residential accommodation programme within an existing property at 14 Bristol Street, Christchurch (RMA/2020/173)

**STATEMENT OF EVIDENCE OF BENJAMIN CLARK ON BEHALF OF
ARA POUTAMA AOTEAROA / DEPARTMENT OF CORRECTIONS**

(Regional Commissioner, Southern)

Dated: 16 August 2021

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: L J Semple
(Lauren@greenwoodroche.com)

Level 3, 1 Kettlewell Lane
680-690 Colombo Street
Christchurch 8011
PO Box 139
Christchurch 8140

1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Benjamin Sutherland Clark. I am employed by Ara Poutama Aotearoa/the Department of Corrections (the **Department** or **Ara Poutama**) as the Regional Commissioner for the Southern Region, which covers all of the South Island.
- 1.2 The Regional Commissioner role is the most senior position at a regional level, providing leadership and accountability for all aspects of Corrections service delivery, including:
- (a) Custodial services (five prisons in the southern region);
 - (b) Community Corrections Services;
 - (c) Psychological Services;
 - (d) Programmes and interventions; and
 - (e) Training, education and employment.
- 1.3 In my role as Regional Commissioner, I report directly to the National Commissioner and work closely with the national Executive Leadership team.
- 1.4 I started my career as a forensic psychologist in Her Majesty's Prison Service in England in 1996 where my work principally involved the assessment and treatment of prisoners and advising the Parole Board and the Courts.
- 1.5 After attaining a Masters in Criminology in 1998, I moved into the role of Inspector with HM Inspector of Probation and was involved in the evaluation of the national Youth Offending Teams. I then worked for for the Ministry of Justice in the United Kingdom in a strategic role related to reducing re-offending, before emigrating to New Zealand with my family in 2009 and joining Ara Poutama as a Senior Psychologist in Auckland.
- 1.6 Before moving to the South Island as Regional Commissioner in 2016, my most recent role within Corrections was as the 'Director of Programmes and Interventions' in our National Office in Wellington. In this position I was responsible for our education team; the service

design of our 'medium intensity' suite of rehabilitative programmes, and our contracted programmes including those targeting alcohol and drug dependency. As can be seen from my employment history, a common thread throughout my career in criminal justice has been how rehabilitation and reintegration can contribute to safer communities.

- 1.7 In addition to my substantive role as Regional Commissioner, I have recently taken on the Regional Public Service Lead role for Canterbury and the Chatham Islands. This role is part of a system-wide change to ensure public services involved in the social and economic sectors are better connected with Iwi, Local Government and other stakeholders, with the aim of improving service provision to local communities.
- 1.8 I am authorised by Ara Poutama to provide this evidence on its behalf.

2 SCOPE OF STATEMENT

- 2.1 My evidence is presented on behalf of the Department and:
- (a) outlines the role of Ara Poutama and its functions and strategic objectives;
 - (b) provides an overview of the Bristol Street proposal (**Proposal**), including:
 - (i) the background to the programme, its key objectives and the contribution it makes to Ara Poutama's strategic vision;
 - (ii) the rationale for selecting 14 Bristol Street as the location for the programme;
 - (iii) information regarding the programme including the profile of residents and how their eligibility and suitability is assessed;
 - (iv) how the programme will be managed on a day-to-day basis including the various mechanisms used to ensure that we act as a good neighbour and maintain a safe and pleasant community;
 - (c) summarises the consultation undertaken; and

- (d) responds to matters raised by the Council Officer and submitters which are relevant to my evidence and not otherwise addressed.

2.2 In preparing my evidence, I have reviewed the following documents:

- (a) the updated application for resource consent for the Proposal as notified in March 2021, including the Social Impact Assessment;
- (a) the June 2021 response to the Council's request for further information;
- (b) the submissions and the Council Officer's section 42A report (**Report**); and
- (c) the evidence of Ara Poutama's expert witnesses.

3 ARA POUTAMA AOTEAROA

3.1 The Department is part of the Government's justice sector alongside five other core organisations: the Ministry of Justice, Police, Crown Law Office, Oranga Tamariki and the Serious Fraud Office. All agencies involved in the wider justice sector work together with a goal "*to make New Zealand safer and to deliver accessible justice services and better outcomes for all New Zealanders*". Forming strong relationships across the justice sector and working effectively together is key to achieving this outcome.

3.2 The role of key justice agencies related to offender management are as follows:

- (a) Ministry of Justice – develops policy across the justice sector and forecasts the future size of the prison population.
- (b) Police – arrest and prosecute law-breakers.
- (c) Courts – hear and determine prosecutions, sentence offenders and collect fines.
- (d) Department of Corrections: manage people on remand, custodial and non-custodial sentences and other orders as directed by the Courts and the New Zealand Parole Board (**NZPB**).

- (e) NZPB – decides parole applications, release and conditions of release (if prior to sentence end date).

- 3.3 As set out in Figure 1 below, the principal aim of the Justice sector is the provision of a trusted justice system where our communities are safe and the rights and obligations of all participants in the system are understood and upheld.

JUSTICE SECTOR END OUTCOMES									
Safer communities					Civil and democratic rights and obligations enjoyed				
JUSTICE SECTOR INTERMEDIATE OUTCOMES									
Impact of crime reduced	Crime reduced			Offenders held to account			Trusted justice system		
CORRECTIONS END OUTCOMES									
Victims of crime are supported	Re-offending is reduced			Sentence options are used effectively	Compliance with sentences and orders is ensured		Offenders are managed safely and humanely		
CORRECTIONS INTERMEDIATE OUTCOMES									
Eligible victims are notified	Offenders acquire employment-relevant skills and qualifications	Offenders' rehabilitation needs are addressed	Offenders' re-integrative needs are addressed	Judiciary and NZPB make informed decisions	Offenders complete the correct imposed sentence and order	Offenders comply with specific restrictions and requirements of the custody regime, sentence and order	Offenders are not harmed	Offenders are treated fairly	Offenders' legitimate health, physical, cultural, spiritual and social needs are met

- 3.4 Within its mandate, the Department is specifically responsible for:

- (a) providing information and administrative services to the Courts and NZPB;
- (b) maintaining the integrity of the justice system by upholding the sentences and orders imposed by the Courts and NZPB;
- (c) the safe management of people serving sentences imposed by the Courts and NZPB, whether those people are on remand, serving sentences in prisons, or serving sentences or orders in the community;
- (d) providing a range of rehabilitation programmes, reintegration services and other interventions aimed at giving people the skills they need to address the causes of their offending, develop life and living skills, address their health needs (including addictions,

in conjunction with health partner services), re/connect with their culture and whānau; and access education, qualifications, training and employment.

- 3.5 Essentially, our job is focused on keeping communities safe by accommodating people in prison securely, monitoring people in the community effectively and reducing reoffending by providing people with the skills and support needed to break the cycle and help them live crime-free lives in the community.

Hōkai Rangi

- 3.6 As set out in the evidence of Dr Gilbert, Māori are disproportionately represented in the Department's care and management, with people identifying as Māori making up about 53% of the prison population and 36% of the community services population nationally. This compares with Māori comprising about 17% of the general population.
- 3.7 The 2017 Waitangi Tribunal report, *Tu Mai te Rangi*, found that the Crown, through Corrections, has a Treaty responsibility to apply "*a renewed strategic focus that gives appropriate priority to reducing the disproportionate rate of Māori reoffending*".
- 3.8 The Department's response to this responsibility is Hōkai Rangi, which is its new strategic direction, focused on supporting the wellbeing (or *oranga*) of all people. As part of that, Hōkai Rangi aims to achieve positive outcomes with and for Māori and to begin to address the significant over-representation of Māori in the Corrections system.
- 3.9 Based on the six 'pou' or pillars of partnership and leadership; humanising and healing; whānau; incorporating a Te Ao Māori worldview; whakapapa; and foundations for participation, Ara Poutama is working hard to meet this important responsibility.

Community based sentences

- 3.10 Community based sentences are a key component in the achievement of the justice sector's aims and objectives, with a number of community-based sentencing options available to the Courts. These include community work, supervision and home detention. The courts and NZPB can also impose other orders designed to keep the

community safe such as extended supervision orders and public protection orders.

- 3.11 As set out previously, it is the role of the Department to safely manage those people who are delivered to our care by court imposed sentences whether that be in prison or in the community. Currently, the Department manages approximately three times as many people in the community as in prison and as at June 2020, we were managing over 27,000 people nationally serving sentences in the community. The Department operates over 100 Community Corrections sites with approximately 1,345 probation officers and 271 community work supervisors.
- 3.12 As at June 2021, within the Canterbury region, there were 2,887 people serving community based (non-custodial) sentences with 2760 of those in Christchurch.

Home Detention

- 3.13 Home Detention is a specific community-based sentence available to the Courts under the provisions of the Sentencing Act. Home Detention can only be imposed by the courts and is an alternative to imprisonment, intended for individuals who would otherwise have received a short prison sentence (of two years or less). In sentencing an individual to home detention a judge must take into account a probation officer's assessment of the individual together with the proposed home address and information about any other people who live at that address.
- 3.14 A home detention sentence can be combined with community work, fines and reparation, and may include special conditions, depending on the person's risk management and support needs. Such conditions can include a requirement to undertake a psychological assessment, and may direct the individual to undertake a rehabilitation programme, such as that proposed at Bristol Street.
- 3.15 Given the above, a typical situation for someone on a home detention sentence would include a requirement to live in an approved address with or without others, to report to a probation officer on a weekly basis, to have home visits from a probation officer and to meet any other conditions imposed.

- 3.16 Generally, a sentence of home detention will include a requirement to be electronically monitored to ensure that the individual complies with their sentencing conditions. This particularly ensures compliance with the obligation to reside at a particular address, restrict their movement to certain areas (for example to undertake a particular activity such as a rehabilitative programme), or to exclude them from places in order to manage their risk of harm to the public.
- 3.17 When administering conditions of this nature on sentences of home detention, the Department uses a Global Positioning System (**GPS**). This allows the whereabouts of an individual to be monitored whether they are at home or away from their address. The GPS tracker must be worn 24 hours a day, seven days a week during the sentence. It is important to note that electronic monitoring is a tool among many others used to monitor compliance with a home detention sentence.
- 3.18 The consequences of not complying with home detention conditions are very real and can include fines of up to \$2000 or a sentence of imprisonment for up to one year. A person on home detention may also receive formal warnings, depending on the nature of the non compliance. Other community-based sentences can also be imposed, or the probation officer may apply to the Court to have the home detention sentence cancelled and substituted with a sentence of imprisonment.
- 3.19 It is a fundamental tenet that for Home Detention to work to keep our communities safer by changing lives, those on the sentence need to be in the community. It is in living in the community that the individual learns how to become part of a community and pursue a crime free lifestyle.

Rehabilitation and Reintegration

- 3.20 It is well recognised, however, that for many people significant additional help is needed to learn the skills necessary to live a crime-free life. As set out very thoroughly in Dr Polaschek's evidence, people in the Ara Poutama Corrections system have far higher rates of mental health disorders, lower rates of educational achievement and higher levels of unemployment, and are more likely to be homeless or living a transient lifestyle, and be in poorer physical health than the general population.

- 3.21 For many, their adverse developmental experiences also mean they are less capable of forming healthy co-operative relationships and developing appropriate parenting styles, and are likely to struggle with engaging constructively with social service professionals and agencies. These difficulties also further compound cultural identity and connection issues.
- 3.22 To address these needs, the Department runs a number of rehabilitation programmes and reintegration services which are available to people both in prisons and serving sentences in the community. These programmes are based on the “what works” principles that have been proven internationally and nationally, to be effective in reducing reoffending.
- 3.23 Decisions around the placement of residents into a number of these programmes are based on the fundamental principles of the Risk Need Responsivity (**RNR**) model. Use of the RNR model ensures that the programme chosen is the ‘best fit’ for each individual enabling the maximum benefit from participation.
- 3.24 The RNR principles that inform decision making are:
- (a) **Risk** – the likelihood of offending can be forecast, and interventions should match an individual’s assessed level of risk.
 - (b) **Need** – interventions target offending-related factors to reduce risk by enhancing personal skills, social support, and management.
 - (c) **Responsivity** – an eligible individual may have significant responsivity barriers (for example, acute mental illness or physical health issues significantly affecting their functioning, or low levels of motivation), which may need to be addressed or managed prior to them being considered suitable for placement in treatment.
- 3.25 For many of our programmes, eligibility is accompanied by an assessment of the individual against programme suitability criteria, with acceptance being based on a combination of their assessed static and dynamic risk factors. Static risk relates to those factors that predict risk but that can’t be changed by individual effort, such as age

and previous offending history. The dynamic assessment of risk considers those factors that are within the individual's control to change, such as a violent lifestyle, criminal attitudes and a lack of insight.

- 3.26 It is well understood that a person who is not motivated or ready to actively take part in a programme is unlikely to succeed and may also have a detrimental impact on the outcomes of the rest of the group. For this reason, prospective participants for many programmes are required to discuss factors relating to their personal history and past offending before their suitability is determined.
- 3.27 Completing a rehabilitation programme will generally be a critical factor in an individual successfully tackling the underlying causes of their offending and enabling them to desist, reduce the frequency or severity of their offending or behaviour, or stop the cycle of reoffending altogether. The chances of an individual completing a programme successfully are enhanced if a rigorous selection process is followed, as outlined here.
- 3.28 Reintegration services are also critical in helping people transition out of the corrections system through supporting them to build a crime-free life during and after their sentence. These services help people address the 'pillars of reintegration' including obtaining suitable accommodation and meeting education and skills, training, employment, whānau support, well-being, and life skills needs.
- 3.29 Our rehabilitation and reintegration programmes are often run in partnership with community-based providers, who may provide the reintegrative wrap-around support following completion of the rehabilitative component. To help address the disparities in outcomes for Māori as discussed previously, some of our services are specifically offered in partnership with iwi and Māori community providers who specialise in kaupapa Māori based service delivery and have strong connections with the communities they operate within.
- 3.30 For some individuals (including those assessed as having an increased likelihood of reoffending), research shows that more intensive treatment programmes are required to resolve personal and social issues. These programmes have been found to be most effective when delivered in a setting where participants are "in-situ" and opportunities

for distraction and disconnection from the programme are minimised. In a community setting, this is best achieved through a residential-based programme, preferably overlaid with a 'therapeutic community' approach where day-to-day living forms part of the programme.

- 3.31 Consistent with this approach, Tai Aroha is designed for the small number of men that require intensive live-in support as they use their community sentence to ready themselves for independent living. The Bristol Street programme is intended to serve a similar, much needed, purpose.

4 14 BRISTOL STREET

- 4.1 Within the above context, approval was received in 2017 to investigate establishment of an additional community facility to serve the area not immediately covered by Tai Aroha. As part of that investigation, Canterbury was identified as having a higher cohort of people, relative to other centres, who would benefit from a residential rehabilitation programme to help improve safety in the city and wider region.
- 4.2 Approval was given in early 2019 to begin identifying potential suitable locations within Christchurch city, with properties being shortlisted, and then visited and assessed for suitability. The identification of 14 Bristol Street as an appropriate location was the outcome of this process.
- 4.3 I can speak for the Southern region leadership team as well as the National Corrections leadership team when I say that we recognise and understand that the prospect of a rehabilitation and reintegration facility may not initially be an attractive one to the surrounding community. We do understand that many people will find the idea challenging and will ask why it can't be located within a prison setting or in a more rural or non-residential area, or indeed anywhere other than their community.
- 4.4 While we understand that view, as I have noted earlier, for rehabilitation and reintegration programmes to really fulfil their potential they need to be located in "normal" community settings with access to a range of services including support services.

- 4.5 Being part of a community that strongly supports and role-models pro-social behaviour complements the ability of participants to learn, absorb and practice the skills of the programme in a graduated manner, within a supportive residential environment. They can learn from the community and use their developing skills with the safety net of specialist oversight and guidance. Importantly, participants learn to deal with the typical daily challenges that all of us who live in a community experience at some stage, including setting up a new bank account, attending a job interview or dealing with the ill-health of a family member.
- 4.6 Placing such programmes in more isolated areas means people struggle to create connections and access the necessary support services, including employment, to positively change their lives, ultimately resulting in a greater risk to the safety of our communities. As outlined by Dr Polaschek, research shows that those on the fringes experience a sense of rejection and stigma that is not conducive to becoming a productive member of society.
- 4.7 As set out in Mr Kilgour's evidence, while we are grateful for the opportunity to continue to run the Tai Aroha programme at Hukanui a Muri marae, there are real challenges currently being experienced by the Department in having it temporarily based in a rural area rather than in its previous more central residential location.
- 4.8 To that end, the Bristol Street site is considered to be particularly well suited to house the programme. The site sits within a well established residential area close to the central business district and well served by a range of facilities (doctors, pharmacies, public transport and the like). The property itself requires minimal redevelopment, having a range of appropriate indoor spaces and outdoor areas including a number of bedrooms. There are very good communal living spaces, individual rooms for necessary downtime, and a good sized programme room for therapy and other group or cultural activities. The layout provides the opportunity to locate staff areas in close proximity to the most trafficked spaces in the building without being imposing.
- 4.9 The existing buildings also provide opportunities to develop a gym/weight room, cardio-equipment room, and a hobbies room to

ensure a range of options for on-site movement and exercise, with these rooms being separated from the main living area. The outside spaces provide for a range of activities with the three main areas (deck area, north courtyard, east courtyard) providing space for reflection, appropriate socialising and other outdoor activities.

4.10 In summary, the site is particularly well located and configured for our purposes hence the decision to progress with this consent application.

5 THE PROGRAMME

5.1 The core features of the programme proposed to be operated at Bristol Street are similar to those of Tai Aroha and involve:

- (a) providing the opportunity for men who are eligible for sentences of home detention, and who meet the other eligibility and suitability criteria, to live together in a residential environment, with staff present on site at all times;
- (b) supporting those men through the provision of an intensive therapeutic programme and a community of change model designed to facilitate their rehabilitation and successful reintegration into the community; and
- (c) consistent with our Hōkai Rangi objectives, providing support to strengthen whānau relationships through skills building, supported engagement and inclusion of other agencies as required, recognizing that whanau and community connections are an important part of a person's rehabilitation process and success.

5.2 Targeted primarily at men who have long-standing personal or iwi links to the Southern Region, particularly Canterbury, the programme will provide for up to 12 men who will live at the residence typically for 16 weeks with a maximum attendance of 22 weeks.

5.3 Like Tai Aroha, the proposed Bristol Street programme seeks to involve manawhenua in the design and delivery of the programme to ensure it is culturally responsive. Our ongoing relationship with Ngāi Tahu is therefore highly significant. Several residents will be Ngāi Tahu. The land on which the programme will be established is from

Ngāi Tūāhuriri. The programme will therefore be built on an awareness of these relationships.

- 5.4 Consistent with that, Ngāi Tūāhuriri has directed us to undertake an assessment of impacts on rangatiratanga and Treaty principles, which recommends that, if we are granted resource consent, the hapu name the programme and provide a tikanga advisor. Ngai Tūāhuriri have endorsed the assessment and have committed to working with us to ensure the programme is culturally responsive according to Ngāi Tūāhuriri values. The Department is also committed to that outcome.
- 5.5 In addition, while seeking guidance from Te Rūnanga o Ngāi Tahu on various aspects related to the set-up and implementation of the Bristol Street programme, the Department will continue to work with Rehua Marae.
- 5.6 As with Tai Aroha, the residence will operate as a 'community of change', and as such all activities are purposeful with residents expected to learn and practice prosocial skills through the cognitive, cultural and social aspects of the programme. In order to be successful, rehabilitative residences operate as a household and fellow residents treat each other with respect and manaakitanga in accordance with the residence ethos and kawa. Put simply, residents are encouraged to act in a family-like way.
- 5.7 As set out in more detail in the evidence of Mr Kilgour, the programme is very intensive, with group and individual treatment or reintegration activities occurring in the morning and afternoons of most working days, and outdoor activities organised on the weekends. The majority of the time is taken up on programme activities, with only a small amount of time available for self-directed activities. Participants are expected to attend all treatment groups as well as all organised programme activities. Specific activities are scheduled by the programme leadership team, depending on the particular therapeutic needs of the residents.
- 5.8 During a typical weekday, residents are required to take care of their own cooking and cleaning as a group, as is typical for a home environment. Weekday mornings are spent in core therapeutic group sessions. Afternoons focus on either individual therapy sessions or skills-based therapeutic sessions (such as parenting skills). Any case

management discussions or meetings with probation officers will tend to occur in the afternoon. Late afternoon, prior to dinner preparation, residents have the opportunity to exercise or undertake recreational activities.

- 5.9 Over the weekend, residents are able to participate in structured and planned leisure activities, as well as undertaking domestic chores. No therapeutic sessions are undertaken during the weekend. Residents who have progressed well may also receive a visit from a previously approved close whānau member (or close friend). Residents are also provided with time for leisure activities such as learning a musical instrument or carving and will participate in facilitated and supervised exercise, recreation, and cultural or heritage activities.
- 5.10 A trained residential and therapy team ensures there is skilled and cohesive residence management and treatment at all times. The Manager Psychological Services leads the treatment team, and is responsible for the overall integrity of the service. The Programme Manager oversees the residential team, reintegration coordinator, and administration staff and ensures all residence procedures are adhered to. A designated Shift Lead manages each shift to support other staff. This includes giving and receiving appropriate feedback to other staff, supporting compliance with shift requirements, and dealing with emergency issues that may arise (for example, leaving without permission, evacuation, medical emergency). The shift lead escalates issues to the programme manager if necessary.

Eligibility and Selection

- 5.11 As previously set out, only those men serving a community sentence of Home Detention will be eligible to attend. No one on any other community sentence, including intensive supervision, will be eligible.
- 5.12 To be considered for the Bristol St programme, the following eligibility criteria must also be met:
- (a) Be male.
 - (b) Be 18 or older.
 - (c) Not have convictions for child or adult sex offences.

- (d) Not have untreated psychological or mental health issues.
- (e) Have multiple treatment goals related to lifestyle and behaviour patterns.
- (f) Be serving a sentence of home detention of at least 5 months.

5.13 Once eligibility is determined the individual's suitability is considered. This involves a pre-acceptance clinical assessment which considers an individual's:

- (a) Background.
- (b) Offence history.
- (c) Current convictions.
- (d) Active charges.
- (e) Risk.
- (f) Responsivity.

5.14 As part of this assessment, consideration is given to:

- (a) **Motivation** - The individual is asked for examples to prove their motivation. For example, if they have recently moved location to remove themselves from gang influences that would provide evidence of a motivation to change their lifestyle.
- (b) **Mental wellbeing** – This relates to the individual's ability to self regulate, and take responsibility for, their own mental wellbeing.
- (c) **Cognitive capacity** - This includes information on memory difficulties and other attributes which may make it difficult for the person to fully engage in the programme.
- (d) **Literacy, eyesight and hearing issues** – These matters are all assessed to ensure the individual can fully participate in the programme.
- (e) **Relationship with substances** – The programme is not a drug treatment programme and as such all participants must be able to be drug/alcohol free for the duration.

- (f) **Support for change** - Contact is made with an individual's nominated support person to confirm how he/she will provide support to the participant while in the programme.
- (g) **Behaviour** – A review of recent misconducts and incidents is undertaken to determine whether the individual is able to sufficiently control his behaviour while on the programme.
- (h) **Compliance** - Reference is made to breach history, probation file notes, engagement history with probation and/or prison staff to determine the individual's ability to do as instructed.
- (i) **Alerts** – Consideration is given to existing protection orders or to non-association orders with other clients who may be in the programme. Acknowledgement of any gang association is included in order that gang numbers, mix and presence can be managed.

5.15 Comprehensive information about the programme is also provided to the prospective resident to ensure he has enough information to make a decision as to whether he has the commitment and motivation to participate and adhere to the programme requirements.

5.16 As set out in Mr Kilgour's evidence the selection process is rigorous and as such there are many more people eligible for the programme than those who are found to be suitable.

Programme stages

5.17 The programme is staged across four phases, which assists staff and residents to evaluate and pace rehabilitation and reintegration activities.

Phase one

5.18 When an individual first enters the programme, he will undergo a further assessment process. This will include individual interviews with a therapist, completion of questionnaires, a file review and working on the development of treatment goals.

5.19 During this phase, the individual will begin group sessions to orientate to the programme. This requires the individual to work with the other

men in the group and to attend psychological treatment sessions four days per week. Group sessions are usually supported by two therapists and during the course of the programme a number of different therapists may work with each resident; on a group and individual basis. The resident will complete an initial assignment within the group that broadly outlines their background and identifies their goals while on the programme. This assignment must be completed before progressing to Phase Two.

- 5.20 The resident will also start working with the reintegration coordinators on their reintegration plan during this phase. This may include tasks such as opening a bank account, liaising with Work and Income New Zealand and obtaining a birth certificate.
- 5.21 During this initial phase, a resident can have limited phone contact with an approved support person for the first three weeks, but no whānau visits are held.

Phase Two

- 5.22 Progression to Phase Two generally occurs at the completion of week three. In this phase, the individual continues to attend core group treatment and afternoon individual treatment sessions. Group assignments are also completed during this phase. At this stage, the resident will also be given additional responsibilities around the house and will begin reintegration planning such as engaging in processes to find appropriate accommodation, training opportunities and employment options.
- 5.23 Depending on the individual, whānau visits and pre-approved supervised excursions may occur in this phase. Where the nature of previous offending and relationships with whānau require it, additional support may be required for this to occur.

Phase Three

- 5.24 When considered ready, the resident will be progressed to Phase Three, generally at the completion of week 10. To be considered ready the resident must have completed three more significant group assignments including drafting a comprehensive safety plan. This brings together all of the individuals learning about their patterns of

problematic and offending behaviour and outlines their strategies to manage their offending and other behaviours in the future.

- 5.25 In this phase, the resident continues to attend core group treatment and afternoon individual treatment sessions but as a senior resident heading towards the end of the programme, further responsibilities and additional privileges will be allowed. This may include approved absences from the house, and participation in approved community activities such as training, voluntary work, counselling appointments. Residents in this phase may be given approval to undertake early morning onsite exercise in the gym facility.
- 5.26 At Phase Three a resident can have a personal cellphone and will continue to have visits from whānau or their support person. Depending on the individual, pre-approved unsupervised visits to a specified location will likely occur in this phase as part of their reintegration.

Phase Four

- 5.27 Following graduation/completion of the programme at 14 – 16 weeks the individual will transition to their planned and approved living situation in the community, likely throughout the Canterbury region or South Island. During this transitional period, they will be provided with an opportunity for on-going re-integrative therapy support as determined by need. Any additional engagement with these men will occur at an Ara Poutama Community Corrections office or at another location agreed with the probation officer, such as a marae.
- 5.28 Up to four residents may remain in Phase Four provided their total stay doesn't exceed 22 weeks and the total number of residents doesn't exceed 12. This allows time for additional support from the reintegration coordinator and probation officer to finalise their reintegration plans and accommodation if needed. During this additional reintegration focused period the individual will remain part of the programme and will be subject to all the rules and expectations of the residence, including that they maintain their position as a senior resident. They may attend a group designed to maintain their treatment progress and/or attend individual treatment sessions.

Security

5.29 As previously set out, the Department takes extremely seriously its responsibilities to keep the people in its care and the wider community safe. To that end, there will be a range of measures employed within the programme to ensure resident and community safety including the following:

- (a) The location and status of residents within the site will be checked by staff every 20 minutes, 24 hours a day, 7 days a week. Each of those checks will be logged.
- (b) Residential staff will meet as part of every shift change to discuss any matters relating to the programme/residents, including any issues requiring particular attention/monitoring.
- (c) Therapeutic staff and the household supervisory team are trained to identify and respond to any sign of anti-social or atypical behaviour which could negatively impact on the individual or the wider programme. The appropriate response will depend on the behaviour in question but generally, matters will be addressed immediately by appropriate staff. If necessary the issue may be the subject of further discussion by the Residence Review Panel to determine the most appropriate course of action. Feedback from staff is often incorporated into group and individual therapy sessions as realistic learning opportunities (including recognition for positive change).
- (d) House rules/kawa will be in place. Individuals will be given a copy of these as part of the pre-assessment. They will also be displayed around the residence, and referred to by staff in house meetings and in therapy sessions. As outlined by Mr Kilgour, the consequences for a breach of kawa will depend on the rule in question and extend from a caution to loss of privileges (such as approval for outings) or being withdrawn from the programme.
- (e) Drug testing will be undertaken at least eight times during a resident's time on the programme and staff are trained to look for the physical signs of drug taking. In practice, if a resident appears to be wanting to participate in drug-taking, it is likely that prior to any such incident occurring this "slippage" in

behaviour will also be manifesting in other ways, for example, pro-criminal talk, withdrawal from the house community etc. As such, staff would already be vigilant and it is likely they would have already had privileges limited and be on higher frequency checks. As consumption of alcohol is more readily apparent (and more difficult to conceal), alcohol testing is not proposed. Any discovery of alcohol on site could however result in being exited from the programme.

- (f) All supervised outings will be accompanied by staff trained and experienced in supporting external activities.
- (g) The Liaison Probation Officer will be trained in understanding the residential environment of the programme and be kept up to date with all residents via individual probation report-ins and attendance at the Residence Review Panel. This also assists the Probation Officer to make informed decisions about any leave requests that require electronic monitoring approvals. The probation officer is also be able to inform staff of external issues that may impact on the individual during their time on the programme.

External Reintegration Activities

5.30 Residents will spend most of their time on the property and are not expected to leave without prior approval. However, they will be permitted to take some pre-approved and supervised outings such as going to the gym, shopping for weekly groceries or attending appointments with doctors, community agencies or service providers, once they have reached phase two of the programme. As residents get closer to the final reintegration phase of the programme, they may be permitted to take some unsupervised planned outings. This is similar to standard home detention sentences, where people are allowed to leave their residence to visit preapproved and specific locations, with the residents continuing to be electronically monitored by GPS while they are offsite.

5.31 Unsupervised outings are an important aspect of residential rehabilitation programmes, and the reintegration of people to independent living in the community and may be considered from phase three. These outings are carefully considered, planned and

structured to enable programme participants to practice skills learned in the programme, and reconnect with whanau and wider community services, activities and events within a structured and supportive framework.

- 5.32 Once planned, the outing is reviewed by Residence Review Panel and the Probation Officer and may be approved as per the home detention procedures. This will include the route to be taken, mode of transport, where the person is visiting, and expected timeframes of the outing. The resident may have an approved contact take them, but more likely will use public transport, walking, biking, or a combination of these. Once the outing plan is approved the probation officer informs the team that oversees electronic monitoring.
- 5.33 It is useful to note that where individuals have chosen to leave the Tai Aroha programme without approval, such incidents have not occurred during unsupervised visits indicating the improvement in self management that occurs as the programme progresses.

Visits

- 5.34 The proposed visitation process is very similar to that already successfully implemented at Tai Aroha, and which is described in Mr Kilgour's evidence.
- 5.35 Whanau are an important part of the programme and the rehabilitation of participants as they prepare for independent community living. A critical feature of the programme is offering a safe and supportive environment which whanau can use to reestablish connections and work through if and how they can increase contact with the resident as he returns to independent living in the community.
- 5.36 Despite this, during the first two - three weeks of the programme there will be limited contact with supporters or whānau (phone calls only) while the resident settles into the programme. The participant will, however, be asked to nominate one family member who is not a victim of prior offending by the participant, who the Department can assess for future contact support. Ideally this is a parent, grandparent or sibling.

- 5.37 If a partner or family member has been the victim of family violence from the resident (irrespective of whether he has been convicted of these offences), a non-association order will initially be used by Probation. There will be no contact with these family members until at least week six and then only if the Residence Review Panel assesses it appropriate and the victim allows it.
- 5.38 Residents are able to commence whanau visits from week three, and the approval of a person nominated as a visitor is based on their ability to actively support the resident in the programme. This person is often the person they have had initial phone contact with in the early weeks of the programme. Approval to any visitor is given by the Residence Review Panel in close discussion with the Reintegration Coordinator and the liaison Probation Officer, who will have already engaged with this person, typically through phone contact.
- 5.39 Approved visitors will be able to visit on Saturdays between 1 and 5pm. All visits are pre-arranged to ensure only those visitors who are approved as support people and who are aware of the rules and boundaries can attend. Visits are managed to ensure that the maximum of 15 is not exceeded. Most visitors will commence their visit at 1pm, at which time a powhiri will be held inside the residence. Visitors may, however, arrive at any time between 1 and 5 pm which allows for public transport arrangements and the like.
- 5.40 Visitor approval can be reassessed at any time, and any support person who is unable to follow the house rules, including poor conduct outside the residence, will no longer be approved to visit.

6 COMMUNITY CONSULTATION

- 6.1 As previously set out, the Department recognises that communities surrounding facilities of this nature can find the thought of these residences challenging. For that reason, we do take our obligations to consult with relevant communities seriously and while I appreciate that some members of the community do not consider our consultation has been adequate, I do think it has been thorough as set out below.
- 6.2 On 16 November and 16 December 2020, the Department delivered letters to 136 dwellings on Berry Street, Bristol Street up to Holly Road and Rehua Lane. Between 17 November and 1 December 2020, our

staff spoke face to face with 122 of these properties, a 90 per cent engagement rate. On 2 and 3 December, we held 20 community information sessions at Rehua Marae. We also established a public enquiry email address (which as at the beginning of April had received around 70 emails), and a dedicated phone line which received around 35 phone calls.

- 6.3 Corrections also engaged with community stakeholders including Ngāi Tahu and Ngāi Tūāhuriri, Rehua Marae, elected representatives for Christchurch Central, the Mayor of Christchurch, Hon Gerry Brownlee (National MP), the Central ward councillor and the Waikura/Linwood-Central-Heathcote Community Board.
- 6.4 We worked with regional Ministry of Education staff to organise a meeting with principals and head teachers of local schools and early childhood education centres and have had follow up contact with some of these. We also spoke with several government agencies, including NZ Police, Kāinga Ora–Homes and Communities, MSD and Oranga Tamariki. Also, nearby services and local providers and community groups including Salisbury Street Foundation, Blind Low Vision NZ, Ōtautahi Housing Trust, The Christchurch Doctors, the Salvation Army, and the St Albans Residents Association.
- 6.5 Throughout the consultation undertaken, the following consistent concerns were expressed:
 - (a) Neighbourhood safety including the personal safety of residents (particularly children, the elderly and the vulnerable).
 - (b) Fear of increased gang activity and crime in the area.
 - (c) Traffic and parking issues.
 - (d) The reliability of security measures such as GPS and security cameras.
 - (e) That community engagement would not prevent the programme from going ahead.
 - (f) That establishment of the programme would result in a drop in house prices.

- 6.6 I note that these concerns are consistent with the matters raised in many of the submissions and as such I have set out below the way in which the Department has responded to relevant concerns.

7 RESPONSE TO SUBMITTER CONCERNS

- 7.1 As set out previously in my evidence, the aim of the combined justice sector agencies is to make New Zealand communities safer. As part of achieving that, the Department is responsible for the safe management of people in its care, including where people are serving their sentences in the community.
- 7.2 By establishing rehabilitation and reintegration services such as that proposed at Bristol Street, we are working to make communities safer overall by providing people with the skills and support needed to reduce their offending and live crime-free lives.
- 7.3 In managing people in the community, public safety is a matter of priority and as such we take all instances of non-compliance seriously. Probation officers maintain strict oversight of people serving community-based sentences to ensure they comply with the conditions imposed on them by the courts and the NZPB. Probation Officers also have a good network of contacts with other Government agencies and service providers, who help provide an accurate risk picture and can help alert staff to when an individual's risk may be escalating, allowing pre-emptive action to be taken.
- 7.4 When a probation officer identifies that a person has breached their conditions, they can impose sanctions or pursue prosecution. In 2019/20, in 97 percent of cases where an act of non-compliance was noted, the individual was held to account. In total 23,131 prosecutions for breaches were closed, resulting in 15,990 convictions. Seventy four percent of people who completed a community-based sentence did so successfully. When looked at separately, that success rate is even higher for home detention, which is in part why a home detention sentence is part of the Bristol Street programme eligibility criteria.
- 7.5 As outlined earlier in my evidence, electronic monitoring allows us to monitor the movements of people serving community-based sentences and in 2019/20, we electronically monitored around 3,500 sentences in the community at any one time. During this same period,

we received and responded to more than 1.8 million electronic monitoring alerts in several ways including contacting the individual being monitored by phone, contacting their whānau, or sending a field officer to investigate.

- 7.6 We have a number of systems in place to detect when a person may be attempting to interfere, tamper with or damage their electronic monitoring device. Over and above what the technology itself can detect, we also have teams operating 24/7 who are experts in identifying any potential instances of non-compliance. Staff actively analyse individuals' data patterns and anyone suspected of attempting to interfere with or damage their tracker is placed on a high-priority alert list, meaning any suspicious activity is responded to with urgency.
- 7.7 When a person is identified as interfering with their equipment, we may formally prosecute them for noncompliance with their sentence. Ara Poutama can also apply to the Court to have an individual's sentence cancelled and replaced with imprisonment. Only a very small percentage of people subject to an electronic monitoring condition are identified as potentially interfering with their equipment - less than one percent of the overall number of people who are electronically monitored each year.
- 7.8 With specific reference to the programme proposed at Bristol Street, the potential safety risks to the community are also carefully managed through:
- (a) Eligibility criteria and selection;
 - (b) Programme management including staffing; and
 - (c) Physical features of the building, for example, surveillance cameras.
- 7.9 On the matter of staffing, I note that the Council Officer in her report has recommended increasing the minimum number of staff overnight. I have discussed this recommendation with my regional staff who will be working at the Bristol Street programme and with the Tai Aroha team. I also have also considered the expert opinion of Ms Linzey on this matter. As set out in the evidence of Mr Kilgour, the experience

at Tai Aroha illustrates that overnight periods (where residents will be in their bedrooms) can be readily managed by two staff members, and that the staffing procedures work appropriately to ensure that any unexpected events (i.e. a medical emergency or a leaving) can be managed safely (including by requesting additional staff if required). Those procedures will be similarly in place at the Bristol Street programme. In combination with the other security measures in place, I am confident that a minimum of two staff members overnight is appropriate in terms of managing any risks to the safety of residents and the wider community.

7.10 In her Social Impact Assessment, Ms Linzey raised the possibility of “phasing-in” the programme as a way of easing its transition into the surrounding community. The Department is supportive of that initiative, and it has been proposed through our response to the Council’s request for further information in June 2021. In short, up to four residents will be in place in the first month of the programme commencement (i.e. when the residents first arrive). The maximum allowance will gradually build up over the next 14 months such that by month 15 of the programme, up to 12 residents could be in residence.

7.11 We have already committed to ensuring that the community has access to a contact phone number 24 hours a day, seven day a week. During working hours, that phone number will connect to the programme’s community liaison person. Outside of those hours, a phone number connecting directly to the staff at the residence will be made available. These commitments are proposed to be secured by way of conditions on the consent, as set out in the evidence of Mr Gimblett.

7.12 Finally in response to concerns raised by submitters and the Council Officer in her report we have also proposed a condition which specifically requires our Operations Manual to explicitly set out how the programme will be managed to ensure a safe environment for all, including the neighbouring community. It is important that this document is able to be updated and refined over time, and that, for security reasons, some operational aspects of it are not publicly released. The Department is however comfortable with the

requirement for that Manual to be available at all times for physical inspection by Council staff.

- 7.13 It is this combination of safeguards including the trained and specialised programme staff, the careful and individualised selection of participants, the level of oversight from a dedicated management team including from the Residence Review Panel; the kawa (rules) and cultural framework the programme operates within and not least, the will of the people on the programme to make the best of their opportunity to turn their lives around, which gives us confidence that we can operate this programme successfully and safely in this community as we have done with Tai Aroha for many years.

8 CONCLUSION

- 8.1 I recognise that the concerns expressed by members of the community about this Proposal are genuine and, for many people, significant. It is my hope that we have addressed or reduced some of those concerns through this process, and that through our management of this Proposal, we will continue to do so if we are able to proceed. I also appreciate that for some people, those concerns will remain.
- 8.2 In that context, alongside the practical steps we have proposed, I also commit myself and my regional team, including staff working in the Bristol Street programme, to continue to work with the surrounding community to build relationships and improve understanding of our mahi. Ultimately, for me this initiative is about promoting community safety through changing lives, and whether it be through the community liaison group or otherwise, I would welcome the opportunity to work towards this critical goal in partnership with the local community.
- 8.3 Drawing on my experience as the Regional Commissioner together with my background in forensic psychology, I believe that the Bristol Street programme has a vital part to play in supporting people with complex issues to develop skills to reintegrate with their communities and lead a crime free life.
- 8.4 As Dr Polaschek describes, the harm that these men inflict is unfortunately (and worryingly) often directed against those they have

the closest relationships with and can have long lasting effects not only on them but their partners, their children and their grandchildren.

- 8.5 At Ara Poutama Aotearoa we are fortunate to have a strong legacy of providing quality rehabilitation programmes. Utilising our organisational capability, willingness to partner with others in the community and the people expertise available here in Canterbury, I believe that we can and will make this programme work both for the benefit of the men who participate and for the safety and well being of the wider community.

Ben Clark

16 August 2021