

Hon Paula Bennett, Minister of Police  
 Hon Amy Adams, Minister of Justice  
 Hon Chris Finlayson, Attorney-General  
 Hon Louise Upston, Minister of Corrections  
 Hon Mark Mitchell, Associate Minister of Justice

**Briefing to Incoming Ministers: Justice Sector**

Date	20 December 2016	File reference	
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Action Sought	Timeframe/Deadline
Forward this briefing to the Minister of Police, Attorney-General, Minister of Corrections and Associate Minister of Justice for their information.	February 2016

**Contacts for telephone discussion (if required)**

Name	Position	Telephone		1st contact
		(work)	(a/h)	
Andrew Bridgman	Chief Executive			✓
Aphra Green	General Manager, Sector Strategy			

**Minister's office to complete**

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Referred to: _____		
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Not seen by Minister
<b>Minister's office comments</b>		



## Briefing to Incoming Ministers: Justice Sector

### Purpose

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1. This memo provides you with an overview of the Justice Sector to forward to your new Justice Sector colleagues. It covers:
  - 1.1. Justice Sector governance
  - 1.2. Criminal justice pipeline pressures
  - 1.3. Key areas of focus for the Justice Sector, in particular:
    - 1.3.1. Family Violence work programme
    - 1.3.2. Justice Sector Four year plan
    - 1.3.3. Investment Approach to Justice
    - 1.3.4. Better Public Service (BPS) results 7 and 8.

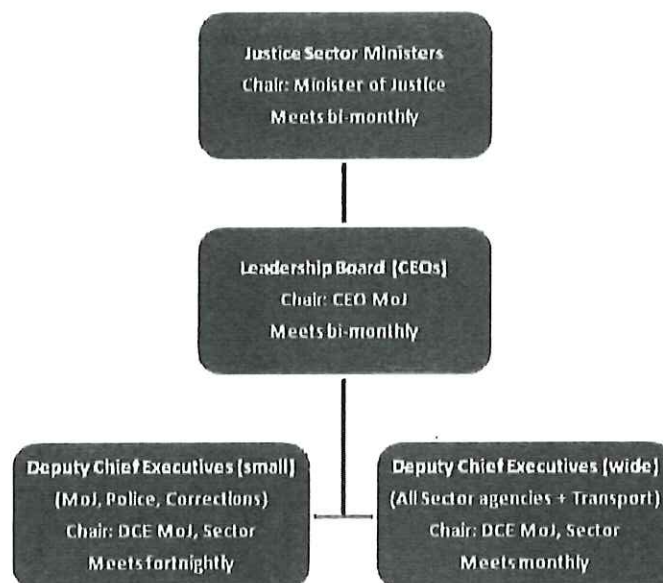
### Background to Justice Sector Governance

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#### *Justice Sector Governance*

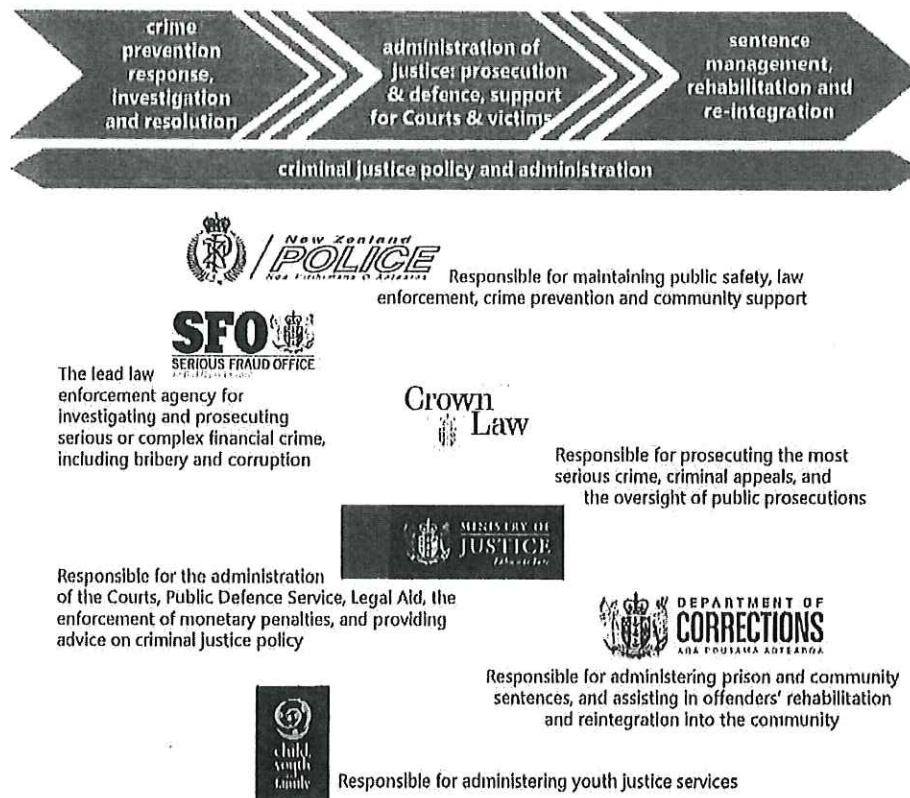
2. The Justice Sector (the Sector) governance mechanism was established in 2012 to foster strong working relationships, increase collaboration on project development, resource management and collective decision making. With some modifications, this mechanism (illustrated below) has proven successful at delivering sector-wide goals.

Figure 1: Justice Sector Governance



3. The Ministry of Justice, through its Sector Group, provides leadership across the Sector. The Sector is made up of the New Zealand Police, the Ministry of Justice, the Department of Corrections, the Crown Law Office, the Serious Fraud Office, and Child, Youth and Family.
4. These agencies work together across the criminal justice pipeline (see Figure 2) to:
  - 4.1. maintain law and order, focussing on minimising harm and victimisation
  - 4.2. hold perpetrators to account
  - 4.3. provide rehabilitation for offenders to reduce re-offending.

**Figure 2: Criminal Justice Pipeline**



### **Key issues facing the criminal justice pipeline (Appendix 1A & B)**

5. Pressure on the criminal justice pipeline is currently the Sector's most significant challenge. While crime rates have fallen, pressures across the justice system are rising. This means policy settings should be examined to:
  - 5.1. Address pipeline pressures in the medium to long term, or

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5.2.

6. Volumes across the pipeline are driven by a complex mix of different factors. The crime rate is the most significant driver of volume at the front-end of the pipeline; policy settings are the most significant driver of volume at back-end of the pipeline.
7. Between 2009 and 2015:
  - 7.1. total reported crime decreased by over 20%
  - 7.2. the prisoner population increased by around 12%.

#### *Police*

8. Proceedings against people who are apprehended fell by one-third, from a peak in 2009 to early 2014, due to falling crime rates and Policing Excellence initiatives.
9. Since 2014, Police prosecutions for public order offences and drink driving have continued to fall. However, prosecutions for assault and sexual offences have risen (in part, driven by a greater focus on family and sexual violence).
10. Demand and calls for service has also increased. For example, there has been a 51% increase in combined mental health incidents since 2009.

#### *Courts*

11. Overall volumes are down and timeliness has improved. However, the less serious cases have been removed, leaving more serious cases in the system. Over the last three years there has been a 24% increase in serious (category 3) offences (as new business).
12. Proportionally more serious cases means cases (on average) are more complex, more resource intensive and take longer to finalise.

#### *Corrections*

13. From June 2015 to June 2016, the prisoner population increased by 8%.
14. The most recent increases in the prisoner population have mainly been due to:
  - 14.1. more people being held on remand and spending longer on remand due to the seriousness of offending and in response to victim safety considerations
  - 14.2. people serving a greater proportion of their sentence in prison, due to the adoption of a more risk-averse approach to parole.

### **Key areas of joint focus and discussion in the Justice Sector**

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#### *Family Violence (Appendix 2)*

15. The Ministerial Group on Family Violence and Sexual Violence is comprised of Ministers responsible for 16 portfolios who are committed to making collective decisions to systematically improve the whole family violence system. Co-led by the Ministers of

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Justice and Social Development, the Ministerial Group work programme is a significant, whole-of-government project striving to address New Zealand's unacceptable rate of family violence.

16. Key achievements and a summary of the work programme to date include:
  - 16.1. Family violence laws will be reformed. Cabinet agreed to a package of changes in August 2016 and a bill will be introduced into Parliament early in 2017. Key changes include:
    - 16.1.1. creating new family violence offences, including strangulation, as recommended by the Law Commission
    - 16.1.2. reducing barriers to protection orders by making it easier to apply, and allowing others to apply on a victim's behalf
    - 16.1.3. using Police Safety Orders as an opportunity to assess risk and needs and connect perpetrators to services
    - 16.1.4. flagging all family violence offending in the Courts to ensure prior behaviour is clearly identified and to ensure that family violence cases are treated as such
    - 16.1.5. freeing up information sharing to keep people safe and introducing codes of practice.
  - 16.2. Officials across government produced, for the first time, a clear and comprehensive view of how much is spent, by which agencies and for what services. Of the \$1.4b annual spend most is on core services (such as hospitals, prisons and courts) delivered reactively after an episode of family violence has occurred. In response to this analysis Ministers commissioned a new work programme to understand how effective our services are and what improvements could be made.
  - 16.3. New initiatives (some of which have received investment from the Justice Sector Fund) include:
    - 16.3.1. Integrated Safety Response (ISR) pilots and associated services in Christchurch and Waikato
    - 16.3.2. a Risk Assessment and Management Framework
    - 16.3.3. Workforce Capability Development Framework.

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*Sector Four Year Plan (Appendix 3)*

18. Justice Sector agencies have produced a 2017 Four Year Plan to define their joint priorities over the next four years and help them to achieve their BPS targets. These priorities are to:
  - 18.1. Better meet the needs of the most at risk New Zealanders:
    - 18.1.1. Reduce harm caused by family violence – keep family members safe and get the right services to them at the right time
    - 18.1.2. Improve justice outcomes for Māori – partner with Māori to achieve better outcomes for Māori
    - 18.1.3. Reduce the harm caused by adult gangs and transnational crime groups
    - 18.1.4. Improve responses for people in contact with the criminal justice system who have alcohol and other drug, and mental health needs
  - 18.2. Increase our collective ability to achieve our shared goals to:
    - 18.2.1. Improve our use of data to make better decisions, to improve our responses to crime and to reduce harm – improve outcomes from our investment in crime prevention and ensure justice services are proportionate and deliver value for money
    - 18.2.2. Continue to increase collaboration across the justice system – collaborate in more areas of our business for greater operational efficiency, actively plan for medium- and long-term futures and increase transparency and public participation.
  - 18.3. Reduce pressure across the justice pipeline:
    - 18.3.1. Minimise harm through active engagement with the Social Sector – improve collaboration between social and justice services, with a particular focus on vulnerable children and youth
    - 18.3.2. Better understand the impact of traffic offending on the justice pipeline – work more closely with the Ministry of Transport to ensure justice responses to traffic related incidents are effective and proportionate.
19. An activity plan and performance report will be presented to Justice Ministers early in 2017 (and then quarterly). These will indicate what the Sector is doing to achieve its ambitions and how successful it is being.

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*Justice Sector Investment Approach (Appendix 4)*

20. The Investment Approach uses robust analytics and data modelling to ensure the Sector invests in crime reduction initiatives that deliver long-term effects and the best return. The approach gives Ministers and other decision-makers at all levels evidence-based information to support sound investment decisions.
21. We have built an actuarial model to project the future risk of offending and victimisation across the whole New Zealand population and help analyse crime from the perspective of various population cohorts. Combined with a suite of products that explain the effectiveness of current crime prevention interventions, we are able to turn data into insights about what works to reduce crime among some of the highest-risk groups.
22. The modelling capability will also be useful for policy simulations and evaluations, such as understanding the effect that legislative, policy and practice changes are having, or are expected to have, on crime.
23. We work closely with the Social Investment Unit (SIU) and the Investing in Children's Programme (IICP) who are responsible for the build of the model that will support the new Vulnerable Children's Agency Oranga Tamariki. The technical modelling work of the Justice Sector Investment Approach has already been used to support the Oranga Tamariki model.

*Justice Sector Fund*

24. In 2012 Cabinet established the Justice Sector Fund (JSF) as a cross-agency funding pool for investment in Justice Sector priorities. Ordinarily, government departments return underspends to the Treasury at the end of each financial year. The JSF allows Justice Sector agencies to contribute their underspends to the JSF for reinvestment in initiatives, which will modernise the Sector, or achieve government results (i.e. reducing crime/reoffending).
25. To date there have been eight rounds of the JSF, which have funded 56 initiatives and reinvested \$252.8 million into the Justice Sector.

27.2. The JSF is due to expire in November 2017. In early 2017, the JSF Review will take place. This Review will give Ministers the opportunity to decide whether to extend the life of the fund, and whether to adjust the objectives, funding criteria, and operational settings of the JSF.

*Better Public Services Results (Appendix 5)*

28. The most recent Justice Sector performance report show that the strong BPS results seen from 2011 to 2014 (where we achieved two of four original targets) have not

continued. The increases of 2015 have persisted into 2016 and results in the Year ended June 2016 have all weakened.

29. An increase in reported violent crime is now contributing towards driving total reported crime up. There is also a rise in the number of reported burglary offences. Because of this it will be more difficult to achieve the total crime rate target (revised in 2015 from a 15% to a 20% reduction in crime).
30. The bulk of the increase in violent crime over 2015 comprises offences committed in dwellings. Dwelling-based violence has a strong correlation with family violence. A cross government focus on strategies to address family violence has contributed to greater public awareness and reporting, resulting in increased recording by Police of family violence offending and a corresponding increase in criminal proceedings. Increased reporting, and its flow-on effect on the violent crime rate, may continue over the next few years.
31. The youth crime rate<sup>1</sup> is down 37% against the June 2011 baseline, well beyond the target of a 25% reduction. A draft key performance indicators (KPIs) report has been produced to help youth justice agencies better understand the children and young people entering and moving through the youth justice system. It has been produced for internal use by agencies working to implement the Youth Crime Action Plan (YCAP) – a 10-year plan, playing a key role in delivering youth crime target. The YCAP focuses on government agencies working together more closely and partnering with Māori, communities, parents, schools and others to tackle youth crime and the factors that lead to offending.
32. Solid progress towards Result 8, reduce reoffending, was achieved in the period from 2011 to early 2014. However, while the re-offending rate is currently 6.5% lower than in June 2011, it has been increasing since 2014. The rating (which was Green until 2015) remains Amber.
33. There is now a larger proportion of people more likely to reoffend and a smaller proportion of first time and lower-risk offenders under management by Corrections (increased proportion with multiple prior convictions/sentences, increased proportion gang-affiliated). This is a major factor understood to be affecting the rate's increase since 2014.
34. As at March 2016, the number of people who reoffended had dropped by 25% since June 2011. The Department of Corrections is continuing to deliver rehabilitative and re-integrative services to offenders in prison and on community sentences. This is occurring in increasing volumes: for example from 1 July 2015 to the end of April 2016, 7,517 offenders completed a rehabilitative programme, compared with 4,914 in the same period the previous year – an increase of 53%.
35. There is sound evidence for the effectiveness of these programmes in reducing re-offending. When outcomes of participants in a specific programme are compared to those of offenders of comparable risk but who did not complete that programme, the Department routinely records significant reductions in rates of reconviction and re-imprisonment amongst programme participants.

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<sup>1</sup> The youth crime rate measure is the number of first appearances in court of young people, aged 14 to 16 years, per 10,000 young people in the New Zealand population.



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### **Next steps**

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42. It is likely that both Justice Sector Ministers and Ministerial Group on Family and Sexual Violence meetings will be held early in 2017 (subject to Ministerial availability). For these meetings new Ministers will be provided with additional background information. Key areas for Justice Ministers to consider early in the New Year will include:

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### **Recommendations**

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43. It is recommended that you:

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| 1. | <b>Forward</b> this briefing to the Minister of Police, the Attorney-General, the Minister of Corrections and the Associate Minister of Justice for their information. | <b>YES / NO</b> |
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Andrew Bridgman  
Chief Executive and Secretary for Justice

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### **Attachments:**

- Appendix 1A and 1B: Pressures across the Criminal Justice Pipeline
- Appendix 2: Family Violence Work Programme
- Appendix 3: Justice Sector Four Year Plan
- Appendix 4: Justice Sector Investment Approach
- Appendix 5: Justice Sector Performance Report

**Briefing to Incoming Ministers: Justice Sector**

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Hon Paula Bennett  
**Minister of Police**  
Date:

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Hon Amy Adams  
**Minister of Justice, Minister for Courts**  
Date:

*NOTED*

*NOTED*

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Hon Christopher Finlayson  
**Attorney-General**  
Date:

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Hon Louise Upston  
**Minister of Corrections**  
Date:

NOTED

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Hon Mark Mitchell  
**Associate Minister of Justice**  
Date:

