









"Hei kaitiaki au mō koutou i ngā wā katoa. Kore rawa au e wehe atu i a koe. Ka whāngaia koe e ahau, i ahau e penapena ana i a koe, hei kaiārahi mō tātou."

"I am a guardian who will guide you through all.

I will never leave your side. You will feed from me as I nurture you to become a leader among us."

Welcome from Minister Little

A change of direction for New Zealand's criminal justice system is long overdue. The criminal justice system can be improved for people who have been victimised, for Māori, and for the people who continue to cycle through the system.

This is why the Government has established the *Hāpaitia te Oranga Tangata*, *Safe and Effective Justice Programme*. The Programme is about developing long-term solutions to keep people safe, allow communities to thrive, and build a justice system that we can all be proud of.

In August 2018, I invited people to come together at the Criminal Justice Summit to hear ideas for a new direction for a criminal justice system designed for Aotearoa New Zealand.

The Summit was open to anyone who had an interest in being part of this conversation. We aimed to get many different perspectives and experiences in the room together to share, collaborate, and discuss. I was impressed and humbled that the Summit was attended by more than 600 people from a diverse range of backgrounds.

The Summit was designed to be interactive and to promote collaboration. Everyone who attended was expected to participate and take ownership of their part in reforming the criminal justice system.

I appreciate that for many people who joined us, it was also an emotional and difficult time which brought up feelings of pain and hurt. I was moved by the commitment made by those attending the Summit to move forward in creating a criminal justice system that helps make our communities safer, places where families and whānau can thrive.

I am honoured that my Parliamentary colleagues support this important work. As a Government, we recognise that a multidisciplinary approach to improving outcomes and reducing harm is required. We must take a whole of Government approach in reforming our justice system, and look at how we can best address issues a person faces to keep them out of our justice system, where possible. As Members of Parliament, our role at the Summit was to actively listen. We had a team who gathered and captured the stories, the experiences and the wisdom of those present. This document brings together what we heard. It sets out the big ideas and powerful insights, and attempts to 'play-back' some of the key topics of discussion for those who were unable to be there. But the Summit, and what we heard there, is only the beginning. We want to have an ongoing conversation with the public on how we can achieve safe and effective justice in Aotearoa New Zealand.

I welcome your feedback about what you read here. This will help us continue the conversation, as we work together to create a criminal justice system that meets the needs of all New Zealanders

Ngā mihi

Hon Andrew Little
Minister for Justice



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Executive Summary

The Government has established the **Hāpaitia te Oranga Tangata, Safe and Effective Justice Programme**. The
Programme is about setting a new direction for our criminal
justice system. There is low public confidence in the current
system, and more importantly, it is a system which does not
adequately support victims of crime, people who offend, or the
communities that are impacted by crime. We now have one
of the highest prison populations in the developed world, with
people who identify as Māori disproportionately represented
across the system.

To begin to address these issues, we need a vision for our criminal justice system, and a new direction. And to do this, we need a national conversation about what New Zealanders want from their criminal justice system. A Criminal Justice Summit was held on 20 - 22 August 2018 to start the conversation. This three-day event brought together more than 600 people from a range of backgrounds to begin the discussion with government about what can be done to build a better system.

A small team of people at the Summit took notes and gathered insights from the discussions, presentations and activities. This document captures what we heard at the Summit. It highlights what participants expressed are the problems with the system, and what needs to change to create a system that New Zealanders are proud of.

These discussions have been grouped into six key themes:

Participants said:

 We need to create a justice system that reflects the values of New Zealanders

Summit participants wanted a criminal justice system that they can be proud of. What we heard is that currently, it is too focused on punishment. There was strong whakaaro about creating an aspirational system that starts with the wellbeing of people and whānau.

2. Māori want to lead the solutions for their people

There was a strong call from Māori attendees who want to make change and lead the solutions for Māori. We need to put the needs and skills of Māori at the centre of reform.

3. Victims need better support

Many Summit participants said that victims feel unheard, unsupported and judged when entering and trying to navigate the system, often at times when they are most vulnerable. We heard numerous times how this has resulted in many people who have experienced harm often choosing to opt out of the system.

4. The system should focus on preventing crime and rehabilitating people

Summit participants considered that the most effective chance we have of sustainably reducing harm, offending and victimisation is to focus on prevention. In addition, once people are in the criminal justice system they need care and support to transition out of the system and stay on the right track. This needs to be done with the support of family, friends and the wider community.

Communities want to be empowered to make change

Summit participants described their vision of a criminal justice system as one that will focus on the wellbeing of people and whānau, embed principles of restoration, habilitation¹ and reintegration, and be driven by communities.

 System-wide transformation is needed and it's needed now Summit participants emphasised that transforming our criminal justice system will require courage and cannot be done in pieces. We heard that we need a holistic, people-centred and evidence-based approach. There was an overwhelming sense of urgency to shift from talking about change, towards activating justice system reform together.

The Summit was the beginning of a fresh conversation about what New Zealanders want from their criminal justice system. The Government has established Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group, to help continue the conversation. Over the coming months, Te Uepū will continue to listen to communities to ensure New Zealanders' voices help shape the direction of reform.

The themes and ideas that were generated from the three-day event, along with the Advisory Group's public engagement, will help form the basis for positive reform of the criminal justice system.

A website has been created so that you can stay informed and be involved:

safeandeffectivejustice.govt.nz

At the Summit, there was discussion around the terms 'rehabilitation' and 'habilitation'. Although rehabilitation focuses on interventions that can help a person readapt to society, it also assumes that a person entering the criminal justice system already has the means and skills to thrive in society prior to entering the system. Summit participants discussed that a focus on habilitation instead, takes away this assumption, as we know that those entering the system already deal with a range of vulnerabilities.

Hāpaitia te Oranga Tangata

Safe and Effective Justice

The Government has established the Hāpaitia te Oranga Tangata, Safe and Effective Justice Programme to set a new direction for our criminal justice system.

This work is focused on creating safer communities, improving the wellbeing of all people in New Zealand, and delivering better justice outcomes and services to New Zealanders. We know that our current criminal justice system is not adequately meeting the needs of:

- the public, too many of whom have little confidence in it
- people who have been victimised and experience the harm caused by crime (particularly victims of family and sexual violence)
- people who offend, the majority of whom have long-standing vulnerabilities, which, if more effectively addressed, could enable their earlier safe exit from the system (and may help them avoid contact with criminal justice processes in the first place), and
- Māori, who are disproportionately represented as both victims and offenders of crime

A large part of this is because the purpose and values of our criminal justice system are not clear. Criminal justice policy has largely been driven by high profile criminal events, misunderstandings about crime levels, and how to best ensure public safety. Successive Governments have responded to these concerns by tightening controls and increasing punishment. As a result, our prisoner population has been growing and it is now completely out of step with the countries we like to compare ourselves to.

Rapid growth in the number of people in prison in New Zealand is imposing ever higher costs on New Zealanders – not only in dollar terms, but also in terms of wasted human potential and the hardship that brings to whānau, families and friends. More importantly, it is diverting effort and money away from investments that could make a real and positive difference for people affected by crime. This includes improving outcomes for Māori who are disproportionately represented in all parts of the system.

We know that we need to do better and we can do better. We need a justice system that keeps communities safe and delivers better outcomes for everyone affected by crime. After all, justice needs to work for everyone: for you, your family and whānau, and for victims of crime.

What's the situation now?

This reflects state of knowledge at time of Summit, hence use of 2016/17 Corrections annual report for reoffending rates

We have one of the highest imprisonment rates in the OECD, and it's likely to continue to grow if we do not work differently

There are around 214 people in prison per 100,000 New Zealanders, compared to the OECD average of around 142 prisoners per 100,000 people.¹

People who identify as Māori are disproportionately represented at every stage in the criminal justice system

Māori make up 38% of people dealt with by Police, 41% of adults convicted, and 51% of people in prison.²

This is despite Māori making up only approximately 16% of the New Zealand population.³

Our reoffending rates are high

60% of people are reconvicted within 2 years following release from prison.4

42% are re-imprisoned after 2 years following release from prison.⁴

Many people that are in the criminal justice system have experienced trauma themselves

53% of women and 15% of men in prison have been victims of sexual violence.⁵

77% of people in prison have been victims of violence.⁵

46% of people sent to prison have a traumatic brain injury.⁶

- Stats NZ, Estimated resident population 30 June 2018 (Provisional); stats.govt.nz/information-releases/national-population-estimates-at-30-june-2018

 Department of Corrections, Prisoner population 30 June 2018; corrections.govt.nz/resources/research_and_statistics/quarterly_prison_statistics/prison_stats_june_2018.html

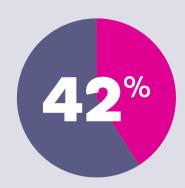
 Statista, Incarceration rates in OECD countries as of 2018; statista.com/statistics/300986/incarceration-rates-in-oecd-countries
- 2 Stats NZ, Police figures for year ended June 2018 Policedata.nz, Recorded Crime Offender Statistics; nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE7373

 Department of Corrections, Prison Facts and Statistics June 2018; corrections.govt.nz/resources/research_and_statistics/quarterly_prison_statistics/prison_stats_june_2018.html
- 3 Stats NZ, National ethnic population projections, by age and sex, 2013(base) 2038 update. nzdotstat.stats.qovt.nz/wbos/Index.aspx?DataSetCode=TABLECODE7560
- 4 Department of Corrections, Annual Report 2016/17, p156; corrections.govt.nz/_data/assets/pdf_file/0006/898629/Annual_Report_2016-17.pdf. (Based on people released from prison during the year ending June 2015 and allowing 2-year follow-up period.)
- 5 Bevan, M, New Zealand prisoners' prior exposure to trauma, Practice: The New Zealand Corrections Journal, 5(1), July 2017, corrections.govt.nz/resources/research_and_statistics/journal/volume_5_issue_1_july_2017/new_zealand_prisoners_prior_exposure_to_trauma.html
- 6 Horspool, N, Crawford, L, Rutherford, L, Traumatic brain injury and the criminal justice system, Crime and Justice Insights, Ministry of Justice 2017



of people in prison have been diagnosed with a mental health or substance use disorder during their lives

62% had this diagnosis in the past year



of people are re-imprisoned within two years of being released from prison



of people are not confident that the criminal justice system is effective

At any time, about

20,000 children

in New Zealand have a parent in prison

Public spending on law and order has

increased faster

than spending on welfare, health, education, defence, or transport Of people born in New Zealand in 1978...

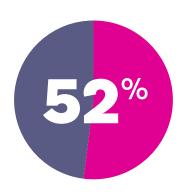
1 in 2

Māori and Pacific men have a criminal conviction

compared with one in four people in the rest of the population

Most people that are in the criminal justice system have been

victims themselves



of women in prison have been diagnosed with post-traumatic stress disorder

At any time about

10,000 people

are in New Zealand prisons



of people in prison are Māori

15% of people in New Zealand are Māori



of people in prison do not have NCEA level 1 literacy or numeracy



of people are reconvicted within two years of being released from prison

Māori are more likely

to receive a sentence of imprisonment or a community sentence than a non-Māori

About the Summit

A Criminal Justice Summit was held in Wellington and Porirua from 20 - 22 August 2018. This three-day event brought together more than 600 people from a range of backgrounds and experiences to actively be a part of the work being done to build a better justice system.

Described by international attendees as 'unprecedented' and 'world-leading in its approach', the purpose of the Summit was to start a fresh conversation about what people in Aotearoa/New Zealand want from our criminal justice system.

The Summit was launched at Parliament, followed by two days at Te Rauparaha Arena, Porirua. Over the three days, participants engaged in an open conversation with Ministers, public-sector leaders and, most importantly, with each other. The Summit began with participants examining the current state of our criminal justice system, sharing their experiences with the system, and listening to the Government's commitment to reform. Breakout sessions focused on key issues such as disproportionate Māori representation in the system, support for people who have been victims of crime, and crime prevention. The final day of the Summit focused on beginning to build a pathway forward and Summit participants articulating a vision for New Zealand's justice system.

There was general agreement by Summit participants that the system is not working for anyone.

Participants from a diverse range of backgrounds attended the Summit to share their views, experiences and ideas:

- NGOs
- Social and justice advocacy groups
- Service providers
- People with experience in the justice system, including victims and offenders
- Ministers
- MPs
- Judges
- Academics
- Practitioners
- International criminal justice experts.

What we heard

This section reflects on what we heard at the Summit from the 600 people who attended - a small section of New Zealand society, but who all had an interest in justice reform. It highlights what Summit participants believe are the problems with the system, and what needs to change in order to create a system that New Zealanders are proud of.

Six key themes emerged from discussion over the three days:

- We need to create a justice system that reflects the values of New Zealanders
- 2. Māori want to lead the solutions for their people
- 3. Victims need better support
- 4. We should focus on crime prevention and rehabilitation
- 5. We need to work with communities and whangu
- 6. System-wide transformation is needed and it's needed now

While there was not always agreement about everything said at the Summit, there was agreement that things need to change; and it was clear the people attending the Summit wanted to be part of this change.







1 We heard:

We need to create a justice system that reflects the values of New Zealanders

Summit participants described their vision of a criminal justice system that we can be proud of:

- Our future criminal justice system needs to be based on our unique Treaty of Waitangi partnership, and our values and identity as New Zealanders.
- The wellbeing of the individual, their family and whānau, and the community needs to be at the heart of the system.
- The system needs to embed principles of prevention, restoration, habilitation² and reintegration, and be driven by communities and uphold values such as dignity, aroha, compassion and accountability.

"The Criminal Justice System is not working for anyone - not victims, not offenders, not the public, not anyone."

The current criminal justice system is too focused on punishment

Before New Zealand was colonised by European settlers, Māori justice processes involved concepts of mana, tapu, utu and muru.³ After colonisation, a British model of criminal justice was adopted. Discussion at the Summit often reflected that this British model has an overly punitive focus — it reflects another country's culture and values, not the values of this place.

"The principal issue is that The System is still primarily focused on incarceration and punishment, when it should be focused on harm minimisation through prevention, rehabilitation, and restoration. It is about locking away the problem rather than dealing with it. It completely fails victims and offenders, and their families and communities."

² Refer to footnote 1, pg. 5 'rehabilitation' and 'habilitation'.

³ The complex notions of 'mana' and 'tapu' reflect the ideals and values of social control and responsibility. 'Utu' is not, as popularly understood, 'revenge' - rather it is concerned with reciprocity and maintaining the balance of social relationships. 'Muru' was a means of seeking social justice through compensation and retribution.

Moving towards a system that cares

There was strong whakaaro about creating an aspirational system that starts with the wellbeing of people and whānau. Participants at the Summit described a compassionate system – going the extra mile, actively listening, looking for ways to help, considering connections with whānau, protecting mana as taonga and empathetically steering people back on to the right path.

We heard many stories at the Summit of people showing compassion and empathy towards each other, and how this can make an enormous difference to people's lives, particularly when it is needed the most. Examples of caring actions included:

- a victims' advocate who gently touches a victim in a court hearing as a gesture of support;
- a judge who gives a person a second chance, and encourages them to succeed;
- a kaimahi who builds a strong relationship with whānau inside and outside prison;
- a Police officer who shares an act of kindness at a crime scene;
- a kaumātua who speaks te reo to a person in prison;
- a Whānau Ora navigator who supports whānau with what they need;
- a gang member who supports their friend after a broken relationship;
- an employer who gives a person with a criminal conviction a job;
- the practices of the Youth, Rangatahi and Matariki Courts which balance healing, aroha and accountability.

"The system has caused a lot of people a lot of pain and we are ready to start the healing process for offenders and victims alike."

Thinking outside the victim and offender binary

Participants expressed how categorising who is a 'victim' and who is an 'offender' is impeding the ability to see the person behind the label, and hinders an understanding of how victims can be supported, heard and helped. 'Victims' and 'people who offend' can often be the same person, and many people involved in the justice system have often been a victim themselves. Discarding assumptions about the victim/offender binary will allow us to see people who instead have had 'experiences', and to treat them with dignity and compassion.

"Language is important. People aren't victims or offenders, they are people who have experience. Don't label and stigmatise."



Ideas from Summit participants for creating a criminal justice system based on the values of New Zealanders:

- Honour the history of New Zealand by giving meaning and life to Māori legal concepts
- Teach New Zealand history and civics in schools, communities and prisons
- Allow people with lived experience to help shape the system design
- Challenge our stereotypes and dichotomies (good/bad; victim/offender; guilty/not-guilty) and use evidence in our discussions
- Give prisoners the right to vote
- Build systems based on outcomes, not on deficits
- Be a leader and 'up front'
- Teach people the meaning of whakapapa so that they understand it. Create opportunities for Māori to explore whakapapa and identity
- Move towards justice that aims to develop wellbeing/waiora.

"Stop the system from pitting victims against offenders because this is a false dichotomy."



2 We heard:

Māori want to lead the solutions for their people

The call was strong from Māori participants at the Summit who want to make change and lead the solutions for their people.

Māori are disproportionately represented at every stage of the criminal justice system

Participants at the Summit spoke about how New Zealand's history and how colonisation has had a negative impact on the wellbeing of Māori. People who shared their stories reflected that the system kept Māori locked away and marginalised.

When talking about their experiences, participants expressed hurt and anger at a system that has been historically imposed on Māori, and currently neglects a te ao Māori approach and tikanga principles.

Racism and bias in the criminal justice system

Many participants at the Summit expressed concern at the systemic racism that people experience. Many Summit participants shared examples of the justice system treating them with bias, and perpetuating harm for them and their whānau. Participants at the Summit noted that bias, against Māori and other ethnic minorities in the criminal justice system, is normalised by:

- · organisational culture and attitudes
- policies designed to make it difficult to escape the cycle of incarceration
- · deficit-based metrics rather than strength-based
- Māori names being appropriated for mainstream programmes
- bias in what programmes are funded, and for how long
- who prisoners can see for support
- the value of cultural contexts and reports not being fully understood
- · perpetuation of negative narratives through the media.

Putting kaupapa Māori at the centre of responding to harm

We heard how Māori want to address the mamae (hurt) of people by helping them to heal. Participants, however, expressed that this cannot be achieved through a system that is governed and designed by a Pākehā mindset – rather a system that strengthens people with aroha (love and compassion) and tika (appropriate and fair treatment) is needed. Participants expressed how they want mana to speak for themselves, resources to deliver kaupapa Māori programmes they know work, and the power to design changes in their communities with tools such as tikanga (cultural rules), whakapapa (layers of lineage and descent), and kawa (customs and protocols).

Take inspiration from the past

Many people at the Summit thought that the way forward is to acknowledge and be respectful of the past. This includes honouring the memory of those who have tried to make changes, and for everyone to work together to take a fresh perspective on the way forward.

Scale up the Māori solutions

We heard that from Māori Summit participants that they have the solutions, and are already being innovative with whānau-based programmes and frameworks based on aroha, compassion and humility. Given the mandate and appropriate resources, many people at the Summit felt that communities could transform their people.

Summit participants thought current programmes based on Māori cultural frameworks are making positive changes: Te Pae Oranga (Iwi Community panels) are reducing reoffending and being appreciated by people who experience them; the Matariki Court supports people through culturally appropriate rehabilitation programmes; and Whānau Ora strengthens the whole whānau to achieve their goals and thrive.

There was a call for the Government to make bold moves that would make a real difference to people, such as devolving power to Māori and devolving power to communities.

Ideas from Summit participants for kaupapa Māori solutions:

- Create an independent kaupapa Māori system
- Develop a separate comprehensive kawenata/ Māori strategy
- Use the Tūhoe model shifts language from 'iwi panels' to 'making mending happen'
- Co-design strategies and initiatives with iwi
- Enable M\u00e4ori Land Court information to be used to build whakapapa
- Employ more M\u00e4ori judges, lawyers and people on the front-line
- Ensure agencies and services reflect the communities they serve (e.g. 15% Māori)
- Give kuia, kaumatua and support people access to people in prison
- Embed Māori models of health and wellbeing⁴
- Invest in kaupapa Māori programmes on the frontline.

⁴ Models include Mason Durie's Te Whare Tapa Whā and Rose Pere's Te Wheke.

3 We heard:

Victims need better support

We heard from victims, victims' advocates, front-line workers and criminal justice experts that the criminal justice system is not working for those who have experienced harm.

Victims feel unheard, unsupported and judged when entering and trying to navigate the system, often at times when they are most vulnerable. This means that many people who have experienced harm often choose to opt out of the system, rather than experience the trauma of going through it. Summit participants described some of the pain points for victims in the current justice system.

Victims are not supported

People who have been victimised want opportunities to be heard, listened to, and to be believed. We heard the justice system often re-victimises people when they disclose to Police, or go through the court process. Many victims therefore decide not to enter the justice system and not speak out about the harm they have experienced. The system fails victims by not keeping them safe from further suffering, and it is also not able to effectively meet their needs to support them moving forward.

"Ensure that all victims of sexual violence (regardless of gender) get the services they desire."

"We need to work as a community to keep victims safe."

The criminal justice system is difficult to navigate

Summit participants thought that criminal justice rules and laws are stacked up against victims. The justice system requires a significant investment from victims – both emotionally, and in terms of their time. Some parts of the system were said to have barriers in place that were difficult to tolerate.

Participants expressed the need to acknowledge the courage and strength it takes to speak up in an overwhelming system that is complex and overbearing.

"Victims should be encouraged to complain and are supported when they do."

"What about the 75% of victims who aren't making it to court or don't want to go through that process because doing so causes irreparable harm to their families?"

The needs of victims should be placed at the centre of reform

We heard from Summit participants that a future justice system should have victims at its centre. Summit participants thought the system should empower victims with a greater range of options as to how the system responds to harm.

"Putting victims at the centre of everything."

Ideas for reform of the criminal justice system from Summit participants:

- Ensure victims feel heard, listened to and believed
- Enable people with lived experience to shape the system design
- Ensure adequate investment in programmes to support victims
- Invest in justice system navigators to support victims through the complex system
- Empower victims through different pathways and options for responding to the harm that has occurred, including meeting their emotional, physical and financial needs resulting from crime
- Invest in kaupapa Māori programmes for Māori, including wider recognition and use of restorative justice practices
- Ensure victims have options regarding restorative justice at any stage of the sentencing process
- Develop educational resources for communities to understand the offender and victim paradigm.



4 We heard:

The system should focus on preventing crime and rehabilitating people

Summit participants emphasised that the most effective chance we have of reducing harm, offending and victimisation is to focus on prevention. Summit participants felt that the current system does not sufficiently address the underlying issues which lead to some peoples' offending. Summit participants felt that changing how we address these issues would have a positive impact on crime and recidivism rates as the underlying problems would be removed.

Summit participants told us that once people are in the criminal justice system, they need care and support to transition them out of the system and get them back on the right track. This needs to be done with the support of family, friends and the wider community. Summit participants emphasised that no one is a lost cause; everyone can make positive steps towards achieving their potential.

"[The problem is] failing to intervene before anyone starts to climb the cliff... let alone jump... we have an ambulance at the bottom reaction."

Crime is not an isolated event

Summit participants described crime as contextual, not an isolated event. Summit participants emphasised that for many people entering our criminal justice system, they are dealing with an existing range of issues such as learning difficulties, mental health issues, difficulty with literacy, addiction and traumatic brain injury, and post-traumatic stress disorder.

Addressing the root causes to promote wellbeing and (re)habilitation

There was a clear message from Summit participants that we need to stop only treating the symptoms of crime, and address the root causes – which include poverty, education, family violence, housing, intergenerational trauma. The proposed shift would focus on treating the drivers of the issues, rather than only the symptoms, and therefore increase opportunities to reintegrate, rehabilitate and heal. Many Summit participants felt that this shift was key to attaining safer communities and lower rates of imprisonment, recidivism and victimisation.

"It's about the whole person approach, not management of symptoms or problems but instead looking deeper into the why and how."



A system that identifies need and provides assistance at every opportunity

Summit participants expressed that the criminal justice system should offer opportunities for help at every interaction, and that appropriate training in emotional and cultural competencies is essential for anyone providing support. Summit participants felt that the system should provide a broader range of support to enable victims and people who have caused harm and their whānau to recover and heal. Participants emphasised that the extent of trauma and intergenerational harm caused by the criminal justice system, colonisation and loss of identity cannot be underestimated for Māori, and participants called for programmes and models of care to address these. Summit participants noted that every interaction with the justice system is an opportunity to positively intervene in a person's life to support them on a different path.

"What is missing are interventions at the very beginning of the offending cycle that address drugs/alcohol, mental health, violence, even life skills to name a few issues and referrals are made depending on what the persons needs are."

Build on programmes that are working

Many Summit participants agreed that a positive criminal justice system should continue to use evidence to evaluate and invest in programmes and models that are leading to good outcomes. We heard examples of successful programmes and models, both within and around the criminal justice system, that are working to address accountability and meet the real underlying needs of people. Examples of these used by those at the Summit include:

- Whānau Ora and wellbeing programmes which work from a strength-based and holistic approach by restoring whakapapa and identity, and treating people as part of a whānau, while addressing underlying issues that may lead to crime
- Alcohol and Other Drug Courts which aim to treat the causes of offending, by targeting people whose offending is fuelled by their unresolved high-needs issues of addiction or dependency
- Te Pae Oranga which sees justice sector agencies and the community working together to offer alternate solutions to address lower-level offending, rather than going directly into the court system
- Rangatahi and Pasifika Courts which operate in the same
 way as the Youth Court but are held on marae and follow
 Māori cultural processes (Rangatahi Courts) or are held in
 Pasifika churches/community centres and follow Pasifika
 cultural processes (Pasifika Courts). These alternate courts are
 designed to better involve Māori and Pasifika young people,
 and encourage the young people, their families and their
 communities to engage in the youth justice process
- Section 27 cultural reports which enable a more holistic view of a person's context to be considered during sentencing.

Ideas from Summit participants for supporting rehabilitation:

Summit participants expressed a long-term hope that prisons could eventually be abolished, or used rarely. Until that can be achieved, participants suggested ideas about how to improve the current prison system:

- Teach life skills in prisons, and beforehand develop programmes for dealing with stress
- Invest in kaupapa Māori programmes in prisons
- Consider long-term patterns of probation (don't make people go back to square one)
- Give people in prison better food and resources so they are well prepared for programmes
- Invest in role models for people in prison
- Stop double-bunking
- No exclusions/denial of programmes all programmes should be accessible to all prisoners
- Delay sentencing so rehabilitation can be done prior to sentencing
- Provide more transitional prison environments outside of prison, and follow on education programmes for prisoners when released

- Ensure everyone leaving prison is set up with a licence, WINZ, ACC, etc.
- Have wellness plans and interventions available for every prisoner on remand
- Increase the length of drug treatment programmes
- Have appropriate medical and dental care available for prisoners, including access to correct medication
- · Add more beds to forensic mental health units
- Have counselling, rehabilitation and anger management training available in prison
- Make phone calls to prison free
- Establish city-wide plans and resources to welcome prisoners into communities
- Reserve prisons only for people who are unable/unwilling to change; close mega-prisons
- Change the name of 'prisons'
- Build smaller community-based prisons that are whānau-friendly
- Stop sentencing people with non-violent drug offences to prison
- Allow Alcoholics Anonymous and Narcotics Anonymous to help people inside prisons.

Ideas from Summit participants focused on restorative justice practices and approaches:

- Embed restorative and habilitation⁵ practices
- Teach restorative justice, te reo Māori and coping strategies to build children's self-esteem
- Work on habilitation (rehabilitation assumes people already know how to succeed)
- Provide post-sentence restorative justice for victims and offenders
- Invest in restorative justice and ensure sustainable resourcing
- Provide awareness and education about the value of restorative justice
- Make Community Group Conferences available in adult court (such as Family Group Conferences in youth court)
- Make a court appearance a rehabilitation opportunity (i.e. use it to assess a person's needs and deliver services).

Ideas from Summit participants on changing the way the system operates:

- Devolve rehabilitation funding to iwi for Māori rehabilitation
- Provide service providers easy access to help people when they want to change
- Facilitate better and faster communication between providers and agencies and maximise use of technology
- Expand the Whānau Ora model and services across the country
- Establish Matariki Courts in every region, as well as Te Pae Oranga (Community/Iwi Panels) and Alcohol and Other Drug Treatment Courts.

⁵ Refer to footnote 1, pg. 5 'rehabilitation' and 'habilitation'.

Ideas from Summit participants on improving education to prevent crime:

- Provide children equal access to food (school dinners and cooking classes) and clothing; teach life skills such as budgeting, mental health management, consent training and mindfulness
- Scale up early childhood games that teach behavioural management such as those that are working in South Auckland
- Promote positive conversations in schools around sexual negotiations and consent
- Develop violence intervention programmes for young people
- Work with teachers to keep children in school
- Increase Police relationships with schools (kids shouldn't be afraid of Police)

- Train teachers and families to identify struggling children earlier and know how best to support them
- Invest in the first 1000 days of a child's life, including implementing the seven recommendations by Judge Andrew Becroft⁶ and Plunket visits
- Make improvements to services and support for children who offend (10-13 year olds)
- Remove barriers of access to education, from early childhood to tertiary education
- Support children to think positively about themselves
- Identify children with neuro-developmental disorders early, and provide support to parents
- Involve young people and put them in charge!

⁶ The seven components include a focus on: pre-birth, particularly around alcohol and foetal alcohol disorder; comprehensive home visiting programme for ages 0-3; impulse control by age 3-4; providing comprehensive supports and interventions for ages 7-10; reducing alcohol and drug availability for young people (and adults); reforming the system for child offenders (10-13 year olds who offend); transferring some 18-19 year olds to the Youth Court.

5 We heard:

Communities want to be empowered to make change

Place the needs of communities at the heart of decisions.

Summit participants described their vision of a criminal justice system as one that will focus on the wellbeing of people and whānau, embed principles of restoration, habilitation⁷ and reintegration, and be driven by communities.

Many Summit participants felt that the current 'one-size-fits-all approach' is not working for communities, whānau and individuals. We heard that communities are not getting the right support, and the needs of individuals and communities are not placed at the centre of decision-making. Summit participants thought that when supported appropriately, communities can be innovative in finding solutions for problems that are tailored to their people.

"Resilient, confident and thriving young people are grown in communities that themselves are resilient, confident and thriving."

Supporting communities to develop their own solutions

We heard from Summit participants that communities are setting up their own programmes, which they felt are helping people and whānau. Summit participants said that communities know their people and their needs best and should be empowered to make change. There was a call to reduce the barriers to community-led solutions.

Summit participants shared examples of how things done differently are producing better results for people in communities across Aotearoa New Zealand - often these programmes and services draw upon the values of te ao Māori.

There was a call to expand community-led programmes that are already working, to other communities.

"Are we really dealing with a 'Criminal Justice Problem'; it seems more like we have a social problem that needs a social solution and to do that we need to empower families and communities. Put people at the centre, then design the system!"

⁷ Refer to footnote 1, pg. 5 'rehabilitation' and 'habilitation'.

A justice system that supports families and whānau to stay connected

Many Summit participants reflected on the harm caused by having a family member in prison. Some Summit participants noted that when a whānau member goes to prison, the whole whānau experiences the ripple effects of their loss, and this can reverberate through generations. We heard from Summit participants that the system causes feelings of disconnection and powerlessness, especially when whānau are housed in prisons too far to travel to. We heard from Summit participants and speakers that this effect is even more acute when a parent is in prison – particularly mothers.

Summit participants thought that a positive and effective justice system should involve whānau and communities in solutions and decision-making, and enhance connectedness with family who are in prison.

"There are many right answers. One is to turn to the mothers. There's little point wrapping a korowai around tāne/rangatahi and sending them home to a mum who is not healed and still broken. Heal the mum, heal the whānau."

Focus on our children

We heard that the system is inflicting trauma on children, which often goes unrecognised and untreated. Examples given include children witnessing family violence and their parents being arrested. We heard how having a parent in prison has negative ripple effects on the whole family, particularly children, especially as the spaces in prison are not conducive to strengthening whānau bonds.

Participants expressed that our society must have a collective and personal obligation to our children. Children should be our focus through prevention and habilitation⁸. Any future justice system needs to involve discussions about how to better support children and their whānau from birth through the health and education systems.

Children's Commissioner, Judge Andrew Becroft, put forward seven aspects to best support children and young people⁹. We heard the call to invest in the first 1,000 days of a child's life, devote time and resources into whānau, and invest in children who find themselves directly or indirectly in the system.

"The system does not have my interests or my children's in mind."

⁸ Refer to footnote 1, pg. 5 'rehabilitation' and 'habilitation'.

⁹ Refer to footnote 6, pg. 24 'seven recommendations to invest in children'.

Ideas from Summit participants for involving communities in criminal justice solutions:

Working with communities and whanau

- Devolve funding model and resources to communities
- Use living standards as measurements
- Support individuals to raise ideas and have conversations about issues in their communities
- Support creative innovation for funding (no tick-boxes)
- Support community engagement through dialogue, with a focus on active listening
- Bring tauiwi along on the journey
- Address hegemonic masculinities and challenge gender stereotypes
- Educate people in their community spaces, such as local marae and churches, about services available to them in their community

- Empower ambassadors to bring communities together to bring about change (like White Ribbon campaign)
- Put energy into building strong mothers, wāhine and single parents, and promote attachment with both parents
- Identify whānau toa and train them to help their whānau
- Build local leadership to drive local solutions
- Continue to support children of parents in prison
- Support community advocates that help people deal with agencies and navigate the system
- Fund pro-social activities with gang members
- Train and invest in whānau, not specialists whānau know what is best for their people.

6 We heard:

System-wide transformation is urgently needed

The message from participants at the Summit is that the reform needs to be bold and brave in scope, ambition, narrative, engagement and methodology. Summit participants warned that tinkering around the edges is not going to get us the transformation that is needed. There was an overwhelming sense of urgency to shift from talking about change, towards reforming the justice system together.

Reform needs to be depoliticised

Many Summit participants felt that criminal justice issues had been overly politicised. We heard that for too long policies have been developed from knee-jerk reactions to unique events. We heard the call for cross-party consensus to enable long-term sustainable change that endures beyond three-year election cycles.

This is bigger than 'criminal justice'

Summit participants emphasised that this reform is bigger than just criminal justice. Many expressed that a conversation about justice reform is redundant without the involvement of the Ministries of Health, Education, Social Development, Oranga Tamariki, Te Puni Kokiri, ACC and so on. We heard how many people who offend often suffer from a mental illness, have literacy and numeracy problems, come from disadvantaged backgrounds or have been victims themselves. Participants expressed that meaningful system reform will require support from multiple angles to address the underlying issues that contribute to offending.

"This conversation means nothing without Health, Education, and Children's Ministries here."

"The question [of how to keep New Zealanders safe] needs to be addressed by reducing poverty, creating jobs, getting everyone into homes, investing in communities, improved mental health systems, and protecting families."

Summit participants talked about the inadequacy of siloed government agencies in supporting people. It was described as being frustrating at best, and causing more harm at its worst.

As one participant said: "I am one person with four plans." Participants want the Ministries of Health, Education, Justice, Social Development, Oranga Tamariki, Police, Corrections, Housing New Zealand and Te Puni Kokiri to collectively develop a new model of justice that helps people to be accountable, see people as a whole, and work together to treat the root cause of a person's offending.

New attitudes and approaches are needed

We heard from participants that being bold is "as simple as doing right by the Treaty of Waitangi". It was acknowledged that the conversations that come with that may be uncomfortable for some, but are necessary for an enhanced Māori/Crown partnership. We heard from some Māori participants that they have the answers and drive to help their people who are caught in the criminal justice system, and given power and resources, Māori have the capability and tools to design a system tailored to help their people. Many at the Summit called for government to make bold moves that would make a real difference to people – like devolve power to Māori, devolve power to communities, and at the same time, give them money and mana to make the changes that are needed.

"Māori should be providing the solutions to build whānau resilience to care for their tamariki and rangatahi."

We need to be bold and brave

We heard that being bold requires:

- the adoption of new behaviours
- including people with lived experience at the decision-making level
- agencies acknowledging that they don't always have the answer
- government and communities developing trusting relationships
- designing new models for working with communities, rather than imposing solutions to them.

For some participants being brave means that we need to make way for new approaches and not rely on old ways of working. Some alternative processes for change suggested were deliberative democracy and co-design with communities and iwi.

Media reporting on crimes is a barrier to change

Linked to this shift to new attitudes and approaches, is the way media reports, which participants said needs to change. The media's tendency to sensationalise crime and grab headlines, enables some to advocate for a 'tough on crime' stance. This reduces public confidence in the system, perpetuates myths and negative stereotypes about people in the system and the system itself, and is a barrier to long-term reform.

Listen to the unheard

We heard from Summit participants that the reforms should enable people without a voice in the current system to participate. We heard that the system needs to value all types of expertise - not only traditional notions of how we define 'expertise' such as academic and policy-making expertise, but the types of important expertise found in whānau, lived experience, tikanga, young people, community leaders and service providers who work tirelessly to make a difference.

Participants further expressed that the reforms should enable the voices of lived experience to participate at all levels of decision-making. We heard that there needs to be a determined effort to include voices of the unheard, people who have been harmed, including children of parents in prison, wāhine who are too worried to ask for help, ethnic minorities, people who are economically and socially excluded, and young people. Summit participants felt that the risk of not encouraging the inclusion of people without a voice is that they will opt out of the reform.

Given the way people at the Summit engaged in respectful and challenging conversations, there was hope from Summit participants that the wider public would also see the benefit of taking part in courageous conversations about criminal justice reforms.

The time for talking is over

Summit participants wanted to quickly get moving to begin to make the changes needed. We heard from some people who were frustrated and felt that the time for talking was over - one person described what is happening in our criminal justice system as an emergency, and therefore our collective responses require immediate allocation.

Drop the labels

Summit participants called for removal of false dichotomies and stereotypes as they stop us seeing the person behind the label. At the Summit, participants were asked to challenge labels and stereotypes by considering:

- leaders who have criminal convictions
- offenders who have also been victims
- gang members who are positive role models
- people who offended as youths who suffered from mental illness
- the state as the abuser
- young people as victims of trauma.

We heard that discarding assumptions associated with labels will allow us to see people as people, and that all people need to be treated with dignity and compassion.

Ideas from Summit participants for how we might start on system-wide transformation:

- Take a mandate from the Summit to begin to develop and commit to an action plan
- Develop a cohesive long-term cross-government strategy that caters for wellbeing, mental health, criminal justice and education
- Collaborate across agencies
- Develop a cross-party accord so that criminal justice issues can't be used for electioneering
- Amend legislation to enable a non-adversarial system
- Look to successful international models for inspiration
- Ensure organisations, right up to senior leadership, are accountable for overcoming bias
- Provide organisational training to identify bias, understand how bias manifests in the system, and how to address bias
- Enable staff in government agencies to understand the Government's obligations under the Treaty
- Measure how agencies represent M\u00e4ori interests and not just the number of M\u00e4ori staff employed
- Change risk-averse culture and support new innovations
- Hold ourselves and each other to account
- Provide cultural awareness training for frontline staff
- Frame a positive narrative about the vision for the justice system
- Develop guidance for media on how to examine criminal justice trends, not individual cases of crime
- Develop guidance on language skewing in the media
- Develop a communications plan to show the benefits of reform
- Provide resourcing for evidence-based programmes that are effective
- Research standards, funding, templates, frameworks and writers for cultural reports
- Evaluate programmes for best evidence.

Where to from here?

The Summit was the start of a conversation with New Zealanders about what they want their criminal justice system to look like. There is a lot of work to do, many more conversations to have, and several ways for you to share your ideas on the future of the criminal justice system and stay involved.

The Government has established Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group. The Advisory Group was set up to engage in a public conversation about what New Zealanders want from their criminal justice system, and to canvass a range of ideas about how the system can be improved. The Advisory Group was present at the Summit to hear and connect with people.

Te Uepū will be listening to communities to ensure New Zealanders' voices help shape the direction of reform. Te Uepū will provide advice to the Minister of Justice about a direction for the system.

We have also set up a website so people can learn about the justice system and the reform programme. People can provide their views, make general comments, and understand the next steps in the programme by visiting safeandeffectivejustice.govt.nz

Email your feedback and thoughts to: safeandeffective@justice.govt.nz

Appendix 1:

Summit Overview

Day One - Parliament

Day One was the official launch of the Criminal Justice Summit at Government House.

Prime Minister, Rt. Hon Jacinda Ardern, opened the Summit where she highlighted in her opening address that a discussion about an effective justice system shouldn't start with a discussion about prisons, but a discussion about New Zealand. She spoke of our damaging system, which is not working towards lifting the wellbeing of those involved, and the intention to change it. Minister of Justice, Hon Andrew Little, also outlined the intention of the Hāpaitia te Oranga Tangata, Safe and Effective Justice Programme and expressed that the Summit was the start of a fresh conversation about how we can improve the way we keep communities safe, and improve the way that justice works.

Day Two - Te Rauparaha Arena, Porirua

The Summit continued on Day Two in Porirua where local iwi, Ngāti Toa Rangatira, welcomed Summit participants to Porirua's Te Rauparaha Arena with a haka pōwhiri. Day Two was designed to explore the issues of the past and the current state of our criminal justice system.

Orientation and Introduction

The Summit opened with Deputy Mayor, Izzy Ford, welcoming participants to Porirua. She also highlighted community-led projects in Porirua that illustrated the importance a focus on wellbeing has for the community, especially for children and young people.

The Ministers of Justice, Police and Corrections, Hon Andrew Little, Hon Kelvin Davis and Hon Stuart Nash, and the Chair of the Advisory Group, Hon Chester Borrows, also made opening remarks, discussed the purpose of the Summit and acknowledged Summit participants for their willingness to be a part of this fresh conversation for change.

Speakers sought to help participants understand the intent and expectations of the Summit, including a mandate for change, guide people on what is important for the Summit, and help people understand the need to listen and be present throughout the Summit.

Session: Listening to Understand

Participants shared their own, and each other's, unique perspectives and experiences. We heard from Summit attendees about the fragile aspects of our system, and the hurt-fuelled stories. This began to highlight the systemic issues people face within the criminal justice system.

Session: Listening to Lived Realities

Parliamentary Undersecretary to the Minister of Justice (Domestic and Sexual Violence), Jan Logie, opened this session. She discussed the work being undertaken to support those who have experienced domestic and sexual violence. This included the recently-passed *Domestic Violence - Victims Protection Bill*.

Participants then moved around three different areas to hear stories from people involved in the criminal justice system from different perspectives. This allowed participants to listen to people's experiences of the system to understand their pain, hope, resolution and lack of resolution. It also allowed participants to be aware of biases associated with how we may typically think about 'victims', 'offenders' and 'frontline workers'.

Session: Panel Discussion: Yesterday and Today

The Minister for Crown/Māori Relations and the Minister of Corrections, Hon Kelvin Davis, opened this session by discussing issues related to the disproportionate number of Māori in the criminal justice system. There was acknowledgement that the current system is not working, but also that there are beacons of hope.

Following this, participants chose one of three panel discussions to hear from subject matter experts across three different areas:

- The disproportionate representation of Māori, hosted by Minister Davis
- Preventing crime, hosted by the Minister of Police, Hon Stuart Nash and Police Commissioner, Mike Bush
- People who have been harmed by crime, hosted by the Chief Victims Advisor to Government, Dr Kim McGregor.

These panel discussions aimed to ignite conversation focused on key issues/considerations in the system, and give participants permission to have open conversations about what is and isn't working with the system. Participants could see their voice represented through the panels, actively participate in the discussions and reflect on everyone who is part of the system.

Session: Aspirations

Associate Minister of Justice and Courts, and Minister of Pacific Peoples, Hon William Aupito Sio, opened this session talking about the role and aspirations of Pacific Peoples in the criminal justice system. We heard how the influence and input of Pacific Peoples could assist the reform.

Children's Commissioner Judge Andrew Becroft also talked about canvassing a wider vision for criminal justice, emphasising the need to address drivers of crime at the earliest possible stage, and highlighting that the real gains will be obtained by focussing on children and young people.

A few speakers from the community and international speakers shared their stories and examples of what has been, and is, working in the system, and what they have learned from reforms in their countries. This session was closed by a video message from Prime Minister Jacinda Ardern.

Session: Closing perspective of the day

Justice Sector Ministers, Little, Davis and Nash, closed Day Two by reflecting on what had been heard during the day. They outlined what they had heard-including the hurt, the frustration and the need for change - and also what had been achieved: the platform for change had been set and participants wanted to be a part of this change. The session closed with a short overview about what to expect for the next day which would have a strong focus on the future.

Day Three - Te Rauparaha Arena, Porirua

Day Three was designed to explore how all participants could take their experiences of the criminal justice system and what they heard from Day Two, and use these lessons to collectively begin to work towards a vision for the future.

Session: Reflections from Day Two

Following feedback from the previous day, this session was designed to allow participants to share their thoughts and reflections to the plenary in an open floor discussion. During this session, we heard from a wide range of Summit participants who had been impacted by the justice system, including people who had been the victim of crime, people who had committed a crime, advocates for gangs, advocates for Māori, and advocates for sexual assault survivors. The conversation highlighted the complexity of the system and issues involved with the criminal justice system, and a desire to change it and move forward.

Session: Now and Next

The Minister for Crown/Māori Relations and the Minister of Corrections, Hon Kelvin Davis opened the session with an overview of how short-term initiatives can make a difference. This session began to develop some of the ideas participants had for improving the system.

Participants then selected one of eight workshops to attend to discuss specific areas within the reform programme. These areas were:

- Leading Change
- · Preventing Harm
- Keeping People Safe in Communities
- More Effective Responses
- Supporting People in Prison, and their Families
- Supporting Whānau
- Improving Waiora
- Tackling Bias.

The workshops were supported by facilitators to help direct people during the session and assist the discussions in the working groups, and live scribes to capture the ideas from participants. The workshops focused on what could be achieved in the next three years, including any constraints for change. This session was also an opportunity for participants to discuss current initiatives, think about how we can improve work that is already happening, and explore what we might need to keep, stop, start, scale or change in the short term.

Session: Long Term Vision

This session was an opportunity to surface the values which will underpin the future criminal justice system, and collectively discuss what it is that we are aspiring towards.

Participants worked in groups to discuss, write or draw what our future criminal justice system might look like, including a vision for the system. The activity was long-term and aspirational, and included envisioning the headlines about our justice system in the year 2040. The ideas ranged from hopes for a system with Nation-wide prison closures, and the lowest recorded levels of recidivism, to saving kittens from trees (because Criminal Justice and prisons were no longer news worthy issues).

Session: A Call to Action

The final session involved an interview with a group of young people who spoke to the plenary about their vision for the criminal justice system. Participants heard their thoughts and ideas around the issues impacting young people, the types of supports they need and their hopes for the future. They spoke about having family in gangs and in prison, how we should incorporate restorative, compassionate and rehabilitative values throughout our reform, and lay down challenges for participants, going forward, to take individual and community responsibility for making a change.

Closing of the Summit

The Minister of Justice, Hon Andrew Little, summarised the experience and time spent together in Porirua by reaffirming the Government's goal for a Safe and Effective Criminal Justice System. Minister Little also thanked and acknowledged participants for their courage and willingness to be a part of this important work, but also expressed that there is more work that needs to be done together going forward; the Summit was only the start of this conversation and New Zealanders need to continue to work together to bring about the change we need.







