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This Issue in Brief

Corrections Goes Public (and Private) in California.—Authors Dale K. Sechrest and David Shichor report on a preliminary study of two types of community correctional facilities in California: facilities operated by private for-profit corporations and facilities operated by municipal governments for profit. The authors compare the cost effectiveness and quality of service of these two types of organizations.

Mandatory Minimums and the Betrayal of Sentencing Reform: A Legislative Dr. Jekyll and Mr. Hyde.—According to author Henry Scott Wallace, mandatory minimums are "worse than useless." In an article reprinted from the *Federal Bar News & Journal*, he puts mandatory minimums in historical perspective, explains how they fall short of alleviating sentencing disparity, and offers some suggestions for correcting what he describes as a Jekyll-and-Hyde approach to sentencing reform.

Juvenile Detention Programming.—Author David W. Roush focuses on programming as a critical part of successful juvenile detention. He defines juvenile detention and programming; explains why programs are necessary; and discusses objectives of programs, what makes good programs, and necessary program components. Obstacles to successful programming are also addressed.

Legal and Policy Issues From the Supreme Court's Decision on Smoking in Prisons.—In *Heilig v. McKinney*, the Supreme Court held that inmates may have a constitutional right to be free from unreasonable risks to future health problems from exposure to environmental tobacco smoke. Authors Michael S. Vaughn and Rolando V. del Carmen discuss the legal and policy issues raised in *McKinney*, focusing on correctional facilities in which smoking or no-smoking policies have been a concern. They also discuss litigation in the lower courts before *McKinney* and how this case might shape future lower court decisions.

Community Corrections and the Fourth Amendment.—The increased use of community corrections programs has affected the special conditions of probation and parole imposed on offenders. Author Stephen J. Rackmill focuses on one such condition—that proba-

tioners submit to searches at the direction of their probation officers. Explaining the importance of the Supreme Court's decision in *Griffin v. Wisconsin*, the author assesses the case law before and after *Griffin* regarding searches and points out that policy regarding searches is still inconsistent.

A Study of Attitudinal Change Among Boot Camp Participants.—Authors Velmer S. Burton, Jr., James W. Marquart, Steven J. Cuvelier, Leanne Fital Alarid, and Robert J. Hunter report on whether participation in the CRIPP (Courts Regimented Intensive Probation Program) boot camp program in Harris County, Texas, influenced young felony offenders' attitudes. The authors measured attitudinal change in

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Corrections in New Zealand

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BY CHRIS W. ESKRIDGE AND GREG NEWBOLD*

NEW ZEALAND is a country of roughly 3.4 million people located in the South Pacific. For many years a pioneer in penal development, New Zealand has continued its innovative tradition into the 1990's. Though burdened since the late 1980's with sharp increases in the number of convicted offenders, New Zealand has made efforts to remain at the forefront of modern correctional practices. Today, these efforts are conducted within the two main divisions of the Department of Justice Corrections Group: Community Corrections and Penal Institutions.

Community Corrections

New Zealand has a long history in the use of community measures. In 1866 it became the first country in the world to develop a probation system (now called supervision) and has continued to experiment with noncustodial alternatives to incarceration. Although levels of imprisonment have grown significantly since the mid-1980's, use of community diversions has grown even faster. The number of prison sentences awarded annually grew by 17.5 percent between 1985 and 1991, while numbers of persons given sentences administered by community corrections grew by 75.4 percent (Spier, Norris, & Southey, 1992, p. 42). For every person in prison today, there are more than five serving community sentences and more than four serving community sentences which are intended as alternatives to imprisonment (*Corrections Quarterly*, 1993, pp. 6-7).

Today, the Community Corrections Division of the Department of Justice administers four types of intermediate sanctions, namely, supervision, periodic detention, community service, and community care. The latter three are designed specifically as carceral diversions. Community Corrections also provides supervision for inmates released on parole.

Supervision of Probationers and Parolees

New Zealand has a centralized offender supervision system which is divided into 36 districts distributed among four regions. Of the staff of 710 employed by community corrections, 420 are probation officers. These officers deal with all cases of supervision and parole, in addition to writing presentence reports and

administering the sentences of community service and community care. Officers spend approximately 60 percent of their time writing reports for the court and 40 percent involved in client-centered activities. With the advent of the computer and electronic mail, presentence reports are being completed and delivered to judges much more quickly than before. As officers spend less time on reports, they soon may have more time to devote to clients.

Probation officers are not sworn officers of the law. They can make summary arrests for parole violations/breaches, but they cannot obtain search warrants, they cannot order urine tests, and they cannot carry weapons. The majority see their role as that of social service broker. As a whole, probation officers are highly respected by the court, and 82 percent of probation officer sentence recommendations are followed by judges.¹

A sentence of supervision in New Zealand can be set for any period between 6 months and 2 years. Parole, on the other hand, is for a fixed term of 6 months in the case of finite sentences and for life in the cases of life imprisonment and preventive detention. Persons on parole or sentenced to supervision may live at home but are subject to monitoring by probation personnel. Judges and/or parole boards may set conditions regarding many aspects of parolees' behavior—with whom they may associate, where they may work and live, and how they may spend their money. Parolees and those under supervision orders must report changes of address to their probation officers within 72 hours of moving and may be prohibited from drinking alcohol. They may also be required to attend drug and alcohol programs, as well as other types of behavioral or job training programs.

Since 1985, when the Criminal Justice Act created the sentence of supervision from what had been called probation and added the provision of community care, the nature and scope of probation work has altered slightly. Apart from slightly different officer job descriptions, the principal reason for the change is rocketing increases in the number of convictions for crimes which would normally require prison sentences. Thus, although the number of persons actually sentenced to supervision has decreased by 9 percent since 1985, the number of persons sent to prison or given one of the alternatives to prison has grown 70 percent in the same period (Spier, Norris, & Southey, 1992, p. 42).

By the end of 1993, the number of offender reports written by community corrections personnel is ex-

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pected to have grown by 47 percent over the 1991 figure (Department of Justice, 1992, p. 2). The majority of these reports will be written by probation officers. In addition, officers are currently dealing with 4,800 persons on supervision and another 1,460 on parole. Respectively, this amounts to 21 percent and 6 percent of all those serving community sentences (*Corrections Quarterly*, 1993, p. 7).

The 6,200 individuals on supervision or parole in New Zealand yield a rate of 1:525. As of December 1990, there were 2.7 million persons on probation in America and another 530,000 on parole (Jankowski, 1991, p. 1). This yields a rate of 1:80. In other words, in terms of population, the United States has roughly six and a half times as many persons on probation and parole as New Zealand. If all community sanctions are included, the New Zealand ratio drops to 1:143, which is still 56 percent of the American figure. Although New Zealand's noncustodial population is rising, so is America's, and it is unlikely that these ratios will alter appreciably in the near future.

Periodic Detention

Periodic detention (PD) was pioneered in New Zealand and is the oldest and probably the most successful of the country's noncustodial alternatives. It is also one of the most popular, accounting for 35 percent of all those on community sentences. PD began in 1963 as a form of weekend imprisonment for juveniles. It has since been extended to adults, and its residential component has been dropped in an attempt to cut costs. Today, the sentence allows a periodic detainee to be kept in custody of a PD ward for up to 9 hours on any one day and for up to 15 hours per week, for up to 12 months. In practice, the bulk of periodic detainees report at a PD work center each Saturday. Accompanied by a PD warden, they go out in gangs of about 10 to work, unpaid, on community projects such as cutting scrub, picking up trash, and cleaning government buildings.

The number of persons sentenced annually to PD grew by 84 percent between 1985 and 1991, to 13,063. As of June 1992, there were 8,077 men and women serving sentences of PD (*Corrections Quarterly*, 1993, pp. 6-7), and in 1991 they performed an estimated \$NZ 45 million worth of work. But because PD needs to provide transportation and food, and because it hires wardens independently of probation staff, it actually cost \$NZ 2,522 per person per year in 1991 to operate the program, making it the most expensive of the community options to run (about \$NZ 20 million) (Department of Justice, 1992, p. 2).

Community Service

Designed as an alternative to PD, community service began in 1980, empowering the courts to order a

person convicted of a crime to perform up to 200 hours of specified charity work within the community. There is flexibility as to when the hours are worked, and because it is administered from within the probation division, at \$NZ 1,005 per person per year, its costs are only about 40 percent of those of PD. Persons assigned a community service sentence performed an estimated \$NZ 8 million worth of work in 1991.

Community service is generally considered a "soft option" by the courts, and for years it was not favored by them. But economic recession has resulted in many minor offenders being unable to pay fines, and community service has been taken as an alternative sentence. Thus, between 1985 and 1991, its use jumped by 150 percent (Spier, Norris, & Southey, 1992, p. 42). Today, approximately 8,200 persons are subject to community service orders, or about 35 percent of all those serving community-based sentences (*Corrections Quarterly*, 1993, p. 7).

Community Care

Community care is another innovative sentence in New Zealand which was created by the Criminal Justice Act of 1985. Community care involves placement of offenders with groups or individuals who provide supervision, education, or assistance, to help reintegrate offenders into society. The sentence may be made residential or nonresidential and may be awarded for up to 12 months, with a maximum of 6 months residential. Unlike PD and community service, a sentence of community care requires the consent of the offender.

Also considered a "soft option" by the courts, community care has not been used to the extent that was hoped. The sentence only costs about \$NZ 1,000 per person per year to run, but the number of sentences awarded annually has remained fairly stable, at 600 to 800 per year since 1986. Currently, community care only accounts for 3.1 percent of those under the jurisdiction of the Community Corrections Division.

Breaches

If persons under the authority of community corrections fail to fulfill the conditions of their sentences, they can be breached. In the case of parolees, all who violate parole conditions can be charged in court and sentenced to up to 3 months imprisonment and fined up to \$NZ 2,000. Those paroled from finite sentences can be recalled at any time by a district court judge and held in prison until the date upon which they become eligible for release on remission. In addition, those serving life sentences or terms of preventive detention can, on application of the Department of Justice, be recalled to prison indefinitely by the high court. The power of recall may be exercised on any

reasonable grounds which a judge thinks fit, regardless of whether or not another offense has been proven.

When a community corrections officer believes a person has violated conditions of a community sentence, the officer may request that the court alter the sentence or the sentence conditions and/or that the police make an arrest for breach. If convicted of a breach, the nature of the penalty depends on the type of community sentence involved—breach of supervision carries a \$NZ 500 fine; periodic detention, 3 months of imprisonment and a \$NZ 1,000 fine; and community service, a \$NZ 500 fine. Breach of community care can result in a variety of options at a judge's discretion.

Apart from periodic detention, breaches of parole or community sentences are quite rare. In 1991, there were 2,601 convictions for breach of periodic detention, or about 20 percent of all sentences. But there were only 130 cases of probation violation (5 percent) and 109 cases of breach of parole (3.5 percent) (Spier, Norris, & Southey, 1992, p. 72). In 1988, the last year for which published figures are available, there were also 108 convictions for breaches of community service orders, or about 3.5 percent of all orders. Breach of community care is not listed because this in itself does not constitute an offense.

Recall of parole is quite rare. Between October 1985 and August 1992, for example, there were only seven parole board parolee recalls, even though 25 parole board releases (10.4 percent of all such releases) reoffended seriously enough to receive 3 years of imprisonment or more (Meek, 1993). Despite the high discretion for recall allowed by the law, in fact, recall seldom occurs unless a serious offense has been proven. Because finite sentence parole only lasts 6 months and violators may only be recalled to serve the remainder of nonremittable prison time anyhow, recall provisions are largely confined to those serving nonfinite terms.

One of the reasons that breaches of parole and probation-administered community sentences are so infrequent in New Zealand is that supervision timeframes are quite short, conditions are seldom rigorous, and probation officers, in accordance with their self-perceived roles as social service agents, are relaxed in their relationships with clients. By contrast, the relatively high number of PD breaches is caused partly by the fact that the sentence is perceived to be more punitive, and PD wardens are more authoritarian.

The courts tend to be rather lenient toward breach violators. Only 30 percent of all parole violators, 24 percent of PD violators, and 2 percent of supervision violators received prison sentences in 1991, and even then, the sentences averaged only 2 months or less (Spier, Norris, & Southey, 1992, pp. 72-73).

In conclusion, it can be said that New Zealand operates an innovative and relatively successful community corrections program which is effectively administered and which diverts large numbers of offenders from the expensive and potentially damaging custodial alternative. In spite of the system's relaxed attitude toward breach violations, these appear to be quite rare. The low number of breaches is partially a result of a nonconfrontational relationship which prevails between probation staff and clients.

Penal Institutions

The second limb of the New Zealand Corrections Group which deals with the administration of sentences is the Penal Division. This division is responsible for operating 19 male and 3 female institutions throughout the country. The cost of running these institutions varies from prison to prison but now averages \$NZ 33,359 per inmate per year.²

Prison and jail populations in New Zealand—like those in America—are at an all-time high. As of March 19, 1993, there were 4,608 people in prison in New Zealand. In spite of this, New Zealand penal facilities remain small by American standards, with design capacities of between 59 and 636 and an average size of 228. Unlike American prisons, few of the New Zealand prisons hold much more than their design capacities. This is largely because the powerful New Zealand prison officers' union has forced standardized wage increases of up to 15 percent when populations exceed agreed levels and because they threaten to strike if populations rise too far above these levels. As a result, the government has embarked on a vigorous building program. More than \$NZ 22 million is budgeted for 1992-93. An expected 1,000 more cells are projected to be completed in the next 3 years at a total cost of \$NZ 53 million (Department of Justice, 1992). In the meantime, a number of men have been transferred to vacant sections in women's prisons, and the government is working on a plan to award contracts for the construction of two private institutions by the end of 1993.

The decision over security classification and institutional assignment is made by classification committees. Immediately after being sentenced, and before being assigned to a particular facility, inmates are transferred to one of nine prisons which have classification committees.³ These committees then assess each individual and attempt to place the individual in the least restrictive setting possible, consistent with the requirements of safety. Reclassified every 6 months, most inmates gradually move to less secure facilities and settings over time.

There is only one maximum security prison in New Zealand, Paremoremo, which was built in 1968 on the model of the American Federal facility at Marion,

Illinois. Holding an average of only 200 inmates, Paremoro is quite modern and provides a range of programs and facilities for inmates. Some of the medium security institutions, on the other hand, are over a century old and are quite limited in what they have to offer. Because of this, and because the administration of Paremoro has for many years been quite liberal (Newbold, 1989), a number of prisoners in maximum security have resisted movement to the less desirable medium security units.

New Zealand has long been recognized for operating a progressive prison program. As early as 1923, 70 percent of the country's inmates were employed in low security work schemes outside the prison walls (Newbold, 1989, p. 4). Since 1991, New Zealand has begun implementing one of the world's first true unit management systems, with semi-autonomous living groups of up to 60 inmates (Department of Justice, 1992, p. 3).

Unit managers in New Zealand have full responsibility for operation of their units and make the bulk of day-to-day decisions. This decentralized program stresses teamwork and delegation and allows for greater line level input in operational decisions. The unit management concept is continuing to expand, and the department expects to have fully functioning unit management programs in every institution by the end of 1993.

With penal rates as high as they are, wages of correctional officers are relatively high and account for about 80 percent of the operating costs of institutions. The quality of job applicants is correspondingly high, and opportunities for advancement are good. New Zealand has recently taken steps to avoid the stifling seniority system so prevalent in American corrections by requiring all senior personnel to reapply for their jobs on the basis of merit criteria and by allowing for lateral entry. New Zealand has also established high standards of officer training. Some personnel are given paid leave to take university courses, and all recruits must undergo a 6-week training program at a centralized school soon after being hired.

Officially, one-third of all prisoners are listed as being unemployed, but this figure is not at all indicative of the high level of activities that are ongoing within prisons. Apart from official work programs such as farming, forestry, and public service contracting, small private shop industries also exist. Particularly in maximum security, inmates engage in pursuits like bone and wood carving, leather work, and basket weaving. The items they make are often sold on the open market for private profit.

These small businesses are tacitly encouraged by management for a number of reasons. First, they give inmates a chance to develop work and business skills

that will be of great value to the inmates once they are released; second, they bring in funds that may be used to defray the costs of incarceration; third, they help inmates build a small savings account upon which they can draw when they are released; fourth, the existence of private industries keeps inmates occupied and gives them a stake in maintaining institutional stability. The long-termers who control the businesses become quite interested in preventing disruptions to the normal flow of business and use their influence to help keep the prison on an even keel.

In addition to these small private endeavors, prison industries pay a small gratuity—usually about \$1.50 a week—to the 67 percent of the inmates who have institutional jobs. This money is put into a bank account which is administered by the state in the name of the inmate. Prisoners can access a portion of their savings while in prison, but the balance is retained to be paid out on discharge. In addition, toward the ends of their sentences, inmates may be granted day-parole to work for real wages in the community. Some of these payments are retained by administration for maintenance, and some may be used to cover outstanding fines or reparation/restitution orders. The bulk of these funds, however, are paid out to the inmates on discharge.

A host of programs and pursuits, in which inmates are encouraged to participate, are available in prisons. The April 2, 1992, program announcement sheet for the medium security institution at Paparua, Christchurch, for example, included more than 20 activities.⁴ In addition, there were the regular training and education classes, work details, rugby practices, gardening, and individual hobby projects. At Paparua, two 60-bed units exist outside the walls. These small units have medium-minimum status. Here the inmates have vegetable gardens in which food is grown and used as part of their daily diet. Some men are involved in carving activities, which have produced magnificent ceremonial carvings that have been donated to the Maori community.⁵ The Paparua rugby team is trained by a local rugby coach and plays in city competitions. Games and practices are conducted on an open field, but team spirit is such that escapes are nonexistent.

As of April 1993, 40 full-time teachers and a number of part-time teachers were assigned to the prison system. A wide array of educational and training courses are offered, ranging from rudimentary reading and writing classes to graduate level course work. Inmates have access to all books and materials from the national library. Classrooms are relatively modern facilities with computers, video tape capabilities, and telecourse options.

Psychological services are another major component of the New Zealand penal program. The Psychological Services Division's 46 staff members are actively in-

volved in departmental policy planning and development and play a major role in a specialist institution in Christchurch, built for the treatment of child sex offenders. In some institutions, pet cats are permitted, and at Paremoremo, birds, fish, and potted plants are allowed. Inmates at Paremoremo also are free to paint and decorate their cells as they wish. Such freedom gives inmates a pride in their environment and increases their stake in institutional stability. There has not been a major collective disturbance at Paremoremo since these freedoms were extended there more than 20 years ago.

Perhaps the most significant development of late has been the adoption in 1990 of a program in prisons known as *He Ara Hou*. A Maori phrase meaning "the new way," *He Ara Hou* involves not only program and administrative changes, but more importantly a change in attitudes among all parties in the prison environment: inmates, staff, and administration. With public involvement encouraged as well, the strategy focuses on meeting individual inmate needs and on building a bridge between inmates and staff. The results have been rather dramatic. In the first year of *He Ara Hou* alone, there was a threefold increase in the number of inmates completing educational coursework. Today, nearly a quarter of all prisoners are engaged in academic courses (Braybrook & Southey, 1992). In addition, there has been a 75 percent reduction in misconduct reports and escapes, and suicides have remained low, at about four a year (Department of Justice, 1991). In 1992, there was only a total of 40 assaults by inmates on staff in the entire country, most of which were minor and involved no injury (*He Ara Hou*, August 1992; Newbold, 1992b).

Figures such as these point to a marked improvement in relations between inmates and staff. Use of first names between the two is encouraged, and it is not unusual for staff members, on their days off, to take low security inmates out for a day furlough. At Wellington prison, staff and inmates play on the same championship rugby team. Staff and inmates at several institutions have worked together to produce plays and concerts that are open to the general public. Inmate governing councils have been formed, segregation units have been desegregated, and club activities, many involving outside participants, have risen dramatically (such developments are recorded regularly in the Penal Division magazine, *He Ara Hou*).

The *He Ara Hou* program is still in its infancy, and more careful and detailed analyses will have to wait the passage of time. But New Zealand correctional officials are no strangers to innovation, and the current system has evolved from an 80-year tradition of penological liberalism (Newbold, 1989). Current indications are that the extension of this tradition under

He Ara Hou will become a major milestone in the course of the nation's penal development.

The Imprisonment of Women

The New Zealand Department of Justice operates three facilities for women: Paparua (capacity 106), which houses principally high and medium security risks; Arohata (capacity 63), which caters mainly to low risks and juveniles; and Mt. Eden Women's Division (capacity 46), for pretrial custody and short stays. With a total population seldom exceeding 150, the female muster is only about three percent of the male. Unlike the male prison population, female numbers are quite stable and remain considerably below the maximum manageable level of 215. Because of these low figures, the cost of housing a female prisoner is higher than that for males: approximately \$NZ 45,000 per female inmate per year.

The main institution for women is Paparua Women's Prison. This facility is divided into six areas: maximum-medium security; minimum security; remand (pretrial custody); solitary confinement; education and work areas; recreation areas; and the men's wing.

Area seven, the men's wing, is a temporary expedient to cope with rising male musters. A similar unit exists at Arohata. In both facilities men, of course, are kept physically segregated from the women, but they do catch glimpses of one another, and both groups seem to enjoy the proximity of the other gender.

The education and work areas at the Paparua Women's Prison are very modern and are equipped with clean, spacious classrooms fitted with computer stations. Recreation provisions include a modern gym as well as outdoor areas where prisoners are allowed to have gardens. In general, the quality of the physical layout, cleanliness, and habitability of the prison is high. But there is one exception—the solitary confinement unit, known as "the Pound."

Conditions in solitary are primitive, albeit typical, of solitary confinement throughout the country. The Pound at Paparua Women's Prison consists of four rooms in a block, arranged around a cement-floored "yard" which is 24 feet by 27 feet in size. Only two of the cells are still used for punishment; the other two are reserved principally for administrative segregation. All cells are of standard size: 8 feet by 10 feet with a 10-foot ceiling. There are no outside windows and no light switches in any of the rooms, and the punishment cells have no toilets or sinks.

Women on punitive segregation who wish to use the toilet must use plastic buckets or try to attract the attention of an officer by yelling or banging on their doors. During the day, they have no furniture except for a sheet of corrugated plastic and at times a blanket. Prisoners in punitive solitary are confined 23 hours a

day and are unlocked once a day for an hour's exercise. They can be held in these conditions for up to 14 days by order of the prison general manager or up to 28 days by order of a justice of the peace acting in the capacity of visiting justice.⁶

Current Trends in Prison Populations

As noted previously, there were 4,608 persons in jail and prison in New Zealand as of March 1993. This translates to an incarceration rate of 136 per 100,000. While these numbers are low from an American standpoint, New Zealand does rank high when compared with other Western World nations.⁷ Of greater concern is the fact that the figures have been steadily increasing in recent years. The 1993 prison population is roughly 64 percent greater than that in 1985, with no sign of leveling off. Prison populations are currently growing by up to 10 percent each year. Thus, in addition to the \$NZ 53 million in capital prison construction costs currently budgeted by the Department of Justice in the next 3 years, a rise in annual operating costs of around \$NZ 50 million is expected (Department of Justice, 1992, p. 2).

The New Zealand Department of Justice notes that the surge in prison population is due to the previously mentioned rise in the number of prison sentences, to increases in the length of sentences being imposed, and to increases in the proportions of sentences served (Department of Statistics, 1991, p. 19; Department of Justice, 1992, p. 1). Average custodial sentence length grew by 42 percent between 1986 and 1991 (Spier, Norris, & Southey, 1992, p. 47), and since 1987, parole eligibility for violent offenders has been restricted by law.

These factors have been added to by sudden hikes in convictions for crimes of violence, so that today, around half of prison inmates have a crime of violence as their major offense (Braybrook & Southey, 1992, p. 49). A large proportion of convicted violent offenders—42 percent—are Maori, and, at less than 10 percent of the national population, they contributed two-thirds of the overall increase in the number of offenders receiving prison sentences between 1950 and 1989 (Department of Statistics, 1991, p. 19).

Today, about half of prison inmates are Maori. A number of commentators have attempted to explain this situation. It is often noted that there has been a 400 percent increase in registered unemployment since 1985 and that 24 percent of all unemployed persons in New Zealand are Maori (Department of Statistics, 1992, p. 272). Newbold (1992a, pp. 86-87; 1993) and Pratt (1992) suggest that joblessness, frustrated expectations, and the visible affluence of the successful are factors in the

development of bitterness, anger, and anomie, and often result in violent reactions.

Eligibility for Early Release

As with inmates in the United States, most inmates in New Zealand do not complete their full sentence, but are granted early discharge for good behavior. Two types of early release are possible—remission and parole. All prisoners serving finite terms are eligible for sentence remission after serving two-thirds of their sentences (unless they have lost remission for disciplinary infractions). In addition, those who are not serving time for crimes of violence are eligible for parole at half sentence. Generally, violent offenders are not eligible for parole but still qualify for sentence remission. Preventive detainees (who are usually repeat sex offenders) and those serving life imprisonment for murder are all eligible for parole after 10 years. Inmates serving life for manslaughter or for class "A" drug trafficking are eligible for parole after 7 years. New Zealand has no capital punishment and no sentence of life without parole.

For inmates serving less than 7 years, parole decisions are made by local bodies called district prison boards. Members of district prison boards are appointed for 3 years by the minister of justice. Although boards have no set numbers, they normally consist of five persons: a current or retired district court judge, who serves as chair, the prison warden, a probation officer, a police officer, and at least one citizen from the local community.

Parole of inmates serving 7 years or more or sentences of life or preventive detention, is determined by a national body called the Parole Board. Parole Board members also serve 3-year terms and are appointed by the governor-general. Once again, there is no set number of persons who may serve on the board. As of May 1992, the Parole Board consisted of a high court judge, who serves as chair, the secretary of justice, a district court judge, a psychiatrist, and three citizen members. A probation officer attends each meeting of the Parole Board but is not a voting member. As noted above, parole recalls/revocations are rare, but these hearings are conducted by courts, and neither the Parole Board nor the local district prison boards have any formal involvement with parole recall/revocation decisions.

In November 1991, 6.2 percent of the prison population was serving nondeterminate sentences. This figure included 194 lifers and 40 preventive detainees (Braybrook & Southey, 1992, p. 42). The majority of such inmates will be discharged within 12 years; in fact, there are currently only three prisoners in the entire New Zealand system who have done more than 12 years on their current term. In November 1991,

more than 86 percent of all inmates were serving less than 7 years (Braybrook & Southey, 1992, p. 42).

Conclusion

Compared with sentences in the United States, sentences in New Zealand are mild. The average American inmate who is released actually spends about 22 months in prison. The average New Zealand inmate will serve no more than 8 months on a finite term (Spier, Norris, & Southey, 1992, p. 47). Nonetheless, and notwithstanding the large number of community sentences, New Zealand is experiencing the beginnings of a correctional crisis. A spate of violent crimes and a hardening of court attitudes led to a 43 percent increase in the length of finite prison sentences imposed between 1985 and 1991. Both the Penal and the Community Corrections Divisions are coping with dramatic hikes in caseloads and with fiscal restraints.

But in spite of some hardening of attitudes, sentences remain short and are still comparatively soft. Prisons offer a wide range of recreational, educational, spiritual, and cultural programs. There is little tension within the walls. There are few escapes (Newbold, 1992b), and New Zealand probably has one of the lowest levels of prison violence in the world.

Correctional officials can have little impact upon national crime rates. Individual offenders may be assisted by reintegrative programs, but the incidence of crime itself is determined by economic and social factors, not by correctional policy. Correctional officials, while they may worry about rising crime and its impact on caseloads and penal populations, are probably less concerned with the "whys." Their major concern is providing services effectively.

In New Zealand, quality service delivery is being maintained in the face of client increases by diverting as many as possible from prison and by building new institutions to stop overcrowding. Within prisons, these efforts are being supplemented by an orchestrated policy of humane management. In the American experience, population surges have frequently resulted in prisons' rehabilitative function being sacrificed to the interests of custody. The result has been chronic overcrowding, curtailment of programs, and a deterioration of work and living conditions. As corrections in New Zealand undergoes a similar population surge, the architects of New Zealand's penal system can look to America and hope that by placing effectiveness above expediency, the outcome may be different.

NOTES

¹A starting probation officer makes \$NZ 28,000 per year and can get up to \$NZ 37,000 per year. Senior probation officers start at \$NZ 40,000, and chief probation officers make \$NZ 45,000 per year. By comparison, starting police officers make \$NZ 40,000 per year. It

should be noted that the purchasing power of one New Zealand dollar in New Zealand is roughly equivalent to the purchasing power of one American dollar in the United States.

²According to the New Zealand Department of Justice (*He Ara Hou*, May 1992, p. 7), the cost per inmate in New Zealand dollars in 1991 was as follows:

Arohata	\$46,224	Mt Eden Women	\$41,780
Auckland Max	65,967	New Plymouth	34,950
Auckland Med	27,458	Ohura	24,757
Christchurch	37,209	Rangipo	25,890
Christchurch Women	52,404	Rimutaka	30,460
Dunedin	35,831	Rolleston	29,100
Invercargill	38,686	Tongariro	25,628
Manawatu	42,454	Waikeria	30,529
Mangaroa	39,124	Wanganui	35,117
Napier	26,429	Wellington	35,541
Mt. Eden	36,048		

³The nine facilities that have classification committees are Mt. Eden, Waikeria, Wanganui, Manawatu, Wellington, Christchurch, Invercargill, Auckland Maximum, and Auckland Medium.

⁴The programs and classes were as follows, Alcoholics Anonymous, alcohol and drug education class, anger management class, Bible study, carving group, choir practice, Greek class, GROW group weekly meeting, Maori culture class, Maori language class, Pacific Island People group weekly meeting, PARS visit, S.O.S. stop smoking group weekly meeting, Michael Starling's group weekly meeting, positive integration meetings, class for radio telephone operators, Sister Maria O'Connell's class, table tennis class, Te Rito Arabi activity, and the Rikanga-Waitaha Trust activity.

⁵The Maori are the indigenous natives of New Zealand.

⁶The legal situation is in fact more complicated than this because the Penal Institutions Act distinguishes between confinement to a cell (up to 7 days or 14 days in the case of a visiting justice-ordered confinement) and nonassociated labor (up to 14 days or 28 days if sentenced by a visiting justice). In practice, the two are treated as the same. Nonassociated labor actually means solitary confinement without labor.

⁷While the United States remains far and away the leader in terms of incarceration rates at 504 per 100,000, the New Zealand figure of 136 per 100,000 puts it ahead of most other Western World nations, including Canada (109), Britain (97), France (81), Australia (75), Sweden (56), and Ireland (55). See P. Norris and P. MacPherson, *Offending in New Zealand: Trends and International Comparisons*. Wellington: New Zealand Department of Justice, 1990.

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