

A Fair Chance for All

Breaking the disadvantage cycle

“What outcomes are crucial for the wellbeing of Aotearoa’s tamariki, whānau and communities? What areas of government service delivery should the inquiry look at?”

Within this submission I have explored effective ways to break the cycle of long-term disadvantage for children of prisoners. Critical analysis has been made about what works and what to take into consideration when developing social and criminal justice policy in regard to children of prisoners.

Introduction

In order to provide a fair chance for all, the government’s social and criminal justice policies must include adequate development, staffing and funding for wrap around services that focus on the well-being of children within families involved in criminal activity. Success would look like a reduction in crime within family groups, improvement in the well-being of New Zealand citizens and an increase in productive communities.

Within New Zealand’s neoliberal social order, justice and liberty for all is the main focus. There has been on-going policy and decisions made to strike a balance between equal protection under the law, with a concern about the safety and wellbeing of society. (Duncan and Shank, 2021). Duncan and Shank (2021) have also identified the complexities and effects of criminal harm on the lives of not only the victims but the offenders and their wider families and communities. This includes children born into families involved in criminal activity.

Recent initiatives to provide wrap around support for Māori, with a focus on whānau and healing within the Hōkai Rangi, Ara Poutama Aotearoa Strategy, 2019-2024 (2019) is a positive move to meet the needs of tamariki. It is a recent document so there has not been enough time to

assess its use, merits and success. Paramount to its success would be an increase in funding and policy development to meet the principles within the Hōkai Rangi strategy, in order to objectively assess its merits. In this way the New Zealand government can continue to meet its obligations under Te Tiriti o Waitangi.

There are many effects for children of prisoners that impact their health and wellbeing. The negative impacts increase if there is no support or poor practice from agencies within the court, prison system and outside social agencies. MacGibbon et al. (2011) research identified the impacts for families as being low income, inadequate housing and transience, social stigma, emotional damage, poor health, anger and alienation and declining educational achievement. The issue and negative consequence of inadequate housing and transience has increased due to New Zealand's affordable housing shortage and a reduction in state owned housing. (Faure, 2019)

Within the Pillars, Working with Families of Prisoners in Aotearoa, New Zealand released by MacGibbon et al. (2011) there are many recommendations for good practice to support children of prisoners. Research showed that poor outcomes for children can be heavily reduced with the earliest possible intervention. This includes quality services that provide for children's health and emotional needs, good treatment and respect from justice authorities, absence of frightening and alienating experiences and support for the wider families and communities with a wrap-around approach like Whānau Ora,

Smith (2007) within her ombudsman report highlights the issues of youth justice and crime prevention. She summarises that if these two aspects were appropriately addressed, developed and resourced, there could be some constructive reduction in crime and improve the impacts for youth, in the immediate future.

New Zealand's Criminal Justice System, past and present

New Zealand's criminal justice system has been modelled on the British system that dates back to early colonisation. Traditionally, a conservative

and punitive approach aimed at apprehending and sanctioning those that commit crimes, upholding the law and delivering on principles of justice (Brown, 2007) It failed to meet the Te Tiriti o Waitangi obligations due to a system that ignored the needs of the Māori population.

New Zealand's crime rate and re-offending is exceptionally high per population in comparison to most western countries. In 1980 there was 80 people in prison per 100,000. Twenty years later that number doubled and in 2018 it had climbed to 220 per 100,000, well above the average of 147 per 100,000 within the OCD (Ministry of Justice, 2020) At any one time up to 20,000 children are impacted by one of their parents being imprisoned (MacGibbon et al., 2011). There are many children impacted and disadvantaged by New Zealand's high rate of crime.

In addressing the failings of a punitive justice system there has been a shift towards Restorative Justice practices, especially within youth justice. More recently there have been initiatives towards a renaissance of Māori understandings of conflict resolution and a shift towards iwi services to address the problem of Māori offending. In particular Te Pae Oranga, which is available to people of any ethnicity but is designed predominantly for Māori (Duncan and Shank, 2021).

The Hōkai Rangī, Ara Poutama Aotearoa Strategy, 2019-2024 (2019) is a recent document providing strategies put together by voices of all the people involved in criminal offending. Including Māori in state care, their whanau, academics, community-based experts, partners and staff from the Department of Corrections. The co-design workshops and lived experience interviews resulted in the following understandings; overall need and desire for prisoners to connect with their whanau, devastation of having a Kaupapa Māori programme in prison taken away, the need for improved reintegration support and the need to recognise that whānau is a strength factor not a risk, the negative impact of Māori being largely individualised, and a system guided by non-Māori world views. From these findings six areas of focus were developed, partnership and leadership, humanising and healing, whānau, incorporating Te ao Māori

worldview, whakapapa, and foundations of participation (New Zealand Department of Corrections 2019). The Hōkai Rangi strategies are pivotal in creating positive change within our criminal system, lowering alarming statistics and providing a fair chance for all. To be effective children of the prisoners need to be central to the programmes implemented. In order for it to be fully utilised it requires greater government support and renewed criminal justice and social policy consideration.

The improvement and development of rehabilitation services within prisons, including education, kauapapa Māori programmes and work-related skill and addiction support is encouraging. However, within Boshier (2020) ombudsman report he reported that there has been a reduction of many services within prisons due to a lack of funding or Covid 19 disruptions.

There is an ongoing need for a stronger holistic support system in place for prisoners leaving prison for the whole whanau, especially children. It requires access to a range of different services appropriate to the needs of the whanau, particularly Māori for Māori services and marae-based initiatives (Stanley-Clarke et al. ,2021). This includes mentoring, counselling, access to drug and rehabilitation programmes, adequate housing and budget advisory, relationship, violence support, with children's needs at the heart of these services.

There has been further success and initiatives and social policy changes in providing holistic care for Māori with the movement of Whānau Ora. Whānau ora was developed by the Honourable Tariana Turia, bringing together 158 providers across the country. These providers were selected to deliver Whānau Ora services, working collaboratively to meet the health, social and educational needs of whānau. (Turia, 2011: Stanley-Clarke et al. ,2021)

Impact of Punitive Punishment on Families and Children

There is a large number of research and studies from around the world that highlight the impact of punitive punishment and effects of parents in prison for families and children.

The University of Glasgow, Scottish centre for Crime and Justice Research Centre produced a comprehensive report titled the Impact of Punishment: Impacts on families. This research concluded that the families, often termed innocent victims of crime, are seen as guilty by association and/or hold a stigma by association and can be unfairly treated by the community, media and wider family. The report referred to the research of Fee (2012) that highlighted the lack of support for children of parental imprisonment. The impacts for children included grief, isolation, confusion and dealing with stigma. She highlights the lack of support for these children from the government and communities and refers to the injustices for children that are punished due to the deeds of their parents.

Within a study from the US Department of Justice, Martin (2017) highlights the injustice of family members of the incarcerated receiving little support and do not benefit from the services like victim support, and counselling available to the direct crime victims, despite the similarities of emotional trauma and consequently poor wellbeing. She also identifies the importance of a supportive relationships for the child, effective agency support, providing a safety net for the child and the importance of supporting the re-entry of the relationship to the child when the parent is released from prison.

A New Zealand research programme undertaken by MacGibbin et al. (2011) found the effects of imprisonment on children to be concerning, profound and long lasting. It was highlighted that some agencies of justice and social services can, through poor policies and practices, make things worse for children of prisoners. Their research showed that during the time of parental imprisonment, most children with caregivers often found it difficult to cope with their many needs. The on-going effects were poor children's health, emotional trauma, low self-concept and educational decline. Sometimes children get counselling and support, and sometimes this is effective, but most children of prisoners receive few interventions to assist and support their needs. Research found some families that were doing reasonably well in work, involved in their community, and if their

children managed to get access to appropriate services, the children were more stable. The report concluded that having a reasonable income through work, access to support services and a positive outlook from a supportive caregiver all helped.

Enhanced and streamlined communication between the various government agencies could maximize the potential to provide appropriate child support. Martin (2011) recognised that an increase in communication between social services, educational, and correctional support showed improved outcomes. There is also a need for greater understanding and communication between agencies, to support the quality of the services and the relationship between child and prisoner, prior to incarceration, during and on release.

The criminal cycle within families

Presently statistics indicate that children of incarcerated parents are, on average, six times more likely to become incarcerated themselves than those whom parents do not commit crimes. (Martin, 2017)

There has been a number of studies and consequently established theories behind the cycle of crime within families dating back to the 1960's. Social control theory, social learning theory, social disorganisation theory and self-control theory all focus on the role of parenting and social influence that occurs within cycles of crime within families. (Review of the Roots of Crime, 2010) The key aspect of social control theory is found within the family, particularly through interactions with and feelings towards parents, school and aspects within society. This theory rather than drawing on what creates criminal behaviour and delinquency questions "why do people refrain from offending?" (Akers and Sellers, 2004, as cited in Review of the Roots of Crime, 2010 pp.1) As a result many studies found that a positive attachment to parents, school and friendships, including investing in their community with education and career goals both allowed for less time to commit crime but also established a wider, more positive set of values.

Within youth offending the lack of parental attachment and interactions has been found to be of great influence. The work of Brendgen et al (sited in the Roots of Youth Violence, 2010) on adolescent male aggression and violent offending found that the extent of parental supervision had a direct link to early aggressive behaviour and further offending. The children within the study whom had a lack of parental supervision and lack of parental attachment, were more likely to show aggressive behaviour and consequently later in life commit violent crime. This study supports the notion that early intervention with parenting support and programmes to enhance parental relationships can impact on lowering violent offending by youth.

Beginning in 1972, Dunedin Multidisciplinary Health and Development Research Unit and the University of Otago, have tracked around 1200 children from birth to adulthood with the original intention behind the health of the mother's pregnancy resulting in the health of the child. However, it was a study framework that grew to many other research themes and over 1200 papers and reports have been published within health areas including mental health and psychological behaviours (Polton et al. 2014)

Piquero et al (2007) have tested the theories of self-control and social-causation processes that generate criminal behaviour within the participants of the Dunedin multidisciplinary study. They analysed the theory of low self-control early in life with disrupted bonds to parents, the link to criminal behaviour and the link between self-control and social bonds with the influence this relationship plays. Piquero et al (2007) concluded that there is a direct link to self-control and criminal behaviour but poor social bonds early in life also have a significant effect. The interesting finding, they found was that if there were strong positive social bonds, this can mediate poor self-control. Past studies within the Dunedin Multidisciplinary study on Delinquency, the natural history of anti-social behaviour by Moffitt and Harrington (1996) highlighted the importance of early intervention when pre-school children display poor social behaviour because there is such a strong link between these behaviours and future

delinquency and criminal behaviour, better known as Life Course Persistent Delinquents. Within the same study, a focus from Pryor and Woodward (1996) on families and parenting, concluded that the Dunedin study highlighted a greater understanding towards the importance of family connection and positive parenting practice for the development and well-being of New Zealanders.

There is a strong link between repeated offending within families of organised crime and the negative impact for the children of organised criminals. Dijk et al (2018) studied the like father, like child theory within intergenerational organised crime and concluded that by mediating the risk factors of inadequate parenting, violent reputation of the father and removing the influence of defiant social learning is needed to break the cycle of intergenerational organised crime.

Conclusion

Over the last decade there has been a shift towards a stronger whānau based, Māori values, restorative approach within New Zealand's criminal system. Many studies and research from around the world also recognise the importance of the wellbeing of children within the criminal system and the importance of positive relationships.

In order to break the cycle of crime and address the disadvantage for children born into families of crime, there needs to be continual support for whānau services, housing needs, better communication between agencies and a connection between social and criminal justice policies.

Jenecks (cited in Dunacan and Shanks, 2021) summarised the problem between criminal justice policy and social policy as being within successive governments traditionally supporting a punitive, retributive approach to crime rather than a restorative approach, with an ethos that prisons can solve the problem of crime with the main focus to protect the public. This response is possibly due to media panic and gaining votes instead of evidence-based approaches towards prevention and rehabilitation. The challenge for the current and future government is to overcome the problems of the past and support social policies, funding

and staffing towards a restorative approach with increased communication between agencies, prisoners and their families. There is evidence, both from within New Zealand and world-wide, that support policies, funding and development for whānau within a community approach to crime prevention. There is also an obligation to uphold the principals within Te Tiriti o Waitangi and New Zealand's Bill of Rights that support wrap-around services, to address holistic wellbeing for the children of prisoners. It is then that we can begin to create a fairer chance for all and positively move towards breaking the cycle of crime.

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