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## Law and Order

Discussion Document

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## Introduction from National Party Leader Simon Bridges

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Keeping people safe and reducing crime is one of the main reasons why I got into politics. Before I became a Member of Parliament, I was a Crown Prosecutor. I conducted more than one hundred jury trials, dealing with the worst crimes a person can do to another. It was a role of contrasts. Many days I saw the darkest sides of human behaviour. Other days, I saw the resilience of victims.

National is the party of law and order. In our Caucus I work alongside former Police officers and people from NGOs and the legal profession who all want New Zealand to be the safest country in the world. We have life experiences which have helped form our approach to stopping crime. We want to hold the worst offenders to account and make sure they don't cause more misery and harm to victims, while focussing on stopping crime in the first place. At the core of this is using Social Investment to help work with individuals to stop them entering a life of crime.

Our Law and Order document deals with how we can better protect and support victims, from prevention and early intervention, through to how we can better support victims when they're going through the justice system. It also ensures recidivist offenders are held to account, and we are signalling a tougher approach to dealing with them.

Rehabilitation is important to ensuring we reduce reoffending. National wants to see more use of working prisons, with the presumption inmates are in work, training or education. Not only can prisoners make a positive contribution to society, but getting critical skills and work experience will reduce the chance of them re-entering a cycle of crime when they leave prison.

Our Police force is world-class and we want it to stay that way and improve further. Police need to have the tools at their disposal to prevent crime and to protect our communities. We want to look at using more technology to

assist Police to do their jobs. Ultimately we know a well-resourced Police force will help keep our communities safe and make New Zealand the safest place to live in the world.

I know first-hand the chaos gangs create in our communities. I have committed to releasing a Gang Action Plan next year. This will help to stop gangs from peddling misery. In this document you'll see some suggestions of how we can interfere and disrupt their behaviour. We want to see gang members who commit crime dealt with more seriously, to deter them from being members of gangs in the first place.

National is the party of law and order. You can trust us to keep your communities safe and

prevent crime, as well as hold offenders to account. We welcome your feedback on our ideas in this document to keeping New Zealand a great place to live.



**Hon Simon Bridges**  
National Party Leader  
Leader of the Opposition





## Introduction from Mark Mitchell

### National's Justice Spokesperson

National has a proud history and track record of delivering strong effective policies which reduce crime, improve community safety and help break the cycle of intergenerational family violence and abuse.

We put victims at the heart of our criminal justice system because we understand that through no fault of their own, they are often left with deep physical and mental scars. These victims should have the support they need to help heal and move through our justice system with as little stress as possible. We are focussed on making sure the court process is easier for victims and ensuring they don't leave a courtroom feeling like they haven't been heard.

I have dedicated most of my adult life to law enforcement and community safety, both here at home and internationally. Whether it be as a young New Zealand Police dog handler stopping an offender armed with a Samurai sword from entering a primary school or leading security operations against religious death squads targeting and killing women and minority groups in the Middle East. Both mine and Simon's experience in law and order has strengthened our policy development capability. Our National Party Law and Order team is highly driven, experienced and able to deliver for New Zealanders so that we can make our country safer.

"We put victims at the heart of our criminal justice system because we understand that through no fault of their own, they are often left with deep physical and mental scars."

**Hon Mark Mitchell**  
National's Justice Spokesperson

I have seen first-hand the harm that organised crime and gangs inflict on our communities. Their favourite tools are intimidation and violence. National is not fooled by their PR campaigns to convince us they are misunderstood pillars of the community. They wreck lives and are responsible for enormous social and community harm.

We want to stop young people from being recruited and joining gangs. Since the current Government came into power, the number of gang members has increased by over 26 per cent. We want to move families out of the gang culture and will use our Social Investment model to provide off ramps for gang members so they can leave gangs and lead their families into a better life.

National is committed to making New Zealand the safest country in the world. We have the experience, ideas and track record needed to make this a reality. This document will give you a feel for where are headed next year. Please take the time to read some of our commitments and proposals, and engage with our questions. We will deliver a strong, clear plan to make New Zealand a safer place to raise your children, enjoy your retirement or pursue your dreams.

**Hon Mark Mitchell**  
National's Spokesperson for Justice



## The Party of Law and Order

National prides itself on being the party of law and order. We want New Zealand to be a safe place to live. National has a strong track record of holding offenders to account, defending victims' rights, and stopping crime before it happens.

Reductions in crime between 2011 and 2017 speak for themselves.

- Youth crime reduced by 31 per cent
- Overall crime reduced by 14 per cent
- Violent crime reduced by 2 per cent
- The number of people who went on to reoffend reduced by 26 per cent

We helped victims by introducing the Victims' Offender Levy, passing ground breaking laws to protect victims of cyber-bullying, better supporting young people to give evidence, overseeing reductions in the number of people granted permanent name suppression and appointing the first ever Chief Victims Advisor to Government. We led the work to overhaul how we deal with family and sexual violence.

We held offenders to account by ensuring the justice system took a tougher approach when it came to serious, recidivist offenders. We changed bail and sentencing laws to keep the community safe, and we introduced the Three Strikes regime to ensure serious, recidivist offenders can't be let out of prison early. We made sure new offences around family violence, serious assaults, terrorism and cybercrime were introduced to keep people safe and hold offenders to account.

National has a balanced approach to keep victims safe, hold offenders to account and work with people one-by-one as part of our Social Investment Approach to ensure crime doesn't happen in the first place.



## The Social Investment Approach to Justice

“Using the Social Investment Approach to Justice means fewer victims, less crime and ultimately a safer New Zealand. National will work with individuals, one by one if necessary, to stop crime before it happens.”

### **Hon Paula Bennett**

Spokesperson for Social Investment

National takes an evidenced based approach to reducing crime, using data and analytics and working with people one-by-one if necessary. National will always hold offenders to account, but we know work needs to be done earlier to prevent crime.

Ministers in the previous National Government championed the Social Investment Approach, which meant using targeted interventions to make the most difference to vulnerable and at-risk New Zealanders. Applying it to law and order meant we could pin-point people who were likely to end up in trouble with the law and try to disrupt inter-generational patterns of crime.

For example, we know seven per cent of children born in 1993 were referred to Child

Youth and Family (CYFs, which is now called Oranga Tamariki) because of exposure to family violence. The outcomes for these children have been poor, with many going on to continue the cycle of offending.

We also know amongst this group, approximately 44 per cent left school before the age of 17 and 57 per cent didn't get NCEA Level Two. Approximately 52 per cent had received a main benefit before the age of 19. By age 21, it's estimated 15 per cent will have had a non-custodial sentence and five per cent will have been in prison.

The Social Investment Approach to Justice has four key streams:



- Measuring the burden crime places on society, and how to understand if investments are reducing it;
- Building the statistical, actuarial models to help understand who is most at risk of future offending and victimisation;
- Understanding what works to reduce crime;
- Connecting these insights with decision-makers across the system and taking different decisions as a result.

Sadly, the current Government has stopped using this approach and instead has returned to ideological law and order policy which ultimately makes New Zealanders less safe.

National's key focus on preventing crime, reducing harm and preventing people from becoming victims is deeply rooted in this approach.

Using the Social Investment Approach means when Oranga Tamariki is involved in a neglect case it's an opportunity for future crime to be prevented. When a primary teacher is dealing with a child who is truanting, it's an opportunity for future crime to be prevented. When a doctor deals with an abused kid, it's an opportunity for future crime to be prevented.

- National is committed to returning to using the Social Investment Approach to justice to ensure we use data to help identify the areas of greatest need where the Government can best target its efforts, and do more of what works.





## Organised Crime

"We need a change in the way we deal with gangs, the violence and misery they create, and the illegal black markets they run. We need to harass gangs and disrupt them in their day-to-day activities."

**Hon Simon Bridges**  
National Party Leader

Organised crime cartels and gangs are targeting New Zealand, increasing their efforts to push dangerous drugs and violence into our communities.

### Gangs

Gangs do nothing but peddle misery and create victims. We don't want them in our society. In just two years of this Government we have seen attitudes softening towards gangs. There isn't a week that goes by where there hasn't been a story in the news about increased gang tensions or activity.

This Government promised to crack down on organised crime and gangs, yet all we have seen is a 26 per cent increase in patched and

prospect gang members since it took office.

National has advocated for measures that will stop gangs creating havoc. The Government twice voted down our Firearms Prohibition Orders (FPOs) which would give Police more powers to search and take firearms off gang members. They apply to the most dangerous gang offenders who have convictions for firearms offences or serious violence. National would implement these as a priority to ensure guns are out of the hands of gang members.

If the Government hadn't voted them down, they would be law by now.

Without FPOs, the Government's gun buy-back has become a farce. Gang members are refusing to hand in their firearms, and there are

now reports that gangs are paying people more for their firearms than the Government is.

It's become so bad even the Police Commissioner is admitting Police can only hope influential gang leaders listen, but they can't compel them to hand them back in. National would take a tougher stance towards gangs.

We advocated for gang members to be asset tested before they receive any taxpayer funded benefit. We don't think it's right for gang members to buy Harley Davidson motorcycles and other expensive assets from money received from peddling drugs and running other criminal businesses. National would put a stop to this and make gang members prove their income and assets are legitimate.

Gangs contribute significantly to the methamphetamine epidemic in New Zealand. Gangs are developing transnational connections to organised crime networks and implementing a level of professional organisation which hasn't been seen before.

We need a change in the way we deal with gangs, the violence and misery they create, and the illegal black markets they run. We need to harass gangs and disrupt them in their day-to-day activities.

National will release a Gang Action Plan next year which will focus on interrupting gang activity, shutting down their criminal businesses, stopping the importation of drugs and guns, cracking down on their movements, closing down their networks and placing harsher obligations and sanctions on gang-related offending.

## Case study

### Strike Force Raptor Unit

Strike Force Raptor is a proactive, high-impact specialist unit based in the New South Wales Police which targets the activity of any Outlaw Motorcycle Gang and any associated criminal enterprises. Strike Force Raptor has a 'direct-to-detectives' reporting capability which maximises opportunities for police to drive down gang-related crime and violence. This allows police to respond more readily than ever before to reports of violence and organised crime.

Strike Force Raptor works in a proactive way. If someone is punched by a gang member, officers from Raptor take over the case. Tips are followed up by Raptor, houses and motorcycles raided for firearms and drugs. If gang members don't pay their traffic fines, Raptor follow up to ensure their driver licences are taken away. Raptor checks gang clubhouses and uses council rules to shut them down for shoddy workmanship or unconsented work. If alcohol is served at the pad, Raptor invokes legislation so the gangs need to have a liquor licence. Raptor officers check benefit payments and tax records, revealing hundreds of 'bikies' claiming taxpayer assistance they weren't entitled to.

A 'consorting law' was introduced in February 2012 where anyone who ignores an official warning to not associate with criminals can be jailed for up to three years. The consequences for gang members are far-reaching; unable to meet at clubhouses, ride together, or even hang out in the same room.

### We want your thoughts on the following:

- Should National create a specialist unit within the Police which has similar powers and proactive approaches to Strike Force Raptor?
- What further steps should National take to tackle gang activity and crime?
- Should National remove parole for offenders who are members of gangs and their offending is gang-related?

- National proposes to create a new aggravating factor in the Sentencing Act that would capture offending done whilst a member of a gang, or offending done in association with gang members and/or a gang.
- National proposes to change the onus of proof on gang related income so if an individual is identified as part of a gang on the National Gang List they have to prove their income came from legitimate sources.

- National will give Police greater powers to search the homes and cars of violent gang members for firearms.
- National proposes banning all gang insignia in public places.
- National proposes revoking parole for gang members who return to associating with a gang after release.
- National proposes creating new sentences for violent gang crime and introducing tougher sentences for ordering gang crime.

## White Collar Organised Crime

Gangs do not have a monopoly on organised crime in New Zealand. According to the New Zealand Police Financial Intelligence Unit, domestic and international criminals are laundering an estimated \$1.35 billion through New Zealand each year. National will crack down on white collar organised crime and put more resources into financial forensics to ensure money isn't being laundered for illegal purposes.

When National implemented the Anti-Money Laundering and Countering Terrorism of Finance regime, the focus was ensuring we met our obligations in protecting against crime whilst not burdening law abiding citizens and businesses with more red tape and cost. We will review the regime to ensure the focus is stopping illegitimate activity and crime.

- National proposes to investigate the viability of a Financial Forensics Taskforce within New Zealand Police.
- National will look at ways to capture more organised crime activity through our Anti-Money Laundering regulations while reducing the burden on law abiding citizens and businesses.

## Proceeds of Crime

National passed the Criminal Proceeds (Recovery) Act 2009 which prevents individuals from profiting from their criminal activities and to deter significant criminal activity. The Act allows the Government to restrain and take assets and illegal income resulting from crime. To date, almost \$100 million of criminal proceeds have been forfeited to the Crown since its implementation. The Proceeds of Crime regime is seen as a deterrent against criminal activity.

National will fund measures from the Proceeds of Crime Fund in government to deal with organised crime. Previous funded programmes from the Proceeds of Crime Fund included a pilot programme in Corrections to check prisoners for methamphetamine use and to intervene and treat addiction, additional Police and Customs initiatives to fight organised criminal groups dealing in methamphetamine and other drugs, and the expansion of alcohol and other drug treatment services.

### We want your thoughts on the following:

- What measures should National fund from the Proceeds of Crime fund?

## Returning Offenders

In 2015 National put in place a regime which meant offenders who arrive in New Zealand soon after being released from an overseas prison will be subject to the same sort of oversight as offenders who served a similar sentence here. A number of them had links to organised crime units and gangs. The regime allows Police to compel returning offenders to provide information (names, date of birth, etc.) and in some cases a DNA sample, implements standard monitoring and supervision conditions which are automatically imposed on all eligible returning offenders, and powers for the District Court to impose special conditions (such as restrictions on not residing near a school which can be subject to electronic monitoring).

A review of the Act found the system was working well. However, with more returning offenders coming back with more complex networks, more sophisticated business models and a better understanding of the system, National will explore whether there are new or extra powers the justice system might need to ensure New Zealanders are kept safe.

### We want your thoughts on the following:

- Are there any other measures we should implement in a future Returning Offenders Management Bill which will keep New Zealanders safe?



## Protecting Victims and Holding Offenders to Account

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“Core to our beliefs is that our justice system should be geared towards supporting victims and ensuring they never become victims again. That means holding offenders to account and reducing the opportunities for them to offend again.”

**Hon Mark Mitchell**  
Spokesperson for Justice

Every victim in our criminal justice system should feel like their voice has been heard. No victim or their family should ever walk out of a court room feeling like they were excluded from the justice process. Since Labour has come into government, there have been no meaningful reforms to improve the criminal justice system.

Instead, the number of cases before the courts involving serious harm has increased by 25 per cent, while the percentage of crime reported to Police has decreased by 10 per cent. National will restore faith in the criminal justice system.

### Concurrent Sentencing

Most sentences imposed by the courts in New Zealand for multiple offences are concurrent and lead to “discounted” sentences. We believe for the most serious of crimes, you should be held accountable for your actions. Victims of these crimes often feel like their rights and views are neglected and think the punishment laid down is too weak.

For those crimes that have a particularly harmful effect on victims, who carry the scars with them the rest of their lives, offenders shouldn’t receive any reduction in sentence for offending against more than one person.

National is interested in whether there is scope to remove the ability for a court to impose concurrent sentences when offenders commit multiple crimes while in custody and on parole, as well as looking at whether offenders who commit multiple murders, rapes and serious sexual offences should have mandatory cumulative sentences for those offences.

### We want your thoughts on the following:

- Should we remove concurrent sentencing as a sentencing option for offending while on bail, in custody, or on parole, and for offenders convicted of multiple murder, manslaughter and sexual violation offences?

- National proposes to change the Victims Notification Register to make it opt-out rather than opt-in.

## Victims Notification Register

The Victim Notification Register gives victims of serious crime a way to stay informed about the person who offended against them. This includes when they are up for parole, when they might begin to reintegrate back into the community, and a whole range of safety procedures including notification of absconding, escaping, when they disappear and when they move addresses.

Most victims don't know this is an opt-in regime, where you have to apply to Corrections to be notified under the Victims' Rights Act 2002. National has had a number of people contact us unaware they had to opt-in after being horrified to learn an offender had re-entered into their community.

National believes by flipping this to an opt-out regime, which allows a victim to avoid ever being contacted again by their offender, more people will be protected and kept safe. Corrections and Justice will work in tandem to ensure an opt-out system is fully in place to avoid anyone who genuinely wants to opt-out being included in the first place.

## No Location, No Parole

An important part of families coming to terms with the death of a loved one is the closure of bringing the body home. Sadly, there are some offenders who do not disclose where the body of their victim, or victims are.

The United Kingdom is considering changing the law in response to the murder of Helen McCourt, who disappeared in 1988 and whose body has never been recovered. While the offender denies ever having murdered Helen, DNA evidence indicates her blood was found throughout his car. He was sentenced to life imprisonment with a non-parole period of 16 years. He has never revealed the whereabouts of Helen's body, which is also one of the reasons all of his appeals for release have been denied.

We propose a similar law could be applied in New Zealand so murderers have to disclose where they have disposed of a body before they are eligible for parole. This will be done by placing a duty on the Parole Board to take into account a prisoner's refusal to reveal the location of their victim's body when considering whether they should be released.

- National proposes to amend sentencing and parole laws so murderers who refuse to reveal the location of their victims' bodies will be denied parole.

## Legally Insane Offenders

Currently the law allows for someone to be found not guilty by reason of insanity. This doesn't recognise in most instances the offender would have been found guilty otherwise.

Victims of an offender who is found not guilty by reason of insanity do not receive the same rights as victims of an offender who is found guilty. For victims, the description of 'not guilty' can leave them feeling the court has found no crime has occurred even when the offence has been proven on the facts.

Louise Upston has a Members' Bill which would mean the court could find, despite a traditional verdict of not guilty on account of insanity, the defendant carried out the offence. The Bill will rename the verdict of 'not guilty on account of insanity' to 'the acts or omissions are proven but the accused is not criminally responsible on account of insanity'. The revised language would acknowledge the offender did in fact commit the criminal act.

In addition, the Bill provides certain victims of insane offenders with a right to know if the defendant is being released from detention. Those victims will then have a right to make a submission to the Minister about whether continued detention is necessary or, if relevant, to the Mental Health Review Tribunal for a review of the patient's condition.

Victims should be at the heart of our justice system, which is why this Bill will ensure certain victims of legally insane offenders will also be notified of any unescorted leave of absence, or unescorted overnight leave of absence, from a secure healthcare facility into the community.

- National proposes to implement Louise Upston's Rights for Victims of Insane Offenders Bill.

## An Antiquated Courts System

National introduced a number of measures during its time in office to ensure victims were given more support through the court process. We also introduced a Victims Levy. While it didn't solve everything, it helped to fund services for victims of serious crime and ensure offenders pay to help address the harm their crimes cause.

We know there are quite straight-forward changes we could make to give victims better certainty and security about the process they are undergoing. The court system can create anxiety and stress and mitigating this as much as possible will ensure better outcomes for victims and their families.





**We want your thoughts on the following:**

- Should National improve facilities for victims at court? For example, should we introduce separate waiting rooms for victims in all courts?
- Can courts staff training be improved so they better meet the needs of victims?
- Could any other measures help alleviate the stress felt by vulnerable people attending court?
- What changes can be made so victims have a bigger role in the justice process?
- Should we remove the discretion for a court to edit and potentially disallow a victim from reading their own Victim Impact Statement?
- What additional support or services can be offered to victims going through the criminal justice system?
- What changes can be made to the criminal justice process so it is more accessible and easier to navigate by the public?

## Inferences from a Defendant's Silence

When a defendant appears in court they have the right to silence. This is an important part of our justice system. The law at the moment is unclear about what the jury can read into this.

Chris Penk has a Bill which would mean the prosecution would be able to comment on a defendant's silence at trial, and a judge or jury would be able to draw proper inferences from that silence.

This mimics an equivalent provision in the United Kingdom, and founded on recommendations made by the Law Commission in their second review of the Evidence Act 2006.

- National proposes to implement a regime where a proper inference may be drawn from a defendant's silence in a case where certain criteria are met.



## Family Violence

“Everyone should feel safe in their own home and with their families. No one should ever feel afraid to go home to see their children or their loved ones.”

### **Hon Mark Mitchell**

Spokesperson for Justice

The rate of family violence in New Zealand is a blight on our country. According to data from the Ministry of Justice, in 2018 Police responded to 132,978 family violence investigations which is an average of 364 calls a day, or one every four minutes. This accounts for only 27 per cent of family violence incidents which actually take place. Sixteen per cent of adults experienced one or more incidents of partner violence during their lives, and around half of all homicides in New Zealand are committed by an offender who is a family member.

Under the previous National Government we undertook an extensive programme of work across government to reduce family violence, and to put in place comprehensive measures to stop it happening in the first place. Our work focused on four key areas: prevention, early intervention, crisis, and long-term recovery.

## Prevention

### Perpetrators

The best strategies for addressing family violence allow victims to minimise disruption to their lives. Since 2016, the Accident Compensation Corporation (ACC) has partnered with Gandhi Nivas, Aviva’s ReachOut and Police to deliver early intervention services to perpetrators of family violence and their families. They support behavioural change to reduce harm for families through free counselling, emergency housing and referrals to social services, and partnerships with Police, Child Protection Workers and other agencies.

**HAVE YOUR SAY > 2019 DISCUSS**

- National proposes to support initiatives which focus on stopping at-risk individuals from becoming perpetrators, and those which minimise disruption for victims.

## Government Responses

The Family Violence Risk Assessment and Management Framework (RAMF) was developed by National with all agencies, services and practitioners dealing with family violence in mind. It provided for a collective approach for responding to family violence in this country, a shared understanding of family violence and its dynamics, and clear values which underpin good practice in risk assessment and management.

This started a 'no wrong door' approach which meant no matter who a victim talks to about their experience, that person can find the information about what they need to do to help the victim.

- National will recommit to the RAMF and strengthen it to ensure there are 'no wrong doors' that victims turn down.

## Early Intervention

Early intervention and prevention go hand in hand. As Dr Ian Lambie said in his 2018 report 'Every 4 minutes – a discussion paper on preventing family violence in New Zealand', "Having systems that allow more collaboration and cooperation across services to provide early intervention is absolutely vital." Our Social Investment Approach is crucial to ensuring we

target our responses to people who are both at risk of offending and becoming victims.

In Government, we improved early intervention services:

- We implemented a new disclosure scheme which lets Police release a person's violent criminal past to a concerned partner or friend to help protect them;
- Through our comprehensive family violence law reforms, Police are now able to direct a person to a risk and needs assessment when they are bound by a Police Safety Order. This assessment is the first step in linking a perpetrator to the right services to help change their behaviour.
- We created the Integrated Safety Response pilot which helps focus on early interventions and breaking the cycle early.
- We increased the access to services Police, MSD and NGOs offer to help potential victims.

A number of our pilots focussed on giving Police and other frontline staff the tools to intervene quicker and respond as things happen. We are interested to see what else Police and other frontline staff might need to intervene. We also want to look at how schools and NGOs can partner together to ensure at-risk children are given support to avoid becoming perpetrators later in life.

### We want your thoughts on the following:

- What other support should be given to Police and frontline staff to help them intervene earlier?

- National will focus on bringing agencies together to enforce early intervention strategies through the Justice sector.
- National will provide frontline officers and other frontline staff with the tools to intervene earlier.

## Crisis

### Integrated Safety Response

National launched the Integrated Safety Response Pilot (ISR) in 2016 which brings together 16 agencies to deal with some of the most serious incidences of family violence. It puts in place plans to protect victims and their families, get them the support they need, and work with perpetrators to stop further violence.

By working together and sharing information, agencies and NGOs have developed more than 14,125 safety plans in the past year alone which are targeted to families who are identified as at risk of violence. The ISR is helping government to better understand family violence, how it can best respond to keep victims safe and stop perpetrators from doing more harm.

A recent evaluation into the ISR showed high levels of trust and confidence from victims and their families, quicker multi-agency responses, more families receiving support, and strong effectiveness of stopping further reoffending. We propose to extend the initiative to reach more communities and expand the model from crisis response to cover prevention, early intervention and long-term recovery.

- National proposes to extend the ISR initiative to more communities.

## Tools for Police

We supported giving more tools and removing barriers for Police to deal with family violence incidences when they first respond. This included piloting a system to allow Police to take video evidence from victims as soon as the offending happened. We also increased the maximum duration of Police Safety Orders and made a range of changes to Protection Orders to improve uptake and effectiveness and increase the safety of protected people.

### We want your thoughts on the following:

- What other tools could Police have to respond more effectively and efficiently to family violence incidences?

## Long-term Recovery

### Sexual Violence Victims in Court

The Government has introduced the Sexual Violence Legislation Bill which recommends a suite of changes to how sexual violence cases are dealt with in the courts – a number of which were either piloted under National or recommended by the previous National Government. Some of the changes include the ways victims and witnesses can give evidence, how judges can direct the jury to certain pieces of evidence, how lawyers can interact with victim cross-examinations, as well as what information is provided to the courts as part of disclosure. We agree with trying to reduce any re-victimisation and harm caused through the process, but we want to ensure the changes are workable and the court doesn't end up being slowed down by procedural delays.

National has supported the Bill to select committee and will be making sensible suggestions to ensure victims continue to receive the support they deserve.

- National proposes to ensure sexual violence cases are dealt with within 12 months.

## Protecting Children and Victims

Our overhaul of family violence laws saw changes to the way the system protects children and victims in parenting arrangements. We empowered judges considering applications under the Care of Children Act (CoCA) to make temporary Protection Orders where they have concerns about the safety of a child or adult, as well as allowing judges to impose protective conditions for child handover arrangements if there's been family violence, including

psychological violence. We now require judges to consider the existence or breach of a Protection Order when they assess a child's safety.

We also made courts more approachable for young victims and children when giving evidence, including piloting specialist services in Whangarei and other parts of New Zealand to take away the stress and distress courts can create for young people.

### We want your thoughts on the following:

- What more can we do to improve the system for young people and young victims of family violence?





## Keeping our Communities Safe

"Our men and women of the New Zealand Police put themselves on the frontline of preventing and fighting crime every day. National backs them to do one of the most important jobs government has - keep our communities safe."

**Brett Hudson**

Spokesperson for Police

Our frontline officers in New Zealand are some of the most professional in the world. We are lucky to have a dedicated group of police officers who put their lives on the line to protect the safety of all New Zealanders. National is committed to keeping our communities safe and giving our police the tools and the training to do their job.

### Police Force and Standards

National is concerned by reports in Police News and from the Police College the Government's target to add 1800 net new police officers to the force in three years means Police are lowering their standards for entry to, and graduating from, Police College. This ultimately means the

skills of our police force are lower, while criminals become more sophisticated. This isn't limited to physical tests. It includes other duties like forensic analysis, person-to-person skills and compatibility with Police's strategic objectives.

At the same time, National wants to ensure the force is representative of New Zealand and continues to improve on the culture which has developed after several reviews into police culture.

- National proposes to work towards a Memorandum of Understanding with Police to set expectations in regards to standards which need to be met to (a) enter College and (b) graduate to the force.

## Reducing Crime and Offending

National had a series of targets in government which drove the performance of government agencies across a range of portfolios. Law and Order targets focussed specifically on the issues which kept New Zealanders, like reducing crime, reducing reoffending and having police stationed around New Zealand in accessible places. The current Government removed all of these targets and we have seen the rates of crime increase.

National believes in targets because what gets measured gets done. National will reintroduce targets to reduce violent crime victimisations, reduce reoffending, reduce family violence victimisations, ensure 95 per cent of New Zealanders live within 25km of a 24/7 on-duty police officer, ensure 98 per cent of burglaries are attended by Police within 48 hours and have 90 per cent of 111 emergency calls answered within 10 seconds.

### We want your thoughts on the following:

- What other targets or measures should National look at to ensure New Zealand Police are focussed on reducing harm and keeping New Zealanders safe?

## Technology in Police

We want to see Police doing more to keep communities safe without being burdened with slow paper work and administration. National implemented a range of measures which saw Police adopt the use of iPads and other technology to speed up processing and spending less time behind a desk doing admin.

When we launched the Mobility Innovation Lab and Experience Centre, Police estimated it would reap \$300 million in productivity gains over a 10-year period, and about 30 minutes of time saved per officer per shift. This meant 543,000 additional frontline hours a year, or the equivalent of 354 extra frontline staff. In December 2018, New Zealand Police established the Evidence-Based Policing Service Centre which brought together a whole range of services National setup to try and improve the efficiency and effectiveness of policing in New Zealand.

- National proposes to expand the use of technology in Police as well as the Evidence-Based Policing Service Centre to ensure what works in reducing crime happens.

## Police as Social Workers

Frontline officers are telling us too much of their job is now being de-facto social workers. While we accept there is an element of this in being a frontline police officer, which is appropriate, frontline police are telling us this is coming at the detriment of fighting crime and following leads to solve investigations.

Police have both sworn and non-sworn officers, known as authorised officers. These authorised officers can be asked by the Police Commissioner to exercise any particular power of a sworn officer except the power to arrest or search any person. We want to investigate

whether to use authorised officers more to attend historical offences like burglaries and thefts, resulting in reductions to response times and freeing up of frontline Police resources to respond to incidents like family violence and gang-related crime.

We also want to look at whether we can use authorised officers to respond to requirements like area enquires and basic investigative support, to help speed up prosecution decisions and preparation of court files and documents. The comprehensive use of authorised officers in the right areas will speed up and make our criminal justice system more effective, efficient and put the right resources in the right place at the right time.

- National proposes to expand and increase the use of Authorised Officers.

## Police and Mental Health

Analysis done by New Zealand Police shows every 24 hours, police staff respond to 90 calls involving a person having a mental health crisis, including suicide attempts. Nationwide this takes up an average of 274 hours of staff time every day. Police, like our health professionals, are at the forefront of these issues and are often the first responders to difficult and complex situations.

We have come a long way with how we deal with mental health and how the system responds to complex needs, and Police now train officers and staff in a much more comprehensive way to deal with mental health issues.

National developed two critical programmes which gave Police more support in dealing with the mental health of both perpetrators and victims of crime. The Government scrapped both.

The 'watch-house nurse pilot initiative' was launched in 2008. It placed mental health nurses in the Counties Manukau Police watch house. Following its success, the pilot became business as usual in 2014. An evaluation of the programme found there was strong evidence of reduced risk of harm, efficient referrals, and ongoing education to Police on mental health responses.

The Government also scrapped the Mental Health co-response pilot which was designed by experts to see mental health nurses attending mental health incidents alongside Police and paramedics. It cost \$8 million and was part of the former National Government's \$100 million mental health package. The Government scrapped it before it was even off the ground and didn't replace it with anything.

By having nurses involved, it would allow Police to focus more on fighting crime and solving investigations, while specialists respond and assist with the very real mental health issues present.

- National will reintroduce both mental health programmes scrapped by Labour.

### We want your thoughts on the following:

- What other support could be given to Police to help deal with mental health issues and challenges on the frontline?



## Name Suppression for Police

We back the Police to do their jobs in incredibly tough situations. When involved in a fatal incident, police officers are often worried whether their name will become public. It is an incredibly traumatic and stressful time for any officer. This may have long-ranging impacts on the officer's future which, particularly in the case of being cleared of any wrongdoing, could impact their employability, their public standing, and their wellbeing. This is particularly so in smaller, rural communities.

Chris Bishop has a Members' Bill that provides that nobody may name, or provide the address,

or other identifying details of any police officer involved or suspected to be involved in death as a result of the use of a firearm by a police officer acting in the execution of their duty.

- Should National implement Chris Bishop's Members Bill?





## Youth Crime

“We know the best chance we have to prevent crime is stopping people becoming offenders in the first place. This means a targeted approach early on to stop young people spiralling into a life of crime.”

### **Kanwaljit Singh Bakshi**

Associate Spokesperson for Justice

National has a strong track record on stopping youth crime and preventing young people entering into a destructive life of crime.

From 2009–2017, offending for children aged 10–13 dropped by 59 per cent, while offending by young people aged 12–14 years fell by 63 per cent. This was a result of National’s focus on tackling youth offending. Initiatives like the Youth Crime Action Plan, our Social Investment Approach, a focus on getting kids into and keeping them in education and work, and the roll out of the Rangatahi Courts, which are held on marae instead of in court rooms, have had a real impact.

We also made it harder for our most serious young offenders to avoid being held accountable. We changed the law so serious

and recidivist 17-year-old offenders would, for certain offences, automatically be transferred to the District or High Court to face charges. We strengthened the presumption for other young offenders to face charges in the District or High Court to ensure the punishment fitted the crime.

Early results have shown young people who attend Rangatahi Courts committed 14 per cent fewer offences and were 11 per cent less likely to commit a new serious offence in the following year than comparable youth.

National knows we need to keep doing more work in this area to hold offenders to account, to protect victims, and to reduce offending and reoffending. Our response will focus on three key areas: helping first-time young offenders get back on track, targeting hardened young

offenders, and incentivising local communities and NGOs to reduce reoffending.

## Incentivising Young People

Sometimes young people get on the wrong side of the tracks and do something silly. While it's inexcusable to offend in any circumstances, we recognise often initial offending has a detrimental impact on the rest of their lives. This can include not being able to travel to certain countries, work in certain industries and the stigma associated with certain offences.

National sees an opportunity for those young offenders who want to get their life back on track, and encourage young people to make good decisions about their future. National wants to see everyone have the opportunity to 'make good' on wrongdoing and avoid a life of crime.

National proposes to wipe the conviction of a young offender at the age of eighteen so long as they meet the criteria:

- They must have only been charged and convicted once. If they are charged with more than one offence in the same incident then the judge will have discretion of whether or not to allow the young offender to be eligible.
- The offence must be one which carries a maximum sentence of imprisonment of no more than two years in prison.

The young offender must complete the following to be eligible for their conviction to be wiped:

- On top of whatever sentence the young offender gets, 50 hours of community service or charity work
- Pass NCEA Level Two and the literacy and numeracy components
- Actively look for part time work
- Not offended again for the entire time they are eligible.

If the young offender gets their conviction wiped but subsequently offends again before they are

25, then the conviction gets automatically added back onto their record.

- National proposes to widen the Clean Slate scheme for young offenders to wipe their criminal record at age 18 if they meet certain criteria.

### We want your thoughts on the following:

- Have we got the criteria right?

## Young Serious Offenders

The Youth Justice System has served the vast majority of offenders and victims well since its introduction in 1989.

However, for the small percentage who are either hardened or serious offenders, we know a stronger response is necessary. National proposes to create a new category of young offenders which will give greater tools to Police and agencies to deal with their offending effectively.

To be deemed a 'Young Serious Offender' (YSO), you will need to be under 18 years old and have:

- Committed an offence which carries a maximum sentence of 14 years in jail or more; and
- Score 70 points or more on the Police Youth Offending Risk Screening Tool; and
- Seriously offended subsequent to spending time in a Youth Justice or Adult Custodial Facility.

Of the 10,000 or so young offenders who come into contact with the justice system every year, we estimate this category will include only the top 150 most serious, recidivist young offenders. For these 150 offenders, agencies will have strengthened powers to break the cycle of offending and ensure these young offenders get their lives back on track.

For instance, Police and Oranga Tamariki frequently pick up YSOs and have them flee without any ability to crack down and detain them to protect the safety of both them and the public. YSOs often get bail and sent back into the community by the Youth Court or adult courts, and go on to commit further crimes. National will create a presumption against regular bail for YSOs, and instead introduce monitored release for YSOs where they are released into the community on electronic monitoring.

Many people see the youth justice system as a weak option but the evidence shows it's effective at reducing reoffending and avoiding sending young people into harsher environments. People are quite rightly concerned young people only serve short amounts of time in these facilities and don't get access to the treatment and support for long enough. National will increase the time YSOs can spend in youth justice facilities and ensure they serve their full sentence while getting the support needed to get back up on their own two feet.

- National proposes to institute YSOs to triage the top 150 most serious young offenders into more targeted programmes to reduce offending.
- National proposes to give Oranga Tamariki and the Police the power to detain YSOs, including when transporting them, and place tougher penalties on young offenders who abscond from custody.
- National proposes to remove bail as we know it for YSOs (with limited exceptional circumstances) and introduce Monitored Release for YSOs where they are released on electronic monitoring.
- National proposes to support zero tolerance and remove the warnings for YSOs.
- National proposes to ensure guardians who have YSOs bailed to their care are conviction free for 10 years, and mandate a single accountable guardian to be responsible for them.
- National proposes to increase the youth court jurisdiction for YSOs to serve up to 12 months in Youth Justice Facilities, as well as undertake up to 18 months supervision in the community.

## Incentivising Communities

Many community groups do excellent work in keeping young vulnerable kids off the streets and engaged in positive reinforcement. However, we know it's hard for rural communities and smaller communities to find groups who will work with at risk young people to avoid a life of crime.

We also know local communities know their people better and are generally better suited to offering local solutions. National proposes to offer a contestable fund for local community groups for programmes which seek to reduce offending and reoffending (or both) for young people over a 12/24 month period.

## Education Officers in Youth Courts

Education is critical to young people achieving. We know that when young people end up on the wrong side of the tracks, they need support to get them back into education. Nikki Kaye has a Members' Bill which seeks to provide more education officers in youth courts. The Bill also enables youth education officers to attend youth justice family group conferences and provide education reports to family group conferences. We want to ensure that our youth justice system has young people and their educational outcomes at its heart.

- National proposes to implement Nikki Kaye's Members' Bill to provide more education officers in youth courts.





## Corrections

“Public safety should never be compromised in an unrealistic attempt to reduce the prison population without reducing crime as well.”

**Hon David Bennett**

Spokesperson for Corrections

More than 10,000 people are imprisoned in New Zealand at any one time. Our incarceration rate is high, but we also have a high serious crime rate. Public safety should never be compromised in an unrealistic attempt to reduce the prison population without reducing crime as well.

Fewer prisoners should be because of less crime and fewer victims. In an ideal world we wouldn't need to build more prisons, but if there are more people committing serious offences and they need to be taken out of the community, then National won't stand ideologically opposed to putting the safety of New Zealanders first.

While being imprisoned is fundamentally about deterring wrongdoing, our focus also has to be on ensuring rehabilitation and reintegration services are available across the board to all prisoners to reduce reoffending and make

entering back into the community more successful.

We want to focus on successful reintegration because our reoffending and recidivism rates are too high.

### Remand Prisoner Testing

People on remand awaiting their court hearing or sentencing often don't get the same access to rehabilitation services and mental health triaging prisoners who are serving their sentence do. This means the court may not get access to important information about the mental state of offenders, alcohol and drug addictions, their physical health and other indicators which may help inform the court about the offender and to ensure treatment and services are available.

- National wants to look at how we can reform the access to services remand prisoners get to ensure they get treatment for mental health issues earlier.

## Working Prisons

The majority of prisoners in prison have limited education or work experience. A high percentage of prisoners have no formal qualifications and less than half of them were in paid work before going to prison.

Working prisons were introduced by National to ensure all prisoners have the opportunity to take part in some form of work, education or rehabilitation programme. They also provide people with the skills and opportunities they need to take greater control of their life. Current estimates are more than 59 per cent of prisoners participate in employment or industry training. This helps in achieving better reintegration into the community.

National wants to look at changing the model to a limited opt-out system, where all prisoners who are serving sentences of two years or more are in some kind of education, training or employment while they serve their sentence. Prisoners would be able to opt-out if they had disabilities which prevented them from working or where mental health rehabilitation was seen as a priority over training and employment.

National also wants to make it a condition of being eligible for parole that low and medium level offenders who don't have NCEA Level Two complete literacy and numeracy requirements before they are eligible for release.

- National proposes all prisons are working prisons, with the presumption all prisoners are in work, education or training.
- National proposes to make it a condition of being eligible for parole that low and medium level offenders who don't have NCEA Level Two complete literacy and numeracy requirements.

## Exiting Prison

Leaving prison can be hard, especially when you don't have much support. The first few days and weeks after an offender leaves custody are crucial in determining whether or not they will reoffend. We want to reduce reoffending in order to cut crime. We are committed to improving support for prisoners leaving custody to help them find employment and turn their backs on a life of crime.

There are several options currently available to prisoners to help them find a job and a place to live, and to transition into life outside of prison. Some of those options include the 'Release to Work' programme, 'Out of Gate' service and the 'Creating Positive Pathways' initiative between Corrections, Housing and Urban Development and the Ministry of Social Development (MSD).

- National proposes to improve the way agencies work together to support people exiting prisons to ensure they have the best chance at independence and lower the risk of them reoffending.

**We want your thoughts on the following:**

- What can the system do better for people exiting prisons so they are able to reintegrate into society and be less likely to reoffend on release?

## Notifying Communities

There is currently no requirement for Corrections to inform local schools of when sex offenders are placed into local communities. This puts young children and others at risk of predatory behaviour and is something schools and local communities should have the right to know about. Offenders have to be reintegrated back into communities, but the local communities should know about dangerous sex offenders before they re-enter.

Matt Doocey has a Members' Bill which will require Corrections to notify local schools 48 hours before the release of a sex offender into a community, or within 72 hours of housing the sex offender in a new residential address.

**We want your thoughts on the following:**

- Do you support Matt Doocey's Members' Bill?
- Should there be stronger requirements around notifying communities on release of offenders into those communities, including for sex offenders and murderers?

## Corrections Technology

National implemented a range of important technological changes in Corrections to improve the safety of New Zealanders. We increased the use of GPS monitoring of offenders, including investing \$8.8m for 24-hour monitoring of our highest risk offenders. We provided audio-visual links between courts and prisons to free up more time for other court business and improve public safety. We rolled out 1000 on-body cameras for prison staff to help reduce violence in prisons, and piloted alcohol interlock devices in offenders' cars to help reduce recidivist drink driving.

- National proposes more opportunities to use technology in Corrections to improve safety and reducing reoffending.

## Safety in Prisons

National believes safety of prison officers and prisoners should be an integral part of our prisons. The ongoing use of cumulative instead of concurrent sentencing for offenders who are involved in assaults on prison staff or other inmates, could deter such behaviour from prisoners. Paulo Garcia's Members Bill will strengthen the requirement to impose cumulative sentences for offending while in custody.

**We want your thoughts on the following:**

- Do you support Paulo Garcia's Sentencing (Restriction of Concurrent Sentencing) Amendment Bill?





## Improving Access to Justice

“No victim or their family should ever walk out of a court room feeling like they were excluded from the justice process.”

**Chris Penk**

Spokesperson for Courts

### Speeding up the Court Process

The overwhelming complaint we hear about the justice system is how long things take to get done. Even the simplest task of processing a fine or paying a levy can take days. This Government hasn't made it any quicker. Data from the Ministry of Justice shows since the Government took office it is taking 46.5 per cent longer to get through cases in the District Court than under National. This means more victims suffering at the expense of a slow and clunky system.

National wants to trial a raft of changes to the court process, to see the time cases take to go through the courts reduce and ensure victims get better access to justice.

### Disputes Tribunal Limits

National increased the monetary limit of the disputes tribunal from \$15,000 to \$30,000 in its Tribunals Powers and Procedures Legislation Bill. National wants to see this increase to ensure the District Court isn't burdened with too many disputes which can't be heard at the Disputes Tribunal.

**We want your thoughts on the following:**

- What monetary limit would you be comfortable with the Disputes Tribunal hearing? \$40,000/\$50,000/\$60,000

## Performance Measures for District Courts

We believe there is room to trial performance measures in District Courts to improve timeliness and ensure sexual violence cases are dealt with within 12 months. These are similar to the league tables the previous National Government used to drive change within DHBs and improve access to treatment and screening across the country. National believes there is scope to incentivise judges to drive change from within and expect more from both prosecution and defence counsel without reducing the quality of decision making.

While some people may claim this will incentivise perverse outcomes, ultimately courts that drive bad process will be judged by the New Zealand public.

**We want your thoughts on the following:**

- Should National trial performance measures in the District Courts to drive improvements to timeliness in the court system?

## Night and Weekend Courts

National wants to see the reintroduction of night courts in New Zealand. Currently, most courts sit for four hours a day and often a lot of that time is taken up by expensive delays where cases end up backlogged. Where there is legitimate need, and where the Court can sit, National would like to extend those hours to ensure people do not have to wait months and months for their cases to be heard.

We also see the potential for Courts in some of New Zealand's busier areas to sit on weekends on a case-by-case basis.

**We want your thoughts on the following:**

- Should National institute night and weekend courts to try and deal with more cases without lengthy delays?

## Increased Use of Justices of the Peace

There are now more than 7,000 Justices of the Peace (JPs) in New Zealand who perform a wide range of roles and have a number of responsibilities. There are a limited number of judicial JPs who undertake judicial duties within the District Court. These duties include jurisdiction determined by statute, including minor offences and some traffic cases, issue of remands and bail, hearing of undefended cases and presiding over defended trials.

National sees a role for more use of JPs in judicial settings to free up time for judges and the judiciary to deal with bigger, more complex decisions. We think we can use JPs who can undertake judicial duties more frequently in remand and bail issues, hearing of undefended cases and presiding over defended trials.

- National proposes to use judicial JPs more on lower-risk hearings and cases to free up time for serious cases to be dealt with quickly.

denied justice through outstanding judgment debts and the state will be able to collect fines imposed on those breaking the law without undue delay and expense which ultimately undermines confidence in our system of justice.

## Streamlining Courts

Kiwis should be able to have disputes settled without any need to appear in a physical court or tribunal, wherever possible. National will deliver modern justice through using technology to streamline processes.

National will also strengthen methods of collecting funds the courts have determined are to be paid. This will ensure litigants are not

- National proposes to modernise the justice system by increasing the use of technology in our courts to streamline the process.
- National proposes to strengthen methods of collecting funds from offenders to ensure they are held accountable and litigants are not denied justice.





## Firearms Tranche Two

“National has been upfront from the beginning – any changes to the Arms Act should be targeted at illegal gun owners and gangs, not at law-abiding firearms owners.”

### **Brett Hudson**

Spokesperson for Police

National has real concerns the Government’s proposed second tranche of Arms Act amendments will harm law-abiding firearms owners and not target the illegal firearms trade gangs deal in. The reforms impose more cost and regulation on our firearms owners, don’t give exemptions for internationally competitive shooters, and don’t institute Firearms Prohibition Orders which would directly target the use of guns by gangs.

National has a range of changes it wants to see to the Bill, including:

- Introducing Firearms Prohibition Orders to take guns out of the hands of gangs
- Amending the Bill to require Clubs notify the Police of their existence rather than seek their approval.
- Amending the Bill to require notification of Police of the shooting club rather than ask them to certify them.
- Don’t rush the Firearms Register – ensure we have the right systems and checks in place before we roll it out, and ensure the regulatory framework is fit for purpose.
- Keeping the length of licences for firearms at ten years, not five.
- Making sure notification by medical professionals to Police only happens when there is an immediate threat to an individual or to public safety.
- Exempting sports shooters and people who use firearms for pest control purposes from the reforms.

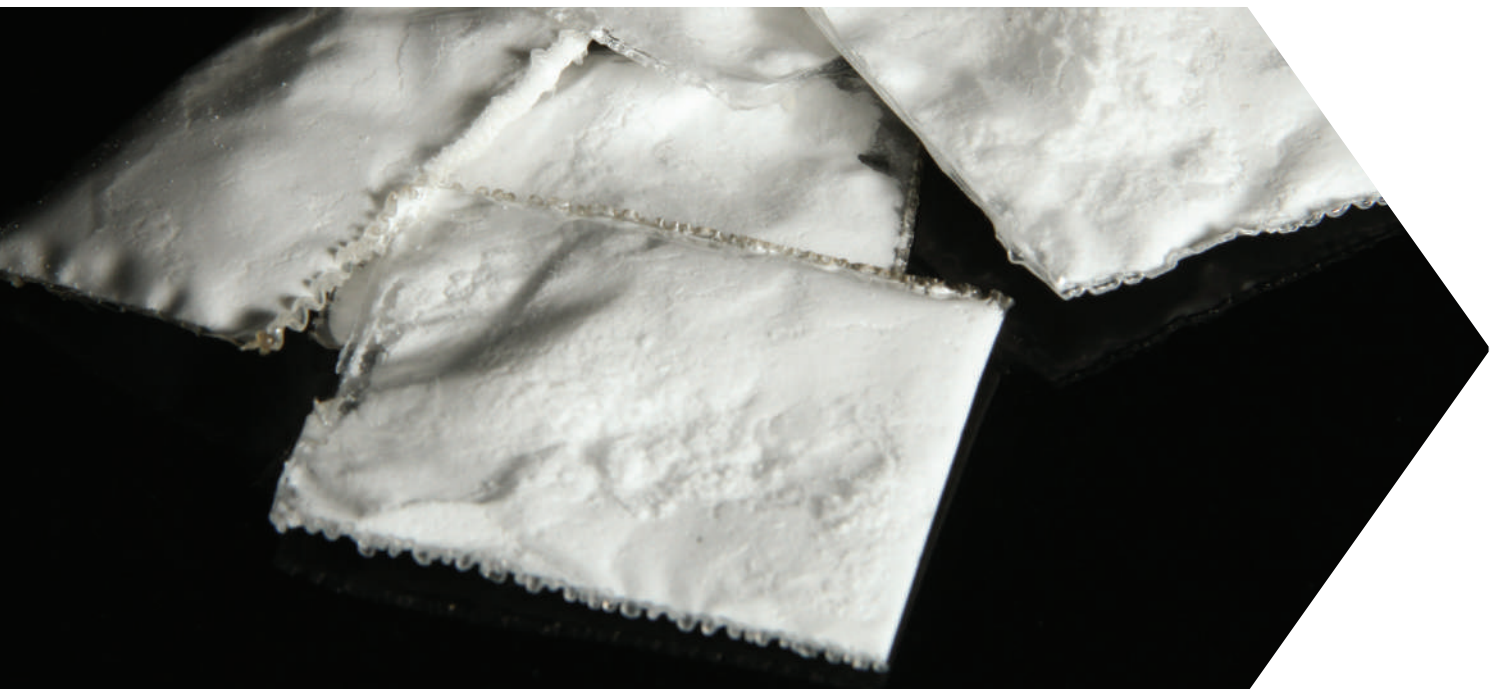
- Ensuring the fit and proper person test doesn't start to criminalise law-abiding New Zealanders and so the Courts can't make it impossible for people to get firearms licenses.

National is engaging with the firearms community to ensure their voices are heard while ensuring gangs are held to account. We welcome your feedback on our changes, as well as other areas we can work on to ensure the legislation doesn't unfairly add extra cost, burden and hassle on law-abiding firearms owners.

**We want your thoughts on the following:**

- Do you agree with the changes National wants to see to tranche two of the Government's Firearms Law Reform?
- What other changes would you propose to the Bill to reduce the burden it places on law-abiding firearms owners?





## Drug Reform

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“National supports both greater rehabilitation and tougher sentences, treatment and deterrence should go hand in hand.”

### **Hon Paula Bennett**

Spokesperson for Drug Reform

National knows the issues surrounding drug use are not simple. They are complex and broad. This is why it's so important to get the balance right when creating drug policy. There needs to be wrap around health services available, which includes rehabilitation and reintegration, but there also needs to be penalties for those caught supplying and dealing harmful drugs to vulnerable New Zealanders.

National consistently increased investment in rehabilitation when in Government, and pledged \$40 million more over four years for drug treatment and education services in 2017, including an additional 1,500 treatment beds.

There is a serious amount of harm caused in our communities by those who peddle dangerous drugs, and who make a profit off vulnerable New Zealanders. The estimated social cost of

illicit drug harm in New Zealand amounts to \$1.8 billion/year. This harm cannot be ignored, because at the end of every supplier, is a victim.

It's so important we get a full picture, and the detail right, before introducing policies which change our drug laws. A coordinated approach across health, education, law and order and border control is needed to counter the issues with drugs in New Zealand. National supports both greater rehabilitation and tougher sentences, treatment and deterrence should go hand in hand.

**HAVE YOUR SAY > 2019 DISCUSS**

## Case study

### Meth Action Plan

National introduced the Meth Action Plan in 2009 which cracked down on drug dealers and sought to stop trafficking at our borders, while ensuring those who needed rehabilitation got access to the best services. The Meth Action Plan reduced adult meth use rates in New Zealand by 50 per cent, and the release of the last progress report showed seizures of meth had almost tripled from the previous year. National committed to an \$82 million refresh of the Plan in 2017, but the Government cancelled it when they came into office.

- National will reintroduce the Meth Action Plan aimed at the 2020s.

## Referendum on Cannabis

National would not be having a referendum on the use of recreational marijuana if we were in Government. We strongly believe New Zealand should be waiting to see the evidence and outcomes from Canada, who have only recently legalised recreational marijuana. Since we are having a referendum, National strongly believes New Zealanders should have as much information as possible. New Zealanders deserve to know what they're voting for, the decision is too important to not know. There is a vacuum of information when it comes to legalising recreational marijuana. There are serious questions around drug driving, the effects of younger people accessing and using,

youth mental health, and how this fits with our ambitions to be a smoke free country. We need to know what a regulated industry looks like, what level will CBD and THC be regulated at, will gangs be able to grow and sell marijuana, and what education services will be available for youth.

The Government says the key drivers for legalising marijuana are to address youth use and to remove access via the black market. If the market is tightly regulated with state controlled licensing, there will still be room for the black market to thrive. Until the Government can front up with the detail, they shouldn't be holding this referendum.

## Drug Impaired Driving

Fatalities from crashes involving drivers with drugs in their system have increased from 14 to more than 70 in the past four years. National wanted a proper roadside drug testing regime in place before any of the Government's law changes liberalising access to drugs take effect. We will continue to push for the introduction of our own Bill but would equally support rapid progress on any Government Bill to get drug impaired drivers off the road.

- National commits to introduce legislation to implement a comprehensive roadside drug testing regime within 100 days of forming a Government to keep NZ families safer on our roads.

## Misuse of Drugs Amendment Act

The Government has passed a law which amounts to de facto decriminalisation of drug use. The Bill directs Police not to prosecute for personal drug use including meth, cocaine and marijuana unless there is a public interest in doing so. Despite the policy intent, there is no legislative requirement to refer users for treatment, counselling or any other further rehabilitation, which shows it's an example of another half-baked law. Police are not social workers, but under this law it will be up to them to help people try to find services which simply don't exist. The Government says it's putting the legalisation of cannabis to the public in a referendum, yet at the same time it's telling Police not to prosecute when it comes to prosecuting Class A and B drugs.

## Synthetics

Psychoactive substances are a huge issue in our communities. They have killed dozens of peoples, and are destroying lives. In 2018 the Government voted down a Members' Bill by Simeon Brown which would have ensured harsher penalties for those who deal and manufacture synthetic drugs. In May this year, the Coroner released new figures showing as many as 80 deaths were attributed to synthetic drugs in less than two years. These substances can change day to day and dealer to dealer, so tweaking the law by reclassifying strands of drugs as they come up is not enough. Greater penalties are required to get them off the streets.

- National will increase the penalties for those caught supplying synthetics to eight years imprisonment.

### We want your thoughts on the following:

- What are the top three issues we face by legalising cannabis?
- Should we investigate the issue of drug use in schools?
- Should we expand the Alcohol and Other Drug Treatment Courts to other districts?
- Should we expand Te Ara Oranga (a joint Health/Police initiative to tackle meth) to the Eastern Police District?



# National's Law and Order Team

2019



**Hon Simon Bridges**  
National Party Leader



**Hon Paula Bennett**  
Spokesperson for Drug Reform



**Hon Mark Mitchell**  
Spokesperson for Justice



**Hon David Bennett**  
Spokesperson for Corrections



**Kanwaljit Singh Bakshi**  
Associate Spokesperson for Justice



**Hon Tim Macindoe**  
Shadow Attorney-General



**Brett Hudson**  
Spokesperson for Police



**Chris Penk**  
Spokesperson for Courts

# Feedback

## National's Vision

Please fill out the below (feel free to add any additional comments) and post them to:

**FREEPOST PARLIAMENT**  
**Hon Mark Mitchell**  
**Parliament Buildings**  
**Wellington**

Post to Parliament is free so you don't need to add a stamp. You can also visit [national.org.nz](http://national.org.nz) for an online version.

## The Social Investment Approach to Justice

- |   | Agree                    | Disagree                 |
|---|--------------------------|--------------------------|
| 1. National is committed to returning to using the Social Investment Approach to justice to ensure we use data to help identify the areas of greatest need where the Government can best target its efforts, and do more of what works. | <input type="checkbox"/> | <input type="checkbox"/> |

## Organised Crime

### Gangs

- |   | Agree                    | Disagree                 |
|---|--------------------------|--------------------------|
| 2. National will give Police greater powers to search the homes and cars of violent gang members for firearms.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. National proposes banning all gang insignia in public places.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. National proposes revoking parole for gang members who return to associating with a gang after release.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. National proposes creating new sentences for violent gang crime and introducing tougher sentences for ordering gang crime.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. National proposes to create a new aggravating factor in the Sentencing Act that would capture offending done whilst a member of a gang, or offending done in association with gang members and/or a gang.        | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. National proposes to change the onus of proof on gang related income so if an individual is identified as part of a gang on the National Gang List they have to prove their income came from legitimate sources. | <input type="checkbox"/> | <input type="checkbox"/> |

**We want your thoughts on the following:**

- Should National create a specialist unit within the Police which has similar powers and proactive approaches to Strike Force Raptor?
  - What further steps should National take to tackle gang activity and crime?
  - Should National remove parole for offenders who are members of gangs and their offending is gang-related?
- 
- 

**White Collar Organised Crime****Agree**      **Disagree**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 8. National proposes to investigate the viability of a Financial Forensics Taskforce within New Zealand Police.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. National will look at ways to capture more organised crime activity through our Anti-Money Laundering regulations while reducing the burden on law abiding citizens and businesses. | <input type="checkbox"/> | <input type="checkbox"/> |

**Proceeds of Crime****We want your thoughts on the following:**

- What measures should National fund from the Proceeds of Crime fund?
- 
- 

**Returning Offenders****We want your thoughts on the following:**

- Are there any other measures we should implement in a future Returning Offenders Management Bill which will keep New Zealanders safe?
- 
- 

**Protecting Victims and Holding Offenders to Account****Concurrent Sentencing****We want your thoughts on the following:**

- Should we remove concurrent sentencing as a sentencing option for offending while on bail, in custody, or on parole, and for offenders convicted of multiple murder, manslaughter and sexual violation offences?
-

### Victims Notification Register

Agree Disagree

10. National proposes to change the Victims Notification Register to make it opt-out rather than opt-in.



### No Location, No Parole

Agree Disagree

11. National proposes to amend sentencing and parole laws so murderers who refuse to reveal the location of their victims' will be denied parole.



### Legally Insane Offenders

Agree Disagree

12. National proposes to implement Louise Upston's Rights for Victims of Insane Offenders Bill.



### An Antiquated Courts System

#### We want your thoughts on the following:

- Should National improve facilities for victims at court? For example, should we introduce separate waiting rooms for victims in all courts?
  - Can courts staff training be improved so they better meet the needs of victims?
  - Could any other measures help alleviate the stress felt by vulnerable people attending court?
  - What changes can be made so victims have a bigger role in the justice process?
  - Should we remove the discretion for a court to edit and potentially disallow a victim from reading their own Victim Impact Statement?
  - What additional support or services can be offered to victims going through the criminal justice system?
  - What changes can be made to the criminal justice process so it is more accessible and easier to navigate by the public?
- 
- 

### Inferences from a Defendant's Silence

Agree Disagree

13. National proposes to implement a regime where a proper inference may be drawn from a defendant's silence in a case where certain criteria are met.



## Family Violence

### Prevention

Agree Disagree

14. National proposes to support initiatives which focus on stopping at-risk individuals from becoming perpetrators, and those which minimise disruption for victims.

### Government Responses

Agree Disagree

- 15. National will recommit to the RAMF and strengthen it to ensure there are 'no wrong doors' that victims turn down.



### Early Intervention

Agree Disagree

- 16. National will focus on bringing agencies together to enforce early intervention strategies through the Justice sector.
- 17. National will provide frontline officers and other frontline staff with the tools to intervene earlier.





**We want your thoughts on the following:**

- What other support should be given to Police and frontline staff to help them intervene earlier?

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### Crisis

Agree Disagree

- 18. National proposes to extend the ISR initiative to more communities.



### Tools for Police

**We want your thoughts on the following:**

- What other tools could Police have to respond more effectively and efficiently to family violence incidences?

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### Long-term Recovery

Agree Disagree

- 19. National proposes to ensure sexual violence cases are dealt with within 12 months.



### Protecting Children and Victims

**We want your thoughts on the following:**

- What more can we do to improve the system for young people and young victims of family violence?

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## Keeping our Communities Safe

### Police Force and Standards

Agree

Disagree

20. National proposes to work towards a Memorandum of Understanding with Police to set expectations in regards to standards which need to be met to (a) enter College and (b) graduate to the force.

### Reducing Crime and Offending

#### We want your thoughts on the following:

- What other targets or measures should National look at to ensure New Zealand Police are focussed on reducing harm and keeping New Zealanders safe?

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### Technology in Police

Agree

Disagree

21. National proposes to expand the use of technology in Police as well as the Evidence-Based Policing Service Centre to ensure what works in reducing crime happens.

### Police as Social Workers

Agree

Disagree

22. National proposes to expand and increase the use of Authorised Officers.

### Police and Mental Health

Agree

Disagree

23. National will reintroduce both mental health programmes scrapped by Labour.

#### We want your thoughts on the following:

- What other support could be given to Police to help deal with mental health issues and challenges on the frontline?

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### Name Suppression for Police

Agree

Disagree

24. Should National implement Chris Bishop's Members Bill?

## Youth Crime

### Incentivising Young People

Agree

Disagree

25. National proposes to widen the Clean Slate scheme for young offenders to wipe their criminal record at age 18 if they meet certain criteria.

**We want your thoughts on the following:**

- Have we got the criteria right?

**Young Serious Offenders**

	Agree	Disagree
26. National proposes to institute YSOs to triage the top 150 most serious young offenders into more targeted programmes to reduce offending.	<input type="checkbox"/>	<input type="checkbox"/>
27. National proposes to give Oranga Tamariki and the Police the power to detain YSOs, including when transporting them, and place tougher penalties on young offenders who abscond from custody.	<input type="checkbox"/>	<input type="checkbox"/>
28. National proposes to remove bail as we know it for YSOs (with limited exceptional circumstances) and introduce Monitored Release for YSOs where they are released on electronic monitoring.	<input type="checkbox"/>	<input type="checkbox"/>
29. National proposes to support zero tolerance and remove the warnings for YSOs.	<input type="checkbox"/>	<input type="checkbox"/>
30. National proposes to ensure guardians who have YSOs bailed to their care are conviction free for 10 years, and mandate a single accountable guardian to be responsible for them.	<input type="checkbox"/>	<input type="checkbox"/>
31. National proposes to increase the youth court jurisdiction for YSOs to serve up to 12 months in Youth Justice Facilities, as well as undertake up to 18 months supervision in the community.	<input type="checkbox"/>	<input type="checkbox"/>

**Education Officers in Youth Courts**

	Agree	Disagree
32. National proposes to implement Nikki Kaye's Members' Bill to provide more education officers in youth courts.	<input type="checkbox"/>	<input type="checkbox"/>

**Corrections****Remand Prisoner Testing**

	Agree	Disagree
33. National wants to look at how we can reform the access to services remand prisoners get to ensure they get treatment for mental health issues earlier.	<input type="checkbox"/>	<input type="checkbox"/>

**Working Prisons**

	Agree	Disagree
34. National proposes all prisons are working prisons, with the presumption all prisoners are in work, education or training.	<input type="checkbox"/>	<input type="checkbox"/>
35. National proposes to make it a condition of being eligible for parole that low and medium level offenders who don't have NCEA Level Two complete literacy and numeracy requirements.	<input type="checkbox"/>	<input type="checkbox"/>

**Exiting Prison**

	Agree	Disagree
36. National proposes to improve the way agencies work together to support people exiting prisons to ensure they have the best chance at independence and lower the risk of them reoffending.	<input type="checkbox"/>	<input type="checkbox"/>

**We want your thoughts on the following:**

- What can the system do better for people exiting prisons so they are able to reintegrate into society and be less likely to reoffend on release?

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### Notifying Communities

**We want your thoughts on the following:**

- Do you support Matt Doocey's Members' Bill?
- Should there be stronger requirements around notifying communities on release of offenders into those communities, including for sex offenders and murderers?

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### Corrections Technology

Agree Disagree

37. National proposes more opportunities to use technology in Corrections to improve safety and reducing reoffending.

### Safety in Prisons

**We want your thoughts on the following:**

- Do you support Paulo Garcia's Sentencing (Restriction of Concurrent Sentencing) Amendment Bill?

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## Improving Access to Justice

### Disputes Tribunal Limits

**We want your thoughts on the following:**

- What monetary limit would you be comfortable with the Disputes Tribunal hearing? \$40,000/\$50,000/\$60,000

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## Performance Measures for District Courts

### We want your thoughts on the following:

- Should National trial performance measures in the District Courts to drive improvements to timeliness in the court system?
- 
- 

## Night and Weekend Courts

### We want your thoughts on the following:

- Should National institute night and weekend courts to try and deal with more cases without lengthy delays?
- 
- 

## Increased Use of Justices of the Peace

Agree

Disagree

38. National proposes to use judicial JPs more on lower-risk hearings and cases to free up time for serious cases to be dealt with quickly.

## Streamlining Courts

Agree

Disagree

39. National proposes to modernise the justice system by increasing the use of technology in our courts to streamline the process.

40. National proposes to strengthen methods of collecting funds from offenders to ensure they are held accountable and litigants are not denied justice.

## Firearms Tranche Two

### We want your thoughts on the following:

- Do you agree with the changes National wants to see to tranche two of the Government's Firearms Law Reform?
  - What other changes would you propose to the Bill to reduce the burden it places on law-abiding firearms owners?
- 
- 

## Drugs Reform

Agree

Disagree

41. National will reintroduce the Meth Action Plan aimed at the 2020s.

**Drug Impaired Driving**

**Agree**

**Disagree**

42. National commits to introduce legislation to implement a comprehensive roadside drug testing regime within 100 days of forming a Government to keep NZ families safer on our roads.

**Synthetics**

**Agree**

**Disagree**

43. National will increase the penalties for those caught supplying synthetics to eight years imprisonment.

**We want your thoughts on the following:**

- What are the top three issues we face by legalising cannabis?
- Should we investigate the issue of drug use in schools?
- Should we expand the Alcohol and Other Drug Treatment Courts to other districts?
- Should we expand Te Ara Oranga (a joint Health/Police initiative to tackle meth) to the Eastern Police District?

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**Comments:**

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