



# National's Law and Order Policy Package

## Overview

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.

National is the party of law and order. We will ensure New Zealand is a safe place to live, work and raise a family.

That means National will make sure victims are at the heart of our justice system, offenders are held to account, and Social Investment is used to tackle the causes of crime.

## Policy highlights

### National will:

- Ensure the Social Investment approach is implemented across the justice sector with clear targets established to reduce offending and address the areas of most need within the justice system.
- Expand mental health initiatives within the Police.
- Tighten border controls with increased searching of containers and mail to prevent drugs coming into the country.
- Expand the use of specialist courts such as drug and alcohol courts, which help offenders deal with their addiction issues.
- Introduce the Clean Start policy for newly released prisoners to move to a new community.

## Justice

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.

National is committed to returning to using the Social Investment approach in the justice sector. This means we will use the tools of Government to target the causes of crime as well as responding forcefully to the perpetrators of crime. National will focus Government responses on clear targets to reduce crime and re-offending, using data to help identify areas of greatest need, and on making New Zealand a safer place.

### National will:

- Ensure that the Social Investment approach is implemented across the justice sector with clear targets established to reduce offending and address the areas of most need within the justice system.
- Set a target for sexual violence offences to be dealt with within 12 months.
- Introduce a new category of Young Serious Offenders to give Police more tools in dealing with teenage and young adult offending. 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 lifetime of crime.
- Expand the Integrated Service Response initiative to provide greater access to support for family violence.
- Change the Victim Notification Register to make it opt-out rather than opt-in.

## Police

National is committed to keeping New Zealanders safe and that means giving Police the tools and resourcing they need to do their job. New Zealand's frontline Police officers are some of the most professional in the world. We are privileged to have such a dedicated Police force who put their safety on the line to keep our communities safe.



### National will:

- Expand mental health facilities in policing such as the Watch-house Nurse Programme and the Mental Health Co-Response Initiative.
- Clamp down on organised crime and drug dealers who push dangerous drugs into our communities.
- Introduce Firearm Prohibition Orders to give Police more powers to stop dangerous people accessing firearms.
- Increase funding and resourcing for the Independent Police Conduct Authority.
- Increase allocation of Police to rural areas, including increasing one-person Police stations to two-person stations (pilot scheme in Northland first).

## Firearms

National will focus on the criminal and violent use of firearms. National opposed the unnecessary regulation placed on law abiding firearm owners and set out a number of changes we required to the Arms Legislation Bill which was introduced in 2019 passed by the Government earlier this year.

### National will:

- Amend the Arms Act 1983 to implement the changes not adopted in the Bill, including introducing Firearm Prohibition Orders, provide clear rules around the regulation of clubs and ranges, and provide common sense exemptions for pest control operations, sports shooting, and collectors.
- Place policy and administration responsibilities for the Arms Act 1983 with another Government entity other than NZ Police.

## Curbing the harm organised crime creates

Gangs and organised criminal elements peddle misery throughout New Zealand. In just three short years, the Government has overseen a 34 per cent increase in the numbers of patched gang members across

the country. National has advocated strongly for measures which will stop gangs peddling drugs and violence through the country.

Gangs contribute significantly to the methamphetamine epidemic in New Zealand and, increasingly, are developing transnational connections to organised crime networks. We need to change the soft approach that has been adopted to organised crime and implement policies that will disrupt and halt the operations of gangs across the country.

### National will:

- Give Police greater powers to search the homes and cars of violent gang members for firearms through Firearm Prohibition Orders.
- Resource Police to designate a dedicated gang unit to disrupt the operation of gangs and work within Police to target the proceeds of crime.
- Create new criminal offences targeting violent gang crime and introducing tougher sentences for gang-related crime.
- Set tougher parole conditions for gang members who return to associating with a gang after release.
- Create a new aggravating factor in the Sentencing Act that would capture offending done whilst being a member of a gang, or offending done in association with gang members and/or a gang.
- Change the onus of proof on gang related income. If an individual is identified as member of a gang on the National Gang list they have to prove their income came from a legitimate source, rather than the Police proving their income came from an illegitimate source.
- Ban all gang insignia in public places.

## Customs

National knows the border is our first line of defence and we will resource it appropriately. National will invest more resources to combat the drug trade, particularly methamphetamine and synthetics.



### National will:

- Tighten border controls with increased searching of containers and mail to prevent drugs coming into the country.
- Introduce additional drug dogs at airports and ports.
- Increase funding for drug intelligence to enable Customs, Police and Health to identify new drugs and bad batches sooner.
- Increase resourcing for passenger health screening in the Covid-19 environment.

## Courts

National will get the Court system moving quickly to clear a backlog of disputes, modernise its operations through technology and make better use of existing resources.

National recognises the value of specialist courts and will extend their operations.

National will encourage the transfer of disputes from the Court system to alternative dispute resolution forums as much as possible.

### National will:

- Expand the use of specialist courts like drug and alcohol courts, which help offenders deal with their addiction issues.
- Investigate transferring disputes from the Court system to alternative dispute resolution forums.
- De-escalate disputes by having some cases heard at lower levels of the Court system.
- Extend sitting hours and increase use of technology to clear Court backlog.

## Corrections

National is committed to a high functioning Corrections system that keeps New Zealanders safe and works to reduce repeat offenders. National will keep communities safe and prevent crime, as well as hold offenders to account. We have a track record of

championing victims and helping offenders set their lives on a different path.

National will incorporate a Social Investment approach into the Corrections system again. We will prioritise both rehabilitation and reintegration, through Clean Start, focusing on first-time remandees, and make sure all prisons provide education/work opportunities. This will enable us to work with vulnerable individuals and stop them entering a life of crime.

Labour's policy of reducing the prison population by 30 per cent over 15 years has the wrong focus and we will scrap it. National will focus on reducing crime, meaning fewer criminals requiring sentencing and most importantly fewer victims of crime.

### National will:

- Use the Social Investment approach to work with vulnerable individuals and stop them entering a life of crime.
- Introduce the Clean Start policy for newly released prisoners to move to a new community.
- Expand the use of mental health support for prisoners, particularly young prisoners.
- Increase funding for education and drug treatment in prison.
- Focus on first-time remandees, many of whom have drug/alcohol or mental health issues. We will expand alcohol, drug, literacy and numeracy programmes for this group to reduce their chances of returning to prison.
- Ensure that all prisons are working prisons, so prisoners are either in work, education or training.
- Support the Howard League's driving and literacy training.



## Young Serious Offenders

### Commitment

National will introduce a new category of Young Serious Offenders (YSO) to give Police more tools in dealing with teenage and young adult offending.

### Background

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 lifetime of crime.

In 2016, the National Government announced that serious and recidivist 17-year old offenders would, for certain offences, automatically be transferred to the District Court or High Court to face charges. The Government strengthened the presumption for other young offenders in similar situations.

The YSO Police will build on this work to protect victims and to reduce both offending and reoffending. This includes responses outside the Court and across multiple agencies.

### Detail

National's YSO policy will:

- Provide funding for reducing youth offending through specialist services such as professional youth mentoring, cognitive behavioural therapy, and functional family therapy.
- Create a new category of young offenders which will give greater tools to Police and agencies to deal with their offending effectively.
- Institute YSOs to triage the top 150 most serious young offenders into more targeted programmes to reduce offending.
- 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.
- Remove YSOs (with limited exceptional circumstances) and introduce Monitored

Release for YSOs where they are released on electronic monitoring.

- Support zero tolerance and remove the warnings for YSOs.
- Ensure guardians who have YSOs bailed to their care are conviction free for 10 years from a serious offence, and mandate a single accountable guardian to be responsible for them.
- 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.

## Question and Answer

### Why is this required?

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 lifetime of crime.

The youth justice system has worked well for the vast majority of young offenders and served the majority of victims well. The focus on reducing crime has seen the youth crime rate drop 31 per cent.

However, for the 2 to 3 per cent who are either hardened or serious offenders, a stronger response is necessary. This is a small group of young offenders who have been in and out of Youth Court and have not shown any willingness or ability to change.

National will not just sit back and allow the numbers of their victims to keep racking up until they reach adulthood and can be charged in the adult courts.

### Who will be classified as a YSO?

To be considered a YSO, a young offender needs to be under 18 years old and have:

- Committed an offence which carries a maximum sentence of 14 years in jail or more; and
- Met any prescribed requirements, which will incorporate elements of the Police Youth Offending Risk Screening Tool.



### How many people will this effect?

There are a small group of around 150 young people who continue to commit large numbers of serious offences. These are young people who have been in and out of the Youth Court but have shown no willingness or ability to change their behaviour.

### What will the YSO programme entail?

We will provide funding for reducing youth offending through specialist services such as professional youth mentoring, cognitive behavioural therapy, and functional family therapy.

The Young Serious Offenders programme will triage the 150 most serious young offenders into these targeted programmes to reduce offending.

### Will the Justice System get new powers when dealing with YSOs?

Yes, we will 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.

The policy will support zero tolerance and remove the warnings for YSOs.

### Will this send kids under 18 to prison?

No, this will not add new categories where people under 18 can be sent to prison.

However, the policy will 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.

### Is this part of National's Social Investment approach?

Yes. This policy will require more investment upfront but will save the Corrections System money in the long run.

YSOs are at high risk of being long term offenders and spending a significant time in prison. The operating costs of keeping a person in prison is in excess of \$120,000 per year. The YSO programme is designed to invest the money now to help keep these young offenders out of prison tomorrow.



## Clean Start Policy

### Commitment

National will implement a new initiative, 'Clean Start', which will provide support for those recently released from prison to move to a new location away from where they committed the offence they were imprisoned for.

### Background

Clean Start builds on the 'Out of the Gate' programme started by the previous National Government. Out of the Gate provided wrap around support to people after they were released from prison. However it did not support people to move to a new location.

#### *A social investment focus:*

National believes it is important to address the drivers of criminal offending. We want to reduce re-offending and prevent people from entering a life of criminal offending. Often the environment and relationships in an offender's home location is a significant cause of the offending. Clean Start provides those recently released from prison a circuit breaker and an opportunity to begin life afresh in a new location.

National, as part of our Social Investment approach, wants to give those who have completed their prison sentence an opportunity to start afresh in a new location and environment.

### Detail

- Corrections will work with community providers who have experience in delivering rehabilitation support to deliver Clean Start.
- Goodwood Park Healthcare Group, Presbyterian Support Northern and the National Urban Māori Authority are examples of providers who delivered the Out of the Gate policy.
- The community providers will provide wrap around support to those recently released from prison to suit their individual needs.
- While the support will be tailored to the

person's specific needs, a focus on key life necessities and connections will be expected across all providers. This includes secure accommodation, employment, education, life skills and developing connections in the community.

- National supports the outcomes based approach where a provider's performance is measured on the outcomes they deliver for those they are designated to support.
- The key part of Clean Start is the released prisoner will be supported to move to a new location away from where their offending occurred.
- This enables the released prisoner to break away from the circumstances or relationships which could lead them to a pathway of re-offending upon their release.
- In a new environment, with the appropriate support, they will be supported to live a life free of criminal offending or associations with criminal organisations.

## Question and Answer

### Why is Clean Start required?

While some are fortunate enough to be supported in their home community after their release from prison, this does not benefit everyone. Going back to the same environment can pose a high risk that reoffending will occur. Research shows the initial period upon release is critical to determining whether an offender is able to get their life on track.

### When does Clean Start apply?

The prisoner will be connected with the community provider prior their scheduled release. This enables the provider to assess the offenders requirements and for a connection to be established between the provider and offender.

### Who will Clean Start apply to?

Clean Start will be made available to those serving a sentence of two years or less or who have been on remand for more than 60 days.



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It is worth restating that National opposes the current Government's policy of reducing the prison population without a plan to reduce crime. Clean Start will not result in people being released from prison before they have served their sentence.

National unashamedly prioritises the safety of victims and communities. The usual safeguards that prevent offenders from being placed in areas where they will come into contact with their victims, or pose a risk to the community, still apply under Clean Start.

#### Can offenders bring take dependent family members to their new location?

If an offender has dependent children or partners, then it may be possible for them to relocate with the released offender. However an assessment will occur on a case by case basis. Corrections must be satisfied that allowing others to relocate with the recently released prisoner will not increase their risk of re-offending.

#### How much does Clean Start cost?

National will set aside \$20 million for Clean Start over a four year period.

We will assess the results of Clean Start in the initial years before determining the scope and resourcing for future years.



## Mental Health Initiatives

### Commitment

National will ensure funding to expand the Watch House Mental Health Nurse Pilot which will see mental health nurses stationed in Police Watch Houses to help respond to mental health incidents.

National will ensure funding and expand the St John's Co-Response pilot.

### Background

Police spend around 280 hours a day responding to mental health calls.

Across the country, mental health-related callouts to Police increased by 12 per cent during 2019, to almost 62,000 calls.

National supports the work the Police do to respond to a variety of incidents across the country but Police currently spend around 280 hours a day responding to mental health calls. It makes sense to partner police with mental health professionals.

### Watch House Mental Health Nurse Initiative

- The initiative was launched in 2008 with a pilot in Counties Manukau Police Station.
- An evaluation of the programme in 2010 found there was strong evidence of reduced risk of harm, efficient referrals, and ongoing education to Police on mental health responses.
- The successful programme was not supported by the current Government and has effectively discontinued.
- According to information released under the Official Information Act, the roles were incorporated into a separate Counties Manukau unit. However, the new unit is not based in the Police cells.
- Police say the new unit works closely with them, but it seems unlikely it could be working anywhere near as effectively as it was when it was at the epicentre of police operations.

- Mental health issues can't be scheduled, and you never know when someone will be brought in who needs immediate help. The absence of those watch house nurses will not only place the sufferer at greater risk, it could also put the Police and wider public in danger.

### Co Response Initiative

- After being established by National, the St John's Co-Response pilot initiative was initially scrapped by Labour until 2020 where it was re-announced in Wellington as a 12 month trial.
- National allocated \$8 million to the programme from our \$100 million mental health package in 2017.
- Police Minister Stuart Nash confirmed in answers to written questions the day of the Police Estimates hearing that the pilot would be canned, yet Police Commissioner Mike Bush told the hearing that police were very hopeful it would continue – in front of Mr Nash.
- Labour partially reinstated the pilot in March 2020 but only allocated \$700,000, more than ten times less than what National had allocated in 2017.
- Properly funding and committing to the co-response initiative would see a partnership between Police and St John that would provide better support for people in distress and better support for frontline responders.





## Alcohol and Other Drug Treatment Courts

### Commitment

National will commit to further expansion of the Alcohol and Other Drug Treatment (AODT) Courts to build on the success of this initiative.

### Background

National launched New Zealand's first Treatment AODT Court in 2012. The trial was a success and the two current AODT Courts in Auckland and Waitākere have now been made permanent with a third court in Hamilton being funded.

## Questions and Answer

### How does an AODT Court differ to a normal court?

Drug and alcohol courts deliver justice through a therapeutic intervention model. The objective is to help offenders deal with their addiction and criminal behaviour, aiming to break the cycle of offending.

As part of the court programme a multi-agency team of Government agencies, treatment providers and community organisations will work with participants to repair stressful social and emotional situations.

### Will this cost the Government more?

In the long term this will save the Government money as part of our Social Investment approach to law and order. Drug and alcohol courts are a targeted intervention designed to help people recover from their addiction.

Over the long term this should lower the participant's interactions with the Criminal Justice System, leading to long term savings for the Government.

In the short term there will be additional costs associated with funding the AODT Courts. However, this will be offset by removing the pressure on the District Courts and the costs associated with this.

### Will there be increased funding for rehab/treatment?

Yes, the AODT Courts will refer more people into rehab and treatments and there will be additional funding to fund the required additional placed.

### Why do we need specialist courts?

AODT Courts have been shown to reduce reoffending. AODT Court participants are:

- 23 per cent less likely to reoffend for any offence;
- 35 per cent less likely to reoffend for a serious offence; and,
- 25 per cent less likely to be imprisoned because of their reoffending.

Additionally, by moving drug and alcohol charges to specialist courts it frees up capacity in the District Court to focus on other offences.