



People Against Prisons Aotearoa

Submission to Finance and Expenditure Committee on the Budget Policy Statement 2021

People Against Prisons Aotearoa (PAPA) is a prison abolitionist organisation working for a fairer, safer, and more just Aotearoa. Established in 2015, PAPA advocates for prisoners to ensure their human rights are met. We also push for changes to the New Zealand criminal justice system to create more just outcomes. PAPA makes this submission as a part of the international call to 'defund the Police', emerging from the #BlackLivesMatter movement. As this submission demonstrates, the high levels of police expenditure cannot be justified given the perverse social outcomes of this spending, as well as opportunities for better use of revenue.

This submission has been written on behalf of *PAPA* by Tom Pearce, Holly Willson, and Ti Lamusse.

PAPA wishes for its members to appear before the committee to present this submission.

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Introduction

The Budget Policy Statement (BPS) 2021 emphasises clearly the Labour Government's intent to maintain the wellbeing approach adopted in its first term. This is an approach that prioritises policies further enabling New Zealanders to determine the best possible outcomes for their health and well-being. The BPS identifies five areas of focus that, through sustained investment, will have the greatest impact on New Zealanders' wellbeing: Just Transition, Future of Work, Māori and Pacific, Child Wellbeing and Physical and Mental Wellbeing.

With this overarching goal in mind, People Against Prisons Aotearoa (PAPA) asks the Finance and Expenditure Committee (FEC) to align these priorities with a review of the budget expenditure for the New Zealand Police. A review of funding to the New Zealand Police is complementary to the key objectives of the BPS and the Labour Government's wellbeing goals, in particular those concerning Child Wellbeing, Physical and Mental Wellbeing and Māori and Pacific Wellbeing.

Overseas examples, driven by increased calls to “defund the police” have proven that reviews of Police funding can allow for a more effective allocation of resources to other sectors. These sectors support proactive solutions in reducing crime and improving health outcomes, rather than reactive and blunt interventions through policing. Defunding the Police would mean that the budget is spent addressing the causes of crime and social harm; on community-based approaches to justice; or invested in people or community-based organisations who specialise in responding to specific crises. There is also a need to recognise the harms caused by Police and policing in Aotearoa, in particular for Māori and Pacific peoples, and for people with mental illness. While in many cases, Police do not represent the communities they are policing, community-based intervention often provide greater benefit to the same communities that face disproportionate policing and discrimination.

Ongoing high levels of investment in policing are a roadblock to the wellbeing approach and to communities accessing the support and services they need to live with dignity. We know there are more effective ways to reduce crime in our society, and we know that policing is far removed from any of these. The focus needs to shift from punitive measures and harsher policing to addressing the root causes of crime: poverty, alienation and racism.

Part One: Police Harm and Te Tiriti o Waitangi

The New Zealand Police focuses its attention disproportionately on Māori. Māori make up more than half of the prison population in New Zealand, yet are more likely to be victims of crime. At all

levels of the justice system, Māori are more likely than Pākehā to face punitive responses,¹ and are eight times more likely than Pākehā to be the victims of police violence.²

The Waitangi Tribunal report *Tū Mai te Rangi!* (Report on the Crown and Disproportionate Reoffending Rates) outlines clearly the ongoing failures of the Crown to meet obligations to Māori through the New Zealand criminal justice system. The report also states that changes in policy continue to disproportionately lag in ways that provide effective solutions for Māori.³ We call particular attention to the role that policing plays in this system. A part of this failure is successive governments' continued investment in policing in the place of safe and effective justice for Māori.

We also call attention to the role that policing plays in perpetuating violence, reproducing gross inequalities and disempowering tangata whenua. Numerous government-funded reports, including *Turuki! Turuki!*⁴ and *He Waka Roimata*,⁵ similarly raise the alarm on the legacy of racism and harm for Māori in criminal justice and policing.

It is estimated there are currently more than 20,000 children in Aotearoa who have a parent in prison. Research from PILLARS and Te Puni Kōkiri has demonstrated the intergenerational effects of parental incarceration, with children of incarcerated people experiencing higher rates of poverty, lower rates of educational achievement, and worse mental and physical health outcomes.⁶ This approach to crime and punishment is creating the next generation of people to fill our prisons.

The intergenerational harm caused by failures of the criminal justice system and policing are seemingly insurmountable for Māori whānau and communities. The trauma and stigma of being arrested or imprisoned remains with people for a long time. It damages job prospects, relationships and standing in the community. It can also lead to further run-ins with the police.⁷ Meanwhile,

¹ Te Uepū Hāpai i te Ora, 'He Waka Roimata: Transforming Our Criminal Justice System' (Wellington: Te Uepū Hāpai i te Ora: The Safe and Effective Justice Advisory Group, 2019); Khylee Quince, 'Māori and the Criminal Justice System', in *Criminal Justice in New Zealand*, ed. Julia Tolmie and Warren Brookbanks (Wellington: LexisNexis NZ, 2007), 333-58.

² Response and Operations: Research and Evaluation, 'NZ Police Tactical Options Research Report #7: 1 January to 31 December 2018' (Wellington: New Zealand Police, 2019), <https://www.police.govt.nz/sites/default/files/publications/annual-tactical-options-research-report-6.pdf>.

³ Waitangi Tribunal, 'Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates' (Wellington: The Waitangi Tribunal, 2018), 86-87. https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_121273708/Tu%20Mai%20Te%20Rangi%20W.pdf

⁴ Te Uepū Hāpai i te Ora, 'Turuki! Turuki! Transforming Our Criminal Justice System' (Wellington: Te Uepū Hāpai i te Ora: The Safe and Effective Justice Advisory Group, 2019).

⁵ Te Uepū Hāpai i te Ora, 'He Waka Roimata'.

⁶ Liz Gordon, *Causes of and Solutions to Inter-Generational Crime: The Final Report of the Study of the Children of Prisoners* (Christchurch, NZ: Pillars, 2011); Liz Gordon and Lesley MacGibbon, 'A Study of the Children of Prisoners: Findings from Māori Data June 2011' (Wellington: Te Puni Kōkiri, 2011); Ivana Mlinac, 'Exclusion, over-Regulation and Complexities: The Effects of Parental Incarceration on Prisoners' Children and Their Families' (Masters of Arts Thesis, Auckland, University of Auckland, 2016), <http://hdl.handle.net/2292/31496>.

⁷ Annaliese Johnston, 'Beyond the Prison Gate: Reoffending and Reintegration in Aotearoa New Zealand' (Auckland: Salvation Army Social Policy & Parliamentary Unit, 2016).

prisons themselves are inherently violent places, which encourage ‘maladaptive’ behaviour such as seeing violence as a solution to interpersonal issues.⁸ The violence from prisons then flows back into the community when prisoners are released.

In response to the Budget Policy Statement, which clearly prioritises improved health and wellbeing outcomes for Māori, PAPA urges a reduction in the New Zealand Police budget that reallocates expenditure in this sector to sectors that address the causes of crime, such as inadequate incomes, housing, and mental health care. By reallocating funding in such a way, this government can come closer to meeting its equal protection obligations under *Te Tiriti o Waitangi*. It can achieve this by reducing the disproportionate violence against Māori at the hands of the Police by reallocating Police budget to safe, effective and equitable approaches to justice.

Part Two: The Police as a Coordinating Agency on Social Harm

In many cases, police intervention is ineffective at best and, at worst, can exacerbate situations. For example, the Police are the primary agency called out for people experiencing a mental health crisis, despite lacking the training or experience to adequately deal with this.⁹ In a mental health crisis, a police officer is asked to respond rapidly to an often complex set of circumstances, too often resulting in a decision to use force or restraint that could have been avoided through an intervention by a health professional.

Meanwhile people experiencing mental ill-health, especially those previously traumatised by violence, are likely to experience heightened reactions that can lead to escalation during contact with the police. The result is a disproportionate and rising trend of police violence against people with mental illness: in 2016 police used tasers on 25% of cases involving someone with mental illness, compared to only 16% for the rest of the population.¹⁰ This rose to 32% in 2018.¹¹ Further, recent findings on the nature of police shootings in New Zealand found that police shootings are more likely to involve a mental health event, and that those events are more likely to result in a fatality.¹²

⁸ National Health Committee, ‘Health in Justice: Kia Piki Te Ora, Kia Tika! – Improving the Health of Prisoners and Their Families and Whānau: He Whakapiki i Te Ora o Ngā Mauhere Me ō Rātou Whānau’ (Wellington: Ministry of Health, 2010).

⁹ Ron Paterson et al., ‘He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction’ (Wellington: Government Inquiry into Mental Health and Addiction, 2018), <https://mentalhealth.inquiry.govt.nz/assets/Summary-reports/He-Ara-Oranga.pdf>.

¹⁰ Response and Operations: Research and Evaluation, ‘NZ Police Tactical Options Research Report #5: 1 January to 31 December 2016’ (Wellington: New Zealand Police, 2017), <https://www.police.govt.nz/sites/default/files/publications/annual-tactical-options-research-report-6.pdf>.

¹¹ Response and Operations: Research and Evaluation, ‘NZ Police Tactical Options Research Report #7: 1 January to 31 December 2018’ (Wellington: New Zealand Police, 2019), <https://www.police.govt.nz/sites/default/files/publications/annual-tactical-options-research-report-6.pdf>.

¹² Anthony J. O’Brien et al., ‘The Nature of Police Shootings in New Zealand: A Comparison of Mental Health and Non-Mental Health Events’, *International Journal of Law and Psychiatry* 74 (January 2021): 1–6, <https://doi.org/10.1016/j.ijlp.2020.101648>.

Above all other harm, there has been an alarming increase in the number of people killed by police in recent years. Since 2015 there have been two or three people fatally shot by police every year, a rate comparable to the United Kingdom, despite their population being more than ten times that of ours.¹³ These numbers are up from just one person every two years between 2007-2014. Prior to 2007 the rate was even lower. Despite claims by police that they are acting in response to an increase in firearm crime, Official Information Act information obtained by PAPA shows that there has been no such increase. This reflects the calls we have heard from communities. Quite simply this is a tragic, inexcusable and deeply troubling escalation of police violence.

The Police continue to be the primary or only agency called on to respond to a list of extensive circumstances for which they are ill-prepared and ill-equipped. New Zealand Police officers are being asked to respond to social issues far beyond their training and expertise. In many cases, their presence escalates situations that could be better resolved by social workers, psychologists, crisis mediators, and whānau members. PAPA submits that the FEC meet the priorities in the BPS by considering ways to reallocate the police budget directly to programs, organisations and specialists that are better prepared to deal with the range and complexities of social situations that are currently left to the police. This would allow Aotearoa New Zealand to start to move past this simplistic, reactive and one-size-fits-all approach to social harm.

Part Three: Alternatives to Policing

Overall, the most effective alternatives to policing are those that can prevent harm from occurring. The current approach responds to harm after it has happened and often further perpetuates that harm through excessive use of force and imprisonment. Alternate responses to crises and harm are needed.

Community-based interventions should be funded as the primary form of responding to community issues. One such example are the Māori Wardens, where a recent resurgence of interest in joining the wardens has given them significantly more capacity to carry out their work. The wardens' kaupapa of de-escalation and seeking non-violent solutions provides an ideal blueprint for reducing incidences of what police describe as "public disorder" or "antisocial behaviour". Their presence and visibility in the community acts as a more effective deterrent than the threat of the police and positions them to mediate situations before they have the chance to escalate. The success of the wardens in addressing violence and confrontations on and around Auckland's Karangahape Road is one testament to their efficacy.

More broadly, the Māori Wardens are an example of a network of trained community volunteers who are successful not because they use force, but because they have local knowledge. They have the personal connections or relationships with members of their community that allow them to

¹³ Kerry Grace, Melanie O'Connor, and Ed Stevens, 'Deaths during or Following Police Contact: Statistics for England and Wales 2018/19' (London: Independent Office for Police Conduct, 2019), https://www.policeconduct.gov.uk/sites/default/files/Documents/statistics/deaths_during_following_police_contact_201819.pdf.

succeed, where external intervention by police may fail or result in further violence and harm. This kind of community-based justice can prevent violent crime, where police are left almost always responding to crime after the fact.

Other approaches are not free. Trials overseas of using trained mental health professionals as a first response to situations involving people with mental illness or in a mental health crisis have been highly successful.¹⁴ This requires a significant investment. Community-embedded or specialist-led organisations are also more successful than police at addressing intimate partner violence, where research shows as many as three-quarters of all incidents currently go unreported¹⁵ due to, among other things, fears that police intervention will make the situation worse.¹⁶ Again, this requires investment well beyond current levels.

Te Ara Oranga in Northland provides an excellent model for addressing drug harm without punitive police practice. The program is a partnership between police and the Northland District Health Board that places methamphetamine users with addiction specialists or in addiction treatment programs. The program provides a direct link between police and a recovery-based treatment approach carried out mostly in the community. This means that the role of police is simply to provide a link between methamphetamine users and treatment services. The health component of the program focuses on making contact with users within 48 hours, and involves the person's whānau, hapu or wider community as appropriate to support them

However, drug addiction services around the country are heavily oversubscribed, with referrals often taking more than a month and places in residential programs very difficult to come by. Funding for these programs is in desperate need.

Many of the callouts police receive could also be prevented by addressing social issues at their root. Issues frequently arise from peoples' inability to meet very basic needs such as housing, food or healthcare. A range of other inequalities create problems that the police are left to respond to. The BPS does well by acknowledging these issues and prioritising some of them for investment. For this reason, we encourage the FEC to commit to a substantial expansion of state housing provision, as well as the fulfilment of recommendations from the Welfare Expert Advisory Group. Addressing these underlying social issues will be the most effective way to prevent crime.

¹⁴ Stuart M. Butler and Nehath Sheriff, 'Innovative Solutions to Address the Mental Health Crisis: Shifting Away from Police as First Responders', Brookings, 23 November 2020, <https://www.brookings.edu/research/innovative-solutions-to-address-the-mental-health-crisis-shifting-away-from-police-as-first-responders/>.

¹⁵ NZCVS Project Team, 'New Zealand Crime and Victims Survey (NZCVS) 2018' (Wellington: Ministry of Justice, 2019).

¹⁶ Meriana Johnsen, 'Distrust of Justice System Preventing Family Violence Victims from Getting Help', RNZ, 18 February 2020, <https://www.rnz.co.nz/news/national/409806/distrust-of-justice-system-preventing-family-violence-victims-from-getting-help>.

Part Four: Recommendations

PAPA calls on the FEC consider the alternatives discussed above, as well as other ways in which the police budget could be better used either to prevent crime and harm from occurring, or to respond to situations in ways that don't create more violence and harm.

We recommend:

- The FEC to undertake an urgent review of current funding appropriations for Vote Police, with a specific focus on identifying where Police resources have been used to respond to circumstances they were not equipped to resolve.
- The FEC to review relevant government Department investments in policies that support people experiencing inadequate housing and homelessness, abuse and violence, victim and survivor support, inadequate mental health services, poverty and social deprivation, and identify ways that funding could be allocated to community-based support for these people.
- The Minister of Finance to work with relevant Ministers and report back to the Committee on where Vote Police appropriations could be better used to fund and support community-based interventions and the broader Budget Policy Statement's wellbeing priorities.
- The FEC to develop a budget to invest in a transformative justice policy framework.
- The FEC to develop a 5-year plan to substantially reduce police funding.