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Policy, Planning, Outputs and Outcomes: A Community Corrections Division Study

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Abstract

In the restructured New Zealand State sector departmental heads now contract with their ministers to provide outputs, and the performance of chief executives and their departments is assessed on the outputs rather than on the outcomes for society which the outputs contribute to. Planning to achieve the outputs is largely carried out in State sector departments using the technique known as strategic planning.

This thesis examines the topic of policy, planning, outputs and outcomes by reference to a key Community Corrections Division objective which seeks (under conditions of fiscal restraint) a reduction in the number of resource intensive remand reports provided to courts and a commensurate increase in the number of briefer same-day reports. The research method involved: (a) interviews with Departmental managers to gain their views on the issues which are currently shaping Community Corrections Division management planning; (b) a comparative quantitative study of compliance and conviction seriousness among 230 offenders who were sentenced, following either a remand or a same-day report, to periodic detention, community service or supervision in the Lower Hutt and Upper Hutt District Courts between May and October 1992; and (c) interviews with sub-groups of offenders and the people who supervised their sentences to provide a qualitative assessment of process and sentence outcomes.

Five notable findings emerged from this study. First, the managers accept the prominence of fiscal restraint among the environmental matters affecting strategic planning, but preferred to see this as an exercise in providing value for money. Second, the offender and supervisor interviews show that same-day reports were not an inferior method of providing information to courts where the punitive sentence of periodic detention was clearly indicated, but that same-day reports were less suitable than remand reports where the sentences of community service and supervision were recommended and ordered. With community service the offender's knowledge of the sentence and therefore their ability to give informed consent to the sentence was of concern, while the quality of the caseplans and the limited number of positive

qualitative changes which followed were noteworthy with the same-day supervision sentences. Third, just under half (46.1 percent) of all of the offenders in the study were convicted of at least one imprisonable offence during the twelve month follow-up period, with the percentages being greater for the same-day members of each sentence type group. The percentages ranged from a high of 63.6 percent reconvictions for the periodic detention same-day group to a low of 20.1 percent for the community service remand group. Fourth, among the community service groups, more of those who had been sentenced following a same-day report went on to commit offences of the same or more seriousness during the follow-up period than was the case with the remand report group. This finding is the more surprising because the characteristics of these recidivist same-day offenders might be expected to put them in a lower risk of reoffending category than their counterparts in the remand group. Fifth, compliance with community-based orders appears to have no predictive value as far as subsequent reconvictions are concerned. This finding must be of concern to the Government as purchaser of services, because certain levels of compliance are among the outputs that they are currently purchasing from the Community Corrections Division. That particular output, it appears, may be ineffective in producing the outcomes which are held to be the blueprint for a better society.

Acknowledgements

Thanks are due, and are willingly given, to those who have assisted me in many ways during my twelve years of extramural study. I am grateful to my employer, the Department of Justice, for the generous study assistance over several years which has culminated in the presentation of this thesis. I am grateful, also, to the staff of the Departments of Sociology and of Social Policy and Social Work at Massey University, who have provided excellent tuition and support since I began my bachelor's degree course in 1982.

In more recent times I have had the good fortune to have my thesis supervised by Lareen Cooper and Andrew Trlin of the Department of Social Policy and Social Work at Massey University. It has often been said by thesis writers that they 'could not have made it' without the support, advice and encouragement of their supervisors, and I now heartily concur with those sentiments.

Many people assisted me by providing the qualitative and quantitative data which is at the heart of this work. Five senior managers each gave up some of their valuable time to be interviewed about their views on management planning in the Community Corrections Division. Work colleagues provided me with records of sentence compliance and several of them also agreed to be interviewed and to share their knowledge with me. Also interviewed, were several community sponsors, as well as the offenders who were prepared to submit themselves, yet again, to more questions from an agent of the criminal justice system. To all of these people I give my sincere thanks.

My partner, Josephine, who became my wife just a few weeks before this thesis was presented, has given up many hours to assist with some of the more tedious data compilations, has proofread chapters and has given me all the physical and mental space I needed to complete this task. I am truly grateful to Josephine for all of these favours.

I wish to acknowledge my daughters Mina and Bianca, because they are my daughters, and because many of the worthwhile things that I attempt to do are undoubtedly inspired by them.

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1 Introduction

My employment as a first line unit manager or senior probation officer in the Community Corrections Division began at about the time that management planning — and more particularly performance planning, which is the implementation phase of management planning — first started to have a considerable impact on the working lives of main grade probation officers. I have thus been, during these developmental years, in a position where much of the monitoring of progress towards Divisional objectives is carried out, and where many of the criticisms of it are most frequently heard. Unit managers have a crucial role in performance planning. Not only do they work in a close relationship with main grade probation officers and share many of their concerns, but as managers they also have the task of instilling enthusiasm for Divisional policies and plans in their team members. In this situation unit managers are uniquely placed to appreciate both sides of the considerable debate which has accompanied the early years of the Justice Performance Management System, and this thesis, while it may tend towards the viewpoint of the field workers in the Division, will undoubtedly reflect the variety of influences which promoted my interest in this project.

A common theme to the criticisms which are heard is that management planning is little more than a means to tailor the dwindling financial resource provided by the Government to the increasing workload of the Community Corrections Division.¹ The line of reasoning continues that some of the Divisional objectives, particularly those which attempt to quota offenders into certain types of sentences or which seek to reduce the amount of information provided to judges, emerge not from the principles embodied in the mission of the Division, but from Government imperatives to reduce costs.

My interest then emerges as a social policy matter. It is an interest in attempting to evaluate whether the programmes of the Community Corrections Division, which may

¹See the discussion on this subject in Chapter 3.

be unduly influenced by the fiscal environment, are in fact running counter to the mission of the Community Corrections Division — a mission which seeks to reduce the likelihood of offending, to reduce the rate of imprisonment and to promote order and safety in society (Department of Justice, 1992a:6). Any such finding would of course cast doubt on the value of Divisional objectives, strategies and programmes, as well as raise questions about the outcomes for offenders and those who are affected by their offending behaviour. It is within such an evaluative spirit of enquiry that this study has been conducted, as well as in the hope that policy-makers will give consideration to research of this nature.

Overview of Thesis

Given the premise stated above regarding the political and economic environment under which the Community Corrections Division now operates, it is relevant to first consider recent developments in New Zealand. For reasons which most readers will be well aware of, this historical aspect has been traced from 1984 and the coming to power of the Fourth Labour Government. Although it is not necessary, for the purpose of this thesis, to determine the ideological underpinnings of these economic and political developments, they are of interest, and are also dealt with. The focus then shifts to the manner in which ensuing policies impact on the work of the Community Corrections Division; that is, the way in which economic policies increase the workload of the Division while the wherewithal to carry out the job is decreasing.

The impact of the policies on the planning environment is traversed in two ways: first, by examining the classical strategic planning process in both the profit-making private sector and the service-oriented public sector; and second, by a review of the Community Corrections Division's version of strategic planning, *viz*, management planning. In the interests of manageability, and because it is perhaps the best example of a money saving planning initiative, the research focus is narrowed down

to the objective to save money by providing judges with fewer of the more resource-intensive remand reports, and more of the cost-saving same-day reports.

The major research component of this thesis examines outcomes, not all of which the management planning process measures, to determine if there are any differences between offenders sentenced with a remand report and offenders sentenced with a same-day report, as well as differences in the sentencing process itself. The outcomes have been measured both qualitatively and quantitatively. Sub-groups of the offenders being studied were interviewed, as were the persons (periodic detention warden, community sponsor or probation officer) most closely involved with the administration of their sentences, and this data is analysed in the qualitative data section. The quantitative data section presents the analysis and results of a longitudinal study of sentence compliance that includes consideration of the seriousness of the offending.

The manner in which the material is arranged into chapters is as follows:

Chapter 2 *Theoretical Perspectives and Research Methods* sets out the salient theoretical perspectives which have meaning for me, and, as a consequence of the synthesising of these theoretical perspectives with my own view of the social world, the chosen research methods. Literature relevant to my theoretical perspectives and the formulation of the research design is presented, and the actual design of the research is discussed in some detail.

Chapter 3 *New Zealand Since 1984* extends the social policies introduced in Chapter 2 into the New Zealand context, and focuses on how those policies are impacting on the workloads and work methods of the Community Corrections Division. Recent material on State restructuring in New Zealand is considered, as well as material relating to the link which may exist between unemployment or economic circumstances and crime. The manner in which these forces become strategic issues for the Community Corrections Division is posited.

Strategic Planning, the title and theme of Chapter 4, is considered in relation to both the private profit-making and public sectors. Similarities and differences between the planning process in the two sectors are highlighted. Also considered in this chapter are studies that highlight the elements of successful strategic planning. Most studies of this type have dealt with the initiation of strategic planning rather than the implementation of it, but one recent New Zealand study deals with the latter, and is briefly reviewed.

Chapter 5 *Management Planning in the Community Corrections Division* is the first of the research-based chapters, and compares the classical strategic management process with the process that is carried out by the Community Corrections Division. The analysis encompasses Departmental and Divisional publications, as well as interviews with managers ranging from the district manager to the group manager level.

Chapter 6 *Sentence Outcomes: A Qualitative Perspective and Measure*, summarises and discusses data gathered from interviews with 30 offenders and the persons most closely involved with supervising their sentences. Questions put to both parties examined the engagement of the offender in the pre-sentence report writing process, the process itself and the quality of the outcomes which followed.

Chapter 7 *Sentence Outcomes: A Quantitative Perspective and Measure*, presents data relating to compliance with the order by the offenders, and compares and contrasts this with their offending histories both up to and including the sentence which brought them within the ambit of this study, and during the year following. The interest here was to examine any link between compliance (an output measure which Community Corrections Division planning places considerable emphasis on) and subsequent offending seriousness (an outcome measure which the Division was not measuring during the year to 30 June 1993 covered by this study).

The *Conclusions and Implications* chapter briefly summarises the entire work, provides a brief critique of management planning in the Community Corrections

Division, and discusses implications for policy and practice and future research. The focus of the summary and conclusions is on Chapters 5, 6 and 7 and the thesis objectives. The critique of management planning notes the apparent lack of attention to the political dimension and the need for more attention to process and outcome measures. Implications for policy and practice include apparent differences in subsequent conviction seriousness between the community service remand and same-day groups, as well the lack of any predictive value that sentence compliance has for future reconviction rates. The implications for future research concern larger studies with objectives similar to those of this study, and the greater use of qualitative data as a means to inform policy and practice.

The Role and Organisation of the Community Corrections Division

The purpose of this section is to make explicit the essential work of the Community Corrections Division for the unfamiliar reader. This is probably less understood than other areas of the criminal justice field — notably the police and the judiciary — and the following explanations and organisational charts will hopefully orient the reader towards the role of the Division and, thereby, a fuller understanding of this thesis. Specialised language is another barrier to understanding for the outsider, and to help demystify the terminology in this work a *Glossary of Terms* is included as Appendix 1.

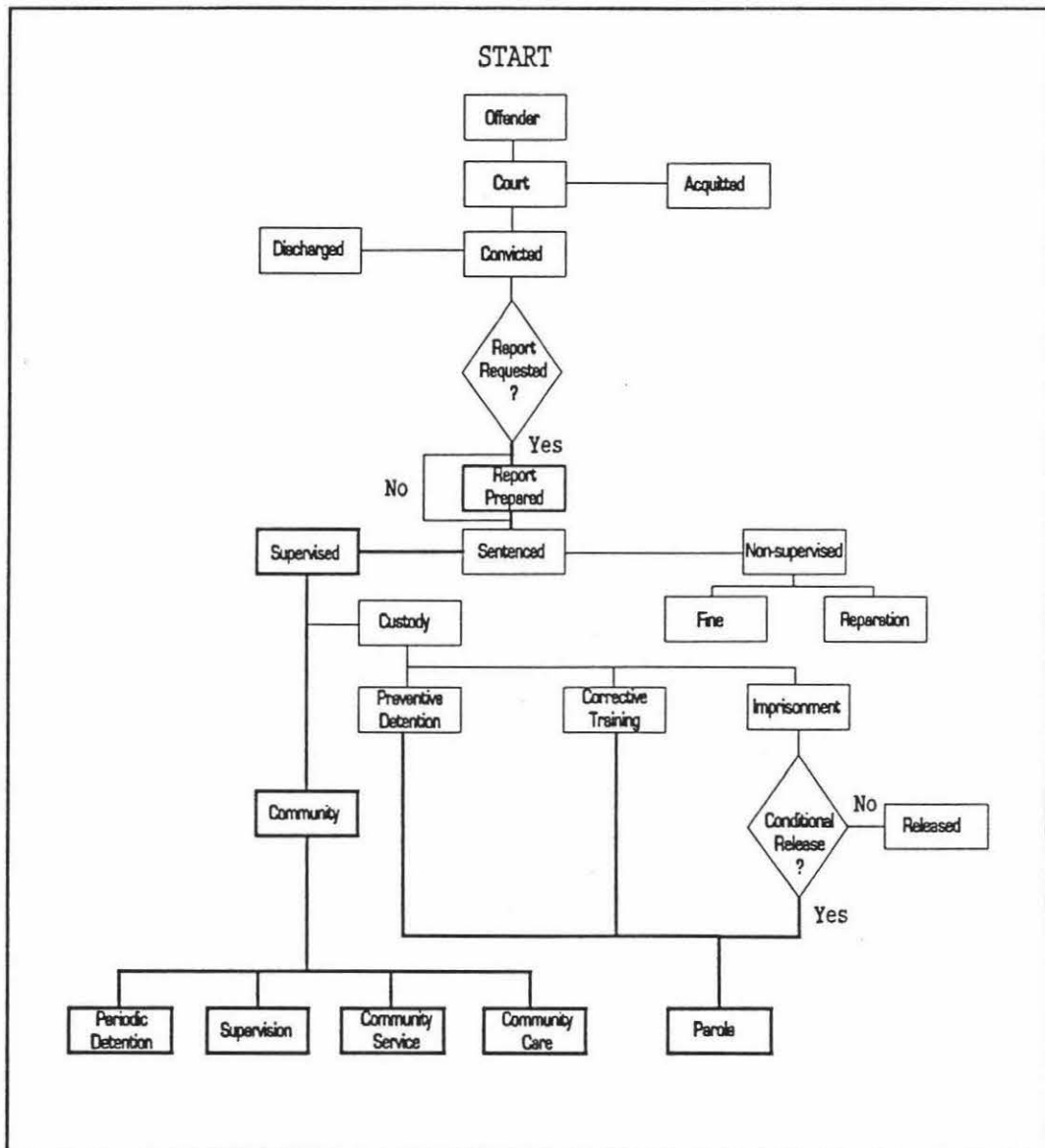
This thesis is an evaluation of aspects of Community Corrections Division management planning for the year which ended on 30 June 1993, and unless otherwise indicated, description, discussion and analysis relates to the Management Plan and legislation which were in effect during that time. Figure 1.1 is a flowchart which shows the involvement of the Community Corrections Division in the criminal justice system, as that part of the system was structured during the period in question. A major amendment to the Criminal Justice Act 1985 gave courts the power to award community-based sentences cumulative upon sentences of imprisonment of twelve

months or less, but that amendment only became effective on 1 September 1993, and that detail is therefore not included in Figure 1.1. Likewise with the Management Plan of the Community Corrections Division: all of the discussion of the mission, objectives, planning process and outcomes refers to the *Community Corrections Division 1992/93 Management Plan*, and there have in fact been some substantial changes in the 1993/94 Management Plan. These changes will be introduced and discussed where appropriate within the text.

The extent of the involvement of the Community Corrections Division in the criminal justice system is indicated by the heavier lines and boxes in Figure 1.1. The following points should be noted in respect of Figure 1.1:

1. A judge may only remand an offender for a pre-sentence report following conviction (the offender having either pleaded guilty or been found guilty) for an offence which carries the possibility of a sentence of imprisonment. Similarly, offenders may only be sentenced to a community-based sentence (periodic detention, supervision, community service or community care) following conviction for an imprisonable offence.
2. Probation officers may make recommendations in reports that offenders be discharged under Sections 20 and 21 of the Criminal Justice Act 1985. In such cases offenders are not sentenced *per se*, but rather are discharged or conditionally discharged.
3. Probation officers may recommend, and courts may impose, various combinations of supervised and non-supervised sentences. For example, an offender may be sentenced: to pay a fine and to imprisonment; to pay reparation and to perform a community-based sentence; or to certain allowable combinations of community-based sentences.

Figure 1.1 Community Corrections Division Involvement in the Criminal Justice System



Source: adapted from lecture notes, Institute of Criminology, Victoria University of Wellington, 1988.

4. The Community Corrections Division also supervises some offenders released from sentences of imprisonment. While ex-prison inmates in this category are not serving community-based sentences, they are nevertheless under the oversight of a probation officer, and are a part of the sentence administration work of the Community Corrections Division.

Figure 1.1 and the discussion above also provides the opportunity to introduce the primary outputs of the Community Corrections Division, *viz*, **provision of information** and **sentence administration**. These two terms are defined in the *Glossary of Terms* at Appendix 1, but briefly, provision of information consists of all of the report writing which probation officers do for judges, the Parole Board, district prisons boards and prison general managers, while sentence administration consists of supervising and administering the four community-based sentences and parole orders. Because a knowledge of the conditions and purposes of the community-based sentences of periodic detention, community service and supervision is vital to an understanding of this thesis, a brief description of them is presented at this point. Rather than split them between here and the *Glossary of Terms*, descriptions of the sentence of community care and parole orders are also included.

Periodic Detention — the most punitive of the community-based sentences, and supposedly only awarded when a sentence of imprisonment would otherwise have been awarded by the sentencing judge. Detainees receive a maximum sentence of twelve months (the average sentence is approximately 4.5 months)¹, and have to report to a Periodic Detention Work Centre on one day of each week and work a full day under the direction of a Periodic Detention Centre Warden.

Supervision — known as *probation* prior to the introduction of the Criminal Justice Act 1985, although supervision differs as it is a sentence in its own right whereas a 'release on probation' was ordered by courts in lieu of a sentence. Supervision is rehabilitative in its intent, and the focus of the sentence is on a caseplan which is based largely on the special conditions of the sentence ordered by the court. Supervisees are, however, supervised by a probation officer and have to fulfil certain standard conditions regarding reporting and providing advice of residence and employment. Consistent with the community participation model which currently informs penological policy-making and practice, programme elements of the sentence

¹The average sentence length figures for the four community-based sentences were calculated from the caseloads of the Lower Hutt Community Corrections Office during the 1992/93 management planning year.

are generally provided by community sponsors. Supervisees are subject to the sentence for periods ranging from 6 months to 2 years (the average is approximately 9.5 months).

Community Service — community servants are ordered to perform between 20 and 200 hours work (the average is approximately 100 hours) for a non-profit-making community-based organisation. The work is arranged by probation officers who also oversee the administration of the sentence, but the community servant is supervised by a community sponsor, who provides records of work completed to the probation officer. All work must be completed within twelve months, but additionally community servants are required to enter into written agreements with their sponsors which more precisely define the time-frame within which the work should be done. Although community service is considered to be a punitive sentence, it (together with periodic detention) is also considered to be reparative as offenders are making amends to their communities. Offenders must consent to the sentence of community service before courts may order it.

Community Care — (known as a *community programme* since 1 September 1993) community care is purely rehabilitative in its intent, and epitomises the community participation model of penology insofar as offenders are placed entirely under the care of a community sponsor or community group, who or which also provides the programme defined in the Court Order. A probation officer administers the sentence, receives reports from the sponsor and has occasional meetings with the offender and sponsor. Offenders must agree to the sentence before courts may impose it. Community care orders may be up to twelve months duration (the average is approximately 7.2 months), 6 months of which may be residential.

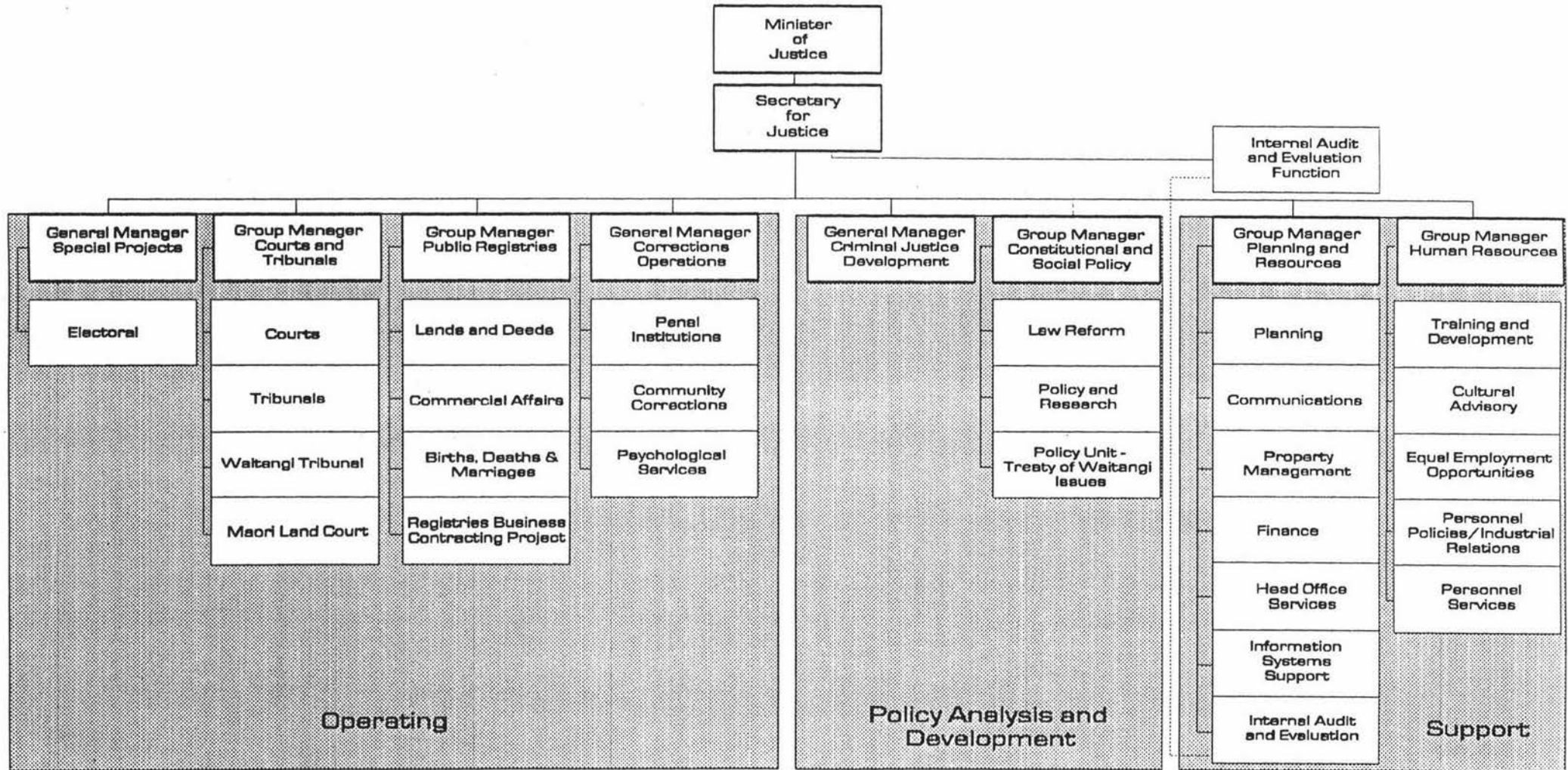
Parole — Unlike the four orders just described, which are sentences in their own right, parole is a period of supervised release following a sentence of imprisonment. Under the legislation which applied during the period covered by this thesis, parole was for a standard period of 6 months, except for inmates released from sentences of life imprisonment or preventive detention, whose parole period was for the

duration of their natural life. Parolees are under the supervision of a probation officer and have standard conditions, special conditions, a caseplan and community sponsor involvement similar to the sentence of supervision.

Figures 1.2 and 1.3 are organisational charts of the Department of Justice and the Community Corrections Division respectively, which are intended to orient the reader towards the place of the Community Corrections Division within the Departmental structure. Table 1.1 is for the benefit of the reader who may not have a current knowledge of the many Community Corrections Division appointment titles which have changed in the last year or two. This table shows older Community Corrections Division organisation and appointment titles together with titles which have come into effect in recent times. The major change has, of course, been the change of name of the old Probation Service to the Community Corrections Division. The term 'Community Corrections' arose in recognition of the greater range of activities that are now carried out by the Division — it administers four community-based sentences as well as parole orders — and it is now a 'division' of the Corrections Operations Group of the Department of Justice.

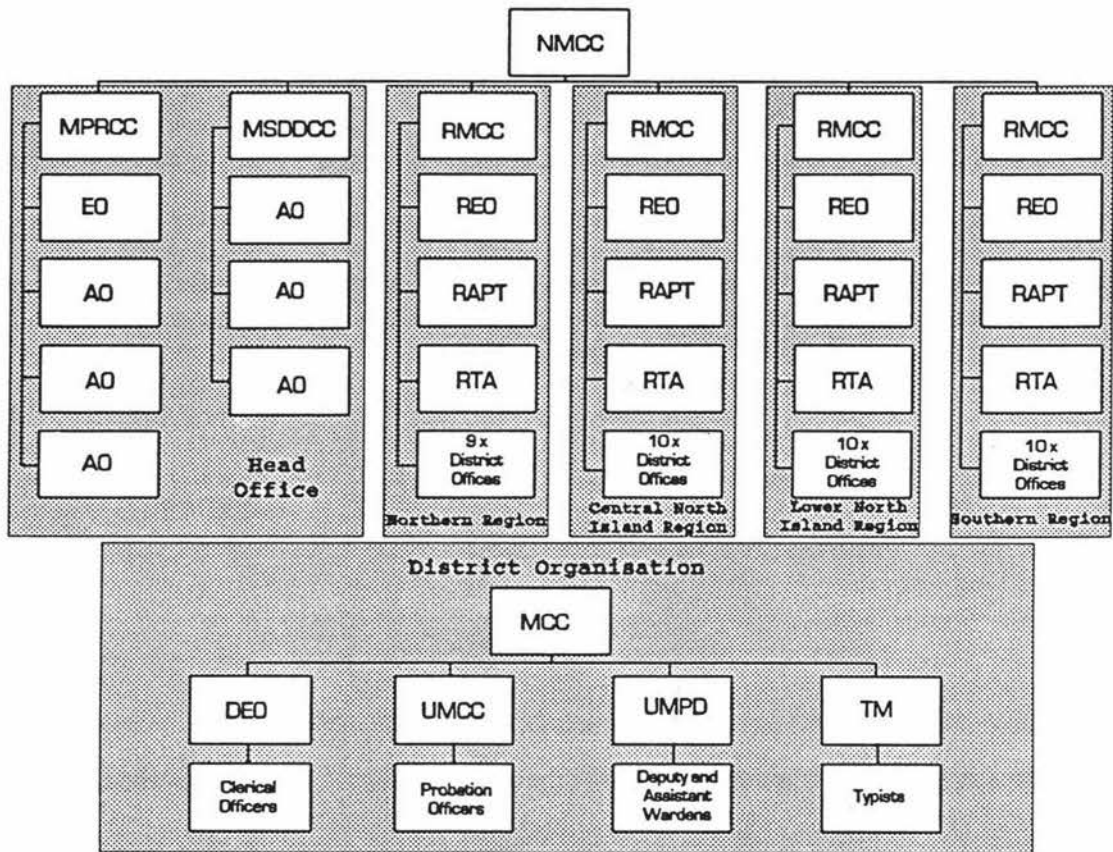
It should be noted that Figures 1.2 and 1.3 and Table 1.1 reflect organisations and organisation and appointment titles as they were in November 1993, not as they were during the year to 30 June 1993. As organisational changes to the Community Corrections Division are minor, and the old and new title changes are presented in Table 1.1, it seemed more useful to use current rather than historical information in these presentations.

Figure 1.2 Department of Justice Management Structure



Source: Department of Justice (1993a:20).

Figure 1.3 Community Corrections Division Management Structure



Key for Figure 1.3

NMCC	National Manager Community Corrections
MPRCC	Manager Planning and Resources Community Corrections
MSDDCC	Manager Service Delivery and Development Community Corrections
EO	Executive Officer
AO	Advisory Officer
RMCC	Regional Manager Community Corrections
REO	Regional Executive Officer
RAPT	Regional Adviser Programmes and Training
RTA	Regional Training Adviser
MCC	Manager Community Corrections
DEO	District Executive Officer
UMCC	Unit Manager Community Corrections
UMPD	Unit Manager Periodic Detention
TM	Typing Manager

Source: adapted from Department of Justice (1992a:5).

Table 1.1 Community Corrections Division Titles

Old Title	New Title
Probation Division	Community Corrections Division
Assistant Secretary Probation	National Manager Community Corrections
Chief Executive Officer (Operations)	Manager Planning and Resources, Community Corrections
Chief Executive Officer (Programmes)	Manager Service Delivery and Development, Community Corrections
Regional Probation Managers	Regional Managers Community Corrections
Auckland Region	Northern Region
Waikato Region	Central North Island Region
Wellington Region	Lower North Island Region
Christchurch Region	Southern Region
District Probation Office	Community Corrections Office
District Probation Officer	Manager Community Corrections
Senior Probation Officer	Unit Manager Community Corrections
Periodic Detention Centre Warden	Unit Manager Periodic Detention
Probation Officer	Probation Officer

Source: adapted from Department of Justice (1992a:5).

It has been shown that the Community Corrections Division sits within the Corrections Operations Group of the Department of Justice, along with the other two Divisions (Penal Institutions and Psychological Services) which are concerned with the actual assessment, treatment and punishment of offenders. As the name implies, the Community Corrections Division is the operational unit of the Department of Justice which is concerned with offenders who receive non-custodial sentences, and the work of the Community Corrections Division falls within the major output areas of provision of information and sentence administration. The former activity provides judges and other boards with much of the information they need to make decisions about sentencing offenders and releasing them from prison, while the latter activity is the actual supervision and administration of offenders serving community-based sentences or who have been released from prison on parole.

With this backgrounding of the role and organisation of the Community Corrections Division as well as the brief introduction of some of the issues which are current in the Division, it is now appropriate to define the research problem and methods. Chapter 2 introduces the theoretical and experiential matters which underlie the

identification and formulation of the research topic as well as the actual research design itself. Literature which is relevant to these areas is also presented in Chapter 2.

2 Theoretical Perspectives and Research Methods

The concepts which are "the basic building blocks of theory" (Turner, 1982:2) are shaped by all sorts of life experiences as well as by other larger theories which offer explanations for our social existence. These concepts and theories become spectacles through which one views the world, and the images which form the basis of subsequent thought processes are of course refracted through the lenses of those metaphorical spectacles. This chapter will therefore introduce the literature as well as some of the experiential perspectives which have undoubtedly shaped my social reality, and which have in turn influenced the choice and definition of the research problem as well as my selection of research methods. The research hypothesis is made explicit, and the research methods are described in detail. Also presented in this chapter are issues relating to social research ethics as well as problems encountered during the data gathering phase of the research.

Literature Review

Rather than providing a stark presentation of literature relevant to the whole thesis at this point, I will review the relevant literature in the chapters where it appropriately belongs. Here I will consider only material which is relevant to the selection of the research problem and the choice of research methods. It is important to note that the material reviewed here is that which has been informative for me, and will not necessarily represent a balanced analysis of any particular debate or area. My aim is not to argue the case for or against any particular paradigm, theory, perspective or concept, but rather to provide some insights into the construction of my theoretical perspective.

Social Policy

The benign view of social policy is that the ultimate aim is nothing more or less than the welfare of the citizens at whom the policies are directed, and that such policies are largely founded on shared humanitarian and egalitarian principles. This appears close to the view of two theorists quoted by Walker (1983:129-130). Mishra (1977:5) defines social policy as:

...those social arrangements, patterns and mechanisms that are typically concerned with the distribution of resources in accordance with some criterion of need.

Rein (1975:20) puts the matter similarly with his views that:

The study of social policy is basically concerned with the range of human needs and the social institutions created to meet them... [and that social policy is] above all, concerned with choice among competing values.

An alternative view is that policy decisions clearly result from economic and political forces in society, and writers from quite different ideological standpoints have supported this position. Friedman (1962:8), the monetarist, asserts that:

...there is an intimate connection between economics and politics, that only certain combinations of political and economic arrangements are possible.

Similarly, the radical writers George and Wilding (1985:1), argue that:

...ten years ago we noted that social policy was analysed as if it were an autonomous set of social institutions unconnected with the normal processes of the economic, social and political system in which it is set and which it serves. It is now, however, generally accepted that public and social services are part and parcel of the society in which they operate and an adequate understanding of their origin, aims and consequences necessitates an understanding of the nature of society.

Of course the agreement between these writers probably ends at this point. Whereas Friedman is a supporter of *monetarist* or *anti-collectivist* policies and was using the relationship between politics, economy and social policy as the starting point for the argument that (Friedman, 1962:8) socialist societies "cannot also be democratic, in a sense of guaranteeing individual freedom", George and Wilding's assertion was more in the form of a caveat, and this difference exemplifies the debate between the proponents and opponents of free market policies.

It follows then that social policies may at least be influenced by or slanted towards the interests of those who have political and economic power. Much of the debate

on this subject in recent years has been concerned with the degree to which policies lean towards one or the other end of a continuum with the monetarist theories of Friedman and Hayek at one end, the somewhat interventionist theories of Keynes and Galbraith in the middle and neo-Marxist theory at the other end. In countries where this debate is relevant, notably in the United Kingdom, the United States of America and New Zealand, social policies since the late 1970s or early 1980s have been increasingly influenced by the free market ideals of the monetarists.

The post-war economic boom period was a time of plenty for most industrialised countries, and the ability to fund welfare capitalism, modelled in many cases on New Zealand's policies of the 1930s, meant that there was broad political consensus regarding the desirability of the market system and the redistribution of income by the State for welfare purposes. This redistribution took many forms, and was provided not only for the type of benign 'cradle to the grave' policies which were pioneered in New Zealand by the First Labour Government, but was also provided to the agricultural and manufacturing sectors in the form of subsidies and tax exemptions.

As the world economy began to slump in the late 1970s, however, the economic policies of the New Right were seen in several developed countries as offering a road ahead to prosperity. Policies within this framework were informed by a unifying set of principles or ideals which had as their cornerstone the libertarian notion of individual freedom. These unifying principles may be summarised as:

- a commitment to the notion of individual freedom, where freedom is defined as a lack of coercion from others, particularly in the matter of the redistribution of income for welfare purposes;
- a belief in the ability of markets to cater to collective and individual needs and a corresponding withdrawal of government protectionism;

- direction from government in the form of the legislation necessary to achieve the desired market reforms and individual freedoms;
- State apparatuses, including laws and coercive authorities, which are sufficiently strong to allow entrepreneurs to pursue their profit-making ends without hindrance;
- 'user pays' including payment for all or at least more of those services which have traditionally been regarded as 'social welfare' provisions; and
- the belief that because government services are not driven by a profit motive and are not competitive, they are therefore an inefficient means of providing those services.

Part of the explanation for the advance of the New Right lay in the simplicity and clarity of its messages, and in the appeal that those messages had to a broad spectrum of people who were reasonably comfortable, and keen to see their standards maintained, perhaps without having to give too much thought to less fortunate others in society. Gamble (1979) has traced the demise of the social democratic consensus and the rise of the New Right in the United Kingdom and has explained that it has been more than an economic revolution. It has been (Gamble, 1979:3):

...a broad assault on the political forces that underpin Keynesianism, the forces of social democracy... [and further] The populist assault on social democracy has concentrated upon the burden of taxation, the abuse of welfare, the inefficiencies of public provision and public enterprise, and the threat to public order and well-being posed by immigrants, unions, students and other minority groups.

There is thus a divisive aspect to New Right policies. In the view of those who oppose the market-driven approach to restructuring, the freedom to choose carries with it (for those to whom the bounty of the market has yet to 'trickle down') the 'freedom' to be unemployed, the 'freedom' to be poor, the 'freedom' to be ill and unable to afford adequate health care, the 'freedom' to be uneducated and perhaps even the 'freedom' to be more likely to offend and to then be involved in the criminal justice system. The position of this increasing under-class is generally argued by the *modified market* or *reluctant collectivist* theorists who assert that the market is not a

perfect mechanism for delivering welfare services and that the State may need to intervene, or by the *socialist* theorists who come from a basic perspective of humanity and equality, and who argue that the Welfare State is the cornerstone of socialist policy (Wilkes and Shirley, 1984:33).

Bosanquet (1983) has provided a reminder that there is nothing particularly new about the New Right's advocacy of a reduced role for governments, and has at the same time provided some cogent arguments to the contrary. Bosanquet (1983:105) traces a line back two hundred years to the seminal writings of Adam Smith, and points out that the force of motive for private agents to take action has remained unchanged over the centuries, but that:

The development of technology raises more doubts about a philosophy based on making it easier for private agents to take action with far-reaching consequences.

Bosanquet also points to the imbalance of power nowadays between individuals or family groups and big organisations. Private coercion may replace free market outcomes according to Bosanquet (1983:106), and there is a need for a "third party to which households can turn". The third party is, of course, a government which is impartial enough to act in this manner.

For many, however, the failure of monetarist policies is best measured by unemployment and crime figures which seem to be inversely related to the so-called 'good news' numerical indices of economic growth, low inflation and low mortgage rates. These matters will be further discussed in Chapter 3. The social costs of marginalising large numbers of people and of socialising them in the ways of unemployment and subsistence living are probably yet to be counted.

Previous Research

Research of the type attempted by this study is virtually untried, although recent work in the United Kingdom by Humphrey and Pease (1992:31) takes as its central focus the manner in which:

... pressures being exerted on the [Probation] service have served to de-emphasise the effects of probation supervision on criminal careers.

In a none-too-surprising parallel with the situation here in New Zealand, given the manner in which New Zealand has followed the monetarist policies of Thatcher's Britain, Humphrey and Pease (1992:31) have argued that the British Probation Service has been subject to many management effectiveness and efficiency campaigns in recent years, but without any corresponding emphasis on service quality. Indeed there is a claim (Humphrey and Pease, 1992:31-32) that the *quality* issue was abrogated in the development of the Service's Financial Management Information System (FMIS), when it was conceded in a Home Office report that "the FMIS cannot undertake quality measurement of any sort". Humphrey and Pease (1992:32) also observe that:

... in the 1980s, there has been a tendency for public sector organisations which have managed to reduce their operational costs to be defined as effective, without consideration of the corresponding impact on wider matters of service quality.

Sentiments such as these will strike a chord with many workers in the lower echelons of the Community Corrections Division in New Zealand, as will the further claim by Humphrey and Pease (1992:46) that:

The essence of the differing comments from senior management and the field-based officers was that the former were viewing divisional planning developments favourably because they were giving them an enhanced feeling of being in control. In contrast, the field staff tended to see it as a top-down initiative, threatening their autonomy.

This type of disquiet is also being voiced by some members of the Community Corrections Division in New Zealand, as has been shown in recent research by Dr Julie Leibrich. Looking at the question of why people stop offending, Leibrich (1991:vii):

... sets out to make more explicit the links that the Division sees between what it does and the desired outcome of reducing reoffending.

She goes on to explain that (Leibrich, 1991:vii):

One of the aims of the study was to compare the belief systems which operate at management [district managers and above] and field staff [senior and main grade probation officers] levels and in this way trace the translation from policy to practice. The study focused on the sentence of supervision.

The relevance of Leibrich's study to this present work is exemplified by her discovery that (Leibrich, 1991:viii):

Although the present study was not intended to focus on JPMS [the Justice Performance Management System], the system emerged as a major topic during early field interviews. In part this could have been because it is directly concerned with the kinds of questions that the study was addressing, but it is also likely that as a new and evolving system it was uppermost in the minds of many of those interviewed. For which ever reason a discussion of JPMS inevitably became an integral part of the report as did a more specific examination of how field staff judge success.

As with the work of Humphrey and Pease in Britain, it was found that probation officers in New Zealand did not see JPMS as a way of monitoring quality (Leibrich,1991:46), while managers did view it that way, as well as a base from which to effectively bid for funding (Leibrich,1991:50). Here again the disjunction between the management and field staff of the Community Corrections Division becomes apparent. Leibrich (1991:58) also highlighted the view in the Community Corrections Division that JPMS did a good job of measuring failure, but a poor job of measuring success, and in doing so she encapsulated the essential criticism of the present performance management system which one hears from field staff.

There is a clear consensus in external audit reports on probation activity on opposite sides of the world that treatment outcomes should be a measure of effectiveness, and that such results should be a basis for continued or increased funding. In Britain, the Audit Office has recently reported on the notion of 'promoting value for money' in the Probation Services of England and Wales, and has reached some conclusions which lend support to the view of field staff in New Zealand. On the subject of demonstrating effectiveness, the Audit Commission (1989:55) suggests that:

One of the main aims of probation intervention must be the reduction and containment of offending behaviour... [and that] Without this link between probation action and reduced offending the service lacks credibility.

The Audit Commission (1989:55) concedes that measuring offending behaviour is a difficult task, but goes on to traverse some promising developments such as ecological studies which lend support to the 'probation method' and prediction methods which would allow existing resources to be applied more usefully to those at greatest risk of custodial sentences. There is also the suggestion (Audit Commission, 1989:56-57)

that the development of more robust research techniques is a vital part of demonstrating value for money.

More recently here in New Zealand, the Audit Office has echoed the view of its British counterpart. Following an examination of 340 offender files in six probation districts, the Audit Office (1992:45) commented as one of its major overall conclusions, that:

To its credit, the [Community Corrections] Division has instituted a performance management system that monitors certain aspects of its activities. However, to justify any further expenditure of public funds, it is timely for the Division to address the lack of information it has to show the effectiveness of its work with offenders.

Concerns about the relationship between inputs, outputs and effectiveness¹ are not only being voiced by external audit agencies. In a recent conference paper the Department of Justice's own Director of Internal Audit and Evaluation expressed the view, regarding the annual reporting by public sector social service delivery agencies, that (Matheson, 1992:1):

The reporting on the delivery of the wide range of existing outputs does not help the parliamentarian or the taxpayer know whether New Zealand is better off or worse off as a result.

Using the example of the two major outputs of the Community Corrections Division, Matheson (1992:6) argued for additional measures relating to the *effectiveness* of those outputs. He suggested measures which would evaluate how reports were affecting judges' behaviour and how the sentences put in place by those same judges were affecting the behaviour of offenders and whether some sentences were more effective than others. It was suggested in conclusion, as it was by the Audit Commission in the United Kingdom, that (Matheson, 1992:6):

It is indeed critical that managers be held to account for the contributory influence over outcomes which they claim to control, and which is the basis for their being appropriated public funds.

¹The terms *inputs*, *outputs* and *effectiveness* are defined in the Glossary of Terms at Appendix 1, and are further discussed in Chapter 3.

A common thread running through the previous research reviewed thus far is that in the Probation Service in Britain and the Community Corrections Division in New Zealand much emphasis is now given to measuring outputs, but that few or no attempts are made to gauge the impact of those outputs on the lives of the clients and communities that those criminal justice agencies serve. There arises then the concern that there is a discontinuity in the whole process of trying to shape society as the majority would want it, because while ministers and the policies of their governments are geared towards achieving certain outcomes or effects on society, the policies being put in place at the Departmental level are only designed to achieve outputs, and there is no clear meshing of the two. Indeed the effect and intent of the reform of the core public sector has been to make chief executives responsible for outputs only, even to the exclusion of outcomes, and this will be further examined in Chapter 3. Cabinet ministers acting in isolation cannot produce the outcomes which are for the time being thought to be a prescription for a better society — they need the coordinated effort of their departments to do that, as well, of course, as the will of the people. The departments, however, have no such responsibility, they being only responsible for outputs.

There is then a further disjunction, because workers at the lower levels in the Community Corrections Division describe their job in outcome-related terms, and have less interest in the quantitative outputs which are currently being used to measure the Division's performance. They actually want to achieve the outcomes suggested by the mission of their organisation, but see no clear path to achieving them in the output-driven system of management planning now in vogue in the Community Corrections Division.

Of interest to the quantitative aspect of the examination of sentence outcomes in this present work, is a study carried out in Hastings, New Zealand, by Forlong Ford in 1990. The Hastings Community Corrections Office piloted the model of court servicing which is now in use in the Lower North Island Community Corrections Region, and the Manager of that office was interested to know if there were significant differences in various indicators, where sentences of periodic detention,

community service and supervision were categorised by the report type (remand or same-day) which preceded them. Forlong Ford compared indicators relating to sentences awarded in the Hastings District Court from May to November 1988 (before enhanced court servicing started) with the same period in 1989 (while the pilot programme was operating) as well as indicators of sentences arising from the two report types during the 1989 period. His method was to perform a series of hypothesis tests on samples of offenders segregated as described above. In summary, Forlong Ford found that compliance with the sentences of periodic detention and community service was not affected by the introduction of enhanced court servicing, and that there was no significant difference between the same-day and remand groups as far as compliance with all three of the sentences was concerned while the pilot trial was being conducted. What did vary significantly was that shorter sentences of community service followed same-day reports, and that the same-day group completed their hours more quickly than the remand group.

Theoretical Perspective

On the matter of where to begin investigating an area of interest in the social world, Popper (1968:106) cautions that:

...the real situation is quite different from the one visualized by the naive empiricist, or the believer in inductive logic. He thinks that we begin by collecting and arranging our experiences, and so ascend the ladder of science... But if I am ordered: 'Record what you are now experiencing' I shall hardly know how to obey this ambiguous order. Am I to report that I am writing; that I hear a bell ringing; a newsboy shouting; a loudspeaker droning; or am I to report, perhaps, that these noises irritate me? And even if the order could be obeyed: however rich a collection of statements might be assembled in this way, it could never add up to a *science*. A science needs points of view and theoretical problems.

Popper thus illustrates that not only is it **likely** that the theories and concepts which have appeal will influence our choice and definition of research problems as well as our selection of research methods, but that it is also **desirable** that that be so. Without such guiding points of reference one would hardly know where to begin to focus one's attention, and findings resulting from unstructured enquiry would probably cast more shadow than light.

As noted in the introductory comments to this chapter, I have been influenced by a number of theories. These encompass theoretical considerations such as the 'grand' sociological paradigms of the conflict theorists, lower level theories such as Fabian socialism, and the justice and welfare models of criminal justice, as well as conceptual notions about how certain social arrangements should operate which are undoubtedly rooted in my working-class background. The latter include matters such as social justice and equality, particularly as these relate to individual rights to employment, access to welfare services and the right to careful consideration and impartial treatment at the hands of criminal justice authorities.

From conflict theory, particularly Weberian conflict theory, comes my understanding that (Giddens, 1971:164):

...ownership versus non-ownership of property is the most important basis of class division in a competitive market.

I am persuaded by Weber, also, that those who belong to the less-privileged classes in society (generally those removed from the ownership of property) have their social existence prescribed for them to a large degree by those who are able to exercise power (generally those who own property) by the *legitimate authority* exercised by leaders because they have (Giddens, 1971:156) "... a legitimate monopoly over the organised use of force within a given territory". Weber's introduction of the concept of authority in relation to conflict is an improvement on Marx's view that conflict in society arose almost entirely from one's relation to the means of production, and that the end to such conflict would be an economic revolution. My understanding of the relevance of conflict in modern industrial societies has been furthered by the work of more recent conflict theorists such as Coser (1956:152), who has shown that:

In flexible social structures, multiple conflicts crisscross each other and thereby prevent basic cleavages along one axis... Thus segmental participation in a multiplicity of conflicts constitutes a balancing mechanism within the structure.

In a flexible society conflict is functional in the view of Coser (1956:154), as such a society:

...benefits from conflict because such behaviour, by helping to create and modify norms, assures its continuance under changed conditions.

The great social revolution which began in Western countries in the 1960s was not a struggle for economic power, indeed it may be argued that it was economic power that made participation possible for many. Gender, race and individual freedom were the main concerns in those times, and from those struggles a new consensus emerged. Coser's theory was thus borne out just a decade after it was formulated. For Marx the wait is proving to be somewhat longer.

The Fabian Socialist response to the inequality inherent in modern bureaucratic states combines a total commitment to the democratic process with unequivocal support for social welfare services (George and Wilding, 1985:69). Fabians are concerned about the inequalities which arise from class position in a market economy, and advocate minimum standards through redistribution of the national income. The Fabian ethos appeals to me because it is based on principles such as freedom, equality and fellowship. These are concepts which I value, and the overall theory is a prescription for the type of redistributive policies which I favour, and which have to some extent been overturned by recent New Right initiatives.

In the field of criminal justice I have been partly persuaded by *justice model* theories. Theories inform practice, and it is therefore not necessary for legislators or practitioners to expend too much energy trying to decide whether they belong in the *justice* or *welfare* camps. It is quite acceptable to draw from a number of theories to arrive at a workable perspective, and in my case I do not find it necessary to completely embrace either of the aforementioned theories. I am, however, in accord with the *justice* recommendations regarding determinate sentencing regimes and offender participation in rehabilitative programmes where that participation is voluntary rather than coerced by the promise of a lesser or reduced amount of some punitive sanction (Fogel and Hudson, 1981:x). From my days working with prison inmates who were approaching their half-sentence dates and who were formulating programme proposals to put before district prisons boards, I often felt that I was almost conspiring with those inmates in their attempts to 'pull the wool over the eyes' of the board members. In many cases it was all too apparent that the inmates had no interest in the programmes that were being discussed, and saw them simply as a ruse

to obtain a few weeks or months off their sentence. And who can blame them while such policies exist? Individual responsibility and the pursuit of *justice-as-fairness* are also worthy ideals, and policies which carefully identify offenders who truly wish to be rehabilitated have the potential to provide better value for money than directing scarce resources at offenders who neither want nor are likely to benefit from such programmes.

Similarly, I have been influenced by the *left realist* criminology of Young (1986). Arguing against radical criminology, Young asserts that criminals are not proletarian heroes or latter-day Robin Hoods — that crime is caused by a far more complex set of reasons than one's relationship to the means of production, and that the vast majority of working class crime is directed against other members of the working class (Young, 1986:23). *Left realist* criminology also cautions against trying to argue away the crime figures — that crime does go up and (hopefully) down in response to wider structural trends, and that the certainty of punishment is more effective than the magnitude of it. Day fines¹, for example, are on the *left realist* agenda. *Left realism* would also rehabilitate rehabilitation in the belief that the practices were the problem in any failure of the rehabilitative ideal, not the principles. I do not see my support of this proposition as being in any way contradictory of my earlier advocacy of carefully targeted rehabilitative programmes delivered within a determinate sentencing regime. I am simply suggesting that greater discrimination is required in the establishing of these programmes on an individual basis, and at the pre-sentence stage this means carefully considering the circumstances of individual offenders.

Hypothesis and Study Objectives

Within the context of this thesis, and being influenced by the foregoing matters, my hypothesis is that there may be a link between government policies on fiscal restraint — possibly emerging from New Right principles (although it is not crucial that this

¹Day fines (alternatively known as 'time fines' or 'unit fines') are a system of monetary penalties based on a number of days or units of an offender's income.

be established) — and management planning objectives within the Community Corrections Division which:

- attempt to reduce the amount of information that judges are being provided with about offenders, and which judges need in order to make informed sentencing decisions;
- require probation officers to make hasty decisions which have important consequences for the offenders they are dealing with;
- do not attempt to measure many of the changes that offenders undergo as a resulting of serving the sentences, particularly the more qualitative changes; and
- because of the above factors, may be producing outcomes (which the management planning process has no responsibility to measure) that are running counter to the mission of the Division and principles of good management which would insist on quality assurance.

It does appear that in the present situation, where there is no apparent formal linkage between the outputs that departmental heads are responsible for and the outcomes that cabinet ministers are responsible for, that the potential for such unconnected and faulty policies at least exists.

This research will therefore focus on three areas. First, management planning in the Community Corrections Division will be analysed in an attempt to determine the weight that is given to budgetary matters in determining the planning objectives. Second, a study will be made of the outcomes of sentences on groups of offenders using indicators which do not form part of the monitoring methods of the Community Corrections Division, but which may serve to evaluate how well 'on track' the management planning process is towards achieving the mission of the Community Corrections Division. Third, material from the same study of outcomes on groups

of offenders will be analysed with the aim of making inferences about the involvement of probation officers in the sentencing process.

Research Design

It should be apparent from the above that I have been persuaded by certain points of view, and I therefore make no claim that this research is *value-free*. Such an acknowledgement of bias will hopefully avoid what Denzin (1970:185) describes as "the fallacy of objectivism", and will thereby add to the credibility and integrity of this work.

Following the lead of the natural sciences it was long held in the social sciences that researchers should take *value-free* positions and let the 'facts speak for themselves', unadorned by the particular biases and interpretations of the researchers. Fortunately this position has been well critiqued and almost completely abandoned. The process of doing research with the possible ultimate goal of influencing policy-makers, however, should not be viewed as a matter of 'taking sides' but rather as a dialogue from which new policies based on shared understandings may emerge. This is the principle of *thoughtful partisanship* (Lindblom, 1987:168) where one's beliefs and values are laid out not to promote division, but to find solutions which can maximise the chances of diverse viewpoints being satisfied by the same policies. In Lindblom's (1987:171) view:

...the principle of partisanship moves in the direction of allying social research with a still unrealized pluralist aspiration.

Such an ideal is a compelling reason to perform research, without the pretence of value neutrality.

Not only has past social science research attempted to emulate the *value-free* position of the natural sciences, but other aspects of the *scientific method* have also been the norm. Research based on hypothesis testing has attempted to uncover 'natural laws' in the social world, and reporting of findings has relied very much on the quantifiable

methods of the positivists. This *empirical* approach is considered by Bulmer (1982:31) to denote a view of social inquiry:

...which holds that such inquiry is primarily factual in nature and that the task of social research is to produce 'facts', either for the use of policy-makers, or in order to influence the policy-making process.

Bell and Newby (1976:16-19) have, however, built a case for what they term *methodological pluralism* or not being bound in a *methodolatrous*¹ manner to particular paradigms, and point to the willingness to explore chance or unintended directions which the methodolatrous researcher will be closed to. Policy-makers are also apparently now ready to be more receptive to *qualitative* data. Bulmer (1982) and Lindblom (1987) are among those who have observed this new openness among policy-makers. In Bulmer's (1982:48) view:

Decision-makers (at least in the United States) believe it is a good thing to have controversial research, challenging research, research that makes them rethink comfortable assumptions... There is a role for research as social criticism. There is a place for research based on variant theoretical premises. As new concepts and data emerge, their gradual cumulative effect can be to change the conventions policy-makers abide by and to reorder the goals and priorities of the policy-makers.

In similar vein, Lindblom (1987:180) observes that:

It is striking that empirical studies of what officials say they need from social science often report that they, the officials, say they want no recommendations, but want challenges to their ways of thinking, new orientations of their thought, or enlightenment, rather than social engineering.

This study will therefore utilise some *qualitative* data which has the advantage of focusing upon the point of view of the subject, as well as increasing the possibility of **discovering** data and exploring directions which more positivistic research tends to suppress. It will also utilise a large amount of *quantitative* data; not only for clarity and the explanatory value that such data is uniquely able to bring, but also because in practice the politics of research are such that a more convincing argument will result when both methods are employed.

¹*Methodolatry*, according to Bell and Newby, is a preoccupation with a method of knowing, and a slavish adherence to that method.

This inclination towards generalising from observations naturally leads towards an *inductive* approach to theory construction, and while I will attempt to take this approach in the evaluative component of my research, I am mindful also that "Science is a process involving an alternation of *deduction* and *induction*" (Babbie, 1983:47). Thus while I am attempting to be open to the type of grounded theory which will emerge from this research, I also need to acknowledge that to some extent the observations I will be making are defined by the conceptual and theoretical positions already presented.

Genesis of the Research

Mission statements are typically worded in such ways that workers at all levels of an organisation can feel some degree of commitment to them. In the case of a public sector organisation (Bryson, 1989:49):

...an important and socially justifiable mission is a source of inspiration to key stakeholders, particularly employees.

In the Community Corrections Division the mission statement does indeed describe the outcomes that field staff believe that their job is directed towards, but a mission statement should be more than meaningless platitudes in the view of those same staff members, and it should describe outcomes which are actually achievable and measurable. Former Community Corrections Division head, Murray Short, has acknowledged that there are certain assumptions in the Division's Management Plan about what may or may not reduce reoffending, and at the same time opined that (Leibrich, 1991:51):

A mission statement is not measurable through a management system. What is measurable are the outputs, the results, that contribute or may contribute to the mission, and the link between mission and the outputs is a **research** task not a **management** system task. In that sense it's not measurable by the management system, but must be measured by research.

The purposes of this thesis therefore emerge from my own interest in how the plans of the Community Corrections Division are devised, as well as in an attempt to make a contribution to measuring the effect of the mission by analysis of just one objective — the objective which seeks to reduce the number of remand reports provided to

courts. The principal strategy to achieve this objective has been to increase the human resource devoted to servicing district courts, to provide judges with more reports on a same-day basis and, consequently, to provide a reduced number of the more resource intensive remand reports. Whereas remand reports attract a 6 hour credit towards a probation officer's monthly work-load, same-day reports are produced by court officers or court teams on an as-required basis and attract no such allocation of time. In the Lower Hutt Community Corrections Office, for example, probation officers are rostered as members of a court team and receive a standard 5.6 hours per day each for performing that duty. On a busy day a three person court team may produce 15 or more same-day reports within the resource allocation of (3 x 5.6) 16.8 hours which the team collectively receives, and those 15 reports have therefore only cost the Community Corrections Division (16.8/15) 1.12 hours each. Of course the economics of the situation are not always that marked, but on average, over longer periods, same-day reports are only costing the Community Corrections Division approximately 2½ hours each.

Typically judges will make use of same-day reports in less-complicated cases, and where the less-interventionist sentences of periodic detention and community service are being contemplated. Court teams are, however, being instructed to be assertive in their dealings with judges, and to push for same-day reports wherever possible. This requirement is made clear in the *Court Servicing Guidelines* developed in the Community Corrections Division's Central Region where it is recommended (Community Corrections Division, Central Region, 1992:19) that court team members "Have to be assertive/intervene positively" in pursuit of their performance indicator which (Community Corrections Division, Central Region, 1992:6):

...attempts to reduce full remand PSR [pre-sentence reports] and impacts on the management plan target of reducing full remand PSR by 50%.

There is also the incentive or pressure that these same court officers or their colleagues (depending on the form of departmentation in use in any particular office) will be required to produce the remand reports which they cannot forestall, and that often the backlog of such reports is of almost unmanageable proportions.

This workload problem can be exemplified by the situation in the Lower Hutt Community Corrections Office in the month of June 1993 — a not untypical month in that office. According to the Community Corrections Division's workload formula guidelines, the 14.8 main grade staff members at Lower Hutt had the capacity to produce 2378 hours of work in June 1993. Aggregated deductions for caseload administration, court and office duties, training, supervision and community liaison took 2320 of those hours, leaving just 58 hours to produce the 564 hours worth of remand reports that were requested of the Lower Hutt office in that same month. In spite of the fact that most staff members regularly exceed the workload guidelines, this imbalance nevertheless creates report backlogs, stress and inconvenience for all concerned in the sentencing process because uncompleted reports necessitate further remands.

The official response to this sort of situation is to work harder. In the Probation Circular which introduced the Review of Workload Guidelines (Probation Division, 1991:3), the Divisional Manager, Murray Short, advised that:

Overall staff numbers are determined by the budget allocated to the Division. When that allocation is insufficient to enable the Division to employ the number of staff indicated by the workload then individual workloads will exceed the guideline.

Indeed most staff members do exceed the guidelines, but there is a limit to what can be achieved with the human resource available, hence the assertion above that the demand for remand reports is often of almost unmanageable proportions.

In coming to the decision to embark on this project I was also conscious that evaluation research is "saturated with political concerns" (Berk and Rossi, 1990:13), but that frequently the concerns of some *stakeholder* groups are not well represented in such research. I was interested, therefore, in carrying out a programme evaluation that would reflect some of the concerns of less powerful stakeholders such as probation officers and offenders — groups whose concerns are not always to the forefront in programme formulation.

There is finally the matter raised by Klay (1991:286) that:

The methods of strategic management are capable of providing analysis of great relevance, but the pressures of political systems warrant a continuing eye toward assuring credible justification. Only evaluation can assure the credibility of analysis presented by agency leadership in justification of its advocacy.

Of course this research will not evaluate the Community Corrections Division's own analysis of the efficacy of its programmes; I have previously attempted to establish that outcome analysis of the type being attempted here is not required from public sector organisations. This research will, however, attempt to provide some qualitative analysis of the type which commentators such as Humphrey and Pease (1992), the United Kingdom Audit Commission (1989) and the New Zealand Audit Office (1992) are saying should be an integral part of the evaluation and justification of the continuing funding of departments in the State sector.

Management Planning in the Community Corrections Division

Stated quite briefly, the research purpose of the section on management planning in the Community Corrections Division is to examine the process with a view to seeing whether it conforms to the 'pure' theory of strategic planning as it appears in standard texts on the subject, or whether the process is shaped more by government financial dictates. This section includes an analysis of relevant Department of Justice documents as well as opinions from senior managers at four levels in the organisation. There is a danger, in relying solely on an unobtrusive research method such as an analysis of documents, that the researcher will selectively read material and either intentionally or unintentionally 'find what he/she wishes to find.' My purpose in interviewing the senior managers was to obtain answers to specific questions which would represent authoritative views on the rationale for management planning in the Community Corrections Division. Such a combination of research methods has the merit of providing a balance to or a testing of the conclusions reached in the document research.

The managers interviewed, with the exception of the district manager, are those in the direct line of control and communication above me up to and including the group manager level, as well as the group manager who is the Department of Justice's

senior management planner. The district manager I chose was my former controlling officer at the Porirua Probation Office, with the choice being based on his extensive involvement in management planning working groups in both the Community Corrections and Penal Divisions in recent years. Although there were specific questions I wished to have answered, the interviews were relatively unstructured, and commenced with an invitation to the managers to recall their experiences of the early days of management planning in the Community Corrections Division. Depending on the fullness or otherwise of their responses, I then posed additional questions to seek out answers to the other questions on a checklist. The questionnaire used for the interviews with the managers is presented in Appendix 2.

Offenders on Strength

As discussed above, mission statements are intended as inspirational encapsulations of the *raison d'être* of an organisation which will give its workers and managers at all levels a sense of common purpose and focus. They need not be measurable by the monitoring methods which exist at lower levels in an organisation's management planning system, but neither should they be unmeasurable or unmeasured, and the lower level objectives should certainly be geared towards the more general outcomes which are the purport of the mission statements from which they emerge.

The method chosen in this study to relate the results produced by just one of the outputs of the Community Corrections Division to the outcomes embodied in the mission statement, was to examine sentences (approximately 35 in each case) of periodic detention, supervision and community service which followed both same-day and remand reports (i.e., $n \approx 210$) ordered by courts serviced by the Lower Hutt Community Corrections Office during 1992. The two courts in question were the Lower Hutt and Upper Hutt District Courts. Here the offenders were categorised both by report and sentence type, and then compared against indicators such as: compliance with the conditions of the sentence; whether there were further convictions within twelve months of sentence date; and the self reports of offenders, community sponsors, periodic detention wardens and supervising probation officers. The latter comparison was based on sub-samples of five offenders from each of the

six report and sentence categories described above, and was intended to discover more qualitative measures such as impressions of the interview and information gathering process, suitability of the sentence and beneficial outcomes from the viewpoints of all concerned.

The groups of offenders referred to above were selected from the Lower Hutt Community Corrections Office's 'Court Book'. The 'Court Book' is a manual recording system¹ in which all report requests are entered in chronological order. Recorded details include: offender name; offence(s); report type requested (e.g., general remand report, same-day report, reparation report, community care assessment); date requested; sentence date and sentence result. The selection of offenders was randomised inasmuch as I began with the month of May 1992 and selected the next 40 (approximately) offenders listed for each required report and sentence type combination, thus arriving at the six required groups of individual cases.

The month of May 1992 was selected based on my knowledge that some of the less-common report type/sentence type combinations would only occur perhaps ten times per month, and that for these groups approximately five months' worth of data would be required before the close-off date of October 1992 which was necessary in order to observe re-convictions over a twelve month period for the latest sentences being studied. One of the effects of the greater emphasis on same-day reports is that the less-complicated cases tend to get dealt with on the same day and result in sentences of periodic detention and community service, while the more-complicated cases are more likely to be remanded for a 'full' report, and result in the more-interventionist sentences of supervision and community care. It follows then that sentences of periodic detention and community service are now recommended much less frequently in remand reports than was previously the case.

¹The 'Court Book' has since been replaced by a computerised system.

In selecting the six groups an allowance was made for cases that may have become 'lost' as a result of being transferred out of the Lower Hutt District or for other reasons. In the event, however, this did not prove to be a problem, and I received a good response from the other districts that I wrote to to obtain quantitative data concerning the approximately 18 files that were transferred out of the District while the sentence was in effect. The desired sample size at the outset was in fact six groups of approximately 35 cases each, but the final 'samples' have varied from the desired number of 35 because of lower dropout rates than I had envisaged or because offenders had to be removed from the study for reasons such as having their sentences cancelled.

Two controlling measures were used in respect of the selected 'samples'. First, no cases were included where the sentence arose solely from fines enforcement action. Although courts have the power under the Summary Proceedings Act 1957 to deal with fines defaulters in certain ways, including the imposition of the community-based sentences of periodic detention and community service, they may not replace unpaid fines with supervision or community care. Such cases, therefore, cannot be compared to the situation where an offender is being sentenced following conviction for an imprisonable offence, and where the court may use any of the community-based sentences. Second, sentences of less than three months periodic detention and 50 hours community service were eliminated from both the remand and same-day groups. These shorter sentences arise more frequently following conviction for less-serious offences such as minor thefts, possession of cannabis and wilful damage charges and where, because of the minor and/or uncomplicated nature of the offence, same-day reports are more likely to be used by judges. The intention here was to bring the average sentence length of the two types of periodic detention and community service groups closer together, but in fact this was only achieved with the periodic detention groups. It can be seen in Chapter 7 that there is a significant difference between the sentence lengths of the two community service groups, as well as between the two supervision groups where no attempt was made to control for sentence length.

Having selected the 'samples' by report and sentence type, they were then entered into six spreadsheets where they were sorted alphabetically by offender name, and maintained as ongoing files as records of compliance and reconvictions were updated over the period of the study. Data was obtained as follows:

- **compliance** refers to the conditions of the sentence as defined in statute and the Probation Manual, and records of compliance were maintained by probation officers and periodic detention centre wardens during the 1992/93 year as part of their performance agreements. Memoranda were placed on the files of offenders in the community service and supervision sample groups requesting that supervising probation officers advise me of compliance details when the sentences were completed, and further memoranda and/or personal approaches from me were made when it became apparent that the required details were not forthcoming. The filing systems at the periodic detention work centres were more conducive to enabling quick searches of numerous files to be carried out, and that method was employed with the periodic detention records rather than placing 'bring ups' on individual files.
- **reconvictions** for imprisonable offences were obtained from Wanganui Computer criminal and traffic histories at some point at least a week after the sentence had been in effect for twelve months. The purpose of waiting for at least a week after the twelve month period was to try to ensure that all computer updating of recent convictions had been carried out. No convictions after the twelve month point were counted.

The five offenders to be interviewed from each of the six groups were once again chosen on a chronological basis. This time those most recently sentenced from each group were selected in an attempt to minimise the difficulties of recall which might have arisen among the offenders sentenced at earlier points in time. The same rationale, of course, also applies to the probation officers, periodic detention wardens and community sponsors who were interviewed. As with the larger groups, more names were chosen than the required five, and I worked through the lists until I had

interviewed five from each group. Notes were written during the individual interviews and entered into word processor files, in most cases on the same day. I was thus able to use my more immediate recall of each interview to supplement handwritten notes and to thereby construct more detailed and accurate accounts of the responses to the various questionnaire items. The questionnaire schedules used for these interviews are attached as Appendices 3 to 5.

After completing the interviews with the five offenders in each of the six groups, I then interviewed the probation officer, warden or community sponsor who had supervised the sentence. In the case of supervision I interviewed the supervising probation officer; in the case of periodic detention I interviewed the periodic detention centre warden; and in the case of community service I interviewed the community sponsor. Offenders serving sentences of community service do have a supervising probation officer, but personal contact between the probation officer and the offender is minimal or perhaps even non-existent once the sentence has been set up — particularly when the sentence runs smoothly. It seemed more relevant, therefore, to interview only the person (the community sponsor) who had ongoing contact with the offender. Once again I employed the method of note taking and entering interview information into word processor files as soon as possible after the interview. The purpose of these interviews was to obtain a second set of qualitative data regarding the appropriateness of the sentence and any observed changes in the offender during its course, which could be used for comparison with the opinions of the offenders themselves. The questionnaire schedules used for the supervisor interviews are attached as Appendices 6 to 8.

As with the offender interviews, I took care when interviewing the supervisors to ensure that the matter of the type of report involved was not emphasised. My interest in the difference between sentence outcomes following the two types of reports was made clear in the Research Outline given to each interviewee. Thereafter, however, that aspect was minimised in an attempt to eliminate any bias which the respondent may have had or thought that I might have had.

Social Research Ethics

The collection of data raised the matter of research ethics in relation to the privacy, welfare and dignity of the subjects involved *vis-à-vis* my position as a public sector employee with access to the official data required. Formal procedures exist in the Community Corrections Division for ensuring that ethical standards are adhered to, and these were accepted by me in a written agreement. An unsigned copy of the agreement form is attached as Appendix 9.

With regard to the interviews, the agreement covers matters such as the right of participants to be informed of the nature and purpose of the research, their right to withdraw from participation at any stage or to decline to answer any questions, their right to anonymity, and their right to be informed of the results of the research. Interviewees were made aware of the foregoing by way of a Research Outline which I left with them, and a Consent Form which they signed and which was retained by me. Copies of these forms are attached as Appendices 10 and 11, respectively.

The agreement also addresses the collection of quantitative data by reference to such matters as physical security, the prohibition on the photocopying of records and the prohibition on the publishing of any data other than that which relates directly to the research purpose. This last aspect is particularly germane. During the course of gathering the quantitative data I was privy to a great deal of information in excess of that which was required for the purpose of the research. My interest, however, was only in numerical records of compliance and reconvictions. Other material such as casenotes and correspondence were ignored.

Problems Encountered

Locating and arranging interviews with offenders who change their addresses frequently, and who are usually only very reluctant participants in the criminal justice system undoubtedly presented the greatest difficulties encountered during the data collection phase of the study. It became clear, after sending letters to approximately twenty individuals requesting that they contact me for the purpose of being interviewed, and receiving just one reply, that personal visits would be necessary.

Because of the lack of telephone numbers these visits were often unannounced, but such unscheduled visits were often quite fruitful from my point of view. On other occasions offenders initially agreed to be interviewed, but after several visits to their homes, sometimes with our conversations being conducted through an intermediary, it became apparent that their enthusiasm had disappeared. I started with lists of names of the ten most recently sentenced offenders from each group, and worked my way down the list until I had achieved the required five interviews. In one case (the periodic detention remand group), several weeks of work produced only one interview, and it was necessary to select a new group of prospective interviewees. To varying degrees similar difficulties were encountered with the other groups.

Allied to these difficulties was the fact that the more intractable offenders — those whose sentence performance was so bad that breach informations had been laid, and often warrants to arrest issued following their non-appearance in court — were the more difficult ones to locate. Those interviewed may therefore be unrepresentative. The people interviewed, in other words, were those offenders who were locatable, and who showed the required degree of cooperation once they were located.

The difficulties inherent in recalling events that had happened some months earlier also need to be acknowledged, although I was satisfied (after careful probing) that the responses received were reasonably accurate. The main instances of recall being a problem were two cases where community service sponsors (who supervise relatively large numbers of offenders, and who could 'always remember a face but not a name') needed to see the offenders whom I wished to ask them about. In each of these cases I arranged for a meeting to refresh the community sponsor's memory prior to the interview. The matter of recall presented something of a dilemma in the overall design of the research. Ideally, perhaps, offenders and supervisors should have been interviewed twice: shortly after sentencing to obtain their opinions about the appropriateness of the sentence and again towards the end of the sentence to put questions relating to the benefits of the sentence. Of course the disadvantage with interviewing twice is that larger initial groups would have been required to allow for those that subsequently couldn't be contacted, or whose sentences were not completed

either because they did not comply with the conditions of it, or because they were awarded some other type of sentence that cancelled the initial one. That said, it must nevertheless be acknowledged that my decision to interview only once and to rely on the recall of the interviewees was based largely on time and resource considerations.

There were also other, sadder, difficulties which caused me to reflect upon the unfortunate lot of some of the offenders that the Community Corrections Division deals with. One young man whom I interviewed was quite psychotic, and I had already decided not to use that interview material before he took his own life just a few weeks later. Another, who was on one of my lists of potential interviewees, was murdered.

Yet another unfortunate development was the death of a community service sponsor. This sponsor had supervised three young men I had already interviewed, thus rendering the offender interview material of little use. In that case I selected and interviewed three more offenders from the relevant group.

Finally, with regard to the qualitative data, language only proved to be a real problem with one Sāmoan woman. In that case I was able to use the interpretive skills of a Sāmoan probation officer, and thus obtain what turned out to be a valuable set of responses.

Problems encountered in gathering the quantitative data relating to compliance with the conditions of the sentences and reconviction rates were minor by comparison to those already mentioned. The reconviction data was obtained by computer enquiries, and the periodic detention data was obtained from attendance records maintained on offender files at the Upper Hutt and Lower Hutt Periodic Detention Centres. In a few cases I wrote to wardens at other periodic detention centres, where offenders had been transferred, to obtain the necessary details, and responses were generally forthcoming. The procedure with the supervision and community service cases was different inasmuch as records of compliance are removed from offender files and held by individual probation officers once the files are terminated. I therefore had to rely

on individual probation officers to provide me with the necessary information when the sentence had been completed. I placed a memo on all of the files in these categories requesting that the required information be provided in due course, and for the most part that happened. However some difficulties were encountered in obtaining the information — often requiring repeated memoranda and verbal requests, but eventually these difficulties were overcome and the required information obtained.

Summary

The literature reviewed suggests that economic and social policies are inextricably linked, that neo-classical economic theory has pervaded the economic policy-making of some Western governments in the past twenty years, that redistributive social policies have been displaced by a belief in the efficiency of market forces, and that the power and influence of the State as a mediating body has decreased. Previous research takes the line that these forces have influenced policy making in the Probation Service in England and the Community Corrections Division in New Zealand, and that as a result management methods now concentrate more on the measurement of outputs and less on the quality of service delivery.

My view of the social world includes a theory of class that is based more on conflict than on consensus, and a belief in the elimination of inequality through state redistribution rather than through the market. In the matter of criminal justice, I am in accord with *left realist* theory which argues that crime is real, but that the working class suffer most from it, and that severe punishments may not provide the best long-term solutions. Following on from this I agree with the *left realist* view that rehabilitation is still a worthy ideal, albeit one that needs to be carefully considered and applied. I am also persuaded by the *justice model* contention that rehabilitative programmes should not be used coercively, particularly where that coercion is linked to indeterminate sentencing regimes.

The major hypothesis of this work is that there may be a link between the Government's fiscal policies and management planning objectives in the Community Corrections Division, and that because of this the Division may be producing unmeasured outcomes which may be counter to those embodied in the mission statement. The hypothesis will be tested in three principal ways. First, management planning in the Community Corrections Division will be analysed, and that analysis will be supported by interviews with five senior Departmental and Divisional managers. Second, the results of a study of qualitative and quantitative outcomes for 230 offenders sentenced to three different community-based sentences in the Lower Hutt Community Corrections District in 1992 will be presented. Third, material from the same study of qualitative and quantitative material will be analysed with a view to making inferences about probation officer involvement in the court sentencing process.

A *value-explicit* approach will undoubtedly be apparent in this work, and this is deliberate. There are two reasons for this: first, to do otherwise would be to deny that I have a position on these matters; and second, the belief and hope that openness and debate will promote solutions to social issues which meet the needs of a variety of stakeholders. The use of a combination of qualitative and quantitative data is designed to achieve a similar purpose, that is, to present policy-makers with a variety of data and alternative points of view on which to base their policy analysis, formulation and implementation.

The research method adopted with regard to sentence outcomes arises from the Community Corrections Division's management planning strategy to save money by reducing the numbers of resource-intensive remand reports presented to judges, and the chosen strategy to achieve this of producing more and briefer reports on the day of sentencing. Groups of offenders who were sentenced to periodic detention, community service or supervision in the Lower Hutt and Upper Hutt District Courts during the period from May to October 1992 were selected for this study. They were further segregated by the type of report (either remand or same-day) which preceded their sentence. Groups of approximately 35 offenders were selected on a quota basis

from the Lower Hutt Community Corrections Office's Court Book, with the particular period being chosen to allow a twelve month follow-up period. Two controlling measures were used in respect of the selected offenders. First, nobody was selected where their sentence arose solely from non-payment of fines, and the individuals in this study have, therefore, all been convicted of imprisonable offences. Second, and in an attempt to maintain some parity of sentence lengths, no community servants who were sentenced to less than 50 hours community service or detainees who were sentenced to less than three months periodic detention were included in the groups.

Five offenders from each of the six groups, and the periodic detention warden, community sponsor or probation officer most closely involved with the administration of the sentence, were interviewed to obtain the qualitative data which is presented in Chapter 6. The basis of the selection of these sub-groups was chronological, with the criteria being those most recently sentenced in order to minimise difficulties arising from memory recall. Records of compliance with their sentences were maintained for the six groups of offenders throughout the follow-up period, and computer records of their offending histories were obtained at the end of it. This data forms the basis of the various comparisons between compliance and offence seriousness which appear in Chapter 7. Social research ethics were addressed by way of informed consent and consent forms, as well as by certified adherence to Departmental standards.

This chapter has examined theories and perspectives which have influenced the selection and design of the research topic, and has done so largely by reference to the international scene. It is now necessary to narrow the focus down to developments in New Zealand during the past decade and to review the ensuing policies which have brought about large-scale changes to the management of State sector units and to the whole fabric of New Zealand society. These topics are the subject of Chapter 3.

3 New Zealand Since 1984

The economically-driven reforms initiated by the Fourth Labour Government have touched the lives of all New Zealanders, but two matters are of particular relevance to this thesis. The first is the overarching matter of unemployment, and how that affects the work of the Community Corrections Division. The second is the restructuring of State sector services, and how that creates pressures, acting from the opposite direction, which also affect the work of the Division. Both of these, it will later be argued, influence the inputs and outputs of the Community Corrections Division: unemployment, because of its potential to determine the flow of offenders into the criminal justice system; public sector restructuring, because of the manner in which resulting policies define the outputs of the Division as well as the resources available to deliver them.

This chapter will examine the forces which have brought about the economic policies of the past decade, and how these have affected unemployment, crime and the structure of the State. The final section of the chapter will draw these strands together and show how they are affecting the Community Corrections Division's ability to deliver its services. It will also introduce the subject of how Divisional planning is attempting to grapple with these strategic issues.

Ideological Underpinnings

As indicated in the previous chapter the economic circumstances of all developed countries declined from about the mid-1970s. In New Zealand there was the added pressure of Britain's entry into the European Economic Community and the consequent need to search for new markets for our primary produce as Britain fulfilled the obligations of belonging to that trading bloc.

Declining standards of living in New Zealand and the spectre of unemployment — virtually unknown to those born during the previous thirty or so years — provided a fertile ground for economic reform. What took many by surprise, however, was that the chosen New Right policies were introduced by the heirs to the mantle of Michael Joseph Savage — the Fourth Labour Government of David Lange. These were a new breed of Labour politicians though, and the term *socialism* had been almost completely excised from Labour Party publications and statements by the time of the 1984 General Election. Many of this 'new breed' had been at university during the late 1960s and early 1970s, and had been influenced by the liberation politics of those times which saw equality more as a product of individual freedom than group cohesion. They had been joined, ideologically, by the free-market liberals in the finance sector and the economics profession, as well as by feminists who likened state control to patriarchal control. According to Shirley (1990:361):

These forces came together in the early 1980s, galvanized by the rigid authoritarianism of Prime Minister Muldoon and by a South African Rugby tour which divided the country but united the various liberal factions living in the large urban centres.

Thus the climate for change was established, and the Labour Government took power in 1984 with the electoral support of this diverse group of liberals, intellectuals and economic reformers. They also enjoyed the traditional electoral support of trade union and working-class voters who probably thought that they had elected another 'socialist' government which would hold fast to such ideals as social well-being, full employment, and perhaps even public ownership of many service areas long regarded in New Zealand as legitimate government activity. The pace and extent of the ensuing reforms were undoubtedly quite unexpected by these traditional Labour supporters.

Notwithstanding the widely representative Economic Summit Conference convened by the Labour Government in September 1984, there appears to be little doubt that New Zealand's macro economic policies since then have been driven by smaller groupings of people with explicit ideological viewpoints. This position has been clearly enunciated by Shirley (1990:364-365), who has pointed to the influence of "a small group of public servants within the New Zealand Treasury", some of whom had

spent time at North American universities, and who by their exposure to the theories of Hayek and Friedman had become "vehicles for intellectual colonialism". The line continues through the 1984 Treasury briefing papers to the incoming Government, a document which, according to Shirley (1990:364):

...was not a dispassionate analysis of various options open to the new Labour administration, but rather a set of ideological statements based on the libertarian ideas of the Chicago School.

The coup was complete with the "conversion of Finance Minister Roger Douglas to the policies of the New Right", and, consequently, a receptive cabinet audience, which before this time had "had no realistic strategy of its own" (Shirley, 1990:365).

Roper (1991:49) has expounded a similar view of the manner in which "the most powerful government department in New Zealand" 'captured' the minds of politicians, and thereby became a prime influence on policy development and legislation. Roper (1991:39) asserts that:

From July 1984, the Fourth Labour Government rapidly and comprehensively implemented policies derived, via the intermediation of Treasury, from the contemporary currents of neoclassical economic theory.

Roper (1991:39) also points out that these policies did not end with the fall of the Fourth Labour Government in 1990:

The Fourth National Government has merely taken over and extended this policy framework through anti-union industrial relations reform and a fundamental 'redesign' of the Welfare State.

And it is not just a matter of the prevailing ideology in Treasury informing the policy decisions which politicians make. Boston (1989:77) has alluded to the "intellectual firepower" which Treasury has over most of its bureaucratic rivals — many of its staff members have post-graduate qualifications — and to the reality that:

...it is not merely [*sic*] ministers who find the dominant paradigm hard to challenge. Departmental advisers also have a problem. Indeed, it is evident from recent events in New Zealand that policy advisers who reject the prevailing Treasury orthodoxy can sometimes face considerable difficulties in getting their views taken seriously within the government.

It seems clear then that New Zealand's macro economic policies were being driven by a prevailing ideology within Treasury because those officials had been able to 'sell' their messages to the Fourth Labour Government as well as to their successors,

the Fourth National Government. Once officials in other departments became attuned to the new orthodoxy it was then a difficult task for alternative views to be advanced, and the intellectual coup was complete. It is appropriate now to consider how resulting policies are relevant to the substance of this thesis.

Emergent Policies

In keeping with the free enterprise and market-driven approach to economic recovery, the first objective of *Rogernomics*¹ was to create a 'level playing field' where success would be determined by what the world wanted (Collins, 1989:188) rather than by borrowing overseas to provide government subsidies to support 'inefficient' manufacturers and primary producers. Reduction of the level of New Zealand's overseas debt was therefore also an objective together with a reduction in the level of government spending. Repeated devaluations of the New Zealand dollar, aimed at making exports more competitive as well as at discouraging spending on imported goods had, however, fuelled inflation. In order to halt this spiralling situation, these objectives later focused down to wiping out inflation and boosting the growth of productivity (Collins, 1989:190).

Endres (1989) agreeing with Collins, has shown that not only has the reduction of inflation been the major policy goal, but that it has been accepted in government and departmental circles that unemployment would be a consequence. Endres (1989:139) cites the view of the then Reserve Bank Governor that more redundancies:

...were not welcome in themselves, but they have been a necessary component in increasing the competitiveness of New Zealand production.

Moreover, with a degree of optimism which was unjustified even when the registered unemployed numbered only one quarter to one third of the current levels of around 220,000, the Minister of Employment in a paper delivered to the Economic Summit Conference (Endres, 1989:136):

¹*Rogernomics* is the somewhat pejorative term coined for the economic policies of the Fourth Labour Government and more particularly the Minister of Finance, Roger Douglas.

...made a strong case against employment subsidy measures on the grounds of both displacement effects and observed unemployment which was considered largely frictional or short term.

Not only was there an acceptance of the high levels of unemployment, but there was also an acceptance that the social costs of unemployment should be borne primarily by the unemployed themselves. Such evidence makes more credible the claim by Waldegrave and Coventry (1987:86) that:

Unemployment is structured into our economy. It isn't caused by unemployed people, but by economic policies pursued without reference to an adequate social policy. Governments choose a particular economic direction and the consequence is large-scale unemployment.

Restructuring of the State has also been high on the reform agenda since 1984. Walsh (1991) notes the significant influence of Treasury in these developments, but is also of the opinion that it was something of a comeuppance for the public sector because policies of the Third Labour Government of Norman Kirk had been significantly thwarted by public servants (Walsh, 1991:52-53):

...used to and comfortable with the long-established policies of the four-term National Party Government.

This, of course, only adds another dimension and does not detract from the importance of fiscal imperatives as a decisive factor in the reforms of the public sector initiated by the Fourth Labour Government. Neither has this fiscal rationale diminished over time nor with the change of government from Labour to National in 1990. In spite of the fact that public expenditure in New Zealand as a percentage of GDP did not exceed the average for the G7 countries for the ten years to 1989 or for the smaller OECD countries (Rudd, 1992:46), this continues to be an area of focus for government cost containment. This message was clearly put by the Finance Minister in her 1991 budget speech (Richardson, 1991:7):

Tonight I am announcing a wide range of government initiatives to create the best possible environment for jobs and growth. Most important, the Government is moving decisively to end decades of chronic overspending by the State. That overspending was funded in ways that cramped the ability of New Zealanders to generate growth and jobs.

State spending has, indeed, been curbed by the Government, but it will be shown below that the employment situation has not improved to any substantial degree, and is not expected to improve in the short term, especially for the unskilled.

Unemployment

The effects of public sector restructuring and unemployment, driving as they do from opposite directions, are difficult issues for the Community Corrections Division to deal with simultaneously. Each of these issues will now be considered.

During the halcyon years following the Second World War there were truly jobs available for all New Zealanders who wanted them. In some years during the 1950s the numbers of registered unemployed were fewer than ten, and it has been said, that at the time, some politicians knew all of the unemployed in New Zealand by name. It is now a depressing fact of life, however, particularly for those directly affected, that unemployment has risen from negligible numbers through the 1950s and 1960s to the present levels in excess of 200,000¹. There is also some debate about whether this is the 'true figure' of jobless, since the Department of Labour's figures represent a relatively narrow definition of 'unemployment', counting, as they do, only those who want full-time work and who have taken the active step of registering with the Department of Labour. Among those excluded from this measure are: people who are unregistered for a variety of reasons including being ineligible to register, being too proud to do so or who through despair or lassitude fail to keep appointments at Department of Labour offices; people who want only part-time work; and the even more invisible figure of those who have gone overseas.

The effects of unemployment go well beyond the obvious quantitative measures of poverty. Easton (1986:4) has used the concept of *secondary poverty* to show that:

¹Department of Labour (1993) figures show that 229,391 persons were registered as being unemployed in December 1992.

If an individual does not have a standard of living much like that of the rest of the community, and as a result does not feel that he or she belongs in that community, then that person can be described as poor.

He goes on to explain that (Easton, 1986:52):

Employment is not merely about wages. For large numbers of New Zealanders a job is an integral part of belonging to and participating in (and contributing to) the community. That means its converse — unemployment — can be a form of secondary poverty, despite the unemployment benefit, if the worker feels left out.

The unemployed become less-employable as they develop defensive attitudes against their 'failure' to get a job and some people or groups thus become *structurally unemployed* (Easton, 1986:51-2). Notable here are members of Māori and Pacific Island communities who have unemployment rates well in excess of national averages, and among whom the combination of poverty, despair and alienation, exacerbated by media images of how comfortable life supposedly is, becomes a potent mixture which is likely to lead to other social problems such as criminal offending.

Table 3.1 Unemployment by Ethnicity, 1991

Ethnicity	Ethnic Labour Force	Percentage of Total Labour Force	Number Unemployed	Percentage of Ethnic Labour Force Unemployed
Māori	153099	9.8	37050	24.2
Pacific Island Polynesians	53385	3.4	10944	20.5
European and other	1357764	86.6	115410	8.5
Not specified	3756	0.2	372	9.9
Total	1568004	100	163776	10.4

Source: Department of Statistics (1993:272).

Table 3.1, adapted from 1991 Census data, shows the unequal distribution of unemployment in New Zealand. It can be seen that the unemployment of Māori and Pacific Island Polynesians, as a percentage of their own ethnic labour force, is around twice the national average of 10.4 percent, while that for Europeans and others is below the national average. Although Easton's explanations of *secondary poverty* and *structural unemployment* are particularly relevant for Māori and Pacific Island People,

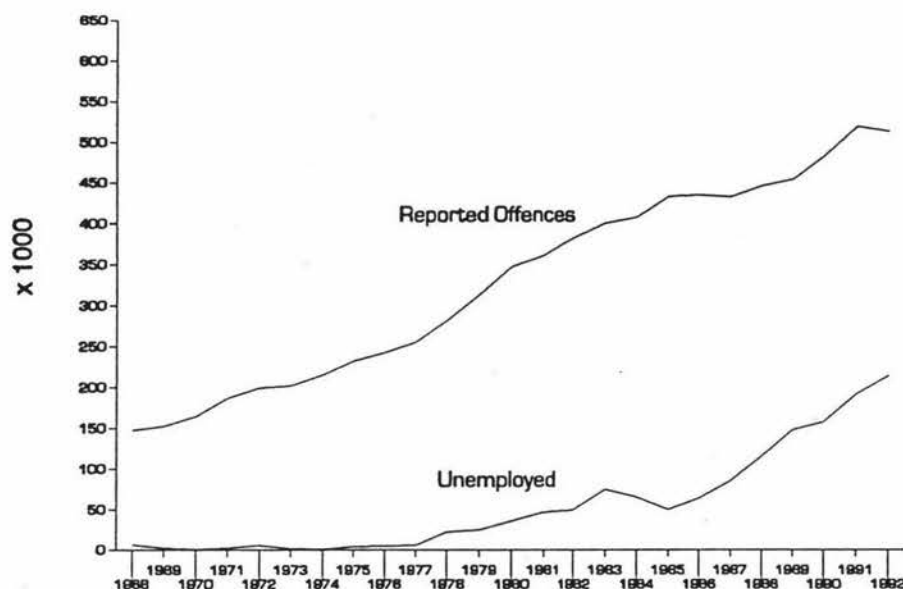
they are no less compelling for other persons or groups who feel excluded from mainstream society for these reasons.

Unemployment and Crime

There is undoubtedly a high correlation between unemployment and reported crime, although both measures and any subsequent inferences must be treated with some caution. As suggested above, official figures do not necessarily reveal the true level of unemployment, and it is equally true that official figures do not disclose the true extent of crime. The so-called *dark figure* of crime is a measure of the difference between crimes that get reported to or detected by the police and the actual amount of crime committed. This dark figure is the subject of crime surveys which attempt to arrive at a more accurate figure by victim self-reports. Unfortunately such studies are few, and can only provide information about identifiable and unwilling victims, or those who will speak truthfully about their victimisation. Corporate fraud, shoplifting, tax evasion and drug use are examples of offences which are difficult to probe, while victims of rape and incest, although being unwilling victims, may not always be prepared to respond frankly about their victimisation. Despite their obvious limitations, readily accessible official figures tend to be used for making comparisons between criminal activity and unemployment, and will be used here also. Figure 3.1 shows a clear and significant correlation ($r = +0.88$) between the two measures. The raw data in this presentation were calculated from official quarterly averages of unemployment for calendar years (Department of Labour, 1993) and Police figures of reported crime less a small category called 'administrative offences' (New Zealand Police, 1993a).

Having noted the correlation between the two sets of data it should now be emphasised that a high correlation does not necessarily mean that there is a direct causal relationship. Crow *et al* (1989:3) have made the common-sense observation that for causation to be established it must be shown that economic decline (or unemployment) preceded the change in the crime rate, and that it is not merely an

Figure 3.1 Unemployed Compared to Reported Offences
(1968 to 1992)



Source: New Zealand Police and Department of Labour.

accompaniment. No such claim regarding causation could be made on the basis of the data presented in Figure 3.1.

Crow *et al* (1989:6-12) reviewed several studies which attempted to probe the unemployment/crime link including several which controlled for age. Their thinking was that since younger people are arrested more frequently than those in the middle and older age groups, a truer picture of the influence of unemployment would be gained if various age groupings were considered separately. Indeed, Glaser and Rice (1959:685) did find that the link between unemployment and crime was strongest for the middle age ranges, and inferred that members of this group were more likely to be 'driven' to crime by economic necessity unlike those in the younger age groups who offend for other (non-economic) reasons. Gibbs (1966:49-58) also controlled for age in his study, and in so doing introduced the notion that the relationship between crime and unemployment depends on social context. In Gibbs' research it was found that unemployment and arrest rates were positively correlated between the ages of 19 and 34, but inversely related outside that age group. In Gibbs' view the findings were related to *status integration*, or in the words of Crow *et al* (1989:7):

...if the majority of people in an age group are not in the labour force, as is the case with the old and young, then unemployment does not deprive the individual of the means of achieving the cultural goals of that age group.

Unemployment was more common among those younger than 19 years and those older than 34 years, hence there were fewer normative prescriptions to turn to crime.

The relevance of social context and status integration in the unemployment/crime link are of interest with regard to perceptions of unfairness that unemployed people may have, and which may weaken their inhibitions against offending. John Pratt, Victoria University criminologist, has compared the Depression years of the late 1920s and early 1930s, when crime, as measured by court convictions, was said not to have risen with unemployment (and indeed may have dropped), with the situation now. In Pratt's view (Dominion, 1992) unemployment is a qualitatively different experience now for the unemployed, because the difference in living standards between them and those in work are so much greater than in earlier times. These differences are exacerbated, for the unemployed, by the visibility of the lifestyles of the affluent, as well as by media images and advertising which portray comfortable living standards and consumer goods which the unemployed have little hope of gaining. In these circumstances, according to Pratt (Dominion, 1992):

We can say that unemployment is likely to be a causal factor of crime, including violent crime, particularly when unemployment is experienced as unfair.

Pratt's assertion is an encapsulation of the popular view that the widening gulf between the 'haves' and the 'have nots' in New Zealand is breeding resentment and crime. An example of this can be found in the public disagreement, concerning the linking of unemployment with violent crime, which took place between the Prime Minister and Gisborne Police District Superintendent, Rana Waitai, in January 1992. According to Waitai (Evening Post, 1992) the situation during the 1930s Depression could not be compared to the present day because stabilising influences such as the church, the family and the "values system" were relatively intact in the earlier years and "had offset the effect of unemployment". Furthermore, Waitai was of the view that under present conditions (Evening Post, 1992):

...unemployment was alienating people and as a result it was a damn sight easier to go out and hit someone and smash something up.

In another example, where the main thrust was that New Zealand's 'economic recovery' is widening its impact, Institute of Economic Research Director, Dr Alan Bollard, nevertheless conceded that (Television New Zealand 1993b) "long-term unemployment breeds resentment and breeds two societies". Empirical considerations aside, there is obviously widespread and diverse support for the belief that unemployment is causing a rift in New Zealand society, and that the sense of unfairness experienced by the unemployed predisposes them towards crime.

In a further study following the seminal work of Glaser and Rice, Fleisher (1963:549) found that the unemployment/crime relationship is especially noticeable in the case of property offences, and that:

...unemployment and arrests for property crimes are positively correlated, regardless of age group [emphasis added]...

In Fleisher's estimation a halving of unemployment at any time would result in a reduction in property crime of approximately ten percent. Based on 1987 Police figures (New Zealand Police, 1993b),¹ such an unlikely development in this country would translate through into an annual reduction in the cost of property crime of \$29.1 million. Such a sum of money could create many jobs, but it might be difficult to convince politicians that savings to the victims of crime and the justice system could be offset against the cost to the Government to create employment on the necessary scale.

In the view of Crow *et al* (1989:8-9) one of the most important studies they considered was that of Phillips, Votey and Maxwell (1972) which concentrated on four offences with an implied economic motive, viz: theft, burglary, robbery and car theft. The importance of this work, which focused on 18 and 19 year old males, stems from the fact that the offending rates of employed and unemployed people were considered separately as well as age group labour force *participation rates*. In the words of these authors (Phillips *et al*, 1972:503) their study demonstrates:

¹The latest year for which reliable figures are available because of admitted doubts about the accuracy of the relevant computer database.

...the importance of participation rates relative to unemployment rates in explaining crime rates. This point is reinforced when one observes that during the middle and latter sixties, crime rates rose while unemployment rates declined. It is the decline in the participation rate [for the 18 and 19 year old males] which provides an explanation for the rise in crime during this period.

Crow *et al* (1989:9) add that:

The strength of the analysis done by Phillips *et al* is borne out by its success in predicting 'remarkably well' the crime and arrest rates for three years beyond the period used for estimation.

In summary, Crow *et al* (1989:11-12) admit that the relationship between unemployment and crime is not a straightforward matter. They point to the difficulties in measuring crime and unemployment accurately, as well as to the need to carefully specify types of crimes, the age groups being considered and the social context. They conclude that (Crow *et al*, 1989:11):

The balance of the evidence seems to indicate that unemployment is indeed a factor which affects the likelihood of offending, but it is only one of a number of factors and it is necessary to specify the conditions in which the relationship is observed.

A further matter raised by Crow *et al* (1989:12-13), which is highly relevant in any consideration of how unemployment impacts on the work of criminal justice agencies, concerns the affect that unemployment has on people who are already offenders. In the view of Crow *et al* (1989:12), this is a forgotten perspective but an important one, since:

It has been invariably found that people known to have committed offences are more likely than others to be unemployed and this has been true even when unemployment generally was low. As unemployment has risen so the situation has got worse and this affected, in various ways, the probation service, the courts and others who work with offenders.

Offending often ceases as young men reach their mid-20s, establish themselves in a job or a career and meet a woman and begin to have children. Unfortunately for many of these young offenders now, their bleak employment prospects mean that that particular stabilising factor is almost removed from consideration. Reminiscent of Easton's (1986) explanation of *secondary poverty* and *structural unemployment* is the suggestion by Crow *et al* (1989:13) that:

There is also evidence of a cycle of deterioration in which unemployment, further offending and other difficulties tend to reinforce each other leading, for some people, to acute multiple problems.

Quite apart from the affects that unemployment has on the likelihood of offending for the population at large, those who are in some other way predisposed towards criminal behaviour constitute an additional worrying factor.

It does seem then that there is a link between unemployment and crime in certain circumstances. The result in New Zealand is a vicious cycle for the young unemployed, members of Māori and Pacific Island communities and people who already have criminal records — groups which, in Merton's terms (Vold and Bernard, 1986:189-191), are denied access to the cultural goals of property and wealth through the institutional means of employment or legitimate entrepreneurial activity, and who then turn to innovative measures (crime) to obtain them. People in these groups feature highly in both of the measures plotted in Figure 3.1, and thus make the link between unemployment and crime somewhat more substantial than simply one of pure correlation.

Restructuring of the State

Two interwoven strands are discernible in the literature dealing with the restructuring of the State. The first of these is the line generally taken by politicians and others who are reluctant to have the debate framed within ideological bounds, and that is the matter of fiscal restraint.

Fiscal Restraint

Proponents of fiscal restraint would argue that all of the cost cutting and restructuring that public sector organisations have been subjected to in the past decade has simply been because of New Zealand's worsening economic situation and the consequent need to trim budgets. A frequently heard catchphrase of the fiscal restraint apologists is the need to promote 'value for money' in the public sector. In a similar vein, the need for fiscal restraint is often couched in Government and departmental

pronouncements on the subject as a need to simultaneously improve service quality and productivity.

Since 1984 the Government has been unequivocally committed to reducing its own spending, and has undoubtedly had the support of many business leaders in this endeavour. Finance Minister Richardson's views on this subject have already been referred to above, and were raised again in her 1993 budget speech. Speaking of New Zealand's public debt of \$38.6 billion, Richardson (1993:21) declared that:

For this reason the Government is committed to a reduced debt burden by moving the Government's overall Budget position into surplus. That means we need to be prudent with the amount of government spending, and to ensure that we get good value for the money we do spend.

These messages are, of course, imperatives as far as public sector departments are concerned. In his statement which appeared at the beginning of the Department of Justice's 1993/4 Management Plan, the Minister of Justice concluded by cautioning that (Department of Justice, 1993a:9):

The Department of Justice has responded to the Government's imperative for fiscal responsibility by increasing productivity and reducing costs. Nonetheless it remains one of the major spenders in the public services. As such it must continue to play its part in reducing the real cost of Vote: Justice, thereby ensuring the most cost effective implementation of Government's policies.

The importance accorded to this message from the Minister is indicated by its prominence as the first "significant issue" (significant external environmental event) in the Department's Management Plan. The fiscal problem presented to Departmental planners to deal with in this planning round was that (Department of Justice, 1993a:14):

Fiscal restraint will continue to be an important consideration over 1993/94. The department continues to be charged with reducing the real cost of the services delivered, while at the same time improving their quality. That challenge requires the department to focus on productivity and efficiency, and to select the most cost effective method of delivery for each service.

Few would quibble with belt-tightening measures motivated by such clarity of purpose, but as already mentioned the particular weave of this fabric is probably not that simple.

Public Sector Management

Also in her 1993 budget speech, and speaking under the same rubric of *Improving Government Performance*, the Finance Minister declared that (Richardson, 1993:22):

We have improved the performance of public-sector managers, with a greater focus on better value and service for people. We have brought a longer-term perspective into decision-making. We now have three-year budgets for all government departments.

Once again, when considered in isolation from other explanations and influences, performance efficiency and effectiveness are laudable objectives. But they cannot be considered in isolation, and the words of the Minister are highly suggestive of the second strand which has been used in discussions of public sector restructuring in the past decade; namely the matter of the *new public management* (NPM) or *managerialism*.

The line of reasoning here is that businesses in the private sector are much more effective and efficient than units of the public sector — a highly debatable generalisation — and that what works in the private sector in the way of management practice can be transferred to the public sector to improve the quality of service delivery and productivity. From the outset Treasury advice on the subject was that (New Zealand Treasury, 1984:287):

The aim of management should be the implementation of systems in the public service that can perform broadly the same role for the public service as the price system does in the private sector.

Notable among the private sector management methods recommended by Treasury for the Public Service were: measurable objectives set by the Government; corporate planning; more emphasis on departmental outputs rather than inputs; and performance-related pay, especially for permanent heads of departments, for whom a system of three or five year contracts was mooted (New Zealand Treasury, 1984:288-292). These recommendations were repeated in the 1987 Treasury briefing to the incoming Government (New Zealand Treasury, 1987:54-57), together with the recommendation that ministers have a greater degree of involvement in the appointment of their chief executives (New Zealand Treasury, 1987:61-62).

Having devoted its reformist attention primarily to the corporatisation programme during its first term in office, the Fourth Labour Government gave legislative effect to the *managerialist* recommendations of Treasury in two key Acts during its second term, they being the State Sector Act 1988 and the Public Finance Act 1989. The first of these was (Walsh, 1991:52):

...the product of related policy concerns over management structures within government departments, and over personnel and industrial relations arrangements in the state sector...

The State Sector Act 1988 thus set up greater lines of accountability within departments as well as from departmental heads to their ministers. It created also a new office of chief executive of government departments (with provision for greater ministerial involvement in their appointment), and a new group of senior executives called the senior executive service (SES), all on five-year renewable contracts (Walsh, 1991:63). The chief executives were given control over personnel policies in their departments, including the power to appoint people to positions (Walsh, 1991:68).

The Public Finance Act 1989 was designed to "reinforce and support the operation of the State Sector Act" (Pallot, 1991:173), and picked up on the concern expressed by Treasury (1984:288) that:

...the managers of agencies should have the freedom to choose the best mixture of inputs to get the agreed output, within the overall financial limits set by the Government.

The important features of the Public Finance Act 1989, from the point of view of this thesis are twofold. First, the emphasis which is now placed on measuring the performance effectiveness of chief executives and departments by reference to *outputs* (goods and services produced). Second, the emphasis on the greater degree of control and accountability that chief executives now have over their *inputs* (labour, plant, electricity, etc.), particularly in their day-to-day financial management. The personnel management aspects had previously been delivered by the provisions of the State Sector Act 1988).

The salience of these reforms within the context of this work lies in the relationship between *inputs*, *outputs* and *outcomes* (the latter being the impact of Government

activity on communities). Although he is a stout defender of performance measurement based on *outputs* rather than *outcomes*, Ian Ball (1992:55), senior Treasury manager, has conceded that New Zealand is "out of step" with other Western countries in this regard. In the United States of America the House of Representatives passed the *Government Performance and Results Act* in August 1993, the intent of which is to measure the programme performance of the Federal Government against programme goals as well as to hold federal agencies accountable for achieving programme results. Similarly in Australia the Federal Government's Financial Management Information Programme, according to a former Secretary of the Department of Finance (Ball, 1992:55):

...focuses management attention on the purposes of programmes and the cost-effectiveness achievement of outcomes rather than simply on inputs and processes.

In New Zealand, however, under the arrangements introduced by the Public Finance Act 1989 chief executives contract with their ministers to provide *outputs*. The clearly specified outputs are in pursuit of Government defined *outcomes*, and the Government now uses its policy advice to decide upon the mix of *outputs* which it will purchase from Government Departments (or other agencies if it so wishes) that will meet its desired *outcomes*. This happens in the budgetary cycle shortly before 1 July each year, and the final decisions are conveyed to chief executives so that draft performance agreements can be finalised for themselves, as well as at all of the lower levels in their departments. The focus on performance measurement based on *outputs* is in part a recognition of the fact that many factors contribute to the *outcomes* that the Government seeks, and that to measure the performance of chief executives against *outcomes* would provide them with a ready-made set of excuses for poor performance (Pallot, 1991:173). It is also a focus which recognises that chief executives are now held more accountable for the performance of their departments, and that this accountability must be defined by reference to performance measurements over which those chief executives have control (Ball, 1992:56).

Martin (1991:372) has identified two matters which are converse arguments to the above proposition. The first is that raised by the Chief Ombudsman that (Martin, 1991:372):

...it becomes much easier [for Ministers] to transfer the accountability justification to the shoulders of Chief Executives in the "I am responsible but not to blame" syndrome.

The second is that officials may now find themselves in the position of "*defending* rather than *explaining* government policy in controversial areas" — a quite different role for public servants, who previously had supposedly carried out their duties in a politically neutral manner. There is also the criticism made by overseas academics and practitioners (Ball, 1992:56) that New Zealand's focus on outputs could result in the efficient production of the wrong things. This is, of course, a restatement of the concern raised in the *Hypothesis and Study Objectives* section of the previous chapter, regarding the lack of formal linkage between *outputs* and *outcomes*, and the consequent possibility of *outcomes* which may be opposed to the mission of the Community Corrections Division.

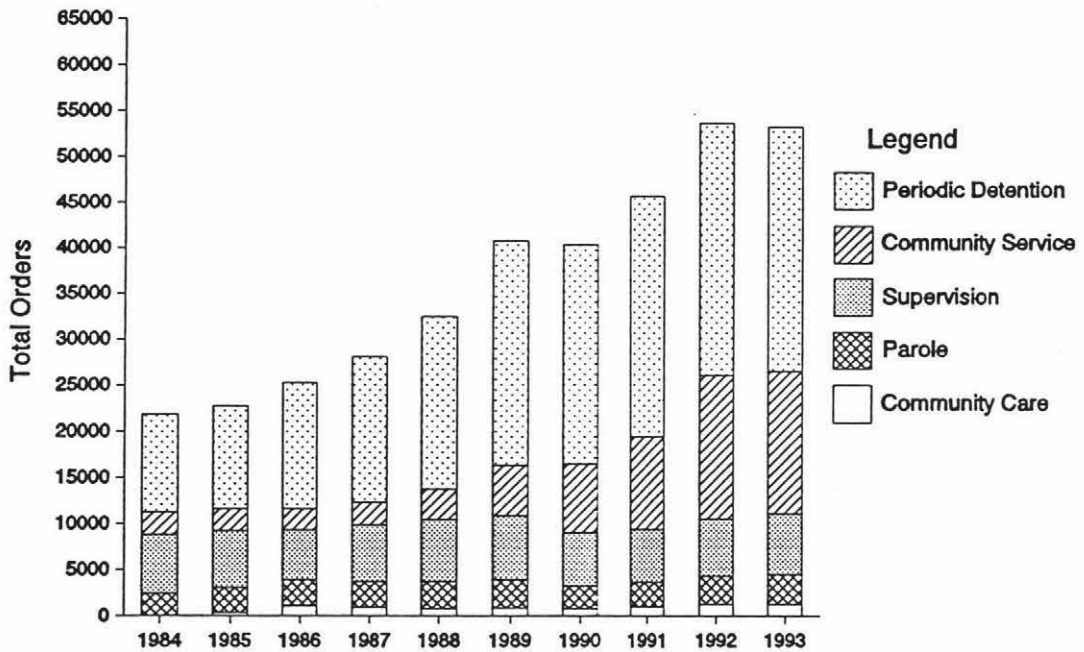
The relationship between what were formerly known as *public servants* and the public is called into question by these reforms. People working in public sector organisations have traditionally had a sense of duty or calling, and of working in the collective or public interests, albeit collective interests that are interpreted by elected representatives. These traditional arrangements or understandings, however, are now blurred for many public servants. The direction from the Government (as the dominant stakeholder) regarding the narrowing of the performance criteria down to quantifiable *outputs* rather than the wider *outcomes* has separated public servants from their publics. There is some merit in the argument that public sector managers should only be accountable for results which they can control, but the notion of *public service* has been diluted for many staff members at lower levels in the public sector by the weakening of the link between the work that they do and its effect on the lives of those they serve.

Implications for Service Delivery

The Community Corrections Division, as a division of the Department of Justice, finds itself in a 'cleft stick' as a result of economic policies and fiscal restraint.

Unemployment and poverty act in one direction and the numbers of offenders who comprise the caseloads of the Community Corrections Division increase accordingly. This trend is quite clear in Figure 3.2 which depicts the sentence administration workloads of the Community Corrections Division for the nine year period to 1993.

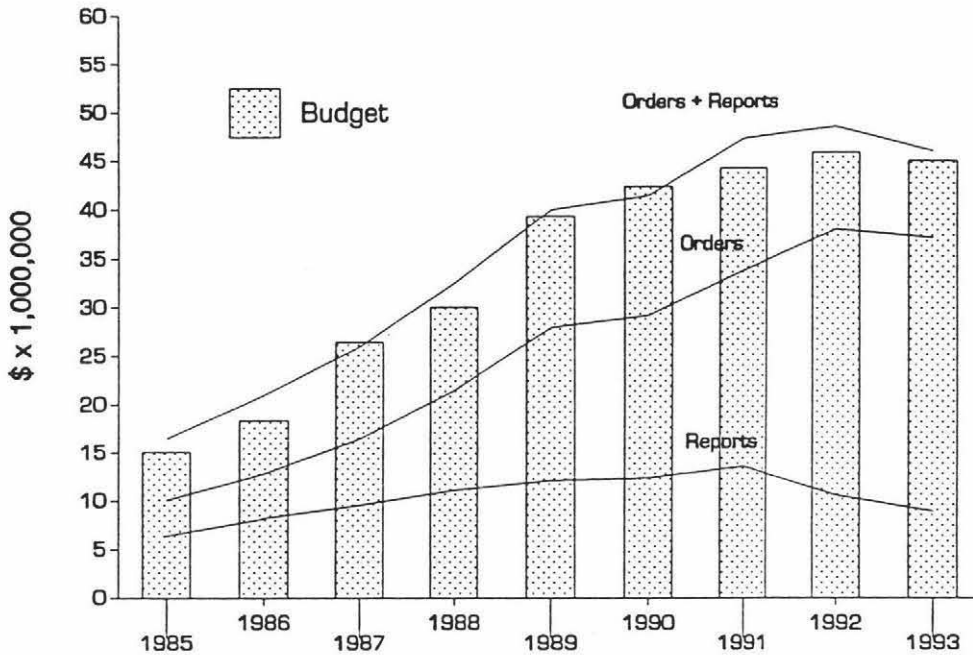
**Figure 3.2 Community Corrections Division Receptions
(1985 to 1993)**



Source: Department of Justice (1993c:106).

Three points should be borne in mind when considering this data: first, it refers to 'receptions', i.e., individual orders made during the years in question rather than 'snapshots' of caseloads at a particular date; second, community care was only introduced as a sentence by the Criminal Justice Act 1985; and third, data for the years 1983 to 1990 is for years ending 31 December, while the data for the last two years is for years ending 30 June. Although the numbers dropped slightly for the year ended 30 June 1993, the 143 percent increase in orders administered over this period is a huge one, with the larger 153 percent increase in the expensive sentence of periodic detention presenting a particularly difficult resource management problem.

Figure 3.3 Community Corrections Division Budgets and Costs (1985 to 1993)



Source: Community Corrections Division computer database information.

Not only are the overall sentence administration caseloads of the Community Corrections Division increasing, but the large increases in the very expensive sentence of periodic detention mean that the percentage of the Division's budget required to administer sentences is also increasing. This pattern is depicted in Figure 3.3, which has been compiled from Divisional computer data base information, and which charts the budget of the Community Corrections Division for the years 1985 to 1993 against its major outputs.¹ The points noted above regarding data presented in Figure 3.2 are also relevant here. Comparisons of this nature² generally set the budget data against caseload and report numbers only, but such comparisons ignore the fact that there is a large variation in the unit costs of the different types of orders. Figure 3.3 has used the average cost as well as sentence and order lengths imposed during the

¹Comprising the four community-based sentences, viz: periodic detention; supervision; community service and community care, and parole orders, as well as the reports which the Division provides.

²See for example the chart on page 9 of the Department of Justice's annual report to Parliament for the year to 30 June 1992.

years in question to arrive at a total cost for performing this essential work of the Division. It is apparent that the cost of administering the orders is rising more sharply than the budget. The large increase in the expensive sentence of periodic detention (see Figure 3.2) is the single most obvious cause of this. In 1985 sentence administration accounted for 66.8 percent of the budget, but by 1993 that figure had risen to 82.5 percent, and to make ends meet economies in other areas had become necessary.

The principal target for cost containment is, of course, the number of remand reports provided to courts. Apart from the obvious imperative to save money, the other often-cited rationale for such strategising is research of the type carried out by the Audit Commission in England and Wales (Audit Commission, 1989:29). This research shows that more reports lead to netwidening, inasmuch as increased report writing activity does not appear to divert offenders away from imprisonment into the less-costly community-based sentences, but rather they get drawn up from less-interventionist disposals such as fines and discharges, which do not involve the Community Corrections Division at all. Viewed from either perspective, cost containment is clearly an issue, and reducing the flow of written information to courts is the chosen strategy to bring that about. Indeed, the downward trend of the line in Figure 3.3 which represents the cost of the reports provided by the Community Corrections Division suggests that some success is being achieved in this area. However the very low unit cost of \$17.00 which the Division is currently using for same-day reports, which take on average 2 to 2½ hours of a probation officer's time to produce, is undoubtedly aiding this result. Nevertheless, the objective to provide courts with more same-day information and thus divert funds into administering the burgeoning caseload of the Division can be seen as a key element in the Division's management planning.

Acting diametrically opposite to the economic conditions which are increasing the caseloads of the Community Corrections Division, the State restructuring and fiscal restraint of the past decade has impacted on the Division by reducing the budgets available to carry out the essential work of providing information and administering

court and district prisons board and Parole Board orders. Restructuring and fiscal restraint have also shifted the focus from resource allocation based on inputs to resource allocation based on outputs, and then only outputs contained in management plans, and which do not always correspond to the work volumes that the Division is really dealing with. The key objective, which seeks to reduce costs by reducing the numbers of remand reports provided to courts, serves as a good example of this. The objective was a reduction of the number of remand reports produced from 17,000 to 12,000 (Department of Justice, 1992a:18), but in fact 17,035 remand reports were written, and the unplanned 5,035 or 42 percent more remand reports represents a serious strategic management problem. The Community Corrections Division reckons the cost of a remand report, which take 6 hours of a probation officer's time to produce, to be \$361.00. Thus, the 5035 extra remand reports meant that \$1.8 million less was available to administer sentences than had been planned for.

Future projections offer no relief from the situation currently faced by the Community Corrections Division. As far as unemployment is concerned (Dominion, 1993a):

The Treasury has forecast the unemployment rate — currently 9.9 percent — to be 9.6 percent next year [1994], and hover between 9 and 10 percent for the following two years.

On the matter of the volume of work flowing into the Community Corrections Division, the National Manager (Pam Thorburn) has conceded that (Dominion, 1993b):

Probation officers would have to deal with about 3000 more people on community-based sentences in the next two years if trends continued... [and that] New legislation introducing habilitation centres and home detention would have a marked impact on workloads. Legislation amending the Crimes Act and Criminal Justice Act would also increase time on parole and mean more work for Corrections staff.

Thorburn acknowledged in the same newspaper article that (Dominion, 1993b):

Staff last year managed a 7 percent increase in workload with only a 2 percent increase in funding.

The question which will be of interest to workers in the lower echelons of the Community Corrections Division now, is whether they will be asked to absorb the projected increases by further productivity gains and just plain hard work, or whether the inputs of the Division will be balanced accordingly.

What is known is that future cuts in government expenditure will be less severe in some areas than others, with the so-called "defining functions"¹ being spared the large reductions planned in other areas. Nevertheless, there will be further cuts in spending on law and order, and the projected decrease of 5.1 percent during the three years to 1994 (Rudd, 1992:45) has the potential to flow through into decreased funding for the Community Corrections Division, thus exacerbating the pattern of the previous few years. The court convictions which determine the workloads of the Community Corrections Division are the product of public opinion, political manoeuvring, policing practices, judicial decisions and perhaps economic pressure. Community Corrections Division planners are therefore faced with a difficult task in fitting a dwindling financial resource to an increasing workload over which they have little control.

Summary

Successive Labour and National governments have chosen monetarist reforms to combat New Zealand's economic problems, and at the same time have embarked on a programme of State sector reform. At the departmental level, there has been some acceptance of, or at least acquiescence to these policies, and the nature of the Public Service has changed considerably as a result. In the Department of Justice, and more specifically the Community Corrections Division, policies affecting employment, restructuring of the State and fiscal restraint have had a significant impact on the management planning environment.

Unemployment has risen, and there has been an apparent acceptance in Government circles that this is one of the social costs of the economic policies which have been pursued. Unemployment is more than just about being out of work and economically disadvantaged. For many it becomes a way of life, and other social problems ensue.

¹"Defining functions" are "...those programmes which deal with the core activities of the state — defence, law and order, the conduct of foreign relations, the levying and collection of taxes, and so forth..." (Rudd, 1992:42).

Crime is one particular correlate of unemployment, but the research reviewed shows that the link is more substantial than a simple correlation for the young unemployed, those who experience unemployment as being unfair, and those who are already offenders and unemployed. People in these categories are highly represented in the caseloads of the Community Corrections Division.

At the same time that caseloads are increasing, fiscal restraint is a clear objective of the Government, as are managerialist reforms of the public sector. These reforms have been achieved by two key pieces of legislation: the State Sector Act 1988; and the Public Finance Act 1989. The State Sector Act 1988 created chief executives and a senior executive service on renewable contracts and provided them with a management structure and control over personnel policies, including the appointing of staff to positions in their departments, which would hopefully emulate the efficiencies of the private sector. The Public Finance Act 1989 added the specification of performance related to output measurement, and supplemented the greater degree of control which chief executives now have over their inputs with much more 'hands on' management of their day-to-day operating budgets.

The strategic issues of rising caseloads and fiscal restraint have created a difficult environment for Community Corrections Division planners. Not only are the numbers of those serving sentences and under the control of the Division rising, but the sentences are also becoming proportionately more expensive to operate because of greater use by courts of the costlier sentences. One of the principal strategies to combat this is to reduce the number of remand reports provided, together with a commensurate increase in the number of less-costly same-day reports. Although the Division has achieved some success in this objective, it is still some distance from its target figures.

Unemployment is not predicted to fall in the short-term, and the caseloads of the Community Corrections Division are predicted to rise. The task for Divisional planners in the years ahead is therefore a complex one, and one which has the

potential to impact greatly on societal outcomes which are to some extent separated from that level of planning.

Quite apart from the government directed reforms of recent years, the management methods of the Public Service of previous years would probably not be adequate to deal with all of the complex issues and environmental matters that Community Corrections Division planners are now faced with. The methods chosen by the Department of Justice, and which have since been endorsed by legislation, are those which are generically known as strategic planning. The following chapter sets the scene for strategic planning in the Department of Justice by reviewing the strategic management process in the private profit seeking sector.

4 Strategic Planning

The end of the so-called 'economic good times' which followed the Second World War forced profit-oriented organisations to seek new ways to maintain their competitive edge. One such important development was *strategic planning*, which arose out of the knowledge that the future might not always be bright, and as a means for businesses to ensure that they had a share of the market in whatever environment lay ahead. Stated very concisely, strategic planning is (Klay, 1991:282):

...the set of activities associated with obtaining information about an organization and its environment and using this information to provide fundamental guidance for that organization.

In order to provide the link between the State sector reforms of the past decade and the level of planning that occurs at a departmental level, this chapter will briefly review the theory of strategic planning in the profit seeking private sector and the service oriented public sector. Although management planning in the Community Corrections Division is the subject of Chapter 5, certain aspects of Divisional planning will also be introduced in this chapter where it is necessary to connect textbook strategic planning with the process as it is practised in the Community Corrections Division.

Strategic Planning in the Private Sector

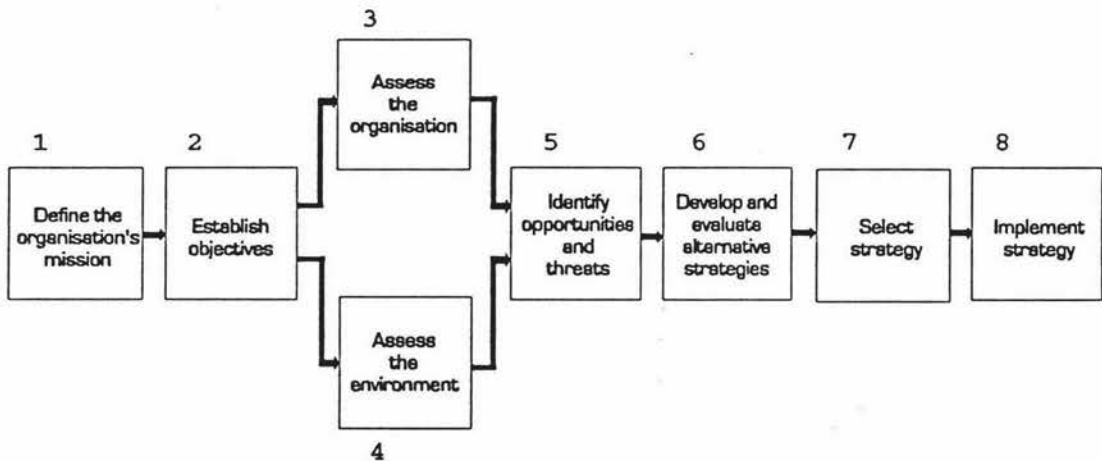
Largely as a result of economic pressures, taking the long-term analytical view or strategic planning has come to be seen as vitally important for business organisations to survive and flourish in the future. Figure 4.1 is a representation of the entire strategic management process, and the difference between it and strategic planning, quite simply, is that strategic management involves all eight steps, including implementation, whereas strategic planning consists of steps one to seven only. Klay (1991:282) offers further clarification with his observation that:

A critical lesson learned in the course of applying strategic planning methods is that plans are not self-implementing... Strategic management is a reaction to early

preoccupation with analytical technique, particularly of an extrapolative nature, and seeks to emphasize the importance of organizational culture and of social and political contexts.

Step eight is of course the complete justification for all of the preceding steps, but implementation is not part of planning, and it is important to make this distinction now and for later discussion.

Figure 4.1 The Strategic Management Process



Source: Robbins and Mukerji (1990:117).

By reference to the blocks in Figure 4.1, and stated very briefly, strategic management consists of the following steps:

1. The organisation's mission is generally set by top management, broadly defines the organisation's purpose and the range of its products or services and has a long-range focus.
2. Objectives are more specific than mission statements and translate the mission into concrete and achievable goals.
3. The organisation analyses its strengths and weaknesses as related to its human, physical and information resources, its financial position, and its potential for expansion.

4. The environment in which an organisation operates or wishes to operate is examined to ascertain possible opportunities and threats.
5. The strengths and weaknesses of the organisation are examined in relation to the opportunities and threats in the environment (the so-called SWOT analysis), so that future operating and expansion opportunities can be taken while threats are avoided.
6. Various strategies are posited by management and the relative merits of each examined.
7. The strategy is selected which, it is considered, will give the organisation a competitive advantage.
8. As noted above, while it provides the justification for the planning activity, step 8 is not part of strategic planning, but rather is the implementation stage where the strategies are put into action.

Griffin (1990:193) considers that a strategy deals with four basic areas of concern, they being: *scope* — the range of markets in which an organisation will operate; *resource deployment* — how an organisation will distribute its resources across various areas; *distinctive competence* — something an organisation does especially well; and *synergy* — how the different areas of the business are expected to complement or enhance one another. Because some companies are large and multi-faceted groupings with quite diverse business interests, different aspects of strategic planning may happen at different levels within the organisation. Griffin (1990:194) therefore goes on to show the difference between *corporate strategies*, which are strategies to guide the overall direction of the organisation as well as to define the areas that it will compete in, and *business strategies*, which focus on how different parts of the organisation will compete in their unique areas. Generally speaking, corporate strategies will be more concerned with the scope and resource deployment areas, while business strategies will look more towards competitive advantage and

synergy. A third level of strategy is the *functional strategy*, which guides activities within specified functional areas such as human resources, marketing, finance and so on. These are otherwise known as *resource support strategies* (Koteen, 1989:19), and *operational strategies* (Johnson and Scholes, 1988:9).

Strategic Planning in Public Organisations

Although it was devised as a means for businesses to survive in uncertain future environments, strategic planning has also been taken up by public and nonprofit organisations. Literature which deals exclusively with strategic planning in nonprofit organisations will not be considered in this thesis. Such material (e.g., Bryce, 1987:xiii) devotes much of its attention to strategies to attract gifts and contributions, as well as to maximisation of income through cash management and investment strategies, and is therefore not relevant to this study. Although capturing funding is not irrelevant in public sector strategic planning, it is not accorded the same degree of importance that it is in the material on nonprofit organisations.

Bryson *et al* (1986:66-70) provide a further useful ordering of approaches to strategic planning which may have relevance in the public sector. The *Harvard Policy Model* is closest to the model presented in Figure 4.1, and emphasises the gains to be made (Bryson *et al*, 1986:67):

...by analyzing the resources of the company and the values of senior management, together with the threats and opportunities in the environment and the social obligations of the firm.

The *Portfolio Model*, as the name suggests, relies on maximisation of cash flows by balancing a portfolio of an entire set of businesses which are likely to be at different stages of growth and market share. The *Industrial Economics Model* posits that lower profits will accrue to businesses when forces such as powerful customers and suppliers, the threat of substitute products, new entrants in the market and rivalry among players are ascendant. The purpose of this model is to analyse those forces in an industry with a view to determining the likely success or failure of a particular pattern of action. *Stakeholder Models* emphasise the relationship between the

organisation and stakeholders (clients, employees, governments and critics, for example) and recognise that strategy will only be successful if it satisfies the needs of multiple groups. Traditional strategic planning models have concentrated solely on economic factors in the view of these authors (Bryson *et al*, 1986:69), and the usefulness of the *Stakeholder Model* in public sector strategising lies in its additional recognition of political and social factors. Finally, the *Decision Process Model* places emphasis on decision making across levels and functions in an organisation, as well as on mission, strategic programmes, budgets and control. This model is also applicable to public sector planning because of its pragmatic attention to the need for staff at all levels to be involved in decision-making, as well as its recognition of controls which enable monitoring of progress towards missions and budgets. Bryson *et al* (1986:70-73) are of the view that the Harvard and stakeholder models are the most common approaches to strategic planning in the public sector, with the decision process model also being of value. The lack of attention to social process is a clear limiting factor in the portfolio and industrial economics models.

Of the theorists that deal with strategic planning in public sector organisations, some, such as Bryson (1989) and Koteen (1989), consider nonprofit organisations and public sector organisations together, while others, such as Bozemann and Straussman (1990) and Rainey (1991), deal exclusively with public organisations. 'Public organisation', in this context, means a unit of central, state or local government that is wholly or largely government funded.

Koteen (1989:25-26) sees the aims of strategic planning in public sector organisations as being to:

...provide strategic direction; set standards of excellence; cope with environmental uncertainty and change; and provide an objective basis for control and evaluation.

The principles expounded by Bozeman and Straussman (1990:29-30) are:

...concern with the long term; integration of goals and objectives into a coherent hierarchy; recognition that strategic management and planning are not all self-implementing; and most important, an external perspective emphasizing not adapting to the environment but anticipating and shaping of environmental change. Strategic public management adds an additional ingredient: strategic thinking must be cognizant of the exercise of political authority.

The following eight steps which have "proved effective in practice" are recommended by Bryson (1988:74-77) as a process to enable key decision makers to identify and resolve the most important issues their organisations face:

Development of an initial agreement concerning the strategic planning effort; identification and clarification of mandates; development and clarification of mission and values; external and environmental assessment; internal environmental assessment; strategic issue identification; strategy development; description of the organisation in the future.

By analysis of the above writings, all of which deal with strategic planning in public sector organisations, it would seem that the important common elements of strategic planning in public sector organisations are not dissimilar to those which apply in profit-making organisations, and are: concern with the long-term; identification of mission, goals and objectives; evaluation of the internal environment; evaluation of the external environment; selection of strategies to achieve goals; and establishment of procedures to control and evaluate plans.

Fundamental differences do, however, exist between the *raison d'être* of profit-seeking and public organisations. These are defined by TenDam (1986:78) as a sales market, in the case of a private organisation, and a comparable service market in the case of a public organisation. Public sector organisations additionally have a political 'market' which provides the financial resource and sets regulations. Kotéen (1989:10) adds to an understanding of these fundamental differences by showing that the success of private companies is measured by how much profit they make, while the criterion for nonprofit or public sector organisations is the quality of the service they deliver.

The environment in which public sector companies must operate is made more complex by public opinion and the political cycles which can and do bring about rapid and substantial changes in the nature of the political market. When these changes occur, the conflicting signals received from successive governments add to the difficulty of the strategic planning task for managers in the public sector. These matters are in fact structural 'givens' which almost set limits to the strategic management process. Hafsi (1989:1) considers that:

The strategic management of state-controlled enterprises presents formidable intellectual and practical challenges to both scholars and practitioners. Generally, these firms are faced with strategic issues similar to those that confront similar firms of the private sector, but in addition they face an unstable and generally confused dominant shareholder, the government, and aggressive stakeholders.

The political environment, the expectations of stakeholders with divergent interests, and the consequent need to establish missions which are sufficiently broad to accommodate all of these competing interests thus make strategic planning a complex task for public sector managers (Ruffat, 1993:52, Nutt and Backoff, 1992:44). Although these additional constraints may make strategic planning in the public sector a daunting task, Bozeman and Straussman (1990:36) suggest that these are factors which must be "accommodated by strategic public management efforts", and not seen as making strategic management an unattainable goal.

Much of the overseas literature on strategic planning in the public sector — particularly the American literature — extends the debate on the nature of the political market into the types of strategies which must be adopted to survive in the particular environment in that country. For example, in drawing a comparison between the strategic business unit (SBU) of the private sector and the strategic public planning unit (SPPU) of the public sector, Montanari and Bracker (1986:252) state that major planning decisions for the latter revolve around two issues:

...how should the SPPU position itself in the battle for scarce state resources and how should it allocate existing resources to build perceptions of a relative service differential in order to muster constituency support.

In the United States of America public sector units have been subjected to policies of neglect, while in the United Kingdom local governments have been subjected to hostile intervention (Pollitt, 1990:163). The capturing of public resources and the appeal of strategic planning have thus been of greater importance in the United States of America than in the United Kingdom, because such measures were more likely to lead to success. Needless to say, in the United Kingdom local governments are much more involved in policy-making which affects the citizenry than are equivalent organisations in New Zealand. Pollitt (1990:163) went on to express the view that the relevance of strategic planning in the United Kingdom was further diminished because local government units had long been involved in planning which

approximated "full strategic planning", and that strategic planning did not have a great deal of novelty value in that country.

Public sector units in New Zealand have long held market monopolies of the services they provide and that fact, together with the certainty of public funding, has meant that the sorts of issues raised by Montanari and Bracker have not been to the forefront. We are in a changing environment in New Zealand, however, and there are already signs that public sector units are being forced to compete with each other in the market sectors in which they operate, and eventually, therefore, for the public money which funds those particular activities.

Current examples of this type of competition affecting the community corrections market are: a request from the Police for lists of the sponsors used by the Lower Hutt Community Corrections Office to provide work for community servants so that the police could tap into them to provide work sponsorships for the police 'diversion' scheme; and Crown Health Enterprise Forensic Psychiatry Unit members who are now operating in district courts and offering information to judges on convicted offenders. In the Police example what was being asked for were community contacts — a far from endless resource — which had been built up by probation officers as part of their community liaison activity, as well as in pursuit of their performance agreements. Rather than hand over the lists, sponsors were asked to contact the Police if they wished to participate in the diversion scheme. In the Crown Health Enterprise example, the forensic psychiatry workers have yet to encroach directly into the provision of information activity performed by the Community Corrections Division; indeed that is not their stated aim, but the infrastructure now exists, and the 'threat' is there — particularly the threat that a case may be made by Crown Health Enterprises in future for a share of the funds available for providing information to courts.

The competition between public sector organisations for funding therefore appears to be looming in New Zealand. The grim reality of this type of environment has been described by Bryce (1987:124-126) as well as Montanari and Bracker (1986:253).

In illuminating the types of 'zero sum games' that are played among nonprofit and public sector organisations in the United States of America, these authors have shown that when the size of the market is fixed, and budgets are fixed or decreasing, one service provider can only grow at the expense of another.

The threat posed by other public sector units as described above has drawn the label of *resource intruders* from Montanari and Bracker (1986:256), who have also identified *private sector substitutes* or private companies who will offer to perform the same level of service, but more cost effectively, as another source of competition for public funds. Montanari and Bracker have devised these labels to fit within the context of the SWAA (strengths, weaknesses, advocates and adversaries) analysis which they posit as the public sector equivalent of the private sector SWOT analysis. In public sector analysing of the organisation and the environment, according to Montanari and Bracker (1986:257), strengths and weaknesses of the organisation are still considered, but the opportunities and threats of the private sector are more appropriately replaced by the:

external advocates (publics, other state units or legislators) who can support its resource requests... and the adversaries (publics, other state units, legislators resource intruders, private sector substitutes) who may threaten or compete for the SPPU's resources.

Private sector substitutes have yet to make incursions into the work of the Community Corrections Division, but they undoubtedly will in the not-too-distant future. Indeed, the Department of Justice now has personnel and structures in place to manage the private provision of some of the activities currently provided as outputs by the Department. The new office of General Manager Criminal Justice Development has been deliberately separated from the Corrections Operations Group of the Department of Justice in order that the appointee (the former head of the Corrections Group) may oversee the establishment of the 'level playing field' which will allow private providers to compete with Departmental bidders. A further responsibility of this new position will be to provide the Minister of Justice with policy advice in the criminal justice area. The intention here, according to the manager of the Planning and Resources Group (Short, 1993) is to "conform with the approach of separating policy

and operations to avoid the provider capture". How neutral an arbiter such a Departmental official will be seen to be by potential private providers remains to be seen. Meanwhile, a former Community Corrections Division Chief Executive Officer is of the view that (Webster, 1993:146):

This most recent organisational development is probably best regarded as an interim solution to the restructuring necessary to effectively implement a competitive contracting environment.

and that,

...it does not provide a robust structure for the systematic introduction of contracted services from all providers, public and private, on equal terms and in fair competition, to meet the needs of the principal, the government, as paramount customer.

Future altered management structures will not, however, divert the Government from the clear path that it is now taking towards the private provision of some correctional services. Although it appears to have been at least delayed by the 1993 General Election result, there is currently a Bill before Parliament which would allow for privately managed prisons, and planning is under way for two such institutions in the Auckland area. It is also well understood in the Community Corrections Division that some aspects of community-based corrections are likely future targets for privatisation.

Successful Strategic Planning

Five years ago Bryson and Roering (1988:1003) stated that to their knowledge "...no careful study of the effectiveness of governmental strategic planning has been done". In the course of research for this study I have not discovered any major work published in the intervening years to redress this situation, although some works have examined the initiation of strategic planning by public sector units (e.g., Bryson and Roering, 1988; Javidan and Dastmalchian, 1993), and one New Zealand study by Yaw (1990) has taken as its focus the application of strategic management in five public sector units.

Bryson and Roering (1988) attempted to uncover the conditions necessary for the successful initiation of strategic planning, and did so by examining the process in eight governmental units in the Twin Cities metropolitan area of Minnesota over a two and a half year period commencing in August 1984. Little quantifiable data was used in the study, with the main emphasis being on the authors' own observations and interviews with strategic planning team members. Bryson and Roering worked as consultants for the eight units during the process, and acknowledge (Bryson and Roering, 1988:997) that they therefore had an obvious interest in making the various projects succeed, and that their analyses and conclusions are therefore "somewhat suspect".

Javidan and Dastmalchian (1993) reviewed governmental strategic planning from a more critical point of view than did Bryson and Roering, but they did, however, counter their trenchant criticism of strategic planning as "a ceremonial activity to legitimize financial demands" (Javidan and Dastmalchian, 1993:47) with some constructive suggestions to make the process more valid. These authors studied 65 provincially controlled corporations in Canada, and made several recommendations, some of which are reminiscent of those of Bryson and Roering.

The units in Bryson and Roering's study that implemented strategic planning successfully (and two of the eight did not) all had powerful *process sponsorship*. This was defined by Bryson and Roering (1988:999-1000) as the support of top management in the organisation, and they concluded that the unit in their study which most successfully implemented strategic planning also had the most complete sponsorship of those that they observed. Another key to success, according to Bryson and Roering (1988:1000) was a strong *process champion* — ideally a team leader or co-team leader who believed that the strategic planning process would produce desirable outcomes. Belief in the process is the single most important characteristic of the successful process champion according to these authors, because such an attitude will produce the required morale, enthusiasm and commitment to lead the team out of "gumption traps" when it is faced with difficulties. A *team* approach to strategic planning is another recommendation of these authors (Bryson and Roering,

1988:1000). Such an approach provides for continuity when key actors move on for any of the numerous reasons that they do in organisations, and is to be expected (Bryson and Roering, 1988:1000):

...in uncertain, complex, and political situations in which a variety of sources of information are needed and in which decisions have cross-unit implications.

In the Community Corrections Division the planning 'team' comprises the participants in the annual Management Planning Workshop. Whereas the workshop participants include all of the senior managers that one would expect to be there, as well as representatives from professional and union associations, there is no direct representation from the worker levels in the Division, and those workers feel somewhat disenfranchised from the process. Field workers need to take some responsibility for this situation. District offices are invited to make submissions to the Management Planning Workshop early in each year, but full advantage of these opportunities is generally not taken. For example, the invitation early in 1992 for coordinated staff submissions from the ten district offices in the Lower North Island Region drew responses from only two of them, and this opportunity for worker input into the planning process was lost. It would add to the sense of joint ownership of the plans that are produced, if workers in the Community Corrections Division could be brought more into the team which devises them.

There is a caution by Bryson and Roering (1988:1002) that:

governmental strategic planning should be judged by different standards than private-sector corporate strategic planning... The more numerous stakeholders, the conflicting criteria they often use to judge governmental performance, the pressures for public accountability, and the idea that the public sector is meant to do what the private sector cannot or will not do, all militate against holding governmental strategic planning practice to private-sector standards.

Producing the "public sector equivalent of the slick corporate strategic plan" was not of the utmost importance (Bryson and Roering, 1988:1002). What was important for the units in this study was that they completed a plan that was able to actually formulate strategies and deal with them. Here there are some lessons for the Community Corrections Division. There is nothing wrong with producing a professional looking planning document, but that is not the end of the story. Field

workers in the Community Corrections Division have been critical of the results which are produced by the Justice Management System, and for the purpose of this research this has been surveyed.

A mail-back questionnaire (see Appendix 12) was administered to 13 unit managers (senior probation officers) in the Lower North Island Region. The response rate of five out of 13 was poor, but the assessments and opinions of those five first line managers encapsulated comments that I have frequently heard at the field worker level. The performance planning instructions were considered to be 'alright' by three respondents, and 'reasonably clear' by the other two. Comments alluded to the confusion which was sometimes caused by circulars which were supposed to clarify earlier instructions, and to the consequent need for interpretation of performance indicators. Four of the respondents thought that the information reported upwards by the monitoring methods was 'not very accurate', while the fifth thought it was 'reasonably accurate'. This item drew forthright comments from all respondents, with the general tenor being that the criteria were open to interpretation and affected by subjectivity. One respondent opined that "obviously some of the figures reported were nonsense", while another reported his hunch that:

...some districts have been less than honest, i.e., outputs have been either distorted or exaggerated in order to meet required targets.

Four respondents thought that the planning system did not provide an adequate basis to compare the performance of one district with another in the Community Corrections Division. The two respondents who provided comments on this matter both attributed the cause to the interpretations that are applied in districts. It is acknowledged that the primary purpose of the performance planning system is to aggregate results upwards, nevertheless comparisons between districts do tend to be made on the basis of the reported results. Finally, and perhaps somewhat surprisingly, two of the respondents considered that performance planning was valid in so far as it measured the objectives (such as compliance with orders) which it set out to measure. The one comment — provided by a respondent who had answered in the affirmative — was that the process was:

...reasonably valid on an individual/team basis in relation to a district plan, but does not extrapolate very well to the Divisional Plan.

A good plan has no worth without successful implementation and monitoring of performance. By the change of accountabilities in its 1993/94 Management Plan, to measuring performance to the district level only, and measuring the process at individual level, the Community Corrections Division has acknowledged that previous plans which devolved outputs and accountabilities down to the lowest levels in the Division were a mistake.

The process sponsorship and championing of Bryson and Roering (1988) were paralleled in the recommendation of Javidan and Dastmalchian (1993:48) regarding the necessity to communicate the rationale and the need for strategic planning to managers at all levels in the organisation. The team concept previously discussed was to be found in the recommendation that line managers be better prepared for strategic planning. Javidan and Dastmalchian (1993:48) are of the view that line managers are key actors in the implementation of strategic planning, but found in their study that these managers were often not well briefed about or committed to the task. The need for monitoring and evaluation of accomplishments was also highlighted. It was found by Javidan and Dastmalchian (1993:46), that although 80 percent of the corporations studied did monitor their performance and compare it to their plans, only 59 percent had procedures for taking corrective action.

Finally, of the recommendations that have instructive value for New Zealand public sector managers, there was one regarding the examination of the link between the planning and the budgeting system. The budget should be used as a support system to enhance implementation of long-range plans, and not the reverse, as was found in most of the units studied (Javidan and Dastmalchian, 1993:44). Perhaps the most pernicious problem that arises from using the plans to justify the budget is that alluded to by Corbett (1992). In his opinion (Corbett, 1992:80), such planning is not only a sham but is seen as such by all concerned, with consequent cynicism and lack of commitment to the plans. In the Department of Justice in New Zealand the draft plans do in fact precede the budget, but the draft plans are based on historical data

rather than where the organisation wishes to be in the future, and thus is raised the possibility, at least, that in the Community Corrections Division the plans are being tailored to fit the budget rather than the reverse.

Nutt and Backoff (1992) have provided a strategic planning case study of a Bureau of Crippled Children's Services (BCCS) located in a State Department of Health. This study is of interest because many of the issues which confronted the BCCS are also issues for the Community Corrections Division in New Zealand today. The BCCS was faced with cost containment and an increased demand for services due to economic conditions such as unemployment (Nutt and Backoff, 1992:384). Of further interest, and in contrast to the present thinking in New Zealand, is that the chosen plans had the deliberate intent of capturing more funding to ensure the Bureau's survival in a changing political climate. The plans included a revision of the Bureau's mission to one of dealing with handicapping (as opposed to crippling) conditions, and a redefining of the Bureau's programme as preventive and an expansion of preventive activities because preventive health care had been one of the newly elected state governor's election planks.

The only study of those reviewed which evaluated the entire strategic management process, was that of Yaw (1990). Yaw interviewed nineteen managers (including chief executive officers and/or their deputies) in five New Zealand public sector organisations, namely the Ministry of Agriculture and Fisheries, the Ministry for the Environment, the Customs Department, the Department of Social Welfare and the Department of Labour. His purpose was to investigate (Yaw, 1990:29):

- the developmental stage of strategic management in the New Zealand public sector;
- how public sector managers view their environment;
- perceived differences in the strategic management process between public and private sectors; and
- how effective the process is and what factors contribute to success.

In summary, Yaw (1990:81-83) reported that managers had made progress towards strategic thinking and that they spoke "in terms of outputs and outcomes and the ability to meet the requirements of the government." It was found also that the focus is now on achieving the contracted results with the available resources, rather than on the earlier input oriented approach which was to capture as much resource as possible. The principle of fiscal restraint had, in other words, been taken to heart by the managers. All five organisations were positive about the benefits of strategic planning and considered that efficiency and effectiveness gains had been made, and the organisations that perceived themselves as being more successful with their planning process had a clear idea of the business they were in, a supportive process sponsor and a greater sense of control over their environment. Finally, planning was done by top management and was largely a top-down exercise, although divisions and districts were responsible for developing their own tactical applications of head office plans. Prior to the 1993/94 planning year lower level planning in the Community Corrections Division had been very much a disaggregation of the Divisional plan, and in this regard the Community Corrections Division may, therefore, have lagged somewhat behind the organisations in Yaw's study.

Yaw's work is valuable because it is a rare attempt to evaluate the implementation phase of strategic management. The author did, however, acknowledge (Yaw, 1990:83) that the evaluation only encompassed the subjective self-evaluation of success of the managers, and that future work would need to analyse more closely just what were indicators of successful and effective strategic planning.

The strategic planning carried out by the Community Corrections Division conforms in many respects to the recommendations and observations made in these studies of successful strategic planning. Planning initiatives have enjoyed strong process sponsorship and championing, and a team approach has been taken, albeit one that is not inclusive of workers at all levels in the Division. Implementation has been a problem, however, and the views of the first-line managers surveyed were in accord with the admission of the Divisional planners that the measurement of some objectives down to the worker level had been a mistake.

The approach of the BCCS presented by Nutt and Backoff (1992) is an interesting example of more proactive planning, where the organisation did not take the view that their plans had to be circumscribed by existing funding levels. Clearly, in the present environment in New Zealand, this sort of approach would not find favour in Government circles, and interviews with the senior Department of Justice managers provide evidence of this (see Chapter 5).

Summary

Strategic planning, as a management science, arose as a means to ensure that businesses would survive in future markets. Strategic planning involves a process of internal and external environmental analysis, the purpose of which is to identify opportunities for expansion as well as possible threats. Strategic planning has also been taken up by nonprofit and public sector organisations, and broadly speaking the process is the same. An important difference, however, is that the place of the sales market, in private sector strategising, is taken by the service market for units of the public sector. There is also a growing awareness of the political market in which public sector organisations operate, as well as the competing demands of the various stakeholders they serve. In analysing the external environment, therefore, public sector organisations need to be aware of possible advocates and adversaries, while private profit-making businesses are more concerned with opportunities and threats.

Threats to public organisations can include *resource intruders* and *private sector substitutes*, and public sector strategic planning — particularly in the United States of America — explores strategies to overcome such threats. Here in New Zealand the Government has clearly signalled its intention to expose some of the activities of the Community Corrections Division to this type of competition. Future Divisional planning will therefore need to focus on how these threats can be accommodated rather than on how they can be avoided.

Major studies of strategic planning efforts have concentrated on the production of the plans themselves rather than the implementation phase, but at least one recent New Zealand work has taken the latter focus. In the United States of America a recent study of eight governmental units uncovered some of the keys to successful initiation of strategic planning by government units. The sponsorship of top management, a dedicated process champion and a team approach were all advocated by the researchers, and in the Community Corrections Division these advantages are largely present, although worker participation in the planning team is an area of concern. One cautionary note was that producing a 'slick' plan did not guarantee successful implementation, and this is a fact which workers in the Community Corrections Division have voiced concerns about, and which recently revised plans have acknowledged.

In Canada a study of 65 provincially controlled corporations produced some recommendations similar to those contained in the American study. Additional recommendations were that: monitoring performance is pointless if it is not followed by corrective action; valid strategic planning requires that the budget cycle follows the planning cycle; and budgets should be tailored to plans rather than the (frequently observed) opposite.

A study by Nutt and Backoff (1992) highlighted the more proactive planning, aimed at resource acquisition, which is an aspect of strategic planning in public sector units not in evidence in New Zealand at the present time. Indeed, a study by Yaw (1990), of five public sector organisations in New Zealand, showed that cost containment is a priority for their chief executives. Among the positive benefits reported by the senior managers in Yaw's (1990) study were effectiveness and efficiency gains, a greater clarity of purpose and an enhanced sense of control over their environment.

This chapter has provided an overview of the strategic management process as it is carried out in both profit seeking organisations and in the public service oriented sector. Although strategic planning is now widely practised in both sectors, profit is clearly the prime reason for doing so in the private sector, while issues of efficiency

and effectiveness are the main reasons for doing so in the public sector. Powerful stakeholders, particularly the Government as funder and purchaser of services, are also important shaping influences in public sector strategic planning, and the manner in which the plans of the Community Corrections Division are developed and the issues which circumscribe the planning environment are explored in the next chapter.

5 Management Planning in the Community Corrections Division

The main hypothesis of this thesis is that there may be policy dictates which circumscribe the Community Corrections Division's management planning¹, and that because of this, objectives may result which are not productive in terms of the mission statement. From this hypothesis research questions were framed around the central issues of: whether or not the Division operates in an unrestrained environment such as to allow planning which gives due cognisance to all environmental matters; whether outcomes of the Division — some of them unmeasured — are running counter to the mission; and what effects the process of providing information to courts is having on the sentences which arise from the process? Accordingly, this chapter has two major objectives. First, it examines the actual plans of the Community Corrections Division and how they link into the Government's planning cycle. Second, it presents interview material and analysis relating to the first of the research questions outlined above.

A Departmental Overview

To understand management planning in the Community Corrections Division it is necessary to first consider the management system in the Department of Justice. Former Community Corrections Division head, Murray Short (1991:2), has traced the history of "the development of systems to manage service delivery" in the Department of Justice back to 1979 when the then Secretary for Justice introduced a "resource acquisition and management system into the department" called the Justice Management System. Short (1991:2) went on to explain:

¹The level of planning that was formerly called *strategic planning* was renamed *management planning* in the Department of Justice in 1991.

However it [the Justice Management System] operated effectively only at the Head Office level. There was little concept of how to align divisional operating or business units with the corporate plan.

This recognition led to the setting up of management skills training for 700 Department of Justice managers in 1985, and then, in 1988, the development of divisional management plans which identified divisional missions, clients and results. Performance indicators and objectives were derived from the divisional results, and from these were developed the system of performance planning which individual members of the Department have now become familiar with.

Managers and planners in the Department of Justice are introduced to the process of management planning in the *Management Planning Handbook* (Department of Justice, 1991a:6) by way of the "basic management system process" of:

→ Direction → Action → Feedback and Correction → Review →

The handbook suggests at this point that the cycle is "much the same thing" as management by objectives (MBO). The handbook then goes on to explain (Department of Justice, 1991a:12) that in the Department of Justice management and planning is encapsulated within the Justice Performance Management System (JPMS), which has three distinct sub-systems, viz, strategic planning, management planning and performance planning:

Strategic planning is described as being very broad and covering long term (three to ten year) direction and policy for the whole Department and Groups. Little mention is heard of *strategic planning* in the Department of Justice below these high levels.

Management planning is said to cover the medium term output performance of the Department down to Divisional level. Medium term here is considered to be one to three years, with an annual planning cycle. A management plan should include a mission, clients, statements of intended results and objectives, and an action plan to achieve objectives.

Performance planning is the system that identifies and manages the contributions of individuals to management plans and has a one year focus. A performance plan covers a period up to a maximum of one year, as negotiated between individual staff members and their manager, and includes a job profile, ongoing feedback and problem solving, a performance agreement between each staff member and their manager and performance evaluation at an agreed time.

The Management Plan of the Department of Justice is best compared to the corporate plan of private sector strategising, while the divisional plans are clearly the business plans. To this extent the process is somewhat back to front inasmuch as the divisional plans precede the Departmental plan, and incomplete inasmuch as the Corrections Operations Group, which is a distinct and increasingly independent entity within the Department of Justice, has no management plan of its own. The planning gap at this level has, however, been the subject of discussion in the Department of Justice recently, and may be rectified in the near future.

The Planning Cycle

The Government announced its intention in the July 1988 Budget to (Pallot, 1991:173):

...embark on a major programme of financial management reform to reinforce and support the operation of the State Sector Act.

The reform programme culminated in the enactment of the Public Finance Act in the following year, and given that Government approved corporate plans were part and parcel of the financial reforms, it is not surprising that by 1988 forward thinking departments were starting to revise their strategic planning accordingly. Publication of the Community Corrections Division's Management Plan is thus part of a now well-established cycle of governmental and departmental planning which includes: three year forecasting of funding needs; Treasury analysis of departmental fiscal projections; Governmental statements of fiscal strategy and outcome-related priorities; departmental planning towards outputs to meet the desired outcomes, and the resource

implications of producing them; agreements with Government on the outputs to be produced by departments; and finalisation of departmental corporate plans and chief executive officers' performance agreements (Pallot, 1991:184). Once the performance agreement of the chief executive is in place, then planning of the departmental strategic plans and management plans and the system of lower-level performance planning to link upwards to the strategic plans can be put in place.

In the Department of Justice the focus of management planning has been at divisional level, and an important catalyst for the divisional planning has been and continues to be the Divisional Management Planning Workshops which generally take place in February of each year. At these workshops Statements of Emphasis from the Secretary for Justice are considered along with other environmental matters, and draft management plans for the year commencing 1 July are prepared. These plans can, of course, only be draft documents until the Department's budget is approved in the middle of the year.

Since its inception in its present form in 1988, the Community Corrections Division Management Plan has become familiar to Divisional members, with a layout which conforms, in many respects, to commonly-accepted strategic planning conventions. The Division's 1992/93 Management Plan began with the mission and client statements on the following page. The Plan then subdivided through output statements to indicators which in turn became objectives, and it is those objectives which formed the basis of performance agreements at all levels in the Division. As an example of the manner in which the various levels of objectives linked together, the enabling strategy of "providing information on offenders, inmates and victims" from the Mission Statement (Department of Justice, 1992a:6) became the Divisional Output Statement "information provided", consisting of five components all to do with providing information to courts, prisons, the Parole Board and district prisons boards (Department of Justice, 1992a:11). From those, component indicators were developed such as "percentage of reports completed to [Probation Manual] criteria" (Department of Justice, 1992a:14), and then, in turn, specific objectives such as "to increase the percentage of reports which meet the criteria from 92 percent to 95 percent for

The mission of the Community Corrections Division is:
To contribute to:

- promoting order and safety in society
- reducing the likelihood of re-offending
- reducing the rate of imprisonment

by:

- providing information on offenders, inmates and victims
- ensuring compliance with community based orders
- providing opportunities for social integration
- providing reparative work to the community

within the terms of the Criminal Justice Act, 1985.

We provide our services on behalf of the Minister of Justice and the Chief Executive and we are accountable to them for the delivery of those services.

Our services are for the benefit of:

Primary Clients

- The Public — Communities — Groups/Individuals; Voluntary/Statutory Agencies
- The Courts — Judiciary
- Parole and District Prisons Boards — Statutory
- Offenders and Inmates — Individuals

Secondary Clients

- Penal Institutions — Department of Justice
- Psychological Services Division — Department of Justice
- Victims — Groups/Individuals
- Social Service/Health Agencies — Government Departments/ Voluntary Agencies

Source: Department of Justice (1992a:6).

remand pre-sentence reports by 30 June 1993" (Department of Justice 1992a:17). Those objectives became elements of performance agreements which individuals at all levels in the organisation negotiated with their supervisors, which contributed to the performance of the supervisor, and which were evaluated as part of the feedback, correction and review process of the Justice Performance Management System .¹

It should be noted, at this point, that the Community Corrections Division's 1993/94 Management Plan made a fundamental change to the method of reporting Divisional results. In the words of the National Manager (Department of Justice, 1993b:1):

Management plan accountabilities will now apply down to the line of Manager Community Corrections. Different accountabilities, focusing more on process issues, will apply at Unit Manager and PO [probation officer] level.

The reasons for this change will be discussed below.

The Driving Forces

The material and discussion presented in the previous chapter has established what *strategic planning* should look like in both private and public organisations. It may be summarised by use of the definition provided in the *Glossary of Terms* as:

...the identification of the long-term goals and objectives of an organisation as well as the courses of action and resources necessary to achieve the goals and objectives.

In private organisations the long-term goals and objectives are generally aimed at profit-making in their sales market, while in public sector organisations, such as the Community Corrections Division of the Department of Justice, the goals and objectives are aimed at service delivery, and paid for by taxation. Additional matters, which must therefore be considered in the plans of public sector organisations, are the political market under which they operate, as well as the endowments which are often their entire funding base. The process just described becomes *strategic*

¹The objective "to reduce the number of remand pre-sentence reports completed from 17,000 to 12,000 by 30 June 1993" (Department of Justice, 1992a:18), which is the focus of the research component of this thesis, was not used as an example here because it is not measured down to the individual level.

management when the implementation, monitoring and reporting aspects are added. This chapter now continues by examining how closely the planning done by the Community Corrections Division fits the textbook model.

As previously shown, planners in the Community Corrections Division are in a difficult planning environment. The effects of Government economic policies have come together inopportunately, and have driven up workloads while budgets, in real terms, are declining. The Police, who have a much higher public profile than the Community Corrections Division, and a professional association which has become a highly effective pressure group, have been able to secure additional resources to manage their sector of the criminal justice market. The Community Corrections Division, without these marketing advantages, must manage its competing workload and resource pressures by dint of its own planning strategies, and this means manipulating existing resources.

The Community Corrections Division has a further obstacle to overcome in its attempts to provide its contracted outputs, and that arises from the fact that — contrary to the intent of the Public Finance Act (1989) — the Division does not have complete control over the production of its outputs. In the provision of information area of the 1992/93 Management Plan area there were objectives which sought: (a) a reduction in remand report numbers produced; and (b) an increase in the number of community care orders made (Department of Justice, 1992a:18). Near identical objectives appear in the 1993/94 Plan (Department of Justice, 1993:9 and 12), and will appear, also, in the 1994/95 Plan. The problem for the Community Corrections Division is that it is judges who finally decide whether a remand report should be written or not, and what particular sentences to award to offenders, and they are of no mind to abdicate these responsibilities. At the time that the Community Corrections Division's Management Plan was coalescing into its present form, the then Chief District Court Judge, Dame Sylvia Cartwright, reacted strongly (Radio New Zealand, 1990b) to a statement made by the then head of the Probation Division, Murray Short (Radio New Zealand, 1990a), that judges have an expectation that reports will be provided as a matter of course, and that that expectation needs to be

modified. The Chief District Court Judge's view was that if her judges asked for reports on offenders they expected to get them. The matter of setting target figures for community-based sentences was referred to by several judges in responses to a Divisional survey of District Court Judges at about the same time. The view of these judges was that (Garwood, 1990:19):

Attempts by the Probation Division to achieve quotas of sentences produces unrealistic recommendations and ignores the fact that the judge sentences, not the probation officer or the Probation Division.

Probation officers can and do influence sentencing decisions by the reports that they write, and they work hard in courtrooms to minimise requests for remand reports. Clearly, however, some judges have firm views on where the control lies in these matters, and that equates to a lack of control over these outputs for the Community Corrections Division.

The question, in this thesis, now becomes one of whether the Division is planning to provide the best service in the community corrections market, or whether it is planning to survive in the fiscal environment prescribed for it by the Government. The following responses to this question have been provided by five Department of Justice managers ranging from the district manager to the group manager level.

The Managers' Interviews

The managers interviewed represented a range of different levels in the Department of Justice, but at the same time a concentration of people who are experienced and expert in the Department's planning process. The five managers interviewed were:

- Murray Short — Group Manager Planning and Resources
- Tim Bannatyne — Group Manager Corrections Operations
- Pam Thorburn — National Manager Community Corrections
- Bill Emerson — Regional Manager Community Corrections, Lower North Island Region
- John Quinn — Manager Community Corrections, Māngere

The first two questions to the managers invited comment on their recollections of the development of management planning in the Community Corrections Division and their involvement in the process during that time. The following biographical notes were compiled from the managers' responses to those questions.

The person who has undoubtedly been one of the staunchest and most enthusiastic advocates of management planning in the Department of Justice in recent years is the former head of the Community Corrections Division, Murray Short. He attended the pilot JPMS course in 1985, and worked closely with the consultants thereafter to provide Justice examples for inclusion in the course material. Murray Short implemented performance planning at the Taupo District Probation Office during his time as the manager there, and spent approximately five years as a JPMS course manager¹. In more recent years he has been a Chief Executive Officer in the Community Corrections Division's Head Office organisation, before becoming the Division's National Manager. Most recently Murray Short's considerable expertise has been recognised by his appointment as the Group Manager of the Planning and Resources Group — a position which effectively makes him the Department's top strategic planner.

Following a background in the Probation Service, Tim Bannatyne began an extensive involvement with planning at the Head Office level. His appointments have included Senior Advisory Officer Planning in the Planning and Development Division, Director of Planning, and more recently (before the appointment of Murray Short) Group Manager Planning and Resources. As Group Manager Corrections Operations, Tim Bannatyne now has responsibility for management planning for the Corrections Operations Group, as well as the operational control of this high-profile Department of Justice unit.

¹Divisional JPMS course managers carry out the training function for an agreed number of weeks per year and in addition to their normal duties.

Pam Thorburn took over the job of National Manager Community Corrections after it was vacated by Murray Short. Pam Thorburn had done the JPMS course before going to Napier as the District Manager in 1986, and in that capacity would have implemented performance planning in that District. Pam Thorburn has also been a JPMS course manager as well as a Chief Executive Officer in the Community Corrections Division's Head Office organisation. As National Manager of the Community Corrections Division, she now has the responsibility for management planning for the Division.

Bill Emerson is a long-serving member of the Probation Service and the Community Corrections Division, and is a former district manager. He was a Senior Executive Officer at Head Office from 1977 to 1985, and since then has held the appointment of Regional Manager of the Lower North Island Community Corrections Region. As a Regional Manager Bill Emerson participates in the Division's Management Planning Workshops, and is responsible for the coordination of management planning in the ten districts in his region.

John Quinn first became involved with the Department's management consultants as a result of his involvement with the Mātua Whāngai project. In this capacity he helped to align the training and development aspects of the project with the methods and terminology of the new management system. John Quinn trained as a JPMS course manager and was the District Manager at Porirua when performance planning was first introduced, and is now the District Manager at Māngere. He has been a district probation officer representative at Community Corrections Division Management Planning Workshops for all of the past seven years, and has also attended a Penal Division Management Planning Workshop.

The first step in management planning is to define an organisation's mission — a statement which is its *raison d'être*, and a source of inspiration to all of its members. As reported earlier (see page 94) the mission of the Community Corrections Division is the statement regarding the promoting of order and safety in society, the reduction in the likelihood of re-offending and the reduction in the rate of imprisonment. This

mission statement may also be regarded as a statement of the Government outcomes to which the Community Corrections Division contributes, but in fact these outcomes have been determined by the Division itself, not the Government as the purchaser of outputs.

Historically it has been the Division that determined its outcomes, now arguably that's back to front because in a sense outcome type statements ought to be determined by the people who are funding us, but bear in mind that there was no concept of a purchaser of services originally...

(Group Manager Planning and Resources)

This is consistent with the suggestion by Boston *et al* (1991:397) that in the planning cycle outcomes often followed outputs, and then largely in order to validate or justify existing departmental outputs. This is not a criticism of the management planning process *per se*. It is generally accepted that organisations define their own missions, and the Community Corrections Division was doing this before the advent of the Public Finance Act 1989. What does appear to be the case, however, is that the order of establishing the outputs and the outcomes of the Community Corrections Division suggests that these policies were fiscally driven.

In the interviews with the five managers I was interested to know how they regarded fiscal restraint among the structural 'givens' that circumscribed the management planning process in the Community Corrections Division, and more particularly how they saw the fiscal influence in relation to the other wider structural factors of *managerialism* and New Right ideology. Indeed the question was put to them in almost as direct a manner as that. The summary position is that four of the five managers identified fiscal restraint as the single most important influence on management planning. Comments included:

...the biggest constraint that Community Corrections faces is that our financial allocation is tied very much to the workload and that gives us very little flexibility in terms of initiating new programmes.

(Regional Manager)

...there are probably strands of all three influences [fiscal restraint, managerialism and ideology] but the reality is that we are in times of fiscal restraint.

(National Manager)

...the reason they [managerialism and organisational theory] were implemented in New Zealand and with such rapidity is to do with the need for fiscal restraint.

(Group Manager Planning and Resources)

The strands are interwoven and very much so, but fiscal restraint is the major one given the importance of the Treasury in the whole structure and the shortage of money for a variety of reasons in the last few years. That becomes the first and pivotal perspective.

(District Manager)

In tandem with fiscal restraint, the same four managers all volunteered the opinion that the Community Corrections Division's planning efforts were not just being driven by the need to save money, but also by the need to simultaneously provide better quality services. This view was conveyed by statements such as:

...it's not a matter of saying we need more money, it's a matter of saying there is a way of doing this that will reduce the cost. Let's look at ways of doing it better. Not working harder — working smarter.

(Regional Manager)

We've got to be clear about the services that we're delivering and that we ensure that we deliver quality service within the resources that we actually have.

(National Manager)

I think the other major one relates to ...the more cost effective management of this thing called crime. We're not going to solve the problem of crime, so the question is how do we manage it as a society most cost effectively.

(Group Manager Planning and Resources)

In 1993 the debate really is that the Minister and the Government want value for money from us, but the definition of what is value is of course the problem.

(District Manager)

Apart from the oblique acknowledgement of ideological forces as one of the 'interwoven strands' I had put to them, none of the managers identified this as an important structural matter. Indeed, the view of the Group Manager Corrections Operations was that:

...why is the State involved ...at all with certain functions which they shouldn't be. As I'm part of that exercise which people call New Right, I actually call it common sense. The State shouldn't be in things that it doesn't have any business to do.

Following on from the literature which advocates resource acquisition as a valid management planning activity, I was also interested to know how proactive the managers thought that the Community Corrections Division or the Department of Justice should be in its efforts to obtain more funds to cope with its increasing workload. The responses were almost uniformly of the view that activity should be geared towards the development and implementation of cost neutral strategies and

ways to reduce the number of offenders being brought into the correctional system.

Selected comments were:

When the Minister proposes certain changes in legislation — home detention and so forth... we have to decide as managers what are those things that we can do away with so that we can successfully implement home detention.

(Regional Manager)

Our argument could be, and we'll work this one through, that if through our efforts in Community Corrections and our colleagues in Penal, we can actually reduce the numbers going to prison... we take a percentage of that saving and redirect it back into programmes... Although I would argue that our strategic direction is actually to minimise taxpayers' dollars not to increase it. That's our contribution.

(Group Manager Corrections Operations)

...what we need to do strategically, rather than say we've got an ever-growing system therefore we need more resources, is to actually start thinking proactively about what we can do to turn the tap off. And so I think from the strategic point of view that's where I would like to see a little bit more energy and thinking actually put in, because we're not going to be able to sustain that number in the system given that level of resources.

(National Manager)

One manager took the view that the restraint on resources must soon affect either the quality or quantity of the Community Corrections Division's outputs. He cited the example of the Management Planning Workshops of the past two years, where the clear mood of the participants was that certain objectives should have riders built into them against the possibility of the same or reduced funding:

...we wanted the figures dropped, the levels in the indicators, the objectives in effect, saying that last year we were aiming for 95 percent in whatever area it was. Given that it's increasing, we've got less money, we've got fewer staff, that needs to be set at 90 percent.

(District Manager)

The same manager opined that such planning was deemed not to be a political reality above the level of that meeting, and that:

...the way to become more proactive in the acquisition of resources would seem to depend more on strategies outside the Divisional channels.

My next questions to the managers concerned the environmental scanning and SWOT analyses which precede the strategy development stage of strategic planning. Once again some themes were apparent. Four of the five managers mentioned the need to

be proactive, and to get messages out to the public and thereby politicians about the business we are in. These sentiments were conveyed by comments such as:

We have a mission about promoting order and safety in society ...we can no longer afford to sit back and allow the musters to continue to grow ...we've got to take some proactive stance to manage them down and to divert people from the system.
(Regional Manager)

...the Division and the Department do have a very important function in communicating more clearly what's possible in this area of crime and dealing with crime, because there's no question that politicians respond to perceived public pressure, and unless that's informed public pressure, it will push the politicians in counter-productive directions.

(Group Manager Planning and Resources)

With planning, environmental matters which at first loom as threats can be turned into opportunities, and this was apparent from statements made by two managers concerning the high but potentially troublesome profile that the Division's parole programmes have. The Group Manager Corrections Operations saw this as an opportunity, with his observation that:

Key areas for development are without doubt parole, which I would consider as a neglected area of service delivery, particularly given that 60 percent of all people in prison have been there before.

The District Manager, on the other hand, perceived the parole programmes to be a threat:

The concept of risk is a major one where parole is one of our activities which is not managed terribly well and where the quality of our work and the relatively high profile of it runs a risk of other providers accessing it, either from outside the group or inside it...

These same two managers also mentioned internal difficulties as organisational weaknesses, and these, once again, concerned parole programmes:

I find that because both Divisions (Community Corrections and Penal) are squabbling over the throughcare or case management process, that the client is actually falling down a crack in the middle.

(Group Manager Corrections Operations)

...within the Group there's a degree of competitiveness and a lack of cooperation which is a threat rather than an opportunity.

(District Manager)

The District Manager identified staff attitude as another internal weakness. His view of the situation was that:

The issues of staff understanding the philosophy and principles of what we're here for has been a continuing difficulty I think. You can go back to the lack of common acceptance of the philosophical base of the Division, in spite of the fact of having a mission statement as to what we're here for.

My final questions concerned the perceived advantages and disadvantages of strategic planning, and once again there were some patterns to the responses. The most consistently cited advantages of strategic planning were that it fostered staff involvement at all levels in the organisation in the achieving of objectives, and that it clarified accountabilities and responsibilities. These opinions were conveyed by views such as:

...I'm pretty much convinced that the Management Plan goes right down to the lowest level [and] ...it does provide a specific focus for Community Corrections and there's no room for misinterpretation.

(Regional Manager)

...it requires people at least once a year to focus on the business that they're in and nothing else does that and records it. The second benefit is then to enable that to be devolved to the local service delivery officers and to involve those people in the whole business.

(Group Manager Corrections Operations)

Much clearer focus on what's expected and clear accountabilities. It sets a fairly clear direction for the Division and looks at some of the sorts of issues and strategies that need to be put in place in the shorter and longer term.

(National Manager)

...the clarity of purpose and giving priority to the more important things that we should be doing.

(District Manager)

The Group Manager Planning and Resources mentioned two matters which are often given as the rationale (apart from fiscal restraint) for the management reforms of recent years. In his view:

In outcome terms I'm quite certain that it has led to greater effectiveness and efficiency ...in relation to the provision of reports where the management planning approach confronted us with what I believe to be a major and costly ineffectiveness in the services that we deliver, in the sense that we were responding to pressures from the judges to write more and more reports at considerable expense with no clear understanding of what output or outcome they were actually advancing [and] ...there have been major efficiency and effectiveness benefits, not the least of which, I believe, is less intrusion in people's lives.

Although several of the managers had earlier mentioned accountability and staff involvement as an advantage of the management planning system, some of them saw the devolution of some indicators down to the individual field officer level as a mistake in the plans up to and including the 1992/93 Management Plan.

I believe it's a mistake that the whole thing then devolved to individuals, and I believe that was actually a mistake that was never envisaged in the original design.
(Group Manager Corrections Operations)

...one of the real disadvantages for us is that we actually put the indicators right through the whole organisation, and then tried to do individual performance appraisals based on that sort of system.
(National Manager)

The downside is also that we've used measures and assumptions which haven't been subject to proper test, and a large number of people have expressed resentment over the years, saying 'that may well be how you measure what I do, but it's not what's important to me, and it's not what's important to the offender'.
(District Manager)

The Group Manager Planning and Resources added considerable clarity to this general line of criticism with his reference to one of the fundamental principles of the Justice Management System. He explained that:

...we foolishly linked performance planning with performance review, and that, to me, was a crucial blunder, a crucial mistake, because performance planning is all about making expectations clear. The JMS course makes it clear that if those performance expectations aren't being met, then the manager needs to go through a detailed analysis with the individual concerned, and nearly always the problems lie not with the individual, but with the systems and methods environment in which the individual is expected to work ...it's the manager that has to take all the corrective actions, not the individual, but by linking performance review with performance planning, we implied that the problem nearly always lay with the individual.

As previously stated, the Community Corrections Division introduced a significant change in the monitoring and reporting of results in its 1993/94 Management Plan. Although there is still some lack of clarity in the Division (late 1993) about what now constitutes a performance plan for field officers, many of those staff members at least see the new Plan as a positive move away from the 'number crunching' of previous Plans of which they had been critical.

As shown earlier, the managers were almost unanimously of the view that fiscal restraint has a considerable shaping influence on current strategic planning. It is also

apparent that Government fiscal dictates are having their impact on future planning being carried out in the Corrections Group. In a scene setting paper (Department of Justice, 1992b) the then Corrections Group head, Mel Smith, described the increasing workloads and potential for increasing costs that faced the Penal, Psychological and Community Corrections Divisions. This was followed three months later by a further paper in which he proposed a Corrections Group Strategy (Department of Justice, 1992c:1):

...for approaching these issues [sentence compliance, crime reduction and increasing cost] over the next few years and the ways in which it will contribute to the Government's stated requirements in respect of crime reduction and a real reduction in the costs of the criminal justice system.

Clearly the Department of Justice's management planning system has undergone a considerable change of direction since its introduction in 1979 as a 'resource acquisition' and management system.

Although he is not among the 'clients' that the Community Corrections Division serves, the Minister of Justice, as the purchaser of outputs and the provider of inputs, is increasingly being seen in this light. Not surprisingly, therefore, the need for fiscal restraint has been taken on board by managers at all levels in the Department of Justice, and the probable reality for contracted managers is that if they deviate from that line their job will be given to someone who will not. Nevertheless it is appropriate here to consider the view of Bozeman and Straussman (1990:5) that:

Most of the impact of political authority on management is at the upper levels and on the 'big picture' decisions. In both public and private sectors, managers in the middle and lower echelons of different organizations have much in common.

One thing that most field workers and managers at all levels in the Community Corrections Division have in common is their social work training and ethic, and the statements of the senior managers regarding their desire to continue to provide quality services to clients augur well for the collective conscience of the Division.

Discussion

Chapter 4 outlined the strategic planning process as well as the findings of studies into the initiation of successful planning. Strategic planning is generally regarded as consisting of eight steps which include: mission setting; establishing of objectives; assessment of the organisation and the environment; the identification of opportunities for new business and threats which may prevent that happening; the development, evaluation and selection of the strategy considered to be best suited to producing the desired result(s); and, finally, implementation of the plans. Among the potential threats to public sector organisations are *resource intruders* and *private sector substitutes*. Identified as elements of successful strategic planning were: the sponsorship of top management; a dedicated process champion who will ensure adherence to the process and promote team morale; a team approach; the necessity to follow the monitoring of performance with corrective action; and the exhortation that budgets should be tailored to plans rather than the (frequently observed) opposite. It remains then in this chapter to review the material presented above and to assess the management planning that is carried out by the Community Corrections Division against the models and principles of Chapter 4.

In fact there is much about the strategic or management planning process that is carried out by the Community Corrections Division that is consistent with the guidelines. The Division has a clearly stated mission and lower order goals which are objectively stated, and it carries out a form of environmental scanning. Indeed, the Department of Justice was a leader in these developments among units of the public sector, and had instituted what was then regarded as a resource acquisition and management system in 1979. The strategic planning carried out by the Community Corrections Division has therefore been, to some extent at least, a tailoring of plans to pre-existing outcomes and historically produced outputs, but this should be seen as providing a solid base for the present system, and is not intended as a criticism.

Difficulties arise at the stage of developing and selecting strategies, however, because it is patently obvious that the budget is allowed to determine the plans of the

Community Corrections Division rather than the recommended opposite. Managers at all levels in the organisation are quite frank about the resource situation, but generally prefer to discuss this subject within the parameters of the 'value for money' rationale that emanates from Government, and there is, of course, considerable virtue in providing the New Zealand taxpayer with good value for the taxes that they pay. The fiscal environment and Government imperatives on the subject are facts of life for departmental heads and members of the senior executive service, but it has to be said that a blinkered form of strategic planning is the result.

Unlike the profit-motivated private sector, *private sector substitutes* are being accommodated in the planning of the Department of Justice, but only at the Departmental level. In other words such planning is not being carried out by the Community Corrections Division at the present time. Once again, this is Government policy, but it seems an odd situation for an organisation to be establishing the infrastructure to enable competitors to move into an area of business that that organisation probably feels it does better than anybody else can. On another level it makes sense. In times of fiscal restraint, and while productivity increases are being sought, it is probably a useful ploy and incentive for politicians and managers to raise the bogey of private competition.

The Community Corrections Division also embraces many of the principles of successful strategic planning that were reviewed above. The process certainly has the sponsorship of top management — some of whom have now become experts in the science — and the environmental analysis and strategising at the Divisional level is carried out by a team, albeit one that gives the appearance of a top down approach. Field workers in the Division must accept some responsibility for the lack of input from their level, but there is a feeling among them that the constraints discussed above would make implementation of their suggestions unlikely.

The whole area of implementation, including monitoring, feedback and corrective action is another area of concern as far as successful strategic planning is concerned. Most field workers and some managers doubt the validity of the management

information that is being produced by the Justice Performance Management System, and this was evidenced by the responses and comments from unit managers who were surveyed on the subject. Senior managers have admitted that measuring some of the disaggregated Divisional objectives down to the individual worker level was a mistake. It remains to be seen now whether new automated systems which measure the results at district level will engender confidence in the usefulness of the performance monitoring system.

It is clear that the management planning that is carried out by the Community Corrections Division is some distance from pure models, and has some faults. Community Corrections Division managers are in a difficult position, however. No doubt many of them would enjoy the opportunity to devise their plans with the sole focus on the mission and to not have to worry about the budget, but the Government is a dominant stakeholder and the managers do not have that freedom. Another constraining influence is the lack of complete control over the production of outputs. It is judges who make the final court sentence decisions which affect several of the target figures in the provision of information area. Strategies aimed at resource capture, of the type discussed in the literature, are simply not a political reality in New Zealand at the present time. The unfortunate consequence is that the grand strategy of the Community Corrections Division is, in effect, retrenchment, with the strategies in the formal planning document being strategies to achieve the grand strategy. Finally, it is worth observing that public service organisations such as the Community Corrections Division are not motivated by profit and have a very long term focus on societal outcomes. It would be difficult, therefore, for the Community Corrections Division to make substantial progress towards achieving its mission within the five year time frames of strategic planning, but the mission should not be lost sight of. At the very least, the objectives that for the time being comprise the strategic plan should not be prescriptions for negating the mission, and it is the purpose of the next two chapters to investigate whether this is happening.

Summary

Along with other public sector organisations, the Department of Justice has adopted strategic planning, and most of the planning activity is carried out at the Divisional level. The Community Corrections Division produces a management plan which conforms to many of the conventions of strategic planning, but the process, overall, has some flaws. The planning environment is circumscribed by the fiscal environment and the principle that the budget should support the plans is thus violated. Implementation has also been a problem, with worker disaffection and a belief, at lower levels of the organisation at least, that the results produced by the performance reporting system are invalid.

Senior managers interviewed preferred to describe resourcing problems as the need to provide 'value for money', and none of them saw it as an acceptable strategic planning objective to seek extra financial resource to carry out the mission of the Community Corrections Division. The principle of cost neutrality or shifting money to areas of greatest need was the only resource acquisition strategy that they could foresee within the context of the Division's management planning.

The managers nevertheless expressed support for the management planning system, and expressed views that it: compels the Division to focus on the business it is in; provides clarity and lines of accountability; involves people at all levels in the process; and looks at strategies that need to be in place in the shorter and longer term. The ultimate aim of the strategies is to contribute to the mission of the Community Corrections Division, and qualitative and quantitative measures of this will be examined in the following two chapters.

6 Sentence Outcomes: A Qualitative Perspective and Measure

Previous chapters have examined the strategic management process against the background of New Zealand's economic and State sector reforms of recent years, and the conclusion has been reached that economics has prescribed the planning environment in the Community Corrections Division to a greater degree than other environmental factors. The clear view emerging from the interviews with the managers (see Chapter 5) was that they were career pragmatists who accepted the need for fiscal restraint, but who wished, at the same time, to ensure that the effectiveness and efficiency of the Community Corrections Division was maintained. The question then becomes one of whether the planning process, influenced, as it is, more by the need for fiscal restraint than by other environmental matters, is producing the desired results or outcomes.

The task of this, and the next chapter, therefore, is to determine whether the mission of the Community Corrections Division is being usefully contributed to by the outputs currently being purchased by the Government. The determination will be carried out by reference to outcome measures which, for the most part, are not being measured, either by the Community Corrections Division as provider of the outputs, or by the Government as the guardian of the outcomes. As might be expected in an output driven environment, the Community Corrections Division's current system of performance measurement relies largely on numerical data, and the qualitative measures which are an important part of outcome evaluation are ignored. The present chapter is concerned with qualitative measures, and will present assessments by offenders of the remand and same-day sentencing process and of the outcomes of their sentences, as well as assessments by the persons most closely involved with the administration of the sentences regarding the effects of the sentences on the offenders.

The Interviews

During interviews with the 30 offenders (five each from the various sentence and report type groups), questions were primarily put to determine: their level of engagement in the actual social enquiry process and the formulation of the recommendation to the court which is an essential part of the report; plus the actual personal qualitative outcomes which they attributed to having served the sentence. The purpose of the latter question relating to qualitative outcomes as a result of having served the sentence, is probably clearer than the first; it would obviously be highly relevant if different qualitative outcomes were more positively associated with one or the other of the two report types. The purpose of the questions relating to engagement in the sentencing process may not be quite so obvious. Quite simply it lies in the actual social work process that occurs during the pre-sentence report interview. During the hour or more of a remand report interview, or interviews, and during subsequent enquiries with significant others, social casework often occurs. At the very least the offender is likely to have a fuller understanding of the rationale behind the recommendation and the intended purpose of the sentence, and thus to be more engaged in the whole process than is possible with same-day reports.

The data will be presented under headings which are in fact the questions from the various offender questionnaires. Under these headings relevant interview data provided by the person most closely involved with the administration of the sentence (periodic detention centre warden, community sponsor or probation officer) will also be presented. The juxtaposing of the material in this way will allow comparisons to be made between offender and supervisor responses to questions designed to probe the same area, and will also provide some degree of triangulation of the interview material. Following the data presentation a discussion section will consider the material against the research question relating to whether or not unmeasured outcomes are counter to the mission of the Community Corrections Division.

Periodic Detention Groups

1. *At the time you were sentenced to periodic detention what did you know about the sentence (e.g., what work you would have to do, where you had to report)? Who provided you with this information?*

This question was intended to discover whether or not there appeared to be a difference between the same-day and remand groups with regard to the quality of the information the offender had been provided with about the sentence he or she was likely to receive. It transpired that in three of the five remand cases and in all of the same-day cases the offenders had served the sentence before, and therefore understood quite well what the sentence entailed. This was particularly so for the same-day group where the five offenders had, on average, been awarded periodic detention on 5.8 distinct occasions before the sentence in question. The three remand offenders who had served the sentence before had been awarded the sentence, on average, on 1.7 distinct occasions. It is noteworthy that both of the remand offenders who had not served the sentence before said that they did not learn much about the sentence from the probation officer. One said that he had "heard about it from mates", while the other said that she didn't know much about the sentence, and in spite of the optimistic recommendation for periodic detention, the discussion on sentencing had concentrated on the expected outcome of imprisonment.

The wardens interviewed agreed that most of the offenders knew about the sentence because they had served it before. The only discordant note concerned the woman in the remand group who told me that she didn't know what the sentence of periodic detention was about, and where the warden had expressed the opinion that she was "well briefed" after a custodial remand.

In a further attempt to probe this area each warden was asked about any difficulties the offender may have presented during the early stages of the sentence. As mentioned above, the purpose here was to discover people who may have had problems because they were unsure what was required of them. In only one remand case did the warden identify any such problem. The detainee here was said to have caused problems because of poor attendance and lateness. Alcohol abuse and

environmental matters were suggested by the warden as possible causes rather than the detainee not knowing what was expected of him. The warden added that this person "came right" on a subsequent sentence.

2. You may have had a preference for some sentence other than periodic detention. What would it have been and why?

Here the intention was to question whether the sentence was aligned to the circumstances, rehabilitative needs and wishes of the offender. Recommendations in reports are often arrived at by a process of elimination of sentences that are not suitable or practicable, but rehabilitative needs should at least have been considered along the way. Pragmatically, it makes sense to put in place a sentence with a reasonable chance of success, and, consequently, a reduced possibility of further involvement with the courts, than to opt for a sentence that may satisfy societal expectations, but is less likely to be complied with. There is also the imperative, informed both by labelling theory and Divisional edicts on the subject to recommend the least interventionist sentence possible. An example of the latter is the value statement in the preface to the Division's 1992/93 Management Plan (Department of Justice (1992a:3) regarding support for the principle that:

...the intervention of the criminal justice system in the lives and rights of offenders should be kept to the minimum, consistent with the seriousness of the offence and the purpose of any sanction imposed.

Interestingly, three of the five members of the more recidivist same-day group conceded that they were probably fortunate to get periodic detention rather than imprisonment. One admitted that anything less than periodic detention "would have made a joke of the system". One other member of this group suggested that community service would have better suited child care responsibilities which he had, while the fifth group member would have preferred community service, and recalled that the probation officer had "made about three telephone calls and couldn't find a sponsor". At first this seemed to be a case where haste may have resulted in a more interventionist sentence than was necessary. However, this man's criminal history revealed that he had received eight months periodic detention just four months previously for the same offence (Driving While Disqualified), so his preference for

community service, and any such recommendation from the probation officer, would probably not have found favour with the sentencing judge.

Two of the remand group agreed that periodic detention was a fair outcome in their cases, while two had hoped for community service because of its greater flexibility (i.e., the offender negotiates suitable work hours). The woman in the group expressed the view that community service would have been a more appropriate sentence for her on gender grounds. The woman was in fact the one who had been remanded in custody and faced the very real possibility of imprisonment, while the two men had both received their sentences for having breached periodic detention. The three of them were thus being somewhat optimistic in their preference for community service, and while they had undoubtedly answered my question truthfully, there is nothing here to suggest that the recommendations had been inappropriately formulated.

An offender's preference for some particular sentence may be just as important to considerations of compliance and effectiveness as the assessment of appropriateness made by a professional person. The question put to the warden was concerned with the appropriateness of the sentence rather than preference as was the case with the offenders. Both questions were, however, designed to probe the general area relating to the circumstances and needs of the offender, and, therefore, the qualitative aspect of the probation officer's assessment. For the offenders it was a question of whether they had been heard or not during the interview. For the wardens it was a question of whether the offender had been listened to and an appropriate recommendation formulated. A somewhat different picture emerged from the wardens regarding the appropriateness of the sentences for members of both the same-day and remand groups than was presented by the offenders themselves. The opinions here were that three members of the same-day group and two members of the remand group would have responded well to community service. In all cases these were assessments made after the event and based on the offender's reliability. One warden made the quite correct observation that community service would not have been possible for one of those he so recommended, because that person was also awarded supervision, and

supervision and community service may not be awarded together under the provisions of the Criminal Justice Act 1985.

To sum up, my real purpose here was to uncover cases where individuals presented at the periodic detention centre with problems that could have been the focus of a more rehabilitative sentence, and where such a sentence had not been ordered. To some extent this matter had been addressed in the sentencing process, as one member of the same-day group and two members of the remand group had been sentenced to supervision at the same time as they had been sentenced to periodic detention. The wardens identified no cases where, in their opinion, detainees should have received some rehabilitative sentence, but did not.

3. For what reason(s) do you think the probation officer recommended the sentence in your probation report?

The purpose here was to determine how fully the recommended sentence had been discussed with the offender during the interview for the report. It is probably less relevant with periodic detention, but compliance with the order may be more likely to result if the offender at least understands the rationale behind the probation officer's sentencing recommendations. The wardens were not asked any question which corresponded to this one.

Three members of each group responded in ways that suggested that the recommendation for periodic detention was an attempt to keep them out of prison. This is of course consonant with the principle that periodic detention should only be awarded where an offender might otherwise have gone to prison. In two of these cases (one in each group) the offenders were also sentenced to supervision as well, and expressed the opinion that the probation officer had recommended supervision as an extra incentive to the sentencing judge not to impose imprisonment. In other words, the rehabilitative element was not the primary focus of the sentencing process, and arguably should not have been recommended.

One member of the remand group said that rehabilitation had been discounted during the interview process, while the fifth had agreed with the probation officer's assessment that he was more suited to the structured environment of periodic detention than to community service. As previously stated, one member of the same-day group said that the recommendation for periodic detention came about because the probation officer could not find a sponsor in the time available, and one said that he declined the suggestion of a remand for an assessment of the merits of community service because "he wanted to get it out of the way". This is in fact a recurring theme that one hears from offenders during report interviews. It is often said by them that guilty pleas were only entered to 'get it over and done with', and here in this case there is at least a suggestion that the chance of community service was not pursued because the offender was put off by the prospect of a further court appearance.

As noted above, the intention of this question was to determine the level of discussion that took place between the offender and the probation officer during the report interview. It does appear that in all cases this had happened, and that the offenders were aware of the rationale for the sentencing decisions.

4. Did you get the sentence recommended by the probation officer? Do you have any thoughts on why or why not?

This question was intended as a check on the previous one. Obviously the provision of information process could not be blamed for any inappropriate sentences where the judge had not followed the probation officer's recommendation. Once again, the wardens were not asked a question which corresponded to this one.

In each case in both groups the offender received the sentence recommended by the probation officer. One member of the same-day group suggested that the decision was based largely on the fact that he was already paying off a large amount of reparation and needed to be out of prison and in receipt of income to service the debt, while one member of the remand group thought that a letter to the judge from his landlady had more to do with the recommendation being followed than the contents

of the probation report. One other member of the remand group thought that the judge had accepted the primary need for rehabilitation which was represented by the recommendation for concurrent supervision, and had accepted the periodic detention as part of the package.

5. What do you think the sentence of periodic detention achieved for you? (e.g., relationships [family, peer, general], job, training or courses, other).

This was a key question in all questionnaires, being directed, as it was, towards the essential matter of whether better quality outcomes followed one or the other of the two report types. It is arguably less relevant in the case of periodic detention, which is the most punitive of the three sentences studied. Some offenders do, however, appear to benefit from sentences which are purely punishment oriented, and their views on the subject are therefore important.

Responses to this question followed a similar breakdown for both groups, although qualitative changes were not to the fore. Two members of each group cited deterrence as the most useful thing that the sentence achieved for them, while one member of each group suggested the opposite with their admission that they looked forward to their reporting days and the company of friends at the work centre. One member of each group said that staying out of prison was the only thing that the sentence had achieved for them, and the remaining member of each group claimed that the sentence had achieved nothing. The offender in the remand group who had cited not going to prison as a benefit of the sentence also alluded to an anti-deterrent sentiment, and perhaps an unmet need for rehabilitation. He candidly admitted that periodic detention "hasn't taught me how to stop driving all the time, and hasn't taught me how to slow down my piss [drinking]".

The view of the wardens was slightly more optimistic than that of their charges. Among the same-day group, an improved sense of self-worth as a result of obtaining a pruning certificate was mentioned in one case, and care about work projects together with a desire to do a good job were mentioned in another. Of course this is not quite the same thing as saying that the offender had changed for the better.

The only positive changes attributed to individual members of the remand group concerned one offender who "learnt a bit about punctuality" and a second who "saw another side of the criminal justice system", and who came to realise that "we were people just like she was".

6. *Is there anything else about the way the sentence of periodic detention went that you would like to comment on?*

Perhaps the only noteworthy response to this final catchall question was that from a woman detainee who suggested that periodic detention should be a more liberal regime because "you see the guys reacting against the authority". This woman's point was that social work skills rather than authoritarianism might produce better results when dealing with detainees who are, for the most part, rebellious young males.

Community Service Groups

1. *At the time you were sentenced to community service what did you know about the sentence (e.g., who the sponsor was and what work you would be required to do)? Who provided you with this information?*

The interest with this question was in the quality of information the offender had been provided with during the report interview. All members of the remand group responded that they had a good understanding of the requirements of the sentence, and three of the five had met the prospective sponsor before their sentence date. One member of the same-day group, a university student, had become involved in the process in the court to the extent of contacting the prospective sponsor himself by telephone and arranging the placement. The only unsatisfactory experiences were related by three members of the same-day group: one told me that he knew who the sponsor would be, but not what jobs he would be required to do; the second said that he didn't know much about the sentence or the placement at all, and what little he had been told "turned out to be totally different"; and the third said that he knew who the sponsor would be, but that the probation officer could not contact the sponsor on the day, so the sentence was arranged without confirmation that suitable work was available.

A feature which was apparent in both groups, and which is also an advantage of the sentence of community service generally, was that several of the offenders were placed with organisations with which they already had links. This was so with two of the same-day group and three of the remand group. It is an arrangement generally encouraged by probation officers provided that questions of nepotism, as well as the other matters to be considered before community service can be imposed, can be satisfied.

The sponsors concurred reasonably well with the answers provided by the offenders. One remand group sponsor thought that his offender was reasonably well informed about the legislative structure of the sentence, but not the work he would be required to do, and another attributed a lack of understanding to the offender's mental capacity. The three remaining remand group sponsors were satisfied with the level of understanding of the offenders at the outset. Of the same-day group sponsors, two were satisfied, two were dissatisfied, and one said that her offender was "a bit laid back" and possibly "feigning a lack of knowledge" of the sentence. One of the dissatisfied sponsors in the same-day group explained that his organisation provided work for numerous offenders, and that those dealt with on a same-day basis generally come to him from court ill-informed because it was known by the probation officers in court that he provided a comprehensive induction briefing.

2. You may have had a preference for some sentence other than community service. What would it have been and why?

The comments reported above with regard to a similar question for offenders sentenced to periodic detention are relevant here also. Offenders often come into report interviews with inflated ideas of the severity of the sentence they might receive. Not surprisingly, therefore, all members of both the same-day and remand groups were quite happy to have been awarded community service. Every member of the same-day group commented that their financial circumstances had ruled out the possibility of a fine, while only one member of the remand group made the same comment. The fact of their remand status probably indicates more serious offending, so fines would have been less likely for members of this group. One stoical member

of the remand group expressed the view that as an offender he didn't deserve a choice in the sentencing outcome.

The sponsors in both groups generally agreed that the sentences were appropriate for their offenders. One same-day sponsor thought that the sentence was lenient given that it was for a fourth charge of driving with excess breath alcohol, and two remand sponsors suggested reasons that may, additionally, have indicated the need for some rehabilitative assistance. In the first case, the offender had killed a friend while driving carelessly, and the sponsor suggested that a driving course would have been a useful part of the sentencing process. In the second case, the sponsor thought that the offender was appropriately placed on community service, but that she could also have benefitted from some counselling.

3. For what reason(s) do you think the probation officer recommended the sentence in your probation report?

This is the question which was designed to ascertain how well the proposed sentence was discussed with the offender. No equivalent to it was put to the sponsors. Several of the responses to this question served as reminders of the fact that often in the less complicated cases — particularly where a same-day report is involved — the probation officer's role is little more than one of checking out what is clearly the most appropriate sentence. This is particularly true of community service, where section 31 of the Criminal Justice Act 1985 requires that before passing sentence the court must be satisfied that: the offender is a suitable person to perform community service; approved work is available; and the offender would give informed consent to perform the sentence.

Apart from one offender in the same-day group (who said that he had "no idea" why the probation officer had recommended community service in his case), most seemed to have some understanding of the process that had resulted in the recommendation. In point of fact, however, this young man had probably answered this question with part of his response to question two, when he had told me that he couldn't afford to pay a fine. Two other members of the same-day group spoke of the process of

elimination arising from their personal circumstances which had more or less determined the recommendation, while two of this group were among those who described the decision as having been presented to the probation officer as a *fait accompli* so that the legal requirements of section 31 of the Criminal Justice Act 1985 could be satisfied. One offender in the remand group who had committed a comparatively serious property offence told me that the decision was made because of a medical condition, and that the judge had said he deserved periodic detention. Similarly, a young woman in the same group who had committed a comparatively serious offence of violence was spared a more punitive sentence because of parity of sentencing principles arising from the fact that younger co-offenders had been sentenced in the Youth Court to perform community work. Of the remaining three in this group, two mentioned personal circumstances such as child care responsibilities being determining factors, and the third said that community service was what the judge had directed the probation officer to consider first. Altogether, all five members of the same-day group and two members of the remand group mentioned at some stage during the interview that their inability to pay a fine had been a factor in them being awarded community service. This is further evidence of the 'elimination of possible sentences' approach that is often applied to formulating recommendations.

4. Did you get the sentence recommended by the probation officer? Do you have any thoughts on why or why not?

This question sought to determine whether or not the judge followed the sentencing recommendation made by the probation officer. In all cases in both groups the judge followed the recommendation of the probation officer, and all but one member of the same-day group were able to tell me this. The nine who had some thoughts on the subject either said or inferred that the judge was simply following the reasoning and the recommendation in the report. In many of these community service cases, and among the same-day group in particular, the decision for community service was so straightforward that the probation officer's role was a somewhat perfunctory one. As previously mentioned, the situation — especially with same-day reports — is often that judges more-or-less direct that a certain sentence be considered or investigated

during the interview, and whereas section 15 of the Criminal Justice Act 1985 gives probation officers the power to make any contrary recommendation at any time, some judges do not take kindly to probation officers exercising that power.

5. *What do you think the sentence achieved for you? (e.g., relationships [family, peer, general], job, training or courses, other).*

This question is more relevant to the community service groups than to the periodic detention groups, because it is known and recognised that community servants interact with community groups and sponsors to a greater degree than detainees. Community service has a generalised element of reparation to the community as one of its objectives, but other more individualised benefits often accrue. Many community sponsors provide the sort of oversight and counselling that was once expected of probation officers, and it is not uncommon for community servants to stay on with organisations after their sentence is finished, either as volunteers or occasionally in a paid capacity.

As might have been expected following a sentence that has no specific rehabilitative objectives, but where rehabilitation or reintegration is known to occur nevertheless, there were a considerable variety of responses to this question. Two members of the same-day group and one member of the remand group did, however, respond that the sentence brought no positive changes for them. Deterrence was also mentioned directly or indirectly by two members of the remand group and three members of the same-day group.

More positively, two members of the remand group reported that they enjoyed the opportunity to work, with one of them commenting rather poignantly that "it was like having a job", and that he enjoyed the praise of the people he did work for. The second of these two said that he appreciated the trust of the sponsor and thought that this boosted his confidence. A young woman in the same group spoke similarly when she recalled that dealing with a number of different people had improved her communication skills, while a Sāmoan told me that he was more inclined to do jobs around his own home now, and that contact with *pālagi* (Europeans) had improved

his English. Another member of the remand group touched upon one of the matters mentioned earlier with his comment that he valued the opportunity to "talk over problems with my sponsor".

Of the same-day group, one said that he liked the work and "learnt a bit of landscaping". Another young male thought that being with children and the all female staff at a primary school were good for him. He also mentioned, as a positive aspect, getting through the court hearing and the sentence by himself "without being rescued by my parents". A Sāmoan who did community service with his church pastor had a sentence which combined elements of deterrence, incapacitation and rehabilitation. He reported that he received counselling from his pastor, was made to perform work at times when he might otherwise have been drinking, that he was now a Sunday school teacher as a result of the renewed contact with his church, and that he thought about his punishment quite a bit while he was doing the sentence.

Again the sponsors echoed many of the sentiments of the community servants, with the remand group sponsors being somewhat more forthcoming. One similarity between the groups was the comment from one sponsor from each group to the effect that their community servants were decent young men to start with and finished their sentences the same way. One of the same-day sponsors mentioned improving punctuality and more willingness to help from a community servant, while another concurred with his parishioner's claims that he was now drinking less and more involved in church affairs. Three of the same-day sponsors did not see any positive changes in the people they supervised.

Two of the remand sponsors did not observe any positive changes in the people they supervised. One of these sponsors observed "no great change" in the man she had supervised, while the other thought that his offender had "finished the same way he started — keen". A third sponsor was of the view that his community servant was "taking things more seriously" and less inclined to succumb to peer pressure to drive, or to drive foolishly. The fourth sponsor spoke of improved self-esteem in the woman she had supervised, as well as improvements in attitude and dress and that the

woman had "come out of her shyness". The final sponsor, who had supervised the young woman convicted of a comparatively serious violent offence, noted that the young woman had lost her tough aggressive outlook and that "the caring side had come out in her through working with pre-schoolers". Also mentioned by this sponsor was the improved self-esteem that came from the young woman assisting in the supervision of another community servant, and that the young woman became very reliable and "kept popping in after her hours were finished".

6. *Is there anything else about the way the sentence of community service went that you would like to comment on?*

Two final comments reflected the integrative aspect which sometimes happens with the sentence of community service. One sponsor commented that she and the community servant had both gained: "I came to like her and vice versa." A Sāmoan pastor commented that the sentence had worked well because his community servant had ethnic and religious ties with the sponsoring organisation and was able to serve his sentence "in his usual environment".

Supervision Groups

In an ideal world the sentence of supervision would not be part of this study at all, because the official policy regarding recommendations in same-day reports is that (Department of Justice, 1991b:B.6):

If supervision, community care or imprisonment are likely outcomes, such cases should also not generally be dealt with on a same day basis.

The reality is somewhat different, however, because the workload pressures are such that court teams will do whatever they can — including recommending supervision in same-day reports — to stem the flow of remand reports going back to their offices. In fact, all of the ten offices in the Lower North Island Community Corrections Region make supervision recommendations in same-day reports from time to time, with most of them doing it as a matter of course. In the Lower Hutt District, for example, in the year to 30 June 1993, a total of 127 same-day reports resulted in sentences of supervision, with a saving in resource of (127 x 6) 762 hours.

To put this resource matter into even sharper relief, a probation officer working in a generalist team, and carrying out a full range of duties including administering sentences, carrying out court and office duties and writing remand reports, would be working to a workload formula guideline which would theoretically require him or her to produce about 30 to 40 hours worth of remand reports per month. The remand reports forestalled in the way described above are thus saving the report writing capacity of almost two full-time probation officers working in such a way, and the remoteness of the possibility of new staff being appointed to perform the extra work makes even clearer the nature of the pressure to recommend supervision in same-day reports. To be fair, the figures just presented should be altered to reflect the fact that a certain amount of time was involved in the preparation of the same-day reports, but that figure would be difficult to quantify. As previously discussed, same-day reports do not, individually, attract a time allocation, but rather are produced by court officers who receive a block allocation of time whether they produce any same-day reports or not. The resource implications of producing those 127 reports as remand reports rather than as same-day reports should, nevertheless, be apparent.

1. *At the time you were sentenced to supervision what did you think the sentence was going to achieve for you?*

This is the question which was designed to find out how much the offender recalled of the interview and formulation of the recommendation to the court, and therefore how informed their decision to agree with the caseplan was¹. One member of each of the remand and same-day groups unashamedly admitted that they saw the main purpose or advantage of supervision as being to 'sugar the pill' for the sentencing judge, where the 'pill' was sentencing the offender to periodic detention rather than imprisonment, and the 'sugar' was the rehabilitative intent of the sentence of supervision. The remand offender did, however, concede that the alcohol-related caseplan "wasn't so far off beam".

¹See the discussion in Chapter 1 regarding the purposes of the sentence of supervision.

Of the remand group, four had caseplans which had alcohol and drug addiction as their central focus, while the fifth had a caseplan involving Men For Non Violence groupwork¹. In all cases the members were quite clear as to what the rehabilitative purpose of the sentence was, even though, as already noted, one of them was using the 'system' to keep himself out of prison. Another in this group was quite obviously not using the 'system' in this way, because, he "was bulldozed into the sentence a bit" by a probation officer who was prepared to be quite assertive about what she had identified as a clear rehabilitative need.

Generally speaking, the same-day group admitted to being less clear regarding the objectives of their sentence at the time they were sentenced. Two of them had caseplans which were aimed at alcohol assessment and treatment, and two of them had Men For Non Violence programmes. The two with alcohol conditions admitted to being quite unclear at the time of sentencing how the conditions were to be implemented, although my impression was that one of them had some memory loss due to the advanced stage of her alcoholism. Of the two with violence conditions, one had come to court with the programme already in operation, while the other said that the purpose of the caseplan was to "help me get into Men For Non Violence". The fifth member of this group recalled that the purpose of her caseplan had been to provide her with "advice, direction and official oversight". This woman had already commenced a programme, designed to assist her adjustment to New Zealand cultural mores, with an ethnically oriented helping agency before her court appearance, and the sentence of supervision was merely a formalisation of what was already in place.

The opinions of the supervising probation officers regarding how well their offenders understood the objectives of the sentence of supervision at the outset were clearly divided between the two groups. It should be acknowledged, however, that in four of the five cases the supervising probation officers of the remand group offenders had

¹Men For Non Violence is a nationally based collective of groups who work mainly with domestically violent men. They currently have a high profile, attract considerable government funding and are often looked to by courts as the programme provider of first resort for men who have perpetrated violence in domestic situations.

also prepared the probation report, so the question to them was, in effect, an invitation to comment on the quality of their own work, and some bias may have resulted from this.

Four of the remand group probation officers considered that their offenders had at the outset a very clear understanding of the caseplan and general sentence objectives. One remarked that the offender had been very motivated and had "done a lot of work himself" during the remand period, and another pointed out that the sentence was concurrent upon an earlier sentence of supervision, and therefore effectively a 'fine tuning' of an existing arrangement. The one probation officer who had not prepared the report on her offender admitted that she could not recall how well the offender understood the sentence objectives at the outset.

Of the same-day group, two probation officers thought that their offenders understood matters reasonably well at the time of their first meeting. Indeed, one of these two officers assigned her offender a numerical score of "six out of ten for understanding".

Another probation officer reported a good understanding but what was in effect a poorly set up caseplan, inasmuch as the Māori offender immediately wanted to change from the Māori Men For Non Violence group to another group, because "he was not into Māoritanga". A further arrangement with a cross-cultural question mark hanging over it was the case reported by a probation officer who observed that her offender didn't really understand the caseplan because she was a Sāmoan woman with limited English language skills who had had her same-day report done by a *pālagi*. The fifth supervising probation officer said that her offender knew very little about his caseplan, and recalled that "he might have been a same-day report".

2. You may have had a preference for some sentence other than supervision. What would it have been and why?

In essence, this question sought to gauge sentence appropriateness in terms of the needs, circumstances and wishes of the offender. By a margin of three to two, offenders in the same-day group expressed more satisfaction with their sentencing outcome than did those in the remand group. One woman touched upon what was

probably the nub of the matter with her observation that she was happy to get supervision, and "thought it was lenient". As a generalisation, it seems that probation officers had to do a bit more work with some members of the remand group. This was exemplified by a man who said that initially he "wanted jail or periodic detention to get it [including his unpaid fines] out of the way", but who, after the interview, "saw supervision as a good option". To some extent these impressions may reflect the fact that the more complicated cases get remanded for a full probation report, and that in some of these cases probation officers see it as their role to 'sell' the rehabilitative aspect of the sentence to the offender. The process for same-day reports, on the other hand, may be more superficial, with offenders agreeing to what they see as a good chance to avoid imprisonment.

Notwithstanding the fact that the same-day group supervising probation officers generally assessed their offenders as being less-well informed at the outset, four of five thought that supervision was the appropriate sentence. The one contrary opinion was that a Sāmoan woman would have been more suitably placed doing community service with a church group or other Sāmoan speakers because all of her rehabilitative needs were being met by a pre-existing arrangement with a community group. All of the remand group supervising probation officers thought that their offenders were appropriately placed on supervision.

3. For what reason(s) do you think the probation officer recommended the sentence in your probation report?

The objective here was to determine how well the recommendation was discussed with the offender. The responses suggested a reasonably sound understanding of the reason(s) for the recommendations, but it was clear that in some cases the real intent of the recommendations for supervision were not so much for their rehabilitative intent, but to keep offenders out of prison. Three of the same-day group offenders mentioned reasons connected with keeping them in the community — two because of child care responsibilities and the third because of a claimed rapport between him and the probation officer who was "trying to get me a lighter sentence". A fourth member of the same-day group admitted to not remembering why the probation

officer had made the recommendation for supervision, and the last member of this group offered reasons which indicated that rehabilitation was the primary focus. This was a man who told of a comparatively long same-day report which had taken place over about two hours and had involved several enquiries. By contrast, only one remand group member thought that keeping him out of prison was a good enough reason, in itself, to accept a sentence of supervision, but he gave no indication that his probation officer had been of this view. On the contrary, he thought that treatment for his alcoholism had been foremost in the probation officer's mind. The other members of the remand group also gave reasons for their sentence recommendations which were suggestive of their understanding of and participation in the recommendation for supervision. Alcohol and/or drugs were mentioned as the caseplan focus by three of them, while the fourth cited domestic violence.

4. Did you get the sentence recommended by the probation officer? Do you have any thoughts on why or why not?

This question was a check on the previous question. It was found that the report recommendations were followed in every case for both groups. It is noteworthy, however, that all of the offenders in the remand group gave reasons which suggested that the judge was simply following the reasoning and recommendation in the probation reports, whereas two of the same-day offenders were unsure why the recommendation had been followed. Offenders often have poor recall of what the judge said while they were being sentenced, but it does seem that those who had had remand reports written remembered the event better — possibly because they had been exposed to much less activity and questioning on the day.

5. What do you think the sentence of supervision achieved for you? (e.g., relationships [family, peer, general], job, training or courses, caseplan objectives, other).

This was the key question regarding whether better quality outcomes followed one report type or the other. Of the ten people interviewed in the two groups, only one member of the same-day group thought that his sentence of supervision had achieved nothing. He told me that he was not drinking less, and that although he had promised his alcohol counsellor that he would not drink and drive, he had only kept this

promise because of the deterrent effect of periodic detention. On the other hand, a woman in the remand group told me that she had valued the contact with her probation officer and had found it helpful to receive advice about her pregnancy, but that the court-directed special condition regarding alcohol assessment and counselling had never taken place. In all other cases people reported at least one positive qualitative change which was connected to the court-ordered special condition which formed the basis of their caseplan, but the remand group reported more such changes by a considerable margin. The actual breakdown of positive qualitative changes reported by the two groups is shown in Table 6.1.

Table 6.1 Reported Positive Qualitative Changes by Report Type

Reported Change	Report Type	
	Remand	Same-day
Improved domestic relationships	3	2
Reduced alcohol intake	3	1
Reduced violence	1	1
Employment or increased job seeking	2	0
Other	3	0
Totals	12	4

Source: Interviews with offenders.

Two responses from remand group members were of particular interest. In the first case a man told me that as a result of his counselling he had been able to bring his wife to the point of seeking assistance with her own alcoholism. In the other case, a man who had undertaken Men For Non Violence counselling gave an insight into the changing power relationship within his household when he told me that he and his wife now had a joint bank account. A man in the same-day group, however, provided a sadder insight into the genesis of much family violence with his admission that "I still whack my kids occasionally, but not like my dad used to whack me".

The views of the supervising probation officers of the sentence outcomes did not quite match those of the offenders. One of the same-day group probation officers thought that her offender "was not in the right space to take the sentence in", and reported that the sentence was subsequently reviewed by the court and had an extra special condition relating to psychological counselling added to it. Another probation officer in the same group said that no gains were made because the offender never accepted the seriousness of the offence (Male Assaults Female). In the remand group, the one negative comment concerned the pregnant woman who did not follow through with alcohol counselling, and who had "probably only stopped drinking because she was pregnant". This woman was, however, said to have begun to identify areas of choice in her life, such as her relationship with her violent partner. For the remaining three same-day group and four remand group members, positive changes connected to special conditions and caseplans were reported.

6. Is there anything else about the way the sentence of supervision went that you would like to comment on?

Perhaps the only noteworthy final comments were those from one supervising probation officer in each of the remand and same-day groups who were of the opinion that their offenders would have made the progress they did without the assistance of the Community Corrections Division. In these cases the offenders had been active in attending to their own rehabilitation in the period leading up to their court appearance, and the supervision sentence merely formalised what they already had in place.

Summary and Discussion

The system of management planning which is current in the Community Corrections Division places much emphasis on quantitative measures, and progress towards outcomes — which in any event the Division has no requirement to monitor — is largely ignored. The principal hypothesis of this study is that a variety of alternative measures, including qualitative ones, may reveal that there is a lack of connection between what the Community Corrections Division is producing and what society is

supposed to be gaining as a result. This chapter has presented the qualitative assessments of offenders regarding what their sentence achieved for them in outcome terms, and at the same time the offenders provided information about the role of the probation court officer — a role which has been considerably transformed as part of the strategy to save money by providing judges with fewer remand reports. Because the intended and actual outcomes of the three different sentences being studied are quite different, the results and analysis of the offender interviews will be presented below for each of the three sentence types in turn.

Periodic Detention Groups

All of the detainees in the same-day group and three out of the five detainees in the remand group had performed the sentence of periodic detention before, so in eight out of ten of these cases the court probation officer did not need to provide much information to the offender about the prospective sentence. This was particularly true of the same-day group who had previously been awarded an average of almost six sentences of periodic detention each compared to an average of 1.7 sentences each for the three offenders in the remand group who had served the sentence before. For the recidivist same-day group members the judge's decision was probably one of whether to order more periodic detention or to send them once again (in four of the five cases) to prison. For them, the decision to award more periodic detention had probably already been made by the judge, and in reality the probation officer's role was little more than a checking out of their current circumstances and previous performance on the sentence before the judge made the final decision.

Generally speaking, all detainees in both groups settled into the sentence with little difficulty, and appeared to have been appropriately sentenced to periodic detention in terms of their needs and circumstances. What may have been inappropriate is that one member of each group was also sentenced to supervision, and in their opinion the supervision was simply an extra incentive for the judge not to impose a sentence of imprisonment. Although this section deals with the sentence of periodic detention, these concurrently awarded sentences of supervision were not the subject of interviews, and comment about them therefore needs to be made here. Probation

officers are members of a 'helping' profession, and most of them have a social work orientation and as such rightly often take on the advocate role in their dealings with offenders. Conniving with offenders to dupe judges is not an appropriate role for them to take on, however, and the clarity of the offenders regarding what was 'going on' with regard to these recommendations for supervision does raise questions about the correctness of the probation officer's part in the process. Sentences of supervision which come about as little more than a sop to a judge are certainly not consistent with principles of minimum intervention, will probably not produce satisfactory outcomes, and should, therefore, be avoided. Returning to the sentences of periodic detention, however, no problems were reported that would have indicated a faulty assessment, i.e., that supervision or community care should have been awarded when it was not. Most of the offenders in both groups seemed to have been aware of the reasoning behind the recommendations for periodic detention, and all of the recommendations had been followed by the sentencing judge.

Not surprisingly, few qualitative changes or outcomes were reported by detainees. Two in each group saw deterrence as being something that the sentence did for them, so to some extent that must be regarded as a positive change. Avoiding a sentence of imprisonment was mentioned as a benefit of the sentence by one member of each group, and one further member of each group mentioned the comradeship of the periodic detention centre. Most members of the public would not regard the environment at a periodic detention centre as being particularly congenial, and during report interviews many offenders say that they wish to shun the criminal associations and drug use which are often features of such centres. For some, however, the sentence of periodic detention is obviously a social outlet, and the two comments about the comradeship of the work centre were sadly reminiscent of the community servant who had said that doing community service was "like having a job". The final member of each group saw no benefit(s) from the sentence of periodic detention at all. In terms of the intent of the question, which was to uncover positive qualitative changes in their life circumstances, this is probably what all of the detainees were saying, in effect, and that is not surprising given that periodic detention is a sentence which is punishment oriented. No qualitative indicators of the

type defined in the question were reported, although, arguably, deterrence which results in less victimisation is a positive aspect of these sentences, and in this regard the remand and same-day groups were equally divided. Given the lack of relevance of the qualitative indicators question to the periodic detention groups, it may be necessary to look more towards the quantitative outcomes (Chapter 7) for any differences between the remand and same-day groups.

Community Service Groups

Two members of the same-day group and three members of the remand group were placed with organisations they already had some links with. As mentioned above, such arrangements are often encouraged by probation officers, provided that there is no question of nepotism, and they often have good outcomes in terms of reintegration. In three out of five cases in the same-day group there was an indication that the offenders had not been well informed about the sentence at the outset, and this is of concern because the sentence requires informed consent.

In some cases the lack of information may be a product of the pressure that probation officers work under in court. It is not uncommon for them to be almost harassed by lawyers eager to be elsewhere or by court attendants acting on behalf of judges, who want same-day reports produced within the next few minutes. In such circumstances corners may be cut. Another matter that impinges on the ability of offenders to give informed consent to the sentence of community service is the practice of court officers telephoning other Community Corrections district offices to arrange placements in principle for offenders who live in the district being enquired of. Such indefinite arrangements are often clearly stated in same-day reports, are thereby condoned by judges, and are part and parcel of working under pressure and the expedience of trying to get the work completed without remand reports. Such approaches do, however, raise questions about the quality of the sentences which follow, and may be part of the explanation for outcome differences between remand and same-day community service sentences which will be shown in Chapter 7. In spite of the foregoing, all offenders in both groups reported that they were pleased to have been sentenced to community service. This is more than likely because they

went to court with the knowledge that they had been charged with an offence that was punishable by imprisonment.

Given that the second question to the sponsors was designed in part to draw out observations about any unmet rehabilitative needs in their offenders, it was surprising that the only responses which were suggestive of this came from the remand group rather than the same-day group. One of the suggestions was for something like a defensive driving course and the other was a rather non-specific mention of "some form" of counselling. These were assessments made by community sponsors who were not professional social workers, but they may, nevertheless, be signs that a problem was not identified, even by the more-comprehensive remand report process. This, of course, is not the same as saying that the same-day process would have been better in these cases. Common sense would indicate that the briefer reports would not have identified these problems where the remand process had failed, and in any event it is not possible, on the basis of the evidence produced above, to make such an assessment. The law does not allow supervision or community care to be awarded with community service, but these two last-mentioned offenders may have been in the category of those where sometimes it appears that community service and supervision would be a useful combination. Such cases usually involve offenders where it seems that rehabilitation and some reparative component should both form part of the sentencing process, but where the highly structured and punitive sentence of periodic detention seems to be unsuited to the circumstances of the particular offender. Such instances often involve offenders who are young and/or impressionable, and on whom the seasoned offenders to be found at periodic detention centres would be a malignant influence. All eight of the other sponsors agreed that the sentences were appropriate in terms of their community servants not presenting with problems which would have been more appropriately dealt with by a sentence of community care or supervision.

Only one community servant, from the same-day group, appeared to be uninformed as to why community service was recommended, and his almost total lack of recall about this question makes it difficult to surmise why this may have been so. In all cases the judge had followed the recommendation for community service, and in the

same-day group, in particular, where all five of the offenders gave their financial circumstances as a reason why they received community service, the probation officer's role was little more than a checking out of the sentence actually suggested by the judge.

The question of who is really influencing the sentencing decision in same-day cases is moot. It is often a 'chicken and egg situation' of the judge giving a clear indication of the preferred sentence, the probation officer then producing a recommendation for that sentence, and the judge following it. In reality then it is the judge who has had the first and the last say. But just as probation officers sometimes need to be assertive when it seems that a remand report would be a waste of resource, they may sometimes also need to be assertive when the same-day reporting and sentencing process seems to be happening in court with too much haste. Not to be so carries with it the very real chance that sentences which are contrary to the mission of the Community Corrections Division may follow.

Once again, deterrence was mentioned as a positive aspect of the sentences of community service — this time by two members of the remand group and three members of the same-day group. Four members of the remand group provided feedback which could be described as qualitative changes compared to three members of the same-day group. This followed the pattern of the observations of their sponsors, where three of the remand group were thought to have changed for the better as against two members of the same-day group.

The types of qualitative changes attributed to the sentence of community service were generally reintegrative ones where it seemed that the community servant had become more punctual, had raised his/her level of self-esteem or had formed ongoing links with the sponsoring organisation. Where the community servant and the sponsor have not met prior to the ordering of the sentence by the judge, outcomes such as these are a matter of good fortune rather than careful matching. Such integration is clearly a sentence outcome of the highest quality, albeit one that is not measured, and indeed would be difficult to measure in the output-oriented management system used by the

Community Corrections Division. In my years of experience in the justice system careful matching of offenders and sponsors is far more likely to produce this type of result. In other words, with their emphasis on quantity rather than quality, same-day reports do not usually allow for this careful matching to happen.

Supervision Groups

Two of the members of the same-day group did not have a clear view of the caseplan of their sentence, while another member of this group seemed to have received the sentence simply for statutory oversight. This was in contrast to the remand group, where all five offenders were quite clear, on the day they were sentenced, regarding the objectives of the sentence. These views were for the most part corroborated by the probation officers.

The difference between the two groups regarding the members' understanding of what their sentences were intended to achieve for them raises a question about the quality of the caseplans that are being set up during same-day reports. It must be said, however, that four of the five remand group supervising probation officers had also written the pre-sentence reports on their offenders (the same four who had said that their offenders understood the purpose of the sentence at the outset), and this possible source of bias should be acknowledged. Probation officers are often critical of caseplans that have been set up by other officers and which they have to take over for reasons such as staff or offender transfers, or because the form of departmentation in their office means that reports are written by a different team to that which administers the sentences. In many cases this criticism seems to arise from the 'nobody can do it as well as I can' syndrome, which also causes probation officers to be very defensive of caseplans that they have set up.

Three members of the same-day group were satisfied with their sentencing outcome, compared to two members of the remand group. This may be because the remand group were more complicated cases, while the same-day group were more inclined to 'go with the flow' in court on the day. For the most part, probation officers thought that supervision was the right sentence for their offenders in terms of there

being a rehabilitative need to address in a caseworking context. The one contrary case was that of the woman who was on supervision for statutory oversight only. Although the probation officers generally thought that supervision was the appropriate sentence for their offenders, there were two cases in the same-day group where the probation officer suggested that their colleagues who had written the reports had not got the caseplans quite right. To some extent these may have been instances of the syndrome described above. However, cross-cultural aspects of the two cases suggest that perhaps an officer with the appropriate skills should have been involved in the process on the day, or if that were not possible, a remand report should have been called for so that such a person could at least have been consulted.

All offenders in both groups seemed to have understood the decision-making that went into their report recommendations, and in all cases the probation officers' recommendations were followed by the sentencing judge. The superficiality of the same-day process was, however, evidenced by the three same-day offenders who claimed that the sentence of supervision had been recommended primarily as a means to keep them out of prison, and not, unfortunately, as an opportunity for positive change. In two of these cases the offenders had also been sentenced to periodic detention, and the supervision could thus be seen as a sop to the judge as previously discussed above. That is not to say that recommendations of this sort do not emerge from remand reports, but in the five remand cases in this study the offenders were all able to clearly state a rehabilitative rationale for their recommendation, and the only one of them who advanced not going prison as a sufficient reason to be sentenced to supervision indicated that this was not the primary motivation of the probation officer who wrote the report. As pointed out earlier, recommendations for supervision would rarely be made if Divisional regulations were followed to the letter. The workload situation in the Lower Hutt Community Corrections Office, as well as in others, however, means that this regulation is routinely flouted, with a probable consequence being excessively interventionist or ill-conceived sentences of supervision.

Whereas equal numbers of both groups reported at least one positive qualitative change as a result of having performed the sentence, a greater number of such changes were reported by the remand group. In total, five members of the remand group reported twelve positive qualitative changes, as against four same-day group members who each recalled just one such change. This was matched by the probation officers' comments, which were generally more positive about the remand group members than the same-day group members. The intervening variable of the treatment regime does, however, need to be considered here. The effect of a sentence of supervision emerges from the caseplan over a period of time, and it would be difficult and perhaps foolhardy to attribute these qualitative outcome differences, to any great degree, to the report type from which the caseplan emerged. Neither should the report process be ignored. Social casework does happen during report interviews, and an offender who is focused and committed following a high quality process is likely to have higher quality outcomes than one who is not.

This chapter is the first part of an analysis of outcomes of three community-based sentences which followed remand and same-day reports, and of how these outcomes may or may not have contributed to the mission of the Community Corrections Division. The following chapter forms the second part of the analysis. Chapter 7 focuses upon quantitative measures which are closer to those currently being used by the Community Corrections Division, but which are nevertheless different enough to facilitate the identification of possibly faulty sentence outcomes.

7 Sentence Outcomes: A Quantitative Perspective and Measure

This is the second of two chapters which seek to examine outcomes — some of them not previously measured — as they relate to the mission of the Community Corrections Division. The previous chapter dealt with qualitative material gained from interviews with selected offenders and their sponsors or supervisors. This chapter complements the qualitative material by analysing quantitative data relating to the larger groups of offenders from which the interview groups were drawn. As with the qualitative data, this chapter will also focus on any differences between groups of offenders classified according to remand or same-day pre-sentence reports. The purpose in doing so is to test the hypothesis that fiscally determined outputs of the Community Corrections Division may be producing outcomes which are contrary to the Division's mission.

Measurement of Compliance and Conviction Seriousness

The quantitative data presentations in this chapter combine compliance measurement — one of the principal measures of effectiveness in the Community Corrections Division's 1992/93 Management Plan — with patterns of conviction seriousness both up to and including the sentences which are the subject of this study, as well as during the year after the sentence dates. The 1993/94 Management Plan made several important changes to the manner in which Divisional results are recorded and reported upwards. Of interest in this present context is that compliance is no longer used as an indicator of performance below district level, while reconvictions during the period that offenders are under the control of the Community Corrections Division are, for the first time, being used as a measure of effectiveness. In its monitoring of convictions, the Division has opted for an assessment based on offences of more, the same or less seriousness than the offence(s) for which the offender was originally sentenced, with the comparison being based on the maximum penalty allowable under

the law. For example, a conviction for the offence of Male Assaults Female (maximum penalty two years imprisonment) during a sentence would be considered to be a conviction of greater seriousness than one of Driving With Excess Breath Alcohol (maximum penalty three months imprisonment) for which an offender had been serving a sentence.

There are two particular limitations of this method of assessing conviction seriousness that should be noted. First, many offences carry similar or identical maximum penalties. Second, the scale represents the law as enacted by Parliament, not the sentences which are being handed down by courts and which, arguably, may better approximate public opinion on the matter of relative offence seriousness. In the comparisons which follow, therefore, I have chosen a sentence based scale of offence seriousness devised by the Policy and Research Division of the Department of Justice in the late 1980s (Spier *et al*, 1991).

Formulated following analysis of Wanganui Computer conviction data for the years 1984 to 1987, this sentence based offence seriousness scale is essentially the average of the number of days imprisonment that were imposed on all offenders convicted of each offence, where the average is taken over both imprisoned and non-imprisoned offenders (Spier *et al*, 1991:17). Table 7.1 shows the seriousness scores for a selection of offences, many of which appeared frequently on the criminal histories of offenders in this study. This scale is not without its limitations either. The authors have expressed doubt about whether a single seriousness scale can accurately reflect the attitudes of different cultural groups towards crime (Spier *et al*, 1991:17), and have pointed out also that the scale does not do a good job of distinguishing between offences at the lower end of the scale for which few offenders are sentenced to short periods of imprisonment (Spier *et al*, 1991:18). Although I have suggested that the chosen scale may represent the views of the public somewhat better than the penalties set down by Parliament, it should be said that this, too, is qualified by the authors with their caution (Spier *et al*, 1991:19) that the scale is the view of courts, and may not, therefore, represent the view of the public.

Table 7.1 Seriousness Scores for a Selection of Offences

Offence	Seriousness Score
Murder	3650.00
Male Rapes Female (no weapon)	1978.68
Manslaughter (weapon involved)	1310.46
Aggravated Robbery (firearm involved)	1307.94
Burgles Over \$1000 By Night (not for drugs)	96.70
Possession of Cannabis Plant For Supply	74.52
Unlawfully Takes Motor Vehicle	52.43
Burgles Under \$100 By Day (not for drugs)	52.36
Driving While Disqualified (second or subsequent offence)	50.26
Uses a Document	31.07
Breach of Bail	30.81
Male Assaults Female	27.91
Driving While Disqualified (first offence)	19.12
Breach of Periodic Detention	17.29
Assault Police (no weapon)	9.07
Receives Property Under \$500	6.32
Common Assault (no weapon)	5.62
Theft of Property Under \$500	4.47
Careless Driving	1.96
Possession of Cannabis	1.69
Driving With Excess Breath Alcohol	1.39
Shoplifts Under \$100	1.18
Disorderly Behaviour	0.70

Source: Policy and Research Division, Department of Justice.

The offence seriousness scores used for individuals in this study are the total offence seriousness scores for all of their convictions added together. In the case of convictions up to and including the sentence dates which are the subject of this study, the sum of each individual's scores has been divided by the number of years of their offending history. The scores used for reconvictions after the sentencing dates are the total scores for all reconvictions in the twelve month period following the sentence date. This therefore allows comparisons to be made between average annual offence seriousness up to and including the sentence dates with offence seriousness in the twelve month period following the sentences.

An alternative method would have been to compare conviction seriousness in the twelve month period on either side of the critical sentence date, thus eliminating the

possibility that average before sentence scores might be lower because of the less serious offences which are sometimes committed by offenders early in their criminal careers. I decided against this method because the average age of 28.1 years suggested that the offenders in my groups were probably fairly well advanced in their criminal careers, and for many of them the sentence which brought them into my study was an isolated one following a period without convictions. In fact, an examination of the conviction histories of the offenders in the study showed that 145 out of 230 (63 percent) of them had no convictions during the twelve month period prior to the critical sentence date. A comparison based on only the year before sentence dates would thus have provided an untypical picture of previous conviction histories, and I decided that the most useful comparison was that which was based on the totality of the offenders' histories.

The other principal indicator used in this chapter is the compliance of individuals with the conditions of their sentences. Offenders serving community-based sentences are required to comply with certain statutory requirements. These have their legislative basis in the Criminal Justice Act 1985, and are further clarified in Divisional manuals and instructions, including the Management Plan of the Community Corrections Division. Offenders are given an order in court on the day that they are sentenced which sets out the conditions of their sentence, and the induction processes for the various sentences include further explanation of sentence requirements and the penalties for non-compliance.

In the interests of practicability, the Divisional guidelines on the subject define what is non-compliance with the various sentences. In the case of supervision and community service, compliance is measured on a monthly basis and an offender is considered to be complying with the requirements of his or her sentence during any month that they do not infringe any of the conditions that constitute non-compliance. The same rationale applies to periodic detention, but with this sentence compliance is measured weekly. The measurement of compliance which was used in performance planning during the year covered by this study was the number of weeks or months, expressed as a percentage of the total sentence length, during which the order was

complied with. For example, an offender who completed his or her community service in eight months and complied with the conditions of the sentence for six of those months would have been recorded as having a compliance rate of 75 percent. Briefly, non-compliance with the three types of orders is established as follows:

Supervision

- failing to report to the probation office within 72 hours of being sentenced.
- failing to report as directed and not making contact within two weeks of the reporting date.
- failing to comply with the standard conditions relating to advising address and employment details, the reporting requirements on moving to another district and so on.
- failing to comply with any of the special conditions of the order which form the unique programme.

Additionally, with supervision orders, offenders are monitored as to whether their caseplan¹ objectives are achieved or on target. The caseplan objective is also measured on a monthly basis, with a percentage measurement being calculated as described above.

Community Service

- failing to report to the probation office within 72 hours of being sentenced.
- failing to complete the hours specified in the community service order within a twelve month period.
- failing to perform service in accordance with the contracted agreement with their sponsor.
- failing to perform service satisfactorily.
- accepting remuneration for work performed.

¹See the definition of *caseplan* in the Glossary of Terms (Appendix 1).

Periodic Detention

- failing to report within one hour of the specified weekly reporting time.
- failing to provide reasonable excuse (such as a medical certificate) for non-reporting.

All Groups' Data

Table 7.2 is a compilation of the major quantitative results of the study of offenders on strength. For the six groups being studied, it shows: average sentence lengths; average compliance; average caseplan achievement; average yearly numbers of convictions up to and including the sentence date; average numbers of convictions in the twelve months after sentence date; average yearly conviction seriousness up to and including sentence date; and average conviction seriousness in the twelve months after sentence date. Discussion of the results will follow under separate sub-headings for each sentence type, but some general observations are worth making at this point.

It is apparent that whereas the sentence lengths of the periodic detention remand and same-day groups were very close at 5.9 months and 5.6 months respectively, the same cannot be said for the supervision and community service groups. The figures of 119.6 hours and 85 hours respectively, for the community service remand and same-day groups, are very close to those reported by Forlong Ford (1990:5) of 122.3 hours and 81.7 hours for his remand and same-day groups. It seems reasonable to conclude that the community service remand offenders received harsher punishments than same-day offenders, because, generally speaking, they have been convicted of more serious offences. The same could be hypothesised about the periodic detention groups, but this did not prove to be the case. To some extent this may be because many judges have a realistic understanding that sentences of periodic detention towards the maximum length of twelve months are very difficult for offenders to comply with, and sentence lengths in excess of nine months are uncommon. This, together with the fact that I eliminated offenders who had received less than three months periodic detention from my study, means that the possible range of periodic

Table 7.2 Sentence Length, Compliance, Caseplan Achievement, Convictions and Conviction Seriousness by Report and Sentence Type

Report and Sentence Type	Indicator						
	Average Sentence Length ¹	Average Compliance (Percent)	Average Caseplan Objectives Achieved or on Target (Percent)	Convictions			
				Number		Seriousness	
				Up to and Including Sentence Date (Annual Average)	Year After Sentence Date	Up to and Including Sentence Date (Annual Average)	Year After Sentence Date
Periodic Detention							
Remand	5.9	86.1	N/A	3.3	2.3	91.3	94.2
Same-day	5.6	78.1	N/A	2.7	2.6	68.1	74.7
Supervision							
Remand	10.2	76.1	74.9	3.0	2.6	77.4	93.5
Same-day	7.4	81.5	75.8	2.4	2.1	56.4	52.2
Community Service							
Remand	119.6	79.8	N/A	2.1	1.2	64.3	26.5
Same-day	85.0	75.1	N/A	1.7	1.3	31.4	21.7
Remand Groups	N/A	80.6	74.9	2.8	2.0	77.7	71.4
Same-day Groups	N/A	78.2	75.8	2.3	2.0	52.1	66.7
All Groups	N/A	79.4	75.4	2.6	2.0	64.9	69.0

¹Months for periodic detention and supervision. Hours for community service.

Source: Offender files and Wanganui Computer conviction history data.

detention sentences was quite a narrow one. At first sight it might be thought that because supervision is awarded to rehabilitate offenders rather than to punish them, the treatment programmes around which the sentences are structured should therefore make the sentences of the remand and same-day groups approximately equal. This also did not prove to be the case, and the average sentence length of 10.2 months for

the remand group is considerably longer than the average of 7.4 months awarded to the same-day group. This may be a reflection of the types of supervision sentences that are being awarded following same-day reports in the Upper Hutt and Lower Hutt District Courts. Many judges are now prepared to countenance same-day reports for domestically violent men, and the ensuing sentences of supervision are structured around a three month stopping violence programme. Offenders with drug and alcohol and psychological problems are more likely to be remanded, and the treatment programmes being imposed in those sorts of cases are generally of longer duration.

The matter of sentence lengths may be a factor in the compliance levels achieved by the various groups. The reasoning here could be that a longer sentence provides more opportunities for an individual to fail to comply with the conditions of their sentence. Likewise it may be that the lesser levels of compliance might be expected from the remand offenders, whose sentences arose from remand reports because they were more complicated or more serious cases, although this effect is not so marked for the periodic detention groups. With these various factors in mind, the periodic detention remand group achieved a somewhat higher compliance level (86.1 percent) than did their same-day counterparts (78.1 percent), while the community service remand group achieved a slightly better average compliance level (79.8 percent) than their corresponding same-day group (75.1 percent). The supervision remand group performed slightly worse (76.1 percent) than the same-day group (81.5 percent) in this regard, and marginally worse as far as caseplan compliance was concerned (74.9 and 75.8 percent, respectively), but these results should be considered against the factors discussed above. The community service results may thus be seen as the more creditable for the remand group in view of their sentence lengths and higher previous offence seriousness (also shown in Table 7.2), and the same argument, less the influence of the sentence lengths, could be made for the periodic detention remand group. The lesser showing of the supervision remand group may be moderated by these factors.

Some interesting patterns and effects are also to be found in the relationships between the numbers of convictions up to and after sentence date and the seriousness of those

convictions. It can be seen, for example, that the periodic detention remand group convictions dropped markedly from an average of 3.3 convictions per annum to an average 2.3 convictions in the year following sentence, while at the same time their average offence seriousness increased. This effect is explained in large part by one offender in the periodic detention remand group who was convicted of two serious sexual offences and this contributed 1353.6 points to the group's score. Without this extremely high score the group average for conviction seriousness after sentence date would have been 57.6 as opposed to 94.2. A similar explanation applies to the supervision remand group. A small decrease in annual convictions was not matched by a decrease in conviction seriousness, and here scores of 1193.87 and 929.01 recorded for two offenders greatly increased this group's average. Without these two scores the supervision remand group would have recorded an average after sentence conviction seriousness score of 36.1 as opposed to 93.5. By a margin of several hundred points, these two high scores and the high score for one offender in the periodic detention remand group comprised the three highest scores recorded for any of the 230 offenders in this study. In terms of the presentation and analysis of aggregated data and averages, the lesson to be learned from Table 7.2 is that it is necessary to anticipate and identify the distortions induced by aberrant cases.

The community service groups were without extreme individual scores of the magnitude just discussed, and this contributed to much lower average after sentence seriousness scores than those recorded by the periodic detention and supervision groups. It is of interest that the remand offenders, who were supposedly the more complicated or serious cases, more than halved their previous seriousness scores, while the same-day group produced a decrease of much more modest proportions. The average after sentence seriousness score of the community service remand group would also have been reduced by the 27 out of 34 (79.4 percent) offenders who remained conviction free during the twelve month follow-up period. Only 29 out of 48 (60.4 percent) of the same-day group achieved this ideal.

Table 7.3 summarises the demographic characteristics of the offenders, and shows average ages as well as gender breakdowns within the various ethnic groups. It is

Table 7.3 Age, Ethnicity and Gender of Offenders by Report and Sentence Type

Report and Sentence Type	Average Age (Years)	Ethnicity and Gender								Totals		
		Caucasian		Māori		Pacific Island		Not Known		M	F	All
		M	F	M	F	M	F	M	F			
Periodic Detention												
Remand	27.7	18	5	10	1	3	0	0	0	31	6	37
Same-day	26.6	15	0	14	1	3	0	0	0	32	1	33
Supervision												
Remand	28.9	15	6	8	5	3	0	0	0	26	11	37
Same-day	29.6	14	4	12	6	4	1	0	0	30	11	41
Community Service												
Remand	26.9	9	4	8	9	3	1	0	0	20	14	34
Same-day	29.2	19	2	10	8	6	1	1	1	36	12	48
Remand Groups	27.8	42	15	26	15	9	1	0	0	77	31	108
Same-day Groups	28.5	48	6	36	15	13	2	1	1	98	24	122
All Groups	28.1	90	21	62	30	22	3	1	1	175	55	230

Source: Wanganui Computer conviction history data.

apparent that these offenders are older, on average, than might have been expected, given that people in the 20 years and under age group are responsible for close to half of the offences cleared by the police.¹ This is not a representative sample of the offending population, however. The groups under study here are comprised of adult offenders (inasmuch as the convictions do not include Young Persons' Court convictions) who committed offences of sufficient seriousness to warrant a community-based sentence. As such, their average age of 28.1 years is close to the average age of 28.7 years found by Leibrich (1993:286) in her study of 48 offenders who had served sentences of supervision.

¹The figure for the year to 30 June 1992, for example, was 44.2 percent (Department of Statistics, 1993:210).

The percentages of offenders by gender and ethnicity may be easily calculated from Table 7.3. It was found that 48.3 percent of the offenders were European, 40 percent were Māori, and 10.9 percent were Pacific Islanders. These are close to the figures reported by Spier *et al* (1992:49) where 46 percent were European, 36.7 percent were Māori, and 5.7 percent were Pacific Islanders. In fact, the differences between the two sets of figures may be almost entirely explained away by the 11.6 percent of offenders in the earlier study who did not come into the previously mentioned ethnic categories, compared to the low figure of 0.9 percent of offenders in this study. It does need to be emphasised, however, that the figures of Spier *et al* excluded persons convicted of traffic offences, whereas this study included traffic offence convictions.

Overall, 76.1 percent of offenders were males and 23.9 percent were females. The proportion of males is slightly lower than that reported by Spier *et al* (1992:49) of 82.7 percent males and 17.3 percent females. The figure of Spier *et al* is, however, close to the figure of 82 percent males and 18 percent females for all offences cleared by the police in the year to 30 June 1992 (Department of Statistics, 1993:210). A possible explanation for the higher numbers of females in the present study may lie in the fact that it covers only three sentence types. More specifically, it should be noted that 35.7 percent of the cases in this study involved the sentence of community service, and that 26 of the 82 offenders in this sentence category were females who accounted for almost half of all females in the three sentence categories combined. This pattern is comparable with that for the period 1982 to 1991 covered by the study of Spier *et al* (1992); 34 percent of those receiving community service were females, which was a higher proportion than for other community-based sentences (Spier *et al*, 1992:139).

Also on the subject of ethnicity and gender, it is noteworthy that Māori women featured disproportionately in Table 7.3. The ratio of females to males varied widely, ranging from about one woman to every seven men among Pacific Islanders, and about one to four for Caucasians, to a ratio of about one to two for Māori. There were 30 Māori women included in the three sentence types, and this figure accounted for 54.5 percent of all women and 13 percent of all persons in the study.

Once again, comparisons with the work of Spier *et al* (1992) show no great variations from national patterns for non-traffic offences. Spier *et al* (1992:49) report that Māori women accounted for 51.9 percent of all women sentenced to periodic detention, community service and supervision between 1982 and 1991, and 9 percent of all persons awarded those three sentences. Having been convicted, Māori women were remanded in fewer numbers for a pre-sentence report than were Caucasian women. Fifteen out of 21 (71.4 percent) Caucasian women in the study had remand reports, as compared to 15 out of 30 (50 percent) Māori women. On the whole, however, women were more likely to have been the subject of a remand report than were men. Seventy seven out of 175 (44 percent) men had a remand report in this study as opposed to 31 out of 55 (56.4 percent) women.

One popular explanation for the more interventionist treatment that women receive from criminal justice authorities concerns the patriarchal attitudes of many of the professionals involved — particularly male judges. Another explanation that I have heard is that because more women are diverted away from formal sanctions by lenient officials, only the more intractable of them end up in the offices of the Community Corrections Division. A further and more likely explanation for the larger numbers of women who are dealt with on a remand basis, is that their circumstances are complicated by child care responsibilities, and sentences of periodic detention and community service are more difficult for them to perform. Judges are, therefore, probably more likely to remand women in this category so that solutions can be worked out by probation officers.

This chapter continues by analysing and describing the compliance and conviction seriousness data in more detail and by sentence type. It should be noted that the offenders in this study are being regarded as a discrete population rather than a representative sample of New Zealand's offending population, and my purpose here is not to make direct inferences, based on these groups, about the characteristics of a larger population. For this reason descriptive numerical parameters, rather than inferential statistics, will be used in these data presentations and descriptions.

Periodic Detention Groups

As shown in Chapter 5, the lower level objectives of the Community Corrections Division include indicators which are numerical, time bound and directional. The target figure for compliance with periodic detention orders in the Community

Table 7.4 Compliance With Periodic Detention Orders by Report Type

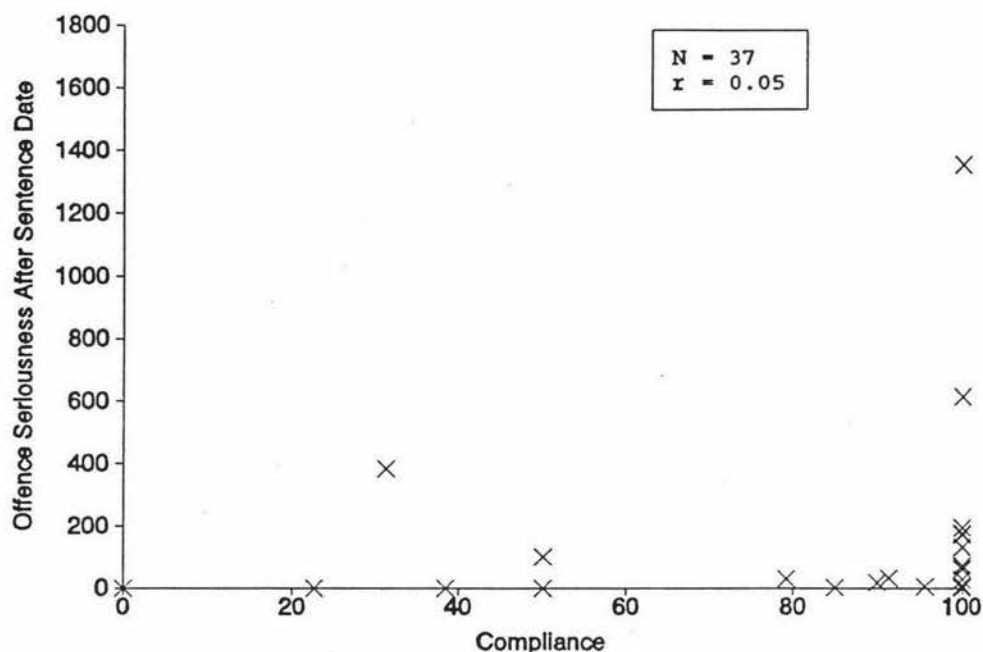
Report Type	Compliance		Totals
	< 83%	≥ 83%	
Remand	8	29	37
Same-day	9	24	33
Totals	17	53	70

Source: Offender files.

Corrections Division's 1992/93 Management Plan was 83 percent. In this study the average compliance rate of the periodic detention remand group was 86.1 percent compared to 78.1 percent for the same-day group, with a combined rate of 82.1 percent. Table 7.4 shows that individually, 29 of the 37 (78.4 percent) members of the remand group complied with their orders 83 percent or more, as against 24 out of 33 (72.7 percent) for the same-day group members. It may therefore be said that overall the remand group members were less troublesome in terms of observing the conditions of their order than the same-day group, but the difference between the two groups was not great.

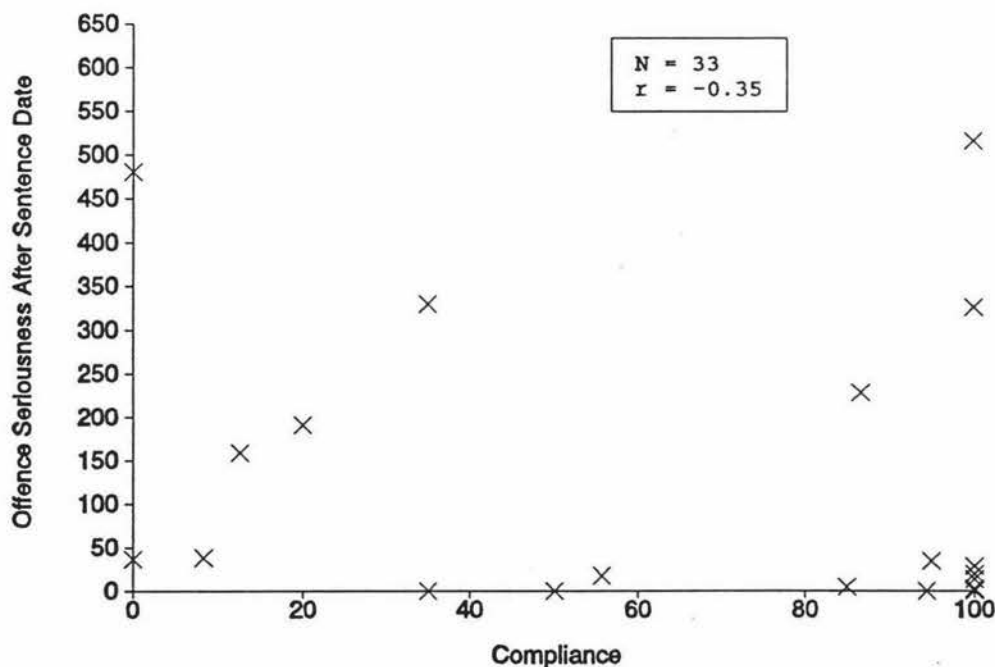
Community Corrections Division management planning places considerable emphasis on sentence compliance, and the matter of how reconviction seriousness relates to compliance is presumably of interest to the Government as purchaser of the outputs of the Community Corrections Division, so that progress towards desired outcomes may be gauged. These relationships are shown in Figures 7.1 and 7.2, which are

Figure 7.1 Compliance and Offence Seriousness After Sentence Date, Periodic Detention Remand Group



Source: Offender files and Wanganui Computer conviction history data.

Figure 7.2 Compliance and Offence Seriousness After Sentence Date, Periodic Detention Same-day Group



Source: Offender files and Wanganui Computer conviction history data.

scatter plots of individual compliance and reconviction seriousness in the twelve months following their sentence date for the periodic detention remand and same-day groups. These comparisons are premised on the assumption that sentence effectiveness, such as deterrence and incapacitation in the case of periodic detention, will flow through into reduced offending and offence seriousness. The expectation then would be one of a negative correlation between sentence compliance and subsequent reconvictions and/or offence seriousness. Although it is not strikingly evident, there is some suggestion of this trend in the same-day group data, but the correlation coefficient is only at a weak to moderate level of $r = -0.35$. The figure for the remand group is almost totally meaningless at $r = 0.05$. In other words, for this group, their degree of compliance with their periodic detention order bore no relationship to their offence seriousness scores in the twelve months after their sentence date. It should be noted that in all of the scatter plots used in this chapter, the apparent lack of data is accounted for by overlapping points — particularly at the intersection of 100 percent compliance and a zero subsequent offence seriousness score.

The fact of nil reconvictions during the follow-up period is worth commenting on at this point. It is known that the likelihood of reappearing in court decreases as the total number of court appearances increases (Lovell and Norris, 1990:70), and that many offenders who make a first court appearance do not subsequently reappear. Lovell and Norris's (1990) large scale study of 25,497 New Zealand boys who had their tenth birthday in 1967 showed that for the boys who had made a first appearance, the probability of reappearing during the seven year follow-up period was 53 percent (Lovell and Norris, 1990:71). In the present study of older offenders, 106 out of 230 (46.1 percent) were reconvicted during the follow-up period. Risk of reoffending scales attempt to identify offenders at greatest risk of reoffending so that scarce resources can be applied to them, but these are not in general use in the Community Corrections Division. Nevertheless, it is of interest to consider, as a separate category, only those offenders who were reconvicted during the follow-up period of this study, and later data presentations will do this. As far as the correlations between compliance and subsequent conviction seriousness are concerned,

however, removing the offenders who had no convictions after sentence date does not greatly alter the picture for the periodic detention groups. With the nil reconviction scores removed, the correlation for the remand group is even more meaningless at $r = 0.002$, while the correlation for the same-day group is unchanged at $r = -0.35$.

An alternative way to consider the relationship between sentence compliance and subsequent reconviction seriousness is presented in Tables 7.5 and 7.6. These tabulations reveal the extent of the data which was concealed in the scatter plots just discussed. Ideally, the outputs and outcomes of the Community Corrections Division should produce 100 percent compliance and no reoffending, and in fact this has happened in many cases here. Tables 7.5 and 7.6 show that twelve out of 37 (32.4 percent) of the periodic detention remand group and nine out of 33 (27.3 percent) of the periodic detention same-day group achieved this ideal. However, this perfect situation will never be attained by all offenders serving sentences and current policy approaches in the Community Corrections Division concentrate on applying the available resource to perceived areas of greatest need. It may therefore be reasoned that offenders who are reconvicted of less serious offences, or not at all, are not a

Table 7.5 Grouped Compliance by Seriousness of Reconvictions After Sentence Date, Periodic Detention Remand Group

Seriousness of Reconvictions	Grouped Compliance			Totals
	< 83%	83-99%	100%	
Same or More Seriousness	2	0	7	9
Less Seriousness	2	4	6	12
Nil Convictions	4	0	12	16
Totals	8	4	25	37

Source: Offender files and Wanganui Computer conviction history data.

Table 7.6 Grouped Compliance by Seriousness of Reconvictions After Sentence Date, Periodic Detention Same-day Group

Seriousness of Reconvictions	Grouped Compliance			Totals
	< 83%	83-99%	100%	
Same or More Seriousness	4	1	4	9
Less Seriousness	3	2	7	12
Nil Convictions	2	1	9	12
Totals	9	4	20	33

Source: Offender files and Wanganui Computer conviction history data.

problem for policy makers, and the focus of strategies to reduce reoffending needs to be on those who are reconvicted of offences of the same or greater levels of seriousness (i.e., 24.3 percent of the remand group and 27.3 percent of the same-day group). This, of course, begs the question of how to identify those recidivists, and that question will be further discussed below.

The 'Same or More Seriousness' lines on Tables 7.5 and 7.6 show that compliance with a periodic detention order would not have been a useful predictor of subsequent high seriousness convictions for those group members. Among the remand group members who committed offences of the same or more seriousness, seven out of nine complied with their orders 100 percent. In the same-day group the more serious offenders are almost equally divided between 100 percent compliance and compliance below the 83 percent management planning target. These tables only serve to support the visible evidence of the scatter plots and the correlation coefficients which suggest that there is a weak or negligible link between sentence compliance and subsequent reconviction seriousness during the twelve month follow-up period.

If compliance will not provide a basis for prediction of subsequent convictions and/or offence seriousness, then perhaps there is value in looking towards the type of historical data that probation officers and judges have at their disposal at the time that sentencing decisions are being made. Tables 7.7 and 7.8 have been constructed with this view, and show reconviction seriousness of individual cases in the year after their sentence date as a dependent variable of average annual conviction seriousness up to and including the sentence date. The low, medium and high seriousness scores on the y-axis have been determined by percentile rankings. The low scores are those below the lower quartile, the high scores are those above the upper quartile, and the medium scores are those in between the upper and lower quartiles. Positions on the x-axis have been determined by whether convictions during the twelve month follow-up period were of lower or nil seriousness on the one hand, or the same or higher seriousness on the other. The inclusion of the nil scores in the first category on the x-axis is debatable. As discussed above, there are large numbers of offenders who do not go on to be reconvicted, and who, arguably, should be removed from any

Table 7.7 Grouped Conviction Seriousness Up To and After Sentence Date, Periodic Detention Remand Group

Up To Sentence Date	After Sentence Date		Totals
	Lower or Nil ¹	Same or Higher	
Low 0.45–20.38	7	3	10
Medium 31.26–151.68	14	4	18
High 167.21–328.80	7	2	9
Totals	28	9	37

¹i.e., no convictions during the follow-up period.

Source: Wanganui Computer conviction history data.

Table 7.8 Grouped Conviction Seriousness Up To and After Sentence Date, Periodic Detention Same-day Group

Up To Sentence Date	After Sentence Date		Totals
	Lower or Nil ¹	Same or Higher	
Low 2.05 – 12.39	6	4	10
Medium 12.55 – 53.80	13	2	15
High 104.32 – 518.86	5	3	8
Totals	24	9	33

¹i.e., no convictions during the follow-up period.

Source: Wanganui Computer conviction history data.

consideration of subsequent reconviction seriousness. The view taken here is that these nil scores represented success in terms of the mission of the Community Corrections Division, and they should, therefore, be included. It is nevertheless true that the group scores of reconviction seriousness used in these and later tables have been moderated by offenders who were convicted of no offences during the follow-up period.

In both the remand and same-day groups (Tables 7.7 and 7.8) there has obviously been a substantial reduction in the seriousness of convictions after the sentence date as compared to before. Overall, in the remand group 28 out of 37 offenders (75.7 percent) had lower conviction scores after the sentence, as did 24 out of 33 (72.7 percent) in the same-day group. The pattern of a reduction in conviction seriousness applied more or less uniformly to both remand and same-day offenders in each of the three (Low, Medium and High) pre-sentence conviction seriousness categories. It is apparent, however, that the reduction in conviction seriousness was most pronounced

among those remand and same-day offenders in the pre-sentence medium category as well as the remand offenders in the pre-sentence high category.

Having noted the general trend of a reduction in conviction seriousness, it must be acknowledged that a significant minority recorded the same or an increased level of conviction seriousness (24.3 and 27.3 percent in the remand and same-day groups, respectively). A disproportionate share of those in this category was accounted for by offenders who had been in the pre-sentence low category. This feature may perhaps be discounted as a mere artifact of the low pre-sentence conviction seriousness scores involved.

Overall, the comparison provided by Tables 7.7 and 7.8 appears to provide positive evidence of the general effectiveness of the sentence of periodic detention, although it needs to be borne in mind that the lower after sentence categories include the cases where nil convictions were recorded during the twelve month follow-up period. In terms of the objectives of this thesis there are few differences between the remand and same-day groups, when assessed against this measure, apart from the greater number of offenders in the remand high seriousness category who recorded lower or nil seriousness scores after their sentence date as compared to their same-day counterparts. Not too much significance could be attached to this pattern given the numbers involved, however.

Community Service Groups

As with the periodic detention groups' data, compliance with the order was higher for the community service remand groups, but both groups were below the national target figure of 84 percent set in the 1992/93 Management Plan. Compliance for the remand group was 79.8 percent for an average sentence length of 119.6 hours, compared to 75.1 percent for the same-day group where the average sentence length was 85.0 hours. As with the equivalent data presentation for the periodic detention

groups, Table 7.9 shows that there is very little difference between the groups when compliance is shown as distinct cases.

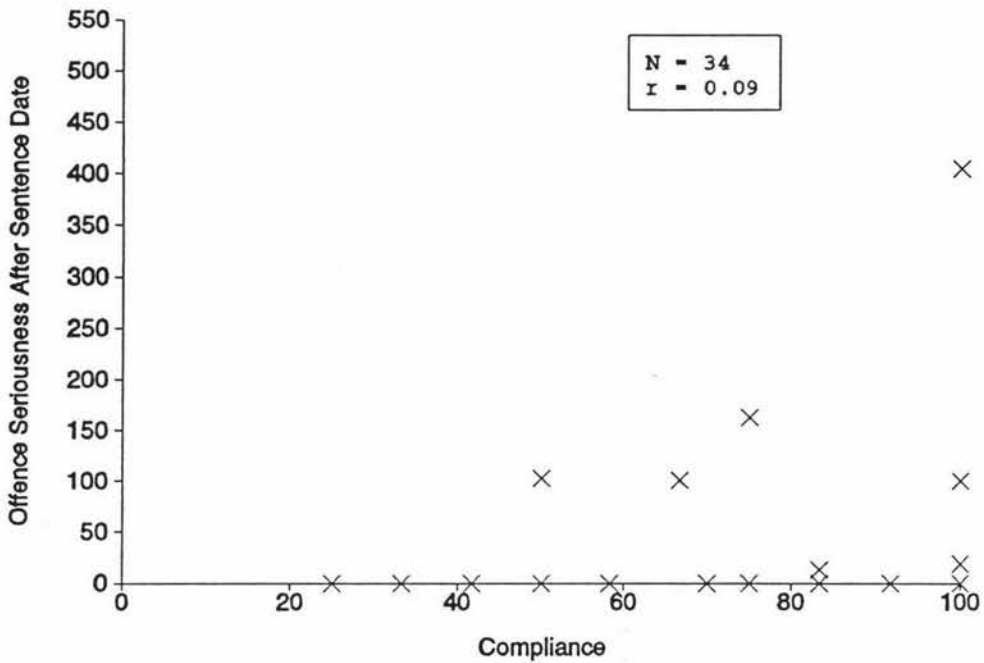
Table 7.9 Compliance With Community Service Orders by Report Type

Report Type	Compliance		Totals
	< 84%	≥ 84%	
Remand	17	17	34
Same-day	22	26	48
Totals	39	43	82

Source: Offender files.

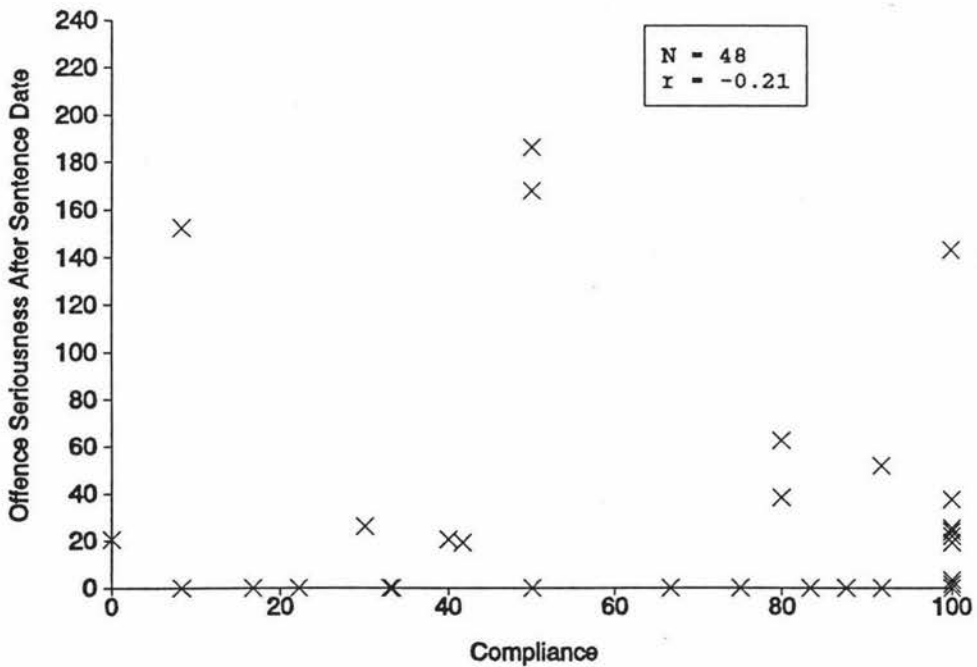
Once again, the relationships between compliance with the sentence order and the seriousness of reconvictions during the twelve month follow-up period are of interest. As discussed above in respect of the periodic detention groups' data, these relationships are presumably of interest to the Government as a measure of progress towards desired outcomes. The scatter plots in Figures 7.3 and 7.4 show a greater dispersion for the same-day group as compared with the remand group, although the trend line and the correlation coefficient of $r = -0.21$ offers very weak support for the hypothesis that high compliance might correlate negatively with lower seriousness reconvictions among same-day offenders. The pattern for the remand group negates such a hypothesis, however, with another correlation of almost zero. Discounting the offenders who did not sustain any convictions during the follow-up period, and with the focus, therefore, only on those who were reconvicted of further offences, the correlations changed very little. The scores are $r = 0.2$ and $r = -0.3$ for the remand and same-day groups, respectively, and thus vary only fractionally from the coefficients for the larger groups of offenders.

Figure 7.3 Compliance and Offence Seriousness After Sentence Date, Community Service Remand Group



Source: Offender files and Wanganui Computer conviction history data.

Figure 7.4 Compliance and Offence Seriousness After Sentence Date, Community Service Same-day Group



Source: Offender files and Wanganui Computer conviction history data.

The relationships between compliance and reconviction seriousness are further examined in Tables 7.10 and 7.11. As far as the remand group (Table 7.10) is concerned, 13 out of 34 (38.2 percent) members achieved the ideal of 100 percent compliance and nil convictions, while a further 13 achieved nil convictions even though their compliance was less than the targeted 84 percent level. This supports the point that there is a negligible correlation between compliance and subsequent reconviction seriousness. Further evidence is provided by the fact that of those that were reconvicted during the follow-up period, all three of those with 100 percent compliance had reconvictions of the same or more seriousness, whereas three out four of those in the less than 84 percent compliance category had reconvictions of less seriousness. It is nevertheless pleasing to observe that 27 out of 34 (79.3 percent) of the remand group community servants did not have further convictions in the twelve month follow-up period after their sentence date.

A similar pattern is apparent among the same-day group members (Table 7.11), where those that recorded nil convictions during the twelve month follow-up

Table 7.10 Grouped Compliance by Seriousness of Reconvictions After Sentence Date, Community Service Remand Group

Seriousness of Reconvictions	Grouped Compliance			Totals
	< 84%	84-99%	100%	
Same or More Seriousness	1	0	3	4
Less Seriousness	3	0	0	3
Nil Convictions	13	1	13	27
Totals	17	1	16	34

Source: Offender files and Wanganui Computer conviction history data.

Table 7.11 Grouped Compliance by Seriousness of Reconvictions After Sentence Date, Community Service Same-day Group

Seriousness of Reconvictions	Grouped Compliance			Totals
	< 84%	84-99%	100%	
Same or More Seriousness	8	0	6	14
Less Seriousness	1	2	3	6
Nil Convictions	13	1	14	28
Totals	22	3	23	48

Source: Offender files and Wanganui Computer conviction history data.

period are distributed almost equally between the 100 percent compliance level (14 out of 28 or 50 percent) and the below 84 percent compliance level (13 out of 28 or 46.4 percent). Unlike the remand group, however, of those in the same-day group who were reconvicted after their sentence dates there is some indication that low compliance correlates with higher reconviction seriousness, and this would have contributed to the weak correlation shown in Figure 7.4. Eight out of the nine offenders who complied less than 84 percent were convicted of offences of the same or more seriousness, compared to six out of nine of those that complied 100 percent. Finally, it may be noted that 28 out of 48 (58.3 percent) offenders in the same-day group did not have further convictions after sentence date — a somewhat poorer result than the 27 out of 34 (79.3 percent) showing of the remand offenders.

A significant difference is apparent between the remand and same-day groups' data in Tables 7.12 and 7.13. Although, overall, there is a clear and substantial reduction in the seriousness of offences after the sentence date, it can be seen that this reduction is distributed very unevenly between the remand and same-day groups. Only four out of 34 (11.8 percent) of the remand group were subsequently convicted of offences of

Table 7.12 Grouped Conviction Seriousness Up To and After Sentence Date, Community Service Remand Group

Up To Sentence Date	After Sentence Date		Totals
	Lower or Nil ¹	Same or Higher	
Low 0.38–5.04	7	2	9
Medium 8.06–76.30	16	2	18
High 117.72–388.87	7	0	7
Totals	30	4	34

¹i.e., no convictions during the follow-up period.

Source: Wanganui Computer conviction history data.

the same or higher seriousness, compared to 14 out of 48 (29.2 percent) for the same-day group. The pattern holds true across the two tables for offenders in all three of the 'Up To Sentence Date' offence seriousness categories, but is particularly apparent among those who were medium and high risk offenders before their sentence date.

The worrying feature of the pattern evident in Tables 7.12 and 7.13 lies in the fact that community service may not be awarded concurrently with the rehabilitative sanctions of supervision or a community programme. The concern, then, is that offenders in the same-day group in particular may have received community service when some more rehabilitative intervention would have worked better to prevent further offending. Moreover, the decision to deal with these recidivist community servants by way of a same-day report would have been made by judges, in consultation with probation officers — the latter perhaps being assertive in accordance with their instructions, and arguing in favour of the same-day process. More often than not, these decisions are probably made largely on the basis of the type of

Table 7.13 Grouped Conviction Seriousness Up To and After Sentence Date, Community Service Same-day Group

Up To Sentence Date	After Sentence Date		Totals
	Lower or Nil ¹	Same or Higher	
Low 0.29–2.24	10	3	13
Medium 2.88–38.10	14	9	23
High 46.54–453.38	10	2	12
Totals	34	14	48

¹i.e., no convictions during the follow-up period.

Source: Wanganui Computer conviction history data.

information which is summarised in Table 7.14, as well as the offender's financial situation, but without any real in-depth knowledge of the offender. Of course, such cursory decision making is the cost saving intent of the same-day reports, and on the basis of the information in Table 7.14, not too much fault could be found in the cases in question. The 14 offenders in the same-day group were on average older than their four remand counterparts, had a lower average number of previous convictions and lower average previous offence seriousness. The gender and ethnicity breakdowns do not appear to offer too much in the way of predictive value, but the three characteristics previously mentioned would seem to place the same-day group, on average, at a lesser risk of further offending. The point is, however, that far more of the same-day group went on to be convicted of offences (see Table 7.11) and offences of more seriousness than the remand group, and doubt is thus cast on the gatekeeping system where these decisions are made.

Table 7.14 Characteristics of Community Servants Who Were Convicted of Offences of the Same or More Seriousness by Report Type

Report Type	No. of Cases	Characteristics				
		Average Age (Years)	Gender	Ethnicity	Average Previous Convictions	Average Previous Seriousness
Remand	4	24.1	75% Male 25% Female	25% European 50% Māori 25% Pacific Island	2	24.9
Same-day	14	27.9	78.6% Male 21.4% Female	28.6% European 50% Māori 14.3% Pacific Island 7.1% Unknown	1.2	18.9

Source: Wanganui Computer conviction history data.

The importance of this finding, as far as this thesis is concerned, is that for at least some of the offenders in the community service same-day group who went on to commit offences of the same or more seriousness, the sentence they were awarded may have been the wrong one, and some other type of sentence may have gone further towards reducing the likelihood of re-offending and promoting order and safety in society. The greater number of same-day offenders whose outcomes were not consistent with the mission of the Community Corrections Division therefore raises doubts about the real value for money being achieved through the same-day report process. This finding does not mean that the whole strategy of providing information to judges on the same day is discredited — on the contrary many efficiencies have been achieved through the use of same-day reports. It does suggest, however, that the imperatives to achieve target percentages of same-day reports need to be rethought, and the necessary resource provided so that probation officers do not constantly feel under pressure to forestall remand reports.

Supervision Groups

In this section, the 'compliance' measure used is the Management Plan objective "to maintain the percentage of supervision orders with caseplan objectives achieved or on target at 84 percent" (Department of Justice, 1992a:17). This objective has been used rather than the 82 percent management planning target regarding compliance with the statutory conditions of the order because supervision is rehabilitative in its intent. Adherence to the caseplan of the sentence may therefore be seen as being more important than compliance with statutory conditions such as reporting to the supervising probation officer on the due date. By the management planning definition (Department of Justice, 1992a:34) caseplans "must address compliance, with statutory and special conditions", so caseplan achievement is therefore the more inclusive measure to use when considering supervision orders.

At 74.9 percent, the average case plan compliance for the remand group was slightly lower than the 75.8 percent achieved by the same-day group. Compliance with the statutory conditions — the equivalent of the measure used for the periodic detention and community service groups — was markedly lower for the remand group as compared with the same-day group, with the average figures being 76.1 percent and 81.5 percent, respectively. The average sentence lengths of 10.2 months for the

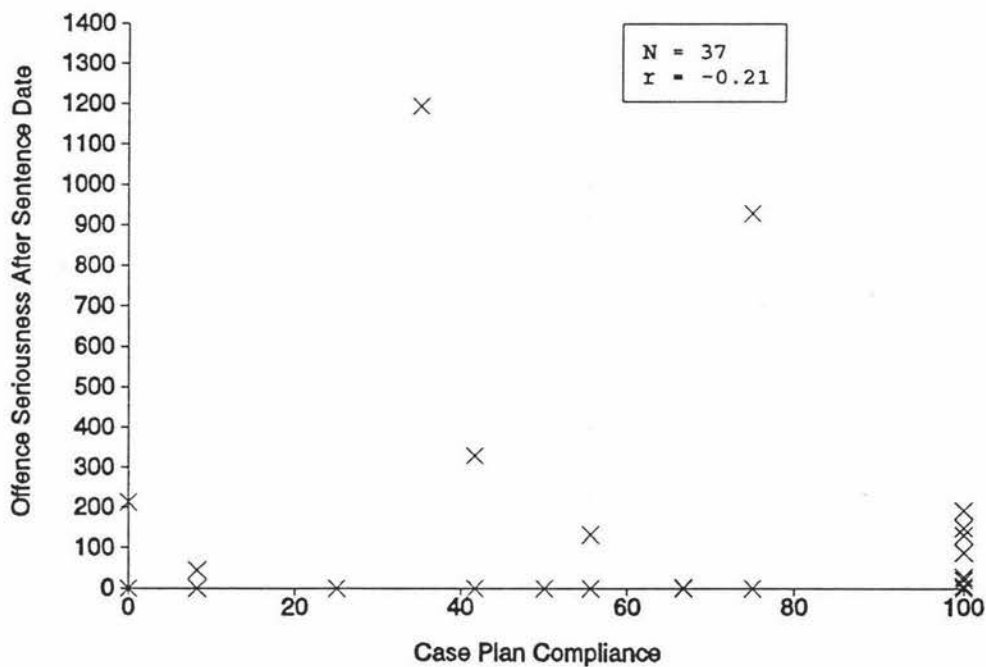
Table 7.15 Achievement of Supervision Caseplans by Report Type

Report Type	Caseplan Achievement		Totals
	< 84%	≥ 84%	
Remand	16	21	37
Same-day	24	17	41
Totals	40	38	78

Source: Offender files.

remand group and 7.4 months for the same-day group did, however, mean that the remand group members had more opportunities (months) to be marked as being non-compliant. Individual compliance is shown in Table 7.15, and this presents a somewhat different picture, insofar as the number of individuals in the remand group who complied to or above the standard specified in the Management Plan (21 out of 37 or 56.7 percent) was considerably in excess of that for the same-day group (17 out of 41 or 41.5 percent).

Figure 7.5 Caseplan Compliance and Offence Seriousness After Sentence Date, Supervision Remand Group

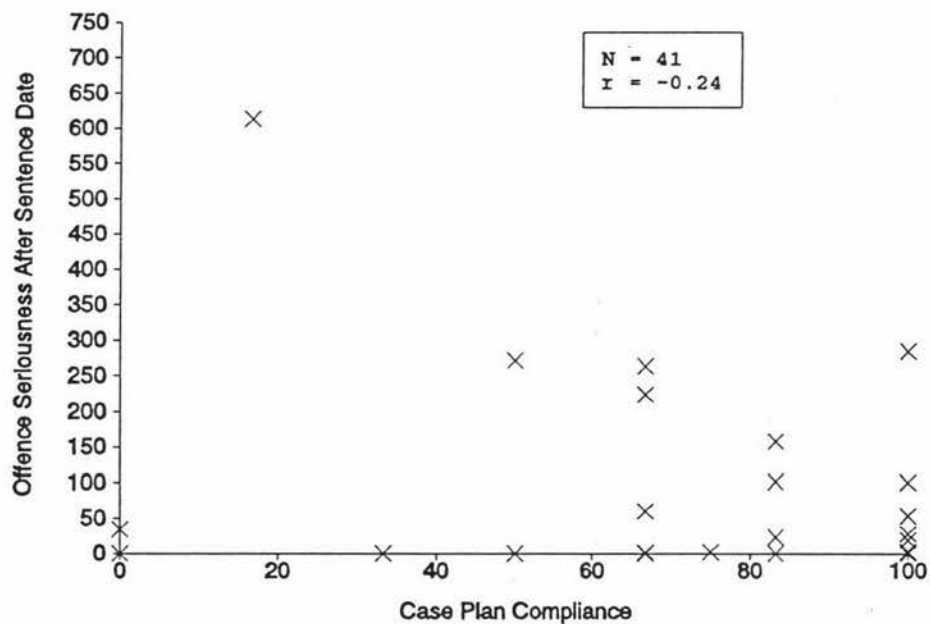


Source: Offender files and Wanganui Computer conviction history data.

The spread of individual case plan compliance and offence seriousness in the year following sentence date is presented in Figures 7.5 and 7.6. Both charts show many contrary instances to the hypothesis that higher case plan compliance might correlate with lower reconviction seriousness, but in these two charts there is at least a faint indication that this was so. At $r = -0.21$ and $r = -0.24$ the correlations could, however, only be described as weak. When the offenders who were not convicted during the follow-up period are removed from the data used in Figures 7.5 and 7.6,

the correlations become slightly stronger. On this measure the correlation coefficient for the remand offenders is $r = -0.3$ compared to $r = -0.5$ for the same-day group. The latter of these figures is the only such measure in this study which could be said to offer moderate support for the hypothesis that increased sentence compliance leads to reduced reconviction seriousness.

Figure 7.6 Caseplan Compliance and Offence Seriousness After Sentence Date, Supervision Same-day Group



Source: Offender files and Wanganui Computer conviction history data.

Tables 7.16 and 7.17 show a similar pattern to the equivalent periodic detention and community service data concerning convictions during the follow-up period. The remand group showed up better in this regard. Twenty three out of 37 (62.2 percent) of them achieved the ideal of nil convictions compared to 18 out of 41 (43.9 percent) of the same-day group. The remand group also recorded higher scores for 100 percent caseplan achievement than the same-day group. The figures were 21 out of 37 (56.8 percent) and 17 out of 41 (41.5 percent), respectively, with most of the difference attributable to those remand group members who were not reconvicted during the follow-up period. This latter finding may be seen to offer some support for the notion that more carefully formulated caseplans lead to higher levels of

Table 7.16 Grouped Caseplan Achievement by Seriousness of Reconvictions After Sentence Date, Supervision Remand Group

Seriousness of Reconvictions	Grouped Caseplan Achievement			Totals
	< 84%	84-99%	100%	
Same or More Seriousness	5	0	4	9
Less Seriousness	2	0	3	5
Nil Convictions	9	0	14	23
Totals	16	0	21	37

Source: Offender files and Wanganui Computer conviction history data.

Table 7.17 Grouped Caseplan Achievement by Seriousness of Reconvictions After Sentence Date, Supervision Same-day Group

Seriousness of Reconvictions	Grouped Caseplan Achievement			Totals
	< 84%	84-99%	100%	
Same or More Seriousness	7	0	5	12
Less Seriousness	5	0	6	11
Nil Convictions	12	0	6	18
Totals	24	0	17	41

Source: Offender files and Wanganui Computer conviction history data.

caseplan achievement and nil reconvictions or reconvictions of less seriousness for the remand group. Finally, with respect to Tables 7.16 and 7.17, it is noteworthy that every offender recorded either 100 percent caseplan achievement or substandard caseplan achievement according to the management planning target. My suspicion is that this reveals more about the monitoring systems in place than the actual behaviour of the offenders themselves. The assessment of caseplan achievement is based on whether the caseplan objectives are "achieved or on target" (Department of Justice, 1992a:22), and I suspect that probation officers are more inclined to make lenient assessments when a group meeting or treatment session is missed by an offender because it is deemed that the objectives are still 'on target'. For this reason 100 percent caseplan compliance would have been more common than would have compliance with the more inflexible statutory compliance measures, and failure only recorded in the more extreme cases.

Table 7.18 Grouped Conviction Seriousness Up To and After Sentence Date, Supervision Remand Group

Up To Sentence Date	After Sentence Date		Totals
	Lower or Nil ¹	Same or Higher	
Low 0.45–9.34	8	2	10
Medium 10.91–111.69	14	4	18
High 149.90–306.43	6	3	9
Totals	28	9	37

¹i.e., no convictions during the follow-up period.

Source: Wanganui Computer conviction history data.

Table 7.19 Grouped Conviction Seriousness Up To and After Sentence Date, Supervision Same-day Group

Up To Sentence Date	After Sentence Date		Totals
	Lower or Nil ¹	Same or Higher	
Low 0.57–4.37	7	4	11
Medium 4.45–79.50	14	7	21
High 84.01–625.50	8	1	9
Totals	29	12	41

¹i.e., no convictions during the follow-up period.

Source: Wanganui Computer conviction history data.

Tables 7.18 and 7.19 again indicate that the majority of offenders were either not convicted or convicted of offences of less seriousness during the twelve month follow-up period. Twenty eight out of 37 (75.7 percent) of the remand group achieved this compared to 29 out of 41 (70.7 percent) of the same-day group. No differences of the magnitude found between the community service groups are apparent across the lines of the up to sentence date seriousness scores for these supervision groups. The remand group shows up slightly better here across the 'Low' and 'Medium' seriousness lines, while the same-day group performed better on the 'High' line. Perhaps more so here than for the other two sentences, the intervening variables of the supervising probation officer and the individualised treatment regimes impact on outcomes during and following a sentence of supervision. Any moderate differences between the supervision remand and same-day groups would therefore need to be treated with considerable caution, particularly if such effects were being attributed to the type of report which preceded them.

Summary and Discussion

This chapter has examined compliance with community-based orders together with offence seriousness up to and in the year after a given sentence date in an attempt to discern outcomes which may have been counter to the mission of the Community Corrections Division. The focus has been on possible differences between groups of offenders sentenced to the three sentence types where the independent variable was the type of probation report which preceded the sentence.

The characteristics of the offenders in the study are close to those which have been reported in studies of other adult offenders. Approximately half of them were Caucasian, 40 percent Māori and 10 percent Pacific Islanders. Almost 24 percent were female, and the explanation for this high figure lies in the fact that only three community-based sentences were being considered, including the sentence of community service which is awarded to a higher proportion of women than are other community-based sentences. The 30 Māori women in the study accounted for a disproportionate 54.5 percent of all women and 13 percent of all persons, figures similar to those reported in other studies.

On average, all groups were convicted of fewer offences during the twelve month follow-up period than they were on a per annum basis up to and including their sentence date. In terms of conviction seriousness, however, only the supervision same-day and the community service remand and same-day groups recorded decreases. In the case of the supervision and periodic detention remand groups there are obvious reasons for the lack of a decrease; that is, individual offenders being reconvicted of offences with extremely high seriousness scores. Another factor that assisted the scores of the groups which recorded a decrease, was the higher numbers of individuals in those groups who had no reconvictions at all during the follow-up period.

Compliance was first considered in relation to the targets in the Management Plan of the Community Corrections Division. The 1992/93 target figures were 83 percent

for periodic detention, 84 percent for community service and 84 percent for achievement of supervision caseplans. With the scores averaged and the report type disregarded, none of the three sentence groups reached the relevant national target figure for compliance, although the periodic detention group was very close at 82.1 percent. With the two report types being considered, periodic detention and community service average remand groups compliance percentages were higher than the same-day groups, while the supervision remand group was lower than the same-day group for both compliance and achievement of caseplan objectives — the latter being the ‘compliance’ measure for the sentence of supervision used in this study. The average sentence length may be a factor in these supervision results. The same-day figure was 7.4 months compared to 10.2 months for the remand group, thus giving the remand group members a longer period of time during which ‘failure’ could be recorded. This can only be a matter of conjecture, however. The target level for the more structured sentence of periodic detention was achieved in a much larger number of individual cases in both the remand and same-day groups than was the case with the sentences of community service and supervision. With the community service and supervision groups, roughly half of the offenders achieved the target levels, with the same-day group achieving slightly higher compliance among the community servants, and the remand group achieving slightly higher compliance among the supervisees.

Scatter plots and correlation coefficients were used to assess how sentence compliance related to after sentence reconviction seriousness, and the results were equivocal. Assuming that sentence compliance is being used as a proxy for effectiveness by politicians and policy-makers, then high compliance should correlate negatively with low reconviction seriousness. This did not prove to be the case, with the correlations for the six report and sentence type groups ranging between $r = 0.09$ and $r = -0.35$. As a controlling measure, the offenders who had not been reconvicted of any offences during the follow-up period were then removed from the data and the correlations recalculated. With the focus then on only those offenders who had actually committed offences during the remand period (presumably the ones that the Community Corrections Division should be directing the available resource towards),

the picture changed only slightly. Scores ranging from $r = 0.2$ to $r = -0.5$ were observed, with only the highest of the negative correlations offering moderate support for any hypothesised link between sentence compliance and subsequent reconviction seriousness. These results raise doubts about the usefulness of compliance — an output which the Government is currently purchasing from the Community Corrections Division — as an indicator of progress towards the Government's desired outcomes for society.

The next sets of measures in this chapter tabulated three grouped compliance levels and three levels of reconviction seriousness (the same or more, less, and nil) as a further means to probe the link between sentence compliance and subsequent reconviction seriousness for each of the three sentence types. The results were a source of both hope and disappointment. Slightly over half of all offenders in the study had no reconvictions during the twelve month follow-up period, and almost 30 percent achieved the ideal of no reconvictions and 100 percent compliance. On the other hand, these tables showed, once again, that high compliance with a community-based order did not necessarily result in reduced reconviction seriousness. Generally speaking, the offenders in all groups who were reconvicted of offences of the same or more seriousness were distributed more or less equally between the 100 percent compliance and the below target level compliance columns. In the periodic detention remand group seven of the nine offenders who committed offences of the same or more seriousness had complied with their sentences at the 100 percent level.

With the focus on the real purpose of this study — any differences which there may have been between the remand and same-day groups — some observations are noteworthy. In the community service same-day group, for example, those who were convicted of offences of the same or more seriousness were more than twice as numerous as those who committed offences of less seriousness, regardless of compliance category, and in the community service and supervision remand groups a considerably higher percentage of nil convictions were recorded than in the corresponding same-day groups. With the supervision groups the combination of 100 percent caseplan achievement and nil convictions was recorded by 14 out of 37 (37.8

percent) of the remand offenders compared to six out of 41 (14.6 percent) of the same-day offenders. There is thus some suggestion here that the caseplans formulated during remands were more appropriately designed, more closely followed, and resulted in lower reconviction seriousness, than did those formulated in courtrooms on the day offenders were convicted.

The final measures in this chapter examined subsequent reconviction seriousness in relation to earlier conviction seriousness. Previous conviction information is, of course, available to judges and probation officers when decisions to either remand offenders or sentence them on the same day are made, and does or should form part of the decision-making process. Once again, the overall picture is a mixture of good and bad results. Across all groups, 173 out of 230 (75.2 percent) offenders recorded lower reconviction seriousness scores during the twelve month follow-up period than they had averaged each year up to the critical sentence date. Once again, the caution regarding the fact that this measure also included zero scores needs to be made. The only noteworthy difference between the periodic detention groups concerned the fact that among those who had been high seriousness offenders before their sentence dates, the remand group showed up slightly better than did the same-day group in terms of reduced reconviction seriousness. The differences between the figures of seven out of nine lower seriousness reconvictions for the remand group and five out of eight lower seriousness reconvictions for the same-day group are, however, not great. Likewise with the sentence of supervision: the differences between the two report type groups were not great for this variable. The remand group performed better in terms of reduced reconviction seriousness among those who had previously had convictions of low and medium seriousness, while the same-day group performed better in this way where high seriousness offending had preceded the sentence. It must be remembered, however, that with supervision, more so than the other two sentence types, the results achieved are attributable to the treatment regime which the sentence embodies. It would be difficult, therefore, to attribute these differences between the supervision groups to the type of report process which produced the caseplan.

With the community service group, there was a quite uneven distribution across the two report types of offenders who went on to be convicted of offences of the same or higher seriousness. Fourteen out of 48 (29.2 percent) of the same-day group were in this category, compared to four out 34 (11.8 percent) of the remand group. This result is of concern for two reasons. First, 'on paper' the characteristics of these 14 same-day report group members might be seen to make the decision to provide the briefer report the right one. On average they were older and had fewer convictions of less seriousness than their remand group counterparts. The formulating of sentencing recommendations needs to be more than a 'paper' exercise, however, and there is here the possibility that the hasty same-day process has produced faulty sentence outcomes. The second concern is that the faulty outcome may have been because of some unmet rehabilitative need. The law does not allow community service to be awarded with the rehabilitative sanctions of supervision or a community programme, and the possibly ill-conceived recommendation for community service may have represented a denial of a more appropriate sentence in some of these cases.

To sum up, it appears that two findings of this chapter may have important implications for policy-makers, assuming that the findings reported are representative of patterns throughout New Zealand. The first finding is relevant to the debate regarding whether or not departments should be responsible for outputs or outcomes. The current orthodoxy is that departments can only be held accountable for, and are therefore only responsible for outputs, and that the Government determines the policy mix and purchasing decisions to make sure that the desired societal outcomes are met. One such output that the Government is currently purchasing from the Community Corrections Division is compliance with community-based sentence orders. The evidence of this study is that compliance appears to be a poor predictor of subsequent conviction and conviction seriousness. From the viewpoint of Government therefore there are real doubts as to whether or not society is better off as a result of purchasing this particular output.

The second relevant finding is that among the offenders who were sentenced to community service and who thus came within the ambit of this study, considerably

more of them who were sentenced on the same day went on to be convicted of offences of the same or higher seriousness than did offenders who had had a remand report. The possibility is thus raised that the more superficial same-day process has produced outcomes which are contrary to the mission of the Community Corrections Division. These issues will be further discussed in the concluding chapter of this thesis.

8 Conclusions and Implications

Many theses probably have their genesis in some aspect of the writer's vocation, and this one is no exception to that generalisation. Field workers in the Community Corrections Division have had to cope with numerous changes in the past five or so years, changes brought about by budgetary restraints, restructuring of the public sector and increasing caseloads. The most tangible of these changes has been the strategic or management planning system which the Department of Justice has adopted in its attempts to more effectively manage its environment and its outputs. Workers and managers at all levels in the Division now work to performance agreements which, up until the 1992/93 planning year at least, were almost exclusively concerned with numerical indices. Herein lay the genesis of this research. Field probation officers have felt that the planning process was top-down, imposed and unconnected to the things that were important to them as far as their vocation is concerned — especially ideals such as those of reducing offending and building a better society which are embodied in the Divisional mission. A large part of the reason for this lies in the fact that departments are no longer responsible for meeting the outcomes which mission statements describe, and the planning systems in place are geared towards the more quantitative outputs which departments contract to provide to Government in its role of guardian of societal outcomes. Evaluating whether or not the outcomes are being met is said to be a research task rather than a management system task, hence my interest in carrying out this study.

The research methods adopted for this thesis proceeded from the hypothesis that because the Government is the dominant stakeholder as far as Community Corrections Division planning is concerned, the resulting plans will be dominated by the need for fiscal restraint. The hypothesis continued that because there is no apparent formal linkage between outputs and outcomes, the outputs that the Community Corrections Division is producing may not be contributing towards the outcomes embodied in its mission, and indeed may even be working against them. Obviously, if such a state of affairs were found to exist it would raise serious doubts about the value for money

rationale which is frequently used by the Government and senior public sector managers as part of the fiscal restraint debate.

One of the principal strategies which the Community Corrections Division has adopted to save money is to provide courts with fewer costly remand reports and more of the cheaper same-day reports which probation officers produce — usually within the court building itself, and (as the term implies) on the day an offender is convicted. The principles of minimum intervention in offenders' lives and cost neutrality, i.e., shifting funds from the provision of information outputs to the sentence administration outputs, are cited by Divisional management as sound reasons for adopting this strategy, and both of them are quite laudable. The reservation which field workers in the Community Corrections Division have expressed, and the matter which this study has investigated, is whether different outcomes follow the two report types, and whether, therefore, the imperative of fiscal restraint and its affect on management planning are causing problems for the achievement of the Division's mission.

The research questions have been investigated in two ways. First, five senior Department of Justice managers (all of them either past or present members of the Community Corrections Division) were interviewed to obtain their views on the management planning carried out by the Community Corrections Division, and in particular their views on the weight that is given to the fiscal environment. Second, quota samples of offenders sentenced to three sentence types (periodic detention, community service and supervision) which followed both remand and same-day reports were selected from all of those sentenced in the Lower Hutt and Upper Hutt District Courts between May and October 1992. Six groups, each of around 35 offenders classified by sentence and report types, were thus involved in the study which was of 230 offenders in total. Records of the offenders' compliance with their sentences were maintained, and after a twelve month follow-up period their conviction histories were obtained to enable various comparisons to be made between their up- and post-sentence levels of conviction seriousness, as well as between their compliance levels and post-conviction seriousness. The qualitative aspects of their

sentence outcomes were explored through interviews with five offenders selected from each of the six groups as well as the person (periodic detention warden, community sponsor or probation officer) who had been most involved with the supervision of their sentence. The purpose of these interviews was to obtain insights into positive qualitative outcomes which may have followed the sentences, together with information about the actual remand and same-day process which could be useful in making inferences about the reported outcomes.

Before reporting the offenders on strength research findings, separate chapters dealt with the following two topics. First, Chapter 3 set the scene for the material to follow by reviewing political and economic developments in New Zealand since 1984 and by explaining how these have impacted on the work and the management planning of the Community Corrections Division. It was concluded that the policies impact both fiscally on the plans that are made, as well as on the caseloads of the Division as a result of unemployment. Second, Chapter 4 presented an overview of strategic planning in both the private profit-making and public service-oriented sectors and then reviewed research into successful public sector strategic planning. Among the conclusions reached regarding factors associated with the successful initiation of strategic planning were those pointing to the benefits of: a team approach; sponsorship of top management; a dedicated process champion; and using the plans as a justification for funding rather than the (frequently observed) opposite. Other conclusions mentioned the usefulness of strategic planning as a system of resource acquisition and the need to take corrective action when performance deficiencies are observed during the implementation phase.

Research Findings: A Summary

Chapter 5 related the models and principles of Chapter 4 to management planning as performed in the Community Corrections Division. The planning cycle and the actual plan were discussed, and material from the managers' interviews was presented and examined. The managers were frank about their acceptance of the need for fiscal

restraint and their disinclination to devise strategies to obtain a greater slice of the financial cake. They saw the need for fiscal restraint as political reality, as something that could be managed, and indeed as something that provided a needed impetus for improvements in management systems and service delivery.

Chapter 6 presented material from the offender and supervisor interviews. No positive qualitative changes of the type defined in the questionnaire were reported by the periodic detention remand or same-day group members or their wardens, and this was not surprising given that the objectives of the sentence do not include rehabilitation. Neither did the detainees report any matters which suggested that the process was faulty, apart from two instances in the same-day group of seemingly pointless concurrent sentences of supervision which had been recommended to make the judge more inclined towards a total community-based package. The detainees in both groups, but particularly so in the same-day group, were seasoned recidivists for whom periodic detention seemed to be more or less a *fait accompli*. The probation officers' roles in the same-day cases were probably, therefore, simply a checking out of the offenders' current suitability for further awards of a sentence they had (in eight out of ten cases) served before.

A different picture emerged from the community service offenders and their sponsors. Three out of five of the same-day community servants were unclear, at the time they were sentenced, regarding the conditions of the sentence and/or the nature of the work they would be required to do. This is of concern because the sentence of community service requires the offender's informed consent to its imposition, and the lack of information is very likely a result of the pressures that probation officers work under in court. As with the sentence of periodic detention, the role of the probation court officer in the same-day process was often little more than a checking on suitability for a sentence that the judge had virtually decided on. Data presented in Chapter 7 does, however, call this process into question, and although judges don't always take kindly to it, probation officers need to be prepared to assert their right to make an alternative recommendation when and where appropriate. Somewhat surprisingly, two remand sponsors mentioned matters that may have indicated some

unmet rehabilitative needs in their respective community servants, while none of the same-day sponsors did. It must be stressed that this does not mean that the same-day process would have detected those needs where the remand process apparently failed to do so.

According to Divisional regulations the sentence of supervision should not be recommended in same-day reports, but the pressure to forestall remand reports means that this regulation is frequently ignored. In fact 127 same-day reports resulted in sentences of supervision in the Upper Hutt and Lower Hutt District Courts in the year to 30 June 1992, and it thus seemed relevant to include the sentence of supervision in this study. Among the supervision offenders, two of the same-day group claimed not to have had a good understanding of the sentence caseplan on the day they were sentenced, as opposed to the remand group who all reported a satisfactory understanding. Although this was the view of the offenders themselves, a possible source of bias should be acknowledged in the corroboration provided by their supervising probation officers, inasmuch as four of the five interviewed had written their offender's report, and the question was in effect an invitation to them to comment on the quality of their own work.

Three of the same-day offenders admitted that their supervision recommendation was intended purely to keep them out of prison, and they suggested at the same time that they had almost conspired with the probation officer in this regard. If imprisonment is not deemed appropriate in a certain set of circumstances, then a case needs to be built for the sentence that is. If that cannot be done in a same-day report then perhaps a remand for a fuller consideration of the case would be preferable to putting in place an interventionist sentence that the offender has no genuine interest in. A further question mark over the same-day process was that in two cases the supervising probation officers thought that the caseplans were inappropriate because of cultural differences between the offender and the probation officer who had written the report. These are further examples of cases that should, perhaps, have been more appropriately dealt with by remand reports.

Five members of the supervision remand group reported a total of twelve positive qualitative changes as opposed to four such changes from four members of the same-day group. Although the treatment received during the sentence is probably the most important influence on these outcomes, the social casework that is done during the reporting process is of some consequence also, and obviously more of this can happen during the six hour time allocation for a remand report than during the much briefer period of time spent on a same-day report.

Chapter 7 dealt with the quantitative outcomes, and there it was shown that the ethnicity, gender and age characteristics of the 230 offenders in this study were close to those reported in other studies of adult offenders. The twelve month follow-up period of quantitative outcomes focused on the offenders' compliance with their sentence orders as well as on individual patterns of conviction seriousness before the critical sentence date and during the entire follow-up period. Data presentations covered these indicators as well as comparisons between before and after sentence date conviction seriousness, and the relationship between sentence compliance and reconviction seriousness. This latter measure should be of particular interest to the Government, as purchaser of the Community Corrections Division's outputs, because compliance — by virtue of output funding — is an accepted measure of progress towards desired and defined societal outcomes.

It was found that all groups were convicted of fewer offences during the follow-up period than had been the case, on average, during each preceding year (Table 7.2). This is congruent with research findings elsewhere which show that the likelihood of further court appearances decreases with each successive court appearance. In terms of average seriousness, however, the supervision remand group and both periodic detention groups recorded increases, but high individual scores for a small number of offenders were found to have had a disproportionate effect on the remand group results. Furthermore, none of the six groups, on average, achieved the national target figures for compliance, and this is of interest because the Community Corrections Division's reporting system measures averaged data aggregated upwards to a national result. Within the sentence groups, higher average compliance followed remand

reports for the sentences of periodic detention and community service, but for the sentence of supervision the higher average compliance was recorded by the same-day group. The average sentence length of 10.2 months for the supervision remand group compared to 7.4 months for the same-day group may have been a factor in this result.

The relationships between sentence compliance and subsequent reconviction seriousness for the six groups were presented as scatter plots and correlation coefficients (see Figures 7.1 to 7.6). Two correlation coefficients were calculated for each group. The first used the data of all group members and the second excluded those who had not been reconvicted during the twelve month follow-up period. Overall, the six correlation coefficients ranged from $r = 0.09$ to $r = -0.35$. With those who were not reconvicted removed, the range was from $r = 0.2$ to $r = -0.5$. On the basis of these findings a case could not be made that higher sentence compliance leads to lower seriousness reconvictions. This conclusion should be of concern to policy-makers.

Comparisons made between three levels of compliance and three levels of reconviction seriousness (see Tables 7.5, 7.6, 7.10, 7.11, 7.16 and 7.17) showed once again that high compliance with the sentences did not relate negatively to reconviction seriousness. Across all groups, the offenders who were convicted of offences of the same or more seriousness were distributed more or less evenly across the three compliance level bands. Noteworthy differences between the report type groups were, however, observable. The same-day report community servants who were reconvicted of offences of the same or more seriousness outnumbered those who were reconvicted of offences of less seriousness by more than two to one. In the community service and supervision groups far higher percentages of nil reconvictions were recorded by the remand groups than was the case for their counterpart same-day groups, and a greater percentage of the supervision remand group achieved the ideal of 100 percent caseplan compliance and nil reconvictions than was the case with the supervision same-day group. The results for the community service groups are of particular interest because to a greater degree than for the supervision groups the outcomes may be more closely related to the process which established the sentence.

In other words, the poor results achieved by the community service same-day group may be a result of the hasty process which produced the sentencing recommendation.

Finally, after sentence conviction seriousness was examined in relation to pre-sentence conviction seriousness (see Tables 7.7, 7.8, 7.12, 7.13, 7.18 and 7.19). It was found that 75 percent of the offenders in all groups recorded lower offence seriousness scores during the follow-up period than they had, on average, during each of the years of their previous conviction history, but other results were less encouraging. Differences between the two periodic detention and supervision groups were not great apart from the fact that the same-day offenders who had previously been convicted of high seriousness offences recorded a better after sentence performance than their remand counterparts in the supervision group. As previously stated, however, the effect of the treatment regime, which is one of the important aspects of the sentence of supervision, means that it would be difficult to quantify how much of the difference here could be attributed to the actual report and sentencing process which went beforehand.

The argument just advanced does not hold for the community service groups, however, and there was a significant difference between the remand and same-day groups for this sentence. Fourteen out of 48 (29.2 percent) of the same-day offenders went on to be convicted of offences of the same or more seriousness compared to four out of 34 (11.8 percent) of the remand group. On the basis of characteristics such as age and previous offending histories the 14 same-day offenders actually looked like better risks, on average, than the four remand offenders. This finding may highlight the weakness of assessments made under pressure and, more relevantly, the same-day report process. The law does not allow community service to be awarded at the same time as a sentence of supervision or a community programme, so by having received community service the 14 same-day offenders who went on to be convicted of offences of the same or more seriousness were denied the chance of planned rehabilitation. The concern with this group is that the process they went through in court may have produced a sentence which was inappropriate to their needs and counter to the mission of the Community Corrections Division.

The use of both qualitative and quantitative research methods in this study (consistent with the concept of triangulation) has enabled the production of mutually supportive findings, and these may now be brought together to make several summary observations. First, it is evident that the Government's dictates on fiscal constraint have an important bearing on the Community Corrections Division's system of management planning, and thereby on the objectives and monitoring methods which are at the heart of the Justice Performance Management System. Managers are open about this, but describe the situation as the reality of New Zealand's present economic situation as well as an opportunity to focus on management methods and issues of efficiency and effectiveness.

For the most part, the same-day report process seems to have been a satisfactory and cost-effective way of providing information to courts about the offenders who were sentenced to periodic detention. There were no major differences between the quantitative indicators of the same-day and remand report groups or the qualitative measures applied to the two interview groups. Of those interviewed, eight out of ten had done periodic detention before their critical sentence, and four out of five of the same-day group had been to prison and had lengthy criminal histories. The district courts and the Community Corrections Division knew most of the offenders in the periodic detention same-day group well, and little would have been gained by remanding them for a more comprehensive report.

Qualitative and quantitative differences were apparent between the two supervision groups. Compliance was actually lower, on average, for the supervision remand group than for the same-day group, but for reasons already discussed the indicator of compliance, when taken in isolation, means very little. More relevantly, a number of the same-day offenders recalled that they were unclear about their caseplans on the day they were sentenced and the group reported fewer positive qualitative changes than their remand counterparts after they had been subject to the sentence. For the remand group, the greater clarity and the more positive outcomes are probably directly connected to the fact that the group's members achieved a higher percentage of nil reconvictions during the follow-up period than did the same-day group, and a

greater number of these same offenders combined their lack of convictions with perfect compliance. It is also noteworthy that only one remand group supervisee saw staying out of prison as a reason to receive the sentence as against three same-day group members who were of this view and who also suggested that their probation officers had been of a like mind.

The above feature, and the matter of two possibly inappropriate caseplans, calls the same-day process into question as a means of providing supervision recommendations. Nevertheless, the imperative to stem the flow of remand reports as a cost containment exercise means that the practice continues, albeit contrary to Divisional regulations. The one measure where the supervision same-day group showed up better than the remand group (apart from compliance) was where fewer of the same-day offenders who had previously been convicted of offences of high seriousness were subsequently convicted of offences of the same or more seriousness than were their remand counterparts. On balance, however, the remand process has produced better outcomes. It would be difficult to be too emphatic about the effect of the pre-sentence process on these results, because with supervision, more so than the other two sentences studied, the sentence itself contributes to the outcomes to a great extent. Carefully formulated caseplans and the attitude of the offender at the outset are important to the success of supervision sentences, however, and the effect of the remand pre-sentence process should not be ignored as a contributing variable.

The most unambiguous outcome differences are those that separated the two community service groups. For the same-day interview group, three out of five recalled that they were unclear about the sentence conditions and/or the work they would have to do on the day they were sentenced, compared to none of the remand group. Only seven out of 34 (20.1 percent) of the remand group were convicted of offences during the follow-up period compared to 20 out of 48 (41.7 percent) of the same-day group. Furthermore, 14 out of 20 (70 percent) of the same-day group who were reconvicted received their convictions for offences of the same or more seriousness during the follow-up period compared to four out of seven (57.1 percent) of the remand group who were reconvicted. These differences appear to be

significant and to cast doubt upon the value for money being provided by the same-day report process in these community service cases. Apart from the reintegration which happens as a by-product of the sentence, community service has no rehabilitative content, and in at least some of the same-day community service cases a fuller assessment of the offender's circumstances may have produced a sentencing recommendation which could have prevented some further offending.

Community service has rightly been promoted in recent years as an appropriate non-interventionist sentence for many offenders, and the wider use of same-day information has simultaneously brought about many worthwhile economies and efficiencies. With these same-day community servants just discussed, however, it also seems that some have produced outcomes that are contrary to the mission of the Community Corrections Division, and the hypothesis of this thesis is thereby supported. Many of the reasons given by Government and by Divisional managers for the strategies that are being produced are commendable, and the thrust of them is in my opinion in the right direction. What comes into question is the extent to which they are being pushed. Providing value for public money and reducing unnecessary State intervention in people's lives are worthy ideals, but the undue influence of the fiscal environment appears to be causing at least one of the objectives of the Community Corrections Division to be pushed beyond the bounds of good practice. If the results of this small scale study are part of a wider pattern, then the fiscally driven management plans of the Community Corrections Division are indeed producing outcomes at the national level which are contrary to the mission, and the policies would need to be rethought.

Implications for Policy and Practice

The last point discussed above is the first and most obvious matter which has implications for policy-makers, and has already been framed in this way: The implication is that the same-day report process needs to be carefully considered when dealing with offenders who are at a critical point in their offending careers. The

offenders sentenced to periodic detention following a same-day report were well-known recidivists, and more-justice oriented principles meant that the same-day process was suitable for them. For offenders sentenced to supervision there were some process concerns arising from the provision of information for the same-day group, and the members of the same-day group reported fewer positive qualitative changes than did the members of the remand group. It is not possible, however, on the basis of the evidence produced in this study, to apportion the outcome differences between the report process and the treatment received during the sentence. In between the periodic detention and supervision groups are the community servants who received a non-interventionist sentence, and among these offenders those who had had a same-day report went on to commit not only more offences but offences of greater seriousness as compared with those who had had a remand report. The worry here is that something had been missed in the hasty same-day process. Identification of at-risk offenders is an imprecise science at present, and a risk of reoffending scale, which could at least identify patterns which could be the focus of further investigation, would be a useful tool for court officers to use when they are attempting to make these assessments.

The foregoing has training and practice implications, that bring into question the skills and knowledge of workers involved in the process. As a supervisor of several probation officers involved in preparing same-day reports my opinion may be biased, but in my experience and opinion these officers are not lacking either skills or knowledge. The problems they encounter in busy courts are those of the volume of work and the need to make far-reaching decisions quickly and with scant information. I will certainly not claim here that ongoing training is not required, and neither, I believe, would the workers involved. In this regard, the desirability of prediction scales has already been mentioned, and that implies a training requirement. The Community Corrections Division has also recently introduced a policy of giving preference to job applicants who have formal social work qualifications, together with a programme to encourage existing staff who do not have those qualifications to gain them. Provided that the social work training is relevant to the specialised work of

the Community Corrections Division, the present and future training needs of probation officers are therefore not at issue.

Beyond the level of field probation work, this study has also produced a finding central to the debate about outputs and outcomes which should be of interest to policy-makers. The link between compliance and the mission of the Community Corrections Division has been clearly stated in the 1992/93 Management Plan in the following way (Department of Justice, 1992a:3):

The purpose of the Community Corrections Division is to reduce crime by ensuring that offenders comply with court imposed sentences and parole conditions in the community.

The evidence of this study suggests that there is no clear negative relationship between compliance and reoffending and it has been shown that there is no significant negative correlation between sentence compliance and subsequent reconviction seriousness. More specifically, only one measurement out of twelve produced in this study could be said to moderately support the hypothesis that high compliance correlates negatively with reduced reconviction seriousness; namely, that for the supervision same-day group where a correlation coefficient of $r = -0.5$ was obtained when the offenders who had not been convicted during the follow-up period were removed from the data. Otherwise, the correlations were in the range of weak to meaningless, and indeed in four out of the twelve correlations calculated there was weak support for an implicit hypothesis that compliance is positively related to reconviction seriousness. In other words, purchasing the output 'compliance' from the Community Corrections Division does not necessarily help the Government to move toward attainment of its desired outcome. The implication of this is that significant resource savings could be made if the Government stopped purchasing this output and the funds were used elsewhere in the Community Corrections Division. One such use could be in the area of more qualitative outcome measurement; that of course, would require a major policy shift.

Management Planning: A Critique

The foregoing implications for practice may be seen to be premised on an acceptance of the applicability of strategic planning to the public sector and more particularly the Community Corrections Division. While it is not the intention of this thesis to debunk the application of strategic planning in the public sector, the literature reviewed in Chapter 4 and some of the findings of this study do beg the question: how relevant is strategic planning to the Community Corrections Division?

It has been shown that the Department of Justice has adapted a management planning initiative, which it began in 1979, to the strategic planning process which was required of Government Departments following the State sector restructuring of the following decade. Rather than being the resource acquisition and management system of earlier years, however, the new system of management planning is a Treasury recommended and Government directed prescription for managing expenditure on outputs. Management planning is therefore seen by those in the lower echelons of the Department to be a top-down process and, in spite of recent changes to the plans at divisional level, a largely irrelevant 'number crunching' exercise that is carried out to satisfy senior managers and political dictates. This is in spite of the genuine efforts that many managers at all levels have made to convince their subordinates of the merits of the new system.

The political dimensions just mentioned mean that Department of Justice management planners do not have free rein as far as the pure model of strategic planning presented in Chapter 4 is concerned. For example, it has been shown that unemployment levels are predicted to remain resistant to macro economic management, and that the numbers of people entering the criminal justice system are predicted to rise. Present and speculated policies are not aimed at increasing the inputs required to deal with this projected situation, however. Rather the emphasis is on attempting to work with other criminal justice agencies to try to limit the numbers entering the Community Corrections Division's area of the criminal justice system, and to apply the principle of cost neutrality to shifting the available resource around to areas of greatest need.

Limiting the numbers coming into the system is not, *per se*, a bad thing, so long as it is not occasioned purely by the desire to save money, but the principle of cost neutrality may mean that eventually the pressure cooker effect will cause a blow out somewhere. This was candidly illustrated by the Minister of Justice during his reply to questions regarding the findings of the Ministerial Inquiry into Mangaroa Prison that faults existed in the levels of training and supervision of staff. The Minister admitted that (Television New Zealand, 1993a):

...if you try to do too much on a reducing amount you will get into trouble ...I will certainly be talking to the Secretary [for Justice] to try and make certain that the resources are adequate.

On the matter of where the resources to provide extra training and staff supervision would come from, the Minister replied (Television New Zealand, 1993a):

Well it may mean more money, but I'll have to find that within my vote in other areas.

The undeniable political dimension to strategic planning in the public sector is acknowledged in the literature reviewed in Chapter 4, and if the process were being applied correctly, the competing interests of the stakeholders in the Community Corrections Division's plans (broadly speaking, the clients it serves and the Government as funder) would be an important aspect of Divisional planning. In fact there are some doubts as to whether the process as espoused in the literature (for example, Pollitt, 1990:161) provides the framework to address these issues, but in any event such strategies are not part of what the Community Corrections Division currently does in its planning. Without this type of analysis and strategising the Community Corrections Division's management planning takes on the appearance of being a sham, and is probably partly responsible for the attitudes and opinions of the lower level staff in the organisation.

Finally, in this brief critique of management planning in the Community Corrections Division, the lack of linkage of outputs to outcomes is another problem area. It is generally accepted that mission statements are somewhat nebulous, and that the real impact of the planning is achieved by the lower order objectives. If, however, the

lower order objectives are not part of an overall strategy to achieve the mission, then there is a serious discontinuity at that point. Imagine, for example, the attitude of its shareholders towards a private telecommunications company that had a mission to maximise profits by providing affordable data communications links to corporate users, and which did not monitor progress towards that goal as part of its lower level planning and implementation systems. That is indeed the situation in the Community Corrections Division, where, expressly, the Division has no responsibility to achieve the ideals embodied in its mission.

The highly centralised and controlled nature of the New Zealand bureaucracy means that managers who wish to address some of the concerns just expressed would have a difficult task. Nevertheless the Community Corrections Division's 1993/94 Management Plan made a step in this direction by focusing the accountabilities, at the unit manager and probation officer level at least, more on process issues (Department of Justice, 1993b:1). In a further departure from previous plans, which concentrated almost exclusively on objectives unrelated to the mission, an objective now sets percentage targets of offenders who are not reconvicted while they are subject to a community-based order (Department of Justice, 1993b:13). This objective is germane to the component of the mission which seeks to reduce the rate of reoffending. As a future strategy it may work to its advantage if the Community Corrections Division were to move more towards such process and perhaps even outcome measurement. In particular, the focus should be on results which could be reintroduced into the planning process and thus compel policy-makers to reassess the relevance of outputs to outcomes and thereby whether or not the current range of output measures are in fact producing value for money. This study has, of course, been an attempt to consider one such series of measures.

There is also a need to coordinate the management planning which the Community Corrections Division does with the plans of others who are able to directly affect the production of the Division's outputs. Judges are the obvious example of this. Most of the Community Corrections Division's cost saving objectives are dependent on the sentencing practices of judges, and if they have a different view to Community

Corrections Division managers about the numbers of remand reports that are written or the numbers of offenders who are sentenced to certain types of sentences, then the Division's strategies are somewhat vulnerable. Much of this liaison work is supposed to happen in meetings between district managers and local judges, but this is difficult in areas where there are large numbers of judges or circuit judges, or even where there is not a particularly collegial relationship between the manager and a judge. Given the multiple unique factors that are considered in coming to sentencing decisions, agreements on quotas of sentences will never be easy to work out, but whatever broadly defined agreements are possible need overall planning at the highest levels as well as at district level.

This section has contained some criticism of management planning as it is carried out in the Community Corrections Division, but this is not intended as a vote in favour of dispensing with it. There is much about the discipline and method of strategic planning which has been helpful to the planning task carried out by the Division, and which is well suited to the type of future oriented environmental analysis and programme development which is required. For the time being strategic planning is the system which provides this framework. It has the advantages of being widely used in both the private and public sectors, and therefore of being reasonably well understood.

Implications for Future Research

Although the populations of Lower Hutt and Upper Hutt may be similar to the populations of other urban areas in New Zealand, it could not be said that the offenders in this study were a representative sample of New Zealand's offending population. Other factors will also have affected the results of this study; obvious examples include the high workloads of the Lower Hutt Community Corrections Office, and the inadequate court accommodation available to the probation court officers during the period covered. The research implication here then is that this study would need to be replicated in other Community Corrections districts of various

sizes and population mixes in order to see if similar results were obtained. Any such findings would add considerable weight to the policy and practice implications already discussed.

This study has demonstrated the utility of qualitative research as a method of assessing the effectiveness of some aspects of the work of the Community Corrections Division. In my opinion the Division would benefit from further research of this type. Judges were recently (late 1993) surveyed for the third time in as many years in order to gather information to inform Community Corrections Division practice. The fact that offenders have never been surveyed in such a systematic way is undoubtedly a reflection of the output-driven environment in which the Community Corrections Division operates. Judges will provide information which tells the Division how well it is doing in terms of output production, whereas offenders will provide information which may be used to assess not only the quality and appropriateness of outputs but also outcomes. The results of this study suggest that the Community Corrections Division would be better able to achieve its mission if it had access to a wider variety of research material.

Concluding Comments

This thesis has no argument with principles of minimum intervention or spending public funds wisely. Neither has it attempted to argue that a surfeit of information will not result in netwidening. At issue has been the matter of finding the right balance between the need to save money and the desire for a more ordered and safer society with reduced levels of offending. This study has provided evidence to suggest that present strategies have not found the critical point of balance. Fewer remand reports and more offenders awarded sentences with cheaper operating costs may not, in the long run, provide the best value for money as far as societal outcomes are concerned. To achieve this value for money the Community Corrections Division's current output mix may need to be reconsidered.

Because of the size and scope of this study it is not possible to be too emphatic about the patterns which have been observed. Larger studies, producing similar results, would be necessary before such a line could be pursued. The results of any social science research, be they spectacular or modest, or whether they support or negate the hypothesis, serve as branch points for further research, and are, from that point of view, always of value as contributions to the general stock of knowledge. Hopefully this study will have made such a contribution.

Appendices

GLOSSARY OF TERMS

This list is provided to make explicit the particular meaning that the following terms have within the context of this thesis. Although the definitions are intentionally close to generally accepted definitions, they may not necessarily be transferrable to other contexts. Italicised terms are those which are defined elsewhere in the Glossary.

breach action — a charge laid under the Criminal Justice Act 1985 or the Criminal Justice Regulations 1985 alleging that the conditions of a *community-based sentence* have not been complied with. Where the *offender* pleads guilty or is found guilty of the charge, then a 'breach' has been committed. Unless otherwise stated, the use of the term *breach action* in this thesis implies that the conviction has been entered.

caseplan — a statement of how a supervision or parole order will be managed, which addresses compliance with statutory and special conditions, and shows how those conditions will be implemented and monitored. It may include other measurable goals and intervention strategies.

community-based orders — the *community-based sentences* as well as parole orders.

community-based sentences — the four sentences administered by the Community Corrections Division, viz: periodic detention; supervision; community service and community care (community care has been known as a community programme since 1 September 1993).

community participation — a model which is currently very influential in penological policy-making and practice in New Zealand. The *community participation* model assumes that because offending occurs within communities, and that offenders must either continue to be members of those same communities, or return to them in the case of offenders sentenced to imprisonment, that solutions to offending behaviour must be worked out with the full participation of other community members.

community sponsor — a non-statutory group or person which provides programme elements for an *offender* subject to a *community-based sentence*. Under the 1992/93

Management Plan 'non-statutory' was defined to mean "not government controlled or a health board agency".

compliance — conformity, as defined in the 'Community Corrections Division Management Plan' and the 'Probation Manual', with the conditions of a *community-based sentence*. Under the 1992/93 Management Plan *compliance* was measured monthly in the cases of supervision and community service, and weekly in the case of periodic detention. 'Orders complied with' was an indicator in the performance agreements of individual periodic detention centre wardens and probation officers.

effectiveness — achieving what you set out to do. In public sector organisations the objectives are very much related to the *outputs* which the organisations are contracted to provide to their Minister. An alternative view is that *effectiveness* should be more related to *outcomes*.

efficiency — achieving the desired results with the least amount of wasted effort. Increased *efficiency* leads to greater productivity.

field staff — probation officers and unit managers community corrections.

imprisonable offence — any offence for which a maximum penalty of imprisonment is provided by statute. Where the maximum offence provided by statute is imprisonment (except for life imprisonment) a judge may impose any of the lesser dispositions such as a *community-based sentence* or sentences, a fine, *reparation*, discharge with or without conviction or a suspended sentence.

inputs — staff salaries, plant, equipment, electricity etcetera.

main grade staff — probation officers.

management planning — the Department of Justice's name for *strategic planning*.

netwidening — structural effects which draw offenders up into more-interventionist sentences sooner than might be justified on the basis of the circumstances of the *offender* and the need to prevent further offending.

offender — a person convicted of an imprisonable offence.

on strength — for an *offender*; the state of being subject to a *community-based order*. Offenders are considered to be *on strength* to a community corrections office as well as to a supervising probation officer.

outcomes — the effects of *outputs* on the community.

outputs — the goods and services purchased by the Government in accordance with performance agreements.

performance — effort directed towards the objectives agreed to between managers and their subordinates in performance agreements.

programme — the various medical, social, therapeutic, educational or rehabilitative aspects which are the focus of sentences of supervision or community care and parole orders. Generally speaking an individual *programme* will consist of the aggregation of all such measures that are listed on an offender's order.

provision of information — one of the two major *outputs* of the Community Corrections Division. This output encompasses: providing reports to courts which judges use to assist them in making sentencing decisions; providing reports to the Parole Board (sentences of seven years or more) and District Prisons Boards (sentences of less than seven years) which those Boards use to assist them in making decisions regarding the early release of prison inmates; and providing reports to penal institutions which prison managers use to assist them in making decisions about paroling prison inmates for home leave.

quality — the way in which the work is done.

recidivism — habitual relapse into criminal ways.

reconviction — being convicted of an offence punishable by imprisonment — generally during some specified period — having earlier been convicted of an imprisonable offence. In the absence of more valid measures, reconvictions are often used as an indicator of reoffending.

remand report — a social enquiry report provided to a court by a probation officer following a remand — typically of two or more weeks — which has been given for the specific purpose of preparing the report. Remand reports are fuller reports than *same-day reports*, and are generally ordered in more-complicated cases.

reoffending — further criminal offending which may or may not lead to conviction.

reparation — a sentence introduced by the Criminal Justice Act 1985 which requires offenders to pay money to victims for property loss or damage resulting from offending. The sentence was extended by a 1987 amendment to allow courts to order that *reparation* be paid to victims who suffer emotional harm as a result of violent

offending. Probation officers provide courts with *reparation* reports when required, but the sentence is administered by court fines sections once it has been ordered.

same-day report — a social enquiry report provided to a court by a probation officer on the day on which an offender is convicted of an offence. Same-day reports are briefer than *remand reports*, and are generally used in less-complicated cases.

sentence administration — one of the two major *outputs* of the Community Corrections Division, concerned with supervising and managing sentences of periodic detention, supervision, community service and community care as well as parole orders.

strategic planning — the identification of the long-term goals and objectives of an organisation as well as the courses of action and resources necessary to achieve the goals and objectives.

MANAGERS' QUESTIONNAIRE

Name: _____

Date: _____

1. What are your recollections of the early days of strategic/management planning in the Community Corrections Division?

2. What has been your involvement in the process over time?

3. What in your opinion are the important strategic issues facing the Division at the present time? (probe re NR/neo-classical theory, NPM and fiscal restraint)

4. How proactive should we be in our planning regarding these strategic issues? Do we just accept them as 'givens', or should we be devising strategies to overcome them, e.g., strategising to obtain more funding?

5. What do you consider to be the principal environmental factors in the planning process?

6. How are these accounted for in our planning?

7. What are the benefits for the organisation of management planning?

8. Does anybody else or other groups benefit? How?

9. What are the costs to the organisation of management planning?

**INTERVIEW QUESTIONS
DETAINEE**

Remand or Same-day?_____ Name_____

1. At the time you were sentenced to periodic detention what did you know about the sentence (e.g., what work you would have to do, where you had to report)? Who provided you with this information?

2. You may have had a preference for some sentence other than periodic detention. What would it have been and why?

3. For what reason(s) do you think the probation officer recommended the sentence in your probation report?

4. Did you get the sentence recommended by the probation officer? Do you have any thoughts on why or why not?

5. What do you think the sentence achieved for you? (e.g., relationships [family, peer, general], job, training or courses, other).

6. Is there anything else about the way the sentence went that you would like to comment on?

**INTERVIEW QUESTIONS
COMMUNITY SERVANT**

Remand or Same-day?_____ Name_____

1. At the time you were sentenced to community service what did you know about the sentence (e.g., who the sponsor was and what work you would be required to do)? Who provided you with this information?

2. You may have had a preference for some sentence other than community service. What would it have been and why?

3. For what reason(s) do you think the probation officer recommended the sentence in your probation report?

4. Did you get the sentence recommended by the probation officer? Do you have any thoughts on why or why not?

5. What do you think the sentence achieved for you? (e.g., relationships [family, peer, general], job, training or courses, other).

6. Is there anything else about the way the sentence went that you would like to comment on?

**INTERVIEW QUESTIONS
SUPERVISEE**

Remand or Same-day? _____ Name _____

1. At the time you were sentenced to supervision what did you think the sentence was going to achieve for you?

2. You may have had a preference for some sentence other than supervision. What would it have been and why?

3. For what reason(s) do you think the probation officer recommended the sentence in your probation report?

4. Did you get the sentence recommended by the probation officer? Do you have any thoughts on why or why not?

5. What do you think the sentence achieved for you? (e.g., relationships [family, peer, general], job, training or courses, caseplan objectives, other).

6. Is there anything else about the way the sentence went that you would like to comment on?

**INTERVIEW QUESTIONS
PERIODIC DETENTION WARDEN**

Remand or Same-day? _____ Name _____

1. In your opinion how good an understanding did the offender have of the general objectives of the sentence when you first saw him/her? Why do you think that was so?

2. What difficulties, if any, did this offender cause during the early stage (say, first two to three weeks) of the sentence?

3. Do you think some other sentence would have been more appropriate for this person? If yes, explain what and why.

4. Do you think the sentence was a success in terms of changes in the offender? (i.e., qualitative indicators such as attitudes towards work or long-term goals, punctuality, relationships, other)

5. Are there any other areas pertinent to the conduct and/or administration of this sentence that you wish to comment on?

**INTERVIEW QUESTIONS
COMMUNITY SERVICE SPONSOR**

Remand or Same-day?_____ Name_____

1. In your opinion how informed was the offender on the first occasion that you saw him/her regarding your organisation and the type of work they would be required to do?

2. Do you think some other sentence would have been more appropriate for this person? If yes, explain what and why.

3. Do you think the sentence was a success in terms of changes in the offender? (i.e., qualitative indicators such as attitudes towards work or long-term goals, punctuality, relationships, sentence objectives, other)

4. Are there any other areas pertinent to the conduct and/or administration of this sentence that you wish to comment on?

**INTERVIEW QUESTIONS
SUPERVISING PROBATION OFFICER**

Remand or Same-day? _____ Name _____

1. In your opinion how good an understanding did the offender have of the caseplan and general objectives of the sentence when you first saw him/her? Why do you think that was so?

2. Do you think some other sentence would have been more appropriate for this person? If yes, explain what and why.

3. Do you think the sentence was a success in terms of changes in the offender? (i.e., qualitative indicators such as attitudes towards work or long-term goals, punctuality, relationships, caseplan objectives, other)

4. Are there any other areas pertinent to the conduct and/or administration of this sentence that you wish to comment on?

**THESIS RESEARCH WITHIN CORRECTIONS GROUP,
DEPARTMENT OF JUSTICE**

My research proposal entitled *Policy, Planning, Outputs and Outcomes: A Community Corrections Division Study*, has been approved by NMCC of the Department of Justice. I know and understand that permission to undertake this research is conditional upon the following:

1. The research proposal has been endorsed by the University Head of Department and/or my thesis supervisor.
2. I will obtain informed consent from all research participants (subjects). Informed consent means agreement to participate in the research and includes:
 - (a) Being informed of the purpose, nature and procedures of the research.
 - (b) Being informed of any research procedures that might have harmful effects on them.
 - (c) Being informed of the right to withdraw from the research at any stage.
 - (d) Being informed of the right to knowledge of the use to which the data might be put and of the outcome of the study.

(New Zealand Psychological Society, *Code of Ethics* (6-1))

3. I will take all possible steps to protect the participants from discomfort of any kind. Their welfare and dignity will take precedence over the requirements of the research at all times.
4. The names and addresses of participants, and any other information which could lead to their identification, will not appear in any form (verbal, visual or written information) in any thesis documents, publications, teaching or public presentations.
5. I will not disclose information of any kind which is obtained in the course of this research except if it directly relates to the research, and then only in an objective and professional manner which conceals the identity of any particular staff or institutions of the Department of Justice.
6. Any departmental records consulted in the course of this research will neither be photocopied nor removed from the office where they are held.
7. During the course of this research I will at all times respect the working environment in which the research is undertaken. In particular, I will abide by all of the requirements relating to physical security.

8. I have read the New Zealand Psychological Society's Code of Ethics and agree to behave according to the provisions of that code throughout the course of this research.
9. A copy of the completed thesis will be provided to NMCC.
10. The Department of Justice reserves the right to make the first public statement about the outcome of the research.

I have read the above conditions and undertake to abide by them.

Name: Keith A. Garwood

Signature:

Date:

Signed in the presence of:

Name: Nikki Reynolds
Regional Senior Psychologist

Signature:

RESEARCH OUTLINE

Thank you for agreeing to assist me with my research project, which will eventually form part of a thesis being presented for the degree of Master of Social Work at Massey University.

In the past few years the Community Corrections Division has been making more use of same-day pre-sentence reports, and I am interested to see if the sentences that follow same-day reports have different outcomes to those which follow remand reports. In particular I am interested in differences which may have an affect on achieving the stated mission of the Community Corrections Division to reduce the likelihood of re-offending and to reduce the rate of imprisonment. This particular research will therefore compare sentences of periodic detention, supervision and community service which followed same-day and remand pre-sentence reports. I am interested to see what differences, if any, there are between the same-day and remand groups with regard to: sentence compliance, reconvictions within one year of sentence date, as well as what you tell me about your experiences while the sentence was being served.

If you agree to take part, then please feel free to contact me at any time if you wish to know more about this project or if you would like a summary of my findings after the thesis is presented to Massey University.

My contact details are:

Keith Garwood
Community Corrections Office
PO Box 30-491
55 Knights Road
LOWER HUTT

Telephone: (04) 569-3012

Thank you again for your assistance.

CONSENT FORM

I _____ (print name) hereby agree to be interviewed by Keith Garwood in order to provide him with information relating to sentence outcomes which he may use in a Master of Social Work degree thesis.

I understand that:

- a. Comments or information which I will provide may be referred to or directly quoted in the thesis, but my name will not be used, nor will it be possible to identify me from any other references made in the thesis.
- b. I am taking part in this research of my own free will, I may decline to answer any question or questions and I may withdraw from participation at any time.
- c. Upon request I may be informed of the results of this research at the time that the thesis is presented.

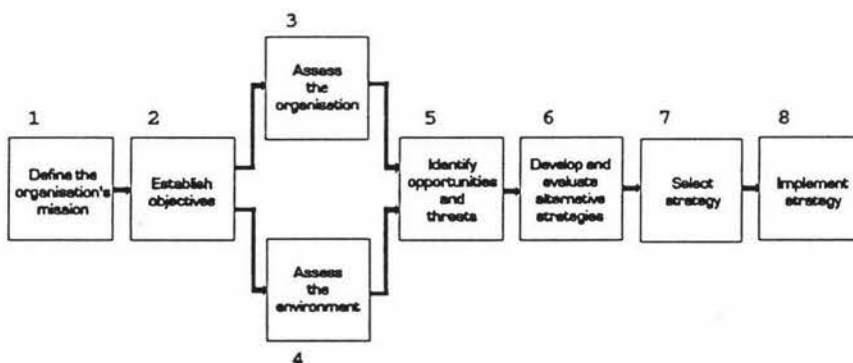
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Date _____

UNIT MANAGERS' QUESTIONNAIRE STRATEGIC PLANNING IMPLEMENTATION

I have an interest in your opinions regarding how successful the Community Corrections Division has been in implementing its strategic plans. My particular interest is in the planning year which ended on 30 June 1993. The data which I am asking you to provide me with will be aggregated, and used by me to discuss planning implementation in a master's degree thesis that I am writing. You will note that the questionnaire does not require you to use your name, and anonymity is thus guaranteed.

By way of background; the textbook view is that **strategic management** consists of all of the steps in the following diagram:



Strategic planning or **management planning** consists of steps one to seven, and at that stage the plans are finalised and produced. Step eight is the implementation phase, and it is only after that phase that **strategic planning** becomes **strategic management**. In the Community Corrections Division the implementation phase is largely achieved by **Performance Planning**, and it is then that unit managers and probation officers become heavily involved. All of the preceding steps (the mission and objective setting, environmental scanning and management planning workshops) are of course carried out without too much direct field staff participation.

With that background, I would now be interested in your responses to the questions on the attached two pages which are designed to allow me to assess how successful you think the Community Corrections Division was in implementing its plans during the 1992/93 planning year via the performance planning process. If you return the questionnaire to me through the post, please send it to my home address.

Thanks for your assistance.

Keith A Garwood
Unit Manager Community Corrections

- Performance planning instructions are contained in the *Performance Planning Guide*, Divisional and Regional circulars, Explanatory Notes and Working Definitions in the Strategic/Management Plans themselves and more recently as instructions which accompany the data collection forms. In your opinion how clear has all of this information been as a guide to implementing performance planning down to the worker level in the Division? (Please tick one box only)

Very Unclear	Not Very Clear	Alright	Reasonably Clear	Very Clear

- If you consider that there has been some lack of clarity in the implementation of the Division's Management Plan (i.e., Performance Planning), please give one or two examples with which you are familiar.

- One of the primary purposes of Performance Planning is to produce Divisional results which are reported upwards — eventually to Parliament. In your opinion how accurate a picture of the achievement of the outputs of the Community Corrections Division resulted from the Performance Planning information in the year to 30 June 1993?

Very Inaccurate	Not Very Accurate	Acceptable	Reasonably Accurate	Very Accurate

- If you consider that there was some lack of accuracy in the picture presented, please indicate why and how.

5. Do you think that Performance Planning provided an adequate basis to compare the performance of one district with another in the Community Corrections Division?

Yes	No

6. If you think that performance planning did **not** provide an adequate basis for comparison, please indicate why.

7. Do you think that Performance Planning was a **valid** process during the year in question? i.e., do you think that it accurately measured what it set out to measure (objectives such as compliance with orders, caseplan objectives being achieved or on target, whether information provided was of the required standard)?

Yes	No

8. If you do **not** think Performance Planning was a valid process, please indicate why.

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