



Causes of and solutions to inter-generational crime:
the final report of the study of the children of prisoners
September 2011



(lotteries logo goes here)

Causes of and solutions to inter-generational crime:
the final report of the study of the children of prisoners

Liz Gordon
Network Research
www.networkers.co.nz

September 2011



Pillars
Ka Pou Whakahou



EVALUATION ♦ TRAINING ♦ RESEARCH

Causes of and solutions to inter-generational crime: the final report of the study of the children of prisoners is the final report of a two year research project entitled 'A Study of the Children of Prisoners'.

Please contact the project through the Research Director, Liz Gordon, at lizgordon@paradise.net.nz, or ph 03 980 5422, P.O. Box 2031, Christchurch.

This project was funded by the Lotteries Community Research Fund, with a grant to PILLARS Inc. The CEO of PILLARS, Verna McFelin, can be contacted at the address below.

First published September 2011
© 2011 PILLARS

ISBN

978-0-9876512-0-4 Causes of and solutions to inter-generational crime: the final report of the study of the children of prisoners (Print version)

978-0-9876512-1-1 Causes of and solutions to inter-generational crime: the final report of the study of the children of prisoners (Web version)

Published by

PILLARS Inc
PO Box 21209,
Christchurch 8143

Telephone: +64 3 377 3990
Facsimile: +64 3 377 3991
Website: www.pillars.org.nz

Contents

Introduction	1
The policy context	3
Prisoners	8
The justice system	15
Arrest	15
The courts	17
The prisons	19
Conclusion	21
The families and children of prisoners	23
How the caregivers are coping	23
Social and economic factors	24
Health	27
Education	29
The causes of inter-generational crime	32
Working with the children of prisoners	36
Ideas for change: responding to the challenges of this study	39
Conclusion	41

Figures

Figure 1. New Zealand's imprisonment rate among countries in the expanded OECD, 2010	3
Figure 2. Age of respondents by gender, survey both years	8
Figure 3. Ethnicity of all respondents, full survey results.	9
Figure 4. Self-reported number of times in prison, by gender.	10
Figure 5. Number of prisoners reporting people they lived with as a child who went to prison.	11
Figure 6. Knowledge of prison life before first entering prison	12
Figure 7. Number of prisoner parents reporting proximity to their children	13
Figure 8. Sources of trust account funds	14

Introduction

This report summarises and analyses the results of two years of research into prisoners and their families. At the time the study commenced, in early 2009, there was no other New Zealand research on this topic. However, with the publication of the first year report 'Invisible Children', the report of the National Health Committee's study, 'Health in Justice' and various reports around the 'Drivers of Crime' project, there is now quite a lot more material available.

The aim of this report is to outline our findings and also to put the research into current context. There continues to be unprecedented interest in our first year report, which has sparked many debates and has contributed to policy development in a number of ways. Particular issues that have led on from, or have been informed by, our work include:

1. Communications options to increase contact between prisoners and their families and reduce costs;
2. Policies and practices around visiting, especially in Canterbury;
3. Debates around the causes of intergenerational recidivism;
4. Health factors that lead to and exacerbate sentences of imprisonment;
5. Social work practices to improve outcomes for the children of prisoners;
6. Education factors, especially improving the context of education for children who are in danger of disengaging; and
7. Engagement on a range of policy issues including health-promoting prisons, sentence length, the role of families in prisons, prisoner health and treatment options and welfare reform.

The first part of this report looks at the research and policy context as it has developed through the past year, to the extent that it informs, and has been informed by, our research.

The second part summarises what we have found about prisoners, in terms of their own upbringing, their childhood experiences of parental imprisonment and their relationship with their own whānau and children now. The data contains an overall summary and also a section relating to women prisoners.

The third part updates the findings of our first year report 'Invisible Children'¹, on the effects of imprisonment on whānau and children of prisoners. There are two main sections. The first considers the justice system – police, courts and prisons – from the point of view of the whānau. The main theme is the nature of the engagement between the system and the children of prisoners. Our findings show a lack of clear national policies

¹ Gordon, Liz (2009) Invisible Children, at www.pillars.org.nz

on the relationship between justice agencies and families and children. As a result, children's rights often get ignored by the agencies. This can have significant effects on the children.

The second section examines social, economic, health and education factors that impinge on the lives of the families of prisoners. Most live in benefit-led homes with either a single parent, or a grandparent. Most of the children experience significant physical, emotional or mental health problems, from endemic bed-wetting to issues of violence and anger. Many of the children disengage from schooling at an early age, and enter adolescence with a range of risk factors.

The fourth part of this report summarises the research findings in terms of the causes of inter-generational offending: why it is that the children of prisoners are around seven times more likely than others to end up in prison, and what can be done about it.

The fifth part provides a brief overview of the practice element of this study. As a piece of community research, the aim is not merely to report results, but to improve practice. As a part of the study, a practice manual has been produced, and this section summarises elements of that manual.

The final part of the report returns to the issue of policy. One finding that emerges from each element of the study is that the children of prisoners are often emotionally harmed, angry and alienated, and these issues tend to get worse over time. As a result, the road from childhood to prison often proceeds unchecked.

The over-riding message from this research is that government agencies need to change their approach in order to reduce the harm caused to the children of prisoners. In all their practices, such agencies need to consider how to positively engage with the children of prisoners. There is much that can be done at little cost. This last section offers some practical suggestions that may make a difference.

The policy context

New Zealand has a relatively high rate of imprisonment, compared to similar countries. New Zealand ranks 65th in the world and high among OECD countries: it was second only to the United States in 2004 (this is where the oft-quoted figure of NZ's second place comes from), but among the expanded OECD community, other countries have moved ahead, putting New Zealand in 11th place overall, behind the USA, Russia, South Africa, Chile, Estonia, Brazil, Poland, Czech Republic and Mexico².

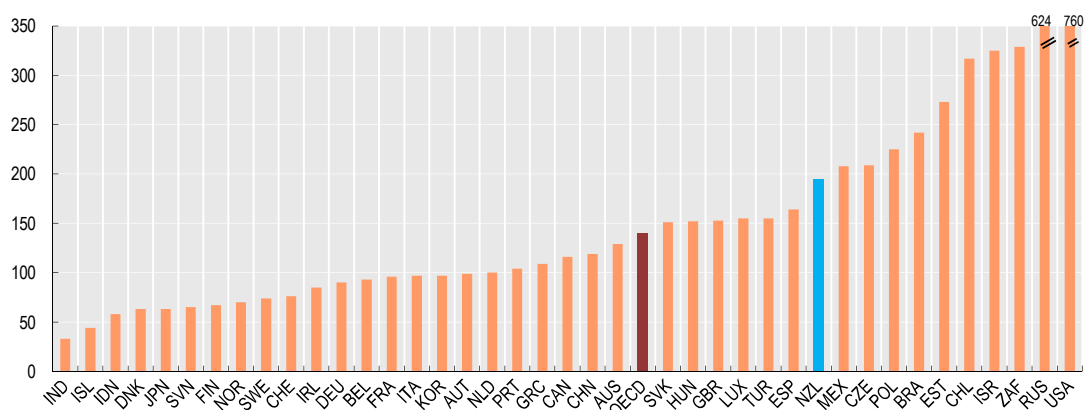


Figure 1. New Zealand's imprisonment rate among countries in the expanded OECD, 2010

At 199 people in prison per 100,000 of the population, the imprisonment rate is significantly higher than that of Australia (133 per 100,000), the United Kingdom (153 per 100,000) and Canada (117 per 100,000)³. As these are the countries considered most similar to New Zealand, a key question is why the rates are so much higher here.

The answer, inevitably, is public policy. This is seen most clearly in the case of the United States which has, since the 1970s (and with major variations between states), moved into an 'age of mass imprisonment'. The cause is seen as what Listwan et al and other writers have called the 'penal harm' movement, in which a 'get tough' ideology has come to dominate debates around crime and justice in the United States⁴. A number of other countries are following the same path, and New Zealand has been one of the leaders of this trend.

It has been estimated by the Department of Corrections that the numbers in New Zealand prisons will increase by about one half over the next seven

² [OECD Factbook 2010: Economic, Environmental and Social Statistics](#).

³ [Entire world - Prison Population Rates per 100,000 of the national population. Highest to Lowest Rates. World Prison Brief. International Centre for Prison Studies](#). School of Law, [King's College London](#). January 24, 2011.

⁴ Listwan, S; Jonson C; Cullen F and Latessa E (2008) Cracks in the penal harm movement: evidence from the field. *Criminology and Public Policy*, 7, 3, 423.

years, from around 8,500 today (8587 in June 2011⁵) to around 12,500. This increase will be driven by a number of factors: harsher sentences, longer terms served, decreased accessibility and longer waiting for parole, new sentencing patterns (such as the so-called 'three strikes' policy) and other factors. The situation in New Zealand is similar to that of the USA, where no single policy, but the accumulation of a range of initiatives driven by a common ideology, has led to the increase.

The primary justification for policies of high imprisonment is that they reduce crime in the community. This is seen to work in one of two ways. Either, the harsher sentences and penalties, including cumulative policies such as the 'three strikes' law, may act as a more effective deterrent than lighter sentences. Or, alternatively, longer sentences simply keep criminals behind bars, where, it is argued, they can do no harm in the broader community.

But there are some countervailing voices. These mainly cluster around the high cost of incarceration. The New Zealand Treasury has argued that the continued increase in prison rates may not reduce crime:

Some studies have shown that, while imprisoning more people can reduce crime, the size of that impact diminishes as imprisonment rates increase. Other studies suggest that, when imprisonment rates reach a certain level, further increases can lead to *increases* in crime rates [emphasis in original]. Given that New Zealand's imprisonment rate is already one of the highest in the OECD, and recent increases have had little impact on recorded crime rates, it is unlikely that further increases in our imprisonment rate will be the most cost-effective way to achieve lower crime rates⁶.

In this country the substantive burden of a high imprisonment rate has fallen on Māori. Māori rates of imprisonment in 2007 were stated to be around 700 per 100,000⁷, which is around the same rate as the 'mass incarceration' of the United States. Four out of ten Māori males spend time in prison during their lives⁸. This leads to a social imbalance in Māori communities that is difficult to redress.

The expected growth in prison numbers will not redress the ethnic balance. The main increase will be in Māori society – as the quote above notes, it appears that high imprisonment rates foster high crime rates, probably due to intervening social and economic fracturing. At the 2009 launch of the 'Invisible Children' report in Christchurch, one speaker noted: 'We are building new prisons for tamariki who are not yet born'.

⁵ http://www.corrections.govt.nz/about-us/facts_and_statistics/prisons/june_2011.html

⁶ <http://www.treasury.govt.nz/government/longterm/fiscalposition/2009/15.htm>

⁷ Department of Corrections (2007) *Over-representation of Māori in the Criminal Justice System: An explanatory report*. Wellington: Department of Corrections.

⁸ Workman, Kim (2011) *Redemption denied: aspects of over-representation of Maori in the criminal justice system*. Paper presented at the Justice in the Round Conference.

Policies of mass incarceration have been called a 'waste management prison' approach (Listwan et al, 2008 p. 424), where the problem becomes one of containment and storage, not of rehabilitation and preparation for reintegration. The current New Zealand policy approach, with moves to double-bunking and increased use of space, has been more about containment and security than rehabilitation. As well, most programmes are funded within the prisons rather than in the community, which means that family matters are not addressed.

The debate over whether this approach works is never-ending. There is reasonable agreement that deterrence is rarely effective, and what is left is the idea of 'lock them up to ensure they can do no harm'. However, such an approach is itself based on a simplistic notion that there is a limited group of 'bad guys' who, if taken off the streets, will leave the rest of us safer. It can be contrasted with, for example, the approach advocated by the National Health Committee (2010), which argues that prisons should be health-promoting institutions. In New Zealand, the Drivers of Crime project has recognised the complex factors that breed crime in our society, and was working to address some of these during the period of this study.

From the perspective of our research on the children of prisoners, the question is relatively simple: which policy setting is better for the children? And especially: which policy setting is most likely to prevent children today becoming prisoners tomorrow?

We have learned during the process of this report that there are marked differences between prisons (and within prisons) in terms of their internal processes, facilities, approach to prisoners, access to programmes and services, and attitudes towards visiting and contact with whānau. Several factors drive these differences, including security issues, the nature of the offender population, the existence of special units such as Māori focus units, faith-based units and so on, and decisions made at the prison level by the somewhat autonomous prison management.

The implication of these differences is that policy changes at a national level may filter down to the 20 individual prisons in different ways and with different emphases. Unless the policies are highly prescriptive, there will continue to be marked differences between the prisons in a range of services and facilities. Following on from our first year report, Pillars Inc has been working with the Canterbury prisons to improve visiting arrangements. This kind of liaison between local organisations and prisons is a promising approach to bringing about change at the local level.

We would like to see best practice approaches to relationships between prisoners and their children, including contact and visiting, identified and promoted across all prisons as a priority. It is in the interests of all parties to

enhance the parenting role of incarcerated persons, and to foster quality whanau relationships between prisoners and their children.

The Government announced at the end of 2009 a 'whole of Government' response to the drivers of crime. However, given the size of the problem, only four areas have been announced as priorities. In relation to the children of prisoners, the single priority is:

...develop and implement programmes that treat and manage behavioural problems in at-risk children and young people⁹.

From the perspective of our research findings, this is a valid action but is unlikely to resolve the range of problems, unless the 'programmes' involve a complete intervention covering social, economic, health (physical, emotional, mental) and education factors.

There is also significant change to the welfare and benefit system underway at present, although it is too early to assess any changes. One area of debate is a potential requirement for caregivers to work on a part-time basis once their youngest child is at school. Most of those interviewed by us were on benefits, and most of these were not in work.

Many of the caregivers have a very challenging time dealing with their emotionally damaged children. While financially they would be better off in the workforce (and inadequate income was an issue for many of them), they simply do not have the family resources to work.

There are families that are or were in work, and who in every way have better outcomes – their children are doing reasonably well, they manage to get access to services and they live relatively stable lives. But these factors are not the result of having a job, but of having a starting point of sound finances, educational opportunities and the ability to get and keep a good job.

Other families do not begin from such advantages. To resolve the economic and social dependency issues of these families will take more than benefit reform. If a policy is introduced that sanctions beneficiaries who do not take up paid work, it is likely to impact hardest on the families that participated in this research, and others like them. It can only make their situation worse, which is both unfair and dangerous. The effects of poor policies now will flow on to the next generation.

The research undertaken by the National Health Committee¹⁰ and published in 2010 supports our own findings that the effects of the imprisonment of a

⁹ Ibid p. 4.

¹⁰ National Health Committee (2010) Health in Justice Kia Piki te Ora, Kia Tika!, <http://www.nhc.health.govt.nz>. See pp 113-117, including table p. 116..

parent on the children are both complex and developmental – that is, they occur in a number of ways and change over time, depending on the age of the children. The report notes:

A focus on family and whānau is essential both for the health of the prisoner and the health of family and whānau members. This focus can be achieved by building the capacity and resilience and by providing health and support services that are appropriate for the circumstances, reality, and experiences of the prisoner’s family and whānau. This *focus has the potential to address many of the health problems intrinsically linked with incarceration* (such as alcohol and other drug abuse and mental health conditions) and to design appropriate services¹¹ [emphasis added].

Despite the difficulties in implementing sound programmes, it is encouraging that there is a good understanding that interventions have the potential to be successful in keeping the next generation out of prison.

In short, the policy context within which this study took place is inadequate to provide the solutions needed to keep the children of prisoners from becoming the next generation of prisoners. There is possibly a view that all that can be done, is being done. The findings of this study demonstrate that a lot of what is being done is not effective in preventing harm to the next generation. And, more importantly, that there are alternatives. A change of focus and, to an extent, philosophy, is needed.



¹¹ Ibid p. 117.

Prisoners

Over the two years of the study, 368 sentenced prisoners were surveyed in 9 prisons: six men's and three women's. Surveys were completed with 123 women and 245 men. While the selection process was random within the prisons (the process was explained in the 2009 report¹²), the response rate was only 40% overall and it was clear that there was significant self-selection. The sample group is older, and the sentences were longer, than the overall population of prisoners.

All three women's prisons were sampled. This means that the proportion of women prisoners in the overall sample is high – around six times what it should be in a random selection. In one prison, Auckland Women's, the response rate was much higher than in other sites, and as a result the data is biased towards that prison, and indeed towards the high security section within that prison. The women sampled were 71% Māori, compared with around 60% for the overall women prisoner population, and tended towards much longer sentences than the average woman prisoner.

The age distribution of both male and female prisoner respondents is shown in Figure 2 below.

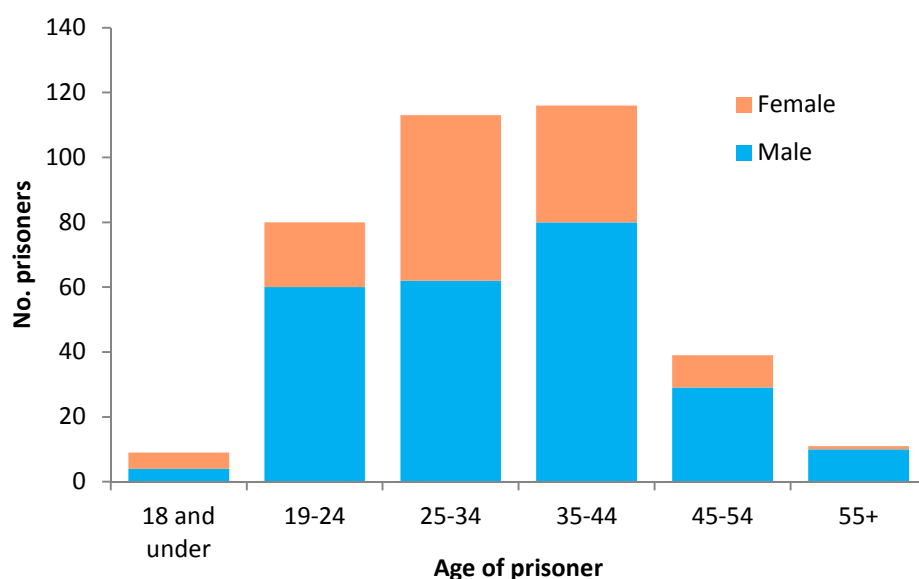


Figure 2. Age of respondents by gender, survey both years

Relative to the male prisoners, the females were more likely to be 18 or under and 25-34. Males were more likely to be 19-24 and 45 or older.

In total, 59% of prisoners surveyed were Māori over the two years. A 2007 Corrections report noted that Māori made up about 50% of the prison population, although that proportion is rising. The main factor in the over-

¹² Gordon, L (2009) Invisible children. Christchurch: PILLARS.

representation of Māori in the survey was the disproportionate number of Māori women prisoners surveyed. Of the 245 male inmates, 52% were Māori. The pattern of respondents by ethnicity is outlined in Figure 3 below:

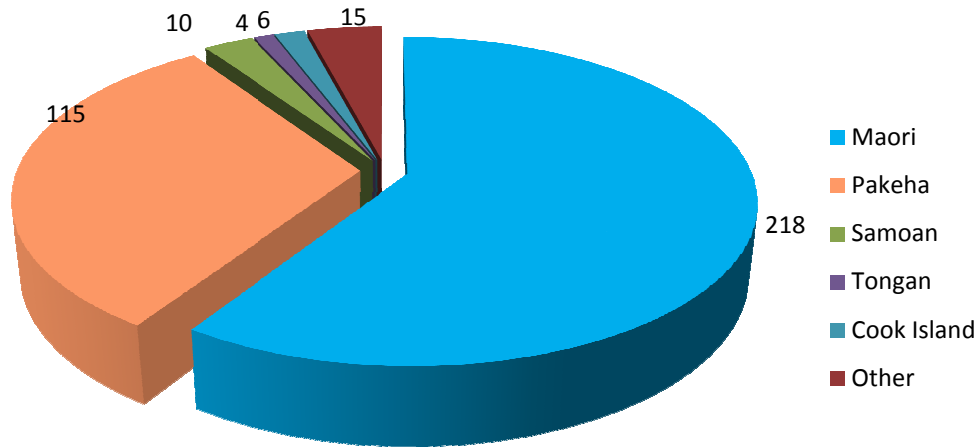


Figure 3. Ethnicity of all respondents, full survey results.

These factors affect the ability to generalise the findings of the study to all prisoners. However, this is an issue that plagues prison research both nationally and internationally. The only way to get reasonably accurate data is to 'show the researcher's face' within each prison and ensure the sample is willing to participate fully and voluntarily. But the small group work necessary to achieve good responses makes it impossible to generate adequate data to meet the reliability requirements of quantitative analysis.

Indeed, it is difficult to know how such research could be carried out. Most prison surveys are undertaken in limited (usually only one) site(s) and with small numbers¹³, with the result that few meet strict criteria for reliability. In international terms, this study over the past two years is a large one, yet its findings can, in quantitative terms, be seen only as indicative.

There were significant differences between the male and female populations around the number of times each group has been in prison. More than half of the women were on their first term in prison, whereas only 30% of the men interviewed were first-termers. There were also significant ethnic differences. Overall, 30% of the male respondents had been in prison on more than four occasions, compared to 48% of the Māori males. There were no such differences in the female prison population, where 4+ rates were 15% for Māori and non-Māori groups.

These trends are demonstrated in Figure 4 below.

¹³ See Murray, J (2007) The cycle of punishment: social exclusion of prisoners and their children. *Criminology and Criminal Justice*, 7 p. 55. This major article was based on a survey of 147 prisoners in one prison over a 3 month period.

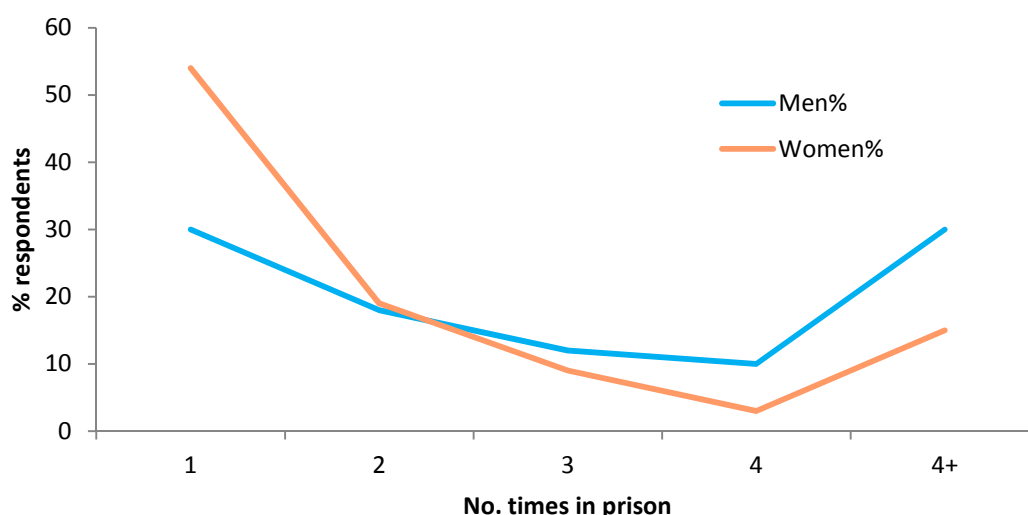


Figure 4. Self-reported number of times in prison, by gender.

In total, 269 of the 368 prisoners surveyed stated they were parents, and that they had between them 861 children¹⁴. The average number of children per parent was 3.1, and the average number per prisoner, including non-parents, was 2.34. Table 1 outlines the reported number of children per prisoner.

No. children	No. prisoners	Child count
1	63	63
2	57	114
3	52	156
4	24	96
5	29	145
6	35	210
7	2	14
8	3	24
9	2	18
10	1	10
11	1	11
Total	269	861

Table 1. Number of children by prisoner, full sample.

The National Health Committee (NHC) estimated that there were 20,000 children with parents in prison at any given time, which is supported by the figures in this study. With the majority of sentences being of six months duration or less, this probably translates to around 30,000 children per year experiencing a parent in prison at the present time.

¹⁴ In the first year surveys, those who had more than 6 children were asked to tick a box '6+', and these were counted as six children. In the second year, we asked prisoners with more than six children to write the number of children of their form.

It is well known from national and international data that the children of prisoners are more likely to end up in prison than those who had not experienced family imprisonment as a child¹⁵. Nearly half (48%) of prisoners surveyed noted that when they were a child they lived with someone who went to prison. The most likely person to have gone to prison was their father (48%), followed by uncle and then brother. Half of the group that reported someone they lived with had gone to prison noted that it was one person, while the rest reported 2-8 separate people, for example (some of the longer lists):

- Mother, Aunt, Brother, Cousin, Father, Uncle, Sister, Grandparent, Other (Māori)
- Mother, Aunt, Brother, Cousin, Father, Uncle, Sister, Grandparent (paheka)
- Aunt, Brother, Cousin, Father, Uncle, Sister, unrelated person, Other (Māori).

The top eight most frequent responses to this question are summarised in Figure 5:

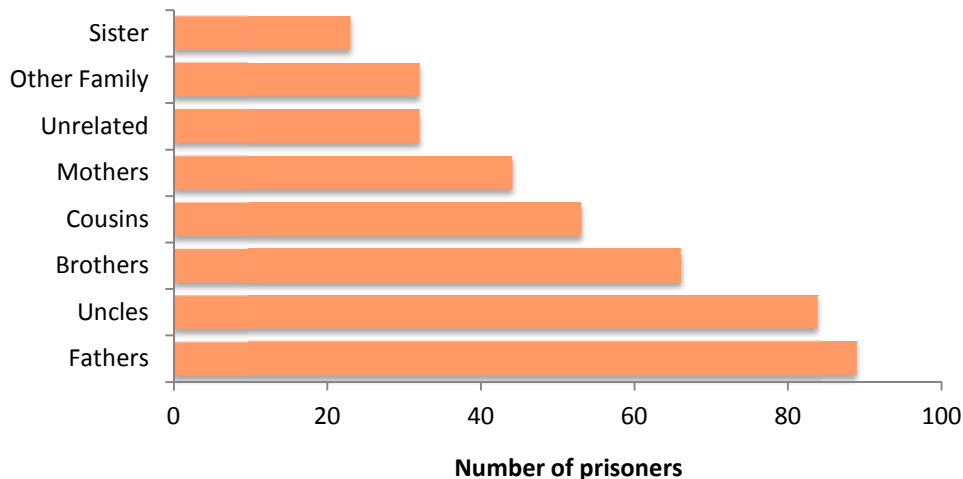


Figure 5. Number of prisoners reporting people they lived with as a child who went to prison.

Around 32% reported visiting a person in prison as a child. Twenty of the prisoners surveyed noted that both their mother and their father had been imprisoned, and 16 of these were Māori, reflecting the high Māori imprisonment rate.

The 'normalisation' thesis is based on the belief that the children of prisoners end up in prison because they have come to see this as the normal route to adulthood, as a result of their interaction with the system¹⁶. From this perspective, prison would be a known and understood institution to which the children would gravitate. But the sample over two years did not demonstrate strong prior knowledge of prison life among current prisoners,

¹⁵ Murray, J; Farrington, D; Sekol, I and Olsen, R. (2009) Effects of parental imprisonment on child antisocial behaviour and mental health: a systematic review. *Campbell Systematic reviews*, 4.

¹⁶ Tebo, M. G. (2006). A parent in prison. *ABA Journal*, 92(February), 12.

as Figure 6 (below) shows. Respondents were asked how much they knew about prison life prior to entering prison for the first time.

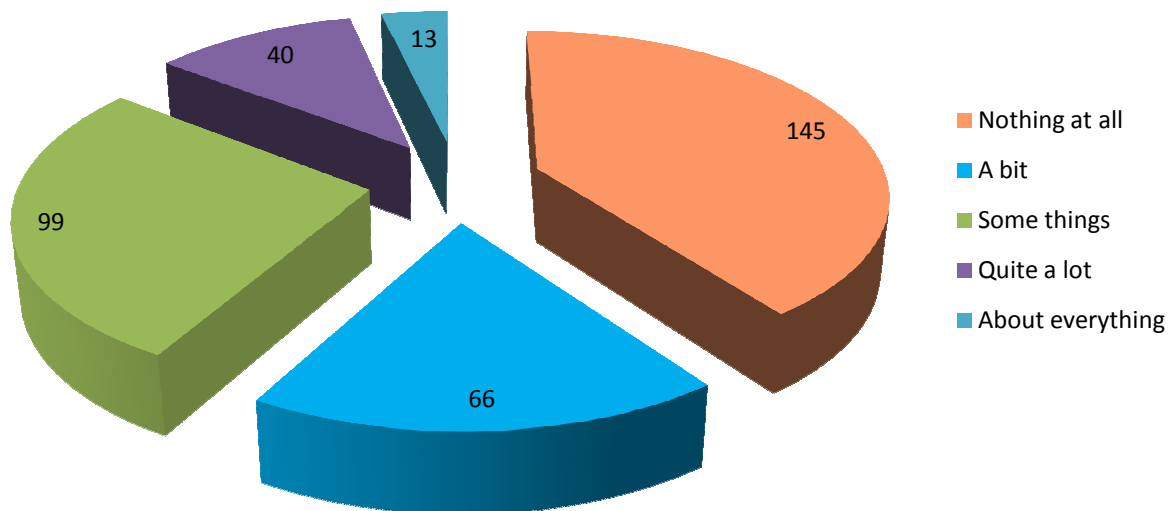


Figure 6. Knowledge of prison life before first entering prison

We concluded in the Invisible Children report, and reiterate here, that if there is a straight line from childhood to prison, it affects only a small number of prisoners. For most, parental imprisonment is one of a number of risk factors, most of which are amenable to societal or community intervention.

Most prisoners who are parents (61%) have received one or more visits from at least some of their children, and around 65% talk to their children on the phone. There is strong overlap between these groups, with only 15% reporting that they phone their children but are not visited by them. Around 20% of parents have no visits or phone calls with any of their children, and of these, one third have written or received letters. The remaining group (36 prisoners in total) have no contact with any of their children. This residual group are more likely to be pakeha, recidivist offenders and older than the overall group, with many aged 45 plus.

Overall, 96 of the parents (35% of all parents) reported that one or more of their children saw them being arrested. This is of concern because some of the arrests were very traumatic for the children, and can cause ongoing emotional difficulties. This issue is discussed below. Only 60 (22%) prisoner/parents reported that any of their children attended their trial.

In the Invisible Children report it was noted that more than half of all prisoners have none of their children living within an hour's drive of them. This figure is confirmed for the combined data – 52% have no children living near. This figure is equally true for the women prisoners as for the men. For

the women, 50 out of 92 parents (54%) report not living near their children. The overall data is summarised in Figure 7 below.

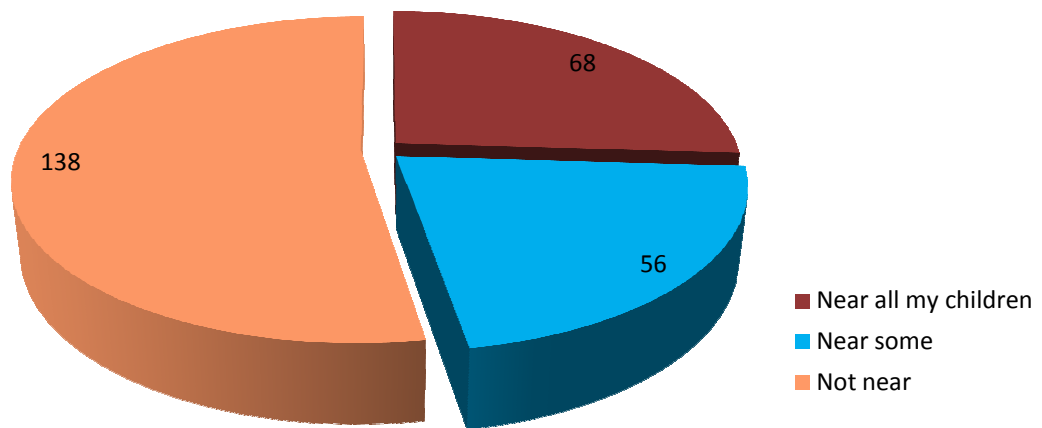


Figure 7. Number of prisoner parents reporting proximity to their children

There is some evidence of significant social dislocation of prisoner parents from their children. This is not caused solely by imprisonment, or at least not by the current term of it. For example, looking at parents who reported four or more terms of imprisonment and were under the age of 45 years (and therefore likely to have young children), only a quarter lived with all their children at the time of arrest. For those parents on their first term, 40% reported living with all their children. It may well be that factors such as age differences or lifestyle contribute to the dislocation, but this raises interesting questions about whether, if prisons promoted proximity to the families and good family relationships, the problem of social dislocation could be partially addressed.

It is evident that many prisoners have children by more than one partner, and, in some cases, by several different partners. There are complex issues of cause and effect in operation here: social dislocation plus breakdown of relationships plus periods of imprisonment plus living on the margins of society. It was not the purpose of this study to examine this question, nor does the survey provide the tools to do so. However, the NHC report and other research reiterates the point that keeping families together is the best way to prevent recidivism, and this needs to be kept in mind.

Corrections policy includes keeping families together where possible, but there are a number of reasons why this is often difficult. The Department of Corrections is a large organisation, and as such its internal systems and logic often come to dominate over such pragmatic goals as proximity to families. In particular, long-term prisoners undertake a range of programmes while in prison which are only offered at certain sites, and as a result the prisoners may move from site to site to undertake and complete these programmes. While the programmes are desirable, the resulting dislocation from place and family can be very damaging.

One indicator of family involvement is who in the family puts money into the prisoner’s trust account. The account is important because it is the sole means by which prisoners can purchase small personal items, including soaps and shampoo, foodstuffs such as chocolate and other allowed items. We asked prisoners who put money into their accounts. Results are summarised below:

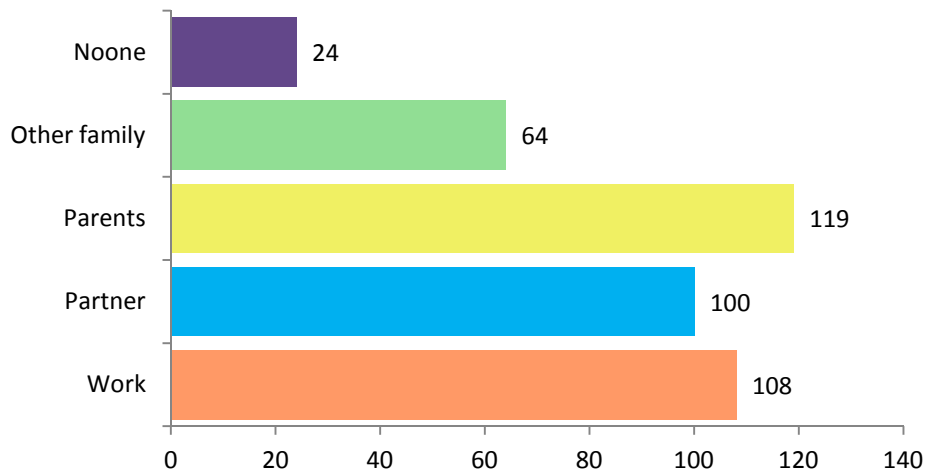


Figure 8. Sources of trust account funds

The ‘work’ category consists of payments made by the prison for work tasks completed by the prisoners. Prisoners are well supported by their families, but nearly as much by parents as by partners and others. This may be because the families are mostly on benefits and do not have spare funds for the trust accounts. The following quote exemplifies the dilemma for many of the families:

Sometimes I don't want to give it. But if I don't give it, then he won't be able to ring ... and the kids just love talking to him more than they love going out there. So if the kids don't get to talk to him... how's that going to make them feel? ... Every time the phone rings, they're gonna think it's him, and it's not, because he doesn't have money for phone cards. Sometimes you can't afford it but you sacrifice for the kids, because they need to speak to their father.

This concludes the data collected by survey from the prisoners. The remaining parts of this report are drawn mainly from interviews with families and children. Over the two years, 74 interviews have been carried out with whānau and tamariki of prisoners. These interviews have provided detailed information on the health and welfare of the families and children. The data is qualitative, aiming to build up a picture, and the first year findings were published in detail in the *Invisible Children* report.

The justice system

In a recent report¹⁷, Te Puni Kokiri (the Ministry of Māori Affairs) notes that most elements of the justice system are driven by the use of discretion, whether it be the police, court processes or prison services. Discretion can be effective if it is used to divert people from crime or offer a hand up when needed.

Unfortunately, many reports have discussed apparent systematic bias in the justice system against certain individuals and groups¹⁸. Whether this be the over-representation of Māori at all levels of the system, targeting the young, or other bias, it can lead to unfair treatment. This can build resentment within families and whānau, and lead to perverse effects: those who most dislike the justice system are those most liable to end up in it.

The focus of this section is on the effects of parental imprisonment on families and children. Many of the effects described here are not the result of deliberate bias (although some are), but arise from forms of institutional blindness or individual action. The institution is simply not aware that the children exist, or, if aware, do not think it is their business to consider the children's interests.

Unfortunately, this may make it more likely that the children of prisoners will go down a path leading to their own eventual incarceration. This was the main finding of our first year report, and it has been strengthened by the second year findings. This section looks at how the justice system performs in relation to children.

Arrest

People are arrested at home or away from home. In the interviews, around one in seven of the arrests took place at home with children present. Overall, 7 or 8 cases involved early morning raids, often with numerous officers banging on the door, front and back. While some children were treated with respect during the raids, others were left for hours without breakfast, were forced to go outside, were not allowed access to the toilet or were treated badly or abused by police. The following demonstrates a good approach:

Three police officers came to the house and they were nice. My partner didn't resist arrest. Our toddler sat in the lounge throughout the whole

¹⁷ Te Puni Kokiri (2011) Ko to aro ki nga uptake hara mo ngai Māori. Addressing the drivers of crime for Māori. Wellington, TPK.

¹⁸ For example, Department of Corrections (2007). Over-representation of Maori in the criminal justice system. Wellington: Department of Corrections, **or** National Health Committee (2010). Health in Justice Kia Piki te Ora, Kia Tika! Improving the health of prisoners and their families and whānau Wellington: National Health Committee.

thing, and the baby slept upstairs. The police didn't talk to [toddler] and didn't freak her out or anything. They came for my partner and did what they had to do.

Examples of approaches that had significant effects on the children were:

They pulled up the driveway of the family house and grabbed him out of the car and threw him to the ground and put a boot in the back of his neck. He showed no signs of resistance so there was no need to use the force they did in front of the children. They were on a power trip.

It was early evening on New Year's Eve when nine police came up the drive. About five came through the back door and there were two dogs. The teenagers were very unsettled, but their dad calmed the situation down – he was very calm. The arrest took about 20 minutes, but the situation was mellow and calm.

The worst intrusions were what we have called *dawn raids*: intentionally early swoops on a property to arrest a wanted person. Such arrest processes appear to include intensive searches, and the children inevitably get caught up in these:

Sad to say, that is just how it is. The police turned up early – about 6 am. There were heaps of police and armed offenders and there were also dogs. They were yelling and noisy outside, it was quite public. When the police noticed there were kids in the house, my parents were told to take them outside, and kids were still half asleep. Everyone had to wait outside while they searched the house.

It was my youngest son's 12th birthday and the armed offenders came through early in the morning. They shout and they yell and they pop round corners with their guns.

Eight police woke us up at 6am, arrested Dad, and forced us to sit in the lounge for four hours while the house was searched. We were not allowed to go to the toilet or get breakfast.

There was an early morning raid. They knocked on the door, I opened it and they were in. My son was pretty traumatised. Yeah, he wasn't very happy about it, he screamed and yelled for the first week. He was pretty cut up, he was only 3 at the time. They were there all day, ripped the house apart. There were dogs, and lots of police. They kept telling me to 'shut the brat up'. I was arrested and handcuffed and he got quite upset and screamed and yelled and they were quite abusive about it.

The trauma of such arrest procedures can stay with the children for a long time. Throughout this project we have reported on how angry and upset the children can be, and that such anger underpins a range of negative effects. When children are treated poorly by police, watch their loved parent being taken away by force, are required to stand on their front lawn to be ogled by

neighbours while the house is searched or wet themselves because they can't use the toilet, these factors can sow the seeds of emotional problems into the future.

The police give significant discretion to arresting officers in deciding how to go about arrests. There is no requirement for police to take into account the existence or needs of children. Some do, as two of the cases quoted above show.

It was noted in the first year report that new policies on search and seizure (but not arrest) had been developed by police subsequent to the Ruatoki raids. It was also noted that police defended their arrest processes on the basis that they need to get into properties quickly before evidence could be destroyed. However, with a number of interviews reporting that the police appeared to be putting on a show of force, including the case of at least one first offender with significant mental and emotional problems, we think that there needs to be a detailed review of police arrest procedures, including consideration of specific cases.

The findings of this study demonstrate the need for some new policy guidelines in the area of arrest. Police should be required, wherever possible (and in most cases it will be possible) to ascertain who is living on the property where the person is to be arrested. If there are children, a number of things need to be considered, such as:

1. A quiet and respectful arrest process, away from the gaze of the child;
2. A police liaison charged with guarding the interests of, and providing relevant information to, children;
3. Ensuring that children have access at all times to toileting, food and drink;
4. Allowing the arrested person to speak to the children before being taken away, if appropriate, to reassure the children of the person's welfare; and
5. Ensuring a continuity of quality care for the children at all times.

These requirements may seem arduous, but placed against the traumatising effects of raids on houses and families, they are very reasonable. While this process may add some costs to the arrest process, there are potential large savings to be made in avoiding the effects of trauma on the children. The San Francisco Bill of Children's Rights (see later in this report) provides a principled base for policy and engagement.

The courts

The court is a location which has multiple meanings for the families of prisoners. On the one hand it is where all parties come to seek justice, and where the perpetrators of crime learn their fate. On the other hand, it is where families and children can see their loved one outside of the prison

system, especially where the person has been held in custody in the intervening months. It is also a place of hope for a reasonable sentence (however that is perceived) and for the victims of crime to be vindicated. It is adversarial, and families can find themselves being used as a bargaining block to reduce or change the sentence of the prisoner. For that reason, as we found in the first year study, judges do not view the attendance of children at court favourably, seeing their presence as merely a defence strategy.

Like the police and prisons, there is significant site-based discretion over the treatment of children. In the Invisible Children report, we mentioned one instance where an adolescent child indicated a determination to attend her father's trial. As a result, a counsellor took her to the court and spent time describing the processes to her, so that she would know what was happening.

In other places, rules are made that exclude children from the courts:

The courts say families can come, until you get there and it is over sixteen only. So the younger children had to wait in the waiting room.

The problem with this is that the rules are rarely unambiguous. In no case during our research did we find a family that had received clear advice around the attendance of children in the court process. In some cases, conflicting and confusing advice was received by families:

One child misunderstood the lawyer who said he could go to court and it would get his Dad a shorter sentence. He was looking forward to it, but I didn't want children there. We were told by CYFS that it is not a good place for children.

A number of families were told by lawyers that attendance by the children at sentencing may reduce the length of the sentence. On the other hand, the Chief District Court Judge stated that this ploy simply annoyed judges, and that it was not appropriate. The judges viewed all attendances by children as attempts to manipulate the system, whereas our interviews found that some parents had to take their children due to a lack of childcare alternatives, and some older children demanded to attend the trial.

Sometimes the goal was simply to catch a glimpse of the prisoner, and possibly get a hug, before the person is sent off to prison. The opportunity to say goodbye is an important one, especially where the prisoner is being sent far from where the family lives. In one case concerning a mother, the children were able to speak to her once during the trial. They were let in early to the courtroom and allowed to give her a hug. On the actual day of sentencing it was arranged (by Grandma) for the kids to meet up with their mum in the car park for a cuddle, talk and to say goodbye.

However, this is often not allowed, causing further upset:

She was only three, and she really wanted to give him a hug and they wouldn't let her. He was crying, she was crying, and that upset her a bit.

Twenty percent of prisoners and about the same number of families noted that some or all of the children attended court. For children aged 10 and above, there is a good case to be made for courts to make services, such as a space, an information video and a person to facilitate child access, available. Even if this is not possible, staff in courthouses should accept that children do attend from time to time, for various reasons, and that the courts could do much to facilitate these visits.

It is not just children that are alienated by the courts. While there was a variety of experiences, a feeling of bewilderment was common, such as this view expressed by one partner of a sentenced man:

Really hard, didn't know what to do or where to go. You don't get support for your child to see his father, you don't get told of anything. Someone told me about PARS and about Pillars, but other than that not told anything. You're at court and they're found guilty and you're left standing there going 'well how do I get home?' I had no idea what was going on. Nobody says right this is what you do next.

In the section below on the prisons, it is argued that prisons could do much more to facilitate good relationships between prisoners and their families, saving family break-ups and encouraging prisoners to leave prison with good family relationships which may reduce recidivism. At the point of sentencing, the business of promoting good family relationships could commence with a family meeting at the court, which helps the family resolve problems, plan visits and set up communications. This would also be an opportunity for prisoners to say goodbye to their loved ones and children, where appropriate.

The prisons

The issues raised by the study have significant implications for the prison system. Like the National Health Committee report (2010), we note that prisons appear to interviewees to be focused on their punitive and security roles, although it is noted that there has recently been an increased focus on rehabilitation across the service. The NHC report focused on health issues, but the same points can be made in relation to education, family relationships, readiness for employment and so on.

When entering prison, people provide information about their families and children in a detailed questionnaire. However, the study found that it was only in the last few months of a sentence, the designated re-integration period, that such information was used by the Department of Corrections to consider placement of the prisoner. For the duration of their sentence,

prisoners are encouraged to stay in contact with their families through visits, writing letters and phone calls.

We received mixed messages from the Department of Corrections and individual prisons around the importance of contact with family members. Some articulated the view that having good facilities for contact and visiting in prisons might make children too comfortable with prison life, thus 'normalising' them to it and making it more likely that they would offend in the future. But this is not the official view of Corrections, which is that fostering contact with family members is important.

The families in this study commented on many changes to the visiting regime at prisons in recent years, which have made visiting more uncomfortable and difficult for families and, especially, children:

- facilities like food and drink vending machines have been removed from visitor areas; more stringent search and contact rules have been put in place;
- in many prisons there are no toys in visiting areas;
- policies such as 'one bottle and one nappy', plus 'strollers not allowed' have made visiting much more difficult for the caregivers of young children; and
- the new focus on security regimes has seen children subjected to search procedures as if they were adults.

Each of these changes occurred, we were told by Corrections, for a good reason. Toys get broken and disappear, some were unhygienic and therefore dangerous to the children, and keeping a stock of toys in good condition was time-consuming and costly. Children are searched because, in some cases, drugs have been found concealed on children. The cumulative effect of these changes has affected the quality of the visiting experience. Many comments were made on these issues by the families, including the following:

It's irritating - annoying. We wait in a long line and sometimes the prison officers are quite rude. We get searched all the time; the dogs are horrible. They used to have vending machines, they don't now so kids really hate going now. They don't have books and toys either so the kids have to just sit. They get bored because there's nothing to do other than play with their father. Just no books or nothing. They look happier when they're leaving.

You are allowed to take in two wet wipes, one clear bottle, and one nappy for a two hour visit. No food is allowed. It is very child un-friendly.

The guards need to treat children like children, and not blimmin inmates.

They make my son (aged 12) take off his shoes and socks and turn his pockets out, and the dog would sniff him even after he'd been through the beeper.

In summary, concerns about visiting stated by caregivers include:

- Problems in getting to the prison (length of trip, lack of public transport, cost etc);
- Waiting time, queues and frustrations, including lunch breaks (where visitors have to leave and then return), lack of seating at the gate house, bored children, paperwork issues;
- Entry and search procedures;
- Lack of facilities in the visiting area (no changing tables for babies in the toilets, too many people, nothing for the children to do) no privacy, no food or drink; and
- Unwelcoming and sometimes rude staff (and also some excellent staff).

Despite these problems, families persevere in visiting their incarcerated relatives. Most affirm that visiting is very important for the children, for a range of reasons. In one case, a PARS volunteer was able to take the four children of a long-term woman prisoner to have a weekly meal with their mother, in order to maintain a relationship with her. Another caregiver explains:

My Mum takes them out to see their father when she can, about once a month. It is good for the kids to see their Dad, even though it is in a place like that, but at least he gets to see them and doesn't miss out on too much of their life. At first it was hard because they didn't like leaving him there. They adapted to it after a while and then they knew they could talk to him every night.

The mixture of occasional visits and more frequent phone calls is reasonably common. But the poor visiting conditions do make the visits more difficult than they need to be:

They used to get nervous when they were being searched, and walking through the metal detectors. They'd get excited about seeing their Dad, but they'd get bored because there's nothing to do. They're trying to talk and he's also trying to bond with the children. Hard.

As a result of these research findings, some prisons have been reviewing their visitor policies and practices. In Christchurch, Pillars has been working with Christchurch Men's prison to implement improved visiting arrangements to foster good family relationships. One goal could be the development of a policy of child-friendly visiting across all prisons.

Conclusion

The agencies of justice, generally, do not take on responsibility for the welfare of the children of prisoners. While the police were responsive (in

2008-09) to complaints after the Ruatoki raids, we are not aware of any subsequent movement to ensure the wellbeing, safety and non-traumatisation of children at the point of parental arrest. As far as we know, no action has yet been taken in the courts to improve engagement with children. In the Corrections area, there are policies of family engagement but, in relation to visiting, the experience has got worse for children in recent years.

If these problems were simply unpleasant, then they would have to be borne. But the evidence from families is that they can also be traumatic and have long-term effects. In particular, we were concerned at the emotional harm done to children, and how that in turn increases the potential of young people to become oppositional and fall into criminal activity.

If the actions of agencies of justice could be further changed into preventing harm, there is the potential to reduce inter-generational effects.



The families and children of prisoners

How the caregivers are coping

It was noted in the previous section that many of the prisoners make and re-make families, sometimes ending up with children to two, three or even more different partners. Often these partners end up as single parent families trying to bring up the children in often difficult circumstances, usually supported by a benefit that is far from adequate. Some of these children end up in the care of Child, Youth and Family and are sent to live with either extended family members or others. In many cases the children move in with grandparents.

Some of the caregivers cope well, are on top of any problems and feel the children are doing really well. However, where the prisoner's partner is left behind to care for the children, the whānau is likely to suffer financial insecurity and even poverty, social dislocation and poor physical and emotional health. Many fail to make ends meet financially on benefits. These caregivers often have little ability to access quality services for their children, but those that do report better outcomes.

The outcomes for the family left behind are mixed. One caregiver noted: 'People on the outside need help too'. Some have a newfound freedom from violent or addicted partners, but this is a minority. Most feel they are just coping from day to day. We interviewed two families that are traumatised and in fear – of the night, of not coping – all the time. Some see their situation as permanent; the trauma lasting the lifetime of the parents and the children as well. Even when a loving partner is released from prison, the difficulties for the whole whānau in re-adjusting can be daunting.

Most importantly, the families often feel there is no-one to help, support and guide them through the period of incarceration. They often feel helpless and powerless in dealing with the prisons, welfare agencies and others. This is why the families often state they have 'been sentenced' too.

The parents of prisoners, and especially of women prisoners, often end up looking after their grandchildren. Many welcome this role, especially Māori grandparents for whom this may be a traditional practice. One grandmother, who was given her five grandchildren when her daughter was imprisoned four years ago, described it as really positive:

It has been a blessing because now we have our five mokopuna. They are aged 5, 8, 9, 12, and 13. The whānau made us the caregivers, and we make sure that the children see their mother and a lot of their other grandmother.

Another noted it was always her intention to bring up her mokopuna, “as I was brought up by mine”. Nevertheless, this family is poor and struggling for adequate resources, saying “it is difficult to pay for everything”. In one case, the young child was placed in care, and the grandmother retrieved him and has looked after him for a number of years:

I was working and married at the time and my children were in their 30s. It was a big decision to have him, but I wouldn't change anything.

Another grandmother described the chaos created in her family when her daughter was imprisoned.

It is the last thing you want to hear. My daughter had five children and it has really affected them. When she went inside, some family members said they'd look after them, but they just wanted to get the benefit, so my husband and I tried to get the children. The two youngest came to us, but the others didn't want to. I took it in my stride, but I worried about all the children. One of my grandchildren ran away because she didn't like the rules, and now I am trying to get full custody of her baby because she has disappeared.

Added to the family fracturing are difficult social and economic conditions, and children who often have a range of health and emotional needs. It is the caregivers left behind, whether parent, grandparent or other, who have to deal with the stresses that family imprisonment cause. Some cope really well:

It doesn't affect me much, because I can look after myself and our daughter. We have been living with his mother for three months while we find a new house.

For others, though, life is hard:

It has been pretty stressful because he was such a big part of our lives, he was the provider. He is father to my two youngest, and two of the older children live with their biological father, and one with his grandparents. It has turned our whole world around, it is pretty terrible.

Social and economic factors

There are a range of social and economic implications of parental imprisonment. For partners, a mix of practical difficulties and emotional effects can make life difficult:

It was like having a loss, like I'd lost someone. I had no support, doing everything on my own again. He couldn't help from inside. The whole thing was emotional. My 17 yr old committed suicide just after [the father] went inside and I didn't have his support then, he found out and rang me and he felt helpless also. I felt really alone.

There is no bus to the prison. He was arrested and chased in the car, and the car was impounded because of his arrest, and I couldn't pay to get it out so now I don't have a car and my transport's gone.

Some find local communities supportive, while others go to great lengths to hide their circumstances from local people. Some families are highly traumatised and live in significant fear, like this refugee family:

It is really hard to look after five children. I am scared at night. I am scared to sleep at night, always sick. I asked the Doctor for sleeping tablets so I can sleep at night, but he said no as if something happened to my children I wouldn't wake up. My car isn't big enough for all the children and it's just broken down. I am really scared, there are no neighbours around me. I had nearly nine months with no money or income before I got the benefit and had to wait for people to give us food. I can't live without him. My children are really scared also, and I don't know what to do.

Two thirds of the families live on benefits, and a number of others are on National Superannuation, sometimes supplemented by the Unsupported Child Benefit. Some have difficulty getting assistance, which puts strain on already-stressed families:

It's put a lot of pressure on us. My wife is an invalid, so I now have to care for the child and my wife. We've applied for the unsupported child's benefit, but that won't come through until the mother tells WINZ that she no longer has custody of the child. I ring her every week to do this but she's started not to answer, I'm not sure of the reasons.

Around ten of the caregivers are in work, but only one or two of these are the partners of prisoners – they are mostly extended family caregivers. In both years we came across caregivers who had to give up work when their partner went to prison, in order to care effectively for the children. In one case, both parents had worked full-time, the father during the day and the mother at night. When the father went to prison, the mother had to give up work because there was no-one to look after the children at night. The drop from two incomes to a benefit was hard, and the family lost their car which had been on hire purchase.

Most of the families on benefits find it difficult to meet ends meet. Some are having to pay debts, or finance loans taken out in better times. Many try and provide some money into their partner's trust account, to pay for phone cards and little luxuries for them, but this is often a dilemma. One grandparent noted: 'Yes, I give [my daughter] \$20 a week and her sister does \$10. Once a month I give extra and provide clothes. She depends on me, which is really hard. I give all I can'.

Because of the shortage of income, a number of the families are very transient. Some move continuously trying to find affordable rent.

Every time he has gone into prison we have moved. Sometimes I couldn't pay the rent and felt embarrassed, so we moved house. It was hard on the kids. This time it has been too hard to move.

We got kicked out of the state house. The children were going to stay with us, and Housing NZ did not want the children in the house, because their parents were criminals. So I had to go to ... look for another house. They "did not want the criminal's children", that's exactly what they said ... and I said "but it's not the children's fault".

The families face additional needs and often approach Work and Income for assistance with school uniforms, loans and other support. Some of the families interviewed were very critical of Work and Income for the attitude of case workers, noting that they sometimes do not show respect, or 'look down their nose' at the caregiver.

Some caregivers note that they received help from a range of other community organisations, including food banks, St Vincent's, Mayor's Welfare funds, Prisoner's Aid and others.

The difficult social and economic circumstances of the families tended to affect their ability to cope resiliently with adversity. This study uncovered, for example, many untreated health problems among the children. Caregivers related various difficulties in gaining access to adequate health services, with the biggest barrier being cost.

The families overall face two basic problems: they have low incomes and they tend to be fractured in a number of ways. These basic problems affect housing, health, self-esteem and the ability to cope. Two of the families we interviewed – one is quoted above – live their lives in fear, with both adults and children terrified of being alone, of the dark, or of not coping.

The NHC report recommended whānau ora interventions, based on the whole family, as the best response to the difficulties faced by the families and children of prisoners. The Ministry of Education is similarly interested in wrap-around services. Given the complex needs of many of these families, it is evident that some such holistic response is needed to prevent poor outcomes for the children.

Such responses will undoubtedly be expensive, but certainly cheaper than the cost of continuing to incarcerate one-third more people than other similar countries. For every hundred people not put in prison, over \$9 million could be freed for alternative services and supports for families and children.

Health

The main finding of the Invisible Children report related to the poor physical, emotional and mental health of many of the children of prisoners. Their poor health status affected every area of their lives, making it hard to learn, hard to make friends, hard to deal with issues and keeping them emotionally immature and vulnerable to substance abuse and negative peer influence as they approached adolescence.

We introduced the notion that the effects on the children differed with age. Young children appeared to be affected most by nightmares and attachment issues, such as 'clinginess' and crying. Those in middle childhood had learning difficulties, anger, defiance and various emotional effects such as bedwetting and bullying. Adolescents, who could be quite behind in their education, were often very angry and may be involved in bullying, anti-social behaviour and substance use and abuse. The notion that these effects may differ by age was later (and independently) supported by the NHC report, which found its own 'four stage' categorisation.

The second year findings confirmed these trends, noting that while some children were fine, most had a range of problems. The interviews in the second year included several families where the children had experienced extreme trauma. In one case, a boy had watched his mother stab another woman to death, which caused 'devastating' effects on his ability to live and learn. We also interviewed several families where the children had been physically or sexually abused, and lived in continual terror.

We met some families where children had received interventions, either practical ones such as plastic sheets (provided by CYF) for bedwetting youth, or counselling for traumatised children. Unfortunately, such assistance is relatively uncommon.

We also received more evidence from the adult children of prisoners that the emotional problems are not shaken off easily in adulthood, including one woman so scared to be alone that she went from relationship to relationship constantly looking for security.

Over the two years of the study, around 80% of the children in the study demonstrated a range of emotional health needs. The most common emotional problems were nightmares and sleep disturbances including bed wetting, sleepwalking and bad dreams, and screaming and crying:

Nightmares... bed wetting... loss of confidence in themselves and in social situations

One caregiver believed the emotional problems the children were experiencing were the result of them missing their Dad, which manifested through the following:

Bed wetting, sleep walking, anger, bad dreams, desperation...

However, she had not attempted to seek treatment:

Not enough time... that is, to go for visits to the doctor

This is not unusual. Problems such as these are seldom dealt with, nor help sought. Rather, the caregivers appear to have low expectations about receiving help and view the situation as one in which they are expected to cope. When the caregivers do seek help through primary health services, their concerns are often brushed off:

He'll grow out of it, they say, but he hasn't. He is growing further into it and I am scared for his future.

The quality of care is of concern. One caregiver described the route a child went through to eventually get some good assistance:

She's been in CYFs care for 2 months. Before that she went to 3 different schools and they didn't help, went to psychiatrists in Waikato, they were useless, went to Parentline and was getting counselling and they were useless. She was getting counselling once a month when she needed it every week. Not until she was put into CYFs care that the government started paying for it and she got the top quality. Before that I was doing it on my own. I had no idea who to contact, nobody would give me any names of anybody and I was just like, feeling around in the dark.

There were also stories of enormous improvements in emotional health through good health treatment and other beneficial changes, giving hope that interventions can be effective:

The improvements in the 14 yr old have been because of her new friends, the talks with the counsellor (a neighbour) and having her grandmother there. It has made her feel safe. If anybody does anything to the child, she will sort it out straight away. In the beginning her mother was caught up in what was going to happen so that she didn't sort it out if things happened.

As the children get older, the emotional harm often does not diminish, and can get worse. The following description by a mother of her children's situation in late adolescence is disturbing, but not that unusual. Neither of these children are getting the intensive assistance they require, and it seems likely that the accumulated risk factors will end them up in prison in the future:

Both the children can get quite angry. My daughter can get quite sad sometimes too. My son doesn't show it if he's sad. I think his anger is like ...for every emotion he'll just use anger ... he'll actually go out and punch fences and stuff. My daughter has problems with bulimia, cutting

herself, harder drugs, drink driving, nightmares, loss of confidence and lack of respect for authority. I kind of class [my son's] drugs and alcohol as self harm ... to me that's self harm. And wandering around in the middle of the night, wasted, alone, that kind of stuff ... Just putting yourself in dangerous situations and no regard for your safety whatsoever really.

In a number of cases, the emotional effects are shared by both caregiver and children. The caregivers are often very aware of this, but their own situation and needs makes it very hard for them to act to improve their situation:

They don't want to eat, they're not hungry. I think that's because they don't sleep properly, that's the biggest problem. My oldest daughter wets the bed - she is 9 - and we have a plastic sheet for her. I feel I'm finished, can't do anything. I can't get anything done because I'm not sleeping, and really tired. My husband is up for parole and if he does not come out, I'm sure, you know, I'm finished. I can't do anything, anymore. Because I am so, so tired, I don't know how to explain it.

And:

My son was generally happy, bubbly funny - a real people pleaser. He's become quiet and withdrawn. I'm not sure if it is because he is feeding off my emotions, but we have both become like that. It's easier being just us two together than facing other people.

The National Health Committee's report supports our findings. The children of prisoners are at significant risk of poor outcomes because they have a wide range of untreated health and emotional problems. As noted above, the NHC suggested a whānau ora type of brokerage service that works at a holistic whānau level would be the best response, and we support this view.

However they are delivered, health services need to respond to the trauma effects experienced by the children at a young age, as our study shows that, without good interventions, the problems just get worse over time. On the other hand, for those families which are lucky enough to find good services, improvements are immense.

Education

Our main findings in relation to education are quite contradictory. On the one hand, teachers and schools were often among the first to be told when a parent went to prison, and were generally highly supportive:

School know. They have bent over backwards for us.

On the other hand, such support tended not to translate into the classroom, and there was evidence that children's learning was strongly affected in the majority of cases. The following case is relatively typical:

He has low self esteem and clashes with other children. He went to hit another child because he thinks "they are laughing at me". The children are slipping through the cracks and they haven't been offered any support. The kids aren't offered counselling because mum isn't out of prison. He does not want to learn since his mum has been in prison.

In general, schools are not well-g geared to respond to learning crises caused by the breakdown of health and social upheaval.

Various factors contributed to the worsening educational performance of many of the children. The main one is emotional difficulties: worry, fear, anger and upset all acted as barriers to effective learning:

His schooling definitely got worse. His father had helped with homework. I was bringing up a newborn, and was a single Mum so didn't have much time to do homework. The teachers were good. But he lost interest in everything for quite a while. For the first few weeks we just shut ourselves in the house - didn't want to go to work or school. We felt very isolated and as if people would judge us for what he had done.

Some of the children were bullies or bullied, too. Truancy, access to alcohol and drugs, suspensions from school and other factors also affect performance:

During the imprisonment the two oldest children turned away from school. They totally lost interest. They were bunking from school. They didn't want to go.

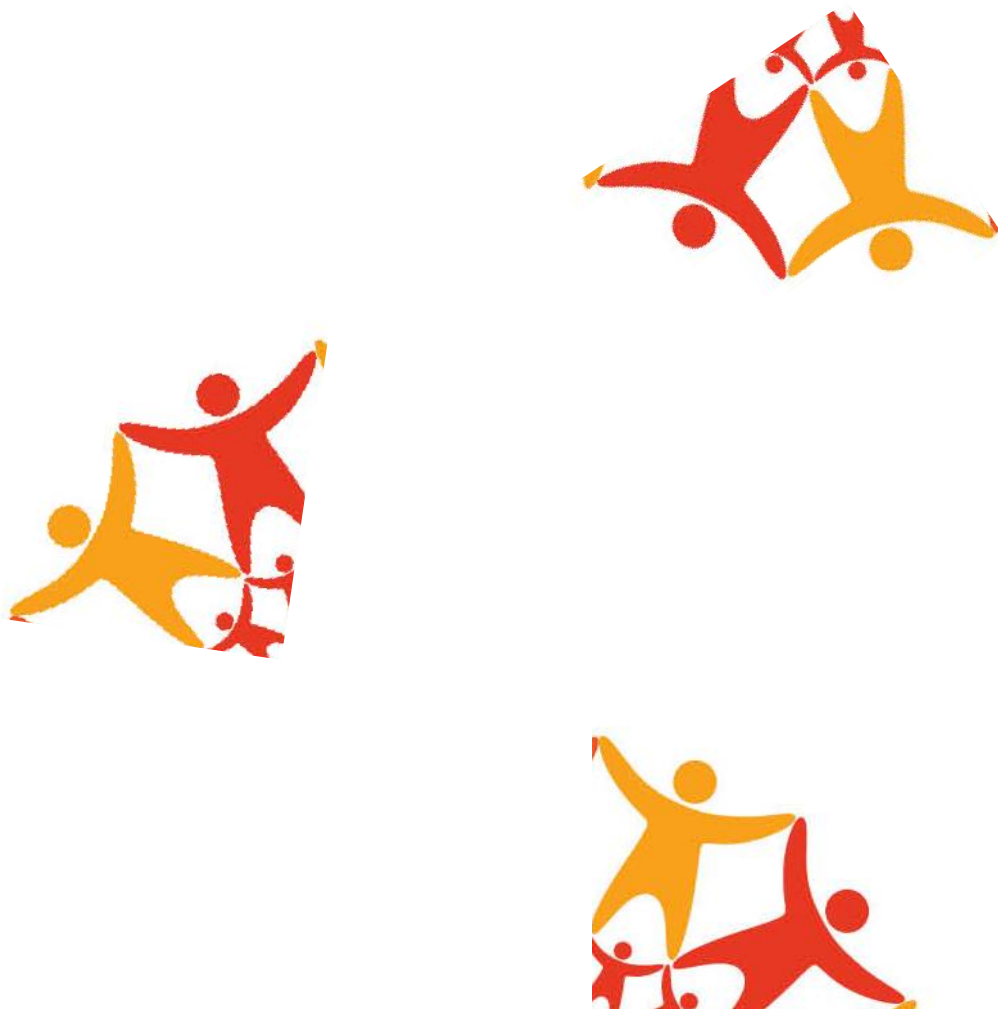
Students need to be in the classroom and engaged in learning, and many are not. Another factor that affects learning is moving schools:

School work was easy, but the rest of it was a bit hard because we moved a lot. Kids would find out and be hard on me. I didn't really care but it was what other kids were thinking that affected me. And it was hard to get on with kids when moving so much. I went to 18 different schools.

Good education is crucial to the future for the children of prisoners. The mix of low self-esteem, low coping ability, lack of educational achievement and emotional problems is a volatile mix. Without effective interventions, these children are at risk of ending up in prison like their parent. Some of those interviewed are already a long way down that path. The 'worst child offender in the South Island', the drug-taking, self-harming bulimia sufferer, those headed for severe depression or gang membership, are all young people in need of significant and sustained educational interventions, linked to health and social support. Unfortunately, few get the assistance they need. Schools are often more likely to suspend these children than engage them in positive programmes. Change is needed.

The Ministry of Education is working on a number of projects around improving educational outcomes for non-achievers, under the heading 'positive behaviour for learning' or PB4L. The cluster of projects currently underway includes school-wide positive behaviour programmes, restorative practices, school engagement and bullying surveys, early identification of at risk students, working with the parents of at risk students, including partnerships with health and community providers, working effectively with Māori students and whānau, a behaviour crisis response service and an intensive wrap around service for 8-12 year olds.

Many of these proposals are currently being trialled or rolled out over time. They have the potential to enhance learning for the children of prisoners, especially in terms of the more holistic cross-sectoral initiatives.



The causes of inter-generational crime

During the process of this research, we have occasionally come across the belief that the best way to treat the children of prisoners is to keep them as far away as possible from their incarcerated parent. The fear, as explained in our first year report, is that children may become 'normalised' to the culture and systems of the prison environment, which may make it more likely that they themselves will offend as adults.

Our finding in the first year, which is strengthened by this year's research, is that *in most cases* it is better for all family members that a positive, high-quality relationship be maintained between incarcerated parents and their children. In most cases, children who are in trouble are angry and alienated and their behaviour is oppositional. This anger has many causes, but the incarceration of the parent is a driving factor. We were told during the course of the research that a person can be a bad citizen but a good parent, and this view was predominant from the families and children in our study. We noted that children, in particular, are very forgiving towards their parents and are often angry on their behalf.

While the maintenance of good relationships during incarceration is important, it is not enough. During the time that prisoners are in prison, they rarely improve their circumstances. Treatment for health issues, educational shortcomings, employment readiness, or for deep-seated addictions, as well as the fostering of emotional intelligence are rarely part of prison life. In fact prisoners usually come out of prison with either the same or worse coping skills for living in society. The increase in expenditure on rehabilitation in recent years is an important recognition that people can be improved through a stay in prison: turned into better people, better citizens and better parents.

As with the prisoners, so with the children. Our research shows that during the time the prisoner is incarcerated, most of the children live in benefit-led homes with caregivers that often find it difficult to cope with the many needs of the children. As a result, the children's health, emotional strength, self concept and educational progress rarely improve and may decline. Sometimes the children get counselling, and sometimes this is effective. But in reality, most of the children of prisoners get few interventions to assist and support their needs. In our research, for example, we came across a family with a child who really needed counselling. It just happened that the family lived next door to a woman who was a counsellor, who managed to get the child free help that was needed. Had the neighbour not been a counsellor, it is unlikely that the child would have received assistance.

It is clear that many of the children who are the subject of this study are themselves in danger of ending up in prison. The truth is, it is not hard to see which children are heading down that path. The attention seeking,

bedwetting, angry, unruly, sick, crying, bullying, educationally backward child is all too common in the stories that we hear from the caregivers of children of prisoners. While they are younger, there is ample opportunity to intervene and assist these children through counselling, economic security, good housing, access to excellent health care and educational and emotional support.

As they get older, problems accumulate. Low self esteem, coupled with educational failure and emotional difficulties push young people down the path towards youth crime and imprisonment. Early use of drugs and alcohol, petty crime, associating with crime active peers and inadequate support or supervision at home are some of the markers of the move into criminal activity. By the time children get to their teenage years, these behaviours can be deep-seated and difficult to change. There is significant evidence that excellent family resources and early intervention are the keys to preventing intergenerational recidivism. The following is a typical story:

It was a real tragedy, from my point of view, that Starlight had to get, um, funding from WINZ (because the family couldn't afford to pay), and WINZ were very slow to get the thing funded and [the boy] was already deep into crime. It was very poor service at that time with WINZ, just when he needed it, he would have been 13 then. If WINZ had been more helpful, and got on to the funding earlier, they could have prevented [him] from getting into such trouble.

Unfortunately, most of the families are not in a position to provide the assistance and support that the children need, whether this be physical, emotional, social or economic. Many of the caregivers struggle to cope themselves. The background paper for the Government's Drivers of Crime project acknowledges this point as follows:

The factors that participants at the Ministerial Meeting identified as the underlying drivers of crime are not new or surprising. They also represent the most difficult problems in our society today: family dysfunction; poverty; child maltreatment; poor educational achievement; harmful drinking and drug use; poor mental health; severe behavioural problems amongst children and young people; and the intergenerational transmission of criminal behaviour. Many of these issues are concentrated within socially and economically disadvantaged families and communities. Participants also noted that some aspect of the way in which the criminal justice sector operates can perpetuate rather than prevent offending¹⁹.

This research has confirmed trends noted in national and international research that the children of prisoners are more likely than others to end up in prison. This was evident in the prison survey, where around half of respondents had family members in prison when they were growing up. It

¹⁹ New Zealand Government (2009) Addressing the drivers of crime – background information. <http://www.beehive.govt.nz/release/drivers+crime+whole--government+priority> , p. 3.

was also clear in last year's family data, where a number of the older children were already in the justice system, and some of the younger children were exhibiting major behavioural and anger problems:

I think my brother was affected a lot. He's in and out of jail now for the same reasons as Dad (alcohol and violence) and I think it's because he needed the male figure around, and he thinks he's got a lot to prove. I keep telling him that he's putting his partner through the same thing, but now it's even worse because the visiting is so bad. Maybe because [not having a Dad around] looked so normal at the time and because he didn't visit the prison, so he didn't get to see what it was like.

In the Invisible Children report, the causes were considered. In the debates, there are essentially two main theories of cause. The first is that the children come to normalise prison as part of life, making it more likely they will end up there. The second theory is that the negative experiences of the children of prisoners, including poor health, educational failure, transience, poverty and emotional disruption (including anger) cause an alienation from the mainstream society that makes the next generation more prone to prison. In short, their formative experiences come to re-make a new generation of prisoners.

In the case studies for this project, time and again we were in a position to see this happening. One stereotype was the ten year old bed-wetting, angry, disruptive, bullying, bullied, emotionally under-developed, educationally failing boy who was getting virtually no effective assistance to deal with his multiple problems. The other was the boy aged 12 or 13, smoking cannabis, drinking, running around with alienated peers and getting into trouble, with no school attendance, frequent visits from police and family group conferences.

Girls were not immune from these problems but generally they exhibited them differently, through risky and early sexual practices and drug and alcohol abuse as teenagers. 52% of women prisoners, and 60% of Māori women prisoners, were the children or relative of a prisoner. Many of the women prisoners we interviewed had become parents at a young age, and several of the girl children of women prisoners were also pregnant or had babies at the point of interview, and aged under 16 years.

There are significant implications for our findings in terms of how agencies can intervene to stop children following their parent into prison. If the normalisation thesis were true, then the proper intervention would be to keep the children away from any vestige of their imprisoned parent's life. Some social agencies think this is the best way. However, our research shows clearly that in most cases separation from the parent increases anxiety and contact reduces it.

Children are reassured by seeing their incarcerated parent, even if the visiting context is difficult. Although not official policy, in some prisons there appears to be a belief that difficult visiting conditions may act as a deterrent to others to commit crime. There is no evidence that this is the case. Poor engagement with the justice system in dealing with the police, courts and prisons clearly makes family members more angry and resentful, thus possibly increasing the likelihood of alienation leading to crime.

If the main driver is deprivation underpinned by social dislocation and emotional harm, then there is clearly the opportunity for high quality services to intervene effectively and prevent the next generation going to prison. The question is what kind of interventions might be effective, and the most likely answer is 'all kinds', in a co-ordinated, wrap-around fashion.

Turning this around, this means that it is a lack of effective intervention in a co-ordinated way that condemns the next generation of prisoners' children, and especially Māori children, to prison. The question is, what can be done?



Working with the children of prisoners

As part of this project, the research findings have informed the production of a practice manual to assist agencies in working effectively with the children of prisoners. This manual is available for free download on the Pillars' website²⁰. The principles on which the manual is based are informed directly by the findings of this study, in terms of the shortfalls or failures to make effective interventions, as well as some examples that we have been given of excellent practice. The following points provide an overview of 'what works'.

The findings are clear that if children are treated carefully and respectfully by all agencies, whether justice or social, health or educational, then emotional harm can be reduced. A guide for the basic treatment of these children is the Children's Bill of Rights developed in San Francisco by SFCIPP, which have been adopted as good practice by Pillars:

1. I have the right to be kept safe and informed at the time of my parent's arrest.
2. I have the right to be heard when decisions are made about me.
3. I have the right to be considered when decisions are made about my parent.
4. I have the right to be well cared for in my parent's absence.
5. I have the right to speak with, see and touch my parent.
6. I have the right to support as I face my parent's incarceration.
7. I have the right not to be judged, blamed or labelled because my parent is incarcerated.
8. I have the right to a lifelong relationship with my parent.

The new practice manual suggests a range of new procedures to be adopted by the agencies of justice. The police need to introduce new arrest protocols that are family and child friendly, to avoid unnecessary trauma and build good community relationships. The courts need to be family friendly, especially where some older children express the wish to attend the trial of a parent. They should be supported to do so, if it is their choice. At the point of sentencing, families need to be able to say goodbye to the sentenced person before they leave. The family should be given an information sheet stating where the sentenced person is to be taken, that the family will be contacted within 24 hours and a list of procedures needed to initiate visiting.

The practice manual makes a range of recommendations around prison visiting. The significant worsening of visiting conditions in recent years needs to be reversed, and policies designed to foster good family

²⁰

http://www.pillars.org.nz/index.php?option=com_content&view=article&id=129&Itemid=235

relationships – and good parenting practices – need to be introduced. There are also calls in the manual for good and effective communication methods to be adopted, such as free phone calls, use of modern computing technology such as Skype, and other modern approaches.

Most, but not all, children of prisoners experience physical, emotional and/or mental health problems that affect every element of their lives, and which tend to get worse over time. These problems tend not to heal by themselves. Children need accessible and pro-active health services to counter post-trauma effects and maintain and restore good physical and emotional health.

Take the issue of endemic middle childhood bed-wetting, which is a feature of this group and a sign of emotional harm. A child sent to live with a relative may wet the bed on the first night. The relative may clean it up and dry the mattress, thinking it is a one-off. Then it happens again and again. Not having \$80 to invest in a good quality rubber sheet, the relative gets angry and upset and the mattress gets ruined, the child is yelled at and stress increases. It would be so easy if the relative is given a temporary cheap mattress protector for the first few nights, and if bed-wetting is a problem, a prescription-quality permanent option thereafter. Instead, there is a significant amount of 're-inventing the wheel' going on, as people have to discover time and again that the children of prisoners are prone to bed-wetting.

It should also be assumed that the children of prisoners need access to good quality counselling and mentoring services, and that they will be angry and disturbed. It should not be assumed that these effects will wear off without intervention, and they often do not.

The school environment is really important. Teachers need to understand that the children of prisoners may be experiencing significant emotional damage that will affect their learning. School resources, such as adjunct teachers, social workers and others, should get together with the teachers to ensure a consistent and integrated programme to keep the children learning. Mentoring is very useful for younger children. Achievement at school is one of the best indicators of likely good outcomes. We agree with the Ministry of Education that a range of significant interventions is needed and a wrap-around approach.

The National Health Committee recommended that the best approach would be to introduce whānau ora principles to meet the health needs of prisoners and their whānau and children. The core principles of whānau ora are that the unit of intervention is the whānau and the services are integrated and holistic, as well as culturally appropriate.

Our findings affirm the need for an integrated approach. The question is how to provide that in such a disparate system. One answer is the 'brokerage' system, where a case worker concentrates on bringing together

a range of services to meet, in total, the full range of needs of the children and whānau. It is likely this is the way of the future, and may be the only way to 'break the cycle'. It is certainly worth doing if it can contribute to reducing the numbers in New Zealand's prisons, and may be relatively cost effective too.



Ideas for change: responding to the challenges of this study

This is a brief summary of some of the changes addressed in the practice manual. Our aim is to provide a starting point for ideas about how agencies can become more responsive to the needs of the families and children of prisoners:

The New Zealand Police might have a full review into trauma caused by arrest processes that take place in private homes where children are present. This would provide the basis for appropriate changes as outlined in the manual.

Ideally, the Department of Corrections would introduce approaches to strengthen family relationships between prisoners and their whānau, and especially the children, throughout the prisoner's sentence, including:

- Introducing free methods of communication between prisoners and their families;
- Ensuring that, where possible, prisoners are housed near their children;
- Making the visiting process pleasant and friendly for the families and children; and
- Working to ensure that prisoners are, as far as possible, good parents, even while in prison.

Given the large number of children that attend court when their parent is on trial, and the multiple reasons for this, the Courts could revise processes to ensure children are treated well, given good information and have access to advice and support if necessary.

The caregivers of the children of prisoners could be offered services to help and support them, possibly in the form of an intermediary 'brokerage' service such as a holistic whānau ora approach.

The health needs of the children need to be taken seriously and addresses on an ongoing basis. One stakeholder remarked that the children should be treated as if they have post-traumatic stress disorder. Primary health services could do much to provide access to services.

The education sector could provide much more detailed information to schools on helping the children of prisoners continue to learn. It is likely that some of the current initiatives underway in terms of the behavioural programmes, the drivers of crime initiatives and restorative practices may improve responsiveness by schools.

Work and Income could ensure that its frontline workers have a better understanding of the particular situation of the caregivers of the children of prisoners, including the likelihood of prior debt, the range of problems faced by the children, the ongoing costs of visiting and maintaining contact with the prisoner and the resources needed by the family, economic, social, physical and in terms of assistive services, to overcome disadvantage.

Ensuring that families have adequate income to meet their needs is a big factor in reducing family stress and encouraging positive engagement.



Conclusion

The two-year New Zealand study of the children of prisoners has been one of the largest of its kind in the world. By considering the lives of prisoners, as well as their families and children, it has provided unique insights into the factors that make it up to seven times more likely that the children of prisoners will themselves end up in prison, than for the average person.

The research itself spanned two years, two rounds of research in nine prisons with 368 prisoners, in-depth interviews with 76 families and children and numerous stakeholder interviews. The completion of the in-depth first year report 'Invisible Children' in late 2009 led to unprecedented interest by government and community agencies. Throughout 2010, Pillars and Network Research undertook a large range of invited seminars and discussions with core agencies. We expect that the publication of this final report will lead to another round of discussions and debate.

A summary report was completed in mid-2010, but no attempt has been made until now to complete a final report. We had hoped, in fact, to gain funding for a third year – to complete the research in all prisons and engage more families in interviews. But as this did not happen, we are now signing off on this final report. This does not mean that research into the children of prisoners is complete in New Zealand. In fact, in terms of improving practice, this is just a start.

A number of other projects have already commenced as a result of this research. A separate analysis of women prisoners and their children is underway. The new policy of allowing children to remain with their children up to two years of age has recently been implemented, and our data provides the opportunity to re-evaluate the position of women prisoners and their children. An article on this topic is being prepared.

We have been concerned at the high level of school suspensions reported by the families of the children of prisoners. While schools seek to be helpful, they nevertheless seem unable to put in place interventions to stem the falling levels of achievement and resulting alienation. In 2011, the Ministry of Education funded Network Research to undertake a small set of case studies of restorative practices in schools. These findings show a two-thirds reduction in the suspension rates of restorative schools, as well as a range of other benefits. Papers from this study are being presented at two conferences in November 2011 and an international conference in the UK in September 2012.

The agencies of justice have been very interested in our findings, although they have often found it difficult to accept our conclusions. Nevertheless, we expect that there will be continual engagement with these agencies around their policies and practices. The key aspect, from our perspective, is the

need for child-friendly approaches that engage, and do not alienate, the children of prisoners. If we can damp down the anger and distrust these children experience, we can open the way for a better childhood and better outcomes.

The National Health Committee's report, discussed earlier in this study, was released in 2010 at around the same time as our second year findings. It found that there were significant health effects for both prisoners and their children. The findings mirror our findings in relation to the children. To date, however, there has been little response from the health sector and the Ministry of Health to that detailed piece of work. Our seminar organised by that agency clashed with another important meeting and only five people turned up. The Ministry of Health needs to:

- Examine ways to provide wrap-around services for the children of prisoners, including active intervention to combat harm and trauma;
- Acknowledge that there is a group of symptoms that together constitute a 'children of incarcerated parents syndrome', if we may call it that, which can be combated with good services and a clear understanding of the causes, but which does not fade away;
- Note that the NHC and our study independently of each other came up with what is effectively a 'life stage theory' of the health and emotional effects, that can be used as the basis for support and treatment.

The Ministry of Health senior staff we spoke to have a very good understanding of the nature of the problems, but appear unable to suggest solutions.

Finally, most of these children live in conditions of significant poverty, where their basic needs struggle to be met. Their special needs are simply unable to be dealt with by families. Families endure these effects, and are resigned to the children, in many cases, getting into trouble. This lack of hope in good futures for the children is a tragedy in a land of opportunity.

Pillars and the researchers have put together a practice manual for all agencies, to try to take seriously the fact that interventions, often quite brief and simple, can make a difference to the children. We hope it is widely read and that it overcomes the sense of resignation that we encountered so widely: the inevitability that certain children not yet born will fill the prisons not yet built.

This report has been completed just in time to be available at the United Nations Children of Incarcerated Parents Day on 30 September 2011. We hope the message from New Zealand – that things *can* be done, shines like a beacon of hope on the other side of the world.

It may be that something quite different from this study – for example the growing view that prisons are an expensive and ineffective solution to crime in society for most people – may cause change. We hope that this study provides evidence and insights to fuel that debate.

