

KIM WORKMAN

RETHINKING CRIME AND PUNISHMENT



Kim Workman

Kim Workman is a retired public servant who is an active social entrepreneur on the issues of criminal justice and prison reform. He has had a guiding hand in establishing the first kaupapa Maori-based prison units in the country, and also the first faith-based prison unit in the British Commonwealth. Workman has also created strategies for how communities can better support prisoners and their families, and has introduced many innovations in the field of restorative justice. As a public advocate for reform, he has encouraged many New Zealanders to completely rethink their attitudes towards crime and punishment.

Workman's career in the public sector has included senior roles with the Police, the Office of the Ombudsman, the State Services Commission, the Department of Maori Affairs, and the Ministry of Health. He was head of the New Zealand Prison Service from 1989-1993.

In 1996, when he retired from the public sector, Workman recognised he had become deeply troubled by a sense of the futility of the existing criminal justice system and, in particular, the ineffectiveness of prisons. Workman: "We incarcerate people and see 70% of them re-offend within two years. We see their character and personality permanently damaged by the experience, regardless of whether they offend again or not. The prison system is not making a big enough difference to the level of re-offending. Once I became much more aware of this, it started in me a search for something that might work better."

New Zealand has one of the highest rates of imprisonment in the world. At around 197 prisoners per 100,000 people, the New Zealand incarceration rate is almost twice that of most continental Western European countries and is fast approaching that of Libya, Azerbaijan and Brazil. In addition to this, many of the people who are in the criminal justice system are

victims themselves, and would more sensibly be treated outside prison walls for their mental health or drug and alcohol problems, or for minor but persistent antisocial behaviour.

In searching for the causes of the failures he was seeing in the criminal justice system, Workman could easily point to the “usual suspects” – inadequate and ineffective rehabilitation programmes, a lack of drug treatment, and insufficient funding for prisoner reintegration. But Workman was also beginning to understand something far more fundamental: at the heart of the problems in criminal justice is a failure to appreciate the actual connections that exist between victims, criminals and society.

Workman: “The classic mistake of conventional justice is to punish criminals as if they will never come back from prison to live among us. But with rare exceptions, they all come back. And when they do, we depend on them not to cause more harm in the community. We are all interdependent in a shrinking world: criminals, victims, and the wider society. The high rates of reconviction suggest to me that we just haven’t been doing what is needed to support that interdependence.”

- Workman’s search for “something that might work better” led him to get more involved with the Prison Fellowship. This Christian-based ministry is part of an international prison volunteer network that was founded by Chuck Colson in the United States in 1976, and works in 113 countries around the world. The Prison Fellowship was set up in New Zealand in 1983, and now operates in every prison in the country.

After several years serving on the Prison Fellowship Board, Kim Workman took over as its national director in 2001. He immediately started to introduce a series of innovations aimed at building a deeper connection between offenders and their communities.

Workman: “All of the programmes I have been working on are part of a larger social justice agenda. The aim is to promote a fair and open justice system, by changing the way New Zealanders think and act about prisoner rehabilitation and reintegration, and crime and punishment. Each project introduces a new way of thinking about working with prisoners



Kim Workman presenting his social innovation workshop at the NZSEF Retreat



and their families — whether it is in the role of culture, the role of spiritual transformation, the practice of restorative justice, or the creation of social capital. Each innovation is highly relational in its approach, and is based on an understanding of the importance of creating stronger social links between prisoners and offenders, their families, and their community.”

- At the heart of the Prison Fellowship ministry are the hundreds of church volunteers who regularly visit prisoners, provide pastoral care, and assist prison chaplains by holding worship services and taking Bible study. Many of these volunteers also help out with art, culture, sporting, life skills and other educational activities within the prisons.

Workman started to encourage and resource many more volunteers in the prison system by establishing a national system of volunteer training. His goal was to get as many “normal” people involved in prison life as possible.

“Community support needs to wrap around the prisoners — providing a mixture of support, participation and accountability. As more communities get actively involved in the prisons, they become as much like the real world as possible. And when prisoners feel accepted and involved as part of a community, it is a powerful incentive to change.”

The volunteers are also the foundation of the Prison Fellowship’s community-based approach to prisoner reintegration. Workman points out that of the 9,000 prisoners being released from prison every year, very few are returning to a stable home and job. Instead, most just resume where they left off before they went to jail. Many leave prison determined to change their lives, but do not have the support needed to make it happen.

Workman: “The Department of Corrections has yet to develop a comprehensive prisoner reintegration strategy, or a coherent theory to inform it. Its approach to reintegration effectively stops at the prison gate. Unless the person has a support group around them — people to talk to when things inevitably get tough — then the odds are stacked against them, however determined they may be to change.”

The economic benefits to the country of having a comprehensive prisoner reintegration strategy might seem obvious. Keeping one inmate behind bars for a year currently costs taxpayers around \$90,000 a year. This money is saved if the former prisoner does not re-offend. And research shows that keeping offenders out of prison means that their children are also seven times less likely to end up there.

- Kim Workman is of Ngati Kahungunu and Rangitaane descent, and when he was the head of the Prison Service, he advocated for the establishment of Kaupapa Maori prison units, which drew heavily from kaupapa Maori, or Maori cultural values, and were closely connected to the guidance and support of Maori communities. When Workman joined the Prison Fellowship, he started to take more of an interest in what could be achieved with establishing a prison unit based on Christian values, with similar active support from church communities.

With his connections in the international network of Prison Fellowships, Workman was able to investigate faith-based prison units that were operating in Brazil, Ecuador, Argentina and the United States. The focus of these faith-based units was on the prisoners developing a new sense of meaning and values in their lives, and most importantly, connecting to wider social and community support.

Workman: “These ideas of connecting people to deeper values, and supporting them through a major transition, are not new ideas to anyone involved in social work and community development ... but they were new to those working within the justice system in New Zealand. We wanted to establish a faith-based prison unit here, but it took a lot of effort for these concepts to be accepted. In fact, it took us seven years of ‘benevolent coercion’ to get the backing we needed from the Department of Corrections.”

The 60-bed, faith-based prison unit, called *He Korowai Whakapono* (“Cloak of Faith”), was opened in 2003 at Rimutaka Prison, near Upper Hutt. Prisoners who are serving their last two years of a sentence can volunteer for an 18-month spiritual transformation programme. This is a “strengths-based” approach which calls on the prisoners to demonstrate their value and potential, and make a positive commitment back to their communities. They are motivated to directly address the behaviour — the violence, drug and alcohol abuse and other destructive activities — which triggered their offending.

The prisoners participate in a prayer-centred daily routine, and have regular worship and study with facilitators from local churches. Eight months before their release, the prisoners are matched with a mentor who will help prepare them for their re-entry into the community, and continue to support them for up to two years. Local churches also undertake to provide support to the prisoner and their families, assisting them with housing, employment and other local connections.

Workman: “The results so far have been very encouraging. The prisoners in our unit have been tested drug free for three years in a prison where about 18 percent of all prisoners test positive. There is a clear reduction in incidents of violence and drug abuse happening within the unit. A.”

- Underpinning the faith-based unit, and much of the other activities of the Prison Fellowship, is the concept of *restorative justice*. This is an approach to addressing crime that focuses on the deeper needs of victims and offenders, rather than just focusing on the reactive need that communities have for protection and punishment.





Restorative justice methods encourage victims to take an active role in resolving crimes and disputes, and encourages offenders to take responsibility for their actions, and to repair the harm they have done. The results from these practices show high levels of victim resolution and satisfaction, authentic accountability by the offender, and reduced re-offending rates.

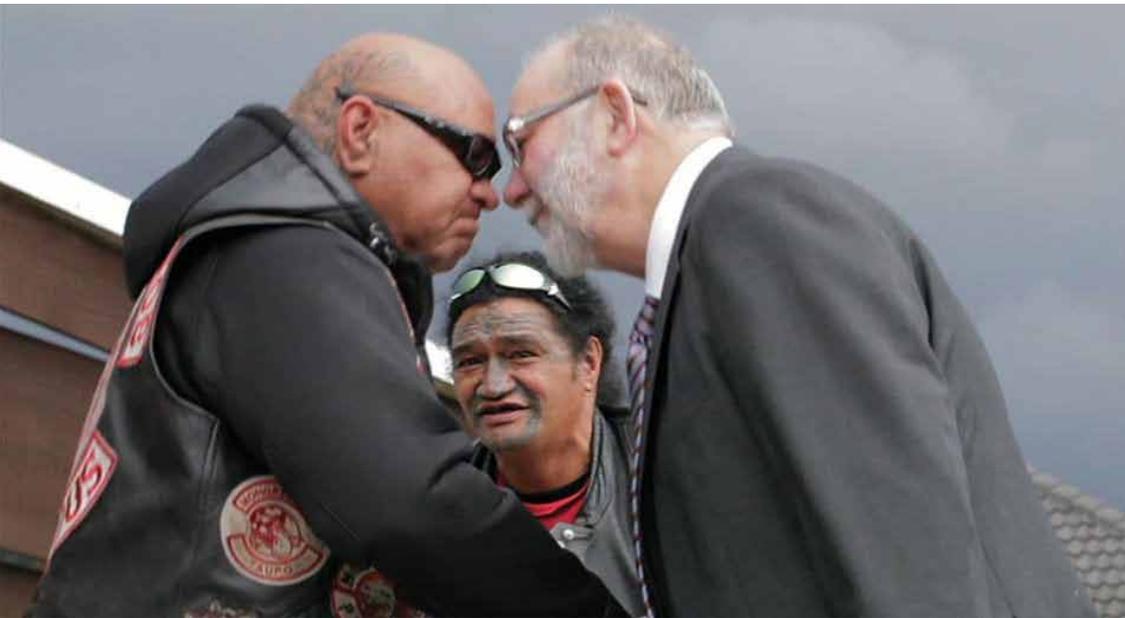
Faith-based prison unit at Rimutaka Prison

Workman recalls his first experience with restorative justice, which he observed when he was the district manager of the Department of Maori Affairs in Rotorua. The Police in a local community were dealing with a case of a Maori man who had committed incest against his daughter. A senior Maori elder asked if the community could deal with the problem in accordance with Maori custom, and this was agreed.

The local elders called a meeting at the marae (meeting house). This was attended by about 40 people including the suspect and his family, and their extended family of aunts, uncles, and cousins. At the meeting, the elders repeated the Police allegations and the suspect immediately admitted his guilt. He was then given the opportunity to explain why he had committed the offence, and was questioned about whether he fully understood the harm he had caused.

Following his confession, each member of the family was given the opportunity to speak. The 15-year old victim spoke of her own confused feelings — of feeling worthless, but also talking of her love for her father, and the fear that he might do the same to her younger sister, aged 13 years. The mother and younger sister also spoke of their mixed feelings of fear and love. The offender expressed remorse for his behaviour, and sought the forgiveness of his wife and children. The meeting continued with other family members speaking directly to the offender, venting their anger and making clear the shame that he had brought on the wider family.

The next day, the elders discussed how the matter should be dealt with. They decided that the offender would firstly lose his eldership and speaking rights at the marae. He was also forbidden to be at the marae when young people visited. It was agreed that he would



Kim Workman greeting gang members at a restorative justice hui.

no longer sleep in the family home, but in a shed at the back of the house, and only enter the house during the day when his children were at school. These sanctions would continue until his youngest daughter had left home.

The offender accepted these decisions, and there was reconciliation with his family, in the presence of the wider community. The offender went on to faithfully observe the conditions set by the elders for the next three years, until his youngest daughter left home. After this, a ceremony was held at the marae accepting the offender back into the community and reinstating his speaking rights. He subsequently resumed a normal life with his wife, and was thereafter treated as a law-abiding and responsible member of the community.

As Workman's first exposure to an indigenous restorative justice process, it made a lasting impression: "It seemed to me that the primary benefit of this encounter was that it brought a state of peace-building in the community through dialogue, offender accountability, and addressing the victims' safety and needs. The penalty was quite severe, and yet at the end of the process, there was provision for reconciliation and full community restoration."

"The ideas behind these practices are founded not in criminological texts, but in Judeo-Christian and indigenous principles that have been around for at least a couple of thousand years. Restorative practice is founded on a human truth — that we all seek to be reconciled with our family or whanau, our community and with one another. We all desire to belong."

- The principles of restorative justice are central to several Prison Fellowship programmes. One of these is called the Sycamore Tree, which brings together six victims and six offenders (whose crimes are not directly related to these victims). They meet in eight two-hour sessions within the prison, where a facilitator encourages the offenders and victims to talk about concepts of taking responsibility, making amends and working for reconciliation. In another programme, the Prison Fellowship organises direct victim and offender restorative justice conferences ... sometimes many years after the crimes were committed.

In both these programmes, the participants have reported that the effects on them have been profound. Not all such meetings result in genuine remorse on the part of the offender, or an offer of forgiveness on the part of the victim. But it is clear that the majority of the offenders do begin to confront — many for the first time — the harm that their actions have

had on other people. And Workman has found, almost without exception, that the victims who participate describe the encounter as a positive and healing experience, and recommend it to other victims.

Workman says that it has been a consistent challenge getting these restorative justice programmes accepted and funded within the Corrections Department. At the beginning, there was active resistance from some prison staff — including the intrusive searching of victims coming into the prisons, and general harassment of everyone involved.

In 2002, the Prison Fellowship was successful in advocating for legislative change to the Corrections Act, which now requires the Chief Executive of Corrections to promote restorative justice programmes in the prisons. And as stories of the profound effects of restorative practices have started to spread within the prison system, then the attitudes have changed amongst prison staff and support has grown.

- Most of the Prison Fellowship's innovative projects have had to appear uncontro- versial, and operate “under the radar” in order to receive the support they needed from politicians and the Corrections Department. But Kim Workman increasingly felt that, for himself, there was an ongoing conflict between wanting to work quietly and the need for someone to speak out and foster a wider dialogue on the current issues of criminal justice policy.

In 2006, Workman joined with Major Campbell Roberts of the Salvation Army to initiate a new project called *Rethinking Crime and Punishment*. (Workman retired from his role as national director of the Prison Fellowship in 2008, so that he could focus primarily on this work.)

Workman established a new charitable trust, The Robson Hanan Trust, named after former Secretary of Justice John Robson and former Minister of Justice Ralph Hanan, who between 1960 and 1970 were responsible for significant improvements in justice reform. The trust is chaired by former cabinet minister Russell Marshall, and has had wide professional representation including former Governor-General Sir Paul Reeves, and former High Court Judge Sir Taihakurei (Eddie) Durie. It has also attracted strong cross-party support from parliamentarians.

The election of a new government, in 2008, saw the introduction of measures to exercise more control over offenders, and restrict the role of community organisations in contributing to effective interventions. Legislation was introduced which extended the supervision of offenders, and restricted bail and parole. Legal aid for prisoners appearing before the Parole Board also became severely limited. New security rules restricted prisoner eligibility for release to work. The “three-strikes” legislation was about to become law, with predictions that it would hugely increase the terms of some sentences. In the meantime, the prison population continued to grow (... it had doubled over the previous 15 years), and it continued to operate under sub-standard conditions — with double bunking, and prisoners locked in their cells for between 16 and 20 hours a day.

Workman felt that many of these policy measures were based on stereotypes of offenders, or were the result of personal pet theories of politicians and “get tough” community activists. He knew that he could point to robust research evidence against many of these

new policy measures actually working. And he feared that, while the policies may capture the attention of the media and the general public, they would also consume scarce resources for little long-term effect.

With the launch of the *Rethinking Crime and Punishment*, Workman became increasingly sought out by journalists and researchers wanting advice and background on contentious crime and punishment issues in the daily media. Instead of getting two requests a month

for media interviews, he found himself responding to more than five requests every week.

In addition to this, the *Rethinking* project has gradually become recognised as a valuable resource on issues of criminal justice and prison reform. Research

and other information from the trust has been directly drawn upon by the chair of the Parole Board, the Chief District Court Judge, the Principal Youth Court Judge, and by a growing number of academics, and public sector officials.

- One of the more obvious areas for *Rethinking* involves the high expense of running the current prison system (about \$1.2 billion a year). A consequence of these high costs is that there is hardly ever funding available for innovative programmes.

Workman points out that the Corrections Department just doesn't have enough money for programmes or services beyond what they already traditionally fund. The department finds it difficult to attract any new money from politicians — other than for building more prisons. This means that Workman and his colleagues face a constant uphill battle in finding the sustainable long-term funding that all new initiatives require. Consequently, most of their new restorative justice initiatives have been funded by the churches, private philanthropy, and charitable trusts.

Academics in the United States have coined the phrase 'million-dollar blocks' to refer to clusters of apartments or houses where \$1 million each year is being spent locking up some of the former residents in prison. At \$90,000 a year to keep an offender in a prison in New Zealand, the suburbs of many of our cities have their own versions of "million dollar blocks". It is clear that this expenditure is bringing little long-term benefit to the community since the vast majority of these offenders still re-offend when they return home from prison.

Workman argues for the re-distribution of these considerable resources in other ways that might give taxpayers a better return on their investment. He calls for a "justice reinvestment" that will support community re-integration plans, increase the capacity of mental health and addiction services, and boost community outreach programmes — all measures which have a clear potential to lower the overall costs of incarceration.

- Kim Workman says that his participation in the New Zealand Social Entrepreneur Fellowship has given him the time and space to do his own *rethinking*. It has enabled him to learn from and make the links with the innovative work going on in fields other than his focus on prisons and criminal justice.

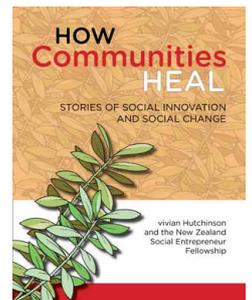


“When the fellowship started, I felt I had reached a plateau in my work and my thinking, and I thought I had run out of ideas. I wasn’t having any more of those wonderful moments. And establishing my innovations has been a testament to resilience, even obstinacy ... but it has also led to a style of functioning which was increasingly self-reliant, individualistic, and very lonely. The fellowship has changed that for me ... and the experience has re-shaped the way I think about innovation and social change.

“I get real sustenance from going to the retreats, and talking to people who know more than I do and are better equipped to do things than I am. They are an inspiration for me. I wouldn’t have got as far as I have in a number of areas without having had the experience of being part of this group.”

Notes and Links

- This article by vivian Hutchinson is part of the HOW COMMUNITIES HEAL project — stories of social innovation and social change featuring members of the New Zealand Social Entrepreneur Fellowship. It is available at tinyurl.com/hchworkman
- Kim Workman can be contacted at director@rethinking.org.nz or at Rethinking Crime and Punishment, P.O.Box 45-152, Waterloo, Lower Hutt 5042
- *Prison Fellowship* ... website is at www.pfnz.org.nz
- *Rethinking Crime and Punishment* ... website is at www.rethinking.org.nz
- *Chuck Colson* ... was the former Special Counsel to President Richard Nixon. He established the Prison Fellowship after finishing serving a prison sentence for his crimes relating to the Watergate scandal.
- *He Korowai Whakapono faith-based prison unit at Rimutaka* ... for outline of this programme see “*Implementing the Decency Agenda*” at tinyurl.com/y4vat3h
- *prisoner reintegration* ... see also the Prison Fellowship Target Community programme at www.pfnz.org.nz/target_community.htm
- *restorative justice* ... also see www.restorativejustice.org
- “*My First Experience with Restorative Justice*” by Kim Workman, from his blog for *Restorative Justice online* at tinyurl.com/y6dh82w
- *restorative reintegration* ... see “*Back to Churchill — An Old Vision for Prisoner Reintegration*” by Kim Workman (March 2009) at Institute for Policy Studies at tinyurl.com/y7zbqu2
- *Sycamore Tree Project* ... the name is based on the Bible story of Zacchaeus, a cheating tax collector who climbed a sycamore tree to get a better view of Jesus. When he met with Jesus, he changed his way of thinking and took responsibility for his past actions — apologizing to his victims and giving back all that he had stolen. See also www.youtube.com/watch?v=aYi9v1tkpc



- “Beyond the Prison Gate” by Geoff Cumming, *New Zealand Herald* 15 March 2008
tinyurl.com/y3e65oq
- *He Korowai Whakapono faith-based prison unit* brochure is at tinyurl.com/y4yzh9d
- introduction of new measures ... see “*The Case for Restorative Practise — A Change is Gonna Come*” speech by Kim Workman to the Taranaki Restorative Justice Conference, March 2010
- *Kim Workman comments* taken from workshop presentations at the NZ Social Entrepreneur Fellowship Retreats at Long Bay 2007 — 2009, and at the NZSEF Social Innovation Dialogue on Youth Issues August 2008. Also interviews with vivian Hutchinson for the the HOW COMMUNITIES HEAL project 15 July 2008, and 21 May 2009.

More articles in this series, and further information on the HOW COMMUNITIES HEAL project can be found at www.nzsef.org.nz/howcommunitiesheal

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