

Name: **Peter Humphreys**

Organisation: **Hamilton Christian Nightshelter Trust**

Do you wish to speak about your submission at a Council hearing? **Yes**

Do you support in principle the intention address anti-social and nuisance behaviour in public places through a bylaw? **Yes**

What aspects of the proposed bylaw do you agree with and why? Please specify the topic, clause and page numbers.

Please refer to attached document

What aspects of the proposed bylaw do you disagree with and why? Please specify the topic, clause and page numbers.

Please refer to attached document

Do you have any further comments?

Please refer to attached document



Proposed Safety in Public Places Bylaw 2014 Submission.

The Hamilton Christian Nightshelter Trust supports, in principle, the intention to address anti social and nuisance in public places bylaw. We do agree that people should not be intimidated by those seeking money by begging.

We would also like to see, in conjunction with the bylaw, an education campaign for the general public about not giving to those who are begging on the streets. For many years an anti begging education programme has been used in Great Britain, known as the 'Your Kindness Could Kill' campaign. This aims to make the public aware that giving money directly to those who beg does not help - rather it may help sustain a life on the streets and it may be used to buy substances that could kill.

Posters are used in the British campaign. This form of education could be used locally to highlight the issues of giving to beggars on Hamilton streets. This way of reducing begging may be more productive than trying to be punitive with people who cannot afford to pay fines and tend to end up in prison rather than turn up for the court punishment of community work.

The other aspect of 'Your Kindness Could Kill' campaign would be to establish an outreach service. The poster will have a cell phone number on it so members of the public and businesses could ring up for advice when having concerns or interaction with those that are homeless. This would also assist those who are homeless to access services. With newly established "People's Project" on the corner of Garden Place there is already a very visible and accessible possible contact point.

The other aspect of the Safety in Public Places Bylaw 2014 would be around the punitive implications for those begging if charged with an infringement. For many this will just assist them to stay in the justice system and keep them indebted with fines that they cannot pay. We have clear evidence from the introduction of the Hamilton City Council window washing bylaw that these laws have little deterrent. "People are currently banned from washing windows of vehicles stopped on the road within 50m of an intersection under the council's modified Traffic Bylaw 2012". In a recent article in the Waikato Times (27/09/2014), one individual was quoted as having 30 offences stemming from the window washing bylaw.

The New Zealand government has recognised that addictions, mental illness, and social care needs such as lack of family support and unemployment are inextricably linked to rates of crime (Corrections, 2009). Limitations in the ability of existing health and social care agencies to effectively address these issues have resulted in traditional adversarial courts becoming revolving doors for offenders, whose criminal behaviours arise from psychological and social impairments (King & Freiburg, 2009).

We realise that Hamilton City Council has no obligation to be involved in the justice system but by default they are placing citizens of Hamilton into the justice system. Again we suggest that we look at alternatives to the current system and for Hamilton City Council to advocate for a Community justice approach.

Court innovations, such as problem-solving courts, have been developed to assist in addressing the psychosocial causes of offending. These courts seek to improve the psychosocial wellbeing of those whose behaviours brings them to court in the first place (Winick, 2006). Problem-solving courts use a psychological lens in viewing defendants as motivated (or unmotivated) actors, who adjust their responses to the courtroom according to their motivation during hearings, anticipated emotions about future hearings and perceptions of the fairness of their treatment by the court.

Auckland City Council and other Participants, entered into a memorandum of understanding to identify the formation of a special circumstances court as an effective intervention to provide a pathway out of homelessness in Auckland City Central Business District.

Te Kooti o Timatanga Hou-The New Beginnings Court, was established in Auckland in 2010. The court is aimed at defendants who have pleaded guilty; have committed on-going, low-level reoffending within Auckland's inner city; are homeless and/or have no fixed address; are affected by mental health concerns and/or intellectual disability; and are affected by chronic alcohol and/or substance abuse issues. This court is made up of governmental and non governmental agencies that can assist the defendant with their rehabilitation. Therapeutic and treatment plans are developed to address any mental health, addiction, or intellectual impairment issues. The defendant may then be accepted into the court for monitoring (Woodley, 2012).

Once a participant is accepted into the programme, a community worker is selected to work with the participant and develop a client-focused rehabilitation plan. This plan is presented to the court, and monitored by regular court appearances to gauge participation and progress. The Special Circumstances Court is based around the justice system, but outcomes are strongly influenced by the engagement of the participant in a tailored rehabilitation plan.

The benefit to the person choosing to participate in the Special Circumstances Court is that they are able to identify and, with the court's assistance, address issues in their lives contributing to their offending. Participants are helped to obtain the support they require and to develop strategies so they can better deal with the issues in their lives. With a rehabilitation plan in place, the desired outcome is that the offending of participants reduces, or ideally ceases.

As well, the Special Circumstances Court is a more informal court setting, where participants appear before the same judge each month to discuss their rehabilitation plan with the judge. Their community worker is also present and able to talk directly to the judge about the plan and progress (or lack thereof). The court not only looks at the participants' offending but also considers what else is happening in their lives.

This is an extract from a progress report on the Te Kooti o Timatanga Hou - the Court of New Beginnings prepared in September 2012.

Outcomes

Arrests

- The number of arrests dropped by two-thirds during participation, which was sustained in the six months following participation.
- The number of people arrested fell by one quarter (26 per cent) during participation and by 42 per cent in the six months following the programme.
- Of those who had been arrested, the number of times they were arrested fell from an average of 7.7 times prior to participation, to 2.6 times during and after the programme.
- This fall in offending was commented on by both operational staff and court participants as having been influenced by TKTH process.

Prison

- Bed nights in prison reduced by:
- 78 per cent during participation
- 60 per cent in the six months following participation.

Health

Interviewees report that court participants:

- Lead a healthier lifestyle
- Are dealing with substance abuse issues
- Have higher self-regard.

Emergency Department visits reduced by:

- 16 per cent during participation
- 57 per cent in the six months following participation.

Housing

- The number of participants known to be rough-sleeping decreased from sixteen to six.
- The number of Housing New Zealand Corporation tenancies for participants increased from zero to six. All tenancies remain current.
- The total bed nights for participants with HNZN tenancies increased from zero to 1185

Finances

- A number of participants interviewed commented that TKTH had helped them receive a Work and Income benefit and manage their finances.

Social support

- Some participants have reported better relationships and more frequent contact with family.

“This programme gives you a future. You can see something at the end of the tunnel other than just bars. You see your potential.” **Court participant**

I would like to make a closing comment regarding the people who may be punished by this proposed bylaw. They are often victims of our lack of investment in solving major social problems; they are very often those who are mentally ill, those who are homeless and those who have addictions. Sometimes they are all three. We need to do more than hand over responsibility to the police, the courts and the prisons.

Regards

Peter Humphreys
Manager
Hamilton Christian Nightshelter

Reference

Corrections, D. o. (2009). Drivers of Crime Ministerial Meeting: Proceedings. Wellington, New Zealand: Department of Corrections

King, M., & Freiburg, A. (2009). Nonadversarial Justice Sydney: The Federation Press

Woodley, A. (2012). A Report on the Progress of Te Kooti O Timatanga Hou –The Court of New Beginnings. Auckland: Point Research Limited

<http://www.stuff.co.nz/waikato-times/news/10551243/Window-washers-do-we-want-them-in-Hamilton>

<http://www.salvationarmy.org.nz/our-community/faith-in-life/our-people-our-stories/a-court-with-a-difference>