

Special Circumstances Court (SCC) Evaluation 2020



The SCC is helping address the needs of Aotearoa's most vulnerable and assisting to bring about greater adoption of more rehabilitative approaches in the justice system.

What is the SCC?

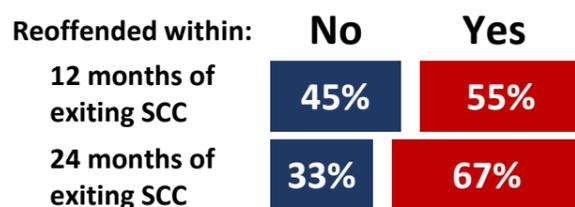
The Special Circumstances Court (SCC) is an innovative approach intended to improve outcomes for people who have pleaded guilty to low level offending. It is a judge-led initiative, supported by a team of professionals (lawyers, community agencies, specialists). It aims to keep people out of prison and reduce reoffending by identifying and responding holistically to participants' needs. The SCC aims to enhance the mana of participants by linking them with services to promote their health and wellbeing, and that of their whānau. For example, by linking participants with services who work with them to improve their employment, housing and addiction challenges.

The SCC was established in Wellington in March 2012 and has been operating in New Zealand's justice system since then. The SCC runs once a month.

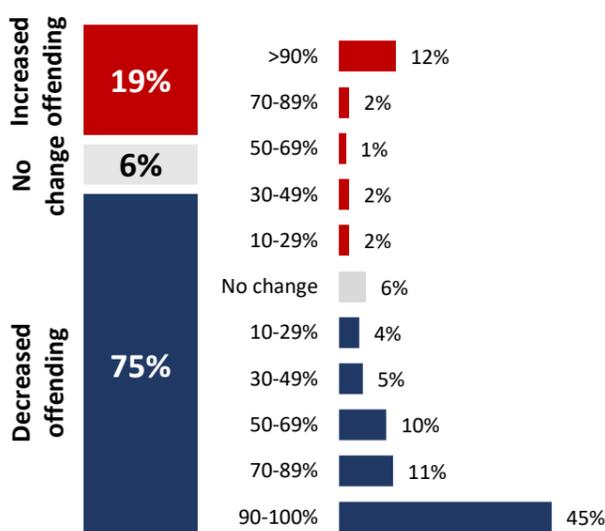
The difference the SCC is making

Reduction in offending

Of participants who had exited SCC at least a year ago (n = 143), 45% had not committed a further offence within a year after exiting SCC.



Even if they did reoffend, most people decreased their offending. However, around one in ten SCC participants (12%) increased their offending by more than 90%.



Percentage change in offending in the first 12 months after exit from SCC (n=140)

Of participants who offended after SCC, their mean offences significantly decreased from 7.83 to 5.68.

Drop in mean offences for participants who offended after SCC (n=78)



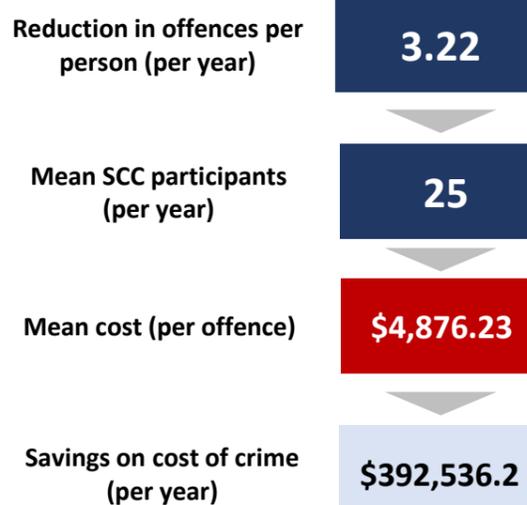
Savings

The mean number of offences per year significantly decreased from 6.32 offences per participant pre-SCC to 3.10 offences for the year after SCC.

Drop in mean offences all (n=143)



The average cost of an SCC offence based on the four most common offences is \$4,876 (Based on the New Zealand Treasury CBAX tool).



A conservative annual estimate, results in a saving of \$392,536 per year from reduced offending. This does not take into account offending that has not reached the justice system or the additional cost of running the SCC.

"If you're not going to acknowledge what happened to me, I'm just going to keep being a crim. And it wasn't until I got to SCC that I got the acknowledgement and I was given the opportunity... to go back onto a marae setting with my elders... SCC gave me something that I'd been asking for, for 30 years."

Personal experience

Experience of the service

- Clients said they felt they were treated like a human being and not just another number.

Changes in support

- Reconnected with whānau support network and community
- Engaged with support services
- Accommodation, IDs, drivers licences, bank accounts and Work and Income benefits
- Some have engaged with educational courses.

Personal changes

- Gained hope, felt valued and set goals
- Improved taha wairua, taha whānau and taha hinengaro (spiritual, family and mental wellbeing)
- Increased awareness of coping strategies
- More aware of the impact of offending and reduced offending.

"Me and my mum have made up in this short space of time. I moved into her house when I was going to SCC, it kind of helped me a lot to get back on my feet."

"Thought wise, intellectual wise, everything about my whole being has changed through SCC."

"I'm doing real good right now...I've had my little slip ups but then I've had times where I've gone to do something like a crime and then I've just stood there and gone, what am I up to? And then just walked away."

"Bail support has helped me get into a course... i ended up getting my License through them."

"The courts did [help me stop offending] by helping me think yeah, I can actually do it. I can make a change and I am able to make a change and having people to support me..."

"If we didn't have this opportunity, we'd think we still got to go through that same cycle. We still got to be treated the same that we always get treated... What they do is worth it."

Who the SCC is reaching?

Eligibility for SCC

According to the Social Change Collective (2018), the qualifying criteria for inclusion in SCC are the offenders:

- Have pleaded guilty to offending that does not include serious violent offending or sexual offending
- Have an identifiable need such as addiction, mental health problems, lack of accommodation, income support etc.
- Have expressed a desire for help with an identified need, and
- Have a motivation to change.

Before being part of SCC, participants described facing many challenges including homelessness, mental health issues, addictions and violence. Many described living in poverty and surviving through shoplifting.

Entry to SCC

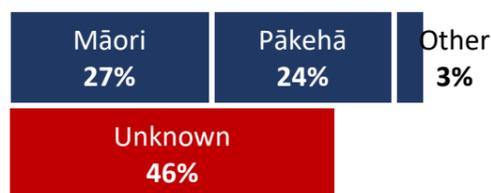


The number of participants may be slightly higher as there is not an official flag for the SCC in the MOJ data. Participants may also leave the SCC and come back. Stakeholders suggested increased demand was associated with:

- Incremental changes in focus within the justice system with greater recognition of the need for rehabilitation.
- Increased poverty and other factors in community that could contribute to offending.

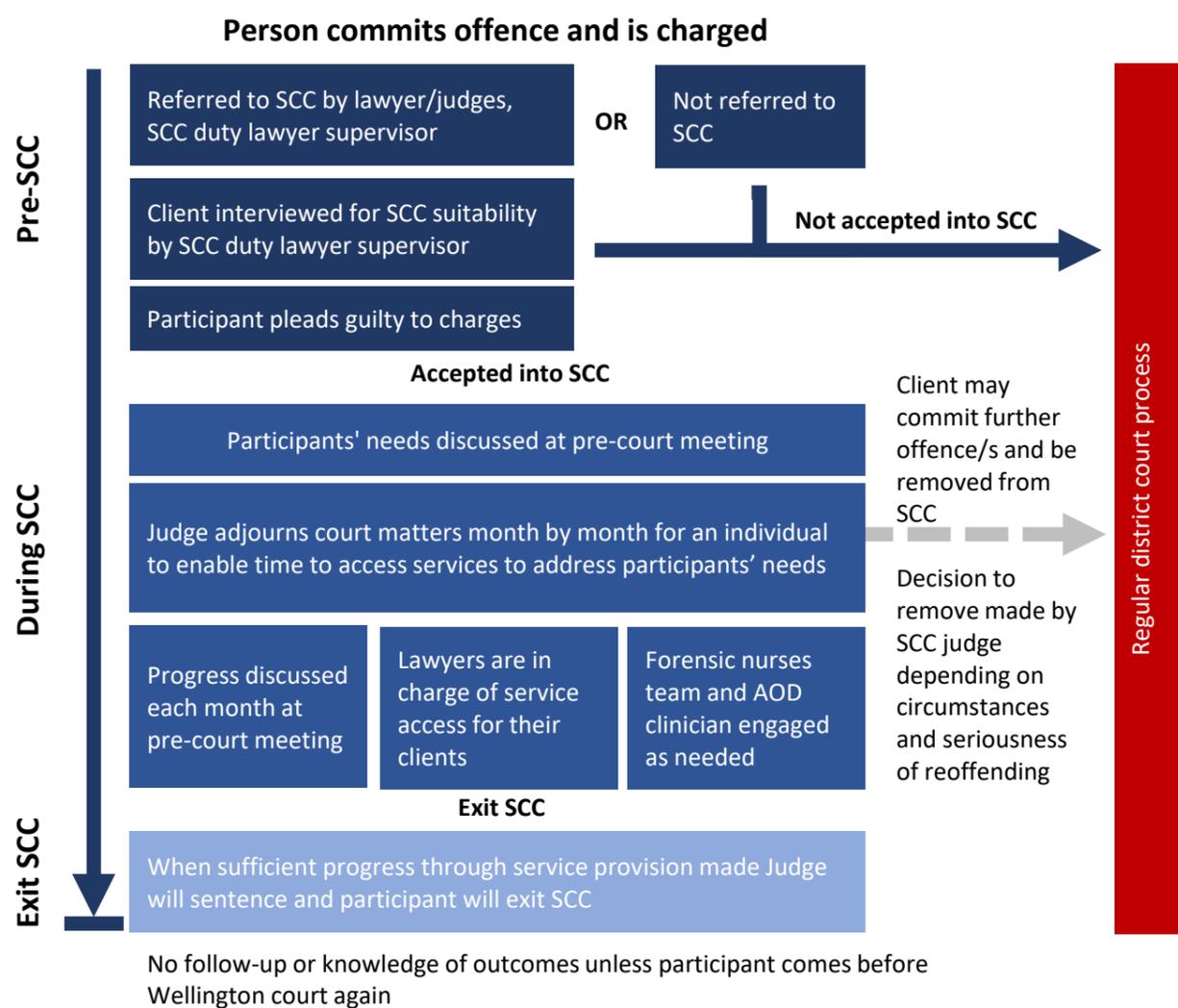
Ethnicity

Over half of participants who had ethnicity recorded were Māori with the other half being mostly New Zealand European. Just under half of participants had no data recorded in the MOJ data.



Ethnicity (n=206) (MOJ data)

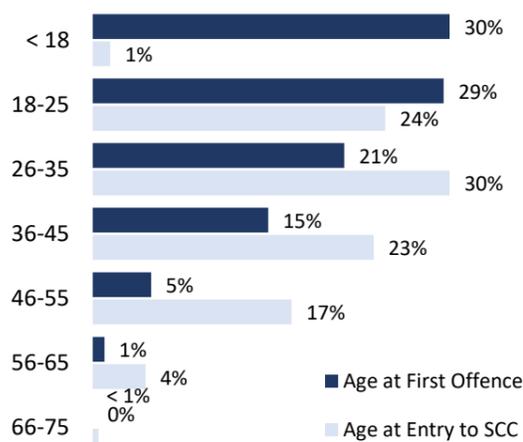
The Special Circumstances Court process



No follow-up or knowledge of outcomes unless participant comes before Wellington court again

Age

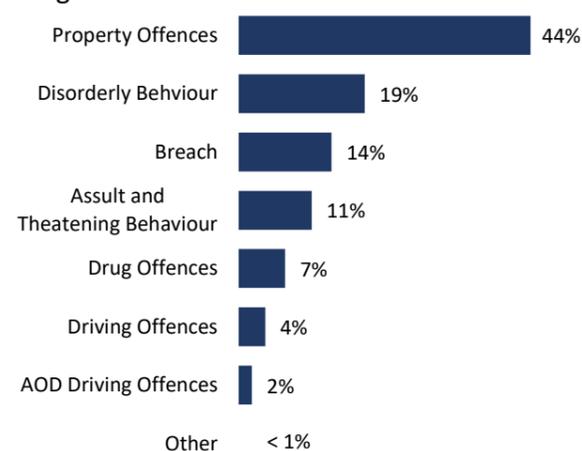
Over half of participants had been charged for their first offence before they were 26 (59%). The majority of participants entered the SCC between the ages of 18 and 45 (77%).



Age (n=206) (MOJ data)

SCC offence type

The most common offence type for charges in the SCC was property offences (44%) which included shoplifting, burglary and obtaining by deception. Disorderly behaviour included offences such as trespassing, wilful damage, and graffiti.



Offence type (n=206) (MOJ data)

The Evaluation

The Michael and Suzanne Borrin Foundation provided a grant to Malatest International to evaluate the Wellington Special Circumstances Court.

The aims of the evaluation were to:

- Demonstrate what is different about the SCC from the mainstream court process and identify the key elements of SCC that contribute to positive outcomes for participants.
- Outline SCC costs and transferability of key elements to mainstream courts.

- Profile and quantify the participants (who is the SCC reaching), assess the impact of the SCC for participants and whānau and explore barriers and enablers to improved outcomes for SCC participants.

Data were sourced from interviews with SCC Court personnel, NGOs involved with SCC and participants and their whānau, as well as administrative data from the Ministry of Justice including case files of some participants.

Data sources

Interviews

- SCC Court personal
- NGOs involved with SCC
- Participants and their whānau



Administrative data

- Participant case files
- MOJ administrative data

