

## **DISINFECTANT CANNOT FIX CRIME**

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In 1918, my grandfather was one of more than 8000 New Zealanders to die in the country's greatest peace-time disaster, inaptly called the Spanish 'flu epidemic. In the months of October and November, the 'flu virus hit thousands of able-bodied people, young and old, and within days most were dead. As the disease spread, the general populace came to believe that the sickness was caused by the spread of germs or bacteria. Such was their limited understanding of medicine, many thought they could prevent the disease spreading by disinfecting everything and washing down dirty areas so that the germs wouldn't breed.

As time went on it was discovered that the cause of the 'flu was a virus and had nothing to do with germs. But such was the inability of the people to grasp this reality that they kept trying to cure the causes of the epidemic through simplistic but discredited means. It seemed like something good had to happen if plenty of disinfectant was spread around. Sales of disinfectant boomed, but the disease kept spreading.

I'm reminded of this piece of history every time I read comments calling for harsher penalties, more imprisonment and tougher sentencing as a way of dealing effectively with crime. Given our better understanding as to the causes of crime, such calls are as simplistic and discredited as disinfectant was for curing the 'flu in 1918.

In recent days, we have had high profile stories on the passing of new legislation imposing tougher sentences on many offenders and guaranteeing a substantial increase in prison musters at an additional cost of \$90 million over the next four years. This comes after more than 10 years of consistently falling numbers being convicted of serious crime. We have seen an acknowledgement by the police and the Minister of Corrections that more and more mentally ill people are not just being sent to prison but are being kept locked in isolation for up to 23 hours a day. And we have witnessed the Christchurch coroner's hearings into three deaths in custody at Christchurch Prison where despair flowing from a lack of hope in the future appears to have been the compelling reason behind the deaths.

Criminal justice issues are complex. Simplistic disinfectant-type answers have never worked. There are a multiplicity of causes for criminal offending ranging from background deprivation, abuse in childhood and addictions to plain greed, envy and lack of self control. Repeat offending is so often fuelled by prison experience. I had a bet with a friend that when the offenders were eventually caught for the recent horrific crimes in Lower Hutt, they would be prison graduates. I won the bet. Prisons guarantee more serious offending.

At the heart of current criminal justice policy lies the failed philosophy of punishment based on vengeance, not accountability. Many in the community have an insatiable appetite for punishment. More is never enough. Vengeance knows no limits. It appeals to the sinful dark side of unredeemed human nature. The 'three strike' laws in the US and Western Australia are witness to this. The latest US 'three striker' got 25

years to life for stealing a pizza. That won't satisfy some. Soon it could be two strikes, and then one strike, as it has been in the Northern Territory these past several years.

There are a few signs of sunshine breaking through the dark clouds. Despite its somewhat punitive philosophy, I welcome some sections of the new Sentencing and Parole Reform Act which will enable and encourage restorative justice practices both in the community and, when appropriate, in prison. Indeed in no fewer than 12 places in the new legislation is encouragement given, and on occasions demanded, for the courts to provide a restorative option.

Restorative justice processes are hard work and sometimes complex. They offer victims of crime some chance of coming to terms with what has happened to them by way of apology, acknowledgment, accountability and the beginning of a healing process. For the first time in our recent legal history they can place victims right at the heart of the criminal justice equation and empower them. However, I must say I am constantly amazed that so often those who most vocally call for tougher penalties and supposedly speak for the victims of crime consistently fail to promote restorative practices as a hope-filled way forward for victims. They seem so stuck in the disinfectant mould!

Restorative processes can certainly be tough on offenders because it requires they take responsibility for their offending in ways the current system doesn't. Many will not want to be part of the process since it requires a certain maturity or will be seen as being too tough to handle. But for those who genuinely wish to acknowledge harm done and seek to change their ways positively, it can offer a new window of hope for the future.

Restorative processes obviously will not work all the time. But then, what positive effects do prisons have on the majority? How can they when the culture within is so negative? They are an expensive failure.

But, with a general election looming, harsher sentences are right back on the political agenda. As in 1918, it's a pity so many want to continue just using disinfectant, when the real virus needs to be tackled.

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