

Your **VOICE** for the future



Chairman's Report

WE WILL NOT FAIL - NOR FALTER - GIVE US THE TOOLS AND WE WILL FINISH THE JOB!

Winston Churchill

What better inheritance can we leave our children?

There is now no doubt, your donation to the Sensible Sentencing Trust is the best investment you will ever make!

A bold statement maybe, but very true. I am sure our supporters will understand the role SST played in bringing about the major mood change that is now sweeping the country. We said "Enough is Enough". We said we did not want repeat violent offenders on the streets and we wanted to live in safer communities. That catch-cry has now been heard and is being implemented by the National / ACT Government. New Zealand **will** become a much safer country.

Our strategy of supporting the policy - not the party - has paid major dividends. The first 100 days of the National / ACT Government has seen many of SST's policies already put in place with more to come.

The disastrous Bail Act has been repealed. The Electoral Finance Act has gone and the extremely corrupt proposal by the last Government to implement a Sentencing Council to lower sentences has been scrapped - the money saved earmarked for the newly established victim reparation fund.

Identifying The Drivers Of Crime

To most of us identifying the root causes - or the drivers - of crime is not difficult. It is the removal of the moral fibre or backbone of our society, respect, discipline, accountability and responsibility which have all contributed to the break down in a value-based society and family structure. But try telling this to the academics and bureaucrats who have implemented this social disaster! While many of them will now admit - privately - that a social calamity of mammoth proportions is imminent, getting them to do a U-turn is much more difficult.

We have already done what many said was impossible, but that was only the first round. The REAL battle will now commence with the rebuilding of a well balanced, safe and patriotic New Zealand. A safe New Zealand - the perfect legacy!

Still on the wish list!

- Review of Legal Aid
- No parole for repeat violent offenders
- Expanded use of DNA
- Three-strikes proposal
- Private prisons
- Prison representative on Parole Board

The Sentencing and Parole Reform Bill currently being considered by Parliament is a vital piece of the jig-saw to remove repeat violent offenders from society. Hopefully this Bill will pass into law without too much difficulty. It will save lives. It will help remove the repeat violent offender. Some media commentators are saying SST's job is done and that we should now retire and rest on our laurels.

But the job is only partly done. **Tough** on its own is not enough. We will need to remain constantly vigilant and ensure the new 'tough on crime' mood does not weaken. To return this country to the paradise we all desire much more needs to be done.

We have the passion, the determination and the numbers to win this fight. We will not fail - nor falter - but we need your ongoing financial commitment to ensure we have the tools to finish the job.

Garth

THIS ISSUE...

Page 1

- Chairman's Report
- We will not fail - nor falter
- Identifying the drivers of crime

Page 2

- We can no longer share her dreams
- Why is no one accountable

Page 3

- We asked the Minister of Corrections Judith Collins Her "Vision for Corrections"

Page 4

- Pint Sized Crime Fighter from Christchurch
- Youth Against Crime

Page 5

- Strong Justice is Good Justice
- Why Isn't the Dept of Labour Prosecuting Officials Who Kill?

Page 6

- Legal Aid Blow-Out
- Thumbs Up & Down

Page 7

- It's Membership Renewal Time
- Our Members Have their Say
- A Huge Thank You

Page 8

- 2009 Golf Tournament
- Thank You
- Congratulations
- Obituary - Les Sutton
- SST Bledisloe Cup Rugby Lunch

In June we are bringing out Jennifer Walsh from California, an expert in the field of the 'three strikes law'. Jennifer has first-hand experience in the success of the three-strikes in protecting the public and reducing crime. While in New Zealand Jennifer will address the Select Committee and be available for media interviews.



We can no longer share her dreams

Invitations are usually a source of joy. However, there is one invitation you wouldn't want to receive, but one arrives for me each year.

I DON'T WANT IT!

I don't want it to be me who is invited to a conference with families like mine, whose lives have been shattered because of violent crime.

I don't want to be a mother of a murdered child, but I am.

On December 3rd, 2001 Shane Hoko impacted on our lives in the most horrendous way possible.

Our hearts felt as though they had been torn in two when we were told that our beloved daughter Jennie had been murdered by him. She, with the sparkling blue eyes and happy nature was now at the morgue. Having to identify the body was devastating and an experience no parent should ever have to endure.

We thought it would be comforting to bring Jennie home but as the days went by it was torture. Her face and body revealed the hideous beating which Hoko had inflicted on her and only God knows what pain and terror she endured over the hours when she was trying desperately to escape.

When a man and his boys stopped to help Jennie, Hoko drew a gun, said he would kill them too, so they raced away and phoned the police. Jennie had no chance.

The feeling of helplessness turned to anger when we learned that Hoko was on parole. He had been given the chance again to behave as a civilized man, but in a fit of rage he relinquished it.

Hoko was sentenced to a "life" sentence with a minimum parole period of 15 years for the two offences. We don't get parole. We just get sleepless nights, nightmares and deep, deep sadness.

Jennie would be 24 now, and on her birthday we stand at the ditch where she was beaten, strangled, and finally drowned and we weep. We weep for the life lost. We can no longer share her dreams, her birthdays, the joy of Christmas, her marriage and the children she may have had. We weep too for us and her brother Chris.

I know of no other pain worse than losing a beloved child and if there is, I couldn't bear it. If it were not for hope that this Government may implement changes to the justice system, life would seem pointless.

Violent men like Shane Hoko show no compassion and should not be released back into our communities and that is why I am supporting the "**Three Strikes Law**" that is proposed. It will help heal the hurt we don't deserve.

Why is no one accountable?

After the damning Auditor-General's Report on "Managing offenders on parole" the public must question the effectiveness of our Parole system.

Of the 100 offenders in the survey it was found in almost every case that the Corrections Department had not followed one or more of its own management requirements which are needed to keep the public safe.

52 out of the **100** paroled offenders were classified as **posing a high risk to the public**.

First we ask, why is the Parole Board releasing criminals who pose a high risk to the public in the first instance? By law the safety of the public is the main principle the Parole Board must consider before releasing an offender on parole.

SST believes violent criminals should serve their full Judge given sentence then be released under supervision. Surely the sentencing Judge who sat through weeks of deliberations is the best person to determine the length of sentence. Not members of a Parole Board who have limited knowledge of the crime and its impact on the community.

We know hundreds of families who have had their lives shattered by criminals released on Parole.

Why is it that no one is held to account when such errors of judgement are made? If a doctor, lawyer, businessman or shop keeper failed in their duty and caused injury or harm to others they would be held personally accountable through disciplinary procedures via the Medical Association, Law Society, OSH or the Courts. Yet when mistakes are made within our Justice and Parole system no one is personally held to account?

These are mistakes that cost innocent people their lives and are preventable. People within our Justice/Parole system must be held accountable for their decisions and actions otherwise nothing will change.

"Jennie would be 24 now, and on her birthday we stand at the ditch where she was beaten, strangled, and finally drowned, and we weep".

Val Hargreaves

Wendy Pedler

We asked the Minister of Corrections Judith Collins her “Vision for Corrections”

The Department of Corrections has an incredibly difficult job in keeping the public safe from some of our most dangerous people. Corrections is an essential service, and one which must have the full confidence of the public.

Sadly, the picture that has emerged in recent years is of a department that is struggling to cope. It is unrealistic to expect that prisons will be able to prevent all escapes or violence by prisoners, but I am concerned that years of poor leadership by the previous government left New Zealand with a corrections service that is not as effective as it could be.

As the Minister of Corrections, I am committed to promoting a culture of excellence, accountability and professionalism throughout the department. All New Zealanders count on Corrections staff to carry out their duties with integrity, initiative, courage and common sense. I would like to see corrections officers held in the same high regard as the police or military, but they must earn that respect.

Another step towards improving professionalism in our prisons will be changing the law to allow management of prisons to be outsourced. In order to have a world-class corrections system, we need exposure to world-class innovation and expertise. With new ideas and independent benchmarks, private prison managers will raise standards across the whole corrections sector.

“As the Minister of Corrections, I am committed to promoting a culture of excellence, accountability and professionalism throughout the department.”



We asked the Minister the following questions...

Is the Arizona ‘Tent City’ prisons an option?

“I don’t believe tent city prisons would be acceptable in New Zealand. However, we will be looking at lower cost ways to house prisoners, such as prefabricated and modular prison buildings”.

Your Vision for Policing?

“I am immensely proud of our police, and believe them to be among the finest in the world. As with Corrections, it is essential that they enjoy the full confidence of the public and that there is a culture of excellence, accountability and professionalism throughout the organisation”.

Where does punishment fit into Corrections i.e. are prisons too soft?

“Prisons are not health clubs. I think most New Zealanders would expect that prison should not be a pleasant experience for those who are repaying their debt to society.

Prisons should not be places from which prisoners use smuggled cell phones to run criminal businesses and intimidate people on the outside. Recently we passed into law the Corrections Amendment Bill which will make it more difficult for people to smuggle prohibited items into prisons and easier for prison staff to detect them. This will make prisons safer for everyone and help cut the amount of crime in the community.

Prisons should also not be recruiting grounds for gangs. Some prisons in the US are refusing to acknowledge gang affiliations. We should think about doing the same thing here”.

Pint Sized Crime Fighter From Christchurch



John Key & Molly Adams

Molly Adams is only 13 but understands better than most politicians and legislators the consequence of crime on the community and economy.

Not long after I addressed Molly's class at Cobham intermediate her friends father, Christchurch taxi driver Abdulrahman Ikhtiari was murdered. Molly emailed me asking for advice and help.

Below are extracts from Molly's original email to me:

I may be only 13 but I feel strongly about Justice and how the Ikhtiari family feels.

Abdulrahman Ikhtiari was a dad to five, a husband to 1 and a very very lovely man to many.

He was from the Tampa and after getting his family away from violence in Afghanistan. It is horrible to think that he got stabbed in a place like Christchurch.

New Zealand is a lovely place and I think John Key would like to keep New Zealand with a good reputation. But sorry to say that if New Zealand does not start getting tough and harsh on murderers and criminals then New Zealand is going to get a very bad name. And workers wont like that because they need to keep their money and profits up. If they want profit and money they need tourists and population, if they want tourists population they need New Zealand to have a good reputation and if they want a good reputation they need to tighten up on their sentences and make New Zealand a safer, happier and a more risk free place to live in!

I am glad that National Party got into Parliament because I am hoping with all my heart they will make New Zealand a better place for everyone.

Molly Adams organized afternoon tea with influential citizens of Christchurch and a rally against crime to express her concerns. Prime Minister John Key has also met with her.

Molly is an inspiration to all!

Garth

Youth Against Crime

Hello, my name is Molly Adams and I first discovered how faulty the justice system was when I had my political awakening in December 2008. I never realized how badly crime affected victims until my friend and his family were victims of crime, it then made a big impact on my family and I.

In December 2008 my class mate from Cobham Intermediate had his dad, Abdulrahman Ikhtiari, tragically stabbed to death while driving his taxi late at night. He was later found lying by his taxi in the early hours of the chilling morning. I was devastated that the age of the accused were 16 & 19, but not SUPRISED at the ages as it seems to be the youth that are involved with these things.

I went along to the funeral to show my sympathy and support for the family. People don't understand how big the impact can have on families.

If there are teenagers running round killing innocent members of families, then New Zealand has something terribly wrong with their justice system. Criminals need a reason not to go to jail. Yes, jail is not a pleasant place to be but homeless citizens may use crime to their advantage for a better place to be.

If NZ made sure the parents of kids are fit to be parents and are worthy to provide kids with necessities, then some criminals would not be as bad as they already are. The parents are role models and they need to realise that any bad examples they set, their kids are going to follow. I had a march against crime on Valentines Day. Only 50 people came but I'd rather have 50 people come and support me than 500 people who don't even support what I'm trying to achieve.

Garth McVicar came to my school early in 2008 and has been my inspiration with everything I've achieved. As soon as my friends tragedy came along, Garth was the first person I could think of. I contacted him with an email and he replied very promptly which was extremely positive and supporting. Garth and other SST workers support me in everything I do and help me with everything. Also, Niki Wagner and Norm Withers have been big supporters and have helped me.

I really appreciated John Keys' visit to my house as he kindly gave me an update on what is happening in NZ with the economy etc. I'm holding a concert of compassion, Valentines Day 2010, to unite the country to raise money for victims of crime.

My motto for the concert is **"Black or white", lets re-unite!** I hope New Zealand understands the impact of crime in this country and with National into Parliament I hope with all my heart they will make it safer here as new legislations continue to swarm in!

Molly Adams (13yrs)

STRONG JUSTICE IS GOOD JUSTICE

How would the average person describe "Good Justice"?

Would it be a Justice System that holds offenders accountable?

A SYSTEM THAT:

- is fair and places the interests of victims at least equal to if not ahead of repeat offenders?
- is fair, practical, efficient, not open to abuse by the parties, cost effective, prompt and make our communities safer places to live in?
- victims would have confidence in and offenders want to avoid?

If my loose definition of good justice is even remotely correct then we do not have good Justice in New Zealand.

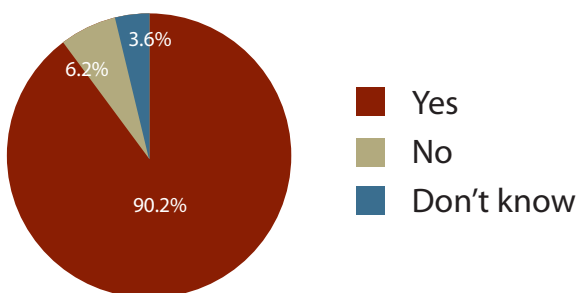
Victims expectations of the system are so low that high number of offences are not even reported to the Police. Of all offences recorded by the Police only a small fraction lead to prosecution. Of those cases prosecuted, the Police are successful with about 62%.

Of all those successfully prosecuted, only a very small group of offenders are sent to prison.

Those who are sent to prison on average will only serve just over sixty percent of the sentence given. Within four years of being released from prison, 49% will be back in prison, and over 70% will have been reconvicted although **not re-imprisoned**.

Victims of serious crimes will have been re-victimised on numerous occasions through attendances at Deposition Hearings, Remand Hearings, High Court Hearings adjournments, and in the worst cases, a Coroner's Hearing.

Below is a recent online Nielsen poll published 25th March



QUESTION:

Do you think that the sentences given to our criminals are too lenient:

- 90.2% - YES
- 6.2% - NO
- 3.6% - DON'T KNOW

INTERESTING !

" Our background and circumstances may have influenced who we are, but we are responsible for who we become".

Author Unknown

If a conviction is entered, and custody sentence imposed, there will follow several years of appearances before Parole Boards with the victims fighting to ensure that the offender is kept in custody as long as possible.

No, we do not have Strong Justice or Good Justice. We have allowed our Justice System to be so offender orientated, that we have lost sight of the victims and the standards of safety that as a society we used to enjoy. We have become so focussed on offender's rights that we have lost sight of what is our right as a society. The right to live safely, with peace of mind without the need to have every aspect of our lives impacted by the effects of criminal activity.

It used to be that the line in the sand was clear to everybody. Regrettably that is no longer the case.

Alan Monk

Why Isn't the Dept. Of Labour Prosecuting Officials Who Cause Death

SST is asking the Department of Labour to investigate officials whose actions or inactions have caused the deaths of many innocent law-abiding citizens.

The Department of Labour administers the Occupational Safety and Health(OSH) Act with the primary purpose to ensure workplace safety.

In recent years OSH has flexed its muscles and sued numerous private individuals and companies over workplace accidents. The Sir Edmund Hillary Outdoor Pursuits Centre (OPC) is the latest example.

Justice Ann Kiernan fined the OPC a total of \$480,000. Referring to Dept. of Labour report she said, "This was not an unavoidable accident, this was the result of poor systems and poor decision making. This was a tragedy which should not have occurred and one that could have been avoided." She also said the OPC was "highly culpable".

We would appreciate our members calling the Department of labour on free-phone 0800 20 90 20 and ask them why they are not prosecuting officials who cause death.

Garth

Legal Aid Blow-Out

Justice Minister Simon Power has asked Dame Margaret Bazley to report on the legal aid blow-out. She's a shrewd old public servant, but she could pore fruitlessly over eligibility rules and pay scales, or crank up the public defender system.

The real problem is the grotesque growth in the time and cost of court cases flowing from the exaggerated self-importance of many judges and lawyers. They reject the idea that their work is like other work and should pass value for money tests.

They have the wrong incentives. Judges get little recognition for efficiency, speed and certainty. There's perhaps no safe way to put them on performance pay. But they are driven by a sense of duty, and many care when their decisions are reversed on appeal. Judges reduce that risk with procedural pains and to hell with time and cost.

Those incentives can be changed.

For example; tiny NZ has nearly as many third level appeals against sentence as Germany, and the UK. Why? Because it's almost negligent for a lawyer not to appeal. Their duty is to the client. The client pays nothing and gets perhaps half a year of hope waiting for the result.

Simple solution - do what the UK and Germany do - create a downside risk for meritless appeal by letting the court stop the clock on a sentence while the appeal is in process. Criminals will soon tell their lawyers not to bring silly appeals, and lawyers will have to balance the legal aid fee against the risk of a malpractice complaint if the client cops an extension.

Let's hope Dame Margaret starts a debate on other ideas. What about prohibiting trivial adjustments to sentences (*say no change less than 30%*)? Have judges grade legal aid lawyers at the end of each case on their contribution to efficiency and adjust legal aid pay scales by the long run gradings?

Could judges fairly order cost contributions from lawyers who use wasteful tactics?

And let's think of ways to encourage judges who are best at balancing justice with efficiency. Over time colleagues come to know who's best. Recognise those the judges themselves consistently rate best (*say the top 15%*) with extra holiday, or some choice in cases, or the chance to research a speciality, or to take courses for other judges.

Stephen Franks



THUMBS DOWN

- **In the Whangarei District Court** a recidivist drink-driver has been issued with a **second final warning** - 16 months after receiving his **first final warning!** (HB Today 13/2/09) *We wonder when Judges will bring in semi-finals. Ed.*
- **Lesley Caudwell** a drunk driver who crashed and killed Tara Groenestein aged 36 was given home detention by Judge Andree Wiltens. Judge Wiltens said Caudwell's agoraphobia would cause her difficulties in a cell. Fortunately the sentence was appealed by Police and Justice John Hansen ruled that Caudwell serve a prison sentence of 2 years 3 months. *Is a phobia to prison cells a mitigating factor? Ed.*



THUMBS UP

- **UK Justice** Secretary Jack Straw in a recent speech said "The needs of victims are too often lost in a fog of platitudes and debate over the needs of the offenders". The Government needs to reclaim the language of punishment and reform". *Hopefully our Government is listening? Ed.*
- In the Hastings District Court, **Judge Richard Watson** charged Victoria Stevens with contempt of Court for "*the worst behaviour he had ever seen*". Stevens 43, is the mother of Huio Ataria 22, a gang associate charged with murdering Ongaonga farmer Mark McCutcheon. Stevens disrupted the Court on several occasions by making offensive remarks to the victims family, barking like a dog, swearing at the Judge and wrestling with police when they tried to escort her from the courtroom. She was jailed for seven days. *Good on Judge Watson. Ed*
- The **National Government** promised to take action within 100 days of taking Office. They have honored those promises. *Strong Government is needed to restore pride in our Country.*

IT'S MEMBERSHIP RENEWAL TIME

Enclosed is a yellow renewal form.

Please return it with your much needed donation.

TO: Sensible Sentencing Trust
P.O. Box 701, Napier

OR: Directly to Westpac
030698 0096242 00
(Include initials and surname)



Our Members have their say!

We encourage you to write to us. We always look forward to hearing from you as you give us the inspiration to go on.

Thank you for what you are doing – I have been distressed for too long in the way this country of ours is headed. **Wellington.**

I am sending a donation to help your work. Keep up the good work and keep hassling our politicians. Hopefully we may see some changes in the future. **Waikanae**

I wish you well to receive strength, support, compassion and monetary gains to continue on with this very necessary and worthwhile cause. **Auckland**

Congratulations on your DVD it is very encouraging to have a voice put forward on our behalf to express deep concern with our justice system and to acknowledge sincere sympathy for the many victims of crime in our special country. **Mangawhai.**

Life should be tough for criminals. We are honest people who spend all our lives working and paying taxes and don't get rewarded for good behaviour – why should criminals? **Hawkes Bay.**

Thank you Garth and all those working on our behalf. Best wishes from us and our late daughter. **South Island.**

Thank you for your excellent newsletter. What a difference from the usual evasive drivel that I generally get from politicians. **Upper Hutt.**

A HUGE THANK YOU

Once again thank you to those members who have already renewed their membership and we welcome our new members.

It is a privilege to work on your behalf to bring about the much needed changes within our Justice system.

We appreciate your support and look forward to working on your behalf.



Susan Is Still... WAITING

Susan Couch was the victim of a brutal murderous attack by William Bell at Mt Wellington-Panmure RSA in December 2001. Three of

Susan's work colleagues were bludgeoned to death and Susan was left with injuries so bad she was not expected to survive. Bell had been released on parole and had 102 previous convictions.

On the 23 March 2009 Susan was again back in the Supreme Court listening to the Crown's legal argument as to why her case should not be allowed to go to trial. The Supreme Court Judges reserved their decision and we now await the outcome.

This Court action has been going over five years and is about holding Government Agencies accountable and responsible when they fail in their duty to protect us. Under the Human Rights Act "every person has a right to equal and fair access to justice". Without the generous assistance of Barrister Brian Henry, who has taken this case pro bono, Susan would certainly not have had equal and fair access to justice. We hope that natural justice will prevail and Susan will be allowed to have her case go to trial and her voice be heard.

Thank you to all of you who supported Susan at the recent Supreme Court hearing. It was greatly appreciated by Susan and the SST team.

Don't forget to check out our amazing website.

Thanks again Pete, Ross and your team of helpers, you do a wonderful job.



www.sensibleentencing.org.nz

2009 GOLF TOURNAMENT

On February the 13th the Trust held its annual Charity Golf Tournament. Once again Andy Lowe generously gave us the use of the exclusive Hill Country Estate Golf Course. This was a huge success thanks to Louise Parsons, Annette Cato and our golf professional Brian Doyle.

A special thanks to John Fletcher and Kelly Pigott who entertained us while the Golfers' and partners enjoyed barbequed venison, smoked fish and local wines.

A special thanks to all participants, our sponsors and those of you who sponsored items for the Auction. The overwhelming success of the day was thanks to all of you.

Because of the amazing continued support we can now look forward to a Charity Golf Tournament in 2010. All proceeds from the tournament go towards our annual "Victims Rights" Conference to be held in Taupo in September 2009.

Should you wish to donate items, enter or sponsor a team for the 2010 Golf Tournament, please register your interest by phoning Annette 027 2081550 or emailing louiseparsons@xtra.co.nz.

NEW BRANCHES

We would like to welcome the Nelson Branch as a new branch of the Sensible Sentencing Trust. Already they have been very active on the local level. Thank you to Judy and her team.

Thanks to Leah's efforts Christchurch Branch now has a full committee with lots of ideas. Keep it up!!

THANK YOU

Thank you to Malcolm and Sharlene for hosting the Victims Labour weekend get together in Taupo. It was a great success with the campaign promoting the Trust through Public Awareness and raising \$2500 with sausage sizzles. A huge feat considering the weather wasn't the greatest. The memorable part of the weekend was the message sent by balloon to the Victims loved ones.

Thanks to Dick Klingender and his team of helpers who make it possible for this newsletter to be mailed to our members.

Thank you to our dedicated speakers who are out there spreading our message. You are all doing a wonderful job. Thanks for your continued support.

CONGRATULATIONS

Auckland Committee for their recent stall encouraging the public to get behind the Trust and send in submissions on the "three-strike law".



Obituary Les Sutton 1930 - 2008

It is with great sadness we farewell one of our founding members. Les has been a great asset and valued member of the Trust.

His strong sense of Justice and unwavering support has seen the Trust grow into the huge organisation it is today.

Les is survived by his wife Judy who is a foundation member and valued part of the SST team as our 'girl friday'. Les will be sadly missed by us all.

Sensible Sentencing - Bledisloe Cup Rugby Lunch

Fantastic - Fundraising - Fun

SST has been offered a fantastic fundraising fun opportunity!

"Rugby Lunches WA" would like to extend an invitation to friends and supporters of SST to celebrate one of the great sporting events of 2009. SST will be one of the recipients of the proceeds from this function.

MC is Welshman Phil Kingsley Jones with guest speakers All Black and media personality Stu Wilson and All Black Eric Rush. (*All legends on the speaking circuit*).

"Rugby Lunches WA" is pleased to advise that the "Sensible Sentencing Trust" founder Garth McVicar and his wife Anne will be our special guests.

**THURSDAY 16TH JULY 2009 at the
Heritage Hotel Auckland.**

**Tables are limited and going fast so
BOOK TODAY!**

Email: rugbyluncheswa@westnet.com.au

**Table of 10: \$2450 - Table of 8: \$1950
Single ticket: \$245**