



Law & Order – A National Priority

Summary of an address to the Sensible Sentencing Trust
by Don Brash, Leader of the National Party,
Sunday 4th July 2004.

Law abiding people have a right to expect that they will be kept safe from those who prey on them, their families, and the wider community. But at present the public do not, and cannot, have that expectation.

As a society, we seem to have lost the confidence to defend ourselves, lost the determination to stand up and defend our core values. And as a result we have created a society where women and older New Zealanders are forced to significantly modify their behaviour because of the threat of violence. Our children are much less safe than they should be.

We treat dangerous driving offences as of no great moment, and don't even enforce existing penalties. Fewer than 40% of those sentenced to community work turn up for their sentence.

Likewise, we regard grossly fraudulent white-collar crime as of minor consequence, when some crimes of this kind have a devastating impact on victims and deserve harsh penalties.

We have failed to give our police the tools they need to deal with the gangs which, through their control of the drug trade, have amassed fortunes which make them all but impervious to traditional policing methods.

We have put up with a parole system that allows the seemingly erratic judgements of the Parole Board to override the judgement of those who have sentenced criminals to jail. The difference between the sentences handed out by judges and the sentences actually served would be considered farcical if it were not such a human tragedy.

We allow violent and recidivist criminals out of jail early, with minimal follow-up, when the public wants and should be able to expect that such people, if released at all, are released on strict terms, with close supervision, as they re-integrate into the community.

And because we are unwilling to spread across all taxpayers the considerable upfront costs of dealing with these problems, we have cynically left the victims of crime to bear the brunt of the cost alone.

For too long, lawmakers have gone soft on crime when the public wanted policy to get tougher. The public was right. Policy-makers were wrong. And the Labour Government has simply ignored you.

Those in poorer neighbourhoods are the biggest victims of crime. Those most at risk are women, Maori, young people, beneficiaries and single parents. These are the groups that have the most to gain from a crackdown on crime.

Too many criminals are the product of dysfunctional families. We cannot deal with the problem of crime in our society unless we fundamentally reform the welfare system, strengthen families, and improve the ability of our schools to produce well-educated children.

Today I am going to do something which does not come naturally for me: I am going to advocate spending more taxpayers' money. If we want to get serious about these problems, we must spend more money – more money on preventing young people heading down a path to crime, more money on policing and detection, more money on keeping dangerous offenders behind bars.

Under National, every person arrested will also be DNA tested. And if they are convicted, then their DNA will be added to the DNA database.

We will deal compassionately with young first offenders, but will reduce the age of criminal responsibility from 14 years to 12, and will move offenders from the children's system to the Youth Court after two family conferences.

We need more resources to eliminate the drug testing backlogs quickly, and we need tougher criminal non-association laws. We must smash the gangs involved in organised crime in New Zealand. We will amend the Proceeds of Crime Act to target the economic base of organised crime.

Parole is a failed experiment. The current parole system thwarts the intention of Parliament and undermines the work of judges. The result is a scandal.

The next National Government will abolish parole as we know it.

The most important principle, in my view, is this: the primary objectives of imprisonment are to punish the offender, deter crime, and protect members of the public from those who pose a real and serious threat to their safety. It follows that those who are sentenced to imprisonment should serve their time.

For first time, low level, non-violent inmates we should consider time off for good behaviour with intensive supervision and surveillance – but after 75% of the sentence is completed, not after a minimum of one-third as currently. It's their one chance. This small concession will not be available to the 85% of the inmate muster who are violent offenders or have been previously imprisoned.

Finally, there is a point where the conduct of an individual is so anti-social, so offensive, so violent, that there must be a presumption against their ever being released. A very small group are simply predators on our society, and we must lock them away. This is the point where preventive detention is the only solution.

The key aspect of National's approach is quite simple. Criminals will spend more time in jail. When they are released, their re-entry to society will be

carefully monitored and supervised. If they breach those conditions, they will be returned to jail.

Prison prevents criminals harming innocent citizens. While in prison they cannot harm the community. While in prison they are not in your neighbourhood.

I see these moves as a clear statement of our determination to defend the core values that underpin the rule of law. We value our families, our neighbourhoods, and our communities.

We have confidence in the values that guarantee social cohesion and mutual trust. And we will vigorously defend those values and our communities from those who stand against them.

