

## **Kill the Criminal: Save the Person**

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I believe that the most difficult job of any Government is in the area of crime and justice. I spend much of my time in conversation with legislators, judges, criminal justice officials, and criminal offenders.

The complexity of the issue is staggering, the cost is burdensome and the results are disappointing if not discouraging.

The United States leads the world with a prison population that now exceeds 2.3 million people (rate of 756 per 100,000).

- 1 in 9 black men between the ages of 20-34 are in prison today
- Between 1978 and 2008 (30 years) the prison population increased seven fold
- We have successfully proven that it is impossible to imprison our way out of the crime problem
- A 2006 US Congressional study showed that within 3 years of release 67% of prisoners were re-arrested and 52% were re-imprisoned

Here in NZ, as of 2008 there were some 7900 prisoners with a rate of imprisonment of 185 per 100,000, which is the highest in the Pacific Region and the 7<sup>th</sup> highest rate in the OECD. It is costing you over NZ\$ 750 million to keep them locked up every year.

- The rate of recidivism is similar to that of the US, at about 52%
- More than half the people you put in prison return to the community to commit further offences
- Imprisonment has not successfully eradicated criminality and more than half of your annual investment has failed to achieve a positive result
- In no other sphere of human endeavour would we accept such failure!

That is why your job is so difficult- crime is a reality and something must be done to control it.

The community demands a sure and swift response to crime

The public does not care about prisoners who are out of sight and mind

The problem continues- offenders reoffend

The cost of crime and punishment escalates

One of the most valuable lessons I have had as a sailor has been the study of sailing mishaps and accidents- often fatalities. Error analysis is the study of mistakes made by sailors (strategic, tactical,

equipment) and so forth, in order to learn from the errors that contributed to, or caused the eventual mishap in order to avoid replicating the failure. In a broad sort of way I have tried to do that in relation to the failure of imprisonment.

As I move through the prison world I see an unfolding tragedy more devastating in its economic and social consequences than:

- The Haiti earthquakes
- The Indian Ocean tsunami of 2004, and
- The combined wars of Iraq and Afghanistan

I see the tragedy in the stories of men and women who have lost their families, their livelihood, their reputation, their dignity and their future.

When I listen deeply to what they say and to the feelings deep inside of them that are far too painful to put into words, I catch glimpses of my own humanity- our shared humanity.

Despite our cultural, social and religious differences, as human beings we are all cut from the same cloth- we share the deep yearnings not only for food, shelter and our basic needs for physical survival but just as importantly for

- Love (intimacy, to be loved and to love)
- Security (safe social milieu)
- Respect and recognition (I am somebody)
- Freedom (self actualisation)
- Meaning ( as in Victor Frankl's "Man's search for meaning")

As I listen to the stories of people in prison I hear something much deeper than the bravado, insolences, arrogance, hostility, sullenness, and callous superficiality – I hear the stories of real people.

Some of them are violent and dangerous, some who are mentally unbalanced, others who are addicted, and many who are simply hurting and lost, without any bearing or direction in life, damaged and deficient in self respect and inside they are lonely and alienated from, and yet hungry for, the security and embrace of unconditional love they've never had.

Prisoners are PEOPLE and in a deeply profound way- prisoners are US

Citizens of our country

Members of our community

Fellow human beings

Under our custody and care

What will we do with them and for them that will build and nurture their human worth? What will become of them when we are done in prison and they leave to return to their communities?

Ultimately the question of criminal justice and crime and punishment in society is not merely a question of maintaining law and order, nor is it a question of forensics and judicial process, or even a question of retributive justice vs restorative justice practices and victims rights.

As important as these issues are- it is the deeply human question of relationships- of social peace, well-being and human dignity, among all people that needs to be addressed.

Having been a victim of crime and having had close family members brutalised and violated by offenders I know how very natural it is for us to respond by dehumanising and demonising the persons who violate our property and especially our personhood. Rape and murder can never be undone – not even by totally incapacitating the criminal, but that is precisely what is needed and what we are not doing through our penal process.

**Instead of eradicating or extinguishing criminality we are slowly but surely dehumanising the person.**

In a noteworthy book on treating offenders in Brazil, Dr. Mario Ottoboni provocatively states that we must “Kill the Criminal and Save the Person”! I think he’s got it exactly right, but if you look at the impact- the outcomes of our prison system, it is just the opposite!

We don’t kill the criminal aspect – prisons are notorious for nurturing criminality, they are graduate schools for crime. This is a natural outcome when persons with attitudes and behaviours that are antisocial, immoral and broken are forcibly confined to live together in the artificial unreal prison environment.

What we end up doing is nurturing the criminal aspect and killing the person! We suck the dignity, decency, normalcy and responsibility right out of them.

**What we do is anti-human!**

It has always amazed me that we as political, community and religious leaders can be so irrational.

- We respond with promises of aid for the Indonesias and Haitis of the world when the disaster is in public view but as soon as our short-attentioned media focuses elsewhere we don’t always follow through
- We miss the irony that we constantly seek peace through bully tactics and by going to war
- We pass laws that give rights to people with disabilities at precisely the same time we develop the means to prevent them being born and entering society in the first place
- We put people in prison to punish and to make them more responsible and self-disciplined, but we take away their responsibility and ability to make everyday decisions.

How is it we can even think that depriving people of freedom and responsibility will help them live freely and responsibly?

In my own country- Canada- we have until recently led the way in what many consider enlightened and humane correctional policy. It was actually working and in contrast to the US, Canada had a prison population of 38,400 i.e. only some 116 per 100,000 population. But being “tough on crime” makes good politics and the Harper government has been pursuing policies that mimic those of the US:

Longer prison sentences

Mandatory minimum sentences

Reduced judicial discretion

Reduced prison programmes and rehabilitation

All this at a time when, in spite of some headline grabbing incidents, crime rates in Canada have not been increasing significantly!

**“We must invest in people, not prisons”** wrote one insightful citizen in response to the Minister’s proposals. It is such a simple idea yet so easily overlooked. At the end of the day it is about people-fellow human beings. Yes some of us may have done wrong in tragic ways with severe consequences- but they are still flesh and blood like us- with all the pain and potential of what it means to be human.

**“We must invest in people, not prisons”**. We must take a close look at what’s going so terribly wrong in the way we treat our offenders, our prisoners, the people in our custody and care.

Through error analysis we can begin to understand where things have gone wrong in the lives of offenders and begin to treat them in ways that will enable them to realise their dignity, worth and freedom as responsible citizens and beloved members of our communities.

Whist I know that prison is necessary in some instances I daresay that prison is seriously over utilised and is not the solution for most offenders particularly :

Non violent offenders

Offenders with addictions

Persons with mental and emotional disorders

**There has to be a better way to “Kill the Criminal and Save the Person” – prison does just the opposite! As long as we ignore the essential obligation to affirm the dignity and worth, correct and rehabilitate the offender, our society will remain unprotected.**