



13 October 2021

C141527

Dr Sharon Shalev

Sent via email to: sharon.shalev@crim.ox.ac.uk

Dear Sharon

Re: First, do no harm: Segregation, Restraint and Pepper Spray use in women's prisons in New Zealand.

Thank you to yourself and Paul Hunt for the letter dated 20 September 2021, providing your draft report "*First, do no harm: Segregation, Restraint and Pepper Spray use in women's prisons in New Zealand*". I appreciate your positive comments about Corrections' recognition of the specific needs and vulnerabilities of women in prison and the need to empower women through trauma informed practices and a focus on relationships.

I value the opportunity to provide our comments on this report; however, I consider the timeframe given for our response to you very short. As outlined in my letter to you dated 1 October 2021, an eight-week extension to this timeframe was considered reasonable to enable a comprehensive response to be provided to such a sensitive and complex matter. The concepts of natural justice and procedural fairness mean that a reasonable opportunity should be given for a party to present their point of view and to respond to presented facts. As we were not provided with the requested eight-week extension, it must be noted that our ability to respond fully has been compromised

I am proud of the work being carried out to improve the women's network. A significant programme of work is underway to support staff to work more effectively with women in prison and vast improvements have been made in this area since 2019. As you are aware, I established the Women's Prisons Network Improvement Programme (WPNIP) to specifically focus on implementing positive initiatives that contribute to women's wellbeing and help reduce re-offending. We are continuing to develop a work programme that includes immediate changes, as well as longer term system changes.

In March 2021, the Minister of Corrections also outlined his expectations regarding the three women's prisons. These included reviewing the Prison Operations Manual and relevant Corrections regulations to ensure that they are in line with Hōkai Rangi; refresher training for custodial staff at the women's prisons; reviewing the maximum-security classification for women; and engaging an external team, led by the Chief Inspector, to review the complaints process. They also included developing a plan to address recommendations made by the Office of the Inspectorate in a June 2020 Auckland Region Women's Corrections Facility (ARWCF) inspection report.

I am proud to acknowledge that many positive changes have already taken place in ARWCF:

- Seconding staff to ARWCF to provide short-term respite while we work through a longer-term sustainable staffing model
- Appointment of a permanent Prison Director and management team at ARWCF, with mana whenua forming part of the recruitment process
- Approving of a \$12 million work programme at ARWCF to establish additional recreation yards, for more recreation time in the fresh air
- Increased prioritisation of monitoring and responding to complaints of people in prison in a timely manner
- A new multi-disciplinary team approach to developing plans to guide progress and rehabilitation
- Reduced staff vacancies across ARWCF, and the appointment of a Health Centre Manager and Nurse Practitioner.

Positive changes have also taken place at other sites across the women's prison network:

- Site based implementation leads have been established for each of the three women's prison sites
- Upgrades to the visitor's centre and playground at Arohata Prison and refurbishments to the bonding room at ARWCF
- 19 additional FTE across all three women's prisons, approved through to 30 June while we explore a further increase in funding
- Changes to our policies to ensure mechanical restraints will not be used for women who are 30 weeks or more pregnant
- A pilot of reintegrative services for women who are pregnant or have children at Arohata Women's Prison
- Wahine panels are being set up at each of the three women's prison sites, giving women another way to voice their opinions and suggest changes
- A Motivational Interviewing facilitator has been recruited for six months (started June 2021) to deliver 'motivational interactions' training to all staff at ARWCF with a view to then rolling out to the other two sites
- As women in prison are more likely to have experienced trauma and victimisation than men, Associate Professor of Psychology Dr Julia Ioane has been commissioned to develop a '*trauma informed approach*' training package for leaders.

- Review of self-care unit occupancy rates to ensure as many women benefit from living in the unit as possible. Evidence shows self-care is a positive part of transitioning to the community
- A review of our current maximum-security operating model.

In Budget 2021, \$10.1 million was allocated over four years for Te Mana Wāhine Pathway in Canterbury. Te Mana Wahine is focusing on co-designing an end-to-end kaupapa Māori pathway for women in our care and their whānau. It is looking to transform the way Christchurch Women's Prison (CWP) operates over four years, to then inform the transformation of the other two women's prisons.

As indicated above, Corrections will address capability and service delivery gaps across the three women's prisons, aligned to the findings of the Chief Inspectorate and the Office of the Ombudsman, while ensuring the right foundations are put in place for the transformational change.

As per your request, I have attached a table, as Appendix One, outlining Corrections' concerns about some of the information presented in the report. These primarily relate to generalisation of all women's prisons in New Zealand; use of the term solitary confinement; discussion of over-representation of Māori and Pacific people being inaccurate; issues of consent; and an apparent absence of methodological discussion throughout the report.

I also seek further clarity on the legislative basis of the *'First, do no harm'* report. I understand the two previous reports were conducted as part of your role with the Central National Preventive Mechanism. However, my team have not been able to identify within the reports themselves the legislative basis for this report. I note that section 32(2)(d) of the Crimes of Torture Act 1989 notes that, "*In carrying out its functions, the Central National Preventive Mechanism is to make, in consultation with all relevant National Preventive Mechanisms, any recommendations to the Government that it considers appropriate on any matter relating to the prevention of torture and other cruel, inhuman or degrading treatment or punishment in places of detention in New Zealand*". If this provision is the legislative basis for the report, could you please clarify within the report the relevant National Preventive Mechanisms you have consulted with. I appreciate that your team may have discussed this with staff who are no longer with Corrections.

Finally, I value the time taken to complete the report and your commitment to ensuring the Human Rights standards the Government commits to are worked towards and maintained. Our Hōkai Rangi strategy acknowledges that Corrections cannot reduce reoffending and enhance people's wellbeing alone. We need to work together with iwi, whānau, local communities, social service providers and other agencies, as well as monitoring agencies such as your office.

Yours sincerely



Jeremy Lightfoot
Chief Executive