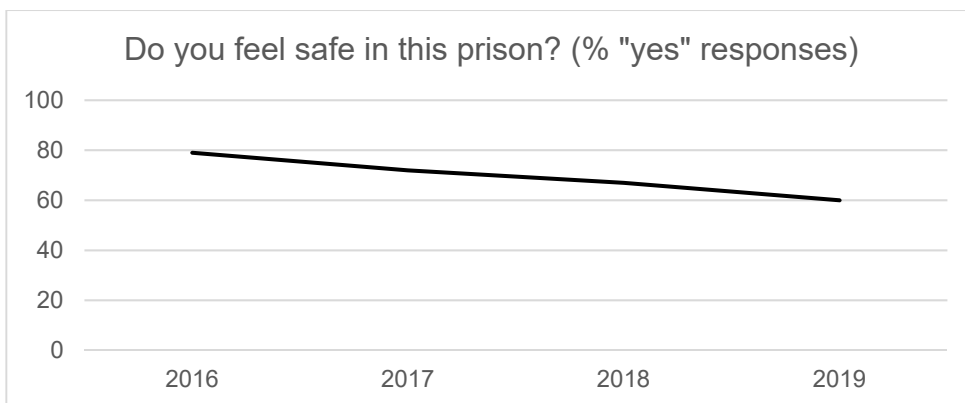


**Annual snapshot of NZ prisons: 2019 Wellington Howard League Annual Survey (October 2019)**

This year we ran the fourth annual Wellington Howard League prison survey. The survey was circulated in June 2019 to 280 people in NZ prisons. We had a 30% response rate (84 prisoners). We received completed surveys from all prisons except for Northland Regional Corrections Facility and Christchurch Women's Prison.

**Safety:** While the survey results indicate that a majority of people feel safe in our prisons, they also suggest that NZ prisons are violent places and the levels of violence vary substantially. 60% of survey respondents indicated that they felt safe. This was down from last year when 67% respondents reported feeling safe. Spring Hill and Christchurch Men's Prison had low scores with only 43% of respondents stating that they felt safe, while Tongariro and Waikeria had comparatively high numbers of people reporting they feel safe with 73% and 75% respectively.



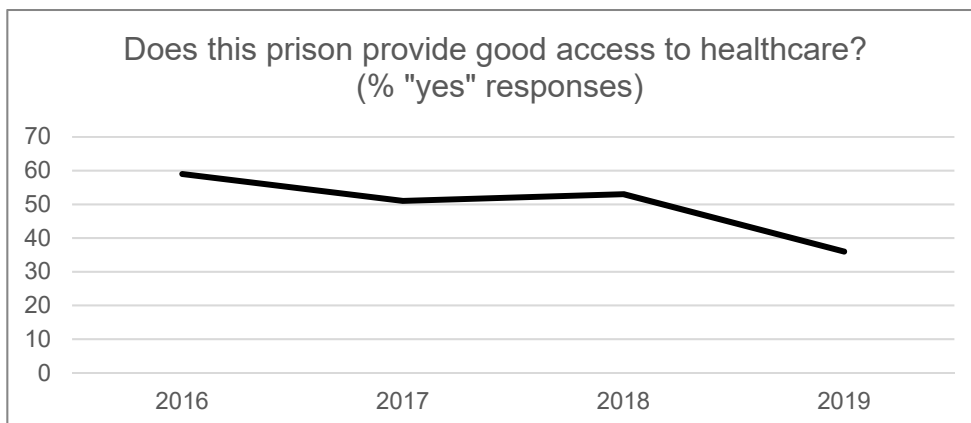
**Prison Assaults:** 81% of respondents had seen a prisoner assault another prisoner (slightly down from last year's 83%). 100% of Rimutaka and Spring Hill respondents reported they had witnessed a prisoner assault another prisoner, in contrast to Tongariro's 55%. 36% of respondents had seen a prison officer assault a prisoner (up from 28% in 2018); Rimutaka and Spring Hill reported high numbers of 63% and 57% respectively, in contrast to both Tongariro and Waikeria where no respondents reported seeing a prison officer assault a prisoner. 33% of respondents had seen a prisoner assault a prison officer, slightly down from last year (35%), with Waikeria reporting a low percentage (13%). Corrections' figures for serious prisoner on staff assaults in 2017/18 state 12 prison staff were assaulted, a rate of 0.11 per 100 prisoners, less than half that of 2016/17. Corrections recorded 42 prisoner on prisoner assault victims in 2017/18 (A rate of 0.4 per 100 prisoners). They do not publish figures on staff on prisoner assaults.

**Accommodation:** Most respondents were not double bunked (68% down from last year's 72%). 87% of respondents thought that their cell was clean (c.f. 85% in 2018), with 100% of respondents agreeing they had clean cells at Tongariro and Waikeria. Auckland South Corrections Facility (ASCF) had a lower number of 75%. Significantly fewer respondents (48%) thought that their cell was a reasonable temperature (down from 57%). Cells being too hot in summer and too cold in winter is a persistent issue in letters we get from prisoners, and recurs as an issue in Ombudsman's reports. Only 25% at ASCF, and 7% at Spring Hill thought their cell temperatures were reasonable. One respondent wrote that "*some cells have no heating*" at Christchurch Men's Prison. Most disturbing was a report from Hawkes Bay Regional Prison (HBRP) of **certain staff turning off heating "because they might have issues**

**with inmates, really childish stuff."** In contrast to most prisons almost 90% of respondents from Waikeria and Christchurch Men's were happy with the temperature of their cell.

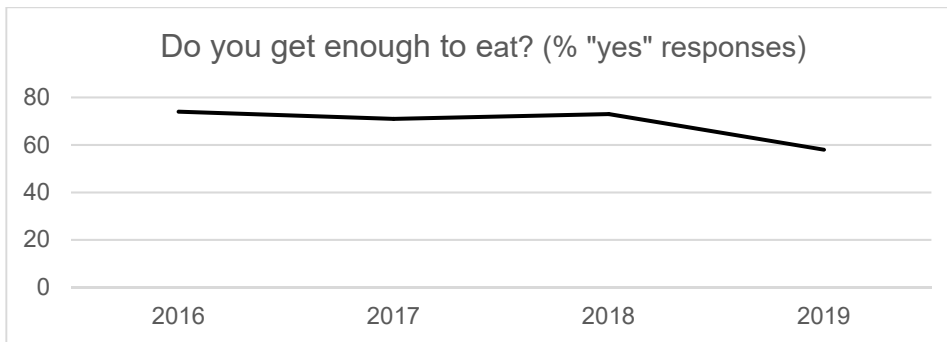
Toilet smells were a problem for 54% of respondents (more than last year's 47%), but this seems to be a particular problem at Spring Hill (80%) and at ASCF (75%). This is not unexpected given these prisons appear to have a high use of double-bunking. 67% of respondents indicated that they had had problems getting jandals, clothing and/or bedding. This appeared to be a particular problem at ASCF (83%), Rimutaka (87%) and Spring Hill (100%). Access to toilets was raised by some respondents. At Christchurch Men's Prison there is difficulty accessing toilet in *"the yard or during transfer."* Likewise at Rimutaka it was reported that it was difficult accessing toilets *"from the day-room, the yard or during transfers."* This is consistent with the report we received from Auckland earlier this year and previous Ombudsman's reports, including the recent Ngawha report. One prisoner gave details of difficulty accessing toilets during a prison transfer: *"a number of us prisoners really needed to use the bathroom. But the officer told us we were not allowed, laughed at us ... I believe most of us had to go toilet in the water bottles we had ... [when you are] handcuffed in a small metal box where you can't even stand going toilet in a small bottle on a moving vehicle is extremely hard. A number of us spilled it, missed altogether, and overfilled the bottles."* The Prison Inspector's recently released Christchurch Men's Prison report has similarly noted that: *"There are no toilets in the vehicles. (Prison escort vehicles contain drains which are not intended as urinals but are sometimes used that way). Some prisoners told us they avoided drinking the night before a journey so they would not have to urinate."*

**Health and Wellbeing:** Only 36% of respondents thought their prison provided good access to health services, a very significant drop from 53% last year. Particularly low scores came from Rimutaka (25%), ASCF (17%) and Christchurch (0%), in contrast to the relatively high score from Waikeria (71%). One respondent distinguished the care given from different health professionals saying that **"the Nursing Staff ... do a very good job ... However the Doctor is not very pro-active and has a very unsatisfactory impact... you do get the feeling he is not interested apart from clipping his ticket."** One respondent from ASCF wrote **"I have cancer - no help,"** while another at the same prison stated that health staff take *"way too long to attend to us especially if we are sick or sore."* This is consistent with persistent reports from the Ombudsman of long waiting times to access healthcare at numerous NZ prisons, and information we have also gained from letters. Denied provision of hospice care for dying prisoners is another emerging issue. Healthcare at Rimutaka was described as *"diabolical,"* and at Christchurch Men's Prison, *"appalling,"* where issues included *"not having injuries looked at properly or quickly ... not being given pain killers ... [having] significant difficulty getting to see a doctor."* The cost of dental care was also commented on, with one prisoner, unable to afford the \$2000 required for dentures resulting in daily pain each meal due to a lack of teeth. While the Corrections Act (s75) requires healthcare to be provided in prison which is *"reasonably equivalent to the standard of health care available to the public,"* the Corrections Regulations (reg. 81) restricts access to dental care to *"the relief of pain, the maintenance of a reasonable standard of dental care relative to the dental and oral health of the prisoner concerned before the prisoner was admitted to the prison, or both."* The Ombudsman has highlighted this in the past as discriminatory (e.g. Ombudsman's 2017 report on Christchurch Men's Prison). However we note that this has not been stressed in recent Ombudsman's reports.



66% of respondents noted poor access to mental health services (c.f. 57% in 2018), with particularly low numbers rating mental healthcare access as good at Spring Hill (8%), ASCF (8%), Rimutaka (13%) and Christchurch Men's Prison (17%).

**Food:** A majority of respondents (58%) felt that they received enough to eat (c.f. 73% in 2018). Results across prisons were varied. **100% of respondents in Tongariro thought they got enough to eat** and 75% at ASCF. Only 40% of respondents at Spring Hill had satisfied bellies, and 50% at both Rimutaka and Waikeria. Only 25% of respondents were happy with the quality of the food in their prison - down a whopping 25% from last year when 50% of respondents enjoyed the quality of their food. ASCF was a high performer with 75% appreciation - though this was down from last year's 100%. Only 13% of respondents from Spring Hill enjoyed their food. One person from Invercargill Prison commented "*Too much starch-rice, potatoes and pasta in same meal 3 nights a week. 77 pieces of bread in a week.*" One Otago prison noted "*Yeah it's alright but there's alot of potatoe and carrots.*" At Christchurch Men's one person summed up his meals as "*cold, not enough,*" while another noted food at Christchurch can be "*cold or raw.*" At Rimutaka it is "*Impossible to get and retain special dietary requirements,*" and at Waikeria it was noted that the "*No chew diet [is] nowhere near national menu standards.*" Feedback regarding canteen food was also commented on, with a respondent from ASCF writing that the canteen food is "*getting more expensive and [there is] no nutritional healthy food. The food shopping is getting expensive but yet our employment pay is not getting any higher.*" At Otago one prisoner stated that the food is never enough "*unless you buy extra.*"

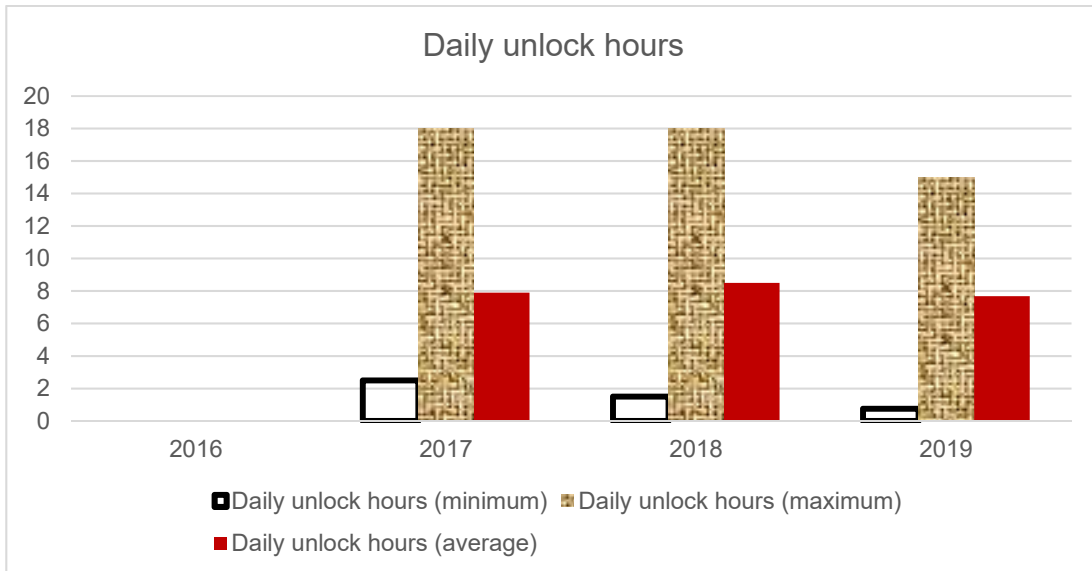


**Lock up hours:** Unlock hours ranged from reported minima of zero hours (at Christchurch Men's), 0.75 hours (at Paremoremo), and 1 hour per day (at Rimutaka) to reported maxima of 14 hours (at Spring Hill and Waikeria) and 15 hours (at Tongariro and Christchurch Men's). The minimum and maximum last year were 1.5 hours and 18 hours respectively. This is consistent with reports we have gotten throughout the year that overcrowding and insufficient staff numbers have significantly reduced on the time people in prisons have outside of their cells, as one Spring Hill respondent noted "*Continuous operations requirements of low staff numbers thereby losing unlock time.*"

This year's average time outside of cells was 7.68 hours (down from 8.5 hours). There is a legal requirement of one hour of outdoor exercise (Corrections Act s70), though the UN's Nelson Mandela Rules define solitary confinement as "*22 hours or more a day without meaningful human contact*" (Rule 44). Tongariro had the highest average unlock hours, with 13 hours - though this was down from last year's unlock high of 14.5 hours. Last year we found the prisoners surveyed experienced an average of 15 hours being locked in their cells each day. This year the average hours people were locked up had increased to 16.32 hours. For most prisoners unlock hours are shorter over the weekend and if they are not working.

In response to the question: "**What is the longest you have been locked in your cell without a break?**" One prisoner from Paremoremo said five days (i.e. 120 hours); one Rimutaka prisoner said seven days (i.e. 168 hours); another at Rimutaka said 11 days (i.e. 264 hours). This was substantially less than the longest reported time last year of three weeks with a one hour break (i.e. over 500 hours, followed by 72 and 48 hours). While this appears to be a much-needed improvement, anything over 23 hours lockup without a one hour break outdoors is illegal, besides the fact that 23 hours lockup is not terribly humane. For many people in prison 23 hours lockup is not unusual. As it was noted, with respect to Rimutaka: "*23 hours [lockup] isn't uncommon esp. in pods.*" Reducing lock up hours is an issue that needs to be addressed urgently. High lockup hours can adversely impact on a prisoner's

mental health and their ability to undertake courses and rehabilitation programmes, socialise, access whānau and friends (through visits and communal telephones), access work and pain management, and have normal meal times. 35% of respondents reported having been locked up for more than the legal maximum of 23 hours (up from 29% in 2018), and most prisoners (65% c.f. 57% in 2018) reported being locked up for 20 hours without a break. Tongariro had the lowest reported maximum lockup times in the vicinity of 10 hours.



**Activities & Library:** The results for the question: "How many hours a day do you spend in activities?" were incredibly mixed. Most respondents reported ranges of 0-1 hours up to 6-8 hours. This year we also asked whether survey participants had access to adequate library services. 62% of respondents said yes. Tongariro and Spring Hill appear to have the best library services with 82% and 73% positive responses, though one Tongariro respondent described the library as a "very small library - limited range of old books." One person from Rimutaka wrote "What a joke! Non-existent at the moment. This is the 2nd long period of 6 weeks plus without a service due to librarian unavailability," however we have recently heard there has been an improvement in the Rimutaka library and hope this is a permanent change for all units.

**Rehabilitation:** Only 27% of respondents reported being able to access rehabilitation programmes (down from 48% in 2018, and 39% in 2017). 21% said they were happy with the quality of the rehabilitation offered. This is down from 32% last year and 40% in 2017, and is a particularly poor result. The value of some programmes was questioned, for example, the Short Motivational Programmes "don't even help us at all." It was reported of the numeracy and literacy courses at Rimutaka, that: "**There is alot of cheating where individuals have paid chocolate bars for others to complete their homework ... This is a widespread issue and probably needs independent auditing ... the self-directed learning policy ... means a lack of tuition in subject matters - in fact it's non-existent ... trainees have been known to mark other trainees' work - rather than tutors themselves.**"

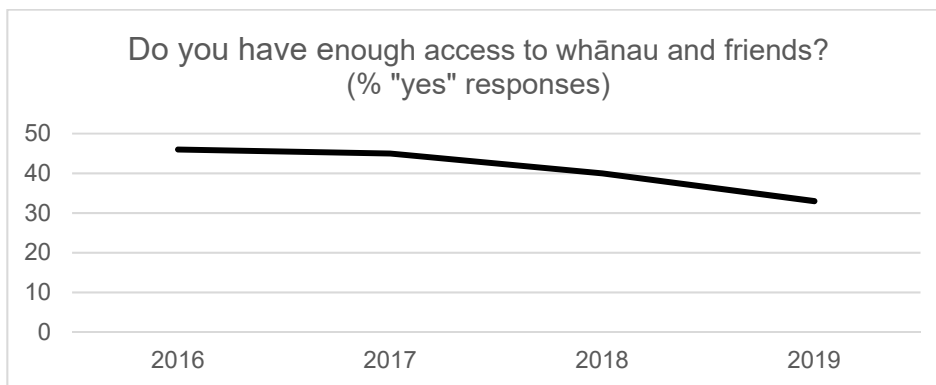
Rehabilitation programmes are vital for getting parole, and to support community reintegration. One prisoner noted that the Short Rehabilitation Programme (SRP) "sucked ... we were treated like kids." Most prisoners took programmes in education (44%), sports (37%), and work training (38%) or were employed in the prison (62%). 61% said that they would like to access a different rehabilitation programme (up from 55% last year), with one-on-one psychological support, release to work (RTW), and "anything" being the most sought after. One person noted he had been waiting three years for one-on-one counselling and was yet to access this, another reported that there was only one Corrections psychologist for the whole of Southland community and prison. We received a number of suggestions, including for programmes:

- (a) to assist the victims/survivors of historic abuse in state-care, faith-based institutions. ("*There is currently nothing in terms of treatment consideration for issues around torture, arbitrary detention, physical/sexual violence*")

- (b) that help prisoners deal with losing family members, and with mourning and coping with the frustration of being denied compassionate leave to attend tangi and funerals.
- (c) teaching inmates about New Zealand statutes. (*"We broke the law but we're not being taught the law"*).

A respondent from Tongariro wrote that: *"More jobs [are needed] for those who want to study electrical, plumbing, sales, warehousing timber, machine operating ... need more work to release jobs."* Another person noted there was a significant lack of information about the availability of tertiary studies. Others commented on the inability to access programmes if you said you were innocent, or if you were appealing your conviction. Another person noted that more care for people after programmes were completed was needed. This presumably reflects the high levels of emotional investment and trauma experienced by participants of some rehabilitation programmes. One respondent noted, regarding rehabilitation, that *"nothing happens until after the first parole hearing,"* while another wrote *"There is no progression in this jail,"* and another just wanted access to the programmes in their management plan, writing that **they hadn't seen a case manager in three and a half years**. Lack of case managers was also a complaint of Christchurch Men's Prison and ASCF, where it was noted *"There's about 18-20 case managers within this prison who try to manage roughly 950 prisoners which is not going to work."* **The longest period that a prisoner stated they have been without rehabilitation was 21 years.**

**Access to others:** 33% of respondents considered that they got enough access to family, whānau or friends (down from 40% in 2018), and only 29% (35% in 2018) stated that they got enough access to outside support services/ advocates/ lawyers. One HBRP respondent noted problems accessing their lawyer: *"it has been a headache."* There were also complaints regarding property, and delays in mail (*"coming 2-3 weeks late"*). Both of these issues are persistent across the sector and in need of proactive attention from Corrections.



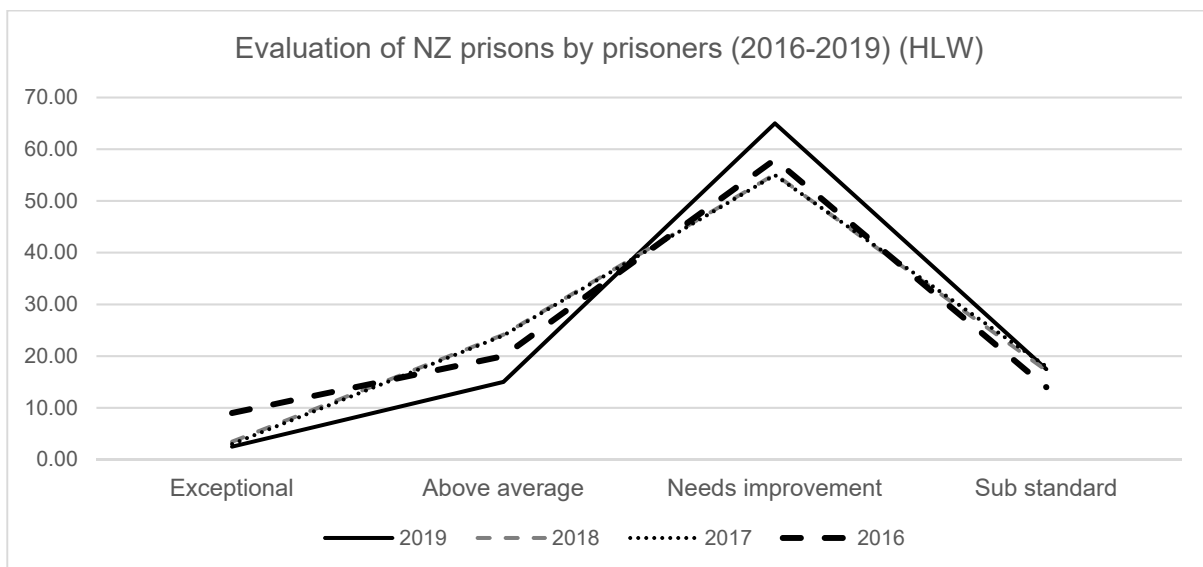
Only 27% (40% in 2018) were happy with the lengths of visits. 44% (48% in 2018) of prisoners were happy with the chairs and space for visits. One person from ARWCF said there weren't enough chairs, and one person from Christchurch Men's noted that chairs lack padding with visitors saying they are hard to sit comfortably on. *Hōkai Rangī* commits Corrections to ensuring *"more suitable visiting times and more comfortable visiting rooms"* (3.3). However some prisoners were unable to answer these questions because they never had any visitors. Related comments included frustration regarding the high cost of phone calls: *"everybody suffers when we can't keep in contact,"* and being transferred to prisons too far for family to visit. Again *Hōkai Rangī* promises improvements by *"increasing the number of approved numbers that people in custody can ring"* (3.4). Being denied photographs of family members was reported at both HBRP and ASCF. This year we also received comments regarding compassionate leave being denied to attend tangi and funerals from respondents in HBRP and ASCF. It was reported that this was denied even for people who were eligible, and those with minimum security classifications with no misconducts. In one case the burial was within a couple of kilometres of the prison. One respondent was refused leave to attend funerals for five of his close family members, another person noted this as especially *"a huge failure for prisoners who are Māori and Islanders."*

**Support & Complaints:** In response to requests following last year's survey, we added additional questions this year regarding staff support and the prison complaints system. A minority of respondents (45%) said that the staff in their unit were helpful and supportive, however, it is important to note that a good number of respondents answered both "yes" and "no" to this question, indicating they experienced helpful and supportive staff as well as those who were not. 57% indicated that it was difficult to get a

PC01 complaint form. In one related case, a respondent has had "**letters to ministers torn open and thrown back in my face by a PCO.**" This is illegal on a number of levels. Apart from the lack of basic respect shown, letters addressed to MPs are not to be opened (Corrections Act s109(b)). In another instance, after no success using the formal complaints system, one respondent "*had to lose the plot in order to get anything I needed.*"

60% indicated that they felt that staff, or the PCO, make life more difficult for them if they put in a complaint. Comments included: "*very much so,*" "**Abso fah ... lutely 100%,**" and "*They don't want to know.*" One respondent additionally noted that if you complain the unit manager is likely to transfer you. One person from ASCF noted that the difficulty was not so much getting access to the PC01 form, but rather getting it logged into the Integrated Offender Management System (IOMS) which then makes the complaint exist in the system and official. Some prisoners reported being told their complaints had been "*lost.*" One prisoner wanting to complain about short unlock hours has "*learned that staff are difficult when asked for a PC01 [complaint] form, saying that they need to first sort it out at the lowest level, which I completely understand, but they need to have received that complaint written on the PC01 form to do that. Impossible to do when they're not giving out the form in the first place.*"

**Overall Ratings:** The percentages of overall ratings across the country are roughly consistent with previous years' surveys, as shown on the graph below. However, this year there were more "Needs Improvement" and fewer "Above average" ratings given. Prisoners chose from four choices to rate their prison: Exceptional (2.5% (c.f. 3% in 2018)), Above average (15% (24% in 2018)), Needs improvement (65% (55% in 2018)) and Substandard (18% (17% in 2018)). Spring Hill only received "Substandard" and "Needs Improvement" ratings. Tongariro and Whanganui were the only prisons to receive an "Exceptional" rating from some prisoners. One prisoner noted of HBRP: "**This prison is the worst in NZ.**"



### Conclusion

After four years of conducting this survey specific trends are emerging. The graphs show a decline over this time period in many conditions. The current overcrowding and understaffing appears to be materially impacting on the experience of prisons for inmates. Reduced unlock hours, and the ramifications of this, are particularly affected. At the same time there appears to be significant variation across prisons, suggesting that there is no consistency to the sentence of incarceration. Recurring issues of concern raised in this and other sources include:

- (a) difficulties accessing rehabilitation programmes and case managers, both are important for support for parole. This is an obvious area to target to reduce the prison population.
- (b) difficulties accessing mental health support.
- (c) inadequate cell temperature.
- (d) a lack of confidence in the complaints system.

We thank all the prisoners who took the time to participate in the survey and for all your constructive comments and suggestions.