

TAKE NO PRISONERS



ISSUE 03
AUGUST 2020

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Welcome to Issue 3

Welcome to Issue Three of *Take No Prisoners*. I would like to welcome you all, and introduce *People Against Prisons Aotearoa* (PAPA) as the place where we are speaking from, as a prison abolitionist organisation working for a fairer, safer, and more just Aotearoa. *Take No Prisoners* is the Official Newsletter of PAPA.

We started in February 2015 as a group concerned about the treatment of transgender people in prisons. Since then, we have become a mass-based organisation that works with different communities to address the worst problems of the criminal justice system, and to build a better one. We are entirely volunteer-run. We have no paid employees and rely on small donations from our membership to keep us going. We exist because the community wants us to exist.

All the evidence shows that prisons don't reduce crime. They take you away from your support networks, put you in an environment where violence is the only solution to your problems, and then expect you to come out a better person.

PAPA believes that everyone has the ability to change. No one is born a criminal. When someone has hurt others, that does not mean they are destined to keep hurting others for the rest of their lives. If people are treated with dignity and respect, and given the resources they need to survive and thrive, we can live in a less violent and more peaceful society.

In order to enjoy this newsletter, you do not have to agree with the idea of 'Prison Abolition' - rather we encourage you to find some light and entertainment in the issues we discuss in these few pages, and encourage you to write, talk, share, act and think towards achieving justice for everyone.

Kindest regards,

- Jessica Lim
Prisoner Newsletter and Research Coordinator,
on behalf of People Against Prisons Aotearoa.

NZ Prisons, In a Permanent 'State of Exception'

In the last issue of *Take No Prisoners*, we asked our correspondents and readers a few questions about their experiences during the Covid-19 crisis. We received many responses, and I would like to thank those who took the time to write to us.

I am going to do my best to outline some of the issues you reported regarding the Department of Corrections' response. I will also share information released after the Ombudsman's 'Report on inspections of prisons under the Crimes of Torture Act 1989' to monitor prisoners' treatment during the Covid-19 crisis.

I am appalled by what some of you have experienced. While many of you thought the guards, despite not necessarily adhering to all the rules, were responsible enough, others had more reservations. In particular, the heightened levels of uncertainty, the lack of meaningful contact with whānau, and the unfulfilled promises for phone access.

Here are some of the serious matters brought to our attention:

1. Spending up to 23 hours a day locked in a double-bunked cell (and bunking of high and low-risk prisoners together).
2. Lack of access to courses, computers and internet, phones, and rehabilitation programmes - particularly in High-Security Facilities.
3. Lack of availability of healthcare during the lockdown period, and a lack of laundry facilities and adequate clothing (cold weather clothing).

The report on the Ombudsman's inspections asserts that, despite prisons responding to the pandemic in a 'well-resourced, balanced, and efficient manner', this came at the expense of prisoners' health and safety. The Ombudsman attributes this mainly to short staffing and the complex task of managing isolation for incoming or sick prisoners.

From your responses, we learned that prisoners could spend 22 hours a day in a double-bunked room, just six paces long and four paces wide. We also learned about the period prisoners were allocated for phone calls. In one case, a single telephone had to be shared between 14 people.

Access to fresh air for one hour per day is the absolute minimum a prisoner is entitled to: this is the law. Because this has been the primary

focus for the New Zealand media, I wish to highlight other factors which I believe are also very important.

Not only have you received inadequate unlock time, there have also been restrictions on courses, activities, phones, adequate clothing and healthcare. The Ombudsman's report states that there was general access to these services, including activity books, workout information, karakia and other standard activities.

However, we learned from your reports that many of you were denied access to mandated entitlements; for example, the Ombudsman has recommended that all prisoners have access to a television.

The official Corrections response promised to improve access to phones, yet we have received resounding feedback that many of the wards have yet to install phones. The Ombudsman's report states,

"Prisons took extra initiatives to keep prisoners connected with their whānau, including installation of additional phones in communal areas, provision of in-cell telephones, unlimited telephone calls for a set cost, provision of phone cards each week, and/or exploring options for video conferencing or access to laptops".

When people complained about lack of access to the internet and phones, some got the response, via their advocates, that this was 'incorrect information' originating from Kelvin Davis, who 'cannot interfere with operational matters'.

In a prison setting, limitations in connectivity can pose major barriers to a prisoner's health and wellbeing, and to their reintegration and connection with the outside world.

Communication with whānau also allows an important glimmer of hope in a very uncertain time. These issues directly contradict the Department of Corrections Hōkai Rangi strategy, which encourages family ties and health and wellbeing as a pathway to reintegration.

Hōkai Rangi ("*ascending into the heavens*") is the name of the Department of Corrections' new plan to reduce Māori reimprisonment, announced on 19 August 2019. Hōkai Rangi is a response to the Tū Mai Te Rangi report by the Waitangi Tribunal in 2017, which found that Corrections did not have a specific plan to

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address the disproportionate rate at which Māori ex-prisoners were reimprisoned.

We have heard that some prisoners understand there is a general opinion among guards that Hokai Rangi is ineffectual, because they know how difficult it is just to change something in such a broken system; however, we feel optimistic that with greater visibility, the public will see the value in such things, which will help.

One inmate told us that denial of amenities essential to wellbeing led to anxiety.

"I want the public to know about these issues. I want people to understand how this is a holistically degrading experience."

"The anxiety faced led to frustration and angst between prisoners, as well as between prisoners and staff."

Also reported was a lack of accessibility to healthcare during the lockdown period, and an inadequate supply of laundry facilities and clothing, especially warm weather clothing. This is a particularly prominent issue for those

who suffer from anxiety, depression, and other illnesses, as many inmates do. Complaints were made about the condition of clothing and bedding but we have been told they remain unresolved.

One inmate said, *"Waikeria Prison will do anything to save money. Its poor treatment of prisoners should be raised as an issue in the media as it's very degrading."*

The fact that prisoners were supplied with ripped clothes, towels, and pillows, *"none of which were being washed or replaced"* constitutes a clear breach of the UNSMR for the Treatment of Prisoners (the Mandela Rules).

The resounding response was summarised by one inmate, who said that;

"it all boils down to money".

"The more prisoners there are, the more money the government [allocates] to the Department of Corrections, which means the bigger the prison, the bigger the paycheck."

Sadly, the Ombudsman believes that prisons ARE resourced well enough to respond to the crisis — and, while our Ombudsman, Peter Boshier, can say 'this is not acceptable,' and make recommendations to the Department of Corrections who can 'accept the suggestions', **there is no way to enforce them.**

While it is important to contact the Ombudsman so complaints can be investigated, it is also crucial that we explore all possible means available to us. This includes writing to the Minister of Corrections, talking to the media, or sharing enough information with us to increase public pressure and awareness.

SHARE YOUR STORY

Thank you to everyone who has shared their stories. If you wish to write in, I still encourage you to do so. You can contact me at:

Jessica Lim,
PAPA, PO BOX 5870,
Victoria Street West, Auckland 1142.

If you write in, please include your return address.

Quick Update on the Covid-19 Situation

(AS OF TUESDAY, 18TH AUGUST)

Last Tuesday night, the Prime Minister announced that four new cases of Covid-19 were located in a South Auckland family that had no known link to any overseas travel, quarantined people, or people in managed isolation.

This is believed to be a case of community transmission, where the virus is circulating within the community, not linked to someone coming in from overseas. There have since been more cases in the community, with some in Tokoroa, all linked to the same initial cluster at time of writing.

As a result, the entire Auckland region (Warkworth to Pukekohe) will be at Level 3 until midnight, Wednesday, 26 August. The rest of the country will be at Level 2. This lockdown is being actioned to give the Ministry of Health some time to try and identify the source of the virus. People will not be able to travel out of the Auckland region in that lockdown period.

We understand that those in Auckland Prisons may be locked down. Please remember your rights to be let out, and to have access to calls at this time.

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WORDFIND

On Prisoners Right to Vote

Jess Lim on Behalf of PAPA

On 24 June, a bill reinstating some prisoners' right to vote passed in Parliament. Now, ALL remand prisoners and sentenced prisoners who are serving less than three years will be eligible to enrol to vote, meaning 60% of the total prison population are now eligible to vote in the elections on 19 September.

People Against Prisons Aotearoa (PAPA), who believe all prisoners should have the right to vote, encourage those who have voting rights to exercise them.

In 2015, the High Court ruled that the Electoral (Disqualification of Sentenced Prisoners) Amendment Bill was inconsistent with the New Zealand Bill of Rights Act 1990. The ruling was upheld by the Court of Appeal and the Supreme Court.

A 2019 Waitangi Tribunal report also found the law against prisoner voting disproportionately affected Māori prisoners, due to increased incarceration rates and low re-enrolment upon release.

Any prisoner who believes publishing their name on the electoral roll may endanger their safety can elect to be on the "unpublished" roll. This way your details remain private.

In addition to voting in the General Election, there are two important referenda that you will be voting on; The Cannabis Legalisation and

Control referendum and The End of Life Choice referendum.

The Cannabis Legalisation and Control referendum will have a major effect on the criminalisation of drugs in New Zealand. We believe legalising cannabis will lead to harm reduction.

Under the proposed law, a person aged 20 or over would be able to grow two cannabis plants. The maximum number of plants per household would be four. Plants would need to be grown out of sight at home, in a location inaccessible to the public. A person aged 20 or over would be able to possess up to 14 grams of dried cannabis (or its equivalent) in public.

The End of Life Choice referendum seeks to give people with a terminal and chronic illness the option of requesting assisted dying. The bill has been approved in Parliament. The referendum on 17 October will decide if this will come into effect.

The End of Life Choice Bill allows New Zealand citizens, or permanent residents aged 18 or over, to request assisted dying, provided they suffer from a terminal illness that is likely to end their life within six months.

They must also be in an advanced state of irreversible decline in physical capability, and experiencing unbearable suffering that cannot be relieved in a manner that the person considers tolerable. They must also have the ability to understand the nature of assisted dying and be competent to make an informed decision.

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PAPA encourages those of you who are eligible to enrol in the upcoming election, as well as any young people (aged 18-24) in your whānau!

Why you should vote YES on the cannabis referendum

Valerie Morse

In this year's election, you will be able to vote to legalise cannabis (aka marijuana, weed, pot, mary jane, ganja, kine bud, and lots of other great names). We encourage you to vote YES on the referendum because it will make cannabis a health issue, not a police issue. We think keeping people out of the police/prison system is a good thing.

First, you should know a bit of detail about the vote. The proposal in the referendum covers how people can produce, supply, or consume cannabis. The proposal says that recreational cannabis would be legal for people over 20 years of age. It would allow a person to buy or share up to 14 grams per day, grow two plants, and consume cannabis in a private place or a place that is licensed (similar to a bar).

The proposal would also control the potency (how strong the cannabis is) and the contents of cannabis products (like brownies or cookies that contain cannabis) and make requirements about how cannabis is labelled and taxed.

If more than 50% of people vote 'Yes' in the referendum that would be a strong endorsement for the incoming government to legalise cannabis, but it wouldn't become legal straight away. Parliament would still need to pass a law to make it legal.

There are many good reasons why cannabis should be legalised. The main one being that consuming drugs should be dealt with as a health issue, in the same way that consuming alcohol is a health issue. We don't throw people in prison for having a beer or even 12, but we do throw people in jail for possessing cannabis. It doesn't make any sense.

Here are some facts about drugs and prison:

→ Last year alone, 799 people were imprisoned for drug possession, 577 for dealing or manufacturing, and 545 for the possession of drug utensils. There are over 1000 people in prison RIGHT NOW for drug-related charges.

→ The overwhelming majority of people inside for drug offences are Māori. They are more likely to be arrested, charged, convicted, and imprisoned for drug offences, making up about 40% of those imprisoned on drug-related charges, despite being only 15% of the population. This is because the policing and prison system is inherently racist.

→ On average, we spend 3.5 times more on drug-related law enforcement than we do on health responses to drug use. Prisons do not deal effectively with addiction.

→ Making drugs illegal has virtually no impact on overall drug use or supply — ever notice that there are always more drug busts? That's because making drugs illegal doesn't make people stop taking them or selling them.

This referendum helps move New Zealand in the right direction towards a health-focused drug regime that prioritises public safety over imprisonment. There are now lots of places

where cannabis is being legalised, including Colorado in the United States.

Recognising that drug use is inevitable, legalising cannabis gives power back to communities to determine when, where, and how much of it should be available.

Alongside well-funded prevention, treatment, and harm reduction services, legalising cannabis allows the 80-90% of drug users who do not engage in problematic use to consume drugs more safely while simultaneously providing additional care to the people who need help.

✓ ✓ ✓ ✓ ✓ ✓
VOTE YES!
On 17 October, vote YES on the Cannabis Legalisation and Control Bill.

Research and experience around the world shows that criminal penalties have surprisingly little impact on whether people take drugs.
#HEALTH Not Handcuffs

Party Statements:

We reached out to all the major political parties in Aotearoa asking them for statements of how prisoners voting in the upcoming election should spend their votes. Unfortunately the reemergence of Covid-19 meant that we only gathered one statement from the Green Party, and the Labour Party could not respond due to a 'campaign suspension'. Instead we have copied the parties Justice policies, if it has been published, or their Mission Statement.

NOTE: these have been edited and abridged for clarity – the full policies are available on their websites.

✓ LABOUR:

Labour is already rolling out our plan to keep our communities safe by breaking the cycle of offending, and improving our court system.

That's why we:

- Further increased funding for family violence services, including a boost for services by Māori for Māori, support for victims of elder abuse, and rehabilitation programmes for people who use violence and want to change their behaviour

→ Took action to address the backlog of cases across the court system following the Covid-19 lockdown period, with investment from the Covid-19 Recovery Fund

→ Labour will continue to safely reduce the prison population, through effective crime prevention and rehabilitation strategies, progressive policing, and improving access to legal services.

→ Labour will continue to promote positive changes within the court system to improve the experience of victims, including reducing secondary trauma, and improve outcomes.

Since we came into Government, we've also:

→ Established the Criminal Cases Review Commission, to independently investigate alleged miscarriages of justice

→ Secured a public referendum on legalising the personal use of cannabis

→ Imposed heavier penalties on illicit drug manufacturers and suppliers and reclassified synthetic drugs 'Class A', while giving Police discretion not to prosecute drug users but to offer addiction treatment instead.

✓ NATIONAL:

National is the party of law and order. We will ensure New Zealand is a safe place to live, work, and raise a family. National will make sure victims are at the heart of our justice system,

offenders are held to account, and social investment is used to stem crime.

National's justice plans are:

- Implementing our Social Investment Approach across the justice system by setting clear targets to reduce offending.
- Significantly expand mental health facilities in policing such as the Watch House Nurse Programme and the Mental Health Co-response initiative.
- Change the Victim Notification Register to make it opt-out rather than opt-in.
- Tightening border controls through increased searching of containers and mail to prevent drugs coming into the country.
- Expanding the use of specialist courts, such as drug and alcohol courts, which help offenders deal with their addiction issues.
- Institute a range of policies to target gangs and the harm they cause in communities.
- Introducing the Clean Start policy to help newly-released prisoners move to a new community.
- Our policy is simple: victims should get justice and criminals should be held accountable for the harm they cause, while also being rehabilitated into contributing members of our society.

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Party Statements Cont.

✓ GREEN PARTY:

Our Green Vision for Justice

The Green Party shares the vision of Te Uepū Hāpai i te Ora Safe and Effective Justice Advisory Group:

"A justice system that treats all people with humanity, dignity, respect and compassion; recognises the mana inherent in all people and communities; and enables the restoration of that mana whenever it has been diminished."

The current justice system makes Aotearoa less safe by failing to ensure equal access to courts, effective rehabilitation and reintegration strategies, and restorative support for victims. We have one of the highest rates of imprisonment in the world, fuelling a cycle of crime and despair which disproportionately harms Māori and people of colour, mental health sufferers, and low-income communities.

Our justice system needs transformative change. We must move away from mass incarceration; reform sentencing, bail and parole laws to enable the gradual replacement of most prisons with community-based rehabilitation. We will ensure we do not further arm or militarise the Police; empower by-Māori, for-Māori criminal justice processes; and support legal aid and community law centres. Our justice system must respond to discrimination against marginalised groups, address the underlying causes of offending, and focus on rehabilitating offenders. Fixing the justice system requires better housing, inclusive education, and mental health and addiction treatments.

✓ NZ FIRST:

New Zealand First is the third largest party in the New Zealand Parliament. Following the 2017 General Election, the party retained nine seats in the House of Representatives and formed a Coalition Government with the New Zealand Labour Party.

Party Leader, Rt Hon Winston Peters, became Deputy Prime Minister of New Zealand and the Party secured three other Cabinet positions and an Undersecretary role.

At the core of New Zealand First's policies are our "Fifteen Fundamental Principles", which emphasise accountable and transparent government, common-sense social and economic policy, and the placing of the interests of New Zealand, and New Zealanders, at the forefront of Government decision-making.

✓ MAORI PARTY:

"Kia rangatira te tū a Te Pāti Māori hei rōpū whākatīnana i ngā rau wawata o te iwi Māori, o te motu hoki"

– Māori Party Constitution

The Māori Party is a political party born of the dreams and aspirations of tangata whenua, to achieve mana motuhake (self-determination) for whānau, hapū and iwi within their own land; to speak with a strong, independent and united voice; and to live according to kaupapa handed down by our ancestors.

The Māori Party believes that indigenous solutions can help unlock the wellbeing of our whānau, and our nation. Our policies and practices are derived from kaupapa tuku iho, and aim to provide for the wellbeing of all, recognising that we must improve the outcomes of whānau Māori if we are to be a truly diverse, happy and well nation.

We stand for Whānau Ora.
We stand for Mana Motuhake.
We stand for the protection of our taonga tuku iho.
We stand to uphold Te Tiriti o Waitangi.
We stand for tangata whenua.

✓ ACT PARTY:

ACT believes protecting the safety and property of its citizens is the government's first and most important job. The rights of victims should trump the rights of criminals.

We need to get tougher on criminals who repeatedly offend and ensure they remain

behind bars. But we also need to work with offenders who show a willingness to turn their lives around.

That means giving prisoners incentives to complete educational programmes that will equip them to lead productive lives.

We also need to reduce the administrative barriers that prevent groups such as the Howard League from helping to rehabilitate prisoners.

We also need to be smarter with police resources. Significant time and resources go into chasing minor traffic offences and petty drug use.

Taxpayers fund police to prevent serious crime, not to play nanny state.

ACT will:

- Add burglary to the three strikes regime, meaning someone convicted of a third burglary offence gets three years in prison.
- Reward prisoners who complete literacy programmes and driver licensing tests with reduced sentences, and those who volunteer to teach.
- Scrap red tape that stops ordinary New Zealanders from volunteering in prison education and rehabilitation programmes.

POEM:

DEMONS OF A PAST TIME

Heavy burdens like chains around my neck,
carrying a cross on my back like Jesus, only
these are my own sins.

From a past doomed to resurface,
crown on my head,
king in a world non-existent,
waking up dead.

Tracks following me,
my cross dragging on the ground.
I can always see my past like links are bound.
I look to the future and suddenly I'm blind.

All I see are visions from a past time --
Demons preach, while children die,
women scream while fathers cry.

Then,
gold watches and nike ticks
changed my perception of all of this.

Just hats and pretty chicks,
rubber bands and molly hits.

But guilt reigns true,
when you think of the person who stares
in the mirror, and only sees you.

Suddenly the watch ain't so bright,
the nike ticks don't mean 'right'.

After years of lockdown, the ones you hold
close disappear,
the only ones who remember you
are the ones full of fear...

You start to wonder in your mind,
do I deserve a life free of crime?
After all the people I hurt,
will the universe force me to live the life I deserve,
or can I spend the time that I have left doing right
by the people I have left.

- Shayeford H



PRISONER CORRESPONDENCE NETWORK (PCN):

If you would like to apply for a penpal, send your name, PRN, date of birth, address, and an introduction (about yourself) to:

PCN Aotearoa
PO Box 5870
Wellesley Street Auckland 1141

NOTE: This is NOT a dating service.

SUBSCRIPTIONS

TAKE NO PRISONERS is a free publication of People Against Prisons Aotearoa (PAPA) through the Prisoner Correspondence Network Aotearoa (PCN). To subscribe to this newsletter, to request more information about something you read here, or to submit an article, poem, drawing, comic, or other piece that you would like considered for publication in the newsletter, send a letter to:

TNP, PO Box 5870,
Wellesley Street, Auckland 1141

PAPA People Against Prisons Aotearoa

*For Confidentiality Reasons, PAPA will not share your surname anywhere in the newsletter. We welcome all anonymous submissions.

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