

TE PAKARI

UNDERSTANDING PRISON

VIOLENCE IN AOTEAROA IV

SYMPOSIUM PROCEEDINGS
27 NOVEMBER 2023



EDITOR: ARMON TAMATEA



NGA TŪMANAKOTANGA
Turning the tide on prison violence



NGA TŪMANAKOTANGA
Turning the tide on prison violence

Te Pakari
Understanding Prison Violence in
Aotearoa IV

Symposium Proceedings
27 November 2023

Edited by Armon Tamatea

ISBN: 978-0-473-70874-0 (paperback)

ISBN: 978-0-473-70875-7 (PDF)

Published by Nga Tūmanakotanga

The University of Waikato, New Zealand

February 2024

Disclaimer

Nga Tūmanakotanga holds copyright for this publication while individual authors hold copyright for their own articles. This publication cannot be reproduced and sold for profit by others. Nga Tūmanakotanga is not responsible for, and expressly disclaims all liability for, damages of any kind arising out of use, reference to, or reliance on any information contained within this book. The content cannot and does not contain research advice. All information posted is merely for educational and informational purposes. It is not intended as a substitute for professional advice. Should you decide to act upon any information in this book, you do so at your own risk.

CONTENTS

Introduction / Armon Tamatea	1
Opening Address / Jeremy Lightfoot	5
On the wickedness of violence in prison / David Cooke	15
Prison violence: A human rights law perspective / Kris Gledhill	33
Corrections officer perspectives of violence and safety / Sam Taaka	47
Addressing prison violence: A union point of view / Paul Dennehy	63
“We are descendants of Atua” / Mate Webb & Vikki Demant	75
Whakapakari: Intentional community-building / Denis O’Reilly	85
Contributors	97
About Nga Tūmanakotanga	104
About “Te Pakari”	104
Acknowledgements	105

INTRODUCTION

ARMON TAMATEA

*Tūtaki ki runga te kete toheroa,
ka wehe Toronge ki raro
(Since the basket of toheroa
was closed at the top, Toronge
separated it from below)¹*

Prison violence exacts a toll on those who are held within these spaces, those who work there, as well as the broader community. How problems are defined and conceptualised largely influences how solutions are devised and delivered. Indeed, violence in prisons is a complicated affair (a ‘wicked problem’²) that does not permit of easy answers or solutions. As our world becomes more complex and dynamic, so do the realities in our carceral spaces – leaning-in to the many and varied perspectives that have concerns in prison safety opens up conceptual doors for us to walk through when

thinking about where an appropriate point of entry is to develop suitable long-range responses and preventative measures to ensure safer prisons in our country.

Nga Tūmanakotanga is an MBIE-funded project that seeks to understand and reduce prison violence in Aotearoa and has the expressed aim to (1) understand violence in the contexts in which it occurs, and to (2) develop localised, place-based interventions to reduce violence and improve safety for prisoners and staff in these settings. Nga Tūmanakotanga is the guiding principle of the research programme. Together with the logo, this *tohu*³ reflects tidal movements and energies as an analogy of the nature of violence in New Zealand prisons – Periods of

¹ Whakataukī (c.1897), in this context is taken to mean that if one solution to a problem is effectively blocked – try another way.

² See David Cooke’s chapter, this volume.

³ Kindly gifted to the project by Mr Mate Webb (see also chapter with Vikki Demant, this volume).

relative calm interspersed with volatility. The nature of this research journey recognises the ebb and flow of people who live and work in prisons, examines the practices – visible and hidden – that contribute to the causes, the control, and the prevention of violence within these environments, and works in harmony with these elements – these ecosystems – to facilitate optimal conditions for the safety and wellbeing of mauhere and kaimahi.

These proceedings capture korero that comprised an online symposium held in late November 2023. *Te Pakari* is the fourth public symposium hosted by Nga Tūmanakotanga. The theme for this event involved presentations and discussions that focused on how we navigate ‘currents’, influences that are internal to the system as well as those from without. From these cross-currents and intersections comes the establishment and synthesis of new knowledge. Our task, therefore, is to pull the ‘streams’ together.

As is now the tradition with Nga Tūmanakotanga, the symposium was an opportunity to continue to create a space to bring together voices that speak from different positions across the *prison ecology*, to share their māramatanga – their insights and reflections – with us, and to inform and provoke our collective meaning-making about the issue of prison violence in Aotearoa.

The growing public, academic and industrial interest in these symposia reinforces my conviction of the need for a critical public conversation about the important issue of real world violence in our carceral spaces.

This year we had the privilege of the Chief Executive of Ara Poutama Aotearoa, **Jeremy Lightfoot**, open the event and emphasise dignity and decency as core ethical principles of *care* that underpin interactions and engagements between kaimahi and mauhere. Following on from our previous symposium (*Te Taipitopito*),

Professor **David Cooke** described the development of the PRISM assessment protocol designed to facilitate violence prevention initiatives in secure settings and its successful use in Barbados and elsewhere.

Professor **Kris Gledhill** connected prison violence and institutional responses to it in the context of a larger conversation about human rights and the international legal instruments that apply to safety standards in New Zealand. We proudly showcased our doctoral student, **Sam Taaka**, who outlined her research on violence towards prison staff before **Paul Dennehy** contributed a union perspective on the issues of violence and why staff safety is a paramount concern. After the break, we were joined by **Vikki Demant** and **Mate Webb**, who introduced an approach and set of orienting principles drawn from te Ao Māori as a challenge to contemporary modes of thought in correctional practice. Lastly, the inimitable **Denis O'Reilly** concluded the day with his whakāro about 'intentional community-

building' with whānau impacted by prisons (and violence), what this means, what it can look like, and what it requires.

As the whakataukī reminds us, the obvious solution is not always the most effective. The task of improving safety in our prisons cannot solely be the preserve of prison services themselves – culture, community and creative approaches are important and often under-stated. As with our prior symposia, these proceedings are not the final word on the issue of prison violence and are offered as an invitation for korero/dialogue in your space – whether with stakeholders in the criminal justice sector, academic colleagues, mauhere and their whānau (past and current), or even on the street. Prison violence is everyone's business, and it is the mission of Nga Tūmanakotanga to listen and be advised of the issues, concerns, priorities, and possibilities that are offered.

Mauri ora.

OPENING ADDRESS

JEREMY LIGHTFOOT

*Tēnā tātou katoa,
E ngā mana, E ngā reo, koutou
e te hau kainga o Waikato
Tainui, karanga mai.
E te Kingi Tūheitia, koutou ko tō
whānau karanga mai mihi mai.
Tēnei a Ara Poutama Aotearoa,
e mihi ana.*

*He uri tēnei nō Ingarangi
Ko Rānana te whenua, te wāhi
motuhake, taku kainga tūturu.
Nā reira, he ngākau nui ahau
mō Aotearoa!
E noho ana ahau i Waikanae
Ko Tararua te maunga
Ko Waikanae te Awa
Ko Kāpiti te motu tapu
Ko Jeremy Lightfoot tōku ingoa.
He Kaiwhakahaere Ara
Poutama Aotearoa
Nā reira tēnā koutou, tēnā
tātou katoa.
Ka huri au ki taku reo tuatahi*

Thank you, Armon, for the invite to open this fourth online symposium on *Understanding Prison Violence in Aotearoa*.

Thank you also for the mahi the Nga Tūmanakotanga project is undertaking on what is an incredibly important – and close to my heart – topic, reducing violence, and improving safety in our prisons.

Making our prisons safer has been a significant focus for Corrections for some time. It is something that drives me – and at times, keeps me up at night! I get incident reports on all prison assaults. Behind the numbers, there are individuals who have been harmed, tragically, sometimes very seriously. These incidents are stark reminders of why we must urgently and tirelessly do all that we can to reduce violence and aggression in our prisons. They make it clear why this must be a priority for myself, my leadership team, our unions - and for our colleagues who work in our prisons.

I know that this is also a focus for those attending this symposium – thank you. I also know that some of today’s attendees work for Corrections. Thank you for the work you do every day in what can be a challenging but also an incredibly rewarding vocation.

Violence and aggression is a complex topic. There are many factors that can contribute to an act of violence or aggression. These include personal attributes, social and cultural norms, loss of liberty and support networks, as well as our prison architecture, staffing numbers, and training and operational practices. Given the complex factors at play, our response needs to be cognisant of this complexity.

As an organisation we have identified 11 Critical Health and Safety Risks which have the greatest potential to cause serious harm, or even kill, in our context. We manage our Critical Health and Safety Risks, by introducing a Critical Control

Protocol for each of the 11 risks. In simple terms, a critical control protocol captures standards and guidance for managing a critical health and safety risk. It provides clear expectations for colleagues, so that there are consistent processes and management of the risk across all our sites.

Given its importance, one of the first protocols we developed was for Violence and Aggression in Prisons. I’d like to speak about this protocol, and the other work we have underway to address what is, as I’ve said, a complex issue.

In recognising its complexity, I’d acknowledge that there is no silver bullet to “fixing” it. Last year’s symposium was opened by the Chief Ombudsman, Peter Boshier⁴. In his opening he said:

“Let’s be real. Prisoners are vulnerable to violence. We are dealing with a group of people who are more likely than others to have had a

⁴ Boshier, P. (2023). Opening address. *Te Taipitopito: Understanding Prison Violence in Aotearoa III*. New Zealand, online.

violent past or been victims of violence.”

In a phrase made famous by Martin Luther King, “Violence begets violence.”

This is a significant and complex challenge for us – and while we have done a significant amount of work, we are still at the beginning of what is a long journey. It’s also a journey that has no ending. This has to be an ongoing focus for us.

Our critical control protocol is focused on preventing and mitigating a single violent or aggressive incident, rather than reducing the overall likelihood of these incidents from occurring. This wider focus is addressed by a systems-based approach that incorporates multiple interventions. Our overall approach aims to address the contributing factors and drive down the occurrence of violence and aggression. Our direction is set by our organisational strategy, *Hōkai Rangī*, and this is our

commitment to achieving better outcomes for all people.

*Hōkai Rangī*⁵ places *Kotahi anō te kaupapa; ko te oranga o te iwi*⁶ at the heart of everything we do. We are committed to finding the most effective means to ensure that people leaving our part of the criminal justice system are better, with brighter prospects than when they entered, and with no more harm or trauma being experienced. Underpinning *Hōkai Rangī* are five kaupapa values which guide our behaviours in our everyday work. These are: Whānau – Relationships, Wairua – Spirituality, Kaitiaki – Guardianship, Rangatira – Leadership, and Manaaki – Respect. My expectation is that we demonstrate these values with each other, and when engaging with those we manage.

My ask, of all those who have chosen a career with Corrections, is that they keep one thing front and centre in

⁵ The national strategy of Ara Poutama, 2019-2024.

⁶ “There is only one purpose to our work; the wellness and wellbeing of people.”

their work - treating all people with dignity and decency. This includes the people we manage in prison and in the community, colleagues, partners, and the communities in which we operate. These two things really matter - and making our behaviour and places of work more respectful is essential to our direction of travel.

In particular, it is important that we demonstrate manaaki towards all people and strive to achieve non-violent collaborative outcomes that minimise the potential risks of violent and aggressive behaviours.

I believe that implementing our critical and supporting health and safety controls, and exercising manawanui/patience and māramatanga/ understanding, can be effective mitigations in many cases.

So, what are these crucial controls? We've identified eight. I won't go through all of these in detail. I'm keen to focus today on one in

particular, but for the sake of completeness I'll share what the eight are:

- Our first control is maintaining safe staffing levels – an absolute must but also a challenge. Like many organisations, we have staffing issues, and have a massive focus on recruiting and retaining our staff.
- The second is cell and rubdown searches – so important to minimise the likelihood of weapons or influencing drugs being used.
- The third is individual carry pepper spray – and ensuring staff are fully trained in its use.
- Sitting alongside this, is our fourth control – body worn cameras. These must be worn by all our custodial officers.
- Our fifth control requires our custodial officers to wear Stab Resistant Body Armour as part of their personal protective equipment.
- Our sixth control is prison entry screening – we require any person entering a prison to undergo a screening process to identify and assess

anything that may contribute towards violent or aggressive behaviours.

- Our seventh control is ensuring that people in prison are assessed, inducted and placed in a prison unit in accordance with their security risk classification.
- The last control is the one I want to spend a bit of time discussing. That is the use of tactical communication and de-escalation techniques.

The focus of this control is de-escalating any potentially violent or aggressive behaviours – without the need to apply physical force. I'm really emphasising this last control as it is so important to us. We don't want our staff to be in a position where they are forced to use pepper spray. Or where their Stab Resistant Armour is the only thing standing between them and serious injury. These are critical controls but ones that we would rather avoid relying on.

Our preference is that our staff understand the importance of

cultural responsiveness and a trauma informed approach – the approach that is envisaged under Hōkai Rangi. Meaning, in our efforts to be more humanising and healing, we treat those we manage with respect, approaching our interactions with decency and dignity. No one should be further harmed or traumatised by their experiences with us.

All our frontline custodial staff should be competent and trained in the use of de-escalation techniques and tactical communications. As a good employer the onus is on us to ensure we provide the necessary training in this area.

Sitting alongside our critical control protocol, we have a significant work programme focused on reducing violence and aggression. That work programme was developed alongside our unions – the Public Service Association and the Corrections Association of New Zealand. We have worked collaboratively on this.

The work programme comprises of four areas. Each

of these areas is, in turn, made up of a number of initiatives and activities. Some of the specific initiatives are nearing completion, and with our union partners we are starting to develop the next version of the work programme. As part of our future focus, we are carefully considering how we might incorporate the insights and learnings from the Nga Tūmanakotanga team, and how it might assist us in our future reducing violence and aggression work.

One of the four areas of our current work programme is training for our staff. A significant focus of this training is equipping our staff with a deeper understanding of tactical communications – which links back to our eight critical control I spoke about earlier. It builds on what staff have learnt through previous trainings, Tactical Operations and Tactical Communications training and refreshers. It was developed by CERT; an organisation that specialises in Situational Safety & Tactical Communications – and has

been adapted to fit our environment.

Almost three quarters of our custodial staff have been through the training so far, and we are expecting over 80% to have completed it by the end of the calendar year. The feedback from staff has been overwhelmingly positive. I thought it would be good to share some of this with you:

“I took away some things that made me think about the way I am at work and in my personal life.”

– Christchurch Men’s Prison staff member.

“I enjoyed the ability to sit down and exchange information with my peers, this is most effective for my way of learning.”

– Invercargill staff member.

“Was a good session – one of the best trainings I’ve been too.”

– Whanganui Corrections Officer.

“(the training) made me reflect on the work I do and the changes I need to make.”

– Manawatu Senior Corrections Officer.

“I have more knowledge to work with on the floor with difficult situations.”

– Manawatu Corrections Officer.

And from the PSA:

“The approach reminds our members of how issues can be dealt with in a refined manner to achieve outcomes and dialogue with prisoners that is empowering for the staff member.”

Coincidentally, on the day I was preparing notes for this event, I received an email from Phil, a Corrections Officer from Tongariro. I thought I'd share part of this as it sums up why this training is so important:

“Hi Jeremy

I just wanted to let you know that I did the violence and aggression course on Friday

and I was blown away to say the least. The tools I've learned not only work in the prison, but also have already had a positive effect on my home life.

Jeremy this course needs to be a regular. We get a year refresher on our control and restraint techniques but for the mental side of things I think this is very important.

The information and experience is priceless. All Corrections Officers need to do this training.”

It is reassuring to get feedback from colleagues supporting the approach and content of the training.

Our staff do not want to be working in an unsafe environment, where violence and aggression is just seen as inevitable. Giving them the skills and tools to de-escalate a situation, so it does not turn into an assault is incredibly important. It is something I am absolutely committed to. It is also something that fits with

what we are trying to achieve through Hōkai Rangī, and our values. As I said earlier, I often speak to staff about the importance of treating people with decency and dignity and this is very much about this.

I also mentioned earlier that one of our five values is Rangatira/ leadership. Our prison directors have a massive role to play in reducing violence and aggression through role modelling and supporting staff with clarity as to the standards that are required, and importantly, why. One of the other areas under our work programme has been the development of individual prison site safety plans.

It became clear to me last year that we wouldn't see the shifts we needed, unless we empowered our prison directors, working alongside union delegates, to develop these site based plans. Our prisons are where the work is done, and without our prison directors owning, leading and driving the work, things are unlikely to improve.

We have now implemented prison clusters which sees prisons of similar sizes and functions being grouped together. The aim of this is to enable them to focus on the common areas in their site plans, and collaboratively solve issues, alongside site union representatives. We are still bedding in this concept, but clusters will form part of the next iteration of our Reducing Violence and Aggression Work Programme.

I would like to close by acknowledging that there is much to be done. The journey we are on to make our prisons safer is a long one, that requires a continued focus.

I am, however, heartened at what we have achieved. I am also strongly encouraged by the leadership from our prison directors. They have taken this on as a collective and 100 percent own making positive changes at their sites, working with their union delegates. To make significant headway on reducing violence and aggression, it is essential that

we work together. None of us
alone have all the answers.
That is why symposiums such
as this one are so important.

Nā tō rourou, nā taku rourou,
ka ora ai te iwi⁷

Thank you once again for

inviting me here today.

Nā reira, kia kaha, kia maia, kia
manawa nui;
Kotahi anō te kaupapa, ko te
oranga o te iwi;
Tēnā koutou, tēnā koutou,
Tēnā tātou katoa.

⁷ Whakataukī: “With your food basket and my food basket the people will thrive.”

ON THE WICKEDNESS OF VIOLENCE IN PRISON

DAVID COOKE

What I would like to do in this brief presentation is say a little about my experience of violence in prisons and why we should think about the ecology of prisons. I will talk briefly about the development of PRISM and why I think it might be helpful in the context of violence in prisons; why violence in prisons is a difficult problem to tackle – in the jargon, it is a *wicked* problem (and I'll explain what I mean by that); and finally, I'll try and illustrate how the problem of prison violence can be approached with the present methodology that we've developed.

Now, as a young clinical psychologist, a long time ago, I started my career treating anxious and depressed ladies in the posh part of Glasgow. There is such a place, there is such an area, but I must've been very wicked because I was sent to work in the biggest prison in Scotland called

Barlinnie Prison. That was when my interest in violence started. Nothing in my training had actually guided me or explained to me about the nature of violence, but very quickly I realized it was a salient problem in the prisons because within a few months of me starting, there was a whole series of riots.

There were seven serious riots and hostage-takings within Scotland, and each one got longer than the previous one. I was asked to join the teams which went in to try and negotiate the release of these hostages. So, very quickly I was exposed to violence in a very severe, very raw form, and I think these pictures may illustrate that. The riot in Barlinnie lasted for four days, and this is what was left of the wing (figure 1).

Figure 1

Aftermath of the Barlinnie Riot



Part of my day job was as a psychologist for a place called the Barlinnie Special Unit, I worked there for about 10 years. This was a unit which held people described as ‘Scotland's most violent men’. These were men who had caused chaos, destruction, and considerable harm in other prisons within Scotland. There was a common pattern – most of them had been brought-up in the backstreets of Glasgow in the 1950s and 1960s. They

progressed to gang fighting in the streets. They moved on to take hostages and cause mayhem in prison.

But something strange happened. These were very violent men, most of them killed at least once, but they came to this unit and they stopped being violent. That was peculiar. That was strange. They started getting involved in artwork and one commentator said “you couldn't move for

artists and writers growing bloody tomatoes”. So, it was described as a Special Unit and it certainly was.

Now in the UK doing a prison sentence is sometimes called “doing porridge”... and this unit was described as “porridge with cream” – a life of luxury behind bars in the Barlinnie Special Unit. It wasn't luxurious, it was a small Victorian unit, dark, damp, not very pleasant, but the men were treated differently. They had productive activities. They were treated civilly. There were community meetings which were used to resolve conflicts and problems. They had access to visitors.

This regime was very different to the typical Scottish regime of the 1980s. And the key thing is these men stopped being violent. Now, that was a puzzle to many, because as psychologists and others, we tend to think that people are violent because of who they are, what they're like. We focus on the *individual*, their personality pathology, their

poor anger management, their substance misuse, their paranoid ideas, their stress, their desire to be dominant and so on and so forth. The experience of these men in the Special Unit, these very, very disturbed, disordered individuals, and the experience in the riots and hostage-takings made me wonder what else might be important when it comes to thinking about violence in prisons?

This parable from David Foster Wallace is instructive and he talks about two young fish swimming in a river and a wise old fish says, “morning kids, how's the water?” These young fish swim on, pondering what they've just been asked, and one of them says to the other, “what the hell is water?” Now, what's this parable about? Basically, the young fish have never thought about their surroundings and its impact on their lives, and when we work in an institution, we quickly become institutionalized. We take the surroundings, the practices, the attitudes for granted. We no longer see the

water we are swimming through. Psychologists and others have tended to focus on the characteristics of individuals rather than the characteristics of *situations*. It's a basic human cognitive bias, but we know situations or ecology matters.

Let's take another example. You probably think you go to the airport to catch a flight, but no – from the point of view of the airport, you go there to shop. The environment, the ecology, is designed to promote shopping behaviour. Just think about it – you start in an uncongenial check-in area, it's typically sparse, it's barren, it's noisy, there's nowhere to sit down, and it's crowded. So, you want to get out of there as quickly as you can. You get through security, and what the airport is concerned about is increasing dwell time. The whole environment is designed to increase its dwell time: the lighting is soft, the temperature is comfortable, the scent is

seductive, music is slow to make you stroll rather than walk. You are forced to walk down sinuous paths, past islands of luxury goods, the sales assistants may be glamorous and the malls are designed to promote the impulsive buying of expensive goods. You'll find the expensive goods tend to be on the left-hand side because most people are right-handed and they pull their trolley with the right hand, which makes them look to the left.

So, these people who design airports realize that you can influence people's buying behaviour. You can promote impulsive buying of expensive goods. And as we all know, there are no bargains in airports, but people buy them. It works. So, ecology – or situations – matter. Now, I've been blessed with many wonderful colleagues over my career as a psychologist, and not least is Lorraine Johnstone, who you heard from last year⁸.

⁸ Johnstone, L. (2022). Using the PRISM paradigm to overcome obstacles and create opportunities for managing prison violence. *Te Taipitopito: Understanding Prison Violence in Aotearoa III*. New Zealand, Online.

We worked together and decided it would be useful to develop a procedure to help us understand the impact that situational risk factors have on violence. We call this thing the PRISM⁹. We were particularly interested in prisons and secure forensic hospitals, but since we've developed the instrument, or the procedure, it has been used in other types of settings, which I'll talk about in a little while.

Development of PRISM

Now, I'm not going to repeat what Lorraine described last year, but I think I should give a brief recap before considering the challenges of implementation. Basically, we used a number of different research procedures to identify what were the salient features of the prison environment or ecology that would be relevant to future violence and future violence risk: systematic reviews of the research literature, interviews with prisoners and with staff, pilot

studies and so forth. From that information, we identified around 21 potential risk factors, and we brigaded them into five different conceptual domains.

We started off by looking at the ***history of violence in the institution***: how much, when it occurred, where it occurred, what motivated it, was it sexual violence, was it instrumental violence, trying to control drug supplies or mobile phones or what have you, or was it gang-related violence and so on. To try and get an overall view of the topography of the violence in the institution, we then looked at a number of variables that consider the physical nature of the institution. Was it fit-for-purpose, was it built for this function? Is it falling down?

We also looked at ***security***. How well is security implemented, both structural and relational security? We looked at a number of ***organizational features***,

⁹ Johnstone, L., & Cooke, D. J. (2008). *PRISM: Promoting Risk Intervention by Situational Management. Structured professional guidelines for assessing situational risk factors for violence in institutions*. Northern Networking.

whether the organization was geared up to tackle violence risk. What was the organizational climate like? Was it anti-violence? In some of the places we've seen, violence is regarded as normal, nothing remarkable about it and there's no focus on trying to drive it down. So other anti-violence norms, values, policies, procedures and practices in place or not. **Staff features** are probably the most important aspect that we can consider when we're looking at prison ecology. Do you have competent and well-resourced staff? That's the key. How well are they managed, trained? Do they have good morale?

Finally, we look at what do we know about how our **population** is managed? Do we know what their particular risks and needs are? Do we have any methods for intervening to tackle the particular risks and needs that they pose or not? So quite often we have seen prisons where there's no overall view of the specific problems of the prisoners that

might lead them to pose a risk for violence.

Conducting a PRISM assessment

So, we have these 21 potential risk factors and when we consider an institution, we go through a variety of steps¹⁰. The first thing is of course we **collect data**. The PRISM process has to be data-driven. Normally we would recruit five or six individuals within the institution and train them in the whole approach to PRISM and guide people to collect data from multiple sources, looking at files, interviewing staff, interviewing prisoners, interviewing visitors, and also obtaining direct observations as well. We might use survey methodology to collect lots of information about specific issues from prisoners and staff groups alike.

The group then comes together and evaluates whether the **risk factors** are actually present or not in this institution. That is a judgement which is made based on the evidence that has

¹⁰ I like to call them the 'seven steps to PRISM heaven'.

been gathered. The judgement is made after debate about whether the evidence fits the description in the PRISM manual of the particular risk factor. So, you might ask the question, is the physical fabric fit-for-purpose or not? Are the staff properly trained? Does the management have a clear focus on limiting violence and so forth? You then have to make a judgement about whether the risk factor you've spotted is identified, is relevant, or whether it's something that is not directly relevant in this particular circumstance.

When you have identified risk factors as being present and relevant, you try and carry out a process called **formulation**. You try and think about how these risk factors go together, are there common risk factors, are there root causes driving several of these risk factors? How do these things go together to potentiate the risk for violence in the particular prison? What is driving the violence?

The next stage is to take this understanding, this formulation of why there might be risk of violence in this institution, and think about what sort of violence is likely to occur. Is it going to be violence because there are different groups trying to control rare assets in the institution like drugs or mobile phones or weapons or what have you? Or are you fearful that there's going to be sexual violence perpetrated on young vulnerable people coming into the prison? What do you think might happen? And once you have identified these **risk scenarios**, you can engage in **risk management** or **interventions**. Essentially this is like contingency planning, which many of you will be familiar with. Then you have to **communicate** this to whoever has to change practices or get assets or develop training or whatever is required in the institution.

Assessing violence risk

This is called a form of structured professional judgement, which the psychologist will be familiar

with. The basic idea is that when people are violent, they're actually making a *decision* to be violent. It may be a bad decision, it may be a non-optimal or maladaptive decision. For example, taking a hostage in the belief you can negotiate your way out of prison would be a bad decision. Equally, it could be a decision made badly. You may be disorganized or incoherent in your decision making, so you might decide on impulse to hit a staff member in the face.

Now these decisions are not necessarily coherent or reasonable, but nonetheless they are a decision. This is the essence of *structured professional judgement theory*, and this applies in the assessment of people who are at risk of violence. However, when it comes to something like PRISM and something like ecology, we are particularly interested in what are the characteristics of the circumstances that make people more likely to be violent? We can be quite confident in our assessment of

the individual characteristics that make people more likely to be violent, but what is it about their circumstances that increase their risk of being violent? Just like there are characteristics and circumstances that affect whether you buy something in an airport, there are circumstances that affect whether you're more likely or not to be violent in prison. Our job is to understand the individual and understand what affects his or her decision to be violent. In this case, we're interested in institutional *ecology*.

Risk processes

One of the ways of thinking about this and the importance of risk factors is to think about what we might call *risk processes*, or psychological processes that link the environment to the person and the person who makes this decision to be violent. There are many risk processes, but here are some examples. A critical risk process in prison settings is a *sense of injustice*. One time, we were doing some

work in Sweden and social services can get a legal order in Sweden for people with drug addictions and they can be detained for up to six months in institutions. Now let's be clear, these are not prisons, but they have high fences and you're not allowed to get out of them. According to the Swedes, these are not prisons. These people have not done anything criminal. The only problem is that they're addicted to substances and that could be alcohol, which is legal, and they're detained. When we just talked to them in focus groups, many of them were very angry about this, they felt a very powerful sense of injustice.

Tension or **uncertainty** is another risk process. As you know, remand prisons are often tense places. It's not just because people don't know what is going to happen to them, but it's also because there's a high turnover, there's high transiency, you come out of your cell in the morning and you don't know who you're going to meet. So that can make matters tense. As we

observed in Barlinnie after the riots, staff were scared to come to work and when they were there, quite understandably, they were very anxious and that increased the tension amongst the prisoners as well.

Deprivation of goods and services is clearly part of the prison experience, but the imposition of additional losses such as a termination of open visits, reduced times out of cells or the removal of games and sports equipment can trigger anger and violence because it's further deprivation. **Loss of agency** is again part and parcel of prison life. If it is imposed to such a degree, it can be over-controlling, then it can trigger violent actions as well. So, it's a matter of getting the balance right. **Frustration** is another risk process. One thing we noticed in our studies of Scottish prisons was that the complaints process was a strong source of frustration because at that time the complaint had to go through the staff being complained about. It was frustrating the person because they thought it wasn't

legitimate. A large study in the Federal Bureau of Prisons, the United States¹¹ showed that it wasn't the outcome of complaints that mattered, but how they were handled. Were they regarded as being handled fairly? When people rejected complaints because the form wasn't filled in properly or delayed decisions, these were the things that increased violence, not whether the complaint was upheld or dismissed.

Disrespect can be a powerful risk process as well. One example would be a lack of cultural awareness. In New Zealand I know of a study in a medium secure psychiatric unit in which the PRISM evaluation identified a lack of cultural awareness as a problem leading to disrespect and increasing the likelihood of violence¹². Now disrespect can be signalled in other ways such as keeping people in dark, damp, dilapidated conditions – such as

many Victorian prisons in the UK, for example.

You will appreciate that many risk factors can feed into more than one risk process, and that is where your professional judgement comes to the fore while trying to think about it. One of the things I find useful in training staff about PRISM is to get them to think about how the prison environment makes them *feel*. How do you feel when you don't get the equipment you need to do the job or you're given an impossible deadline, you don't get the promotion you deserve, you move location without adequate consultation and so forth. Now, I'm sure these things don't happen in corrections in New Zealand, but they do happen in other places. I think by focusing on how one, as a member of staff, experiences these things can help you understand how prisoners might experience them and how that might affect

¹¹ Bierie, D. M. (2013). Procedural justice and prison violence: Examining complaints among federal inmates (2000–2007). *Psychology, Public Policy, and Law*, 19(1), 15.

¹² Lehany, G. (2016). *International perspectives: PRISM in New Zealand*. Paper presented at the International Association of Forensic Mental Health Services.

their ability to make rational and reasonable decisions.

Prison violence is a 'wicked problem'

Violence in prisons is a wicked problem, not merely wicked in the sense of being morally wrong, but in another sense. The term 'wicked problem' was introduced in the planning world in the 1970s to describe problems that are hard to define and impossible to solve in any simple or final way.

Wicked problems are characterized by being uncertain, unpredictable, and complex, but they're not merely 'complex problems'. Getting a man to the moon was a complex problem, but broadly speaking, the challenges could be met by strong theories, by physics, astronomy, engineering, and judicious experimentation. The outcomes were broadly foreseeable most of the time. Wicked problems are not like that. They are rather different.

Now, there are many defining characteristics of wicked problems, but here are some of

the key features. The first thing is the problems are not understood until the solutions are generated. So, you don't really understand the problem until you come up with solutions. The new solutions help you to understand what the problem actually is. The problem is so ill-structured because it's founded on an evolving set of issues and constraints. These are continually moving, changing, and they're multi-level. They're maybe at the level of the unit in the prison, the prison overall, or the prison system more broadly or the political system. So, it is hard to understand what the problem is until you've generated some solutions.

The next characteristic of a wicked problem is that solutions are neither right or wrong. You'll never find a perfect solution to a wicked problem. They're neither right nor wrong, but there may be better or worse solutions – and solutions tend to generate waves of consequences which are inherently unpredictable

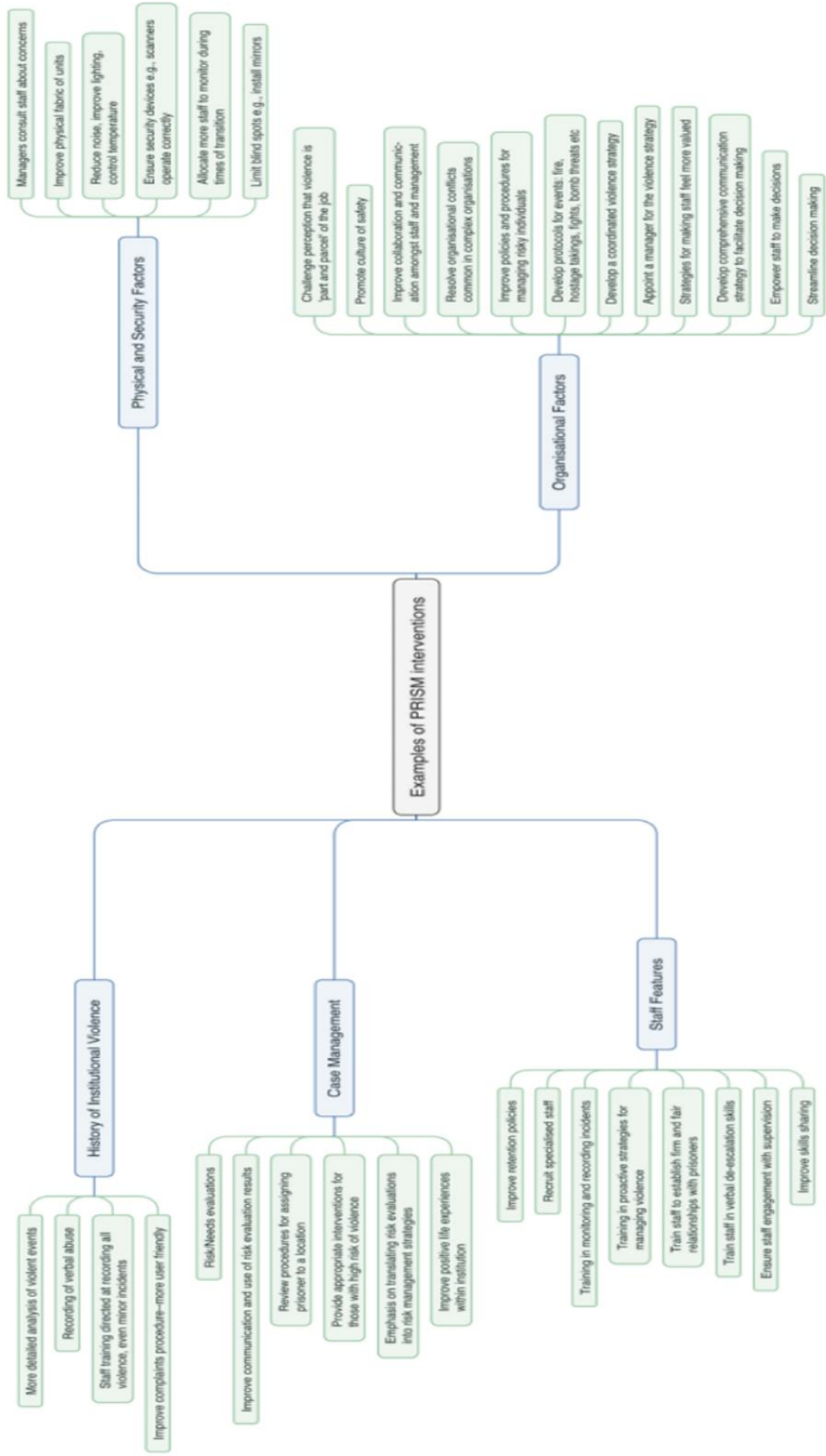
because of the complexity of the organization in which we are operating. We think about the butterfly effect in chaos theory in the same sort of way. When you generate a solution to prison violence, you're not quite sure where things will end up. Wicked problems resist simple solutions and they tend to become chronic if they're not tackled. Another characteristic is there's no 'stopping rules'. Because it's difficult to define the problem, it is difficult to tell when the problem is resolved, and often the problem-solving process ends when you run out of resources or stakeholders lose interest.

One feature that's clear, though, is that management of the wicked problems entails collaboration amongst multiple stakeholders with different interests, values, and understandings. This is the major challenge trying to negotiate amongst the interest groups with their different interests, values and understanding.

Finally, every problem is unique. When you think about a wicked problem, there are so many factors, so many conditions that are embedded in a dynamic social context. There are so many different stakeholders that no two wicked problems are the same. You need to have customized solutions. It's unsurprising that violence in prisons is a wicked problem given the entanglement of the many and various risk factors that serve to promote violence. Now, you may think about your own wicked problem and despair, but we found that while the PRISM approach is not a panacea, it can help unravel many of the knots to provide a method for approaching wicked problems and moving forward to try and manage them. Some of the solutions suggested in various places that we've carried out prison evaluations can be seen in figure 2. As you can see, they are many and varied and tied to the five domains of risk factors.

A common solution in the history of violence domain is

Figure 2
Examples of PRISM Interventions



for improved methods for recording complaints, or dealing with complaints, or recording characteristics of violent incidents. In the physical security domain, there are many different things that you can look at, but one example might be to install/fix a scanner designed to search for weapons when people came into an institution – a simple matter to fix and allows fewer blades to get in and reduce anxiety levels¹³. A common solution to address organizational features involves improving collaboration and communication across staff. Staff features would include things like improving staff retention processes and staff training as we've already heard about from Jeremy¹⁴, is a very important aspect. And finally, in the case management domain, it may be something as simple as implementing a systematic risk assessment process.

We've carried out PRISM evaluations in a number of countries. New Zealand was one of the first countries to adopt this process when Nick Wilson and Armon carried out an evaluation of a prison in Auckland and they published their results in an international journal¹⁵. We've used it extensively now across Europe and Napa Valley in United States, and Singapore. Most recently, I was asked to evaluate a medical facility in Bergen. This was interesting because it wasn't like a forensic unit or a prison, it was a general medical unit where people who had overdosed by accident or deliberately were taken and kept for anything from a few hours to a maximum 48 hours and discharged. The staff there were concerned about violence risk, and we found that the PRISM evaluation helped them modify how they manage these patients coming in. Just to be clear, there was risk of

¹³ Example taken from a Scottish prison.

¹⁴ See chapter, this volume.

¹⁵ Wilson, N. J., & Tamatea, A. (2010). Beyond punishment: Applying PRISM in a New Zealand maximum security prison. *International Journal of Forensic Mental Health*, 9, 192-204.

violence. This is a picture of some of the weapons they took off people who were brought in, often comatose, into the unit (figure 3).

Applications of PRISM

So, PRISM can be used in a number of ways. It can be used for critical incident reviews (in Scotland, we used it in a hospital following a homicide of a patient by another patient) or stock taking – taking the ‘temperature’ of how the unit or the wing or the prison is functioning. It's a sort of internal audit to see if we can do things better. On one occasion, Lorraine and I were asked to engage in some strategic planning or system strategic planning when in Denmark they were moving their Victorian high-secure psychiatric hospital 60 kilometers to a new build. They were concerned about how the facilities could meet the new challenges and they used PRISM as a way of thinking about how they could train new

staff, retain the good bits of culture, and get rid of the bad bits of culture.

The Barbados experience

To finish off, I'll just speak briefly about an early PRISM evaluation that took place in Barbados in 2005¹⁶. A small fight broke out in a Victorian prison in Barbados and very quickly it ended up as a major riot, which went on for about three days. This prison held around 1,000 prisoners, males, females, adults, young offenders, convicted, and those on remand, and indeed, those on death row. The fight was triggered by young offenders attacking an adult sex offender who had been abusing them. Eventually the authorities lost total control of the prison. It was no longer habitable. A while later, I was asked to go out and review this and carry out a critical incident review.

¹⁶ Cooke, D. J., & Wozniak, E. (2010). PRISM applied to a critical incident review: A case study of the Glendairy prison riot. *International Journal of Forensic Mental Health Services*, 9(3), 159-172.

Figure 3
Weapons Haul, Bergen



Our job was to develop a formulation to think about the risk processes which were operating in this particular institution. Now, I should say now that this is a long time ago, things are much better now, but it may illustrate some points. PRISM was designed to deal with messy, multi-dimensional, multi-layered and complex problems in correctional facilities, and we could find a number of features which were risk processes such as the sense of injustice – and this sense was palpable when

we interviewed prisoners. It was an impoverished regime. They needed to use a bucket to toilet in public. There was poor food. There was inadequate medical care. But these problems weren't merely at the level of the prison. The government allowed people to serve two or three years in remand before coming to trial.

This case illustrates how you have to look at it in a multi-layered way. We carried out a survey of nearly a thousand prisoners in a temporary

prison, and we surveyed staff and it became clear that violence was normal in the old prison. Prisoners were hit in the stomach by truncheons. Sexual violence was common and it was alleged that staff deliberately put young offenders in cells of known sex offenders, so-called 'bullers', as a punishment. It wasn't just prisoners telling us this. Staff were telling us as well that this was practiced. Old shipping containers were used to segregate difficult prisoners, and these shipping containers were, in turn, excessively hot during the summer in Barbados or cold during the winter. There was experience of deprivation. Full lockdowns were quite common. The prison was dilapidated. Proper bedding was absent and so forth. Food was terrible. Cells were flooded. Cockroaches and rats were evident. One prisoner told me he had only been outside for three hours in the last 18 months. Face-to-face visits weren't allowed and telephone calls were generally cut off.

There was a loss of agency. Prisoners felt there's nothing they could do to change the treatment they received, and punishment seemed arbitrary. This led to frustration, unsurprisingly, and a good example of how external organizations impact violence in prisons was that in the year before the riot, the government approved a parole system. Prisoners were interviewed for parole... and then the government changed its mind. Now you can imagine the frustration that would cause within the body of the prison – and disrespect – holding people in those conditions is in itself disrespectful. But it wasn't just the prisoners who felt disrespected, it was also the staff. A telling comment from one of the staff members was that: "the management should dignify your subordinates by allowing them to be part of the process". So, they felt they were cut out of the whole process.

Conclusion

So how do we measure success? As I said, PRISM is not

a panacea, but hopefully it can provide a process by which the challenges faced by correctional institutions can be analysed in a systematic way. We see it as a way of breaking down the elements that are important, and then putting them together by thinking about this nexus, this interaction between the individual and the ecology and how that affects their decision to be violent or not.

Hopefully it can guide implementation of interventions that can make prisons safer for all those who live and work there. So how do we measure success? Well, I like this quotation from John Foster Dulles who said: “the

measure of success is not whether you have a tough problem to deal with, but whether it's the same problem you had last year”. So, to conclude then, violence in prison is a wicked problem in both senses of the term. We should not despair because there are methods that allow us to approach this problem systematically. We've come a long way since the 1980s when I started in this business. The key is collaboration across all stakeholders, careful data-collection, systematic thinking from different theoretical perspectives, and the careful implementation of changes designed to remediate the identified risk processes.

PRISON VIOLENCE: A HUMAN RIGHTS LAW PERSPECTIVE

KRIS GLEDHILL

What I'm going to talk about is the duty to protect, and I emphasize the word duty, because duty means it's not in the 'nice-to-have basket', it's in the need-to-have basket, and that's something which might become important as we move to a government, which tends to emphasize finances and may talk about things being nice-to-have rather than need-to-have. If there's a duty and there's a human rights background to all this, then things are in the need-to-have basket, not the nice-to-have basket. That's essentially the point.

What am I going to try and show you? First of all, I'm going to try and outline the Human Rights Framework and how that interplays with the issue of prison violence and dealing with that. I'm going to look at that both from the International Human Rights Standards and also the

domestic human rights standards. I want to show you how the International Standards are important in the domestic setting, essentially because we've signed up to those International Standards and we've made them part of our domestic law. There is sometimes a viewpoint that International Human Rights Law is something that's over there and we don't need to worry about it. It's all based on the Hudson River, not the Tasman. I'll also introduce some wider matters as well, hopefully just to get you thinking about the value of the framework that I'm fully signed-up for as a human rights lawyer.

Core of the Human Rights Framework

The starting point really is the UN Charter, which set out the aims of the United Nations and that included moving from the

prior thought pattern based on eugenics, the ideas that there were good people who had rights and there were bad people who didn't have rights. So, the UN Charter is effectively a starting point for rebooting the world after the atrocities of not just the Second World War, but going back in time; colonization, slavery and so on.

The UN Charter led on to various things including the Universal Declaration of Human Rights from 1948, which is really the grandmother document of Human Rights Standards. The Universal Declaration has been put into effect in binding treaties, most important of which are the ***International Covenant on Civil and Political Rights (ICCPR)*** and the ***International Covenant on Economic, Social and Cultural Rights (ICESCR)***. One of the things that sometimes gets mentioned in conversation is that this is all some 'lefty' thing, but I'd just like to point out that New Zealand signed up to the ICCPR, Civil and Political Rights, and ICESCR, Economic and Social Rights, in 1978, and the

Prime Minister at the time was Robert Muldoon, who I'm sure most people would accept was not on the left of the political spectrum. The Universal Declaration and the two Covenants make up what are called the International Bill of Rights, and they're supplemented by various additional treaties including, for example, the Convention against Torture, the Convention on the Rights of Persons with Disabilities. There are also various regional treaties, including the European Convention on Human Rights, and that aims to give effect to the Universal Declaration of Human Rights as well, which means that we can look at standards that have developed under the European Convention and they have persuasive value for the standards that are binding on Aotearoa, New Zealand, through the UN documents.

Some Key Doctrines

I'm just going to talk about some key legal doctrines to show you how they are your friend. First of all, there is the

Vienna Convention on the Law of Treaties, and one of the things that that points out, in Article 27, is that human rights treaties and obligations have to be taken seriously; You can't turn around and say, "Our internal law says something different from the international treaty, and therefore we don't have to follow the international treaty." It's the other way round. If you've signed up to an international treaty obligation, then you have to change your domestic law to do that. The judges of New Zealand, who are the ones who police this, because it's legal doctrines and therefore it's in the hand of the courts, they have made plain over the last 30 years or so that signing up to international treaty obligations is not window dressing. It is to be taken seriously, meaning that when they, the judges, give the interpretation of what our domestic statutes and our domestic common law means, then they will construe it so that it's compliant with international obligations as far as that is possible. So,

International Human Rights Law is to be taken seriously.

International Human Rights Law sets out all sorts of standards, but there's a group of obligations that are imposed on the state which are to respect international human rights obligations, namely not to breach them, to protect those rights, including from third parties, and where a right requires resources to fulfill that right, by providing those resources. And that protect particularly, but also fulfill obligation, gives rise to something called the Doctrine of Horizontal Effect, which essentially means that the state has a duty to regulate the conduct of people who live inside that state, which means that they have to require those individuals and those corporations, those private sector entities, they have to require them to abide by right standards. What that, in turn, means is that if you have a breach of your rights caused by a failure on the part of the state to regulate that conduct by having laws, by enforcing

laws or educating people or training people, then it's the state's fault for the breach of your rights.

Say, for example, that you are an individual vulnerable prisoner who's been attacked by another prisoner and the reason you are attacked was there was a failure by the state to prevent that, then you have an action against the state, because it is the state that has failed to protect your human rights. Now, this state responsibility extends to not just legislators but also to judges, to prosecutors, and of course, because incarceration and the management of people incarcerated is a public function, it extends to prison officers, it extends to prison managers, it extends to those who are involved in the prison estate, in all its obligations, or in all its sectors.

If you are somebody who works in the public sector and want to do your best to respect human rights, but find it difficult because you're not provided with the adequate resources

for example, and it's the point that resources cannot defeat civil and political rights, they're not resource contingent. If a state has signed up to guarantee civil and political rights, then the state has to provide the resources to allow them to be met.

So, when Treasury says you are working in a prison setting and you simply don't have the resources to do the right thing, then Treasury – if they are failing to provide the resources – they should be the target for a human rights claim, including by you as a state official, because if you're not allowed to do your job properly in a rights compliant fashion, and that's because you are not being provided with the resources, that's the state's fault – and therefore action should be taken via the various bodies that are available to try to enforce the state obligation to provide the resources necessary for you to carry your job in a rights compliant fashion. That's the point that I just want to emphasize here. When you're thinking about

how to comply with the various rights, resources have to be provided. They're in the need-to-have basket, not the nice-to-have basket.

Self-determination

One other thing that I want to mention is that Article 1 of the ICCPR (also Article 1 of the International Covenant on Economic, Social and Cultural Rights), says that, "All peoples," plural, "All peoples have the right of self-determination."

Now this is a much underexplored aspect of the Human Rights Framework. It was in the context of the decolonization process, and it was one of the key streams of the UN's early work, which was to shepherd states into independence from their European colonial masters. What it means in a settler state, so Canada, Australia, New Zealand, what it means has not fully been tested. But for example; does it support the idea of Māori solutions for Māori? In other words, this right to self-determination in a settler state, does it include the fact that actually rights that

were guaranteed under Te Tiriti are in fact international human rights as well, because there is a collective right of peoples to self-determination. Something that might be worth thinking about, and perhaps an underpinning for some of the work that I know Corrections has been doing, is picking up the fact that given that there is more than 50% of the prison population being Māori, then there should be Māori-focused solutions. That might actually be a human right guaranteed under the ICCPR that has been binding on New Zealand since 1978.

Standards about Prisons

Article 9 of the ICCPR prevents arbitrary detention and we've expressly adopted that as Section 22 of the New Zealand Bill of Rights Act. Now, your lawful sentence of imprisonment isn't arbitrary, but what if it's an excessive sentence? What if three strikes is reintroduced, which seems to be the policy of the new coalition government; would that lead on to excessive sentences which are arbitrary

and therefore unlawful under the New Zealand Bill of Rights Act? That's one issue. For those who are in detention, then Article 10 of the ICCPR is directly relevant and it says, amongst other things, that there shall be no mixing of unconvicted and convicted prisoners. There should be no mixing of adults and juveniles. Though note that New Zealand, when it signed up to the ICCPR, expressly said that it reserved the right not to comply with that provision. It also requires rehabilitation to be the aim of incarceration. So that is expressly part of Article 10 of the ICCPR, also expressly part of Article 10 of the ICCPR is that those in detention shall be treated with humanity and respect for their inherent dignity. That has also been adopted as section 23(5) of the New Zealand Bill of Rights Act, so it's clearly part of domestic law.

An additional set of standards that are worth noting here, and one of the things you can use these for is an audit tool to see whether your practices, policies

and how you implement them, and whether they're compliant with these International Human Rights Standards. A major set of human rights standards relevant for the prison setting is what are called the Nelson Mandela Rules, full title being the UN Standard Minimum Rules for the Treatment of Prisoners. Again, they are directly relevant, because if you go to section five of the Corrections Act of 2004, it says that one of the purposes of the corrections system is to operate in compliance with the UN Standard Minimum Rules. In other words, the Nelson Mandela Rules are part of New Zealand law by virtue of section five of the Corrections Act and therefore they're worth looking at and relying on.

Duty to Protect Victims

What are the key rights involved here? The New Zealand Bill of Rights Act is designed to promote compliance with the ICCPR and includes reference to some rights expressly that are set out in the ICCPR. I've just mentioned some of them

already; one is the right to life, that's protected under the ICCPR Article 6 and section eight of the New Zealand Bill of Rights Act. There also is an absolute prohibition on anything that amounts to torture, cruel, inhuman or degrading treatment or punishment, and that's Article 7 of the ICCPR and section nine of the New Zealand Bill of Rights Act. We also have a separate statute called the Crimes of Torture Act of 1989, and that incorporates the Convention against Torture and also the optional protocol to the Convention against Torture, or OPCAT, which is about monitoring of places of detention. So, those aspects are clearly part of New Zealand law.

There is also a requirement under the ICCPR to have no slavery, no forced labor, not expressly in the New Zealand Bill of Rights Act, but it's there in other parts of New Zealand law. There is also a right to respect for autonomy, which is under the generic heading of the right to privacy, which isn't

again directly part of the New Zealand Bill of Rights Act, but we have our Privacy Act of 2020 for example. Now some other parts of the ICCPR just to note, there's a right to a remedy, which whenever there's been a breach of your rights, which equates to taking things seriously. There is also an expressed right to non-discrimination. I mention that because of the obvious implications in the context of a system which has US levels of incarceration for Māori and Scandinavian levels of incarceration for Pākehā with Pacific peoples being somewhat in the middle and therefore over-represented, but not as badly over-represented as Māori.

Right to Life

Every human being has the inherent right to life; this right shall be protected by law and no one shall be arbitrarily deprived of their life. That's the international standard that's binding on New Zealand. There's a rephrasing of that in the European Convention of Human Rights. So what does

this lead on to? What are the obligations arising from having laws to protect life? Well, the duty to protect requires laws that are protective of life and that includes obviously law against homicide. It includes limitations on self-defense, including by state officials. But it also requires laws which are designed to deal with situations where we know that if we don't have regulation, people will die unnecessarily. Health and safety isn't nanny state, health and safety is part of the duty to protect life, because we know that more people die in industrial settings than die in homicides. The regulation that's required of dangerous professions, dangerous trades, dangerous activities, dangerous situations, whereby if we don't have the relevant laws, we know that people will die unnecessarily and more than if we had those regulations, there is a state duty to have those. You have also got to have a suitable system of what's called tort law, which is where you go and claim damages, and disciplinary systems as well for various professions. There's

been lots of cases regarding, for example, doctors, the medical profession, which is where lots of people die if you don't have proper regulation of that system.

In a prison setting, we know that people die as a result of all sorts of situations and therefore there has to be regulation. There has to be adequate enforcement, including having adequate staff to enforce regulations. So again, a situation where there might be difficulties in protecting vulnerable prisoners, because there aren't enough prison officers to offer that protection around the clock, well that is something where there might be a breach of the state duty and therefore the budget for recruiting, for training, for retaining, something was mentioned right at the outset as a key priority for Corrections because it's part of the duty to protect.

Operational Measures to Protect Life

This is a duty not just to rely on the deterrent effect of the law,

but to take specific steps when you know or ought to know that there is a real and immediate risk to life from self-harm or from action by others if you or the state breaches that right – there is a failure to take reasonable steps within the powers of the state. An example is Edwards against the United Kingdom. This was a case of dual bunking, where two prisoners with psychiatric problems were put together in the same cell. One of the prisoners, Christopher Edwards, was very vulnerable as a result of his psychiatric problems. The other person in the cell was also vulnerable, but was also going through a psychotic breakdown. In the course of his psychotic breakdown, he broke a table leg off furniture in the cell and bludgeoned Christopher Edwards to death. They should never have been in the same cell. There was inadequate risk assessment. There was a failure to provide up-to-date medical information on both of them. There was a failure to communicate between the doctor in the outside world who was aware

that the assailant was showing signs of going through a psychotic breakdown and was in fact due to be sectioned under the Mental Health Act, that never got through to the prison. The prison nurse who carried out a screening exercise was unable to pick up the signs of a psychotic breakdown, because the nurse was not informed about the background and therefore didn't have all the material on which to make an assessment. That was a breach of the duty to protect the life of Christopher Edwards.

Another example is Burrell against Jamaica. This involved prison officers, as part of regaining control of a prison wing during the course of a riot, who shot various prisoners. The claim from Mr. Burrell's family was that it was a targeted revenge assassination. The Jamaican authorities denied that, but the Human Rights Committee of the UN found against them. The reason they found against them was that there should have been adequate training and adequate members of staff to

be able to retake control of the prison wing without making use of lethal force. Therefore, even if it wasn't a targeted assassination as alleged, it was a failure to protect the right to life, which required that adequate training and adequate resources.

An example of where there wasn't a breach is Mastro Matteo against Italy. This was a case where a group of prisoners on parole release committed an armed robbery and killed somebody, but that was unpredictable and the European Court of Human Rights was very keen that you still have to have reintegration into society and therefore the fact that sometimes things will go badly wrong, because human beings are unpredictable, doesn't necessarily mean that there is a breach of the duty to protect life. So there is a balance that has to be carried out and authorities don't have to be overly defensive in situations like that. If they do what's reasonable within their powers, as long as they've found out

about a breach when they should have found out about a potential breach of the right to life, then they will meet their obligations.

No Torture or Inhuman or Degrading Treatment

The structure of having laws, enforcing them and taking specific measures when you know or ought to know about a risk that has been applied as well in other settings. So for example, ICCPR Article 7; "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." That has led on to the implied duty to protect, because if no one shall be subject to that sort of treatment, then everyone shall be protected from it. So, if it's fatal violence or near fatal violence, it's covered by the right to life. If it's serious violence leading to serious injury, then it's protected by Article 7 of the ICCPR.

An example from a prison setting is Keenan against the United Kingdom. This again was a vulnerable psychiatrically

unwell prisoner who was given a disciplinary punishment just before he was due to be released from prison. And as a result of his prison release date being put back, he committed suicide. That was held to be a breach of the duty of care to protect from serious self-harm, because effectively when the records were looked at, there was no adequate input from a psychiatrist in terms of whether he was fit to be adjudicated, whether he was fit to serve the sentence imposed and there was no proper looking after him after the sentence had been imposed. And therefore, the death was effectively the consequence of failing to look after him and that failing to look after him was inhuman and degrading.

I will also mention slavery in this context, because the situation of perhaps gang situations or perhaps vulnerable prisoners being required to work for the top dogs in a prison setting, effectively being held in a slavery or forced labor situation. Again, Article 8 of the

ICCPR, "No one shall be held in slavery, no one shall be held in servitude", everybody has to be protected from that. So, this duty to protect, the duty to have laws, to enforce them and take specific operational measures, that is something that has to be put in place. It's a need-to-have, it's not a nice-to-have.

Lastly, there is this duty to protect autonomy under Article 17 of the ICCPR and that has given rise, or the European equivalent to that, has given rise to various situations of a duty to protect from lower level violence. So, effectively there's a sliding scale; fatal, near fatal violence is protected by the right to life, serious violence, the right not to be subject to torture or inhuman or degrading treatment. And anything below that, which is still a breach of your integrity, that is something that has to be protected by virtue of Article 17 of the ICCPR.

So, the duty to protect is not nice-to-have, it's need-to-have. In this context, let's think about

the non-discrimination standards. Article 2 of the ICCPR requires non-discrimination in relation to rights. Article 27 of the ICCPR goes further, it requires non-discrimination in relation to any standards set out in law. Prisoners retain all these rights. So, prison means that you lose your right to liberty. It means there are restrictions placed on your right to associate with others at the time of your choosing, but it does not get rid or undermine any other rights including the right to life, the right not to be subject to inhuman or degrading treatment and the right not to have your bodily integrity undermined. So prisoners do not lose those rights and therefore they have an equal right to everybody else in society to be protected from that kind of violence. There is, therefore, no loss of the duty to protect, it applies equally. These non-discrimination standards also give rise to the fact that where you have a disproportionate incarceration of groups based on ethnicity, and again the obvious point

there about Māori being significantly overrepresented and Pacific Island peoples being significantly overrepresented, not to the same extent, is something which has to be taken into account in dealing with matters of the duty to protect.

The Mandela Rules

Picking up on some of the points that I've been making arising from the ICCPR, rule one of the Mandela Rules sets out that "All prisoners shall be treated with a respect due to their inherent dignity." It picks up Article 10 of the ICCPR: "They all shall be protected from torture, and other cruel, inhuman, and degrading treatment or punishment." Again, directly picking up Article 7 of the ICCPR: "The safety and security of prisoner, staff, service providers and visitors shall be ensured at all times." The duty to protect that I've just described to you, it's all there in the Mandela Rules and they're relevant in a New Zealand context by virtue of section five of the Corrections Act.

The non-discrimination standards are made plain; rule 2.2 adds that in order for this non-discrimination requirement to be put into practice, prison administration shall take account of the individual needs of prisoners, in particular the most vulnerable categories in a prison settings. So, you have to do more to protect the ones who are more vulnerable. To save you this task, I've gone through the Mandela Rules and here are some examples of rules that can be seen as relevant as part of the process that Corrections has mentioned as one of its key priorities in terms of dealing with violence:

- *Rule 12* refers to single cells, with adequate supervision if dormitories are used.
- *Rule 46* requires health care personnel to visit segregated prisoners and report any mental health concerns.
- *Rule 49* requires training of staff on control techniques that mean no need for restraints.
- *Rule 71* requires reporting and investigations of any

custodial death or serious injury.

- *Rule 76* requires personnel be trained on respecting rights and dignity, and also how best to manage violent offenders.
- *Rules 83-85* require prison inspections.

Closing Thoughts

Lawyers are your friend in terms of making use of the Human Rights Framework to allow corrections professionals to do their job properly. As I mentioned, Article 10 of the ICCPR says: "The aim of incarceration shall be rehabilitation and all prisoners shall be treated with respect for their inherent dignity," which means giving them the appropriate rehabilitation. Detention can become arbitrary if people aren't given the treatment that will allow them to progress towards parole, and if you're a prisoner in preventive detention, meaning that you are in until you are safe to be released, then you have to have access to that rehabilitative set of programs in order to equip you,

so that you can make a positive case to the parole board, which means rehabilitation. And if you're not given the personnel, the resources to allow you to do that, then the point to make straightforwardly is that you, as public officials, are breaching on behalf of Aotearoa, New Zealand. We've had 50 years to get it right and we should be getting it right. From a professional's perspective, your ethical obligations are to assist prisoners and do no harm – warehousing people does them harm. Doing good and treating

them meets your ethical obligations, it meets New Zealand's obligations under the ICCPR, it stops detention becoming arbitrary, and at an extreme level, failing to treat people is inhuman and degrading.

The Human Rights Framework is one that can be empowering, because it allows you to speak directly to the people who say, "No, you can't have that," and say, "Well, hang on, it's in that need-to-have basket. You need to give it to us."

CORRECTIONS OFFICER PERSPECTIVES OF VIOLENCE AND SAFETY

SAM TAAKA

My research¹⁷ focuses specifically on corrections staff perspectives of violence and safety. I've split the work into three studies with three overarching questions, and we'll talk you through how we did it and what findings we've come up with so far.

Ara Poutama Aotearoa, the New Zealand Department of Corrections, operates 18 prisons, which house a population of 8,893 prisoners according to the latest annual report by Ara Poutama. These are split into four regions throughout New Zealand, and there's 13 prisons in the North Island and five in the South. These also split by men's and women's prisons and split by

prisoners who live on site and off site. So, we can see here the vast majority live on site, which is 8,823. The prisoners housed within New Zealand prisons range from minimum to maximum security and also different custody types. These are also sentenced prisoners and prisoners awaiting sentence, so people on remand who are either convicted or accused.

Ara Poutama employs almost 10,000 people who are almost equally split proportionately by gender. As of June 30th 2023, more than half of corrections staff employed by Ara Poutama are women, and just under half are men, with less than 1% of corrections staff identifying as

¹⁷ This research is part of Ngā Tūmanākotanga, which is the larger project aiming to understand and reduce prison violence. I'd just like to thank my supervisors, Professor Devon Polaschek and Dr. Armon Tamatea. Also, huge thank you to Ngā Tūmanākotanga for the support of my research, and of course, Ara Poutama Aotearoa for their support. I'd also like to thank the Māori and Psychology Research Unit for their support of this research from the University of Waikato.

gender-diverse. Corrections also employ a diverse range of people from different ethnicities. So here we can see that European people make up about two-thirds of corrections staff and Māori people make up about a fifth. People who are employed by corrections have an average age of 46.2 years old.

According to the most recent annual report by Ara Poutama, rates of serious assaults against corrections officers by prisoners are increasing. This trend is also reflected in the media, with some corrections officers describing working conditions as working within a pressure cooker because of the highly stressful environment. The everyday person doesn't go to work expecting to be verbally or physically assaulted. However, for corrections officers who work in prisons, verbal abuse, threats, and the risk of physical harm is an expected part of their everyday work experience. After police officers, corrections officers experienced the highest rate of non-fatal injuries in the

workplace. The next occupation is taxi drivers experiencing the most non-fatal injuries. And the next following is healthcare professionals.

Consequences of Violence

The consequences of being a victim of violence are complex. They can include things like fear, trauma, and physical injury. But for corrections officers, this is even more complex. The nature of their job means that they essentially cannot avoid their perpetrator and they cannot avoid the environment that they were victimized in. As a result, corrections officers may avoid working in some areas and be perceived as unreliable by their colleagues, or they might avoid going to work altogether, which personally results in a loss of income for themselves, but it also contributes to understaffing, which affects their colleagues, their unit, and their prison.

Prisoner to corrections officer assault is a serious issue, and the consequences reach further than just the victim. However,

it's quite unclear how these situations come to occur in prison environments. Some characteristics which contribute to the safety of staff can be characteristics of themselves. This could be things like their gender, their age, and their level of experience in the prison. But it could also be characteristics of prisoners with whom they work. So, this could be the prisoner's age, whether they're affiliated with a gang, and type of security classification of the prisoner. We also have characteristics of the environment. This is the situational and the physical environment. This could be times of day, could be characteristics of different regimes, but it could also be as simple as the physical layout of the prison.

Study 1: Who Assaults Staff?

To answer this question, we took a quantitative approach, which meant that we used a database of incidents where a single male prisoner physically assaulted a corrections officer in a New Zealand prison

between 2016 and 2020. So, we can see here that throughout this time period we had 1,647 incidents of physical assault. The database contained information about the perpetrator, so this was things like their age, their security classification, and their custody type, so whether they were sentenced or on remand awaiting sentence. It also contained some situational characteristics, so the time of day the incident occurred and the location in which it occurred within the prison. It's important to note that the incident database did not have any characteristics about the victim of the incident, so therefore we're just asking 'who assaults staff?'. In particular, we were interested in the differences between prisoners who physically assaulted staff and prisoners who did not physically assault staff. So, we compared the prisoners who did physically assault staff with an average representation of the remaining prison population during that same period of

time, so between 2016 and 2020.

For context, in New Zealand prisons, physical assaults are categorized according to the severity of injuries sustained by the victim in the incident. Our dataset contained three types of physical incidents. The least severe were **no injury** incidents, which were typically classified by the victims receiving no injuries as a result of the physical assault. The next level up were **non-serious** incidents. These included incidents where the victim sustained minor cuts or bruises, so minor injuries that could be treated with basic first aid. Finally, **serious** incidents included incidents where a victim had injuries that had to have more further medical attention, so things where maybe they lost consciousness or they broke a bone. So recall, before I said we had 1,647 physical incidents where a prisoner physically assaulted a corrections staff member, and this is just the split of those three types of severity. Almost two-thirds were no injury, just

over a third was non-serious, and we can see that serious incidents only made up less than 4% of all of the incidents in our database. One thing that was interesting was, out of the 1,647 incidents, these were perpetrated by 1,087 men. So three-quarters of the men in our sample committed one assault only, almost a quarter committed five or less than five assaults, and 3% committed more than five assaults.

When we compared the prisoners who assaulted staff to the total population, so the people who did not assault staff, we found that prisoners who physically assaulted staff were seven years younger on average than the average age of the total prison population, and they typically have higher security classifications compared to the total prison population. We found that prisoners who assaulted staff were more likely to be gang affiliated compared to the total prison population. So one in two prisoners who physically assaulted staff were gang affiliated compared to one in

five of the total prison population. People who are gang affiliated typically are exposed to more violence compared to people who are not gang affiliated, and this is both as a victim and as a perpetrator of violence. As a result, we would expect prisoners who are gang affiliated to be involved in prison violence at a higher rate compared to those who are not gang affiliated.

We also found that prisoners who assaulted staff were more likely to be on remand compared to the total prison population. So, these are the people who are not yet sentenced. They're either convicted or they're accused and awaiting sentencing. Of those prisoners who assaulted staff, one in two of them were on remand, but the total prison population, one in three of them were on remand. Remand units are typically quite tense environment – this is a very uncertain time for prisoners because they are awaiting sentencing, but in remand units there's also no programs or

courses, so boredom can be an issue. As a result of uncertainty and boredom, environments can get tense and violence may be more likely to occur. *Overall for study one, we found that prisoners who assaulted staff were more likely to be younger, gang-affiliated, higher-security, and on remand.*

Study 2: In What Context Does Prisoner-to-staff Assault Occur?

To answer this question, we took a sub-sample of those incidents. We had 1,647 accidents, and out of them, 53 were serious. So, what we did is we took all of those serious incidents, put them in a new database, and then we randomly selected 53 each of the no injury and non-serious incidents. This gave us a sample of 159 incidents. We then read the incident reports for each of those incidents. What happens when an incident occurs in a New Zealand prison is staff who were involved in the incident, or with a victim, or witnessed, write an incident report about their role and what their

perspective of what happened in the incident.

Here is an example narrative from an incident report: *"On January 1st at 8:00 hours, myself and CO John unlocked Prisoner Smith to move him into the yard. He pushed me and punched me in the jaw. I initiated use of force and applied handcuffs to Prisoner Smith. I had a small bruise on my cheek as a result of the assault, but returned to my duties immediately."*

We were interested in environmental variables, so this could be things like the time of day or the activity that was occurring at the time of the assault. So here we have the time of day, and we can see that the COs were unlocking the prisoner at the time of the incident. We also wanted to see what actually happened, so how did the perpetrator actually assault the victim and what did the staff do in response to this physical assault? Finally, we also wanted to know whether the victim sustained injuries as a result of

the assault and what type of injuries they were and then whether they required medical attention beyond what was available at the prison site. We read these incident reports, and we coded the variables from those incident reports and then we did some analysis. So, what we did is we just analyzed the relationships between those variables to see if there was anything going on or any patterns that were happening in the data. We also coded the victim role, so their job type and the gender of the victim of each physical assault incident.

These are the victim roles that we found in the narratives. Almost 90% of people employed by Ara Poutama are people who work on the front lines, so prisoner-facing roles, and we found that 96% of our victims were corrections officers, so they were just slightly overrepresented as victims of physical assaults by prisoners. Then we had medical staff, which was 3%. So, these were people who were nurses, and other, which was less than 1%, and these were people

who were case managers or tutors. We coded the gender of the victim by recording which pronouns were reported in the incident report. For example, if someone wrote, "The prisoner punched her," we would code that the victim of the incident was a woman.

Almost 70% of the victims in our sample were men, and about 10% were women. We were unable to code the gender of victims in around one fifth of incidents just because there was missing information in the narrative reports. Like I said earlier, about half of corrections staff employed by Ara Poutama are woman, so we can see that they're actually underrepresented in our sample. So, 50% of all employees are women, but only 10% in our sample were women. But on the flip side of that, about 50% of Ara Poutama employees are men, and about 70% in our sample were men. So, we can see that men are overrepresented as victims compared to the general population of Ara Poutama employees.

Some key findings: For *no injury* incidents, meal times were risky times for them to occur. In these cases, prisoners had access to staff through the hatch in their cell doors. In line with that, the most common type of assault that perpetrators of these incident used were throwing food or water at the staff. So this type of assault had less severe injuries or typically no injuries at all. We found, however, the most common type of response for staff to use in these types of instance was use of force (i.e., control and restraint). But this was typically in situations where it was more hands-on, so it wasn't throwing water at them. Staff typically use control and restraint as a result following the incident. They use that over different methods, so instead of using pepper spray, for example. If we move into our non-serious incidents, the most risky times for these occur were during movements, so when prisoners were being moved either within the unit or outside of the unit. More than a quarter of non-serious

incidents occurred during movements.

The most common type of assault for *non-serious* incidents was the perpetrator punching the victim. About a third of all victims in these non-serious incidents were punched. Similarly, with our no injury instance, staff tended to use control and restraint more above other types of responses, so above the pepper spray and mechanical restraints. This is quite interesting because potentially the staff response may have stopped it or prevented it from escalating into a more serious incident.

Finally, the most risky times for *serious* incidents to occur were during movements, which was the same as the non-serious ones. Again, the most common type of assault was being punched, so the perpetrator punching the victim. About three-quarters of victims in serious incidents were punched.

For the staff response, staff tended to use non-lethal weapons, so pepper spray, more frequently in serious instance compared to the other two, so compared to no injury and non-serious incidents. This could be a result of a staff member may have been seriously hurt and their colleagues may have used pepper spray to subdue the situation straight away instead of trying to use those control and restraint techniques and further escalating the incident. We also found that mechanical restraints and segregation, so the prisoner being segregated following the incident, were also used in these serious incidents at a higher rate compared to the less serious incidents.

We also examined what type of injuries victims sustained in the incident and whether or not they required off-site medical attention. It's really important to note that staff may receive medical attention on site at the prison following an incident, however, we wanted to know whether further medical

attention was required. This is what's represented in the pie chart just here. For no injury incidents, less than 2% of victims required off-site medical attention, and the victims most commonly reported having no injuries. For our non-serious incidents, they required off-site medical attention around a third of the time, and the most common type of injury sustained by victims of non-serious incidents were no injuries, but also minor facial and head injuries. These could be things like having bruising on the face like a black eye or having a split lip or cuts to the face.

Finally, for serious incidents, almost three-quarters of victims required off-site medical attention, and the most common type of injuries sustained by victims were serious head or facial injuries. These included facial fractures, concussions, and loss of consciousness, and in some cases these were persistent over the course of weeks following an incident.

Our findings build on the theoretical framework of prisoner to corrections officer physical assault, and it provides insight on how different characteristics may lead to more severe violence, and therefore with more severe consequences for victims. However, it is really important to note that we only see one side of the picture through these incident reports. And of course, we all know that corrections staff are very busy, so the quality of the incident reports meant that some variables could not be coded. Sometimes they were quite brief and there was limited information in the narratives.

To address these issues, we thought that speaking to corrections staff and understanding their firsthand experiences could potentially fill in some gaps that we're missing. If you recall earlier, I spoke about how characteristics of staff prisoners and the environment all contribute to how safe prisons are and levels of violence in prison, but also they can

interact with each other. So, for this study, study three, we decided to look at this issue with an ecological approach. An ecological approach means examining how different levels of characteristics interact to produce different situations rather than just thinking that these characteristics exist in a silo, so they're just their own thing and they don't have any effect on anything else.

With an ecological approach, the characteristics of staff and other characteristics of staff, their relationships with each other can have an effect on how safe people feel and also levels of violence in prison. This is also the same with relationships between prisoners and staff. Then, all of these things are encapsulated within the situational and the physical environment. So, there's all these different factors and characteristics, and they all interact to have these different relationships to produce different situations as per an ecological perspective.

We have all these factors, but it's really difficult to tell what's actually going on by relying on quantitative data, so those datasets that we were using, or official statistics. It's really hard to see what's happening. So therefore, for question three, we were interested in the experience of staff.

Study 3: How Do Staff Feel About Violence and Safety?

For the third study, we took a qualitative approach, which means that we are talking to people to actually see their firsthand experiences. So, it's a cycle. We're about halfway through completing this study at the moment, so I'll be talking about the findings so far. What it means is we are doing interviews with corrections offices, so people who currently work at corrections or who used to work at corrections. I'll do an interview one-on-one with them, and once that finishes, I transcribe the interview. Then with the transcription, I read through it line by line, and I come up with some meanings. So, I interpret how the participant was

speaking to me and what I think they mean each line of their transcript. Once I do that for every line, I then identify relationships between these lines, so something that a participant spoke about earlier on might relate to something that a participant spoke about at the end of the interview. So, I see these relationships and come up with meanings about how they interact with each other. Once the coding's done, I then update the interview schedule with things that I found. A lot of the time, the people that I'm talking to have so many new ideas that I didn't originally ask about. So, I update the interview schedule to ask the next participants things that I hadn't previously asked the first participant. This is a grounded theory approach. Our goal is to complete around 30 interviews with current and former corrections staff members from as many different prisons as possible, as many different security levels, role types, as well as men's and women's prisons. So far, we've spoken to 12 corrections officers, including COs, SCOs,

PCOs, and managers, so people who have held all different job types throughout their careers at corrections.

In study two, we identified some activities which were risky for physical assault, and we asked participants about their experiences during the interviews. Participant one says, "So, as far as the safety in prison is concerned, when we're on the floor, when we are with prisoners, that's the time we are most alert and we are always thinking about our safety, because there are numerous incidents that can happen." One main theme that participants spoke about in our interviews was the necessity of situational awareness anytime prisoners were around. Participants described being hypervigilant, particularly while prisoners were unlocked because anything could happen and it could happen quickly.

If you recall, in study two, we found some times which were risky for different assaults to occur. Our staff talked about **movements** being a risky time,

and these were the times that non-serious and serious incidents were more likely to happen. Our participants spoke that they did think that this was an important time, but also unlock and lock up was a really important time to be more aware.

Our participants spoke about **after-hours unlock** being particularly risky, because they felt that if prisoners had a grievance throughout the day, they came up with opportunities to be unlocked after hours to physically air that grievance. And then in the yard, there's a higher proportion of prisoners unlocked at one time, so it's harder for staff to have that situational awareness. With movements, our participants suggested that prisoners behave differently outside of their unit, and so therefore they could be at risk for more risky behavior, but also when prisoners are returning from court. So, they might be at a higher emotional state because they didn't get the news that they were hoping for.

Our participants identified that their relationships were important for how safe they felt, and these were their relationships with their colleagues, but also their relationships with prisoners. One of the participants says, "Teammates can make your day. I don't care what those fellas out there do, they can be dicks, but if you've got a good team, you work through it together and you can still have a laugh." Our participants talked about how the people you work with contribute not only to your safety, but also just the general enjoyability of their job and how smoothly the day goes for them. Participants felt more safe when they knew that their colleagues would have their back if something were to go down in the unit or something were to happen with prisoners.

We also spoke about the relationships between staff and prisoners, and one thing that was really consistent in the interviews was **respect**. Staff described generally good relationships with prisoners

which were founded on mutual respect, and participants spoke about feeling safer with prisoners if they already share a positive rapport with them. They felt that if there is that mutual respect, prisoners would also back them up in situations if something were to go down in the unit to an extent. Staff described better relationships with prisoners when they communicated well with them and when they followed through with what they said they would do for the prisoners.

So, I asked one participant: "What makes a good corrections officer?" and they said, "**Following through with what you say** and not feeding them a whole lot of BS to cover why things aren't getting done, why routines are changing. So yeah, somebody that's upfront and communicates with them all the time." Our participants describe better relationships with prisoners when they were upfront and honest with them and when they followed through doing things that they

actually said that they would do.

Thoughts on the Balance Between Guarding and Caring

Corrections officers have to balance two roles, guarding versus caring. And how staff balance these roles not only impacts their safety, but it can also affect their relationships both with their colleagues and with prisoners. Our participants spoke about some colleagues who always said yes to prisoners even when it should have been a no. And they felt that staff who always said yes to prisoners put their colleagues who said no at risk because being treated inconsistently may upset or anger prisoners. However, they felt that the staff who always said yes used it as a protective measure because they may be fearful of retaliation from upset prisoners. Participant four says, "If everyone's just on the same page and follow the same rules, it would be much easier. Because they know who they can get away with stuff and who they can't get away with stuff, and that makes it difficult

for the ones who follow the rules."

The balance between guarding and caring is also influenced by the existing relationships between prisoners and staff. Relationships and rapport between prisoners and staff can make it challenging for staff to balance these roles. Some staff are more inclined to say yes to prisoners if they already share that positive rapport. However, this can cause conflict in the unit because some prisoners are seeing that someone is getting something that they are not allowed, so they feel like they're being treated unfairly and inconsistently with staff. Also, this rapport and these relationships between staff and prisoners can also be tricky, and it can put that relationship at risk when staff have to complete tasks as part of the regime. So, when staff have to do cell searches or if they have to do rub downs, it can be really hard to have these relationships intact if staff catch prisoners breaking the rules and need to report it.

Although our participants spoke about sharing positive relationships and good rapport with prisoners, they also described tense situations where prisoners viewed corrections officers as a collective and no longer as an individual.

The idea of the blue uniform is that prisoners may assault anyone in a blue uniform regardless of who they are or their previous relationship with that corrections officer. Our participants acknowledge that although prisoners and staff can share those positive relationships and that positive rapport, it's still important to have situational awareness because they could be assaulted by anyone at any time. Participant seven says, "It will only take one small thing for that prisoner to go, 'Boom, you are all shit.' And then because something hasn't happened for them, and not necessarily that staff member, it might be somebody else, so anyone in a blue uniform, it's all your fault."

Connecting with *Hōkai Rangi*

Ara Poutama's strategic focus, as articulated in *Hōkai Rangi*, is intended to humanize the system and help heal the people in it, and staff are really key resources in the implementation of *Hōkai Rangi*. We were really interested in their firsthand experiences and their perspectives of how they felt about *Hōkai Rangi*. Our participants described *Hōkai Rangi* as treating prisoners with respect, being fair, and treating everybody the same, and also going out of your way to care for prisoners.

There were two emerging themes when we spoke about *Hōkai Rangi*. One, prisoners get more now and also expect more now because of *Hōkai Rangi*. Our participants described prisoners citing *Hōkai Rangi* to them so they would be allowed to do something that they may or may not usually be allowed to do. But they also felt like they got more things such as funner days, online visits, and longer visits. The second theme was that staff were already implementing *Hōkai*

Rangi principles, but now it just has a name. So, staff felt like they were already doing all of these things that they described, so being fair, treating prisoners with respect, all those sort of principles, but now *Hōkai Rangi* has just been given a name.

Closing Thoughts

With these studies, we aim to inform practical recommendations to improve corrections staff safety in their workplace. We are also asking our participants what they think would be the best thing to do to improve their safety. Interestingly, a really strong theme that is happening when we are talking about these improvements is a need for more training on softer skills (i.e., how to balance guarding and caring and balance different levels of rule following), but also more frequent training on how to communicate with prisoners. They would like to learn or practice better how to use verbal de-escalation rather than using physical de-escalation, so control and restraint techniques.

ADDRESSING PRISON VIOLENCE: A UNION POINT OF VIEW

PAUL DENNEHY

CANZ (Corrections Association of New Zealand) was established in 1999 and is New Zealand's largest and only prison-specific union operating within the New Zealand penal system. CANZ is run for and by corrections staff, all of whom know the type of work and risk staff face daily, and all of us have worked the floor. CANZ represents approximately three and half thousand uniformed and non-uniform staff working across the prisons, both public and private, and of those, approximately 3,200 are frontline staff who deal with prisoners face-to-face on a daily basis. We also have 220-odd members at the Serco-run Auckland South Facility.

The Extent of Violence on Corrections Staff

Last year, 865 staff were assaulted, 37 of which were deemed serious in terms of the

department, which is an overnight stay in hospital, more than one day off work, or unable to return to work immediately. 18 staff were sexually assaulted. Thankfully, there was a drop of 44 from the previous year. The prisoners' corrections officers and staff face today are vastly different to the ones in the prison system 10 to 15 years ago, when we had drunk drivers and fine defaulters. The low-level prisoners we used to manage are now on e-bail, home detention, suspended sentence, or serving a community sentence. These days, the prisoners we manage have to have an average of about seven convictions before the judiciary sends them to prison. Now we face serious violent offenders, and a large majority of these are gang-affiliated prisoners, with no respect for the rule of law in

the community and even less in prison, where they are surrounded by their mates and other gang members.

Changes within New Zealand Prisons

In 2017, the then-corrections chief executive, Ray Smith, provided a briefing document to the incoming minister, The Right Honourable Kelvin Davis. In it, Mr. Smith made several observations, such as the prison population having seen a **sustained growth** for over 30 years, with particularly rapid growth between 2002 and 2007, and again since early 2015. This most recent period has been one of the most rapid periods of growth ever recorded, with direct consequences for corrections, greater demand that must be met with additional supply so prisoners can continue to be managed safely and with a focus on their return to society. A major cause of growth over the past 10 to 15 years had been prisoners on longer sentences of more than two years. The average proportion of a long-term sentence served

in prison has increased from 52% in 2002-03 to 77 in 2016-17. More recently, there has been a significant increase in the remand population, reflecting an increase in serious crimes and changes to legislation.

In March 2018, Professor Sir Peter Gluckman, Chief Science Advisor to the then-Prime Minister, released a report, and then he made several observations. Nearly 91% of people in prison have a lifetime **diagnosable mental illness or substance use disorder**. Compared to the general population, those in prison are seven times more likely to have a lifetime prevalence of any substance use disorder, and one in three have a clinically significant personality disorder. Mental health and substance use disorders often go undetected and undertreated. Fewer than half, 47%, of prisoners with a mental health diagnosis had had mental health treatment in the past year.

Gang membership is associated with criminal offending, imprisonment, and difficulty reintegrating into the community after incarceration. As of October 2017, more than one-third of people in prisons, 34%, or former, 5%, were gang members. The composition of prisons will likely continue to change as **property crime** continues to reduce, meaning proportionally, more of the crime problem will be associated with high-harm and personal offenses.

In April 2019, the Chief Inspector of Prisons released a report into three prisons, OCF, Rimutaka, and Auckland South. The Radio New Zealand headline at the time was, Gang Members in Prisons Create Violence, Fear, said the report. According to RNZ, the reports into three New Zealand prisons showed the ongoing challenges of managing gang-affiliated prisoners and also issues with staffing. It quoted the chief custodial officer, Neil Beales, who said, "As a whole, the facilities were operating well and to a high standard."

However, concerns across all facilities were around managing gang member inmates, who made then 38% of the then-10,000-strong prison population. The activities that a lot of gang members take part in prison causes violence, hostility, standovers, fear amongst some other prisoners, and it creates significant challenges for staff. Indeed, several of our staff have been hurt as a result of gangs targeting them, and sometimes they'll be completely unprovoked and out of the blue and only for the purpose of somebody perhaps getting patched up or because of a senior gang member just told them to.

I make reference to these reports and articles from 2017, '18, and '19 to reinforce the fact that in the intervening years and despite all we know about contributing factors, nothing has been successfully put in place to address the root causes, which in turn lead to a more violent and unsafe community, both inside and outside the wire. While the

prison muster may have dropped over recent years, the type of prisoner we're now dealing with on a daily basis is more volatile and quicker to violence. Staff could be on a wing talking to prisoners when suddenly and out of nowhere they're attacked. Sadly, this happened again last week when an experienced staff member was brutally attacked and, as a result, has suffered a brain bleed. They're still in hospital.

The prevalence of **gang influence** inside the prisons has also continued to increase. A *Stuff* article recently referred to an April 23 report from the Gang Harm Insights Centre, which said there are 8,875 gang members spread across 33 gangs on the police's National Gang List. That figure is up 856, or 10.6%, from August 2022, with 400 new members entering the list in 2023 alone. The same article states, "Gangs often provide a sense of family, brotherhood, status, and belonging as well as acceptance that were not fulfilled elsewhere." This is an accurate

statement because life inside the wire is a reflection of life in the community. In prison, some people don't have a choice. It's either join or suffer the consequences and try as staff do to provide a safe environment. Sadly, we can't be everywhere at all times. The influence of gangs inside prisons includes standovers and ordering gang members or prospects to attack staff, often without reason, although there are occasions where the goal is to be reclassified and sent to a maximum security unit because the gang wants to consolidate its numbers due to rising inter-gang issues.

New Zealand has a massive gang problem, yet successive governments have failed to change or readdress this. In my simple, perhaps *simplistic* view, this is a whole-of-society issue, and gangs are taking advantage and filling a void. It requires solutions that address education, a safer and nurturing family environment, as well as employment opportunities. People need to be given hope

and a reason to live an offense-free life.

Accountability for Violence

As I've said, violence against staff within New Zealand prisons has been on a continual upward trajectory for years. Part of the problem that we as a union see is the lack of holding prisoners to account for their actions. Now, earlier this morning, Jeremy referred to the joint action plan on reducing violence and aggression in prisons, in conjunction with ourselves and the Public Service Association (PSA¹⁸). I will say this is the direct result of the work done by CANZ to put a spotlight on the violence our members face every day in an increasingly unsafe working environment. One of the five work streams under that plan is to ensure that prisoners are held accountable for their actions, because any efforts to reduce offending must start in prison. For too long, the department as well as visiting justices have

failed to hold prisoners accountable for their actions. This failure also extends to the police. A prisoner attacks someone with a bladed weapon, yet they are reluctant to proceed with charges in a prosecution because the prisoner is already in jail, and what's the point?

We canvased our members a while ago, and here's some feedback from them:

"Prisoner punched me in the face without warning. Six months concurrent on a four-year lag. Got punched in the mouth whilst carrying out a rub search. Uppercut me as I was coming back up from a leg rubdown. He got one month included into his existing time, so served nothing. I still have neck joint issues from 2015 and spent six months trying to sort dentists with our provider. Still waiting on police at this stage, and that's two and a half months after the fact."

¹⁸ The PSA is Aotearoa New Zealand's largest trade union, and represent and support more than 90,000 workers across central government, state-owned enterprises, local councils, health boards and community groups (see www.psa.org.nz).

"I got two cups of what smelt and tasted like urine thrown over me in the yards. Cameras showed prisoners fiddling around the toilet tap area at [inaudible 00:11:35]. Management wouldn't charge him with anything as it may have been water. Water doesn't smell or taste like that. My case, 18 months ago, he was charged at the local court and got three months concurrent. He had four and a half years at the time. What a joke."

"Re-aggravated wrist injury after the prisoner became assaultive towards me and bit me four times in the leg. Manager told me in debrief, 'It can feel like a burp but probably just a squeeze. We'll check the footage.' Massive bruising on my leg. Referred to the police only because I insisted. Police weren't interested. They said it wasn't bad enough and they had too many cases to deal with. Months later, after issues with my ribs, which turned out to be broken, police then took a statement and said

the fracture meant that the assault gained more points in their system and now it met the threshold. Still waiting for an outcome."

Staff got to the point where they actually stopped charging prisoners because they felt utterly unsupported by the department and the police. When an individual comes into prison – *that is their punishment*. Staff will do all they can to assist that prisoner. However, there should also be an expectation that the prisoner complies with prison rules and takes responsibility for what they do. If rules don't apply to them, then they won't change, and on release, it'll probably be Groundhog Day.

On the upside, the department has finally taken all of this on board, created and filled the position of principal custodial advisor, adjudication and prosecutions, as well as working to train and upskill site prosecutors, and the department are also working on a corrections and police referral agreement for crimes

committed in prisons, with our input. So, it's hopeful.

Possible Solutions

To be blunt, the department hasn't got a strategy for dealing with any of this. They haven't proposed one, they haven't planned one. All they ever do is reactive and not proactive.

Anything that's been introduced to safeguard staff wellbeing is because of CANZ, supported by PSA, have raised the issue as possible solutions, such as the introduction of de-escalation tactics, tactical communication training, situational awareness training, on-body cameras, stab-resistant body armor, successfully advocating for the wider use of OC pepper spray, as well as continually looking at other safety tools, such as electronic control devices.

These are all tools that improve staff safety as well as training provided to uplift staff capability provided by CERT systems, as Jeremy referred to earlier¹⁹.

Training is essential. There are massive impacts on the way we run prisons due to short staffing and the lack of experience. Departments failed to recruit consistently, and this has led to most, if not all sites being severely understaffed. This failure is proof of a complete lack of any planning. Instead, it appears to be a constant stop-start approach, which has resulted in the current and ongoing staffing crisis, with no end in sight. The department has run an expensive recruitment campaign, which they say has been very successful. However, a number of new staff have left within weeks of graduating from the National Learning Centre because the reality of life as a corrections officer is vastly different to the glossy ad campaign.

This is a massive issue for us, not only because of the time and the cost of recruiting and training them coming out of the public purse, but because we desperately need new staff. Those staff who do stay, the

¹⁹ See chapter, this volume.

likelihood is the person giving them advice and tips on the wing may well be just half a page ahead of them in the 'How To Be A Corrections Officer' guidebook. Whilst new staff are coming through the front door, experienced staff are walking out the back door frustrated, disillusioned, and often taking a pay cut, but it provides far less odd chance of being assaulted.

In the past month, the staffing crisis has reached the point where CANZ has issued the department with a provisional improvement notice at both MECF and Tongariro prisons because of insufficient staff numbers to safely manage musters. The pins will remain in place until the department mitigates the situation, and that will be either providing staff to manage the prison muster or removing prisoners from that site to go elsewhere.

Closing Thoughts

In conclusion, prison rioters that we deal with now are far more dangerous, more violent, and better organized than we have seen in the past. We now have gangs in the New Zealand prison system that stem from Australia and deported under Section 501 of the Australian Immigration Act who have brought a new level of organization violence into prisons, as evidenced in the Waikeria riots²⁰. As a union, we are noticing far more pack attacks on staff and the use of weapons, especially stabbing weapons focusing on the face, the head, and the neck area. There has also been a marked increase in prisoner-on-prisoner stabbing. This shows what happens to staff happens to prisoners as well.

Corrections officers and staff have a difficult, thankless, and increasingly dangerous job. We work with prisoners every day, making every effort to ensure their safety from one another,

²⁰ A riot occurred between 29 December 2020 and 3 January 2021 at Waikeria Prison in the Waikato Region. Prisoner-initiated fires resulted in the 'top jail' being evacuated before burning down; Sixteen prisoners surrendered, and the high-security complex was rendered derelict and has since been demolished.

to assist with their rehabilitation and the goal of reducing re-offending so that each prisoner has every opportunity to make a positive contribution to society when released. Corrections officers and staff manage prisoners professionally without fear or favor, irrespective of race, creed, color, or sex. Being a corrections officer is a job that requires dedication, bravery, and commitment, and there is no greater example of this than the Waikeria riots. Corrections officers were able to contain and manage a potentially life-threatening situation, and, in the midst of chaos, extreme violence, threats to their own safety and that of the police, FENZ, and St. John staff and volunteers present, and that of over 200 prisoners from the rioters and the extensive fires they started, ensured that there was no loss of life.

In closing, I would say this. If we do not act now to reduce the level of assaults and aggressions in prisons and ensure that staff, not the prisoners, are running the

prisons, then we are going to see further incidents such as the Waikeria riots. Thank you.

Q: To what extent do you think the problems and solutions for staff victimization overlap with or are distinct from those of prisoners being victimized?

A: Staff are victims of prisoners when prisoners act violently. Prisoners are victims of prisoners when prisoners act violently. Now there are a number of contributing factors to that. It could be that the prisoner is outside of their region, because of muster issues, they've moved from A to B. It could be that they've just got off the phone with their partner or loved ones, call didn't go well, so they've reacted violently. It could be that they've been ordered to assault someone else, prisoner or staff. There aren't a lot of things that we can do to manage those things, and as I said earlier, it's the immediacy of the action that takes us by surprise, but, more importantly, our Australian counterparts, who are always

absolutely astounded by the immediacy of the violence. I mean, they've got violent prisoners, but they take a while to ball and then they go. I think that not having sufficient staff and that with the department ramming as many activities into a working day as they can has taken away a lot of what we used to do. So, as a comment there was earlier, *Hōkai Rangī*, I think in Sam's presentation²¹, *Hōkai Rangī* is just formulating what we've always done, which was interacting with prisoners, being out in the wing, getting to know them more than we can. We don't have that luxury because effectively staff, they report on duty, they've got their Reeboks on, and they're running around trying to do everything they can before they go home safely in one piece. There isn't that opportunity and time like we used to have to have quality interactions with prisoners. Prisoners get bored, prisoners get up to mischief, prisoners act out.

²¹ See chapter, this volume.

Q: Are there considerations for professional supervision for custodial officers as opposed to operational supervision from the SCOs and unit managers?

A: Yes. So, to be fair to those who get promoted from CO, to SCO, to PCO, to manager, they'll get the extra strike or they get the pip on the shoulder, but no one's ever delivering the training on how to manage a group of people, how to manage a wider group of people, how to run this, how to run that. So that's an area that we are working with the department to improve on, but the practice leadership, the practice framework is something we're discussing with them. They have it in the community side of the business, and we're in the early stages of seeing how we can transfer that into the custodial side.

One of the problems that we have is, again, because of this lack of time and too many things to do, managers of their units hardly interact with the

staff. You might see them occasionally, and I always reference the thing from years ago down here. The only time I ever saw my manager, when he was coming into our staff guard room to pinch milk or someone was getting told off for doing something. But there isn't that interaction. You'll have a tight team who are working on a unit and doing their best, but there isn't that same level of tightness between frontline staff and then management for a variety of reasons, not least the paperwork side of things. So, if you can improve on that and you have these regular ongoing meetings with your frontline wing staff, that will improve their capability, that will also give them tips on, "Well, I can talk to this prisoner this way because I've known them." You need to establish your own working relationship because we manage units by having a collaborative working relationship with the prisoners, because we're vastly outnumbered. They'll treat us all with contempt. So do it, say yes to what they can, say no to

what they can't. Be firm and fair, but be reasonable.

Q: What ideas or potential solutions do CANZ and PSA propose to address the increasing violence in prisons?

A: Part of the planning and solutions that we've given to them, which Jeremy talked on and I touched on earlier, was uplifting the staff capability. So, staff have all these tools. Stab vests, which prevents them from being smacked over in the torso, which will lead to more attacks on the head and the neck, but they're better able to prevent that. Pepper spray, because it stops a lot of things just being a physical hands-on intervention. It provides distance. Even the threat of pepper spray provides distance. In terms of the capability, the Department has run its own courses over the years, tactical communications, et cetera, which are okay, but they don't hit the mark. So that's why we recommended capability uplift training. Unless you really have to, you don't want to physically have to intervene in something

because someone's getting hurt. Capability uplift training will probably be one of the things that we as a union, supported by the PSA, have

done very well to improve staff's communication ability, their tactical awareness, and, ideally, taking that heat out of a situation.

“WE ARE DESCENDANTS OF ATUA”

MATE WEBB & VIKKI DEMANT

What we want to do is to provide an Indigenous perspective with regards to mitigating risk and or violence in our prisons. The other thing I want to debunk is the assumption that violence is actually dished out by those in our care. What we are going to talk about is another side that may very well contribute to, or perpetuate, violence within our own system. What we will be presenting today are actual life experiences. So, it is kōrero that comes from the heart, it's kōrero that comes from the gut and there is less focus on the head.

I (MW) am also an ex-prison officer, so I come with that perspective, and one of the things that I've noticed when managing men in our care at that time, was the primary focus on establishing relationships and good communication. From my

experiences of late, there's been a total shift and change in the way that we manage men, and we heard Paul²² talking about the use of pepper sprays and all those sorts of things, and so what we believe is that ability to communicate effectively and build relationships with those in our care, that's not too much of a focus anymore, and I think that's where we need to realign and come back into that space. So, Vikki and I are going to provide some background on particular Atua that we align ourselves with every day from morning to night.

In terms of our kaupapa today, we are going to provide a snippet of Tūmatauenga and Rongomatāne because what we're looking at is actually creating the balance between both in the context of working in prisons. Then we're going to provide a definition of violence

²² See chapter, this volume.

and then I'll speak briefly about prison operations and how they influence violence, and some cultural interventions to mitigate this. We will be discussing one particular case that we are currently working with where this intervention has been effective.

Tūmatauenga and Rongomātane

I (VD) just want to say right from the start that I'm not an authority on Atua, but I'm going to give a really quick overview of Indigenous knowledge because that's what Mate and I actually practice: Indigenous knowledge, the Māori worldview. For Māori, we have our own genesis story, and like every story, it all starts with something like 'once upon a time...'. Well, this one starts with "I te timatanga," – in the beginning. So, in the beginning, in the Māori worldview, there were two energies; there's a female energy and a male energy. The male energy is Ranginui and the female energy is Papatūānuku. Between those

energies, they had a Whānau²³. Some Iwi say there were 90 people in this whānau and other Iwi say 76. There were a large number of Tamariki born between these energies.

Tūmatauenga was one of those tamariki and Rongomatane was another. Tūmatauenga is often spoken of as the God of War, but it's more than that.

Tūmatauenga, when his brother Tāne formed the first female wāhine, all the Atua, they gifted that form with different likenesses and Tūmatauenga gifted that Ira Tangata with attributes including hunting, fishing. We don't really hear about those. We just hear about the warlike qualities, not kindness or compassion. So that's just a little bit about Tūmatauenga.

Rongomatane was another Tamaiti, born of Ranginui and Papatūānuku. Rongomatane also had his own attributes and one of those attributes was being the Atua of planting and Kai²⁴ associated with planting.

²³ Family, kin.

²⁴ Food.

And of course for the Māori, the most highly prized was the kūmara and also with peaceful things. So, you've got Tūmātauenga and Rongomatane and if you kind of think of them on a continuum, they're at opposite ends – but not always. Sometimes they come closer together and they move out of opposite ends. Now I want to just talk about Atua Māori. For Iwi Māori, they're not metaphors, they're not just stories or legends. They're actually rational for Māori both in the spiritual world and in the physical environments.

Definition of Violence

There are a number of definitions, but the one we decided to look at is from Webster and colleagues²⁵ where violence is defined as an intentional act of threatened, attempted, or actual physical and or psychological harm directed against a non-

consenting person. Violence is more than just physical aggression and more specific to Aotearoa, New Zealand, Graham Smith defines that as this is also patu ngākau, a strike or assault to the heart or source of emotions often causing a feeling of powerlessness. Smith considers the individual whānau and system's influence on the person and whānau as well as harm to a person's self-determination and Tino Rangatiratanga. Now, *Te Aorerekura*²⁶ also speaks to violence as a violation on the mana of both the person using and impacted by violence. This also includes a violation of past and future generations.

How Do Prison Operations Influence Violence?

In 2020, Neil Beales presented in this symposium²⁷. A quote he mentioned was, "As humans, one of the things that we do when we feel that we are losing

²⁵ Webster, C. D., Douglas, K. S., Eaves, D., & Hart, S. D. (1997). *HCR-20: Assessing risk for violence, Version 2*. Mental Health, Law and Policy Institute, Simon Fraser University.

²⁶ The national strategy to eliminate family violence and sexual violence (see <https://tepunaaonui.govt.nz>).

²⁷ Beales, N. (2021). Prison violence and custodial operations. *Te tūāpapa whakaharatau: Understanding prison violence in Aotearoa – 2020*, Symposium proceedings.

control of a situation is to regain that control, and that's a natural instinct." He also goes on to say, "When we no longer have control, prisoners will revert to one or two things. One, they try to regain control or by virtue respond in emotional ways." From our own experiences, we would also say the same applies to some of our staff and some of our systems that we actually deliver and use within prisons themselves. So, we can't be just focusing on one aspect of prisons when we should be focusing on the whole.

Secondly, is that violence from a person is the result of the things that came before it. For example, many of you will be familiar with the classic behaviorism or the ABC method, the A being antecedent. Those are the things that came before. B is behavior, which is an act of violence; and then have C, the consequences, more punishment/rewards. So, antecedents could be our management regimes which reinforce behaviors of the

system or the consequences. This also applies to some tāne and wāhine in our care. However, what would this look like if we provided a focus on Oranga or well-being? Looking at just the behavior or risk of those in our care actually misses the wider picture.

There is a bigger picture than the ABC stuff that I just spoke about. It's a systems thinking or ecological model like the pūrerehua or butterfly effect. Mason Durie often reminds us that everything is related and connected and we can't focus just on the person, but everything around them. This is about keeping the balance. Now you can ask this question, in that context is *Ko Tū koe? Ko Rongo koe?* To make positive changes, you can get more bang for your buck when you're working on the bigger systems change or changes. Not to say that the individual doesn't need some direct change also.

A Way to Mitigate Violence through a Cultural Lens

I'm going to quote Armon Tamatea, "*the aims of Ngā*

*Tūmanakotanga are to understand and decrease physical, sexual, psychological, and structural harm and improve safety and well-being beyond the conventional, individual focused assessment, intervention prevention approach to research in this field. However, towards a holistic and ecological way of thinking that recognises individual, organizational, cultural factors as well as the role of the physical environment itself in the facilitation and prohibition of aggression."*²⁸ So this is all about mitigating violence through a cultural lens, through an Indigenous worldview, through our Māori worldview. Prisoners regularly ask, "Kei hea te wāhi mōku" (where's the place for me?) and "Māku au e kōrero" (I will represent myself). So, we say, "control your environment and you will control the narrative – "Māku au e kōrero," you will speak for yourself and you will represent yourself, and so with those two

things in mind, if we took those and our tāne themselves took control in this way, then you're going to get some pretty good outcomes like what we are going to discuss.

A Case Study

The case that we are going to talk about this afternoon first came into the care of the Department in 2002. He has spent half of his life in our care. He had an extremely high incident rate of staff assaults across the site – at that stage, he had no relationship with staff and he was in a managed isolation unit with a 23-three hour lockdown. I reached out because *whakapapa*²⁹ is one of our priorities. At that stage, I (VD) noticed the whānau name in the daily briefings and they were recurring often and I knew that there was, through my own faith, that whānau name was a whānau that were the devout practitioners of my faith, are the Ringatū faith³⁰. So, I self-referred and I managed to have an AVL call

²⁸ Tamatea, A. (Ed.). (2021). *Te tūāpapa whakaharatau: Understanding prison violence in Aotearoa – 2020 Symposium proceedings.*

²⁹ Genealogy, ancestry, shared familial heritage.

³⁰ The Ringatū church was founded in 1868 by Te Kooti Arikirangi te Turuki.

with the Tāne at that time and immediately went about making a relationship with him through his faith and also through whakapapa.

We gained access into that unit and we were very grateful to the staff of the site for giving us the access and the management across the site for giving us that access. We gave him spiritual and cultural support and we started to talk about putting an oranga³¹ plan together for him. Part of his plan included lowering his classification, removal of restraints, weekly AVL with his whānau, weekly cultural sessions with us, being able to complete artworks. We also put together a plan to have a karakia whakawātea³² with a Ringatū minister from out of the area. Also, hohou i te rongō³³, restorative practice, whānau hui, initiating relationship with his Iwi who has visited the site three times and working towards his

transfer off the site onto an STU for his STURP³⁴ programme – his violence programme.

What's really important to keep in mind here is Tūmatauenga and Rongomatāne, because this whole process was about *resistance* and tension. This was stuff that wasn't tried to the point that we managed to gain trust with our custodial staff. Our senior leadership teams made bold decisions to allow for this to happen. There was a lot of courage involved there. So, when slow steps started to happen, for example, the reduction in this classification, there were less incidents. In fact, there have been no incidents or assaults on staff for almost two years.

These two Atua were fully present right from the beginning to now, but we moved to *them*. So, it was self-directed – this Tāne had to do

³¹ Pertaining to wellness.

³² Special chant/incantation to clear-out negative spiritual influences.

³³ Loosely: Treatment responsiveness.

³⁴ Special Treatment Unit (Rehabilitation programme). These are prison-based rehabilitation facilities.

the mahi³⁵. What we did was actually guide that process.

Oranga was achieved, not just for the Tāne, but for the whole team around this person – the unit staff, custodial staff, educational staff, psychological staff, case managers, multidisciplinary team, all of these people, but most importantly he did and so did his whānau.

So, to date, no assault on staff in the last two years. One of the problems we are having is actually getting him to another unit to do our STURP. We're now waiting for a decision to be made to get him down to Te Whare Manākitanga³⁶ in Wellington. What keeps commonly coming back is the historic stuff around those assault charges. What we are saying is, "Look, we need to be giving this man access to treatment, otherwise we are denying him treatment and this is a man that's motivated to get on with it." So hopefully that

decision will come really soon. Otherwise, that's a whole lot of work that's gone into this one person that may come to nothing. Let's hope it doesn't end up like that.

In summary, this is what was implemented, this is what was applied. When we are talking about *Hōkai Rangī* and whānau hui, this is a perfect template on how to work with our people in maximum security (or anywhere). You can't do this alone, you have to have the teams and management on your side.

What does Tū and Rongo expect of us?³⁷

There are three key components which include the ***pursuit of social justice***; saying what is fair and what is just; ***Maori and non-Māori knowledge*** – we were raised during a time when Tā Apirana Ngata encouraged us to learn the knowledge and the skills that Pākehā bring to the space – but at the same time, don't

³⁵ Work, effort.

³⁶ A STURP, based in Rimutaka Prison, Lower Hutt.

³⁷ We acknowledge Taina Pōhatu's ideas in this section.

forget our own Māori knowledge; and, there has to be a ***principled approach to practice***.

Back to Tu and Rongo again... Relationships are central to a lot of the mahi. Where you've positioned the Tāne or the Wāhine, always at the center of our mahi. And then we come in from the outside and contribute in, but don't come in from the outside and contribute stuff that ends up wanting to control everything. Actually, it's a two-way relationship.

Closing Thoughts

The reality is we have Māori in our care, and we must continue to build on the gains that we've had over these last few years and that's taken a heck of a lot of work. We must build on those. We must continue with initiatives similar to this because we already have a template. We know it works, we've seen it work. It's not something we pulled out of a book or anything we learnt at university. We actually provided facts here.

Building relationships with people that are new to the country and trying to impart the Māori worldview and Indigenous worldview is really important that you build and value the relationships that you make with those people. Also, the relationships with Whānau and Iwi and Iwi leaders – we work with those Iwi leaders, faith groups, as many of the men in our care actually, that's one of the things that they discover about themselves. Interestingly enough, when they're in our care that they discover that, "Oh, my goodness, I've got a choice. I can go into faith here."

We work collectively. We couldn't do this mahi if we weren't working collectively. We can't do it in isolation. If you don't have enough of the skill set, you need the relationships with people that can provide the skill set. In conclusion, if I come back to Tu and Rongo, they can be at opposite ends on a continuum, and in the middle there we are talking about people's mauri and we want that mauri to be

ora and we pray about it in this Department. We go, "Oh, tihei, Maori, ora." What does that actually mean? We want the Maori of these people and our Maori to be ora to be well. At the heart of our mahi with a cultural lens is Oranga, is

wellness. We have to have faith. We have to trust each other. We need to make those bold decisions because we'll never know whether they work or not, but we just provided an example of what does work.

WHAKAPAKARI: INTENTIONAL COMMUNITY-BUILDING

DENIS O'REILLY

A Personal Journey

I'll start by sharing a personal journey and then hopefully we'll pull the threads together as we go through. I'm a 71-year-old pale, stale, male Pākehā of Irish extraction, who comes from a staunch Irish Catholic background. At the turn of the 20th century, many Irish Catholics occupied the same unprivileged circumstances as many Māori people today, in as much as they were three times more likely to be imprisoned as any other New Zealander. We were marginalized. We also tended to be pissed – Angela's Ashes, Aotearoa styles.

Although upwardly mobile over successive generations, that experience of marginalization and discrimination left whānau like mine committed to social justice and activism. I'm the youngest of six. All my siblings had gone off to university or

their respective careers. My older brother, Laurie, was a prominent lawyer in Christchurch. He specialized in family law and became the Commissioner for Children. In my senior years at high school, I was reading Paulo Freire and the like and became very interested in South American liberation theology. I decided I wanted to become a Catholic priest and headed up to the Marist Seminary, the scholasticate of the University of St. Thomas Aquinas at Green Meadows in Hawke's Bay. The signals of my "unsuitability" for the priesthood were perhaps obvious from the start, because two weeks into my aspirant year, the proctor called me into his office and told me he'd been advised that I'd come into the seminary as a bet, and if so, I should leave immediately. I protested this was a false allegation, although my internal conversation was self-critical

that I hadn't thought of it myself first.

Besides the academic pursuits, Aristotelian philosophy, Latin, comparative religious studies and the like, all aspirants had to participate in outside manual labor. I scored a job in the vineyards and was always a willing participant in the tastings at the Mission Cellars. I can probably put my great love of good red wine to my seminary days. I lasted a year at the seminary by which time it became clear to all parties that I was not cut out to be a priest and that my fatherhood was to take another route, no pun intended.

On reflection, during my time as a priestly aspirant in a monastic environment, I learned that a community of men could live together and function well given that they were bound by a set of values and aspired to a higher purpose. A kaupapa over and above their individual wants and needs – and here I think we're sowing the seeds of what I'd now describe as my

commitment to building *intentional community*.

Towards Intentional Communities

After I left the seminary, I returned back down to Timaru and was much taken with the efforts of James K. Baxter, and the community he was establishing up at Hiruhārama/Jerusalem on the Whanganui River. I set up something of a crash pad in a large house with a crew of similarly aged guys from the pā at Arowhenua. I had a strong work ethic, and this was my first effort at intentional community building.

I ended up going to Wellington and I had a job at a gas station, and I met these fellas who were doing concrete. I would drink down with them at the Tramways Hotel, and they would get picked on by the police. And because I was reasonably articulate and knew bush lawyer type of thing, I intervened. And this cop took me aside one day and said, "Why are you hanging around with the Black Power?" And I

did not realize that these Māori guys were the notorious Black Power gang. They befriended this chubby little Pākehā from Timaru and showed me what I thought was unconditional love. I've made it my life's work, as it were, to reciprocate.

What I learned was that these people's lives had been affected by a series of quite tumultuous events over history, the whole act of colonization, the post-Second World War rural to urban shift, state care, and later the neoliberal structure reforms of the Fourth Labor Government.

There are also current drivers as well. Today we talk about a VUCA world: *Volatile*, be it in the East or be it in Europe; *Uncertain*. We don't know what the outcomes are going to be; It's *Complex*. On one hand Israel has the right to defend itself but does that justify bombing Palestinian children? As a Pakeha do I have the right to be in Aotearoa? Is there a thing called Māori privilege? What's the stripping back of Te Reo Māori about? Is this going

to achieve some sort of fresh social balance or is the whole damn system askew anyway - if you look at prison statistics, conviction rates, relative wealth, education, health and all that stuff? And, it's *Ambiguous*. We've got a democracy, but look what's happened post-election with big tobacco, the extractions industries, and so on and so forth – follow the money honey.

We also have this uncertainty that is promoted through social media. We saw that over COVID lockdowns. We've got bad actors from abroad who are sending all sorts of misinformation and disinformation here. You've got young people, for instance, who are besieged by North American hyper-materialism and want to get that bling. They see ostentatious displays of wealth in Auckland down at the bottom of Queen Street, and so they'll ram raid their way into tasting that wealth, albeit only for a few hours. Whether they're selling drugs or whatever the wealth is fleeting.

Big Bird Hines³⁸ is a pretty good example of how we end up on that route: imprisoned; ill; lonely; effectively penniless. And then we've got this current whole issue of the political hyper-moral-panic about gangs that was used as a trigger through the election.

I try and separate out what I call organized crime from the social thing. We've had Shane Jones³⁹ talk about 'neffs off the couch'. Harry Tam⁴⁰ will talk about 'hard to reach'. Hemi (James K) Baxter used to talk about ngā mōkai, the fatherless ones – and that's one of the terms that I've often used. I believe in Hemi's notion of 'Mother Crawford's Boarding House' ("In Mother Crawfords Boarding House the company is grand... And the screws are always helpful as a father to a son") that within that whole prison there is a community rather than it simply being an

assembly of criminals. In Jerusalem Daybook Baxter advances what he called a 'cast-iron programme for communal activity, at Jerusalem, in crash pads, or in people's homes'. *Feed the hungry; Give drink to the thirsty; Give clothes to those who lack them; Give hospitality to strangers; Look after the sick; Bail people out of jail, visit them in jail, and look after them when they come out of jail; Go to neighbours' funerals; Tell other ignorant people what you in your ignorance think you know; Help the doubtful to clarify their minds and make their own decisions; Console the sad; Reprove sinners, but gently, brother, gently; Forgive what seems to be harm done to yourself; Put up with difficult people; Pray for whatever has life, including the spirits of the dead.* Imagine if that sort of philosophy permeated a prison community. You often

³⁸ William "Bird" Hines was a prominent member of the Head Hunters. He passed away in November 2023, at the age of 71, and his tangi was attended by numerous gang representatives, including the Nomads, Black Power, Mongrel Mob, Killer Beez and the Greazy Dogs.

³⁹ In 2017, then-Regional Development Minister, Shane Jones, proposed four Work For The Dole-type schemes to compel young people not in work or training to "get off the couch".

⁴⁰ Tam, H. (2023). The evolution of gangs in Aotearoa: Trends and policy responses. *Te Taipitopito: Understanding prison violence in Aotearoa III – 2022 Symposium proceedings.*

wonder... One of the other speakers was talking about the reduction in rate of recidivism as being this primary outcome for Corrections, rather than wellbeing or wellness. Just imagine for instance, if prison staff were incentivized based on a reduction in the rate of recidivism amongst their musters? Imagine if they shared in the fiscal savings to the State of that reduced rate of recidivism. It would change the entire way in which a prison is run and the relationship between inmates and staff.

There have been progressive political thinkers in the criminal justice sector such as Ralph Hannan, inspired departmental leaders such as Dr John Robson, and enlightened prison 'governors' such as Jack Hobson (Superintendent at Paremoremo 1972-1984 [see *Newbold G (1982) The Big Huey. Fontana Collins*]). If you're looking at the prison as a community, you need to recognize that within that community there are both formal and informal leadership

roles. I've often thought at a community-level that leadership is defined by 'followship'. I also hear back from my brothers and sisters that have done successive lags⁴¹, that those prisoners who have leadership capacities and are prepared to deploy them for the wellbeing of the prison community can often themselves feel manipulated and abused by the prison management. Greg Newbold says that gang colours should be left at the gate. That's optimistic but unrealistic. However, I think that prison management must be careful not to affirm gang structures although prison community leaders may well have leadership roles outside the wire.

Community Resilience

In going around over the last few years and particularly around the whole vexed question of trying to dissuade communities from getting into methamphetamine, we came up with this little model. I've called it the 'Antipodean

⁴¹ Prison sentences.

Community Resilience Model' (figure 1).

It's about shifting the community mindset to the persuade-embrace quadrants. It's the old community development adage of 'feed positive and starve the negative'. In that VUCA ambiguity I was talking about is all the work that's being done and trying to work with gangs and the reduction of the harm from methamphetamine simply bullshit? Is it just window dressing or is it a worthy thing to do? It's ambiguous. My belief is that we're compelled to actually keep on cracking at these things.

Some of the kupu⁴² that I use in the field when the situation looks like it's a pretty hopeless come from the first Māori to speak in the New Zealand Parliament – Tāreha Te Moananui in our Fourth Parliament, third session, September, 1868. In his maiden speech, Tareha said that the strength of good is stronger than that of evil. And all that

we've got to do is focus on that which is good. So, feed the positive, focus on good.

We're familiar with Maslow's 'hierarchy of needs' model. However, Maslow also wrote "The Theory of Eupsychian Management", *eu*, the Greek for good. Maslow wondered what would happen if there were a hundred self-actualized people living on an island... I know you could hardly compare a prison to an island and all prisoners being self-actualized, but I think there are a large number of self-actualized persons, albeit with misapplied intellects and self-defeating behaviours.

The 'Eupsychian rules that Maslow mooted seem to me to be, in general, the rules of Māori society. I'd sum up the first few rules as "assume the best". Finally, Saul Alinsky – who is generally looked at as being the father of social action – had his little shibboleth:

⁴² Words, terminology.

Figure 1



“You'll see it when you believe it.” So, there are my three mantras when encountering ambiguity in working with my communities whether they are inside the wire or outside the wire. “Focus on the Good”; “Assume the Best” “You’ll See it When You Believe It”.

Intentional Communities in Prison

What I'm trying to argue or propose is that we've got these societies both within the institution and outside the

institution, inside the wire and outside the wire. I'm proposing that if there's intentional community building with hard to reach, or nga mokai communities outside the wire then those same processes could be used inside the wire. It would give rise to a coherent language of change and assist in reintegration on release.

How might this be stimulated? As an example, I'll share an intentional community building program with Black Power

whānau. After the 50-year anniversary of the Blacks I was asked to train a group of young leaders to carry the movement through to 2070 and I did this through a series of waananga. Look at this image (figure 2), the cover of a waananga workbook. First of all, note the nomenclature: “The Whānau of the Fist”, not “Black Power”, despite the fist semiotic. By that simple device we shifted the context and dialogue away from gang to *whānau*. The little shibboleth “Whakaaro, kōrero, kokiri – think, speak, act collectively” sets the mood. The vision is expressed as “*Oranga, matauranga, taonga – Mana Ake 2070*”. Basically healthy, wealthy, and wise. The overall graphic is of that of a marae powhiri. The message is that the locus of our activity should be marae-based, and that the overarching group identity is that of being Maori. It is ‘acculturating’.

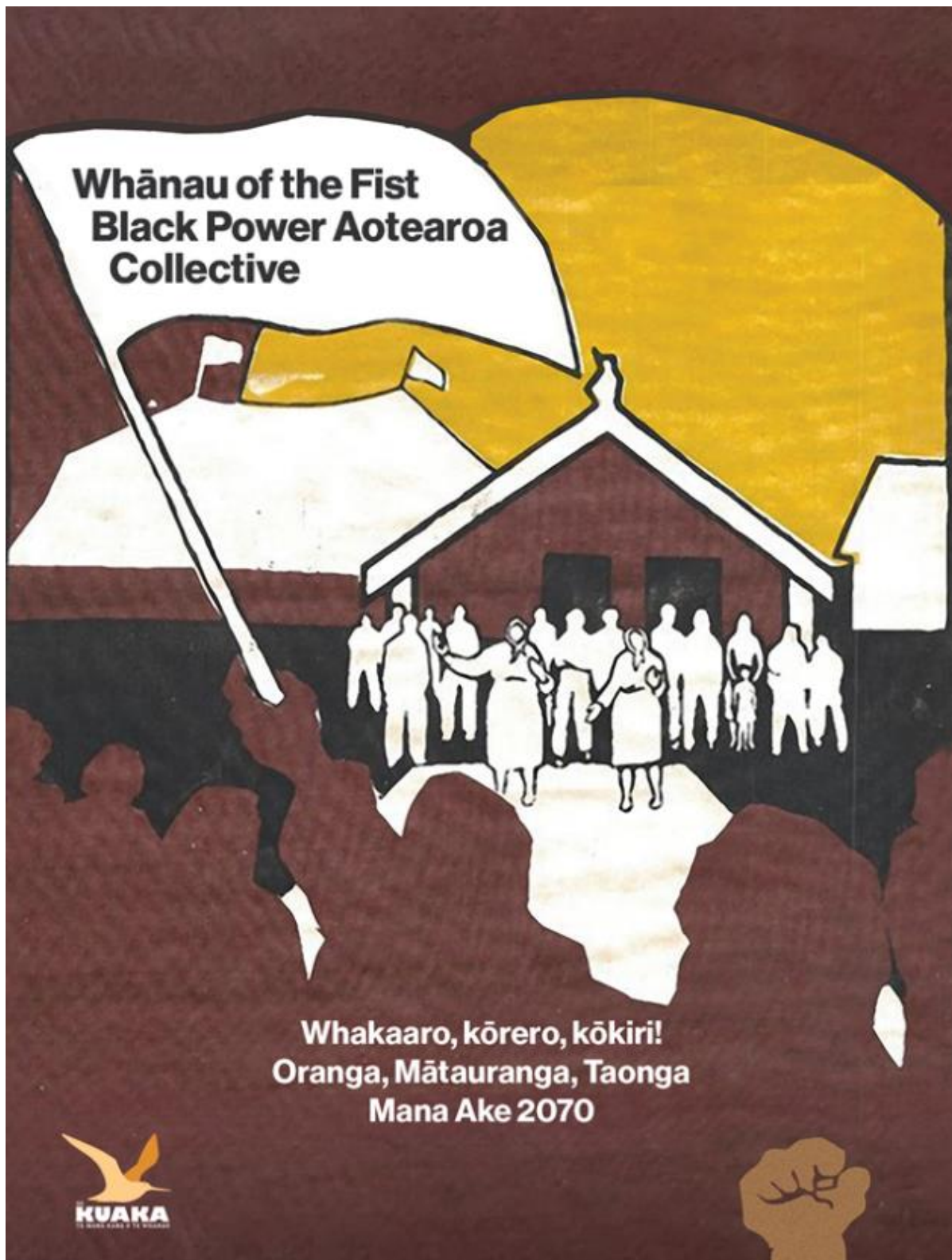
In any intentional community building exercise, one needs to establish a set of values. The six values in the next graphic

(figure 3) arose out of a consensus card-sort process⁴³ run with about 150 leaders over a series of four marae-based wānanga. You'll see that these values are consistent with themes running through contemporary Māori society. They are gut-level and demonstrate the impact of the kohanga reo and kura kaupapa Māori movements, and have been stimulated and reaffirmed by Māori programs such as *E Tū Whānau*. The point I'm making is that even within a prison environment one wouldn't have to dig too deep.

So, about these values: *Pono*, that whole issue about being open and honest even when it hurts and not being conned by misinformation and dis-information; *Whānau*-centric, that's the name of today's game; *Kotahi*, collaborative, even where there is a difference of opinion; *Manāki*, the humble provision of support to others when in need; *Puawai*, the ceaseless quest for excellence; and, *Ringa kaha*, the thing about our gang

⁴³ <https://journal.mai.ac.nz/system/files/maireview/396-2863-1-PB.pdf>

Figure 2⁴⁴



⁴⁴ Image from 'Hīkoi ki Ahipara' (Whakamaharatanga Marae, August 2023)

Figure 3
Whānau of the Fist Values



communities is we aren't the boy scouts. That whole warrior physicality thing is a reality. It goes hand in glove with who we are, and then in the next graphic (figure 4), we drive

down into what being healthy, wealthy, and wise really means – remember these precepts are coming out of the hearts and minds of people you might consider to be unlikely knowledge holders.

Figure 4
Oranga Mana Ake 2070

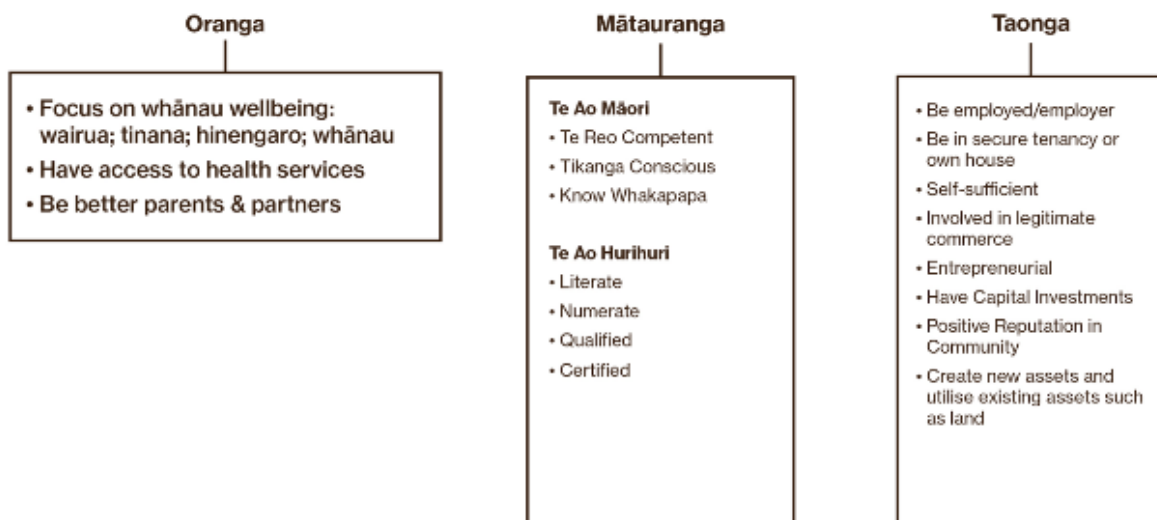


Figure 5
Whānau of the Fist Wānanga



Conclusion

I know the Whanau Future Narrative consensus process works outside a prison as a community building tool because I've demonstrated it here. And I also know it works inside a prison because I ran a waananga at HB Regional Prison in 2004 when we were first sizing up the nature of the emergent methamphetamine

epidemic. The reason it works is consistent with Miers Theory of Synergy⁴⁵ but I'll leave that korero for another time.

In the meantime, imagine if we ran such intentional community building processes outside the wire in, say, the new Kainga Ora housing developments, to forestall ghettoization.

Similarly, we could do the same

⁴⁵ Miers Theory of Synergy is $ED = QT \times A$ wherein **ED** is an effective decision; **QT** is quality thinking; and, **A** is the degree of acceptance.

thing inside the wire to intentionally build a sense of community amongst inmates, and between inmates and staff. Not only is it likely to promote harmony inside the wire but it will also improve the capability

of inmates to collaborate with others following their release into community.

Nga mihi,

Denis

CONTRIBUTORS

JEREMY LIGHTFOOT

Appointed as Chief Executive in February 2020, Jeremy leads a workforce of nearly 9,000 people who manage around 10,000 people in prison and 30,000 people serving sentences or orders in the community. He played a critical leadership role in developing Hōkai Rangi, Corrections' five-year strategy setting out our commitment to eliminating the over representation of Māori in the criminal justice system. Hōkai Rangi seeks to create safer environments and communities for everyone by placing wellbeing at the heart of everything we do, developing positive relationships and showing manaaki. Jeremy has held numerous roles since joining Corrections in 2010 – including Deputy CE, General Manager of Finance, Technology and Commercial, and National Commissioner. He was also the Public Private Partnership (PPP) Director for the Wiri Prison Project (Now Auckland South Corrections Facility) overseeing the country's first PPP to combine design, build, financing and operation of a prison. Jeremy has extensive public sector, commercial and contract management experience both in New Zealand and the United Kingdom, with a strong focus on PPPs and Public Finance Initiatives.



DAVID COOKE

Prof. David Cooke is accredited by the Risk Management Authority (RMA) to undertake risk assessment reports under section 210C and 210D of the Criminal Procedure (Scotland) Act 1995. He holds BSc, MSc, PhD and DUniv (Honoris Causa) degrees in psychology. David is a Chartered Forensic and Chartered Clinical Psychologist. He is also a Fellow of the British Psychological Society and a Fellow of the Royal Society of Edinburgh. David was head of forensic clinical psychology for the Greater Glasgow Primary Care NHS Trust from 1984 until 2007. He was Professor of Forensic Clinical Psychology at Glasgow Caledonian University (1992-2016; part-time) and also a Visiting Professor in the Department of Psychology at the University of Bergen, Norway (2006-2020; part-time). David has been actively involved in the study of violence and personality disorder since 1985 and has published widely in this area. He served as a member of the Scotland Office Committee to Review the Treatment of Serious Sexual and Violent Offenders, including those with Personality Disorders (MacLean Committee). He chaired the sub-committee considering methods of risk assessment and chaired the Home Office committee that oversaw the assessment process for the Dangerous Severe Personality Disorder (DSPD) programme. David was President of the European Association of Psychology and Law (2009–2012). In 2006, he received the Senior Award for Outstanding Lifetime Contribution to Forensic Psychology from the Division of Forensic Psychology of the British Psychological Society. In 2012, he received the Doctor of the University degree from the Armenian State University and the David the Invincible Medal from the Armenian Philosophical Academy. In 2018, he received the Lifetime Achievement Award of the European Association of Psychology and Law. He has held grants to support research into the problem of violence and personality disorder. David has given evidence in cases and inquiries where the



issue of violence risk has been central, including Lord Cullen's Inquiry into the shooting at Dunblane. David has provided workshops on violence risk assessment and psychopathic personality disorder in the UK, Europe, Australia, North America, New Zealand, Australia, Russia, the Middle East, Malaysia, Singapore, South Korea and the Caribbean.

KRIS GLEDHILL

Prof. Kris Gledhill has been involved in law for 40 years, with the first half of his career as a practitioner who also wrote and lectured and the second half of his career as an academic who also works in various practical settings. He has been involved in prison law in both halves of his career. As a barrister in London, a significant part of his practice involved representing prisoners, including taking cases to the European Court of Human Rights; he also edited the Prison Law Reports. Since moving into academia, he has developed a course on prison and parole law, has lectured judges on risk assessment, and has been involved in inter-disciplinary training with Corrections psychologists. Kris is at present a Professor of Law at AUT Law School. In addition to the usual range of academic outputs, he is a regular contributor to *The Conversation* and several of his pieces have been reproduced in national or international media.



SAM TAAKA

Samantha Taaka is a PhD Candidate at Te Puna Haumaruru New Zealand Institute for Security of Crime Science and Te Kura Whatu Oho Mauri School of Psychology at Te Whare Wānanga o Waikato the University of Waikato. Samantha's research interests include prison violence, corrections officer safety and wellbeing, and family violence.



PAUL DENNEHY

Paul Dennehy is the National Vice President of the Corrections Association of New Zealand (CANZ), a post he has held for almost eight years. He has been employed by the Department of Corrections for over 15 years and in that time he attained the rank of Principal Corrections Officer. Over his time with the Department, he considers the working environment to have become increasingly unsafe and violent. His focus has always been on improving the safety and wellbeing of our members. His view is that if staff have a safe, functioning working environment then it means that everyone on site is safer, in as far as we can hope to achieve.



VIKKI DEMANT

Vikki Demant is of Te Whanau a Apanui, Ngati Porou and Kuki Airani descent. She was raised in Te Whānau a Apanui at Omaio by her native speaking grandparents. After graduating from the Omaio Native School, she was sent to Queen Victoria Boarding School in Parnell Auckland. Vikki is a graduate of Te Whare Wānanga o Awanuiarangi and has a Bachelors in Matauranga Maori with a background in Education. She co-lectures one day per week in the University of Auckland with Professor Alison Jones delivering Te Akoranga Kairangi to Staff on The History of Te Tiriti and introduction to Te Reo and Tikanga. Vikki is a cultural advisor in the School of Psychology at both the University of Auckland/Waipapa Taumata Rau and Victoria University/Te Herenga Waka Wellington. She has previously judged at Te Matatini Māori Performing Arts and Ngā Manu kōrero speech competitions. Vikki is a proud and dedicated mum to her children, grandchildren and whānau. She is currently employed by Ara Poutama Aotearoa as Pourewa/Cultural Consultant at Auckland Prison.



MATE WEBB

Mate Webb is of Te Whanau a Apanui, Ngati Porou, Ngati Awa and Ngai Te Rangi and Scottish decent. He has worked in Correctional Facilities for 25 years and 20 with the NZ Department of Corrections. He is currently a Principal Advisor Kaupapa Maori Practice (STU's) Psychology Programmes and held previous roles as a Cultural Consultant and Senior Advisor of



Kaupapa Maori Practice and Supervision which involved providing cultural oversight to Departmental programmes across the Auckland and Northern regions. Mate has contributed to several national initiatives, and invited to speak at Universities across Aotearoa and currently sits on Māori Advisory Boards for Victoria and Auckland Universities Psychology Programme for Maori PhD students. He has also contributed to several research papers focussing on the restoration of mana (spiritual power) in men convicted of sexual offences against children and contributed to a book titled International Perspectives on the Assessment and Treatment of Sexual Offenders by Professor Doug Boer. Mate has a Post Graduate Diploma in CBT, Post Graduate Diploma in Kaupapa Māori Supervision and a Masters in Māori and Management. He is also a current member of the Ngā Tūmanakotanga Governance Committee.

DENIS O'REILLY

Denis O'Reilly (Ngati Pakeha no Aotearoa, Tangata Tiriti) is well-known across Aotearoa for his community development work with organisations which seek both economic prosperity



and a better society. A life member of Black Power, he is one of New Zealand's most capable community developers and he has international experience working in large-scale industry change programmes. Denis has a background in street activism and community development. He holds a notion that the people of Aotearoa are our nation's most valuable resource, but that somehow, we've turned a gifted and resourceful portion of our population into an alienated, marginalized and imprisoned underclass. He promotes pro-social behaviour, high rates of social and economic participation and high-value contribution amongst

unrecognized and even unlikely knowledge workers, innovators, and entrepreneurs. Denis holds a Master of Social Practice degree with honours and is Managing Director of O'Reilly Ltd supplying advisory, research, and project management services both to the public and private sectors and is the chairman of the Waiohiki Community Charitable Trust.

CHAIR

ARMON TAMATEA

Armon (*Rongowhakāta; Te Aitanga-a-Māhaki*) is a clinical psychologist who served as a clinician and senior research advisor for Ara Poutama/Dept of Corrections (New Zealand) before joining the dark side of academia where he is an Associate Professor in psychology at the University of Waikato. He has worked extensively in the assessment and treatment of violent and sexual offenders and contributed to the design and implementation of an experimental prison-based violence prevention programme for high-risk offenders diagnosed with psychopathy. Armon is the research lead for Nga Tūmanakotanga and is the Director of the post-graduate clinical psychology programme in the School of Psychology. His research interests include institutional violence, psychopathy, New Zealand gang communities, and exploring culturally-informed approaches to offender management. Armon currently divides his professional time between research, teaching, supervision, and clinical practice in the criminal justice arena.



ABOUT NGA TŪMANAKOTANGA

Nga Tūmanakotanga is a multi-year applied research project funded by the Ministry of Business, Innovation & Employment (MBIE) and led by Dr Armon Tamatea. The aims of Nga Tūmanakotanga are to develop a holistic and integrated approach to understanding and addressing the causes and control of violence in carceral spaces.

A central assumption of Nga Tūmanakotanga is that prisons are *ecologies* – spaces where people, resources, and the built environment are interrelated – and that violence is a *product* of a complex of interpersonal and environmental factors that increase the likelihood of assault – but also suggest opportunities for possible solutions.

The project draws together a range of perspectives from across the ‘prison ecology’ and includes viewpoints from within these sites as well as those who interact from outside.

Please visit us at www.waikato.ac.nz/turning-the-tide

ABOUT “TE PAKARI”

Tidal imagery is central to Nga Tūmanakotanga and reflects how we navigate currents, heavy seas, and even tranquil waters. Te Pakari alludes to the establishment and synthesis of new knowledge. To pull the streams together.

ACKNOWLEDGEMENTS

This symposium is the result of the collected efforts of dedicated people. Thanks go to:

Firstly, our fantastic presenters: Jeremy, David, Kris, Sam, Paul, Vikki, Mate and Denis.

The Nga Tūmanakotanga governance committee:

- Neil Campbell (General Manager, Cultural Capability, Ara Poutama Aotearoa)
- Ben Clark (National Office, Ara Poutama Aotearoa)
- Linda Nikora (Professor of Indigenous Studies, Auckland University)
- Harry Tam (Director, H2R Research and Consulting)
- Mate Webb (Cultural Consultant, Ara Poutama Aotearoa)

The research team:

- Dr. Lars Brabyn (School of Social Sciences, University of Waikato)
- David Cooke (Former (retired) Professor Glasgow Caledonian University; Consultant Forensic Clinical Psychology)
- Prof. Michael Daffern (School of Health Sciences, Swinburne University)
- Prof. Andrew Day (School of Social and Political Sciences, University of Melbourne)
- Renae Dixon (Research Office, University of Waikato)
- Prof. Randy Grace (School of Psychology, Speech & Hearing, University of Canterbury)
- Assoc. Prof. Robert Henry (Department of Indigenous Studies, University of Saskatchewan)
- Prof. Devon Polaschek (Director of the New Zealand Institute of Security & Crime Science, University of Waikato)

As always, we acknowledge the tāne, wahine and Takatāpui – past and present – who have served time in the New Zealand prison system, many of whom have generously and selflessly contributed to our understanding of their realities of prison violence and the contexts in which it occurs, as well as their whanau who in their own way are also serving their sentences with them.

We also thank the many practitioners, researchers, and supporters who supported this work from the earliest days.

Nga Tūmanakotanga gratefully acknowledges the support of our funder, the Ministry of Business Innovation & Employment.

We would like to express our gratitude to the University of Waikato for supporting and promoting this event.

Last and not least, we appreciate YOU... those who attended the symposium and the readers of these proceedings. We hope that these insights and provocations have stimulated thought and helped to mobilise some constructive action in your space to address the issue of safer prisons and safer communities.

Ngā mihi,

Armon Tamatea & Sade Lomas
Project Lead Project Manager