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Corrections Amendment Bill

Submissions by the ADLS Parole and Prisoner Rights Committee

10 August 2023

1. Introduction

- 1.1. The ADLS Parole and Prisoner Rights Law Committee (**ADLS**) comprises senior and junior lawyers specialising in criminal law and parole law.
- 1.2. In September 2022, the Committee reviewed the Department of Corrections (**Corrections**) *Options to Achieve Improved Outcomes in the Corrections System: Discussion Document 2022* (the **Document**) and provided a submission (the **Consultation**) after discussions with wider members of the criminal defence bar beyond the membership of the Committee. The Committee makes the following submissions in respect of the Corrections Amendment Bill (the **Bill**).
- 1.3. Our focus is to:
 - 1.3.1. clarify the Department's powers to monitor prisoner communications and information sources for intelligence purposes.
 - 1.3.2. make changes to the disciplinary process in prisons.
 - 1.3.3. strengthen processes for the authorisation and use of non-lethal weapons on prisoners.
 - 1.3.4. support rehabilitation and reintegration outcomes for Māori under Corrections' management.

- 1.3.5. enable limited mixing of remand accused and convicted prisoners.
- 1.3.6. make miscellaneous amendments intended to enable best-practice operations in prisons.
- 1.4. The submissions will largely address factors that were submitted in the Consultation but were not addressed in the Bill.
- 1.5. Please note that these submissions should be read in conjunction with the submission made by the ADLS Parole Committee during the consultation in 2022.

2. State of the nation

- 2.1. The Committee emphasises that this Bill comes at a time when Corrections have acknowledged –
- 2.2. They are not meeting minimum entitlement standards required under the Mandela Rules. These are mirrored in the Corrections Act 2004 (“**the Act**”) and reflected in the recent publication of Ombudsman and Inspectorate reports.
- 2.3. Recent Judicial review decisions criticizing the use of non-lethal weapons in particular on the female inmates who were segregated in Auckland Women’s Prison.
- 2.4. Lack of programme/counselling and inadequate management of prisoners due to various problems including staff shortages. We note the lack of resources to assist prisoners with personal difficulties (literacy and cognitive deficits, mental health issues etc).

3. Questions about the criteria

- 3.1. The committee submits that basic human rights must be fundamental and ought to weigh more strongly than other criteria in respect of the Bill.
- 3.2. Issues around monitoring, gathering and management of prisoner’s information and activities should be addressed explicitly and clearly. End dates as to when monitoring will cease are required.
- 3.3. Natural justice needs to be provided for so that prisoners involved are properly notified of information held by Corrections and have right of review/appeal if they contest that information. Review and destructions dates need to be expressly provided for.

- 3.4. There is a full framework currently governing gathering of information where there are reasonable grounds to suspect crimes have been committed – we already have mechanisms in place to manage this. No expansion of intel gathering is necessary and justified. There is a danger that Corrections become an extended branch of Police. This undermines the separation of powers and will arguably limit the rehabilitative focus of the Department.
- 3.5. The committee noted the following specific concerns with respect to phones and phone calls-
- 3.5.1. There is no clarification or specified ambit of the term “monitor”.
- 3.5.2. Though an intention of the Bill is only to monitor information that Corrections believes it necessary for an intelligence purpose, aimed at individuals who present a serious risk of harm¹, it appears that Corrections will be listening to and/or recording video calls with the prisoners’ family including their children.
- 3.5.3. There needs to be stricter rules and maintenance/monitoring on the current system where a phone number is given to be approved by a prison officer and once that is approved (i.e. call the other end and ask if they consent for the number being approved with no additional checks) the Committee is aware of instances where prisoners are free to call the complainants of the case because prisons are completely unaware of their status.
- 3.5.4. On the other hand, lawyers at times had to persuade prison officers that they are, indeed, lawyers. There does not seem to be any set rule or system in place to check the authenticity of a legal representative, especially when a lawyer is a self-employed barrister.
- 3.5.5. There were occasions where a number approved has been approved under a different name and that person answers the phone with that name once, there appears no monitoring of what is going on thereafter.
- 3.5.6. A better system of checking for phone/communication device in

¹ With reference to the good order, safety, and security of prisons, or to public safety.

prison is needed. Further, a system to prevent contraband being transported into the prison via guards must be established. It is such an embarrassment that prisoners are uploading Tik Tok videos or updating their Facebook account inside prison. This undermines the integrity of the system, and the public perception is tainted. Corrections should be able to prevent illegal access to the internet inside prison walls (cell phone blockers are an option).

3.5.7. “Three-way” calls are common with an approved phone number patching in another number. This should be prohibited.

4. Submissions- overview

- 4.1. The focus of the Committee’s submissions is within the context of the objectives of the Bill as set out under the heading of “general policy statement.” This is to “improve rehabilitation, reintegration and safety outcomes for the people the Department of Corrections manages in prison”.
- 4.2. It further states the proposed changes are necessary because the environment that Corrections operates in is changing and is increasingly complex, for example:
 - 4.2.1. Violence and aggression in prison poses a challenge that Corrections is responding to.
 - 4.2.2. Many people in prison have complex needs and histories of violence and anti-social behaviour.
 - 4.2.3. The criminal landscape in NZ is changing, which affects the risk profile of the people Corrections manage.
- 4.4 The Committee reiterates submissions made at consultation stage. Under the heading “State of the Nation” we raised a number of concerns. These included Corrections not meeting minimum entitlements, transfer of prisoners based on short staffing issues rather than the prisoner’s individual needs or wishes, programmes not being offered as a result of the pandemic, staffing issues and lack of oversight in dealing with prisoners with complex needs.
- 4.5 Recently, the Chief Ombudsman completed a report on Corrections performance. The report was completed by the Ombudsman Peter Boshier in June 2023 “Kia Whaitake Making a Difference” and was first initiated as a result of Waikaria prison riot in late 2020, which made shocking discoveries as to the extent of inhumane

treatment on the prisoners as well as prison's old buildings some of which were declared not fit for purpose.

- 4.6 One of its recommendations was to review the Act and the Corrections Regulations 2005 to ensure Treaty of Waitangi, the NZBORA and relevant international human rights obligations such as Mandela Rules are given greater emphasis in the purpose, principles and detailed provisions of the Corrections Act as well as to ensure decision making related to the operations of prisons gives greater emphasis to the fair, safe and humane treatment of those detained in prison.
- 4.7 It is disappointing to see the Bill does not expressly address these points. The other recommendation was that Corrections establish clear lines of senior leadership accountability. Again, this does not appear to have been considered in this amendment to date.

5. Rehabilitation and reintegration outcomes for Māori

- 5.1. The consultation acknowledges the overrepresentation of Māori in our criminal justice system (particularly female prisoners). Given this, focus should be placed on tikanga based framework to improve rehabilitation and reintegration outcomes for Māori. Care needs to be taken so non-Māori prisoners are not disadvantaged as a result. This likely requires Māori-led initiatives, tailored to individual needs as well as whanau and community. This will increase their chance of success.
- 5.2. It is submitted that cultural responsiveness leads to more engagement with intervention. Reintegration and connection with whanau when in prison is important. This includes consideration of travel costs; family education and connection and actual iwi/marae involvement with individual prisoners in all parole and release planning. This does not happen at present.
- 5.3. Increased access to culture and involvement of whanau is meaningful and important. A positive example is the mural painting project by wahine prisoners at Arohata. Prisoners were given this project by the prison, which linked Māori culture to their healing process, which in turn assisted their rehabilitation, regaining mana and hope. The project was a success.

6. Improving technology

- 6.1. We support Corrections use of technology to make prison safer and a fairer place for its prisoners.

- 6.2. Corrections should strengthen its pre-approval process before call recipients are permitted to receive phone calls/video calls from a prisoner.
- 6.3. Often lawyers struggle to prove to prison officers that we are indeed legal counsel and are instructed to communicate with prisoners. Often even after approving our calls, lawyers are asked to confirm our identity over and over. While a practical problem, it could be addressed in the Bill.
- 6.4. We have also observed people who should not be allowed to be contacted by a prisoner be able to communicate with them. The committee encourages Corrections to improve current approval process. This is something that could be addressed in terms of current processes as well as in the Bill.

7. Legal calls

- 7.1. The recent changes in various prisons (including Auckland South Correctional Facility and Hawkes Bay Correctional Facility) meant there is currently no Email communication between lawyers and their clients. Corrections appear to have interpreted s.110 of the Act and implemented their interpretation of it to ban all electronic communications. The Bill should address this explicitly. EM Communication needs to be facilitated.
- 7.2. Post causes unnecessary delay both in terms of confirming instructions but also it often leads to delay in Court proceedings. This is avoidable given the technology we have.
- 7.3. The current system has some flaws. Emails are routinely distributed to many staff within the prison. It is likely this has contributed to the privacy breach referenced above. This can be easily avoided by setting up portal for each prisoner so that they have direct access to their electronic communications with lawyers, which would also include their disclosure access.²
- 7.4. On many occasions prisoners' struggle to access their disclosure. This is worse when it is a large volume. When prisoners are transferred to other prisons, their disclosure often gets lost in transit, which means fresh copy of disclosure has to be sent to prisoners.
- 7.5. Sometimes we have to provide hard-drives and USB to prisoners so they have to

² It is understood that the Department of Corrections are undertaking a digitisation project which will address this.

view digital and audio media. The ability to provide paper documents digitally would be of benefit also. Different prisons have different protocols they follow in terms of whether they permit digital disclosure, and in what form.

- 7.6. The proposed bill should address access to privileged communication as well as their disclosure via electronically by implementing a portal system so as to ease pressure within prisons and reduce the risk of breaching privacy or privileged information.
- 7.7. This is in response to the proposed Bill's supposed intention to modernize and future-proof the Act. It is indeed true that the current Act has not responded to changes in technology. This will be the golden opportunity to improve the system for the better.

8. Strip search (s.98C)

- 8.1. If technology is available where body scanning is more effective to detect any unauthorized item in a prisoner when entering a prison for the first time or where an officer has reasonable grounds to believe that a prisoner is in possession of those items, it is questionable whether strip search is at all necessary.

9. At-risk prisoners

- 9.1. The Bill proposes to insert another category of prisoners where the prison manager may refuse to issue or allow a prisoner to keep any item of "authorized" property – namely an "at-risk prisoner" pursuant to s.43.
- 9.2. It is submitted rather than allowing placing the entire at-risk prisoners to be subject to this condition, further conditions to be also inserted such as health professional is satisfied that such an item will endanger safety. There is a risk that an at-risk prisoner may be deprived of any items that are otherwise authorized and lawful, which may worsen their state if there is no condition requiring further oversight by a health professional.
- 9.3. The new section under s.61CA also allows prison manager to direct that at-risk prisoner's association with other prisoners be restricted or denied.
- 9.4. The section should include tight review timeframes for any restriction or denial of association. This is solitary confinement. The new section appears to allow the prison director or chief executive to revoke or modify a direction at any time (s.61CA(4)) as well as allowing more than one direction to be given (s.61CA(7)) but

the new section is silent on when this direction should end. One option is that if a person is to be kept in solitary confinement for more than 7 days, two health assessors could be required to provide reports for ongoing confinement. If a person is so unwell that they cannot be housed with other prisoners, the prison is likely not the appropriate place for them and hospitalisation is likely required.

- 9.5. It is submitted that, without an end date, there is a risk that at-risk prisoners may be subject to segregation for a lengthy period of time. An end date or a date of review is required to ensure that they are not completely isolated without continued oversight.
- 9.6. A definition of “at risk” ought to be included. It is difficult to see how a risk of “self-harm” would be impacted negatively by association with other prisoners. It is likely that solitary confinement will have a detrimental impact on the mental health of a prisoners.
- 9.7. Care needs to be taken to ensure that this section is not used to capture prisoners to the PERU who present risks other than self-harm.
- 9.8. Principles of natural justice/ rights of internal review ought to be included in the Act to allow prisoners to challenge their categorisation as “at risk”.
- 9.9. It should also be remembered that prisoners should have a right to associate with whanau and maintain their family links – where appropriate, visits should be encouraged.

10. Intelligence purpose

- 10.1. ADLS is most concerned about the ill-defined concept of “intelligence purpose” created under this amendment.
- 10.2. The amendment appears to extend the ambit of people who are allowed to monitor, gather information and share such information to include “eligible employees,” which also may include contractors outside Corrections. This opens up a possibility where a private company employee who is contracted to do intelligence gathering work for Corrections to do the work for them and share its information with their own employees. It would be difficult to monitor compliance.
- 10.3. Further, information intended to be exempt from being monitored under the proposed Bill is too limited. It is suggested that information held in prisoner health

records (including psychological information) and information relating to restorative justice processes will be exempt from being monitored.

- 10.4. It should also be extended to include various reports belonging to a prisoner such as PAC reports, cultural reports, disclosure in possession of prisoners and any legal correspondence that are normally privileged. All of these documents have the potential to contain very sensitive information that the prisoners have only revealed to certain writers that should remain private and should not be monitored.
- 10.5. ADLS is also concerned about the vague wording of the criteria as to when the monitoring is allowed. Under explanatory note it states “monitoring, collection and use of information will only occur when Corrections believes it is reasonably necessary for an intelligence purpose, and will be aimed at individuals who present a serious risk of harm to the good order, safety and security of prisons or to public safety.” This would likely extend a blanket provision applying to all maximum security prisoners or those under PERD or in the PERU.
- 10.6. We also query who is caught but the term “Corrections”? Does it mean prison guards, contractors hired by Corrections, case managers or prison inspectors?
- 10.7. We also query how you define “present a serious risk of harm”? All prisoners would potentially pose a risk. Who decides this and what are the criteria? What evidential foundation is required to overcome this threshold? We reiterate the need to ensure any classification can be reviewed and that the decision-making process is transparent.
- 10.8. It is noted that the monitoring of visits will only occur where approved by the Chief Executive of Corrections. The Chief Executive must have reasonable grounds, based on information previously collected, to believe that monitoring and collection of information is necessary for an intelligence purpose etc. ADLS submits similar wording should be implemented for there to be monitoring, collecting and using of information as its wording is too vague and general.
- 10.9. Further, under s.127M, the Bill allows an authorized intelligence person to disclose the prisoner communications to another authorized intelligence person and/or an eligible employee.
- 10.10. The ambit is extremely wide, as it may mean monitored communication will be allowed to be shared amongst anyone who is an employee of the chief executive (i.e. all prison guards). It appears to allow an eligible employee to disclose the

prisoner's communication to another eligible employee for an intelligence purpose (s.127M(4)). The section does not specify any oversight or control as to how communication is going to be shared as long as people involved say it was for an intelligence purpose.

- 10.11. We are also concerned about lack of clarity and how long the stored information will be held by Corrections and shared. The Public Records Act 2005 requires agencies to "create and maintain full and accurate records of its affairs in accordance with normal, prudent business practice." This is likely the basis upon which a 2-year time limit was considered appropriate for phone calls to be stored. It is noted that the proposed bill is silent on a timeframe for storage.

11. The right of review – natural justice

- 11.1. If information is held about a prisoner which reveals a threat, will result in solitary confinement or monitoring of their communications, that prisoner should be advised of that. Further, they ought to be provided that data for transparency and advised of their right to seek legal advice or correct the error if the information is wrong.
- 11.2. Collected information may be used in a situation where it is completely out of context such as used as propensity on the most innocent topic – e.g. speaking to a friend who might be affiliated with certain gang without any gang overtone, might be used against him to suggest he associates with such gang, which could then be used in bail hearing or parole hearings.
- 11.3. The proposal may have the effect of disproportionately incriminating the prisoners and/or those who associated with them as their communication would potentially be forever stored for whatever purpose the authorities may seek in the future.

12. Disciplinary processes

- 12.1. Proceeding without the prisoner present: Lawyers have observed that on prisoner decline to participate in disciplinary process on various reasons, which can include the following –
- 12.1.1. They have not been told of the hearing date until very last minute.
- 12.1.2. They were refused legal representation.

- 12.1.3. They were informed that some of the witnesses who they believed would be present, who may be advantageous to their defence were not available.
- 12.1.4. They may have mental health issues.
- 12.2. There may be many other reasons as to why they decline to be present not just to avoid hearings proceeding. Committee believes that their right to be present should remain and hearings should not proceed in their absence UNLESS certain conditions apply – i.e. none of the reasons mentioned above are present.
- 12.3. Visiting Justice (VJ) to record the reason for the decision: This is a good improvement. Lawyers have observed that even when a prisoner requests legal representation before a hearing adjudicator or VJ, it is often declined without any reasons either orally or in writing. Because there is no requirement to provide their reasons to the prisoners, there is no record of this unless a lawyer is assigned and requests full disclosure, which may or may not include these documents.
- 12.4. More improvements are required to ensure principles of natural justice as adhered to. All reasons including reasons for declining legal representation when requested, are given to prisoners as well as their right to appeal or re-hearing.
- 12.5. Legal representation in disciplinary hearing should be strengthened in the bill so that it is easier for lawyers to be notified of this process, with sufficient notice with disclosure in advance of the hearing. There is a real need to properly record what happened in disciplinary hearings so that if a prisoner is acquitted of a charge, it is properly reflected in their record.
- 12.6. Often lawyers find this is not the case during parole hearings. Even when a disciplinary matter was successfully defended, it is still recorded without elaborating an outcome. It defeats the purpose of defending a charge. Proper and up to date record keeping of all prisoner's behaviour in prison is important for both managing prisoner's risks and also to reach a better informed decision whether it be consideration for early release or reviewing one's security classification.

13. Appearing by AVL

- 13.1. Allowing remote appearances will encourage more lawyers to attend disciplinary hearing. ADLS supports this. In our experience, conducting disciplinary hearings via speaker phone was less than ideal as lawyers were not able to fully participate in the hearings. For example, documents referred to cannot be viewed by counsel.

14. Meaningful and effective oversight of rules

- 14.1. Lawyers have observed incidents when procedures as set out in Corrections Regulations 2005 have not been followed, unless a lawyer is present and defending the charge. There are incidents where a Visiting Justice will not properly and/or independently review the evidence unless a lawyer is present to ensure compliance.
- 14.2. The case of ***Cripps No.105/21 457084***³ was an example where the chain of custody of a urine sample (pursuant to s.140 of the Corrections Regulations 2005) was broken. The charge was successfully defended in Arohata prison. Counsel was informed that Arohata prison had set their own policy of delivering all urine samples using a prison officer and therefore was immune from the regulations. This was not true as prison officers are still captured under s.5 of the Regulations and have to abide by all regulations within prisons. The fact Arohata prison developed and implemented a policy that could be potentially inconsistent with the regulation was done without any oversight by Corrections. There has to be a better system that all regulations are adhered to and any policy prisons come up with are also consistent with the Act and regulations.
- 14.3. Another case example is ***R v Bassett***⁴, which was a disputed facts hearing conducted to determine whether the treatment a female prisoner had suffered should be regarded as a mitigation under the Sentencing Act 2002 having already pleaded guilty to the charge of Arson. In that case, while deputy prison director Ms Foley was giving evidence, it was made apparent that she was in fact not at all familiar with Act, in particular s.58, which dealt with segregation of prisoners. Despite the clear wording of the Act, prison was able to ignore it. Senior management were not held accountable.
- 14.4. Another problem is that complaint forms and/or requests to see VJ often go missing or ignored, there was no clear paper trail. Similar complaints are made in respect of PCO1 forms. This enables prisons to operate without any record of prisoners' complaints or requests.

³ *Department of Corrections v Karma Cripps* (No.105/21 457084)

⁴ *R v Bassett* (Manukau District Court, CRI-2019-092-012895, DCJ McNaughton)

- 14.5. Much more transparent and proper oversight is required to ensure that the Act is adhered to in its current form before broader powers are given. The risk or misuse is far higher with expanded powers.

15. Strengthening processes for use of non-lethal weapons

- 15.1. We endorse inclusion of these sections, which we believe are in direct response to inhumane treatment using cell busters in Auckland Women's Prison.
- 15.2. ADLS agrees that s.85(1A) will provide a better oversight before non-lethal weapon can be used by adding conditions of its use by an officer.
- 15.3. It is also positive to see that the Minister is now required to consider additional information relevant to the use of a non-lethal weapon.
- 15.4. What ADLS has observed however, which was clearly set out in the case of ***Cripps v A-G***⁵ that it was often the frontline prison officers who deal with prisoners directly day to day who breached these sections. There is a lack of training, lack of guideline and lack of supervision. It is the day to day operation, rather than the oversight of the Chief Executive or the Minister that needs enforcement. The case made it apparent that the Minister was not aware of the extent of the use of the cell buster. He was not notified of the way it was to be implemented.
- 15.5. Ms Kim, counsel acting for Ms Cripps, viewed the body camera video footage involving the prisoner after the cell buster being used. It was clear that the prison officers the appropriate training or leadership to deal with the situation they faced. This indecisiveness and uncertainty as to what the rules are and how to follow them which lead to a dangerous situation to all involved.
- 15.6. The Minister should be required to have oversight of use of non-lethal weapons not just when they are introduced. The Minister should also be required to monitor their use and so that Corrections complies with s.85(3)(a). Real care is needed to ensure that weapon use is compatible with the humane treatment of prisoners.
- 15.7. ADLS invited Corrections to ensure prevention of violent crimes in prisons. In which case, the correction should also consider the following:
- 15.7.1. Better detection of weapons on the prison X-rays, including the use of walk-

⁵ *Cripps v A-G* [2022] NZHC 1532 (Wellington High Court, 30 June 2022, Ellis J)

through scanners, particularly for maximum security prisoners.

- 15.7.2. Proper body pat down searches in accordance with the manuals, including spot checks using videos to ensure compliance.
- 15.7.3. Cell searches and yard searches.
- 15.7.4. Prosecution for weapons outside of the prison environment, with an amnesty system for surrendering weapons first.
- 15.7.5. Considering fast response technology (research into international response tools such as sound; light; water solutions to quickly stop incidents).
- 15.7.6. Better consultation with prisoners in the prison about who they should be mixing with and the ability to refuse to mix with prisoners without question.
- 15.7.7. Better rehabilitation of high-risk prisoners, who currently get no substantive rehabilitation.
- 15.7.8. Incentivise of prisoners to do rehabilitation and to avoid violence in prison with family visits, benefits, work etc. and
- 15.7.9. Consulting prisoners on these issues (including this Bill) directly.

16. Enabling limited mixing of remand accused and convicted prisoners

- 16.1. ADLS supports the approach of non-offence focused programmes being available to prisoners regardless of their custody status (i.e. remand or convicted). This leads, in practice, to better management from frontline staff. We submit case managers are inadequately resourced to manage prisoners at present. This is due to short-staffing and a lack of training. We see prisoners who do not see their case managers until the eve of parole. This delays the assessment process to commence any form of counselling or programme that may assist in their early release.
- 16.2. Some prisoners lack support in the community whether it be accommodation or family support. Assistance in securing those supports is crucial to reduce the risk of re-offending. Case managers' roles are important in that respect, yet they are often ineffective. If prisoners' needs are assessed in a timely way, ideally by their case managers, solutions can be finalised, so that rehabilitation efforts can

commence sooner.

- 16.3. When someone is in prison on remand, they cannot start any programme that would assist them in early release. This is even if it is likely they will resolve their matters. It would be extremely efficient and helpful if these steps could be taken earlier so that use their remand time productively. This incentivises good behaviour and reduce their overall re-offending by participating in rehabilitation EARLY. Regardless of guilt, access to rehabilitation while in custody for anyone who needs it is in societies best interests.
- 16.4. Non-offence focused programmes should include alcohol and drug-related programmes, parenting courses, budgeting courses and literacy and numeracy courses (many prisoners are illiterate). ADLS also submits more support is needed to ensure prisoners receive appropriate personal counselling such as ACC counselling or grief counselling (again, many prisoners have experienced multiple traumas in childhood and youth and are not given an opportunity to deal with their grief appropriately). We submit if such services are made available in prison, it will enhance their outcomes. It will address underlying emotional and psychological issues they may have.

17. Mixing young prisoners

- 17.1. In principle, ADLS opposes mixing of young prisoners with other prisoners. However careful assessment is required to if a decision is made allow a young prisoner to mix with other prisoners.
- 17.2. ADLS is concerned that the Bill would allow mixing young prisoners with other prisoners as a default position when it should really be used as an exception. The Bill's intention appears to be more about making it easier for prisons to operate depending on the circumstances rather than really trying to protect what is best interest of the young prisoner/s.
- 17.3. ADLS is concerned about gang recruitment in prisons. A well known example is the growth of the Killer Beez by targeting young offenders in prisons.
- 17.4. Young male offenders when incarcerated often join gangs in order to survive given the hostile environment. This alliance is often extremely difficult to break away from, preventing them from living a law-abiding life even after release. Also,

since most (if not all) of these offenders have experienced difficult upbringing, early exposure to violence and/or alcohol and drugs, and lack of role model while growing up, make them vulnerable to join gangs where they feel sense of belonging, like the family they never had. Real care must be taken for young people in high or maximum security wings. Specialist youth wings need to be a focus.

- 17.5. Given the peer pressure within prison, even if a young offender wants to break free from their criminal life, and do well to make real change, they will be discouraged from doing well. Prison environment makes it easier for bad behaviour to be encouraged. This is the reason why mixing young offenders from the rest of the prisoners should be disallowed as much as possible. Peer pressure plays a huge part in male offenders.

18. Imaging technology searches

- 18.1. ADLS does not support the storage of images taken from body imaging technology. This is the same for images taken from body temperature scanners. Any benefit outweighs the privacy interests.
- 18.2. ADLS expresses concerns about the need to store images when measuring a person's body temperature at all.

19. Final Comments

- 19.1. ADLS seeks to make an oral submission before the Select Committee.
- 19.2. We welcome the opportunity to discuss these issues further outside of the Select Committee process should that assist.
- 19.3. For any matter arising from this submission, please contact ADLS Professional Services by email: at: Committee.Secretary@adls.org.nz

Ngā mihi



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