

Board of Inquiry
Proposed Men's Prison Proposal

In the matter of the Resource Management Act 1991

and

In the matter of a Board of Inquiry

**Brief of Evidence of Sister Anne Hurley
Sisters of Mercy Wiri**

INTRODUCTION

- 1 My name is Anne Catherine Hurley. I have been a member of the group of religious sisters known as Nga Whaea Atawhai o Aotearoa Sisters of Mercy New Zealand for over 40 years. In 1990 Sisters of Mercy Wiri, a community based agency, was established. Since that time Sister Margaret Martin and I have lived at 14 Trevor Hosken Drive, Wiri and worked in the Wiri community as Community Social Workers.
- 2 For the six years before this I worked at Friendship House in what was then the Manukau City Centre as a community social worker with a special interest in housing. I have also lived and worked in the Catholic parish of Turangi for two years during which time I visited weekly the Tongariro prison farm, which at that time was also called Hautu Prison Farm.
- 3 I have also taught for 15 years in schools run by the Sisters of Mercy, including McAuley High School in Otahuhu. At one stage of my life, over a period of at least two years, I visited Auckland Prison (Paremoremo) fortnightly on a Sunday morning to assist with a church service. From time to time, I have also visited individuals from the community who are serving a term in prison.
- 4 I belong, and have belonged, to many social service networks over the years, most notably those concerned with housing and social welfare, and have often been involved in advocacy in these matters on many different levels. I have also been an active member of the Wiri Whanau Support Group and I am currently a member of the RaWiri Residents Association. I have recently applied to the Department of Corrections to become a volunteer at the ARWCF.
- 5 In 1995 I was elected to the Manurewa Community Board, and was the

Chairperson from 1998 to 2004. It was during this time that the Department of Corrections consulted the Manurewa community Board about a proposed women's prison in Wiri.

- 6 In response to invitations from the Department of Corrections I have visited both Spring Hill Correction Facility (December 2010) and Auckland Regional Women's Correction Facility (February 2011).
- 7 I hold a Bachelor of Science degree, and a post graduate Diploma in Social Science in Social Planning and Social Work. I am also a Member of Aotearoa New Zealand Association of Social Workers.

SCOPE OF EVIDENCE

- 8 This statement of evidence is to support the submission by Sisters of Mercy Wiri to the Board of Inquiry with regard to the proposed men's prison at Wiri.
- 9 This will include:
 - 9.1 Consideration of the Existing Designation 288 Auckland Regional Women's Correction Facility (ARWCF) and the fact that the present application is in conflict with the original intended use
 - 9.2 The scale, design and outlook of the Women's Prison
 - 9.3 The social impact of the proposed men's prison on the inmates of the Women's Prison as well as the surrounding communities

THE ORIGINAL DESIGNATION

- 10 This is the second time the people of Manurewa and its many local communities have been engaged in a legal process regarding the establishment of a prison on the site described in Designation 288. Representatives of the Department of Corrections made several presentations to the Manurewa Community Board as part of the consultation process regarding the proposal to build a women's prison in Wiri. I had previously visited a woman at Mt Eden Women's Prison and been horrified at the experience. Present in the room when I was visiting was a pregnant woman inmate, being visited by two of her other children. The experience made a deep impression on me.
- 11 And when the case was put forward for a proposed women's prison I was not against it. I reasoned that if a women's prison was needed then there was no good reason why it would not be in Wiri. At the same time I was very aware through the public meetings that I attended that there was very strong opposition within the community to any prison being built.
- 12 I was very taken with the proposed prison, especially the descriptions of the facilities and the development of the grounds which were aimed at the rehabilitation and restoration of both the women and the land. I was also very impressed with the proposals for pregnant women, as well as the concept that if a woman had to be in prison she would be able to keep her baby with her for a time.
- 13 I will corroborate my impressions of the proposal with statements from the Department of Corrections document "Assessment of Environmental Effects" (May 2002) prepared with regard to the proposed women's prison.

- 14 Section 4.5 of that document contains the following statement. *"Otherwise the balance of the site will be utilized for other associated or ancillary land use activities such as those related to inmate employment, skills and pre release training, horticulture and gardens, and cultural development / therapy areas. Cultural liaison input into the design process has revealed that a spiritual connection from the ARWCF to the harbour is strongly desired."* (p12)
- 15 Section 6.2.4.2 *"The proposed ARWCF will result in enhancement of the site, which was quarried over an extended period."* (p21)
- 16 Section 6.2.5.3 *"Consultation has included discussion with regard to landscaping proposed and ancillary land use activities such as those related to inmate employment skills and pre release training, horticulture and gardens, and cultural development/therapy areas within the areas defined as being Heritage Resource 15 and subject to the Waahi Tapu Special Site Rule."* (p23)
- 17 Section 6.2.6.3 *"The building platform for the AWRCF will not be developed near the coastal area. As discussed earlier, the Minister intends to develop a range of activities on the non-building platform balance of the site, with landscaping nearest the coastal area."* (p24)
- 18 Then further on the same section, *"The Department wishes to maintain a connection between the corrections facility and the Manukau Harbour/Puhinui Creed coast and allow inmates to have access to the coastal edge on occasion. As part of consultation and input into the design process, tangata whenua have advised that such a link is important in the rehabilitation and healing of Maori inmates."* (p25)

- 19 And later still *"The Minister is seeking that the proposed designation is applied to the whole of the subject site, including land that abuts the coastal edge."* (p25)
- 20 Section 6.4.2 (h) *"Also given the extent of the proposed landscaping, the use of the site for the proposed ARWCF offers a great potential for enhancing the neighbouring coastal and estuarine areas that would be the case under the 'Existing/Permitted Baseline' scenario."* (p28)
- 21 Section 6.4.3.2 *"One result of the ARWCF would be to enhance the current environment of the proposed site. At present the quality of the site environment is very low, as the site has been extensively quarried. The proposed ARWCF will incorporate design to link the coastal and built environments, together with landscaping and other low impact uses to improve the overall amenity of the site environment."* (p28)
- 22 Other similar references occur throughout the document, for example, Sections 6.7.2.2, 7.1.2, 7.4.7 and 7.11.6. Perhaps the most significant section is Section 10.2.5. Necessity for a Designation of the Entire Site *"As discussed in Section 4 of this report, the design layout of the ARWCF will be sufficiently flexible to accommodate the Department's future requirements. The main custodial facilities are proposed to be set back from boundaries by between 50 and 120 metres. This is to provide an adequate security buffer and to minimize any potential effects on either the ARWCF's neighbours or the ARWCF itself. Screen planting will be developed within the eastern and southern buffer areas.*
- 23 *The balance of the site will be utilized for land use activities associated with the corrections facility such as those related to inmate employment, skills and pre-release training, horticulture and gardens, cultural*

development and therapy areas. Significant areas will also be used for stormwater management ponds.” (p119)

24 Then a little further in the same section *“Cultural input into the design process has also revealed that a spiritual connection from the ARWCF to the harbour is desirable. In summary it is considered therefore that the entire site is required to properly meet the Minister’s objectives and in particular to appropriately:*

- *Serve the Department’s requirement for flexibility;*
- *Provide for all land uses required on the site;*
- *Provide for an appropriate security buffer;*
- *Appropriately buffer the site from off site land uses;*
- *Provide for inmate pre-release training, horticulture and gardens, and cultural development/therapy areas on site and provide for a linkage to Manukau Harbour.” (p120)*

25 The Assessment of the Effects on the Environment Document for the building of the ARWCF presented by the Department of Corrections in May 2002 outlines a vision of a prison that has been only partly realized. The present application for a change to Designation 288 for a men’s prison is in conflict with what was presented then and it would be inconsistent with the existing designation.

26 This is borne out by Schedule 5A32:Conditions on Designation 288 Auckland Region Women’s Correction Facility in which it is clearly stated that *“The designation is for the construction, operation, maintenance and upgrading of a comprehensive women’s corrections facility and associated facilities and the authorization of all ancillary activities and facilities....shall extend to all of the land shown within the extent of the designation boundary on plan DB0901, figure 2, indicative concept plan dated 3 February 2004 and excluding the 635 square metre hatched area”.* Very

- clearly the whole of the site was designated for a comprehensive women's correction facility.
- 27 In the light of this clear statement I believe that the proposed changes to the designation would be wrong and improper and ignore the underlying rationale of the designation of the land for a women's correction facility.
- 28 This is again clearly stated in a Decision of the Environment Court (Decision A043/2004) in an appeal between Nganeko Minhinnick and the Minister of Corrections. Section 28 – 36 outline the proposal very clearly. Section 31 points out that the design and layout of the facility has been developed with substantial consultation with Maori. It has been structured around local mana whenua histories and sensitivities. Section 35 again states the importance of the whole site to the project. *"The balance of the site would be used for inmate employment, skills and pre-release training, horticulture and gardens, cultural development and therapy areas, and sports fields. The southern area would have access to the estuary of the Manukau Harbour. Significant areas would also be used for stormwater management ponds."* Clearly the use of all the land for the women's corrections facility was seen by the Environment Court as an intrinsic feature of the facility.
- 29 In the evidence provided by the Department of Corrections, Jeanette Burns states in Paragraph 49 of her evidence that *"Overall, the recreational, employment and training opportunities found to be effective at ARWCF can be accommodated inside the wire, aside from the continuation of the ground maintenance contract and RtW placements. As the balance area (south of the ARWCF) is surplus to requirements, the effective operation of CIE at ARWCF can continue without it. The use of the balance area for the new men's prison would not impair the quality of the inmate employment and training at ARWCF."* (p11)

- 30 The 'effective operation' mentioned by Jeanette Burns has not been adequately defined, neither is there any evidence to substantiate her statement. To my knowledge there has not been any monitoring or research carried out on the histories of the women released from the ARWCF. For example, we do not know how many of the women have turned their lives around or how many of them have re-offended and have been re-imprisoned. Without such data it is misleading to claim that the recreational, employment and training opportunities offered inside the wire at ARWCF are 'effective'.
- 31 I acknowledge that some recreational, training and employment opportunities are being provided at the ARWCF. However, what is being provided, is a long way short of what was intended for the ARWCF.
- 32 There are many different models of prisons. In July 2010 I attended a Conference run by Prison Fellowship New Zealand. At the Conference a prison governor from Norway spoke about and showed pictures of an open prison in Norway. It was built around a human ecological operation and worked at helping the inmates to be self-sufficient and better able to cope on their release.
- 33 That is only one model, and there are many of them. It is my view that an ARWCF which incorporates all the land referred to in Designation 288 and provides more comprehensive and extensive rehabilitation facilities and programmes and reintegration services would produce better outcomes for the women, for the land, for our society and for our country.
- 34 Jeremy Lightfoot paragraph 34.4 says something very similar in his evidence. In a PPP the private sector will be expected to *"deliver new and innovative approaches for rehabilitation and reintegration services, aimed at reducing the rate of re-offending"* (p10). The private sector is going to

- get results for the men that the Department of Corrections should be getting for the ARWCF women inmates using the whole of the land included in the Designation.
- 35 The Department of Corrections maintains in many places that the men's prison would have no adverse effects on the environment. One such reference is in Peter Hall's evidence, paragraph 157, which states that there is *"no significant adverse effect on the environment that requires such an assessment"*. His evidence ignores the fact that the land was designated for a comprehensive women's correction facility. It is difficult to understand how such a large facility, presented with so few details and specifications would not impact on the environment and the purpose of the women's prison as it was designated to be.
- 36 John Bole in his evidence 7.5 states , *"The proposed new men's prison will play a critical role in the long term future for meeting capacity needs, is the best option available and is considered to be reasonably necessary to achieve the Minister of Corrections objectives" (p2)*. The proposed men's prison is not the best option. The best option is to use the land for the ARWCF as was designated. To build a men's prison on the balance of the land would be at the expense of the women who will be sentenced to the ARWCF, and indeed to the whole of our society.
- 37 In looking at evidence to support the first part of the submission of Sisters of Mercy Wiri I have endeavoured to show, from a selection of the literature the original vision and how it was presented, that it would be wrong and improper to alter the Existing Designation 288 Auckland Region Women's Correction Facility.

THE SCALE DESIGN AND OUTLOOK OF THE WOMEN'S PRISON

- 38 The scale, design and outlook of the ARWCF as presented by the Department of Corrections were significant in the approval process. Again, I will be looking specifically at references from the Assessment of Environmental Effects supplied by the Department of Corrections when the women's prison was proposed, Schedule 5A32:Conditions on the Designation 288 Auckland Region Women's Correction Facility, and the Decision made by the Environment Court as a result of the appeal made by Nganeko Minhinnick against the Department of Corrections. Decision No.A043/2004.
- 39 There are many references in Schedule 5A32:Conditions on Designation 288 to mitigation measures which were planned to minimize the adverse effects of the visual effects of the actual prison facility. The Department was at pains to provide a facility that was not visually obvious. Section 7.4.7 is one such section. *"The most effective mitigation measure to minimize the potential for any unlikely adverse valuation 'effects' on surrounding property values is screening and landscaping within the proposed setback area and indeed that is proposed"* (p49).
- 40 Section 7.7.4 contains the following: *"The ARWCF's visual presence will diminish with increased viewing distance to the extent that it will blend into the existing landscape or be entirely screened by way of the recommended mitigation techniques which include screen planting. Views towards the ARWCF will be highly variable for the majority of viewers from the public realm"* (p57).
- 41 And in section 7.7.5 *"The modified nature of the surrounding environment provides the visual context for which the facility is proposed to be sited.*

Given that the ARWCF will be low rise in nature the ARWCF will not be visually intrusive and no significant views will be lost or interrupted” (p57).

42 And a little later in the same section *“For the users of the site, it offers views of the Manukau Harbour and Maunga Matukutureia. These views are understood to provide opportunities for benefits as part of therapeutic programmes planned for inmates within the ARCWF”.*

43 When referring to mitigation Section 7.7.6 is very clear. *“Mitigation of any potential adverse visual effects resultant from the proposed ARWCF can be readily achieved. The following techniques are proposed:*

- *Planting of groups of trees and shrubs within the proposed buffer. Shelter belt planting could also be used around the periphery of the site in selected locations*
- *Colour and surface treatment of the ARWCF buildings will also help in mitigation. The use of natural colours may help to visually recede the structures*
- *The low level ‘campus’ style the ARWCF will also ensure that the bulk and scale recedes into the surrounding environment” (p57).*

44 Section 7.8.3 points out that the effects of lighting in and around the ARWCF will be mitigated by the proposed tree planting programme as there will be screen planting in the buffer setback areas.

45 Again in Section 8.4.3.4 *“The Department has planned extensive planting around and within the facility. This will include a buffer Zone around the building platform to minimize the visual impact of the facility” (p100).*

- 46 Section 10.2.5 to which I have already referred, also contains reference to screen planting and buffer areas.
- 47 Decision No. A043/2004 from the Environment Court paragraph 32 describes the building clearly. *"The buildings (except the two storey entry building) would be single storey, in a landscaped setting. The buildings would have a variety of roof forms so the appearance would not have an institutional character. Accommodation buildings would generally be residential in appearance, and support buildings such as the medical centre and gymnasium would be similar to structures generally found in the community. The total building area is approximately 12,000 square metres. The buildings are to be finished in natural colours"* (p9).
- 48 And paragraph 33 of the same document states, *"The facility itself is proposed to be located in the northern part of the site. The constraints on selection of the building platform on the site included two heritage resource areas in which building is not proposed; alignment of the entry with the top of Matukutureia; routes for a Watercare pipeline, for access to the Winstone Aggregates land, and for a proposed future road; areas of soft ground and stormwater control; the need for separation from fuel storage facilities to the north: and security and shape factors"* (p9-10).
- 49 Consequently, I strongly believe that the scale, design and outlook of the women's prison were regarded as essential to the approval of the initial application to build a women's prison. That was endorsed by the Environment Court.
- 50 An initial leaflet Proposed Men's Prison at Wiri Issued May 2010 and distributed by the Department of Corrections at the beginning of the consultation process stated that the new men's prison would accommodate approximately 1000 male prisoners and up to 1500

prisoners. That will be the biggest prison in New Zealand. The same leaflet stated that the height of the buildings will be one to four storeys. The lack of detail is noticeable when compared to that given regarding the women's prison. I maintain that such a structure (whatever that is) of the size that it is proposed to be, would severely compromise the ARWCF as it was presented. John Goodwin in his evidence (para 9) describes some general parameters on the size and scope of the building.

51 In my extensive experience with women I have found that they often get into trouble or offend because of their relationships with men. In many instances it is a family member who has abused them initially. Sadly, all too often the women form relationships with the type of men from whom in their childhood they have experienced violence, abuse and neglect. I strongly disagree with Jeremy Lightfoot when he states "*The subject site is considered appropriate for addressing the predicted capacity shortfall*" (p6). To develop the site for such a significant men's prison adjacent to the women's prison is cruel and insensitive.

52 Not only would a large men's prison nullify the culture and theme of the ARWCF as it was presented, it would make a mockery of the Environment Court decision referred to.

53 Unbeknown to the community, double bunking was introduced to the ARWCF in 2009. Jeanette Burns, in her evidence, paragraph 39, states that with double bunking the ARWCF can accommodate 456 female prisoners. Section 28 of Decision A043/2004 states clearly that the ARWCF would expand to accommodate 350 inmates in the foreseeable future. Double bunking is increasing the capacity, but is not expanding. The maximum number of inmates in the men's prison has been stated to be 1500. Given the example cited above it is conceivable that the

capacity of a men's prison could be increased to 2000 by some method like double bunking.

- 54 In paragraph 39 of her evidence Jeanette Burns states that in the ARWCF security classifications range from minimum to high medium. When I visited the women's prison on 22 February 2011 the maximum security area was pointed out. The Department of Corrections appears to pay scant attention to Court decisions and to due processes to suit its own agenda.

THE SOCIAL IMPACT OF THE PROPOSED MEN'S PRISON

- 55 This granting of the Notice of Requirement will have serious and lasting negative social impact, not only on the women inmates, but also the surrounding communities.
- 56 The impact of the proposed men's prison on the ARWCF has not been assessed, either for the time during the building process or when the prison may have been built. In previous sections I have dealt with the most significant effect of a change in designation, that is, that the possibility of holistic rehabilitation and reintegration opportunities will be lost to the women inmates at the ARWCF.
- 57 The building of such an establishment (details as yet unspecified) would create adverse physical effects for the women, which would be very stressful. There would be a massive building erected at very close proximity. At various time and in varying ways the effects of construction would be noisy, perhaps dirty and generally unpleasant. Instead of looking out to an open green landscape, the women in the units close to the boundary especially, will have the view of the proposed 'envelope'. There will be little room for any future innovative developments, such as

self care units or some other facility 'outside the wire'. Jeanette Burns (para 11) maintains that *"Prison services operate within the wider department context where there is a commitment to improve public safety, expand and improve prisoner rehabilitation, ensure there is adequate prison capacity and utilize private partnerships within the private sector"* (p3). It is easy to write the words, but apparently very much more difficult to put them into action.

58 I have previously mentioned the adverse effects that many women have experienced from men in their lives. It is insensitive to put a 1500 bed men's prison alongside the ARWCF, particularly when that land was cited as being necessary for the women's prison.

59 Prisons do not work as a means of preventing crime. I believe that if the ARWCF were expanded using the land that was designated for it, and perhaps using some more of the innovative techniques talked about, the women could be really helped. The people of Manurewa and its many local communities need their women and their mothers restored and rehabilitated, back in the community with their children. What is needed are programmes that are resourced well enough and long enough to make a difference to the lives of prisoners, and their families and the communities they return to.

60 The proposed men's prison is often referred to as the Wiri Men's prison. The community in which I have lived and worked for 22 years also has the name Wiri. As pointed out by Dianne Buchan (p8) Wiri has a high socio-economic deprivation index. However, this does not mean that families do not have the same hopes and aspirations for their families that exist in more privileged communities. Within the community I have met few families who do not want the best for their children. However, they do not always have the wherewithal to bring the best about. They experience

many difficulties such as low levels of education, high unemployment, drug and alcohol abuse, family violence, lack of parenting skills. They have few resources and skills to deal with difficulties. Together with Sister Margaret Martin I have spoken with hundreds of the residents of Wiri. No one wants a 1500 bed men's prison. They need positive input – jobs, early childhood education facilities, drug and alcohol addiction programmes, houses, health facilities and programmes, access to transport, youth programmes to mention a few. The people need to be uplifted and their strengths and talents recognized, nurtured, affirmed and utilised. We need well trained, qualified and resourced professionals, and culturally appropriate workers who are also well trained and equipped.

- 61 Already social services are not coping. This community is already under resourced in the area of social services. It is all very well to monitor the effect of a men's prison on social services in the community after the prison has been built. The time to monitor social services in the community is surely before the prison is built. Much of the evidence presented by the Department of Corrections points out that the Department has the need to increase the capacity of its prisons. That does not mean that the proposed men's prison has to be built in Wiri. It may suit the needs of the Department of Corrections, but does not suit the needs of the community.
- 62 One dominant theme in several accounts of evidence is the goal of "keeping the community safe by maintaining safe and ordered prisons". Jeanette Burns and Rebekah Pokura-Ward both comment on how this has been achieved by the Department of Corrections by their preventing any escapes. What is not commented on at all or addressed in any way is the fact that prisoners do eventually 'escape' from their imprisonment. They are released back into our community.

- 63 Recidivism is an issue that is not actually spoken about in the evidence that has been presented by the Department of Corrections. It must be a concern however. Many submitters of evidence indicate that rehabilitation and reintegration services of the Department of Corrections need to improve. We have been told that the majority of the offenders will come from the region. It is a poor deprived area. Many of the offenders will come from dysfunctional situations with multiple needs. They will not escape. They will see the sentence through and they will return to their dysfunctional situations with more needs and more bad habits and associates. If they had not already been initiated into the gang culture there is every likelihood they will have by the time they are released. If they were they will be hardened. I have not seen any assessment of the impact on the families of an imprisoned parent.
- 64 In "Stalled – A State of the Nation Report from The Salvation Army", it is reported that recidivism rates remain stubbornly high. Information readily available from Prison Fellowship New Zealand indicate the same reality. Every year a prisoner spends in prison increases the likelihood that the prisoner will re-offend. It appears that the evidence from the Department of Corrections recognizes this. For example, John Boles in his evidence (para 19) says, *"Corrections expects the private sector to introduce new methods that will reduce re-offending"* (p5). This is reiterated and expanded upon in paragraph 51. *"The successful operator will be required to deliver a number of specific outcomes, including provision of a safe and ordered prison, providing innovative rehabilitation and reintegration services that will result in a reduction in re-offending and meeting the needs of Maori, and providing Maori specific services"* (p19). I am not convinced that outcomes from the proposed men's prison will be any better. What are these innovative methods? Have they even been thought of yet? If not, how do we know that they exist. And if they do why does

the Department of Corrections not introduce them into their existing prisons, the ARWCF, for example?

65 I have already written in the first part of my evidence about the unfulfilled vision of the Department of Corrections for the ARWCF. Again, it is easy to write the words. Making them a reality is so much more difficult. The community has been stung once.

66 In asking to alter Designation 288 the Department of Corrections is asking for a great deal. The design and structure are yet to be finalised in agreement with the successful tenderer. So is the modus operandi of the proposed prison. I have visited the prison at Springhill. Jeanette Burns (para 33) says, "*SHCF opened in 2007 and was the final and largest of the four new facilities built as part of the Regional Prisons Development Project. SHCF has been purpose built to meet the rehabilitative needs of prisoners and accommodates prisoners with low to high-medium security classifications*" (p7-8). It was certainly presented as a flagship prison when I visited, and I was impressed with many aspects of the prison. It has a capacity of 1018 prisoners. It is situated in a rural setting and occupies an area of 215 hectares. I question the adequacy of the 47 hectares in question to provide a prison for 1500 men, that will be able to achieve all that is promised.

67 I also question why the successful consortium was not chosen before the site was chosen and has not been involved in the choice of site. Will the innovative methods be able to be squeezed into a prison built on the land available? Will the operator be able to develop a design that provides the best possible layout to deliver effective custodial and rehabilitation services as is being promised the Department of Corrections.

68 In conclusion I affirm my support of the submission of Sisters of Mercy Wiri to the Board of Inquiry and my opposition to the Notice of Requirement by the Minister of Corrections to an alteration to Designation 288.

Sister Anne Hurley

11 March 2011