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Quaker Lecture



Crime and Punishment

Terry Waite

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Crime and Punishment

First, I would like to thank the Society of Friends (Quakers) in New Zealand for inviting me to deliver this lecture on Criminal Justice. From the start I must declare that I am not professionally engaged with the legal system and my law degrees are merely honorary. I approach the subject as one who has for many years been concerned with prisons and, in particular, with the rehabilitation of former prisoners.

I also experienced incarceration for almost five years when I was held in very strict solitary confinement as a hostage. During that time, I had no books or papers for over three years. I was kept in chains and slept on the floor. I had no conversation with anyone other than a cursory word with my guards.

It is not my intention to dwell on my own experience as a captive and I have written extensively about that elsewhere. I mention it at the beginning of this lecture as the experience has given me a unique insight into what it is like to be a prisoner and, what it is like to be tortured and face a mock execution. Admittedly I experienced an extreme situation, but I have often said that it is from extreme situations that we

may take understanding that is applicable to so called *normal* life.

My links with New Zealand go back many years when I was on the private staff of the then Archbishop of Canterbury, Robert Runcie, and when I accompanied him on an official visit. For the past seven years I have spent two months of each year in the North Island, mainly to provide me with an opportunity to write but during these visits I have also taken an interest in the judicial system and have had many conversations with individuals and groups about penal reform. I have also met with serving and former prisoners.

Back home in the UK I remember that New Zealand was a pioneer in Restorative Justice and we learnt a great deal from the experience of New Zealanders in this particular field. I cannot claim at all to have a detailed knowledge of the New Zealand penal system, but I have seen enough during my repeated visits to recognise that many of the issues that face us in the UK are also issues over here. I certainly do not deliver this lecture believing that I, or any of my colleagues in England, have all the answers as to how the prison system in New Zealand ought to develop in the future. Rather, I hope to be able to share with you ideas with the hope that they may

be a small contribution to an ongoing dialogue between Quakers and the wider community the world over.

Sixty years ago, when I was a student in London, I took out a subscription to 'The Times' newspaper. For a year or so they offered a special rate for impoverished students knowing that there was a chance of capturing the reader for life. In my case the scheme worked and across a lifetime I have taken the paper. Today I read it on line as this means I can get it wherever I am in the world. As is my custom, each morning I glance at the news before turning to the crossword, going back to the news later when my brain is tuned up!

Media reporting of crime has a marked influence on public attitudes towards criminal justice. Since the middle of last century there have been many changes in news reporting in general. Then, the front page of The Times was divided into columns of advertisements and the only news to be seen was hidden in the personal column when curious readers attempted to decipher the cryptic messages. The inner pages were the territory of the reporters who sought out a sensational story to attract the reader. Murder was rare in those days. When a murder was committed the story could be guaranteed headlines. The murder rate in England and Wales increased significantly from the mid-sixties onwards,

then gradually declined but is now showing a significant rise again. In the past year there have been 118 murders in London alone! but since my early subscription days there have been significant changes in reporting.

Today, news hits you as soon as you look at the front page and as for sensational stories, well, the paper is full of them. The more lurid the better. Murder and other serious crime features in every edition and the ordinary reader can be forgiven for believing that a dark-hearted villain lurks behind every street corner ready to pounce on the unwary. In recent years newspapers have had a pretty thin time and have had to give way to 'instant' reporting on the internet and elsewhere. Understandably the public are fearful and certainly angry when they become victims of crime. There is an old saying '*In politics perception is reality*'. The media, in general, tend to give prominence to the most lurid crimes and it is little wonder that many people perceive all lawbreakers to be cast in the same mould and the remedy ought to be '*Lock 'em up and throw away the key*'. Without attempting to make any excuse for criminal behaviour, it is instructive to see what the British National Council for Health and Care Excellence had to say in a draft report issued in 2014. I quote . . .

'It has been estimated that over 90% of prisoners have at least one of the following psychiatric disorders:

- *psychosis*
- *anxiety or depression*
- *personality disorder*
- *alcohol mis-use*
- *drug dependence.*'

That, to put it mildly, is an alarming statistic and vastly higher than the rate for the general population, which moves between ten and fifteen percent.

For the moment I would ask that you keep the above in mind. I will return to it a little later.

Not too long ago, a British Prime Minister pledged to the public that the government of the day would be, '*Tough on Crime and Tough on the causes of Crime*'. This slogan, lacking in definition, appealed to many of the electorate, the vast majority of whom had never set foot inside a prison nor were likely so to do. Over the years the public had been persuaded by the more extreme elements of the popular press that prisons had become too soft. '*It's ridiculous,*' many people said, '*that a prisoner can have a television set in his/her cell*'. Had those who voiced such opinions experienced a custodial sentence they would have realised that televisions have to be earned by good behaviour. A perfectly reasonable condition. But beyond that they have to be rented by the prisoner who,

in most instances, will have to find the rental charge from the meagre allowance the prisoner receives each week in payment for work done in the workshops. Had they served time they would have further realized that to be '*banged up*' for hour after hour, sometimes in the company of an incompatible companion, is mind destroying to say the least. Prisons are meant to be places of punishment and rehabilitation and those who have experienced a custodial sentence will know that one of the greatest punishments is the loss of freedom. Always to be watched. Always to be escorted to classes, should they exist. Often being incapable of helping, should a family member be facing trouble on the outside. This loss of freedom is, in itself, a severe punishment and indeed it is tough. It was Alexander Paterson who said that people are sent to prison as punishment not for punishment. (Paterson served in the East Surrey Regiment during World War I, reaching the rank of Captain, and received a Military Cross. In 1922, he was appointed Commissioner of Prisons and Director of Convict Prisons, a position he held until his retirement in 1946.).

By saying what I have just said I do not wish to imply that there ought to be no punishment for wrongdoing. What I am saying is that a custodial sentence does punish and, in the United Kingdom, in many cases punishment now vastly

outweighs the other side of imprisonment which is rehabilitation. It is interesting to look back at a largely forgotten reformer, Alexander Maconochie.

Alexander Maconochie, like John Howard the 18th century prison reformer after whom the Howard League was named, came to penal reform by accident. Maconochie's primary career was that of a naval officer and subsequently a geographer. Born in 1787, in 1833 he became the first Professor of Geography at University College London. In 1836, as private secretary to Sir John Franklin, the governor of what is now Tasmania, he wrote a report strongly critical of the state of prison discipline among those who had been transported. He wrote:

"The convict system, being fixated on punishment alone, released back into society crushed, resentful and bitter men, in whom the spark of enterprise and hope was dead."

While there was no tabloid press to inveigh against such liberal thinking, Parliament was outraged. Maconochie was reluctantly dismissed by Franklin. However, three years later he was appointed as Commandant of the penal settlement on Norfolk Island, where he applied his two basic principles of penology:

- As cruelty debases both the victim and society, punishment should not be vindictive but should aim at the reform of the convict; and
- A convict's imprisonment should consist of task, not time sentences, with release depending on the performance of a measurable amount of labour. Central to his thinking was the belief that a prisoner should be able to influence the length of what is deprivation of liberty by his personal commitment to change.

I am grateful to a leading reformer in the UK, Judge John Samuels for drawing my attention to Alexander Maconochie who was way ahead of the times in his thinking.

I first visited a British Prison over sixty years ago when I was a fairly young man. The London prisons that I visited then were built on the old Victorian model where the wings, containing the individual cells, extended like struts in a cartwheel from a central hub. Each wing was secured, and, within each wing, there were several landings housing a long line of individual cells. At different times of the day prisoners would be allowed to associate on the ground floor of the wing and if they needed to attend educational classes or workshops then they had to be escorted to another part of the building where such

facilities were located. The surroundings were somewhat drab as there was little natural light, and institutional brown paint added to the gloom. The cells did not contain toilet facilities and so the day began with what was known as 'slopping out'. Today, although reasonable toilet facilities have been added to many cells, many of the old Victorian prisons are still in use. I remember thinking at the time that our whole understanding of the way in which offenders were dealt with needed a radical overhaul.

A glimmer of hope was raised when I visited the first 'Psychiatric' institution built at a place named Grendon Underwood. It was nearing completion when I visited and for the first time the authorities had chosen to use pastel colours on the walls rather than the customary dark brown! Over the years Grendon has had a remarkable success in rehabilitating prisoners. This has been due not primarily to the paint but to the highly intensive way of working with prisoners by well trained staff who were not seen as simply 'turnkeys'. The principles adopted were of therapeutic community work in which the community of peers and staff becomes the healer. Prisoners volunteered for the therapy and, if they did not complete the work, they would be returned to a 'normal' establishment.

It was costly to run in the short term but the number of prisoners who left Grendon and re-offended was considerably smaller than the number of re-offenders previously discharged from a 'normal' jail. This could be seen as representing a saving in the long term, but then politicians do not normally think beyond the next election when they will have to face re-election. I mention politicians at this stage because it is well known in the UK (and I suspect in New Zealand also) that there are few votes in prisons. Politicians know full well that many of their constituents are understandably fed up with crime and believe that the way to deal with criminals is to bang them up for a good long time. It takes a brave politician to push for a total reform of the Criminal Justice system and there are few who are willing to take the risk. There is one well known politician from the United Kingdom who made an important comment about the significance of prison condition when he was Home Secretary. He said: "*The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country.*" That was Winston Churchill speaking as long ago as 1910!

It will not have gone without notice in New Zealand that in the past years severe cuts have been imposed by central government in the United Kingdom right across society and

the Criminal Justice system has not been exempt. The prison budgets were cut with the result that large numbers of senior staff were encouraged to take premature retirement, thus leaving many establishments seriously understaffed. For a prisoner to get from his or her cell to an educational class or whatever, that prisoner had to be escorted. There were not enough staff. Result? Prisoners were kept for longer on the wing or, even more punitively, in their individual cells.

I recently visited a large prison in the UK where the manager of the woodworking workshop was leaving and closing the unit down. When I asked him why, he told me that there was no money in the budget for this rehabilitative work and so he had to go after serving for some twenty years or more.

It should come as no surprise to anyone to learn that in the past couple of years British prisons have been in a state of turmoil bordering on anarchy. What do you expect if you lock people up for hour after hour, day after day, with little or nothing to occupy their minds? It is a recipe for trouble. The British Government have said that they are recruiting 6,000 new staff to remedy the problems, but that is a clever use of words. They are only 'new' in the sense that they are individuals replacing the many, including seniors, who were prematurely retired and the majority of the new recruits into

the prison service have no experience whatsoever of prison life.

I have many friends within the Prison Service whom I have known for years and I think I can say, with a high degree of certainty, that the role of the prison officer is one of the most important staff roles in a prison. In a recent conversation with one such officer, who had been an ordinary PO for almost forty years, he told me that during the whole of his career he never once had had to draw his baton on any prisoner and I can assure you he had worked with many prisoners who would be considered to be highly dangerous. What was his secret? Well, he took time to listen to the prisoner and understand why the man or woman had behaved as they behaved. He was not quick to condemn. He was certainly no pushover, but he was empathetic, and he believed that no matter what crime the individual had committed that person still could make something of their life. In short, he was able to communicate hope to many who were regarded by the general public as hopeless cases. In recent months, prison officers in the UK have been issued with so called pepper sprays. The former inspector of prisons and chair of the parole board told the annual conference of Prison Governors that this was an admission of failure. I agree with him. On one occasion in New Zealand I asked a prisoner, who had been

inside for over two years, when was the last time he had seen the Governor? He surprised me when he said he had never seen the Governor! Back in the UK I asked a former Governor of Grendon (the prison with a very low rate of re-offending) how frequently he met with prisoners. He told me he did two rounds a day and sometimes three. He felt it important to know the prisoners and the staff and to hear at firsthand what was happening in the prison for which he had a responsibility.

To take an interest in individual cases takes time and staff. It is costly in terms of both, but it can lay the foundation for an individual prisoner being truly rehabilitated back into life. What the system needs are more highly trained officers and much greater investment needs to be put into the selection and training of such men and women. The good work that can be done within the confines of a secure establishment has, of course, to be complemented by an efficient and effective service following the discharge of a prisoner from custody. Here again, in England, there has been failure. The Probation Service has had the heart ripped out of it when it was partially privatised, with the result that many of the new providers have been unable to cope and vast numbers of discharged prisoners have not received the support required.

It is not my intention to convey in this lecture that the whole of the Criminal Justice system in the UK is totally dysfunctional. There are some prisons which, because of skilled and effective leadership, have been able to manage reasonably well but there are not enough. The new British Prisons' Minister, following as he does a whole succession of appointees who have lasted but a few months, has pledged to get some order into the system but he has his work cut out. He may succeed in bringing some calm, but more is needed than the restoration of order. The time is long overdue for a radical reform of our approach to the punishment and rehabilitation of offenders and the first major hurdle to be overcome is to convince the electorate that, in the long term such a reform is definitely in their best interest. That requires courageous and visionary leadership from politicians responsible for the system.

There are many difficult problems facing the Criminal Justice system in the United Kingdom today. The growing gap between the very wealthy and the poor; the reduction in public services providing an infra structure of care for families and young people; the rapid development of the drug culture; the breakdown of traditional communities and the mass migration of people. These factors, and many more besides, form the backdrop to many who find themselves behind bars.

Earlier I mentioned the disproportionately high number of prisoners who suffer from mental or personality disorder. Without a doubt many need to be secured for their own safety, as well as for the safety of others, but is a traditional prison the right location for such individuals?

I have no wish to burden you with statistics in this lecture but, as the New Zealand Judicial system follows closely that of the United Kingdom, there may be those who would wish to look at statistics from the Prison Reform Trust which give a clear indication of the state of prisons in the UK.

Their website clearly points to a system that is malfunctioning and I suspect that the situation in New Zealand is not vastly different from the picture painted in the UK.

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Summer%202018%20factfile.pdf>

If, for a moment, I may turn my thoughts to New Zealand, a country that I have visited very many times over the years and where I have many friends. My knowledge of the New Zealand Judicial system is inadequate, that I admit, but perhaps I may make a few comments for discussion.

As far as I understand it, Corrections in New Zealand has not faced the same budgetary cuts that have been a major factor in causing so much devastation in prisons in the United Kingdom. That at least is something to be thankful for.

Imprisonment under the present system can magnify existing societal tensions and conflicts. In the UK there has been growing tension within some prisons between Islamic prisoners and others. For those who wish to learn more about this then the Department of Criminology at Cambridge University has done some interesting research into this problem and their research is available for study. In short, this problem has led to two rival groups existing within an institution, the one group seeking converts and thus providing them with protection and extra privileges, the other group reacting defensively and becoming increasingly aggressive.

I have heard it argued that in New Zealand there is a bias within the justice system against Māori people. Some say this is unconscious, others that it is deliberate. It is alleged that they are more likely to be apprehended; more likely to be charged rather than receiving a caution; more likely to be unrepresented or not to have the ability to choose their counsel; more likely to be convicted and finally, if that is not enough, more likely to receive a custodial sentence than other

comparable offenders of a different ethnic origin who have offended in the same circumstances. That is a pretty long list. The problem has been defined by one correspondent, with whom I discussed this issue, as being ‘indicative of structural or institutional racism within New Zealand and is reinforced and amplified by systems and structures of power and oppression. The evidence that Māori are disadvantaged by the way that the criminal justice system (and other government systems) operates is unequivocal.’

The same informant goes on to say:

‘The criminal justice system (Colonial/Crown/Pākehā designed) delivers racist outcomes that privilege whites and disadvantage Māori at every juncture. Māori are much more likely to be the victims of crime (including violent crimes and sexual crimes) just as they are more likely to be incarcerated. The colonial CJS is failing society as a whole, but the harm is disproportionately felt by Māori communities economically, and socially. It is fundamental that Māori should lead any reform of a CJS that has deliberately failed Māori (and continues to do so) in order to privilege Pākehā New Zealanders.’

I have to say that I have heard similar comments from individuals representing all sections of the community and they are serious accusations that need urgent attention.

There are groups within New Zealand who recognise that there are major differences in respect of the attitude towards justice and such groups are attempting to deal with them by examining in greater depth the understanding of restorative justice, something which is inherent in Māori culture, and applying these understandings to penal policy. The introduction of restorative processes appears to have been initiated by the judiciary in NZ, particularly with young offenders. They will, however, face the very same problems that reform groups in the United Kingdom face and that is gaining the support of the electorate and having the informed leadership of politicians who are courageous enough to pioneer reform.

In the UK it is beginning to be realised that in most cases longer sentences do not, in the main, have a great effect on recidivism. Even so there are still many who believe in longer sentences and to be frank I can understand why so many do, given that the system as it is currently functioning is inadequate and crime continues apace. It's an over simplistic solution to *'throw the key away'*, but it can be a politically expedient solution for a politician when he or she is facing an angry, and ill-informed, electorate. This anger is certainly fuelled by certain sections of the media who give headlines to the instances of violent crime and thus it becomes a political

issue. I am not for one moment suggesting that crime should not be reported. I am suggesting that the reporting ought to be proportional and not sensationalised. I further realise, of course, that sensation sells!

When it comes to bail applications in New Zealand it has been said that what is known as '*Reverse Onus*' needs to be examined more carefully. What is meant by this is that the applicant for bail has to prove that it is safe for him/her to be released into the community rather than the prosecution having to prove that it would be unsafe for the prisoner to be released on bail. How can a poor prisoner, often without counsel, prove on a balance of probabilities that he will be safe? I have heard it said about the system in New Zealand that assessment programmes, designed to determine whether a prisoner should go into a programme to prepare him or her for parole, are virtually non-existent. Thus prisoners, some of whom could well be ready to be released on parole, are being held in prison in some cases for years more than they need to be held.

Back in the United Kingdom, for an accused to have adequate representation is becoming increasingly difficult due to the cuts imposed on the Legal Defence system. This has resulted in many young lawyers shunning criminal law and moving

towards more lucrative practice in the business world. Some time ago I had lunch with the judges at the Old Bailey who told me that if this trend continues then in a few years it is going to be increasingly difficult to recruit judges who have a background in criminal law. There will be few, if any available!

In the UK, and indeed in New Zealand in recent years, there has been a considerable increase in the number of historic sex cases coming before the courts. Allegations of an assault going back as long as forty years have been made and have resulted in many of the accused being given a custodial sentence. In an attempt to be fair to the alleged victim the law was changed so that the requirement for corroborating evidence was dropped. The result of this change has been that when the case comes to trial it can often be decided on the basis of who presents the better case, the accused or the accuser, or indeed who can afford the most able barrister. This change in the law means, in effect, that the onus is now on the defendant to prove their innocence. Is this just and fair? I leave the question with you.

It has not been my intention in this lecture to write a prescription for Prison Reform in New Zealand. Apart from being arrogant and presumptuous of me, I would not do so as I have an inadequate understanding of the judicial system in

New Zealand and thus am not qualified to comment. However, I would be failing in this lecture if I did not mention that in preparing this talk I listened to many New Zealanders who had a far more intimate knowledge of the judicial system in the country than I have. Whilst I appreciate there will always be those who have a grudge against the system there were several people, whose opinion I respect, who were gravely concerned about the way in which the system was operating. Several raised the issue of the inflexibility of Corrections in accessing rehabilitative programmes in prison which are required to be completed before a prisoner can be considered eligible to appear before the parole board. In my brief visits to a New Zealand prison I have heard the same complaint from prisoners themselves. Several informants have also told me that they have serious concerns about the professional ability of those designated to assess prisoners for parole and they have also expressed concern in respect of the qualifications of prison and probation staff. I am merely reporting what I have been told but my informants have nothing to gain from making such allegations and I have no reason to doubt their integrity. In listening to these remarks there is little doubt in my mind that some of the issues I have raised in respect of the situation within the British judicial system are not totally foreign, with certain adjustments, to the situation in New Zealand.

Having been kept in solitary confinement as a hostage for almost five years and, during those years, having to keep myself mentally and physically alive, and also having been a hostage negotiator, I do know something about the effects incarceration can have on an individual. I will not in this lecture swamp you with statistics indicating the harmful effects solitary confinement has had on prisoners, affecting both their mental and physical health. There is a plethora of research studies to be found on the web indicating this is so. I know from my own experience how difficult it is to maintain reasonable physical and mental health and I was fortunate insofar as when I was captured I was healthy and had the mental capacity to face the experience and use it creatively. As I indicated at the start of the lecture, many prisoners are not in a good state of health and deteriorate further in isolation. Where there is not a regime in a prison orientated towards rehabilitation then decline is virtually inevitable. At the conclusion of this lecture I am more than willing to answer questions about my experience and how I was able to manage it.

In recent years so called '*Maxi*' prisons have been much discussed and many have been built, mainly in the United States of America. One argument used by those who advocate such establishments is that they are economical to

run as medical, educational and other facilities can be brought together on one site for the benefit of a large number of prisoners. In practice, such prisons have resulted in large numbers of inmates being locked in their cells in solitary confinement. Human interaction with staff has been kept to a minimum. Even medical consultations have been conducted remotely on line by a doctor located many miles away from the prison itself. Such places may have shown a monetary saving in the short term, but they have done little or nothing to reduce the rate of recidivism.

A prisoner who, for whatever reason, may have developed a grudge against society is hardly going to change his or her ways if the only limited contact is with punitive authority figures and where rehabilitation is nothing more than a fantasy. Effective rehabilitation is staff-intensive and, as I said earlier, requires highly trained competent staff. It does mean working with smaller units within which it is possible to treat prisoners individually and as persons, not as brutes to be caged. Such a change will not show a good '*bottom line*' at the end of the financial year but in terms of reducing re-offending it has been demonstrated that it is the way to go. The financial returns will be seen in the long term.

As I have frequently stressed in this lecture, the 'atmosphere' created in a prison is all important if effective rehabilitation is to take place. This extends from the design of an establishment to the skill and competence of staff and in particular the prison officer who is in daily contact with prisoners. Smaller units together with an effective rehabilitative relationship with prison staff may be more costly in the short term but if such means are successful in reducing re-offending then they will save considerable sums of money in the long term.

Amongst other things I am a patron and supporter of 'The Prison Choir Project' and just a few weeks ago attended a performance of Carmen in Wandsworth Prison in London. Prisoners took part in the opera and the lead singers were professionals brought in from outside. Members of the public were invited to attend and unfortunately only a small number were allowed in, due, it was said, to the poor condition of the Chapel in which the concert was held. An indication of how ancient some of the British prisons are. Health and Safety regulations were said to be the reason for restricted numbers. Some people may wonder what possible benefit staging an opera in a prison could be for prisoners other than providing them with a diversion from the normal routine of prison life. Most, if not all of the prisoners taking part had certainly never

previously appeared before a theatre audience and definitely not in an opera! For most, if not all, they began to see that they had abilities within themselves they had never realised. At the end of the performance the audience stood and gave them a standing ovation. This would be one of the first times in their lives that they had been given positive approval and they glowed with pleasure.

I might also mention another success, 'The Clink', now functioning in some establishments in the United Kingdom. Selected prisoners receive a very high standard of training by professional chefs and practice their new-found skills in a restaurant at the prison. The restaurant is open to the public and serves first class food. Almost without exception those trained in The Clink are guaranteed employment immediately on discharge and very few indeed reoffend.

The experience with the choir further confirmed my belief that if you look for the good in individuals you will often find it and of course it directly relates to the Quaker understanding that every individual has within them a spark of divine light. What I am attempting to say is that rather than run establishments that emphasise restriction, submission and punishment and in turn create resentment and anger, put

the emphasis on enabling prisoners to develop positively. Punishment is already there in the deprivation of liberty.

Far too often prisons are remote from the community in which they are set. The general public have little or no idea what takes place beyond the prison gate and the vast majority have never and will never step across that threshold. In the past I have attempted to remedy this situation by getting the Governor of a prison to invite members of the local community to spend an afternoon in the establishment when they were given a tour of the premises and a talk by both staff and inmates. Such events were designed to establish links between the business community and prospective employees and also to inform the general public and leaders from the local community. It has long been my belief that every effort ought to be made to enable a prison to be seen as a part of the community and in turn the community recognise that it has a responsibility towards the prison. Much more needs to be done to aid prisoners on discharge. In the UK the probation and after-care service is under considerable strain and is barely able to cope with the demands made on it. Some voluntary associations have made an attempt to give support by meeting a prisoner at the prison gate immediately he or she is released and escorting those who have no place to go to a safe hostel. It is a well known fact that drug pushers

are waiting in the street outside the prison ready to capture new business. One charity supplies a discharged prisoner with a backpack containing the essentials for survival, ie a toilet kit, sleeping bag etc. This is important work but it is really first aid. What is needed is an efficient and effective system designed to aid discharged prisoners back into so-called 'normal' life.

Having had a long association with the British judicial system; having witnessed some of its strengths and weaknesses and having faced many disappointments, I continue to have concern for justice and fair dealing in the world, no matter in which country. Traditionally Quakers have been involved in prison reform and I would like to suggest that the need for reform today is as urgent as it ever was. Meanwhile it is worth noting that in recent years many prisons in the United Kingdom have Quaker Chaplains as members of the multi-faith teams working in penal establishments. Quakers have also supported the development of mentors, individuals who will assist prisoners as they make the difficult transition from incarceration back into the world. One of the most difficult issues to face is the way in which sex offenders are managed. 'Circles of Support and Accountability' have been designed to support and hold responsible high-risk sex offenders on leaving prisons so that their resettlement is safely carried out.

That is a really good news story and the programme which originated in Canada has spread now to several European countries. Finally, Quakers have been foremost in promoting the use of Restorative Justice in prison, probation, schools, business and the police.

Prisons the world over are shaped by the culture in which they are set. The Nordic countries have one of the lowest number of people in the world in prison and there are those who argue that this is because of the advanced system of social care that exists in those countries. They also place a high value on rehabilitation and on public education. The public have a far more nuanced view of crime and punishment than the media assume. They want *effectiveness* more than they want *revenge*. Knowing more about individual cases, and about the effectiveness of different disposals, makes them much less likely to favour more imprisonment. Finland is a really good case study in reducing reliance on imprisonment with a public education campaign.

New Zealand has a growing prison population and the country is changing rapidly in many respects. Despite the many inadequacies that I have pointed to, prisons in the UK and NZ are still in advance of some establishments that I have visited in parts of Africa and in the former Soviet Union.

However, this is no excuse for not developing a system that is fair, just and effective. At the time of writing this lecture, recorded crime is on the increase in the United Kingdom and the suicide rate in prisons has risen dramatically. In the wider community, mental health problems are increasing, and loneliness is becoming increasingly common. British society is changing rapidly. Traditional values are being questioned and family life is under threat. The rapid advance of modern technology has its blessings, but they come at a cost. Often that cost is seen in the development of a society where more and more individuals lack inter-personal communication skills and depend more and more on the mobile telephone and social media. It has been argued that the demise of face-to-face interaction leads to the depersonalisation of society, which in turn leads to an increase in crime. In my opinion, New Zealand would do well to examine closely the experience of countries such as the UK and see how, if possible, some of the negative aspects of technological development may be avoided.

Reformers in New Zealand will need to ask why it is that a disproportionate number of the Māori community are incarcerated. I am not qualified to answer this, but it is a question that needs to be addressed.

In this lecture I have only been able to touch briefly on what I consider to be some of the vital issues relating to the Criminal Justice system. I have kept statistics to a minimum as they can easily be found on the web. My intention has been to highlight some of the issues and hopefully to encourage those who see the need for reform and to convince those who are more doubtful. At this point in its history New Zealand has a unique opportunity to develop a humane and effective penal system. It would be my hope that the Religious Society of Friends would spearhead this movement and encourage the general public to give their backing to those in government and elsewhere who wish to see reform in the system.

‘Is it possible to maintain a prison in which prisoners are given hope?’ is a final question that might be asked.

Dr. Alison Liebling and colleagues from the Department of Criminology at Cambridge University conducted an intensive survey of Warren Hill, a prison in the East of England housing 244 inmates, all of whom are serving IPP (Imprisonment for Public Protection) or life sentences and thus are not eligible for parole. The introduction to this detailed work is worth quoting . . .

Introduction

Hope is everywhere . . . From the minute you get off the bus: they shake your hand and give you a cup of tea. They say good morning to you. You see guys moving on. There is humanity here . . . People treat you like you're a person, like a person who has potential. (Prisoner)

It's a prison where you can see the light at the end of the tunnel. It's up to you if you want to step into that light, they give you the choice. (Prisoner)

'We allow the men to be who they are really are. They don't have to pretend here Everyone lives and works side by side. What we're trying to do is create a real community.'
(Staff member)

'It shouldn't be about performance targets and numbers. We should be about values and changing lives.' (Staff member)

'The survey concluded that whilst the prison was excellent in changing lives the failure came when individuals were discharged into the wider community. The support structures were totally inadequate.

This emphasises the point that in thinking about prison reform we must have *joined-up* thinking. The prison, the aftercare

service and the wider community need to work together with common values and a positive coordinated approach.

I conclude with a long but relevant quote from the late Winston Churchill made over 100 years ago -

“We must not forget that when every material improvement has been effected in prisons, when the temperature has been rightly adjusted, when the proper food to maintain health and strength has been given, when the doctors, chaplains and prison visitors have come and gone, the convict stands deprived of everything that a free man calls life. We must not forget that all these improvements, which are sometimes salves to our consciences, do not change that position.

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm and dispassionate recognition of the rights of the accused against the state, and even of convicted criminals against the state, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes, and an unflinching faith that there is a treasure, if you can only find it, in the heart of every

man these are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of a nation, and are the sign and proof of the living virtue in it."

Winston Churchill, House of Commons speech, given as Home Secretary, July 20, 1910

But as this is the annual Quaker lecture then the great reformer Elizabeth Fry will have the final salutary word!

'When thee builds a prison, thee had better build with the thought ever in thy mind that thee and thy children may occupy the cells.'

Elizabeth Fry



When thee builds a prison, thee had better build with the thought ever in thy mind that thee and thy children may occupy the cells.

AZ QUOTES

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For most of his life Terry Waite has worked in the area of international affairs and has worked in most of the world's conflict zones. As a young man, whilst living in Uganda, he negotiated directly with the late General Amin for the release of hostages and as a member of the Archbishop of Canterbury's private staff was successful in aiding the freedom of hostages in Iran, Libya and Beirut. It was in Beirut that he was captured and spent almost five years (1763 days) in solitary confinement.

In the apartheid years he worked closely with Bishop Desmond Tutu and has continued his work for the disadvantaged in South Africa. He is a joint founder of YCare, an agency working for the development of young people throughout the world. He is President of Emmaus for the homeless and a joint founder of Hostage UK now expanding into Hostage International.

He has written several books ranging from a serious account of his years in captivity, *Taken on Trust*, to a comic novel, *The Voyage of the Golden Handshake*. He believes that it is vital that we retain our humour in the face of some of the grim realities of life and that laughter is therapeutic for all of us. *Taken on Trust*, written in his head during his years in captivity, has been reissued in the Modern Classics edition by Hodder. Another book, *Out of the Silence*, published on the 25th anniversary of his release from captivity by SPCK, is a book of narrative, reflections and his own poetry and has been illustrated by Jenny Coles. His very latest book, *Solitude*, also published by SPCK, takes the reader around the world to explore what solitude means to a host of people living in very different circumstances – both those who have chosen to live away from society and those whose circumstances have led to them being isolated in various ways.

Terry Waite has received many honorary doctorates from Universities both at home and overseas. He is also a Freeman of both the City of Canterbury and the Borough of Lewisham. He has been awarded an MBE and a CBE. He is both an Anglican and a Member of the Society of Friends (Quakers). He is not a pacifist but strongly believes that force should only be used as an absolute last resort. That, he says, has not been the case in recent years and has resulted in dreadful chaos right across the Middle East.



The Religious Society of Friends
Te Haahi Tuuhauwiri

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