

12 May 2020

Tiana Epati

President, New Zealand Law Society

Via email to: Bronwyn.Jones@lawsociety.org.nz and Amanda.Frank@lawsociety.org.nz

Dear Tiana

COVID-19 and lawyers' access to clients who are in prison

Thank you for your letter of 5 May regarding the above. I appreciate your understanding in relation to our efforts to keep the people in our care safe. While safety has been our highest priority, I am very aware of the importance of ensuring lawyers have access to their clients in prison during this time. It was therefore disappointing to hear that some of your members are experiencing issues.

Prior to responding to these specific concerns, I thought it might be helpful to advise you where we are at in terms of our planning around moving to Alert Level 2, noting that this will only come into effect when the country moves to this level on Thursday 14 May 2020. Detailed information will be shared on our website regarding Alert Level 2 in the coming few days.

In the meantime, I can advise that under Alert Level 2, our intention is to facilitate in-person legal visits when requested. Additional safety measures will be in place for all visitors to all sites, including increased hand hygiene measures, the use of thermal imaging cameras on entry, physical distancing and PPE (masks) to be worn by all visitors. Individual prisons will be taking steps to ensure there is a fair and equitable process for allocating and managing all visits.

Safety remains our top priority and accordingly we will be encouraging the continued use of phone or AVL options for legal visits where possible. I do appreciate, however, that some sites have fewer options in terms of AVL access and therefore there will be greater consideration to facilitating in-person legal visits at these sites. I will email you in the next few days once detailed information is available on our website - and include a link that you can provide to your members.

In your letter you have specifically highlighted current concerns from three sites: Mt Eden Corrections Facility, Christchurch Men's Prison and Hawkes Bay Regional Prison. I have looked into the matters you have raised and provide the following update.

Mt Eden Corrections Facility

The access issues being experienced by lawyers with clients at Mt Eden Corrections Facility (MECF) was raised with us in early April by Marie Dyhrberg, Auckland District Law Society (ADLS) President and Convenor of the Auckland District Law Society Criminal Law Committee. As a result of that, the National Commissioner and MECF Prison Director worked alongside Ms Dyhrberg to see how these matters could be rectified. This included utilising the infrastructure at MECF to add eight additional AVL booths at the site.

It was our understanding that Ms Dyhrberg was satisfied with the improvements that had been made. This was reinforced by a letter a member of the Auckland Criminal Bar Association sent to the Minister of Corrections commenting on the “fantastic collaboration between Corrections and the Criminal Bar in getting VMR links into the prisons from our laptops using jabber guest.”

If concerns remain in relation to MECF, I know that the Prison Director, Dennis Goodin, would want to address these. Can I ask that if your members are still experiencing issues that they contact Dennis at dennis.goodin@corrections.govt.nz.

Christchurch Men’s Prison

The Prison Director, Jo Harrex, and staff are committed to facilitating lawyers’ access to clients at the site. Unfortunately, however, Christchurch Men’s Prison (CMP) is one of our older facilities and there are certain infrastructure challenges as a result of this. We are looking at some long-term changes to the site that will address some of these challenges, however, I appreciate this will not assist the current issues your members are experiencing.

In terms of the current concerns I am pleased to advise that an additional AVL booth located in the Miro Unit has been made available. This booth will be available for lawyers with clients in the high security units, with up to five hours per day of Jabber calls being facilitated. These calls can be booked through the CMP visits booking system.

In addition, we have sent 20 additional analogue phones to the site. This will improve telephone access between lawyers and clients, when AVL access is not available. Our intention is that the additional phones will reduce the time issues you have referred to in your letter.

Hawkes Bay Regional Prison

I have contacted the Prison Director, Leonie Aben, regarding your concerns. Specifically, I asked for assurance that AVL access was not being denied to those in 14-day separation. She has advised that those in separation are still attending court AVLs as required and having access to lawyers via AVL. There is, however, very high demand for AVL services and telephone calls are being offered as an alternative when it is not possible to facilitate AVL contact.

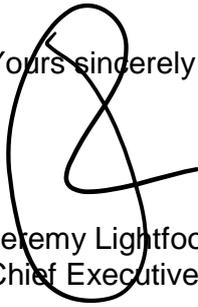
If any of your members are experiencing problems in terms of accessing clients, Leonie would be keen to work with them to resolve this. She can be contacted at Leonie.aben@corrections.govt.nz.

Conclusion

Thank you once again for raising these concerns with Corrections. We are committed to ensuring counsel have access to defendants and will continue to look at how we can improve the arrangements that have been put in place to support this. As part of that we have established a national team to support any lawyers who are experiencing access difficulties. This team can be contacted at prisonercontact@corrections.govt.nz.

I would also expect that as we move to Alert Level 2 many of the problems your members have experienced will be resolved.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Lightfoot', written over the text 'Yours sincerely'.

Jeremy Lightfoot
Chief Executive

Copies to:

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