

## How to break out of prison – John Wareham

John Wareham is a Kiwi who has lived in New York for 38 years working as a leadership consultant to CEOs of major corporations on three continents.

He is also a lecturer and writer of a number of books including *Secrets of a Corporate Head Hunter*, *Anatomy of the Great Executive* and a Pulitzer Prize nominated book of poems, *Sonnets for Sinners*.

More recently he wrote *How to Break Out of Prison*, accounts of his work with prisoners at Rikers Island, New York City's main jail complex, and a memoir – *Exposed* – about his youth in Wellington and Palmerston North as a “juvenile delinquent”.

Now back in Wellington, this thoughtful, affable and witty man spoke recently to the Criminal Law Committee on “how to break out of prison”.

He related how for 20 years he went every Monday morning to Rikers Island, working with hardened criminals. This work led to the start of the Eagles Foundation of America, a non-profit organisation dedicated to developing leaders within the prison population, and of which he is chief executive.

John says he told the prisoners that they could not “break out of prison” without understanding the forces that got them there.

He said there are four psychological walls capturing the prisoner:



John Wareham with Criminal Law Committee convenor, Janine Bonifant.

- Emotional damage – harm that you grew up with without understanding, something that catches you out when you grow up which he likened to snakebite; everybody in prison has been harmed.
- Imprisoning beliefs – “...because I have been harmed I have developed beliefs to help me get through my childhood. I can't get what I want from the world so I have to cheat”.
- ... which leads to Self-Defeating Behaviours. You can blame someone else. “Solves your problem for a while but comes back worse than before”.
- Illusion of autonomy – “I'm in charge, I know what I'm doing”, but it is an illu-

sion because you can conceive of no other viable option.

He says he told them they were not responsible for their crimes – “but the bad news is after this course you can never use that excuse again”.

“All prisons are mental prisons. They lock from the inside and you own the key, so only you can let yourself out.” *John Wareham, How to Break Out of Prison*

“Self-acceptance is the first rung on the ladder of self-realization. Self-reliance is the second. Connection to others is the third. After that you're on your own.

“There is a door in that wall, the door of understanding. If you can understand the forces that led you there you can make a choice to change direction”.

John Wareham works with metaphor and in poetic wisdom, quoting Keats and other poets. The result is a provocative look at prisons and their inmates, that suggests a way out.

“Would-be reformers typically wave index finger and proclaim – ‘You made the wrong choices – so you just gotta stop that.’ But [paraphrasing Carl Jung] such admonitions are hopeless because anyone unable to perceive a viable option to a self-defeating behaviour has no choice ...

given the same upbringing, situation and mindset anyone would have made the same choice.”

His “Taking Wings” Eagles Foundation prison programme is an intense one-day-a-week, 13-week course in life-altering ideas taken from philosophy, psychology, sociology and drawing from literature and religion.

“Some prison authorities scoffed that inmates were too dumb to handle such sophistication, but they were wrong ... the programme provoked serious self-examination, and the skills of critical thinking and communication.”

Some of those present questioned whether literacy and numeracy problems among New Zealand prisoners might make John Wareham's programme difficult to achieve here.

“You give me the guys you think are not that smart,” he said, “and I will surprise you... It doesn't take long to bring out what is there, that's what I found. Give me thirteen weeks and I can make a real difference...”

“Literacy is a problem [but] you don't have to be the brightest bulb in the ceiling to understand a big idea – that's the essence of a big idea – it's simple.”

## Ethics Committee seminar: take care when using social media

Lawyers should be very cautious in using social media was the advice offered at a recent seminar of the Wellington Branch Ethics Committee.

The seminar – entitled “The Uses and Pitfalls of Technology and Social Media” – was presented by Bianca Mueller, who runs the company Law Down Under specialising in technology and international law, barrister Lisa Hansen, and Privacy Commissioner John Edwards, while David Laurenson QC was the MC.

The presenters were clear: digitisation of all aspects of the legal process is well under way and will not stop. Lawyers must keep abreast of the changes and realise that the world will never be the same again. But, participation in social media by lawyers is dicey to say the least.

Bianca Mueller said electronic communication channels have become indispensable in the legal world and as a result

lawyers need to rethink their work processes. Digitisation saves money and time – lawyers must use this but care is needed, in particular around privacy and client confidentiality.

“It is one of those mission-critical ethical standards of the legal profession – it ensures integrity of the profession, and highlights the relationship between client and lawyer, based on confidence and trust. Social media creates a potential risk of disclosing privileged information.”

Bianca Mueller spoke of the management of “big data” and the use of cloud computer services and noted that the Law Society has published guidelines which are available on its website

She suggests that a plan is needed to mitigate risk when using social media, and ensure that the personal is kept separate from the professional.



Ethics Committee social media seminar: Privacy Commissioner John Edwards, barristers Lisa Hansen and Bianca Mueller, and MC David Laurenson QC.

“Count to 10 before commenting, replying or posting.”

Lawyers must treat clients or colleagues with respect and courtesy – therefore, say nothing online they would not say in public. “Don't post anything you wouldn't want your nana to see”.

And, bloggers beware – ramblings on your blog may be construed as legal advice.

Lisa Hansen was unequivocal – for her, at least, it is best to avoid social media all together. “It used to be thought that lawyers should lead dignified personal lives – some people might think that old fashioned but I don't, and I think the way we conduct ourselves is important.”

Social media increases the risks of unprofessional conduct and she noted three categories: conduct that might breach professional etiquette, conduct that might breach an employment agreement, and conduct that

might be of interest to the Law Society, with overlap possible. “In my view the boundaries between the professional and the personal don't exist in social media – it is safest to avoid it.”

Social media offers many ways to be unprofessional. Reasons to beware include its instantaneous nature, its apparent anonymity (though may be unmasked), the potential for posts to go ‘viral’ (reaching an exponentially larger audience), the essential permanence of information on the internet, the potential to merge the private with the professional, and the possibility of breaching privacy.

She quoted a number of cases where the characteristics of social media led to incidents be-

coming far more serious than might they might have, such as the UK case involving Charlotte Proudman.

Privacy Commissioner John Edwards said that lawyers must embrace new technology but noted that three years ago half NZ law firms had no web presence at all. “We're conservative – that's good, we test things out.”

While social media was growing rapidly ethical response developed more slowly.

He discussed internet obsolescence such as the demise of platforms like Myspace, presumably taking information with them. Lawyers need to inform themselves of Facebook privacy settings; he noted that they change rapidly; what was previously private may become public.

He mentioned the Harmful Digital Communications Act 2015 and noted the changing nature of what is considered to be public information. He discussed the *Hammond vs Credit Union Baywide* case, in the context of whether publicly posted information was private or not, and he looked at the concept of habeas data being developed in Europe and several Latin American countries.

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