

09 August 2019

C110191

Lance O'Riley  
[fyi-request-10726-6979ffeb@requests.fyi.org.nz](mailto:fyi-request-10726-6979ffeb@requests.fyi.org.nz)

Dear Mr O'Riley

Thank you for your email of 12 July 2019, requesting information about transgender prisoners. Your request has been considered under the Official Information Act 1982 (OIA).

New Zealand law, consistent with international instruments such as the United Nations Standard Minimum Rules for the Treatment of Prisoners, requires male and female prisoners to be detained in separate prisons or in separate units within a prison. This is necessary for the safety and welfare of prisoners, and for the security and good order of prisons. While placement in a men's or women's prison is a straightforward matter for most prisoners, for a very small group of people, it can be more challenging.

At any one time there may be around 30 to 50 people in our prisons identifying as transgender. This accounts for a small percentage of the current total prison population of around 10,000 prisoners. However, we acknowledge that transgender prisoners are a vulnerable group with complex needs.

In March 2018, Corrections introduced a strengthened policy for the management of transgender prisoners, with a focus on being more responsive to individuals and their circumstances.

If it is established that a prisoner identifies as transgender during their initial reception process, or at any other point of their management, an alert is placed on their electronic prisoner file.

Each transgender prisoner has an individualised support plan and is able to choose the gender of staff members who conduct searches. The provision of an individual support plan does not depend on whether the transgender prisoner has legal recognition of their gender identity, or whether they have undergone medical or surgical steps.

Frontline staff have also been provided with training material to develop an understanding of gender diversity, with a focus on the use of correct pronouns and appropriate language.

Corrections' policy regarding the management of transgender prisoners is publicly available at: [www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Induction/I-10.html](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Induction/I-10.html).

The placement of transgender and intersex prisoners in a men's or women's prison, including the process for a review of initial determination of placement, is managed in accordance with Prison Operations Manual M.03.05 policy. This is publicly available at: [www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03-4.html](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03-4.html).

You have requested:

*The total number of transgender prisoners currently incarcerated.*

As at 16 July 2019, 35 prisoners identified as transgender.

*The lead/most serious offence for each of these offenders.*

A prisoner's recorded most serious offence is based on the Ministry of Justice Seriousness Score, and is associated with their current aggregate sentence.

Please refer to the table below. Caution is urged comparing these figures against any previously published figures that relate to the general prison population, as identified transgender prisoners comprise a very small cohort of offenders.

Offence type	Offender count
Burglary	2
Dishonesty	3
Drugs	2
Property	2
Sexual	15
Violence	11
<b>Total</b>	<b>35</b>

*A list of all convictions which relate to or contribute to their current period of incarceration. A list of all previous convictions for each person*

Corrections is statutorily obliged to protect private information that we hold, including information relating to offenders.

This part of your request asks for the personal information of individual prisoners, which if released could lead to their identification, and in turn could directly compromise their safety or the security of prisons. We are unable to release the details you have requested as doing so would contravene our obligations under the OIA and the Privacy Act 1993.

This part of your request is therefore refused in accordance with the following sections of the OIA:

- 9(2)(a), to protect the privacy of natural persons
- 6(d), as the release of this information would be likely to endanger the safety of any person.

As per section 9(1) of the OIA, we have considered whether there are countervailing public interest considerations favouring the release of the requested information. We do not believe such considerations are present in this case.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with Corrections. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Cameron Oldfield  
Principal Adviser Ministerial Services  
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