

13 October 2020

C125653

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Tēnā koutou Sophie, Lavee and Olivia

Thank you for your email of 18 August 2020, requesting information about voluntary and directed segregation of people in prison. Your request has been considered under the Official Information Act 1982 (OIA).

You requested:

Under the Official Information Act, please go into detail about why prisoners are segregated, both voluntary and direct segregation. In the Prison Operations Manual M.07.01 Segregation directions, under section 58(1)(a), prisoners may be segregated at the direction of the prison director if "In his / her opinion, the security or good order of the prison would otherwise be endangered or prejudiced." However this is non-specific and section M.07.01 does not go into sufficient detail on the circumstances under which a prisoner may be segregated, either voluntarily or under directed segregation. This information is not available elsewhere online or in the POM. We are not asking for personal information on any prisoner, but are asking for both specific examples and common reasons for prisoners to be segregated. Please go into detail into the conditions under which segregation is necessary.

Corrections is committed to the safe and humane management of people in prisons. All prison facilities are operated in accordance with New Zealand legislation and based on other agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners. People in prison who are segregated are provided with minimum entitlements as set out in the Corrections Act 2004. They also have regular and ongoing contact with Corrections staff, including our health services staff and mental health professionals as required.

As you are aware, in accordance with sections 58 to 60 of the Corrections Act 2004 (the Act), people in prison can be lawfully denied association with other prisoners if:

- their behaviour presents a risk to the security of the prison,
- the safety of others,
- the prison's Health Centre Manager considers that it is necessary to assess or ensure their mental or physical health, or
- the Prison Director feels it is the only reasonable way to keep the prisoner safe from themselves.

The Corrections Act 2004 is publicly available on the New Zealand legislation website here:

<http://www.legislation.govt.nz/act/public/2004/0050/latest/DLM294849.html>

People in prison have the ability to request to be placed in voluntary segregation for the purpose of protective custody if they fear for their own safety in accordance with section 59 of the Act. People who are placed in voluntary segregation are accommodated in units that house other people subject to voluntary segregation, who they are able to associate with. Those on voluntary segregation can withdraw from the units at any time.

Regarding directed segregation, section 58 of the Act, states that the prison manager may direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if, in the opinion of the manager:

- (a) the security or good order of the prison would otherwise be endangered or prejudiced; or
- (b) the safety of another prisoner or another person would otherwise be endangered.

Prison directors have a responsibility to ensure everyone is safe and the public are protected. The option to place people on directed segregation is a preventative measure to a known or potential risk. Being placed on directed segregation does not serve as a punishment. Rather, it is to ensure the safety of themselves and others. Violence can take many forms, and can include stand-overs, threats, emotional and verbal abuse. Incidents of violence can happen suddenly and for no apparent reason or be a continuous, prolonged campaign against an individual or group. This can be against staff or other prisoners. Directed segregation is a management tool used when appropriate to protect all people in prison from those who seek to do harm.

When making decisions on the segregation of people in custody, Prison Directors consider a range of available factors, information and intelligence, and use their professional judgement in reaching such decisions. We are unable to release further detailed information about specific examples of people placed on directed or voluntary segregation into the public domain as doing so could compromise the safety of individuals in custody or the security of prisons. Therefore, the requested information is withheld under section 6(c) of the OIA, as the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial. Should you wish to refine the scope of your request, we will endeavour to respond to the best of our ability.

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.

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'Jones', written in a cursive style.

Robert Jones
Manager Ministerial Services
People and Capability