

17 December 2021

C142169

Grace Gordon

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Tēnā koe Grace

Thank you for your email dated 1 October 2021 to the Department of Corrections – Ara Poutama Aotearoa (Corrections), requesting information about Corrections' response to COVID-19 and the Office of the Ombudsman's recommendations. Your request has been considered under the Official Information Act 1982 (OIA).

Firstly, I would like to apologise for the delay in responding to your request.

Corrections' top priorities are safety and wellbeing – of the public, our staff, visitors to our sites and the people we are managing in prisons and the community. As we have seen in prisons internationally, the impact of COVID-19 can be devastating. Since March 2020 we have put in place extensive plans to manage risk to our staff or the people we manage, and we have successfully managed cases of COVID-19 with no transmission between people in prison or staff.

People in prison are some of the most vulnerable to COVID-19, due to the ease of transmission in residential facilities with large numbers of people living in close proximity. Many people in prison also have health conditions and vulnerabilities that make them more susceptible to becoming seriously unwell if an outbreak were to occur. As highlighted above, internationally there have been many reports of serious illness and deaths of people in prison and staff.

We have a duty of care to the men and women we manage in prisons, our staff, and our communities and we have been taking a range of steps to ensure the safety of everyone, including health screening for every person who enters a prison, managing newly received people separately from those that have been in custody for longer than 14 days to avoid potential for COVID-19 to spread, testing newly arrived people for COVID-19 (and again on days 5 and 12), and extensive use of PPE.

For the sake of clarity, I will address your questions in sections.

I am interested in learning about the Department's response to COVID-19 and the response to the Ombudsman's recommendations.

1) Has the Department of Corrections conducted any research into the management of COVID-19 in prisons?

1a) *If yes, please provide me with those research documents.*

2) *Has the Department consulted research from other jurisdictions about policies and practices to manage COVID-19?*

2a) *If so, please provide me with the names of these pieces of research, where I can find them and when these projects were completed?*

3) *How has this research informed the Department's COVID-19 response?*

Corrections has not commissioned any official research of policies and practices to manage COVID-19 in prisons.

However, staff from Corrections have undertaken informal research on other jurisdictions approaches to managing COVID-19 within prisons. The senior staff responding to COVID-19 have reviewed a large amount of information, reports, and published experiences relevant to their operations (in both health and custodial settings) to inform and test Corrections' approach. Examples (not an exhaustive account) of published material reviewed is detailed in the links below:

- <https://covidprisonproject.com/>
- <https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-june-2021/hmpss-covid-19-experimental-statistics-annex-31-july-2021>
- <https://gh.bmj.com/content/5/11/e003201>
- <https://journal.nzma.org.nz/journal-articles/estimated-inequities-in-covid-19-infection-fatality-rates-by-ethnicity-for-aotearoa-new-zealand>
- https://www.prisonstudies.org/sites/default/files/resources/downloads/keeping_covid_out_of_prisons.pdf
- <https://www.crimeandjustice.org.uk/publications/psj/prison-service-journal-253>
- <https://apps.who.int/iris/bitstream/handle/10665/339830/WHO-EURO-2021-1405-41155-57257-eng.pdf?sequence=1&isAllowed=y>

Corrections has also been involved in New Zealand/Australia meetings and discussion groups on this subject. These were established to learn from each other and understand how each jurisdiction manages the risks that this virus poses in prisons.

Corrections follows the guidance issued from the Ministry of Health, and Corrections' Health Advisers when determining measures for our prisons, and how best to implement them.

Corrections also identified that our processes are aligned with the World Health Organisations Interim guidance on COVID-19 in prisons, available here: <https://apps.who.int/iris/bitstream/handle/10665/339830/WHO-EURO-2021-1405-41155-57257-eng.pdf?sequence=1&isAllowed=y>.

All prison facilities continue to operate in accordance with New Zealand legislation, and based on other agreements including the United Nations Standard Minimum

Rules for the Treatment of Prisoners. All Corrections' facilities operate in line with guidelines contained within the Prisons Operations Manual to ensure the safe, secure, humane and effective operation of the prisons.

4) What rationale was used for keeping Spring Hill prison in level 3 while the wider Waikato community was moved to level 2?

4a) What policy guidance and research informed this decision?

As New Zealand moves to a minimisation and protection approach under the new Traffic Light System, Corrections will continue to maintain a zero-tolerance approach to COVID-19 in our prisons. As we have done since the start of the pandemic, we will continue to focus on reducing the risk of the virus entering our prisons. We will also continue to work to ensure that COVID-19 is not transmitted within prisons across quarantine and separation units and the main prison population. The measures we take under the Traffic Light System will therefore be very similar to what we have done so far, but work is underway on some changes to reflect the protection offered by vaccination, including the addition of a risk assessment process to ensure activities such as release to work can operate safely. As we will maintain our measures to keep COVID-19 out of prisons, including separating and testing people coming into custody, we have no plans to separate vaccinated and unvaccinated prisoners at this time.

At the time your request was received, New Zealand prisons were operating at Alert Level 2 or 3 settings, in line with the Alert Level in the area where the prison is located, except for Spring Hill Corrections Facility, which was located within an Alert Level 2 region but was operating at Alert Level 3 settings.

Corrections did not use any specific policy or conduct any formal research to inform this decision. The decision was made to provide further protection to staff who live in the Auckland Region, given the prison's proximity to Auckland, and the significant number of staff who travel from Auckland to the prison every day. As such, the prison continued to operate at Alert Level 3 settings when parts of New Zealand moved to Alert Level 2 at 11.59pm on Tuesday 7 September 2021.

The Alert Level 3 settings enabled us to ensure we could continue to keep the prison operationally safe. Corrections is not prepared to take any risks with COVID-19 in our environment. Everything we have put in place to manage the threat of COVID-19 has been based on prioritising safety and wellbeing.

5) In the Office of the Ombudsman's report into the management of COVID-19 in prisons, it is stated that the Department has accepted all the Chief Ombudsman's recommendations. Please advise me on the steps that the Department has made to ensure the recommendations have been fulfilled.

5a) Please outline the steps taken in response to each specific recommendation.

As you may be aware, the Office of the Ombudsman published the *OPCAT – Prisons Thematic* report in June 2020. This report outlined key findings and

recommendations in relation to nine prisons inspected during the period of 29 April 2020 to 8 May 2020. The nine prisons inspected were:

- Auckland Region Women's Corrections Facility (ARWCF)
- Auckland Prison
- Arohata Prison
- Mt Eden Corrections Facility (MECF)
- Rimutaka Prison
- Rolleston Prison
- Matawhaiti Residence
- Christchurch Men's Prison
- Auckland South Corrections Facility
- Christchurch Women's Prison

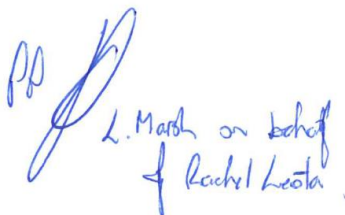
Appendix One provides the Ombudsman's recommendation at each prison listed above, Corrections' response to the recommendation and the action taken to ensure the recommendation has been fulfilled. As at November 2021, all actions have been updated and each recommendation is complete. Rolleston Prison, Matawhaiti Residence and Christchurch Men's Prison did not receive any recommendations and are therefore excluded from the appendices.

This response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I encourage you to raise any concerns about this response 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.

I trust the information provided is of assistance.

Ngā mihi



L. Marsh on behalf
of Rachel Leota

Rachel Leota
National Commissioner

Appendix One

Title of OPCAT COVID-19 Report	Status	Recommendation	Corrections' response to Recommendation as at November 2021
ARWCF - 8 June 2020	Completed	All wāhine are able to spend at least one hour each day in the fresh air.	<p>Under current COVID-19 Alert Levels, split unlock regimes are organised which allows women to spend one hour outside of their cells (not including time to make legal calls etc.). There are now also yards attached to the end of the wings in the Programmes and Assessment unit, which allows the women easier access to the yards. In the other High-Security units, where practicable, the women are given time out in the yards.</p> <p>If the individual refuses/declines their time outside, it is documented in the offender notes. The Operational Assurance team also conduct regular reporting on minimum entitlements within the prison space.</p>
	Completed	Wāhine subject to quarantine and isolation have access to a television in their cells.	Prior to the inspection, work had commenced to install televisions in the cells for women who were subject to quarantine and separation. These units now have a television in each cell.
Auckland Prison - 1 June 2020	Completed	All prisoners are able to spend at least one hour each day in the fresh air.	<p>Under the normal operating model there are several regimes in place within units 12 and 13 due to the Maximum-Security nature of those units. The requirement to safely manage social distancing with Maximum-Security prisoners, as well as the 14-day separation of newly received prisoners, to manage the COVID-19 risk, means an increased number of regimes are required under this context. This has meant that the one-hour exercise daily has been alternated daily between the yard and day room.</p> <p>Staff safety is a paramount consideration, particularly in the Maximum-Security environment. Ensuring that the health and safety of both staff and prisoners in the context of COVID-19 is also a significant consideration. We are committed to enabling a regime that provides for at least one hour per day in the fresh air for all prisoners in these units as soon this can be implemented safely. This will be in place by, or at Alert Level One, when pre-COVID unit regimes will resume.</p> <p>In every unit there is also an unlock log being completed. The Senior Corrections Officers completes the unlock log which is counter signed by the Principal Corrections Officer. The Operational Assurance team also regularly report on minimum entitlements within the prison estates.</p> <p>Maximum-Security prisoners are entitled to an hour of yard time or to use the yard attached to their cell. Other units utilise their yards wherever practicable.</p>

Title of OPCAT COVID-19 Report	Status	Recommendation	Corrections' response to Recommendation
Auckland Prison - 1 June 2020	Completed	Prisoners are given their initial phone call on admission to the Prison.	Corrections accepted this recommendation and can confirm all prisoners receive their initial phone call on admission to Auckland Prison.
Arohata Prison - 1 June 2020	Completed	Women subject to separation are able to spend at least one hour each day in the fresh air.	Following the inspection, Corrections has confirmed that all women are now receiving one hour of fresh air each day.
MECF - 30 June 2020	Completed	Prisoners have access to hand washing facilities and products when in recreation areas.	Hand sanitisers were installed in mid-2020. Residential managers monitor these, and refill as required. Taps for prisoners to wash their hands are available in some yards.
	Completed	Prisoners have access to cleaning materials	Spray bottles are available upon request and several mops and buckets are available. Prisoners are offered the opportunity by staff every second day to use the mop and bucket to clean their cell. There are wing allocated wing cleaners for most units. Prisoners are also provided with paper towels.
Rimutaka Prison - 31 May 2020	Completed	Ensure that unit staff maintain complete and accurate records of time out-of-cell	Following the inspection, a working group has developed a new unit diary for all High/Medium units. This diary was implemented on 16 May 2020. It includes a record of the time the men enter and exit their cell/wing and requires the unit Principal Corrections Officer to review it and sign it daily to ensure records are complete and accurate.
ASCF - 28 May 2020	Completed	Prisoners accommodated in the House Blocks have access to hand cleaning facilities and products when in recreation areas.	Common area toilets and individual prisoner cells contain hand cleaner. In addition, wing support workers are provided with additional cleaning supplies including disinfectant. They generally remain unlocked during midday lock and later in the afternoon to conduct cleaning of common areas.
	Completed	Prisoners' have access to cleaning materials.	Weekly and monthly packs are distributed to all prisoners in the house blocks. These packs include soap, shampoo, wipes, scourer pads and cutlery. In addition, prisoners are offered the opportunity to access spray bottle, mop, and a bucket to clean their cells. In House block's 1 & 3 (voluntary segregation block and Low-Security block) there is a prisoner employed to distribute cleaning products and equipment, as requested by prisoners. This is overseen by staff. In house block 2 (High Security block) at the fortnightly prisoner forum meeting, the wing representative is allocated cleaning supplies for each wing and they distribute as required. This is also overseen by staff.
Christchurch Women's Prison - April 2020	Completed	Women in separation are able to spend at least one hour each day in the fresh air.	Following the inspection, Christchurch Women's Prison took immediate steps to amend the regime of women in prison. All women now have access to fresh air for at least one hour daily.