

17 October 2022

C156572

John Walter

fyi-request-20300-9495be62@requests.fyi.org.nz

Tēnā koe John

Thank you for your email of 20 August 2022 to the Department of Corrections – Ara Poutama Aotearoa on 20 August 2022, requesting information about computer access and education courses in prisons, primarily for those of remand accused status. Your request has been considered under the Official Information Act 1982 (OIA).

Corrections manages people at the direction of the Courts and the New Zealand Parole Board – we do not determine whether a person is sentenced to prison or the length of their sentence. We also do not determine whether someone is remanded in custody, or the length of time they are on remand.

As you may be aware, there are two types of remand prisoners:

- Remand accused: a person who has not yet been found (or pleaded) guilty of the charge(s) laid against them; and,
- Remand convicted: a person who has been found (or pleaded) guilty of the charge(s) laid against them, but the sentence they are to serve has not yet been determined by the courts.

Remand accused people are required to be kept separate from sentenced prisoners. Some prisons house a higher proportion of remand prisoners, while others house primarily sentenced prisoners. The amount of time a person spends on remand is dependent on how long it takes for the judicial process to be completed by the Courts and is influenced by factors including the complexity of the case and the plea entered.

There are challenges in delivering rehabilitative interventions to people on remand, including the unknown length of time that the individual will spend in prison. Some people only stay on remand for a few days or weeks, while others stay on remand for lengthier periods of time. Many remandees are also not yet convicted of an offence and will, therefore, be ineligible for certain offence-focused interventions.

However, Corrections acknowledges the importance of working with people on remand from their arrival into prison to ensure their needs are addressed and their reintegration is supported. Each person on remand is allocated a Case Manager once they have been on remand for more than ten working days. Their Case Manager works directly with them to

assess and identify specific areas to learn new skills and ensure their time in prison is used to their benefit. These plans could include learning skills such as parenting, managing money and basic living skills, as well as planning for a safe release to community. Remand prisoners also receive help with addiction, education and finding employment.

Some of the programmes and courses on offer at prisons have been affected by staffing constraints. COVID-19 stressors, border closures and re-openings, combined with labour shortages across the country, has made it more challenging for us to recruit and retain frontline staff. To respond to our staffing requirements, we are currently consolidating the prison population into fewer units, which will allow us to deploy our staff more effectively. At the same time, we are undertaking a national recruitment drive and progressing a number of staff retention initiatives. This will provide options for returning programmes and services that have previously been on hold, and increase access to out-of-cell activities across the network.

You requested:

Please provide:

1. *The availability of computers in each prison for remand accused prisoners.*

In prisons where computers are available for people who are remand accused, each prison has at least one room which contains computers for people to use for education, rehabilitation and legal purposes. These rooms are known as Secure Online Learning (SOL) computer suites. Further information about access to SOL is provided in the response to question two.

2. *The availability of Secure Online Learning (SOL) in each prison for remand accused prisoners.*

Prisons do not have dedicated SOL suites for remand prisoners only, but most offer access under operational limitations. Please see Appendix 1 for access to SOL suites for remand accused people in prison by site.

Case Managers can grant a person approval to attend SOL following a recommendation by the Education Tutor. Education Tutors may discuss access to SOL as an option during a learning pathway conversation with each learner. Education tutors supervise learners while they are in the SOL computer suites to undertake education-related activities.

3. *The availability of Self-Directed Learning (SDL) in each prison for remand accused prisoners.*

Self-Directed Learning (SDL) is the chance for motivated people in prison to study at their own pace. People we manage, with the support of Education Tutors, can enroll in certificate, diploma or degree level courses that are completed via distance learning. This is an independent activity which is generally undertaken at the person's own expense or by

accessing the Student Loan Scheme. Education Tutors are available to assist the person and SDL can be completed using the SOL suites.

SDL is available to people with any security classification, including those who are remand accused.

4. *The availability of educational Courses in each prison for remand accused prisoners. Specify the courses available in each prison and who is the provider.*

Please find the requested information attached as Appendix 2.

5. *any guidelines, protocols, manuals, or the likes, for remand accused prisoners who are currently enrolled in tertiary education and wish to continue their study.*

There are no guidelines, protocols or manuals specific to remand accused people currently enrolled in tertiary education and wishing to continue their study. Therefore, this part of your request is refused under section 18(e) of the OIA, as the document alleged to contain the information requested does not exist.

In accordance with section 18B of the OIA, we have considered whether consulting with you would assist you to make the request in a form that would remove the reason for refusal. However, we do not believe that a refinement would enable us to respond to this part of your request.

6. *any guidelines, protocols, manuals, or the likes, for remand accused prisoners who wish to enrol in tertiary study. Include specifically whether their access to secure online learning facilities will be facilitated to video recorded lectures.*

Each education provider has their own specific guidelines for enrolling remand accused people into educational courses. Therefore, this part of your request is refused under section 18 (g) of the OIA, as the information requested is not held by Corrections and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

Generally speaking, learners should have reached Step 4 in English Reading and Step 5 in Numeracy, so they can meet the demands of SDL. They must be motivated to attend an education programme, willing to participate in all aspects of the programme, and follow the Ground Rules and Learner Agreement.

There is no specific guidance given around access to video lectures. Therefore, this part of your request is refused under section 18(e) of the OIA, as the document alleged to contain the information requested does not exist.

In accordance with section 18B of the OIA, we have considered whether consulting with you would assist you to make the request in a form that would remove the reason for refusal.

However, we do not believe that a refinement would enable us to respond to this part of your request.

SOL suite computers have technical specifications designed to prevent their misuse and ensure the safety of the public. For this reason, it is not possible for learners to access the learning management systems of an external education provider directly, and direct access to video lectures cannot be facilitated. However, for learners enrolled with Massey University, the prison Education Tutor can access the online learning management system for the purposes of downloading readings, assignment instructions, and other written documents.

7. *any guidelines, protocols, manuals, or the likes, for remand accused prisoners who apply for access to computers for either study or litigation.*

Aside from the formal learning pathways outlined above, remand accused people in prison can apply for access to computers for independent study or litigation purposes.

Section F.08 of the Prisons Operational Manual outlines the general protocol across all sites for applications to access computers on site to assist in study. This can be accessed here: https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Prisoner-finance-activities/F.08-Request-access-to-facilities-to-assist-in-study.

Section F.07 of the Prisons Operational Manual outlines the general protocol across all sites for applications to access computers on site to assist with litigation. This can be accessed here: https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Prisoner-finance-activities/F.07-Request-access-to-facilities-to-assist-in-litigation.

Include specifically how many hours per day or week would be available to them and what the operational constraints on facilitating that access are.

Information regarding the specific availability for computer access in prisons, including the hours of access, is subject to a wide range of variable factors, and would require consultation with each prison individually to determine. Therefore, this part of your request is refused under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

In accordance with section 18B of the OIA, we have considered whether consulting with you would assist you to make the request in a form that would remove the reason for refusal. However, we do not believe that a refinement would enable us to respond to this part of your request.

SOL suite availability in prisons for remand accused individuals undertaking educational activities, including the prisons not currently offering access due to operational constraints, is provided in Appendix One. Remand accused individuals may access the SOL suite for legal purposes in accordance with the policy outlined above.

Site safety and security considerations are the primary operational constraints which have an impact on which individuals can access SOL suites. For example, remand accused individuals and sentenced individuals cannot mix, therefore access and scheduling needs to work around this constraint. Individuals also need to be escorted from their unit to the SOL suite, so access can be affected by custodial staff availability. The physical layout of a prison can also affect access to the SOL suite. If the SOL suite location is in a part of the prison that does not house remand accused individuals, it can be more difficult to arrange access for those individuals whilst following rules to ensure remand accused individuals do not mix with sentenced individuals.

Corrections continues to work to address operational constraints to ensure people in prison have regular access to SOL suites. We have placed a significant focus on the recruitment of new Corrections Officers across the country and our staff have also been carrying out recruitment activities in their local communities. Over the last three months, we have received over 1,400 applications to become a Corrections Officer.

8. *the number of 'Application for access to facilities to assist in studies' (F.08.Form.01) forms that have been (a) filed; (b) accepted; and (c) accepted with access to computer facilities. Categorise this data by year (since SOL suites started) and by remand / convicted status*

Forms for access to facilities are not centrally recorded, and instead are held at each prison site. To provide this information would require consultation with each prison, and would require each prison to manually assess the applications received to categorise them. Therefore, this part of your request is refused under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

In accordance with section 18B of the OIA, we have considered whether consulting with you would assist you to make the request in a form that would remove the reason for refusal. However, we do not believe that a refinement would enable us to respond to this part of your request.

Please note that 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 trust the information provided is of assistance. 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.

Ngā mihi



Ben Clark
National Commissioner