



13 March 2015

c70181

Liam Stoneley  
fyi-request-2455-8cc35ec9@requests.fyi.org.nz

Dear Mr Stoneley

Thank you for your email dated 1 February 2015, requesting information about the Release to Work (RtW) programme. Your request has been considered under the Official Information Act 1982 (OIA).

The Department manages approximately 8,500 prisoners at any one time, the majority of whom have limited education or work experience. We know that prisoners who find sustainable employment on release from prison are less likely to re-offend. For this reason, we offer a wide range of programmes to improve prisoner employment opportunities on release from prison.

The RtW programme enables prisoners to undertake activities outside prison grounds and be employed directly by external agencies. The criteria for prisoner eligibility for RtW are based on the criteria for Parole; this ensures that only minimum security prisoners who are nearing the end of their sentence are able to apply. In addition, the prisoner must be trusted, highly motivated and have shown an eagerness to work. A prisoner's ability to participate is also determined by a number of factors such as their assessed risk of escape from custody.

Prisoners on the programme are regularly monitored at their place of employment by RtW case managers. Our staff maintain regular contact with the employers to ensure that offenders comply with their 'release license conditions. The employer or nominated sponsor within the workplace is responsible for supervising the prisoner while they are working.

The programme is a highly effective stepping stone in the rehabilitation of a prisoner and a good avenue towards long term, sustainable employment on release from prison; it gives prisoners real-life work experience, employment skills and job stability.

As you may be aware, the RtW programme is a form of temporary release. Following the high profile escape of Phillip Smith, the Chief Executive, Ray Smith, directed that all temporary release of prisoners would cease pending a comprehensive review of the temporary release processes and policies. The suspension has now been lifted and new instructions have been issued on the approval, vetting and monitoring of temporary releases. These details are available on our website via the link below.

As you will note, GPS monitoring is now a default condition for all prisoners on temporary release.

<http://www.corrections.govt.nz/resources/prison-operations-manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04-6.html>

You have asked seven questions about the RtW programme and these are addressed below:

*1. Any and all information on wages paid to prisoners while on release to work.*

As noted on our website, prisoners on the RtW programme receive market wages. However, they are required to pay board, any outstanding fines or court imposed reparation to victims, child maintenance, their own travel costs to and from work, for any purchase of tools or clothing required for employment. Once all the expenses are removed from their earnings, the balance is placed into a savings trust account to assist with their transition back into the community on their release.

In order to identify all information about prisoner wages we would be required to conduct a substantial amount of research and collation at our National Office, Regional Offices and at all prison sites. In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources. Therefore, this part of your request is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

*2. How much on average they are paid. This could be shown as an average in the different type of work they carry out, or just the standard rate you require from their employees;*

Prisoners on the Release to Work programme enter into an employment agreement directly with the employer; the agreement is subject to normal employment conditions. Information on the amount prisoners are paid as part of the Release to Work programme is not stored as part of our centrally collated records. In order to identify this type of specific information, we would be required to manually review individual prisoner files.

In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources. Therefore, this part of your request is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

*3. The most popular type of work that is carried out for pay by prisoners*

The most common type of employment carried out by prisoners on the programme differs from site to site. The most common employment types for each site are outlined below:

- Arohata Prison – cleaning, shelf filling, demolition, and truck driving;
- Auckland Region Women's Corrections Facility – warehousing labourer;
- Auckland Prison – building/construction labourer;
- Christchurch Men's Prison – general labourer;
- Christchurch Women's Prison – retail and food preparation;
- Hawkes Bay Regional Prison – horticulture, timber and viticulture labourers;
- Invercargill Prison – farm labourer;
- Manawatu Prison – welder and engineering and building/construction labourers;
- Northland Region Corrections Facility – general and horticulture labourers;
- Otago Corrections Facility – agriculture and general labourers;
- Rimutaka Prison – horticulture and building/construction labourers;
- Spring Hill Corrections Facility – general, farm and building/construction labourers and machine operators
- Tongariro/Rangipo Prison – Viticulture labourers;
- Waikeria Prison – meat industry, farm, infrastructure and horticulture labourers;
- Whanganui Prison – engineering, building/construction, and agriculture labourers.

4. *The average amount that a prisoner keeps after paying all costs listed on the website;*

Please refer to the response to question two.

5. *How many prisoners (both number and as a percentage of the total prison population) were out on release to work each for the past 5 years.*

The number and percentage of prisoners who participated in the RtW programme from 2009/10 to 2013/14 is outlined in the table below. Please note that a prisoner may be represented in more than one financial year.

| Financial Year | Total number of prisoners on RtW | Total average number of prisoners | Percentage of prisoners engaged in RtW |
|----------------|----------------------------------|-----------------------------------|--|
| 2013/14        | 806                              | 8,092                             | 9.9%                                   |
| 2012/13        | 645                              | 8,604                             | 7.5%                                   |
| 2011/12        | 561                              | 8,141                             | 6.9%                                   |
| 2010/11        | 465                              | 8,708                             | 5.3%                                   |
| 2009/10        | 609                              | 8,753                             | 6.9%                                   |

6. *Please also provide any documents on policy with regards to supervision of prisoners while out on release for work. What is the ratio of prisoners to guards, how many hours a week they can work, what types of work they cannot do, or are preferred to undertake.*

As noted above, RtW prisoners are minimum security prisoners in paid employment with an external employer. These prisoners are not directly supervised by Correction Officers while on RtW; the employer or nominated sponsor within the workplace is responsible for supervising the prisoner while they are working. However, the prisoner's case manager will regularly monitor their compliance with their release conditions.

Our policies and procedures do not include a set maximum number of hours that a prisoner is permitted to be employed on the RtW programme. Our staff and the external employer will agree on suitable working hours for the prisoner on a case by case basis taking into account the offender's individual risks and other considerations such as transport times.

New Zealand legislation does not include a maximum number of hours that an employee can work as this is an individual agreement between the employer and employee. However, under the Health and Safety in Employment Act 1992, the employer has an obligation to take all practicable steps to ensure an employee is healthy and safe in the workplace. This includes ensuring an employee does not work hours that may put their health or safety at risk.

The type of work that a prisoner may undertake is also determined on a case by case basis taking into account the individual risks posed by a prisoner. Staff will consult with Corrections Intelligence or the New Zealand Police if they have any concerns regarding the prisoner, the nature of the employment, or the employer.

Please refer to the Prison Operations Manual on our website via the links below for details on our policy regarding prisoners on RtW. As mentioned above, further details regarding new instructions on the approval, vetting and monitoring of temporary releases are also available on our website.

<http://www.corrections.govt.nz/resources/prison-operations-manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04-7.html>

*7. How many escapes have there been from Release to Work over the past five years?*

Public safety is the Department's number one priority. Escapes from New Zealand prisons have fallen to an all-time low and have remained relatively consistent over the recent years. All offenders who have escaped during the last decade have been recaptured and returned to custodial control.

Whenever a prisoner does manage to escape from custody we immediately notify the New Zealand Police, who are responsible to recapturing the prisoner. Police also contact customs to set up a border alert. Following recapture, we undertake a review to identify how the prisoner escaped custody; how we can enhance our systems and policies; and whether staff adhered to those guidelines. A prisoner will also have their security classification reviewed and will be placed in more secure accommodation.

Following escape and recapture, charges may also be laid by Police and a sentence of imprisonment may be imposed by the judiciary. The charges and sentences will vary depending on the circumstances of the escape. The most common charge is Escape from Lawful Custody under section 120 of the Crimes Act 1961. This charge can result in a maximum sentence of five years' imprisonment being imposed.

The Department reports on escapes incidents in four categories: breakout; from escort; absconding; and breach of temporary release conditions.

A 'breakout' escape means that a prisoner has breached security measures and has physically left the area contained by the outermost perimeter security fence, or, if there is no such fence, from the prison building. Examples of a breakout escape include going over, under, through or around security barriers or the forced exit from a prison facility.

A 'from escort' escape means the prisoner has escaped from escort, while under supervision. This includes escorted outings, such as to hospital, and court escorts by our staff or by a contractor.

An 'absconding' escape is defined as where a prisoner physically leaves a designated area and is away from direct custodial control, including walking away from prisoner work parties.

A 'breach of temporary release conditions' means a prisoner has been found to have breached a condition of their temporary release from prison, which results in either an internal or external charge of escape. This can include the failure to return within reasonable time without reasonable cause. These prisoners are considered at low risk of re-offending and at low risk of causing harm to others and are allowed to work in the community.

There were three 'breach of temporary release conditions' involving prisoners on the RtW programme from 2009/10 to 2013/14. These breaches all occurred in 2009/10. Please note that the breach of Philip Smith occurred in November 2014.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Department. 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



Jeremy Lightfoot  
National Commissioner