

7 October 2015

C72793

Allie Maxwell
FYI website
fyi-request-2955-a9868286@requests.fyi.org.nz

Dear Ms Maxwell

Thank you for your email dated 19 July 2015, requesting information about sexual assaults in prisons. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety and reducing re-offending are the ultimate goals for the Department of Corrections. In accordance with the Corrections Act 2004, we must make public safety paramount when managing offenders, and administer all sentences in a safe, secure, humane and effective manner. 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.

As you will appreciate, we manage some of New Zealand's most difficult and challenging citizens. Staff working in corrections facilities actively engage with prisoners to role model and reinforce positive behaviour. Custodial staff receive specialist training in tactical communications, de-escalation techniques and negotiation to de-escalate volatile incidents and manage non compliant prisoners.

Understanding and managing the risk of violence is a challenge common to all correctional jurisdictions; despite our best efforts to ensure risks are mitigated, we cannot prevent all assaults and no jurisdiction in the world has achieved this. The Department has a zero tolerance policy toward prisoner assaults on staff and other prisoners. No assault is acceptable; however, it is an unfortunate reality that from time to time this will occur.

The Department categorises assault incidents as follows:

- **Serious assault** is an act of physical violence that involves one or more of the following: sexual assault of any form and degree; bodily harm requiring medical intervention (assessment including medical treatment) by medical staff followed by overnight hospitalisation in a medical facility or bodily harm requiring extended periods of on-going medical intervention.

- **Non-serious assault** is an act of physical violence that resulted in physical injuries that may or may not have required medical attention, but not overnight hospitalisation or on-going medical treatment.
- **Assault no injury** is an act of physical violence that did not result in physical injuries or require any form of medical treatment. This can include behaviour such as spitting or pushing past a Corrections Officer.

Assaults against staff or prisoners can be referred to the Police for investigation and criminal charges may be laid against the perpetrators.

You have requested:

- The number of sexual assaults that have been reported in New Zealand prisons in the past five years and how many of these resulted in prosecution.

As you will note, any sexual assault is categorised as serious and therefore included in 'Serious assault' data. Sexual assault can be of any form and degree such as inappropriate touching, sexual violation, or any physical assault of a sexual nature. The Department does not break down these incidents into levels of seriousness, and the victim is able to pursue further investigation and involve Police in the matter facilitated by the Department.

Please see Appendix One for the tables of Serious prisoner on prisoner assaults reported for the financial years 1 July 2010 to 30 June 2015 and Assault Rate (per 100 prisoners) – prisoner on prisoner for the financial years 1 July 2010 to 30 June 2015.

Please see Appendix Two for the tables of Serious prisoner on staff assaults reported for the financial years 1 July 2010 to 30 June 2015 and Assault Rate (per 100 prisoners) – prisoner on staff for the financial years 1 July 2010 to 30 June 2015.

The Department records and reports serious assaults on a financial year basis, being 1 July to 30 June and the parameters of your request have been amended accordingly. The Department's statistics on assaults are also set out in the Annual Report each year, which are available on the Department's website at www.corrections.govt.nz.

As we notified you by letter on 27 July 2015, the information you requested regarding "*how many of these resulted in prosecution*" is considered to be more closely connected to the functions of the Ministry of Justice. Therefore this part of your request was transferred in accordance with section 14 of the OIA.

The Ministry of Justice wrote to the Department on 28 July 2015 to advise that they do not hold this information and declined to accept the partial transfer of the request. The Department may record some of this information on individual's files but we do not record this information in a readily retrievable

manner. Therefore, this part of your request is declined under section 18(g) of the OIA as the information requested is not held by the Department, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

Please note that the Ombudsman has advised that information is not considered to be held by an agency in instances where a request necessitates research or analysis of source data in order to generate fresh information in a form different from that in which the base data is held.

- Staff guidelines which will indicate how these situations are dealt with by corrections staff and what steps the prison takes to avoid such occurrences from happening.

The Department operates prisons that are safe for prisoners, staff, visitors and the general public. The purpose of the Prison Operations Manual (POM) is to provide instructions on the day-to-day activities relating to managing a prison.

These instructions are to ensure the safe, secure, humane, and effective operation of prisons. All staff are to ensure that they perform their duties in accordance with the instructions contained within POM.

More information can be found on our website and here:

<http://www.corrections.govt.nz/resources/Prison-Operations-Manual.html>

All prisoners who are deemed to be at risk of violence are segregated from the mainstream prison population for their own safety and security. Prisoners can also ask to be placed on voluntary segregation if they feel they are at risk from other prisoners.

More information about segregation in prisons can be found here:

Specific segregation directions

<http://www.corrections.govt.nz/resources/Prison-Operations-Manual/Movement/M.01-Movements-internal,-directed-and-specified/M.01-4.html>

Voluntary protective custody (Voluntary segregation)

<http://www.corrections.govt.nz/resources/Prison-Operations-Manual/Movement/M.01-Movements-internal,-directed-and-specified/M.01-5.html>

As we noted earlier, in accordance with the Corrections Act 2004, we must make public safety paramount when managing offenders, and administer all sentences in a safe, secure, humane and effective manner.

If any activities lead to internal misconduct charges, the misconduct system ensures that prisoners who are subject to disciplinary action have their charges

heard by a hearing adjudicator or by a Visiting Justice in accordance with legislation. If a prisoner is found guilty of non-compliance with the rules and regulations of the prison, they are disciplined in a fair, just and humane manner. If the prisoner pleads or is found guilty, the hearing adjudicator or Visiting Justice determines the appropriate sanction, which can include loss of privileges, forfeiture of earnings, or cell confinement.

As noted earlier, serious assaults against staff or prisoners can also be referred to the Police for investigation and criminal charges may be laid against the perpetrators.

Regarding health procedures following any assault, the Department has a statutory obligation under the Corrections Act 2004 to provide a health service to prisoners reasonably equivalent to that found in the community. This service is provided within prison health centres by over 170 full time equivalent registered nurses and is similar to that provided in general practice in the community. Medical professionals such as general practitioners and dentists are contracted to provide basic and necessary services and all Corrections facilities in New Zealand are Cornerstone accredited.

In addition to providing prisoners with primary health care services when they present with an injury or medical condition, the Department ensures they can access secondary and tertiary services provided by District Health Boards on the same basis as people in the community if required.

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

A handwritten signature in black ink, appearing to be 'Jeremy Lightfoot', enclosed within a circular stamp or seal.

Jeremy Lightfoot
National Commissioner

Appendix One – Serious prisoner on prisoner assaults (including alleged sexual assaults) reported for the financial years 1 July 2010 to 30 June 2015

Table 1.1 Serious prisoner on prisoner assaults reported for the financial years 1 July 2010 to 30 June 2015

<i>Serious Assaults Prisoner on Prisoner</i>	2010/11FY	2011/12FY	2012/13FY	2013/14FY	2014/15FY
AROHATA PRISON	0	1	0	0	0
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	0	0	1	0	0
AUCKLAND SOUTH CORRECTIONS FACILITY	0	0	0	0	1
AUCKLAND PRISON	2	2	2	4	0
CHRISTCHURCH PRISON	2	6	13	5	8
CHRISTCHURCH WOMENS	0	0	0	1	0
HAWKES BAY PRISON	1	4	6	1	3
INVERCARGILL PRISON	0	1	1	2	2
MANAWATU PRISON	1	2	1	2	3
MT EDEN CORRECTIONS FACILITY	1	12	6	5	10
Mt Eden Prison/Auckland Central Remand Prison*	4	-	-	-	-
NEW PLYMOUTH PRISON*	2	1	2	-	-
NORTHLAND REGION CORRECTIONS FACILITY	4	2	0	2	0
OTAGO CORRECTIONS FACILITY	5	4	8	1	0
RIMUTAKA PRISON	6	1	5	7	3
ROLLESTON PRISON	0	3	0	0	0
SPRING HILL CORRECTIONS FACILITY	2	3	3	6	2
TONGARIRO/RANGIPO	0	0	2	2	2
WAIKERIA PRISON	10	5	2	4	3
WELLINGTON PRISON*	0	0	0	-	-
WHANGANUI PRISON	8	1	3	0	1

Table 1.2 Serious assault rate (per 100 prisoners) – prisoner on prisoner for the financial years 1 July 2010 to 30 June 2015

<i>Serious Assaults Prisoner or Prisoner</i>	2010/11FY	2011/12FY	2012/13FY	2013/14FY	2014/15FY
AROHA PRISON	0.00	0.85	0.00	0.00	0.00
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	0.00	0.00	0.28	0.00	0.00
AUCKLAND SOUTH CORRECTIONS FACILITY**	N/A	N/A	N/A	N/A	N/A
AUCKLAND PRISON	0.32	0.34	0.32	0.64	0.00
CHRISTCHURCH PRISON	0.29	0.74	1.51	0.57	0.89
CHRISTCHURCH WOMENS	0.00	0.00	0.00	1.23	0.00
HAWKES BAY PRISON	0.16	0.69	0.96	0.16	0.47
INVERCARGILL PRISON	0.00	0.65	0.67	1.36	1.25
MANAWATU PRISON	0.35	0.71	0.35	0.71	1.06
MT EDEN CORRECTIONS FACILITY	1.19	1.29	0.63	0.54	1.02
Mt Eden Prison/Auckland Central Remand Prison*	0.59	N/A	N/A	N/A	N/A
NEW PLYMOUTH PRISON*	1.87	0.97	N/A	N/A	N/A
NORTHLAND REGION CORRECTIONS FACILITY	0.90	0.46	0.00	0.40	0.00
OTAGO CORRECTIONS FACILITY	1.23	1.08	2.05	0.25	0.00
RIMUTAKA PRISON	0.64	0.13	0.58	0.77	0.31
ROLLESTON PRISON	0.00	1.01	0.00	0.00	0.00
SPRING HILL CORRECTIONS FACILITY	0.25	0.35	0.35	0.77	0.23
TONGARIRO/RANGIPO	0.00	0.00	0.43	0.48	0.54
WAIKERIA PRISON	1.05	0.55	0.27	0.57	0.39
WELLINGTON PRISON*	0.00	0.00	N/A	N/A	N/A
WHANGANUI PRISON	1.58	0.21	0.59	0.00	0.23

* Please note that Mt Eden Men's Prison was closed in 2011 and Auckland Central Remand Prison was incorporated into Mt Eden Corrections Facility from 30 March 2011, Wellington Prison closed on 30 November 2012 and New Plymouth Prison closed on 15 March 2013.

** Please note that prisoner build-up at Auckland South Corrections Facility commenced in May 2015.

Appendix Two – Serious prisoner on staff assaults (including alleged sexual assaults) reported for the financial years 1 July 2010 to 30 June 2015

Table 2.1 Serious prisoner on staff assaults reported for the financial years 1 July 2010 to 30 June 2015

Serious Assaults Prisoner on Staff	2010/11FY	2011/12FY	2012/13FY	2013/14FY	2014/15FY
AROHATA PRISON	0	0	0	0	0
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	0	0	0	0	0
AUCKLAND SOUTH CORRECTIONS FACILITY	0	0	0	0	0
AUCKLAND PRISON	0	1	2	0	0
CHRISTCHURCH PRISON	0	3	0	0	1
CHRISTCHURCH WOMENS	0	0	0	0	0
HAWKES BAY PRISON	2	0	2	0	1
INVERCARGILL PRISON	0	0	0	0	0
MANAWATU PRISON	0	0	0	0	3
MT EDEN CORRECTIONS FACILITY	0	0	2	1	2
Mt Eden Prison/Auckland Central Remand Prison*	1	-	-	-	-
NEW PLYMOUTH PRISON*	0	1	0	-	-
NORTHLAND REGION CORRECTIONS FACILITY	0	4	1	1	0
OTAGO CORRECTIONS FACILITY	2	1	0	1	1
RIMUTAKA PRISON	3	4	3	0	0
ROLLESTON PRISON	0	0	0	0	0
SPRING HILL CORRECTIONS FACILITY	2	1	2	0	0
TONGARIRO/RANGIPO	0	0	0	0	0
WAIKERIA PRISON	1	2	0	3	1
WELLINGTON PRISON*	0	0	0	-	-
WHANGANUI PRISON	0	1	1	0	0

Table 2.2 Serious assault rate (per 100 prisoners) – prisoner on staff for the financial years 1 July 2010 to 30 June 2015

Serious Assaults Prisoner on Staff	2010/11FY	2011/12FY	2012/13FY	2013/14FY	2014/15FY
AROHATA PRISON	0.00	0.00	0.00	0.00	0.00
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	0.00	0.00	0.00	0.00	0.00
AUCKLAND SOUTH CORRECTIONS FACILITY	0.00	0.00	0.00	0.00	0.00
AUCKLAND PRISON	0.00	0.17	0.32	0.00	0.00
CHRISTCHURCH PRISON	0.00	0.37	0.00	0.00	0.11
CHRISTCHURCH WOMENS	0.00	0.00	0.00	0.00	0.00
HAWKES BAY PRISON	0.32	0.00	0.32	0.00	0.16
INVERCARGILL PRISON	0.00	0.00	0.00	0.00	0.00
MANAWATU PRISON	0.00	0.00	0.00	0.00	1.06
MT EDEN CORRECTIONS FACILITY	0.00	0.00	0.21	0.11	0.20
Mt Eden Prison/Auckland Central Remand Prison*	0.15	-	-	-	-
NEW PLYMOUTH PRISON*	0.00	0.97	0.00	0.00	0.00
NORTHLAND REGION CORRECTIONS FACILITY	0.00	0.91	0.19	0.20	0.00
OTAGO CORRECTIONS FACILITY	0.49	0.27	0.00	0.25	0.23
RIMUTAKA PRISON	0.32	0.51	0.35	0.00	0.00
ROLLESTON PRISON	0.00	0.00	0.00	0.00	0.00
SPRING HILL CORRECTIONS FACILITY	0.25	0.12	0.23	0.00	0.00
TONGARIRO/RANGIPO	0.00	0.00	0.00	0.00	0.00
WAIKERIA PRISON	0.10	0.22	0.00	0.43	0.13
WELLINGTON PRISON*	0.00	0.00	0.00	0.00	0.00
WHANGANUI PRISON	0.00	0.21	0.20	0.00	0.00

* Please note that Mt Eden Men's Prison was closed in 2011 and Auckland Central Remand Prison was incorporated into Mt Eden Corrections Facility from 30 March 2014, Wellington Prison closed on 30 November 2012 and New Plymouth Prison closed on 15 March 2013.