



13 April 2016

C76660

Sophie Morgan
fyi-request-3699-61c4a1c4@requests.fyi.org.nz

Dear Ms Morgan

Thank you for your email dated 2 March 2016, requesting information about double-bunking in New Zealand 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.

The Department is very aware and sympathetic to the particular needs of transgender prisoners including the issues surrounding their placement and safety. An amendment to the Corrections Regulations 2005 came into effect on 10 February 2014, putting in place new requirements for determining whether transgender and intersex prisoners should be accommodated in either a male or female prison. Amendments to regulation 190 of the Corrections Act 2005 have the following two elements:

- Where a prisoner's birth certificate has been amended to record a sex different from that recorded at birth (this requires a Family Court order), the prisoner is entitled to be placed in accordance with the revised certificate.
- Secondly, a transgender prisoner who has not had their birth certificate amended may nevertheless apply to the Chief Executive of the Department of Corrections for placement in accordance with their nominated gender. In considering such applications, the Chief Executive will consider a range of factors relating to the prisoner's commitment to living as a member of their nominated gender, and the safety of that prisoner and other prisoners.

Prisoners whose detention relates to a serious sexual offence against a person of their nominated gender, or who was released from a prison sentence for such an offence within the last seven years, will not be eligible to apply to the Chief Executive.

You can find additional publicly available information at the link below:

<http://www.corrections.govt.nz/resources/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03-4.html>

You have asked seven questions in relation to double bunking and transgender prisoners. I will be responding to your questions in the order you have asked them.

1. How many prisons in New Zealand currently practice double-bunking?

I can confirm that 14 of New Zealand's 19 prisons currently practice double-bunking.

2. Which specific prisons is double-bunking currently practiced in?

Double-bunking is currently used in the following prisons:

- Northland Region Corrections Facility
- Mt Eden Corrections Facility
- Auckland South Corrections Facility
- Auckland Region Women's Corrections Facility
- Spring Hill Corrections Facility
- Waikeria Prison
- Hawkes Bay Prison
- Whanganui Prison
- Manawatu Prison
- Rimutaka Prison
- Arohata Prison
- Christchurch Men's Prison
- Otago Corrections Facility
- Invercargill Prison

3. How many prisoners are currently being double-bunked?

As at 8 March 2016, there were 2,773 prisoners currently housed in double-bunked cells.

4. With the expansion of double-bunking, will any New Zealand correctional facilities be fully double-bunked? That is, does the Department currently have plans in place to fully double-bunk any given prison in this country?

5. If the answer to the above is affirmative, which facilities specifically are going to be fully double-bunked?

There are no plans for any prison to be fully double-bunked.

6. *How many transgender prisoners are currently placed in a double-bunked cell?*
7. *How many LGBTIQ prisoners are currently placed in a double-bunked cell?*

There are currently three transgender prisoners that are double-bunked with another prisoner. The assessment to place a transgender prisoner in a shared cell is completed on a case-by-case situation. This process is completed at the individual sites in accordance with the Shared Accommodation Cell Risk Assessment policy.

With the exception of transgender and intersex prisoners, the Department does not request, collect or require this information from prisoners who identify as Lesbian, Gay, Bisexual or Questioning. Therefore, this part of your request is declined under section 18(e) of the OIA, as the document alleged to contain the information requested does not exist.

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', written over a circular stamp or seal.

Jeremy Lightfoot
National Commissioner