

11 July 2016

C78548

Emmy Rākete  
fyi-request-4162-e33ead1b@requests.fyi.org.nz

Dear Ms Rākete

Thank you for your email of 21 June 2016, requesting data on prisoner strip searches. Your request has been considered under the Official Information Act 1982 (OIA).

The Department carries out strip searches when a prisoner is first received into a prison, immediately before the prisoner is transferred to another prison, when the prisoner is received in a prison on transfer from another prison, or leaves or returns to or from a prison for outside employment, court appearances or medical appointments.

Due to the numerous ways in which a strip search may be conducted, the Department does not centrally record the number of prisoners who have refused strip searches. This information is also not recorded on an individual's file. As such, your request is declined under Section 18(f) of the Act as it would involve substantial collation and would unnecessarily divert departmental resources.

In regards to your second request for information on discipline charges as a result of refusing to undertake a strip search, this would involve manually reviewing prisoner files and differentiating between the different disciplinary charges in order to determine if a charge relates to strip searching. Section 128 of the Corrections Act 2004 defines a number of discipline charges including; assault, behaving in a threatening or abusive manner and obstructing an officer in the execution of their duties.

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, your request is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

The power to strip search prisoners is one of a Corrections Officers' most coercive powers and at times can impact on a prisoner's right to privacy and dignity. However, in appropriate circumstances it is a necessary imposition on those rights to ensure the safety and security of prisoners and staff.

Strip searching is a task that staff do not undertake lightly. Staff are extremely careful to ensure they follow the correct legislation and procedures and to conduct the search with decency and sensitivity, maintaining the prisoner's dignity and privacy.

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 read 'Rachel Leota', with a stylized, flowing script.

Rachel Leota  
Deputy Chief Executive (Acting)  
Corporate Services