



14 July 2017

C85898

Ti Lamusse
fyi-request-5904-418d2953@requests.fyi.org.nz

Dear Ti Lamusse

Thank you for your email of 18 May 2017, in which you request information about "separates/punishment/pound cells". Your request has been considered under the Official Information Act 1982 (OIA).

First, I wish to thank you for taking the time to clarify your request with Corrections' Principal Adviser Ministerial Services on 14 June 2017. As discussed, the Department does not use "punishment" or "pound" cells. Accordingly, as per your instruction, we have interpreted your email as a request for the number of prisoners held under cell confinement.

The Department has a zero tolerance policy toward offences against the good order of prisons. Our staff recognise the importance of knowing and understanding prisoners, and actively engage with them to reinforce positive behaviour. Staff anticipate and attempt to resolve problems through the active management of prisoners.

Staff are actively encouraged to report every occasion where a prisoner acts inappropriately. This ensures that prisoners are held responsible for their behaviour, either through referral of the incident to Police, or the internal misconduct system.

The internal misconduct system ensures that prisoners who are subject to disciplinary action have their charges heard by a hearing adjudicator. Where a misconduct case is complex or of particular seriousness, the hearing adjudicator may then refer it on to a Visiting Justice.

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.

A hearing adjudicator may impose a penalty of forfeiture of privileges for any period less than 28 days, forfeiture of earnings for any period less than seven days, and cell confinement for any period less than seven days.

Visiting Justices may impose longer penalties than can be issued by hearing adjudicators, to reflect the increased severity of the misconducts they hear. A Visiting Justice may impose a penalty of forfeiture of privileges for any period less than three months, forfeiture of earnings for any period less than three months, and cell confinement for any period less than 15 days.

The Department's policy on charging prisoners with misconducts is recorded in our Prison Operations Manual. This includes policy on filing a disciplinary charge, misconduct pre-hearings, misconduct hearings and penalties, and the appeals process. This information is publicly available on our website: http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Misconduct.html

In accordance with the Corrections Regulations 2005, when a prisoner is under cell confinement, the prison's Health Centre Manager must be notified as soon as practicable and the prisoner must receive daily visits. These regulations also include specifications for the cells utilised for the purpose of cell confinement.

You requested:

1. *'The snapshot number of people held in separates/punishment/pound cells in New Zealand prison. Please break this down by quarterly snapshot since December 2009. Please provide the snapshot population on the same day as the overall prison snapshots provided on the Department of Corrections website [...]*
2. *'The total number of times a person was sent to separates/punishment/pound cells, broken down by year since 2009.'*

Again, the Department does not use "punishment" or "pound" cells and as advised, is providing you with information related to prisoners under cell confinement.


Please find attached Appendix One (in response to question one) which includes quarterly snapshots of the number of prisoners under cell confinement and Appendix Two (in response to question two) which includes the number of prisoners that commenced a period of cell confinement between 2009 and 31 March 2017, broken down by year.

Please be assured that Corrections is committed to managing prisoner misconducts and related penalties in an appropriate manner that is fair, yet reflects the seriousness of the incident. Where prisoners have concerns with regard to their management, they may lay a complaint with unit staff, with the Department's Complaints Response Desk, with the Corrections Inspectorate, or with the Office of the Ombudsman. Prisoners may also appeal a hearing adjudicator's decision within 14 days of the original outcome.

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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 long horizontal flourish extending to the right.

Rachel Leota
Acting National Commissioner

Appendix One – Number of prisoners under cell confinement, snapshot at the end of each quarter

Quarter	Prisoners under cell confinement
December 2009	30
March 2010	70
June 2010	46
September 2010	84
December 2010	44
March 2011	89
June 2011	76
September 2011	85
December 2011	37
March 2012	67
June 2012	59
September 2012	62
December 2012	39
March 2013	57
June 2013	127
September 2013	82
December 2013	32
March 2014	78
June 2014	74
September 2014	72
December 2014	39
March 2015	58
June 2015	86
September 2015	65
December 2015	37
March 2016	67
June 2016	87
September 2016	111
December 2016	47
March 2017	93

Appendix Two – Annual cell confinement starts

Financial year	Annual starts
2009/10	4,879
2010/11	5,063
2011/12	5,848
2012/13	6,232
2013/14	6,706
2014/15	6,021
2015/16	6,609