

6 November 2017

C88400

Mark Hanna
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Dear Mr Hanna

Thank you for your Official Information Act request, received on 22 August 2017, about prisoners in shared cell accommodation who have convictions for sex offences.

I apologise for the significant delay in responding to your request. We take our compliance with the OIA seriously, and on this occasion we were regrettably not able to meet the statutory timeframe due to the complexity of collating the information, and the consultation that needed to take place.

Managing prisoners safely is a core function of Corrections, and a duty we take extremely seriously. We have a range of policies, processes and tools in place that ensure that concerns about prisoner safety are identified and mitigated. This includes prisoners at risk of self harm, at risk of harm to others and at risk of harm from others.

Every time a prisoner is newly received into a prison, an induction process takes place. This helps us to gather a wide range of information about the person, including whether they are at risk of self harm, have any immediate health needs, whether they fear for their safety, and what gang associations they have. The information collected determines the prisoner's initial placement in a unit and is regularly reviewed to ensure it is current. Prison is a dynamic environment, and staff are constantly assessing and balancing groups of people residing closely. On an annual basis almost 20,000 people pass through a prison in New Zealand.

As you will be aware, beginning in the early 2000s, changes to policy, legislation, sentencing practice and offending rates meant that an increasing number of prisoners needed to be accommodated. In response, the number of double-bunked cells across the prison network was increased. Double bunking is common practice internationally, including in Australia and the United Kingdom.

In order to measure the impact of the increased use of double bunking, two phases of research were undertaken. The resulting report is available on our website here: http://www.corrections.govt.nz/resources/research_and_statistics/prisoner_double-bunking_perceptions_and_impacts_2012.html. The research found no measurable increase in the rate of incidents involving prisoners in those units during periods when the proportion of double-bunking increased. The research also found that while around 60 percent of prisoners preferred to be housed in single cell accommodation, others thought that sharing a cell could help with their literacy skills and provide some support, particularly for young prisoners accommodated together. Today, around 30 percent of our prison capacity is double bunked.

Prior to being double bunked, prisoners are comprehensively assessed for their suitability to share accommodation. A tool called the Shared Accommodation Cell Risk Assessment tool (SACRA) guides trained custodial staff to consider a significant range of information about the prisoner including their offending history, prison experience, physical characteristics, gang affiliation, mental health needs, and history of violence toward others. The information enables staff to consider the risk that the prisoner may present to another (or specific) prisoner, or be subject to themselves, if placed in a shared cell.

While a prisoner's previous convictions are considered during the assessment process there are a multitude of other factors that are relevant, and a sexual conviction does not necessarily preclude a prisoner from being double bunked. The SACRA process does not replace staff judgement.

There are a variety of ways in which prisoners are able to notify staff of any potential risk to their safety in custody. When in their cell they are able to use a call alarm to alert staff. Prisoners are also encouraged to report concerns directly to staff, via a family member or friend, or by contacting an Inspector, the Office of the Ombudsman or anonymous Crime reporting line Crimestoppers.

When an allegation of sexual assault is made by a prisoner we act immediately to ensure that victim is supported and that Police are notified. Support may be provided by Health Services staff, a chaplain or other spiritual support person, a kaiwhakamana or other cultural support person, or senior staff. We work closely with Police to ensure that they have access to information or evidence that may assist any criminal investigation they are undertaking.

Please find my response to your specific questions below.

- 1 *Broken down by prison, the number of prisoners currently kept in double-bunked cells who have*
 - a. *been convicted of a sexual crime*
 - b. *had allegations of sexual assault made against them while in prison*

A sexual offence is any offence included in division 03 of the Australia and New Zealand Standard Offence Classification 2011, accessible at:

[http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/5CE97E870F7A29EDCA2578A200143125/\\$File/12340_2011.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/5CE97E870F7A29EDCA2578A200143125/$File/12340_2011.pdf).

As at 31 July 2017 there were 2,378 people in prison who had been convicted of a sex offence at some point during their life. Please Appendix One for a breakdown by prison. Over seventy percent of these prisoners were not double bunked. The total prison population on this day was 10,335.

Of the remaining 28 percent who were double bunked (670 prisoners), one third (218 prisoners) were double bunked with each other. This means that less than 20 percent of prisoners with a conviction for a sex offence at some point in their life are double bunked with someone without any sex offences.

Of the 670 prisoners residing in shared cell accommodation who had been convicted of a sexual offence at some time during their life, four have been identified as the perpetrator of an alleged sexual assault incident at some point during their time in prison. None of the allegations involved a prisoner accusing their cellmate of sexual assault, and none of the incidents occurred in a double bunked cell.

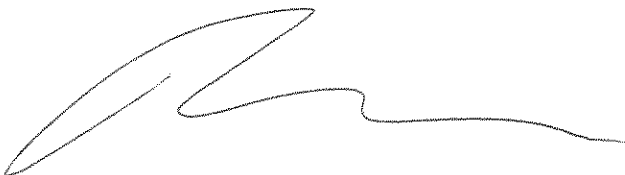
I have personally reviewed the circumstances of the four allegations. They occurred at Christchurch (2014), Rolleston (2012) and Waikeria (2016) prisons, and Spring Hill Corrections Facility (2017). Two incidents involved prisoners inappropriately touching female Corrections staff. The other two incidents involved prisoners allegedly assaulted by other prisoners. Police were notified of both incidents.

- 2 *Any guidelines, documents, or communications regarding how prisoners subject to allegations or convictions of sexual assault should be housed with respect to other prisoners.*

A copy of the SACRA compatibility guidelines, is available on our website here: http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Induction/I-8.html.

I hope this information is useful to you. If you have any concerns with this response, please let us know. Alternatively, you can raise your concerns with the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143.

Yours sincerely



Rachel Leota
National Commissioner (Acting)

Appendix One C88400

Prison	Number of prisoners ever convicted of sexual offence <u>and</u> double bunked as at 31 July 2017
Auckland Region Women's Corrections Facility	6
Auckland South Corrections Facility	123
Christchurch Men's Prison	67
Hawke's Bay Regional Prison	11
Invercargill Prison	14
Manawatu Prison	5
Mt Eden Corrections Facility	60
Northland Region Corrections Facility	109
Otago Corrections Facility	44
Rimutaka Prison	67
Rolleston Prison	1
Spring Hill Corrections Facility	133
Waikeria Prison	24
Whanganui Prison	6
Grand Total	670