

07 March 2018

C92646

B E Goodsir  
[fyi-request-7158-60009e91@requests.fyi.org.nz](mailto:fyi-request-7158-60009e91@requests.fyi.org.nz)

Dear B E Goodsir

Thank you for your email of 23 January 2018, requesting information about prisoners' perspectives and experiences relating to sexual assault, and prisoner sexual assault data. Your request has been considered under the Official Information Act 1982 (OIA).

Managing prisoners' safety 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 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.

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 the 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.

You asked:

*I would like to request that the Department provide all relevant information on prisoner's perspectives and experiences relating to sexual assault in New Zealand to the extent that it has been reported to the Department since 2012.*

Corrections currently employs over 9,000 staff members, and manages more than 10,500 prisoners in 18 facilities nationwide (as well as 30,000 community-based offenders). This is an approximate increase of 1,900 in the prison population since 2013. In spite of the increase in the prison population, the number of serious prisoner on prisoner serious assaults has fallen significantly from 2012/13 to 2016/17 from 49 to 25.

Prisoners are held to account for their behaviour whenever they use violence. We also support staff and prisoners who have been the victims of assault and provide assistance in reporting the incident to the New Zealand Police. Police determine whether or not criminal charges will be laid in relation to an assault. Prisoners who use violence can also be charged through the internal misconduct system. 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.

Section 12(2) of the OIA provides that 'the official information requested shall be specified with due particularity in the request', and we consider that this part of your request is broadly defined to such an extent that it is difficult to determine the information you have requested. However, we have interpreted this part of your request to include all self-reported information provided by prisoners to Corrections staff relating to sexual assault, where that prisoner is victim of a sexual assault (or alleged sexual assault), since 2012.

Unfortunately, we cannot readily extract this information from our records. Information that may fall within scope of this part of your request is not centrally collated, and would be held by many teams, at various sites, across Corrections. Records that may incorporate details of prisoners' 'perspectives' or 'experiences' of sexual assault would include, but not be limited to, individual prisoner files (which may also include documents that belong to external agencies such as New Zealand Police or the Ministry of Social Development), as well as internal correspondence including emails, memoranda, briefings and reports.

This covers a significant amount of information, numbering many thousands of documents, which would need to be manually reviewed. Many of the documents that would include information about this subject matter would also incorporate a large amount of prisoners' private information, which we are statutorily obliged to protect.

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



In accordance with section 18B of the OIA we have considered whether consulting you would allow this part of your request to be refined to remove the reason for the refusal. However, we do not consider that this part of your request could be refined in this instance. This is because information relating to the 'perspectives' and 'experiences' of prisoners is inherently subjective and therefore very difficult to collate or measure.

*I would like to receive an update on the statistics provided to Mr Harris. Because I am interested in the perspectives and experiences of the prisoners, I do not consider it relevant whether or not corrections finds this information to be reliable or not.*

*If this information does not currently exist in a form that can be readily supplied to me, please provide an explanation as to why the information existed in a form that could be readily supplied to Mr Harris in 2012, and further provide any information relating to the changes in reporting procedure that have resulted in this information no longer being readily available.*

As you are aware, a serious assault is defined as an act of physical violence that involves one or more of the following:

- Bodily harm requiring medical intervention by medical staff followed by overnight hospitalisation (beyond initial assessment or medical observation) in a medical facility.
- Bodily harm requiring extended periods of ongoing medical intervention.
- Sexual assault of any form and degree.

Please see Appendix One, providing information about allegations of prisoner on prisoner assaults.

For the purpose of responding to your request, Corrections has separated the data for allegations of serious and sexual assaults. All data provided relates to allegations of assault. This does not necessarily mean the allegation was proven.

You can read more information about assaults in prisons on pages 43, 44 and 84 of our Annual Report: [http://corrections.govt.nz/data/assets/pdf\\_file/0006/898629/Annual\\_Report\\_2016-17.pdf](http://corrections.govt.nz/data/assets/pdf_file/0006/898629/Annual_Report_2016-17.pdf).

I hope you will find this information helpful. Please let us know if you have any concerns with this response. Alternatively you can contact with the Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping, slanted strokes that form a cursive-style name.

Richard Waggott  
Deputy Chief Executive  
Corporate Services

## Appendix One: Allegations of Prisoner on Prisoner serious and sexual assault

2012/13		
	Serious	Sexual
Auckland Region Women's Corrections Facility	1	0
Auckland Prison	2	0
Christchurch Men's Prison	11	2
Hawkes Bay Regional Prison	6	0
Invercargill Prison	1	0
Manawatu Prison	1	0
Mt Eden Corrections Facility	5	1
New Plymouth	2	0
Otago Corrections Facility	8	0
Rimutaka Prison	5	0
Spring Hill Corrections Facility	3	0
Tongariro Prison	2	0
Waikeria Prison	2	0
Whanganui Prison	2	1
<b>Total</b>	<b>49</b>	<b>4</b>

2013/14		
	Serious	Sexual
Auckland Prison	4	0
Christchurch Men's Prison	5	0
Christchurch Women's Prison	1	0
Hawkes Bay Regional Prison	1	0
Invercargill Prison	2	0
Manawatu Prison	1	1
Mt Eden Corrections Facility	4	1
Northland Region Corrections Facility	1	1
Otago Corrections Facility	1	0
Rimutaka Prison	7	0
Spring Hill Corrections Facility	6	0
Tongariro Prison	2	0
Waikeria Prison	3	1
<b>Total</b>	<b>38</b>	<b>4</b>

2014/15		
	Serious	Sexual
Christchurch Men's Prison	6	2
Hawkes Bay Regional Prison	3	0
Manawatu Prison	3	0
Mt Eden Corrections Facility	9	1
Rimutaka Prison	3	0
Spring Hill Corrections Facility	2	0
Tongariro Prison	1	1
Waikeria Prison	2	1
Whanganui Prison	1	0
Auckland South Corrections Facility	0	1
Invercargill Prison	0	2
<b>Total</b>	<b>30</b>	<b>8</b>

<b>2015/16</b>		
	<b>Serious</b>	<b>Sexual</b>
Auckland Region Women's Corrections Facility	1	0
Auckland South Corrections Facility	2	1
Auckland Prison	4	0
Christchurch Men's Prison	8	0
Christchurch Women's Prison	1	0
Hawkes Bay Regional Prison	5	0
Invercargill Prison	1	0
Manawatu Prison	1	0
Mt Eden Corrections Facility	4	1
Otago Corrections Facility	1	0
Rimutaka Prison	8	0
Spring Hill Corrections Facility	1	0
Tongariro Prison	1	0
Waikeria Prison	1	0
Whanganui Prison	3	0
<b>Total</b>	<b>42</b>	<b>2</b>

<b>2016/17</b>		
	<b>Serious</b>	<b>Sexual</b>
Auckland South Corrections Facility	1	0
Auckland Prison	4	0
Christchurch Men's Prison	3	0
Hawkes Bay Regional Prison	2	0
Manawatu Prison	3	0
Mt Eden Corrections Facility	4	1
Northland Region Corrections Facility	1	0
Rimutaka Prison	1	0
Spring Hill Corrections Facility	3	0
Waikeria Prison	2	0
<b>Total</b>	<b>25</b>	<b>1</b>