



05 July 2024

C182172

Caleb

fyi-request-26869-83194552@requests.fyi.org.nz

Tēnā koe Caleb

Thank you for your email of 19 May 2024 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about sexual assaults in prisons. Your request has been considered under the Official Information Act 1982 (OIA).

You requested:

I am writing to request information under the Official Information Act 1982 (OIA) regarding sexual assaults within New Zealand prisons. Specifically, I am interested in understanding the measures in place to prevent and address sexual assaults, as well as any failings that may exist.

Double Bunking and Safety Measures:

- 1. Please provide details on the practice of double bunking in New Zealand prisons. How has this practice evolved over the years?*
- 2. What policies, processes, and tools does Corrections use to identify and mitigate safety concerns when placing individuals in shared cells?*
- 3. How does the Shared Accommodation Cell Risk Assessment (SACRA) tool inform decision-making regarding cellmate compatibility? Are there specific risk factors considered?*
- 4. How are individuals with a history of sexual offending assessed for suitability to double bunk?*

Double bunking has been a long-standing practice in the New Zealand prison system and is common practice internationally.

Corrections has a range of policies, processes and tools in place to identify and mitigate any safety concerns when placing a person in a shared cell. In particular, Corrections staff use a comprehensive assessment tool called the Shared Accommodation Cell Risk Assessment (SACRA), to review the compatibility of individuals before they are placed in a shared cell. The SACRA does not replace staff judgement, but helps to inform their decision-making and minimise any potential risk.

The SACRA tool identifies key risk factors, including the risk of sexual assault toward others, to consider before placing a person in a shared cell. The assessment captures a range of information about a person, including their age, security classification, offending history, history of imprisonment, gang affiliation, notable physical characteristics, mental health concerns and any other special needs.

Further information regarding the policy for how we assess prisoner suitability for cell sharing, including a link to the SACRA compatibility guidelines, is publicly available here: https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Induction/I.08-Shared-Accommodation-Cell-Risk-Assessment

The rates of double bunking in our prisons over the last few years can be found on the Corrections website:

https://www.corrections.govt.nz/resources/statistics/double_bunking_in_prisons

Reporting and Safety Alerts:

5. How can prisoners notify staff of potential safety risks while in custody? What channels are available for reporting concerns?

6. What immediate actions are taken when an allegation of assault is made by a person in prison?

7. How are individuals who pose an identifiable threat to others handled? Is there a process for placing a "Not to Double Bunk" (NTDB) alert on their electronic file?

Corrections takes its duty of care to staff and people in prison extremely seriously. We are constantly working to provide the safest possible environment in prisons, including encouraging staff and people in prison to report all assaults.

We make sure that people in prison are aware of the many ways in which they can alert staff to any concerns for their safety. This includes using their cell alarm when they are in their cell, or making a disclosure 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 – the latter two options available through a free 0800 number. They can also make a confidential/private disclosure to the health team by using the Health Request Form process. These forms are completed by the person and placed into a locked box which is cleared by nurses daily when they are in the units for the medication rounds.

We appreciate that for someone in prison, raising a concern about a sexual assault may be very difficult, which is why there are a number of avenues available.

When an allegation of sexual assault is made by a person in prison, we act to ensure that the alleged victim is safe, 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, senior staff or the person's family and friends. We work closely

with Police to ensure that they have access to all information and evidence that may assist any criminal investigation they are undertaking.

In relation to question six, please find enclosed a copy of Corrections' guidance for responding to sexual assault in custody. This outlines the immediate steps taken when an allegation of assault is made by a person in prison.

If a person is deemed not suitable to double bunk, a NTDB (Not To Double Bunk) alert is activated on their IOMS (Integrated Offender Management System) profile. The NTDB alert includes the reason(s) why the person is not suitable for shared accommodation. The person assessed as not suitable to be double bunked is placed in a single accommodation cell. Further information about these processes is outlined in the link above.

Staff Assaults and Accountability:

8. How many sexual assault charges have been laid against prisoners who assaulted Corrections staff in the last five years?

All assaults on our staff are unacceptable. Corrections staff come to work every day to keep New Zealanders safe. They deal with some of New Zealand's most challenging people, and do an exceptional and brave job in often very difficult circumstances.

Staff are encouraged to report all assaults, and we take all possible steps to support any member of staff who has been the subject of a sexual assault. This can include supporting them to report the assault to Police.

When an incident occurs, that involves serious potential or actual harm to an employee, the Post Incident Response Team (PIRT) process is triggered. The type of PIRT support provided will vary according to the situation and needs of the staff concerned but typically will involve:

- peer support briefing for all staff involved in the incident
- individual peer support – individual discussions with an appropriately trained PIRT team member
- counselling support – individual support via an external qualified counsellor (EAP) for employees affected by an incident (and family members as required). Counselling is not provided by any PIRT member
- critical incident response – immediate external support and advice may be provided
- trauma support – individual specialist trauma support counselling via referral from a regional HR manager, EAP counsellor or the employee's manager to an appropriate external expert.

The Employee Assistance Programme (EAP) is a service available to all Corrections staff and their families free of charge. EAP is a confidential service provided by an independent company and is delivered by qualified, registered and highly experienced professionals. EAP services provide brief, solution focused support to staff and families to help deal with any

difficulties and minimise their impact on people’s lives. More information about EAP can be found here: <https://www.eapservices.co.nz/>

Corrections also has staff welfare coordinators who support peoples’ rehabilitation needs when a significant event has taken place and when staff or their family need more intensive support. Staff welfare coordinators provide extremely valuable support, but they are not trained counsellors. Therefore, staff are also encouraged to seek help from their general practitioner (GP), Health New Zealand – Te Whatu Ora or a Community Mental Health Team, as required. Should a staff member require more in-depth mental health care, the local staff welfare coordinator can assist the staff member with this process and will check in with them regularly.

People who commit sexual assaults against staff or other prisoners can be held to account through the misconduct system, a change in security classification or a referral to Police for investigation.

We work closely with the Police to ensure they have access to information or evidence that may assist any criminal investigation. Corrections does not determine whether charges are laid against a person, this is the responsibility of Police. Corrections has worked alongside Police to use the 105 online reporting tool to report staff assaults. The 105 online reporting tool enables our staff to report assaults directly to Police through an online form, allowing Police to take action in a consistent and transparent way.

The following table shows the number of people in prison who have been charged with a 'Sexual Assault and Related Offences' offence after committing a sexual assault against a staff member between 1 July 2017 and 30 June 2024, broken down by year.

Financial year	Number
2017/18	2
2018/19	6
2019/20	1
2020/21	2
2021/22	1
2022/23	3

9. How many allegations of sexual assault by staff against prisoners were made during the same period, and what actions were taken in response?

Corrections expects the utmost professionalism from our employees. All employees are held to a high standard of integrity and professionalism and must act as role models for the people and communities we work with. All staff are expected to meet the expectations set out in the Corrections’ Code of Conduct. We employ around 10,000 staff , and the

overwhelming majority of our people act with integrity, honesty and professionalism in what is often a high pressure and challenging environment.

When staff do not meet the standards required of them, we take appropriate action. This may involve further development or support to bring the staff member's performance up to the standard required. Misconduct or serious misconduct may result in disciplinary action, including the termination of employment.

Our Code of Conduct is available to view here:

https://www.corrections.govt.nz/about_us/who_we_are/our_privacy_commitment/our_code_of_conduct

Information relating to sexual assaults by staff against prisoners and the actions taken is not held in a central manner, rather it is held on individual incident records or employee files. We would be required to initiate a significant project to extract, analyse and present the data to you. We consider this would amount to substantial collation and research and therefore, this part of your request is refused in accordance with section 18(f) of the OIA, as the information cannot be made available without substantial collation and research.

In accordance with section 18A and 18B of the OIA, we have considered whether fixing a charge, extending the time limit or asking you to refine or amend your request would enable us to provide a response. However, given the scale of the request, we do not consider this would be an appropriate use of our publicly funded resources.

Unreported Sexual Assaults:

10. Are there any documented cases of sexual assaults within prisons that were not officially reported to Corrections? If so, how are these incidents addressed?

We encourage all staff and people in prison to report all assaults, however, we appreciate that for someone in prison, raising a concern about a sexual assault may be very difficult. When an assault is reported to staff, they follow the steps outlined in the responding to sexual assault in custody guidance, which is referenced above and attached. If sexual assaults are not officially reported to Corrections, we won't know that they have happened.

Statistics and Trends:

11. Please provide the most recent data on sexual assaults in New Zealand prisons, including both national and prison-specific statistics.

12. How has the incidence of sexual assaults changed over the past decade?

The following table shows the number of incidents of sexual assault against a staff member between 1 July 2014 and 30 June 2024.

As noted in response to question 8, people who commit sexual assaults against staff or other prisoners are held to account, such as through the misconduct system, a change in security classification or a referral to Police for investigation.

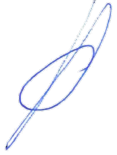
We reiterate that Corrections does not determine whether charges are laid against a person, this is the responsibility of Police. We work closely with the Police to ensure they have access to information or evidence that may assist any criminal investigation. For further information on why the Police may not be able to progress with a complaint, we suggest you contact the Police.

	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24
Auckland South Corrections Facility	-	-	-	-	4	1	-	2	2	1
Auckland Prison	-	2	-	-	-	-	1	-	1	1
Christchurch Men's Prison	-	-	-	1	1	-	1	-	1	1
Hawkes' Bay Regional Prison	-	2	2	5	2	-	2	-	4	1
Manawatu Prison	-	1	-	1	1	-	1	-	2	1
Mt Eden Corrections Facility	1	3	1	1	3	2	3	2	4	7
Northland Region Corrections Facility	-	-	1	-	-	-	-	1	2	-
Rimutaka Prison	-	-	1	-	1	-	1	-	-	-
Spring Hill Corrections Facility	-	-	1	1	2	-	5	1	8	1
Tongariro Prison	-	-	-	-	-	1	-	-	-	-
Waikeria Prison	-	1	-	-	1	3	-	-	-	-
Whanganui Prison	-	-	-	-	-	-	-	-	1	-
Total	1	9	6	9	15	7	14	6	25	13

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I hope this information is helpful. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Leigh Marsh
Commissioner Custodial Services