

24 November 2016

C80902

Emmy Rākete  
[fyi-request-4753-a62e98a0@requests.fyi.org.nz](mailto:fyi-request-4753-a62e98a0@requests.fyi.org.nz)

Dear Ms Rākete

Thank you for your email of 13 October 2016, requesting information about segregation of prisoners at Auckland Prison. Your request has been considered under the Official Information Act 1982 (OIA).

The Department operates prisons that are safe for prisoners, staff, visitors and the general public. Corrections has policies and operational procedures in place to support all vulnerable prisoners and segregation is one mechanism available to manage safety for all.

Our staff recognise the importance of knowing and understanding prisoners, and actively engage with them to reinforce positive behaviour. Staff are trained in de-escalation techniques, interpersonal and tactical communication skills. The goal is always to manage a potentially volatile situation in a manner that minimises the likelihood of provoking an aggressive response.

Prisoners can be segregated for a variety of reasons in accordance with the Corrections Act 2004, and these are outlined below:

- a. for the security or good order of the prison (section 58(1)(a))
- b. for the safety of another prisoner or person (section 58(1)(b))
- c. for the purpose of voluntary protective custody (section 59(1)(a))
- d. for the purpose of directed protective custody (section 59(1)(b))
- e. to assess or ensure the prisoner's physical or mental health (section 60).

You have requested the following information, regarding prisoners at Auckland Prison:

- 1) *How many prisoners are kept in their cells for 23-hours a day*

I can advise that no prisoners at Auckland Prison are on a regime where they are locked for 23 hours a day. On some occasions, a prisoner may present as so dangerous that unlocking them would present a high risk to their own safety and to that of others. Once that prisoner's risk de-escalates, they would return to the normal unlocking routine of their unit.

- 2) *On average, how many hours per day are prisoners kept in their cells*
- 3) *Can prisoners freely interact with one another?*
- 4) *Are there restrictions on the number of hours per day that prisoners can interact?*

The number of hours per day that any prisoner is unlocked, and therefore how they 'freely interact with one another', is dependent on what unit they are placed in, and determined by their at-risk status and security classification. Information about internal movements of prisoners and security classifications is publicly available on the Department's website, at the following links:

[http://www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.01-Movements-internal%2c-directed-and-specified/M.01.html](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.01-Movements-internal%2c-directed-and-specified/M.01.html)

[http://www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M-2.html](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M-2.html)

As you will appreciate, prisoners' unit placement and security classifications are subject to change as they continue their rehabilitation and sentence plans. The Department does not centrally report on the average number of hours per day that prisoners at Auckland Prison are kept in their cell. This part of your request is therefore declined under section 18(f) of the OIA, as the information requested cannot be made available without substantial collation or research.

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.

- 5) *How many prisoners are held in protective segregation?*

The Department has interpreted 'protective segregation' to mean voluntary protective custody (voluntary segregation). The purpose of voluntary segregation is for the protection of vulnerable prisoners who cannot be managed in a safe manner in mainstream units, and to ensure that those prisoners are able to participate in rehabilitation, education and employment. As mentioned above, prisoners are placed on voluntary segregation in accordance with section 59(1)(a) of the Corrections Act.

The reason a prisoner may request voluntary segregation can vary, however some common themes are being in prison for the first time and having significant concerns over their own safety, pressure from gangs, wishing to avoid particular individuals or groups, or facing threats from previous incidents that have occurred either within the prison or prior to coming to prison.

Prisoners are typically segregated within a dedicated unit in a prison. Prisoners who have sought segregation have contact only with other prisoners similarly segregated. As far as possible, however, segregated prisoners are subject to the same rules, routines and privileges as apply generally to prisoners.

When prisoners are segregated, a segregation management plan will be developed to reflect and to identify any special needs that may be relevant due to the segregation. This ensures that prisoners are not impeded in any way by their segregation. A plan may include ways in which the prisoner can address their behaviour or concerns that have led to the segregation, and the measures that will be undertaken by the prison to assist with their return to the general prison population. A copy of the segregation management plan is provided to the prisoner.

I can advise that Auckland Prison has two 48 bed units dedicated to voluntary protective custody. Other units that aren't utilised for this purpose full time can also house prisoners on voluntary segregation where required. The number of prisoners placed on voluntary segregation is subject to constant fluctuation, depending on a number factors relating to the identified needs and risk status of those vulnerable prisoners. I can advise that as at 30 June 2016, 307 prisoners were held on voluntary segregation at Auckland Prison. Please note that further information about voluntary segregation is publicly available, at the following link:

[http://www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.01-Movements-internal%2c-directed-and-specified/M.01-5.html](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.01-Movements-internal%2c-directed-and-specified/M.01-5.html)

6) *Is segregation used as a means of discipline? If so, how many prisoners are involuntarily segregated?*

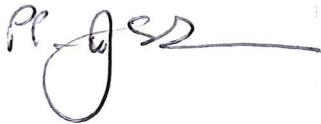
The Department has interpreted 'involuntarily segregated' to mean placed on directed segregation. Directed segregation is not a means of discipline. It is utilised for prisoners who are assessed as being at risk of harming themselves, or at risk of harming others, or at risk from others. Any placement on directed segregation is made on a case by case basis, and in accordance with section 59(1)(b) of the Corrections Act. Prison Operations Manual (POM) *M.01.04.05 Directed protective custody (section 59(1)(b))* policy also applies, which outlines stringent criteria surrounding the length of periods for directed segregation. This policy is publicly available, at the following link:

[http://www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.01-Movements-internal%2c-directed-and-specified/M.01-4.html](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.01-Movements-internal%2c-directed-and-specified/M.01-4.html)

I can advise that as at 30 June 2016, three prisoners were subject to directed segregation at Auckland Prison.

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 'J. Lightfoot', with a long horizontal line extending to the right.

Jeremy Lightfoot  
National Commissioner