



11 November 2016

C81053

B E Goodsir

[fyi-request-4803-4a00998a@requests.fyi.org.nz](mailto:fyi-request-4803-4a00998a@requests.fyi.org.nz)

Dear B E Goodsir

Thank you for your email of 20 October 2016, requesting further information about the collection of data relating to assault incidents in prisons. Your request has been considered under the Official Information Act 1982 (OIA).

You have requested the following information, making reference to a previous response provided by the Department (Ref C80334):

- 1. Please release to me the number of incidents in New Zealand Prisons between Jan-2010 and Oct-2016 that were recorded under this tertiary category as being 'sexual assault' or of a sexual nature. In providing these numbers, please indicate whether they were eventually determined to be a 'Serious Assault', 'Non-Serious Assault', or 'Assault no injury' by the department.*
- 2. If this is not possible, or the department would consider that it would take too much work, please provide the information for the incidents for the most recent full year for which the information is available.*

The information in this part of your request does not currently exist in a form that can be readily supplied to you, and would instead require initiation of a project to extract, analyse and present the data in the form requested.

As outlined in the Department's correspondence to you dated 18 October 2016, any sexual assault is categorised as serious and therefore included in 'serious assault' data. This correspondence also outlined that information about incidents related to allegations of sexual assault cannot be provided to you in a reliable format. You were advised that the data provided in response to Alex Harris' 2012 request (ref C58464) was done so incorrectly.

Therefore, this part of your request is declined under section 18(g) of the OIA, as the information requested is not held by the Department, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

Please note that the Ombudsman has advised that information is not considered to be held by an agency in instances where a request necessitates research or analysis of source data in order to generate fresh information in a form different from that in which the base data is held.

- 3. If this is not possible, or the department would consider that it would take too much work, please provide the information for the incidents between Jan-2010 and Oct-2016 which were eventually determined by the department to be 'Serious Assault'. Your response to Alex Harris (ref C58464) indicates that this is both possible and within the scope of the Department's capacity. If possible, please break these numbers down by Prison.*

As advised in the Department's correspondence to you dated 18 October 2016, the Department reports on assault incidents in prisons in a consistent manner, via our Annual Report. The Department's most recent Annual Report from 2015/16 is available on our website, at the following link:

[http://www.corrections.govt.nz/resources/strategic\\_reports/annual-reports.html](http://www.corrections.govt.nz/resources/strategic_reports/annual-reports.html)

This part of your request is therefore declined under section 18(d) of the OIA, as the information requested is or will soon be publicly available.

- 4. Furthermore, please provide me with the Department's policy on verifying and classifying incidents once they have been reported. For example, if the Department categorises all assaults of a sexual nature as 'serious assaults' but 'does not break down these incidents into levels of seriousness', how does the department verify that an assault is of a sexual nature so as to render a classification of 'serious assault' and not a classification of 'non-serious' or 'no injury'?*

We are unable to release information about the daily procedures in prisons into the public domain as doing so could compromise the safety of individuals or the security of prisons. Therefore, policy relating to prison incident reporting processes is withheld under section 6(c) of the OIA, as the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Regarding your reference to 'verifying and classifying' assault incidents in prisons once they have been reported, please also note that information about any alleged assaults in prisons that resulted in a charge of a criminal offence, prosecution, and/or conviction would be held by the NZ Police or the Ministry of Justice. This part of your request may therefore better relate to the functions of those agencies.

Regarding your question 'how does the department verify that an assault is of a sexual nature so as to render a classification of 'serious assault'', please again refer to the Department's response to you dated 18 October 2016, which advised:

*Any sexual assault is categorised as serious and therefore included in 'serious assault' data. Sexual assault can be of any form and degree such as inappropriate touching, sexual violation, or any physical assault of a sexual nature.... and the victim is able to pursue further investigation and involve Police facilitated by the Department.*

For your reference, Prison Operations Manual (POM) *PC.01 Prisoner complaints* policy is publically available, at the following link:

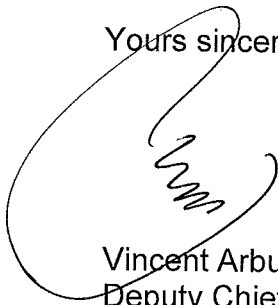
[http://www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Prisoner-complaints.html](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Prisoner-complaints.html)

Please also note that POM *M.01.04 Specific segregation directions* policy, which outlines one mechanism that may be used to protect vulnerable prisoners who are at risk of or have been victim of an alleged assault, is publically 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 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 'Vincent Arbuckle', enclosed within a large, loopy, handwritten flourish that also forms a partial circle around the signature.

Vincent Arbuckle  
Deputy Chief Executive  
Corporate Services