

4 April 2017

C84488

Ti Lamusse
fyi-request-5407-bc8adfb8@requests.fyi.org.nz

Dear Ti Lamusse

Thank you for your email of 20 March 2017, requesting clarification of previous correspondence from the Department about sexual behaviour between prisoners. Your request has been considered under the Official Information Act 1982 (OIA).

Your request included the following two questions that were considered as part of your original request:

- *'When a Corrections staff member finds two or more adult prisoners engaging in consensual sexual activity, what is the expected response from that staff member?'*
- *'When a Corrections staff member finds two or more adult prisoners engaging in consensual unprotected sexual activity, is that staff member expected to inform the prisoners about access to condoms?'*

You also included an additional question for the purpose of clarifying your request and the Department's response:

- *'Is there any expected response from a Department of Corrections staff member who discovers two or more prisoners engaging in consensual sexual activity?'*

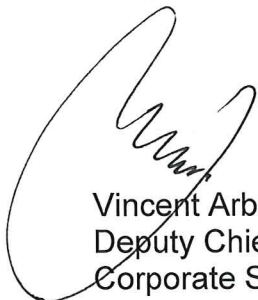
With regard to the three questions above, as there are no specific policy guidelines regarding sexual behaviour between prisoners, there is no expected response to this behaviour from prison staff. With this in mind, there is also no formal expectation that prison staff will advise prisoners of the accessibility of prophylactics should they find prisoners engaging in sexual activity. As advised in the Department's previous response, however, prophylactics are available to all prisoners through prison Health Services.

It may be helpful to note that misconducts that occur in conjunction with consensual sexual behaviour will be managed as expected. For example, some prisons operate a 'one person, one cell' rule, whereby individuals may not enter another prisoner's cell at any time. In prisons that operate this rule, a

misconduct may be laid in response, not to the action of consensual sex, but to the contravention of the one person, one cell rule.

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', written over a large, light-colored circular scribble.

Vincent Arbuckle
Deputy Chief Executive
Corporate Services