

25 September 2017

C87710

Kate McIntyre
fyi-request-6308-c7ba6eef@requests.fyi.org.nz

Dear Ms McIntyre

Thank you for your email of 30 July 2017, in which you request annual data on notifiable prison incidents. Your request has been considered under the Official Information Act 1982 (OIA).

In your request, you reference Corrections' 2012 memorandum of understanding (MOU) with the Office of the Ombudsman (the Ombudsman), signed by Corrections Chief Executive Ray Smith and the then Chief Ombudsman Beverley Wakem. This MOU established how Corrections and the Ombudsman co-operate to achieve legislative objectives, and was produced in accordance with section 160 of the Corrections Act 2004.

It may be helpful to note that Corrections and the Ombudsman have recently signed an updated MOU which may result in an amendment to the schedule of notifiable incidents. The Department expects that the updated MOU will be made available in due course.

As you are aware, appendix two of the 2012 MOU includes a list of notifiable incidents of a particular seriousness that may require investigation by the Ombudsman. Corrections works with the Ombudsman to notify their office of incidents in a timely manner, and facilitates any resulting investigation, as required.

You requested a range of data on these notifiable incidents. I have addressed each aspect of your request below.

- *'A prisoner sexually assaulting a staff member.'*
- *'A prisoners seriously assaulting a staff member.'*
- *'A prisoner sexually assaulting other prisoner.'*
- *'A prisoners seriously assaulting another prisoner.'*

Serious assaults are those that result in bodily harm requiring either medical intervention by medical staff and overnight hospitalisation in a medical facility or extended periods of on-going medical intervention.

Sexual assaults are of any form or degree. These are often self-reported, may remain unverified and reported statistics may not be an accurate representation of the number of such assaults that occur within prisons. Please note, however, all allegations are taken seriously and reported to Police for investigation in the first instance.

The Department categorises and reports on serious and sexual assaults in a single 'Serious Assaults' category. Corrections regularly publishes this type of information online, and may be found on our website:

http://corrections.govt.nz/resources/research_and_statistics/assaults_in_prisons.html

- *'Deaths in custody of apparent natural causes.'*
- *'Deaths in custody for apparent homicide.'*
- *'Deaths in custody for apparent suicide.'*
- *'Deaths in custody for apparent accidents.'*
- *'Deaths in custody for unknown/unconfirmed incidences.'*

The Department reports on deaths in prisons in two categories: natural deaths and unnatural deaths. Natural deaths are where a person has died from natural causes. Unnatural deaths include those found by the coroner to be caused by homicide, suicide, apparent accidents, and unknown or unconfirmed circumstances.

As with data on assaults in custody, the Department publishes available information on deaths in custody online. You may find this information on our website:

http://corrections.govt.nz/resources/research_and_statistics/deaths_in_custody.html

- *'Self-harm.'*

Self-harm incidents are divided into two broad categories: those incidents where there is a threat to life, and those where there is no threat to life. It should be noted that self-harm incidents that present a threat to life are notifiable, while all others are not.

Please see the table below for self-harm incidents in prisons between 2012/13 to 2016/17, broken down by financial year.

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17
Threat to life	7	17	4	26	16
No threat to life	311	260	303	310	337

The Department acknowledges that prisoners by virtue of being in prison pose an increased risk of self-harming behavior. Staff are alert to the early identification of a prisoner's at risk status, and prepared to take immediate action when such risk is identified.

The Department performs a risk assessment upon each prisoner's reception into prison and reviews these as appropriate, and where behavior gives rise to concern. This ensures prisoners in our care receive the help that they need, when they need it.

Where prisoners are identified as at risk, we have a number of strategies to minimise their risk of self-harm and are committed to addressing their mental health. More information on how we prevent self-harm in prisons, may be found online:

http://www.corrections.govt.nz/working_with_offenders/prison_sentences/managing_offenders/preventing_suicide_and_self_harm.html

Corrections is working to enhance the provision of mental health services to prisoners. For example, last year, Corrections was allocated nearly \$14 million from the Justice Sector Fund to expand mental health services for offenders in prison and in the community over the next two years. As part of a two-year pilot, mental health clinicians will be appointed at 15 prisons and four Community Corrections sites (Manukau, Hamilton, Palmerston North, and Dunedin).

These new services are already operational at several sites. Mental health professionals will work directly with individual prisoners and offenders to address their mental health needs and support Corrections staff working with these individuals.

Prisoners often enter prison with complex physical and mental health needs. Our emphasis is on supporting offenders to stabilise their overall health so they can better participate in rehabilitation activities including programmes and employment opportunities.

- *'Escapes.'*

Escapes are reported in four categories: breakouts, from escort, breaches of temporary release orders, and absconding.

'Breakouts' occur when a prisoner leaves the outermost perimeter fence, or where no fence exists, the prison building itself. 'From escort' is where a prisoner escapes from escort while under supervision, including from escorted outings or court escorts. 'Breaches of temporary release orders' occur when a prisoner breaches a condition of their temporary leave, including not returning within reasonable time. 'Absconding' occurs when a prisoner leaves a designated area that is under direct custodial control.

As with information on deaths and assaults in prison, we regularly publish escapes from prison online. You may find this on Corrections' website:
http://www.corrections.govt.nz/resources/research_and_statistics/escapes.html

It may be helpful to note that the Department has undertaken a number of security improvements to reduce the risk of prisoner escapes occurring. These efforts have been successful in reducing the number of escapes from 23 in 2007/08 to two in 2015/16 to 31 March.

We also have a stringent process in place for notifying police in the event of an escape. Police are responsible for locating escaped offenders and returning them to Corrections custody.

- *'Incidences of rioting.'*

Riots are events that involve concerted, organised disorder requiring external agent involvement. These are extremely rare events.

As requested, the table below includes the information requested, by financial year. Please note that, for the purpose of reporting, prison riots are categorised as 'Disorder events'. This category also includes fires, arsons, and groups of prisoners refusing to obey a lawful order.

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17
Disorder events	3	1	0	0	0

- *'Incidences of hostage taking.'*

A hostage situation is where a prisoner takes a person against their will and makes threats on their welfare in exchange for personal benefit. These events are serious but rare.

At all times the safety of staff, prisoners and public, remains paramount and Corrections is equipped to manage these types of incidents effectively.

As requested, the table below includes hostage events between 2012/13 and 2016/17, broken down by financial year.

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17
Hostage events	0	0	0	0	0

- *'Attempted escapes'*
- *'Find of escape aids'*
- *'The removal of waist restraints/mechanical restraints.'*

Attempted escapes, find of escape aids and the removal of waist restraints/mechanical restraints are all categorised as 'potential escapes'.

Please find the table below, which includes attempted escapes, escape aid finds and removal of restraint incidents, by financial year.

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17
Attempted escapes	5	4	3	3	1
Escape aid finds	1	2	0	0	0
Removal of restraints	9	5	1	3	5

As advised above, a number of improvements in the management of prisoners have resulted in a large reduction in the overall escape rate.

- *'Prisoner related incidences while in police-care.'*
- *'Prisoner related incidences while in the care of a contractor.'*

Prisoner related incidents occurring in the care of either Police or security contractors are broadly defined incidents and may be considered to be any event involving a prisoner, while in the care of either Police or a security contractor.

As requested, these incidents are included in the table below, by financial year.

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17
In police care	16	17	3	10	0
In contractor care	28	16	27	20	7

- *'Incidences of accidental serious harm to a prisoner.'*

Serious harm accidents are accidents that occur while prisoners are engaged in employment or educational programmes and result in serious harm. Serious harm has a broad definition that includes loss of consciousness, severe temporary loss of bodily function, and any harm requiring at least 48 hours hospitalisation.

As with all incidents, the staff member responding to a serious harm accident must immediately take steps to reduce the risk of further harm, assess the situation, propose an initial intervention strategy and ensure first aid is provided. Prison management must be notified at this time.

The table below includes serious harm accidents that have taken place since 2012/13, broken down by financial year. For context, the Department is currently managing approximately 10,400 prisoners.

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17
Serious harm	43	22	23	9	15

- *'Hunger strikes.'*

A hunger strike is where a prisoner voluntarily refuses food or liquid for a period of no less than 24 hours. Voluntary refusal of food is defined as limiting the intake of food or liquid in a way that would damage their health if continued. Prisoners taking a food substitute (such as Complan) are not considered to be

voluntarily refusing food, while those who refuse food as part of religious or cultural observance are.

The Department manages prisoners that are voluntarily refusing food in a manner that is consistent with maintaining their health and security. Wherever possible, our management of these prisoners respects their cultural and religious beliefs.

Corrections officers notify health centre staff immediately upon being themselves notified of a hunger strike. Health centre staff then undertake an assessment of the prisoner recording a number of health related measures including their pulse, weight, blood pressure and behavior. If the prisoner continues their hunger strike for more than 72 hours, this health assessment is undertaken daily.

As requested, the number of hunger strikes between 2012/13 and 2016/17 is included in the table below, by financial year.

Please note that the majority of hunger strikes end within 48 hours of commencing and often prisoners that voluntarily refuse food, do so on more than one occasion. For reporting purposes, each instance is counted individually, regardless of how many times the person has previously struck. The majority of prisoners strike for reasons outside of Corrections' control.

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17
Hunger strikes	51	61	56	54	58

In assessing my response to your request, it is important to consider the context in which these incidents occurred. As advised above, the Department manages approximately 10,400 prisoners in 18 facilities across the country. Prisoners that hunger strike constitute significantly less than one percent of the entire prisoner population. If calculated over the entire year, the average number of prisoners that are on a hunger strike at any one time is between zero and one.

Finally, you will note that I have withheld information in response to the parts of your request concerning information that is publicly available (assaults in prison, deaths in prison, and escapes from prison). This information has been withheld under section 18(d) of the OIA as the information requested is or will soon be publicly available.

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.

I trust the information provided is of assistance.

Yours sincerely

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

 Rachel Leota
Acting National Commissioner