

15 May 2019

C106149

Caleb Lane
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Tēnā koe Mr Lane,

Thank you for your email of 17 March 2019, requesting information about prisoner entitlements. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety and reducing re-offending are Corrections' top priorities. We have statutory obligations to make public safety paramount when managing offenders, and to administer all sentences in a safe, secure, humane and effective manner. All prisons are operated in accordance with New Zealand legislation and having regard for other agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners.

You have requested:

1. *What are inmates rights to relocation of prisons supporting residing family members location?*
2. *How does an inmate make such a request?*
3. *What is the department of corrections support guide lines toward relocation?*

Corrections understands that regular family contact and support has a positive effect on prisoner morale and their participation in rehabilitation programmes. Accordingly, we endeavour to keep prisoners in the areas where their families and/or support people reside.

However, it is not always possible to accommodate every prisoner in their preferred placement, due to a number of factors. These may include the reintegration/rehabilitation needs of prisoners, the need to separate different categories of prisoners and accommodation pressures at particular prisons or units. Despite this, every effort is made to return prisoners to their home region prior to release.

If prisoners wish to be transferred to a different prison, they should speak with either unit staff, or their case manager, who will be able to assist with making a transfer request.

4. *What are life sentenced inmates entitlements and restrictions toward parenting programs?*
5. *Dose an inmate need to be with in so many years of parole, to be eligible of certain programmes? If so, why and which programmes?*

The Parenting Support Services for Prisoners programme provides parenting skills education for eligible prisoners who are parents or caregivers of children up to 13 years (or older than 13 at the discretion of the Interventions Coordinator and Programme Facilitator). This programme is delivered at sixteen sites across New Zealand, including men's and women's prisons. Individuals sentenced to life imprisonment are entitled to attend a Parenting Programme as long as they meet the above mentioned criteria and do not have any convictions for the types of offences below:

- child sex offences
- manslaughter/murder of a child
- violence towards children - unless the offender has completed a special treatment unit (violence) programme, a medium intensity programme, or a family violence programme, and has their inclusion in the Parenting Support Services programme approved by the programme's facilitator or a Corrections' psychologist.

An additional programme called 'Brainwave' is also available. It is run by the Brainwave Trust and is open to all prisoners. This interactive programme focuses on raising awareness and motivation for prisoners to develop skills and be positive role models for their children and grandchildren. There is a particular focus on educating parents and grandparents in prison on the critical role they play in the brain development and therefore the outcomes of their children.

Brainwave has four sessions, each focusing on different aspects of parenting, including brain architecture, the development of the brain during pregnancy, responsible parenting and social and emotional change of the adolescent brain.

Prisoners are not able to participate in the Brainwave programme if they have any convictions for the types of offences listed above.

The Parenting Support Services for Prisoners programme can be undertaken at any time in an offender's sentence.

The programme is not designed for offenders to complete multiple times. Although, if an offender has completed a different parenting skills programme, either on remand or once they have been sentenced, they may still be referred to the Parenting Support Services for Prisoners programme if they meet the eligibility criteria.

6. *If an inmate is declined for the above reason, what would their next step be?*

If a prisoner is declined because they do not meet the eligibility criteria for the Parenting Support Services for Prisoners programme, they should speak to their case manager to request consideration for one of the following treatment programmes;

- special treatment unit (violence) programme
- a medium intensity programme
- or a family violence programme.

Following successful completion of one of the above programmes, a prisoner may be approved to participate in the Parenting Support Services for Prisoners programme.

7. *What programs and support are offered to inmates with Newborn Children?*

8. *What support is available for life sentenced inmates to maintain/create bond with their Newborn Child?*

On 25 September 2008 the Corrections (Mothers with Babies) Amendment Bill was passed into law, amending the Corrections Act 2004 to enable children of female prisoners to be accommodated with their mothers until the age of 24 months for the purposes of breastfeeding and bonding; provided that this is in the best interests of the child, and that certain eligibility criteria are met.

Each of New Zealand's women's prisons (Christchurch Women's Prison, Arohata Prison and Auckland Region Women's Corrections Facility) has a Mothers with Babies unit. Female prisoners with young children, who fit certain eligibility criteria, are able to apply to reside in these units, which provide a non-threatening, safe-haven situation for mothers to care for and bond with their child(ren) up to two years of age.

The units are self contained, shared accommodation. The mothers are responsible for cooking, cleaning, laundry and budgeting, and staff and community providers provide parenting support. Community providers also play an integral role in assisting the mothers to reintegrate into the community when they are released.

A prisoner is eligible to apply to reside in a Mothers with Babies Unit if she:

- is pregnant or is the mother of a child less than two years old,
- was the child's primary caregiver before imprisonment, or is likely to be the child's caregiver on release,
- doesn't have a conviction for sexual or violent offending against children,
- agrees to undertake mental health and substance abuse screening if required, and
- signs a parenting agreement.

The parenting agreement ensures that the mother understands that she is responsible for the care and safety of her child. The agreement also outlines any reason for which a child may be removed from prison, such as disciplinary action taken against the mother.

These units operate in line with New Zealand's Care of Children Act 2004, which stipulates that linkages with family and whānau should be maintained where appropriate.

There are also feeding and bonding facilities for those prisoners who are not eligible or choose not to have their child with them in full-time residence in a Mothers with Babies unit. The feeding and bonding facilities aim to replicate a domestic lounge setting for prisoners to feed and bond with their children on a daily basis in a safe, suitable and secure environment, encouraging pro-social activity for the prisoner, and providing for the inherent rights of the child.

Applications to have any child brought into a prison for the purposes of feeding and bonding are made to the Prison Director who will make a decision in the best interests of the child and the mother.

More information on feeding and bonding facilities, including the eligibility criteria to use these facilities, is available on our website at: www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03-3.html.

In some cases, prisoners who are parents may be eligible for temporary release to visit their new-born children. Temporary release is primarily used to support and enable a prisoner's reintegration into the community when they are released.

For more information on temporary release, and the corresponding eligibility criteria, please refer to our website at: www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04-6.html

As long as certain criteria are met, children may be able to visit their parents in prison. Further information about children visiting prison available on our public website at: www.corrections.govt.nz/working_with_offenders/prison_sentences/staying_connected_with_friends_and_family/visits/changes_coming_for_children_visiting_prisons.html.

9. What programs and support are offered to inmates with teenage children?

The Parenting Support Services for Prisoners programme provides parenting skills and education for eligible prisoners who are parents or caregivers of children up to 13 years, or older than 13 at the discretion of the Interventions Coordinator and Programme Facilitator.

10. Are life imprisonment inmates eligible for application to reside in prison residency/self care? If so, at what point are they eligible for application?

Self-care units are residential style accommodation designed to be used primarily by prisoners who are nearing release and have reintegrative needs that will be met by placement in a self-care unit.

Self-care units assist in reintegration by easing the transition between the prison environment and the community. They contribute to the reduction of re-offending by increasing residents' personal responsibility and self-reliance before their release from prison.

The eligibility criteria for both men and women in prison to reside in self-care units (internal and external) are available on our public website at the following links: www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.04.html

www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03-5.html.

11. What is an inmate's entitlement to photos? Is there a restriction? (Standard Family Photo's)

12. Can an inmate have (appropriate) photo's declined? If so, for what reasons?

Please refer to page 9 of the Corrections' authorised property rules available on our website at: https://www.corrections.govt.nz/data/assets/pdf_file/0009/678348/Rules-on-authorized-property-made-under-section-45A-v.11-271017.pdf.

Reference point 5.4.c states one photo album able to hold a maximum of 50 family/personal photos.

A prison may prohibit a prisoner from keeping a photo, or refuse to issue a photo to them, because the photo is deemed to be objectionable. The Prison Director, or their delegate, has statutory authorisation to take such an action pursuant to the Corrections Act 2004.

13. Is there any entitlement for an inmates visitor to be provided with a private/separate visit room for visiting, due to Breastfeeding of the inmates Newborn Child?

Each prison has visiting facilities provided and any conditions for visits are advised when a visitor is given approval to visit.

A visit to a prison may take place in a visiting room with other people, or in a booth. Corrections' staff will be present and will monitor the visit.

Further information on prison visits is available on our public website at: www.corrections.govt.nz/working_with_offenders/prison_sentences/staying_connected_with_friends_and_family/visits.html.

14. Are Inmates residing at A.S.C.F able to stand in front of their allocated seat at a visit to rock/settle their new-born Child?

As advised above, each prison has visiting facilities provided and any conditions for visits are advised when a visitor is given approval to visit. I have been advised by SERCO, who operate Auckland South Corrections' Facility (ASCF) pursuant to a contract with Corrections, that generally, men at ASCF are not permitted to move around from their seats during a visit because of safety and security risks. This includes obscuring the view of Corrections Officers who are supervising the area. Men are encouraged to find other appropriate means to settle their children with the support of their whānau and friends. They can discuss options for further support with the ASCF children and whānau team.

15. Are life sentenced inmates eligible for workplace programs outside of prison before parole eligibility?

Release to Work (RTW) is a type of temporary release. The purpose of RTW is to assist prisoners in their reintegration by maintaining, developing or re-establishing work skills and habits, providing contact with the wider community, and providing the opportunity to save money for re-establishment on release.

The eligibility criteria for prisoners to participate in RTW are available on our website at: www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04-7.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 Corrections. 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.

Ngā mihi nui



Rachel Leota
National Commissioner