

Hawke's Bay prisoners' conditions and treatment improving

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The Chief Ombudsman Peter Boshier says Hawke's Bay Regional Prison has made significant progress towards improving prisoners' safety, but has been slow to improve conditions for remand and at risk prisoners.

Mr Boshier has published his findings after an unannounced inspection of the prison in November last year. The report is a follow up to an inspection conducted in December 2016.

"It is a fundamental tenet of democracy that prisoners should be detained in humane conditions, appropriately supervised and treated fairly in a manner consistent with their legal rights," says Mr Boshier. "If this is not occurring, I make recommendations for improvement and return to the prison, repeatedly if need be, to check that progress is being made."

In 2016, there was a clear and urgent need to address levels of violence and intimidation. "This time I was pleased to find tension levels have dropped, particularly in the high security areas of the prison," says Mr Boshier.

"My inspectors were encouraged to note a generally positive atmosphere with marked improvement in the high security units and, at the time of their visit, a reduction in the number of violent cases as a percentage of total monthly incidents."

Mr Boshier says staff were seen to be actively engaged with prisoners and, with sentenced prisoners now having access to a greater range of activities, this may have contributed to a reduction in tension.

He says more could be done to promote a safe atmosphere, including reviewing procedures to ensure that the supervision of prisoners in exercise yards is not solely dependent on the use of closed circuit television monitoring (CCTV).

"Last year, my inspectors observed footage of a prisoner being assaulted by two prisoners in the high security yard. Although CCTV coverage was comprehensive, access to emergency call points within the yard was limited and the victim was unable to call for assistance. After the fights at Mount Eden in 2016, the Department of Corrections' own Chief Inspector called for

more active supervision of prisoners. Two years on, I am concerned that the safety of prisoners in the exercise yard continues to be solely monitored by CCTV.”

The Chief Ombudsman also remains concerned about conditions for remand prisoners — people accused, but not convicted, of a crime.

“In the past five years, the prison has made little progress in providing remand prisoners with more time out of their cells and constructive activities. This is despite recommendations from both a visiting United Nations subcommittee and me over this period.

“I am pleased to see Corrections has finally accepted that significant improvements need to be made to reflect the legal status of prisoners awaiting trial or sentencing.”

Mr Boshier says there is work still to be done on the care and management of at risk prisoners in the Intervention and Support Unit (ISU).

Prisoners in the ISU can also be seen on camera by staff and others when they are naked or using the toilet. The Chief Ombudsman considers this is degrading treatment or punishment.

“I could not be assured that all prisoners in the ISU had been offered their minimum legal entitlement of an hour’s exercise in the open air,” says Mr Boshier. “I emphasise again that this is a minimum entitlement under the Corrections Act 2004.”

The prison also continues to inappropriately place vulnerable prisoners in dry cells (cells without a toilet or water source) when the ISU is full.

“Since my last inspection, three prisoners have died in the prison. One of these deaths occurred in March 2017 following staff using force to restrain the prisoner. I had called for the use of force at the prison to be reviewed after my last inspection, and I do so again.

The prison has achieved or partly achieved 20 of the 37 recommendations I made in 2016 and should be commended for the distance travelled so far. I am encouraged that Corrections has now accepted three-quarters of my latest recommendations, and I look forward to seeing prisoners’ conditions and treatment further improved when I next inspect the prison.”

The Chief Ombudsman’s 2017 and 2019 inspection reports of Hawke’s Bay Regional Prison are available on his [website](#).

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