



Fairness for all

OPCAT Report

Report on an unannounced inspection of Otago Corrections Facility under the Crimes of Torture Act 1989

August 2022

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National Preventive Mechanism

Office of the Ombudsman
Tari o te Kaitiaki Mana Tangata





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Executive Summary

The following report has been prepared in my capacity as a National Preventive Mechanism, as designated under Part 2 of the Crimes of Torture Act 1989 (COTA). The purpose of Part 2 of the COTA is to enable Aotearoa New Zealand to meet its international obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

My functions under the COTA include examining the treatment of people in a number of places of detention, including prisons, and the conditions of their detention. I make recommendations that I consider appropriate to improve the conditions of detention and treatment of prisoners, including recommendations to prevent torture and other cruel, inhuman or degrading treatment.

This report examines the conditions and treatment of prisoners detained in Otago Corrections Facility (the Prison). I authorised my Inspectors to conduct a seven-day inspection of the Prison from 5 October to 11 October 2020. Inspectors used defined criteria to assess the treatment and living conditions of prisoners.

The Prison is located near Milton, in South Otago, and has capacity for 454 prisoners with security classifications ranging from minimum to high.

My Inspectors saw some good practices at the Prison.

- The Prison was actively considering how to implement *Hōkai Rangi* and was working to improve its relationships with mana whenua.
- The roll out of *Making Shifts Work* meant that hours of unlock had increased overall across the Prison. Throughout the inspection, the majority of prisoners were unlocked on the units and were spending time in the yards or wings or engaging in activities.
- There was a good approval rate for Guided Release, which demonstrated the Prison's focus and support for providing prisoners with reintegration activities and opportunities.

However, there were also practices that required improvement, and a small number that were of significant concern.

- Prisoners could be seen on closed-circuit television while using the toilet and in various stages of undress in all Intervention and Support Unit cells, in Hoiho wing cells, and in the Receiving Office. This may be degrading treatment and a breach of article 16 of the Convention against Torture (CAT).
- Prisoners were being held in the Management Unit for more than 15 days, in my view in breach of Rule 43 of the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the 'Nelson Mandela Rules'). Prisoners in the Management Unit needed more meaningful activity and human contact.
- Use of force record keeping was of a poor standard. Reviews of use of force incidents were not occurring in a timely fashion.

- Over half of the prisoners who responded to a prisoner survey said they had felt unsafe in the Prison.
- There was insufficient privacy for prisoners in the Receiving Office. I had identified this issue on previous inspections of the Prison.
- Privacy and confidentiality issues relating to health-care were identified during the inspection.

My report highlights some matters of significant concern that require urgent attention. I look forward to seeing the results of that attention on the next inspection.

I wish to acknowledge and express my appreciation to the managers and staff of the Prison for the cooperation they extended to my Inspectors. My thanks to the prisoners for their participation and assistance. I welcome Corrections' response to my findings and recommendations.

Peter Boshier
Chief Ombudsman
National Preventive Mechanism

Facility facts

Otago Corrections Facility

Otago Corrections Facility (the Prison), located near Milton in South Otago, opened in 2007. It can accommodate 454 prisoners, with 180 low security and 274 high security beds.

The Prison is operated by the Department of Corrections (Corrections), and falls within Corrections' Southern region.

Table 1: Short description of residential units

Unit	Name	Unit description	Capacity
Self-Care	Villas 1-5	Minimum security	20
30	Pūkeko A and B	Low security	100
31	Weka C and D	Low security Drug treatment	60
32	Hoiho and Te Kahu	Management Unit	19
33	Pīwakawaka G	High security Remand	90
	Pīwakawaka H	High security ¹	
34	Takahē I and J	High security ²	90
35	Tokoeka K and L	High security ³	75
Total capacity:			454

There are an additional eight cells in the Intervention Support Unit, and a further eight 'separates' cells used for cell confinement (punishment). These are not residential units, so are not included in the Prison's accommodation capacity.

¹ Pīwakawaka H is a high security unit, but at the time of inspection also housed a mix of remand and medium and low security prisoners.

² Takahē I and J are high security units, but at the time of inspection also housed some prisoners on voluntary segregation and some low security prisoners.

³ Tokoeka K and L are high security units, but at the time of inspection also housed some low security prisoners.

Department of Corrections initiatives

Corrections has two significant policies relevant to this inspection: the *Hōkai Rangi* strategy and the *Making Shifts Work* project.

Hōkai Rangi

Hōkai Rangi is an overarching Corrections' strategy, focussing on the wellness and wellbeing of people (oranga o te iwi). Acknowledging that Corrections has a specific responsibility in the wider justice system, a focus on the wellbeing of people in the care of Corrections aims to improve wellbeing outcomes so as to reduce recidivism, with the ultimate aim of lowering the proportion of Māori in prisons to a level that matches the proportion of Māori in the general population of Aotearoa New Zealand.^{4, 5}

The strategy acknowledges that Corrections have responsibility under Te Tiriti o Waitangi to:

- *Actively protect Māori interests;*
- *Treat Māori fairly;*
- *Involve Māori in designing, developing, and implementing strategies that affect Māori; and*
- *Work in partnership with Māori communities to rehabilitate and transition Māori into their care.*⁶

As Hōkai Rangi is an overarching strategy, Corrections have stated that '[all] other departmental strategies will flow from and align with it.'⁷ Hōkai Rangi runs from 2019 until 2024.

Making Shifts Work

Making Shifts Work (MSW) is a partnership project between Corrections, the Corrections Association of New Zealand, and the Public Service Association Te Pūkenga Here Tikanga Mahi.

In Corrections' Statement of Intent 2018-2022, the Department states:

⁴ Department of Corrections. *Hōkai Rangi: Ara Poutama Aotearoa Strategy 2019-2024*. Wellington; 2019. Accessed on 12 May 2021 at https://www.corrections.govt.nz/resources/strategic_reports/corrections_strategic_plans/hokai_rangi

⁵ At the time of this inspection, approximately 41 percent of prisoners at the Prison were Māori, while at the 2018 Census, 16.5 percent of the population of Aotearoa New Zealand were Māori. Prisoner demographics are set out in Appendix 2, while Census data comes from Statistics New Zealand. *New Zealand's population reflects growing cultural diversity*. Wellington, 2019. Accessed on 10 May 2021 at www.stats.govt.nz/new-zealands-population-reflects-growing-diversity

⁶ Above, footnote 4.

⁷ Above, footnote 4.

*'[MSW] aims to keep staff safe, allow improved work-life balance for staff, continue the delivery of effective operations in our facilities, and enable increased unlock hours for prisoners to improve engagement in meaningful activity.'*⁸

It is being rolled out incrementally across Corrections facilities. Otago Corrections Facility was the second prison to implement MSW, in August 2020.

⁸ Department of Corrections. *Statement of Intent 2018-2022*. Wellington; 2018.

The inspection

A team of 11 Inspectors (whom I have authorised to visit places of detention under COTA on my behalf) made an unannounced seven-day inspection to the Prison from 5 October to 11 October 2020.

Inspectors were told there were 370 prisoners in the Prison on Monday 5 October, representing approximately 81 percent operating capacity. At the time of this inspection, the Prison advised that 151 (approximately 41 percent) of prisoners were Māori,⁹ while at the 2018 Census, Māori made up 16.5 percent of the population of Aotearoa New Zealand.¹⁰

Methodology

Inspection criteria

I have developed six inspection criteria (the criteria) to assess the conditions and treatment of prisoners. The criteria are:

- 1: Treatment
- 2: Reception into prison
- 3: Decency, dignity and respect
- 4: Health and wellbeing
- 5: Protective measures
- 6: Purposeful activity and transition to the community.

These criteria are underpinned by a series of indicators. Each indicator describes a factor that can be observed and cross-checked, to understand how prisoners are being treated and the conditions under which they are detained. The list of indicators underpinning the criteria is not exhaustive, and a prison may be able to demonstrate that the expectation has been met in other ways.

Prisoner survey and focus groups

On the first day of the inspection, the Team distributed a voluntary, anonymous, and confidential survey to prisoners, to learn about their experiences and perceptions of the Prison. The survey gives prisoners an opportunity to raise their concerns and acknowledge what is working well. Three hundred and forty-two survey forms were distributed and 170 were returned (50 percent).¹¹ Some prisoners declined to take part.

⁹ Prisoner demographics are set out in Appendix 2.

¹⁰ Statistics New Zealand. *New Zealand's population reflects growing cultural diversity*. Wellington, 2019. Accessed on 10 May 2021 at www.stats.govt.nz/new-zealands-population-reflects-growing-diversity

¹¹ Survey responses are set out in Appendix 1.

Four focus groups were facilitated by Inspectors, to explore prisoners' experiences in the Prison. Thirty-one prisoners (eight percent of the prison population) participated.

Evaluation techniques

My Inspectors gathered and analysed a range of evidence to inform the findings and recommendations presented in this report. Information was collected from a variety of sources, including:

- obtaining information and documents from Corrections and the Prison;
- conducting a survey of prisoners and focus groups;
- interviewing prisoners, visitors and staff on a one-to-one basis;
- observing the range of services delivered within the Prison at the point of delivery;
- inspecting a wide range of prison facilities;
- attending and observing relevant meetings, the results of which impact on both the management of the Prison and the future of prisoners;
- reviewing policies, procedures and performance reports produced both by the Prison and by Corrections; and
- observing early morning, evening, and weekend routines.

Consultation on provisional report

A provisional report was provided to the Prison and to the Department of Corrections for comment. I have had regard to their comments when preparing my final report.

Follow-up inspections will be made to monitor the implementation of my recommendations.

Previous inspections

May 2010 - double bunking only

December 2010 – follow up to double bunking

September 2014 - health services only

May 2016 – full inspection

January 2019 – follow up inspection

1. Treatment

Expected outcomes

The Prison has robust oversight measures and standards in place for preventing torture and other cruel, inhuman or degrading treatment or punishment. Such protection measures are subject to regular review by senior managers to ensure standards are consistently achieved.

The Prison takes all reasonable steps to ensure the safety of all prisoners. Prisoners live in a safe and well-ordered environment where positive behaviour is encouraged and rewarded. Unacceptable behaviour is dealt with in an objective, fair and consistent manner. There is regular and responsive consultation with prisoners about their safety.

Use of force

The use of force register showed 35 instances of use of force between 1 April and 30 September 2020. The majority of uses of force occurred in four units.

Table 2: Use of force events

Unit	Number of use of force events
Tokoeka	9
Takahē	7
Pīwakawaka	6
Intervention Support Unit	6
Rest of the Prison	7
Total use of force events	35

My Inspectors requested use of force data from Corrections, including a breakdown of uses of force by ethnicity.¹² The data provided did not align with the use of force register provided by the Prison, and there were other complexities in the data. My Inspectors discussed the data collection issues with Corrections and together have identified potential improvements in the data for future inspections. Corrections subsequently advised a new process has been

¹² The collection of such data in respect of Māori is required by Hōkai Rangi (Outcomes, 5.1), and the Waitangi Tribunal has found that it is required by te Tiriti o Waitangi, specifically the principles of equity and active protection which include a requirement to be fully informed of how Māori are treated. See, for example, Waitangi Tribunal, *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wellington (2019), p 138.

established “... to collect and analyse UoF data by demographic, including ethnicity, with a particular focus on the extent of use of force on Māori and Pacific peoples.”

Use of force incident reports ask staff to indicate if on-body camera (OBC) footage is available for each use of force incident. Inspectors found OBC footage was available for most incidents.

Staff told my Inspectors that the OBCs had a battery life of approximately six hours. Under the new Making Shifts Work staff shifts were between 10 and twelve hours. In an attempt to preserve battery life, staff would turn their OBC off until a use of force incident arose. Turning an OBC on from ‘off’ mode typically means footage is only recorded after the incident starts. Turning an OBC on from standby mode preserves footage from the 60 seconds prior to the ‘on’ button being pressed, which means important lead-up footage is captured (such as staff using de-escalation techniques). The Prison was addressing this by having staff change OBC batteries mid-shift to allow all day use of standby mode.

Corrections have subsequently advised that remedial action has already been taken since my raising this issue. They advised that in the immediate term a new process was implemented, requiring camera batteries to be changed out halfway through each shift with fully charged replacement, thereby allowing all cameras to be kept on standby when worn. Corrections also advise that at a national level, they are undertaking a project which will roll out replacement OBCs with reduced charging times, running times in excess of 12 hours, better video quality and easier operation. Implementation of the new OBCs, and relevant accessories, will reportedly be progressive over the next two years, starting from July 2021. I am pleased to hear about these initiatives. Inspectors have also seen progress on this in other prisons inspected in 2021.

My Inspectors reviewed a sample of OBC and CCTV footage relating to use of force incidents. These showed inconsistent use of de-escalation techniques, and that some staff used unprofessional language. Three incidents in the sample viewed showed what appeared to be unreasonable use of force. One of these incidents had been identified by the Prison as an unlawful use of force, and was being investigated.

Ten of the 35 instances of use of force (28.5 percent) involved the use of pepper spray. I raised a concern about high use of pepper spray at OCF in my 2019 Inspection Report of the same prison.¹³ Corrections acknowledged that there is still room for improvement in terms of skilful use of non-forceful alternative ways for managing incidents. They noted that they had invested significantly in training and tools to keep staff and people in prison safe alongside training in the safe and appropriate use of force. They advised they considered the use of pepper spray at OCF was relatively low for the size of the Prison. I am concerned that pepper spray is overused in prisons generally, and am of the view that Corrections must guard against the normalisation of pepper spray use.

Use of force paperwork was present, but the standard was poor. Signatures and dates were often missing. It was not always clear if OBC footage was available for review. A significant

¹³ Office of the Ombudsman *Report on an unannounced follow up inspection of Otago Corrections Facility under the Crimes of Torture Act 1989*. (2019) Wellington.

number of reviews were outstanding at the time of inspection. Since my inspection I have been informed that the Prison has implemented a new process for reviewing use of force incidents which requires all use of force incidents to be reviewed within 15 working days. I will continue to monitor these developments.

Recommendations – use of force

1. I recommend that:

- a. The Prison reduce the use of force, including the use of pepper spray.
- b. The Prison collect and analyse use of force data by demographic, including ethnicity, with a particular focus on the extent of use of force on Māori and Pacific peoples.
- c. Use of Force incidents are subject to timely and comprehensive review.
- d. The Use of force register and paperwork is accurate, completed promptly and in full, and reviewed in a timely manner

Intervention Support Unit

The Intervention Support Unit (ISU) is a dedicated facility for those prisoners deemed vulnerable, at risk of suicide or self-harm, and for newly received youth.

The ISU had eight cells, each with a toilet and handwashing facilities. Showers were in a separate area, and prisoners could shower daily. Cell windows had privacy curtains. Three of the cells, designated for youth, could have a television installed. There was a dayroom with books, a television and a radio. There was a kiosk and telephone. There were two small exercise yards, one with limited exercise equipment.

ISU cells, including the toilets, were subject to unobstructed closed-circuit television (CCTV) monitoring. The footage was displayed on a monitor in the staff base, and master control room. This is a significant privacy issue. Some prisons and court cells have implemented technology that ‘blacks out’ the toilet area in camera feeds, however Otago Corrections Facility has yet to introduce such technology.

In 2016, I recommended that cameras should not cover toilets at the Prison,¹⁴ and repeated this recommendation in my report on a 2019 follow up inspection.¹⁵ I reiterate my position that allowing prisoners to be viewed by others, directly or by CCTV, while they are undressed, showering, or using the toilet, may be degrading treatment and a breach of article 16 of the

¹⁴ Office of the Ombudsman. *Report on an unannounced inspection of Corrections Service Otago Corrections Facility Under the Crimes of Torture Act 1989*. (2016) Wellington.

¹⁵ See footnote 13, above.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹⁶ Corrections have advised they consider they are legally required to observe certain individuals, including those at risk of harm, but are considering options including the potential for implementing technology that pixelates CCTV footage, and a review of the regulatory framework. While the work underway in this area is welcome, repeated recommendations have been made to the Department of Corrections regarding this issue for a number of years. I encourage Corrections to conclude their review of regulations relating to privacy screening and their work on CCTV technology with urgency.

On the first day of inspection there were three prisoners in the ISU. They all had an at-risk management plan, however these were generic and lacked detail. My Inspectors attended a multi-disciplinary team meeting to discuss the care of the prisoners in the ISU. The meeting was well attended and involved staff from the ISU, prison management, case management, and mental health workers. Attendees had a comprehensive understanding of the prisoners in their care. The meeting focussed on how to achieve the best outcome for each individual. File notes were added to the Integrated Offender Management System (IOMS).¹⁷ Prisoners did not attend. Responding to my provisional report, the Prison advised they will include prisoners, or advocates for the prisoners where the prisoner is not sufficiently well to attend, in multi-disciplinary team meetings in the future. In relation to the use of advocates, I encourage Corrections to consider how best to integrate supported decision making (rather than substituted decision making)¹⁸ into this process.

The Prison did not have a dedicated Youth Unit. Prisoners under the age of 18 were housed in the ISU while awaiting their transfer to another prison. I consider that imposing invasive practices, such as continuous CCTV monitoring, on young people who are not assessed as at risk in an ISU context is inappropriate. In their response to my provisional report, Corrections advised it was not feasible to have a dedicated unit for prisoners under 20, given the very small numbers of young prisoners at any one time. They also advised the prison had identified the ISU as the most suitable environment for placement of persons under 20 years because the staff in the unit are trained to work with people who present with more high and complex needs, which they assesses as common for this population. They noted that the alternative mainstream or management unit options at the prison risked exposing vulnerable under 20 year olds to harmful influences without adequate support and oversight. I acknowledge the efforts the prison is making to protect young offenders, but remain concerned that this should not be the basis upon which to impose invasive practices.

¹⁶ UN Convention against Torture, art 16(1): “Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.”

¹⁷ IOMS is Correction’s computerised operational database.

¹⁸ For an explanation of supported decision making, and the distinction between supported and substituted decision making, refer to <https://msd.govt.nz/about-msd-and-our-work/work-programmes/accessibility/supported-decision-making.html>

ISU staff told my Inspectors they had received little mental health awareness training, and had learnt their skills primarily on the job. Several staff members said they understood that training was intended to be provided under the *‘Intervention and Support Project’*. At the time of the inspection, I found no evidence to indicate that specific mental health training was being provided to ISU staff. Corrections advised they are working to develop a comprehensive training calendar for frontline staff, including those working in ISUs. This training *‘... will initially include suicide prevention training, MH101 training, working with challenging behaviour and understanding complex personality disorders.’* Such training was reportedly to start in June 2021.

Recommendations – Intervention Support Unit

1. I recommend that:

- e. Prisoners cannot be viewed, directly or via CCTV, while undressing, showering, or using the toilet, including in the Management Unit and ISU.
- f. Prisoners in the ISU are given the opportunity to contribute towards their management plan and attend the weekly multi-disciplinary meeting.
- g. Young people are accommodated in facilities that are suited to their needs.
- h. ISU staff receive regular and comprehensive mental health awareness training

Management Unit

The Prison had a purpose-built unit where prisoners subject to directed segregation under sections 58 to 60 of the Corrections Act 2004 (the Act) could be located. Segregation is the restriction or denial of opportunity to associate with other prisoners.¹⁹

The Management Unit was split into two areas; Te Kahu, a 19-bed management facility and Hoiho, an eight-bed Separates area for those prisoners undergoing a period of cell confinement.²⁰

Seventeen prisoners were in the Management Unit during the inspection under various segregation directives. During the inspection there were 12 prisoners in Te Kahu. There were five prisoners in Hoiho: two on cell confinement, and three on directed segregation:

- two prisoners were segregated ‘for the security or good order of the prison’;²¹

¹⁹ Corrections Act 2004, s 57.

²⁰ Cell confinement is a form of punishment authorised by a Hearing Adjudicator or a Visiting Justice. Men on cell confinement are usually not allowed to interact with other prisoners, and can have some of their minimum entitlements suspended. Directed segregation, however, is not a form of punishment under the Corrections Act 2004.

²¹ Section 58(1)(a).

- three were segregated ‘for the safety of another prisoner or other person’;²²
- four prisoners had requested segregation ‘for the purposes of protective custody’;²³ and,
- the Prison Director had directed eight prisoners to segregation ‘for their own safety’.²⁴

One of the men had been segregated for over two years. Another had been segregated for ten months, and two men had been segregated for more than six months.²⁵

Most of the men in the Management Unit had impoverished regimes, which largely consisted of moving between their cell and their yards. Prison management told Inspectors they emphasised allowing for ‘restricted’ association with other prisoners rather than ‘denied’ association. Despite this, most of the prisoners had little or no opportunity for meaningful human interaction. While some prisoners were allowed to associate with others under their segregation orders, prisoners were frequently seen alone in their cells or the yards during the inspection.

For several of these prisoners, these conditions had lasted for longer than 15 days. In my view, this constituted prolonged solitary confinement, which is prohibited under Rule 43 of the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the ‘Nelson Mandela Rules’)*.²⁶

In response to this Corrections have advised that in February 2021 the Management Unit began introducing tools and processes to ‘*to help create a more effective pathway for the men housed in the unit to return to the mainstream environment.*’ They state:

‘Effective from early April 2021, men in the Management Unit have been interviewed daily by the Unit Principal Corrections Officer (or the Senior Corrections Officer where the Principal Corrections Officer is not on shift), to gauge any changes in behaviour and possibilities for progression back to a mainstream unit.’

The Prison have advised that multi-disciplinary team meetings and transition plans are being used to address the specific needs of prisoners in the Management Unit, including those who have been there long-term.

²² Section 58(1)(b).

²³ Section 59(1)(a).

²⁴ Section 59(1)(b).

²⁵ As at 7 October 2020.

²⁶ Solitary confinement is the isolation of people in places of confinement for 22 to 24 hours a day. This includes situations where a person is not necessarily held in the same cell for 22 to 24 hours a day. See Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to New Zealand* at [39]. 28 July 2014. Sharon Shalev, *‘Thinking Outside the Box? A Review of Seclusion and Restraint Practices in New Zealand’* Auckland: Human Rights Commission, April 2017. See also *Resolution 70/175: The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) 2015*, Rule 44.

Advice from the Prison is that video calling to whanau, family, and friends who are approved visitors is now available, *‘... to the extent that this contact is consistent with the maintenance of safety and security requirements.’* The Prison also advised of educational, rehabilitative, and other constructive activities recently made available to prisoners in the Management Unit. I look forward to seeing these in effect on my next inspection. I am pleased the prison accepts my recommendations and is taking steps to materially improve the conditions for these prisoners. I will continue to monitor the implementation of these changes.

The Unit was clean and tidy and cells had their own toilet and shower facilities. Te Kahu had an exercise yard, while in Hoiho each cell had its own adjoining yard. Yards were wire-enclosed concrete slabs; sparse and not well maintained.

All cells in Hoiho were subject to CCTV monitoring, including the unscreened toilets. CCTV could be viewed by anyone entering the staff base, which presented a significant privacy issue. Corrections’ practice of not screening toilets in the Management cells allowed prison staff (and others) to view prisoners while they are undressed, showering, or using the toilet. As set out above, I consider that this may be degrading treatment and a breach of article 16 of the CAT. I also note that for some prisoners on cell confinement in Hoiho, CCTV monitoring is a further unacceptable invasion of privacy, as confinement can be carried out in a cell without CCTV.

Information provided by the Prison showed that 83 prisoners were placed on some form of directed segregation between 1 April and 30 September 2020.²⁷ Corrections’ data showed that approximately 60 percent of prisoners segregated under section 58 of the Act were Māori.

Inspectors’ review of segregation paperwork within this period identified that orders were signed off at an appropriate level and within timeframes. However, segregation paperwork did not always contain sufficient detail to justify the order. Management plans for prisoners on directed segregation were generic and lacked detail regarding plans for prisoners’ progression out of the Management Unit. The Prison advised that *‘[s]ince February 2021, staff have been working on creating achievable, clear and specific management plans that can be quickly adapted to suit an individual’s changing needs.’* I look forward to seeing this in future inspections.

There were telephones in Hoiho and Te Kahu, but privacy was an issue as Corrections staff were nearby at all times, and could overhear calls. Prisoners were receiving their minimum entitlement of a five minute call each week.

²⁷ Of these, 30 prisoners had been placed on directed segregation under section 58 of the Act, 20 had been placed on directed protective custody under section 59(1)(b) and 33 had been put on medical oversight under section 60.

Recommendations – Management Unit

1. I recommend that:

- i. Time prisoners spend in the Management Unit is as short as possible, and subject to ongoing assessment and review.
- j. Management plans for prisoners in the Management Unit include clear, specific and achievable steps towards progression out of the Management Unit.
- k. Constructive and purposeful activities are increased for prisoners in the Management Unit.

Safety (including voluntary segregation)

Corrections data indicated that between 1 April and 30 September 2020, the Prison had:

- eleven events of prisoners assaulting staff, none of which resulted in injury;
- thirty-five instances of prisoners assaulting other prisoners, which either did not result in injuries or were not deemed ‘serious’;²⁸ and,
- three instances of prisoner assaults which were categorised as either ‘serious’ or as sexual assaults.

The Prison held monthly ‘Safer Custody’ Panel meetings. My Inspectors reviewed a sample of meeting minutes, which indicated the meetings were well attended by a range of multi-disciplinary staff.

Safer Custody meeting minutes noted that violence in the Prison had decreased overall as the prison population reduced. Nonetheless, prisoners and staff expressed their concern about feeling unsafe in the Prison. Ninety-four survey respondents (56 percent) said they had felt unsafe in the Prison. Ninety-seven survey respondents (61 percent) reported that they had been victimised in the Prison and 67 (40 percent) said that they had been assaulted.

Approximately a third of people who said they had been assaulted had reported the incident.

Intelligence reports indicated that violence and other safety incidents were linked to an increase in gambling and debts, and a decrease in regular activities available to prisoners and staff. Staff and prisoners also identified the increase in time out of cells without opportunities for meaningful activity as a causative factor for negative behaviour.

²⁸ Corrections states that ‘A serious assault is an act of physical violence that involves one or more of: bodily harm requiring medical intervention by staff followed by overnight hospitalisation; bodily harm requiring extended periods of ongoing medical intervention; or sexual assault of any form and degree.’ Department of Corrections. ‘Assaults in Prisons’ (2017). Retrieved on 23 April 2021 from www.corrections.govt.nz/resources/statistics/assaults_in_prisons

Incidents and violence were largely concentrated in Tokoeka K. A lack of dedicated staff observing the prisoners in the yards was reportedly a key cause of violence and negative behaviour. The Prison had identified potential solutions as rotating staff and disrupting gang recruitment or other negative behaviours.

After the inspection, my inspectors became aware of an incident in which a prisoner suffered a minor injury as a result of pest management activity. The prisoner received appropriate treatment at the time, however a review of the incident had not been completed several months later when requested by inspectors.

Twenty-five survey respondents (19 percent) reported that they had been sexually assaulted while in the Prison. Prisoners also raised this with my Inspectors in focus groups, one-to-one during the inspection, and in comments in the survey. I expect the Prison to address this.

Prisoners told my Inspectors they were concerned about the risk of sexual assault when double-bunked. Some prisoners told Inspectors that when they raised concerns about the safety of double bunking, they felt their concerns were dismissed by staff. Staff told my Inspectors that prisoners would say they felt unsafe because they did not want to share a cell.

I did not find evidence that the Prison had identified sexual assault as a specific safety concern. For example, Safer Custody Panel minutes provided to my Inspectors did not contain any record of discussions about sexual assaults. The Prison could do more work to seek to understand why prisoners do not feel safe.

In response to my provisional report, The Prison advised that information on the complaints process was given to all prisoners at OCF in an induction book. The Prison Director acknowledges that OCF could provide more information on how to raise safety concerns as well as emphasising there are various people on site who can address different concerns such as In-Reach Mental Health Clinicians, Health Services staff, Case Officers, Case Managers, Principal Corrections Officer, Residential Manager, or any staff member that the individual feels comfortable with. This will be considered as part of the induction book review to be completed by 1 September 2021.

As at 5 October 2020, there were 79 voluntarily segregated prisoners across the Prison, mostly in Takahē. This was approximately 20 percent of the Prison population. Reasons given by prisoners for wanting voluntary segregation varied, but common themes were gang issues, bullying, and a fear for personal safety.

Prisoners on voluntary segregation on Takahē were subject to a basic regime, with limited work opportunities and activities. Staff told Inspectors the limits on prisoner regimes was partly due to the challenges in moving voluntarily segregated prisoners without encountering other prisoners.

Prisoners on segregation also reported being routinely subject to verbal abuse by prisoners in yards on other units, particularly when walking along the external pathway. Staff attempted to mitigate this by conducting movements of voluntarily segregated prisoners in golf buggies.

Opportunities to engage in meaningful constructive activities for prisoners on voluntary segregation needed to be improved. Prison management were taking steps toward improving work opportunities for these prisoners.

The Prison has since advised of specific educational and constructive activities made available to prisoners on voluntary segregation and directed protective custody since the inspection, including work and rehabilitation interventions. The Prison noted that *'Restricted interactions amongst those residing in the Management Unit on directed segregation would not support the commencement of group-based interventions in that unit.'*

Recommendation – safety

1. I recommend that:

- I. The Prison Director ensures that prisoners understand how to raise safety concerns, particularly those relating to double bunking, and such concerns are documented and responded to.

Staffing

Information provided to my Inspectors showed that the Prison had 348 staff, including health professionals and Case Managers. Staff turnover was five percent for the 12 months prior to the inspection. As of August 2020, the Prison had approximately four full-time equivalent (FTE) vacancies across the site. These vacancies were in line with planned staffing levels at the Prison.

The Prison had a good range of experience among staff, but relatively low ethnic and cultural diversity.

At the time of the inspection, the majority of staff were up-to-date with their training, including fire and first aid (83.5 percent), hostage and suicide awareness (76.5 percent), prison escort (83.9 percent) and tactical options (87.5 percent).²⁹

Drugs

The Prison had a suitable drug-testing facility and sample-taking area, with two holding cells.

Sixty-five survey respondents (39 percent) reported having a drug problem when they came to the Prison. Twenty-eight respondents (17 percent) reported having a drug problem at the time of the survey. Thirty-six survey respondents (23 percent) said they had received help with drug problems in the Prison.

²⁹ Tactical options and de-escalation relates to Control and Restraint practise.

The Prison had conducted a total of 151 drug tests between 1 April and 30 September 2020, of which four had returned a positive result.³⁰

Gangs

According to the figures provided by the Prison, 40 percent of prisoners identified as a gang member or as a gang associate.

The Prison provided Inspectors with its *Otago Corrections Facility Gang Management Plan* (Gang Strategy). The Gang Strategy identified several challenges unique to the Prison. Such challenges included keeping young people away from the influence of gang members, the impact and risk of tattooing in the Prison, and the *'impact of the high number of influential prisoners'* in the Prison. The Gang Strategy provided a plan to address each of the identified challenges, along with identifying staff responsible and a timeline for progress.

The Prison addressed gang management at a monthly Gang Management Meeting and at Safer Custody Meetings. Inspectors attended a Gang Management Meeting and were provided sample of minutes from previous meetings. Meetings were well attended by staff from most units and external stakeholders.

Thirteen survey comments were made by prisoners in relation to gangs at the Prison. Twelve of these comments related to feeling unsafe in units with gang members due to bullying and assaultive behaviour.

³⁰ Testing was lower in April and May 2020, with 0 and 10 tests respectively, before increasing in subsequent months.

2. Reception into prison

Expected outcomes

On arrival at Prison, prisoners are safe and treated with respect. Risks are identified and immediate needs met before prisoners move to their allocated units.

The Prison complies with administrative and procedural requirements of the law. There is a structured process to provide every prisoner with all necessary information about their rights, responsibilities and entitlements, the Prison's expectations of them and the operating and administrative arrangements pertaining to their detention.

Receiving Office

The Receiving Office (RO) was open Monday to Friday, from 7am to 7pm and on Saturday from 8am to 8pm. Between 1 April and 30 September 2020, the RO received 333³¹ new arrivals and transfers.

Procedures for reception, transfer and release of prisoners took place in a clean and tidy facility. My Inspectors observed the reception process for three prisoners and identified it to be good. RO processes were carried out efficiently and staff dealt with prisoners respectfully.

RO staff liaised with Police, Courts and other prisons to plan for new arrivals and transfers. RO staff conducted initial reviews of all available documentation and records prior to new arrivals and before induction interviews, if time permitted.

On arrival, prisoners were individually and promptly disembarked from escort vehicles, handcuffs were removed and warrants were checked by staff. Strip searching took place in a dedicated 'search room' with a privacy screen and no camera. An Inspector observed staff while they conducted three strip searches (with prisoners' consent), and noted staff carried the searches out professionally. After the search, prisoners were issued with prison clothing, placed in holding cells and offered a hot drink.

RO reception interviews commenced shortly after a prisoner's arrival. Staff completed a Reception Risk Assessment and an Immediate Needs Assessment.³² Information from Corrections Business Reporting and Analysis (COBRA) showed 97.00 percent of At Risk Assessments were completed on time and 95.50 percent of Immediate Needs Assessments were completed on time.

³¹ Information from Corrections Business Reporting and Analysis (COBRA).

³² Reception Risk Assessments must be completed within four hours of arrival at a prison. Immediate Needs Assessments must be completed within four hours of arrival, unless a specified exception exists. *Custodial Standards of Practice – Immediate Needs Assessments*.

Attempts were made to provide prisoners with initial phone calls. If the initial call was not successful, RO staff would document this in IOMS notes for unit staff, to ensure new arrivals could make their initial call on the unit.³³

All new arrivals into the Prison were processed at the RO reception counter. Reception Risk Assessments were conducted in the main receiving area. This area did not provide privacy for prisoners when being interviewed. The Prison advised it would ‘... explore the feasibility of one staff member doing all risk assessments in a separate office.’

I raised this issue in my 2016 Inspection and my 2019 follow up Inspection reports. It is disappointing to find that this has not been addressed.

There were seven holding cells³⁴ in the RO, six of which had a screened toilet with integrated drinking facilities. The remaining holding cell had no toilet facilities or drinking water. All holding cells were monitored by CCTV cameras. Cameras were positioned above the privacy screens, and CCTV could be viewed by anyone entering the staff base, and master control. As with the use of CCTV in the ISU and Management Unit, this presented a significant privacy issue. As set out above, I consider that this may be degrading treatment for the purpose of article 16 of the CAT. Corrections’ response to this is set out in the Intervention Support Unit section above, including noting that work is underway to address this, led by the Chief Custodial Officer’s team in collaboration with other parts of Corrections.

The RO also had two private interview spaces. One was dedicated for medical staff to conduct health assessments of the new arrivals. The second room was available for private interviews.

My Inspectors saw a number of inappropriate posters displayed in the RO reception area. This was raised with the Prison Director at the time of the inspection who gave an assurance these would be removed.

Custodial and health staff in the RO worked together effectively to achieve good outcomes for prisoners. New arrivals were moved through the RO process quickly. My Inspectors followed three arrivals and noted that they were placed in their individual units within an hour of arrival to the Prison.

Recommendations – Receiving Office

2. I recommend that:

- a. Prisoners being processed in the receiving office are afforded privacy, including when using the toilet. **This is an amended repeat recommendation.**

³³ Regulation 87(4) of the Corrections Regulations 2005 states that:

‘A prisoner must, immediately after reception to a prison (other than as a consequence of a transfer from another prison), be allowed 1 free telephone call within New Zealand for the purpose of advising the prisoner’s next of kin of his or her location, unless the prisoner’s next of kin has been advised of his or her location.’

³⁴ Three pre-search cells, one of which was a dry cell and four post-search holding cells.

Property

The property store was located above the RO. Two staff processed all RO incoming and outgoing property, along with all internal property requests. Prisoners' property was recorded at the time of reception. Property staff met with prisoners to check their property prior to transfer or release from the Prison.

Access to stored property was a source of frustration for 64 survey respondents (40 percent). There were 32 complaints relating to property between 1 April and 30 September 2020.

Senior staff told my Inspectors that staff were not always completing the property processes correctly. When staff could not identify a property owner, items would be disposed of. This contributed to a number of property claims. Overall, there were 56 property claims between 1 April and 30 September 2020. Of the 56 claims, 28 had been approved and settled as 'staff error',³⁵ one claim remained open without result, and 27 had been declined.

Induction

Prisoners received into the Prison were placed in Pīwakawaka for assessment, or in the ISU. Inspectors followed the progress of a prisoner who had arrived from the Courts the day before. His initial phone call could not be connected, and this was well documented for follow up on the Unit. However, the following day, he told Inspectors he had not been inducted and had not been given the opportunity to try the phone call again. Staff told Inspectors that it was up to the prisoner to make them aware of his need for induction and initial phone call. The prisoner's Induction Interview form³⁶ had been completed, despite staff acknowledging this had not yet been completed.

The Prison advised that since June 2021, the process for ensuring a new arrival has had an opportunity to make a phone call has been enhanced, including placing responsibility for following up on induction and initial phone calls with Senior Corrections Officers and the Principal Corrections Officer. I am encouraged to hear this, and look forward to seeing this in place on future inspections.

In focus groups prisoners told my Inspectors they relied on other prisoners for information about unit rules and routines, rather than induction. One attendee said:

It's a tick box exercise, not explained or run through by staff. They just say sign here on completed induction forms. There is no opportunity to read and understand the induction information.

Unit induction booklets included information about visiting times, health, hygiene and daily routines. The general tone and layout was overly formal. The Prison did not provide translated versions of unit induction booklets. Corrections have told me they are working with Translation

³⁵ Three of these claims originated in other prisons.

³⁶ Corrections Form 1.07.Form.01.

Services at the Department of Internal Affairs to have key documents relating to reception and induction process translated into other languages. I was pleased to note that an Ezispeak³⁷ information poster was located in the RO in an area accessible to new arrivals and that staff were aware of this service.

As noted above, the Prison has advised the induction book is being reviewed, and that staff will be encouraged to talk through the induction book more thoroughly with new prisoners, including checking the information is understood and giving prisoners the opportunity to ask questions.

Between 1 April and 30 September 2020, Corrections' records state 81 percent of induction interviews were completed within the required timeframe.³⁸

Case Officer assignment

According to Corrections' *Custodial Standards of Practice*, prisoners should be assigned a Case Officer³⁹ within three days of being received in to a new unit. Between 1 April and 30 September 2020, Corrections' records state 92 percent⁴⁰ of prisoners were assigned a Case Officer within timeframes.⁴¹

One hundred and one survey respondents (60 percent) reported that they did not meet with their Case Officer within their first week, and 138 (83 percent) reported that they did not meet with their Case Officer at least weekly.

Cell sharing

A Shared Accommodation Cell Risk Assessment (SACRA) must be completed before two prisoners are placed in the same cell to determine whether there are any safety risks.⁴² A total of 980 SACRA assessments were carried out between 1 April and 30 September 2020. Ninety-nine percent were completed in the timeframe as set out in the Prison Operations Manual.⁴³

³⁷ Ezispeak is a free telephone-based interpreting service provided by the Office of Ethnic Communities, used by many government agencies.

³⁸ Induction Interviews must be completed within 72 hours of a prisoner being received into the Prison, and details entered in Integrated Offender Management System (IOMS). *Custodial Standards of Practice*.

³⁹ The role of the Case Officer includes looking after each prisoner, ensuring awareness of routines and arrangements in the unit and supporting and encouraging them to make positive use of their time in custody.

⁴⁰ Information from Corrections Business Reporting and Analysis (COBRA).

⁴¹ A Case Officer must be assigned to an offender within three days of being assigned to a new unit. Information from Corrections Business Reporting and Analysis (COBRA). *Corrections Custodial Standards of Practice – Case Officer Assignment*.

⁴² SACRA takes account of the men's age, offending history, gang affiliations, prison experience, size and strength, mental health, risk of violence and/or self-harm, special needs, security classification, segregation status, sentence status and other factors relevant to safety and good order.

⁴³ Department of Corrections, *Prison Operations Manual; 1.08 Shared Accommodation Cell Risk Assessment* (2019). Retrieved on 27 April 2021 from

Inspectors reviewed a sample of SACRA results. There was variation in the factors considered, and the level of detail in each SACRA.

A number of prisoners in focus groups said their concerns about cell sharing were not discussed with them. Prisoners said staff did not listen to them when they reported concerns about the suitability of their cell mate. One focus group attendee told Inspectors *'You have to become aggressive to get away from a bad situation.'* Prisoners said they felt using or threatening violence was the only way to have double-bunking issues resolved. Some staff said prisoners reported violence or bullying as a way to avoid sharing a cell.

3. Decency, dignity and respect

Expected outcomes

The Prison employs fair processes while ensuring it meets the distinct needs of all prisoners irrespective of age, disability, gender and sexual orientation, race, religion and belief. A climate of mutual respect exists between staff and prisoners.

Prisoners live in a clean and decent environment which is in a good state of repair and fit for purpose. Each prisoner has a bed, bedding and clean suitable clothing, has good access to toilets and washing facilities, is provided with necessary toiletries and cleaning materials, and is properly fed. The Prison supplies the basic requirements of decent life to the prisoner.

Accommodation

The Prison had three high security residential units (Pīwakawaka, Takahē, and Tokoeka) and two low security residential units (Pūkeko and Weka) as well as an internal self-care unit.⁴⁴ There was no physical difference between a high security and low security unit.

Accommodation standards across the Prison were good. All cells were clean, bright and well-maintained. Standards of cleanliness and hygiene in the units were high. However, some yards contained mould and required cleaning. The Prison acknowledged there was room for improvement and advised a schedule would be developed ‘... to ensure that all yards are cleaned regularly to the expected high standard.’

All cells had in-cell integral sanitation and shower facilities. Approximately 17 percent of cells were double bunked at the time of inspection. Staff and prisoners reported that double bunking had significantly reduced over the past eight months.

Some prisoners reported that cells could be cold, particularly in winter. Prisoners had made draft excluders for their cell doors to block cold currents of air from the internal ventilation systems.

Recommendation – accommodation

3. I recommend that:

- a. All yards are kept clean.

⁴⁴ See Table 1.

Clothing and bedding

Clothing and bedding supplies in all units were plentiful and in generally good condition. Stock rooms were well organised. However, some prisoners reported there was a shortage of winter coats meaning they could be cold during yard time. One hundred and twenty-seven survey respondents (76 percent) said they received enough clean, suitable clothing for the week. One hundred and fifty-eight respondents (95 percent) said they received clean sheets each week.

Haircuts, clippers and razors

Some hair clippers were in a poor state of repair and were reported to have frequently broken. Prisoners spoke about the importance of being able to feel clean and tidy. On Takahē, razors were able to be issued when requested the day prior, three times a week, at 6am. Razors had to be returned before breakfast. Some prisoners thought the razor regime in place was unreasonable and reported that it did not allow them enough time to shave as frequently as they liked. I note this is not in line with Corrections' *Prison Operations Manual*, which allows razors daily, at any time, for 90 minutes.⁴⁵

Food and meal times

Mealtimes for the prisoners had improved since my last inspection. Meals were served at around 6pm across the site since the implementation of 'Making Shifts Work'.

The kitchen facilities were good, with generally high standards of cleanliness and hygiene. Forty-four survey respondents (26 percent) described the quality of food as 'good' or 'very good', while 35 (21 percent) thought it was 'bad' or 'very bad'.

A revised national menu had also been introduced since my last inspection. The Prison kitchen followed the national menu and provided a four-weekly menu. Prisoners requiring a special medical, cultural, or religious diet were catered for.

While Inspectors saw several meals and considered the portion size was average, some prisoners raised concerns about meal portion size. Several reported they used food from the canteen to ensure they were full.

Prisoners in some low security units could eat their meals out of their cells. Prisoners in the high security units ate all meals in cell. Some prisoners on voluntary segregation in Takahē reported that they would like the opportunity for communal dining on occasion.

Prisoners raised concerns to Inspectors regarding the high cost of items on the canteen list. One hundred and twenty survey respondents (71 percent) said the canteen did not sell the items and food supplies they needed, including affordable foods for prisoners with diabetes.

⁴⁵ Department of Corrections. *Prison Operations Manual - F.06 Disposable safety razor* (December 2016). Retrieved on 23 April 2021 from https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Prisoner-finance-activities/F.06-Disposal-safety-razor

Staff-prisoner relationships

Staff-prisoner relationships were variable. My Inspectors observed some responsive and courteous interactions between staff and prisoners. Conversely, my Inspectors observed staff dismissing reasonable requests and also overheard some staff using derogatory terms to describe prisoners. Some staff referred to prisoners by their surname or as ‘inmate’. Prisoners reported that staff attitudes differed significantly in different units.

One hundred and thirteen survey respondents (69 percent) said there was a staff member they could turn to for help if they had a problem. One hundred and eighteen (71 percent) reported that most staff treated them with respect.

Twenty-eight survey respondents (29 percent) stated that they had been victimised by staff in the Prison, while twenty-nine (30 percent) stated they had been victimised by both staff and other prisoners. In Takahē (voluntary segregation), 71 percent of 53 survey respondents reported victimisation. I expect the Prison to look into this further, and I will follow up on this.

Equality and diversity

The Prison provided my Inspectors with a one-page national *Inclusion and Diversity Strategy*.⁴⁶ The strategy lacked detail on inclusion and diversity objectives for staff and prisoners.

I am aware *Hōkai Rangi* is the overarching operational strategy for Corrections and welcome its emphasis on ‘humanising and healing’. This involves recognising and supporting diversity. I look forward to *Hōkai Rangi* becoming embedded in the Prison’s day-to-day practice.

Prisoners with disabilities

Forty-four survey respondents (27 percent) reported having a physical disability. Thirty respondents said they did not feel supported with their disability needs.

The physical environment of the Prison was generally well-designed so prisoners with mobility issues or other impairments were generally able to navigate their surroundings without difficulty.

All units had cells intended to be accessible to detainees with mobility or physical impairments. However, these cells did not have handrails. Staff said there were not always enough accessible cells for prisoners who needed them. Prisoners with disabilities were often double-bunked. Staff said this allowed prisoners to provide support to each other. Inspectors spoke with some of the prisoners in accessible cells who reported they were happy with their cell-sharing arrangements.

⁴⁶ Inclusion and Diversity Strategy (2020-2024).

Transgender prisoners

There were no prisoners who had identified as transgender at the time of inspection. Staff my Inspectors spoke with were aware of the Management of Transgendered Prisoner Policy.

Cultural provision

Sixty-four survey respondents (41 percent) indicated that they were able to access cultural services at the Prison. A common theme from focus groups was the lack of access to cultural support, and cultural programmes and activities. Several prisoners spoke of the absence of a kaupapa Māori unit in any of the South Island prisons and how they felt this disadvantaged them. Information provided by the Prison indicated that, at the time of the inspection, 151 prisoners identified as Māori (approximately 41 percent). The Prison acknowledged the focus groups' comments, and advised that *'OCF leadership is keen to further develop opportunities that will support the men's cultural needs.'*

A working relationship with Ngāi Tahu was established when the Prison opened in 2007. However, it was evident that the Prison's engagement with mana whenua had reduced in subsequent years. Management reported that they were working alongside Ngāi Tahu to improve this relationship.

The Prison provided programmes such as Mauri Toa Rangatahi,⁴⁷ directed towards rangatahi, and Te Hōkai Manea Tipuna.⁴⁸ Prisoners also spent a number of nights in the Whare for a marae experience. These programmes were offered to prisoners with low and high security classifications, and plans were underway to offer the programme to prisoners on remand in December 2020.

The availability of the kaiwhakamana was limited, and Corrections has advised work is underway to find a replacement.

Mana whenua visited the Prison primarily for the purpose of providing a tikanga programme three times year. The Prison advised mana whenua have also been contracted to provide a cultural capability programme to site leaders, *'... to help lift the overall capability of the site's leaders and help build knowledge and understanding regarding cultural needs.'*

The Prison had a dedicated Māori Activities Officer (MAO) who provided cultural support to prisoners in specific units in the Prison. This included helping prisoners identify and register with their iwi. Some prisoners were reportedly now connecting with their respective iwi on a regular basis. The MAO said that he was unable to engage with prisoners in all units due to time constraints.

Prisoners recognised the dedication of the MAO, but thought more staff were needed to fulfil this role.

⁴⁷ 'The power of youth'.

⁴⁸ 'The glowing footsteps of our ancestors'. This is an external programme run through Otago Polytechnic.

The Prison advised a second cultural officer was appointed in March 2020, and commenced delivery of cultural supervision support at the beginning of 2021. *‘This advisor works with men on gaining understanding of their cultural identity and provides guidance on tikanga and kaupapa Māori and cultural support initiatives on site.’*

4. Health and wellbeing

Expected outcomes

The Prison takes all necessary steps to ensure the wellbeing of all prisoners. Patients are cared for by services that assess and meet their health and substance use needs and promote continuity of care on release. Patients are treated with dignity, respect and compassion and their right to privacy is respected.

Health service governance arrangements

Health services were provided by Corrections with specialist contractor input, such as GP and dental provision. Health services were good overall, however, there was no local health service strategic plan, nor a process for identifying emerging trends in healthcare needs (such as an annual health needs analysis), that would inform the delivery and development of the service.

The Prison had a single central health centre for all patients across the Prison. The health centre was clean, tidy, and well maintained. There were three consultation rooms, and two consultation bays separated from the nursing station by a curtain for privacy. The day room was set up for a patient receiving dialysis treatment.

The Prison's health service had a 'Māori Health Plan'. The stated purpose of the plan was to improve the health of Māori prisoners, ensure Māori health needs are met and managed using Tikanga guidelines, and ensure the cultural safety of Māori prisoners when receiving clinical care and treatment.⁴⁹ The Prison had recently designated a Māori Liaison Nurse whose role was to encourage and support Māori prisoners to engage with the Prison's health service. Staff spoke positively about the Māori Health Plan, and it was encouraging to note the progress made toward implementing it.

The Health Centre Manager managed health services at the Prison, supported by a Clinical Team Leader. There were 10.5 FTE Registered Nurses (RNs), and two RNs on casual contracts.

RNs were onsite from 6.30am to 8pm. A rostered, on-call RN provided after-hours health services if required. Emergencies were transported to Dunedin Hospital's Emergency Department. There was appropriate emergency and resuscitation equipment which was regularly checked.

Quarterly clinical governance framework meetings had been suspended in the first half of 2020 due to the COVID-19 pandemic, however they had recently been re-established. The Prison's health service had Cornerstone accreditation.⁵⁰

⁴⁹ Otago Prison Māori Health Plan. Otago Corrections Facility. April 2019 (review date April 2020).

⁵⁰ Cornerstone is an accreditation programme specifically designed by the Royal New Zealand College of General Practitioners for general practices in New Zealand.

Inspectors observed respectful, positive and constructive interactions between health staff and patients. Health staff said they felt supported in their roles and had regular appraisals. Clinical supervision was in the process of being implemented for those staff who wanted it. Staff had opportunities to enhance their professional development through on-the-job training, and specific training was provided for those RNs with portfolio responsibilities. All RNs had a current practicing certificate.

My Inspectors reviewed MedTech notes and found them to be thorough and comprehensive. There was evidence of patients being referred to specialist services and to external appointments.

Inspectors observed a daily health staff handover. This was well attended, and patients with high and complex needs were discussed in detail. While health services did not hold a list of patients identified as having a disability, staff demonstrated a good clinical knowledge of their patients, including the needs of patients with disabilities and mobility issues.

Patients could not uniformly access a confidential, health service-specific, complaints system. I consider complaints being submitted through the general complaints system to be a breach of patient confidentiality. In response to my provisional report, Corrections acknowledged that work is required to achieve a confidential and effective complaints process for their health services and that the Health Services Complaints policy needs updating. However, they advised that prisoners could make health-specific complaints via a locked box system reserved solely for health complaints. These complaints are collected by an RN and dealt with by health services, and are recorded in MedTech rather than the Integrated Offender Management System (IOMS). Corrections are also undertaking a full review of complaints processes.

There were 118 health service-related complaints recorded through the general complaints system between 1 April and 30 September 2020. Fifty percent of complaints were from a single patient. The most common category of complaint was access to medication, followed by health service delivery. Forty-four percent of complainants were not interviewed within the required timeframe. Timeliness of conducting interviews varied with the longest taking 15 working days.

When prisoners were asked what they thought of the overall quality of the health service, 69 survey respondents (45 percent) said it was 'good', and 79 (48 percent) said it was 'bad'.

Recommendations – health service governance arrangements

4. I recommend that:

- a. There is a separate health service-specific complaint system that protects patient confidentiality.

Primary health care services

All new arrivals received a Reception Health Screen (RHS) by a RN, to identify and prioritise immediate health needs and to determine the timing of the Initial Health Assessment (IHA). Inspectors saw one RHS, which was carried out in a small room in the RO. The door to the

room remained open during the consultation, not allowing privacy for the patient. The Prison subsequently advised that the door would be closed if risk assessment deemed a prisoner's risk to health staff to be low, and that consideration would be given to possibly changing the room layout to preserve privacy while preserving an '*immediate and safe exit point*' for the RNs if needed.

Timeframes for completing the IHA were determined by the RHS priority score and triaged accordingly.⁵¹ The Mental Health Screen Tool was carried out as part of the IHA to identify mental health needs.

Post-induction, access to health services was initiated by prisoners completing a Health Request Form while on their unit. The RNs collected the forms daily from locked boxes in the units, which were then triaged by a RN. Irrespective of the urgency of a health request, a RN saw prisoners in the first instance before referral to another health professional, such as the GP or dentist. Health Request Forms were filed in patients' medical files.

There was evidence in MedTech of two-yearly assessments being undertaken,⁵² and annual health assessments for those aged over 65 years.

When asked how easy or difficult it is to see the nurse, 57 percent of survey respondents said it was 'easy', and 37 percent said it was 'difficult'. Sixty-two percent of survey respondents said that the quality of health care provided by the nurses was 'good', and 30 percent said it was 'bad'.

Two GPs provided clinics at the Prison three days a week.⁵³ When asked how easy or difficult it is to see the doctor, 120 survey respondents (72 percent) said it was 'difficult'. The quality of health care provided by the doctors was rated as 'good' by 83 survey respondents (51 percent), and 56 (34 percent) said it was 'bad'.

When necessary, GPs referred patients to external health specialists. Inspectors reviewed the logbook of external appointments and found that 130 external appointments had taken place between 14 May and 30 September 2020.⁵⁴ Twenty-one appointments had been rescheduled or cancelled for a variety of reasons, including cancellation by external providers, or cancellation by the patient or custodial staff.

Physiotherapist, optometrist, ear health, and podiatrist clinics were all available onsite. Physiotherapist clinics were provided on Tuesdays and Fridays each week. Podiatrist clinics

⁵¹ Initial Health Assessments must be completed within 24 hours of the RHS for Priority 1 patients (high health needs), 10 days for Priority 2 patients (medium needs), and 30 days for Priority 3 patients (low health needs). *Custodial Standards of Practice*.

⁵² Two-yearly assessments are offered to patients aged less than 65 years who have not accessed regularly health services in the previous two years.

⁵³ One GP provided clinics at the Prison for one full day and one half day per week, while the other GP provided clinics for one half day per week.

⁵⁴ Between 1 April and 13 May 2020, New Zealand was at COVID-19 Alert Level 4, then 3, preventing non-essential external appointments.

were provided as necessary, which was usually on a quarterly basis. Ear health and optometrist clinics were booked when a sufficient number of patients had been placed on the waitlist.

Recommendations – primary health care services

4. I recommend that:

- b. The Reception Health Screening process protects prisoners' privacy.

Dental services

Dental services were contracted to a local dental practice, and a copy of the dental service-level agreement was provided.

Dental services were usually provided in the Health Centre's dental suite, however there was no dentist at the time of inspection. The regular dentist was on maternity leave, and the temporary replacement dentist had retired the week before the inspection. The regular dentist was due to return in November 2020. In the meantime, urgent cases could be escorted to the University of Otago's Hospital Dentistry Clinic.

Thirty-eight patients were on the dental waiting list at the time of inspection, the longest of which had been waiting five weeks. Urgent cases were generally seen more promptly, and pain relief was provided to patients when required.

When asked how easy or difficult it was to see the dentist, 18 survey respondents (11 percent) said it was 'easy', and 130 (77 percent) said it was 'difficult'. The quality of health care provided by the dentist was rated 'good' by 69 respondents (42 percent).

The dental suite was modern and appropriately equipped. Dental equipment was well maintained and serviced regularly. Appropriate infection control measures were in place.

Pharmacy provision

Medicines were provided to the Prison by an external pharmacy. Prescriptions were faxed daily to the pharmacy and the medication was delivered to the Prison. Medications were stored in their original packaging and kept in the health centre's pharmacy. The pharmacy was well organised and secure.

Medication rounds occurred four times a day. My Inspectors observed three medication rounds. Depending on the time of day and the individual unit, patients had their medication delivered to their cell or received their medication from the staff counter in the units. Patients were asked to identify themselves by stating their name and date of birth before medication was given, however medication sheets were not taken on medication rounds for cross-referencing.

There was no privacy or confidentiality for patients when medications were being administered. When medication was delivered to patients' cells, custodial staff supervised the

process and remained within both sight and hearing. When patients received medication from the staff counter, both custodial staff and other patients were nearby.

Several survey respondents stated in their comments that their prescribed medication and dosage had changed while at the Prison. One survey respondent wrote '*[I] wasn't allowed my medication that was provided from my GP*'. Another wrote:

I get medication for mental health [and] the doctor messed with my medication for that. Took some off me and changed some without even seeing me.

At the time of inspection, 15 patients were prescribed controlled drugs. Controlled drugs were stored, administered and recorded appropriately. Some patients received controlled drugs in the health centre, while other patients received them during the medication rounds.

Following a risk assessment, 'contract to hold' medication⁵⁵ was supplied to patients weekly. At the time of the inspection, 66 patients had 'contract to hold' medication.

The Prison had recently implemented a new system of administering over-the-counter pain relief medication (Paracetamol) in the units. With regard to the new system, one survey respondent wrote '*can't get paracetamol at nights if needed due to new regulations*'. Once the system is fully embedded, I hope that it will improve the efficiency and accuracy of dispensing and recording paracetamol on the units.

The Prison advised that '*We agree it is important that prescribing practices within Health Services are safe and aligned to best practice*.' They also advised a reminder would be sent to all Health Services staff about adherence to Corrections' Medicines Management Policy.

Recommendations – pharmacy provision

4. I recommend that:

- c. Processes for administering and changing medication comply with Corrections' Medicines Management Policy.

Mental health provision

Mental health screening of prisoners was undertaken on arrival at the Prison as part of the RHS. Referrals to the Improving Mental Health Service (IMHS) could be actioned at this point if required.

The Prison contracted WellSouth⁵⁶ to provide the services of two IMHS clinicians twice a week. At the time of inspection one of the clinician positions was vacant and recruitment was underway. The IMHS provided assessment and treatment for patients with mild to moderate

⁵⁵ 'Contract to hold' medication involves patients holding and self-administering their own medication. This practice is commonly referred to as 'In-possession' medication at other prison sites.

⁵⁶ WellSouth is the local Primary Health Organisation for Otago and Southland. See: <https://wellsouth.nz/community/about-us/>

mental health issues. Inspectors were informed that around ten percent of the prison population engaged with the IMHS at any one time.

Prisoners with mild to moderate mental health conditions could also access a counsellor through Family Mental Health Service, an external contractor providing on-site counselling for issues such as grief and anger management. Survivors of sexual violence could also access support through Male Survivors Otago.

When asked if they had any emotional wellbeing or mental health issues, 109 prisoners surveyed (67 percent) said that they did. Of those respondents, 82 (77 percent) reported that they did not feel supported with their emotional or mental health needs.

Forensic service

The Southern Regional Forensic Psychiatric Service provided forensic services at the Prison. At the time of inspection the forensic team carried a caseload of 34 patients. Patients requiring a forensic bed were transferred to Wakari Hospital. There were no patients waiting for an acute forensic bed at the time of the inspection, and one patient was waiting for a subacute bed.

The forensic team regularly updated MedTech following consultations.

Members of the forensic team told my Inspectors that they enjoyed positive and constructive communications and relations with all health staff at the Prison.

5. Protective measures

Expected outcomes

The Prison performs the duties both to protect the public by detaining prisoners in custody and to respect the individual circumstances of each prisoner by maintaining order effectively, with courtesy and humanity. Prisoners are encouraged to take responsibility for themselves, their environment and their future. Their rights to statutory protections and complaints processes are respected.

The Prison takes appropriate action in response to the findings and recommendations of monitoring, inspectorial, audit or judicial authorities that have reported on the performance of the Prison.

Complaints

Details about the complaints process were displayed and visible across the Prison. Prisoners were provided with information about the complaints process in an induction book given to them on reception into the Prison.

Inspectors identified 482 complaints between 1 April and 30 September 2020. One prisoner accounted for 28 percent of all complaints.

The most frequently made complaint (118 complaints) was about health services. The same individual had made 59 of these complaints (50 percent). Lack of access to communications was the second highest cause of complaint. There were a number of complaints made with regards to delays in mail being sent or received, or going missing. There were three complaints about complaints not being loaded into IOMS or followed up.

Takahē had the most complaints, with a total of 197 complaints which accounted for 40 percent of all complaints across the Prison.

In the survey, 78 respondents (46 percent) said that it was 'easy' to get a PC01, while 50 (30 percent) said it was 'difficult'. One hundred and six survey respondents (70 percent) reported that they felt complaints were not dealt with fairly and 119 (78 percent) said that they did not have faith in the complaints system. Only 57 respondents (38 percent) felt that complaints were dealt with promptly. Even so, 134 respondents (81 percent) said that they would make a complaint if the situation warranted it. In feedback on my provisional report, the Prison advised they will review the induction book and look for opportunities to provide more information on how to raise concerns, including identifying people onsite who can address different concerns. The review will also seek to increase the prominence of contact numbers for external complaints agencies. I acknowledge this response and look forward to seeing this in effect on future inspections.

Inspectors reviewed a sample of the responses to complaints. Complaints were generally responded to satisfactorily and showed evidence of prisoners being interviewed, and the

complaint being resolved. A small number of responses however contained unprofessional language. The majority of complaints (81 percent) that Inspectors reviewed were responded to adequately and in appropriate time frames.

Inspectors reviewed the Prison's performance in meeting the practice standard for managing complaints. Between 1 April and 30 September 2020, 77.8 percent of complainant interviews had been completed within the required timeframe.⁵⁷

In feedback, Corrections advised they are carrying out a full review of the complaints process, which started in May 2021. This review will seek input from groups including prisoners, prisoner advocates and Corrections Officers.

Prisoner forums

There was no established feedback forum for prisoners on site, such as focus groups or surveys. A number of prisoners told Inspectors they thought this would be a positive initiative.

Searching, security and movements

My Inspectors observed some poor practice in relation to the rub-down searching of prisoners. During the inspection, staff observed that the standard of rubdown searches varied and was generally insufficient to detect contraband.

The Prison used software to randomly select cells each day to search. There was evidence that these searches were carried out.

Kiosks, mail and phones

Kiosks

All information kiosks across the Prison were operational at the time of inspection. No concerns were raised by prisoners with regards to access to kiosks.

Mail

The Prison had dedicated staff for processing prisoners' mail, including emails. Mail and emails were delivered to the units within one working day of arrival at the Prison. Inspectors observed the processing system, which was robust and efficient.

However, 100 survey respondents (61 percent) reported problems sending or receiving mail, and a number of complaints had been made about delays in both incoming and outgoing mail.

⁵⁷ Prisoners must be interviewed within 3 working days of a complaint being registered in the Prison system, with some exceptions. See https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Prisoner-complaints at PC.01.09 for more information.

Telephone

Inspectors reviewed the phone approval process. Approvals were logged by administrative staff each morning Monday to Friday, or custodial staff could scan the approvals through.

On several of the units the phone handset was locked away. Inspectors were told that this was to prevent prisoners using the phone on the way to or from yards.

In the SCU, prisoners shared one phone. Prisoners in the SCU were locked much earlier under Making Shifts Work (MSW) which limited the time they had to use the phone between returning from work and being locked. Prison management said they were looking at putting a pay phone in the Industries area to allow prisoners increased phone access. The Prison subsequently advised this had been investigated but would not proceed due to cost and difficulties monitoring and managing access.

Seventy survey respondents (43 percent) said they had problems getting access to the telephone. In the SCU, 80 percent (four out of five respondents) reported having difficulty accessing the telephone. Inspectors also spoke with a number of prisoners from the SCU who said access to the telephone was a challenge for them. The Prison, in their feedback on my provisional report, said they considered the men in this unit have sufficient access to the telephone, with a minimum of 4 and a half hours access for 20 men during the week (from 7.00am until work starts at 8.30am, then again after work at about 4pm until lock-up at 7.00pm), and more time in the weekends. The Prison also advised that lock-up times in the SCU moved from 8.30pm to 7.00pm with the introduction of Making Shifts Work (MSW) at the Prison. I note that, with this change, the timing of weekday unlock hours now coincide with what are often the busiest times of day in households, especially those with children. I encourage the Prison to continue to explore options to allow prisoners in the SCU to have appropriately timed telephone contact with whanau and tamariki during the week.

Audio visual suites

The Prison had a secure audio visual (AVL) suite located close to the RO. AVL was used for online Court appearances, Parole Board hearings and interviews with lawyers.⁵⁸ The suite had four booths. Between 1 April and 30 September 2020 the AVL suite was used 643⁵⁹ times for Court appearances.

Misconducts

Inspectors observed a number of misconduct hearings during the inspection. Hearings were held in the units where the prisoners were housed.

⁵⁸ Another audio visual suite is located in the Visits Centre and is used for prisoners to have virtual visits with their families in other locations. Units also held 10 minute virtual visits for prisoners whose families were in other locations.

⁵⁹ Information provided by the Prison.

My Inspectors observed that misconduct hearings were conducted fairly and structured to facilitate prisoners' understanding of the process. Prisoners were made aware they could appeal the outcome of an adjudication to an independent Visiting Justice.

A review of the Prison's internal recording system after the inspection indicated that between 1 April and 30 September 2020 there were 353 misconduct charges.

Remand prisoners

On the first day of inspection, the Prison housed 34 remand accused prisoners, located across three units. Pīwakawaka held 74 percent of the remand accused prisoners. To ensure safety of the prisoners and separation of categories, a number of different regimes operated.

Prisoners on remand said there was nothing for them to do and little or no opportunity to use their time constructively. The longest serving remand accused prisoner had been in custody for 31 months at the time of inspection.

In 2013, the United Nations Subcommittee for the Prevention of Torture visited several New Zealand prisons⁶⁰ and commented that limited time out of cells, and the limited range and provision of constructive activities, were issues for prisoners on remand that should be addressed. I concur with that view.

Corrections advised that, while there were opportunities to expand access to certain activities for remand prisoners, they disagreed with the suggestion that there was '*nothing for them to do*' and listed at least thirteen activities available to remand prisoners at the Prison, including weekly life skills workshops, yoga, driver licences and self-directed learning. Access to Psychological Services for remand prisoners had been initiated since the inspection, and the Prison is developing targeted education initiatives related to mātauranga Māori, in line with Corrections' Hōkai Rangi strategy. I am pleased to hear of these initiatives.

Inspectors saw that prisoners on remand had good access to their lawyers.

⁶⁰ Report is available at: https://tbinternet.ohchr.org/Treaties/CAT-OP/Shared%20Documents/NZL/CAT_OP_NZL_1_7242_E.pdf

6. Purposeful activity and transition to the community

Expected outcomes

All prisoners are encouraged to use their time in Prison constructively and this is facilitated by the Prison. The Prison supports positive family and community relationships.

Prisoners' sentences are managed appropriately to prepare them for their safe return to their community at the earliest opportunity. The Prison provides a broad range of activities, opportunities and services based on the profile of needs of the prison population. There are sufficient, suitable education, skills, and work and programme places to meet the needs of the population. Prisoners are consulted in planning the activities offered.

Prisoners have the opportunity to participate in recreational, sporting, religious and cultural activities.

Time out of cell

Inspectors carried out two full roll calls⁶¹ across the Prison to determine how many prisoners were undertaking purposeful activity. Purposeful activity includes education, work or programmes.

The checks found that, on average:

- fifty-seven percent of prisoners were unlocked in their respective units or yards;
- thirty-five percent were engaged in some form of activity outside of their unit; and
- the remaining eight percent were locked in their cells.⁶²

Throughout the inspection, the majority of prisoners were unlocked, and were either engaged in activities or spending time in the yards or units. Prisoners in high security had more time out of cell under MSW, but limited activity.

A 7am to 7pm unlock regime was in place, however, Inspectors observed prisoners in low security being locked at 6pm. Staff told my Inspectors this was due to rostering difficulties with implementing MSW. Inspectors reviewed a sample of daily registers across the Prison, and observed routines during the inspection and found that lock up times were variable. Locked times varied across units between 4.45 to 6.45pm.

⁶¹ Inspectors conducted a full population check of the Prison on the morning of Tuesday 6 October 2020 and afternoon of Thursday 8 October 2020 to identify how prisoners were spending their time (including if they were locked or unlocked).

⁶² Those locked in their cells were primarily from the Management Unit, ISU, and Tokoeka.

Ten survey respondents (6 percent) said they spent less than two hours out of their cell each day. Seventy-two respondents (44 percent) spent between two and six hours out of their cell daily. Eighty survey respondents (49 percent) said they spent more than six hours out of their cell daily.⁶³

Outdoor exercise

Most prisoners had access to external yards with large open grassy areas and basic exercise equipment. However, prisoners in high security units only had access to two small yards per wing. These yards had basic seating and shelter and partially covered toilet facilities.

Throughout the inspection prisoners repeatedly told my Inspectors that the yards were poorly equipped and there was minimal opportunity to engage in activity or exercise during the day. On one occasion, Inspectors observed three elderly prisoners sitting on concrete in the yards, supported by towels, due to a lack of seating. Prisoners were told they could not come in until their yard time had finished. Inspectors saw that this rule was applied on rainy and sunny days.

Induction booklets for Takahē and Pūkeko stated all movements to and from the yard will occur without delay; failure to comply with staff instruction will result in reduced yard time for the entire wing. I consider blanket punishments are unfair on those prisoners who have complied with the Prison's rules.

Of all survey respondents, 152 (92 percent) reported getting at least one hour's fresh air daily.

Staff and prisoners in Tokoeka L told my Inspectors that every Wednesday prisoners only received time out of cell on the unit and not in the yards, so did not always receive their minimum entitlement of one hour's access to fresh air. One survey respondent commented *'Every Wednesday in [Tokoeka L] you don't get an hour of fresh air. Every Wednesday.'* Staff advised that this was due to scheduled weekly staff training and the complexity in managing multiple regimes.

Gymnasium

The Prison had a large gymnasium with a range of exercise facilities, including cardio, circuit and resistance training equipment. Activities available included basketball, volleyball, indoor cricket and soccer. Staff said that plans were underway to install an outdoor sports field.

The Prison had four custodial staff dedicated to providing structured physical activities on a group and individual basis. A weekly gym programme included scheduled 45 minute sessions

⁶³ A full breakdown of survey responses is set out in Appendix 2.

for prisoners in each of the units,⁶⁴ and more formal programmes such as Kick for Seagulls⁶⁵ and Fat Busters.⁶⁶

Of those prisoners who completed the survey, 91 (57 percent) reported attending the gym at least once per week. Sixteen survey respondents (10 percent) reported attending the gym between three and five times per week, with the majority of these respondents being housed in Pūkeko and Weka.

The Activities Officers told my Inspectors that they also facilitated weekly exercise sessions in the ISU and prisoners could access a spin bicycle under staff supervision. As a result of MSW, prisoners in employment received additional time to attend the gym either before or after work.

Chaplaincy

The Prison employed one FTE Regional Chaplaincy Coordinator, two FTE Chaplains, and three volunteer Assistant Chaplains, who were on site throughout the week. The Prison Chaplaincy team was also supported by a large network of over 82 volunteers. Services included spiritual guidance, Bible studies, Sunday service and pastoral care, and could cater for a wide range of faiths.

Sunday services were held at the Whare, and on units for prisoners in high security units. During the inspection, my Inspectors observed prisoners attending Sunday service both in the Whare and on the units.

The Prison Chaplaincy team had an active presence on site and were observed on the units throughout the inspection. The Prison Chaplaincy team said they had good relationships with custodial staff, and were often able to visit prisoners without having to request an appointment.⁶⁷

Ninety-nine survey respondents (63 percent) stated they could access religious services.

Library services

The library was run by two volunteers, who were on site Mondays and Thursdays from 10am to 3pm. Prisoners could request books through unit staff or via the information kiosk. Books were then delivered to individual units by the librarians. All units also had a small selection of books available.

⁶⁴ All units were scheduled to receive a minimum of three sessions per week.

⁶⁵ An introduction to sport and exercise, incorporating numeracy and literacy tuition, focussed specifically towards youth.

⁶⁶ A targeted exercise programme to address health issues ranging from high cholesterol, diabetes, and obesity.

⁶⁷ Excluding the ISU, where the Chaplaincy team would only visit on referral.

Staff and prisoners said the catalogue system was out-of-date and that access to books, as well as the quality of books available, was generally poor. In my survey, 74 prisoners (47 percent) said they never used the library, and a further 13 (8 percent) said they did not want to use it.

Following the inspection, the Prison advised they would recruit a professional librarian half-time *‘to ensure consistent library services.’* They also advised that the collection will be updated by including books that are *‘more aligned to the interests and aspirations of the people at the site.’* I am pleased to hear of this.

Visits

All visits took place daily in the visitors’ centre between 9am and 5.15pm. Each wing had dedicated visiting sessions throughout the week, which ran for 30 minutes or up to 1.5 hours for special visits.

The visitors’ centre had a large mural and plenty of natural light. However, overall the visitors’ centre was sparse and uninviting. While the centre had facilities to make hot drinks, this was unavailable to visitors. Prisoners told my Inspectors that visits were strictly managed and they were unable to make physical contact with their children. One survey respondent commented:

The visits areas is a joke no toys for my kid can’t get out of my seat to play with my young son even if he falls over and hurts himself.

There was no dedicated children’s area, aside from a chalk blackboard and a small box with toys for children, which was only brought out if a child became ‘disruptive’. Staff advised that toys were kept away because they had previously spent a lot of time picking them up. It is important prisoners can have meaningful visits with whanau, including children, and I encourage the Prison to provide a suitable environment for children in the visitor’s centre.

The visitors centre also had a separate outdoor area with a small garden. Inspectors were told by both staff and prisoners that this area had not been used.

The Prison advised they are *‘committed to improving the visits area for children’* and are making physical changes to the visitors’ centre, providing couches for whanau, books and toys. They have also joined an external project designed to make visiting a parent in prison more friendly for children. I look forward to seeing these changes on future inspections.

Inspectors saw visitors being received through the gatehouse treated kindly and professionally. Interactions between staff and visitors observed in the visitors centre, however, were mostly transactional.

Forty survey respondents (30 percent) stated that visits started on time. For 115 of the prisoners surveyed (73 percent), it was not easy for family and friends to visit them. A number of survey respondents cited physical distance and the Prison’s remote location as a barrier for family and friends to visit them. One survey respondent commented, *‘visits from out of town are unfair as my family was having to get up at 5am to drive up’.*

Legal visits

Visits from legal advisors took place in designated rooms in the visitors centre, enabling such visits to be within sight, but not within hearing, of prison staff.⁶⁸

Legal visits were generally scheduled for one hour and could also be facilitated via AVL, which was available in two of the four designated rooms in the visitors centre. No prisoners raised concerns with my Inspectors in relation to accessing their legal representatives.

Employment and vocational training

The Prison had 113 employment roles⁶⁹ available to prisoners. Sixty percent of these positions were filled at the time of inspection. Prisoners could be employed on-site - in the kitchen, laundry, internal grounds, industry workshops, or in their units.

External employment was also available for those prisoners with the necessary security clearance.⁷⁰ Ten prisoners were approved to work outside the Prison ('outside the wire' or OTW), with a further 13 OTW positions unfilled at the time of inspection. These positions included working on external grounds (supervised and unsupervised) and on the Prison's dairy farm.

At the time of inspection, there were two prisoners employed by external providers ('Release to Work' or RTW). The Prison employed an RTW Broker, who coordinated and progressed job applications and placements.

Senior management were supportive of increasing the number of opportunities for RTW and OTW. Staff told my Inspectors that challenges in progressing prisoners to RTW was mostly around the short timeframes between completing rehabilitative programmes and their Parole End Date (PED). In addition, prisoners were required to complete six months OTW on the dairy farm prior to being eligible for RTW.⁷¹ The number of OTW vacancies was due, in part, to lack of eligible prisoners.

Table 3: Prisoners in employment on Wednesday 7 October 2020

Work area	Workplace capacity	Number on day of assessment	Comments
Internal grounds	8	8	
External grounds	8	2	
Dairy farm	10	3	

⁶⁸ Rule 61. The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

⁶⁹ This number included internal employment and external employment outside the Prison.

⁷⁰ Minimum or low security sentenced prisoners with previous internal work party experience. M.04.08.02 Work Parties. Prison Operations Manual.

⁷¹ This timeframe was so prisoners could complete the calving season in order to gain relevant qualifications.

Work area	Workplace capacity	Number on day of assessment	Comments
Engineering	17	12	
Kitchen	40	27	
Laundry	4-6	4	
Carpentry	10	6	Ongoing recruitment
Horticulture	8	3	Likely to increase when Instructor recruited
Asset maintenance	6	3	Ongoing recruitment
Total	113	68	

Vocational training was delivered by a number of providers. Industry workshop staff worked closely with the Education team to develop educational and career pathways for prisoners. The Prison also worked closely with external providers and facilitated Employer 'Open Days' to allow potential employers to meet with the prisoners to discuss career options and pathways.

Between 1 April and 30 September 2020, there were 71 graduations in accredited courses such as wood manufacturing, traffic control, forklift, heavy vehicles, first aid and site safety. Prisoners could also achieve unit standards in employment areas such as the kitchen, laundry and nursery. Forty-seven prisoners achieved 224 unit standards in this period.

A 'Youth Pre-Employment' programme had been developed to support young prisoners in pursuing vocational training and gaining unit standards. The programme ran for two weeks and covered areas such as interviewing skills, site safety, traffic control, budgeting, and 'how to get a job and keep it'.

Prisoners employed in industry workshops told my Inspectors that they enjoyed the training and employment opportunities available to them and were highly motivated and keen to learn. Inspectors observed positive and respectful interactions between prisoners and Instructors. Prisoners were producing quality work while developing a range of practical skills and knowledge.

Education

The Prison had three Education tutors and a volunteer network (facilitated by the Volunteer Coordinator) to provide educational support to prisoners. The tutors completed intensive literacy and numeracy assessments for all prisoners within two weeks of their reception into the Prison.

Fifty-three survey respondents (20 percent) reported they were involved in educational activities, with the majority of those respondents housed in low security units. None of the survey respondents in Pīwakawaka said they were involved in education.

Between 1 April and 30 September 2020, 94 literacy assessments and 76 numeracy assessments were completed. Prisoners assessed as below Level 3 were offered an Intensive Literacy and Numeracy (ILN) course, facilitated using a VR programme provided by a charitable trust. Tutors were available for prisoners with literacy difficulties and the Prison also ran a dyslexia programme. Between 1 April and 30 September 2020, six prisoners had completed the dyslexia screening and four were awaiting screening at the time of inspection. Uptake on the VR programme had been positive and at the time of inspection, nine prisoners achieved core credits through the programme.

Self-directed learning (SDL) was also available for prisoners who met the entry requirements, and serving a sentence of 12 months or more.

The Prison also had a Secure Online Learning (SOL) computer suite for courses such as driver's licence, ILN, and to provide prisoners the opportunity to work on their CV, and look up jobs and court matters.

Programmes

The Prison employed a Principal Advisor Rehabilitation and Learning (PARL) and three Interventions Coordinators, who each held portfolios on youth, remand and prisoners with voluntary protective custody status. The Prison provided a range of programmes, including drug and alcohol interventions and management, motivation, rehabilitation and violence prevention. A number of additional programmes and courses were provided by volunteer organisations.

Data provided by the Prison showed that between 1 April and 30 September 2020, 25 prisoners completed programmes to assist their rehabilitation and address offending behaviour. Twelve percent of all survey respondents reported they had access to programmes, with the majority of those based in low security units.

Programmes staff told my Inspectors that one challenge in getting prisoners, especially youth and high security prisoners, onto programmes and keeping them in attendance, was a perceived low threshold for misconducts and negative file notes. When a prisoner appeared to be wavering, Interventions Coordinators and Case Managers would facilitate a special multi-disciplinary team meeting (MDT) to provide support to keep them on track.

These MDTs were a new forum and were not being documented at the time of inspection. I note that this forum is similar to Right Track, a formal collaborative process, which was established with a similar purpose of supporting prisoners and encouraging positive behaviours and progression. I encourage staff to either formalise and record these MDTs, or to use the existing Right Track process.

Volunteers

The Prison employed an FTE Volunteer Coordinator, who facilitated a wide range of volunteer-run programmes across the site. The Prison had a network of over 50 volunteers, who were on site on a weekly, fortnightly and monthly basis. Data provided by the Prison showed that in

August 2020, there were 21 volunteers on site, 13 volunteer-run programmes, and 30 prisoners engaged in these programmes.

The volunteer programme was well resourced, with equipment provided through the Prison and local donations. Programmes included book clubs, knitting, art, creative writing, dance, tutoring, Alcoholics Anonymous, home cooking and budgeting lessons. Most programmes were run in the programme building, however, some classes were run on the units.

Case Management

The Case Management team comprised one Principal Case Manager (PCM) and an Acting PCM, 13 Case Managers, one Parole Board Liaison and one Scheduler.

The Case Management team had varied levels of experience in the role; approximately half the team had under three years' experience and one Case Manager was still in training.

Case Managers told my Inspectors they felt supported by the leadership team. Fortnightly Reflective Practice Sessions (RPS) with the Practice Lead provided Case Managers with additional support and training development opportunities. A new PCM, and the Acting PCM, were having a measurable positive impact on Case Managers and their work.

Case Managers held an average caseload of around 25 to 30 prisoners and all Case Managers held a number of remand prisoners on their caseload.

Between 1 April and 30 September 2020, the standard for initial contact meetings⁷² had been met 47 percent of the time, initial offender plans⁷³ were completed 35.3 percent of the time, and planned contact⁷⁴ 79.5 percent of the time. Timeframes for providing the New Zealand Parole Board with board reports was achieved 91.1 percent of the time⁷⁵ and the Six Pillars⁷⁶ of Reintegration release planning was achieved 33.3 percent of the time. While some of these numbers were low, progress had been made during this period to improve the case management of prisoners, in both the timeliness and quality of case management across the site. At the time of inspection, all prisoners were allocated to a Case Manager.

Initial offender plan timeliness had increased from 13 percent in April 2020 to 38.9 percent in September 2020. Release planning increased from 5.6 percent in April 2020 to 58.1 percent in September 2020.

In order to meet Standards of Practice, the Case Management team were prioritising new receptions and upcoming parole hearings, those with short release dates, unallocated prisoners in the ISU, youth, and high risk prisoners. Other groups, such as long-serving

⁷² Case Managers will meet with new prisoners on their caseload within 10 working days of allocation.

⁷³ An initial or transitional offender plan must be finalised within 40 working days of the initial reception date.

⁷⁴ Case Managers will undertake face-to-face contact with a prisoner based on their individual risk, need, and responsivity barriers.

⁷⁵ Data from Case Management Standards of Practice home page.

⁷⁶ Accommodation, education and training, employment, whānau and community support, skills for life and Oranga.

prisoners, were only visited at planned contact dates, which could be up to 12 months depending on the sentence length.

In response to my provisional report, the Prison provided additional statistics as at April 2021 confirming ongoing increases in meeting standards, notably, initial contact meetings increasing to 78.5 percent, initial offender plan timeliness increasing to 71.5 percent and release planning increasing to 61.1 percent. It is encouraging to see the concerted efforts of the Case Management team reflected in this new data.

The Case Management team identified that release planning was an area for improvement, due to difficulty finding accommodation and meeting reintegration needs such as OTW, Guided Release, and engaging whānau and community support.⁷⁷ Corrections advised that the administration tasks for release planning were under review to ensure a focus on ‘... *good case management reintegration work, and not simply administrative compliance.*’

Staff told my Inspectors that Case Managers were regularly invited to Right Track on the units. However, due to logistics with MSW, Case Managers were not always able to attend. Inspectors received copies of minutes for Right Track, and attended Right Track meetings on a number of units and found the meetings were focussed and thorough.

The Case Management team described positive relationships with custodial staff and there were no concerns with accessing prisoners on the units. One hundred and twenty-five survey respondents (75 percent) reported that they knew who their Case Manager was.

Recommendations – Case Management

6. I recommend that:

- a. Case Management Standards of Practice are met.

Guided Release

Guided Release supports long-serving prisoners (over two years) with reintegrative needs in their transition back to the community. Reintegration activities include visiting release accommodation, opening a bank account and sitting their driving test. Inspectors noted a number of reintegration activities taking place during the course of the inspection.

The RTW Broker held the portfolio for Guided Release and generated reports identifying prisoners who were suitable and eligible for Guided Release to present to the Advisory Panel. The RTW Broker also completed applications for Guided Release and escorted the prisoners off site.

⁷⁷ This was also identified in monthly ‘Parole Ready’ Reports, generated by the Senior Advisor Parole Ready, which showed that primary reasons for parole being declined were ‘insufficient release proposal’, ‘treatment incomplete’, and ‘lack of accommodation’.

At the time of inspection, 49 prisoners were ineligible for Guided Release due to incomplete rehabilitation (35), no reintegration needs (5), and other reasons (7), which included bad file notes, identified drug user status, not interested, or not enough time left in their sentence.

My Inspectors attended an Advisory Panel meeting, which discussed applications for RTW, OTW, whānau hui, and Guided Release. The meeting was well-attended, constructive and balanced. These meetings were minuted and outcomes were fed back to the prisoner either by the PCO or the RTW Broker.

Data provided by the Prison between 1 April and 30 September 2020 showed that of 69 applications put to the Advisory Panel; 46 applications were approved, 19 were declined, and four were deferred.

This positive approval rate demonstrated the Prison's focus and support for providing prisoners with reintegration activities and opportunities.

Appendix 1. Survey responses

A total of 342 questionnaires were given out and 170 were returned (fifty percent).

Section 1: About you

How old are you?		
Under 21	0	0%
21-29	40	24%
30-39	61	36%
40-49	35	21%
50-59	18	11%
60-69	11	7%
>70	3	2%
No response provided	2	
Total	170	

What is your ethnicity?		
Asian	1	0.006
Pacific Islander	5	3%
Kiwi/New Zealander	38	23%
Māori	23	14%
Māori/Pākehā	37	22%
NZ European/Pākehā	55	33%
Other	8	5%
Total	167	

Is English your first language?		
Yes	155	95%
No	9	5%
Total	164	

Are you sentenced / on remand?		
Sentenced	136	81%
Other	21	13%
Total	167	

Is this your first time in prison?		
Yes	59	35%
No	109	65%
Total number of responses to this question	168	

Do you have children under 18?		
Yes	86	54%
No	74	46%
Total number of responses to this question	160	

Section 2: Respect and dignity

Please answer the following questions about the wing/unit you are currently living on:	Yes	Yes %	No	No %
Are you normally offered enough clean, suitable clothes for the week?	127	76%	40	24%
Are you normally able to have a shower every day?	168	100%	0	0%
Do you normally receive clean sheets every week?	158	95%	9	5%
Can you get cell cleaning materials every week?	147	88%	20	12%
Can you normally get your stored property, if you need to?	96	60%	64	40%

What is the food like here?		
Very Good	13	8%
Good	31	18%
Average	90	53%
Bad	25	15%
Very Bad	10	6%
Total	169	

Does the shop (P119) sell a range of goods to meet your needs?		
Yes	49	29%
No	120	71%
Total	169	

Section 3: Complaint process

Is it easy or difficult to get a complaint form (PC01)?		
Easy	78	46%
Difficult	50	30%
Don't Know	40	24%
Total	168	

Please answer the following questions about making a complaint in this Prison:	Yes	Yes %	No	No %
Do you know how to make a complaint?	153	92%	14	8%
Have you made a complaint in this prison?	101	61%	65	39%
Do you feel complaints are dealt with fairly?	46	30%	106	70%
Do you feel complaints are dealt with promptly? (within three days)	57	38%	92	62%
Do you have faith in the complaints system?	34	22%	119	78%
Would you make a complaint if the situation warranted it?	134	81%	32	19%

Section 4: Safety

Have you ever felt unsafe in this Prison?		
Yes	94	56%
No	74	44%
Total	168	

Do you feel unsafe in this Prison at the moment?		
Yes	33	20%
No	132	80%
Total	165	

Have you been victimised in this Prison?		
Yes	97	61%
No	63	39%
Total	160	
If Yes, was it another prisoner?	19	19%
If Yes, was it a group of prisoners?	22	22%
If Yes, was it member of staff?	28	29%
If yes, was it both staff and prisoners?	29	30%
Total	98	

Assaults

Physical assaults	Yes	Yes %	No	No %
Have you been assaulted in this Prison?	67	40%	99	60%
Did you report the incident?	22	34%	43	66%

Sexual assaults	Yes	Yes %	No	No %
Have you been sexually assaulted while in prison?	25	19%	104	81%
If yes, did it happen at this Prison	16	64%	9	36%
Did you report the incident?	12	32%	26	68%

Please answer the following questions about staff in this Prison:	Yes	Yes %	No	No %
Is there a member of staff you can turn to for help if you have a problem?	113	69%	51	31%
Do most staff treat you with respect?	118	71%	48	29%
Do you know who your case manager is?	125	75%	42	25%
Did you meet with your case officer within the first week?	66	40%	101	60%
Do you see your case officer at least once a week?	29	17%	138	83%

Section 5: Health

When you first arrived in this Prison, did staff ask you if you needed any help with any of the following?	Yes	Yes %	No	No %
Reading and writing?	60	37%	104	63%
Not being able to smoke?	88	54%	76	46%
Loss of property?	34	21%	130	79%
Feeling scared?	63	38%	104	62%
Gang problems?	53	32%	111	68%
Contacting family?	78	47%	88	53%
Money worries?	29	18%	136	82%
Feeling worried/upset/needing someone to talk to?	61	37%	105	63%
Health problems?	123	75%	41	25%
Getting phone numbers approved?	67	40%	99	60%
Did you have any problems when you first arrived?	82	50%	82	50%

When you arrived in this Prison, were you given a phone call (within 24 hours)?		
Yes	120	73%
No	44	27%
Total	164	

Did you have any problems with alcohol when you first arrived?		
Yes	42	25%
No	125	75%
Total	167	

Have you received any help with alcohol problems here?		
Yes	27	17%
No	135	83%
Total	162	

Did you have any problems with drugs when you first arrived?		
Yes	65	39%
No	102	61%
Total	167	

Do you have any problems with drugs now?		
Yes	28	17%
No	138	83%
Total	166	

Have you received any help with any drug problems here?		
Yes	36	23%
No	123	77%
Total	159	

Is it easy to get Illegal drugs here?		
Easy	25	16%
Difficult	115	74%
Don't know	15	10%
Total	155	

Is it easy to get tobacco/ cigarettes here?		
Easy	30	19%
Difficult	111	72%
Don't know	14	9%
Total	155	

How easy or difficult is it to see the Doctor?		
Easy	36	22%
Difficult	120	72%
Don't Know	11	7%
Total	167	

How easy or difficult is it to see the Nurse?		
Easy	95	57%
Difficult	62	37%
Don't Know	10	6%
Total	167	

How easy or difficult is it to see the Dentist?		
Easy	18	11%
Difficult	130	77%
Don't Know	20	12%
Total	168	

What do you think of the quality of the health service from the Doctor?		
Good	83	51%
Bad	56	34%
Don't Know	25	15%
Total	164	

What do you think of the quality of the health service from the Nurse?		
Good	101	62%
Bad	49	30%
Don't Know	12	8%
Total	162	

What do you think of the quality of the health service from the Dentist?		
Good	69	42%
Bad	49	30%
Don't Know	47	28%
Total	165	

What do you think of the overall quality of the health service?		
Good	74	45%
Bad	79	48%
Don't Know	13	8%
Total	166	

Physical disability

Do you have a physical disability?		
Yes	44	27%
No	122	73%
Total	166	

Do you feel supported with your disability needs?		
Yes	9	23%
No	30	77%
Total	39	

Emotional/mental health issues

Do you feel you have any emotional well-being/ mental health issues?		
Yes	109	67%
No	54	33%
Total	163	

Do you feel supported with your emotional/ mental health needs?		
Yes	25	23%
No	82	77%
Total	107	

Section 6: Purposeful activity

Twenty-six percent of respondents reported not being involved in any activity. Seventy-four percent of respondents reported being involved in one or more activities.

Are you currently involved in any of the following activities?		
Prison job	67	25%
Vocation or skills training	24	9%
Education (including basic skills)	53	20%
Offending behaviour programmes	32	12%
CIE employment	20	7%
Release to work	1	0.4%
Not involved in any of these	70	26%
Total	267	

Are you able to access Cultural activities?		
Yes	64	41%
No	91	59%
Total	155	

Are you able to access Religious activities?		
Yes	99	63%
No	57	37%
Total	156	

Do you get at least one hour fresh air daily? (minimum entitlement)		
Yes	152	93%
No	11	7%
Total	163	

How often do you use the Library?		
More than once a week	5	3%
Once a week	16	10%
Less than once a week	50	32%
Never	74	47%
Don't want to use it	13	8%
Total	158	

On average, how many times do you go to the Gym each week?		
More than 5	2	1%
3 to 5	16	10%
1 to 2	73	46%
Never	46	29%
Don't want to use it	21	13%
Total	158	

On average, how many hours do you spend out of your cell on a weekday? (Please include time at education, at work, showers etc.)		
8 hours +	39	24%
6 to less than 8 hours	41	25%
4 to less than 6 hours	46	28%
2 to less than 4 hours	26	16%
Less than 2 hours	10	6%
Total	162	

External communication

Have you had any problems with sending or receiving mail?		
Yes	100	61%
No	63	39%
Total	163	

Have you had any problems getting access to the telephones?		
Yes	70	43%
No	91	57%
Total	161	

Do you usually have one or more visits per week from family and friends?		
Yes	22	14%
No	140	86%
Total	162	

Is it easy for your family and friends to visit you here?		
Yes	43	27%
No	115	73%
Total	133	

Do visits start on time?		
Yes	40	30%
No	93	70%
Total	133	

Appendix 2. Prison population demographics

The demographics of the prison population on are set out below. Please note that the following figures, as at 9 October 2020, were supplied to the Inspectors by the Prison.

Status	Under 18s	18 to 20 year olds	21 to 65 year olds	66 and over
Sentenced	0	4	285	6
Recall outstanding	0	0	4	0
Remand accused	0	0	69	2
Total	0	4	358	8

Ethnicity	Under 18s	18 to 20 year olds	21 to 65 year olds	66 and over
European	0	1	178	8
Māori	0	2	149	0
Pasifika	0	1	21	0
Asian	0	0	7	0
Other	0	0	3	0
Total	0	4	358	8

Sentenced prisoners	Under 18s	18 to 20 year olds	21 to 65 year olds	66 and over
Less than 12 months	0	1	82	2
12 months to less than 2 years	0	0	68	1
2 years to less than 4 years	0	3	90	1
4 years to less than 10 years	0	0	65	2
10 years and over (not life)	0	0	19	2
Preventative Detention	0	0	5	0
Life	0	0	29	0

Sentenced prisoners	Under 18s	18 to 20 year olds	21 to 65 year olds	66 and over
Total	0	4	358	8

Security category	Under 18s	18 to 20 year olds	21 to 65 year olds	66 and over
Minimum	0	0	73	4
Low	0	1	38	1
Low-Medium	0	0	98	1
High	0	3	70	2
Total	0	4	279	8

Main ANZSOC offence	Under 18s	18 to 20 year olds	21 to 65 year olds	66 and over
Abduction, Harassment And Other Offences Against The Person	0	0	14	1
Acts Intended To Cause Injury	0	0	75	1
Dangerous Or Negligent Acts Endangering Persons	0	0	4	0
Fraud, Deception And Related Offences	0	0	3	0
Homicide And Related Offences	0	0	37	0
Illicit Drug Offences	0	0	32	0

Main ANZSOC offence	Under 18s	18 to 20 year olds	21 to 65 year olds	66 and over
Offences Against Justice Procedures, Government Security And Government Operations	0	0	19	0
Prohibited And Regulated Weapons And Explosives Offences	0	0	6	0
Property Damage And Environmental Pollution	0	0	6	0
Public Order Offences	0	0	6	0
Robbery, Extortion And Related Offences	0	3	33	0
Sexual Assault And Related Offences	0	0	58	6
Theft And Related Offences	0	0	13	0
Traffic And Vehicle Regulatory Offences	0	0	8	0
Unlawful Entry With Intent/Burglary, Break And Enter	0	1	44	0
Total	0	4	358	8

Gangs (including affiliated)	Under 18s	18 to 20 year olds	21 to 65 year olds	66 and over
Bandidos	0	0	2	0
Black Power	0	0	19	0
Head Hunters MC	0	0	3	0
Hells Angels MC	0	0	1	0
Highway 61 MC	0	0	1	0
Killer Beez	0	2	9	0
King Cobras	0	0	6	0
Mongrel Mob	0	0	43	0
Nomads	0	0	10	0
Tribesmen MC	0	0	12	0
White Power	0	0	12	0
Other	0	1	29	0
Total		3	147	0

Appendix 3. Legislative framework

In 2007 the New Zealand Government ratified the *United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT).

The objective of OPCAT is to establish a system of regular visits undertaken by an independent national body to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The Crimes of Torture Act 1989 (COTA) was amended by the Crimes of Torture Amendment Act 2006 to enable New Zealand to meet its international obligations under OPCAT.

Places of detention – prisons

Section 16 of COTA defines a “place of detention” as:

“...any place in New Zealand where persons are or may be deprived of liberty, including, for example, detention or custody in...

(a) a prison ...

Ombudsmen are designated by the Minister of Justice as a National Preventive Mechanism (NPM) to inspect certain places of detention under OPCAT, including prisons.

Under section 27 of COTA, an NPM’s functions include:

- to examine the conditions of detention applying to detainees and the treatment of detainees; and
- to make any recommendations it considers appropriate to the person in charge of a place of detention:
 - for improving the conditions of detention applying to detainees;
 - for improving the treatment of detainees; and
 - for preventing torture and other cruel, inhuman or degrading treatment or punishment in places of detention.

Carrying out the OPCAT function

Under COTA, Ombudsmen are entitled to:

- access all information regarding the number of detainees, the treatment of detainees and the conditions of detention;
- unrestricted access to any place of detention for which they are designated, and unrestricted access to any person in that place;
- interview any person, without witnesses, either personally or through an interpreter; and

- choose the places they want to visit and the people they want to interview.

Section 34 of COTA provides that when carrying out their OPCAT function, Ombudsmen can use their Ombudsmen Act (OA) powers to require the production of any information, documents, papers or things (even where there may be a statutory obligation of secrecy or non-disclosure) (sections 19(1), 19(3) and 19(4) OA). To facilitate his OPCAT role, the Chief Ombudsman has authorised inspectors to exercise these powers on his behalf.

More information

Find out more about the Chief Ombudsman's OPCAT role, and read his reports online: ombudsman.parliament.nz/opcat.