

 **Ombudsman**

Fairness for all


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OPCAT Report

**Report on an unannounced inspection
of Tongariro Prison under the Crimes of
Torture Act 1989**

September 2019
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Peter Boshier
Chief Ombudsman
National Preventive Mechanism

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Office of the Ombudsman
Tari o te Kaitiaki Mana Tangata





OPCAT Report: Report on an unannounced inspection of Tongariro Prison under the Crimes of Torture Act 1989

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Foreword

The following report has been prepared in my capacity as a National Preventive Mechanism (NPM) under the Crimes of Torture Act 1989 (COTA). My function under the COTA is to examine and make any recommendations that I consider appropriate to improve the treatment and conditions of detained persons in a number of places of detention, including prisons. This report examines the treatment and conditions of persons detained in Tongariro Prison.

Tongariro Prison (the Prison) is a low security prison in Tūrangi holding 300 voluntary segregated sentenced male paihere.¹ Over 72 percent of the population are serving long sentences in excess of four years, with one fifth serving preventative detention or a life sentence. Just over half of the population are sex offenders. Paihere held at the Prison come from across the country and about 60 percent are over the age of 40.

I authorised my Inspectors to conduct a five-day examination of the facility in May 2019, using defined criteria to assess the standards of treatment prisoners were experiencing, and their living conditions.

The Prison was a safe prison. There was little violence or anti-social behaviour. Levels of self-harm, drug use, use of force and directed segregation were low. However, the Prison's record keeping and paperwork relating to use of force incidents and directed segregation was not satisfactory.

Cultural provision across the site was well embedded, and I consider the Prison a centre of excellence in terms of establishing and embedding the Departments' Te Tokorima a Māui values.

Good work was being undertaken in reception and with at risk assessments. However, induction arrangements on arrival were not consistently completed in a timely manner. Paihere spent a substantial amount of time out of their cell and benefited from a comprehensive regime of activities.

The general environment at the Prison was excellent and most accommodation was good. The exception was the Separates Units in Hautu Unit and Te Hikoinga Unit where the cells and external yards were not fit for purpose. The quality of relationships between staff and paihere in the Prison was positive, and this was supported by a constructive approach to paihere consultation and the use of peer support. The provision of health services was adequate.

Many paihere participated in a range of constructive and recreational activities that made a positive contribution to prison life and their wellbeing. This was underpinned by strong and effective partnership working between prison staff and a range of national and local providers, and resulted in an array of activities and events, which encouraged paihere participation.

¹ Paihere was the term used to describe prisoners at the Prison. Paihere means 'in search of something better' and was developed in conjunction with local iwi.

To conclude, this was a prison with a clear sense of purpose. The Prison was well managed and striving for continuous improvement. The Prison had a number of advantages – notably a generally mature and compliant population – but also challenges in terms of managing and reducing the offending behaviour risks of those they held. The Prison made the most of its advantages, evidenced good practice and delivered good outcomes.

I wish to acknowledge and express my appreciation to the managers and staff of the Prison for the full co-operation they extended to my Inspectors.

Peter Boshier
Chief Ombudsman
National Preventive Mechanism

Facility facts

Tongariro Prison

Tongariro Prison (the Prison) can accommodate 300 voluntary segregated sentenced paihere with security classifications ranging from minimum to low medium. The Prison opened in 1978, and underwent significant redevelopment work to enhance security and rehabilitation options in 2015. A new, 120-bed residential unit was under construction at the time of the inspection, which will increase paihere capacity to 420. There was no opening date for the new Unit at the time of the inspection.

The Prison's residential facilities comprised three residential Units. Cedar One and Cedar Two operated as one Unit.

Table 1: Short description of residential units

Unit	Unit description	Capacity
Cedar One	Voluntary segregated	60
Cedar Two	Voluntary segregated	60
Te Hikoinga	Voluntary segregated	60
Hautu	Voluntary segregation	120
Total capacity:		300

Region

The Prison is part of the Department of Corrections' Central Region.

Prison Director

On the first day of the inspection, Scott Walker had just completed a 12-month secondment as Acting Prison Director. The substantive Prison Director, Lyn O'Connor had returned from a secondment at Auckland Region Women's Corrections Facility.

Regional Commissioner

Terry Buffery

Previous inspections

An informal visit was undertaken in 2012.

A full inspection was undertaken in 2015.

The Inspection

In 2007, the Ombudsmen were designated as one of the National Preventive Mechanisms (NPMs) under the Crimes of Torture Act 1989 (COTA), with responsibility for examining the treatment of, and conditions applying to, detainees in New Zealand prisons.

From 6 May to 10 May 2019, a team of six Inspectors and Specialist Contractors (the Team) – whom I have authorised to carry out visits to places of detention under COTA on my behalf – made an unannounced five-day inspection to the Prison.

The Team was informed that, on 6 May 2019, there were 288 paihere in the Prison, so it was operating at approximately 96 percent capacity.²

Methodology

Prisoner survey

On the first day of the inspection, the Team distributed a voluntary, confidential and anonymous prisoner survey to paihere.³ The survey is designed to capture their experiences and perceptions of the Prison.

The Team spoke with paihere individually and in groups to explain the purpose of the survey. The survey results are just one of several sources of evidence used and triangulated by Inspectors to help me form views about the Prison.⁴

Two-hundred and eighty-six survey forms were distributed and 204 were returned (71 percent). A copy of the survey and responses is in Appendix 2.⁵

Inspection criteria

I have developed six core inspection criteria (the criteria), each of which describes the standards of treatment and conditions in prison. These criteria are underpinned by a series of indicators that describe evidence Inspectors look for to determine whether the treatment and conditions are conducive to preventing torture, or cruel, inhuman or degrading treatment or punishment, or impact adversely on detainees. The list of indicators underpinning the criteria is not exhaustive, and does not preclude a prison demonstrating that the expectation has been met in other ways.

² See Appendix 3 for the Prison population demographic (as at 17 May 2019).

³ Some paihere declined a survey form.

⁴ The survey gives paihere the opportunity to raise their concerns as well as acknowledging what is working well. Responses to the survey should be used as a tool toward open communication with the client group (paihere) and predicting future behaviour and feeling.

⁵ The survey used during this inspection is based on Her Majesty's Inspectorate of Prisons (HMIP) prisoner survey, provided with their permission.

This was the eighth full inspection undertaken using my new inspection criteria. These criteria are being trialled and refined as necessary. On completion of the trial, I will publish the criteria on my website. I propose to update the criteria over time.

The following criteria were examined during the five-day inspection:⁶

Criteria 1: Treatment

Criteria 2: Reception into prison

Criteria 3: Decency, dignity and respect

Criteria 4: Health and wellbeing

Criteria 5: Protective measures

Criteria 6: Purposeful activity and transition to the community.

Evaluation techniques

My Inspectors gathered and assessed a range of information, resulting in the evidence-based findings presented in this report, using a variety of techniques including:

- obtaining information and documents from the Department of Corrections and the Prison;
- conducting a survey of paihere;
- shadowing and observing Corrections Officers and other specialist staff as they performed their duties within the Prison;
- interviewing paihere, 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 facilities impacting on both paihere and staff;
- attending and observing relevant meetings, the results of which impact on both the management of the Prison and the future of paihere, such as case conferences;
- reviewing policies, procedures and performance reports produced both by the Prison and by the Department of Corrections; and
- observing early morning and evening routines.

Future follow up inspections will be made as necessary to monitor the implementation of my recommendations.

⁶ Our inspection methodology is informed by, but not limited to, the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the Association for the Prevention of Torture's publication 'Monitoring Places of Detention', the New Zealand Bill of Rights Act 1990 (NZBORA), the Corrections Act 2004 and Corrections Regulations 2005.

Criteria 1: Treatment

Expected outcomes – treatment

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.

Assessment

Use of force

The use of force in prisons is regulated by section 83 of the Corrections Act 2004 (the Act). Under section 83, physical force can only be used in prescribed circumstances and if reasonably necessary. The level of force used must be reasonable. Where force has been used, a registered health professional must examine the prisoner as soon as practicable.

There had been two instances of use of force for the period 1 November 2018 to 30 April 2019. Record keeping and paperwork relating to both use of force incidents was not satisfactory. Records were incomplete, the review process had not been completed, and neither incident had been entered in the use of force register. Both instances of use of force were spontaneous.

Not all staff were up-to-date with mandatory training. Prison data indicated that 18 percent of custodial staff were not up-to-date with their Control and Restraint training, and 27 percent were not up-to-date with their Tactical Communications training.

Suicide, self-harm and vulnerable prisoners

The Prison did not have a purpose-built Intervention and Support Unit (ISU). Paihere assessed as being at risk of suicide or self-harm were transferred the same day to the ISU at Waikeria Prison. Inspectors were informed that at risk paihere were located in the safe cell in Hautu Unit until transport could be arranged (usually two to three hours). Inspectors noted the safe cell had no natural light or suitable ventilation, and described the cell as grim. Senior management informed my Inspectors that the safe cell, which was last used in July 2018, had recently been decommissioned (8 May 2019) due to a leaky pipe.

Inspectors observed an at risk assessment being undertaken at the time of the inspection and noted the professional and caring manner in which the assessment was undertaken. The

paihere was escorted to Waikeria Prison within two hours. Incidents of self-harm at the Prison were low.



Figure 1: Hautu Unit - safe cell



Figure 2: Hautu Unit - safe cell

Separates Units

The Prison did not have a purpose-built Management Unit where paihere subject to section 58 to 60 of the Act (directed segregation) could be located. However, Separates Units⁷ were located in each of the three residential Units, and, on occasion, accommodated paihere under a segregation directive.

The Separates Unit in Cedar Unit was reasonably new and comprised three cells, each with individual adjoining yards. The cells were clean, warm, suitably lit and well ventilated. A designated interview area for paihere to speak privately with staff was also available.

Following a misconduct hearing, one paihere in a separates cell in Cedar Unit informed my Inspectors that staff were responding to his needs and that he had no issues. Inspectors noted staff undertook hourly observations, which were documented in the Unit logbook.

The Separates Units in Te Hikoinga and Hautu units, which were no longer fit for purpose, contained a mattress on a concrete plinth and a toilet with handwashing facilities. The

⁷ Separates Units contain cells for paihere undergoing punishment of cell confinement following a misconduct hearing.

separates cells in Hautu Unit had no natural light. Access to fresh air was provided in one of two small yards opposite the cells.

Following a misconduct hearing, one paihere in a separates cell in Hautu Unit informed my Inspectors that staff were responding to his needs. Inspectors noted staff undertook hourly observations, which were documented in the Unit logbook.



Figure 3: Cedar Unit – Separates Unit



Figure 4: Cedar Unit - separates cell



Figure 5: Te Hikoinga Unit – separates cell



Figure 6: Te Hikoinga Unit – separates yard

Despite cameras being installed in all separates cells, paihere were not subject to CCTV surveillance, which I commend in terms of protecting their privacy.

A senior manager advised my Inspectors that there had been four paihere subject to directed segregation for the period 1 November 2018 to 30 April 2019, all of 14 days duration. Two paihere had been located in the separates cells in Cedar Unit; one in a separates cell in Hautu Unit; and, one in Te Hikoinga Unit separates cells. Three of the four segregation directives were revoked within 24 hours. The fourth was revoked after three days.

Inspectors reviewed the paperwork for the four segregation directives and noted missing signatures and dates, and the segregation register had not been completed. Management plans were generic and identical, and there was no evidence of paihere receiving a copy of the paperwork.

On reviewing the Prison incident reports for the period 1 November 2018 to 30 April 2019, my Inspectors noted 14 incident reports made reference to paihere being placed in separates cells due to their behaviour. Incident reports highlight that directed segregation paperwork had been completed, or was waiting to be approved. According to the incident reports, a number of paihere remained in separates cells for several days before transferring to another prison. None of the 14 incidents reviewed were in the segregation register.

Safety (including voluntary segregation)

There is an expectation that prisoners feel, and are safe from, bullying and victimisation, including verbal and racial abuse, threats of violence and assaults.

The Prison is a segregated site. All paihere were subject to a voluntary segregation directive at the time of the inspection. When speaking with my Inspectors, paihere spoke of feeling relatively safe from intimidation but claimed bullying still occurred.

Voluntary directed segregation paperwork was of a reasonable standard although Inspectors noted some segregation reviews were overdue.

Levels of violence in the Prison were low and systems for identifying and reporting bullying and victims were robust. My Inspectors noted that incident reports indicated antisocial behaviour was managed well, and there was effective monitoring and support for victims and other paihere requiring additional help. In my survey only 12 percent of paihere reported feeling unsafe at the time of the inspection.

The Prison had an up-to-date *Gang Management Plan*. Due to the segregated nature of the site, paihere who demonstrated poor behaviour, violence or stand over tactics were transferred to another facility. Inspectors reviewed a number of incident reports and found evidence of paihere being transferred due to unacceptable behaviour.

The perceived lack of tension in the Prison appeared to reflect both the segregation status of the paihere and the relatively low level of gang involvement (14 percent of the Prison population).

Alcohol and other drugs

A key driver of violence in prison is the introduction and use of contraband. Gatehouse staff had sound processes in place to identify contraband coming in to the Prison. Dynamic security was also evident, and aided by a positive relationship between staff and paihere. Supervision in important areas around the Prison, such as residential units, education and workshops, was effective, and the Prison regime was purposeful and predictable. Dog handler coverage across the site was sporadic although targeted searches were well managed by the security team.

The mandatory drug testing (MDT) programme was adequately resourced and the MDT facilities good. The number of positive drug tests for the period 1 November 2018 to 30 April 2019 was nil. Suspicion drug tests were completed promptly.

There were no paihere with Identified Drug User (IDU) status at the time of the inspection.

Thirty-three survey respondents (approximately 17 percent) reported having a drug problem when they came to the Prison. Forty-one respondents (21 percent) reported receiving help with their problem.

Recommendations – treatment

1. I recommend that:
 - a. The Prison ensures robust systems are in place to record, review and monitor all use of force paperwork.
 - b. All custodial staff are up-to-date with their Control and Restraint, and Tactical Communications training.
 - c. The Prison Director ensures robust systems are in place to record, review and monitor all directed segregation paperwork.
 - d. The separates cells in Te Hikoinga Unit and Hautu Unit be decommissioned.

The Department of Corrections accepted recommendations 1a, 1b and 1c.⁸

Corrections rejected recommendation 1d and stated:

Once complete, the new modular unit construction at Tongariro Prison will provide two additional separate cells. This build will be finalised by the end of 2019. Tongariro Prison currently utilise Cedar Separate cells to house all paihere placed on directed segregation and management. Although Te Hikoinga Unit and Hautu Unit are not currently in use, there is no current view to fully de-commission these units. Should the need arise; the use of these units would be required. For instance, Hautu Unit provides the only dry cell at

⁸ The Department of Corrections' comments on recommendations 1a, 1b and 1c can be found in Appendix 1.

Tongariro Prison for the purpose of managing individuals suspected of internal concealment.

The separate cells in Te Hikoinga Unit and Hautu Unit have been inspected by our prison facilities team who have confirmed the following:

- *There is natural light in the cells from a skylight in the roof*
- *Yards are accessible from a corridor outside the cell doors*
- *The paint in the cells is in good condition*
- *There are ceiling vents in the cells to allow circulation of air under the door*
- *Privacy flaps over the inspection portal in the doors*
- *One dry cell which currently services the entire site*
- *The yards are of sufficient size and allow fresh air and a view of the sky*
- *All ablutions facilities are suitable and in working order*

The volume of prisoners requiring cell confinement in these cells is minimal as the Cedar Unit separate cells is Tongariro Prison's first option wherever possible. The separate cells in Te Hikoinga Unit and Hautu Unit will only be used when absolutely necessary and then only for a restricted amount of time.

Criteria 2: Reception into prison

Expected outcomes – transition to lawful custody

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.

Assessment

Receiving Office

Some paihere experienced long journeys to the Prison, but most said staff treated them well.

Reception arrangements were well managed. New arrivals were processed quickly through the clean and bright receiving office and on to the Units. 'At Risk Review Assessments' were thorough and completed in private.

The average number of receptions and discharges at the Prison each week was low - six receptions and three discharges.

The Prison also served as a 'transit station' for paihere in transit to other establishments. During the course of the inspection, an escort vehicle arrived with paihere heading south. Inspectors noted paihere were disembarked promptly and located in holding cells, where refreshments were given before continuing on their journey.

Induction

Before being taken to their respective Unit for induction, all paihere attended a pōwhiri (welcome) in Te Hikoinga Unit. While this was not always well received by paihere, I welcome the Prison's initiative and it demonstrates their commitment to embracing the Department's Te Tokorima a Maui values.^{9 10}

⁹ Prisons are required to use a cultural framework to self-assess their practice and service delivery. The five values they self-assess against are: **Kaitiaki** Guardianship; **Manaaki** Respect; **Rangatira** Leadership; **Wairua** Spirituality; **Whānau** Relationships.

¹⁰ Fifty-seven percent of paihere identified as non-Māori according to the Prison population profile (see Appendix 3).

For the period 1 February to 30 April 2019, 'Unit Induction Interviews' were carried out within time frame 76 percent of the time.¹¹ Induction interviews observed by my Inspectors were courteous and respectful. Paihere were placed in clean, well-decorated, appropriately equipped cells, and were able to access a shower and make a telephone call on the Unit. Paihere were shown the features of their cell, including cell call arrangements.

Paihere who spoke with Inspectors said they had no issues with the Unit induction programme although many noted the information booklet; *For Prisoners At Tongariro Prison* was out of date.

The Prison was unable to provide translated versions of key information, such as the information booklet. Most staff were aware of the Language Line translation service¹² that is available.

Inspectors noted the national standard for assigning paihere a Case Officer¹³ is within three days from being transferred to a new Unit. At the time of the inspection, this standard was achieved 79 percent of the time.¹⁴

Delays in access to personal property was a source of frustration for a number of paihere – 37 percent of survey respondents.¹⁵ Reception staff were aware of the issue and motivated to improve service.

The number of property claims at the Prison was low: there were 17 claims for the period 1 November 2018 to 30 April 2019. Six property claims were unresolved at the time of the inspection and there were 23 complaints relating to property for the same period.

¹¹ *Custodial Standards of Practice – Unit Induction Interviews*. Corrections Business Reporting and Analysis (COBRA).

¹² Language line is a free telephone-based interpreting service provided by the Office of Ethnic Communities, used by many government agencies.

¹³ The role of the Case Officer includes looking after the paihere, ensuring he is aware of routines and arrangements in the Unit and supporting and encouraging him to make positive use of his time in custody.

¹⁴ *Custodial Standards of Practice – Case Officer Assignment* found on COBRA.

¹⁵ Thirteen paihere made further comments on my prisoner survey about their property not being transferred with them to the Prison.

Recommendations – transition to lawful custody

2. I recommend that:

- a. An assurance process is developed to assess and improve the effectiveness of the induction process in meeting paihere needs and entitlements.
- b. A review of the content of the Prison information booklet is carried out with paihere involved. The booklet should be available in a number of different languages.
- c. Arrangements for paihere to access personal property should be improved.

The Department of Corrections accepted recommendations 2a, 2b and 2c.¹⁶

¹⁶ The Department of Corrections' comments on recommendations 2a, 2b and 2c can be found in Appendix 1.

Criteria 3: Decency, dignity and respect

Expected outcomes – decency, dignity and respect

The Prison employs fair processes while ensuring it meets the distinct needs of all prisoner groups 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 prisoners.

Assessment

Accommodation

The Prison comprised three residential Units: Te Hikoinga Unit, Hautu Unit, and Cedar Unit. All Units consisted of low security huts facing onto a communal grassed compound.

The Prison buildings, accommodation and facilities were fit for purpose and well maintained. Huts and communal areas were generally free from graffiti and offensive displays. Lighting and ventilation was adequate at the time of inspection, although some paihere reported that hut temperatures could be excessively hot in the summer.



Figure 7: Hut – view of the compound



Figure 8: Hut – view from the door

Several paihere in Hautu Unit reported that the compound floodlights were excessively bright, which impacted on their ability to sleep at night. This issue was not reported in other Units.

Hut curtains did not offer paihere adequate privacy when using the toilet. However, Unit staff and the Prison Director confirmed that paihere could screen their windows when using the toilet but were required to remove screening (usually a towel) when they were finished.

All huts had an integral toilet and handwashing facilities. Sufficient showers were also located in the Units to accommodate the number of paihere being detained.

The standard of cleanliness in Units, including communal areas, was very good. In my survey, 96 percent of survey respondents said they had good access to cell cleaning materials.

The overall appearance of the site was impressive.

Clothing and bedding

In my survey, 84 percent of survey respondents said they could obtain clean, suitable clothing for the week and 89 percent said they could obtain clean sheets every week. Inspectors noted well-stocked clothing stores, and working laundry facilities in each Unit.

I had no concerns with paihere accessing clean clothing and bedding at the site.

Food and meal times

Rule 22 of the Nelson Mandela Rules states *‘Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served’*.

The meals served to paihere conformed to their dietary needs, cultural and religious norms, and were nutritionally sufficient, well-balanced and well-presented. Thirty-eight percent of survey respondents reported that the food was either good or very good.

The Prison offered paihere a range of hospitality and catering sector skills training¹⁷ and operating experience that reflected positively in the quality of the meals and their presentation.

The Prison’s kitchen facilities were good, with generally high standards of cleanliness and hygiene.

The evening meal left the kitchen at 4.30pm and was served to paihere around 4.45pm in the Unit dining room. Inspectors sampled a meal and described it as wholesome.

¹⁷ Level 2 NZQA Certificate in Hospitality – Food Preparation Pathway.

Paihere canteen

Paihere canteen (P119) was criticised by both paihere and staff in a number of areas. Seventy percent of survey respondents claimed the P119 did not sell the items and food supplies they needed.

Paihere pointed out differences in price between the P119 form on the information kiosk and the printed form. Inspectors obtained hard copies of the P119 order form from two Units, which contained different prices for the same item.

On arrival at the Prison, paihere could wait up to 12 days to receive their first P119 order.

Staff:paihere relationships

In my survey, 86 percent of survey respondents said there was a member of staff they could turn to for help if they had a problem and 80 percent said most staff treated them with respect.

My Inspectors observed mainly positive staff/paihere relationships, especially where staff recognised paihere who were known to them. Most paihere reported they were treated well by staff, and during the inspection, Inspectors noted the Prison atmosphere was relaxed. Staff exercised their authority appropriately throughout the inspection and both staff and paihere demonstrated respect. One paihere commented:

Staff [are] mostly approachable and helpful, caring.... Try their best to facilitate inmates rehabilitation programme, genuinely interested in maintaining harmony of the unit and monitoring welfare of inmates (officers corresponding with kitchen staff when inmates not happy or have issues with meals, officers checking on inmates going through bereavement, initiating correspondence and contact with health, mental health unit when concern arises, facilitates and mediates conflicts without being patronising). Heater turned on earlier in 2018 as elderly inmates were suffering. Senior staff approachable and willing to listen yet assertive without being aggressive if the situation warrants that.

Consultation arrangements with paihere were positive. Paihere representatives attended a monthly meeting with managers. There was evidence of actions taken in response to matters raised at the meetings.

Inspectors observed staff working in the Units out in the compound engaging with paihere as opposed to sitting in the Unit guardroom.

Equality and diversity

Although the Prison did not have an Equality and Diversity Strategy, staff were able to demonstrate a clear and coordinated approach to eliminating discrimination, and promoting equitable outcomes for paihere. Inspectors found that staff were generally sympathetic to paihere with distinct needs, and generally, able to clearly articulate basic expectations and standards in relation to equality and diversity.

Prisoners with disabilities

The physical environment of the Prison was generally well-designed, and paihere with mobility issues or other impairments were able to navigate their surroundings without difficulties. All Units had a dedicated cell designed to accommodate paihere with additional physical needs; these cells had their own shower and toilet facility. Such cells were being used appropriately, however, there were a significant number of older paihere with health and mobility issues and too few dedicated cells, consequently some paihere were placed in cells that presented access difficulties.

Showers in the Units did not have grab rails, emergency call buttons or other adaptations. Several older and infirm prisoners expressed a fear of falling in the shower.

Generally, in discussions with Inspectors, paihere who identified as having a disability felt staff were supportive of their needs and tried to accommodate them as best they could. Some staff informed my Inspectors that they felt they needed training on the 'Do Not Resuscitate' (DNR) process.

In my survey, 25 percent of survey respondents (49 paihere) identified as having a physical disability, and of those 25 percent, 54 percent (21 paihere) did not feel supported with their disability needs.

Transgender prisoners

Inspectors spoke with a number of transgender paihere at the Prison. While there was no centralised record detailing the location of transgender paihere, staff and paihere appeared to be familiar with the *Management of Transgender Prisoners* policy, released by the Department of Corrections in March 2018.

Transgender paihere spoke of feeling safe from other paihere. Transgender paihere also confirmed that a good selection of LGBTI¹⁸ resources were available in the library. Transgender paihere were complimentary about the staff and management at the Prison.

Foreign nationals

There was some confusion among foreign national paihere on their rights while awaiting deportation. Both Senior and Principal Corrections Officers were unable to provide clarification to Inspectors on a number of deportation issues raised by paihere. Deportees reported feelings of anxiety around their deportation status and lack of understanding around their sentence progression. A number of paihere awaiting deportation felt disadvantaged because they believed they were not able to access certain activities and programmes. Case management staff were able to explain how case management worked for paihere who would be deported. This information needs to be shared with paihere and Unit staff.

¹⁸ Lesbian, gay, bisexual, transgender and intersex.

Cultural provision

Cultural provision across the site was well embedded including the Te Tokorima a Māui values. There were strong ties with local iwi, Ngāti Tūwharetoa, who were able to influence a range of decision-making strategies, such as the wetland-planting project, and the prioritisation of locally sourced programme providers. Furthermore, the Prison facilitated hui with other iwi to develop reintegration opportunities for paihere on release to their own whenua.

Twenty-three percent of survey respondents described themselves as Māori. A further 20 percent described themselves as Māori/ Pākehā.

Forty-three percent of paihere identified as being Māori according to the Prison population profile (see Appendix 3).

Local providers delivered the Te Tirohanga Therapeutic Programme¹⁹, a nine-month Medium Intensity Rehabilitation Programme (MIRP) run in Te Hikoinga Unit. Monthly meetings between Te Hikoinga Unit staff and Te Tirohanga programme providers monitored the progress of each participant on the programme, and raised any resourcing requirements with senior managers.

Between January 2018 and January 2019, 35 paihere started the Te Tirohanga Programme. The completion rate was 88 percent.

Sixty-nine percent of survey respondents reported being able to access cultural activities. One paihere commented:

Tino ka pai in this particular unit especially for inmates who are genuine in their desire to change their lives for the better.... And also to learn about their maoritanga and this unit is really proactive in promoting values of rangatiratanga, wairuatanga, manaakitanga, kaitiakitanga, whanautanga. Not to forget learning kapa haka, waiata, whaikorero, mau rakau.

While my Inspectors noted a small pocket of staff resistant to using the word paihere, and engaging with paihere on a first name basis, Inspectors considered the Prison a centre of excellence in terms of establishing and embedding the Departments' Te Tokorima a Maui values.

¹⁹ Te Wananga o Aotearoa has the national contract for the delivery of all Te Tirohanga Programmes. They support the Prison to source local providers for the delivery of the programme in Te Hikoinga Unit.

Recommendations – decency, dignity and respect

3. I recommend that:

- a. Discrepancies between P119 lists and kiosk prices should be addressed.
- b. Sufficient, suitable accommodation should be provided for paihere with disabilities.
- c. Foreign national paihere be provided with reliable information about the Prison and their rights in a form which is easily understandable to them.

The Department of Corrections accepted recommendations 3a, 3b and 3c.²⁰

Good practice

Consulting with paihere on issues that impact on their care is a good initiative.

I consider the Prison a centre of excellence in terms of establishing and embedding the Departments' Te Tokorima a Māui values.

²⁰ The Department of Corrections' comments on recommendations 3a, 3b and 3c can be found in Appendix 1.

Criteria 4: Health and wellbeing

Expected outcomes - health and wellbeing

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.

Assessment

Governance arrangements

The minimum standard for the health care of prisoners is set out under section 75 of the Act. Section 75 provides that a prisoner is entitled to receive reasonably necessary medical treatment, of a standard reasonably equivalent to the standard of healthcare available to the public.

Health services at the Prison were provided by the Department of Corrections, with some essential, specialist contractor input such as GP provision. Inspectors considered health services were adequate. The Prison had a basic Health Needs Assessment (2018) although Inspectors were unsure how it informed service planning.

My Inspectors were informed that clinical governance arrangements were in place, comprising both Site Health Governance meetings and Clinical Governance meetings, involving external stakeholders. Copies of Clinical Governance meeting minutes were requested but not provided. Health services were preparing for renewal of their Cornerstone accreditation²¹ (May 2019).

Health services at the Prison, included 7.7 full-time equivalent (FTE) registered nurses (RNs), who were managed by the Health Centre Manager (HCM), who was also a RN. At the time of the inspection, one RN was on long-term sickness and there was one vacancy. Three of the 5.7 FTE RNs had less than three months experience working at the Prison; two were in their orientation phase. The HCM was often required to work on the shop floor because of the shortage of RNs and the relative inexperience of others. All RNs had a current practicing certificate. RNs were on site from 7am to 8pm, seven days a week, with reduced staffing on the weekend.

Inspectors observed respectful, positive and constructive interactions between health staff and patients. Health staff told my Inspectors that they did not always feel supported in their roles and would welcome the opportunity for clinical supervision. Opportunities to enhance their professional development was mainly limited to mandatory training but for those RNs with

²¹ An accreditation through the Royal New Zealand College of General Practitioners where practices must demonstrate compliance with a list of quality indicators and criteria.

portfolio responsibilities in areas such as diabetes and vaccinations, specific training was provided.

The main health centre had three consultation rooms,²² where nurse-led and GP clinics were held and medication issued, were clean, tidy and had hand-washing facilities. Appropriate emergency equipment was located in each clinic, with maintenance checks conducted weekly.

Overall, MedTech²³ notes were good. Hard copy files were located in the main health centre and were well maintained. There was evidence of patients attending external appointments.

Patients could not complain about health services through a confidential system. There were 15 complaints recorded for the period 1 November 2018 to 30 April 2019. The most common complaint was about the timing of the medication rounds, and the responses my Inspector sampled were generally respectful. Three complaints remained open for more than two months at the time of the inspection and a number of health complaints had been signed off by the Principal Corrections Officer.

Health promotion leaflets and posters were displayed across the site and several health promotion activities had taken place in the 12 months prior to the inspection. For example, one event involved paihere receiving a talk from a GP about prostate cancer and another involved testing paihere over 60 years of age for macular degeneration.

Primary health care services

The delivery of primary health care services was reasonably good despite low staffing levels. All new arrivals received a Reception Health Triage (RHT) assessment, including mental health issues and substance misuse, by a RN. Health screenings were carried out in a small room in the Receiving Office. The door to the room was closed during consultations, providing privacy to the patient.

Inspectors observed the health screening of three patients, with their consent. Patients were given a leaflet providing brief information about the health services in the Prison but consent forms were not explained in any detail, other than asking the patient to sign the form.

An Initial Health Assessment or an Updated Health Assessment took place in the consultation rooms in the Units. The door to the consultation room remained open throughout the consultation and afforded no privacy for the patient.

My Inspectors followed up on two patients, who had been received into Prison during the inspection, and scheduled for a consultation in the nurse clinic the day after their arrival. Neither patient had been seen in the nurse clinic and, when Inspectors commented on this, the relatively new RNs running the clinic appeared unable to find the patients names on the clinic list owing to their unfamiliarity with the MedTech system.

²² Consultation rooms were located in Hautu Unit, Cedar Unit and Te Hikoinga Unit.

²³ MedTech – the electronic clinical information system.

A GP was contracted to work up to seven hours per week on a Wednesday and conducted clinics in each Unit. Waiting times, depending on urgency, were between one and two weeks. The GP saw between 15 and 25 patients weekly; 17 patients were seen by the GP during the inspection.

The 'on-call' RN provided cover after hours. Emergencies were transported to the emergency department at Taupō Hospital or Rotorua Hospital.

When asked how easy or difficult it is to see the doctor, 38 percent of survey respondents said it was easy, and 44 percent said it was difficult.

Access to healthcare was initiated by the patient completing a Health Request Form. Registered Nurses collected the forms daily from locked boxes in the Units and conducted an initial triage. The triaging of health requests was conducted based on the RN's judgement rather than specific criteria. Subject to the initial triage, the patient would then attend a nurse clinic or be referred to another health professional such as the GP or dentist.

Apart from a GP and a dentist, all other health services such as podiatry and physiotherapy were conducted off-site.

Immunisation and vaccination programmes were in place, including the flu vaccine for patients over the age of 65 years. At the time of the inspection, 10 percent of the Prison population were over 65 years.

When asked how easy or difficult it is to see a nurse, 73 percent of survey respondents said it was easy, and 19 percent said it was difficult.

Dental services

Dental services at the Prison were contracted to a local dental practice. A copy of the dental service-level agreement was requested but not provided.

A dentist and dental nurse attended the Prison fortnightly on a Monday for four hours. Additional clinics were run when the waiting list for the dentist became unmanageable.

Paihere applied to see the dentist by submitting a Health Request Form and, following an initial consultation with a RN, were placed on the waiting list to see the dentist. Twenty-two paihere were on the dental waiting list at the time of the inspection; the longest wait was six weeks. Urgent cases were seen more promptly and the primary care team provided pain relief to patients when required.

When asked how easy or difficult it was to see the dentist, 32 percent of survey respondents said it was easy, and 44 percent said it was difficult.

The dental suite was modern and was appropriately equipped. Dental equipment was 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 collected by a member of the health staff. A limited supply of stock medication was stored in the dispensaries in each of the Units. Medications were stored in their original packaging and kept in each patients' medication file in each Unit's consultation room.

Medicines were administered twice daily from the consultation rooms in the Units. There was no privacy or confidentiality for patients when medications were being administered as the custodial officer supervised the process within both sight and hearing of the process.

Following a risk assessment, in-possession medication was supplied to patients weekly. The number of patients in receipt of in-possession medication at the time of the inspection was requested but not provided.

Controlled drugs were stored, administered and recorded appropriately.

The GP reviewed each patient on medication every three months and RNs reviewed patient medication weekly to remove unused medication and return it to the pharmacy.

Over-the-counter medication (Panadol) appeared to be well controlled in the Units.

Mental health provision

Mental health screening of patients was undertaken on arrival at the Prison, as part of the RHT. Referrals to the In-reach Mental Health Clinician (IMHC) could be actioned at this point if required.

The Prison contracted Emerge Aotearoa to provide the services of one IMHC each day, Monday to Friday. The IMHC provided assessment and treatment for patients with mild to moderate mental health presentations and, at the time of the inspection, held a caseload of 50 patients.

Patients with mild to moderate mental health conditions could also access a counsellor via the Time to Live (TTL) service; an external contractor providing services one day per week.

A monthly Multi-Disciplinary Team (MDT) meeting took place, and patients of concern were discussed. The MDT consisted of the HCM, IMHC, Prison Director, custodial staff and Case Managers.

The Prison was involved in developing a mental health first aid course for all front-line staff, which is to be piloted in the Department's Central Region.

When asked if they had any emotional wellbeing/ mental health issues, 43 percent of survey respondents said that they did. Sixty-one percent of respondents reported that they did not feel supported with their emotional/ mental health needs.

Forensic service

The Midland Regional Forensic Psychiatric Service (MRFPS) provided forensic services at the Prison. The forensic team comprised: a forensic nurse who attended fortnightly; a forensic triage nurse, as required; a social worker, as required; a psychiatrist and registrar, one clinic a month; a forensic psychologist, fortnightly; and, a cultural advisor (Māori), as required. A Service Level Agreement between MRFPS and the Prison was provided to Inspectors (dated December 2017). The forensic team carried a relatively small caseload of eight patients.

Patients requiring a forensic bed were transferred to the Henry Bennett Centre (Waikato District Health Board). There were no patients waiting for a forensic bed at the time of the inspection.

Inspectors noted the forensic prison team regularly updated MedTech following consultation.

Recommendations – health and wellbeing

4. I recommend that:
 - a. Nursing staff have the opportunity for clinical supervision.
 - b. There be a separate health complaint system to ensure patient confidentiality.
 - c. New health service staff have the necessary training and orientation to undertake their role.
 - d. Health services are supported by custodial staff to provide health services without compromising patient confidentiality and privacy.

The Department of Corrections accepted recommendations 4a, 4c and 4d.²⁴

Corrections partially accepted recommendation 4b and stated:

The PC.01 complaint process, whereby complainants complete a PC.01 form which is entered into the complainants profile in our Integrated Offender Management System (IOMS), is considered a suitable complaints system for health complaints to be progressed through. Please note that there is no requirement for a separate health complaint system. It is a requirement of the Cornerstone Accreditation Programme that a complaints system is in place, which is the case in all of our prisons.

Although your office hold concerns about the confidentiality of this process (confidential information being included in IOMS), it means that complaints are centrally located, there is a clear timeframe and process for response and closure of the complaint and staff compliance with this complaints process is readily auditable. Because of these benefits we are working to further enhance the use of the PC.01 system for health complaints while maintaining a central focus on ensuring that any detailed health information related to

²⁴ The Department of Corrections' comments on recommendations 4a, 4c and 4d can be found in Appendix 1.

the complaint is only entered in MedTech. This will mean that there will be consistent practice and clear expectations reinforced for custodial and health staff about the management and record keeping related to health complaints.

This work is still in its early stages and will be initiated over the coming months.

Criteria 5: Protective measures

Expected outcomes – protective measures

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.

Security and supervision

Physical and procedural security measures at the Prison were good. Good order was underpinned by effective intelligence and positive staff-paihere relationships. Paihere were safe from exposure to substance use.

Inspectors observed some good standards in relation to searching, supervision and escorting of paihere. The standard of rub-down searches was varied.

Complaints

Under sections 152 and 153 of the Act, the Department of Corrections complaints system must ensure that complaints are investigated in a fair, effective and timely manner. Information explaining the complaints investigation process, how prisoners obtain forms for requesting interviews or make formal complaints, and their right to request assistance from the Office of the Inspectorate or an Ombudsman, must be prominently displayed in each prison unit. Also, under section 154, the opportunity to obtain assistance to make complaints, and assistance for persons who have difficulties with verbal or written communication, must be available.

Information on the complaints process was available in the Units and telephone numbers to the Office of the Inspectorate and Ombudsman displayed in prominent areas. There were 126 complaints for the period 1 November 2018 to 30 April 2019. In the sample of 25 complaints my Inspectors reviewed, most received a polite answer and the issue raised was addressed. However, timeliness of responses was not met in approximately 30 percent of cases.²⁵ Five complaints were still open when my Inspectors checked the Integrated Management System (IOMS) in July 2019; three were dated March 2019, and two were dated April 2019.

²⁵ *Custodial Standards of Practice – Prisoner Complaints* found on COBRA.

In my survey, 68 percent of survey respondents said they did not have faith in the complaints process. One paihere commented:

[I feel] unsafe in unit at times... if I make a complaint it's hard as bullying gets worse. On this site always the victim is removed... not fair. Bully only gets warning.

Kiosks, mail and phones

Prisoner information kiosks (kiosks) were rolled out nationally to all prisons in 2017. The kiosks enable prisoners to order canteen items, see key sentence dates, and request appointments with their Principal Corrections Officer and Case Manager.

Kiosks were positioned throughout the accommodation areas, and when checked by Inspectors, were in working order. Paihere reported that they were able to access kiosks without any problems.

Sections 76(1) of the Act provides that a prisoner may send and receive as much mail as the prisoner wishes. The *Prison Operations Manual* specifies that mail should normally be distributed each working day.

Administration staff routinely processed incoming mail Monday to Friday ready for pick up by Unit staff. My Inspectors saw incoming mail distributed to paihere as they returned from work, and when speaking with staff at the Unit guardroom window.

Although 30 percent of paihere responding to my survey said they had problems sending or receiving mail, my Inspectors observed the arrangements to be efficient.

The approvals process for telephone numbers was operating effectively, and my Inspectors noted there were no issues around paihere access to telephones at peak times, particularly when paihere returned from work and other activities.

Eighty-four percent of survey respondents said they were able to access a telephone.

Misconducts

My Inspectors examined the Prison's misconduct book for the period 1 November 2018 to 30 April 2019, during which time 69 charges were recorded. The most common charge was a prisoner having an article in their cell or in their possession without the approval of a Corrections Officer. Four charges were dismissed: two due to incorrect paperwork, and two due to the unavailability of the charging officer.

Inspectors also examined the Prison's adjudications register. All charges were heard in required timeframes. Sanctions appeared proportionate and paihere could appeal the outcome of an adjudication to an independent Visiting Justice.

Recommendations - protective measures

5. I recommend that:

- a. Compliance with standards for complaint handling should be improved.

The Department of Corrections accepted recommendation 5a.²⁶

²⁶ The Department of Corrections' comments on recommendation 5a can be found in Appendix 1.

Criteria 6: Purposeful activity and transition to the community

Expected outcomes – purposeful activity and transition to the community

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 prisoner 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.

Assessment

Time out of cell

In my survey, 65 percent of survey respondents reported having over eight hours out of their cell on a weekday. The core day indicated that paihere who worked full time had over 13 hours out of their cell Monday to Friday and approximately 12 hours at the weekend. Paihere who worked part time or were unemployed had slightly less time out of their cell. This included association and domestic periods, during which time we observed staff interacting positively with paihere.

All three Units had their own recreation facilities: a TV room, pool table, library, gym area with internal basketball court (Hautu Unit only), music room, sewing room, carving room, classroom, and computer room.

Extended unlock hours meant paihere had full access to a range of leisure activities, while the sewing room, carving rooms and classrooms were available on a scheduled roster.

I had no concerns with the amount of time paihere had out of their cell.

Outdoor exercise

Sections 69(1)(a) and 70(1) of the Act entitles prisoners (other than those engaged in outdoor work) to a minimum of one hour of physical exercise per day, in the open air if the weather permits. This is supported by Rule 23 of the Nelson Mandela Rules.

Access to fresh air was unlimited during the hours of unlock. I had no concerns with paihere accessing fresh air daily.

Gymnasium

Each Unit had a small selection of gym equipment, and a number of outdoor activities that paihere could access if they chose to. The large grassed area in each Unit compound hosted a number of team activities such as touch, football and petanque. A CrossFit course and walking track was available within the Prison grounds to those paihere with the necessary approval to use it.



Figure 9: Hautu Unit - multigym



Figure 10: CrossFit and walking track

Chaplaincy

The Prison Chaplain, whose primary role was to listen to paihere and facilitate possible connections and solutions to any of their concerns, provided religious support and guidance to paihere.

Paihere were encouraged to organise and run their own church service to promote leadership skills and build confidence in their own abilities.

The Chaplain served as the focal point for spiritual support on release and contact with other religious faiths.

Eighty-five percent of survey respondents said they were able to access religious activities in the Prison.

Library services

Each Unit had a small library with a good selection of books and other material. The Prison also had a library. The Prison employed a part-time Librarian as well as one paihere assistant to manage the library. The library was open to all Units and ran on a weekly roster.

The library was well stocked with a wide range of publications including about Māori and Pacific Island cultures and a selection of literacy, numeracy, and other educational resources. A large number of books were donated from Taupō and Tūrangi library, including new editions and publications.

Thirty-six percent of survey respondents reported that they accessed the library at least once a week.

Visits

Visits took place on Saturday and Sunday from 9am to 11am, and 1.15pm to 3pm. Visit facilities were good, and the visits hall was well decorated and comfortable. Resources for children were adequate and included a small play area.

Child protection arrangements had added a layer of complexity and reduced flexibility for visitors. Each Unit offered child protection visits in the morning and standard visits in the afternoon. After visits, paihere were not routinely strip searched.

The Prison had Audio Visual Link (AVL) facilities, and a number of paihere were able to conduct visits with whānau or meet with community supports. AVL was well utilised at the Prison. Fifty-one percent of paihere were from out of region making it more difficult for their visitors to visit.



Figure 11: Visits



Figure 12: Children's play area in visits

Training and employment

There was an appropriate and useful range of full and part-time work and vocational training opportunities provided to all paihere, and a clear process in place to ensure paihere had some degree of input into their choice of work or training. Paihere did not have to wait long to gain employment as the waiting list was reasonably small.

Paihere employed in industries were collected from their Units by the Instructors and were at their work place as early as 4.30am (farm workers), Monday to Friday. Finish times varied depending on area of employment.

Inspectors made an assessment of the number of paihere in training, or employment, on Day 4 of the inspection, Thursday, 9 May 2019.²⁷

Table 2: Prisoner employment on Thursday 9 May 2019

Work area	Workplace capacity	Number on day of assessment	Comments
Internal farm	10	8	
External farm	30	20	One instructor vacancy One instructor on ACC
Painting	10	7	Vocational pathway
Carpentry	10	9	Vocational pathway
Nursery	10	4	
Forestry	10	3	
Catering	10	5	
Engineering (welding)	10	6	
Grounds	5	5	
Kitchen	19	19	Over three shifts

Further employment opportunities for paihere included Level 2, 3 and 4 in sheep and cattle production; a bike repair workshop; a worm farm; and, beekeeping. There were five paihere on Release to Work (RTW) at the time of the inspection.

Two Inspectors attended an advisory panel meeting regarding paihere applications for RTW. The MDT meeting was well-attended and comprehensive, however meetings were not minuted.



Figure 13: Bike repair workshop



Figure 14: Painting workshop

²⁷ The list was not exhaustive, and did not include Unit-based work.

Inspectors noted paihere were proud of their work and achievements, growing in confidence as they improved their skills and passed assessments. Paihere were highly motivated – they were keen to complete qualifications, gain skills and attend their activities. They valued their learning, showing respect for staff and their peers and appreciating the cultural and social diversity across their peer group. Peer mentors practised their mentoring and social skills well and were supportive of each other.

Education

Paihere assessed as having below Level 4 numeracy and literacy skills were offered an Intensive Literacy and Numeracy (ILN) course. Paihere who achieved Level 4 and above were offered a pathway into further learning, rehabilitation and reintegration programmes. They could also access secure online learning in the Prison's computer suite. Inspectors observed a number of paihere accessing secure online learning at the time of the inspection.

ILN courses ran in each Unit, Monday to Thursday, two hours a day. Inspectors observed a number of ILN sessions taking place during the inspection.

A Tikanga Māori course delivered over 22 weeks ran four times a year, and a Level 1 Te Reo Māori course delivered over 16 weeks ran twice a year.

The Howard League provided literacy support to a number of paihere two hours a week, and had trained one paihere to deliver one-on-one tutoring to other paihere.

Programmes

The Prison provided Short Rehabilitation Programmes (SRPs) for those paihere unable to attend a MIRP. The duration of the SRP was 24 sessions - each of 2.5 hours duration, 3-4 days a week. The Prison was piloting a SRP — the Sex Offender's Treatment Programme (SOTP) — to address the likelihood of reoffending for low risk paihere. Paihere considered to have a high risk of reoffending were transferred to either Rolleston or Auckland Prison to undertake a 12-month SOTP course.

For the period 1 July 2018 to 1 May 2019, two SRPs were completed, with seven out of the eight participants graduating from the programme, and one MIRP was completed with eight out of 10 participants graduating.

During the inspection, several paihere expressed frustration at perceived delays in accessing offending behaviour programmes and progressing their sentence plan as quickly as they had hoped. Inspectors noted paihere were generally allocated to programmes in line with their release or Parole Eligibility Date (PED).

There were some alternatives for paihere assessed as unsuitable for an accredited programme, including one-to-one work with the programmes team.

A consensus among the interventions and programmes team was the lack of adequate therapeutic space to undertake group work, one-on-one engagement and supervision.

Skills for life programmes

A number of 'Skills for Life' programmes to improve motivation and communication, build positive relationships, and improve self-confidence were available to paihere: Fuel, Pay it Forward; Intrepid Explorer 1 and 2; Power of Positive Change; Te Huarahi Ora Mana Wairua; Brain Kinetics; and, Smart Choices. Most courses were 20 hours duration and ran over four days. Two Inspectors were able to sit in on the last day of a Pay it Forward programme and were impressed with the calibre of the facilitator. Eleven of the 12 paihere who started the programme graduated.

Reintegrative support programmes

The Prison offered a number of reintegration support programmes including Parenting, Brainwave, First Aid, and Fork Lift and Traffic Control. Programmes were scheduled when sufficient numbers of paihere were available to attend. The duration of each programme varied.

Constructive activities

Unit based activities were varied with a Jehovah's Witness class, book club, church band practice, yoga, quilting, and Te Reo courses. Inspectors observed a number of these activities taking place during the course of the inspection.

Many paihere participated in a good range of constructive and recreational activities that made a positive contribution to prison life and their wellbeing. This was underpinned by strong and effective partnership working between prison staff and a range of national and local providers, and resulted in an array of activities and events, which encouraged paihere participation.

Case management

The Case Management team²⁸ comprised an Acting Principal Case Manager (APCM), eight Case Managers, one Parole Board Liaison, one Guided Release Case Manager and one Scheduler. The APCM had only been in the post for a couple of months and appeared keen to improve services to paihere. There were two Case Managers new to the role and still in training. Case Managers described the training as requiring improvement, and felt it was not a true reflection of the skills required for the role. There were three vacancies, including the Principal Case Manager position, at the time of the inspection. One Case Manager was the 'youth champion' and had a number of ideas to improve engagement with youth, including a dedicated youth

²⁸ The process to identify the needs of the paihere population is through Case Management.

area. There were seven under 21 year olds at the Prison at the time of the inspection. Case Managers did not routinely attend Right Track²⁹ meetings in the Units.

Work was underway to improve the timeliness and quality of case management practice across the site; however, there was still some work to be done. For the period 1 November 2018 to 30 April 2019, initial contact meetings³⁰ were trending at 90 percent; initial offender plans³¹ were 60 percent and planned contact³² at 84 percent. Timeframes for providing the New Zealand Parole Board with board reports was trending at 98 percent.³³ Inspectors reviewed a number of offender plans and noted the quality of the plans was inconsistent and sometimes lacked detail.

Paihere said the process to see a Case Manager was slow.

Concerns raised by the case management team with Inspectors were that the new initiative to meet informally with family and whānau at the gatehouse was unsafe practice, and that there was a lack of leadership amongst the senior management team.

Guided Release

Guided release supports long-serving paihere (over two years) with re-integrative needs in their transition back to the community. Paihere have to be minimum security and within six months of their PED, or low security paihere with a release date from the Parole Board. Reintegration activities include visiting release accommodation, opening a bank account, sitting their driving test, job interviews, and shopping trips. Inspectors noted a number of reintegration activities taking place during the course of the inspection.

Out of Gate

Out of gate services were provided to short-serving paihere (less than two years) to address any identified re-integrative needs before their release. The service was provided by an external provider and paihere and staff spoke of them in positive terms.

²⁹ The Department promotes Right Track as supporting staff to take the right action with paihere at the right time, by knowing what is going on in their lives and encouraging them to make positive use of their time in custody.

³⁰ Case Managers will meet with every new paihere on their caseload within 10 working days of allocation.

³¹ An initial or transitional offender plan must be finalised within 40 working days of the initial reception date.

³² Case Manager will undertake face-to face contact with a paihere based on their individual risk, need, and responsivity barriers within five working days of Next Contact Date being entered in the Integrated Offender Management System (IOMS). Record of the event should be within a further three working days.

³³ Data from Case Management *Standards of Practice* home page found on COBRA.

Recommendations – purposeful activity and transition to the community

6. I recommend that:

- a. Advisory panel meetings be minuted.
- b. Paihere have access to appropriate and timely case management provision.

The Department of Corrections accepted recommendation 6b.³⁴

Corrections rejected recommendation 6a and stated:

Tongariro Prison record all advisory panel meetings. In addition, all findings, outcomes and recommendations are recorded in the National Advisory Panel folder. Tongariro prison considers that these steps provide for suitable notation and record keeping regarding advisory panel meetings.

Tongariro Prison are also a pilot site for a new advisory panel for considering outside the wire activity. The introduction of this advisory panel has been progressing well with an improvement in the quality and information contained in outside the wire applications which is leading to more applications being approved, particularly for Guided Release activities. This is a positive step for paihere involved in these activities.

³⁴ The Department of Corrections' comments on recommendation 6b can be found in Appendix 1.

Appendix 1. Department of Corrections' comments on recommendations that were accepted

Recommendations – treatment

1. I recommend that:

- a. The Prison ensures robust systems are in place to record, review and monitor all use of force paperwork.
- b. All custodial staff are up-to-date with their Control and Restraint, and Tactical Communications training.
- c. The Prison Director ensures robust systems are in place to record, review and monitor all directed segregation paperwork.
- d. The separates cells in Te Hikoinga Unit and Hautu Unit be decommissioned.

The Department of Corrections accepted recommendation 1a and commented as follows:

Tongariro Prison is confident that they have a robust system in place to record, review and monitor all Use of Force paperwork.

Unfortunately at the time of your inspection, Tongariro Prison had recently appointed a new Custodial Systems Manager who was being trained and updated on processes and the workload involved with the role. Previously, the Security Manager at Tongariro Prison had completed the Use of Force register. Whilst the new Custodial Systems Manager had all of the Use of Force information available, the details were yet to be entered in the Use of Force Register. The Register is now up to date and will continue to be updated as necessary. The new Custodial Systems Manager is aware that this is a vital responsibility of the role and must continue to occur.

Corrections accepted recommendation 1b and commented as follows:

Tongariro Prison currently have 88% compliance with Custodial staff completing Control and Restraint and Tactical Exit training. Tongariro Prison have included extra refresher training to their schedule to support the increase of this number.

In addition, Tongariro Prison have placed a Senior Corrections Officer (SCO) into a training and development advisory role for the duration of the modular build construction. The SCO in this role is delivering ongoing training and providing support to all custodial staff at Tongariro Prison. This includes ensuring that Control and Restraint and Tactical Exit training is up to date.

Corrections accepted recommendation 1c and commented as follows:

Tongariro Prison has a system in place to record, review and monitor all directed segregation paperwork. When prisoners are placed on directed segregation in separate cells, unit staff complete the corresponding paperwork required. If this occurs afterhours, the duty Principal Corrections Officers check the paperwork and leave it for the Residential Principal Corrections Officer to complete the final check the following business day. Once checked and confirmed, paperwork is provided to the Custodial Systems Manager for final review and sign off by the Prison Director. Once complete and all relevant signatories have signed the paperwork, a copy of the paperwork is filed at the prison and a copy provided to the Senior Adviser to the Regional Commissioner for approval.

Notwithstanding this, a recent review of directed segregation paperwork has highlighted areas for enhancement. In future, any placements in separates cells for any reason other than Cell Confinement as a result of misconduct hearing or time out will have the corresponding directed segregation paperwork produced and recorded as per policy. This has been highlighted to Tongariro Prison staff.

All Principal Corrections Officers have received training, including a training pack of forms containing the information and signage required to be able to present completed paperwork to the Custodial Systems Manager for further processing. The Practice Manager Custodial (Central Region) is currently designing a training package to present regionally to further ensure paperwork is correct and signed by all necessary levels of staff. This includes ensuring awareness that all paperwork is signed and dated by the necessary individuals and is recorded in the register.

Recommendations – transition to lawful custody

2. I recommend that:

- a. An assurance process is developed to assess and improve the effectiveness of the induction process in meeting paihere needs and entitlements.
- b. A review of the content of the Prison information booklet is carried out with paihere involved. The booklet should be available in a number of different languages.
- c. Arrangements for paihere to access personal property should be improved.

The Department of Corrections accepted recommendation 2a and commented as follows:

Tongariro Prison is currently reviewing the induction process and are including paihere in this work. It is expected that this initial review will be completed by the end of September 2019 with any next steps progressed at this time.

Your report notes criticism of the information booklet provided to paihere at the unit induction, noting that paihere believe it to be outdated. Reviewing the information booklet will be included in the wider review of the induction process. This will focus on updating the induction booklet to better reflect Tongariro Prison as well as including opportunities for engagement in the booklet to support paihere. Tongariro Prison will also explore options regarding the translation of the revised booklet to Te Reo.

Corrections accepted recommendation 2b and commented as follows:

Tongariro Prison are currently reviewing the induction process and are including paihere in this work. Part of this work will be focusing on updating the induction booklet to better reflect Tongariro Prison as well as including opportunities for engagement in the booklet to support paihere. Tongariro Prison are currently looking at options to translate the revised booklet into Te Reo although they note that they do not house a large number of differing cultures in comparison with other prisons around the country. It is expected that this initial review will be completed by the end of September 2019 with any next steps progressed at this time.

As explored in further detail in response to recommendation 3c, work is also underway to translate key documents for foreign nationals which will be available for all prisons.

Corrections accepted recommendation 2c and commented as follows:

Tongariro Prison are confident that a majority of paihere on arrival at site receive their issued personal property within a maximum of 48 hours and generally within 24 hours. Notwithstanding this, for paihere that do not receive their property within these timeframes, Tongariro Prison have explored how best to stream line and enhance the prisoner property process. Tongariro Prison intend on increasing resourcing within the Receiving Office as required, with an additional staff member working during the weeks when there are larger numbers of new arrivals. A staff member will be re-assigned to the Receiving Office to help staff at times of greater demand. This will begin immediately as required.

Tongariro Prison have found that the larger number of arrivals throughout the week can at times delay the property issuing process so an additional employee during these times will work to reduce any delays experienced.

Recommendations – decency, dignity and respect

3. I recommend that:

- a. Discrepancies between P119 lists and kiosk prices should be addressed.
- b. Sufficient, suitable accommodation should be provided for paihere with disabilities.
- c. Foreign national paihere be provided with reliable information about the Prison and their rights in a form which is easily understandable to them.

The Department of Corrections accepted recommendation 3a and commented as follows:

It is important for the P119 system to be supported by both kiosk and paper-based ordering systems. Kiosks offer a convenient, well-integrated method for placing orders. However, an alternative process needs to be available: a manual backup is important should the kiosk system be unavailable, and to support prisoners whose fingerprints have not yet been registered.

The paper-based system makes available personalised forms for each prisoner. Each form includes the prisoner's name, PRN, unit, trust balance and the range of products (and prices) available for purchase. These personalised forms are updated every Friday for the entire prisoner population and made available to each prison's electronic repository of general forms.

All prices are set nationally. As forms are updated each week, administrative staff check to ensure the manual forms' prices match the kiosk. To reduce the likelihood of price inconsistencies, additional communications were sent from the administration team to all prisons to reconfirm the availability and accessibility of personalised P119 forms through sites' electronic repositories of general forms. This process was re-confirmed by the national Prison Industries team to all Assistant Prison Directors. Both of these actions were completed in July 2019.

Corrections accepted recommendation 3b and commented as follows:

Tongariro Prison currently have two purpose built cells which accommodate paihere with disabilities. Once completed (at the end of 2019), the new modular unit construction will provide for two further cells which are suitable for paihere with disabilities. Construction on this modular unit is ongoing.

As discussed with your inspectors, Tongariro Prison management are currently exploring options to include benches in the shower blocks for paihere to sit on as well as grab rails. Costing options for these additions are currently being explored to ensure that these units are fit for purpose for an aging paihere population at Tongariro Prison.

Corrections accepted recommendation 3c and commented as follows:

Tongariro prison advise that they regularly make use of the language line to support foreign nationals. Staff acknowledge that deportees can at times become frustrated by being unable to participate in employment or education that may support a visa to be able to stay in New Zealand. Tongariro Prison staff endeavour to find suitable, meaningful activities and engagement for foreign national paihere to keep them motivated and engaged while at Tongariro Prison.

Work is also underway to ensure foreign nationals, speakers of other languages and those with literacy issues in all of our prisons are fully briefed on prison procedures. Corrections are working with Translation Services at the Department of Internal Affairs with the view to have key documents relating to the reception and induction process of prisoners (including at risk assessments) translated into other languages. Initially, it is envisaged that we will trial translated material in several languages at a couple of prison sites to test that we have covered all of the necessary information and have conveyed the information in a user friendly way to the intended audience. Unfortunately, we are not yet in a position to propose an expected timeframe for completion of this work although we have just extended the scope of this work with the provision of information in Te Reo Māori and NZ Sign Language now included.

Once implemented, this resource will have similar value to the Language Line telephone interpretation service in assisting staff in their duties and people in Corrections' care.

Recommendations – health and wellbeing

4. I recommend that:

- a. Nursing staff have the opportunity for clinical supervision.
- b. There be a separate health complaint system to ensure patient confidentiality.
- c. New health service staff have the necessary training and orientation to undertake their role.
- d. Health services are supported by custodial staff to provide health services without compromising patient confidentiality and privacy.

The Department of Corrections accepted recommendation 4a and commented as follows:

Tongariro Prison Health Services support clinical supervision for nursing staff. At a national level, a draft paper is in preparation for the provision of a formal clinical supervision policy. A commitment was made as part of the New Zealand Nurses Organisation (NZNO) collective bargaining to complete this policy by 30 September 2019. Corrections Health Leadership Team is currently reviewing the policy and will provide it to

NZNO for review once it is completed. Please note that now that the NZNO collective bargaining has been ratified we are able to progress this work.

Corrections accepted recommendation 4c and commented as follows:

Tongariro Prison accepts that their focus has largely been on recruiting for the Health Services team to ensure that staffing levels are able to respond to demand for services. The Health Centre Manager is aware that all new health staff must complete an orientation programme which covers relevant health services policies and procedures. Mentoring is provided within the Health Services team and the Clinical Quality Assurance Advisor continues to provide training to staff on a variety of different nursing standards on a fortnightly basis. No further specific action will be taken with regard to this recommendation, however, as noted above, plans are in place to provide ongoing training and orientation to Tongariro Prison Health Services staff.

Corrections accepted recommendation 4d and commented as follows:

Corrections accept that clinics and medication rounds should be completed without compromising prisoner confidentiality and privacy. Nursing staff are aware that medication rounds are exclusively for administering medication and no other medical matters (except true emergencies) are discussed. This is not only to protect a prisoner's confidentiality but also to allow nursing staff to administer the large volume of medication that they are required to manage on medication rounds. A Nursing Council requirement for all nurses is to identify the name of the patient and the name of the medication before administration. This is included in the Five Rights of administering medication (Nursing Council competencies).

We have found that prisoners may see medication rounds as an opportunity to initiate conversations with health services staff regarding health concerns or requests. They may share clinical information with staff and unfortunately they may do so in front of cell mates. Nurses are aware that they are not to engage in this discussion with prisoners. Both Custodial staff and Health Services staff adhere to the Corrections Code of Conduct to support and maintain confidentiality, however, we consider that the safety and security aspects of having a custodial officer present during medication administration, is too great to remove this supervision.

Our Health Practice team at National Office are finalising a nationwide Chaperone Policy which will work to contribute to greater confidentiality and protection of the patient's privacy.

Recommendations – protective measures

5. I recommend that:

- a. Compliance with standards for complaint handling should be improved.

The Department of Corrections accepted recommendation 5a and commented as follows:

Ongoing discussions between prison management and Residential Managers as well as one on one conversations and team discussions with Unit Principal Corrections Officers regarding compliance with complaints is part of Tongariro Prisons goals for continuous improvement. These discussions focus on reinforcing the requirement of timely responses to complaints and ensuring timeframes are adhered to. These discussions will continue to occur when necessary, with Residential Manager oversight to ensure that staff adhere to the complaints process. This is an ongoing focus for Tongariro Prison although no further specific action will occur with regard to this recommendation.

Recommendations – purposeful activity and transition to the community

6. I recommend that:

- a. Advisory panel meetings be minuted.
- b. Paihere have access to appropriate and timely case management provision.

The Department of Corrections accepted recommendation 6b and commented as follows:

At the time of your inspection, there were ongoing pressures in the Case Management team due to recruitment and Case Management training. This meant that at times, paihere who were to be seen by the Parole Board in more than four years time were not allocated to case managers to allow for newer prisoners to be immediately allocated. This did lead to some long serving Paihere being unallocated. Unallocated paihere were still provided guidance on how to see a case manager should they need to in order to provide for case management contact and action.

Since this time, Tongariro Prison have finalised the recruitment of their case management team and have a fully recruited team. This will ensure prisoners are allocated case managers regardless of the length of time until their next parole board appearance.

Appendix 2. Survey feedback: The Prison

A total of 286 questionnaires were given out and 204 were returned (71 percent).

Section 1: About you

How old are you?		
Under 21	3	2%
21-29	28	14%
30-39	41	21%
40-49	40	20%
50-59	49	25%
60-69	26	13%
>70	11	6%
Total	198	

What is your ethnicity?		
Māori	45	23%
Māori/ Pākehā	40	20%
Kiwi/New Zealander	40	20%
NZ European/Pākehā	50	25%
Asian and Pacific Islander	13	7%
Other	12	6%
Total	200	

Is English your first language?		
Yes	180	90%
No	19	10%
Total	199	

Are you sentenced / on remand?		
Sentenced	198	99%
Remand convicted	1	1%
Total	199	

Is this your first time in prison?		
Yes	95	48%
No	104	52%
Total	199	

Do you have children under 18?		
Yes	81	43%
No	107	57%
Total	188	

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?	168	84%	32	16%
Are you normally able to have a shower every day?	199	99%	3	1%
Do you normally receive clean sheets every week?	180	89%	22	11%
Can you get cell cleaning materials every week?	194	96%	9	4%
Can you normally get your stored property, if you need to?	120	63%	69	37%

What is the food like here?		
Very Good	23	11%
Good	55	27%
Average	82	41%
Bad	32	16%
Very Bad	10	5%
Total	202	

Does the shop (P119) sell a range of goods to meet your needs?		
Yes	61	30%
No	141	70%
Total	202	

Section 3: Complaint process

Is it easy or difficult to get a complaint form (PC01)?		
Easy	80	40%
Difficult	58	29%
Don't Know	62	31%
Total	200	

Please answer the following questions about making a complaint in this Prison:	Yes	Yes %	No	No %
Do you know how to make a complaint?	176	90%	20	10%
Have you made a complaint in this prison?	85	43%	111	57%
Do you feel complaints are dealt with fairly?	70	42%	97	58%
Do you feel complaints are dealt with promptly? (within three days)	73	44%	94	56%
Do you have faith in the complaints system?	56	32%	119	68%
Would you make a complaint if the situation warranted it?	157	83%	33	17%

Section 4: Safety

Have you ever felt unsafe in this Prison?		
Yes	74	37%
No	126	63%
Total	200	

Do you feel unsafe in this Prison at the moment?		
Yes	24	12%
No	174	88%
Total	198	

Have you been victimised in this Prison?		
Yes	90	45%
No	108	55%
Total	198	

Have you been victimised in this Prison?		
If Yes, was it another prisoner?	17	19%
If Yes, was it a group of prisoners?	20	22%
If Yes, was it member of staff?	21	23%
If yes, was it both staff and prisoners?	32	36%
Total	90	

Assaults

Physical assaults	Yes	Yes %	No	No %
Have you been assaulted in this Prison?	35	18%	164	82%
Did you report the incident?	18	56%	14	44%

Sexual assaults	Yes	Yes %	No	No %
Have you been sexually assaulted while in prison?	20	10%	175	90%
If yes, did it happen at this Prison	4	21%	15	79%
Did you report the incident?	6	35%	11	65%

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?	162	86%	26	14%
Do most staff treat you with respect?	160	80%	39	20%
Do you know who your case manager is?	150	75%	51	25%
Did you meet with your case officer within the first week?	105	53%	93	47%
Do you see your case officer at least once a week?	70	35%	129	65%

Section 5: Health and wellbeing

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?	91	47%	104	53%
Not being able to smoke?	66	35%	122	65%
Loss of property?	49	26%	139	74%
Feeling scared?	75	39%	115	61%
Gang problems?	75	40%	114	60%
Contacting family?	113	59%	79	41%
Money worries?	39	21%	150	79%
Feeling worried/upset/needling someone to talk to?	84	45%	102	55%
Health problems?	149	77%	44	23%
Getting phone numbers approved?	117	60%	77	40%
Did you have any problems when you first arrived?	61	31%	135	69%

When you arrived in this Prison, were you given a phone call (within 24 hours)?		
Yes	142	71%
No	58	29%
Total	200	

Did you have any problems with alcohol when you first arrived?		
Yes	18	9%
No	179	91%
Total	197	

Have you received any help with alcohol problems here?		
Yes	37	19%
No	156	81%
Total	193	

Did you have any problems with drugs when you first arrived?		
Yes	33	17%
No	165	83%
Total	198	

Do you have any problems with drugs now?		
Yes	15	8%
No	183	92%
Total	198	

Have you received any help with any drug problems here?		
Yes	41	21%
No	151	79%
Total	192	

Is it easy to get illegal drugs here?		
Easy	26	13%
Difficult	118	58%
Don't know	60	29%
Total	204	

Is it easy to get tobacco/ cigarettes here?		
Easy	24	12%
Difficult	120	59%
Don't know	60	29%
Total	204	

How easy or difficult is it to see the Doctor?		
Easy	75	38%
Difficult	87	44%
Don't Know	35	18%
Total	197	

How easy or difficult is it to see the Nurse?		
Easy	144	73%
Difficult	38	19%
Don't Know	14	7%
Total	196	

How easy or difficult is it to see the Dentist?		
Easy	61	32%
Difficult	85	44%
Don't Know	46	24%
Total	192	

What do you think of the quality of the health service from the Doctor?		
Good	75	39%
Bad	73	38%
Don't Know	46	24%
Total	194	

What do you think of the quality of the health service from the Nurse?		
Good	137	70%
Bad	32	16%
Don't Know	27	14%
Total	196	

What do you think of the quality of the health service from the Dentist?		
Good	80	42%
Bad	44	23%
Don't Know	68	35%
Total	192	

What do you think of the overall quality of the health service?		
Good	103	53%
Bad	68	35%
Don't Know	24	12%
Total	195	

Physical disability

Do you have a physical disability?		
Yes	49	25%
No	146	75%
Total	195	

Do you feel supported with your disability needs?		
Yes	18	46%
No	21	54%
Total	39	

Emotional/mental health issues

Do you feel you have any emotional well-being/ mental health issues?		
Yes	82	43%
No	110	57%
Total	192	

Do you feel supported with your emotional/ mental health needs?		
Yes	31	39%
No	49	61%
Total	80	

Section 6: Purposeful Activity

Only three percent of respondents reported not being involved in any activity. Twenty-two percent of respondents reported being involved in one or more activities.

Are you currently involved in any of the following activities?		
Prison job	152	37%
Vocation or skills training	36	9%
Education (including basic skills)	41	10%
Offending behaviour programmes	31	8%
CIE employment	39	10%
Release to work	9	2%
Multi activity	85	21%
Not involved in any of these	13	3%
Total	406	

Are you able to access Cultural activities?		
Yes	120	69%
No	53	31%
Total	173	

Are you able to access Religious activities?		
Yes	151	85%
No	27	15%
Total	178	

Do you get at least one hour fresh air daily? (minimum entitlement)		
Yes	195	99%
No	2	1%
Total	197	

How often do you use the Library?		
More than once a week	16	8%
Once a week	88	46%
Less than once a week	53	28%
Never	19	10%
Don't want to use it	16	8%
Total	192	

On average, how many times do you go to the Gym each week?		
More than 5	48	25%
3 to 5	39	20%
1 to 2	37	19%
Never	34	18%
Don't want to use it	34	18%
Total	192	

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 +	125	65%
6 to less than 8 hours	21	11%
4 to less than 6 hours	23	12%
2 to less than 4 hours	12	6%
Less than 2 hours	11	6%
Total	192	

External Communication

Have you had any problems with sending or receiving mail?		
Yes	58	30%
No	138	70%
Total	196	

Have you had any problems getting access to the telephones?		
Yes	32	16%
No	163	84%
Total	195	

Do you usually have one or more visits per week from family and friends?		
Yes	22	12%
No	166	88%
Total	188	

Is it easy for your family and friends to visit you here?		
Yes	75	40%
No	112	60%
Total	187	

Do visits start on time?		
Yes	101	70%
No	43	30%
Total	144	

Appendix 3. Prison population demographic

The demographics of the prison population are set out below. Please note that the following figures, as at 17 May 2019, were supplied to the Inspectors by the Prison.

Status	18 to 20 year olds	21 to 65 year olds	66 and over
Sentenced	7	252	29
Recall	0	0	0
Remand convicted	0	0	0
Remand accused	0	0	0
Civil prisoners	0	0	0
Awaiting deportation	0	0	0
Total	7	252	29

Ethnicity	18 to 20 year olds	21 to 65 year olds	66 and over
Pākehā	1	118	20
Māori	5	114	6
Pasifika	0	12	3
Asian	0	7	0
Other	1	1	0
Total	7	252	29

Sentenced prisoners	18 to 20 year olds	21 to 65 year olds	66 and over
Less than 12 months	1	3	0
12 months to less than 2 years	0	8	0
2 years to less than 4 years	5	58	1
4 years to less than 10 years	1	90	11
10 years and over (not life)	0	46	8
Preventative Detention	0	25	8
Life	0	22	1
Total	7	252	29

Security category	18 to 20 year olds	21 to 65 year olds	66 and over
Minimum	1	98	14
Low	3	83	6
Low medium	3	63	9
High	0	2	0
Unclassified	0	6	0
Total	7	252	29

Main offence	18 to 20 year olds	21 to 65 year olds	66 and over
Violence against the person (including Firearm)	4	79	2
Sexual offences	1	126	26
Burglary	1	12	0
Robbery (including Aggravated Robbery)	0	0	0
Theft & handling (including receiving)	0	0	0
Fraud and forgery	1	4	1
Drug offences	0	19	0
Other (includes arson, perverting the course of justice, driving offences)	0	12	0
Total	7	252	29

Gangs (including affiliated)	18 to 20 year olds	21 to 65 year olds	66 and over
Bandidos	0	0	0
Black Power	2	12	0
Bloods	0	0	0
Crips	0	3	0
Head Hunters MC	0	5	0
Hells Angels MC	0	0	0
Highway 61 MC	0	0	0
Killer Beez	0	3	0
King Cobras	0	0	0
Mongrel Mob	1	8	0
Nomads	0	2	0
Tribesmen MC	0	0	0
Other	0	3	0
Total	3	36	0

Appendix 4. 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 inspections 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

Section 16 of COTA identifies 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 ...

(c) a court cell.

Pursuant to section 26 of COTA, an Ombudsman holding office under the Ombudsmen Act 1975 (Ombudsmen Act) was designated a National Preventive Mechanism (NPM) for certain places of detention, including prisons and court cells.

Carrying out the NPM's functions

Under section 27 of COTA, an NPM's functions, in respect of places of detention, include:

- to examine, at regular intervals and at any other times the NPM may decide, 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;
 - for preventing torture and other cruel, inhuman or degrading treatment or punishment in places of detention.

Under COTA, NPMs 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 persons they want to interview.

Section 34 of the COTA, confers the same powers on NPMs that NPMs have under any other legislation when carrying out their function as an NPM. These powers include those given by the Ombudsmen Act to:

- require the production of any information, documents, papers or things that, in the Ombudsmen's opinion, relates to the matter that is being investigated, even where there may be a statutory obligation of secrecy or non-disclosure (refer sections 19(1), 19(3) and 19(4) of the Ombudsmen Act); and
- at any time enter and inspect any premises occupied by any departments or organisation listed in Schedule 1 of the Ombudsmen Act (refer section 27(1) of the Ombudsmen Act).

To facilitate the exercise of the NPM function, the Chief Ombudsman has authorised inspectors to exercise the powers given to him as an NPM under COTA, which includes those powers in the Ombudsmen Act for the purpose of carrying out the NPM function.

More information

Find out more about the Chief Ombudsman's NPM function, inspection powers, and read his reports online: www.ombudsman.govt.nz under What we do > Protecting your rights > Monitoring places of detention.