

04 August 2021

C135071

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 21 April 2021, requesting information about babies born in prison. Your request has been considered under the Official Information Act 1982 (OIA). I apologise for the delay and thank you for your patience.

New Zealand has three women's prisons: Auckland Region Women's Corrections Facility, Arohata Prison near Wellington, and Christchurch Women's Prison. Every year less than 10 babies are born nationally to mothers who are in prison. We are committed to ensuring these women are able to have positive birth experiences that maintain the wellbeing of them and their baby, while also balancing the need to consider any risk to safety or security.

Our staff are experienced at managing a range of dynamic risks that can change quickly. We acknowledge that giving birth can be a time where emotional reactions are heightened, and the situation has the potential to be distressing.

On 17 May 2021, we changed our policy regarding the use of mechanical restraints for pregnant women and we no longer use handcuffs on women who are 30 weeks or more pregnant. Corrections' staff use risk assessment processes to ensure the safety and security of the woman, her baby, staff and the public. These risk assessments inform the number of staff required, the skillsets required of our staff and whether any other risk mitigation responses are needed. Further information on changes to our policy can be found at:

[www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.02-Female-and-pregnant-prisoners](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.02-Female-and-pregnant-prisoners)

Please note some questions have been reordered for ease of response. You requested:

- *Breakdown of the number of babies born to prisoners incarcerated in facilities each year for the past three years*
- *Please break this down by prison, age group, whether the birth took place in the prison or elsewhere (like a hospital or birthing centre), the*

*cost of any additional maternity care or other accompanying care the woman or their child needed during the pregnancy/birth/after birth*

Despite an exhaustive search, Auckland Region Women's Corrections Facility have not kept records on the number of women who had babies in custody over the last three years. As such, this part of your request is partially declined under section 18(e) of the OIA, as the document alleged to contain the information requested does not exist, or despite reasonable efforts to locate it cannot be found.

A new process was implemented in the week beginning 19 July, to reliably collect and record information about women who are pregnant. Further, a new Pregnancy Notification Form has also been added which is a direct communication between Health Services and Custodial Services to notify of women being pregnant.

From 2018 to 2020, three babies were born to women serving a sentence at Arohata Prison. Please see below for a further breakdown by year, age group of mother and location of birth. All babies were born outside of prison under the supervision of medical professionals.

Calendar Year	Ages of Mother
2018	20-29
2019	30-39
2020	30-39

From 2018 to 2020, eight babies were born to women serving a sentence at Christchurch Women's Prison. Please see below for a further breakdown by year, age group of mother and location of birth. All babies were born outside of prison under the supervision of medical professionals.

Calendar Year	Ages of Mother
2018	20-29
2019	20-29
2019	20-29
2019	20-29
2019	40-49
2020	<20
2020	20-29
2020	20-29

Costs associated with maternity care for the women are absorbed within wider operational budgets and are also incurred not only by Corrections but the Ministry of Health (further details are provided in response to your next question). This information cannot be costed out separately or extracted from our electronic systems. As such, your request for *the cost of any additional maternity care or other accompanying care the woman or their child needed during the pregnancy/birth/after birth* is declined in accordance with section 18(g) of the OIA as the information requested is not held by Corrections and we have no reason to believe that the information is held by another agency or is more closely connected with the functions of another agency.

- *Please also provide some commentary about the department's level of, and nature of support provided to mothers during their pregnancy/birthing/post-natal care, and what services are available to them. Please also include a list of items the department provides women who have recently birthed, if any, and how much the department allocates to these items*

Maternity care is not delivered by Corrections. People in prison who are pregnant have the same access to the Lead Maternity Carer (LMC) system as any other woman in the community. The LMC is funded and managed by the Ministry of Health and ensures pregnant women have access to health care throughout their pregnancy and for four to six weeks after the birth of their child. If a woman is already under the care of a midwife prior to entering prison, they may continue with this care, if the midwife is willing to visit them in prison. If they do not have a midwife, prison Health Services staff assist the individual in locating one.

Pregnant women in prison receive maternity and health care. The women can either have the midwifery provider of their choice or can choose one of four midwife providers arranged by the prison. Pregnant women are escorted to and from scans and tests. At least one of the escorting officers must also be a woman if the pregnant woman is up to 30 weeks pregnant. For a pregnant woman 30 weeks or more, she will be escorted by female custodial staff, except under exceptional circumstances. Escorting staff will not remain in the hospital room unless: the woman has specified this in her birth support plan, the woman has requested that they remain, health professionals have requested that they remain, or the risk of escape or other identified risk is unacceptably high.

Women are provided with breast pumps and pads, breast milk bags, sterilisation tablets, medications and creams, sanitary products, health education, suitably sized clothing if necessary and provide appointments with family planning if the woman wishes. Any items not held on site but requested can and would be assessed quickly. Custodial teams also assist with taking photos of the baby for the woman.

Since 2019, all three women's prisons have been ordering and receiving baby boxes from Baby Start for mothers who wish to receive them. Baby boxes are given to all women who come into custody who are pregnant and are also given to women who are due to give birth after their release from prison. The boxes contain a hat, sleeping gown/bundler, sleeping bag, muslin wrap, merino blanket, washcloths, wipes, nappy balm, laundry soaker and powder and sanitary pads. You can find out more about Baby Start on their website: [www.babystart.co.nz](http://www.babystart.co.nz)

The cost of the items provided to women who have recently birthed is not held in any readily retrievable format. This information is absorbed within wider operational budgets and cannot be separately identified or costed out. Your request for *how much the department allocates to these items* is therefore refused in accordance with section 18(g) of the OIA as the information requested is not held by Corrections and we have no reason to believe that the information is held by another agency or is more closely connected with the functions of another agency.

- *Please also outline whether these women have the chance to keep their babies with them, or whether they are encouraged to have their children cared by others e.g. family members until they have completed their sentences. What happens in cases where babies have high needs, or need to be cared for in neonatal facilities? Are mothers allowed to stay with their child? Are fathers able to visit their child either in prison, or at the place of birth (a hospital, birthing centre etc)?*

Each of New Zealand's women's prisons has a Mother and Baby Unit (MBU). The units provide an opportunity for babies to bond with their mothers in a safe and supportive environment during the child's critical development period of the first two years of life. The units are designed to help secure attachment between mother and baby and develop parenting skills, while still giving mothers access to the rehabilitation they need to address their offending.

Women may be eligible to apply to reside in a MBU if they are pregnant and will give birth before their release from custody, or? have a child under the age of 24 months; and do not have convictions for sexual or violent offending involving children.

Women must be drug free and have no serious misconducts, motivated to live in the unit and care for their child, and willing to be assessed to ensure that the decision to care for their child in prison is a safe, appropriate and in the child's best interests.

You can find out more about the MBUs on our website:

[www.corrections.govt.nz/resources/newsletters\\_and\\_brochures/new\\_beginnings\\_-\\_mothers\\_with\\_babies\\_unit](http://www.corrections.govt.nz/resources/newsletters_and_brochures/new_beginnings_-_mothers_with_babies_unit)

Note that not all women who are pregnant in prison will apply to reside in MBUs with their babies after birth, and often, pregnant women will be released from prison prior to giving birth. Pregnant women also have the right to apply to the New Zealand Parole Board for an early release on compassionate grounds.

Women's prisons also have feeding and bonding facilities available to allow Mothers to feed and bond with their children on a daily basis. You can find out more about these facilities on our website:

[https://www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.03-Feeding-and-bonding-facilities](https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.03-Feeding-and-bonding-facilities)

Pregnant women are supported to involve their partners and/or support person in decisions and activities relating to pregnancy, including attending the birth. Partners and support people are subject to the consideration of security risks for both the pregnant women and her partner/support person. A birth support plan will be developed by the pregnant woman with the support of their social worker and/or case worker. The birth support plan will:

- identify support people to include in decision making and activities relating to pregnancy,
- identify support people for labour and birth and approved visitors after birth,
- identify any cultural, religious, and spiritual customs, practices and beliefs,

- identify the period that the plan is relevant for,
- be considered and approved by the prison director, and
- be carried out on escort.

In a situation where a baby has high needs or needs to be cared for in a neonatal facility, discussions will occur between health and custodial teams. The baby's needs and the mother's mental and physical health would be considered and prioritised.

- *if you have any images of any prison facilities that cater for mother and baby, I ask that you include these in your response.*

Corrections does not routinely release photos of the inside of prisons into the public domain as doing so could compromise the safety of individuals or the security of prisons. Therefore, such requests are generally declined under section 6(c) of the OIA, as the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

In this instance, however, I note that images of facilities at Christchurch Women's Prison were recently released to another stuff.co.nz journalist in response to an OIA that was answered by the Office of the Children's Commissioner. Those images are included within two inspection reports released to that requester, which were produced by the Office of the Children's Commissioner in 2020 and 2018.

In consultation with the Office of the Children's Commissioner, we are re-releasing these images to you. Please refer to Appendix One. Please note, as these images were taken in early 2020 and late 2017 they may not represent what the unit currently looks like with complete accuracy.

- *What about the level of psychological support available for mothers in cases where post-natal depression may be a factor? Are all mothers screened for this, and if so, how often are new mothers monitored for it?*

People in prison are referred to secondary and tertiary healthcare services, including specialist mental health services, on the same basis as people in the community.

The New Zealand College of Midwives have advised that while there is no set time for conversations about mental health and wellbeing, the Lead Maternity Carer Midwife (LMC) will review emotional and social issues with the woman during each appointment. Corrections Health Policy states that the LMC will continue to see the new mother for up to six weeks post-birth and is expected to make between five and ten visits to the mother during this time.

In cases where a woman may be suffering from post-natal depression, a Registered Nurse would conduct an assessment and then triage for a specialist mental health clinical nurse to follow up. If required, the individual would then be referred to the Improving Mental Health Clinician or the Medical Officer if clinically indicated. If severe post-natal depression is diagnosed, the individual would be referred to the appropriate mothers and babies services. The midwife would also be a source of

information and can make a referral within the six-week post-natal period. The Edinburgh Postnatal Depression Scale is used by the medical officer.

- *In cases where a newborn may die, are mothers allowed leave to attend a funeral/tangi? Are there any instances where this has happened over the past three years?*

There are no instances of this occurring over the past three years. Should the tragic situation occur where a newborn passes away, Corrections staff would support the mother and closely monitor her wellbeing needs. In this situation the Prison Operations Manual Temporary Release policy would apply. This policy permits people in prison to attend funerals, tangi, or subsequent ceremonial commemoration of the death of a family member or close friend. You can find out more about the temporary release process on our website:

[www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04.06-Temporary-release](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.04-External-movement-transportation-of-prisoners/M.04.06-Temporary-release)

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise them with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Rachel Leota  
National Commissioner