


04 April 2024

C179049



Tēnā koe 

Thank you for your email of 5 March 2024 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about the use of segregation in prisons since 2017. Your request has been considered under the Official Information Act 1982 (OIA).

Corrections is committed to the safe and humane management of people in prisons and operating prison facilities in accordance with New Zealand legislation and other agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners.

In accordance with sections 58 to 60 of the Corrections Act 2004 (the Act), people in prison can be lawfully denied association with other prisoners if:

- their behaviour presents a risk to the security of the prison;
- the safety of others;
- the prison's Health Centre Manager considers that it is necessary to assess or ensure their mental or physical health; or
- the Prison Director feels it is the only reasonable way to keep the prisoner safe from themselves.

The Act is publicly available on the New Zealand legislation website at the following link: [www.legislation.govt.nz/act/public/2004/0050/latest/DLM294849.html](http://www.legislation.govt.nz/act/public/2004/0050/latest/DLM294849.html).

At all times, segregated prisoners are provided opportunities for exercise, access to visitors, mail, telephone calls and other minimum entitlements as set out in the Act. They also have regular and ongoing contact with Corrections staff, including our health services staff and mental health professionals as required.

There are two ways prisoners can be segregated while in prison, either directed or voluntary.

Prison Directors have a responsibility to ensure everyone is safe and the public are protected. The option to place people on directed segregation is a preventative measure to a known or potential risk. Being placed on directed segregation is to ensure the safety of themselves and others and does not serve as a punishment. Directed segregation is a

management tool used when appropriate to protect all people in prison from harm. When making decisions on the segregation of people in custody, Prison Directors consider a range of available factors, information and intelligence, and use their professional judgement in reaching such decisions.

When a person is placed on directed segregation, they are not automatically restricted or denied association with other prisoners. The Prison Director assesses the risks the person presents and will deny association where it is appropriate. The initial decision to place a person on segregation expires after 14 days unless a request to continue is approved by the Senior Advisor to the Regional Commissioner or a Visiting Justice. The Prison Director (or their delegate) must conduct regular reviews within this timeframe to ascertain if there ceases to be any justification for the direction or there are grounds to change the person's association status.

People in prison can request to be placed on voluntary segregation for the purpose of protective custody if they fear for their own safety, or if it is deemed to be in the best interests of the individual, such as removing them from gang members as the individual tries to rehabilitate away from that lifestyle. People who are placed in voluntary segregation are accommodated in units that house other people subject to voluntary segregation, who they can associate with. Those on voluntary segregation can withdraw from the units at any time. At any one time around one-third of the prison population are voluntarily segregated.

Further information about the segregation of people in prison can be found in the Prison Operations Manual, which can be found on Corrections' website [here](#).

The Office of the Inspectorate recently released a review of segregation in prisons. Inspectors visited the 18 prisons between January to June 2022, and used data collected for the period 1 October 2020 - 30 September 2021. The report is available on the Inspectorate website [here](#). A copy of Corrections' response to the report is contained in the report on the Inspectorate website and our media statement issued at the time is available [here](#).

As noted in our response to that report, the Chief Executive has welcomed the feedback provided by the Office of the Inspectorate. Corrections acknowledges the challenges involved in segregating prisoners and the impact on those who are segregated, and we are committed to ensuring we are targeting our efforts at those areas where we are at greatest risk of creating harm to those we choose to separate. Importantly, Corrections has accepted all seven recommendations made, and work has already commenced on a long term, system wide plan for enduring change that recognises the potential risks that prolonged isolation can have on people.

You requested:

*Could I please request how many times seclusion has been used in prisons each year since 2017. Could you also include the number for Maori compared to non Maori and for Women's prisons compared to men.*

Corrections does not use the term seclusion as defined in the Mental Health Act 1992. We have therefore interpreted your request to refer to segregation used in prison since 2017. Please see the requested information attached as Appendix One, which shows the total number of people starting segregation for each financial year since the 2017/2018 financial year, broken down by segregation type, gender, and ethnicity. Information is provided by financial year, consistent with our standard reporting conventions.

Please note that data for the 2023/24 financial year is as of 29 February 2024.

Please also note that that all ethnicity information is self-reported by prisoners upon their reception at prison and we do not attempt to verify or confirm a prisoner's ethnicity. Furthermore, prisoners are able to identify with multiple ethnicities. The information provided is based on their primary ethnicity.


Caution is urged when comparing time-periods to each other. For example, in the past year the total prison population has been increasing. Additionally, there has been an increase in the remand population in recent years. This is largely due to the volume of cases currently moving through the criminal justice system, and the increased time taken to resolve them. People who are remanded into custody can often be affected by a range of circumstances, they may be withdrawing from substances, their mental health needs might not be well managed, and they are adjusting to being incarcerated. With an increased remand population, the number of individuals segregated is likely to increase, due to those risk factors.

Please note that directed segregation physical health figures in the 2021/2022 and 2022/2023 financial years are significantly higher than previous years due to the outbreak of COVID-19 during this time period. This was largely driven by an increase in the number of prisoners who started a period of directed segregation in order to assess or ensure the prisoner's physical health under section 60 of the Corrections Act 2004. In order to protect the health and wellbeing of the people we manage and our staff, prisoners who tested positive for COVID-19 or were identified as a close contact were placed on medical oversight subject to Section 60 of the Corrections Act 2004. This led to the increase in the number of prisoners who started a period of directed segregation in order to assess or ensure the prisoner's physical health.

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. I encourage you to raise any concerns about this response 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

A handwritten signature in blue ink, consisting of a stylized, cursive 'L' followed by 'M', with a horizontal line crossing through the middle.

Leigh Marsh  
National Commissioner

Appendix One: All unique people and the number of different periods they started segregation in any New Zealand Prison in each financial year since 2017-2018 broken down by segregation type, gender, and ethnicity

Description	2017-2018		2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024*	
	Total New Starts	Unique people	Total new starts	Unique people	Total new starts	Unique people	Total new starts	Unique people	Total new starts	Unique people	Total new starts	Unique people	Total new starts	Unique people
<b>Overall</b>	<b>9,910</b>	<b>7,377</b>	<b>10,288</b>	<b>7,567</b>	<b>12,132</b>	<b>8,716</b>	<b>12,408</b>	<b>8,573</b>	<b>16,020</b>	<b>11,375</b>	<b>15,650</b>	<b>10,733</b>	<b>11,508</b>	<b>8,340</b>
SEG58 1A DIRECTED SECURITY GOOD ORDER	834	644	775	611	870	669	776	584	785	575	863	662	547	468
SEG58 1B DIRECTED SAFETY OF OTHERS	1,253	967	1,481	1,054	1,790	1,243	1,916	1,323	1,741	1,198	2,437	1,551	1,760	1,242
SEG59 1A VOLUNTARY PRISONER SAFETY	7,206	5,227	7,426	5,375	8,380	5,853	8,659	5,774	8,388	5,391	10,362	6,722	8,338	5,848
SEG59 1B DIRECTED PRISONER SAFETY	282	233	313	260	402	318	418	324	446	347	479	380	385	316
SEG60 1A DIRECTED PHYSICAL HEALTH	162	153	184	180	537	500	531	476	4,526	3,755	1,356	1,292	404	395
SEG60 1B DIRECTED MENTAL HEALTH	173	153	109	87	153	133	108	92	134	109	153	126	74	71
<b>Prison Gender **</b>	<b>9,910</b>	<b>7,379</b>	<b>10,288</b>	<b>7,567</b>	<b>12,132</b>	<b>8,717</b>	<b>12,408</b>	<b>8,574</b>	<b>16,020</b>	<b>11,377</b>	<b>15,650</b>	<b>10,735</b>	<b>11,508</b>	<b>8,340</b>
<b>Men</b>	<b>9,661</b>	<b>7,181</b>	<b>10,116</b>	<b>7,429</b>	<b>11,786</b>	<b>8,440</b>	<b>12,059</b>	<b>8,296</b>	<b>15,227</b>	<b>10,725</b>	<b>15,093</b>	<b>10,294</b>	<b>11,238</b>	<b>8,106</b>
SEG58 1A DIRECTED SECURITY GOOD ORDER	765	597	743	587	780	607	700	526	687	516	745	586	513	437
SEG58 1B DIRECTED SAFETY OF OTHERS	1,168	900	1,425	1,008	1,676	1,153	1,808	1,244	1,675	1,144	2,334	1,477	1,688	1,184
SEG59 1A VOLUNTARY PRISONER SAFETY	7,162	5,191	7,375	5,334	8,343	5,826	8,598	5,724	8,335	5,350	10,310	6,684	8,247	5,770
SEG59 1B DIRECTED PRISONER SAFETY	271	225	306	253	372	291	406	314	409	317	446	351	358	293
SEG60 1A DIRECTED PHYSICAL HEALTH	136	128	177	173	481	447	478	427	4,052	3,340	1,162	1,116	378	369
SEG60 1B DIRECTED MENTAL HEALTH	159	140	90	74	134	116	69	61	69	58	96	80	54	53
<b>Women</b>	<b>249</b>	<b>198</b>	<b>172</b>	<b>138</b>	<b>346</b>	<b>277</b>	<b>349</b>	<b>278</b>	<b>793</b>	<b>652</b>	<b>557</b>	<b>441</b>	<b>270</b>	<b>234</b>
SEG58 1A DIRECTED SECURITY GOOD ORDER	69	47	32	24	90	63	76	58	98	59	118	76	34	31
SEG58 1B DIRECTED SAFETY OF OTHERS	85	68	56	46	114	90	108	79	66	54	103	74	72	58
SEG59 1A VOLUNTARY PRISONER SAFETY	44	37	51	41	37	27	61	50	53	41	52	39	91	78
SEG59 1B DIRECTED PRISONER SAFETY	11	8	7	7	30	27	12	11	37	30	33	29	27	23
SEG60 1A DIRECTED PHYSICAL HEALTH	26	25	7	7	56	53	53	49	474	417	194	177	26	26
SEG60 1B DIRECTED MENTAL HEALTH	14	13	19	13	19	17	39	31	65	51	57	46	20	18
<b>Ethnicity ***</b>	<b>9,830</b>	<b>7,308</b>	<b>10,252</b>	<b>7,532</b>	<b>12,109</b>	<b>8,693</b>	<b>12,370</b>	<b>8,536</b>	<b>15,933</b>	<b>11,299</b>	<b>15,345</b>	<b>10,490</b>	<b>11,193</b>	<b>8,076</b>
<b>Maori</b>	<b>5,138</b>	<b>3,763</b>	<b>5,380</b>	<b>3,898</b>	<b>6,196</b>	<b>4,437</b>	<b>6,555</b>	<b>4,480</b>	<b>8,783</b>	<b>6,222</b>	<b>8,588</b>	<b>5,752</b>	<b>6,094</b>	<b>4,348</b>
SEG58 1A DIRECTED SECURITY GOOD ORDER	587	444	560	438	584	443	526	392	525	381	599	464	379	324
SEG58 1B DIRECTED SAFETY OF OTHERS	768	592	914	670	1,062	751	1,273	870	1,202	817	1,723	1,068	1,163	822
SEG59 1A VOLUNTARY PRISONER SAFETY	3,436	2,425	3,608	2,528	4,016	2,768	4,202	2,738	4,190	2,638	5,199	3,262	4,051	2,759
SEG59 1B DIRECTED PRISONER SAFETY	178	147	166	139	200	166	223	177	257	199	292	232	258	208
SEG60 1A DIRECTED PHYSICAL HEALTH	81	78	77	76	260	242	283	262	2,534	2,128	703	665	205	200
SEG60 1B DIRECTED MENTAL HEALTH	88	77	55	47	74	67	48	41	75	59	72	61	38	35
<b>Non-Maori</b>	<b>4,692</b>	<b>3,545</b>	<b>4,872</b>	<b>3,634</b>	<b>5,913</b>	<b>4,256</b>	<b>5,815</b>	<b>4,056</b>	<b>7,150</b>	<b>5,077</b>	<b>6,757</b>	<b>4,738</b>	<b>5,099</b>	<b>3,728</b>
SEG58 1A DIRECTED SECURITY GOOD ORDER	246	199	215	173	286	226	250	192	258	192	259	193	162	140
SEG58 1B DIRECTED SAFETY OF OTHERS	484	374	566	383	725	489	641	451	532	378	687	467	583	412
SEG59 1A VOLUNTARY PRISONER SAFETY	3,695	2,738	3,783	2,813	4,346	3,067	4,424	3,004	4,150	2,709	4,920	3,264	4,013	2,858

SEG59 1B DIRECTED PRISONER SAFETY	104	86	147	121	202	152	194	146	188	147	178	142	116	97
SEG60 1A DIRECTED PHYSICAL HEALTH	81	75	107	104	276	257	247	213	1,966	1,604	634	609	191	187
SEG60 1B DIRECTED MENTAL HEALTH	82	73	54	40	78	65	59	50	56	47	79	63	34	34

\*Not a complete financial year. Data present here is till 29/02/2024.

\*\*Please note that the table above presents the prison gender which is derived from the prison type (Women's or Men's) they were held while on Segregation.

\*\*\*There are 1% to 3% people with ethnicity unknown in each financial year. Hence, data presented here is only for those with a known ethnicity.

#### Definitions

**Directed Security Good Order:** In the prison director's opinion, the security or good order of the prison would otherwise be endangered or prejudiced.

**Directed Safety of Others:** In the prison director's opinion, the safety of another prisoner or person would otherwise be endangered.

**Directed Physical Health:** The health centre manager of the prison recommends the segregation in order to assess or ensure the prisoner's physical health excluding risk of self harm.

**Directed Mental Health:** The health centre manager of the prison recommends the segregation in order to assess or ensure the prisoner's mental health. This includes protecting the prisoner from self harm.

**Directed Prisoner Safety:** The prison director is satisfied that the safety of the prisoner has been put at risk by another person and there is no reasonable way to ensure the safety of the prisoner otherwise than by giving the direction.

**Voluntary Prisoner Safety:** The prisoner requests that his or her opportunity to associate be restricted or denied and the prison director considers, having regard to any information supplied by the prisoner or otherwise available to the prison director, that it is in the best interests of the prisoner to give that direction.