

26 May 2021

C132256

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your email of 22 February 2021, requesting information about prisoner assaults on other prisoners. Your request has been considered under the Official Information Act 1982 (OIA). I apologise for the delay in responding to your request and thank you for your patience. Extensive data collation was required as part of this request.

Corrections manages some of New Zealand's most complex and challenging people. We have a zero-tolerance policy toward violence of any kind. Our staff recognise the importance of knowing and understanding people we manage, and actively engaging with them to reinforce positive behaviour. Staff anticipate and attempt to resolve problems through the active management of people in prison, and are trained in de-escalation techniques, and interpersonal and tactical communication skills. The goal is always to manage a potentially volatile situation in a manner that minimises the likelihood of violent behaviour.

While Corrections considers no assault to be acceptable, we acknowledge the reality that these incidents do occur and that prisons can be difficult environments. We are constantly working to provide the safest possible environment for both staff and people in prison. This includes encouraging people in prison and staff to report all assaults regardless of whether they result in injury. Any person in prison who resorts to this behaviour will be held to account. This may be through internal misconduct charges, a change in security classification, or referral to Police for consideration of criminal prosecution.

Prisons regularly review assault incidents to determine whether similar occurrences can be prevented in future. If there are lessons to be learned these are relayed to staff as part of Corrections' commitment to keep our staff, the people we manage and the public safe.

A number of factors contribute to violence in prison, including:

- an increase in the proportion of the prison population who are gang affiliated, which mirrors growth in gang membership in communities. Gang members

are over-represented in acts of disorder and violence in prison. Gang members also are known to incite other people in prison to carry out violent acts on behalf of the gangs;

- a growing proportion of the prison population who are on remand; there is a strong statistical association between remand status and incidents of disorder within prison, including assaults; and,
- a growing proportion of the prison population who have extensive methamphetamine use/abuse habits. Methamphetamine abuse is associated with significant and lasting impacts on mental and emotional functioning, including issues such as anger control.

In recent years we have also put a strong focus on ensuring that all incidents of assault, no matter how minor, are recorded. We continue to encourage all staff to report any incident to ensure we have a full understanding of our prison environments and can respond where needed. We need our staff to recognise these incidents have a potential for escalating behaviour. If we record every single one of those, there is a greater chance that we can address the causes of that violent or aggressive action at an earlier stage, rather than seeing it amount to something much more serious in the long term. By recording all assaults in this way it is natural that we will see a rise in numbers.

In recent years, Corrections' role has also expanded as we try to deliver the best possible results in changing people's lives and keeping our communities safe. When someone experiencing significant mental health issues comes into prison, we make every effort to ensure their mental wellbeing and physical safety during their time in custody, alongside ensuring our staff have the support they need to safely support these people. We have a range of work underway, which includes doing more to upskill our frontline staff in identifying and managing people's mental health needs.

You requested the following information for each of the past five financial years and the present financial year:

1): How many incidents of prisoners assaulting other prisoners were recorded both nationally and at Manawatū Prison?

Please find the requested information attached as Appendix One. Note the statistics for the 2020/21 financial year are current as at 31 January 2021.

Prison-based assault incidents are categorised as follows:

- *No injury* – victim subjected to physical violence that did not result in physical injuries or require any form of medical treatment (e.g. kicking, shoving, jostling, striking, or punching that did not result in injury);
- *Non-serious* – victim subjected to physical violence that resulted in physical injuries that may have required medical treatment, and/or overnight hospitalisation as part of initial assessment or medical observation but not on-going medical treatment (e.g. blood nose, x-ray required, cuts requiring minimal stitches, gouging, or bites);
- *Serious* – an act of physical violence that involves one or more of the following: bodily harm requiring medical intervention by medical staff followed by overnight hospitalisation (beyond initial assessment or medical

observation) in a medical facility; bodily harm requiring extended periods of ongoing medical intervention; or sexual assault of any form where Police charges have been laid.

Caution is urged when comparing rates between prisons, due to their differences in size and operational requirements. Quarterly prison populations for each site can be found on our website, at:

www.corrections.govt.nz/resources/statistics/quarterly_prison_statistics

Please note, consistent with Corrections' standard reporting conventions, the most serious category of an incident is captured when presenting data. For example, if an assault occurred that resulted in the victim's death, this would be reported as an unnatural death – apparent homicide, and not as a serious assault. Accordingly, any incident of assault that resulted in an individual's death is not captured by this request.

- 2): *For each incident can I please have a brief summary of what happened.*
- 3): *What injuries were suffered by the victims?*

In order to provide a summary of every assault, including the injuries that were suffered, we would be required to obtain thousands of recorded descriptions of the incidents. In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources. Therefore, the part of your request asking for summaries of no injury and non-serious assaults is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

A description of each serious assault, including the injuries suffered, is attached as Appendix Two. Incidents for the 2020/21 financial year are current as at 31 January 2021. These centrally recorded descriptions are derived from reports for each incident and are dependent on the quality of information recorded by front-line staff at different prisons across New Zealand at the time of each incident. Cases are combined into one incident within the attached table in instances where a single assault incident involved more than one victim. As such, the information provided in Appendix Two may differ from figures previously published elsewhere where totals included the overall number of victims.

In accordance with section 9(2)(a) of the OIA, Corrections has statutory obligations to protect private information that we hold. The release or disclosure of health and medical information is subject to additional restrictions under the Health Information Privacy Code 2020. As such, we are not disclosing the specific prison alongside details of each serious assault, as doing so could reveal the identity of the people involved and could potentially lead to further emotional harm for those individuals. We have instead provided the region of the relevant prison: Northern, Central, Lower North or Southern. Manawatu Prison is in the Lower North Region. As per section 9(1) of the OIA, we have also considered whether there are countervailing public interest considerations favouring the release of the information by prison. We do not believe such considerations outweigh the victim's right to privacy in this case.

4): What happened to those responsible, for example, were charges laid or were they dealt with internally?

The outcomes for perpetrators of assaults, including whether misconduct or external charges were laid, are held on the individual files of the people involved. In order to provide the outcomes of each incident, we would be required to manually review the files of the individuals involved and consult extensively across Corrections and potentially also New Zealand Police.

In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of publicly funded resources. Therefore, this part of your request is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

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

A handwritten signature in blue ink, consisting of a series of connected loops and a long horizontal tail.

Rachel Leota
National Commissioner