

To: Hon Kelvin Davis, Minister of Corrections

## Measures to mitigate the risks posed by COVID-19: Update 2

Date	25 March 2020	Decision needed by	No decision required
B number	B4009	Priority	Medium

### Recommendations

Note the contents of this briefing.

### Consultation

Justice  Social Development  Police  Health  Other:

Key comments: No consultations

### Contacts for telephone discussion (if required)

Name	Position	Contact number	First contact
Jeremy Lightfoot	Chief Executive	9(2)(a)	<input checked="" type="checkbox"/>
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## Key messages

This briefing provides you a further update on the measures Corrections is taking to mitigate the risks posed by COVID-19.

Further prison border control measures will be fully operational by 11:59pm 25 March 2020. These include the temporary cessation of statutory and legal visits. We are working closely with the Chief Ombudsman and the Law Society and Criminal Bar Association on these.

Strict screening, separation and quarantine measures for newly received and symptomatic prisoners are operating.

s9(2)(f)(iv)

Epidemic Management Notices for the Parole Act and Sentencing Act are expected to be in place on 26 March 2020. These will enable the Parole Board to continue to operate at Level 4-Eliminate and provide probation officers with the power to vary, cancel or suspend aspects of sentences.

Our contractors and their supply chain entities are deemed essential services.

## Background

- 1 The Department of Corrections is a critical public service, responsible for delivering services that keep New Zealand communities safe. On 23 March 2020 we updated you on the steps we had undertaken to prepare for the impact of COVID-19 on our operations (B4006 refers).
- 2 At approximately 1:45pm on 23 March 2020, the Prime Minister announced that nationwide New Zealand was now at Level 3-Restrict, with a further movement to Level 4-Eliminate, in effect at 11:59pm on 25 March 2020. This briefing updates you on significant developments to our response given the new alert level.
- 3 The Coordinated Incident Management System structure has developed a comprehensive organisational response plan. This is regularly being updated as we work through the operational impacts of COVID-19. This plan covers all aspects of our operations and what measures are in place at each alert level.
- 4 The latest iteration of this plan encapsulates all responses at Level 4 and is included as Appendix One. This plan will be fully operational by 11:59pm on 25 March 2020. We will continue to provide you updates on how the response plan is operating, including any enhancements made to it.
- 5 There will be a significant focus on effectively communicating our new operational environment to our workforce, prisoners, offenders and wider stakeholders. s9(2)(g)(i)

s9(2)(g)(i)

## Prison border control measures

- 6 From 1am Tuesday 24 March 2020, all private and volunteer visits were suspended. No significant incidents have so far occurred as a result of this suspension. A number of prisoners and their whānau have expressed their disappointment. However, many have acknowledged the need for this, with some families expressing gratitude that Corrections is protecting their family member in our care. Given the new alert level, at 11:59pm on 25 March 2020 all visits from statutory bodies (including the Office of the Ombudsman), specified visitors and legal advisers are suspended. The temporary cessation of these visits is a significant step.
- 7 It should be noted that the functions undertaken by the Office of the Ombudsman, provide vital safeguards through OPCAT Inspection Reports. We have engaged extensively with the Chief Ombudsman regarding the suspension of visits and have agreed to work together to ensure that we jointly enable the best conditions for prisoners. The Office of the Ombudsman is currently developing a model that will enable the Chief Ombudsman to fulfil the intent of his role while maintaining safety.
- 8 We are communicating with the President of the Law Society and the President of the Criminal Bar Association regarding how best to enable legal access to prisoners without physical visits through this period.

## Screening and quarantining of prisoners

- 9 From 11:59pm 25 March, all sites receiving new prisoners will hold them in a separate unit for 14 days. During this 14-day period they will be monitored for any signs or symptoms of infection. Any new prisoners will be screened when being received, and if they show any symptoms they will be held in quarantine and tested. These quarantine and testing measures also apply to existing prisoners who show signs or symptoms.
- 10 Staff are wearing Personal Protective Equipment when interacting with these prisoners and are taking guidance and advice from Health Services staff and the Ministry of Health. There remains no confirmed cases of COVID-19 in any of our prisons. As at 4pm 25 March 2020 there have been six prisoners received into Mt Eden Corrections Facility who showed symptoms of COVID-19 and who have been tested. Five of these prisoners are in quarantine and one has been released due to time served. The results of their tests are expected tomorrow. Any prisoner who is released prior to their results being known will be provided an advisory note explaining how they can obtain their result, along with advice from our health services teams on self-isolating.
- 11 The new measures that come into effect tonight are expected to reduce the risk of COVID-19 within our prisons.

## Impact on the prison population

- 12 We are currently working to understand how events surrounding COVID-19 may impact on the prison population. Predicting changes in the prison population can be difficult normally, and events related to COVID-19 make this an unprecedented situation. There are a range of potential drivers that could increase or reduce the prison population.

13 9(2)(g)(i)

**Remand prisoners**

14 s9(2)(f)(iv)

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**Epidemic Management**

19 On 26 March 2020 you will be provided a briefing on Epidemic Management Notices (B4008). This will at the same time go to the Prime Minister and Minister of Justice. Briefing B4008 will be seeking two Epidemic Management Notices. Epidemic Management Notices enable dormant provisions in specific enactments to be activated and prospective modification orders to be activated. In this case, the Ministry of Justice and Corrections will be requesting Epidemic Management Notices for the Parole Act 2002 and the Sentencing Act 2002.

20 In relation to the Parole Act, without this notice, from 11:59pm 25 March 2020, the Parole Board is unable to make decisions. The notice will enable:

- Decisions made on paper (rather than in person hearings)
- The chairperson or panel convenor able to act alone
- A probation officer to vary release conditions of an offender if the probation officer has already made an application to the Board

21 At this stage we are not seeking the following powers but may at a later stage if they are required.

- 22 None of the above provisions affect the requirement that the Parole Board may only direct the release of a prisoner on parole if satisfied that the prisoner will not pose an undue risk. Without these changes enabling parole to function, people in prison will have their release dates extended, with a flow on impact on prison beds.
- 23 The second Epidemic Management Notice relates to the Sentencing Act and will provide probation officers with the power to vary, cancel or suspend aspects of sentences. Normally these powers sit almost entirely with the judiciary. The proposed powers will allow a probation officer to:
- vary, cancel and suspend conditions of a sentence of supervision or sentence of intensive supervision,
  - remit the hours of community work for offenders – but no more than eight hours in any week, and no more the lesser of 48 hours in total or one-third of the sentence imposed,
  - extend the maximum time to complete a community work sentence by up to twelve months,
  - vary the curfew period for community detention, and
  - vary the special conditions or the post detention conditions of a sentence of home detention.

### Contractors

- 24 Corrections is one of seven agencies identified as providing essential services in the Public Safety and National Security areas. This includes staff of and contractors to Corrections and their supply chain entities that are providing an essential service.
- 25 In the core custodial services space Corrections is a demand-taker 24/7 operation, and most of our 5,000 front-line prison staff will continue to be on duty at work throughout alert level 4. They are supported by several different service supply chains that have been pared back to business continuity and reactive maintenance duties.
- 26 Building and construction work related to essential services and critical infrastructure has also been classified as an essential service. As such it is our understanding that.
- The maintenance, building and construction work that keep the current prison network operating in a safe and effective way is an essential service.
  - Inflight delivery of prison capacity that is essential to the safe and effective operation of the prison network in the short term – critically the ability to continue to operate through emergency conditions associated with the Covid-19 response is also an essential service.

- 27 Corrections has two key projects which underpin our ability to deliver essential services in the short term. These are:
- Modular Build Programme: This programme is essential to the ability to accommodate the expected level of the male prison population later this year and the first 360 beds are 90% complete.
  - Arohata 60 bed accommodation unit: This project is essential to the ability to accommodate the expected level of the female prison population later this year and is 90% complete.
- 28 These two projects provide critical capacity contributions both in the context of expected demand for prisoner accommodation, s9(2)(g)(i)
- s9(2)(g)(i)
- These projects represent a critical means of improving the practical ability to manage isolation and quarantine requirements in the entire prison network, especially in a situation where there is an outbreak of Covid19 in the prisoner population.
- 29 Our contractors delivering these projects have confirmed that they will put in place alternative ways of working to keep employees safe, including shift-based working, staggered meal breaks, flexible leave arrangements and physical distancing. Corrections fully supports these measures, and we expect to see them implemented effectively. Corrections is in discussions with the Ministry of Business, Innovation and Employment regarding the continuance of these two critical projects.
- 30 A pause has been put in place for the Waikeria Prison Development. This is a strategically important project that will help address overcrowding in the male high security area of the prison network. However, in the context of the risks and business continuity considerations of Corrections' essential services at this time, this project is not essential and can be paused.

**Recommendations**

31 It is recommended that you:

- a) **Note** the contents of this briefing

YES/NO



Jeremy Lightfoot  
Chief Executive

Hon Kelvin Davis  
**Minister of Corrections**

Date signed:  
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**Minister's comments**

Proactively Released

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