

04 December 2023

C174847

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your email of 26 October 2023 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about transgender individuals in prisons. Your request has been considered under the Official Information Act 1982 (OIA).

Managing the safe accommodation of all people in prison is a duty Corrections takes extremely seriously. Corrections has a range of policies, processes, and tools in place to ensure people are not placed in units where they could pose a risk to the safety of other prisoners or be at risk themselves.

If it is established that a prisoner identifies as transgender during their initial reception process, or at any other point in their management, an alert is placed on their electronic prisoner file. When a transgender person is first received into prison they are asked if they want to discuss a placement review. If they have arrived at a prison which is the same as their gender identity staff check the person understands the reasons for their placement and discuss any concerns they may have with them.

Transgender people may apply to transfer to a prison that matches their gender identity if they are eligible under the Corrections Regulations 2005. Prisoners are not eligible to apply for a review of their placement if they:

- a. are serving a sentence for serious sexual offence against a person of the prisoner's nominated sex, or
- b. are on remand for a serious sexual offence against a person of the prisoner's nominated sex, or
- c. have previously served a sentence of imprisonment for a serious sexual offence:
 - i. against a person of the prisoner's nominated sex, and the sentence expiry date for that sentence was within 7 years ago.

A discussion with a newly received transgender prisoner about their support and management takes place within three days of their reception under the Management of transgender prisoners policy (I.10), even if they have been received into a prison which is the same as their gender identity. An individualised support plan is completed and effective within four days of the person's reception in prison. The provision of an individual support plan does not depend on whether the transgender prisoner has legal recognition of their

gender identity, or whether they have undergone medical or surgical steps. Frontline staff have also been provided with training material to develop an understanding of gender diversity.

The policy procedures applicable to the receipt of trans people into custody are publicly available at:

https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.05-Transgender-prisoner

Corrections' policy regarding the management of transgender prisoners, regardless of whether they are housed in a prison that aligns with their gender identity, is publicly available at: https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Induction/I.10-Management-of-transgender-prisoners

You requested:

How many people currently in prison in New Zealand identify as transgender or nonbinary?

Transgender is a term to refer to people who have a gender identity or gender expression that differs from the sex that they were assigned at birth. This includes people who identify as non-binary.

As at 30 September 2023, there were 46 people in a New Zealand prison who identify as transgender.

Can you tell me how many trans/nonbinary people are in each prison?

The following table shows how many people who identify as transgender reside in each prison. Prisons which are not listed did not house any transgender people as at 30 September 2023.

Prison site	Number of people
Arohata Prison	3
Auckland Prison	4
Auckland Region Women's Corrections Facility	3
Auckland South Corrections Facility	3
Christchurch Prison	2
Mt Eden Corrections Facility	14
Rimutaka Prison	1
Rolleston Prison	4
Spring Hill Corrections Facility	3
Tongariro Prison	4
Waikeria Prison	3
Whanganui Prison	2

Can I get a breakdown of the offences committed by the transgender/nonbinary prisoners?


The table below shows the most serious offence type for which each person identifying as transgender was sentenced or is on remand.

Most serious offence	Number of people
Violence	16
Sexual	10
Burglary	6
Dishonesty	4
Property	3
Drugs	2
Breaches	2
Traffic	1
Other	2

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



Leigh Marsh
National Commissioner