
Report on an unannounced inspection of Department of Corrections' Rolleston Prison's Totara Unit and Rata Unit Under the Crimes of Torture Act 1989

28 February 2012



Beverley A Wakem
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National Preventive Mechanism

Executive Summary

Background

1. In 2007, the Ombudsmen were designated one of the National Preventive Mechanisms (NPMs) under the Crimes of Torture Act (COTA), with responsibility for examining and monitoring the general conditions and treatment of detainees in New Zealand prisons.
2. On 28 February 2012, Inspectors Greg Price and Jacki Jones (to whom I have delegated authority to carry out visits of places of detention under COTA) visited Rolleston Prison (the Prison). Whilst the Prison has six minimum to low-medium units, the visit focused on Totara unit and Rata unit (the Units).

Findings

3. The Inspectors were pleased to note a number of positive findings during their visit, for example:
 - There was no evidence that any prisoner had been subject to any treatment which could be construed as torture in the six months preceding the visit.
 - There were no use of force incidents for the six months prior to the visit and staff were up to date with their control and restraint refresher training.
 - The Prison has a robust complaints system in place for prisoners.
 - There were no concerns with the disciplinary process at the Prison.
 - The Prison grounds and units were clean and tidy and well maintained.
 - There is an elderly care unit for those prisoners requiring extra nursing/medical intervention.
 - The Inspectors had no concerns with the level of outdoor exercise prisoners can access.
 - There is a good selection of work opportunities for prisoners.

Recommendations

4. I have no recommendations to make.

Consultation

5. A draft copy of this report was forwarded to Prison Services National Office for comment as to fact, finding or omission prior to finalisation and distribution. General Manager Prison Services' comments have been included below.

Prison Services comments

Thank you for the opportunity to comment on the above report. I note that there was no evidence that any prisoner had been subject to treatment that might have contravened the Crimes of Torture Act (COTA) 1989 in the six months preceding the visit.

I am also pleased to note that a number of positive findings were identified during the inspection and that no recommendations have been made.

The report is a strong endorsement for the excellent work happening within these units and is attributed to all staff associated with these units.

Fact page

Rolleston Prison (the Prison)

Rolleston Prison accommodates minimum to low-medium security sentenced male prisoners.

Rolleston Prison originally opened in 1958 in the former Army Detention Centre and between 1973 and 1986 it operated as a detention centre.

In 1986 the new Rolleston Prison opened, incorporating the new Corrective Training Centre buildings called the Tawa unit. The Prison was renovated in 1987 to increase capacity and in 1989 the Kia Marama unit opened. In 1992 the 60 bed Kowhai unit opened and an additional two units have been completed since then¹.

Region

The Prison is part of the Prison Services' Southern Region.

Operating capacity

320

Unit break down

Totara – 60 bed harmony unit (currently going through a change of focus)

s 6(c) – 60 bed sex offender treatment unit

s 6(c) – 60 bed mainstream

s 6(c) – 60 bed mainstream

s 6(c) – 60 bed release to work

Rata – 20 bed elderly care

Last inspection

Unannounced inspection, February 2012.

Announced, informal visit, November 2009.

¹ Department of Corrections website.

The visit

1. Rolleston Prison (the Prison) was visited on 28 February 2012. The visit was conducted by Inspectors Greg Price and Jacki Jones.²

Visit methodology

2. The Inspectors requested that some information be made available during the visit. This included:
 - The number and category of complaints for the previous six months.
 - The Control and Restraint (C&R) refresher training register for staff in Totara unit.
 - All current directed segregation paperwork.
 - Use of force paperwork for the previous six months.
 - Number of prisoners under forensic care in Totara and Rata units.
3. At the commencement of the visit the Inspectors met with several managers, including the prison manager, before being escorted to both Totara unit and Rata unit.
4. Whilst it is not always possible for the Inspectors to examine all aspects of detention during the visit, the following areas were examined on this occasion.³

Treatment

- Torture, or cruel, inhuman or degrading treatment
- Directed segregation
- Use of Force

Protective measures

- Complaints process
- Disciplinary procedures

Material conditions

- Accommodation

Regimes and activities

- Work opportunities

² Acting under delegation of the National Preventive Mechanism (NPM) Chief Ombudsman Beverley A Wakem and Ombudsman David McGee.

³ Our inspection methodology is informed by the Association for the Prevention of Torture's Practical Guide to Monitoring Places of Detention (2004) Geneva, available at www.appt.ch.

Treatment

Torture or cruel, inhuman or degrading treatment

5. There was no evidence that any prisoners had been subject to any treatment which could be construed as torture in the six months preceding the visit.

Directed segregation

6. The Prison does not have the facilities to accommodate prisoners on directed segregation. Any prisoner requiring directed segregation is transferred to Christchurch Prison.

Use of Force

7. There were no use of force incidents for the six months preceding the visit, which is excellent.
8. All staff were up to date with their control and restraint refresher training.

Recommendations - Treatment

- I have no recommendations to make.

Protective measures

Complaints process

9. There were 18 recorded complaints in the Units for the period September 2011 – February 2012. Over half relate to three individuals.
10. There were no complaints of alleged assault by staff.
11. The Prison has a good complaints management system in place and the Inspectors had no concerns with the complaints process at the Prison.

Disciplinary procedures

12. There were 11 misconducts for the period September 2011 – February 2012 which is just under two per month.
13. All charges were heard within the required time frames.

Charge	Totara Unit	Rata Unit
Fights	4	-
Drugs	1	-
Abuse	1	-
Has without approval	5	-

14. The Inspectors had no concerns with the disciplinary process at the Prison.

Recommendations – Protective measures

- I have no recommendations to make.

Material conditions

Accommodation – Totara unit

15. Totara unit is undergoing a change of focus from a 'harmony unit' to a sex offender treatment programme (short course). This change of focus is known as the 'community of change' and will accommodate prisoners who, for whatever reason, do not meet the criteria for ^{s 6(c)} (full course). There were 59 prisoners in the Unit on the day of the visit.
16. The Unit is made up of 60 beds/cells around a central court yard/exercise area. All cells have toilets and hand washing facilities with showers located throughout the compound.
17. All cells have heating and ventilation in the form of a window that opens, partially. Given that unlock hours for the Prison are 7.00am till 21.30pm there are no concerns with prisoners' access to fresh air/outdoor exercise.



18. The Unit has a dining room, for those prisoners who choose to eat their meals in there, and also a small gymnasium and a hobbies room (see photographs over page).



Dining room



Gymnasium



Hobbies/carving room

19. The Unit was clean and tidy with well tended gardens and vegetable patches (with produce going to the local food bank).

Accommodation – Rata unit

20. Rata unit is a 20 bed facility which focuses predominately on prisoners requiring extra medical/nursing intervention in order to meet their physical needs (more commonly know as the elderly care unit). There were 19 prisoners in the Unit on the day of the visit.
21. The Unit has recently been upgraded with grab rails and shower adaptations. Although wheelchair access is not available in the Unit (because of steps leading into the cells), there is wheelchair access in other parts of the Prison. All cells have their own toilet and hand washing facilities (see photographs over page).



Empty cell



Grab rails have been erected round the Unit



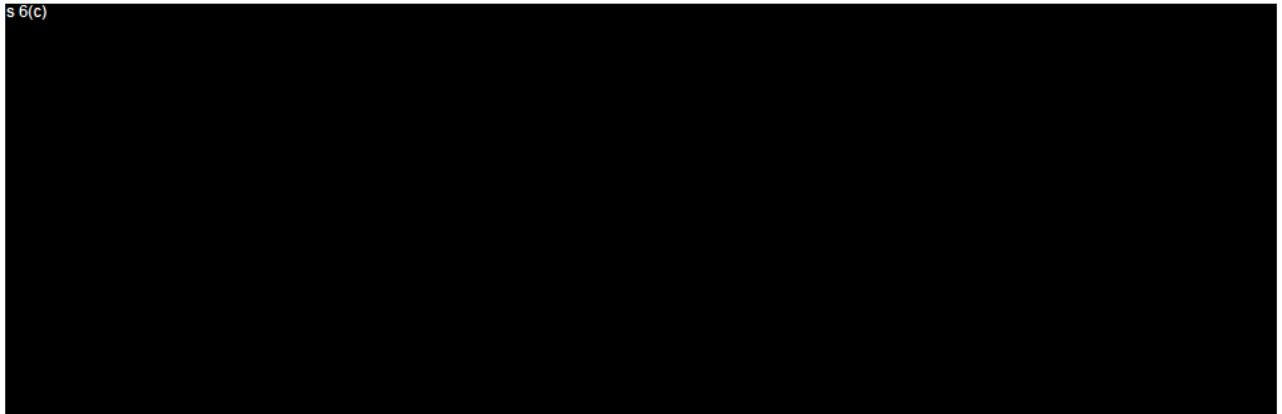
Shower adaptations have been added

22. The Unit has a quiet, calming atmosphere. It is bright and colourful with well tended gardens and a small vegetable patch.
23. Due to the limited space inside the unit, prisoners are encouraged to take daily walks (with a staff member) outside the Prison grounds. They also have a small area where they can play Petanque, if they choose.
24. The dining area doubles as a T.V room and also stocks a selection of books and board games (see photographs below).
25. The prisoners spoken to on the day of the visit were very complimentary about the Unit and the staff working in there.



26. Age ranges vary in both Units, however, the figures provided to the Inspectors on the day of the visit suggest a growing elderly prison population:

s 6(c)



27. The Inspectors had no concerns with the standard of accommodation in the Units and commend the staff for trying to improve the quality of life for those prisoners who are unable to carry out activities of daily living to the full extent.

Recommendations – Material conditions

- I have no recommendations to make.

Regimes and activities

Work opportunities

28. Although prisoners in Rata unit have limited work opportunities (usually wing based) due to their health status, prisoners in Totara unit have access to a good selection of work options.
29. On the day of the visit, 45 prisoners were out of the unit working. Of the 14 left, seven had work within the Unit. This is a good achievement.
30. Once the 'community of change' programme is fully up and running, 12 prisoners will undertake the course at any one time (3 days a week) as well as maintaining their work opportunities two days a week.
31. The Inspectors were pleased to see such a wide range of activities taking place in the Prison.

Recommendations – Regimes and activities

- I have no recommendations to make.

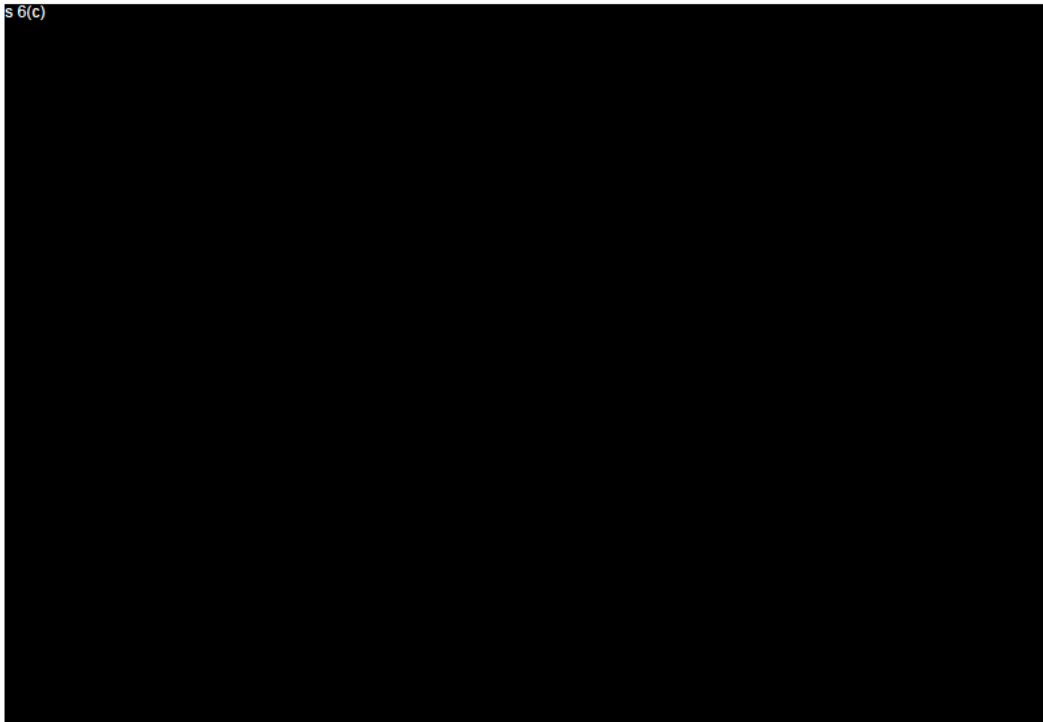
Acknowledgements

32. I appreciate the full co-operation extended by the managers and staff to the Inspectors during their visit to the Prison. I also acknowledge the work that would have been involved in collating the information sought by the Inspectors.

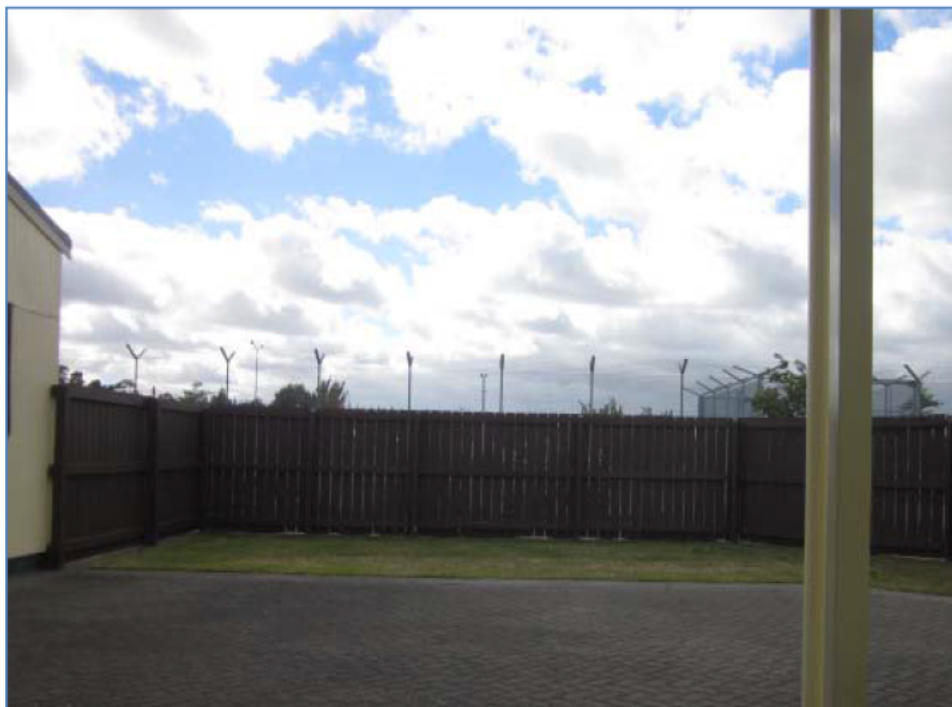


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Appendix 1: Photographs



The community room in Totara unit doubles as a visits area on Saturdays



Visits can also take place in the enclosed outdoor area in the unit



Prisoners also have access to toasters and microwaves in the units



Meals are prepared at Christchurch Prison and transported over

Appendix 2: Overview of OPCAT – Prisons

1. In 2007 the New Zealand Government ratified a United Nations convention called the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The objective of OPCAT is to establish a system of regular visits undertaken by an independent national body to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.
2. The Crimes of Torture Act 1989 (COTA) was amended by the Crimes of Torture Amendment Act 2006 to enable New Zealand to meet its international obligations under OPCAT. Section 16 of COTA identifies a “*place of detention*” as:

“...any place in New Zealand where persons are or may be deprived of liberty, including, for example, detention or custody in...”

(a) *a prison*

(c) *a court cell.*
3. Pursuant to section 26 of COTA, an Ombudsman holding office under the Ombudsmen Act 1975 was designated a National Preventive Mechanism (NPM) for certain places of detention, including prisons and court cells.
4. Under section 27 of COTA, an NPM’s functions, in respect of places of detention, include:
 - to examine the conditions of detention applying to detainees and the treatment of detainees; and
 - to make any recommendations it considers appropriate to the person in charge of a place of detention:
 - for improving the conditions of detention applying to detainees;
 - for improving the treatment of detainees;
 - for preventing torture and other cruel, inhuman or degrading treatment or punishment in places of detention.
5. To facilitate the exercise of their NPM functions, the Ombudsmen have delegated their powers to inspect places of detention to Inspectors (COTA). This is to ensure that there is a separation between the Ombudsmen’s preventive monitoring function under OPCAT and the Ombudsmen’s investigation function under the Ombudsmen Act by using separate visits and staff for each function.
6. Under COTA, NPMs are entitled to:
 - access all information regarding the number of detainees, the treatment of detainees and the conditions of detention;
 - unrestricted access to any place of detention for which they are designated, and unrestricted access to any person in that place;
 - interview any person, without witnesses, either personally or through an interpreter; and
 - choose the places they want to visit and the persons they want to interview.

Appendix 3: Process of site visits

1. Under COTA, NPMs can visit, at regular intervals or at any other time the NPM may decide, any place of designation for which they are designated. Site visits can be unannounced.
2. As part of the visit preparation, the Inspectors may request some information beforehand and request that other information be provided at the time of the visit.
3. At the commencement of each site visit, there will normally be a meeting with the manager of the unit, or that person's delegate, during which the Inspectors will indicate how the visit should proceed.
4. During the visit, informal interviews and discussions will be undertaken with staff and one or more of the detainees, and a tour of the facility, preferably in its entirety, should take place.
5. Because of the wide scope of issues to be considered, it may not be possible to address them all during each visit. Accordingly, visits could focus on one or more of the following areas:
 - reception areas;
 - isolation facilities (such as management units, punishment areas, and segregation facilities);
 - sanitary facilities;
 - cells/accommodation;
 - medical facilities;
 - accuracy of relevant documentation; and
 - a review of any matters drawn to the attention of the Visiting Team prior to the visit or during the visit.
6. Visits will be followed by a report by the NPM which will include findings and recommendations (if any) aimed at improving the treatment and conditions of detention of persons deprived of their liberty. Implementation of any recommendations will be closely monitored.

**Appendix 4: Standards relevant to a prison or court cell against
which they will be measured**

1. There are a number of Acts which can result in someone being held in detention or otherwise detained in a prison or a court cell, including:
 - Criminal Justice Act 1985
 - Corrections Act 2004
 - Immigration Act 1987
 - Sentencing Act 2002.
2. Some of the key issues to be examined during a visit could include treatment, protection measures, material conditions, regimes and activities, medical services and personnel.
3. Article 1 of OPCAT explains that the objective of OPCAT is to *“establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.”*

The purposes of the monitoring and reporting regime include:

1. *“...strengthening, if necessary, the protection of [detainees] against torture and other cruel, inhuman or degrading treatment or punishment”* (article 4.1 OPCAT refers); and
2. *“...improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations”* (article 19(b) OPCAT refers).

Part 2 of the Crimes of Torture Act, which relates to the Prevention of Crimes of Torture, makes it clear that one of the purposes of the Act is to enable New Zealand to meet its international obligations under OPCAT (section 15 Crimes of Torture Act refers).