

08 April 2022

C149272

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 15 March 2022 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about solitary confinement at Northland Region Corrections Facility (NRCF). 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. All prison facilities are operated in accordance with New Zealand legislation and based on other agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners.

In accordance with sections 58 to 60 of 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;
- their behaviour presents a risk to 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 Corrections Act 2004 is publicly available on the New Zealand legislation website at the following link:

www.legislation.govt.nz/act/public/2004/0050/latest/DLM294849.html.

Solitary confinement is not used in New Zealand prisons. At all times, segregated prisoners can continue to be provided opportunities for exercise, access to visitors, mail, telephone calls and other minimum entitlements as set out in the Corrections Act 2004 (the Act). They also have regular and ongoing contact with Corrections staff, including our health services staff and mental health professionals as required.

When a person is placed on directed segregation, they are not automatically restricted or denied association with other people in prison. The Prison Director assesses the risks the person presents and will deny association where it is appropriate. The initial decision to place a person in 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 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 persons association status. For example, in 2019, 30% of all segregation orders lasted less than a day and only 9% lasted longer than 15 days.

People in prison have the ability to request to be placed in 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.

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 does not serve as a punishment. Rather, it is to ensure the safety of themselves and others.

Violence can take many forms, and can include stand-overs, threats, emotional and verbal abuse. Incidents of violence can happen suddenly and for no apparent reason or be a continuous, prolonged campaign against an individual or group. This can be against staff or other prisoners. 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.

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 is also currently completing a review of use of force and segregation in prisons. Details of the review are available on the Inspectorate website [here](#).

You requested:

- 1. The number of inmates who spent more than 2 weeks in solitary confinement in Northland Region Corrections Facility in the years 2020 and 2021*
- 2. I would like to know the longest period of time a person spent in solitary confinement in NRCF in the years 2020 and 2021.*

As previously stated, solitary confinement is not used in New Zealand prisons, however, we have provided information on directed segregation. I refer to the below table for the number of people who spent more than two weeks in directed segregation and the maximum number of days spent in directed segregation at NRCF in 2019/20 and 2020/21.

Directed Segregation		
Financial year	Number of people who spent more than two weeks	Maximum number of days a person spent on directed segregation
2019/20	9	240
2020/21	26	387

The two people identified in the above table were segregated in accordance with section 59(1)(b). This is where the Prison Director is satisfied that the safety of the person has been put at risk by another person and there is no reasonable way to ensure the safety of the person otherwise than by giving the direction to segregate. This type of directed segregation does not stop people from continuing in any prison employment, education and training, rehabilitation or associating with people who do not pose a risk to them.

3. *I would like to know how many people spent more than one stint in solitary confinement in NRCF and the largest number of stints a person spent in solitary in 2020 and 2021.*

I refer to the below table for the number of people who spent more than one period in directed segregation and largest number of periods spent by a person on directed segregation at NRCF in 2019/20 and 2020/21.

Segregation section of Corrections Act 2004	Number of people who spent more than one period in directed segregation	Largest number of periods spent by a person on directed segregation
2019/20		
SEG58 1A DIRECTED SECURITY GOOD ORDER	3	2
SEG60 1A DIRECTED PHYSICAL HEALTH	1	2
SEG58 1B DIRECTED SAFETY OF OTHERS	4	3
SEG59 1B DIRECTED PRISONER SAFETY	1	2
SEG60 1B DIRECTED MENTAL HEALTH	0	1
2020/21		
SEG58 1A DIRECTED SECURITY GOOD ORDER	9	3
SEG60 1A DIRECTED PHYSICAL HEALTH	1	2
SEG58 1B DIRECTED SAFETY OF OTHERS	12	3
SEG59 1B DIRECTED PRISONER SAFETY	1	2
SEG60 1B DIRECTED MENTAL HEALTH	0	1

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 nui

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

Rachel Leota
National Commissioner