

13 July 2022

C150309

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 7 April 2022 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about contraband at Rimutaka Prison and Arohata Prison. Your request has been considered under the Official Information Act 1982 (OIA).

The safety and security of our sites, staff, visitors and the people we manage is a top priority.

Contraband includes alcohol, communication devices, drugs, drug paraphernalia, tattoo equipment, tobacco, tobacco paraphernalia, weapons, and other miscellaneous items that people in prison could use in inappropriate ways. Some people go to extreme and elaborate lengths to introduce contraband into prison. Contraband may be concealed on a person's body when they come into the prison, posted in with mail or property, thrown over perimeter fencing, or smuggled into the prison by visitors. Sometimes the people we manage place a significant amount of pressure on their partners, friends, or associates to risk attempting to bring contraband into prison for them.

We place significant emphasis on the prevention and detection of contraband introduction in prisons and we are constantly working to stay one step ahead of new methods used to introduce contraband into our prisons. We were also the first agency in New Zealand to train our detector dogs to detect new psychoactive substances, including synthetic cannabis. Our detector dog teams have a range of searching capabilities and can also detect drugs, mobile phones, tobacco and illicitly brewed alcohol.

Other methods we use to prevent contraband from entering our prisons, include:

- searches of vehicles and people entering prisons
- using scanners and x-ray machines at entry points
- extensive prison perimeter security
- camera surveillance in prison visit rooms, along perimeter fences and at entry points
- requiring people in prison to wear closed overalls when in visiting areas to prevent contraband being hidden on them

- checking prisoner mail and property for contraband
- random and targeted monitoring of prisoner telephone calls
- specialist detector dog teams that patrol prison perimeters, visitor areas and cells
- prohibiting visitors who attempt to bring contraband into prisons.

You requested the below information relating to Rimutaka Prison and Arohata Prison:

I would like to know how many items have been intercepted since the beginning of 2021. By items I mean anything brought or sent in to the prisons that are not permitted to be brought or sent in.

Can this figure please be broken down by month, which prison, whether it was brought in by someone or sent in through the post (or some other option if there is any), what the item was, and whether charges were laid against the person sending or bringing the item.

I would also like to know how many non-permitted items made it through to the inmates in the same time period. Can this please be broken down in the same way.

For ease of response these questions are answered together below.

Appendix One provides the total number of contraband items found in Rimutaka Prison and Arohata Prison broken down by prison, month and category, from 1 January 2021 to 31 March 2022. A table which outlines definitions of Corrections' standard primary, secondary and tertiary contraband categories has been included in Appendix One for your reference.

These figures were extracted on 12 April 2022. More recent data may be subject to change as new incidents are reported or existing incident records are updated.

The data reports when contraband items were intercepted and/or confiscated at prisons with different populations. As a result, it is not possible to draw conclusions about the amount of contraband that entered prisons each month from this data.

Each incident within the data provided is categorised by staff at the prison where contraband was found. When reviewing these figures, please also note that we rely on individual sites to enter information into a central system in a timely matter. Corrections does not categorise contraband finds according to where the item was found or the manner in which it was located or intercepted. Contraband may be found in a number of locations within or around a prison, including in prison cells, during perimeter searches, or on a prisoner's person. Contraband can also be found on a visitor's person or in their vehicles.

Therefore, we have decided to refuse the part of your request that asks '*whether it was brought in by someone or sent in through the post (or some other option if there is any), what the item was,*' under section 18(f) of the OIA, as to provide the requested information would require substantial collation and research.

To provide this information would require manually reviewing all contraband incidents and/or misconduct reports, in order to determine if contraband was found on entry into prison or in prison which as demonstrated in the following appendices is an extremely large number of files.

In accordance with sections 18A and 18B of the OIA, we have considered whether to affix a charge or consult with you to enable the request to be made in a form that would remove the reason for refusal. However, given the scale of the request, we do not consider that this would be an appropriate use of our publicly funded resources.

When people introduce or attempt to introduce contraband into prison, Corrections takes the appropriate action. The actions taken depend on what the contraband is and how much is found. Possession of any illegal item can result in a referral to New Zealand Police for both people in prison and visitors, who are responsible for deciding whether to lay criminal charges. Any person in prison who is found with contraband, either on their person or in their cell, may be charged with a misconduct. A detailed description and guidance on the full misconduct process can be found on our website [here](#).

While we can provide the total number of contraband items found in Rimutaka Prison and Arohata Prison broken down by prison, month and category, from 1 January 2021 to 31 March 2022, we are unable to provide the number of *'charges that were laid against the person sending or bringing the item'*.

This is because we have interpreted this part of your request to relate to criminal charges laid against members of the public for introducing contraband to prisons. These occurrences relate to the functions of New Zealand Police, not Corrections.

In accordance with section 14 of the OIA, we consulted with Police to determine whether they could answer this part of your request. While Police advised they can retrieve data relating to a specific offence code under the breach of the Corrections Act 2004, they would be unable to break this down by prison. Corrections also does not centrally record referrals relating to contraband made to Police, therefore we would be unable to provide information to cross-reference with any data that would result if we were to transfer this part of your request.

Therefore, we have decided to refuse the part of your request that asks *'whether charges were laid against the person sending or bringing the item,'* in accordance with section 18(g) of the OIA, as such information is not held by Corrections and we do not have reason to believe it is held by another agency.

If you would like to amend or clarify this part of your request or to seek more information about Police processes, you may wish to contact Police directly as follows:

<https://www.police.govt.nz/advice-services/request-information/request-other-information-official-information-act>

Visitors who are found with contraband may also be prohibited from visiting the prison(s) to protect the security, discipline and good order of the prison.

Can I please have any document/memo/list/email/policy that outlines what items can and cannot be brought in for inmates?

The Authorised Property Rules for people in prison, set in accordance with section 45(A) of the Corrections Act 2004, are publicly available at:

https://www.corrections.govt.nz/_data/assets/pdf_file/0003/10983/Rules-on-authorised-property-made-under-section-45A-v.12-261120.pdf

Each person in prison is permitted to have property issued. The items permitted may vary by the person's security classification, unit, or whether the item is likely to interfere with the security and good order of the prison. People in prison who may not have support people to send them property can complete a property form for items they require and prison staff will assist where they are able to. Toiletries and hygiene products are issued once a week, however more can be requested at any time if needed.

Policies about authorised items of property that people in prison may be issued with or allowed to keep are also recorded throughout the Corrections Prison Operations Manual (POM). The POM includes policies on receiving, storing, issuing, and requests for property items to be authorised and is publicly available on our website at:

www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual

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
Acting National Commissioner