

15 November 2023

C174172

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your email of 8 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.

Following an amendment to the Corrections Regulations, Corrections is no longer required to transfer someone to a prison that matches the sex shown on their birth certificate. The sex shown on the birth certificate is one factor that must be considered when someone has applied to transfer to a prison matching their gender identity, provided they are eligible to apply.

A discussion with a newly received transgender prisoner about their support and management takes place within three days of their reception under the I.10 policy, 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:

1. *Could you please tell me how many transgender prisoners incarcerated in NZ jails.*
2. *How many male to female MTF prisoners are currently in jail and whether they are in the Women's Estate How many female to male FTM prisoners and whether they are in the male estate.*

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.

Thirty-five of these people identified as women, two of whom resided in a women's prison.

Four people identified as men, all of whom resided in a women's prison.

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