

07 July 2022

C152030

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 17 May 2022 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about transgender people in prison. Your request has been considered under the Official Information Act 1982 (OIA).

On 15 June 2022, you were advised that Corrections extended the due date of our response to you pursuant to section 15A(1)(b) of the OIA.

You requested:

This is an official information act request for inmates who may be one gender but identify as another - ie male but identify as female and female that identify as male. Could I get the numbers for the past five years?

*I would like to know - how many males in prison identify as women?
How many women identify as males?
How do Corrections cater for this?
And anything else you wish to add.*

For ease of response, your questions are answered together below.

Transgender is a term to refer to people who have a gender identity or gender expression that differs from the sex they were assigned at birth.

We have interpreted your request to relate to people in prison who identify as transgender women, who were likely to have been assigned male at birth or those who identify as transgender men, who were likely to have been assigned female at birth.

New Zealand law, consistent with international instruments such as the United Nations Standard Minimum Rules for the Treatment of Prisoners, requires male and female people to be detained in separate prisons or in separate units within a prison. This is necessary for the safety and welfare of people in prison, and for the security and good order of prisons. While placement in a men's or women's prison is a straightforward matter for most people, for a small group, it can be more challenging.

At any one time there are around 30 people in our prisons who identify as transgender. This accounts for a small percentage of the current total prison population of around 7,700 people. However, we acknowledge that transgender individuals are a vulnerable group with complex needs.

In 2018, Corrections introduced a policy for the management of transgender individuals, with a focus on being more responsive to them and their circumstances. If it is established that an individual identifies as transgender during their initial reception process, or at any other point of their management, an alert is placed on their electronic file. Each transgender individual has a customised support plan and is able to choose the gender of staff who conduct searches.

The provision of a support plan does not depend on whether the transgender individual has legal recognition of their gender identity, or whether they have undergone medical or surgical steps. These guidelines align our approach with comparable jurisdictions internationally, as well as other Government agencies such as New Zealand Police (Police) and New Zealand Customs. This policy is available in full at:

https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Induction/I.10-Management-of-transgender-prisoners

In addition, thousands of Corrections staff have completed a flexible learning Working with Trans People module that raises awareness around gender identity, pronouns, support, and the new policy including searches and access to items. Over 2,000 staff have attended diversity workshops, which focus on building an awareness and understanding of LGBTQIA+ terminology, respecting dignity, and being aware of unconscious bias.

The placement of transgender people in prison is currently determined in accordance with a separate policy, 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

The table below provides the requested information. The prison population fluctuates on a daily basis due to arrests, court decisions and scheduled sentence end dates. In accordance with Corrections' standard reporting conventions, figures are provided as a snapshot of the number of people in prison with a transgender alert at 30 June from 2016 to 2021.

Corrections is also providing the latest available figures as at 31 May 2022.

These figures rely on a review of the information held on Corrections' files however as noted above, we recognise that transgender is a term to refer to people who have a gender identity or gender expression that differs from the sex they were assigned at birth. Some people may identify as non-binary or gender fluid. Corrections does not have a separate identifier for non-binary people in prison, however we have been able to provide this information by reviewing supporting information noted by staff on individual alerts.

Financial Year	Transgender Women	Transgender men	Non-Binary
30/06/2016	17	0	0
30/06/2017	18	1	0
30/06/2018	28	2	2
30/06/2019	31	0	3
30/06/2020	29	2	3
30/06/2021	26	2	4
31/05/2022	25	2	4

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



Ben Clark
National Commissioner