



Ombudsman

Fairness for all

.....

COTA Report

Report on an unannounced inspection of Corrections Service Rolleston Prison Under the Crimes of Torture Act 1989


.....

4 April 2016

Judge Peter Boshier
Chief Ombudsman
National Preventive Mechanism

.....

Office of the Ombudsman
Tari o te Kaitiaki Mana Tangata



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Executive Summary

Background

1. In 2007, the Ombudsmen were designated one of the National Preventive Mechanisms (NPMs) under the Crimes of Torture Act (COTA¹), with responsibility for examining and monitoring the general conditions and treatment of detainees in New Zealand prisons.
2. From 4 to 8 April 2016, Chief Inspector Jacki Jones, Inspector Thomas Hunecke, Inspector Emma Roebuck and Inspector Tessa Harbutt (to whom I have delegated authority to carry out visits of places of detention under COTA) visited Rolleston Prison (the Prison).

Summary of findings

3. The Inspectors' findings may be summarised as follows:
 - In general, Inspectors felt the Prison was safe with good teamwork and leadership observed.
 - Generally, prisoners were complimentary about staff and felt there was a member of staff they could turn to if they had a problem.
 - There were no concerns about the disciplinary process at the Prison.
 - The facility and cells were clean, tidy and well maintained.
 - A reasonable standard of health care was provided to prisoners.
 - The elderly care unit was a good initiative for those prisoners requiring extra medical intervention.
 - There are adequate sanitary and laundry facilities available in each unit. Prisoners have access to clean bedding.
 - Inspectors had no concerns with prisoners' access to fresh air.
 - The Prison has extended unlock hours – 7am to 9.30pm weekdays.
 - There are good work opportunities, and programmes available for prisoners
 - Gym, library and other leisure facilities were satisfactory and widely used by prisoners.
 - Prisoners are able to receive visitors in a well-managed and decent environment, make telephone calls, and are able to send and receive mail.
4. The issues that need addressing were as follows:

¹ Acting under delegation of the NPM Chief Ombudsman Judge Peter Boshier and Ombudsman Professor Ron Paterson.

- While there was no evidence that any prisoners had been subject to anything that could be construed as torture in the 12 months preceding the visit, I consider prison staff (and others) having the ability to observe prisoners, either directly or through camera footage undertaking their ablutions or in various stages of undress to amount to degrading treatment or punishment for the purpose of the Convention Against Torture.
- Some use of force and segregation paperwork was missing, incomplete or contained errors. The prison has no segregation register.
- The separates facilities are not fit for purpose and should be decommissioned.
- Some staff were not up-to-date with mandatory training requirements.
- Information about the complaints process was not available to prisoners in all areas of the Prison including contact details for the Prison Inspectorate and the Office of the Ombudsman.
- Showers in the elderly care unit have no emergency alarm bells.
- Not all prisoners have access to a sufficient supply of underwear.
- The prison shop (P119) offers limited healthy food options.
- Not all information kiosks were in working order.
- Adequate dental provision was not available.

Recommendations

5. I recommend that:

- a. Cameras should not cover the toilet area in the separates cells.
- b. Privacy screens should be installed around the toilet facilities in the separates cells.
- c. A robust system should be put in place to ensure all documentation related to prisoners placed in a separate cell, on segregation and following a use of force incident is completed to the required standard.
- d. Separates cells should be decommissioned and replaced with cells that are fit for purpose.
- e. All staff should be up-to-date with mandatory training requirements.
- f. The complaints process should be displayed in all areas of the prison; including contact details for the Prison Inspectorate and Office of the Ombudsman.
- g. Emergency call buttons should be fixed in the showers in s6(c)
- h. A sufficient supply of underwear should be available for all prisoners.

- i. The Department should consider reviewing the items available on the P119 with a view to offering healthier choices. Ideally, prisoners should be part of this review process.
 - j. Information kiosks should be in working order.
 - k. Access to dental services needs to be enhanced.
6. A follow up visit will be made on future dates as necessary to monitor implementation of the recommendations.

Consultation

7. A draft copy of this report was forwarded to Corrections Services National Office for comment as to fact, finding or omission prior to finalisation and distribution. Their comments have been included in the body of the report.
8. Under Sections 27 and 36 of the Crimes of Torture Act, it is the intention of the Chief Ombudsman to report to Parliament on his analyses of inspections carried out. Of course such reports will be published. It seems fair and proper to advise you that this will occur as of July this year and after that, quarterly.

Thank you for the opportunity to respond to the findings from your unannounced inspection of Rolleston Prison from 4 to 8 April 2016, in accordance with the Crimes of Torture Act 1989 (COTA).

The Department takes its duty of care towards prisoners seriously and we are therefore committed to managing all prisoners in a safe, secure, humane and effective manner. I am pleased to note that your report highlighted a number of positive findings, which included prisoners being generally complimentary about staff and management demonstrating positive leadership and communication with staff.

Although the overall report was positive, you have made 11 recommendations which I have addressed below:

Facility Facts

Rolleston Prison (“the Prison”)

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

Rolleston Prison was originally established in 1958 as an Army Detention Centre. Between 1973 and 1986 it operated as a detention centre. In 1986 the new Rolleston Prison opened. The prison was extensively renovated in 1987 to increase capacity and in 1989 the 60 bed ^{s.6(c)} [REDACTED] opened - one of only two such units in the country. In 1992 the 60 bed ^{s.6(c)} [REDACTED] opened and an additional two units have been completed since then.

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

Operating capacity

260

^{s.6(c)} [REDACTED] – 60 bed sex offender treatment unit

^{s.6(c)} [REDACTED] – 60 bed mainstream unit

^{s.6(c)} [REDACTED] 20 bed elderly care unit

^{s.6(c)} [REDACTED] – 60 bed mainstream unit

^{s.6(c)} [REDACTED] – 60 bed mainstream and short duration sex offender treatment unit

Prison Director

Mike Howson

Regional Commissioner

Ben Clarke

Last inspection

Announced inspection (questionnaire only) – March 2012

Unannounced inspection – February 2012

Announced informal visit – November 2009

The Visit

9. Rolleston Prison (the Prison) was visited from 4 to 8 April 2016. The visit was conducted by Chief Inspector Jacki Jones, Inspector Thomas Hunecke, Inspector Emma Roebuck and Inspector Tessa Harbutt.²

Visit methodology

10. Inspectors requested that some information be made available during and after 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.
 - Access to the punishment book.
 - All current directed segregation paperwork.
 - Use of force paperwork for the previous six months.
 - Break down of the prison muster (Monday 4 April 2016).
 - Latest copy of Rolleston well-functioning site report.
 - The number and category of incidents at the prison for the previous six months.
11. At the commencement of the visit the Inspectors met with Mike Howsen, Prison Director, and s.9(2)(a), Operations Manager. On the first day of the inspection there were 256 prisoners in the Prison.
12. A voluntary, confidential and anonymous prisoners' questionnaire was distributed. Inspectors spoke with prisoners individually and in groups to explain the purpose of the survey.
13. 221 questionnaires were handed out and 174 were returned (78 per cent). A copy of the questionnaire and summaries of responses can be found at Appendix 3.
14. The following areas were examined during the inspection to determine whether there had been torture, or other cruel, inhuman or degrading treatment or punishment, or any other issues impacting adversely on detainees.³

² Acting under delegated authority from the National Preventive Mechanism (NPM) Chief Ombudsman Judge Peter Boshier.

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.apt.ch.

- **Treatment**
 - Torture, or other cruel, inhuman or degrading treatment
 - Segregation
 - Use of Force
 - Prisoners' views on treatment
 - Safety issues
- **Protective measures**
 - Complaints process
 - Disciplinary procedures
 - Separation of categories of detainees
- **Material conditions**
 - Accommodation/sanitary conditions
 - Food
- **Activities and communications**
 - Outdoor exercise
 - Purposeful activity/programmes
 - Leisure activities
 - Access to visitors/external communications
- **Health care**
 - Health care services
- **Personnel**
 - Staffing

Evidence

15. In addition to the documentary evidence provided during and after the visit, Inspectors spoke to representatives from the prison management team, activities managers, programme manager, case manager, custodial advisor, industries staff, release to work & employment placement broker, the chaplain, the manager Māori services, the librarian, health care staff, corrections officers (including principals and seniors) and prisoners.
16. Inspectors also inspected records at Rolleston and Christchurch Prison, were provided with additional documents upon request by the staff and observed the facilities and conditions.

17. One early morning visit and one evening visit were incorporated into the inspection. Inspectors also attended a morning senior staff briefing.

Recommendations from previous report (February 2012)⁴

18. There were no recommendations made following the February 2012 inspection.

Treatment

Torture or cruel, inhuman or degrading treatment

Privacy issues

19. All separates cells are monitored on camera, including the unscreened toilet area. The camera feed is displayed on TV monitors in the respective unit office (and elsewhere in the prison⁵). The monitors can be viewed by anyone entering the office and presents a significant privacy issue.

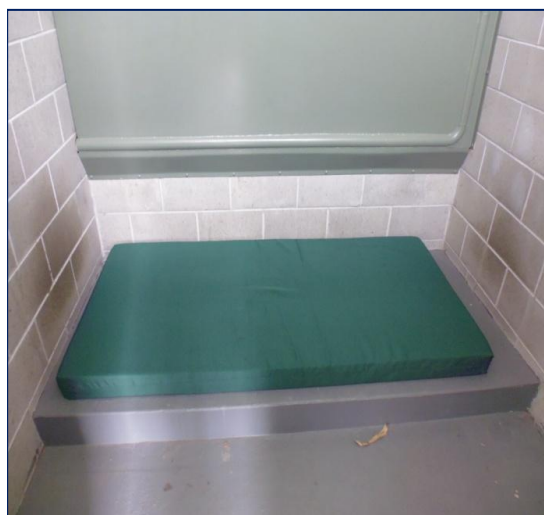


Figure 1: Separates cell

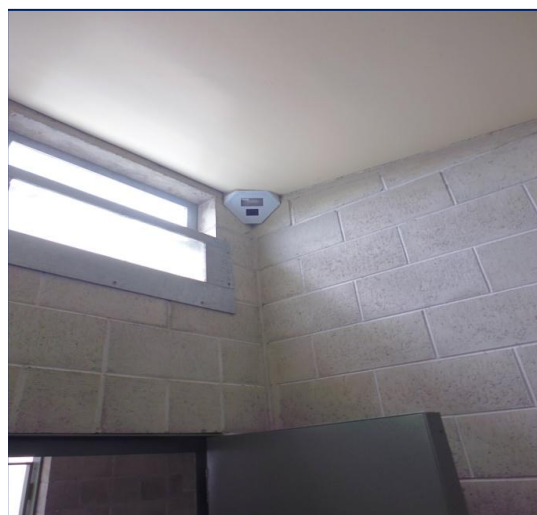


Figure 2: Window above door and camera overlooking the unscreened toilet

20. While there was no evidence that any prisoners had been subject to anything that could be construed as torture in the 12 months preceding the visit, I consider prison staff (and others) having the ability to observe prisoners, either directly or through camera footage undertaking their ablutions or in various stages of undress to amount to degrading treatment or punishment for the purpose of the Convention Against Torture.

⁴ Report on an unannounced inspection of Department of Corrections' Rolleston Prison's Totara and Rata Unit Under the Crimes of Torture Act 1989 of 28 February 2012.

⁵ The Prison Director has access to live camera feed in his office.

Segregation

21. The opportunity of a prisoner to associate with other prisoners may be restricted or denied in accordance with sections 58 to 60 of the Corrections Act 2004.
22. The Prison does not have a designated facility to accommodate prisoners on directed segregation or prisoners considered at risk. Any prisoner requiring directed segregation or assessed as being at risk is transferred to Christchurch Men's Prison.

Separates cells

23. ^{s.6(c)} [REDACTED] each have an unmanned separates facility, three basic cells (two with a raised plinth and mattress) and an unscreened toilet and is more commonly known as the "pound". They house prisoners serving a period of cell confinement (following a misconduct hearing). They have their own shower/toilet facility and small external yard.

s.6(c)



24. The separates facilities are dark and drab and not fit for purpose. Cells have limited ventilation and can be generally described as grim. While there is some natural light, windows are located above the doors and not accessible. Prisoners are required to eat their meals on the floor next to the open toilet.
25. Inspectors noted that on 15 March 2016 two prisoners have been placed in separates cells (on directed segregation) prior to their transfer to Christchurch Prison (the following day). Segregation documentation had not been completed for either prisoner or entered in the segregation register – the Prison does not have a segregation register.

Separates paperwork

26. Limited information is available in each units 'daily movement, security and lock-up information book' relating to those prisoners being detained in separates cells. Details of when prisoners access fresh air (or decline), take a shower or access the telephone are not routinely recorded.
27. The Inspectors were not convinced that prisoners undergoing a period of cell confinement are receiving their minimum entitlements.

Use of Force

28. The use of force in prisons is regulated by section 83 of the Corrections Act. Under section 83 physical force can only be used in prescribed circumstances and if reasonably necessary. Additionally, the level of force used must be reasonable. Where force has been used prisoners must be examined by a registered health professional.
29. The use of force register indicated one use of force incident ^{s.9(2)(a)} [REDACTED] for the six months preceding the visit. However, a search of the Integrated Offender Management System (IOMS) highlighted two prisoners were restrained on ^{s.9(2)(a)} [REDACTED] and one on the ^{s.9(2)(a)} [REDACTED]. None of these incidents (and corresponding use of force paperwork) was included in the Prison's use of force register.
30. Not all staff was up to date with their mandatory Control and Restraint (C&R) training. Information provided indicated that 49 staff (70 per cent of staff) was compliant with the requirement.

Safety issues

31. Eighteen per cent of questionnaire respondents reported that they had felt unsafe in the Prison with five per cent stating they currently felt unsafe.
32. Thirteen per cent of questionnaire respondents stated they had been assaulted in the Prison, with nine per cent reporting not to have reported the incident to the prison authorities.
33. In general, Inspectors felt the Prison was safe with good teamwork and leadership observed.

Prisoners' views on treatment

34. Generally, prisoners were positive about the staff. This was confirmed in the responses to the prisoners' questionnaire with 71 per cent stating they felt staff treated them with respect and 83 per cent stating there was a member of staff they could turn to for help.

Next of kin views on treatment

35. Inspectors contacted a selection of eight next of kin/relatives to ask about their experience when visiting the Unit. Feedback received regarding the treatment of their next of kin/relative was positive. Some were unaware of the complaints process.

Recommendations – treatment

36. I recommend that:
- a. Cameras should not cover the toilet area in the Separates cells.
 - b. Privacy screens should be installed around the toilet facilities in the Separates cells.
 - c. A robust system should be put in place to ensure all documentation related to prisoners placed in a separate cell, on segregation and following a use of force incident is completed to the required standard.
 - d. Separates facilities should be decommissioned and replaced with cells that are fit for purpose.
 - e. All staff should be up-to-date with mandatory training requirements.

Department's response

Recommendations

A. Cameras should not cover the toilet area in the separates cells.

While the Department is mindful of the dignity of prisoners, what is most paramount is managing prisoners in a safe environment. We therefore consider that the use of cameras in the safe cells and separates cells are in accordance with the principles and minimum requirements specified in the Corrections Act 2004 and Corrections Regulations 2005. In particular, section 5(1)(a) of the Act states that: "the overriding responsibility of staff is that sentences are administered in a safe, secure, humane, and effective manner."

The cameras in safe cells are necessary to safeguard the well-being of prisoners who are assessed as being at risk of self harm by allowing them to be monitored. This position is in line with section 151(b) of the Crimes Act 1961 which states that, "every one who has actual care or charge of a person who is a vulnerable adult and who is unable to provide himself or herself with necessaries is under a legal duty to take reasonable steps to protect that person from injury. " The ability of staff to remotely observe prisoners in safe cells has meant that on numerous occasions they have prevented a potential prisoner suicide or self harming incident. We therefore consider that section 151(b) of the Crimes Act 1961 is applicable to the use of cameras in safe cells and any concerns about privacy in safe cells must be secondary to the risk posed to a prisoner's life.

The secure cell cameras are not monitored constantly, although the footage may be viewed at any time . It is important to understand that the prisoners in these cells are either serving a period of segregation or a period of cell confinement. These prisoners typically exhibit extremely challenging, threatening and abusive behaviour . The cameras have been found to be a beneficial aid in deterring this destructive behaviour in prisoners. Camera

footage is an important tool in order to provide evidence of a prisoner's actions and to protect staff from unfounded allegations .

B. Privacy screens should be installed around the toilet facilities in the separates cells.

The Department views the matter of prisoner dignity and privacy seriously. All possible steps are therefore taken to ensure that privacy is provided where it is possible and appropriate. However, we do not consider that any form of privacy screening should be used in the safe cells.

The absence of privacy screening is necessary to safeguard the wellbeing of prisoners who are assessed as at risk of self harm. Please note that the absence of privacy screening is compliant with Schedule 2, Part C of the Corrections Regulations 2005, which specifies the items and features of cells for prisoners at risk of self harm. The Schedule states that "no privacy screening or any other barrier that prevents a full view of the cell from the door window" should be a feature of the cell. Corrections' considers that the installation of privacy screens around the toilet area in separates cells is not appropriate because it would not be consistent with the safe custodial management of prisoners.

C. A robust system should be put in place to ensure .all documentation related to prisoners placed in a separate cell, on segregation and following a use of force incident is completed to the required standard.

Prisoners are not held for extended periods of time in segregation at Rolleston Prison as the site does not have segregation cells. Prisoners are held while transfers can be made to another facility. Previously the segregated paper work has accompanied the prisoner to the new site and it is then entered on the new sites register. Following the COTA team's visit and recommendations , Rolleston Prison has implemented a segregation register, which will be maintained to Prison Operations Manual (POM) standards .

D. Separates cells should be decommissioned and replaced with cells that are fit for purpose .

The separates cells are used for temporary cell confinement after prisoner misconduct hearings and for holding segregated prisoners who are awaiting transfer to another facility. On average, between one and three prisoners are held in the separates cells per month, usually for three days. As the cells are used infrequently, the Department does not have any plans to replace them.

However, there is refurbishment work in progress on all of the four units at Rolleston Prison, including the separates cells. The interior of each cell, including shower rooms, corridors, ceilings, walls, doors and floors are being washed, removed of defects, and painted. The work is being carried out by an Offender Employment Instructor and trained prisoners. It is expected to be complete by September 2016.

E. All staff should be up-to-date with mandatory training requirements .

Managers at Rolleston Prison have been tasked to ensure all staff have up to date refresher training, including control and restraint training, we expect this will be completed by October 2016.

Complaints process

37. Under sections 152 and 153 of the Corrections Act there must be a fair, effective, comprehensive and prompt internal complaints system prominently displayed in each prison unit, including the right to seek assistance from an Inspector of Corrections or an Ombudsman. Under section 154 assistance for prisoners to make complaints must be available.
38. Except in s.6(c) units, telephone numbers for the Prison Inspectorate and the Office of the Ombudsman were not displayed. With the exception of s.6(c) information relating to the complaints process was not prominently displayed and therefore, not easily accessible to prisoners.
39. The number of complaints in the last six months was 84. The highest number (17 complaints) relate to healthcare, followed by requests for information (16 requests), other (nine complaints) and staff conduct and attitude (eight complaints).
40. Forty one prisoners (24 per cent) said they had made a complaint and 124 prisoners (71 per cent) stated they would use the complaints system. Of those that used it, 29 per cent felt complaints were treated fairly and 34 per cent felt they were dealt with promptly; however, only twenty six per cent of the prisoners' surveyed had faith in the complaints system. Comments received by questionnaire respondents indicate that there was fear among prisoners that filing a complaint would lead to repercussions (e.g. loss of privileges or transfer to another site).
41. At the time of the inspection there were three open complaints. The Inspector checked the complaints and concluded they were dealt with in a timely and satisfactory manner.

Disciplinary procedures

42. Inspectors reviewed the Prison's punishment book which was located at Christchurch Men's Prison. The Inspector also met with the hearing adjudicator to discuss issues related to penalties applied as part of the disciplinary process. The adjudicator can award penalties of up to seven days cell confinement and 28 days loss of privileges. More serious offences are referred to the Visiting Justice.⁶
43. Since 5 April 2015, 119 incidents of misconduct were documented in the punishment book. Of these, 57 resulted in cell confinement.
44. The Inspectors had no concerns with the disciplinary process.

⁶ Canterbury Adjudicators Sentencing Guidelines (updated 28/01/2016).

Separation of categories of detainees

45. There were no youth prisoners or transgender prisoners detained at the Prison at the time of the inspection.

Recommendations – protective measures

46. I recommend that:
- f. The complaints process should be displayed in all areas of the Prison; including contact details for the Prison Inspectorate and Office of the Ombudsman.

Department's response

Recommendations

F. The complaints process should be displayed in all areas of the prison; including contact details for the Prison Inspectorate and the Office of the Ombudsman.

All unit prisoner notice boards and control rooms now have the latest POM prisoner complaints notice laminated and displayed. The notices explain how prisoners may contact the Corrections Inspectorate and the Office of the Ombudsman. All out of date information has now been removed.

Material conditions

Accommodation/sanitary conditions

47. The Prison has five units; ^{s 6(c)} [REDACTED] Each unit was well maintained and cell standards were generally good.
48. All Units are unlocked from 6.00am – 9.30pm Monday – Friday and 07.30am – 9.30pm at the weekend⁷.
49. ^{s 6(c)} [REDACTED] units are made up of 60 beds/cells around a central court yards/exercise areas. All cells have toilets and hand washing facilities.
50. Sufficient showers for the number of prisoners are located throughout each of the compounds. All shower facilities were adequate. Each unit has cells/shower facilities that are accessible to prisoners with physical disabilities. Cells have adequate heating and ventilation. Windows partially open allowing fresh air to circulate and curtains for privacy.
51. Each of the units has a dining room, for those prisoners who choose to eat their meals in a communal space.

⁷ Kowhai Daily, Movements Search and Lock-Up Information – August 2015 and January 2016

52. A small gymnasium, art and craft room and games room including a pool and ping pong table are available throughout the day.
53. Each unit was clean and tidy with well tended gardens and vegetable patches (with all produce going to the local food bank). Corridors and communal areas were free from graffiti.
54. The Prison has no receiving office and prisoners' property is stored at Christchurch Men's Prison. Less than half of questionnaire respondents (47 per cent) said they could normally access their stored property.



Figure 5: Typical cell



Figure 6: Toilet/handwashing facility

55. § 6(c) is a 20 bed facility for prisoners requiring extra medical/nursing intervention in order to meet their physical needs (more commonly known as the elderly care unit).
56. Generally, detainees were complimentary about their care and the staff. The Unit has grab rails and shower adaptations, although there are no emergency call buttons in the showers. Because of steps leading into cells and shower facilities, wheelchair access is not guaranteed. All cells have toilets and hand washing facilities. Several prisoners raised the issue of cells being cold in the winter due to the gap in the door.
57. It was pleasing to see prisoners taking part in communal activities in the dining area, and flexibility given in the preparation of their meals.
58. Prisoners requiring extended care are transferred to the high dependency unit at Rimutaka Prison. While this may take prisoners away from their home area the facility is better suited for prisoners requiring extra care.



Figure 7: s.6(c)



Figure 8: Kitchen/dining area s.6(c)

59. In general, all units have enough laundry facilities at their disposal and prisoners have regular access to clean clothing and bedding.
60. Inspectors were informed that following a reduction in service provision by the Prisoner Aid and Rehabilitation Society (PARS), prisoners facing hardship are unable to access sufficient items of underwear and are relying on the chaplaincy team to purchase such items.
61. One hundred and fifty-one questionnaire respondents (87 per cent) stated that they could access showers daily; 85 per cent reported that they could get clean bedding and 84 per cent stating that they could obtain cleaning material. However, only 133 (76 per cent) stated that they had enough clean clothes for the week.

Food

62. Article 20(1) of the United Nations Standard Minimum Rules for the Treatment of prisoners provides that “Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.” Section 72 of the Corrections Act requires food to be “sufficient” and “wholesome”.
63. All meals are prepared and cooked in the main kitchen at Christchurch Men’s Prison and transported to the units. All units (s.6(c)) have their own working kitchen which, for cost reduction measures, is only used for distributing meals.

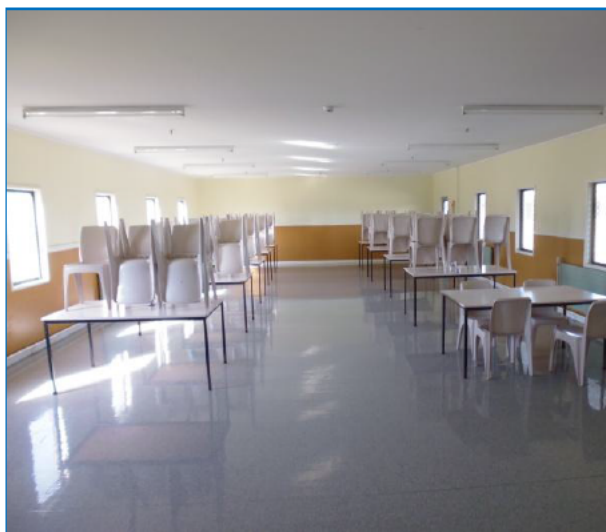


Figure 9: Communal dining area



Figure 10: Standard unit kitchen

64. Meal times varied slightly over the course of the inspection with prisoners normally receiving breakfast at 7am; lunch at 11.30am; and the evening meal by 5pm (transport of meals from Christchurch Men's Prison normally at 4.10pm).
65. A reasonable choice of food was offered on a four-week cycle, special diets were catered for and a hot meal was provided each day (although the hot meal was not particularly hot by the time it reached the units).
66. The general quality and quantity of the food was reflected in the questionnaire responses with 32 per cent of prisoners (55 prisoners) reporting that food was average; 29 per cent stating that the food was bad and only eight per cent of the respondents reported that the food was good. In particular, prisoners complained about the quality and quantity of minced meat, and the frequency it was served.
67. Inspectors checked the preparation of food at Christchurch Men's Prison. The look and smell of the food prepared was not particularly appealing (also confirmed by kitchen staff). In order to improve the quality of the food served (as well as to increase employment) management may like to consider reinstating the kitchen facilities in each of the units at Rolleston.
68. Prisoners in all units have the option to eat meals in a designated dining area (each of the dining rooms were well-maintained), or in their cells. Many prisoners were seen drinking tea or other beverages from used milk cartons.
69. While prisoners can purchase food from the prison shop (P119), 49 per cent of questionnaire respondents claimed the P119 was not meeting their dietary needs with many citing too much sugar and salt and not enough proteins in the food on offer. Many prisoners specifically commented on the expense of the items on the P119 (see Appendix 2 for comparative prices and variety of food for purchase).

Recommendations – material conditions

70. I recommend that:

- g. Emergency call buttons should be fixed in all showers in s.6(c).
- h. A sufficient supply of underwear should be available for all prisoners.
- i. The Department should consider reviewing the items available on the P119 with a view to offering healthier choices. Ideally, prisoners should be part of this review process.

Department's response

Recommendations

G. Emergency call buttons should be fixed in the showers in s.6(c).

The s.6(c) is a small 20 bed wing that predominantly houses older child sex offenders. The shower cubicles do have wall rails fitted for added safety. It may not be practical to have duress buttons in showers given the wet areas; however we will investigate the possibility of installing such devices in the showers of s.6(c). If this is not a viable option we will look at what other mitigations may be put in place.

Currently the s.6(c) has three showers. Two of the showers have normal standing shower cubicles with a fixed seat for prisoners to sit on. The other shower has rails all around inside of the shower cubicle and a fold down seat attached to the shower cubicle wall. The seat is designed so the prisoner can sit while taking a shower.

All three showers have a seat fitted in the changing section of the shower cubicle in order to assist with drying and dressing.

Staff have been reminded to be attentive if they have an elderly prisoner using the shower, who may be more likely to slip. They will conduct a safety check if the prisoner has gone beyond a 10 minute timeframe in the shower. The shower block is within six metres of prisoner common room and 20 metres of the staff base.

H. A sufficient supply of underwear should be available for all prisoners.

Prisoners at Rolleston Prison can choose to have their own underwear issued or, if required, the prison will supply underwear. As the majority of prisoners choose to use their own underwear, the prison does not usually hold a wide range of sizes on site. Due to the lead time in the ordering process, this can cause a delay in supplying underwear to newly arrived prisoners whose size is not available at the time.

The Prison Director has reported that the prison will order a wider range of sizes from the supplier and arrange for the stock levels to be proactively managed. In an exceptional instance where a size is unavailable, the site can source the underwear locally so that the prisoner can receive the underwear in a timely fashion.

I. The Department should consider reviewing the items available on the P119 with a view to offering healthier choices. Ideally, prisoners should be part of this review process.

The options available on the P119 are nationally consistent and regularly considered by Prison Directors at their forum. We consider that there are sufficient numbers of healthy choices on the current list including fruit, muesli

bars and nuts. Please note that the P119 purchases are intended to be in addition to the food provided by the Department for meals, which is considered to be a sufficient full diet in quantity and quality.

Activities and communications

Outdoor exercise

70. Under sections 69(1)(a) and 70(1) of the Corrections Act 2004, prisoners (other than those engaged in outdoor work) are entitled to a minimum of an hour of physical exercise, in the open air if the weather permits. This reflects article 21(1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners.



Figure 11: Unit outdoor space

71. All units ^{s 6(c)} have a large grassed area in the middle of the compound where prisoners can play touch, volleyball, walk or simply relax. All external areas were well maintained, had adequate seating and shaded areas.
72. Due to the extended unlock hours prisoners are able to access more than one hour fresh air daily.
73. Eighty seven per cent of questionnaire respondents confirmed that they had access to fresh air daily.
74. Inspectors have no concerns with prisoners' access to fresh air/outdoor exercise.

Purposeful activity

75. The Prison has been designated a working prison; a facility where all prisoners take part in some form of work, education or rehabilitation programme⁸ to better prepare them to find employment on release. There was a strong focus on engaging prisoners in some form of constructive activity at the Prison.
76. A range of criminogenic, and educational programmes are provided to prisoners including; the intensive, sort and abbreviated child sex offender programmes, alcohol and other drugs (AOD), secure on line learning and numeracy and literacy. The case management and scheduling team work well to ensure prisoners' needs are assessed, and then placed on the appropriate programme(s).
77. A significant number of prisoners (at the time of the visit) were involved in some form of employment such as ground maintenance or work parties. The Prison also offers training in timber-related activities, both practical and theoretical in one of the Prisons two construction yards.
78. As part of the Canterbury earthquake recovery programme, the Department, in partnership with Housing New Zealand⁹ have embarked on a joint project to refurbishment 150 quake-damaged houses over a five years period and is open to selected prisoners from all units. At the time of the inspection a total of 66 prisoners were employed in the construction yards.
79. The Prisons' advisory panel informs the prison director on a prisoner's suitability for temporary release. At the time of the inspection, only one prisoner was on the release to work (RTW) programme¹⁰. Over the period January – March 2016, 34 RTW applications were submitted; only one was approved.¹¹ RTW is an important stepping stone in the rehabilitation of a prisoner and a good avenue towards sustainable employment on release. The escape of a high profile offender from Spring Hill Prison in early November 2013 saw the suspension of all temporary releases (unless for exceptional reasons) across all site.

⁸ RR25% Reducing Re-offending – Strategy 2014 – 2017, Department of Corrections.

⁹ Memorandum of Understanding “*Service level agreement for provision of services between Housing New Zealand and the Department of Corrections*” dated 17 December 2012. The Rolleston Construction Yard project has been awarded the Excellence in Social Housing Award at the Australasian and New Zealand AHI awards.

¹⁰ Only minimum security prisoners or low and low-medium security prisoners who have a release date set by the New Zealand Parole Board are considered for RTW as a form of temporary release. The Prison Director is authorised to make decisions that permit prisoners to participate in temporary releases, including RTW.

¹¹ The Panel provides input to applications related to temporary releases; RTW; Whare Oranga Ake; external self-care; external community work parties outside prison property; external work parties on prison property; and special permissions for child visits. Seven applications were not dealt with as the requesting prisoner was either released or transferred to another detention facility.



Figure 12: House refurbishment



Figure 13: Construction yard 1

80. Between February – April 2016, prisoners generated a total of 68,679 working hours. The Prison target was 74,835 hours.
81. § 6(c) was established in 1989 as New Zealand’s first specialist prison treatment for child sex offenders. The unit was established as a 60-bed therapeutic community. The programme is based around nine hours of group contact per week for a total duration of 33 weeks. In particular, the programme aims to reducing the recidivism risk of prisoners who have sexually abused children by using intensive group treatment that targets risk factors associated with re-offending. Prisoners are required to engage in other activities such as work programmes and cultural activities.
82. The Short Intervention Programme (SIP) is an intervention for low recidivism risk child sex offenders and available for prisoners in § 6(c). The SIP aims for each participant to develop an adequate understanding of their offence process; and develop a safety plan that mitigates any remaining risk factors. The programme is scheduled to run for 12 weeks.
83. Inspectors were pleased to attend community of change meetings at both § 6(c) during the inspection.
84. While most prisoners in § 6(c) were engaged in programmes and employment daily, mainstream prisoners in § 6(c) were not. From our observations and discussions with staff and prisoners, short-term prisoners (sent to the prison for muster manager purposes) were difficult to place due to their increase risk.
85. Thirty questionnaire respondents (17 per cent) stated they were not involved in any form of work, education or programmes. The lack of activity has the potential for increased levels of disruption.

Leisure activities

86. Pool tables, library facilities, T.V room(s) and a gymnasium are available in each unit.



Figure 14: Unit game room



Figure 15: Arts and craft area

87. When asked on average how many times prisoners go to the gym each week they responded:

Table 1: Average number of times in the gym each week

Don't want to use it	Never	1 to 2	3 to 5	More than 5
41 (27%)	38 (25%)	21 (14%)	36 (23%)	17 (11%)

88. When asked on average how many times prisoners used the library they responded:

Table 2: Visits to the library

Don't want to use it	Never	Less than once a week	Once a week	More than once a week
7 (5%)	18 (12%)	31 (20%)	90 (60%)	4 (3%)

89. The Prison chaplain offers spiritual support to prisoners of Christian, Jewish and Muslim faith. The services appeared to be well utilised. Inspectors were informed that chaplaincy hours were in the process of being reduced with a greater focus on volunteers delivering services.



Figure 16: Prison library



Figure 17: Unit gym

90. The Inspectors had no concerns with prisoners' access to leisure activities.

Access to visitors/external communication

91. The minimum lawful entitlement to visitors under section 72(1) of the Corrections Act 2004 is at least one private visitor each week for each prisoner, for a minimum duration of 30 minutes, subject to any regulations. This does not limit visits of legal advisers.
92. Visits take place on Saturdays from 9 – 11am and 1am – 3pm. They are held in the designated visits area in each unit; a clean bright space which includes an outdoor seating area. Special visits may be arranged for exceptional circumstances with the approval of the respective unit manager. Fifteen per cent of questionnaire respondents stated they were not able to book/access visits weekly.
93. In line with the Department of Corrections *Child Protection Policy* the Prison Advisory Panel assesses any risk to visiting children. Any prisoner charged or convicted with sexual or violent offences against children who has not engaged in a treatment programme will not be permitted to have contact with children unless approved by the Prison Director. Completion of a treatment programme does not give automatic permission for contact between a prisoner and a child to occur. Inspectors concluded that the approval process appeared to work well with applications responded to in a timely manner.
94. Two pay phones are provided and situated in the compound area of each unit (s.6(c) one phone). Prisoners have access to a telephone during the hours of unlock. The telephones were in working order. Seven per cent of questionnaire respondents said they experienced problems getting access to a telephone.
95. Prisoners are able to send and relieve mail.
96. Some prisoner information kiosks were out of order at the time of the visit.

Recommendations – activities and communications

I recommend that:

- j. Information kiosks should be in working order.

Department's response

Recommendations

J. Information Kiosks should be in working order.

The Department is replacing all prisoner kiosks with new technology. The business case was approved for the new technology to be rolled out across all prisons over the next two financial years (2015/16 and 2016/17).

The roll out of the new technology is in progress. Rolleston Prison has been scheduled for roll out from 5 September 2016. In the interim, if prisoners wish to access any information that is held in the information kiosk, they may request it from unit staff, who will provide it to them.

I am advised that Principal Advisor and Senior Investigator at the Office of the Ombudsman, have been invited to visit the Department and view the new kiosks.

Health care

Health care services

97. The minimum standard for the health care of prisoners is set out under section 75 of the Corrections Act 2004. Section 75 provides that a prisoner is entitled to receive reasonably necessary medical treatment, of a standard reasonably equivalent to the standard of healthcare available to the public.
98. Prisoners receive a full health screening by a registered nurse on their admission to the Prison. Follow-ups are carried out by a member of the health staff or referred to an appropriate medical specialist. Seventy per cent of questionnaire respondents stated that the overall quality of health care is good.
99. A General Practitioner (GP) visits the Prison one day a week between 8am – 2pm. Special visits are scheduled to the elder prisoners in s 6(c)
100. Nurses are available 24 hours a day with an on call system during out of hours. Medication rounds were carried out at appropriate times.
101. Most health services are provided in the medical room in each unit. Although relatively small, the facilities were clean and tidy and offered adequate privacy for prisoners during consultation.
102. Health request forms are available in each unit and are collected daily (from a locked box) by nursing staff.

103. Twenty two per cent of questionnaire respondents identified as having a physical disability and 30 per cent identified as having a mental health need. Ten and 21 per cent respectively felt supported with their disability.
104. There is no dentist on site and all referrals are managed through the GP. The waiting list for the dentist is approximately four months. Thirty two per cent of prisoners surveyed reported it was difficult to access the dentist. Recommendation needed.
105. Inspectors raised with Prison management the issue of confidentiality when a print out (including sensitive medical information) relating to an escort to hospital was placed in a unit diary. Inspectors suggested that access to such confidential health information should be handled with care.
106. Inspectors concluded that detainees have reasonable access to health care services at the Prison.

Recommendations – health care

- k. Access to dental services needs to be enhanced

Department's response

Recommendations

K. Access to dental services needs to be enhanced.

The Department's dental/oral health policy sets out to provide basic and necessary dental care according to the clinical needs of patients. Prisoners requiring urgent care are given dental care appointments at the next scheduled clinic.

The Director Offender Health has investigated waiting times for dental services at Rolleston Prison and has found that the four month period was caused by a large influx of requests at the time of the COTA investigation. This waitlist was therefore higher than usual for Rolleston Prison. The current waiting time for non-urgent dental care at Rolleston Prison is less than one month.

Rolleston Prison has been able to facilitate dental care for prisoners through the Oral Health Services at Canterbury District Health Board. This process will be used for prisoners requiring more urgent attention when appointments are not available within the contracted hours offered by the service provider at Rolleston Prison.

I am advised that at a national Health Services meeting on 22 and 23 June 2016, the Director Offender Health discussed the importance of monitoring and managing waitlists with all Health Centre Managers.

Acknowledgement

107. 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.

A handwritten signature in black ink, appearing to read 'Peter Boshier'.

Judge Peter Boshier
Chief Ombudsman
National Preventive Mechanism

Appendix 1. Photographs

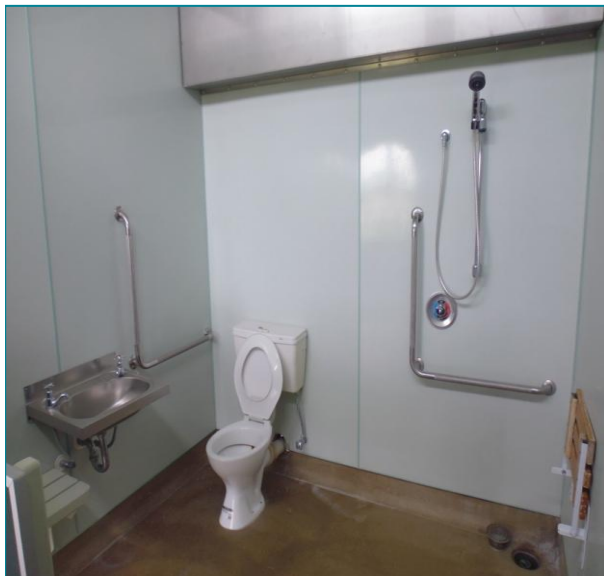


Figure 18: Toilet facility accessible to disabled prisoners - main units



Figure 19: Adapted shower facility - s.6(c)



Figure 20: A prisoners lunch served at construction yard one

Appendix 2. P119 comparisons

ROLLES	NAME of
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Appendix 3. Prison questionnaire



Prisoner questionnaire

Monitoring places of detention under the Crimes of Torture Act 1989

**(Optional Protocol to the United Nations Convention Against Torture and other Cruel,
Inhuman or Degrading Treatment or Punishment - OPCAT)**

The Ombudsman is the National Preventative Mechanism for prisons. Our role is to monitor the conditions of detention and treatment of people being detained and make recommendations for improvement.

In order for the COTA Inspectors to monitor the conditions of detention and treatment of detainees within this prison, we ask that you fill in the following information about yourself. **Your responses to these questions will remain both anonymous and confidential.** If you wish to make further comments on a particular question please use the blank page at the back of the questionnaire.

Section 1: About you

Q1.1 What wing or unit are you currently living on?

s.6(c)
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Q1.2 How old are you? Tick one

Under 21	21-29	30-39	40 – 49	50 - 59	60 – 69	70 and over
none	28 (16%)	26 (15%)	42 (24%)	33 (19%)	22 (13%)	22 (13%)

Q1.3 What is your ethnicity? Please specify

NZ European 89 (51%)

NZ Maori 31 (18%)

Kiwi 16 (9%)

Other 6 (3%)

Q1.4 Are you sentenced/on remand? Tick one

Sentenced	Remand - accused	Remand - convicted	Other
150 (99%)	none	2 (1%)	none

Q1.5

	Yes	No
Is this your first time in prison?	81 (47%)	93 (53%)
Do you have children under 18?	40 (23%)	134 (77%)

Section 2: Respectful Custody

Q2.1 Please answer the following questions about the wing/unit you are currently living on:

	Yes	No
Are you normally offered enough clean, suitable clothes for the week?	133 (76%)	41 (24%)
Are you normally able to have a shower every day?	151 (87%)	23 (13%)
Do you normally receive clean sheets every week?	148 (85%)	26 (15%)
Do you normally get cell cleaning materials every week?	146 (84%)	28 (16%)
Can you normally get your stored property, if you need to?	82 (47%)	92 (53%)

Q2.2

	Very good	Good	Average	Bad	Very bad
What is the food like here?	7 (7%)	14 (14%)	5 (5%)	50 (49%)	26 (25%)

Q2.3

	Yes	No
Does the shop (P119) sell a wide enough range of goods to meet your needs?	62 (42%)	85 (58%)

Q2.4 Complaint process

	Easy	Difficult	Don't know
Is it easy or difficult to get a complaint form (PCO1):	60 (40%)	26 (17%)	64 (43%)

Q2.5

	Yes	No
Do you know how to make a complaint?	127 (73%)	47 (27%)
Have you made a complaint in this prison?	41 (24%)	133 (76%)
Do you feel <i>complaints</i> are dealt with fairly?	50 (29%)	124 (71%)
Do you feel <i>complaints</i> are dealt with promptly? (within three days)	59 (34%)	115 (66%)
Do you have faith in the complaints system?	45 (26%)	129 (74%)
Would you make a complaint if the situation warranted it?	124 (71%)	50 (29%)

Section 3: Safety

Q3.1

	Yes	No
Have you ever felt unsafe in this prison?	32 (22%)	115 (78%)
Do you feel unsafe in this prison at the moment?	9 (6%)	139 (94%)
In which areas of this prison do you/have you ever felt unsafe? None identified		

Q3.2

	Yes	No
Have you been victimised by another prisoner or group of prisoners here?	24 (18%)	110 (82%)

Q3.3

	Yes	No
Have you been assaulted in this prison?	23 (13%)	151 (87%)
Did you report the incident?	9 (5%)	165 (95%)
Have you been sexually assaulted while in prison?	10 (6%)	164 (94%)
Did it happen at this prison?	3 (2%)	171 (98%)
Did you report the incident?	7 (4%)	167 (96%)

Q3.4 Please answer the following questions about staff in this prison?

	Yes	No
Is there a member of staff you can turn to for help if you have a problem?	145 (91%)	15 (9%)
Do most staff treat you with respect?	123 (87%)	18 (13%)

Section 4: Health

Q4.1 How easy or difficult is it to see the following people:

	Don't know	Easy	Difficult
The doctor	17 (11%)	107 (73%)	23 (16%)
The nurse	4 (2%)	142 (82%)	3 (2%)
The dentist	43 (30%)	42 (30%)	56 (40%)

Q4.2 What do you think of the quality of the health service from the following people:

	Don't know	Good	Bad
The doctor	20 (14%)	121 (82%)	6 (4%)
The nurse	4 (3%)	137 (93%)	7 (5%)
The dentist	55 (40%)	64 (47%)	18 (13%)

	Don't know	Good	Bad
Overall Quality	12 (8%)	122 (86%)	8 (6%)

Q4.3

	Yes	No
Do you have a physical disability?	39 (22%)	135 (78%)
Do you feel supported with your disability needs?	17 (45%)	21 (55%)

Q4.4

	Yes	No
Do you feel you have an emotional well being/ mental health issues?	51 (29%)	123 (71%)
Do you feel supported with your emotional/mental health needs?	36 (63%)	21 (37%)

Section 5: Purposeful Activity

Q5.1 Are you currently involved in any of the following activities? (Please tick all that apply)

Prison job	
Vocational or skills training	69 (30%)
Education (including basic skills)	33 (14%)
Offending behaviour programmes	51 (22%)
CIE employment	48 (21%)
Release to work	none
Not involved in any of these	30 (13%)

Q5.2

	Yes	No
Are you able to access Cultural/ Religious services?	128 (74%)	46 (26%)

Q5.3

	Yes	No
Do you get one hour's fresh air daily? (minimum entitlement)	152 (87%)	22 (13%)

Q5.4

	Don't want to use it	Never	Less than once a week	Once a week	More than once a week
How often do you use the library?	7 (5%)	18 (12%)	31 (21%)	90 (60%)	4 (3%)

Q5.5

	Don't want to use it	Never	1 to 2	3 to 5	More than 5
On average how many times do you go to the gym each week?	41 (27%)	38 (25%)	21 (14%)	36 (24%)	17 (10%)

Q5.6

	Less than 2 hours	2 to less than 4 hours	4 to less than 6 hours	6 to less than 8 hours
On average how many hours do you spend out of your cell on a weekday? (Please include hours at education, at work, showers etc)	6 (4%)	8 (5%)	14 (9%)	122 (81%)

Q5.7

	Yes	No
Have you had any problems with sending or receiving mail?	37 (25%)	111 (75%)
Have you had any problems getting access to the telephones?	12 (8%)	134 (92%)
Are you able to book/ access visits weekly?	114 (81%)	27 (19%)

Appendix 4. Overview of OPCAT – Prisons

In 2007 the New Zealand Government ratified the United Nations 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.

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.

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.

Under section 27 of COTA, an NPM’s functions, in respect of places of detention, include:

1. to examine, at regular intervals and at any other times the NPM may decide, the conditions of detention applying to detainees and the treatment of detainees; and
2. to make any recommendations it considers appropriate to the person in charge of a place of detention:
 - i. for improving the conditions of detention applying to detainees;
 - j. for improving the treatment of detainees;
 - k. for preventing torture and other cruel, inhuman or degrading treatment or punishment in places of detention.

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 clear distinction between the Ombudsmen’s preventive monitoring function under OPCAT and the Ombudsmen’s investigation function under the Ombudsmen Act.

Under COTA, NPMs are entitled to:

1. access all information regarding the number of detainees, the treatment of detainees and the conditions of detention;
2. unrestricted access to any place of detention for which they are designated, and unrestricted access to any person in that place;

3. interview any person, without witnesses, either personally or through an interpreter; and
4. choose the places they want to visit and the persons they want to interview.