

23 September 2020

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Tēnā koe s9(2)(a)

Thank you for your email of 20 July 2020, requesting various information relating to transgender and gender diverse individuals in custody. Your request has been considered under the Official Information Act 1982 (OIA). I apologise for the delay in providing this information to you.

Managing the safety of individuals in custody is one of Corrections' core functions, and a duty we take extremely seriously. We have a range of policies, processes and tools in place to ensure that safety concerns are identified and mitigated. This includes individuals at risk of self-harm, at risk of harm to others and at risk of harm from others.

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

At any one time there are around 30 to 40 people in our prisons who identify as transgender. This accounts for a small percentage of the current total prison population of around 9,100 people, however we acknowledge that transgender individuals are a vulnerable group in prison with complex needs.

In March 2018, Corrections introduced a policy for the management of transgender individuals, with a focus on being more responsive to them and their circumstances. 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.

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.

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 1,500 staff have attended diversity workshops, which focus on building an awareness and understanding of LGBTQIA+ terminology, respecting dignity, and being aware of unconscious bias.

Work is also underway to provide more resources for staff to develop their understanding and more effectively engage with LGBTQIA+ people in custody. This work will continue and be part of the full re-design of the Corrections Officer Development Pathway this year.

Corrections' policy regarding the management and placement of transgender individuals is publicly available, at the following links:

[www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Induction/I.10-Management-of-transgender-prisoners](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Induction/I.10-Management-of-transgender-prisoners)

[www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.05-Transgender-prisoner](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.05-Transgender-prisoner)

You requested the following information:

*How many trans people are currently in prison in New Zealand?*  
*How many trans prisoners, assigned female at birth, are currently in men's prisons.*  
*How many trans prisoners, assigned female at birth, are currently in women's prisons.*  
*How many trans prisoners, assigned male at birth, are currently in men's prisons.*  
*How many trans prisoners, assigned male at birth, are currently in women's prisons.*

35 transgender individuals were identified in custody as at 30 July 2020. Corrections' records indicate that of the 35, 30 are individuals that were assigned male at birth and residing in a male prison. The remaining five individuals were housed in women's prisons and Corrections' records indicate two were assigned female at birth and three were assigned male at birth.

*How many transgender prisoners have applied for a prison placement review between March 1 2018 and July 20 2020.*

*How many prisoners have moved between prisons as a result of a placement review between March 1 2018 and July 20 2020?*

As outlined in section 65B(2) of the Corrections Regulations 2005, an individual can apply for review of determination of their sex to be considered for transfer under the Corrections Regulations 2005. The regulations are designed to preclude an application being made if the individual is considered ineligible. Therefore, any applications that are completed result in approval for transfer.

Six transgender individuals have completed applications for a prison placement review during the 2018/19 and 2019/20 financial years. Two were subsequently withdrawn by the applicants prior to transfer.

*How many trans prisoners, in all prisons, are currently housed in a cell on their own?*

*How many trans prisoners, in all prisons, are currently housed in a shared cell?*

*How many trans prisoners, in all prisons, are currently in a self care unit?*

As at 30 July 2020, 33 transgender individuals were housed in their own cells, while the remaining two were housed together in a shared cell.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these 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.

Please note that this response may be published on Corrections' website. Typically, responses are published monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Ngā mihi nui

A blue ink handwritten signature, appearing to read 'Rachel Leota', with a long horizontal flourish extending to the right.

Rachel Leota  
National Commissioner