

12 May 2021

C133751

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your email of 25 March 2021, requesting information about individuals held in segregation at prison. Your request has been considered under the Official Information Act 1982 (OIA).

Corrections is committed to the safe and humane management of people in prisons. All prison facilities are operated in accordance with New Zealand legislation and based on other agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners. People in prison who are segregated are provided with minimum entitlements as set out in the Corrections Act 2004. They also have regular and ongoing contact with Corrections staff, including our health services staff and mental health professionals as required.

In accordance with sections 58 to 60 of the Corrections Act 2004 (the Act), people in prison can be lawfully denied association with other prisoners if:

- their behaviour presents a risk to the security of the prison;
- the safety of others;
- the prison's Health Centre Manager considers that it is necessary to assess or ensure their mental or physical health; or,
- the Prison Director feels it is the only reasonable way to keep the prisoner safe from themselves.

The Corrections Act 2004 is publicly available on the New Zealand legislation website at the following link:

www.legislation.govt.nz/act/public/2004/0050/latest/DLM294849.html.

People in prison have the ability to request to be placed in voluntary segregation for the purpose of protective custody if they fear for their own safety, or if it is deemed to be in the best interests of the individual, such as removing them from gang members as the individual tries to rehabilitate away from that lifestyle. People who are placed in voluntary segregation are accommodated in units that house other people subject to voluntary segregation, who they are able to associate with. Those on voluntary segregation can withdraw from the units at any time.

Prison directors have a responsibility to ensure everyone is safe and the public are protected. The option to place people on directed segregation is a preventative measure to a known or potential risk. Being placed on directed segregation does not serve as a punishment. Rather, it is to ensure the safety of themselves and others.

Violence can take many forms, and can include stand-overs, threats, emotional and verbal abuse. Incidents of violence can happen suddenly and for no apparent reason or be a continuous, prolonged campaign against an individual or group. This can be against staff or other prisoners. Directed segregation is a management tool used when appropriate to protect all people in prison from those who seek to do harm.

When making decisions on the segregation of people in custody, Prison Directors consider a range of available factors, information and intelligence, and use their professional judgement in reaching such decisions.

Further information about the segregation of people in prison can be found in the Prison Operations Manual, which can be found on Corrections' website at the following link:

www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.07-Segregation-of-prisoners.

You requested:

*The total number of prisoners held in segregation from 2011 until today, broken down by year and by prison
Please also provide the context for each case - i.e held in segregation for their own safety, for other prisoners' safety and whether it was voluntary, requested or directed by prison management.*

Please find the requested information attached as Appendix One. Note that the information has been provided by financial year, consistent with our reporting conventions. Individuals who had multiple periods of segregation in the same prison and under the same segregation type are counted only once.

Some prisons opened and some closed during the requested period of time.

Prior to the implementation of the Corrections Amendment Act 2019 (CAA), section 60(1)(b) of the Corrections Act 2004 allowed for the segregation of individuals either to assess or ensure their mental health or if they were deemed to be at risk of self-harm. All data in the Appendix for individuals segregated under section 60(1)(b) up until the introduction of the CAA, which was 28 April 2020, therefore includes individuals who were segregated due to being deemed at risk of self-harm, as well as individuals who were segregated to assess or ensure their mental health.

However, the CCA amended section 60(1)(b) to remove the segregation of individuals deemed to be at risk of self-harm and only allowed for individuals to be segregated to assess or ensure the individual's mental health. Following the introduction of the CAA, individuals in prison who are deemed to be vulnerable to self-harm are managed outside the segregation regime.

The number of individuals on segregation are not comparable between prison sites due to operational and population size differences. Prisons vary in their population capacity, the security classifications of individuals held there, and the number of remand or sentenced people held. Quarterly population statistics for each prison are available at: www.corrections.govt.nz/resources/statistics/quarterly_prison_statistics.

The number of individuals at a prison who are on segregation can fluctuate between years for a variety of reasons. This includes the constantly changing prison population and the volatile and unpredictable nature of many of the people in prison. For example, all individuals in prison who assault staff or other people in prison will be placed on segregation, and increases in assault levels in prisons will therefore result in an increase in individuals in prison. Increases in segregation will also occur following wide-scale incidents, including the Spring Hill Corrections Facility riot in 2013 and prisoner fighting that occurred at Mt Eden Corrections Facility.

The longest continuous period spent in segregation by an individual inmate

As at 31 March 2021, the longest continuous period of any category of directed segregation was 27 months, and the longest continuous period of voluntary segregation was 124 months. Periods of segregation broken by two or fewer days have been combined, consistent with our standard reporting conventions.

As noted above, people in prison who are in voluntary segregation have requested to be segregated and can remove this request at any time. Those on directed segregation need to meet the criteria in the Act, including posing a threat to the safety of others or posing a risk to the security of the prison, and their segregation is continually reviewed to assess their ongoing need to be segregated. These individuals continue to be provided with the same minimum entitlements as other people in prison, as set out in the Corrections Act 2004.

The average time spent in segregation

For periods of segregation that ended on or before 31 March 2021, the average length of directed segregation was 18 days and the average length of voluntary segregation was 103 days. Periods of segregation broken by two or fewer days have been combined, consistent with our standard reporting conventions.

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. Should you have any concerns with this response, I would encourage you to raise them 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



Rachel Leota
National Commissioner