

17 October 2022

C157500



Tēnā koe 

Thank you for your email of 7 September 2022 to the Ministry of Justice, requesting information about sexual assaults in prisons. Your request was transferred to the Department of Corrections – Ara Poutama Aotearoa on 8 September 2022 in accordance with section 14 of the Official Information Act 1982 (OIA).

Corrections takes its duty of care to staff and people in prison extremely seriously. We are constantly working to provide the safest possible environment in prisons, including encouraging staff and people in prison to report all assaults.

When an allegation of sexual assault is made by a person in prison, we act to ensure that the alleged victim is safe, supported and that Police are notified. Support may be provided by Health Services staff, a chaplain or other spiritual support person, a kaiwhakamana or other cultural support person, senior staff or the person's family and friends. We work closely with Police to ensure that they have access to all information and evidence that may assist any criminal investigation they are undertaking.

We make sure that people in prison are aware of the many ways in which they can alert staff to any concerns for their safety. This includes using their cell alarm when they are in their cell, or making a disclosure directly to staff, via a family member or friend, or by contacting an Inspector, the Office of the Ombudsman or anonymous crime reporting line Crimestoppers. We appreciate that for someone in prison, raising a concern about a sexual assault may be very difficult, which is why there are a number of avenues available.

We also have comprehensive policies, processes, and tools in place to identify and mitigate concerns about safety when placing a person in a shared cell.

Corrections' staff use a comprehensive assessment tool called the Shared Accommodation Cell Risk Assessment (SACRA) to review the compatibility of people in prison before they are placed in a shared cell. This tool does not replace staff judgement but helps to inform their decision-making and minimise any potential risk. The SACRA tool identifies key risk factors to consider before placing a person in a shared cell. The assessment captures a range of information about the person, including their age, security classification, offending history, history of imprisonment, gang affiliation, notable physical characteristics, mental health

concerns and any other special needs. A copy of the SACRA compatibility guidelines is available on our website at: [www.corrections.govt.nz/ data/assets/pdf file/0016/6460/I.08.Res.01-v.04-280817.pdf](http://www.corrections.govt.nz/data/assets/pdf_file/0016/6460/I.08.Res.01-v.04-280817.pdf).

As the prison population has reduced in recent years (from a peak of 10,820 people in March 2018 to 7,958 as at 22 September 2022) we have been able to reduce our use of double bunking. In March 2018 4,636 prisoners (43% of the then prison population) were sharing cells and 2,420 prisoners (31% of the prison population as at 22 September 2022) are sharing now.

Assaults on our staff are completely unacceptable. Frontline staff come to work every day to keep New Zealanders safe. They do an exceptional and brave job in often very challenging circumstances. Staff are encouraged to report all assaults, and we take all possible steps to support any member of staff who been the subject of a sexual assault. This can include supporting them to report the assault to Police. We also have the Employee Assistance Programme (EAP), which is a service available for all Corrections staff and their families free of charge. EAP is a confidential service provided by an independent company and is delivered by qualified, registered and highly experienced professionals. More information about EAP can be found here: <https://www.eapservices.co.nz/about-m%C5%8D-eap-services/>.

Corrections also has eight staff welfare coordinators, two for each region: Northern, Central, Lower North and Southern. They provide extra support to staff who have more complex needs, whether for work-related or personal reasons. The staff welfare coordinators support peoples' needs when a significant event has taken place and when staff and/or their family need more intensive support. They provide a wraparound approach, to ensure that all relevant parties are working together in a coordinated way to provide support. Staff are also encouraged to seek help from their local doctor, District Health Board or Community Mental Health Team as required.

We also have Post Incident Response Team (PIRT) officers who provide immediate wellbeing support to their peers who have been involved in or exposed to an incident, such as a physical or sexual assault. This can include individual peer support and trauma support through referral from Regional HR manager, EAP counsellor or the employee's manager to an appropriate external expert.

People who commit sexual assaults against staff or other prisoners are held to account, such as through the misconduct system, a change in security classification or a referral to Police for investigation.

We work closely with the Police to ensure they have access to information or evidence that may assist any criminal investigation. For further information on why the Police may not be able to progress with a complaint, please contact the Police.

You requested:

In the past ten years how many reports of sexual violence inside prisons have the Ministry of Justice received? Could this data be displayed by year, gender of the complainant, and prison the report was received in.

How many sexual violence reports have been made by staff?

How many sexual violence reports have been made by trans and gender-diverse prisoners?

Please refer to Appendix One, which provides you with the following information:

- Number of reported prisoner on prisoner sexual assaults, by category and year
- Number of reported prisoner on prisoner sexual assaults, by location, gender and year
- Number of reported prisoner on staff sexual assaults, by location, gender and year
- Number of reported sexual assaults on transgender people, by year

These figures include sexual assaults that did not result in Police charges being laid, as well as those where Police did lay charges. In accordance with Corrections' standard reporting conventions, figures are provided by financial year.

Please note that for the requested information, we have considered whether information should be withheld in accordance with section 9(2)(a) of the OIA, to protect the privacy of natural persons. This is due to many instances where a single allegation at a prison is made in a financial year. Corrections have weighed this privacy interest against the public interest considerations of transparency, accountability and the administration of justice as required by section 9(1) of the OIA. Corrections believes these considerations outweigh the privacy interest.

How many trans and gender-diverse people are inside Aotearoa's prisons?

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, around 30 to 40 people in our prisons identify as transgender. This accounts for a small percentage of the current total prison population of around 7,900 people. However, we acknowledge that transgender individuals in prisons 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 a person is transgender during their initial reception process, or at any other point in

their management, an alert is placed on their electronic file. Each transgender person 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 person 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 with other Government agencies such as New Zealand 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

As at 13 September 2022, there were 38 transgender people in prisons.

Could I please have a copy of the policy prison staff are required to follow when a sexual violence report is made?

Attached is a copy of Corrections' Responding to Sexual Assault in Custody policy.

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 (acting)

ALL SEXUAL ASSAULTS - summary by financial year

This page shows statistical information on the:

Number of reported sexual assaults, by category

Financial Year	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15
Prisoner on Prisoner	11	11	16	20	16	14	10	8
Prisoner on Staff	6	15	7	14	9	6	10	1
All sexual assaults	17	26	23	34	25	20	20	9

Number of reported sexual assaults, by location, by gender

Location	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15
Auckland Prison		1				1	2	
Auckland South Corrections Facility	2		2	8	3		2	1
Christchurch Men's Prison	1	1		8	6	5	2	2
Hawke's Bay Regional Prison	1	2		5	6	2	2	
Invercargill Prison				2	1	1	1	2
Manawatu Prison	1	1	1	1	1		1	
Mt Eden Corrections Facility	3	5	4	3	3	3	6	2
Northland Region Corrections Facility	3					1		
Otago Corrections Facility	1	4	4	1	2			
Rimutaka Prison		1	2	1		3		
Rolleston Prison		1						
Spring Hill Corrections Facility	2	5	2	2	1	2		
Tongariro Prison			1				1	1
Waikeria Prison	2	4	5	2	2	1	2	1
Whanganui Prison								
Total male prisons	16	25	21	33	25	19	19	9
Arohata Prison			1			1		
Auckland Region Women's Corrections Facility		1	1				1	
Christchurch Women's Prison	1			1				
Total female prisons	1	1	2	1	0	1	1	0
Total all prisons	17	26	23	34	25	20	20	9

PRISONER ON STAFF SEXUAL ASSAULTS - summary by financial year

This page shows statistical information on the:

Number of reported sexual assaults, by reporting sub-category


Financial Year	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15
Prisoner on Staff	6	15	7	14	9	6	10	1

Number of reported Prisoner on staff sexual assaults, by location, by gender

Location	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15
Auckland Prison		1					2	
Auckland South Corrections Facility	2		1	4				
Christchurch Men's Prison		1		1	1			
Hawke's Bay Regional Prison		2		2	5	2	2	
Invercargill Prison								
Manawatu Prison		1		1	1		1	
Mt Eden Corrections Facility	2	3	2	3	1	1	3	1
Northland Region Corrections Facility	1					1		
Otago Corrections Facility								
Rimutaka Prison		1		1		1		
Rolleston Prison								
Spring Hill Corrections Facility	1	5		1	1	1		
Tongariro Prison			1					
Waikeria Prison		1	3	1			2	
Whanganui Prison								
Total male prisons	6	15	7	14	9	6	10	1
Arohata Prison								
Auckland Region Women's Corrections Facility								
Christchurch Women's Prison								
Total female prisons	0	0	0	0	0	0	0	0
Total all prisons	6	15	7	14	9	6	10	1

Number of reported sexual assaults on Transgender people

Financial Year	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	Total
Sexual assaults on Transgender people						1	1				2

<h1>Responding to Sexual Assault in Custody</h1> 	
Date: March 2022	Next Review Date: March 2023
Updated: June 2022	Owner: National Operations Director

1. Purpose

To provide guidance to staff when responding to an alleged recent or past disclosure of sexual assault

Please note: Health are not required to carry out a formal sexual assault assessment or medical examination; this should always be referred to a Sexual Abuse Assessment and Treatment Service (SAATS).

2. Response

In an acute situation provide emergency care and/or immediate first aid.

Custodial are responsible for cordoning off as appropriate the area the alleged assault took place in, as a crime scene for police.

All conversations after an alleged sexual assault takes place in a private area, where the conversation cannot be overheard, and by the most appropriate clinician available.

During this conversation provide reassurance and support using statements such as:

- I'm sorry this has happened to you. So that I can help you, I need to ask a couple of questions, can you tell me what has happened to you, when this happened to you?
- Do you have any pain? Or tell me about any symptoms you have?
- Can we arrange for you to talk to the Sexual Assault Assessment team who can make sure you're ok and help deal with any concerns you may have about your health?
- The Sexual Assault Assessment Team will talk you through your options. One of these is to have a physical exam and evidence collection
- The Department of Corrections is obliged to inform police (*Custody will do this*) but you have the choice as to whether you want to speak with police or not

2.1. Sexual Abuse and Assessment Team (SAATS)

SAATS provide specialist sexual assault medical services to people of all ages and genders who may have experienced sexual assault.

The local SAATS is contacted for advice in all instances.

With consent, arrangements can be made for a sexual assault assessment.

Contact with the local SAATS is usually done by calling the local DHB operator and asking to be put through to the SAATS Team or search here [Find a specialist sexual assault medical service](#)

2.2. Decline SAATS Team Assessment

If a person declines an assessment from the SAATS then offer to arrange a consultation by phone.

If the person declines any involvement with the SAATS then the medical officer is notified, and an appointment booked urgently.

The medical officer will provide a general medical assessment (not a sexual assault assessment) which will involve

- Assessment, treatment, and documentation of any injuries
- Completion of ACC 45
- Record in Classifications using READ code SN571

All documentation is written in a clear and factual manner. Noting how the person presents, any injuries and exactly what they tell you happened verbatim.

3. Preparation

Use [Getting Specialist Medical Health After Sexual Assault](#) as a guide to help prepare the person to meet with the SAATS team. A copy is given to the person as well

3.1. Preserving Evidence

When a person agrees to a SAATS assessment and/or wishes to involve the police, it is important to preserve DNA, semen and trace evidence, which deteriorates over time, and may be lost with washing or contact with other people or through medical interventions.

If possible, ensure the person does NOT do any of the following

- wash
- change clothes
- pass urine (If need to advise not to wipe and also collect a urine sample)
- pass a bowel motion
- eat and/or drink
- brush hair and/or teeth
- rinse mouth.

All items of interest (sheets, clothing etc) from the cell or place of assault are placed into an evidence bag by Custody Officers using clean gloves.

4. Transfer for Assessment

If the advice from the SAATS team is for an assessment to take place off site, then arrangements are made following the transfer of a patient procedure.

Depending on local arrangements, off site examinations may be done at a sexual health clinic, an emergency department, a dedicated sexual assault clinic, or at a police station.

Sexual Assault examinations may also be conducted on-site if suitable medical examination rooms are available (e.g., all surfaces can be wiped down to prevent DNA decontamination) and if the local SAATS are able to travel to the site.

Health Services ensures that prison security is aware of the patients' appointment and are mindful that Officers escorting are sensitive to the situation.

5. Custody during Assessment

It is preferable that Custody Officers are not in the room during an exam. If they must be in the same room, they can stand behind a curtain or outside the door and/or long chains are used if required.

Corrections health services staff are able to support the person during an assessment if consent is gained, but they do not provide any custodial / security duties while in the room.

6. Notification

The Health Centre Manager is notified as soon as possible.

Due to the potential for continued or future assault, then the Prison Director and Security Principal Custody Officer are notified by the Health Centre Manager as soon as possible.

7. Follow Up

Ensure all Health Services notes are documented in the electronic clinical file.

Refer to site Clinical Nurse Specialist or Intervention Support Program team for guidance.

Refer, if consented, to external support groups / counselling.

Welfare checks are scheduled in consultation with mental health services and the person concerned.

Welfare checks are preferably made by the same person or by a small group of staff members to provide continuity and to prevent re-traumatisation.

8. Other Policies, Legislation and Related Documents

The following policies, legislation and documents should be considered when reading this policy:

[Informed Consent](#)