

12 August 2020

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Tēnā koe s9(2)(a)

Thank you for your email of 5 June 2020, requesting information about assaults and the use of force in prison. Your request has been considered under the Official Information Act 1982 (OIA).

As you will appreciate, we manage some of New Zealand's most dangerous people in an environment that can be complex and challenging. Accordingly, Corrections invests significantly in the health and safety of our staff. We have a number of processes in place to safeguard the welfare of staff and people in prison, and resources available for staff requiring additional support. We have a zero-tolerance policy toward violence of any kind.

Our staff recognise the importance of knowing and understanding people in prison, and actively engage with them to reinforce positive behaviour. Staff anticipate and attempt to resolve problems through the active management of people in prison, and are trained in de-escalation techniques, and interpersonal and tactical communication skills. The goal is always to manage a potentially volatile situation in a manner that minimises the likelihood of violent behaviour.

While Corrections considers no assault to be acceptable, we acknowledge the reality that these incidents do occur, and that prisons can be difficult environments. Over 75 percent of the prison population have convictions for violence in their offending histories, and gang members are disproportionately identified as responsible for assaults in prison.

The reality is the threat of violence is something we cannot eliminate entirely, but we do everything possible to minimise this risk. We have invested significantly in training and tools to keep our staff safe. This includes tactical skills, such as de-escalation, through to the introduction of stab resistant body armour, on body cameras and the expanded deployment of pepper spray.

Prisons hold regular Multi-Disciplinary Team meetings which have input from Corrections' Intelligence Team. This meeting discusses the placement of high profile/complex needs people in prison and who they can potentially mix with. This can help to reduce the influence of gangs, violence and victimisation.

People in prison who are deemed to be at risk of violence can be segregated from the mainstream prison population for their own safety and security. People in prison can also ask to be placed on voluntary segregation if they feel they are at risk from other individuals. They may also be segregated if they pose a risk to other people in prison.

Prisons regularly review assault incidents to determine whether similar occurrences can be prevented in future. If there are lessons to be learned these are relayed to staff as part of Corrections' commitment to keep staff, people in prison and the public safe.

The Prisoner Tension Assessment Tool (PTAT) is used by all prisons. This has been in operation in its current form since late 2017 and is one of the critical controls in place for managing the risk of violence. The PTAT uses indicators from staff observations, experiences and interactions with people in prison to reflect tension in a unit. It helps Prison Directors and their staff identify potential safety threats or operational risks. It contributes towards creating a safer environment for both staff and people in prison by allowing staff to identify and take appropriate steps toward managing any potential increase in tension before it escalates.

We take strong action to ensure that people in prison are held to account for their behaviour whenever they use violence. We also support staff and people in prison who have been the victims of assault and provide assistance in reporting the incident to the New Zealand Police. Police determine whether or not criminal charges will be laid in relation to an assault. People in prison who use violence can also be charged through the internal misconduct system.

You requested:

1. *What is the reported assault level against both staff and people in prison over the past five years in all of your 19 prisons? please divide the reported assaults for each prison in a table like so:*
  - *prisoner on staff assault with no injury*
  - *prisoner on prisoner assault with no injury*
  - *prisoner on staff assault with non-serious injury*
  - *prisoner on prisoner assault with non-serious injury*
  - *prisoner on staff assault with serious injury*
  - *prisoner on prisoner assault with serious injury*



Please see attached as Appendix One the requested information.

Note that assault incidents in prisons are categorised as follows:

- No injury – victim subjected to physical violence that did not result in physical injuries or require any form of medical treatment (e.g. kicking, shoving, jostling, striking, or punching that did not result in injury);
- Non-serious – victim subjected to physical violence that resulted in physical injuries that may have required medical treatment, and/or overnight hospitalisation as part of initial assessment or medical observation but not on-going medical treatment (e.g. blood nose, x-ray required, cuts requiring minimal stitches, gouging, or bites);
- Serious – an act of physical violence that involves one or more of the following: bodily harm requiring medical intervention by medical staff followed by overnight hospitalisation (beyond initial assessment or medical observation) in a medical facility; bodily harm requiring extended periods of ongoing medical intervention; or sexual assault of any form and degree where Police charges are laid.

*2. How many reported use of force incidents have been reported over the past five years in all of your 19 prisons? Please divide the use of force incidents in a table like with the type of force:*

- *pepper spray*
- *use of force - spontaneous*
- *control and restraint team is assembled and force is used*

*If you have any other uses of force on record please include them.*

Please see attached as Appendix Two the requested information.

When reviewing these figures, caution is urged when comparing rates between prisons, due to their differences in size and operational requirements. Quarterly prison populations for each prison can be found on our website, at: [www.corrections.govt.nz/resources/research\\_and\\_statistics/quarterly\\_prison\\_statistics](http://www.corrections.govt.nz/resources/research_and_statistics/quarterly_prison_statistics).

I will also provide some contextual information regarding use of force that should be taken into account when reporting on the figures provided.

In accordance with section 83 of the Corrections Act 2004 (the Act), the use of physical force is limited to the minimum degree reasonable and necessary to resolve a situation as promptly and as safely as possible. It can only be used if there are reasonable grounds to believe the use of force is necessary. Examples of this include: in self-defence, in the case of an escape, to prevent property damage, or in response to resistance to a lawful order.

Whenever practical before the use of force, approval from the Prison Director or an authorised manager must be given. Force is not used as a means of punishment and can only be used once prison staff have exhausted every effort to communicate with the individual to diffuse a situation. The use of force is only considered when all other reasonable alternatives have been attempted or, in extreme circumstances, when all other reasonable alternatives are considered inappropriate due to the nature of the situation. Force must be discontinued at the first safe opportunity once control is regained.

Control and Restraint is the name of the intervention strategy used to bring a person under control. Control and Restraint involves the use of approved techniques to bring a person under control and will only be utilised in situations consistent with the Act.

All custodial staff are trained in the use of physical holds to restrain offenders. Physical holds can only be used by staff members with adequate training in the use of that hold. All staff must undergo refresher courses at least every 12 months. Each of these training sessions reinforces legal requirements and principles underpinning the use of force.

Every opportunity must be taken to de-escalate the situation and only as a last resort should control and restraint techniques be used. The use of force will be proportionate to the circumstances and the degree of resistance given by the individual. The range of techniques to be used in the restraint of a violent prisoner has been broadened in recent years to ensure that the appropriate level of force is used, depending on the level of violence, including wrist locks and arm locks.

Prisons are a dynamic environment and many incidents that occur in prisons are spontaneous. These can happen when staff answer personal alarms, radio messages or staff shouting for assistance. Types of spontaneous incidents include assaults (either on staff or prisoners) or escape attempts. Spontaneous use of force may be utilised by an officer where it is determined that it is necessary in the situation to not wait to have the Control and Restraint team deployed and it is evaluated to be the most appropriate tactical option.

The use of force can also include pepper spray. Pepper spray can be the least harmful way of responding, by temporarily incapacitating the prisoner, making it easier and safer to restrain and relocate them.

Pepper spray may be issued only to an officer who has received adequate training in its use. Officers trained in the use of pepper spray must undergo refresher courses at least once a year.

The officer must use the pepper spray in a way that minimises pain or injury to the prisoner, so far as that is consistent with protecting prison security or the safety of any person. Once compliant, the prisoner is relocated, decontaminated and assessed by health staff for any unexpected reaction.



Pepper spray has proven to be an effective tactical tool to protect the safety of staff and prisoners. There is less risk of harm with pepper spray than with standard use of force procedures. Individually carried pepper spray (ICP) is used to de-escalate situations such as prisoners fighting in the yard and refusing to stop, prisoners refusing to return to their cells and displaying aggressive behaviour towards staff, and prisoners damaging property and using broken glass as a weapon.

In the 2018/19 financial year, there were over 100 incidents involving individually-issued pepper spray. However, less than one quarter of these resulted in the actual use of pepper spray – in the majority of incidents the presentation of pepper spray, not its use, was enough to de-escalate the situation.

After force is used, a prisoner subjected to the use of physical force is placed on 15 minute observations until their at-risk status has been reviewed. Within three hours of the incident, the prisoner is examined by a registered health professional and interviewed by prison management. Staff involved in the use of force meet immediately after the incident. They have access to medical, emotional and psychological support and the prison's post incident response team.

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

Rachel Leota  
National Commissioner

## Appendix One - Assaults in Prison 2015/16 to 2019/2020 (as at 31 May 2020)

FACILITY	Prisoner on Prisoner Assault- No Injury					Prisoner on Prisoner Assault- Non-Serious					Prisoner on Prisoner Assault- Serious				
	2015/16	2016/17	2017/18	2018/19	2019/20	2015/16	2016/17	2017/18	2018/19	2019/20	2015/16	2016/17	2017/18	2018/19	2019/20
AROHATA PRISON	3	9	9	18	20	10	7	14	12	14	0	0	0	0	0
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	19	24	39	39	40	33	49	47	63	45	1	0	1	0	1
AUCKLAND SOUTH CORRECTIONS FACILITY	16	35	45	69	64	67	53	25	13	8	3	1	2	4	3
AUCKLAND PRISON	9	11	23	15	6	34	23	34	24	16	4	4	14	5	2
CHRISTCHURCH MEN'S PRISON	40	49	41	71	59	49	59	76	74	69	8	3	11	7	5
CHRISTCHURCH WOMEN'S PRISON	14	12	6	12	12	22	11	10	16	11	1	0	0	0	0
HAWKE'S BAY PRISON	27	39	37	51	32	44	56	52	48	47	5	2	1	7	2
INVERCARGILL PRISON	15	5	10	14	20	13	9	15	13	20	1				2
MANAWATU PRISON	17	10	18	8	15	27	30	30	30	58	1	3	2	4	3
MT EDEN CORRECTIONS FACILITY	54	60	43	72	121	172	173	125	123	129	6	5	4	2	2
NEW PLYMOUTH REMAND CENTRE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NORTHLAND REGION CORRECTIONS FACILITY	6	9	15	22	32	27	29	22	15	31	0	1	0	1	0
OTAGO PRISON	13	19	27	29	38	24	24	26	33	33	1	0	1	2	5
RIMUTAKA PRISON	35	49	59	48	49	76	71	88	65	73	8	1	1	9	6
ROLLESTON PRISON	5	2	0	3	1	4	3	9	1	4	0	0	0	0	0
SPRING HILL CORRECTIONS FACILITY	17	19	25	23	18	37	80	75	75	45	1	3	1	1	4
TONGARIRO PRISON	5	6	4	6	6	8	3	10	9	2	1	0	0	0	1
WAIKERIA PRISON	11	17	28	16	16	33	54	47	48	42	1	2	2	2	2
WHANGANUI PRISON	23	14	15	23	24	31	29	30	30	30	3	0	2	2	1



FACILITY	Prisoner on Staff Assault- No Injury					Prisoner on Staff Assault- Non-Serious					Prisoner on Staff Assault- Serious				
	2015/16	2016/17	2017/18	2018/19	2019/20	2015/16	2016/17	2017/18	2018/19	2019/20	2015/16	2016/17	2017/18	2018/19	2019/20
AROHATA PRISON	3	6	12	6	18	2	2	9	1	6	0	0	0	0	0
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	19	21	37	31	35	12	10	17	23	25	1	0	1	1	2
AUCKLAND SOUTH CORRECTIONS FACILITY	19	26	33	71	102	16	11	13	4	5	2	0	5	0	2
AUCKLAND PRISON	45	22	30	40	66	16	20	22	28	33	1	8	1	5	1
CHRISTCHURCH MEN'S PRISON	20	12	20	48	57	13	15	12	17	36	0	6	0	3	2
CHRISTCHURCH WOMEN'S PRISON	6	6	5	9	11	5	5	3	5	5	0	0	0	1	0
HAWKE'S BAY PRISON	31	31	19	30	23	8	23	17	10	12	3	2	0	2	1
INVERCARGILL PRISON	8	4	7	6	7	1	0	0	1	4	0	0	0	0	0
MANAWATU PRISON	7	14	27	28	16	5	11	9	13	24	3	0	2	0	0
MT EDEN CORRECTIONS FACILITY	48	41	45	37	55	38	43	30	40	47	1	2	0	2	4
NEW PLYMOUTH REMAND CENTRE	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0
NORTHLAND REGION CORRECTIONS FACILITY	14	15	10	19	11	8	7	10	12	3	0	0	1	1	1
OTAGO PRISON	15	8	21	9	19	6	4	7	9	9	0	0	1	4	3
RIMUTAKA PRISON	17	20	13	17	26	18	10	13		29	2	2	0	2	1
ROLLESTON PRISON	1	2	1	0	0	1	0	0	0	0	0	0	0	0	0
SPRING HILL CORRECTIONS FACILITY	13	15	15	16	14	9	14	10	10	25	0	1	0	1	0
TONGARIRO PRISON	1	1	5	3	0	1	0	2	1	0	0	0	0	2	0
WAIKERIA PRISON	13	9	35	24	26	11	6	17	17	18	2	0	1	2	1
WHANGANUI PRISON	14	3	17	22	23	6	3	13	13	10	2	1	0	3	0

Assault category definitions:

- **No injury** – victim subjected to physical violence that did not result in physical injuries or require any form of medical treatment (e.g. kicking, shoving, jostling, striking, or punching that did not result in injury);
- **Non-serious** – victim subjected to physical violence that resulted in physical injuries that may have required medical treatment, and/or overnight hospitalisation as part of initial assessment or medical observation but not on-going medical treatment (e.g. blood nose, x-ray required, cuts requiring minimal stitches, gouging, or bites);
- **Serious** – an act of physical violence that involves one or more of the following: bodily harm requiring medical intervention by medical staff followed by overnight hospitalisation (beyond initial assessment or medical observation) in a medical facility; bodily harm requiring extended periods of ongoing medical intervention; or sexual assault of any form and degree where Police charges are laid.



## Appendix Two - Use of Force incidents in prisons – 2015/16 to 2019/20 (As at 31 May 2020)

Prison	C&R team formed but not deployed					Control and Restraint				
	2015/16	2016/17	2017/18	2018/19	2019/20	2015/16	2016/17	2017/18	2018/19	2019/20
AROHATA PRISON	0	1	0	0	0	1	1	1	0	2
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	0	0	3	1	4	1	1	8	2	11
AUCKLAND SOUTH CORRECTIONS FACILITY	2	0	1	2	3	0	17	11	8	11
AUCKLAND PRISON	5	2	8	13	17	5	5	3	5	15
CHRISTCHURCH MEN'S PRISON	11	4	6	6	10	5	5	5	11	15
CHRISTCHURCH WOMEN'S PRISON	2	0	0	1	0	0	0	1	0	6
HAWKE'S BAY PRISON	15	11	2	7	6	7	10	1	5	6
INVERCARGILL PRISON	0	1	1	0	2	1	0	1	1	2
MANAWATU PRISON	2	1	1	0	2	0	6	1	3	3
MT EDEN CORRECTIONS FACILITY	6	1	1	1	0	1	10	8	10	36
NORTHLAND REGION CORRECTIONS FACILITY	3	0	3	4	2	1	1	2	6	6
OTAGO CORRECTIONS FACILITY	3	2	2	2	2	2	6	4	6	6
RIMUTAKA PRISON	0	1	1	1	1	3	1	3	9	2
ROLLESTON PRISON	1	0	0	0	0	0	0	0	0	0
SPRING HILL CORRECTIONS FACILITY	0	2	1	0	0	1	4	1	1	6
TONGARIRO PRISON	2	0	0	0	0	1	0	0	0	0
WAIKERIA PRISON	0	1	1	8	4	3	1	10	12	15
WHANGANUI PRISON	3	1	1	1	1	1	1	2	0	2

Prison	Non-threatening Physical Contact					Use of Force - Spontaneous				
	2015/16	2016/17	2017/18	2018/19	2019/20	2015/16	2016/17	2017/18	2018/19	2019/20
AROHATA PRISON	1	5	25	10	17	10	17	16	14	27
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	9	23	16	36	20	60	30	110	85	79
AUCKLAND SOUTH CORRECTIONS FACILITY	6	6	17	43	63	44	57	80	52	86
AUCKLAND PRISON	23	24	55	56	72	72	94	65	71	110
CHRISTCHURCH MEN'S PRISON	31	28	29	48	48	78	83	76	75	126
CHRISTCHURCH WOMEN'S PRISON	10	4	1	4	7	16	16	10	18	12
HAWKE'S BAY PRISON	20	19	11	18	49	37	52	29	40	63
INVERCARGILL PRISON	33	18	30	31	33	16	12	18	23	19
MANAWATU PRISON	8	7	33	33	25	38	34	57	45	54
MT EDEN CORRECTIONS FACILITY	34	36	65	72	62	112	85	153	224	308
NORTHLAND REGION CORRECTIONS FACILITY	15	16	18	30	15	32	27	46	31	34
OTAGO CORRECTIONS FACILITY	26	17	13	13	11	42	32	44	36	40
RIMUTAKA PRISON	20	37	34	35	31	85	100	103	107	115
ROLLESTON PRISON	0	1	1	0	1	2	1	1	2	3
SPRING HILL CORRECTIONS FACILITY	6	19	10	14	25	26	52	83	72	74
TONGARIRO PRISON	0	0	2	2	0	5	1	1	1	0
WAIKERIA PRISON	22	5	10	10	8	57	52	88	56	67
WHANGANUI PRISON	48	46	55	60	66	53	35	51	53	86



Prison	Pepper Spray Drawn, Not Used					Pepper Spray ICP				
	2015/16	2016/17	2017/18	2018/19	2019/20	2015/16	2016/17	2017/18	2018/19	2019/20
AROHATA PRISON	0	0	0	1	7	0	0	0	2	4
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	0	0	3	11	15	0	0	3	22	19
AUCKLAND SOUTH CORRECTIONS FACILITY	0	0	0	13	28	0	0	0	14	12
AUCKLAND PRISON	0	0	15	19	58	0	1	14	23	49
CHRISTCHURCH MEN'S PRISON	0	0	8	93	80	1	1	6	32	48
CHRISTCHURCH WOMEN'S PRISON	0	0	0	0	2	0	0	2	2	1
HAWKE'S BAY PRISON	0	0	22	29	34	2	0	4	13	18
INVERCARGILL PRISON	0	0	13	18	17	0	0	5	12	5
MANAWATU PRISON	0	0	2	35	23	0	0	0	9	9
MT EDEN CORRECTIONS FACILITY	0	0	4	22	40	0	0	0	10	41
NORTHLAND REGION CORRECTIONS FACILITY	0	0	0	31	33	1	0	0	16	25
OTAGO CORRECTIONS FACILITY	0	0	23	37	33	2	2	11	16	15
RIMUTAKA PRISON	0	0	27	44	83	0	0	1	9	31
ROLLESTON PRISON	0	0	0	0	1	0	0	0	0	0
SPRING HILL CORRECTIONS FACILITY	0	0	0	33	36	0	0	0	20	34
TONGARIRO PRISON	0	0	0	3	0	0	0	0	0	0
WAIKERIA PRISON	0	0	2	31	25	0	0	2	19	9
WHANGANUI PRISON	0	0	6	7	31	0	0	2	4	9

Prison	Pepper Spray Planned Use				
	2015/16	2016/17	2017/18	2018/19	2019/20
AROHATA PRISON	0	0	0	0	0
AUCKLAND REGION WOMEN'S CORRECTIONS FACILITY	0	0	0	0	5
AUCKLAND SOUTH CORRECTIONS FACILITY	0	0	0	0	2
AUCKLAND PRISON	0	0	0	0	1
CHRISTCHURCH MEN'S PRISON	0	0	0	0	8
CHRISTCHURCH WOMEN'S PRISON	0	0	0	0	0
HAWKE'S BAY PRISON	0	0	0	0	1
INVERCARGILL PRISON	0	0	0	0	0
MANAWATU PRISON	0	0	0	0	0
MT EDEN CORRECTIONS FACILITY	0	0	0	0	0
NORTHLAND REGION CORRECTIONS FACILITY	0	0	0	0	2
OTAGO CORRECTIONS FACILITY	0	0	0	0	0
RIMUTAKA PRISON	0	0	0	0	0
ROLLESTON PRISON	0	0	0	0	0
SPRING HILL CORRECTIONS FACILITY	0	0	0	0	0
TONGARIRO PRISON	0	0	0	0	0
WAIKERIA PRISON	0	0	0	0	1
WHANGANUI PRISON	0	0	0	0	0



Incident category definitions:

- **C&R team formed but not deployed:** Control and Restraint team assembled but no force was used.
- **Control and Restraint:** team assembled and force is used.
- **Non-threatening Physical Contact:** Non-threatening Physical Contact is used on a prisoner by an officer - examples include assisting, ushering, guiding, steering, separating or holding apart, any non-threatening physical contact.
- **Use of Force – Spontaneous:** Spontaneous force is used on a prisoner by an officer(s) - examples include - taking to the ground, hold and restraints techniques, use of individual carry pepper spray.
- **Pepper Spray Drawn, Not Used:** Where pepper spray is drawn and presented at a prisoner but not discharged.
- **Pepper Spray ICP:** Where individual carry pepper spray is used on a prisoner as a tactical option
- **Pepper Spray Planned Use:** Where MK9 or Cell Buster pepper spray is used on a prisoner as part of a planned use of force operation.

Note that incidents for all above categories are recorded according to the number of prisoners force was used on.<sup>1</sup>

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<sup>1</sup> In accordance with section 83 of the Corrections Act 2004, the use of physical force is limited to the minimum degree reasonable and necessary to resolve a situation as promptly and as safely as possible. It can only be used if there are reasonable grounds to believe the use of force is necessary. Examples of this include: in self-defence, in the case of an escape, to prevent property damage, or in response to resistance to a lawful order.