

02 December 2021

C139272

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 22 June 2021, requesting information about sexual assaults in prisons. Your request has been considered under the Official Information Act 1982 (OIA).

Corrections takes its duty of managing people in prison safely extremely seriously. Double bunking has been a long-standing practice in New Zealand and internationally, and Corrections has a range of policies, processes and tools in place to identify and mitigate concerns about safety when placing a person.

As the prison population has reduced in recent years (from a peak of 10,820 people in March 2018 to 7,884 as at 23 November 2021) we have been able to reduce our use of double bunking by almost 52%. In March 2018 4,636 prisoners (43% of the then prison population) were sharing cells and 2,238 prisoners (28% of the prison population as at 31 October 2021) are sharing now.

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).

While previous convictions are considered during the assessment process, there are a multitude of factors that are relevant, and a conviction for sexual offending does not necessarily preclude a person from being double bunked. However, staff are directed to consider sexual predation when considering suitability to double bunk. An individual who poses an identifiable threat to another will not be double bunked. If a

person is deemed not suitable to share a cell (with any other person), a Not to Double Bunk (NTDB) alert is placed on their electronic file.

There are a variety of ways in which a person in prison can notify staff of a potential safety risk while in custody. When in their cell, an individual can use an intercom to alert staff. Individuals are also encouraged to report any concerns directly to staff. They can also raise concerns via a family member or friend, or by contacting an Inspector, the Office of the Ombudsman or the anonymous crime reporting line Crimestoppers.

When an allegation of assault is made by a person in prison, we act immediately to ensure the person is supported and that appropriate action is taken. The person may be provided support by Health Services staff, a chaplain or other spiritual support person, a kaiwhakamana or other cultural support person, or senior staff.

We also take all possible steps to support staff who have been the subject of a sexual assault.

When a major event occurs, that involves serious potential or actual harm to an employee, the Post Incident Response Team (PIRT) process is triggered. The type of PIRT support provided will be determined by the Incident Controller and will vary according to the situation and needs of individual employee but typically will involve:

- Peer Support Briefing for all staff involved in the incident.
- Individual Peer Support - individual discussions with an appropriately trained PIRT team member.
- Counselling Support - individual support via an external qualified counsellor (EAP) for employees affected by an incident (and family members as required). Counselling is not provided by any PIRT member.
- Critical Incident Response – immediate external support and advice may be provided.
- Trauma Support - individual specialist trauma support counselling via referral from Regional HR manager, EAP counsellor or the employee's manager to an appropriate external expert.

The Employee Assistance Programme (EAP) is a service available to 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. EAP services provide brief, solution focused support to staff and families to help deal with any difficulties and minimise their impact on people's lives. More information about EAP can be found [here](#).

Corrections also has four staff welfare coordinators, with an additional four currently being recruited, this will result in 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' rehabilitation needs when a significant event has taken place and when staff and/or their family need more intensive support. They provide a 'wrap around' approach, to ensure that all relevant parties are working together in a coordinated way to provide support. In the past, staff welfare coordinators have maintained

contact with family members, but as they are not trained counsellors, it is best this type of intervention is left to qualified professionals. Therefore, staff are also encouraged to seek help from their local doctor, District Health Board or Community Mental Health Team as required.

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 prosecution.

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

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.

1. *The number of complaints received by Corrections relating to sexual assaults/rape at each prison in New Zealand in the year 2020 (broken down by prison)*
2. *For each of these I would like to know the outcome of the complaints - if they were upheld/not upheld*
3. *In cases where they were upheld, how many resulted in criminal charges*

Prison-based assault incidents are categorised as:

- *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 ongoing 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 where Police charges have been laid.**

Where the Police do not lay charges, Corrections records this allegation in a separate category.

Appendix One provides prisoner-on-prisoner serious assaults of the subcategory '*sexual assault of any form where Police charges have been laid,*' from 2015/16 to 2020/21 broken down by location.

Appendix Two provides prisoner-on-prisoner allegations of sexual assaults where no Police charges have been laid, from 2015/16 to 2020/21 broken down by location. The gender of the victim will be identified depending on whether the assault took place in a male or female prison.

Appendix Three provides prisoner-on-staff serious assaults of the subcategory '*sexual assault of any form where Police charges have been laid,*' from 2015/16 to 2020/21 broken down by location.

Appendix Four provides prisoner-on-staff allegations of sexual assaults where no Police charges have been laid, from 2015/16 to 2020/21 broken down by location. We are unable provide the gender of the staff member who was the victim as it is not recorded in the incident report.

Appendix Five provides a breakdown of internal misconduct outcomes for prisoner on prisoner and prisoner on staff allegations of sexual assaults in 2019/20 and 2020/21. Please note that when Police decide to lay a charge in response to an allegation of sexual assault, this take precedence and an internal misconduct charge will not proceed until legal proceedings have concluded.

4. *I would also like to know how many allegations of sexual assault/rape were made against staff between 2015 and 2020*
5. *For these I would like to know how many were upheld/not upheld and resulted in criminal charges.*

From 2015/16 to 2020/21, there were no staff-on-prisoner serious assaults of the subcategory '*sexual assault of any form where Police charges have been laid*'.

Corrections has a specific process for dealing with allegations made against staff from any source, including from a person in prison. The purpose of this is to ensure that all allegations are appropriately addressed, in a fair, timely and effective manner.

When an allegation is made against a staff member, the delegated manager interviews the complainant. Depending on the seriousness of the allegation, it can be escalated immediately, particularly if an allegation involves criminal behaviour.

The delegated manager supports the wellbeing of the person in prison and the staff member as appropriate. This may include health care, completing an at risk assessment, and whether the placement of the person in prison or the staff member's work location should be reviewed. Furthermore, the delegated manager must provide the person in prison with the opportunity to make a complaint to the Police.

There have been 40 recorded allegations of staff-on-prisoner sexual assaults over the same period. Of the 40 allegations, 31 were referred to Police who have not laid charges in respect to any of these allegations.

We have reviewed the circumstances of the nine cases that were not referred to Police. In three of those cases, the person's allegation related to a strip search. Upon investigation the person did not want the matter referred to Police, recognising that no intentional inappropriate contact had occurred. In the other six cases, Corrections' records indicate the person did not request a Police referral and when the allegation was investigated, there was no evidence to support prison staff making a complaint on the person's behalf.

The majority of the allegations made by people in prison against staff were due to situations that occurred during personal (rub down and strip searches). The 2019 Corrections Amendment Bill has enabled the use of body imaging technology. Corrections has been trialling different body imaging scanners at Auckland Region Women's Corrections Facility and Rimutaka Prison since December 2020. This aims to reduce strip searching, promote personal dignity and enhance the wellbeing of the people in our care. Planning for the national rollout of the technology is now underway.

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 nui



Rachel Leota
National Commissioner

Appendix One – Prisoner on prisoner serious assaults of the subcategory '*sexual assault of any form where Police charges have been laid*', broken down by financial year and location.

Location	Incidents of sexual assault where Police charges were laid					
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Auckland Prison	-	-	-	-	-	-
Auckland South Corrections Facility	1	-	-	-	-	-
Christchurch Men's Prison	-	-	-	-	-	-
Hawke's Bay Regional Prison	-	-	-	-	-	-
Invercargill Prison	-	-	-	-	-	-
Manawatu Prison	-	-	-	-	-	-
Mt Eden Corrections Facility	2	1	-	-	-	-
Northland Region Corrections Facility	-	-	-	-	-	-
Otago Corrections Facility	-	-	-	-	1	1
Rimutaka Prison	-	-	-	-	-	-
Rolleston Prison	-	-	-	-	-	-
Spring Hill Corrections Facility	-	-	-	-	1	-
Tongariro Prison	-	-	-	-	-	-
Waikeria Prison	-	-	-	-	-	-
Whanganui Prison	-	-	-	-	-	-
Total male prisons	3	1	-	-	2	1
Arohata Prison	-	-	-	-	1	-
Auckland Region Women's Corrections Facility	-	-	-	-	-	-
Christchurch Women's Prison	-	-	-	-	-	-
Total female prisons	-	-	-	-	1	-
Total all prisons	3	1	-	-	3	1

Appendix Two – Prisoner on prisoner allegations of sexual assaults where no Police charges have been laid, by financial year and location.

Location	Incidents of alleged sexual assault where no Police charges were laid					
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Auckland Prison	-	1	-	-	-	-
Auckland South Corrections Facility	1	-	3	4	1	-
Christchurch Men's Prison	2	5	5	7	-	-
Hawke's Bay Regional Prison	-	-	1	3	-	-
Invercargill Prison	1	1	1	2	-	-
Manawatu Prison	-	-	-	-	1	-
Mt Eden Corrections Facility	1	1	2	-	1	2
Northland Region Corrections Facility	-	-	-	-	-	-
Otago Corrections Facility	-	-	2	1	2	3
Rimutaka Prison	-	2	-	-	1	-
Rolleston Prison	-	-	-	-	-	1
Spring Hill Corrections Facility	-	1	-	1	1	-
Tongariro Prison	1	-	-	-	-	-
Waikeria Prison	-	1	2	1	2	3
Whanganui Prison	-	-	-	-	-	-
Total male prisons	6	12	16	19	10	9
Arohata Prison	-	1	-	-	-	-
Auckland Region Women's Corrections Facility	1	-	-	-	1	1
Christchurch Women's Prison	-	-	-	1	-	-
Total female prisons	1	1	-	1	1	1
Total all prisons	7	13	16	20	11	10

Appendix Three – Prisoner on staff serious assaults of the subcategory '*sexual assault of any form where Police charges have been laid*', broken down by financial year and location.

Location	Incidents of sexual assault where Police charges were laid					
	2015/16	2016/17	2017/18	2018/19	2019/20	2019/20
Auckland Prison	-	-	-	-	-	-
Auckland South Corrections Facility	-	-	-	-	-	-
Christchurch Men's Prison	-	-	-	-	-	-
Hawke's Bay Regional Prison	2	2	-	-	-	1
Invercargill Prison	-	-	-	-	-	-
Manawatu Prison	-	-	-	-	-	-
Mt Eden Corrections Facility	1	1	-	2	-	-
Northland Region Corrections Facility	-	-	-	-	-	-
Otago Corrections Facility	-	-	-	-	-	-
Rimutaka Prison	-	-	-	-	-	-
Rolleston Prison	-	-	-	-	-	-
Spring Hill Corrections Facility	-	1	-	1	-	2
Tongariro Prison	-	-	-	-	-	-
Waikeria Prison	2	-	-	1	-	-
Whanganui Prison	-	-	-	-	-	1
Total male prisons	5	4	-	4	-	4
Arohata Prison	-	-	-	-	-	-
Auckland Region Women's Corrections Facility	-	-	-	-	-	-
Christchurch Women's Prison	-	-	-	-	-	-
Total female prisons	-	-	-	-	-	-
Total all prisons	5	4	-	4	-	4

Appendix Four – Prisoner on staff allegations of sexual assaults where no Police charges were laid, by financial year and location.

Location	Incidents of alleged sexual assault where no Police charges were laid					
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Auckland Prison	2	-	-	-	-	1
Auckland South Corrections Facility	-	-	-	4	1	-
Christchurch Men's Prison	-	-	1	1	-	1
Hawke's Bay Regional Prison	-	-	5	2	-	1
Invercargill Prison	-	-	-	-	-	-
Manawatu Prison	1	-	1	1	-	1
Mt Eden Corrections Facility	2	-	1	1	2	3
Northland Region Corrections Facility	-	1	-	-	-	-
Otago Corrections Facility	-	-	-	-	-	-
Rimutaka Prison	-	1	-	1	-	1
Rolleston Prison	-	-	-	-	-	-
Spring Hill Corrections Facility	-	-	1	-	-	3
Tongariro Prison	-	-	-	-	1	-
Waikeria Prison	-	-	-	-	3	-
Whanganui Prison	-	-	-	-	-	-
Total male prisons	5	2	9	10	7	11
Arohata Prison	-	-	-	-	-	-
Auckland Region Women's Corrections Facility	-	-	-	-	-	-
Christchurch Women's Prison	-	-	-	-	-	-
Total female prisons	-	-	-	-	-	-
Total all prisons	5	2	9	10	7	11

Appendix Five - breakdown of internal misconduct outcomes for prisoner on prisoner and prisoner on staff allegations of sexual assaults in 2019/20 and 2020/21

	Total number of incidents of alleged sexual assault which resulted in Police charges being laid		Internal Misconduct (No)		Internal Misconduct (Yes)		Outcome						
	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	Guilty	Not guilty by insufficient evidence	Withdrawn	Victim unwilling to progress complaint	Adjourned	Pending	Prisoner released before any outcome
Auckland Prison	-	-	-	-	1	-	1	-	-	-	-	-	-
Auckland South Corrections Facility	-	-	-	1	-	1	-	-	-	1	-	-	-
Christchurch Men's Prison	-	-	-	-	1	-	-	-	-	-	-	1	-
Hawke's Bay Regional Prison	1	-	-	-	1	-	-	-	-	-	-	-	1
Invercargill Prison	-	-	-	-	-	-	-	-	-	-	-	-	-
Manawatu Prison	-	-	-	1	1	-	-	-	-	-	1	-	-
Mt Eden Corrections Facility	-	-	2	1	3	2	2	-	2	-	1	-	-
Northland Region Corrections Facility	-	-	-	-	-	-	-	-	-	-	-	-	-
Otago Corrections Facility	1	1	3	2	-	-	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rimutaka Prison	-	-	-	1	1	-	-	-	-	1	-	-	-
Rolleston Prison	-	-	1	-	-	-	-	-	-	-	-	-	-
Spring Hill Corrections Facility	2	1	-	1	3	-	1	1	-	-	-	2	-
Tongariro Prison	-	-	-	-	-	1	-	-	-	-	-	-	-
Waikeria Prison	1	-	3	2	-	3	-	-	-	-	-	-	3
Whanganui Prison	-	-	-	-	-	-	-	-	-	-	-	-	-
Total male prisons	5	2	9	9	11	7	4	1	2	2	2	3	4
Arohata Prison	-	1	-	-	-	-	-	-	-	-	-	-	-
Auckland Region Women's Corrections Facility	-	-	1	1	-	-	-	-	-	-	-	-	-
Christchurch Women's Prison	-	-	-	-	-	-	-	-	-	-	-	-	-
Total female prisons	-	1	1	1	-	-	-	-	-	-	-	-	-
Total all prisons	5	3	10	10	11	7	4	1	2	2	2	3	4

