

Special Investigation

Report into the provision of minimum entitlements and the operating regime in units 11, 12 and 13 at Auckland Prison

1 October 2022 to 30 April 2023

Inspection team

Ang Curtis	Principal Inspector
Fiona Irving	Principal Clinical Inspector
Manoj (Manny) Gounder	Inspector
Steve Hammerton	Inspector
Glenda Mitchell	Inspector
Tracey Mitchell	Clinical Inspector
Julia Prescott	Inspector
Katrina Wolfgramm	Inspector
David Neild	Report Writer

November 2023

Office of the Inspectorate – Te Tari Tirohia

Department of Corrections – Ara Poutama Aotearoa

Private Box 1206

Wellington 6140

New Zealand

Telephone: 04 460 3000

Email: inspectorate@corrections.govt.nz

Web: <https://inspectorate.corrections.govt.nz/>

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Foreword

This report reflects the experience of a significant group of men in units 11, 12 and 13 at Auckland Prison. For up to nine months (until mid-July 2023), prisoners in the three units were denied their minimum entitlement to an hour out of their cell each day, instead being largely managed on a regime where they were unlocked every second day. For 107 of these men, this regime lasted longer than 100 days, and for 24 men more than 200 days.

It is understandable that COVID-19 and subsequent staff shortages caused difficulties for the prison management. That was the case for all 18 prisons across the network. However, the situation that unfolded in units 11, 12 and 13 at Auckland Prison resulted from many factors, including inadequate staffing levels, where the loss of experienced custodial staff was exacerbated by the appointment of new staff who had only recently completed initial training and were faced with managing some of New Zealand's most challenging individuals.

Minimum entitlements are a statutory legal requirement not a privilege, and it is concerning that Auckland Prison continued a regime for an extended period of time in which prisoners were intentionally not unlocked daily. There appeared to be no plan that resulted in meaningful action to return to meeting the minimum entitlement. As time passed, the situation appeared to have become normalised, as the competing priorities of staff shortages and staff and prisoner safety were managed.

This situation must be seen in context. Auckland Prison is part of the Northern Region, and the Regional Commissioner reports to Corrections' National Office. I have found that the challenges of the prison were well known and understood by managers at National Office. However, despite their awareness this did not translate into the meaningful mobilisation of a network-wide response to address the ongoing challenges for Auckland Prison and the Prison Director.

Such was the gravity and complexity of this situation the Prison Director could not be expected to resolve it alone.

My previous report, *Separation and Isolation: Prisoners who have been kept apart from the prison population*, clearly sets out the psychological and emotional impacts for individuals who spend long periods of time separated from others.

Whilst I acknowledge that the minimum entitlement to an hour out of cell each day was largely reinstated in mid-July 2023, care needs to be taken that if minimum entitlements are denied in the future for any length of time, there must be a plan in place to return to the usual regime as soon as possible.

This report also finds that minimum entitlements in a number of other areas were not met for some prisoners at times (including for bedding, access to family and whānau, and health care). In addition, it was difficult for prisoners to contact their lawyer.

In concluding, I urge Corrections to, in particular, consider the personal impacts of this prolonged period of denying minimum entitlements for those men accommodated in units 11, 12 and 13. I intend to monitor Corrections' progress on the recommendations made in this report.



Janis Adair
Chief Inspector of Corrections



Recommendations

1. Corrections must take a '*lessons learned*' approach to the decisions and actions taken at the site, region and national level in response to the decision to deny minimum entitlements and the regime that was operating in units 11,12 and 13 of Auckland Prison during the review period.
2. Corrections must review this report, and its conclusion, and consider how to respond to the prolonged denial of minimum entitlements for prisoners accommodated in units 11,12 and 13 during the review period. This should carefully consider the individual circumstances of each prisoner and, where they remain in units 11, 12 and 13, their progression pathway.
3. In any future occurrence when Corrections denies minimum entitlements (particularly as it did in this case for a prolonged period, involving many prisoners) it must put in place a national response plan to support the site to address the underlying causative factors, with the aim of ensuring the site moves quickly to restoring an operating regime of, at least, delivering minimum entitlements at the earliest possible opportunity.
 - i. Any decision to deny minimum entitlements must be documented in writing by the decision maker at the time the decision is taken, setting out the rationale for the decision. The national response plan must be robustly documented, with actions and action owners identified and timeframes for delivery established from the outset.
 - ii. The plan must also be subject to ongoing scrutiny by an internal assurance mechanism, to ensure that progress on actions is both timely and appropriate.
 - iii. The decision to continue to deny minimum entitlements must also be reviewed daily by the Prison Director or delegate, and a record made of the decision together with the rationale for that decision.

Executive Summary

1. The Office of the Inspectorate | *Te Tari Tirohia* conducted a special investigation into the minimum entitlements received by prisoners in units 11, 12 and 13 of Auckland Prison between 1 October 2022 and 30 April 2023.
2. We visited all units in Auckland Prison between 7 and 9 February 2023 to observe the regime and to provide feedback to management staff. We conducted a further site visit on 20 to 21 February 2023, and provided feedback to Corrections' management on 21 March 2023. Given the seriousness of the issues we identified in units 11, 12 and 13, we then concluded that further investigation leading to a report under section 29(1)(g) of the Corrections Act was appropriate.
3. Unit 11 comprises the Special Needs Unit and Intervention and Support Unit, which are used for prisoners of all security classifications. Units 12 and 13 accommodate mainly maximum security prisoners. All three units also accommodate remand prisoners. There is capacity for 246 prisoners across the three units. On average during the review period there were 190 prisoners in the units.
4. From 8 October 2022 prisoners in unit 12 were generally only unlocked from their cells every second day. This regime extended to unit 13 on 28 December 2022, and to unit 11 on 5 January 2023 (in the Special Needs Unit) and 11 February 2023 (in the Intervention and Support Unit).
5. The regime did not meet the minimum entitlement for prisoners to be unlocked daily for an hour of physical exercise, as prescribed in section 70 of the Corrections Act 2004.
6. The unlock regime largely arose because of staff shortages, which have been an issue across the entire prison network since the COVID-19 pandemic.
7. The affected prisoners are likely to have experienced solitary confinement as that term is defined in the Mandela Rules (*"more than 22 hours a day without meaningful human interaction"*), which prohibits solitary confinement in excess of 15 days. The impacts of prolonged isolation include lethargy, impaired concentration, depression and anxiety, and anger and irritability.
8. We found that 107 prisoners were likely subject to solitary confinement in excess of 100 days.
9. On 17 July 2023, the site largely resumed unlocking prisoners each day.
10. As well as time out of cell, the minimum entitlement for sufficient bedding was not being met for all prisoners during our site visits, neither was the minimum entitlement to be able to have private visits.
11. The site had many challenges in the provision of health services to prisoners. Prisoners in units 11, 12 and 13 also frequently had issues with adequate clothing, and being able to clean their cell.

12. The length of time between dinner and breakfast ranged up to 17 hours, and prisoners complained they were hungry at night.
13. The investigation found that minimum entitlements were generally being met for sending and receiving mail, making personal telephone calls, and library services.
14. There were a multitude of challenges at Auckland Prison in the provision of health services, specifically throughout the process of prisoners accessing and receiving care for their health concerns. This not only impacted on physical health, but mental health and general wellbeing.
15. The investigation made three recommendations for Corrections.

Report embargoed until 3pm Wednesday 17 April 2024

Introduction

16. This report is the outcome of a special investigation over a number of months in early 2023 by the Office of the Inspectorate | *Te Tari Tirohia* into the management of prisoners in units 11, 12 and 13 of Auckland Prison.
17. Auckland Prison is located in Paremoremo, northwest of Auckland. Units 11, 12 and 13 are used to accommodate maximum security prisoners, although other prisoners, including remand prisoners, are also accommodated in these units.
18. Prior to 17 July 2023, prisoners in units 11, 12 and 13 were unlocked from their cells every second day only (although we acknowledge there were some occasions where prisoners were unlocked for additional days, but these were rare), for between one and two hours. This practice, which arose because of staff shortages, commenced in unit 12 on 8 October 2022, in unit 13 on 28 December 2022, and unit 11 on 5 January 2023 (Special Needs Unit) and 11 February 2023 (Intervention and Support Unit). The regime does not meet the minimum entitlement to be unlocked daily for an hour of physical exercise, as prescribed in section 70 of the Corrections Act 2004.

The investigation

19. In October 2022, the Inspectorate reviewed information collated by Regional Inspectors from across the prison network about compliance with the minimum entitlements prescribed by the Corrections Act.¹ Auckland Prison appeared to be consistently not meeting some minimum entitlements, including the entitlement to one hour of daily exercise. We visited Auckland Prison on 24 November 2022, including units 11, 12 and 13. We observed that in unit 12 prisoners were not being unlocked every day. This information was considered as part of the minimum entitlement review prepared by the Office of the Inspectorate in January 2023.
20. In January 2023, the Chief Executive commissioned the Inspectorate to inquire into the conditions which gave rise to prisoner complaints at Auckland Prison.
21. We visited all units in Auckland Prison between 7 and 9 February 2023. The purpose of this initial site visit was to observe the regime and to provide feedback to management staff. We conducted a further site visit on 20 to 21 February 2023, and provided feedback to Corrections' management on 21 March 2023.
22. Given the seriousness of the issues we identified in units 11, 12 and 13, we then concluded that further investigation leading to a report under section 29(1)(g) of the Corrections Act was appropriate.² We chose a review period of

¹ This was in response to general concerns about compliance with minimum entitlements given the restrictions that had been imposed in response to the outbreak of the COVID-19 pandemic.

² Section 29(1)(g) outlines the powers and functions of inspectors of corrections. "Inspectors of corrections have the following powers and functions: (g) Reporting in writing to the chief executive

1 October 2022 to 30 April 2023 (the review period). We returned to Auckland Prison in March and April to interview staff and prisoners, as well as to obtain and review documents and CCTV footage. The focus of the investigation remained on Auckland Prison's compliance with the statutory minimum entitlements, as well as any common themes emerging from our interviews with prisoners.

23. As part of our inquiries, we made a number of requests for documentation supporting the unlock regime in units. Auckland Prison provided us with some documents, but these did not set out the decision-making that led to the implementation of the regime. There was little recognition in the documentation that the situation had become a long-term problem that required urgent resolution, and no evidence of a plan to return to meeting the minimum entitlement of daily unlocks for all prisoners.
24. The Inspectors interviewed 36 prisoners, and 20 were interviewed by a Clinical Inspector (seven were interviewed by both), for a total of 49. We selected prisoners for our interviews taking into account the following criteria:
- » Those who had made multiple PC.01 complaints in relation to minimum entitlements.
 - » Those who had made complaints to the Office of the Inspectorate in relation to minimum entitlements.
 - » We spoke to three defence lawyers who identified some prisoners likely to have been impacted by the regime
 - » Those whom we identified from the prisoner movement logs as consistently declining to come out of their cell.
 - » Those whose security classification would not normally have led to them being accommodated in units 11, 12 or 13. This included low medium, low and minimum security classification prisoners.
25. We carried out follow-up visits and interviews in June and July 2023.³ The Chief Inspector and Assistant Chief Inspector visited units 11, 12 and 13 on 22 and 23 June 2023 and subsequently reported their concerns, in particularly about the environment in which the men were being accommodated, to the Prison Director, the Regional Commissioner and the National Commissioner. Inspectors reviewed CCTV footage before, during, and after this visit and determined that footage ought to be saved and downloaded. A request for CCTV footage covering the visits to these units was not appropriately managed by the site, and as a result CCTV footage could not be retrieved.
26. As with all our prison inspections, we were guided by four key principals:

on any of the matters outlined above, or any other matter relating to any prison, community work centre, probation office, or any other place (including a dwellinghouse) at which a person under control or supervision is required to attend, work, or live, as often as he or she sees fit, and whenever he or she is requested to do so by the chief executive."

³ In June 2023, Inspectors conducted 21 interviews; in July 2023, five interviews were conducted and Inspectors checked in on 16 prisoners.

- » **Safety:** Prisoners are held safely.
- » **Respect:** Prisoners are treated with respect for human dignity.
- » **Rehabilitation:** Prisoners are able, and can expect, to engage in activity that is likely to benefit them.
- » **Reintegration:** Prisoners are prepared for release into the community and helped to reduce their likelihood of reoffending.

Units 11, 12 and 13

27. Unit 11 comprises the Special Needs Unit (SNU) and Intervention and Support Unit (ISU), which are used for prisoners of all security classifications.
28. The SNU is a dedicated unit for prisoners who have complex and diverse needs, requiring a higher level of care and oversight. The SNU has 50 cells, spread across three wings.
29. The ISU is a dedicated facility for prisoners assessed as at risk of self-harm, and those who have been segregated for medical oversight under section 60. There are 16 cells in the ISU and two dry cells,⁴ spread across two wings.
30. Units 12 and 13 each have 90 cells, divided across six wings, three on each side. Each wing is adjacent to a yard and a dayroom.
31. All cells in the three units are single-occupancy. The cells have two hatches: one in the door, and one adjacent to the door. This allows staff to give prisoners their meals and any medications through a hatch without physically unlocking the cell door.
32. There is capacity for 246 prisoners across the three units (excluding the dry cells). On average during the review period there were 190 prisoners accommodated in the units: 68 in unit 12, 69 in unit 13, 44 in the SNU and 9 in the ISU.

The prisoners in units 11, 12 and 13

33. Units 11, 12 and 13 are all used to accommodate maximum security prisoners, although not exclusively. Many of the prisoners in these units are high security, some are low-medium, and there are a small number of low or minimum security prisoners (who were generally in unit 11).
34. All three units are also used to accommodate remand prisoners. Remand prisoners are not assigned a security classification and across the prison network are typically managed as high security, although there is an ability to manage them as maximum security prisoners.⁵

⁴ Dry cells are cells in which there is no running water. These cells are primarily used for prisoners who are suspected of internal concealment.

⁵ Remand prisoners can be assessed under the Remand Management Tool as RMT 2 to be managed as lower security, but generally prisoners at Auckland Prison in units 11, 12 and 13 were managed as RMT 1 which meant they were managed as high security prisoners.

35. Auckland Prison is the only male prison used for maximum security prisoners. While most prisoners are generally placed in the prison closest to their community, maximum security prisoners often come from communities outside Auckland. They may have been transferred from a prison in their home region after being assigned a security classification of maximum. Some of the prisoners in units 11, 12 or 13 have remained in these units, even after their security classification has been reviewed and reduced to high or low-medium. We were advised that it is challenging for Auckland Prison to move these prisoners out of the units, as there is no space available to move them within the Auckland region, and prisons in other regions are sometimes reluctant to take these prisoners until they have demonstrated improved compliance in a less restrictive environment.

Staff in units 11, 12 and 13

36. The unlock regime in units 11, 12 and 13 arose because there were insufficient staff in the units to unlock all prisoners each day. Staff shortages have been an issue across the prison network since the COVID-19 pandemic, although the causes go beyond the pandemic.⁶
37. We were advised that to unlock all prisoners in units 11, 12 and 13, there would need to be 55 staff (17 in unit 11 and 19 each in units 12 and 13).⁷ During the review period, units 12 and 13 were short on most days by between one and ten staff, and unit 11 was short on most days by between one and six staff. Most staff in the units worked eight hour shifts starting at 8.00am. Staff worked during their lunch break, to enable prisoner unlocks and movements to take place, and finished duty at 4.00pm. This resulted in evening meals being delivered to prisoners early, in some cases before 3pm.⁸
38. We observed during our site visits that, given the staff shortages in these units, staff had become focussed on completing the scheduled unlocks, delivering meals and other necessary tasks. Staff were not generally present in the wings as would be typical in other units or in other prisons. There were limited opportunities for prisoners to interact with staff, or for staff to get to know the prisoners they were managing. Staff seldom entered the wings except to provide meals to the prisoners or other necessities such as medication, and every second day to escort prisoners to the yards or dayrooms. A number of prisoners told us that staff did not respond to their intercom calls, and we observed this ourselves during our visits.
39. The unit staff appeared fatigued during our site visits. Many of the staff were inexperienced, and would not have worked in a prison prior to the COVID-19 pandemic. Many would not be familiar with a less restrictive regime, as would have been typical prior to 2020.

⁶ *Separation and Isolation: Prisoners who have been kept apart from the prison population* thematic report (Office of the Inspectorate, March 2023) at par 37-38.

⁷ Ten corrections officers, five senior corrections officers and two principal corrections officers for unit 11; 14 corrections officers, three senior corrections officers and two principal corrections officers for units 12 and 13.

⁸ The earliest times we observed evening meals being delivered were 3.15pm in Unit 11, 2.35pm in Unit 12 and 2.51pm in Unit 13.

The impact of the regime

40. The cells in units 11, 12 and 13 are single-occupancy, so a prisoner's only opportunity for social interaction with other prisoners (aside from calling out from their cell) would be during their unlock time. There were few opportunities to interact with staff. In-person visits with family and whānau ceased during the COVID-19 pandemic and have not yet resumed (as at 24 August 2023). The alternate-day unlock regime therefore provided prisoners with limited opportunities for social interaction.
41. These prisoners are likely to have experienced solitary confinement as that term is defined in the Mandela Rules ("*more than 22 hours a day without meaningful human interaction*"). The Mandela Rules prohibit solitary confinement in excess of 15 days ("*prolonged solitary confinement*").
42. As at 14 July 2023, nine men in the ISU, 28 men in the SNU, 36 men in unit 12, and 40 men in unit 13 (total 113) had been subject to the alternate-day unlock regime in excess of 15 days.
43. Overall, we found that 107 prisoners were subject to the alternate-day unlock regime in excess of 100 days. The impacts of prolonged isolation are well-established. They include lethargy, impaired concentration, depression and anxiety, but also anger and irritability, with prisoners sometimes adopting a 'them and us' attitude towards staff.⁹
44. Many of the prisoners we interviewed said there was no incentive to behave, as this was not effective in attracting the attention of staff. Some prisoners told us they set off the smoke alarms or sprinklers to get staff attention, and during our visits we saw evidence of small fires prisoners had set in the wings.
45. The restrictive regime we observed was applied to all prisoners in the units, regardless of their security classification or behaviour. A number of prisoners told us that blanket rules or punishments in response to incidents were common, and there was no incentive for good behaviour because the punishment was applied to everyone. For example:
 - » Prisoners in unit 12 were not permitted to use the kiosks in the dayrooms after an incident where the kiosks were damaged by prisoners and used to make weapons.
 - » In Unit 13 prisoners were no longer able to take stereos into the dayroom, or drink bottles into the yards, after incidents involving one prisoner.
 - » Prisoners in Unit 13 were not permitted a range of items including nail clippers, tweezers, kettles, hobby items and guitars, all of which they had previously been able to have in their cell.

⁹ *Separation and Isolation: Prisoners who have been kept apart from the prison population* thematic report (Office of the Inspectorate, March 2023) at par 4.

- » Various items, such as fridges, microwaves and hot water, had been removed from the dayrooms in response to incidents involving only a few individuals.
46. In our interviews, prisoners also complained about the bedding and clothing they were given, and we observed that this was sometimes incomplete or of poor quality. Many of the prisoners raised issues about the quality of the food, and the early provision of dinner. A number of prisoners told us they were not provided with cleaning materials to clean their cells, and we observed rubbish in the wings during our site visit in June 2023. We raised these issues with the site, and there have been some improvements.
47. On 17 July 2023, the site largely resumed unlocking prisoners each day. This has been a positive step forward. However, there remains significant work to ensure that all prisoners in these units are consistently managed in a way that is *"humanising and healing"* and upholds their *"mana and dignity"*, as intended in Hōkai Rangi, the Department of Corrections' strategy document. The minimum entitlements in the Corrections Act are not privileges, and it is concerning that Auckland Prison continued a regime for an extended period of time in which prisoners were intentionally not unlocked daily, without a plan to return to meeting the minimum entitlement to be unlocked daily for an hour of exercise.

Time out of cell for physical exercise

48. Section 70 of the Corrections Act provides that it is a minimum entitlement to be unlocked daily for an hour of physical exercise:
- (1) Every prisoner (other than a prisoner who is engaged in outdoor work) may, on a daily basis, take at least 1 hour of physical exercise.
 - (2) The physical exercise referred to in subsection (1) may be taken by the prisoner in the open air if the weather permits.
49. Prisoner movement logs show a consistent pattern from 8 October 2022 of prisoners in unit 12 being unlocked only every second day; the same pattern can be seen from 28 December 2022 in unit 13. From 11 February 2023, the regime had been implemented across all three units. The regime, which did not meet the minimum unlock entitlement, ceased on 17 July 2023, since when prisoners have largely been unlocked daily.

The unlock regime

50. The alternate-day unlock regime worked as follows:
- » Each day, the prisoners in one half of the unit would be unlocked, while the other half of the unit remained locked. The units each have five or six wings, so each half of a unit is made up of two or three wings.
 - » Each prisoner on their unlock-day would be escorted from their cell to a yard or dayroom by four or five staff.¹⁰ The prisoners were able to mix in groups of up to six prisoners in the yards or dayrooms. They were unlocked for between one and two hours.
 - » On Fridays, Saturdays and Sundays, prisoners were unlocked for one hour only (on other days some – but not all – of the prisoners were unlocked for up to two hours).¹¹
51. Some of the prisoners we interviewed said they had been unlocked more often. For example, some of the prisoners worked as unit cleaners and were unlocked for this purpose. In addition to this, Unit 11 has a small workshop for prisoners which processes light fixtures. However, most of the prisoners we interviewed confirmed they had been unlocked every second day since the regime commenced in their unit, which was consistent with the documentation we reviewed and our interviews with staff. We did not find

¹⁰ Generally, prisoners would require a minimum of two staff, with three staff for maximum security classification, for escorting, depending on security classification and risk.

¹¹ On Fridays there is reduced capacity because prisoners are not unlocked in the afternoon, as explained below. At the weekend there is reduced staffing and therefore reduced capacity to unlock prisoners.

evidence of any prisoners being unlocked daily during the period the regime had been applied. We observed from the movement logs that a few prisoners of low medium security classification or below had been unlocked for additional periods on some days.

52. The time of day when prisoners were unlocked varied. A number of prisoners told us they were not advised each day whether they would be unlocked; they were aware that they were likely to be unlocked if they had not been the previous day.
53. We reviewed the prisoner movement logs for units 11, 12 and 13. These record the specific times prisoners were unlocked and then returned to their cells. During the implementation of the alternate-day unlock regime, prisoners remained in their cells for 46 to 50 hours between unlock times.¹² During a 16 day review period, prisoners were unlocked for between four hours 20 minutes and 15 hours 30 minutes (excluding the ISU and SNU) in total.¹³
54. If there was a serious incident, the entire unit or wing could be locked down. Prisoners who were due to be unlocked that day may have remained in their cells, which may have led to them not being unlocked for several days consecutively. Some prisoners told us they were sometimes kept locked for three days in a row. By cross-referencing offender notes and movement logs we were able to confirm that this did happen on occasions, although not regularly.
55. The limited unlock hours affected prisoners in at least two ways:
 - » None of the prisoners in units 11, 12 and 13 shared a cell, so their only opportunity to interact with other prisoners was when they were unlocked (apart from calling to each other between their cells). These prisoners had limited opportunities to interact with staff. The limited unlock hours therefore meant that the prisoners had few opportunities for meaningful human interaction.
 - » The yards provide some opportunity for exercise, which is otherwise limited in a cell. Reduced unlock hours leads to limited opportunities for exercise.¹⁴

The duration of the regime

56. We analysed the prisoner movement logs to ascertain at what date a consistent pattern of alternate-day unlocks could be established, cross-

¹² Under this regime, prisoners could be locked for up to 74 hours at a time, although this was unusual.

¹³ Over a 16 day period, in unit 12 (1-16 November 2022), total time out of cell ranged from 4 hours 20 mins to 12 hours 10 minutes (18 prisoners sampled); in unit 13 (1-16 November 2022), total time out of cell ranged from 10 hours to 15 hours 30 minutes (18 prisoners sampled). In the ISU (1-16 March 2023), total time out of cell ranged from 40 minutes to 3 hours 20 minutes (4 prisoners sampled); and in the SNU (1-16 March 2023) total time out of cell ranged from 2 hours 6 minutes to 12 hours 22 minutes (12 prisoners sampled). It should be noted there were two prisoners who did not come out at all during this period.

¹⁴ The Court of Appeal in *Attorney-General v Taunoa* [2006] 2 NZLR 457 observed the importance of the entitlement to exercise: "It should not be underestimated how important such an entitlement would be to someone confined for 22 or 23 hours per day in a cell".

referencing this where possible against other available documentation, including offender notes.

57. The date at which the regime became established as the normal regime varied in each of the three units:
- » In unit 12, the regime appears to have become the norm on 8 October 2022.
 - » In unit 13, the regime appears to have become the norm on 28 December 2022.
 - » In the SNU in unit 11, the regime appears to have become the norm on 5 January 2023.
 - » In the ISU in unit 11, the regime appears to have become the norm on 11 February 2023.
58. Although we were able to use the prisoner movement logs to establish the general commencement date in each of the units, there were a number of gaps in the available movement logs:
- » For the ISU in unit 11, staff were unable to provide records of the movement logs for four days in October 2022, all of December 2022, five days in March 2023, and 22 days in April 2023.
 - » For the SNU in unit 11, staff were unable to provide records of the movement logs for two days in September 2022, three days in October 2022, two days in November 2022, 18 days in December 2022, all but one day in January 2023, five days in February 2023, one day in March 2023 and 20 days in April 2023.
 - » For the first side of unit 12, staff were unable to provide records of the movement logs for three days in September 2022, four days in October 2022, two days in December 2022, one day in March 2023 and two days in April 2023.
 - » For the second side of unit 12, staff were unable to provide records of the movement logs for five days in November 2022, eight days in December 2022, three days in January 2023, one day in February 2023, four days in March 2023 and 20 days in April 2023.
 - » For the first side of unit 13, staff were unable to provide records of the movement logs for two days in October 2022, one day in December 2022, one day in January 2023, three days in February 2023, six days in March 2023 and 19 days in April.
 - » For the second side in units 13, staff were unable to provide records of the movement logs for one day in October 2022, one day in December 2022, three days in January 2023, two days in February 2023, five days in March 2023 and 20 days in April 2023.

59. Where the movement logs were not provided, and there was nothing to the contrary in the offender notes, we assumed that the prison met the minimum entitlement to daily unlocks for physical exercise.
60. We were surprised that the movement logs could not be provided for some dates. Prisoner movement logs are usually readily available, at least within the previous year. It is especially concerning that these could not be provided during a period when the minimum unlock entitlement was regularly not being met.

Number of prisoners for whom the minimum entitlement was not met

61. To ascertain the number of prisoners for whom the minimum unlock entitlement was not being met, we used the number of prisoners who were in units 11, 12 or 13 from the date on which we found that the regime had commenced in each of those units. We have assumed that for all prisoners in these units during those periods in which the regime was implemented, the minimum unlock regime was not met. Based on our site visits, our interviews and the documentation we have reviewed, that is an appropriate assumption.
62. The tables below show the total numbers of prisoners in each of the three units for whom the minimum entitlement was not met. They show the number of prisoners subject to the alternate day unlock regime in excess of 100 days and more. Each unit has a separate table, because the regime commenced at different times in each unit.

Table 1: Unit 11 ISU (between 11 February 2023 and 14 July 2023)

Total prisoners subject to restricted regime as of 11 Feb 2023	Total prisoners subject to restricted regime as of 14 July 2023	Total number of prisoners in unit 11 ISU over 151 days	Total number of prisoners in unit 11 ISU between 101 – 150 days	Total number of prisoners in unit 11 ISU less than 100 days		Total number of prisoners who remain on unit since 11 Feb 2023 (as at 14 July 2023) 153 days
8	10	5	0	5		4

Table 2: Unit 11 SNU (between 5 January 2023 and 14 July 2023)

Total prisoners subject to restricted regime as of 5 Jan 2023	Total prisoners subject to restricted regime as of 14 July 2023	Total number of prisoners in unit 11 SNU over 151 days	Total number of prisoners in unit 11 SNU between 101 – 150 days	Total number of prisoners in unit 11 ISU less than 100 days		Total number of prisoners who remain on unit since 5 Jan 2023 (as at 14 July 2023) 190 days
44	37	18	6	13		15

Table 3: Unit 12 (between 8 October 2022 and 14 July 2023)

Total prisoners subject to restricted regime as of 8 Oct 2022	Total prisoners subject to restricted regime as of 14 July 2023	Total number of prisoners in unit 12 over 251 days	Total number of prisoners in unit 12 between 201 – 250 days	Total number of prisoners in unit 12 between 151 – 200 days	Total number of prisoners in unit 12 between 101 – 150 days	Total number of prisoners in unit 12 less than 100 days	Total number of prisoners who remain on unit since 8 Oct 2022 (as at 14 July 2023)
70	75	22	2	9	11	31	279 days 19

Table 4: Unit 13 (between 28 December 2022 and 14 July 2023)

Total prisoners subject to restricted regime as of 28 Dec 2022	Total prisoners subject to restricted regime as of 14 July 2023	Total number of prisoners in unit 13 over 151 days	Total number of prisoners in unit 13 between 101 – 150 days	Total number of prisoners in unit 13 less than 100 days	Total number of prisoners who remain on unit since 28 Dec 2022 (as at 14 July 2023)
71	76	22	12	42	198 days 19

63. From these tables, it can be seen that the minimum unlock entitlement was not met for 107 prisoners in excess of 100 days.

Documentation

64. We made a number of requests to the Prison Director for documentation relevant to the unlock regime in units 11, 12 and 13. We were provided with the following documents:

- » An Operational Support Assessment dated 13 December 2022, completed by National Office, which was intended to “provide the Auckland Prison Director, and the National Coordination Centre (NCC) with an ‘outsiders’ view of on-site operations. It also serves to identify areas where things are going well and where efficiencies may be gained”. This document noted that “Currently AKP has days when staff are unable to safely provide the minimum unlock entitlement. This is determined by staff resource each day. The detail is provided to the NCC weekly”.
- » Two memoranda from the Prison Director, dated February and March 2023 respectively, addressed to the Regional Commissioner and setting out the situation in units 11, 12 and 13. The memorandum from 31 March 2023 noted that the site “has not operated BAU since August 2021, initially due to prescribed responses to Covid, and subsequently due to reduced staffing levels. This has directly impacted capacity to deliver minimum unlock entitlement across some units, mainly units 11, 12 and 13”. The memorandum dated 7 February 2023 recorded that “Auckland Prison has been unable to deliver full minimum entitlements for several months namely the one-hour unlock ... Units 12 and 13 have been operating on an alternating regime to account for staffing shortages – however, there has been no improvement in staffing numbers to date”.

- » *"Current Custodial Operating Settings Update – Northern Region"* dated 12 June 2023, which recorded that at Auckland Prison *"Regimes are determined each day depending on staffing resources"*.

65. Together these documents show that, at least since December 2022, Corrections' National Office was aware that the minimum unlock entitlement was not always being met in units 12 and 13 at Auckland Prison and in unit 11 from January and February 2023.
66. Some of the documentation suggests that the unlock regime was determined *"each day depending on staffing resources"*. However, as discussed below, the units were sometimes short by only one or two staff, and were sometimes fully staffed.
67. We were also provided with weekend staffing contingency plans and prisoner movement logs (as discussed above), and we reviewed offender notes for prisoners across the three units. We discuss these documents below.

Weekend staffing contingency plans

68. We were provided with copies of *"Staffing Contingency Plans"* for a range of weekends in March, April and May 2023.¹⁵ These weekend plans were the only rosters we have found that refer to *"contingency plans"*, i.e. we were not provided with week-day staffing contingency plans.
69. The weekend staffing contingency plans, together with their covering emails, included the following relevant information:
- » The covering emails (sent to all Auckland Prison staff) recorded that *"At this stage we will be deploying Plan B in Units of 12 & 13. The staff shortage plans are developed by the staff within the Units"*.
 - » The weekend staffing contingency plans set out the impact of different levels of staffing on operations, showing the number of staff required to operate business as usual, and the number of staff at which minimum entitlements may not be met.
 - » At the bottom of the weekend staffing contingency plans there was an instruction in red that *"The Plan B of rolling unlocks will be deployed post staff input into the planning. For units 12 and 13"*. From at least the weekend of 22-23 April 2023, this sentence was amended to extend to unit 11 in addition to units 12 and 13.¹⁶

Prisoner movement logs and reliance on section 69(2)

70. The prisoner movement logs for unit 13 recorded *"Plan A implemented"* on those days in which the prisoners were unlocked.¹⁷ On those days on which a side was not unlocked and the prisoners' minimum entitlement was not met,

¹⁵ Specifically for the weekends of 25-26 March, 1-2 April, 22-23 April, 29-30 April, 6-7 May of 2023.

¹⁶ We were not provided with the weekend staffing contingency plans between 25-26 March and 22-23 April.

¹⁷ This is the only reference we have seen to Plan A. We infer from context and from the movement logs that this refers to a usual daily unlock regime for all prisoners.

the prisoner movement logs recorded that Plan B was implemented, and often recorded that the reason was "staffing shortages" or "insufficient staff". The logs sometimes included a note that the minimum unlock entitlement was not being met in reliance on section 69(2) of the Corrections Act. Prisoner movement logs for units 11 and 12 did not use the same terminology (Plan A and Plan B), but did record when prisoners were unlocked.

71. Section 69(2) of the Corrections Act provides:

A prisoner may be denied, for a period of time that is reasonable in the circumstances, 1 or more of the minimum entitlements set out in subsection (1) if—

- (a) there is an emergency in the prison; or
- (b) the security of the prison is threatened; or
- (c) the health or safety of any person is threatened.

72. Although section 69(2) does enable staff to deny minimum entitlements, the purpose of this section appears to be focused on short-term situations or emergencies that require an immediate response. The regime was in place in unit 12 from 8 October 2022 and lasted until 17 July 2023. We agree with the following observations, made by the Ombudsman in a 2016 report:¹⁸

The purpose of the section 69(2) exceptions is not to enable prison management to organise normal prison schedules in a manner that fails at the outset to allow for the minimum entitlements of prisoners. They are intended to cover exceptional circumstances, where in an emergency or for security or health or safety reasons, there is justification for denying the entitlement for a reasonable period. Thus, simply because officers have a training day or are on annual leave and are therefore unavailable, prisoners should not be denied their entitlement to exercise in the open air. Such situations are part of normal prison operations. Prison management need to manage these without prisoners missing out on any of their entitlements.

The opportunity for prisoners to exercise daily for one hour in the open air is not a goal for prison management to work towards. It is an entitlement that should be reflected in a prison's daily regimes. The Department must be in a position to demonstrate that the minimum entitlement has been met.

¹⁸ Investigation into prisoner's right to exercise at Auckland Prison (Office of the Ombudsman, May 2016) at p6-7.

Offender notes

73. We reviewed offender notes for a number of prisoners across all three units. On days in which prisoners were not unlocked, the offender notes consistently read:¹⁹

Prisoner was denied his minimum entitlement 1 hour physical exercise out of cell pursuant to Section 69(2)(b) in that the security of the prison is threatened. Staffing numbers are currently too low to safely unlock the prisoners in Unit [11, 12 or 13 as applicable]. This situation will be reviewed daily. Prisoner has been verbally reminded of his right to raise any concerns with the Office of the Ombudsman.

74. Some prisoners told us that they could not recall being told they were able to contact the Ombudsman. A number of prisoners confirmed that staff advised them through the wing intercom that they were not going to be unlocked that day. Some prisoners told us that they knew they would not be unlocked as they had been unlocked the previous day.
75. The offender notes, like some of the documentation discussed above, suggest that the regime was reviewed daily in light of staffing numbers.

Plan B

76. We were not provided with any information beyond what is in the prisoner movement logs and offender notes about Plan B. We infer from context that it is a reference to the regime which was implemented at that time in units 11, 12 and 13, in which prisoners were unlocked every second day for one to two hours. From the evidence we have reviewed, Plan B does not appear to have been formally documented, and there was no written plan setting out the regime that had been implemented in these units.

Conclusions on the documentation available

77. We have serious concerns about the limited documentation available to support the unlock regime implemented in units 11, 12 and 13 between October 2022 and July 2023. Given that the regime did not meet the minimum unlock entitlement, and the length of time for which the regime was implemented, we would expect it to be well-supported by documentation setting out:
- The decision-making that led to the development and implementation of the regime.
 - » Consultation with National Office.
 - » The details of the plan (i.e. what Plan B looked like in practice), including how much unlock time prisoners would receive across a fortnight or month, how long the prison planned to implement the regime.

¹⁹ Occasional denials of a few or single prisoners are noted as being due to threatening behaviour, but these are the exceptions.

- » The likely impact on prisoners of the restrictions and any measures to mitigate this.
 - » Plans to return to meeting the minimum entitlement, including a timeframe for this.
78. The regime was being applied from 8 October 2022 (and in all three units from February 2023), but the earliest documentation we were provided with dates from December 2022. None of the documentation we were provided with sets out the decision-making leading to the development and implementation of the regime. We did not find any evidence of a plan to return to meeting minimum entitlements.
79. Although the offender notes and prisoner movement logs included references to Plan B, we found no evidence of a written plan outlining the regime operating in units 11, 12 and 13. We inferred the contents of Plan B (unlocking each side of the unit on alternate days) from the offender notes and prisoner movement logs.
80. Some of the documentation provided suggests that the regime was reviewed daily in light of staffing numbers. As we discuss below, the regime continued to be implemented on days where the unit was fully or near-fully staffed. While the rationale for this – to provide consistency to prisoners in the face of ongoing staff shortages – is acknowledged, it was not set out in the documentation we reviewed. Nor did the documentation record the length of time during which the regime had been implemented – i.e. for how long the minimum entitlement had not been met.
81. Given that the regime was in place in all units for at least five months – and in unit 12 for nine months – we would expect more recognition in the documentation that the regime had become a long-term measure, and for it to include a plan to return to meeting the minimum entitlement. We found no evidence in the documentation we reviewed of measures to mitigate the impacts of the regime – which provided limited opportunities for social interaction – was likely to have on prisoners.
82. The documentation confirms that the situation was appropriately elevated to Corrections' National Office from at least February 2023. We would expect that, as soon as it became clear that a site was going to be consistently operating a regime that did not meet minimum entitlements, National Office would provide leadership to resolve the issue. This is not a problem that the site was likely to be able to resolve without regional and national support.
83. During and following the COVID-19 pandemic, some prisons implemented existing Business Continuity Plan Rosters (a roster prepared for use in response to an emergency), in part to manage issues with reduced staffing. These were later replaced by Staffing Level Response Rosters, which had a more long-term approach and were managed alongside recruitment campaigns. That was an appropriate response to a known situation, and we would have expected Auckland Prison to have adopted a similar approach, given it was operating a regime that it must have known would not meet minimum entitlements.

Short-staffing in units 11, 12 and 13

84. Although we were not provided with documentation recording the decision-making that led to the alternate-day unlock regime, what documentation was available made it clear that the regime was a response to staff shortages. This was consistent with the explanations given to us in our interviews with staff. Staffing shortages pose a significant safety risk. Units 11, 12 and 13 hold some of the most challenging prisoners in New Zealand. It is important that appropriate staff-prisoner ratios are maintained when prisoners are unlocked in order to keep both staff and prisoners safe.
85. We reviewed staffing numbers in units 11, 12 and 13 during the review period of 1 October 2022 to 30 April 2023:
- » Unit 11 was short of its full complement on most days by between one and six staff members.
 - » Unit 12 was short of its full complement on most days by between one to ten staff members.
 - » Unit 13 staff was short of its full complement on most days by between one to ten staff members.
86. We identified a number of days when a unit was short by only one or two staff members, but the regime continued to be implemented, with only half the unit unlocked. We also identified some days where there was a full complement of staff, but only half the unit was unlocked.
87. We enquired with staff about this approach and asked whether consideration was given to unlocking more prisoners when there were sufficient staff to unlock more than half the prisoners, even though not all prisoners in the unit could have been unlocked. Staff advised us that because there were insufficient staff to consistently unlock all the prisoners in the unit each day, the preference was to continue unlocking prisoners every alternate day, even on those days when more prisoners could have been safely unlocked. Staff told us that they felt the prisoners preferred the certainty promoted by this approach, whether this view was supported by prisoners was uncertain.
88. The decision to prioritise predictability by continuing to unlock half the unit on those days when there were sufficient staff available to unlock more prisoners is in many ways acknowledged. Prisoners who were not unlocked the previous day may consider it unfair that on 'their' unlock day prisoners who would usually be kept locked are also given unlock time, potentially leading some prisoners to be unlocked three days consecutively while others remain unlocked only every second day. This may have led some prisoners to have become unsettled or frustrated.
89. While we recognise the value of consistency in the management of prisoners, however, the decision not to unlock more prisoners on days when there were staff available to do this suggests there was insufficient emphasis on meeting the minimum entitlement, which is a legal requirement. The lawful basis for not unlocking more prisoners when this was practical and possible is unclear,

and potentially contrary to the explanation in the offender notes that prisoners were not being unlocked because there were insufficient staff.

Impact of the limited unlock hours on prisoners

90. In our interviews, many of the prisoners identified the reduced unlock time as their biggest issue, and told us they wanted to be able to be unlocked every day, have the opportunity to contact their families and spend more time with other prisoners. Many of the prisoners were frustrated that their minimum entitlements were being routinely denied and that they were unable to do anything about it.
91. The Inspectorate has previously summarised the body of international literature about the psychological and physical impacts of prolonged isolation, including the increased risk of suicide.²⁰ Prisoners may lose their sense of self and become anxious or apathetic. They may develop a 'them and us' mindset against staff. They may become institutionalised and struggle when moved to a less restrictive unit or released into the community. Some of these impacts were evident during our interviews with prisoners in units 11, 12 and 13.
92. A number of prisoners said they could go days without talking to anyone and were lonely: the days passed slowly and it was difficult to remain positive. Some prisoners described being stressed and angry when they were returned to their cell after their unlock times. One prisoner said he broke down some nights and did not know why.
93. Some of the prisoners we spoke to appeared particularly withdrawn, nervous, overwhelmed or paranoid. Some prisoners struggled to hold a conversation with the inspectors and said they felt awkward and uncomfortable.
94. Some prisoners said they would be anxious if they were to be released or moved to a less restrictive unit. Some prisoners who had been moved to less restrictive units said it had led them to 'act out' and they would end up being re-classified as maximum security, returning to units 11, 12 or 13. Some prisoners told us when they declined to attend an Intervention and Support Practice Team (ISPT) appointment, no follow-up appointments were made. However, notwithstanding this, we heard many positive comments from the men who received support from the ISPT.
95. We spoke to defence lawyers, who reported difficulties taking instructions from their clients who had been subject to the alternate-day unlock regime.

Prisoners declining to be unlocked

96. Sometimes prisoners decline to leave their cells when staff come to unlock them. When a prisoner consistently does not want to leave their cell, this may indicate their mental health is declining or deteriorating, and it should trigger an intervention.

²⁰ *Separation and Isolation: Prisoners who have been kept apart from the prison population* thematic report (Office of the Inspectorate, March 2023) at [4]-[8].

97. Staff in units 11, 12 and 13 entered offender notes recording when prisoners declined to leave their cell on the days when they were being offered unlock. However, we found no evidence of any process that would identify those prisoners who showed a pattern of declining to leave their cell over a period of time.²¹
98. The usual practice when a prisoner declines to come out for their unlock time would be for staff to encourage the prisoner to leave their cell, and for the prisoner to be given a further opportunity that day for unlock time (especially in a unit with more than one period of unlock time in a day). We did not observe staff unlocking prisoners in units 11, 12 and 13 at their cells, but some of the prisoners told us that there were limited attempts to encourage them to leave their cell if they declined their unlock time.
99. Our review of the documentation identified a number of prisoners who had not left their cell for a prolonged period (excluding unlocks for health appointments). When we interviewed these prisoners, they were withdrawn and struggled to engage with us. Some of them had covered the cell windows and observation panels and when we entered the cells it was dark with no natural light. We saw limited records of referrals or other interventions to address the potential consequences arising from the prisoners not coming out of their cell for a prolonged period of time.
100. We reviewed the movement logs and offender notes for one prisoner from the day he was received into Auckland Prison in July 2022 until the end of the review period, which covered 296 days. During this period, he had been unlocked on 25 days, and for 23 days there were no entries. There were three days where incidents were recorded (two for fighting other prisoners and one for assaulting staff) and two days where entries were recorded for a case manager interview or a cancelled appointment. We also noted that this prisoner attended two face to face appointments with medical staff during this period. For the remaining 243 days, this prisoner had either been denied time out of his cell or had declined to come out when it was offered.
101. The site now uses activities officers who meet with the small number of prisoners who have been consistently declining to be unlocked. This initiative followed our reporting to the site about the welfare of individuals. While this is a helpful intervention, there should be processes for identifying those prisoners who have consistently declined to come out of their cell. Where a prisoner declines to go to the yard or dayroom, staff should attempt to unlock that prisoner later the same day and again the following day, rather than leaving it until the next scheduled unlock two days later.

Mixing

102. Prisoners across the three units were unlocked in small groups, ranging from being unlocked alone, in pairs, and in groups of up to six.

²¹ Some offender notes for specific prisoners recorded that the prisoner had "*declined to come out for some time*", but the site was unable to identify those prisoners who had been consistently declining to leave their cell, or for how long specific prisoners had not left their cell.

103. The small size of the groups reflects specific difficulties arising from the design of Auckland Prison and the higher-security classification prisoners who are managed in these units. The yards and dayrooms are small, with a telephone and, in the yards, a toilet. These units are used to accommodate some of New Zealand's most challenging prisoners, and it may be safer to manage them in smaller groups. However, prisoners who are low-medium or remand would, in other units and in other prisons, typically be managed in larger groups (e.g. in groups of 15 prisoners).
104. The composition of each unlock group is decided taking into account the following factors:
- » Gang affiliations that preclude a prisoner from associating with other prisoners.
 - » Non-association alerts.
 - » The prisoners' security classifications, which may preclude some prisoners from mixing,²² although there were often approved exemptions in units 11, 12 and 13.
 - » The Corrections Regulations 2005 provides that remand accused prisoners "*must be kept apart from other prisoners*", although there were approved exemptions in units 12 and 13 from 29 March 2023.²³
 - » All the prisoners on one side of unit 13 and some of the prisoners in unit 11 were voluntarily segregated under section 59(1)(a), and could therefore only mix with other voluntarily segregated prisoners.²⁴
 - » There were some directed protective custody (DPC) prisoners whose ability to associate had been restricted under section 59(1)(b) and who could therefore only mix with other directed protective custody prisoners.²⁵
 - » Many of the prisoners in the ISU in unit 11 were likely to have been assessed as at risk of self-harm, and subject to an at-risk management plan that precluded them from associating with other prisoners.²⁶
105. Some of the prisoners in these units may also have had their ability to associate with others "*denied*" under section 58 of the Corrections Act. These

²² Prison Operations Manual M.02.01.Res.01. Corrections Regulations 86 and 52C.

²³ Under Corrections Regulations, cl 186(3) provides that the chief executive may approve the mixing of accused and other prisoners "*on being satisfied that there are exceptional circumstances*". After the Inspectorate's initial site visits in March 2023, we queried whether there were exemptions to support some of prisoner groups who were being unlocked together, and Auckland Prison obtained an exemption dated 29 March 2023 to mix remand accused and remand convicted prisoners in units 12 and 13.

²⁴ Voluntarily segregated prisoners are usually unlocked together in much larger groups. As of 23 June 2023, there were 28 voluntarily segregated prisoners in Unit 11, and 34 in Unit 13.

²⁵ As of 23 June 2023, there were 20 directed segregated prisoners across all three units.

²⁶ See section 61E of the Corrections Act.

prisoners have the same minimum entitlements as other prisoners and should be unlocked daily to exercise, albeit by themselves.

Youth and young adult prisoners mixing

106. Units 11, 12 and 13 are used to accommodate young adult prisoners (those aged 20 through to 24), and some youth prisoners (those aged 18 and 19).²⁷ On 23 June 2023, for example, there was one youth prisoner, and 40 young adult prisoners in these units. Twenty-three of the young adult prisoners had a security classification of maximum.
107. During our initial site visits in March and April 2023 we observed that:
- » The young adult prisoners in unit 12 were mixing with older prisoners during their unlock time.
 - » In unit 13, the young adult prisoners were managed separately in one wing and did not mix with older prisoners. However, in our follow-up visits in June 2023, we observed that these prisoners were being unlocked together with older prisoners, including maximum-security prisoners.
108. Although Corrections' policy does not preclude young adult prisoners from mixing with older prisoners, Corrections has recognised the unique vulnerability of prisoners under 25 arising from their *"young adult brain development"*.²⁸ In the Young Adult Hub on Corrections' intranet, which provides guidance, information and resources for staff working with young adults, Corrections has adopted five priorities for young adult prisoners, including *"reducing harmful experiences and escalation"*, and that prison is a *"last resort"*.
109. There are two potential issues arising from the placement of youth and young adult prisoners in units 12 and 13. First, in the light of the vulnerability inherent in young people, which is recognised by Corrections, the restrictiveness of the regime – which provides limited opportunities for social interaction and little to do in the cells – may be especially challenging for these younger prisoners. Secondly, unlocking these prisoners with maximum security adult prisoners may expose young prisoners, whose brains are still developing, to potentially harmful influences. Corrections' policy in its Young Adult Hub provides that: *"Young adults are protected from harmful environments and influences in the community and custody"*. While some mixing of young adult and older prisoners may be appropriate (especially if the prison has few young adult prisoners and there are limited options for them to associate) this should be managed carefully.

²⁷ For example, on 1 October 2022 there were two prisoners aged 19, one in unit 12 and one in unit 13; one was maximum security and one was remand convicted. On 30 April 2023, there was a remand convicted prisoner aged 19 in unit 11.

²⁸ From Young Adult Hub, Ara Poutama Practice Centre.

Typical unlock times in other units and prisons

110. Units 11, 12 and 13 are used to accommodate sentenced prisoners with a range of security classifications,²⁹ as well as a number of remand prisoners.
111. Aside from the statutory minimum requirements, the unlock regime that was implemented in units 11, 12 and 13 was markedly different from what prisoners with lower security classifications would have experienced in other units within Auckland Prison.
112. For example, low-medium and remand prisoners in units 1-5 at Auckland Prison would typically be unlocked for seven hours each day. Staff in these units advised that there may be days when a seven hour unlock was not possible, for example because of staffing levels, or unit dynamics (e.g. gang affiliations), but on those days prisoners would be unlocked for three and a half hours daily. On 30 April 2023 there were, across units 11, 12 and 13, 21 prisoners with a security classification of low-medium or below, 34 remand accused prisoners, and 16 remand convicted prisoners.

Physical environment for prisoners' unlock time

113. When prisoners in units 11, 12 and 13 are unlocked, they are taken to either the yards or dayrooms. The yards have pull up bars, a basketball hoop, and either a basketball or rugby ball. There is a toilet in the yard area. There is a telephone in the yards and dayrooms (we discuss access to telephones separately below).
114. The dayrooms increase the number of areas prisoners can be taken for their unlock time, and the use of the extra spaces enables staff to unlock more prisoners at the same time. However, unlike the yards, the dayrooms are not designed for exercise and may not enable the prisoner to *"take at least 1 hour of physical exercise"* due to the more constrained environment.
115. Many of the prisoners in units 11, 12 and 13 have a security classification or other status (e.g. remand) that would enable them to be unlocked in less restrictive spaces if they were in a different unit. For example, in other units in Auckland Prison, remand prisoners might have two unlock periods, one in a large yard, and one in the unit wing. The physical build of units 11, 12 and 13 is limiting: the only spaces available for groups of prisoners to be unlocked together are small yards and dayrooms.

Kiosks and access to Corrections' internal complaints process

116. The dayrooms have kiosks, which give prisoners access to a wide range of information, from expected behaviours, how AVL court appearances work, through to relevant legislation such as the Bail Act and how to stop child support while in prison. The prisoners are able to use the kiosks to view their

²⁹ As of 30 April 2023, there were 75 maximum security prisoners, 38 high security prisoners, 16 low-medium security prisoners, one low security prisoner, and four minimum security prisoners across all three units.

trust account balances, make a canteen order and to access Corrections' internal complaints process.

117. Given the unlock regime, and that kiosks are only available in the dayrooms, prisoners in units 11, 12 and 13 have limited access to the kiosks. Prisoners are therefore dependent on staff for access to those things they could otherwise find on the kiosks. Many prisoners told us that to make a complaint, they must request staff to provide them with the hard copy PC.01 form (and often staff needed to return to the prisoner with the form as it was not readily available when requested).
118. We reviewed the number of complaints from prisoners across units 11, 12 and 13 during the review period (1 October 2022 through to 30 April 2023). Prisoners in unit 12 made very few complaints: 43 PC.01 complaints, as opposed to 484 complaints from prisoners in unit 13, which is the same size, or 195 from unit 11, which is smaller. Only one prisoner in unit 12 made an IR.07 complaint (a complaint against a staff member), as opposed to 18 prisoners in unit 13, and 16 prisoners in unit 11. During our interviews with prisoners we were told that on unit 12 there was a reluctance to submit complaints to staff, and this was compounded by the limited access to kiosks.
119. During our initial visits in April 2023, prisoners in unit 12 were unable to use the dayrooms following an incident in which some prisoners damaged the kiosks and used them to make improvised weapons. After we raised this with the Prison Director this situation was resolved, and prisoners are now able to be unlocked in the dayrooms again. In our follow-up visit in June 2023 we confirmed that the kiosks in unit 12 were being used.

Handcuffs

120. Auckland Prison has a process, at a multidisciplinary meeting, for approving the use of handcuffs for prisoners in units 11, 12 and 13. The meeting panel decides whether prisoners should be escorted outside their cell in handcuffs. The panel also sets a review date to consider whether handcuffs continue to be necessary. An alert is recorded in the Integrated Offender Management System (IOMS) for those prisoners where handcuffs have been approved.
121. During our site visit, we identified some prisoners who were placed in handcuffs although there was no handcuff alert. We also observed a prisoner with a handcuff alert who was working in the laundry, without handcuffs. We raised this with staff and the alert was removed. These examples were exceptions, however. The general practice we observed was that prisoners with a handcuffs alert were placed in handcuffs whenever they were moved between their cell and the yard or dayroom. Conversely, if there was no alert then handcuffs were not used.
122. As of 23 June 2023, 92 prisoners in units 11, 12 and 13 were subject to a handcuffs alert, of a total of 201 prisoners across the three units. We reviewed a number of the handcuff alerts and found that most had a review period of three months. Some, however, had a review period of more than a year.
123. The power to place a prisoner in handcuffs is discretionary. Section 87 of the Corrections Act provides that officers "*may, if necessary, apply*" handcuffs. We

could find no records that staff were turning their mind to whether handcuffs were "*necessary*" each time they are used. While the multidisciplinary meeting may be a useful process for authorising the use of handcuffs, the escorting officers must still be satisfied that they are necessary at the point they are used. There is a risk that the handcuffs have become no longer "*necessary*" during the review period, especially if the review period is in excess of a year, but escorting officers continue to apply handcuffs because of the alert.

Staff-prisoner ratios for escorting prisoners

124. Corrections' *Workforce Planning Guide* stipulates that maximum security prisoners must be escorted by a minimum of three staff. Other security classifications require a minimum of two staff.
125. We observed that prisoners in units 11, 12 and 13 – many of whom were not maximum security – were regularly escorted by four or five staff. Some prisoners with lower security classifications were escorted by two staff only, but most prisoners in the units, including some with lower security classifications, were escorted by four or five staff between their cells and the yards and dayrooms.
126. Staff told us that the high escorts ratios had been introduced in response to prisoner assaults against staff. While there may be specific prisoners where a higher number of staff is appropriate, this appears to have become standard practice across the units. The high number of staff may reflect the inexperience of some staff.
127. The consequence of adopting a higher staff escort ratio than required by Corrections' policy is that more staff are required to unlock all prisoners in the unit each day. It also reduces the staff resources available for other tasks, such as escorting health staff and escorting prisoners to interviews and appointments.
128. Industry, Treatment and Learning staff were available to escort prisoners to appointments and interviews.

Lack of external oversight

129. The Corrections Act provides for prisons to be able to direct that prisoners be segregated from the mainstream prison population, and that their ability to associate with other prisoners is "*denied or restricted*". Segregation directions are significant restrictions on a person's liberty, and accordingly directions should not be made lightly. This is reflected in the Act and the Regulations, which require a number of safeguards and protective measures be followed when segregation is directed.³⁰ These safeguards include mandatory obligations to notify Health Centre Managers, and obligations for managers to make at least daily visits with the prisoner subject to the direction.³¹

³⁰ Sections 57 – 61, Corrections Act.

³¹ Regulations 53 – 63.

130. With respect to young people, who are even more vulnerable to harm, the lack of any additional oversight or support is even more troubling.
131. Most of the prisoners in units 11, 12 and 13 are not subject to a segregation direction. Therefore, although their ability to associate is arguably similarly limited, they do not have the benefit of the checks and external oversight that would be required for segregated prisoners.
132. The statutory checks for segregated prisoners include, for example, daily visits by the Prison Director (or their delegate, usually the Principal Corrections Officer of the unit). The Health Centre Manager must "*ensure that special attention is paid*" to a prisoner whose association is denied because of a segregation direction. These checks are not required for most of the prisoners in units 11, 12 and 13.
133. Nor is there any of the external oversight that would arise from a segregation direction made using section 58 of the Corrections Act (because the "*security or good order of the prison would otherwise be endangered or prejudiced*"). Subsection (3) requires that the direction must be revoked after 14 days if the Prison Director does not extend it. The direction must be reviewed by the Chief Executive (in practice delegated to the Senior Advisor to the Regional Commissioner) monthly, and expires after three months unless a Visiting Justice directs that it continue in force.
134. The security classification process also offers some oversight to sentenced prisoners in units 11, 12 and 13, which is not available to the remand prisoners in those units. All sentenced prisoners must have their security classification reviewed every six months, and the prisoners are able to request a review (under section 48 of the Corrections Act) of their security classification. Remand prisoners in units 11, 12 and 13, who are being managed in the same way as maximum security prisoners, would not have a security classification and there would be no six-monthly review.

Unlocking prisoners on Fridays

135. Prisoners at Auckland Prison are not unlocked on Friday afternoons. Staff use this time for training and/or wellbeing, as well as completing administrative tasks. We understand this practice was established in consultation with the unions to promote staff welfare and to accommodate staff training. Staff continue to complete essential tasks such as the delivery of meals and supporting the administration of medication. Friday afternoons are also used to complete canteen orders (P119 forms), facilitate emergency exercises and other administrative tasks.
136. All New Zealand prisons have a similar practice where prisoners are not unlocked for a specific half-day each week.

Summary

137. Up until 17 July 2023, the minimum entitlement to an hour daily of physical exercise was not being met in units 11, 12 and 13. These prisoners were only unlocked once every 46 to 50 hours (or less). These prisoners likely experienced "*solitary confinement*" as that term is defined in the Mandela

Rules – “*more than 22 hours a day without meaningful human interaction*”.³²
Given that the regime commenced in unit 12 on 8 October 2022, in unit 13 in December 2022, and in unit 11 in January and February 2023, some of these prisoners would have been isolated for an extended period of time. The documentation supporting the regime was limited, and there appeared to be no plan at that time to return to meeting minimum entitlements.

Report embargoed until 3pm Wednesday 17 April 2024

³² *Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* (The United Nations, adopted on 17 December 2015), Rule 44. The Mandela Rules set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management internationally. Section 5 of the Act provides that it is based on these Rules, amongst other things. The Rules are not a treaty or binding international instrument that has been adopted into New Zealand law: see *Attorney-General v Taunoa* [2007] NZSC 70 at [259]-[260].

Bedding, clothing and laundry

138. Section 71 of the Corrections Act provides that it is a minimum entitlement that every prisoner must be provided with sufficient bedding:
- (1) Every prisoner must be provided with a separate bed, and sufficient bedding for warmth, health, and reasonable comfort.
 - (2) A prisoner's bedding must be laundered as often as is necessary to maintain cleanliness.
139. Clothing is not defined as a minimum entitlement in section 69 of the Corrections Act. However, clause 68 of the Corrections Regulations provides that "[c]lothing or footwear that is provided by the prison must be ... adequate for safety, warmth, comfort, and health".³³
140. Clause 68(3) provides that the prison "may require a prisoner who is not an accused prisoner to wear clothing or footwear provided by the prison". All sentenced prisoners in units 11, 12 and 13 are required to wear prison-issued clothing, but the site confirmed that remand accused prisoners are generally permitted to wear their own clothing provided these are not gang colours. Some larger prisoners are permitted to wear plain large-sized clothing if approved by staff and it is not a colour associated with a gang.

Bedding provided to prisoners in units 11, 12 and 13

141. The Prison Operations Manual provides that prisoners are to be issued the following items:³⁴
- » one mattress
 - » one pillow
 - » one pillowcase
 - » two sheets
 - » one duvet inner and one duvet cover (or two blankets)
 - » one towel
142. At Auckland Prison, when prisoners first arrive they are taken to the Receiving Office and are provided with standard packs of bedding and clothing.
143. Many prisoners in units 11, 12 and 13 complained that they had not been given complete packs of bedding and clothing on arrival at the prison.
144. We observed the bedding in the prisoners' cells. Most prisoners in units 11, 12 and 13 had been provided with a bedding pack, which was often missing

³³ Corrections Regulations 2005, reg 68(5)(b).

³⁴ Prison Operations Manual P.04. These are the items listed in Schedule 2 of the Rules on authorised property made under section 45A.

items, for example there was only one sheet, or there was no towel or pillowcase.

145. In the Receiving Office we reviewed the packs of bedding, which were ready for the next new prisoners to arrive. Some of the packs were complete, but a number of packs were missing items, such as towels or pillows. We asked staff about the incomplete packs and were advised that the site did not have sufficient bedding to ensure all bedding packs were complete before they were issued.
146. It appears from our review of the bedding in prisoners' cells and the bedding packs in the Receiving Office that for prisoners in units 11, 12 and 13 the minimum entitlement to "*sufficient bedding*" was not always being met.

The quality of the bedding

147. Prisoners in all three units complained about issues with their mattresses, including that they were ripped, very thin, dirty, unhygienic and lacking a cover. We reviewed the mattresses in a number of the cells, and identified some that we considered should be replaced. We raised this with staff, who provided replacement mattresses. There was no system in place for checking and replacing mattresses, other than following requests by prisoners.
148. Unit staff told us they experienced difficulties in obtaining new mattresses for the prisoners from the Receiving Office. When we went to the Receiving Office we found a number of new mattresses, and there was no reason we could find why units should not have been given replacement mattresses as needed. On our follow-up visit in June 2023 we observed new mattresses being issued from the Receiving Office to units 11, 12 and 13, and this issue appeared to have been resolved.
149. Many prisoners in units 12 and 13 complained that the green blankets made them feel itchy. We checked the green blankets, and the complaints appeared reasonable to us. We raised the issue with the Principal Corrections Officers for the units and with the Prison Director. We were advised that the site intended that all prisoners in units 11, 12 and 13 be provided with duvets to replace the blankets. On our follow-up visit in June 2023 we observed the new duvets being issued across the units, and the issue with the blankets appeared to have been resolved.

Clothing provided to prisoners in units 11, 12 and 13

150. A number of prisoners complained about being provided with insufficient clothing. The complaints included only being given one pair of shorts, or only one top or tracksuit. A number of prisoners said they were only given one pair of underwear. Some prisoners said the clothing pack they were provided was missing items, including trackpants, sweatshirts, and t-shirts.
151. We observed prisoners in clothing that was the wrong size for them, that had been cut by the prisoner to fit better, or that was worn out.³⁵ We were advised

³⁵ The Prison Operations Manual P.04.02 provides that all clothing and bedding is to be replaced on a fair wear and tear basis.

by staff that Auckland Prison did not always have sufficient clothing onsite to issue full packs or to provide replacement clothing in response to requests from prisoners. Staff advised that they had ordered more clothing, but were unable to keep up with demand. We raised the complaint about underwear with staff in the Receiving Office, who said that underwear was only provided to prisoners if they requested it. During our follow-up visit in June, we noted additional kit on site and being issued in some wings.

152. We observed that some prisoners did not have footwear. Some prisoners said they had their own footwear when they arrived at Auckland Prison, but others told us they did not have any footwear and had not been provided with any by the prison. We queried this with the staff at the Receiving Office, who advised that jandals were provided to prisoners, but only if requested. Clause 68(4) of the Corrections Regulations requires the prison to provide footwear if the prisoner's own footwear is "*generally insufficient or unfit for use*". Prisoners who arrive without shoes should be provided with footwear, whether or not it is requested. For many of the prisoners in units 11, 12 and 13 jandals may be sufficient footwear, although some may be engaged in jobs in the units where more substantial footwear may be appropriate.

Laundry issues

153. Section 71(2) of the Corrections Act makes it a minimum entitlement that bedding is "*laundered as often as is necessary to maintain cleanliness*". The Prison Operations Manual requires that prison-issue clothing be laundered at least twice a week, and bed linen laundered each week.³⁶
154. Units 11, 12 and 13 generally have two laundry days each week (although some prisoners said this was not consistent). Prisoners place their laundry in a laundry bag, which is collected by staff who take it to the main prison laundry to be washed. In units 11 and 12 the laundry was usually returned the following day. In unit 13 the laundry was generally returned the same day.
155. Each unit also has two small laundry rooms, one on each side. One prisoner in each unit is given the job of laundryman and washes items for prisoners. The unit laundries are used for smaller items like underwear.
156. As described earlier in this chapter, most of the prisoners we interviewed were only provided with one set of bedding, and some only had one complete set of clothing. However, the prisoners were not provided with alternate bedding or clothing while it was being laundered. Many of the prisoners complained about not having bedding or clothing on laundry days, especially in units 11 and 12 where the laundry was returned the following day. Some prisoners told us they handwashed their bedding or clothing in their cells rather than spend a night without bedding or clothing.
157. We raised this a number of times with unit staff and the Prison Director. We were advised that a new system had been implemented, where there was alternative bedding and clothing available in the units that could be

³⁶ Prison Operations Manual P.04.03 Laundry and cleaning requirements.

exchanged on laundry days. During our follow-up visit in June 2023 we asked prisoners about this, but they told us that the issues remained unresolved.

158. Some prisoners complained their laundry was returned damp. Prisoners in units 12 and 13 said there was a lack of laundry bags, so they had to use rubbish bags to put their laundry out, and sometimes they got thrown away. We observed laundry placed in rubbish bags for collection.

Summary

159. The minimum entitlement for sufficient bedding was not being met for all prisoners during our site visits: a number of prisoners had not been provided with complete packs of bedding. There were also issues with some mattresses, and the blankets, although from what we observed on follow-up visits these issues appear to have been resolved. However, it will be important to monitor the consistency of the delivery of this minimum entitlement. The minimum entitlement to have bedding laundered is also not being met, as prisoners in units 11 and 12 were understandably reluctant to send their bedding to the laundry overnight when they had no alternative bedding.
160. Clothing is not a minimum entitlement, but the site has an obligation in the Corrections Regulations to provide clothing that is "*adequate*". The prisoners in units 11, 12 and 13 frequently had incomplete sets of clothing, and the clothing itself was sometimes the wrong size or worn out.

Provision of food and drink

161. Section 72 of the Corrections Act requires Corrections to provide prisoners with sufficient and appropriate food:

Every prisoner must be provided with a sufficient quantity of wholesome food and drink based on the Ministry of Health's food and nutritional guidelines, and drinking water must be made available to every prisoner whenever he or she needs it.

162. The Act does not prescribe mealtimes, but the Prison Operations Manual provides that breakfast will be provided "no more than 14 hours from the previous evening meal, unless food for supper has been provided with the evening meal", and that prisoners are provided with "at least three meals a day, one of which is hot".³⁷
163. In units 11, 12 and 13 the prisoners ate their meals in their cells. The food is consistent with the national menu prescribed by Corrections. The meals were delivered three times a day through a hatch in the cell doors. Dinner is the prisoners' hot meal each day.

Timing of meals in the units

164. Many of the prisoners we interviewed complained that dinner was served too early. Some prisoners described going to bed hungry. Some said they saved food from earlier meals to eat after dinner, or supplemented their dinner with food they had purchased from the canteen.
165. We observed during our site visits in March and April 2023 that in units 11, 12 and 13 the meals were delivered at the following times:
- » Breakfast was delivered between 7.30am and 8.30am.
 - » Lunch was delivered between 11.00am and 11.30am.
 - » Dinner, the hot meal, was delivered between 2.30pm and 3.30pm.
166. We understand that since then the Prison Director has directed staff not to commence serving dinner until 3.15pm. We reviewed CCTV from a range of dates in June and July 2023 to confirm the length of time it takes to serve all prisoners on a wing, and the length of time between breakfast and dinner.
167. We observed that:
- » In unit 11, staff commenced serving dinner between 3.15pm and 3.32pm, and it took between seven and 12 minutes to complete serving dinner. The time between dinner and breakfast was between 15 hours 42 minutes and 16 hours 39 minutes.
 - » In unit 12, staff commenced serving dinner between 2.35pm and 3.16pm, and it took between 20 and 31 minutes to complete serving

³⁷ Prison Operations Manual F.01.01.

dinner. The time between dinner and breakfast was between 15 hours 48 minutes and 17 hours one minute.

- » In unit 13, staff commenced serving dinner between 2.51pm and 3.12pm, and it took between 23 and 46 minutes to complete serving dinner. The time between dinner and breakfast was between 16 hours 5 minutes and 16 hours 40 minutes.

168. The Prison Operations Manual requires that the length of time between dinner and breakfast must not be more than 14 hours, unless *"food for supper has been provided with the evening meal"*.³⁸ Prisoners in units 11, 12 and 13 are provided with a small supper along with their dinner, which consists of a small muffin or a yoghurt and a piece of fruit. While the supper would provide some sustenance for prisoners during the hours between dinner and breakfast, it is small and the prisoners' complaint that they were hungry during the night appeared reasonable. While providing a muffin for supper is consistent with Corrections' national menu, it is not clear whether this takes into account serving dinner as early as 2.35pm, as we observed.

Canteen orders

169. Prisoners can use canteen order forms (referred to as P119s) to order food from the canteen. The food that is available includes various confectionary items, potato chips, muesli bars, crackers, nut and dried fruit mixes, cereal, soup packets, tuna, couscous, instant noodles and bananas. Prisoners are limited to ordering a maximum of seven fruit or fruit-based items per week. The prisoners must pay for canteen orders and the money is deducted from the prisoner's trust account.

170. Many of the prisoners in units 11, 12 and 13 told us they supplement their prison meals with canteen food. Canteen food is only available to prisoners with funds to purchase it (usually provided by family outside the prison).³⁹

Quality of meals

171. We heard a number of complaints from prisoners about the quality of the food:

- » Sometimes hot meals are cold by the time they are delivered.
- » The meals sit in the hot trolley too long.
- » Milk and yoghurt are stored on top of the hot trolley and were warm by the time they were given to prisoners.
- » Toast is hard and stale.

³⁸ Prison Operations Manual F.01.01. Rule 22 of the Mandela Rules states *"Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served"*.

³⁹ In some units the prisoners work in the prison and earn an incentive allowance that can be used to purchase canteen items. Few prisoners in units 11, 12 and 13 are able to work, and therefore these funds are not available.

172. We observed the meals provided to the prisoners. We considered that the complaints were reasonable and raised them with staff. We understand that new trolleys have been purchased to address the issues with milk and yoghurt.
173. Prisoners across all three units told us that the water was insufficiently hot to make noodles, cups of tea or porridge. We were advised by the Principal Corrections Officers of the units that the hot water came from the small kitchen off the wing, which we observed. However, we also observed occasions where the staff filled water jugs from a hot tap in the cleaning cupboard on the wing, and poured the water into a plastic juice bottle for issuing to the prisoners to make cups of tea. While there are good reasons for not providing boiling water to prisoners, water from a hot tap is unlikely to be sufficiently hot for the prisoners' needs.

Summary

174. The length of time between dinner and breakfast ranges between 15 hours 42 minutes and 17 hours one minute. While the food being provided is consistent with Corrections' national menu, given the long period between dinner and breakfast the prisoners' complaints that they are hungry at night appeared reasonable.

Family and legal visits

175. Section 73 sets out the minimum entitlement for visits by family and whānau:

- (1) A prisoner is entitled to receive at least 1 private visitor each week for a minimum duration of 30 minutes.

176. Section 74 provides that it is a minimum entitlement that the legal adviser of a prisoner may visit the prisoner at any time agreed to by the prison manager:

- (1) The legal adviser of a prisoner may visit the prisoner at any time agreed to by the prison manager if the purpose of the visit is to discuss the prisoner's legal affairs.
- (2) If the manager does not agree to a particular time for a visit by a legal advisor, the manager must nominate an alternative time that is reasonable in the circumstances.
- (3) An interview between a legal adviser, and a prisoner—
 - (a) must be held out of the hearing of any other person; and
 - (b) may, with the agreement of the prison manager, be held out of the sight of any other person.

177. In-person visits in all prisons ceased after the outbreak of the COVID-19 in late March 2020, although they were reinstated in mid-May 2020. In August 2021 visits ceased again. Although the COVID-19 restrictions have since lifted, visits did not immediately resume due to staff shortages.

178. In-person family visits have now been reinstated at Auckland Prison for units 1–6 and Unit 8. As at 25 August 2023, there is no confirmed date to resume in-person visits for units 10, 11, 12 and 13.

179. In-person legal visits resumed in November 2022. Although in-person legal visits are now available, AVL visits are also provided as an alternative.

Family and whānau AVL visits

180. AVL visits do not meet the minimum entitlement to weekly "private" (i.e. family and whānau) visits, which must be in-person.

181. While AVL visits do not meet the minimum entitlement, they are an important alternative means for prisoners to maintain contact with family and whānau. AVL is especially helpful in facilitating contact with families who do not live in the area or overseas. Auckland Prison is the only facility for maximum security prisoners, so many are accommodated outside their home region. AVL visits may also mitigate the isolation of the unlock regime that applied to prisoners in units 11, 12 and 13, providing an important opportunity for meaningful human interaction.

Approval process for AVL visits

182. Before AVL visits may be scheduled, prisoners must apply for their family members to be approved as visitors (this is the same process that would apply for in-person visits). Once family members are approved as visitors, the prisoner must apply for a family AVL session.
183. Some prisoners told us there were delays in processing visitor approval applications, and in applying for an AVL session once the family member had been approved as a visitor.
184. We asked staff about the delays described by the prisoners. Staff told us that delays often occurred while waiting for families to provide information needed to approve family members as visitors. There were also delays in waiting for family members to confirm AVL session arrangements.

AVL sessions in practice

185. AVL sessions only take place on weekdays. Some prisoners said their AVL session times were scheduled when their family members were at work or at school, and their family member either could not attend or had to miss school or work to see them.
186. AVL sessions generally take place in one of two non-contact rooms within each unit. These rooms are bisected by a Perspex barrier. A prisoner is taken into one side of the room, and there is a television screen on the other side of the room, behind the Perspex.
187. There are contact rooms without Perspex screens, where lower security prisoners may be able to have AVL visits using a laptop. However, staff told us they preferred to use the non-contact rooms, including for lower security prisoners, because they could view the large television screens from outside the non-contact rooms through the window. Staff are required to monitor AVL visits to ensure that only approved visitors are participating, and if the smaller laptops are used a staff member must remain in the room with the prisoner to supervise.

Frequency with which AVL visits are used

188. Staff told us that the number of prisoners wanting to use AVL and the availability of staff to supervise AVL limited the ability to provide access to AVL sessions.
189. We reviewed AVL records from the end of January 2023 to the end of March 2023.
 - » In unit 11, either no prisoners or one prisoner had access to an AVL private visit each week.⁴⁰

⁴⁰ Very limited bookings were made in Unit 11. The data available showed these were in the ISU. There were no cancellations in the data we reviewed.

- » In Unit 12, between nine and 14 prisoners had access to AVL private visits each week. AVL was cancelled for four prisoners in the week of 9 to 15 February. AVL was cancelled for two prisoners in the weeks of 23 February to 1 March and three prisoners 16 to 22 March.⁴¹
 - » In Unit 13, between five and seven prisoners had access to AVL private visits each week. AVL was cancelled for one prisoner in the week of 23 February to 1 March. AVL was cancelled for two prisoners in the week of 16 to 22 March.⁴²
190. The reason for cancellations were not recorded in the data provided to us. Prisoners in units 11 and 12 were generally able to rebook AVL visits for the same week when they were cancelled. In unit 13, it was more difficult because AVL visits were only available on Wednesdays.
191. Given the small number of AVL visits in proportion to the number of prisoners in these units, it appears that the potential of AVL to assist prisoners to maintain family relationships is not being fully realised.

Legal visits

192. In-person and AVL meetings are available for prisoners in units 11, 12 and 13 to meet with their lawyers.
193. We spoke with a defence lawyer who has acted for a number of prisoners in units 11, 12 and 13. She confirmed that in-person visits are available, although there are frequently delays to the start time while she waits for her client to be brought to the visiting room.
194. AVL visits with lawyers take place in a separate AVL suite that is located outside the units, requiring a number of staff to escort the prisoner to and from the AVL suite. A number of prisoners said they had not been able to use AVL visits to meet with their lawyers.
195. The defence lawyer we spoke with advised that AVL legal visits worked well, but it could be difficult to obtain an AVL session. She said staff overseeing the AVL suite were very helpful. If she logged into an AVL meeting but the client was not there, or was delayed, she would contact the AVL suite staff who would try to find out what was happening, but if these regular staff were unavailable it could be frustrating.
196. The legal AVL meetings are especially important because these units are used to accommodate a large number of remand prisoners who have ongoing Court proceedings. The Courts have emphasised the importance of facilitating legal visits.⁴³

⁴¹ Unit 12 was the most effective for AVL visits as these took place across four days a week (on one week for five days). Data showed that when AVLS were cancelled, prisoners' families were able to re-book in the same week. Cancellations ranged from two to four a week, but there were a number of weeks when all visits took place.

⁴² With the exception of one week, all visits took place on a Wednesday in a non-contact room.

⁴³ *Harold v Director, Mt Eden Corrections Facility* [2019] NZDC 18154 at [90].

Legal representation for persons remanded in prison or serving a sentence is a cornerstone of our criminal justice system. The person's right to legal representation is meaningless if their counsel cannot get access to them. Therefore, the prison administration needs to do its utmost to make sure that scheduled legal visits happen.

197. We asked the defence lawyer what would happen if a client wanted to let her know that he wished to speak with her. She said that sometimes her clients spoke to her during the unlock time as there are telephones in the yards, but most often she would receive a message through the prisoner's family. We discuss prisoners' access to telephone calls separately below. Given the limited time they were unlocked, prisoners' access to telephones was limited, restricting their ability to contact their counsel.

Summary

198. The minimum entitlement to be able to receive one private visitor each week for a minimum duration of 30 minutes is not being met. AVL visits are a useful tool for prisoners to maintain contact with families, but do not meet the minimum entitlement for visits, which must be in-person. The potential for prisoners to maintain relationships with family and whānau using AVL is not being fully realised.
199. Prisoners are able to meet with their counsel in-person and by AVL, although there are often delays with these visits and prisoners have limited ability to contact their lawyers to organise a legal visit.

Medical treatment and standard of health care

200. Medical treatment is a minimum entitlement in the Corrections Act. Section 75 provides that the health care provided must be reasonably equivalent to that which is available in the community:
- (1) A prisoner is entitled to receive medical treatment that is reasonably necessary.
 - (2) The standard of health care that is available to prisoners in a prison must be reasonably equivalent to the standard of health care available to the public.
201. The Corrections Regulations requires the Chief Executive to ensure that the health needs of prisoners are promptly met, and that, as far as practicable, the physical and mental health of prisoners is maintained to a satisfactory standard, and access to adequate medical treatment is available to meet the health needs of prisoners at any time.⁴⁴ The Chief Executive must also ensure that a dentist is available to provide examinations and treatments to prisoners.⁴⁵
202. It is important to acknowledge the on-going impact of the COVID-19 pandemic and that New Zealand's healthcare system continues to face challenges, including delays which have been caused by increased demand and staff shortages, among other factors. While considering whether health care in prison is reasonably equivalent to what is available in the community, this must be taken into account.
203. The following sections will highlight and provide examples of care which would not always meet the equivalency measure, and at this time, it is unknown how this is impacting on prisoner health outcomes.
204. Prisoners are reliant on Auckland Prison Health Services to support them in managing health concerns they have. This includes concerns that in the community a person may self-manage by obtaining medication, treatments, or advice from providers such as a pharmacist or rongoa practitioner. This lack of autonomy and self-determination of prisoners' health care can result in frustration, uncertainty and psychological impacts on prisoners' wellbeing.
205. For this review, clinical inspectors attended Auckland Prison to make observations and speak with staff and prisoners on more than six occasions. Documentation reviews of prisoners' health files were completed, along with analysis of appointment books and local procedures.

⁴⁴ Corrections Regulations 2005, reg 72.

⁴⁵ Regulation 81.

Health staff

206. At Auckland Prison there have been nursing vacancies and challenges in recruiting to the vacancies. Speaking to a number of new nursing staff on site revealed that they are finding the role stressful and at times unrewarding. With a high turnover of health staff, many of the team are new to prison nursing and the prison environment. High turnover of staff also impacts on the quality of orientation of new staff which is an essential foundation of prison nursing. Overall, we found the health team were hard working, approachable and professional in their engagement.
207. In addition, Auckland Prison over the past five years has had multiple changes of health leadership, particularly the Health Centre Manager role. This can create instability for the nursing team as they are required to adjust to the style and expectations of each new Health Centre Manager.
208. This provides some context and contributing features to some of the inefficiencies of the provision of health care at Auckland Prison, and in particular in units 11, 12 and 13. Inexperienced nurses can lack confidence and are less likely to question or challenge custodial staff when advocating for health provision and are more likely to escalate minor issues to a doctor. Newer staff are also more likely to accept the current state of health provision as normal.
209. We observed that some nurses were not confident or proactive. We observed prisoners making simple requests to nurses. Nurses told prisoners to write a health request form and did not address their concerns further, rather than assisting with a solution at the time or even providing the prisoner a request form. Nurses were observed to be professional, however, transactional with their communication with prisoners. We also observed nurses not utilising their time well (such as processing health requests) while waiting for their medication rounds or in the unit clinic room between appointments.

Prisoner health requests units 11, 12 and 13

210. Health issues and requests for appointments are made by prisoners submitting paper-based health request forms, known as "health chits". There are secure health mailboxes on each wing in which prisoners can post their health request forms and prisoners can also hand their forms directly to a nurse, such as during a medication round. Prisoners sometimes give health request forms to custodial staff to put in the health mailbox if they are not unlocked that day. Nurses collect the request forms from the health mailbox daily. Custodial staff are not able to access the contents of the boxes (the box is locked, so that custodial staff may place chits in the box but cannot open them).
211. Health request forms are required by policy to be acknowledged within 72 hours.⁴⁶ Health requests are to be triaged for priority and a plan of care put in place. This is to be documented in the patient's electronic health file.

⁴⁶ Healthcare Pathway Policy 2019.

Health request issues

212. Some prisoners in units 11 to 13 told us there were long delays in getting a response about a health request and often there was no response. These comments were confirmed following a random sampling of ten prisoners' health requests submitted in March 2023. The sample found health request forms with no acknowledgement completed, delays in initial response to health concerns, and multiple rescheduling of booked appointments.
213. Auckland Prison Health Service has a local operating manual procedure for managing health request forms which outlines the process of acknowledging a request. This states that a nurse completes a response on a copy of the prisoner's health request form and delivers it back to the prisoner either the same day (evening medication round) or the following day (morning medication round). From our review it appears that this local procedure is not being followed and this is causing frustration and uncertainty for prisoners. Eight out of ten prisoners in the sample did not have an acknowledgement of their health request sent back to them, with only two having notes written to them from a nurse explaining that they had been booked an appointment for a nurse clinic.
214. One prisoner reported being depressed and hearing voices but did not have his request processed until seven days later. Five prisoners had appointments cancelled and rebooked at least once (as of a month later), but one had been cancelled and rebooked five times. During one site visit a prisoner shared his concerns about not being seen and we were able to confirm that his appointment had been rescheduled 11 times.
215. In another example, a prisoner (on a medication round in April) complained that he had not been seen for a health request that he submitted in January. The nurse documented in his health file that his appointment had been rescheduled several times. Notes confirmed that he was seen by a nurse (at his cell door) 24 days later.
216. It is not unreasonable, from time to time, that appointments or assessments are delayed or deferred for a range of reasons. The Health Care Pathway Policy has a section outlining the standards that patients receive assessments and/or planned care within the specified timeframe, and there is a system to track delayed or deferred assessments.
217. The Policy outlines responsibilities of the Health Centre Manager and Prison Director to ensure there are local systems in place to monitor delayed appointments, reporting of these, assessing, prioritising and rescheduling deferred appointments.
218. In addition to the challenges mentioned above with health staff vacancies, inexperience of prison nursing staff and changes in health leadership on site, we have found several additional reasons why prisoners may be experiencing delays in having their health requests responded to.
219. Because of the challenges with prisoners having time out of their cells, custodial staff are reported to be handed request forms from prisoners inside their cells. Custodial staff may not post the health request in the secure health

mailbox straight away due to attending to other tasks, and there is a risk that they may not post the health request at all. While we do not have evidence of this being the case, prisoners have told us that they have put in multiple health requests and these have not been responded to. This is a general problem relating to staff being given paper-based forms by prisoners, and also raises issues about privacy of prisoners' health issues with custodial staff being able to read the health request forms (which would not happen if prisoners were out of their cells and able to post the request themselves).

220. Another reason is that there are delays in the health request forms being processed by nurses. We observed a volume of these forms in the unit health clinic room as well as in the main Health Centre. After speaking with staff and making observations, we found there was no robust system for date stamping when the health request forms had been received and documented in prisoners' electronic health files. We were told that Auckland Prison used to have a database for logging receipt of health request forms, but this is no longer maintained.
221. Health staff told us that custodial staff regularly cancel appointments and health staff must rebook prisoner appointments. Most prisoners are seen by the third rebook. In our checked sample cancellations were generally noted as being due to custodial staff shortages or timing constraints. This significantly impacts on the responsiveness and efficiency of the provision of health services in these units. There were 12 Health Service 'staffing event' incident reports created between October 22 2022 and July 23 2023 for 'insufficient custodial staff'.
222. In addition, when a prisoner misses a planned assessment, there can be potential clinical risk and consequence. Risks vary depending on the type and purpose of assessment, and the prisoner's medical condition. Risks could include delayed diagnoses, progression of symptoms, treatment disruption and increased adverse health outcomes.
223. The psychological impact a prisoner may experience includes anxiety or stress, especially if symptoms (e.g. pain) are impacting on their daily activities, if they are worried about having a particular medical condition (e.g. cancer), and if they understand the importance of the assessment. This can affect a prisoner's overall wellbeing and attitude towards health care and health staff.
224. We observed and were told there is little communication with prisoners about if or when they have an appointment booked, or if an appointment needed to be rescheduled. Prisoners told us they usually find out about a health appointment when staff come to collect them for it.
225. We also observed and health staff told us they are unable to enter the wings (such as to speak to a prisoner through their cell door) unless they are accompanied by three custodial staff, even if the entire wing is locked at the time. In addition, three custodial staff are required to be present when opening the hatch in a prisoner's cell door as might occur for a wellbeing check or medication administration.
226. The impact of this is that health staff are generally not able, or find it difficult, to communicate with prisoners when conducting an initial triage assessment

(of their health concern, about appointments, cancellations or the progress of planned care). When on site, staff from one unit were reluctant to allow our clinical inspector to speak directly to prisoners through their doors.

227. We consider that improved communication between prisoners and health staff would reduce some of the frustrations and uncertainty experienced in relation to health concerns prisoners have raised.

Health appointments

228. All unit 11, 12 and 13 health appointments, apart from dentist appointments, occur in a health clinic room within each unit. Dentist appointments take place in the main Health Centre, elsewhere in the prison.

229. We reviewed some doctor's clinics which showed variation in the times it took for a prisoner to be seen. Some prisoners had been seen within one or a few days by the doctor (including for non-urgent health issues), while there were more urgent health issues (such as chest pain and fast heart rate) which took longer to be seen (13 days with numerous rescheduling of this appointment). One prisoner whose health concern was back pain and toothache waited seven weeks to be seen by the doctor.

230. The number of patients seen in doctor's clinics varied (e.g. between two and 14 patients). We observed one morning doctor's clinic which started at 8am but only one patient was able to be seen (at 11 am). A review of multiple doctor's clinics showed that this was not a regular occurrence.

231. Similarly, our review of dentist clinics found that some prisoners with dental pain had to wait many months before receiving treatment. For example, one prisoner raised his dental pain concerns, was provided with regular pain medication six weeks later and received treatment after five months. Another prisoner had been waiting three months for treatment for dental pain and received this promptly after submitting a health complaint.⁴⁷ Review of dentist appointment books also showed rescheduling of prisoners into future clinics with comments noted as 'DNA [did not attend] not seen no time', or 'not seen short staffed'.

232. A nurse is rostered to work in units 10 and 11, and another in units 12 and 13. Review of these clinics found that the nurse would usually be able to see eight to ten prisoners per day if well supported by custodial staff. Sometimes not all prisoners booked on the nurse clinic list can be seen with the cause noted as custodial or nursing staffing levels, time constraints or other clinics running at the same time.

233. The unit clinic room is located next to a non-contact room, typically used for AVL. We were told that custodial staff will not allow both rooms to be used with prisoners at the same time if one of the prisoners had a maximum security classification. This often resulted in a health appointment being cancelled so that an AVL appointment could proceed.

⁴⁷ Dentist appointment waiting times are a nation-wide issue.

234. As discussed earlier in this report, units 11, 12 and 13 typically only move prisoners with four or five custodial staff, which we consider is excessive as a blanket approach.
235. There are three dedicated custodial staff based in the main Health Centre, designated to escort prisoners to and from other units of the prison (such as west wings) for health appointments. On at least two occasions we observed these custodial staff members in the Health Centre appearing to not have health movements to carry out. We consider these staff could be redeployed to assist with health movements in other units of the prison when needed. We were told by health staff that this does not occur as there is a reluctance by custodial staff to assist in an area other than where they are rostered to work.
236. Corrections Regulations schedule 5 7(a) states that where handcuffs, or waist restraints used in conjunction with handcuffs, are applied on a prisoner who is being escorted to or from medical treatment, or receiving medical treatment, escorting officers must, taking into account the advice of the treating medical practitioner,—
- (a) implement any measures that are reasonably necessary to ensure that the mechanical restraint does not adversely affect the health and comfort of the prisoner; and
 - (b) remove the mechanical restraint if necessary to allow the prisoner to receive medical treatment.
237. Prisoners who are handcuffed during movement to a health appointment mostly remain handcuffed during their appointments, with multiple custodial officers remaining in the health clinic room and in proximity to the prisoner. In other units, it would be unusual for prisoners to be handcuffed during appointments.
238. This creates a barrier to how open prisoners can be with health staff, particularly when they have no privacy during their health consultation and it is difficult to carry out physical assessments or interventions (such as blood tests, blood pressure checks, wound care). Prisoners have told us that if they do not talk in front of the custodial staff, then they are unable to get help for their health concerns.
239. The health appointments that we observed were short in duration and appeared to have a reduced or superficial level of therapeutic engagement. We observed a man being assessed for persistent headaches. He was handcuffed to officers and was in the room for less than three minutes. There was a narrow range of questioning by health staff, focussing solely on physical symptoms, and no physical examination.
240. It is recognised that staff and prisoner safety is forefront of management regimes. However, we believe that more consideration of individual (security) risk could be made to provide balance of safety and security with providing a private and therapeutic consultation between patient and clinician.
241. We have been told that a non-contact booth can be used sometimes for a doctor or nurse appointment where no physical assessment is required, and

discussion only takes place. This affords the prisoner more privacy to talk openly with a clinician.

242. Health staff also reported that sometimes they are unable to complete requested blood tests for prisoners due to staff shortages. Custodial staff told us that five custodial staff are required to be present during a blood test as a needle can be used as a weapon. This is concerning as health staff reported that they have a backlog of blood tests needing to be completed.⁴⁸ We consider the number of staff required to support nursing staff should be based around individual risk assessment rather than a blanket approach.
243. The Intervention and Support Practice Team (ISPT) schedules mental health appointments with prisoners. ISPT staff advised they were similarly affected by the cancellation of their appointments. ISPT appointments take place in non-contact rooms and while this supports privacy, ISPT staff have told us that the environment and restrictions (such as handcuffs being worn) can limit the rapport and therapeutic engagement that occurs with prisoners.
244. Some prisoners told us they had not seen anyone from the ISPT, despite submitting health requests and directly asking staff. One prisoner said ISPT staff were meant to see him a week earlier, but this appointment had been cancelled.

Medication administration

245. We observed on multiple occasions the administration of medication during the medication rounds and are concerned that this did not appear to meet Corrections' medication policy or professional standards.
246. Nurses did not identify the prisoner by asking their name or using any other form of identification (such as date of birth or photo) and they did not observe prisoners taking their medication. This is particularly concerning for medications where extra caution and safety is required due to them having value and being misused for onward trading to other prisoners.
247. The timing of the evening medication round took place between 4.30pm and 5.15pm. This is outside of the Medicines Policy (and best practice) timeframes of administering medications prescribed to be taken in the evening. This is problematic for prisoners who are prescribed sedating medications which would result in them falling asleep much earlier in the evening and the medication wearing off through the night.

Summary

248. There are a multitude of challenges at Auckland Prison in the provision of health services, specifically throughout the process of prisoners accessing and receiving care for their health concerns. This not only impacts on their physical health but mental health and general wellbeing.

⁴⁸ As of June 2023, there were 540 overdue blood tests across all of Auckland Prison.

249. Both health and custodial services have resource constraints, not just in numbers of staff available but experience and leadership.
250. While there are clearly defined national health policies and local operating procedures which provide guidance for how prisoners access care, these are not always followed.
251. Examples have highlighted issues with access to care including the collection and acknowledgement of prisoners' health concerns, booking and rescheduling of appointments resulting in sometimes significant and/or inappropriate delays in receiving care.
252. Equally, health staff experience challenges in accessing prisoners to provide assessment and treatment and also have restrictions on being able to communicate with them. Health staff have described feeling stressed, worried about clinical risk and lack of job satisfaction.
253. Heavily restrictive management regimes impinge on privacy of health assessments and therapeutic engagement between clinicians and patients.
254. Prisoners who have been prescribed medications are receiving these, however, not always at the optimal time or in a way that promotes safety.

Mail

255. Section 76 of the Corrections Act provides that it is a minimum entitlement that: *"a prisoner may send and receive as much mail as the prisoner wishes"*.⁴⁹

Delays in receiving mail

256. Prisoners in all three units complained to us about the length of time it took to send and receive mail, including legal mail.

257. We spoke to the administration team which is responsible for processing prisoners' mail. They told us that the mail arrives each weekday afternoon, and they check it with the dog handlers and/or an x-ray machine before sorting it into legal and general mail. There can be a delay if there is no dog handler on site, although the delay is unlikely to be significant.

258. General mail is opened, and the administration team skim-read it as well as check for money, which is credited to the prisoner's account. The administration team told us that general mail is usually processed the day after it is received, and is sent to the units the same day it is processed.⁵⁰ We did not find evidence of significant delay in processing incoming mail.

259. The prison maintains a spreadsheet that records the volume of outgoing mail that is received from the units to be posted. We reviewed the spreadsheet, which shows there are multiple days where no mail is received from units 11, 12 and 13, but on other days there is a significant volume. Our review showed that these units were sending outgoing mail daily, but on average 1.5 days a week, unlike other units where outgoing mail is recorded as being sent daily.

260. We spoke to a defence lawyer who said that legal mail was slow, but this was an issue at all prisons. The lawyer said Auckland Prison does not provide a receipt when legal mail is provided to prisoners (which some prisons do), so she was unsure whether her mail had been received by her clients.

261. Corrections has an *"email a prisoner"* service, through which family are able to email the prison. Staff print off the email and give it to the prisoner. Prisoners advised that incoming emails were slow to arrive at the unit from the time they are sent, taking around five days and up to two weeks. The printed emails are sent to the unit by the same administration team which processes incoming mail.

262. We did not find any evidence of delay in the processing of incoming mail or printing emails by the administration team. We observed unit staff issuing this mail to prisoners. However, we did observe in some of our site visits that mail was sitting in the staff base, waiting to be issued. To the extent there is delay in incoming mail, it is likely to be within the unit, as the unit staff were prioritising unlocking prisoners.

⁴⁹ Sections 69(1)(h) and 76.

⁵⁰ Based on a table of mail received by the administration team on 21-22 June 2023.

Summary

263. Prisoners are able to send and receive mail, which meets the minimum entitlement. There was evidence of some delays in outgoing mail. Any delay in receiving incoming mail is likely to be within the unit, but we did not find evidence of significant delays.

Report embargoed until 3pm Wednesday 17 April 2024

Outgoing telephone calls

264. It is a minimum entitlement that every prisoner may make at least one outgoing telephone call of up to five minutes' duration per week. Section 77 of the Corrections Act provides:

(3) Every prisoner is entitled to make at least 1 outgoing telephone call of up to 5 minutes' duration per week.

(4) The entitlement in subsection (3) is in addition to any telephone call made to—

(a) an official agency; or

(b) the prisoner's legal adviser.

Approving telephone numbers

265. Before prisoners are able to make a telephone call to a family or whānau member or friend, that person's telephone number must be approved by staff. There is an approval form to assist with this process.

266. Prisoners complained that there were delays in this approval process, which we queried with staff. Auckland Prison has a process in which the approval form is sent to an administration team outside the unit for processing. We spoke to unit staff and the administration team, and we did not observe any significant delays in the approval process.

Making telephone calls in the yards

267. For most prisoners in units 11, 12 and 13, all telephone calls to family and whānau must be made while they are unlocked in the yards or dayrooms, which all have telephones. Telephone calls in the yards and dayrooms are free of charge but are set to automatically end after 15 minutes (although prisoners are able to place another telephone call after the first call ends).⁵¹ This is a standard feature of the telephone system across the prison network.

268. The alternate-day unlock regime limited the amount of access prisoners had to outgoing telephone calls, although it was sufficient to meet the minimum entitlement to make one five-minute telephone call each week.

269. The unlock times during which prisoners were often required to make their telephone calls were at times when family members were likely to be at work or school. Some prisoners told us their families struggled to understand why telephone calls were so infrequent, and were reluctant to accept that the prisoners had limited control about when they were able to call.

270. There is only one telephone in each yard and dayroom, and prisoners who are unlocked together must share access to the telephone. One prisoner told us that his unlock group had reached an arrangement to ensure everyone has a

⁵¹ There are cumulative daily and weekly limits of three hours and 21 hours, respectively.

turn, in which each prisoner has five minutes of telephone time. Any prisoner who wished to use the telephone after this could do so. However, given the short unlock time, prisoners told us that the need to share the telephone sometimes created tensions.

271. We observed that the posters setting out the global 0800 free telephone numbers for prisoners, including the Office of the Inspectorate and the Office of the Ombudsman, were not displayed in the units. We raised this a number of times with staff, however, in our follow-up visit in July 2023 the posters were still not displayed. These should be readily available to ensure prisoners are able to access relevant assistance or make complaints to the appropriate authorities.

Summary

272. Prisoners were generally given the opportunity to make at least one outgoing telephone call of up to five minutes' duration per week, in accordance with their minimum entitlement.
273. However, because prisoners were expected to make all of their telephone calls within their unlock time, the calls may have been at times that were not suitable for family members, limiting contact. Given the limited opportunities these prisoners have for meaningful human interaction, access to telephone calls should be facilitated as much as possible.

Legal telephone calls

274. Clause 86 of the Corrections Regulations provides that prisoners must have "reasonable access" to a telephone call for communicating with their legal advisor:

The manager of a prison—

- (a) must ensure that a remand prisoner has access to a telephone at all reasonable times for the purpose of communicating with his or her legal adviser or to arrange bail;
- (b) must ensure that a sentenced prisoner has access to a telephone at all reasonable times for the purpose of communicating with his or her legal adviser about pending proceedings;
- (c) must ensure that a prisoner has access to a telephone at all reasonable times if an inspector or an ombudsman asks for that prisoner to be able to contact him or her by telephone;
- (d) may allow prisoners to have reasonable access to a telephone at all reasonable times for the purpose of obtaining any type of legal advice or for any other purpose approved by the manager.

275. This is also a right under the New Zealand Bill of Rights Act 1990.

276. While legal telephone calls are not expressly set out as one of the statutory minimum entitlements in section 69, subsection (1)(j) provides that it is a minimum entitlement "to exercise any right conferred on prisoners by regulations made under this Act to communicate using any specified device or medium of communication". This includes the right set out in the Regulations to communicate with legal advisors on the telephone.

Legal telephone calls in the yards and dayrooms

277. When we visited Auckland Prison in March and April, many of the prisoners in units 11, 12 and 13 were making their telephone calls to their lawyers during their unlock time in the yards and dayrooms. There was some provision for prisoners to book legal telephone calls in the interview rooms, but this was dependent on staff being available to facilitate this.

278. While the telephones in the yards and dayrooms provided prisoners with some ability to telephone their lawyers, it was quite limited. A prisoner's lawyer may be unavailable during the one or two hours in which the prisoners were unlocked every second day. If the prisoners were unable to reach their lawyer, it would be two days before they were unlocked again and would be able to attempt to contact their lawyer again.

279. Units 11, 12 and 13 accommodate a number of remand prisoners (for example there were 70 in total on 30 April 2023, of a total number of prisoners of 202). These prisoners are defendants in ongoing criminal legal proceedings and

may need frequent access to their legal counsel to be able to defend those proceedings effectively.

Privacy concerns

280. Requiring prisoners to have their legal telephone calls in the yards or dayrooms means that the calls are unlikely to be private, given that unlock time is generally with other prisoners. Some prisoners expressed concerns about not being able to talk freely to their legal counsel in front of others.

Portable wheelie phones

281. During our initial site visits in March 2023 we observed a portable telephone (known as a wheelie phone) being used in Unit 10. This is a normal prisoner telephone that has been mounted onto a trolley with an extended telephone cord, enabling it to be plugged into a telephone socket in the wing. The handset is passed through the door hatch to the prisoner in his cell. The wheelie phones are especially useful for legal telephone calls, as the prisoners are able to speak to their lawyer in private, without other prisoners overhearing the conversation. The wheelie phones can also be issued at times outside unlock hours, providing flexibility around when prisoners are able to speak to their lawyers.

282. Prisoners in units 11, 12 and 13 were aware of the wheelie phones, but told us they were not being used. During our March and April site visits we asked staff about the wheelie phones, but were advised that they were broken. We also raised this with the Prison Director, who confirmed that the wheelie phones were not working.

283. In May 2023 during one of our site visits we asked to be shown the wheelie phones for the units so we could observe them for ourselves. The wheelie phones were locked in activity rooms or store cupboards. We were told by unit staff that the phones were working (which was contrary to what we had been previously told) but that they had not been used since the beginning of the COVID-19 outbreak for a variety of reasons, including:

- » Concerns that prisoners would break the handset.
- » Concerns that prisoners would not return the handset at the end of the telephone call.
- » Insufficient staff to be able to issue them.
- » Wheelie phones relied on a monitoring system that had been changed, so telephone calls on the wheelie phones could not be monitored.

284. We confirmed with Corrections' National Office that changes to the telephone system have not affected the wheelie phones. In any event, legal telephone calls are not monitored.

285. After we made these inquiries, Auckland Prison issued a prisoner information notice in Units 11, 12 and 13 for the use of the wheelie phone for legal calls in

cells. During our follow-up visit in June 2023, we observed the wheelie phones being used.

Summary

286. During our March and April 2023 site visits prisoners were using their unlock time in the dayrooms and yards to make legal calls. Prisoners could be overheard by other prisoners when speaking to their lawyer. Prisoners could book legal telephone calls in the interview rooms, but this was dependent on staff being available to facilitate this.
287. After the Inspectorate made inquiries about the use of wheelie phones in units 11, 12 and 13, the site has made these available for prisoners to have private legal telephone calls in their cells.
288. Given that prisoners are now able to speak to their lawyers in their cells using the wheelie phones, which provide both privacy and flexibility to find a time that suits both the prisoner and their lawyer, the obligation for prisoners to have "*reasonable access*" to speak to their lawyers is now being met, providing staff continue to make the wheelie phones accessible.

Access to library services and programmes

289. Section 78 of the Corrections Act provides that it is a minimum entitlement to access library services and rehabilitation and reintegrative programmes:

(1) A prisoner is entitled—

- (a) to reasonable access to news;
- (b) so far as is practicable, to access to library services;
- (c) to access to further education that, in the opinion of the prison manager, will assist in—
 - (i) his or her rehabilitation; or
 - (ii) a reduction in his or her reoffending; or
 - (iii) his or her reintegration into the community.

Library service

290. Auckland Prison's library service provides prisoners with books, as well as Sudoku, word finds, crosswords and colouring-in books.

291. During our interviews, we asked the prisoners, many of whom complained about having little to do in their cells, whether they used the prison library. Some of the prisoners said that they were able to request books, and that the library staff delivered the books to the unit. However, some of the prisoners were unaware of the library services or how to request books. Some prisoners complained that they had been unable to access library books or the puzzles and colouring books, in some cases despite a number of requests.

292. We reviewed the data recording how many books were issued to each unit at Auckland Prison between April 2022 and March 2023. While this shows that the prison library did issue a number of books to all three units, the data does not show how many prisoners (as opposed to total number of books) in each unit used the library services.⁵² Given the amount of time prisoners in units 11, 12 and 13 were spending in their cells, it is important that the library service is promoted and prisoners are provided with activities to complete in their cells beyond watching television.

⁵² In Unit 11, which had 52 prisoners as of 30 April 2023, the number of books issued per month generally ranged from 28 to 81. In Unit 12, which had 79 prisoners as of 30 April 2023, the number of books issued per month generally ranged from 45 to 91. In Unit 13, which had 71 prisoners as of 30 April 2023, the number of books issued per month generally ranged from 60 to 133.

Reintegration and rehabilitation programmes

293. At Auckland Prison programmes for rehabilitation and reintegration are delivered within the units. In our interviews, some prisoners confirmed that they had access to programmes, but many told us that they were unable to participate in programmes either because they were cancelled or their security classification precluded them from participating.
294. Delivery of all programmes in prison ceased at the outbreak of the COVID-19 pandemic, as visits from non-custodial staff (including programme tutors) were paused to reduce the risk of COVID-19 entering prisons. While programme tutors are now onsite in Auckland Prison, there remain a number of factors limiting access to programmes for prisoners in units 11, 12 and 13:
295. Many of the prisoners in these units are unable to participate in group programmes, because of their risk assessment. In other prisons, and in other units at Auckland Prison, most sentenced prisoners – including high security prisoners – would participate in programmes delivered in a group setting. None of the prisoners in units 12 and 13 were attending group programmes during the review period.⁵³
296. Auckland Prison has adapted some programmes so they can be delivered one-on-one in the non-contact rooms, with the tutor and prisoner on opposite sides of the Perspex screen. However, there are a limited number of non-contact rooms in each unit, and the delivery of one-on-one programmes is very staff intensive (staff remain outside the room and monitor the prisoner through the window). These one-on-one programmes are frequently cancelled, because the room is booked for something else, custodial staff are unavailable, or sometimes because the tutor is unavailable.
297. Some of the prisoners we interviewed complained that they were unable to meet with their case managers. We spoke with the case managers who confirmed they were able to speak with prisoners in units 11, 12 and 13 when they needed to. The case managers told us that their appointments were often cancelled, although there were periods when this had improved. They said that if they urgently needed to speak to a prisoner they were able to do this through the intercom. For example, one case manager told us they had read a parole assessment report to a prisoner using the intercom because of an absence of custodial staff to support an in-person meeting with the prisoner.

Summary

298. While many prisoners do appear to be receiving their minimum entitlement to reasonable access to news and library services, more could be done to promote the library service, to ensure that prisoners are able to engage in activities in their cells beyond watching television, given the amount of time they spend in their cells.

⁵³ In unit 11 there is a small music therapy group programme. An art therapy programme has previously been delivered in unit 11 and there are plans to repeat this.

299. While Auckland Prison has adapted some programmes to be delivered one-on-one, the frequent cancellation of tutor appointments limits the ability to meet the minimum entitlement to access education for reintegration and rehabilitation.

Report embargoed until 3pm Wednesday 17 April 2024

Cleanliness

300. Although it is not a minimum entitlement, the Corrections Regulations provides that the prison manager must ensure that prisoners have the means to keep themselves and their cell clean and tidy.⁵⁴ In practice, this requires prisons to provide prisoners with cleaning equipment to clean their cells, and hair clippers and razors to keep themselves tidy.

Cell cleaning

301. Prisoners are expected to keep their cell clean and should be provided with appropriate cleaning equipment to do this.

302. Although some prisoners we interviewed said they had been provided with cleaning equipment when requested, a number of prisoners complained that they would request cleaning equipment in the morning when breakfast was delivered, but the staff left without returning to provide any.

303. We checked the cleaning cupboards in the units and found they contained limited cleaning equipment and materials.

304. A number of the prisoners told us that staff would provide them with disinfectant and paper towels when they wanted to clean their cells. We asked staff about this, and they confirmed that the units had a process where the prisoners would hold out an empty shampoo bottle, and staff would fill it with disinfectant. If the prisoner did not have access to an empty shampoo bottle, there was no formal process for the provision of disinfectant.

305. After we raised the limited cleaning equipment and materials with staff, including the Prison Director, the site introduced small cleaning trolleys for the units. These include items such as dustpans and cleaning cloths. In our follow-up visit in June 2023 we observed the trolleys being taken around the wings by the staff during the breakfast round, so cleaning materials could be provided immediately in response to a prisoner's request.

Cleaning in the wings

306. Although the units now have cleaning equipment and materials available to enable prisoners to keep their cells clean, we remain concerned that the cleanliness of the units is not being regularly maintained.

307. During our follow-up visit in June 2023, the wing floors in units 12 and 13 were littered with items that had been thrown by the prisoners from their cells. This included general rubbish, food, milk cartons and cutlery, and there were small pools of water. We observed rubbish bags piled up at the entrance to the units and saw what appeared to be vermin droppings nearby.

308. We reviewed CCTV footage of the units to confirm how frequently the wing floors were being cleaned. While there were days when the floors were

⁵⁴ Corrections Regulations 2005, reg 69(2).

cleaned, this was intermittent and there was no clear pattern of regular cleaning.

309. We spoke to some of the prisoners who have the job of unit cleaner. They said sometimes they were not unlocked to do the wing cleaning, but staff told them not to worry and that they would still receive the incentive allowance.

Cleaning in the yards

310. During our site visits in March and April 2023 some of the toilets in the yards were blocked or unclean.
311. The drinking fountain in the yards sits immediately above the toilets where the cistern would usually be. Some prisoners complained that the drinking water was not running in the yard. We checked the fountains, which were all working, although the prisoners would need to lean over the toilet to drink the water.
312. We raised the cleaning issues with staff, and the yards were subsequently washed with a high-pressure hose.

Hair clippers

313. A number of prisoners complained that they were not given access to hair clippers.
314. We made inquiries about this with staff, who confirmed that in unit 12 prisoners have not been provided with access to the hair clippers since the outbreak of the COVID-19 pandemic, unless they were going to court. We were advised this was because there were insufficient staff to supervise prisoners when using the clippers.
315. Prisoners told us that they used the plastic disposable shaving razors to cut their hair. We observed a number of prisoners with cuts and marks on their head that appeared consistent with using disposable razors for shaving.

Summary

316. During our first site visits, prisoners were not being provided with adequate cleaning materials to clean their own cells, although the introduction of cleaning trolleys should have resolved this issue. Prisoners in units 12 were not being provided with hair clippers.
317. The wing floors do not appear to be regularly cleaned, and during our follow-up visit in June 2023 there was rubbish on the floors that had been thrown by the prisoners from their cells.

Conclusion

318. We have found that prior to 17 July 2023, in units 11, 12 and 13 at Auckland Prison the minimum entitlement to be unlocked daily for an hour of physical exercise was not being met. In unit 12 the minimum entitlement was not met from October 2022, and in unit 13 from December 2022. By 11 February 2023 the alternate-day unlock regime had been implemented across all three units. There were 198 prisoners subject to the regime prior to 17 July 2023; 107 prisoners did not have their minimum entitlement in excess of 100 days.

319. The following minimum entitlements and other statutory obligations were also not met for all prisoners in units 11, 12 and 13:

- » The entitlement to sufficient bedding for warmth, health and reasonable comfort. The bedding was sometimes worn or missing items, and prisoners in units 11 and 13 were not given alternative supplies to use while their bedding was laundered overnight.
- » The clothing provided by the prison was not always "*adequate for safety, warmth, comfort, and health*", as required by the Corrections Regulations.
- » The entitlement to family and whānau visits each week. AVL visits were available, although the number of AVL sessions suggests that it was underutilised. There were a number of barriers to accessing AVL visits.
- » Prisoners were not always able to access appropriate or timely medical care. Many prisoners experienced significant periods of time waiting for their health concerns to be addressed, often had appointments rescheduled, and some were not seen at all when raising a health concern.
- » Prisoners were not always provided with sufficient materials to keep their cell and their person clean and tidy, as required by the Corrections Regulations, although the introduction of cleaning trolleys should mean that prisoners now all have access to cleaning materials.

320. In addition, we found that:

- » The documentation supporting the unlock regime was inadequate given the seriousness of the departure from the minimum unlock entitlement, and the length of time the regime had been in place. We found no evidence of a plan to return to meeting the minimum entitlement.
- » There should be a process to identify those prisoners who show a consistent pattern of declining to come out of their cell for their unlock time.
- » Handcuffs were used for escorting prisoners who had handcuff alerts in IOMS, which was determined at a multidisciplinary panel. It is not clear that staff were turning their mind to whether handcuffs were "*necessary*" each time they were used.
- » The staff-prisoner ratios for escorting prisoners from their cells were routinely higher than required by Corrections' policy. While this may

be appropriate for some prisoners, the high ratios appeared to be applied across the units.

- » There was a gap between dinner and breakfast of between 15 hours 42 minutes and 17 hours one minute, although a small muffin or a yoghurt and a piece of fruit was served with the dinner for supper. While this is consistent with the national menu, it was not clear whether this takes into account the early provision of dinner in units 11, 12 and 13 (as early as 2.35pm on the CCTV we reviewed).
- » Although in-person and AVL legal visits were available, it was difficult for prisoners to contact their lawyers if they wanted to schedule a meeting. Prisoners were using the telephones in the yards and dayrooms to contact their lawyers, where they could be overheard by other prisoners, although the units are now using wheelie phones to enable prisoners to make legal telephone calls in their cells, in private.
- » Prisoners were able to speak on the telephone during their unlock time, but this was not always at a time when family and whānau were available. The limited access to telephones, coupled with the lack of in-person visits and limited AVL visits, would have heightened the isolation experienced by these prisoners.
- » More could be done to promote the library service, to ensure that prisoners are able to engage in activities beyond watching television, given the amount of time they spend in their cells.

321. The investigation found that minimum entitlements were generally being met for sending and receiving mail, making personal telephone calls, and library services.

322. Prisoners in units 11, 12 and 13 are in single cells, so their only opportunity to interact with other prisoners – aside from calling to each other from their cell – is during their unlock time. The staff were seldom in the wings except to escort prisoners to unlocks and to deliver food, and there were limited opportunities for prisoners to interact with staff, or for the staff to get to know the prisoners. The cumulative impact of the alternate-day unlock regime was that prisoners had limited opportunities for meaningful human interaction. It is likely that the prisoners experienced solitary confinement, as that term is defined in the Mandela Rules: “*more than 22 hours a day without meaningful human interaction*”.⁵⁵

323. The Mandela Rules prohibit “*prolonged solitary confinement*” in excess of 15 days. We found that 113 prisoners were likely subject to solitary confinement in excess of 15 days, and 107 prisoners were likely subject to solitary confinement in excess of 100 days. For these prisoners, the impact of the extended period of isolation would likely have been profound.

⁵⁵ *Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* (The United Nations, adopted on 17 December 2015), Rule 44. The Mandela Rules set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management internationally. Section 5 of the Act provides that it is based on these Rules, amongst other things. The Rules are not a treaty or binding international instrument that has been adopted into New Zealand law: see *Attorney-General v Taunoa* [2007] NZSC 70 at [259]-[260].

324. The impacts of prolonged solitary confinement include lethargy, impaired concentration, depression, anxiety, panic attacks, anger and irritability, perceptual distortion, and paranoia. Prisoners may become institutionalised, and struggle if they are transferred to a less restrictive unit or released into the community.
325. The isolation experienced by prisoners in units 11, 12 and 13 would have been heightened by the limited activities available to them. They had little to do in their cells beyond watching television. The long hours prisoners spent in their cells would likely have been more distressing for those who were not provided with adequate cleaning materials to keep their cell clean, or who were not provided with appropriate bedding and clothing.
326. It is acknowledged that, from 17 July 2023, prisoners are now largely being unlocked daily. However, the impacts of the regime may well be longer lasting, both for the prisoners, who have gone for a long time with limited opportunities for meaningful human interaction, and for staff, who have become accustomed to working in a regime that does not meet minimum entitlements.
327. Having made the decision to deny minimum entitlements as a result of staffing shortages and under the provision of maintenance of safety, security and good order, Corrections should have put a plan in place to return to meeting minimum entitlements as soon as practicable.

Recommendations

1. Corrections must take a '*lessons learned*' approach to the decisions and actions taken at the site, region and national level in response to the decision to deny minimum entitlements and the regime that was operating in units 11,12 and 13 of Auckland Prison during the review period.
2. Corrections must review this report, and its conclusion, and consider how to respond to the prolonged denial of minimum entitlements for prisoners accommodated in units 11,12 and 13 during the review period. This should carefully consider the individual circumstances of each prisoner and, where they remain in units 11, 12 and 13, their progression pathway.
3. In any future occurrence when Corrections denies minimum entitlements (particularly as it did in this case for a prolonged period, involving many prisoners) it must put in place a national response plan to support the site to address the underlying causative factors, with the aim of ensuring the site moves quickly to restoring an operating regime of, at least, delivering minimum entitlements at the earliest possible opportunity.
 - i. Any decision to deny minimum entitlements must be documented in writing by the decision maker at the time the decision is taken, setting out the rationale for the decision. The national response plan must be robustly documented, with actions and action owners identified and timeframes for delivery established from the outset.
 - ii. The plan must also be subject to ongoing scrutiny by an internal assurance mechanism, to ensure that progress on actions is both timely and appropriate.
 - iii. The decision to continue to deny minimum entitlements must also be reviewed daily by the Prison Director or delegate, and a record made of the decision together with the rationale for that decision.

Appendix A. Department of Corrections' response



14 November 2023

Janis Adair
Chief Inspector
Department of Corrections

By email: janis.adair@corrections.govt.nz

Tēnā koe Janis

**Re: Inspectorate Special Investigation - Auckland Prison Units 11, 12 & 13
(1 October 2022- 30 April 2023)**

On behalf of Corrections, thank you for the opportunity to respond to the draft report regarding Auckland Prison Units 11-13.

We want to acknowledge the ongoing engagement and contribution of your office. The ongoing monitoring of our prisons play a key role in building a culture of continuous improvement for Corrections. This investigation identified issues which allows us to understand where challenges exist and to ensure long-term resolution of the issues.

We are pleased to note a large of volume of work has already been implemented since your review was undertaken. As you will be aware and as part of this action, Auckland Prison initiated a site plan wherein a number of the key issues raised by your office following the visit (and subsequently the Ombudsman) were grouped into areas and actions written up around how they would address these areas.

Twice weekly assurance meetings have been established which offers an opportunity for updates to be provided on how the site are tracking against the plan. While some meetings are for prison management only, others include union delegates, regional leadership, and health stakeholders. We are aware these site plans are updated following these meetings, your office is provided a copy, and the Monitoring Agency Relationships (MAR) team updates the Ombudsman on anything that related to their feedback.

You made three overarching recommendations within your report, which Corrections accepts in full. We have addressed each of these below:

1. *Corrections must take a 'lessons learned' approach to the decisions and actions taken at the site, region and national level in response to the*

NATIONAL OFFICE, WELLINGTON
Mayfair House, 44 – 52 The Terrace, Wellington, 6011, Private Box 1206, Wellington 6140, Phone +64 4 460 3000
www.corrections.govt.nz

decision to deny minimum entitlements and the regime that was operating in units 11,12 and 13 of Auckland Prison during the review period.

This recommendation is accepted. While some of the identified issues within your report were events specific to Auckland Prison, we acknowledge the lessons that may be learnt and shared across the network regarding the approach and decisions made. The Chief Custodial Officer will lead work in this area to identify key areas where lessons are learned and how they can be addressed in future planning.

It is important to note that in this instance a number of factors, including reduced staffing levels caused through the effects of COVID-19 and recruitment and retention levels, impacted the level of services that were delivered at Auckland Prison. However, we acknowledge staffing levels need to be maintained for the safety of staff and people in prison, and therefore a consequence was the reduced ability to provide minimum entitlements.

It is worth noting staff recruitment to frontline positions has increased since this review period, and it is hoped that with a continued focus in this area as well as retention, this will assist in easing operational pressures across the wider network. We continue to work through the resourcing of staff at our prisons to mitigate such situations happening in the future.

We do believe it is important to note changes to the operating model of prisons especially when a site does not have the required capability in areas such as staffing, both in numbers of and experience levels, and buildings/design are also contributing factors. This is also highlighted where managing a large remand population in a prison that is not equipped to deal with this population, and the complexity of managing people in prison with different mixing categories and limited yard space, which provides limited opportunities.

- 2. Corrections must review this report, and its conclusion, and consider how to respond to the prolonged denial of minimum entitlements for prisoners accommodated in units 11,12 and 13 during the review period. This should carefully consider the individual circumstances of each prisoner and, where they remain in units 11, 12 and 13, their progression pathway.*

This recommendation is accepted. The Department acknowledges the report and its conclusion regarding the provision of minimum entitlements for affected people in custody at Auckland Prison during the review period. The Department is actively considering all options available to provide redress for those affected people. We will also assess on a case-by-case basis any complaints that are submitted regarding individual circumstances that have arisen during this review period at Auckland Prison.

- 3. In any future occurrence when Corrections denies minimum entitlements (particularly as it did in this case for a prolonged period, involving many prisoners) it must put in place a national response plan to support the site to address the underlying causative factors, with the aim of ensuring the*

site moves quickly to restoring an operating regime of, at least, delivering minimum entitlements at the earliest possible opportunity.

- i. Any decision to deny minimum entitlements must be documented in writing by the decision maker at the time the decision is taken, setting out the rationale for the decision. The national response plan must be robustly documented, with actions and action owners identified and timeframes for delivery established from the outset.*
- ii. The plan must also be subject to ongoing scrutiny by an internal assurance mechanism, to ensure that progress on actions is both timely and appropriate.*
- iii. The decision to continue to deny minimum entitlements must also be reviewed daily by the Prison Director or delegate, and a record made of the decision together with the rationale for that decision.*

This recommendation is accepted. The National Coordination Centre (NCC) was established to support prison sites experiencing reduced staffing with short, medium, and long term options to ensure the safety of staff and people in prison and security at these sites. It also coordinated the immediate response activity to alleviate pressures on staff and sites. This work is continuing.

An assurance mechanism regarding the provision of a minimum entitlements database has been initiated since this review, and a process regarding declarations of prison emergencies such as the ability to offer minimum entitlements, has been created to assist with future planning should another similar event occur.

It should be noted that as part of the NCC function, Prison Directors were reminded of decision making obligations including record management in weekly meetings.

In progressing this work, specific attention will also be given to address similar recommendations outlined in other reviews.

We trust you are satisfied with our response to the draft report. Please advise if you have any concerns or questions about the information provided.

Ngā mihi nui



Leigh Marsh
National Commissioner



Dr Juanita Ryan
Deputy Chief Executive Health

Report embargoed until 3pm Wednesday 17 April 2024