

Thematic Report: Inter-Prison Transfers

The impact of moving prisoners in New Zealand



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Office of the Inspectorate *Te Tari Tirohia*

Our whakataukī

Mā te titiro me te whakarongo ka puta mai te māramatanga

By looking and listening, we will gain insight

Our vision

That prisoners and offenders are treated in a fair, safe, secure and humane way.

Our values

Respect - We are considerate of the dignity of others

Integrity - We are ethical and do the right thing

Professionalism - We are competent and focused

Objectivity - We are open-minded and do not take sides

Diversity - We are inclusive and value difference

We also acknowledge the Department of Corrections' values: Rangatira (leadership), Manaaki (respect), Wairua (spirituality), Kaitiaki (guardianship) and Whānau (relationships).



Foreword

Following my appointment, I made a commitment to ensure the work of the Office of the Inspectorate was future focused to address the challenges for people in the care of the Department of Corrections. This is the second thematic inspection carried out by my Office and this work complements our programme of announced and unannounced prison inspections.

In determining which areas to examine, I was prompted by a number of investigations my Office has undertaken into complaints about inter-prison transfers. While these were largely about the physical circumstances of the transfers, they signalled to me a wider issue – that of the rationale for and impact of the high number of inter-prison transfers that take place each year. I acknowledge that because of the complexity of the prison system and the need to move prisoners for a number of reasons, inter-prison transfers are likely to remain a feature of prison life. For these reasons, it is important to assess the impacts of inter-prison transfers on prisoners and their family and whānau.

Overall, this report finds that Corrections has made good progress over the last two years in considering the needs of prisoners in transfer decisions. It is pleasing to see the improvements made, which will have significant benefits. This progress aligns with Corrections' Hōkai Rangi strategy which aims to support the wellbeing of prisoners using principles from Te Ao Māori. These foundations must be built upon to bring about real and sustained change.

Corrections must continue its commitment to improving inter-prison transfers and I have made a specific recommendation that I am updated with progress every three months. I have also made other recommendations which are set out in this report. Because of the importance of the impacts of inter-prison transfers on prisoners' lives and that of their family and whānau, I intend to produce a follow-up report in 12 months.

I would like to acknowledge Corrections staff and the prisoners we interviewed for this thematic inspection, and Sir Ron Young, Chairperson of the New Zealand Parole Board, for his insights. It's important also to recognise Pillars and the Howard League Wellington for sharing their experiences with us. I strongly encourage Corrections to engage with such organisations in the community to better understand and work towards improved prison transfers.

I commend this report and the opportunity it presents.



Janis Adair
Chief Inspector of Corrections

Executive Summary

New Zealand has a nationwide network of 18 prisons. The prison population peaked at 10,820 prisoners in March 2018 and now sits at around 8,400 (in June 2021). Some prisons specialise in the management of specific populations (such as women) or offer particular rehabilitative programmes. Transferring people between prisons is a relatively common activity for the Department of Corrections.

In 2020, 7,697 inter-prison transfers took place (with some individuals being transferred between prisons more than once). Around half of these transfers were to enable prisoners to access programmes, to move prisoners to their home regions for release, and to move prisoners to safeguard their wellbeing. In the same year, 28% of transfers were made to manage prison population pressure and 22% of transfers were for court appearances.

While transferring prisoners is necessary within the current prison network, it is not without its challenges. Transfers can disrupt the lives of prisoners and their support networks, as well as incurring fiscal costs for Corrections. We understand the approximate cost for inter-prison transfers in 2020 was \$1.8 million. This thematic report examines the rationale and challenges associated with prisoner movements. It also provides insight into the impacts of movements on prisoners and their family and whānau.

At the time of our fieldwork for this thematic inspection, Corrections was actively re-developing its inter-prison transfer policies as a result of the findings and recommendations of our investigations into the circumstances of particular prison transfers and also Corrections' audit of inter-prison transfers.

Overall, this report finds that Corrections has made good progress in considering the needs of prisoners in transfer decisions in the last two years. Specific changes have included developing a tool that rates the 'transferability' of prisoners based on their personal circumstances, changes to the Prison Operations Manual which require staff to consider the needs of the prisoner before requesting a transfer, as well as work to procure new Prison Escort Vehicles and identify routes that offer shorter travel times during transfers.

However, we also found inconsistencies in processes within prisons for deciding which prisoners to transfer and how prisoners were informed about their transfer. Further concerns were raised about the transfer journey itself.

We make ten recommendations: three general recommendations and seven specific recommendations. We hope these recommendations will assist Corrections to improve the management of inter-prison transfers in the immediate and longer terms.

Recommendations

General Recommendations

1. Corrections must take full account of its Hōkai Rangi strategy in progressing its work programme for inter-prison transfers. This must be visible and well understood by staff and embedded in policy, practice and procedure.
2. Corrections update the Office of the Inspectorate with progress on these recommendations **every three months** until further notice.
3. Corrections update its Wellness and Insights Advisory Board about progress with inter-prison transfers at their regular meetings.

Specific Recommendations

4. Corrections consider implementing a national decision-making framework for assessing the actual risk of remand prisoners and accommodating them in the least restrictive regime in prison as practicable.
5. Corrections review the location of current rehabilitation and vocational/industry training programmes, according to latest demand analysis, and consider more flexible delivery models.
6. Corrections provide training to custodial staff to improve awareness of inter-prison transfer requirements.
7. Corrections consider training for health staff on the Prison Transfer Request system.
8. Corrections consider how the privacy of prisoners could be further protected during transfers using commercial flights.
9. Corrections ensure that prisoners, their family and whānau are made aware of all available ways to stay connected.
10. Corrections ensure that where family and whānau are eligible, they and prisoners are informed of financial assistance available to meet the costs of travelling to prisons.

New Zealand Prison Network



Department of Corrections map.

Introduction

New Zealand prisons and inter-prison transfers

1. Helping prisoners move towards a life free of crime is a complex task. While people are in prison, access to health services, rehabilitation programmes and reintegration opportunities, as well as maintaining contact with family and whānau, are important factors to enable this.¹
2. New Zealand has a nationwide network of 18 prisons, which can accommodate more than 10,000 prisoners if required. Seventeen prisons are managed by the Department of Corrections (Corrections) and one is privately operated.
3. Prisons accommodate a range of individuals, with some specialising in the management of specific populations or offering particular rehabilitative programmes. For example, three prisons manage female prisoners and the remainder house male prisoners. Tongariro and Rolleston prisons and Auckland South Corrections Facility only accommodate people who have been sentenced, while Mt Eden Corrections Facility (MECF) largely manages prisoners on remand. Auckland Prison has the country's only maximum-security facility, and Rimutaka Prison has a specialist high-dependency unit for men with complex health-related needs.
4. Because of the diversity of accommodation and rehabilitative opportunities offered across the prison network, prisoners can be transferred between prisons to ensure their specific needs, and/or the needs of Corrections are met. Reasons for transfers are outlined in section 54 of the Corrections Act 2004. The Corrections Regulations 2005, and Corrections' Prison Operations Manual give further direction about when and how transfers should be conducted.
5. The prison population peaked at 10,820 in March 2018 and in June 2021 was around 8,400. The number of prison transfers grew from 8,823 in 2017

¹ United Nations (2018) Introductory Handbook on The Prevention of Recidivism and the Social Reintegration of Offenders. Criminal Justice Handbook Series.

to a peak of 11,223 in 2019 then decreased to 7,697 in 2020 (see Figure 1). The number of transfers follows the broad changes in the prison population.² In 2020 prison transfers were curtailed during lockdown because of Corrections' response to COVID-19.³ The prison population was also smaller in 2020.

6. While inter-prison transfers are a critical mechanism for Corrections to manage prisoners, transfers can disrupt the lives of prisoners and their support networks as well as incurring fiscal costs to Corrections.⁴
7. Transfers between prisons may be more distressing for women prisoners if they are removed from their family and whānau and their support networks. This is because women in prison are more likely than men to have caring responsibilities for their whānau. Evidence suggests women are also more likely to develop close ties to other prisoners and be more open with prison staff than men.⁵ A transfer can disrupt these sources of local support.

Inspection purpose

8. The purpose of this inter-prison thematic inspection is to consider the treatment and experiences of prisoners who are transferred between prisons alongside the values that underpin the Corrections' Hōkai Rangi strategy, to provide an analysis of:
 - » the rationale and challenges associated with inter-prison transfers and whether decisions are reasonable, necessary and proportionate, person-centric and achieve the anticipated outcomes
 - » how safety, security, dignity and prisoner health and wellbeing needs are met before and after inter-prison transfers
 - » the impact that inter-prison transfers have on prisoners, and where appropriate, their family and whānau.
9. To prepare for our thematic inspection, inspectors undertook a review of local and international research, inspection reports from other jurisdictions (including inspections by the Office of the Ombudsman) and other guiding documentation on inter-prison transfers.
10. We also undertook an analysis of complaints made by prisoners about inter-prison transfers in 2019. We used this information, along with our *Inspection Standards*,⁶ to inform our inspection criteria and lines of inquiry.

² Note, Figure 1 shows the prison population at June of each year. The number of prisoners moving into and out of the prison system is much larger over the year. In 2019, prison starts comprised around 24,000 prisoners.

³ Between 26 March and 14 May 2020 New Zealand was in COVID-19 Alert Level 4 – Lockdown and Alert Level 3 – Restrict. During this period, inter-prison transfers were restricted except for those needing to travel for the purposes of attending court, release, population pressure and for health/humanitarian reasons.

⁴ We were advised that the approximate cost for inter-prison transfers in 2020 was \$1.8 million.

⁵ Department of Corrections, 2017. Women's Strategy 2017-201: Wahine - E rere ana ki to Pae Hou.

⁶ The *Inspection Standards* describe the standards of treatment and conditions we expect a prison to achieve. The Standards derive from the United Nations Standard Minimum Rules for the

11. Like all our prison inspections, our assessment for this thematic inspection was guided by four key principles:
- » **Safety:** Prisoners are held safely.
 - » **Respect:** Prisoners are treated with respect for human dignity.
 - » **Rehabilitation:** Prisoners are able, and 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 re-offending.⁷

Inspection process

12. Between March and September 2020, when COVID-19 travel restrictions allowed, inspectors visited:
- » Northland Region Corrections Facility (NRCF)
 - » Auckland Region Women's Corrections Facility (ARWCF)
 - » Auckland South Corrections Facility (ASCF, operated by Serco)
 - » Spring Hill Corrections Facility (SHCH)
 - » Whanganui Prison
 - » Hawkes Bay Regional Prison (HBRP)
 - » Rimutaka Prison
 - » Arohata Prison
 - » Christchurch Men's Prison (CMP)
 - » Christchurch Women's Prison (CWP).
13. Six inspectors were involved in the inspection, including a Principal Inspector and Principal Clinical Inspector.
14. Inspectors invited a selection of eligible prisoners and offenders to participate in formal interviews.⁸ Eligible prisoners and offenders were those who had experienced a number of transfers during 2019. Individuals who agreed gave consent for their information to be included in a report that would later be publicly available and were informed that they could withdraw from the interview at any time.
15. Inspectors formally interviewed 84 prisoners in 10 prisons. Numerous prison staff and non-custodial staff were informally interviewed across all sites. Key staff and managers across Corrections National Office and external stakeholders, such as Pillars, were also interviewed.
16. On 23 June 2021, we provided the Corrections National Commissioner with a draft of this report. The National Commissioner responded on 2 August 2021, and the response has been appended to this report.

Treatment of Prisoners ('the Nelson Mandela Rules') and the HM Inspectorate of Prisons Expectations (England's equivalent criteria for assessing the treatment of and the conditions for men in prisons).

⁷ The four principles (or close variations) are used by prison inspectorates in the United Kingdom and Australia, among others. They are consistent with the principles of the Nelson Mandela Rules and the purpose and principles of the Corrections Act 2004.

⁸ Note, Corrections uses 'prisoner' to refer to someone detained in prison, and 'offender' to refer to someone serving a community based sentence.

17. This report describes what we found during our thematic inspection. We have chosen to report our observations and information gathered according to the three aims of the report: decisions about inter-prison transfers, prisoner health and wellbeing, and the impacts of transfers on family and whānau.
18. This report, importantly, includes comments from some prisoners and staff. The case studies are based on the experiences of prisoners we spoke with for this inspection. Personal details have been anonymised.

Managing inter-prison transfers

19. At the time of our fieldwork for this thematic inspection, Corrections was actively re-developing its policies around inter-prison transfers. This redevelopment was prompted by the Inspectorate's investigations into the circumstances surrounding prison transfers and Corrections' audit of inter-prison transfers.⁹
20. Corrections undertook an internal audit of inter-prison transfers in the first quarter of 2019 to 'assess the clarity and consistency of the rationale for and impact of prisoner transfers.'¹⁰
21. The internal auditors found clear reasons for each transfer they assessed. However, they also reported that transfers were not linked to an overall strategy. They noted that transfers for "muster management" purposes often increased the workload of staff and placed extra pressure on them.¹¹ Transfers also had a disruptive impact on the continuity of rehabilitation, reintegration and healthcare of prisoners.
22. The Audit Report made three recommendations, all of which were accepted by Corrections and have been progressed. These were to:
 - » develop a strategy for the management of the prison population to support more coordinated and less reactive prisoner movements

⁹ Office of the Inspectorate | Te Tari Tirohia. (2019). Report of investigation into the circumstances surrounding the prisoner escort between Spring Hill Corrections Facility (SHCF) and Rimutaka Prison on 30 January 2019. Wellington: Unpublished.

Office of the Inspectorate | Te Tari Tirohia. (2019). Special Investigation Prisoner Transport: Circumstances surrounding the prisoner escort between Auckland Region Women's Corrections Facility and Arohata Prison on 6 July 2019. Wellington: Unpublished.

Office of the Inspectorate | Te Tari Tirohia. (2020). Special Investigation: Prisoner Escort. Report of investigation into circumstances surrounding the prisoner escort between Timaru Police Station and Otago Corrections Facility on 21 July 2020. Wellington: Unpublished.

¹⁰ Department of Corrections, 2019, Prisoner Movements Internal Audit Report. .

¹¹ Note 'muster management' was replaced by the term 'population management' in 2019.

- » document the process for prisoner movements in the Prison Transfer Request (PTR) tool
- » communicate the new prisoner movements process to all staff.

Prisoner transfers are managed through the Prison Transfer Request system

23. The Prison Transfer Request (PTR) system was developed to consistently prioritise, plan and record all inter-prison transfers across the prison network. In 2019, it replaced the old process for managing transfers which relied on regional prison population advisors co-ordinating transfers using local databases and daily emails of transfers to prisons.
24. The PTR records the intended reason for each transfer as specified under the Corrections Act 2004, and groups these reasons together. Table 1 shows the reasons for transfers in respective categories:¹²

Table 1. Prison Transfer Request (PTR) categories and reasons for transfer

Category	Reason
Population Pressure	For muster management purpose
	To separate different categories of prisoners
Judicial	For court hearing purposes
	The transfer is pursuant to section 143 of the Sentencing Act 2002 ¹³
Medical	To provide healthcare
Placement Management	To ensure the safety of that prisoner or any other reason
	To reduce the risk of suicide or self-harm
	Transfer has been directed by the Chief Executive or an Inspector of prisons
	To restore or maintain security and order of the prison
Placement Review	To assist in likelihood of reducing re-offending
	Due to change in security classification
	To allow for repairs or alterations at the prison
Personal Request	Prisoner transfer request
Accepted for Programme	For reintegration / rehabilitation purposes
	To address offender plan activities
Release	To be close to home region

¹² Number of transfers for each category are shown in Figure 2.

¹³ Section 143 of the Sentencing Act, 2002, refers to sentencing of a person who, at the time of being committed, was underage for the sentence imposed.

25. The PTR is a live platform, and all staff with access to Corrections' Integrated Offender Management System (IOMS) can view a list of future transfers.¹⁴
26. The transfer list includes the details of each transfer arrangement, including the date people will be transferred, how they will be transferred and which prison they will transfer from and to.
27. A new training guide for the PTR, which replaced older guidance, was released by Corrections for staff in 2020.
28. The PTR also displays a rating of how suitable a prisoner is for transfer generated by the Population Pressure Rating (PPR) tool.

The Population Pressure Rating tool aids decision-making about transfers

29. In 2019, Corrections developed the Population Pressure Rating (PPR) tool, which replaced the old Transferability Rating Index (TRI) current at the time of the Corrections' audit. PPR gives a score of how transferable a prisoner is considered to be based on a number of factors. It was developed in consultation with stakeholders across Corrections, including representation from prison management, to ensure that only the most suitable prisoners are transferred.
30. The tool allocates a rating between 0-119 for each prisoner. The higher an individual's rating, the more suitable that prisoner is considered for transfer.

"If we need to do movements due to population pressure then we can run a report and people with 100 or higher are [considered] to transfer." [Staff member - Prison Population Team]

31. A prisoner's score is automatically calculated using a number of factors¹⁵ recorded in IOMS. Factors can include (but are not limited to) whether a prisoner has an upcoming court hearing, is enrolled in a rehabilitation programme or intervention, or is engaged in work, education or cultural activities, is actively receiving treatment or support for their physical and mental health, has received recent whānau visits, or needs to return to their home district.

"Everyone starts at a score of 100. A programme or a transferability constraint removes points – so if that gets loaded, we take points off them. Anyone with a 95 or below that pops up on the transfer list, that's where we have a conversation as to whether that person should actually go or not. PPR is not a decision maker. It is a way of having a conversation." [Staff member - Prison Population Team]

32. Each factor carries a score depending on its level of importance.¹⁶ For example, a prisoner who has a transferability constraint due to a medical appointment will receive a score of -40. In comparison, a prisoner who has an upcoming New Zealand Parole Board (NZPB) hearing will receive a score of -10.

¹⁴ IOMS is a database which captures information about every person under the management of Corrections.

¹⁵ There are 58 factors in total.

¹⁶ Note, an internal stakeholder workshop determined which factors were important in deciding whether to transfer a prisoner (discussion, Prison Population Team, 29 March, 2021).

Transfer decisions are influenced by information provided by staff

33. PPR is completely reliant on the information contained in IOMS and requires all staff members to ensure an individual's IOMS record is up to date with the relevant information.

"The system is only as good as the people in the field putting it into IOMS ... IOMS needs to be updated with the right information for us to make the right decisions.... I have to cancel around 15% - 20% of prisoners I identify through the system because there is a constraint that is not loaded into the system. The majority of these are medical." [Staff member – Prison Population Team]

The Prison Operations Manual provides guidance for transferring prisoners

34. The Prison Operations Manual provides guidance for custodial staff who carry out inter-prison transfers. The guidance aims to assist staff in *"managing prisoners' escorts safely, humanely and securely while minimising risk to staff and the general public."*¹⁷
35. Prisoners are transported between prisons by Prisoner Escort Vehicles (PEV) or commercial or chartered flights. Most prisoners are transported by road in an eight-seater PEV. Women usually travel by air because of the distance between women's prisons. Travel between the North and South Islands is always by air.
36. Up to two chartered flights are scheduled each week. Where practicable, all maximum-security prisoners are flown on chartered flights. Commercial flights, although utilised less frequently, are predominately used for women prisoners.
37. Security company First Security is contracted to manage inter-prison transfers for Northern Region prisons. On occasion, First Security also undertakes transfers for those in Waikeria Prison. Corrections carries out transfers in other areas.
38. At the time of writing, Corrections is actively reconsidering transport routes, with a trial of new routes planned for the middle of 2021. This work aims to reduce travel time and distances travelled between comfort breaks.

Corrections receives between two to three complaints for every 100 transfers

39. Prisoners can make a complaint by submitting a completed PC.01 form. If the matter is not resolved to their satisfaction, the prisoner can contact the Office of the Inspectorate (the Inspectorate), or the Office of the Ombudsman.
40. Inter-prison transfers generated between two to three PC.01 complaints per 100 transfers between 2017 and 2020. Around two-thirds of these were later escalated to the Inspectorate.
41. Our analysis of PC.01 complaints showed that most complaints were received from Auckland South Corrections Facility (ASCF), Rimutaka Prison, Otago Corrections Facility (OCF), Spring Hill Corrections Facility (SHCF) and Auckland Prison (see Figure 3). We note that complaints are lodged from

¹⁷ POM, M04.01 Prison escorts/transfers general at 18 February 2021. Corrections agreed to update the transfers processes in the Prison Operations Manual to align with the Corrections Inter-prison Transfer Policy in August 2020.

the receiving prison but often relate to a decision made while the prisoner was accommodated elsewhere.

42. A detailed analysis of the 288 PC.01 complaints about transfers in 2019 showed that 120 (46%) related to prisoners' requests for transfer to a prison in their home region. Prisoners wanted to have regular contact with family and whānau. A further 35 (13%) complaints related to being moved away from family and whānau support. Our reading of these complaints suggests prisoners were not aware of the reason they were being moved or did not agree with the reason. Around a third of complaints generated by prisoners moved away from family and whānau support appeared to be linked to Corrections' need to manage population pressure.
43. In the year ending December 2019, the Inspectorate received 161 complaints about inter-prison transfers. Of these, 78 (48%) were from prisoners wanting to transfer to another prison and 61 (30%) were about decisions to transfer the prisoner. Similar trends were found in 2020.
44. We note that many of these complaints were made before Corrections changed its guidance on inter-prison transfers.
45. This complaints data shows that a prison transfer is a significant disruption for prisoners, which can lead a small proportion of those experiencing a transfer to file a complaint. Many of these complaints are based on prisoners wanting to be nearer their family and whānau.

The Inter-Prison Transfer Policy

In April 2020, Corrections drafted a new policy which aligned the intentions for inter-prison transfers with Corrections' guiding strategy, Hōkai Rangi,¹⁸ which "*outlines [the Department's] commitment to do better for people in our care, identifies our long-term vision, and defines our plan for the next five years. It focuses on prioritising the wellbeing of both the people who come into our care and management, and of their whānau.*" The new inter-prison transfers policy sets out how Corrections will coordinate inter-prison transfers, including using the Prison Transfer Request (PTR) system. In August 2020, Corrections agreed to changes in the Prison Operations Manual to embed elements of this policy.¹⁹

46. In the next section, we examine the rationale and challenges for prison transfers linked to population management, court hearings, rehabilitation and reintegration.

¹⁸ https://www.corrections.govt.nz/_data/assets/pdf_file/0003/38244/Hokai_Rangi_Strategy.pdf

¹⁹ Corrections Internal Memo, Prisoner Inter Prison Transfers, dated 8 August 2020.

Inter-Prison Transfers Overview

Figure 1. Inter-prison transfers and prison population 2017-2020

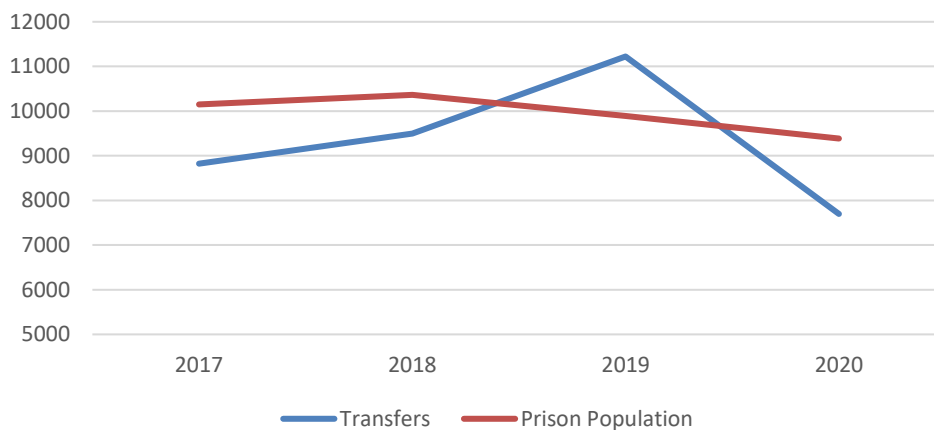


Figure 2. Inter-prison transfers by reason 2017-2020

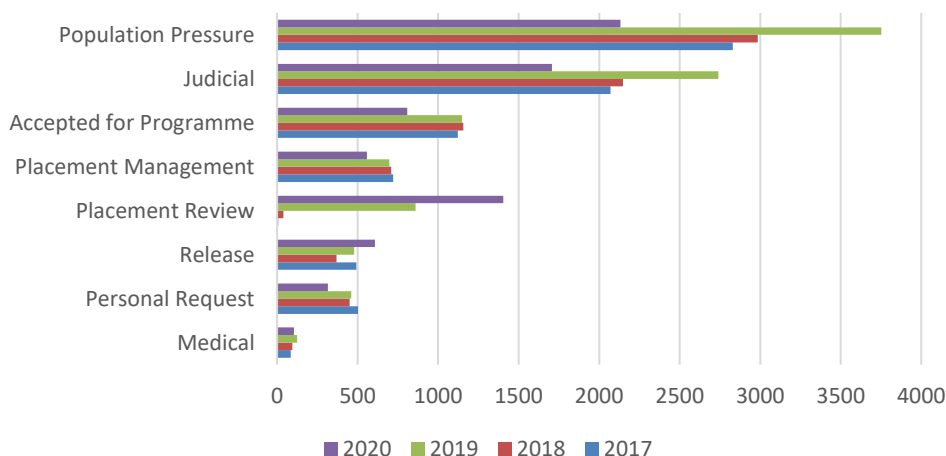
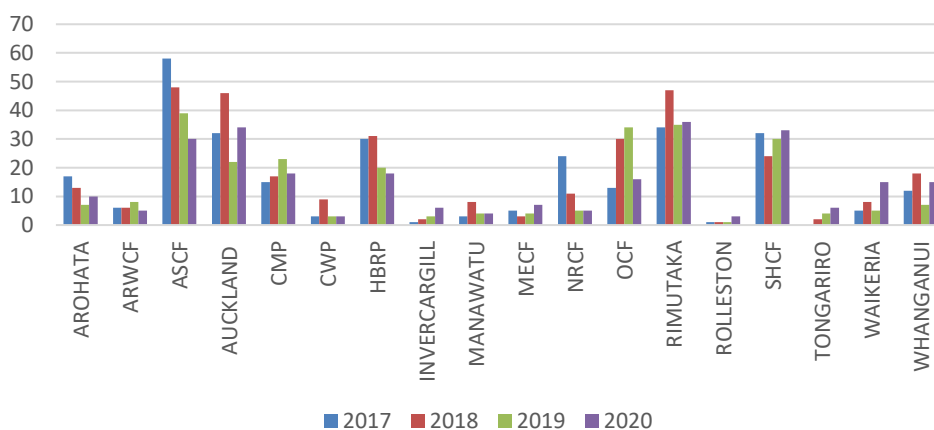


Figure 3. Inter-prison transfer complaints to Corrections 2017-2020



Inter-prison transfer decisions

47. In this section we provide analysis of inter-prison transfers related to:
- » prison population pressure
 - » court hearings
 - » rehabilitation
 - » reintegration activities, including preparation for parole and resettlement in the community.

Population pressure

48. Due to the changing nature of the prisoner population and the availability of suitable accommodation in prisons, prisoners are often transferred to assist sites in managing their population.
49. Around one third of transfers between 2017 and 2020 were undertaken for population management reasons. This was similarly reflected in the 84 prisoners we interviewed, with 26 (31%) most recently transferring due to population pressure.
50. Of those prisoners we spoke with who were recently transferred due to population pressure, the majority spoke negatively about being transferred.

*"I was angry when I was told I was going to leave. They told me they would get me back as soon as they could, not that that happened. I was told I moved because of muster management. ... I was told the night before, just before I was locked up. They just say you're leaving. You don't get a say in it ... I think it's bull**** that they moved me, someone who is from the region, to a prison that isn't my region. [Prisoner– Arohata Prison]"*

"I tried to get out of it as transferring would be unsettling. I was settled and comfortable. I was sad and upset but just had to deal with it. Staff reassured me and said that I would be back. I felt they, well some of them, actually cared." [Prisoner – Christchurch Women's Prison]

51. Fewer than half of the prisoners we spoke with who were recently transferred due to population pressure said they felt anxious or worried as a result of the transfer. For at least one prisoner, the move to a new prison was positive.

"They come in and say you're being transferred and to pack your stuff. I was told I was transferred due to muster management. At the time I didn't like it but now I'm here it's so much better. [Prisoner – Whanganui Prison]

Large numbers of remand prisoners increase the demand for high security beds

52. The Prison Population Team reported that one of their biggest issues is that the demand for high security beds outstrips the current capacity. This is because prisoners on remand are treated as high security from arrival as often little is known about their needs and risk. As a result, prisoners on remand or classified as high security are more likely to transfer between prisons. The quotes below suggest that until more high security beds are available in the locations they are needed, managing high security prisoners will continue to be a challenge.

"[The] remand population has had a big impact as the population has swung around. It is now high security beds that are needed and many of the new beds are low security." [Staff member – Prison Population Team]

"[While the prisoner] population is significantly lower than what it was a few years ago, a lot of it is lack of [bed] availability in specific locations. We need more beds in northern and central region. Until we build more facilities, that's the ongoing issue that we have." [Staff member – Prison Population Team]

Further assessment of remand prisoners could support less restrictive conditions

53. In 2013, Corrections introduced the Remand Management Tool (RMT) at six pilot sites, recognising that not all remand prisoners pose the same level of risk or require high levels of supervision. Using this tool, staff assess whether prisoners on remand could be housed with prisoners who are classified lower security. While the RMT was not rolled out nationally, Waikeria Prison, Spring Hill Corrections Facility and Christchurch Men's Prison have found the tool useful and continue to use it at the time of writing.
54. Corrections has recently begun a new project to consider the classification of remand prisoners: the Remand Classification Project.²⁰ This project is exploring the opportunity to introduce an enhanced remand security classification tool.

"This will allow a remand prisoner to be security classified and then accommodated in units that are consistent with the risk they pose

²⁰ Information about the current status of the Remand Management Tool and Remand Classification Project was given by staff from the Population Prison team (29 March 2021 and 12 April 2021).

(currently remand prisoners are not classified and are managed in a high security environments). The proposed changes would have the anticipated benefits of helping to reduce the risk to staff safety, allowing for more effective use and management of the prison network and laying foundation for future improvements in the remand space as part of Hōkai Rangi.

The project has developed the tool and trialled a paper-based exercise to validate the tool's effectiveness and time taken to complete the assessment. Corrections is currently analysing the operational impact on prisons. This is to make an informed decision whether to continue with the legislation changes in June 2021." [Staff Member, Partnerships and Pathways team]

55. If the remand tool is implemented, it may allow more prisoners on remand to be housed in lower security accommodation, which could reduce the demand for high security beds and inter-prison transfers.

Prisoners must be notified of a transfer unless certain conditions apply

56. At the time of our fieldwork, guidelines about when to notify a prisoner of an upcoming transfer were vague. Nearly all prisoners we spoke with said they were only notified of their transfer the evening before, or on the day of, the transfer. Around half were not given a reason for their transfer. The quote below illustrates the impacts of transfers, including the impacts on a prisoner's family and whānau and for professionals supporting prisoners.

*"I don't know why I was transferred down here - for muster management, I think. I'm on remand. I didn't know prior to; I just woke up in the morning and they told me I was going. I was gutted. I had just got back from Whanganui Prison ... It's bull*** for us. We get taken away from our families. Our lawyers can't come personally to see us. It's a bit of nightmare really. Hōkai Rangi – what's that? [Prisoner – Rimutaka Prison]*

57. In general, custodial staff we spoke with across the prison network (prior to the release of the advance warning guidelines) said they advised prisoners they were transferring either the day before or the day of transfer, due to security reasons.
58. For those advised on the day of transfer, staff said this was usually because they were high security prisoners and there were concerns that their behaviour would deteriorate once they were notified of their upcoming transfer.

"Unless the prisoner knows they are transferring to another prison for a course, we don't tell them straight away they are going. Usually on the day they are told about the transfer. They don't know why or where they are going to. This is for safety and security reasons." [Staff member – Spring Hill Corrections Facility]

59. However, not all staff agreed with this approach.

"I don't accept the practice of telling a prisoner on the morning that they are to be transferring that day. There have only been a couple of times we've done that and that's only been when we've had intel that something could happen. We allow them to have a phone call to phone their family. Why wouldn't we?" [Staff member – Hawkes Bay Regional Prison]

60. From September 2020, the Corrections' Prison Operations Manual was changed to state that *"prisoners must be informed of an impending transfer, and the destination, at least 7 days in advance or given as much prior notice under the circumstances, before they are transferred ... [However], this requirement does not apply if one of the following circumstances exist:*
- » *the prisoner to be transferred is expected to create a management difficulty before the transfer is made or as a result of the transfer*
 - » *the transfer is being made because there are reasonable grounds to believe that the safety of the prisoner or others at the prison within which the prisoner currently resides is at risk*
 - » *the transfer is being made to restore or maintain the security and order of the prison from which the prisoner is being transferred*
 - » *the transfer is being made to allow for the effective management of the national prison muster."*²¹
61. The Prison Population Team advised that inter-prison transfers occurring as a result of population pressure were by their very nature last minute. Staff we spoke with said that because it was unknown how many people would be remanded into custody on any given day, they had to work in a reactive space.
- "We only want to move people when we have to move them. That's why we only work in a reactive space. If you work in a proactive space, then you are moving people away from their whānau and support when you don't need to." [Staff member - Prison Population Team]*
62. Given the anxiety and frustration that prisoners can experience due to late notice of transfer, the Inspectorate supports the September 2020 changes made by Corrections to amend this practice where possible.

Court hearings

63. Prisoners are often required to attend a scheduled court hearing either in person or via audio-visual link (AVL).²² For some prisoners, this may mean they are transferred to another prison closer to the court where they are facing charges or being sentenced.
64. The Prison Operations Manual states: *"Prisoners must be transferred to another prison to attend a confirmed court hearing in cases where they are not being held at the prison closest to the relevant court."*²³
65. Appearing in court was the second most common reason for inter-prison transfers between 2017 and 2020, accounting for just under one-quarter of all inter-prison transfers.
66. In contrast, of those we interviewed, only five prisoners had most recently transferred as a result of a court hearing. However, many prisoners we

²¹ POM M04.03.04. as at 26 February 2021.

²² A Judge may direct a person to appear via AVL. Prison staff may also submit a request to the court for the appearance to be via AVL if the prisoner is medically unfit to attend or poses an undue risk to the safety of the community or security (escape) during an upcoming escort to the court.

²³ POM M.04.03.04 b. Court hearings. 26 February 2020.

spoke with said they had, on previous occasions, transferred prisons to attend court.

67. Court appearances are often scheduled in advance. However, only one of the prisoners we spoke with was given more than 24 hours' notice of their transfer.
68. The case study below describes the experience of an older prisoner who, over the space of nine months, transferred between two prisons 12 times to attend court. There are several salient features of this case. The prisoner was older but was nevertheless subject to several lengthy transfers. While he knew of his upcoming court appearances, it appeared he guessed when a transfer was occurring, rather than being informed by staff. Due to the nature of his offending, this prisoner preferred to live away from his home region.

Case study A

Mr A is an older prisoner, serving a long sentence for sex offences. For the time he was on remand, Mr A was moved six times for court appearances and was then moved back to his original prison. Of his 12 inter-prison transfers, Mr A said:

"I travelled from [Prison 1] to [Prison 2]. I was going back to [Prison 2] every couple of months for court ... I usually know when I have a court appearance and I know the trucking is on either a Tuesday or a Wednesday, so I generally know when I'm going to go ... Transport is just one of those things. I'm quite fit and so I can handle a lot of those things."

Following the conclusion of his court proceedings in early 2020, Mr A remained in Prison 1 which is outside of his home region. Mr A says he is more comfortable being away from his home region, because of the nature of his offending.

69. We note the need to transfer prisoners for court appearances can be mitigated in two ways. The first is accommodating a person in the prison nearest to the court in which they are to appear. As explained in the population management section of this report, Corrections' view is that this will not always be feasible given the prison population pressures in different regions. And as Case Study A showed, prisoners do not always want to be accommodated in their home region. The second mitigation is prisoners appearing in court via AVL.
70. The Courts (Remote Participation) Act 2010 allows video-conferencing to be used in some court proceedings.²⁴ Guidance from the Ministry of Justice states that AVL will be used in 'criminal procedural matters' (where no evidence will be presented) when the defendant is in custody and where the technology is available. Sentencing may also take place via AVL. However, the judge or registrar of the court must consider the impact of

²⁴ The Courts (Remote Participations Act) 2010

<https://www.legislation.govt.nz/act/public/2010/0094/latest/DLM2600757.html> 1

using AVL on the defendant's right to a fair trial as well as the rights of other participants (according to sections 5 and 6 of this Act).²⁵

71. When courts are hearing 'criminal substantive matters' (that is, where evidence is being presented), AVL cannot be used unless the judge allows it. The Act specifically requires a defendant's consent before AVL can be used if the appearance is for a trial that determines guilt.
72. The Ministry of Justice further notes that court to custody AVL (for example, a prison) is primarily used for remand purposes.
73. The number of court appearances via AVL has grown substantially since its introduction. In the year to June 2017, more than 18,200 remand court appearances were held via AVL, compared to just over 12,000 in the previous year.²⁶
74. In 2019, prisoners attended 56,418 court sessions. Of those, 35,816 (63.5%) were in person and remainder (20,602) by AVL. In 2020, court appearances rose to 62,586, with 34,757 (55%) appearances via AVL and 27,829 (44%) in person.
75. The benefits of an appearance by way of AVL include safer courts, convenience and cost-efficiencies as prisoners do not need to be escorted to court, placed in a holding cell, then returned to prison. For Corrections, if AVL is available, cost-savings include the reduced need for inter-prison transfers.
76. Within a prison, staff need to be available to escort prisoners to AVL booths and supervise their use. The prison also needs to have sufficient AVL booths to meet the demand and be notified of court appearances in a timely way. One of our recent inspection reports suggests there is strain on the use of AVL for court appearances.²⁷
77. While AVL is a useful tool for reducing the need for inter-prison transfers, its use is constrained both by legislative requirements and the ability of prisons to make the facility available when it is requested.

Rehabilitation

78. Rehabilitation programmes help prisoners address the thoughts, attitudes and behaviour that led to their offending and support them to develop the skills to avoid reoffending after release.
79. Rehabilitation programmes are available to all sentenced and remand convicted prisoners. Remand accused prisoners cannot access offence-focussed rehabilitation programmes because their offending has not been proven in court. Instead, constructive activities for remand accused prisoners focus on their education and reintegration needs.

²⁵ Ministry of Justice. Audio-visual facilities in courts. <https://www.justice.govt.nz/about/lawyers-and-service-providers/service-providers/audio-visual-facilities-in-courts/> accessed 31 March 2021.

²⁶ Ministry of Justice, 2017. Increasing use of AVL in courts <https://www.justice.govt.nz/about/news-and-media/news-and-media-archive/news-archive/increasing-use-of-avl-in-courts/> accessed 31 March 2021.

²⁷ See the Inspectorate's Report into Auckland Region Women's Corrections Facility. 2021 https://inspectorate.corrections.govt.nz/_data/assets/pdf_file/0004/42538/ARWCF_inspection_report_FINAL.pdf

80. Within Corrections, case managers are responsible for assessing the needs of prisoners with the aim of assisting them to live offence free lives. Case managers are expected to work with prisoners throughout the prisoner's journey, from entry through to release.²⁸
81. The United Nations Standard Minimum Rules require that all prisoners receive equal access to rehabilitation and other opportunities, without discrimination. This expectation is also reflected in the Office of the Inspectorate's *Inspection Standards*.²⁹
82. For many prisoners, being accepted into a rehabilitation programme means they may need to transfer prisons because some programmes are only available at selected prisons across the country.³⁰ Once programmes are completed, prisoners can return to their original prison.

Corrections recognises transfers should not occur with people doing a programme

83. Once a prisoner starts a rehabilitation programme, Corrections' guidance prohibits transfers until the prisoner's time on the programme ends.
84. We note that both the old and new guidance in the Prison Operations Manual about prison transfers requires staff to consider the impact of a transfer on prisoner access to rehabilitative opportunities.
85. New guidance in the Prison Operations Manual states: *"Wherever possible, a prisoner must not be transferred if they have started a rehabilitative, cultural or reintegrative programme, or they are engaged in employment, so as not to disrupt their ability to complete that programme / engage in employment."*³¹
86. This guidance is reflected in a prisoner's overall transferability rating (PPR). Once a prisoner is scheduled for a rehabilitation programme, they receive a transfer score for the rehabilitation factor of -40. This is the largest score afforded to a factor. This means the likelihood that a prisoner will be considered for a transfer is significantly reduced.

Prisoners may need to move prisons to attend necessary programmes

87. From 1 August 2019 – 1 August 2020, 825 prisoners transferred prisons to attend a programme.³² Attendance at intensive Drug Treatment Programmes was by far the most common reason prisoners were transferred, making up 45% of all transfers for programmes.³³
88. Only 20% of prisoners were able to remain in their home region to undertake programmes. Sixty-nine percent either had to leave their home region or remain out of their home region to attend a programme, while

²⁸ Guidance in Department of Corrections Case Management Practice Centre.

²⁹ SMR 86,88 and 91. *Inspection Standards*, Basic Principles, 5,6 and 7.

³⁰ For example, the Special Treatment Unit for men with violent offending is only located in Waikeria, Christchurch Men's and Rimutaka Prisons and Spring Hill Corrections Facility. As a result, those who are housed in other prisons must transfer prisons to attend this programme.

³¹ POM M.04.03.04 d. as at 22 February 2021.

³² Source: Internal Report to Corrections' Senior Leadership Team: Prison Population Programme - September 2020 Benefits Realisation.

³³ However, we acknowledge transfer volumes are impacted by the number of places available for a Special Treatment Unit (STU) or Drug Treatment Programme (DTP) per year. The 2019/20 Corrections Annual Report states 206 prisoners started a STU compared with 915 prisoners who started a DTP.

the remaining 11% were able to transfer to their home region for programmes.

89. In this period, 80 prisoners transferred from the North Island to the South Island, and 25 transferred from the South Island to the North Island. Most of the north to south transfers were for prisoners to attend programmes to treat sexual offending delivered at Rolleston Prison.
90. Staff involved with the Special Treatment Unit in Rolleston Prison,³⁴ said the majority of those they treat are from the North Island. Although Auckland Prison also runs the same programme, due to lengthy waitlists and the duration of the programme, many prisoners are required to transfer to the South Island or else lose their placement on the programme. If prisoners have not completed a required programme before their parole date, the Parole Board will take this into account.

"[The] majority of the [prisoner population] is North Island based and, therefore, there is a much higher number of men that require treatment than what Auckland Prison has the capacity to treat." [Staff Member – Rolleston Prison]

91. Of the prisoners we interviewed, 26 (31%) most recently transferred between prisons to attend a rehabilitation programme. Of those 26, nearly all understood and accepted the reason for their transfer. However, for those who had to travel a significant distance – for example from the North Island to the South Island or from the upper North Island to the lower North Island – nearly all were disappointed they were unable to undertake their programme closer to home due to the negative impact the distance had on their relationship with their family and whānau.

"One of the courses I did – Tikanga,³⁵ they're always talking about the importance of whānau – but to do the course they send us down to Hawkes Bay away from our families. That goes against everything we learn on the course. But the waitlist for programmes up here in Auckland is too long. My mate here still hasn't done it here because the list is so long – I had gone down for my course and come back in the time he's been on the waitlist. Corrections should do the courses they teach." [Prisoner – Auckland South Corrections Facility]

"It was on my sentence plan to come here to do the rehabilitation course ... I'm here doing the DTP.³⁶ I'm from Whangarei. My closest prison is Northland Region Corrections Facility. I was hoping they would have a course up there so then I could have visits." [Prisoner – Whanganui Prison]

92. Staff we spoke with who deliver the Special Treatment Programmes at Rolleston told us that although their unit has a dedicated AVL, which allows prisoners to connect with their family and whānau, those who had

³⁴ The Special Treatment Unit at Rolleston Prison offers a high intensity group-based offence-focussed programme for child sex offenders. The programme runs for approximately 32 weeks (nine months) and is delivered by psychologists. Taking into account the preparation phase of the programme and the pre- and post-treatment assessment requirements, a minimum of one year is usually required to complete the programme.

³⁵ The Tikanga Māori Motivational Programme's main purpose is to increase participants' motivation to take part in further rehabilitation programmes, education, training and/or employment.

³⁶ Drug Treatment Programme.

to transfer greater distances often struggled with the lack of in-person visits. The distance from family and whānau became more obvious when prisoners finish their programme and could invite family and whānau members to attend.

"In the programme, there are ceremonies that occur where families/approved visitors are allowed. Prisoners who are from outside the region often do not have family/approved visitors come in for the ceremonies as they are far away, and travel/accommodation is too expensive for most." [Staff member – Rolleston Prison]

93. Some prisoners choose not to attend programmes due to having to transfer out of the region and away from family and whānau support.

"I transferred from Auckland South Corrections Facility last year. My local prison is Northland Region Corrections Facility ... I came down to do the DTP first then I completed that - they were going to transfer me to Spring Hill Corrections Facility to do the STURP but I didn't want to transfer again so asked my case manager if I could stay." [Prisoner – Rimutaka Prison]³⁷

Staff did their best to minimise the need for transfers

94. Staff we spoke with recognised the constraints of the current system and did their best to meet the rehabilitative needs of prisoners while minimising the need to transfer.

"In a perfect world a [case manager] would request a transfer to a family area that makes sense for engaging reintegration. Unfortunately, special programmes – and culturally responsive programmes – aren't in every site.

If someone is tentative on a programme, we put a pause on their transferring to limit the movements. We're trying to limit the number of transfers and make what transfers happen purposeful. Movements for programmes is purposeful and it's necessary. We're not moving people to do programmes that's available at their own site. [Staff member – Case Management, National Office]

"[We need to] build capacity where the demand is, rather than move prisoners to where the capacity is. This should roll out to programmes, i.e. run programmes where the prisoners are, don't move prisoners to programmes." [Staff member – Prison Population Team]

95. The case study below describes the experience of one prisoner who transferred outside his home region, including to the South Island, to attend rehabilitation programmes.

Case study B

Mr B was sentenced in the Auckland region in the mid-1990s. Since his imprisonment, Mr B has transferred between prisons 17 times and has been housed in 10 different prisons. Since 2018, Mr B's transfers have occurred in response to

³⁷ STURP is the Special Treatment Unit Rehabilitation Programme – for people with a history of violent offending.

his rehabilitation needs. In 2018, Mr B transferred to a new prison for the Adult Sex Offender Treatment Programme. Mr B was removed from this programme part way through due to poor behaviour. He then transferred to another prison for the Drug Treatment Programme. Mr B has since transferred to a different prison for the Special Treatment Unit Rehabilitation Programme (STURP).

When speaking about his transfers, Mr B said: "I'm set up for Christchurch, but I don't like it because I'm not from there and I don't know anyone down there, but I can understand it. It's the only way I'm going to get out. If I progress through the STURP then I get to self-care, then I do the programme outside the prison. But they need to get these programmes up in Auckland. It's really sh*t for us guys because these out of jail programmes are only in Christchurch or Dunedin. And our family is all up north ... why can't they get these programmes to cater for people of my character up in Auckland?"

96. We understand Corrections is developing a new medium intensity programme for child sexual offenders (CSO), and consideration is being given to delivering this in the central region (if there is a demonstrated need). Corrections staff note:

"This is in response to a significant proportion of people with CSO convictions residing in Tongariro, and so this will potentially avoid some of the transfers to the Northern Region or Southern Region for treatment (assuming this approach would not deplete numbers to the degree that the existing STUs could not maintain full capacity)." {Staff member, Office of the Chief Psychologist}.

Reintegration

97. Reintegration is a critical part of a prisoner's journey. It aims to provide prisoners with appropriate support to identify and overcome any barriers to successfully transition back into the community.
98. The international literature identifies several common obstacles to reintegration. These include accommodation, employment, education, physical and mental health, life-skills and attitudes, money problems and family networks. Note, family networks can be helpful when they offer positive support or unhelpful if they link a prisoner to criminal activities.³⁸
99. Corrections is active in supporting prisoners' transition back into society with a range of in-house and contracted services addressing the challenges prisoners face. Corrections uses a 'Six Pillar Model of Reintegration' with interventions focused on:
- » Accommodation
 - » Oranga/wellbeing
 - » Family/whānau/community support
 - » Education and training
 - » Employment
 - » Skills for life

³⁸ Tissera, N. (2019). New Zealand's six pillar model of reintegration and international reintegrative models: A review of the literature.

100. For a case manager, supporting a prisoner towards successful reintegration begins as soon as they have assessed the prisoner's needs at the start of their time in prison. While some services, such as Release to Work and Out of Gate,³⁹ start towards the end of a prison term, all rehabilitative, education and training, and work opportunities accessed by prisoners during their time in prison contribute to successful reintegration.
101. Services supporting prisoners as they leave prison are spread throughout the country and differ according to the available support in each community. For this reason, it is important that prisoners return to the prison that is closest to the community they intend to live in as soon as possible.
102. However, being located in their home region needs to be considered alongside the rehabilitative and reintegrative requirements determined for prisoners by the New Zealand Parole Board.

Prisoners should not be transferred within 16 weeks of a Parole Board hearing

103. One of the important steps for those serving a sentence of two years or longer is a hearing with the New Zealand Parole Board.
104. The Parole Board is an independent statutory body which considers prisoners serving a sentence of more than two years in prison for release on parole.
105. Members of the Parole Board are appointed by the Governor-General. One quarter of the members are current or former judges who act as panel convenors, and the rest are community members. The Parole Board considers cases at each of the 18 prisons around New Zealand.⁴⁰
106. The Parole Act 2002 requires the Parole Board to consider cases where offenders are eligible for release on parole, compassionate release, and release at their statutory or final release date. It also considers whether an offender released on parole should be recalled to prison.
107. Parole Board panels are informed by assessments provided by principal case managers, among others. Corrections' guidance on inter-prison transfer policies aims to make sure the Parole Board has the best available information from the most informed people at the time of the hearing.
108. The Prison Operations Manual states: *"prisoners must not be transferred if they are scheduled to attend a parole hearing before the New Zealand Parole Board (NZPB) within the next 16 weeks. In cases where it is necessary to transfer prisoners in this situation, staff must ensure the NZPB is notified. The Principal Case Manager at the transferring site must also liaise with their counterpart at the receiving site, to determine which site will complete the Parole Assessment Report (if not already completed)."*⁴¹
109. One Principal Case Manager we spoke with advised that prisoners may still be transferred despite having upcoming Parole Board hearings. In those

³⁹ Release to Work allows prisoners to undertake supervised work outside a prison. Out of Gate is reintegrative support tailored to prisoners on short sentences or who leave prison while on remand.

⁴⁰ This information is sourced from the New Zealand Parole Board website: <https://www.paroleboard.govt.nz/>. Currently there are about 40 members on the board.

⁴¹ POM M.04.03.04 c as at 26 February 2021. Note changes to POM were implemented in September 2020.

situations, there was always some difficulty in determining whether the prisoner's case manager from their departing prison would finalise the Parole Assessment Report or their new case manager, and who would accompany the prisoner to the hearing.⁴²

"[One prisoner] has a parole board here in Wellington in a few weeks. She has just got transferred to Auckland ... We're still having to do her parole board report – but now from here. And it'll need to get signed off by her up in Auckland. So, we can't meet with her face to face to finalise this anymore" [Staff member]

110. Current guidance for case managers producing Parole Assessment Reports suggests case managers in the relevant prisons liaise with each other and decide how the report will be completed and by whom.

"Should a person need to move for rehabilitation, or for capacity issues we leave the decision making to the Principal Case Managers at the two impacted sites. We have given the advice that the decision of who writes the report needs to weigh the wellbeing of the person in our care with the wellbeing of staff (workload). It is always best to provide the report from the person who has worked with the paihere (prisoner) the longest. This becomes difficult when for example, Mt Eden receives someone and their parole hearing comes quickly post sentencing. As their population is generally remand, the sentenced person is moved and this impacts their hearing date, location and report writing." [Staff member, Case Management Practice Team]

111. To inform this thematic report, Sir Ron Young, Chairperson of the Parole Board, set out the factors that are important to the Parole Board in terms of prison accommodation and transfers. These are summarised below:

- i. Prisoners should not be moved within 16 weeks of a Parole Board hearing to provide consistent access to lawyers, and to ensure the Parole Board gets appropriate information from prisons which have had at least a reasonable period to assess conduct, motivation for treatment and the like.
- ii. Transfers of prisoners to facilitate rehabilitation programmes is vital. Prison transfers should not hold up or restrict access to programmes. This is especially important given not all prisons have all programmes available to them.
- iii. Subject to ii above, remaining near whānau is important because whānau can provide prisoners with support during their imprisonment. They can attend parole hearings more easily and provide valuable background information to the Board and help plan for their release.
- iv. When a prisoner is nearing the end of their sentence and have a release residence either firmly or tentatively arranged, then a transfer to the prison nearest where they are to be released is of vital importance. This will and should allow guided releases to the

⁴² Case managers attend the hearing of the men and women they are managing when being considered for parole. The case manager works with the person, builds a working relationship with the individual and their whānau/community support and completes the Parole Assessment Report.

proposed accommodation and guided releases into the community to familiarise the prisoner with where they would be living for at least the immediate future.

112. Sir Ron Young also commented:

*"There are, it seems to us, to be a large number of prisoners who are transferred around New Zealand regularly to meet bed need. This, as will be self-evident, is highly disruptive for prisoners and can substantially limit prison rehabilitation opportunities."*⁴³

113. Sir Ron Young's comments are consistent with the intentions of Corrections for managing transfers. He notes the disruption that transfers can cause to Parole Board processes. He also notes the importance of access to rehabilitation programmes and to a lesser extent family support though this becomes more important as release dates approach.

Prisoners are offered the choice of transferring to their home region for release

114. In August 2020, 2,154 prisoners (23% of the total number) were housed in prisons outside their home region. Note, in this context, 'home regions' are the areas in which the prisoner was sentenced for their most serious offence which is not necessarily the area where they, or their family and whānau, reside.

115. The prisons with the largest out of region population for male prisoners were Rimutaka Prison (408 prisoners), Northland Region Corrections Facility (223 prisoners) and Hawkes Bay Regional Prison (180 prisoners). For women prisoners, Arohata Prison had the largest number of prisoners (45) from outside their region.

116. Corrections' *Prison Transfer Request (PTR) Guide* states that "when a person in Corrections' care sentence release date is approaching, a transfer should be facilitated to the site closest to their release address or the site closest to their sentencing court."⁴⁴

117. During the 2020 calendar year, 8% of all transfers were for release. Similarly, of those we interviewed, 12 prisoners (14%) most recently transferred prisons to prepare for release.

118. For many of these prisoners, the inter-prison transfers occurred following the completion of a rehabilitation programme. This is usually because the bed space is needed for the next programme intake.

119. Staff in the Prison Population Team advised they do their best to ensure prisoners are returned to their home region once they complete their required rehabilitation programmes. However, population pressures can limit some sites' ability to enable all prisoners to return to their home region.

"We focus very strongly on reintegration. The only barrier to prisoners returning for release is muster pressure at the site they may want/need to return to ... However, if a prisoner is getting released to Hamilton and is in Auckland South Corrections Facility we would not as a rule transfer him to Spring Hill Corrections Facility before release. There is little logic of going

⁴³ Sir Ron Young, 18 December 2020. Email to Principal Communications Advisor, Office of the Inspectorate.

⁴⁴ Department of Corrections, (January, 2020). Prison Transfer Request Guide. Wellington.

through the transfer process, time, cost, disruption to the prisoner to get him 45 minutes closer to his release destination when he can, with a lot less complication, be placed on a comfortable intercity bus.

A prisoner in Rimutaka Prison getting released to Hamilton, however, would be transferred for release. If there was no muster pressure, [he would be] transferred earlier to meet his reintegrative pathway. If there was muster pressure, and no strong reason to return earlier, [he would] likely be transferred the week before release.” [Staff member - Prison Population Team]

120. During our inspection, staff we spoke with advised that work was underway to automatically incorporate the recommendations of case managers about locations for prisoner release into transfer decisions.

“What PTR will pick up, when the page is done, is where the case manager recommends a better release. For example, if a case manager sees that a guy in Waikeria Prison is being released, and the case manager sees his family is in Christchurch, the case manager would recommend he go to Christchurch. Rather than where he would normally be released which is where his most serious offending was. And that would feed into the PTR system.” [Staff member – Probation and Case Management Team]

121. The case study below describes the experience of one prisoner who transferred prisons, away from her home region, so she could be released closer to her whānau.

Case study C

Ms C was remanded into custody at Christchurch Women’s Prison. At the time of her offending, Ms C was living in Christchurch with her partner, and her parents lived in the North Island. While in prison, her partner moved to the North Island as well. Towards the end of her sentence, Ms D, with the support of her Case Manager, applied to be transferred to Auckland Region Women’s Correction Facility (ARWCF) so she would be closer to her whānau and partner. Ms C was transferred to ARWCF seven months prior to her release and reconnected with her whānau. She was able to offer her whānau member’s home address for her parole application. The Parole Board subsequently approved her application because Ms C could confirm she had stable accommodation available.

When speaking about her transfer, Ms C said: *“It has definitely made it easier for my rehabilitation. Being closer to my family has definitely made a difference. They have been able to visit whereas in Christchurch my parents wouldn’t have been able to come down.”*

Summary

122. At the time most of our fieldwork for this thematic inspection was conducted, Corrections’ systems and practice guidance for inter-prison transfers was being refreshed.
123. Changes to Prison Operations Manual guidance issued in 2020 requires that staff take a wider range of considerations into account before making a transfer request. The refreshed guidance also requires that prisoners are informed about a transfer with seven days advance notice if possible.

124. We noted that many prisoners who were transferred for population management reasons were unhappy about the move and were often moved at short notice.
125. Prisoners moved for reasons other than population pressure (such as for rehabilitation or reintegration) generally accepted their transfers, recognising it was often in their best interests.
126. Most prisoners, however, found their transfer was disruptive. In many cases it moved prisoners away from their family and whānau. It also made it challenging for prisoners to stay connected to support networks, including lawyers. Prisoners had to start building relationships again with staff and other prisoners.

Recommendations

4. Corrections consider implementing a national decision-making framework for assessing the actual risk of remand prisoners and accommodating them in the least restrictive regime in prison as practicable.
5. Corrections review the location of current rehabilitation and vocational/industry training programmes and consider more flexible delivery models.
6. Corrections provide training to custodial staff to improve awareness of inter-prison transfer requirements.

Supporting prisoner health and wellbeing

127. In this section we outline how inter-prison transfers affect prisoner health and wellbeing, considering:

- » health needs
- » the conditions of physical transfer
- » transfer of prisoner property

Health needs

128. Prisoners are entitled to health care that is reasonably equivalent to care they could access in the community.⁴⁵ International research suggests that balancing security requirements, including prison regimes, against the health needs of the prisoner and the constraints of the health system can be a difficult task.⁴⁶ This appears to be no less of a challenge here in New Zealand.
129. Corrections' Health Care Pathways Policy provides guidance to staff.⁴⁷ Health Centre Managers (HCM) and their staff provide on-site health care for prisoners as well as liaising with services off-site. Securing health care for prisoners off-site (such as secondary and tertiary care) requires good organisation both on-site and within the external health care system.
130. The Prison Operations Manual states that: *"the health status of each prisoner must be considered, along with any potential negative impact the planned transfer could have on their oranga (physical and mental health and wellbeing). This includes risk of self-harm and/or suicide. Staff must consult with the prison Health team in cases where a person is actively receiving treatment or support for their health."*⁴⁸

⁴⁵ See Section 75 of the Corrections Act, 2004. Also Inspection Standard 41.

⁴⁶ See for example, Edge et al, 2020. Secondary care clinicians and staff have a key role in delivering equivalence of care for prisoners: A qualitative study of prisoners' experiences.

⁴⁷ Department of Corrections, Health Care Policy Pathway, 2019.

⁴⁸ POM M04.03.04 3 as at 21 February 2021.

131. Further, prisoners must not be transferred if they have existing appointments and/or planned procedures with an external health service. Medical appointments attract a PPR rating of -40.

Some Health Centre Managers had limited knowledge of the transfer processes

132. Health Centre Managers (HCM) across the prison network had different levels of understanding when it came to inter-prison transfer processes. Of the six HCMs interviewed, only three advised they would enter a transferability constraint on a prisoner's electronic IOMS record if they had an existing medical appointment. The remaining three either registered an alert on the prisoner's IOMS page or relied on their health team to monitor the daily transfer list.
133. As noted earlier in this report, a transferability constraint feeds into a prisoner's PPR score and is necessary to help assess the suitability for a prisoner to transfer. An alert, while on the IOMS homepage, will not directly influence a prisoner's PPR score.
134. For some, registering a confirmed medical appointment in IOMs is not sufficient. Rather, referrals for an appointment would ideally prompt a conversation between health and custodial staff about whether a prisoner is transferred or not.

"I want a transferability constraint when a referral for an appt is also made. This way they're not transferred while we're waiting for an appt. It's not necessarily to stop them from going but it triggers a conversation for us to ask whether it's in the patient's best interest to be transferred or not. So, for example a prisoner may have a referral to see the dermatologist. We put a health alert on MedTech. If that prisoner's name shows up on PTR a nurse will check his health notes. They will see the health alert and will see the transferability constraint and see that a referral has been made. The nurse can then look and see how urgent the appointment to the dermatologist is. If the prisoner is being transferred for a 3-month programme then it may be fine for the prisoner to go, and then come back later for his appointment." [Health Centre Manager]

135. The importance of entering transferability constraints into IOMS is highlighted in the case study below where Mr D was transferred for population management reasons and a transferability constraint was not entered in IOMS.

Case study D

Mr D, aged in his late thirties, was transferred between prisons for population management reasons. Prior to the transfer, Mr D was receiving forensic care for his mental health condition, and the psychology team was waiting to assess his medication needs. The HCM was unable to stop his move as she was unaware of her responsibility to enter a transferability constraint into IOMS. Mr D had had transferability constraints entered previously to prevent his transfer, but these had expired.

136. During our interviews, three HCMs advised that their teams regularly accessed the PTR system to keep up to date with who was due to be transferred in the coming days. The remaining three HCMs advised they relied on custodial staff to share the latest list with them.
137. The Prison Population Team advised that because the PTR is a live system, staff with access to IOMS should be checking the PTR tool daily rather than relying on an emailed list which can quickly become outdated.

"PTR is live. The moment I approve and change something the site can see it. My emails will only ever say PTR updated. I never send out anything saying these guys are moving ... The moment you send an email it's out of date. It's a moment in time, whereas PTR is live." [Staff member - Prison Population Team]

"Because we have access to the [PTR] system the onus is now on us to look. Before we only ever got 24hrs notice. So, we have a bit more personal responsibility. It's visible." [Health Centre Manager]

138. The Regional Operations Directors of Health advised they were unsure what knowledge, if any, the prison's health staff have on PPR and the PTR. It was suggested that health staff across the prison network should receive training in the new system so that they are better informed and can assist with clinically assessing the suitability of an individual transferring.

Multiple prison transfers can negatively impact prisoner health and wellbeing

139. International research suggests that multiple inter-prison transfers can have a negative impact on an individual's health and wellbeing as they often have to restart their referral pathway on arrival at each new prison.⁴⁹ For example, a prisoner who is scheduled for surgery and then transferred might need to be reassessed about the need for surgery in their new location, if the receiving prison is in a different health authority region. There is a similar concern in New Zealand if prisoners move between district health boards.
140. Although the potential negative impact a planned transfer could have on a prisoner's health must be considered, HCMs and Regional Operations Directors of Health noted that this did not always happen. A Regional Operations Director of Health advised that transfers, even within the region, often resulted in a change in district health board and therefore an interruption in care. This was reiterated by HCMs.

"It's widget moving. Particularly inter-region transfers. The care is delayed – [one prisoner] came from central north so it's a different district health board and we were like the third referral to a district health board ... He'd been to maybe three or four prisons with a lump on the side of his neck that kept getting bigger and bigger and nothing was picked up – by the time he came to us it was huge and it got removed and was found to be cancerous so he had chemo." [Health Centre Manager]

"[We have] men with mental health problems and they're receiving treatment and then we move them, and they have to go through it all again that's a massive concern for me." [Health Centre Manager]

⁴⁹ ibid footnote 46

"We should be putting constraints on prisoners with specialist appointments. Custodial shouldn't be able to take that off. If a prisoner has a specialist appointment it shouldn't be disregarded, and they shouldn't be transferred out. We can argue to keep them here, but quite often it's disregarded.... Particularly those who do sexual abuse counselling – it's hard for them to start all over again at a new prison. It takes a while for these guys to open up and then we just move them." [Health Centre Manager]

141. The case study below outlines the experience of one prisoner who experienced multiple transfers which meant his health condition was not addressed for a long period. This case study also illustrates the effect of competing priorities; deciding whether health needs should be prioritised over rehabilitation needs or the desire to keep prisoners close to family and whānau support. This case study is necessarily detailed to illustrate the complexity of this case.

Case study E

Mr E entered **Prison 1** in December 2017 with an injury. ACC accepted the injury claim. After seeing a public specialist in July 2018, Mr E was referred to a private specialist.

Mr E was then moved to **Prison 2**. Here, he met a specialist who recommended further investigation. A date was set for a further appointment in July 2019.

Meanwhile, Mr E was transferred to **Prison 3** for a court appearance.

He was transferred back to **Prison 2** in time for his appointment, but it was postponed until February 2020. Mr E attended the appointment in February 2020 which confirmed he needed surgery, which was scheduled for March 2020 but cancelled because of Covid-19 restrictions. A new appointment was made for August 2020.

In the meantime, Mr E needed to transfer to **Prison 4** to complete a rehabilitation programme. The date for his surgery at **Prison 3** was delayed to December 2020 to allow Mr E to attend his programme at **Prison 4** and then return to **Prison 3** in time for surgery.

On arriving at **Prison 4**, Mr E found out his rehabilitation programme was longer than first thought, so the Medical Officer arranged for his surgery to occur in his new location. In late September the injury was aggravated. Mr E received an x-ray which showed he needed immediate surgery and it was scheduled for November 2020.

At the time, Mr E was on a transfer list to move to **Prison 5** because the rehabilitation programme was starting earlier there. The earlier start would enable Mr E to complete his programme prior to his release date. A specialist appointment in November was cancelled because Mr E was on the transfer list.

In the event, the transfer charter flight was full so Mr E remained at **Prison 4**. In October 2020, Mr E made a complaint about his delayed treatment. He wanted surgery before starting his rehabilitation programme.

Mr E made a Health and Disability Complaint about his constant transfers and lack of surgery. He met with the Health Centre Manager (HCM) at **Prison 4** to discuss his situation. The HCM offered to hold him in **Prison 4** until surgery was complete. This meant that he would not be able to start his programme in **Prison 5**, so Mr E

agreed to a transfer. The HCM liaised with the HCM in **Prison 5** about his surgery requirement.

Mr E was transferred to **Prison 5** in November 2020 and saw a specialist the next day.

Later that month, Mr E requested to be moved to **Prison 6** to be closer to his family. He was briefly transferred to **Prison 6**, before moving back to **Prison 5**.

Throughout the three years he was in prison without treatment, Mr E experienced pain and discomfort at the injury site.

Prisoners' medical records were not always transferred with them

142. Corrections' Health Care Pathway Policy states that health staff are responsible for ensuring a prisoner's health record and medications are transferred with the prisoner. This expectation is also reflected in the *Inspection Standards*.⁵⁰

"When a prisoner transfers, their meds, file and drug charts are packaged up in an orange bag and travel with the escort staff to the next prison. These are checked by the Nurse at the Receiving Office on reception of the prisoner." [Health Centre Manager]

143. Health staff we spoke with said they ensured all prisoners' files were up to date and transferred with the prisoner. Similarly, any prisoner transferring was provided with enough medication to see them through the transfer and for the first few days at the new prison.

"We get a list of the men that are leaving. And we make sure they get their meds for him. With guys on programmes they tend to know when they are going. So, we had one guy tell me that he was leaving soon for Hawkes Bay. I knew he was on Ritalin, so I ensured he had plenty of meds to take with him." [Health Centre Manager]

144. Despite these assurances, during the 2019 calendar year 93 incidents were logged with the Health Services Incident Reporting System relating to transfers.⁵¹ A number of these incidents related to misplaced medical notes/medications and a lack of medical information shared with the receiving prison.
145. Of the 84 prisoners we interviewed, 14 (16%) advised they had experienced issues with access to medication during and after transfer. This concern was also provided in feedback to the Inspectorate by the Howard League Wellington, an NGO which works with prisoners.⁵²
146. The case study below describes the experience of one prisoner who was transferred between prisons without his medication.

⁵⁰ Inspection standard 44.

⁵¹ This is 5.5% of 1,690 health incidents recorded in 2019.

⁵² Letter from the Howard League Wellington regarding prison-to-prison transfers, C. McCarthy, 8 July 2020.

Case study F

Mr F was transferred between prisons in June 2019. Mr F is diabetic. He arrived in the Receiving Office of his new location around 3.15pm but his medications and medication chart did not arrive with him. His medications still had not arrived later that evening despite health staff at the new prison contacting staff at his previous prison. Mr F was then placed in the Intervention and Support Unit⁵³ under section 60 of the Corrections Act as his blood sugar was already quite high. His medications eventually arrived at 8.00pm. However, he was not able to have any insulin as there was a risk he might experience a low blood sugar level. His blood sugar was very high later that evening but was back under control the next day when he was able to have his insulin.

147. For prisoners with complex physical health and mental health needs, such as those being supported in an Intervention and Support Unit (ISU), HCMs said they would ensure health staff contacted the receiving site personally to provide an individualised handover.

"I get involved with the high level – ISU to ISU. Anyone under forensics needs Regional Clinical Director approval for transfer. Once it's approved the nurse will ring the other site and do a handover of his notes – so verbally tell them about their notes." [Health Centre Manager]

148. Staff we talked with said it was unlikely that prisoners would be moved between Intervention and Support Units unless it was thought that the prisoner could be better supported in another prison.

Conditions of physical transfer

149. Our *Inspection Standards*⁵⁴ state that prisoners must travel in safe, decent conditions and be given adequate comfort breaks and refreshments during transfer.
150. As previously noted, at the time of our fieldwork Corrections was reviewing and updating its guidance on how prisoners should be transported. Our observations, given below, largely support changes that have already been implemented or are being progressed by Corrections to improve the journey between prisons.

Corrections has moved to remedy some issues with prison transfers

151. Current Corrections' transfer policy states that dispatching prisons must provide food and water to prisoners during scheduled rest breaks on the journey. Similarly, water should be provided to prisoners for the duration of the journey. Prisoners are also entitled to use a toilet during all scheduled rest breaks.⁵⁵
152. At the time of writing, Corrections was in the process of procuring a new Prison Escort Vehicles (PEV) fleet. It is anticipated that the new fleet will

⁵³ ISUs are for prisoners who are identified as vulnerable to suicide or self-harm, or who need additional support and supervision.

⁵⁴ Inspection standard 10.

⁵⁵ POM 04.04.01 as at February 2021. Note the requirement to provide food and water to transferring prisoners was introduced to POM in June 2019.

improve the transfer experience for prisoners.⁵⁶ Corrections is also trialling new transport routes that will put a maximum limit on the amount of time prisoners spend in total in a vehicle and the time between breaks.⁵⁷

Before recent changes, prisoners reported poor conditions while travelling by road

153. At the time of our inspection, prisoners travelled by road in PEVs. Prisoners travel in individual cubicles in the back of the PEV. Each cubicle has a camera, so escort staff can view prisoners. However, prisoners are not able to contact staff.
154. When interviewing prisoners about their inter-prison transfer experiences, nearly all spoke of the physical conditions of the transfer. As discussed earlier in this report, prisoners can either travel by PEV or commercial or chartered flights. Every prisoner who travelled by road for longer than four hours spoke negatively in some way about their experience.
155. Many of the prisoners we spoke with said their journey was uncomfortable, they had nowhere to urinate and there was little to no communication with staff during their journey.

"If you had to pee you had to pee down the drain. Our first stop wasn't for like 6-7 hours at Tongariro. It took ages. I just made sure I didn't drink any water. Staff changed over at Tongariro. It was really cold on the truck. My friend was so cold because she wasn't wearing a sweater. We tried waving at the cameras. They said yes, but then nothing happened. When we stopped, we asked them again and they said they would sort it out, but they didn't. I was minimum so I wasn't cuffed, but the others all were."
[Prisoner – Auckland Region Women's Corrections Facility]

"I reckon the ride could be better. It's not how long it is, it's the condition you're in. You're in a small cage. You need to go to the toilet. When you need to go you have to go. You can get little drink bottles, once you finish the drink you use the bottle. There's a little drain in the floor that you then pour it down. And you're handcuffed. You have to ask for a Travel John,⁵⁸ and they might not even give it out. I have asked for a spew bag once before and some won't give it out. I didn't get it when I asked. Can't see out the windows. They've only just started having pillows on the seats."
[Prisoner- Auckland South Corrections Facility]

"Lately they've been giving us little bottles of water on the transfer. No toilets. They don't check on you – no welfare check. We're like dogs in those little travel boxes. Just stuck in there. Uncomfy as. People piss in the drain [on the floor]. And then they load new people in without cleaning it. It's disgusting. You can't even put your feet on the floor either. People spew in them. It's disgusting." [Prisoner – Hawkes Bay Regional Prison]

*"I hate the vans. It's the worst ride ever, I don't think it could get much worse. But that's jail isn't it. If you don't like it, don't come to jail. When you're driving from Auckland to Wellington in one day, handcuffed and facing backwards, getting car sick, have to piss in a cup or on the floor - like what the f**k? That's a whole day of travelling in the box, in your own*

⁵⁶ PEVS: Out with the old, in with the new. Corrections intranet Tātou, 22 February 2021.

⁵⁷ Source: Received by email 1 December 2020 from the Office of the National Commissioner.

⁵⁸ A disposable urinal.

coffin. You can't communicate with staff. I don't know what would happen if there was an emergency. They could see you on the camera but there's no button for you to talk to staff. If you pass out, they probably just think you're sleeping." [Prisoner - Rimutaka Prison]

Prisoners felt embarrassed when they travelled by air

156. The United Nations Standard Minimum Rules for Prisoners (number 73) states: *"When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form."*
157. Current guidance for commercial flights requires that prisoners are in waist restraints (a belt to which handcuffs are attached). Once seated on the plane, waist restraints must have the handcuffs removed. Guidance does consider the dignity of the prisoner to some extent. For example, waist restraints can be worn under a layer of clothing to ensure the restraint is not clearly visible to members of the public, and staff are to wear civilian clothing if possible.⁵⁹
158. Prisoners told us of feeling embarrassed about being seen by members of the public when travelling on a commercial flight.

"On the commercial flight it was really embarrassing – people were looking as if I was really dangerous. But staff did their best to make it as comfortable as possible. I didn't have any real issues during the escorts." [Prisoner – Christchurch Women's Prison]

More policy and training may help improve vehicle conditions during transfers

159. At the time of writing, Corrections had no policy about welfare observations or what prisoners should do if they need to urinate between comfort stops. Despite the lack of national guidance, some staff and prisoners we spoke with had access to Travel Johns while on the journey. This was a site specific initiative. We note there are no training or induction requirements for escort drivers.
160. From discussions with the Prison Population Team, we note that Corrections is currently reviewing guidance on inter-prison transfers and escorts in the Prison Operations Manual. Further, we understand that training packages for transfer and escort staff are under development.⁶⁰

Transfer of prisoner property

161. Our *Inspection Standards*⁶¹ state that all property should be returned to prisoners on release or transfer.
162. Prisoners we spoke with were often advised they were being transferred either the day before, or on the day of transfer, for security reasons.

⁵⁹ POM M.04.01.Res.03 Transfer of prisoners via commercial aircraft. Accessed 1 April 2021.

⁶⁰ Meeting with Population Programme Manager, 8 April 2020.

⁶¹ Inspection standard 39.

163. As soon as prisoners are advised they are transferring, they are required to clear their personal property from their cell and staff pack any property that is stored in the prison's Receiving Office.
164. For those being transported by road, Corrections' policy states that prisoners may take two large property bags with them, which is stored in a compartment in the PEV. Any remaining property is couriered at Corrections' expense to the end destination. Only property that is on the prisoner's property list in IOMS is considered for transfer.
165. Corrections Property Transfer Criteria notes that *'prisoners will not be able to take completed hobbies or any other items that is additional with them if they transfer to another prison, unless approval has been obtained by the prisoner director of the prison where the prisoner is being transferred to.'*⁶² This criteria suggests prisoners who are given little notice of their transfer may not have time to seek permission for the transfer of their additional property.
166. For those travelling by chartered flight, five kilograms of property can be taken on the plane and any remaining personal property is couriered by the prison. Those on a commercial flight receive the standard baggage allowance available to all passengers.
167. The majority of the prisoners we interviewed, 51 (61%) reported having no issues with lost or damaged property as a result of an inter-prison transfer.
- "Takes a few days to get property. It comes down with you - if you fly, your property is couriered down. Takes about three or four days. No issues with my property." [Prisoner – Rimutaka Prison]*
- "When I got my transfer, I got one week's notice. I had a lot of [personal property] to pack up. There were no issues with property during the transfer. I was quite surprised. It was very easy". [Prisoner – Auckland Region Women's Correction Facility]*
168. However, this was not always the case. Some prisoners we spoke with indicated there was more likely to be issues with property when a prisoner was informed of a transfer at short notice.
- "Every prison is different. Some tell you the day before, and others tell you a week before. When I came here from Auckland South Corrections Facility, I was only told an hour before I came ... I was rushed with packing my bags, so a lot of my stuff went missing. [Prisoner - Hawkes Bay Regional Prison]*
- "Never had any warning in the lead up to transferring. It was always on the day. That's why I have all my property problems. It's so hard because the staff just stand at the door and you have to be quick, so you rush and then miss things." [Prisoner – Auckland South Corrections Facility]*
169. Similar themes about property arose in our discussions with the Howard League Wellington, which related incidents they had been told of about prisoner property going missing after transfers and inconsistencies between prisons in what property prisoners were allowed to retain. In one case, a prisoner who was allowed to study using a laptop in their cell in

⁶² POM. P.06 Property Transfer

one prison was not allowed to in another prison, which impacted their ability to continue their studies.

Summary

- 170. Health staff we interviewed had varying levels of understanding of the Prison Transfer System (PTR) and inconsistent practice when recording health issues in IOMS which should be taken into account as part of a prisoner's transferability rating.
- 171. Prisoners reported uncomfortable physical conditions when travelling between prisons by road. We note Corrections is actively working towards improving the conditions and the amount of time prisoners spend on transfer journeys.
- 172. Some prisoners travelling on commercial flights reported feeling embarrassed at the potential for the public to see them.
- 173. Some prisoners, who were given limited notice of the time of their transfer, reported loss of their personal property.

Recommendations

- 7. Corrections consider training for health staff on the Prison Transfer Request system.
- 8. Corrections consider how the privacy of prisoners could be further protected during transfers using commercial flights.

Impact of transfers on family and whānau

175. In this section we outline how transfers impact family and whānau including:

- » the link between social support and reduced reoffending
- » the impacts of having a parent in prison on child wellbeing
- » how communication with family and whānau is affected
- » how transfers result in fewer or no visits with family and whānau

Social support in prison is linked to reduced reoffending

176. Being removed from their social supports is among the most difficult challenges faced by prisoners. A large body of evidence suggests that maintaining social connections helps prisoners to cope with their experience and successfully transition back into society.⁶³
177. Receiving visits from family and whānau has been linked to reduced long-term offending. Studies suggest prisoners who are visited early in their sentence and receive sustained visits are less likely to reoffend than prisoners who are never visited.⁶⁴ In addition, family and whānau are often

⁶³ See for example, Cochran, J (2014). Breaches in the wall: Imprisonment, social support and recidivism; Declaire & Dixon (2017) The effects of prison visits from family members on prisoners' wellbeing, prison rule breaking, and recidivism: A review of research since 1991; Lord Farmer (2017) The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime;

⁶⁴ See for example, Walker et al. (2020). The role of family support in the explanation patterns of desistance among individuals convicted of a sexual offence.

a source of housing, financial and emotional support when prisoners are released.⁶⁵

178. Other channels of social support may also be important. For example, research shows that former prisoners can help the newly released to transition back into society. Some argue that the impact of the large network of other prisoners, as well as staff that prisoners encounter in a sentence, are an under-appreciated form of potential support for prisoners who are otherwise seen as 'isolated'.⁶⁶
179. Prison sentences have impacts beyond the individual prisoner. Many prisoners are also parents. Based on research conducted in 2013, Corrections estimated that on average 19% of people in prison have a direct parenting role prior to imprisonment.⁶⁷ This proportion is higher for women (29%), Pacific (23%) and Māori prisoners (20%).

Having a parent in prison negatively impacts child wellbeing

180. Children with a parent in prison often live in complex home environments with many challenges. Evidence suggests that parental imprisonment affects children over and above associated risk factors, such as parental poverty and drug use, and the stress of being separated from their parents.⁶⁸
181. An overview of the research on the impacts on children of having a parent in prison identified many negative outcomes.⁶⁹ These range from social stigmatisation and poor health and educational outcomes to a greater likelihood of imprisonment than other children.
182. We note that these elevated risk factors do not mean a child will inevitably have a poor life outcome. Researchers point to great resilience among some children and warn against holding low expectations of children with parents in prison.
183. A significant body of evidence shows that keeping family and whānau together improves the outcomes for *all* members of the family and reduces recidivism. Some reports caution that better outcomes for children lies in the *quality* of the relationship with their parents as well as the nature of the visitation experience.⁷⁰ Concerns about negative prison visits experienced by children have led to the development of 'child-friendly' visiting areas in prisons.
184. Providing child-friendly visiting facilities supports prisoner-child relationships. Transferring a prisoner to another prison can disrupt established visiting routines with whānau needing to familiarise

⁶⁵ We note research suggesting prisoner re-entry into the family can be a stressful time for the family, who themselves need to be supported through this period. (Grieb, et al., 2014)

⁶⁶ See Riggs, R. (2015). A network approach to social reintegration: Network inequality among men in transition from prison to the community; Wakefield, S. (2016). Incarceration and family relationships.

⁶⁷ A direct parenting role was defined as: a child under 18 living with a parent prior to imprisonment.

⁶⁸ Social Policy Research Unit (2015). Improving Outcomes for Children with a Parent In Prison.

⁶⁹ Gordon, L. (2018). Contemporary Research and Analysis of the Children of Prisoners.

⁷⁰ This point is also made by Wakefield, 2016, who notes both the 'burdensome' effect of some prisoners on their families and conversely the positive social support received by families from some prisoners.

themselves with a new prison environment. Where prisoners are transferred away from their family and whānau, families can face significant costs in maintaining contact. Cost is a well-recognised barrier to family and whānau visiting a prisoner.⁷¹

Communication with family and whānau

185. Our *Inspection Standards* state that prisoners should be located as close as possible to their family and whānau and the community they have a strong attachment to.⁷² If prisoners are placed in prisons outside their home region, it is for the minimum time necessary and for an identified reason. Further, prisoners should be able to promptly inform their family and whānau or designated contact person about their transfers.
186. A key target for Corrections' Prison Population Team, is to reduce the number of prisoners being managed in prisons out of their home region by 15% by June 2021.⁷³ We note that the home region is the area in which a prisoner was sentenced for their most serious offence but is not necessarily the area where they, or their family and whānau, reside.
187. The Prison Population Team told us that one of the main reasons for the transition to the PTR system was to help humanise the inter-prison decision making process. As part of that humanising effort, the Prison Population Team also said they recognise the importance of family and whānau and staying connected.

"[PTR] really is trying to bring it in line with Hōkai Rangi, to get people to think about the impact on the person and the whānau and to consider the whānau when making the decision." [Staff member - Prison Population Team]

188. One of the factors considered with a prisoner's PPR score is whether they have recently had a visit from an approved visitor. Those who have recently had visitors receive a transferability score of -6. Staff advised that while having visitors does not stop someone from appearing on the transfer list, it can prompt staff to investigate whether the individual should be transferred.

"In the [PTR] tool they can see if someone is having whānau visits. The other day I had a call from [the Prison Population Team] regarding a guy in Otago who was going to be transferred back to where he came from after his programme – but he wanted to stay in Otago. [The Prison Population Team] could see this guy was having weekly visits from someone – which turned out to be his mother. So just by looking into him we could keep him there rather than sending him back to Auckland." [Staff member]

189. Staff in the Prison Population Team acknowledged that most prisoners probably have a personal reason about why they should not be transferred, for example they were receiving family and whānau visits.

⁷¹ Christian, Mellow & Thomas. (2006). Social and economic implications of family connections to prisoners.

⁷² Inspection standards 31 and 33.

⁷³ The baseline is May 2020 where there were 2307 prisoners outside their home region.

190. Most prisoners we talked to wanted to stay connected with their family and whānau. Transfers away from their home region made it difficult for some prisoners to see their family and whānau.

Transfers could result in fewer or no visits with family and whānau

191. During 2019, 168 (57%) of PC.01 transfer complaints to Corrections specifically related to prisoners being away from the support of their family and whānau.
192. During our inspection we found that of the 40 prisoners who told us they were regularly receiving visits from family and whānau before their transfer, only 18 continued to receive visits following their transfer. Many reported being upset that they were unable to receive visits, with most reporting that the distance was too far and it cost too much for their family and whānau to visit.

"It's too far for my family to visit. My wife and family would visit me [when I was] in Waikeria Prison. It's pretty handy having phone calls with my family but it's not good that I can't see them." [Prisoner – Rimutaka Prison]

"When [I] was housed in Rimutaka Prison [I] had no family visits as it was too far for my family to travel. [My] Nan (who is over 80) wrote a letter to Department of Corrections to try and get [me] transferred out of Rimutaka Prison to be closer to Auckland [where my family are located]." [Prisoner – Spring Hill Correction Facility].

"Nah no visits, my family is all in Hawkes Bay and it's too far to travel." [Prisoner – Auckland Region Women's Correction Facility]

"Northland Region Correction Facility is too far for them to visit given the travel time and cost – they will need 6 hours just for travel time both ways." [Prisoner – Northland Region Correction Facility]

193. For some prisoners, the stress of transfer was related to being separated from family and whānau, but also having to re-establish relationships and routines in a new prison.

"I think they should manage it better. I'd prefer to stay in one place. I moved almost every other month for a year. I would just get to know the people and start feeling comfortable in that environment and then I get moved to another prison and I have to re-learn the environment, and re-get to know the people. People there don't know me, and I can feel stressed." [Prisoner – Auckland South Corrections Facility]

194. Corrections' Prison Operations Manual states that a "prisoner must be provided with a reasonable opportunity to inform a member of his or her family of the impending transfer, and the destination, before the transfer is made."⁷⁴ However, this requirement does not apply if staff have security concerns or to allow for the effective management of the national prison population.
195. During our fieldwork for this thematic inspection, some prisoners told us they had visits planned with their family and whānau and then, prior to their visit, they were informed they would be transferring prisons. Only in

⁷⁴ POM M04.01.05 as at 21 February 2021.

some cases were they able to advise their family and whānau that they would no longer be at the site for a visit.

"On the day of transfer my son was visiting. He had made a booking for a visit 48 hrs in advance and this was approved - but the transfer took place on the day of the visit. My son was also visiting NZ as he works offshore ... I was lucky on that day because I had a phone card with me ... if I didn't call my son, he would have arrived at the prison to visit me." [Prisoner – Spring Hill Corrections Facility]

196. While most sites have AVL capability, many prisoners we interviewed were either not aware of these facilities or had not attempted to use the facilities for a family and whānau visit. However, for those who had used AVL, they told us they were happy with the opportunity to engage with their whānau.

"AVL is the biggest blessing in the whole wide world...it's helped me to continue being a parent to my boys." [Prisoner – Christchurch Women's Prison]

197. No prisoners told us they had accessed the Child Travel Fund, which can assist with costs of children wanting to visit a parent in prison or whānau wanting to visit a young person in prison.⁷⁵
198. The case study below describes the experience of one prisoner who previously received visits from his whānau before being transferred out of his home region.

Case study F

Mr F was remanded into custody in January 2019 in the Central Region. By January 2020, Mr F had transferred prisons four times, two for court hearings, and two for population management reasons.

Mr F said he received three visits from his family prior to his first transfer out of Prison 1. Here he speaks about his first transfer:

"My family were visiting me that week, so I missed my visit. They transferred me out the day before my visit. So, my family came all the way to [Prison 1] to visit me and I wasn't even there. They couldn't even notify my family that I wasn't there. And you don't get a phone call for a while until you arrive so I couldn't let them know I was safe."

Later in 2020, Mr F, who is currently housed in the Lower North Region, submitted two separate requests for transfer to be closer to his family. Both requests were denied due to "muster pressure" concerns. A Prison Population Team member noted that Mr F was not considered for transfer because he was a remand prisoner and the prison he wanted to transfer to did not accept that category of prisoner. Further, there was no high security accommodation available in the region.

Since Mr F's initial visits in 2019, he has received no further visits.

⁷⁵ The Child Travel Fund assists prisoners with children or whānau with young people in prison with the costs of travel for visits. The fund is administered by the Prisoners' Aid and Rehabilitation Society (PARS), a Kaupapa Māori NGO supporting prisoners and their whānau.

199. For some prisoners, talking to their family and whānau on the telephone was enough contact. The quote below shows that visits can be a source of stress, especially if things are not going well for family and whānau. The implication here is that it is hard hearing about whānau troubles while being in prison where you can do nothing to help the situation.

"I'm not torn by the fact that my family can't visit me. This is my third prison sentence. To me the important thing is I'm getting my programmes done and I can still talk to my family on the phone. Sometimes visits are hard – no news is good news. It's not all peaches and cream for them out there as well. Sometimes you can have too many visits." [Prisoner – Hawkes Bay Regional Prison]

200. Our discussion with Corrections psychologists suggests taking part in programmes can help prisoners in their relationships with their family and whānau. This happens through prisoners learning new communication skills and being able to manage themselves better. Corrections psychologists also noted that having family and whānau involved in some programmes, such as for violent offending, can assist in the rehabilitative process. Having broader access to these types of programmes across the prison network would remove the need for transfers as well as potentially enhance programme efficacy if family and whānau support could be harnessed.⁷⁶

Prisoner transfers negatively affected family and whānau

201. To better understand the impacts of inter-prison transfers on the family and whānau of prisoners we talked with Pillars, a charity supporting the children of prisoners and their whānau.⁷⁷
202. Pillars told us that the families they work with often only learned about transfers when they arrived at the prison for visit. A focus group on inter-prison transfers that Pillars conducted with their staff spoke of the emotional impacts of transfers on family and whānau and their resources.

"The impact of transfers on whānau, especially those where the whānau have not been communicated with, are retraumatising... whānau are left reeling from a renewed sense of loss and confusion. On top of this, they then need to navigate what their rights are and how to go about contacting their loved off their own bat. The costs involved with visiting a prison that is far away can mean that maintaining a relationship with the loved one becomes impossible, which has resounding impacts on their whānau resilience." [Pillars, Staff Focus Group, Inter-prison transfers].

203. They also note that, in their experience, it seems that the way transfers are handled depends on the particular relationship that a prisoner has with staff. Some prisoners have staff who will help them with the transfer process or listen to them when they do not want to transfer, others do not.
204. Pillars made some suggestions to us about how the transfer process could be improved. Many of these have already been or are being implemented by Corrections. These include early notification of transfers to prisoners,

⁷⁶ Corrections Psychologist, 8 April 2021.

⁷⁷ Pillars <https://www.pillars.org.nz/about-pillars/>

informing prisoners about the reason for transfers and staff actively helping prisoners to advise whānau of transfers.

205. In addition, Pillars suggested holding family and whānau hui so they can say good-bye to a prisoner prior to a transfer. Pillars also suggested providing support to prisoners who might take the news of a transfer poorly, including separating them from other prisoners and helping them manage their feelings with a social worker or counsellor. They also suggested educating prisoners and whānau about the transfer process and how a complaint can be lodged if the process is not followed.

Summary

206. Support from family and whānau is important factors in helping many prisoners through their sentences. It is one of the elements considered by Corrections staff in the decision to transfer a prisoner. For some prisoners, a transfer prevented them from receiving visits with their family and whānau.
207. Transfers away from family and whānau was often distressing for both prisoners and their family and whānau.
208. Few prisoners were aware of the possibility of using AVL to connect with their family and whānau. No prisoners mentioned accessing the Child Travel Fund.

Recommendations

- | | |
|-----|---|
| 9. | Corrections ensure that prisoners, their family and whānau are made aware of all available ways to stay connected. |
| 10. | Corrections ensure that where family and whānau are eligible, they and prisoners are informed of financial assistance available to meet the costs of travelling to prisons. |

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Appendix A – National Commissioner's response



2 August 2021

Janis Adair
Chief Inspector
Department of Corrections

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

Tēnā koe Janis

Re: Draft Thematic Report on Inter-prison Transfers

On behalf of Deputy Chief Executive Health, Juanita Ryan, and myself, thank you for the opportunity to respond to the draft thematic report on inter-prison transfers.

We were pleased to read that overall, your report found that Corrections had made good progress over the last two years in considering the needs of prisoners in transfer decisions, and the improvements that have been made align with Corrections' Hōkai Rangi Strategy.

As noted in your report, work has also been undertaken to review current escort routes and design and devise new routes and ways of working that ensure driver times are complied with, prisoners are provided with adequate stops and the escort of prisoners and staff around the country is done safely and humanely.

Our response to the ten recommendations within the report are listed below:

1. *Corrections must take full account of its Hōkai Rangi strategy in progressing its work programme for inter-prison transfers. This must be visible and well understood by staff and embedded in policy, practice and procedure.*

This recommendation is accepted. Corrections recognises Hōkai Rangi as its strategy and long-term vision and incorporates this into the way we work to implement change and achieve successful outcomes for those in custody or who we manage in the community.

The work currently underway on prisoner transfers and routes aligns with our Hōkai Rangi strategy. Ongoing education for staff will create awareness of the importance of the strategy and possible impacts of this in considering prisoner transfers.

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Regional Operational Performance Teams have been tasked with completing ongoing quarterly reviews, to provide assurance that people being transferred between prisons are being managed humanely and to a high level of quality. The review will include conducting observations of people arriving and departing Receiving Offices; checking PEV vehicles; and conversations with staff and people being transferred, on their understanding and experience.

2. *Corrections update the Office of the Inspectorate with progress on these recommendations every three months until further notice.*

This is partially accepted. While we acknowledge reporting on the progress of recommendations is an important assurance tool, we believe further discussions around reporting mechanisms and time frames, including exit criteria, need to be mutually agreed.

3. *Corrections update its Wellness and Insights Advisory Board about progress with inter-prison transfers at their regular meetings.*

This recommendation is accepted. Corrections will update the Wellness and Wellbeing Insights and Advisory Group for People in the Care of Ara Poutama Aotearoa and their Whānau, on inter-prison transfers as required.

4. *Corrections consider implementing a national decision-making framework for assessing the actual risk of remand prisoners and accommodating them in the least restrictive regime in prison as practicable.*

The Remand Management Tool (RMT) provides Corrections with the ability to respond to the needs of remand prisoners effectively and efficiently and in particular, those remand prisoners who could be managed as lower security prisoners. This is reported to be working well.

The Prison Population Team (PPT) are currently identifying Level 2 (lower level) low security remand prisoners to fill Low Security units across the country, while trying to keep prisoners in their home regions wherever possible.

It is noted the report also refers to the Remand Classification Project (RSC) which has been discontinued. During our initial use of this tool, we identified several unintended consequences. We have therefore taken the lessons learnt from this and are currently considering alternatives to align the work with the purpose for which it was intended.

5. *Corrections review the location of current rehabilitation and vocational/industry training programmes, according to latest demand analysis, and consider more flexible delivery models.*

This recommendation is accepted. Work is currently underway to review the current supply and demand model and future provision of rehabilitation and vocational/industry training programmes. This includes the location of the

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relevant programmes and the movement of prisoners to attend these reintegration activities. This work also includes the possible set up of programmes closer where to where people reside allowing a reintegration coordinator to work with the individual and their support system locally in order to transition from prison to community in the same location.

6. *Corrections provide training to custodial staff to improve awareness of inter-prison transfer requirements.*

This recommendation is accepted. Prisoner Escort information within the Prison Operations Manual was updated in May 2021 to provide practice guidance for staff in regard to prisoner transfers.

The CCO has also requested that Learning and Development incorporate the topic of prisoner transfers as part of custodial training programmes to ensure staff are awareness of transfer requirements.

7. *Corrections consider training for health staff on the Prison Transfer Request system.*

This recommendation is accepted. The Principal Adviser Prison Population, will produce a memorandum specifically for health staff on the correct process to enter transferability restraints into the Prison Transfer Request system. The Regional Operations Directors Health will ensure the memo is distributed to health staff and remind them to enter applicable transferability restraints if deemed necessary.

8. *Corrections consider how the privacy of prisoners could be further protected during transfers using commercial flights.*

This recommendation is accepted. A review of prisoner privacy during commercial flight transfers is currently underway as part of the Enhancing Prisoner Escorts (EPE) project. An upcoming meeting with Air NZ is being held as part of this process, to ensure the interests of all parties are addressed.

9. *Corrections ensure that prisoners, their family and whānau are made aware of all available ways to stay connected.*

Corrections acknowledges the importance of maintaining family relationships whilst a parent or family member is in prison.

Information for friends and family regarding various ways of staying connected with prisoners is available via Corrections' public website. This includes email addresses to email someone in prison and information about video calling. Prisoners are provided with information regarding the ways to maintain contact with their family and whānau during their induction into the prison or their specific unit.

The Department has also made some changes to our visits areas in several

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prisons to make visits more family and more specifically child friendly. The Kea Project was initiated to serve the needs of tamariki who are impacted by the experiences of a parent's incarceration and makes visiting a parent in prison more friendly for tamariki and encourages valuable bonds between whānau to be nurtured and strengthened.

10. Corrections ensure that where family and whānau are eligible, they and prisoners are informed of financial assistance available to meet the costs of travelling to prisons.

Financial assistance for travel can be applied for through local Prisoners' Aid and Rehabilitation Society (PARS), subject to eligibility criteria. This is also outlined on our public website; however, it is acknowledged that this could be more proactively communicated to prisoners and their family and whānau. I understand this assistance is currently more widely used by women in prison with their whānau, with social workers providing their support for whānau to access it.

We trust that you are satisfied with our response to your recommendations. Please let me know in the first instance if you have any concerns.

Ngā mihi nui



Rachel Leota
National Commissioner