

Prisoners of Extreme Risk Unit (PERU)

Announced Inspection

July 2023



Inspection team

Russell Underwood	Assistant Chief Inspector
Ang Curtis	Principal Inspector
Fiona Irving	Principal Clinical Inspector
Anthony Martin	Inspector
Katrina Wolfgramm	Inspector
Sophia Walter	Senior Adviser
Liz Welch	Senior Report Writer

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Office of the Inspectorate *Te Tari Tirohia*
Department of Corrections *Ara Poutama Aotearoa*
Private Box 1206
Wellington 6140
Telephone: 04 460 3000
<https://inspectorate.corrections.govt.nz>



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Office of Inspectorate | *Te Tari Tirohia*

Our whakatauki

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

This report sets out my findings following the Office of the Inspectorate's first announced inspection in July 2023 of the Prisoners of Extreme Risk Unit (PERU).

In 2019 the Department of Corrections was required to accommodate a prisoner charged with, and later convicted of, violent extremist terrorism on a scale previously not seen in New Zealand. The PERU was later established to accommodate this man and other prisoners who Corrections considered could not be managed safely in mainstream prison units.

The PERU's function is now to accommodate and manage those prisoners who are considered by Corrections to be the most challenging and complex individuals in New Zealand, including some of those prisoners involved, or suspected of involvement, in transnational organised crime. I note that units similar to the PERU are used in prisons internationally to manage prisoners who present similar risks. The Special Handling Unit at Casuarina Prison in Western Australia, for example, provides a useful comparison as a highly restrictive environment for prisoners who have been assessed as posing a "major threat".

In considering my findings arising from this inspection, I have given careful regard to the risks Corrections has assessed these men as presenting.

The PERU is managed differently to any other prison unit in New Zealand. It comes under the direct control of the Persons of Extreme Risk Directorate (PERD) and the PERD Commissioner, who reports to the Corrections National Commissioner. This report is not an in-depth review of PERD, although by necessity PERD and its operations are discussed.

This inspection report follows the publication of the *Separation and Isolation Thematic Report: Prisoners who have been kept apart from the prison population* which I released publicly on 13 June 2023.

I noted in the *Separation and Isolation* report that the PERU was excluded from that thematic inspection, which examined all 18 prisons across New Zealand. However, on 21 June 2023, I signalled publicly my intention to conduct a separate inspection of the PERU. Given the highly restrictive regime in the PERU, I considered it was imperative to first report on separation and isolation in New Zealand's prisons generally, to set the scene for the specific inspection of the PERU.

This report does not, nor is it intended to, examine and report on the management of any one individual in the PERU. There are other complaint and review mechanisms that have proper authority and agency to address the management of individuals when they arise. Rather, this report provides commentary on the inspection of the PERU using the framework of our Inspection Standards, which guide Inspectors on the independent and objective assessments of the treatment of prisoners and prison conditions.

Understandably, many aspects of the PERU's operating framework, policies and practices have been evolving since its establishment. I am concerned, however, that the operating framework in the PERU is overly and unnecessarily restrictive, leading to individuals spending significant periods of time in isolation, likely amounting to prolonged solitary confinement for most of the men. There are few interventions to provide meaningful human contact and purposeful and



constructive activities, and there was limited opportunity for prisoners to progress to a less restrictive regime.

Given the risks posed by the men in the PERU, I accept there must be additional measures in place to manage them safely and securely. I found, however, an absence of robust assurance processes to act as an effective 'check and balance' on the day-to-day operations and no mechanism to review the decisions to manage individuals in such a highly restrictive regime.

One fundamental concern was the intersection between the men's segregation directions, security classifications and the PERU operating model. This intersection caused confusion for the men about the duration of their placement in the PERU, and what they could do, if anything, to progress to a less restrictive regime.

I hope this report and its findings provides Corrections with important insights to consider how it might safely and securely manage those prisoners it considers pose the most significant risk, while giving proper regard for the impact of such a highly restrictive regime that separates individuals from others for prolonged periods of time.

It is also my expectation that Corrections more generally reviews the operation of the PERU, and designs and implements a robust assurance framework which provides safeguards for both decision makers and those managed under such a highly restrictive regime.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Janis Adair
Chief Inspector

Our findings

Introduction to findings

1. This report sets out observations from our announced inspection of the Prisoners of Extreme Risk Unit (PERU), which is situated inside Auckland Prison but managed separately by the Persons of Extreme Risk Directorate (PERD).
2. At the time of our inspection, the PERU housed three remand prisoners and 10 sentenced prisoners: a total of 13 men. Sentenced prisoners were classified as either maximum or high security.
3. We inspected the PERU from 24 July to 27 July 2023, with additional interviews conducted in July and August 2023.
4. Given the complex and challenging nature of some of the men managed in the New Zealand prison system, and the high risk of causing harm they present, the Office of the Inspectorate acknowledges the need for a Prisoners of Extreme Risk Unit. It is essential that Corrections has a facility to safely and securely manage prisoners who would otherwise present an unacceptable level of risk if managed in a mainstream prison unit. Units similar to the PERU are used internationally to manage “major threat” prisoners safely, while maintaining a focus on transitioning them back into mainstream prison units.¹
5. Custodial staff in the PERU were professional and appreciated the thorough induction into the unit, the regular ‘toolbox’ meetings used to share good practice, and the enhanced training and supervision opportunities.
6. The findings we have made in this report are additional to the recommendations we made in the *Separation and Isolation Thematic Report*² though the findings of both reports are aligned and the reader will find a great deal of common ground between the two. Indeed, this report sits alongside the *Separation and Isolation* report. We note that Corrections accepted all the recommendations of the *Separation and Isolation* report which we published in July 2023.

Findings

Operating framework

- Finding 1. The overwhelmingly strong single leadership focus on safety and security reinforces the highly controlled and restrictive nature of the PERU. This is to the detriment of the wellbeing, progression pathways and, ultimately, good outcomes for prisoners.
- Finding 2. Although supported by a range of advice and information, including from Operational Review and Multi-Disciplinary Team meetings, key decision-making about the prisoners in the PERU sits almost exclusively with the PERD Commissioner. This presents an unreasonably heavy burden on one person and,

¹ Office of the Inspector of Custodial Services (July 2023) *The Special Handling Unit at Casuarina Prison*. Government of Western Australia, Perth.

² Office of the Inspectorate (2023) *Separation and Isolation Thematic Report: Prisoners who have been kept apart from the prison population*. Wellington, New Zealand.

coupled with a lack of rigorous second-line assurance and prisoner voice, may impede transparency and sound decision-making.

Separation and isolation

Finding 3. Prisoners spend most of their time alone in their cells. This has likely amounted to prolonged solitary confinement for most of the men, which may lead to profound and long-lasting physical and psychological effects. PERD and PERU staff do not have sufficient support to provide constructive activities, meaningful human contact, and more time out of cell for the men in the PERU in order to promote their wellbeing and their progression out of the unit.

Making and communicating decisions

Finding 4. Many prisoners in the PERU did not understand the decisions made about them, including day-to-day management decisions, and decisions about their placement and continued placement in the PERU. There is a lack of clarity around all decision-making processes for the PERU, including placement criteria, the thresholds required to meet those criteria and timeframes.

Finding 5. Communication with prisoners was generally poor, especially around the reasons and timeframes for decisions made about them. There was also no mechanism for prisoners to request an operational review of decisions to place them in the PERU.

The use of management plans

Finding 6. The use of management plans for progression and regression has led to a highly controlled and detrimental system where men may lose access to constructive activities and opportunities for meaningful human contact without any means to challenge the decisions that led to these losses.

Finding 7. The highly restrictive regime means men have limited ability to demonstrate good behaviour and progress to receiving additional constructive activities, rehabilitation interventions, and opportunities for meaningful human contact, or to leave the unit.

Segregation directions, placement decisions and pathways

Finding 8. The intersection between three-month segregation directions and 12-month placements in the PERU (as set out in placement letters) caused additional confusion amongst some of the men regarding the length of their placement in the PERU. Moreover, this intersection led many men to experience a sense of hopelessness over whether they could progress out of the PERU if they behaved well.

Finding 9. While some of the men in the PERU may need to be kept there for extended periods of time, we found limited evidence of clear pathways towards transition back to mainstream units for most of the men.

Health and wellbeing

Finding 10. Clinicians were restricted in their ability to provide therapeutic interventions or treatment to men in the PERU. In addition, some clinicians felt ethically compromised by observing the harm to mental wellbeing that is being caused by the management regimes in the PERU.

Finding 11. The management of the men assessed as 'at risk of self-harm' for prolonged periods of time in the PERU contributes to a deterioration of mental health and wellbeing rather than promoting it.

Finding 12. There was little evidence that the men in the PERU were receiving the special attention from Health staff as required by law for their segregation status.

Introduction

7. The Office of the Inspectorate | *Te Tari Tirohia* is authorised under section 29(1)(b) of the Corrections Act 2004 to undertake inspections and visits to prisons. Section 157 of the Act provides that when undertaking an inspection, Inspectors have the power to access any prisoners, personnel, records, information, Corrections' vehicles or property.
8. The purpose of an Inspectorate prison inspection is to ensure a safe, secure and humane environment by gaining insight into all relevant parts of prison life, including any emerging risks, issues or problems. Inspectors assess prison conditions, management procedures, operational practices, and health care against relevant legislation and our Inspection Standards.
9. The Inspection Standards were developed in 2019 by the Inspectorate and reflect the prison environment and procedures applicable in New Zealand prisons. In early 2023, we expanded the Inspection Standards to include a series of standards on leadership. The Inspection Standards are informed by:
 - » the United Nations Standard Minimum Rules for the Treatment of Prisoners ('the Nelson Mandela Rules')
 - » HM Inspectorate of Prisons Expectations (England and Wales equivalent criteria for assessing the treatment and conditions of prisoners)
 - » the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules')
 - » the Yogyakarta Principles, which guide the application of human rights law in relation to sexual orientation and gender identity.
10. We note that the Office of the Ombudsman is mandated as a national preventive mechanism³ to examine and monitor the treatment of people in prisons in New Zealand. We notified the Ombudsman on 8 June 2023 of our intention to conduct an announced inspection of the PERU. Subsequent to our inspection, the Ombudsman conducted an unannounced inspection of the PERU.
11. The Inspectorate visited the PERU between 24 July to 27 July 2023 to carry out this inspection, with additional interviews conducted in July and August 2023. This was our first formal prison inspection of the PERU.
12. For the inspection data, we examined two sets of figures. Firstly, we examined 'snapshot' information from the time of our inspection. Secondly, for some categories of information, including incidents, misconducts and complaints, we examined the records for all 22 men accommodated in the PERU for the period 7 January 2021 to 24 July 2023.
13. We selected this approximately 30-month period in order to be able to provide meaningful figures given the small total number of men who have been accommodated in the unit. We started our review period at 7 January 2021 as on that date the PERU was relocated from Unit 11 at Auckland Prison to its current location in Unit 10 in order to provide more capacity. At that time only three men were being managed in the PERU, but Corrections had assessed that they may require more capacity.

³ National Preventive Mechanisms are independent visiting bodies, established at a national level, to examine the conditions of detention and treatment of detainees, and make recommendations for improvement. They aim to ensure the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

14. We acknowledge that practice can develop over a 30-month period; this may mean that some of the experiences recounted by prisoners during interviews may refer to practices that have since changed.
15. We note that the PERU and the PERD have various documents associated with their operation. These documents, some of which include information which may be in draft format, contain a variety of terms and descriptions of processes, principles, and operations. Some of these documents provide a certain amount of information about a particular process or principle which is described in different terms in another document. These inconsistencies made it difficult for the inspection team to ensure we were using the correct term or the correct definition of that term as it is understood by the PERD and in the PERU. We have quoted these documents where relevant and footnoted them throughout this report. The three documents we referred to most during this inspection were the PERD Criteria and Service Framework (dated December 2022), the PERU Operating Model v3.1 (dated 27 February 2023) and Individual Management Plans Prisoners of Extreme Risk Unit v4 (dated May 2023).
16. The fieldwork for the inspection was completed by a team of Inspectors, including the Assistant Chief Inspector, a Principal Inspector, two Inspectors, and the Principal Clinical Inspector for health-related matters.
17. Inspectors assessed the treatment and conditions of prisoners in the PERU against the Inspection Standards which consider the following areas of prison life: leadership, escorts, reception and induction, duty of care, health, environment, good order, purposeful activity, reintegration and prison staff. To complete their assessment, Inspectors accessed all parts of the PERU, and interviewed both PERU staff and those staff from Auckland Prison who provide shared services to the unit.
18. Inspectors also evaluated how the unit was applying the Corrections Act 2004 and the Corrections Regulations 2005, together with relevant Corrections' policies and procedures.
19. Inspectors make their assessments with four key principles in mind, to ensure that prisoners are treated in a fair, safe, secure and humane way. The principles are:
 - » **Safety:** Prisoners are held safely.
 - » **Respect:** Prisoners are treated with respect for human dignity.
 - » **Purposeful activity:** 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 reoffending.
20. Inspectors carried out:
 - » one-to-one interviews with ten of the 13 prisoners who were in the PERU at the time of our inspection
 - » one-to-one and group interviews with staff members, managers, union representatives, and service providers, including both PERU staff and those staff from Auckland Prison who provide shared services to the unit
 - » direct observation of unit procedures, staff duties and relevant staff meetings during the inspection
 - » a physical inspection of the PERU environment



- » a review and analysis of relevant information and data from the prison and Corrections databases, including the Integrated Offender Management System (IOMS) and the Corrections Business Reporting and Analysis (COBRA) tool.
21. We were informed by Correction's Hōkai Rangi Strategy 2019-2024 which sets out a strategic direction, aimed at achieving transformative and intergenerational change for prisoners and their whānau.
 22. On 21 December 2023, we gave the Corrections National Commissioner and Deputy Chief Executive Health a draft of this report. They responded to the draft on 12 June 2024 and their response is attached as Appendix C.

The Prisoners of Extreme Risk Unit

Background

23. The Prisoners of Extreme Risk Unit (PERU) is located in Unit 10 in Auckland Prison. Auckland Prison (also known as Paremoremo) is located on Auckland's North Shore and is one of 15 prisons for men in New Zealand.
24. The PERU has 20 cells including two dry cells⁴ across two wings (Wings One and Three) in Unit 10. The two wings are physically separated by Wing Two, which houses the Auckland Prison Management Unit.⁵
25. In 2019, the Department of Corrections was required to accommodate a prisoner charged with, and later convicted of, extremist violent terrorism on a scale previously not seen in New Zealand. The PERU was later established in Unit 11 of Auckland Prison, but was moved to Unit 10 in January 2021 to provide more capacity. In early 2023, Corrections made the decision to confirm the PERU's permanent existence.
26. Although the PERU is located within the secure perimeter of Auckland Prison, it is not managed by the Auckland Prison Director. Instead, it is managed by the Persons of Extreme Risk Directorate (PERD). The PERD was established by Corrections in 2019. The PERD has its own 'PERD Criteria and Service Framework' which sets out that PERD was established "in recognition that there are relatively small subsets of prisoners requiring additional measures in order to be safely managed".⁶
27. The PERD and the PERU are managed by the Commissioner PERD who reports directly to the National Commissioner of Corrections.
28. The PERD's key leadership roles were permanently established in early 2023 (some of these positions having previously existed on a finite basis) following Corrections' decision to confirm the permanent existence of the PERU. Permanent leadership roles include the Commissioner PERD, a Practice Director, a custodial Operations Director, a Programme Director, a Manager Community Transitions, a Custodial Adviser and a Senior Adviser.

The PERU Operating Model and the PERD Criteria and Service Framework

29. The PERU has its own Operating Model⁷ which describes its operating principles and high-level approach. It sets out that "the PERU will house the national population of prisoners identified as presenting extreme risks who require specialised and bespoke custodial management". The Operating Model further states that these "prisoners of extreme risk" are those "requiring additional measures in order to be safely managed. For the most part this is due to the ongoing risk of serious violence that they present, which requires additional management safeguards; however, this could also be due to their capability to influence others to engage in serious violence or threats...".

⁴ Dry cells are cells that do not have a toilet or running water. Dry cells are designed for the management of prisoners suspected of internal concealment. They are not residential cells.

⁵ A Management Unit houses prisoners requiring closer management, including those with segregation directions.

⁶ PERD Criteria and Service Framework, dated December 2022

⁷ Operating Model: Prisoners of Extreme Risk Unit, Version 3.1, dated 27 February 2023.

30. The 'risk criteria' section of the PERU Operating Model states that "individuals in prison are identified for services provided by PERD according to three dimensions". The three "dimensions" are:
- Risk of harm *to* others, such as repeated and significant levels of violence and/or extremist behaviour.
 - Risk of harm *from* others, such as men who may be at risk from others because of the nature of their offending.
 - Risk of influence capability *over* others, such as gang leaders or those linked to transnational organised crime groups who can threaten the safety and security of the prison or the wider community.
31. The PERD Criteria and Service Framework acknowledges that "Risk is a dynamic concept and an individual's level of risk on each of these dimensions can increase or decrease; however, PERD services are more appropriate for those whose level of risk is relatively stable. In other words, those who present a high chronic level of risk which is considered unlikely to change over a period of years. This is in contrast to those whose level of acute risk may be elevated in the short-term but have a reasonable prognosis that their risk may reduce over time, or through the impact of available mainstream services. This does not imply that prisoners within the scope of PERD are unable to change and should be denied access to rehabilitation, but acknowledges there may be significant responsivity issues which impacts on their suitability for mainstream services." We note that the PERD Criteria and Service Framework is silent on the sources of these statements around risk. During an interview, the PERD Commissioner told us one of their biggest challenges was getting other people to understand the full extent of the risks they manage.
32. The PERU operating principles, as set out in the PERU Operating Model, are:
- » Safety is paramount
 - » We put the person at the centre of our focus
 - » We work as a team
 - » Our people are our greatest resource
 - » We maintain a highly controlled and secure environment
 - » We care for and respect everyone.
33. The PERU Operating Model sets out that the PERD offers three "tiers of service" to reflect the level of risk presented by the prisoner. Prisoners who pose the highest risk are assessed as 'Tier 3'. They come under the direct management of the PERD Commissioner and are placed in the PERU. Those assessed as Tier 2 are high-risk offenders who can continue to be managed in prison or in the community, with the PERD offering "regular intensive oversight and support with this management". Tier 1 is for those who do not meet the "threshold for the above tiers", and the PERD offers consultation and advice to those managing them. For this inspection, we reviewed only the PERU and the prisoners managed within it.
34. The PERU Operating Model is not intended as a detailed description of day-to-day operations and does not supersede the Prison Operations Manual which guides the practice of custodial staff in prisons nationwide, including in the PERU. There is also a PERU desk file⁸ which sets out the day-to-day routines for the unit and the duties of staff.

⁸ Prisoners of Extreme Risk Unit, Auckland Prison, Desk File, last updated December 2022

Legislative context for the PERU and the PERD

35. Neither the PERU nor the PERD are referred to in the legislation which governs the administration of the Corrections system in New Zealand. Accordingly, although the PERU is a distinct unit, the legislation, regulations, and the requirements of international law apply to the PERU in the same way they apply to any other prison unit. Prisoners housed in the PERU have the same rights and minimum entitlements as any other prisoner in New Zealand. It is important to note that legally, the management of men in the PERU must be founded on the same principles as for any other prisoner. This would include decisions about their security classifications, the use of directed segregation, and the application of at-risk status.
36. Section 47 of the Corrections Act 2004 sets out that all prisoners in New Zealand who are subject to a sentence of imprisonment exceeding three months should be assigned a security classification which reflects the level of risk posed by that prisoner while inside or outside prison. The Prison Operations Manual sets out that there are five security classification categories for men in prison: minimum, low, low-medium, high and maximum security.⁹ There is no "extreme risk" security classification. However, according to "draft criteria" set out in the PERD Criteria and Service Framework, eligibility for the PERU is determined by a panel comprised of PERD members and the Regional Commissioner who has made the referral. It is not clear from the PERD Criteria and Service Framework exactly what the criteria are, nor what the threshold is to meet them.
37. We note that eligibility for the PERU is independent of security classification. Indeed, the PERD Criteria and Service Framework sets out that "the security classification process is a blunt tool when used to identify risk. It is possible that some prisoners with a very high risk of serious violence may not be currently classified as maximum security. This can particularly be the case for those with the capability to manipulate and deceive staff or with a high degree of self-control. Such individuals can appear to have made positive changes and can successfully progress to lower security conditions, when their capacity for serious violence remains largely unchanged."

Management regime in the PERU

38. The regime in the PERU at the time of our visit was highly restrictive, with little opportunity for most of the men to spend time anywhere other than alone in their cells or in the small concrete exercise yards attached to their cells.
39. Twelve of the 13 men in the PERU were subject to directed segregation, with 11 of the 12 having a denied association status, meaning they were not permitted to mix with each other.¹⁰ The remaining man on directed segregation had a restricted association status which meant he could associate with other suitable prisoners (i.e. usually those also subject to directed segregation with a restricted association status), though at the time of our inspection no suitable prisoner for him to mix with had been identified. This meant he was not associating with anyone.

⁹ Prison Operations Manual M.02.01.02 Categories of security classification.

¹⁰ Under Section 58(1) of the Corrections Act 2004, a prisoner on directed segregation may not automatically be denied association with others, but prison management may restrict or deny association if they have a good reason to do so, such as for the security or good order of the prison or the safety of another prisoner or person.

40. The remaining man was [REDACTED] [REDACTED] also denied association with others. This man has been [REDACTED] managed in this way for several years.
41. At the time of our inspection, the men in the PERU were being managed according to individual management plans. These plans were similar to the individual management plans that are used in prisons nationwide to describe how prisoners on directed segregation should be managed. One notable difference in the PERU individual management plans was the progression steps described in the following paragraph. Staff were not permitted to deviate from these plans.
42. The PERU management plans identified behaviour goals for each man “in order to progress” and set out what entitlements could be offered at six staged progression steps in 25 areas of prison life. For this reason, PERU management plans were often called “progression plans” by staff and prisoners in the unit. Examples of behaviour goals included: not using abusive or threatening language, following staff instructions, and not encouraging others to become non-compliant. Each step led to fewer restrictions and increased access to entitlements such as extra yard time, exercise equipment, access to a day room, extra visits time and increased telephone access. If there was an increase in an individual’s risk or a deterioration in their behaviour, they could be regressed to a previous step.
43. The PERU Individual Management Plans document¹¹ sets out that these plans are “dynamic, comprehensive, individualised plans covering day-to-day custodial operations to ensure that all risks are being effectively managed, and the wellbeing of the individual is supported. These documents are shared with the individual, to provide transparency on what they need to work towards in order to progress to the next sentence phase.” However, during interviews, most of the men told us they were not given copies of their management plans and had to request these under the Official Information Act or the Privacy Act.
44. Moreover, we found there was confusion amongst some of the men in the PERU regarding the length of time they could expect to remain in the PERU. During interviews, some of the men told us that while their directed segregation status was reviewed every three months, and the Visiting Justice and some of the staff encouraged them to behave well so they could progress out of the PERU, some of the same men had received PERU ‘placement letters’ that informed them they would be held in the PERU for 12 months. This led the men to understand that no matter how well they behaved, or how many times their directed segregation status was reviewed, they would be held in the PERU for 12 months regardless.
45. In addition to their individual management plans, prisoners in the PERU had individualised operational plans. Management plans reflected the current step in the operational plan. The PERU Individual Management Plans document sets out that operational plans provide “additional detail on managing presenting risks which would not be shared with the prisoner; for example, managing off-site medical treatment to mitigate escape risk”.
46. Management plans and operational plans were written by a PERU Principal Corrections Officer, and reviewed and updated at Multi-Disciplinary Team meetings. These meetings were held weekly but each prisoner’s plan was reviewed every two weeks, unless he was assessed as being at-risk of self-harm in which case it was reviewed every week.

¹¹ Individual Management Plans: Prisoners of Extreme Risk Unit, Version 0.4, May 2023.

47. The PERU Multi-Disciplinary Team is chaired by the PERD Practice Director and has its own Terms of Reference¹² which provide for the attendance of the PERD Operations Director, the Manager Community Transitions, an Intelligence Practitioner, and Principal Corrections Officers from the PERU at these meetings. Staff from Auckland Prison who offer shared services with the unit also attend regularly, including the Health Centre Manager, a Case Manager, and members of the Intervention and Support Practice Team. Other staff from Auckland Prison, such as an Education Tutor, who offer services to the men in the PERU may also be invited if appropriate.
48. The Multi-Disciplinary Team (MDT) Terms of Reference set out that “The Unit PCO will take responsibility for ensuring individuals discussed at the MDT have regular opportunities to receive feedback from the MDT and express their perspective on their management and progression goals”. Prisoners’ individual management plans offer attendance at Multi-Disciplinary Team meetings as a progression step that prisoners can work towards. However, at the time of our inspection, no prisoners were attending Multi-Disciplinary Team meetings, and accounts of the prisoners’ behaviour and requests were presented at meetings by a Principal Corrections Officer. We understand that no prisoners held in the PERU have ever had the opportunity to attend a Multi-Disciplinary Team meeting.
49. The Operating Model for the PERU seemingly places a high level of importance on the prisoner’s voice. It states: “We encourage the person to actively engage in their self-management and listen to their voice” as well as committing to “provide clear feedback to the individual on the rationale for their continued placement in the PERU or transition to another unit”. We observed that this process relied heavily on the Principal Corrections Officers providing an account of a prisoner’s demeanour, behaviour and progress to the Multi-Disciplinary Team, then feeding back to the prisoner any decisions and the rationales behind those decisions. On the evidence of what we observed and heard from both staff and prisoners, this was not happening in the manner intended.
50. The Multi-Disciplinary Team does not make decisions about a prisoner’s management, but it may recommend to the PERD Commissioner at a weekly Operational Review meeting that the individual prisoner progresses (or regresses) to the next step of his progression plan. The Operational Review meeting is chaired by the PERD Commissioner and attended by PERD management and other senior Corrections managers.
51. Some key issues and decisions may be escalated above Operational Review meetings to monthly Chief Executive Advisory Group (CEAG) meetings on the PERU. Information provided by the Department¹³ sets out that these meetings are attended by the PERD Commissioner (Chair) and senior managers from Corrections: the General Manager Psychology and Programmes/Chief Psychologist, General Manager Custodial/Chief Custodial Officer, General Manager Probation & Case Management/Chief Probation Officer, Chief Legal Adviser, Chief Medical Adviser, National Manager Intelligence, and the General Manager Communications and Government Services. Other PERD staff including the Practice Director, Operations Manager and Programme Director may attend if required. In addition, “Input from others – e.g. Director Mental Health and Addictions, National Operations Director Health or General Manager Operational Delivery will occur on a case by case basis”. The stated purpose of the meetings is to provide secondary assurance to the Chief Executive regarding the management of a prisoner by the PERD. Information is shared with CEAG members so they can provide independent advice and support.

¹² Terms of Reference: Prisoners of Extreme Risk Unit Multi-Disciplinary Team Meetings, document last updated: 14 November 2022.

¹³ Terms of Reference PERD Chief Executive’s Advisory Group bullet points dated 7 December 2020.

Operational decision making remains the role of the Commissioner PERD. A quarterly meeting is held with the Chief Executive, Commissioner PERD, and CEAG attendees.

52. Notwithstanding the process outlined above and the usual assurance systems that Corrections has set up to ensure transparency in its decision-making processes, we note there is no additional mechanism to provide assurance and oversight of the PERU and PERD decision-making processes to the Chief Executive. Given that the PERU is a novel environment within the New Zealand correctional landscape, and that it is, moreover, the most restrictive regime in the country, we believe this is a missed opportunity to provide ongoing scrutiny and assurance to the Chief Executive that prisoners in the PERU are being managed in a safe, secure and humane manner.

Prisoners

53. The PERU can accommodate remand prisoners and sentenced prisoners with any security classification, including maximum security. In our review period, 7 January 2021 to 24 July 2023, a total of 22 men have been housed there. Nine have since exited the unit, six of whom have been transferred to other prison units, and three of whom have been released into the community.
54. At the time of our inspection, the PERU housed 13 prisoners. Ten men had been sentenced. Of the ten sentenced prisoners, seven were classified as maximum security, and three were high security. Three prisoners were on remand, with two remand accused and one remand convicted.
55. Six of the 13 men had gang affiliations.
56. Three of the 13 men had no history of violence, and no IOMS alerts for staff assaults or gang involvement.
57. IOMS records set out that five of the 13 men identified as Māori. Three men identified as Pacific peoples (two from Tonga, one from the Cook Islands), and three were foreign nationals (two Australian and one Irish). Two men identified as NZ European/Pākehā.
58. At the time of our inspection, there were no prisoners aged 20 or under, though there were three aged under 25. One prisoner was aged over 60.
59. No prisoners identified as transgender at the time of our inspection.
60. The average length of days spent in the PERU for the 13 men who were currently housed there was 632 days for the period ending 24 July 2023. Five of the men had been there for over 900 days, and two for over 800 days.
61. We were told by senior PERD managers that the men in the PERU include those who have been assessed as having a long-term high level of risk of causing serious harm to others, those who pose a risk due to escalating patterns of behaviour if they are accommodated in a mainstream unit, and those who may be vulnerable to extremist influence (either to or from others) if they are accommodated in a mainstream unit. Such characteristics may mean these men are in the PERU for extended periods of time.

The effects of separation and isolation

62. While the inspection team acknowledges that segregation is a legitimate tool of prison management, when a prisoner's opportunity for social interaction is limited for an extended period, as it is routinely in the PERU, there is a risk the prisoner may experience insufficient meaningful human contact to sustain their health and wellbeing.

63. As mentioned above, one of the PERU's operating principles, as set out in the PERU Operating Model, is "We maintain a highly controlled and secure unit". This principle is further explained: "The use of physical separation and minimal prisoner movement are key tools to keep everyone safe. Whilst prisoners may spend much of their time physically separated from others, this does not mean they are isolated, and we will facilitate prisoners to develop and maintain supportive relationships."
64. However, the inspection team found limited evidence of prisoners being facilitated to develop and maintain supportive relationships. We noted that some mental health clinicians at the site felt the impacts of social isolation on the men in the PERU were "huge".
65. Solitary confinement is defined in the United Nations Standard Minimum Rules for the Treatment of Prisoners (i.e. the Mandela Rules) as more than 22 hours a day without "meaningful human contact". When a prisoner's opportunity for social contact is limited for an extended period, there is a risk that the prisoner may experience insufficient meaningful human interaction to sustain their health and wellbeing.¹⁴ For this reason, the Mandela Rules prohibit solitary confinement in excess of 15 consecutive days.¹⁵
66. In June 2023, the Office of the Inspectorate released a thematic report into the management of prisoners who had been separated from the prison population and were unable to mix with others.¹⁶ While the PERU was outside the scope of that review, in June 2023 we also announced on our website our intention to inspect the PERU. We have since found that many of the recommendations of the Separation and Isolation review are relevant to the men in the PERU, including that managing prisoners in isolation may lead to potential profound and long-lasting physical and psychological effects.
67. In addition to the Inspectorate's report, there is a body of local and international literature about solitary confinement that has identified a range of psychological and physical effects from isolation, including lethargy, impaired concentration, depression, anxiety, panic attacks, anger and irritability, perceptual distortion, and paranoia.¹⁷ The World Health Organisation has observed: "The majority of suicides in correctional settings occur when an inmate is isolated from staff and fellow inmates. Therefore, placement in segregation or isolation cells for necessary reasons can nevertheless increase the risk of suicide."¹⁸

¹⁴ The Istanbul Statement on the Use and Effects of Solitary Confinement, adopted on 9 December 2007 at the International Psychological Trauma Symposium at Istanbul, states that "[t]he central harmful feature of solitary confinement is that it reduces meaningful social contact to a level of social and psychological stimulus that many will experience as insufficient to sustain health and well being".

¹⁵ This reflects Juan E Méndez's conclusion in his Interim Report by the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment A/66/268 (5 August 2011), that "15 days is the limit between 'solitary confinement' and 'prolonged solitary confinement' because at that point, according to the literature surveyed, some of the harmful psychological effects of isolation can become irreversible" (at [26]).

¹⁶ Office of the Inspectorate (2023) Separation and Isolation Thematic Report: Prisoners who have been kept apart from the prison population, Wellington.

¹⁷ Organisation for Security and Co-operation in Europe: Office for Democratic Institutions and Human Rights Guidance Document on the Nelson Mandela Rules at 105; Penal Reform International Head Office & Human Rights Centre University of Essex, Essex paper 3: Initial guidance on the interpretation and implementation of the UN Nelson Mandela Rules (February 2017) at 86; Sharon Shalev A sourcebook on solitary confinement (2008) at 15; Peter Scharff Smith "The effects of Solitary Confinement on Prison Inmates: A brief history and review of the literature" *Crime and Justice* 34 (2006) 441, at 488ff; Stuart Grassian "Psychiatric Effects of Solitary Confinement" *Journal of Law & Policy* 22 (2006) 326. On the physical health effects of solitary confinement, see Louise Hawkey "Social Isolation, Loneliness and Health" in Jules Lobel (ed) *Solitary Confinement: effects, practices and pathways towards reform* (2020); Justin Strong et al "The body in isolation: the physical health impacts of incarceration in solitary confinement" *PLoS One* 15 (2020).

¹⁸ World Health Organisation: Department of Mental Health and Substance Abuse Preventing Suicide in Jails and Prisons (2007) at page 16.

68. We note that the Corrections Regulations 2005 (76) set out that a Health Centre Manager must ensure special attention is paid to any prisoner who is denied the opportunity to associate with other prisoners as a consequence of a segregation direction.

Staff

69. The PERU was allocated 40 full time equivalent (FTE) staff comprised of:
- » 30 FTE custodial staff
 - » 10 FTE management and administration staff
70. This is a higher ratio of custodial staff to prisoners than that found in most prison units, due to Corrections' assessment that there are additional risks associated with safely managing the unit. We note, however, that at the time of our inspection, the unit had only 18 FTE custodial staff which meant it was operating at around 60% of the custodial staffing model. This meant most custodial staff were working significant levels of overtime.
71. Custodial staff in the PERU were comprised of a mixture of permanent and seconded staff, with approximately half of them being from outside of the Auckland region. For staff who had been seconded, we were advised during the inspection that [REDACTED] [REDACTED]. In addition, due to custodial staffing shortages at prisons nationwide, the PERU had been finding it difficult to get staff for secondment appointments, and [REDACTED].
72. Other staff members at Auckland Prison provided services to men in the PERU under a shared services model. Staff who provided services under this model included health, case management and education staff, Activities Officers and librarians. In addition, Auckland Prison's Site Emergency Response Team and Intervention and Support Practice Team may support staff and prisoners in the PERU. Chaplains also provided services to the men in the PERU.

Contact with the Inspectorate

73. In the review period 7 January 2021 to 24 July 2023, the Inspectorate received 14 information requests and 191 complaints from prisoners in the PERU. The most common complaint categories were: 45 complaints about the Corrections' complaints process (most of these were requesting a review of Corrections' response to a PC.01¹⁹ complaint as the prisoner was not satisfied with the response or did not feel the matter had been dealt with, or the prisoner was requesting an update regarding a previous issue), 16 complaints about prisoner mail/written communications, and 11 complaints about prisoner property. We note that three of the 22 prisoners made 152 (79%) of the 191 complaints to the Inspectorate. Ten of the 22 prisoners made no complaints to the Inspectorate, and eight made six complaints or less.
74. In the review period, the Inspectorate conducted 19 statutory reviews of the misconduct process.²⁰
75. In the review period, men in the PERU made 20 allegations against staff. However, none of these allegations were recorded in the IR.07 Allegations Against Staff Database as they should have been. This meant the Inspectorate had no visibility of these allegations and

¹⁹ PC.01 complaints are general prisoner complaints.

²⁰ The misconduct process deals with allegations of poor prisoner behaviour. The Inspectorate can only review the timeliness of this process. If a prisoner is unhappy with the outcome of a misconduct process, it is referred to a Visiting Justice (external judge).

therefore no ability to monitor them. We note that 11 of these allegations were from one prisoner and were recorded by staff in a separate spreadsheet held by the unit. Prisoners submitted the remaining nine allegations against staff using PC.01 forms. Staff should have referred these to the IR.07 process and entered them on the Allegations Against Staff Database, but this was not done.

76. There were no deaths in custody in the PERU during this period.

Inspection

Leadership

Inspection Standards

- Leaders provide direction, and work collaboratively with staff, stakeholders and prisoners, to set and communicate strategic priorities that will improve outcomes for prisoners.
- Leaders create a culture in which staff and other stakeholders willingly engage in activities to improve outcomes for prisoners.
- Leaders provide the necessary resources to enable good outcomes for prisoners.
- Leaders focus on delivering priorities that support good outcomes for prisoners. They closely monitor progress against these priorities.

77. In early 2023, we expanded our Inspection Standards to include a series of standards on leadership. In these standards, the term 'leader' refers to any person with leadership or management responsibility in the prison. We note that the leadership structure for the PERU differs considerably from that of any other prison unit.
78. The PERD oversees a team of custodial staff (i.e. Corrections Officers, Senior Corrections Officers, and Principal Corrections Officers) who conduct the day-to-day management of the prisoners. Custodial staff in the PERU are comprised of permanent and seconded staff, and the PERU Operating Model sets out that "staff rotation will assist in managing levels of fatigue, workplace stress and complacency. It will also provide opportunities for secondees to return to their sites with enhanced skills and knowledge." Due to nationwide custodial staff shortages, staff rotations had not occurred as frequently as originally intended.
79. The PERD Commissioner holds Prison Director (Manager) delegations for PERU under the Corrections Act 2004. Although commonly referred to within Corrections as a 'prison within a prison', the PERU is dependent upon Auckland Prison and Northern Region staff for a broad range of shared services such as maintaining the secure perimeter, gatehouse, health services, case management, Site Emergency Response Team (SERT) and prisoner education.
80. The strategic alignment of the PERU to *Hōkai Rangī: Ara Poutama Aotearoa Strategy 2019-2024* is set out in the PERU Operating Model, which states: "The PERU also supports the Department's strategic direction as outlined in Hōkai Rangī by separating out this small cohort of Prisoners of Extreme Risk from the mainstream prison population". It continues by noting that this separation "...will support prisons to become places of humanising and healing by preventing this cohort from causing further harm and instability across the network". During interview with a Regional Commissioner we were told he felt this was a key function of the PERU within the wider prison network.
81. At the time of our inspection we were advised by members of the PERU leadership team that the PERU Operating Model document, which describes the operating principles and high-level approach taken by PERU, was "indicative" and "aspirational". The version available at the time of our inspection (dated 27 February 2023) had been developed, in part, to inform the business case for establishing PERU on a permanent basis. A number of

its operating principles were not yet happening in practice. We found this surprising, given the PERU had been operating for four years.

82. Within the leadership team we observed a clear sense of common purpose, especially in regard to safety and security. This common purpose might be expected given some members of the leadership team have been in the PERU since its inception, but this was also evident in newer roles, such as community transition, where, for example, we heard described realistic plans for those men in the PERU who were likely to transition to management in the community.
83. One of the PERU operating principles, as set out in the PERU Operating Model, is “safety is paramount”. This principle is further explained “The health and safety of everyone who visits, lives and works in the PERU is our highest priority and will not be compromised. The PERU is an environment where everyone is kept safe and feels safe. All our management plans and decisions are informed by an assessment of risks.”
84. Moreover, during interview, the PERD Commissioner reiterated the value of the PERU in enabling Corrections to manage risk outside of the PERU, expressing her view that if the PERU did not exist, the risk of people being harmed would increase.
85. Custodial staff in the PERU told us they felt supported, safe, motivated and listened to. However, they told us they were bound by the individual prisoner management plans, which meant there was very little open to discretion in their day-to-day management of the prisoners, and there was nothing extra they could offer them. Further, we were told that some decisions about the management of prisoners in the PERU could take a long time to be made and put into practice.
86. Custodial staff welcomed initiatives such as the thorough staff inductions and daily ‘toolbox’ meetings.²¹ They also spoke of appreciating some of the bespoke training provided and reflective practice sessions, although we were told that both had fallen away in recent times due to staff shortages. They appreciated the ease of access to the Commissioner – something that was less able to be achieved with a prison director in other prison settings.
87. During our inspection, we spoke with a number of staff from the wider Auckland Prison site, including those who provided shared services to the PERU. These conversations traversed a number of areas of concern including a lack of clarity around the PERU’s role and alignment, a perception that while they may occasionally be invited to contribute a view or professional opinion it was rarely listened to, and that the PERU’s existence on site had an unfavourable impact on the operation of Auckland Prison.
88. In terms of the PERU’s role, purpose and alignment, we were told it was viewed by many on site as “the SAS of prisons”. Staff felt that the PERU did not abide by the same philosophy as the rest of the prison, did not follow the same “protocols”, nor have the same funding concerns. We also heard that some staff did not understand why the PERU was necessary as they had always managed high risk prisoners at Auckland Prison.
89. Another staff member told us that people ask: “why is PERU on this site and taking up an important part of the site’s infrastructure?” We were told that, for example, when the PERU moved into Unit 10 in January 2021, the Secure Online Learning (SOL) computer room

²¹ Daily toolbox meetings are held in the PERU for staff to raise and discuss any issues or concerns and also to develop and reinforce good practice. These meetings are led by Senior Corrections Officers, supported by the Operations Director and Principal Corrections Officers.

became unavailable to the men in the Unit 10 Management Unit; this meant they no longer had access to online learning (e.g. for driver licences).

90. A key indicator of sound stakeholder engagement and direction-setting within a prison environment is leaders taking time to listen to prisoners and having a good understanding of the experiences of prisoners and their families/whānau. Based on our observations and many conversations with prisoners, staff and other stakeholders, it is our view that the highly controlled and restrictive nature of the PERU that the leadership team presides over, has provided very little scope for this. We believe this is likely to be to the detriment of prisoners' wellbeing.
91. Prisoners told us they seldom or never saw any senior management in the unit above the rank of Principal Corrections Officer. Many prisoners told us they had little idea why they were in the PERU or what their pathway out would look like.
92. We observed at first hand the tightly controlled decision-making process relating to the management of PERU prisoners in the form of weekly Multi-Disciplinary Team meetings and Operational Review meetings. While a number of stakeholders providing shared services attended these meetings, we were disappointed at the rather perfunctory role some played in the deliberations, particularly the Acting Health Centre Manager who has a key role to perform in terms of an individual's at-risk status (though we note the Acting Health Centre Manager was new to the site). We were told by several subject matter experts that they had provided specialist advice and recommendations to the Multi-Disciplinary Team which they felt were not given sufficient weight.

Escorts, reception and induction

Escorts and transfers

Inspection Standards

- Prisoners travel in safe, decent conditions and are treated with respect, and attention is paid to their individual needs.
- Prisoners understand why and where they are being transferred to.

93. Prisoners may be transported to the PERU from a range of places, including internal transfers from other Auckland Prison units, transfers from other prisons, and escorts from court or Police custody. In addition, men may be escorted out of the unit for external hospital appointments or court appearances.
94. Corrections has specific guidance for how transfers and escorts should be conducted. Prisoners are typically transported over land in Prisoner Escort Vehicles (PEVs). These are vans fitted with metal compartments in the back to create individual cells. None of the prisoners in the PERU raised any issues regarding the conditions of their transport.
95. Some prisoners told us they had not known why they were being transferred to the PERU. Twelve of the 13 men were in the PERU on directed segregation and would have been given paperwork explaining the reasons for their directed segregation. However, a review of this paperwork at the time of the inspection identified that it did not outline the reasons for their placement specifically in the PERU.
96. During interviews, some prisoners told us they had received placement letters that explained the reasons for their placement in the PERU, but they received these some time after they had arrived at the PERU (for more information on placement letters, see the 'Classification and Placement' section of this report on p52).
97. All prisoner escorts for the PERU are conducted by PERU staff and First Security officers.²² Due to the high risk levels of the men in the PERU, all escorts require an operations order which reflects the level of risk posed by that prisoner and provides instructions for escorting staff to ensure any risks to staff, the prisoner and others are minimised. Operations orders are prepared by a Principal Corrections Officer from the PERU and authorised by the PERU Operations Director and/or the PERD Commissioner.
98. The inspection team reviewed the escort applications²³ in IOMS during the review period 1 January 2021 to 24 July 2023 for the 13 men who were in the PERU at the time of our inspection. We found evidence of 20 escorts taking place for four of the 13 men during this period. Three men had been escorted to hospital for medical treatment a total of seven times. The remaining 13 escorts were for one man who had been escorted to another prison multiple times so he could stand trial in a local court.
99. During interviews, we spoke with two prisoners who had been escorted to external hospital appointments by PERU staff. Both men told us they had no concerns regarding these escorts. One man described how one of the escorting officers had provided a high level of

²² First Security is a contracted security service provider.

²³ Prison Operations Manual M.04.01 Escort/transfers

care and reassurance regarding the medical procedure, and we observed that this had had a very positive impact on the man.

Reception and induction

Inspection Standards

- Prisoners are safe and treated with respect on their reception and during their first days in prison. Prisoners' immediate needs are identified on arrival and staff ensure that individuals' immediate anxieties are addressed before the end of the first day.
- Prisoners are promptly inducted and supported to understand life in prison and know what will happen to them next.
- Prisoners can access legal advice and, where applicable, a consular representative.
- Information relating to prison life is accessible for all prisoners.

100. When prisoners arrive at or leave Auckland Prison they are processed through the Receiving Office; this included all prisoners held in the PERU throughout the review period.
101. At the Receiving Office, custodial staff confirm a prisoner's identity, undertake a Reception Risk Assessment and a brief Immediate Needs Assessment, and process prisoner property. Custodial staff also conduct a strip search and a site induction. Health staff conduct a Reception Health Screen. Prisoners are allowed one free national telephone call to let family/whānau know where they are.
102. Once prisoners have left the Receiving Office and been escorted to the unit, unit staff are required to complete a unit induction with them. The PERU Desk File sets out that prisoner inductions are to be completed in line with the Prison Operations Manual.²⁴ The inspection team examined a random selection of prisoner files to check the induction paperwork. All the files we checked contained the standard Corrections induction form signed by the prisoner. Most prisoners we spoke with in the PERU confirmed they had received a unit induction from a Principal Corrections Officer, though not always straight away. Staff we interviewed confirmed that the unit induction may not always occur immediately as some men arrived after hours or during the weekend. Staff told us that in such cases a full induction would usually be completed the next day. One man told us he had not had an induction, but that he had spoken to the unit manager when he arrived. He said he had learned about the unit regime from the other men.²⁵
103. The inspection team was given a copy of a 'PERU Induction and Information Booklet' (see Appendix B). Custodial staff told us they gave this to all prisoners on arrival. This booklet sets out key information for prisoners including about mail, telephone calls, receiving money, access to lawyers, medical assistance, and how to make a complaint. The booklet does not set out the role or purpose of the unit, nor explain what the acronym PERU stands for. One prisoner told us that for a long time after arriving in the PERU, he had no idea what it was or what the acronym stood for; he had initially thought "peru" was a Māori name for a flower.

²⁴ Prison Operations Manual I.07.01 Unit induction interview

²⁵ We note that although prisoners were denied association with others, some communicated by shouting between cells.

104. During interviews, prisoners told us staff had given them toiletries and bedding when they arrived in the unit.
105. At the time of the inspection, 12 of the 13 prisoners were on directed segregation. Most told us they had been given their directed segregation paperwork when they arrived at the unit. However, while this gave the reasons for their directed segregation, it did not give reasons for their placement specifically in the PERU.
106. Some of the men told us when they arrived in the PERU they were not given any written information regarding the reasons for their placement in the unit, but that the PERU Operations Director had spoken to them soon after arrival and explained the reasons. These explanations appear to have been restricted to the definitions set out in the PERU Operating Model (i.e. risk of harm to others, risk of harm from others, risk of influence capability over others). A review of IOMS identified no consistent recording that prisoners had been spoken to regarding their placement in the PERU or the reasons for this.
107. However, prisoners may have received placement letters which *did* set out the reasons for their placement in the PERU, but which the men received some time after they had arrived at the PERU (placement letters are discussed further in the 'Classifications and Placement' section of this report from p52).
108. The inspection team considers that relocation to the PERU would be an event which could have a negative impact upon a prisoner and would therefore require a Review Risk Assessment to be completed at the time.²⁶ Corrections' Prison Operations Manual sets out that the purpose of the Review Risk Assessment is "to target specific times or circumstances that could cause a prisoner's level of risk [of self-harm] to change". A review of the records in the PERU showed that only seven of the men had undergone a Review Risk Assessment when they were first received into the PERU (these were all men from outside of Auckland Prison). The remaining six men, who had not had a Review Risk Assessment, had all been moved from other units within Auckland Prison.

Health screening on entry

Inspection Standards

- Prisoners' immediate physical and mental health needs, including substance use and prescription medication needs are assessed on reception and responded to promptly and effectively.

109. A Reception Health Screen is undertaken by nursing staff at the Receiving Office for all people newly arrived into prison, returning to prison, or being transferred between prisons. This is done to identify and prioritise prisoners' immediate health needs and to determine the timing of any further assessments or interventions.
110. Reception Health Screens were generally done at the Auckland Prison Receiving Office. However, two of the 13 men in the PERU at the time of our inspection had arrived from another prison and not received this.
111. We were not able to observe any Reception Health Screens being completed for men in the PERU as there were none being received at the time of our inspection.

²⁶ Prison Operations Manual M.05.02 Review Risk Assessment.

112. We reviewed a sample of three of the Reception Health Screens that had been done previously. Two were completed to an appropriate standard and one was comprehensive.

Placement

Inspection Standards

- Where possible, prisoners are housed in prisons close to their families or in prisons which meet their rehabilitative needs.

113. All prisoners who are placed in the PERU have been assessed as posing the most extreme risk and requiring additional measures to be safely managed. They come under the direct management of the PERD as 'Tier 3' prisoners. The PERU is the only unit of this type within the prison system. Therefore, prisoners may be located some distance from their family/whānau and home region.
114. The PERD Criteria and Service Framework²⁷ sets out that referrals to PERD can only be made by a Regional Commissioner. The region is responsible for "gathering supporting information to assist defensible decision-making regarding whether the case is within the scope of PERD. In some cases, the Regional Commissioner would need to consult with the PERD Commissioner to agree the level of supporting information required. Any agreed additional assessments required would be commissioned by the Regional Commissioner using regional resources: For example, Intelligence Subject Profiles, Psychological Risk Assessments, or specialist violent extremism assessments such as the VERA-2R."
115. Decisions about placement in the PERU are made by a panel chaired by the PERD Commissioner. The PERD Criteria and Service Framework sets out that the panel is comprised of senior PERD leaders and the Regional Commissioner who has made the referral for placement, and that the "Auckland Prison Director would be involved in cases where Tier Three is being considered". It was unclear to the inspection team to what extent the Auckland Prison Director was involved in PERU placement decisions. As mentioned in the previous paragraph, the Regional Commissioner supplies supporting information to enable an assessment by the panel. Supporting information would usually include a recent psychological assessment and an intelligence profile report.
116. Each person referred by a Regional Commissioner is considered by the panel in line with the PERD Criteria and Service Framework. This framework sets out the criteria for assessment and results in a date being agreed when the case would be scheduled for formal review at a future meeting. However, we note that it is not clear from the PERD Criteria and Service Framework exactly what the criteria are or what the threshold is to meet them. Cases that are not deemed to fall within scope of PERD are managed under existing regional processes. The Commissioner PERD is responsible for the final decision to accept an individual to Tier 3 (i.e. into the PERU).
117. During interviews, some prisoners told us they had been given a placement letter advising of the reasons for their placement in the PERU. Some prisoners told us they had received a placement letter, but not for a considerable period of time after their placement in the PERU. For example, one prisoner told us he was given this letter approximately a month after his placement. Others told us they had only received this letter following formal Official Information Act (OIA) or Privacy Act requests.

²⁷ PERD Criteria and Service Framework (dated December 2022)

118. We examined two placement letters that were given to us by prisoners and found that both advised prisoners that they would be placed in the PERU for a 12-month period. We noted that one of these letters was dated 16 months after the man had been placed in the PERU.
119. The PERD Operating Model sets out that “additional measures may be required to safely manage individuals who are connected to sophisticated organised criminal networks, with the capability to seriously threaten the safety and security of a prison and the wider community”. We note that prisoners who have identified links to transnational organised crime groups were referred to PERD for a placement recommendation. There is a supported decision-making framework to support staff making placement decisions for prisoners with links to transnational organised crime. However, not all prisoners involved in transnational organised crime would be placed in the PERU.
120. During the inspection, we interviewed staff who had been involved in a panel for referring prisoners to the PERU. The PERD Practice Director, who was a member of this panel, told us, “Without the existence of PERU, I don’t think some of the men would get their needs met. With the more violent [prisoners] there would just be another string of incidents.”
121. Once a man has been placed in the PERU, an alert is added to IOMS specifying that he is not to be moved between units or transferred without approval from the PERD Commissioner.
122. Once a prisoner has been in the PERU for longer than 12 months, the PERD reviews his placement at a formal Tier 3 Review meeting. The PERD Tier 3 Review: Terms of Reference (dated February 2023) set out that these meetings are chaired by the PERD Commissioner, and that “the PERD team will comprise the core membership of this meeting”. The terms of reference also set out that “It is planned that an external member will be identified to join the group in a year’s time to provide another perspective. Any other professionals who have a vested interest in the person’s care may be eligible to attend if invited as optional members.” In addition, the Terms of Reference state that the objectives of the PERD Tier 3 Review meetings are to:
- » “Review the individual’s current level of presenting risk, including the indicators of continued risk, the success of current risk mitigations and what additional mitigations may be required.
 - » Review the individual’s progress towards identified goals and identify potentials goals to further support their progression.
 - » Review the individual’s wellbeing and identify any further support to maintain or improve wellbeing.
 - » Determine, in the light of all available information and evidence, the most appropriate prison placement for the individual.
 - » Provide clear feedback to the individual on the rationale for their continued placement in the PERU or transition to another unit.”
123. We reviewed one set of minutes from a Tier 3 Review meeting that were given to us by a prisoner’s legal representative. The minutes did not appear to align to the objectives as outlined in the Terms of Reference. For example, they did not provide a clear rationale to the individual for their continued placement in the PERU, neither did they identify potential goals to further support the man’s progression.

Duty of care

Access to legal advisors and attendance at court hearings

Inspection Standards

- Prisoners have reasonable access to consult with a legal advisor.
- An audio-visual link can be used for eligible court cases and for other legal consultations.²⁸

124. Prisoners we interviewed said they could access their legal advisors, and generally did so by telephone either in a private, non-contact interview room in the unit (see Appendix A, Image 7) or by using a portable telephone on a trolley which custodial staff brought to their cells.
125. We observed staff entering the non-contact interview room to dial a legal advisor's telephone number and then standing outside to ensure the prisoner had privacy. We examined the PERU telephone logs, which showed evidence of prisoners being given calls to their legal advisors.
126. During interviews, prisoners told us they were able to add two legal numbers to their approved telephone number lists. One prisoner told us contacting his lawyer this way was easier than booking calls in a non-contact interview room, as in the past he had sometimes experienced delays as staff had to be available to escort him to the room. However, once the legal numbers were added to his approved telephone number list, he could call his legal advisor on the portable phone from his cell when he had his allocated telephone time. These calls were not monitored, which is the correct practice.
127. Staff advised us that legal advisors were able to visit in person if they wished, and could meet their clients face-to-face, in private, in a non-contact interview room in the unit.
128. Prisoners in the PERU also had access to an audio-visual link (AVL) room within the unit (see Appendix A, Image 8). They shared this facility with prisoners in the Unit 10 Management Unit. The AVL room could be used for private meetings with legal advisors and for court appearances. We examined the AVL room and found it clean and fit for purpose, though we did not observe it in use during our visit. We noted that the telephone handset in the AVL room was damaged and had been removed from the wall, though it still functioned.
129. Prisoners we interviewed reported no issues about accessing the AVL room for eligible court cases and legal consultations. We examined the unit log for the six-month period prior to the inspection (January 2023 to June 2023) which showed that prisoners were accessing the AVL suite for court hearings and legal consultations.
130. Prisoners who were involved in ongoing court hearings were able to access their legal paperwork and, where appropriate, had access to a computer to prepare legal correspondence and documents. The PERU had the use of a Secure Online Learning facility which consisted of a computer and keyboard located in one of the non-contact interview

²⁸ Note, this is an indicator – not a standard.

rooms.²⁹ During the inspection we observed this computer being used by one prisoner who confirmed he had regular access to the room to prepare legal documents. This was supported by records in the unit log.

131. The process for dealing with legal correspondence in the PERU was that outlined in the Prison Operations Manual. Staff were aware of this process, which was documented in the unit desk file. Staff told us they knew they were not permitted to read prisoners' legal correspondence. However, if mail was not clearly marked as legal correspondence, but staff suspected it was, they advised us they opened the mail in the presence of the prisoner and gave it to the prisoner unread if it proved to be legal correspondence. Staff also told us they recorded the handling of legal correspondence on their body worn cameras, as per the unit's standard operating practice.
132. During interviews, a number of prisoners told us there had been occasions when their legal correspondence had already been opened when they received it, despite it being marked as legal correspondence. We reviewed complaints that had been submitted by men in the PERU during the review period and found this had also been raised as an issue on four occasions by four different prisoners. Under Section 110 of the Corrections Act 2004, staff are permitted to open mail that is marked as legal correspondence if they believe it may contain an unauthorised item or document, however there was no reason recorded on these four occasions.

Bullying and violence reduction

Inspection Standards

- Prisoners feel safe from bullying, abuse and violence.

133. Prisoners we interviewed raised few concerns about their physical safety. However, some prisoners reported that they did not feel psychologically safe. Several men raised concerns about the toll on their mental health of the restrictive conditions of the regime and the isolation they were experiencing in the unit.
134. During interviews, two prisoners raised concerns about threats and intimidation by other prisoners which occurred when they were all locked up. Although the two men told us they knew they would not come into physical contact with others, these threats made them feel unsafe, particularly when this occurred overnight. The prisoners told us they had tried to raise this through the correct channels, including the complaints process, but had resorted to being disruptive to be moved away from others. We note that staff would not necessarily be able to hear what prisoners were shouting from their cells unless they were nearby as the area outside the cells is monitored by CCTV cameras that do not record sound. The inspection team noted that the PERU consists of two physically separate wings and there was evidence that staff relocated prisoners from one wing to the other if there were concerns that a prisoner was being verbally threatened.
135. During the inspection we observed that to ensure the safety of staff, visitors and prisoners, staff adhered to the measures in the individual management plans to mitigate any risks from prisoners. If a prisoner's management plan was updated, custodial staff were required

²⁹ Secure Online Learning offers prisoners secure, limited access to selected websites for educational purposes.

to sign a sheet at the start of their shift to confirm they had read the updated management plan and understood all the requirements.

136. Prisoner movements were kept to a minimum to avoid opportunities for violence. Staff told us that during a normal day there may be several movements of prisoners within the unit, for example, for interviews, AVL visits, and health appointments. We examined a sample of management plans and, depending on the prisoner, noted the following safety measures regarding prisoner movements:
- » When staff arrive at a prisoner's cell to move a prisoner, they must turn on their body worn cameras to film the entire movement.
 - » Where appropriate and authorised in the management plan, prisoners must wear handcuffs for movements.
 - » Some prisoners will be instructed to place their hands out of the cell hatch for handcuffs to be applied before the cell door is opened. The prisoner may then be instructed to turn his back to the cell door. Staff open the cell door and guide the prisoner out of the cell backwards. The prisoner is then subject to a rub-down search and a scanner search.
 - » Most prisoners are moved in "escort mode" (i.e. with a staff member holding each arm).
 - » Generally, there must be four staff members, including at least one Principal Corrections Officer, present for all movements.
137. Based on our observations, the inspection team was concerned that the level of restraint and restrictions on movement were not always proportionate to the risk of violence presented by all the men. Three of the 13 men in the PERU at the time of our inspection had no history of violence, and no IOMS alerts for staff assaults or gang involvement. Despite this, these men told us during interviews that when they were moved from their cells they were handcuffed and escorted by four custodial officers. We observed this occurring when these men were moved to and from the non-contact interview rooms. We also confirmed this fact from their management plans. This practice does not seem reasonable given the level of risk presented by these men.
138. All movements out of the unit, including to other parts of Auckland Prison, required an operations order. This was coordinated with Auckland Prison's Central Control to ensure no other prisoners at the site could come into contact with the man being moved from the PERU. The operations order reflected the level of risk posed by that prisoner, including consideration of his history and current behaviour. The orders gave instructions for escorting staff (who were usually from the PERU) to ensure any risks to staff, the prisoner and others were minimised. Operations orders were usually prepared by a PERU Principal Corrections Officer and authorised by the PERU Operations Director and/or the PERD Commissioner. The preparation needed for internal movements placed additional demand on staff and potentially impacted on prisoners' access to services, such as the Dentist.
139. In prisons, items such as razors may be fashioned into weapons. Staff in the PERU kept daily logs for recording the issuing/return of disposable safety razors as per the Prison Operations Manual³⁰ and also kept logs for hair and nail clippers. We checked these logs and generally found them to be comprehensive in relation to the issuing and return of these items although we did observe some instances where the logs had not been fully completed.
140. In the review period 7 January 2021 to 24 July 2023, COBRA and IOMS records showed there had been 346 incidents involving the 22 men who had been in the PERU during that period, with 332 (96%) of these incidents relating to prisoner behaviour. Prisoner behaviour

³⁰ Prisons Operations Manual F.06

is a COBRA category that includes wilful damage, abuse/threatening behaviour to other prisoners or staff, physical assault, breaking prison rules, and disobeying lawful orders. A review of the incident reports for the review period showed there had been two non-serious assaults on staff.

141. We note that three of the 22 men were responsible for 204 (59%) of the 346 incidents. We observed that incident reports were generally completed to a good standard by staff.
142. All prisons in New Zealand have Violence and Aggression Reduction plans as part of Corrections' wider Violence and Aggression Reduction Work Programme. Corrections' intranet sets out that these plans are intended to develop, align, and sequence work between Corrections and staff unions to reduce the impacts of prisoner violence and aggression on custodial staff. Auckland Prison has such a plan, but the version available on the Corrections intranet (dated 2022) does not mention the PERU, likely because the PERU is managed separately by the PERD. We did not find a separate Violence and Aggression Reduction Plan for the PERU.

Prisoner files

Inspection Standards

- A prisoner file management system is in place and used to record all information about that prisoner and confidentiality is maintained.

143. Prisoner files contain personal information about individual prisoners throughout their time in prison. These files are hard copy (paper) and should be stored in lockable, fireproof filing cabinets. Electronic files from IOMS also contain significant amounts of prisoner information and should be regularly updated.
144. We observed that the paper files for the men in the PERU were stored securely in a filing cabinet away from the unit, which we consider to be good practice. The paper files were generally well maintained and we did not see any documents waiting to be filed.
145. We reviewed a sample of IOMS files for men in the PERU and found that staff were maintaining comprehensive file notes about their observations of prisoners' interactions and behaviour. We also observed that Auckland Prison staff who provided shared services to the men in the PERU recorded their interactions and activities.
146. We observed that copies of prisoners' current management and progression plans were held in a folder in the staff base. When changes were made, each staff member signed a sheet of paper to show they had read and understood the changes.
147. We note that generally, and appropriately, prisoners do not have access to their files, but they should understand decisions made about them and their management. If prisoners want to see their files or paperwork pertaining to decisions made about them, they have to make an Official Information Act or Privacy Act request.

Separation of prisoner categories

Inspection Standards

- Prisoners of different categories are separated, where possible, by allocating them to separate parts of the prison.

148. Prisoners of different categories present different levels of risk to safety and security and must therefore be managed in a unit and regime that is consistent with their category. Prisoners of different categories should generally not be mixed. For example, remand accused prisoners should be separated from remand convicted and sentenced prisoners.
149. The PERU houses prisoners of different categories including remand prisoners, sentenced prisoners of any security classification, and prisoners who have been assessed as being at-risk of self-harm. The PERU has two wings so staff can physically separate men. At the time of our inspection, none of the men were associating with others. This meant prisoners of different categories were being kept separate. (More information about security classifications for the men in the PERU can be found in the 'Classification and placement' section of this report from page 53).

Accommodation in shared cells

Inspection Standards

- The placement of prisoners in shared cells is done after careful consideration of their suitability for associating with one another.

150. All cells in the PERU are designated as single cells. Men do not share cells. Therefore, staff are not required to use the Shared Accommodation Cell Risk Assessment (SACRA) to review the compatibility of prisoners.

Complaints

Inspection Standards

- Complaints procedures are effective, timely and well understood.
- Staff and prisoners are encouraged to resolve complaints at the lowest level in the first instance; when this is not possible prisoners understand how to make a complaint, and are able to do so easily.
- Prisoners feel safe from repercussions when using complaints procedures and can appeal decisions easily.
- Where a prisoner raises a concern about their safety, these matters are prioritised.

151. Corrections expects prisoners' complaints to be resolved at the lowest and most informal level possible. If prisoners wish to make a formal complaint to Corrections, they should be able to make one electronically using a prisoner kiosk, or by completing a paper form. Prisoners should also be able to access telephones or writing materials to make complaints

to external oversight agencies such as the Office of the Inspectorate, the Office of the Ombudsman, the Health and Disability Commissioner, or the Human Rights Commission.

152. Prisoner kiosks are located in prison units nationwide to enable prisoners to access relevant information, such as prison rules, and use a range of self-service applications. For example, prisoners can request to see a Principal Corrections Officer or case manager, view trust account balances, view sentence dates and make canteen orders. Prisoners access the kiosks using a PIN number and fingerprint. Their fingerprint must be taken by staff at the time of their reception and registered. In 2022, requests and complaints were added to the kiosks to make it easier for prisoners to lodge complaints.
153. We observed there is a prisoner kiosk in the PERU day room, but at the time of our inspection only one prisoner was approved to use the day room and staff said he did not use the kiosk, though he could have done if he had chosen to do so. This meant all prisoners were submitting PC.01³¹ complaints using paper forms. The inspection team checked whether the men in the PERU had their fingerprints registered on the kiosk system. Two of the 13 men did not. This meant they would not have been able to access the kiosk even if they had access to the day room.
154. In the review period 7 January 2021 to 24 July 2023, 1,072 PC.01 complaints were recorded from the 22 men held in the PERU. This number of complaints is approximately ten times the rate when compared to the number of complaints received from prisoners at Auckland Prison during this period. However, nine of the 22 prisoners in the PERU made no PC.01 complaints at all. Five prisoners made ten or less. Three prisoners accounted for 795 (74%) of the complaints.
155. Of the 1,072 complaints recorded from the men in the PERU, the largest number were categorised by staff as 'Other' (211), followed by 'Communications' (181) and 'Prisoner Management' (121). We noted that most of the complaints categorised as 'Other' could have been categorised more accurately as there are sufficient categories and sub-categories in the system.
156. The inspection team reviewed a sample of the PC.01 complaints submitted during this period and found that a number were repeated due to prisoners not receiving a satisfactory resolution for their previous PC.01. In addition, we found that men were sometimes advised they had not used the correct process for their complaint and the matter was closed without resolution. This does not align to Corrections' 'no wrong door' policy for making complaints.
157. In the same period, one man in the PERU made 11 allegations of staff misconduct. However, these were not recorded in the IR.07 Allegations Against Staff database as they should have been, and instead were held in a separate spreadsheet managed by the unit. Corrections has a process to respond to and investigate allegations of staff misconduct. This is known as the IR.07 allegations against staff process, and it ensures allegations are properly investigated by the site and allows the Office of the Inspectorate to monitor site investigations. However, if allegations are not properly recorded in the IR.07 Allegations Against Staff database, they may not follow the correct investigation and monitoring process.
158. A review of PC.01 complaint forms for the same period showed an additional nine allegations of staff misconduct that staff should have referred to the IR.07 process, but

³¹ PC.01 complaints are general prisoner complaints, and until 1 July 2023, did not include complaints about health, psychology or rehabilitation programmes. From 1 July 2023, all complaints have been managed on a central application called Resolve.

which were also not entered into the IR.07 Allegations Against Staff database as they should have been.

159. As previously mentioned, during the review period, the Inspectorate received 191 complaints from men in the PERU. Of these, the most common categories were complaints about the complaint process (prisoner not satisfied with response to PC.01 complaint) (45), prisoner mail/written communication (16) and prisoner property (11). Three prisoners made 152 (79%) of these complaints. Ten of the 22 prisoners made no complaints to the Inspectorate, and eight made six or less complaints.
160. Prisoners we spoke with said custodial staff were generally approachable and would assist with complaints/issues if they could, though nearly everything had to be raised to a higher management level. Some of the men said there were particular staff members they preferred to approach if they had an issue. Custodial staff told us that any prisoner complaints/issues/requests had to be taken to a Multi-Disciplinary Team meeting for consideration. The team would then refer any recommendations to an Operational Review Meeting for a decision. This process meant it could take several weeks for an issue or request to be decided. During interviews, the men appeared to be resigned to the fact that this was the process, even though they found it frustrating.
161. Most prisoners we interviewed told us they understood how to make a PC.01 complaint. However, one man said he did not know the process and would have raised a complaint following his reception into the unit if he had been aware of it. We note that information on how to make a complaint is included in the PERU Induction and Information Booklet.
162. The induction booklet also contains speed dial codes for a variety of external agencies and government departments, including oversight agencies (such as the Office of the Inspectorate, the Office of the Ombudsman, and the Health and Disability Commissioner) that prisoners may wish to make a complaint to if they are not satisfied with a response or decision from Corrections.
163. Telephone numbers to contact the external agencies mentioned above should be visible in units. At the time of the inspection, we observed a poster (dated 2018) listing these numbers next to the telephone in the day room. A more recent poster is available, so some of the numbers displayed may have been out of date.
164. If prisoners wanted to call a listed agency outside their allocated time for telephone calls, they had to book this through custodial staff. During the inspection we observed the unit records which showed that staff had enabled prisoners to ring these numbers once they had received a request. To make calls, prisoners generally used a portable telephone on a trolley which custodial staff brought to their cells, so they had privacy for these calls.
165. Of the 13 men in the PERU at the time of our inspection, only two had submitted health-related complaints. One had submitted 19 health-related complaints and the other had submitted five (a total of 24 health-related complaints). The complaints included issues with access to multi-vitamins, use of their own pillows, diet, access to specialist care, and concerns about the quality of health care they had received.
166. In May 2023, Corrections changed its system so that health complaints were to be registered by staff on a new complaints management system called RESOLVE, which would ensure better confidentiality and privacy of prisoner health complaints. The Clinical Inspector reviewed the RESOLVE system for health complaints from men in the PERU and found two complaints, both of which had been appropriately responded to within one to four days.

Māori Prisoners

Inspection Standards

- Māori prisoners can access and practise their Māori culture and customs.
- Māori prisoners have access to kaupapa Māori informed and tikanga-based rehabilitation and reintegration programmes that are specifically designed to meet their needs.
- Māori prisoners receive help to access stable whānau support.

167. At the time of our inspection, five (38%) of the 13 men in the PERU identified as Māori. Across the review period, 7 January 2021 to 24 July 2023, a total of six Māori men had been held in the PERU. Two of the six identified as ██████████, one as ██████████ and one as ██████████. The iwi affiliations of the other two men were not recorded.
168. We found there was limited availability of cultural programmes, such as tikanga programmes, for Māori men in the PERU. This may have been due to the fact that most programmes incorporate group work so the men in the PERU would not have been eligible for these.
169. A review of the management plans for the men in the PERU showed one man was undertaking the Dynamics of Whanaungatanga programme on a one-to-one basis.³² During interview, another man told us he had requested to do this programme but he had not been approved for it.
170. The Kairuruku Hinengaro (Māori Mental Health Practitioner) from the Intervention and Support Practice Team told us she was seeing two Māori men in the PERU. She told us there had previously been issues with scheduling appointments as there was no single person to contact, but she was happy with the current system. She met the men individually in the non-contact interview room which was not culturally ideal. She said karakia and sang waiata, though noted that there was no regular opportunity for either in the unit. She said the staff in the PERU treated her with respect, but that she felt she had no input into the men's management plans and was not permitted to give the men much in the way of materials beyond some art therapy sheets and pictures of their homes (i.e. their whenua). She pointed out that the men were not allowed to do group work, but that, for Māori, doing things as individuals was not really culturally appropriate.
171. One prisoner advised that he engaged with Māori mental health services once a month and had had "many cultural appointments", including cultural support from people in the community and from his whānau.
172. During interviews, some Māori prisoners told us they wanted more support to connect with their culture, and suggested activities such as weaving courses.
173. Prisoners told us they felt that access to cultural activities was treated as a privilege not a right. In addition, they told us they did not feel that approval for cultural programmes and activities was given on an equitable basis, though we note that programmes and activities are allocated in line with specific criteria and not all men may have been eligible.

³² <https://dow.org.nz/>

Foreign national prisoners

Inspection Standards

- The specific needs of foreign national prisoners are met, including practical help so they can keep in touch with their families overseas.
- There are prison staff with the skills to communicate with all prisoners on site. Where required, interpreters are provided.

174. Foreign national (non-New Zealand citizen) prisoners should expect to be supported in prison to access their consular representative, if required, and to use a translation service if they need support to understand key information. Foreign national prisoners should also have their health, cultural, religious, and dietary requirements met.
175. IOMS records showed that at the time of our inspection, three men identified as foreign nationals (two Australian and one Irish).
176. We noted that these prisoners had family overseas. One of the men advised that he received one 30-minute AVL visit with approved people every week. We confirmed from his management plan that this was the case. The other two foreign national prisoners were not currently receiving AVL visits as part of their management plans. We reviewed the progression plans for these two prisoners and found that they were not approved for AVL visits. One prisoner's progression plan contained additional information regarding previous misuse of AVL visits by his family. However, there were no additional comments in the progression plan of the second prisoner to explain why he was not approved for AVL visits.
177. Staff told us they facilitated additional extended visits when prisoners' families visited from overseas. However, Corrections ceased all visits to prisons in March 2020 as a safety measure following the outbreak of COVID-19. While Auckland Prison reinstated visits in mid-May 2020, it ceased them again in August 2021 due to further COVID-19 outbreaks in the region, and had not yet reinstated them at the time of our inspection due to staff shortages. This impacted on visits for the men in the PERU. We note that visits for men in the PERU re-started on the weekend of 29 July 2023 (i.e. the weekend after our inspection).

Property

Inspection Standards

- Prisoner's property held in storage is secure, and prisoners can access it on reasonable request.
- Prisoner funds are managed securely and are accounted for.

178. When people enter prison, their personal property is checked, recorded and either given back to them, stored or disposed of.³³ If a prisoner has cash it will be deposited into their prisoner trust account. Prisoners may ask family/whānau to send them authorised personal

³³ Department of Corrections Authorised Property Rules (2020) guide what prisoners may keep on arrival, in storage, or what needs to be disposed of. Property rules are authorised by the Corrections Act 2004, section 45A.

- items (such as additional underwear), which is sorted, checked and registered on individual prisoner property lists by property staff.
179. Property for men in the PERU was held in the Auckland Prison Property Office and managed by the property officers under the shared services model. Staff from the PERU told us that when prisoners made requests for property, the staff would often try and progress these by contacting the Property Office staff and visiting the Property Office.
 180. We found during our inspection that property items in individual cells were in line with prisoners' management plans. In practice, this meant some prisoners' cells contained many personal items, including plastic containers for snack food, books and magazines, an approved radio/CD player, CDs, and a selection of clothes. Other prisoners' cells contained less personal property.
 181. During interviews, some prisoners told us there could be delays in considering requests for property as unit staff were not permitted to make decisions about what items were allowed in cells. These requests had to be raised through the Multi-Disciplinary Team, and a recommendation made to an Operational Review meeting for a decision. The Principal Corrections Officers at the PERU advised us that sometimes these delays could be a source of frustration to the men.
 182. As part of our inspection we visited the Auckland Prison Property Office and spoke to the staff. We observed a sample of the stored property for the prisoners held in the PERU and found that it was all stored individually and in a secure area. We did not observe any delays in the Property Office in the processing of property for the PERU prisoners; it was the PERU approval process that caused the delays.
 183. Prisoners we interviewed did not raise any issues about the management of funds or trust accounts. Trust account balances in prisons nationwide are limited to a maximum of \$200 per prisoner unless specific approval has been obtained from a unit manager. At the time of our inspection we observed that a number of prisoners in the PERU had balances which exceeded \$200. However, we are unaware whether approval had been granted for these excess balances.

Health

Provision of health care

Inspection Standards

- Prisoners have timely access to community-equivalent health and dental services, and receive treatment which is sensitive to their diverse needs from competent staff in an environment that promotes dignity and maintains privacy.
- Prisoners are supported and encouraged to optimise their health and well-being.
- Prisons have a health-care service which ensures professional care of the physical and mental health of prisoners.
- Health files are accurate, up-to-date and confidential, and accompany the prisoner when they are transferred.
- Prisoners have access to specialised external secondary and tertiary health care services when required.
- On reception, prisoners are made aware of the prison health services available and how to access them.
- Prisoners have a right to health confidentiality and do not have to provide information, undergo health interventions or screening.
- Trans prisoners receive health care equivalent to that available to them in the community.

184. Prisoners are entitled to receive medical treatment that is reasonably necessary and of a standard that is reasonably equivalent to that available to the public.³⁴ Prison health services provide primary health care delivered by nursing staff and contracted providers including Medical Officers (General Practitioners), Physiotherapists and Dentists.
185. At Auckland Prison, Nurses are on site seven days a week between 6am and 9pm. There is a Nurse on-call outside of those hours. At the time of our inspection, there was an Acting Health Centre Manager who had been at Auckland Prison for only a few weeks. He told us the nursing team was short staffed and that there had been four recent resignations.
186. The PERU has no dedicated health staff, but a Nurse is rostered from the Auckland Prison health team to provide care to the men. This Nurse also covers the men in the Unit 10 Management Unit and those in the Intervention and Support Unit (Unit 11). Nursing staff told us it could be very stressful when rostered to work in the PERU and Units 10 and 11. They felt that due to the high level of health need in the Intervention and Support Unit, they sometimes found the work demanding, or did not have enough time to go to the PERU to complete required tasks. A review of health records showed multiple entries made by Nurses where a scheduled appointment in the PERU had not taken place. A typical entry was: "unable to see patient as writer was busy in Unit 11".

³⁴ Corrections Act 2004, Section 75.

187. All health staff attend professional development training. This includes mandatory training such as cardiopulmonary resuscitation (100% of health staff at Auckland Prison were up to date with CPR training). Some health staff had not completed all mandatory training, but this had been scheduled. Health staff also attended on-site training planned by the Clinical Nurse Educator and weekly lunchtime virtual training sessions offered by Corrections national health services.
188. Prisoners in the PERU who had been received into the unit via the Receiving Office (i.e. and not previously held in another unit at Auckland Prison) told us they had been seen by a Nurse when they came into the PERU.
189. Prisoners told us they knew how to request to see health staff by submitting a health request form (known as a health chit). They told us they would generally give the form direct to health staff, although one or two men said, if necessary, they would give the form to custodial staff to pass on to health staff. Some of the prisoners in the PERU were on daily medication so had the opportunity to speak directly to a Nurse or hand them a health request form during this interaction. However, at the time of our inspection there were several prisoners who were not on regular medication or having regular welfare checks. These men would therefore need the assistance of a custodial officer to raise health concerns with Nurses.
190. Prisoners should be able to request appointments with health staff confidentially. Corrections Health Services Policy requires that health request forms are collected by Nurses from a designated, secure deposit box. We observed that there were health request form deposit boxes in both wings of the PERU but staff advised that these were not used. The inspection team is of the view that this is likely to be because the men were generally confined to their cells with no access to the wing where the boxes are located.
191. Prisoners told us they generally received a response to their health request forms advising them of the outcome, such as when they would receive a visit from a Nurse. A review of the health request process for the PERU confirmed this.
192. During the period 1 January 2023 to 30 June 2023, we found that 33 health request forms had been received from men in the PERU. Three men had placed no health requests and others had placed between one to three. When reviewing the response to these health requests we found that some men were seen promptly, within two days. Other men, who had non-urgent health concerns, were seen for their initial assessment by a Nurse within two to four weeks. While most responses to health concerns were appropriate there were a small number of health requests which appeared to have had no follow up.
193. During our review of health requests we noted that some men in the PERU had their health appointments rescheduled many times. One man had no appointments rescheduled but for others this had occurred multiple times. The average number of times an appointment was rescheduled was six, with the range being between one and 14 times. Reasons noted for rescheduling appointments were Nurses had "time constraints" or "custodial constraints/staffing".
194. At the time of our inspection in July 2023, one prisoner had not had any recorded contact with health staff (apart from attending a dental appointment) since a welfare check in January 2023. This was surprising given the restrictive regime he was being managed under. Corrections Regulations 2005 Section 76(2)(a) states that the Health Centre Manager of a prison must ensure that special attention is paid to any prisoner who is denied the opportunity to associate with other prisoners as a consequence of a segregation direction.

195. Prisoners told us if they required a health appointment outside of their cell, this would take place in the health clinic in the unit (see Appendix A, Image 9). They told us they would usually be escorted there in handcuffs by four custodial officers. The handcuffs would remain on or be removed according to their management plan. Nurses told us it was difficult to complete some assessments and interventions, such as blood pressure checks, blood tests, or wound dressings, when men were in handcuffs. In addition, custodial staff remained present in the room during the consultation and interventions. Some of the men told us this was difficult if they wanted to discuss a sensitive or personal issue with the health staff. Most prisoners told us they found the Medical Officer and health staff to be professional and respectful.
196. A number of prisoners told us they were not aware there was a non-contact interview room adjacent to the health clinic and that they were able to ask to see the Nurse or Medical Officer in this room if they wanted to discuss something in private. Our review of the prisoner health files showed that some men in the PERU had been seen in the non-contact interview room.
197. The Clinical Inspector interviewed the Acting Health Centre Manager and several Nurses who reported that there could sometimes be delays in being able to see the men in the PERU as they had to schedule health appointments by sending an email to the PERU Principal Corrections Officers' mailbox. The Nurses said sometimes they had to wait a few days to hear back and, on some occasions, a reply would be sent by the Principal Corrections Officers to individual Nurses who were on days off. This could create confusion around appointment times and further delays with appointments needing to be rescheduled. We note that staff from the Intervention and Support Practice Team also raised issues regarding this system of scheduling appointments with men in the PERU which did not support the required flexibility of their service. We asked one of the Principal Corrections Officers about this, but he told us he thought the system worked well from his perspective, despite nursing staff having raised concerns.
198. There were Medical Officer clinics scheduled in the PERU/Unit 10 Management Unit/Intervention and Support Unit every Tuesday. There are Medical Officers at Auckland Prison Monday to Friday, and on-call at other times, so a doctor was generally available for any urgent needs or assessments.
199. As with nursing appointments, the response time for men in the PERU to see a Medical Officer was variable. One man requested to have a review of his medication and was seen 55 days later after his appointment was rescheduled four times. However, records show that some men in the PERU were seen within a short time (e.g. within four days).
200. There was a dental clinic on site at Auckland Prison once a week. Several men in the PERU had requested and had treatment by the Dentist. One man put in a health request form for dental pain and was seen by the Dentist eight days later. Other men, however, had to wait a longer time to see the Dentist and had their appointments rescheduled many times. One man had to wait seven months to see the Dentist, with his appointment being rescheduled six times due to lack of custodial staffing. He was seen after he had submitted a health complaint about this. Another man first put in a request to see the Dentist before the review period (i.e. before 7 January 2021) and had made many more requests but still had not had a dental appointment at the time of our inspection.³⁵
201. We were told by health staff that because the dental clinic is outside of the PERU (it is located in the main Auckland Prison health centre) that six custodial officers were required

³⁵ We raised this with staff at the time of our inspection and they were following this up.

- to escort men from the PERU to their appointment, and that an operations order was also required.
202. Corrections Health Services policy states that Nurses should offer a Two-Yearly Health Assessment to review the health status of patients aged under 65 who have not been accessed regularly in the previous two years. Of the 13 men in the PERU at the time of our inspection, six were up to date with their Two-Yearly Health Assessments. The remaining seven men were overdue to have a Two-Yearly Health Assessment. Some men had never had a Two-Yearly Health Assessment. While some of the seven men had had regular contact with health services, in some cases this was brief episodic care in response to a health concern. Given the environment in the PERU and the restrictive regime the men are managed under, completing regular health assessments would provide baseline data and better monitoring of their health status.
 203. We observed some evidence of regular health screening being done. For example, one man had received a comprehensive Two-Yearly Health Assessment that screened him for a range of conditions, including high blood pressure, diabetes, and dental, skin, and mental health issues. We also found evidence of metabolic screening being completed.
 204. Medication rounds, where Nurses administer prescribed medication, occurred three times a day in the PERU. We were told the morning medication round occurred at 6am. Two men did not want to take their medication so early, so health staff returned to do a second morning medication round at 8.30am to accommodate their request. The evening medication round was at 6.30pm.
 205. Other health providers who come on site at Auckland Prison include an ear hygienist, optometrist, radiographer (for x-rays), podiatrist, concussion clinic, tattoo removal and a Te Whatu Ora³⁶ bowel screening team. During our review of prisoners' health files, it was noted that men in the PERU had access to these services when required.
 206. Prisoner health information for men in the PERU is stored either in an electronic patient management system or in a hard copy paper file which is held in a secure area of the Auckland Prison health centre. There was evidence in the patient management system that when prisoners in the PERU had requested copies of their health information, this had been provided to them.
 207. When inspected, the health clinic in the PERU was clean and generally tidy. There was a range of medical supplies available. Equipment appeared to be in good order and showed evidence of annual calibration checks. There was an emergency bag including a defibrillator and oxygen located in the unit.
 208. Between 1 January 2023 and 30 June 2023, there were two recorded health related emergencies in the PERU. These were responded to promptly and appropriately.

Substance abuse

Inspection Standards

³⁶ District Health Boards were replaced on 1 July 2022 by Te Whatu Ora (Health New Zealand) an agency established by the New Zealand government to run the health system across the country.

- Prisoners with a history of substance abuse receive specialised and individualised treatment and culturally appropriate support (including aftercare).

209. During the Initial Health Assessment, every prisoner is asked when they first come into custody whether they use or have issues with alcohol or other drugs. Of the 13 men in the PERU at the time of our inspection, nine had advised health staff during this assessment that they had not been using alcohol or other drugs in the community. Four men said they had been using alcohol or other drugs. Many of these assessments took place before the men arrived in the PERU.
210. Prisoners should also be screened for alcohol and other drug dependency by health staff or case managers using the Alcohol, Smoking and Substance Involvement Screening Test (ASSIST). The ASSIST helps staff to determine which programmes or interventions could be offered to prisoners depending on their risk (low, moderate, or high). Of the 13 men in the PERU at the time of our inspection, only two had had an ASSIST completed prior to their arrival. Both men had ASSIST results of moderate risk. One man had not been referred to any programmes and the other had been referred for an Alcohol and Drug Intermediate Support programme but had been transferred (not to the PERU) before he could attend this.
211. We were told that as Auckland Prison is not a receiving prison, ASSIST screening was generally done before prisoners arrive on site. If the ASSIST had not been completed, this was generally done by case managers.
212. A review showed that at the time of our inspection one man had been waitlisted to attend a Drug Treatment Unit. We noted that currently his security classification would preclude him from starting this programme.

Mental health care

Inspection Standards

- Prisoners with mental health needs are identified promptly and supported by community-equivalent services to optimise their well-being during their time in prison and on release.
- Prisoners at risk are appropriately located in a therapeutic environment and supported by trained staff who are resourced to meet their individual needs.
- Trans prisoners are able to access support or counselling services where needed, including external support networks.

213. Prisoners in the PERU could access mental health care through the Nurse-led health service at Auckland Prison, or by referrals to other mental health services such as the Auckland Prison Intervention and Support Practice Team, Improving Mental Health Clinicians, or the local specialist forensic mental health service.
214. A review of management plans at the time of our inspection showed that eight of the men in the PERU required daily welfare checks by health staff, and one was to be visited by the Health Centre Manager weekly. The purpose of these visits was for a health professional to assess the men's welfare. However, only one of the men, [REDACTED]

██████████ had recorded welfare checks in his health file, and there was no record of any Health Centre Manager visits. One other man, however, was having daily welfare checks from health staff although this was not indicated on his management plan.

215. Nurses should be able to conduct welfare checks in an appropriate place such as an interview room or other private space. However, in the PERU, welfare checks were done through cell doors. During other prison visits³⁷ our Clinical Inspectors interviewed clinicians who expressed a high degree of concern with completing welfare checks in this way. They told us that conducting welfare checks through a closed cell door did not allow for proper engagement because it was difficult to hear someone speaking and more difficult to read body language. Staff also told us they had concerns about the person's privacy during assessments done in this way.
216. An Improving Mental Health Service clinician from Auckland Prison was available to support prisoners with mild to moderate mental health needs. A review of the health records for the 13 men in the PERU showed that three men had received support from this service while in the PERU, including one man in the PERU at the time of our inspection.
217. We were informed that the Intervention and Support Practice Team from Auckland Prison provides one-to-one assessment, therapy sessions, sensory modulation and input into Multi-Disciplinary Team meetings. Therapy sessions mostly involved teaching distress tolerance and emotional regulation skills. Therapists are trained in cognitive and dialectic behavioural therapy. Intervention and Support Practice team members can see prisoners on their caseloads as often as weekly, if required.
218. Referrals to the Intervention and Support Practice Team were usually made by health staff or case managers but men in the PERU could also self-refer.
219. Our review of health records also showed that eleven men in the PERU had either previously had or were currently receiving support from Intervention and Support Practice Team staff, including the Psychologist, the Occupational Therapist, and the Kairuruku Hinengaro (Māori Mental Health Practitioner). Two additional men had been offered support from the Intervention and Support Practice Team but had declined it.
220. The inspection team felt the restrictive conditions in the PERU were not conducive to mental wellbeing. During interviews, mental health clinicians also expressed concern about the environment in the PERU, stating that it was dark, felt oppressive and lacked sensory stimulation including access to sunlight, all of which had impacts on the prisoners housed there. Clinicians told us the impact of social isolation on the men in the PERU was huge, with prisoners feeling "super anxious and hyper-vigilant". Clinicians spoke about seclusion and isolation significantly increasing a person's risk of mental deterioration or self-harming behaviours. Clinicians also told us that mental health issues caused by isolation were a significant focus during therapy.
221. Mental health clinicians told us when they had taught men new strategies as part of therapy, it was important the men got opportunities to apply the new strategies. However, due to the restrictive management in the PERU this was sometimes not possible, which was frustrating for the prisoners. Clinicians also spoke about the immense feelings of hopelessness the men expressed about the lack of progression, and that they could not see any way out. The men we interviewed confirmed they found their progression plans

³⁷ For example for the Office of the Inspectorate's Thematic Report: Apparent Suicide and Self-harm Threat to Life Incidents in New Zealand Prisons 2016 – 2021.

confusing and told us they often felt hopeless and despondent about ever getting out of the PERU.

222. Our review of the health records for the 13 men also showed that one was receiving mental health support from the local forensic mental health service, three others had previously had contact with the service, and another had been offered support from them but had declined it.
223. All men in the PERU had a standard section in their management plan that set out how they would be managed if they were assessed as being at risk of self-harm. This section was the same for all men and contained information such as what clothing and bedding they would be allowed, which items they could have in their cell, possible removal of previously approved items, access to their yard for minimum entitlements, and the gradual reintroduction of various items and clothing as the risk reduced.
224. If, however, a man in the PERU was assessed as being at risk, an individualised At-Risk Management Plan would be created. At other prisons nationwide, At-Risk Management plans are established in consultation with the Health Centre Manager or their delegate.³⁸ However, during our inspection of the PERU, we were told by staff that health staff at Auckland Prison had little input into the At-Risk Management plans for the men in the PERU, and that these plans were instead completed by PERU Principal Corrections Officers and sent to PERD management for approval. We do not consider this to be good practice.
225. The inspection team reviewed [REDACTED] individualised [REDACTED] Management Plans for men in the PERU and found that the Health sections of these did not align with the men's health records. For example, one plan indicated that the Health Centre Manager attended Multi-Disciplinary Team meetings and continued to assess the person [REDACTED]. However, the health record did not reflect this. There was no record in the person's health record of any [REDACTED] assessments, [REDACTED] assessments, or Health Centre Manager recommendations about [REDACTED]. We were told that [REDACTED] recommendations were made verbally and included in the minutes at Multi-Disciplinary Team meetings. However, during interviews with staff, we were told that the Health Centre Manager was told by PERU managers what recommendations to make in relation to [REDACTED] status. A review of the man's health record over previous years did not provide any record of [REDACTED] assessments being made by a Health Centre Manager or delegate. There were, however, some documented welfare checks where Nurses had recorded that the man was [REDACTED].
226. Another individualised [REDACTED] Management Plan required that a member of the Health team would see the man daily for welfare checks, which generally occurred. Again, the plan indicated that the Health Centre Manager would continue to assess the man for [REDACTED] and to make recommendations. However, a review of the man's health record, while showing regular welfare checks, did not document regular [REDACTED] or [REDACTED] assessments. When the man's [REDACTED] was revoked, the reason given was that [REDACTED] and that Health agreed with this assessment. We could not see any assessment by Health staff of the man's [REDACTED] or [REDACTED] within the period prior to the [REDACTED] being removed.
227. Our review of [REDACTED] individualised [REDACTED] Management Plans for men in the PERU also found unclear rationales and inconsistency for the items the men could have in their cells. For example, one man was allowed [REDACTED].

³⁸ See the Corrections Act 2004, Section 61D, or the Prison Operations Manual M.05.03.05 At-risk Management Plan

- ██████████ and was not allowed a ██████ in his cell. Custodial staff expressed frustration about these inconsistencies.
228. During the review period, prison records showed that four of the 22 men who were housed in the PERU had been assessed to be at risk of self-harm. Usually, prisoners assessed as at-risk of self-harm would be transferred to a specialist Intervention and Support Unit. This was done for ██████████ moved to the Intervention and Support Unit at Auckland Prison for a period of time. However, three of the men were managed as at-risk in the PERU for extended periods of time. ██████████
██████████ We spoke to members of the Intervention and Support Practice team who told us they felt the men were managed safely with regard to the risk they presented.
229. We spoke to two of the men who raised concerns regarding the length of time they had spent managed as at-risk in the PERU. Their view was supported by various clinicians who told us they had made recommendations for these men to be removed from at-risk status, but that despite this the men had continued to be managed as at-risk. One of the men also told us he felt he could have been returned to lower observations⁴⁰ sooner, though he understood staff were trying to support him.
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Prisoners with disabilities

Inspection Standards

- Prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.⁴¹
- Prisoners with a disability or age-related needs are placed in a cell that is suitable and appropriate for their health-related needs.⁴²

231. The Ministry of Health definition of disability is that it is any self-perceived limitation in activity resulting from a long-term condition or health problem. This can be physical, mental or emotional. Corrections does not keep a central register of people with disabilities in prison. Rather, this information is stored in prisoners' health records, which can only be accessed by health staff. Health staff may place an alert into IOMS to notify custodial staff of a person's disability so they can be managed safely and receive the support they require.

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⁴⁰ Prisoners assessed as at-risk must be physically observed by a custodial officer at intervals specified in the At-Risk Management Plan. Observations may be constant (an officer monitors the person at all times) or every 15, 30, or 60 minutes.

⁴¹ Note, this is a basic principle – not a standard.

⁴² Note, this is an indicator – not a standard.

232. At the time of our inspection, none of the men in the PERU had an IOMS alert regarding disability. We observed that the PERU has a larger cell which may be suitable as an accessible cell if necessary.
233. One man had raised a health concern about his hearing and requested to have this tested. However, following an initial ear hygiene intervention, he told the Nurse his hearing had improved.
234. There was one older prisoner (aged 60+) in the PERU. There was evidence to suggest he was booked in to receive a 65+ comprehensive health check at the appropriate time.
235. In February 2023, the Department of Corrections launched its Disability Action Plan which sets its strategic direction for achieving healthy futures for disabled people. One of the actions in the plan was the introduction of the Washington Group Short Set of Questions on Disability which Corrections has incorporated into Initial Health Assessments, Update Health Assessments and Two-Yearly Health Assessments. This questionnaire asks people whether they have any difficulties with vision, hearing, walking/climbing stairs, remembering/concentrating, self-care such as washing and dressing, and communicating with others. Of the 13 men in the PERU at the time of our inspection, four had received assessments with the Washington Group questions, though none of them reported any disabilities.

Environment

Residential unit

Inspection Standards

- Prisoners live in a clean and suitable environment which is in a good state of repair and fit for purpose.
- Prisoners have sufficient bedding that is laundered regularly.

236. The PERU is a residential unit comprised of 20 cells, including two dry cells. The PERU is located in Wings One and Three of Unit 10, with the Auckland Prison Management Unit located in Wing Two.
237. Wing One of the PERU contains eight cells, four on either side of the wing; one of these cells is suitable as an accessible cell if necessary. Wing Three contains the remaining 12 cells, two of which are dry cells. We note that the dry cells are not residential cells as they do not contain a toilet, hand basin or shower. Prisoners suspected of internal concealment may be put in a dry cell as a last resort. The dry cells in the PERU had not been used.
238. The cells are nine square metres in size, except for the accessible cell which is 13 square metres in size. All cells (except the dry cells) are self-contained with toilet, hand basin with drinking water, and a shower. Toilets and showers had sufficient privacy screens, except for those cells used for prisoners who have been assessed as being at risk of self-harm. All cells contained a television which was behind plexiglass for security reasons, a desk and bench, a bed and mattress, shelving to store personal property items such as books, and an intercom/alarm (see Appendix A, Images 1 to 5). We noted that one prisoner was permitted to store some personal items, including legal paperwork, in the empty cell next to his cell.
239. The cells have two hatches: one in the door, and one adjacent to the door. The hatches allow staff to give prisoners their meals, any medications, and other items through a hatch without unlocking the cell door.
240. All cells have closed circuit television (CCTV) cameras installed. These were not in use except
 [REDACTED]
 [REDACTED]
 [REDACTED]
241. All cells (except the dry cells) have a small exercise yard attached which is ten square metres in size (see Appendix A, Image 6). The exercise yard of the accessible cell is 11 square metres in size.
242. All the small exercise yards have concrete floors and thick wire mesh roofs that allow fresh air and some sunlight to enter the yard. Some yards have concrete walls, and others have concrete walls on two sides with a thick wire mesh wall to the rear. None of the yards offer a view as the wire mesh is dense and difficult to see through. In addition, some of the yards back on to a staff walkway which is enclosed in another mesh wall. Doors from the cells to the yards are controlled by unit staff from the staff base, and opened at allocated times throughout the day so the men can access the yards. All exercise yards have CCTV cameras installed in them which are used to monitor the men when they are in the yards.

243. Most of the men we interviewed said staff answered their cell intercom calls in a timely manner, though one man said it was not answered on all occasions. We observed staff responding to intercom calls and noted they were professional.
244. We observed that in both wings of the PERU the cell observation panels had been adapted with the addition of plastic clips. These prevented prisoners from opening the observation panels, which effectively meant these remained closed at all times unless opened by staff for observation checks. Such clips are not standard in most prison units. Staff told us this was to prevent prisoners from opening the observation hatches and to ensure hatches remained closed as an additional security measure.
245. During interviews, men told us that from within their cells they were not able to observe other men being moved to activities or interviews which would usually be the case in other prison units. This added to their feelings of isolation.
246. The unit also contains:
- » A larger exercise yard which contains a prisoner telephone, a toilet with privacy screens, and pull-up bars for exercise (see Appendix A, Image 10).
 - » A day room with a prison kiosk, a fixed steel-top table and chairs, a small kitchenette, a prisoner telephone and a television (see Appendix A, Image 11).
 - » Two non-contact interview rooms, one of which contains a computer. These interview rooms can accommodate a prisoner and two visitors/interviewers. These rooms were used by unit staff, psychologists, the Education Tutor, the Activities Officers, and others (see Appendix A, Image 7).
 - » A non-contact visits room. A little larger than the non-contact interview rooms, this room could accommodate a prisoner and three adult visitors.⁴³
 - » An AVL room, which is also used by men in the Auckland Prison Management Unit (see Appendix A, Image 8).
 - » A health clinic, which had an additional non-contact interview room adjacent which could be used for confidential consultations if required.
247. At the time of our inspection, we found the unit in a clean and tidy state. However, we observed a small amount of graffiti in one of the non-contact interview rooms.
248. During the inspection we observed minimal movement of prisoners in the unit and staff cleaned the wings (a task that, in other units, is usually done by prisoners). This meant there was no casual interaction between prisoners at cell doors which prisoners told us compounded the sense of isolation they felt when they were in their cells.
249. Prisoners were responsible for cleaning their own cells and were given cleaning materials including cloths and a dustpan and brush for this purpose. We noted that prisoners assessed as being at risk of self-harm were not allowed a dustpan and brush as these were made of hard plastic which was considered a self-harm risk. Unit staff ensured prisoners kept their cells clean by conducting a daily fabrication check of cells (i.e. to ensure no damage had been done) and regular checks of cell standards (i.e. to ensure prisoners' cells were clean and tidy and contained only permitted items). Each prisoner's management plan identified the frequency of cell checks required.
250. During interviews, prisoners told us there was a good supply of clean bedding. We observed that the unit has its own laundry facilities. Staff told us bedding was laundered

⁴³ Additional visitors may be approved in exceptional circumstances.

weekly by staff on the unit. However, larger items, such as duvets, were sent to the Auckland Prison laundry for washing.

251. During interviews, prisoners told us their bedding and towels were washed regularly by custodial staff. We found evidence of this occurring in several prisoners' management plans. For example, one prisoner's management plan set out that his bedding would be washed once a week. His towels were to be washed and dried as he required. Prisoners we interviewed confirmed that they were able to regularly change their bedding and access clean towels.
252. The PERU had an allocated bedding and clothing budget which was separate from other units at Auckland Prison.

Hygiene

Inspection Standards

- Prisoners are encouraged to keep themselves clean and are provided with the appropriate toiletries.

253. During interviews, prisoners told us they were able to request toiletries (e.g. soap, shampoo and toothpaste) daily from staff and these would be provided. We observed these items on a trolley which staff took into the wings when they were providing breakfast. All prisoners had access to a shower in their cells.
254. Disposable safety razors were available to prisoners on request, except for men assessed as being at risk of self-harm who would be issued with an electric razor under supervision. The issuing of disposable safety razors was carried out in accordance with standard prison processes⁴⁴ and detailed in the management plans. Any noncompliance would be referred to a Multi-Disciplinary Team meeting for discussion.
255. Prisoners were able to request use of hair and nail clippers which were a shared item within the unit. Access to these was dependant on approval within a prisoner's management plan, but during interviews all prisoners told us they were approved to use these items. Staff were required to ensure the items were well-maintained and cleaned between uses.
256. During interviews, prisoners told us they were not permitted to have hairbrushes regardless of their hair type or length, and this was frustrating for them. Prisoners told us they were allowed prison issue flexible plastic combs only.

Clothing

Inspection Standards

- Prisoners have adequate access to a variety of clean clothing, including underwear and footwear, which is seasonally appropriate and of the right size and quality.

⁴⁴ Prison Operations Manual F.06 Disposable safety razor

257. Our inspection of the unit and interviews with staff and prisoners confirmed there was an adequate stock of prison-issue clothing of various sizes that prisoners could access. One prisoner told us when he arrived on the unit he was given clothing that was too large, but had since received clothing that fitted better.
258. The PERU has its own budget for clothing (and bedding), and staff operated a unit laundry with an individual laundry schedule, so each prisoner was able to have his clothes washed separately twice a week.
259. A review of the management plans showed that prisoners on remand were able to wear their own clothes, which were washed separately.
260. We spoke with one prisoner who told us he had been approved to wear his own clothes for court but had then been told that the clothing he had, a black suit, would not be permitted as the colour was considered to have gang associations. The prisoner told us this led to him becoming disruptive and damaging prison property. He was then advised, a short time later, that there had been an error and his suit would be permitted. The prisoner told us he was placed on misconduct for damaging prison property. We checked the system and noted this was an active misconduct.

Food

Inspection Standards

- Prisoners have a varied, healthy and balanced diet which meets their individual needs.
- Upon request, the prison provides meals and food in line with religious, cultural and other special dietary requirements.
- Prisoners' food and meals are stored, prepared and served in line with hygiene regulations.
- Clean drinking water shall be available to every prisoner.
- Mealtimes are reasonable and generally match those in the community, where possible.

261. Prisoners are generally served the same menu across all Corrections' prisons, with standard and vegetarian options available. Prisoners with specific health or religious needs are catered for.
262. At the time of our inspection, three prisoners in the PERU were receiving vegan meals, three had halal meals, and one had vegetarian meals. The rest received the standard menu (see Appendix A, Image 12).
263. Meals for the men in the PERU were prepared in the Auckland Prison kitchen. Men ate in their cells. The meals were delivered by PERU custodial staff three times a day through a hatch at the cell door in line with the process in the prisoners' management plans. For some of the men this required them to stand at the back of the cell and remain there while staff delivered the meal and/or hot water. For a number of the men this was their only interaction with staff on that day and during our inspection we observed these interactions to be short and transactional.

264. Food was typically cereal, toast and a hot drink for breakfast, sandwiches and fruit for lunch, and a hot meal for dinner. The men we interviewed generally raised no concerns about the quality and quantity of the meals.
265. During our inspection we observed meals being served. Breakfast was served around 8am, lunch around 12pm (midday) and dinner at 5:30pm. The timing of these meals was reasonable.
266. All the men had access to clean drinking water from the sink tap in their cell. They were also given hot water with their meals if they requested it.
267. Men in the PERU have access to the standard weekly prison canteen ordering system and can complete a paper form (P119) to order additional snack food such as biscuits or fruit if they have sufficient funds to pay for it in their prisoner trust accounts. Items are delivered once a week.
268. During interviews, a number of men raised concerns about the increased costs of canteen items. Their concern was mainly due to the very limited opportunities in the PERU for work, which meant they were reliant on financial support from family/whānau who were also being impacted by the increased cost of living.⁴⁵

⁴⁵ The Corrections national Prisoner Incentive Allowance Framework sets out that prisoners engaged in work, education or programmes can earn incentive payments ranging between \$0.20 to \$0.60 an hour.

Good Order

Security

Inspection Standards

- Prisoners are held in a safe environment where security is proportionate to risk and not unnecessarily restrictive.

269. We observed that the PERU was managed as a high security environment with a highly restrictive regime. Staff were observed to follow the management plan of each prisoner.
270. At the time of our inspection, none of the men were allowed to associate with each other. Prisoners we interviewed told us they sometimes communicated by shouting under their cell doors, though they found this difficult. Moreover, they had never seen each other, despite, in some cases, having communicated in this way for years. We observed the emotional impact on the men when they shared their experiences with us.
271. Prisoner movements were kept to a minimum and prisoners seldom left their cells. Generally, prisoners only left their cells for specific activities, including interviews, education, medical appointments, or legal telephone calls.
272. For exercise, prisoners were approved daily access to the small concrete yards at the rear of their cells. At least two prisoners advised that they chose not to use their yards even when they were permitted, with one describing the yard as a concrete "dog run". During interviews, the men told us they were no longer unlocked together for yard time. They believed this was due to incidents at the end of December 2022 and the beginning of January 2023 when some of the men had blocked their yard doors from being closed by staff at the end of their allocated yard time. We reviewed IOMS and COBRA records and observed that there were recorded incidents of this type on 28, 30 and 31 December 2022 and on 1 January 2023. The men who had been involved in these incidents were still located in the PERU at the time of our inspection.
273. We observed from the prisoners' management plans that only two of the 13 men were approved to access the unit's larger exercise yard at the time of the inspection. In addition, one of these men was approved to access the Auckland Prison Activities Officers.
274. Another man was approved to access the Auckland Prison Activities Officers (but not approved access to the larger exercise yard). At the time of our inspection, these meetings had been taking place in a non-contact interview room.
275. Another man was approved to access the unit's day room. We reviewed a sample of the unit logs and confirmed that, for the month of April 2023, one man had accessed the day room 12 times, for a total of 23 hours.
276. We observed that when prisoners were moved from their cells, this was completed in accordance with practice as outlined in the prisoners' management plans. For example, as previously mentioned, prisoners were typically handcuffed and escorted by four members of staff. In addition, some men would remain in handcuffs in the non-contact interview rooms even though they were separated from the person they were meeting.
277. During interviews, several staff members told us while they understood the need to manage the risks posed by the men in the PERU, they believed there needed to be more

consideration of the long-term mental health implications of the restrictive regime. This view was echoed by many of the prisoners we interviewed, who spoke of the negative effects of the isolation brought about by the restrictive regime.

Classification and placement

Inspection Standards

- Classification, placement and treatment are based on an individual assessment of each prisoner's risks and needs.
- Prisoners are held in the appropriate security conditions and can seek review about decisions on their security classification.

278. The PERU is the only unit of its type within the prison system. Therefore, prisoners may be located some distance from their family/whānau and home region. Proximity to family/whānau is not considered when placing men into the PERU.
279. As previously mentioned, prisoners may be placed in the PERU following a referral to the PERD panel by a Regional Commissioner. The PERD Criteria and Service Framework sets out that the panel is chaired by the PERD Commissioner, and comprised of senior PERD leaders and the Regional Commissioner who has made the referral for placement, and that the "Auckland Prison Director would be involved in cases where Tier Three is being considered". It was unclear to the inspection team to what extent the Auckland Prison Director was involved in PERU placement decisions. The Regional Commissioner supplies supporting information to enable an assessment by the panel. Supporting information would usually include a recent psychological assessment and an intelligence profile report. The panel discusses the issues and makes a decision on placement.
280. During interviews, a number of men told us they were concerned about their placement in the PERU. They told us the restrictive environment and lack of rehabilitation interventions made it difficult for them to demonstrate a reduction in risk as they worked towards Parole Board hearings or release. In addition, they said it was difficult to demonstrate a reduction in risk when it was unclear to them why they had been placed in the PERU.
281. Moreover, prisoners we interviewed generally said it was difficult to progress to the next step of their management plan and that there was little progression in the steps offered. Some prisoners said they saw no hope of progressing out of the PERU as they had no direct input in developing their management plans.
282. Section 47 of the Corrections Act 2004 sets out that all prisoners in New Zealand who are subject to a sentence of imprisonment exceeding three months are assigned a security classification which reflects the level of risk posed by that prisoner while inside or outside prison, including risk of escape and the risk that escape would pose to the public. The Prison Operations Manual sets out that there are five security classification categories for men in prison: minimum, low, low-medium, high and maximum security.⁴⁶
283. Security classifications are calculated in IOMS based on a range of factors, including the person's history of violence and offence type. One of Corrections' principles of security classification is that a prisoner "should be assigned the lowest level of security classification at which the prisoner can be safely and securely managed, given the assessment of the

⁴⁶ Prison Operations Manual M.02.01.02 Categories of security classification.

level of risk he/she poses".⁴⁷ Security classifications should be reviewed when necessary (e.g. such as if staff consider the person's risk may have changed), and all classified prisoners (except minimum security prisoners) must have their security classification reviewed at least once every six months.

284. Classifications are reviewed by a relevant senior manager. The Prison Operations Manual sets out that the senior manager may manually override some prisoners' security classifications to a higher or lower level. This includes prisoners who have been charged with a serious assault on another person in prison, and those who "pose such a grave danger to public safety or public confidence that no level of escape risk is acceptable".
285. We reviewed the security classifications for the ten sentenced prisoners in the PERU at the time of our inspection. Seven were classified as maximum security, and three as high security. We confirmed that all the classifications and classification reviews had been completed within the required timescales.
286. We found that three men in the PERU had their security classifications overridden ten times by PERU staff during the review period:
- » One man had been subject to override on four occasions, from high to maximum security classification.
 - » One man had been subject to override on five occasions; two from high to maximum, one from low-medium to maximum, and two from low-medium to high.
 - » One man had been subject to override on one occasion, from low-medium to maximum security.
287. The Corrections Act 2004, Section 48(2) and (3) and Regulation 50 of the Corrections Regulations 2005 set out that a prisoner who is dissatisfied with the security classification they have been assigned may apply to the Chief Executive for reconsideration of their security classification at any time, unless they have already had that security classification reconsidered under Section 48 of the Corrections Act 2004 in the previous six months. When a prisoner makes an application for reconsideration, the request must be made using a PC.01 form which is considered by the relevant Senior Advisor to the Regional Commissioner. If the prisoner has a maximum security classification, the review would be conducted by the Senior Advisor, Office of the National Commissioner.
288. If, following review, the prisoner is still not satisfied with their security classification, they could make a complaint to the Office of the Ombudsman. At the time of our inspection, three of the men had submitted requests for reconsideration of their security classifications (this related to four security classification reviews). We noted that in all cases the original classification was retained.
289. The Prisoner Transfer Request tool is used at Corrections to record all requests and decisions for inter-prison transfers. It is available to all staff with IOMS access via the Corrections intranet. Prisoners are able to request a transfer for personal reasons. As part of our inspection we reviewed the Prisoner Transfer Request tool for the 13 men who were located in the PERU. We found that three prisoners from the PERU had requested transfers related to court appearances, but that these had been declined. We also reviewed the PC.01s submitted by men in the PERU during the review period and found that there were no complaints related to requests for transfers from the PERU.

⁴⁷ Prison Operations Manual M.02.01.01 Principles of security classification

290. For the three men on remand, no provisions regarding their remand status were identified in their management plans, other than that they were allowed to wear their own clothes. The inspection team noted that men on remand may require additional access to information and legal advisors as they prepare for trial.

Segregation and cell confinement

Inspection Standards

- Prisoners are placed on directed segregation only with proper authority and for the shortest time period, which is regularly reviewed. Prisoners understand why they have been segregated.
- Prisoners are kept safe at all times while on directed segregation and individual needs are recognised and given proper attention.
- Cell confinement is subject to strict policies and procedures.
- Prisoners suspected of internal concealment are located in a dry cell as a last resort and the proper authorisation is recorded.

291. Prison management can separate a prisoner from others either for their own safety⁴⁸ or because they pose a threat to the safety of others or the good order of the prison.⁴⁹ This is known as directed segregation. Directed segregation should be used as a last resort and only after all reasonable steps to control a prisoner's behaviour have been taken.⁵⁰
292. A segregation direction expires after 14 days unless the Chief Executive directs that it continues. This situation is usually reviewed monthly, and if continued after three months it is directed and monitored by a Visiting Justice. Segregation directions may be revoked earlier than 14 days.
293. The PERU staff maintain a segregation register which records appropriate information including prisoner details, reasons for the segregation, the date the segregation started, review dates, and whether the health team has been notified (the health team must always be notified when a prisoner is put on directed segregation). We reviewed this register as part of the inspection and found that in some instances it was not confirmed that the health team had been notified, and this detail was instead recorded as 'unknown' or 'N/A'. In addition, we found that some details for some prisoners were not accurately recorded, including association status. For example, one man's association status was recorded as 'denied', but the segregation paperwork showed the man had a restricted association status. Some men's initial segregation review dates were not accurately recorded, though their upcoming review dates were accurate.
294. At the time of our inspection, 12 of the 13 prisoners in the PERU were subject to directed segregation. Eight of the 12 were subject to directed segregation under Section 58 of the Corrections Act (i.e. because they posed a threat to the good order or security of the prison or the safety of others) and four were subject to directed protective custody under Section 59 of the same Act (i.e. because prison management was concerned for the prisoners'

⁴⁸ Corrections Act 2004, Section 59, Segregation for purpose of protective custody allows prisoners to ask for restricted association, or the Prison Director may request this because they are concerned about the safety of the prisoner.

⁴⁹ Corrections Act 2004, Section 58, Segregation for purpose of security, good order, or safety.

⁵⁰ This section of the report deals with directed segregation pursuant to Sections 58, 59 and 61 of the Corrections Act 2004. We note for completeness that there are other provisions in the Act which allow association to be denied.

safety). The remaining prisoner was [REDACTED]

295. The inspection team reviewed the individual segregation documentation for the prisoners (i.e. this is different to the segregation register mentioned above) and found that it had been appropriately completed and approved by the proper authority. All of the prisoners held under directed segregation at the time of our inspection had been there for over three months and were being reviewed by a Visiting Justice.
296. However, although the segregation directions were regularly reviewed, all the men in the PERU at the time of our inspection had been there for long periods of time, on average for 632 days. Five of the men had been there for over 900 days, and two for over 800 days. Given the highly restrictive nature of the regime, these long periods of time would have compounded the sense of isolation expressed by the men during interviews.
297. During interviews, prisoners told us they had raised concerns that despite the three-monthly segregation reviews, their placement letters for the PERU stated they would be in the unit for a 12-month period. This meant they felt they would be kept on directed segregation for 12 months, regardless of how they behaved during that time. The predetermined 12-month period stated in the placement letters does not appear to have any evidential basis that was shared with the men or with the inspection team, and appeared to be a blanket determination.
298. We note that while the PERU Operating Model does not set out recommended timeframes for initial placement in the PERU, the section entitled 'Review of progress and transition out of PERU' sets out that there will be "formal Tier 3 Reviews". The aim of these review meetings is to "function as a formal mechanism for reviewing the PERU placement of individuals who have been placed in the PERU for longer than 12 months". The PERU Operating Model further sets out that "For those remaining at Tier 3, the panel will make recommendations about potential behavioural or rehabilitative goals for the prisoner's next twelve months."
299. During interview, one man told us he was on directed segregation with a restricted association status which meant he was able to be mixed with prisoners of the same status. He was aware there were no other prisoners in the PERU who were suitable for him to mix with, but part of his progression plan was for him to mix with a suitable prisoner from another unit in a non-contact interview room in the PERU. The man told us he had suggested a prisoner from another unit who might be suitable for this, but there had been no feedback and the date of his next review meeting (August 2023) was approaching. The man told us that because he had not been able to associate with the other prisoner, he could not be assessed on how well he had done during this activity, and therefore had lost hope of demonstrating good behaviour and progressing on his management plan. A review of the IOMS notes suggested that PERU staff had been trying to find a suitable man for the prisoner to mix with since September 2022, though this was not approved on his progression plan until July 2023.
300. In addition, prisoners felt that on occasion they were told by the Visiting Justice they would be able to progress out of the PERU if they demonstrated certain behaviours, but this conflicted with their management plan. We note that extensive periods on directed segregation may exacerbate poor behaviour that could be seen by management as reason to justify continued segregation.
301. During interviews, a number of prisoners raised concerns that all directed segregation reviews were completed by the same Visiting Justice. There are a number of Visiting Justices

who complete these reviews for men at Auckland Prison, but only one Visiting Justice had been completing them for the men in the PERU. An examination of complaints identified at least two during the first quarter of 2023 from a PERU prisoner requesting to see a different Visiting Justice about his directed segregation and expressing his feelings about the current Visiting Justice being biased. While the inspection team observed no unfairness, to avoid perceptions of unfairness amongst prisoners, we believe it may be best practice to use different Visiting Justices for statutory reviews of segregation directions to ensure prisoners can see a fair process is being administered.

302. Moreover, the inspection team noted that most men in the PERU would likely have experienced prolonged solitary confinement as defined in the Mandela Rules (i.e. more than 22 hours a day without meaningful human contact, in excess of 15 consecutive days). Corrections must recognise the profound extent of the isolation experienced by these men and do more to mitigate it, especially now the PERU has been permanently established as a standalone unit for prisoners under direct PERD management. The physical environment needs improvement, especially for prisoners who are unable to associate with others and who are housed in the unit for long periods of time.⁵¹
303. If a prisoner is charged with an offence against discipline and the charge is proved, a hearing adjudicator may impose one or more penalties against the prisoner, including forfeiture or postponement of privileges for up to 28 days, forfeiture of earnings up to seven days, or confinement in a cell for up to seven days.⁵²
304. During the review period, 7 January 2021 to 24 July 2023, six of the 22 men in the PERU received 12 penalties of cell confinement. While prisoners sentenced to cell confinement retain the minimum entitlements referred to in Section 69 of the Corrections Act 2004 (e.g. an hour out of their cell to exercise etc), they may be denied access to private visitors and lose the right to make personal telephone calls. Given the restrictive regime already in place in the PERU, the inspection team is concerned that cell confinement would heighten the feelings of isolation and solitary confinement for those prisoners serving this penalty.
305. Prisoners who are suspected of internal concealment of an item may be located in a dry cell as a last resort and the proper authorisation is needed. We noted that the two dry cells in the PERU had not been used and there were no recorded incidents of suspected internal concealment for the review period.

Incentives

Inspection Standards

- Systems of rewards and privileges appropriate for different categories of prisoners are established, in order to encourage prosocial behaviour, develop a sense of responsibility and secure the interest and cooperation of prisoners.

306. As previously mentioned, prisoners in the PERU have individual management and progression plans which include incentives to demonstrate appropriate behaviour. In some

⁵¹ See also the Office of the Inspectorate's *Separation and Isolation Thematic Report: Prisoners who have been kept apart from the prison population* which found that many prisoners in New Zealand are managed in isolation, with potential profound and long-lasting physical and psychological effects.

⁵² Corrections Regulations 2005, Section 133. Loss of privileges stated in section 158.

cases the progression plans were shared with the prisoner, but, during interviews, most of the men told us they were not given copies and had to request these under the Official Information Act or the Privacy Act.

307. We reviewed the progression plans for the 13 men in the PERU at the time of our inspection. Each plan contains up to six staged progression steps in 25 areas of prison life. Areas of prison life included: internal movements, searches, canteen purchases, cutlery, education, hobbies and telephone frequency. For example, in the area 'internal movement', the steps for one man were: Step 1: Waist restraints for all internal movements, Step 2: Handcuffs for all internal movements, Step 3: No restraints. This particular man was at Step 2: Handcuffs for all internal movements, and a comment noted that he had a history of aggression towards staff, including a serious assault on staff. The steps on the progression plans appear to be intended to provide clear incentives for good behaviour.
308. The progression plans also list "behaviour goals" which the men must display to progress. Behaviour goals were largely consistent across the 13 progression plans and included:
- » Discuss and resolve issues or problems through talking with unit staff rather than acting out (threats, aggression and non-compliance).
 - » Be respectful when speaking with others and not use verbal abuse, intimidation or threats.
 - » Consistently follow staff instructions without delaying or arguing.
 - » Not to actively resist or attempt to assault staff.
 - » Not to encourage others to act out or become non-compliant.
 - » Not to cover the cell/yard observation window or camera.
 - » To continue to engage positively with the Education Tutor, Activities Officers, and cultural support.⁵³
309. From a review of the progression plans we found that most of the men had the first four behaviour goals in their progression plans. The progression plans we reviewed did not identify timeframes for how long a man was expected to display a behaviour before he would be progressed to the next step. During interviews, all of the men told us it took a long time to move between the levels on their progression plans.
310. Many of the men told us they did not understand what behaviour they had to demonstrate to progress through their plans and leave the unit because when they felt they had behaved in alignment with the behaviour goals there were no changes in how they were managed. Several men raised the lack of timeframes in progression plans as an issue. They told us they did not know which of the 25 areas of prison life they might be progressed towards if they consistently displayed the required behaviour. One of the men complained that the staff "only tell you what you have, not what you can work towards and how you can get this". Several men told us they felt hopeless and that having no exit plan was demoralising.
311. Some men said that because the progression plans were prepared without any input from them, they were not interested in some of the incentives. For example, one man told us he had little interest in being allowed to use the day room, so this was not a motivating goal for him. Another man had developed his own progression plan and provided it for consideration at a Multi-Disciplinary Team meeting. We observed a copy of this plan, which outlined steps towards progression and gave reasons for these. However, it had not been approved.

⁵³ Not all men had all these behaviour goals.

Discipline

Inspection Standards

- Disciplinary sanctions against prisoners are imposed by the proper authority.
- Prisoners are subject to disciplinary procedures which are fair and proportionate and follow due process.
- Prisoners are promptly informed of any disciplinary sanction, and understand the charges and procedures they face.
- Interpreter services will be used, where necessary, to explain any disciplinary charges, procedures and the process for defending the charges.
- Prison management does not rely on prisoners for any disciplinary functions, whether in a formal or informal manner.

312. Prisons are required to maintain good discipline and order through effective supervision, communication, and fair and effective disciplinary procedures. Offences against discipline committed by a prisoner can result in a misconduct charge. Disciplinary action must be well documented by staff, and hearings must comply with statutory and regulatory requirements.⁵⁴ Offences against discipline are outlined in the legislation with guidance on the conduct process described in the Prison Operations Manual.⁵⁵
313. During the review period 7 January 2021 to 24 July 2023, COBRA and IOMS records showed that the 22 men in the PERU generated 253 misconducts, mostly for disobeying a lawful order (121 misconducts); assaults and behaving in a threatening, abusive or intimidating manner (67 misconducts, 20 of which related to assaults); and deliberately disfiguring, damaging or destroying property (47 misconducts). We note that three prisoners accounted for 159 (63%) of the 253 misconduct charges.
314. Of the 253 misconducts, 111 were proven, 94 were withdrawn/dismissed/cancelled, and 48 were either still open or the outcome had not yet been recorded. We note that 94 withdrawn/dismissed/cancelled misconducts is a high proportion. The most common reason for this outcome was that the misconduct hearing was held outside the specified timeframe.
315. Misconduct hearings should be held as required after a prisoner is charged. We were advised that there were set days for hearings for all units across Auckland Prison, including the PERU, and that these days were determined by the unit.
316. For hearings to proceed, staff appointed as prosecutors and hearing adjudicators need to be available. Since September 2023 (just after our inspection), Auckland Prison has had two full-time prosecutors and nine hearing adjudicators who offer a shared service with the PERU. However, there had been a period of time in the past when there were fewer

⁵⁴ Prosecutors are staff trained to charge prisoners with an offence and who have responsibility for proving that charge. Hearing adjudicators have the power to hear complaints relating to offences against discipline alleged to have been committed by a prisoner.

⁵⁵ Corrections Act 2004, section 128-140. Prison Operations Manual MC.01

prosecutors and hearing adjudicators. This had impacted on their ability to meet the required timescales for hearings, so charges had been dismissed or withdrawn.

317. If a misconduct is sufficiently serious, it can be referred to Police for consideration or an external Visiting Justice may hear the case. Visiting Justices are allocated via the district court and attend Auckland Prison on set days. They attend misconduct hearings in the PERU when these are scheduled.
318. The inspection team found that for the 13 prisoners in the PERU at the time of the inspection, four men had four separate misconduct charges that had been referred to Police for consideration. Of the four charges, one was progressed through the courts and the other three were returned to the prison to be dealt with through the misconduct process (two of these were withdrawn and one was dealt with by the Visiting Justice).
319. During interviews, prisoners in the PERU confirmed they were aware of and understood the misconduct process. A number of prisoners raised concerns regarding misconducts that were withdrawn or not proceeded with, but where they told us they were subsequently regressed through their management plans for the matter anyway. We reviewed misconducts on IOMS and prisoners' management plans, and observed that a number of prisoners had entries in their management plans which referred to incidents at the end of December 2022 and early January 2023, when some of the men blocked their small exercise yard doors from being closed at the end of their allocated yard time. These entries detailed that the men were regressed to minimum entitlement for activities such as access to the yard, telephone calls and visits. In addition, access to Activities Officers and exercise equipment was denied. One offender note sets out that a custodial officer warned one prisoner that if he refused to "secure his yard" again then his "entitlements will be at its minimum or even less". However, these incidents did not go through the misconduct process as they should have done. No penalties should be imposed on a prisoner unless a disciplinary hearing has been held and the prisoner has pleaded guilty or been found guilty of the offence. However, in this case, the misconducts for these incidents were withdrawn as the timescales were exceeded (i.e. the misconduct was not heard within the required period of time).
320. We also reviewed one incident that was dealt with via the misconduct process but where the man was also regressed through his management plan for the same matter.
321. In addition, the inspection team would expect that long-term patterns of behaviour, both positive and negative, would always be referred to Multi-Disciplinary Team meetings and reflected in the management plans. However, we found that during the review period this was not always the case.

Health professionals' role in discipline

Inspection Standards

- Health professionals do not participate in disciplinary sanctions.

322. There was no evidence to suggest health staff had participated in any disciplinary actions.

Use of Force

Inspection Standards

- Force is used only against prisoners as a last resort and never as a disciplinary procedure. When used, force is legitimate, necessary, proportionate, and subject to rigorous governance.
- Instruments of restraint are used only in clearly defined circumstances, when lesser forms of control fail, and only for the time strictly required.

323. Staff may use force in response to an incident at a prison. The Corrections Act 2004, Section 83, states that physical force can only be used in prescribed circumstances and if reasonably necessary. Corrections policy outlines the circumstances in which force may be needed and what intervention should be deployed, such as pepper spray or control and restraint. Staff may use force only if there is no other option, in self-defence or the defence of another person, or if a prisoner is attempting to escape, damaging property or resisting a lawful order.⁵⁶ All uses of force must be logged in a use of force register, and a use of force review must be conducted as soon as possible after the incident by an officer nominated by the prison director.⁵⁷
324. In the review period 7 January 2021 to 24 July 2023, there were 21 instances of use of force recorded in IOMS as having occurred in the PERU. Eleven of these were spontaneous and ten were planned. Four men accounted for 16 (76%) of the 21 uses of force, and, of these, one man accounted for six (28%).
325. During interviews, most prisoners told us they had no concerns regarding the use of force in the unit. This included prisoners who had been subject to use of force in the unit and others who had not, but who had heard use of force incidents taking place.⁵⁸ However, there were some complaints raised regarding uses of force in the PERU in the review period. The men told us that generally for planned uses of force, staff from outside of the unit (i.e. the Site Emergency Response Team) would be brought in and there were no concerns raised with us regarding this.
326. One prisoner raised a concern regarding a use of force incident that occurred shortly after his arrival at the unit. However, we reviewed this and found it was reasonable, proportionate and necessary in the circumstances, and that a use of force review had been completed appropriately following the incident.
327. Seventeen of the 21 incidents where force was used were recorded in the use of force register and four were not. The inspection team requested the use of force reviews for ten selected incidents, including the four which had not been recorded in the register. We received the documentation for nine of the ten requested reviews. The documentation set out that these reviews had generally been carried out appropriately.
328. For the remaining use of force review that we requested but did not receive, we found that the prisoner had made an allegation against staff following the incident. Staff had appropriately referred this allegation to Police, but did not record the allegation in the IR.07

⁵⁶ Prison Operations Manual IR.02 Incident Response

⁵⁷ Prison Operations Manual IR.05.07 Post Incident Review

⁵⁸ As mentioned elsewhere, prisoners could not see other prisoners in the unit, but could often hear sounds coming from other cells.

Allegations Against Staff database as they should have done. Police investigated and found no evidence to substantiate the prisoner's allegation, and it was apparent that prison management therefore concluded there was no need for any further action and the complaint was closed. We note that although the prisoner's complaint was investigated by Police and closed, a use of force review should have been completed by the site to look at any learning from the incident, but this was not done.

329. Five of the use of force incidents recorded the deployment of pepper spray. Corrections Custodial Practice Manual sets out decontamination procedures for when pepper spray has been deployed. We reviewed the incident reports for these five incidents and found that four included details of decontamination where this was appropriate. One incident did not contain information regarding decontamination.
330. The Clinical Inspector reviewed the paperwork for eight use of force incidents and found that seven gave documented evidence that the men had been reviewed by a Nurse for a post control and restraint health check and that these had been carried out to an appropriate standard. The paperwork for one use of force incident did not record details of this.
331. Subsequent to the inspection, the Chief Ombudsman raised concerns with the Chief Executive of Corrections regarding two of the 21 use of force incidents. We conducted a full review for these two incidents, including reviewing the body worn camera and CCTV footage.⁵⁹ As a result, we had concerns about staff conduct during these uses of force and therefore prepared a comprehensive report which we provided to the Commissioner Custodial Services and the Deputy Chief Executive Pae Ora. We note that the Chief Custodial Officer was also commissioned by the Chief Executive of Corrections to review these two uses of force.

Searches

Inspection Standards

- Searches of cells and prisoners are carried out only when necessary and are proportionate, with due respect for privacy and dignity.
- Trans prisoners can nominate staff of their preferred gender identity to perform searches, and their dignity and privacy is protected at all times.

332. Contraband or unauthorized items (such as drugs, alcohol, weapons and cellphones) create risks to safety and good order in a prison. For this reason, prison staff are required to undertake a range of regular searches, including cell searches and personal searches. Personal searches include hand-held scanner searches, and rub-down and strip searches of prisoners.
333. In the PERU, prisoners' cells were searched in accordance with their management plans. In addition, staff would complete daily cell checks. We observed the cell checks during our inspection and checked the unit log kept by staff and confirmed that cell checks and searches were recorded in this.

⁵⁹ We note that Corrections had deleted some of the body worn camera footage for one of the uses of force. On our request, the Office of the Ombudsman provided the footage to Corrections, who then provided it to the Inspectorate.

334. Men in the PERU were also subject to personal searches, including hand-held scanner and rub-down searches. Scanner and rub-down searches were conducted regularly and in accordance with prisoners' management plans, usually following movements.
335. In addition, in the review period 7 January 2021 to 24 July 2023, COBRA records showed staff completed 14 'reasonable grounds' strip searches. This type of search may be conducted if staff have reasonable grounds to believe a prisoner is concealing an item. Reasonable grounds strip searches require prior approval by a Principal Corrections Officer or more senior manager, unless delaying the search to obtain approval would endanger the health or safety of any person or prejudice the maintenance of security at the prison. All reasonable grounds strip searches must be conducted in accordance with Section 98 of the Corrections Act 2004. A review of COBRA confirmed that all reasonable grounds strip searches conducted in the PERU in the review period had been appropriately approved.
336. Generally, the prisoners we interviewed raised no issues with the cell and personal searches they had been subject to. We reviewed a selection of the strip search records and found that strip searching had been conducted where there was reasonable cause.
337. In the review period 7 January 2021 to 24 July 2023, IOMS incident reports and COBRA records showed there were 24 incidents where contraband was found. These incidents resulted in 22 misconduct reports. Most of the contraband was sharpened items or razor blades that could have been fashioned into improvised weapons. Staff also found objectionable material, electrical wire and hoarded prescription medication. It is concerning to note that some of the items recovered could have been used to harm others or to self-harm.
338. During an interview, one prisoner raised concerns regarding strip searches that had occurred [REDACTED]. [REDACTED]. The prisoner advised that he had previously raised this matter via the complaint process, but he remained concerned about the protection of his dignity and privacy.

Purposeful activity

Exercise

Inspection Standards

- All prisoners are able to spend at least one hour in the open air every day.
- Prisoners have access to physical exercise and recreational activities.

339. Every prisoner in New Zealand, other than those engaged in outdoor work, is entitled to a minimum of one hour of physical exercise every day. This exercise may be taken in the open air if the weather permits.
340. In the PERU, all prisoners are offered daily access to a small concrete yard that is attached to the rear of their cell. These yards have concrete or thick metal mesh walls and metal mesh roofs. The mesh allows fresh air to circulate, but little natural light can enter and it is not possible to see far through the mesh. These yards are ten square metres in size. We observed prisoners pacing in their yards in a repetitive way. The inspection team notes that the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) stipulate that prisoners should be able to exercise “in the open air” and that “space, installations and equipment” should be provided. The size and conditions in the small exercise yards do not provide each prisoner with a meaningful opportunity to exercise in the open air.
341. Prisoners’ access to these small exercise yards is identified in their management plan. At the time of our inspection we observed that all 13 prisoners were being offered more than the minimum entitlement of one hour a day in the small yards:
- » Three men were offered five hours of access a day.
 - » One man was offered four hours a day.
 - » Five were offered three hours a day.
 - » Four were offered two hours a day.
342. These hours in the yards were split into morning and afternoon sessions that were at allocated times. During interviews, the men told us they would have liked to be able to communicate with other men while in the yards, but that they were not unlocked together although the yards were separate. Some men also told us they had, on some occasions, requested to have their time as one session but this had not been permitted.
343. At the allocated time, staff offered to open the cell door to the yard and men could choose to have it opened or not.
344. Some prisoners had approval to use exercise equipment in their yard. The equipment available was limited, with the list itemising a weight bag, a medicine ball, and a resistance band. Some prisoners told us they had lost access to the equipment following incidents (e.g. as mentioned earlier, at the end of December 2022 and in early January 2023, some of the men had blocked their small exercise yard doors from being closed at the end of their allocated yard time). Some prisoners had made their own improvised weight bags from approved items in their cells as these could not be taken away from them.

345. We reviewed the daily compliance record kept by staff for the dates 1 July 2023 to 27 July 2023, which recorded whether prisoners took or declined time in their small exercise yards. This record showed it was common for some prisoners to decline use of the yard at their allocated time. In the period between 1 – 27 July, the 13 men were allocated a combined total of 702 small yard sessions. Records showed there were 263 sessions (37%) where the men declined, did not respond, or where there was no record of yard time being taken. As mentioned earlier, at least two prisoners told us they chose not to use their yards even when permitted as they considered the yards too small for meaningful exercise activities and this decreased their motivation to exercise. The daily compliance record confirmed that these two men had spent almost the entire month of July declining yard time. This prolonged period with no yard time would have had a negative impact on their health and wellbeing.
346. In addition, the inspection team reviewed a sample of the unit log and observed that apart for the time they spent in their small exercise yards, some men spent limited time out of their cells at other activities. For example, in April 2023, two men only came out of their cells once, one for 25 minutes and the other for nine minutes.
347. There is also a larger exercise yard in the PERU. This larger yard has a concrete floor, a metal mesh roof, and concrete walls on two sides. The two remaining walls are made of metal bars and mesh, and concrete and safety glass, respectively. Through the wall made of metal bars and mesh is a view of prison property which shows a strip of flat lawn and a hedge. The concrete and safety glass wall gives an internal view into the unit. The yard contains pull-up bars, a toilet with privacy screens, and a telephone. At the time of our inspection only two men were approved to use this yard. A number of long-term PERU prisoners told us they had not been able to progress to use the larger yard.
348. Some staff we spoke with could not provide a reason why the larger exercise yard was not being used more. Other staff told us this was a management decision, and that approval to use it would be via the management plan. Some staff said there was limited capability to offer more men the use of the larger exercise yard due to their directed segregation status, and also because every prisoner movement required four staff members. We reviewed the men's management plans and found use of the larger yard was a step the men could work towards, but the plans did not specifically set out how the men could progress to using it. The fact that most men were not allowed access to the larger exercise yard led to the inspection team forming the view that access was restricted to the small yards out of convenience or risk aversion, rather than a dynamic risk assessment of each man at a particular time.
349. The Operating Model for the PERU sets out that a dedicated Activities Officer will be critical to providing physical training and other activities to support prisoners who are unable to associate with others. However, at the time of our inspection, there was no dedicated Activities Officer, and only two of the 13 men in the PERU were seeing Activities Officers under the shared services model with Auckland Prison. Both men had access to the Activities Officers for an hour a week.⁶⁰ The Activities Officers told us these sessions had previously been for two hours a week but had been shortened due to resourcing issues; they had previously been in a team of six but were currently a team of three.
350. The Activities Officers offered physical training and other activities, including chess, painting and listening to music. The Activities Officers told us they were unable to do high intensity physical training with the men in the PERU because sessions took place in non-contact interview rooms, although they did do some work with resistance bands. At the time of the

⁶⁰ The Activities Officers worked in pairs with the men in the PERU for safety reasons.

inspection, one of the men was playing chess and listening to music with the Activities Officers, and the other was exercising and talking with them. The Activities Officers told us one of these men had been approved for exercise sessions in the larger yard, and these were due to the start the week after our inspection.

351. Some prisoners told us they had been approved for access to the Activities Officers, but this had not yet taken place. The Activities Officers confirmed they had some men from the PERU on their waitlist. This included some men who had previously been seeing the Activities Officers but who had lost the access to them due to the incidents at the end of December 2022 and in early January 2023, when they had blocked the doors of their small exercise yards from being closed at the end of their allocated yard time. These incidents did not relate in any way to the Activities Officers. By the time the men's access to the Activities Officers had been restored, the Activities Officers resource had diminished.
352. Considering the PERU's highly restrictive regime, the limited opportunities for meaningful human contact, and the transactional nature of much of the communication with staff, the inspection team considers that not enough has been done to provide meaningful exercise and recreational activities to the men in the PERU. In addition, we consider that when activities were denied as a result of poor behaviour, the effect on prisoners in the PERU would have been amplified when compared to the effect of denying activities to prisoners in a more mainstream setting, due to the highly restrictive regime in the PERU. As previously noted, keeping prisoners apart from the mainstream for prolonged periods of time in such a restrictive regime likely amounts to prolonged solitary confinement as defined in the Mandela Rules.

Communication and relationships with family and whānau

Inspection Standards

- Prisoners are encouraged to maintain contact with family/whānau members.
- Prisoners have regular access to visits.
- Prisoners have regular access to telephones and other communications, subject to a risk assessment.
- Prisoners are assisted to contact and consult with legal representatives in relation to family matters.
- A prisoner's family situation is identified and support planning undertaken to proactively assist them in maintaining contact with family.
- Prisoners and their families receive ongoing active support to maintain or re-establish relationships, where it is appropriate.
- Prisoners are located as close as possible to their family/whānau and the community they have a strong attachment to. If prisoners are placed in prisons outside their home region, it is for the minimum time necessary and for an identified reason.
- Staff support prisoners to maintain close relationships with stable family or whānau.
- Prisoners can promptly inform their family or whānau or designated contact person about their imprisonment, transfers, illness or injury.

- Prison staff notify prisoners of the serious illness or death of a family/whānau member or significant other, and a risk/wellbeing assessment is subsequently conducted.

353. Prisoners should be able stay in contact with their family/whānau by telephone⁶¹, mail, email, in-person visits, and video calling. All these modes of communication are reliant on prison staff facilitating access.
354. Prisoners in the PERU have limited access to telephones and could only make calls during allocated times as set out in their management plans. Calls usually occurred during daytime hours. For calls to family, prisoners were brought a portable telephone on a trolley. This was a normal prisoner telephone that had been mounted onto a trolley with an extended telephone cord, enabling it to be plugged into a telephone socket in the unit. The handset was passed through the door hatch to the prisoner in his cell.
355. The inspection team observed that there were telephones in the day room and in the larger exercise yard. However, since most of the prisoners were not approved to use these facilities, they could not access these telephones.
356. As is standard practice in other New Zealand prisons, prisoners could only call pre-approved telephone numbers. The amount of time they could spend on the telephone depended on their management plan. All 13 prisoners were approved to make calls above the minimum entitlement of one five-minute telephone call a week. A review of management plans during the inspection showed that ten prisoners had 45 minutes of telephone time approved a week, and three had 30 minutes a week. We noted that two of the men who did not make regular calls were approved to have an extended call of up to 60 minutes on the occasions they did use the telephone.
357. Prisoners confirmed that generally the allocated times for calls were suitable, but some had concerns that the times did not allow for the circumstances of family/whānau, including work arrangements, school hours, or time differences for those family/whānau who were overseas.
358. During interviews, prisoners told us they were aware their calls could be monitored as is standard in all New Zealand prisons. [REDACTED] and that this could impact on the timing of their calls as the [REDACTED] had to be available.
359. During the review period, the men in the PERU submitted 17 PC.01 forms regarding matters relating to telephone calls, with subjects ranging from requests for numbers to be added to their approved number lists, requests to change the allocated time for phone calls, requests for additional time to contact family/whānau, and requests for additional access to the telephone due to their remand status.
360. During interviews, prisoners told us telephone numbers were generally approved or declined without delay. Prisoners in the PERU were allowed ten approved telephone numbers, which is standard across New Zealand prisons. They acknowledged that their level of access to the telephone was above minimum entitlement and in line with their

⁶¹ From 11 October 2022, Corrections began covering the costs of calls to enable prisoners to make free calls to maintain contact with family/whānau.

management plans. They identified how important telephone contact with others was, given the level of isolation they experienced in the unit.

361. Some prisoners in the PERU had been able to use video calling to maintain contact with family/whānau. For example, one foreign national prisoner was approved to have one 30-minute video call a week. Prisoners felt the ability to use this was important and appreciated it. However, use was limited as a custodial staff member was required to remain present to monitor the video call, which is standard practice in all New Zealand prisons.⁶³ Prisoners told us they had been advised by staff that video calling would cease as face-to-face visits were re-starting. They raised concerns about this as visiting in person was not possible or easy for all family/whānau.
362. Prisoners we interviewed said they received personal mail twice a week and raised no issues with the mail service. We spoke with the staff who processed the mail, and they confirmed that legal correspondence was processed daily but personal mail to and from the unit was dealt with twice a week.

Visits

Inspection Standards

- Prisoners are aware of prison procedures and their visits entitlements.
- Prisoners and their visitors are able to attend visits in a clean, safe and respectful environment which meets their needs.
- Visitors are informed about search procedures, and understand their right to refuse the search and leave the prison.
- Child visitors are searched only when there are reasonable grounds. Reasons for the search should be explained to the child, who should be searched in full view of his/her guardian.
- Visits areas are child friendly and allow for physical contact.
- There is special provision of visits for children at times which are least interruptive of their education and other activities.

363. Every prisoner in New Zealand is entitled to receive at least one approved visitor a week for a minimum duration of 30 minutes. However, we note that Corrections ceased all visits to prisons in March 2020 as a safety precaution following the outbreak of COVID-19. While Auckland Prison reinstated visits in mid-May 2020, it ceased them again in August 2021 due to further COVID-19 outbreaks in the region, and had not yet reinstated them at the time of our inspection due to staff shortages. This impacted on visits for the men in the PERU. We note that visits for men in the PERU re-started on the weekend of 29 July 2023 (i.e. the weekend after our inspection).
364. We reviewed the management plans of the men in the PERU and found that each prisoner was approved for a one-hour visit every fortnight at the weekend. All visits would take place in the non-contact visits room in the PERU. The inspection team could not observe the visits process as visits had not resumed at the time of our inspection, but PERU staff were expected to process approved visitors through the main Auckland Prison gate and escort them to the unit. We observed that the non-contact visits room in the PERU was clean and

⁶³ Prison Operations Manual – C.05.02 Prisoner Video Calling – Conditions of Video Calling.

tidy, though there was a small amount of graffiti. We also observed PERU custodial staff receiving some training on managing visits at the time of our inspection, as visits were due to restart the following week.

365. During interviews men told us they were pleased with the reintroduction of face-to-face visits, but raised concerns that video calls would cease once these had started. PERU staff advised us that video calls would continue on a case-by-case basis. Some men also had concerns about the length of the face-to-face visit sessions (one hour) given the distance some family/whānau had to travel.
366. Custodial staff in the PERU told us PERU management was considering visits processes for those prisoners whose families did not live locally to the prison.

Library

Inspection Standards

- Prisoners have regular access to a suitable library, library materials and additional learning resources that meet their needs.

367. Auckland Prison has a library that men in the PERU could access via a catalogue. They were not allowed to visit the library. We note that Auckland Prison library books were generally donated as there was no budget for books, though there was a budget of \$2500 a year for magazines. This meant the range of material may be limited.
368. All prisoners in the PERU told us they had access to books through the library service. No general complaints were raised about the library services, though one prisoner appeared to have read all the books accessible to him through the catalogue. We interviewed the two Auckland Prison Librarians who confirmed they were attempting to enhance the library service for all prisoners in the PERU by considering how books may be accessed through the public library service.

Rehabilitation

Inspection Standards

- Appropriate interventions are provided to reduce the likelihood of reoffending and promote successful reintegration.
- Rehabilitation programmes, targeting the specific needs of the prisoner, are available and accessible.
- There is good cooperation and communication between the prison and social support organisations, including those that deliver rehabilitation programmes in the prison.

369. 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. Rehabilitation programmes are generally only offered to sentenced or remand convicted prisoners, and usually include group therapy sessions.

370. Rehabilitation programmes generally have strict criteria for entry, and meeting these criteria depends on an individual's motivation, behaviour, risk, security classification and psychological assessment. In the PERU, access to rehabilitation programmes was in accordance with each man's management plan. Most of the men in the PERU did not meet the criteria to attend group rehabilitation programmes so, even if rehabilitation programmes were set out in their management plans, due to the other requirements of their management plans, their security classifications and their segregation directions, they were limited to one-to-one sessions with a Programme Facilitator.
371. We were told that Psychological Services from Auckland Prison also provided services to the men in the PERU. Of the 13 men in the PERU at the time of our inspection, two were receiving psychology treatment from this team. Two other men had been offered treatment but had declined to engage in it. Other men had been waitlisted or prioritised for treatment according to need.
372. We reviewed the men's management plans, and found that one man was undertaking the Dynamics of Whanaungatanga programme on a one-to-one basis with a Programme Facilitator.⁶⁴ Three other men were on the waitlist to attend the Special Treatment Unit for Violent Offenders, and one of the three had also been waitlisted to attend a Drug Treatment Unit. We noted that currently their placement in the PERU and their security classifications would preclude these men from starting these programmes.
373. During interviews, a number of prisoners told us they were keen to undertake rehabilitation programmes so they could demonstrate progress through their management plans and sentences. They said they had identified programmes but that these had not been approved. They may not have been eligible to undertake the programmes they had identified.
374. We spoke to one prisoner who had completed a rehabilitation programme as part of his offender plan. He had been motivated to complete this so he could demonstrate progress at a forthcoming New Zealand Parole Board hearing.

Offender Plans

Inspection Standards

- All prisoners have an offender plan.
- All prisoners receive support to achieve the targets in their offender plans and progress through their sentence.

375. All prisoners should meet with a case manager who assesses their needs and works with them to create a remand plan or an offender plan, depending on their status as a prisoner. The case manager then supports the prisoner to access purposeful activities and rehabilitation programmes. We note that remand plans or offender plans are in addition to the PERU management plans.
376. At the time of our inspection, 12 of the 13 men in the PERU had a case manager assigned to them. The case manager told us the remaining man would soon be allocated to them. We noted that case manager allocations for men in the PERU first took place in 2022; prior to this there had been no case management in the PERU. The Corrections Case

⁶⁴ <https://dow.org.nz/>

Management Practice Centre sets out that remand or offender plans should be completed for all prisoners within two months of the allocated case manager meeting with the prisoner.

377. As part of the inspection we interviewed both the current and previous case managers for the unit. They told us they found the role challenging within the PERU as all decisions regarding allocation to suitable programmes and activities required approval by the Multi-Disciplinary Team before a final decision at the Operational Review meeting. Although the case managers are part of the Multi-Disciplinary Team, they did not feel their opinions were always taken into account. During interviews, prisoners told us they had discussed programmes and activities with their case manager, but knew these needed approval which could take some time or may not happen.
378. The case managers told us it was difficult to find suitable programmes and activities as many of the men required programmes that incorporated group sessions. The men were not eligible for these due to factors including security classification, directed segregation status and location where the programmes were being delivered. The current case manager was investigating whether some programmes could be facilitated one-to-one.
379. The case managers told us they tried to find suitable activities for the men in the PERU, but found it difficult with no clear pathways for the men out of the PERU. The case managers told us the men often felt their progression plans were unclear about what was expected of them and became despondent about this.
380. As previously stated, considering the PERU's highly restrictive regime and the limited opportunities for meaningful human contact, coupled with the extended periods of time most men spend in the PERU, the inspection team considers that PERU management should do more to assist prisoners to achieve the goals in their offender plans and progress through their sentences.
381. Prisoners should also have a custodial case officer who actively manages them, for example by discussing their offender plan progress and assisting with their needs. In general, the case officer is considered as the conduit between the prisoner and their case manager. Prisoners in the PERU were allocated case officers and most prisoners told us they felt they would be able to speak to a member of staff. We reviewed the electronic prisoner file notes and observed that staff had recorded regular contact with prisoners and other staff.

Education

Inspection Standards

- Education and vocational training programmes are offered in line with the needs of the learners.

382. Within the first month of entering prison, all prisoners receive an educational assessment and meet one-to-one with an Education Tutor to co-produce an individual learning pathway. Actions for the learning pathway are shared with the Case Manager who includes them in the offender plan.
383. At the time of our inspection, seven of the 13 prisoners in the PERU were working with an Education Tutor. Six men were working towards NCEA Level 1 courses (literacy and numeracy with the Open Polytechnic) and one was doing Level 4 Business Studies.

384. During interviews, a number of prisoners told us their motivation for completing education activities included keeping their minds occupied and increasing the amount of time out of their cells. All education activities with the Education Tutor took place in a non-contact interview room in the PERU for one hour a week; the rest of the time the men engaged in self-directed learning.
385. All prisoners in New Zealand, including the men in the PERU, are offered small incentive payments of between \$0.20 to \$0.60 an hour if they take part in education activities. These payments were only approved if prisoners completed the required work.
386. During interview, the Education Tutor confirmed she provided services to the men in the PERU as part of the shared services model with Auckland Prison. She told us she was based in the PERU for approximately 70 – 80% of the week and felt it was a safe working environment. She felt the PERU needed a dedicated Education Tutor as “there is so much more you could do with these men.”
387. The Education Tutor told us when men in the PERU completed a course, she arranged a small graduation ceremony in the non-contact interview room to recognise the achievement and present the certificate. One or two of the custodial officers might also attend.
388. During the inspection, we observed that one of the non-contact interview rooms contained a computer and doubled as a Secure Online Learning facility. However, it was not clear whether it was being used for Secure Online Learning.
389. We reviewed the men’s management plans and found that two of them were currently awaiting approval to take part in education activities. Our review also showed that some prisoners had previously been engaged in education but had withdrawn, although the Education Tutor could not confirm this from her records. During prisoner interviews, some men told us they had requested access to education but it had not been approved.

Supporting prisoner wellbeing

Inspection Standards

- Prisoners can access out of cell activities which promote learning, wellbeing and support rehabilitation.

390. Out of cell activities for men in the PERU were limited and were provided in line with prisoners’ management plans. As previously mentioned, out of cell activities had to be recommended by the Multi-Disciplinary Team at an Operational Review meeting. The Operational Review meeting attendees would then make a decision.
391. At the time of our inspection, 11 of the 13 prisoners were only allowed out of their cells for occasional meetings or activities in a non-contact interview room, or health appointments in the PERU health clinic. In other prison units, prisoners usually leave their cells to use the telephone, but in the PERU a portable telephone on a trolley was generally brought to their cells and passed through the cell hatch. This meant most of the men did not leave their cells to use a telephone.
392. We observed a prisoner pacing in his cell in a repetitive manner, and observed others pacing in their small exercise yards in a similar way. The inspection team considers that a wider range of exercise options may have contributed towards supporting prisoner wellbeing, but exercise options were limited.

393. Two of the 13 prisoners had part-time cleaning jobs in the unit, and one of these men was also approved to spend time in the larger exercise yard.
394. Generally, prisoners seldom or never left the unit unless they were being moved from the PERU for a specific purpose (such as to attend court) under an operations order.
395. During interviews, prisoners told us they had requested access to different activities and wanted to undertake any activity, including educational, wellbeing and cultural activities, to keep occupied, but that all requests needed to be recommended by the Multi-Disciplinary Team for approval at an Operational Review meeting.
396. During interviews, several custodial staff members remarked that it was difficult to build a rapport with the prisoners as most communication had to be done through a cell door. At least one custodial staff member remarked that they were not encouraged to engage with the men. Some custodial staff members told us they tried to start conversations when they were moving prisoners to non-contact interview rooms.
397. Given the highly restrictive nature of the regime in the PERU, the inspection team considers it is imperative that Corrections ensures the men have access to regular meaningful human contact to support their wellbeing, but this was not occurring.

Work

Inspection Standards

- All prisoners, where possible, can engage in work that is purposeful, benefits them and increases their employability.
- Prisoners' health and safety is safeguarded during all work activities to the same standards as in community based work.
- Prisoners receive a fair incentive payment for the work they perform.

398. Prisons should provide work opportunities for prisoners in their units, around the prison, and in prison industries.
399. At the time of the inspection there were limited work opportunities for prisoners in the PERU. This was due to a number of factors, including the unit environment and the risk management processes required for the individual prisoners. Work opportunities needed to be recommended by the Multi-Disciplinary Team for approval at an Operational Review meeting.
400. We were told by staff that two of the 13 prisoners had part-time cleaning jobs. One cleaned the larger exercise yard and the other cleaned the day room and non-contact interview rooms.
401. One of the prisoners who had a part-time cleaning job told us he had previously had some assembly work for the Auckland Prison lighting industry, which he had done in the PERU day room. However, this work had ceased at the time of the inspection. We reviewed a sample of the unit logs and confirmed that, for the month of April 2023, one man had accessed the day room 12 times, for a total of 23 hours.
402. Prisoners received incentive payments for this work in line with national payment rates, which equated to between \$0.20 to \$0.60 an hour.

403. Opportunities for work were limited due to the restrictive management regime, and most of the men in the PERU spent most of their time alone in their cells in conditions that could be described as prolonged solitary confinement as that is defined in the Mandela Rules. The effects of this prolonged solitary confinement would have been amplified by the fact that most of the men had spent extended periods of time in the PERU.

Religious or spiritual support

Inspection Standards

- Prisoners are supported by the chaplaincy, which contributes to prisoners' overall care, support and rehabilitation.
- Prisoners' freedom of religion is respected, and they are able to practise their religion.

404. Prisoners generally told us they had access to religious support in accordance with their management plans. One man said he had not been offered any religious support despite requesting this. We noted that religion was not recorded in IOMS for all the men in the PERU.
405. During the inspection we confirmed that men in the PERU had access to chaplaincy services as one of the shared services with Auckland Prison, and that both the chaplain and an imam visited the PERU. We were told that at the time of the inspection five prisoners had seen either the chaplain or imam. All meetings would have occurred in a non-contact interview room.
406. Two men in the unit told us they followed the Muslim faith. They confirmed they were able to practise their religion, and had a halal diet and appropriate religious items such as a prayer mat and Quran. They confirmed they had access to an imam, but told us staff did not always advise them of the timings of his visits.

Reintegration

Inspection Standards

- Where possible, prisoners are housed in prisons close to their families or in prisons which meet their rehabilitative needs.
- Prisoners are able to keep up to date with news and the outside world while in prison, where appropriate.
- Prison management actively prepares prisoners for their release by facilitating access to post-release services.
- Prisoners with continuing health and social care needs are prepared and assisted to access appropriate services in the community prior to their release.
- Prisoners with drug and/or alcohol problems are prepared for release and have access to appropriate support and continued treatment in the community.
- Prior to release, prisoners have an up-to-date plan for addressing outstanding rehabilitation needs, which is managed in partnership with Community Corrections.
- Prisoners are given all necessary practical support and support information ready for their day of release.
- Pre and post-release reintegration programmes are available and are gender responsive.
- Offender plans are gender responsive and take into account, and plan for, prisoner's post-release social reintegration requirements from the beginning of their sentence.

407. Reintegration activities aim to help prisoners identify and overcome any barriers to successfully transitioning back into the community.
408. As previously noted, the PERU is the only unit of its type within the prison system. Proximity to family/whānau and home region is not considered when placing men into the PERU. Therefore, prisoners may be located some distance from their families/whānau and home regions.
409. Access to news and a free television was approved as part of the prisoners' management plans. At the time of the inspection, [REDACTED] had access to a television in their cell to keep up-to-date with news and the outside world. Some of these men also had access to radios.
410. [REDACTED] had access to limited television channels and no access to television news, although [REDACTED] access to pre-selected printed information, described to us a "news compendium", but no access to a radio.
411. In the review period, nine prisoners had been exited from the PERU, with three of the nine released into the community, and six transferred to other prison units. Of the three who had been released, two remain in the community and one is deceased. As part of the inspection we contacted the prisoners in the community who had been in the PERU but they declined to be interviewed.



412. We interviewed 10 of the 13 men in the PERU at the time of our inspection. The majority said they felt there was no reintegration support and that being in the PERU meant there was little they could do to prepare for their release or exit from the PERU. Many of the prisoners expressed hopelessness and frustration at not being able to understand what was required of them to progress through their management plans and be moved to another unit. They told us they knew they had long periods of time before their parole eligibility dates, but they felt their time in the PERU meant they could not demonstrate progress as they were locked up all the time with little or no interaction with others.
413. Some prisoners told us that prior to coming into the PERU they had been involved in cultural activities and were working towards transferring to a Māori Focus Unit as this would have helped with their reintegration. However, they no longer understood what their pathway was, both out of the PERU and for the long-term.
414. We interviewed one man who was preparing for an upcoming New Zealand Parole Board appearance. He had a reintegration plan in place and there were good levels of engagement with internal services and external agencies. Some of the activities he was involved in were planned to continue with an external provider as part of his release plan.
415. We interviewed the Case Managers who complete parole assessment reports for the men in the PERU and they expressed some frustrations about this process. Usually, Case Managers would complete parole assessment reports and submit these, via a Principal Case Manager, to the Parole Board for consideration. However, for men in the PERU, the reports were first sent to several managers for review, including some from the PERD. In the past, the wording of a report had been changed by the people reviewing it until the Case Manager no longer felt it reflected their opinion, even though they were still named as the author. The Case Managers thought it would be useful for there to be an agreement between them and PERD about parole assessment report content.
416. As part of the inspection we interviewed the Acting Community Transitions Manager for the PERU. It is positive to note that this role was established in January 2023 to work with men who are soon to be released by developing a release plan to support a safe transition into the community. There were two men in the PERU being managed under this model at the time of our inspection and we attended the release planning meeting for one of them where we observed a good level of stakeholder engagement and planning. The meeting was well-attended and stakeholders were engaged in transitioning the man from custody to the community with appropriate support mechanisms in place if he was released by the Parole Board.

Prison Staff

Inspection Standards

- All prison staff who work with prisoners have the necessary knowledge, skills and attitude, and are trained to work in line with professional and human rights standards.
- There is an adequate number of custodial staff to manage prisoners safely.
- Staff are good role models for prisoners and relationships between them are professional, positive and courteous.
- Prisoners have a dedicated member of staff who supports them to make positive changes in their lives.
- Prison staff include a sufficient number of specialists, which could include social workers, teachers, trade instructors, counsellors and psychologists.

417. The inspection team interviewed 14 current or previous custodial staff from the PERU, including Corrections Officers, Senior Corrections Officers, and Principal Corrections Officers. We also interviewed senior managers, and a number of staff at Auckland Prison who provided shared services to the PERU, including Case Managers, an Education Tutor, Activities Officers, an Intelligence Officer, library staff, and Community Corrections staff.
418. Custodial staff in the PERU were comprised of a mixture of permanent and seconded staff, with approximately half of these coming from outside the Auckland region. [REDACTED]
[REDACTED]
[REDACTED] We were advised that using secondees enabled the unit to ensure they had experienced staff to deal with the complex prisoner group in the PERU. It also allowed staff from other sites to further their experience working with high-risk prisoners and enabled them to return to their sites with enhanced skills and knowledge. However, due to the staffing shortages at prisons nationwide, the PERU had been finding it difficult to identify staff for secondment appointments, [REDACTED]
[REDACTED], with a number of vacancies in the roster.
419. Custodial staff reported that they had received a one-week induction to the PERU to familiarise them with the prison, the unit, and prisoners' management plans. The induction included training on working with high-risk prisoners, including managing prisoner manipulation, an introduction to violent extremism, and information security. The induction included one-to-one sessions with the PERU Practice Director. After the induction, staff shadowed their colleagues to ensure they had the necessary skills and knowledge before they began working more independently. Staff told us they appreciated the thorough induction. The inspection team observed that staff working in the PERU were adequately experienced for working in a high-risk unit.
420. As previously mentioned, at the time of our inspection, the PERU was operating with around 60% of its custodial staffing. While staff morale was generally good, several staff told us they were working a lot of overtime or double shifts and that this was causing fatigue. Senior management confirmed it was only the goodwill of staff that was enabling them to fully staff the PERU for each shift. The PERU needs a minimum of five Corrections Officers for a day shift.

421. Custodial staff reported feeling safe while working in the unit, with several staff commenting that the PERU was the safest place they'd worked because of the secure environment and the detailed processes for every prisoner movement. Staff told us they were aware of the processes in place to safeguard them against threats made by prisoners. Staff confirmed there was a good escalation process for this, including practical and supportive measures.
422. The unit held daily 'toolbox' meetings to enable staff to discuss any issues or concerns and also as a means of developing and reinforcing good practice. These meetings were led by Senior Corrections Officers, supported by the Operations Director and Principal Corrections Officers. These meetings gave frontline leaders an opportunity to remind staff of key messages and avoid complacency by reinforcing good practice. These meetings occurred daily at the shift handover.
423. During interviews, staff told us they valued regular Practice Development Sessions, which focused on developing knowledge and skills through facilitated or bite-size training. Staff said these sessions had become less frequent since the beginning of the year due to staff shortages. The PERU Practice Director, who delivered these sessions, told us he was available to run the sessions every week, but that the custodial officers were not always available to attend.
424. Many of the custodial staff told us there was no flexibility to deviate from the prisoners' management plans. This meant even seemingly minor prisoner requests had to be referred to the Multi-Disciplinary Team for discussion, and then to the Operational Review meeting for a decision. Some custodial staff we interviewed accepted this process and felt their job was to carry out the requirements of the management plans as humanely as possible. Some other custodial staff remarked on the fact that they could not make any decisions themselves as they would usually do in other units. Some staff also told us they felt the time taken to make decisions increased the prisoners' frustration and feelings of hopelessness.
425. During the inspection we observed good interactions between Principal Corrections Officers and prisoners. Many men told us they felt able to go to a Principal Corrections Officer if they had an issue and that they would be listened to. The Principal Corrections Officers were the conduit for communications between the men and the Multi-Disciplinary Team meetings as they provided the "prisoner voice" for these meetings. When we spoke with the Principal Corrections Officers, they told us they were not always fully informed of the reasons for decisions about prisoners. This meant sometimes they delivered decisions to the men without understanding why or how it had been made.
426. We observed custodial staff interacting with prisoners in a respectful and professional manner. Most prisoners we interviewed told us staff treated them well, although they felt interactions were minimal and there was no "human touch". Some prisoners gave us examples where staff (particularly from the Principal Corrections Officer group) had demonstrated empathy for certain situations. This had had a positive effect on the men's behaviour.
427. The PERU Practice Director told us a dedicated psychologist (0.5 FTE) was due to start soon, and that they were recruiting for another 0.5 FTE psychologist. The Corrections Annual Report 2022/2023 confirms that "In early 2023/2024, a specialist psychologist will be brought into PERU, and we are working on the development of bespoke programmes to treat people associated with Transnational Organised Crime."

428. We met with several specialist staff from Auckland Prison who provided shared services to the PERU.
429. As previously mentioned, a Nurse is rostered from the Auckland Prison health team to work in the PERU. This Nurse also provides care to the men in the Unit 10 Management Unit, and those in the Intervention and Support Unit (Unit 11). Nurses we interviewed told us this was a difficult and often stressful task as the volume of work was large, and included reviewing the prisoners in the Intervention and Support Unit. The Acting Health Centre Manager and the Nurses we interviewed said that pre-COVID-19 there had been two Nurses rostered to these areas (one for the Intervention and Support Unit and one for Unit 10 and the PERU).
430. Recently, there appeared to have been high turnover amongst health staff at Auckland Prison. We interviewed the Regional Clinical Director who told us there had been six Health Centre Managers in the role in the past two years. The current Acting Health Centre Manager told us four Nurses from the team had recently resigned. We met the Nurse who was rostered into the PERU and it was her first day working there.
431. While in the unit, the Clinical Inspector was shown an induction form which custodial staff went through with new Nurses working in the unit. The induction form included information about the type of prisoners in the PERU, the risks associated with them, and information about the prisoner [REDACTED]
432. As previously mentioned, we interviewed both the current Case Manager, and the previous Case Manager for the PERU who had first been assigned in 2022. Prior to that there had been no case management in the PERU.
433. The Case Managers told us they were unable to perform their usual roles and could not make decisions about suitable programmes and activities for men in the unit because all decisions about activities had to go through the Multi-Disciplinary Team and the Operational Review meetings. While the Case Manager attended the Multi-Disciplinary Team meetings, the Case Managers told us they felt their opinions were not always taken into account.
434. We spoke to the Activities Officers who provide a shared service to the PERU. They confirmed they had good communication with custodial staff and felt safe when working in the unit. They were invited to Multi-Disciplinary Team meetings, though they were unable to attend as the meeting time clashed with another commitment. They confirmed they were invited to the training run by the PERU Practice Director.
435. We spoke to the Education Tutor who felt that more information could be given to her regarding the men's behaviour/state of mind before she undertook work with them. She had not received any training prior to starting work in the PERU. She confirmed she had only been invited to one Multi-Disciplinary Team meeting and felt it would be valuable for the prisoners if she attended more of these.
436. We spoke to union representatives from the Corrections Association New Zealand (CANZ) and the Public Service Association (PSA). These representatives were based at Auckland Prison, but were also the representatives for any union members working in the PERU. The union representatives raised concerns regarding the overall understanding of the role of the PERU and why it had been located at Auckland Prison. They acknowledged there was a role for the PERU and that it was valuable to be able to move some of the more challenging prisoners to the PERU, but nonetheless the feeling of some of their members was that the PERU was taking up an important part of Auckland Prison's infrastructure. Both union representatives reported that there was a feeling that the PERU had "different protocols" to Auckland Prison. In addition, they told us the unions were often not consulted by PERU

management and that the requirement for experienced staff in the unit had an impact on Auckland Prison.



Appendix A – Images

 <p>Image 1: PERU wing corridor. Black 'door guards' can be seen on the floor.⁶⁵</p>	 <p>Image 2: PERU cell with view of bed.</p>
 <p>Image 3: PERU cell with television.</p>	 <p>Image 4: PERU cell shower with view to yard (a prisoner's legal papers can be seen stacked in the centre of the image).</p>
 <p>Image 5: PERU cell toilet with makeshift cardboard toilet cover on floor at right.</p>	 <p>Image 6: Small exercise yard attached to PERU cell. CCTV camera at top left.</p>

⁶⁵ Door guards are used to prevent prisoners from passing items under their cell doors and also to stop liquids from entering or leaving cells.



Image 7: PERU non-contact interview room.

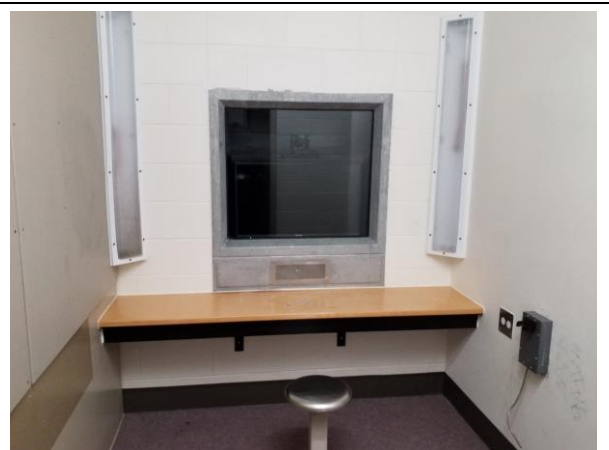


Image 8: PERU AVL room.



Image 9: PERU Health Clinic.



Image 10: PERU larger exercise yard.

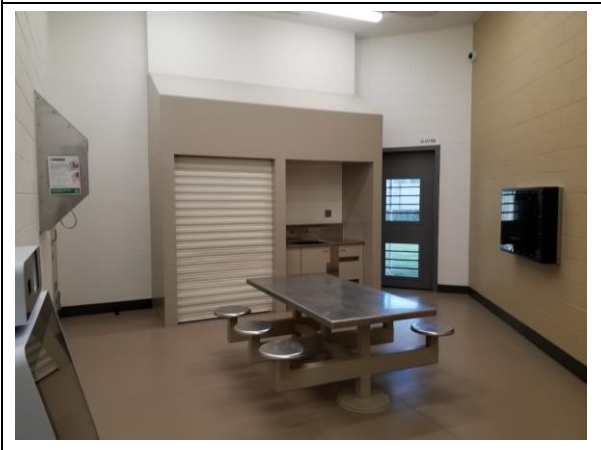


Image 11: PERU day room, with telephone and prisoner kiosk at left, and television on right.



Image 12: Dinner and supper servings for the PERU.

Appendix B – The PERU Induction and Information Booklet

PERU

Induction and Information Booklet

PERU is a Remand / Sentenced Prisoner Unit.

During your time in PERU we aim to support and foster an atmosphere of wellbeing for all.

We aim to provide an environment where you can address your offending needs in safe and secure environment.

Below is a guide to assist you while you are staying in PERU.

<p>Whanau /Family</p>	<p>It is important to us that you still maintain your Whanau/ family connections whilst you are in our care. To assist you with this the following avenues are available: -</p> <p>Mail</p> <ul style="list-style-type: none"> • Unit staff will provide you with writing material on request • You must put the name and address of the person you are writing to on the front of the envelope and put your name and the prison address on the back of it. • All incoming mail will be issued by unit staff, and this is normally done in the afternoons. • Please do not “Tag” the envelope as this will lead to a delay in posting as we will return the letter to you to write another envelope. • Your friends and family can send E-Mails to you. Ask staff about this and for a form C.01.10 Form 0.1 <p>Phone</p> <ul style="list-style-type: none"> • To make outgoing calls you will first need to fill in a phone request form C.0.2 Form.01 that can be obtained from the unit staff (this may take a few weeks to complete, before your numbers are approved). • If you are transferred into the unit from another Unit/ Prison, your pre-approved phone numbers will be activated once you have completed the opt in telephone form. • You will only be allowed to call numbers that have been approved. • Once your numbers have been approved you will be issued with a pin number. A copy of this will be provided to you via the admin department. • If you are unsure how to use the phone, ask a staff member for help.
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	<ul style="list-style-type: none"> All 0800 numbers are free but will still need approval first; there is a list of useful numbers attached to the back of this booklet. All personal phone calls are recorded and may be listened to. Please see the attached information in regard to this <p>Visits</p> <ul style="list-style-type: none"> To receive visits, you will first need to get your visitors approved by sending out an application form V.01 Form 01 to the person you would like to visit you. Ask the staff for the form This may take a couple of weeks to complete, depending on how quickly your visitors complete and return the application forms If you are transferring in from another prison your previously approved visitor list may be accepted at this prison. These are approved on a case-by-case basis. Any visitors will be assessed for approval through the standard Corrections Visitor process. Once your visitors have been approved, they must book to visit you. Visits are usually held in Unit 10 non-contact visits booth Your visitors or you are not allowed to bring items into the visits unless prior approval is obtained <p>. Access to any Statutory Visitors must be via approval by the PERU Operations Director.</p>
Access to Lawyers	<p>Legal aid is government funding to pay for legal help for people who can't afford a lawyer. If you don't have a Lawyer staff can help you ring the law society so you can appoint one.</p> <p>You can book a time with staff so that you can ring your Lawyer when you need to</p> <p>You can also have access to your Lawyer by way of a legal visit or AVL – These are conducted in the Unit</p>
Prison address	<p>Address:</p> <p style="text-align: center;">Auckland Prison Private Bag 50124, Albany, North Shore, Auckland 0752</p>
Bank account details	<p>Whilst you are in custody you will be able to have money sent into a prison bank account that you can use to purchase items from the canteen and other items as approved by the Residential Manager or PCO.</p> <ul style="list-style-type: none"> Your friends /Whanau can place money into your account; you can only have up to a maximum of \$200 in your account at any one time. To exceed this amount, you will require approval from the Prison Director and a valid reason for this. You must provide them with your Prisoner Reference Number and full Name.

	<p style="text-align: center;">Bank Account number for Auckland Prison:</p> <p style="text-align: center;">Westpac 03 1322 0016982 00</p> <p style="text-align: center;">(Ref: Your PRN & Name)</p>
Health Care	<p>Whilst you are here you may need to receive treatment or require medications.</p> <p>To assist with your care the following is in place: -</p> <p>Medications</p> <ul style="list-style-type: none"> If you require medication daily, health staff will attend the unit prior to unlock and after lockup. This will be issued to you in your cell; however, some medication may need to be issued at the Health centre. <p>If you are required to attend the Health centre, you will be collected by staff.</p> <p>Feeling Unwell</p> <ul style="list-style-type: none"> If you feel you need to see a doctor, you will need to fill out a health request form. Please ask the staff for this form. The request will be reviewed by a nurse, you may be seen by a nurse first, to determine the level of urgency if you need to see a doctor <p>Dentist</p> <ul style="list-style-type: none"> If you require to see a Dentist, you will need to complete a health request form and hand this to the Nurse You will be seen by a nurse prior to being referred to the Dentist <p>If at any time you feel unwell, please let the staff know straight away so we can help you</p>
Meals	<p>All meals will be served in your cell</p> <ul style="list-style-type: none"> Cutlery will be provided Hot water/ tea and coffee <p>If you any special dietary needs that are of a religious, lifestyle choice or medical nature you must raise this with medical and unit staff.</p>
Laundry	<p>There is a unit-based laundry service.</p> <p>Each Prisoner will have their own set days that personal laundry and bedding is washed, dried, and returned to you</p> <p>Your Clothing and bedding are washed separately to other Prisoners</p>
Recreation and Exercise	<p>Initially you will be offered minimum of 1 hour per day exercise which will be facilitated in your cell yard – As you progress there are activities officers available if you wish to engage with them for a fitness plan and to have access to some fitness equipment</p>

Toiletries	Toiletries will be issued by staff; the following items will be available to you: - <ul style="list-style-type: none"> ➤ Toilet paper ➤ Toothpaste and toothbrushes (1 for 1 swap) ➤ Shampoo ➤ Soap
Razor Issuing	Razors will be issued by staff during the lunch lock and will be collected prior to unlock. (All razors must be returned intact and not have been tampered with). Prisoners are prohibited from purchasing razor blades on their P119. Unit staff will collect the disposable safety razors issued to you no later than one and a half hours (90 minutes) after issue. If there is any tampering with the razors, you will be placed on a misconduct.
Canteen / P119	Whilst you are with us you will have access to items that you can purchase on a weekly basis, this is commonly referred to as canteen or P119. This a paper application and will be Issued from the unit staff on the weekend. Canteen <ul style="list-style-type: none"> • Any orders must be completed by Sunday <u>lunchtime</u> • You can spend up to a maximum of \$70 per week. • Canteen orders arrive in PERU on a Friday and will be issued to you by staff. • Staff will check your P119 order with you to ensure that all Items that you ordered are <u>there</u> <p>Do not use your canteen to trade with other prisoners, this is against the prison rules and may result in a misconduct being issued to you.</p>
TV	The Department of Corrections provide a scheme for Prisoners to rent a Prison Issue TV for watching in your cell. If you choose not to participate you will not be permitted access to your own TV. To Participate in the TV rental scheme, you will need to complete the P.11 Form.02 request to opt into the TV rental scheme. Unit staff can help you completing this form.
Library	You can access the Prison Library by filling out a Prison Library form for books – Please ask the staff for this
Education/Art/Hobbies	Education sessions with an approved education tutor are arranged through your case <u>manager</u> Hobbies may be approved by the PERD Ops Director or PERU PCO on a case-by-case basis. Any materials must be requested via the property process. We have a number of puzzles, crosswords and Sudoku available Please ask the <u>staff</u>

Case Officer	<p>When entering the unit, you will be allocated a Case Officer, this will be a staff member that works in PERU.</p> <p>This staff member will be your first point of contact for any issues or concerns you have; they will help and support you whilst you are staying here</p> <p>If they are not available any staff member on duty will assist you</p>
Case Manager	<p>A Case manager will be assigned to you. As a remand prisoner they will be addressing your immediate needs only.</p> <p>Once you are sentenced you will work with a Case manager for a sentence plan which may include structuring your time in Prison, health and wellbeing issues, maintaining support in the community, preparing for release as well as addressing your offending.</p>
Chaplin	<p>You can ask to speak to the Chaplin via your case officer who will contact the chaplaincy department.</p>
No Smoking	<p>The National No Smoking Policy in Prison has been enforced since the 1st July 2011.</p>
Complaints Process	<p>If you have concerns that you wish to bring to the attention of unit Staff, Management, or other bodies there is a complaint process you can follow as outlined below: -</p> <ul style="list-style-type: none"> • Speak to your case officer or other unit staff. • If you are still not happy with the outcome, then ask to speak to the SCO/PCO of your unit. • If the matter still cannot be resolved at this level, then you can request a complaints form (PCO 1) from staff. • This form will be logged onto the IOM's system and you will receive a copy of your complaint. • Depending upon your complaint you will receive a written response within 10 working days. <p>Remember all complaints should be dealt with at the lowest level first.</p> <p>If you have any concerns/complaints related to your health care you will need to complete a health complaint form, this is different to a PCO1 so that your information can remain confidential. Please ask the staff for this form.</p>
Cell Searching	<p>A cell search may be undertaken at any time.</p> <ol style="list-style-type: none"> 1. A cell search must be undertaken: <ol style="list-style-type: none"> a. after the cell has been vacated by a prisoner b. before the cell is occupied by another prisoner c. to meet the unit's agreed security standards d. when an officer has reasonable grounds to believe that a cell may contain an unauthorised item.

<p>Cell Standards</p>	<p>Prison staff must ensure that prisoners keep cells always clean and tidy. Staff will conduct a daily Fabrication check of your cell to ensure good working <u>order</u></p> <ol style="list-style-type: none"> 1. Prisoners only have approved property items that have been issued to them. No property is permitted in the cells without express authorisation (refer property process). 2. Each prisoner is not permitted to have in the cell (at any time) an excess of nine fruit or fruit-based items, any fruit or fruit-based items in excess of the limit of nine items is unauthorised property. 3. All property in cells is the responsibility of the prisoner. 4. Nothing is to be attached to the walls unless it is the previously designated area on the wall (posters are not permitted on walls). 5. The observation window is to be unobstructed and accessible for location checks. 6. No prohibited, or unauthorised items, or items considered to be objectionable (refer POM P.05.02 Prison director's review of application) are allowed to be in the prisoner's possession or in cells, such as: <ol style="list-style-type: none"> a. pornography (defined as any material depicting genitalia) b. overtly violent, objectionable, occult material (where access to such material is deemed to be prejudicial to reducing re-offending) c. gang-related or other offensive material d. any other material prison staff consider may interfere with the effective management, security and good order of the prison. 7. Prison staff are to ensure that electrical equipment, wiring and plugs have not been tampered with (the unit PCO may direct any electrical appliance tampered with be removed from the prison).
<p>Cell Intercom System</p>	<ul style="list-style-type: none"> • The intercom system may be used to communicate with <u>staff</u> but it is not misused. The intercom system is not to be used to for general conversations with staff. If you need to talk to staff, then make a request for them to attend to your cell door.

Emergencies

Use your cell intercom in the event of an emergency. Inform staff immediately of any emergency. Follow, without question, the instructions of unit staff in the event of an emergency.

Your health in prison



Introduction

While you are in prison you are entitled to health care that can be reasonably expected by people in the community.

In prison health centres we have nursing and medical services. We can also refer you for:

-  Mental health care
-  Dental care
-  Public health
-  Some disability support services
-  Specialist care and treatment from the local hospital
-  ACC provider

Each prison has a doctor who holds clinics in the health centre.

If you want to see the doctor you will usually see the nurse first. The nurse will check your health needs and in some cases may be able to treat your symptoms.

Appointments with the doctor are booked. There is a waiting list.

If you need information to help you look after your health in prison, ask an officer for a health request form to ask for time to talk to a nurse.

Staying healthy in prison

General Health

Infections and illness can spread easily when a lot of people live closely together. You can protect yourself from easily spread diseases. Shower everyday. Wash your hands with warm water and soap after you use the toilet and before you eat. Clean clothes should be worn.

Make sure you do not share anything that may spread blood, spit or semen from one person to another.

This includes:

-  Needles, pencils, wire or anything else used for tattooing
-  Razors, cups, or toothbrushes
-  Having sex with no condom or dental dam

Medicine

Medication is usually brought to the unit up to three times a day.

Some people will be able to hold their medicine. The nurse will talk to you about whether you will be able to hold your medicine or not.

You can ask the corrections officer for paracetamol (panadol) tablets if you have a minor health complaint or pain. You will be asked to sign for any panadol tablets when they are given to you.

If your pain continues, please get a health request form to ask to see a nurse or the doctor.

Dental care

If you have a painful or infected tooth, put in a health request form to see the nurse. The nurse may be able to get you medicine for your infected tooth and pain relief.

A dentist comes to each prison on set days. Appointments with the dentist are booked. There is a waiting list.

Mental health

Coming to prison can be very stressful.

If you find your mood is really low, day after day, speak to a corrections officer, the nurse or the doctor. They can help you with information about managing stress, relaxation and sleeping better.

Quitting smoking

Prisons are smoke free. If you are a smoker you can ask for nicotine lozenges and help to quit smoking when you first get to prison.

Sexual health

Condoms/dental dams are available from Health Services. Nurses will not discuss your use of condoms/dental dams with custodial staff.

Disability

Your disability needs will be assessed when you arrive in prison. Please tell the nurse if you need more help because of a disability.

Special Diet

The meals provided in prison are suitable for people on a diabetic diet. If you need a special diet because of another health condition please tell the nurse who will talk to you about your needs and order a medical diet if it is needed.

Physiotherapy

If you need to see a physiotherapist the prison doctor or specialist will refer you. This may also be covered by ACC.

Testing for Hepatitis B and C, and other communicable diseases

We offer a vaccination programme for Hepatitis B. We test for Hepatitis B, C and HIV. If you need it, we will support you with free treatment for these diseases.

We also offer other treatment for communicable (easily spread) diseases.

Tetanus booster vaccinations are available to those aged 45 and 65 years.

Your health information

We collect information about you and your health. We store your information securely. We only use your health information to:

- » Record the health checks, treatments and medicines you have. This means the nurses and doctors know what health care you have had.
- » Help the Prison Director and corrections officers to provide a safe environment for you and others
- » Help us make sure we offer quality health service.

You can ask to have your health information changed if you think it is not right. You can ask for your health information as part of planning for your release.

Is my health information shared with others?

Yes. Sometimes we need to share your health information. We will always ask for your consent before we share your health information. If we need to keep you or other people safe, we may share your health information without your consent.

We may share your health information with:

- » Corrections officers, if they need the information to keep you or other people safe.
- » Health providers like the hospital or your GP
- » Case managers and probation officers.
- » Cervical or breast screening register
- » The pharmacy for your medication.

What if I am unhappy with my treatment?

We try our best to provide a great health service. Sometimes we don't get it right. If you are unhappy about the care and/or treatment you receive from health services then you should talk to a member of the health services staff.

You have rights as a health consumer. You can get a copy of the 'Code of Health and Disability Services Consumers Rights' from the Health Centre. You also have the right to talk about your health care or treatment with the Prison Inspectorate or the Ombudsman, Health and Disability Commission Office, or the Health and Disability Advocacy Service.

When you are released

- » You will need to enroll with a doctor or medical centre near where you live as soon as possible after you are released.
- » Ask the nurse if you can have a short term supply of your medicines when you are released so you can keep taking the medicine you need until you can see the doctor for a new prescription.
- » You can ask the nurse for a summary of your health care in prison and the appointments and treatment you need after you are released.
- » If you need a full copy of your health record from the prison, please contact the health centre to ask for it.
- » If your doctor or health centre asks us for your prison health record, and you have given your consent, we will send a copy of your health record to your doctor or medical centre.

PERU PROPERTY PROCESSING

Ask the staff for a property request form P01 Form 01 and they will explain the process to you –

The list attached is the approved items and how many you are allowed. Gang colours are not permitted

PERU Property forms are processed once a fortnight on a Tuesday and Friday.

Only 2 property forms per prisoner are permitted for processing per month

To ensure smooth processing of your requests, please do not hand in forms too far in advance, they may be misplaced, hand your forms in 3-4 days prior to the property day

Any electrical items will need to have an Electrical check prior to being Issued You will need to pay for this. Ask the staff for a F.05 Prisoner request to expend funds – They will also be able to advise you how much the check will cost

The property office is closed for two weeks over the Christmas period, and you will be advised of these dates

Standard prison issue property criteria

Remand prisoners may be permitted to wear their own clothing. However, the prison director must issue a remand prisoner standard prison clothing if:

- a. the prisoner's own clothing is generally insufficient or unfit for use, or
 - b. the prisoner's own clothing is insufficient or unfit for a specific activity or work in which the prisoner is engaged, or
 - c. the request by the prisoner is deemed reasonable (prisoner chooses not to wear their own clothing and / or footwear).
2. The prison director may allow prisoners to wear their own clothing or footwear when on:
- a. transfer
 - b. temporary release
 - c. Court appearances
 - d. appearances before the New Zealand Parole Board
 - e. any other occasion the prison director deems appropriate, e.g. in self-care units.

Prisoner responsibilities

1. The prisoner is responsible and accountable for the use of prison issue property.
2. All clothing and bedding issued to prisoners is to be maintained in a good state of repair.
3. Prisoners are not to deface clothing in any way.
4. Prisoners may be subject to a misconduct report if any institution property is knowingly damaged or destroyed in any way while issued to that prisoner or while the prisoner is housed in that cell.

Global Spark 0800 and Vodafone 0508 Numbers

Short dial code	Name	Short dial code	Name
21	Crime stoppers No PIN required	39	Legal Aid Services For all legal aid enquiries Mon-Fri 9am-4pm
22	Australian Child Support Agency	40	Legal Aid Service Debt Management
23	Budget advice	41	Ministry of Health - GP Register
24	Career Services	42	Ministry of Social Development (MSD) (Work and Income) Applying for a benefit
25	Citizens Advice Bureau	43	Ministry of Social Development (MSD) Data Matching
26	Community Law Auckland Prison only	44	Ministry of Social Development (MSD) Historic Abuse Claims Mon-Fri 8:30am-5:30pm
27	Complaints Response Desk Mon-Fri 7:00am-7:00pm	45	Ministry for Vulnerable Children/Oranga Tamariki (CYFS)
28	Department of Internal Affairs For birth certificates	46	Offender Employment Mobile Timber Training Platform
29	Elections New Zealand	47	Office of the Ombudsmen
30	Family Dispute Resolution	48	Office of the Privacy Commissioner Mon-Fri 10:00am-3:00pm
31	Fines or Reparation enquiries	49	Open Polytechnic Free phone
32	Health and Disability Commission	50	Quitline
33	Health and Disability Commission Advocacy Service	51	Recovering Alcohol & drug support Mon-Sun
34	Housing New Zealand Mon-Fri 8am-8pm	52	Study Link
35	Human Rights Commission	53	The Commissioner for Children
36	Independent Police Conduct Authority	54	The Learning Connexion
37	Inland Revenue (All enquiries) Mon-Fri 8am-8pm & Sat 9am-1pm	55	Work and Income New Zealand Debt Inquiries
38	Inspector of Corrections	56	Royal Commission into Historical Abuse in State Care

C.02.Form.02 Telephone call monitoring notice

Your telephone calls will be recorded and may be listened to (except exempt calls - refer to list below).

Section 113 of the Corrections Act 2004 allows calls to be monitored to increase the safety of the community.

It will be easier to:

- detect, prevent, discourage and investigate offences involving prisoners.
- prosecute and convict prisoners for offences involving prisoners.
- prevent and discourage escape from prison.
- maintain the security, good order and discipline of prisoners; and
- protect the safety of prisoners.

Information gathered from a telephone call may be given to a Corrections employee, or to the Police or to another agency or person, in accordance with the law, if doing so is necessary:

- to maintain the law, including the prevention, detection, investigation and punishment of offences.
- for the conduct of proceedings before a court or tribunal.
- to prevent or lessen a serious or imminent threat to public health, public safety or the life or health of any person; or
- is authorised by the Privacy Commissioner

Calls to the following exempt from monitoring:

- Members of Parliament.
- Lawyers acting for a prisoner, or possibly acting for prisoners and calls related to legal affairs.
- Ombudsmen and employees of the Office of the Ombudsman.
- Inspectors of Corrections.
- The Health and Disability Commissioner and employees of the Commissioner.
- The Privacy Commissioner and employees of the Commissioner.
- Human Rights Commissioner and employees of the Human Rights Commission.
- The Police Complaints Authority and employees of the Police Complaints Authority.
- The Children's Commissioner and employees of the Children's [Commissioner](#).
- Justices of the Peace.
- A person acting in an official capacity on behalf of the International Criminal Court.
- Other people exempted from monitoring by an Order in Council issued by the Governor General
- Individuals exempt from monitoring by the Chief Executive of Corrections; and
- Crime Stoppers.

Prisoner misuse of telephone privileges

Section 77 (5) of the Corrections Act 2004 authorises the Department of Corrections to impose conditions on the use of telephones by prisoners including restrictions on use.

Any prisoner found communicating by telephone without authority will be charged under section 128 (1)(d) of the Corrections Act 2004 and if convicted may have restrictions placed on access to the telephone.

APPROVED RADIOS FOR THE SITE

Current obtainable unit options that meet specifications and can be purchased from stores in NZ or online.

Dick Smiths online NZ store has:	
1	Teac 26cm Portable Radio/CD Player - PCD260
2	Lenox Black Portable boombox CD Player Speaker FM Radio
3	Laser Portable Speaker Boombox CD player / AM-FM Radio
4	Phillips Boombox CD/FM
Noel Leeming in store or online:	
1	Teac Portable Radio/CD Player - PCD240B
The warehouse has:	
1	Yeon CD Boombox VN1122018
Innovations.co.nz has:	
1	Cassette Radio SKU: CSARD
Kmart Has:	
1	CD Boombox (Only \$30)
PB Tech have:	
1	Phillips AZ215B CD sound machine FM tuner play
Also Approved:	
1	Panasonic RX-D45 Radio
2	Panasonic RXEX1 Radio

Appendix C – Corrections' response



12 June 2024

Janis Adair
Chief Inspector
Department of Corrections

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

Tēnā koe Janis

Re: Draft Report on Prisoners of Extreme Risk Unit (PERU) Inspection July 2023

On behalf of Corrections, thank you for the opportunity to respond to the draft inspection report for the Prisoners of Extreme Risk Unit (PERU). Prison inspections play an important role in building a culture of continuous improvement for Corrections. We appreciate your patience while we assessed the report for feedback.

The inspection report does not make any recommendations but has 12 findings under the category headlines of: *Operating Framework, Separation and Isolation, Making and Communicating Decisions, Use of Management Plans, Segregation Directions, Placement Decisions and Pathways, and Health and Wellbeing*. We acknowledge there are improvements that must be made to enhance the lives and outcomes of men in the PERU. These 12 findings will inform the work programme to ensure continuous improvement in the unit and how Corrections might safely and securely manage those people it considers pose the most significant risk.

The PERU is managed differently to any other prison unit in New Zealand. It comes under the direct control of the Persons of Extreme Risk Directorate (PERD) and the Director Extreme Risk Directorate, who reports to the Commissioner Custodial Services. The PERU was established in recognition that there are relatively small subsets of people in prison requiring additional measures in order to be safely managed. For the most part this is due to the ongoing risk of serious violence that they present, however, this could also be due to their capability to influence others to engage in serious violence or threats to prison and people. These risks may include violent extremism and terrorism.

The individuals housed in the PERU are considered by Corrections to be the most challenging and complex individuals in New Zealand. We are considering additional measures that may be required to safely manage individuals who are connected to sophisticated organised criminal networks, with the capability to seriously threaten the safety and security of a prison.

The report identified a number of areas for improvement within the PERU that would benefit from a more coordinated and collaborative approach and strengthened practice. We acknowledge ownership of these findings and the work required to progress improvement of these areas. This will involve a joint approach across several business groups, including Custodial Services, Pae Ora, and Organisational Resilience and Safety.

Since your inspection, a number of improvements within the PERU have been made to address some of the areas of concern highlighted in the report. Additional training for staff working with the PERU has been provided, and this will be supported by the recruitment of a new Custodial Adviser PERD, which is currently advertised. Recruitment of custodial staff in the PERU has continued to be a focus, with staffing levels increasing slowly but steadily since early 2024.

An increased range of cultural, rehabilitative and constructive activities are being provided to men in the PERU. AVL access has also increased, ensuring contact with families, particularly those outside Auckland, continues to be supported.

Principal Corrections Officers (PCOs) working in the PERU are also proactively meeting with the men to check whether there are any areas they would like raised at the PERU Multi-Disciplinary Team meeting (MDT). The overall aim of the MDT is to function as a formal mechanism for management planning for individuals located in the PERU. All of the individuals in the PERU are reviewed on a regular basis at the MDT. A cross section of disciplines across Health, Education, Intervention and Support Practice Teams (ISPT), Psychology, Case Management, and Custody are part of the MDT. Recommendations and feedback is provided by the MDT Chair (the Practice Director PERD) through to the Operational Review weekly meeting. This Operational Review group provides the Director Extreme Risk Directorate with informed advice so that operational decisions can be made. The Operational Review attendees include members of PERD, the National Manager High Risk, the Manager National Security Intelligence, and Regional Health.

Feedback is provided to the men following the Operational Review meeting. This also provides the opportunity for the PCO to be able to provide answers and clarity to the men, and provides another regular communication touch point with the men inside the PERU. We acknowledge that more work needs to be done with communicating and sharing progression plans with the men, which clearly document individualised progression pathways out of the PERU.

The Deputy Commissioner Men's Prisons, the Director Extreme Risk Directorate, and the Director Pae Ora now meet monthly to discuss matters relating to care of the men in the PERU and the operation of the wider Auckland Prison site. The meeting focuses on internal processes and ensuring an integrated approach is taken to work. This is where opportunities are raised and issues are escalated. This provides a regular forum for open communication, problem solving and joint decision making across the functions.

Current determinations about priorities and actions are a joint approach by the Director Extreme Risk Directorate, the Deputy Commissioner Northern and the

Director Pae Ora Northern. In response to this report and its key themes, the Director Extreme Risk Directorate, the Deputy Commissioner Northern and the Director Pae Ora Northern have agreed on a number of initiatives to enable a more collaborative approach to this work, some of which are outlined below.

A review of the involvement of Pae Ora across PERU functions will be conducted. This will confirm roles and responsibilities, and ensure more effective collaboration and decision making between Custodial Services and Pae Ora at the operational, strategic and design level. Currently, a number of Pae Ora staff including nurses, psychologists, Kaupapa Māori Practitioner and others have regular contact with the men in the PERU and there are a number of areas where practice can be enhanced.

A collaborative approach between Pae Ora and the Custodial Practice team is underway to redesign the segregation management plan and related processes to better meet the needs of people segregated for physical or mental health reasons (section 60(1)(a) and (b)). It provides clear roles and responsibilities for all staff involved in the care of people, and outlines their healthcare and rehabilitation goals and needs, whilst still maintaining the good order and security of the prison environment. The care plan and related policy are currently in draft and going through a consultation process with frontline health managers (Health Centre Managers and Clinical Managers) for their feedback. We would also like to acknowledge that more work needs to be done to ensure a psychologically informed approach to the management of the men in the PERU.

Since your inspection in July 2023, we have engaged with the men in the PERU to gather information from them on meaningful human contact and what it means to them. This was done by way of a confidential survey, and we continue to work through these findings.

Your report highlights several areas that align with other reviews. Specific attention will be given to the approach taken by Corrections to address the recommendations outlined in those reviews, and where necessary, align responses. This includes the Inspectorate's 2023 Separation and Isolation review, the Inspectorate memo in relation to the PERU Use of Force practice, the review undertaken by the Chief Custodial Officer, and the pending OPCAT Inspection of the PERU by the Office of the Ombudsman, which is yet to be received by Corrections.

We were pleased some positive practices were noted, including educational assessments for people in the PERU and individual learning pathways. At the time of your inspection there were several people in the unit studying towards NCEA qualifications. Education continues to be a key focus of delivery to the men in the PERU.

It was observed that custodial staff were professional and that the thorough inductions they received were appreciated, along with enhanced training and supervision opportunities. It was also noted that the Director Extreme Risk Directorate was easily accessible to staff.

Your report also found that health information for men in the PERU was stored appropriately and when men in the PERU had requested copies of their health information, this had been provided to them.

While we note some examples of good practice were identified, we do acknowledge that there are a number of areas that require ongoing focus and change. PERD, Pae Ora and Custodial Services are committed to continuous improvement within the PERU. Corrections will provide further updates to your office as work is progressed.

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

Ngā mihi nui



Leigh Marsh
Commissioner Custodial Services



Dr Juanita Ryan
Deputy Chief Executive Pae Ora