

Terms of Reference for a review of the use of directed segregation (or similar regime) and use of force in prisons

Background

1. On 28 October 2021 the Office of the Inspectorate *Te Tari Tirohia* released three reports relating to the management of women in prison, including a report of the investigation into the management of three wāhine at Auckland Region Women's Corrections Facility (ARWCF). In that report the Inspectorate made a number of findings, including that the wāhine were effectively kept segregated without the process for directed segregation being followed.
2. More broadly, the use of directed segregation and the use of force are matters of significant interest to the Office of the Inspectorate across its investigations and inspections framework.
3. Both prior to and since the release of the three reports, the Department of Corrections *Ara Poutama Aotearoa* (Corrections) has taken steps to address identified issues:
 - a) In March 2021 the Inspectorate issued preliminary findings and recommendations in respect of the ARWCF investigation, which included adverse findings around the use of directed segregation and force. The Minister of Corrections then issued a Letter of Expectations directing Corrections to accept the findings and recommendations from the preliminary report, and seeking (among other things) an "*urgent review and overhaul of maximum security classification for women, the development of management plans for women and a review of all women's prisons*". This work is underway, and Corrections has accepted the recommendations in the final report.
 - b) In response to all three reports regarding the management of women prisoners, Corrections has launched *Wāhine - E rere ana ki te pae hou*, the refreshed women's strategy for 2021-2025.

Purpose

4. This review will consider the use of directed segregation (or similar regime) and the use of force across the prison network.

Key areas of focus

5. This review will focus on how Corrections is using directed segregation (or similar regime) and the use of force as part of its approach to managing prisoners. The review will include whether the use of directed segregation and the use of force is consistent with the Corrections Act, Corrections Regulations, policies and procedures.
6. This review will include, but not be limited to:

- a) The practices and procedures at each prison relating to the management of prisoners on directed segregation (or similar regime), and/or the use of force.
- b) The experiences and treatment of prisoners who have been placed on directed segregation (or similar regime), and/or the use of force.
- c) The environment in specialist units such as Separates, Management and other cell confinement cells, and Intervention and Support Units, relating to the management of prisoners on directed segregation (or similar regime).
- d) The support for such prisoners and access to constructive activities, including education, rehabilitation, training and exercise opportunities.
- e) The availability of primary health care, mental health care, trauma counselling and wellbeing support for prisoners (including those who are at risk of self-harm or mentally unwell).
- f) Staff training to respond to the needs of prisoners placed on directed segregation (or similar regime).
- g) Compliance with the Corrections Act 2004 and the Corrections Regulations 2005.
- h) Compliance with policies and procedures, including the Prison Operations Manual and the Custodial Practice Manual. Consideration to be given to whether these may create intentional or unintentional barriers to the effective management of people on directed segregation (or similar regime) and/or the use of force.

Review Approach

- 7. The review will be overseen by a Principal Inspector and Principal Clinical Inspector. The review will be undertaken by a team of Inspectors and a Clinical Inspector.
- 8. A plan for this review will be developed to support the Terms of Reference.
- 9. A draft report will be provided to Corrections before being finalised.
- 10. The report will be publicly released following consultation with Corrections.

Authority

- 11. The Office of the Inspectorate *Te Tari Tirohia* is authorised under section 29(1) of the Corrections Act 2004 to undertake examinations and enquiries, and to visit and inspect any prisons. Section 157 of the Act provides that when undertaking an inspection, Inspectors have the power to access any person detained in prison, personnel, records, information, Corrections' vehicles and property.

Timeframes

- 12. A detailed plan for this review will be completed by 30 November 2021.

13. Insights from this review will be shared with the Chief Executive during the review period.
14. A draft report will be available to Corrections for consideration by 15 August 2022.



Janis Adair

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Date

18th November
2021,