

# Invercargill Prison

**Inspection**

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**IN-IP-01**

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## Foreword

This is the fourth in a series of public reports on scheduled inspections of New Zealand prisons.

The inspections are intended to provide a 'window into prisons', giving early warning of emerging risks and challenges, and highlighting areas of innovation and good practice that other prisons might wish to follow.

Inspections are carried out against a set of healthy prison standards derived from United Nations guidelines for the treatment of people in detention.<sup>1</sup> Prison performance is assessed under four principles:

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

The purpose of the prison system is to protect society from crime, both during imprisonment and after release.<sup>2</sup> The four principles reflect that purpose, and also highlight the potentially competing demands that are often placed on prison staff and management.

In an ideal world, prisons would be able to deliver on all four principles on all occasions. In practice, safety, humane treatment, and rehabilitation and reintegration needs are sometimes balanced against one another, and short-term requirements sometimes take precedence over longer-term needs.

I encourage prison directors, managers and staff to use these principles as a guide to decision-making, and to foster continual improvement that, as much as possible, sees their prisons deliver on all four principles.

The inspection programme is still relatively new. It is an ambitious programme involving inspection of all New Zealand prisons within a 20-month period. We have learned a great deal from our first few inspections about the challenges facing New Zealand prisons, and about the contribution inspections can make to prison management.

I am committed to progressively maturing our inspection methodology to ensure that we are agile in adapting to new developments and delivering robust and meaningful reports that can aid decision-making. We are reviewing our inspection methodology to reflect lessons learned from our first few inspections and to bring the methodology into line with changes in United Nations standard rules on treatment of prisoners.

This year, we have adopted a new, simpler report structure. Although our inspections consider all areas of prison life, the report aims to highlight what matters most – focusing on areas where safety, humane treatment, rehabilitation and reintegration are at risk, and on innovative practices that appear to be particularly effective at supporting all of these goals.

In general, Invercargill Prison took steps to keep prisoners safe and treated them in a humane and respectful manner. The prison offers a range of rehabilitation, employment and training

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<sup>1</sup> As well as considering the four principles, the healthy prison standards require inspectors to consider nine specific areas of prison life: reception and admission, first days in custody, good order, duty of care, environment, health, escorts and transfers, rehabilitation, and reintegration.

<sup>2</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules), rule 4. Also see Corrections Act 2004, ss 5, 6.

opportunities. However, as in other reports on prison inspections, this report highlights some of the pressures that have arisen from growth in the prisoner population, pressure on staffing and resources, reduction in unlock hours, and balancing safety and other requirements.

As well as conducting our scheduled programme of prison inspections, the Office of the Inspectorate will be providing ongoing monitoring through the work of our Regional Inspectors, who, in addition to their general responsibilities, will be reporting to me on Invercargill Prison's progress towards achieving the healthy prison standards and addressing the matters specifically identified in this report. Further rounds of scheduled inspections will also consider the prison's progress.

My oversight of these activities will provide a significant ongoing and critical insight into prisons. I am confident this will provide assurance that any shortcomings will be identified and addressed at pace, and that examples of good practice will be shared so that other prisons can follow.

I acknowledge the cooperation of Invercargill Prison's management and staff, both during the inspection and since, and I look forward to working with them as I continue to monitor progress.

Janis Adair  
Chief Inspector of Corrections

## Overview

1. Invercargill Prison is located near Invercargill city centre. It has been open since 1910, originally operating as a borstal (youth facility). It houses 190 prisoners of minimum, low, and low medium security classification, as well as remand prisoners.
2. Our inspection took place from 11 to 15 September 2017.

### Key findings

3. In general, the prison provided an environment in which prisoners' basic needs were met, prisoners were kept safe, and opportunities were provided for rehabilitation and for prisoners to develop skills that would serve them after release.
4. The prison's custodial staff were active in managing risks to safety and good order. Staff actively supervised and interacted with prisoners to keep them engaged and maintain good order. Levels of prisoner-on-prisoner violence and intimidation were low.
5. The prison's location and design make it challenging to manage, and create opportunities for unauthorised items to be introduced. Management and staff are aware of the risks and manage them proactively to reduce the risk of drugs and other unauthorised items getting into the residential units.
6. Most prisoners were unlocked for about six hours a day. Some prisoners were unlocked for less. This limited opportunities for prisoners to engage in constructive activities that could help them to make positive changes.
7. The unlock hours meant that prisoners had to wait an unreasonably long time between evening meals (about 4pm) and breakfast (about 8am). It also meant that prisoners in some units could not shower after work or exercise, before they were locked down for the evening.
8. Some prisoners received sedative medication between 4pm and 5pm, rather than later in the evening before bedtime.
9. In October 2017, the prison increased unlock hours in some units.
10. The prison provided a good range of rehabilitation, work, and education and training opportunities. Most prisoners were engaged in some form of work or training. However, there were long waiting lists for some rehabilitation programmes. Some work placements were allocated arbitrarily, rather than being guided by assessment of prisoners' rehabilitation needs.
11. The prison's health service was not resourced to fully meet prisoners' needs. There were vacancies in the prison's nursing staff and little access to general practitioners or dentists. Treatment plans for prisoners with high or complex needs were inadequate.
12. During our inspection, two prisoners with significant mental health treatment needs were being housed in the At Risk Unit due to a lack of available beds in the forensic mental health sector. Prisoners in the At Risk Unit were locked in their cells for long periods of each day with no opportunities to socialise and little access to constructive activities. However, staff were proactive in giving prisoners time out of their cells when possible.
13. The prison provided a range of reintegration services to help prisoners reintegrate into the community on release. Invercargill has a shortage of suitable accommodation for released prisoners.

## Introduction

### Invercargill Prison

14. Invercargill Prison is one of 17 public prisons in New Zealand. Together with one prison run as a public private partnership, these prisons operate under the direction of the National Commissioner. The prisons operate in four regions – Northern, Central, Lower North and Southern – each led by a regional commissioner. Invercargill Prison is one of five prisons in the Southern Region.
15. Invercargill Prison was established in 1910, and operated as a borstal (youth detention facility) until 1991. It is an urban prison located two blocks from the city centre.
16. Our inspection took place from 11 to 15 September 2017. At that time, the prison housed 190 prisoners, a number that had only recently increased from 172 prisoners. The prison housed prisoners with minimum, low, and low medium security classifications, and prisoners on remand awaiting trial or sentencing.
17. At the time of our inspection, the prison had 75 FTE<sup>3</sup> custodial staff. Another 5.7 FTE positions were vacant.

### Inspection criteria

18. We assessed Invercargill Prison against a set of healthy prison principles, which are derived from United Nations principles for the treatment of people in detention:
  - » **Safety:** Prisoners are held safely.
  - » **Respect:** Prisoners are treated with respect for human dignity.
  - » **Rehabilitation:** Prisoners are able, and expect, to engage in activity that is likely to benefit them.
  - » **Reintegration:** Prisoners are prepared for release into the community, and helped to reduce their likelihood of re-offending.<sup>4</sup>
19. A prison's success at achieving these goals depends on a range of factors, including:
  - » an environment and routines that are safe and secure without being unduly restrictive
  - » effective supervision, management and discipline to minimise risks of violence and disorder and encourage constructive use of time
  - » positive and respectful staff-prisoner relationships to encourage voluntary compliance with prison rules and procedures
  - » opportunities for prisoners to take part in constructive activities that support positive change, including physical activity, treatment and rehabilitation programmes, education and training opportunities, work experience, and time to socialise with others
  - » a clear and consistent pathway towards rehabilitation, release, and successful reintegration.

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<sup>3</sup> Full time equivalent.

<sup>4</sup> These four principles (or close variations) are used by prison inspectorates in the United Kingdom and Australian states, among others. They are also consistent with the basic principles (rules 1-5) in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), though those principles also emphasise the importance of equitable treatment, and the importance of not taking steps that reduce prisoners' personal responsibility. The principles are consistent with the purpose and principles of the Corrections Act 2004. The Office of the Inspectorate's methodology for scheduled inspections is under review. Changes may be made during 2018.

### **Inspection process**

20. During our inspection:
  - » We interviewed 28 prisoners about life in prison and readiness for release back into the community.
  - » We interviewed four prisoners about complaints they had made.
  - » We interviewed prison managers, custodial staff, and other staff such as health professionals, psychologists, case managers, and prison chaplains.
  - » We visited the prison's residential units to assess their physical condition, and to observe prison operations, including staff-prisoner interactions and prisoner activities. During these visits, we spoke with prisoners and staff informally.
  - » We visited industry and rehabilitation programme facilities, the health centre, and other prison facilities.
  - » We inspected the prison's perimeter and entrances.
  - » We attended meetings where prison staff discussed prisoners' progress and considered applications for temporary release.
21. In September 2017, following our inspection, we advised the National Commissioner of our key findings. In December 2017, the National Commissioner responded to these findings. We considered the National Commissioner's comments before providing her with a draft of this report. The National Commissioner responded to the draft in April 2018.

### **Report structure**

22. The following sections describe what we found during our inspection, with a particular focus on risks or barriers to safety, humane treatment, rehabilitation and reintegration, and innovations that support those principles.
23. The report's structure follows the prisoner's experience – from reception into prison, life in the prison's residential units and health and other services, to release and reintegration.



## Transport and reception

### Transport

24. Prisoners are escorted to and from Invercargill Prison for a range of reasons, including arrival from court (either on remand or after sentencing), transfers to and from other prisons, temporary removal for medical treatment, to assist with reintegration and for other purposes.
25. The prisoners we interviewed raised no concerns about safety during transport, nor about the way they were treated. In the six months to 6 September 2017, no incidents were recorded during transport to and from the prison.
26. The prison had a secure audio visual link suite, which could be used for online court hearings and for prisoners to brief their legal representatives. Prisoners told us that most of their court hearings were conducted this way. Having these facilities reduces the need to physically transport prisoners to and from court, and reduces risks associated with transport and temporary escort.
27. However, the Prison Director told us that the prison had no funding to staff the suite, and had to divert staff from other duties whenever it was in use, potentially compromising the management of prisoners in other parts of the prison.
28. After our inspection, the National Commissioner advised that the prison had received additional staff in response to growth in prisoner numbers, and this had allowed it to allocate some staff to the audio visual link suite.

### Reception

29. When prisoners arrive at the prison, they are processed through the Receiving Office, where custodial and health staff conduct an immediate needs assessment (covering matters such as health, mental health and childcare) and a risk assessment (covering risks to safety, including risks of self-harm).
30. The Receiving Office is small when compared to those in other sites, but staff told us it was adequate. During our inspection, we saw that prisoners were treated with respect and the required health and needs assessments were completed. Nine of the 10 prisoners we interviewed about reception told us they had been treated well.
31. We reviewed a sample of risk assessments for the six months to 31 July 2017, and found that all had been completed satisfactorily.
32. On 8 September 2017, there were five immediate needs assessments outstanding. Three of these were for prisoners transferred from another prison – one had been sentenced, one was a prisoner who was new to prison, and one was a newly sentenced prisoner who had been at Invercargill Prison on remand. Department of Corrections policy required the immediate needs of all prisoners to be assessed.
33. Following our inspection, the National Commissioner advised that the five outstanding immediate needs assessments had been investigated and found to be isolated instances, rather than resulting from any process or system failing. Staff had been reminded of the need to complete these assessments in accordance with Department of Corrections policy.
34. Before placing prisoners in shared cells, a Shared Accommodation Cell Risk Assessment (SACRA) must be carried out to determine whether there are any safety risks.<sup>5</sup>

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<sup>5</sup> The risk assessment takes account of prisoners' age, offending history, gang affiliation, prison experience, size and strength, mental health, risks of violence and/or self harm, special needs, health needs, security classification, segregation status, sentence status, and other factors relevant to safety and good order.

35. The prison completed 202 risk assessments for the six months to 31 July 2017. Of those, 16 were completed after the prisoners had begun to share cells, 15 were completed within minutes or hours of the prisoners being placed in their cells and one was completed a day later.
36. On three occasions, prisoners were placed in shared cells without any risk assessment being completed. On two of these occasions the prisoners shared a cell for one day and on one occasion the prisoners shared a cell for six days.
37. Following our inspection, the National Commissioner advised that the prison's practices had been reviewed and staff had been reminded of the requirement to complete these assessments.
38. The National Commissioner has advised that, since February 2018, the immediate needs assessments and SACRAs are being completed more consistently. A random sample of files showed all immediate needs assessments were completed as required and there were minimal discrepancies in SACRA results. Most of the discrepancies are attributed to actions being completed in the wrong order in the Department of Corrections Integrated Offender Management System or to two prisoners moving to the same new cell together. The Operations Support Manager has been tasked with continuing to monitor SACRA results. This includes reporting back and communicating with staff every month.

#### **Findings**

During reception and admission, the prison generally took steps to keep prisoners safe and treated prisoners in a humane and respectful manner. Some prisoners were temporarily placed in shared cells without risk assessment being completed. This created potential risks to safety and good order.

Some prisoners were transferred to residential units without immediate needs assessments being completed. This created risks that their immediate needs would not be met.

We acknowledge the steps the prison has taken since our inspection to address these issues.

## Residential units

### Introduction

#### Facilities

39. Invercargill Prison has four residential units:
- » The Remand Unit (maximum 30 beds) houses remand prisoners awaiting trial or sentence, including some prisoners who had asked to be placed in voluntary segregation.<sup>6</sup> It is sometimes used for prisoners on directed segregation<sup>7</sup> or sentenced to cell confinement for committing an offence against prison discipline.<sup>8</sup>
  - » North Unit (maximum 45 beds) houses a mixture of remand convicted prisoners, sentenced or those recalled to prison. It sometimes held prisoners on remand awaiting trial if there was no room in the Remand Unit.
  - » South Unit (maximum 55 beds) holds prisoners in voluntary segregation.
  - » Centre Unit (maximum 60 beds) houses mainstream prisoners.<sup>9</sup>
40. The prison also has an At Risk Unit with six cells – four for prisoners assessed as being at risk of self-harm or suicide, and two for prisoners who are suspected of internal concealment.

#### Growth in prisoner numbers

41. The prison had capacity for up to 190 prisoners. Shortly before our inspection, the number of beds available for use was increased from 172 in response to growth in the national prison population. Double bunking was introduced to the Remand Unit, and its prisoner population increased from 12 to 30. The prison's Residential Manager told us that the number of custodial staff had been increased to reflect the growth in the number of prisoners.

### Environment and basic needs

#### *Physical environment*

42. The cells, communal areas, and other areas of the prison were in good condition and had been freshly painted. Each cell was warm and had access to natural light. Inspectors saw very little graffiti. Prisoners were employed to paint walls. Prisoners and staff told us that prisoners did not graffiti areas that other prisoners had painted.

#### *Clothing and bedding*

43. Prisoners said their clothing and bed linen were laundered regularly and were of a good standard.

#### *Food and water*

44. None of the prisoners we interviewed had any complaints about food. The dinner portions we saw were of a good size.
45. At the time of our inspection, all prisoners were locked in their cells for the night by 5pm (see paragraphs 101-107). Evening meals were served at about 4pm. Breakfast was served at about

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<sup>6</sup> Prisoners may ask to be separated from others for their own safety. This is known as voluntary segregation.

<sup>7</sup> Prison management may separate a prisoner from others either for his own safety or because he poses a risk to the safety of others or the good order of the prison. This is known as 'directed segregation'.

<sup>8</sup> Corrections Act 2004, ss 133, 137.

<sup>9</sup> 'Mainstream' refers to prisoners who have not been separated from others.

8am. This meant that prisoners had up to 16 hours between meals.<sup>10</sup> Prisoners were sometimes given extended unlock hours if staff worked overtime.

46. Prisoners did not have access to hot water in their cells. Prisoners who owned flasks<sup>11</sup> were allowed to fill them with hot water before lockdown, so they could use the water for washing hands after using the toilet, and for making hot drinks and instant noodles.
47. Following our inspection, the National Commissioner advised that unlock hours had been extended in South and Centre Units, and breakfast was being made available earlier. In addition, bread and fruit were being provided with the evening meals, which prisoners could keep to eat later in the evening.

#### *Showers*

48. Prisoners in the Remand Unit had access to showers only in the mornings, before exercising. Prisoners in South Unit also told us they did not have access to showers before they were locked up for the night. They said that if they had been exercising or working during the day they went to bed dirty, and they felt this was unhealthy. They acknowledged that longer unlock hours would deal with their concerns.<sup>12</sup>
49. Staff told us there were not enough showers in the units even before the increase in the prison population. The prison was considering whether more showers would need to be installed to accommodate the growing number of prisoners.
50. Following our inspection, the National Commissioner advised that the prison planned building work during 2018 in response to the growth in the number of prisoners. The National Commissioner also advised that, in October 2017, longer unlock hours had been introduced in Centre and South Units.

#### *Prisoner in cell confinement*

51. We spoke with one prisoner who had been placed in cell confinement for 12 days for an offence against prison discipline.<sup>13</sup> There were dirty plates and used milk cartons in his cell, which he said would be removed at his next meal. The prisoner said the shower in his cell was cold. The unit's Principal Corrections Officer told us that the prison's maintenance contractor had been informed and was working to resolve the issue. The officer said he would ensure that the prisoner had access to warm showers in the meantime.
52. In December 2017, the National Commissioner advised that water heating continued to be an issue, but that steps had been taken to ensure that all prisoners had access to hot showers.

#### **Findings**

In most respects, the prison provided a good environment in which prisoners' needs were met. The 16-hour gap between prisoners' evening and morning meals and the lack of access to showers for prisoners after work and exercise is potentially unreasonable. Both were a direct consequence of shortened unlock hours.

We acknowledge the steps the prison has taken to extend unlock hours.

<sup>10</sup> United Nations Minimum Standard Rules for the Treatment of Prisoners provide that prisoners should receive their meals at usual times: rule 22.

<sup>11</sup> Prisoners had access to flasks only if they had purchased them or been given them by friends or family.

<sup>12</sup> United Nations Minimum Standard Rules for the Treatment of Prisoners provide that prisoners should have access to water needed for health and cleanliness: rule 18.

<sup>13</sup> Corrections Act 2004, ss 133, 137.

#### First days in custody

53. When a prisoner arrives in a unit, he should receive an induction to determine any immediate needs (such as health needs or safety risks) and have unit rules and routines explained to him.
54. We spoke with 10 prisoners about these unit inductions. All but one said they had received an induction. The prisoner who said he had not received an induction said he had been in prison many times before and knew how things worked.
55. We reviewed records for 24 prisoners who arrived during the six months to 31 July 2017. For four of those prisoners, no induction was recorded. If prisoners do not receive inductions, they may not know the rules and routines they are expected to follow or what support is available. Following our inspection, the National Commissioner said that staff would be reminded of their responsibilities to complete and record inductions. Monthly snapshot audits of inductions have presented positive results. For example, in February 2018, no failed results were recorded.
56. New prisoners should all be allowed to make phone calls to family or friends. We spoke with 10 prisoners about this and all had received their phone calls.

#### **Findings**

Most prisoners received inductions. All prisoners we spoke with were able to contact families promptly after their arrival in prison.

## **Safety and humane treatment**

### *Physical security*

57. The prison's location and design make it challenging to manage. The prison's location and perimeter design created some opportunities for unauthorised items to be introduced into the prison. The prison has no dedicated security unit or single point of entry. However, prison management and staff were aware of security risks and proactively managed them.
58. The residential units and walkways used to move prisoners around the site are old and have poor sightlines, meaning that supervision is labour intensive. However, CCTV coverage in the residential units is good.

### *Gang influence*

59. At 4 September 2017, just under one-quarter of prisoners identified as gang members. Of those, the main gangs were Mongrel Mob, Black Power and White Power.
60. Prisoners and staff told us that gangs had little influence within the prison. Two of the prisoners interviewed said gang recruitment activity in the prison was limited. We saw little evidence of gang-related graffiti, signs or language.

### *Active management and supervision*

61. Staff were aware of the importance of actively engaging with and managing prisoners to ensure that any risks were identified and dealt with early.
62. Corrections officers were visible in all of the units when prisoners were unlocked. We saw them talking with prisoners, answering questions, responding to prisoners' needs, role-modelling good behaviour, and responding quickly and decisively to any situation in which tensions were raised. Prisoners and staff were courteous to each other. Prisoners told us that having staff present helped them to feel safe.
63. CCTV cameras are used to monitor most areas within residential units. Prisoners told us they were aware of the cameras and knew they were monitored.

*Access to drugs and other unauthorised items*

64. Drugs and other unauthorised items, such as alcohol or weapons, create risks to safety and good order. The Prison Director, Security Manager, and other staff told us that drugs and other items sometimes get into the prison. Prison staff were proactive in managing the ensuing risks.
65. Some prisoners worked in prison employment with minimal supervision. To minimise the risk of unauthorised items getting into the residential units, prisoners were often strip-searched when they returned to their units from work in other parts of the prison.<sup>14</sup>
66. We observed six prisoners being strip-searched after returning from work. All of the strip-searches were conducted respectfully to a high standard that would have detected any unauthorised items concealed on the prisoner's body. The prisoners we interviewed told us that strip-searches were conducted sensitively and professionally.
67. Cells were searched regularly. We observed cell searches in Centre Unit. The searches were thorough, and corrections officers found items such as a whiteboard marker (used for graffiti), darts, unidentified black powder and, in one cell, a stockpile of sugar, jam and razors. The unauthorised items were removed from the units.
68. Prisoners told us that cell searches were carried out regularly and officers left the cells tidy.
69. Custodial staff routinely conducted rubdown searches on prisoners when they left their cells, and whenever they left their residential units. These searches were designed to detect the presence of unauthorised items including drugs, tobacco, cell phones and weapons.
70. All the prisoners we interviewed about search practices said that rubdown searches were conducted in a manner that respected their dignity.
71. However, of the 33 searches we observed, none were thorough enough to detect all unauthorised items that might have been concealed in the prisoners' clothing. Prisoners' arms, torsos and legs were checked, but other areas of the body were not searched.
72. Staff conducting a rubdown search of one prisoner did not check items the prisoner was holding in his hands. Following our inspection, the National Commissioner said that prison staff and management had been reminded of expected standards for rubdown searches.
73. An Inspector saw one corrections officer using a handheld scanner to search a prisoner for metal. The scanner activated several times over one area of a prisoner, indicating the prisoner had some metal in his possession, but the officer did not carry out further investigation.
74. Prisoners told us they had little access to drugs, tobacco or other unauthorised items, and we saw no direct evidence of these items. However, a prisoner in the Remand Unit told us the power regularly went out, a sign that prisoners used power sockets to light substances to smoke. The unit's Residential Manager confirmed that the power regularly cut out after staff left in the evenings.
75. At the time of our inspection, the prison did not have a detector dog team or an intelligence team – the site was covered by teams from Otago Corrections Facility. Since then, the National Commissioner has advised that an intelligence officer has been appointed and has been operational since January 2018.

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<sup>14</sup> Strip-searches are required in prisons under some circumstances (such as when a new prisoner arrives) and permitted under others (such as when prisoners return from work or unsupervised areas of a prison): Corrections Act 2004, ss 90, 98 – especially s 98(6)(c).

*Violence*

76. Of the prisoners we interviewed, all but one said they felt safe in the prison, including their cells and communal areas, such as exercise yards. Prisoners we spoke with informally during our inspection also told us they felt safe.
77. Prisoners told us that active supervision and monitoring by staff contributed to their feelings of safety. Prisoners also said that staff were proactive in keeping prisoners out of each other's cells to reduce the risk of violence or intimidation.
78. One prisoner told us fights between prisoners were infrequent and no-one was seriously assaulted. Two prisoners said that double bunking could cause tensions if the cellmates did not get on. Inspectors spoke with one prisoner in the Remand Unit who had been involved in a fight and had been struck near the eye with a pen or pencil.
79. In the six months to 31 July 2017, a total of 11 assaults and nine fights between prisoners were recorded in the prison.

*Stand-overs and intimidation*

80. The prisoners we interviewed said they had not personally experienced bullying or intimidation in the prison. However, one prisoner in the Remand Unit and two prisoners in Centre Unit, which houses mainstream prisoners, said they were aware of prisoners forcing others to pay "rent" in the form of canteen food or other items.<sup>15</sup> Three other prisoners from Centre Unit and one other prisoner from the Remand Unit said they were not aware of this practice.
81. In the Remand Unit, we saw a prisoner receive food on three occasions from one prisoner and once from another prisoner. On one of those occasions, the food was handed over in a corrections officer's presence, and the prisoner who received the food asked for his cell to be unlocked so he could place the food inside. The prisoner who gave away his food on three occasions told us he was not being bullied and had not wanted the food.
82. The acting Principal Corrections Officers for the Remand Unit and Centre Unit said they were unaware of "rent" being charged in their units. One said he would expect to be aware of it, if it was occurring.
83. Prisons keep records of all prisoners' personal property. The inspectors carried out cell property checks in 19 cells and found no items belonging to other prisoners in any of the cells. Cell property checks are carried out to ensure that prisoners only have recorded property in their cell.
84. Following our inspection, the National Commissioner said the prison held daily management and staff meetings where incidents were discussed and any instances of bullying could be identified and managed.

*Safety in segregation*

85. Although prisoners told us they felt safe, on 4 September 2017, all 55 prisoners in South Unit and 16 of the 22 prisoners in the Remand Unit were in voluntary segregation, meaning they had been separated from others in the prison at their own request and for their own safety. Common reasons for seeking voluntary segregation include the nature of a prisoner's offending, or because of threats made to them either inside or outside prison.
86. Following our inspection, the National Commissioner said that voluntary segregation was a tool to support the safety of prisoners, and the prison applied a robust assessment process focused on prisoner safety.

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<sup>15</sup> Prisoners are able to buy additional grocery items from an approved list, including snacks, toiletries and phone cards, through the prison canteen system. Each prisoner has a Trust account, which can be used for purchases. Prisoners are paid an incentive allowance for participating in programmes, training and work opportunities.

*The prison's responses to incidents*

87. Invercargill Prison had no Site Emergency Response Team and no plans to establish one.<sup>16</sup>
88. Unit staff are trained to respond immediately to incidents of heightened tension, disorder, or violence and intimidation. Prisoners told us that corrections officers usually responded quickly to incidents.
89. Following any incident involving violence or intimidation, or any other breach of discipline, the prison has a range of options available to deal with those involved. These include bringing disciplinary charges,<sup>17</sup> moving prisoners to other units or prisons, placing prisoners in directed segregation, reviewing security classifications, and notifying the Police.
90. We saw staff in Centre Unit move a prisoner to directed segregation because he was recruiting for a gang and his behaviour was becoming challenging for staff and other prisoners.
91. We also saw staff decide to closely monitor another prisoner whose behaviour had been challenging.
92. We checked a sample of 30 reports of incidents that had occurred at the prison. The reports clearly described the event and immediate responses. However, seven reports had insufficient information about subsequent follow-up actions. Those seven included reports on a suspected assault, intimidation of a staff member, and prisoners possessing, or suspected of possessing unauthorised items. The National Commissioner advised that staff had been reminded of incident reporting requirements. Progress would be monitored by prison management.
93. During the six months to 31 July 2017, a total of 169 disciplinary charges were laid against prisoners. Fifty-three of these charges were later withdrawn for a range of reasons, including the prisoner's release or transfer, another prisoner admitting liability, or timeframes not being met.
94. Following our inspection, the National Commissioner advised that the prison had no standalone prosecutor and staffing pressures meant misconduct had not been dealt with promptly. Three custodial staff have been trained as prosecutors. Two quarterly reviews are planned to ensure that misconduct is addressed promptly.
95. Following an assurance check in February 2018, the National Commissioner found that the quality of incident reports and misconduct reports was acceptable, the components of the incidents were correctly categorised, and the follow-up and summaries were relevant. The Prison Director will continue to monitor progress to ensure that the improvements are maintained.

**Findings**

Prisoners were usually safe from violence and intimidation in the residential units. Staff actively managed and supervised prisoners, and were generally vigilant in managing risks to safety and good order, although rubdown searches could be more thorough. Assaults and fights were rare. The prison generally responded promptly and effectively to any incidents they became aware of. The prison's design made security challenging and labour intensive.

<sup>16</sup> A Site Emergency Response Team is a team of corrections officers with specialist responsibilities, including responding to incidents of violence and disorder, and leading intelligence-led searches to detect unauthorised items.

<sup>17</sup> Corrections Act 2004, ss 128-140; Corrections Regulations 2005, regulations 150-152, schedule 7; Department of Corrections Prison Operations Manual MC.01.



## Rehabilitation

### *Case management*

96. As well as detaining prisoners in a safe and humane manner, prisons are expected to support prisoners to make positive changes in their lives. All New Zealand prisons offer programmes aimed at supporting prisoners to address the causes of offending, and acquire skills that will help them after release. Case managers work with prisoners to create plans for rehabilitation and reintegration. In addition, some custodial staff are assigned as case officers and work with prisoners in their units to support rehabilitation and keep track of progress.
97. Successful rehabilitation depends on a prisoner's motivation and on access to support and opportunities to make positive changes.
98. The prison offered a good range of rehabilitation and work opportunities.
99. At the time of our inspection, the prison had 6.5 FTE case managers. Another 1.8 case manager positions were vacant. The prison also employed seven FTE instructors for rehabilitation, work and education programmes. One FTE instructor position was vacant.
100. During their sentences, all prisoners are managed under a process called Right Track, which aims to support prisoners to make positive changes. Custodial staff, health and education staff, case managers, and others (such as psychologists and chaplains) work together to support the prisoner's journey towards rehabilitation. We found that the Right Track meeting process worked well for sentenced prisoners where the prisoner population was relatively stable. However, the meetings in the Remand Unit were poor and inconsistent.
101. Following our inspection, the National Commissioner advised that the Right Track meetings in the Remand Unit were often affected by the regular changes in the number of prisoners on remand. However, the prison was working to improve the quality of the offender notes taken in Right Track meetings. A sample review of Right Track notes found that the quality of notes, particularly by case management, industry and education staff, had improved. However, further work was needed to ensure that contact with custodial staff was noted as required.
102. Some prisoners told us they wished to see their case manager more often. Each case manager was responsible for about 30 prisoners. One case manager told us he saw long-serving prisoners once a year or less frequently. The National Commissioner advised that case managers were encouraged to clearly inform prisoners about contact timeframes. In an assurance check in February 2018, the National Commissioner found that case managers were appropriately informing prisoners of planned contact.
103. Case officers are typically assigned four prisoners. Case officers told us they were not assigned to work full-time in the same units as the prisoners for whom they were responsible and so were limited in their ability to monitor prisoners' progress. Following our inspection, the National Commissioner advised that staff rosters were being reviewed. However, as a small site, the prison had to be able to rotate staff across different units.

### *Time out of cell*

104. Prisoners can access rehabilitation and training opportunities only when out of their cells. Department of Corrections policy is to operate an 8am–5pm staff roster regime in remand units. For low security units, unlock times depend on available staffing.
105. At the time of our inspection, Invercargill Prison was operating a standard 8am–5pm staff roster regime across all units. In practice, prisoners spent less time out of their cells due to the time taken for unlock and lock-up, security checks, staff lunch hours, and administrative duties such as

briefings and meetings.<sup>18</sup> On average, prisoners in South and Centre Units spent about six hours a day out of their cells.

106. Unlock times were further reduced in the Remand Unit and North Unit because they were housing different categories of prisoners, who could not be mixed. For example, remand prisoners awaiting trial should not be mixed with prisoners who have been convicted and segregated prisoners should not be mixed with other non-segregated prisoners.<sup>19</sup>
107. During our inspection, the Remand Unit operated five separate unlock regimes for different categories of prisoners who could not be mixed. In the mornings, staff unlocked prisoners individually to shower and clean their cells. Later, usually after 9am, prisoners were unlocked in separate groups (prisoners in voluntary segregation, prisoners on remand awaiting trial, and prisoners on remand awaiting sentence) and allowed to go into exercise yards. Two prisoners were kept in their cells and allowed out of their cells and into the yards only during staff lunch breaks (about an hour), when the other prisoners were back in their cells.
108. The Prison Director told us he sometimes approved additional unlock time of up to two hours in the evening in units other than Remand, if staff were willing to work overtime.
109. None of the prisoners we met during our inspection complained about unlock times. Prisoners told us they enjoyed the evening unlocks when they occurred. They recognised and appreciated that staff were going beyond their normal duties.
110. In October 2017, the prison introduced a 7am–8pm unlock regime for two units (South and Centre), increasing opportunities for prisoners in those units to make constructive use of their time.

#### *Treatment and rehabilitation programmes*

111. Invercargill Prison provides a variety of treatment and rehabilitation programmes, including a motivational programme (aimed at improving prisoners' motivation to understand and address offending), a tikanga Māori programme (using Māori values and practices to motivate prisoners to address offending), alcohol and drug treatment programmes, a family violence programme, short and medium intensity rehabilitation programmes (aimed at addressing causes of offending), and a maintenance programme for prisoners who have completed rehabilitation programmes.
112. In addition, the prison offers a parenting programme, and the Salvation Army offers a 10-week positive lifestyle programme aimed at helping prisoners to develop self-awareness and understand their personal strengths.
113. These programmes were available to prisoners from South, Centre and North Units, although prisoners from Centre Unit were mainly engaged in work experience and training.
114. Remand prisoners were able to take part in the positive lifestyle programme, and in short (1-2 week) or intermediate (2-4 week) alcohol and drug treatment programmes, as well as some educational programmes.
115. Eligibility for programmes depends on a range of factors, including age, security classification, risk of re-offending and re-imprisonment,<sup>20</sup> and the nature of the prisoner's offending and sentence.

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<sup>18</sup> Department of Corrections policy for low and medium security facilities is for unlock regimes to reflect funding and staffing ratios: Department of Corrections Prison Operations Manual M.01.01.02.

<sup>19</sup> The Corrections Act 2004 and Corrections Regulations 2005 state that remand accused prisoners should not be mixed with sentenced prisoners, prisoners in protective custody should not be mixed with others, prisoners in directed segregation should not be mixed with others, and high security prisoners should be kept apart from minimum, low, and low medium security prisoners. See Corrections Act 2004, ss 57-60, 202; Corrections Regulations 2005, regulations 44, 186. Also see Department of Corrections Prison Operations Manual M.01 and M.02 and United Nations Minimum Standard Rules for Treatment of Prisoners in Detention, rule 11; Corrections Act 2004, s 202; Corrections Regulations 2005, regulation 186.

<sup>20</sup> Risk of conviction and re-imprisonment is measured using an index known as Roc\*RoI (Risk of conviction x risk of imprisonment).

If prisoners are eligible, opportunities depend on programme availability. Priority is given to prisoners who are closest to scheduled release date or parole eligibility.

116. The programmes scheduler told us that programmes are organised a week or so in advance, depending on the availability of providers, programme rooms, and on having enough eligible prisoners of compatible categories and security classifications from one unit to fill the course.<sup>21</sup>
117. The programmes facilitator told us it could be difficult to get enough prisoners of compatible classification and category from a single unit to run motivational and alcohol and drug treatment programmes.
118. In the week ending 24 July 2017, two rehabilitation programmes were running – an alcohol and other drugs treatment programme, with five participants, and a maintenance programme, with four participants.
119. On 6 September 2017, the number of prisoners on waiting lists for programmes were:
  - » Alcohol and Drug Treatment Brief – nine prisoners
  - » Alcohol and Drug Treatment Intermediate – 32 prisoners
  - » Family Violence Programme – four prisoners
  - » Short Rehabilitation Programme<sup>22</sup> – 12 prisoners
  - » Medium Intensity Rehabilitation Programme – five prisoners
  - » Short Motivational Programme – nine prisoners
  - » Tikanga Māori – 16 prisoners
  - » Parenting – 21 prisoners
120. Some prisoners had been waiting for many months to get on these programmes. One prisoner had been on the waiting list for the Family Violence programme for 14 months (since 5 July 2016). One had been waiting for almost a year (since 21 September 2016) to get onto the Parenting programme. One had been waiting almost 10 months (since 8 November 2016) for the Short Motivational Programme. Longest waiting times for other programmes ranged from four to seven-and-a-half months.<sup>23</sup>
121. The tikanga Māori programme is run by an external iwi provider, Te Rūnanga o Waihopai. The programme facilitator told us it helped prisoners to understand their heritage and identity, and to learn skills in whaikōrero (speechmaking), waiata and kapa haka. He told us that cooking was an important part of the programme, but the room used for the programme did not have cooking facilities. He felt there was a need for a maintenance programme for prisoners who had completed the course. Following our inspection, the National Commissioner advised that a gas barbecue had been provided for cooking.
122. Prisoners expressed a range of views about the programmes. One prisoner who had just completed a Short Rehabilitation Programme told us it was "awesome". He had also completed an agriculture course and used the prison's Secure Online Learning computers to draft a CV.<sup>24</sup>
123. Four other prisoners told us they were not motivated to complete programmes. Two said they hoped to be released soon. One said he wanted to complete rehabilitation programmes but not the ones he had been allocated. One said he was happy and did not want to change his life.

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<sup>21</sup> The programmes scheduler assigns prisoners to rehabilitation programmes.

<sup>22</sup> The Short Rehabilitation Programme is only offered to prisoners if the Medium Intensity Rehabilitation Programme is not available or if there are barriers (such as limited time remaining in sentence) to the prisoner taking part in the Medium Intensity Rehabilitation Programme.

<sup>23</sup> Longest waiting times were: Alcohol and Drug Treatment Intermediate – seven and a half months (since 17 January 2017); Medium Intensity Rehabilitation Programme – just over six months (since 27 February 2017); Alcohol and Drug Treatment Brief – almost six months (since 13 March 2017); almost four months Short Rehabilitation Programme – (15 May 2017).

<sup>24</sup> Every prison has a Secure Online Learning suite with computers, which prisoners can use to gain digital literacy skills and complete learning assignments. Prisoners have access to a limited range of pre-approved websites and apps, and can email their education tutor.

*Work experience*

124. Working in prison industries gives prisoners opportunities to gain skills and qualifications that might be useful after release.
125. Invercargill Prison offers employment and training opportunities in industries such as horticulture, agriculture, building and construction and sewing, and work in the prison's kitchen and grounds. Prisoners could also get work painting prison building interiors, and work in their units cleaning, doing laundry, and serving meals. At the time of our inspection, work experience and training in beekeeping was about to be introduced.
126. Some of these industries serve the community. For example, the prison's horticulture training involved receiving seeds from the community, growing them into plants, and returning them to the community to be planted. Schools and community groups are involved in the planting.
127. Prisoners working in the sewing room made scarves for Scouting New Zealand, as well as sheets and pillowcases for use in the prison.
128. The prison was considering introducing NZQA-approved qualifications for prisoners who worked in the kitchen and other industries.
129. The prison also trained prisoners to conduct electrical safety tests on portable electrical appliances.
130. Of 52 prisoners in Centre Unit at the time of our inspection, 42 were engaged in some form of work. Of those, 12 worked in the prison kitchen, four in building and construction, four in horticulture, and four in the prison grounds. One was on Release to Work. Three were painters, and the others worked in the Centre, North or Remand Units.
131. Of 34 prisoners in North Unit, five were employed in the unit and three were employed as painters.
132. At 6 September 2017, 15 prisoners were waitlisted for carpentry training, eight for horticulture training, seven for construction training, and one for painting training. Another 33 prisoners were waitlisted for employment.
133. The prison also had vacancies in several of its industries. In the week ending 24 July 2017, the prison had 68 places available in horticulture, agriculture, grounds, painting, kitchen and laundry. Of those, 55 were filled and 13 were vacant. Of the vacancies, five were in grounds maintenance, three in horticulture, two in agriculture, and one each in kitchen, laundry and painting.
134. Staff advised that the prison had no schedule to identify people waitlisted for work placements. This is partly because the scheduler is based in Otago Corrections Facility. Instead, the Manager of Industries liaises with the programme coordinator and the principal corrections officers to find prisoners who are suitable for the course. Case managers are then advised.

*Education*

135. Every prisoner receives an education assessment to determine their literacy and numeracy learning needs. This is followed by a learning pathway discussion that identifies recommended programmes to help each prisoner meet his learning needs and goals.
136. The prison offers a range of education opportunities including:
  - » literacy and numeracy programmes
  - » foundation skills programme – this follows on from literacy and numeracy programmes and aims to prepare prisoners for further learning
  - » Secure Online Learning
  - » self-directed learning – study towards high school or tertiary qualifications via distance learning
  - » a 14-week small business management training programme
  - » driver licence testing – provided by the Automobile Association and offered twice a year
  - » high school and university courses.
137. All prisoners, including those on remand, are eligible for education assessment, learning pathways, literacy and numeracy programmes, driver licence testing, and self-directed learning. The other programmes are available to sentenced prisoners.

138. Prisoners pay fees for self-directed learning and the diploma in business management.
139. After our inspection was completed, the prison introduced a tertiary-level certificate in Māori art.
140. At the time of our inspection, one prisoner was enrolled in tertiary study. Following our inspection, the National Commissioner advised that the Intervention Co-ordinator assisted with self-directed learning enrolments including providing information of associated costs and assisting with student loan applications.
141. In the week ending 24 July 2017, a total of 21 prisoners were engaged in literacy and numeracy courses, 10 in Secure Online Learning, and 36 in self-directed learning opportunities.
142. On 6 September 2017, the prison had yet to complete education assessments for 24 prisoners and learning pathway plans for nine prisoners. A total of 32 prisoners were on waiting lists for first-aid courses, 29 prisoners for driver licence training, and 11 for intensive literacy and numeracy programmes.

*Kaupapa Māori activities*

143. As well as running tikanga Māori rehabilitation programme, Te Runanga o Waihōpai volunteers supported a range of other prison activities, including a woodcarving programme offered in Centre Unit. However, places in the carving programme were limited. Following our inspection, the National Commissioner advised that the prison was considering reopening its carving workshop, which would allow more people to take part in the programme.
144. The building where kaupapa Māori activities were offered was run down and in need of refurbishment.
145. Te Runanga o Waihōpai also works with the prison on community projects such as propagating native plants for use around Invercargill and Southland.

*Security in rehabilitation, work, and learning areas*

146. Prisoners involved in work experience sometimes worked unsupervised for considerable periods of time within the prison 6 (c)  
[REDACTED]
147. There was CCTV coverage in programmes rooms. On two occasions, we saw tutors teaching programmes alone. The Residential Manager told us some staff had expressed concern that they were not always accompanied by custodial staff. We spoke with two programme tutors who said they felt safe.
148. Following our inspection, the National Commissioner advised that the prison's industries manager and staff had been instructed to ensure that prisoners were supervised at all times while in industry training areas, and that programmes staff were always supported by custodial staff. In addition, as noted earlier, all prisoners working outside the residential units are strip-searched when they return.
149. In addition, the National Commissioner advised that further consideration of carving activities has been undertaken and practice guidelines are being developed, including prisoner 'contracts' to ensure clear behaviour expectations are made.

*Physical exercise*

150. Prisoners at Invercargill Prison do not have access to a purpose-built gym. However, prisoners have access to exercise equipment in the unit yards. The equipment differed from one unit and yard to the next. For example, in Centre Unit, one of the yards had three stationary bicycles, several sandbag weights, two pull-up bars and a basketball hoop, and prisoners had access to a basketball and a rugby ball. In the Remand Unit, two exercise yards had a single exercise station and a third yard had a basketball hoop. Prisoners had access to a medicine ball and a rugby ball while in the yards.
151. All prisoners had access to at least one hour a day of exercise time.

*Other constructive activity*

152. As well as rehabilitation, work and learning opportunities, prisoners had access to a range of other constructive activities. For example, prisoners in South and Centre Units were able to take part in hobbies and crafts including model-making, flower-making, drawing and crocheting mats from recycled shopping bags. These are given to the Salvation Army and distributed to homeless people for use as sleeping mats. Prisoners in South and Centre Units also played cards, pool, table tennis and board games in their unit's communal area.
153. Remand prisoners did not have access to a communal area in their unit, so had limited opportunities to socialise with others except when in the exercise yard. The prison's programme coordinator provided some activities such as colouring and activity books.
154. Centre and South Units have a shared dining room, but it is not used. This is because the cell areas and dining room are separated by corridors and stairs, and staff had to supervise all of these areas when the dining room was in use. Moving prisoners to and from the dining room would take time and occupy staff, and create risks from prisoners being out of sight. However, closing off the dining room reduced prisoners' opportunities to socialise.
155. Following our inspection, the National Commissioner advised that the dining room could only be opened if staff were taken from other units, which would require those units to be locked down for longer.
156. The prison was developing a library. Prisoners taking part in programmes had access to the library. Prisoners who did not have access to the library had access to books and other reading material. The prison has a supply of donated books available for prisoners to borrow. We interviewed 10 prisoners about library services and all were satisfied with their access to books.

*Contact with families*

157. Contact with families is important for prisoners' wellbeing and eventual reintegration into the community. We interviewed 10 prisoners about access to phones. Three thought there was sufficient access; the other seven did not. Prisoners told us they had no access to phones after 5pm when families were home from work or school. South Unit has only one phone for up to 55 prisoners. Prisoners who worked outside the unit said there was not enough time for everyone to use the phone after returning from work. The planned extension to unlock hours will result in greater access to phones.
158. The Remand Unit, which housed a maximum of 30 prisoners, had one phone in each of its three exercise yards. Centre Unit (maximum 60 prisoners) had two phones in total.
159. The National Commissioner advised that the longer unlock times in Centre and South Units would improve phone access.
160. Prisoners can also receive visits from family and others. Prisoners submit applications for visits which the prison then considers in line with Department of Corrections policy.
161. The prison's visits area was child-friendly, bright and clean. We did not receive any negative feedback from prisoners about visits. The prison did not receive any complaints about visits during the six months to 31 July 2017.

**Findings**

Prisoners had access to a good range of activities intended to keep them engaged and support positive change, including rehabilitation programmes, work experience and education programmes. Some prisoners were not motivated to engage in rehabilitation opportunities. Waiting times for rehabilitation programmes could be long, sometimes exceeding a year, and at the time of our inspection only two programmes were running. Some work experience opportunities were allocated by instructors at the site, rather than according to rehabilitation needs identified in prisoners' offender plans.

## Health and other services

### Health

#### *Health care*

162. At the time of our inspection, Invercargill Prison employed 3.4 FTE nursing staff. Another 1.8 FTE positions were vacant.
163. Nurses showed a high degree of commitment and energy for their roles. The prison had a new Health Centre Manager who also had a clear vision for the prison's health services.
164. The nurses worked different shifts to provide care between 7am and 7.30pm on weekdays and between 8am and 5pm at weekends. A general practitioner was contracted to visit the prison for 2½ hours per week, and was also on call for emergencies. Staffing had not increased in line with the growth in the prison population.
165. As part of the reception process, all prisoners were seen by a nurse, who completed an initial health assessment. After this assessment, nurses could refer prisoners for follow-up consultations with the doctor.
166. Prisoners in residential units could request health care by submitting a health referral form. Nurses collected the forms daily and determined what action was needed. Prisoners could be given minor treatment or medication immediately, or referred for immediate treatment or a later consultation at the health centre. Nurses typically provided initial assessments and treatment clinics in the units, due to a lack of staff to escort prisoners to and from the health unit.
167. We were accompanied during our inspection by the Department of Corrections' Regional Clinical Director. In his view, conducting treatment clinics in the units could compromise care, privacy, and infection control.
168. After seeing prisoners, nurses could refer them for consultations with the doctor or external providers as needed. In the Regional Clinical Director's view, the contracted general practitioner hours were insufficient and needed to be increased in response to the rising prison population.<sup>25</sup>
169. The Regional Clinical Director also advised that:
  - » Treatment plans for prisoners with complex and high health needs were poorly completed and failed to address the comprehensive needs of the patients. The Regional Clinical Director followed up with the Department's Regional Clinical Quality Assurance Director, who undertook to work with the prison to make improvements.
  - » Nurses had access to an electronic appointment system but were not using it. This created risks of prisoners not receiving consultations or treatment they had been referred for, and meant there was no way to track referrals and subsequent care.
  - » Nurses dispensed medication to prisoners who required it. This usually occurred at mealtimes. In the afternoons, medication was usually dispensed between 4pm and 5pm, before prisoners were locked up for the night. Some of the medication being dispensed had sedative effects and should not be dispensed until later, between 7pm and 9pm.
170. Five of the 15 prisoners we interviewed expressed concern about waiting times to see a doctor.
171. Following our inspection, the National Commissioner advised that:
  - » Steps were being taken to improve treatment plans for prisoners with complex and high health needs, including recruiting additional health centre staff.
  - » Growth in waiting times had been due to some prisoners having complex or high health needs that required weekly review. In November, three extra clinics were provided. This reduced the number of prisoners waiting for a consultation from 47 to 24. None of the 24 had been assessed as having high needs.

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<sup>25</sup> Prisoners are entitled to the same standard of health care as is available in the community: United Nations Minimum Standard Rules for the Treatment of Prisoners, rule 24; Corrections Act 2004, s 75.

- » The prison had temporarily doubled the number of general practitioner hours to five a week. It was awaiting approval to make this increase permanent. The prison intended to have urgent but stable cases seen in less than a week, and all other cases within two weeks.
  - » The prison was working with health staff and union representatives to provide for evening medication rounds.
  - » Custodial staff had been made available to escort prisoners to and from the health centre. Requests from health staff to move a prisoner were always met and, wherever possible, prisoners were brought to the health centre instead of being treated in the unit. The prison was exploring opportunities to run health promotion programmes.
172. The National Commissioner has since advised that it is anticipated that full staffing will be achieved by June 2018, and all staff will be fully inducted and operational by August 2018. Changes to the medication rounds will be implemented once the staffing level is achieved.

#### *Dental care*

173. The prison provided two dental appointments per week at a local clinic. These were used for emergency treatment, which meant the prison offered no routine dental treatment. Of the 15 prisoners we interviewed, all but one expressed concern about waiting times to see the dentist.
174. The National Commissioner advised us that, by December 2017, all prisoners with urgent need for dental care had been seen by a dentist. The prison was booking three dental appointments each week with the aim of reducing the number of outstanding non-urgent cases.

#### **Findings**

Health staff were highly committed to their work. However, the centre was not adequately resourced to meet the needs of existing prisoners, let alone an increased prisoner population. This had consequences for prisoners' care, including long waiting times and treatment plans that did not meet prisoners' needs. Giving medication with sedative effects before 5pm was not reasonable, but this should be reduced by the longer unlock hours that the prison planned to introduce. Since our inspection, the prison has taken steps to address these issues.

#### **Mental health and self-harm**

##### *Mental health services*

175. Mental health services are provided by nurses with training in primary mental health care, a mental health clinician who specialises in mild to moderate mental health conditions, and by Southern District Health Board's regional forensic psychiatric services, which serves prisoners with serious mental health needs.
176. The clinician was employed as part of a 2017 Improved Mental Health Service trial, under which mental health professionals work with custodial staff to identify and address unmet mental health needs. As part of the programme, the professionals educate and upskill staff so they can support prisoners with mental health needs. The prison's mental health clinician said that custodial staff had shown little interest in formal education sessions.
177. Following our inspection, the National Commissioner said the programme had resulted in a high volume of referrals for mental health treatment and care. The mental health clinician would work with staff to improve staff engagement with the programme. The Department of Corrections was developing a plan for staff training across Southern Region prisons.
178. As part of the reception process all prisoners are screened for mental health needs and risks of self-harm. They may be referred for further assessment or treatment as needed. They may also be assessed for mental health needs or risk of self-harm at other times as needed.
179. Prisoners with serious mental health needs may be referred to the District Health Board for compulsory assessment and treatment. However, the Board has few acute inpatient mental health beds (and none in Invercargill). This means prisoners who had been assessed as needing care in a secure mental health facility, or who were waiting for assessment, are sometimes managed in the prison's At Risk Unit, along with others assessed as being at risk of self-harm.



*At Risk Unit*

180. The At Risk Unit is a new facility, purpose-built to minimise the risk of self-harm. It has four cells for prisoners at risk and two 'dry cells' for prisoners suspected of concealing items internally.
181. At the time of our inspection, two cells held prisoners who were waiting to be transferred to a secure mental health facility. We tried to speak with these prisoners but neither was able to converse coherently. Following our inspection, the National Commissioner advised that these prisoners had been transferred to Wakari Hospital in Dunedin.
182. 9 (2) (a)
183. We inspected management plans for the prisoners and found that they contained information about the reasons for their at-risk status, how often they were to be observed, what support they required, and how they were to be managed.
184. Prisoners were managed as if they had been segregated for medical purposes, but we saw no evidence that formal approval had been obtained to segregate them.<sup>26</sup> They were locked in their cells for significant periods each day. However, the At Risk Unit staff were proactive in giving the prisoners additional time out of their cells when possible. As is typical in At Risk Units, the cells had no television or radio. Limited activities were available to keep prisoners engaged.
185. When they were not in their cells, prisoners were alone or with staff in the unit's yard, or in a recreation room where they could watch television. They had no opportunities to associate with other prisoners.
186. In the view of the Regional Clinical Director, the unit was not taking a therapeutic approach to managing people in crisis.
187. Following our inspection, the National Commissioner advised that health centre staff recognised that the At Risk Unit provided an environment that was physically safe but did not always meet the mental health needs of prisoners.
188. The National Commissioner also said that health centre staff worked with prisoners individually to identify activities that would help them to pass the time, but accepted the need to keep working at making the environment as therapeutic as possible.
189. When prisoners were first introduced to the At Risk Unit, they were segregated from others. The unit introduced contact with others in stages.
190. Since October 2017, the Department of Corrections has been developing a new model of care for vulnerable prisoners, which aims to provide therapeutic intervention and support that meets individual needs.<sup>27</sup> In February 2018, the Department provided staff from around the country training in how to apply the new model of care.

**Findings**

Staff in the At Risk Unit showed a high degree of compassion and respect for prisoners held there. The design of the unit offered little physical or mental stimulation for the prisoners. The prisoners held there did not associate with other prisoners and, therefore, should be managed as segregated prisoners. The management regime kept prisoners physically safe but did not always meet their therapeutic needs.

<sup>26</sup> Under section 60 of the Corrections Act 2004, a prison's health centre manager can direct that a prisoner not associate with other prisoners, if that is desirable to ensure the prisoner's health or mental health (including to limit risks of self-harm). A health professional must visit the prisoner at least once a day (or at least twice a day if the prisoner is at risk of self harm).

<sup>27</sup> This is known as the Intervention and Support Project.

*Prisoners with disabilities*

191. The prison does not have any specialist accommodation for prisoners with physical disabilities. A residential manager told us that the health centre has a cell that can accommodate wheelchair access if required, and that disabled prisoners are usually moved to Otago Corrections Facility.
192. At the time of our inspection, Invercargill Prison was housing a small number of prisoners with hearing impairments. 9 (2) (a)
193. 9 (2) (a)
194. 9 (2) (a) The delay in making referrals was a direct consequence of the Medical Officer's limited time.
195. The site is confident that, with the increase in medical officer hours and the Health Centre Manager's oversight of referrals, it is unlikely that any prisoner will wait for more than four weeks to have an initial assessment with the Medical Officer.
196. The National Commissioner also advised that prison staff would work with the health team to ensure that any medical or physical requirements are identified at induction or later, and information is shared. For example, health staff will inform custodial staff before the site induction if a prisoner has impaired hearing. Staff can then consider this information during induction.
197. In addition, the National Commissioner advised that the health team is developing a resource pack for prisoners with impaired hearing.

**Finding**

Prisoners with impaired hearing face barriers getting access to hearing aids. This has reduced the ability of those prisoners to understand their unit induction and staff instructions. We acknowledge the steps the prison has taken to address this issue since our inspection.

**Spiritual support**

198. The prison has a chaplain who conducts weekly church services and meets with prisoners individually when they need support.
199. The chaplain also supports prisoners' involvement in hobbies and assists them by obtaining goods such as craft materials, paints, playing cards, watch batteries, and underwear and shoes. All purchases require the approval of a principal corrections officer. Prisoners pay for these goods through the correct process.
200. A Kaumatua (elder) from Te Runanga o Waihōpai (a local iwi organisation) is available to provide cultural support and advice to individual Māori in the prison. As noted above, Te Runanga o Waihōpai also provides the prison's tikanga Māori programmes.

## Reintegration

201. Case managers begin working with prisoners to develop a release plan from their initial reception into custody, and continue to develop and confirm this plan as their sentence progresses. Proposed release plans for long serving prisoners are outlined and confirmed in the Parole Assessment Reports which are provided to the NZPB prior to the prisoner's scheduled hearing. Planning is based on a prisoner's risk of re-offending and the support needed to manage those risks.

### Temporary release

202. The Department of Corrections offers a range of programmes aimed at helping eligible and suitable prisoners to integrate back into the community through temporary release.<sup>28</sup>
203. Those opportunities include Release to Work, in which prisoners are able to work outside the prison, and guided release, in which prisoners are accompanied on visits to local communities and to services such as accommodation providers and banks.<sup>29</sup>
204. At the time of our inspection, one prisoner was involved in Release to Work at a local sawmill.

### Reintegration services

205. In the six months to 31 July 2017, a total of 63 prisoners were released from Invercargill Prison on parole or at the end of their sentence. Of those, 41 were referred to external reintegration services, which provided assistance with accommodation, income and employment, and other needs such as skills and training, personal wellbeing and family connections.
206. Five services were used, depending on prisoners' needs:
- » Out of Gate provided reintegration services for 24 prisoners, including assistance with accommodation, employment and a range of other needs.
  - » The Salvation Army provided supported accommodation for six prisoners and reintegration services for five prisoners who had served terms of two years or more.
  - » Tiaki Tangata provided kaupapa Māori reintegration services – including assistance with accommodation, employment and reconnection with whānau – for six prisoners who had served terms of two years or more.
207. One of the case managers told us that accommodation was difficult to find in Invercargill.
208. We reviewed files for 41 prisoners who had either been released or were due to be released soon after our inspection. Accommodation had been found for 16. For another 10, no accommodation had been found at the time of our inspection (although seven of those had withdrawn from the reintegration service). The remaining 15 did not need accommodation.
209. Representatives of Te Runanga o Waihōpai told us they were willing to support prisoners on release, but were not always informed. The National Commissioner advised that case managers liaise with providers regularly and that mana whenua were notified of a prisoner's release on a case-by-case basis. This required the prisoner's consent.

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<sup>28</sup> Temporary release purposes and criteria are set out in Corrections Act 2004, ss 62-64. Also see Corrections Regulations 2005, regulations 26-29; Department of Corrections Prison Operations Manual, M04.06.

<sup>29</sup> Other temporary release opportunities include external self care in which prisoners live in self-care accommodation outside the prison perimeter; and visits to children under child protection protocols.

### **Employment support**

210. The prison's employment placement coordinator supports released prisoners to find and keep jobs. Between 1 January and 31 July 2017, the coordinator assisted 15 prisoners into employment. Most of them were employed in farming or construction industries.

### **Prisoners' readiness for parole**

211. We interviewed five prisoners who were eligible for parole during October and November 2017, to find out about their readiness for parole hearings.
212. Three of the five said they had yet to complete all of the rehabilitation programmes and training courses identified on their offender plans.
213. One said he did not want to complete them – he regarded them as discriminatory as they were taught only in English.
214. One said he had a six-week drug and alcohol treatment programme to complete, and his case manager had assured him he would be able to complete it before his parole hearing.
215. One said he had to complete several courses but these had not been made available, and he had been told they would not become available until after his parole eligibility date. We confirmed this by checking the prisoner's offender plan.
216. One said he had completed all of the courses on his offender plan. He expected to be re-employed on release.
217. Another said he had received lot of support while in prison.
218. We spoke with one of the prison's case managers, who told us he was not aware of any prisoner missing out on parole due to programmes not being available.

### **Prisoners' readiness for release**

219. We interviewed eight prisoners whose sentences were due to end within two months of our inspection to find out how ready they were for release back into the community.
220. Four had accommodation arranged – one in his own home and the others with family or friends. Two others had no accommodation. One said every attempt to arrange accommodation had fallen through. The other said Invercargill's Salvation Army offered temporary accommodation but did not take anyone with gang tattoos.
221. Five of the eight said they had spoken with Work and Income to arrange benefits.
222. Only one said he had a job to return to, and one said he was close to completing training that would help him get a job. One said the lack of available jobs was his biggest concern.
223. One said he had completed the rehabilitation programmes set out in his offender plan. Two said they had refused to do the programmes identified for them.

#### **Findings**

Prisoners have a range of services available to support reintegration. These services have found employment and accommodation for some prisoners, and provided assistance to apply for benefits. Their efforts were constrained by the limited availability of suitable accommodation.

## Appendix – Images



Fence building during agriculture course



Horticulture developed by prisoners from South Unit



Sewing room



Craft activities in Centre Unit



Yard in Centre Unit showing exercise equipment



Visits centre