

23 June 2023

C167893

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your email of 27 April 2023 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about assaults on Corrections staff by people in prison. Your request has been considered under the Official Information Act 1982 (OIA).

Assaults on our staff are unacceptable. Corrections staff come to work every day to keep New Zealanders safe. They deal with some of New Zealand’s most challenging people, and do an exceptional and brave job in often very difficult circumstances. Prisons can be volatile environments, and many of the prisoners our staff work with can behave unpredictably and act without warning.

Every assault on a member of our staff is taken seriously and I expect any prisoner who resorts to violence to be held to account. This may be through internal misconduct charges, a change in security classification, or referral to Police for consideration of criminal prosecution.

A number of highly complex factors contribute to violence in prison. Over 80 percent of the prison population have convictions for violence in their offending histories.

Additionally, 35 percent have a gang affiliation which is a known predictor of violence. In recent years, there has been an increase in the proportion of the prisoner population who are gang affiliated, which mirrors growth in gang membership in communities. Gang members are over-represented in acts of disorder and violence in prison, and are also known to incite other people in prison to carry out violent acts on behalf of the gangs.

A growing proportion of the prisoner population are on remand, and there is a strong statistical association between remand status and incidents of assault within prison. In addition, a growing proportion of the prisoner population have histories of extensive methamphetamine use which is associated with significant and lasting impacts on mental and emotional functioning, including issues such as anger control.

The reality is the threat of violence is something we cannot eliminate entirely, but we do everything possible to minimise this risk. We have invested significantly in training and tools

to keep our staff safe. This includes tactical skills, such as de-escalation, through to the provision of stab resistant body armour, on body cameras and the expanded deployment of pepper spray.

We implemented further initiatives to improve safety in prisons in 2020/21. This includes reinforcing the use of tactical communications, implementing rostering guidelines to ensure an appropriate mix of staff experience during shifts, improving how training data is recorded, and establishing staff safety plans.

We also worked with the Corrections Association of New Zealand (CANZ) and the Public Service Association (PSA) to develop the Violence and Aggression Joint Action Plan and all prison sites now have an individual site safety plan to address violence and aggression. These plans are led by the Prison Director in consultation with local site union delegates.

New body worn cameras are now in use in every prison. The new cameras are easier to operate and provide a higher video and audio quality, which greatly assists in the review of incidents. They can also help act as a deterrent and can assist staff in deescalating potentially aggressive situations.

In 2022, Corrections and Police agreed a pilot process for reporting assaults and other non-urgent violent offences against Corrections staff through the 105 online reporting channel. The 105 reporting tool enables our staff to report assaults directly to Police through an online form, allowing Police to take action in a consistent and transparent way.

This was piloted at all five prisons in the Southern Region and has now been rolled out nationally.

You requested:

Could you please provide the following data for the last 10 years; broken down by year.

- *The number of assaults on staff in prisons by prisoners*

Please also provide a breakdown of this data;

- *by prison facility, AND*
- *by nature of the assault, AND*
- *how many of these assaults that resulted in hospitalisation, OR*
- *resulted in serious harm, injury and/or death*

A note for clarity -- please include any person working in a prison whether employed by corrections directly, or a third party company contracted to corrections.

Please see attached Appendix One, which shows the number of assaults on Corrections staff by people in prison for the last 10 years, broken down by prison and the seriousness of the assault.

Corrections categorises assaults as assaults on staff in prison, and assaults on other people. To determine the number of contractors that were assaulted in prison involves substantial collation and research, as each incident would need to be manually reviewed to determine whether it was an external contractor that was assaulted. Accordingly, this part of your request is refused under section 18(f) of the OIA.

Prison-based assault incidents are categorised as follows:

- **No injury** – victim subjected to physical violence that did not result in physical injuries or require any form of medical treatment (e.g. kicking, shoving, jostling, striking, or punching that did not result in injury);
- **Non-serious** – victim subjected to physical violence that resulted in physical injuries that may have required medical treatment, and/or overnight hospitalisation as part of initial assessment or medical observation but not on-going medical treatment (e.g. blood nose, x-ray required, cuts requiring minimal stitches, gouging, or bites);
- **Serious** – an act of physical violence that involves one or more of the following: bodily harm requiring medical intervention by medical staff followed by overnight hospitalisation (beyond initial assessment or medical observation) in a medical facility; bodily harm requiring extended periods of ongoing medical intervention; or sexual assault of any form where Police charges have been laid.

In recent years we have had an increasing focus on ensuring that all incidents of assault, regardless of whether they result in injury, are recorded.

Caution is urged when comparing rates between prisons, due to their differences in size and the security classification of prisoners on site.

Information regarding whether assaults resulted in hospitalisation is not centrally recorded by Corrections, but may be held on each staff members' HR file if we are notified by them. Information may also be included on incident reports submitted by staff involved following an assault (including those who provided assistance to the assaulted staff member). To determine this information, Corrections would need to manually review each staff member's HR file and the corresponding incident report. In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources. Accordingly, your request as it relates to assaults specifically on Corrections Officers is refused under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

As per section 18B of the OIA, we have considered whether consulting with you would enable the request to be made in a form that would remove the reason for the refusal. However, we do not consider that the request can be refined in this instance.

Over the past ten years, no Corrections staff member has died as the result of an assault in prison.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Leigh Marsh

National Commissioner