

ISBN: 978-0-473-72121-3

*Consultation on options to
improve safety within
prisons: Discussion
document 2024*



DEPARTMENT OF
CORRECTIONS
ARA POUTAMA AOTEAROA

Contents

Consultation on options to improve safety within prisons	4
Setting the scene	6
Terminology used in this document	8
Topic 1: Introduce additional or new cell features to support the safety of corrections officers when opening and closing cell doors in prisons	9
Topic 2: Provide greater transparency and clarity to Corrections' use of cameras to monitor and record prisoner activities	15
Topic 3: Improve prison safety by increasing and clarifying Corrections' powers to manage funds held for prisoners in prisoner trust accounts	20
Topic 4: Increasing the use of security classifications for remand prisoners to determine their management, where practicable, to ensure remand prisoners are managed no more restrictively than necessary and to efficiently use prison resources	26
Topic 5: Updating provisions relating to prisoner haircuts and the growth and removal of facial hair to remove redundant requirements and lower the risk of these requirements impacting prison tensions	31
Topic 6: Ensuring that the clothing and footwear worn by remand accused prisoners prioritises prison safety	35
Implementation and monitoring of proposals	40
How to make a submission	41
What happens next?	41

Consultation on options to improve safety within prisons

The Department of Corrections - Ara Poutama Aotearoa¹ (Corrections) is seeking feedback on options for change to improve safety and operations within prisons. Your feedback will be taken into consideration when making any final decisions about options for change.

This consultation document explains the options we are considering and why

In each section, we set out the problem we seek to address, the outcome we are seeking, and possible options for achieving this outcome. We also discuss the advantages and disadvantages of each option and how they could be implemented.

As the Corrections Regulations 2005 (the Regulations) are prescriptive in nature and enable the day-to-day operation of prisons, new issues requiring regulatory change arise routinely. The proposals within this consultation document ensure that Corrections is responding to our changing operating environment and commentary from external reviews, such as those from the Office of the Ombudsman and the Office of the Inspectorate.

Summary of areas where change is being considered

Changes in these areas would be aimed at providing safety outcomes, improved rehabilitation, and reintegration for the people Corrections manages. The proposals seek to:






- introduce additional or new cell features to support the safety of corrections officers when opening and closing cell doors (page 9)
- give transparency and certainty to Corrections' use of cameras to monitor and record prisoner activities (page 15)
- improve prison safety by increasing and clarifying Corrections' powers to manage funds held for prisoners in prisoner trust accounts (page 20)
- increase the use of security classifications for remand prisoners to determine their management, where practicable, to ensure remand prisoners are managed no more restrictively than necessary and to efficiently use prison resources (page 26)
- update requirements relating to prisoner haircuts and the growing and removal of facial hair to remove redundant requirements and lower the risk of these requirements impacting prison tensions (page 31), and
- ensure that the clothing of remand accused prisoners prioritises prison safety (page 35).

We have analysed each option against the following criteria

This helps to understand how each option compares to each other and the current situation in prisons. The criteria are:

- **Contributes to the good order and safety of prisoners and the prison:** will the option support the good order of prisons and the safety of prisoners, staff, visitors, and the public.
- **Practical to implement and responsive:** whether the option can adapt to pressure and changes over time such as new technologies, allowing for innovation and shifts in best practice.
- **Transparency and accountability:** whether the option supports transparency and accountability in how we exercise our powers and operate as an organisation.
- **Complies with human rights standards:** for example, rights contained in the New Zealand Bill of Rights Act 1990 (NZBORA), the Privacy Act 2020, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
- **Promotes better outcomes for prisoners:** understanding how the option supports prisoners' wellbeing and therefore ability to engage positively with staff, other prisoners, services, and programmes. This in turn can have positive impacts on rehabilitation and reintegration and lower reoffending.
- **Addresses Māori needs and cultural perspectives:** how does the option address Māori needs and consider cultural perspectives to support rehabilitation.

Where options are analysed in this document, the following symbols are used to compare the options to the status quo:

	Significantly better than the status quo
	Better than the status quo
	No significant change compared to the status quo
	Worse than the status quo
	Significantly worse than the status quo

¹The name Ara Poutama Aotearoa was gifted to Corrections after extensive consultation with Māori communities and iwi. It refers to a pathway of excellence for those who are in Corrections' management, and conveys the responsibility that Corrections has to support and guide those in our management to reach Te Tihi o Manono, the point from which unlimited potential can be realised.

How you can provide feedback

We want to know what you think of these proposals and how they could affect you, your community, or your organisation.

To help gain this feedback, in each section you will find questions to respond to. You do not need to respond to all of the questions if you do not wish.

We will consider your feedback before finalising any proposals and providing advice to the Minister of Corrections.

Written submissions can be emailed to LegislationAmendments@corrections.govt.nz and submissions are open until 30 September 2024. An electronic response form is also available on the [Corrections website](#) that you may wish to use instead.

Page 41 has more information about how to provide a submission on these proposals. You need to tell us what you think by 30 September 2024.

If you wish to meet with us to discuss your views please email LegislationAmendments@corrections.govt.nz. We are particularly interested in views from people with lived experience, their family/whānau and friends, and organisations that work with from people with lived experience.

Your submission is public information

After public consultation, the contents of submissions (including names of submitters) may be published on the Corrections website and released to the public if requested under the Official Information Act 1982 (OIA). Unless you clearly specify otherwise in your submission, Corrections will consider that you have consented to website posting of both your submission and your name.

If you think there are grounds to withhold specific information in your submission from publication, please make this clear in your submission. Reasons that information can be withheld are stated in sections 6 and 9 of the OIA and may include that the submission discloses personal information. We will take into account any requests to withhold information in submissions when responding to requests under the OIA.

Setting the scene

What does the Department of Corrections do?

Corrections is the organisation within the justice sector that administers prison and community sentences and orders. Our purpose, outlined in section 5 of the Corrections Act 2004 (the Corrections Act), is to improve public safety and contribute to the maintenance of a just society by:

- ensuring sentences and orders are administered in a safe, secure, humane, and effective manner
- providing corrections facilities that are operated in accordance with the Corrections Act and the Regulations that are based on, among other things, the Nelson Mandela Rules²
- assisting in the rehabilitation and reintegration of people into the community through the provision of programmes and other interventions, and
- providing information to the courts and the New Zealand Parole Board.

Corrections is responsible for 18 prisons across New Zealand (15 for men and three for women) for people who have either been sentenced to a term of imprisonment or have been remanded in custody while they wait for their case to be heard.³

Our prisons operate under the same set of rules and must meet a certain standard that is set in the Corrections Act and the Regulations.

The proposals in this discussion document only relate to prison settings, including prison procedures.

Corrections provides health, education, rehabilitation, and reintegration services to the people in our management, to reduce their risk of reoffending and improve public safety.

Corrections is guided by legislation, regulations, and operational procedures

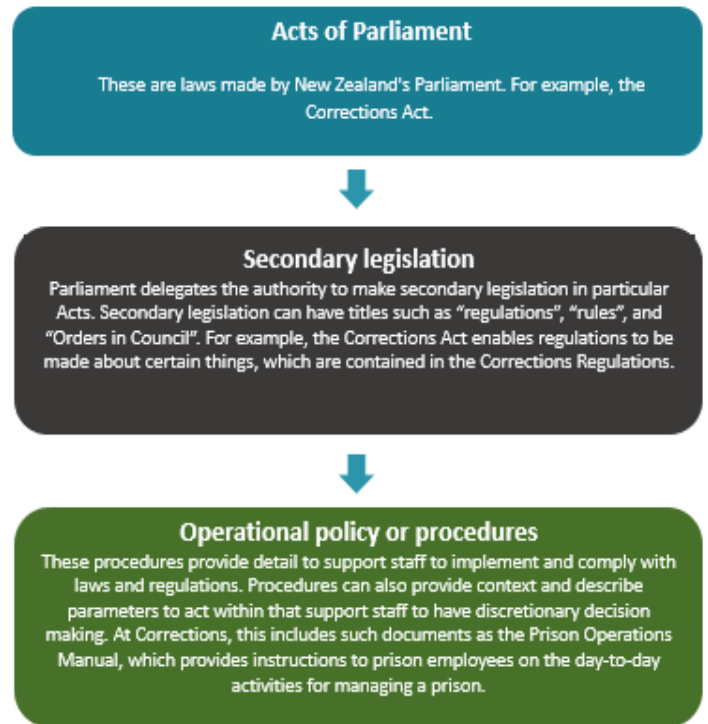
In general, primary legislation (Acts of Parliament) cover matters of principle and policy. More detailed rules about how Acts are implemented are more often contained in secondary legislation, this includes regulations.

The Corrections Regulations 2005 provide detailed rules to ensure the good management of the corrections system and safe custody of prisoners, in accordance with the Corrections Act 2004.

The Regulations include rules such as the general duties of different corrections staff, placement of prisoners in correctional facilities, segregation, prisoner treatment and welfare (including health care) and many other things.

Operational procedures are then used to support

Corrections to achieve objectives of legislation, and support the day-to-day activities relating to prisons. For example, the Custodial Procedures Manual contains an easy reference guide on a “how to” of the core duties of corrections officers to ensure Corrections staff are consistently performing their basic duties to a high standard.



We seek to understand how our proposals may impact Māori and ensure we are meeting our Treaty responsibilities

Māori are overrepresented in New Zealand prisons and in reoffending rates. As of 31 March 2024, there were:

- 9,507 people onsite in prison, of which 52 percent had listed a preferred ethnicity as Māori
- 617 women in prison, of which 64 percent had listed a preferred ethnicity as Māori, and
- 883 under-25-year olds in prison, of which 57 percent had listed a preferred ethnicity as Māori.

In 2017, the Waitangi Tribunal found that Corrections has a particular need to better provide for Māori as part of meeting its te Tiriti o Waitangi/the Treaty of Waitangi (the Treaty) obligations. It further found that as a government agency, Corrections has a responsibility to support the Crown to meet its responsibilities under the Treaty. The Crown has a kāwanatanga role (under article 1 of the Treaty) to operate the corrections system and provide for public safety and the rehabilitation of offenders. Māori also have a right to exercise their rangatiratanga (under article 2). For Corrections, this means we have an obligation to work with Māori to make decisions about Māori interests and Māori taonga (under article 2). The Crown also has an obligation to provide for equitable outcomes for Māori (under

² United Nations General Assembly, The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

³ These 18 prisons include one prison (Auckland South Corrections Facility) that is privately operated by SERCO. While SERCO has been contracted to manage the prison, Corrections is still responsible for the prison. Additionally, in accordance with the Act (ss198-199J), SERCO still has a duty to comply with the Act and Regulations. As such, any changes to the legislation or regulations will impact SERCO.

article 3).

This package of regulatory proposals is about regulatory stewardship, enabling our operations, providing improved rehabilitation, reintegration, and safety outcomes for the people Corrections manages, which are all part of our kāwanatanga role.

As part of this consultation, we are engaging with Māori to understand their perspective.

Domestic human rights settings are considered as we discuss the options

Corrections must operate in accordance with NZBORA, the Human Rights Act 1993, and the Public Service Act 2020, which sets out public service principles and that the role of the public service includes supporting the Crown in its relationships with Māori.

It is important that we consider these pieces of legislation in making regulatory changes as proposed in this document, particularly when the rights of an individual are affected, such as when they are detained in prison. That being said, NZBORA recognises that there are situations where limiting rights and freedoms may be appropriate if they are “reasonable” limits that can be “demonstrably” justified in a free and democratic society.

There are a broad range of international standards that both guide and bind us

New Zealand is a signatory to several international rules, conventions, and treaties that have impacted how our corrections system has evolved.

These include the Nelson Mandela Rules that set minimum standards for prison management and the treatment of people in prison. While not legally binding in the same way as our domestic law, the Nelson Mandela Rules are specifically referenced in the Corrections Act as guiding how our system operates.

Other relevant international instruments include the:

- **International Covenant on Civil and Political Rights (ICCPR)** – this is a key treaty covering human rights and a range of protections including equality before the law, freedom from ill-treatment and arbitrary detention, and the right to life and human dignity.
- **Yogyakarta Principles** – a universal guide to the application of international human rights in the areas of sexual orientation and gender identity. They state that sexual orientation and gender identity are integral to every person’s dignity and humanity and must not be the basis for discrimination or abuse.
- **United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)** – adopted by the United Nations General Assembly in 2010 to establish a set of standards for the specific needs and characteristics of women in a corrections system.⁴

In addition to impacting how our system has evolved, we need to consider how any potential changes align with these instruments.

⁴ Note that these international instruments each have a different legal status in New Zealand law.

Terminology used in this document

At-risk prisoner: a prisoner who is reporting, indicating, or communicating a commitment to harm themselves intentionally or deliberately. These prisoners are at-risk of self-harm and the Corrections Act includes requirements about how they will be managed.

Body-worn cameras: cameras that record audio and visual data and are worn on the vests of corrections officers or people with officer delegations doing prisoner facing work, for example, dog handlers. Officers use professional judgement to decide when to active the camera, such as when tensions are increasing on a prison unit.

Closed circuit television (CCTV) cameras: a TV system where footage is monitored for surveillance and security purposes. Corrections retains CCTV data for 28 days unless there is an operational or legal reason to keep it longer. CCTV cameras produce a visual record only.

Health Centre Manager: a medical practitioner or nurse who is responsible for ensuring the provision of health care and treatment to prisoners.

High security environment: a management regime within a prison unit where prisoners are more closely supervised and experience greater personal restrictions. Units that run such regimes will typically be classified as 'high security'. Compare this with lower security environments where prisoners may experience fewer restrictions. Note also that low supervision remand prisoners can be managed in remand units classified as high security but managed with low supervision.

Intimate visual recording: a visual record captured on camera of a person where they are naked, have their genitals or buttocks exposed, are showering or toileting. This term is also used in this document to refer to visual recordings where a person is captured in a vulnerable state such as discussing trauma.

Monitoring: when staff actively watch the screen displaying footage collected via CCTV cameras in real-time.

Mothers with Babies Unit: special units located at Auckland, Arohata and Christchurch Women's Prisons. Women can remain with their child in these units until released, or until the baby turns 24 months, whichever comes first.

Remand accused prisoner: a person in custody who has not been convicted of the charge(s) laid against them and is awaiting their trial.

Remand convicted prisoner: a person in custody who has been convicted of the charge(s) laid against them and is awaiting their sentencing.

Remand prisoner: a person in custody waiting for their court hearing, trial or sentencing.

Sentenced prisoner: a person convicted of a crime and sentenced to imprisonment.

Topic 1: Introduce additional or new cell features to support the safety of corrections officers when opening and closing cell doors in prisons

We are considering changes that would better support staff safety when they open prison cell doors, as these are situations where staff are vulnerable to assault from prisoners. Our goal is to reduce staff assaults and consider options that cause the least injury or distress to prisoners.

We propose that should any new or additional cell features be implemented that this occurs in prison cells that manage higher risk prisoners, such as in management units and maximum security units.

Context and status quo

While opening and closing cell doors is usually uneventful, sometimes it does result in staff assaults

Unlocking doors is one of the most common tasks performed by corrections officers. The majority of these unlocks are uneventful, but sometimes unlocking a cell or room occupied by a prisoner can be the catalyst to an incident with potentially serious consequences, as staff members can be assaulted by prisoners when cell doors are being opened.

Data from the 2022/2023 financial year shows that there were approximately 10 incidents that occurred directly after staff opened the door to a cell, with some reports citing that prisoners appeared compliant until the door was opened and then suddenly rushed at a staff member, assaulting them.⁵ A further seven staff assaults took place while a prisoner was being returned to their cell.

Assaults on staff can have wider impacts on Corrections

Where staff assaults occur, staff often require time off work to recover. This can impact not only the individual who is taking time off, but also the wider group of staff and the prison who have less resources, including resources to manage other incidents that may arise.⁶

Assaults on staff members can result in disciplinary or formal action

Where a prisoner disobeys an order from a staff member, they can be subject to the disciplinary process. Additionally, where prisoners assault a staff member, they are immediately placed into segregation, and could either

have a disciplinary process followed, or formal charges laid against them.

Corrections has existing methods in place to support staff safety when opening cell doors

It is crucial that sight of the prisoner is maintained throughout the entire unlock process, and operationally Corrections requires a minimum of two staff members be present.

Operational procedures and legislation make it clear that custodial staff must use communication and de-escalation tactics as the initial approach in any interaction with prisoners.⁷ Negotiation strategies are the primary approach for de-escalation of incidents involving prisoners, where staff aim to diffuse a situation through skilled communication.

For non-compliant prisoners, additional measures can be deployed when staff need to enter a prison cell. These include:

- control and restraint techniques used by a four-person control and restraint team.⁸ This four-person team must be pre-approved by the prison manager, and
- pepper spray devices, including devices for both planned or unplanned use.⁹

Some cells have visual aids installed in cells to assist staff to see the location of the prisoner when opening cell doors

Bubble mirrors are curved mirrors that distort the reflection, as shown in the below photograph, and can be seen from the observation window in the prison cell door. These can be used to gauge where in a cell a prisoner is without opening the cell door. Staff can direct a prisoner to move away from the door if necessary, which reduces the likelihood of them being assaulted as soon as the door is opened. As the mirror provides a distorted reflection that is not high definition, it protects prisoner privacy.

Bubble mirrors are currently installed in 2,828 cells across the network. At least 564 of these mirrors are in high security, at-risk of self-harm, or management cells used for prisoners separated for disciplinary reasons.



A bubble mirror in a prison cell

⁵ This figure is out of the 864 total assaults reported in the 2022/2023 year.

⁶ In the 2022/23 year 864 assaults on staff were reported. This resulted in 6183 work days lost due to staff needing to take time off following assaults.

⁷ Tactical Options Manual of Guidance, August 2023, and regulation 118A, Corrections Regulations 2005.

⁸ Staff are trained in a variety of arm and wrist locks used to control and restrain a violent prisoner using only the minimum amount of force necessary. This is detailed in the Tactical Options Manual of Guidance, August 2023.

⁹ There are three pepper spray mechanisms available for use within prison cells, the MK3, MK9, and MK9 with extension wand. All of these are enabled through the Corrections Regulations.

Cameras are also installed and used inside approximately 180 cells across the prison network that accommodate prisoners that are classified as at risk of self-harm or suicide, as well as cells used for the penalty of cell confinement at 12 prisons.¹⁰

Like mirrors, cameras can assist staff to locate where prisoners are in a cell before staff enter the cell. This assists with staff safety as prisoners can be directed to move away from the door, which reduces the likelihood of them assaulting a staff member as soon as the door is opened.

Operationally, Corrections pixelates real-time CCTV camera footage in the cells of at-risk prisoners to minimise capturing images of prisoners using the toilet. While this minimises, rather than eliminates, intimate visual images being captured, cameras are required in these locations for safety reasons.

Corrections also has operational policies in place to safeguard the data collected by cameras. This includes access to recordings being restricted so that they cannot be viewed without a justifiable reason. Stored recordings must also not include the details of individuals on the recordings within the file name.

Comparable jurisdictions have introduced new or additional tools to support staff safety when opening cell doors

The most common options used in Australia are dome mirrors in cells, which are similar to bubble mirrors. Victoria has viewing hatches that allow prisoners to be observed.

Several states use a mechanism called 'drop pins' (also known as cuff bolts, hatch pins, and handcuff hatches). In most states, these work by a permanent hatch in the cell door, with the option to draw down a bolt in the middle of the hatch. The prisoner can then be handcuffed to the bolt in the door, which allows staff to open the door without any risk of the prisoner running at them and assaulting them. An example of how this may work is in the Northern Territory in Australia, where the prisoner is secured to the cell door by way of the drop pin, and then shuffles with the door as it opens. Though it is difficult to isolate these measures from all of the circumstances that may lead to a staff member being assaulted, some states have reported that they believe drop pins are making a difference in terms of reducing assaults on staff members when they open a prison cell door.



A drop pin installed in a prison cell door

Problem: Despite existing safety measures, staff are still vulnerable to assault from prisoners when opening a prison cell door and there is an opportunity to reduce the risk to staff by introducing new tactical options or cell features

While custodial staff primarily focus on de-escalation techniques and building positive relationships across prisons between staff and prisoners, at times the difficult nature of the prison environment and the complex needs of prisoners will lead to incidents of violence and aggression.

Current measures employed by Corrections have limits, which means that they may not necessarily protect staff members when opening cell doors

For example, it is common for bubble mirrors to be scratched by prisoners, or for prisoners to throw things over mirrors and cameras to cover them, such as toilet paper.¹¹ In these situations, it is difficult for staff to use these tools to gauge where a prisoner is located in a cell. This can impact staff's ability to know whether they need to direct a prisoner to move away from the door, and to see if the prisoner is rushing towards the door as it is being opened. In high-risk areas such as Intervention and Support Units where staff regularly check cells, they will enter the cells to clear the covered mirror or camera so that they can be used as intended.

The current placement of cameras in prison cells are limited to certain cells, for example of at-risk prisoners, as cameras have a significant impact on prisoner privacy. This means that they are not always available to assist staff to determine where in the cell a prisoner is located. Additionally, there is currently no way for the staff at the cell door to view the camera footage themselves in real time, leaving them reliant on communications from another staff member watching the camera footage and relaying this information to them.

Even when visual aids work as intended, custodial officers still have to open the door first prior to restraining a prisoner, which leaves staff at risk of an assault. As discussed above, assaults on staff occur when staff are opening and closing doors, with 17 of these assaults occurring in the 2022/2023 year.

While options that minimise physical harm and distress for prisoners are desirable, existing measures contain some risks

There are potential risks to prisoners when staff use existing uses of force to restrain a volatile prisoner, including situations where staff use force prior to entering a cell. For example, the four-person control and restraint team will sometimes need to use force and restrain prisoners in order to enter a cell, which can lead to harm or injury to the prisoner.

Pepper spray can be deployed through the existing hatches of a cell to incapacitate a prisoner and enable staff to enter the cell safely. This also not without risks, as it has the potential to have negative health impacts on some prisoners, including those with high blood pressure or with asthma. Pepper spray also causes significant temporary distress to most people it is used on. The most intense effects generally last for around 45 minutes, and skin can remain irritated for up to two hours. Effects can include coughing, shortness of breath, intense burning and swelling of

¹⁰ As of February 2022 there were approximately 180 cameras in at-risk cells across the prison network. There are plans to install further cameras in the at-risk cells in the new Waikeria prison build.

¹¹ Where covering of mirrors and cameras is a common issue staff also do not always record when it happens, meaning it is difficult to obtain data on exactly how common an occurrence this is.

the skin and eyes, nausea, and vomiting.¹²

The key benefit of using pepper spray, when staff need to enter a cell, is that it can reduce the level of harm compared to physical restraint from a control and restraint team.¹³ Evidence suggests that it reduces the likelihood of significant and long-term bodily injury to both staff and people in prison by between 70 and 93 percent.¹⁴

What we want to achieve with the proposed changes

We want to improve staff safety and reduce assaults when corrections officers open and close prison cell doors, with options to do so being targeted to prison cells where higher risk prisoners with histories of violence are housed.

We also want to choose options that minimise the risk of injury to prisoners, by enabling additional features that could result in a reduced use of force.

We seek your views on the below options and note that these options are not mutually exclusive and more than one option below could be introduced

We propose that options only impact certain prisoners

We are proposing that should any of the options be implemented, this occurs in prison cells that manage higher risk prisoners, such as management units and maximum security units. This could be approximately 481 cells across the prison network.¹⁵ The installation could be left to the discretion of prison managers, supported by network wide operational procedures.

Some other options were considered but ruled out of scope

For example, installing cameras and visual aids in *all* cells was determined inappropriate. This is because these options could result in an unjustifiable intrusion on prisoners' human rights and privacy, given that not all prisoners would be a risk to corrections staff each time a cell door is opened. An example of a justified intrusion would be having a camera in the cell of a prisoner who was at risk of self-harm. There would also be a significant financial cost to the Department to install options in cells where they may not be needed or used, meaning this option would not be practical to implement.

Option one: install further visual aids such as bubble mirrors or larger viewing windows in some cells (non-regulatory option)

Under this option, further visual aids would be installed in some cells to enable staff to determine a prisoner's whereabouts in a cell before opening the cell door. For example, these visual aids could be installed in maximum security and management units. The placement of where mirrors or larger viewing windows were located within a cell would be planned to best protect prisoner privacy, for example in relation to the hygiene area of the cell.

These visual aids could assist staff if, for example, a prisoner was close to a cell door as it would enable the staff member to see whereabouts a prisoner was, and to direct

them to move away from the door if necessary. Staff would be able to see whether the prisoner had complied with the request to move away from the door.

This option would not require amendments to the Regulations and could be actioned through amending operational procedures.

Option two: install cameras in some cells (non-regulatory option)

Cameras are not currently used in prison cells for the general prison population. Under this option, more cameras would be installed in some cells to enable staff to determine a prisoner's whereabouts in a cell before opening the cell door. For example, these visual aids could be installed in maximum security and management units.

Cameras could be placed in areas that would protect prisoner privacy in hygiene areas of the cell. We note that Corrections do not intend to place mirrors, cameras, or windows in accommodation areas in Mothers with Babies Units.

This option would not require amendments to the Regulations and could be actioned through amending operational procedures. Should any changes be made to the Regulations as to where cameras can be placed or used, this option would need to be consistent with those changes.

Option three: use prisoner restraints in some cells prior to cell door being opened to lower the risk of staff assault (e.g. drop pins in prison cells) (regulatory option)

Under this option, drop pins would be installed in certain prison cells, for example cells in maximum security and management units. It may also be appropriate to look at installation in other areas of maximum security and management units, such as dayroom doors or interview room doors.¹⁶ However, Corrections does not intend to install drop pins in Mothers with Babies units.

Under this option, a maximum of 481 cell doors could have drop pins installed on them, however these devices would not necessarily be installed in every one of these cells. Instead, Corrections would have the ability to determine how many cells, of the 481, should be fitted with drop pins. We note that these restraints may not be able to be installed on sliding doors, which would further limit the number of cell doors where they could be installed.¹⁷

This option may require amendments to the Regulations if, when used in conjunction with handcuffs, as a drop pin is considered to be a mechanical restraint. We note that a mechanical restraint can only be used if it has been authorised by Schedule 5 of the Regulations, and therefore drop pins would need to be explicitly enabled.

The Regulations also currently provide that prisoners may not be handcuffed to any part of a vehicle used for transportation, or to a cell grill.¹⁸ If this option was pursued and drop pins were installed, the restriction on handcuffing prisoners to cell grills would need to be amended.

Regulatory change would be complemented by operational procedures on how and when staff are able to use drop pins. For example, in situations where drop pins are to be used, the

¹² Office of the United Nations High Commissioner for Human Rights 2020.

¹³ Bowling 2000 and 2003, MacDonald et al, 2009, Bullman, 2011; Kaminski et al, 1998; Edwards et al, 1997; Olotu et al, 2010.

¹⁴ Bullman, 2011 Police Use of Force: The Impact of Less-Lethal Weapons and Tactics. American Jails, 25(3), 39-46

¹⁵ This is the number of management and maximum security cells that are in operation as at 31 March 2024.

¹⁶ Section 87(4)(b) of the Corrections Act 2004

¹⁷ We understand that maximum security units in Auckland prison use sliding doors, which could impact the ability to use drop pins on these doors.

¹⁸ Corrections Regulations 2005, Schedule 5(7). Though cell grills are not defined in legislation, the term is primarily used to refer to bars, including holding cells or other areas where prisoners are placed.

prisoner will be asked to place their hands through the door hatch, at which point the drop pin will be activated through the hatch. The prisoner will then be handcuffed to the cell door by way of the drop pin, and the door will be slowly opened, at which point the drop pin will be released and the prisoner will be escorted out of the cell. Drop pins will only be used on doors that open outwards, so that prisoners do not have to shuffle towards the wall. Operational procedures could also consider further safety matters such as whether the prisoner will be handcuffed from the front or back, as this will dictate which way prisoners are moving.¹⁹

Operational procedures could contain further limitations to the use of these restraints, for example, it could include a requirement that drop pins can only be used if a senior manager approves their use on a case-by-case basis. It could also include a requirement that only long chain handcuffs are used with the drop pin, as this may make movement safer for prisoners.

Analysis of options

Contributes to the good order and safety of prisoners and the prison

All options are likely to better support staff safety when opening cell doors, as they increase visibility of prisoners, or decrease the likelihood of prisoners being able to rush towards the door when it opens and assault staff.

Some states in Australia have provided anecdotal evidence that the presence of drop pins (option three) in cells seems to have reduced the number of incidents occurring when staff members open a cell door. However, they also note that it is difficult to attribute the success solely to the presence of the drop pin. Despite this, we consider that option three is most likely to effectively enhance safety for staff as it would enable Corrections staff to safely open cell doors where prisoners were handcuffed. Currently if a staff member needs to handcuff a prisoner when opening a cell door, they must first open the door to do this, leaving them at risk of an assault when the door is opened.

Options one and two still support staff safety, but to a much lesser extent due to the common occurrence of these visual aids and cameras being defaced, leaving them less effective. In relation to option two, staff outside a prison cell with a camera will need to rely on someone in the control room relaying information to them. As such, this option may not be as effective as other options.

Option three involves handcuffing prisoners to stationery and inanimate objects where, even if for short periods and while corrections officers are still nearby, this could present a safety risk to the prisoner. This could include possible fractures or other injuries to prisoners’ wrists if they are struggling or twisting their wrists while the handcuffs are being applied, or if prisoners slip or fall while the drop pins are being used.²⁰ However, these risks are lesser than those caused by the status quo, for example use of force through a four person control and restraint team or pepper spray.

This is because those uses of force will cause physical impacts. This means that compared to the status quo all options are more likely to better support prisoner safety. Considering prisoner movement and whether prisoners move forwards or backwards will also ensure prisoner safety is considered.

Contributes to prison safety for staff

Option one (visual aids)	Option two (cameras)	Option three (restraints)
✓	✓	✓✓

Contributes to prison safety for prisoners

Option one (visual aids)	Option two (cameras)	Option three (restraints)
✓	✓	✓

Practical to implement on the frontline in prisons and responsive to change over time in our operations

All options are practical to implement, and all options are responsive to change. Enabling the use of these tools in cells does not compel Corrections to continue to use them, should they not be required or needed in the future.

All three options would have a potential financial cost, as visual aids, cameras, drop pins or other mechanisms would need to be installed in some cells. Installation could pose practical difficulties if prisoners needed to be removed from the cells for the tools to be installed. This could be further prolonged under option three if the cell door needed to be removed in order to install the drop pin, as prisoners would then need to be relocated in other cells.

Option one (visual aids)	Option two (cameras)	Option three (restraints)
✓	✓	✓

Legislation and processes are transparent to prisoners and others and Corrections’ accountability is clear

Robust operational procedures would be required for all options in order to ensure that the processes are transparent to prisoners. For example, without robust operational procedures for options one and two, prisoners may not feel confident as to who is viewing images of them, when, and why. Under option three, staff could be required to explain to a prisoner why they are being restrained before the restraint takes place, so that they understand why this is occurring.

Additionally, option three may be able to link into existing provisions in the legislation that provide accountability for the use of mechanical restraints. For example, the Regulations provide that where a mechanical restraint is used by a staff member, they must promptly report the use to the manager. A written record of the report is then made, and a copy of this report is given to the chief executive.²¹

¹⁹ Handcuffing prisoners from the front can increase the risk to staff when escorting, even if the prisoner is deemed as compliant. Operational procedures provide situations where handcuffs may be applied to a prisoner’s wrists behind their back, which includes situations where the prisoner poses a risk because of their security classification, or history of assaults on staff.

²⁰ As New Zealand does not currently use drop pins, local evidence as to the risks and prevalence of prisoner injury from their use is not available.

²¹ Corrections Regulations 2005, regulation 127 and 129

Option one (visual aids)	Option two (cameras)	Option three (restraints)
○	○	○

Complies with human rights standards in NZBORA and international commitments and guidance

As discussed above, cameras and bubble mirrors are currently used in prisons. Cameras and visual aids can have NZBORA implications as they can impact on personal privacy and dignity for both prisoners and staff. Cameras record personal information of both prisoners and staff, even if only turned on when staff are entering a cell. However, the existing safeguards and policies for cameras will apply to any new cameras Corrections installs.

While option three doesn't have the same privacy impacts, it could engage other prisoner rights, such as the right to be treated no more restrictively than is necessary to ensure safe custody and the secure operation of the prison.²² This is also one of the guiding principles of the corrections system.²³ Option three could also be seen as dehumanising as prisoners would be handcuffed to the cell door.²⁴ However, the use of drop pins may be less restrictive and dehumanising for prisoners than the current use of pepper spray or control and restraint teams, meaning this option may better comply with the Mandela Rules than the status quo.

Option three will need to be implemented with clear legislative and operational processes to ensure restraints are only used in limited circumstances and for short periods to align with international guidelines around instruments of restraint.²⁵

Option one (visual aids)	Option two (cameras)	Option three (restraints)
○	○	✓

Promotes better outcomes for prisoners

The status quo involves potential risks to prisoners when using existing uses of force to restrain a volatile prisoner when staff need to enter a cell and there are risks to their safety. Additionally, pepper spray can have negative health impacts and causes significant temporary distress, and the control and restraint team may have to use force in some situations.

Compared to the status quo, all options are likely to lessen the potential risk to prisoners and the distress they could experience from pepper spray and the control and restraint team.

We note that options one and two, primarily option two, involve increased monitoring and reduced privacy, which

²² Rule 36 of the Mandela Rules
²³ Section 6 (1)(g) of the Corrections Act 2004 provides that sentences and orders must not be administered more restrictively than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and persons under control or supervision.
²⁴ Section 23(5) of NZBORA.
²⁵ Mandela Rules 47 and 48.

could negatively impact the mental health of prisoners and make them less likely to positively engage with others, particularly staff. Option three also contains risks of injury to the prisoner that will need to be carefully minimised.

However, all options are tools that staff can use to more safely interact with prisoners and reduce the risk that use of force might be used, which will in turn support prisoners' more positive engagement throughout the prison. However, if prisoners were to be injured, this may impact their ability to attend programmes and other services.

Option one (visual aids)	Option two (cameras)	Option three (restraints)
✓	✓	✓

Addresses Māori needs and cultural perspectives

As at 31 March 2024, Māori made up 60 percent of all prisoners in maximum security and management units across the prison network. As all options are only proposed for certain cells, such as maximum security and management cells, this may mean that Māori are overrepresented in any use.

Because of this, incidents involving use of mechanical restraints are more likely to involve Māori and Pacific prisoners. That means that Māori and Pacific prisoners are more likely to be disproportionately impacted by option three.

However, as discussed, these tools can be expected to lower the need for other uses of force such as pepper spray or control and restraint teams. This means that overall prisoners impacted can be expected to have lower rates of injury and so fewer disciplinary charges if they have assaulted staff.

Option one (visual aids)	Option two (cameras)	Option three (restraints)
○	○	○

Summary of options

	Option one (visual aids)	Option two (cameras)	Option three (restraints)
Safety of staff	✓	✓	✓✓
Safety of prisoners	✓	✓	✓
Practical and responsive	✓	✓	✓
Transparency and accountability	○	○	○
Human rights standards	○	○	✓
Promotes better prisoner outcomes	✓	✓	✓
Addresses Māori needs and cultural perspectives	○	○	○

Who would be affected by the options?

As the options would apply to cells that would likely hold maximum security and management prisoners, prisoners with these security classifications would stand to be the most affected.

As noted above, Māori currently make up approximately 60 percent all of prisoners in maximum security and management cells. This could mean that Māori are disproportionately affected by any of the proposed options.

Questions:

1. Do you think that Corrections staff require additional tools to support their safety when opening and closing cell doors?
2. Which option do you think would be the most effective, and are there any other options to support staff safety when opening cell doors that we should consider?
3. In addition to maximum security and management units, are there any other cells where these features should be considered?
4. Are there any advantages and/or disadvantages for the proposed options that you think we have missed?
5. Are there any other Māori or other cultural perspectives that should be considered?

Topic 2: Provide greater transparency and clarity to Corrections' use of cameras to monitor and record prisoner activities

Corrections uses CCTV and body-worn cameras extensively in prisons. Cameras help us to maintain the safety and wellbeing of prisoners, staff, visitors, and the public. Cameras assist with improving security, deterring inappropriate conduct, and monitoring and capturing information about incidents to inform any following investigations.

While Corrections has some internal rules that guide how cameras operate, we are proposing changes to clarify where and when cameras can be used to monitor and record prisoners.

We want to give assurance that cameras are used when necessary for the safety of staff and prisoners in a way that upholds prisoners' reasonable expectations of the privacy.

Context and status quo

All 18 prisons use CCTV and body-worn cameras to monitor and record activity in prisons. There are currently approximately 12,500 cameras in use across the prison network.

Most prisons operate CCTV cameras in entranceways, perimeters, corridors, and exercise yards. CCTV cameras do not operate inside general cells but are used inside cells for people who are classified as at-risk of self-harm.²⁶

All rostered corrections officers must be issued with body-worn cameras.²⁷ Body-worn cameras are activated as necessary, such as when an interaction with a prisoner or visitor is escalating or may escalate or when recording the event provides evidential or review value, such as during planned incident responses.

CCTV cameras currently only record visual data, while body-worn cameras make audiovisual recordings when activated.

The Corrections Act enables regulations to be made for the "visual recording" of prisoners²⁸

Currently, the Regulations only explicitly limit visual recording during prison visits.²⁹ Regulation 113(2) is clear that this limitation on recording a visit to a prisoner "does

not forbid the use of security surveillance cameras in a prison".³⁰ Despite CCTV being used extensively across prisons in other areas, not just visitation rooms, other than for visits the Corrections Act and Regulations do not currently mention where cameras can or cannot be used to monitor and record within prisons.

Internal procedures govern some aspects of where cameras operate in prisons to limit privacy impacts, such as when intimate activities are recorded

Operational procedures provide that strip searches must not be conducted in view of where CCTV cameras are operating, and CCTV should not monitor or record inside medical examination rooms. However, intimate images are still recorded by CCTV in some spaces, such as inside units that support prisoners who are at-risk of self-harm, and inside some exercise yards that have open toilets.

Operationally, pixelating real-time CCTV camera footage in the cells of at-risk prisoners and for cameras recording toilet areas in exercise yards is used to try to minimise capturing images of prisoners using the toilet. While this minimises, rather than eliminates, intimate visual images being captured, cameras are required in these locations for safety reasons.

Body-worn cameras can also capture intimate recordings of prisoners in various states of vulnerability, such as in cases where staff intervene during a self-harm incident or must use force to ensure staff or prisoner safety. Operationally, body-worn cameras must not be activated during a strip search unless an incident occurs.

Beyond these procedures as to intimate visual footage, there are little operational procedures regarding where cameras may or may not be placed, or what they may record, in prisons. Instead, camera placement is based on the operational requirements of the area. Should any changes or upgrades be made to the area, it is considered whether cameras are operationally required and if not, they are either moved or removed.

Corrections has operational procedures for collecting, retaining, handling, and disposing of data gathered via cameras

Corrections' policy is that any data collected via CCTV footage must be automatically deleted after 28 days, and body-worn camera data after 90 days. However, if there is an incident, the recorded data may be saved longer if, following a prompt review by an authorised staff member, it is deemed appropriate.³¹ Any data saved for longer must be approved by a prison manager or delegated officer.³²

The Prison Operations Manual also ensures that prisoners are aware when they are being recorded and monitored. Posters informing individuals they are being monitored must be

²⁶ As of February 2022 there were approximately 180 cameras in at-risk cells across the prison network.

²⁷ Body Worn Cameras and Operating Procedures, in the Personal Protective Equipment section of the Custodial Practice Manual.

²⁸ Section 202(b) of the Corrections Act 2004 enables visual recording, however, we note that the Act is silent on capturing audio recordings in this context.

²⁹ Regulation 113(1) of the Corrections Regulations 2005. The Regulations provide that no visual recording of a visit to a prisoner may be made unless approval is first obtained from the chief executive, prison manager, prisoner, and visitor, except where the recording is for security surveillance purposes, and prominent notices inform visitors that CCTV cameras operate in those areas.

³⁰ Regulation 113(2) of the Corrections Regulations 2005

³¹ S.08.04 Body Worn Camera and S.08.03 Security Cameras of the Prison Operations Manual. Data may be saved for evidence for internal misconducts, Corrections and or Police investigations.

³² S.08.04 Body Worn Camera and S.08.03 Security Cameras of the Prison Operations Manual. Data may be saved for evidence for internal misconducts, Corrections and or Police investigations.

displayed at entry points into places where CCTV cameras operate. Prior to a corrections officer activating a body-worn camera, the officer must verbally notify prisoners likely to be captured that the camera is going to be turned on and will begin recording.³³

Camera use in prisons is further governed by the Privacy Act 2020

Corrections must ensure that any camera surveillance system must comply with the information privacy principles (IPPs). For example, Corrections may only operate cameras when and where it is necessary to do so for a lawful purpose connected with Corrections' functions or activities, such as improving public safety, or safely and effectively administering orders (IPP 1).

Our policies for disposing of recorded data (described above) align with IPP 9 of the Privacy Act, to not keep personal information for longer than necessary. This is because they ensure data recorded via cameras is deleted within an appropriate timeframe unless it is necessary for investigating a specific purpose.

Problem: There is an opportunity to ensure that, across the prison network, the placement and use of cameras is transparent for prisoners, staff, and visitors.

While cameras are widely used across the prison network, as noted above there is limited operational procedures and regulations regarding how and where cameras can or cannot operate. Over time and due to different prison layouts and needs, different practices for the placement and use of cameras in prisons have emerged across the network.

These visual and audiovisual recording and monitoring practices lack transparency and certainty. Staff, prisoners, and visitors may not always know exactly what is being captured or when. By their nature, cameras reduce the privacy of the people they monitor or record, so in prisons they impact the privacy of prisoners, staff and visitors. Prisoners should have the same expectation around privacy regardless of which site they are placed at, and given cameras' impact on their privacy, the use of these devices should be transparent.

Capturing some footage, such as intimate visual recordings, may be a breach of prisoners' privacy and may be inconsistent with their human rights.³⁴ For example, some cameras have captured intimate visual recordings of prisoners, including when they are in the shower, using the toilet, or in another vulnerable state. The Ombudsman has raised concerns about the "intrusive use of CCTV in prisons", recommending that Corrections should instead "implement monitoring solutions that ensure the dignity and respect of all prisoners".³⁵ Recent case law has provided commentary on Corrections' use of cameras in prisons and determined that placing a prisoner who is not at risk of self-harm in a cell with a camera was not

consistent with their humane treatment.³⁶

What we want to achieve with the proposed changes

Because of the ways cameras interact with the privacy and safety of prisoners, staff and visitors, we want to give transparency and certainty as to where and when cameras can or cannot be used in prisons. Prisoners should know how and when their privacy is impacted and staff should be assured about how and when their safety is best protected by cameras.

We want to better ensure the dignity and respect of all prisoners. Prisoners should have the same expectations of privacy regardless of which site they are placed at, so where possible, we also want to ensure consistent practice across the network.

We have limited the scope of options considered here to the *collection* of visual and audiovisual recordings in prisons (from CCTV and body-worn cameras respectively). Changes to the retention, use, and disposal of these recordings are out of scope of these proposals as there is an existing robust framework of legislative and operational procedures governing these practices.

We seek your views on the below options and note that these options are not mutually exclusive and more than one option below could be introduced

Options one, two, and three relate to CCTV and are not mutually exclusive – any or all of them could be introduced alone or in parallel. Option four relates to body-worn cameras and could also be introduced alone or in combination with any of the CCTV options.

Option one: Introduce specific provisions about where CCTV cameras cannot be used (regulatory option)

The Regulations or operational procedures would state that CCTV cameras cannot monitor or record in certain places. Examples of potential places where Corrections could specify that cameras cannot be used could include: inside accommodation in Mothers with Babies Units; inside feeding and bonding rooms; inside medical examination rooms; in view of a strip search; or inside any cells except cells that at-risk prisoners or those segregated for the purpose of medical oversight are placed in.³⁷

Option two: Introduce specific provisions about where CCTV cameras can be used (regulatory option)

This could be either in the Regulations or operational procedures. For example, this provision could specify that cameras can be used inside exercise yards, communal areas, corridors, perimeters, visitor areas, any areas of the prison where prisoners associate with one another (not including double bunking cells), and cells that at-risk prisoners are placed in.

Option three: Introduce a general requirement that CCTV cameras can only be used where they are necessary and justified to ensure the health, safety, and security of people in prison, the prison itself and/or the public (regulatory option)

This general requirement would be contained in the Regulations.

Alongside this requirement, criteria would be developed for assessing whether the requirement is met. These criteria would therefore be used to determine where CCTV cameras are necessary, justified, and proportionate to ensure the health, safety, and security of people within prison, including prisoners, staff, and visitors, as well as prison security and the safety of the public. The assessment criteria, and processes for conducting the

³³ https://www.corrections.govt.nz/about_us/who_we_are/our_privacy_commitment/cctv_and_body_worn_cameras

³⁴ For example, NZBORA states that people deprived of liberty, such as being detained in prison, have the right to be treated with humanity and respect.

³⁵ Report on an announced targeted inspection of Manawatu Prison under the Crimes of Torture Act 1989, Peter Boshier, September 2022

³⁶ Taylor v Attorney-General CIV-2017-485-802 [2022] NZHC 3170

³⁷ Note that this is not a definitive list.

assessment, would be contained in operational procedures.

Option four: Clarify in the Regulations that body-worn cameras can be used by corrections officers where there is a need to capture visual and audiovisual footage of an incident (regulatory option)

As noted above, while the use of body-worn cameras is broadly enabled by IPP 1 of the Privacy Act, currently, processes for body-worn cameras are only contained in operational procedures. This option would introduce a complementary regulatory requirement, elevating certain procedures to legislation to increase transparency and accountability relating to the practices. For example, officers wearing body-worn cameras would be required, under the Regulations, to take reasonable steps to notify prisoners they will be recorded before activating the cameras.

As this option relates to body-worn cameras only, it could be implemented in conjunction with another option (or options) above.

Analysis of options

Contributes to the good order and safety of prisoners and the prison

There is a risk that banning or enabling cameras in defined spaces only (options one and two), if not drafted with enough flexibility, may not allow Corrections to adapt to unique aspects of individual prison sites, where safety and security needs may differ depending on things such as the prison infrastructure and resourcing.³⁸ Depending on the way these options were implemented, there might not be much change to prison safety and order, compared to the status quo. Thorough consultation with prison staff would be necessary to determine where cameras are or are not needed, and where alternative measures can be taken to maintain the good order of the prison.

Option three would allow Corrections to consider unique risks each prison/unit faces and use cameras accordingly, as is the case under current settings.

Option four mirrors existing operational procedures and would not have an impact on safety within a prison compared to the status quo.

Option one (explicit camera restrictions)	Option two (explicit camera permissions)	Option three (general CCTV requirements)	Option four (body-worn requirements)
○	○	○	○

Practical to implement and responsive to change

Option one is practical to implement. Some existing cameras may need to be removed or covered or further safeguards implemented, which would be a financial cost associated with implementation.³⁹

Option two could be difficult to implement, as it would

³⁸ Flexibility in drafting could be, for example, *enabling* rather than *requiring* camera placement. There could also potentially be the ability for the chief executive to approve exemptions to a blanket ban in exceptional cases.

³⁹ In some situations, it will be more appropriate to cover a camera than remove it. This is because sometimes cells need to be used with flexibility to ensure that there is enough space for the prison population and prisoner needs at the time. For example, when there is no space in the at-risk unit, an at-risk prisoner may need to be accommodated in a cell typically used as a cell confinement cell. In this situation the cell confinement cell would require a camera so staff could safely manage the at-risk prisoner, and the camera could be uncovered.

require naming each area inside a prison where a camera can be used. This may also not be responsive to change as prisons have different layouts and names for areas, which are also likely to evolve over time.

Option three enables Corrections to consider how cameras can best ensure health, safety, and security at each unique site, and is responsive to changing needs of individual prisons.

As option four mirrors existing operational procedures, it is practical to implement. Generally, legislation is less responsive than operational procedures as it is harder to change. In this case, we would need to ensure the wording of the Regulations contains flexibility in case of future technological developments for body-worn cameras.

Option one (explicit camera restrictions)	Option two (explicit camera permissions)	Option three (general CCTV requirements)	Option four (body-worn requirements)
✓	✗	✓✓	✓

Transparency and accountability

As options one and two provide a prescriptive framework for where cameras can, or cannot, be placed, this is more transparent than the status quo.

Option three is less transparent than options one and two, as it provides general requirements in Regulations rather than a definitive list. However, it is more transparent than the status quo. The standardised assessment criteria and processes would mitigate the risk of inconsistent camera placement caused by staff interpreting the general requirements differently.

Regulations provide avenues for public scrutiny and enable agencies to be held to account through complaint procedures, appeals, or legal challenges. Options one, two, and three would therefore all increase Corrections' accountability by setting clear standards and expectations for the placement and use of CCTV in prisons. Options one and two, being more explicit, will provide greater clarity and therefore more accountability than option three.

Option four would similarly improve accountability for how body-worn cameras are used, as current operational procedures would be escalated to the Regulations. It would also increase transparency as the policy would be more publicly available.

Option one (explicit camera restrictions)	Option two (explicit camera permissions)	Option three (general CCTV requirements)	Option four (body-worn requirements)
✓✓	✓✓	✓	✓

Complies with human rights standards

All options better align with NZBORA than the status quo as clearer restrictions on the use of cameras better supports treating prisoners with humanity and respect for their dignity.⁴⁰ Additionally, options one and two better align with principles in the Privacy Act, relative to the status quo, as a prescriptive framework better lets prisoners know where they are being filmed and ensures monitoring is not unreasonably intrusive.

⁴⁰ New Zealand Bill of Rights Act 1990 (NZBORA) s23(5).

If use of cameras constitutes a search for NZBORA purposes, we will need to ensure that the use in this circumstance is justified, taking into account factors such as the purpose of the camera, level of intrusiveness of what is captured, and any safeguards in place such as around access to the images.

Option one (explicit camera restrictions)	Option two (explicit camera permissions)	Option three (general CCTV requirements)	Option four (body-worn requirements)
✓✓	✓✓	✓	✓

Promotes better outcomes for prisoners

Options one, two, and to a lesser extent three provide clearer limitations as to the use and placement of CCTV cameras within prisons, giving prisoners more information about what their rights are and when their privacy is impacted. There may be reductions in intimate recordings, which will increase the dignity of affected prisoners relative to the status quo. These options therefore better support prisoners’ wellbeing than the status quo and enable them to engage more positively in prison life.

Option four mirrors existing operational procedures. Prisoners will continue to be notified prior to a body-worn camera being activated.

Option one (explicit camera restrictions)	Option two (explicit camera permissions)	Option three (general CCTV requirements)	Option four (body-worn requirements)
✓✓	✓✓	✓	○

Addresses Māori needs and cultural perspectives

There will be no change, under any of the four options proposed, to the operational policies for visual data retention, storage, access and disposal, which will continue to ensure that Māori data is protected appropriately. The options will not give Māori more authority over the data.

Option one (explicit camera restrictions)	Option two (explicit camera permissions)	Option three (general CCTV requirements)	Option four (body-worn requirements)
○	○	○	○

Summary of options

	Option one (where cameras not used)	Option two (where cameras used)	Option three (general CCTV req.)	Option four (body-worn req.)
Safety	○	○	○	○
Practical and responsive	✓	✗	✓✓	✓
Transparency and accountability	✓✓	✓✓	✓	✓
Human rights standards	✓✓	✓✓	✓	✓
Promotes better prisoner outcomes	✓✓	✓✓	✓	○
Māori needs and cultural perspectives	○	○	○	○

Regulatory options would have more detailed requirements

In addition to the four options above, we think that more specific provisions will be required for some particular uses of visual recordings. Where cameras are necessary in spaces where prisoners may be vulnerable, the Regulations could also require safeguards to try to reduce the likelihood of capturing intimate visual footage. This is currently achieved operationally by pixelating real-time CCTV camera footage in the cells of prisoners at risk of self-harm and for cameras recording toilet areas in exercise yards, as these could capture images of prisoners using the toilet.

Who would be affected by the options?

All prisoners would be impacted by these changes given the extensive use of cameras across the prison network.

Corrections staff would also be impacted by these changes. As staff are captured by CCTV cameras, their privacy is also impacted by these monitoring and recording practices. If there were more cameras in some spaces of a prison, staff might feel safer in those areas, or might be able to manage and respond to incidents in a more timely manner. Conversely, if there were fewer cameras they might feel less safe in those areas.

Questions:

6. Do you think that there are more benefits to specifying where cameras can be placed, or by specifying where they cannot be placed? Why do you think that?
7. Do you agree that cameras should not be used to monitor or record: inside certain areas of prisoners such as within accommodation areas of Mothers with Babies units, feeding and bonding rooms, medical examination rooms, in view of a strip search, or in any cells except those used for prisoners who are at-risk of self-harm? Please explain why.
8. Are there any advantages and/or disadvantages for the proposed options that you think we have missed?
9. Are there any other Māori or other cultural perspectives that should be considered?

Topic 3: Improve prison safety by increasing and clarifying Corrections' powers to manage funds held for prisoners in prisoner trust accounts

We propose to increase and clarify the powers that Corrections has to manage funds that are held in prisoner trust accounts (PTA) to better ensure prison safety and improve administrative processes. Under the Corrections Act, when a prisoner enters prison, one or more trust accounts that exclusively hold money for particular prisoners must be opened and operated for that prisoner.⁴¹ However, the regulatory framework for PTAs is outdated and does not reflect modern banking practices, and Corrections only has limited powers and tools to manage funds coming into and out of PTAs.

Context and status quo

If money is deposited into the PTA for the benefit of a prisoner, that money must be held exclusively for that prisoner and the prisoner must be able to use that money to buy approved items, such as food from the canteen, through the purchasing system. Funds are allocated to prisoners using their specific prisoner reference number.



There are three types of PTAs, which Corrections applies the Corrections Act and Regulations to.

Most trust account activity occurs in the "offender trust" accounts.

While prisoners are in prison they are unable to access personal bank accounts outside of prison

This means prisoners cannot bring funds from their personal bank account with them to put into the PTA, and cannot use these funds to make purchases themselves while in prison, unless their family sends the money to them.

Additionally, not all prisoners have external bank accounts. Setting up an external bank account can be challenging for people in prison as they do not always have the required identity and address documents that a bank would need to open an account.

The mechanism of depositing funds into PTAs has changed over time

Over time, prisoner earnings as a proportion of deposits have decreased because it has become much easier for prisoners' friends and family to support prisoners by making deposits into PTAs. Now, the bulk of the money coming into PTAs is from outside of prison and not from money prisoners earn from their work in prison. For example, between 1 January 2022 and 28 February 2023, 76 percent of all deposits into PTAs were by way of private deposits, rather than by way of things such as prisoner earnings.

Previously, the public deposited funds into PTAs by way of cheques, cash, or money orders either sent in the post or deposited when visiting prisoners. However, with technological advances it is now easier than ever for the public to deposit funds into PTAs. This is now largely done by way of electronic bank transfer.

Corrections considers the purpose of PTAs is to give prisoners limited discretionary spending within prison⁴²

Prisoners purchase basic goods, such as food from the prison canteen, or other approved items such as hobby items or consumables that the prison is able to provide. As they are only purchasing limited approved items, prisoners only require limited funds.

Other secondary purposes are for PTAs to be used to withdraw funds to buy approved items outside the prison. This could include larger value items such as dentures, prescription glasses, or paying for medical procedures, or sending funds to family, for example for birthday presents.

On average, each prisoner has a balance of \$171 associated with their prisoner reference number, however, balances vary significantly

In October 2023, the value of funds held in offender trust accounts across the entire network totalled approximately \$1.6 million on any given day, and 1,400 accounts exceeded \$200 in their balances. Over the year leading up to 31 March 2023, approximately \$16 million flowed in and out of these accounts.

⁴¹ Section 46(1), Corrections Act 2004.

⁴² The purpose of PTAs is not set by Regulations, and instead was agreed to by Corrections.

This included almost \$12 million being spent at the canteen, and almost \$2.4 million being sent to people outside of prison. Smaller amounts were spent on goods not provided by the prison – for example, approximately \$88,000 was spent on hobby materials.

Corrections has legal obligations regarding how PTAs should be managed

These obligations include that the chief executive of Corrections must ensure that one or more trust accounts, in which money belonging to prisoners is held exclusively for them, are opened and operated.⁴³

Additionally, the Regulations state specific processes that must be followed when depositing and withdrawing funds from the trust account, and processes for money that prisoners earn while they take part in an employment programme.⁴⁴ For example, the Regulations require the prison manager to give written approval for every deposit that comes into a PTA.⁴⁵ This may enable the prison manager to prevent some deposits from coming in that prison managers or their delegate may not want, such as large payments that can increase the risk of prisoner standovers. PTAs were also not intended to be used as a place for prisoners to store large sums of money.

The Regulations also enable prison managers to create internal rules for PTAs within their individual prisons. For example, currently prison managers may set different limits for how much money may be held in PTAs for a particular prisoner, but this is not a requirement.⁴⁶ Some prison managers have set a \$200 balance limit per prisoner.

Comparable jurisdictions, such as the UK and some Australian states, have processes in place that enable them to more closely manage prisoner funds

For example, in Victoria and New South Wales prisoners may only receive deposits from approved friends and family. In the United Kingdom, deposits from family and friends go to a different account that prisoners are not able to access for routine prison spending.

Problem: Corrections has limited powers to manage PTAs in a way that reduces transactions that may not support the good order and safety of prisons and prisoners

PTAs are a safe, convenient and easy place for prisoners to store large deposits, despite this not being the intended purpose of the PTA system

In the year ending 31 March 2023, out of a total of \$506,192 worth of deposits and \$15,145 worth of withdrawals from PTAs to third parties, 23 deposits and 4 withdrawals were used for larger sums associated with inheritances, compensation claims or KiwiSaver proceeds.⁴⁷ This was out of a total of 334,851 transactions across the PTA network. In addition to these sums, 253 deposits into PTAs were for sums over \$1,000, of which 11 were for over \$10,000.

While these large payments are not as common as smaller payments, they weren't envisaged by the current system and processes. Additionally, these large payments can create a situation where prisoners are at risk of being vulnerable to intimidation from other prisoners.

Uncertainty as to Corrections' ability to stop withdrawals is one factor that has the potential to be used to cause harm if it enables prisoners to experience exploitation and intimidation tactics

Data suggests that most prisoners are using their PTA to purchase food from the canteen and other legitimate and necessary items. However, of the approximate 15,000 withdrawals from PTA accounts per annum that occur, a small number of transactions are suspected as being used for purposes that may impact the good order and safety of prisons, for example to intimidate or harm other prisoners.

For example, the pattern of withdrawals from some prisoner PTA accounts suggests prisoners are distributing their PTA funds to other prisoners, and their family and friends. The implication is that the prisoner has been intimidated into approving the withdrawal and transfer and Corrections may not have the power to stop it taking place under the current Regulations, even when we see it occurring. We seek to ensure transparent powers for staff and prisoners.

Other suspected incidents that our staff have noted appear to be taking place through use of the PTA system include contraband purchases, and payments related to gang recruitment and protection.

The scope of Corrections' powers to stop prisoner withdrawals may be unclear

The Regulations provide that no money may be withdrawn from a PTA unless certain criteria are met, such as if the funds have been wrongly credited to the account, or if the prisoner has given their written approval.⁴⁸ However, it would be beneficial to clarify that Corrections has the ability to stop money from being withdrawn from PTAs in situations where the prisoner has consented to release of the funds.⁴⁹ This could occur, for example, if a prison manager had reason to believe that a prisoner was withdrawing the funds because they were being coerced by another prisoner.

Corrections lacks powers to adequately manage risks associated with large PTA balances

In some instances, a large deposit into the PTA for a prisoner's benefit may be legitimately required; for example, to support rehabilitation or to pay for specialist medical treatment. However, current regulatory powers do not allow Corrections to separate such funds in the PTA from other funds.

Where a prisoner has a large PTA balance, this could increase the risks of them being threatened or exploited by other prisoners as described above. This is because when a prisoner obtains their balance statement, such as by using the prison kiosks to view their balance, other prisoners may learn about the high balance – giving them, or others, the opportunity to intimidate the prisoner to obtain some or all the funds.

⁴³ Corrections Act 2004, Section 46(1).

⁴⁴ Corrections Regulations 2005, Regulations 41, 42, and 43.

⁴⁵ Corrections Regulations 2005, regulation 42(1).

⁴⁶ Corrections' operational procedures propose a limit of \$200 for each prisoner's prisoner reference number.

⁴⁷ Large sums is referring to any transaction of more than \$5000.

⁴⁸ Corrections Regulations 2005, regulation 42(2).

⁴⁹ Corrections Regulations 2005, regulation 42(2).



An electronic kiosk for prisoner use in a prison yard

It is administratively burdensome for prison managers to manually approve all deposits coming into PTAs

As family and friends can make deposits into the PTA via direct bank transfer deposits, this means it is unlikely that approval from the prison manager has been obtained first, as the transaction is occurring between the third party and the bank.

When the Regulations were first drafted in 2005, they did not anticipate that electronic transfers of money could be made straight into the PTA, which the prison manager would have no visibility over.

These electronic transactions make the current requirement on prison managers in the Regulations difficult to comply with, as it would also be administratively burdensome for prison managers to manually approve every deposit prior to it coming into a PTA. Currently, other than a prison manager approving deposits prior to them coming into the prison, there is no framework to enable Corrections to approve or return deposits after they have been made.

Technological advancements such as electronic transfers have meant that the current PTA system may benefit from some updates to bring it in line with modern technology.

What we want to achieve with the proposed changes

We seek to ensure that PTA practices meet the needs of prisoners by being aligned with modern banking practices, and accessible and practical to operate for prisoners, their family and friends, and staff members. We also want to ensure that prisoner safety is less likely to be compromised, and PTA administration is not overburdened.

Our changes should achieve consistency across the prison network to support prisoners to experience a fair process. We also aim to reduce the risk of prisoners experiencing intimidation and harm by other prisoners in relation to PTAs, and prevent prisoners from using the PTAs for activities that go against safety.

We seek your views on the below options, noting that these options are not mutually exclusive and more than one of the options could be introduced⁵⁰

To complement the regulatory proposals described below,

Corrections is also planning to implement operational changes alongside any regulatory changes. These changes will target misuse of the PTA system, and reduce the risk of prisoners experiencing intimidation from other prisoners.

While these operational changes are likely to make a difference, they will not be enough on their own, and regulatory change will also be required to amend some of the processes Corrections is required to follow.

Option one: Clarify prison managers' powers to regulate withdrawals that prisoners wish to make from their PTA accounts (regulatory option)⁵¹

For the avoidance of doubt, we wish to make it clear that, in certain situations, Corrections can prevent money from being withdrawn from PTAs to be spent on items not provided by the prison. This will be in addition to existing powers to control withdrawals where funds have been attributed to the wrong prisoner's prisoner reference number, or if the prisoner has consented to the release of the funds.

This option will amend the Regulations to specify when prisoners can withdraw money and make payments out of their PTA, and when these withdrawals may be prevented. For example, withdrawals could be prevented if a prison manager has reason to believe that a prisoner is withdrawing the funds because they were being coerced by another prisoner. Other options to regulate withdrawals could include limiting the quantum or quantity of withdrawals per week or month.

Option two: Require the chief executive to set consistent standards across the network for PTA management (non-regulatory option)

This option will require the chief executive to set consistent standards and processes across the prison network, such as for the same balance limits at all prisons, and processes to be followed when deposits come in and it is not clear which prisoner they are intended for. It may also include a requirement that deposits into PTAs are only accepted if they come from a known depositor and do not cause the prisoner's balance to exceed the limit. Further work may be required to define other standards and processes.

The Corrections Act and Regulations enable the chief executive to issue instructions or guidelines that can provide for things such as the exercise of powers under the Corrections Act or Regulations, or procedures to be followed or standards to be met.⁵² As such, this option will not require regulatory change and could be implemented operationally using these powers. However, it is an option that would be most effective if implemented alongside one or more of the proposed regulatory options.

Option three: Clarify the powers Corrections has to stop or return deposits (regulatory option)

While Corrections has powers to stop and return deposits, this option would clarify the scope of when this can occur, and who can make these decisions.

The Regulations could be amended to clarify that the prison manager can delegate the approval of deposits coming into PTAs, and to return or stop deposits.⁵³ For example, at an operational level, this task could be delegated to trust account administrative staff who credit funds to accounts and update

⁵⁰ For the purposes of this document, neither the value of the limit for how much money may be held in PTAs for a particular prisoner nor prisoner wages are being considered as they are out of the scope of the proposed regulatory changes.

⁵¹ As the impacts of options one and three are different, we have set them out as separate options. However, options one and three would likely be implemented as a package.
⁵² Section 8(j) of the Corrections Act 2004 enables the chief executive to issue instructions or guidelines under section 196 of the Act.

⁵³ Who can act refers to who can be delegated these powers.

internal documents to record the transactions.

This option could also more transparently state the situations where deposits can be declined or returned. This could include deposits that indicate intimidation has taken place, or the deposit is from a recognised illegitimate source. It could also include deposits that would take an account over a set balance limit, and where pre-approval from the prison manager has not been given.

These provisions may also include reference to who deposits are able to be returned to, any timeframes around the return, and reference to processes to be followed if the deposit is unable to be returned to the correct account for some reason, such as it being closed or frozen.

Alternatively, Corrections is also considering operational changes to clarify these powers, however, the analysis of this option below focuses on regulatory change.⁵⁴

Option four: Give prison managers the power to segregate any PTA funds that take a prisoner over a set PTA balance limit to reduce large kiosk balances (regulatory option)

This option would amend the Regulations to enable Corrections to hold any money, at its discretion, that is over a national balance limit (implemented under option two) separate from what a prisoner is able to see and access at the kiosk for routine spending in prison, such as at the canteen.

Operational processes could accompany this new power. Prisoners may need to apply to be authorised for their over-balance deposit into PTA for a specific purpose, such as buying glasses, prior to the deposit coming into the prison. However, they will only be able to access these funds for this specific purpose. If any deposit exceeds the balance limit it may be returned unless the prisoner has applied for pre-approval to allow the excess funds. Processes may also need to be determined for specific situations, such as if a prisoner ends up over the balance limit because they had intended to spend money but were unable to.

As noted above, operational changes are being explored to ensure funds are returned to the depositor if they take a PTA over the balance limit. This will apply to prisoners who already have high balances, as well as to prisoners who receive approved deposits that take them over the limit after the Regulations have been amended.

This option would complement proposed operational changes, as well as changes proposed under option two.

Analysis of options

Contributes to the good order and safety of prisoners and the prison

All options contribute to safety and good order of prisons to prevent potential intimidation. Options three and four may be more likely to support good order and safety of prisons and prisoners as they could reduce transactions linked to intimidation. Specifically, option three better ensures only legitimate funds are held in the PTA system which facilitates safe and effective use, and option four ensures no large kiosk balances, meaning prisoners are at less risk of being stood over by other prisoners.

However, all options have the risk of increasing prison

tensions if prisoners are being subject to more control over their PTA funds. To mitigate these risks, prisoners and their family and friends may need a substantive lead in time to understand the implications of these proposed changes.

Option one (stop withdrawals)	Option two (CE standards)	Option three (clarify deposits)	Option four (separate funds)
✓	✓	✓ ✓	✓ ✓

Practical to implement and responsive

It is practical to implement all options and careful drafting of any regulatory change would support it being responsive to change over time. We would seek to anticipate new technologies noting that the original regulations never anticipated electronic banking.

All of the options would give more clarity, and in some cases give Corrections more powers, in PTA administration that align better with the changing banking environment. Options one and three provide more flexibility for staff to regulate withdrawals and deposits, which makes the options responsive to future changes in best practice, and option four controls how much prisoners may spend, which may change over time as prices change at the canteen.

Option one (stop withdrawals)	Option two (CE standards)	Option three (clarify deposits)	Option four (separate funds)
✓ ✓	✓	✓ ✓	✓

Transparency and accountability across the network

As options one, three and four will involve updates to the Regulations, this supports transparency and accountability through increased visibility of requirements for the management of prisoner funds. While option two does not necessarily involve regulatory updates, rules set by the chief executive will be clearly stated in operational procedures, which are able to be viewed by prisoners and the public.

All options ensure the process of using the PTA system is easy for friends and families of prisoners to use and understand, and facilitate safe and effective use of the system.

Option one (stop withdrawals)	Option two (CE standards)	Option three (clarify deposits)	Option four (separate funds)
✓	✓	✓	✓

Complies with prisoner rights to autonomy to manage their PTA funds and human rights standards

NZBORA, as well as international rules and conventions such as the Mandela Rules, International Covenant on Civil and Political Rights, and United Nations Declaration on the Rights of Indigenous Peoples, contain provisions that relate to a right to manifestation of religion or belief.⁵⁵ The options may impact on these rights as some cultures and religions see the giving of

⁵⁴ For example, using delegation powers to delegate existing prison managers' powers to accept or decline deposits. Operational change could also involve policies about timeframes for returns and procedures for this, instead of this being included in the Regulations.

⁵⁵ For example, Section 15 of NZBORA provides that every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.

money as important, and restricting how much prisoners may withdraw for others and how much families may give to prisoners may not align with religious or cultural beliefs.

The options could also engage the Mandela Rules relating to prisoner money, and other property, being placed in safe custody, and that prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.⁵⁶ Option one may impact prisoners' ability to send money to their families, and option four could impact prisoners' ability to spend money on approved items.

However, the improvement to overall prison safety by reducing the ability of prisoners to intimidate others supports wider prisoner rights such as the right to safety and the right to spend their funds how they choose. This is particularly relevant to options three and four, as discussed above.

Option four could support the right to allow prisoners to save their earnings; however, prisoners will have less access to some of their funds which will decrease autonomy.⁵⁷

Option one (stop withdrawals)	Option two (CE standards)	Option three (clarify deposits)	Option four (separate funds)
✗	✗	✗	✗

Promotes better prisoner outcomes

The options should lower tensions in prisons in the longer term and support prisoner wellbeing by lowering the risk of intimidation. This means prisoners will be more settled and able to engage with programmes and services, and staff and other prisoners. However, in the short term while the changes are being introduced tension may increase as Corrections exerts more control over prisoner transactions.

Option one (stop withdrawals)	Option two (CE standards)	Option three (clarify deposits)	Option four (separate funds)
✓	✓	✓	✓

Addresses Māori needs and cultural perspectives

These changes may impact on the cultural practices of Māori, their whānau, and their communities. Whānau is important to many Māori and they may wish to give funds frequently to any whānau who are in prison. Some whānau may combine their funds with other whānau members as they are unable to make a deposit themselves, meaning the deposit is larger than the amount (such as \$200) that may become the limit for these accounts.

Māori may also experience loss of mana and whakamā under an overly prescriptive prison regime and this could undermine potential for rehabilitation and reintegration.

As noted, giving money to family is also important in some Pasifika cultures and in some religions. The proposed regulatory changes may limit how often whānau are able to give money to those in prison, and may also impact how often those in prison are able to send out to their family in the community.

Option one (stop withdrawals)	Option two (CE standards)	Option three (clarify deposits)	Option four (separate funds)
✗	○	✗	○

Summary of options

	Option one (stop withdrawals)	Option two (CE standards)	Option three (clarify deposits)	Option four (separate funds)
Safety	✓	✓	✓	✓
Practical and responsive	✓✓	✓	✓✓	✓
Transparency and accountability	✓	✓	✓	✓
Human rights standards	✗	✗	✗	✗
Promotes better prisoner outcomes	✓	✓	✓	✓
Māori needs and cultural perspectives	✗	○	✗	○

Who would be affected by the options?

These options have the potential to affect all prisoners. This is because all prisoners use the PTA system to some extent. Prisoners who have higher balances, or who receive large deposits, stand to be the most affected. This is because large deposits, or any deposits that take them over the balance limit, will be returned under the operational changes made, or if they apply for an exemption to be able to keep them, will be separated from the remainder of their PTA funds.

As noted above, any prisoners who have over balance funds when the proposed changes come into effect will also need to apply to be able to keep their over balance funds for a specific purpose. They will only be able to be spent with the approval of the prison manager. Prisoners would still be able to access them through a set request process, but they would not be as readily available as funds are currently. The new process would also reduce the risk of these prisoners being vulnerable to exploitation from other prisoners.

As well as prisoners, the families and friends of prisoners may also be affected. This is because they will find some of the deposits they make or expect to receive from prisoners may no longer happen. For example, if their deposits take a prisoner's PTA balance over a set limit it could be returned, unless the prisoner has pre-approval to keep the funds for a specific purpose.

⁵⁶ The Nelson Mandela Rules are not directly legally binding, but are referenced in the Corrections Act. Rule 67 provides that all money, valuables, clothing and other effects belonging to a prisoner which he or she is not allowed to retain under the prison regulations shall on his or her admission to the prison be placed in safe custody. Rule 103 of the Nelson Mandela Rules states that 'under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.'

⁵⁷ Mandela Rule 103 (3) provides that a part of prisoner earnings should be set aside by the prison administration to constitute a savings fund to be handed over to the prisoner on his or her release.

Questions:

10. What are your preferred options to ensure PTAs support prisoner needs and limit negative impacts on the good order and safety of prisons? Please explain why.
11. Are there any other options to address these issues that we should consider?
12. Do you think prisoners should have their withdrawals or deposits declined if staff recognise that the transaction could be coming or going to other prisoners and may indicate intimidation or other activity that does not support the good order and safety of prisons? Are there any other reasons why withdrawals or deposits should be declined?
13. Can you think of any other standards or processes that should be consistent across the PTA network?
14. Are there any other reasons prisoners should be able to access large deposits, or deposits that take their PTA balance over the limit?
15. Have we captured all the advantages and disadvantages of increasing and clarifying our powers to manage PTA transactions and accounts accurately? Are we missing anything?
16. Are there any other Māori or other cultural perspectives that should be considered? Are there any other impacts that we should consider?

Topic 4: Increasing the use of security classifications for remand prisoners to determine their management, where practicable, to ensure remand prisoners are managed no more restrictively than necessary and to efficiently use prison resources

We are proposing that Corrections assess all remand prisoners within a certain timeframe of entering prison. This will better support Corrections to manage remand prisoners in a way that matches their security risk. It will also assist Corrections to ensure that remand prisoners are managed with no more restrictions than needed, taking into account available prison accommodation, and Corrections' resources.

This change would be beneficial because some remand prisoners are managed in high security environments when they could be managed as lower security, and this can have a range of negative impacts, including for prison safety and for rehabilitation due to less access to programmes. Accommodating lower risk remand prisoners in high security environments also reduces Corrections' ability to use prisoner accommodation flexibly and at lower cost over the long term.

Context and status quo

Corrections aims to manage all people in prison according to their specific needs, their sentence, or remand status.

When a prisoner is sentenced, they must be placed and managed in a way that is consistent with their security classification, to the extent practicable

The Corrections Act requires that prisoners sentenced to more than three months imprisonment are given security classifications within 14 days of arriving in prison.⁵⁸

The Corrections Act enables regulations to be made that includes, at section 202(f) of the Corrections Act, Regulations that regulates the security classifications of prisoners. So far, this power has only been used to regulate for security classifications of sentenced prisoners.

Classifications assigned to sentenced prisoners reflect the level of risk they pose while inside or outside the prison, including the risk that escape would pose to the public.

There are five categories, which are minimum, low, low-medium, high, and maximum.

Safeguards are in place for sentenced prisoners, so that prisoners who have been assigned a security classification and are dissatisfied with their classification can apply to the chief executive for reconsideration of their classification.⁵⁹ Once the classification has been reconsidered, the prisoner must be informed in writing of the outcome of the decision.⁶⁰ If the prisoner is not happy with their review, they also have the ability to take this matter to the Office of the Ombudsman.

Unlike for sentenced prisoners, there are no legislative or regulatory requirements to assign a security classification to remand prisoners

Typically, remand prisoners arriving in prison are managed as high security by default, unless the prison assesses the prisoner through a remand management tool (RMT).⁶¹ The default management of people on remand as high security dates to a time when the remand population was very small, and only people accused of the most serious offences were placed onto remand. It also assists where there is not enough information about a remand prisoner to be able to assess whether they could safely be managed lower than high security, regardless of whether they have been in prison before.

Prison sites can use the RMT to determine a remand prisoners security classification, but use of the tool is dependent on a prison's operating environment

The RMT is used to determine whether a prisoner needs a high or low level of supervision however not all remand prisoners are assessed against the RMT. While most prisons use the RMT, its use is not mandatory and application is dependent on the prison's operating environment and other considerations such as staff resources and available beds.

Use of the RMT may also depend on how long a remand prisoner has been in custody. Approximately 22 percent of remand prisoners are in custody for less than a week, and only about 40 percent of people going into remand custody stay for longer than four weeks.

Currently there is no legislative mechanism, or operational procedures, that enable a remand prisoner to request a review of a security classification decision.

⁵⁹ Section 48(2) of the Act. However, a prisoner cannot make an application to the chief executive for reconsideration if the security classification that applies to the prisoner was reconsidered as a consequence of an earlier application within the last 6 months.

⁶⁰ Section 48(4) of the Corrections Act 2004.

⁶¹ The RMT is an operational tool used to determine the risks associated with a remand prisoner, and the level of supervision needed to keep them and others safe. There are two supervision levels: high supervision for those who are likely to be a high level of criminal influence, and low supervision for those in custody for less serious offending and considered more vulnerable to the criminal influence of others.

Remand prisoners comprise a significant number of the prison population, and this number is expected to keep growing

Remand population growth has been affected by cases taking longer to progress through the court system. This has meant that people on remand are spending more time in prison awaiting trial and sentencing outcome, with the average length of time spent on remand being 78 days.⁶²

However, some individuals are remaining on remand for much longer than the average. In the 2023-24 financial year (to the end of March 2024), there were 539 people who were in remand for between 1 and 2 years, and 96 for more than 2 years.⁶³

Based on current trends, it is projected that by 2050 as many as half of those prisoners under Corrections' management will be on remand

Remand prisoners can be less settled than the sentenced prison population

People on remand can be faced with a number of challenges when they arrive in custody, such as uncertainty about their charge, apprehension about approaching court appearances, and worries about issues on the outside.

Research indicates that the remand population usually reports lower levels of well-being and higher levels of mental health difficulties. It has also shown that remand prisoners can be a more violent and problematic group inside prisons.⁶⁴

Not all prisons manage remand prisoners, and some may only manage a small proportion of the remand population

As at 30 March 2024, Corrections managed 3,848 male remand prisoners, and 348 female remand prisoners.

However, three of the 18 prisons do not accommodate or manage any remand prisoners. Of the remaining 15 prisons that do manage remand prisoners, four manage approximately 61 percent of the total men's remand population.⁶⁵

Problem: some lower risk remand prisoners are being managed with more restrictions than may be necessary to maintain good order, safety, and security in prisons

One of the guiding principles of the corrections system is that sentences and orders are to be administered no more restrictively than reasonably necessary⁶⁶

Practically this means that prisoners should be managed with the minimum restrictions that still ensure the maintenance of the law, and the security and safety of the public, corrections staff, and other prisoners.

However, a significant proportion of remand prisoners are not assessed through the RMT and are managed as high security irrespective of their actual risk. As at 31 March

2024, 15 percent of prisoners on remand (631 of the 4,232 on remand) were not assessed using the RMT.⁶⁷ Some of these people will be low risk and could be managed with fewer restrictions.

In particular, we know that 89 percent of women, if sentenced to prison, will be classified as low security.⁶⁸ This could also greatly impact the youth we manage in prison as, of February 2024, 69 percent of those under 20-years-old in prison are on remand. Remand prisoners make up around 44 percent of the total prison population and 56 percent of the women's prison population and the number of remand prisoners is expected to increase.⁶⁹

As an example of the current management of remand prisoners in practice, as at 30 April 2024, 39 percent of women on remand and 15 percent of men on remand were held in units with a highest security classification of low-medium or less. This is compared to 84 percent of sentenced women and 56 percent of sentenced men being managed at a security classification of low-medium or less.

Default classification as high security can affect a prisoner's placement within a remand unit, movements within the prison, and participation in available activities⁷⁰

If a low-risk remand prisoner is managed in a high security environment, their wellbeing and safety may be negatively affected. This could have flow on effects to their ability to engage effectively in programmes and services and build positive and safe relationships with staff and other prisoners. Prisoners in high security will have fewer hours out of their cells compared to those in low security. This may impact, for example, connections with whānau due to limited contact (such as phone time). They also have less access to services and programmes, such as non-offence related services and programmes to meet education and reintegration needs. Mixing higher and lower risk people in the same unit may also put more vulnerable individuals at risk of harm. This can be particularly challenging for people under 25 who may be more vulnerable to the influence of others.

Accommodating lower risk remand prisoners in high security environments can put pressure on high security beds

Across the prison network, 75 percent of high security places are being used to place people on remand.⁷¹

Accommodating remand prisoners as high by default could reduce Corrections' ability to manage units in the best way to meet local demand for high security beds. In the long term, this also increases the total cost of our physical infrastructure as the building and maintenance costs of high security units are higher than for low security units.

What we want to achieve with the proposed changes

We seek to manage remand prisoners no more restrictively than necessary to support prison and public safety, and enable prisoners to have the best chance possible to engage with programmes and services, within current resources and infrastructure.

We seek your views on the below options

Some other options were considered but ruled out of scope

We have excluded an option *requiring* placement of remand

⁶² In the 2021/2022 year, the average length of time spent on remand was 78 days

⁶³ This includes all remands that ended in 2023-24, so far AND those still active as of 31 March.

⁶⁴ "Evidence-based Interventions Targeting Remand Prisoners: A Systematic Review and Meta-analysis", Joana Andrade, Rui A. Gonçalves, Catarina Abrunhosa, and Andreia de Castro-Rodrigues, January 2024.

⁶⁵ These four prisons being Christchurch Men's Prison, Mount Eden Corrections Facility, Rimutaka Prison and Spring Hill Corrections Facility.

⁶⁶ Section 6 (1)(g) of the Corrections Act 2004 provides that sentences and orders must not be administered more restrictively than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and persons under control or supervision.

⁶⁷ This is compared to, as at 31 March 2024, 40 percent of prisoners on remand (1,548 of the 3,893 on remand) were not assessed using the RMT.

⁶⁸ As at 20 July 2023.

⁶⁹ Long-term Insights Briefing – Long-term insights about imprisonment 1960-2050, 2023, p 26.

⁷⁰ Other considerations also impact placement within a remand unit, for example an inability to mix remand accused and remand convicted prisoners.

⁷¹ This figure is at 31 March 2024. Comparatively, 51 percent of high security places were being used to place people on remand in March 2021.

prisoners based on their risk assessment in all circumstances, with no exceptions. This approach would be inconsistent with the management of sentenced prisoners where placement in accordance with security classification is “to the extent that it is practicable”. Additionally, this would not be possible with our current prison infrastructure and resources, as we may not always have a low security placement available at sites that manage remand prisoners. For example, some sites do not hold remand prisoners, and that this may limit the low security sites that they can be placed in.

Option one: Regulations requiring Corrections to give all remand prisoners a security classification (regulatory option)

The making of regulations relating to the security classifications of prisoners is something that is both anticipated, and empowered, by the Corrections Act. The Corrections Act specifically states that regulations may be made that regulate the security classifications of prisoners.

This option would use this power in the Corrections Act to introduce new regulations requiring each remand prisoner to be given a security classification within a certain timeframe of their arrival into the management of Corrections. We anticipate that this timeframe will be within 14 days of them being received into prison, as this aligns with the timeframe for sentenced prisoners.⁷² However, it could be a shorter period such as 48 hours.

The classification would determine where the remand prisoner should be placed and how they should be managed, to the extent that this is practicable depending on available accommodation and other resources within the prison.

A right of review mechanism that would enable remand prisoners to request a review of their security classification, similar to that for sentenced prisoners under section 48, could be built into this option.

Option two: Use existing non-regulatory measures to issue guidelines and operational procedures to govern security classification of all remand prisoners (non-regulatory option)

This option relies on the use of non-regulatory measures to guide Corrections’ practices when managing remand prisoners. This option builds on the status quo, where prisons are not required to use the RMT or give remand prisoners different security classifications and may include updating operational procedures to more strongly guide each prison to assess the security classification of each remand prisoner, within a certain number of days of their arrival into Corrections’ management.

The Corrections Act and Regulations enable the chief executive to issue instructions or guidelines that can provide for things such as the exercise of powers under the Corrections Act or Regulations, or procedures to be followed or standards to be met.⁷³ This power could be used to issue guidelines or instructions in relation to an assessment of security classifications for remand prisoners.

Operational procedures relating to prisoners being able to request a review of their security classification, similar to those discussed in option one, could be built into this option.

Analysis of options

Contributes to the good order and safety of prisoners and the prison

Both options support better safety outcomes as prisoners will be more likely to be assigned to a unit based on their actual risk and managed in accordance with that risk level.

Both options contain a risk that a prisoner may be incorrectly identified as low risk, for example due to an absence of information. Option one recognises that remand prisoners arriving at Corrections should be managed in accordance with their assessed risk, rather than placed into high security by default as is current practice. While option two allows for the chief executive to create guidelines to inform practice, we consider that option one has a higher chance of allowing remand prisoners to be managed in a way that maintains safety and is proportionate to their risk.

Option one (require classification)	Option two (use of non-regulatory measures)
✓ ✓	✓

Practical to implement and responsive

While both options are practical within Corrections’ current infrastructure and resources, we consider that option one promotes best practice for the overall management of the prison network, as it allows for prisoners to be managed in accordance with their risk and may reduce numbers of high security beds. Both options one and two can respond to change over time.

Because the Corrections Act allows for regulations to be made regulating the security classification of prisoner, option one is a logical and pragmatic use of this power to ensure that the legislation supports current practice.



Option one may require more resourcing as all remand prisoners, after being in prison for a certain period of time, will require a classification. This means that staff would need to conduct an assessment on all of these prisoners, which takes time. Option two may not require as much resource as option one, however because security classification practice is not routinely applied across the prison network there is a risk that the current issue of inconsistency may be exacerbated.

Consistent classification across the prison network will also increase available data on the number of low versus high security remand prisoners, to better support long-term infrastructure planning. This could enable Corrections to be more responsive over time.

Both options can respond to change over time. However, in the instance that change is needed to adapt to a sudden change in circumstances, option two would be able to respond quicker as it would not require legislative change. An argument could be made here that both options could be used together to address both immediate and longer term challenges, by implementing option two in the short term until such time as option one could be implemented.

⁷² Section 47 of the Corrections Regulations 2005



⁷³ Section 8(j) of the Corrections Act 2004 enables the chief executive to issue instructions or guidelines under section 196 of the Act.

Option one (require classification) 	Option two (Use of non-regulatory measures) 
---	---

Transparency and accountability

While option two may support accountability, the legislative requirement to be placed according to their risk contained in option one best increases accountability as it will remove all doubt of any existing questions around procedure. It also creates consistency across the prison network as all sites will be required to provide remand prisoners with a security classification.



Option one supports transparent and accountable practice by establishing a right of review mechanism for remand prisoners. Corrections and remand prisoners would benefit from option one as there would be a clear process for reviewing decisions and would encourage consistency across the prison network.

Option one (require classification) 	Option two (use of non-regulatory measures) 
---	---

Complies with human rights standards

Option one would provide more certainty that prisoners are being managed in the least restrictive setting, where practical, as it will require Corrections to assign a prisoner a security classification within a certain timeframe.⁷⁴ Additionally, option one best enables prisoners to be managed in proportion to their risk within a specified period, meaning that the prisoners treatment would not aggravate the suffering of this prisoner.⁷⁵

Guidance issued under option two may provide a framework for this, however capturing this in legislation will ensure consistency and provide a legal basis for reviews if required.

Option one (require classification) 	Option two (use of non-regulatory measures) 
---	---



Promotes better outcomes for prisoners

Both options are likely to promote better outcomes for prisoners as they better enable remand prisoners to be assessed and managed in a way that is proportionate to their risk. Initial estimates on data from August 2023 suggests that, under option one, an additional 380 remand prisoners would be assessed through the RMT and placed and managed in a way that is consistent with their risk, unless there are accommodation or resourcing constraints

in the prison when they arrive.⁷⁶

Those assessed as low risk under option one would experience fewer restrictions, supporting the prisoner's wellbeing and ability to engage positively with support in the prison, and safety while in custody.

Both options would support better wellbeing and reintegration outcomes as it is likely that over time more low security remand prisoners would be housed in lower security environments with more unlock hours and better access to programmes and training. This may increase those prisoners' ability to engage positively with staff, other prisoners, and services. As option one would require remand classification, this option promotes better outcomes for prisoners than option two. This may be particularly beneficial for women given that 89 percent of women, if sentenced to prison, will be classified as low security.



Option one (require classification) 	Option two (use of non-regulatory measures) 
--	---

Addresses Māori needs and cultural perspectives

Māori make up a growing proportion of the total remand population. As at 31 March 2024, Māori accounted for 57 percent of the total remand population. Māori women accounted for 64 percent of the total women's remand population, and Māori youth accounted for 55 percent of the total under 25 remand population. Though European people are the second largest population managed on remand, Pacific people are disproportionately represented in the remand prison population with 11.3 percent of all remand prisoners identifying as Pacific.⁷⁷

Both options one and two are likely to increase the number of Māori prisoners managed as low security, which would improve their access to available tikanga Māori focused support, more unlock hours, and freedom from potential harm from higher risk prisoners. As option one would require a security classification, this option promotes better outcomes for Māori prisoners than option two.

Prisoners are less likely to access scheduled visits by Kaiwhakamana, Kaitiaki and Fautua Pasefika if their security classification has not been determined. These groups are tailored for Māori and Pasifika and can provide advice, pastoral care and assist in the reintegrative prospects of a prisoner. In the interests of protecting the visitors, Corrections would be less inclined to allowing visits from these groups if a prisoners security risk is not determined. Option one ensures that a security classification is conducted in a timely manner and is likely to facilitate greater access to these groups.

Option one (require classification) 	Option two (use of non-regulatory measures) 
--	---

⁷⁴ Rule 36 of the Mandela Rules states that 'discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well-ordered community life.'

⁷⁵ Rule 3 of the Mandela Rules states that 'the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation'.

⁷⁶ Using data from April 2023, at least an extra 380 remand prisoners would be classified for their risk using the RMT on top of the 2345 people who were already assessed at that time. This is an underestimate because our calculation uses the percentage of the remand population still in prison after 14 days to estimate the number of assessments, not patterns of RMT use before 14 days.

⁷⁷ According to data sourced 31 March 2024.

Summary of options

	Option one (require classification)	Option two (use of non- regulatory measures)
Safety	✓✓	✓
Practical and responsive	✓✓	✓
Transparency and accountability	✓✓	✓
Human rights standards	✓✓	✓
Promotes better prisoner outcomes	✓✓	✓
Addresses Māori needs and cultural perspectives	✓✓	✓

Who would be affected by the options?

Remand prisoners, their friends and family, and Corrections staff would be impacted by the changes.

As discussed above, given that 69 percent of those under 20-years-old in prison are on remand, this would likely benefit youth in Corrections' custody. Additionally, it would likely benefit Māori prisoners, particularly Māori women.

Prisoners' family and friends would benefit from better connections to them, for example through greater access to phone time with family.

Questions:

17. Do you think that a mandatory requirement to give remand prisoners a security classification (option one) or the use of non-regulatory measures (option two) is the best way to continue to increase Corrections' use of a tool, such as the RMT?
18. Do you think there are any additional advantages or disadvantages relating to remand prisoners having their security risk assessed upon entry to prison that we have not considered?
19. Are there other reasons it is important to use a classification system for remand prisoners?
20. Within what timeframe should any classification be undertaken? What would be your reason for choosing that timeframe?
21. Are there any other Māori or other cultural perspectives that should be considered?
22. Do you have any further comments to make?

Topic 5: Updating provisions relating to prisoner haircuts and the growth and removal of facial hair to remove redundant requirements and lower the risk of these requirements impacting prison tensions

We propose to update the Regulations relating to the growth and removal of hair, including facial hair, to remove requirements that were originally intended to support witness identification processes. An update in evidential identification processes has now superseded these processes, rendering them outdated. There is an opportunity to replace outdated provisions and include more relevant considerations such as prisoner cultural and wellbeing needs.

Context and status quo

Corrections has procedures in place for prisoner personal grooming

Prisoners who are accommodated in a maximum or high security, remand, or youth unit will be issued with one disposable safety razor per day on request, unless they have an authorised electric razor. Staff must record when a prisoner has been issued a razor, and it must be collected from the prisoner after 90 minutes.

All other prisoners are permitted to possess and retain one disposable safety razor under schedule 5 of the Authorised Property Rules.⁷⁸

The Regulations contain further restrictions on whether remand prisoners can change their hair and facial hair

Restrictions are in place that limit remand accused prisoners', who are awaiting trial, ability to change their hair and facial hair in prison. They may only cut or shave their hair and facial hair to the extent necessary to keep their appearance the same as it was when they arrived in prison.⁷⁹ These provisions appear to have been included to support witness identification processes in court. In addition to this, a health centre manager may also direct them to shave their hair for health, safety, or cleanliness reasons.⁸⁰

Remand population growth has been affected by cases taking longer to progress through the court system. This has meant that people on remand are spending more time in prison awaiting trial and sentencing outcome, with the average length of time spent on remand being 78 days.⁸¹

Where this occurs, remand prisoners may be unable to change their appearance for an extended period.

The Regulations further restrict the hair and facial hair of sentenced prisoners

While the rules on the hair and facial hair of convicted or sentenced prisoners (including those detained under the Immigration Act 2009) are less restrictive than those for remand accused prisoners, they still include limitations. Sentenced and convicted prisoners can generally have the hairstyle of their choice, unless the health centre manager directs that they must not have that hairstyle or facial hair on the grounds of health, safety, or cleanliness.⁸² However, convicted or sentenced prisoners must not grow a beard or moustache after arriving in prison, if they did not already have one, unless this is first approved by the prison manager.⁸³

There is the potential for tension between prisoners and staff when prisoners want to have a haircut

Over the years, prison staff have reported incidents relating to how prisoners are enabled access to what they see as a critical right. For example, the Waikeria riot demonstrated that these kinds of personal restrictions can have significant impacts on prison tensions.

These tensions can be an operational matter and not related to the Regulations themselves, as they sometimes relate to matters such as how often prisoners may have haircuts, which is something the Regulations do not address.

Oversight bodies have commented on the Corrections Regulations relating to haircuts and facial grooming

In December 2022, the Inspectorate commissioned a report on an independent inquiry into the Waikeria prison riot. The inspectorate made the following recommendations in relation to prisoner haircuts:

- Corrections should work to amend the Corrections Regulations to ensure the sections relating to haircuts for prisoners on remand are relevant and appropriate; and
- Corrections should clarify the section on prisoner haircuts in the Prison Operations Manual, and should ensure that staff in frontline roles understand prisoners' rights with regard to haircuts.

Other international jurisdictions do not have similar provisions in their regulations

While some comparable jurisdictions provide for haircuts in their regulations or operational procedures, they are generally not as prescriptive as those in New Zealand and are often explicitly

⁷⁸ Section 45A of the Corrections Act 2004 allows the Chief Executive to declare items of property that prisoners are permitted to have.

⁷⁹ Corrections Regulations 2005, Regulation 188(1).

⁸⁰ Corrections Regulations 2005, Regulation 188(1).

⁸¹ In the 2021/2022 year, the average length of time spent on remand was 78 days.

⁸² Corrections Regulations 2005, Regulation 70(1).

⁸³ Corrections Regulations 2005, Regulation 70(2).

empowering instead.⁸⁴

Problem: Changes to evidential identification processes mean that current haircut regulatory settings are outdated

There is no longer a need for remand accused prisoners to maintain their appearance while they wait for their trial

Historically, the identifying features of a person would be captured through a written description, which could be used by witnesses to match the person who was seen on trial, especially where the identification of an alleged offender was at issue. This provided the rationale for why a prisoner's appearance could not be altered prior to trial.

These provisions are no longer required for witness identification purposes. The availability of recent technology has changed this practice. Prisoners are now photographed when they arrive at a police station, and when they arrive in prison. If a prisoner changes their appearance while in prison, they can be re-photographed, so the earlier photograph does not need to be relied on. DNA, fingerprint testing, and possibly also CCTV can also support offender identification.

Additionally, many prisoners may not be immediately apprehended after a crime and may have altered their appearance by the time they are arrested. This can impact witness identification processes, meaning that the current restrictions for haircuts and removal of facial hair may not have the intended impact of more accurate witness identification.

Outdated regulations are not enforced by Corrections staff in practice

For example, sentenced prisoners are not required to obtain the prison manager's approval before growing a beard or moustache. Additionally, prisoners who are awaiting trial are not forced to keep their hair and facial hair the same as when they arrived in prison. Instead, as discussed above, when a prisoner's appearance changes, they are re-photographed.

The current Regulations can limit the bodily autonomy of both remand accused and sentenced prisoners, and may restrict their right to freedom of expression and increase tensions in prisons

The cultural needs of prisoners could also be better accounted for in prison to support prisoners being settled and able to engage in services and programmes, and this may be impacted by the current Regulations. For example, in some Pasifika cultures, it is believed that the hair contains mana, and it is not often cut for this reason. Sikhs also consider hair to be sacred, and do not cut or shave it. It is important that Corrections is able to allow for different cultural values relating to hair, and the cutting of hair.

One of the ways gender-diverse prisoners may choose to express their gender identity is through growing or removing their hair or their facial hair. However, this self-expression could be limited by the legislative requirements

for both remand accused prisoners, and sentenced and convicted prisoners. This may cause anxiety and/or gender dysphoria for gender-diverse prisoners, particularly if they are not granted permission for their chosen form of gender expression. Restrictions on prisoners' maintenance of their hair and hairstyle could also have an impact on their humanity and their dignity.⁸⁵

What we want to achieve with the proposed changes

We want to ensure that policies around hairstyles, haircuts, and facial hair for all prisoners fit with Corrections' operational realities and the identification processes that exist in practice, and are consistent with our human rights obligations.

We also want to ensure that requirements support prisoners' cultural and wellbeing needs, including any health needs, so that they are settled in prison and able to positively engage in programmes. We also want to reduce prison tensions.

We seek your views on the below options

We do not propose any changes that would ban or further restrict facial or hair styles that may relate to any particular ideologies, as this could be too restrictive, and could also impact that person's right to freedom of expression and increase further tensions in this area.

Option one: Remove all regulations placing restrictions on haircuts and facial hair and replace with operational procedures (non-regulatory option)

Instead of having prescriptive regulations that restrict a prisoner's ability to change their hair and facial hair, these aspects of prisoner management would instead be managed through operational procedures set at a national level. These procedures would be set out in documents such as the Prison Operations Manual.

Operational procedures would also include a requirement that consideration is given to any cultural and wellbeing needs of the prisoner when making decisions around their hair or facial hair. This will ensure that these requirements are considered each time a prison manager contemplates whether a prisoner should be able to have a haircut, or grow or remove their facial hair.

Operational documents could include information on how often prisoners are able to have their hair cut and at what point in their sentence this could occur, as well as who can access shaving tools and clippers. They could further include examples of cultural considerations that relate to hair, for example in Sikh culture men and women do not cut hair from any part of their body.

Option two: Remove some existing provisions from the Regulations that are no longer required, but keep health and wellbeing and add a cultural consideration (regulatory option)

This option will remove provisions in the Regulations that are no longer required to assist in identifying defendants at trial. This could include the provision that requires sentenced prisoners to obtain the prison manager's approval before growing a beard or moustache, and provisions that require prisoners who are awaiting trial to keep their hair and facial hair the same as when they arrived in prison.⁸⁶

However, health and safety requirements will remain, and wellbeing and cultural requirements will be added to the Regulations to give staff and prisoners greater transparency

⁸⁴ For example, in the UK, there is a brief reference to haircuts in the Prison Rules that states that a prisoner's hair must not be cut without their consent. Victoria operationally provides that prisons will ensure prisoners have access to hairdressing and barbering services.

⁸⁵ Section 23(5) of the New Zealand Bill of Rights Act 1990 states that everyone deprived of liberty shall be treated with dignity and with respect for the inherent dignity of the person.

⁸⁶ This would be Regulations 70(b) and 188.

about their rights. This could include a requirement to consider any cultural needs of the prisoner when making decisions around their hair or facial hair. Operational procedures would also be updated at the national level with procedures on wellbeing and cultural requirements. Explicitly including cultural and wellbeing provisions as a regulatory consideration would ensure they are considered each time a prison manager contemplates whether a prisoner should be able to have a haircut, or grow or remove their facial hair.

Analysis of options

Contributes to the good order and safety of the prison

As discussed above, prison staff have reported incidents and tensions relating to how prisoners are enabled access to haircuts, which they see as a critical right.

As both options will remove outdated prescriptive provisions, and give prisoners confidence that their cultural and wellbeing considerations will be factored into any decision making, both options could support a reduction in tension in prisons that emerge around access to haircuts and facial grooming.

Option one (remove regulations)	Option two (replace regulations)
✓	✓

Practical to implement and responsive

Both options will be practical to implement as the options largely reflect current operational practice.

Both options would be more responsive to change as they would be less prescriptive, and enable flexibility in what is understood to be appropriate for cultural, religious, wellbeing, gender identity and health needs.

Removing provisions that are not currently enforced operationally make it clear to prisoners what the requirements are and their rights in relation to the same.

Option one (remove regulations)	Option two (replace regulations)
✓ ✓	✓ ✓

Transparency and accountability

Both options are transparent as both the Regulations and operational procedures can be seen by the public and prisoners.

While both options contain mandatory considerations and support accountability in this regard, option two better provides accountability from prisoners and oversight bodies as the Regulations provide a better opportunity to hold Corrections accountable in relation to upholding prisoner rights, including in relation to cultural and wellbeing considerations.

Option one (remove regulations)	Option two (replace regulations)
✓	✓ ✓

Complies with human rights standards

Both options remove unnecessary restrictions on prisoner freedom to maintain their appearance, and restrictions on freedom of expression and autonomy, which will also allow gender-diverse prisoners more freedom to express their gender identity. Both options also support prisoners to be treated with humanity and with respect for the inherent dignity of the person, and allow for cultural and wellbeing perspectives to be considered.⁸⁷

Option one (remove regulations)	Option two (replace regulations)
✓	✓

Promotes better outcomes for prisoners

Removing current outdated restrictions that are no longer enforced will better enable prisoners' freedom of expression and bodily autonomy. This may have positive impacts on their prison experience, including how they interact with staff and other prisoners, and their willingness to engage with programmes and services.

Option one (remove regulations)	Option two (replace regulations)
✓	✓

Addresses Māori needs and cultural perspectives

Some prisoners may have cultural needs that the current Regulations do not consider. For example, for Māori the head is considered tapu, and in some Pasifika cultures it is believed that the hair contains mana, and as such, do not cut hair for this reason. Another example is Sikh culture, where men and women do not cut hair from any part of their body, as the cutting of hair is considered to be a sin.

Should the Regulations be strictly enforced in line with their current wording, this could create issues if these prisoners were made to maintain the same appearance that they had when they arrived in prison. We think the regulations could better consider different cultural values relating to hair, and the cutting of hair.

Option one (remove regulations)	Option two (replace regulations)
✓	✓

⁸⁷ Section 23(5) of NZBORA states that everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the person.

Summary of options

	Option one (remove regulations)	Option two (replace regulations)
Safety	✓	✓
Practical and responsive	✓✓	✓✓
Transparency and accountability	✓	✓✓
Human rights standards	✓	✓
Promotes better prisoner outcomes	✓	✓
Addresses Māori needs and cultural perspectives	✓	✓

Who would be affected by the options?

Remand accused, sentenced, and convicted prisoners would be impacted by these changes, as many of them are likely to want a haircut at some point during their time in prison. The degree to which they will be affected, however, is unknown because in practice staff have often been flexible in allowing prisoners to choose their hairstyles and facial hairstyle.

Questions:

23. Do you think that that the current provisions in relation to haircuts and facial hair need to be updated? Please explain why you agree or disagree.
24. Are there any other options to address these issues relating to haircuts and facial grooming that we should consider?
25. Are there any other prisoner rights, in addition to wellbeing and cultural sensitivity, that should be considered or addressed in the haircut and facial hair regulations? Should we consider any other cultural perspectives?
26. Are there any advantages and/or disadvantages of the proposed options that you think we have missed?

Topic 6: Ensuring that the clothing and footwear worn by remand accused prisoners prioritises prison safety

Corrections is considering amending the rules to make it clearer that prison safety is a priority when enabling remand prisoners to wear items of personal clothing and personal footwear in prison.

In keeping with international guidance, as remand accused prisoners are not convicted, prison managers are provided with more flexibility as to whether remand accused prisoners can wear their own clothing and footwear, as opposed to prison-issued clothing and footwear. However, wearing personal clothing and footwear, especially luxury items, can expose remand accused prisoners to intimidation from other prisoners.

Context and status quo

The Regulations provide circumstances where prison managers may or must require prisoners to wear prison issued clothing or footwear

The Regulations provide that prisoners may wear their own clothing and footwear, unless two exceptions are met.⁸⁸

A prison manager has the discretion to require any prisoner, who is not a remand accused prisoner, to wear prison issued clothing.

Additionally, a prison manager must require a prisoner, including a remand accused prisoner, to wear clothing or footwear provided by the prison if the prisoner's own clothing or footwear is generally insufficient or unfit for use,⁸⁹ or insufficient or unfit for a specific activity or work in which the prisoner is engaged.⁹⁰



Prisoners wearing prison-issued clothing.

Clothing that is unfit or insufficient for use is currently the only basis in the Regulations where remand accused can be made to wear prison issued clothing

This aligns with international guidance that as remand accused prisoners have not yet been found, or pleaded, guilty, they should be able to wear clothing to differentiate them from convicted prisoners.⁹¹

In practice, there is flexibility in the way in which sites manage prisoner clothing. This is because prison managers have some discretion as to when remand accused prisoners must wear prison-issued clothing or their own clothing. For example, we understand that some sites do not allow clothing that represent affiliations with gangs, such as clothing that is red or blue, whereas other sites may not have the same requirements.

The Corrections Act and internal procedures provide further guidance on prisoners' property, including clothing

The Corrections Act allows prison managers to refuse to issue, or refuse to allow a prisoner to keep, items of property under certain grounds.⁹² For example, this can occur if the item is obtained through coercion or other improper behaviour of another prisoner,⁹³ or if the item may interfere with the effective management of the prison.

The Corrections Act also requires the chief executive to make rules that declare which items of property prisoners may be issued with, or are allowed to keep.⁹⁴ These rules are called the authorised property rules, which have specific provisions that relate to both prison issued and personal clothing.

Only property specified in the authorised property rules is property that prisoners may be issued with or be allowed to keep. Prisoners may not be issued with or allowed to keep any other property items.

The authorised property rules note that a prison manager can require sentenced and remand convicted prisoners to wear certain items of clothing and footwear provided by the prison under the Regulations. In the event that a prison requires both remand accused and sentenced prisoners to wear prison-issued clothing it is likely they will wear different colours. For example, at Rimutaka sentenced prisoners wear grey prison-issued clothing, whereas remand accused prisoners wear green.

The Regulations and authorised property rules provide circumstances where authorised property is able to be withheld from prisoners

The Regulations provide that even if an item is classified as authorised property, a prison manager may refuse to issue the property, or refuse to allow the prisoner to keep the property

⁸⁸ Corrections Regulations 2005, regulation 68(1)

⁸⁹ Corrections Regulations 2005, Regulation 68(4)(a).

⁹⁰ Corrections Regulations 2005, Regulation 68(4)(b).

⁹¹ Rule 115, Nelson Mandela Rules.

⁹² Corrections Act 2004, section 43(2).

⁹³ Corrections Act 2004, section 43(2)(d).

⁹⁴ Corrections Act 2004, section 45A.

in certain circumstances.⁹⁵ For example, if, in the opinion of the prison manager, the security of the prison is threatened. The only provision that relates specifically to safety of a prisoner is if the presence of the item in a shared cell threatens the safety or welfare of any prisoner in that cell.⁹⁶ These provisions are not limited to convicted or sentenced prisoners, and therefore could apply to remand accused prisoners.

The authorised property rules further provide that a prison manager may not allow the prisoner to keep the item if it is likely to interfere with the security and good order of the prison; an example of such items is gang paraphernalia. However, there is no specific guidance in the Corrections Act, or Regulations, as to what may constitute interfering with the effective management of the prison.⁹⁷

International standards provide that remand accused prisoners should be permitted to wear their own clothing

The Nelson Mandela Rules state that 'an untried prisoner shall be allowed to wear his or her own clothing if it is clean and suitable. If he or she wears prison dress, it shall be different from that supplied to convicted prisoners.'⁹⁸ The Nelson Mandela Rules are not legally binding, but are referenced in the Corrections Act.

Additionally, the International Covenant on Civil and Political Rights also notes that 'all accused prisoners ... shall be subject to separate treatment appropriate to their status as remand accused persons'.⁹⁹

Problem: it may not always contribute to prison safety for remand accused prisoners to wear their own clothing or footwear

Allowing remand accused prisoners to wear their own clothing and footwear can lead to prisoners using exploitation or intimidation tactics to coerce others to give away their clothing or footwear.

Many instances of intimidation have been observed by staff. An example of this is when staff in one prison observed prisoner A wearing a pair of luxury sports shoes, and prisoner B appearing to use intimidation tactics in order to obtain the shoes. The prison manager directed, for the safety of prisoner A, that the shoes be sent out of the prison. However, the shoes returned through authorised processes, addressed to prisoner B, a few days later.

The current legislative framework may not provide adequate protection for remand accused prisoners who are wearing their own clothing

While the Corrections Act states that sentences are to be administered in a safe, secure, humane, and effective manner, the Regulations do not specify safety and wellbeing as a consideration when determining whether remand accused prisoners can wear their own clothing or footwear. The only considerations explicitly stated in the Regulations in relation to clothing are whether the clothing or footwear is insufficient or unfit for use. This leaves room for uncertainty as to whether prison managers *must* consider safety and wellbeing when determining when prisoners may wear their own clothing or

footwear.

While the Regulations contain provisions as to when authorised property in general can be withheld, this may not always cover these situations of intimidation.

While prison managers have some discretion that touches on prison safety, they may benefit from more preventative powers

While the Corrections Act provides that a prison manager can refuse an item to remain in the prison on grounds of coercion and other improper behaviour taking place, in some instances there is a lack of clarity as to whether these behaviours have to have occurred *before* a decision is made.¹⁰⁰ As such, this may not help proactively protect the safety of prisoners where prisoner managers consider an item will cause harm.

What we want to achieve with the proposed changes

We want to ensure that remand accused prisoners are managed in a way that is appropriate to their status as prisoners who have not been convicted, but that also maintains their safety, and the safety and security of prisons.

In practice, some prison managers consider possible safety or security issues that may arise from a particular piece of clothing or footwear before the suitability of the item is assessed as aligns with the authorised property rules. However, there is not a legal requirement to consider these issues. The below options aim to clarify when prison managers *must* consider safety and security.

We seek your views on the below options to improve the framework relating to remand accused prisoners' clothing and footwear

We note that option two could be implemented as a package with either option one or three. However, options one and three could not be implemented together.

These changes are proposed for only remand accused prisoners as convicted and sentenced prisoners generally do not wear their own clothing, and instead wear prison issued clothing, though there may be some variation across prisons.¹⁰¹ Additionally, prison managers already have wider powers to require sentenced and convicted prisoners to wear prison issued clothing under the Regulations.¹⁰²

Option one: build on the existing Regulations that require remand accused prisoners to wear prison clothing or footwear in certain circumstances (regulatory option)

This option would build on the existing practice and Regulations relating to remand accused clothing, and add Regulations to clarify that remand accused prisoners *must* be required to wear clothing and footwear provided by the prison if their own clothing or footwear may impact their safety or wellbeing, or prison safety or security.

Having this as a requirement, like the existing requirements in relation to insufficient or unfit clothing, would mean prison managers have no discretion and *must* require the prisoner to wear prison issued clothing or footwear if they find their personal clothing impacts safety or wellbeing. However, the

⁹⁵ Corrections Regulations 2005, regulation 33(1)

⁹⁶ Corrections Regulations 2005, regulation 33(1)(ba)

⁹⁷ Corrections Act 2004, section 43(2)(g).

⁹⁸ Rule 115, Nelson Mandela Rules.

⁹⁹ International Covenant on Civil and Political Rights, article 10(2)(a).

¹⁰⁰ Corrections Act 2004, section 43(2)(d).

¹⁰¹ In addition to Regulation 68(4) where a prison manager must require a prisoner to wear prison issued clothing, Regulation 68(3) provides that for sentenced prisoners, and remand convicted, a prison manager may require a prisoner to wear prison issued clothing or footwear. There are no limitations to this within the Regulations.

¹⁰² Corrections Regulations 2005, regulation 68(3).

prison manager’s assessment as to whether safety or wellbeing could be impacted is discretionary. This option could include provisions, either operationally or in regulations, that requires the prison manager to consider it *reasonably likely* that safety or wellbeing could be impacted, in order to set a threshold that must be met to justify the prisoner not being able to wear their personal clothing.

Option two: New operational procedures for withholding property (non-regulatory option)

This option would update operational procedures to include more detail around when authorised property may be withheld under section 43(2) of the Corrections Act. This option provides prison managers with further guidance and clarity around when items should not be allowed in a prison. The procedures would also include guidance on prisoner safety and wellbeing.

While this option provides more guidance, unlike option one, prison managers would have discretion as to whether remand accused prisoners should wear prison issued clothing or footwear where their own clothing or footwear may impact safety or wellbeing.

Option three: amend the Regulations to clarify remand accused prisoners must wear prison issued clothing and footwear in the first instance (regulatory option)

Currently, prison managers have discretion to allow remand accused prisoners to wear their own clothing, unless it is insufficient or unfit for use, either generally or for a specific work activity.

This option would amend the Regulations so that instead remand accused prisoners must wear prison clothing and footwear upon entry to prison, until or unless a prisoner’s own clothing is assessed as safe and fit for use. The additional criteria of safety or wellbeing, or prison safety or security would be included in assessing whether their own clothing can be worn.

Analysis of options

Contributes to the good order and safety of prisoners and the prison

All options are likely to better support the good order and safety of prisons, as they add safety and wellbeing as a consideration for the prison manager when assessing personal clothing of remand accused prisoners.

As options one and three provide prison managers with no discretion in deciding whether remand accused prisoners should wear prison-issued clothing or footwear if it is assessed that their own clothing or footwear could impact safety or wellbeing (at least initially, under option three), these options could be more likely to support prison safety. Whereas option two provides prison managers with more discretion, even where they feel safety could be impacted, which could mean prisoners are permitted to wear clothing even when it may impact safety or wellbeing.

Option one (require where safety or security)	Option two (operational procedures)	Option three (default is prison issue)
✓✓	✓	✓✓

Practical to implement and responsive

While all options are practical to implement, options one and three may require more prison clothing to be issued to prisoners. However, we understand that a large portion of remand accused prisoners do wear prison-issued clothing and as such this would limit the amount of additional clothing that may be required under the options.

As option two is operational, Corrections can update procedures over time if changes are not effective. Options one and three could also be amended over time if changes were not effective, but as these are regulatory options this would take more time and be more complicated than amending operational procedures.

Option one (require where safety or security)	Option two (operational procedures)	Option three (default is prison issue)
○	✓	○

Transparency and accountability

Options one and three better align with provisions in the Corrections Act relating to withholding goods that could interfere with the effective management of the prison.¹⁰³ These options will best support accountability as prisoners and oversight bodies could better hold Corrections accountable as to the limited reasons why prisoner clothing would not be permitted.

Option two has the same level of transparency and accountability as the status quo as operational procedure will be updated.

Option one (require where safety or security)	Option two (operational procedures)	Option three (default is prison issue)
✓	○	✓

Complies with human rights standards

As discussed above, the Mandela Rules provide for accused prisoners to wear their own clothing if it is clean and suitable, and that if they do wear prison dress, it shall be different from that supplied to convicted prisoners.¹⁰⁴ Currently, where remand accused prisoners do wear prison issued clothing, it is a different colour to that of sentenced prisoners, and all options would continue this practice.

As options one and two focus on prison safety while also supporting remand prisoners’ rights to choose what they wear in situations where it is safe for them to do so, they align with international good practice, as well as with section 14 of NZBORA.¹⁰⁵

NZBORA, the Mandela Rules, the International Covenant on Civil and Political Rights, and the United Nations Declaration

¹⁰³ Section 43(2)(g) of the Corrections Act 2004 states that the prison manager may refuse to issue or allow a prisoner to keep an item of property if they have reasonable grounds to believe that the item may interfere with the effective management of the prison.

¹⁰⁴ Rule 115, Nelson Mandela Rules.

¹⁰⁵ Section 14 of NZBORA relates to freedom of expression.

on the Rights of Indigenous Peoples, contain provisions that relate to a right to manifestation of religion or belief.¹⁰⁶ As all options may impact remand accused prisoners' ability to wear their own clothing, these rights in relation to clothing of religious or cultural significance could be impacted.

All options, though potentially option three to a greater extent, may limit rights in relation to freedom of thought, conscience and religion, the right to be free from discrimination and the rights of minorities.¹⁰⁷

Where any prisoner rights are limited, any limitation should be justified and proportionate. To ensure that any engagement is justified, Corrections could require, under any option, that a threshold be met that prison managers to find it *reasonably likely* that safety or wellbeing may be impacted in order to not allow personal clothing to be worn. This would assist with protecting human rights as it would set a consistent standard that must be met. However, as option three is a blanket rule, it could lead to limitations on freedom of expression to a greater extent than is necessary.

Option one (require where safety or security)	Option two (operational procedures)	Option three (default is prison issue)
○	○	XX

Promotes better outcomes for prisoners

All options may reduce the likelihood of remand accused prisoners' ability to wear their own clothing and footwear. This could lead to overall negative experiences for their prison engagement as remand accused prisoners' may not feel free to express themselves using their clothing and footwear. It is also possible that prisoners may feel their right to wear their own clothing has been taken away from them, which may lead them to feel less motivated to participate in other prison activities, particularly in the short term.

However, by providing further clarification that safety must be considered in decision making, there is likely to be an overall positive impact on prison and prisoner safety. The benefits of improved safety through less exposure to intimidation may create a more settled prison environment which could support prisoners to engage with services and programmes.

Option one (require where safety or security)	Option two (operational procedures)	Option three (default is prison issue)
✓	✓	○

Addresses Māori needs and cultural perspectives

Some prisoners may wear specific types of clothing or footwear that are unable to be worn if there are changes to the Regulations, which could include items of religious or cultural significance. As Māori are overrepresented in the prison population, Māori could be disproportionately

impacted by not being able to wear their own clothing.

While all options are likely to reduce remand accused prisoner's ability to wear their own clothing, options one and three could do this to a larger extent. This is because options one and three provide prison managers with no discretion is prisoner clothing or footwear is deemed to possibly impact safety or wellbeing. This could impact prisoners' ability to express their culture or religion.

All options aim to lead to a more consistent approach to prisoner clothing and footwear which will be beneficial for all prisoners, including Māori.

Option one (require where safety or security)	Option two (operational procedures)	Option three (default is prison issue)
XX	X	XX

Summary of options

	Option one (require where safety or security)	Option two (operational procedures)	Option three (default is prison issue)
Safety	✓✓	✓	✓✓
Practical and responsive	○	✓	○
Transparency and accountability	✓	○	✓
Human rights standards	○	○	XX
Promotes better prisoner outcomes	✓	✓	○
Addresses Māori needs and cultural perspectives	XX	X	XX

Who would be affected by the options?

These options have the potential to affect all remand accused prisoners, as all remand accused prisoners have the potential to wear their own clothing, although as noted above this may not occur in all prisons.

As all the options may lead to a reduction in situations where remand accused prisoners may wear their own clothing and footwear, prison staff may also be affected, as they may have an increase in tensions from prisoners who are no longer able to wear their own clothing in situations where they were previously able to. Over time as prisoners adjust to the change lower tensions in prison can be expected.

¹⁰⁶ For example, Section 15 of NZBORA provides that every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.

¹⁰⁷ Sections 13, 19, or 20 of NZBORA

Questions:

27. Do you agree that we should more clearly require that prisoner safety is a priority when it comes to enabling remand prisoners to wear their own clothes and footwear? Why or why not?
28. Are there any other options to address these issues that we should consider?
29. Are there any advantages and/or disadvantages of the proposed options that you think we have missed?
30. Should similar provisions apply to sentenced prisoners, particularly in relation to footwear, given that it is common for convicted and sentenced prisoners to wear their own footwear?

Implementation and monitoring of proposals

How will the options be implemented?

Any regulatory changes would be supplemented by updated training for Corrections staff. Additionally, guidance on the updated processes and procedures would need to be given to both Corrections staff and prisoners, as well as to family and friends in the community.

Clear communication will be needed before any changes come into effect, as this will give time for prisoners and their friends and families, and staff to adjust, and answer any questions they may have.

Introduce additional or new cell features to support the safety of corrections officers when opening and closing cell doors in prisons

Implementation of any of the options would likely take a longer period of time compared with other proposals as prisoners may need to be removed from the cells in order the mechanisms to be installed.

Improve prison safety by increasing and clarifying Corrections' powers to manage funds held for prisoners in prison trust accounts

There may be new systems that need to be put into place in order to best implement changes, such as changes to deposits. Corrections may also need to work with the bank that provides services to us in order to update their processes.

Increase the use of different security classifications for remand prisoners to determine safe management, where practicable, to ensure remand prisoners are managed no more restrictively than necessary, and to efficiently use prison resources

Corrections may need to consider updating the RMT and related procedures and processes so that they align with any new regulations and operational needs.

Consideration would also need to be given to how often the security classification of a remand prisoner is reviewed and updated where appropriate, to ensure that their classification is in line with their level of risk. We are aware that it can be difficult to assess the risk of a remand prisoner as only limited information is available about their risks when they arrive in prison. There is potential for the RMT to place someone in a higher than necessary security environment, which in turn can result in the prisoner exhibiting behaviours that warrant that classification.

Ensure that the clothing and footwear worn by remand accused prisoners prioritises prison safety

Implementation may require all current remand prisoner clothing to be assessed to check that it meets any new requirements.

How will the options be monitored and evaluated?

Corrections will conduct a review of the policy changes 12-18 months following implementation, to provide information to enable it to evaluate how the new policies are working operationally and to determine whether any of the changes are having unintended consequences.

This review could consider things such as:

- the frequency of use of any mechanical restraints and any injuries sustained from use
- whether the use of visual aids or cameras are disproportionately affecting certain groups
- changes on prison safety and prisoner rehabilitation and reintegration outcomes to ensure they are not having unintended consequences, such as on Māori and Pacific prisoners, as they are the majority populations in prison,
- whether changes relating to cameras are making spaces unsafe for prisoners, staff, and other people who are on prison grounds, and
- changes to the update of security classifications for remand prisoners and whether more remand prisoners are being managed in low security units.

Questions:

31. What do you think Corrections needs to consider when implementing the proposed options?
32. What do you think Corrections needs to consider when monitoring and evaluating the implementation of the proposed options?

How to make a submission

Corrections welcomes your feedback on this discussion document. Throughout the document, we have asked some questions to help you tell us what you think. The questions are intended as a guide, and you do not have to answer them all. You can also tell us what you think in your own words if that is easier for you. Answering these questions will help us understand the impact that the proposed changes will have on you. Questions can be found at the end of each proposal in this document.

There are two ways you can make a submission:

- Via the submission template available on the [Corrections website](#)
- By providing a written submission to LegislationAmendments@corrections.govt.nz

This consultation starts on 19 August 2024 and ends on 30 September 2024.

Submissions close at **5pm, 30 September 2024**.

What happens next?

After Corrections has analysed submissions and feedback received, we will provide the Minister of Corrections with advice on the next steps, including any final recommendations.

Depending on the outcome of consultation, there may be changes to the Regulations.



DEPARTMENT OF
CORRECTIONS
ARA POUTAMA AOTEAROA



Te Kāwanatanga o Aotearoa
New Zealand Government

Department of Corrections, PO Box 1206, Wellington, 6140

Phone: [64 4] 460 3000



Follow us @CorrectionsNZ or visit
our website www.corrections.govt.nz