

Regulatory Impact Statement: Improving safety in prisons, and supporting operational practice

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Coversheet

Purpose of Document	
Decision sought:	Cabinet agreement to final policy decisions for Corrections Amendment Regulations 2025
Advising agencies:	Department of Corrections
Proposing Ministers:	Minister of Corrections
Date finalised:	4 March 2025
Problem Definition	
This regulatory impact statement (RIS) considers a package of options that would amend the Corrections Regulations 2005 (the Regulations). The options relate to five discrete areas where regulatory change is necessary to improve safety for staff and prisoners and enable best practice operations, by: • introducing prisoner restraints called drop-pins into prison doors • supporting privacy for prisoners and ensuring that the framework for decision-making is transparent • better ensuring that prisoner trust accounts support prison and public safety • using risk assessment tools for remand prisoners to support appropriate management, and • updating haircut and facial hair requirements for prisoners.	
Executive Summary	
This RIS analyses five areas for change for the operation of the 18 prisons governed by the Regulations that support the Corrections Act 2004 (the Act). While in most cases operational solutions were considered, the prescriptive nature of the Regulations means that regulatory solutions are recommended as operational solutions alone will not achieve our objectives. <i>Impacts on different population groups</i> Māori are overrepresented in prison, making up 19.6% of the New Zealand population,¹ but 53% of the prison population as of December 2024. Additionally, 60% of the total number of people leaving prison each year identify as Māori.² This means that Māori will be impacted more than other groups by the proposals, including benefits from improved wellbeing and prison safety, and improved operational practice. Our options analysis also identified impacts on groups such as women, youth, and ethnic communities. Ultimately, improved safety within prisons will contribute to improved rehabilitation outcomes and reduced reoffending rates, supporting public safety and leading to fewer victims of crime. As such, the proposed changes support the purpose of the corrections system by ensuring sentences are administered in a safe, secure, humane, and effective manner.	

¹ 2023 Census

² The reason for the difference between 53% and 60% is because of particularly high representation on short sentences and remand.

Public consultation in August to October 2024 resulted in 33 submissions

Of the 33 submissions, 13 were from organisations, 5 from individuals and 14 from prisoners.

To further understand the perspective of people with lived experience, we held four hui with prisoners at Auckland South Corrections Facility and Christchurch Women's Prison in October 2024. We also held hui with the Human Rights Commission, as well as other groups or individuals including unions representing Corrections' staff.

Proposals relating to cameras, remand security classifications, and haircuts were generally well supported in submissions. The submissions for cell door features and prisoner trust accounts received more mixed feedback.

There was no formal public consultation on the proposal to enable privacy screens and internal light switches in cells for prisoners at risk of self-harm, as these were later additions to the package of proposed amendments. However, our analysis draws on relevant themes from consultation in 2022 in relation to privacy features for prisoners on segregation and cell confinement. Targeted consultation on this proposal also occurred with prisoners during the hui at Auckland South Corrections Facility and Christchurch Women's Prison, as well as with mental health and custodial staff within Corrections.

In response to public consultation, and further engagement with subject matter experts, we have refined the regulatory proposals

We used feedback from public consultation to refine our proposals, including discounting some options. For example, feedback we received from both prisoners and external respondents was largely focused on adequacy and access to haircuts and haircutting tools and we added an additional option to reflect this.

Summary of proposals in Sections A to E

Sections A to F include subject-specific context, describe the problem definitions, analyse options including their costs and benefits, and discuss how recommended options will be implemented and reviewed.

Section A: Introducing prisoner restraints called drop-pins into prison doors

To better support staff safety, and reduce incidents of use of force, we propose amending the Regulations to enable the use of drop pins in doors in prison. Drop pins work by securing handcuffed prisoners to the door while the door is opened, the major advantage of which is that the pin restricts any unexpected prisoner movements to assault staff or use of the handcuffs as an aid to assault staff.

In response to concerns during consultation, we propose regulatory limitations to the use of drop pins so that they are only used in high security, and above and using long-chain handcuff. Additionally, use will need to be justified where prisoners are displaying behaviour that indicates the potential for harm, such as threats of violence, and for spontaneous use to require incident reporting procedures following use.

Costs and benefits

There are no compulsory costs for Corrections as prison managers will not be required to use the drop pins, but can install them as funding and need allows. Where they are installed, to add a drop pin to an existing hatch will cost approximately 9(2)(i) where a hatch needs replacing.

Providing greater support to staff when opening doors in prison is expected to reduce staff assaults and related costs, as well as reduce use of force incidents for prisoners.

Section B: Better supporting privacy in prisons and ensuring that the framework for decision-making is transparent

The Corrections Act and Regulations contain provisions that affect the privacy of prisoners. There is an opportunity to better support the privacy and dignity of prisoners, while balancing this with safety and security.

We propose removing regulatory prohibitions on privacy features in cells for prisoners at risk of self-harm. Internal light switches will be allowed in these at-risk cells, and privacy screening or barriers will be enabled where it aligns with safe custodial practice.

Additionally, regulations will be put in place that dictate where cameras can be used within the prison and considerations for why placement is required. We also propose an amendment to minimise the collection of intimate visual recordings by requiring privacy/modesty features where hygiene areas are monitored or recorded by CCTV.

Costs and benefits

The proposals achieve increased transparency and accountability by having a regulatory framework in place. They will support frontline environments by reducing anger, trauma, and other negative impacts that can increase where there is more limited privacy that can put staff and others at more risk of assault from stressed prisoners.

While there is a risk of self-harm behind privacy screens, staff can be supported to mitigate this through regular observations and other measures that will be captured in operational procedures. The risk is also countered by studies that show that having privacy improves wellbeing, which prisoners consulted supported.

We anticipate that it would cost between 9(2)(i) to cover or remove any cameras that would become unlawful following these changes. We understand that most of this could be absorbed within baseline 'camera replacement works' budget as long as there is lead in time over a period of years (we are suggesting three years). We do not anticipate that there will be any additional financial cost to Corrections to install internal light switches or privacy barriers in at-risk cells as this has been funded as a response to similar changes in the Corrections Amendment Regulations 2023.

Section C: Better ensuring that prisoner trust accounts support prison and public safety

Corrections is aware that while most prisoner trust account transactions are legitimate, trust accounts are also used for illicit activity that does not support the good order and safety of prisons or public safety. However, in order to restrict such activity, Corrections needs more, and explicit, powers.

We propose that the regulations require the chief executive to set consistent standards across the network that restrict transactions occurring, ensure Corrections can reduce safety risks by regulating access to release to work funds or approved over balance funds, and ensure Corrections is transparently empowered to manage deposits and withdrawals.

Costs and benefits

There is the possibility of increased prison tensions in the short term as prisoners adjust to stricter processes and operational staff are planning a phased rollout with lots of communication to mitigate this. Benefits from this proposal include a streamlined and clearer process for trust accounts, as well as a reduced risk of intimidation and illicit activities happening in relation to these accounts. This should result in a safer prison environment in the long term.

Section D: Using risk assessment tools for remand prisoners

There is currently no regulatory requirement for Corrections to conduct risk assessments for prisoners being held on remand. Instead, the risk a remand prisoner presents to the safety of the prison, staff and others, is determined operationally at the discretion of each prison.

We propose a regulatory requirement for Corrections to conduct risk assessments for a remand prisoner within 14 consecutive days of their arrival, with requirements for reviews of these assessments being triggered either by events, periods of time, or by the prisoner.

Costs and benefits

Improving the management of remand prisoners by conducting risk assessments may take up more resourcing due to the high level of remand prisoners in custody, however, this is expected to be manageable as in most cases assessments are undertaken for remand prisoners. Undertaking reviews of an initial assessment is likely to have the largest cost to Corrections. As that will be a significant practice change, we propose that it is phased in over three years to enable Corrections to ensure staffing is available to complete this task.

Benefits from this proposal include an improvement in overall prisoner wellbeing and greater insight for staff to manage a remand prisoner in accordance with their assessed risk. It also enables better use of Corrections resources in the long-term and in managing lower risk remand prisoners.

Section E: Updating haircut and facial hair requirements for prisoners

We propose to remove redundant regulatory requirements relating to prisoners changing their haircuts and facial hair, and instead provide for any requirements within operational policy. Following public consultation, we introduced an additional regulatory option that would require Corrections to better support prisoner access to reasonable haircutting facilities.

Costs and benefits

Provisions relating to haircuts will be easier to understand, as there will no longer be redundant requirements, and prisoners may benefit from requirements relating to reasonable access to haircutting facilities.

There are no compulsory costs for purchasing additional hair clippers if the prison/unit does not have enough to ensure prisoners are getting reasonable access to haircuts. Prisons can do so in accordance with their resources.

Limitations and Constraints on Analysis

There are some limitations to consultation on the proposal to enable internal light switches and privacy features in at-risk cells, as well as our consultation with prisoners

As noted above, the proposal relating to internal light switches and privacy features for at-risk cells was not part of the wider formal public consultation. However, we have engaged on a related regulatory change that was enacted last year through the Corrections Regulations 2023, and we conducted targeted consultation with prisoners at two sites on this proposal as well as staff.

The engagement undertaken with prisoners by way of in person hui was limited to four hui across two sites. As the consultation was public, prisoners had an opportunity to provide written submissions on the proposals, and Corrections received 11 written submissions from prisoners during consultation (the most we have ever had). All prisoners had access to the proposals on the prison kiosks and through their libraries.

Our analysis on the likely impact of these proposals has been constrained by the absence of, or limited amount of, data and evidence as to the scope of some of the problems

Some proposals rely predominant on anecdotal evidence rather than verified data, for example the proposal relating to drop pins improving staff safety. This can make it difficult to assess the size of the issue, and therefore a proportionate response.

Responsible Manager



Dr Marian Horan

Manager, Legislative Policy

Department of Corrections, Ara Poutama Aotearoa

Quality Assurance

Reviewing Agency:	The RIA was assessed by a panel made up of representatives from the Department of Corrections, Ministry of Justice, and the Ministry of Primary Industries.
Panel Assessment & Comment:	The panel has assessed the RIA as partially meeting the assessment criteria. The Panel commends officials on the consultation undertaken on the policy proposals and, in particular, the engagement with prisoners. The Panel did not consider the RIA fully met the concise and convincing criteria. The RIA covered a variety of topics resulting in a lengthy document that impacted the readability and thereby the conciseness and how convincing the RIA was. The criteria used to assess options, while the right ones for this analysis, were at times overlapping leading to potential double counting of impacts particularly in the safety and wellbeing areas. The Panel also considered the RIA was, at times, unclear or lacked discussion about why the preferred option was selected, in particular for the prisoner trust accounts section.

Context: We are considering regulatory changes that would improve safety within prisons

What is the context behind the policy problem and how is the status quo expected to develop?

Background to the issues

Corrections is the organisation within the justice sector that administers prison and community sentences and orders

1. Corrections administers 18 prisons across Aotearoa New Zealand (15 for men and 3 for women) serving both sentenced prisoners and those remanded in custody. Serco operates Auckland South Corrections Facility under contract, subject to the same legislative framework.
2. While prisons vary in size and specification, each operates under uniform rules and standards in the Correction Act 2004 (the Act) and the Corrections Regulations 2005 (the Regulations). This regulatory impact statement discusses potential regulatory changes that would affect how prisons operate.

The Corrections Act is the primary piece of legislation governing the corrections system, supported by the Corrections Regulations

3. The Act establishes principles guiding the corrections system, with public safety as the paramount consideration in prisoner management decisions. The Regulations provide detailed rules for good management and safe custody, in accordance with the Act, covering such matters as staff duties, use of force, discipline, and prisoner placement.
4. Operational procedures, such as the Custodial Practice Manual, guide daily activities and ensure consistent performance of core duties.

Corrections' operations must accord with human rights legislation and international obligations

5. While detention justifiably limits certain rights, Corrections must provide fair treatment and administer sentences and orders in a way that is no more restrictive than reasonably necessary. Operations must align with New Zealand's human rights legislation and international commitments, including the New Zealand Bill of Rights Act 1990 (NZBORA), the Privacy Act 2020 (Privacy Act), the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)³, the International Covenant on Civil and Political Rights (ICCPR), the Yogyakarta Principles, and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

³ While not legally binding in the same way as our domestic law, the Mandela Rules are specifically referenced in the Corrections Act as guiding how our system operates.

Oversight and accountability of Corrections' activities is provided for by the Office of the Inspectorate (internal) and the Office of the Ombudsman (external)

6. The Inspectorate conducts prison inspections and investigates deaths in custody and prisoner complaints. The Ombudsman monitors detention conditions and treatment, with authority to inspect prisons at any time and recommend improvements.

The composition of the prison population is changing

7. As at 22 January 2025, Corrections managed 10,385 people in prison and 25,822 people serving a sentence or order in the community. In recent years, the prison population has been increasing – driven in part by a persistently higher number of people on custodial remand.
8. The prison population is aging, with more serious offenders, higher gang affiliations, and greater prevalence of trauma, exposure to family violence, substance abuse and mental health issues, and neurocognitive diversity than the general population.^{4,5}

There has been significant growth in the custodial remand population

9. The remand population continues to grow, with the 2024 Justice Sector Projections predicting a 35% increase from February 2024 to 5,592 people by June 2034. The Justice Sector Long-Term Insights Briefing states that this growth has been impacted by longer average waiting periods for trials and sentencing, among other considerations.⁶

The prison population has significant differences from the general population, which we consider throughout this RIS

10. Māori have long been overrepresented in New Zealand prisons and in reoffending rates. Māori made up 50% of New Zealand's total prison population by 1985 (while comprising around 12.5% of the general population). Since then, Māori prisoners have consistently made up about half of the prison population, with this proportion rising to 53% in 2022.
11. As of 22 January 2025, there were:
- 10,385 people in prison, of whom 52% had listed a preferred ethnicity as Māori
 - 732 women in prison, of whom 65% had listed a preferred ethnicity as Māori, and
 - 898 under-25-year-olds in prison, of whom 57% had listed a preferred ethnicity as Māori.
12. While the prison population is predominantly male, as at 22 January 2025 Corrections managed 732 women across three women's prisons (a 54% increase compared to 476 as at 30 June 2023), and managed 5,059 women on community sentences.
13. As at 22 January 2025, we managed 898 young people in prison (those under 25 years of age), compared to 797 in 2022/2023, and 2,997 in the community, compared to 3,329 in 2022/2023.

⁴ <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/justice-sector-long-term-insights-briefing/>

⁵ <https://www.abuseincare.org.nz/reports/whanaketia/>

⁶ Justice Sector Long-Term Insights Briefing, December 2022.

Violence and aggression in prison is a challenge that Corrections is responding to

14. Corrections manages many high-risk individuals with various complex needs, histories of violence and antisocial behaviour, and gang affiliations.⁷ Many of the people our staff work with can behave unpredictably and act without warning. Gang affiliations and rivalries within prisons often escalate conflicts and result in assaults.
15. During 2023/24, there were 26 serious and 285 non-serious assaults on staff, alongside 52 serious and 811 non-serious prisoner-on-prisoner assaults.⁸
16. While it is not possible to eliminate the threat of violence in prisons entirely, we are constantly working to provide the safest environments possible for staff and prisoners. Corrections established a Joint Action Plan with unions in May 2021 to address violence and aggression in prisons.

Purpose of this RIS

We are considering regulatory changes to improve safety within prisons, and respond to the evolving context in the corrections system

17. This RIS considers options for change to the Regulations that could better support prison safety and respond to system changes.
18. Progressing the recommended options in a timely way will enable us to protect staff from assault, and to deliver the best services we can to prisoners, their whānau, staff, and the wider community.
19. **Section A** of this RIS explores allowing Corrections to use drop-pins with hand-cuffs as a mechanical restraint in prison doors, seeking to provide a safer prison environment for staff and prisoners.
20. **Section B** analyses options enabling Corrections to better support the privacy and dignity of prisoners in relation to the use of cameras across the prison network and screening and lighting in at-risk cells.
21. **Sections C to F** of this RIS respond to changes in the corrections environment, including changes to the banking sector and the use of trust accounts, the increasing remand population and redundant provisions relating to prisoner haircuts and facial hair.

In August and September 2024, Corrections consulted on proposals A-E

22. Public consultation ran for six weeks, supported by a discussion document and easy submission form published on Corrections' website. Corrections also proactively emailed partners and stakeholders, and members of the public who had recently submitted on other Corrections topics. Prisoners had access to consultation materials

⁷ Corrections Annual Report 2023/2024. More than 80% of the prison population have convictions for violence in their offending histories, and 39% have a gang affiliation, which is a known predictor of prison violence.

⁸ Serious assaults are defined as an act of physical violence that involves bodily harm requiring medical intervention that results in either overnight hospitalisation or requires extended periods of on-going intervention, or sexual assault of any form where Police charges have been laid. Non-serious assaults are defined as an act of physical violence that result in physical injuries that require medical treatment, and/or overnight hospitalisation as part of initial assessment, or medical observation but not on-going medical treatment. For example, non-serious injuries could be a bloody nose, cuts requiring minimal stitches, gouging, or bites.

through the self-service kiosks in their units and through prison library services, and they posted their submissions to us.

23. Public consultation generated 33 submissions from organisations (39%), prisoners (46%), and individuals (15%). Organisation submitters included the Human Rights Commission, the Ombudsman, the Office of the Privacy Commissioner, and legal groups such as the Law Association and Law Society.
24. Corrections engaged with submitters through hui with the Public Service Association, the Law Association Parole and Prisoners Committee, and the Human Rights Commission.
25. Fifteen of the submissions came from prisoners, with 11 being written submissions. To further understand the perspectives of people with lived experience, officials also held hui with prisoners at both Auckland South Corrections Facility and Christchurch Women's Prison.
26. While Section F (internal light switches and privacy features for at-risk prisoners) wasn't included in formal consultation as it arose afterwards, it was discussed with four panels of prisoners, relevant health staff, and custodial staff including prison managers.

Overarching objective

27. This package aims to improve safety for prisoners and staff, improve rehabilitation and reintegration outcomes, and respond to evolving corrections system needs.

Criteria

28. We have assessed the options in this RIS against the following six weighted criteria, with safety and good order weighted most heavily given the Act's emphasis on public safety.⁹

Criterion	What is assessed
Contributes to the good order and safety of prisoners and the prison	The extent to which the option will support the good order of prisons and the safety of prisoners, staff, visitors, and the public. For example, options could: • reduce uses of force such as pepper spray, • reduce assaults, whether to staff or prisoners, and prison tensions, or • enable safe processes and decisions to be made.
Practical to implement and responsive	How easily the option can be implemented operationally, considering things such as prison and cell design and infrastructure, current technology, and resourcing. This criterion also considers how flexibly the option can adapt to pressures and changes over time (such as new technologies or changes to the design and layout of prisons), allowing for innovation and shifts in best practice, as well as shifts in societal ideas.
Transparency and accountability	This tests whether the option supports transparency and accountability in how Corrections exercises our powers and operates as an organisation. For example, does the option enable prisoners, staff and the public to clearly understand processes and decision making, and will oversight bodies be able to hold Corrections accountable for safe use of the option.

⁹ Corrections Act 2004, section 6

Complies with human rights standards	This criterion assesses the extent to which the option supports the rights contained in domestic and international obligations and standards. For example, rights contained in NZBORA, the International Covenant on Civil & Political Rights (ICCPR), the Bangkok Rules, and the Privacy Act. Where options engage these obligations or standards, analysis should consider whether there is a reasonable justification to limiting this right or standard.
Supports wellbeing and outcomes of the people we manage	The extent to which the option will support the wellbeing of people in prison. In a Corrections context, this could: • promote prisoner wellbeing, aspects of which may include wairua, having a positive impact on mental health or physical health, connection to whānau and emotional wellbeing, • promote more positive outcomes for prisoners while they are in prison, • include improvements to conditions for people in prison, for example, greater opportunities to participate in activities,¹⁰ and • include a greater sense of privacy or respect or enable personal dignity, bodily privacy, and bodily autonomy.
Addresses Māori needs and cultural perspectives	This considers the extent to which the option addresses the needs of Māori prisoners, and of other prisoners with specific cultural needs. For example, is the body as taonga respected, do prisoners have control or rangatiratanga over their personal space and needs, and is oranga prioritised? Another example of this is whether the option supports cultural practices, such as those relating to hair. The analysis will also consider whether Māori will be disproportionately impacted by any of the proposals.

29. Ensuring prison, prisoner and public safety may warrant some limitations on other criteria for example on some rights and freedoms. Where this occurs, this will be discussed in the relevant section of this RIS.
30. Our options have been analysed against the criteria using the following scoring method:

Key for option analysis	
++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

¹⁰ Greater access to activities and programmes can have positive impacts on rehabilitation and reintegration and lower reoffending over the long-term.

Terminology

Alternative accommodation: the Act provides for situations where prisoners at risk of self-harm can be placed in alternative accommodation that is not an at-risk cell should the prison manager consider the accommodation adequate to protect the prisoner from self-harm.¹¹ This alternative accommodation could include, for example, a cell that may have privacy screening and light controlled from within the cell. This is referred to as the 'alternative accommodation rule'.¹²

At-risk cell: a cell that has been designated as such, under the Act, for the placement of a prisoner at risk of self-harm.

At-risk prisoner: a prisoner who has received an at-risk assessment indicating that the prisoner is at risk of self-harm and the at-risk assessment has not been reversed or revoked. The Act prescribes how an at-risk prisoner must be managed.

Authorised property: only property specified in the Authorised Property Rules is authorised property that prisoners may be issued with or be allowed to keep in accordance with section 43 of the Act. Prisoners may not be issued with or allowed to keep any other property items.

Body-worn camera: a camera worn on the vest of a corrections officer or person with officer delegations doing prisoner-facing work, such as a dog handler. When activated, body-worn cameras capture both audio and visual information but are not recording unless activated. Officers use professional judgement to decide when to activate these cameras, such as when tensions are increasing in a prison unit.

Bunked cells: cells that house more than one prisoner and have the toilet and mirrors at the back of the cell, and screens/walls are already there for privacy around those areas.

Cell confinement: refers to a punishment that can be imposed on a prisoner after a disciplinary offence in prison has been committed. The prisoner may be denied some minimum entitlements under s69(4) of the Act, such as access to private visitors, as well as access to television, radio, and exercise.

Closed-circuit television (CCTV): a video surveillance system where camera footage is transmitted to internal monitors (i.e. not broadcast elsewhere). Prison CCTV footage is monitored for safety and security purposes. Corrections retains CCTV data for a maximum of 28 days except where there is a specific operational or legal reason to keep it for longer. CCTV cameras capture a visual record only.

Health centre manager: a medical practitioner or nurse appointed to manage the health centre at a prison and who is responsible for ensuring the provision of healthcare and treatment to prisoners at that prison. Each prison has a health centre manager.

Hygiene areas: this refers to the toilet and shower area located in a prison cell, or the toilet area in a prison yard.

Intervention and Support Unit (ISU): these units provide support for prisoners who are managed in 'at-risk', health, and 'mental health segregation cells'.

Intimate visual recording: visual camera footage or images captured of a person in a private or vulnerable state. Examples of private states include where they are naked, have their genitals or

¹¹ Corrections Act 2005, [s 61B\(a\) – Initial steps that prison manager and health centre manager must take in respect of at-risk prisoner](#).

¹² Corrections Act 2005, [s 61B\(a\) – Initial steps that prison manager and health centre manager must take in respect of at-risk prisoner](#).

buttocks exposed, or are showering or toileting. Vulnerable states also include when they are discussing trauma or crying.

Management unit: these units accommodate prisoners on either directed or voluntary segregation, to ensure their own and others' safety, as they cannot be accommodated with the general prison population due to the risks associated with them. This may be for a period of 14 days initially but can be extended to three months or longer.

Mental health segregation: a prisoner's opportunity to associate with other prisoners is restricted or denied for a period to assess their mental health. Prisoners on mental health segregation must be placed in cells with certain required features, referred to as 'mental health segregation cells'.

Monitoring: usually refers to active observation by staff of a screen or screens displaying real-time footage collected via CCTV cameras. Can also include reviewing recorded footage after the fact.

Person Record Number (PRN): a unique number assigned to each prisoner for them to be identified and managed while they are in prison. When a depositor is depositing funds for a prisoner into the prison's trust account they must include the prisoner's PRN so that the funds can be assigned to the correct prisoner.

Prisoner Incentive Allowance Framework: this framework creates an incentive for all prisoners (except remand prisoners imprisoned for less than seven weeks and prisoners on release to work) to improve their work habits, attend vocational training and rehabilitation programmes. The framework details how the allowance operates, the incentive payment rates, and how prisoners can progress through the payment rates.

Release to work: a type of temporary release to enable prisoners to undertake paid employment outside the prison that assists prisoners in their reintegration by maintaining, developing, or re-establishing work skills and habits, providing contact with the wider community, and providing the opportunity to save money for re-establishment on release. Funds that a prisoner earns during release to work will be paid into a trust sub-account (Release to Work Trust Account (RTWTA)), which is separate from their prisoner trust account (PTA). Prisoners may request for funds to be transferred from their RTWTA to their PTA.

Remand accused prisoner: a prisoner who has not yet been found (or pleaded) guilty to the charges laid against them.

Remand convicted prisoner: a prisoner who has been found (or pleaded) guilty to the charges laid against them, but the sentence they are to serve has not yet been determined.

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

Trust accounts: accounts that prisoners use during their time in prison, which family and friends may deposit funds into for the prisoner to use. Any funds that the prisoner earns during employment, or gains as part of the prisoner incentive allowance framework, will also be deposited into these accounts. The accounts are currently divided into sub-accounts which are Prisoner Trust Accounts (PTA) and Release to Work Trust Accounts (RTWTA). For the purposes of this document, we will use the term prisoner trust account (PTA) to refer to all of the sub-accounts, except where otherwise specified.

Unidentified receipts account: type of account is used to store funds that are intended to be deposited into a prisoner's trust account, but cannot be as there is insufficient identification as to which prisoner the deposit is intended for.

Section A: Introducing prisoner restraints into prison doors

Context

What is the context behind the policy problem and how is the status quo expected to develop?

While opening and closing doors in prison is one of the most common tasks performed by Corrections officers, sometimes it results in staff being assaulted

31. During the 2024 financial year there were approximately 6.8 million instances across the network of staff unlocking a door to a room occupied by a prisoner.¹³ While the majority of these unlocks are uneventful, sometimes they can be the catalyst to an incident with potentially serious consequences, including a staff assault.
32. In 2022/2023 there were approximately 60 incidents either in or close to prison cells across New Zealand prisons that resulted in a non-serious or serious assault to staff.¹⁴ This is approximately 7% of all assaults that took place over this period.¹⁵ Nine of these incidents occurred in women's prisons, while 51 occurred in men's prisons. Of these assaults, approximately 10 occurred directly after staff opened the door to a cell, and seven while prisoners were being returned to their cells.
33. While these figures may seem small in comparison to the number of unlocks, staff are entitled to be and to feel safe in their workplace and businesses have a duty of care to their workers where any risk of an assault must be taken seriously, and mitigated as far as possible.¹⁶

Assaults on staff can have negative impacts for both staff and prisoners

34. Impacts include disability, illness, absenteeism, and greater need for counselling.¹⁷ Additionally, the 864 assaults reported in the 2022/2023 year resulted in the loss of 6,183 workdays, due to staff needing to take time off following assaults.
35. Where prisoners assault staff, operational practice is for them to be immediately placed into segregation, and they could either have a disciplinary process followed, or formal criminal charges laid against them.

¹³ We note that this figure is only an estimate and exact figures have been unable to be provided. These unlocks including moving a prisoner or providing them with an object such as medication.

¹⁴ A serious assault could be staff being physically injured, whereas a non-serious assault may be a cup of water being thrown in a staff member's face. The majority of these assaults took place in management cells and ISUs. ISUs can house prisoners that are experiencing particularly significant mental health issues, which may explain why a higher number of assaults has occurred there.

¹⁵ Data on reported assaults against staff for the financial year 2022/2023 shows that there were 864 assaults against staff reported that year. Of these, 544 resulted in no injuries, 296 resulted in non-serious injuries, 20 resulted in serious injuries, and four were sexual assaults. Of these assaults, 118 took place in women's prisons.

¹⁶ Health and Safety at Work Act 2015, sections 30 and 36.

¹⁷ The roles of psychology in managing prisons and offenders: Managing difficult and disruptive prisoners. Wilson N and Kilgour T (2019).

To support staff safety, Corrections staff can use authorised mechanical restraints on prisoners when they are being moved

36. Mechanical restraints are devices (such as steel chain-linked handcuffs) that can be applied to a prisoner's body or limb to restrict movement.¹⁸ They must be authorised and used in accordance with the requirements in Schedule 5 of the Regulations,¹⁹ and authorised by a Corrections officer or security officer before being used, or before escorting a prisoner to another place.²⁰

While negotiation is often the first step, where a prisoner is not responding and their behaviour is uncooperative and assaultive, use of force may be necessary²¹

37. Corrections uses three types of pepper spray in prisons.²² Pepper spray must be used in a way that minimises pain or injury to the prisoner, so far as is consistent with protecting prison security or the safety of any person.²³
38. A four-person advanced control and restraint team (ACR) is deployed during a planned event to help resolve serious incidents or emergencies in prisons and involves physical force to control a prisoner.²⁴ In the 2023/2024 financial year there were 410 incidents involving pepper spray occurring in men's prisons, and 19 incidents in women's prisons.

Corrections has existing methods and tools to support staff when opening doors

39. Processes include two staff members needing to be present during the unlocking of any cell door, so that the second staff member may assist if necessary, and can observe the wider environment for any risk that may be outside the first officer's vision. Additionally, prisoners may be left in their cell if there is not an urgent reason for them to be moved.

Bubble mirrors are used in cells to enable staff to see a prisoner's location

40. Bubble mirrors are curved mirrors that distort reflections so that the exact detail cannot be seen, but allows a staff member to gauge where a prisoner is from the

¹⁸ Other examples include disposable handcuffs of at least 12 mm width, steel wire-linked handcuffs, velcro restraint handcuffs, waist restraints (in conjunction with handcuffs) and torso restraints. These are all enables in the Corrections Regulations 2005.

¹⁹ Schedule 5 of the Regulations contains requirements for the use of mechanical restraints. For example where a mechanical restraint is applied on a prisoner who is receiving, or being escorted to or from, medical treatment the escorting officers must, taking into account the advice of the treating medical practitioner, implement any measures that are reasonably necessary to ensure that the mechanical restraint does not adversely affect the health and comfort of the prisoner.

²⁰ Corrections Act 2004, [s 83 – Use of force](#) and Corrections Regulations 2005, [reg 125 – Additional circumstances for use of handcuffs and waist restraints](#).

²¹ Department of Corrections Prison Services – Prison Negotiation Team Negotiation Manual. Use of force in a Corrections setting often refers to pepper spray, or a four-person advanced control and restraint team (ACR).

²² There are three mechanisms of pepper spray that may be used within prisons – the MK3, MK9, and MK9 with extension wand. The MK3 can be used in spontaneous incidents, while the MK9 and MK9 with extension wand may only be used for planned events.

²³ Corrections Regulations 2005, regulation 123C(3).

²⁴ The Advanced Control and Restraint manual states the roles and responsibilities of the team, however many of their powers are also set out in legislation (for example, s 83 of the Corrections Act permits force to be used).

observation window in the prison cell door. Once the prisoner has been located using the mirror, staff can direct a prisoner to move away from the door if necessary.

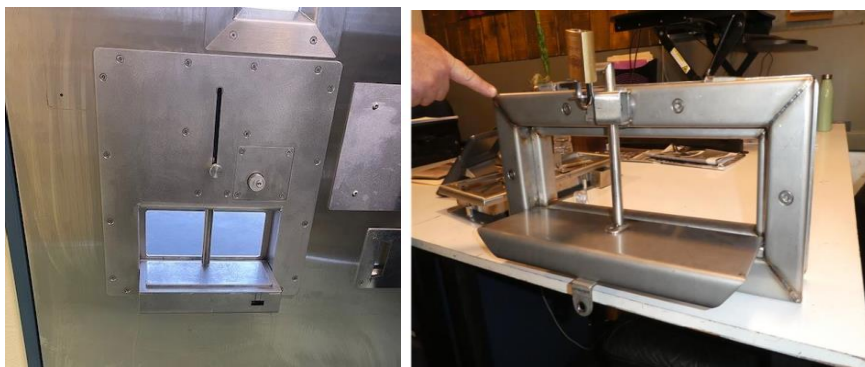
41. Currently bubble mirrors are installed in 2,228 prison cells across the network. At least 564 of these mirrors are in high security, at-risk, or management cells.
42. As prisoners often scratch or cover bubble mirrors, making it difficult for staff to locate the prisoner within the cell, in high-risk areas, such as ISUs, where staff need to check cells regularly, they will sometimes enter the cells to clear the covered mirror.²⁵

CCTV cameras are also used in some areas of the prison to support safety, however, they are only placed in a small number of cells

43. While CCTV cameras generally do not operate in general cells, approximately 180 cells across the prison network contain CCTV cameras for staff to observe prisoners at risk of self-harm. Additionally, a small number of management cells for higher-risk prisoners have cameras that turn on when the cell door is open, then turn off once the door is closed. More information on cameras in prison is contained in **Section B**.
44. Though cameras support safety and accountability for staff, like bubble mirrors, cameras can be covered or scratched by prisoners. Additionally, there is currently no way for the staff who are at the cell door to view the camera footage themselves in real time, which leaves them reliant on communications from another staff member watching the camera footage and relaying the information to them.

Corrections installed and used mechanical restraints called 'drop pins' for six months

45. Drop pins work by having a permanent hatch in the cell door, with the option to draw down a bolt in the middle of the hatch.²⁶ As prisoners can be cuffed to the bolt, drop pins are considered a mechanical restraint.
46. The prisoner places the forearms either side of the bolt and handcuffs are applied to the wrists as per normal. The process takes approximately one minute. The drop pin holds the prisoner to the door and this restricts any unexpected movements or use of the handcuffs as an aid to assault. It also allows easy release from the cuffs to either stay in the cell, yard, and dayroom and staff can also lift the pin to escort the handcuffed person for movements around the prison. Where a prisoner is returned to their cell, they are in their cell with the door closed before the cuffs are removed.



Images of drop pins

²⁵ We understand that this predominantly occurs in higher risk areas such as ISUs as staff may need to keep a closer eye on these prisoners.

²⁶ Drop pins are also sometimes referred to cuff bolts, hatch pins, and handcuff hatches.

47. At Rimutaka, a limited number of drop pins were installed in management units and used for a six-month period on prisoners who were on directed segregation.²⁷ During their use, instances of use of force were substantially reduced, dropping from 24 incidents to 14 incidents.²⁸ While the prison manager told us that staff assaults had also decreased, this was unable to be substantiated with data from that period.²⁹
48. Mt Eden also has a drop pin installed in one cell. We heard that one prisoner who was in this cell prior to the drop pin being introduced assaulted staff four or five times, however, the assaults stopped once the drop pin was installed. Staff then put prisoners who were trying to assault them in this cell to lessen those assaults.

International jurisdictions use similar tools to support staff safety when they are opening doors in prison

49. 9(2)(ba)(i)

Problem A: Diagnosing the policy problem

What is the policy problem or opportunity?

Problem A: Despite existing safety measures, staff are still vulnerable to assaults from prisoners when opening doors in prison where prisoners occupy a room

50. While custodial staff primarily focus on use of de-escalation techniques and on building positive relationships between staff and prisoners, because of the range of incidents that staff in prison are required to respond to and the complexities of some of the people we manage it is important that staff have appropriate tactical options available to respond and to ensure their safety.

The staff assaults discussed above shows that there is scope for further measures to assist staff safety when opening doors in prison

51. Current measures have limitations that can impact staff safety, for example, dome mirrors and cameras can be scratched or covered by prisoners, reducing their efficacy.
52. Some incident reports cited that prisoners appeared to be compliant until the door was opened, at which point they would suddenly rush at the staff member, assaulting them. There are also no tools that respond to these situations.

²⁷ Under section 59 of the Corrections Act 2004 prison managers may direct that the opportunity of a prisoner should be restricted or denied if the prisoner requests this and the manager considers that is in the best interests of the prisoner, and the prisoner's safety is at risk and there is no other way to ensure the prisoner's safety.

²⁸ From 1 April 2023 to 1 October 2023 when drop pins were used, 14 incidents of use of force were reported, but during the same period in 2024 without drop pins these figures rose to 24 uses of force.

²⁹ From 1 April 2023 to 1 October 2023 when drop pins were used, 2 staff assaults were reported, and during the same period in 2024 without drop pins 2 staff assaults were reported.

³⁰ 9(2)(ba)(i)

Example: prior to opening an activity/day room that a prisoner was occupying, a staff member directed the prisoner to sit at a table. Upon entering the room, the staff member was seriously assaulted by the prisoner, resulting in them having to take a significant leave of absence from work.

53. While there may be some situations where non-compliant prisoners can be left in their cell until they are compliant, in other situations that is not possible. For example, where it is necessary for the prisoner to be escorted from their cell, where they are a risk to another cell occupant, or a risk to themselves use of force may be necessary.

Existing use of force measures contain potential risks to prisoners, and it is preferable to enable other options

54. The ACR team sometimes need to use force to restrain prisoners, which can lead to harm or injury to the prisoner as well as risks for staff of injuries from a struggling or violent prisoner. Pepper spray causes significant temporary distress to most people, which is why it is effective at gaining control of a prisoner who poses a threat. It also has the potential to have health impacts on some prisoners, including those with high blood pressure or with asthma.³¹

During public consultation, the majority of submitters acknowledged that staff safety was an issue that needed to be addressed

55. While several submitters considered that additional tools were needed to safely manage higher risk prisoners in a manner that would minimise the risk of injuries to staff, some submitters disagreed and suggested additional staff training as an option.
56. Prisoners had mixed views on the problem. Some prisoners agreed with introducing additional tools due to risk of assault to staff and noted that they had witnessed incidents of staff assaults, however, other prisoners suggested further training and situational awareness as opposed to introducing new tools.
57. The Human Rights Commission and the Office of the Ombudsman expressed concerns with all options presented below. While the Human Rights Commission acknowledged that Corrections is seeking to address legitimate safety concerns, they considered that the options impose more restrictions within the prison environment, rather than taking a rights-enhancing approach that was preventive and aimed at de-escalation of tensions. The Office of the Ombudsman welcomed the intention to improve safety outcomes, and rehabilitation and reintegration for people in custody, but considered that it was not adequately clear how the proposals would improve compliance or safety. In our discussion below we have sought to better highlight those improvements.

What objectives are sought in relation to the policy problem?

58. We want to ensure Corrections officers have the necessary tools available to keep themselves safe when they are opening doors of rooms or areas that violent or aggressive prisoners may be in. We also want to pursue options that will minimise the risk of injury to prisoners, for example by reduced uses of force, and minimise disciplinary or criminal charges as prisoners are prevented from assaulting staff.

³¹ According to UNOCHR, effects can include coughing, shortness of breath, intense burning and swelling of the skin and eyes, nausea, and vomiting.

Deciding upon an option to address the policy problem

What scope will options be considered within?

59. While introducing more visual aids could be achieved operationally, options involving mechanical restraints require regulatory change as they can only be used where authorised under Schedule 5 of the Regulations.
60. We have ruled out of scope options that would go directly against human rights standards, which includes chains, irons or other instruments which are inherently degrading or painful.³²
61. While we publicly consulted on an option to install cameras in some higher risk cells, this has since been ruled out of scope. Cameras they have operational limitations which impact their efficacy (discussed earlier in this RIS and in the discussion document).³³ Additionally, prisoners expressed a strong dislike of cameras in cells stating they are an invasion of privacy and negatively impact prisoners' mental health. The Office of the Privacy Commissioner echoed these sentiments and recommended that this option was not progressed unless it could be demonstrated that cameras in cells would reduce staff assaults when opening doors.

What options are being considered?

62. Note that the options are not mutually exclusive and options two and three could be introduced together as a package.

Option One – Status Quo

63. Under the status quo, staff would continue to rely on existing visual aids, current authorised mechanical restraints, and other uses of force.

Option Two – Install further visual aids in some cells/rooms (non-regulatory option)

64. Under this option, further visual aids such as bubble mirrors or larger observation windows would be installed in some cells and rooms to allow staff to determine where a prisoner was before they opened the door.

Option Three – use drop pins, in limited circumstances, prior to a door being opened (regulatory option)

65. Under this option, the Regulations would enable drop pins to be installed and used in certain circumstances. The following limitations would be included within the Regulations, to support restrictions on use:
 - drop pins could only be installed, and used, on doors in high security, and above, areas. This would include cells, and some other doors such as in dayrooms or interview rooms.³⁴

³² The United Nations Standard Minimum Rules for the Treatment of Prisoners, rule 47.

³³ https://www.corrections.govt.nz/news/2024/public_consultation_opens_on_regulatory_options_to_improve_prison_safety

³⁴ We note that drop pins cannot be installed on sliding doors. We understand that maximum security units at Auckland prison use sliding doors, which could impact the ability to use drop pins on these doors. For the avoidance of doubt, Corrections does not intend to install drop pins in Mothers with Babies units.

- drop pins can only be used on prisoners who display behaviours that indicate a risk to staff safety, for example, where they have been making threats towards staff, and:
 - i. have a specific management plan for directed segregation or cell confinement that identifies that drop pins are a necessary safety precaution,³⁵ or
 - ii. incident reporting is completed afterward (similar to use of force), where spontaneous use occurs.

66. While the limitations for use of drop pins will be contained in the Regulations, the process for using the drop pins would be contained in operational policy. This is discussed in more detail in the implementation section of the RIS. Of note here, the use of long-chain handcuffs would be in the operational policy.

³⁵ We note that prisoners on directed segregation and cell confinement have management plans with detailed provisions around being escorted to and from prison cells, and we will be able to add provisions for whether or not drop pins are able to be used.

How do the options compare to the status quo/counterfactual?

Problem A: Despite existing safety measures, staff are still vulnerable to assaults from prisoners when opening doors in prison where prisoners occupy a room

	Option One – Status Quo	Option Two – install further visual aids in some cells/rooms	Option Three – use drop pins, in limited circumstances, prior to a door being opened
Contributes to the good order and safety of prisons	0	0 While these features are intended to increase the visibility of prisoners, so staff can direct prisoners to move away from the door, as prisoners can scratch or cover these visual aids they cannot always be used as intended, reducing their efficacy.	++ Supports staff safety due to less risk of prisoners rushing towards the door when opened. 9(2)(ba)(i) Drop pins may lessen the incidents of use of force, which may lower the risk of staff and prisoner injuries that can occur during use of force.
Practical to implement and responsive	0	0 Visual aids would be provided for in operational policy, this can be updated as best practice changes. Aids may need to be installed in further cells, so prisoners may need to go to other cells during installation.	+ As the regulations would enable drop pins (and only in certain cells), but not require them, this option is responsive to change in practice over time. Prisoners may need to be moved to other cells while the drop pins are installed.
Transparency and accountability	0	0 No significant departure from the status quo as visual aids are already used across the network. This is purely operational, so has limitations on accountability.	+ The Regulations have reporting requirements when mechanical restraints are used, which would apply to drop pins. The limitations on use such as high security areas and management plans or behaviours, will also be included within the Regulations, creating transparency and accountability. Operational policy could provide for staff to explain to prisoners why they're being handcuffed to a drop pin.
Complies with human rights standards	0	0 Visual aids may not align with sections 23(5) or 21 of NZBORA and Article 16 of the Convention against Torture as they allow prisoners to be seen at all times (though distorted for mirrors). ^{36 37} While we are aware that this could increase the possibility of staff seeing prisoners, including in intimate situations, this would be by visual sighting and would not involve collection of this private or personal information.	+ Legislative and operational restrictions ensure drop pins are only used for prisoners most at risk of assaulting staff, aligning with international instruments of restraint standards. ³⁸ Drop pins present less risk to prisoners than existing uses of force, as prisoners who don't have reasons for being removed from their cell won't be removed if unwilling to be handcuffed to the drop pin. Data shows existing uses of force are not preventing staff assaults.
Supports wellbeing and outcomes of the people we manage	0	0 No significant change from the status quo. Staff already use visual aids to see where a prisoner is and direct them to move away from the door, which will mean less risk of needing to use force. Prisoners have reported feeling like these instruments are an intrusion of their privacy, which would continue under this option, impacting prisoner wellbeing and dignity.	+ Evidence shows reduced use of force incidents with the use of drop pins. This could reduce occurrences of physical harm for prisoners from the use of pepper spray or control and restraint teams, as well as disciplinary or criminal charges, which could positively impact prisoner wellbeing. ³⁹ Some prisoners may not like being handcuffed to the door, especially where they consider it unnecessary, which could negatively affect behaviour and wellbeing in some cases. We consider this does not outweigh the benefits of reduced use of force incidents. Furthermore, by placing regulatory limitations on the installation and use of drop pins, we limit potential use on prisoners who would be unsuitable for use, or where use would not be necessary.
Addresses Māori needs and cultural perspectives	0	- As visual aids are likely to only be installed in higher and maximum security and management units (where Māori are overrepresented) Māori may be disproportionately affected by their use. In a 2024 survey, it was found that Māori are more concerned about privacy than the rest of the general public. ⁴⁰ As privacy concerns drive behaviour, there is a risk that greater intrusions on privacy could increase tensions or change behaviours.	- Māori are often overrepresented in use of force incidents, and in higher security classifications, so may be subject to more drop pin use. The culture of the prison could change with the use of drop pins and lead to increased negative behaviour from some prisoners, which may impact Māori rehabilitation, reintegration and safety outcomes, as these may be more difficult to achieve in a more negative environment. However, limitations on who drop pins may be used on will mitigate these negative impacts.
Overall assessment	0	0 As these features are already used in many of the relevant parts of prisons that manage higher risk prisoners they would have a marginal difference overall, and would have similar impacts to the status quo.	+ This option contributes to the good order and safety of the prison, and aligns with human rights standards better than option two due to less infringement on prisoner privacy. Through strict requirements for use we aim to mitigate over-use, and use on unsuitable prisoners. It is practical to implement and responsive to change, and promotes better outcomes for prisoners as it reduces use of force and disciplinary and criminal charges.

³⁶ 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’. Section 21 of NZBORA states that ‘everyone has the right to be free from unreasonable search and seizure, whether of the person, property, or correspondence or otherwise.’ This has been interpreted to mean surveillance where people have a reasonable expectation of privacy.

³⁷ Article 16 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment provides that states must prevent acts of cruel, inhuman or degrading treatment or punishment that do not amount to torture. It may be degrading for prisoners to be able to be seen at all times.

³⁸ For example, Rules 47 and 48 of the Mandela Rules provide that chains, irons or other instruments of restraint that are inherently degrading or painful will be prohibited and provides principles for the use of other instruments of restraint and rule 36 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. Rule 24 of the Bangkok rules states that instruments of restraint shall never be used on women during labour, birth, and immediately after birth.

³⁹ Injuries are possible but strict requirements for use mitigates risks for unsuitable prisoners. We note that during the time drop pins were used at Rimutaka Prison and Mt Eden Corrections Facility there were no reports of injuries.

⁴⁰ The Privacy Commissioner article titled “Māori are more concerned about privacy in every way”, 20 May 2024, <https://www.privacy.org.nz/publications/statements-media-releases/maori-are-more-concerned-about-privacy-in-every-way/>

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

67. The option that is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits is Option Three – enabling the use of drop pins.

Option Three best contributes to the good order and safety of the prison

While drop pins rated worse than the status quo in some areas, they were likely to best support safety of staff when opening doors. As the safety criteria has been weighted more heavily, we consider that it is the preferred option. We also consider that this option would be beneficial to prisoners as it has proven to reduce use of force incidents, which can cause harm and distress to prisoners.

68. Considering the impacts of assaults on staff, and on existing use of force tools, we consider that the introduction of drop pins is necessary and proportionate, given the limitations proposed. The importance of maintaining staff safety was a recurring theme during public consultation and some submissions pointed out drop pins' effectiveness for safety.

Option Two is not recommended as it does not provide the same safety outcomes, and has privacy and wellbeing concerns in relation to surveillance

69. While Option Two may provide some level of assurance of a prisoners location in a room, visual tools have significant limitations and are unlikely to reduce staff assaults or use of force incidents to the same extent as Option Three. Prisoners echoed these comments and advised they would cover the visual aids should they be installed.
70. The Offices of the Privacy Commissioner and the Ombudsman did not support Option Two given significant impacts on privacy and dignity, and their existing limitations.

Option Three has been amended following public consultation to mitigate risks of routine use

71. Many submitters sought to ensure limitations are placed on how the drop pins are used and noted that they should not be available for use on all prisoners. As a result, we have amended the proposal to include regulatory restrictions on where and on which prisoners drop pins can be used. We also propose reporting requirements where spontaneous use occurs. Including these limitations in the Regulations will give the greatest assurance that the use of drop pins is limited to prisoners where it is strictly necessary, as these are the prisoners at the highest risk of assaulting staff.
72. While Option Three could potentially engage certain human rights, we consider that the use of drop pins may engage less rights than current use or force tactics, meaning it could better comply with some human rights standards than the status quo. Despite this, some prisoners may object to being handcuffed to the drop pin, and this could impact their behaviour as they interact with staff. By limiting drop pin use to those prisoners who are considered at risk of assaulting staff, we aim to limit the number of prisoners who may have their behaviour impacted in this way. There may also be some prisoners who drop pins are unable to be used on, such as prisoners who cannot reach the hatch to put their hands through.

An additional minor amendment may be needed in order to enable drop pins to be used

73. As the Regulations provide that prisoners may not be handcuffed to any part of a vehicle used for transportation, or to a cell grill,⁴¹ to implement Option Three we would need to amend these provisions. Keeping, but amending, the general provision will ensure that there are still restrictions around what prisoners can be handcuffed to.

What are the marginal costs and benefits of the option?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Department of Corrections, including staff	Drop pins will be installed in doors in high security, and above, areas. This may mean prisoners in some cells are temporarily placed elsewhere during installation. There will be one off costs to the Department for updating guidance and training. Additionally, installing a drop pin in a door that already has a hatch will be approximately 9(2) per door, but where the door needs a new hatch as well this will be approximately 9(2)(i) per door. There is a risk of tensions with some prisoners who do not want to be handcuffed to the drop pin and staff will use their expertise to determine if other use of force is required instead.	Medium	Medium
Prisoners	While there may be some risks of injury from using drop pins, we consider these can be mitigated, and that these risks are likely less than those from existing use of force.	Low	Medium
Total monetised costs	<i>Costs for installing drop pins could be around 9(2)(i) if installed in all 481 operational cells in management and maximum-security units. Use will be funded from baselines and use is not required so this cost is not compulsory.</i>	Low-Medium	Medium
Non-monetised costs		Low-Medium	Medium
Additional benefits of the preferred option compared to taking no action			
Department of Corrections, including staff	Less risk of staff being assaulted when opening a door as the prisoner will be cuffed to the door. Such assaults are not high in numbers, but are significant for impacted staff. Less assaults mean less staff off work, which will mean less pressure on other staff.	Medium	Medium
Prisoners	Less risk of other uses of force such as the ACR team or pepper spray, which have the greater potential for injury and distress for prisoners.	Medium	Medium
Total monetised benefits	<i>Staff may take less sick days from being assaulted. As noted above, in the 2022/2023 year there were a total of 6,183 days taken off as a result of assaults, meaning the department could save paying sick leave to staff on these days.</i>	N/A	N/A
Non-monetised benefits		Medium	Medium

⁴¹ 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.

Section B: Better supporting privacy in prisons and ensuring that the framework for decision making is transparent

Context

What is the context behind the policy problem and how is the status quo expected to develop?

The Act and Regulations contain provisions that interact with the privacy of prisoners

The Regulations include mandatory features for all cells, including some privacy features

74. Most cells give prisoners access to privacy screening over hygiene areas so that prisoners can use the toilet and shower out of sight of anyone who looks through the door window, or out of sight of another prisoner with whom they may share the cell. Most cells also have internal light switches so that prisoners can control their own lighting.
75. However, at-risk cells (which accommodate prisoners at risk of self-harm) must have “artificial lighting that is controlled only from outside the cell” and cannot have “privacy screening or any other barrier that prevents a full view of the cell from the door window”.⁴² This restriction was intended to increase safety, for example by stopping prisoners concealing or making weapons, and to ensure the preservation of life in cases of serious self-harm. For a full comparison of the different required features of cells, see **Appendix B1**.
76. The Corrections Amendment Regulations 2023 enabled privacy screens and in-cell light switches in cells for prisoners on cell confinement and mental health segregation as the default, with screens being withheld where there were overriding safety concerns.

The Act enables regulations to be made for the “visual recording” of prisoners⁴³

77. Currently, the Regulations only explicitly include requirements relating to visual recording during prison visits, which must be approved under certain circumstances.⁴⁴ However, the Regulations are clear that this requirement “does not forbid the use of security surveillance cameras in a prison”.⁴⁵ The Act also prohibits a strip search from being carried out in view of another prisoner.⁴⁶

⁴² Corrections Regulations 2005, Schedule 2, Part C.

⁴³ Corrections Act 2004, [section 202\(b\)](#).

⁴⁴ Corrections Regulations 2005, [Regulation 113\(1\)](#). Approval to record a visit must first be obtained from the Chief Executive, Prison Manager, prisoner, and visitor, unless the recording is used for security surveillance purposes and notices are displayed to inform the visitor that there are CCTV cameras operating in that area.

⁴⁵ Corrections Regulations 2005, [Regulation 113\(2\)](#).

⁴⁶ Corrections Act 2004, [section 94\(4\)](#). While the Act does not explicitly prohibit these searches being carried out in view of cameras, Corrections’ operational procedures provide that strip searches must not be conducted in view of where CCTV cameras are operating, and any cameras must be covered or removed before a search commences (Custodial Practice Manual, [Strip Search](#)). The requirement in relation to covering the camera does not apply if there is a privacy screen to fully cover the person being searched.

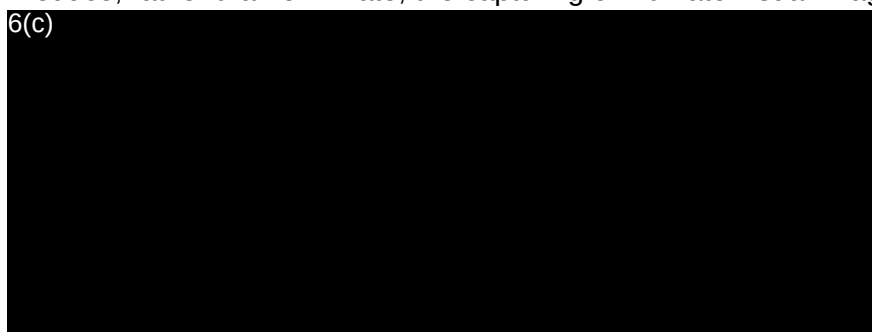
All 18 prisons use closed-circuit television (CCTV) and body-worn cameras to monitor and record activity in prisons⁴⁷

78. 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 are also used inside some, though not all, management cells and inside at-risk cells.⁴⁸ As of February 2022, there were approximately 180 cameras in at-risk cells across the prison network.
79. Operationally, Corrections requires officers who are equipped with pepper spray, or working in a high security unit, to be issued with body-worn cameras.⁴⁹ 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 a planned use of force.
80. When used effectively, CCTV and body-worn cameras can deter prisoner misconduct and criminal activity,⁵⁰ assist in coordinating timely incident responses such as in instances of self-harm, inform investigations, increase staff accountability, and help inform staff training and development.

Over time, varied practice across the prison network has emerged that attempts to better support the privacy and therefore wellbeing of at-risk prisoners

Sites use different methods to modify CCTV footage to better protect prisoner privacy

81. Operationally, generally where toilets are in view (inside at-risk cells or yards with toilets), CCTV camera footage of the toilet area is digitally modified in real time to reduce, rather than eliminate, the capturing of intimate visual images.⁵¹



Examples of masking (left) and pixelation (right)

82. Whether a site uses pixelation or masking depends on the technology installed at that site. With pixelation, the unpixelated footage can be given to the Coroner, if requested. By contrast, masking cannot be removed after the fact, even if this would be beneficial for a coronial investigation.

⁴⁷ CCTV cameras currently only record visual data, while body-worn cameras record audiovisual footage when activated.

⁴⁸ For example, there are CCTV cameras in the management cells in the Prisoners of Extreme Unit, located inside Auckland Prison. 6(c)

⁴⁹ The Custodial Practice Manual requires that officers must record, at the earliest possible opportunity, all incidents where pepper spray is presented to a prisoner for possible use or deployed. [Personal Protective Equipment: On Body Cameras and Operating Procedures \(corrections.govt.nz\)](https://www.corrections.govt.nz/resources/research/journal/volume_4_issue_1_august_2016/on_body_cameras_and_operating_procedures).

⁵⁰ Beales, N & Marsh, L (2016) *On body cameras in prison*. New Zealand Corrections Journal, (4)(1), 39-42. Accessible at https://www.corrections.govt.nz/resources/research/journal/volume_4_issue_1_august_2016/on_body_cameras_in_prison.

⁵¹ Cameras were installed in these locations for safety reasons.

83. The pixelation or masking of a toilet area in an at-risk cell may be temporarily switched off, if approved by the prison's general manager, if the risk of harm is deemed sufficiently high.⁵² During public consultation, a prisoner stated that when this digital privacy feature was deactivated she felt she had no privacy, knowing that staff (including male staff) could be watching.

Instead of digital privacy features, one site relies on physical barriers to provide privacy for hygiene areas of cells where cameras are present, and another site uses no protections⁵³

84. In the Serco-operated Auckland South Corrections Facility (ASCF), physical privacy screens are used to block a CCTV camera's line of sight to a toilet and shower.

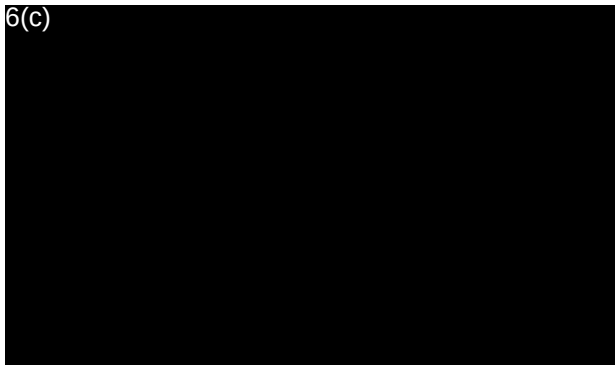


Image of ASCF at-risk cell as viewed on a CCTV monitor

The Act provides for situations where prisoners at risk of self-harm can be placed in alternative accommodation that is not an at-risk cell

85. As noted in our definitions, this can occur where the prison manager considers the accommodation adequate to protect the prisoner from self-harm.⁵⁴ This alternative accommodation could include, for example, a cell that may have privacy screening and light controlled from within the cell.
86. The Chief Executive can also designate non-compliant cells for use for at-risk prisoners where it is not practicable in the circumstances to avoid using the cells.⁵⁵

Modern cells, including at-risk cells, have a switch inside the cell so that prisoners can control their lighting

87. Where this occurs, there are external override switches so that when prisoners have turned off the lights, Corrections officers can override this and turn lights on in the cell. This is important so that staff can conduct wellbeing and safety checks. For example, at nighttime they can put on a blue light that enables them to check the prisoner is fine, without disrupting their sleep.

Most sites have installed privacy features such as fixed hinged metal flaps, or metal shutters, on the outside of observation windows in ISUs

88. These features cover the observation windows by default, but can be moved so that staff can have sight of the prisoner when conducting their observation checks. We

⁵² When the digital protection is turned off, nothing is hidden on the monitor showing the CCTV feed, but staff are still required to conduct 15-minute checks at the cell door. Camera use does not replace these regular physical checks.

⁵³ Some sites do not use digital protections or physical privacy screens.

⁵⁴ Corrections Act 2005, [s 61B\(a\) – Initial steps that prison manager and health centre manager must take in respect of at-risk prisoner](#).

⁵⁵ Corrections Regulations 2005, regulation 60(2).

understand that these features are used to both give prisoners in ISUs more privacy especially when prisoners are experiencing high-stress incidents, and to prevent prisoners from seeing into each other's cells and disrupting each other.⁵⁶



Images of metal shutters on the outside of viewing windows in at-risk cells

The cell configuration of ISUs can sometimes enable better privacy around hygiene areas

89. We understand that at least one site already has cell configuration in a way that does not enable staff to see at-risk prisoners on the toilet from the door. Staff working in this unit have advised that they do not consider the risk is higher because of the cell configuration, and advised that they haven't had any major events in these units as a result of the cell configuration.

New at-risk cells have been built with permanent privacy screens and light switches,

90. A unit at Waikeria prison contains 26 beds that are intended to house prisoners at risk of self-harm, as well as some prisoners on mental health segregation. Each of these 26 cells have built-in floor to ceiling privacy screens and in-cell light switches.⁵⁷ This provides an example of the direction that Corrections is moving towards in relation to providing at-risk prisoners with more privacy.

While restrictions of choice, personal autonomy and privacy are unavoidable in a prison environment, they can have positive impacts on prisoner wellbeing

91. Having a sense of choice can be particularly important in autonomy-restrictive settings, such as in prison, where afforded choice can increase individuals' rather limited sense of autonomy.⁵⁸ The perception of being able to make decisions in a prison context has been related positively to quality of life, and relieving feelings of helplessness and frustration.^{59, 60} Health Centre Managers have advised that a lack of privacy in at-risk cells may cause more harm to mental health and may risk

⁵⁶ When these flaps are shut, noting they are only opened to do observations, people in the hallway cannot see into the at-risk cells, and therefore cannot see at-risk prisoners in vulnerable states such as on the toilet or experiencing emotional distress.

⁵⁷ The decision to install permanent privacy screens in these cells was made on the basis that at-risk prisoners in these cells would be managed using high levels of mental health staff oversight, 24/7.

⁵⁸ *Choosing When Choices Are Limited: The Role of Perceived Afforded Choice and Autonomy in Prisoners' Well-Being*, https://selfdeterminationtheory.org/wp-content/uploads/2019/07/2017_vanderKaa-DeederAudenaertSoenensMabbe_LawHumanBahav.pdf

⁵⁹ *Choosing When Choices Are Limited: The Role of Perceived Afforded Choice and Autonomy in Prisoners' Well-Being*, https://selfdeterminationtheory.org/wp-content/uploads/2019/07/2017_vanderKaa-DeederAudenaertSoenensMabbe_LawHumanBahav.pdf

⁶⁰ Gater, L. (2005). Change is due for female correctional facilities. *Corrections Forum*, 14(4), 66-69.

retraumatising some prisoners, and that we may not currently be adhering to the principles of trauma-informed practice.⁶¹

92. Studies have found that privacy is an essential component of humanising prison environments, and that the presence of a privacy screen to conceal a toilet can increase a prisoner's sense of privacy, thereby lowering their level of stress hormones and increasing their perceptions of environmental control.^{62, 63}
93. People in prison have higher rates of lifetime exposure to traumatising events, which can impact their needs in relation to privacy.⁶⁴ This is relevant considering that 52% of women, and 22% of men in prison have experienced PTSD across their lifetime,⁶⁵ and that 75% of all prisoners have experienced some type of violence (physical or sexual).⁶⁶

Corrections has received criticism for its use of cameras, and lack of internal light switches and privacy features

94. An academic has commented on how any invasion of privacy should be minimised to the greatest extent possible without compromising other important values and rights to safety and security.⁶⁷ The Ombudsman has repeatedly raised concerns with Corrections' use of CCTV through OPCAT reports, recommending measures to better protect the privacy of prisoners in areas when they are naked, partially naked, or undertaking their ablutions.⁶⁸ The Ombudsman has also challenged the view that a privacy barrier would increase the possibility of self-harm or harm to others and questioned whether there is evidence to support this, and have recommended that privacy screens are installed in at-risk cells.^{69, 70} They have described current practice as a breach of privacy and of NZBORA rights to not be subjected to disproportionately cruel or degrading punishment, and to be treated with inherent dignity.⁷¹

⁶¹ Haney, C. 2002. *The psychological impact of incarceration: Implications for post-prison adjustment*, The Urban Institute; This is an approach that recognises the presence of trauma symptoms and acknowledges the role trauma may play in an individual's life.

⁶² Kelsey V. Engstrom and Esther F.J.C van Ginneken "Ethical Prison Architecture: A Systematic Literature Review of Prison Design Features Related to Wellbeing" (2022) 25(3) Space and Culture 479 at 491.

⁶³ Engstrom and van Ginneken, at 492.

⁶⁴ Bevan, M. 2014. *New Zealand prisoners' prior exposure to trauma*. Department of Corrections.

⁶⁵ Bevan, M. 2014. *New Zealand prisoners' prior exposure to trauma*. Department of Corrections; https://www.corrections.govt.nz/_data/assets/pdf_file/0004/44644/Corrections_Wahine_-_E_rere_ana_ki_te_pae_hou_2021_-_2025.pdf

⁶⁶ Data from 2016. This does not include sexual violence. This violence also includes coercive control whereby victims are denied access to basic needs and have their autonomy severely limited.

⁶⁷ Bülow, William. 2014. "Treating Inmates as Moral Agents: A Defense of the Right to Privacy in Prison." Criminal Justice Ethics 33 (1): 1–20. doi:10.1080/0731129X.2014.902654.

⁶⁸ Office of the Ombudsman, [Report on an unannounced inspection of Otago Corrections Facility under the Crimes of Torture Act 1989, August 2022](#), page 12.

⁶⁹ Office of the Ombudsman, [Report on an unannounced follow-up inspection of Arohata Prison under the Crimes of Torture Act 1989, December 2017](#).

⁷⁰ Submission of the Office of the Ombudsman during public consultation on the Corrections Amendment Regulations 2023.

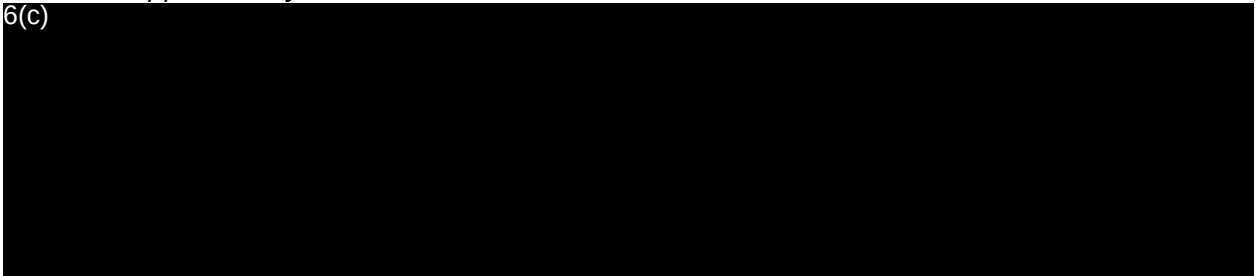
⁷¹ Office of the Ombudsman, [Final report on an unannounced inspection of Waikeria Prison under the Crimes of Torture Act 1989, August 2020](#), page 15.

95. The Office of the Privacy Commissioner also noted that in the absence of clear evidence that access to light switches is creating risk in at-risk cells, and of exactly when they may create risk, it is concerning that this practice is currently operating.⁷²

Domestically, other departments and ministries use CCTV cameras to monitor people in cells, and have implemented some form of privacy screening

The New Zealand Police and Ministry of Justice use CCTV cameras to monitor people in cells to support safety

6(c)



Health New Zealand manage some individuals with serious mental health concerns using partial privacy screens/doors⁷³

98. The Mental Health (Compulsory Assessment and Treatment) Act 1992 expressly prohibits the use of audio or video recording of treatment without patient consent. As such, cameras are not used in mental health facilities in the community.
99. We understand that rooms in the acute mental health units with ensuites are now being fitted with temporary doors/privacy screens that detach from the wall if excessive force is applied to the door. These doors are designed so that the feet and the head can be seen, but the person still has privacy. Should a risk assessment determine that an individual's safety needs are higher than can be tolerated with a foam door, it would be removed.

International jurisdictions have different approaches in relation to cameras and privacy features in prison

Legislation in other jurisdictions justifies cameras in prison and supports privacy through restricting where cameras are allowed to operate.

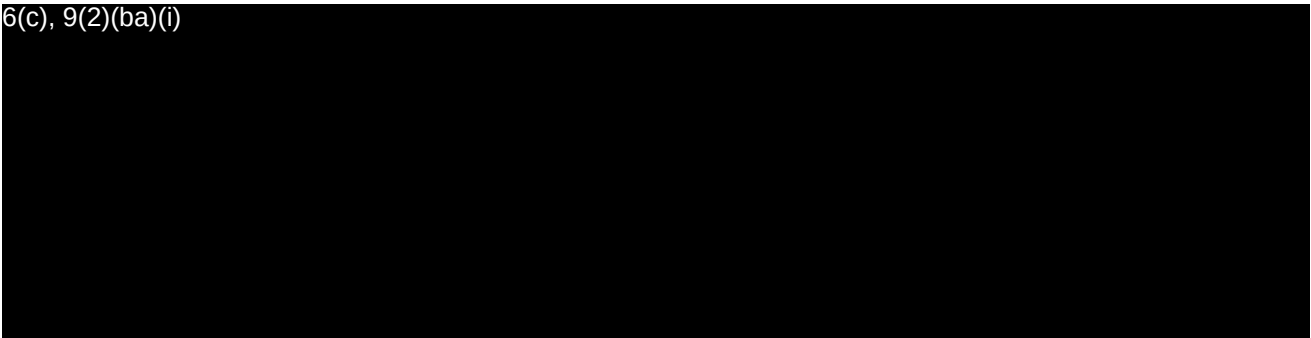
100. Canada, for example, explicitly states where cameras are required, permitted, and not allowed. Victoria and England and Wales determine that a body-worn camera is not to be activated in a situation where a prisoner would expect privacy, unless there is a compelling reason, such as if responding to an incident where the safety or security of others is at risk. Situations where privacy is expected include toilet and shower areas, search rooms, inside the Mothers with Babies' Unit where babies are fed and washed, and medical treatment rooms.
101. England and Wales have similar restrictions on CCTV cameras, namely that they must not be situated in places where there is an expectation of privacy.

⁷² Submission of the Office of the Privacy Commissioner during public consultation on the Corrections Amendment Regulations 2023.

⁷³ We note that in these community facilities the ratio of staff to patient is according to need and that some people are on constant observation where staff are within arm's length of the person.

While most international jurisdictions use privacy screens to some extent in prisons, generally at-risk prisoners are not provided with privacy screens

6(c), 9(2)(ba)(i)



We looked at some of the relevant literature and found a general consensus on the utility of cameras in prisons⁷⁴

104. Across the papers looked at, there was consensus that cameras were used for detection, prevention, and evidence-gathering, in support of general safety and accountability. Most studies reported a reduction in infractions, assaults, or other negative behaviours and sometimes these reductions were very large. Multiple studies highlighted the role of cameras in upholding accountability both for staff and prisoners, in positive and negative ways.

Problem B1: Diagnosing the policy problem

What are the policy problems or opportunities?

Opportunity B1: There is an opportunity to ensure that, across the prison network, the placement and use of cameras is transparent for prisoners, staff, and visitors, and supports prisoner privacy and dignity when using hygiene areas and experiencing intimate moments

105. 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.
106. 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. We heard from several prisoners during consultation that their concerns about being captured on camera were less about whether or not this was happening, and more about being sure about where and when it was happening.
107. 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. Given cameras' impact on their privacy, the use of these devices should be transparent and proportionate.
108. While cameras are widely used across the prison network, as noted above, the regulatory framework governing how and where cameras can or cannot operate is not thorough.
109. The monitoring of certain prisoners (such as at-risk prisoners) routinely attracts criticism from the Chief Ombudsman, in whose view it amounts to degrading treatment and disregard for the personal dignity and privacy of prisoners. Improving transparency and accountability around Corrections' camera monitoring and

⁷⁴ This was not a formal systematic review.

recording practices will help ensure our operations are consistent with rights, including those enshrined in NZBORA.⁷⁵

What objectives are sought in relation to the policy opportunities?

Cameras are an indispensable tool to support safety and security in prisons – we aim to ensure that their placement and use is proportionate and justified

- 110. Our objective is to support the wellbeing and dignity of prisoners, while ensuring that cameras are used only where justifiably and reasonably necessary, balancing the privacy, safety and security of prisoners, staff, and the public.
- 111. Because cameras are a critical safety tool, and because they impact privacy 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, and what they can record.
- 112. We want to better ensure the dignity of all prisoners where cameras may capture personal and intimate moments. Prisoners should have the same level of understanding of where they are being monitored or recorded regardless of which site they are placed at, so where possible, we also want to ensure consistent practice across the network.

Deciding upon an option to address the policy problem

What scope will options be considered within?

- 113. 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).
- 114. Changes to the retention, use, and disposal of these recordings are out of scope of these proposals as there is an existing framework of legislative and operational procedures governing these practices.
- 115. We do not currently use drone-mounted cameras to monitor or record the prison estate and while this may be considered in the future, we have not specifically considered the use of drones in the options discussed here.
- 116. We are looking only at regulatory options here because of the existence of regulation-making powers in the Act. Given these powers, we should ensure that rather than having operational guidance alone, secondary legislation governs and guides the use of cameras. Changes to operational practice may also be made as appropriate alongside implementing the preferred option.

Options ruled out of scope

- 117. We considered an option to allow prison managers to determine where cameras can operate within their prison. We ruled this option out of scope because it could lead to further inconsistencies in camera placement across the network. Different managers will likely have different risk tolerance and ideas around where cameras should be placed. This would not address our goals of increasing transparency and accountability and ensuring prisoner dignity is consistently considered.

⁷⁵ New Zealand Bill of Rights Act 1990, [section 9](#) and [section 23\(5\)](#)

What options are being considered?

Opportunity B1: There is an opportunity to ensure that, across the prison network, the placement and use of cameras is transparent for prisoners, staff, and visitors

118. We have considered and consulted on a range of options to respond to this opportunity, described in detail below. Option 1 is the status quo, Options 2 to 4 relate to CCTV only and Option 5 relates to body-worn cameras only. Option 4 was not directly consulted on – it was introduced after and in response to consultation.

Option 1 – Status Quo

119. Under this option, the Regulations would remain essentially silent on the operation of CCTV and body-worn cameras in prisons.
120. In practice, CCTV and body-worn cameras would continue to be used within prisons in the same ways.

Option 2A – Specify in Regulations where CCTV cameras *cannot* monitor or record

121. The Regulations would be amended to explicitly state that CCTV cameras *cannot* monitor or record in certain specified places, or where specified activities take place (for example, where strip searches are conducted).
122. During consultation, we suggested some potential places where Corrections could specify that cameras cannot be used and people we heard from agreed this was an appropriate list. This non-exhaustive list was:
- inside accommodation in Mothers with Babies Units
 - inside feeding and bonding rooms
 - inside medical examination rooms
 - in view of a strip search
 - inside any cells, except cells that at-risk prisoners or those segregated for the purpose of medical oversight are placed in, and except for immediately before, during, or after a cell door is opened.
123. We have made a qualification to this last point as a result of talking to further prison staff after consultation. **(c)**
- (c)** This supports safety and accountability for staff and the prisoner when the door is opened and the risk of assault increases. Prisoner privacy is protected as the camera is off while the prisoner is alone in the cell.

Option 2B – Specify in Regulations where CCTV cameras *can* monitor or record

124. Under this option, the Regulations would explicitly define where CCTV cameras *are* allowed to operate in prisons.
125. 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, as well as at times when the risk of assault is higher, such as when cell doors are opened.
126. This list would need to be exhaustive, as it would be explicit that if a particular area is not specified then cameras cannot operate in that area.

Option 3 – Introduce a general requirement in the Regulations that CCTV cameras may 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,

- 127. The general requirement would be contained in the Regulations.
- 128. Under this option, robust and carefully-considered assessment criteria would need to be developed in operational procedures to determine whether the requirement is met. These criteria would 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.
- 129. For the avoidance of doubt, the purposes for which cameras would have to be necessary and justified include, as appropriate, intelligence purposes (as these are defined in the Act).⁷⁶

Option 4 – Introduce a requirement in the Regulations relating to privacy features (either physical or technological) where CCTV cameras monitor and record hygiene areas, where this is appropriate and aligns with safe custodial management

- 130. In talking to prisoners at one site about their strong discomfort with being filmed while using the toilet, and viewing the effective privacy features built into some cells that block cameras from filming hygiene areas, we concluded that a further option for regulatory amendment should be considered.
- 131. Under this option, the Regulations would include a requirement relating to the use of privacy/modesty features where hygiene areas such as toilets or showers are monitored or recorded by CCTV, such as in at-risk cells and yards with toilets. This would minimise the collection of intimate visual recordings.
- 132. This option would not require the features to be used in all circumstances. We understand that this might not always be appropriate when a prisoner is acutely at risk of self-harm, or where an incident has occurred around the hygiene area of a cell and the unmodified footage needs to be seen to understand how the harm happened.⁷⁷ The option would elevate to Regulations some aspects of current operational policy relating to when pixelation and masking are activated or removed.
- 133. This option would be supported by operational procedures detailing considerations when determining if a privacy feature is appropriate. This might include information about whether an at-risk prisoner is actively trying to self-harm.
- 134. We note that some sites will not need to use pixelation or masking for CCTV cameras in at-risk cells as they have physical screens that prevent the camera from viewing hygiene areas of the cell.

Option 5 – Clarify in the Regulations when and where body-worn cameras can be used by corrections officers in a prison

- 135. 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,

⁷⁶ Corrections Act 2004, [section 127B](#)

⁷⁷ For example, coroner's inquiries may require un-pixelated footage in this instance.

elevating certain procedures to legislation to increase transparency and accountability relating to current practices.

136. An example of the kind of thing that could be included under this option is that body-worn cameras can be used anywhere in a prison if there is a need to capture visual or audiovisual footage of an incident. Officers wearing body-worn cameras would be required by the Regulations to take reasonable steps to notify prisoners that they will be recorded before activating the cameras.
137. The Regulations would be drafted in such a way as to enable body-worn cameras to be used as appropriate, without limiting their use to a prescribed set of circumstances. In other words, we wouldn't want these Regulations to prevent a body-worn camera from being activated if there wasn't an incident occurring, as there are other situations where they are beneficial.
138. This option relates to body-worn cameras only and could be implemented in conjunction with any of the other options described above.

The options could be combined in different ways

139. Options 2A and B would not be introduced together, as each largely negates the need for the other.⁷⁸ The other CCTV options are not mutually exclusive – meaning they could be introduced alone or in parallel. Option 5 could also be introduced alone or in combination with any of the CCTV options. The following table illustrates how a particular option could be combined with any of the other options.

	1	2A	2B	3	4	5
1		X	X	X	X	X
2A	X		X	✓	✓	✓
2B	X	X		✓	✓	✓
3	X	✓	✓		✓	✓
4	X	✓	✓	✓		✓
5	X	✓	✓	✓	✓	

Key	
	Status quo
	CCTV option
	Body-worn cameras option
✓	Can be combined
X	Cannot be combined

⁷⁸ While the Regulations technically could contain both a list of places where CCTV cameras can operate and a list of where they cannot, our intention would be to introduce only one or the other.

How do the options compare to the status quo/counterfactual?

Opportunity B1: There is an opportunity to ensure that, across the prison network, the placement and use of cameras is transparent for prisoners, staff, and visitors, and supports prisoner privacy and dignity when using hygiene areas and experiencing intimate moments

Criterion	Option 1 Status Quo	Option 2 - Regulatory requirement for placement of cameras across the network		Option 3 - Regulatory requirement that camera placement must be necessary and justified to ensure the health, safety, and security	Option 4 - Regulatory requirement for privacy features over hygiene areas, where appropriate and safe	Option 5 - Clarify in the Regulations when and where body-worn cameras can be used by corrections officers in a prison
		Option 2A - Specify where CCTV cameras <i>cannot</i> monitor or record	Option 2B - Specify where CCTV cameras <i>can</i> be used			
Contributes to the good order and safety of prisoners and the prison	0	0 The areas specified would be selected carefully to ensure that preventing cameras from operating there would not jeopardise the safety of staff or prisoners in those areas.	- The specified areas would be carefully considered as there is a risk that some areas where cameras are needed for safety and security might not be sufficiently captured in the Regulations, particularly given differences in infrastructure and layout between different prisons. If this were to occur, good order and safety might be reduced, relative to the status quo.	0 As this enables Corrections to consider the differing aspects of individual units or prisons and use cameras accordingly, as is the case in practice under current settings, this is unlikely to change the good order and safety of prisons relative to the status quo. However, having a regulatory requirement may, in the long term, contribute to the good order and safety of prisons by prohibiting cameras from being used in unjustified, disproportionate, or unnecessary ways.	0 No substantive change from the status quo.	0 No substantive change from the status quo.
Practical to implement and responsive to change	0	0 May not allow Corrections to adapt to unique aspects of individual prison sites, where safety and security needs may differ depending on prison infrastructure and resourcing. However, practical to implement and adaptive to change as by stating where cameras cannot be used, should new types of prison space be introduced in the future the regulations would likely allow camera use. Largely practical to remove or cover some existing cameras, if needed.	- This has a higher risk of not being responsive to change as it is difficult to specify every location in prison where cameras might be used, particularly as prisons modernise and names for spaces change. Largely practical to remove or cover some existing cameras, if needed.	0 Practical and provides flexibility in CCTV implementation while maintaining clear boundaries. The “necessary and justified” test allows placement to be adapted based on emerging security needs or changing prison conditions, which can be supported by operational procedures.	0 Responsive to the direction Corrections is heading in relation to privacy. Given Corrections already uses these features at most sites, and this option does not require use in all circumstances, this option is practical.	0 Practical to implement as it mirrors existing operational procedures in the status quo. We would need to ensure the wording of the Regulations contains flexibility in case of future technological developments for body-worn cameras.
Promotes transparency and accountability	0	++ Provides a clear legislative (and therefore publicly accessible) framework for the locations where cameras <i>cannot</i> be used in prisons, thereby increasing transparency. Would increase Corrections’ accountability by setting clear standards and expectations for the placement and use of CCTV in prisons. If cameras were operating in any prohibited zones, Corrections could be held to account for this breach of legislative requirements.	++ Provides a clear legislative framework for camera locations, as with Option 2A. Would be more transparent than 2A as it would be explicit that CCTV cameras would not be permitted in locations other than the specified places they <i>can</i> be used. Like Option 2A, this option would better hold Corrections to account through a regulatory approach.	+ More transparent than the status quo, as the general requirements for camera placement would be contained in publicly accessible legislation. Clear operational procedures would ensure consistent camera placement and mitigate risk of staff interpreting general requirements differently. Like Options 2A and B, would increase Corrections’ accountability, as the current regulatory framework is largely silent on the use of cameras in prisons. The option establishes an auditable basis for CCTV-related decisions. However, less specific and therefore less transparent than Options 2A and B.	++ Creates transparency and accountability for how Corrections uses privacy features for CCTV cameras, as currently this is purely operational. Consequently, oversight bodies would be better able to hold Corrections to account in relation to their use of these features.	+ Improves transparency and accountability for how body-worn cameras are used, as current operational procedures would be escalated to the Regulations.
Complies with human rights standards	0	+ Clearer restrictions will better align with rights to not be subjected to cruel, degrading, or disproportionately severe treatment, and to be treated with humanity and inherent dignity, as long as the list is aligned with these factors as intended. ⁷⁹	+ Similar to Option 2A in that a regulatory response ensures better compliance with human rights obligations. Complies with Privacy Act obligation to only collect personal information if for a lawful purpose connected with our functions or	++ By ensuring cameras are only used where necessary, justified and proportionate, better aligns with rights to not be subjected to cruel, degrading, or disproportionately severe treatment, and to be treated with humanity and inherent dignity. Also reduces collection of personal	+ Regulatory response ensures better compliance with Privacy Act and human rights obligations, including international human rights law guidance that toilets should not be visible from the point of surveillance. ⁸¹ . Also better aligns with	+ Better aligns with NZBORA section 23(5), as requiring verbal notice of camera activation in legislation is more consistent with treating people with humanity and respect. Also aligns with IPP 3, which requires agencies to take reasonable steps to ensure

⁷⁹ NZBORA sections 9 and 23(5) and Article 16 of the Convention Against Torture.

⁸¹ [The Association for Prevention of Torture, Accommodation, Respect for Privacy \(apt.ch\)](#)

Criterion	Option 1 Status Quo	Option 2 - Regulatory requirement for placement of cameras across the network		Option 3 - Regulatory requirement that camera placement must be necessary and justified to ensure the health, safety, and security	Option 4 - Regulatory requirement for privacy features over hygiene areas, where appropriate and safe	Option 5 - Clarify in the Regulations when and where body-worn cameras can be used by corrections officers in a prison
		Option 2A - Specify where CCTV cameras <i>cannot</i> monitor or record	Option 2B - Specify where CCTV cameras <i>can</i> be used			
		Prescriptive framework better lets prisoners know where they are and are not being filmed and ensures monitoring is not unreasonably intrusive on privacy.	activities as prohibits cameras from operating where data collection is unnecessary and not contributing to security or good order. ⁸⁰	information where not necessary to fulfil Corrections' legislative purpose (IPP 1).	NZBORA section 21, as capturing images of an imprisoned person where there is a reasonable expectation of privacy is likely to constitute search and seizure. Option clarifies that any limitations on these rights must be justified by safety and security reasons.	people are aware their information is being collected, unless an exception applies.
Supports wellbeing and outcomes of the people we manage	0	+ Provides greater clarity 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. Could give prisoners more privacy if the areas specified are ones where cameras are currently in use. There may consequently be reductions in intimate recordings, which would increase the dignity and wellbeing of affected prisoners relative to the status quo.	+ Same as Option 2A.	0 Unlikely to significantly change practice from status quo. However, identifying any current instances, and preventing future instances, of cameras being used where they are not necessary, justified or proportionate will better support prisoner privacy and wellbeing.	+ Having a regulatory requirement might build more confidence in Corrections' use of these privacy features, which can in turn impact wellbeing of prisoners as they may feel that their privacy is better protected. Prisoners may feel less undue stress and embarrassment when using these facilities.	0 Elevating requirements from existing operational procedures to secondary legislation might increase compliance, and accordingly give prisoners more clarity about when and where they are being recorded. This is speculative, however – as the baseline is not known this would be difficult to measure.
Addresses Māori needs and cultural perspectives	0	0 There will be no change 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. The options proposed would not affect Māori prisoners to a greater or lesser degree than other prisoners. However, as surveys have found that Māori are more concerned about privacy than the rest of the general public, greater transparency could support greater understanding and therefore wellbeing.⁸²	0 Same as Option 2A.	0 Same as Option 2A.	0 Same as Option 2A.	0 Same as Option 2A.
Overall assessment	0	++ We consider that this option would achieve the policy objectives – 'blacklisting' locations where cameras cannot monitor or record would increase transparency and accountability and support more consistent practice across the prison network.	+ While in the short term, this option might meet some aspects of the policy objectives, it does not provide the flexibility needed to ensure consistent practice across the prison network and adapt to changing needs or technologies. Any new types of spaces in prisons would have to be added to the Regulations for cameras to monitor or record in them, which is not practical long-term.	+ This option would provide the flexibility needed to meet the policy objective without being overly prescriptive. We consider it worthwhile to pursue Option 3.	++ We consider that this option supports the wellbeing, privacy and dignity of prisoners. It provides the flexibility needed to better support prisoner privacy, while still enabling Corrections to remove these privacy features where necessary.	+ This option, in mirroring current operational policy, in several ways would not affect the status quo in an operational sense. However, by elevating that policy to secondary legislation, it would achieve the policy objective of increasing the transparency of and accountability for the use of cameras in prisons.

⁸⁰ [Privacy Act 2020, Principle 1 – purpose for collection of personal information.](#)

⁸² Privacy Commissioner, [Māori are more concerned about privacy in every way \(privacy.org.nz\)](#), 20 May 2024

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

140. Our preferred approach combines:

- Option 2A (to specify in Regulations where cameras cannot record),
- Option 3 (to insert a general requirement in the Regulations that cameras may only be used where they are necessary and justified for health, safety and security purposes, including, as appropriate, intelligence purposes),
- Option 4 (to introduce a requirement in the Regulations relating to privacy features where CCTV cameras monitor and record hygiene areas, where this is appropriate and aligns with safe custodial management), and
- Option 5 (to clarify in the Regulations when and where body-worn cameras can be used by corrections officers in a prison).

141. This combination creates a comprehensive regulatory framework that both enables and guides (Options 3 and 5) and restricts (Option 2A) camera use appropriately. It standardises privacy protections (Option 4) while maintaining prison security.

142. Under Option 2A, it will be clear that any cameras in areas that will be ‘blacklisted’ must be removed or fully covered. Removing or covering the camera supports prisoner wellbeing as they will be confident that no camera is filming, thus granting prisoners bodily privacy and autonomy.

The combination of these options will provide better privacy to prisoners

143. CCTV cameras will be prohibited from operating in certain spaces (Option 2A), the use of CCTV cameras will be enabled only if and where this amounts to a demonstrably justified and proportional infringement of human rights (Option 3), and there will be requirements in relation to privacy features where CCTV cameras record hygiene areas (Option 4).⁸³ Furthermore, this approach aligns with Principle One of the Privacy Act because if any cameras are to be decommissioned, this will help to ensure we are not collecting information that we do not need to achieve our legislative purpose as stated in the Act.⁸⁴

144. Option 4 also aligns with Principle Four of the Privacy Act as privacy features such as pixelation and masking can reduce monitoring and recording of intimate visual footage so as to not intrude to an unreasonable extent on individuals in prison.

Consultation feedback strongly supports this approach

145. During public consultation, we received submissions from a range of organisations and individuals, including prisoners. Submitters:

- were almost uniformly in support of some level of video surveillance in prisons
- expressed high support for Option 2A, particularly combined with Option 3

⁸³ See [United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 16.](#)

⁸⁴ See [Privacy Act 2020, Principle 1 – purpose for collection of personal information.](#)

- frequently suggested greater use of body-worn cameras – such as when misconduct reports are handed to prisoners, during misconduct hearings, during property checks, or in any face-to-face interaction with prisoners, and
 - noted concerns in relation to cameras recording hygiene areas.
146. We expect this package of options will go some way towards mitigating concerns expressed by the Office of the Ombudsman and the Human Rights Commission, as indicated through their submissions.

While not publicly consulted on, Option 4 arose during consultation and aligns with the Ombudsman's submissions and views from prisoners

147. In the Office of the Ombudsman's submission, they noted that they have observed inconsistent privacy measures for cells with CCTV monitoring whereby only some prisons use pixilation and/or screening of ablution areas. They encouraged Corrections to consider explicit regulatory privacy protection requirements wherever CCTV may be used in cells and that they pixilate and/or screen ablution areas to protect the dignity and privacy of people in custody. As noted, consequently across the network Corrections pixelated hundreds of cameras.
148. Prisoners also commented on the impacts of surveillance in relation to hygiene areas, and how this can be embarrassing and dehumanising. Male prisoners did not like recordings being made of them on the toilet. Women we spoke to had particular concerns with male officers being able to see them on the toilet.

Views on cameras differed between staff and prisoners

149. Their perspectives fell roughly in line with what our literature scan revealed about staff and prisoner attitudes to cameras. Prisoners both resented the intrusive nature of monitoring and recording and appreciated how recordings could be used to hold staff accountable. The PSA suggested inserting a guiding principle in Regulations that cameras must only be used "for purposes of safety and security". We will explore how, in implementing Option 3, the Regulations can balance providing greater accountability for both prisoners and staff with protecting staff from excessive review of their decision-making.
150. Enabling staff to activate body-worn cameras in a greater range of circumstances may help to reduce frivolous or false complaints. However, the literature scan we completed suggested that requiring constant activation of body-worn cameras would be likely to negatively impact rapport between officers and prisoners, and reduce how forthcoming prisoners would be with information.⁸⁵ We will therefore not be exploring removing officers' discretion regarding using their judgement about when to activate their cameras.
151. However, we will explore, as part of implementing Option 5, the suggestion for body-worn cameras to be activated if requested by a prisoner. This would likely need to include some qualifications, maintaining the need for officers' judgement to determine if there is a good reason not to. It may not be appropriate in all circumstances, such as if another prisoner is in a vulnerable state within view of the camera and the officer deems their right to privacy and dignity to be disproportionately affected by recording,

⁸⁵ Dodd, S et al. (2020) *Cameras in Corrections: Exploring the views of correctional officers on the introduction of body-worn cameras*. Criminal Justice and Behaviour 47(9) pp1190-1208. doi:[10.1177/0093854820942288](https://doi.org/10.1177/0093854820942288)

or if the circumstances are not in line with Options 2A or 3. We will work through the relevant implications and necessary qualifications as we explore this additional suggestion. This will include, at minimum, further consultation with staff.

What are the marginal costs and benefits of the preferred options?

Opportunity B1: Options 2A, 3, 4, and 5

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Department of Corrections, including staff	Option 2A: There will be costs associated with identifying whether there are any cameras that are placed where the regulations will not permit them to operate, and with potentially removing/covering any identified. We estimate there may be between 200-500 such cameras. With cost of about 9(2)(i) to remove and repaint, this could cost between 9(2)(i). We understand that most of this could be absorbed within baseline 'camera replacement works' budget. There is a small possibility of increased use of cameras if there is greater confidence about where they can be used, with associated costs to install and operate. In our view this is unlikely, however, as we have not seen indications that a lack of clarity has prevented prisons from installing CCTV cameras.	Low	Medium
Prisoners	No material costs.	Low	Medium
Visitors	No material costs.	Low	Medium
Monitoring entities, such as the Ombudsman	No material costs.	Low	Low
Total monetised costs	9(2)(i)	Low	Medium
Non-monetised costs	Low	Low	Medium
Additional benefits of the preferred option compared to taking no action			
Department of Corrections, including staff	Better transparency of monitoring and recording may help improve staff-prisoner interactions.	Low	Medium
Prisoners	Removing any cameras operating where they are not necessary and justified will improve privacy and dignity in these spaces. Submissions from prisoners during consultation indicated strong preferences for cameras being prohibited in the contexts we suggested. As part of implementing this package of options will include increasing signage in prisons, prisoners will have	Medium	High

	a better understanding of when and where they can be monitored and recorded. One of the prisoner submissions we received stated that they would “never trust a camera in a cell is not on, pixelated or not”. This suggests that if any cameras cease to be used, wellbeing improvements for prisoners are most significantly gained if the cameras are visibly removed/covered/disabled.		
Visitors	The prohibition on recording visits will continue. Visitors may be more aware of being captured by CCTV in entry and transitional spaces in the prison.	Low	Medium
Monitoring entities, such as the Ombudsman	This package of options creates a clear decision-making framework that can be scrutinised by oversight bodies (and the public).	Low	Medium
Total monetised benefits	N/A		
Non-monetised benefits		Medium	Medium

Problem B2: Diagnosing the policy problem

What is the policy problem or opportunity?

Problem B2: Cells used for prisoners at risk of self-harm can be overly restrictive

152. Problem B2 has two sub-problems.

Problem B2(a): There is an opportunity for cell requirements for at-risk prisoners to better reflect operational realities and enable greater prisoner autonomy in relation to lighting by enabling internal light switches in at-risk cells

The current Regulations prohibiting internal light switches for at-risk cells are outdated, and don't align with operational realities

153. Across the prison network, at-risk prisoners are already held in cells that contain internal light switches.⁸⁶ Corrections considers that at-risk prisoners can safely be accommodated in cells that contain internal light switches, because the internal switches can be overridden by staff on the outside if necessary to undertake observations on the prisoner to protect the prisoner from self-harm. More clearly enabling prisoners in at-risk cells to have internal switches would align with Corrections' strategic direction to focus on improving prisoner orange and may better ensure consistency across the prison network moving forward.

⁸⁶ This is either by way of the alternative accommodation rule in regulation 61B(a) of the Corrections Regulations 2005 or by the chief executive designating the non-compliant cells as at-risk cells by way of regulations 60(2) and 61H.

While internal light switches in at-risk cells was not part of our formal consultation document, Corrections did consult with some key stakeholders on this issue

154. Our formal public consultation document did not include the possible introduction of internal light switches in cells that hold at-risk prisoners because this was something that was explored after public consultation, which took place in August and September 2024. However, during that public consultation, we did discuss this topic with four panels of prisoners, relevant health staff, and custodial staff including prison managers.
155. There was no opposition to this proposal on the grounds of safety, and operational staff and prison managers supported this proposal. The only factor they thought needed consideration was that the differing infrastructure across the network could impact installation, as some cells may be unable or unsafe to have light switches installed, for example due to wiring.
156. All prisoners we spoke to supported enabling internally controlled light switches in at-risk cells. They spoke of lights being constantly on, especially when you are dealing with mental health problems, as being something that could make you more agitated. While this was noted as a small change, they supported giving prisoners more choice and control.

Problem B2(b): Blanket restrictions on privacy screening features and barriers within at-risk cells may be disproportionate to the risk of self-harm posed by an at-risk prisoner and does not enable staff to take a more flexible case-by-case approach to maximise privacy where it is safe to do so

Corrections staff consider that some people placed in at-risk cells, including prisoners at risk of self-harm, could be managed using privacy features or barriers

157. As discussed above, over time varied practice across the prison network has arisen in an attempt to better support the privacy of at-risk prisoners accommodated in ISUs. Examples of this are pixelation on in-cell cameras over hygiene areas, privacy features on the outside of viewing observation windows, and cell configuration that does not enable hygiene areas to be seen from the door. Staff have not expressed safety concerns in relation to these privacy features.
158. Operational and health staff have advised that privacy screens or barriers could be useful once they have had adequate time to observe each prisoner. In particular, we heard from prison managers that it would be useful to use temporary privacy barriers to aid prisoners transitioning back into mainstream population and cells.
159. In addition to prisoners at risk of self-harm, ISUs may also house people who are not at risk of self-harm but who have been identified as particularly vulnerable or who have a physical health condition that requires closer monitoring by health staff. These prisoners may be safe to have privacy when going to the toilet or using the shower, however, the current regulatory framework does not allow staff to easily provide privacy to these prisoners as they must be housed in the same cells as at-risk prisoners, which have limited privacy features built in.

While these restrictions only exist in ISUs, data shows that the majority of incidents of self-harm do not occur within ISUs

160. The Office of the Inspectorate have found that between 1 July 2016 to 30 June 2021, of the 158 people in New Zealand prisons that were involved in 253 'self-harm threat to life' incidents, only ninety-four (37%) occurred within an ISU.⁸⁷

Should changes be made, they would have the potential to impact a sizeable volume of prisoners

161. During the 2023/2024 financial year, there were 3,881 prisoners who were admitted to the ISU. Some prisoners were in the ISU more than once during this period, with the total number of admissions being 9,198. Of these 3,881 prisoners, Māori made up 49%, and Pacific prisoners made up 9.5%.⁸⁸ While privacy features may not be suitable for all of these 3,881 prisoners, it is useful to understand the potential population that could be impacted by any changes.

Feedback from consultation shows support for increasing privacy for prisoners

162. As noted earlier, when we raised privacy for at-risk prisoners at prison hui, prisoners noted that staff being able to see them showering or on the toilet through the viewing window was embarrassing and dehumanising. While they noted that a lack of privacy in these cells becomes normalised, as does being watched, it is not okay. Female prisoners particularly noted the dehumanising aspect of dealing with tampon use without privacy.
163. One prisoner noted that being able to keep your sense of dignity can go a long way in favour of a person's mental wellbeing.
164. Additionally, in 2022, public consultation took place on increasing access to privacy screens and control over lighting in prison cells used for mental health segregation or for cell confinement. While this did not consider privacy screens for at-risk cells, some of the feedback is relevant to at risk cells, and feedback at that time was that all cells, including at-risk cells, should have been considered in this consultation.⁸⁹ The Ombudsman stated that they wanted to see these provisions extended to all groups of prisoners, not just cell confinement and segregation.
165. The Law Society and Human Rights commission did not agree with a blanket rule against providing privacy screens and considered that they should be provided to all prisoners in all but the most exceptional situations, with use in these situations to be determined on a case-by-case basis. They noted that limiting access to privacy screening can cause undue stress and embarrassment to prisoners, and does not support oranga, and can be degrading or dehumanising.

⁸⁷ *Suspected Suicide and Self-harm Threat to Life Incidents in New Zealand Prisons 2016 – 2021*, 2024.

⁸⁸ Māori accounted for 1,919 prisoners who were admitted into the ISU during the 2023/2024 financial year, and Pacific prisoners accounted for 370 prisoners. Of the 3,881 prisoners, 12% (471) were aged 20-24 years.

⁸⁹ For example, Nga Kaitiaki o Inaia Tonu Nei noted that at-risk cells were outside the scope of this change and questioned why they were not included in the scope.

166. The Health and Disability Commission stated that it is important that people's right to dignity and personal privacy are upheld to the greatest extent possible, particularly where they are subject to other restrictive practices.

What objectives are sought in relation to the policy problem?

167. Our objectives for problems B2(a) and B2(b) are to:
- ensure that at-risk prisoners are not managed more restrictively than is reasonably necessary to ensure their safety, and provide staff with the flexibility to manage at-risk prisoners according to their individual needs, and
 - ensure that requirements for the features of at-risk cells reflect operational realities and support prisoner autonomy in relation to lighting while balancing this with their safety.

Deciding upon an option to address the policy problem

What scope will options be considered within?

168. Given the prescriptive nature of the regulations relating to the features of at-risk cells, including privacy features and lighting, only regulatory options will address the problem and therefore only regulatory options have been considered.
169. **Problem B2(a):** An option has been ruled out of scope to amend the Regulations to allow access to in-cell light switches for all at risk prisoners as the default, subject to overriding safety considerations. Given that light switches are an integral part of prison infrastructure and cannot be easily removed and then given, it is not feasible to have an option that could result in light switches having to be removed in some cells. A further option ruled out of scope was requiring Corrections to install in-cell light switches in *all* at-risk cells, as operationally this may not be possible or feasible for some of the older sites across the network where ISU units and cells would not allow retrofitting of any electric device.
170. **Problem B2(b):** We have not considered an option that would require staff to provide all at-risk prisoners with a privacy screen or barrier, as decisions as to how to manage at-risk prisoners need to continue to be made on a case-by-case basis for the safety of the prisoner. A blanket requirement would not enable this approach.

What options are being considered?

Problem B2(a): There is an opportunity for cell requirements for at-risk prisoners to better reflect operational realities and enable greater prisoner autonomy in relation to lighting by enabling internal light switches in at-risk cells

Option One: status quo – prohibition on internal light switches in at-risk cells

171. Under the status quo, the regulatory prohibitions on in cell light switches for at-risk cells would remain in place. Should staff want to place an at-risk prisoner in a cell with an internal light switch they would be relying on the 'alternative accommodation rule' to do so and would need to ensure that any such alternative accommodation is adequate to protect the prisoner from self-harm.

Option Two: amend the Regulations to *enable* internal light switches in at-risk cells

- 172. The Regulations would be amended to remove the prohibition on internally controlled light switches and clarify that at-risk cells can, but not must, contain internal light switches.
- 173. This option could be backed up by operational policy that newly constructed cells are expected to have an override switch that allows staff to control the lighting of the cell from outside the cell, and to lock this feature. This could also apply to sites where it is practicable to retrofit these features or where they have already been installed.

Option Three: amend the Regulations to *enable* internal light switches in at-risk cells, with a *requirement* that newly constructed cells must have internal light switches with external overrides

- 174. This is an enhanced Option Two in which newly constructed cells, built after enactment of any changes, must have external override switches, but existing prisons may have them. Under this option, the Regulations would make it clear that at-risk cells can, but not must, contain internal light switches but where this occurs Corrections would be required to have override switches for new cells. These override switches allow staff to control the lighting of the cell from outside the cell.
- 175. We understand that in recent builds where internal light switches have been installed in at-risk cells that these have been coupled with external override switches.

Problem B2(b): Blanket restrictions on privacy screening features and barriers within at-risk cells may be disproportionate to the risk of self-harm posed by an at-risk prisoner and does not enable staff to take a more flexible case-by-case approach to maximise privacy where it is safe to do so

Option 1: status quo – maintain the prohibition on privacy screens and barriers in at-risk cells

- 176. Under the status quo the regulatory prohibitions on privacy screens for at risk prisoners would remain in place. Staff will continue to be able to view hygiene areas of the cell from the viewing window.
- 177. Should staff wish to place an at-risk prisoner in a cell with a privacy screen, they would be relying on the ‘alternative accommodation rule’ or the CE having designated the cell as an at-risk cell despite it being non-compliant.

Options 2A and 2B: amend the Regulations to enable access to privacy screening features or barriers for all at-risk prisoners as the default, subject to overriding safety considerations

- 178. **Option 2A** would see this change apply to all at-risk cells across the prison network. **Option 2B** would see this change apply only to at-risk cells in new cells.
- 179. Under this option, at-risk prisoners would have access to a privacy screen or barrier by default. If it was assessed that there was a serious overriding risk or safety consideration, then staff could decide not to provide a privacy feature. For example, for some at-risk prisoners it may be appropriate to have direct monitoring and observation and management of risk and therefore a privacy screen might not be appropriate. The Regulations would be amended to remove restrictions on privacy features and enable a range of such features, whether it is flaps that cover the

windows on the doors, or features that a prisoner can use or control inside a cell when they use hygiene areas.

180. The Regulations could provide for a review of the prisoner's initial assessment after a certain timeframe, although it may be appropriate to leave this to operational procedures. This could align with existing timeframes for review within the at-risk legislative framework.

Options 3A and 3B: amend the Regulations to enable access to privacy screening features or barriers on a case-by-case basis, where provision of these features would be consistent with safe custodial management

181. **Option 3A** would see this change apply to all at-risk cells across the prison network. **Option 3B** would see this change apply only to at-risk cells in new cells.
182. Under this option, there would be no default position as to whether privacy screens or barriers must or must not be provided. Instead, staff must complete an assessment for each at risk prisoner determining whether it is appropriate and safe for them to be placed in a cell that has privacy features. As with option 2, the Regulations would be amended to remove restrictions on privacy features.
183. Like Option 2, this consideration and assessment could be built into the existing assessment that staff already undertake in relation to decision-making about allowing the prisoner to have pixelation and anti-ligature clothing.
184. The Regulations could provide for a review of the prisoner's initial assessment after a certain timeframe, although it may also be appropriate to leave this to operational procedures. This could align with existing timeframes for review within the at-risk legislative framework.

How do the options compare to the status quo/counterfactual?

Problem B2(a): There is an opportunity for cell requirements for at-risk prisoners to better reflect operational realities and enable greater prisoner autonomy in relation to lighting by enabling internal light switches in at-risk cells

	Option One: Status quo	Option Two: Regulatory change to enable internal light switches in at-risk cells	Option Three: Regulatory change to enable internal light switches in at-risk cells, but require internal light switches with external overrides in newly constructed cells
Contributes to the good order and safety of the prison	0	0 Could create a minimal increased risk of self-harm incidents, however, this is largely the same as the status quo as internal light switches are already used in 75% of at-risk cells. The design and installation of the switches already work to mitigate this risk. ⁹⁰	0 Same as Option Two. Requiring an override switch for new cells will enable staff to control the lighting if they are concerned about the safety of the prisoner.
Practical to implement and responsive	0	+ Responsive to the direction that Corrections are moving in in relation to therapeutic approaches by clarifying that Corrections intends to provide prisoners with internal light switches where possible. This option doesn't require these switches, as infrastructure may not always allow this, making this practical to implement.	++ Same as Option Two but having a requirement for new cells may be more responsive to the problem, as it places an obligation on Corrections to ensure these are installed in future infrastructure.
Transparency and accountability	0	+ More transparent and accountable than the status quo as prisoners, staff, and interested parties know lighting will be provided. Under the status quo it is more ambiguous as the regulations do not permit internal switches unless staff use the 'alternative accommodation rule'.	++ Same as Option Two. Having a requirement for new cells means that Corrections can be held accountable to make sure these features are included in all future cells, as just enabling lighting doesn't provide the same level of accountability as actually requiring it.
Complies with human rights standards	0	++ This option is consistent with obligations under the Convention against Torture, ⁹¹ and with the rights and freedoms in NZBORA, specifically the right to not be subjected to disproportionately cruel or degrading treatment or punishment, and the right of people deprived of liberty to be treated with humanity and with respect for the inherent dignity of the person. This option is consistent with international human rights law guidance that detainees should be able to control lighting at night. ⁹²	++ Same as Option Two.
Supports wellbeing and outcomes of the people we manage	0	++ This option gives more privacy and autonomy to at risk prisoners in relation to lighting, which research shows can be beneficial to prisoner wellbeing. They will be able to choose when to sleep and wake, which is important when they are critically unwell. Some prisoners we spoke to about this change told us the loss of control over lighting in these cells was incredibly stressful.	++ Same as Option Two but having a requirement for new cells, such as future prisons, could better support wellbeing of prisoners placed in these buildings, as it will be required for this privacy feature to be included in the cell.
Addresses Māori needs and cultural perspectives	0	+ Data from 2023/2024 shows that of the 3,881 prisoners who were admitted to an ISU, 49% were Māori. As such, any changes to these setting could provide greater impacts to Māori. This option may recognise/acknowledge mana for Māori at risk prisoners as they will have greater autonomy over their own privacy. This may also support the enabling of tino rangatiratanga and oraanga within an environment that has traditionally been perceived as punitive and not healing for Māori.	+ Same as Option Two but having a requirement for future builds could better support autonomy and enabling of tino rangatiratanga within future builds.
Overall assessment	0	+ This option achieves the objective of supporting the privacy and autonomy of at-risk prisoners in relation to lighting, while balancing this with supporting their safety. It is practical for Corrections to respond to in terms of altering infrastructure. It supports the existing use of lighting in these cells and would encourage this trend to continue.	++ This option achieves the objective of supporting the privacy and autonomy of at-risk prisoners in relation to lighting, while balancing this with supporting their safety. Having a requirement for these features in new cells creates better accountability and is practical for Corrections to implement as it's not required to retrofit all cells.

⁹⁰ The light switches will be designed and installed in a way that they have lower voltage power to the switch, and that the switch is made of a material and has a casing that reduces possibilities of prisoners smashing the light fitting.

⁹¹ UN Convention against Torture, Article 16(1): “Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.”

⁹² The Association for Prevention of Torture, <https://www.ap.t.ch/knowledge-hub/dfd/lighting-and-ventilation>

How do the options compare to the status quo/counterfactual?

Problem B2(b): Restrictions on privacy screening and barriers within at-risk cells may be disproportionate to the risk of self-harm posed by an at-risk prisoner

	Option One: status quo	Regulatory change to enable privacy screening features or barriers for all at-risk prisoners as the default, subject to overriding safety considerations		Regulatory change to enable privacy screening features or barriers on a case-by-case basis where provision of these features would be consistent with safe custodial management	
		Option 2A: applies to all at-risk cells	Option 2B: applies only to newly constructed cells	Option 3A: applies to all at-risk cells	Option 3B: applies only to newly constructed cells
Contributes to safety	0	- While there is a risk that prisoners could self-harm behind privacy screens, this risk is minimised by existing checks prior to entry into the cells to ensure no unsafe items are brought in. This risk already exists to some degree as prisoners can self-harm under blankets, desks or other objects within the room, should they be provided with these. Additionally, an assessment will be required to determine whether a screen is appropriate for an individual.	- This option has the same risks associated with option 2A. However, as this applies to new cells, the configuration of at-risk cells can be built with a privacy screen in mind, which may slightly decrease the safety risks given concerns that retrofitting at-risk cells can create safety and security issues.	- Same as option 2A. However, having a case-by-case assessment, rather than a default, better prioritises safety of the prisoner.	- Same as option 2B. However, having a case-by-case assessment, rather than a default, better prioritises safety of the prisoner.
Practical to implement and responsive	0	+ This option is responsive to the direction Corrections is heading in relation to privacy. This option will require retrofitting cells with either freestanding or fixed privacy screening features, while future prison builds would need to plan for these features within these cells.	+ This option is responsive to the direction Corrections is heading in relation to privacy. However, as this applies to new cells and new cells, the configuration of at-risk cells can be built with a privacy screen in mind, making it easier to implement.	+ This option is responsive to the direction Corrections is heading in relation to privacy, while noting that it might not always be appropriate to have a default position in this regard.	+ This option is responsive to the direction Corrections is heading in relation to privacy. However, as this applies to new cells and new cells, the configuration of at-risk cells can be built with a privacy screen in mind, making it easier to implement.
Transparency and accountability	0	+ More transparent than the status quo where at-risk prisoners can be placed in cells with privacy screens using the ‘alternative accommodation rule’. Having a default position would make it clear that there is an expectation for staff that privacy screens are provided, subject to overriding safety circumstances, and Corrections could be held accountable to provide this where it is safe to do so.	+ Same as option 2A. However, may be less transparent than option 2A given that it might be hard for prisoners to know when they are being transferred what cells or sites are new and therefore a privacy screen can be considered.	+ Similar transparency wise to the status quo, where decisions are made on a case-by-case basis. However, clearly anticipating the provision of a privacy screen in the Regulations may increase accountability.	+ Same as option 3A. However, may be less transparent than 3A given that it might be hard for prisoners to know when they are being transferred to a different prison what cells or sites are new and therefore a privacy screen can be considered.
Complies with human rights standards	0	++ This setting aligns with obligations under the Convention against Torture,⁹³ and the NZBORA right not to be subjected to disproportionately cruel or degrading treatment or punishment. It also aligns with the right to be treated with humanity, respect, and dignity, and Bangkok Rules in relation to privacy of women.⁹⁴ This option is consistent with international human rights law guidance that that toilets should not be visible from the point of surveillance.⁹⁵	+ Same as option 2A. However, as this option applies only to new cells, fewer at-risk prisoners may have access to a privacy screen.	++ This option has many of the same benefits as option 2A.	+ Same as option 3A. However, as this option applies only to new cells, fewer at-risk prisoners may have access to a privacy screen.

⁹³ UN Convention against Torture, Article 16(1): “Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.”

⁹⁴ The Bangkok rules refer to rights to women’s privacy. While specifically relating to searches, Rule 19 references intimate areas and moments which can be intrusive on women’s privacy.

⁹⁵ The Association for Prevention of Torture, <https://www.ap.t.ch/knowledge-hub/dfd/accommodation#:~:text=In%20addition%2C%20the%20toilets%20should,or%20from%20video%20surveillance%20cameras.>

	Option One: status quo	Regulatory change to enable privacy screening features or barriers for all at-risk prisoners as the default, subject to overriding safety considerations		Regulatory change to enable privacy screening features or barriers on a case-by-case basis where provision of these features would be consistent with safe custodial management	
		Option 2A: applies to all at-risk cells	Option 2B: applies only to newly constructed cells	Option 3A: applies to all at-risk cells	Option 3B: applies only to newly constructed cells
Supports wellbeing and outcomes of the people we manage	0	++ Gives more privacy to at-risk prisoners and reduces the chances of undue stress and embarrassment when using hygiene and toilet facilities.	+ Same as option 2A. However, as this option applies only to new cells, fewer at-risk prisoners may have access to a privacy screen.	++ Same as option 2A.	+ Same as option 3A. However, as this option applies only to new cells, fewer at-risk prisoners may have access to a privacy screen.
Addresses Māori needs and cultural perspectives	0	+ Of the 158 prisoners involved in self-harm incidents, 47% were Māori, and given they comprise 49% of prisoners admitted into ISUs, changes to these setting could provide greater impacts to Māori.⁹⁶ This option may recognise/acknowledge mana for Māori at-risk prisoners as they will have greater access to privacy screens.	+ Same as option 2A. However, as this option applies only to new cells, fewer Māori at-risk prisoners may have access to a privacy screen.	+ Same as option 2A.	+ Same as option 3A. However, as this option applies only to new cells, fewer Māori at-risk prisoners may have access to a privacy screen.
Overall assessment	0	+ This option is an improvement on the status quo in terms of prisoner wellbeing. However, having a default position might not always be appropriate for at-risk prisoners in this regard.	+ This option is an improvement on the status quo in terms of prisoner wellbeing. However, as it only applies to new cells, it would have a lesser impact than options 2A or 3A.	+ This option is preferred as it best achieves the objective of flexibly managing at-risk prisoners according to their individual needs so that they are not subject to more restrictions on privacy than is reasonably necessary for their safe management. It aligns with the case-by-case approach that Corrections takes for at-risk prisoners.	+ This option is an improvement on the status quo in terms of prisoner wellbeing. However, as it only applies to new cells, it would have a lesser impact than options 2A or 3A.

⁹⁶ Suspected Suicide and Self-harm Threat to Life Incidents in New Zealand Prisons 2016 – 2021, 2024.

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

Problem B2(a): There is an opportunity for cell requirements for at-risk prisoners to better reflect operational realities and enable greater prisoner autonomy in relation to lighting by enabling internal light switches in at-risk cells

185. Corrections' preferred approach is Option Three: amend the Regulations to enable internal light switches in at-risk cells, with a requirement for internal light switches with an external override for all newly constructed cells, which are built following enactment of any changes.
186. This option ensures that the Regulations align with operational realities, in that at-risk prisoners are already placed in cells with these switches (which is permitted by the 'alternative accommodation rule'). It also aligns the reality with changes to the Regulations in 2023 that enabled prisoners segregated for mental health to have control over in cell lighting. As those prisoners are sometimes also held in the ISU having the same infrastructure for both types of prisoners is pragmatic. A project team is currently working to comply with the 2023 regulatory changes and retrofitting the lights where they can across the network. Work on the physical changes to the infrastructure has already been costed and funded, and work begins in mid-2025.
187. While Option Two enables light switches, it doesn't contain any form of requirement for this, meaning that Corrections cannot be held accountable to ensure we keep providing these features. Option Three allows flexibility for current infrastructure, which may not always enable internal light switches, while requiring all future builds to include these privacy features. This requirement makes it clear that this is the direction Corrections is heading, and makes Corrections accountable for providing these features in the future. This is stronger than just an enabling provision, as provided in Option Two, where there is no requirement for Corrections to provide these features.

Problem B2(b): Blanket restrictions on privacy screening features and barriers within at-risk cells may be disproportionate to the risk of self-harm posed by an at-risk prisoner and does not enable staff to take a more flexible case-by-case approach to maximise privacy where it is safe to do so

188. Corrections' preferred approach is Option 3A: amend the Regulations to enable access to privacy screening features or barriers on a case-by-case basis, where provision of these features would be consistent with safe custodial management. This option would apply to both current cells and newly constructed cells. We note that while an assessment would be required for some privacy features, such as privacy screens, that the external flaps on the windows will not require a case-by-case assessment.
189. This option balances wellbeing, safety, feasibility, and contributes to the strategic outcomes of Hōkai Rangi to focus on oranga. Giving at-risk prisoners more privacy may better support the mana and wellbeing within these environments.
190. Under Option 3A, frontline staff would not be required to provide a privacy feature or barrier, but would be required to consider whether it is safe to provide one. Staff would need to take an individualised approach when considering whether an at-risk prisoner should be placed in a cell with privacy screening. While we recognise that staff may feel that the burden sits with them when determining whether these

features are appropriate, we consider that including these provisions in the legislation (as opposed to the alternative accommodation rule that is used currently), provides frontline staff with assurance as to Corrections' intention towards providing these features where it is safe to do so.

191. This case-by-case approach ties in closely with Corrections' shift towards taking a more individualised, therapeutic approach across the board. In this respect, an individual's history, circumstances, and risks will be considered when deciding if they should be placed in a cell without these features, instead of a blanket ban on privacy features being imposed for at-risk prisoners.
192. In situations where there are acute safety concerns, such as active self-harming, it would still be possible to limit access to privacy features where it may help support prisoners' wellbeing.
193. While Option 2 would still take an individualised approach in respect to whether a prisoner would have access to privacy features or not, the default setting inherently contains a slightly less case-by-case approach than Option 3 which has no default position.

Stakeholders generally supported providing at-risk prisoners with greater access to privacy features

194. As noted above, during consultation, prisoners showed strong support for at-risk prisoners being given greater privacy, where this was safe to do so.
195. Health Centre Managers we spoke to supported the introduction of privacy screens and decisions being made on a case-by-case basis. They noted that a lack of privacy in at-risk cells may cause more harm to someone's mental health and retraumatise prisoners. Custodial staff raised concerns about privacy screens and barriers impacting their ability to conduct their observation checks within at-risk cells and that their inclusion may require additional staffing if they need to enter cells to see behind these screens. There was also a general concern in relation to the possibility of increased incidents of self-harm. For these reasons we recommend the case-by-case approach and not a general requirement.
196. Custodial and health staff both supported the use of privacy flaps on the outside of prison cell doors for at-risk prisoners. These are considered important for protecting the emotional privacy of prisoners experiencing periods of stress – staff and other prisoners cannot see into the cells from the hallway as they walk through. Staff said these flaps are very important in lowering tensions in at-risk units when they are dealing with serious self-harm in a cell as other prisoners cannot see what is happening and call out and aggravate the situation.

What are the marginal costs and benefits of the option?

Problems B2(a) and B2(b)

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			

Department of Corrections	We anticipate that there will be no additional financial cost to install internal switches and privacy features in at-risk cells. Installing these features has already been funded through the 2023 Privacy Screens Project, which did not differentiate between at-risk cells and mental health segregation cells within ISUs. Staff time is required to update operational guidance around risk-based assessments and privacy screening decisions. This would be a one-off cost following Regulation changes and is already planned for.	<i>Medium</i>	<i>Medium</i>
Custodial and health staff based in prisons	Learning the new process for making decisions around placement in cells with or without privacy screening will take time. Noting that the costs include design and delivery of learning, backfill for staff while they learn and ongoing support as change is embedded. Including privacy considerations in existing assessments will take up extra time. There is also the potential cost that staff might feel pressure or uncertainty when determining whether or not a prisoner should have access to privacy screens or features. Custodial staff are also wary of an increase in self-harm behind privacy screens.	<i>Medium</i>	<i>Medium</i>
Prisoners	We think there is a higher risk of self-harm behind the screens, but it is relatively low as operational policy will enable staff to remove the screens, or for prisoners to be placed in a cell that does not contain a screen, where staff deem it is not safe for a prisoner to have a privacy screen. As noted, at least one site already has cell configuration in a way that does not enable staff to see at-risk prisoners on the toilet from the door, and that staff at that site do not consider the risk is higher.⁹⁷	<i>Low</i>	<i>Medium</i>
Total monetised costs	Minimal, only costs for training and guidance.	<i>Low</i>	<i>Medium</i>
Non-monetised costs	Minor increased risk of prisoner self-harm, not expected to be high as lighting is already in many cells.	<i>Medium</i>	<i>Medium</i>
Additional benefits of the preferred option compared to taking no action			
Department of Corrections	Supports Corrections' strategic direction in Hōkai Rangi by uplifting the mana and oranga of at-risk prisoners. Better signals Corrections' intentions towards these privacy features, rather than this being done on an ad hoc basis as is currently done.	<i>Low</i>	<i>Medium</i>
Custodial and health staff	Giving the ability for at-risk prisoners to have more privacy should support frontline environments by reducing anger, trauma, and other impacts influenced by	<i>Low-medium</i>	<i>Medium</i>

⁹⁷ The Oranga Unit at Springhill Prison is configured in a way that the toilet cannot be seen from the viewing window in the cell door.

based in prisons	more limited privacy that can put staff at more risk of assault.		
Prisoners	Increased access to privacy in their cells should support mental health and wellbeing.	<i>Medium-high</i>	<i>Medium</i>
Total monetised benefits		<i>N/A</i>	<i>N/A</i>
Non-monetised benefits		<i>Low-medium</i>	<i>Medium</i>

Section C: Better ensuring that trust accounts support prison and public safety

Context

What is the context behind the policy problem and how is the status quo expected to develop?

Following the first approved deposit for a prisoner, a prisoner trust account (PTA) is established for them

197. The PTA is associated with their person record number (PRN) to ensure that funds are allocated to the correct individuals and enables prisoners to receive and spend money while detained.
198. Separate PTA sub-accounts are set up for release to work (RTW) income, and deductions for expenses (including board) can be made from this sub-account.⁹⁸ Prisoners who work within the prison, such as at the prison canteen or in the laundry, or who receive programme incentives have payments sent directly to their PTA.

Prisoners can use the PTA to purchase basic items through the prison canteen, request access to a larger range of items, and send money into the community

199. Prisoners can purchase basic goods for personal use or consumption from the prison canteen and can also request additional approved items (such as hobby items). To purchase items, prisoners may only use money that is held exclusively for them in their trust account, and must have sufficient funds.⁹⁹
200. Prisoners can also use the funds in their PTA to send money to friends and family outside the prison, for example to help family with bills or purchasing presents. One prisoner that we spoke with during public consultation described sending out money to buy Lego for his son. Prisoners emphasised that the ability to send money to family and friends helps them maintain community relationships, which they valued highly, and to reintegrate back into the community where they will have control of their funds.

Prisoners can request deposits from their personal accounts through a form which is sent to the bank, subject to balance limits

201. They may not request funds be sent to any PTA other than their own. In exceptional circumstances, some prisoners may also be able to use phone or internet banking to control their funds in their personal bank account in the community, but access to external accounts is limited for most prisoners.
202. Corrections is aware that setting up a personal bank account in the community can be challenging for some prisoners who lack the required identity and address documentation to open a bank account. Additionally, banks may have reservations around having prisoners associated with their banks. While Corrections does not hold any data on the number of prisoners who do not have external bank accounts, data

⁹⁸ Prisoners who are on RTW pay board for prison accommodation at a rate of 30% of the take-home pay, to a maximum of \$273 per week.

⁹⁹ Corrections Act 2004, section 46(6).

provided by Westpac bank in 2023 supports the conclusion that a large portion of prisoners do not have personal bank accounts.¹⁰⁰

Every year, millions of dollars go through PTAs, and the way this happens has changed with new banking practices

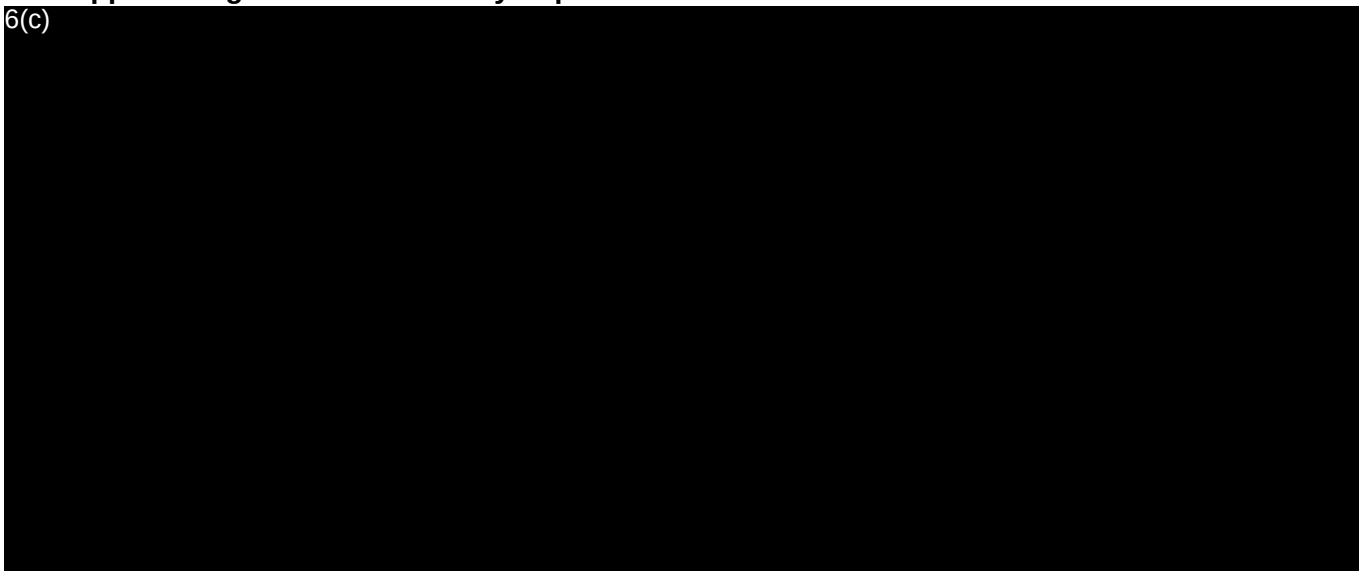
203. In the 2022/2023 financial year approximately \$16 million (877,325 transactions) flowed in and out of PTAs, with \$12.3 million (288,375 transactions) spent at prison canteens and \$2.5 million (11,812 transactions) sent to people outside of prison. Smaller amounts were also spent on goods that were not provided by the prison – for example, approximately \$78,000 (4226 transactions) was spent on hobby materials, and approximately \$48,000 (6940 transactions) on postage and stationery. Corrections is not able to have direct oversight of this volume of transactions.

The mechanism by which funds are deposited into PTAs has changed significantly over time

204. Most of the money that comes into PTAs is now private deposits that are coming from outside of prison. In 2022/2023, 81 percent (\$13.3m, 195,339 transactions) of all funds into PTAs (\$16.4 million, 511,818 transactions) were deposits from the public, with the remaining 19 per cent (\$3.1 million, 316,479 transactions) earned via the Prisoner Incentive Allowance Framework (PIAF). During the same period an additional \$0.6 million was earned and paid into RTW trust accounts by employers. This is in comparison to 1999, when only \$3.7 million (84,692 transactions) was by way of deposits from the public.
205. Whereas funds used to primarily come from cash or cheque deposits, electronic transfers now dominate. In the 2022/2023 financial year, electronic bank transfers comprised 88% of deposits (by volume and value) and only 12% were cash deposits. Of this 12%, 9% was an ATM/bank teller transfer and 3% was funds that prisoners had with them when they were received into prison.

Corrections is aware that PTAs are sometimes used for illicit activities that do not support the good order or safety of prisons

6(c)



¹⁰⁰ Westpac NZ access to banking in Aotearoa report, three different prisoner support services noted that of their 110 clients, 80% to 85% did not have a bank account.

¹⁰¹ Our examples are situations that our staff have seen take place within the PTA system in our prisons.

¹⁰² Corrections Act 2004 s 127O(3)(a).

Stand-over incidents have targeted prisoners receiving large payments into their PTAs

209. Stand-overs result in a prisoner being forced to send money out of the prison to a member of the public against their will. Larger compensation payments will only become more common following the conclusion of the government's abuse in care inquiry in 2024. To date, abuse compensation totalling over \$483,000 (28 transactions) since 1 July 2024, with one prisoner receiving a payment of \$65,000.

9(2)(a), 6(c)

Corrections' specific duties in relation to trust accounts are contained in both the Corrections Act and Regulations

210. The Act provides for prisoners to have PTAs and a purchasing system and that PTAs must be operated and maintained in the prescribed manner.¹⁰⁴ While the principles of the Act are broad, they are also applicable to decisions around PTAs, including spending funds, receiving funds, and transferring funds outside of the prison.¹⁰⁵
211. The Regulations provide processes that are intended to be followed for the depositing and withdrawal of funds from the trust account, and intended processes for any earnings that prisoners earn while they take part in an employment programme.¹⁰⁶

Prison managers are also empowered by the legislative framework to put in place operational requirements for trust accounts, which can vary between prisons

212. For example, the Regulations require that prison managers ensure that the amount of money that is held for a prisoner does not exceed the balance limit (if any) set by them by way of prison rule.¹⁰⁷ The POM reinforces this by stating that 'PTA balances are limited to a maximum amount (e.g. \$200)...unless special circumstances exist.'

67

¹⁰⁴ Corrections Act 2004 s 46(1) The chief executive must ensure that 1 or more trust accounts in which money belonging to prisoners is held exclusively for particular prisoners are opened and operated.

¹⁰⁵ Principles include decisions about people under control or supervision needing to be taken in a fair and reasonable way (s 6(1)(f)(ii)), and ensuring that sentences are not 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 (s 6(1)(g)).

¹⁰⁶ [Corrections Regulations 2005, regulation 43\(2\)](#) provides when prison managers may withdraw or withhold trust account earnings, [Corrections Act s 46\(3\)](#) provides that a prisoner must be paid all the money held for them in their trust account when they are discharged, and [Corrections Act s 68](#) provides when any money paid to the CE under s 67 to the credit of a prisoner must be applied in payment.

¹⁰⁷ Regulation 41(2).

The POM also states that prisoners may spend a maximum of \$70 per week on canteen purchases from their account.¹⁰⁸

213. While twelve sites have set the PTA limit to \$200 for their site through a prison rule, the remaining sites have not set any limit. Despite having a rule, prison managers can give approval to hold amounts in excess of \$200, but this approval is not always given, meaning the excess funds are being allowed without approval in some cases.

There are situations where funds are sent to the unidentified receipts account¹⁰⁹

214. Where money is put into the unidentified receipts account, it is held by Corrections for 12 months. If, after this time, the funds have not been claimed, the money will be forwarded to the Treasury.¹¹⁰ The depositors are able to obtain the money from Treasury once it has been sent to them. We expect this to continue, however, to a much smaller degree as anonymous cash deposits have been all but stopped.¹¹¹ Electronic deposits are able to be sent back to the depositor if they cannot be allocated to a prisoner.

Comparable international jurisdictions have differing processes for managing PTAs

215. Some Australian states place limitations on amounts transferred into and from a PTA, and who can make transfers. In South Australia the maximum amount able to be transferred into a prisoner's account is \$300 per month for low to medium-security prisoners, and \$200 per month for high-security prisoners. In Victoria, the maximum amount that a prisoner may receive per month is \$150 (and only from approved family and friends), and in NSW it is \$800 (also from approved family and friends). While we have not been able to obtain information on specific items that prisoners in Australian states can purchase, we have received some information around inmates buying food and basic goods for personal use or consumption, which are the types of items prisoners in NZ are purchasing.
216. In the UK, prisoners may only spend money from their spending account. Money from family and friends goes to a different account, called the private cash account. According to the Prison Reform Trust in the UK, the amount a prisoner may transfer from their private cash account to their spending account varies between prisoners.¹¹² Anything that prisoners earn from prison work or through incentive schemes also goes to a prisoner's spending account.

¹⁰⁸ Prison Operations Manual F.05.04 Prisoner purchasing.

¹⁰⁹ These situations include where funds cannot be assigned to a prisoner (due to the depositor not specifying which prisoner they were for), or where funds are not claimed by a prisoner after they leave prison. Funds that are sent to Corrections from a method by which we no longer accept them (for example, they are sent through the mail) or that would take a prisoner's account over the balance limit may also be sent to the unidentified receipts account.

¹¹⁰ Section 70 of the Public Finance Act provides that 'any trust money that is unclaimed for a period of 1 year (or such longer period as the Minister directs) after having become repayable to the depositor or payable to any other person entitled thereto, shall, together with interest (if any) added thereto pursuant to section 69, be deemed to be public money and shall be transferred to the Crown Bank Account.'

¹¹¹ Operational changes in 2024 removed the ability for anonymous cash deposits into PTAs,

¹¹² [Prison Reform Trust UK](#) – for example, an unconvicted prisoner at the standard level may transfer 55 pounds a week while a convicted prisoner at standard level may only transfer 15 pounds a week.

Problem C: Diagnosing the policy problem

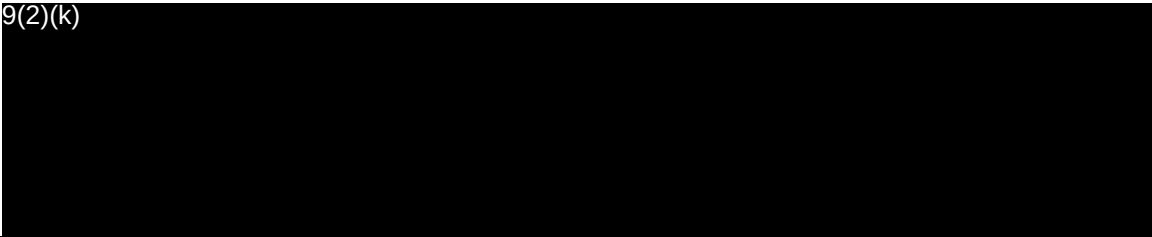
What is the policy problem or opportunity?

Problem C: Trust account processes have not kept up with modern banking practices and Corrections has been unable to mitigate trust accounts being used for illicit activities

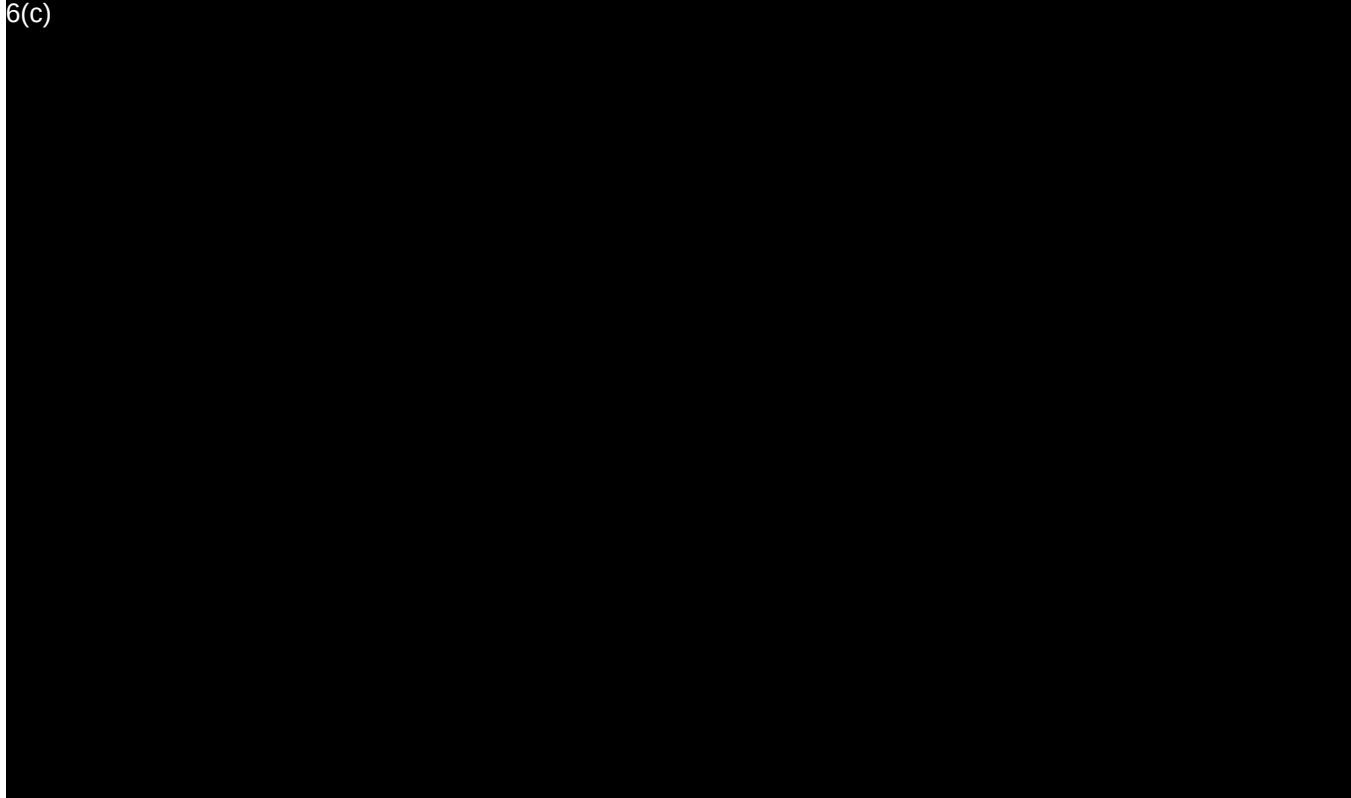
While the way PTAs are used has changed over time, practices haven't caught up

217. Data comparing current PTA transactions compared to those in 1999 shows that Corrections is receiving an additional \$9,600,000 into prisoner trust accounts annually by way of deposits from the public. Despite the increase in funds being deposited into accounts and how this takes place, there have not been any substantial changes to how prisoner trust accounts are managed.

218. 9(2)(k)



6(c)



¹¹³ Regulation 42(1) of the Corrections Regulations 2005. However, this does not apply to work and earnings paid to a prisoner.

¹¹⁴ Sections 5 and 6 of the Corrections Act provide purposes and principles to guide the management of the Corrections system, such as the maintenance of public safety being the paramount consideration in decisions about the management of persons under control or supervision. Allowing illicit transactions may not uphold public safety. Sections 14 and 16 of the Act also provide for the powers of prison managers and Corrections Officers which includes ensuring the safe custody and welfare of prisoners.

Corrections cannot manage risks associated with large PTA balances and with large amounts of funds flowing through PTAs

222. In some instances, a large deposit into a PTA may be required for a specific purpose, such as to support rehabilitation or to pay for medical treatment, including hearing aids or glasses. Additionally, there are also some circumstances where deposits are made into a PTA as the prisoner does not have anywhere else for them to go, such as compensation payments.
223. Currently, Corrections cannot effectively manage or restrict prisoners' access to over-balance funds or release to work funds, and prisoners are able to access them as they would their funds for routine spending. For example, should over the balance funds be accepted for a medical treatment, Corrections cannot stop prisoners from accessing and spending these funds at the kiosk. This also means the entire balance is visible to other prisoners on the prison kiosk in shared areas of the prison, which increases the risk of the prisoner being threatened or exploited by other prisoners.

Inconsistent trust account practices have resulted in inequities across the prison network

224. As many of the powers relating to prisoner trust accounts, for example the ability to make a prison rule setting a balance limit, sit with prison managers, this has resulted in inconsistencies across the prison network as different sites have different rules and requirements. Prisoners told us that some prisons having different rules is 'frustrating' and when they went from one prison to another there was a whole different set of rules that they had to get used to. It is likely the enforcing of the rules that differs across prisons as opposed to the rules differing, for example, while some sites may have a \$200 balance limit, they may not always enforce this.

Technical problems in the powers to manage PTAs also exist in several areas

225. For example, as noted above, deposits can be made which have insufficient or inaccurate details to allocate to a prisoner and the depositor may not be aware that, as noted above, if they do not claim them it is a requirement under the Public Finance Act 1989 that the funds are transferred to Treasury after one year. While the removal of avenues by which depositors can make anonymous deposits makes this unlikely to occur frequently, Corrections could still make it explicit that should this occur the funds will be transferred to Treasury.

What objectives are sought in relation to the policy problem?

226. We want to reduce the risk of prisoners using trust accounts to further activity that may go against the good order and safety of prisons. We also want trust account practices and policies to meet the access and usability needs of prisoners, and practices and policies to be aligned with modern banking practices. This must be balanced with consistency across the prison network, administrative efficiency, and the safety and good order of each prison. Any change should be future focused to enable the use of technological advancement, where appropriate.

Deciding upon an option to address the policy problem

What scope will options be considered within?

227. In 2024, operational changes were made to help to address some of the problems. This includes discouraging cash deposits and instead encouraging bank transfers to ensure that the depositor is not anonymous and can be traced. In the future, we may also have approved lists of depositors and/or approved people to whom prisoners may transfer money. We are retaining some exceptions for cash or eftpos deposits in

limited circumstances as we recognise that for some families and friends bank transactions may be difficult.

228. Operationally the CE can set various prison rules such as to create a balance limit across the network and this is likely to be in place in the next year, regardless of whether regulatory change is made. We may also introduce some further operational solutions such as shields for prisoners using the prison kiosks, and we discuss this further in the implementation section.
229. While these operational changes will assist with some of the problems identified above, they will not solve them in their entirety. Therefore, regulatory options are explored below to complement these operational changes.
230. Matters such as the PIAF are out of scope for the purposes of this RIS as this is being considered in a separate review and any changes to that framework are not essential to progressing changes to the PTA. Also out of scope is prisoner access to bank accounts in the community. Though we recognise that accessing external bank accounts is an issue for many prisoners, and operational work is commencing on making it easier for prisoners to open external bank accounts, we have not considered this in depth or proposed it as a solution.

What options are being considered?

Problem C: Trust account processes have not kept up with modern banking practices and Corrections has been unable to mitigate trust accounts being used for illicit activities

231. These options are not mutually exclusive, and more than one option is likely to be part of any regulatory change.

Option One - Status Quo

232. Corrections would continue to have some limited powers to prevent:
- deposits from coming into PTAs and some powers to send them back to the depositor.
 - a prisoner from making a withdrawal when it indicated that it may be the result of a stand-over, or another form of intimidation
233. Corrections would not have powers to regulate prisoner access to any over balance funds.

Option Two – Require the Chief Executive to set consistent standards across the network for trust account management

234. This option would impose an obligation on the Chief Executive to set standards and processes for prisoner trust accounts, which could include:
- limits for PTA balances, overall spending at the canteen, deposits, and withdrawals that go to purchases outside the prison, to family in the community.¹¹⁵ These limits could be reviewed regularly (e.g. every 5 years) to take into account inflation. Part of setting these limits could also include:

¹¹⁵ We note that there will only be limited circumstances in which prisoners are able to transfer to each other.

- i. the CE determining whether over balance funds or RTW funds would be automatically transferred across to their PTA as their balance dropped, or whether prisoners would need to request this, and
 - ii. restrictions around transferring funds from release to work accounts to trust accounts.¹¹⁶
 - restrictions around prisoners-to-prisoner transfers
 - methods and grounds where prison managers can grant exemptions to allow over balance funds to be accepted into PTAs, in certain circumstances, and clear powers for the CE to enable the prison manager to return overbalance funds to the depositor
 - methods to determine how deposits may be made (such as electronic banking), and
 - a consistent prison-wide standard for the management of deposits that cannot be matched to a particular prisoner (for example, they came in without identification as to which prisoner they are for) or that Corrections cannot accept (for example, they are sent in through a method by which Corrections no longer accepts deposits) so that depositors clearly know that money will be transferred after a set time to the Treasury.
235. We note that some of the specifics as to the CE standards, for example the specific balance limit and how often it must be reviewed, will not be contained in the regulations; however the fact that these standards must be set will be.
236. Under this option, some of the powers that currently sit with the prison managers in relation to PTAs would instead sit with the CE. The CE may also be able to delegate some functions.
237. The ability to allow over-balance funds would ensure that prisoners who need to receive and spend more on specific approved purposes such as dentures or hearing aids or to receive some larger payments for other legitimate reasons apply for this and are given permission to do so by their prison manager. While this will be an operational process and will not be in regulations, the fact that an exceptions process will be established will be in regulations. If they are requesting that extra funds be allowed for a specific purpose, prisoners will also be required to spend this deposit on the agreed purchase; the deposit will otherwise be returned to the depositor.
238. Some of the CE powers may also impact on Release to Work funds, as some of the spending and withdrawal limits may also apply to release to work accounts.

Option Three - Amend the regulations to give prison managers clear powers to refuse and return deposits in certain circumstances

The Regulations would clearly empower, and signal, that Corrections has an obligation to decline and return deposits to the depositor where they consider it will impact the good order, safety and security of prisons, and prisoner and public safety including the maintenance of the law

¹¹⁶ Currently prisoners are not limited in how much they may request to be transferred from their RTW account to their account for canteen spending, making it is easy for prisoners to transfer and spend all their funds. It may be beneficial for Corrections to limit what prisoners are able to do with their RTW funds and how much they are able to transfer, so that these funds can be saved for when prisoners are released.

239. For example, this could be where it appears that a transaction stems from a stand-over **6(c)** This would not affect legitimate transactions, including those from government and non-government entities, meaning that the majority of prisoners should not be impacted by this change. This could be done even after the deposit had been credited to a prisoner.

The Regulations will give Corrections the power to return money to depositors if their deposit will take a prisoner's balance over the set balance limit, and they have not applied for an exception to hold extra funds

240. While there is nothing in the current regulations that states that Corrections must accept a deposit, and regulation 41(2) gives prison managers the power not to accept any deposit that may take a prisoner's account over the balance limit, we will make it explicit that we do have the power to return any deposits that will take a prisoner's PTA over the balance limit set by the CE, and if they have not been claimed within a year they will be sent to Treasury.¹¹⁷ There are also other reasons why Corrections may choose not to accept a deposit; for example it was sent via a method by which Corrections does not accept deposits (as summarised in option two above as this will be part of the CE requirements).
241. The purpose of this option is to specify the situations in which funds are able to be returned to the depositor, and to make it clear to members of the public who are depositing funds into PTAs that in the event of the funds being unable to be returned they will be sent to the Treasury.
242. For clarity, we note that if a prisoner did not have an external bank account in which to put a large compensation payment or similar, it is possible that it would not be returned to the depositor, and the prisoner may be able to store it in their PTA – option four will have more details as to how this will work.

Option Four – give prison managers powers to regulate prisoner access to any over-balance funds and release to work funds

243. The Regulations will be amended to enable Corrections to regulate prisoner access to release to work earnings and approved excess funds. This could include excess funds that the prisoner has been given permission to keep where they do not have anywhere else to store the funds. How access is regulated operationally could mean that these over the balance funds or release to work funds are:
- moved to a separate sub account,
 - not included in the funds a prisoner is able to see on the kiosk,
 - not able to be accessed by prisoners for routine spending, such as at the prison canteen.
244. These changes may apply to prisoners who already have high balances, as well as those who receive deposits that take them over the limit after the Regulations have been amended.

¹¹⁷ Section 70(1) of the Public Finance Act provides that any money that is unclaimed after a period of one year will be transferred to the Treasury.

Option Five - give prison managers clear powers to regulate withdrawals that prisoners wish to make from their trust accounts in certain circumstances

- 245. As noted above, the Regulations are ambiguous as to whether withdrawals may be limited by Corrections when prisoners are wanting to send money out to family or friends, and have consented for these funds to be withdrawn.
- 246. This would clearly enable Corrections to decline a withdrawal that a prisoner requests to make, where the withdrawal appears to impact good order, safety and security of prisons, and prisoner and public safety and maintenance of the law. This would cover both withdrawals that prisoners made to send money out of the prison, and withdrawals for spending, for example on canteen items. Declining withdrawals will also need to be aligned with any processes followed by trust account administrative staff.
- 247. Regulations would also clarify that prisoners are not able to transfer money to each other's PTAs, though there may be some limited exceptions. The prison manager will also need to approve any of the separated funds as described above in option four, being spent.

How do the options compare to the status quo/counterfactual?

Problem C: Trust account processes have not kept up with modern banking practices and Corrections has been unable to mitigate trust accounts being used for illicit activities

	Option One – Status Quo	Option Two – CE to set consistent standards across the network for trust account management	Option Three – give prison managers clear powers to stop or return deposits in certain circumstances	Option Four – give prison mangers powers to regulate prisoner access to any over-balance funds and release to work funds	Option Five- give prison managers clear powers to regulate withdrawals that prisoners wish to make from their trust accounts in certain circumstances
Contributes to the good order and safety of prisoners and the prison	0	+ Potentially reduces tensions where prisoners transfer sites as rules will be consistent across the network. May be some tensions if prisoners are unhappy with the standards that staff must enforce.	+ Will improve good order and safety of prisons, as transactions linked to intimidation or other illicit activity that does not promote good order and safety will be reduced. Increase in deposits being returned could potentially increase tensions in the short term.	+ Removes potential for high balances in PTAs that are accessible by prisoners, which may reduce stand-overs and improve prison safety. May be tensions if prisoners know they have more funds they cannot access without prison manager approval.	+ Increases good order and safety of the prison, as the situations where money cannot be withdrawn are specified. Discourages prisoners from stand overs as they know Corrections can stop transactions. May be some tensions if prisoners are unable to withdraw funds when they want to.
Practical to implement and responsive	0	+ As regulatory requirements will be high level enabling provisions/obligations, the CE could amend rules and processes over time, depending on how prisoners respond to them.	+ There will be more flexibility for staff to regulate deposits which will allow for future changes in best practice and technology. Operational guidance will also be required to support staff with these changes.	- May be some extra administrative work for staff as they are required to distribute funds to different accounts. May also be some clarity as to why a particular transaction may not be approved since reasons will be set out in regulations.	+ Clearer processes for why prison managers can refuse to accept a withdrawal request assists prisoners and staff to know what requests can be made and what the outcome may be, improving efficiency. Operational guidance will also be required to support staff with these changes.
Transparency and accountability	0	+ Clear standards and processes will increase transparency for prisoners, staff and the public, and reduces inconsistencies across the prison network for prisoners. Holds Corrections accountable as to the standards that will be set for all prisoners.	+ Increases consistency and transparency across the prison network, as all deposits will be subject to the same rules and standards, holding Corrections accountable for managing deposits. Limiting transactions may mean they occur in the community away from Corrections' visibility; this is justified as Corrections is not a bank and may not be best equipped to identify illicit transactions.	+ Segregating large deposits ensures all prisoners will have a similar PTA balance and having this in the regulations will increase transparency. Having a consistent process for large deposits ensures prisoners are treated the same across the network, and Corrections is held accountable in its treatment.	+ Will increase transparency and holds Corrections accountable as to how we will manage prisoner withdrawals. Like option three, this could mean transactions are occurring in the community, which may be justified.
Complies with prisoner rights to autonomy and human rights standards	0	- Some prisoner rights in relation to autonomy by way of use and possession of their funds could be impacted by some of the processes, such as enforcing a balance limit (noting prisoners can apply to keep more funds for certain purposes).	- May impact on NZBORA right to manifestation of religious belief, as giving money is important in some religions. prisoner autonomy in relation to saving money could be impacted as they may have less funds for personal use, may also affect their preparation for their return to the community, when they will have control over all their money.	- Prisoners having less access to some of their funds may decrease autonomy, but may be more consistent with the Mandela Rule allowing earnings to be saved. May impact families' ability to transfer funds, which may impact right to manifestation of religion or belief. Prisoners keeping funds may make it easier for them to access rehabilitative and reintegrative services or items, improving compliance with human rights.	- Gives prisoners less autonomy over what transfers they make, which could impact right to manifestation of religion or belief as it may impact what they can send to their families, noting that prisoners can apply to keep more funds in certain circumstances. Impacts on autonomy may also impact prisoners preparing for their return to the community where they will have control over all their funds. May impact NZBORA rights to manifestation of religious belief, as giving money is important in some religions.
Supports wellbeing and outcomes of the people we manage	0	0 Having clear and consistent standards may enable prisoners to feel more settled when transferring sites, even though some prisoners may feel angry at first that there are restrictions on how they manage their accounts. Some prisoners may have family or friends that can't easily undertake electronic transactions, and may not receive regular payments, impacting wellbeing. Some prisoners may not have external bank accounts to store funds, which could negatively impact wellbeing due to limited options for placement of funds.	- If prisoners are aware that deposits may be returned on safety grounds, this may encourage them to engage in safer transactions, which may lead to a prison environment that is more conducive to rehabilitation. This could positively impact prisoner wellbeing. In contrast, there may be situations where deposits are returned and this may impact wellbeing if prisoners know there are deposits they did not receive.	- Some prisoners may find it easier to have specific funds put aside for their rehabilitation and reintegrative needs. However, there may be impacts on how prisoners are able to use these funds, as they will only be able to use them for specific purposes, impacting prisoner wellbeing. Some prisoners may not have an external bank account that to use if their request to hold extra funds is declined, negatively impacting their wellbeing due to having limited options for placement of funds.	0 Where prisoners do not receive as many deposits due to family not being able to use electronic banking, they may have less funds to make withdrawals, impacting autonomy in relation to funds and wellbeing. Reduced abilities to make withdrawals may limit prisoners' preparation for reintegration into the community. However, in most situations, prisoners will have control over their funds and can choose whether to send it to family in the community or buy food from the canteen.

	Option One – Status Quo	Option Two – CE to set consistent standards across the network for trust account management	Option Three – give prison managers clear powers to stop or return deposits in certain circumstances	Option Four – give prison mangers powers to regulate prisoner access to any over-balance funds and release to work funds	Option Five- give prison managers clear powers to regulate withdrawals that prisoners wish to make from their trust accounts in certain circumstances
Addresses Māori needs and cultural perspectives	0	- No significant impact on Māori or other cultural perspectives noting that Māori are overrepresented in our prison population. Some marginalised groups may struggle to access external bank accounts, for example sub-groups such as women, younger people and Māori are impacted by this issue at disproportionate rates.¹¹⁸	- The ability to give funds to whānau may be important to several cultures, including Māori, and there may be more situations where prisoners are unable to receive deposits, due to balance limits, which may impact cultural practices.	- No significant impact on Māori or other cultural perspectives as whānau can still make larger deposits for specific purposes, they will just be segregated from funds for routine prisoner spending. Some marginalised groups may struggle to access external bank accounts; sub-groups such as women, younger people and Māori are impacted by this issue at disproportionate rates.¹¹⁹	- As with option three, the ability to give funds to whānau may be important to several cultures, including Māori, and there may be more situations when prisoners are unable to withdraw money, which may not line up with their cultural practices. Mana may also not be recognised or acknowledged through the loss of financial autonomy.
Overall assessment	0	+ This option would contribute to the good order and safety of prisons, and promote positive outcomes for prisoners due to the consistent standards across the network. it is also transparent and will hold Corrections accountable due to standards being clearly set out in regulations, and is practical to implement and responsive to changes in best practice over time.	+ This option would lead to greater transparency and equity across the network, promotes positive prisoner outcomes, and contributes to the good order and safety of prisons due to Corrections having greater powers to prevent illicit deposits. This option is also particularly practical to implement and responsive to changes in best practice as we can update the reasons for which deposits may be returned if needed.	+ This option would increase transparency across the prison network, and contribute to the good order and safety of prisons, because prisoners’ large balances would be protected and not easily accessible or viewable by other prisoners. It would also promote positive prisoner outcomes.	+ This option would increase transparency and equity across the prison network, contribute to the good order and safety of prisons, and facilitate safe and effective use of the PTA system as withdrawals that may be going towards illicit activity can be prevented. Like option three, this option is particularly practical to implement and responsive to changes in best practice as the reasons for which withdrawals can be updated if needed.

¹¹⁸ Westpac New Zealand: Westpac NZ access to banking Aotearoa report.

¹¹⁹ Westpac New Zealand: Westpac NZ access to banking Aotearoa report.

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

248. To address the problem, meet the policy objectives, and deliver the highest net benefits, we consider that a combination of Options Two, Three, Four, and Five will all be needed. Combining these options is necessary to give Corrections material powers to limit illicit activities and also significantly act as a deterrent to prisoners and members of the community using the trust accounts for illicit activities.
249. Only pursuing some of the options may leave gaps in the system that some prisoners or people in the community may choose to exploit. 6(c) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] As these powers are exercised by prison managers, clear direction needs to be given by the chief executive in order to ensure consistency across the network as to trust account processes.
250. We also note that incidents such as stand-overs are still likely to occur in spite of these options being introduced; our aim is to eliminate them as far as possible, recognising that some prisoners will find other ways to undertake them.

Corrections is aware that none of the proposed options will entirely eliminate all the risks that exist to the PTA system

251. Prisoners, as well as people external to the prison who are depositing funds, are likely to still attempt to find ways to make transactions that could harm the good order of the prison. It may not always be clear that a transaction is illicit in some way, but Corrections is aiming to implement the stricter processes to act as a deterrent to this activity.

These options will contribute to the good order and safety of both prisoners and the prison

252. This is because transactions that may impact safety will be able to be stopped due to the addition of clearer grounds in the Regulations that provide for when Corrections may decline a deposit or a withdrawal.
253. Options three and five will respond to issues relating to both withdrawals and deposits, and will strengthen powers relating to both the flows in and out of PTAs, limiting gaps as discussed above.
254. Option four will reduce the amount of stand-overs, as Corrections will be able to regulate access to any over-balance funds and release to work funds. An operational pre-approval process will also ensure that all large deposits coming into the PTA are managed appropriately and are only accepted and allocated to a prisoner if approval has been given.
255. Option four enables Corrections to be flexible where needed, for example where an exemption for over balance funds is necessary, while making sure that these larger balances are protected. This will improve wellbeing as it demonstrates Corrections' commitment to allowing prisoners to receive funds from families and friends where possible, while maintaining balance limits.

Option two supports consistency, equity and efficiency

- 256. While the Corrections Act and Regulations enable the chief executive to issue guidelines, instructions or procedures, having a requirement to create the standards in the regulations will increase transparency and accountability.
- 257. Option two will allow for the centralisation of PTA administration and enable improvements to equity, consistency, and efficiency. It would also reduce the administrative burden on staff who manage PTA transactions, and as noted above, may have some impacts on prisoners accessing their release to work funds.
- 258. Option two will also assist some prisoners who may feel that it is difficult under the current regulations to make these necessary purchases.

All of the proposed options will contribute to reducing the amount of transactions and the administrative burden on Corrections and on prison staff

- 259. Currently about 1,400 prisoners are responsible for about 15,000 withdrawals that relate to about \$2.5 million. Some prisoners use the PTA as a banking system they can access in prison as they may have limited access to external bank accounts. When balance and spending limits are introduced by the CE following the regulation changes we will be reducing the activity across the PTA and the administration burden for Corrections.

All of the chosen options have the potential to negatively impact NZBORA, the Mandela Rules, or rights to autonomy

- 260. There may also be some impacts on Māori needs, such as the ability to send funds to family and whānau who are in prison; this ability may be limited with the introduction of balance limits. However, these impacts may be justified in this situation as Corrections must have the power to stop illicit activities. Nevertheless, we propose to limit this impact by careful drafting, which will ensure that only those deposits or withdrawals that are likely to impact the good order and safety of the prison are impacted, which should mean that the majority of prisoners who are using their PTAs for genuine purposes are not affected.

There may also be some impacts on prison tensions, particularly from options three and five, as these options will impact prisoners receiving and withdrawing funds

- 261. As prisoners will be subject to restrictions from all of these options, this could lead to an increase in tension, especially when they are first implemented. We will limit this by only restricting those deposits and withdrawals that could impact good order, safety and security of prisons, and prisoner and public safety and maintenance of the law, and note that limits on these sorts of withdrawals and deposits may be justified in order to protect these things.
- 262. We note that options three, four, and five were the options preferred by the Human Rights Commission. However, they noted that there would need to be appropriate thresholds for intervention and other appropriate safeguards. The requirements of necessity and proportionality should also be considered in implementing any restrictions.

Corrections may choose to draft options three and five in the reverse

- 263. We currently propose that transactions may be prevented if they may impact the good order, safety and security of prisons, and prisoner and public safety and

maintenance of the law. We may instead choose to draft these provisions in the reverse and instead of providing for when transactions may be prevented, provide that transactions that are clearly for a lawful purpose may be made. 6(c)

What are the marginal costs and benefits of the options?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Department of Corrections	New regulations will mean new processes. May have to deal with increased prison tensions as prisoners adjust to stricter processes. Regulations and operational guidance will need to be updated. Operational changes will be needed as well as implementing the chosen options.	Medium	Medium
Prisoners	There will be improvements to PTA processes but also more restrictions in some situations, e.g. on transferring and receiving deposits if they indicate that they may impact the good order and safety of the prison. However, only prisoners intending to engage in transactions likely to impact the good order and safety of the prison should be affected.	Medium	High
Family/friends of prisoners	May be more restrictions on transferring and receiving deposits where they indicate that they may impact the good order and safety of the prison, which could disproportionately affect Māori wanting to send funds to whānau in prison. With the enforcement of balance limits and the returning of funds if they take an account over the balance limit, people may not be able to send as much money as they wish.	Low	Medium
Total monetised costs	N/A		
Non-monetised costs		Medium	Medium
Additional benefits of the preferred option compared to taking no action			
Department of Corrections	Processes will be streamlined and easier to follow, CE will make more decisions for the prison network as opposed to prison managers needing to make individual decisions. Safer prison environment to work in. Processes will be streamlined and easier to follow, CE will make more decisions which will lead to a safer and more streamlined prison environment.	Medium	Medium
Prisoners	Processes will be clearer and easier to follow, restrictions clearly outlined, consistency across all prisons. Less risk of intimidation and more protection of any over-balance funds will lead to a safer prison environment.	Medium	High
Family/friends of prisoners	Processes will be streamlined and easier to follow, making PTAs more accessible. A lead in time before	Medium	Medium

	any changes come into effect will give family and friends time to adjust and prepare for new processes. Safer communities as there will be less illicit money flowing into the community.		
Total monetised benefits	<i>N/A</i>		
Non-monetised benefits	<i>Medium</i>	<i>Medium</i>	<i>Medium</i>

Section D: Using risk assessment tools for remand prisoners

Context

What is the context behind the policy problem and how is the status quo expected to develop?

The Act requires every person serving a prison sentence of more than three months to be assigned a security classification

264. The purpose of security classifications for sentenced prisoners is to measure the risk that they pose while inside or outside the prison including the risk that the person's escape would pose to the public.¹²⁰
265. Initial classifications are typically assigned within 14 days of a prisoner receiving a sentence of imprisonment and must be reviewed at least once every six months during a prisoner's sentence or whenever there is a significant change in their circumstances.¹²¹
266. Staff members carrying out security classification assessments must consider factors such as the seriousness of the offences committed by the prisoner and any history of mental ill health or violent behaviour.¹²²

Sentenced prisoners must be assigned the lowest security classification level at which the prisoner can be safely and securely managed¹²³

267. Prisoners must be placed and managed within a facility and management regime that is consistent with their classification to the extent that it is practicable (having regard to the availability of accommodation and other resources).¹²⁴ Operationally, sentenced prisoners are housed with people of similar security classification (minimum, low, low-medium, high and maximum). Classification also influences a prisoner's eligibility for activities, including programmes and work opportunities, and access to certain parts of the prison.

Safeguards are in place for prisoners who are dissatisfied with their security classification

268. Sentenced prisoners can apply to the chief executive for reconsideration of their classification.¹²⁵ Once the classification has been reconsidered, the prisoner must be informed in writing of the outcome of the decision.¹²⁶ If the prisoner is not satisfied with

¹²⁰ Section 47(1), Corrections Act 2004

¹²¹ Section 47(3)(b)(ii), Corrections Act 2004

¹²² Regulation 45, Corrections Regulations 2005

¹²³ Regulation 44(1), Corrections Regulations 2005

¹²⁴ Regulation 44, Corrections Regulations 2005

¹²⁵ Section 48(2), Corrections Act 2004. 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.

¹²⁶ Section 48(4), Corrections Act 2004

the review, they can pursue other ways to challenge this decision by complaining to the Inspectorate or the Ombudsman, or seeking a judicial review.

Unlike for sentenced prisoners, there are currently no legislative or regulatory requirements to assign remand prisoners with a security classification, with operational risk assessments for remand prisoners being discretionary

269. While awaiting trial or sentencing, people can either be remanded at large or on bail, or they can be remanded in custody.¹²⁷ As at 26 February 2025, Corrections managed 4,171 male remand prisoners, and 471 female remand prisoners.
270. Instead of getting a security classification, Corrections typically manages remand prisoners as high security by default, due to the unknown risk that they pose when they arrive in prison. Corrections also has the ability to assess a remand prisoners' risk through operational tools, such as the Remand Management Tool (RMT).¹²⁸
271. The RMT assessment determines the level of custodial supervision a remand prisoner requires and can influence aspects of prison life, such as movements, unit placement and access to resources.¹²⁹ This, in turn, contributes to the safety of the prison, staff and others, and mitigates the likelihood of influencing other prisoners.
272. The RMT determines two levels of supervision: level 1 (high supervision) which typically applies to people who present a high level of criminal influence and require frequent or close custodial supervision and level 2 (low supervision) for people who have less-serious offending or considered to be at risk of, or vulnerable to criminal influence. Where practical, operational policy states that these two levels should be housed and managed in separate areas.

Since about 2014, use of risk assessments for remand prisoners has increased¹³⁰

273. The RMT is now used at most sites, with 76.8% of all remand prisoners being assessed using the RMT over the course of the 2023/2024 financial year. Of the 23.2% who were not assessed using the RMT, half of these prisoners (1,877 of 3,750) spent less than one week in remand custody.
274. Data on the use of the RMT between men's and women's prisons shows that 79% of the men's remand prison population was assessed using the RMT (approximately 14,319 prisoners) compared to 56% of the women's prison population (approximately 1,859 prisoners).¹³¹

¹²⁷ Remanded at large means that a defendant is released without restrictions or conditions, except to appear in court when required.

¹²⁸ The default management of remand prisoners 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 on remand.

¹²⁹ Staffing ratios for remand sentenced differ and are determined by contracts agreed with staff unions, as per https://tatou.corrections.govt.nz/pmg/ara_poutama_practice_centre/custody/workforce_planning/3._residential_cluster_models_and_staff_ratios.

¹³⁰ Noting that there was a drop off during COVID-19.

¹³¹ Data presents the total number of custodial remand starts in the 2023-2024 financial year. It is important to note that some remand assessments may not have been conducted at the time of data extraction, so prisoners may still be in custody with the possibility of an RMT assessment being conducted in the future. Additionally, the numbers reported includes people who had an RMT assessment completed at a different site after being transferred.

275. Use of the RMT assessment rises steadily over the time a prisoner spends in custody, with 90.3% of remand prisoners having had an RMT assessment applied by the end of their 10th week in custody.

Current data on the use of the RMT shows that there is potential for a large portion of prisoners to be managed as low security/supervision, however it is not yet certain how many prisoners this may apply to

276. The RMT has helped identify that just under half of remand prisoners are lower risk. Of those assessed by the RMT tool in April 2023, 54.4 percent were assessed as L1 (high supervision) and 45.6 percent were assessed as L2 (low supervision).
277. As noted, data from July 2023 states that 89 percent of women who transitioned from remand to sentenced were classified as low security.¹³² Data from a 2021 trial on the RMT showed that approximately 65% of men could be classified as low security.¹³³ However, limitations to available data on the use of the RMT across the prison network means it is difficult to gauge approximately how many remand prisoners this may apply to if regulatory settings were changed.
278. While we are unable to provide greater detail on other populations in prison, and the data for men is an approximation, this gives an example of the number of people who may be being managed as higher security than the potential risk they pose.

Uptake of the RMT can depend on a prison's operating environment and infrastructure¹³⁴

279. Each prison's physical infrastructure and operating environment can differ across the estate, and prison managers must flexibly manage their units to accommodate prisoner needs and status. As the RMT is currently an operational tool, this provides prison managers with the discretion to use this tool if it best suits their operating environment.
280. Additionally, the remand population at each site differs. Three out of 18 prisons do not hold remand prisoners, resulting in the RMT not being used routinely at these sites. Of the remaining 15 prisons that manage remand prisoners, four manage approximately 61 percent of the total men's remand population.¹³⁵ For the women's prison population, all three women's sites accommodate both sentenced and remand prisoners.
281. **Appendix D1** provides information about the prison network and where remand prisoners are accommodated, including the unit type by security level.

Remand prisoners comprise a significant number and proportion of the prison population and this is expected to grow

282. As at 30 June 2024, remand prisoners accounted for around 44% of the onsite population (compared to 37% as at 30 June 2021). This is even higher for the women's prisons, with about 51% of the total women's prison population being on remand.¹³⁶ Māori also make up a significant proportion of the total remand population, accounting

¹³² As at 20 July 2023.

¹³³ As at June 2021, using a trial.

¹³⁴ The RMT was piloted in 2015, and currently most of the remand population is assessed using this tool.

¹³⁵ These four prisons being Christchurch Men's Prison, Mount Eden Corrections Facility, Rimutaka Prison and Spring Hill Corrections Facility. Mt Eden Corrections Facility is the main reception prison for newly remanded male prisoners in the Auckland region.

¹³⁶ Justice Sector Long-term Insights Briefing – Focus on Imprisonment in New Zealand 2022; Department of Corrections Annual Report 2023/24.

for 56% of the total remand population, and 65% of the total women's remand population.^{137 138}

283. Over time, the remand prison population has experienced periods of significant growth in response to legislative change and technological advancements,¹³⁹ as well as cases taking longer to progress through the court system resulting in remand prisoners spending more time in prison awaiting trial and sentencing outcomes.
284. During 2023/2024, the median length of time spent on remand was 50 days. While the average length of time was 88 days, which is expected to increase to 99 days by June 2034,¹⁴⁰ the average is skewed by a few individuals who spent a long period on remand, for example the longest period was 1705 days in 2023/2024.^{141,142}
285. Based on current trends, it is projected that by 2050 as many as half of the prisoners under Corrections' management will be on remand.¹⁴³

Other international jurisdictions provide assessments for remand prisoners

286. While Queensland provides remand prisoners with security classifications, they are automatically classified as high security, with a review following sentencing. An exception is for female remand prisoners accused of a non-violent or non-sexual offences, who can be classified as low security.
287. The United Kingdom assign security classifications to all prisoners. Operational guidance states what the minimum mandatory policy requirements are e.g. timeframes for initial categorisations and review periods. Remand convicted prisoners are treated as sentenced prisoners under this framework and are therefore subject to the same requirements. Remand accused prisoners' treatment is based on the presumption of innocence, and their rights and freedoms must not be more restrictive than is necessary to mitigate risk to the good order of the prison.

Problem D: Diagnosing the policy problem

What is the policy problem or opportunity?

Problem D1: The management of some remand prisoners may not reflect the risk that they pose in prison. While there is an operational tool that enables staff to assess the risk of remand prisoners, practice and use of the tool differs across the network

¹³⁷ The remainder of the total remand population is 25% European, 11% Pacific Peoples, 5% Asian/Other and 3% unknown. The remainder of the total women's remand population is 25% European, 7% Pacific Peoples, 3% Asian/Other and <1% unknown.

¹³⁸ The remainder of the total remand population is 25% European, 11% Pacific Peoples, 5% Asian/Other and 3% unknown. The remainder of the total women's remand population is 25% European, 7% Pacific Peoples, 3% Asian/Other and <1% unknown.

¹³⁹ Justice Sector Long-term Insights Briefing – Focus on Imprisonment in New Zealand 2022.

¹⁴⁰ 2024 Justice Sector Projections, Ministry of Justice, p. 8.

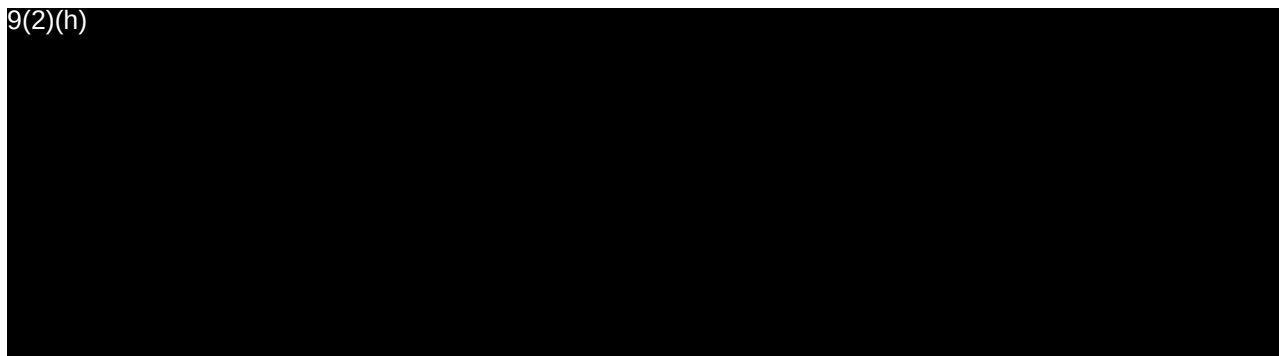
¹⁴¹ In the 2023-24 financial year, there were 539 people who were in remand for between 1 and 2 years, and 96 for more than 2 years.

¹⁴² Remand Paths Project report – An analysis of individual remand pathways from 2010 to 2019, Ara Poutama Aotearoa & Statistical Research Associates, p. 17. It is important to note that periods on remand may vary due to the flow in and out of remand custody (either on to bail or until case end). An example of some remand paths includes an offender being in custody from start to the end of the case, or an offender being initially on bail then in custody then bailed again until case end.

¹⁴³ Long-term Insights Briefing – Long-term insights about imprisonment 1960-2050, 2023, p. 26.

288. While Corrections uses the RMT to conduct remand risk assessments, there are no legislative or regulatory frameworks that govern Corrections' use of these assessments.
289. Regulating the use of remand risk assessments, through tools such as the RMT, will enhance transparency for staff, whānau and visitors of the prison by providing insight into the prisoner's risk profile. Information from this assessment can then inform subsequent decisions about a prisoner's overall management and better equip Corrections' to meet the needs of each prisoner.

9(2)(h)



Oversight bodies have commented on Corrections lack of regulatory framework for remand risk assessments

291. The Ombudsman has noted that Corrections has tried to progress a compulsory requirement to assess remand prisoners without success in the past, and continues to consider that a compulsory use of an RMT has the potential to have a positive impact for a large number of people who are on remand, not least through increased opportunities to engage in constructive activity.¹⁴⁴

Remand risk assessments can benefit prisoners by determining the level of security required

292. As noted, information about a remand prisoners risk informs subsequent decisions about a prisoner's overall management and better equips staff to meet the needs of each prisoner.
293. Being managed as high security affects a prisoner's conditions, such as unlock hours, training and access to parts of the prison. If Corrections were required to conduct remand risk assessments, this would help separate lower and higher risk individuals. Considering the vulnerability of certain prisoners who are more susceptible to physical harm and negative influence, separation of these prisoners would be beneficial, particularly young prisoners (people under the age of 25).

Determining the risk of remand prisoners can also assist Corrections with resource allocation

294. While most remand prisoners are assessed using the RMT, more certainty that this will happen across the network will assist with planning for infrastructure. The projected increase in the remand population described above will have several impacts for Corrections, including increased pressure on high security beds. Any steps that can be taken to identify lower risk prisoners will help with better resource allocation across the prison network.
295. Accommodating lower risk remand prisoners in high security places reduces the ability to use available prisoner accommodation optimally according to local population

¹⁴⁴ Office of the Ombudsman (2023). *Kia Whaitake - Making a Difference*, p. 81.

demands. In the long term, this increases the whole-life expenditure on Corrections' physical infrastructure because the build and maintenance cost of high security units are more than for low security units. For example, as at 30 June 2023, 76 percent of high security places were being used by remand prisoners.

296. Managing lower risk remand prisoners as high security by default also imposes an unnecessary administrative burden on staff. Operational staff have indicated that it can take up to 4.5 hours of time to process people entering a new prison, with more time added for escorts. Prisoners are regularly moved across the network between prisons, with approximately 141 movements for remand prisoners on average per week. The ability to lower this burden for staff could be significant.¹⁴⁵

What objectives are sought in relation the policy problem?

297. Our objective is to provide for a more formalised framework for the use of remand risk assessments to improve Corrections' understanding of remand prisoners in custody and better equip them to meet their needs. We want to provide transparency and certainty on the management of remand prisoners by making it mandatory to use a tool, such as the RMT, to better manage remand prisoners.

Deciding upon an option to address the policy problem

What scope will options be considered within?

298. A proposal to classify and then treat all remand prisoners as low security rather than high by default has been ruled out of scope. This is considered inappropriate as some people present a level of risk that requires them to be managed in high security environments to protect the safety of staff and the community. For example, over half of remand prisoners assessed using the RMT are classified as high security.
299. Options that would compel placement of remand prisoners in accordance with assessed risk have been ruled out of scope as it is necessary to consider the varied infrastructure across the network. Placement is not always possible or practicable as prisons have a limited number of high and low security units within which to manage prisoners. This would also be inconsistent with regulations for sentenced prisoners, where placement is only required to the extent it is practicable.¹⁴⁶

Some options were publicly consulted on, but subsequently ruled out of scope

300. While Corrections consulted on an option to use existing non-regulatory measures to issue operational guidelines and procedures to govern risk assessments of remand prisoners, this option was not progressed as substantive procedures already exist. For example, a Quick Reference Guide on the RMT contains timeframes for assessment, who they apply to, and when reviews should occur.
301. The option to establish a security classification for remand prisoners, as is the case for sentenced prisoners, was ruled out of scope. Establishing a security classification for remand prisoners to mirror the process for sentenced prisoners would assume that Corrections receives enough information on the remand prisoner to determine which level of custodial management they require. This is not always the case, particularly for

¹⁴⁵ Figures from 1 Nov 2023 to 31 October 2024 show that the total amount of movements for remand prisoners (both remand accused and remand convicted) is 7,332.

¹⁴⁶ Corrections Regulations 2005, Regulation 44(2).

prisoners who enter Corrections' management for the first time. Additionally, security classifications would have flow on impacts in relation to things like placement, mixing, access to temporary release and other aspects of prison life that would not easily apply to remand prisoners.

What options are being considered?

302. Options below do not require the use of the RMT to be prescribed in regulations, as this tool may be superseded in the future as best practice changes. However, we recognise that if regulations require a specific tool to be used from 2025, that the RMT would be administered operationally.

Option One – Status quo

303. Prison managers will continue to use risk-based management regimes at their discretion. Currently, this means that remand prisoners will either be assessed through the RMT or managed as high security by default.
304. Operational guidance would continue to state that reviews of assessments are triggered by events i.e. changes to charges or in response to a change in a prisoners' circumstances, or triggered by timeframes i.e. prisoners on level 1 supervision are to have reviews every 3 months. However, like the decision to conduct the initial assessment, the decision to conduct reviews would be at the discretion of each prison manager.

Option Two – Amend the Regulations to require Corrections to use a mechanism for conducting risk assessments for remand prisoners, and require assessments and reviews to take place within certain timeframes

305. Under this option, there would be a regulatory requirement for Corrections to use a mechanism or tool, such as the RMT, to conduct an initial risk assessment within a certain timeframe of a prisoner's arrival in prison. We recommend that the assessment be conducted within 14 days, for prisoners who have been in prison for 14 continuous days following reception at prison. This period would be a maximum timeframe within which assessments have to be completed, but sites could elect to complete an assessment sooner.
306. Corrections would not be required to place and manage a remand prisoner in accordance with their risk assessment; however, this risk assessment will influence their placement to the extent that it is practical i.e. taking into account the availability of accommodation and other resources.
307. This option would stipulate in legislation that a review of this decision is required. These reviews would be triggered by both events, and timeframes. For example, for both lower security and higher security prisoner a review would be triggered where a prisoners' circumstances had changed (either positive or negative event), and for higher risk prisoners they would have regular reviews every three months (as is recommended in current operational guidance).
308. In addition to Corrections led reviews stated above, the Regulations would also provide for prisoners' rights to seek a review of the outcome of their remand risk assessment where they are dissatisfied with the outcome.

Option Three – Amend the Regulations to require Corrections to maintain a mechanism for conducting risk assessments for remand prisoners, but do not require this tool to be used for every remand prisoner

309. Under this option, there would be a regulatory requirement for Corrections to maintain a mechanism or tool, such as the RMT, however unlike Option Two, Corrections would not be *required* to conduct an assessment after a certain timeframe. This option is essentially an enhanced status quo.

How do the options compare to the status quo/counterfactual?

Problem D1: The management of some remand prisoners may not reflect the risk that they pose in prison. While there is an operational tool that enables staff to assess the risk of remand prisoners, practice and use of the tool differs across the network

	Option One – Status Quo	Option Two – regulations requiring Corrections to use a mechanism for remand risk assessments, and require assessments and reviews to take place within certain timeframes	Option Three – Regulations requiring Corrections to maintain a tool for remand risk assessments, but no formal requirement to use it
Contributes to the good order and safety of the prison	0	+ Greater overall impact on the safety of the staff and the prison as well as for prisoners, especially lower risk prisoners who will have reduced contact with higher risk ones. However, the benefits of this option may be limited as the risk assessment will only inform a prisoner's overall management placement and management to the extent it is practicable.	+ This option promotes flexibility, and will not compel staff to conduct risk determinations, but is likely to continue the increasing trend for prisoners to be assessed using such as the current RMT. As with option two, any increase in the use improves prison safety for all if it is permissible under the infrastructure.
Practical to implement and responsive	0	0 Aligns with current practice, but may be more administratively burdensome as more risk determination assessments may be conducted and the number would depend on the specified timeframe, as if the timeframe is too short it would capture people who are only in prison for a few days. Delaying commencement of these provisions will assist Corrections to implement them, as prisons will take time to adjust to new requirements.	0 As with option two, this option aligns with current practice. Not having a requirement to assess remand prisoners means that sites that do not have the infrastructure or resources to manage as anything but high security will not have additional administrative burden.
Transparency and accountability	0	++ Increased transparency and for prisoners, their whānau, oversight bodies and other external stakeholders as to requirements and practice around remand risk assessments. This will also enable oversight bodies to hold Corrections accountable.	0 Increased transparency about remand risk assessment tool, but not their use. No substantial departure from the status quo. However, Corrections could publish this data on its website to mitigate that lower transparency. No increased accountability as this option is only limited to maintaining a tool.
Complies with human rights standards	0	+ Strengthens Corrections' commitment to prisoners being managed in the least restrictive setting practical.¹⁴⁷ While Corrections ability to manage prisoners in accordance with assessed risk can be limited by infrastructure and resources, assessments will assist prisoners transferring between prisons as risk is understood upon arrival. Better aligns with Bangkok Rules in relation to admission procedures for women.¹⁴⁸ Reviews of assessments aligns with the Mandela Rules in relation to requests or complaints, and with rights to natural justice.¹⁴⁹	0 Same as Option Two, however, likely to impact fewer prisoners as use of tools will not be compulsory. May not result in a significant departure from the status quo.
Supports wellbeing and outcomes of the people we manage	0	+ Risk determinations can influence a prisoner's overall management, which can have flow on effects for prisoner wellbeing and recidivism.	0 Same as Option Two, however, likely to impact fewer prisoners as use of tools will not be compulsory. May not result in a significant departure from the status quo.
Addresses Māori needs and cultural perspectives	0	+ Māori make up a significant proportion of the remand population so identifying their risk sooner may improve the wellbeing of Māori prisoners on remand and their access to programmes, including Te Ao Māori programmes.	0 Same as Option Two, however, likely to impact fewer prisoners as use of tools will not be compulsory. May not result in a significant departure from the status quo.
Overall assessment	0	+ This option will increase the use of a remand risk assessments and better enable Corrections to manage prisoners according to their risk and no more restrictively than necessary. Compared to the status quo, this option is anticipated to benefit a larger number of remand prisoners and therefore better support their wellbeing and access to services and programmes. This option gives more transparency and certainty around practice, will better support consistency in practice, and better hold Corrections accountable in relation to conducting assessments within a certain timeframe.	0 While Option Three has many of the same benefits as Option Two, as this option does not require assessments to take place, and instead just requires a tool to be maintained, it is anticipated that this option would result in less remand prisoners receiving a risk assessment than Option Two. Therefore, the benefits are less than that of Option Two.

¹⁴⁷ Rules 1 & 3 of the Mandela Rules.

¹⁴⁸ Rule 2 of the Bangkok Rules refers to admission of women and children, due to their particular vulnerability at this time.

¹⁴⁹ Rule 56 of the Mandela Rules stipulates that prisoners should have the opportunity to make requests or complaints to the prison director or staff member so observing this right will be important.

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

310. Corrections' preferred approach to address the problem, and meet the objectives, is Option Two: regulatory change to require Corrections to maintain and use a tool for conducting risk assessments for remand prisoners.

Option Two could be beneficial for lower risk prisoners

311. It is lower security prisoners who likely benefit the most as they have more chance of being moved out of the higher-security environments where they are more at risk from mixing with more volatile and violent prisoners. Even where they are still housed with high-security prisoners, their overall management experience and transfers around and between prisons may be less onerous, and they have greater access to programmes.

Option Two best supports the current trend within prisons as to the use of the RMT, while remaining practical to implement

312. Obligating prison managers to conduct an assessment on remand prisoners, within a certain timeframe, will promote an extension of good and consistent practice across the prison network. Comparatively, Option Three is less likely to result in an increase in use of the RMT, as use would remain discretionary.
313. Requiring the initial assessment to be conducted within a longer maximum period, 14 continuous days, will ensure that Corrections has the flexibility to conduct this assessment within the set time period and ensures that prisoners who have very brief periods on remand (i.e. within the set time period) are not captured.
314. Submitters' views varied on what the timeframes for assessments, and reviews, should be. Some submitters believed that assessments should occur when a prisoner first enters prison, while other views ranged from between 7 days and 6 months.

Option Two best aligns with views from submitters during public consultation

315. Most submissions supported some form of mandatory requirement for Corrections to conduct a risk assessment for remand prisoners within a certain timeframe. Submitters considered that mandatory risk assessments would better protect prisoners (including vulnerable prisoners) and better support consistency across the network.

It makes sense for these changes to be made now as use of the RMT has increased significantly in the past 10 years and it is practical for Corrections to achieve

316. Enough change has occurred since about 2013-2014 when the RMT was rolled out, with more prisons now using the RMT (as noted only 23.2% of prisoners are not assessed). Now is a good time to use robust processes to support remand assessments, to support ongoing practice improvements.
317. Prison managers are generally supportive of regulatory change as it improves the overall safety and security of the prison by reducing the risk of harm to remand prisoners. Feedback from staff has indicated that the RMT is easy to use and reportedly takes about 20 minutes to complete. While not all prisoners can be placed in accommodation according to their risk profile because of limitations on infrastructure, RMT assessments help staff understand and support prisoners better.

What are the marginal costs and benefits of the option?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Department of Corrections, including staff	This option will likely require minor updates to operational guidance/requirements to provide staff with information and update training. Currently, only 23% of prisoners do not have a remand risk assessment, and the assessment takes about 20 minutes on average to complete, we consider that the proposal for initial assessments will have a limited impact on resourcing required to conduct the initial assessments.¹⁵⁰ However, reviews may have a significant impact on resourcing. Currently, of the 16,185 remand starts that occurred in the 2023/4 period, only 1,248 (7.7%) had more than one RMT assessment recorded. As an example, if the review on average takes 20 minutes, and reviews are event based and three monthly as proposed, we estimate that this could require an additional 2,300 hours or work per annum for staff to undertake these reviews of assessments.¹⁵¹	Medium	Medium
Prisoners	May incur a social cost on prisoners, particularly if a prisoner is transferred to another prison to accommodate for their assessed risk. This may affect how easy it is for friends and whānau to visit the prisoner.	Low	Low
Friends and family of prisoners	If a prisoner is transferred to another prison that is not close to their home base in response to the RMT assessment, friends and family may need to travel to visit the prisoner, which will incur some cost.	Low	Low
Wider public	No identified costs.	N/A	N/A
Total monetised costs	Dependant on whether Corrections decides to put more resources into this over time, for example if staff opt to pursue for more regular review than the proposed option.	N/A	N/A
Non-monetised costs		Low-medium	Low-medium
Additional benefits of the preferred option compared to taking no action			
Department of Corrections, including staff	This option may give staff a better idea about the risk profile of a remand prisoner, providing more certainty about what the prisoner's needs are and how staff can accommodate for this across the network. This supports staff to more safely manage prisoners and should reduce the risk of staff assaults, which are a critical issue in prisons.	Low	Medium

¹⁵⁰ It is important to note that though 23.2% of remand prisoners did not have an RMT assessment completed, almost half of these prisoners spent less than one week in remand custody. This

¹⁵¹ This data on the possible additional hours per annum is purely an example, and may be different from the end result. It has been estimated using some assumptions based on the data we have from the current use of the RMT. The net effect of adding an assessment every three months has been estimated to add an additional 838 hours per annum, with the reviews triggered by incidents adding 1,469 hours per annum.

Affected groups	Comment	Impact	Evidence Certainty
Prisoners	Gives more certainty and transparency over time and will have a relatively small increase of prisoners benefitting from the increased use of the RMT. For prisoners who are low security the benefits will be higher as they will not be managed with more risky prisoners likely more prone to violence or stand-overs.	Low	Medium
Friends and family of prisoners	This option will provide whānau with greater assurance that Corrections is prioritising the wellbeing/safety of remand prisoners in a way that recognises their risk.	Low	Low
Wider public	As above, this option will provide greater assurance to the wider public that we are prioritising the safety of both prisoners and the wider public as prisoners will be managed in accordance with their risk. Lower security prisoners should have improved outcomes, which benefits the public as well.	Low	Low
Total monetised benefits		N/A	N/A
Non-monetised benefits		Low	Medium

Section E: Updating haircut and facial hair requirements for prisoners

Context

What is the context behind the policy problem and how is the status quo expected to develop?

The Regulations contain prescriptive provisions relating to the personal appearance of prisoners, including their hair and facial hair

318. Restrictions are in place that were intended to limit prisoners' ability to change their hair and facial hair in prison. These restrictions state that:

- remand accused prisoners are only allowed to cut or shave their hair to the extent necessary to preserve the appearance that they had at the time of their reception into the prison,
- sentenced and remand convicted prisoners must obtain approval from the prison manager if they wish to grow a beard or moustache after reception into prison and,
- all prisoners may not be allowed to keep or adopt a hairstyle, beard, or facial hair of their choice if a health centre manager directs that they cannot on the grounds of health, safety, or cleanliness.¹⁵²

319. These Regulations are broadly reinforced through operational procedures, for example through the POM.¹⁵³

Human rights standards also contain sections on prisoner hygiene and appearance

320. The Mandela Rules provide that for prisoners to maintain good appearance compatible with self-respect, facilities should be provided for proper care of their hair and beard, and men should be able to shave regularly.¹⁵⁴

The regulations, and related operational procedures, are over 20 years old, and no longer align with changes to technology and court processes

321. Traditionally, written eyewitness accounts were considered the most important method for describing alleged offenders when their identity was unknown. When arrested and charged, photographs of the individual might not be available for some time, or in some cases, at all. As a result, dock identification was common at trial. Therefore, maintaining the same appearance as when arrested was important, which led to the inclusion of specific haircut and facial grooming requirements in the Regulations.

322. Written descriptions of alleged offenders continue to play a role, and identification issues can still arise at trial.¹⁵⁵ However, advancements in technology have significantly changed the landscape of criminal identification and made it easier to

¹⁵² See [Corrections Regulations 188\(1\)](#), [Corrections Regulations 70\(1\) and 70\(2\)](#) and 70(4)

¹⁵³ The POM states that remand accused prisoners are not to significantly change their appearance prior to the completion of court proceedings, and that if a sentenced prisoner wishes to grow facial hair that they must first obtain approval from the unit Principal Corrections Officer.

¹⁵⁴ Mandela Rules, Rule 18

¹⁵⁵ A witness interviewed by the police will still provide a description of the offender to the Police.

confirm identity. Defendants are now more likely to be arrested and charged faster, with high quality photographs taken immediately upon arrest. These photos are often used in lineups to confirm the identity of the offender. Additionally, other tools such as CCTV footage, photos taken on reception into police custody and prison, and other visual records can be used to verify whether the appearance of the individual at the time of arrest matches the witness description of the alleged offender's identity.

323. Given these advancements in technology, it is no longer a prosecution requirement for remand accused prisoners to maintain their appearance while they are held in custody on remand.¹⁵⁶

Remand prisoners are experiencing extended periods of detention, and are treated differently to those on bail in the community in relation to their hair

324. Individuals are spending longer periods on remand due to court processing delays, and the growing remand prison population has led to an increase in the average time spent as a remand prisoner. The average duration has risen from 71 days in 2017/2018 to 89 days in 2023/2024.
325. Defendants charged with an offence typically do not remain remanded in prison for the entirety of the time their charges are being resolved. Instead, they often are bailed from the start to end of their case or transition between remand and bail.¹⁵⁷ This is important to consider because the restrictions on prisoner appearance do not apply to individuals on bail, which involves a significantly larger number of people compared to those held on remand.¹⁵⁸ Although the potential risk of a defendant significantly altering their appearance while on bail could, in theory, be considered when determining bail, it is unlikely that this factor is routinely contemplated.

During public consultation prisoners raised concerns about access to haircuts, alongside the ability to alter their appearance

326. Prisoners informed us that sentenced men at some prisons' self-care units have access to only one set of hair clippers for approximately 200 men. They raised concerns that this limited access poses a health and hygiene risk, a concern that was echoed by the Public Service Association in their submission.
327. At Christchurch Women's Prison (CWP), some prisoners have access to hairdressing facilities run by a qualified hairdresser, with these services described by prisoners as "humanising and healing".¹⁵⁹
328. We also heard that prisoners' access to haircuts varies between units. For example, at one prison, while the self-care unit lacked access to haircutting tools, prisoners in protective custody (also known as voluntary segregation) were provided with barbering facilities.¹⁶⁰

¹⁵⁶ Corrections has spoken to NZ Police and confirmed this is the case.

¹⁵⁷ This is evidenced by the fact that in 2019, only 3.4% of people who were remanded in custody remained remanded for the entire duration while waiting for their case to be concluded.

¹⁵⁸ In 2023/2024, 53,845 people with finalised charges had spent time remanded on bail (81% of all people with finalised charges), 4,307 had spent time remanded on EM bail (7% of all people with finalised charges), and only 14,418 had spent time remanded in custody (22% of all people with finalised charges). (Data provided by Ministry of Justice).

¹⁵⁹ This was heard from women at CWP at a hui on 24 October 2024 during public consultation.

¹⁶⁰ Segregation pursuant to section 59 of the Corrections Act.

In December 2020, a riot involving remand prisoners erupted at Waikeria Prison, triggered by a range of factors including limited access to haircutting facilities

329. On 29 December 2021, remand prisoners were observed giving haircuts to another prisoner using a razor.¹⁶¹ While the razor was eventually returned to staff, prisoners remained dissatisfied with the frequency with which haircuts were taking place. Some prisoners made phone calls stating that they were going to riot ‘all over a stupid shaver.’

*The Office of the Inspectorate investigated the Waikeria riot and released a report detailing recommendations following the incident*¹⁶²

330. The report identified that the prisoners’ lack of access to haircuts caused significant tension between staff and prisoners in the period immediately preceding the riot, and that policies relating to haircuts were not properly understood by the staff working in that unit at that time.

331. The report 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 POM, and should ensure that staff in frontline roles understand prisoners’ rights with regards to haircuts.

Comparable jurisdictions do not have prescriptive regulatory provisions in relation to prisoner haircuts and facial hair

332. Corrections currently has similar rules around haircuts to NSW and Western Australia in that staff can direct a prisoner to cut or shave their hair on the grounds of health, safety and personal hygiene. However, comparable jurisdictions do not have regulatory provisions that a prisoner must retain a certain appearance or get permission to change their appearance.

333. The United Kingdom appears as an outlier in that it explicitly allows prisoners bodily autonomy around their haircuts.

Problem E: Diagnosing the policy problem

What is the policy problem or opportunity?

Problem E1: Changes to evidential identification processes have rendered the current regulations restricting haircuts and facial hair changes in prison outdated. Additionally, there is also an opportunity to improve prisoner access to haircutting tools and facilities.

There is a disconnect between the requirements in the Regulations and what is enforced operationally

334. Improvements in technology, including the quality and prevalence of photographs, CCTV footage, and fingerprints, now offer a more reliable means of confirming the

¹⁶¹ The Inspectorate’s report states that this happened inside the remand unit.

¹⁶² [Report of the Independent Inquiry into the Waikeria Prison Riot](#)

identity of alleged offenders. As a result, it is no longer a prosecution requirement for remand accused prisoners to maintain their appearance while in custody.

- 335. We were informed that custodial staff rarely enforce the regulations regarding hair and facial grooming. For instance, if a sentenced prisoner grows a beard without prior approval from the prison manager, they are not instructed to shave it. Similarly, if a remand accused prisoner shaves their beard, they are not required to regrow it.
- 336. Requiring prisoners to change their hairstyle or facial hair against their will could create unnecessary tension and increase the likelihood of prisoner-on-staff assaults.
- 337. Furthermore, we spoke to health centre managers about the regulation that allows them to direct prisoners to change their hairstyle for health, safety or cleanliness reasons. We were informed that, despite the existence of this regulation, health centre managers never use such directives, and even if they did, the directive would not be enforced. One reason given for this is that it could lead to use of force on prisoners who refuse to comply, potentially creating tension and resulting in prisoner-on-staff assaults.

This disconnect has led to confusion and tension in the prisons

- 338. As discussed previously, the riot at Waikeria was partly caused by confusion among staff regarding the policies on haircuts. Currently, there is an opportunity to align the relevant sections of the Regulations and operational guidance to ensure they are clear and only include provisions that should be enforced. This alignment will help staff better understand the expectations regarding haircuts, leading to consistent application of the policy across the prisons.
- 339. Additionally, it may be unreasonable to expect remand accused prisoners to maintain the same appearance for increasing periods of time while waiting for their charges to be resolved, especially when the same restrictions don't apply to defendants on bail.

The regulations on haircuts and facial hair may place unnecessary restrictions on prisoner bodily autonomy and impact prisoners' manifestation of religious belief and gender expression

- 340. While there are necessary restrictions on prisoners' autonomy in the prison environment for the purposes of safety and security, there have been studies showing the benefits of allowing prisoners autonomy where possible. Prisoners who have a higher level of choice within prison tend to report a higher quality of life, which can be partially explained by prisoners' feelings of validation and self-endorsement.¹⁶³ This may mean that there are benefits for prisoners who can make choices in relation to their hair and facial hair.
- 341. Additionally, some cultures and religions have particular requirements when it comes to hair which may make it difficult for custodial staff to enforce the regulations, some example of these are listed below in the table.

¹⁶³ van der Kaap-Deeder J., Audenaert E., Vandeveld S., Soenens B., Van Mastrigt S., Mabbe E, Vansteenkiste M. (2017) Choosing when choices are limited: The role of perceived afforded choice and autonomy in prisoners' well-being. *Law and Human Behaviour*, 41(6)



Examples of cultures and religions requirements around hair

Polynesian	Some Polynesian cultures believe that hair contains mana. In some situations, it is not cut, while in others, when it is cut it is done as part of a celebration.
Sikh	Practicing Sikhs (both men and women) do not cut hair from any part of their body for religious reasons. However, practices vary.
Muslim	In some Muslim tradition facial hair is not cut, but practices vary.

342. During public consultation several submitters raised concerns that restrictions on haircuts may make it difficult for gender diverse prisoners who are transitioning or wish to transition, because they may feel that they do not have autonomy to express their identity. We heard that the expression of gender identity, through physical appearance, is integral to a prisoner's dignity and rehabilitation and can contribute positively to their sense of identity and mental wellbeing.

During public consultation, submitters generally agreed that the regulations were outdated and should be updated to allow prisoners more freedom around grooming

343. While the majority of submissions focused on allowing prisoners choice, autonomy, and self-expression, we also heard that in some cases it may be reasonable to restrict hairstyles for prisoners on the grounds of safety. For example, when a certain hairstyle symbolises a gang this could lead to disharmony within the prison.

344. The Human Rights Commission and the Office of the Ombudsman supported removing the provisions in question, noting that they are 'redundant, restrictive and inconsistent with human rights obligations'.

We also heard that improving access to haircuts was important to prisoners

345. As noted, prisoners considered that the key issue from their perspective was access to hair and facial grooming, and that restrictions were not necessarily justified. For example, prisoners at one prison noted that they were allowed electric trimmers and shavers but not hair clippers even when in low or minimum-security units.

What objectives are sought in relation to the policy problem?

346. We want to ensure that policies around haircuts and facial hair align with identification requirements but are not more restrictive than is necessary to support identification and prison safety.

347. We also seek to ensure that, as far is reasonably practicable and safe, prisoners have improved access to haircutting tools, noting that this could assist with reducing prison tensions in this area.

Deciding upon an option to address the policy problem

What scope will options be considered within?

348. Operational solutions alone cannot address the fact that the regulations governing facial and hair grooming are outdated. Therefore, an operational solution was not considered to resolve the redundant requirements.

The options have been updated in response to feedback during public consultation

349. During public consultation, we heard of the importance of prisoners having reasonable access to haircuts. We have responded to this feedback by introducing an additional option relating to access, however, we recognize that achieving better access will likely require both operational and regulatory changes.
350. Initially, we proposed updating the provisions related to health requirements by adding cultural considerations to the regulatory grounds that health centre managers can take into account when deciding whether to direct a prisoner to change their hairstyle. However, we have since been advised that the current provisions, which allow health centre managers to direct prisoners to alter their hairstyle under certain grounds, are rarely, if ever, used in practice. This is because forcing a prisoner to shave or cut their hair could pose safety risks for staff and potentially lead to assaults.

What options are being considered?

Option One – Status Quo

351. Under the status quo, the regulatory restrictions on haircuts and facial hair will remain in place for both remand and sentenced prisoners, but operationally, these restrictions will continue to not be enforced.
352. Regulations that allow health centre managers to direct a prisoner to change their hairstyle for health, safety or hygiene purposes will remain in the regulations, but will not be used operationally.

Option Two – Remove *all regulations* that place restrictions on haircuts and facial hair and replace them with operational procedures aligned with present day identification processes (regulatory and non-regulatory option)

353. Under this option, all the regulations that place restrictions on haircuts and facial hair would be removed. This includes both the regulations that restrict remand prisoners from changing their appearance while awaiting trial and the regulations that prohibit sentenced prisoners from growing a beard unless they have permission from the prison manager.
354. The regulations that enable health centre managers to direct, on the grounds of health, safety, and cleanliness, a prisoner to change their hairstyle will also be removed from the regulations.

Option Three – Add a regulatory requirement that all prisoners must have access to haircuts and facial hair grooming tools and facilities. Access must be provided as far as reasonably practicable within the available resources and subject to safe custodial management (regulatory option)

355. This option would introduce an enabling provision in the regulations. This option includes caveats stipulating that increased access to haircuts will only be granted where resources are available and where it aligns with safe custodial management.

How do the options compare to the status quo/counterfactual?

Problem E1: Changes to evidential identification processes have rendered the current regulations restricting haircuts and facial hair changes in prison outdated. Additionally, there is also an opportunity to improve prisoner access to haircutting tools and facilities

	Option One – Status Quo	Option Two – Remove all regulations and replace with operational procedures	Option Three – Add regulations on access to haircuts and facial hair grooming tools and facilities, where practicable and safe
Contributes to the good order and safety of the prison	0	+ May make it clearer for staff what the haircut requirements are, reducing tensions arising from inconsistent application of the requirements, and staff not clearly knowing what the haircut/facial grooming procedures are.	0 Gives prisoners more confidence that they will have access to haircuts, while providing staff with clarity that prisoners can have access when it is practicable and safe. This may reduce tension and improve prison order and safety, but could also create expectations among prisoners, potentially increasing tension if access is not provided on their terms.
Practical to implement and responsive	0	0 No significant change from status quo as operational practice is already largely aligned with present day criminal identification processes and health centre manger provisions are not used.	0 Corrections would only be required to offer haircuts when it is safe and practicable, allowing for flexibility in response to changing circumstances, such as staffing levels. If staffing levels increase, greater access can be provided; if it decreases, access can be scaled back. However, this option may increase prisoner demands for haircuts, potentially requiring additional resources, such as the purchase of more hair-cutting tools.
Transparency and accountability	0	+ Slightly improves transparency of haircutting and grooming processes for staff, oversight bodies, the public and prisoners by removing redundant regulations that are not used. No change to accountability from the status quo.	- The regulations will not identify what resources will be required from an operational view to ensure safe and reasonable access can be provided. May therefore not be transparent how Corrections decides when to provide access, making it harder for oversight bodies to hold Corrections accountable.
Complies with human rights standards	0	+ Removing unnecessary regulations that place restrictions on bodily autonomy will better ensure that the Regulations align with human rights standards in NZBORA and ICCPR that everyone deprived of liberty is treated with humanity and respect for their inherent dignity.¹⁶⁴	+ Supports Corrections moving in a direction to support greater access to haircuts which better aligns with the Mandela Rules.
Supports wellbeing and outcomes of the people we manage	0	+ Prisoners may feel that their bodily autonomy is better respected which promotes more positive outcomes for prisoners while they are in prison.	+ Promotes wellbeing and bodily autonomy which may improve prisoner experiences in prison because they have explicit rights to access haircuts.¹⁶⁵ While this option may not lead to immediate significant improvements in access to haircuts (as access will depend on resourcing within the prison) it makes a positive step towards increasing access for prisoners, ultimately supporting better prisoner outcomes.
Addresses Māori needs and cultural perspectives	0	+ This option is more respectful of bodily autonomy which is important for Maori and other cultures where the head is tapu or specific hair cutting practices are important culturally.	+ Explicit enabling provisions may support prisoners’ cultural needs and practices as they will have more bodily autonomy to change their hairstyle or grow a beard.
Overall assessment	0	+ Slightly improves transparency of haircut procedures for prisoners, the public and oversight bodies by removing regulations that are not used. Better aligns the regulations with human rights standards by removing unnecessary bodily restrictions, and contributes to supporting the wellbeing and outcomes of prisoners by better respecting their bodily autonomy.	+ This option is practical to implement as it does not require Corrections to provide access to haircuts when it is impractical or unsafe. Rather it mandates increased access only where it can be supported operationally. From a prisoner’s perspective, this change is likely to result in improved access to haircuts and bodily autonomy. However, it may be difficult for oversight bodies to hold Corrections accountable for how they provide this access as the regulations will not include criteria identifying when haircut access is deemed safe and practicable.

¹⁶⁴ [New Zealand Bill of Rights Act 1990 section 23\(5\)](#) and Article 10 of the [ICCPR](#).

¹⁶⁵ There have been studies which show the benefits of allowing prisoners some autonomy where possible. Prisoners who experience a higher level of choice within prison tend to report a higher quality of life, which can be partially explained by prisoners’ feelings of volition and self-endorsement.

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

356. The options likely to best address the problem, meet the objectives and deliver the highest net benefits is a combination of Options Two and Three: removing redundant regulatory provisions and inserting a new regulation around access to haircuts and facial hair tools and facilities, where practicable and safe.
357. These options will ensure that policies around haircuts and facial grooming are no more restrictive than necessary to support current day identification processes. They will also support improved access to haircutting and facial grooming tools and facilities for prisoners, which in turn may improve prisoner bodily autonomy and reduce prison tension in this area.
358. Removing the regulations that are not used and replacing them with updated operational procedures (option Two) will provide clarity on what the haircutting procedures are, as there will no longer be inconsistencies between operational practice and the regulations, this supports transparency in how Corrections operates. This responds to some, but not all, of the Inspectorate's recommendations following the Waikeria prison riot.
359. Option Two also brings the regulations better in line with human rights standards in relation to inherent dignity.
360. Option Three only requires Corrections to provide access to haircuts when it is safe and practicable. Operationally, Corrections will need to develop a criteria to determine when access can be granted. However, since this criteria will not be included in the regulations, the decision making process may lack transparency, making it harder for oversight bodies, the public, and prisoners to hold Corrections accountable. While there is still the ability to share operational procedures and decision-making documentation with oversight bodies, this is at a lower threshold than having the criteria explicitly stated in the regulations.

We acknowledge that operational support is required to enable Option Three to have a meaningful impact on prisoner access to haircut tools and facilities

361. However, on balance we consider that including such a provision in the regulations is a step in the right direction towards enabling better access to haircuts and brings the regulations into better alignment with the Mandela Rules. Option Three also addresses comments made in the Inspectorates Report into the Waikeria riots, which identified that a lack of access to haircuts caused tension in the prison in the period immediately prior to the riot beginning.

The combination of these two options aligns with what we heard during public consultation

362. Most submitters supported the removal of the redundant haircut and facial hair regulations to bring the regulations in line with current evidential processes and operational practice, and highlighted the importance of upholding prisoner autonomy where possible.
363. As prisoners considered that their key issue was access to hair and facial grooming, the enabling provision in Option Three will make it clearer prisoners should have access to haircuts where it is safe and practicable to do so. While we recognise that this is a relatively soft requirement on Corrections, it is pragmatic and helps signal to prisons that grooming is an important consideration.

What are the marginal costs and benefits of the option?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Department of Corrections, including staff	One off cost to update operational policy and any training. There are no mandatory costs for purchasing additional hair clippers if the prison/unit lacks enough to provide reasonable access to haircuts for prisoners. Prisons can make such purchases based on their available resources. Safe and practicable access to haircuts will require appropriate staffing levels as staff are required to supervise haircuts and ensure hair clippers are returned after use. While there are no mandatory costs for additional resourcing, in order for these changes to achieve a meaningful impact, operational change will be required over time.	Low	Medium
Prisoners	Prisoners may have to become familiar with new policy and new operational procedures, but it appears few knew about the redundant provisions anyway.	Low	Medium
Total monetised costs		<i>Low</i>	<i>Medium</i>
Non-monetised costs		<i>Low</i>	<i>Medium</i>
Additional benefits of the preferred option compared to taking no action			
Department of Corrections	Processes relating to prisoner haircuts will be easier for staff to understand and administer albeit they have rarely been adhered to in recent years.	Medium	Medium
Prisoners	Possibility that changes will better support prisoner wellbeing and bodily autonomy.	Medium	Low
Total monetised benefits	N/A	N/A	N/A
Non-monetised benefits		<i>Medium</i>	<i>Low-medium</i>

Implementation and monitoring of proposals

How will the new arrangements be implemented?

All regulatory changes would be supplemented by additional training and guidance

- 364. Clear communication is necessary, before any changes come into effect, to give prisoners, friends and families, and staff, time to adjust, and answer any questions they may have. The cost of updating guidance, procedures and additional training will largely be covered under 'business as usual' activities
- 365. Updated guidance for staff may be by way of changes to the POM and the Trust Account Manual. The prisoner-facing kiosks will need to contain updated regulations and inform prisoners of the changes, including changes that are being phased in over time. For example, for some of the changes to PTAs prisoners will be given advance notice to enable them to reduce the funds in their account below balance limits.
- 366. Corrections may also amend forms that are filled out by prisoners. Forms prisoners use to request withdrawals of funds from their PTA may also be updated to include a tick box for prisoners to indicate whether they want to discuss the transaction with staff (for example, they are being stood over to make the transaction).
- 367. Corrections may also need to work alongside banks when implementing changes to trust accounts to ensure that prisoners are assisted to set up external bank accounts. This will assist prisoners to have somewhere for large payments to go, as well as reducing the administrative burden on staff who deal with these large payments.
- 368. During consultation, several submitters recommended increasing transparency of the use of cameras in prisons by providing more signage around camera usage. Increased signage is a simple and cost-effective way to reinforce the regulatory changes that will help prisoners, staff and visitors understand Corrections use of cameras.

Updated training and guidance are particularly important for changes that involve staff making new and additional decisions

Operational guidance will clarify the process and circumstances for the use of drop pins

- 369. The process is likely to be that the prisoner is asked to place their forearms through the door hatch, the drop pin will then be activated and handcuffs applied. As the prisoner will be handcuffed to the door by way of the drop pin, the door will be slowly opened, at which point the prisoner can be led out of the cell. When the prisoner is returned to the cell, the process will be reversed. This guidance could also consider whether prisoners are handcuffed from the front or the back.¹⁶⁶
- 370. Guidance will clarify thresholds for risk levels that must be met in order for a drop pin to be used. Exact thresholds and wording for the regulations would be decided upon with the Parliamentary Counsel Office (PCO).

¹⁶⁶ Handcuffing prisoners from the front can lead to risks for 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.

371. Additionally, guidance may help prison managers determine if and where to install drop pins within their prison. Given the data on staff assaults and use of force in women's prisons discussed in Section A above, Corrections recognises that there may be less of a case to install and use drop pins in women's prisons. However, this will be at the discretion of the relevant prison managers.

Operational guidance will assist staff to make decisions as to when to turn off privacy features for CCTV, and when to use body worn cameras

372. Staff will need to understand when it might be appropriate and justifiable for pixelation or masking to be removed. Specific guidance will also be necessary for using body-worn cameras where a prisoner is presenting as highly vulnerable or where footage recorded would include intimate visual images.

As the changes to the Regulations in relation to privacy barriers will be high level enabling provisions, operational procedures will be more prescriptive

373. We anticipate that operational procedures will include considerations that staff will need to take into account when determining whether to provide a prisoner with a privacy barrier or screen. This will assist staff to determine if there are circumstances where someone cannot be placed in a cell with a privacy screen.
374. This consideration and assessment could be built into the existing assessment that is conducted for at-risk prisoners to determine whether pixelation is required to be turned off, or anti-ligature clothing or bedding is required. We note that while an assessment would be required for some privacy features, such as privacy screens, that the external flaps on the windows will not require a case-by-case assessment as these are already used widely across the network, and there have been no additional safety concerns due to their use.

Understanding of PTA changes will contribute to a smooth and consistent implementation

375. Updated staff guidance may contain matters such as when a transaction may impact the good order and safety of the prison. Guidance for prisoners and the public is necessary to ensure that people who deposit money into PTAs are able to comply with the Act and Regulations, which lowers the risk of having their deposit returned.
376. It will also be important to ensure that the PTA changes do not place an additional administrative burden on staff. For example, with option three, trust account administration staff have told us that they currently notice and raise issues with transactions that they have reason to believe are the result of stand-overs or other illicit activity. When implementing this change, we do not want to require staff to look for additional issues when reviewing transactions.

While there is already guidance around the use of remand risk assessments using the RMT, staff will need to understand the changes and when they might impact placement

377. While there will not be a formal requirement to place the prisoner in accordance with their remand risk assessment, guidance may need to be developed to support staff to determine situations where this may be appropriate, as far as reasonably practicable.

Some proposals will require infrastructure changes across the network

Drop pins would need to be installed in high security, or above, areas at the discretion of prison managers.

378. There is no requirement that prison managers use the drop pins, however, installation is estimated to cost 9(2) per door that already has a hatch, and approximately 9(2)(i) for any door that needed both a hatch and a drop pin installed. For a door needing both a hatch and pin installed, installation would take about a day, and may involve prisoners being moved to other cells for the day while installation occurs.

An infrastructure assessment is already underway to better understand of the exact number of cells that would require internal light switches and privacy barriers or screens

379. This assessment is expected to be completed in early 2025, and has received funding for installation in half ISU cells across the network. As noted, we have also yet to understand how many ISU cells have flaps on the outside that support privacy.

The change relating to reasonable access to haircuts would need to be paired with operational changes to have a meaningful impact

380. The Regulations will only enable access to haircuts where it is deemed practicable and safe, but this is reliant on things such as resourcing. Operational changes are needed to support safe access, including adequate staffing levels to supervise prisoners during haircuts and monitor the clippers to ensure that are returned after use.

While we anticipate most changes will come into effect mid-2025, some proposals require phased or delayed implementation

The Regulations and operational procedures would only apply to prisons once they have had drop pins installed in order to facilitate use

381. As noted, Rimutaka prison and Mt Eden Corrections Facility have a small number of drop pins installed already. However, as other sites do not currently have any drop pins installed, installation will be required which may take a few months after the Regulations come into effect.

Corrections needs time to identify whether there are any cameras will be required to be removed or covered, and cells will need to be vacant in order for this to occur

382. To enable this to occur, we propose that any regulatory change provide a five-year window to comply with any changes. This timeframe is practical as it takes time to fund and make this kind of change.

It is estimated that it could take until 2028 to incorporate lighting and privacy features into more cells across the prison network

383. The installation of privacy features across prison sites will likely be phased, as cells will need to be empty in order to install internal light switches. This is the timeframe that has already been estimated by the project. We consider it makes sense that these changes relating to at-risk cells be incorporated as part of the Privacy Screens Project, given that this is already in scope and funded.

For PTAs changes to be implemented successfully, a lead in period will be needed

384. This is to give families time to prepare for their deposits to be returned if they will take a prisoner's balance over the limit, and to give prisoners time to make arrangements for any over balance funds to be sent out of the PTA. This also gives Corrections time to develop the CE standards. We propose a period of approximately three months.
385. Some of the operational changes have come into effect already, including notifying prisoners and members of the public that Corrections will no longer be accepting cash deposits from November 2024, nor deposits received via tellers or ATMs. Further operational changes will be rolled out in late 2025, or possibly early 2026, depending on when the Regulations come into force.

We recommend a delayed commencement for remand risk assessments to enable prisons to update their processes and undertake training

386. This is particularly important for prisons who currently have a lower use of the RMT, but also for all sites as the data for reviews shows that these don't occur regularly. We consider that the initial assessments and reviews of assessments (including those initiated by prisoners) may need to be phased in during a three-year period.
387. This would enable Corrections to monitor the uptake of assessments and consider how this review process could impact resourcing. Corrections has faced significant staffing shortages in recent years, and it is important to consider further impact on staff resourcing during shortages.

How will the new arrangements be monitored, evaluated, and reviewed?

388. Corrections will conduct a review of the policy changes 12-18 months following implementation. Reviews will not occur at the same time, as some of the proposals will have delayed commencement or be phased in.
389. Reviews will seek to provide information to enable Corrections to evaluate how the new policies are working in practice. Reviews will consider changes to prison safety, prisoner rehabilitation and reintegration outcomes, and whether changes are having unintended consequences, or disproportionately impacting certain groups of prisoners.

Reviews of the policy changes will also consider factors specific to each proposal

Corrections will monitor the frequency of use of drop pins compared to other use of force

390. This will be assessed to determine whether there has been an increase or decrease in incidents since drop pins have been implemented. Data on injuries and the types of prisoners drop pins are being used on will also be evaluated.

Reviewing camera placement and use would likely involving picking several sites to visit

391. Corrections would be looking to see whether changes are improving the experience of both staff and prisoners and are ensuring that prisoner privacy is balanced with prisoner, staff and visitor safety and security of the prison.

Correction will review all instances or a sample across representative prison sites to understand staff decision making around access to privacy screens

392. We will review the forms and processes to ensure they are efficient, aid effective decision making, and adequately support prisoners' safety and wellbeing.
393. We are aware that custodial staff working in ISUs may be less likely to support the use of privacy features and it may take some years for practice to change. Our monitoring

will expect to see increases over time and identify operational procedures that need to be updated to support increased use where it is safe to do so.

As PTAs are a fundamental part of prison life, Corrections needs to ensure it is striking the right balance with these changes

394. Corrections will monitor the number of transactions, the number of prisoners that request to open an external bank account, and the number of prisoners that request approval to have funds accepted that would take their balance over the balance limit.

Despite the RMT already being used by many sites, its important to understand differences in uptake, placement and impacts on resourcing

395. This review will consider how these risk determinations may be impacting a remand prisoners management and enhance our understanding the benefits of this proposal. As discussed above, reviewing risk assessments could have a significant impact on resourcing and will need to be monitored closely.

Corrections will evaluate the access prisoners have been given to haircuts, and any incidents relating to haircuts

396. This could include reviewing changes to operational practice and speaking to staff and prisoners about the impact they feel the changes have had.

While it is possible that any of the proposals could require refinements in the coming years, there are two proposals that we anticipate could likely require tweaks

397. Because the prison network has such a wide variety of infrastructure, we are aware that some refinement may be necessary before the end of the proposed transitional period relating to camera placement and usage.
398. Changes relating to prison trust accounts may not solve all the problems occurring in this area. However, they are the first wave of changes to try deter prisoners, and the public, from using trust accounts in a way that does not support prison or public safety. As part of the review and evaluation, Corrections will consider whether any of the policies need to be tweaked or new ones need to be added to best support practice around prison trust accounts.
399. During public consultation, one prisoner told us that if we restrict his use of the PTA he will find other illicit means to conduct his business activities such as through cell phones smuggled into the prison. Therefore, Corrections would need to review whether other avenues for illicit conduct were occurring in the prison as a result of these changes.
400. Corrections may also pursue further operational changes for PTA. For example, this may include the introduction of privacy shields around kiosks to further protect prisoner privacy when they are viewing their PTA balance. This will ensure that only the prisoner who is standing directly in front of the kiosk to view their balance will be able to see what is on the screen, and any prisoners who happen to be walking past will not be able to see what is on the kiosk. This was suggested during consultation by a prisoner. An additional operational change may be an addition of a box on withdrawal forms which prisoners could tick if they needed to confidentially discuss the withdrawal with staff, for example if they were being intimidated by another prisoner into making the withdrawal.

401. There is also the possibility that both proposals relating to cameras and PTAs could require changes in the future as new technologies emerge. While drafting of these provisions aims to be high level in order to allow flexibility for changes technologies, depending on what is developed in the future further changes may be required.

Appendix B1: Cell requirements for different cells contained in the Corrections Regulations 2005

	Cell for prisoners subject to a segregation direction under ss 58, 59, or s60(1)(a)	Cell for prisoners at risk of self-harm	Cell for prisoners subject to a segregation direction under s 60(1)(b) (to assess or ensure mental health)	Cells used for penalty of cell confinement	New cells and new self-care units	Existing cells and existing self-care units
Artificial lighting	✓	✓ Controlled only from outside the cell	✓	✓	✓	✓
Natural lighting	✓	✓	✓	✓	✓	✓
Automatic fire detector	✓	✓	✓	✓	✓	✓
Bed	✓	✗ Regulation 57(2)	✓	✗ Raised sleeping platform	✓	✓
Fresh or conditioned air	✓	✓	✓	✓	✓ And suitable for the number of occupants and the daily regime	✓ And suitable for the number of occupants and the daily regime
Heating as appropriate for climatic conditions	✓	✓	✓	✓	✓ And suitable for the number of occupants and the daily regime	✓ And suitable for the number of occupants and the daily regime
A cut down knife (outside the cell but in the vicinity)	✗	✓	✗	✗	✗	✗
A window in the cell door	✗ Regulations are silent on this feature	✓ That allows a complete view of the inside of the cell	✓ That allows a staff member to view the cell, excluding an area of the cell that is concealed by privacy screening	✓ That allows a staff member to view the cell, excluding an area of the cell that is concealed by privacy screening	✗	✗
Intercom, alarm, or call button		✓	✓	✓ So far as is practicable in the circumstances	✓	✓ For existing cells, feature must be provided in the case of a shared cell and must be provided so far as is practicable in the circumstances in a single occupancy cell. For new cells, feature must be provided

	Cell for prisoners subject to a segregation direction	Cell for prisoners at risk of self-harm	Cell for assessment of prisoners' mental health	Cells used for penalty of cell confinement	New cells and new self-care units	Existing cells and existing self-care units
Privacy screening	✓ For existing cells, privacy screening consistent with safe custodial management must be provided so far as is practicable in the circumstances. For new cells, privacy screening consistent with safe custodial management must be provided	✗ No privacy screening or any other barrier that prevents a full view of the cell from the door window.	✓ Privacy screening consistent with safe custodial management.	✓ Privacy screening consistent with safe custodial management.	✓ Privacy screening consistent with safe custodial management (including, in the case of a shared cell, privacy screening of the toilet and shower from view by other cell occupants)	✓ Privacy screening consistent with safe custodial management (including, in the case of a shared cell, privacy screening of the toilet and shower from view by other cell occupants)
Located close to the prison's health centre	✗	✓ So far as is practicable in the circumstances	✓ So far as is practicable in the circumstances	✗	✗	✗
Furniture and fittings free from features that could facilitate self-harm	✗	✓	✓	✓	✗	✗
Desk with seating	✓ For existing cells, feature must be provided so far as is practicable in the circumstances For new cells, feature must be provided	✗	✓ So far as is practicable in the circumstances	✗	✓	✓ So far as is practicable in the circumstances
General power outlet	✓ For existing cells, feature must be provided so far as is practicable in the circumstances For new cells, feature must be provided	✗	✓ So far as is practicable in the circumstances	✗	✓	✓ So far as is practicable in the circumstances
A reflective surface	✓ For existing cells, feature must be provided so far as is practicable in the circumstances For new cells, feature must be provided	✗	✓ So far as is practicable in the circumstances	✗	✓	✓ So far as is practicable in the circumstances
Running potable water	✓ For existing cells, feature must be provided so far as is practicable in the circumstances For new cells, feature must be provided	✗	✗	✓ So far as is practicable in the circumstances	✓	✓ So far as is practicable in the circumstances

	Cell for prisoners subject to a segregation direction	Cell for prisoners at risk of self-harm	Cell for assessment of prisoners' mental health	Cells used for penalty of cell confinement	New cells and new self-care units	Existing cells and existing self-care units
Shelving	✓ For existing cells, feature must be provided so far as is practicable in the circumstances For new cells, feature must be provided	✗	✓ So far as is practicable in the circumstances	✗	✓	✓ So far as is practicable in the circumstances
Storage for authorised property	✓ For existing cells, feature must be provided so far as is practicable in the circumstances For new cells, feature must be provided	✗	✓ So far as is practicable in the circumstances	✗	✓	✓ So far as is practicable in the circumstances
Toilet	✓ For existing cells, feature must be provided so far as is practicable in the circumstances For new cells, feature must be provided	✗	✓ So far as is practicable in the circumstances	✓ So far as is practicable in the circumstances	✓	✓ So far as is practicable in the circumstances
Hand washing facilities	✓ For existing cells, feature must be provided so far as is practicable in the circumstances For new cells, feature must be provided	✗	✗	✗	✓	✓ So far as is practicable in the circumstances

Appendix D1: Information on the prison network and where remand prisoners are accommodated, including the unit type by security level

Prison profile information (23 August 2023)			
Site	Year built	Remand prisoner population	Remand as a % of on total site population
Northland Region Corrections Facility	2005	217	49%
Auckland	1968	219	39%
Mount Eden Corrections Facility	2011	952	97%
Auckland South Corrections Facility	2015	0	0
Spring Hill Corrections Facility	2007	468	71%
Waikeria	1911	69	16%
Tongariro	1922	0	0
Hawke's Bay Regional Prison	1989	222	42%
Manawatu	1979	127	56%
Whanganui	1978	213	42%
Rimutaka	1967	367	53%
Christchurch Men's Prison	1915	429	56%
Rolleston	1958	0	0
Otago Corrections Facility	2007	193	44%
Invercargill	1910	67	43%
Auckland Region Women's Correction Facility	2006	161	54%
Arohata	1944	59	82%
Christchurch Women's Prison	1974	58	46%

Number of remand prisoners accommodated in different types of units 30 June 2023					
	Unit Classifications				
	High	Low Medium	Maximum	Minimum	Total
Remand	3024	725	129	2	3880
Total population	3984	4045	269	215	8513