

25 August 2015

C72788

Sam Bird
FYI website
fyi-request-2950-d25e1e51@requests.fyi.org.nz

Dear Mr Bird

Thank you for your email dated 17 July 2015, requesting information about sexual behavior between prisoners. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety and reducing re-offending are the ultimate goals for the Department of Corrections. In accordance with the Corrections Act 2004, we must make public safety paramount when managing offenders, and administer all sentences in a safe, secure, humane and effective manner. All prison facilities are operated in accordance with New Zealand legislation and based on other agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners.

You have requested:

Could you please disclose your policy guidelines, and any related material, as to sexual behaviour between prisoners while in prison.

Although sexual behavior between prisoners is not encouraged, the Department of Corrections supports prisoners to have access to prophylactics. This is a harm minimisation initiative and Health Services play a key role.

When appropriate, prisoners are informed that prophylactics are available from Health Services during the initial health assessment, and during any other relevant health consultations. Information about the availability of the products must be made visible in all Health Centres.

Each Health Centre decides how to make prophylactics easily accessible to prisoners. For example, informing prisoners that they are available from a nurse when the nurse is visiting the units.

Health Services staff do not need to inform custodial staff that they have issued these items, however like any health intervention it should be documented in the prisoner's electronic clinical record.

Regarding non-consensual sexual behavior in prisons, any sexual assault is categorised as a serious assault. Sexual assault can be of any form and degree such as inappropriate touching, sexual violation, or any physical assault of a sexual nature. The Department does not break down these incidents into levels of seriousness and facilitates any victim access to further investigation by the Police.

The Department does not have 'policy guidelines' regarding sexual behavior between prisoners. Therefore, this part of your request is declined under section 18(e) of the OIA, as the document alleged to contain the information requested does not exist or cannot be found.

Should you have any concerns with this response, I would encourage you to raise these with the Department. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeremy Lightfoot', written over a circular stamp or watermark.

Jeremy Lightfoot
National Commissioner