



21 February 2019

C102483

Kate McIntyre
fyi-request-9092-ad7ff7a7@requests.fyi.org.nz

Tēnā koe Ms McIntyre

Thank you for your email of 21 November 2018, requesting information about pregnant women in prison. Your request has been considered under the Official Information Act 1982 (OIA).

You have requested:

- 1. What is the Department of Corrections' policy for caring for prisoners in labour? Are they transported to hospital?*
- 2. What is the process for a pregnant prisoner to access an abortion?*
- 3. In instances of miscarriage, what medical care did those prisoners receive afterwards?*
- 4. What is the Department of Corrections' policy for caring for pregnant prisoners?*

Corrections has a statutory obligation under the Corrections Act 2004 to provide a primary health service to prisoners reasonably equivalent to that found in the community. Primary health care is provided within prison health centres by over 200 full time equivalent registered nurses. Specialised medical professionals such as Medical Officers and Dentists are contracted to provide basic and necessary services.

The Ministry of Health (or ACC) is responsible for funding and administering secondary health and tertiary health care services for prisoners. Secondary and tertiary health care refers to specialist and hospital services. Prisoners are referred to secondary or tertiary health care services on the same basis as any person in the community.

Upon their arrival at a women's prison, all female prisoners are asked if they could be pregnant by staff at the prison Health Centre, and women are able to request a pregnancy test.

Pregnant prisoners receive the same level of prenatal care from midwives as women in the wider community. In addition, they will be transported to hospital to give birth.

Corrections offers counselling and support to female prisoners who have suffered a miscarriage. This can be provided by the counsellor and/or social worker employed by Corrections, or by external provider such as forensic mental health services as necessary.

Pregnant prisoners are also enabled to meet their cultural, religious and spiritual customs regarding pregnancy, birthing and babies and are encouraged to participate in antenatal and parenting programmes. Before the baby is born, the mother, Corrections staff members, maternity providers and whanau all work together to focus on the wellbeing and interests of the child.

On 25 September 2008, the Corrections (Mothers with Babies) Amendment Bill was passed into law, amending the Corrections Act 2004 to enable children of female prisoners to be accommodated with their mother until the age of 24 months, for the purposes of breastfeeding and bonding. This is on the proviso that it is in the best interests of the child, and that certain criteria are met. Please see our website for more information on Mother with Babies in prison at https://www.corrections.govt.nz/resources/newsletters_and_brochures/new_begginnings_-_mothers_with_babies_unit.html.

More information around prison processes relating to female and pregnant prisoners can be found in the Prison Operations Manual, which is publicly available on our website:

https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03-2.html.

You have also requested the following information, broken down by year from 2013-2018:

5. *How many prisoners are currently known to be pregnant*
6. *How many prisoners have given birth in custody?*
7. *How many prisoners have given birth in hospitals?*
8. *How many prisoners have given birth inside prisons?*
9. *How many prisoners have had an abortion in custody?*
10. *How many prisoners have miscarried?*
11. *How many babies born to prisoners were still born?*

12. *How many babies born to prisoners were born premature?*
13. *How many premature babies born to prisoners survived past infancy?*
14. *How many prisoners have been known to be pregnant?*
15. *How many prisoners became pregnant while in custody?*
16. *Instances of restraints being used on prisoners while in labour.*

We can advise that Corrections has no record of any prisoner who has become pregnant while in custody and that outside emergency circumstances, prisoners will always be transported to hospital to give birth. We cannot readily extract the remainder of the information you have requested from our electronic records. This type of information is recorded on an offender's individual health files, rather than in a centralised form. In order to identify this type of specific information, we would be required to manually review a large number of files. Between 2013 and 2018, 2593 women either began a prison sentence or were held in prison on remand.

In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of publicly funded resources. Therefore, the remainder of your request is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

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

Ngā mihi nui



Rachel Leota
National Commissioner