People Against Prisons Aotearoa: Feedback on Corrections Discussion Document 2022

People Against Prisons Aotearoa (PAPA) is a prison abolitionist organisation working for a fairer, safer, and more just Aotearoa. Established in 2015, PAPA advocates for prisoners to ensure their human rights are met. We work with different communities to address the worst problems of our criminal justice system and to build a better one.

We thank the Department of Corrections for the opportunity to provide feedback on this discussion document. An ongoing process of review and improvement is important to ensure that incarcerated people have the best possible outcomes in prison and other facilities managed by Corrections.

Our feedback below is provided in good faith, with the intention of helping Corrections to identify wherever possible opportunities to improve systems, policies and legislation. Our experience of working with incarcerated people and their whānau for seven years has given us insight into the prison system that we hope can be valuable to this process. In particular we are often entrusted with information or recounted experiences that might not be given to Corrections staff. Systematic improvement needs to account for the perspectives of all stakeholders, so we hope that the feedback provided here will be taken on board.

However it is important to note that our kaupapa and experience also informs a view that prisons are fundamentally dehumanising environments that cause harm to the people in them, as well as to the communities that people are taken from and returned to. In many cases the problems identified in this discussion document do not have a suitable solution from within the prison system. We encourage Corrections to go beyond the scope of the discussion provided in this document by identifying more opportunities for decarceration and restorative practice.

Our feedback below is structured by section, with responses to any of the problems, issues or particular questions on which we believe we can add value.

Contents:

Summary of recommendations

Section 1: *Monitoring and gathering information on prisoner activity and communications for intelligence purposes to improve safety*

- proceed with Problem 1.1, Option 1;
- ensure that Problem 1.2, Option 3 is not implemented, as issues of bias and inaccuracy in computer-assisted intelligence are too great;
- proceed with problem 1.3, Option 2, storing intelligence for the minimum amount of time practical;
- do not implement any changes in relation to Problem 1.4, as further information sharing would not allow Corrections to meet their legal obligations in regards to information held about prisoners;
- create a formal process for information about mail and email censorship or withholding practices, to ensure that information gathering doesn't negatively impact on prisoner's rights to receive mail.

Section 2: *Ensuring people are assigned to male and female prisons by considering a range of factors*

- establish more robust procedures for handling of sex diverse and gender diverse prisoners to ensure that they are not placed in dangerous situations;
- give more weight to the preferences of prisoners regarding in what facility they are placed;
- provide significantly more training to staff to ensure that they are better equipped to make these determinations.

Section 3: *Increasing access to privacy and control overlighting in prison cells*

- In the short term, find more stimulating and healthy options for people on mental health segregation;
- in the longer term, establish goals of phasing out cell confinement practices more broadly. This links strongly with recommendations in Section 5 below about the location of Corrections facilities.

Section 4: *Refining disciplinary processes in prisons*

- proceed with Problem 4.1 Option 1, to appoint more adjudicators and Visiting Justices and increase use of AVL;
- in any changes made under Problem 4.2, ensure the appeals timeframe remains 14 days;
- investigate other safeguards that could be put in place to ensure that a charged prisoner is not unduly or unfairly excluded from a hearing;
- provide free access to phones at a ratio of no less than one phone per ten people in a unit;
- review other elements of prison systems that are having perverse outcomes like phone cards;

- set goals and timeframes to significantly upgrade the quality of prison environments, with priority to the areas already identified in numerous Ombudsman and Inspectorate reports;
- give top priority to ending the use of 23-hour lockdown procedures;
- ensure all prisoners have access to warm clothing, materials for learning and enrichment, as well as other kinds of stimulation in the form of social activity, exercise and expressions of creativity.

Section 5: *Supporting improved rehabilitation and reintegration outcomes for Māori*

- provide free access to phones at a ratio of no less than one phone per ten people in a unit;
- ensure visitations are available and accessible for whānau. Provide funding for transportation out of the programs and services budget;
- ensure AVL facilities are readily available to all;
- prioritise locating Māori in facilities as close to their whānau and community as possible;
- establish longer term goals of decarceration and community-based care facilities;
- amend the Corrections act to include provisions honouring and giving effect to *Te Tiriti o Waitangi*.

Section 6: *Providing more remand accused people with access to key non-offence focused programmes and services*

- Proceed with Option 2, keeping remand-accused and convicted prisoners separate,
- Investigate operational and legislative changes that could reduce the number of remand-accused held in prisons.

Section 7: *Operational and technical proposals*

- ensure the use of body temperature scanners on visitors is only optional, and proceed with other measures to mitigate the risk of COVID-19 as set out in our open letter dated 28th February 2022;
- proceed with Problem 7.2, Option 3 as this is the only option not open to significant abuse or misuse;
- proceed with Problem 7.3.1, Option 4, although ensuring there is still a mandated a minimum review period;
- ensure that any staffing considerations give top priority to ensuring that case managers are able to meet all their requirements;
- in regard to Problem 7.4, ensure that safe and secure handling of prisoner information and data remains a priority;
- proceed with the changes proposed under Problem 7.5;
- in line with recommendations above about community-based facilities, establish longer term goals to identify how alternative arrangements to prison could be made for young people who would otherwise have no interaction with anyone other than Corrections staff.

Amending legislation to enable changes in operating practice

Section 1. *Monitoring and gathering information on prisoner activity and communications for intelligence purposes to improve safety*

PAPA believes that there are some legitimate issues raised by Corrections regarding the Corrections Act as it stands – in particular the lack of clarity around certain types of intelligence gathering and storage. However we do not believe that Corrections have adequately demonstrated the need for increased intelligence gathering and sharing powers overall. Any changes made to the Act should have prisoners' right to privacy at the forefront, and a number of the suggestions in this section pose serious risks to this right.

Problem 1.1: *The Corrections Act no longer allows us to effectively monitor prisoner activity to keep people safe because technology and prisoner behaviour have changed*

The specificity of language provided by Option 1 with regards to what intelligence Corrections would be able to gather, and under which conditions they would be allowed to gather it is a clear improvement on the status quo. This removes any ambiguity around what is legally permissible for Corrections to monitor and gather, creating improved transparency for and protecting the privacy of incarcerated people. We strongly recommend this option.

Problem 1.2: *We do not always have the resources to process raw information from prisoner communications and activities*

We have no preference between Options 1, 2, or 4, however we are in strong opposition to Option 3. The well-documented potential for negative bias towards non-white prisoners should be enough for Corrections exclude this avenue from being seriously considered until there is sufficient evidence to suggest that there is AI available that does not demonstrate this bias. Implementation of AI monitoring at present would be in conflict with the Hōkai Rangi strategy, and would be in breach of the UNDRIP to which Corrections is held.

Problem 1.3: *The Act does not specify how long intelligence information should be retained in most cases*

We strongly suggest that Option 2 is the better option due to the increased clarity around intelligence storage, and the accountability it provides compared to Option 1, which allows Corrections to store information for an indefinite amount of time and to dispose of intelligence based on an operation schedule with no accountability to the public. Corrections have not demonstrated a consistent or reliable adherence to their own operational policies, and we do not believe that gathered intelligence would be safe under this option.

We suggest also that any intelligence gathered should be stored for only the minimum length of time possible – certainly no longer than the length of the prison sentence being served by the prisoner about whom intelligence is gathered.

Problem 1.4: *The Act does not include provisions to enable intelligence information from a variety of sources to be compared and disclosed*

Sharing intelligence between agencies poses a number of risks, most significantly the lack of accountability and transparency that comes with sharing information between agencies that have different information storage and disposal policies. This could result in intelligence that Corrections is legally obligated to destroy continuing to be held by other agencies, breaching the privacy of the prisoner to which the intelligence relates. Corrections has also not specified which agencies, other than the Police and NZSIS, intelligence can be shared with. We do not think that Corrections have demonstrated sufficient need for this intelligence sharing to take place, and strongly recommend Option 3 - status quo/no change.

Question 11: *Have we captured all the costs and benefits accurately? Are we missing anything?*

Our feedback in this section is informed by our frequent correspondence with a large number of prisoners across the country. There are already significant barriers to this communication, including prisoner transfers, lack of transparency around censorship, and a often very inconsistent adherence to policy or legislative requirements regarding communication as it stands. The impact on the mental health of prisons created by this uncertainty and inconsistency is significant, as it compounds with existing feelings of disconnection and prisoners' concern for the health of their relationships with people outside prison. It harms the relationships between Corrections staff and incarcerated people.

This section gives no consideration to the wellbeing of prisoners in this regard, or to the impact that increased intelligence gathering and processing might have on the timeliness or consistency in delivery of prisoner correspondence and communications.

We believe this could be addressed by creating a formal process for finding out if or when mail or email has been withheld.

Our recommendations in relation to Section 1 are as follows:

- proceed with Problem 1.1, Option 1;
- ensure that Problem 1.2, Option 3 is not implemented, as issues of bias and inaccuracy in computer-assisted intelligence are too great;
- proceed with problem 1.3, Option 2, storing intelligence for the minimum amount of time practical;
- do not implement any changes in relation to Problem 1.4, as further information sharing would not allow Corrections to meet their legal obligations in regards to information held about prisoners;
- create a formal process for information about mail and email censorship or withholding practices, to ensure that information gathering doesn't negatively impact on prisoner's rights to receive mail.

Section 2. *Ensuring people are assigned to male and female prisons by considering a range of factors*

We strongly support the intent that some of the analysis in this document brings to respecting gender identities. In theory, revoking the birth certificate rule would ensure more appropriate placement of transgender prisoners. The document correctly identifies some of the issues with the birth certificate policy.

However we wish to highlight that Corrections has not always met its obligations, nor has it acted in the best interests of prisoners. Of particular concern is that many Corrections staff do not have the skills necessary to make a subjective judgement of where a prisoner should be placed based on their gender, and prisoners stated preference is not always respected even when it is safe to do so. Gender diverse and sex diverse prisoners are at significantly higher risk of sexual violence in prison, so incorrect placement can pose a considerable risk to their wellbeing. Meanwhile, the operational methods taken to address this danger also have potential negative impacts on the wellbeing of gender diverse and sex diverse prisoners.

The result of all this, in our view, is that there are no appropriate options available here. We recommend that alternative arrangements be made, such as other or specialist facilities be found to accommodate prisoners who are sex diverse or gender diverse.

However, acknowledging the need for improvement in the short term, we recommend the following:

- establish more robust procedures for handling of sex diverse and gender diverse prisoners to ensure that they are not placed in dangerous situations;
- give more weight to the preferences of prisoners regarding in what facility they are placed;
- provide significantly more training to staff to ensure that they are better equipped to make these determinations.

Section 3. *Increasing access to privacy and control overlighting in prison cells*

Our feedback in this section is informed by a view that the right to privacy needs to be given greater priority and only removed with very thorough consideration to the negative impact that has on a person's mental wellbeing.

Problem 3.1: *Increasing access to privacy and control over lighting in prison cells*

Option 1 would put people in a much better position than they are currently. Current conditions are degrading and harmful. We believe this is preferable to Option 2 as screens and light switches pose very little risk, and any risks are outweighed by the negative impact on wellbeing caused by having no privacy or control over lighting.

Problem 3.2: *the Regulations prevent people on the penalty of cell confinement from having privacy screens and in-cell light switches even when it is safe to do so.*

Option 1 is an improvement on the status quo but still gives staff the power to revoke these things if they consider it could "trigger self-harm or violence to staff". We once again suggest that these only be revoked under extreme circumstances. We recommend this option because it establishes a default protection of the right to privacy, which Option 2 does not.

However we wish to raise a further consideration that falls under this section. This discussion in this section is concerning for its lack of regard for better options for those on mental health segregation, besides being kept in a cell with very little to stimulate or improve mental wellbeing.

While addressing the issues identified here would improve the wellbeing of people in these cells, what is missing in an assessment of the problematic issues of cell confinement to begin with, and the fact that the very nature of this punishment causes severe harm.

In practice, cell confinement has many of the same effects on an individual as solitary confinement. It is used routinely as a punishment for this reason. Meanwhile, Corrections' data shows that many of the people in their care suffer from mental ill health, and the effects of confinement, with its attendant loneliness and isolation, are significant for these people. Cell confinement will make worse, not better, the mental health reasons for which people are segregated to begin with.

In its Hōkai Rangi strategy, Corrections commits that "No-one will be further harmed or traumatised by their experiences with us." What is being missed in this section is the opportunity to fulfil, in part, commitments made by Corrections. By phasing out cell confinement, and equivalent forms of solitary confinement, Corrections would be significantly reducing the harm it causes to people in its care. By not addressing this wider issue, Corrections is clearly falling well short of its own commitments.

Consequently, we have the following recommendations:

- In the short term, find more stimulating and healthy options for people on mental health segregation;
- in the longer term, establish goals of phasing out cell confinement practices more broadly. This links strongly with recommendations in Section 5 below about the location of Corrections facilities.

Section 4. *Refining disciplinary processes in prisons*

PAPA is deeply concerned about the proposed changes to disciplinary processes discussed here, many of which undermine the interests of prisoners' welfare, and suggest no real link toward Corrections' goal of reducing violence and aggression in prisons. Further, while resolving issues in a timely manner may be in the administrative interests of Corrections and prison operations, any focus on efficiency must be balanced, at minimum, against more than adequate protections of the justice processes that allow prisoners to be heard and defended, and to avoid undue penalties during disciplinary procedures.

No shortcuts can be taken during disciplinary hearings. While it may be correct that these are not CPA proceedings, any disciplinary process must be committed to justice, fairness and transparency. This means prisoners must be given every opportunity to be heard, represented or otherwise act in their defence, and avoid undue detrimental impacts of any punishment beyond incarceration.

Factors that ensure due process is taken during disciplinary hearings are of the utmost importance considering the rate at which disciplinary hearings often result in outcomes undermining the health and safety of prisoners. These include solitary confinement or reduced entitlements to visitation, exercise and phone calls.

PAPA notes that current disciplinary processes are already weighted towards the discretionary powers of Corrections. While disciplinary charges must be brought within 7 days of the alleged offence, Corrections staff can lay a charge after 7 days, ensuring a prisoner with charges laid against them must pursue application to be withdrawn (MC.01.01 – 1). This process places liability on prisoners to ensure due process has been followed, rather than requiring and ensuring Corrections Officers uphold this timeframe.

The changes to the powers of adjudicators proposed under Problem 4.1, which discusses expanding the available penalties, is of particular concern for several reasons. The role of adjudicators is necessarily different from that of a Visiting Justice in order to act as a safeguard for prisoners undergoing disciplinary hearings of a specific nature. These include false allegations, hearings requiring legal representation or offences carrying higher penalties.

While adjudicator responsibilities are taken on voluntarily by Corrections staff and form just part of other duties they carry out, a Visiting Justice is a dedicated role. This better places them to handle disciplinary procedures, even if in high demand. Visiting Justice's external position increases impartiality and avoids the doubt of biases or conflicts that can arise from an adjudicator's other responsibilities within the prison.

We acknowledge that Corrections is currently under significant staffing pressures, and increasing the hours required by adjudicators would add further pressure here. However we strongly suggest that granting more powers to internal adjudicators will be detrimental to transparency and fair processes in disciplinary procedures.

Further, Problem 4.2 proposes shortening the time a prisoner has to appeal their hearing outcome, which would dissolve one of the safeguards of due disciplinary process. Meanwhile the other

proposed changes that provide for expediting the resolution of a disciplinary hearing, such as proceeding with a hearing in the absence of a prisoner, are proposed without the requirement for any additional safeguards. We strongly recommend retaining the 14 day limit on appeals.

We also suggest that the discussion in Section 4 fails to adequately consider the context of the offences that it discusses. We have no specific recommendations to make in regard to the proposals in relation to Problem 4.3, but suggest that greater consideration be given to the contribution of prison environments and systems to the violence and other offences mentioned.

We recommend that Corrections work to identify and address elements of the prison environment that can be used to incite violence. An example is the phone card system, which functions as a currency and results in intimidation, stand-over tactics and manipulation. This could be removed in favour of allowing prisoners to use the phones for free. A review of other similar systems needs to be carried out.

More broadly we recommend ensuring that prisons are clean, well lit, well ventilated, comfortable and healthy. We know from various Ombudsman and Inspectorate Reports that many facilities are barely fit for human habitation, let alone meeting the criteria above. Prisoners have written to us with complaints about failures to uphold minimum standards in things like the provision of cleaning products for cells or access to showers, as well as other complaints of hygiene issues like frequent food poisoning, mouldy laundry or having to dry clothes in cells. These rightly contribute to feelings of anger and are examples of the potential for environments to impact on people's mental states.

An extreme example of this was the uprising at Waikeria Prison which was, among other factors, a protest against the deplorable state of the prison. An unfortunate result was that a great many prisoners were put in danger from fire and smoke, and had to be relocated to facilities often further from their whānau.

Relatedly, Corrections also needs to ensure it is meeting the needs of prisoners for things like health, stimulation, social interaction, exercise and enrichment. Prisoners have written to us with their experiences of the ongoing lockdowns and shortness of unlock times. These have a significant impact on their mental wellbeing. Furthermore, prisoners should not have to rely on charities like PAPA to provide them with learning and enrichment materials, or for very basic items like warm clothing.

Addressing the matters discussed here will contribute significantly more to safety and 'good order' in prisons than the disciplinary changes proposed in this section.

Our recommendations in relation to Section 4 are as follows:

- proceed with Problem 4.1 Option 1, to appoint more adjudicators and Visiting Justices and increase use of AVL;
- in any changes made under Problem 4.2, ensure the appeals timeframe remains 14 days;
- investigate other safeguards that could be put in place to ensure that a charged prisoner is not unduly or unfairly excluded from a hearing;
- provide free access to phones at a ratio of no less than one phone per ten people in a unit;
- review other elements of prison systems that are having perverse outcomes like phone cards;

- set goals and timeframes to significantly upgrade the quality of prison environments, with priority to the areas already identified in numerous Ombudsman and Inspectorate reports;
- give top priority to ending the use of 23-hour lockdown procedures;
- ensure all prisoners have access to warm clothing, materials for learning and enrichment, as well as other kinds of stimulation in the form of social activity, exercise and expressions of creativity.

Supporting strategic shifts through operational and regulatory means.

Section 5. *Supporting improved rehabilitation and reintegration outcomes for Māori*

We believe broadly that the issues identified in this section require work, and we support any actions taken to genuinely improve outcomes for Māori in prison. We have specific, comments relating to the following issues identified in this part. These comments are linked and will be presented together below:

- *Issue 5.2: increased access to culture and involvement of whānau can improve outcomes for Māori in prison;*
- *Issue 5.1: There is no coherent statement of how the treaty and its principles, and the principles in the Corrections Act and the Public Service Act work together to guide Corrections*

A fundamental problem for Māori in the prison system is precisely the way incarceration cuts people off from whānau and whakapapa. We regularly hear from people experiencing difficulty maintaining contact with whānau for a variety of reasons. In this regard we strongly recommend that in order to meet obligations under *Te Tiriti o Waitangi* and to improve outcomes for Māori in the short term, Corrections should prioritise visitations, AVL availability and access to phones.

A closely related issue is the transfer of prisoners between facilities, which at present seems to be largely an operational decision rather than a decision done based on consideration of whānau and whakapapa connection.

However it is critical to note as well that if we are to improve outcomes for Māori broadly we need to begin a wider process of decarceration and shift towards community-based responses to crime and harm. Corrections' scope of action is limited in this regard, but one possibility as part of a longer-term strategy is to explore options for a move to community-based facilities rather than large, centralised prisons. This would require a significant reduction in the prison population, which should become a related second long-term goal. Both of these would improve outcomes for Māori well above and beyond the options presented in this section.

We also wish to raise a concern that, while Corrections has and is developing policy relating to improving outcomes for Māori, there is no specific requirement in legislation for Corrections to honour *Te Tiriti*. In particular the provisions in the Corrections Act that require "the cultural background, ethnic identity and language be taken into account" are not consistent with *Te Tiriti* because they do not recognise the special place of Māori as tangata whenua in Aotearoa New Zealand.

Consequently we recommend that the Corrections Act be amended to include a specific provision to honour and give effect to *Te Tiriti o Waitangi,* bringing it in line with other recent legislation. We do not consider there to be a significant risk of unintended consequences while Corrections continues to act in good faith in regards to its policies and intentions to improve outcomes for Māori.

In this regard we would like to recommend the following to improve outcomes for Māori in prison:

- provide free access to phones at a ratio of no less than one phone per ten people in a unit;
- ensure visitations are available and accessible for whānau. Provide funding for transportation out of the programs and services budget;
- ensure AVL facilities are readily available to all;
- prioritise locating Māori in facilities as close to their whānau and community as possible;
- establish longer term goals of decarceration and community-based care facilities;
- amend the Corrections act to include provisions honouring and giving effect to *Te Tiriti o Waitangi*.

Section 6. *Providing more remand accused people with access to key non-offence focused programmes and services*

PAPA acknowledges the Department of Corrections' stated objective to improve remand prisoners' access to rehabilitative programmes by amending some of the regulatory barriers to their participation. We have concerns, however, about what these changes may mean for the rights and safety of remand prisoners. We want to ensure that Corrections is not prioritising its own ease over its obligations to meet human rights and safety standards.

Problem 6: *the regulatory ban on mixing accused and convicted people in prison contributes to remand accused prisoners having more limited access to services and programmes*

PAPA believes Option 2 would lead to better outcomes for prisoners overall. While Corrections argues that remand turnover would present a barrier, it's quite clear that the turnover rate could be far better accounted for in a separate stream designed specifically for people on short stays.

We recognise that some smaller facilities will not be staffed or resourced sufficiently to run the programmes as effectively as others. This would lead to inconsistencies and potential barriers to justice, since in order to access programmes some prisoners would need to move further from their communities and the courts they're being tried at.

We also recognise that the Department is presenting Option 1 as the more reasonable and practical option, in the sense that it would be less costly and require fewer regulatory amendments.

While technically in line with NZBORA, ICCPR and NMR, the mixing of remand-accused and convicted prisoners raises potential safety issues for remand-accused. It is also concerning that there would be no official regulation of those programmes that do allow mixing. The proposed changes to the regulations in Option 1 would not outline any specific criteria, leaving it to the discretion of those operating the programmes. This would likely lead to inconsistency in quality, resourcing, and oversight.

It is therefore our opinion that Option 1 would significantly compromise safety and justice for remand-accused prisoners. We recommend that the Department consider implementing Option 2 in the interests of prisoner safety and access to programmes. While a more intensive undertaking for the Department, this option would go further to protect the rights of prisoners and provide suitable, consistent support for a high-turnover demographic.

We also wish to raise the issue of a dramatic increase over the last 10 years in the number of remand-accused people being held in prison. Particularly with delays introduced by COVID-19 lockdowns and measures, we have heard from people who have been held for long periods of time on remand, in violation of their rights under the NZBORA.

Broadly speaking the significant growth in the number of people held on remand is connected to amendments made to the Bail Act in 2013 and other contextual factors like increases in housing insecurity for many people. We want to highlight that these increased numbers are not related to an

increased safety risk posed by individuals held on remand. Many could be safely released, and do not need to be held in prison.

We strongly recommend that Corrections investigate options to reduce the number of people held on remand, in particular considering what operational or legislative changes Corrections could effect to ensure people are able to meet bail conditions.

Our recommendations in relation to Section 6 are therefore:

- Proceed with Option 2, keeping remand-accused and convicted prisoners separate,
- Investigate operational and legislative changes that could reduce the number of remand-accused held in prisons.

Miscellaneous legislative and regulatory amendments

Section 7. *Operational and technical proposals*

Problem 7.1*: the current legislative authority for the use of body temperature scanners is unclear, and does not allow use beyond emergency circumstances*

While we support actions that can keep prisoners safe from COVID-19 and other infection, we suggest that this needs to be balanced against considerations around facilitating and allowing visitations whenever possible. Corrections must also acknowledge that the government has recently removed almost all ongoing COVID-19 restrictions. The routine use of body temperature scanners to screen visitors is a significantly higher bar to entry than even that mandated for aged care facilities or medical centres, which have a much higher proportion of vulnerable people.

We therefore suggest that it is unjust to keep such requirements in place for the whānau of people in prison – many of whom have gone nearly a year now without in-person visits – while everyone else in Aotearoa is able to move about freely. Instead, Corrections needs to identify other appropriate measures that can be put in place to reduce the risk of infection spreading within prisons or entering via visitation. For a comprehensive set of recommendations in this regard, we refer to the open letter sent to Minister Kelvin Davis on 28th February 2022 by PAPA, JustSpeak and Amnesty International Aotearoa.

Problem 7.2: restrictions on imaging technology searches are preventing their wider use in place of more invasive search methods to improve wellbeing

Option 3 is clearly preferable and we strongly recommend that Corrections pursue this solution. We wish to highlight the significant potential for abuse involved in routinely producing images of prisoners genitals, both through the possibility of data breaches or of staff acting inappropriately.

Problem 7.3.1: the legislative infrastructure for case management plans is outdated and out of sync with best practice

Option 4 is preferable here as it provides the greatest flexibility. However we recommend that there remain some minimum interval between reviews to ensure that case managers are required to remain engaged.

We also wish to highlight that while the issues raised here are worth considering, the delays that some prisoners have reported to us indicate that the case management system is currently failing to meet the legal minimum for some prisoners. We would like to recommend that this be a priority for further staffing and support, in order for the changes proposed here to be effective.

Problem 7.4: Inland Revenue requires ongoing access to information held by Corrections that cannot be properly facilitated under existing provisions

We have no specific comment or recommendation here other than that prisoners' right to privacy and the safe, secure handling of their information needs to be a clear priority in any changes.

Problem 7.5: clarify that only the young person's interests are taken into account when deciding on whether to mix them with adults in prison (regulatory option)

We support this change with significant reservations. Mixing young people with the adult prison population is never in their best interests. If this is the only option for young people to have contact with anyone other than with staff, or for their participation in programs, then alternate care arrangements need to be made. This problem should not be resolved by mixing young people with the adult prison population.

In summary, our recommendations relating to Section 7 are as follows:

- ensure the use of body temperature scanners on visitors is only optional, and proceed with other measures to mitigate the risk of COVID-19 as set out in our open letter dated 28th February 2022;
- proceed with Problem 7.2, Option 3 as this is the only option not open to significant abuse or misuse;
- proceed with Problem 7.3.1, Option 4, although ensuring there is still a mandated a minimum review period;
- ensure that any staffing considerations give top priority to ensuring that case managers are able to meet all their requirements;
- in regard to Problem 7.4, ensure that safe and secure handling of prisoner information and data remains a priority;
- proceed with the changes proposed under Problem 7.5;
- in line with recommendations above about community-based facilities, establish longer term goals to identify how alternative arrangements to prison could be made for young people who would otherwise have no interaction with anyone other than Corrections staff.