

Hon Kelvin Davis

MP for Te Tai Tokerau

Minister for Māori Crown Relations: Te Arawhiti

Minister of Corrections

Minister of Tourism

Associate Minister of Education



28 May 2020

Meg de Ronde
Executive Director
Amnesty International New Zealand
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Via email: [REDACTED]

Tēnā koe Meg

Thank you for your letter dated 23 April 2020 regarding reports of extended lockdown hours in prisons. I appreciate you taking the time to write to me to further express your concerns about this important matter.

The health of people in prison is of paramount importance to me and in particular during these exceptionally difficult times, human rights standards need to be upheld. I have sought assurances that the Department of Corrections has continued to ensure that prisoners receive their minimum entitlements throughout Alert Levels 4 and 3, such as access to legal representation, physical exercise, and telephone calls.

Following the transition to Alert Level 2, face to face visits with prisoners have resumed for friends and family. In person legal visits and New Zealand Parole Board hearings will be facilitated when requested, however the continued use of phone or Audio Visual Link options are encouraged where practicable.

Where possible, Corrections is also reintroducing rehabilitation interventions for prisoners. Guided and temporary release, Release to Work activities, face-to-face rehabilitation programmes and non-essential prison industries are resuming so long as the health and safety of everyone involved can be ensured and physical distancing can be maintained.

As you are aware, some prisons have recently been operating shorter unlock periods in some units in order to manage physical distancing, in line with guidance issued by the Ministry of Health. As Minister of Corrections, I will continue to seek assurances that all prisoners have been appropriately provided with at least the minimum entitlements set out in the Corrections Act 2004.

You have asked that I release records of any prisoner who has been held in their cell for longer than 22 hours over a four-week period.

I am advised that Corrections does not currently centrally collate information relating to individual prisoner unlock hours. Across New Zealand's 18 prisons, there are over 200 residential units, with each unit recording day to day decisions about prisoner activity individually. For this reason, neither Corrections nor my office holds the information you have requested, and your request is not one that I can fulfil at this time.

I would like to assure you, however, that I have made clear my expectations that prisoners' lawful rights must be upheld, regardless of the circumstances faced by all New Zealanders in recent weeks.

In seeking further assurance around this matter I asked Corrections to undertake a national review of their compliance with the minimum prisoner entitlement of one hour of daily exercise, covering the period 24 to 30 April 2020. This found that 96 percent of people in prison had received their minimum entitlement, and often more. In the other four percent of cases, documentation was able to be provided which shows the reason why the minimum entitlement was denied, and that these decisions are in line with Prison Operation Manual guidance.

The detailed findings of this review have been shared with the office of the Ombudsman.

As I mentioned in my previous letter, the independent Office of the Inspectorate continues to be available to receive prisoner complaints, and the Department of Corrections has been working closely with the Office of the Ombudsman to ensure they can continue to perform their important oversight functions. I look forward to receiving any findings or recommendations they may make in relation to this matter.

Thank you again for taking the time to write to me.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Kelvin Davis', written in a cursive style.

Hon Kelvin Davis
Minister of Corrections