

INFORMATION FOR THE JUDICIARY, LEGAL PROFESSION, and MoJ

14 October 2021

Protecting our prisons against COVID-19

Corrections has rigorous systems in place to protect prisons from COVID-19. This includes testing for COVID-19 for all new arrivals to prison and separate quarantine areas for those who test positive, including management by separate staff bubbles. Where prisoners refuse to be tested, they are managed in the same way as a prisoner who has tested positive – in the quarantine area. We have strict requirements for staff on the use of PPE and use a smart proximity card system to facilitate contact tracing for staff within the prison environment. Where we identify contacts of a positive case, we make an informed decision on which staff need to be tested for COVID-19 and who needs to self-isolate at home.

No personal visits are allowed for prisoners at higher Alert Levels. This significantly reduces the chance of COVID-19 being brought into the prison. The vaccine is the best protection we have against COVID-19 and we are working hard to offer the vaccine to all our staff and prisoners. All prisoners are offered the opportunity to be vaccinated when they arrive in prison and continue to be provided opportunities for vaccination if initially declined.

Releases across the Auckland Alert Level boundary

The Department of Corrections is committed to safely managing the release or bail of prisoners across the Auckland Alert Level boundary. This document outlines the requirements, systems, and processes pertaining to cross-boundary releases put in place by Corrections to comply with relevant Health Orders. The situation is evolving, and there is potential for parts of these processes to be changed in future.

Please note that this information currently applies only to prisoners leaving Auckland Prison, Mt Eden Corrections Facility, Auckland South Corrections Facility, Auckland Region Women’s Corrections Facility. It does not presently apply to releases from prisons located outside of Auckland, eg. prisons in the Waikato or Northland where the normal release process applies and evidence of a negative COVID-19 test is not required to cross the border in those areas.

Please be aware of the following requirements and processes:

- Prisoners being released or bailed from a prison in Auckland to an address outside Auckland must present evidence of a negative COVID-19 test taken within the 72 hours prior to crossing the boundary. If the prisoner refuses to take a test for COVID-19 before their release, they will not be able to leave Auckland.
- A new ‘Border Ready’ team has been established within Corrections’ National Office. The team will work to proactively identify affected releases by screening potential releases focusing on upcoming sentencing events, EM Bail hearings, and reviewing pending releases for people who have been serving a term of imprisonment. Corrections will not typically have visibility of a pending application for bail and therefore testing in these scenarios relies on notification from defence counsel for this to be arranged in advance of the hearing.

- Lawyers with clients in custody in Auckland who are proposing a release address outside of the Auckland Alert Level boundary should notify the Border Ready team (contact details below). Counsel should not contact prison sites for such requests. Counsel should provide the prisoner's name, PRN, date of hearing, and proposed release address with as much notice as possible. Once advised by the Border Ready team, Corrections' health staff will facilitate COVID-19 testing for prisoners as part of release planning.
- Once the prisoner's test results come back, Corrections will make sure that the prisoner has a written copy of their results. Corrections staff can provide the prisoner's test result to their lawyer or the court where it's necessary for court proceedings, or where is otherwise required by law. This information can be obtained from the Border Ready team if required.
- If a person has been granted bail, or sentenced (resulting in release) and is unable to comply with their conditions related to their address as a result of the Health Order, please contact the Border Ready team who may be able to assist. It is Corrections' intention that the above processes will alleviate the need for any additional bail or sentencing / order conditions to be imposed.
- Corrections' Border Ready team will arrange the transportation of the prisoner being released from prison across the Auckland boundary to their whānau or release address through our contractor First Security. Consideration will be given to all current restrictions and conditions of an order a person is subject to when arranging transport. Corrections has based its approach on the process developed for Managed Isolation and Quarantine (MIQ), where a residential stay also ends with people returning to their homes around the country via organised transport. Where possible, Corrections will consider opportunities to transfer prisoners to prisons within the same boundary as their release address, prior to their release.
- Corrections is strongly discouraging family / whānau / aiga from crossing from outside Auckland into Auckland to collect a released prisoner. This is because they will need to make their own plans to be tested within 72 hours prior to leaving the Auckland boundary, receive a negative result, and obtain essential travel documents. It is much easier for Corrections / First Security to transport released prisoners to their whānau at the boundary or to their release address. Information sheets have been produced to support affected prisoners and their whānau understand the cross-boundary release process.
- The Border Ready team will work with legal counsel and the courts to make sure that COVID-19 testing information is provided in time for legal proceedings to occur and for prisoners to cross the Auckland boundary when released.

The Border Ready team has been established to centrally co-ordinate all activities related to releases across Auckland's Alert Level boundaries. The team is contactable by emailing borderready@corrections.govt.nz or by phoning 0800 650 000 Monday to Friday during work hours. Please get in touch if you are unsure or would like to discuss specific cases.