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Tēnā koe Janis

Report of the Independent Inquiry into the Waikeria Prison Riot

I am writing to give you an update on Corrections' response to the above report.

Since our last update to your office, our organisational restructure Te Ara Whakamua: The Pathway Forward has come into effect. This change is designed to grow our capability, enhance how we deliver our services, and support us to deliver on our aspirations for a more effective and efficient Corrections system.

We appreciated the opportunity to have a member of Corrections' Review Response Team (RRT) meet with you in May this year, for a line-by-line review of our progress against your recommendations.

On 7 June 2024, the Office of the Inspectorate's report was [released](#) to our staff and the public. It took some time to get to this point, due to the potential for prejudice to criminal matters before the court. We acknowledge the wait was challenging for our Waikeria colleagues and everyone else who was involved. Our frontline acted with courage to keep people safe in a dangerous, rapidly evolving situation and have shown tremendous resilience since. We are immensely proud of them.

One of our key milestones this year is the completion of the rebuild of Waikeria Prison. Work began at the site in 2018 in response to unforeseen, rapid growth in the prison population. The new facility will add 500 new beds to our network capacity, with additional beds to be used for mental health and addictions treatment. In Budget 2024 funding was announced for a further expansion at Waikeria to contribute towards managing the growing prison population. Consideration of our procurement approach for the expansion is scheduled to be before Cabinet in late September.

Progress against Recommendations

Corrections is continuing to make progress against the 118 accepted and partially accepted recommendations. As at 30 August 2024:

- 45 recommendations have been completed.
- 10 recommendations are considered complete by system leads, pending assurance.
- 63 recommendations are in the process of being completed.

In Corrections' previous update to you, the RRT introduced a dashboard grouping some recommendations by theme and setting out progress in relation to expected completion dates in June 2024, June 2025, and post June 2025. As you know, the RRT has since been disestablished and their responsibilities transitioned into BAU functions. There is more work to do with action owners and business groups, some of whom have now changed following the introduction of Te Ara Whakamua, to establish new expected timelines for the completion of recommendations.

We also note that the fiscal environment, in which we are operating, has changed. Like all government agencies, we need to be mindful about the way we allocate resource. This may impact our approach, and pace, in responding to recommendations. There is also the potential for project work and programmes already in place to be affected.

We will consider this work in relation to relevant recent strategic initiatives such as our performance framework and organisational roadmap. This will help us to ensure we are focusing, prioritising, and sequencing our efforts to deliver services that support our organisational outcomes (Improved Public Safety, Reduced Reoffending, Reduced Overrepresentation of Māori). We will look at reprising the dashboard before our next six-monthly update to your office.

As in our previous correspondence, relevant recommendations from the report are referenced by bracketed number throughout the below update.

Strategy and policy

Corrections remains committed to continuing our Hōkai Rangi journey and strategy. A number of reports have highlighted the need to continue operationalising Hōkai Rangi. The Chief Ombudsman's report *Kia Whaitake | Making a Difference*, also recommends development of sufficient emphasis on Te Tiriti, improving organisational culture, and ensuring appropriate governance at all levels.

We are working on the next iteration of Hōkai Rangi, which will retain the six original Pou. The introduction of Te Ara Whakamua is another way in which we have made changes to ensure we can continue to effectively deliver on the objectives set out in Hōkai Rangi. Consequently, your recommendation that we continue the development and realisation of the Hōkai Rangi strategy (3) has now been marked complete.

Our timeline for addressing the two recommendations relating to gang management (8,9) has been extended to enable further consideration, including on priority and timing of the potential realignment of this work with the Reducing Violence and Aggression programme. The wider sector, led by the NZ Police, is also in the process of reviewing their approach to gangs and transnational organised crime. We will look to ensure our work is aligned. Our Safer Prisons Plan has now been endorsed and is due for launch in the second quarter of this financial year. The goal is to support consistent practice across all prisons to support an increase in staff safety and wellbeing. The plan focuses on four key areas of wider prison safety, consistent prison operations, supporting our staff, understanding our prisons, and managing gangs and relationship dynamics. We will continue to develop the plan in conjunction with our unions (CANZ and PSA). Delivery will be General Manager Prisons-led and centrally supported, with guidance, reporting and national policy review and input.

Emergency Management and Tactical Response Capability

Our Emergency Management team uses the 4 R's (Reduction, Readiness, Response and Recovery) as a framework for incident /emergency management. Their focus is on capacity and capability building in incident and emergency management for custodial staff.

The [Incident and Emergency Response Guidelines](#), [incident response flipcharts](#) and [Prison Emergency Response Manual](#) (PERM) have both been updated and published on Tātou, and printed copies of the PERM have been distributed to all prisons. References to 'Gold/Silver/Bronze' have been removed (39). All incident and emergency documentation, frameworks, and guidance follow the Coordinated Incident Management System (CIMS); Cabinet has mandated the use of CIMS by all government agencies in New Zealand.

A two-day CIMS training programme tailored to Corrections (40, 41) is in place. The programme is called Corrections CIMS 4 (CC4) and is being delivered to all 17 prisons, Emergency Coordination Centre (ECC) and National Coordination Centre (NCC) staff. As of 31 August 2024, 11 CC4 training courses have been delivered to 165 staff at 12 prisons. Staff attendance is captured in our Learning Management System. Where possible to date, we have held half-day CC4 EOC follow-up exercises at 'home' prisons to embed and conceptualise the training for staff who have completed CC4. Additional CC4 training is booked for delivery at seven prisons. Over the next six-to-eight months, we plan to run CC4 training for staff likely to hold a role in the Incident Management Team, two for NCCs and four for ECCs. Delivery of the ECC courses is planned for early 2025, due to staff availability and when we expect to have more clarity on budget. Refresher training courses are also being planned for 2025. Ability to deliver will depend on the outcome of Corrections' functional planning process.

Corrections' Emergency Management Capability Development Framework has been updated to align with Te Ara Whakamua and is going through the consultation and approval process now. The Emergency Management Workforce Capability Plan is also being updated.

On 28 July 2024, an ECC Workshop was held for key leaders from three operational areas to determine how best to structure and operationalise ECC's in line with our new ways of working. We are also scoping options for pre-identified staff with a higher level of skills, training and experience, to support EOC/ECC and NCC emergency management assistance teams.

Our Security, Custodial and Tactical Operations team has created new positions for De-escalation and Negotiation expertise to ensure we lift our capability to prevent incidents from escalating. This is in addition to work underway to give staff the confidence and tools required to resolve incidents early. These roles have a visible 'communications expertise' presence across sites. These experts will provide all frontline custodial staff with an enhanced capability via a one-day Active Listening Skills workshop, and through the Corrections Officer Development Pathway with a two-day De-escalation and Negotiation workshop.

Members of Prison Negotiation Teams and Advanced Control and Restraint sections from around the country met in Upper Hutt in April 2024, for realistic scenario training. The training helped these teams understand each other's roles and how they can support other teams and operate cohesively to resolve a significant incident. Joint training scenarios are now a normal part of our exercises run through Advanced Control and Restraint initial and revalidation training.

Our Hostage Response Policy is now in the final stages of approval. The hostage policy and [Prison Negotiation Manual](#) (approved July 2024) reference circumstances in which the NZ Police can assume operational control of an incident (57), including where there is an imminent risk of death or serious bodily injury or where it is critically necessary to resolve the incident urgently. Once the hostage policy is approved, we will update the Major Incidents Schedule to the NZ Police Memorandum of Understanding to include more detailed direction

around transfer of control to the NZ Police and likely thresholds for the decision to transfer control. This recommendation can then be assured for closure.

There is guidance in the PERM on transfer of control and unified control of an incident (66), this now includes examples of the circumstances where control should be transferred. The CC4 teaches participants to consider unified control as a method of collaboration where more than one agency has the mandate to manage an incident and/or a joint approach will be most effective. This recommendation is complete.

Responsibility for ensuring that communications with people in prison during an emergency are prioritised (55) sits with the EOC Public Information Management CIMS function Manager. This is explained in the PERM and in CIMS training. The communication method will be situation dependent. While this recommendation is complete, we will continue to consider how to communicate with people in prison remotely in the event of an emergency (54).

The [EOC prison decant contingency plan](#) includes considerations for vulnerable and at-risk people in prison (56). It outlines expected consultation and need for procedures for assisting vulnerable people in accordance with their identified needs. The decant plan anticipates Prison General Managers and/or the EOC Controller will consult with staff to identify people who are vulnerable and may need assistance to evacuate and to manage the decant accordingly. Prescription about the priority or procedure for evacuating vulnerable people is not provided, as the decision maker will need to have regard to site, person, and event-specific factors. The Incident Management Flipcharts for Fire and Riot reflects the first step in a fire evacuation plan is to assist those requiring assistance.

The PERM includes guidance on ensuring the EOC Controller is updated on escalating risks (58). The Forward Commander role description notes responsibilities including advising the Controller of the incident situation, control progress, and emerging risks. The Forward Commander has oversight of the Site Emergency Response Team, Prison Negotiation Team and Advanced Control and Restraint personnel. Other functions, including Intelligence, also have a role to play in keeping the Controller informed. CC4 training teaches staff likely to hold a role in an EOC on the importance of establishing and maintaining a threat and risk register which includes the threat of people being taken hostage.

We run a desktop exercise on the second afternoon of the training where the staff practice how to open and run an EOC (61). We work with custodial General Managers to identify staff they are likely to use in their EOC and prioritise them for training. As noted above, we have been delivering half-day CC4 EOC exercises as a refresher for staff and to embed and conceptualise the training. Future delivery of follow-up CC4 exercises will be budget dependent.

Management of ongoing site functions during an emergency (63) falls to the "Operations" function within the CIMS framework. The Incident Controller assigns an individual the task of 'BAU'. This allows the EOC Incident Management Team to focus exclusively on the emergency response. This expectation is being highlighted in CC4 training. This recommendation is complete.

Guidance on thresholds to activate the NCC are included in both the update PERM and the emergency response guidelines. Mayfair House has two designated rooms for the NCC to enable it to be run in person (64). These rooms are swipe-card access only so they are always response ready. The role of the NCC is explained in the CC4 training course and supporting information is available in the CIMS 3rd edition manual.

The Logistics CIMS function, and in particular the catering, supply and facilities sub-functions, is responsible for providing the necessary food, water and accommodation for responding staff (71). PERM and CIMS function role description and CC4 training outline role of the logistics function in an emergency. This recommendation is complete.

The Prison Negotiation Team is a key tactical option to be used to resolve serious incidents. The updated Prison Negotiation Manual explains how and when the team will be deployed (74). Negotiators should be used in any situation defined as 'high risk' where negotiation can be used as the first option to resolve the situation. This could include serious incidents such as concerted indiscipline and hostage situations. Emergency Management are active during deployments, to ensure Prison Negotiation Team members welfare. The PERM has been updated to note welfare and wellbeing considerations, including support provided to staff who may have been affected by the potentially traumatic nature of events at work. Support will be tailored to need and include:

- Immediate Assistance - such as counselling services, crisis intervention, or access to an Employee Assistance Program (EAP).
- Peer Support - encouraging networks within the workplace for sharing experiences and coping strategies.
- Flexible Work Arrangements - in some cases, offering flexible work arrangements, such as reduced hours or remote work, can help employees cope with the aftermath of a traumatic event.
- Wellness Programs - promoting overall wellness through programs that focus on mental and emotional health, such as stress management workshops, mindfulness, and resilience training.

Corrections continues to scope suitable new PPE (Personal Protective Equipment) for the Advanced Control and Restraint team (76). Testing of any new PPE is carried out at the Tactical Training Facility. For the past two consecutive years we have sent a delegation to a tactical convention and exhibition in the United States, where international sellers and other jurisdictions are present. We have sought samples of equipment from this convention and also imported samples of equipment utilised in the United Kingdom. As you can appreciate the process of identifying, testing and confirming PPE requirements that are fit for our needs takes time but we are committed to ensuring our staff have the resources and equipment they need each day. We have also established relationships with Australian jurisdictions and attended a New Zealand/Australia tactical options and training conference in Sydney to share learnings and develop practice.

Corrections has an agreement with Fire and Emergency New Zealand to provide drone capability when required for large incidents. The potential use of drones during incidents and other operations activities (80) will be an ongoing consideration of the Tactical Options Committee. Legislative frameworks and people capability (Civil Aviation Authority licensing requirements) do not currently support adopting this capability as a priority workstream. The requirements for Corrections to establish its own drone capability for emergency response are prohibitive when considered against the existing infrastructure available via interagency support.

The PERM sets out the role of Controller's Assistant and the role of Log Keeper. The CC4 includes training on what is required of a Log Keeper (88). During the half-day CC4 EOC training exercise, one of the course participants is assigned the Log Keeper/Controller's Assistant role to familiarise staff with what is expected. This recommendation is complete.

Guidance on consultation, cooperation, coordination, and collaboration are all contained in CIMS 3rd edition manual and in Correction's CC4 training. Clear operational guidance on what is required to put this into practice for multi-agency responses (98) is included in the

PERM and Controller CIMS function role description. The incident response planning process is a collaborative effort involving input from the Incident Management Team and partner agencies. Staff attending CC4 are taught about making sure that partner agencies are part of threat and risk assessment at all stages (97). Partner agencies' liaison in the EOC are shown the threat and risk register and are part of updates to the register and planning on how to mitigate risk during the response. The threat and risk assessment form follows Corrections' Enterprise Risk Management Framework. These recommendations are complete.

There is clear guidance for staff on preservation of crime scene, crime scene safety and handling of evidence during incidents and emergencies (99) in our incident response procedures in the [Prison Operations Manual](#). Section 57 of the PERM relates to preservation of crime scene and exhibit management and points staff to the relevant section in the POM. The PERM notes the CIMS Operations function has responsibility for coordinating evidence collection for the purpose of investigations, including preserving a crime scene. The CIMS Operations Manager, Negotiation Coordinator, and Forward Commander role descriptions all include responsibilities in relation to collecting and securing evidence. These role responsibilities are taught in CC4.

A new Organisational Resilience, Learning, & Assurance (OR&S) group was created in April 2024, under Te Ara Whakamua. The group was established to support Corrections to deliver our most critical activities in a resilient, agile, and adaptable manner. As part of this work, we expect to support local teams and leaders in relation to critical risks, major operationally disruptive events, and monitoring and insights from assurance activities and unexpected/unwanted events.

Part of this work is being supported by our new business continuity team now operating in OR&S. This team has focused efforts on collating all Business Continuity Plans (BCP) across the organisation, supporting operational groups with aligning BCPs, as well as simplifying these and in future testing them. Work is currently in motion to ensure local level information is well incorporated in these and business impact analysis will be completed over the next 12 months.

Emergency Exercises

A number of the report recommendations (including 44, 50, 53, 65, 68, 115) reference the need for joint training and exercises with partner agencies. The OR&S team now owns the Exercise and Assurance Framework. The framework is now undergoing review and consultation having been refreshed to align with our new organisational structure. We anticipate this will be complete by the end of October.

The Tactical Operations Group are continuing to pursue opportunities for joint training and exercising with emergency services. In July this year, joint tactical training took place Hawke's Bay Regional Prison. Custodial staff from three sites, along with members of the Advanced Control and Restraint, Prison Negotiation and Specialist Tactical Response teams, East Coast Communities, Partnerships, and Pathways, Pae Ora, and Police from the Wellington and the Eastern districts participated. Three different scenarios were used – all of which simulated situations that may occur in a prison environment. The scenarios consisted of barricades, wing and cell clearances, and a prisoner gaining access to height, on the roof. These exercises have many benefits, including learning new skills to support frontline work, and strengthening the way we work with Police.

Infrastructure

We previously carried out comprehensive facility checks across the prison network including the integrity of walls, yard coverings/mesh (31). Site inspection regimes are part of the Asset Management /Facility Management (FM) providers' obligation under contract. Downer, our facilities management provider for all but two sites, carries out internal and external checks required to assess appearance, functionality, and condition issues. Site inspections have recently increased from one to two inspections per week, undertaken at two units at each site per inspection. This is carried out by Site Managers, with auditing undertaken by Regional FM Managers regarding a subset of inspections. Remediation is completed through the Downer work management system, enabling us to track job progress. Waikeria and Auckland Prisons are managed by Cushman and Wakefield who have a similar approach. Regular inspections are scheduled and recorded in their database. In addition, facilities managers and trades staff complete regular walk-throughs of the sites. For example, work was undertaken on roof and gutters at Waikeria in May this year. This recommendation has been submitted to assurance for completion.

Corrections' telephone system for staff (Ready Cloud Communication) enables deactivation of phone lines in response to an incident. We can deactivate communications in a unit or building as required. This is done by raising a service request to our vendor partner. The Corrections Prisoner Telephone System (CPTS), for people in prison to make outgoing calls, was upgraded across all sites in 2023. Appropriate staff can now disable individual phones on the CPTS where necessary. Disabling phones can be isolated to an individual phone, a unit, or at site level. Once a phone call has been placed and answered via the CPTS, there is no call forwarding ability unless the telecommunications company has implemented automatic forwarding on request from the whitelisted number. CPTS has a live call dashboard which allows staff to monitor and listen to calls in real time if required. It can also determine if PIN numbers are being used in units where a person is not resident and allows staff to generate or change a PIN number if it is being misused. Your recommendations (83, 84) are therefore marked complete.

Microsoft Teams is now an integral part of how we work. It facilitates large team and person to person meetings, information sharing, and document storage within a single system (85). In addition, we have now upgraded our prison radios to a digital platform. Moving from analogue to digital has improved security and controls (including GPS tracking of the radio). We are now also able to disable individual radios at a site where necessary. Several stand-alone digital radio "Flyaway kits" will also be regionally based and available to sites. Digital Radios now provide a secure manageable communications system across prison sites. This recommendation is complete.

Professional Practice and Capability uplift

The Security, Custodial and Tactical Operations team have reviewed the communication and de-escalation components of the content of the tactical options core training to better focus our efforts on de-escalation and increased communications.

First responding officer training has now been implemented in the Corrections Officer Development Pathway training. Training covers incident scenarios, incident and emergency response procedures, indicators of prison tension, and other key information to enable staff to recognise and respond to incidents (including those involving escalating disorder (22)). Tactical Advisers are continuing to work through the content that Tactical Instructors at site can deliver to frontline staff. This recommendation has been completed.

Clear guidance on recognising that an incident is escalating and how to respond is included in the updated custodial incident response flipchart and PERM. A full training schedule is booked to provide training to all prison leadership teams this year (37). The training targets general managers, other senior leaders, and those likely to fulfil duties in an EOC. The training has been added to our Learning Management System. Recognizing and responding to an escalating prison disorder event is also included in CC4 training and practical exercises. Staff are also taught how to use the EOC threat/risk assessment tool. This recommendation is now complete.

Work is ongoing at a regional level to address issues relating to access to clothing and bedding (17). In June this year, assurance was sought from all sites. All sites confirmed that sufficient, appropriately sized clean clothing and bedding is available.

Safety and Wellbeing

A range of appropriate support has been, and continues to be, made available to staff affected by the Waikeria Prison riot (107). All staff who lodged work related claims arising from this event have received appropriate treatment and rehabilitation support. Psychological first aid was provided to 229 staff by the Staff Support team. Of those 229, 12 staff sought assistance from EAP (Employee Assistance Programme) and six staff were referred for clinical psychological intervention. As a result of the riot, 31 work related ACC (Accident Compensation Corporation) claims were lodged. Staff Support Services maintained a presence at both Waikeria and Springhill Corrections Facility, where individuals who participated in the riot/incident were held during the court proceedings. Extensive support was provided to all staff during the Waikeria criminal trial. All witnesses were assigned a support person, and both sites had several support options available for staff who may have felt impacted by the court matters and revisiting the incident. This recommendation is complete.

Staff receive training on use of MK9 pepper spray during Tactical Options training. We reviewed the existing training framework and found the frequency of training provided is appropriate, but there was an opportunity to provide additional focus on this element of use of force training. National Instructors are therefore reinforcing the importance of training MK9 pepper spray use, and decontamination procedures (95), with Tactical Instructors when they attend annual revalidation training. MK9 Pepper spray is used in planned use of force events only. These are less frequent than spontaneous use of force events involving the use of pepper spray.

Our Tactical Operations and Emergency Management Group is leading an initiative, with the support of CANZ and PSA, to ensure staff have the right operational support available when they need it. The focus is on staff safety and incident prevention through building capacity, capability, and confidence of prison staff. A key component of this work is identifying how we can improve on-site advice and guidance, targeted training sessions, crisis management techniques and strategies, use of tactical tools, procedural updates and field training and support. By continuously evaluating and exploring tactical options, we are aiming to create a more responsive, resilient, and effective response to the individual needs of our prisons. This work is ongoing.

Corrections currently uses the WorkSafe Calculator; a tool that supports the identification of controls that apply to hazardous substances such as storage locations, whether it is safe for certain chemicals to be co-located, and whether they require certification. Using the WorkSafe Calculator ensures our inventories comply with the Regulations (48). This information is accessible by accountable prison staff, Health & Safety advisors, and incident response teams. We have sought seed funding to undertake an assessment of our storage

practices and to develop targeted solutions to ensure our substance storage arrangements are compliant, however at the time of writing that funding has not been approved. We expect to make our hazardous substance inventories available electronically in our Building Management Information System (BMIS). This will identify hazardous substances storage locations; content; quantities and identify if it has the required certification. We anticipate being able to close this recommendation when BMIS is implemented.

Monitoring and assurance

A draft approach for 1st and 2nd line assurance is in the process of being developed within OR&S which aims to bring common language, simplification, and a risk-based approach to assurance activity. This approach will also be closely connected to other focus areas in OR&S including organisational learning and monitoring internal recommendations; all contributing to continuous improvement. Progress on this work will be dependent on recruitment into some current vacant positions.

Complaints (13, 14): A permanent Complaint Support Lead (CSL) function has been established under the OR&S group. Three permanent CSLs were appointed on 24 June 2024. We are developing the model for how the CSLs will support sites and transition from dedicated resource at specific sites to roles that provide support to all 17 Corrections operated sites. This will be a gradual process to ensure we understand and meet the different needs of each site. In the meantime, the CSLs are connecting with sites providing capability uplift and assurance activities specific to the needs of each site. A report is underway entailing a review of site induction practices against policy and procedure, including a review of site induction materials, to ensure these adequately explain the complaints process. We will provide further advice on this at our next update.

Our Pae Ora Adverse Event Review process provides opportunities to review events (such as a death in custody or a clinical concern) within a multidisciplinary peer review session. This process helps identify and make recommendations to address any gaps, including those that may have a high level of risk, as soon as possible.

Te Matatiki o Te Oranga (which means 'the spring of wellbeing') is our new kaupapa Māori health service. We are co-developing this service with tangata whenua and tangata Tiriti (Māori and non-Māori partners and stakeholders). The Oranga Governance Framework (112) has been incorporated into the wider introduction of Te Matatiki o Te Oranga. We expect to roll this out in January 2025 and it will serve as Corrections new model for how health services are to be delivered to all people in our care and management.

We are continuing to reflect on the important lessons we have taken from the riot at Waikeria Prison. Your comprehensive report and recommendations continue to drive Corrections to make improvements that will support our organisation's effectiveness and resilience in the face of future challenges.

We look forward to keeping you and your team involved and updated as this work progresses.

Nāku noa, nā



Richard Waggott
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