

8 August 2023

Janis Adair  
Chief Inspector  
Department of Corrections

By email: [janis.adair@corrections.govt.nz](mailto:janis.adair@corrections.govt.nz)

Tēnā koe Janis

**Re: Report of the Independent Inquiry into the Waikeria Prison Riot**

Thank you for your email, dated 5 July 2023 and the opportunity to meet with you on 1 August 2023. You have requested an update on progress made against the 121 recommendations in your Report of the Independent Inquiry into the Waikeria Prison Riot; and reconsideration of our decision not to publicly release the report until the conclusion of the outstanding criminal matters before the court.

I am formally responding to you on behalf of the Department of Corrections (Corrections). Your report is comprehensive and provides Corrections with detailed findings and recommendations that we must consider and learn from, to better respond to incidents and prevent the likelihood of a disorder event of this scale from occurring again.

Corrections has considered the findings and associated recommendations and accepts 117 of the 121 recommendations in full, partially accepts one recommendation and does not accept three recommendations.

Before providing you with an overview of progress we have made against each of the agreed recommendations I will summarise the Department's position on the four recommendations which have not been accepted in full.

**Recommendation 38** – *Corrections should establish a national emergency response team capable of deploying operationally experienced staff over any holiday period.* This recommendation is **Partially Accepted**.

We agree we need to be able to respond at a site, regional and national level and have the ability to deploy staff over the holiday period. However, we will not be establishing a national emergency response team as Prison sites and regions currently identify senior staff as part of proactive holiday planning. In addition, there are operationally experienced staff available within the tactical operations group and national office leadership teams who are also 'on duty' to provide support to sites where it may be required. Corrections will, however, enhance the incident & emergency management capability offerings for those staff to ensure they have opportunities to develop and test their skills in response.

**Recommendation 24** – *Corrections must remind staff of the importance of ensuring the number and mix of prisoners in any given yard can be safely managed should the need arise to clear the yard.* This recommendation is **Not Accepted**.

Corrections has specific guidance within the workforce planning guide that sets staff to prisoner ratios by security classification and other dynamic and environmental factors (such as lines of sight). Completing this recommendation is likely to have a perverse outcome where prisoners who have minimal risk of disorder receive less time out of cell, in yards 'just in case'. Instead, Corrections will continue its work already underway to ensure adequate tactical options are available to support staff to clear yards when the need arises.

**Recommendation 59** – *Corrections should consider whether fire alarms in a major incident can be silenced remotely once an initial response is achieved, and who should have the authority to make this decision.* This recommendation is **Not Accepted**.

The Department has considered this recommendation, however, will not be implementing this approach. Fire standards do not require fire alarms to be silenced remotely once an initial response is achieved and fire alarm systems installed across the custodial estate operate in accordance with the Prison Fire Design Guide. Fire alarm panels typically have a 'silence' switch to enable FENZ to isolate audible sounders and they can isolate when they arrive on-site.

**Recommendation 90** – *Corrections should adopt a data solution that allows for 'live' information to be accessed.* This recommendation is **Not Accepted**.

The Corrections Business Reporting and Analysis (COBRA) database utilised to collect information is updated overnight and therefore does not contain 'live' data. Another solution is not required as live data is available in the Integrated Offender Management System (IOMS) and should always be sourced from this system as the primary source (which feeds into the COBRA databases).

### **Progress against Recommendations**

Corrections is making progress towards the 118 accepted and partially accepted recommendations:

- 29 recommendations have been considered completed by system leads, pending assurance.
- 52 recommendations have been identified as 'do now' and are projected to be completed by 30 June 2024
- 37 recommendations are considered longer-term actions, including 34 'do next' actions which are projected to be completed within two years; and three recommendations which may take over two years to complete.

A table with responses to all 121 recommendations is attached to this letter and includes our current position on acceptance of the recommendation, our response, the status / timeframe; and the assigned system lead. System leads will be reviewed following the implementation of our next-stage change programme - Hōkai Rangi – The Pathway Forward (Te Ara Whakamua) and this review could also lead to changes in the provisional timeframe for completion. For example, the establishment of Organisational Resilience and Safety Group could accelerate our development of assurance mechanisms.

Over half of the recommendations from your report relate to our emergency management and tactical response capability. This is expected given the scale of the event. Since 2020, there has been an increase in the need for activations of emergency responses, not least in response to COVID. Through these responses, a wide number of Corrections staff nationally, regionally, and locally have

been exposed to and have learnt aspects of the emergency management discipline in real time. Working in a coordination centre using CIMS has been helpful to provide operational context for the model, which must now also be supported by more formal learning approaches.

In addition to this practical, on the job development, significant work has been done to update and establish the systems, policies, plans, and procedures needed for best practice incident and emergency management. This has included aligning Corrections documents to the Coordinated Incident Management System (CIMS).

An initial cohort of Advanced Control and Restraint (ACR) and Prisoner Negotiation Team (PNT) staff were recruited and completed initial heights training providing additional specialist tactical capability. Corrections are now expanding the capability by providing training to more ACR staff at 14 prison sites, including a new initiative that delivers bite size training and scenario-based training to meet the needs of individual prison sites. Since January 2021, 144 current Advanced Control and Restraint members have received initial training, and 379 current Advanced Control and Restraint members have received revalidation training, at the Tactical Training Facility.

Corrections has commenced a review of our current SERT model, guidance, recruitment, and operating procedures throughout the prison network. We have reviewed all tactical equipment (PPE). We are also making changes to systems that support better management of equipment (such as gas masks and body armour).

Our approach to high-risk periods, such as Christmas/New Year is more coordinated, and pre-planning ensures that suitably trained staff are on standby for a response, which will contribute to well managed and rapid responses to incidents during holiday periods. This includes, ensuring our Health Services Senior Leadership Team are suitability delegated, qualified, experienced, and available in the event of a serious disorder incident.

Decant guidance has been reviewed to consider how best to prioritise vulnerable prisoners during an evacuation and we have included specific guidance for moving vulnerable prisoners in paragraph 14 of the prison decant plan.

Section 179D is being considered whenever there is an emergency affecting the health and/or safety of prisoners, or the security of the prison. An example of when Section 179 has been considered was in August 2022 due to critical staffing shortages at Mt Eden Corrections Facility and Spring Hill Corrections Facility. A decision not to declare a prison emergency was made by the Chief Executive but demonstrates clear consideration and rational from the Department.

Corrections has carried out a review of all prisons which included facility wide checks, reviewing the integrity of yard coverings, mesh, and roof tops and to remove any waste or loose materials that could be used as weapons. Our custodial practices in and around the site do point to vigilance in this area and routine visual inspections and processes to account for tools and equipment are occurring. Work effort has also been conducted across all prison sites on remediating any facilities features which could provide access to heights, and then looking at options which limit movement should a prisoner access height and securing further any fittings.

Roof and gutter inspections have been added to regular inspection protocols. Work is also being undertaken with design standards to assist with preventing access to heights which will provide an additional risk mitigation on incidents occurring.

Corrections has asbestos management plans in place for all sites and these are reviewed, updated and in line with legislative requirements. The Department's contractors have full access to these and are accessed before work is undertaken.

The Corrections phone system (RCC) is now able to turn off telephone lines promptly in response to an incident. The Department can now manage the network and turn off all comms at a switch level which gives the ability to isolate a unit or building as required.

A new Corrections Prisoner Telephone System (CPTS) has been implemented across all sites. In the new system, once a phone call has been placed and answered the option of call forwarding is not available. 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 prisoner is not located and allows staff to generate or change a pin number if it is being misused. In addition, there is also the ability for staff to disable the CPTS if needed. CPTS is the system prisoners use to make outgoing phone calls. Disabling calls can be isolated to an individual prisoner, the unit, or the site.

From a wellbeing perspective, all staff who lodged work related claims because of the Waikeria riot have received appropriate treatment and rehabilitation support. Those who are no longer employed by Corrections continue to receive the full range of entitlements, including weekly compensation, treatment, and vocational rehabilitation. 229 staff were provided with psychological first aid facilitated by the Staff Support team. Of those 229 staff:

- 12 staff sought assistance from EAP
- 6 staff were referred for clinical psychological intervention

As a result of the riot, 31 work related ACC claims were lodged. Since the riot, there has been a continued Staff Support Services presence at both Waikeria and Springhill Corrections Facility (where the prisoners were held during the court proceedings). In addition, 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 those staff who may have felt impacted by the court matters and revisiting the incident.

### **Publication**

You have requested that consideration be given to sharing the report with current staff, particularly those in leadership roles, and noted that the Independent External Advisors who assisted you during your team's investigation have not seen the report. The final version of your report has been shared with many senior leaders on an 'as required basis' to help guide work effort in response to your report. 9(2)(h)

I acknowledge our decision to not publicly release the report will impact on your ability to periodically report on progress with recommendations; however, I must balance that with potential prejudice to the criminal process. After further consideration, Corrections position remains that publication of the Report of the Independent Inquiry into the Waikeria Prison Riot is currently limited by the criminal matters active before the court. This matter continues to be under active consideration and will be reviewed in preparation for conclusion of the criminal trial. We will nonetheless continue to progress work against the report's recommendations and provide a progress report to you every six months.

I have asked our Communications team to work alongside Kurt Vlietstra and others to consider how we can provide an update to staff in the interim prior to the release of the report.

If you have any questions regarding this letter or the information provided in the attached table, please do not hesitate to contact Kurt Vlietstra or I.

Ngā mihi nui



Ben Clark  
Chief Adviser System Transformation