



## **Chief Inspector's Phase Two Report into:**

**Circumstances surrounding organised prisoner  
on prisoner fighting (Fight Club) and access to  
cell phone contraband in New Zealand prisons other  
than Mount Eden Corrections Facility (MECF)**

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## EXECUTIVE SUMMARY

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### Organised prisoner fighting

We analysed a total of 655 PPV incidents for the four month period 1 April 2015 to 31 July 2015 and there was no evidence that organised prisoner fighting was happening at any of the eight Corrections Services prisons we visited. There were four incidents involving prisoner sparring and conditioning reported by two prisons and these could be considered as a forerunner of organised prisoner fighting. On each occasion they were quickly identified and staff responded promptly to prevent them escalating.

We recognise that there will always be elements of assaults and fighting by prisoners, and it's not always easy to prevent violent incidents from happening, even when staff are observing prisoners first hand.

There were good levels of prisoner supervision apparent at each prison and recurring evidence from incident reports and interviews that staff responses are timely as soon as they became aware of situations that required their intervention.

Active management of prisoners and prompt action taken by staff clearly presents as the most effective preventive control to mitigate risks of PPV situations developing into more serious incidents.

There are a range of Violence Reduction Strategies in various stages of implementation across each prison. Most have been established since the *'fight club'* events surfaced at MECF and present as good practice in terms of controls for PPV.

We noted that prisoner access to physical training equipment has been restricted as a control at some prisons to limit options for conditioning. The extent of these restrictions needs to be balanced against reasonable access to exercise equipment for prisoner well-being. Prisoners are entitled to have access to exercise equipment however their fitness activities should be closely supervised to ensure conditioning and sparring is not happening.

We were frustrated with the poor quality of incident reporting in IOMS relating to PPV and contraband cell phones. The incident reporting system is cumbersome and component categories require review to be made more user-friendly.

In some cases, PPV incidents are being reported under the non-notifiable category of *'Fighting'* rather than *'Assault, non-serious or Assault, no injury'*. We could not confirm how widespread this practice was and suggest Corrections Services conduct a further review of incident reporting categories to determine and clarify business requirements.

The capability for prison management to effectively implement gang management strategies may be compromised by inaccurate data in IOMS about individual prisoner gang membership/affiliations. This data needs to be cleaned up so that gang information on IOMS is current and reliable.

Some Intel staff perceive their report recommendations are not always acknowledged or acted upon by prison management. Subsequent changes to reporting lines for Intel staff, whereby they now report to the Director Intel and Tactical Operations, will allow for more formal moderation of Intel report recommendations at a national level.

### Contraband Cell phones

A total of 59 cell phones were found at seven<sup>1</sup> of the eight prisons during the four month review period. The majority of these were recovered from NRCF (21) and Rimutaka (19).

Section 6(c)

We found that prisons used a range of effective Section 6(c) procedures and controls for ensuring contraband cell phones are detected including:

- Metal detectors
- SPoE, border control, and external perimeter searches
- Detector dogs
- Intel, Sentinels and PTCCS monitoring
- SST, SERT and CCTV monitoring
- Visitor, contractors, staff and vehicle searches
- Prisoner searching

Section 6(c)

Section 6(c)

### Incidents involving cell phones for recording 'fight club' activity

There were no incidents reported of prisoners using contraband cell phones to record 'fight club' activity and downloading it onto social media sites including YouTube. There is no evidence of any 'fight club' activity.

Section 6(c)

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<sup>1</sup> There were no cell phones found at OCF during this period.

In the meantime, we cannot say with any degree of certainty that prisoners have not downloaded images taken from inside prison using contraband cell phones.

## Conclusions

We conclude that there is no evidence of any fight club activity at the eight prisons we visited. There were some reports of sparring and conditioning by prisoners, however this behaviour was stopped promptly when noticed by staff who were actively supervising prisoners.

### Section 6(c)

Prisons were making good use of operational controls and technology to detect cell phones and stop them coming in.

The key preventive control to reducing PPV and contraband cell phones observed at the eight prisons is effective active management by staff who vigilantly supervise and monitor prisoners and visitors to ensure that the security and safety of prisons are not compromised.

## Recommendations

We have made specific recommendations relating to the findings of this Investigation. These are detailed in full in **Part 5** of this report and can be found on page 32.

# INTRODUCTION

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## Purpose

The purpose of the Phase Two investigation is to review the adequacy of controls designed to address prisoner violence and access to contraband cell phones operating in New Zealand prisons other than Mount Eden Corrections Facility (**MECF**). The investigation will also examine any reported incidents of prisoner on prisoner fighting recorded on cell phones in other New Zealand prisons.

## Background

On 15 July 2015 the Department of Corrections (**Corrections**) became aware that a series of video clips showing organised fighting between prisoners at MECF had been uploaded to the website YouTube. The videos (the **YouTube Footage**) provide irrefutable evidence of the existence of a *'fight club'* operating at MECF.

On 17 July 2015 TV3 News screened footage that had been uploaded to YouTube, showing a number of prisoners involved in organised fighting at MECF. Over the following days a number of prisoners, ex-prisoners and their families, came forth with accounts of organised fighting, prisoner on prisoner violence and inhumane treatment during their time at MECF. The videos uploaded to YouTube had been filmed on contraband cell phones, which raised concerns over prisoner access to cell phones and other contraband on to the site.

Corrections are responsible for ensuring that prisoners are treated with respect and are housed where they feel safe from threats of violence and intimidation. Prisoners are provided with a safe and secure environment which protects them from harm and neglect and they should receive effective care and support.

By Terms of Reference dated 27 August 2015 (the **Terms of Reference**)<sup>2</sup> the Chief Inspector was instructed by the Chief Executive of Corrections (the **Chief Executive**) to conduct a full investigation (the **Investigation**) into:

- a) the possible existence of a *'fight club'* at MECF; and
- b) access of prisoners to contraband, in particular cell phones, at MECF.

The Corrections Inspectorate (**Inspectorate**) operates under the Corrections Act 2004, the Corrections Regulations 2005, the mandate of the Chief Executive, and the policies established by the Department relating to the fair, safe, secure and humane treatment of prisoners and those detained within the corrections system.

This report consists of **Phase Two** of the Investigation required by the Terms of Reference. Phase Two includes a review of the adequacy of controls designed to address prisoner violence and access to cell phones operating in eight other New Zealand prisons, and will investigate any reported incidents of prisoner on prisoner fighting recorded on cell phones in those prisons.

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<sup>2</sup> A copy of the Terms of Reference appears as an Appendix to this report.

## Prisoner on prisoner violence (PPV) – potential risks

The following potential risks have been identified as being relevant in regard to prisoner on prisoner violence in prisons:

- People who live and work in prisons have a right to a safe and non-violent environment. If unacceptable behaviours by prisoners are not challenged by all staff then personal safety may be compromised.
- Prisoners who are the victims of intimidation and violent behaviour may suffer physical, emotional and psychological harm and become stressed and anxious to the extent of being depressed and 'at risk' of self harm.
- Violence and intimidation can undermine the overall safety and security of the prison and the authority of staff. This in turn increases tensions between staff and can contribute to increased workloads. This may also impact on their capacity to work with prisoners on addressing their reoffending needs.
- There is an unknown human and financial cost to Corrections and the community associated with violent and intimidating behaviour between prisoners. These costs may be reduced by having an effective violence reduction strategy in place.
- The Corrections Services' criteria for serious/non-serious prisoner on prisoner assaults may be interpreted differently from prison to prison, resulting in unreliable and understated reporting.
- Insufficient and ineffective violence reduction strategies may compromise Corrections ability to comply with health and safety standards and obligations.

## Reporting of assaults by prisoners on prisoners

Corrections Services are responsible for ensuring that prisoners are treated with respect and are housed where they feel safe from threats of violence and intimidation. There is a need to ensure prisoners are provided with a safe and secure environment which protects them from harm and neglect and they should receive effective care and support during their term of imprisonment.

During the 2013-14 year there were 42 'serious assaults'<sup>3</sup> by prisoners on prisoners reported within New Zealand Prisons. The Department of Corrections does not report nationally on the figures for 'non - serious assaults' by prisoners on prisoners. Corrections Services' definition of a non - serious assault includes the following statement:

*"Victim subjected to physical violence that resulted in physical injuries that may have required medical treatment, and/or overnight hospitalisation as part of initial assessment, or medical observation but not on-going medical treatment".*

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<sup>3</sup> A **serious assault** is an act of physical violence that involves one or more of the following:

- Sexual assault of any form and degree.
- Bodily harm requiring medical intervention by medical staff followed by overnight hospitalization (beyond initial assessment or medical observation) in a medical facility.
- Bodily harm requiring extended periods of ongoing medical intervention.



## OBJECTIVES

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The objectives of the Phase Two investigation are to assess and analyse the adequacy of strategies, procedures and controls in place in New Zealand Prisons, other than MECF:

- to address prisoner violence,
- to mitigate prisoner access to cell phone contraband,
- for reporting of incidents involving prisoner cell phone contraband and investigate further any similar incidents of prisoners using cell phones to record '*fight club*' activity and download onto social media sites including YouTube.

This will be achieved by:

- interviewing prison directors, security managers, line managers, intel officers, corrections officers and other relevant parties to understand the policies and local strategies for addressing prisoner violence and cell phone contraband in New Zealand prisons.
- understanding the current local processes and controls in place to ensure that incidents relating to prisoner violence are fully investigated and accurately reported.
- examining prisoner ACC incident data to establish the nature and frequency of injury incidents involving prisoners who have been assaulted or have participated in fighting.
- analysing incident reports recorded in IOMS<sup>4</sup> relating to prisoner behaviour and violence to establish the frequency and nature of assaults and fighting.
- reviewing the effectiveness of controls in place to mitigate prisoner access to cell phones, including Section 6(c) Single Point of Entry searching, Section 6(c) facility and cell searching, vehicle and border control detection.
- summarising findings and identify key themes / issues and discuss with the prison director to confirm validity of findings and associated recommendations.

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<sup>4</sup> **Integrated Offender Management System (IOMS)**. IOMS is a Corrections computer database that contains detailed information about offenders and is an invaluable tool for prison and Community Corrections staff.

## SCOPE

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The Phase Two investigation was carried out by two Inspectors of Corrections. The field work included visiting eight selected prison sites. The prisons were chosen because of their geographical locations, prisoner population, prisoner categories and classifications, and the frequency of incidents involving prisoner violence and contraband cell phone use.

A number of the selected prisons received prisoners who were housed at MECF leading up to and following the incidents leading into the Phase One MECF Investigation.

The Investigation gave priority to establishing what local strategies and initiatives there were in place to identify and mitigate incidents of prisoner violence and cell phone use. The scope also included scrutiny over the effectiveness of preventive and detective controls used at each prison to address the risks associated with cell phone use and prisoner violence.

We did not undertake any in depth audit of these strategies at each prison we visited. Rather, we examined what the controls were and whether or not they appeared to be adequate in preventing prisoner violence and the introduction and use of contraband.

This report considers procedures at prisons that appear to be working reasonably well and could be described as good practice. We also emphasise areas of weakness whereby operational and technological activities can be improved. We expand on the state of these key control mechanisms further in the commentaries below.

## PRISONS VISITS

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Eight prisons were visited as part of the field work for the Phase Two Review.

<b><i>Prison</i></b>
Otago Corrections Facility ( <b>OCF</b> )
Christchurch Men's Prison
Rimutaka Prison
Hawkes Bay Prison
Waikeria Prison
Springhill Corrections Facility ( <b>SHCF</b> )
Auckland Prison
Northland Regional Corrections Facility ( <b>NRCF</b> )

## PART 1: Organised prisoner on prisoner fighting (Fight Club)

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### Objective

- *To review the adequacy of controls designed to address prisoner on prisoner violence in NZ prisons other than MECF.*

### Findings:

- *We analysed a total of 655 PPV incidents for the four month period 1 April 2015 to 31 July 2015 and found no evidence that organised prisoner fighting was happening in Corrections Services prisons. There were four incidents of prisoner sparring and conditioning at two prisons and these could be considered as a forerunner of organised prisoner fighting. On each occasion they were quickly identified and staff responded promptly in stopping them.*
- *Good levels of staff supervision are apparent and there is recurring evidence that staff responses are timely when they become aware of situations that require their intervention.*
- *Active management of prisoners and prompt action taken by staff presents as the most effective preventive control to mitigate risks of PPV situations developing into more serious incidents.*
- *There are a range of Violence Reduction Strategies in various stages of implementation across prison sites. Most have been established since the 'fight club' events surfaced at MECF and present as good practice in terms of controls for PPV.*
- *Prisoner access to physical training equipment has been restricted as a control at some prison sites to limit options for conditioning. The extent of these restrictions needs to be balanced against access to exercise equipment for prisoner well-being.*
- *The poor quality of incident reporting in IOMS was unhelpful to the Investigation. The incident reporting system is cumbersome and component categories require review to be made more user-friendly.*
- *In some cases, PPV incidents are being reported under the non-notifiable category of 'Fighting' rather than 'Assault, non-serious or Assault, no injury'. We could not confirm how widespread this practice is and suggest Corrections Services conduct a review of incident reporting categories to determine the extent of this issue.*
- *The capability for prison management to effectively implement gang management strategies may be compromised by inaccurate data in IOMS about individual prisoner gang membership/affiliations.*
- *Some Intel staff perceive their report recommendations are not always acknowledged or acted upon by prison management. Subsequent changes to reporting lines for Intel staff, whereby they now report to the Director Intel and Tactical Operations, will allow for more formal moderation of Intel report recommendations at a national level.*

## MECF Phase One Report terminology

1. The following description of organised prisoner fighting was provided in the Phase One report into related events at MECF in 2015.

*The organisation of that fighting is evident from the following:*

- a) *In most cases the filming begins before the fighting.*
- b) *The fights are all one-on-one. In one video the winner of the first fight immediately begins to fight another combatant.*
- c) *Those watching appear to be acting as spectators rather than interested parties. In spontaneous fighting, associates of each party could ordinarily be expected to become involved.*
- d) *Most of the fights show some degree of rule-following: prisoners who have been knocked down are allowed back to their feet before the fight recommences, the fights seem to follow a format of 'rounds', and in one instance spectators appear to tell one combatant to release his opponent from a choke hold.*
- e) *There appears to be an absence of the type of animosity that would ordinarily be associated with spontaneous fighting. In one of the fights the combatants appear to shake hands after the fight.*

2. It was also noted in the MECF Phase One report that the unacceptable fighting activity exists on a spectrum including the following terminology:

- a) *'Sparring', consisting of pre-fight training and rehearsing, for which injuries are less common and, where sustained, less serious.*
- b) *'Contender fighting', being organised fighting between two participants, usually organised by a gang member, and usually involving willing participants. Fights are planned and take place in cells, out of sight of prison officers and CCTV cameras. Injuries sustained in these fights can be serious.*
- c) *'Fight club', being organised fighting usually involving gangs and gang-affiliated prisoners, in which participants are either willing or unwilling. Like 'contender fights' these fights usually take place in cells, out of sight of prison officers and CCTV cameras or in an exercise yard during periods of non-supervision. Other prisoners housed in the same unit will usually know that a fight is to occur and can sometimes be engaged to distract prison officers to ensure that the fighting is not detected. Injuries sustained in these fights can be serious.*

## Corrections Legislation relevant to PPV

3. Legislation and Corrections Services Prisons Operations Manual (POM) contain specific measures to manage violence perpetrated by prisoners. The Corrections Act 2004; Section 128 **'Offences by a prisoner'** (1) states as follows:

*'Every prisoner (whether inside or outside a prison) commits an offence against discipline who*

*(c) behaves in an offensive, threatening, abusive, or intimidating manner*

*(g) assaults, or fights with any other person*

## Prisons Operations Manual (POM) Incident Categories relevant to PPV

4. The Incident response/reporting section of POM includes the following:

*'The purpose of these procedures is to:*

- *Maintain life and prevent secondary incidents, and prevent any further harm to people or property.*
- *Keep the Minister and the CE informed of incidents involving prisoners which might affect public safety, or public concerns about safety, the integrity of the sentence, the welfare of prisoners, and the good order and security of prisons.'*

5. POM reference IR.06.Sch.01 - Incident Categories details guidance for prison staff on the reporting of PPV incidents. Other information relevant to the incident categories in POM provides guidance on whether an incident needs to be notified, and if so, in what timeframe. Advice for staff relevant to the need for the incident to be notified is stated as follows:

*'Staff should use their professional judgement to determine the impact and severity of the incident and notify the Incident Line in accordance with the Integrated Incident Notification process.'*

## Organised Prisoner Fighting

6. All prisons visited by the Investigation reported historical incidents of prisoners participating in sparring and conditioning activities noting this behaviour is not uncommon in a prison environment. This type of activity has been prevalent among prisoners for many years in yards, gymnasiums and recreation areas. Since the *'fight club'* events at MECF in mid-2015, all prisons described a heightened vigilance by unit staff following specific directions from prison directors that sparring/conditioning activities among prisoners will not be tolerated and those involved in any such incidents will be subject to misconduct charges. Some sites have removed physical training equipment for use by prisoners as a result.
7. A growing number of PPV incidents are a concern at Christchurch Men's Prison (CMP). Prison management described an increase in Mongrel Mob and outlaw motorcycle gang prisoners at the prison in recent times may be a contributing factor. It is an observation that the increase in PPV incidents is of concern but does not appear to be related to organised prisoner fighting in any way.
8. Prison management at NRCF advised they became aware of an attempt to arrange fights among prisoners about three years ago. Two prisoners, brothers from the same family,

were identified through PTMS<sup>5</sup> information intercepted by the Intel team to be organising fights between prisoners. Staff acted immediately to prevent this activity at that time. There have been no other identified incidents of a similar nature at NRCF since that time.

9. We were informed that there was an isolated incident at SHCF some six or seven years ago that indicated prisoners were staging fights in cells and charging phone cards as a cost for other prisoners to watch as spectators. This activity was '*nipped in the bud*' by staff at the time and never developed into anything further. Intelligence information at SHCF shows no indications that organised prisoner fighting have taken place there since the MECF events. There was '*talk*' among prisoners at the time that there would be but nothing ever eventuated.
10. There was an incident at Waikeria Prison where staff observed a prisoner in one of the yards draw a large chalk circle on the ground and stood in the centre of the circle while the other prisoners in the yard stood around the perimeter of the circle. Staff reacted immediately after suspecting this behaviour to be some form of challenge and potentially a precursor for an organised fight. The yards were cleared and prisoners returned to their cells before the situation could escalate.

## Violence Prevention Strategies

11. We were provided with range of a violence prevention strategies at the eight prisons visited during the field work phase of the Investigation. Prison Directors had issued clear instructions to their staff that prisoner violence would not to be tolerated.
12. Management at Auckland Prison have been monitoring high risk prisoners at that site for a number of years. High Interest Prisoner (HIP) meetings have been held regularly at Auckland Prison. These forums are attended weekly by people from all operational areas of the prison. This multidisciplinary team approach provides the opportunity for each unit/operational area to update others thereby enabling them to be kept fully informed about whatever is happening in the case of each individual prisoner. This provides a site wide perspective of current operational risks and concerns related to each high interest prisoner.
13. Violence Reduction Panels (VRP's) were at various stages of development at other prisons. Hawkes Bay Prison (HBP) were in the process of developing terms of reference for their VRP at the time of our visit and their first VRP meeting was planned for the following week. The VRP at Rimutaka Prison was formed quite recently and the process and operation of the VRP was still '*bedding-in*' at the time of the Investigation field work site visit.
14. NRCF have developed a Violence Reduction Strategy document that details a membership list for their VRP and included a statement that this panel would '*meet fortnightly to consider, respond to information, intelligence and analysis of violence data*'. This strategy document also stated that a '*Tackling Anti-Social Behaviours (TAB) Review Panel*' will also be implemented and this group will meet fortnightly also to consider the management of anti-social behaviour by prisoners on an ongoing basis. There was no documented evidence provided to confirm that these meetings had taken place.

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<sup>5</sup> **Prisoner Telephone Monitoring System (PTMS)** is a Corrections system where **Section 6(c)** **Section 6(c)** members are trained to monitor **Section 6(c)** telephone calls made by prisoners through the Prisoner Telephone Call Control System (PTCCS).

15. The Violence Reduction policy at NRCF was introduced to target bullying by prisoners. Initial efforts to keep victims safe are followed up by Unit staff informing identified perpetrators (also known as *'prominent nominals'*) that they are being watched. Follow-up includes instructions for those prisoners to self-report to staff at specified times in accordance with individualised management plan requirements. SHCF has a list of Section 6(c) that is updated, distributed and discussed weekly at PCO level at that site.
16. Other violence prevention strategies described to the Investigation include prison directors issuing instructions to staff to ensure cells doors are locked in high security and remand units while prisoners are at recreation during designated periods of unlock. The exception was Hawkes Bay Prison where it was explained that the layout of the high security Units at that site contain only twelve cells and, when unlocked, there is a good level of supervision from staff. A recent upgrade of CCTV cameras in these units provides improved coverage of yards, dayrooms and kit lockers areas.
17. In the lower security units cell doors are left unlocked and it is a prison rule that prisoners are at no time permitted to enter the cell of another prisoner. Prisoners found to be in the cell of another prisoner will face an internal misconduct charge for failing to comply with a rule of the prison. We were informed that there were variations among units regarding the application of this rule.
18. Prison management at all sites advised that the influence of gangs was significant in many of the PPV incidents in the prison system. Attempts to implement effective strategies to manage the gangs in prisons have been thwarted largely by incorrect and inaccurate IOMS information about individual gang membership and affiliations. We were informed that much of the IOMS information on gangs lacks validation due to staff at unit level inputting data based on *'hearsay'*. A significant amount of resource intensive work is required to clean up the relevant IOMS data.
19. Gang Management meetings at OCF appear to be effective as a violence reduction strategy. This is a weekly meeting attended by Intel staff, Unit PCO's and unit *'sentinels'*<sup>6</sup> as well as the Security Manager and a Residential Manager. We observed one of these meetings during our field work site visit. Prisoners identified for discussion are those who have come to the attention of staff in the units for such things as bullying and/or stand over tactics as well as any new unusual associations between individuals or groups. Information about individual prisoners was freely discussed in this forum and provided all in attendance with good indications of potential *'hot spots'* that may be developing.
20. Other violence reduction strategy controls used regularly at the prisons include prisoner perpetrators involved in PPV incidents being held accountable for their actions. Consequences for their behaviour includes:
  - External charges being laid with Police

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<sup>6</sup>Section 6(c)

- Security classification reviews
- Placement on Directed Segregation
- Transfer to higher security units/prisons

### The quality of PPV incident reporting

21. Screening and analysis of IOMS incident reports by the Investigation for PPV incidents to identify potential examples of organised prison fighting was assisted by using the newly established COBRA<sup>7</sup> Incident Reporting dashboard tool. The COBRA tool was effective in identifying relevant incident report categories.
22. However, we were hindered by an insufficiency of detail in many of the incident reports. It was rare to find mention in any incident report any detail related to what caused the particular incident. Also problematic was how some incidents were being categorised in particular, staff appeared confused about the difference between prisoners fighting and prisoners being assaulted.
23. The Investigation reviewed the detail of 655 incident reports identified by the categories shown in the following table:

<b>Primary Category</b>	<b>Secondary Category</b>	<b>Tertiary Category</b>
<i>Prisoner Behaviour</i>	<i>Prisoner Physical Assault on Prisoner</i>	<i>Assault - Sexual</i>
		<i>Assault - Serious</i>
		<i>Assault – Non-Serious</i>
		<i>Assault - No Injury</i>
	<i>Prisoner Abuse / Threat on Prisoner</i>	<i>Prisoner(s) abuses or physically threatens prisoner(s)</i>
	<i>Other Prisoner Behaviour</i>	<i>Fighting (no assault charges – both charged with fighting)</i>
		<i>Stand Overs / Intimidation / Taxing</i>
<i>Prisoner Management</i>	<i>Use of Force</i>	<i>Control &amp; Restraint</i>
		<i>Use of Force - Spontaneous</i>
<i>Prisoner Safety &amp; Welfare</i>	<i>Accident to a Prisoner</i>	<i>Serious Harm Accident</i>
		<i>Non-Serious Harm Accident</i>
	<i>Hospitalisation</i>	<i>Accident</i>
		<i>Not Accident</i>

<sup>7</sup> **COBRA (Corrections Business Reporting & Analysis)** is the IT data warehouse platform used by the Department of Corrections for reporting and analysis of IOMS information.



24. We chose the four month period 1 April 2015 – 30 July 2015 as the parameters for PPV incident report analysis at the eight identified prisons. This period was selected as being comparable to the period when organised prisoner fighting events were happening at MECF.
25. Analysis of these potential PPV incident reports is broken down by location in the following table:

<b>LOCATION</b>	<b>Non-Notifiable</b>	<b>Notifiable</b>	<b>TOTAL</b>
NRCF	16	28	<b>44</b>
Auckland Prison	18	36	<b>54</b>
SHCF	22	20	<b>42</b>
Waikeria Prison	42	43	<b>85</b>
Hawkes Bay Prison	38	61	<b>99</b>
Rimutaka Prison	55	70	<b>125</b>
Christchurch Men's Prison	54	75	<b>129</b>
OCF	39	38	<b>77</b>
<b>TOTALS</b>	<b>284</b>	<b>371</b>	<b>655</b>

26. Any incident involving PPV is one too many and at first glance 655 PPV events over the four month period appears to be inordinately high. However, when the numbers are broken down they equate to approximately 5.4 assaults per day across eight prisons that house about 4,365 prisoners on any given day.
27. As an observation from our own review of incidents it came to our attention that, in some cases, PPV incidents are being reported under the non-notifiable category of *'Fighting'* rather than *'Assault, non-serious or Assault, no injury'*<sup>8</sup>. Some staff appeared genuinely confused by the incident reporting categories. We do not have any evidence that there was a deliberate ploy to influence the numbers of notifiable incidents at the sites we visited.
28. There were no patterns or trends that indicated organised prisoner fighting was happening at any of the eight prisons visited. There were random, isolated incidents across each of the prisons that had some aspects of organised prisoner sparring and conditioning. In each case corrections officers were quick to take action to prevent the respective situations escalating. There was a recurring theme throughout the analysis of these incident reports that prison staff members were taking prompt action to prevent incidents escalating when they came to their attention.
29. During the field work phase, incident reporting in IOMS has been described to us at all prisons as being problematic with some calling it cumbersome and *'clunky'*. The reporting

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<sup>8</sup> We did not undertake any further analysis of this issue. It would take considerable time to audit a COBRA report containing more than 240 incidents involving potential PPV, whereby the category component differed from the initial selection chosen by the original author of the report. A comprehensive review of this data would establish whether this matter is a widespread concern or not.



process needs to be more interactive with incident report information focused on the reader audience. Current component categories are confusing and overly engineered for staff and open to considerable subjectivity. The categories are in need of review to be made more user-friendly.<sup>9</sup>

30. Some managers advised that Police were sometimes critical of the quality and lack of detail in prison incident reports and they could not be used effectively in external court cases.

### Staff Supervision of prisoners

31. There were good levels of supervision by staff of prisoners during recreation periods at all sites. Any identified incidents of conditioning and or sparring were stopped promptly when they came to the attention of staff.
32. After reviewing IOMS incident reports involving PPV events we were left with the impression that staff are actively managing prisoners in their respective units. Despite the overall poor quality of incident reporting it was clear that staff were taking prompt action when examples of sparring or other suspicious prisoner behaviour were identified.
33. There was a recent event at Waikeria Prison where an officer was sanctioned for a lack of supervision while on sentry duty in the yards at the top gaol. This related to an incident where a review of CCTV footage revealed that a fight in one of the yards was allowed to continue for quite some time before staff intervened to gain control of the situation. It was stated that this fight event did not appear related in any way to organised prisoner fighting.
34. On another occasion at Waikeria Prison staff observed that prisoners in one yard were wearing two lots of different coloured shirts and appeared to be organising themselves into teams according to shirt colour. Once again staff intervened and cleared the yards before the situation escalated.

### Review of CCTV footage

35. Regular reviewing of CCTV footage is an effective tool for prison staff to establish the circumstances where suspicious behaviour by prisoners is identified. We were advised at OCF that Health Unit staff will often view relevant CCTV footage when prisoners present with injuries consistent with PPV.
36. The establishment of a Surveillance Team at Section 6(c) presents as an example of good practice in terms of a preventive control to manage potential risk areas. Section 6(c)  

37. Section 6(c)  


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<sup>9</sup> Findings from an Internal Audit Report “Offender Incident Notification Review” dated Jan 2015 also noted these issues.

Section 6(c)

Surveillance Team staff were also trained and utilised to monitor prisoner telephone calls.

38. We note that the quality of CCTV footage has vastly improved following recent upgrades of the technology and the placement of additional cameras to enhance coverage of potential problem areas.

### Information sharing between operational units and management

39. Health Unit communication with custody teams at the eight prison sites appears to be effective. Health Centre Managers at some sites have implemented and are maintaining spreadsheets detailing prisoner injuries that could have been inflicted as a result of PPV. The custody team is kept informed of potential assault related injuries immediately they come to the attention of nurses. Prison directors are kept informed of any trends that may appear relevant to the spreadsheet data.
40. Health Unit staff identified potential examples of conditioning/ *'fight club'* injuries at NRCF and reported these immediately to the Prison Director. These examples were all related to prisoners arriving at NRCF on transfer from MECF when *'fight club'* activities were happening at that site.
41. Health Unit staff at NRCF, Waikeria, Rimutaka and OCF reported on injuries to prisoners consistent with sparring and conditioning after receiving prisoners from MECF. Prisoners presenting with hand injuries (including fractures) and significant bruising to thigh areas were consistently reported by the respective Health Centre Managers at those sites.
42. Section 6(c)
43. The Gang Management meeting at OCF observed by the Investigation provided examples of the value of such forums. Section 6(c)
44. Intelligence staff at some prisons had a perception that recommendations in their reports were not always acknowledged or acted upon by prison management. We acknowledge that prison management are not obliged to accept and act on all information and recommendations provided to them. However, the reports and recommendations should be considered and appropriate actions taken where required.
45. The Director Intel and Tactical Operations has confirmed that a subsequent change in reporting lines, whereby Regional Intel Managers report to him rather than local and regional management, will allow for more formal moderation of Intel report recommendations. This should allow greater oversight from a national level to ensure appropriate remedial actions are taken to mitigate associated risks.

46. The lack of effective moderation of intelligence report recommendations has the potential to compromise the integrity and transparency of the role of Intel teams whose key task is to keep contraband out and prisons safe.

**Other matters including prisoner 'pecking-order' and 'mana'**

47. We were advised at Auckland Prison that prisoners arriving there from MECF stated there was nothing for any of them to prove at Auckland as there is an established regime at that prison. At MECF the prisoners stated that they felt the need to establish themselves in terms of ego and status as there is no *'pecking order'* in place there due to the high turnover of prisoners. These prisoners also stated there was more direct supervision by staff at Auckland Prison than at MECF.
48. Ex-MECF prisoners arriving at Auckland Prison were also reported to state that they knew there would be consequences for them from *'long-laggers'* should they cause any disruption at Auckland Prison. These long-term prisoners carry considerable *'mana'* in the prison system and do not like established routines disrupted. They can have considerable influence over prisoners who cause them problems.

## PART 2: Contraband cell phones

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### Objective:

- To review the adequacy of strategies, procedures and controls designed to mitigate prisoner access to contraband cell phones in NZ prisons other than MECF.

### Findings:

- During the four month period 1 April 2015 to 31 July 2015, a total of 59 cell phones were found at seven of the eight prisons. The majority of these were recovered from NRCF (21) and Rimutaka (19).
- Section 6(c) [REDACTED]
- Prisons use a range of effective compensatory procedures and controls for ensuring contraband cell phones are detected including:
  - metal detectors
  - SPoE, border control, and external perimeter searches
  - Detector dogs
  - Intel, Section 6(c) and PTCCS monitoring
  - SST, SERT and CCTV monitoring
  - Visitor, contractors, staff and vehicle searches
  - Prisoner searching
- Section 6(c) [REDACTED]
- Section 6(c) [REDACTED]

### Unauthorised use or possession of electronic communication devices

49. Electronic communication devices including cell phones are deemed to be unauthorised while in the possession of a prisoner. Legislation and the Prison Operations Manual are quite specific about this.
50. The Corrections Act 2004; Section 128 '**Offences by a prisoner**' (1) (d) states:

*'Every prisoner (whether inside or outside a prison) commits an offence against discipline who - without authority, communicates with any person inside or outside the prison by using a telephone or other electronic communication device'.*
51. Furthermore Section 141A '**Unauthorised use or possession of electronic communication device by prisoner**' states:

(1) 'Every prisoner (whether inside or outside a prison) commits an offence who, except with the express authority of the prison manager or the chief executive,—  
(a) uses an electronic communication device knowing that he or she is not authorised to use it; or  
(b) knowingly has an electronic communication device in his or her possession.  
(2) A prisoner who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding \$5,000, or to both'.

52. The Prisons Operations Manual, **S.01.Res.03 Unauthorised Items**, refers to unauthorised items to include 'any electronic communication device'.

Section 6(c)

53. Section 6(c)

54. Electronic cell phone blocking systems are a component of the wider contraband management regime within prisons. Section 6(c)

55. Cell phone blocking technology has evolved over the years since a project was established in 2005 after Corrections recognised an increase in security threats created by the rapid development of telecommunications technology.

56. Roll-out of jamming technologies to all prisons began in 2007 Section 6(c)

57. Section 6(c)

58. Section 6(c)

59. Section 6(c) | Section 6(c) | Section 6(c)

<sup>10</sup> Section 6(c)

60. Section 6(c) [Redacted]

61. Section 6(c) [Redacted]

62. Section 6(c) [Redacted]

**Strategies, procedures and controls in place to mitigate prisoner access to cell phones**

- 63. A range of strategies and preventive and detective controls are in place at each prison to deter the introduction of contraband cell phones.
- 64. We did not undertake any in depth audit of these strategies at each prison we visited. Rather we examined what the controls were and whether or not they appeared to be adequate in preventing the introduction of contraband.
- 65. This report considers procedures at prisons that appear to be working reasonably well and could be described as good practice. We also emphasise areas of weakness whereby operational and technological activities can be improved. We expand on the state of these key control mechanisms further in the commentaries below.

Section 6(c) [Redacted]

66. Section 6(c) [Redacted]

67. Section 6(c) [Redacted]

68. Section 6(c) [Redacted]

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<sup>11</sup> Section 6(c) [Redacted]

Section 6(c)

69. Section 6(c)

70. **Walkthrough metal detectors** are widely used at each of the eight prisons. They were usually located in the Gatehouse where staff, visitors and prisoners are screened for contraband before entering the site. Managers and staff advised that Section 6(c) are significantly more effective in detecting contraband. This has resulted in prisoners and visitors becoming wary of the risks in trying to smuggle contraband in.

### Single point of entry, border control and external perimeter fence

71. Single Point of Entry (SPoE)<sup>12</sup> is when all staff, visitors and contractors enter a prison site through the single point of entry and have their possessions and themselves searched for contraband items using a metal detector and x-ray machine prior to entering the secure zone of the prison.

72. Section 6(c)

73. The operations of the SPoE are considered an essential function and key control in maintaining site security and preventing the introduction of contraband. Some prison directors said it used to be normal practice to 'operate' SPoE's with staff known for their lack of performance in the wings or on light duties. However, this viewpoint has changed significantly over recent times whereby SPoE's are manned with experienced staff, competent in the operations of metal detectors and x-ray machines, as well as communicating professionally with people.

74. Section 6(c)

75. Regular border patrols of the external and internal perimeter fences are essential to ensuring contraband thrown over the fence is detected and seized. Security managers advised that contraband seized from 'throw-overs' was not as prevalent since the introduction of enhanced external perimeter fences. Section 6(c)

<sup>12</sup> SPoE is also referred to as the "Gatehouse".



## Detector dogs and handlers

76. Dog handlers undertake a proactive role in the reduction of illicit drugs and contraband in prisons. Detector dogs are specially trained to find drugs, tobacco and cell phones that may be stashed anywhere on a prison site or brought into a prison by prisoners, visitors and staff.
77. Detector dogs were assigned to each prison we visited except NRCF. They were in the process of recruiting a new dog and handler at the time of our visit. Dog handlers from other prisons were deployed to cover searching operations at NRCF.
78. Section 6(c)  
[Redacted]  
The presence of the dog handler is an effective preventive control in the detection of contraband. Section 6(c)  
[Redacted]
79. Prison directors and managers reported that detector dogs played a very effective role in ensuring public safety by assisting in combating the introduction of contraband including cell phones.
80. Dog handlers were working collaboratively with intelligence staff to enable more targeted and effective use of their resources in the prevention and detection of contraband.
81. The recently adopted model at Christchurch Men’s Prison was working effectively. The security manager, search team, dog handlers, PTMS staff and Intel are located together. This enabled a closer, hands on working relationship between all parties concerned, and information was shared effectively in real time.
82. Other prison sites would benefit from developing a similar capability model. This will allow dog teams to work more effectively and collaboratively in response to targeted searching and enhance staff safety through contraband detection.

## Intelligence, Section 6(c) and PTCCS monitoring

83. Intel teams have been established at each prison we visited. Intel has a vital role to play in keeping prisons safe by keeping contraband, including cell phones out.
84. In 2015 Intel made some changes to their strategic direction to address the growing areas of monitoring social media. Part of the new direction was working closely with other agencies that have Intel capability, including Police, Courts and Immigration. Information sharing between these agencies has improved Intel capability and assessment to enable more effective detection of contraband and better search outcomes.
85. Section 6(c)  
[Redacted]
86. PTCCS is monitored by specially trained staff (PTMS). PTMS is a very effective tool used for gathering information concerning prisoners who make calls to their friends and family in

the 'outside world'. Intel teams rely on certain information gathered from PTCCS to detect visitors who may be involved in introducing contraband including cell phones.

87. Our investigation has determined that the combination of PTMS, Section 6(c), and CCTV monitoring provides valuable information to Intel teams. Resources can then be effectively targeted to areas of risk in 'real time' where there are obvious signs that contraband may be introduced.

### The effectiveness of SST and SERT teams

88. Site Emergency Response Teams (**SERT**)<sup>13</sup> were recently introduced at SHCF, Auckland Prison and Christchurch Men's Prison. These teams provide additional resources and tactical options when responding to incidents and, on a daily basis, support site operations to enhance the security and safety of their sites. SERT teams are also being introduced at OCF, Rimutaka, Hawkes Bay and NRCF where high security prisoners are housed.
89. Christchurch Men's Prison operates a highly mobile and responsive SERT team that uses good quality, real time, Intel and PTCCS information to target search areas that have been known as popular contraband drop off points. SERT team members are specially recruited and trained in tactical operations and response to incidents.
90. SERT teams are site based and cannot be re-deployed to undertake operations at other sites. They are expected to be on call during the hours of unlock to attend to incidents. They don't perform escort duties or other routine operational tasks. Some managers have said that this rather restrictive policy could compromise the ability of SERT teams to undertake special operations during the day. Section 6(c)
91. Section 6(c)
92. Other prisons, but not all of them, have Site Security Teams (SST) trained to respond to incidents relating to matters involving the operational security and safety of staff and prisoners. SST are also deployed in targeted searching as well as border patrols to check for any contraband that may have been thrown over the perimeter fence. Some of the SST team at OCF have been trained in monitoring PTCCS.
93. Overall the SERT and SST teams at the prisons we visited were highly regarded as effective control mechanisms in detecting and reducing the level of contraband in prisons.

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<sup>13</sup> **Site Emergency Response Team (SERT)** is a specialised team of highly trained staff who have quick access to a wider range of emergency response equipment. Section 6(c)

## Searching visitors, contractors, staff and vehicles

94. Prisons with a SPoE are better equipped to facilitate the searching of visitors, staff, contractors and vehicles. We observed the searching operations at the SPoE's first hand at each site, except Waikeria Prison that doesn't have a Gatehouse.
95. There are effective processes in place at each prison for searching vehicles coming on site. All Corrections and contractor vehicles are subject to searching for contraband at the SPoE.
96. A number of prisons have "*Contraband Introduction Plans*" that include initiatives and strategies for mitigating risks associated with contraband being introduced via visitors, contractors, staff and vehicles.
97. To compensate for the lack of a Gatehouse, Waikeria Prison deployed some strategies to mitigate the introduction of contraband including cell phones. These include:
  - Prisoner '*rub-down*' and '*strip*' searches
  - regular facility, unit and cell searches,
  - detector dogs at vehicle check points (staff, visitors and vehicles searched),
  - hand held scanners used on visitors entering units,
  - Section 6(c) is used for detecting contraband at various locations on site,
  - mobile phone detectors.
98. As stated previously we have not undertaken any audit of the initiatives relating to the '*Contraband Introduction Plans*' or the searching procedures for staff, visitors and vehicles. However, apart from the Section 6(c) the searching strategies and controls in place at the other sites are adequate and are likely to reduce the introduction of contraband items, including cell phones.

## Prisoner searching

99. The searching of prisoners is an important control that contributes to the reduction of contraband within prisons. It is not a pleasant task but an essential one. Problems are minimised if the search is carried out correctly. '*Strip*' and '*rub down*' searching serves as effective deterrents and they play an important role in maintaining safety and security within the prison.
100. Searching is a task that should never be taken lightly by corrections officers. Their observation and diligence during a search may avert a serious situation arising. If searching is not done properly, it can have a major impact on safety and security.
101. Discussions with staff highlight that there is always a fine line between conducting a search while maintaining the decency and dignity of the prisoner, and ensuring its done competently so that the security and safety of staff and prisoners is not compromised.
102. Staff said that standards of searching were variable and this depended entirely on the competency and experience of individual officers who were doing the '*rub down*' and '*strip*' searches.
103. Overall prisoner searching is a useful tool in detecting contraband. However, this form of control is only effective if the search is undertaken properly.

### Contraband cell phone information on IOMS

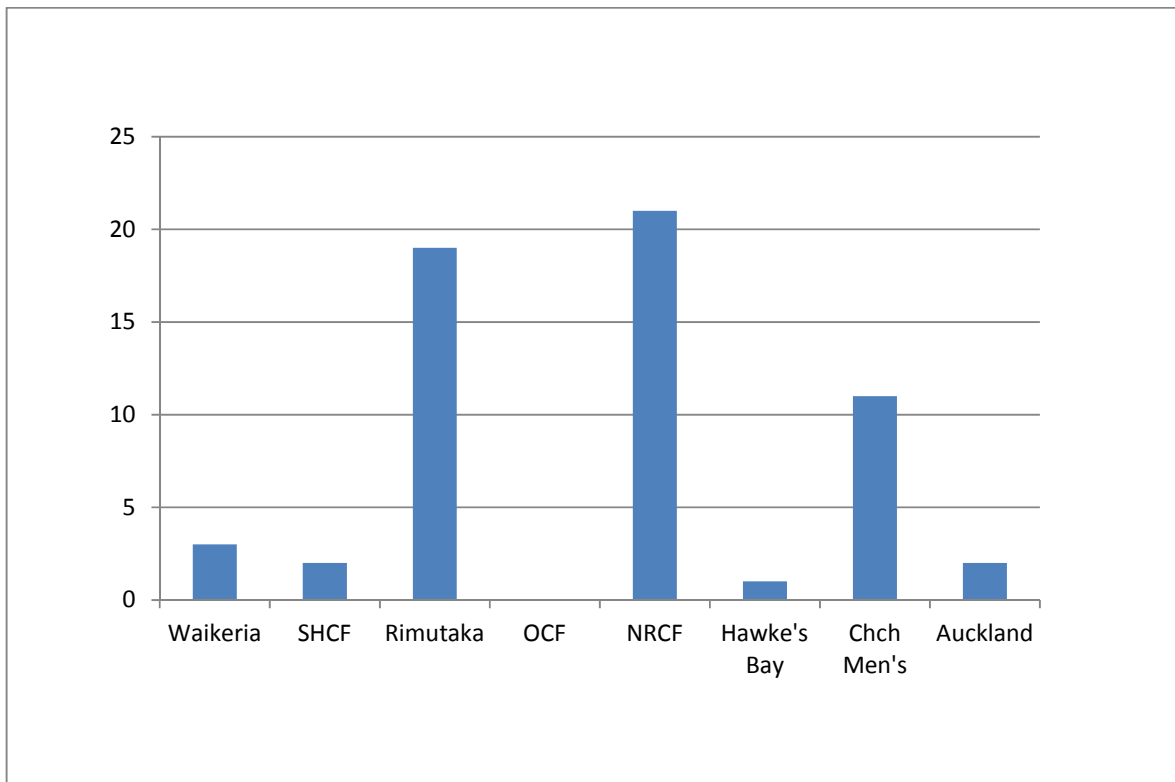
104. Incidents involving contraband cell phones and associated componentry are recorded in IOMS under the incident reporting functionality. Staff are required to document the details including the category of the incident in IOMS.

<i>Primary Category</i>	<i>Secondary Category</i>	<i>Tertiary Category</i>
<i>Contraband Exhibits</i>	<i>Communication Device</i>	<i>Cell Phone</i>
		<i>Phone Charger</i>
		<i>SIM card</i>
		<i>Cell Phone battery</i>
		<i>Network device</i>
		<i>Other</i>

105. Our review of incident reports in IOMS has highlighted a number of issues with the way items are categorised and components are counted and reported. These matters are also referred to in **paragraph 29**.

### Cell phone finds

*Cell phones 'finds' – 1<sup>st</sup> April 2015 to 31<sup>st</sup> July 2015*



106. There is a relatively higher number of contraband cell phones finds at Rimutaka (19) and NRCF (21) compared to the other prisons. The graph above sets out information from IOMS showing the number of cell phones that were found at the prisons for the 4 month period 1 April 2015 to 31 July 2015.
107. The Prison Director at NRCF explained that during a 7 month period between January and August 2015 a total of 52 cell phones were recovered. Most of these were the result of 'throw-overs' in the vicinity of the Section 6(c). Perpetrators were able to crawl through bush and gorse that was growing close to the external perimeter and throw the cell phones into the Section 6(c).
108. Mitigation strategies, including motion detectors and thermal detection cameras, have been installed in the area. Bush and gorse has also been cleared back from the fence.
109. The majority of cell phones at Rimutaka Prison were found in Section 6(c). Given the relatively long distance these units are from the external perimeter fence it is likely that phones were not introduced as a result of 'throw-overs'.
110. Section 6(c) Since this practice was discovered by the Security Team the introduction of phones Section 6(c) has decreased.
111. Section 6(c)
112. Section 6(c)
113. It is not possible to confirm whether the number of phones found is a reliable indication of the level of cell phones that may be still present at each of the prisons.

Section 6(c)

114. Section 6(c)
115. Section 6(c) <sup>14</sup> Section 6(c)

<sup>14</sup> Section 6(c)

- 116. Section 6(c) [Redacted]
- 117. Section 6(c) [Redacted]
- 118. Section 6(c) [Redacted]
- 119. Section 6(c) [Redacted]
- 120. Section 6(c) [Redacted]
- 121. Section 6(c) [Redacted]

## PART 3: Incidents of prisoners using cell phones to record ‘fight club’ activity

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### Objective:

- Review the reporting of incidents involving prisoner cell phone contraband and investigate further any similar incidents of prisoners using cell phones to record ‘fight club’ activity and download onto social media sites including YouTube.

### Findings:

- There were no incidents reported from any of the eight prisons, of prisoners using contraband cell phones to record ‘fight club’ activity and downloading it onto social media sites including YouTube. There is no evidence of any ‘fight club’ activity.
- Section 6(c) [REDACTED]
- Section 6(c) [REDACTED]

### Policy and Procedures for incident reporting of cell phone contraband

122. The Prisons Operations Manual, **IR.06 Incident reporting** refers to all incidents involving the recovery of cell phone contraband and should be recorded using the IOMS incident recording system. The discoveries of contraband communication devices, including cell phones, are not considered to be notifiable incidents. In other words they are not reported to the Incident Line at Corrections Services National Office.

### Incidents involving cell phones for recording ‘fight club’ activity

123. We looked at how incidents involving cell phone contraband were being reported at each prison. We also checked incident records on IOMS for any instances of cell phones being used to record ‘fight club’ activity and whether there were any downloads during the four month period 1 April 2015 to 31 July 2015.

124. We analysed a total of 59 incident reports recorded on IOMS for the four month period 1 April 2015 to 31 July 2015. There were no incidents of prisoners using contraband cell phones to record ‘fight club’ activity and download it onto social media sites including YouTube. There was no evidence of any ‘fight club’ activity.

### Searching social media sites on the internet including YouTube

125. Section 6(c) [REDACTED]

126. Section 6(c)

[Redacted]

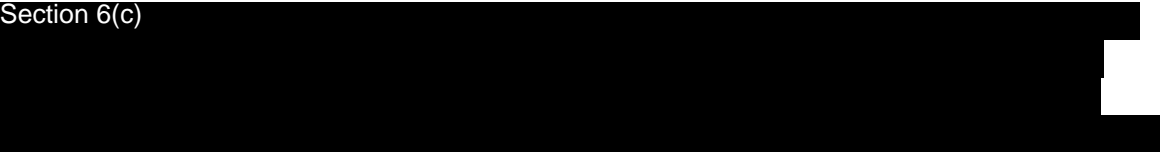
127. Accordingly, we cannot state with any degree of certainty that prisoners have not downloaded images or footage taken from inside prison using contraband cell phones. Se

[Redacted]



## PART 4: FINDINGS

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128. We analysed a total of 655 PPV incidents for the four month period 1 April 2015 to 31 July 2015 and there was no evidence that organised prisoner fighting was happening at any of the eight Corrections Services prisons we visited. There were four incidents involving prisoner sparring and conditioning reported by two prisons and on each occasion they were quickly identified and staff responded promptly to prevent them escalating.
129. Good levels of staff supervision are apparent and there is recurring evidence that staff responses are timely when they become aware of situations that require their intervention.
130. Active management of prisoners and prompt action taken by staff presents as the most effective preventive control to mitigate risks of PPV situations developing into more serious incidents.
131. There are a range of violence reduction strategies in various stages of implementation across prison sites. Most have been established since the *'fight club'* events surfaced at MECF and present as good practice in terms of controls for PPV.
132. Prisoner access to physical training equipment has been restricted as a control at some prison sites to limit options for conditioning. The extent of these restrictions needs to be balanced against access to exercise equipment for prisoner well-being.
133. The poor quality of incident reporting in IOMS was unhelpful to the Investigation. The system is cumbersome and component categories require review to be made more user-friendly.
134. In some cases, PPV incidents are being reported under the non-notifiable category of *'Fighting'* rather than *'Assault, non-serious or Assault, no injury'*. We could not confirm how widespread this practice was and suggest Corrections Services conduct a review of incident reporting categories to determine the extent of this issue.
135. The capability for prison management to effectively implement gang management strategies may be compromised by inaccurate data in IOMS about individual prisoner gang membership/affiliations.
136. Some Intel staff perceive their report recommendations are not always acknowledged or acted upon by prison management. Subsequent changes to reporting lines for Intel staff, whereby they now report to the Director Intel and Tactical Operations, will allow for more formal moderation of Intel report recommendations at a national level.
137. During the four month period 1 April 2015 to 31 July 2015, a total of 59 cell phones were found at seven of the eight prisons. The majority of these were recovered from NRCF (21) and Rimutaka (19).
138. Section 6(c)
- 

139. Prisons use a range of effective **Section 6(c)** procedures and controls for ensuring contraband cell phones are detected including:

- Metal detectors
- SPoE, border control, and external perimeter searches
- Detector dogs
- Intel, **Section 6(c)** and PTCCS monitoring
- SST, SERT and CCTV monitoring
- Visitor, contractors, staff and vehicle searches
- Prisoner searching

140. **Section 6(c)**

141. **Section 6(c)**

142. There were no incidents reported from any of the eight prisons, of prisoners using contraband cell phones to record *'fight club'* activity and downloading it onto social media sites including YouTube. There is no evidence of any *'fight club'* activity.

143. **Section 6(c)**

144. We cannot say with any degree of certainty that prisoners have not downloaded images taken from inside prison using contraband cell phones.

## PART 5: Recommendations for improvement

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- 145. Based on the Investigation's findings, we make the following recommendations for improvement to the operations, systems and controls at the prisons we visited. These recommendations can also be considered for application at other prisons.
- 146. Not every finding, view or conclusion contained in this report has resulted in a specific recommendation.
- 147. We have not undertaken any 'in depth' audit of procedures and strategies at each prison we visited. Rather we examined what controls and procedures there were in place, and whether or not they appeared to be adequate and effective in preventing prisoner violence and the introduction of contraband.
- 148. There is an opportunity for Corrections Services to undertake further review of initiatives that we have mentioned in this report to establish what mix of strategies are working well for some prisons, and whether they may be considered useful at others.

**Recommendation 1:** Corrections Services review prisoner access to exercise equipment that has been restricted in some prisons due to opportunities for prisoner 'conditioning'. Prisoners should have reasonable access to exercise equipment however their fitness activities should be closely supervised to ensure conditioning and sparring is not performed.

**Recommendation 2:** Corrections Services should review the 'Incident Reporting' functionality in IOMS to ensure that the business rules for incident components, categories and reporting are more effective and user friendly for staff and management who depend on reliable and accurate information from the system.

**Recommendation 3:** Corrections Services should review the 'Gang' functionality in IOMS to ensure that individual prisoner information about gang membership and affiliations is accurate and current, and can be relied upon in applying gang management strategies.

**Recommendation 4:** Corrections Services should establish a formal process for the ongoing moderation of Intel report recommendations to ensure identified risks are suitably mitigated.

**Recommendation 5:** Section 6(c) [Redacted]

**Recommendation 6:** Section 6(c) [Redacted]

**Recommendation 7:** Section 6(c) [Redacted]

**Recommendation 8:** Section 6(c)



## **Acknowledgements**

149. We acknowledge the co-operation and assistance provided by the management and staff throughout the investigation process at the eight prisons we visited.

John Kinney

Trevor M Riddle

Inspectors of Corrections  
Corporate Services

## Appendices

### Terms of Reference



27 August 2015

IN012003  
S/15/01

**TERMS OF REFERENCE FOR THE INVESTIGATION OF THE  
CIRCUMSTANCES SURROUNDING ORGANISED PRISONER ON  
PRISONER FIGHTING (*Fight Club*) AND ACCESS TO CELL PHONES AT  
MOUNT EDEN CORRECTIONS FACILITY (MECF)**

#### **Background**

On 15 July 2015 the Department of Corrections became aware that a series of video clips showing organised fighting between prisoners at MECF had been uploaded to Youtube which appears to indicate the presence of a "fight Club" operating at MECF.

Subsequent video footage has also been released which indicates prisoner access to contraband and a Prison radio.

An internal investigation into these events is being completed by Serco management. Police have also been advised and may conduct their own investigation.

The Department of Corrections believes that it is appropriate that the possible existence of organised prisoner on prisoner fighting "fight club" and access to contraband, including cell phones, be fully investigated by the Chief Inspector of Corrections.

#### **The Investigation**

The investigation team will be led by Chief Inspector Andy Fitzharris and assisted by Ms Louise MacDonald, Inspector of Corrections.

The Office of the Ombudsman will monitor and review the investigation. Full cooperation will to be afforded to the Ombudsman's investigator, who may also independently report on any matter concerning the incidents or its subsequent investigation.

The investigation will have access to all relevant information, documentation, premises and persons pertaining to the events, and may, with the approval of the Chief Inspector, call on such additional or specialist assistance to the investigation as may be appropriate.

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Phase one of the investigation will be completed, and a report presented to the Chief Executive, through the Chief Inspector, by 30 October 2015.

Phase two of the investigation will be completed, and a report presented to the Chief Executive, through the Chief Inspector, by 30 November 2015.

### **Terms of Reference**

#### **Phase One**

1. To investigate and report on the circumstances surrounding the events, as depicted on Youtube, and the potential existence of organised prisoner on prisoner fighting (fight club) at MECF.

The investigation will pay particular attention to the last 3 month period to determine:

- Whether this type of activity is widespread across the site or limited to specific units.
- The adequacy of controls and procedures to prevent access to, and the use of, cell phones.
- Whether staff and management had knowledge of the existence of a 'fight club' operating, and any involvement by staff in its operation.
- Levels of supervision and security operating that would allow this activity to occur without staff intervention.
- What information was available to management through Intel, staff reports or Health Services which may indicate that prisoners may be involved in unreported fighting.
- Whether incidents of prisoner on prisoner violence was being under-reported.
- Review any actions taken previously by MECF to address prisoner violence or access to contraband.
- What actions management have subsequently implemented to prevent this type of activity.

2. To investigate and report on the extent to which the standards, procedures, operational systems, work practices and internal controls for the proper management of prisoners were in place and being complied with.
3. To make such recommendations for the improvement of promulgated standards, procedures, operational systems, work practices and internal controls as may be necessary, arising out of the findings of the investigation.
4. To review the Department of Corrections prison monitoring arrangements at MECF. This will include the Corrections monitors' areas of focus, access to essential information, reporting and escalation arrangements and their interactions between Serco management and Corrections management.

5. To investigate prisoner safety and welfare generally at MECF and review prisoner complaints, particularly those related to serious assaults.

**Phase Two**

6. To review the adequacy of controls designed to address prisoner violence and access to cell phones operating in other New Zealand prisons. Investigate any similar reported incidents of cell phone use in other New Zealand prisons.



Ray Smith  
Chief Executive  
Department of Corrections