



17 June 2014

c66922

Ian Andrews  
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Dear Mr Andrews

Thank you for your email of 30 May 2014, requesting a copy of the report on the inquiry into the prisoner riot at Spring Hill Corrections Facility (SHCF) on 1 June 2013. Your request has been considered under the Official Information Act 1982 (OIA).

The full report cannot be released as it contains security information relating to prison infrastructure and the tactics used by the Department when responding to emergency situations. We are also concerned that the release of these types of reports would hinder the flow of information for future inquiries. It is important that such investigations are conducted in a way that encourages a frank examination of all aspects of an incident. As a result, the report is withheld under the following sections of the OIA:

- Section 6(c) - as the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
- Section 9(2)(ba)(i) - as the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

As you are aware, we have prepared a summary of the report in accordance with section 16(1)(e) of the OIA, which provides that where the information requested by any person is comprised in a document, that information may be made available by giving an excerpt or summary of the contents. A copy of the summary is enclosed for your information.

I trust the information provided is of assistance. As you may be aware, you have the right to ask the Ombudsman to review this response. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

Jeremy Lightfoot  
National Commissioner  
Corrections Services



29 May 2014

## **A summary of the Inquiry into the prisoner riot at Spring Hill Corrections Facility (SHCF) on 1 June 2013.**

### **Overview of the Incident**

On the morning of 1 June 2013, staff at SHCF became aware that a small group of prisoners were intoxicated. Subsequently, two containers of 'home brew' were found in one of the prisoners' cells. In a prison context, 'home brew', is an illegal, rudimentary method of creating alcohol. It is made using basic ingredients, such as fruit, sugar, water and a fermenting agent such as yeast, or a product containing yeast such as bread. It may also include substances that contain alcohol, such as cleaning products or hand washes.

Shortly after the 'homebrew' was located, staff intervened in an altercation between two prisoners that resulted in the staff being assaulted. Staff retreated to the staff base, at which point prisoners began attacking the base with considerable force. Due to safety concerns, staff were instructed to evacuate the unit.

Prisoners subsequently breached the staff base, and by midday up to 27 prisoners were uncontrolled within the unit, damaging property and lighting fires. The fires were fuelled with property collected from their cells, the unit storeroom and the staff base.

The situation was contained throughout the afternoon by staff maintaining a perimeter outside the unit. Staff attempted to negotiate with the prisoners. However, this proved ineffective due to the hostile and intoxicated state of some of the prisoners.

An intervention plan was developed for the Department's Advanced Control and Restraint (ACR) teams to regain control of the unit. However, before this could be implemented, the New Zealand Fire Service Commander, who was on site, advised that the fires in the unit had progressed to the point where the lives of prisoners who were still locked in their cells were at risk. Immediate intervention was now required, and the intervention plan was revised by the ACR Commander at the scene.

At approximately 5.21pm, extraction of the prisoners commenced. ACR staff faced substantial violent resistance, and some ACR team members and prisoners sustained injuries as a result. By 6.24pm the ACR teams had successfully brought the rioting prisoners under control and secured the unit.

Once all prisoners were secured, the unit was evacuated and the rioting prisoners were transferred to another prison.

### **Findings relating to the Department's response to the incident**

Overall, the Department's response to the incident was considered to have been extremely well managed. Individual staff members demonstrated courage and bravery under very difficult conditions.

Following emergency alerts, staff responded in an appropriate manner; they attempted to contain the situation, negotiate with the prisoners, and then progressed to an emergency response as events escalated. Despite the serious nature of the incident, effective staff training and collaborative working across multiple agencies enabled the Department to contain the risk of serious harm.

The ACR response to the incident is considered to have been exemplary, and they were highly effective in regaining control of the unit in extremely difficult circumstances. The ACR equipment was generally effective and performed as required.

### **Findings relating to the cause(s) of the incident**

The Inquiry has concluded that the immediate cause of the riot was as a result of the actions of certain prisoners in the unit on the morning of 1 June 2013. Two key triggers have been identified; the availability and consumption of 'home brew' by prisoners, and the fighting between prisoners which led to the responding staff being assaulted.

Based on the Cumulative Effect Model, the inquiry also concluded that a number of other factors contributed to the circumstances in which the riot occurred. These factors included the ability of prisoners to accumulate fruit and to have access to alcohol-based hand sanitisers. There were also aspects of the design of the prison and the way in which unmotivated, difficult and disruptive prisoners who were predominately gang-affiliated were being managed that may have contributed to the incident.

None of these contributing factors alone can account for what happened, but the combination and alignment of all of these factors created the pre-conditions in which the riot was able, and more likely, to occur. However, the ultimate responsibility for the violence, damage and destruction caused during the riot lies with the actions and decisions of the prisoners directly involved.

### **Recommendations and remedial actions**

The recommendations from the inquiry include:

- Taking measures to reduce prisoners' ability to make fermented fruit-based concoctions into home-brew, including limiting the amount of fruit that prisoners can access
- Ensuring that hand sanitisers and cleaning products used in prisons are alcohol-free
- Reducing the numbers of high security prisoners held at SHCF and Northland Regional Corrections Facility (NRCF)
- Reviewing the management of high security prisoners
- A range of enhancements to the design and security of prison facilities, especially related to staff safety
- Reviewing the practice of the rolling two hour unlock regime at SHCF which although meeting minimum entitlements saw prisoners with unruly behaviour locked in their cells for periods of more than 24 hours, and ensuring that it is not replicated at other prisons

- Reviewing and enhancing the capability, resources and equipment available to Advance Control and Restraint (ACR) teams
- Reinforcing that in a major incident, the Gold Commander can request a level of national emergency response assistance from the rest of the Department
- Working closely with the New Zealand Fire Service on fire protection standards, fire fighting provisions and water supply, together with familiarisation visits to prisons
- Reinforce with staff the need for timely incident reporting
- Review the location of where prisoner files are held in prisons
- Recognising and commending our staff for their actions and bravery on the day of the riot

The other recommendations concern the operation of prisons and the management of prisoners and to make them public might compromise our ability to safely run our prisons.

The recommendations from the Inquiry have almost all been implemented and for the very few areas which are not yet fully complete, action is well underway.

The ACR Teams and their commanders have received Special Commendation Awards from the Minister and the Chief Executive, in recognition of their courageous actions on the day of the incident.

In addition to the remedial actions taken following the recommendations from the Inquiry, the Department has also strengthened the management team at SHCF, and a new Prison Manager has been appointed. These changes will ensure that staff at the prison are provided with strong, visible leadership.

The Department is confident that we have comprehensively reviewed the causes, and management, of the incident. We are also confident that we are taking all reasonable measures to mitigate the risk of a similar disturbance occurring in future.

Twenty-three prisoners have been held accountable and have been charged with serious offences by the New Zealand Police. Of those twenty-three prisoners, eight have pleaded guilty and one has been discharged. Four of the eight pleading guilty have been sentenced, with sentence lengths ranging from one year and ten months to five years and eight months. Sentencing is yet to occur for the other four. For the remaining 14 prisoners, the court process continues.