

06 June 2024

C177209

Ti Lamusse

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Tēnā koe Ti

Following the Department of Corrections' – Ara Poutama Aotearoa (Corrections) decline to your request of 16 January 2024 for the Waikeria Prison riot reports under the Official Information Act 1982 (OIA), I can confirm that Corrections has reconsidered your request.

This reconsideration comes as sentencing for the final defendant was due to take place today (Thursday 6 June 2024), but has been delayed due to unforeseen and unrelated matters. Our reconsideration notes that while Corrections is involved in matters leading up to the sentencing of a person, in this case we have already submitted the required reports to the Court.

Given this, we have made the decision to now release the reports to you under the OIA. We are also providing you with a copy of Corrections' media statement, which is attributable to Mr Leigh Marsh, Commissioner Custodial Services.

Please note, some of the reports have been withheld under the OIA, specifically:

- Section 9(2)(a) – to protect the privacy of natural persons
- Section 18(c)(i) – as the making available of the information would be contrary to the provisions of a specified enactment, that being the Corrections Act 2004
- Section 6(c) – to avoid prejudice to the maintenance of the law, including the safety and security of prisons.

Where we have withheld information under section 9(2)(a), and in line with section 9(1), we have considered but do not believe that our decision to withhold this information is outweighed by the public interest.

In releasing the reports and our media statement to you, we are placing one condition under section 28(1)(c) being that the further public disclosure of this information is under strict embargo until 5.00am, Friday 7 June 2024. That condition means that this letter, the media statement and the report cannot be publicly released, commented on or disclosure further until after this time has passed.

Please find a copy of the reports at the following links:

- Inspectorate Report: <https://correctionsnz.sharefile.com/public/share/web-s89648280d575415cbf89bcb617263384>
- Operational Review: <https://correctionsnz.sharefile.com/public/share/web-s06c36b75a2fa4d70ad6c4986ad7baa15>

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information is helpful. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Nic Barkley
Manager Ministerial Services
People and Capability

Media Release**Strict Embargo until 5am, Friday June 7, 2024****Corrections improves staff training, emergency management procedures, and prison facilities following Waikeria riot****This can be attributed to Leigh Marsh (Mr), National Commissioner:**

Corrections has improved its tactical response training, emergency management training and procedures, and prison facilities following a review into the Waikeria riot that resulted in the demolition of the top jail at Waikeria Prison in 2021.

It is critical we are prepared to respond to significant incidents in our prisons. As a result of lessons learned from the Waikeria riot we have:

- Implemented specialist Working at Heights training to ensure qualified staff can be deployed in response in any event involving a prisoner at height, alongside providing additional training to our Advanced Control and Restraint (ACR) and Prisoner Negotiation Team (PNT) staff.
- Improved our incident and emergency management policies, plans and operational guidance to ensure we can promptly respond to significant events.
- Reviewed our prison facilities to ensure the integrity of yard coverings, mesh, and roof tops and identifying additional changes to further prevent prisoners accessing roofs.

Corrections acknowledges the review by the independent Inspectorate into Corrections' response during the event, which has today been released.

The review makes 117 findings and 121 associated recommendations. Corrections has accepted 117 of the 121 recommendations in full, partially accepted one recommendation, and has not accepted three recommendations. Over half the recommendations from the report relate to our emergency management and tactical response capability.

We remain proud of the professionalism and bravery shown by our staff in responding to the incident at Waikeria Prison. Staff did the very best they could in dangerous and volatile circumstances and their courage ultimately ensured minimal injuries and importantly that no lives were lost. We want to again put on record our sincere thanks to these staff for their actions.

We would also like to again acknowledge the support and assistance we received from our emergency services partners including Police, Fire and Emergency New Zealand, and Hato Hone St John. We are also extremely grateful for our strong relationship with Ngāti Maniapoto and Raukawa, and the assistance by iwi in helping us bring the incident to a safe resolution.

While the prisoners described their actions as a protest, their behaviour was violent and put people's lives at risk. It caused a huge amount of trauma for the 195 prisoners who were evacuated from the top jail during the fires and significantly impacted the 500 men who

remained on site, as well as their family and friends. It continues to significantly impact our staff who were involved in the response. There was no excuse for what these men did.

There is no denying this was an incident of considerable magnitude that we must learn from. Corrections has made a number of improvements over the past three years including:

- Implementing a tactical capability to work at heights. Our new Working at Heights training means we now have 28 qualified staff, who will have appropriate equipment, who can be deployed to safely cordon, contain, and negotiate with prisoners at height.
- Providing additional training to Advanced Control and Restraint (ACR) and Prison Negotiation Team staff. Since January 2021, 185 ACR members have received initial training and 383 ACR members have received revalidation training.
- Investing in our Site Emergency Response Teams (SERT) to ensure SERT supports prison security by actively countering violence, aggression, and contraband, and implementing Tactical Options Teams to deliver bite-size and scenario-based training tailored to individual prison sites.
- Reviewing all tactical equipment (PPE) to ensure it is fit for purpose and making changes to better manage equipment such as gas masks and body armour.
- Improving our Coordinated Incident Management System (CIMS) policies, plans, and procedures so we are better prepared to respond to significant events. This includes investing in emergency management and business continuity staff, publishing new Prison Emergency Response Guidelines, increasing CIMS training for key staff, developing emergency management and response training for frontline managers, and running interagency exercises and training.
- Improving our readiness for high-risk periods such as Christmas and New Year. This includes better coordination and pre-planning to ensure suitably trained staff, including health staff, are available and that incident responses during holiday periods are well-managed.
- Reviewing our evacuation guidance to include specific guidance for moving vulnerable prisoners.
- Reviewing the integrity of yard coverings, mesh, and roof tops and removing any waste or loose materials that could be used as weapons in our prisons. Work is also ongoing within prisons to limit and remove features that allow prisoners to access and stay at height.

Again, we cannot underestimate the profound effect the Waikeria riot has had on our staff. We have provided staff involved with a wide range of tailored support including compensation, treatment, vocational rehabilitation, psychological first aid, and support services during the criminal trial. We know for some the impacts are ongoing, and we are continuing to support them. Our frontline acted with courage to keep people safe in a dangerous, rapidly evolving situation and have shown tremendous resilience in the years that have followed. We are immensely proud of them.

Notes:

- The Waikeria Prison riot took place between 29 December 2020 – 3 January 2021.
- Seventeen prisoners were charged by Police in relation to the riot.
- The number of prisoners in the top jail at Waikeria Prison at the time of the riot was 212. 310 beds including 26 ISU beds were lost as a result. 195 prisoners were relocated to other prisons. The current capacity at Waikeria Prison is 455 beds.
- The total cost of damage caused by the Waikeria Prison riot was \$51.6m. This cost was offset by the receipt of \$23.1m in insurance, leaving the net cost to Corrections at \$28.5m.
- In 2021, the Government approved \$1.35m for ex gratia payments to be made to Corrections staff and prisoners who lost personal property as a result of the riot.
- All staff who lodged work related claims because of the Waikeria riot have been offered 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. As a result of the riot, 31 work related ACC claims were lodged, and 229 staff were provided with psychological first aid facilitated by the staff support team.
- There has been a continued staff support services presence at both Waikeria and Spring Hill Corrections Facility (where the prisoners were held during the court proceedings). In addition, 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.

Additional information on Corrections' tactical response training and teams:

- **Working at Heights tactical capability:** Teams work in groups of at least six with specialised safety equipment, with four on the roof and two positioned on the ground, depending on the size of the operating area. We deploy more with larger areas to cover. The team's role is to safely secure the area around the prisoner, and support negotiator access so that the prisoner is unable to move to different parts of the roof, cause harm to themselves or others, or damage property. The overarching aim is to obtain compliance from the prisoner and get them back to ground safely.
- **Advanced Control and Restraint (ACR) units** are made up of Corrections staff specially trained and equipped to respond to serious incidents in prisons where prisoners are acting in a highly threatening, aggressive, and violent manner. Members volunteer for ACR Units in addition to their normal custodial position.
- **Prison Negotiation Teams (PNT)** have a key role in responding to major incidents in prisons around the country. Prison Negotiators are part of highly-trained teams whose negotiation capability can be used to defuse serious situations through the use of skilled communication.

- **Site Emergency Response Teams (SERT)** support staff safety and contribute to the safety of sites by working with unit staff, security staff, detector dog teams and intelligence staff to pro-actively target the introduction of contraband into prisons to reduce the level of incidents on site. They also deliver enhanced tactical options capability in response to incidents and emergency events within the site.