

13 November 2024

C182810

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Tēnā koe Amy

Thank you for your emails of 31 May and 11 June 2024 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about historic data on public versus private prisons. Your request has been considered under the Official Information Act 1982 (OIA).

We apologise for the delay in responding to your request. Compiling a response to this request has involved some complexities, including consultation with a number of different teams and business units within Corrections who are managing competing priorities, as well as Serco New Zealand. Thank you for your patience.

New Zealand has 18 prisons, including 15 prisons for men and three for women. One prison, Auckland South Corrections Facility (ASCF), which houses sentenced male prisoners, is managed by Serco New Zealand under a Public Private Partnership (PPP). ASCF's contract with Corrections focuses on sentence compliance, reducing reoffending and ensuring better outcomes for Māori. There is a strong focus on offering prisoners practical skills and training that will translate into realistic employment opportunities when they leave prison. Prisoners at ASCF remain the ultimate responsibility of the Corrections.

Mt Eden Corrections Facility (MECF) was previously managed by Serco under a Prison Management Contract. However, following a decision in mid-2015, Serco handed back the operation of MECF to Corrections in early 2017.

As such, ASCF is considered the only prison relevant to your request as it relates to Corrections' current operations and our answers to each of your questions that do not specifically mention MECF can be interpreted to relate only to ASCF, in relation to the rest of the prison estate.

When reviewing the information provided in this response, please also note that Corrections reports more information about the PPP arrangement at ASCF via our Annual reports. Please refer to page 154 and pages 204 to 215 of Corrections' 2023/24 Annual Report at the following link:

[https://www.corrections.govt.nz/data/assets/pdf\\_file/0015/60162/Annual\\_Report\\_2023-2024.pdf](https://www.corrections.govt.nz/data/assets/pdf_file/0015/60162/Annual_Report_2023-2024.pdf)

Previous years' Annual Reports are also available on our website here:  
[https://www.corrections.govt.nz/resources/strategic\\_reports/annual-reports](https://www.corrections.govt.nz/resources/strategic_reports/annual-reports).

Your email of 31 May 2024 requested:

*Historical data comparing the performance, conditions, and outcomes of public versus private prisons in New Zealand over the past ten years.*

*Any internal reviews or audits of private prisons, including the Wiri and Mt Eden facilities.*

These questions are answered together below.

Corrections began comparing ASCF to other demographically similar men's prisons in July 2021 through quarterly performance briefings, which have been provided to successive Ministers of Corrections. Please see attached Appendix One, which contains all of the briefings provided since July 2021 as at the date of your request, including information on how ASCF compares to other prisons based on several custodial measures.

Please note, some information in Appendix One has been withheld under section 9(2)(a) of the OIA, as releasing this information would prejudice the privacy of natural persons. Where a withholding ground under section 9(1) has been relied upon, we have balanced public interest considerations against the reasons for withholding and decided that they do not outweigh the reasons for withholding, in those instances.

Data prior to when these briefings commenced in 2021 does not currently exist in a form that can be readily supplied to you and would instead require Corrections to initiate a project to extract, analyse and present the data in the form requested. Therefore, your request for '*historical data comparing the performance, conditions and outcomes*' relating to ASCF is partially refused under section 18(g) of the OIA, as the information requested is not held by Corrections, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

However, please note that Corrections also published Prison Performance Tables between 2012/13 and 2017/18 financial years, which compare performances of all New Zealand prisons including MECF and ASCF in less detail than the ministerial briefings. These tables and the Prison Performance Table methodology are still publicly available on our website here: [https://www.corrections.govt.nz/resources/statistics/prison\\_performance\\_tables](https://www.corrections.govt.nz/resources/statistics/prison_performance_tables).

In response to your request for '*any internal reviews of audits of private prisons*' as it relates to ASCF, we consider the documents attached as Appendix One are the most relevant to your request. We have attempted to locate any further documents that may in scope of your request relating to ASCF, including consulting both within Corrections and with Serco, who have clarified that while there are Corrections Monitors working at ASCF, whose monitoring role includes inspections of prison operations against contractual and legislative requirements, they do not complete general internal reviews of ASCF and therefore do not produce further documents considered relevant to your request.

In response to these parts of your request as they relate to MECF, as noted above, this prison was previously managed by Serco under a Prison Management Contract. However, following a decision in mid-2015, Serco handed back the operation of MECF to Corrections in early 2017. Your request therefore relates to matters that took place a number of years ago.

As you may be aware, the issues relating to Corrections' decision to involve the step-in clause in the contract with Serco for the operational management in 2015 and subsequent announcement that its contract with Serco for operating MECF would end in March 2017 were widely canvassed and reported on during 2015.

A report by the Chief Inspector into these matters remains publicly available online here: [https://inspectorate.corrections.govt.nz/reports/investigations/chief\\_inspectors\\_reports\\_in\\_to\\_circumstances\\_surrounding\\_organised\\_prisoner\\_on\\_prisoner\\_fighting\\_fight\\_club\\_and\\_access\\_to\\_cell\\_phone\\_contraband](https://inspectorate.corrections.govt.nz/reports/investigations/chief_inspectors_reports_in_to_circumstances_surrounding_organised_prisoner_on_prisoner_fighting_fight_club_and_access_to_cell_phone_contraband).

We have made reasonable efforts to locate further reports or documents relating to the above-mentioned matters at MECF and/or any that are similar in nature to those provided in Appendix One.

Due to staffing changes and the passage of time this has presented some challenges, however several documents considered within scope of this part of your request are attached as Appendix Two.

Additionally, certain information remains publicly available on Corrections website, including the document *Audit Committee Review of Handling of Special Monitors Report*, which is publicly available on our website here: [https://www.corrections.govt.nz/\\_data/assets/pdf\\_file/0006/13974/Audit\\_Committee\\_Review\\_of\\_Handling\\_of\\_Special\\_Monitors\\_Report\\_-\\_Redacted.pdf](https://www.corrections.govt.nz/_data/assets/pdf_file/0006/13974/Audit_Committee_Review_of_Handling_of_Special_Monitors_Report_-_Redacted.pdf), and the document *Special Monitor's Investigation: Allegations of prisoners being forced to take part in organised fighting at Mt Eden Correctional Facility Operational Review Report* [https://www.corrections.govt.nz/\\_data/assets/pdf\\_file/0008/13976/2014\\_Fight\\_club\\_report\\_-\\_FINAL\\_Redacted.pdf](https://www.corrections.govt.nz/_data/assets/pdf_file/0008/13976/2014_Fight_club_report_-_FINAL_Redacted.pdf).

Therefore, part of your request is refused under section 18(e) of the OIA, where the documents alleged to contain the information requested do not exist or despite reasonable attempts to locate them, cannot be found.

*Data on the funding and resource allocation differences between public and private prisons.*

The information you have requested is commercially sensitive and its release could impact future contractual negotiations. Your request for funding and resource allocation information is therefore refused under the following sections of the OIA:

- 9(2)(b)(ii) of the OIA, to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information; and,
- 9(2)(j) of the OIA, to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

In accordance with section 9(1) of the OIA, we have also considered countervailing public interest relating to the release of the information, including transparency and accountability. We are satisfied that in this case, public interest considerations do not outweigh the withholding reasons outlined above.

*Comparative data on recidivism rates between inmates released from public and private prisons.*

ASCF's recidivism rates compared to Corrections' recidivism rates are calculated to measure ASCF's contractual performance. The table below utilises data that comprises relevant subsets of prisoners (such as by excluding remand and maximum-security prisoners) to ensure that a meaningful comparison can be made between ASCF and Corrections' prisoner populations. If ASCF then meets or exceeds their contractual performance standards, such as lower recidivism rates for prisoners of the same subset, they are entitled to an incentive payment under the contract.

Although ASCF and Corrections' recidivism indexes are calculated under the same parameters as required under the Public Private Partnership Agreement, there are certain unexpected differences in the characteristics of the two prisoner subsets, which Corrections believes to be contributing to the significant difference between Corrections and ASCF figures. For example, ASCF has a disproportionate number of prisoners who have longer-term sentences.

<b>Auckland South Corrections Facility - Recidivism Index</b>						
<b>Financial Year</b>	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>	<b>2018/19</b>	<b>2017/18</b>
<b>Overall</b>	13.60%	17.80%	19.60%	27.40%	28.70%	26.20%
<b>Māori</b>	24.50%	29.10%	33.30%	47.40%	40.60%	41.90%
<b>Corrections' Recidivism Index</b>						
<b>Financial Year</b>	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>	<b>2018/19</b>	<b>2017/18</b>
<b>Overall</b>	33.80%	33.70%	37.30%	39.10%	46.30%	41.30%
<b>Māori</b>	37.80%	38.60%	43.30%	43.30%	41.10%	47.90%

Table notes:

- The calculation measures whether a prisoner reoffends over a two-year period e.g: the 2022/23 incentive payment would measure the percentage of prisoners released in 2020/21 that reoffended over the period 2020/21 to 2021/22.

- Corrections' Recidivism Index figures as provided in this table may differ or will not be directly comparable to figures published elsewhere, such as previous years' Annual Reports, due to continuous refinements to reporting methodology.

The beginning of your request specifies that you are seeking information for the last 10 years. Please note that as ASCF has been operating since May 2015 however, Corrections only has records of comparative recidivism measurements from that date. This part of your request is therefore partially refused under section 18(g) of the OIA as the information requested is not held by Corrections, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

Further information on recidivism indices is published in Corrections' Annual Reports. For example, information on recidivism rates and how the Recidivism index is calculated is available in the 2023/2024 Annual Report from page 27 here:

[https://www.corrections.govt.nz/data/assets/pdf\\_file/0015/60162/Annual\\_Report\\_2023-2024.pdf](https://www.corrections.govt.nz/data/assets/pdf_file/0015/60162/Annual_Report_2023-2024.pdf)

As noted earlier in this response, information on ASCF's contractual performance indicators are also available in our Annual Reports, for example, on pages pages 204 to 215 of the 2023/24 Annual Report.

*Reports or evaluations on the quality of rehabilitation programs offered in public versus private prisons.*

Corrections uses the Rehabilitation Quotient (RQ) to measure the impact that our interventions have on reoffending. Reoffending is measured in terms of reimprisonment rates and rates of resentencing to a Corrections-managed sentence. The RQ compares the reimprisonment and resentencing rates of people who have participated in an intervention, with the reoffending rates of similar people (matched through a range of factors) who have not participated in either that specific intervention or a similar type of intervention.

ASCF is managed under a Public Private Partnership with SecureFuture Wiri Ltd and is New Zealand's only privately operated prison. SecureFuture subcontracted the operation of the prison to Serco. ASCF provides a number of rehabilitation programmes from the suite of programmes provided in prisons managed by Corrections, including the Medium Intensity Rehabilitation Programme (MIRP), Short Rehabilitation Programme (SRP), Alcohol and Other Drugs Intermediate (AOD-I) and Alcohol and Other Drugs Brief (AOD-B) programmes. These programmes were designed by Corrections and published RQ statistics include these programmes' participants at ASCF.

Corrections publishes information on our RQ measures and scores in our Annual Reports. The 2023/24 Annual Report, pages 26 to 29, contains information on how we measure the RQ as well as the latest RQ scores.

Due to programme sample size and population differences, Corrections does not directly compare the effectiveness of rehabilitation programmes undertaken at Corrections-run prisons versus those undertaken at ASCF. While we don't compare ASCF programme

performance to Corrections, it is expected that ASCF will run their rehabilitation programmes exactly the way they are designed. The information that you have requested does not currently exist in a form that can be readily supplied to you and would instead require Corrections to initiate a project to extract, analyse and present the data in the form requested. Therefore, this part of your request is refused under section 18(g) of the OIA, as the information requested is not held by Corrections, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

*Information on staff training, qualifications, and turnover rates in public versus private prisons.*

On 7 June 2024, we contacted you for clarification on this part of your request and you provided the following clarification on the same date:

*Staff Training and Qualifications:*

*I am seeking detailed information on the training programs and qualifications required for Corrections Officers in both public and private prisons.*

*Specifically:*

*-The mandatory training modules or courses that staff must complete before commencing their roles.*

The Corrections Officer Development Pathway (CODP) is the initial learning programme for all new Corrections' Officers and Offender Employment Instructors. The programme involves learning at the National Learning Centre (NLC) and on site with the support of facilitators, buddies, site champions, Principal Corrections Officers and other colleagues. The initial pathway is followed by 40 weeks continued development to reach the requirements of the NZCOM Level 3. Please see attached Appendix Three for an overview of the CODP.

Serco's corrections officers are called Reintegration Officers and complete an Initial Training Course (ITC) at ASCF where staff, subject matter experts and external parties discuss a range of topics from first aid training, incident management, report writing, privacy and union information. Please see attached as Appendix Four the latest ITC overview for ASCF Reintegration Officers.

*-Any additional or ongoing training and professional development opportunities provided to staff.*

Please see Appendix Five, which contains a comprehensive list of the learning modules and refresher courses available to Corrections' staff as at 27 June 2024.

Serco has advised that they provide the following core training refreshers for all custodial staff:

- Fire
- First Aid

- First Responding Officer
- Hostage
- Suicide prevention and awareness

All Serco staff are also required to complete the following online training modules annually and must score at least 80 percent to pass:

- Anti-bullying, harassment, and discrimination
- Biohazard spill kit
- Conflict of interest
- Fatigue management awareness
- Fire awareness
- Hazardous substances awareness
- Health issues and infection control
- Living our code – Data Protection, Bribery and Modern-Day Slavery
- Manual tasks awareness
- Mycode (Code of Conduct)
- Phishing awareness
- Protect against Financial Crime
- Protect our Information (privacy and data protection)
- Protect yourself and others
- Vehicles and driving awareness
- Working at heights awareness

Serco also offers management courses for emerging leaders to equip them with the skills to support and mentor staff, conduct difficult conversations, and ensure duties are completed on time.

Serco's managers may attend the NextGen Leadership Programme, which aims to develop managers' strategic focus while delivering the day-to-day demands; adapt to changing needs in the workforce; and respond to issues in business simulation scenarios.

*-The qualifications or certifications required for employment as a Corrections Officer in both settings.*

*-Any differences in these requirements between public and private prisons.*

Rehabilitation Officers at ASCF and Corrections Officers at the Department of Corrections must successfully complete initial training before commencing their role. Additionally, Corrections requires the following qualifications for each of the Corrections Officer roles:

- NZCOM Level 3 - Corrections Officer
- NZCOM Level 4 - Senior Corrections Officer
- NZCOM Level 5 - Principal Corrections Officer

ASCF also require their Reintegration Officers to work towards the NZCOM Level 3 – Corrections Officer qualification after completing ITC. However, ASCF does not have Senior Corrections Officers or Principal Corrections Officers, instead they have Supervisors and

Managers. ASCF look favourably on staff that hold NZCOM Level 4 or NZCOM Level 5 qualifications when applying for these positions but they are not a requirement for the role.

*Staff Turnover Rates:*

*I would like to request data on staff turnover rates in public versus private prisons for the past ten years.*

Please see Appendix Six, which contains the staff turnover rates in all New Zealand prisons, from July 2018, broken down by month and prison, including ASCF.

Unfortunately, we cannot readily extract comparative data on staff turnover rates prior to July 2018 from our electronic records as the information is not held in any readily retrievable format. As such, this part of your request is partially refused under section 18(g) of the OIA, as the information requested is not held by Corrections, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

*Case studies or examples of best practices and challenges faced in both public and private prison settings.*

Please see attached Appendix Seven, which contains Serco's three most recent Innovation Reports.

Some information has been withheld under the following sections of the OIA:

- 6(c), as the release of this 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.
- 9(2)(a), to protect the privacy of natural persons, including that of deceased natural persons.
- 9(2)(b)(ii), to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Where a withholding ground under section 9 has been relied upon, we have considered under section 9(1) of the OIA if the public interest to make the information available outweighs the reason for withholding, including transparency and accountability. We do not believe such considerations are present in this case that outweigh the reasons for withholding outlined above.

Additionally, some information has been withheld as it is not considered within scope of your request. This includes administrative information, including details relating to external companies which may not be publicly available information.

Please also see Corrections' Annual Report's, which provide multiple recent case studies from Corrections. For example, the 2023/24 Annual Report includes *Case Study: Women on community work in Hamilton thrive with women's only crew* on page 40 and *Case study: Changes to Corrections Officer Development Pathway* on page 104. Additionally, the



2023/24 Annual Report includes *Case study: Ramping up recruitment efforts to attract more frontline staff* on page 61 and *Case study: New Zealand's first therapeutic community for women in prison gets underway in Canterbury* on page 97, to name a few.

Additionally, a recent case study on one of Corrections' programmes is available on our careers website here: <https://careers.corrections.govt.nz/blog/case-study-reviewing-with-a-bicultural-lens-the-kowhiritanga-programme/>.

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

Ngā mihi



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