

Terms of Reference for the Independent Inquiry into the Waikeria Riot

Background

- 1 On the afternoon of 29 December 2020, 20 prisoners located in a prison yard at the high security 'top jail' facility within Waikeria Prison lit fires and began to riot. While a number surrendered, other prisoners joined in, climbing onto the roof, smashing windows and setting fires. The final 16 prisoners surrendered to Corrections staff on 3 January 2021.
- 2 These Terms of Reference instruct the Chief Inspector of Corrections to investigate and report on the circumstances surrounding the riot and the Department's response.
- 3 The Chief Inspector's investigation will be one of two investigations into this incident. The Chief Custodial Officer will be separately instructed to provide an operational review. The Chief Custodial Officer's review, to be completed at pace, will deliver an interim report by 31 January 2021, and a full report to the National Commissioner by 31 March 2021.

The Investigation

- 4 The Chief Inspector's investigation will have access to all relevant information, documentation, premises and persons, and may, with the approval of the Chief Inspector, call on such additional or specialist assistance as may be appropriate. This will include utilising appropriate cultural expertise. During the course of the inquiry the Chief Inspector will advise me of those parties who provide additional or specialist assistance.

Terms of Reference

- 5 To investigate and report on the circumstances surrounding the riot that began at Waikeria Prison on the afternoon of 29 December 2020, including the Department's response, and the preparedness for such incidents throughout the prison network.
- 6 The report will provide:
 - Phase 1: A summary of what was known prior to the riot, including facility conditions, complaints from prisoners and family and whānau about the 'top jail', prison tension assessments, incident reports and other indicators.
 - Phase 2: A review of:
 - The immediate response as the incident unfolded, including decisions around containment of the rioting prisoners and deployment of control and restraint options, and the management of the safety of other prisoners and staff.
 - The post-incident response by the Department, including matters of health and welfare, and the involvement of other agencies.
 - Phase 3: Consideration of the Department's preparedness for a major disorder incident at this site and across the entire prison network, including a review of major incident recovery planning, and the relocation of prisoners in response to a major incident.

- Phase 4: Such recommendations as the Chief Inspector considers appropriate, arising out of the findings of the investigation.

Timeframe

I request that Phase 1 commences immediately, with the Inspectorate to begin by gathering and securing available information including:

- Site specific information, including prisoner type and classification, regimes at the 'top jail', prisoner hygiene and clothing management, programme and rehabilitation opportunities, staffing levels, facility maintenance programme and reports.
- Reports on the 'top jail' by the Office of the Ombudsman and the Office of the Inspectorate and other internal reviews.
- Information such as prisoner, family and whānau complaints to the prison, the Inspectorate, the wider Department or other agencies; incident reports and event reviews; staff conduct complaints; and tension assessment reports.

Phases 2 and 3 will be commenced once the Chief Custodial Officer's review is available. Supplementary Terms of Reference may be provided from time to time.

I request that a final report be provided to me by 31 October 2021.



Jeremy Lightfoot
Chief Executive
Department of Corrections

04 January 2020