



Cabinet Social Wellbeing Committee

Minute of Decision

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Paper C: Responding to Critical Prison Capacity Pressures between now and 2021

Portfolios Corrections / Justice

On 4 April 2018, the Cabinet Social Wellbeing Committee:

Background

- 1 **noted** that the prison network faces an immediate capacity crisis that must be addressed, with the prison population currently exceeding safe maximum capacity by around 1,600, and projected to grow to 3,199 above this level by 2021;
- 2 **noted** that Paper D: Investment in New Capacity to Support a More Effective Criminal Justice System and a Safer New Zealand [SWC-18-SUB-0034] sets out options to increase capacity in the prison system from 2021, but that until then the government faces a prison system under severe pressure;
- 3 **noted** that the prison system will fail to be safe, secure, and humane if it becomes severely stressed, and that this would be unacceptable for a government that is committed to operating a humane and effective prison system;
- 4 **noted** that the best course to manage pressure between now and 2021 involves:
 - 4.1 adding 600 rapid build places to the prison network by the end of 2019;
 - 4.2 reducing the prison population by between 600 and 1,200, through a combination of operational changes, utilisation of rehabilitation services, investment in housing supports and services, and short-term policy changes; and
 - 4.3 identifying further ‘fallback’ actions that can be used to respond to any further unexpected increases in demand;

Adding 600 places to the prison network

- 5 **noted** that rapid build units can add 600 additional places to the prison network by the end of 2019, and that this represents the minimum amount of new capacity that the Department of Corrections needs to respond to increased demand from 2019;
- 6 **agreed** that the Department of Corrections procure 600 rapid build places and associated infrastructure, to be in service by December 2019;

- 7 **authorised** the Chief Executive of the Department of Corrections to enter into construction contracts to support the delivery of the capacity referred to in paragraph 6;
- 8 **noted** that the costs associated with this procurement are included in the Budget 2018 package, to be confirmed by Cabinet on 9 April 2018;
- 9 **authorised** the Minister of Corrections and the Minister of Finance to review and approve the main contracts associated with the modular units as they are finalised, including contracts for the units themselves, their installation, earthworks, infrastructure and support building upgrades at the Christchurch and Rimutaka Prison sites;
- 10 **noted** that the significant increase in activity to develop and manage prison capacity means that a new Prison Capacity Portfolio approach is required, at an expected cost of \$20 million over the next four years;
- 11 **noted** that the Department of Corrections will investigate whether the cost referred to in paragraph 10 can be met by reprioritising from within its existing baseline, but may need to come back to Cabinet for funding at a later date if a suitable funding source cannot be identified;

Reducing the prison population

- 12 **noted** that the government can avoid the need to invest in further capacity between now and 2021 if we begin reducing the prison population, and that a reduction of 600 – 1,200 places is required;
- 13 **noted** that Justice Sector Ministers have established the High Impact Innovation Project, a cross agency project, to progress operational improvements to reduce the number of people in prison, which is estimated to reduce the prison population by at least 150 places;
- 14 **noted** that investment in housing has the potential to reduce the number of people in prison, and that the Minister of Corrections has developed a bid as part of Budget 2018 for \$100 million over four years, which would provide housing and re-integrative services and reduce the prison population by 100 – 175 places;
- 15 **noted** that the Department of Corrections, the Ministry of Social Development, and Housing New Zealand have established a formal work programme and are working together on opportunities to better support the placement of offenders into public housing and co-ordinate the services provided by these different agencies to offenders;
- 16 **noted** that achieving a reduction of 600 – 1,200 places will require policy changes that involve amending legislation in the short-term;
- 17 **noted** that Justice Sector agencies have identified a number of potential policy changes that could support a reduction in the prison population in the short term, without compromising public safety;
- 18 **noted** that the Minister of Justice will provide a paper to Cabinet in early May 2018 that provides detail on short-term policy options to support a reduction in the prison population in the short term, and seeks decisions on which options should be progressed;

Fallback actions

- 19 **noted** that past experience has shown that demand for prison places can increase sharply and without warning, and that such an increase would place the system under severe pressure;

- 20 **noted** that Justice Sector agencies have identified the following actions that can be taken in the event of an unexpected surge in demand for prison places:
- 20.1 placing prisoners onto temporary release who are toward the end of their sentence (but have not yet been granted parole);
 - 20.2 applying emergency double bunking of cells;
 - 20.3 adding urgent additional capacity to the network – with additional funding potentially required;
- 21 **noted** that in the event of an unexpected increase in demand for prison places the Minister of Corrections will report to Cabinet advising of the action(s) that are being taken to address this, and how risks related to these are being managed.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Winston Peters (part of item)
 Hon Kelvin Davis
 Hon Grant Robertson
 Hon Phil Twyford (part of item)
 Hon Chris Hipkins (part of item)
 Hon Andrew Little
 Hon Carmel Sepuloni (Chair)
 Hon Dr David Clark (part of item)
 Hon Nanaia Mahuta (part of item)
 Hon Stuart Nash
 Hon Damien O'Connor
 Hon Tracey Martin
 Hon Willie Jackson
 Hon Aupito William Sio (part of item)
 Hon Julie Anne Genter (part of item)
 Jan Logie, MP

Officials present from:

Office of the Prime Minister
 Department of the Prime Minister and Cabinet
 Office of the Chair of SWC
 Officials Committee for SWC

Hard-copy distribution:

Minister of Corrections
 Minister of Justice
 Minister of Police