

# Appendices

## Appendix One: Recidivism Index

### RECIDIVISM INDEX - 12 MONTHS FOLLOW-UP (PERCENTAGES) FOR 2013/14

Category	Group	Released from prison		Beginning community sentence	
		Reimprisoned	Reconvicted	Imprisoned	Reconvicted
<b>All (2013/2014)</b>		<b>28.1</b>	<b>43.7</b>	<b>4.9</b>	<b>27.4</b>
<b>Gender</b>	Female	16.0	34.8	2.3	20.7
	Male	29.3	44.6	5.6	29.2
<b>Ethnicity</b>	Māori	32.1	49.0	6.6	32.8
	European	23.9	38.5	4.3	25.9
	Pacific	23.0	36.8	4.1	26.4
	Other (incl. Asian)	12.5	21.0	3.3	21.8
<b>Age</b> (at prison release or start of community sentence)	Less than 20 years	46.0	68.3	5.9	41.7
	20-24 years	36.1	54.6	5.6	31.6
	25-29 years	32.5	49.4	5.6	28.3
	30-39 years	26.0	41.7	5.1	26.2
	40 and above	16.1	26.8	3.0	17.2
<b>Gang affiliate</b>	Active	41.7	58.0	17.4	50.8
	Former	33.8	54.2	11.8	40.0
	Never	22.3	37.1	3.9	25.5
<b>Offence group</b> (Most serious or original sentence)	Breaches	33.5	50.6	9.8	34.7
	Burglary	41.0	58.9	6.9	40.1
	Dishonesty	38.8	57.9	7.4	34.8
	Drugs	10.4	19.6	3.5	20.1
	Property damage	28.4	49.0	7.2	35.3
	Sexual	8.7	14.4	2.1	11.6
	Traffic	16.9	32.0	2.5	21.9
	Violence	26.2	42.3	4.7	26.7
	Weapons	38.2	55.5	5.8	34.8
	Other offence	31.4	46.9	5.2	26.7
<b>Community sentence</b>	Community work	N/A	N/A	5.4	29.4
	Supervision	N/A	N/A	4.9	25.0
	Intensive supervision	N/A	N/A	6.4	34.8
	Community detention	N/A	N/A	1.6	23.4
	Home detention sentence	N/A	N/A	4.5	19.5
<b>Prisoner security classification</b> (at release)	Maximum	76.7	86.0	N/A	N/A
	High	52.0	67.9	N/A	N/A
	Low Medium	37.4	54.8	N/A	N/A
	Low	24.2	42.5	N/A	N/A
	Minimum	9.5	21.0	N/A	N/A
<b>Release type</b>	Parole	15.6	25.0	N/A	N/A
	Post-release conditions	32.6	50.0	N/A	N/A
<b>Sentence length</b>	Less than 6 months	33.5	53.5	3.1	24.2
	6 months to <1 year	32.3	47.5	5.0	24.5
	1 year to <2 years	28.3	42.5	6.3	34.8
	2 years to <3 years	14.9	25.5	N/A	N/A
	3 years to <5 years	16.0	25.9	N/A	N/A
	5 years or more	10.2	13.9	5.4	29.4
<b>All (2012/2013)</b>		<b>25.9</b>	<b>41.7</b>	<b>4.4</b>	<b>26.4</b>

**RECIDIVISM INDEX - 24 MONTHS FOLLOW-UP (PERCENTAGES) FOR 2012/13**

Category	Group	Released from prison		Beginning community sentence	
		Reimprisoned	Reconvicted	Imprisoned	Reconvicted
<b>All (2012/2013)</b>		<b>36.5</b>	<b>57.0</b>	<b>6.8</b>	<b>38.3</b>
<b>Gender</b>	Female	21.2	44.1	3.3	28.5
	Male	38.1	58.4	7.7	40.9
<b>Ethnicity</b>	Māori	41.3	63.2	9.1	44.6
	European	32.8	51.4	5.5	36.3
	Pacific	25.5	46.6	5.7	36.7
	Other (incl. Asian)	17.8	33.9	4.1	28.5
<b>Age</b> (at prison release or start of community sentence)	Less than 20 years	54.2	80.4	8.8	54.8
	20-24 years	41.4	66.9	7.2	43.7
	25-29 years	42.0	64.1	7.5	39.4
	30-39 years	35.7	54.6	7.3	36.9
	40 and above	24.7	39.9	4.4	24.9
<b>Gang affiliate</b>	Active	50.5	71.9	22.8	67.4
	Former	47.5	67.6	18.1	58.5
	Never	30.8	51.1	5.6	36.2
<b>Offence group</b> (Most serious or original sentence)	Breaches	38.4	64.7	13.3	46.7
	Burglary	54.3	75.0	11.2	53.7
	Dishonesty	47.2	68.6	8.4	43.7
	Drugs	20.4	34.8	5.5	31.4
	Property damage	39.3	65.2	9.3	50.6
	Sexual	15.8	25.9	1.9	16.3
	Traffic	22.9	45.9	4.0	32.5
	Violence	33.1	53.8	6.9	39.8
	Weapons	32.1	61.6	9.1	44.8
	Other offence	43.5	59.3	6.2	34.6
<b>Community sentence</b>	Community work	N/A	N/A	7.0	39.4
	Supervision	N/A	N/A	7.2	36.0
	Intensive supervision	N/A	N/A	10.6	49.4
	Community detention	N/A	N/A	2.1	35.3
	Home detention sentence	N/A	N/A	9.0	33.3
<b>Prisoner security classification</b> (at release)	Maximum	87.0	100.0	N/A	N/A
	High	62.0	80.5	N/A	N/A
	Low Medium	48.5	70.0	N/A	N/A
	Low	30.7	54.4	N/A	N/A
	Minimum	16.1	31.6	N/A	N/A
<b>Release type</b>	Parole	24.8	38.7	N/A	N/A
	Post-release conditions	40.4	62.9	N/A	N/A
<b>Sentence length</b>	Less than 6 months	41.0	64.7	4.9	36.3
	6 months to <1 year	40.8	62.5	7.6	36.2
	1 year to <2 years	38.6	59.3	12.5	49.2
	2 years to <3 years	24.9	41.8	N/A	100.0
	3 years to <5 years	23.8	36.3	N/A	N/A
	5 years or more	18.1	25.8	7.0	39.4
<b>All (2011/2012)</b>		<b>36.8</b>	<b>58.9</b>	<b>6.6</b>	<b>38.7</b>

## Appendix Two: Recidivism Index and Rehabilitation Quotient

**The Recidivism Index (RI) is the measure Corrections uses to represent progress in reducing in re-offending.**

At one level the RI is fairly straightforward: it is the percentage of offenders in any given cohort that is reconvicted within a given period of time (the follow-up period), and who receive either a prison sentence (RI reimprisonment) or any Corrections-administered sentence (RI reconviction). Corrections' RI figures are produced on a monthly basis, using a 12 month follow up period and a rolling cohort of all offenders.

When RI rates are reported, they relate to offenders who were released from prison or started a community sentence over a 12 month period, ending 15 months ago. The difference in time between the offender release or sentence start period and the reporting of the re-offending, is to allow for the follow-up period to run its course, and to ensure that convictions for new offences have been recorded by the courts.

The Rehabilitation Quotient (RQ) measures the impact of the department's rehabilitative programmes, through comparing the rates of reconviction and reimprisonment among 'treated' offenders (who completed a rehabilitative intervention) with the rates observed among 'untreated' offenders (offenders who are matched based on a range of risk-related factors, but had no involvement in that specific programme).

RQ scores are calculated separately for programmes delivered in prison and in the community. The cohort of prisoners are those who completed programmes in prison and were released in the 12 months ending 31 March 2014. We analyse their re-offending over the 12 months following their individual release dates.

The cohort of community offenders are those who completed a programme on a community sentence, where the programme end date occurred within the 12 months ending 31 March 2014. Corrections then measure their re-offending over the 12 months following completion of the programme.

The rates are represented by percentage-point changes in the rates of reimprisonment or reconviction of 'treated' offenders compared to the equivalent 'untreated' offenders. A reimprisonment score of -10.0 indicates that the rate of reimprisonment for 'treated' offenders was 10% lower than for the comparable 'untreated' offenders (for example, 12% compared to 22%). 'Untreated' includes those who did not receive any form of treatment, and those who received other forms of intervention but not the specific one being tested. The statistical method used in the analysis controls for the influence of these factors.

Many prisoners and community-based offenders participate in more than one programme. Where this occurs, the effects of participation in multiple programmes are not double-counted in each of the different programme RQs. The rates of some programmes reported are small and below the level of statistical significance; however, this does not necessarily mean that the particular programme has no impact on re-offending.

## Appendix Three: Report under section 190 of the Corrections Act 2004 and Parole Act 2002

### SECTION 190(1)(A)

**Requires the Chief Executive to report on how he has carried out his functions under section 8(1)(k) and prison directors have carried out their functions under section 12(d), of ensuring that processes are established and maintained to identify communities significantly affected by policies and practices in the corrections system, and giving opportunities for those communities to give their views on those policies and practices, and ensuring those views are taken into account.**

The year has seen Corrections continue to engage with stakeholders, as well as actively engaging with individuals and groups where our operations could potentially impact communities, eg the construction of Auckland South Corrections Facility (ASCF), temporary release of prisoners, and treaty settlements.

Corrections has spent more time working with employers, government agencies and community groups to both gain a greater understanding of stakeholders' views and, in turn, provide a wider picture of what Corrections is doing to make a difference in people's lives.

We work closely with a number of large employers and industry leaders to encourage greater employment and training options for offenders. In addition to our relationships with 125 employers who provide Release to Work opportunities for offenders close to release from prison, we have signed Memoranda of Understanding with 33 employers agreeing to provide 293 jobs for prisoners upon release.

In March 2015 Corrections established an external advisory panel at each of our prisons to consider prisoners' cases for undertaking specified reintegrative activities outside the secure perimeter of the prison. The panels include custodial and case management staff, and representatives from local police and the community. This approach provides a more holistic view of the risk a prisoner could pose on a temporary day release, for example on Release to Work, as well as a balanced view of how to manage that risk appropriately.

As part of the development of ASCF a community impact forum and a tangata whenua committee were established to address social and cultural effects on the local community. These two committees played a key role in enabling Corrections to work with the community and ensure concerns regarding the prison were addressed.

Corrections is engaging with the local community on replacement of the maximum security unit at Auckland Prison. The current facility is outdated and does not facilitate the delivery of modern rehabilitation and reintegration programmes to support Corrections' goal of reducing re-offending. The design of the new facility will prioritise the safety and security of prisoners, staff and the public. Corrections provides project updates to the local community via a local newsletter, a local email distribution list and our website.

On 30 June 2015 Corrections sold 8,500ha of land and forest to Ngati Tūwharetoa under a treaty settlement. The Tongariro/Rangipō Prison is on this land and under the agreement, Corrections will retain the prison buildings and ancillary buildings and will lease the land along with the training farm. This will enable Corrections to continue to give prisoners training opportunities to help ready them for life outside prison.

The deal has been in negotiation since 2008 and has both cultural and commercial significance to Tūwharetoa as it rejoins the Lake Taupo Forest land to the north and Lake Rotoaira Forest land to the south.

The land includes several wāhi tapu and two rivers which are important to Ngati Tūwharetoa. The sale will provide the iwi involved with the resources to assist their economic, social and cultural development.

Engagement with family/whānau, iwi and local communities is an essential part of preparing people for reintegration ahead of leaving prison and once they are in the community. Iwi and community groups contributed to our reducing re-offending work through locally initiated programmes of activity funded by our Regional Initiative Fund. These stakeholders continue to assist us in identifying new and effective rehabilitation activities in prisons and in the community.

## SECTION 190(1)(B)

**A report on the work undertaken by the Corrections Inspectorate, including statistical information about the disposition of complaints made by people under control or supervision and comment on issues arising from complaints or visits.**

**Chief inspector's Annual Report for 2014 / 2015 Pursuant to Section 190(1)(b) of the Corrections Act 2004**

### Introduction

The Corrections Inspectorate is established under the provisions of section 28 of the *Corrections Act 2004* as a dedicated complaints resolution, investigation and assurance function, with accountability directly to the Chief Executive independently of operational line management. The legislation acknowledges the high level of risk attached to sentence management by providing an appropriate level of legislative prescription, protection and access for the agents of the Chief Executive in matters related to sentence management generally and the secure prison environment in particular.

### Complaints to the inspectors of Corrections

Community-based sentences traditionally generate a very low volume of complaints to the inspectors. Only 15 were received for the year which is two more than received for the previous year.

The effective and timely resolution of prisoner complaints is the primary area of focus for inspectors and generates the majority of their workload. For reasons of safety, security, fairness and the mitigation of risk Corrections expects prisoner issues and concerns to be resolved as soon as practicable and at the lowest possible organisational level. In the normal course of events that is within the prison, at unit level. It is the responsibility of unit staff to resolve prisoner concerns by taking the appropriate action before they escalate into complaints or incidents. For those occasions where lower level resolution does not occur, or is not possible, the legislation provides Corrections with a two-tiered system of internal complaints resolution. At prison site level, a robust, auditable internal complaints system exists so that prisoners can formally take matters for resolution to their residential manager or prison director. This constitutes the first tier.

The Inspectorate is Corrections' second tier of complaints resolution. As such it is effectively Corrections' last opportunity to resolve a complaint before external agencies or court action become involved. There were 1,641 formal complaints received for the year. This was a slight increase on the 1,608 complaints received in 2013/2014.

It should be noted that the Inspectorate had altered the manner in which it handled complaints from 1 April 2013. Contacts from prisoners who had not used the internal complaints processes in the first instance are now referred back to prison management and are recorded by the Inspectorate as an information contact and not as a complaint. Complaints are now only recorded by the Inspectorate following a formal decision on their complaint being made by management, which the prisoner did not accept. The exception to this rule is where there is an identified risk to the safety of any individual, or the matter relates to a statutory review where timeframes are critical, in these cases the Inspectorate will immediately become involved.

Only 42 of the 1,641 complaints received in the 2014/2015 year were found to be justified. At 3% of total complaints this is a very low proportion of the thousands of interactions that occur between Corrections and offenders every year.

While a complaint may not be categorised as justified, it does not mean that the complaint was without merit or validity. It was considered that in most cases prison management may not have been given the opportunity to resolve the matter in the first instance. It is anticipated that with the alteration to the Inspectorate complaint handling process, the ratio of justified complaints would rise as prison management would have had the opportunity to address the issue prior to the Inspectorate becoming involved.

The highest category of justified complaints (14) related to internal complaint forms not being processed or actioned appropriately by prison staff. These were isolated incidents of individual staff non-compliance with the system requirements rather than any systemic issues and in general were related to excessive time taken to resolve the issue or provide a formal response to the prisoner.

### **0800 Complaints Line**

Since 1997, the Inspectorate has operated a 0800 free-call phone line that offenders, and in particular prisoners and their families could use to raise a complaint directly with an inspector during normal business hours. In 2014/2015 there were 3,288 calls received, of which 1,397 were recorded as a formal complaint. The remaining contacts were for general information or clarification of issues or repeat calls about the same issue.

This facility still generates the vast majority of the contacts prisoners make with the inspectors every year. While only 1,397 of these contacts resulted in formal complaints during 2014/2015, the service is of considerable value as it allows a prisoner to immediately bring a serious concern to the attention of an inspector. The inspector is also in a position to immediately highlight a concern to prison management regarding a prisoner's state of mind and potential risk to themselves, or others, as a result of these calls.

### **Investigations**

In addition to the prison visiting and complaints resolution activities, the inspectors have conducted full investigations of 18 prisoner deaths in custody (10 assumed natural causes, seven assumed suicides and one assumed homicide). This is a significant increase on the 13 deaths investigated for 2013/2014. The conduct of these investigations has been monitored by investigating officers from the Office of the Ombudsmen who attended most scene examinations and interviews and were kept apprised of developments throughout.

Two further special investigations have commenced into prisoner-on-prisoner assaults which resulted in serious injuries being suffered by a prisoner at Mount Eden Corrections Facility and another prisoner at Hawkes Bay Regional Prison.

In the interests of transparency, the inspectors have also continued to monitor the conduct and outcome of a number of internal prison investigations into prisoner's allegations of assault/abuse by staff. Twenty-six such monitoring reviews were commenced during the year, twenty-two have been finalised and four cases are still currently under investigation.

The issues identified in these investigations tend to reflect isolated instances of non-compliance with some specified systems, usually by an individual, rather than any systemic issues in practice with those systems.

A change to the Inspectorate work plan for the 2013/2014 year had been approved which would see the Inspectorate conducting special focus reviews of various aspects of prison operations using the Healthy Prison Standards<sup>1</sup>, as developed and used by other international jurisdictions. Two reviews have been concluded into directed segregation and prisoner activities. A third review is currently underway which will consider rehabilitation and reintegration services.

### **Conclusion**

The Inspectorate has reported progressively throughout the year on the matters arising out of their various activities to operational management, to the Chief Executive, and to the Department of Corrections Audit and Risk Committee.

It cannot be stressed enough that Corrections is, and will remain, a challenging environment to manage, and in which to work. Incidents are a fact of prison life in particular, and no jurisdiction in the world has developed an effective immunity to them.

Nonetheless, it remains the Inspectorate's view that Corrections can be proud of the overall quality of its services and of the ongoing dedication and professionalism of its staff and managers.

Andy Fitzharris

**Chief Inspector of Corrections**

<sup>1</sup> Standards for the treatment of prisoners worldwide all derive from Article 10 of the United Nations International Covenant on civil and political rights which state "All persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person".

## **SECTION 190(1)(C)(D)(E)**

**A report on the processes and systems in place to supervise and control the monitoring of prisoner phone calls, including statistics on the proportion of prisoner calls monitored (otherwise than merely by being recorded) and the number and percentage of calls disclosed under section 117(1) and (2):**

- > **to any person other than an employee of the Chief Executive or a contractor**
- > **to an employee of the Chief Executive or a contractor**
- > **of those disclosed, the number of proceedings against a person for a disciplinary offence in which a recording of any of those calls was used in evidence.**

**Legislative authority for Corrections to monitor prisoners' telephone calls is provided under section 113 of the *Corrections Act 2004*.**

The monitoring of prisoner phone calls made from payphones in prisons is an important part of our commitment to safety in the community and in our prisons. We use information collected from these calls to protect victims, to prevent drug use, violence, and escapes, and to stop crimes being organised and committed in the community. We also share this information with the New Zealand Police, the Inland Revenue Department, the Ministry of Social Development, and other agencies to these ends.

Spark New Zealand provide standard payphones for prisoner use in units across all prisons. Prisoners can purchase phone cards to pay for their calls through the prisoner canteen system, or they can be posted to the prisoner by family members and friends. All calls are recorded and monitored on a targeted basis. The exception is prisoners' calls to the Office of the Ombudsman, legal representatives, Crimestoppers, Members of Parliament and selected Government agencies, which are exempt from monitoring.

All prisoner calls are managed through a prisoner telephone call control system – which restricts the calls that prisoners are able to make. Only ten numbers are able to be loaded onto the prisoners approved calling list. This is to prevent criminal activity or harassment of victims or members of the public, from within the prison. All numbers are verified by prison staff and permission sought from the call recipient before the number is approved.

In 2014/15, 59,820 calls were monitored. 80% of these monitored calls produced valuable information to support the prevention and reduction of crime. We also know that sharing this information with our partners has made it possible to identify visitors who may pose a threat to staff and prisoners in our prisons, enhanced community safety, and led to the discover of drugs and other contraband.



## SECTION 190(1)(F)

### **A report on measures to reduce drug and alcohol use by prisoners and the effectiveness of those measures, random-testing programmes and the results of those programmes.**

Corrections focuses on both the treatment of prisoners with drug and alcohol problems and the prevention of opportunities for prisoners to consume alcohol and drugs. Interventions targeting alcohol and drug abuse include the Alcohol, Smoking and Substance Involvement Screening Test (ASSIST), which is delivered by health staff and case managers to identify and judge levels of substance use, and brief Alcohol and Other Drug (AOD) programmes that educate prisoners about the negative impacts of their use of alcohol and drugs.

The number of offenders starting prison-based drug and alcohol interventions continues to increase since the implementation of a wider range of programmes commenced in the 2012/13 year. In 2014/15 Corrections delivered brief and intermediate level alcohol and other drug treatment programmes to 3,500 prisoners, and provided over 1,000 placements in the more intensive three month and six month Drug Treatment Unit (DTU) programmes. 80% of prisoners completed the DTU programme, and 88% completed the AOD brief, intermediate, and intensive programmes. Three additional sites were confirmed to start delivery of an eight week AOD intensive support programme towards the end of 2014/15, increasing the total number of sites offering this programme to five.

To reduce drug and alcohol use by offenders in the community, our probation officers are delivering effective brief alcohol and drug interventions to community-based offenders with an identified need for intervention. We have continued to work with the Ministry of Health to increase the availability of alcohol and other drug services to community-based offenders. In 2014/15 14,300 community offenders received brief alcohol and drug interventions delivered by probation officers.

In addition to the programmes aimed at repeat drink-drivers, funded by the Ministry of Health, we conducted a pilot of a brief early intervention programme for drink drivers with places for over 350 participants. This complements the programmes provided by partner agencies such as NZ Police and other road safety organisations. This pilot will expand to over 130 programmes in 2015/16 with places for up to 1,950 community offenders.

Corrections carried out 4,454 drug tests in prisons under the general random drug testing regime during 2014/15 (2013/14: 4,295). For the third consecutive year the percentage of general random drug tests that returned a positive result was 4%, outperforming our target of 6% or less.

On 26 February 2015, the *Drug and Alcohol Testing of Community-based Offenders and Bailees Legislation Bill* had its first reading in the House. The bill will allow drug and alcohol testing of offenders on community-based sentences, when they are subject to conditions prohibiting consumption or use. When the bill is passed it will enable Corrections and NZ Police to require such offenders to undergo drug and alcohol testing, greatly improving our capacity to hold offenders to account and maintain the integrity of their sentences.

## SECTION 190(1)(G)

**A report on the operation of every security contract in force for the whole, or any part, of the year to which the Annual Report relates, including:**

- > **a summary of reports forwarded to the Chief Executive under section 171(2) or (3) and a summary of reports made to the Chief Executive under section 172(2)(b)**
- > **a summary of actions taken in relation to the operation of security contracts as a result of matters raised in any report forwarded or made.**

### **Training provided to security officers employed by the Contractor**

A total of 155 training courses were attended by security officers employed by the Contractor. In addition to induction training, security officers received training in control and restraint, first aid, Prisoner Escorting & Court Custodial Services (PECCS) controller/assessor/ mandatory courses and class 2 drivers licence training.

### **The number and nature of complaints made by persons in relation to the carrying out, by security officers employed by the Contractor, of escort duties in respect of those persons, and how those complaints were resolved**

There were no complaints made in relation to security officers employed by the Contractor.

### **The number and nature of any incidents involving violence by or against prisoners while in the custody of security officers employed by the Contractor**

There were two reported incidents involving violence by prisoners against other prisoners while in the custody of security officers employed by the Contractor. One incident was considered non-serious and the other resulted in no injury.

### **The number and nature of any incidents involving violence against security officers employed by the Contractor while carrying out escort duties or courtroom custodial duties**

There were two reported incidents involving prisoner violence against security officers employed by the Contractor while carrying out escort duties or courtroom custodial duties. These incidents resulted in no injury and were considered non-serious.

### **The number and nature of any incidents involving self-inflicted injuries to prisoners while in the custody of security officers employed by the Contractor**

There were no reported incidents involving self-inflicted injuries to prisoners while in the custody of security officers employed by the Contractor.

### **The compliance, by security officers employed by the Contractor, with the requirements of sections 83, 84, 85, 87, and 88 of the *Corrections Act 2004***

A total of 12 incidents were recorded in this area. All were deemed to be compliant with the requirements as specified in the *Corrections Act*.

### **The exercise, by security officers employed by the Contractor, of the powers conferred by sections 98 and 101 of the *Corrections Act* in order to perform the functions of security officers**

A total of 39,602 searches were recorded by security officers employed by the Contractor during the reporting year. This included nine strip searches.

### **The number and nature of any disciplinary actions taken against security officers employed by the Contractor, and the reasons for, and the outcomes of, those actions, including any penalties imposed**

Disciplinary proceedings were initiated against two security officer employed by the Contractor for offences related to staff conduct. The proceedings resulted in two final written warnings.

## SECTION 190(1)(H)

**A report on the operation of every contract prison in operation in whole or in part in the year, including:**

- > **a summary of reports forwarded to the Chief Executive under section 199D (1A), (2) and (3)**
- > **a summary of reports made to the Chief Executive under section 199E(3)(b)**
- > **a summary of actions taken in relation to the management of contract prisons as a result of matters raised in any report forwarded or made.**

### **Management of Mt Eden Corrections Facility (MECF)**

This section provides a summary of the monthly reports submitted to the Chief Executive by the monitors of the Serco contract for the management of MECF. Monitors are Corrections staff and maintain a permanent presence at MECF. Beyond our departmental monitoring and reporting activities, MECF remains subject to the wider justice sector's scrutiny, as well as through the independent Ombudsmen's proactive investigation of any issues, and through the prison Inspectorate.

Corrections has a contract with Serco, a private provider, to manage the operation of MECF. The primary outcomes of the contract are to achieve our goal of a reduction in re-offending and to run the prison securely, safely, and humanely.

MECF is the main remand prison for the Auckland and Northland area, with a maximum prison population of 976. This makes it one of the largest prisons in the country and the largest prison with a predominantly remand population.

In the fourth year of managing MECF, Serco has continued to embed its management systems and become more familiar with the New Zealand legislative climate and environment.

Our contract with Serco has 37 targets that must be met, with financial penalties imposed for non-performance on some of these targets. The results show that Serco has achieved 80% of performance targets consistently since the second year of the contract.

Each unmet target has either a 0 or 100% compliance requirement and consequently provides for the highest level of contract compliance possible, in some cases holding Mount Eden to a higher level of compliance than our public prisons. Where appropriate, Corrections has issued performance notices in relation to targets that have not been met.

The rate of serious assaults for 2014/2015 exceeded the performance standard required under the contract. Corrections penalised Serco financially for these incidents in accordance with the contract – nine serious assaults or above trigger a performance notice to be issued by Corrections, with a financial penalty attached. Subsequent to the 2014/15 year end, the prison Inspectorate is conducting an investigation into prisoner violence at MECF. Serco is conducting its own investigation into the level of violence.<sup>2</sup>

During 2014/2015, under Serco's management, there have been no escapes from custody. Serco continues to achieve low levels of self-harm with no incidents of serious self-harm recorded during the year; however, regrettably there was one death in custody, the first to have occurred under Serco's management of MECF. At 30 June 2015 this incident was under investigation by the Inspectorate.

Ultimately, the success of the contract will be reflected in reduced re-offending. Since the third contract year Corrections and Serco have been trialling two reducing re-offending focused measures titled the Out of Custody Index (OCI).

Corrections has been tracking outcomes against the OCI over the past two years. The OCI measures the average number of days a prisoner is out of custody in the 12 month period after their release from MECF. In order to achieve their target Serco must perform 10% better than Corrections in this area.

### **Management of Auckland South Corrections Facility (ASCF)**

On 10 September 2012, Corrections signed a contract with SecureFuture to design, build, finance, operate, and maintain the new Auckland South Corrections Facility. On 18 May 2015 Serco took over operational management of the prison, Department of Corrections' monitors began working on the site, and prisoner build-up commenced, scheduled to be completed in October 2015.

SecureFuture has provided monthly reports to Corrections outlining performance against the contract for services and other matters as required by the *Corrections Act 2004*, such as monthly statutory and quarterly Vote Corrections performance reporting. This contract is also a security contract under the *Corrections Act 2004*.

<sup>2</sup> Subsequent to the end of 2014/15, Corrections invoked the "Step In" clause of the contract with Serco. The outcome of reviews into allegations involving the management of Mount Eden Corrections Facility could impact the total sum of financial penalties applied to Serco for the 2014/15 financial year.

## SECTION 15A OF THE PAROLE ACT 2002

**Section 15A(4) of the Parole Act 2002 requires the Department of Corrections to include in its Annual Report information about the use of electronic monitoring.**

**The information required covers:**

- > **the number of offenders who were at any time subject to an electronic monitoring condition**
- > **the average number of offenders who were subject to an electronic monitoring condition and the average duration of the condition**
- > **the percentage of offenders who, while subject to an electronic monitoring condition attached to an extended supervision order, were convicted for a breach of the condition, or convicted of any other offence**
- > **a description of processes and systems relating to electronic monitoring that were in place during the year reported on.**

Corrections manages offenders on parole and extended supervision who are electronically monitored on a residential restrictions special condition under the provisions of section 15(3)(ab). The following information relates to offenders subject to electronic monitoring under either section 15(3)(f) or section 15(3)(ab) of the *Parole Act 2002* for the financial year to 30 June 2015.

For the financial year ending 30 June 2015 the average number of offenders who were at any time subject to parole or extended supervision, with a residential restriction or electronic monitoring special condition, was 170. The total number of offenders subject to parole or extended supervision with residential restrictions or electronic monitoring at some point during the year ended 30 June 2015 was 346. The average length of time they were subject to such conditions during the financial year was 5.8 months.

During the year ending 30 June 2015, there were 74 offenders subject to extended supervision with residential restrictions or electronic monitoring. Of those 74 offenders:

- > three (4.1%) were convicted of a breach of their electronic monitoring/residential restriction condition
- > four (5.4%) were convicted of other offences
- > 15 (20.1%) were convicted of a breach of extended supervision order conditions other than electronic monitoring/residential restrictions.

Offenders on parole and extended supervision can have a special condition of residential restriction imposed by the New Zealand Parole Board or Court. The Department of Corrections considers the suitability of the offender's proposed address for the New Zealand Parole Board or Court, and assesses the safety and welfare of any occupants proposing to reside with the offender. In all cases the other occupants in the premises must consent to having an offender with a residential restriction special condition residing with them.

Offenders subject to electronic monitoring are required to wear an electronic anklet at all times to allow Corrections to monitor their whereabouts. If the offender tries to remove the anklet or leaves the monitored address without permission, an alarm is triggered and action is taken to assess the offender's whereabouts.

Offenders subject to a residential restriction special condition on parole or extended supervision can work outside the address, but only if authorised by a probation officer. Offenders may also apply for approved absences to attend rehabilitation, study or healthcare. Offender compliance with the direction of such absences is monitored.

Offenders subject to an electronic monitoring condition may be required to submit to Global Positioning System (GPS) monitoring. GPS monitoring enhances the ability of Corrections to monitor an offender's compliance with any special condition they have related to their whereabouts in the community. It provides real-time information on an offender's location, which allows early detection of an offender entering prohibited locations or leaving a place in which they must remain.

## **Apendix Four: Report under section 121 of the *Public Safety (Public Protection Orders) Act 2014***

**Last year the Government passed the *Public Safety (Public Protection Orders) Act 2014*. A public protection order (PPO) is imposed by the High Court and allows the detention of a very high risk individual at a secure residence within prison precincts.**

PPOs are civil detention orders for individuals who have served a finite prison sentence but pose a very high-risk of imminent and serious sexual or violent offending and who cannot be safely managed in the community. Only a very small number of people are likely to be subject to a PPO; it is estimated this will only apply to five to twelve people over the next ten years.

The Act makes it clear that orders are not imposed to punish persons and the previous commission of an offence is only one of several factors that are relevant to assessing whether there is a very high-risk of imminent serious sexual or violent offending by a person. Persons who are detained in a residence under a PPO should have as much autonomy and quality of life as possible, while ensuring the orderly functioning and safety within the residence.

Given the high threshold which must be met before an order can be considered, no orders have yet been granted. Despite this, an interim residence has been established in the event an order is made before the permanent residence is completed in 2016.

**PUBLIC PROTECTION ORDER RESIDENCE**

<b>Public protection order – detention in residence</b>	<b>2014/2015</b>
Total number of persons detained	0
Number of months each resident detained	N/A
<b>Public protection order – detention in prison</b>	
Total number of persons detained	0
Number of months each resident detained	N/A
<b>Protective supervision order (PSO)</b>	
Number of residents released on PSO	0
Number of persons released on PSO and returned to PPO residence	0
<b>Review of public protection order</b>	
Number of times a review of public protection order has been applied for	0
Number of appeals against public protection order	0
Outcome of appeal:	
<i>Upheld</i>	N/A
<i>Dismissed</i>	N/A
<b>Serious incidents</b>	
Total number of serious incidents	0
<i>Incidents involving residents only</i>	N/A
<i>Incidents involving residents and staff</i>	N/A
<i>Incidents involving staff only</i>	N/A
<b>Use of force</b>	
Total number of incidents resulting in the use of significant force	0
<i>Number of incidents where force used</i>	N/A
<i>Number of incidents where restraints used</i>	N/A
<b>Seclusion of residents</b>	
Total number of times seclusion imposed on residents	0
Duration of seclusion:	
<i>Up to 12 hours</i>	N/A
<i>Between 12 and 24 hours</i>	N/A
<i>Over 24 hours</i>	N/A
Reason for seclusion:	
<i>Endangering the health or safety of resident or others</i>	N/A
<i>Seriously compromising care and wellbeing of others</i>	N/A
<i>Significantly disrupting the orderly functioning of the residence</i>	N/A
<b>Hospitalisation of residents</b>	
Number of hospital admissions	0
<b>Death of residents</b>	
Number of residents who have died	0
<b>Inspectorate activity</b>	
Number of visits and inspections	0
Number of Complaints received by inspectors	0
<i>Number of justified complaints</i>	N/A
<i>Number of complaints dismissed</i>	N/A
Number of investigations by inspectors	0
Number of meetings attended by inspectors	0