

20 May 2021

C133345

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your email of 17 March 2021, requesting information about the internal disciplinary process. Your request has been considered under the Official Information Act 1982 (OIA).

Firstly, I would like to apologise for the delay in responding to your request. Thank you for your patience.

Corrections has a zero-tolerance policy toward offences against the good order of prisons.

In accordance with the Corrections Act 2004 (the Act), there are a number of offences for which an individual in prison may be charged with an internal misconduct. These include:

- disobeying a lawful order from an officer or other staff member
- behaving in an offensive, threatening, abusive or intimidating manner
- assaulting or fighting others
- deliberately damaging prison property

A full list of possible offences can be found under subpart 5 of the Act, which is available [here](#) on the New Zealand Legislation website.

All misconducts are heard by an impartial Hearing Adjudicator or Visiting Justice. If a person is found guilty of (or pleads guilty to) non-compliance with the rules and regulations of the prison, they are disciplined in a just and humane manner. The Hearing Adjudicator or Visiting Justice is responsible for determining the appropriate sanction, which can include loss of privileges, forfeiture of earnings, or cell confinement.

Corrections' policy about charging people with misconducts is outlined in the Prison Operations Manual. This includes policy on filing a disciplinary charge, misconduct pre-hearings, misconduct hearings and penalties, and the appeals process. This information is publicly available on our website [here](#).

Internal Misconduct charges are adjourned if there is a pending outcome of an ongoing investigation by Police or the Office of the Inspectorate, or criminal prosecution before the Court. Only after these proceedings have concluded can internal misconduct charges be progressed. Importantly, a person who pleads or is found guilty in Court cannot also be sanctioned through the internal misconduct system for the same offence.

You requested:

*The number of misconducts going through the internal disciplinary process - Broken down by prison, outcome eg. Convicted and sentenced, or convicted and discharged and withdrawn. Apply a three year time period to this request.*

Please see Appendix One for the number of completed misconducts from 2017/18 to 2019/20 broken down by financial year, prison and outcome (guilty, not guilty, dismissed and withdrawn/cancelled).

Misconduct charges may be dismissed, withdrawn or cancelled for a number of reasons. These may include, but are not limited to, the following:

- The individual has been charged with a criminal offence relating to the same incident that gave rise to the disciplinary offence
- The charge has not been filed against the individual within the required timeframe. i.e. within seven days of a staff member becoming aware of the act or omission alleged to constitute the offence
- The charge is not heard within 14 days of being laid (unless and adjournment is granted)
- The hearing adjudicator or Visiting Justice can dismiss the case if they find the charge not proved i.e. lack of evidence or they decline to proceed the hearing and request the appropriate authority prosecute the prisoner (eg Police)

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise them 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 nui



Rachel Leota  
National Commissioner