

27 August 2015

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**TERMS OF REFERENCE FOR THE INVESTIGATION OF THE  
CIRCUMSTANCES SURROUNDING ORGANISED PRISONER ON  
PRISONER FIGHTING (*Fight Club*) AND ACCESS TO CELL PHONES AT  
MOUNT EDEN CORRECTIONS FACILITY (MECF)**

**Background**

On 15 July 2015 the Department of Corrections became aware that a series of video clips showing organised fighting between prisoners at MECF had been uploaded to Youtube which appears to indicate the presence of a “fight Club” operating at MECF.

Subsequent video footage has also been released which indicates prisoner access to contraband and a Prison radio.

An internal investigation into these events is being completed by Serco management. Police have also been advised and may conduct their own investigation.

The Department of Corrections believes that it is appropriate that the possible existence of organised prisoner on prisoner fighting “fight club” and access to contraband, including cell phones, be fully investigated by the Chief Inspector of Corrections.

**The Investigation**

The investigation team will be led by Chief Inspector Andy Fitzharris and assisted by Ms Louise MacDonald, Inspector of Corrections.

The Office of the Ombudsman will monitor and review the investigation. Full cooperation will to be afforded to the Ombudsman’s investigator, who may also independently report on any matter concerning the incidents or its subsequent investigation.

The investigation will have access to all relevant information, documentation, premises and persons pertaining to the events, and may, with the approval of the Chief Inspector, call on such additional or specialist assistance to the investigation as may be appropriate.

Phase one of the investigation will be completed, and a report presented to the Chief Executive, through the Chief Inspector, by 30 October 2015.

Phase two of the investigation will be completed, and a report presented to the Chief Executive, through the Chief Inspector, by 30 November 2015.

## **Terms of Reference**

### **Phase One**

1. To investigate and report on the circumstances surrounding the events, as depicted on Youtube, and the potential existence of organised prisoner on prisoner fighting (fight club) at MECF.

The investigation will pay particular attention to the last 3 month period to determine:

- Whether this type of activity is widespread across the site or limited to specific units.
  - The adequacy of controls and procedures to prevent access to, and the use of, cell phones.
  - Whether staff and management had knowledge of the existence of a 'fight club' operating, and any involvement by staff in its operation.
  - Levels of supervision and security operating that would allow this activity to occur without staff intervention.
  - What information was available to management through Intel, staff reports or Health Services which may indicate that prisoners may be involved in unreported fighting.
  - Whether incidents of prisoner on prisoner violence was being under-reported.
  - Review any actions taken previously by MECF to address prisoner violence or access to contraband.
  - What actions management have subsequently implemented to prevent this type of activity.
2. To investigate and report on the extent to which the standards, procedures, operational systems, work practices and internal controls for the proper management of prisoners were in place and being complied with.
  3. To make such recommendations for the improvement of promulgated standards, procedures, operational systems, work practices and internal controls as may be necessary, arising out of the findings of the investigation.
  4. To review the Department of Corrections prison monitoring arrangements at MECF. This will include the Corrections monitors' areas of focus, access to essential information, reporting and escalation arrangements and their interactions between Serco management and Corrections management.

5. To investigate prisoner safety and welfare generally at MECF and review prisoner complaints, particularly those related to serious assaults.

## **Phase Two**

6. To review the adequacy of controls designed to address prisoner violence and access to cell phones operating in other New Zealand prisons. Investigate any similar reported incidents of cell phone use in other New Zealand prisons.



Ray Smith  
Chief Executive  
Department of Corrections