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Operational Review

Waikeria Prison Major Disorder Event starting 29 December 2020

## TERMS OF REFERENCE

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## Background

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In 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 within the 'top jail' facility. All remaining prisoners in the 'top jail' were relocated to other areas of the prison, or to other sites overnight. By the morning of 30 December 2020, 17 prisoners were understood to remain located on the roof of the 'top jail' and had been tentatively identified. Specialist, trained negotiators continued to encourage them to cease their actions and comply with staff. Prisoners remained on the roof of the 'top jail' and continued to threaten staff safety, damage the facility, gain access to restricted areas and start fires until their surrender on 3 January 2021.

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## Review

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An operational review into the circumstances surrounding this incident will be conducted by the Chief Custodial Officer, Neil Beales. The review will have access to all information, documentation, premises and persons relevant to the incident and may, with the approval of the National Commissioner, call on such additional or specialist assistance as may be required.

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## Membership

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Role	Individual
<i>Review Commissioner</i>	<b>Ben Clark</b> - Acting National Commissioner
<i>Review Leader</i>	<b>Neil Beales</b> - Chief Custodial Officer

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## Terms of Reference - Content

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### 1) Operating context prior to disorder incident

The review will provide a synthesis of relevant information the Department received on Waikeria Prison in the period leading up to the incident. This context will cover:

- the extent to which all relevant standards, procedures, operational systems, work practices and internal risk controls were in place and being complied with
- findings from any recent internal or external reviews of incidents and relevant performance measures
- Prison Tension Assessment Tool (PTAT) alerts
- staffing levels and the approach to managing staff absences
- complaints received and relevant Intel reports
- Health and Safety concerns raised and action to date
- staff welfare and wellbeing during and post incident
- Facility or asset management works underway at the time.

## 2) What happened, how and why

The review will provide an objective summary of the immediate lead up to the riot and what then transpired. This will identify:

- triggering events and causal factors
- what happened and what occurred as a result
- where the incident occurred
- who was involved and to what extent
- the control and supervision of the area prior to, during and post incident
- on site controls and management of the incident up to, including and post incident.

## 3) Incident response

The review will provide an assessment of the timeliness and effectiveness of both the initial incident response and the implementation and management of the Coordinated Incident Management System (CIMS). The evaluation of the incident response will address in particular:

- staffing levels on site on the day
- the initial response to the incident
- the mobilisation and capacity of Advanced Control and Restraint (AC&R) teams
- the quality of inter-agency cooperation
- the availability, functionality and use of emergency equipment
- the nature, extent and cause of staff and prisoner injuries sustained
- decision-making around population movements following the incident

## 4) Post-incident response

The review will assess the quality of staff welfare post-incident and the initial work undertaken on site towards recovery.

## 5) Findings and recommendations

The review may make recommendations for the improvement of promulgated standards, procedures, structures, operating systems, work practices and internal risk controls that will reduce the likelihood of a similar disorder incident occurring. During the review, if evidence is found that any equipment, systems, procedures or processes adversely affect the security and safety of the prison, prisoners, staff or visitors, the Prison Director is to be advised immediately. This review will deliver an interim report by 31 January 2021, and a full report to the National Commissioner by 31 March 2021.

- 6) This review and all associated material and analysis will be made available to the wider review being undertaken by the Chief Inspector.



Ben Clark  
Acting National Commissioner  
Corrections Services

04 January 2020