

04 September 2023

C169523

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your email of 12 June 2023 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about assaults on staff. Your request has been considered under the Official Information Act 1982 (OIA).

The timeframe for responding to your request by 14 working days was on 10 July 2023. However, we did not provide you with a response within this timeframe and I would like to apologise for this.

Assaults on our staff are unacceptable. Corrections staff come to work every day to keep New Zealanders safe. They deal with some of New Zealand's most challenging people, and do an exceptional and brave job in often very difficult circumstances. Prisons can be volatile environments, and many of the prisoners our staff work with can behave unpredictably and act without warning.

A number of highly complex factors contribute to violence in prison. Over 80 percent of the prison population have convictions for violence in their offending histories and more than 90 percent have a lifetime diagnosis of a mental health or substance abuse disorder.

Additionally, 35 percent have a gang affiliation which is a known predictor of violence. In recent years, there has been an increase in the proportion of the prisoner population who are gang affiliated, which mirrors growth in gang membership in communities. Gang members are over-represented in acts of disorder and violence in prison. Gang members are also known to incite other people in prison to carry out violent acts on behalf of the gangs.

A growing proportion of the prisoner population are on remand, and there is a strong statistical association between remand status and incidents of assault within prison. In addition, a growing proportion of the prisoner population have histories of extensive methamphetamine use which is associated with significant and lasting impacts on mental and emotional functioning, including issues such as anger control.

The reality is the threat of violence is something we cannot eliminate entirely, but we are committed to doing everything possible to minimise this risk and provide the safest environment possible for staff and prisoners.

We have invested in training and tools to keep our people safe. This includes training in de-escalation techniques and interpersonal and tactical communication skills, through to stab resistant vests, body worn cameras, and pepper spray. Prisons also regularly review assault incidents to determine whether similar occurrences can be prevented in future, and lessons learnt are relayed to staff.

We also worked with CANZ and the PSA to develop the Violence and Aggression Work Programme, which is aimed directly at reducing violence and aggression towards staff. All prison sites now have an individual site safety plan to address violence and aggression, with these plans led by the Prison Director in consultation with local site union delegates.

Some of the other actions achieved to date include:

- Implementing new body-worn cameras at all Corrections managed facilities.
- Completing three pilots of in-person hostage/suicide refresher training at Auckland Prison and Rimutaka Prison. Feedback from these pilots has been incorporated into a hostage/suicide training package for national rollout.
- Rolling out updated Post Incident Response Team (PIRT) training. Ninety new PIRT officers have now been through the enhanced recruitment and training process. PIRT officers attend incidents to provide immediate wellbeing support to their peers who have been involved in or exposed to an incident.
- Establishing the role of Principal Adviser Prosecutions and Adjudications and appointing a highly experienced and well-regarded staff member into that position. This has already had a positive impact.
- Providing prosecutors and adjudicators across all regions with enhanced prosecution training, which has led to a significant increase in the number of successful prosecutions of prisoners.
- Distributing a new sentencing framework for adjudicators that can help them to decide on appropriate penalties for offences.
- Providing train-the-trainer sessions to five Staff Welfare Coordinators. These are support and coordination roles to ensure staff have access to appropriate welfare services.

We are currently designing a capability pathway for frontline custodial staff to provide development and training specifically designed to support staff to deal with violence and aggression. In addition to this, we are building and maintaining resilience given the challenges of the COVID-19 pandemic and its impacts on staff mental wellbeing. We will also be looking to establish and maintain an enhanced level of psychological support for employees who have been involved in or impacted by violence and aggression in our workplaces.

Additional funding to invest in frontline safety for prison-based staff was also announced as part of Budget 2022. This includes \$51.4 million to increase workforce capability in response to operational complexity and violence by investing in an additional two training days for

frontline staff, and \$23 million for additional frontline staff to strengthen operating models and safety settings at Auckland Prison, Mt Eden Corrections Facility and Christchurch Men's Prison.

We have re-ordered your requests as information provided covers multiple requests. You requested:

1. *How many assaults have taken place against Corrections/prison staff by prisoners in 2023 in prisons across New Zealand?*
2. *Specifically, how many assaults have taken place against Corrections/prison staff at Mt Eden Prison?*
3. *Specifically, what were the nature of these assaults against Corrections/prison staff?*
4. *Are you able to provide a breakdown of the assaults that occurred against Corrections/prison staff in each of New Zealand's prisons?*
5. *In addition – what prisons have seen the most assaults against Corrections/prison staff in 2023?*
6. *How have the number of assaults against Corrections/prison staff across New Zealand's prisons in 2023 so far compared to 2022?*
7. *How have the number of assaults against Corrections/prison staff tracked in the five year period between 2018 – 2023?*

Please see Appendix One for the number of prisoner on staff assaults from 2017/18 to 2022/23, by prison and assault category. Please note that figures are accurate as at 3 August 2023. Numbers and categorisations may be subject to change as investigations are completed. As part of our work to address violence and aggression in prisons, Corrections has been delivering additional training on charging prisoners with misconducts and adjudication and prosecutions, to hold prisoners to account for their actions.

Prison-based assault incidents are categorised as follows:

- No injury – victim subjected to physical violence that did not result in physical injuries or require any form of medical treatment (e.g. kicking, shoving, jostling, striking, or punching that did not result in injury);
- Non-serious – victim subjected to physical violence that resulted in physical injuries that may have required medical treatment, and/or overnight hospitalisation as part of initial assessment or medical observation but not on-going medical treatment (e.g. blood nose, x-ray required, cuts requiring minimal stitches, gouging, or bites);
- Serious – an act of physical violence that involves one or more of the following: bodily harm requiring medical intervention by medical staff followed by overnight hospitalisation (beyond initial assessment or medical observation) in a medical facility; bodily harm requiring extended periods of ongoing medical intervention; or sexual assault of any form where Police charges have been laid.

8. What kind of support do Corrections/prison staff who have been assaulted have access to?

When an incident occurs, that involves serious potential or actual harm to an employee, the Post Incident Response Team (PIRT) process is triggered. The type of PIRT support provided will vary according to the situation and needs of the staff concerned but typically will involve:

- Peer Support Briefing for all staff involved in the incident.
- Individual Peer Support - individual discussions with an appropriately trained PIRT team member.
- Counselling Support - individual support via an external qualified counsellor (EAP) for employees affected by an incident (and family members as required). Counselling is not provided by any PIRT member.
- Critical Incident Response – immediate external support and advice may be provided.
- Trauma Support - individual specialist trauma support counselling via referral from Regional HR manager, EAP counsellor or the employee's manager to an appropriate external expert.

The Employee Assistance Programme (EAP) is a service available to all Corrections staff and their families free of charge. EAP is a confidential service provided by an independent company and is delivered by qualified, registered and highly experienced professionals. EAP services provide brief, solution focused support to staff and families to help deal with any difficulties and minimise their impact on people's lives. More information about EAP can be found [here](#).

Corrections also has eight staff welfare coordinators, with two in each region. These roles provide extra support to staff who have more complex needs - whether for work-related or personal reasons. The staff welfare coordinators support peoples' rehabilitation needs when a significant event has taken place and when staff and/or their family need more intensive support. They provide a wraparound approach, to ensure all relevant parties are working together in a coordinated way to provide support. Staff are also encouraged and supported to seek help from their local doctor, District Health Board or Community Mental Health Team as required.

9. How many Corrections/prison staff have resigned from their jobs in relation to these assaults?

As stated in our response to question nine, Corrections provides support to staff who have been the victims of an assault as well as staff who witness the assault or provide assistance to resolve an incident. If a staff member requires leave to assist with their recovery, we work with them to enable this. If a staff member states this as a reason for their resignation it is held on their individual file and not recorded centrally. Therefore, this request is refused in accordance with section 18(f) of the OIA as it would require substantial collation or research.

10. What were the outcomes of these assaults in regards to both Corrections/prison staff and the prisoners in question?

11. What happens to the prisoners who have committed these assaults?

Every assault on a member of our staff is taken seriously and any prisoner who resorts to violence is held to account. This may be through internal misconduct charges, a change in security classification, or referral to Police for consideration of criminal prosecution.

We work closely with Police to ensure they have access to information or evidence that may assist any criminal investigation. Corrections does not determine whether charges are laid against a person, this is the responsibility of Police. A number of factors may influence whether or not someone is prosecuted for alleged offending, including of the evidence available or the allegation not meeting the legal threshold for a charge to be laid. For further information in relation to the prosecution of offences please contact Police. Corrections has worked alongside Police to use the 105 online reporting tool to report staff assaults. The 105 online reporting tool enables our staff to report assaults directly to Police through an online form, allowing Police to take action in a consistent and transparent way.

Please see the Misconduct section of the Prison Operations Manual that is available on our website, including the schedule of offences and penalties:

- [Prison Operations Manual - Misconduct](#)
- [MC.01.Sch.01 Schedule of Offences](#)
- [MC.01.Sch.02 Schedule of penalties](#)

The table below presents the outcome summary for Prisoner Physical Assault on Staff that were reported between 1 July 2022 and 30 June 2023 based on misconduct charges laid over each prisoner under each incident. Please note that one person may have charged over multiple misconducts resulting in multiple outcomes.

Outcome	Assault- Serious	Assault- Sexual	Assault- No Injury	Assault- Non-Serious
Guilty	14	2	199	93
Declined to Proceed	24	1	34	60
Dismissed	3	3	28	49
Not Guilty	-	1	12	9
Verdict Not Recorded*	23	15	169	189
No misconduct	2	9	172	71

* A verdict may not be recorded on a misconduct for various reasons. This includes that the prisoner is released before the misconduct charge can be heard, or it is withdrawn or cancelled.

12. Are you able to confirm which prisoners are committing the most assaults against Corrections/prison staff?

13. Are there any gang affiliations to these assaults and the prisoners involved?

As previously mentioned, prisons can be volatile environments and our staff are trained to work with some of New Zealand's most complex people, with over 80 percent of the prison population having had convictions for violence in their offending histories. Many of the prisoners our staff work with can behave unpredictably and act without warning.

The table below presents the 20 prisoners who reported the highest number of prisoner assaults on staff assaults between 1 July 2017 and 30 June 2023, and whether they have reported a gang affiliation.

Person	Gang affiliated/ Gang name	Total incidents	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
A	Mongrel Mob	58	-	9	18	16	15	-
B	No affiliation	42	-	-	5	17	12	8
C	No affiliation	30	-	-	-	-	10	20
D	Mongrel Mob	27	2	4	14	5	2	-
E	No affiliation	26	-	-	6	10	7	3
F	No affiliation	22	-	-	6	16	-	-
G	No affiliation	20	-	-	3	5	9	3
H	White Power	18	-	1	5	9	-	3
I	Rebels MC	18	-	4	3	2	4	5
J	Mongrel Mob	18	-	-	-	-	7	11
K	No affiliation	17	-	-	-	-	10	7
L	Crips	17	1	3	4	4	2	3
M	No affiliation	17	-	-	6	8	3	-
N	Mongrel Mob	17	-	-	3	5	2	7
O	No affiliation	16	-	-	6	1	6	3
P	No affiliation	15	-	-	-	-	9	6
Q	Mongrel Mob	15	-	-	-	-	3	12
R	Bloods	15	-	4	1	4	4	2
S	Crips	15	2	2	2	5	4	-
T	Black Power	15	-	-	2	3	9	1

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response 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

A handwritten signature in black ink, appearing to read 'Sean Mason', with a stylized, cursive script.

Sean Mason
Acting National Commissioner