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Te Whare Māngai o Aotearoa

Justice Committee
Komiti Whiriwhiri Take Ture

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2022/23 Annual review of the Department of Corrections

Presented to the House of Representatives
by James Meager, Chairperson

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Department of Corrections

Recommendation

The Justice Committee has conducted the annual review of the Department of Corrections for 2022/23, and recommends that the House take note of its report.

About the Department of Corrections | Ara Poutama Aotearoa

The Department of Corrections manages around 9,000 people in prisons and 27,000 people serving sentences in the community. Under its strategy for 2019–2024, Hōkai Rangi, Corrections has three goals, to:

- improve public safety
- reduce reoffending
- reduce overrepresentation of Māori.

Its main responsibilities include:

- maintaining compliance with community-based sentences
- ensuring safe and humane custodial facilities
- providing information and administrative services to the courts and the Parole Board
- providing rehabilitation and reintegration services
- offering support and information to victims.

The department employs about 10,000 staff working across multiple sites, including 18 prisons. We discussed its performance in 2022/23 with Jeremy Lightfoot, the chief executive.

Summary of 2022/23 performance and audit results

The following table summarises the department's financial performance over recent years.

Financial trends

	2019/20 \$million	2020/21 \$million	2021/22 \$million	2022/23 \$million	Change in 2022/23
Revenue	1,732	1,824	1,916	2,055	7.26%
Expenditure	1,736	1,810	1,866	2,038	9.22%
Net surplus or (deficit)¹	(4)	14	50	17	—

¹ Net operating surplus or deficit before remeasurements and other comprehensive revenue and expense.

The 9.22 percent increase in expenditure in 2022/23 reflects a combination of costs:

- a 3 percent increase in the number of employees
- salary increases for frontline staff under collective agreements
- demolition costs related to Christchurch Men's Prison
- the transfer of software as a service from capital to operating expenses
- increased costs of electronic monitoring.

Non-financial performance

Corrections achieved 55 percent (21 of 38) of its non-financial performance measures in 2022/23. Measures not achieved include:

- fewer than 0.2 serious assaults by prisoner on staff per 100 prisoners (there were 0.3 per 100, against 0.22 the previous year)
- no unnatural deaths in the corrections system (there were 5, compared with 12 the previous year)
- no prisoner escapes (there was 1 in each of the past two years).

Corrections explained that performance in 2022/23 had been affected by various challenges. They included COVID-19, staff recruitment and retainment, and an increasingly complex prison population.

Audit results

The Auditor-General issued an unmodified audit report. As in the previous year it included an emphasis of matter paragraph about a claim for additional costs arising from COVID-19 in the Waikeria Prison Development project. The Auditor-General noted that it is not possible for the department to reliably estimate the impact of this matter, but it may be significant.

The Auditor-General rated the management control environment, and the financial information and supporting systems and controls as "very good". He gave the department a "good" rating for its performance information and supporting systems and controls. He recommended further development of an integrated performance framework to ensure a clear line of sight to the strategic outcomes in the Hōkai Rangi strategy. Corrections should also ensure that its performance measures are clearly defined, with systems for reporting them.

Infrastructure and capacity

Growth of prisoner population

Some of us expressed concern that the proposal by the new Government to remove the prisoner reduction target would strain the ability of Corrections to accommodate more prisoners. Corrections said that both infrastructure capacity and staffing capacity affect its ability to house more prisoners.

The department's facilities have 11,000 spaces in a mix of low and high security, which provide flexibility to adapt to the changing attributes of the prison population. For example, Waikeria Prison, due to become operational at the end of 2024, is designed to be a safe

space where Corrections can provide the right treatment for people with different needs. Waikeria will also be safer for staff than other prisons.

Corrections is focused on recruiting enough staff to keep pace with prison population projections. It maps staffing numbers across each of the prison sites against the availability of physical infrastructure to ensure these two factors are managed efficiently.

Increase of prison population held on remand

The proportion of prisoners held on remand has increased and now accounts for 45 percent of the total prison population. Prisons were traditionally built for a remand population representing 15 percent of the prison population. Older prisons do not provide as much space for on-remand and sentenced prisoners.

We heard that the increased number of prisoners held on remand is largely because of court delays. The increases have placed the upper Waikato and Auckland areas under immense pressure. Corrections said that the rate at which people are remanded into custody is projected to increase in the long term. It would need to increase the amount of high-security accommodation to manage the projected growth in prisoners held on remand.

The increase in prisoners held on remand has meant that Corrections has changed its approach to managing capacity. Its primary focus for remand prisoners is to ensure that they enter the system safely and have prioritised access to counsel. It tries to keep remand prisoners close to the courts. However, if there is a prolonged period before a trial date, the department tries to accommodate the prisoner in a unit that best suits their needs.

We asked whether Corrections could guarantee that remand prisoners and those already serving sentences were not mixing. The department said it does not mix convicted prisoners with accused prisoners held on remand except in certain circumstances. These circumstances include when prisoners are accessing services, such as rehabilitation and education. It may also mix accused and convicted prisoners in intervention and support units, and in youth units.

Human rights of prisoners

The Corrections Act 2004 states that prisoners are, at a minimum, entitled to one visitor each week for at least 30 minutes. We expressed concern about a disregard for this entitlement, especially for prisoners at Christchurch Men's Prison and Rimutaka prison, due to a lack of staff. Prisoners at Christchurch Men's Prison are currently provided with a one-hour visit every fortnight rather than the 30-minute per week entitlement, while Rimutaka Prison at the time of the hearing had not resumed visit entitlements.

Corrections stated that its priority was to guarantee the overall safe running of the site and the safety of staff, prisoners, and visitors to prison sites. Hence, prison visits are subject to resourcing or events on any given day. The department said the schedule at Christchurch Men's Prison would remain in place because of staffing challenges, but that a date had been finalised for visits to recommence at Rimutaka. In the meantime, audio-visual connections have been deployed to maintain contact with whānau and community.

Staff safety and mental health

The department told us it had adopted a flexible approach to funding staff safety. It regularly discusses staff safety needs with its union partners. Their feedback has helped the department to adapt funding to focus on the areas needing the most attention. Corrections' employment agreements provide for professional development opportunities through elective training modules. This training has provided a pathway to higher remuneration for staff employed by Corrections.

We are concerned about the mental health needs of staff who have been exposed to incidents of assault. Corrections said its staff see themselves as resilient and do not enter this line of work without considering the risks. We heard that staff use protocols that aim to keep themselves and others safe. When assaults occur, the department manages the effects on the mental health of staff by:

- offering peer support from colleagues, welfare support officers, and other more specialist support
- providing ongoing confidential wellness checks
- offering education and training to better equip staff to address violence and aggression.

Corrections believes its education and post-incident response is effective. It acknowledged that it can create controls to prevent traumatic events from occurring. Constant exposure to challenging environments, such as intervention support units, can have a large impact on the mental health of staff members. Corrections controls these risks by providing professional supervision, and monitoring the length of shifts and how regularly each officer is exposed.

Māori overrepresentation in the justice system

We asked about the department's long-term work to reduce Māori incarceration rates. Corrections recognised that the overrepresentation of Māori in the justice sector is one of the most significant challenges it needs to address.

The Hōkai Rangi strategy, launched in August 2019, articulates Corrections' vision and activities for eliminating the overrepresentation of Māori in the criminal justice system. This strategy was developed with Māori and incorporates te ao Māori worldview. The department has built strong relationships with Māori providers, iwi, and hapū to deliver on this strategy. Corrections told us that it monitors progress against the strategy by measuring Māori incarceration, reoffending, and reimprisonment rates. It noted that Māori incarceration rates had decreased 16 percent in the five years from 2018 to 2023. We also heard that while Māori resentencing and reimprisonment rates have also improved over the same period.

Corrections acknowledged that it must align its treatment programmes and regimes with the challenge of reducing overrepresentation of Māori in the corrections system. It stressed the importance of enabling different treatment approaches that connect a person to their history, culture, and place. Corrections pointed to the implementation of the Māori Pathways programme in prisons and community corrections sites in Te Tai Tokerau Northland, Te Matau-a-Māui Hawke's Bay, and Ōtautahi Christchurch. The programme was designed with iwi, hapū, mana whenua, whānau, Māori providers, and people with lived experience of the

corrections system. The programme aims to foreground kaupapa Māori and whānau-centred approaches to rehabilitation for Māori in the corrections system.

The Justice Cluster and operating costs

The Department of Corrections is participating in the Justice Cluster pilot, along with four other Justice agencies (the Ministry of Justice, New Zealand Police, Crown Law Office, and Serious Fraud Office). The pilot's aim is more efficient and effective interagency investment, beyond an annual Budget cycle, to achieve four key priority objectives:

- better outcomes for victims
- improving access to justice
- addressing issues with remand
- better enabled organisations and workforce.

We heard that this collaborative approach has driven changes in behaviour and more integrated systems and agendas among the agencies. For example, improving access to justice has led the Department of Corrections, the Police, and the Ministry of Justice to develop a shared work programme that tracks performance in this area.

We discussed the department's operating costs. We heard that its scale requires a lot of financial resources, both for the fixed costs of running 18 prison sites and providing for prisoners' needs, and the costs of employing enough staff to ensure the sites run safely. Corrections told us that in 2023 it examined its overall cost base, seeking to identify operational areas where it could improve the relationship between cost and outcomes.

In Budget 2022/23, Corrections received a \$198 million investment over four years to provide its Strengthening Corrections Frontline Safety and Improvement Programme. One feature of this programme is the tactical communications training which lifts frontline staff capability and supports a reduction of violence and aggression. Some of us asked whether Corrections could guarantee that this staff safety funding would not be affected by other budget requirements. The department assured us that the funding is flexible enough to adapt to any future requirements while continuing to focus on prioritising staff safety training.

Contraband and security

We discussed the measures taken by Corrections to prevent contraband entering the secure perimeter of a prison. In 2022/23, it reported 6,012 incidents involving contraband, an increase of 13 percent from 2021/22. We heard that the increase could be attributed to the resumption of certain activities that had decreased because of COVID-19.

Some of us expressed concern that there was still a 4.2 percent failure rate for random drug tests undertaken in 2022/23. Corrections noted that attaining a 100 percent successful testing rate is difficult. However, the percentage of drug contraband entering secure facilities has remained consistent, at usually below 5 percent each year.

We heard that contraband is often discovered *in situ*, such as during a cell search, rather than at the point it comes in. When contraband is found in corrections facilities and on prisoners, it is not always clear where it came from. Corrections uses a variety of tools to

detect incoming contraband, including searches of vehicles and people entering prisons, full-body scanners and x-ray machines at entry points, camera surveillance, and mail and telephone monitoring. To detect contraband concealed within the prison, the department operates specialist detector dog teams. These teams are capable of detecting contraband, such as drugs, mobile phones, tobacco, and illicitly brewed alcohol.

Scaling up education and industry training capacity

We asked about the types of industry training that could be scaled up to better rehabilitate and integrate those exiting the corrections system. Corrections provides industry qualifications in fields such as building and construction, manufacturing, engineering, horticulture, farming, and hospitality. It also offers vocational short courses, including first aid, health and safety, scaffolding, and forklift operation.

Corrections said it is assessing which types of industry training it could scale up in the future. We heard that construction and horticulture programmes continue to offer sustained employment opportunities for prisoners upon release. These areas of learning could be scaled up. Engineering, however, is one industry that incurs significant costs for use of equipment, and entails risky and complex work. Thus, this training may be at risk of being cut.

Staff recruitment and retention

Corrections recruited nearly 1,000 people into frontline roles in 2022/23. It ran a recruitment campaign that saw 2,948 applications received between October 2022 and February 2023. We heard that most new employees participate in its induction programme, Ara Tika. This covers the obligations of working in the public sector, integrity, cultural capability, privacy, and safety. Corrections noted that providing regular opportunities for career progression helps it retain staff.

We are concerned about staffing pressures related to medical personnel. We heard that, in December 2023, nurses working for Corrections ratified a collective bargaining agreement that provided pay parity with nurses outside the department. Applications to work as nurses in prisons had increased since then. Corrections also told us that the number of internal mental health teams has increased, from three sites in 2017 to eight in 2023.

Other matters

We also discussed the following matters with the department. For more detail, see the pages noted below in the *Hansard* transcript of our hearing, available on the Parliament website.

Reintegration and rehabilitation services

In response to questions about rehabilitation and reintegration services, Corrections indicated that these are decided on after assessing need, allocation, and placement across the network of 18 sites. It aims to ensure that prisoners have the greatest opportunity to access rehabilitation and reintegration interventions and services (see transcript pp 7–8).

Residential facilities for those on community services

We asked about the possible increase in residential facilities for those serving sentences in the community, and the risk to public safety. Corrections stated its focus is to place the people it manages in environments that are appropriately supportive and with access to the services they need. Further, Corrections has several locations near its prisons to house prisoners deemed low-risk, such as accommodation on prison land (see transcript pp 17–18).

Appendix

Committee procedure

We met between 14 December 2023 and 28 March 2024 to consider the annual review of the Department of Corrections. We conducted a standard annual review, hearing evidence from the Department of Corrections on 15 February 2024 for 2 hours and 2 minutes. We received advice from the Office of the Auditor-General.

Committee members

James Meager (Chairperson)
Hon Ginny Andersen
Jamie Arbuckle
Cameron Brewer
Tākuta Ferris
Paulo Garcia
Dr Tracey McLellan
Rima Nakhle
Tamatha Paul
Todd Stephenson
Hon Dr Duncan Webb

Related resources

We received the following documents as advice and evidence for this annual review. They are available on the [Parliament website](#), along with the [Hansard transcript](#) and [recording of our meeting on 15 February 2024](#).

- Office of the Auditor-General (Briefing on the Department of Corrections).
- Department of Corrections (Responses to written questions).