



# 2021/22 Annual review of the Department of Corrections

Report of the Justice Committee

March 2023

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Vanushi Walters  
Chairperson

## Department of Corrections

### Recommendation

The Justice Committee has conducted the annual review of the Department of Corrections for 2021/22, and recommends that the House take note of its report.

### About the Department of Corrections—Ara Poutama Aotearoa

The Department of Corrections is responsible for managing New Zealand's corrections system. It works to keep the public safe, and to reduce offending and rehabilitate prisoners. Its main responsibilities include:

- maintaining safe custodial facilities
- providing rehabilitation and reintegration services
- managing people's compliance with community-based sentences and orders
- providing support and information to registered victims
- providing information and administrative services to the courts and the New Zealand Parole Board.

The department employs 9,694 staff, 90 percent of whom work in frontline roles. It is responsible for 18 prisons across New Zealand. As of 30 June 2022, the total prison population was 7,728 people, an 8 percent decrease from the previous year. In the same period, a further 26,882 people were on community-based sentences.

We discussed the department's performance with Jeremy Lightfoot, the chief executive.

### Financial performance and audit results

The following table summarises the department's financial performance over recent years. We note that Crown revenue in 2021/22 was higher than budgeted by \$76.6 million. This was mainly due to an increase in funding for wage pressures, a capital charge to reflect revaluation of assets and interest liabilities, and a change in accounting policy for software.

	2018/19 \$million	2019/20 \$million	2020/21 \$million	2021/22 \$million	Change in 2021/22
Revenue	1,614	1,732	1,824	1,916	5.0%
Expenditure	1,609	1,736	1,826	1,866	2.1%
Net surplus	5	(4)	2	50	

### Audit results

The Auditor-General issued an unmodified audit report. Without modifying the audit opinion he included an emphasis of matter paragraph that draws the readers' attention to the

Waikeria Prison Development project and the main contractor's claims for additional costs due to COVID-19 related matters and the uncertainty that exists from these claims.

He rated the management control environment, and financial information and supporting systems and controls as "very good", with no recommendations for improvement.

The Auditor-General gave the department a "good" rating for its performance information and supporting systems and controls. He recommended that Corrections continue to develop an integrated performance framework to keep focus on the strategic outcomes of the Hōkai Rangi strategy. He noted that Corrections will need to ensure that its performance measures are clearly defined and that there are clear measures to capture information for management and reporting purposes.

### **Non-financial performance measures**

Corrections achieved 61 percent (21 of 34) of its non-financial performance measures in 2021/22. Measures that were not achieved include:

- no unnatural deaths in the corrections system
- no prison escapes
- under 0.2 prisoner on staff assaults per 100 prisoners
- over 85 percent of prisoners who start a rehabilitation programme completing the programme.

Corrections highlighted the effects of COVID-19 on some of its operations, and on the achievement of some of its performance measures. In particular, it noted that COVID-19 lockdowns meant that it suspended non-essential activities.

### **Corrections' response to Cyclone Gabrielle**

On 14 February 2023, a National State of Emergency was declared, for only the third time in New Zealand's history, due to the impact of Cyclone Gabrielle on parts of the North Island. We asked Corrections what steps it is taking to support its front-line staff in affected regions.

The department told us that Cyclone Gabrielle has affected some of its operations. Three prisons had been operating on generator power in the immediate aftermath of the cyclone. Some Corrections facilities had minor property damage and connectivity issues, but these problems have since been rectified.

The department told us that although some staff had experienced problems getting to work following the cyclone, its core operations remained staffed. It has made part of Hawke's Bay Prison available for staff accommodation, for staff displaced by the cyclone. Corrections is also looking at providing longer-term support to its staff affected by Cyclone Gabrielle, including the provision of food and transport for in-prison staff.

Several community probation centres remain closed following the cyclone. Those that are able to open have been used to provide support to Corrections staff and the wider community.

Corrections told us that when Cyclone Gabrielle hit the North Island, it was already operating a National Coordination Centre due to earlier severe flooding in Northland and Auckland. This centre's operation was then extended. Regional coordination centres have also been established in the affected areas to coordinate the local response. Corrections told us that this model allows it to coordinate its response to local needs while maintaining national oversight.

### **Support to other agencies**

We noted that Corrections staff have supported other agencies' response to flood-hit regions. We asked about the support provided and what feedback it had received from staff about this work.

We heard that community work had been a key focus of the department following the flooding. Its community-based staff have been providing a variety of support, including transporting people from residential areas to civil defence sites and transporting food to those in need.

The department told us it is also coordinating at a national level with other government agencies that are supporting flood-hit areas, to identify where it may be able to help. One area it can help is in the housing sector as Corrections has strong relationships with community housing providers in the affected areas.

### **Risks to electronic monitoring**

We noted that flooding in the North Island has caused widespread damage to the electricity and communications infrastructure. We asked what risks these outages would have for the electronic monitoring of individuals serving community-based sentences. We were also interested in whether the electronic monitoring system has ever previously failed during a non-disaster period.

Corrections told us that the electronic monitoring system relies heavily on cell phone networks. It told us that when these networks are compromised, it puts into action pre-existing plans to continue manual monitoring of high-priority individuals. For individuals who are required to adhere to a curfew, Corrections staff would manually check their location during their curfew period. For individuals required to avoid specific areas, the department will attempt to monitor their location and ensure they are not in an area that they are prohibited from visiting.

The department told us that as cell networks come back online, data captured by the electronic monitoring bracelets will be retrieved, allowing for retroactive monitoring. Corrections assured us that in the past 12 months there had not been a case of the electronic monitoring system failing outside of wider infrastructure outages.

### **Staff recruitment and attrition**

We expressed concern about the number of vacancies in frontline Corrections roles. We noted that in 2022, the department was short-staffed by almost 1,500 positions, with 800 of these vacancies on the front line. In 2021/22 Corrections employed 9,694 staff, 560 fewer than the previous year.

We are concerned about the working environment for frontline staff, who can be subject to violence in their day-to-day employment. We are also concerned that some prisons have had to stop accepting visitors due to a lack of staff. We asked what the attrition rate is for Corrections staff and when the department expects the total number of Corrections officers to start growing. Corrections told us that it was averaging 450 to 500 vacant roles in its custodial units. Turnover in 2022 was 15 percent, across its entire workforce.

In 2022 the department undertook a large-scale recruitment drive. It told us that over the three months preceding our hearing, more people joined its workforce than departed. It said it was seeing a positive inflow of between 40 and 50 employees each month, with the custodial workforce benefiting in particular. The department expects this inflow to increase even further in the next few months.

We heard that the recruitment campaign cost \$3.85 million. It has been multi-channelled, including advertisements on television, transportation infrastructure, and social media. We heard that the campaign has led to an 81 percent increase in visitors to the Corrections career website, and a 173 percent increase in employment applications. Over the Christmas and New Year period, traditionally a slow time for employment applications, it had received 141 applications.

The department noted that, rather than focusing solely on employment, it has also sought to improve the retention of current employees in cooperation with its unions. Part of this focus has involved improving the working environment and conditions for existing staff.

The department believes it has now stabilised staff retention. As more staff join over the next few months, it expects to be able to increase the level of services offered. The department's biggest priority is to reopen visits to four prisons that at present cannot accommodate visitors due to staffing constraints.

### **Training for new staff**

Corrections assured us that, despite so many new recruits, it is making sure there is no slippage in recruitment and training standards. One of the key safety concerns raised in discussions with its unions has been the on-boarding of new officers. It told us that it has made a commitment to refreshing the training of new Corrections officers to try to remove this deficiency.

One of the changes made to the training of new recruits has been to focus on more site-specific training. Corrections noted that with 17 different prisons nationwide, each with a different operating environment, it was important that new staff were prepared for the practical reality of their new work environment.

The department told us it understands the importance of having well trained staff, and recognises that these jobs are very difficult, and not for everyone. It noted that only 10 percent of applicants actually become frontline Corrections officers, which it said demonstrates its rigorous recruitment and training criteria.

## **Prisoner rehabilitation**

We noted that the percentage of prisoners completing rehabilitation programmes has dropped from 85 percent to 80 percent. We asked Corrections what has caused this drop and what it is doing to address it.

The department told us that the effects of the COVID-19 pandemic had played a significant role in reducing the number of prisoners completing rehabilitation programmes. It explained that many of its programmes are focused on a specific group of prisoners for a set period. Because of COVID-19, the delivery method on many programmes had been changed midway through from in-person to audio-visual or workbook-focused, which affected completion rates.

The type of programmes being offered also affected completion. The department told us that high-volume, low-intensity, and low-efficiency programmes had been reduced or removed in favour of more intensive, evidence-based alternatives. It said these programmes were also the most efficient use of its funding.

We heard that a change in the makeup of the prison population has also had a role in reduced rehabilitation completion rates. While the sentenced prisoner population has been progressively decreasing, there has been a significant increase in the number held on remand. We heard that this often leads to more pressing needs, such as behavioural and health needs being prioritised over criminogenic-focused treatments. The department told us this requires it to change how it prioritises resourcing of rehabilitation programmes.

The department acknowledged that at some of its sites it was not meeting the level of rehabilitation interventions it would like to. It explained that this could be directly linked to the constraints it was experiencing from a lack of staff. It told us, however, that with its staffing levels stabilising, it could begin expanding the rehabilitation support it offers inmates.

## **Corrections farms**

The Department of Corrections owns several assets in the primary industries sector. They include two dairy farms, three dry-stock units, two sheep farms, six plant nurseries, and a piggery.<sup>1</sup> These farms are used to run prisoner rehabilitation programmes. We asked whether the farms are still being used and whether the department intends to dispose of some or all of them.

The department said it constantly considers how best to use its assets, but has no plans to dispose of any farms at this stage. It said it monitors how farms and other industrial training reduces re-offending. In 2015 it sold a forestry block near Tongariro Prison after it was found not to be contributing to reducing re-offending. This had enabled it to reduce the footprint of Tongariro Prison and to focus resources on a training farm. It believes this farm better equips prisoners to re-enter the workforce on release than the previous forestry programme.

Corrections maintains a large farming operation at Waikeria Prison. It told us that the new prison being constructed at Waikeria will change the land available for farming. This will

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<sup>1</sup> For more information, see [Primary sector | Department of Corrections](#).

require adjustments to the farming operations at Waikeria to ensure the most effective use of the land.

## **Murder of Juliana Bonilla-Herrera**

On January 22 2022, convicted rapist Joseph James Brider, who had been on parole for 72 days, assaulted and murdered his neighbour, Juliana Bonilla-Herrera.<sup>2</sup> Ms Bonilla-Herrera had previously raised concerns about Mr Brider, who was living in a flat managed by a prisoner reintegration provider.

In the aftermath of this tragedy, concerns were raised that the Department of Corrections did not provide critical information about Mr Brider to the Parole Board to ensure he was paroled to an appropriate address.<sup>3</sup> We asked whether it was true that the department had failed to provide information to the Parole Board. We also asked what steps were being taken to ensure that a situation like this does not occur again. It concerns us that Mr Brider was released into the community when he clearly posed a risk to public safety.

The Department of Corrections extended its sympathy to the family of Ms Bonilla-Herrera and everyone affected by Mr Brider's actions. The department told us that it has commissioned an independent review by a King's Counsel to establish the facts about the actions of Corrections and to ensure that the public is provided with accurate and verified information. It explained that it did not want to pre-empt the findings of this inquiry by commenting. It assured us, however, that the terms of reference have been drafted in a way that should provide answers about any role the actions of Corrections played in Ms Bonilla-Herrera's murder.

The department told us that when it comes to treating prisoners who have a high chance of reoffending, the effectiveness of any treatment comes down to the willingness of the individual to connect with the treatment. It told us that the department and its support partners do their best to connect with individuals to try to rehabilitate them and make them safe to re-enter society. In the case of Mr Brider there had been many interventions and attempts at engagement, and this had been considered by the Parole Board when deciding to approve his parole.

We asked how deep the independent review of Corrections' actions would be. We were particularly interested in whether the review would examine Mr Brider's engagement with the rehabilitation process. Corrections told us that the review would be narrowly focused on Mr Brider's placement in Christchurch. It explained that a separate review commissioned by the Parole Board investigated the decision to release Mr Brider.<sup>4</sup>

## **Improving the experience of women in prison**

We were interested in what steps the Department of Corrections takes to improve the experience of women entering the prison system.

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<sup>2</sup> [Radio New Zealand, 1 February 2023.](#)

<sup>3</sup> [Stuff.co.nz, 4 February 2023.](#)

<sup>4</sup> [https://www.paroleboard.govt.nz/media/our thoughts are with the family of juliana herrera.](https://www.paroleboard.govt.nz/media/our-thoughts-are-with-the-family-of-juliana-herrera)

The department told us that, as just 3 of its 18 prisons cater to women, the needs of women in prisons have historically been overshadowed by the requirements of male prisoners. We heard that the department had undertaken a programme to make women's prisons more accommodating for female inmates. This included:

- identifying areas where the approach taken in men's prisons may not be the most suitable for women's prisons
- increasing cooperation between the directors of the three women's prisons
- recognising that many of the women coming into its custody are themselves victims of crime.

The department said it has considered these factors to tailor an alternative response encompassing its custodial, case management, and health staff. It believes these actions are positive steps towards making the corrections system more accommodating to women. It said it is also focusing on several other areas to improve the experience for female inmates.

The department highlighted Te Mana Wāhine Pathway at Christchurch Women's Prison as an example of work it is undertaking to change the experience of women in the prison system. Te Mana Wāhine Pathway is primarily aimed at female Māori inmates and includes:

- a new Kaupapa Māori whānau-centred operating model across prison and community
- culturally appropriate spaces for women and their families
- wraparound support delivering whānau-centred services to women and their families
- increased cultural practice for frontline staff working in prisons and the community
- kaupapa Māori programmes that are whakapapa- and whānau-centred for women
- kaupapa Māori accommodation services.<sup>5</sup>

We heard that the programme had been developed with input from local iwi and the Wellness and Wellbeing Insights Advisory Group, which includes several academics with expertise in the field.

The department acknowledged that there is still much work to be done to improve women's experience in the prison system. It told us that this includes considering what makes the women's prison network unique, to prevent it from being treated the same as the men's prison network.

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<sup>5</sup> [https://www.corrections.govt.nz/news/2021/maori\\_pathways\\_for\\_wahine](https://www.corrections.govt.nz/news/2021/maori_pathways_for_wahine).

## Appendix

### Committee procedure

We met on 16 February and 30 March 2023 to consider the annual review of the Department of Corrections. We heard evidence from the department and received advice from the Office of the Auditor-General.

### Committee members

Vanushi Walters (Chairperson from 13 February 2023)

Hon Ginny Andersen (Chairperson until 1 February 2023, member until 8 February 2023)

Hon Paul Goldsmith

Dr Emily Henderson

Anahila Kanongata'a-Suisuiki (from 8 February 2023)

Marja Lubeck (from 8 February 2023)

Nicole McKee

Hon Mark Mitchell

Simon O'Connor

Hon Willow-Jean Prime (until 8 February 2023)

Arena Williams

Chris Penk, Sarah Pallett, and Hon Poto Williams participated in our consideration of this item.

### Advice and evidence received

We received the following documents as advice and evidence for this annual review. They are available on the Parliament website, [www.parliament.nz](http://www.parliament.nz), along with a transcript of our hearing.

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

A recording of our hearing can be accessed online at the following link:

- [Hearing of evidence 16 February 2023 \(from 55 minutes\)](#).