



2023/24 Estimates for Vote Corrections

Report of the Justice Committee

July 2023

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Vanushi Walters
Chairperson

Vote Corrections

Recommendation

The Justice Committee recommends that the appropriations for the year ending 30 June 2024 for Vote Corrections, as set out in Parliamentary Paper B.5 Vol.6, be accepted.

About Vote Corrections

Vote Corrections is administered by the Department of Corrections—Ara Poutama Aotearoa. The department is responsible for managing New Zealand's corrections system. The two main objectives of the department are to protect the public and reduce reoffending. As of 30 June 2022, the total prison population was 7,728, an 8 percent decrease from the previous year. A further 26,882 people were serving community-based sentences.

The Minister of Corrections is responsible for the appropriations in Vote Corrections. We met with Hon Kelvin Davis, Minister of Corrections, to discuss this Vote.

Funding sought in 2023/24

In 2023/24, the appropriations sought for Vote Corrections total \$2.587 billion. This is \$177 million (7.3 percent) more than the estimated actual expenditure in 2022/23 of \$2.41 billion.

The funding allocations for Vote Corrections include:

- just over \$1.371 billion for the provision of custodial services
- nearly \$395 million for the provision of case management and interventions aimed at reducing reoffending
- just over \$289 million for the management and delivery of community-based sentences, including managing individuals on electronic bail
- nearly \$89 million to provide information about offenders to victims of crime, the judiciary, and the New Zealand Parole Board, and to provide administrative, financial, and secretariat services to the Parole Board
- capital expenditure of just over \$432 million for the purchase or development of assets.

Trends in the Vote

For comparison, the table below shows the amount sought in Budget 2023 against spending over the previous three years.

	2020/21 Actual \$million		2021/22 Actual \$million		2022/23 Estimated Actual \$million		2023/24 Estimates sought \$million	
	2,328		2,181		2,410		2,587	
% Change			(6.31)		10.50		7.34	

Rehabilitation programmes

In 2022/23, \$173.8 million was spent on prisoner rehabilitation, an 83 percent increase from the \$94.5 million spent on prisoner rehabilitation five years earlier, in 2017/18. We noted that over the same period, the number of rehabilitation programmes offered in the corrections system has declined. We discussed the provision of rehabilitation programmes with the Minister.

The Minister told us that the decline in the number of rehabilitation courses offered in the corrections system resulted from removing short courses in favour of longer, more intensive alternatives. He gave us the example of an eight-hour drug and alcohol course, and told us that he did not believe it was possible to cure someone of a drug and alcohol addiction in one day. He noted that the longer, more in-depth rehabilitation courses require more time, effort, and resources.

The department told us that some of the increases in the cost of delivering rehabilitation programmes resulted from a shift in how the department valued the people delivering the programmes. We heard that the department had invested significantly in the rehabilitation system in 2019/20 to recognise the increased costs involved in running these programmes. The department told us that when it sought funding in Budget 2019, it had been clear that it would use some of this funding to shift to paying market rates for the rehabilitation programmes that it offered. It told us that 44 percent of the funding in Budget 2019 went to maintaining the rehabilitation programmes offered at the time.

Rehabilitation programmes during COVID-19

We learnt that during the COVID-19 pandemic the Department of Corrections continued to pay the providers of rehabilitation programmes. Due to restrictions on external visitors because of the pandemic, in-person rehabilitation programmes could not be offered in the prison system. We asked the Minister and the department why these providers had continued to be paid when they were not providing the programmes they were contracted to provide. We were also interested in why these programmes could not be provided online.

The department told us that, during the pandemic, there was an expectation across the public sector that contractors on government contracts should continue to be remunerated. We heard that this was to ensure that the providers would be able to continue to operate and resume offering their services once prisons reopened to external visitors.

The Minister told us that when the country entered its first lockdown, no one knew how long the pandemic would last. When COVID-19 restrictions were first implemented, the expectation was that they would be in effect for less than six months. He noted that, if providers had not been remunerated, there may have been difficulty in finding providers for rehabilitation programmes once COVID-19 restrictions ceased.

We heard that Corrections has worked to develop self-directed learning. These systems allow the department to provide more rehabilitation programmes in remote ways via audio-visual links, phones, and email, as well as using prepared workbooks at a number of prison sites.

Māori Pathways programme

The Māori Pathways programme aims to make the corrections system more effective by using kaupapa Māori and whānau-centred approaches. It includes a range of initiatives to lower the proportion of Māori in the corrections system. It aligns with the department's Hōkai Rangi strategy.¹ One aspect of the programme is connecting Māori within the corrections system with their tīpuna (ancestry). The programme is currently being piloted in Northland, Hawkes Bay, and Canterbury.

We were interested in how the Māori Pathways programme operates. We asked whether the programme was modelled on an individual's unique whakapapa or focused on Māori ancestry as a whole. We were also interested in whether the programme would be available to non-Māori prisoners such as Pasifika people and recent migrants. We also asked the Minister what he had heard about the effectiveness of this programme.

The Minister told us, "what's good for Māori is good for everyone". He gave us the example of the Northland Regional Corrections Facility (NRCF), which serves an area from Auckland to Cape Reinga. The Minister explained that the area served by the NRCF includes at least ten iwi and hundreds of hapū. We heard that this meant that there were many familial and ancestral connections that the inmates at the NRCF were not aware of.

The main aim of the Māori Pathways programme is to connect people to their history, identity, and support networks. The Minister told us that the programme focused on Māori inmates as they made up the majority of the prison population. However, he told us that it is available for non-Māori, "because we've all got whakapapa regardless of where we're from". We heard that there are specific programmes in the corrections system aimed at helping the Pasifika population.

The Minister told us that reoffending and reimprisonment rates had been slowly declining for participants in the pilot programme. He told us that he would like to think this will improve faster over time.

Corrections response to severe weather events

At the start of 2023, several severe weather events devastated parts of the North Island. We asked what impact these weather events had on the department's operations and whether there were any continuing effects.

The Minister told us that the weather events affected several community corrections sites. He told us that work had been carried out to remediate the damage, with work on the Māngere community corrections site expected to be completed within the next month. We also heard that, beyond damaged physical buildings, there were issues arising from damage to the cellular network. The Minister told us that the department had acted swiftly and efficiently to mitigate the risks posed by the damage to this system, keeping the public safe. He told us he was proud of how the department handled the situation.

The Minister told us that the department has an immediate incident response plan for corrections facilities. The plan details how the department will respond to severe weather

¹ Hōkai Rangi is a Department of Corrections strategy that aims to reduce the Māori prison population from 52 percent to 16 percent, in line with the overall Māori population, over the next 15 years.

events. The department told us that these plans meant it was well prepared for the effects of severe weather. It told us that in its custodial sites it had good continuity in the provision of communications and power. We heard that the custodial sites in the affected regions fared very well. At no point was there a risk to public safety from these facilities.

The safety of frontline Corrections staff

We passed on our thanks to Corrections staff, and acknowledged that their role can be difficult. We asked the Minister what progress the Department of Corrections has made in improving the safety of its frontline staff.

The Minister told us that the safety of the department's staff was a major priority for the department and himself. We heard that in 2022, in partnership with the two unions representing Corrections officers, the department introduced a full programme to reduce the impacts of violence and aggression on custodial staff. The programme includes the introduction of new body-worn cameras in prisons, a wellness day for staff, and a nationally consistent approach to how assaults on Corrections staff are reported and prosecuted.

We heard that it can be challenging to find time and mental capacity to engage with and support colleagues in a prison environment. The Minister explained that the wellness day has been negotiated with the unions and allows Corrections staff a day to engage with their mental wellbeing and colleagues outside their regular working environment.

The Minister told us that violence and aggression towards Corrections staff has started to drop. We learnt that prisoner-on-staff assaults are categorised in three ways: "no injury", "non-serious injury", and "serious injury". We heard that the department encourages staff to record every instance of assault, no matter how minor. The Minister told us that serious assaults on the department's staff had been relatively stable. However, he acknowledged that any assaults on staff were not good enough, and explained that this was why the department had started the Reducing Violence and Aggression Programme.

Staff logistics

We noted that there are currently about 8,500 prisoners in the custody of the Department of Corrections, and about 8,800 frontline Corrections staff. These staff numbers mean that the department has more frontline staff than it does prisoners. Given this staff ratio, we asked why only 3 percent of prisoners have been given their legal entitlement of one in-person visit per week. We also noted that staffing numbers have been cited as affecting the department's ability to provide rehabilitation services.

The Minister told us that there were reasons for the reduction in prison visits. He highlighted that many prisoners and their families now use audio-visual link (AVL) technology in place of physical visits. We heard that AVL is preferred in some cases, such as where the prisoner's family lives some distance from the prison.

The Minister pointed out that those frontline staff are not all on duty at any one time, given the 24/7 nature of the work, and the logistics of managing a prison do mean there are staffing shortages. We heard that any movement of prisoners was labour-intensive, whether around a prison or for a hospital visit, and could require three staff for one prisoner. The

Minister also noted that when prison visits occur, they require a strong staff presence in the visiting facility.

The department noted that, as well as the individuals it manages in the prison system, it oversees 30,000 offenders serving community-based sentences. It explained that many of its frontline staff are not based in a prison but are engaged with managing individuals in the community. We heard that a full complement of front-line custodial staff entails 4,000 roles, of which 3,500 are filled.

The department noted that the volatility of the prison population has also been posing a challenge to its operations. It noted that, during the peak of the COVID-19 pandemic, it took advantage of the reduced prison population to spread inmates around the network, as a way of reducing the risk of infection. This resulted in zero deaths within the New Zealand corrections system from COVID-19. We heard, however, that as the department has started to bring the prison population back together, it has been challenged by the complexity of how to move prisoners across its network.

Reducing the prison population

The Minister has set a target of reducing the prison population by 30 percent compared to 2017. We noted that at the time of our hearing the prison population was about 20 percent smaller than in 2017. Some members expressed concerns about potential correlation between declining prison populations and rising violent crime. We asked the Minister what levers he had pulled to achieve this reduction in the prison population.

The Minister told us that, when the Government took office, forecasts showed that the prison population in 2023 would be just under 14,000. The current prison capacity is 11,500, so there would have been a shortage of 2,500 beds. Although a new 600-bed prison is being built at Waikeria, mitigating this capacity shortage would have required constructing a further 2,000–3,000-bed prison. The Minister stressed that it is important to note that the Government has not changed the Bail, Parole, or Sentencing Acts (other than repealing the “three strikes” sentencing regime).

The Minister told us that there were several factors influencing the reduction in the prison population. One factor has been reduced reoffending and reimprisonment rates. Another that the Minister highlighted was work to reduce bottlenecks in the transfer of information to the judiciary. He explained that ensuring judges had access to accurate information when needed meant they could make a timely decision on whether or not to grant bail. A final action that the Minister highlighted as helping to reduce the prison population was work to increase housing available in the community for when prisoners are released. He noted that, when the Government first took office, several individuals could not be bailed or paroled as there was nowhere suitable for them to live. Budget 2018 allocated \$56 million to increase the housing supply for prisoners on release. We heard that there are now 300 beds available in the community. The Minister told us that the presence of these beds reassured judges that there was a place available in the community when deciding whether or not to grant parole.

The Minister assured us that “the people that should be in prison are in prison”. He told us that violent offenders spend longer in prison than before. He noted that the Department of Corrections does not decide who comes into prison or who is paroled.

Use of home detention

We noted that there has been a significant shift towards using home detention as an alternative to imprisonment. Some members noted that a recent Cabinet paper had raised the possibility of automatic home detention for prisoners serving sentences of less than two years. We asked whether the increased use of home detention was part of the strategy to reduce prisoner numbers and, if so, how it was working.

The Minister told us that the Minister of Justice had discarded the advice in the Cabinet paper about automatic home detention. He noted that there were currently 300 fewer people on home detention than in 2018. There had been growth in electronic monitoring as it was still relatively new. He again stressed that any decision to use home detention or electronic monitoring was the decision of the judiciary, not the department.

Women in prison strategy

We noted that about 6 percent of the prison population and 19 percent of those serving community-based sentences are women. In 2021, the Department of Corrections released a new strategy for the management of women in the corrections system. We discussed the work under way to implement this strategy.

The Minister told us that the strategy was developed because the needs of women in prisons are different from those of men, but women and men were being treated in the same way. He described this as “inappropriate”. One aspect of this strategy is a development pathway for staff working in the women’s prison system. He told us that the pathway would equip staff with skills and capabilities, improve safety and well-being, improve job satisfaction, and promote practices to help women’s healing, restoration, and ora (life).

The department highlighted the rollout of full body scanners in women’s prisons as one of the actions the department has taken to accommodate the needs of women in prison. It told us that women often found body searches conducted by hand to be one of the most traumatising aspects of being admitted to the corrections system. It told us that the scanners had now been installed in Auckland women’s and Christchurch women’s prisons. A third women’s prison, Arohata, in Wellington, also has a scanner but work is required on the prison’s infrastructure before it can be installed.

The department noted that New Zealand’s three women’s prisons are each located in the same geographical area as a larger men’s prison. We heard that Corrections had worked to ensure that the operation of these facilities was not overshadowed by their larger counterparts. We heard that, to maintain separation between the facilities, the department had separated the management of the women’s prison network from the men’s network. It told us that the directors of the women’s prisons now regularly meet to share experiences and information. The department has also developed special training and dedicated staff to ensure that people working in the women’s prison network are equipped to work there.

Changes to process following murder of Juliana Bonilla-Herrera

On 22 January 2022, convicted rapist Joseph James Brider, who had been on parole for 72 days, assaulted and murdered his neighbour, Juliana Bonilla-Herrera. In the aftermath of Ms

Bonilla-Herrera's murder, questions were raised about the information that the Department of Corrections had provided to the New Zealand Parole Board during its consideration of Mr Brider's application for parole. We asked who is accountable for any failures by the department to provide accurate information to the Parole Board, and what the process will be going forward.

The department acknowledged that there was a lot to learn from this tragic incident. It told us that it had commissioned an independent review by Victoria Heine KC to determine whether it had provided incorrect information to the Parole Board. We heard that, although the review found no evidence of incorrect information being provided by the department to the Parole Board, it had made two specific findings that the department has now addressed.

The first of these findings has led to a strengthened role for the intensive reintegration panel in parole decisions. We heard that this panel must now be involved in clearing any recommendation for a high-risk individual being released from prison into the community.

We heard that the second finding was more substantial. As part of the changes, the department must now ensure that a bed is confirmed at a community accommodation provider three months before the parole hearing of a high-risk individual. Previously, it was not necessary to have absolute confirmation that accommodation was available as a prerequisite for a parole hearing.

Appendix

Committee procedure

We met on 22 June and 20 July 2023 to consider Vote Corrections. We heard evidence from the Minister of Corrections, Hon Kelvin Davis, and the Department of Corrections, and received advice from the Office of the Auditor-General.

Committee members

Vanushi Walters (Chairperson)

Hon Paul Goldsmith

Dr Emily Henderson

Anahila Kanongata'a

Marja Lubeck

Nicole McKee

Hon Mark Mitchell

Simon O'Connor

Arena Williams

Dr Liz Craig participated in our consideration of this item.

Advice and evidence received

In addition to the standard Estimates documents, we considered the following documents as evidence and advice. They are available on the Parliament website, www.parliament.nz, along with a transcript of our hearing.

- Standard Estimates Questionnaire responses (Vote Corrections).
- Minister of Corrections (Responses to additional questions).
- Office of the Auditor-General (Briefing on Vote Corrections).

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

- [Hearing of evidence 22 June 2022 \(from 31:30\)](#)