



17 August 2015

C72274

Mr Dellow

fyi-request-2869-8dd89c59@requests.fyi.org.nz

Dear Mr Dellow

Thank you for your email dated 22 June 2015, requesting information on whether the Department of Corrections' contracts with private prison operators in New Zealand, such as Serco, include a minimum level of occupancy in those prisons. Your request has been considered under the Official Information Act 1982 (OIA).

There are two prisons in the Department's network managed by Serco New Zealand Ltd: Mt Eden Corrections Facility (MECF) and Auckland South Corrections Facility (ASCF).

There have recently been a series of serious allegations in relation to the operation of MECF; in particular, organised fighting amongst prisoners and access to contraband. The seriousness of the allegations has been recognised and the Chief Inspector has been asked to conduct an investigation into the claims. The investigation has been widened to review violence and access to cell phones in other prisons. The Chief Inspector will run a two-stage review. Stage one will review the circumstances surrounding incidents posted to social media and establish whether there have been organised prisoner fights at MECF. Stage two will review the adequacy of controls designed to address prisoner violence and access to cell phones in other New Zealand prisons.

The Chief Executive has also invoked a 'Step In' Clause in the contract between the Department and Serco, which took effect on 27 July 2015. The clause is a temporary measure which allows the Chief Executive to place a Corrections Prison Director and management team into MECF to oversee its day to day running while keeping Serco staff on site. This decision was necessary to protect the safety of the staff and prisoners.

The Chief Investigator's investigation, and the invocation of the 'Step In' Clause have been necessary to assure the public that prisons, run by the Department or by a private company, meet the expected standards. The bottom line is that prisoners must be safe when serving their sentences.

Please refer to the Department's website via the link below for more information:

http://www.corrections.govt.nz/news/media-releases/2015_media_releases/corrections_steps_in_at_mount_eden.html

Serco is also responsible for prison operations at ASCF; however they are not contracted directly to the Department. The Department signed a contract with SecureFuture Wiri Limited to design, finance, build, operate and maintain Auckland South Corrections Facility. SecureFuture have in turn subcontracted the operation of the prison to their operator Serco.

In your email you ask for information on whether there is any provision within the contracts signed between corrections and private prison operators in New Zealand, such as Serco Group, guaranteeing a minimum level of occupancy in prisons run by said private operators, such as Mt. Eden correctional facility.

The Department's contracts are not structured to guarantee a minimum level of occupancy. MECF is predominately a remand facility, housing up to 976 prisoners. Under the Department's contract Serco is required to receive and accommodate any prisoner the Department sends within the prison capacity of 976 prisoners. A copy of the contract between the Department and Serco for the management of MECF is available on the Department's website: http://www.corrections.govt.nz/resources/prison_management_contract_for_mt_eden_prison.html.

In regard to ASCF, SecureFuture is contractually obliged to provide 960 prisoner places to the Department, out of this total 360 of these places must be classified high security.

A copy of the contract between the Department and SecureFuture that provides for the design, build, finance, operation and maintenance of ASCF is available on the Department's website: http://www.corrections.govt.nz/news/auckland_south_corrections_facility_new_mens_prison/contract.html

The Department's utilisation of these prisoner places is governed by the individual case management requirements of prisoners and in line with the Department's muster management strategy.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Department. 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.

Yours sincerely

A handwritten signature in black ink, appearing to be 'N. Cherry', with a long horizontal flourish extending to the right.

Neil Cherry
Deputy Chief Executive
Finance, Technology and Commercial