



Investigation Terms of Reference: Ara Poutama Aotearoa – Department of Corrections – actions and/or omissions to make sustained and significant improvement to prisoner welfare and rehabilitation

14 May 2021

The Chief Ombudsman has commenced a self-initiated investigation into Ara Poutama Aotearoa – Department of Corrections.¹

Over the years, many findings, recommendations and suggestions for improvement have been made to the Department of Corrections by oversight entities on a wide range of critical issues. Viewed collectively, it does not appear that the concerns raised by these entities have been effectively acted on by the Department in a way that has demonstrated significant and sustained improvement to prisoner welfare and rehabilitation.

The Chief Ombudsman’s role, as an Officer of Parliament, is to investigate the exercise of power by public sector agencies to ensure that there can be trust and confidence in the system. As part of his role, the Chief Ombudsman has unique and wide-ranging powers to investigate acts and decisions across the public sector, require all relevant information from any party, and form an independent opinion. Carrying out an investigation allows the Chief Ombudsman to make recommendations as he sees fit.

The Chief Ombudsman’s investigation will consider the Department’s acts and/or omissions in responding to concerns and suggestions for improvement by oversight entities. The purpose of the investigation is to understand what steps the Department has taken, and to identify whether there are any systemic issues that may be affecting the Department’s ability to achieve significant and sustained change.

In the context of the Department’s Te Tiriti o Waitangi and stewardship obligations, the investigation will include looking at the actions it has taken to effectively address:

- the treatment and conditions of persons detained in corrections facilities – such as the physical environment, as well as the way the Department protects the mana of those in its care and its staff members;
- the provision of constructive activities for those in the Department’s care – such as education, employment, rehabilitation and reintegration programmes; and
- the performance monitoring and review measures in place to ensure good practice and sound decision making – such as complaints management, oversight of segregation orders, use of force reviews, and other operational or incident reviews.

¹ This investigation is being conducted pursuant to section 13 of the Ombudsmen Act 1975.

The Chief Ombudsman is in the initial stages of planning and scoping this investigation. As the investigation progresses, the Chief Ombudsman may wish to adjust or refine specific areas of focus, as is deemed necessary.

The Chief Ombudsman intends to undertake this investigation, including the information gathering process, in an iterative and collaborative fashion with the Department of Corrections and other relevant stakeholders.

Upon completion of the investigation, a preliminary report will be prepared and provided to relevant parties for comment. Following that consultation process, the final report will be tabled in Parliament and published on the Ombudsman's website.

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