



06 July 2017

C86447

Joshua Smith  
[fyi-request-5986-832d7182@requests.fyi.org.nz](mailto:fyi-request-5986-832d7182@requests.fyi.org.nz)

Dear Mr Smith

Thank you for your email of 9 June 2017, requesting information about Corrections staff members charged under section 195 of the Crimes Act 1961. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety and reducing re-offending are the ultimate goals for the Department of Corrections. In accordance with the Corrections Act 2004, we must make public safety paramount when managing offenders, and administer all sentences in a safe, secure, humane and effective manner. All prison facilities are operated in accordance with New Zealand legislation and based on other agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners.

The Department demands a high standard of conduct from all employees. They are expected to role model positive law-abiding behavior. A significant emphasis is placed on these aspects throughout the recruitment and selection processes. A new pre-employment screening procedure has been introduced to support the high standards of conduct and integrity we expect.

Additionally, we provide extensive training and development for our frontline employees to ensure they are able to meet the demands placed on them. We have implemented a number of measures to strengthen integrity and ensure that it is embedded in the culture of our workplace. These measures include:

- increased pre-employment checks, including asking applicants questions about integrity and potential conflicts of interest.
- credit checking of employees with significant financial responsibility.
- establishing an Integrity Committee and an Integrity Support Team.
- revising the employee Code of Conduct.
- conducting nationwide workshops with prison employees at all levels.
- establishing an 0800 Integrity Line for employees to get confidential advice, support or to report concerns of wrongdoing.
- drug testing of employees.

The overwhelming majority of our employees fulfil their duties with integrity and commitment, in what is often a pressured and challenging environment. Any large organisation may encounter a few employees who cannot maintain the high standards set by the majority. When employees do not meet the standards required of them we take the appropriate action.

You asked:

*'Could you please advise if any prison staff or managers have been charged under the crimes act section 195. Especially whilst Serco was running Mt Eden, and if not why not as it was proven that staff/ management were [neglectful in] their duties in several cases[...]*

As you have referenced in your request, section 195 of the Crimes Act 1961 relates to the ill-treatment or neglect of children or vulnerable adults. Section 195(1) of this Act states:

*Every one is liable to imprisonment for a term not exceeding 10 years who, being a person described in subsection (2), intentionally engages in conduct that, or omits to discharge or perform any legal duty the omission of which, is likely to cause suffering, injury, adverse effects to health, or any mental disorder or disability to a child or vulnerable adult (the victim) if the conduct engaged in, or the omission to perform the legal duty, is a major departure from the standard of care to be expected of a reasonable person.*

I am advised that Corrections does not have any record of staff being charged under this section of the Crimes Act. Please note, however, that Corrections does not hold information related to Serco staff members. I recommend that you contact Serco directly with regard to information about their staff. You may do so online at: <http://www.serco-ap.com.au/contact-us/>

It is also important to note that charging people under section 195 of the Crimes Act is not a function of Corrections and that we do not hold any information with regard to the part of your request concerning why staff have *not* been charged.

Accordingly, your request is declined under section 18(e) of the OIA as the information requested does not exist, or despite reasonable efforts, cannot be found.

Finally, I wish to reassure you that the Department takes its duty of care to prisoners seriously. Should a prisoner have concerns about their management by Corrections they may make a complaint through the internal PC.01 complaints process, the recently established Complaints Response Desk, Corrections' independent Inspectorate of Corrections or the Office of the Ombudsman.

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 read 'Vincent Arbuckle', is written over a large, light-colored circular scribble or stamp.

Vincent Arbuckle  
Deputy Chief Executive  
Corporate Services