

**Question 198**

*How many individual claims for compensation by inmates were paid out or settled in the past year, specified by the amount sought and reason for the claim, and how does this compare to previous years?*

**Answer 198**

A total of five claims for compensation by prisoners or former prisoners were settled in the past year as detailed in the table below. No amounts were specifically sought and all but one claim related to unlawful detention for administrative reasons (human error, incorrect information used in sentence calculation etc).

Year End 30 June	Number of Claims	Nature of Claims	Amount Sought
2007	4 1	Unlawful Detention Breach of Privacy	N/A
2006	4	Unlawful Detention	N/A
2005	Nil	Nil	N/A
2004	2	Unlawful Detention	N/A

**Question 199**

*How much was spent in defending compensation claims against the department by prisoners (former and current) in the past year, and how does this compare to previous years?*

**Answer 199**

The table below includes payments made to the Crown Law Office and other legal representatives, and compensation paid to prisoners' representatives. Departmental staff salaries and administration costs are excluded.

	2003/04	2004/05	2005/06	2006/07
Amount spent (\$)	\$803,000	\$361,000	\$679,000	\$693,000

**Question 197**

**How many individual claims for compensation by inmates are awaiting adjudication, specified by the amount sought and reason for the claim?**

**Answer 197**

As at 29 June 2007, a total of 33 individual claims for compensation by prisoners or former prisoners were awaiting adjudication.

The nature and reason for the claim and amount sought are set out in the table below setting out civil claims for damages brought by prisoners or former prisoners in the period from 1 October 1995 to June 2007. However caution should be used in attempting to interpret an individual claim as indicative of the outcome. Payment will only be made in relation to claims that are actionable in law.

No	Reason for Claim	Amount Sought
1	Alleged breach of privacy	\$10,000
2	Negligence	\$30,000
3	Breach of NZ Bill of Rights. Civil Proceedings	\$20,000
4	Possible claim for exemplary damages NZBORA	\$90,000
5	Loss of opportunity	\$50,000
6	Claim that BMR breaches NZ Bill of Rights Act, Crimes of Torture Act and UN Convention	\$400,000
7	Negligence/Breach BORA	\$120,000
8	Unlawful Detention (Mt Eden DPB)	\$200,000
9	Alleged unlawful detention/breach of NZ Bill of Rights	\$80,000
10	Claim for damages and BORA compensation re assault by officer (now ex employee)	\$150,000
11	Breach of Bill of Rights (BMR)	\$1,350,000
12	Judicial review of decision of CDCJ not to further investigate Clark's complaint/BORA action re alleged failures to educate staff in international treaty	\$0
13	Breach of Bill of Rights (BMR)	\$329,000
14	Civil Proceedings	\$144,000
15	Judicial review arising from disciplinary offence hearing	\$0
16	Seeking declaratory relief. Claim is in respect of historical segregation decisions	\$0
17	Judicial review arising from disciplinary offence hearing	\$0
18	BORA	\$0
19	Judicial review. Laptop in cell & other issues	\$0
20	Civil Proceedings	\$50,000
21	Civil proceeding/tort/BORA claim	\$249,000

No	Reason for Claim	Amount Sought
22	Judicial review	\$0
23	Judicial review & Breach NZ Bill of Rights	\$0
24	Claim for damages in tort against Attorney-General on behalf of the Police & manager of prison for events in 2004 while on remand at ACRP.	\$50,000
25	Civil proceedings/tort/historical medical issues	\$120,000
26	Claim for unlawful detention	\$20,000
27	Civil proceedings - assault by prison officers	\$200,000
28	Civil proceedings re disciplinary proceedings	\$13,500
29	Civil proceedings relating to medical care/treatment (without consent/assault).	\$300,000
30	Private criminal prosecution against a Corrections Officer	\$0
31	Civil proceedings re decision not to allow wife (ineligible) to keep baby in self care unit	\$0
32	Unlawful Detention	\$20,000
33	Alleged mistreatment	\$20,000