

09 February 2022

C146611,2

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Tēnā koe Richard

Thank you for your emails of 19 January 2022 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about people imprisoned in December 2020. Your request has been considered under the Official Information Act 1982 (OIA).

Corrections does not decide who is and who is not in prison. That is a decision for the Courts and the New Zealand Parole Board. Corrections must comply with the lawful directions provided by them in terms of when people should be released from prison, whether that be on bail or at the end of their sentence.

The amount of time a person can spend in prison on remand is dependent on how long it takes for the judicial process to be completed by the courts. This is influenced by many factors including the complexity of the case and the plea entered. Corrections does not manage court proceedings. The court system is overseen by the Ministry of Justice.

Corrections is working alongside our Justice sector colleagues on a joint initiative to make significant improvements to New Zealand's criminal district court system. The Criminal Process Improvement Programme (CPIP) is a cross-sector initiative which aims to reduce the backlog of court cases by making changes across all stages of the court system. It also seeks to identify and address long-standing issues in the courts which cause delays.

The programme has a number of objectives:

- Addressing delays in defendants' cases being heard
- Addressing uncertainty around when to turn up to court, or barriers in attending court
- Minimising time spent in custody before bail is granted
- Making better use of jurors' or other participants' time
- Reducing the number of court adjournments at sentencing, which has increased over time and represents a significant waste of court time and resources.

Further information is available on the Ministry of Justice's website [here](#).

You have requested the following information:

Of the 4,821 sentenced prisoners incarcerated as at 31 December 2021, how many were sentenced to serve in prison:

1. *six months or less;*
2. *twelve months or less, but more than six months;*
3. *eighteen months or less, but more than twelve months.*

The table below shows a breakdown of the imposed length of the 4,821 people serving a sentence in a New Zealand prison on 31/12/2021.

IMPOSED SENTENCE LENGTH	PEOPLE
1) six months or less	46
2) twelve months or less, but more than six months	129
3) eighteen months or less, but more than twelve months	182
4) Over 18 months	3,630
5) Indeterminate sentence	834
Total	4,821

Of the 2,989 remand prisoners as at 31 December 2020, how many have subsequently been:

1. *sentenced to a term of imprisonment of six months or less;*
2. *sentenced to a term of imprisonment of twelve months or less, but more than six months;*
3. *sentenced to a term of imprisonment of eighteen months or less, but more than twelve months;*
4. *convicted but not sentenced to a term of imprisonment;*
5. *released without conviction.*

For your request for a breakdown of the people who were remanded in custody on 31 December 2020, we have provided a breakdown based of the active warrants, not the identity of the person. There were 2,946 people on remand in a New Zealand prison on 31 December 2020, the figure of 2,989 includes off-site remandees where Corrections does not have the necessary details to determine outcomes.

The table below shows the outcome of the most serious conviction of the warrants active at that time – we have had to add categories to account for all outcomes.

REMAND WARRANT OUTCOMES (31/12/2020 snapshot)	PEOPLE
1) sentenced to a term of imprisonment of six months or less	270
2) sentenced to a term of imprisonment of twelve months or less, but more than six months	345
3) sentenced to a term of imprisonment of 18 months or less, but more than twelve months	265
3a) sentenced to imprisonment for more than 18 months	854
3b) sentenced to an indeterminate period of imprisonment	34

4) convicted but not sentenced to a term of imprisonment	640
5) released without conviction.	133
6) Warrant still active	393
7) Immigration warrant, no criminal charges	12
Total	2,946

Table notes:

- Indeterminate period of imprisonment means that the person has been sentenced to either life imprisonment or preventative detention.

Corrections' research currently underway into remand periods has established that those serving short periods in remand custody are less likely to be sentenced to imprisonment if convicted.

This means that analysis of sentencing outcomes for a snapshot of people in remand custody is not a valid representation of the outcomes of those remanded into custody over a period of time. While 4.5% (133/2,946) of people in remand custody on 31 December 2020 were released without conviction, this does not mean that 4.5% of those remanded in custody over the 2020/21 financial year were released without conviction, nor does the 23% (640/2,946) of people remanded in custody on 31 December 2020 who were ultimately sentenced to a community-based sentence suggest that 23% of all periods in remand lead to a sentencing outcome.

Analysis of the throughput (periods of remand over time) also shows that people can serve *more than one non-consecutive period in remand*. Research also shows that *over the course of a case, people can serve several distinct periods in remand custody, ranging from one day or more*.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. 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.

Ngā mihi nui



Rachel Leota
National Commissioner