

21 DEC 2017

M P Ross  
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Dear Mr Ross

**Official Information Act 1982 request**

I acknowledge your Official Information Act 1982 (the Act) request of 16 November 2017, requesting information on three strikes statistics.

In the past, the Ministry conducted a complex, one-off analysis with respect to the five-year periods before and after the commencement of the Sentencing and Parole Reform Act 2010 (SAPRA). This was based on the specific definitions introduced by the SAPRA and the intent to compare the pre- and post- implementation results:

- Under the SAPRA, warnings may be given either when guilt is established (which is usually when the conviction is entered) or at the sentencing date. However, as the timing of giving the warnings is at the discretion of the judge, it is impossible to estimate when warnings would have been given before the implementation of the SAPRA.
- In order to create comparable cohorts, rather than counting the actual numbers of warnings given, data was extracted for offences committed and sentences given within each five-year period for specified violence offences only (as defined in section 86A of the Sentencing Act 2002) where the defendant is at least 18 years old at the time of offending.
- Also for consistency, identification of reoffending (a proxy for second or later stage or "strike" offences) is based on a serious violent offence committed after being sentenced for an earlier such offence.

Your request and my responses are set out below. Responses for questions A and C are based largely on the analysis referred to above.

A) *How many people convicted of murder, rape or manslaughter and other violent offenders were released, have reoffended and convicted of any crime since the above conviction and if there were repeat offenders of the same charge, how many?*

As clarified with you on 24 November 2017, we have interpreted your request as referring to all specified violent offences (as defined in section 86A of the Sentencing and Parole Reform Act 2010) and have supplied you with data for the period from 1 June 2005 to 31 May 2010.

**Table 1: Number of people convicted of "strike" offences in the period 1 June 2005 - 31 May 2015 by cohort and stage**

Cohort	Stage				Total
	1	2	3	4	
Cohort 1: 5 Years Pre-Three Strikes Legislation	5,517	103	4	2	5,517
Cohort 2: 5 Years Post-Three Strikes Legislation	5,248	68	-	-	5,248

Notes:

- Cohort 1: Offence committed from 1 June 2005 to 31 May 2010 and conviction occurred from 1 June 2005 to 31 May 2010.
- Cohort 2: Offence committed from 1 June 2010 to 31 May 2015 and conviction occurred from 1 June 2010 to 31 May 2015.
- Number of convictions for specified violence offences only (as defined in section 86A of the Sentencing Act) where defendant is at least 18 years old at time of offending.
- Offending can only count as a second strike if the offender was convicted of a strike offence before the new offending occurred.
- Conviction has been counted at the time of sentencing.

Please note that although this data shows that reoffending has reduced since the SAPRA came into force, there are several factors affecting numbers of people convicted over the period in question. These include changes in policing practices (for example, the Policing Excellence Scheme: [www.police.govt.nz/about-us/programmes-initiatives/policing-excellence](http://www.police.govt.nz/about-us/programmes-initiatives/policing-excellence)), an overall reduction in crime and a reduction in the number of people prosecuted and convicted from 2009 to 2014. This means that any reduction in reoffending cannot not be solely attributed to the Sentencing and Parole Reform Act 2010.

*B) How many victims of these crimes were there?*

As per our correspondence to you on 5 December 2017 this part of your request was transferred to the New Zealand Police and they will respond to you directly.

*C) Have any of those convicted above, been found guilty of murder, rape or manslaughter on more than one occasion?*

**Table 3: Number of people convicted of murder, manslaughter and sexual assault in the period 1 June 2005 - 31 May 2010, by stage**

Number of people	Stage			
	1	2	3	4
	2,031	27	3	1

Notes:

- Number of convictions for murder, manslaughter and sexual assault where defendant is at least 18 years old at time of offending.
- Offending can only count as a second strike if the offender was convicted of a strike offence before the new offending occurred.
- Conviction has been counted at the time of sentencing.
- Murder, manslaughter and sexual assault are defined using the Australian and New Zealand Standard Offence Classification groups: 0111 Murder, 0131 Manslaughter, 0311 Aggravated sexual assault, and 0312 Non-aggravated sexual assault. More information about ANZSOC can be found at the following link: [abs.gov.au/ausstats/abs@.nsf/mf/1234.0](http://abs.gov.au/ausstats/abs@.nsf/mf/1234.0)

D) *What was the reoffending rate percentage of those sentenced to prison and released/paroled for the 10 years prior to the three strikes system?*

E) *What was New Zealand's reoffending rate in general for these 10 years?*

As per our correspondence to you on 5 December 2017, questions D and E have been transferred to the Department of Corrections and they will respond to you directly.

F) *How many offenders have been given a first strike warning?*

G) *How many offenders have been given a third strike warning?*

H) *What is this as a percentage comparing number of offenders given a third strike against a second strike?*

I) *What is the percentage comparing number of offenders given a third strike against a first strike?*

**Table 3: Number of people given a strike warning in the period 1 June 2010 - 31 May 2017, by warning type**

Warning Type	Number of people
First Warning Stage 1 s86B(1)(b) Sentencing Act	8,050
Final Warning Stage 2 s86C(1)(b) or 86E(6)(b) Sentencing Act	113
Third Strike	2

Notes:

- Some warnings are given when guilt is established, rather than at sentencing, the latter of which may have taken place outside the specified time frame
- Two people have been convicted and sentenced a third time for qualifying offences

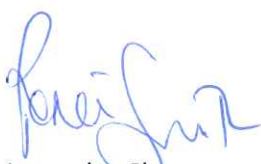
J) *Do H) and I) point to the statistical fact that the three strike system reduces reoffending rates and therefore creates less victims of violence used against victims, much more effectively (% wise) than compared to the 10 years previous?*

The Ministry has not conducted an evaluation of the Sentencing and Parole Reform Act 2010.

If you are not satisfied with my response to your request, you have the right to make a complaint to the Ombudsman under section 28(3) of the Official Information Act. The Ombudsman may be contacted by emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

I hope this information will be useful to you.

Yours sincerely



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