

Lance O'Riley
fyi-request-8046-237de65d@requests.fyi.org.nz

Dear Mr O'Riley

Official Information Act 1982 request

I acknowledge your Official Information Act 1982 (the Act) request of 16 June 2018, requesting information relating to the Sentencing and Parole Reform Act 2010 (now incorporated within the Sentencing Act 2002).

Your questions and my responses are set out below.

A: How many convictions on average did an offender have upon receiving their first strike warning under the Sentencing and Parole Reform Act?

This question has been transferred to the Department of Corrections in accordance with section 14 of the Act.

B: What information is available in regard to all offenders who have to date received their third strike? (Where possible, please provide name, convictions for each of their three strikes and how many prior convictions)

As of 31 May 2018, 4 people have been sentenced under section 86D of the Sentencing Act 2002 for a stage 3 offence. One was for aggravated robbery, two were for indecent assault, and one was for murder.

Further information, such as the names of the offenders, is court information and is not subject to the Act. You must apply directly to the relevant court for access to court information.

C: Of all offenders who have received their third strike, how many times has the manifestly unjust provision been used to limit the use of a non-parole period?

When sentencing an offender under section 86D of the Sentencing Act 2002 for a stage 3 offence, the sentencing judge must impose the maximum possible sentence for the offence in question. They must also order that the offender serve this sentence without the possibility of parole, unless this would be manifestly unjust.

In terms of section 86D(3) Sentencing Act 2002, neither offender was sentenced to the maximum term of imprisonment without parole.

D: What is the most common offense committed which would be eligible for a strike under the Sentencing and Parole Reform Act.

Of those defendants convicted of a strike offence under the Sentencing Act 2002, the most common offence group is aggravated robbery.

E: What is the reoffending rate of those who have been sentenced to a first or second strike when compared to offenders who have been sentenced for crimes not covered under the Sentencing and Parole Reform Act.

The Ministry of Justice does not hold this information. Your request is therefore declined under section 18(g) of the Act on the grounds that the information requested is not held by the Ministry and there is no reason to believe that it is held by or more closely associated with the functions of another department.

F: Would the repeal of the Sentencing and Parole Reform Act result in lower sentences for high-risk offenders thereby increasing the risk to the public if it were successful.

The Ministry of Justice does not hold this information. Your request is therefore declined under section 18(g) of the Act on the grounds that the information requested is not held by the Ministry and there is no reason to believe that it is held by or more closely associated with the functions of another department.

There is further information about the Sentencing and Parole Act 2010, including statistics on the number of first, second and third strikes, on the Ministry website here: <https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/three-strikes-statistics/>

You have the right to complain to the Ombudsman under section 28(3) of the Act if you are not satisfied with my response to your request. The Ombudsman may be contacted by emailing info@ombudsman.parliament.nz.

Thank you for writing. I trust this information is of assistance.

Yours sincerely



Tania Ott
Group Manager, Senior Courts