

02 MAY 2019

Danny Pickering
fyi-request-9976-45d246ab@requests.fyi.org.nz

Dear Mr Pickering

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 1 April 2019 seeking information regarding number of people convicted of three strikes offences. You have requested the following:

1. The number of people who have received a “first warning” under the “three strikes law”, broken down by year. Please break this down further by ethnicity.
2. The number of people who have received a “final warning” under the “three strikes law”, broken down by year. Please break this down further by ethnicity.
3. The number of people who have received a “third strike” under the “three strikes law”, broken down by year. Please break this down further by ethnicity.
4. The number of times the maximum penalty has been imposed on “third strikers”, broken down by year. Please break this down further by ethnicity.
5. The average length of prison sentence per year, as far back as records permit. If possible, please provide me with the average prison sentence length broken down by ethnicity as well.

In response to your first and second request, this information is already publicly available at justice.govt.nz/assets/Documents/Publications/Three-strikes-offences-dec2018-v1.0.xlsx set out in Table 1c and Table 2c. As you are able to access this information yourself, I am refusing your request under section 18(d) of the OIA Act (Act).

In relation to your third and fourth request, this information is already publicly available at justice.govt.nz/assets/Documents/Publications/Three-strikes-offences-dec2018-v1.0.xlsx set out in Table 3a, 3b and 3c. As you are able to access this information yourself, I am refusing your request under section 18(d) of the OIA Act (Act). Please note the data does not include information broken down by ethnicity, this is due to small number of people receiving the third strike offences. This part of your request is refused under section 9(2)(a) of the Act.

In response to your fifth request, the Ministry of Justice (the Ministry) sought clarification with you on 11 April 2019. As we have not had a response from you, I am refusing your request under section 18(g) of the Act as the information is not held by the Ministry and I have no reason to believe it is held by, or more closely connected to the functions of, any other department or Minister.

Additionally, the Act does not require a department to create information or put it in another form. The Ministry holds the raw data from which answers to your questions can be derived. However, it does not hold the answers to your questions without extracting the relevant information. Although not obliged to, the Ministry will usually answer basic requests for statistical information even if that requires extracting the relevant information from the raw data. The aspects of your request I am refusing do not fall into that category; they are complex and would involve a significant amount of work to answer.

If you would like to proceed with your fifth request, or if you require any clarification of the information contained in this response please contact Julia Goode, Team Leader, Media and Official Correspondence, by calling (04) 918 8836; or emailing media@justice.govt.nz

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing info@ombudsman.parliament.nz

I trust that this information assists.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JS', followed by a long horizontal line extending to the right.

Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 74555