

06 May 2024

C179878

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your email of 14 March 2024 to the Ministry of Justice, requesting information about people on remand. The following parts of your request were transferred to the Department of Corrections – Ara Poutama Aotearoa in accordance with section 14 of the Official Information Act 1982 (OIA):

Can you please also let me know the average time spent remanded in custody for each of the last ten years?

What's the longest one person has been held in custody on remand in the last ten years, and are they still in custody?

Your request has been considered under the OIA.

Public safety is our top priority. Corrections manages people at the direction of the Courts and the New Zealand Parole Board – we do not determine whether a person is sentenced to prison or the length of their sentence. We also do not determine whether someone is remanded in custody, or the length of time they are on remand.

As you may be aware, there are two types of remand prisoners:

- Remand accused: a person who has not yet been found (or pleaded) guilty of the charge(s) laid against them
- Remand convicted: a person who has been found (or pleaded) guilty of the charge(s) laid against them, but is yet to be sentenced by the courts.

Remand accused people are required to be kept separate from sentenced prisoners. Some prisons house a higher proportion of remand prisoners, while others primarily house sentenced prisoners. The amount of time a person spends on remand is dependent on how long it takes for the judicial process to be completed by the Courts and is influenced by factors including the complexity of the case and the plea entered.

The High Impact Innovation Programme (HIIP) is a cross agency team that is housed within Corrections but has a justice sector focus. HIIP has operated a number of initiatives to prevent unnecessary delays for people in the justice system, both for people on remand and

those who have been sentenced. The initiatives improve information flow and access to information, which enables informed decision-making by the judiciary or New Zealand Parole Board as quickly and safely as possible. The initiatives also provide increased support to people in the justice system, reduce harm and improve the likelihood of someone complying with any conditions imposed on them by the Courts or New Zealand Parole Board.

Accessing Defendants in Custody (ADC) is a HIIP initiative, which supports improvements to ensure people in custody have easy and timely access to legal counsel and information required for case progression. We're working to understand any issues and focus on improvements in this area, in particular:

- Making it easier for lawyers and other professionals to access people in custody
- Making sure disclosure is provided, stored and moved as required
- Looking at overcoming the barriers for communication between professionals and people in custody.

By streamlining these processes, we aim to reduce the time spent on remand awaiting a decision and positively contribute to improved and timely case progression.

Corrections is also working to reduce the time it takes for people remanded in custody to be sentenced after conviction. The Sentencing Ready team is a cross agency team, led by Corrections, with staff also based within the Ministry of Justice. The team works with parties who contribute to sentencing hearings to help make sure all necessary information is available at these hearings. This can mean people spend less time remanded in custody awaiting a sentencing outcome. Improving court timeliness is a priority for the Government. HIIP has recently supported the establishment of the cross agency Timely Justice Action Plan. The action plan includes key operational initiatives being led by Corrections, the Ministry of Justice and Police that are focused on increasing the capacity and efficiency of resources in the system, improving information provision to increase timely case progression, and increasing meaningful engagement.¹ Improving court timeliness will have a positive flow on impact for people on remand and, like the other initiatives previously mentioned, will support people to move through the system in a more timely manner.

The table below shows the average and median number of days spent on remand over the last ten years. Information is provided by financial year, consistent with our standard reporting conventions.

Please note, the median numbers of days is often more informative than the average number of days as a small number of very long remand periods can push the average upwards.

¹ This focuses on improving interactions between defendants and counsel/other professionals to ensure each point of contact is being used efficiently and productively.

Financial year	Average number of days	Median number of days
2013/14	56	29
2014/15	59	34
2015/16	64	35
2016/17	66	39
2017/18	71	42
2018/19	69	37
2019/20	76	42
2020/21	76	38
2021/22	78	41
2022/23	79	42

The longest serving person on remand in the last ten years was held for 2,084 days and was released from custody in 2023.

While this person spent a significant continuous period in remand, a number of different charges were finalised over that period, and they were sentenced to imprisonment on more than one occasion. However, on each occasion the sentence was less than the time they had already served on remand, and so they immediately reverted to remand as they still had further outstanding charges.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

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



Leigh Marsh
Commissioner Custodial Services