

13 September 2022

C156607

S 9(2)(a)

Tēnā koe,

Thank you for your request of 19 August 2022 to the Ministry of Justice, requesting information about people on remand. As your request more closely relates to the functions of the Department of Corrections – Ara Poutama Aotearoa, it was transferred to Corrections on 22 August 2022 in accordance with section 14 of the Official Information Act 1982 (OIA). Your request has been considered under the OIA.

Corrections manages people at the direction of the Courts and the New Zealand Parole Board – we do not determine who is in prison and who is in the community, and are not responsible for the number of people who are remanded into custody.

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; and,
- Remand convicted: a person who has been found (or pleaded) guilty of the charge(s) laid against them, but the sentence they are to serve has not yet been determined by the courts.

A sentenced person has both been convicted of the charge(s) against them and been 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 house primarily 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, influenced by factors including the complexity of the case and the plea entered.

There are challenges in delivering rehabilitative interventions to people on remand, including the unknown length of time that the individual will spend in prison. Some people only stay on remand for a few days or weeks, while others stay on remand for lengthier periods of time. Many remandees are also not yet convicted of an offence and will, therefore, be ineligible for certain offence-focused interventions.

However, Corrections acknowledges the importance of working with people on remand from their arrival into prison to ensure their needs are addressed and their reintegration is supported. Each person on remand is allocated a Case Manager once they have been on remand for more than ten working days. Their Case Manager works directly with them to assess and identify specific areas to learn new skills and ensure their time in prison is used to their benefit. These plans could include learning skills such as parenting, managing money and basic living skills, as well as planning for a safe release to community. Remand prisoners also receive help with addiction, education and finding employment.

Although decisions to remand a person in custody are determined by the Courts, Corrections is continuing to work towards long term reductions in the remand population through the High Impact Innovation Programme (HIIP).

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.

An example of a long-standing HIIP initiative being implemented into Corrections as business as usual following a successful pilot is the Bail Support Services (BSS). BSS is a multi-year programme of work that aims to better support people in the application and maintenance of bail, and achieve positive change early in their justice system journey. BSS offers tailored support for people to address their social needs, while navigating through the justice sector. An example of support provided through BSS is the assistance people are offered in finding suitable bail accommodation where possible. BSS is currently being implemented across New Zealand with support from justice sector partners, including the Ministry of Justice.

Corrections is also working across the country to reduce the time it takes for people remanded in custody to be sentenced after conviction. HIIP's Sentencing Ready team works with parties who contribute to sentencing hearings to help make sure all necessary information is available at sentencing hearings. When all required information is presented at a hearing, Judges are better able to make decisions without having to adjourn the hearing and delay sentencing. This can mean people spend less time remanded in custody awaiting a sentencing outcome. Once their community-based or prison sentence begins people have more opportunity to access rehabilitation.

For ease of response, your questions have been responded to individually:

1. *How many prisoners have currently been held in New Zealand prisons on remand for more than five years, four years, three years, or two years respectively while awaiting resolution of their case or cases;*

The following table shows the number of people who have been held on remand for more than two years, three years, four years, and five years, as at 31 July 2022.

Held on remand for	Number of people
more than 2 years	32
more than 3 years	5
more than 4 years	1
more than 5 years	0

2. How long has the longest serving remand prisoner been held awaiting resolution of their case.

As at 31 Jul 2022, the longest serving person on remand had been held for 1,801 days while awaiting resolution of their case.

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
Acting National Commissioner