

09 November 2022

C158838

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 29 September 2022 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about home detention. Your request has been considered under the Official Information Act 1982 (OIA).

On 12 October 2022, the Ministry of Justice transferred the following requests to Corrections for response, under section 14 of the OIA:

The average period of time someone spends in home detention.
The percentage of people sentenced to home detention who go on to re-offend.

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 who is in prison and who is in the community. Where a person is sentenced by the Courts to home detention, Corrections is responsible for managing their compliance with any conditions imposed.

Home detention requires a person to remain at a suitable and approved residence at all times and be electronically monitored 24 hours a day, seven days a week, unless approval to leave is given by a probation officer. The sentence can help people to maintain family relationships, keep working or actively seek work, and attend training or rehabilitative programmes. People on home detention are subject to standard conditions and may also be subject to special conditions. Electronic monitoring is one of many tools Corrections uses to monitor people's compliance with these conditions. More information about standard and special conditions is available on our website [here](#).

We take instances of non-compliance extremely seriously, and hold people to account if they breach their conditions. Depending on the nature of non-compliance, this can range from a formal warning to formal prosecution, which can result in imprisonment. As you are aware, probation officers may also apply to the court to have the home detention sentence cancelled and substituted with a sentence of imprisonment.

For context, please see the below table for the number of people who were sentenced to home detention as at 1 July of each year, from 2017 to 2022:

Date	Number of people sentenced to home detention
1 July 2017	1,658
1 July 2018	1,562
1 July 2019	1,557
1 July 2020	1,432
1 July 2021	1,712
1 July 2022	1,474

You requested:

1. *The number of instances of non-compliance of people on home detention.*

The following table provides when a probation officer has recorded a case note where they have a concern that potential non-compliance has occurred and requires further investigation. It may be assessed that the person was compliant, and therefore no further action is required.

Financial year	Case noted possible non-compliance
2017/18	3,618
2018/19	4,030
2019/20	3,704
2020/21	4,058
2021/22	3,959

2. *The number of instances of people sentenced to home detention*
 - a. *damaging electronic monitors,*
 - b. *trying to remove the trackers, and*
 - c. *leaving their address without approval*

An alert is generated when an EM anklet is damaged, tampered with, or the person leaves their approved address (with anklet still working) at a time they did not have approved.

Corrections has a 24/7 team available to respond to potential non-compliance with electronic monitoring. How Corrections responds differs depending on the seriousness of the case and can include contacting the individual or their whānau by phone, sending a field officer to check in with the individual or contacting Police. Corrections works closely with Police to respond to incidents of non-compliance.

To provide accurate information on alerts that pertain to damaged or removed anklets and people leaving their address without approval would require manually verifying each alert to ensure it resulted from an actual incident of non-compliance. Therefore, this part of your

request is declined under 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

As per section 18B of the OIA, we have considered whether consulting with you would assist to make the request in a form that would remove the reason for the refusal. However, we do not consider that the request could be refined in this instance. We have also considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our limited publicly funded resources.

d. The number of internal sanctions

A probation officer may cancel a person's absence (ability to attend the supermarket, etc) due to non-compliance, issue a verbal warning, or a warning letter. This information is held on a person's file and to provide this information since 1 July 2017 would involve reviewing hundreds of thousands of case notes. Therefore, this part of your request is declined under 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

As per section 18B of the OIA, we have considered whether consulting with you would assist to make the request in a form that would remove the reason for the refusal. However, we do not consider that the request could be refined in this instance. We have also considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our limited publicly funded resources.

e. formal breach actions, and applications to court to impose a stricter sentence used with regards to people on home detention

When a person is sentenced to home detention they can be subject to conditions other than remaining at an approved address. For example, a person may be directed not to associate with named people or attend a rehabilitative programme. A probation officer can formally breach a person for non-compliance with any of the given conditions a person is subject to.

The following table provides the number of charges laid each financial year for those who were already serving a sentence of home detention, and of those the number that have a conviction recorded for the corresponding breach charge. As people can be subject to more than one breach charge in a year, the number of people charged and convicted is also included. Some charges that have not yet resulted in a conviction, may yet receive a conviction.

Financial year	Charges laid	Charges convicted	People charged	People convicted
2017/18	1,380	1,136	815	751
2018/19	1,392	1,138	824	757
2019/20	1,327	1,095	806	750
2020/21	1,661	1,339	934	861

Financial year	Charges laid	Charges convicted	People charged	People convicted
2021/22	1,390	1,036	755	644

The table shows the number of home detention sentences that were cancelled and substituted with imprisonment in each of the last five financial years. Not all will have been as a result of an application to cancel and substitute the sentence as a result of non-compliance; some sentences may have been cancelled and substituted if the person serving the sentence was convicted of other offending and sentenced to imprisonment.

Financial year	Home detention sentences substituted with imprisonment
2017/18	260
2018/19	229
2019/20	250
2020/21	252
2021/22	229

3. *The average period of time someone spends in home detention (also per year since 2017)*

Please see the below table for the average number of days served on home detention from 2017/18 to 2021/22.

Financial Year	Average days served
2017/18	183
2018/19	189
2019/20	191
2020/21	189
2021/22	202

4. *The percentage of people sentenced to home detention who go on to re-offend.*

The recidivism rate of the various community sentences are reported on in Corrections' Annual Reports that are available on our website [here](#). Please see pages 163 and 164 of the 2021/22 Annual Report for the recidivism rates of community sentences. This request is therefore declined in accordance with section 18(d) of the OIA as the information requested is publicly available.

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

A handwritten signature in blue ink, consisting of a stylized, cursive 'L' followed by a series of loops and a final flourish.

Leigh Marsh
National Commissioner