

08 August 2024

C184476

Tēnā koe [REDACTED]

Thank you for your email of 24 June 2024 to the Ministry of Justice requesting the number of people sentenced to time-served prison sentences over the last 10 years. As you were advised on 11 July 2024, the information requested was considered to be more closely related to the functions of the Department of Corrections, and was subsequently transferred to us in full in accordance with section 14 of the Official Information Act 1982 (OIA). 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 defendants on custodial remand:

- 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 is yet to be sentenced by the courts.

Remand accused defendants are required to be kept separate from sentenced prisoners and convicted 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.

You requested:

*Can I please get the number of people sentenced to time-served prison sentences each year for the last 10 years? Could you please break this down by the type of offence?*

Prisoners sentenced to imprisonment either receive a short-term or long-term sentence as defined by the Sentencing Act 2002. This enables all prisoners serving a short-term sentence to be released at the halfway point of their sentence length, whereas long-term sentences are subject to the Parole Act 2002, and they are considered for release by the New Zealand Parole Board. Therefore, time served is not applicable in this instance, rather it is a person's parole eligibility date that creates the provision for any possible release.

Please see the requested information attached as Appendix One. This provides data on those who have been released from prison immediately after being sentenced due to having already served their imposed sentence as a remand prisoner. This approach excludes people who have received time-served sentences but remain in Corrections' custody for separate matters, such as people who are still on remand due to other outstanding charges. The data does not involve defendants who are in custody on remand that were subsequently found not guilty by the Courts, and released from custody as a result.

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 hope this information is helpful. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to 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

**C184476 Appendix One: people sentenced to time served over the previous 10 years, broken down by financial year and lead offence category**

Year	Most serious offence									
	Breaches	Burglary	Dishonesty	Drugs	Property	Sexual	Traffic	Violence	Weapons	Other
2014-2015	104	47	88	22	12	6	22	202	24	119
2015-2016	157	68	130	29	10	5	31	266	44	147
2016-2017	181	81	182	35	27	9	46	299	48	190
2017-2018	202	76	180	42	31	18	45	365	55	209
2018-2019	217	65	196	52	24	15	47	365	56	203
2019-2020	195	116	218	61	27	15	67	480	82	235
2020-2021	165	88	178	39	14	16	46	384	59	203
2021-2022	117	95	147	38	17	25	22	371	56	149
2022-2023	133	129	161	31	23	32	45	450	73	188
2023-2024	180	145	198	43	25	25	37	510	71	234

**Notes for table:**

- Figures are provided by financial year, ending 30 June. Figures from the most recent financial year period may be subject to change as systems are updated.
- 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.

- These figures include people who have been released from prison immediately after being sentenced due to having already served their imposed sentence as a remand prisoner. They exclude people who have received time-served sentences but remain in Corrections' custody for separate matters, such as people who are still on remand due to other outstanding charges.
- These figures categorise people according to their most serious offence type, however, please note that some people are imprisoned for more than one offence type.
- The data does not involve defendants who are in custody on remand, that were subsequently found not guilty by the Courts, and released from custody as a result.

Released under the Official Information Act 1982