

28 February 2022

C145297

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your Official Information Act 1982 (OIA) requests of 11 December 2021, requesting information about women in prison on remand. Your request has been considered in accordance with the Official Information Act 1982 (OIA).

For ease of response parts of your request have been reordered.

You requested:

2. *By calendar year 2000 - 2021, in terms of women on remand in total, how many were:*
 - c. *Found guilty at trial of at least some charges and sentenced to additional time in prison*
 - d. *Found guilty at trial of at least some charges and sentenced home detention or other community sentence;*
 - e. *Found not guilty on trial.*

As we advised you in our response dated 21 December 2021 these parts of your request were transferred to the Ministry of Justice under section 14 of the OIA, as Corrections considered that part of your request to be more closely related to that agency.

1. *In terms of the second table (see attached Excel document), provided by you in response to an earlier OIA question, starting at line 24, called 'all remandees'/ average days on remand by lead offence, please **repopulate that table with the number of women on remand** by lead offence and year. This has become necessary because the offences listed do not line up with the Stats NZ offences, and the figures are for financial year as compared to calendar year.*

In our previous response to you (ref: C141949), a table was provided to you with the average number of days women spent on remand and the average number of days Māori women spent on remand by financial year.

Corrections' standard reporting periods are financial year rather than calendar year, as financial year data aligns with the majority of publicly available data sets across New Zealand Police, Ministry of Justice, Department of Corrections and Statistics NZ.

The amount of time a person can spend in prison on remand is dependent on how long it takes for the judicial process to be completed by the courts. This is influenced by many factors, including the complexity of the case and the plea entered. Corrections does not manage court proceedings. The court system is overseen by the Ministry of Justice. Any further questions regarding this process are best directed to them.

Corrections reports on lead offence, which is often the most serious offence according to the most serious offence (MSO) tables. The table scores are based on Ministry of Justice research into the average penalties for all offences of a type. However, in cases where the MSO is not the lead offence, the offence for which the longest sentence was imposed is used as the lead offence.

We can provide the information requested based on lead offence, however the prison population is generally reported as at the last date of each month or financial year. This is because it can fluctuate daily due to arrests, releases and court decisions. This information is provided in line with our standard reporting conventions. Additionally, our ability to provide this data broken down from the overall prison data is only available from 2000 onwards.

Please find an Excel spreadsheet attached that contains a table with the number of all women on remand, and a table with the number of Māori women on remand, as at 30 June each year from 2000 to 2021 as Appendix One.

- 2. By calendar year 2000 - 2021, in terms of women on remand in total, how many were:*
a. Released from prison before trial;

Corrections is unable to respond to this question in an accurate way. Women may be released on bail 'before trial' then subsequently remanded back into custody again at any time prior to the completion of proceedings. This can also occur multiple times within a single year. Answering the question as stated would result in individuals being counted multiple times and would not produce a relevant data set to accurately respond to your query. Therefore, this part of your request is declined under section 18(f) of the Official Information Act 1982 as the information cannot be made available without substantial collation or research.

As per section 18B of the OIA, we have considered whether consulting 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.

b. Found guilty at trial of at least some charges and sentenced to time served (i.e. released at end of trial);

Corrections is unable to respond to this question as it is currently framed, as Corrections does not hold the data necessary to determine whether someone was found guilty at trial or entered a guilty plea at a list hearing. Consultation was undertaken with the Ministry of Justice and they were unable to respond to the question as framed. Therefore, your request is declined under section 18(g) of the OIA, as the information requested is not held by Corrections, and we have no grounds for believing that it is held by another agency or is more closely connected with the functions of another agency.

As noted in our letter to you on 22 September 2021 (our ref C140648), Corrections' Volumes Reports (formerly known as the Offender Population Report and the Offender Volumes Report), present information about the offender population and help Corrections plan and develop policies relating to offender management and rehabilitation. The reports analyse offender volume patterns by age, gender, ethnicity, offence group and sentence type, and how these have changed over the last few decades. They are available each year from 1999 to 2020 at:

www.corrections.govt.nz/resources/statistics/corrections-volumes-report

Quarterly prison statistics for each prison from 2009 onwards are available on Corrections' website, at:

www.corrections.govt.nz/resources/statistics/quarterly_prison_statistics

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.

Please be advised that should you have any concerns regarding this response you have the right to ask the Ombudsman to investigate our decision to extend the timeframe. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



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