

# Justice Sector Projections

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Prison population projections 2018 - 2028



[New Zealand Government](#)

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# Executive Summary

The Ministry of Justice produces a projection of New Zealand's prison population every year. This report details the results of the prison population projection for the next ten years, which includes people held in remand and those sentenced to prison.

The 2018 projection is based on a model that has been refined over the last decade and has been developed using an approach that is widely accepted across the justice sector. The projection is based on the latest available data, and a set of underlying assumptions agreed to by justice sector partners, capturing current legislation, policy, practice and operational settings.

The 2018 projection estimates an increase of 1,900 prison beds required over the next ten years. This represents a rise in the total prison population from a recent low of around 9,600 to 11,500 in 2027/28<sup>1</sup>, based on current settings. Justice Sector Chief Executives approved this projection in December 2018.

The projected increase is expected over the next ten years despite the recent decline in the prison population, which has been due to a declining time on remand and a greater use of non-custodial sentences over the past year. This projection reflects that the recent reduction will be sustained over the next year, but that it will not be sustained over the long-term. This is because there continues to be upward pressures on the prison population due to:

- More serious cases entering the criminal justice system – over the past five years there has been a continued increase in the number of Category 3 and Category 4 criminal cases entering the justice system. This projection has assumed that this historical trend will continue at a similar rate.
- The introduction of the Family Violence (Amendments) Act 2018 – this Act amends the bail laws to provide greater protection for victims, which is likely to increase remand numbers. In addition, new criminal offence types with long maximum sentences (such as non-fatal strangulation) have been introduced, which is expected to increase prison sentence lengths.

In addition, there is also uncertainty around the impacts of 1800 additional Police. The additional sworn officers will increase Police's presence in the community and increase the number of dedicated taskforces focusing on preventing organised crime and drug harm. While this investment in crime prevention has the potential to reduce the prison population, the size and timing of this impact is uncertain. The 2018 projection currently includes an upward pressure due to the increase in Police numbers, which reflects the risk that there could be an increase in the number of charges from the deployments, particularly in the areas of organised crime and

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<sup>1</sup> This is based on the minimum point of the current fiscal year to the maximum point for 2027/28.

family violence. Due to the uncertain impact of increasing Police numbers, there will be ongoing monitoring in conjunction with New Zealand Police and the Department of Corrections to ensure the real impact is understood and incorporated into future prison projections.

### **Projecting the prison population in 2018 is challenging**

This is the first projection in recent years to be developed while the prison population decreased, which is a break with historic seasonal trends. It is uncertain how long the recent reduction in the prison population (due to a declining time on remand and a greater use of non-custodial sentences over the past year) can be sustained.

Also, the Government has made a commitment to create a more effective criminal justice system and a safer New Zealand. Achieving the long-term objectives will require systemic reform consistent with New Zealand's values and aspirations, across the whole of the criminal justice system and the social sector. This will include extensive public engagement, partnerships with iwi/Māori and other community groups, legislative reform, investment in new services and operational change. A national public conversation about reforming the criminal justice system is currently underway. This could lead to future operational and legislative changes that begin to embed changes within the system. All of this may impact the prison population over the next ten years.

### **Therefore, the 2018 baseline projection should be seen as a future, not the future**

However, despite the unknowns, a baseline projection is still required to support investment, planning and policy decisions across the justice sector. It is therefore important to note that the 2018 prison projection baseline represents only *a possible* future – it is not *the* future.

To accommodate this, the 2018 projection model will be used proactively to predict and monitor the impact of future policy and operational changes. This will represent a significant shift in the way the projection model is used – from previously being used solely to support prison capacity decision-making, to proactively contributing to the evaluation and assessment of new initiatives. This will be done through regularly monitoring the actual prison population against the 2018 baseline projection, to identify and understand the reasons for any change. Regular reports detailing the differences between the projections and the reasons for these differences will be published on the Ministry of Justice website.

# The 2018 projection

Every year the Ministry of Justice produces a ten-year projection of New Zealand's prison population. The 2018 projection is based on a model that has been refined over the last decade and is developed using an approach that is accepted across the justice sector agencies.

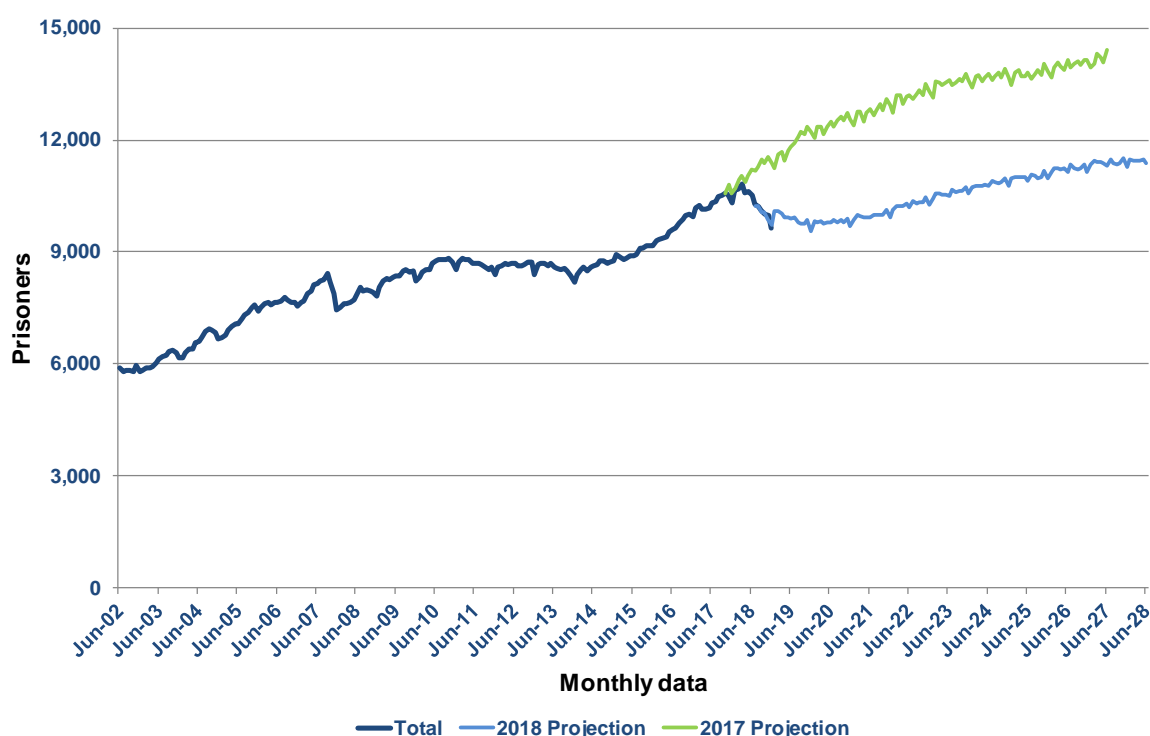
This report sets out the results for the 2018 projection, which runs from the 2018 to 2028 financial years. It includes people held in remand and those sentenced to prison. Justice Sector Chief Executives approved the projection in December 2018. It is based on the latest available data, and a set of underlying assumptions agreed to by justice sector partners, capturing current legislation, policy, practice and operational settings.

The projection does not try to estimate or accommodate any future policy announcements, nor attempts to predict unknown future government policies, changes in system or societal behaviour or other factors that might have an impact on the prison population.

## Total prison population projection 2018 - 2028

The total prison population is projected to rise by 1,900 prison beds over the next ten years, based on current settings. This represents a rise in the total prison population from around 9,600 in December 2018 to 11,500 in the 2027/28 financial year (*see Figure 1*).

Figure 1: Total prison population, actual and projected



While an increase in the prison population is expected over the next ten years, this expected growth is significantly lower than that projected in 2017. Last year's projection had assumed a continued increase in serious cases entering the system, that time on remand would continue to increase, and that short-term prison sentences would continue to be used at a growing rate. However, this hasn't materialised as projected.

There has been a significant reduction in the prison population over the past year, due to a declining time on remand and a greater use of non-custodial sentences. While this 2018 projection has accommodated these new, much lower trends, it also reflects that the recent reduction will likely be sustained only over the next year, and not be sustained over the long-term. This is because there continue to be upward pressures on the prison population.

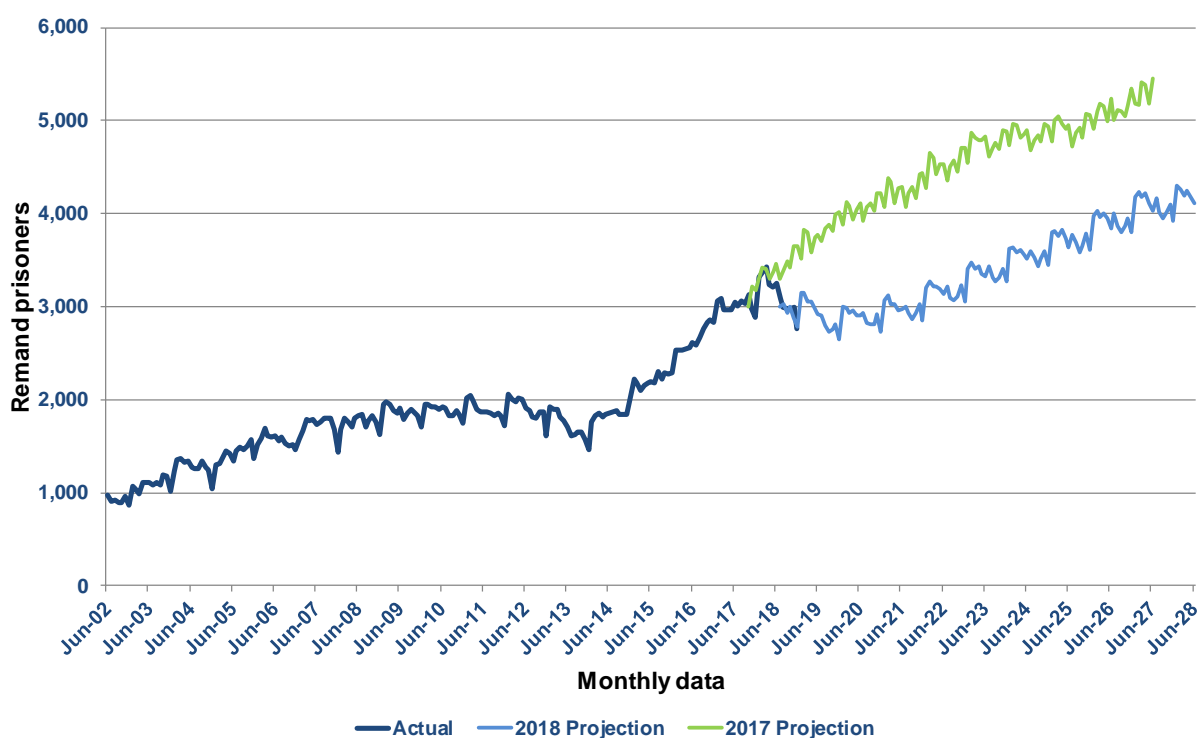
The two components of the prison population that combine to make up the total prison population are the remand and sentenced populations. Both populations often have different trends because they are impacted by different aspects of legislation, policy, practice and operational settings.

The remand component is the primary driver of the 2018 projection. Of the overall increase of 1,900 prison beds over the next ten years, the remand component makes up 1,350 prison beds – or 71% - of this growth.

## Remand component

The 2018 projection estimates a resumption of an increase in the custodial remand population over the next ten years. The overall increase between 2018 and 2028 is expected to be 1,350 prison beds, a rise from 2,750 in December 2018 to 4,100 in the 2027/28 financial year.

Figure 2: Remand prison population, actual and projected



### A long-term remand population increase is projected, despite the recent decline

While an increase in the remand prison population is expected over the next ten years, this expected growth is significantly lower than that projected in 2017. Last year's projection had assumed a continued increase in serious cases entering the system and that time on remand would continue to increase. However, this hasn't materialised as projected.

There has been a significant reduction in the remand prison population over the past year, due to a declining time on remand, and this 2018 remand projection reflects that the recent reduction will likely continue over the next year, but that it will not be sustained over the long-term because there continues to be upward pressures on the remand prison population due to:

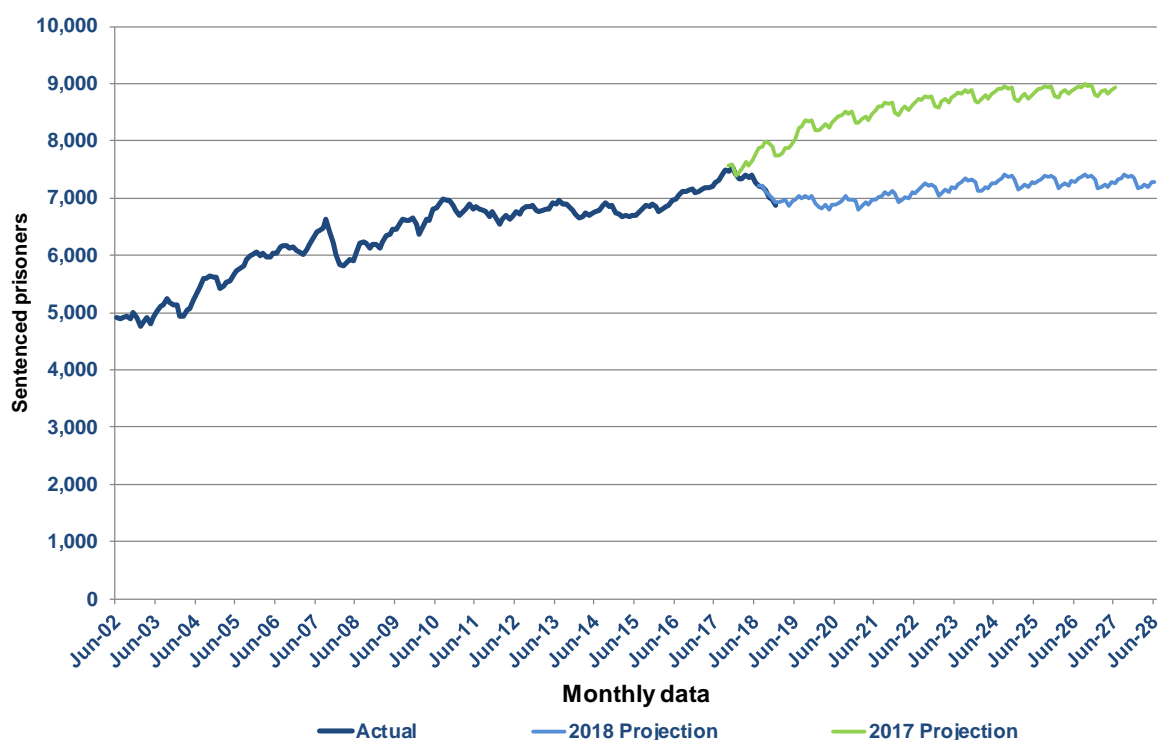
- More serious cases entering the criminal justice system – over the past five years there has been a continued increase in the number of Category 3 and Category 4 criminal cases entering the justice system. This projection has assumed that this historical trend will continue at a similar rate. More serious cases have a higher likelihood to have the defendant remanded into custody, so this expected increase in serious cases entering the system will lead to an increase in the remand population.

- The introduction of the Family Violence (Amendments) Act 2018 – this Act amends the bail laws to provide greater protection for victims, which is expected to increase the likelihood of a defendant being remanded into custody and therefore will increase the remand population.

## Sentenced component

The 2018 projection estimates a slight increase in the sentenced population over the next ten years. The overall increase between 2018 and 2028 is expected to be 550 prison beds, a rise from 6,850 in December 2018 to 7,400 in the 2027/28 financial year.

Figure 3: Sentenced prison population, actual and projected



### A slightly increasing sentenced population is projected, despite the recent decline

While an increase in the sentenced prison population is expected over the next ten years, this expected growth is significantly lower than that projected in 2017 and isn't projected to exceed the high of 7,543 seen in late 2017. Last year's projection had assumed a continued increase in serious cases entering the system and that short-term prison sentences would continue to be used at a growing rate. However, this hasn't materialised as projected.

There has been a significant reduction in the sentenced prison population over the past year, due to a greater use of non-custodial sentences, and this 2018 sentenced projection reflects that the recent reduction will be sustained over the next few years, but that it will gradually grow



over the long-term because there continues to be upward pressures on the sentenced prison population due to:

- More serious cases entering the criminal justice system – over the past five years there has been a continued increase in the number of Category 3 and Category 4 criminal cases entering the justice system. This projection has assumed that this historical trend will continue at a similar rate. More serious cases have a higher likelihood of receiving a prison sentence, and when a prison sentence is imposed it is for a longer period of time. This expected increase in serious cases entering the system will therefore lead to an increase in the sentenced population.
- The introduction of the Family Violence (Amendments) Act 2018 – this Act includes the introduction of new criminal offence types with longer maximum sentences (such as non-fatal strangulation), which is expected to increase prison sentence lengths for those cases.

There is also uncertainty around the impacts of 1800 additional Police. The additional sworn officers will increase Police's presence in the community and increase the number of dedicated taskforces focusing on preventing organised crime and drug harm. While this investment in crime prevention has the potential to reduce the prison population, the size and timing of this impact are uncertain. The 2018 projection currently includes an upward pressure due to the increase in Police numbers, which reflects the risk that there could be an increase in the number of charges from the deployments. Due to the uncertain impact of increasing Police numbers, there will be ongoing monitoring in conjunction with New Zealand Police and the Department of Corrections to ensure the real impact is understood and incorporated into future prison projections.

## **The timing of the multiple impacts is a key factor**

The current decline in the prison population is projected to be maintained for approximately 18 months as current operational improvements (for example the Department of Corrections' bail ready initiative) are rolled out into more locations. A greater impact could also be achieved from other operational improvements; however, these are dependent on additional funding which has yet to be confirmed. Due to the unknown nature of if, how and when operational improvements will be expanded, the estimated benefits from these have not been incorporated into the 2018 projection.

The same kind of uncertainty affects the upward trends. The 2018 projection has adopted models of the impacts of both the Family Violence legislation and the additional numbers of Police. But the impact of new legislation often differs from what was expected, and the impact of additional Police will be affected by the many variables associated with the timing of recruitment and training. Therefore, the prison population trends will be monitored closely with reports published regularly that detail any divergences from the projections as they develop.

A detailed account of how the 2018 projection has been derived can be found in Appendix A. This includes analyses of alternative settings of the assumptions, with a range of options. Comparison of these options shows how much the projection can vary if certain assumptions are not met.

An annual breakdown of the 2018 projection can be found in Appendix B.

## Caveats

The projections do not reflect the impact of any future legislative, policy, operational or procedural changes that may occur to respond to an increasing prison population or any other issue. Rather, these projections provide a “baseline” against which the impacts of any future changes can be assessed.

As with all 10-year projections, there is a greater degree of uncertainty the further into the future the projection is. In previous prison population projections minimum and maximum bounds have been included to demonstrate this uncertainty, however these have been proven to be misleading as legislation, policy, practice and operational settings are changed in the future. Therefore the 2018 projections are provided as point estimates so that they are easily understood and can better assist in justice policy development and prison capacity planning.

# We are in a different world and projecting the prison population in 2018 is challenging

## The projection has been developed while the prison population is falling for the first time

This is the first projection in recent years to be developed while the prison population is decreasing. It is uncertain how long the current reduction in the prison population, due to a declining time on remand and a greater use of non-custodial sentences, can be sustained.

Over the past year, the total prison population has changed in a way that is inconsistent with historic trends. This is due to the recent success of operational improvements, as well as a system response to the current Government signalling that significant reform of the criminal justice system is a key priority for them.

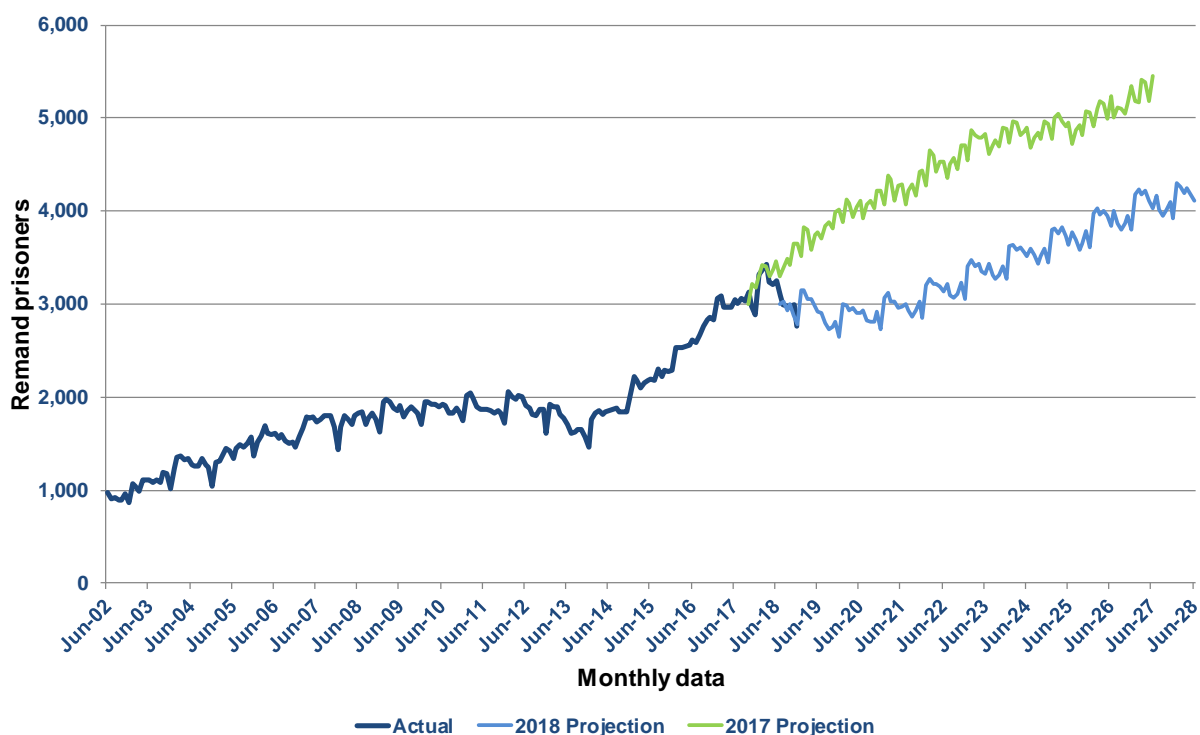
## What has changed from last year's projection

### Remand component

The 2017 remand population projection had assumed the average time on remand would continue to rise, at a similar rate to that seen since 2013. However, the average time on remand actually fell over the past year. The fall was driven by there being more short remands, which is consistent with interventions by Corrections to help people gain and maintain bail.

Because of this, the June 2018 remand population was 200 less than that projected in 2017.

Figure 1: Remand prison population, 2017 and 2018 projections



## Sentenced component

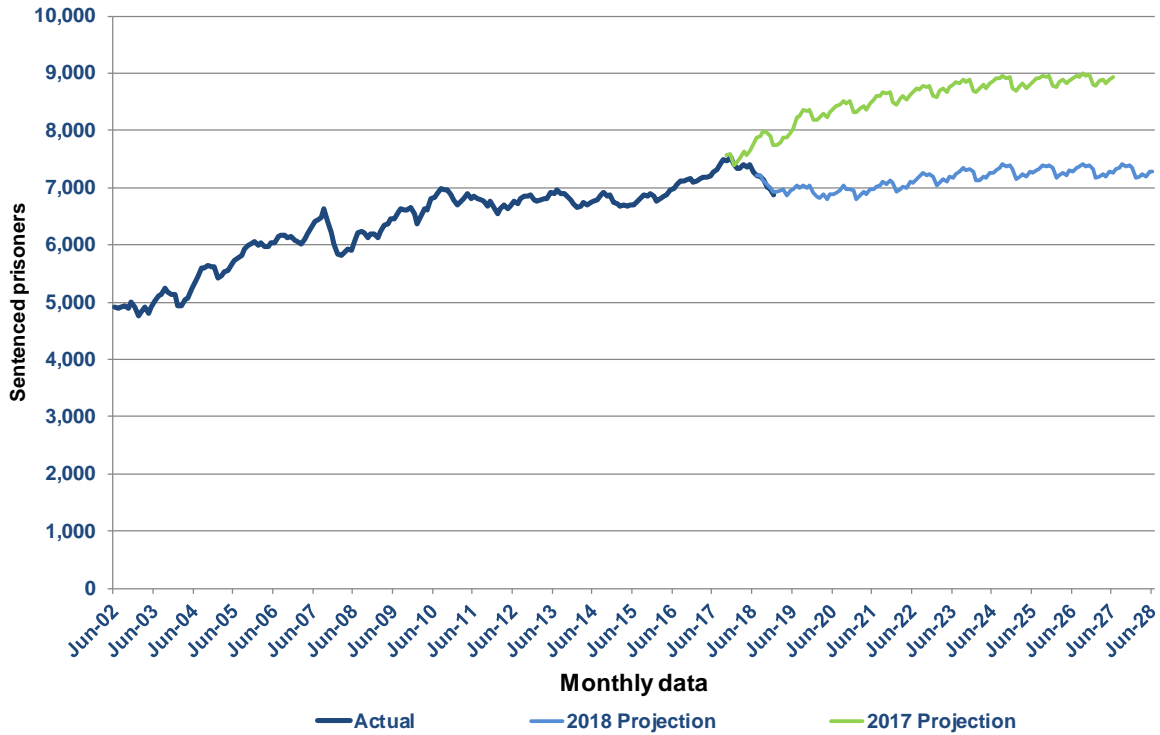
The 2017 sentenced population projection had assumed a higher use of prison sentences than was seen in practice. The expectation was that a higher proportion of convicted people would receive prison sentences, but instead a fall in this proportion occurred. This was driven by a fall in short-term prison sentences that was matched by a rise in non-custodial sentences.

Also, the 2017 sentenced population had assumed a higher growth in the number of serious prosecutions (defined as Category 3 charges) than was seen in practice. While the number of Category 3 prosecutions was projected to rise by 4.5% over the past year, it only rose by 1%.

Finally, the 2017 sentenced population projection had assumed a continued increase in the proportion of sentence served, however this rate plateaued and even started to fall in late 2018.

Because of these multiple factors, the June 2018 sentenced population was actually 500 less than projected in 2017.

Figure 2: Sentenced prison population, 2017 and 2018 projections



## Future government interventions

The Government has made a commitment to create a more effective criminal justice system and a safer New Zealand. Achieving the long-term objectives will require systemic reform consistent with New Zealand’s values and aspirations, across the whole of the criminal justice system and the social sector. This will include extensive public engagement, partnerships with iwi/Māori and other community groups, legislative reform, investment in new services and operational change. A national public conversation about reforming the criminal justice system is currently underway. This could lead to future operational and legislative changes that embed changes within the system.

All of this will impact the prison population over the next ten years, making it a challenge to develop accurate projections. As has been seen over the past year, operational interventions can have an impact on the prison population between annual updates of the projection. This is a further reason why future prison population trends will be monitored closely, and quarterly reports published that detail any divergences from the projections as they develop.

# The 2018 projection should be seen as a future, not *the* future

Despite the many unknowns, a prison projection is still required to support investment, planning and policy decisions across the justice sector (including prison capacity decisions). In the past, the main purpose of developing the annual prison projection has been to provide an estimate of the future prison population under current settings, primarily for capacity planning purposes.

It is also important to note that the 2018 prison projection represents only one possible future; a future heavily dependent on the current assessment of trends and known forthcoming initiatives, and on these trends being maintained.

## Using projections to assess new initiatives

Other possible futures need to be considered. The Government has proposed transformational and intergenerational change for the criminal justice system, and therefore current settings are expected to change. This offers an opportunity to develop a richer story that shows how a greater focus on the wellbeing of all New Zealanders can and will affect criminal justice outcomes. The story will consider how factors outside the justice system, such as poverty, education and mental health can and do contribute to crime and victimisation and look to place mātauranga Māori at its heart.

By far the most significant impacts within the criminal justice system arise from changes in operational processes, legislation and other developments in policy and practice. Changes in crime and population are very slow-moving by comparison. It is important, therefore, to understand the likely impacts of planned changes.

To accommodate this, the 2018 projection model will be used proactively to predict and monitor the impact of future policy and operational changes. This will represent a significant shift in the way the projection model is used – from previously being used solely to support prison capacity decision-making, to proactively contributing to the evaluation and assessment of new initiatives. This will be done through regularly monitoring the actual prison population against the 2018 baseline projection, to identify and understand the reasons for any change. Regular reports detailing the differences between the projections and the reasons for these differences will be published on the Ministry of Justice website.

## Understanding the impacts of operational improvements

The implementation of operational practice change can be supported and more successfully targeted by using the prison projection model. The model can contribute proactively to the evaluation and assessment of change initiatives. This support may consider the most

appropriate points for intervention in criminal justice process in terms of the numbers of people affected, and in terms of the amount of workload saved.

By taking a system-wide view, it will be possible to indicate how early intervention in the process can improve outcomes further down the line, while also assessing the value of supporting those already convicted. The model will also allow the projection of the combined effects of multiple changes – it is important not to double-count savings.

## **Supporting criminal justice transformation**

The prison projection model will be used as a tool for calculating the impact of changes on the criminal justice system. The model will monitor how many people pass through the various key stages of the system, and how long they stay in each stage. It can therefore help us analyse both operational changes as they are introduced, and also the more transformational initiatives proposed by Hāpaitia te Oranga Tangata – Safe and Effective Justice, the criminal justice reform programme. There are several approaches we could take, such as:

- asking how changing each of the current underlying assumptions and settings would affect the prison population (i.e. which combination of settings would be most effective at reducing the number of people in prison)
- looking at a specific time when the prison population was a given number and identifying any differences in the assumptions and settings between now and then
- proactively using the model to assess and support policy, legislative, operational and practice change. For example, as new initiatives are developed under Hāpaitia te Oranga Tangata, we will be able to help assess and evaluate their likely projected impact.

# Appendix A: How the projections were derived

## Key assumptions

The prison population projections are informed by the latest available data and reflect assumptions on the future levels and trends in prosecutions, convictions, and sentences.

The assumptions for modelling were initially agreed through a workshop on 12 September 2018, followed by various consultations with experts from the Ministry of Justice, New Zealand Police, the Chief District Court Judge's chambers, the Department of Corrections, the Treasury and Crown Law. The assumptions were based on analysis of past trends as well as expert judgement from justice sector decision makers on future trends.

The key assumptions used in the projections are:

- Number of new prosecutions – especially for more serious cases
- Number of people starting custodial remand
- Average time on custodial remand
- Proportion of people convicted
- Mix of sentences
- Length of prison sentences
- Proportion of the sentence served.

During the assumptions workshop, it was clear that there was broad agreement around most of the assumptions:

- Number of new prosecutions – especially for more serious cases
  - The 2017 projection anticipated an increase in the number of new prosecutions entering the justice system, but the overall number fell. However, the number of more serious crimes still increased slightly. The agreed assumption maintained this trend, adopting a flat projection overall, within which the proportion of serious crimes increased. This reflects the Police 'Prevention First' model of policing which, through the support of meaningful partnerships in the community, will lower overall crime levels. It also acknowledges that the Family Violence (Amendments) Act 2018 and a Police focus on organised crime will bring in a greater number of serious offences. While the number of crimes entering the system may be lower overall, the mix is likely to move even further towards the more serious end. This is an upward pressure.
- Number of people starting custodial remand
  - The proportion of people being prosecuted who have a period of remand has been increasing every year for a decade from 5.5% in 2008 to 10.4% in 2017. It was



agreed that this proportion will likely continue to increase over the next ten years, although at a lower rate.

- Average time on custodial remand
  - The average time on custodial remand has been increasing. For example, between June 2014 and June 2017 it increased from 70 days to 74 days. The assumption is that this historic trend of a steady increase will continue to about 85 days by 2028.
- Proportion of people convicted
  - The proportion of people convicted has remained stable for some years at around 76%. It was agreed that this proportion is likely to remain constant over the next ten years.
- Mix of sentences
  - The proportion of convicted people receiving a prison sentence fell slightly in 2017/18, against expectations. It was agreed to hold this proportion level for the next ten years.
- Length of imposed prison sentences
  - The length of prison sentences has remained stable for some years and it was agreed that this length is likely to remain constant over the next ten years.
- Proportion of imposed sentence served (for imposed sentences of greater than two years)
  - The proportion of sentence served has been increasing slowly. For example, it has increased from 75.1% in 2014 to 77.0% in 2017. Prior to the Parole Act 2002 it was 53.3%. It was agreed that this rate of increase is likely to continue over the next 5 years and then remain constant for the following 5 years.

## Options considered

There were two specific scenarios considered:

- Additional Police bring in more than the expected number of serious crimes – this was included as a further increase in the proportion of serious crimes amongst the new prosecutions.
- Intervention in preparing people in prison for Parole Board hearings – this was included as a reduction in the proportion of imposed sentence served.

But the 2018 projection was undertaken while trends were changing unusually rapidly. These changes meant that the trends used to inform the assumption-setting at the September workshop were unable to match to actual values when included in the projection model. We therefore developed variations to two assumptions, to match the latest observed trends. The three additional scenarios were:

- A reduction in time spent on remand, matching ongoing observed changes, and persisting for a year before increasing in accordance with the initial workshop assumption;
- A reduction in numbers starting short-term sentences (less than one year), matching observed changes in sentencing patterns;
- A combination of the two.

The result eventually chosen as the 2018 baseline was the set of assumptions agreed to at the workshop augmented by the two reductions implied by the observations of remand time and sentencing patterns. In this way, the projection agreed with the observed fall in the actual prison population over September to December 2018.

The options considered are summarised in Table 1. Option 4 is the selected baseline agreed at the time of the workshop.

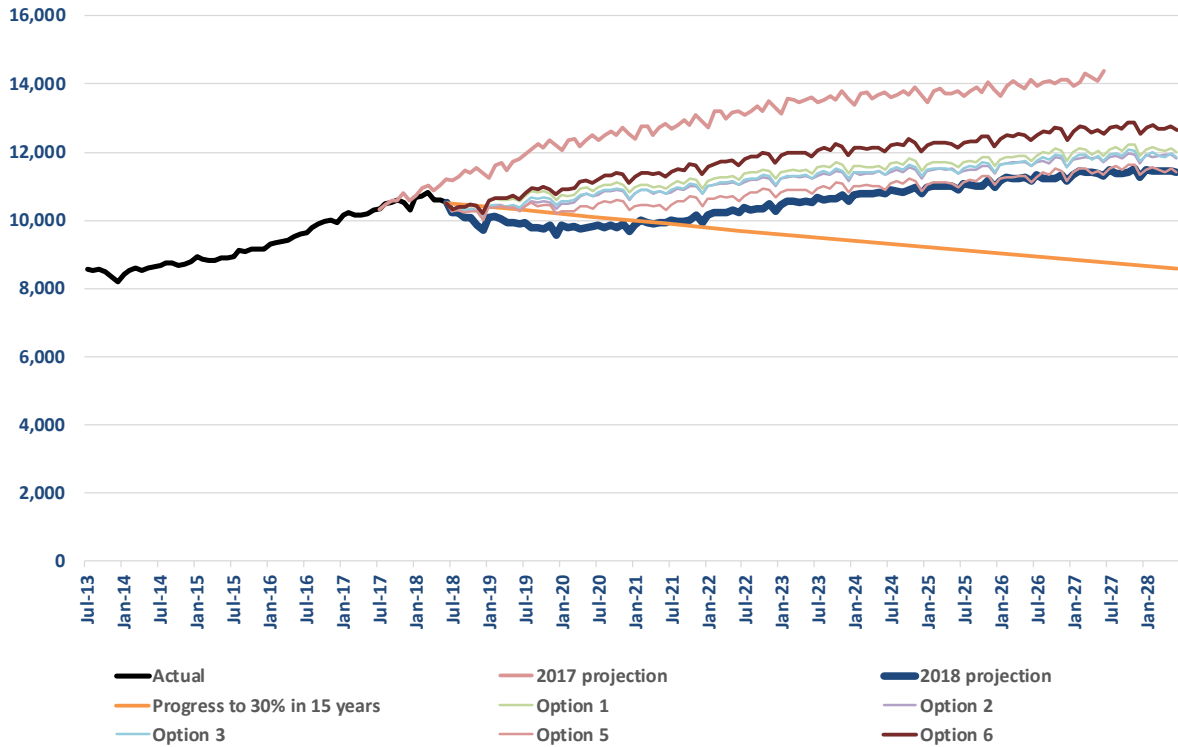
The main body of the report notes that this has been a particularly challenging projection to develop. A key difficulty was that the model needed continued alteration to match the observed population, with the result that the assumptions agreed at the workshop were out of date. Option 4 remains the foundation of the projection, but adjustments have continued to be made to this option to keep in line with trends that have been constantly changing since the projection was first developed in October 2018, and to ensure that the projection reported here captures the observed trends to a high degree of accuracy.

**Table 1: Summary of options and overall results**

		<b>Five years</b>	<b>10 years</b>
<b>Option 1</b>	<b>Assumptions agreed to at the recent cross-agency workshop</b> Assumptions are given a value based on current trends	11,485	12,223
<b>Option 2</b>	<b>Remand time fluctuation</b> An intervention reduces custodial remand time for about a year, rise continues thereafter	11,297	11,964
<b>Option 3</b>	<b>Slightly greater fall in the use of imprisonment</b> A reduction in the use of prison sentences, mainly in the one year and below sentence groups	11,325	12,056
<b>Option 4</b>	<b>A combination of Option 2 and 3</b> Remand numbers and the use of imprisonment is continuing to fall	11,137	11,798
<b>Option 5</b>	<b>Reduce proportion of prison sentence served</b> Better preparation around parole leads to more people being released earlier	10,920	11,645
<b>Option 6</b>	<b>Additional Police have an impact on prosecutions</b> A focus on family violence, meth and organised crime leads to an increase in category 3 inflow	11,988	12,860

The projection of each option, plus the 2017 projection and the trend needed to achieve a 30% reduction in 15 years are shown below in Figure 6.

**Figure 3: Prison numbers: actual, 2017 projection, options for 2018 projection and 30% reduction trend**



Five of the six options are broadly similar, although the assumption of more serious crimes coming into the system does lead option 6 to a somewhat higher level, around 1,000 above the baseline. The adjustments to Option 4 since the workshop have taken it to the lowest position, simply in order to match observed trends. Current trends are in advance of the trajectory needed for a 30% reduction in 15 years, but the expected increase will not see that sustained.

New projections will be developed in the second half of 2019, working as usual with justice sector partners. Meanwhile we will monitor projected against actual values regularly. This will allow emerging data trends and the Government’s developing reform programme to be incorporated into the projections.

# Appendix B: Population projection data

Table 2: Total prison population, maximum numbers for fiscal years 2017/18 through to 2027/28

Fiscal year	Total population		
	Population maximum	Annual change	Compared to 2017 projection
2017/2018	10,819	5.0%	-3.4%
2018/2019	10,239	-5.4%	-13.3%
2019/2020	9,935	-3.0%	-20.4%
2020/2021	9,986	0.5%	-22.1%
2021/2022	10,282	3.0%	-22.1%
2022/2023	10,561	2.7%	-22.5%
2023/2024	10,818	2.4%	-21.5%
2024/2025	11,012	1.8%	-20.7%
2025/2026	11,250	2.2%	-20.4%
2026/2027	11,429	1.6%	-20.6%
2027/2028	11,504	0.7%	n/a

Table 3: Remand prison population for fiscal years 2017/18 through to 2027/28

Fiscal year	Remand population		
	Population	Annual change	Compared to 2017 projection
2017/2018	3,423	10.8%	-0.9%
2018/2019	3,025	-11.6%	-21.0%
2019/2020	2,899	-4.2%	-29.8%
2020/2021	3,128	7.9%	-28.6%
2021/2022	3,186	1.9%	-31.5%
2022/2023	3,472	9.0%	-28.8%
2023/2024	3,556	2.4%	-28.3%
2024/2025	3,827	7.6%	-24.1%
2025/2026	3,947	3.1%	-24.5%
2026/2027	4,238	7.4%	-22.3%
2027/2028	4,102	-3.2%	n/a

**Table 4: Sentenced prison population for fiscal years 2017/18 through to 2027/28**

Fiscal year	Sentenced population		
	Population	Annual change	Compared to 2017 projection
2017/2018	7,396	1.8%	-4.5%
2018/2019	7,214	-2.5%	-10.3%
2019/2020	7,036	-2.5%	-16.0%
2020/2021	6,858	-2.5%	-19.6%
2021/2022	7,096	3.5%	-18.2%
2022/2023	7,089	-0.1%	-19.4%
2023/2024	7,262	2.4%	-18.2%
2024/2025	7,185	-1.1%	-19.7%
2025/2026	7,303	1.6%	-18.5%
2026/2027	7,191	-1.5%	-20.1%
2027/2028	7,402	2.9%	n/a

Tables 2 to 4 show the numbers of people in prison for the month with the maximum total number during the fiscal year. The projection works with figures for the end of the month – it is possible that figures during any given month may be different from the month-end figure. This approach provides a better basis to plan management of the prison estate as well as any further construction.

The separate remand and sentenced populations peak at different times of the year so the maximum remand or sentenced population in any fiscal year may be higher than the number given in table 3 or table 4 above.

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