

20 March 2023

Section (9)(2)(a)

Our ref: OIA 102754

Tēnā koe Section (9)(2)(a)

Official Information Act request: Alcohol and other Drug Treatment Court

Thank you for your email of 19 February 2023, in which you requested, under the Official Information Act 1982 (the Act), information about the Alcohol and other Drug Treatment Court (AODT Court) pilot. Specifically, you requested:

- 1) Are the costs included in the cost benefit analysis also costs which occurred within the same time periods described above?*

- 2) If someone offended towards the end of the four years, and the court process took another year (or up to the 66-month mark) to resolve, are the costs incurred after four years for that offence (which occurred within four years) included in the comparative costing model?*

- 3) Is this why the costing model covers more than four years - up to 66 months - to allow time for cases which occurred within four years to be resolved?.*

- 4) Under the AODTC cost column, the Comparative Costing (page 8) shows figures for the judiciary (MOJ) (\$6.7 million), Corrections (\$297,000) and New Zealand police (\$1.5 million). The total figure for these three agencies is \$8,639,206. However, under the standard costs column, there are no figures whatsoever for the Judiciary, Corrections or New Zealand police. This is very strange considering that the purpose of this exercise was to compare the cost of going through the AODTC with the cost going through the standard District Court. It seems the Ministry omitted these costs from the district court as if they did not exist.*

In response to your first question, I can advise that the costs for almost all the 477 AODT Court participants relate to the period from November 2012 to June 2018 inclusive. For a small number of participants who entered the AODT Court in late 2012 or very early 2013, some of the court and remand costs would have occurred prior to November 2012.

Costs occurred within the same time period for all of the 477 matched offenders who were in the District (standard) Court and were released from prison between November 2012 to June 2018. However, for a small proportion of those matched offenders, some of the court and incarceration (including remand) costs would have been prior to November 2012 This is because they started their prison sentences prior to that date. The costing approach, as

used in the final cost benefit analysis, was as detailed in the report prepared in 2016 by Sapere, *Cost-effectiveness Analysis of the AODTC pilot*, which was provided to you through OIA 101552. The only difference from that report is that costs for both AODT Court participants and matched offenders were extended out to June 2018.

In response to your second question, all reoffending costs incurred after four years for any offence (which occurred within four years) were included as reoffending costs provided that the court case was finalised within four years and six months after:

- the date of entry into the AODT Court for AODT Court participants; and,
- the release date from prison for all matched offenders.

Reoffending within a four-year period could only be measured for AODT Court participants entering the Court, and matched offenders released from prison, up to 31 March 2014. This is noted in Table 1 (page 15) of the *Alcohol and Other Drug Treatment Court quantitative outcomes evaluation 2018–19* report.

The difference in costs from reoffending between AODT Court participants and matched offenders were then included as public¹ and private² sector benefits in Tables 6 and 7 respectively of the *Alcohol and Other Drug Treatment Court cost benefit analysis* report.

In response to your third question, the costing model included AODT Court participants and matched offenders up to June 2018, this is because this was the end of the last fiscal year prior to the evaluation being carried out. As noted in Table 1 (page 15) of the *Alcohol and Other Drug Treatment Court quantitative outcomes evaluation 2018–19* report, reoffending was only able to be measured for substantially fewer numbers of AODT Court participants and matched offenders over follow-up periods of one to four years. As previously advised, this report is publicly available at: justice.govt.nz/assets/AODTC-Summary-Evaluation-Report-June-2019.pdf

In response to your fourth question, the response has already been provided to you through OIA 102306. Please note that requests for information that has already been provided may be refused as vexatious under section 18(h) of the Act.

I must also reiterate the Ministry's response in OIA 101590, that while the Act allows anyone resident in New Zealand to ask Ministers and government agencies for information, there is no requirement for agencies to create new information, compile information they do not hold, respond to hypothetical questions, or provide or prove an opinion or interpretation. The Act does not support requests where an opinion, comment, argument, interpretation, or hypothetical question is put to an agency for response, couched as a request for information. Many of your questions increasingly appear designed to debate issues around the AODT Court pilot rather than seek information. Such requests are likely to be refused under section 18(g) of the Act on the grounds that the information sought is not held by the Ministry.

¹ For example, reduced imprisonment and court costs due to reoffending.

² For example, reduced costs to victims due to reoffending.

However, I am aware that Oliver Sanders, Policy Manager Sentencing and Rehabilitation, has contacted you to respond to your questions either by telephone or teleconference (e.g., Zoom). I trust you will take up his offer as an open discussion is likely to be a more fruitful channel to address your concerns and answer your questions.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



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