

Section (9)(2)(a)

Tēnā koe **Section (9)(2)(a)**

Official Information Act request: Concurrent and cumulative sentences

Thank you for your email of 15 March 2023 requesting, under the Official Information Act 1982 (the Act), documents produced or received by the Ministry of Justice (the Ministry) regarding concurrent and cumulative sentences since 1 January 2018. Your request is as follows:

All analyses, assessments, recommendations, reports, updates or analyses you have produced or received about concurrent and cumulative sentences since 1 January 2018 that are not in the public domain or have been previously released to me under the Act.

One document within the scope of your request has been identified. Attached with this letter is a copy of the document provided to the Minister of Justice in response to a media request. It is released to you in full.

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

Nāku noa, nā



Alida Mercuri
General Manager (Acting), Criminal Justice

NZME Media queries 2023-03-01 - reduction in prison sentences

Response

1. There are claims it is “widely recognised” the courts while independent, tended to reflect the priorities of the government of the day, what is your response to this?

A fundamental principle of New Zealand’s constitutional system is that court proceedings and judicial decisions operate independently from the government. This is to protect the integrity of our court system and provide assurance that there is no interference in decisions made by the judiciary or judicial officers. Therefore, as a Minister, I cannot interfere in, or comment on, court proceedings or judicial decisions.

2. Is the Govt's intention to decrease the prison population influencing the judicial process?

As above.

3. What factors do you think have contributed to such a decrease in sentences based on the WPQ stats?

The number of people receiving prison sentences decreased from 8,189 in 2015/16 to 4,754 in 2021/22, a reduction of 42%. Two factors explain this:

- a 34% reduction in the numbers of people convicted, including a 25% decline for serious offending; and,
- of those convicted, a drop in the percentage of people imprisoned (from 13.5% in 2016/17 to 11.1% in 2021/22).

Much of the drop in convictions and imprisonments is likely to be the result of:

- an increase in the use of non-court actions by Police as alternatives to prosecution and those receiving discharge without conviction;
- the COVID-19 lockdowns in the Auckland and Waikato regions in 2021/22; and,
- large sustained declines in offending by children and young people which have contributed to substantial reductions in young adults in the Corrections system.

4. What stats does the Government point to on the trajectory of overall crime and violent crime since 2015? There are claims violent crime is on the rise, is this correct?

There has been a 31% increase in the overall rate of crime reported to the Police between 2018 and 2022. Some of this increase is due to a very large rise in the number of family harm incidents over that period. Police have highlighted that these were primarily driven from reporting through their ‘105’ non-emergency reporting channel which was introduced in 2018.

From 2018 to 2022 there has also been an increase in the rate of reported vehicle theft, which rose by 71%, and other theft and robbery, which rose by 37% and 18% respectively.