

9 August 2023

Section 9(2)(a)

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Our ref: OIA 105576

Tēnā koe Section 9(2)(a)

Official Information Act request: Remand statistics

Thank you for your email of 27 June 2023 to the Ministry of Justice (the Ministry) requesting, under the Official Information Act 1982 (the Act), information regarding remand statistics. Specifically, you have requested:

1. *No. of people on remand subject to s10 of the Bail Act.*
2. *Duration of time people are spending on remand before trial.*
3. *No. of people who are remanded but not convicted.*
4. *No of people on remand who have charges dropped or reduced before trial, and of those how many would that change of circumstance take them outside the reverse onus provision in s10.*

On 6 July and 11 July 2023, the Ministry contacted you to clarify how many calendar years you were requesting. On 12 July 2023, you confirmed you were seeking data from 2012 up to the current year. In line with s15(1AA) of the Act, as your request was clarified after the date it was received, it is considered a new request for the purposes of the Act. Therefore, the new deadline for the request is 10 August 2023.

In response to the first and fourth parts of your request about people on remand subject to s10 of the Bail Act 2000, the Ministry does not hold the information requested. This is because it does not form any part of the Ministry's regular reporting and there is no obligation under the Act for agencies to create new information. Therefore, these parts of your request are refused under section 18(g)(i) of the Act, on the grounds that the information requested is not held by the Ministry and I have no grounds for believing it is held by another agency or Minister.

Regarding the second part of your request about the time people have spent on remand before trial, the Ministry contacted the New Zealand Police and the Department of Corrections for their assistance in providing the requested information. However, both agencies confirmed they do not have any reporting function which records the number of days spent on remand before a person's trial begins. As neither the Ministry, the Police nor the Department hold this information, this part of your request is also refused under section 18(g)(i) of the Act.

In response to the third part of your request for information about people held on remand but not convicted, the Ministry has interpreted this as a request for statistics on persons held in custody by charge outcome. In response to this part of your request, please refer to Table 1, attached, which provides the number of people held in custody, broken down by charge outcome and calendar year, from 1 January 2012 to 31 December 2022. Please note, the provision of this data is based on the latest Tier 1 statistics, which are published twice a year in March (calendar year) and September (financial year). Therefore, data up to June 2023 will be available in September 2023. You can find out more about Tier 1 statistics at: data.govt.nz/use-data/showcase/official-statistics/.

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 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



Richard Williams

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Table 1: Number of people held in custody, by charge outcome, between 1 January 2012 and 31 December 2022

| Outcome type | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Convicted | 9,142 | 8,725 | 8,745 | 9,411 | 10,532 | 11,497 | 11,385 | 11,213 | 11,950 | 9,927 | 9,753 |
| Other Proved | 574 | 509 | 526 | 503 | 484 | 513 | 468 | 432 | 468 | 351 | 374 |
| Not Proved | 1,370 | 1,139 | 998 | 1,089 | 1,254 | 1,302 | 1,459 | 1,616 | 1,591 | 1,695 | 1,949 |
| Other outcomes | 79 | 55 | 77 | 60 | 71 | 98 | 100 | 82 | 132 | 138 | 140 |
| Total | 11,165 | 10,428 | 10,346 | 11,063 | 12,341 | 13,410 | 13,412 | 13,343 | 14,141 | 12,111 | 12,216 |

Notes for Table 1:

- This table counts people with disposed charges (i.e., charges finalised in court) and contains people charged in the High, District and Youth courts
- A person is counted once per year. When a person has more than one offence in a year, the details of the most serious charge are included in the statistics. A range of information is used to determine which charge is a person's most serious in a year. This includes information such as charge outcome, sentence type, sentence length/amount, remands in custody and bail and maximum offence penalties.
- This data is extracted based on the charge outcome year of each charge (e.g., the year that a charge is convicted).
- Other proved outcomes include Youth Court proved, discharge without conviction, adult diversion/Youth Court discharge and proven but not criminally responsible on account of insanity
- Not proved includes the person being found not guilty and where the charge is withdrawn or dismissed
- Other charge outcomes include being found not guilty by reason of insanity or unfit to stand trial and stays of proceedings
- This data has been limited to people have been remanded in custody at any point for their most serious charge. This could be before and/or after conviction and include people remanded in custody for short period as well those remanded in custody entirety of their charge.
- Remanded in custody can include being held in a prison, hospital, or a youth facility
- Date range used is based on the most recent refresh date for Tier 1 Statistics. Tier 1 statistics are the key official statistics by which New Zealand's performance as a country is measured. Tier 1 statistics are published twice a year in March and September. There are principles and protocols that govern their production and release. More information about Tier 1 statistics is available from www.data.govt.nz/use-data/showcase/official-statistics/