

31 October 2022

Section (9) (2) (a)

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Our ref: OIA 98990

Tēnā koe Section (9) (2) (a)

Official Information Act request: Crimes Act 1961 sentences

Thank you for your email of 5 September 2022 requesting, under the Official information Act 1982 (the OIA), information on sentencing for convictions made under section 132 and section 134 of the Crimes Act 1961. Your request was as follows:

- 1) *For each of the last five years, for sentences following conviction under s 132 Crimes Act 1961, what was the type of sentence, the range of lengths and the median and average length of sentences of imprisonment?*
- 2) *For each of the last five years, for sentences following conviction under s 134 Crimes Act 1961, what was the type of sentence, the range of lengths and the median and average length of sentences of imprisonment?*

On 14 September 2022 we contacted you to clarify your request and you confirmed that you would like to have the data for the number of people as well as the number of finalised charges that resulted in a conviction.

In response to your request, please refer to the following tables:

- **Table 1:** Number of finalised charges that resulted in conviction under section 132 and section 134 of the Crimes Act 1961, broken down by sentence type, for the 2017 to 2021 calendar years.
- **Table 2:** Number of people convicted under section 132 and section 134 of the Crimes Act 1961, broken down by sentence type, for the 2017 to 2021 calendar years.
- **Table 3:** The minimum, maximum, average and median number of days of imprisonment received at sentencing following a conviction for charges under section 132 and section 134 of the Crimes Act 1961, for the 2017 to 2021 calendar years.
- **Table 4:** The minimum, maximum, average and median number of days of imprisonment a person convicted under section 132 and section 134 of the Crimes Act 1961 received at sentencing, for the 2017 to 2021 calendar years.

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SH' with a large flourish underneath.

Shelley Hemi

Manager, Operations Support, Courts and Tribunals, Regional Service Delivery

Table 1: Number of finalised charges that resulted in conviction under section 132 and section 134 of the Crimes Act 1961, broken down by sentence type, for the 2017 to 2021 calendar years.

	Sentence type	2017	2018	2019	2020	2021
Charges resulting in conviction under section 132 of the Crimes Act 1961	Imprisonment	506	456	321	318	427
	Home detention	61	60	64	55	68
	Community detention	2	3	11	14	11
	Intensive supervision	7	6	7	9	1
	Community work	1	1	1	2	0
	Supervision	0	0	0	0	3
	Monetary	2	0	0	1	0
	Deferment	0	0	3	0	0
	Other	0	0	0	5	3
	No sentence recorded	0	4	1	0	0
	Total	579	530	408	404	513
Charges resulting in conviction under section 134 of the Crimes Act 1961	Imprisonment	406	338	299	264	360
	Home detention	100	115	89	84	60
	Community detention	15	19	21	10	21
	Intensive supervision	23	14	21	11	13
	Community work	3	1	1	3	1
	Supervision	2	5	0	7	1
	Monetary	2	0	0	1	0
	Deferment	0	1	0	0	0
	Other	1	3	3	0	0
	No sentence recorded	2	3	1	0	2
	Total	554	499	435	380	458

Notes for Table 1:

- This data is extracted based on the charge outcome year of each charge (i.e. the year that a charge resulted in a conviction).
- The data for this response forms part of the Tier 1 2021 calendar year statistics. Tier 1 statistics are published twice a year in March (for calendar year data) and September (for financial year data), meaning data is only available up until 31 December 2021. More information about Tier 1 statistics is available at: data.govt.nz/use-data/showcase/official-statistics/
- This data comprises charges with an outcome of 'convicted'.
- The most serious sentence for a charge is used in this table.
- Sentences include (in order of seriousness):
 - imprisonment (includes life imprisonment, preventive detention and imprisonment)
 - community sentences (home detention, community detention, intensive supervision, community work, supervision)
 - monetary (includes reparation, fine and order for restitution of property)
 - deferment (which includes 'to come up for sentence if called upon')

Table 2: Number of people convicted under section 132 and section 134 of the Crimes Act 1961, broken down by sentence type, for the 2017 to 2021 calendar years.

	Sentence type	2017	2018	2019	2020	2021
People convicted under section 132 of the Crimes Act 1961	Imprisonment	151	146	89	97	122
	Home detention	30	35	26	34	31
	Community detention	2	3	6	11	6
	Intensive supervision	1	4	4	5	1
	Community work	1	1	1	2	0
	Supervision	0	0	0	0	3
	Monetary	1	0	0	1	0
	Deferment	0	0	1	0	0
	Other	0	0	0	1	1
	No sentence recorded	0	2	1	0	0
Total		186	191	128	151	164
People convicted under section 134 of the Crimes Act 1961	Imprisonment	152	144	92	92	125
	Home detention	53	70	51	43	41
	Community detention	12	14	18	10	12
	Intensive supervision	12	10	14	10	12
	Community work	3	1	1	3	1
	Supervision	2	4	0	7	1
	Monetary	2	0	0	1	0
	Other	1	2	1	0	0
	No sentence recorded	0	2	1	0	1
	Total		237	247	178	166

Notes for Table 2:

- This data is extracted based on the charge outcome year of each charge (i.e. the year that a charge resulted in a conviction).
- This data comprises charges with an outcome of 'convicted'.
- The data for this response forms part of the Tier 1 2021 calendar year statistics. Tier 1 statistics are published twice a year in March (for calendar year data) and September (for financial year data), meaning data is only available up until 31 December 2021. More information about Tier 1 statistics is available at: data.govt.nz/use-data/showcase/official-statistics/
- The data counts a person once per year. When a person is convicted of more than one offence in a year the details of their most serious offence are included in the statistics.
- A person may receive more than one type of sentence when convicted of a charge. The most serious sentence is used in this table.
- Sentences include (in order of seriousness):
 - imprisonment (includes life imprisonment, preventive detention and imprisonment)
 - community sentences (home detention, community detention, intensive supervision, community work, supervision)
 - monetary (includes reparation, fine and order for restitution of property)
 - deferment (which includes 'to come up for sentence if called upon')

Table 3: The minimum, maximum, average and median number of days of imprisonment received at sentencing following a conviction for charges under section 132 and section 134 of the Crimes Act 1961, for the 2017 to 2021 calendar years.

		2017	2018	2019	2020	2021
Days sentenced for imprisonment for charges resulting in a conviction under section 132 of the Crimes Act 1961	Minimum	90	90	180	60	90
	Maximum	5,840	6,020	6,935	3,285	6,205
	Average	1,429	1,199	1,346	1,335	1,354
	Median	1,095	910	1,095	1,095	1,275
Days sentenced for imprisonment for charges resulting in a conviction under section 134 of the Crimes Act 1961	Minimum	14	6	120	60	90
	Maximum	5,840	3,100	3,160	2,980	6,205
	Average	1,135	940	1,007	1,060	1,284
	Median	940	820	970	1,095	1,000

Notes for Table 3:

- This data is extracted based on the charge outcome year of each charge (i.e. the year that a charge resulted in a conviction).
- This data comprises charges with an outcome of 'convicted'.
- The data for this response forms part of the Tier 1 2021 calendar year statistics. Tier 1 statistics are published twice a year in March (for calendar year data) and September (for financial year data), meaning data is only available up until 31 December 2021. More information about Tier 1 statistics is available at: data.govt.nz/use-data/showcase/official-statistics/
- Preventive detention sentences are included in this dataset. Preventive detention is imposed only on serious, repeat sex-offenders, or serious violent offenders. A person sentenced to preventive detention must serve a minimum of 5 years in prison before being eligible for parole, although a longer term may be imposed if the person's history warrants it.
- The business rule for calculating estimated days of preventive detention is $5 \times 356 \times 1.5 = 2737.5$ days.

Table 4: The minimum, maximum, average and median number of days of imprisonment a person convicted under section 132 and section 134 of the Crimes Act 1961 received at sentencing, for the 2017 to 2021 calendar years.

		2017	2018	2019	2020	2021
Days sentenced for imprisonment for people convicted under section 132 of the Crimes Act 1961	Minimum	90	90	180	60	90
	Maximum	5,840	6,020	6,935	3,285	6,205
	Average	1,215	1,152	1,238	1,267	1,191
	Median	940	865	910	1,095	1,030
Days sentenced for imprisonment for people convicted under section 134 of the Crimes Act 1961	Minimum	14	6	120	90	90
	Maximum	5,840	3,100	3,160	2,980	6,205
	Average	1,024	855	927	991	1,125
	Median	820	730	910	865	820

Notes for Table 4:

- This data is extracted based on the charge outcome year of each charge (i.e. the year that a charge resulted in a conviction).
- This data comprises charges with an outcome of 'convicted'.
- The data for this response forms part of the Tier 1 2021 calendar year statistics. Tier 1 statistics are published twice a year in March (for calendar year data) and September (for financial year data), meaning data is only available up until 31 December 2021. More information about Tier 1 statistics is available at: data.govt.nz/use-data/showcase/official-statistics/
- A person is included once per year in the data table. When a person is convicted of more than one offence in a year the details of the most serious offence are included in the statistics.
- A person may receive more than one type of sentence when convicted of a charge. The sentence 'imprisonment' is used in these tables.
- Preventive detention sentences are included in this dataset. Preventive detention is imposed only on serious, repeat sex-offenders, or serious violent offenders. A person sentenced to preventive detention must serve a minimum of 5 years in prison before being eligible for parole, although a longer term may be imposed if the person's history warrants it.
- The business rule for calculating estimated days of preventive detention is $5 \times 356 \times 1.5 = 2737.5$ days.