

03 May 2022

C149408

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your request under the Official Information Act 1982 (OIA) made to the Ministry of Justice (MoJ), which partially was transferred to the Department of Corrections – Ara Poutama Aotearoa on 17 March 2022, in accordance with section 14 of the OIA.

Corrections manages people at the direction of the Courts and the New Zealand Parole Board. We do not determine who is in prison and who is in the community, and are not responsible for the number of people who are remanded into custody.

As you may be aware, there are two types of remand prisoners:

- Remand Accused: a person who has not yet been found (or pleaded) guilty of the charge(s) laid against them
- Remand Convicted: a person who has been found (or pleaded) guilty of the charge(s) laid against them, but the sentence they are to serve has not yet been determined by the courts

Remand accused people are required to be kept separate from sentenced prisoners. Some prisons house a higher proportion of remand prisoners, while others house primarily sentenced prisoners. The amount of time a person spends on remand is dependent on how long it takes for the judicial process to be completed by the Courts, influenced by factors including the complexity of the case and the plea entered.

Although decisions to remand a person in custody are determined by the Courts, Corrections is continuing to work towards long term reductions in the remand population through the High Impact Innovation Programme (HIIP).

HIIP has operated a number of initiatives to prevent unnecessary delays for people in the justice system. The initiatives improve information flow and access to information, which enables informed decision-making by the judiciary or New Zealand Parole Board as quickly and safely as possible. The initiatives also provide increased support to people in the justice system, reduce harm and improve the likelihood of someone complying with any conditions imposed on them by the Courts or New Zealand Parole Board.

An example of a long-standing HIIP initiative which is being implemented into Corrections' Services as business as usual, following a successful pilot, is the Bail Support Services (BSS). BSS is a multi-year programme of work which aims to better support people in the application and maintenance of bail, and achieve positive change early in their justice system journey. BSS offers tailored support for people to address their social needs, while navigating through the justice sector. An example of support provided through BSS is the assistance people are offered in finding suitable bail accommodation where possible. BSS is currently being implemented across New Zealand with support from justice sector partners, including the Ministry of Justice.

Corrections is also working across the country to reduce the time it takes for people remanded in custody to be sentenced after conviction. HIIP's Sentencing Ready team works with parties who contribute to sentencing hearings to help make sure all necessary information is available at sentencing hearings. When all required information is presented at a hearing, Judges are better able to make decisions without having to adjourn the hearing and delay sentencing. This can mean people spend less time remanded in custody awaiting a sentencing outcome. Once their community-based or prison sentence begins people have more opportunity to access rehabilitation.

For ease of response, one of your questions has been responded to individually.

- *How many people are currently on remand awaiting a trial?*
- *How many of them have been waiting more than a year?*
- *How does that compare to five years ago?*

Corrections can answer these questions based on the remand accused population and the parameters of your request have been adjusted accordingly. Not all of these people's court cases will eventuate in a trial.

The number of people on remand fluctuates daily, and Corrections reports these figures as at month end. As at 28 February 2017, there were 1,877 remand accused people across all prisons. Of these, 64 had been held in prison for more than a year.

As at 28 February 2022, there were 2,065 remand accused people in prison. Of these, 113 were held in prison for more than a year. These figures exclude people held in offsite locations such as mental health facilities and may differ from figures previously published elsewhere.

The figures relating to people who have been awaiting a trial for more than one year only include people who have been in prison for a continuous period. If they had been in prison, were released on bail and subsequently returned to prison, they are not counted in these statistics.

As noted above, the amount of time a person spends on remand is dependent on how long it takes for the judicial process to be completed by the courts. As such, we would urge caution using the difference in the remand population in 2017 and 2022 as a point of comparison in terms of whether COVID-19 has impacted a person's time spent on remand.

- *Is it worse because of Covid?*

It is essential that New Zealand courts continue to uphold the rule of law and to ensure that fair trial rights, the right to natural justice and rights under the New Zealand Bill of Rights Act are upheld. COVID-19 has seen the Courts operate in a different manner that what we have seen in the past. As a result of the Government's COVID-19 Protection Framework, there has been changes in Court protocols at Orange and Red settings.

There resulted in an increased need for virtual appearances for Court hearings for people in prison. Corrections has existing technology in place to support virtual court hearings through our Audio Visual Link (AVL) system that connects directly with the court, but increased our use of technology to further meet this need. This included providing additional laptops and, in some sites, mobile AVL systems, that could be transported around the prison to locations where they were required. Corrections also installed additional fixed units across the prison estate. This enabled virtual Court hearings to be completed.

Corrections is aware that there were instances of jury and judge alone trials that were affected by the COVID-19 outbreak that was occurring in New Zealand during 2021 and 2022. This was a decision by the High and District Court of New Zealand and not Corrections. During these times sentencing hearings have continued where possible, with applications to appear via AVL or other remote means supported by Corrections where appropriate.

Corrections is unable to advise on whether COVID-19 has impacted the length of time a person spends on remand as this information is not recorded and we have not undertaken specific research into this matter. As such, your final question is partially refused under section 18(e) of the OIA as the document alleged to contain the information requested does not exist.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Topia Rameka
Deputy Chief Executive, Māori