

25 OCT 2019

Nathan Sanders
fyi-request-11303-708dc0b0@requests.fyi.org.nz

Dear Mr Sanders

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 27 September 2019, requesting information on all prosecutions for intentional damage between 2013 to 2018. I respond as Group Manager, Courts and Tribunals, Regional Service Delivery.

You specifically request the following information:

a list of all prosecutions brought before the courts across New Zealand for intentional damage between 2013 and 2018, including the below information for each prosecution:

- Date of prosecution.
- Defendant's plea - guilty / not guilty.
- Defendant's number of prior convictions.
- Judge alone or jury trial.
- Verdict guilty / not guilty.
- Sentence handed down.

The information that you requested is part of the court record and is therefore not held by the Ministry. Your request is refused under section 18(g)(i) of the OIA as the Ministry does not hold the information.

Pursuant to section 2(6)(a) courts are not subject to the OIA; however, you can make an application to the relevant Court for access to the court record. Any application to the Court must comply with the relevant court rules.

The Ministry can however provide you with the following information:

- Table 1: Number of intentional damage charges, by charge outcome.
- Table 2: Number of intentional damage charges, by convicted sentence type.

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing info@ombudsman.parliament.nz

Yours sincerely



Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 78246

Table 1: Number of intentional damage charges, by charge outcome, 2013 to 2018

Charge outcome	2013	2014	2015	2016	2017	2018
Convicted	296	214	238	170	204	245
Other proved	55	32	29	49	104	25
Not proved	202	126	45	162	59	131
Other	1	9	6	5	2	4
Total	554	381	318	386	369	405

Notes:

- Offences for intentional damage are covered under the section 269 of the Crimes Act 1961.
- This data counts every "Intentional Damage" charge with an outcome per calendar year, 2013-2018.
- "Prosecutions" have been interpreted as being "charges".
- "Other proved" includes an order made under section 283 of the Oranga Tamariki Act 1989.
- "Other" includes being found not guilty by reason of insanity or unfit to stand trial.

Table 2: Number of intentional damage convictions by sentence type, 2013 to 2018

Sentence type	2013	2014	2015	2016	2017	2018
Imprisonment	82	79	116	73	86	92
Home detention	29	22	13	8	19	28
Community detention	55	16	12	13	21	18
Intensive supervision	9	12	10	9	22	22
Community work	52	51	57	35	27	35
Supervision	12	6	10	6	8	19
Monetary	45	22	14	13	14	16
Deferment	3	1	3	4	0	4
Other	1	0	1	2	1	3
No sentence recorded	8	5	2	7	6	8
Total	296	214	238	170	204	245

Notes:

- This data counts the most serious sentence per convicted charge.
- "Other" includes orders related to driving (e.g. disqualification from driving, alcohol interlock order and zero alcohol order).
- "No sentence recorded" includes where a person has been "convicted and discharged".