

28 February 2025

Chris
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Our ref: DSC 119590

Tēnā koe Chris

Approaches to sentencing

Thank you for your email of 19 January 2025 regarding sentencing. Your request was due for response on 11 February 2025. Unfortunately, the Ministry of Justice (the Ministry) server identified your request as spam and your bone fide request was not identified until 20 February 2025. We are working with ICT Security to identify the cause of this issue and a temporary fix has been put in place.

In your email, you asked:

- 1. Will the judges be accountable for being too soft.*
- 2. Why does judges hand down soft sentences for repeat offenders.*
- 3. Why are the youths are on a catch and release program and once they catch them they get let go back into the community.*
- 4. Why does the victims from any crime get heard and the judges does not take on the side of the victims.*
- 5. Why does judges give big discounts up to 50% off there sentencing.*

I am responding on behalf of the Ministry. You asked for the above information under the Official Information Act 1982 (the Act). I am declining your request under section 18(g) as the Ministry does not hold the information that you have requested. Further, the Ministry cannot comment on specific cases, as the sentencing decisions of the courts must be made independently and without interference from the rest of the Government. This is to ensure the integrity of the justice system. I can, however, provide the following general information.

Appeals of sentencing decisions

The prosecutor has the right to lodge an appeal against the sentence given in a particular case. This means they ask a higher court to look at the case, or some part of it, again. An appeal might be requested if the prosecutor does not believe the sentence fits the seriousness of the crime. If the appeal is accepted, the offender may be given a different sentence.

Judicial conduct

Complaints about the conduct of a judge are handled by the Judicial Conduct Commissioner (JCC). The process is intended to help maintain public confidence in the judicial system, and to protect its impartiality, integrity and independence. Complaints to the JCC must be about

the conduct of a Judge, whether inside or outside court. The process cannot be used to challenge the legality or correctness of a judge's decision. More information can be found at: [Office of the Judicial Conduct Commissioner](#)

Sentencing reform

The Government is concerned that some sentences may not adequately reflect the seriousness of offending, public expectations, or the interests of victims. In the first 100 days of the Parliamentary term, the Government passed legislation to remove public funding for reports under section 27 of the Sentencing Act 2002, which can result in sentence discounts for convicted offenders.

In December 2024, the Government passed the Sentencing (Reinstating Three Strikes) Amendment Act 2024 to reinstate the three-stage regime of escalating penalties for repeat violent and sexual offending, known as the three strikes law. This law is intended to ensure there are appropriately severe consequences for those who continue to commit serious offences, to deter reoffending and protect the public. The regime will commence in June 2025.

You can read more about the three strikes law at: [Three strikes law | New Zealand Ministry of Justice](#)

Further, the Government will soon pass the Sentencing (Reform) Amendment Bill to strengthen consequences for crime by:

- capping the sentence discounts that judges can apply at 40 percent,
- preventing repeat discounts for youth and remorse,
- encouraging the use of cumulative sentencing for offences committed while on bail, in custody, or on parole,
- implementing a sliding scale for early guilty pleas to prevent undue discounts for late-stage guilty pleas and avoid unnecessary trials that are costly and stressful for victims, and
- requiring judges to take into account any information provided to the court about victims' interests.

You can find more details at: [Tougher sentences on the horizon for criminals | Beehive.govt.nz](#).

Thank you for taking the time to write.

Nāku noa, nā



Fleur Keys
Chief Advisor, Criminal Justice