



3 February 2017

Ophelia

Fyi-request-5227-8ee673c8@requests.fyi.org.nz

Dear Ophelia,

I refer to your Official Information Act 1982 request dated 18th January 2017, where you requested the following:

1. Can you please provide the number of people left locked in court cells for a lengthy period of time, after being bailed? By this I mean the number of people who were granted bail but not released promptly from court cells i.e. stayed for a number of hours or even days in the court cells beyond the maximum period they should expect to be there after being bailed.
2. What is the reasonable maximum period one should expect to remain in court cells for, after being granted bail?
3. Can you please break the number of people down by the year the incident happened and location where they were held?
4. How long were each of those people locked in court cells after being granted bail?
5. What charges were each of those people awaiting sentencing on?
6. What was the age and gender of each of these people?
7. What was the cause of each of these incidents? (why were they in court cells for so long after being bailed?)
8. What was the outcome of the incident? i.e. what did police do to make up for the period each person spent in court cells beyond what should be expected.

In respect of point 2 above, the maximum period that a person can be detained in the custody of the Court for the preparation of a bail bond is 2 hours (Sec.31 Bail Act 2000).

In respect of all other points, your request is refused pursuant to:

- section 18(f) Official Information Act 1982, in that the information requested cannot be made available without substantial collation or research; and
- section 18(g) Official Information Act 1982, in that the information requested is not held by the department.


Commonly the time in which a detainee is received and then bailed from a Court cell is not recorded (as usually there is no Electronic Custody Module in Court cells) so this information is not held.

Some larger Court cells have an Electronic Custody Module in which a detainee's time of detention and then release may be recorded, however, to determine if a detainee was held longer than they should have would require substantial research.

Incidents when this does happen, as with the recent incident in Masterton, are reported and investigated on a case-by-case basis, but otherwise, not collated.

You have the right, under section 28(3) of the Official Information Act 1982, to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Scahill', written over a light blue circular stamp.

Superintendent Chris Scahill
National Manager: Response and Operations