

04 MAR 2019

Ms Jessica Lim

By email: fyi-request-9515-9520788c@requests.fyi.org.nz

Official Information Act request

Dear Jessica,

Thank you for your request dated 4 February 2019, in which you request

- how many people have been incarcerated for the non-payment of fines?
- the details for the length of the sentences for all people sentences (whether it be primary, secondary, tertiary offences?)

Your request has been referred to me for a response and is being managed under the provisions of the Official Information Act 1982 (OIA).

Background information

A judge can order that a customer's fines, or a portion of their fines, be converted to a sentence of imprisonment. In general, a judge will only consider converting a customer's fines to a sentence of imprisonment if:

- all other methods of enforcing the fines have been considered, have been tried and been unsuccessful, or have been deemed inappropriate
- the customer is before the judge
- the customer has had the opportunity for legal representation
- they have considered a statement of the customers financial means
- the customer has the means to pay the fine.

A judge will not order a sentence of imprisonment if the fine was imposed in the Youth Court or the fine was imposed for a traffic offence not punishable by imprisonment.

If a customer is already in prison, then a judge may order the customer's fines be converted to a sentence of imprisonment without meeting the criteria above.

A customer's fines can also be converted to a sentence of home detention by a judge or converted to a sentence of community work or community detention by order of a judge or community magistrate. These orders are usually only considered if all other lesser methods of enforcing the fines have been considered, have been tried and been unsuccessful, or are inappropriate.

Response to your request

The Ministry does not hold the exact information you have requested. However, we can provide information recorded in our system about the number of orders made and the average length of sentence of those orders.

I have attached four tables which list how many orders for imprisonment, community detention, home detention, and community work have been entered into our system in the last 10 financial years. The tables also show the total sum and average sentence length for the four different sentence types in each of the last 10 financial years. Please note that all data for the 2018/2019 financial year only covers until mid-February.

This data attached will show you how many of these orders have been entered into our system, but cannot be used to infer how many people have been incarcerated or ended up serving an alternative sentence for the non-payment of fines for the following reasons:

- An order may be cancelled after it is entered in the system if the customer appeals the sentence.
- An order may be cancelled after it is entered in the system if the customer's fines for which the sentence was imposed are paid in full.
- If a customer makes a part payment towards the fines for which the sentence is imposed the original sentence will be cancelled. The sentence length will be recalculated based on the amount paid, and then a new order for the remaining sentence length will be entered into the system.
- An individual could conceivably have their fines converted to an alternative sentence more than once in their lifetime.
- The data may include orders that were entered into the system and subsequently cancelled and re-entered due to administrative error.

Requests for further information

Requests for information relating to student loans should be directed to the Inland Revenue. You can read more about requesting information from Inland Revenue on their website:

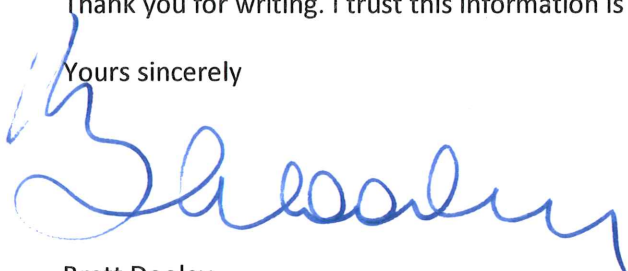
<https://www.ird.govt.nz/aboutir/information/requesting-information-from-us.html>

Requests for information relating to incarceration should be directed to the Department of Corrections. You can read more about requesting information from Correction on their website:

https://www.corrections.govt.nz/resources/official_information_act/how_to_request_official_information.html

Thank you for writing. I trust this information is of assistance.

Yours sincerely



Brett Dooley
Group Manager, National Service Delivery

Table 1: The number of imprisonment orders issued* for the non-payment of fines and the total and average length of these sentences in each of the last 10 financial years

Financial Year	Number of sentences issued	Total length of all sentences (months)	Average sentence length (months)
2009/2010	609	897.25	1.47
2010/2011	566	818.20	1.46
2011/2012	337	566.94	1.68
2012/2013	217	296.33	1.37
2013/2014	175	213.26	1.22
2014/2015	223	307.46	1.38
2015/2016	235	300.41	1.28
2016/2017	197	349.39	1.77
2017/2018	193	272.95	1.41
2018/2019** (to mid-February)	91	105.35	1.16

* Data is based on the number of instances an imprisonment order is entered into the system, and cannot be used to infer how many people have been imprisoned for the non-payment of fines

** The data for the 2018/2019 financial year only includes data for the period 01/07/2018 - 15/02/2019 and will be subject to change as the financial year progresses.

Table 2: The number of community detention orders issued* for the non-payment of fines and the total and average length of these sentences in each of the last 10 financial years

Financial Year	Number of sentences issued	Total length of all sentences (months)	Average sentence length (months)
2009/2010	245	717.90	2.93
2010/2011	426	1186.83	2.79
2011/2012	356	971.04	2.73
2012/2013	265	734.62	2.77
2013/2014	151	401.63	2.66
2014/2015	154	384.60	2.50
2015/2016	179	430.18	2.40
2016/2017	143	370.79	2.59
2017/2018	194	412.85	2.13
2018/2019** (to mid-February)	98	215.32	2.20

* Data is based on the number of instances a community detention order is entered into the system, and cannot be used to infer how many people have served a sentence of community detention for the non-payment of fines

** The data for the 2018/2019 financial year only includes data for the period 01/07/2018 - 15/02/2019 and will be subject to change as the financial year progresses.

Table 3: The number of home detention orders issued* for the non-payment of fines and the total and average length of these sentences in each of the last 10 financial years

Financial Year	Number of sentences issued	Total length of all sentences (months)	Average sentence length (months)
2009/2010	77	181.23	2.35
2010/2011	105	255.26	2.43
2011/2012	82	160.02	1.95
2012/2013	50	111.52	2.23
2013/2014	95	77.81	0.81
2014/2015	41	84.95	2.07
2015/2016	45	69.36	1.54
2016/2017	54	107.17	1.98
2017/2018	53	128.44	2.42
2018/2019 (to mid-February)	37	73.90	1.20

* Data is based on the number of instances a home detention order is entered into the system, and cannot be used to infer how many people have served a sentence of home detention for the non-payment of fines

** The data for the 2018/2019 financial year only includes data for the period 01/07/2018 - 15/02/2019 and will be subject to change as the financial year progresses.

Table 4: The number of community work orders issued* for the non-payment of fines and the total and average length of these sentences in each of the last 10 financial years

Financial Year	Number of sentences issued	Total length of all sentences (hours)	Average sentence length (hours)
2009/2010	8026	1118634	139.38
2010/2011	7643	1003103	131.24
2011/2012	6517	806466	123.75
2012/2013	4870	529648	108.76
2013/2014	3563	364202	102.22
2014/2015	3122	319340	102.29
2015/2016	2321	227051	97.82
2016/2017	2060	198540	96.38
2017/2018	2010	192900	95.97
2018/2019 (to mid-February)	1211	110820	91.51

* Data is based on the number of instances a community work order is entered into the system, and cannot be used to infer how many people have served a sentence of community work for the non-payment of fines

** The data for the 2018/2019 financial year only includes data for the period 01/07/2018 - 15/02/2019 and will be subject to change as the financial year progresses.