

03 AUG 2016

Tom Atkinson
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Dear Mr Atkinson

Official Information Act request

Thank you for your letters dated 30 June and 11 July 2016 in which you have requested, under the Official Information Act 1982 ('the Act'), information in relation to the number of discharge without conviction outcomes pursuant to section 106 of the Sentencing Act 2002.

You specifically requested:

- *Judge's name (day of discharge/charges dismissed)*
- *Prosecutor's name/ID*
- *Defence lawyer's name/ID*
- *McKenzie Friend's name/ID (if any)*
- *The accused's name/ID, CRN, CRI etc*

This information forms part of the Court record. As outlined in section 2(6) of the Act, the court record is outside the scope of the Act. It is for this reason that your request for this information is refused under section 18(g) of the Act on the grounds that the information is not held by the Ministry.

However, the Ministry is able to provide the following information in relation to the number of people who have been discharged without conviction pursuant to Section 106 of the Sentencing Act 2002 during the past five calendar years broken down into the following categories:

- **Area (Table 1)** – This information is broken down by Service Delivery Area and includes both District and High Court proceedings.
- **Offence type (Table 2)** – The data represents the most serious charge that an offender was charged with and for which they received a discharge without conviction. It does not include lesser offences that an offender may have also been charged with during the same proceeding. The list of charges has been classified in accordance with the Australian and New Zealand Standard Offence Classification (ANZSOC) standards.

Please note that the apparent increase in the number of people with section 106 discharge outcomes for homicide and related offences from the 2013 year onwards is due to changes to offences for driving causing death or injury. Prior to 1 December 2012, only a single offence existed for careless or inconsiderate driving causing death or injury which was included in the "dangerous

or negligent acts endangering persons" category. After this date, separate offences were introduced and careless and inconsiderate vehicle operation causing death was included in the "homicide and related offences" category and careless or inconsiderate vehicle operation causing injury was included in the "dangerous or negligent acts endangering persons" category.

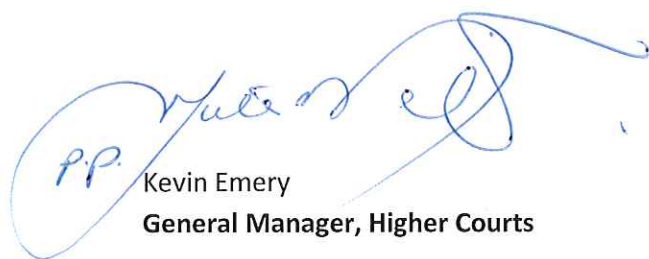
The number of people who received a section 106 discharge outcome for homicide and related offences for the offence of careless driving causing death was two (2) in 2013, three (3) in 2014 and seven (7) in 2015 respectively.

- **Ethnicity (Table 3)** – Ethnicity of the offender (if known).
- **Plea entered (Table 4)** – The data is based on the latest plea entered by the offender for the most serious charge. Please note that this may not have been the same as the initial plea entered as pleas are subject to change during the course of a case.

You have the right, by way of complaint to the Ombudsman under section 28(3) of the Act, to seek an investigation and review of this response. Information about how to make a complaint can be found on the Ombudsman website www.ombudsman.parliament.nz/make-a-complaint, or by phoning 0800 802 602.

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

Yours sincerely



P.P. Kevin Emery
General Manager, Higher Courts

Table 1: Number of people with a section 106 discharge outcome for their most serious charge by service delivery area for the 2011 – 2015 calendar years

Service Delivery Area	2010	2011	2012	2013	2014	2015
Northland	122	97	93	68	58	66
Auckland	1,033	888	636	581	618	518
Manukau	265	261	320	246	231	267
Waikato	98	62	92	81	68	72
Bay of Plenty/Coromandel	108	86	92	83	96	89
Central North Island	296	199	138	88	72	67
East Coast/Hawke's Bay	78	87	75	42	72	67
Taranaki/Wanganui	68	46	54	48	20	37
Manawatu/Wairarapa	73	100	76	49	39	38
Wellington	660	494	330	303	239	279
Nelson/Marlborough/West Coast	135	120	115	102	92	74
Canterbury	180	121	145	104	87	132
Otago/South Canterbury	60	75	123	79	78	98
Southland/Central Otago	87	96	88	82	86	68

Table 2: Number of people with a section 106 discharge outcome for their most serious charge by ANZSOC offence type for the 2011 – 2015 calendar years

Offence Type	2010	2011	2012	2013	2014	2015
Homicide & related offences	0	1	1	3	3	8
Acts intended to cause injury	1,076	969	843	712	603	625
Sexual assault & related offences	11	16	9	13	14	11
Dangerous or negligent acts endangering persons	555	436	299	229	209	189
Abduction, harassment & other offences against the person	82	67	77	58	52	62
Robbery, extortion & related offences	1	1	2	2	3	4
Unlawful entry with intent/burglary, break & enter	67	76	48	52	50	51
Theft & related offences	237	196	164	119	139	126
Fraud, deception & related offences	73	65	63	57	69	66
Illicit drug offences	116	100	117	87	84	92
Prohibited & regulated weapons & explosives offences	59	68	51	47	44	50
Property damage & environmental pollution	186	162	135	114	93	121
Public order offences	340	167	101	89	56	47
Traffic & vehicle regulatory offences	293	274	330	265	300	303
Offences against justice procedures, government security and government operations	113	88	79	67	65	74
Miscellaneous offences	54	46	58	42	72	43

Table 3: Number of people with a section 106 discharge outcome for their most serious charge by ethnicity for the 2011 – 2015 calendar years

Ethnicity	2010	2011	2012	2013	2014	2015
European	1,511	1,237	1,117	906	798	827
Maori	741	611	512	391	382	395
Pacific Islander	373	333	284	240	218	207
Other	334	315	285	261	222	259
Unknown	304	236	179	158	236	184

Table 4: Number of people with a section 106 discharge outcome for their most serious charge by plea for the 2011 – 2015 calendar years

Plea	2010	2011	2012	2013	2014	2015
Guilty	3,005	2,509	2,159	1,807	1,745	1,777
Not guilty	147	129	127	106	102	94
Not recorded/No plea	111	94	91	43	9	1