

11 OCT 2018

Bob McCoskrie
bob@familyfirst.org.nz

Dear Mr McCoskrie

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 14 August 2018 regarding marijuana convictions. On 25 September 2018, we partially transferred part of your request to the New Zealand Police. The balance of your request was for the following information, for each of the past 10 years:

1. *How many people have been convicted for offences which include the possession/use of marijuana, amongst other charges (may or may not be cannabis related)*
2. *How many people have been convicted for offences which are only the possession/use of marijuana*
3. *How many people have been sentenced to a term of imprisonment for offences which include only the possession/use of marijuana*
4. *How many people have been sentenced to a term of home detention for offences which include only the possession/use of marijuana*
5. *For the terms of imprisonment and home detention, please also provide length of sentence*
6. *How many people have been referred to the Alcohol and Other Drug Treatment (AODT) Courts for marijuana-related offences*

Please note, this data differs from that supplied to you in January 2017. This is because the Ministry now includes the possession of utensils when reporting on possession/use of all drug types.

Therefore, the data includes the following:

- Australia and New Zealand Standard Offence Classification (ANZSOC) subdivision 104 – Possess and/or use illicit drugs
- ANZSOC subdivision 109 – Other illicit drug offences (which includes offences for possession of drug utensils).

In response to part one of your request, I have provided the number of people convicted of cannabis possession and/or use offences amongst other charges. Please see Table 1 below.

In response to part 2 of your request, I have provided the number of people convicted for cannabis only possession and/or use offences. Please see Table 2 below.

In response to part 3 of your request, I have provided the number of people sentenced to imprisonment for cannabis only possession and/or use offences. Please see Table 3 below.

In response to part 4 of your request, I have provided the number of people sentenced to home detention for cannabis only possession and/or use offences. Please see Table 4 below.

In response to part 5 of your request, I have provided how many people were sentenced to imprisonment and home detention for cannabis only possession and/or use offences for less than 3 months, 3-6 months, 6-9 months and 9 months-1 year.

Please note, a person's sentence may be influenced by their previous offending history. As such, the people convicted and sentenced to imprisonment are likely to have an extensive conviction history, including previous imprisonment sentences and/or previous convictions for drug cultivation/manufacture/supply. Please see Table 5 and 6 below.

In response to part 6 of your request, the OIA enables people to request official information from Ministers and agencies, including the Ministry of Justice (the Ministry). However, the OIA only applies to information that is already held, and the Ministry is not required to create information in order to respond to a request. The information you are seeking in this case is not held by the Ministry but would need to be created in order to respond to your request.

The information may be held by the courts which are excluded from the operation of the OIA under section 2(6)(a). Therefore, I am refusing your request under section 18(g)(i) of the OIA as there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority.

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

I trust that this information assists.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JS', with a long horizontal line extending to the right.

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

Ref: 70754

Table 1: Number of people whose conviction included cannabis possession and/or use offences, 2008/2009 - 2017/2018

	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Number of people	5,835	6,020	4,787	3,931	3,299	2,349	2,232	2,169	2,226	2,128

Notes for Table 1:

- This data counts a person once per financial year. Year is the year of the charge outcome date.
- These people may have also been convicted of other offence types at the same time as the cannabis possession and/or use offences.

Table 2: Number of people convicted for only cannabis possession and/or use offences, 2008/2009 - 2017/2018

	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Number of people	2,331	2,334	1,714	1,316	1,066	744	607	515	452	400

Notes for Table 2:

- This data counts a person once per financial year. Year is the year of the charge outcome date.
- If a person was convicted of cannabis possession and/or use offences more than once in a year then the conviction where cannabis possession and/or use offences were convicted was given priority for counting.

Table 3: Number of people sentenced to imprisonment for only cannabis possession and/or use offences, 2008/2009 - 2017/2018

	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Number of people	36	30	34	21	17	13	10	7	5	3

Notes for Table 3:

- This data counts a person once per financial year.
- Imprisonment includes the sentence types life imprisonment, preventive detention and imprisonment.

Table 4: Number of people sentenced to home detention for only cannabis possession and/or use offences, 2008/2009 - 2017/2018

	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Number of people	7	3	4	1	2	2	3	1	0	0

Notes for Table 4:

- This data counts a person once per financial year. Year is the year of the charge outcome date.

Table 5: Sentence length for people sentenced to imprisonment for only cannabis possession and/or use offences, 2008/2009 - 2017/2018

Sentence length	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
3 months or less	34	29	34	21	17	13	10	7	4	2
More than 3 months - 6 months	2	1	0	0	0	0	0	0	0	1
More than 6 months - 9 months	0	0	0	0	0	0	0	0	0	0
More than 9 months to 1 year	0	0	0	0	0	0	0	0	0	0
Total	36	30	34	21	17	13	10	7	4	3

Notes for Table 5:

- This data counts a person once per financial year. Year is the year of the charge outcome date.
- Imprisonment includes the sentence types life imprisonment, preventive detention and imprisonment.
- The data for imprisonment and home detention has been calculated separately. A person may have been convicted and sentenced to both of these sentence types for cannabis only possession and/or use offences on different occasions in the same year. If this happened, they may be counted in both the imprisonment and home detention tables for that year.
- A person's sentence may be influenced by their previous offending history.

Table 6: Sentence length for people sentenced to home detention for only cannabis possession and/or use offences, 2008/2009 - 2017/2018

Sentence length	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
3 months or less	3	2	0	0	1	2	2	2	1	0
More than 3 months - 6 months	3	0	3	1	0	0	0	0	0	0
More than 6 months - 9 months	0	1	0	0	1	0	1	0	0	0
More than 9 months to 1 year	1	0	1	0	0	0	0	0	0	0
Total	7	3	4	1	2	2	3	2	1	0

Notes for Table 6:

- This data counts a person once per financial year. Year is the year of the charge outcome date.
- The data for imprisonment and home detention has been calculated separately. A person may have been convicted and sentenced to both of these sentence types for cannabis only possession and/or use offences on different occasions in the same year. If this happened, they may be counted in both the imprisonment and home detention tables for that year.
- A person's sentence may be influenced by their previous offending history.