

31 October 2022

Barry Murphy  
fyi-request-20706-6c291cbd@requests.fyi.org.nz

Our ref: OIA 99758

Tēnā koe Mr Murphy

### **Official Information Act request: Costs incurred for John Sinclair**

Thank you for your email of 30 September 2022, requesting, under the Official Information Act 1982 (the Act):

1. *I'd like to know all the costs incurred by government for John Sinclair to date, broken down into categories where possible*
  - 1.1 *Policing costs (man hours spent each time he commits an offence).*
  - 1.2 *Court costs (the costs associated with Judges, Lawyers, tracking him down, etc).*
  - 1.3 *Jail costs (costs associated with him being in jail)*
  - 1.4 *Bail/Home Detention costs (costs associated with monitoring and check ups)*
  - 1.5 *Any other costs associated.*
2. *I'd like to know the total value John Sinclair has stolen over his lifetime. The recent \$287k in 2022, plus a break down by year for previous offences.*
3. *If possible, I'd like to know the affects of social harm he has created. While the victims lives have completely changed, including myself, there is no way to put a dollar figure on this, but how does the justice system consider his gambling issue & that no jail sentence would help in his case. John Sinclair has clearly shown he does the same thing over and over and if I had been taken seriously in 2018 and 2019, the most recent victims would not have been in this current situation.*

On 4 October 2022, we contacted you to clarify 1.5 “any other costs associated” aspect of your request. On the same date, you agreed to clarify the scope of your request to be for the following:

*Any other costs could include psychiatric assessments, impact assessments, and pretty much any cost associated with John Sinclair that the government has incurred such as the time associated with responding to this OIA; where there is a record of it.*

*I ask for a breakdown as I want to know what the*

- *total cost (and per year) he has incurred to the tax payer for his life in crime*
- *total cost (and per year) incurred for his jail (as I believe it would be cheaper to keep him locked up than being out of jail)*
- *I want to see how much in total damage he has done to victims vs cost to government*

You were advised that the Police have accepted partial transfer of 1.1 of your request, and the Department of Corrections has accepted partial transfer of 1.3 and 1.4. Please find below the Ministry of Justice’s (the Ministry) response to the remainder of your request.

In response to 1.2, the Ministry can advise that for Mr Sinclair's offences since 2019, the current total is \$21,347.71 in legal aid. However, please note that some files remain open and further invoices may be submitted, so this figure is subject to change. Apart from legal aid, the Ministry's financial system is not events-based, and it is unable to provide court costs disaggregated by specific individuals. Therefore, the remainder of this part of your request is refused under section 18(g)(i) on the grounds that the Ministry does not hold the information and there is no reason to believe it is held by any other agency subject to the Act.

In response to part 1.5, I acknowledge the reasoning you are trying to establish however as noted above, costs are not broken down to event-based actions and there is no requirement under the Act for agencies to create information, compile information they do not hold, provide or prove an opinion or respond to hypothetical questions. I am therefore refusing this part of your request under section 18(g)(i) of the Act.

In response to part 2 of your request the Ministry does not hold this information however it may form part of the court file. Court information is not subject to the Act under section 2(6)(a). Part 3 would require the Ministry to provide an opinion and is not a request for official information. I am therefore also refusing these parts of your request under section 18(g)(i) of the Act.

I acknowledge that situations such as yours can be very stressful and help is available for victims involved in criminal proceedings at Victims Support <https://victimsupport.org.nz/> Additionally, if you require any further information regarding this request, please contact Ministry of Justice Media & Social Media Manager Joe Locke at [media@justice.govt.nz](mailto:media@justice.govt.nz).

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phone 0800 802 602.

Nāku noa, nā



Jacquelyn Shannon  
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