

07 March 2024

C178093

James

[fyi-request-25691-68defd94@requests.fyi.org.nz](mailto:fyi-request-25691-68defd94@requests.fyi.org.nz)

Tēnā koe James

Thank you for your email of 10 February 2024 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about people on community sentences who attended Waitangi Day celebrations. Your request has been considered under the Official Information Act 1982 (OIA).

Corrections manages people at the direction of the Courts and the New Zealand Parole Board. We do not determine who is in prison and who is in the community. When a person is subject to electronic monitoring, Corrections is responsible for managing their compliance with any conditions imposed.

Some people on electronic monitoring require absences to leave their address, such as people on home detention. Absences can be approved for a variety of reasons, such as employment, rehabilitation programmes, health matters, or other personal situations. This allows them to leave their residence for a specific purpose and period of time and is assessed and approved in advance by their Probation Officer. A number of factors are considered prior to granting a person an approved absence. This includes their previous compliance with their sentence, their assessed risk and, the ability to monitor the person during their absence (for example, verification by an employer, physical presence of a, “sponsor” during the activity and electronic monitoring).

Other people on electronic monitoring are able to leave their address at times without requiring the approval of their Probation Officer. Community detention, for example, restricts an offender’s movements during their curfew. It requires an offender to remain at an approved residence at certain times specified by the court. This is known as the offender’s curfew. Electronic monitoring equipment is installed at the offender’s address and their compliance with their curfew is electronically monitored for the duration of the sentence. Outside of their curfew hours, they can leave their address at their discretion.

You requested:

*Under the OIA I would like to request the following:  
How many people if any, attended Waitangi Day celebrations at Waitangi while under electronic monitoring via ankle bracelets.*

*How many people if any applied or sought permission to attend Waitangi while under monitoring by corrections?*

*How many people if any applied for permission to attend other Waitangi celebrations throughout NZ while under monitoring by corrections? How many were successful? What were regions were they from?*

*Did any non Māori who are being monitored by Corrections apply for permission to attend any Waitangi Day celebrations?*

Corrections does not centrally record information on individuals who attended or applied to attend Waitangi Day celebrations while on an electronically monitored sentence. Retrieving this information would require the manual assessment of the files of all people in the community who are being monitored by Corrections. In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources. Your request is therefore refused under section 18(f) of the OIA, as the information requested cannot be made available without substantial collation or research.

As per section 18B of the OIA, we have considered whether consulting with you would enable the request to be made in a form that would remove the reason for the refusal. However, we do not consider that the request can be refined in this instance.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Nic Barkley  
Manager Ministerial Services  
People and Capability