

# JUSTICE SECTOR

# Justice Sector Forecast 2012-2022

28 September 2012



## Table of contents

<b>1.</b>	<b>Executive Summary .....</b>	<b>5</b>
1.1.	Overview .....	5
1.2.	Summary of base case results .....	5
1.3.	Summary of scenario analysis results .....	7
<b>2.</b>	<b>Introduction .....</b>	<b>8</b>
<b>3.</b>	<b>Background .....</b>	<b>9</b>
3.1.	Approach and methodology .....	9
3.2.	Trends in the number of court disposals .....	9
3.3.	Policy and operational delivery settings .....	11
3.4.	Disclaimer .....	12
<b>4.</b>	<b>Forecast results.....</b>	<b>13</b>
4.1.	Prosecutions requiring a Crown Solicitor.....	13
4.2.	Pre-sentence reports .....	15
4.3.	Monetary penalties .....	17
4.4.	Community sentences and orders.....	21
4.5.	Prison population .....	32
4.6.	Legal aid expenditure .....	38
<b>5.</b>	<b>Scenarios .....</b>	<b>45</b>
5.1.	Overview of scenarios .....	45
5.2.	Scenario results .....	45

## List of figures

Figure 1:	Trends in numbers entering the system.....	11
Figure 2:	Crown Law case inflow.....	14
Figure 3:	Crown Law active caseload .....	15
Figure 4:	Provision of Advice .....	16
Figure 5:	Oral pre-sentence reports .....	17
Figure 6:	Monetary value of fines imposed .....	18
Figure 7:	Monetary value of receipts .....	19
Figure 8:	Remittals to Community Work.....	21
Figure 9:	Use of community and monetary sentences.....	22
Figure 10:	Community sentences: total number of starts .....	23
Figure 11:	Community Work and Supervision: starts.....	24
Figure 12:	Other community sentences: starts.....	24
Figure 13:	Community sentences: total muster.....	25
Figure 14:	Community Work and Supervision musters.....	26
Figure 15:	Other community sentences: musters .....	26
Figure 16:	Parole, Release on Conditions and Post-detention Conditions: starts.....	27
Figure 17:	Parole, Post-release conditions and Post-detention conditions: musters .....	28
Figure 18:	Extended Supervision and Life Parole: musters.....	29
Figure 19:	Court servicing hours .....	30
Figure 20:	Pre-release enquiries .....	31
Figure 21:	Home Leave and Parole Condition Progress Reports.....	32
Figure 22:	Total prison population .....	33
Figure 23:	2012 prison population forecast with confidence limits.....	33
Figure 24:	2012 sentenced population forecast with confidence limits.....	34
Figure 25:	2012 remand population with confidence limits .....	34
Figure 26:	Sentenced muster forecasts from 2008 to the present.....	36
Figure 27:	Remand muster forecasts from 2008 to the present .....	36
Figure 28:	Comparison of earlier forecasts with 2012 forecast.....	38
Figure 29:	Legal aid total expenditure .....	40
Figure 30:	Expenditure, criminal jurisdiction.....	40
Figure 31:	Expenditure, family jurisdiction.....	41
Figure 32:	Expenditure, civil jurisdiction .....	42
Figure 33:	Waitangi Tribunal expenditure .....	43
Figure 34:	Duty Solicitor Scheme expenditure .....	43
Figure 35:	Police Detention Legal Assistance Scheme expenditure .....	44

**List of tables**

Table 1:	Results from scenario analyses .....	7
Table 2:	Assumptions for 2012-2022 forecast base case.....	10
Table 3:	Crown Law case inflow and active caseload projection .....	14
Table 4:	Written and oral probation reports: annual totals.....	16
Table 5:	Monetary value of fines imposed .....	18
Table 6:	Monetary value of receipts from fines .....	19
Table 7:	Fine defaulters remitted to Community Work.....	20
Table 8:	Community sentence starts.....	23
Table 9:	Community sentence muster numbers .....	25
Table 10:	Numbers of new starts for post-sentence management.....	27
Table 11:	Musters on post-management orders .....	28
Table 12:	Numbers of Court servicing hours.....	30
Table 13:	Pre-release Enquiries, and Home Leave and Parole Progress Reports .....	31
Table 14:	Total prison population .....	35
Table 15:	Numbers in remand and sentenced populations for June .....	37
Table 16:	Total expenditure on legal aid .....	39
Table 17:	Summary of scenarios.....	45
Table 18:	Scenario 1 results.....	46
Table 19:	Scenario 2 results.....	47
Table 20:	Scenario 3 results.....	48
Table 21:	Scenario 4 results.....	49

## 1. Executive Summary

### 1.1. Overview

This paper sets out the results from the 2012 Justice Sector Forecast.

Key trends in many drivers of the justice system remain downward, particularly in the numbers entering the courts system. This results from a combination of a continuing fall in recorded crime, and the use of alternatives to prosecution in resolving crimes. The fall in numbers entering the courts system continues to reduce new caseload in courts, and over the period of the forecast has an impact on all other aspects of the wider system. The impacts are of different magnitudes, and occur at different times, for different elements of the forecast.

Exceptions to these broad trends occur in the proportion of offenders remanded into custody before conviction, and in the proportion of imposed sentence served by those offenders sentenced to greater than two years' prison. The assumptions for both these quantities represent a step upward from the previous year's forecast. Nevertheless, the overall trend in prison numbers is downward, reflecting the dominant effect of numbers entering the system.

### 1.2. Summary of base case results

The forecast draws on trends established in recent years in a range of factors that affect the numbers of people passing through the criminal justice system at any given time, and then incorporates these assumptions about how those trends are likely to change over time. The assumptions about cases and individuals entering and passing through the system form a common basis for projections of volume in different parts of the system.

Forecast results are summarised below. The prison population forecast covers the ten fiscal years from 2012-2013 to 2021-2022. All other forecasts cover the five years from 2012-2013 to 2016-2017. Annual totals (e.g. prosecutions) are compared with 2011-2012, while point estimates (e.g. populations) are compared with the end of June 2012.

#### **Prosecutions requiring a Crown Solicitor**

The forecast projects an increase in the number of cases requiring a Crown Solicitor from 7,620 in 2011-2012 to 7,813 in 2016-2017 (+2.5%). The active caseload is projected to fall from 3,792 in June 2012 to 3,081 in June 2017 (-18.8%), reflecting a forecast reduction in the time taken to complete cases.

#### **Pre-sentence reports**

The forecast projects an increase in the Provision of Advice reports requested from 27,648 in 2011-2012 to 29,385 in 2016-2017 (+6.3%). The numbers of oral pre-sentence reports decrease from 23,571 to 21,192 over the same period (-10.1%).

## Justice Sector Forecast 2012-2022

### Monetary penalties

The value of fines imposed in police-originated convictions in the criminal court is forecast to increase from \$52.7m in 2011-2012 to \$57.9m in 2016-2017 (+9.9%). Receipts on fines from the same category of cases are forecast to decrease from \$46.5m in 2011-2012 to \$42.6m in 2016-2017 (-8.4%).

In recent years, fine defaulters have been increasingly resentenced to more serious sentences, most often Community Work. That trend has now eased, and the annual number of such remittals is forecast to decrease from 6,941 in 2011-2012 to 6,622 in 2016-2017 (-4.6%).

### Community sentences starts

The total number of starts on community sentences (Home Detention, Community Detention, Intensive Supervision, Community Work and Supervision), including fine remittals, is forecast to increase from 69,071 in 2011-2012 to 72,702 in 2016-2017 (+5.3%).

The number of offenders serving a community sentence at any one time (the 'muster') is forecast to decrease from 33,607 in June 2012 to 33,309 in June 2017 (-0.9%). Community Work sentences imposed as a result of fine remittals are included in these numbers.

### Post-sentence management

Annual numbers of starts on Parole are forecast to decrease from 2,018 to 1,922 (-4.8%) from 2011-2012 to 2016-2017. Starts on Released on Conditions are forecast to decrease from 4,101 to 3,790 (-7.6%). The number of offenders starting releases subject to Post-detention Conditions is forecast to increase from 2,410 to 2,520 over the same period (+4.6%).

The Parole muster is forecast to rise from 2,095 to 2,272 (+8.4%) by June 2017. The muster for those Released on Conditions is forecast to rise from 3,357 to 3,439 (+2.4%), while the muster for those on Post-detention Conditions is forecast to increase from 1,207 to 1,362 (+12.8%). It is forecast that the numbers on Extended Supervision will rise from 198 to 284 (+43.4%) and those on Life Parole are forecast to increase from 260 to 364 (+40.0%).

### Provision of Information

The number of hours Department of Corrections staff spend in supporting the work of the District Court ('court servicing hours') is forecast to increase from 102,159 in 2011-2012 to 103,878 in 2016-2017 (+1.7%). Over the same period, the number of pre-release enquiries is forecast to fall from 6,249 to 5,570 (-10.9%), the number of home leave reports is forecast to fall from 274 to 197 (-28.1%) and the number of parole condition progress reports is forecast to rise from 415 to 428 (+3.1%).

### Prison population

The forecast shows that the prison population is expected to fall over the next ten years. The prison population was 8,679 in June 2012, compared with a forecast of 8,102 for June 2022 (-6.6%). The sentenced population is forecast to fall from 6,765 to 6,517 (-3.7%) and the

remand population from 1,914 to 1,585 (-17.2%). The incarceration rate per 100,000 people is projected to decrease from 196 in June 2012 to 167 by June 2022.

### Legal aid expenditure

Legal aid expenditure is forecast to fall from \$137.2m in 2011-2012 to \$113.5m in 2016-2017 (-17.3%).

## 1.3. Summary of scenario analysis results

Scenarios look at the impact of assumptions that are different from those in the base case. Table 1 summarises the results of the scenario analyses.

**Table 1: Results from scenario analyses**

Description	Definition	Result compared to base case
Scenario 1: Fewer numbers entering the system	Policing Excellence reduces numbers entering the system by more than expected (24% instead of 16%)	Crown Law case inflow down 100 by 2017 Non-custodial sentence starts down 1,600 by 2017 Prison population down 250 by 2022
Scenario 2: Stabilisation of numbers entering the system due to reoffending	Numbers entering the system stop falling after Policing Excellence completes in 2015 so that 2016-2017 and outyears are at 2014-2015 level	Crown Law case inflow up 100 by 2017 Non-custodial sentence starts up 1,400 by 2017 Prison population up 400 by 2022
Scenario 3: Alternative impact of CPA* - 1	Crown Law case inflows further reduced (45% fewer jury trials rather than 30% inter alia) and time on custodial remand reduced by	Crown Law case inflow down 650 by 2017 Crown Law cases on hand down 400 by 2017 Prison population down 50 by 2022
Scenario 4: Alternative impact of CPA* - 2	Different number of judge-alone trials	Crown Law case inflow down 650 by 2017 Crown Law cases on hand down 300 by 2017

\*CPA: Criminal Procedures Act (2011): provisions come into force for cases starting on or after 1 July 2013

Scenarios are compared to the base case described above, and are given in absolute numbers (eg. cases, offenders etc) rather than as percentages. More detailed descriptions of the scenarios are given in Section 5.

It is important not to compare the scenario analyses directly, as they are crucially dependent on the scale of the changes involved. Scenarios should not be added to show the impact of two changes in assumption. They are included to give an indication of the consequences of system behaviour being different from the base case assumptions. The scale of the changes modelled in these analyses has been seen in the system in recent years, which means the scenarios reflect credible alternative behaviours in the system.

### 2. Introduction

This paper sets out the base case results from the Justice Sector Forecast for the period 2012-2022, along with a range of scenario analyses.

The forecast represents a key instrument for strategic planning within the justice sector. This forecast was prepared by the Sector Group of the Ministry of Justice, in collaboration with representatives from across the sector, including: the Ministry of Justice, New Zealand Police, the Department of Corrections, Crown Law and the Judiciary.

Aspects of the justice sector that are covered by this forecast include:

- Forecast of the numbers of cases and active caseload for cases undertaken by Crown Solicitors (under the oversight of the Solicitor-General) or lawyers from Crown Law for 2012-13 to 2016-17.
- Forecast of the numbers of grants, average costs and expenditure for legal aid in the criminal, family and civil jurisdictions as well as forecasts of expenditure on Waitangi Tribunal claims, Duty Solicitor scheme and Police Detention Legal Aid scheme (all for 2012-13 to 2016-17).
- Forecast of impositions, receipts and remittals of monetary penalties to sentences of Community Work in police-prosecuted cases in the criminal court for 2012-13 to 2016-17.
- Forecast of the number of requests for provision of advice to courts and for oral reports provided to courts by probation officers for 2012-13 to 2016-17.
- Forecast of the number of offenders starting community sentences for 2012-13 to 2016-17, and of the number of offenders subject to these sentences (the muster) at any one time. The community sentences included are those overseen by the Department of Corrections: Community Work, Supervision, Intensive Supervision, Community Detention and Home Detention.
- Forecast of the number of offenders starting Department of Corrections-supervised orders for 2012-13 to 2016-17, and of the number of offenders subject to these orders (the muster) at any one time. The orders included are: Post-detention Conditions, Extended Supervision, Parole, Life Parole and Release on Conditions.
- Forecast of Provision of Information requirements for 2012-13 to 2016-17. The measures included are: Court Servicing hours, Pre-release enquiries, Home Leave reports and Parole Condition Progress reports.
- Forecast of the prison population for 2012-13 to 2021-22, including separate forecasts of remand and sentenced populations.



### 3. Background

#### 3.1. Approach and methodology

The forecast is based on a sequence of assumptions that determine the flow of cases through the criminal justice system, and the length of time they spend there. Table 2 summarises the assumptions for each driver.

The forecast uses a mixture of time series analysis and simulation modelling, as first used successfully in the 2006 forecast, although some of the statistical techniques have been refined and the scope of the forecast has greatly expanded over time.

In the 2012 forecast, the most influential factors driving the forecast – relative to previous forecasts – are:

- Numbers entering the courts system.
- Proportion of people remanded in custody.
- Average time spent on custodial remand.
- Proportion of imposed sentence served in custody (excluding remand).

Of these the most significant is the assumption regarding numbers entering the system.

#### 3.2. Trends in the number of court disposals

Figure 1 shows the numbers of court disposals from 1991 to the end of the forecast period in 2022. Court disposals are a good measure of system throughput: they are strongly correlated with police apprehensions and with prosecutions, and they also are a good measure of the numbers going on to sentences. The shape of the trend is very important for the forecast, for it recurs on different scales and at different times in the different quantities forecast.

The trend is quite straightforward – from 1991 to around 2002, the numbers are effectively flat at about 140,000 disposals per annum. A reasonably steady rise follows, peaking at about 188,000 in 2009 and 2010. The next two years show a drop taking the total back to a level last seen in 2005. The forecast assumption decreases the rate of drop, but over time takes the total down towards 120,000 disposals, lower than any point in the preceding 30 years.

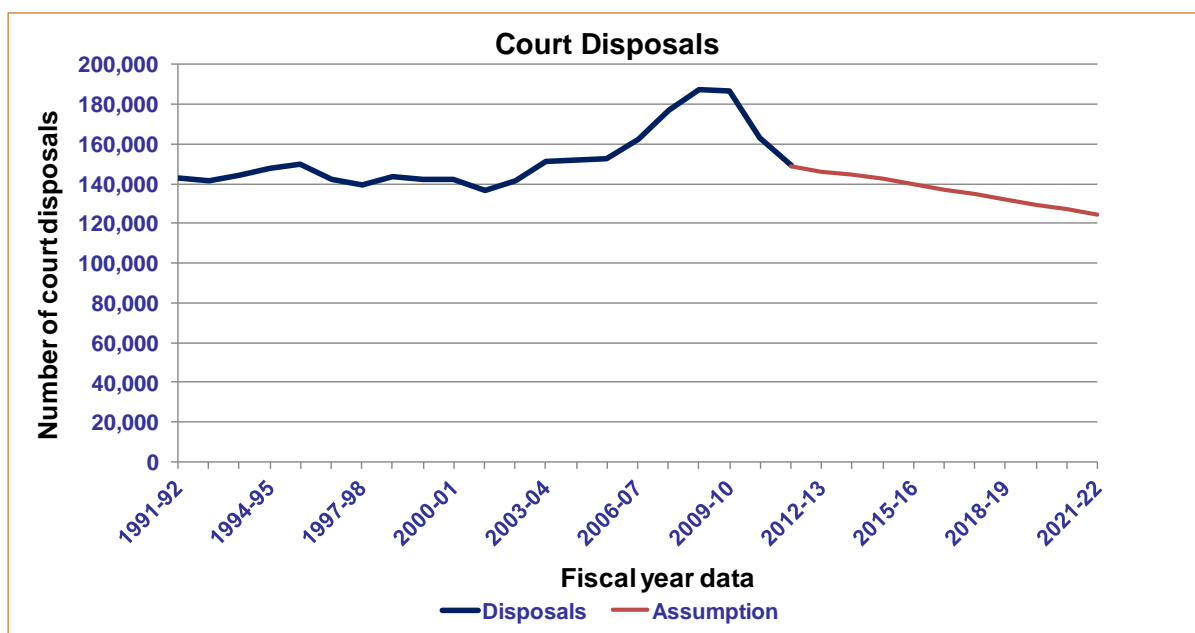
This behaviour reflects certain policy changes – most notably, since 2010, the Policing Excellence initiative, which in part is aimed at using alternatives to prosecution wherever appropriate. This certainly explains much of the drop from 2010. The rise from 2005 is associated with the reverse decision to use prosecution more often. But over and above this is a falling trend in recorded crime, including serious crime, observed worldwide, which the projected forecast picks up on. There are many theories as to why the fall is occurring, with different approaches having an impact in different locations. There is no consensus on an overarching explanation for so wide a fall.

## Justice Sector Forecast 2012-2022

**Table 2: Assumptions for 2012-2022 forecast base case**

Driver	2012 assumption	2011 assumption
Numbers entering the courts system (number of charging events)	Change in number of charging events: -1.7% in 2012-2013 -1.3% in 2013-2014 -1.3% in 2014-2015 -1.9% per annum thereafter → Lower than 2011 assumption	Change in number of charging events: -5.8% in 2011-2012 -0.5% in 2012-2013 -0.5% in 2013-2014 -0.5% in 2014-2015 -1.0% per annum thereafter
Prosecutions (disposals)	Reflects numbers entering the courts system → Lower than 2011 assumption	Reflects numbers entering the courts system
Proportion of people remanded in custody	Level at 7.5% throughout the forecast period → Higher than 2011 assumption	Level at 7.2% throughout the forecast period
Average time spent on custodial remand	Rise to 65-66 days by end 2012, remain there for a year, then fall to 58 days over a two-year period → Higher than 2011 assumption	Remain constant at current level (56.5 days)
Proportion of people convicted	Rise to 79% by 2016-2017 and stay at that level throughout the remainder of the forecast period → Higher than 2011 assumption	Rise to 75% in 2012-2013 and stay at that level throughout the remainder of the forecast period
Proportion of those convicted given each sentence type	Other: constant at 14.8% Monetary: declining to 35.4% over four years CPS: rising to 41.4% over four years Prison: constant at 8.4% → Continuing swap between CPS and Monetary; prison slightly higher than 2011 assumption	Other: constant at 14.8% Monetary: declining to 37.5% over four years CPS: rising to 39.5% over four years Prison: constant at 8.2%
Length of sentence imposed	Constant → Same as 2011 assumption	Constant
Proportion of prison sentence served (including remand)	Constant at 74% → Higher than 2011 assumption	Constant at 72%

Figure 1: Trends in numbers entering the system



Changes of this scale work their way through the system, but the effect may be smaller in scale, or may occur at a delayed interval. For example, the cases dealt with by Crown Solicitors are generally both more serious and take more time than the average. There has been a smaller fall in the numbers of these cases, and the caseload for Crown Solicitors will fall much later than the number of cases entering courts.

A further factor lies in operational and legislative change which may affect these trends. Crown Solicitors provide another example – their caseload was profoundly altered by a change in 2009 in the way deposition hearings were handled. The change in depositions continues to offset the impact of the fall in cases in the system. The criminal justice system is regularly the subject of such changes, which can disguise longer-term trends.

Nevertheless, certain of these longer-term trends have a long-lasting and significant effect on the forecast. The fall in numbers entering the system is one such, and provides an underlying theme for the remainder of the forecast.

### 3.3. Policy and operational delivery settings

The drivers for the Justice Sector Forecast change over time as a result of changes in policy and/or operational delivery settings. Policy or operational changes are not factored into forecast drivers until policy decisions are made, including any necessary legislative changes.

The forecast includes policy and operational initiatives that have been agreed as of 30 June 2012. The Criminal Procedures Act 2011 (CPA) will be implemented in July 2013, and is included in the base case. Its impact is still uncertain so to assess the possible consequences of any differences we have included a range of alternative impacts as scenarios 3 and 4.

## Justice Sector Forecast 2012-2022

For other complex initiatives, which may be introduced in stages over a long timescale, it is necessary to decide which aspects of the initiative are included in a given forecast, and which might more appropriately be addressed as scenarios before inclusion in subsequent forecasts. This is the case with the proposals being developed under the Better Public Services (BPS) initiative. BPS is a long-term programme which aims to deliver significant and lasting change to the justice sector over a period of years. Not every contributing initiative is fully developed, and it is therefore not possible to include the full impact of BPS in the forecast. In any case, it is not appropriate to include targets in a forecast of this type. It is of more value to develop the forecast on observed trends and known interventions, and use the outcome to inform the ongoing discussion on how to achieve the targets. Future forecasts will include a growing number of BPS initiatives as they are developed.

The ongoing Police initiative, 'Policing Excellence', consists of a number of separate projects, several of which have an impact on the subsequent number of cases in the system. All the key projects are either rolling out, or are effectively in place. This year's forecast includes a full estimate of the initiative's impact. It remains possible that Policing Excellence, in combination with a falling crime rate, may have further impacts. These have been examined in scenario 1 (Table 18), with a view to incorporating them in later forecasts.

### **3.4. Disclaimer**

The 2012 Justice Sector Forecast has been developed using the best data and assumptions available at the time. As a forecast, it is only indicative of future numbers to the extent that its assumptions hold. Any change in current policy settings, the legal framework and operational delivery settings could have a significant impact on current and future forecasts.

## 4. Forecast results

### 4.1. Prosecutions requiring a Crown Solicitor

Crown prosecutions and appeals are mainly undertaken by Crown Solicitors (under the oversight of the Solicitor-General) or lawyers from Crown Law and are funded by Vote Attorney-General. Crown prosecutions tend to be the more serious cases and, though small in number, have a significant impact on sector resources.

Table 3, Figure 2 and Figure 3 respectively give the projected changes in the inflow of these cases, and in the number of cases Crown Solicitors or Crown Law has on hand at a given time.

Crown Solicitors and Crown Law will handle some or all of the following categories of case:

- Court of Appeal cases.
- Appeals to the High Court.
- Trials undertaken by a judge alone.
- Jury trials.
- District Court cases where there is a guilty plea.

The Criminal Procedures Act 2011 (CPA) will be implemented from July 2013. The CPA affects both the number of cases handled by Crown Solicitors and Crown Law, and also when the Crown prosecutor is involved in those cases – often this is at an earlier point in the case than currently. Each category of case behaves slightly differently – the forecast has been built up by forecasting each category in turn. What are presented here are the resulting totals of case inflows and cases on hand.

Many of the CPA changes imply a change in the number of cases, although this does not translate directly to an equivalent change in overall resource requirement, as any individual case may involve extra work not captured in measures of court events or time.

A further development in the court process is the forthcoming introduction of eBench, allowing the electronic recording of case decisions. Both CPA and eBench will require staff and judiciary to be removed from their usual court duties for training. This will reduce resource available for a time and possibly lead to a fall in throughput. It is possible that a proportion of this short-term fall will be made up subsequently. It is difficult to incorporate a short-term change of this nature into a long-term forecast, the more so because transition planning is not yet complete. This is an area where the quarterly monitoring reports will be valuable as they provide opportunities to reflect a developing situation.

The length of the cases commonly handled by Crown Solicitors and Crown Law means that the downturn seen in case inflow occurs later in the active caseload. In addition, the period over which the effect occurs is extended by the range of times taken by these cases, so the patterns of rise and fall in inflow and active caseload do not match.

**Table 3: Crown Law case inflow and active caseload projection**

Fiscal year	Crown Law case inflow		Crown Law cases on hand	
	Numbers	Annual change	Numbers in June of fiscal year	Annual change
2011-2012 (actual)	7,620	-5.1%	3,792	-0.9%
2012-2013	7,487	-1.7%	3,645	-3.9%
2013-2014	7,648	2.2%	3,414	-6.3%
2014-2015	7,939	3.8%	3,009	-11.9%
2015-2016	7,901	-0.5%	3,025	0.5%
2016-2017	7,813	-1.1%	3,081	1.9%

**Figure 2: Crown Law case inflow**

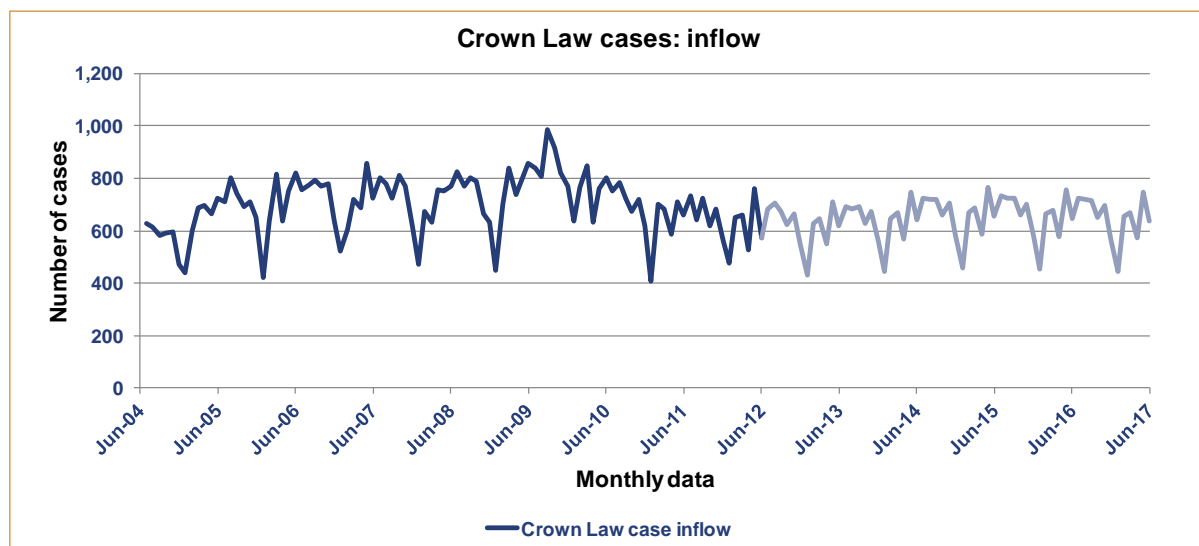
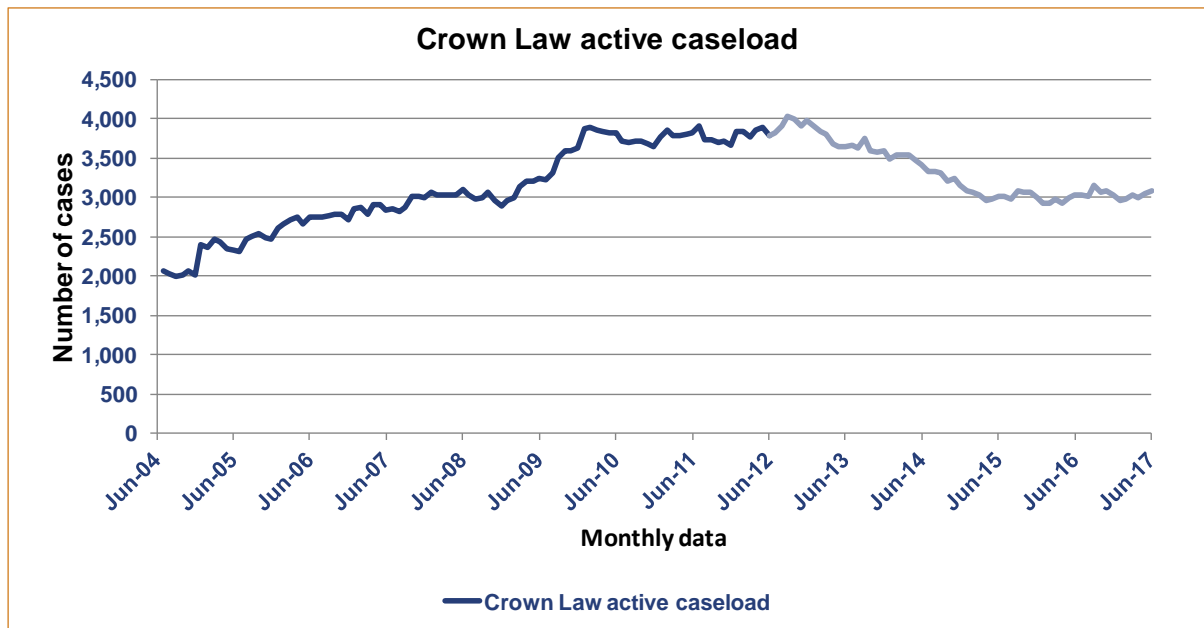


Figure 3: Crown Law active caseload



#### 4.2. Pre-sentence reports

This section covers the reports prepared by the Department of Corrections which provide advice to Courts on the appropriateness of different sentencing options for convicted offenders.

Table 4, Figure 4 and Figure 5 give the numbers of reports projected to 2016-2017. There are both written and oral reports. In the course of the past year, written reports (which were in two categories: short and full) have been replaced by a single report called Provision of Advice to Court (PAC), which now forms the basis of the forecast. Oral reports have not been directly affected by this change. However, the introduction of a new process always leads to a period of variability, and we will be monitoring these quantities to see how report usage settles down.

## Justice Sector Forecast 2012-2022

**Table 4: Written and oral probation reports: annual totals**

Fiscal year	Provision of Advice		Oral reports	
	Numbers	Annual change	Numbers	Annual change
2011-2012 (actual)	27,648	-5.6%	23,571	-9.1%
2012-2013	28,452	2.9%	20,669	-12.3%
2013-2014	29,221	2.7%	21,069	1.9%
2014-2015	29,363	0.5%	21,176	0.5%
2015-2016	29,305	-0.2%	21,097	-0.4%
2016-2017	29,385	0.3%	21,192	0.5%

**Figure 4: Provision of Advice**

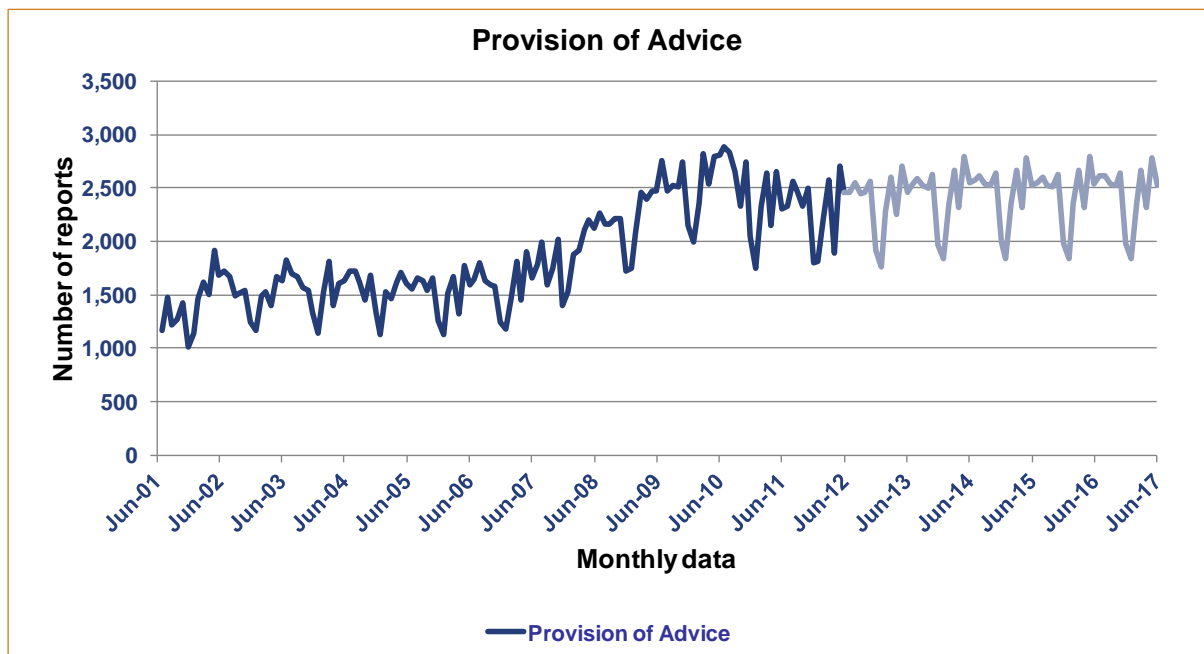
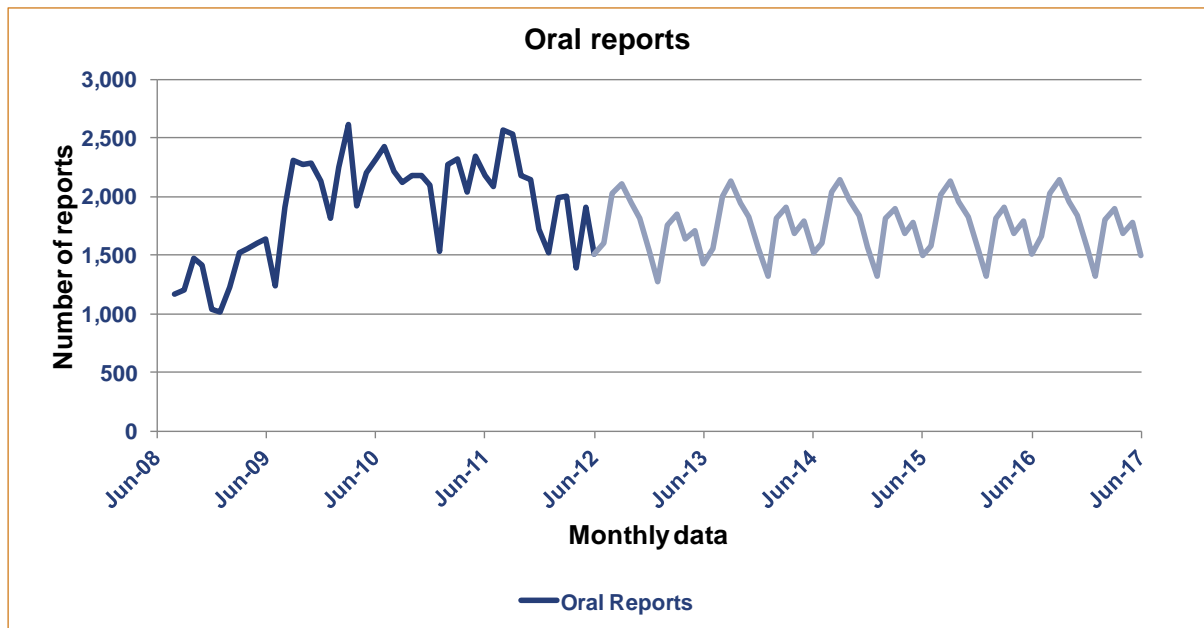




Figure 5: Oral pre-sentence reports



### 4.3. Monetary penalties

The justice system imposes a wide range of monetary penalties across its jurisdictions. The forecast mostly covers activity in the criminal justice system, and the monetary penalties covered are therefore those arising from Police-originated prosecutions in the criminal courts.

The forecast projects impositions and receipts for these monetary penalties. That total is made up of: fines, court costs, enforcement costs, confiscation costs, offender levy and payments made to a third party.

Monetary penalties that are not paid in full may be remitted and replaced by a more severe penalty, usually Community Work.

#### Impositions

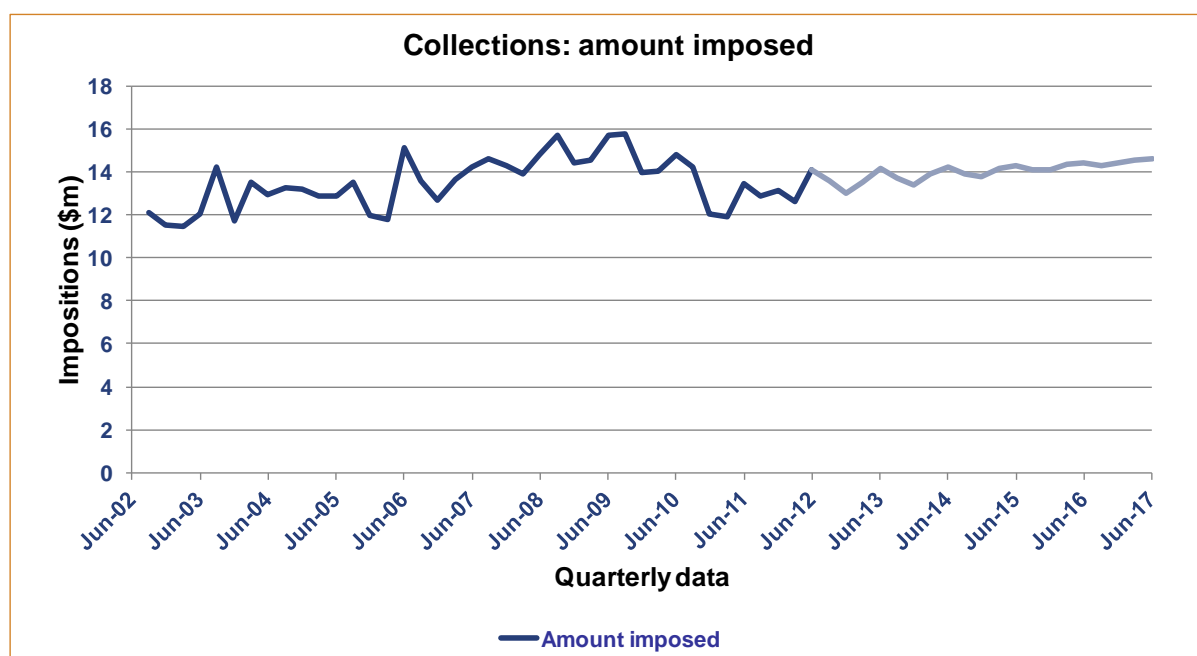
Table 5 and Figure 6 show the total amount of monetary penalties imposed in police-originated convictions in the criminal court, projected to 2016-2017.

In recent years, there has been a decline in the use of monetary penalties. This is partly due to judges noting an increase in the incidence of previous unpaid fines in repeat offenders. In addition, increased efforts to recover or resolve historic outstanding fines, even in the absence of repeat offending, have also indicated the extent of non-payment. Hence there has been a trend away from the imposition of fines which may be seen as not having the desired punitive effect. Meanwhile, the fall in the number of prosecutions provides a further downward pressure on the numbers of fines imposed. At the same time, the average monetary value of fines imposed has been increasing. This reflects the fall in prosecutions, which has taken out a lot of cases that attracted small fines, meaning the average value of the remaining fines rises. The result is a trend that increases slowly.

**Table 5: Monetary value of fines imposed**

Fiscal year	Fines imposed	
	Value (\$m)	Annual change
2011-2012 (actual)	52.7	2.1%
2012-2013	54.3	2.9%
2013-2014	55.3	1.8%
2014-2015	56.2	1.6%
2015-2016	57.0	1.5%
2016-2017	57.9	1.5%

**Figure 6: Monetary value of fines imposed**



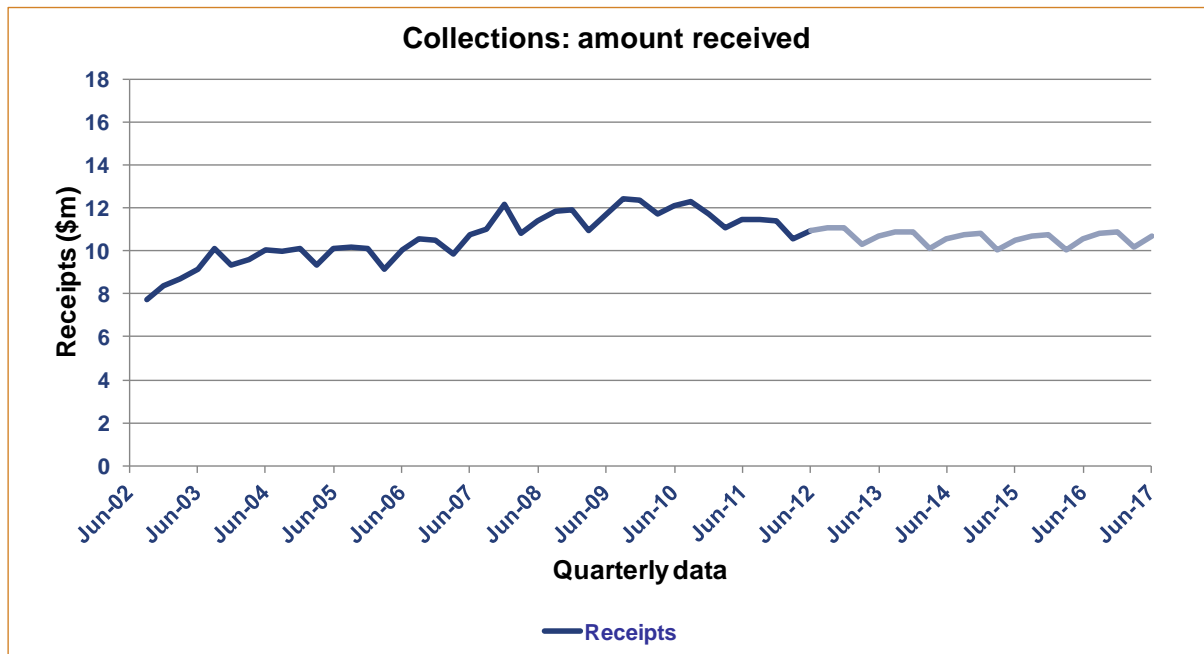
## Receipts

Table 6 and Figure 7 show the total amount collected from monetary penalties imposed in Police-originated convictions in the criminal court, projected to 2016-2017.

A substantial amount of potential fine income remains to be collected. Hence, the amount collected in a year is less dependent on the flow of cases through the system at that time, and more on the operational activities of the Collections group in the Ministry of Justice. The group has been recently reorganised to change the focus of its work, and the operational consequences of that reorganisation have informed the forecast. Nonetheless, the projected decline in numbers of cases in the system has an eventual downward impact, as there is a decline in the number of fines that are comparatively easy to collect.

**Table 6: Monetary value of receipts from fines**

Fiscal year	Amount received	
	Value (\$m)	Annual change
2010-2011 (actual)	46.5	-4.2%
2011-2012	44.5	-4.4%
2012-2013	43.2	-2.9%
2013-2014	42.5	-1.6%
2014-2015	42.1	-1.0%
2015-2016	42.1	0.0%
2016-2017	42.6	1.2%

**Figure 7: Monetary value of receipts**

## Remittals

Monetary penalties are not always paid and in these cases the penalty may be remitted. It is generally replaced by a more severe penalty, usually Community Work, although prison is also used. The circumstances in which this happens include:

- A subsequent conviction, when the judge will note unpaid fines, and remit them while adding to the sentence already due to be imposed.
- A voluntary admission by the offender that s/he is unable to pay the fines, with a request that they be remitted to a different sentence.
- Enforcement action by Collections.

## Justice Sector Forecast 2012-2022

The primary consequence of this sort of fine remittal on other agencies in the sector is the allocation of offenders to more serious sentences. The vast majority of fine defaulters are resentenced to community sentences, overwhelmingly Community Work. Therefore, the accurate forecasting of non-custodial sentence workload requires us to account for this stream of offenders.

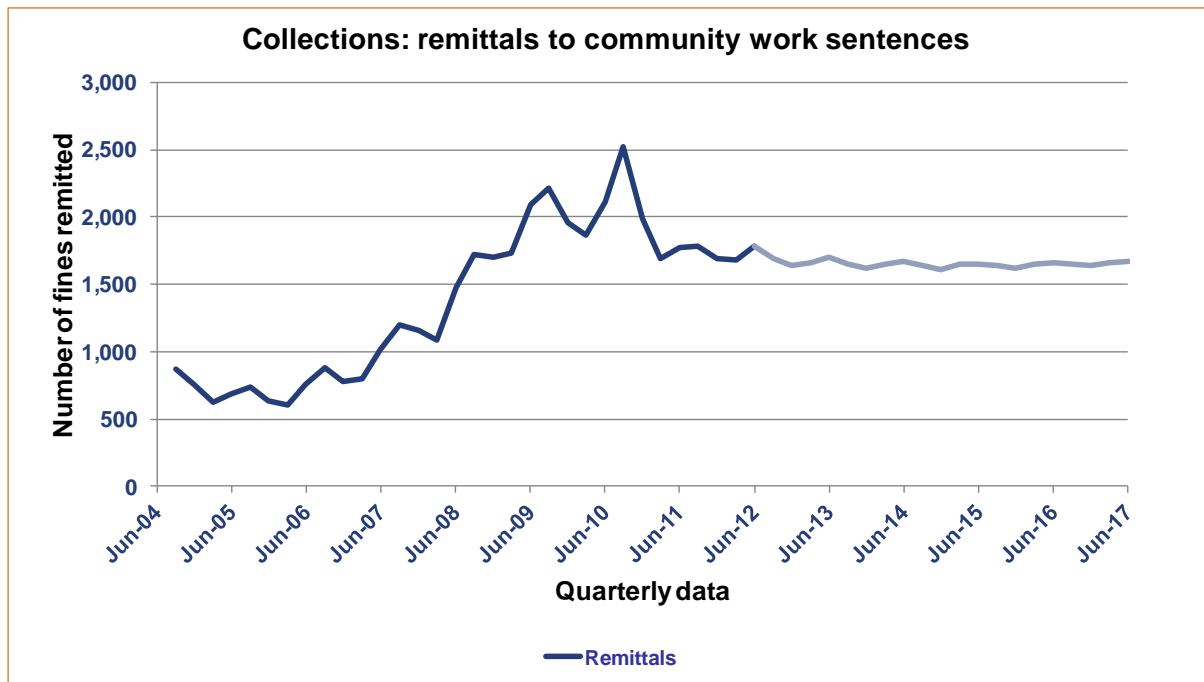
The numbers of offenders who have had fines remitted to prison sentences has been increasing in recent years. Effectively all of these offenders, however, receive their sentences for fine default when they are also being sentenced to prison on other charges. That is, offenders who are sentenced to prison for convictions other than fine default may receive a longer prison sentence for having defaulted on their fines. These offenders and their augmented sentences are therefore already accounted for in the prison population forecast.

Table 7 and Figure 8 show the number of offenders remitted to Community Work. The peak in recorded remittals in July 2010 is the result of a specific initiative by Collections group. The recently-completed reorganisation of the group means that a similar initiative is not expected in the forecast period. Instead, the numbers remitted to community sentences are anticipated to remain broadly stable, with only a very slight net downward trend over the forecast period.

**Table 7: Fine defaulters remitted to Community Work**

Fiscal year	Remittals	
	Numbers	Annual change
2011-2012 (actual)	6,941	-13.1%
2012-2013	6,698	-3.5%
2013-2014	6,586	-1.7%
2014-2015	6,552	-0.5%
2015-2016	6,570	0.3%
2016-2017	6,622	0.8%

Figure 8: Remittals to Community Work



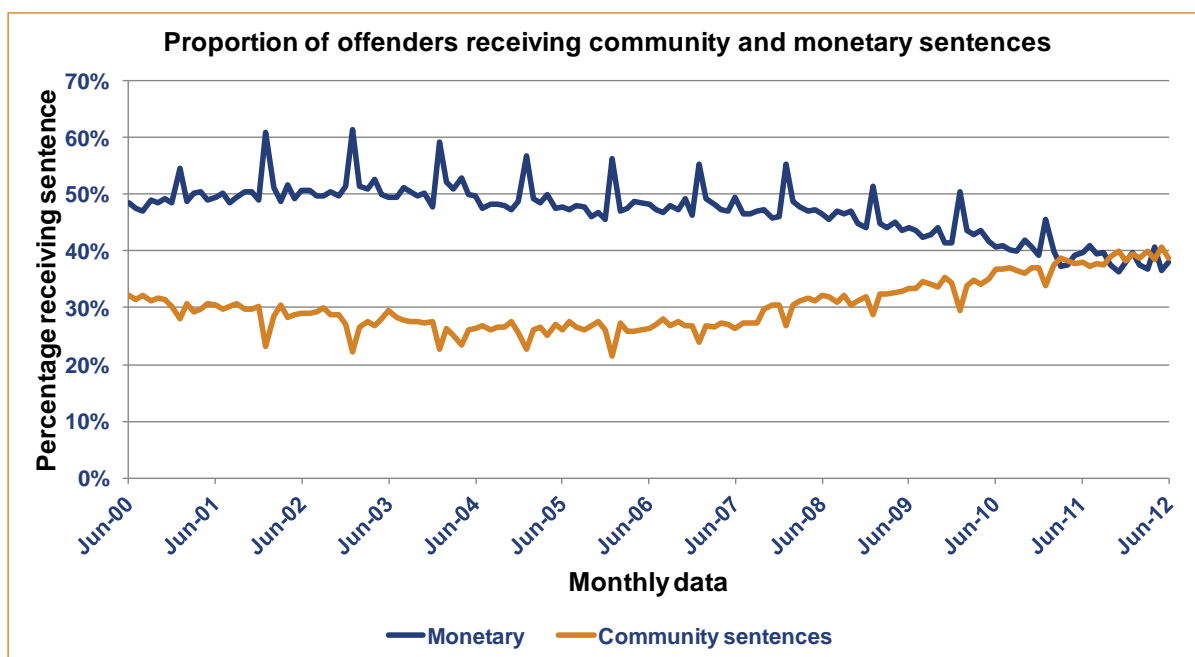
#### 4.4. Community sentences and orders

The forecast projects both the number of people overseen by the Department of Corrections at any given time (the muster) and the number of starts on sentences. The distinguishing feature of certain non-custodial sentences is that the offender has the capacity to determine the length of time over which they will complete their sentence. For example, someone may be sentenced to serve a certain number of hours on Community Work, but will have some discretion over when to serve those hours. It follows that the completion date of these sentences cannot be known in advance. Much of the time required to supervise these sentences is at the start, which means that a forecast of new starts remains important for administrative reasons.

The historical data for several of these sentences (particularly muster numbers) cover relatively short time scales and, as a result, the range of forecast uncertainty is very broad. It is prudent, therefore, to look no more than four years ahead.

The recent upturn in the proportionate use of community sentences is mirrored by a decline in the use of fines, and reflects a lessening of judicial confidence in monetary sentences. Figure 9 shows the change over time with fines declining from a level of around 50% to below 40% at present. Over the same period community sentences have risen from a minimum of 25% also to about 40%. The marked peaks and troughs in the data occur in January each year, and reflect the use of fines to sentence the large number of drink driving offenders that are dealt with then.

Figure 9: Use of community and monetary sentences



Collections have recently improved their enforcement practices, so in due course there may be a move back towards fines, which will have consequences for the use of other sentences. The 2012 forecast assumes that the proportion of fines will continue to decline slightly.

We now consider community sentences, orders relating to post-sentence management, and the provision of information to court. The number of reports provided for sentencing purposes is the topic of Section 4.2. The remaining items are as follows:

- Community sentence starts and musters for:
  - Home Detention
  - Community Detention
  - Intensive Supervision
  - Community Work
  - Supervision
- Post-sentence management:
  - Post-detention Conditions
  - Extended Supervision
  - Parole
  - Life Parole
  - Release on Conditions
- Provision of information:
  - Court Servicing hours
  - Pre-release enquiries
  - Home Leave reports
  - Parole Condition Progress reports

No specific changes to the mix of different community sentences have been assumed other than that arising from the projection of current trends in usage. It is also assumed that the number of starts per offender will remain as it is at present.

**Sentence starts and musters**

Table 8, Figure 10, Figure 11 and Figure 12 show the projected numbers of starts on the five community sentences in the forecast. The use of community sentences is being driven by two factors: the overall decline in the number of cases in the system; offset by the fact that, of those cases, a higher proportion are receiving community sentences as the usage of fines falls. As a result, the projections for community sentences tend to show a slight upward trend.

**Table 8: Community sentence starts**

Fiscal year	Community work (inc. remittals from fines)	Supervision	Intensive supervision	Community detention	Home detention	All community sentences
2011-2012 (actual)	45,588	11,663	2,494	5,966	3,360	69,071
2012-2013	45,073	12,284	2,379	6,457	3,345	69,538
2013-2014	45,273	12,902	2,396	7,095	3,275	70,940
2014-2015	45,476	13,303	2,457	7,095	3,402	71,733
2015-2016	45,676	13,545	2,492	7,095	3,376	72,184
2016-2017	45,895	13,701	2,515	7,148	3,443	72,702

**Figure 10: Community sentences: total number of starts**

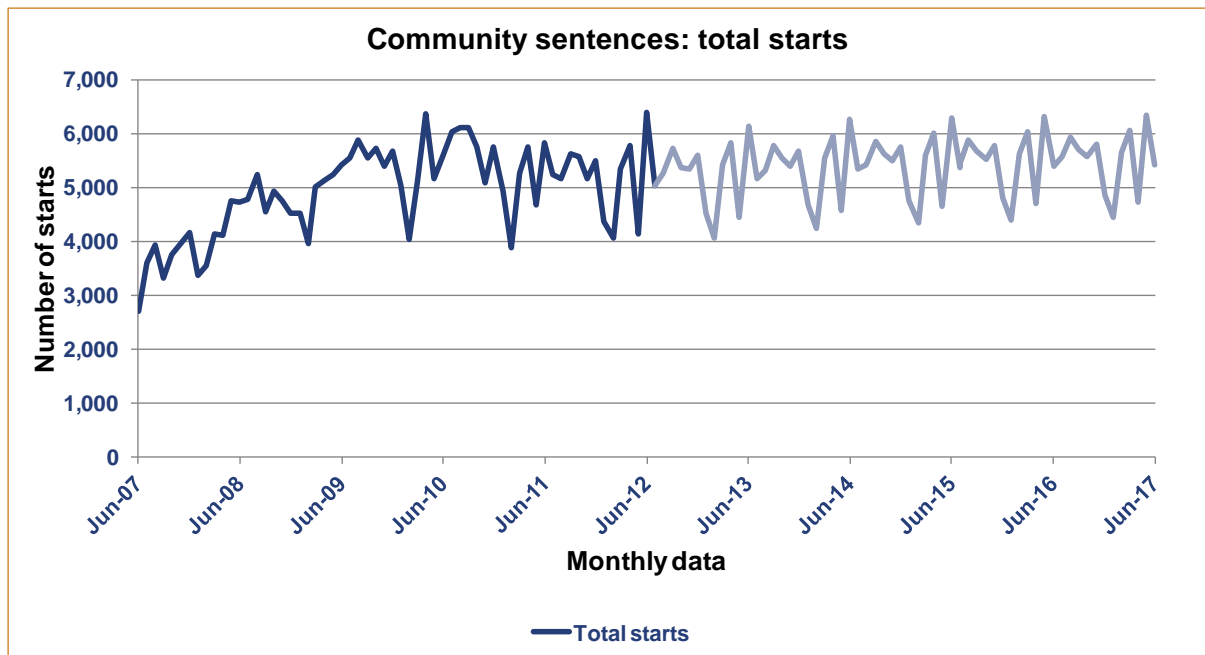


Figure 11: Community Work and Supervision: starts

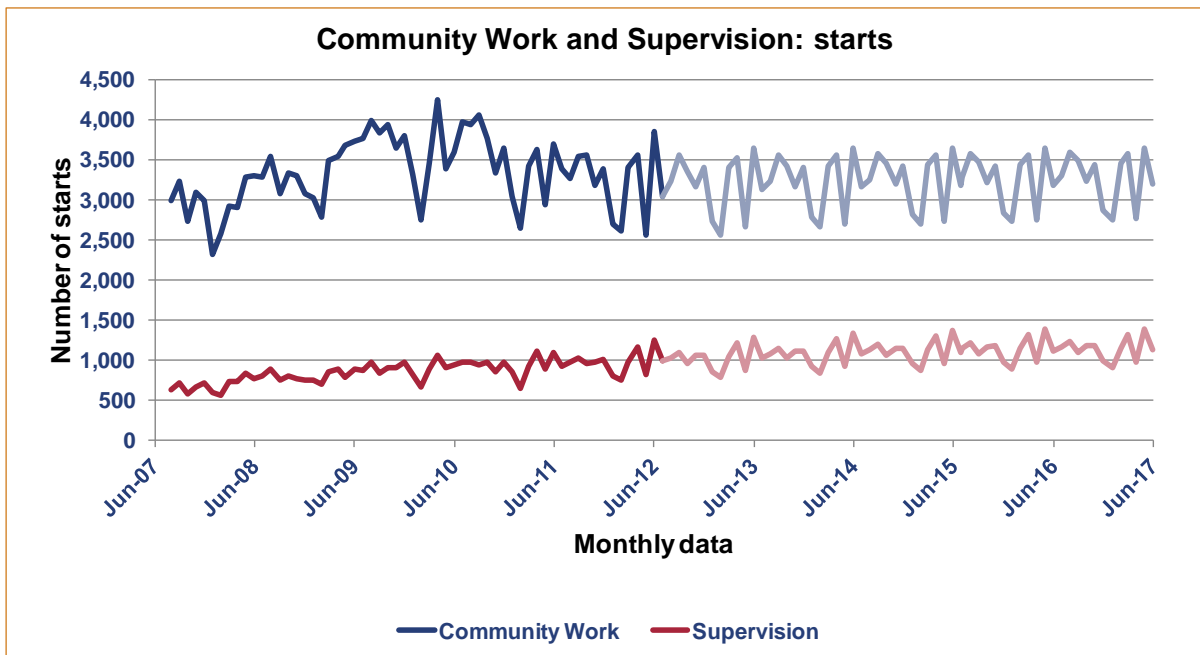


Figure 12: Other community sentences: starts

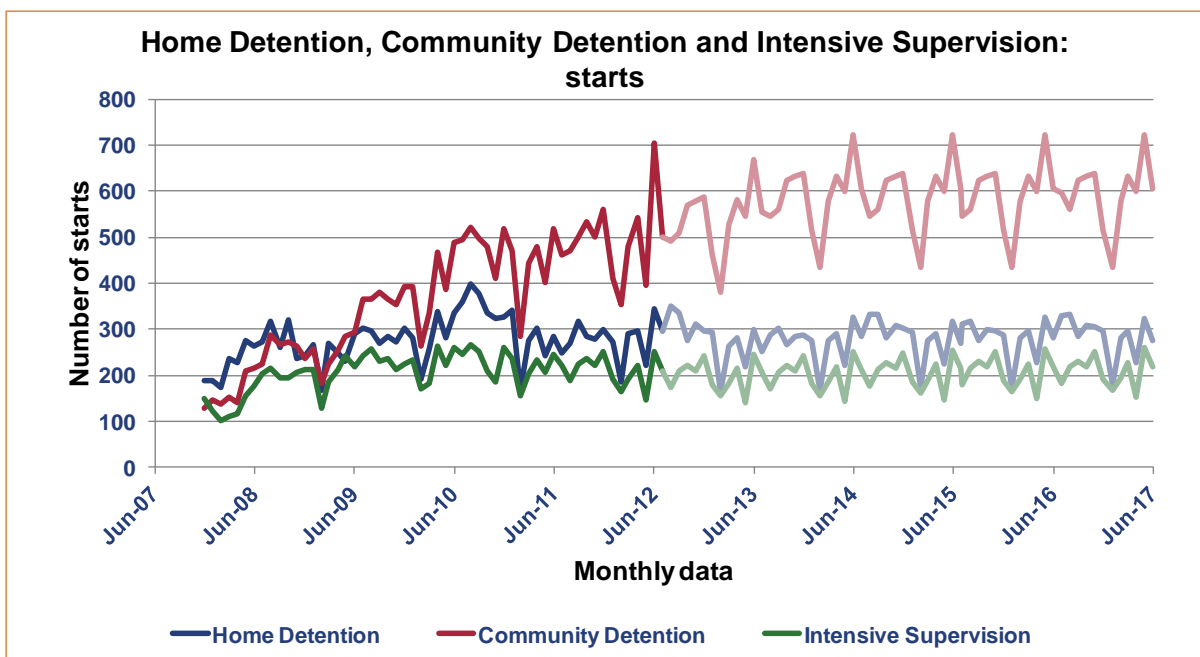


Table 9, Figure 13, Figure 14 and Figure 15 show the muster numbers for the community sentences. Muster numbers are generally lower than starts, reflecting the fact that the majority of these sentences are completed in less than a year.



**Table 9: Community sentence muster numbers**

Muster in June of fiscal year	Community work (inc. remittals from fines)	Supervision	Intensive supervision	Community detention	Home detention	All community sentences
2011-2012 (actual)	19,601	8,045	2,489	1,951	1,521	33,607
2012-2013	17,519	8,559	2,435	2,126	1,418	32,057
2013-2014	17,508	9,011	2,492	2,338	1,509	32,858
2014-2015	17,407	9,309	2,598	2,338	1,495	33,147
2015-2016	16,967	9,466	2,671	2,358	1,521	32,983
2016-2017	17,073	9,641	2,749	2,317	1,529	33,309

**Figure 13: Community sentences: total muster**

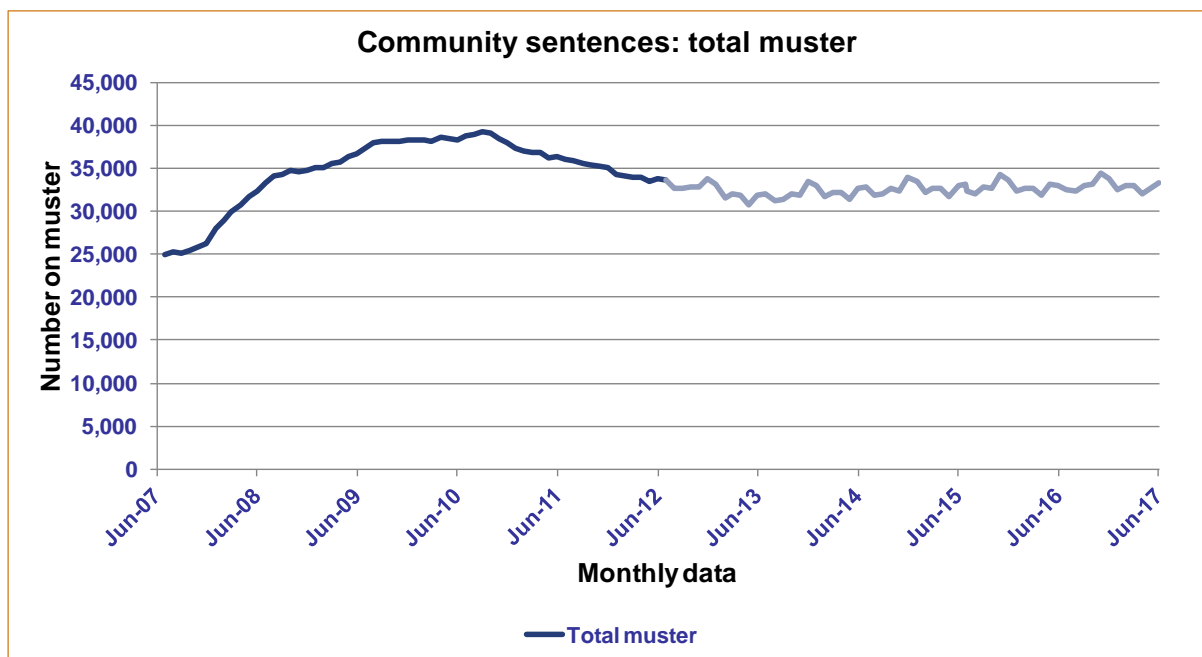


Figure 14: Community Work and Supervision musters

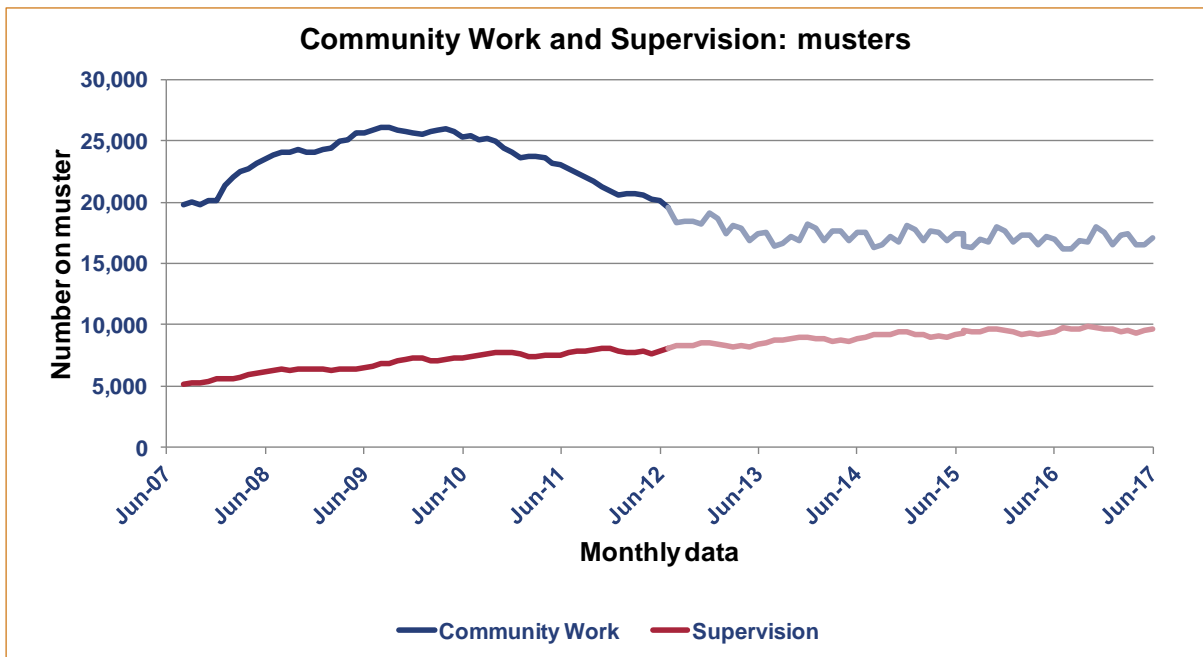
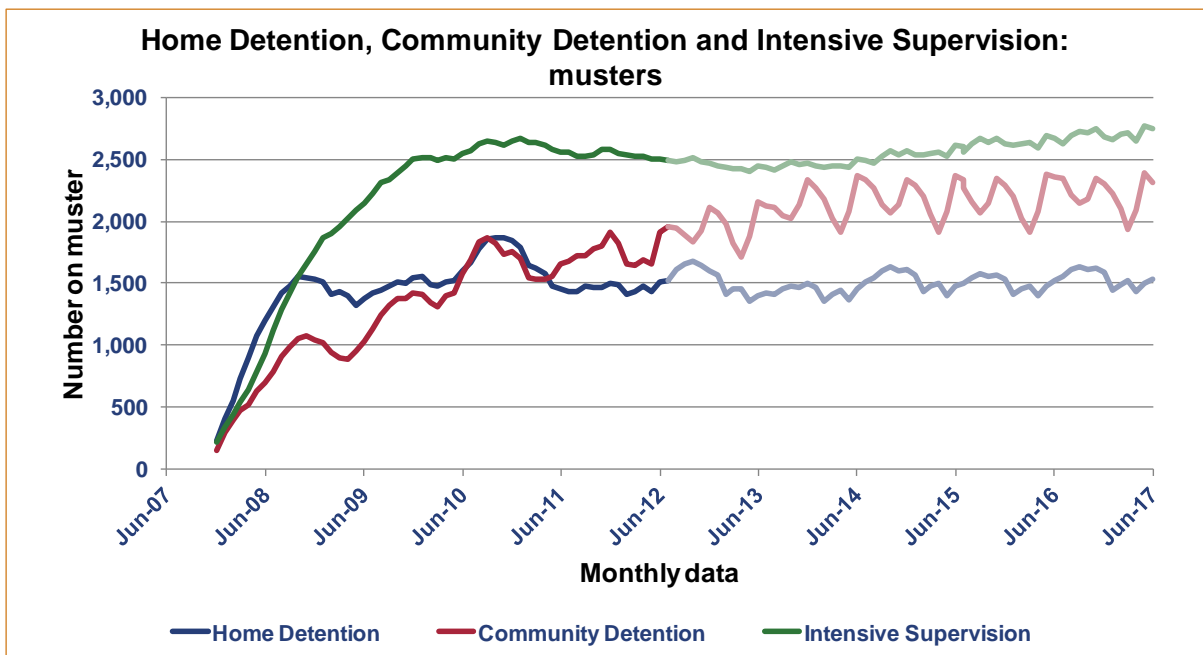


Figure 15: Other community sentences: musters



**Post-sentence management**

The Department of Corrections is also responsible for managing offenders after they have been released, if that occurs before the final date specified by the imposed sentence. In the case of Extended Supervision, offenders are managed for up to ten further years after the date of the completion of the imposed sentence. The post-sentence management orders covered in the forecast are Extended Supervision, Parole, Release on Conditions, Life Parole (that is, parole conditions applied for life to those released on parole from indeterminate sentences), and Post-

detention Conditions. Post-detention Conditions are imposed following the majority of completed Home Detention sentences, so it is expected that the trends in these specific management orders should be very similar to those for Home Detention starts.

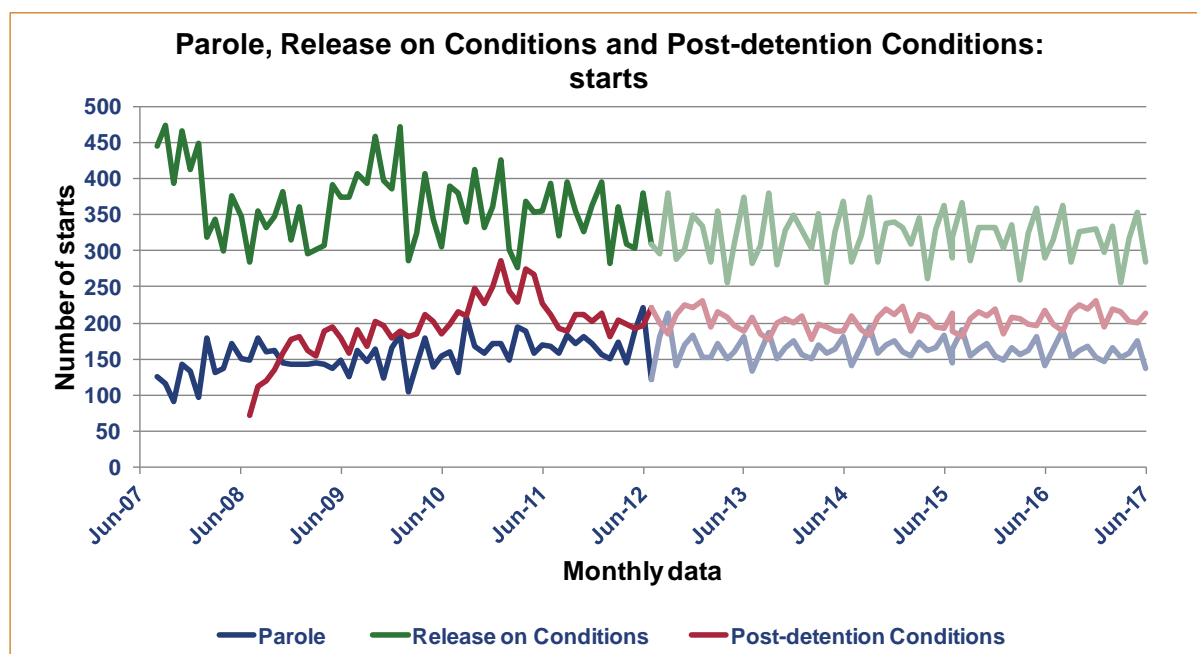
Each of these orders is considered below in terms of both starts and musters.

Table 10 and Figure 16 show the numbers of starts in the five post-sentence management orders (with the exception that the numbers starting Life Parole and Extended Supervision in any given year are too small to show graphically). These projections are based on both existing trends in the data, and on the number of releases expected as a result of the prison forecast.<sup>1</sup>

**Table 10: Numbers of new starts for post-sentence management**

Fiscal year	Extended Supervision	Parole	Post-release conditions	Life parole	Post-detention conditions
2011-2012 (actual)	33	2,018	4,101	42	2,410
2012-2013	36	1,987	3,811	41	2,482
2013-2014	36	1,956	3,865	44	2,336
2014-2015	36	2,007	3,886	46	2,444
2015-2016	36	1,950	3,840	48	2,428
2016-2017	36	1,922	3,790	50	2,520

**Figure 16: Parole, Release on Conditions and Post-detention Conditions: starts**



<sup>1</sup> Numbers of starts in the categories of Extended Supervision and Life Parole are too small to be modelled in the same way as the others, and are simple projections of observed trends.

## Justice Sector Forecast 2012-2022

Extended Supervision and Life Parole are long-term management programmes, and thus even the small numbers of starts in individual years eventually produce a reasonably substantial muster. Table 11, Figure 17 and Figure 18 show the forecast muster numbers for these orders.

**Table 11: Musters on post-management orders**

Muster in June of fiscal year	Extended Supervision	Parole	Post-release conditions	Life parole	Post-detention conditions
2011-2012 (actual)	198	2,095	3,357	260	1,207
2012-2013	215	2,172	3,208	268	1,277
2013-2014	238	2,296	3,325	296	1,239
2014-2015	249	2,357	3,396	311	1,310
2015-2016	264	2,299	3,414	343	1,309
2016-2017	284	2,272	3,439	364	1,362

**Figure 17: Parole, Post-release conditions and Post-detention conditions: musters**

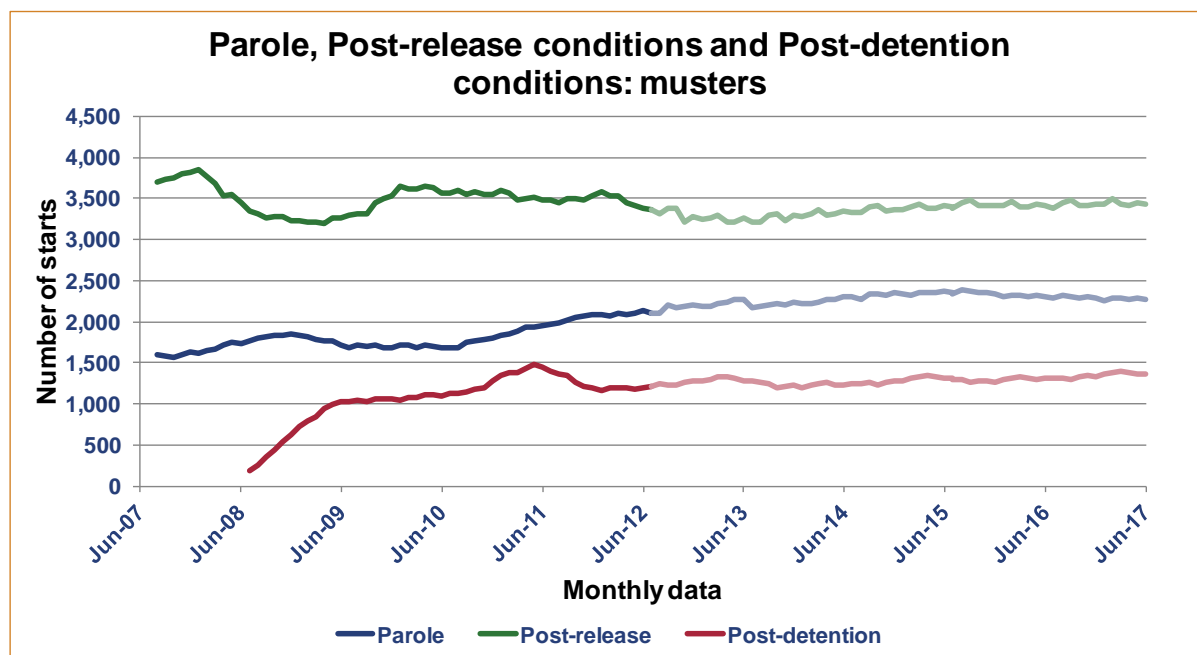
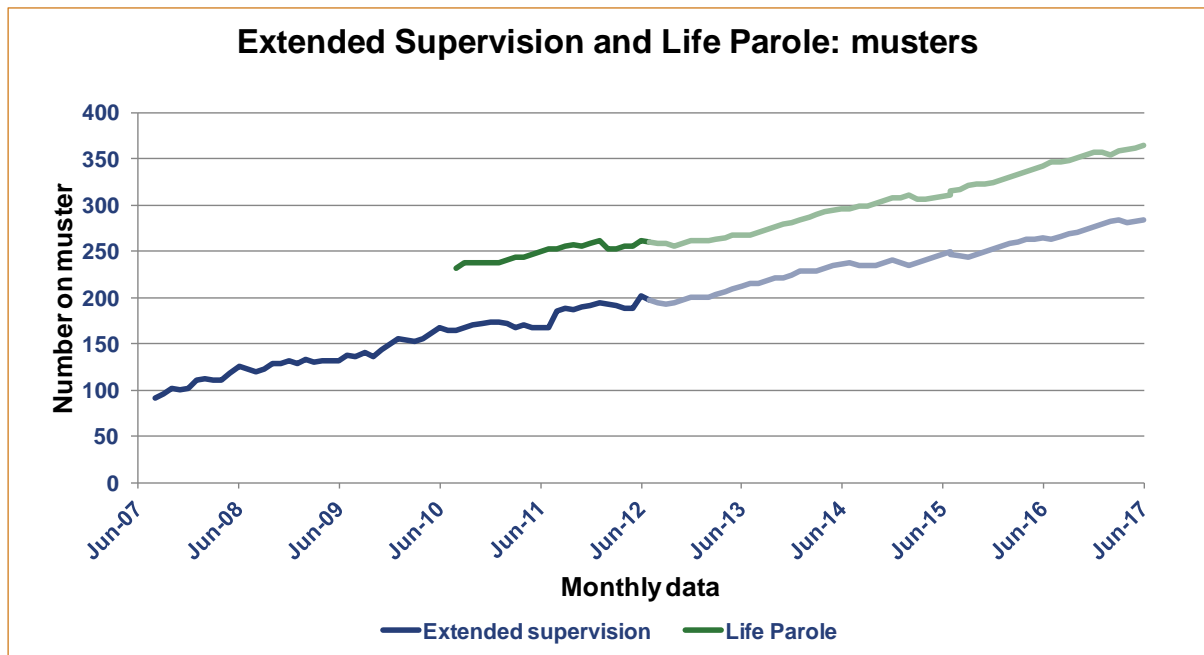


Figure 18: Extended Supervision and Life Parole: musters



### Provision of Information

One role of a court officer/probation officer is that of a 'front person' for the probation services in the district court setting. Important functions include appearing as a prosecutor for breaches of non-custodial sentences and orders, making applications, providing information to the judges/court users, and attendance at any court where home detention sentencing is taking place to receive instructions in regard to the immediate activation of the sentence.<sup>2</sup>

These duties can use a considerable proportion of Department of Corrections staff resource. The 2012 forecast provides a projection of the number of hours, called 'court servicing hours', required for these duties. This is broadly flat. While the throughput of cases is down, court sitting hours are not decreasing so the requirement for Department of Corrections staff to be in attendance remains.

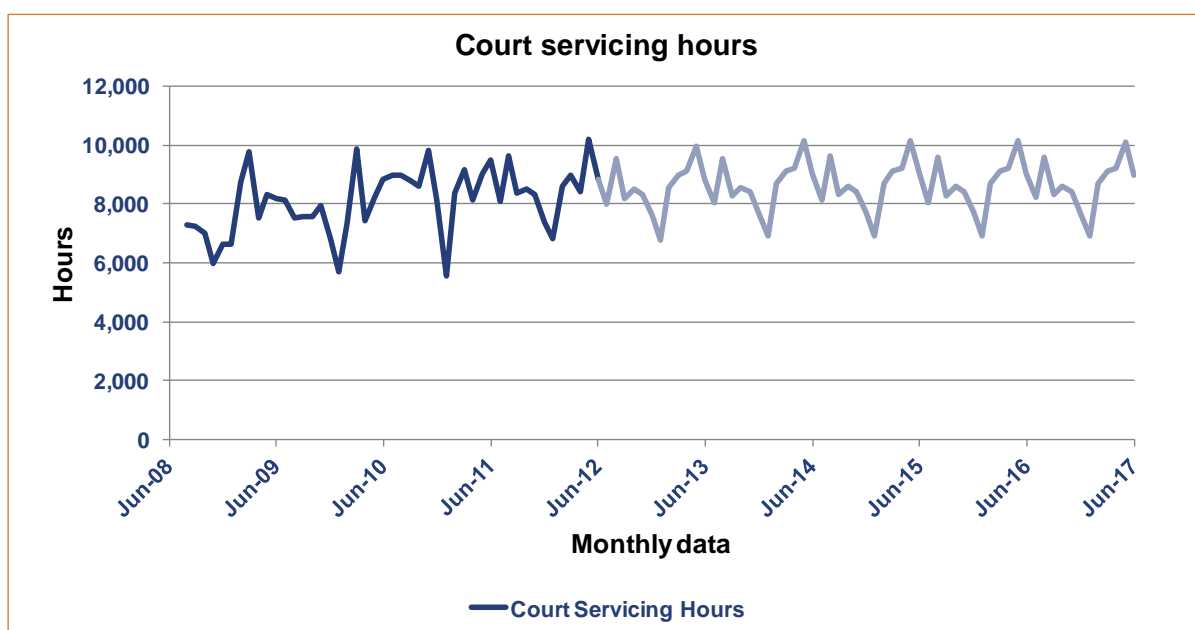
Table 12 and Figure 19 give the numbers of court servicing hours projected to 2016-2017.

<sup>2</sup> There are several other activities. A fuller list can be found at: <http://www.corrections.govt.nz/policy-and-legislation/cpps-operations-manual/volume-1/iii.html>.

**Table 12: Numbers of Court servicing hours**

Fiscal year	Court servicing hours	
	Hours	Annual change
2011-2012 (actual)	102,159	-0.8%
2012-2013	102,285	0.1%
2013-2014	103,586	1.3%
2014-2015	103,842	0.2%
2015-2016	103,699	-0.1%
2016-2017	103,878	0.2%

**Figure 19: Court servicing hours**



The remaining items in this workload section of the forecast are principally associated with preparations for release on parole, and subsequent monitoring. They are:

- Pre-release Enquiries: reports to prepare for an offender’s appearance before the Parole Board.
- Home Leave Reports: reports to assess a prisoner’s suitability for a three-day period of home release prior to the conclusion of their prison sentence.
- Parole Condition Progress Reports: reports to the Parole Board to assess how well a paroled offender is meeting any conditions the Board has imposed.

Table 13, Figure 20 and Figure 21 give the projections for the numbers of these items. The large increase in Home Leave Reports between 2009-2010 and 2010-2011 represents a change from an average of 14 to 21 reports a month. This includes an unusually high value which is not expected to recur.

Table 13: Pre-release Enquiries, and Home Leave and Parole Progress Reports

Fiscal year	Pre-release enquiries		Home Leave report		Parole Condition Progress Report	
	Numbers	Annual change	Numbers	Annual change	Numbers	Annual change
2011-2012 (actual)	6,249	2.2%	274	5.0%	415	-9.4%
2012-2013	5,642	-9.7%	199	-27.5%	443	6.7%
2013-2014	5,669	0.5%	199	0.4%	436	-1.6%
2014-2015	5,682	0.2%	199	-0.1%	447	2.6%
2015-2016	5,617	-1.1%	198	-0.6%	434	-2.8%
2016-2017	5,570	-0.8%	197	-0.7%	428	-1.4%

Figure 20: Pre-release enquiries

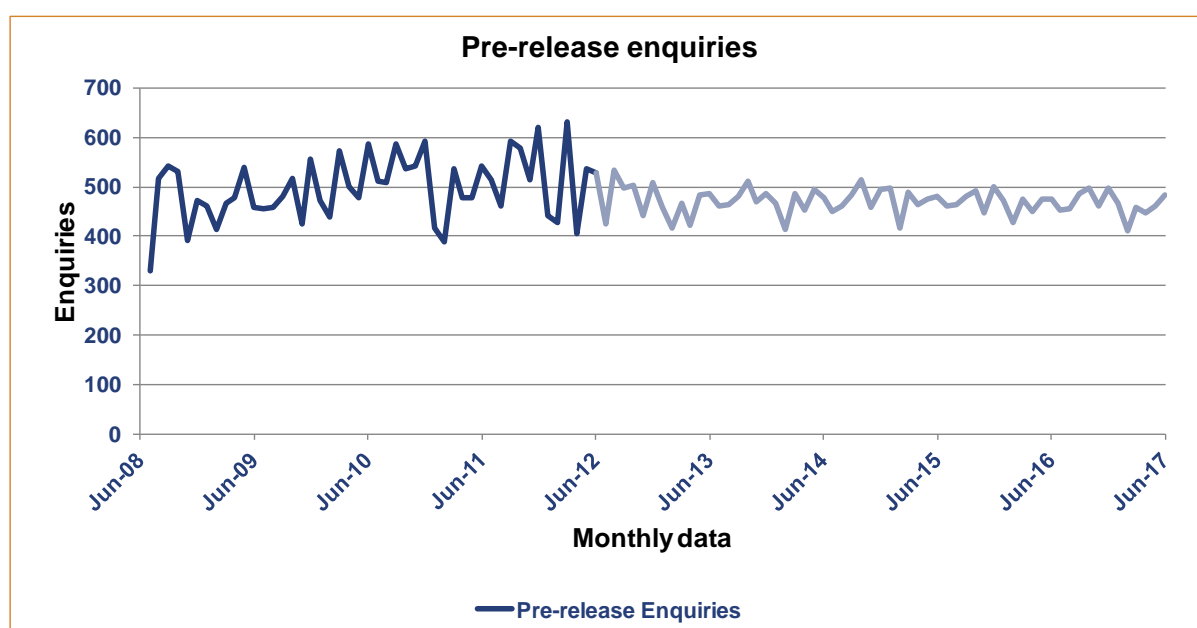
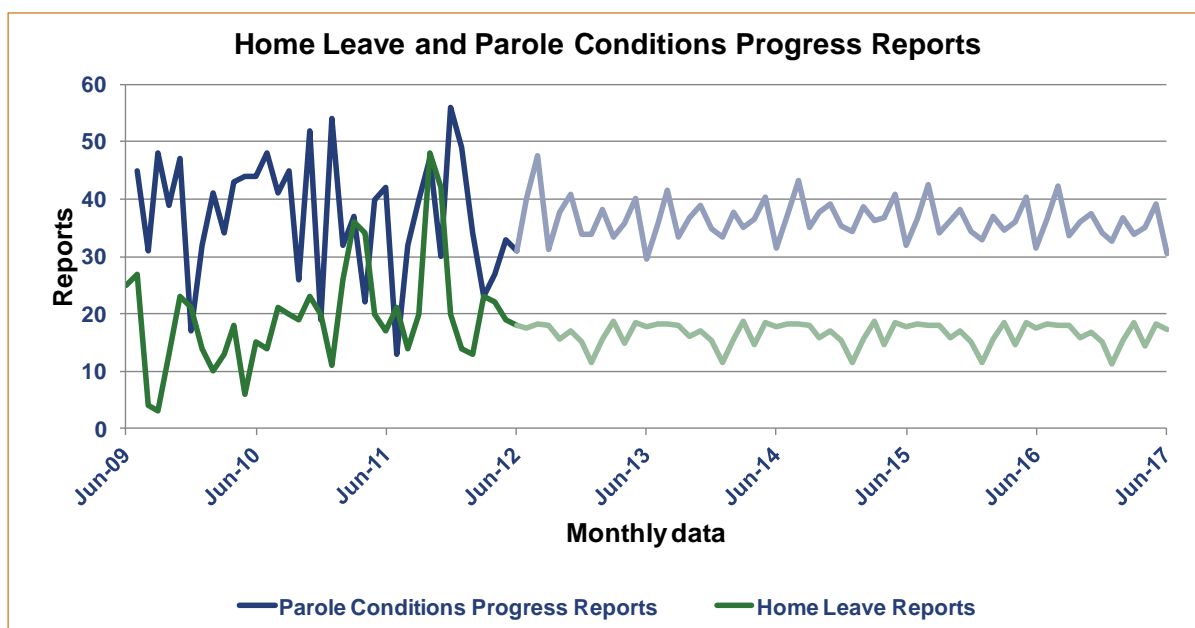


Figure 21: Home Leave and Parole Condition Progress Reports



#### 4.5. Prison population

The prison population is forecast to be 8,081 in June 2022. This is a 6.9% decrease from June 2012. The increase in the actual prison population over the preceding ten years was 47.5%.

The forecast June 2022 prison population consists of 6,496 sentenced prisoners (-4.0% from June 2012) and 1,585 remand prisoners (-17.2% from June 2012). Over the previous ten years the sentenced population increased by 37.7%, while the remand population increased by 97.1%. The primary component of the change in the population is the remand population: over the forecast period numbers remanded are expected to fall (assuming a constant remand rate and a fall in numbers entering the courts system).

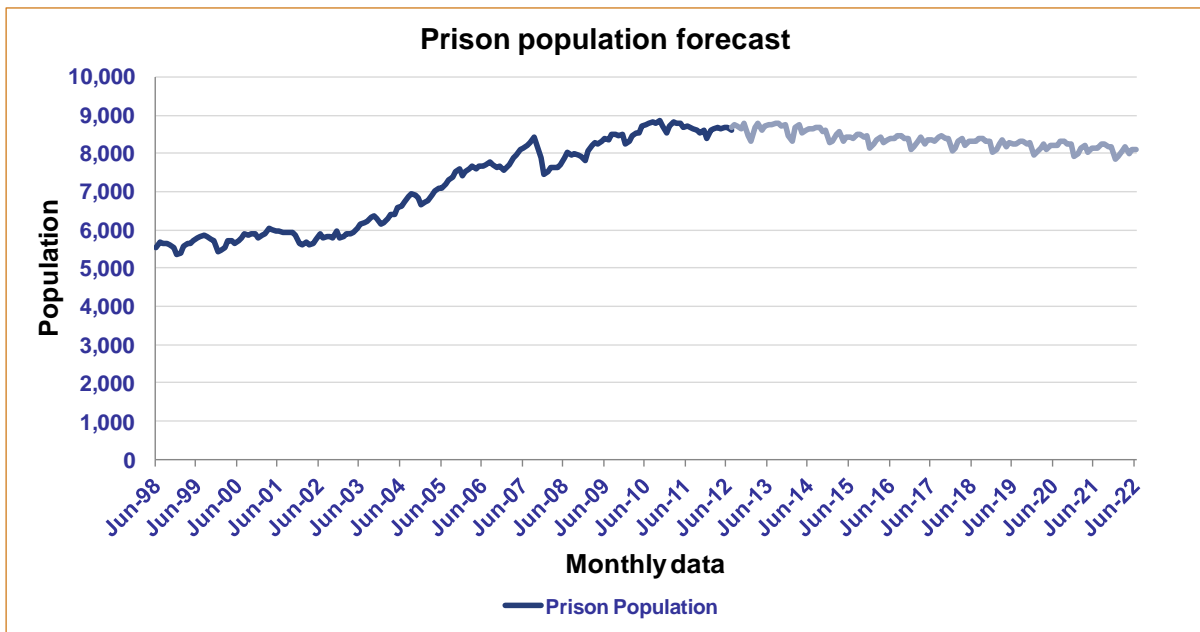
The incarceration rate per 100,000 people is projected to decrease from 196 in June 2012 to 167 by 2022. This compares with an increase from 149 to 196 between 2002 and 2012.<sup>3</sup>

Figure 22 shows the change in the prison population over the forecast period.

<sup>3</sup> In calculating the population for 2021, Series 5 of Statistics New Zealand population projections was used – average fertility, mortality and immigration levels. The population for mid-2012 is taken from Statistics New Zealand’s population counter.



Figure 22: Total prison population



**Confidence limits**

Figure 23 shows the prison forecast with 68% and 95% confidence limits (one standard deviation and two standard deviations respectively). Figure 24 and Figure 25 show confidence limits on sentenced and remand populations respectively. Although the remand population is less than a quarter of the total, the confidence limits are much the same. This is because it is harder to be precise when the sample is both smaller in absolute size and more volatile in behaviour.

Figure 23: 2012 prison population forecast with confidence limits

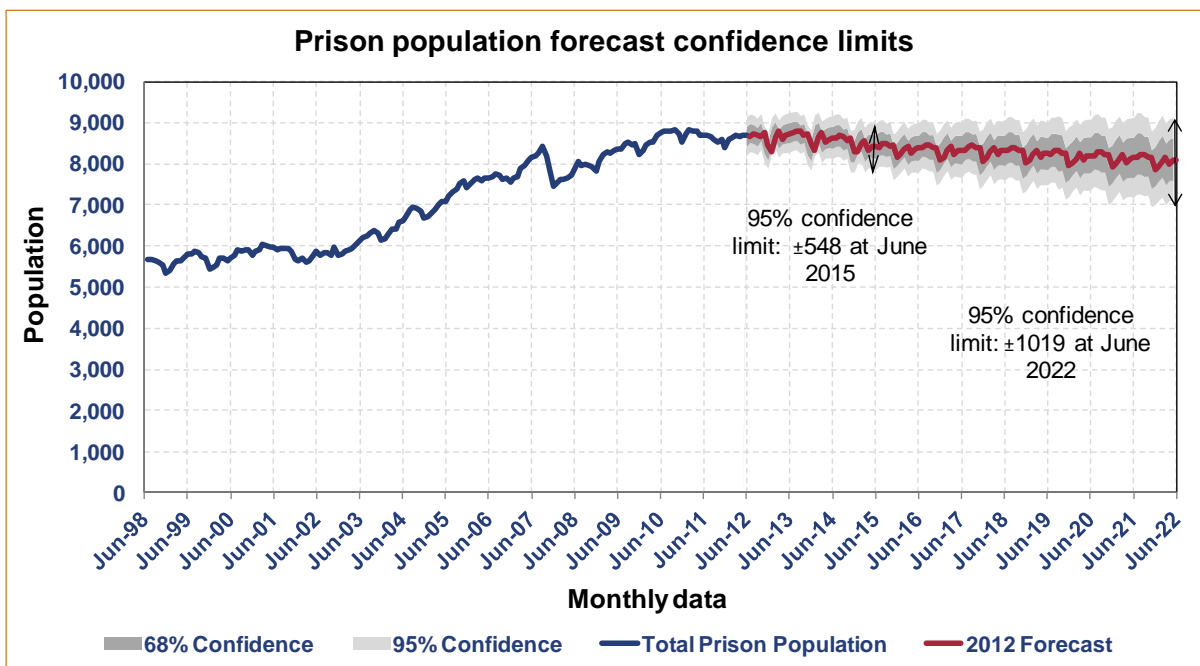


Figure 24: 2012 sentenced population forecast with confidence limits

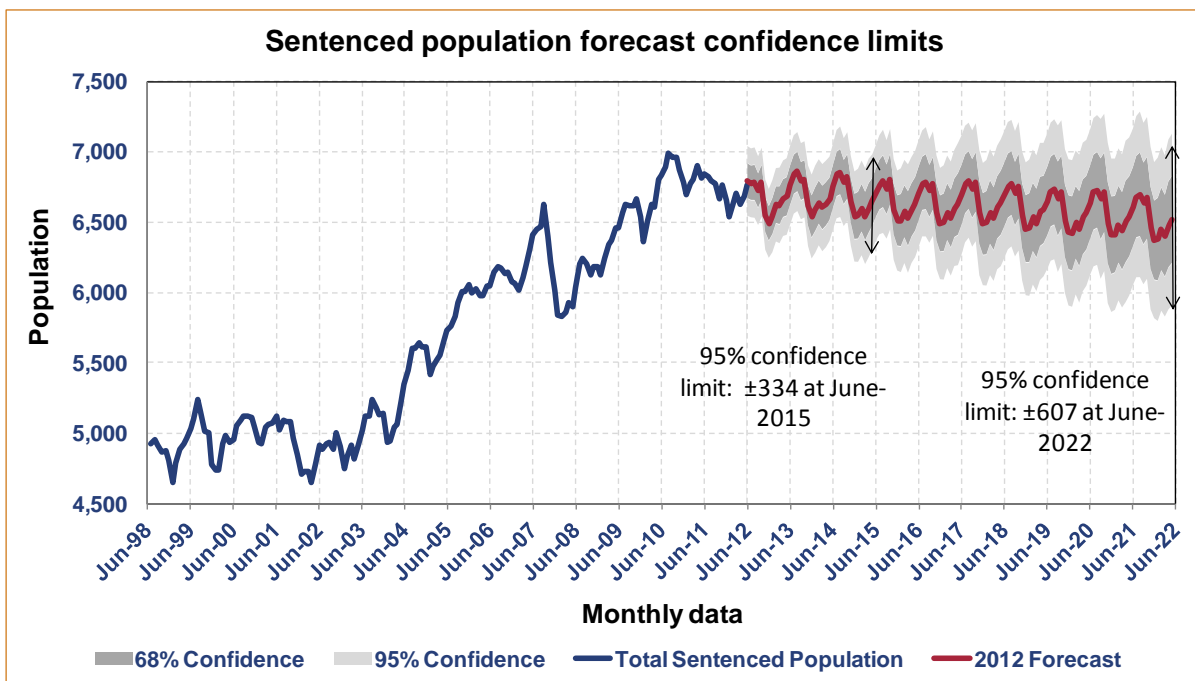
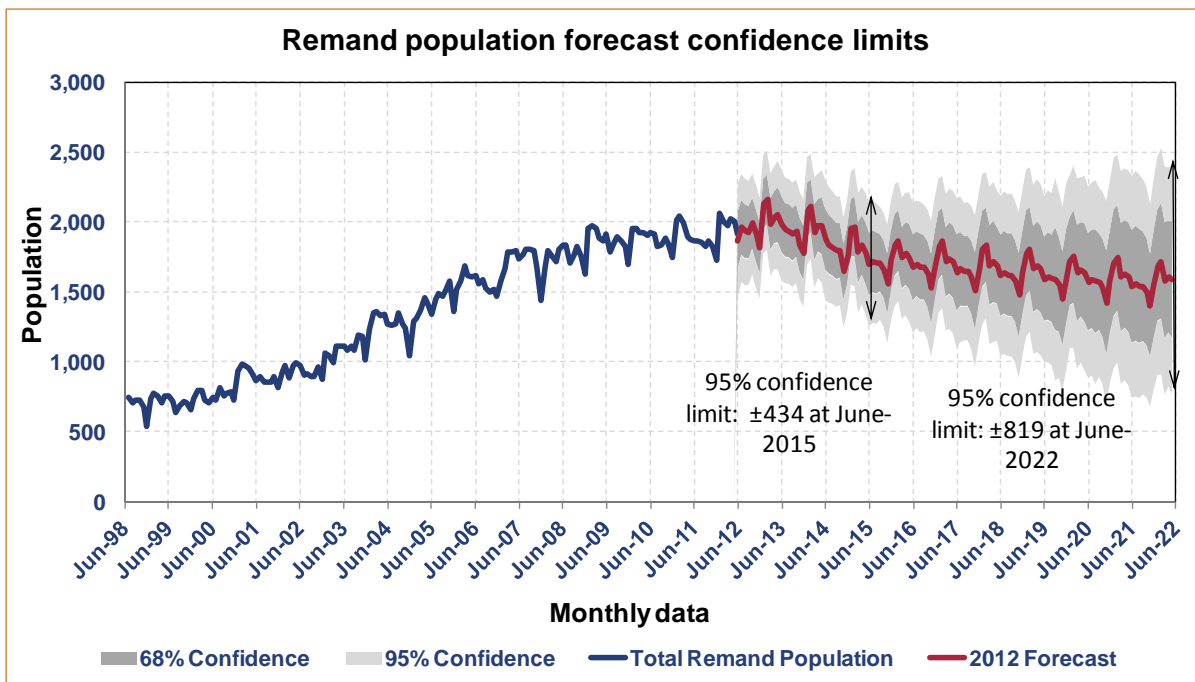


Figure 25: 2012 remand population with confidence limits



**Prison Population forecasts**

Table 14 sets out the estimated prison population for June each year, along with the maximum in the fiscal year to that date. The numbers given are point estimates of the prison population at the end of the relevant month.

**Table 14: Total prison population**

Fiscal year	June total		Maximum (month(s) of occurrence)	
	Numbers	Annual change	Numbers	Annual change
2011-12 (actual)	8,679	-0.3%	8,683 (Jul/Mar/May)	-1.8%
2012-13	8,730	0.6%	8,779 (Mar)	1.1%
2013-14	8,634	-1.1%	8,793 (Sep)	0.2%
2014-15	8,419	-2.5%	8,678 (Aug)	-1.3%
2015-16	8,376	-0.5%	8,492 (Sep)	-2.1%
2016-17	8,340	-0.4%	8,472 (Aug)	-0.2%
2017-18	8,325	-0.2%	8,443 (Sep)	-0.3%
2018-19	8,249	-0.9%	8,396 (Sep)	-0.6%
2019-20	8,201	-0.6%	8,326 (Aug)	-0.8%
2020-21	8,142	-0.7%	8,303 (Aug)	-0.3%
2021-22	8,102	-0.5%	8,239 (Aug)	-0.8%

An unusual feature of Table 14 is the same maximum value occurring in three separate months in the fiscal year 2011-12. While it is unusual to have precisely the same value at the end of three different months, the fact that the three months in question are spread across the year is a good indication of how flat the population was in the most recent year, after several years of continuous growth. The forecast this year, as last year, sees this slowing in the increase turning into a general downward trend.

Figure 26 and Figure 27 show the different behaviours of the remand and sentenced populations relative to previous forecasts<sup>4</sup>.

The remand population eventually decreases due to the ongoing drop in numbers entering the courts system. However, there is a short-term increase due to restrictions on resources caused by the introduction of the Criminal Procedures Act changes in 2013 and 2014 – training and implementation are expected to extend the time spent on custodial remand over a period of 18 months to two years. This leads to the short-term rise in remand seen in Figure 27. The assumption of an ongoing fall in the numbers entering the system leads to a fall in the sentenced population.

<sup>4</sup> The prison population forecast horizon has been progressively extended, so that it now covers a 10 year period.

Figure 26: Sentenced muster forecasts from 2008 to the present

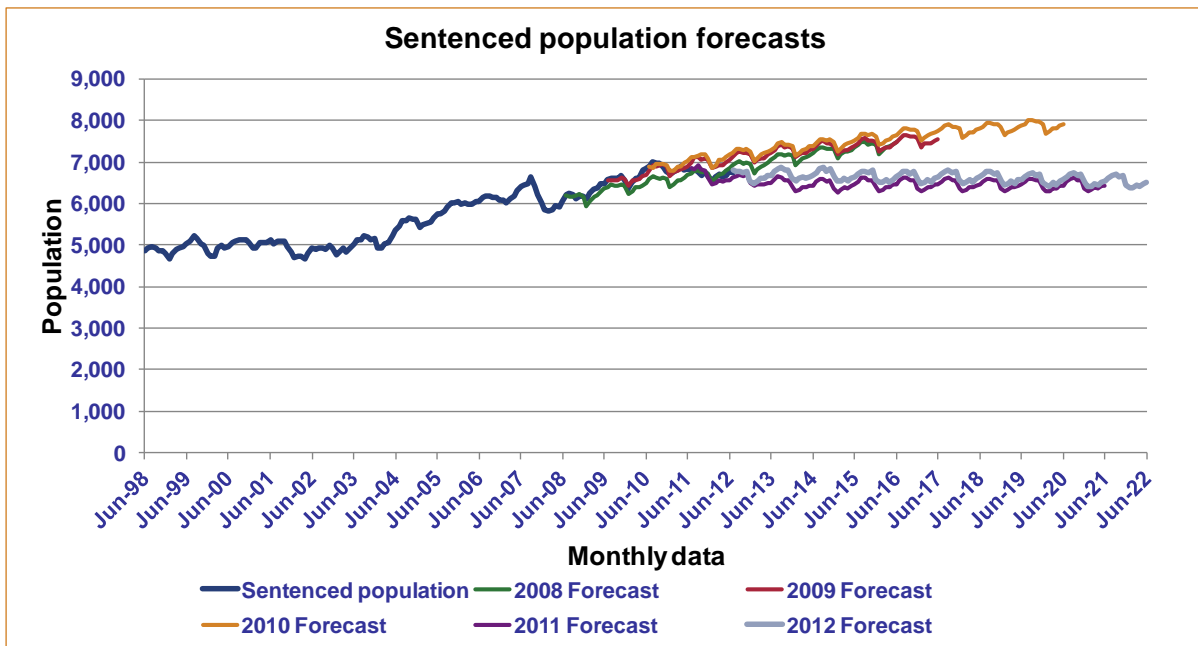
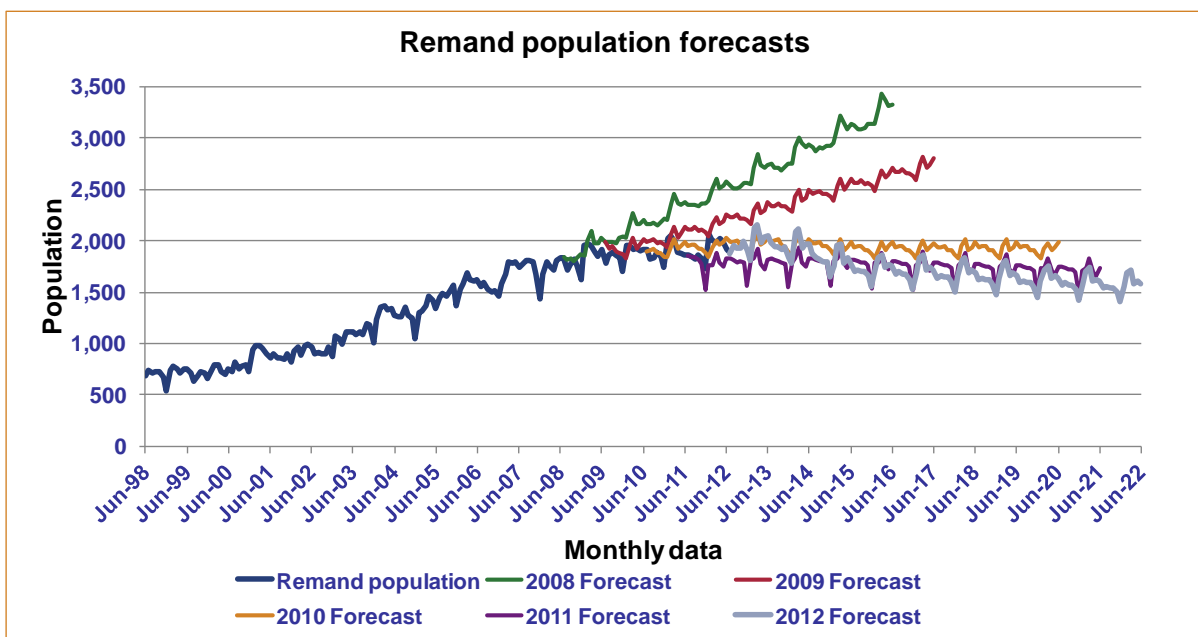


Figure 27: Remand muster forecasts from 2008 to the present



Finally, Table 15 sets out the estimated prison population, broken down into remand and sentenced populations, for June each year. The numbers given are point estimates of the prison population at the end of June.

**Table 15: Numbers in remand and sentenced populations for June**

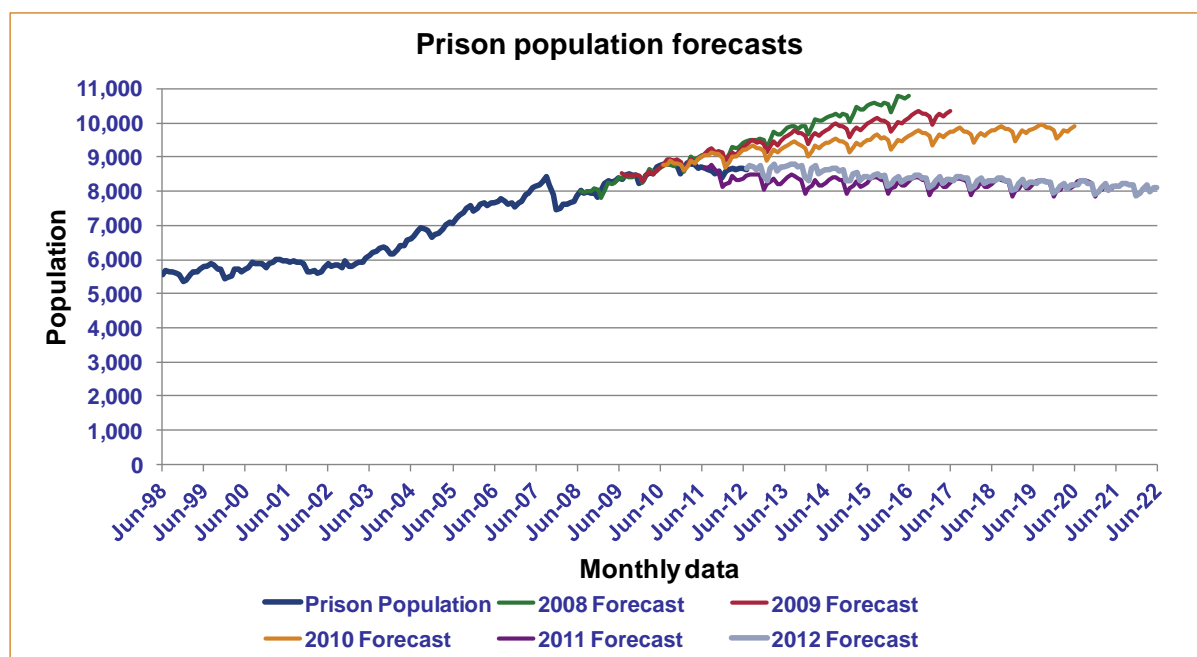
Fiscal year	Remand		Sentenced	
	Numbers	Annual change	Numbers	Annual change
2011-12 (actual)	1,914	2.5%	6,765	-1.1%
2012-13	2,050	7.1%	6,680	-1.3%
2013-14	1,971	-3.9%	6,663	-0.3%
2014-15	1,777	-9.8%	6,642	-0.3%
2015-16	1,750	-1.5%	6,626	-0.2%
2016-17	1,714	-2.1%	6,626	0.0%
2017-18	1,690	-1.4%	6,635	0.1%
2018-19	1,662	-1.7%	6,587	-0.7%
2019-20	1,637	-1.5%	6,564	-0.3%
2020-21	1,604	-2.0%	6,538	-0.4%
2021-22	1,585	-1.2%	6,517	-0.3%

### Comparison with previous forecasts

Figure 28 compares the 2012 forecast to the 2008, 2009, 2010 and 2011 forecasts. The 2012 forecast is very similar to the 2011 forecast, moving down to settle at around 8,000 by the end of the forecast period. Until last year, there had been a trend over succeeding years of each year's forecast reaching a level lower than its predecessor. This year's forecast runs very close to last year's (after a limited period at a higher level), and the trend is a downward one.

The reason for this decline in successive forecasts lies in the assumptions made year on year. This year, as noted in Table 2, while many of the assumptions are higher than last year (in the sense of increasing the prison population), the key assumption about numbers entering the system is lower. The combined effect is a forecast very similar to last year's, with a downward pressure across all aspects of the prison population. In particular, a substantial fall in numbers entering the courts system continues to be observed, and the consequences of this fall in terms of offenders moving into the prison system will continue to be seen in future years.

Figure 28: Comparison of earlier forecasts with 2012 forecast



#### 4.6. Legal aid expenditure

Legal aid is presently available for cases in a number of jurisdictions, namely the criminal, family and civil courts, along with Waitangi Tribunal legal aid, the duty solicitor and police detention legal assistance (PDLA) schemes. The portion of legal aid expenditure associated with grants in criminal cases is heavily dependent on the number of cases in the system, and therefore there is benefit in linking legal aid to the rest of the forecast in that area.

The forecast projects grants, costs and overall expenditure for the criminal, family and civil jurisdictions, and total expenditure only for Waitangi Tribunal legal aid, and for the duty solicitor and police detention legal aid schemes.

The forecasts produced here use the same techniques as the rest of the forecast, but the drivers in these areas are much less well understood. Work is being undertaken to further develop data sets and models for forecasting and understanding trends in legal aid. However, legal aid is a comparatively new component in the Justice Sector Forecast, and the results here should still be considered more provisional than in other sections.

The situation is complicated by an ongoing programme of legislative change around the use of legal aid. The planned changes will overhaul current legal aid policy and legislative settings, and will mean that existing trends will not be readily usable as indicators of future behaviour. Such comprehensive change is a severe challenge for any forecast.

The forecast incorporates the expected impact of all currently-planned legislation affecting legal aid. Not all proposals have been finalised, and the precise timescale for implementation may change. Accordingly we have included a range around our projection of total expenditure. This is not a formal confidence interval (as used in, for example, Figure 24), but an estimate of the

range within which the final expenditure total could lie. We will, as with the rest of the forecast, monitor the projections against actual to learn more about the system for future forecasts.

The legal aid forecast is built up from projecting trends in component categories. In the criminal jurisdiction, these categories are types of offence. Family jurisdiction categories include matters such as care of children or mental health, while the categories in the civil jurisdiction include ACC and refugee cases. It is important to work at this level of detail because costs, numbers and trends vary greatly between categories. For example, a homicide case costs much more, on average, than a property offence, although the latter is much more common. This report covers only the total numbers for each jurisdiction.

The following section shows the total expenditure per annum, and then graphs showing the trends in the criminal, family and civil jurisdictions. The forecast for each jurisdiction is based on a number of components – the numbers of opened, closed and active grants, the average cost per grant, and the number of cases handled by private providers. (The forecast does not include cases handled by the Public Defence Service.) What is reported here is total accrued expenditure. Following this are forecasts covering expenditure only for Waitangi Tribunal cases, the duty solicitor scheme, and the police detention legal assistance (PDLA) scheme.

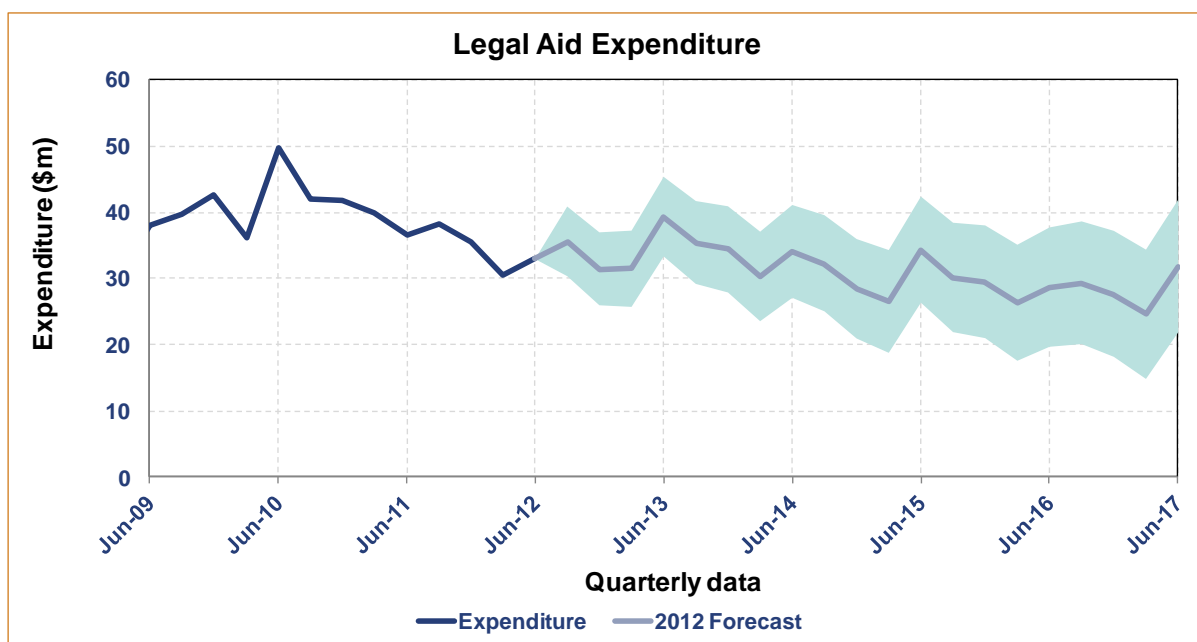
### Total expenditure

Table 16 and Figure 29 give the forecast total expenditure on legal aid. The table breaks this down by jurisdiction. Trends in individual jurisdiction totals appear in the sections that follow. The overall trend is downwards, driven particularly by expenditure in the family jurisdiction.

**Table 16: Total expenditure on legal aid**

	Actual (\$m)	Forecast (\$m)				
	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Criminal	56.0	60.8	59.4	54.5	52.3	51.3
Family	53.2	46.2	41.1	34.4	29.6	29.9
Civil	6.2	5.2	5.3	4.1	4.0	3.4
Waitangi	11.5	15.6	18.7	19.0	19.3	19.6
Duty Solicitor + PDLA	10.3	9.9	9.8	9.6	9.5	9.3
Expenditure excluding debt recovery	137.2	137.8	134.2	121.6	114.7	113.5

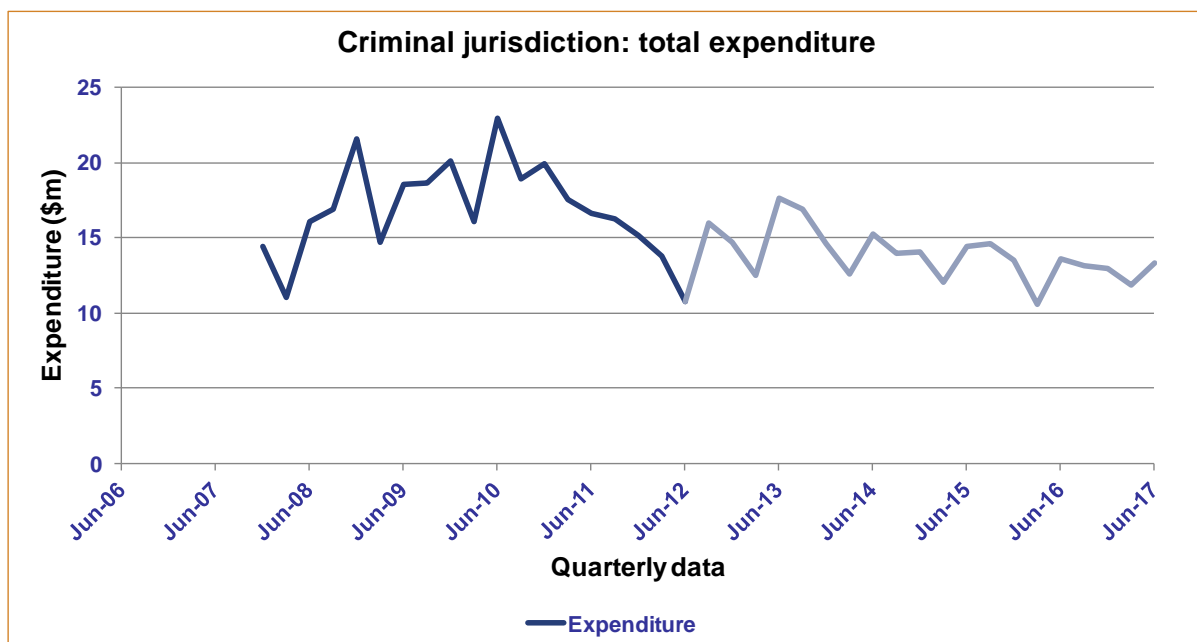
Figure 29: Legal aid total expenditure



**Criminal jurisdiction**

Figure 30 shows the total criminal legal aid expenditure. Grants are expected to fall slowly, as are average costs, due to the impact of fixed fees – the result is an expenditure forecast that also falls slowly.

Figure 30: Expenditure, criminal jurisdiction

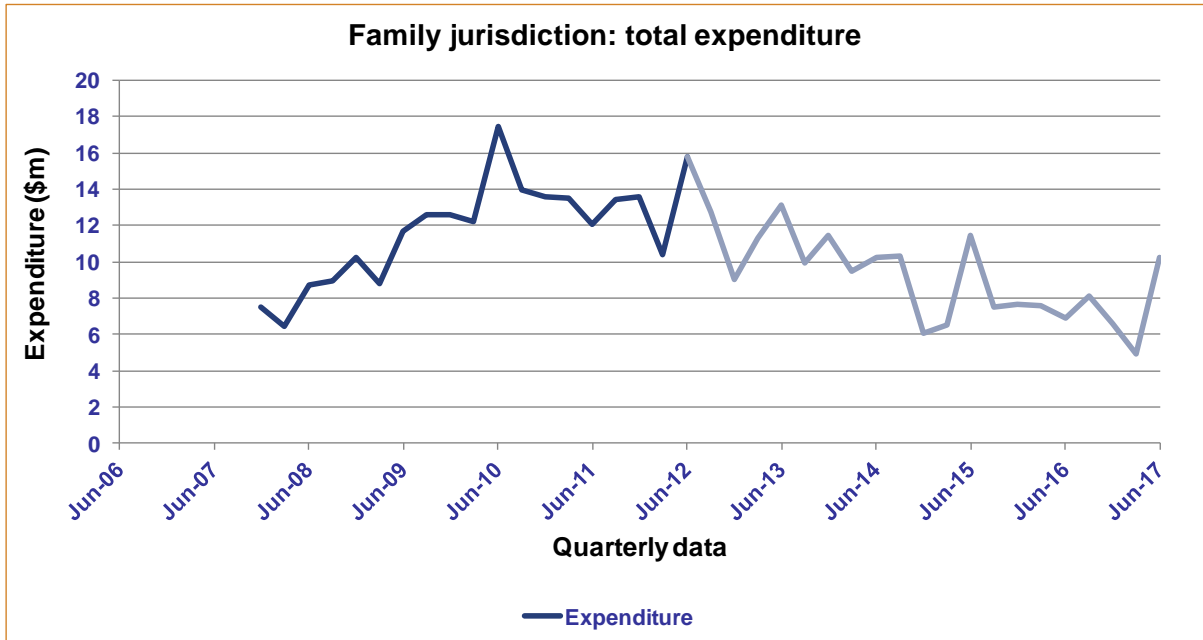




### Family jurisdiction

Figure 31 shows the total accrued family legal aid expenditure. An expected decline in grants, coupled with a slow fall in average costs, means that aggregate expenditure falls.

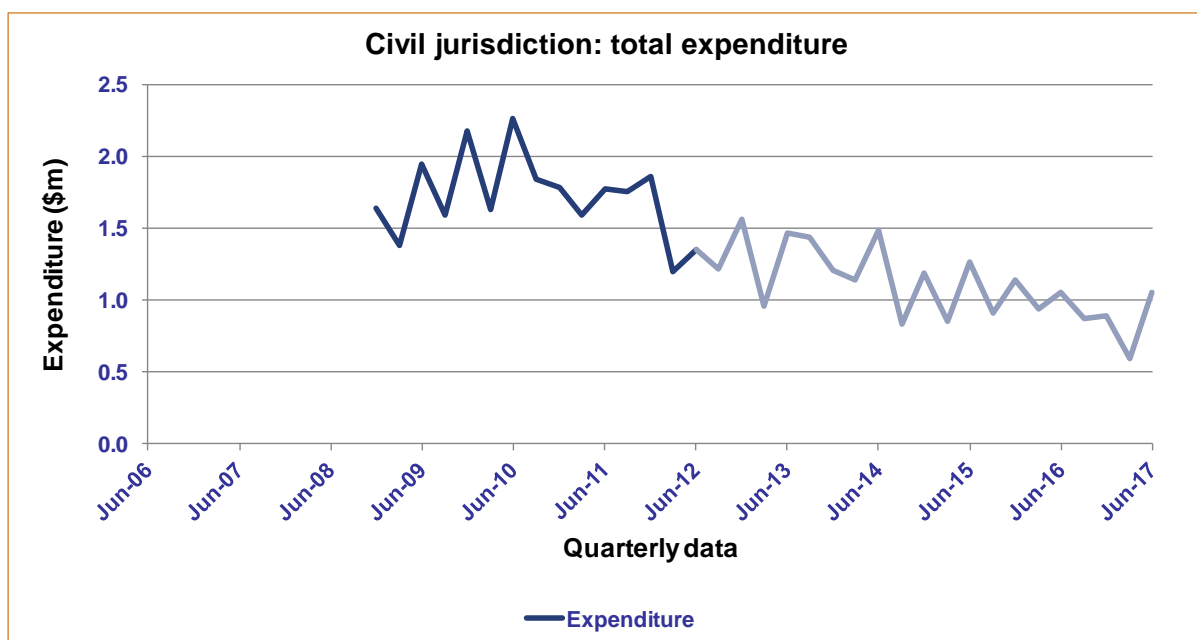
**Figure 31: Expenditure, family jurisdiction**



### Civil jurisdiction

Figure 32 shows the total accrued civil legal aid expenditure. The product of two slightly declining trends in grants and average costs is another declining trend.

Figure 32: Expenditure, civil jurisdiction



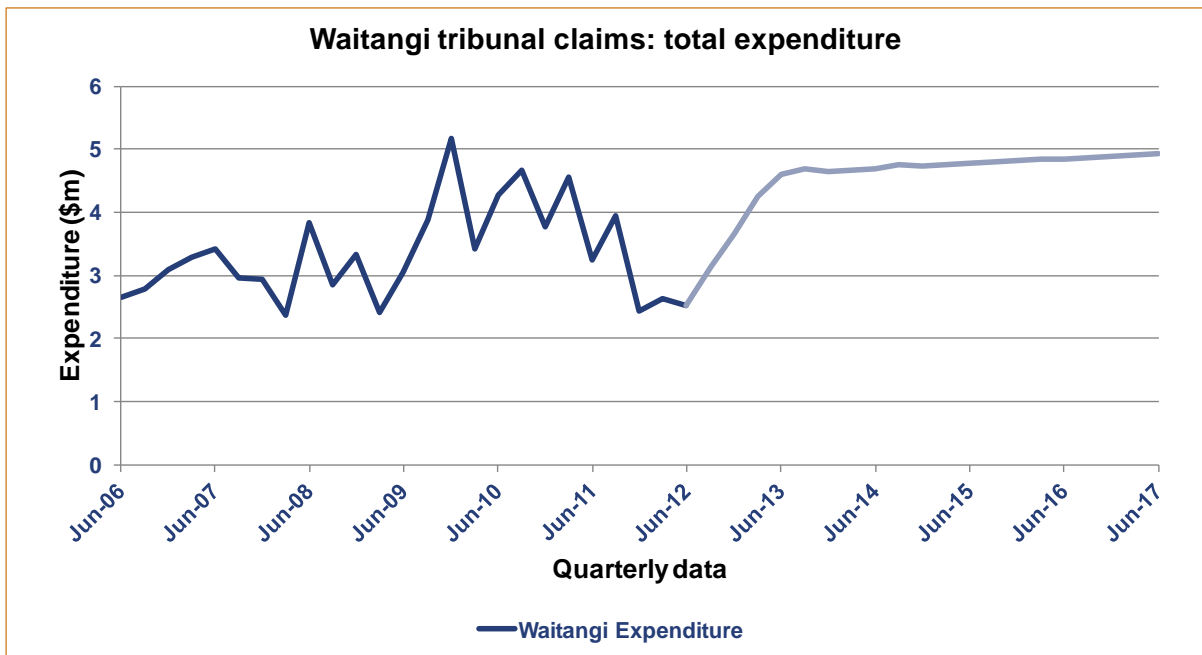
### Other legal aid expenditure

The forecast for remaining legal aid expenditure is based on trends in total expenditure alone, and does not consider grants and average costs per grant. While grants are made for Waitangi Tribunal cases, they are too few in number for reliable forecasting. The Duty Solicitor and Police Detention Legal Assistance schemes are not grant-based in the same way as the jurisdictions, so only expenditure is forecast.

### Waitangi Tribunal

Figure 33 shows the current and projected legal aid expenditure on Waitangi Tribunal cases. This is a noisy data series, reflecting the complex underlying process, and the numerous and hard-to-quantify factors that affect it. After a period of consistent increase, expenditure in the last two years has levelled off, before falling. The fall is linked to a temporary issue over processing legal aid claims, and does not represent a continuing drop in expenditure. The forecast reverses the fall and projects a slow increase, based on expert opinion on likely remaining Waitangi claims.

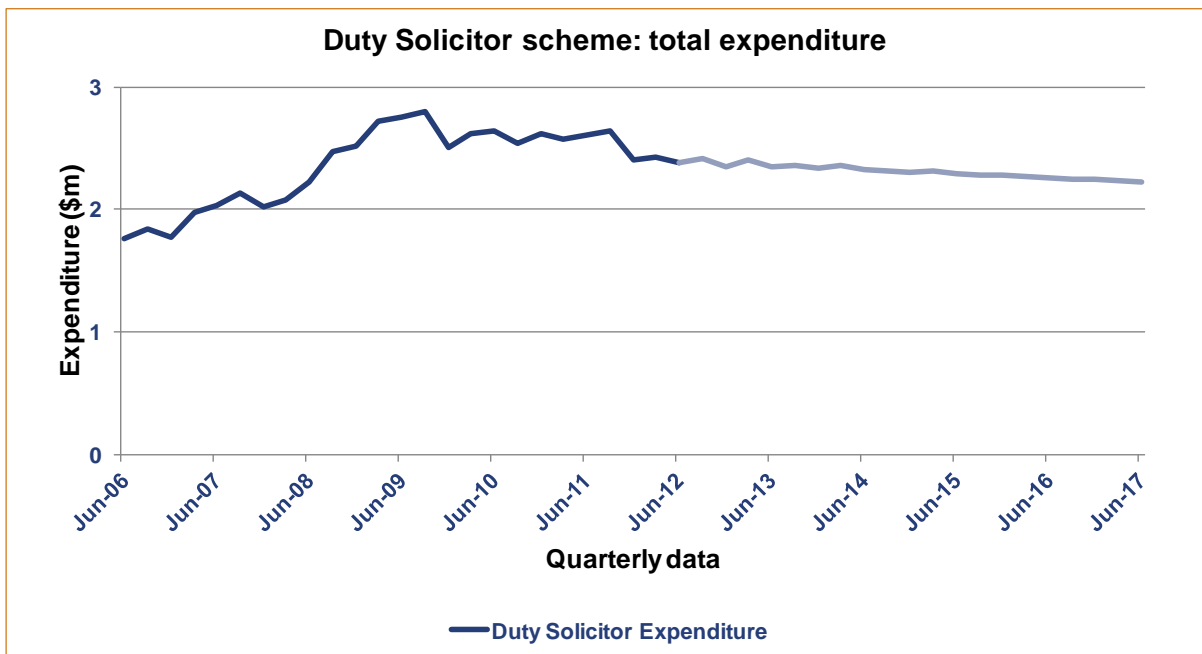
Figure 33: Waitangi Tribunal expenditure



### Duty Solicitor Scheme

Figure 34 shows the current and projected legal aid expenditure on the Duty Solicitor Scheme. The long-term upward trend has stopped, and turned round, reflecting the fall in the number of cases entering the system.

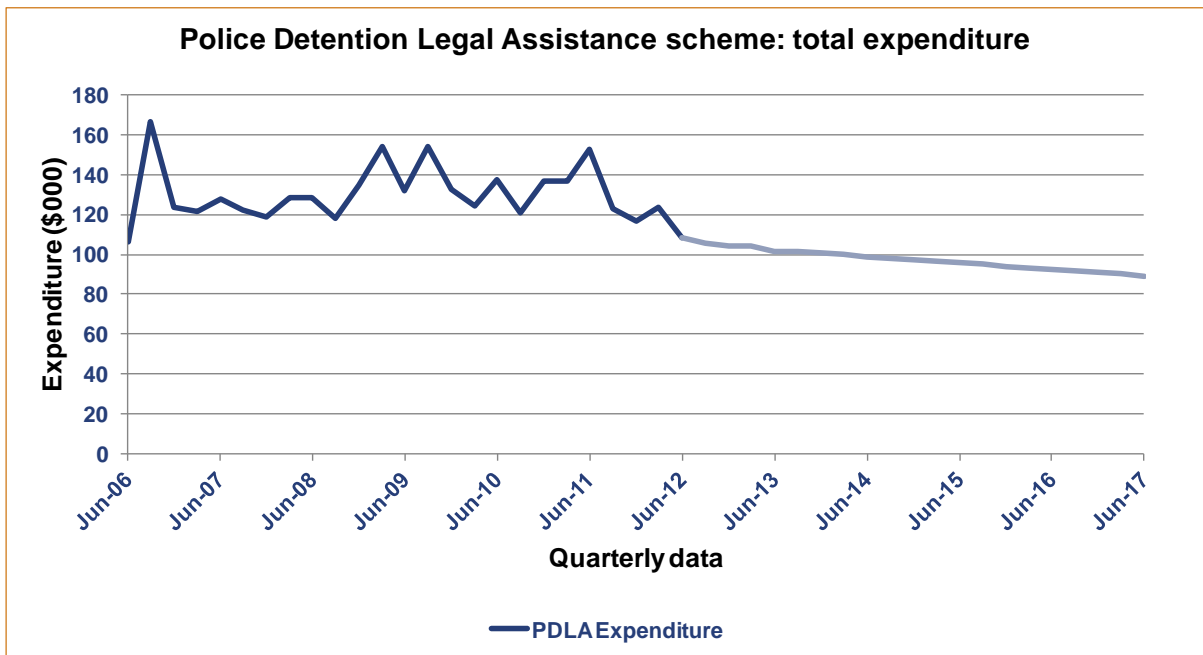
Figure 34: Duty Solicitor Scheme expenditure



**Police Detention Legal Assistance Scheme**

Figure 35 shows the current and projected legal aid expenditure on the Police Detention Legal Assistance Scheme (PDLA). This is the smallest legal aid quantity forecast. In common with many other quantities, an apparent rising trend in recent years has turned into a decline with the fall in numbers entering the system.

**Figure 35: Police Detention Legal Assistance Scheme expenditure**



## 5. Scenarios

### 5.1. Overview of scenarios

Scenarios are run to understand how the forecast results would respond to alternative assumptions. Often an assumption has only been adopted after consideration of another possibility, and it is sensible to consider the consequences of that possibility, even if it does not form part of the base case. Each scenario applies to one specific driver – and thus also acts as a form of sensitivity analysis exploring the potential impact of possible variability in behaviour. The scenarios cannot be compared directly, nor can their outcomes be simply added to give the effect of one or more scenarios occurring at the same time.

Table 17 gives a brief outline of each scenario.

**Table 17: Summary of scenarios**

Scenario	Description	Scenario compared to base case
1	Fewer numbers entering the system	Greater fall in numbers entering the system than in base case
2	Stabilisation of numbers entering the system due to reoffending	Numbers entering the system fall to 2014-2015 as in base case, thereafter flat
3	Impact of Criminal Procedures Act (CPA) - alternative 1	Greater fall in time on remand; greater reduction in Crown Law jury trials
4	Impact of Criminal Procedures Act (CPA) - alternative 2	Change in mix of trial types resulting from CPA: different take-up of judge-alone trials

The forecast items most affected by the scenarios are Crown Law inflows and cases on hand, community sentences and musters, along with both remand and sentenced prison populations.

### 5.2. Scenario results

#### Scenario 1: Fewer numbers entering the system

Rationale: The Policing Excellence programme has by 2011-2012 already exceeded its target of a 19% reduction in prosecutions by 2014-2015 (relative to 2008-2009 figures). Some of the programme's initiatives are considered to be fully implemented, and the remainder are expected to have a lower and longer-term impact. In addition, recent years have seen a worldwide and ongoing fall in recorded crime, including in New Zealand (where, in fact, recorded crime per capita has been falling for two decades). This scenario therefore projects a continuing fall in numbers entering the system for the years beyond the Policing Excellence programme.

Base case assumption: The number of charging events will fall 1.7% in 2012-2013, 1.3% in each of 2013-2014 and 2014-2015, and 1.9% per annum thereafter.

## Justice Sector Forecast 2012-2022

Scenario assumption: The number of charging events will fall 2.7% in 2012-2013, 2.3% in each of 2013-2014 and 2014-2015, and 2.9% per annum thereafter.

Impact: This scenario has an impact on Crown Law case inflow and cases on hand, and on community sentence and prison numbers.

**Table 18: Scenario 1 results**

Forecast quantity	Jun-12	Jun-17			Jun-22		
		Base Case	Scenario	Change	Base Case	Scenario	Change
Case Inflow p.a.	7,620	7,813	7,721	-1.2%	Not forecast to 2022		
Cases on Hand	3,792	3,081	3,063	-0.6%			
CPS Starts p.a.	62,130	66,080	64,478	-2.4%			
CPS Muster	33,607	33,309	32,399	-2.7%			
Remand population	1,914	1,714	1,645	-4.0%	1,585	1,456	-8.1%
Sentenced population	6,765	6,626	6,557	-1.0%	6,517	6,385	-2.0%
Prison population	8,679	8,340	8,202	-1.7%	8,102	7,841	-3.2%

The principal impacts of a greater fall than projected in the base case are smaller numbers in all categories. The amount of decrease is different for different quantities, reflecting the different extent to which other assumptions affect those quantities.

### Scenario 2: Stabilisation of numbers entering the system due to reoffending

Rationale: Policing Excellence's early stages saw a greater use of alternatives to prosecution (restoring the practice to levels last seen in the early 2000s) and concern has been raised that this could merely defer the entry of offenders into the later stages of the justice system. Thus Policing Excellence could possibly lower numbers entering the courts system for a time, but after a while the diverted offenders will reoffend and will have to be dealt with by the courts. Scenario 2 captures this situation by halting the fall in numbers entering the system at the end of the Policing Excellence initiative, rather than maintaining a continuing decline.

Base case assumption: The number of charging events will fall 1.7% in 2012-2013, 1.3% in each of 2013-2014 and 2014-2015, and 1.9% per annum thereafter.

Scenario assumption: The number of charging events will fall 1.7% in 2012-2013, 1.3% in each of 2013-2014 and 2014-2015, and remain level at 2014-2015 values thereafter.

Impact: This scenario has an impact on Crown Law case inflow and cases on hand, community sentence and prison numbers.

**Table 19: Scenario 2 results**

Forecast quantity	Jun-12	Jun-17			Jun-22		
		Base Case	Scenario	Change	Base Case	Scenario	Change
Case Inflow p.a.	7,620	7,813	7,893	1.0%	Not forecast to 2022		
Cases on Hand	3,792	3,081	3,098	0.6%			
CPS Starts p.a.	62,130	66,080	67,468	2.1%			
CPS Muster	33,607	33,309	34,153	2.5%			
Remand population	1,914	1,714	1,781	3.9%	1,585	1,787	12.7%
Sentenced population	6,765	6,626	6,692	1.0%	6,517	6,719	3.1%
Prison population	8,679	8,340	8,473	1.6%	8,102	8,506	5.0%

The changes here are upward – relatively small in 2017 (which is only two years after the completion of Policing Excellence) but substantially larger by 2022. What this shows is the importance to the rest of the forecast of the assumption on numbers entering the system. Table 2 shows that while the assumption on numbers entering the system is lower than last year, nearly all the other assumptions are higher. This scenario removes that lower assumption (starting in 2015), leaving only the higher assumptions to apply. The result is increases in all quantities – small by 2017, but larger for those quantities forecast to 2022, relative to the base case.

### **Scenario 3: Impact of Criminal Procedures Act - alternative 1**

Rationale: The Criminal Procedures Act 2011 (CPA) introduces new court processes, and amends existing ones with the aim of streamlining the passage of cases through the system. It is expected to reduce the time taken for cases to reach disposal. The forecast base case includes one assumption about the CPA's impact. It is possible that it will have a greater impact, and an assumption about that is the basis for scenario 3.

Base case assumption: Crown Law case inflows reduced (30% fewer jury trials) and time on custodial remand reduced by 6 days.

Scenario assumption: Crown Law case inflows reduced (45% fewer jury trials) and time on custodial remand reduced by 9 days.

Impact: This scenario has an impact on Crown Law case inflow and cases on hand, and on prison numbers. The remand population is reduced because less time is spent on remand: where a remand prisoner moves to a prison sentence, there is no impact (the transition simply takes place earlier), but where a remand prisoner moves to a non-custodial sentence or is acquitted, then a shorter time on remand does lead to a fall in the overall remand population. Community sentences are unlikely to be affected in terms of overall numbers, but there may be some slight changes in when they start.

**Table 20: Scenario 3 results**

Forecast quantity	Jun-12	Jun-17			Jun-22		
		Base Case	Scenario	Change	Base Case	Scenario	Change
Case Inflow p.a.	7,620	7,813	7,164	-8.3%	Not forecast to 2022		
Cases on Hand	3,792	3,081	2,689	-12.7%			
Remand population	1,914	1,714	1,602	-6.5%	1,585	1,481	-6.6%
Sentenced population	6,765	6,626	6,668	0.6%	6,517	6,555	0.6%
Prison population	8,679	8,340	8,270	-0.8%	8,102	8,036	-0.8%

The principal reductions here are in terms of Crown Law's caseload (both inflow and cases on hand), and in the remand population. The small increase in the sentenced population reflects the earlier transfer of prisoners from remand to sentenced populations occasioned by the reduction in time on custodial remand.

#### **Scenario 4: Impact of Criminal Procedures Act - alternative 2**

Rationale: The Criminal Procedures Act 2011 (CPA) introduces new court processes, and amends existing ones with the aim of streamlining the passage of cases through the system. It is expected to reduce the time taken for cases to reach disposal. One new process is a trial which, under the present system, would be heard by a judge and jury but which, under the new system, could be heard by a judge sitting alone.<sup>5</sup> The 'judge-alone' trial is expected to be easier to schedule and to take less time, thus expediting the passage of cases. This is a new process, and it is impossible to know in advance the extent to which it will be taken up. Scenario 4 examines an alternative take-up rate of this new form of trial.

Base case assumption: Crown Law case inflows reduced (30% fewer jury trials) and time on custodial remand reduced by 6 days

Scenario assumption: Crown Law case inflows reduced (30% fewer jury trials) and time on custodial remand reduced by 6 days; change in usage of judge-alone trials

Impact: This scenario has an impact on Crown Law case inflow and cases on hand, and on prison numbers. As there is no change in the time on custodial remand between scenario 4 and the base case, there is no impact on prison numbers. Community sentences are unlikely to be affected in terms of overall numbers, but there may be some slight changes in when they start.

<sup>5</sup> Many minor matters are currently heard in the District Court by a judge sitting alone; the proposal extends this facility to more serious offences.



Table 21: Scenario 4 results

Forecast quantity	Jun-12	Jun-17			Jun-22		
		Base Case	Scenario	Change	Base Case	Scenario	Change
Case Inflow p.a.	7,620	7,813	7,164	-8.3%	Not forecast to 2022		
Cases on Hand	3,792	3,081	2,760	-10.4%			

This scenario shows that the change in the mix of different types of trial can have an impact on Crown Law's caseload even without a change in the numbers passing through the system.