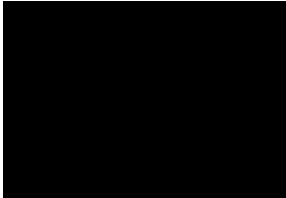


4 April 2018



Dear [REDACTED]

I am writing to you in response to your letter sent 14 February 2018. Your letter specifically requested to confirm claims made by [REDACTED] in a letter to the editor of The Dominion Post on 12 Feb 2018:

1. One New Zealand offender has 46 gun convictions
2. Almost 10% of gang members have 5 or more gun convictions
3. Criminals found with AK47s got community service
4. There are numerous cases of gun crimes being committed by criminals while serving non-custodial sentences for their other gun crimes
5. For every 100 burglaries where a gun was stolen only 8 criminals will wind up seeing a judge
6. Average person time served for an Auckland burglary is just 21 hours

Pursuant to the Official Information Act 1982, I can respond in relation to the information [REDACTED] had obtained from New Zealand Police, specifically questions 2 and 5. [REDACTED] may be basing other claims on information obtained from other government agencies (such as Ministry of Justice or Department of Corrections) or may have sourced it from public media reporting.

Please direct questions regarding the other claims to either [REDACTED] or the two government departments that are qualified to answer this.

2. Almost 10% of gang members have 5 or more gun convictions

This claim is most likely an adjusted quote from the Law and Order Committee report titled *Inquiry into issues relating to the illegal possession of firearms in New Zealand* published by the Parliament on 7 April 2017.

The exact quote was:

"In 2014, the Police analysed 3,969 patched members and prospects belonging to 32 New Zealand adult gangs. They looked at the proportion charged with a serious violence offence involving a firearm or an offence against the Arms Act. The analysis showed that 44 percent of the members and prospects had been charged with an offence involving a firearm, and that 9 percent had been charged with five or more offences involving a firearm during their lifetime."

The distinction here is that [REDACTED] refers to convictions, while the report refers to charges (ie, prosecutions). A person may be charged (ie, prosecuted) with an offence but not necessarily convicted.

5. For every 100 burglaries where a gun was stolen only 8 criminals will wind up seeing a judge

This claim by [REDACTED] is a generalised extrapolation from a response [REDACTED] received to a specific question to an OIA request submitted in January 2018.

The original question raised by [REDACTED] was:

"Please advise of the last 100 burglaries where a gun was stolen – how many have been solved and resulted in a prosecution of an offender."

The distinction here is that [REDACTED] wanted to know the investigation outcome of the most recent 100 burglaries where a firearm was stolen. Some of the burglaries had taken place only days before the response was written. Some of them would not have had time to be investigated to the point that prosecution charges can be filed.

For example, had [REDACTED] asked for information about 100 burglaries in a previous year, the answer may have been different. It is not valid to extrapolate 'last 100 burglaries' outcomes to 'every 100 burglaries'.

If you are not satisfied with my response to your request, you have a right under section 28(3) of the Official Information Act 1982 to ask the Office of the Ombudsman to seek an investigation and review of my decision.

For your information, Police is developing a process for proactive release of information, so the response to your request may be publicly released.

Yours sincerely



Mike McIlraith
Acting Superintendent
Arms Act Service Delivery Group