

# Adults convicted and sentenced

## Data notes and trends for 2019/2020

Statistics for adult conviction and sentencing are produced by the Ministry of Justice and published by Stats NZ.<sup>1</sup> The statistics include information on adults (aged 18 years and older from 1 July 2019 onwards, or 17 years or older up to 30 June 2019)<sup>2</sup> with charges finalised in court from the year ending June 1981 to the year ending June 2020 (2019/2020)<sup>3</sup> This summary compares 2019/2020 with previous years.

### The number of charges and the number of adults charged has continued to fall

In 2019/2020, there were 196,849 charges finalised for adults (counting each charge individually). This decreased by 4% (8,690 charges) compared to 2018/2019.

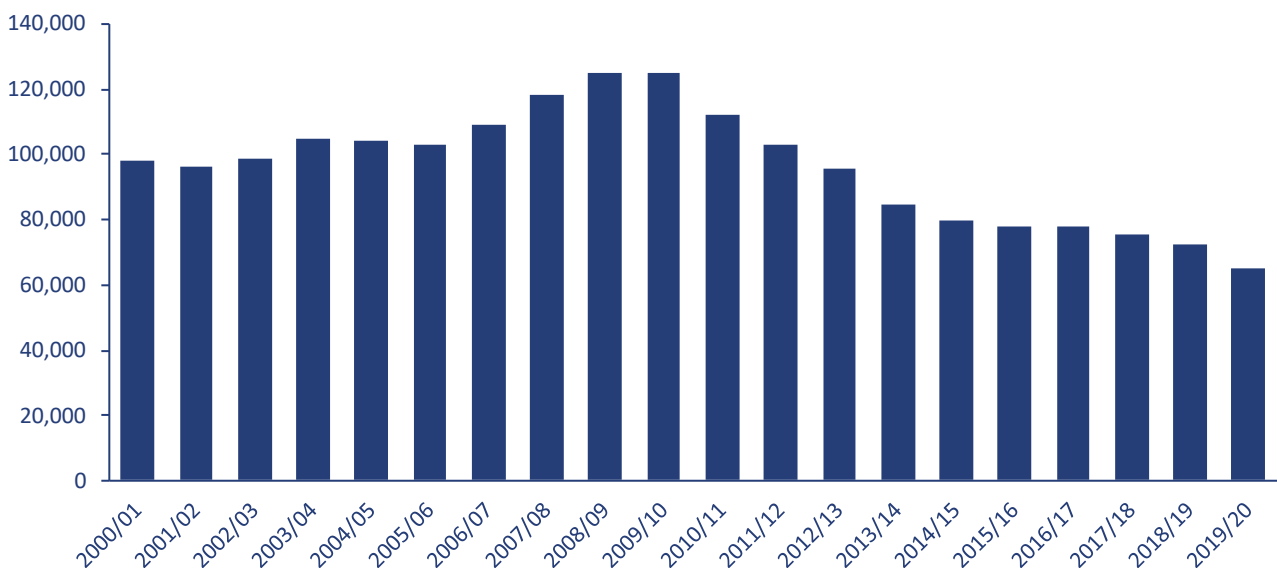
In 2019/2020, 65,213 adults were charged with at least one offence (Figure 1)<sup>4</sup>. This is 7,352 (10%) fewer than in 2018/2019.

COVID-19 impacted the scheduling of court hearings and so contributed to the smaller number of finalised charges and people with finalised charges in 2019/2020. However, these trends of decrease have existed since 2009/2010. The number of adults charged has almost halved since the peak in 2009/2010.

From 1 July 2019 onwards, 17-year olds charged with an offence are included in the youth jurisdiction and so are not included as adults for the years 2019/2020 onwards. This change is too small to account for the drop in adults charged. Further, there are still a number of 17-year olds with finalised charges in the adult data in 2019/2020 as their charges were filed prior to 1 July 2019. In 2018/2019, prior to the change, there were about 5,000 charges finalised for about 2,000 17-year olds.

The decrease in the rate per 10,000 adults has followed the same pattern. In 2019/2020, 170 adults (aged 18 years or more) were charged for every 10,000 New Zealand adults compared to 191 adults (aged 17 years or more) in 2018/2019.

Figure 1: The number of adults charged continued to fall in 2019/2020, down 10% from 2018/2019



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## Offences against justice and traffic offences are the most common convicted charges

In 2019/2020, most charges were convicted (75%; 147,287 charges). The most common offence types<sup>5</sup> for convicted charges were:

- offences against justice, such as breaching a community sentence (23%; 33,587)
- traffic offences (21%; 31,610)
- theft (12%; 17,980)
- assault (10%; 14,105)
- drug offences (7%; 9,650).

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## Most adults charged receive a conviction

People may be convicted of multiple charges per year as they can appear in court and be convicted more than once (for repeat offending) or be convicted of multiple offences (each of which is a separate charge) at the same time. The following figures count adults once per year for their most serious convicted charge in that year.<sup>6</sup>

In 2019/2020, 52,401 adults (80% of all adults charged) were convicted of at least one offence. A further 7% had an 'other proved' outcome (discharge without conviction or diversion), 12% had a 'not proved' outcome (including being found not guilty, and withdrawal or dismissal of the charge) and less than 1% had an 'other' outcome (they were found unfit to stand trial or not guilty by reason of insanity) as their most serious outcome.

Similar to the decrease in adults charged, the number of adults convicted was 11% lower than in 2018/2019 (when 58,919 adults were convicted). The

percentage who were convicted also decreased slightly (from 81% in 2018/2019 to 80% in 2019/2020). Meanwhile, the percentage of adults whose most serious outcome was 'not proved' has continued to increase. Five years ago (in 2015/2016) it was 8%, whereas in 2019/2020 it was 12%. This decrease in conviction rate is mostly due to an increased rate of withdrawal.

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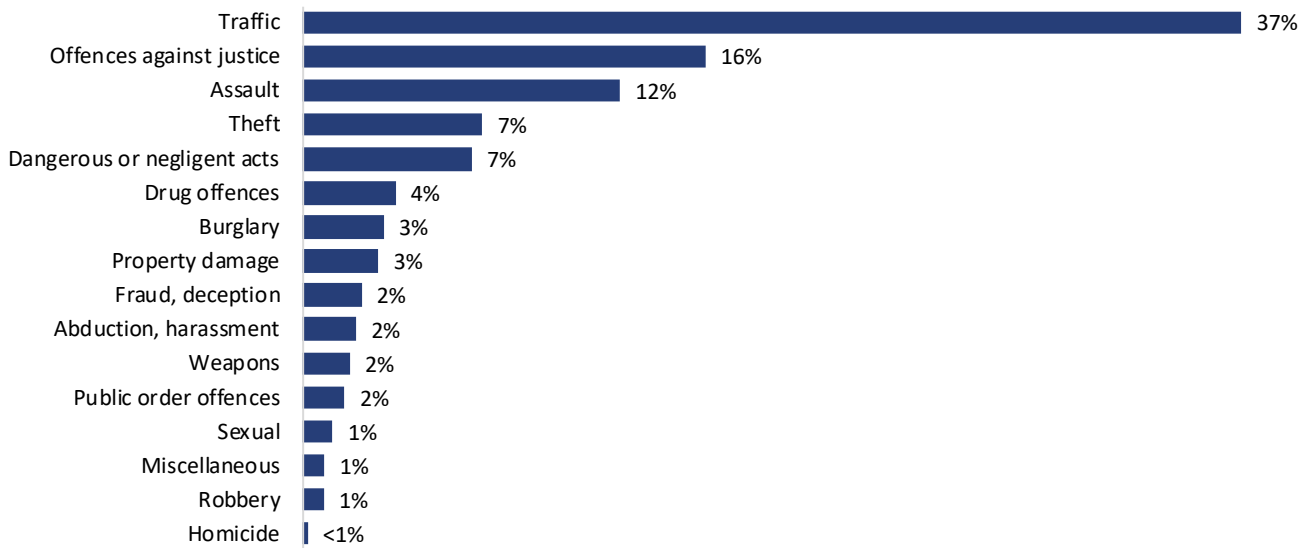
## More than a third of adults had a traffic conviction as their most serious conviction

When we count offence types for convicted adults, we only count their most serious conviction each year. This means the order of most common offence types can be different to the order for *convicted charges* as not all convicted charges are counted. For example, while drug convictions (e.g. for possession offences) are common, they are often not an adult's most serious conviction in the year (they are likely to also have other more serious convicted offences).

In 2019/2020, the most common offence types for convicted adults (a person is counted once per year for their most serious conviction each year) were (Figure 2):

- traffic offences (37%)
- offences against justice, such as breaching a community sentence (16%)
- assault (12%)
- theft (7%)
- dangerous or negligent acts (mostly dangerous driving) (7%).

**Figure 2: More than a third of adults had a traffic conviction as their most serious conviction**



**Proportion of convicted adults who are Māori has risen over the past 10 years**

In 2019/2020, 44% of convicted adults were Māori and 37% were European. A smaller proportion were Pacific Peoples (10%), Asian (3%), or other ethnicities (2%) and 9% were unknown.<sup>7</sup>

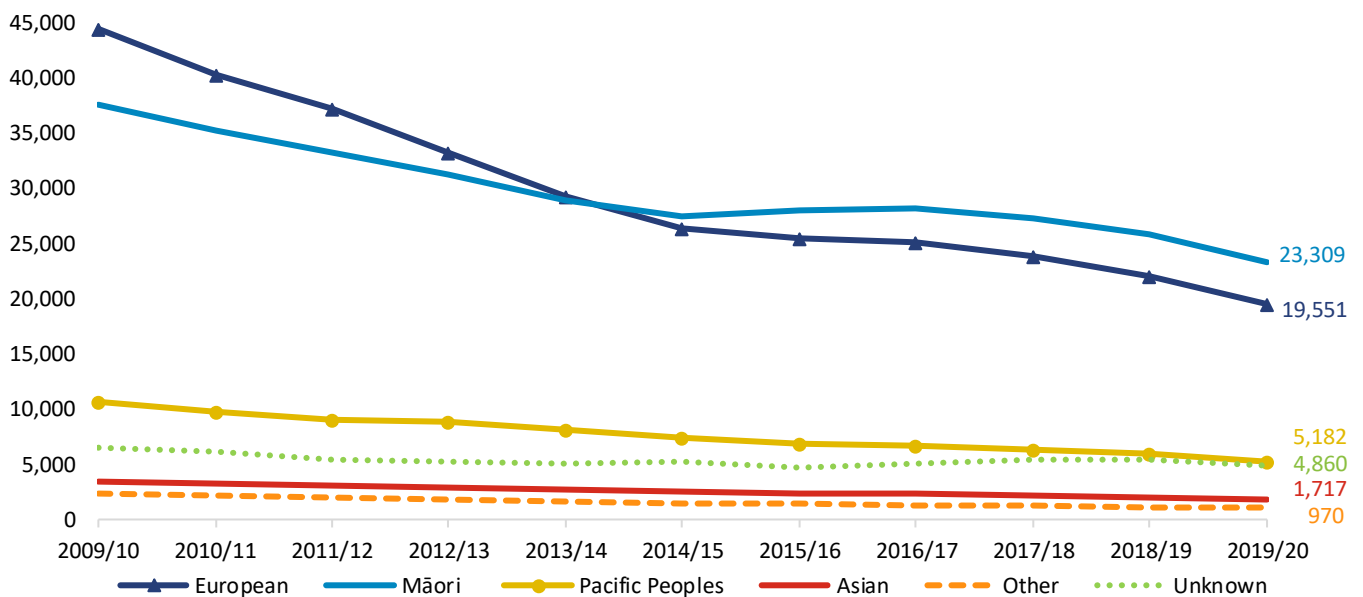
Over the last 10 years, the number of convicted adults has fallen across all ethnicities (except for those whose ethnicity is unknown which has increased over the last 5 years) (Figure 3).

Although the number of Māori adults has fallen, the number of European adults has fallen at a faster rate. Ten years ago (2010/2011), Māori comprised 39% of adults convicted whilst European adults comprised 44%.

**Most convicted adults are male**

More than three-quarters (79%) of adults convicted in 2019/2020 were male and 21% were female. The proportion of males to females with a convicted charge has changed little over the past 40 years.

**Figure 3: The number of convicted adults fell across all known ethnicities in 2019/2020**



## Almost half of convicted adults were less than 30 years old

In 2019/2020, a quarter (25%) of convicted adults were aged under 25 years when the offence occurred and almost half (45%) were aged under 30 years.

The proportion of convicted adults who were under 25 years old when the offence occurred has been steadily decreasing since 2009/2010 (when it was 43%). This is mostly driven by a decrease in the proportion of 17-19-year olds (e.g. through initiatives like Policing Excellence, where alternative resolutions such as warnings are used for low-level offending). This decrease is expected to continue, since 17-year olds became part of the youth justice system in July 2019 and will not be counted as adults.

## Community and monetary sentences were the most common sentence types

A person may receive more than one sentence when convicted of a charge.<sup>8</sup> This data counts the most serious sentence received by each adult in a year.

In 2019/2020, the most serious sentences received by convicted adults were (in order of seriousness):

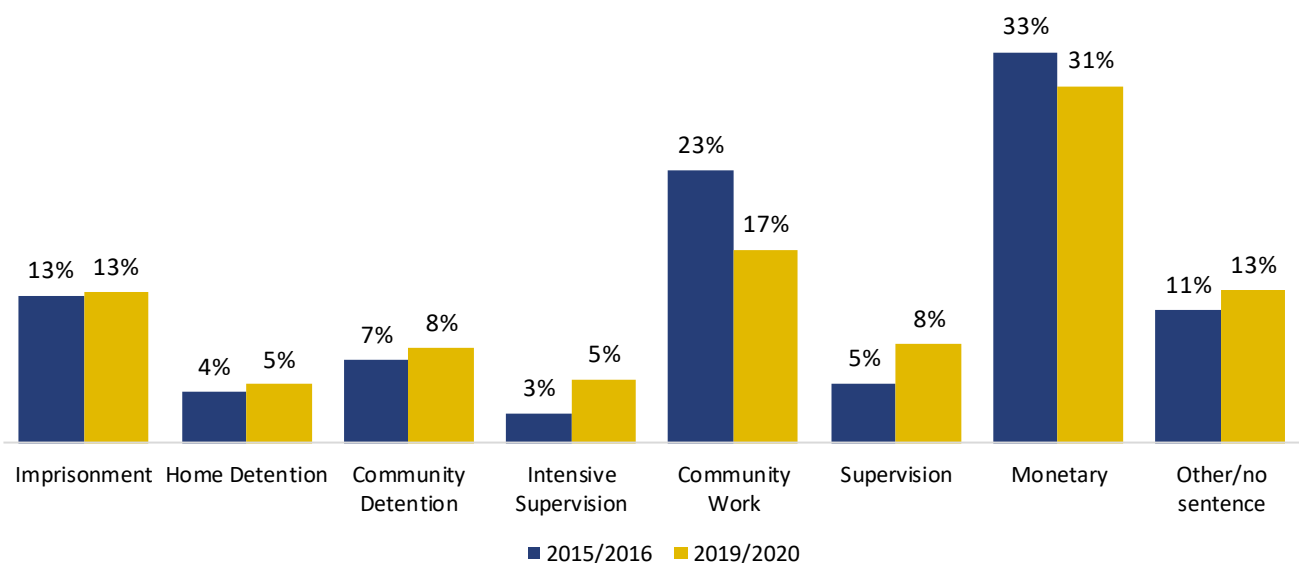
- imprisonment (13%)
- community sentence (including home detention, community detention, intensive supervision, community work or supervision) (44%)
- monetary penalties (31%)
- other sentence types (6%)
- no sentence recorded (where a person has been 'convicted and discharged' or ordered to pay court costs) (7%).

The proportion of adults receiving a prison sentence in 2019/2020 (13%) is similar to 2015/2016 (13%) (Figure 4). However, between these years, the number of adults receiving a prison sentence increased (from 8,179 in 2015/2016 to 8,686 in 2016/2017), before decreasing over the last three years to 6,756 adults in 2019/2020.

Over the last 5 years, the percentage of convicted adults receiving the more serious community sentences (home detention, community detention and intensive supervision) as their most serious sentence has increased (from 14% to 19%).

Over the same period, the proportion with community work as their most serious sentence decreased (from 23% to 17%), along with monetary penalties (from 33% to 31%).

**Figure 4: Over the last 5 years the percentage of convicted adults receiving the more serious community sentences increased, while community work and monetary penalties decreased**



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<sup>1</sup> <http://nzdotstat.stats.govt.nz> under 'Justice'. More detailed information on specific offences and charge outcome types are available in the data tables published on the Ministry's website <https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/>

<sup>2</sup> From 1 July 2019, 17-year olds became part of the youth justice system under the Oranga Tamariki Act 1989. Charges for 17-year olds, filed from 1 July 2019 onwards, are treated and counted as 'child and young person' charges, and are not included in the adult statistics; they are included in the 'child and young person' statistics. Charges filed prior to this date are 'adult' charges and are therefore included in these statistics. Note that there are a small number of 17-year olds with finalised charges included in the adult data in 2019/2020 as their charges were filed prior to 1 July 2019.

<sup>3</sup> Stats NZ publishes separate tables for children and young people (aged 10 - 16 years; and from 1 July 2019 up to 17 years).

<sup>4</sup> People may have multiple charges in court each year as they may be brought to court more than once in the year for repeat offending or be charged with multiple offences at one time. When counting the number of adults per year, each adult is counted once for each year where they were charged with at least one offence, regardless of the number of charges against them in that year.

<sup>5</sup> The Australian and New Zealand Standard Offence Classification (ANZSOC) is used to categorise offences

into 16 divisions (which are further categorised into subdivisions and groups). More information can be obtained from: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/1234.0>.

<sup>6</sup> A range of information is used to determine which charge is a person's most serious in a year. This includes information such as charge outcome, sentence type, sentence length/amount, remands in custody and bail and maximum offence penalties.

<sup>7</sup> 'Multiple ethnicity' information is used for these statistics. This means for each ethnicity a person is counted once per year (e.g. they may be counted in both European and Māori).

<sup>8</sup> Sentences include (in order of seriousness): imprisonment (life imprisonment, preventive detention and imprisonment), community sentences (home detention, community detention, intensive supervision, community work and supervision), monetary, other (including deferment, and orders related to driving (e.g. disqualification from driving, alcohol interlock order, zero alcohol order, attend driving course), orders related to forfeiture and confiscation (e.g. order for forfeiture and order for confiscation of motor vehicle, prohibition of interest in motor vehicle, destruction of animal), Final Protection Order (Sentencing Act), Child Protection Register, and order to be committed to a facility on conviction) and no sentence recorded (where a person is convicted and discharged and where a person is ordered to pay court costs).