

Trends for people with finalised charges in court

These statistics summarise information published by the Ministry of Justice for finalised charges and people with finalised charges in court for the year ending June 2023 (2022/2023)¹. A finalised charge is a charge which has reached a conclusion in court. There are multiple ways this could be achieved such as the charge is convicted and sentenced or withdrawn. Charges that are still active in court are not included. Unless otherwise specified, this summary compares 2022/2023 with the previous year (2021/2022) and five years ago (2017/2018).

Key trends:

The number of people with finalised charges and convicted charges increased over the last year but remains lower than five years ago:

- **Traffic offences are most commonly a person's most serious conviction**
- **The number of people with finalised charges for serious, violent, and family violence offences increased in the last year, but the increase was smaller than for overall offences**
- **The proportion of people sentenced to prison was the same as last year, but lower than 2017/2018, while there has been greater use of community sentences (except community work) since 2017/2018.**

The number of children and young people with finalised charges increased over the last year but also remains lower than five years ago:

- **Most children and young people had their charges finalised in the Youth Court**
- **Nearly a quarter of all the children and young people given orders received adult sentences**
- **Around a quarter of children and young people with orders had robbery as their most serious offence.**

The number of people with finalised charges and convicted charges has increased over the last year, but is lower than 2017/2018

People are counted once per year for their most serious charge finalised in the year, and only the details of that charge are shown in this data.²

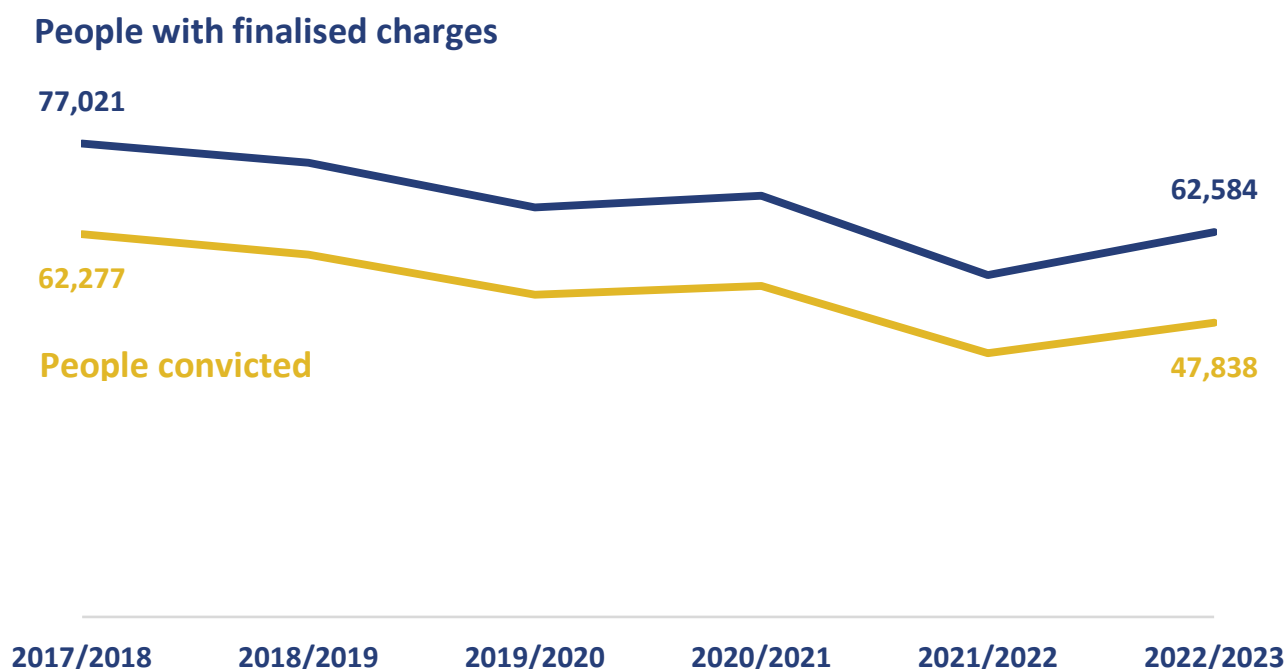
There were 62,584 people with finalised charges. This was a 13% increase from 55,612 people in 2021/2022, but a 19% decrease from 77,021 people in 2017/2018 (Figure 1). Despite the recent increase, the number of people with finalised charges is still fewer than pre-COVID.

There were 47,838 people convicted. This was an 11% increase from 42,931 people in 2021/2022, but a 23% decrease from 62,277 people in 2017/2018. The number of people convicted is also lower than pre-COVID.

The proportion of people with finalised charges that were convicted (76%) was similar compared to 2021/2022 (77%).

There were 26,518 Māori with a finalised charge for an offence (11% more than in 2021/2022, 18% fewer than in 2017/2018). There were 21,093 Māori convicted of at least one offence (10% more than in 2021/2022, 23% fewer than in 2017/2018). The recent increases are lower than for the general population.

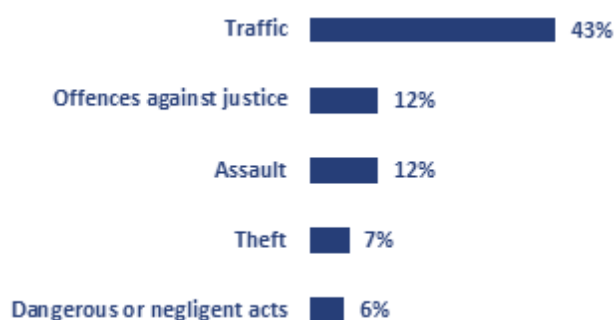
Figure 1: Despite an increase from 2021/2022, the number of people with finalised charges and convicted charges is lower than 2017/2018



A person's most serious convicted offence was most commonly for a traffic offence

43% of convicted people had traffic offences as their most serious convicted offence (Figure 2). Other offence types³ that were frequently the most serious conviction included offences against justice (12%), assault (12%), theft (7%), and dangerous or negligent acts (6%).

Figure 2: Traffic offences are often a person's most serious conviction



The number of people with serious, violent, and family violence offences increased less over the last year

Some key offence types followed the overall trend seen over the last 5 years, however they have changed less, including:

- **Serious offences**⁴ - 14,277 people had finalised charges (10% more than in 2021/2022, 8% fewer than in 2017/2018). The majority (61%) of those people were convicted.
- **Violent offences**⁵ - 15,296 people had finalised charges (10% more than in 2021/2022, 15% fewer than in 2017/2018). The majority (62%) of those people were convicted.
- **Family violence offences** - 11,746 people had finalised charges (8% more than in 2021/2022, 16% fewer than in 2017/2018). The majority (68%) of people were convicted. Family violence offences make up a large share of all violent offences.⁶

The proportion of people sentenced to prison was the same as last year, but lower than 2017/2018

A person may receive more than one sentence⁷ when convicted of a charge. This data counts the most serious sentence received by each person in a year.

The number of people who received prison sentences has increased from 4,900 in 2021/2022 to 5,277 in 2022/2023. This was due to an increase in the number of people convicted, not an increase in the proportion of convicted people sentenced to imprisonment.

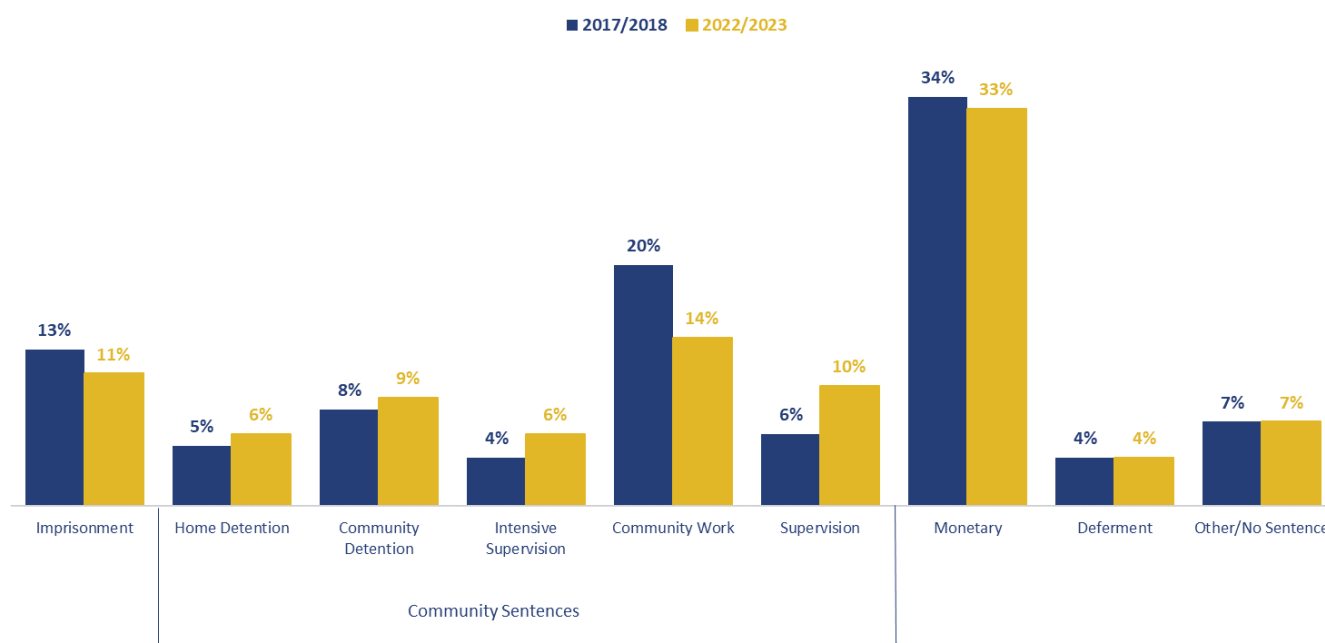
Of those convicted, 11% received a prison sentence, the same as in 2021/2022. Although the proportion has decreased gradually from 13% in 2017/2018.

There were 21,293 people sentenced to community sentences (as their most serious sentence). The proportion of convicted people (45%) was similar in 2021/2022 (44%) and higher than 42% in 2017/2018. While the proportion of convicted people sentenced to each community sentence type was similar in 2021/2022, all were higher than 2017/2018, except for community work which decreased from 20% to 14% (Figure 3).

People convicted of some offence types are more likely to receive the most serious sentences. For example:

- **Serious offences** - 34% of convicted people received a prison sentence, similar to 35% in 2021/2022 and lower than 40% in 2017/2018. Another 20% received home detention as their most serious sentence, increasing from 19% in 2021/2022 and 15% in 2017/2018.
- **Violent offences** - 27% of convicted people received a prison sentence, similar to 28% in 2021/2022 and lower than 30% in 2017/2018. Another 13% received home detention as their most serious sentence, increasing from 12% in 2021/2022 and 9% in 2017/2018.
- **Family violence offences** - 24% of convicted people received a prison sentence, the same as in 2021/2022 and slightly lower than 26% in 2017/2018. Another 10% received home detention as their most serious sentence, increasing from 8% in 2021/2022 and 7% in 2017/2018.

Figure 3: Since 2017/2018, there has been greater use of community sentences (except community work)



Most offending by children and young people is managed outside the court system, only the most serious offending goes to court

Children and young people⁸ in the justice system are most often managed by Police in the community. This could be through a Police warning or being referred to Police Youth Aid. A family group conference happens in more serious circumstances where the offending can't be managed in the community. Children and young people only appear in court for serious offending, usually in the Youth Court or otherwise in the District or High Court.

The number of children and young people with finalised charges increased over the last year

There were 1,545 children and young people (aged 10 - 17) who had finalised charges in any court (including the Youth, District and High Court; 15% more than in 2021/2022) (Figure 4). But this was 13%

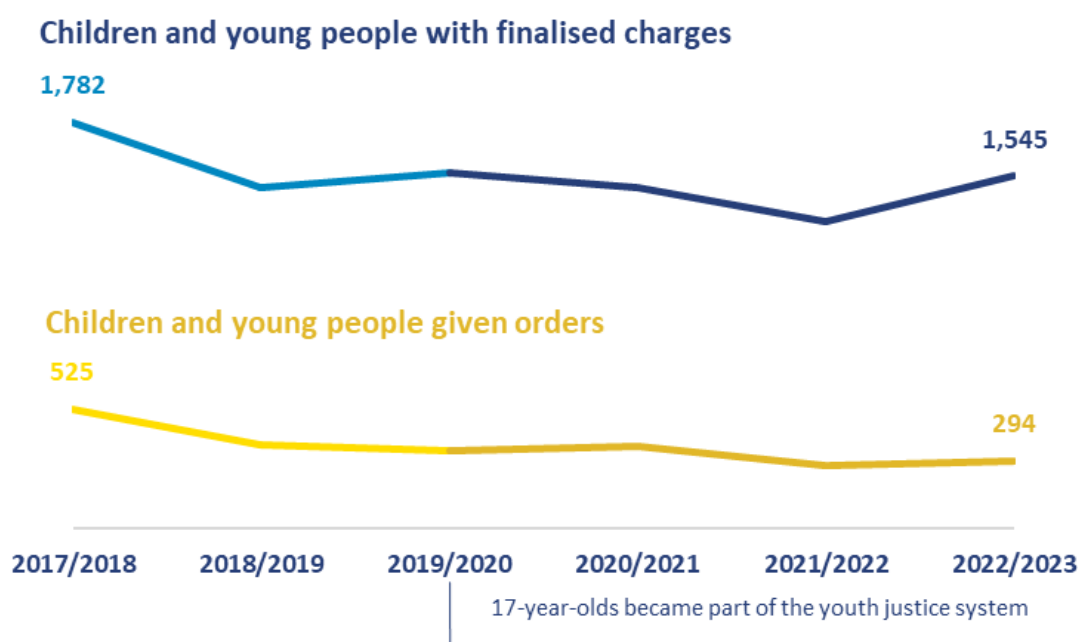
fewer than the 1,782 children and young people (aged 10 - 16) in 2017/2018 (prior to the July 2019 changes to the youth jurisdiction which increased the age to 17 years).⁹

Children and young people usually receive different charge outcomes to adults.¹⁰ The majority had their most serious charge proved and received either an absolute discharge under section 282 (52%) or an order under section 283 (14%). Another 27% had their charge dismissed, discharged, or withdrawn, and 5% were convicted in an adult court. Most of the children and young people who were convicted were 17-year-olds.

In total, there were 294 children and young people who received orders¹¹ (5% more than in 2021/2022) (Figure 4). However, this number is still lower than in 2017/2018 (525 children and young people).

There were 981 tamariki and rangatahi Māori who had finalised charges in court (15% more than in 2021/2022, 17% fewer than in 2017/2018). 222 of them received orders (14% more than in 2021/2022, 41% fewer than in 2017/2018).

Figure 4: The number of children and young people with finalised charges and given orders is higher than last year but remains lower than five years ago (despite changes to the youth jurisdiction)



Most children and young people had their charges finalised in the Youth Court

There were 1,464 children and young people with finalised charges in the Youth Court (17% more than in 2021/2022). This was also 13% fewer than the 1,680 children and young people (aged 10 - 16) in 2017/2018 (despite the inclusion in July 2019 of non-imprisonable traffic offences previously heard in the District Court, and some 17-year-olds).

Nearly a quarter of all the children and young people given orders received adult sentences

The types of orders and sentences the 294 children and young people received were (in order of seriousness, counting the most serious order for each person):

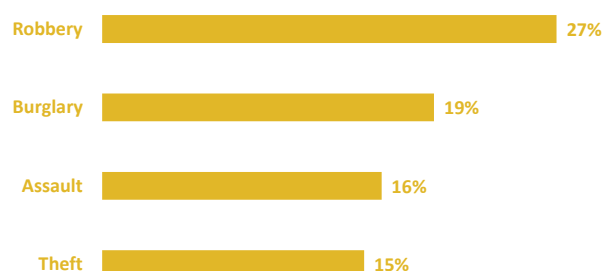
- adult sentences, mostly imprisonment or home detention for very serious offending (23% of children and young people given orders)
- supervision with residence in a youth justice facility (15%)
- supervision with activity (6%)
- supervision or community work (17%)
- education or rehabilitation programmes (such as alcohol treatment or parenting programmes) (<1%)
- monetary penalty, confiscation, or disqualification (15%)
- discharge or admonishment (22%).

The majority of the children and young people who received adult sentences were 17-year-olds.

Around a quarter of children and young people with orders had robbery as their most serious offence

27% of children and young people with orders had robbery as their most serious offence (Figure 5). Other offence types that were frequently the most serious included burglary (19%), assault (16%), and theft (15%). These offence types remained the same as the previous year.

Figure 5: The majority of children and young people with orders have robbery, burglary, assault or theft as their most serious offence



¹ The Ministry of Justice also provides data to Stats NZ about charges finalised in court for children and young people, and for adults, for official release on the Stats NZ website.

² For example, if a charge is convicted it is more serious than one that is withdrawn, and a convicted charge with a prison sentence is more serious than one with only a monetary penalty.

This also means that when the factors determining which finalised charge is a person's most serious are considered, the type of offences that are the most common may differ for finalised charges and people. For example, while drug convictions (eg possession offences) are common, they are often not a person's most serious conviction in the year (as they are likely to also have other more serious convicted offences).

³ 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>.

⁴ Serious offences - offences with a maximum sentence length of 7 years or more imprisonment. This includes offences such as murder, aggravated robbery, sexual violation and supplying methamphetamine.

⁵ Violent offences - offences within specific ANZSOC categories: 011: Murder, 012: Attempted murder, 0131: Manslaughter (does not include ANZSOC group 0132: Driving causing death), 02: Acts intended to cause injury, 03: Sexual assault and related offences, 051: Abduction and kidnapping, 052: Deprivation of liberty/false imprisonment, 061: Robbery.

⁶ Family violence offence – offences where the finalised charge is flagged as family violence in the Ministry of Justice Case Management System or involving specific offence types, such as assault on a family member (section 194A Crimes Act 1961). Not all family violence offences are “violent” offences; the behaviour can be associated with many offence types including non-“violent” offences such as breach of protection order, wilful damage, and harassment.

⁷ 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 (eg disqualification from driving, alcohol interlock order, zero alcohol order, attend driving course), orders related to forfeiture and confiscation (eg 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).

⁸ From 1 July 2019, 17-year-olds became part of the youth justice system. Charges for 17-year-olds, filed from 1 July onwards, are treated and counted as ‘child and young person’ charges in these statistics.

⁹ Data for children and young people is randomly rounded up or down to one of the adjoining multiples of 3, as the Youth Court is closed to the public, so any details that may identify an individual child or young person cannot be reported.

¹⁰ The Oranga Tamariki Act 1989 details these outcomes:

- an absolute discharge under section 282 of the Act can be ordered when a child/young person admits their offending and successfully completes the plan agreed in their Family Group Conference. The absolute discharge means it is as if the charge against the child or young person was never filed.

- an order under section 283 of the Act may occur when a child/young person commits more serious offences, or they don't stick to their Family Group Conference plan. This is used when a child/young person admits their offending, or the judge determines that the charges are proven and are serious enough to warrant an order under section 283 of the Oranga Tamariki Act 1989.

Children and young people can also be convicted in the District or High Court for serious offending.

¹¹ This includes finalised charges with the outcome types ‘Youth Court proved (order under section 283)’ and ‘Convicted and sentenced in adult court’.