

Justice Statistics data tables

Notes and trends for 2021

The Justice Statistics data tables contain details on people going through the courts or accessing justice services (including children, young people, and adults) from 2012 to 2021. The tables are published on the Ministry website every six months.¹

The tables include information on finalised charges and people charged (with some information from 1980 onwards), children and young people, specific offence types (such as drug and family violence offences), specific justice processes (such as bail and offending on bail, and discharge without conviction), aspects of the Family Court (such as protection order applications), and specific justice services (such as legal aid).²

COVID-19 affected several areas of the justice system, impacting trends in the data for 2020 and 2021. The reader should bear this in mind when drawing conclusions using the 2020 and 2021 statistics.

All charges and convicted charges

In 2021, there were 178,160 charges finalised in court (for children, young people and adults). This was a 15% decrease from 2020 and a 36% decrease from 2012 (Figure 1).

In 2021, 70% of charges were convicted; the remaining charges had outcomes that were:

- other proved – Youth Court outcomes, discharge without conviction, adult diversion (7%)
- not proved – the person was found not guilty or the charge was dismissed or withdrawn (23%)
- other – found unfit to stand trial or not guilty by reason of insanity (1%).

Figure 1: The number of charges and people charged has decreased since 2012

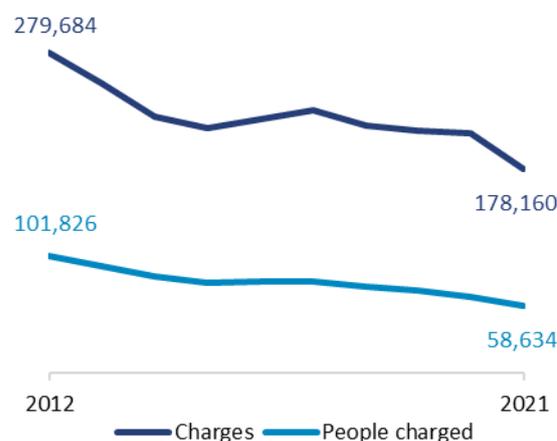
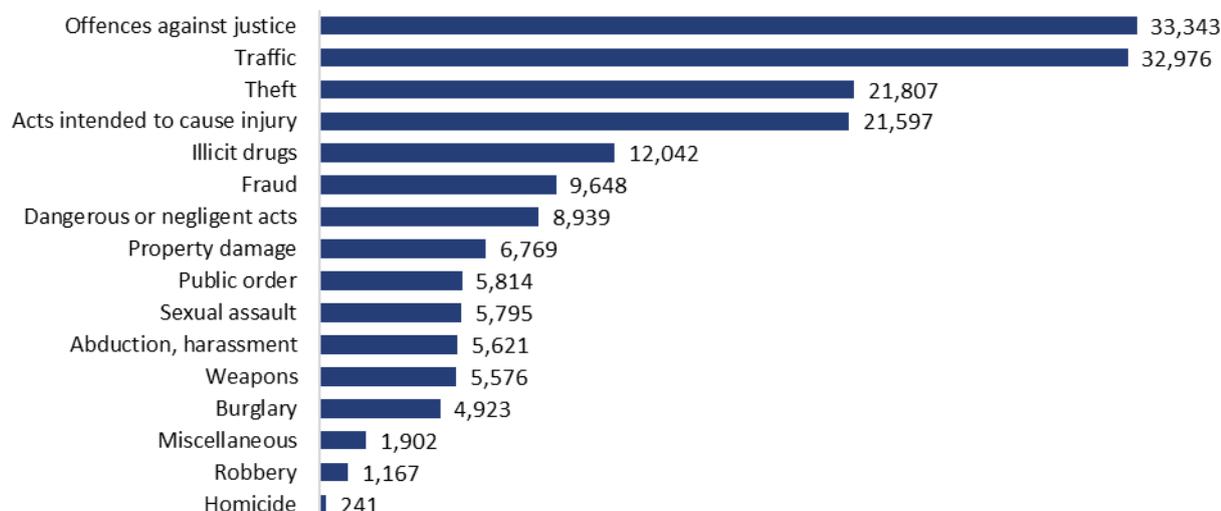


Figure 2: Charges for offences against justice and traffic offences were the most common in 2021



People charged and convicted of offences

In 2021, 58,634 people had charges finalised in court. This was an 11% decrease from 2020 (when there were 66,112 people).

For these people in 2021, outcomes for their most serious charges were convicted (78%), other proved (8%), not proved (13%) and other outcomes (less than 1%).

For 5,057 people (11%) convicted in 2021, imprisonment was their most serious sentence. The number of people each year who receive a prison sentence as their most serious sentence has been decreasing since 2017, however the percentage has remained similar due to the decreasing number of people convicted each year.

Community sentences were the most serious sentence for 20,987 people (46%) including home detention, community detention, intensive supervision, community work or supervision.

In 2021, 79% of people convicted were male. Almost half (42%) were aged under 30 years. Additionally, 45% were Māori, 38% were European, 9% were Pacific Peoples, 3% were Asian and 9% had unknown ethnicity.³

Children and young people with charges finalised in any court

The youth justice system includes children and young people aged 10-16 years. From July 2019, 17-year olds also became part of the youth justice system. When 17-year olds are charged with an offence they will first appear in the Youth Court. If the offence is one of the serious offences specified in Schedule 1A Oranga Tamariki Act 1989 they will automatically be transferred to the District or High Court.

In 2021, there were 7,515 charges for children and young people finalised in any court.⁴ This included 5,532 charges for children and young people aged 10-16 years and 1,983 charges for young people aged 17 years. Of the charges for 17-year olds, 72

were for Schedule 1A offences (the majority of which were robbery offences).

The number of charges for children and young people (aged 10-16 years) finalised in any court have more than halved since 2012, decreasing from 12,309 charges in 2012 to 5,532 charges in 2021. In this past year, the number of charges for children and young people aged 10-16 years in court fell by 10%.

Overall, the most common charges for children and young people in 2021 were theft (35%), assault (12%), and burglary (10%).

There were 1,338 children and young people with charges finalised in any court in 2021; of these, 306 received an order or sentence. The most common orders received (as the child or young person's most serious order) were discharge or admonishment (22%), and monetary, confiscation, or disqualification (19%). A further 17% of children and young people received an adult sentence as their most serious sentence.

Children and young people with charges finalised in the Youth Court

In 2021, in total, there were 7,242 charges finalised in the Youth Court.⁴ This included 5,466 charges for children and young people (aged 10-16 years) and 1,773 charges for young people aged 17 years.

Despite the inclusion of 17-year-olds since 1 July 2019 there has been a 38% decrease in the number of charges finalised for children and young people in the Youth Court since 2012.

In this past year, the number of charges for children and young people (aged 10-16 years) finalised in the Youth Court fell by 10% compared to 2020, when there were 6,045 charges.

In 2021, 47% of all charges for children and young people finalised in the Youth Court (3,390 charges) were proved and received a section 282 absolute discharge.

Homicide offences

In 2021, 191 people were charged with a homicide offence (including murder, attempted murder, manslaughter and driving causing death). Driving causing death was the most serious homicide offence for one-third of these people (36%).

In 2021, all 32 people convicted of murder were sentenced to prison. Of the 9 people convicted of attempted murder, 8 were sentenced to prison and one received a home detention sentence. Most of the 43 people convicted of manslaughter were also sentenced to prison (86%).

People convicted of driving causing death offences are less likely to receive a prison sentence than people convicted of other homicide offences. In 2021, 6 (12%) of the 50 people convicted of driving causing death received a prison sentence and 38 (76%) received a community sentence as their most serious sentence (home detention, community detention, intensive supervision, community work or supervision).

Sexual offences

In 2021, there were 5,795 charges for sexual offences. Of these charges, 46% were convicted and 47% were not proved (the person was found not guilty or the charge was withdrawn or dismissed). The remaining had an 'other proved' outcome or an 'other' outcome.

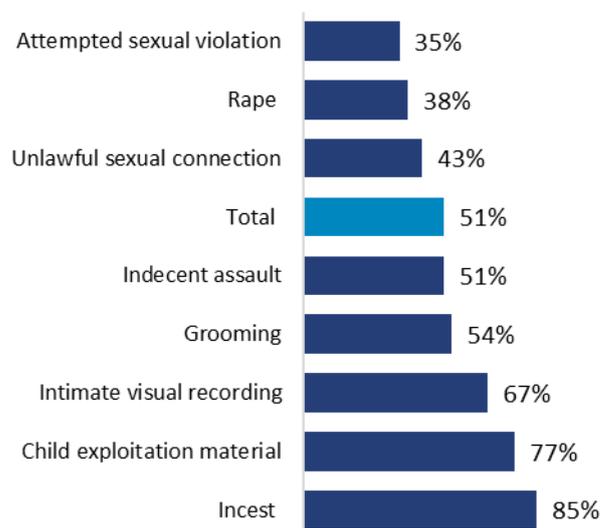
Half (50%) of all sexual offence charges were for indecent assault. Other offence types included unlawful sexual connection (22%), objectionable publication offences (13%) and rape (12%).

There were 1,449 people charged with at least one sexual offence in 2021. Around half (54%) of these were charged with an offence against a child, 43% were charged with offences against adult women, and 4% with offences against adult men.⁵

Overall, half (51%) of people charged with sexual offences were convicted for their most serious offence, however this percentage varies by victim type and offence type (Figure 3). In 2021, 38% of

people charged with rape were convicted (128 people). While the proportion remains low, this was the highest proportion convicted since 2018.

Figure 3: Half of people charged with sexual offences were convicted for their most serious offence



In 2021, 56% of all people convicted of a sexual offence had imprisonment as their most serious sentence. Almost all people convicted of rape received a prison sentence (91%), while just over half (55%) of people convicted of indecent assault did.

Family violence offences

All offences flagged as family violence in the Ministry's Case Management System or involving a range of offence types specific to familial circumstances, are counted.⁶ This is the most comprehensive family violence offences data published by the Ministry as it includes all charges flagged as family violence, regardless of the offence type (for example, charges for wilful damage and homicide that are flagged as family violence are included).

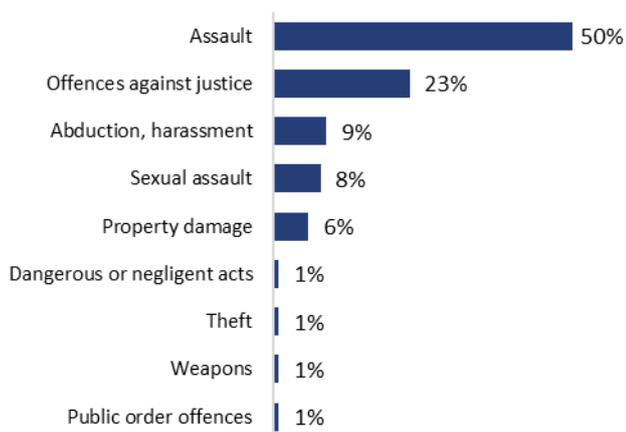
In 2021, of all charges finalised in court, 21,517 charges (12%) were for family violence offences. The number of family violence charges decreased by 32% compared to 2020. The proportion of all charges that were for family violence offences increased from 13%

in 2018 to 15% in 2020 and has decreased now to 12% in 2021.

Of the 21,517 finalised charges for family violence offences in 2021, the most frequent offence types were (Figure 4):

- assault (acts intended to cause injury) (10,713 charges; 50%)
- offences against justice (e.g. mostly for breaching a protection order) (4,878 charges; 23%)
- abduction and harassment offences (e.g. mostly for threatening behaviour) (1,837 charges; 9%)
- sexual assault (1,681 charges; 8%)
- property damage (1,277 charges; 6%).

Figure 4: Half of all family violence charges in 2021 were for assault



In 2021, 52% of family violence charges were convicted, but 38% had a not proved outcome (the person was found not guilty or the charge was dismissed or withdrawn). The remaining had an 'other proved' outcome or an 'other' outcome.

There were 9,962 people charged with at least one family violence offence in 2021. Most people charged were male (88%) and 38% were aged under 30 years.

Offences related to family violence

Breach of protection order – there were 4,738 charges and 2,759 people charged in 2021. In 2021, 2,752 charges (58%) were for 'contravening a protection order – family violence'. The next most frequent offence was for 'contravening a protection

order – unauthorised contact' (1,656 charges; 35%). Most charges for breaching a protection order were convicted (72%).

Assault on a family member - there were 5,592 charges finalised in 2021, and 4,354 people charged. Around two-thirds of people (66%) were convicted and 22% had a not proved outcome.

Strangulation/suffocation - in 2021 there were 1,205 charges finalised. Of these, 46% were convicted and 50% had a not proved outcome.

Common assault (domestic) and male assaults female – the number of charges for both these offences decreased substantially in 2021 compared to 2019 (by 60% for common assault (domestic) and by 70% for male assaults female). This is related to the introduction of the new 'assault on a family member' offence in December 2018.

Driving under the influence offences

In 2021, 14,807 people were charged with driving under the influence offences (driving under the influence of alcohol and/or drugs or driving causing death' (when under the influence of alcohol or drugs), 'driving under the influence of alcohol or other substance' and 'exceed the prescribed content of alcohol or other substance limit). Of these, 13,947 people (94%) were convicted.

The number of people convicted of driving under the influence increased by 3% in the last year (from 14,385 people) but has almost halved since 2012 (25,722 people).

In 2021, people convicted of driving under the influence were most likely to receive a monetary penalty (58%) as their most serious sentence.⁷

In 2021, of the 13,947 people convicted of driving under the influence, 51% had no previous convictions for driving under the influence; 22% had been convicted of driving under the influence on one previous date and 12% had been convicted twice previously.

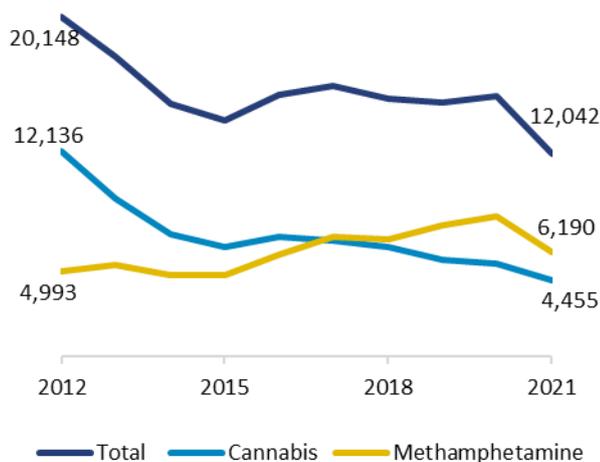
The number of people who received an alcohol interlock order has increased substantially over the past three years, following a change in legislation in

2018. In 2021, 3,886 people received an order for an alcohol interlock device.

Drug offences

In 2021, there was a 22% decrease in the number of charges for drug offences (from 15,432 charges in 2020 to 12,042 in 2021). Since 2012, the number of charges has fallen by 40% (Figure 5).

Figure 5: Since 2017, methamphetamine makes up the most charges for drug offences



This long-term trend is mostly due to a decrease in cannabis charges, which have more than halved since 2012. However, over the same period the number of methamphetamine charges has increased, overtaking the number of cannabis offences for the first time in 2017.

In 2021, half of all drug charges were for methamphetamine offences (51%; 6,190 charges) and 37% were for cannabis offences (4,455 charges).

Cannabis offences

In 2021, there were 4,455 charges for cannabis offences (19% decrease from 2020) (Figure 5).

Nearly half (47%) of these charges were for possession and/or use (including utensils) offences, 34% were for dealing or trafficking and 19% were for cultivation.

In 2021, there were 2,578 people charged with a cannabis offence, with 72% convicted of their most serious cannabis offence.

More than half (60%) of people convicted of cannabis offences in 2021 received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence; 16% received a prison sentence.

However, in only a small number of instances (24 instances; 8% of instances where people were sentenced to imprisonment for cannabis offences) in 2021 were people sentenced to imprisonment for cannabis offences only (they weren't sentenced to prison for any other offence types on the same day).⁸

For 50% of people convicted of cannabis offences, their most serious conviction was for possession and/or use (including utensils) offences. But, in most instances, where people were convicted of cannabis possession and/or use (including utensils) offences they were also convicted of other offences at the same time (87% in 2021; 982 instances). For only 13% of instances, people were convicted for cannabis possession and/or use (including utensils) offences only.

Methamphetamine offences

In 2021, there were 6,190 charges for methamphetamine offences. This decreased by 25% compared to 2020.

In 2021, more than half (55%) of all methamphetamine charges were for dealing or trafficking offences and 43% were for possession and/or use (including utensils) offences.

There were 2,439 people charged with methamphetamine offences in 2021. Most people (73%) were convicted for their most serious methamphetamine offence.

In 2021, over half (54%) the people convicted of methamphetamine offences received a community sentence (home detention, community detention, intensive supervision, community work or

supervision) as their most serious sentence, while 29% received a prison sentence.

Psychoactive substances offences

In 2021, 43 people had charges for psychoactive substances offences. Of these people, 72% were convicted, while 28% had a not proved outcome (the person was found not guilty, or their charge was withdrawn or dismissed).

Of the people charged with psychoactive substances offences, 58% were charged with sale or supply as their most serious offence.

Harmful Digital Communications Act offences

In 2021, 105 people were charged with Harmful Digital Communications Act offences; 62% were convicted.

Most people convicted were male (85%). Most people received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence (72%) and 23% received a prison sentence.

Violent offences

In 2021, there were 28,948 charges for violent offences.⁹ While the number of violent offences has dropped since 2012, the proportion of all charges that were for violent offences has increased from 13% in 2012 to 16% in 2021.

There were 14,485 people charged with violent offences in 2021. Around two-thirds (64%) were convicted for their most serious violent offence, and 22% had a not proved outcome (the person was found not guilty, or their charge was withdrawn or dismissed). The remaining had an 'other proved' outcome or an 'other' outcome.

27% of people convicted of a violent offence were sentenced to prison, and a further 62% received a community sentence (home detention, community

detention, intensive supervision, community work or supervision) as their most serious sentence.

Most (87%) people convicted of violent offences were male; 13% were female.

Serious offences

An offence is defined as serious if it is imprisonable and has a maximum sentence length of 7 years or more. This includes offences such as murder, aggravated robbery, rape and drug importation.

In 2021, there were 38,071 charges for serious offences (10% decrease from 2020). These made up 21% of all charges finalised in 2021.

There were 13,524 people charged with serious offences in 2021. Around two-thirds (63%) were convicted for their most serious offence, and over a quarter (28%) had a not proved outcome (the person was found not guilty, or their charge was withdrawn or dismissed). The remaining had an 'other proved' outcome or an 'other' outcome.

One third (34%) of those convicted were sentenced to prison, and a further 61% received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence.

Most (81%) people convicted of serious offences were male; 19% were female.

Discharge without conviction

There were 2,004 people discharged without conviction in 2021.

For nearly a third (592 people; 30%), the most serious offence that they were discharged without conviction for was assault. Younger people comprise a larger proportion of people discharged without conviction. 20% of people were aged under 20 years, and 60% were aged under 30 years.

Unfit to stand trial and not guilty by reason of insanity

In 2021, 184 people were found unfit to stand trial because of a current mental impairment (such as intellectual disability, mental disorder or mental illness such as dementia). This decreased by 4% compared to 2020.

There are a wide range of offence types for which people are found unfit to stand trial. The most common offence type (as the person's most serious offence) was assault (38%), followed by sexual assault (12%), and abduction/harassment offences (9%).

In 2021, 39 people were found not guilty by reason of insanity based on their mental state at the time of the offence.

Remand on bail or at large, and offending on bail or at large

The most recent data is for 2020. Data for people on bail and at large in 2021 is not provided, as people with charges in 2021 may not have had the opportunity to be considered for remand on bail or at large by the end of the year.¹⁰

In 2020, 53,824 people were remanded on bail (including EM, electronically monitored, bail) or at large. This decreased by 7% compared to 2019. The majority of people were on bail (76%) rather than at large (24%).

Of all people on bail or at large in 2020, 3,290 people (6%) were on EM bail. Between 2019 and 2020 there was a 6% increase in the number of people on EM bail, while the overall number of people on 'bail' decreased by 8%.

There were some differences in the type of offences that were the most common for each remand type. For at large in 2020, over half of people (56%) had a traffic offence (e.g. excess breath alcohol) as their most serious offence, whilst for bail, 22% of people in 2020 had assault as their most serious offence.

The percentage of people at large or on bail who offend is generally low. In 2020, 12% of people

offended while at large and 24% offended while on bail. This included 27,667 offences committed while people were on bail and 2,850 while people were at large.

Name suppression

In 2021, 92% of charges did not have name suppression of any sort. In total, there were 6,282 charges with name suppression (excluding charges in the Youth Court that are automatically suppressed). This decreased by 1% compared to 2020.

Where name suppression is granted, it is usually for interim suppression only (while the court case is ongoing). In 2021, 76% of charges with name suppression had interim suppression only. Another 18% had both interim and final name suppression and 7% had final name suppression only.

In 2021, over one-third of all charges with name suppression were for sexual offences (2,702 charges, 43%).

In 2021, 756 people were convicted of an offence where a form of name suppression was granted (57% of people with name suppression), while 29% had a not proved outcome (the person was found not guilty, or the charge was withdrawn or dismissed) as their most serious charge outcome.

“Three strikes” offences

In 2021, 1,213 people received a first warning for a stage-1 offence ('first strike'), 141 people received a final warning for a stage-2 offence ('second strike') and 5 people had a stage-3 offence ('third strike'). By 31 December 2021 there had been an overall total 25 people convicted of a stage-3 offence ('third strike').

The most frequently convicted offence types that people received a stage-1 warning for were sexual offences (41%), assault (30%) and robbery (16%).

In 2021, 91% of people with stage-1 offences and 98% of people with stage-2 offences were male. Of the 25 people convicted to date, 24 have not had the

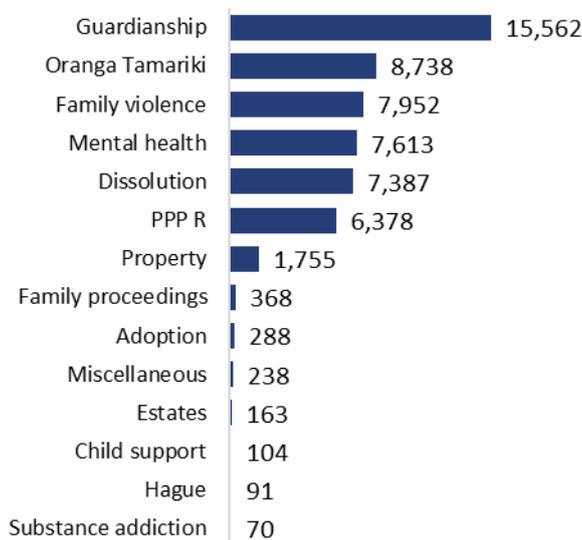
maximum term imposed as the sentencing judge determined the sentence would be ‘manifestly unjust’.

Family Court applications

In 2021, there were 56,707 substantive applications filed in the Family Court. This increased 5% from 2020. The largest number of applications filed were for guardianship cases (27%). These applications relate to the Care of Children Act 2004 (excluding Hague) and are mostly applications for parenting orders. The next most frequent case types in 2021 were related to care or protection under the Oranga Tamariki Act 1989 (15%), family violence (14%), mental health (13%) and dissolutions/divorce of marriage or civil unions (13%) (Figure 6).

In 2021, nearly half (7,546; 48%) of the Care of Children Act 2004 (excluding Hague) applications were for parenting orders; another 1,755 applications (11%) were for parenting order variations and 372 applications (2%) for discharging a parenting order.

Figure 6: Guardianship cases had the highest number of substantive Family Court applications in 2021



Nearly two-thirds (9,516; 61%) of substantive Care of Children Act (excluding Hague) applications filed in 2021 were filed without notice; 6,046 applications were filed on notice (39%). However, the number and percentage of without notice applications is lower in 2021 than in recent years, with the largest decreases

in without notice applications for parenting orders and to prevent the removal of children from New Zealand.

Protection Order applications

In 2021, there were 5,518 applications filed for Protection Orders. This was 11% fewer than 2020 when there were 6,222 applications filed.

In 2021, 3,294 applications for a Protection Order involved children (60%). In total, there were 6,715 children included on Protection Order applications.

Most applicants (and other protected adults named in an order) are female (84% in 2021) and most respondents (the people an order protects against) are male (85% in 2021).

Children adopted

In 2021, 125 adoption applications were filed in New Zealand. This number has decreased since 2012 when 228 applications were filed. If an application is granted, it represents the adoption of one child.

In 2021, 78% of applications with an outcome resulted in an adoption, resulting in 111 children being legally adopted. Over half of these children (59%) were aged under 12 months.

Legal Aid grants

In 2021, there were 68,102 legal aid grants in total. This decreased 13% from 2020. The total expenditure for legal aid however increased 4%, from \$195.6 million to \$204.0 million.

In 2021, there were 49,055 criminal legal aid grants. This decreased 14% from 2020. The amount of criminal legal aid expenditure has increased each year since 2013; in the most recent year it increased by \$4.2 million (4%).

The majority of these criminal legal aid grants were to people aged 19 to 29 years (35%) or 30 to 39 years (35%).

In 2021, there was a 7% decrease in the number of family legal aid grants and a 4% decrease in civil legal aid grants compared to 2020. Expenditure

increased by 2% for family grants (to \$54.2 million) and changed very little for civil grants (decreasing less than \$1 million).

The number of Waitangi Tribunal grants decreased by 48% between 2020 and 2021 (from 182 to 94 grants). However, expenditure increased over the same period (19%), from \$17.6 million to \$20.9 million.

were 963 referrals). The number of completed programmes increased by 36%.

Collections

In 2021, the closing outstanding balance (for fines, fees or reparations that are still owed) for the Collections Unit was \$535.8 million. This was a 5% decrease (of \$31.2 million) from the closing balance in 2020.

Family violence programmes

Family violence programmes include non-violence programmes for people who have used violence, as well as safety programmes for adults and children, and the strengthening safety service for adults where there has been court intervention (a Protection Order or criminal proceedings).

- **non-violence programmes** – 6,496 confirmed referrals were made by the court (6% fewer than in 2020 when there were 6,919 referrals). The number of assessments completed by community-based service providers was greater (3%), as was the number of programmes that were completed (8% greater).
- **adult safety programmes** – 3,284 confirmed referrals were made (8% more than in 2020). The number of completed assessments was greater (35%) and completed programmes were also greater (42%).
- **child safety programmes** – 2,093 confirmed referrals were made (8% more than in 2020 when there were 1,945 referrals). The number of completed assessments and completed programmes were also greater (by 48% and 51% respectively).
- **strengthening safety services** – 901 completed referrals (6% fewer than in 2020, when there

¹ www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/.

² Note that the “people” data in the Justice Statistics tables may differ to “adult” data published by Stats NZ in the NZ.Stat tool. The Justice Statistics data tables are the best source of information on specific offences or charge outcomes.

³ ‘Multiple ethnicity’ is used. This means for each ethnicity a person is counted once per year (e.g. they may be counted in both European and Māori). As some people have multiple recorded ethnicities this will result in the sum of ethnicities being greater than the total number of people each year.

⁴ Youth Court data is a subset of data for all children and young people with charges finalised in any court. The Youth Court is closed to the public, so any details that may identify an individual child or young person cannot be reported. A modified version of Stats NZ’s method of base 3 random rounding has been applied to protect the confidentiality of individuals. In the standard version, all counts are randomly rounded up or down to one of the adjoining multiples of 3 (e.g. a count of 5 would be displayed as either 3 or 6, and a count of 1 would be displayed as either 0 or 3). In the modified version, 1s and 2s are always rounded up to 3.

⁵ The percentages will not add to 100% as the victim types are calculated independently.

⁶ The specific offences types include assault on a family member (section 194A Crimes Act 1961), common assault

(domestic) (section 9 Summary Offences Act 1981 or section 196 Crimes Act 1961), sexual offences against a spouse (section 128(4)/128B or section 129 Crimes Act 1961), incest (section 130 or section 131 Crimes Act 1961), coercion to marry (section 207A Crimes Act 1961), all offences included in the Domestic Violence Act 1995 (such as breach of protection order) and all offences included in the Family Violence Act 2018 (such as breach of protection order).

⁷ People convicted of driving under the influence may receive numerous sentences per charge (e.g. community work, supervision, zero alcohol licence and disqualification from driving), however the data shows only the most serious sentence imposed.

⁸ Note that a person’s sentence may be influenced by their previous offending history. As such, the people convicted and sentenced to imprisonment for drug offences are likely to have an extensive conviction history, including previous imprisonment sentences and/or previous convictions for drug cultivation/manufacture/supply.

⁹ An offence is defined as violent if it is within one of the following 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.

¹⁰ Remand at large, means the person is free to go until their next appearance; and remand on bail, means that the person is released on conditions.