

Justice Statistics data tables

Notes and trends for 2020

The Justice Statistics data tables contain details on people going through the courts or accessing justice services (including children, young people, and adults) from 2011 to 2020. 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, potentially impacting trends in the data for 2020. Therefore, the reader should be cautious when drawing conclusions using the 2020 statistics.

All charges and convicted charges

In 2020, there were 209,825 charges finalised in court (for children, young people and adults). This was a 1% decrease from 2019 and a 28% decrease from 2011 (Figure 1).

In 2020, 71% 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- not proved – the person was found not guilty or the charge was dismissed or withdrawn (22%)
- 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 2011

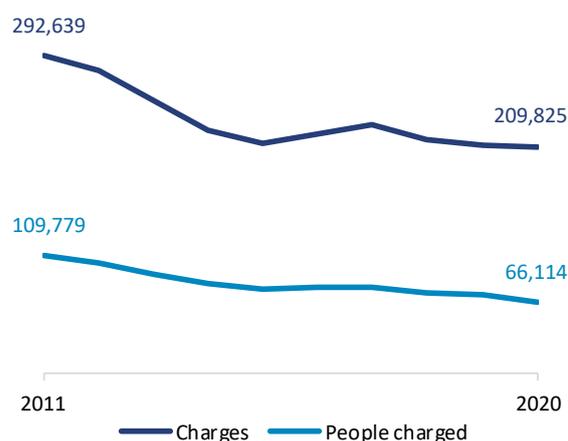
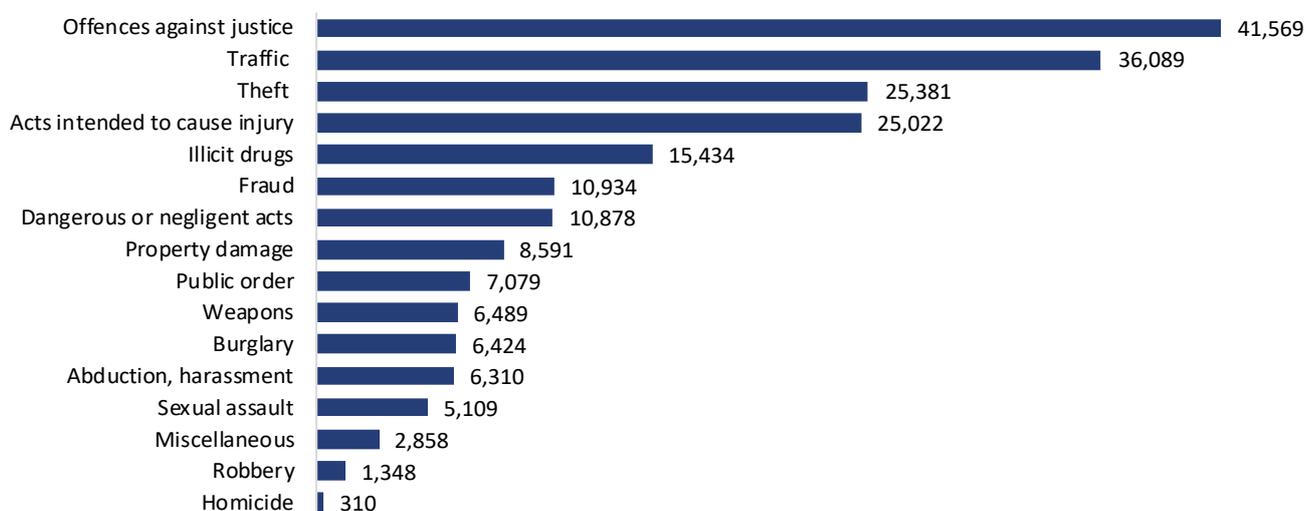


Figure 2: Charges for offences against justice and traffic offences were the most common in 2020



People charged and convicted of offences

In 2020, 66,114 people had charges finalised in court. This was a 9% decrease from 2019 (when there were 72,264 people).

For these people in 2020, outcomes for their most serious charges were convicted (79%), other proved (9%), not proved (12%) and other outcomes (less than 1%).

For 6,362 people (12%) convicted in 2020, imprisonment was the 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 23,454 people (45%) including home detention, community detention, intensive supervision, community work or supervision.

In 2020, 79% of people convicted were male. Almost half (44%) were aged under 30 years. Additionally, 45% were Māori, 38% were European, 10% 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 2020, there were 8,472 charges for children and young people finalised in any court.⁴ This included 6,342 charges for children and young people aged 10-16 years and 2,130 charges for young people aged 17 years. Of the charges for 17-year olds, 78

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 2011, decreasing from 13,869 charges in 2011 to 6,342 charges in 2020. In this past year, the number of charges for children and young people aged 10-16 years court fell by 7%.

Overall, the most common charges for children and young people in 2020 were theft (32%), burglary (11%) and assault (10%).

There were 1,584 children and young people with charges finalised in any court in 2020; of these, 378 received an order or sentence. The most common orders received (as the child or young person's most serious order) were discharge or admonishment (24%), and youth supervision or community work (20%). A further 20% 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 2020, in total, there were 8,076 charges finalised in the Youth Court.⁴ This included 6,237 charges for children and young people (aged 10-16 years) and 1,836 charges for young people aged 17 years.

Despite the inclusion of 17-year olds in the last year, there has been a 38% decrease in the number of charges finalised for children and young people in the Youth Court since 2011.

In this past year, the number of charges for children and young people (aged 10-16 years) finalised in the Youth Court fell by 6% compared to 2019, when there were 6,654 charges.

In 2020, 46% of all charges for children and young people finalised in the Youth Court (3,738 charges) were proved and received a section 282 absolute discharge.

Homicide offences

In 2020, 188 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 nearly half of these people (44%).

In 2020, all 32 people convicted of murder were sentenced to prison. Of the 5 people convicted of attempted murder, 4 were sentenced to prison and one received a home detention sentence. Most of the 28 people convicted of manslaughter were also sentenced to prison (75%).

People convicted of driving causing death offences are less likely to receive a prison sentence than people convicted of other homicide offences. In 2020, 14 (26%) of the 54 people convicted of driving causing death received a prison sentence and 27 (50%) received a community sentence as their most serious sentence (home detention, community detention, intensive supervision, community work or supervision).

Sexual offences

In 2020, there were 5,109 charges for sexual offences. Of these charges, only 44% were convicted and 51% were not proved (the person was found not guilty or the charge was withdrawn or dismissed).

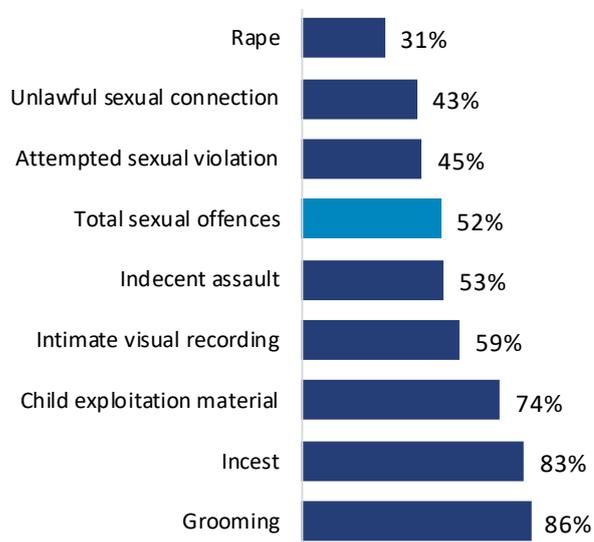
Half (51%) of all sexual offence charges were for indecent assault. Other offence types included unlawful sexual connection (20%), objectionable publication offences (14%) and rape (12%).

There were 1,218 people charged with at least one sexual offence in 2020. More than half (53%) of these were charged with an offence against a child, 42% were charged with offences against adult women, and 2% with offences against adult men.⁵

Overall, more than half (52%) 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 2020, only 31% of people charged with rape were convicted (89

people). This was the lowest proportion convicted in over 10 years.

Figure 3: The conviction rate for rape continues to be low



In 2020, 52% 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 (97%), while only half (51%) of people convicted of indecent assault did.

Family violence offences

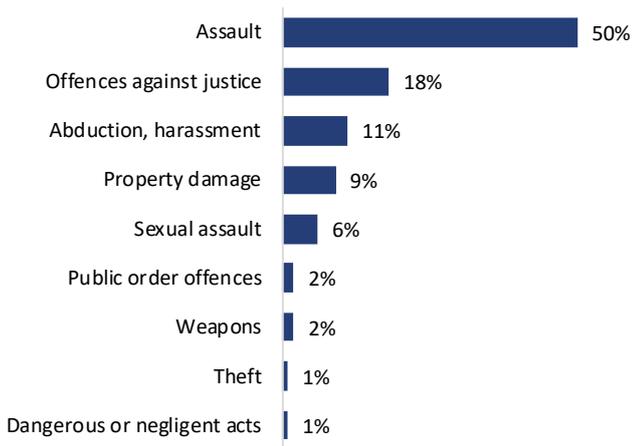
All offences flagged as family violence in the Ministry Case Management System or involving a range of offence types specific to familial circumstances are counted.⁶ This is the most comprehensive family violence offences data published by the Ministry as it includes all charges flagged as family violence,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

In 2020, of all charges finalised in court, 31,665 charges (15%) were for family violence offences. The number of family violence charges increased by 8% compared to 2019.

Of the 31,665 charges finalised for family violence offences in 2020, the most frequent offence types were (Figure 4):

- assault (acts intended to cause injury) (15,685 charges; 50%)
- offences against justice (e.g. mostly for breaching a protection order) (5,842 charges; 18%)
- abduction and harassment offences (e.g. mostly for threatening behaviour) (3,350 charges; 11%)
- property damage (2,996 charges; 9%)
- sexual assault (1,777 charges; 6%).

Figure 4: Half of all family violence charges in 2020 were for assault



In 2020, 62% of family violence charges were convicted, but 31% had a not proved outcome (the person was found not guilty or the charge was dismissed or withdrawn).

There were 13,690 people charged with at least one family violence offence in 2020. Most people charged were male (88%) and 40% were aged under 30 years.

Offences related to family violence

Breach of protection order – there were 5,632 charges and 3,105 people charged in 2020. In 2020, 2,945 charges (52%) were for ‘contravening a protection order – family violence’. The next most frequent offence was for ‘contravening a protection order – unauthorised contact’ (1,619 charges; 29%). Most charges for breaching a protection order were convicted (72%).

Assault on a family member - there were 6,795 charges finalised in 2020, and 5,349 people charged.

Two-thirds of people (64%) were convicted and 24% had a not proved outcome.

Strangulation/suffocation - in 2020 there were 1,363 charges finalised. Of these, 46% were convicted and 52% had a not proved outcome. However, as many charges filed for this offence (introduced in December 2018) are still awaiting a trial and charge outcome or sentencing, these figures do not represent the expected distribution of charge outcomes. Therefore, these figures for strangulation/suffocation should be used with caution.

Common assault (domestic) and male assaults female

– the number of charges for both these offences decreased substantially in 2020 compared to 2019 (by 40% for common assault (domestic) and by 55% 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 2020, 14,391 people were charged with driving under the influence offences (driving under the influence of alcohol and/or drugs, or driving causing death involving alcohol/drugs). Of these, 13,585 people (94%) were convicted.

The number of people convicted of driving under the influence has decreased by 16% in the last year (from 16,269 people) and has halved since 2011 (when there were 27,179 people convicted). In 2020, people convicted of driving under the influence were most likely to receive a monetary penalty (58%) as their most serious sentence.⁷

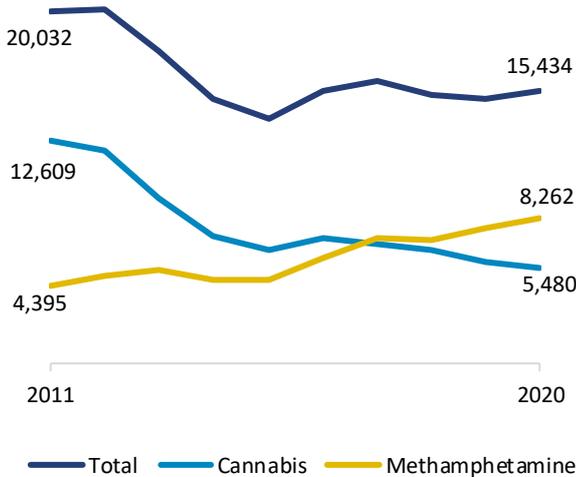
In 2020, of the 13,585 people convicted of driving under the influence, 51% had no previous convictions for driving under the influence; 23% had been convicted of driving under the influence on one previous date and 12% had been convicted twice previously.

The number of people who received an alcohol interlock order has increased substantially over the past three years, following a change in legislation in mid-2018. In 2020, 3,488 people received an order for an alcohol interlock device.

Drug offences

In 2020, there was a 3% increase in the number of charges for drug offences (from 15,023 charges in 2019 to 15,434 in 2020). Despite this increase, the number of charges has fallen by 23% since 2011 (Figure 5).

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



This decrease since 2011 is mostly due to a decrease in cannabis charges, which have more than halved since 2011. However, over the same period the number of methamphetamine charges has nearly doubled overtaking the number of cannabis offences for the first time in 2017.

In 2020, 8,262 drug charges (54%) were for methamphetamine offences and 5,480 charges (36%) were for cannabis offences.

Cannabis offences

In 2020, there were 5,480 charges for cannabis offences (4% decrease from 2019) (Figure 5).

More than half (55%) of these charges were for possession and/or use (including utensils) offences, 28% were for dealing or trafficking and 17% were for cultivation.

In 2020, there were 3,436 people charged with a cannabis offence, with 73% convicted of their most serious cannabis offence.

More than half (56%) of people convicted of cannabis offences in 2020 received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence; 17% received a prison sentence.

However, in only a small number of instances (14; 3%) in 2020 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 59% 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 (86% of instances). For 14% of instances people were convicted for cannabis possession and/or use (including utensils) offences only.

Methamphetamine offences

In 2020, there were 8,262 charges for methamphetamine offences. This increased by 7% compared to 2019.

In 2020, more than half (52%) of all methamphetamine charges were for possession and/or use (including utensils) offences and 46% were for dealing or trafficking.

There were 3,502 people charged with methamphetamine offences in 2020. Most people (76%) were convicted for their most serious methamphetamine offence.

In 2020, 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 30% received a prison sentence.

The percentage of people receiving community sentences as their most serious sentence increased from 48% in 2011 to 54% in 2020.

Psychoactive substances offences

In 2020, 79 people had charges for psychoactive substances offences. Of these people, 77% were convicted, while 20% had a not proved outcome (the person was found not guilty, or their charge was withdrawn or dismissed).

When people were charged with psychoactive substances offences, 61% were charged with sale or supply as their most serious offence.

Harmful Digital Communications Act offences

In 2020, 106 people were charged with Harmful Digital Communications Act offences; over two-thirds (70%) were convicted.

Most people convicted were male (86%). Most received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence (66%) and 19% received a prison sentence.

Violent offences

In 2020, there were 31,915 charges for violent offences.⁹ The proportion of all charges that were for violent offences increased from 13% in 2011 to 15% in 2020.

There were 16,599 people charged with violent offences in 2020. Around two-thirds (64%) were convicted for their most serious violent offence, and 21% had a not proved outcome (the person was found not guilty, or their charge was withdrawn or dismissed).

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

In 2020, there were 42,254 charges for serious offences (those with a maximum imprisonment sentence of 7 years or more).¹⁰ These made up 20% of all charges finalised in 2020.

There were 15,318 people charged with serious offences in 2020. Around two-thirds (64%) were convicted for their most serious offence, and over a quarter (26%) had a not proved outcome (the person was found not guilty, or their charge was withdrawn or dismissed).

More than a 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 (83%) people convicted of serious offences were male; 17% were female.

Discharge without conviction

The number of people discharged without conviction has dropped, from 3,189 people in 2011, to 2,201 in 2020 (however the total number of people charged also dropped).

In 2020, for 733 people (33%), the most serious offence that they were discharged without conviction for was assault. Younger people comprise a larger proportion of people discharged without conviction. 21% of people were aged under 20 years, in 2020.

Unfit to stand trial and not guilty by reason of insanity

In 2020, 190 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).

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 burglary (13%) and sexual offences (8%).

In 2020, 49 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 2019. Data for people on bail and at large in 2020 is not provided, as people with charges in 2020 may not have had the opportunity to be considered for remand on bail or at large by the end of the year.

In 2019, 57,670 people were remanded on bail (including EM bail) or at large. This decreased by 3% compared to 2018. The majority of people were on bail (77%) rather than at large (23%).

Of all people on bail or at large in 2019, 2,909 people (5%) were on EM bail. Between 2018 and 2019 there was a 15% increase in the number of people on EM bail (from 2,523 to 2,909), while the overall number of people on bail decreased 1%.

There were some differences in the type of offences that were the most common for each remand type. For at large in 2019, half of people (51%) had a traffic offence (e.g. excess breath alcohol) as their most serious offence whilst for bail, 21% of people in 2019 had assault as their most serious offence.

The percentage of people at large or on bail who offend is generally low. In 2019, 11% of people offended while at large and 24% offended while on bail. This included 30,393 offences committed while people were on bail and 2,731 while people were at large.

Name suppression

In 2020, 93% of charges did not have name suppression of any sort. In total, there were 6,329 charges with name suppression in 2020 (excluding charges in the Youth Court that are automatically suppressed).

Where name suppression is granted, it is usually for interim suppression only (while the court case is ongoing). In 2020, 73% of charges with name suppression had interim suppression only. Another 17% had both interim and final name suppression and 10% had final name suppression only.

In 2020, over one-third of all charges with name suppression were for sexual offences (2,311 charges, 37%).

In 2020, 736 people were convicted of an offence where name suppression of some sort was granted (59% of people with name suppression), while 26% had a not proved outcome (the person was found not guilty, or the charge was withdrawn or dismissed) as their most serious charge outcome.

The number and proportion of people who had an other proved outcome (e.g. discharge without conviction or diversion) for any type of name suppression decreased from 2011 onwards.

“Three strikes” offences

In 2020, 1,184 people received a first warning for a stage-1 offence ('first strike'), 100 people received a final warning for a stage-2 offence ('second strike') and 7 people had a stage-3 offence ('third strike'). By 31 December 2020 there had been 20 people convicted of a stage-3 offence ('third strike').

In 2020, the most frequently convicted offence types that people received a stage-1 warning for were sexual offences (39%), assault (28%) or robbery (20%).

In 2020, 91% of people with stage-1 offences and 99% of people with stage-2 offences were male.

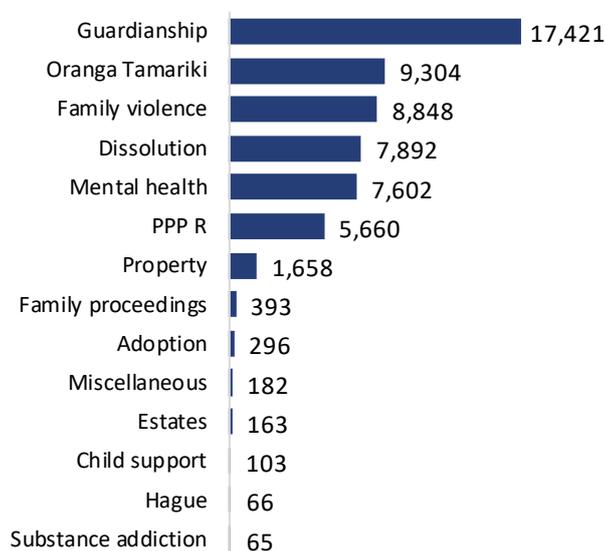
Family Court applications

In 2020, there were 59,653 substantive applications filed in the Family Court. This decreased 4% from 2019, mostly due to reductions in Oranga Tamariki Act, guardianship and dissolution cases. The largest number of applications filed were for guardianship cases (29%). 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 2020 were related to care or protection under the Oranga Tamariki Act 1989 (16%), family violence (15%), dissolutions/divorce of marriage or civil unions (13%) and mental health (13%) (Figure 6).

In 2020, half (8,655; 50%) of the Care of Children Act 2004 (excluding Hague) applications were for parenting orders; another 1,721 applications (10%) were for parenting order variations and 404 applications (2%) for discharging a parenting order.

Figure 6: Guardianship cases had the highest number of substantive Family Court applications in 2020



Two-thirds (11,562; 66%) of substantive Care of Children Act (excluding Hague) applications filed in 2020 were filed without notice; 5,859 applications were filed on notice (34%). However, the number and percentage of without notice applications is lower in 2020 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 2020, there were 6,218 applications filed for Protection Orders. This was 4% greater than 2019 when there were 5,991 applications filed.

In 2020, 3,820 applications for a Protection Order involved children (61%). In total, there were 7,807 children included on Protection Order applications.

Most applicants (and other protected adults) are female (84% in 2020) and most respondents (and associated respondents) are male (86% in 2020).

Children adopted

In 2020, 153 adoption applications were filed in New Zealand. This number has decreased since 2011 when 212 applications were filed. If an application is granted, it represents the adoption of one child.

In 2020, 80% of applications with an outcome resulted in an adoption, resulting in 125 children being legally adopted. Over half of these children (59%) were aged under 12 months.

Legal Aid grants

In 2020, there were 77,850 legal aid grants in total. This decreased 1% from 2019. The total expenditure for legal aid however increased 12%, from \$174.2 million to \$195.6 million.

In 2020, there were 57,330 criminal legal aid grants. This decreased 3% from 2019. The amount of criminal legal aid expenditure has increased each year since 2013; in the most recent year it increased by \$14.2 million (14%).

In 2020, the majority of criminal legal aid grants were to people aged 19 to 29 years (37%) or 30 to 39 years (34%).

In 2020, there was a 7% increase in the number of the family legal aid grants and a 1% decrease in civil legal aid grants compared to 2019. Expenditure increased by 12% for family grants (to \$53.4 million) and by 5% for civil grants (to \$6.9 million).

The number of Waitangi Tribunal grants decreased 28% between 2019 and 2020 (from 252 to 182 grants). However, expenditure increased over the same period (6%), from \$16.5 million to \$17.6 million.

Collections

In 2020, the closing outstanding balance (for fines, fees or reparations that are still owed) for the Collections Unit was \$567 million. This was a 4% decrease (of \$23.6 million) from the closing balance in 2019.

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).

COVID-19 impacted on the number of programme referrals, assessments and completions in 2020, with most being lower than in 2019. In 2020:

- **non-violence programmes** – 5,225 confirmed referrals were made by the court (14% lower than in 2019 when there were 6,088 referrals). The number of assessments completed by community-based service providers was 15% lower, as was the number of programmes that were completed (2% lower).
- **adult safety programmes** – 3,030 confirmed referrals were made (similar to 2019). However, the number of completed assessments and programmes were lower (by 11% and 15% respectively).
- **child safety programmes** – 1,948 confirmed referrals were made (7% lower than in 2019 when there were 2,090 referrals). The number of completed assessments and programmes were lower (by 21% and 24% respectively).
- **strengthening safety services** – there were 963 completed referrals (16% more than in 2019, when there were 830 referrals), although slightly fewer programmes were completed (4% lower).

Breach of COVID-19 restrictions offences

Of the approximately 1,000 charges filed in 2020 for breaching COVID-19 restrictions, 787 charges had

been disposed by 31 December. Of these disposed charges, 70% (553 charges) were convicted, less than 1% (3 charges) had an other proved outcome (such as Youth Court proved, discharge without conviction, adult diversion and Youth Court discharge) and 27% (214 charges) had a not proved outcome (the person was found not guilty or the charge was dismissed or withdrawn).

Most people convicted of breach of COVID-19 restrictions offences were male (366 people; 79%).

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 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.