

Justice Statistics data tables

Notes and trends for 2019

The Justice Statistics data tables contain details on people going through the courts or accessing justice services (including children, young people, and adults) from 2010 to 2019. 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-related 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

All charges and convicted charges

In 2019, there were 211,773 charges finalised in court (for children, young people and adults). The number of charges decreased by 2% from 2018 and by 36% from 2010 (Figure 1).

In 2019, 73% 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- not proved - the person was found not guilty or the charge was dismissed or withdrawn (20%)
- other - found unfit to stand trial or not guilty by reason of insanity (less than 1%).

The most common charges in 2019, were for offences against justice (e.g. breaching a community sentence, 21%) and traffic offences (18%) (Figure 2).

Figure 1: The number of charges and people charged has decreased over the last 10 years

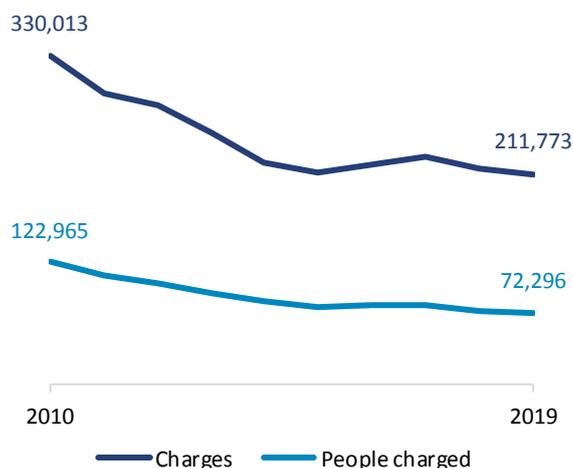
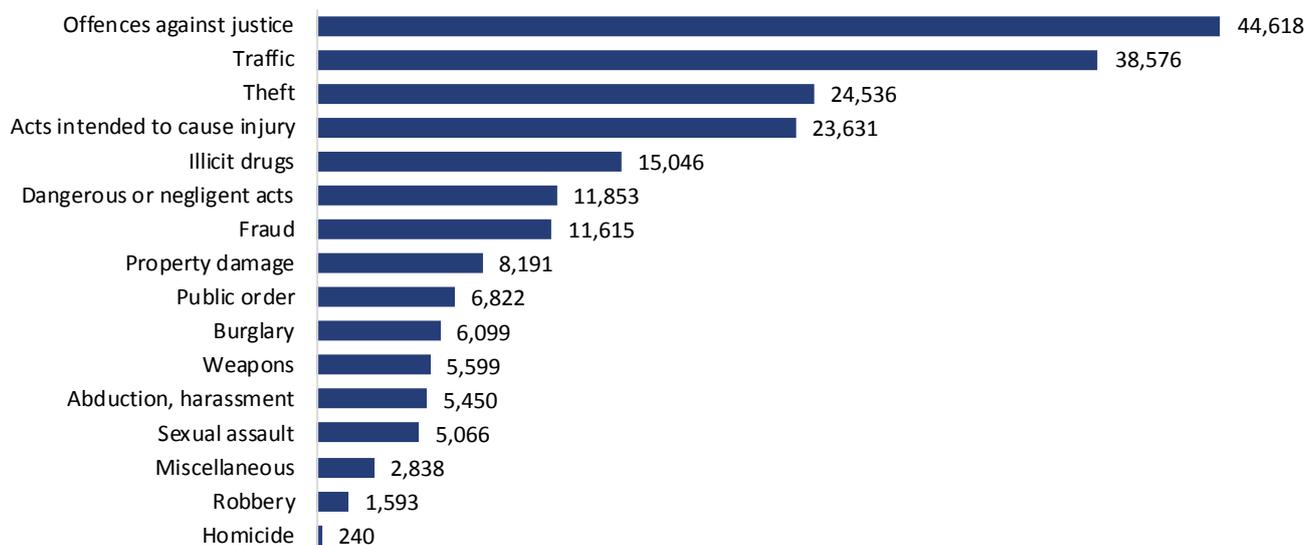


Figure 2: Charges for offences against justice and traffic offences were the most common in 2019



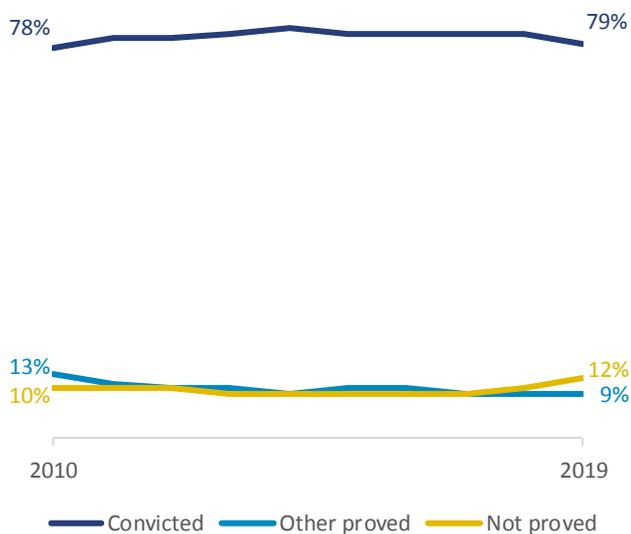
Offences against justice are the most common type of charge (and have been for the last 4 years). But in 2019, it is the first year (since the data series began in 1980) that offences against justice have also been the most common type of convicted charge (previously traffic offences have been the most common type of convicted charge).

People charged and convicted of offences

In 2019, 72,296 people had charges finalised in court. The number of people charged also decreased 4% compared to 2018 (Figure 1).

For these people in 2019, their most serious charge outcomes were convicted (79%), other proved (9%), not proved (12%) and other outcomes (less than 1%). The percentage of people convicted was between 80% and 82% each year since 2011 but dropped below 80% in 2019 (Figure 3).

Figure 3: The percentage of people who are convicted dropped below 80% in 2019



For 12% (6,652) of people convicted in 2019, imprisonment was the most serious sentence. The number of people who received a prison sentence decreased from 7,580 in 2018, however the percentage has remained similar due to the number of people convicted having also decreased.

Community sentences were the most serious sentence for 44% (25,115 people), including home detention, community detention, intensive supervision, community work or supervision.

In 2019, 78% of people convicted were male. Around half (47%) were aged under 30 years. Additionally, 44% were Māori, 37% were European, 10% were Pacific Peoples and 3% were Asian.³

Children and young people with charges finalised in any court

In 2019, 1,467 children and young people had charges finalised in any court (this includes Youth, District and High Courts). Despite the inclusion of 17-year olds with charges filed from July 2019 onwards, there were 162 (10%) fewer children and young people in total in 2019 than in 2018.^{4,5}

In 2019, 8% of all children and young people with charges finalised in court were 17 years old (114 people; although they have only been in the youth justice system since July 2019). The majority were 15 (29%) or 16 years old (35%).

In 2019, the number of Māori children and young people in court decreased faster than any other ethnicity. As a result, the percentage of children and young people in court who are Māori has fallen from 65% in 2018 to 61% in 2019. A quarter (25%) in 2019 were European, 9% were Pacific Peoples and 1% were Asian.³

The most common offence types for charges against children and young people in 2019 were for:

- theft (21%)
- burglary (19%)
- robbery (17%)
- assault (16%).

In 2019, 41% of charges against children and young people were proved and received a section 282 absolute discharge and 38% were proved and received a section 283 order; 2% of charges were convicted and sentenced in adult court.

Children and young people with charges finalised in the Youth Court

In 2019, there were 7,224 charges finalised in the Youth Court (including those later transferred to the District Court for sentencing). This included 6,882 charges for children and young people (aged 10-16 years) and 339 charges 17-year olds (since July 2019).

The number of children and young people with charges finalised in the Youth Court was 5% lower in 2019 compared to 2018 (despite the inclusion of 17-year olds from July 2019 onwards) and has more than halved since 2010. In 2019, there were 1,398 children and young people in total, including 1,353 aged 10-16 years and 114 17-year olds.

More than half (55%) of the 17-year olds with charges filed and finalised between July and December 2019 had their most serious charge withdrawn. However, many of these 17-year olds had other charges that were still active in court as at 31 December 2019.

Homicide offences

In 2019, 194 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 more than half of these people (55%).

Of those who were charged with a homicide offence, 78% were convicted of their most serious offence.

In 2019, all people convicted of murder (100%) and attempted murder (100%) were sentenced to prison, and most people convicted of manslaughter (83%) were sentenced prison.

Only 26% of people convicted of driving causing death received a prison sentence; more than half (53%) received a community sentence as their most serious sentence (home detention, community detention, intensive supervision, community work or supervision).

Sexual offences

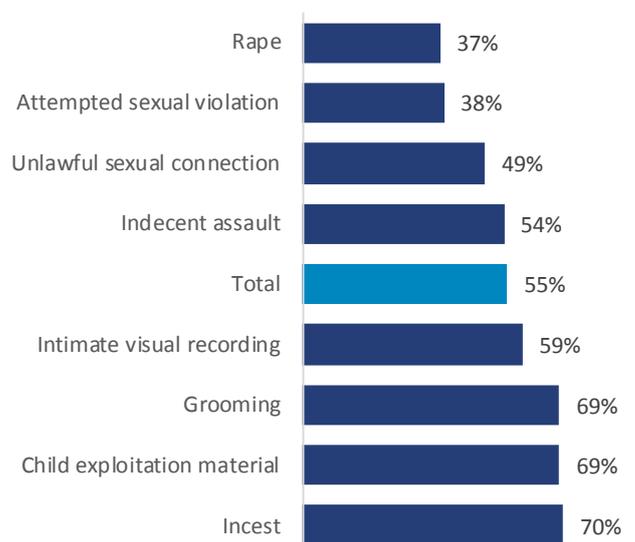
In 2019, there were 5,066 charges for sexual offences. Of these, 51% were convicted and 45% were 'not proved' (the person was found not guilty or the charge was withdrawn or dismissed).

Half of all sexual offence charges were for indecent assault (50%), 31% were for sexual violation (including rape and unlawful sexual connection) and 17% were for objectionable material offences (including child exploitation material (child pornography) and intimate visual recording).

There were 1,287 people charged with a sexual offence in 2019. More than half (53%) of these were charged with an offence against a child, 67% were charged with indecent assault, and 42% with sexual violation.⁶

Overall, more than half (55%) of people charged with sexual offences were convicted for their most serious offence, however this percentage varies by victim type and offence type (Figure 4).

Figure 4: People charged with rape in 2019 had a low conviction rate



In 2019, 52% of all people convicted of a sexual offence had imprisonment as their most serious sentence. People convicted of rape were most likely to receive a prison sentence (90%), while people convicted of indecent assault (48%) and intimate visual recording (19%) were less likely.

Offences related to family violence

This subset of offences related to family violence is estimated to include about 50% of family violence-related charges in court (Figure 5). 'Assault on family member' and 'strangulation/suffocation' were introduced on 3 December 2018.

Breach of protection order – there were 5,487 charges and 3,008 people charged in 2019 (this was 1% fewer charges than in 2018, despite additional offences being introduced on 1 July 2019). However, not all the new offences had finalised charges by 31 December 2019

Common assault (domestic) and male assaults female – the number of charges for both these offences decreased substantially in 2019 compared to 2018 (by 35% for common assault (domestic) and a 41% for male assaults female). This is related to the introduction of the offence for 'assault on a family member'.

Assault on a family member - there were 3,367 charges finalised in 2019. Of these, 64% were convicted and 26% had a 'not proved' outcome.

Strangulation/suffocation - in 2019 there were 568 charges finalised. Of these, 44% were convicted and 54% had a 'not proved' outcome. However, as most

charges filed are awaiting a trial and charge outcome or sentencing, these figures do not represent the expected distribution of charge outcomes (which should be observed once more charges have been finalised). Therefore, these figures for 'strangulation/suffocation' should be used with caution.

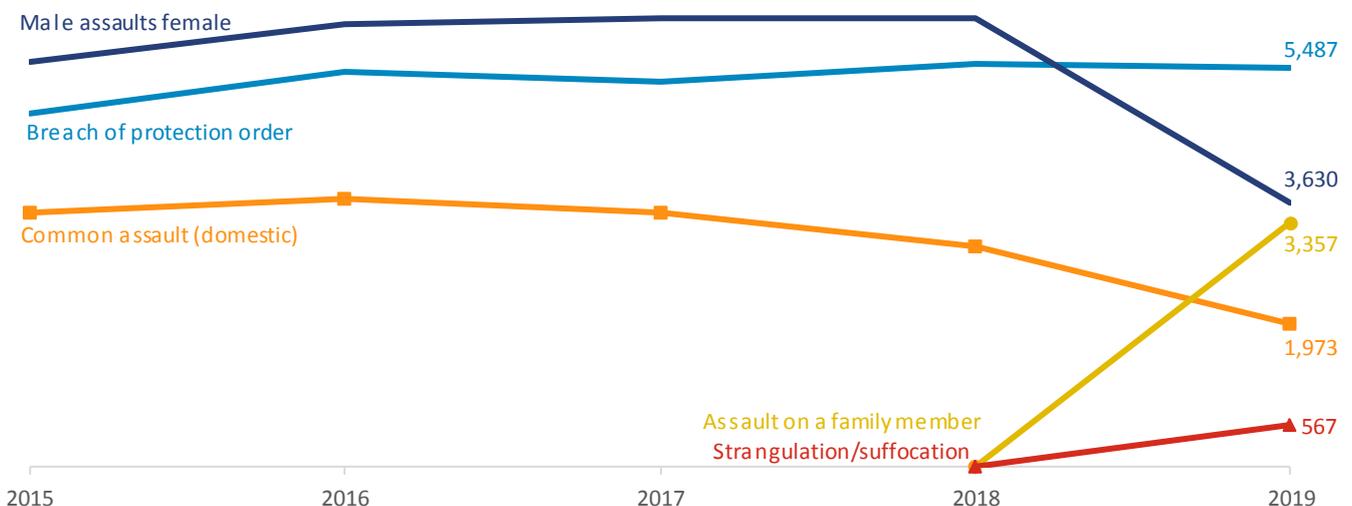
Driving under the influence offences

In 2019, 17,006 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, 96% were convicted.

The number of people convicted of driving under the influence has almost halved over the last 10 years (from 29,844 people in 2010 to 17,006 in 2019). In 2019, people convicted of driving under the influence were most likely to receive a monetary penalty (57%) as their most serious sentence.⁷

The number of people who received an alcohol interlock order has increased substantially in 2019, following a change in legislation in mid-2018. In 2019, 4,084 people received an order for an alcohol interlock device.

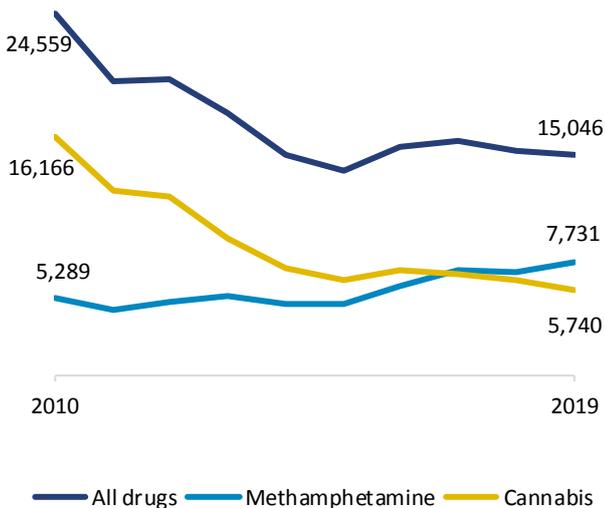
Figure 5: The number of finalised charges for 'male assaults female' and 'common assault (domestic)' domestic have decreased since 'assault on a family member' was introduced



Drug offences

In 2019, there were 15,046 charges for drug offences. This decreased by 2% since 2018 and 39% since 2010 (Figure 6).

Figure 6: Methamphetamine now represent the most charges for drug offences



This long-term decrease is mostly related to a decrease in cannabis offences, which have more than halved since 2010. However, over the same period the number of methamphetamine charges has almost doubled, overtaking cannabis offences for the first time in 2017.

In 2019, 51% of charges were for methamphetamine (7,731 charges) and 38% were for cannabis offences (5,740 charges). Prior to 2013, charges for cannabis offences made up the majority of drug charges (e.g. 66% in 2010), but over time the number of cannabis charges has decreased, and the number of methamphetamine charges has increased.

Cannabis offences

In 2019, there were 5,740 charges for cannabis offences (11% decrease from 2018). Between 2010 and 2019, the number of charges decreased 64% (Figure 6).

More than half (59%) of these charges were for possession and/or use (including utensils) offences, 24% were for dealing or trafficking offences and 16% were for cultivation offences.

In 2019, there were 3,653 people charged with a cannabis offence, with 75% convicted of their most serious cannabis offence.

More than half (57%) of people convicted of cannabis offences in 2019 received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence. Imprisonment was the most serious sentence for 16% of people convicted of cannabis offences in 2019.

However, in only a small number of instances (4%) in 2019 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 There were even fewer instances (1%) where people were sentenced to imprisonment for cannabis possession and/or use offences only in 2019.

Methamphetamine offences

In 2019, there were 7,731 charges for methamphetamine offences. This increased by 11% compared to 2018 and 46% compared to 2010 (Figure 6).

In 2019, more than half of all methamphetamine charges were for possession and/or use (including utensils) offences (57%) and 41% were for dealing or trafficking offences.

There were 3,511 people charged with methamphetamine offences in 2019. Most people (75%) were convicted for their most serious methamphetamine offence.

In 2019, just over half (52%) 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 imprisonment. This is the lowest percentage of people convicted of methamphetamine

offences to receive imprisonment in the past 10 years (36% in 2010).

The percentage of people receiving community sentences as their most serious sentence increased from 44% in 2010 to 52% in 2019. The biggest increases were in the use of intensive supervision, supervision and community detention.

Psychoactive substances offences

In 2019, 126 people had charges for psychoactive substances offences. Of these people, 83% were convicted, while 17% had a 'not proved outcome' (the person was found not guilty, or their charge was withdrawn or dismissed).

Imprisonment was the most serious sentence imposed for 20% of people convicted of psychoactive substances offences in 2019.

Harmful Digital Communications Act offences

In 2019, 101 people were charged with Harmful Digital Communications Act offences. The majority (60%) were convicted.

People convicted of these offences in 2019 were most likely to receive a community sentence (such as home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence (70%) and 20% received an imprisonment sentence.

Discharge without conviction

The number of people discharged without conviction has dropped substantially over the past 10 years (from 3,861 people in 2010, to 2,349 in 2019; as has the total number of people charged over this period).

In 2019, for 34%, the most serious offence that they were discharged without conviction for was assault. Younger people comprise a larger proportion of people discharged without conviction. In 2019, 26% of people discharged without conviction were aged under 20 years.

Unfit to stand trial and not guilty by reason of insanity

In 2019, 159 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 (45%), followed by sexual offences (9%).

In 2019, 22 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

Data for people on 'bail' and 'at large' in 2019 is not provided, as people with charges in 2019 may not have had the opportunity to be considered for release on bail or at large by the end of the year. The most recent data is for 2018.

In 2018, 59,526 people were remanded on 'bail' (including EM bail) or 'at large'. This decreased by 3% compared to 2017. The majority of people were on 'bail' (75%) rather than 'at large' (25%).

In 2018, 2,271 were on 'EM bail' (4% of all people on 'bail' or 'at large'). Between 2017 and 2018 there was a 27% increase in the number of people on 'EM bail', while the overall number of people on 'bail' decreased 1%.

There were some differences in the type of offence that were the most common for each remand type. For 'at large' in 2018, half of people (50%) had a traffic offence (e.g. excess breath alcohol) as their most serious offence whilst for 'bail', 25% of people in 2018 had assault as their most serious offence.

The percentage of people 'at large' or on 'bail' who offended is generally low; in 2018, 12% of people offended while 'at large' and 25% offended while on 'bail'.

In 2018, 31,232 offences were committed while people were on 'bail' or 'at large'; 28,112 while people were on 'bail' and 3,120 while people were 'at large'. There was a 5% decrease, compared to the previous year, in both the number of offences, and the number of people convicted, of offending while on bail or at large.

Name suppression

In 2019, 94% of charges did not have name suppression of any sort. In total, there were 5,768 charges with name suppression in 2019.

Where name suppression is granted, it is usually for interim suppression only (while the court case is ongoing); in 2019, 75% of charges with name suppression had interim suppression only. Another 20% had both interim and final name suppression and 5% had final name suppression only.

In 2019, a third (36%) of all charges with name suppression were for sexual offences (2,077 charges).

In 2019, 690 people were convicted of an offence where name suppression of some sort was granted (59% of people with name suppression). More than a quarter (28%) of people with name suppression had a 'not proved' outcome (e.g. the person was found not guilty, or the charge was withdrawn or dismissed) as their most serious charge outcome.

The number of people who had an 'other proved' outcome (e.g. discharge without conviction or diversion) for any type of name suppression decreased 78% over the past 10 years.

In 2019, of the people convicted of an offence and granted name suppression of some sort, 38% received imprisonment and 21% received home detention as their most serious sentence.

“Three strikes” offences

In 2019, 1,313 people received a first warning for a stage-1 offence ('first strike'), 109 people received a final warning for a stage-2 offence ('second strike') and 6 people had a stage-3 offence ('third strike').

There have been 13 people with stage-3 offences overall.

In 2019, people with warnings for stage-1 offences were most likely to be convicted for sexual offences (36%), robbery (26%) or assault (26%) as the most serious offence they received the warning for.

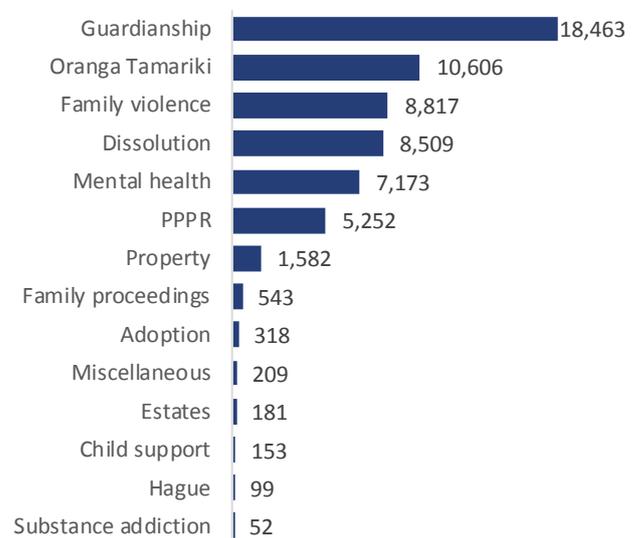
In 2019, 89% of people with stage-1 offences and 98% of people with stage-2 offences were male.

Family Court applications

In 2019, there were 61,957 substantive applications filed in the Family Court. The number of applications increased 2% from 2018.

The largest number of applications were 'guardianship' cases, which relate to the Care of Children Act 2004 (excluding Hague) (30%; 18,463 applications), followed by applications for care or protection under the Oranga Tamariki Act 1989 (17%; 10,606 applications) (Figure 7).

Figure 7: Guardianship cases had the highest number of substantive Family Court applications in 2019



In 2019, almost half (48%) of the Care of Children Act 2004 (excluding Hague) applications were for parenting orders (8,952 applications); another 9% (1,715 applications) were for parenting order variations and 2% (457 applications) for discharging a parenting order.

The proportion of parenting order applications filed 'without notice' has increased over time. Prior to legislative changes to the Family Court in early 2014 less than a third of applications were filed 'without notice' compared to nearly three-quarters filed from 2015 onwards. In 2019, 72% were filed 'without notice' and 28% were filed 'on notice'.

Protection Order applications

In 2019, there were 5,995 applications filed for Protection Orders. The number of applications filed in 2019 increased by 9% from 2018.

The majority (80%) of these applications in 2019 were 'without notice', where urgent protection was being sought. Another 16% were for Sentencing Act Orders (granted at conviction for family violence offending where a Protection Order is not already in place, and the victim does not object).

In 2019, most (96%) 'without notice' applications with a granted outcome included a temporary Order being granted during the application process.

In 2019, 63% of applications for a Protection Order involved children.

Most applicants (and other protected adults) are female (85% in 2019) and most respondents (and associated respondents) are male (87% in 2019).

Children adopted

In 2019, 138 adoption applications were filed in New Zealand. This number has decreased over the past 10 years, with 201 adoption applications filed in 2010. If an application is granted, it represents the adoption of one child. In 2019, 83% of applications with an outcome resulted in an adoption, resulting in 151 children being legally adopted.

Almost half of these children (46%) were aged under 12 months.

Legal Aid grants

In 2019, there were 78,373 legal aid grants in total. This increased 2% from 2018. The total expenditure for legal aid also increased 12%, from \$155.8 million to \$174.3 million.

In 2019, there were 58,943 criminal legal aid grants. The number of grants has increased each year since 2014 and increased 3% compared to 2018. The amount of criminal legal aid expenditure also increased each year; in the most recent year it increased by 16%, or \$14.4 million.

In 2019, there was a 1% increase in the number of the family legal aid grants and a 5% increase in civil legal aid grants compared to 2018. Expenditure increased by 3% for family grants (to \$47.7 million) and 17% for civil grants (to \$6.6 million).

The number of Waitangi Tribunal grants increased 23% between 2018 and 2019 (from 205 to 252 grants). Expenditure increased 13% over the same period, from \$14.6 million to \$16.5 million.

In 2019, the majority of criminal legal aid grants were to people aged under 40 years (73%) or to males (68%).

Collections

In 2019, the closing outstanding balance (for fines, fees or reparations that are still owed) for the Collections Unit was \$590.5 million. This was a 1% decrease (of \$7.0 million) from the closing balance in 2018.

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 (eg 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 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, and included in these ‘child and young person’ statistics. Charges filed prior to this date are ‘adult’ charges and are therefore not included in these statistics.

⁵ The Youth Court is closed to the public, so any details that may identify an individual child or young person cannot be reported. To protect the confidentiality of individuals, all numbers for children and young people in court (including children and young people with charges finalised in the Youth Court) are randomly rounded using a modified version of Stats NZ’s method of base 3 random rounding.

⁶ The percentages will not add to 100% as the offence types are calculated independently.

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 are likely to have an extensive conviction history, including previous imprisonment sentences and/or previous convictions for drug cultivation/manufacture/supply.