

COVID-19 Alert Level 4

What happened in the District Court

During Alert Level 4 of COVID-19¹ the justice system, including the courts, was an essential service. The District Court continued to operate to deal with priority proceedings, including those affecting the liberty of the individual; protection of the at-risk or vulnerable (including children); national and community safety; and facilitating and promoting public order.

In the criminal jurisdiction, defendants in custody appeared before a Judge either remotely or in person. Other proceedings were administratively adjourned until the next available date. In the Family Court, mental health and urgent protection order and parenting order applications were priority proceedings as they are time critical and involve the protection of the at-risk or vulnerable.

This summary compares data for Alert Level 4 with a baseline period four weeks prior to Alert Level 2.² The data was extracted from a live dataset used for operational purposes; it may differ to data extracted on a different date.³

The District Court continued to operate during Alert Level 4

While the District Court continued to operate during Alert Level 4, the number of completed court events was lower, and more events were adjourned or rescheduled.

Fewer court events were completed

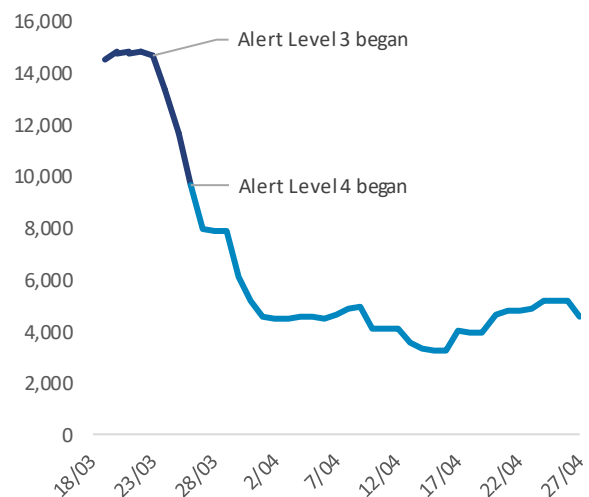
Leading up to the first Alert Level 3 period, more than 14,500 court events were completed in each 7-day period (excluding events completed on the papers, adjourned for any reason, no longer required, or where a warrant to arrest was issued due to non-appearance of a defendant). This included events in the Youth, District and High Court (across the criminal, family and civil jurisdictions, and including the Disputes Tribunal).

However, during that initial Alert Level 3 and into Alert Level 4, the number of completed events decreased substantially (Figure 1).

By the first day of Alert Level 4, there had been 9,678 completed events (7-day rolling total) and this decreased further to a low-point of 3,256 completed events in mid-April following the Easter holiday weekend.

The number of completed court events increased in the last two weeks of Alert Level 4, ending with a 7-day rolling total of 4,602 completed events.

Figure 1: The rolling 7-day total of completed court events decreased throughout Alert Level 3 and 4, before gradually increasing



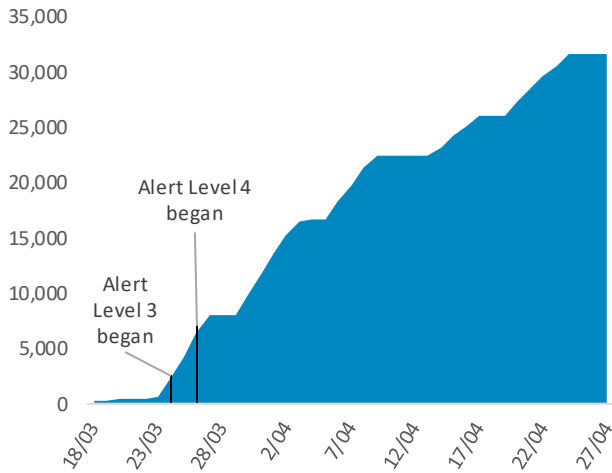
Many court events were adjourned or rescheduled

By the end of Alert Level 4, a total of 31,712 District Court events (across the criminal, family and civil jurisdictions and including Disputes Tribunal) had been adjourned or rescheduled due to COVID-19.⁴

This included 23,807 rescheduled court events and 7,905 court events that were adjourned (Figure 2).

These events will now occur at a future date, meaning delay for these cases.

Figure 2: The cumulative number of court events adjourned or rescheduled was large



Most of the impacted events were in the criminal jurisdiction, where 16,652 court events were rescheduled and 7,546 were adjourned (Table 1). The family jurisdiction had 5,733 court events and the civil jurisdiction 1,781 court events rescheduled or adjourned. The number of events rescheduled or adjourned in each jurisdiction reflects the number of events normally scheduled for each jurisdiction.

Table 1: The majority of rescheduled or adjourned events were criminal

Jurisdiction	Adjourned	Rescheduled	Total
Criminal	7,546	16,652	24,198
Family	258	5,475	5,733
Civil	101	1,680	1,781
Total	7,905	23,807	31,712

The number of new and disposed criminal cases in the District Court decreased

A criminal case is a group of charges, related to one or more people, that go through the court process together. The majority go through the District Court.

Fewer criminal cases entered courts

7,954 new criminal cases entered the District Court during Alert Level 4. This was 2,107 (21%) fewer than during the baseline period (Table 2).

There were differences between justice service areas. The South Auckland justice service area had the largest reduction in the number of new criminal cases (-473 cases; -34%), followed by East Coast (-298 cases; -34%) and Bay of Plenty (-284 cases; -38%). Whereas in Taitokerau there was a small increase of 57 cases (13%).

Table 2: While not all justice services areas had large decreases in criminal new business, all had large reductions in disposals

Justice service area	New business			Disposed		
	AL4 count	Difference from baseline	% difference from baseline	AL4 count	Difference from baseline	% difference from baseline
Taitokerau	486	57	13%	227	-307	-57%
Waitematā	664	-133	-17%	186	-596	-76%
Auckland	639	-202	-24%	258	-667	-72%
South Auckland	922	-473	-34%	509	-887	-64%
Waikato	602	-213	-26%	271	-616	-69%
Bay of Plenty	457	-284	-38%	306	-456	-60%
Wairariki	360	-210	-37%	257	-259	-50%
East Coast	570	-298	-34%	326	-515	-61%
Taranaki/Whanganui	391	-24	-6%	186	-255	-58%
Manawatū/Wairarapa	489	-50	-9%	209	-284	-58%
Northern Wellington	473	-25	-5%	251	-286	-53%
Wellington	184	-40	-18%	101	-138	-58%
Nelson/Marlborough/West Coast	335	-74	-18%	178	-248	-58%
Canterbury	802	-119	-13%	444	-595	-57%
Otago	313	5	2%	176	-195	-53%
Southland	267	-24	-8%	138	-197	-59%
Total	7,954	-2,107	-21%	4,023	-6,501	-62%

There was a significant drop in the number of cases disposed of

Nationally, the number of disposed cases during Alert Level 4 reduced to 4,023 cases - a reduction of 6,501 (62% decrease) compared to the baseline period.

The South Auckland justice service area had the largest decrease with 887 (64%) fewer cases disposed of, followed by Auckland (-667 cases, -72%), and Waikato (-616 cases, -69%).

Active criminal workload increased across all justice service areas

Overall, the active criminal workload increased 13% between the week immediately preceding Alert Level 4 (36,204 active cases) and the end of Alert Level 4 (40,976 active cases).

There were increases across all justice service areas, ranging from 8% to 22% (Table 3).

The South Auckland justice service area had the largest increase in the number of active criminal cases (by 631 cases; 11%). There were also large increases in Waitematā (by 470 cases; 14%) and Canterbury (by 461 cases; 16%).

The Wellington justice service area had the smallest increase, with 103 additional active cases (8%).

Table 3: The South Auckland justice service area had the largest increase in active criminal cases

Justice service area	AL4 count	Difference from baseline	% difference
Taitokerau	1,952	349	22%
Waitematā	3,743	470	14%
Auckland	4,750	378	9%
South Auckland	6,564	631	11%
Waikato	3,034	378	14%
Bay of Plenty	2,074	227	12%
Wairariki	1,599	143	10%
East Coast	2,881	360	14%
Taranaki/Whanganui	1,697	231	16%
Manawatū/Wairarapa	1,973	319	19%
Northern Wellington	2,094	268	15%
Wellington	1,318	103	8%
Nelson/Marlborough/West Coast	1,461	184	14%
Canterbury	3,433	461	16%
Otago	1,450	142	11%
Southland	953	128	16%
Total	40,976	4,772	13%

The number of charges filed in the District Court was lower overall

A charge relates to a single criminal offence (e.g. burglary). A person may be charged with more than one offence at the same time, which would be grouped together into a court case.

This data does not include information on the outcome or imposed sentence of charges filed during these periods; for many charges this will not have been determined yet.⁵

There were 22% fewer charges filed

In total, there were 13,454 charges filed in the District Court for category 1, 2 and 3 offences⁶ during Alert Level 4. This was 3,815 (22%) fewer than the 17,269 charges during the baseline period.

Except for the Southland and Taitokerau justice service areas (which had 13% and 3% more charges respectively), all areas had fewer charges filed (Table 4). The decreases ranged from 6% in Otago to 42% in Bay of Plenty.

Table 4: Some justice service areas had bigger differences in the number of charges filed

Justice service area	AL4 count	Difference from baseline	% difference
Taitokerau	805	24	3%
Waitematā	1,153	-258	-18%
Auckland	876	-223	-20%
South Auckland	1,448	-957	-40%
Waikato	962	-431	-31%
Bay of Plenty	717	-516	-42%
Wairariki	844	-205	-20%
East Coast	951	-568	-37%
Taranaki/Whanganui	660	-145	-18%
Manawatū/Wairarapa	740	-196	-21%
Northern Wellington	718	-73	-9%
Wellington	374	-39	-9%
Nelson/Marlborough/West Coast	659	-111	-14%
Canterbury	1,517	-145	-9%
Otago	513	-32	-6%
Southland	517	60	13%
Total	13,454	-3,815	-22%

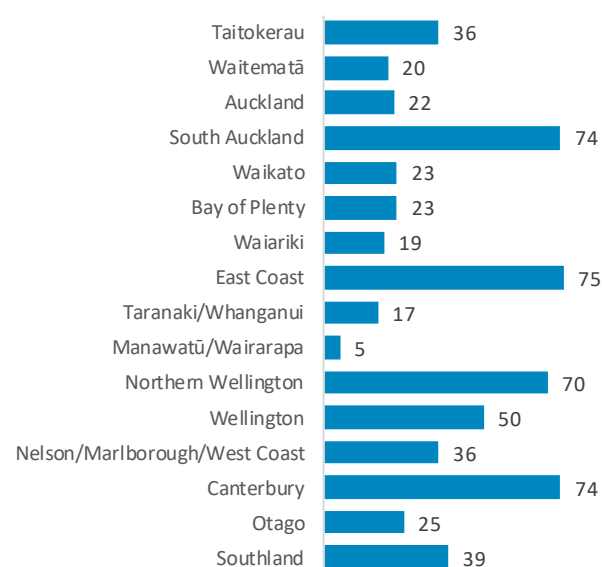
Prosecutions for breaching Alert Level 4 restrictions were widespread

In total, there were 608 charges filed in the District Court for breaching Alert restrictions. Most (96%; 586

charges) were for obstructing/hindering a Medical Officer of Health or a person assisting a Medical Officer (section 72 Health Act 1956); while 4% (22 charges) were for breaching the Civil Defence Emergency Management Act 2002.

The number of charges varied by justice service area, with the highest number in East Coast (75 charges), South Auckland (74 charges), Canterbury (74 charges) and Northern Wellington (70 charges) (Figure 3). Manawatū/Wairarapa had the lowest number of charges filed (5 charges).

Figure 3: There were charges filed for breaching Alert restrictions in all 16 justice service areas



Most offence types decreased

Offences can be categorised into 16 ANZSOC divisions.⁷ Most ANZSOC divisions decreased during Alert Level 4, but there were more charges filed for drug (+193 charges; +19%) and burglary (+60 charges; +12%) offences during Alert Level 4 (Table 5).

Offences against justice (which includes offences for breaching community sentences, breach of protection order and people on bail not attending scheduled court appearances) had the largest decrease in the number of charges filed (by 1,737 charges; -48%). The reductions for many of these offences were a direct consequence of the justice system's response to Alert Level 4, as can be seen for the offences with the largest reduction in charges:

- failure to answer bail (-1,077 charges; -97%; this offence relates to people on bail not attending their scheduled court appearance)
- breach of community work (-543 charges; -98%).

During Alert Level 4, all Community Corrections sites were closed, meaning that people were not required to attend community work. Court proceedings were prioritised for people in custody. For those on bail, court events were rescheduled or adjourned to a later date.

Table 5: The largest decrease in the number of charges occurred for offences against justice

Offence type (ANZSOC division)	AL4 count	Difference from baseline	% difference from baseline
01: Homicide and related offences ⁸	3	-2	-40%
02: Acts intended to cause injury	1,800	-205	-10%
03: Sexual assault and related offences	176	-321	-65%
04: Dangerous or negligent acts endangering persons	756	-178	-19%
05: Abduction, harassment and other offences against the person	482	-34	-7%
06: Robbery, extortion and related offences	60	-50	-45%
07: Unlawful entry with intent/burglary, break and enter	543	60	12%
08: Theft and related offences	1,652	-666	-29%
09: Fraud, deception and related offences	501	-345	-41%
10: Illicit drug offences	1,229	193	19%
11: Prohibited and regulated weapons and explosives offences	518	-93	-15%
12: Property damage and environmental pollution	493	-74	-13%
13: Public order offences	369	-127	-26%
14: Traffic and vehicle regulatory offences	2,852	-243	-8%
15: Offences against justice procedures, government security and government operations	1,848	-1737	-48%
16: Miscellaneous offences	172	7	4%
Total	13,454	-3815	-22%

The most frequent offence for offences against justice during Alert Level 4 was for obstructing or hindering a Medical Officer of Health or a person assisting a Medical Officer (e.g. breaching the Alert Level restrictions; 586 charges); this offence had not been used previously.

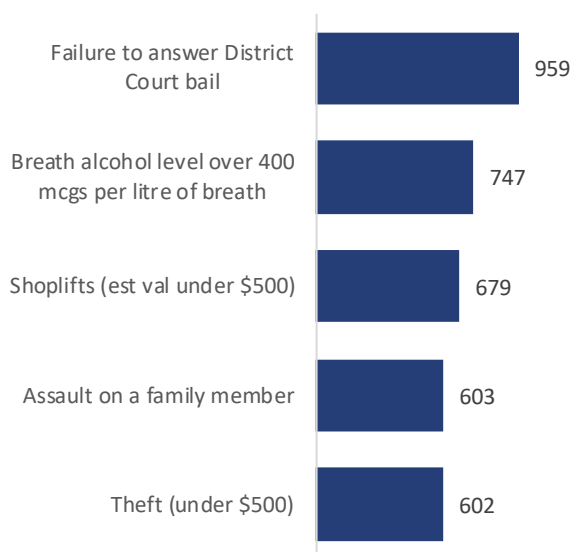
Theft offences also decreased substantially (by 666 charges; -29%), with the largest reductions in shoplifting and theft offences under \$500 value.

Sexual offences had the largest percentage change, with a 65% reduction in charges filed.

The most frequent offences were different during Alert Level 4

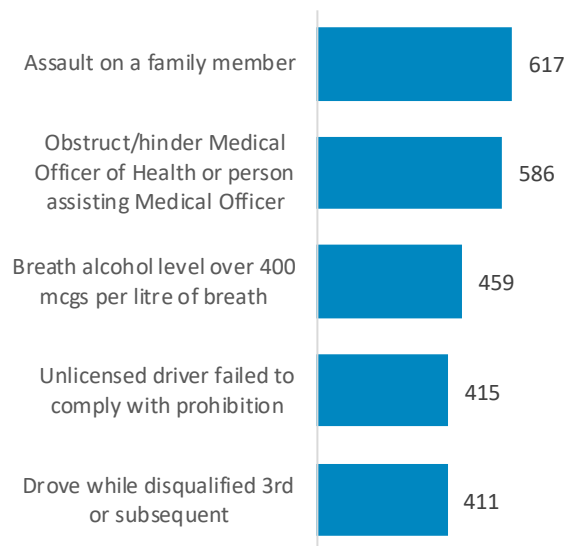
As shown in Figure 4, during the pre-Alert Level 2 baseline period, the most frequently charged offences were for failing to attend a scheduled court appearance while on bail (959 charges), followed by the driving under the influence offence 'breath alcohol level over 400 mcgs per litre of breath' (747 charges).

Figure 4: Normally (before Alert level 4), failure to answer bail was the most frequent charge



However, this changed during Alert Level 4 when the most frequent offences were assault on a family member (617 charges) and obstructing or hindering a Medical Officer of Health or person assisting a Medical Officer (586 charges) (Figure 5).

Figure 5: During Alert Level 4, the most frequent offences were different

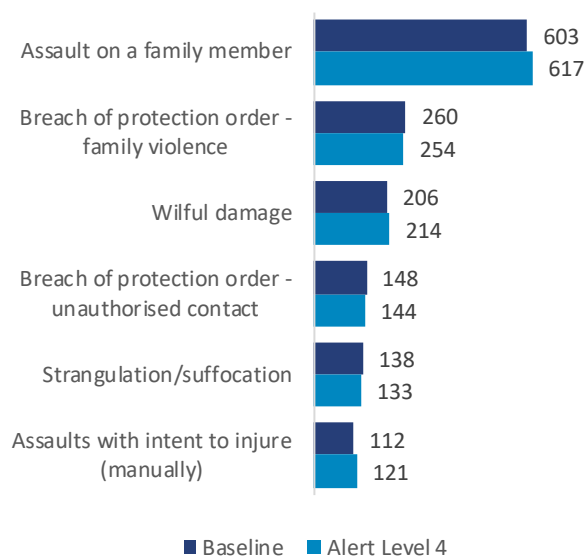


Family violence-related offences decreased

During Alert Level 4, there were 2,384 family violence-related⁹ charges filed in the District Court, which was 255 charges (10%) lower than during the baseline period.

The six most frequent family violence-related offences during Alert Level 4 were the same as during the baseline period (Figure 6). The number of charges filed for each of these offences was also similar to during the baseline.

Figure 6: The most common family violence-related offences remained consistent



The total number of Family Court applications filed was lower

Family Court statistics are reported by applications, rather than by cases.

In total, 2,328 substantive applications were filed in the Family Court during Alert Level 4. This was 54% lower than during the baseline period when there were 5,027 applications filed.

A higher proportion of applications were filed without notice

Applications needing urgent attention (such as those for a Protection Order where urgent protection is being sought) are filed without notice, whereas all other applications are filed on notice.

During Alert Level 4, the number and proportion of all Family Court applications filed without notice changed compared to the pre-Alert Level 2 baseline, as although there were fewer applications filed overall, a greater proportion were filed without notice:

- the number of without notice applications decreased by 37% (640 applications fewer) (Table 6)
- the proportion of applications filed without notice increased from 35% during the baseline period to 48%.

The number of on notice applications filed during Alert Level 4 decreased even more (2,059 applications fewer; -63%). The proportion of applications filed on notice decreased from 65% to 52%.

Table 6: The largest decrease was in applications filed on notice

Filing method	AL4 count	Difference from baseline	% difference
Without notice	1,106	-640	-37%
On notice	1,222	-2,059	-63%
Total	2,328	-2,699	-54%

Some Family Court case types were impacted more than others

The case types related to priority proceedings, such as mental health, guardianship and family violence, had smaller percentage reductions in the number of

applications filed, than those that were not prioritised, such as dissolutions (Table 7).

Table 7: Some case types had large differences in the number of substantive applications filed

Case type	AL4 count	Difference from baseline	% difference
Adoption	1	-19	-95%
Child support	0	-11	-100%
Dissolution	0	-749	-100%
Estates	4	-9	-69%
Family proceedings	9	-35	-80%
Family violence	483	-251	-34%
Guardianship	676	-820	-55%
Hague	4	-6	-60%
Mental health	568	5	1%
Oranga Tamariki	379	-465	-55%
Property	18	-92	-84%
Protection of personal and property rights	181	-227	-56%
Substance addiction	4	1	33%
Miscellaneous	1	-21	-95%
Total	2,328	-2,699	-54%

As such, the number of applications filed for mental health cases during Alert Level 4 (568 applications) was similar to during the baseline period (1% higher).

Guardianship cases, which relate to the Care of Children Act 2004 (excluding Hague applications), usually have the highest number of applications. These include applications for Parenting Orders. During Alert Level 4 there were 820 (55%) fewer guardianship applications filed compared to the baseline period.

There were zero applications filed for dissolution cases (compared to 749 during baseline). These are dealt with in the Central Registry, rather than locally in each justice service area.

The other case types with the largest decreases in applications filed were Oranga Tamariki (465 applications fewer) and family violence (251 applications fewer).

The Family Court reductions occurred across justice service areas

The reduction in the number of Family Court applications filed was experienced across all justice service areas (Table 8).

There were 319 (56%) fewer applications filed in the Canterbury justice service area and 298 (55%) fewer filed in South Auckland.

The Wellington justice service area had the smallest reduction, with 36 fewer applications filed (26% decrease).

Table 8: Fewer Family Court applications were filed in all justice service areas

Justice service area	AL4 count	Difference from baseline	% difference
Taitokerau	119	-165	-58%
Waitematā	226	-222	-50%
Auckland	186	-193	-51%
South Auckland	239	-298	-55%
Waikato	249	-168	-40%
Bay of Plenty	161	-113	-41%
Wairariki	85	-111	-57%
East Coast	128	-156	-55%
Taranaki/Whanganui	121	-132	-52%
Manawatū/Wairarapa	133	-204	-61%
Northern Wellington	104	-196	-65%
Wellington	100	-36	-26%
Nelson/Marlborough/West Coast	104	-91	-47%
Canterbury	249	-319	-56%
Otago	73	-125	-63%
Southland	51	-105	-67%
Total	2,328	-2,699	-54%

Protection Order applications were lower

In total, 361 applications for a Protection Order were filed during Alert Level 4. For most of the applications filed, whether a final Protection Order is ultimately granted is still being determined. However, most applications were filed without notice (81%), where urgent protection was being sought; these usually result in a temporary Order being granted.

While the distribution of application types was similar between Alert Level 4 and the baseline period, proportionally more in Alert Level 4 resulted from a breach of a Police Safety Order (4% vs 1%) and less were filed on notice (1% vs 3%). Another 14% were related to the Sentencing Act.

The overall number of applications filed was 31% lower than during the baseline period (when there were 523 applications) (Table 9). The number filed each week varied (ranging between 15% and 50% fewer each week). The largest overall percentage decrease (78%) was for on notice applications, while

without notice applications were 32% lower. There were slightly more applications resulting from a breach of Police Safety Order.

Table 9: Protection Order applications were 31% lower overall during Alert Level 4

Application type	AL4 count	Difference from baseline	% difference
On notice	4	-14	-78%
Without notice	293	-139	-32%
Sentencing Act	49	-19	-28%
Breach of Police Safety Order	15	10	200%
Total	361	-162	-31%

Parenting Order applications were lower

During Alert Level 4 there were 322 applications for a Parenting Order, which was 58% lower than the baseline 761 applications.

Applications for Parenting Orders were prioritised during Alert Level 4 where safety was a concern. As such, 92% of the Parenting Order applications were filed without notice, with 8% filed on notice. During the baseline period, 75% of these applications were filed without notice.

There were 77 applications for variations to existing Parenting Orders; this was 44% lower than during the baseline period.

Family Court active workload increased slightly

The number of active Family Court applications increased by 2% between the week immediately preceding Alert Level 4 and the end of Alert Level 4 (from 27,987 to 28,537 active substantive applications).

However, it is possible an unseen backlog is developing, as parties who delayed filing applications during Alert Level 4 file their applications over the coming weeks or months.

Civil new business and active workload decreased

For civil cases in the District Court, there were 132 new cases during Alert Level 4. This was 95% lower than during the baseline period when there were 2,464 new cases.

The active civil workload decreased 4% between the week immediately preceding Alert Level 4 and the end of Alert Level 4 (from 12,447 to 11,960 active cases with substantive applications).

However, it is possible an unseen backlog is developing, as parties who delayed filing applications during Alert Level 4 file their applications over the coming weeks or months.

Contact centre calls increased initially, before decreasing

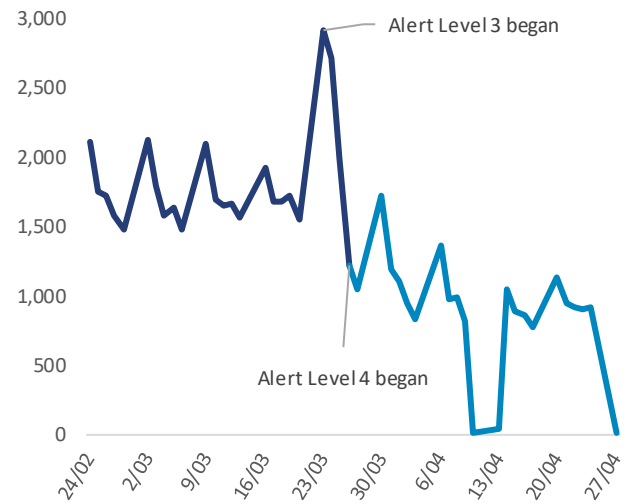
The number of calls to the Ministry's 0800 COURTS contact centre during the baseline period ranged between approximately 1,300 and 2,100 calls (with Mondays the busiest day) (Figure 7).

On Monday 23 March (the day the initial Alert Level 3 was announced) there were 2,900 calls (41% more than the average Monday). The next two days of Alert Level 3 had very high call volumes (Tuesday had 57% more and Wednesday 21% more than average for those days of the week).

Once Alert Level 4 began, the number of calls decreased substantially, with the busiest day being the first Monday (1,700 calls).

Overall, 7,645 calls were received during the first Alert Level 3. During Alert Level 4, 19,379 were received, which was 40% fewer than during the baseline period.

Figure 7: A spike in calls to 0800 COURTS occurred immediately prior to Alert Level 4¹⁰



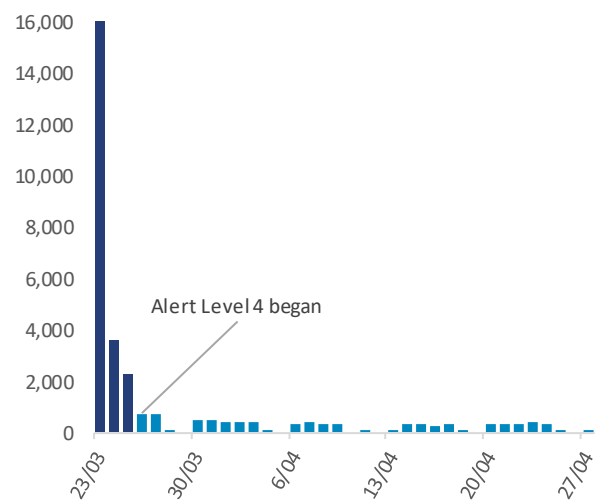
Foot traffic through courts decreased

During Alert Level 4, there were restrictions on people entering court buildings. This led to large reductions in the number of people recorded as entering courts (at sites with full-time walk through metal detectors) compared to the baseline period.

Figure 8 starkly shows the difference in foot traffic between Monday 23 March and the following weeks during Alert Level 4.

On weekdays, foot traffic decreased, on average, between 93% and 97%, compared to days during the baseline period. On Saturdays, when courts hold arrest lists, foot traffic decreased by 46%.

Figure 8: Foot traffic decreased substantially when access to buildings was restricted



¹ Alert Level 4 occurred from Thursday 26 March to Monday 27 April 2020.

² The four-week baseline period was Monday 24 February to Sunday 22 March 2020.

³ Data on cases was extracted on 3 May 2020. All other data was extracted on 6 May 2020. Application and charge data use the date the application or charge was created in the Ministry's Case Management System.

⁴ This includes events where information related to COVID-19 was recorded in the Ministry's Case Management System. It does not include events that would have been scheduled over that period but were not, due to COVID-19.

⁵ For charges finalised by 30 June 2020, charge outcome and sentence information will be available with the next official release of financial year statistics in September 2020.

⁶ Offences can be categorised on the basis of maximum penalty. Category 1 offences are non-imprisonable, category 2 offences have a maximum penalty of less than 2 years imprisonment and category 3 offences have a

maximum penalty of 2 years or more imprisonment. Category 4 offences include very serious offences such as murder and are not included in this data.

⁷ Using the Australian and New Zealand Standard Offence Classification (<https://www.abs.gov.au/ausstats/abs@.nsf/mf/1234.0>).

⁸ The homicide charges included in this data are for driving causing death offences; homicide offences such as murder and manslaughter are not included as they are category 4 offences and heard in the High Court.

⁹ Family violence-related offences include specific family violence offence types (breach of protection order, assault on a family member, common assault (domestic) and coercion to marry), offences types usually associated with family violence although not family violence-specific (male assaults female and strangulation/suffocation) and charges for other offence types with the Police family violence flag.

¹⁰ The contact centre operates Monday to Friday. The days with zero calls (Friday 10 April, Monday 13 April and Monday 27 April) were public holidays.