

Offending on bail

Less than 20% of people offend on bail, mostly for breaching community orders

The number of people on bail has been stable in recent years, following large decreases since 2009. However, since 2014 the number of offences committed on bail has risen, leading to an increase in the percentage of people on bail who offend. Nevertheless, more than 80% of people on bail do not offend while on bail, and most offences committed on bail are for breaching community orders.

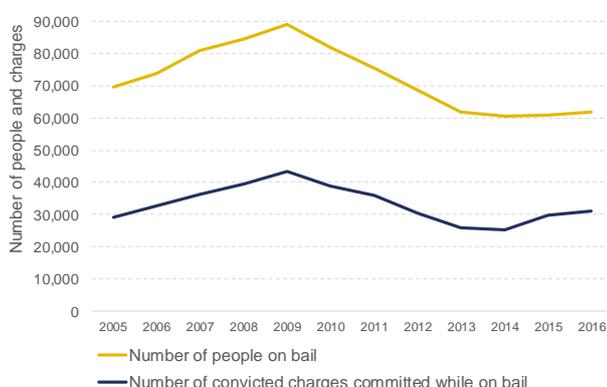
The number of people on bail has fallen since 2009

People whose offences cannot be dealt with at their first court appearance are either 'remanded into custody', 'remanded on bail' (released with conditions until their next court appearance) or 'remanded at large' (released until their next court appearance). In this factsheet, both remand on bail and remand at large are referred to as bail.

In 2016, there were 61,766 people remanded on bail. This fell by 31% from its peak in 2009, which saw 89,189 people on bail. However, the number of people on bail has remained stable since 2013 (see Figure 1). This is consistent with the trend in the overall number of people charged.

Māori are disproportionately represented among people on bail. In 2016, Māori comprised 41% of people remanded on bail. The percentage of people convicted of offending on bail who are Māori has steadily increased from 47% in 2009 to 52% in 2016.

Figure 1: Number of people on bail and number of offences committed while on bail, 2005-2016



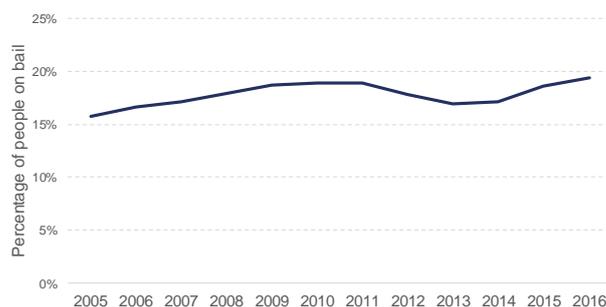
The number of offences committed on bail has increased in recent years

The number of convicted charges committed on bail followed the same trend as the number of people on bail until around 2014, but has increased in recent years (see Figure 1). In 2016, there were 30,988 convicted charges committed while the person was on bail. This number has increased by 24% since 2014 (despite the number of people on bail remaining stable), but remains below 2009 levels.

Approximately 4 out of 5 people on bail do not offend during their bail period

Over 80% of people who spent time on bail between 2011 and 2016 did not offend on bail. However, the percentage of people who did offend on bail increased from 17% in 2014 to 19% in 2016 (see Figure 2).

Figure 2: Percentage of people on bail who offended, 2005-2016

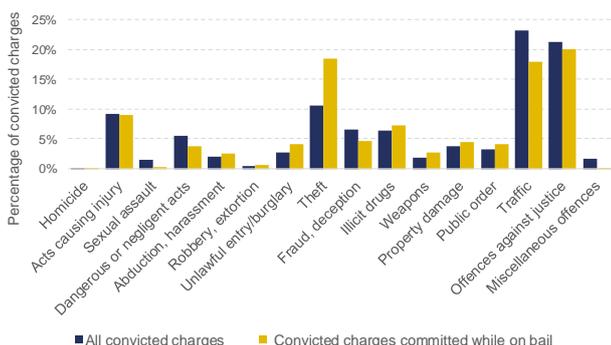


More than half of the offences committed on bail are breaches of community orders, theft and traffic offences

In 2016, 56% of all convicted charges committed on bail were for offences against justice (mostly breaches of community work orders), theft, and traffic offences. The least common offences committed on bail were homicide and sexual offences.

In general, the types of offences committed on bail follow the same distribution as all convicted offences (see Figure 3). Some of the biggest exceptions to this trend are theft offences (more commonly committed on bail compared to general offending), and traffic and sexual offences (which are committed less frequently on bail).

Figure 3: Offence type of convicted charges committed on bail compared to all convicted charges in 2016



The Bail Amendment Act changed the system context from 2013 onwards

The Bail Amendment Act 2013 made it more difficult for people charged with a variety of serious offences (drug offences and selected serious violent and sex offences) and who had previously been convicted of a specified offence to receive bail. This is because the Act increased the range of offences where the 'reverse onus' clause applied. That is, the burden of proof falls onto the accused person who must convince the court that they are safe to be released on bail.

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