

# Justice Statistics data tables

## Notes and trends for 2019/2020

The Justice Statistics data tables contain details on people going through the courts or accessing justice services (including children, young people, and adults) from 2010/2011 to 2019/2020. The tables are published on the Ministry website every six months.<sup>1</sup>

The tables include information on finalised charges and people charged (with some information from 1980/1981 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).<sup>2</sup>

### All charges and convicted charges

In 2019/2020, there were 204,777 charges finalised in court (for children, young people and adults). The number of charges decreased by 4% from last year (2018/2019) and by 34% from 2010/2011 (Figure 1).

In 2019/2020, 72% 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- not proved – the person was found not guilty or the charge was dismissed or withdrawn (21%)
- other – found unfit to stand trial or not guilty by reason of insanity (less than 1%).

The most common charges in 2019/2020, were for offences against justice (21%, e.g. breaching a community sentence) and traffic offences (17%) (Figure 2).

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

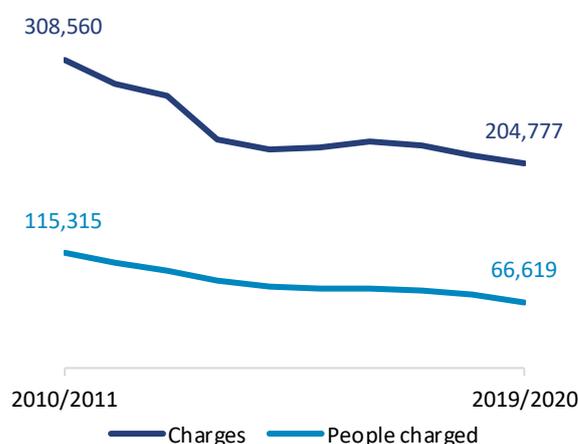
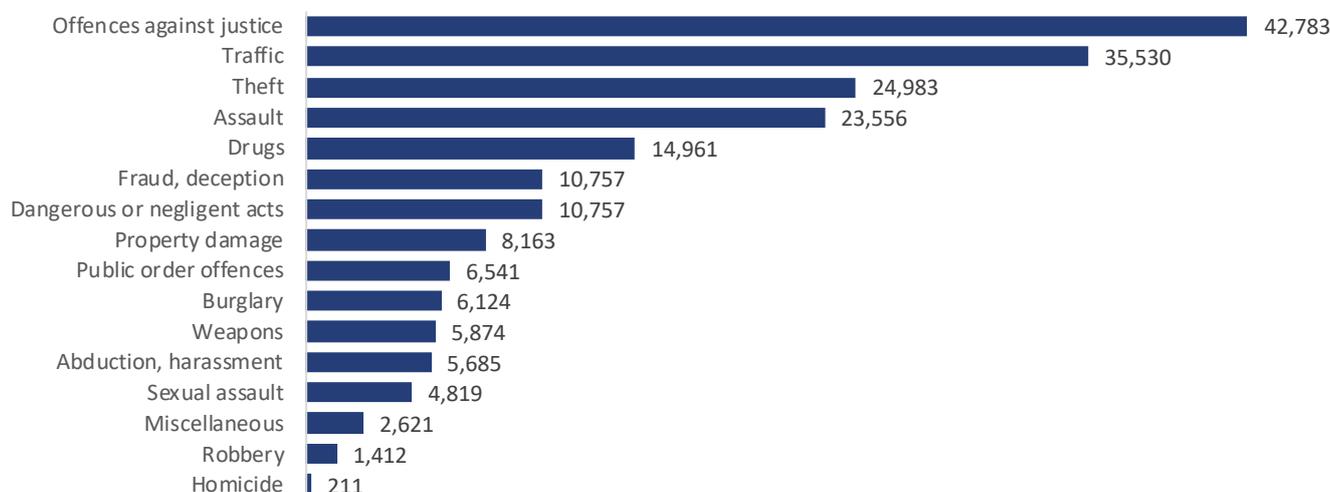


Figure 2: Charges for offences against justice and traffic offences were the most common in 2019/2020



Offences against justice have been the most common type of charge and have been for the last 4 years. But in 2019/2020, it is the first year (since the data series began in 1980/1981) that offences against justice have also been the most common type of convicted charge (this was previously traffic offences).

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## **People charged and convicted of offences**

In 2019/2020, 66,619 people had charges finalised in court. This was a 10% decrease from 2018/2019 (when there were 73,914 people). COVID-19 impacted the scheduling of court hearings and this contributed to the smaller number of finalised charges and people with finalised charges in 2019/2020.

For these people in 2019/2020, outcomes for their most serious charges were convicted (79%), other proved (9%), not proved (12%) and other outcomes (less than 1%). The percentage of people convicted has been between 80% and 82% each year since 2011/2012 but dropped below 80% in 2019/2020.

For 13% (6,765) of people convicted in 2019/2020, 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 2016/2017, however the percentage has remained similar due to the decreasing number of people convicted each year.

Community sentences were the most serious sentence for 44% (22,816 people), including home detention, community detention, intensive supervision, community work or supervision.

In 2019/2020, 79% of people convicted were male. Almost half (45%) were aged under 30 years. Additionally, 44% were Māori, 37% were European, 10% were Pacific Peoples and 3% were Asian.<sup>3</sup>

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## **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 2019/2020, in total, there were 7,929 charges for children and young people finalised in any court.<sup>4</sup> This included 6,663 charges for children and young people aged 10-16 years and 1,266 charges for young people aged 17 years. Of the charges for 17-year olds, 42 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 2010/2011, decreasing from 14,361 charges in 2010/2011 to 6,663 charges in 2019/2020. In just this past year, the number of charges for children and young people aged 10-16 years court fell by 10%.

Overall, the most common charges for children and young people in 2019/2020 were theft (33%), burglary (12%) and assault (10%).

There were 1,518 children and young people with charges finalised in any court in 2019/2020; of these, 333 received an order or sentence. The most common orders received (as the child or young person's most serious order) were discharge or admonishment (25%), youth supervision or community work (23%), and youth supervision with residence (18%). For 8% of children and young people, they received an adult sentence as their most serious sentence.

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## **Children and young people with charges finalised in the Youth Court**

In 2019/2020, in total, there were 7,665 charges finalised in the Youth Court.<sup>4</sup> This included 6,519 charges for children and young people (aged 10-16 years) and 1,146 charges for young people aged 17 years.

Despite the inclusion of 17-year olds in the last year, there has been a 43% decrease in the number of

charges finalised for children and young people in the Youth Court over the last 10 years.

In just this past year, the number of charges for children and young people (aged 10-16 years) finalised in the Youth Court fell by 9% compared to 2018/2019, when there were 7,143 charges.

In 2019/2020, 44% of all charges for children and young people finalised in the Youth Court (3,408 charges) were proved and received a section 282 absolute discharge.

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## Homicide offences

In 2019/2020, 180 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 2019/2020, 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 26 people convicted of manslaughter were also sentenced to prison (21 people).

Only 30% of the 60 people convicted of driving causing death received a prison sentence; nearly half (48%) received a community sentence as their most serious sentence (home detention, community detention, intensive supervision, community work or supervision).

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## Sexual offences

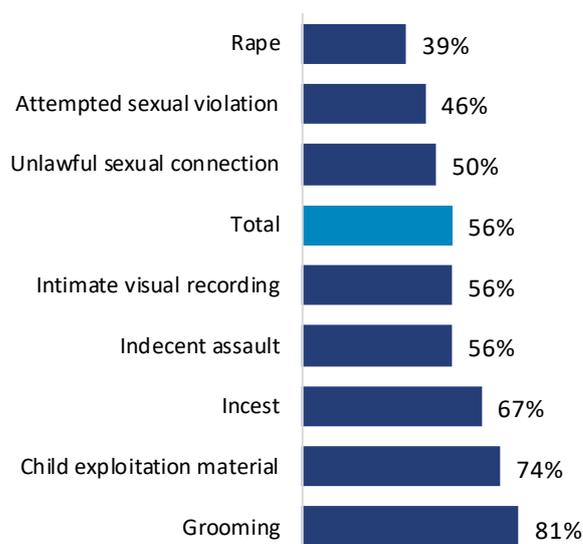
In 2019/2020, there were 4,819 charges for sexual offences. Of these charges, 50% were convicted and 46% were 'not proved' (the person was found not guilty or the charge was withdrawn or dismissed).

Half (51%) of all sexual offence charges were for indecent assault, 31% were for sexual violation (including rape and unlawful sexual connection) and 15% were for objectionable material offences (including child exploitation material (child pornography) and intimate visual recording).

There were 1,200 people charged with at least one sexual offence in 2019/2020. More than half (54%) 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.<sup>5</sup>

Overall, more than half (56%) 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).

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



In 2019/2020, 55% 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.

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## Family violence offences

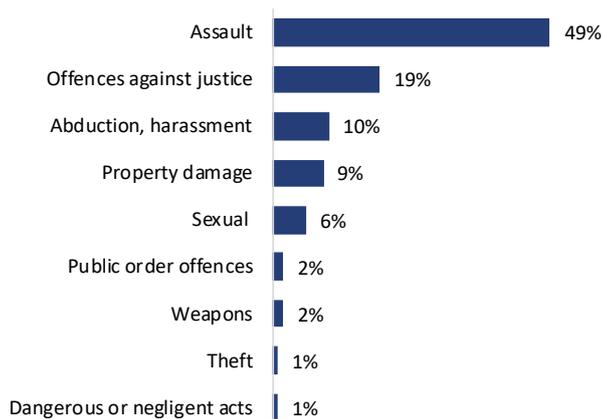
This new set of data counts all offences flagged as family violence in the Ministry Case Management System or involving a range of offence types specific to familial circumstances.<sup>6</sup> This is the most comprehensive family violence offences data published by the Ministry as it includes all charges 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 2019/2020, of all charges finalised in court, 15% (30,177 charges) were for family violence offences. Despite the overall number of charges decreasing by 4% compared to last year, the number of family violence charges increased by 5%.

Of the 30,177 charges finalised for family violence offences in 2019/2020, the most frequent offence types were (Figure 4):

- assault (acts intended to cause injury) (49%; 14,839 charges)
- offences against justice (e.g. mostly for breaching a protection order) (19%; 5,872 charges)
- abduction and harassment offences (10%; 3,069 charges)
- property damage (9%; 2,852 charges)
- sexual assault (6%; 1,683 charges).

**Figure 4: Almost half of all family violence charges in 2019/2020 were for assault**



In 2019/2020, 63% of family violence charges were convicted, but 30% had a 'not proved' outcome (the person was found not guilty or the charge was dismissed or withdrawn).

There were 13,358 people charged with at least one family violence offence in 2019/2020. Most people charged were male (87%) and 41% were aged under 30 years.

## Offences related to family violence

**Breach of protection order** – there were 5,625 charges and 3,021 people charged in 2019/2020. In 2019/2020, 49% of offences were for contravening a

protection order (no firearm) (2,763 charges). The next most frequent offences were the new contravention offences 'family violence' (32%; 1,809 charges) and 'unauthorised contact' (17%; 956 charges). Most people (82%) were convicted of their most serious breach of protection order offence.

### Common assault (domestic) and male assaults female

– the number of charges for both these offences decreased substantially in 2019/2020 compared to 2018/2019 (by 43% for common assault (domestic) and by 60% for male assaults female). This is related to the introduction of the offence for 'assault on a family member' in December 2018.

**Assault on a family member** - there were 5,517 charges finalised in 2019/2020, and 4,455 people charged. Most people (64%) were convicted and 24% had a 'not proved' outcome.

**Strangulation/suffocation** - in 2019/2020 there were 1,037 charges finalised. Of these, 45% were convicted and 53% had a 'not proved' outcome. However, as many charges filed for these offences 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 2019/2020, 15,265 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, 95% (14,523 people) were convicted.

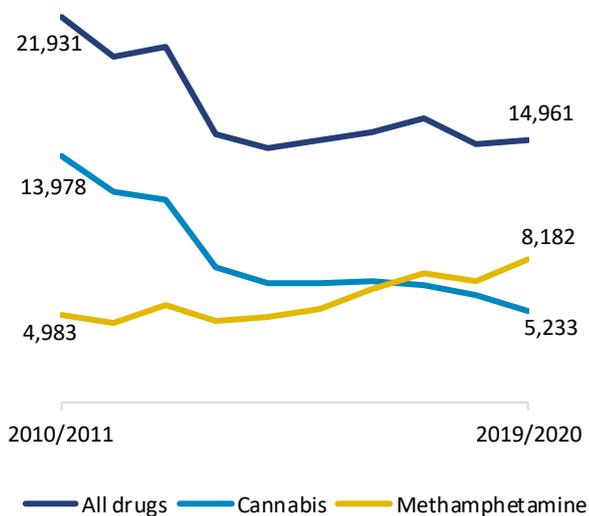
The number of people convicted of driving under the influence offences has decreased by 13% in the last year (from 16,690 people) and has almost halved over the last 10 years (from 27,528 people in 2010/2011 to 14,523 in 2019/2020). In 2019/2020, people convicted of driving under the influence were most likely to receive a monetary penalty (57%) as their most serious sentence.<sup>7</sup>

The number of people who received an alcohol interlock order has increased substantially over the past two years, following a change in legislation in mid-2018. In 2019/2020, 3,688 people received an order for an alcohol interlock device.

## Drug offences

In 2019/2020, there was a 2% increase in the number of charges for drug offences (from 14,678 charges in 2018/2019 to 14,961 in 2019/2020). Despite this increase, the number of charges has fallen by 32% since 2010/2011 (Figure 5).

**Figure 5: Methamphetamine now represent the most charges for drug offences**



This long-term decrease is mostly related to a 63% decrease in cannabis charges since 2010/2011. However, over the same period the number of methamphetamine charges has increased by 64%, overtaking cannabis offences for the first time in 2017/2018.

In 2019/2020, 55% of drug charges were for methamphetamine (8,182 charges) and 35% were for cannabis offences (5,233 charges).

## Cannabis offences

In 2019/2020, there were 5,233 charges for cannabis offences (15% decrease from 2018/2019) (Figure 5).

More than half (59%) of these charges were for possession and/or use (including utensils) offences, 25% were for dealing or trafficking offences and 15% were for cultivation offences.

In 2019/2020, there were 3,353 people charged with a cannabis offence, with 74% convicted of their most serious cannabis offence.

More than half (54%) of people convicted of cannabis offences in 2019/2020 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 19% of people convicted of cannabis offences in 2019/2020.

However, in only a small number of instances (3%) in 2019/2020 were people sentenced to imprisonment for cannabis offences only (they weren't sentenced to prison for any other offence types on the same day).<sup>8</sup>

For 62% 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% of instances). For 13% of instances people were convicted for cannabis possession and/or use (including utensils) offences only.

## Methamphetamine offences

In 2019/2020, there were 8,182 charges for methamphetamine offences. This increased by 18% compared to 2018/2019.

In 2019/2020, more than half (54%) of all methamphetamine charges were for possession and/or use (including utensils) offences and 42% were for dealing or trafficking offences.

There were 3,570 people charged with methamphetamine offences in 2019/2020. Most people (76%) were convicted for their most serious methamphetamine offence.

In 2019/2020, just over half (51%) 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 32% received imprisonment.

The percentage of people receiving community sentences as their most serious sentence increased from 44% in 2010/2011 to 51% in 2019/2020.

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## Psychoactive substances offences

In 2019/2020, 88 people had charges for psychoactive substances offences. This was half the number charged in 2018/2019 (176 people). In 2019/2020, 80% of people were convicted, while 19% 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, 57% were charged with sale or supply as their most serious psychoactive substances offence.

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## Harmful Digital Communications Act offences

In 2019/2020, 90 people were charged with Harmful Digital Communications Act offences; two-thirds (66%) were convicted.

People convicted of these offences in 2019/2020 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 (76%) and 19% received an imprisonment sentence.

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## Violent offences

In 2019/2020, there were 30,122 charges for violent offences.<sup>9</sup> The proportion of all charges that were for violent offences has increased from 12% in 2010/2011 to 15% in 2019/2020.

There were 16,124 people charged with violent offences in 2019/2020. 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).

One-third (30%) of people convicted of a violent offence were sentenced to prison, and a further 59% received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence.

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

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## Serious offences

In 2019/2020, there were 40,217 charges for serious offences (those with a maximum imprisonment sentence of 7 years or more).<sup>10</sup> These made up 20% of all charges finalised in 2019/2020. Since 2010/2011, the number of charges for serious offences has fluctuated between 18% and 22% of all charges.

There were 14,703 people charged with serious offences in 2019/2020. Around two-thirds (64%) were convicted for their most serious offences, 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 of those convicted were sentenced to prison, and a further 57% received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence.

Most (82%) people convicted of serious offences were male; 18% were female.

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## Discharge without conviction

The number of people discharged without conviction has dropped substantially, from 3,498 people in 2010/2011 to 2,174 in 2019/2020 (as has the total number of people charged over this period).

In 2019/2020, for 34% of people, 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 2019/2020, 23% of people discharged without conviction were aged under 20 years.

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## **Unfit to stand trial and not guilty by reason of insanity**

In 2019/2020, 153 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 (41%), followed by sexual offences (8%) and burglary offences (8%).

In 2019/2020, 40 people were found 'not guilty by reason of insanity' based on their mental state at the time of the offence.

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

The most recent data is for 2018/2019. Data for people on 'bail' and 'at large' in 2019/2020 is not provided, as people with charges in 2019/2020 may not have had the opportunity to be considered for release on bail or at large by the end of the year.

In 2018/2019, 58,951 people were remanded on 'bail' (including EM bail) or 'at large'. This decreased by 3% compared to 2017/2018. The majority of people were on 'bail' (76%) rather than 'at large' (24%).

In 2018/2019, 2,595 people were on 'EM bail' (4% of all people on 'bail' or 'at large'). Between 2017/2018 and 2018/2019 there was a 22% 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 2018/2019, 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 2018/2019 had assault as their most serious offence.

The percentage of people 'at large' or on 'bail' who offended is generally low; in 2018/2019, 11% of people offended while 'at large' and 23% offended while on 'bail'. This included 28,551 offences committed while people were on 'bail' and 2,801 while people were 'at large'.

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## **Name suppression**

In 2019/2020, 93% of charges did not have name suppression of any sort. In total, there were 6,213 charges with name suppression in 2019/2020 (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 2019/2020, 73% of charges with name suppression had interim suppression only. Another 19% had both interim and final name suppression and 8% had final name suppression only.

In 2019/2020, a third (33%) of all charges with name suppression were for sexual offences (2,077 charges).

In 2019/2020, 719 people were convicted of an offence where name suppression of some sort was granted (60% of people with name suppression), while 27% 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 of people who had an 'other proved' outcome (e.g. discharge without conviction or diversion) for any type of name suppression decreased 72% over the past 10 years.

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## **“Three strikes” offences**

In 2019/2020, 1,197 people received a first warning for a stage-1 offence ('first strike'), 108 people received a final warning for a stage-2 offence ('second strike') and 9 people had a stage-3 offence ('third strike'). Over the last 10 years, 17 people overall have had a stage-3 offence ('third strike').

In 2019/2020, the most frequently convicted offence types that people received a stage-1 warning for

were sexual offences (37%), assault (27%) or robbery (23%).

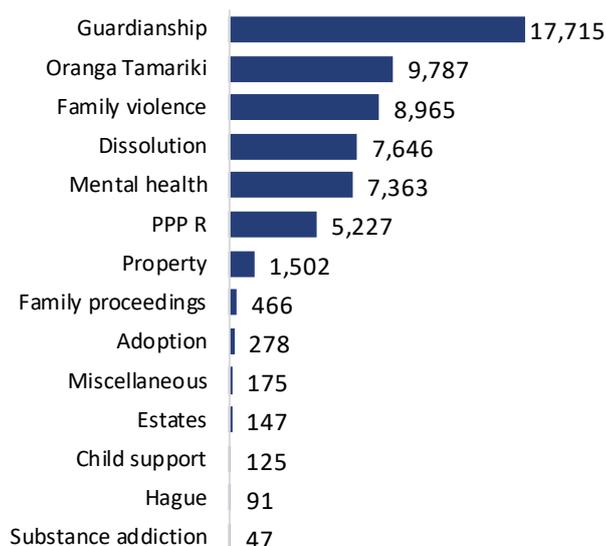
In 2019/2020, 89% of people with stage-1 offences and 99% of people with stage-2 offences were male.

## Family Court applications

In 2019/2020, there were 59,534 substantive applications filed in the Family Court. This decreased 2% from 2018/2019. The largest number of applications were for 'guardianship' cases (30%). 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 2019/2020 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 (12%) (Figure 6).

In 2019/2020, half (49%) of the Care of Children Act 2004 (excluding Hague) applications were for parenting orders (8,764 applications); another 9% (1,671 applications) were for parenting order variations and 2% (424 applications) for discharging a parenting order.

**Figure 6: Guardianship cases had the highest number of substantive Family Court applications in 2019/2020**



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 2014/2015 onwards. In 2019/2020, 74% were filed 'without notice' and 26% were filed 'on notice'.

## Protection Order applications

In 2019/2020, there were 6,283 applications filed for Protection Orders. The number of applications filed in 2019/2020 increased by 14% from 2018/2019.

The majority (77%) of these applications in 2019/2020 were 'without notice', where urgent protection was being sought. Another 15% 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).

Most 'without notice' applications have a temporary Protection Order granted during the application process. In 2019/2020, 78% had a temporary Protection Order granted by 31 August 2020.

In 2019/2020, 63% of applications for a Protection Order involved children.

Most applicants (and other protected adults) are female (85% in 2019/2020) and most respondents (and associated respondents) are male (86% in 2019/2020).

## Children adopted

In 2019/2020, 136 adoption applications were filed in New Zealand. This number has decreased over the past 10 years, with 212 adoption applications filed in 2010/2011. If an application is granted, it represents the adoption of one child. In 2019/2020, 83% of applications with an outcome resulted in an adoption, resulting in 135 children being legally adopted.

Almost half of these children (49%) were aged under 12 months.

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## Legal Aid grants

In 2019/2020, there were 76,566 legal aid grants in total. This decreased 1% from 2018/2019. The total expenditure for legal aid however increased 8%, from \$165.8 million to \$178.5 million.

In 2019/2020, there were 57,116 criminal legal aid grants. This decreased 2% from 2018/2019, the first decrease since 2013/2014. The amount of criminal legal aid expenditure increased each year since 2012/2013; in the most recent year it increased by 12% (\$11.6 million).

In 2019/2020, the majority of criminal legal aid grants were to people aged 19 to 29 years (38%) or 30 to 39 years (33%).

In 2019/2020, there was a 4% increase in the number of the family legal aid grants and a 1% decrease in civil legal aid grants compared to 2018/2019.

Expenditure increased by 4% for family grants (to \$48.7 million) and 6% for civil grants (to \$6.5 million).

The number of Waitangi Tribunal grants decreased 46% between 2018/2019 and 2019/2020 (from 296 to 161 grants). Expenditure also decreased over the same period (7%), from \$16.4 million to \$15.2 million.

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## Collections

In 2019/2020, the closing outstanding balance (for fines, fees or reparations that are still owed) for the Collections Unit was \$583.6 million. This was a 1% decrease (of \$8.2 million) from the closing balance in 2018/2019.

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## Breach of COVID-19 restrictions offences

Of the approximately 1,000 charges filed for breaching COVID-19 restrictions, only 272 charges had been disposed by 30 June 2020. Of these disposed charges, 72% (197 charges) were convicted, 1% (4 charges) had an 'other proved' outcome (such as Youth Court proved, discharge without conviction, adult diversion and Youth Court discharge) and 26% (71 charges) had a 'not proved' outcome (the person was found not guilty or the charge was dismissed or withdrawn).

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<sup>1</sup> [www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/](http://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/). This data summary was last updated 11/12/2020.

<sup>2</sup> 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.

<sup>3</sup> ‘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.

<sup>4</sup> 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 Statistics 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.

<sup>5</sup> The percentages will not add to 100% as the victim types are calculated independently

<sup>6</sup> 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).

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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.