

Justice Statistics data tables

Notes and trends for 2021/2022

The Justice Statistics data tables contain details on people going through the courts or accessing justice services (including children, young people, and adults) from 2012/2013 to 2021/2022. 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 1980/1981 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 adoption applications), and specific justice services (such as legal aid).^{2 3}

COVID-19 heavily affected several areas of the justice system, impacting trends in the data since the initial outbreak in 2019/2020. The Delta and Omicron outbreaks in 2021/2022 had the largest annual COVID-19 impact on justice statistics including reduced court inflow and reduced court events. The reader should bear this in mind when drawing conclusions about the trends in recent years, especially 2021/2022.

All charges and convicted charges

In 2021/2022, there were 168,277 charges finalised in court (for children, young people and adults). This was a 21% decrease from 2020/2021 and a 38% decrease from 2012/2013 (Figure 1).

In 2021/2022, 69% of charges were convicted; the remaining charges had outcomes that were:

- other proved – Youth Court outcomes, discharge without conviction, adult diversion (6%)
- not proved – the person was found not guilty or the charge was dismissed or withdrawn (23%)
- 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 2012/2013

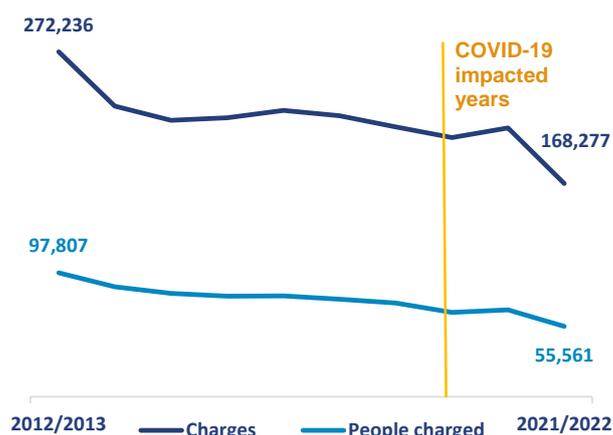
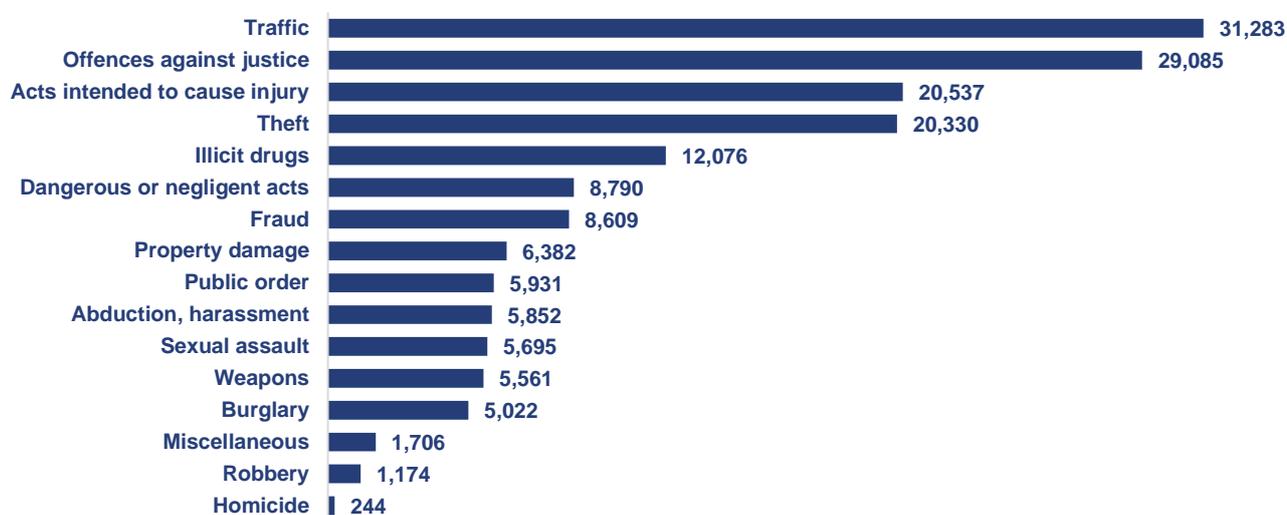


Figure 2: Charges for offences against justice and traffic offences were the most common in 2021/2022



People charged and convicted of offences

In 2021/2022, 55,561 people had charges finalised in court. This was a 19% decrease from 2020/2021 (when there were 68,502 people).

For people in 2021/2022, outcomes for their most serious charges were convicted (77%), other proved (8%), not proved (14%) and other outcomes (1%).

Of the 42,933 people convicted in 2021/2022, imprisonment was their most serious sentence for 11% (4,752 people). The number of people each year who receive a prison sentence as their most serious sentence has been decreasing since 2016/2017, however the proportion has remained similar.

Community sentences were the most serious sentence for 18,824 people (44%) including home detention, community detention, intensive supervision, community work or supervision.

In 2021/2022, 80% of people convicted were male. 41% were aged under 30 years. Additionally, 44% were Māori, 38% were European, 9% were Pacific Peoples, 3% were Asian and 10% had unknown ethnicity.⁴

Children and young people with charges finalised in any court

The youth justice system includes children and young people aged 10-17 years (from 1 July 2019 onwards, or 10 to 16 years up to 30 June 2019). 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 2021/2022, there were 7,203 charges for children and young people finalised in any court.⁵ This included 5,091 charges for children and young people aged 10-16 years and 2,115 charges for young people aged 17 years. Of the charges for 17-year-olds, 111 were for Schedule 1A offences (43% of which were robbery offences).

Despite the inclusion of 17-year-olds since 1 July 2019 there has been a 37% decrease in the number of charges finalised for children and young people in any court since 2012/2013. In this past year, the number of charges for children and young people in court fell by 10%.

Overall, the most common charges for children and young people in 2021/2022 were theft (34%), assault (12%), and burglary (11%).

There were 1,344 children and young people with charges finalised in any court in 2021/2022; of these, 285 received an order or sentence (this included 135 children and young people aged 10-16 years and 150 young people aged 17 years).

For children and young people aged 10-16 years, the most common orders received (as the child or young person's most serious order) were discharge or admonishment (24%), supervision with residence (24%) and youth supervision or community work (22%). Of the orders received by 17-year-olds, the most common orders received (as the young person's most serious order) were adult sentences (40%), monetary, confiscation or disqualification (22%) and discharge or admonishment (20%).

Children and young people with charges finalised in the Youth Court

In 2021/2022, in total, there were 6,900 charges finalised in the Youth Court.⁵ This included 5,040 charges for children and young people (aged 10-16 years) and 1,857 charges for young people aged 17 years.

Despite the inclusion of 17-year-olds since 1 July 2019 there has been a 36% decrease in the number of charges finalised for children and young people in the Youth Court since 2012/2013.

In this past year, the number of charges for children and young people finalised in the Youth Court fell by 9% compared to 2020/2021, when there were 7,578 charges.

In 2021/2022, 48% of all charges for children and young people finalised in the Youth Court (3,306 charges) were proved and received a section 282 absolute discharge.

Homicide offences

In 2021/2022, 190 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 (46%).

In 2021/2022, all 25 people convicted of murder and all 11 people convicted of attempted murder were sentenced to prison. Most of the 32 people convicted of manslaughter were also sentenced to prison (88%).

People convicted of driving causing death offences are less likely to receive a prison sentence than people convicted of other homicide offences. In 2021/2022, 14 (22%) of the 63 people convicted of driving causing death received a prison sentence and 38 (60%) received a community sentence as their most serious sentence (home detention, community detention, intensive supervision, community work or supervision).

Sexual offences

In 2021/2022, there were 5,695 charges for sexual offences. Of these charges, 46% were convicted and 47% were not proved (the person was found not guilty or the charge was withdrawn or dismissed). The remaining had an 'other proved' outcome or an 'other' outcome.

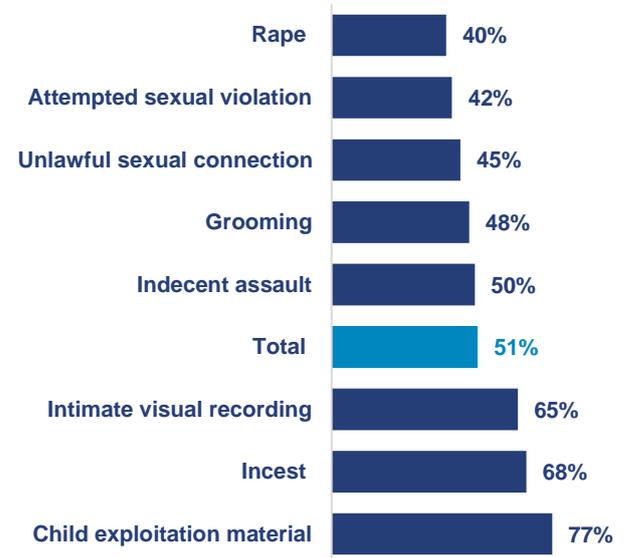
Half (50%) of all sexual offence charges were for indecent assault. Other offence types included unlawful sexual connection (23%), objectionable publication offences (12%) and rape (11%).

There were 1,398 people charged with at least one sexual offence in 2021/2022. The majority of these (57%) were charged with an offence against a child, 40% were charged with offences against adult women, and 4% with offences against adult men.⁶

Overall, approximately half of people charged with sexual offences (51%) were convicted for their most serious offence, however this percentage varies by offence type (Figure 3). In 2021/2022, 40% of people charged with rape were convicted (125 people), which is an increase on 2020/2021 when 32% of

people charged with rape were convicted. This was the highest proportion convicted since 2018/2019.

Figure 3: Approximately half of people charged with sexual offences were convicted for their most serious offence



In 2021/2022, 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 (95%), while just over half (54%) of people convicted of indecent assault did.

Offences related to family violence

Breach of protection order – there were 4,544 charges and 2,656 people charged in 2021/2022. In 2021/2022, 2,732 breach charges (60%) were for family violence. The next most frequent breach offence was for unauthorised contact (1,555 charges; 34%). Most charges for breaching a protection order were convicted (72%).

Assault on a family member – there were 5,486 charges finalised in 2021/2022, and 4,235 people charged. Around two-thirds of people (65%) were convicted and 24% had a not proved outcome.

Strangulation/suffocation – there were 1,213 charges finalised in 2021/2022. Of these, 47% were convicted and 49% had a not proved outcome.

Common assault (domestic) and male assaults female

– the number of charges for both these offences decreased substantially in 2021/2022 compared to 2019/2020 (by 48% for common assault (domestic) and by 60% 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 2021/2022, 13,932 people were charged with driving under the influence offences ('driving causing death' (when under the influence of alcohol or drugs), 'driving under the influence of alcohol or other substance' and 'exceed the prescribed content of alcohol or other substance limit'). Of these, 13,060 people (94%) were convicted.

The number of people convicted of driving under the influence decreased by 15% in the last year (from 15,396 people) and has almost halved since 2012/2013 (23,376 people).

In 2021/2022, people convicted of driving under the influence were most likely to receive a monetary penalty (61%) as their most serious sentence.⁷

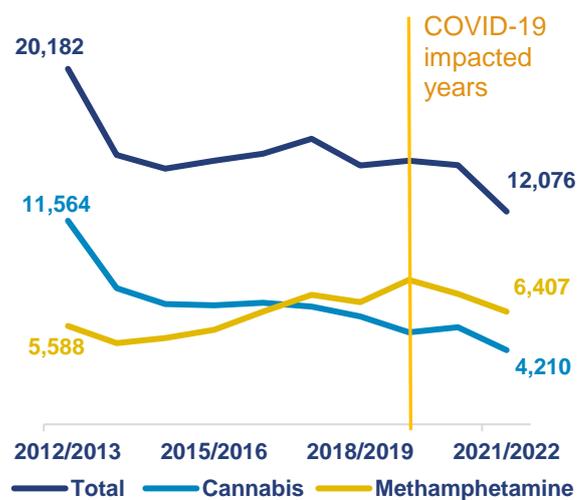
In 2021/2022, of the 13,060 people convicted of driving under the influence, 52% had no previous convictions for driving under the influence; 22% had been convicted of driving under the influence on one previous date, 12% had been convicted twice previously and 14% had been convicted 3 or more times.

In 2021/2022, 3,603 people received an order for an alcohol interlock device. The number of people who received an alcohol interlock order has increased substantially since 2018/2019 (from 368 people), following a change in legislation in 2018.

Drug offences

In 2021/2022, there was a 18% decrease in the number of charges for drug offences (from 14,716 charges in 2020/2021 to 12,076 in 2021/2022). Since 2012/2013, the number of charges has fallen by 40% (Figure 4).

Figure 4: Methamphetamine makes up the most charges for drug offences in 2021/2022



This long-term declining trend is mostly due to a decrease in cannabis charges, which have more than halved since 2012/2013. Although the number of methamphetamine charges overtook the number of cannabis offences in 2017/2018, there has been a 22% decrease in the number of methamphetamine charges since 2019/2020.

In 2021/2022, half of all drug charges were for methamphetamine offences (53%; 6,407 charges) and 35% were for cannabis offences (4,210 charges).

Cannabis offences

In 2021/2022, there were 4,210 charges for cannabis offences (24% decrease from 2020/2021; Figure 4).

Nearly half (47%) of these charges were for possession and/or use (including utensils) offences, 35% were for dealing or trafficking and 19% were for manufacturing or cultivation. In 2012/2013, of 11,564 charges for cannabis offences, a similar proportion (49%) were possession and/or use offences, 32% were for dealing or trafficking and 18% were for manufacturing or cultivation.

In 2021/2022, there were 2,427 people charged with a cannabis offence, with 74% convicted of their most serious cannabis offence.

More than half (57%) of people convicted of cannabis offences in 2021/2022 received a community sentence (home detention, community detention,

intensive supervision, community work or supervision) as their most serious sentence; 18% received a prison sentence.

However, in only a small number of instances (20 instances; 6% of instances where people were sentenced to imprisonment for cannabis offences) in 2021/2022 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 50% 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 (88% in 2021/2022; 952 instances). For only 12% of instances, people were convicted for cannabis possession and/or use (including utensils) offences only.

Methamphetamine offences

In 2021/2022, there were 6,407 charges for methamphetamine offences. This decreased by 14% compared to 2020/2021.

In 2021/2022, more than half (56%) of all methamphetamine charges were for dealing or trafficking offences and 41% were for possession and/or use (including utensils) offences.

There were 2,371 people charged with methamphetamine offences in 2021/2022. Most people (73%) were convicted for their most serious methamphetamine offence.

In 2021/2022, over half (53%) 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 28% received a prison sentence.

Psychoactive substances offences

In 2021/2022, 30 people had charges for psychoactive substances offences. Of these people, 80% were convicted, while 20% had a not proved

outcome (the person was found not guilty, or their charge was withdrawn or dismissed).

Of the people charged with psychoactive substances offences, 50% were charged with sale or supply as their most serious offence.

Harmful Digital Communications Act offences

In 2021/2022, 117 people were charged with Harmful Digital Communications Act offences; 62% were convicted.

Most people convicted were male (74%). Most people received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence (71%) and 15% received a prison sentence.

Violent offences

In 2021/2022, there were 27,755 charges for violent offences.⁹

There were 13,902 people charged with violent offences in 2021/2022. Around two-thirds (63%; 8,766 people) were convicted for their most serious violent offence, and 23% (3,241 people) had a not proved outcome (the person was found not guilty, or their charge was withdrawn or dismissed). The remaining had an 'other proved' outcome or an 'other' outcome.

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. The proportion of people convicted of a violent offence who were sentenced to prison has been between 24% and 30% for the past 10 years.

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

Serious offences

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.

In 2021/2022, there were 37,828 charges for serious offences (12% decrease from 2020/2021). These made up 22% of all charges finalised in 2021/2022.

There were 12,989 people charged with serious offences in 2021/2022. Around two-thirds (61%) were convicted for their most serious offence, and over a quarter (29%) had a not proved outcome (the person was found not guilty, or their charge was withdrawn or dismissed). The remaining had an 'other proved' outcome or an 'other' outcome.

Around one third (34%) of those convicted were sentenced to prison, and a further 60% received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence. The proportion of people convicted of a serious offence who were sentenced to prison has been between 30% and 40% for the past 10 years.

Most (83%) people convicted of serious offences were male; 17% were female.

Discharge without conviction

There were 1,966 people discharged without conviction in 2021/2022.

For around a quarter (745 people; 26%), 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 2021/2022, 20% of people were aged under 20 years, and 60% were aged under 30 years.

Unfit to stand trial and not guilty by reason of insanity

In 2021/2022, 185 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). This decreased by 14% compared to 2020/2021.

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 (40%), followed by sexual assault (12%), and abduction/harassment offences (11%).

In 2021/2022, 39 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 2020/2021. Data for people on bail and at large in 2021/2022 is not provided, as people with charges in 2021/2022 may not have had the opportunity to be considered for remand on 'bail' or 'at large' by the end of the year.¹⁰

In 2020/2021, 53,447 people were remanded on bail (including 'EM bail', electronically monitored bail) or at large. This decreased by 3% compared to 2019/2020. The majority of people were on 'bail' (75%) rather than 'at large' (25%).

Of all people on 'bail' or 'at large' in 2020/2021, 3,446 people (6%) were on 'EM bail'. Between 2019/2020 and 2020/2021 there was a 4% increase in the number of people on 'EM bail', while the overall number of people on 'bail' decreased by 6%.

There were some differences in the type of offences that were the most common for each remand type. For 'at large' in 2020/2021, over half of people (57%) had a traffic offence (e.g. excess breath alcohol) as their most serious offence, whilst for 'bail', 22% of people in 2020/2021 had assault as their most serious offence.

The percentage of people 'at large' or on 'bail' who offend is generally low. In 2020/2021, 12% of people offended while 'at large' and 24% offended while on 'bail'. This included 25,155 offences committed while people were on 'bail' and 2,984 while people were 'at large'.

Name suppression

In 2021/2022, 92% of charges did not have name suppression of any sort. In total, there were 6,473 charges with name suppression (excluding charges in the Youth Court that are automatically suppressed). This increased by 1% compared to 2020/2021.

Where name suppression is granted, it is usually for interim suppression only (while the court case is ongoing). In 2021/2022, 76% of charges with name suppression had interim suppression only. Another 18% had both interim and final name suppression and 5% had final name suppression only.

In 2021/2022, over one-third of all charges with name suppression were for sexual offences (2,619 charges, 40%).

In 2021/2022, 766 people were convicted of an offence where a form of name suppression was granted (57% of people with name suppression), while 31% had a not proved outcome (the person was found not guilty, or the charge was withdrawn or dismissed) as their most serious charge outcome.

“Three strikes” offences

In 2021/2022, 1,184 people received a first warning for a stage-1 offence ('first strike'), 110 people received a final warning for a stage-2 offence ('second strike') and 4 people had a stage-3 offence ('third strike').

Children adopted

In 2021/2022, 114 adoption applications were filed in New Zealand. This number has decreased since 2012/2013 when 207 applications were filed. If an application is granted, it represents the adoption of one child.

In 2021/2022, 80% of applications with an outcome resulted in an adoption, resulting in 105 children being legally adopted. Over half of these children (57%) were aged under 12 months.

Legal Aid grants

In 2021/2022, there were 65,338 legal aid grants in total. This decreased 16% from 2020/2021. The total expenditure for legal aid decreased 5%, from \$211.7 million to \$200.1 million.

In 2021/2022, there were 46,866 criminal legal aid grants. This decreased by 17% from 2020/2021. The amount of criminal legal aid expenditure increased each year between 2012/2013 and 2020/2021; however, in 2021/2022 it decreased by \$7.9 million (6%).

The majority of these criminal legal aid grants were to people aged 19 to 29 years (34%) or 30 to 39 years (35%).

In 2021/2022, there was a 11% decrease in the number of family legal aid grants and an 8% decrease in civil legal aid grants compared to 2020/2021. Expenditure decreased by 3% for family grants (from \$56.7 million to \$54.9 million) and increased by 8% for civil grants (from \$7 million to \$7.5 million).

The number of Waitangi Tribunal grants increased by 21% between 2020/2021 and 2021/2022 (from 136 to 165 grants). However, expenditure decreased over the same period (12%), from \$20.7 million to \$18.2 million.

These decreases can largely be attributed to COVID-19 impacts on the justice system and are not expected to be sustained decreases.

Collections

In 2021/2022, the closing outstanding balance (for fines, fees or reparations that are still owed) for the Collections Unit was \$526.5 million. This was a 3% decrease (of \$17.7 million) from the closing balance in 2020/2021.

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).

non-violence programmes – 5,724 confirmed referrals were made by the court (26% fewer than in 2020/2021 when there were 7,689 referrals). The number of completed assessments and completed programmes decreased (by 27% and 15% respectively) compared to 2020/2021.

adult safety programmes – 2,962 confirmed referrals were made (10% fewer than in 2020/2021 when there were 3,290 referrals). The number of completed assessments and

completed programmes decreased (by 12% and 17% respectively) compared to 2020/2021.

child safety programmes – 1,820 confirmed referrals were made (19% fewer than in 2020/2021 when there were 2,235 referrals). The number of completed assessments and completed programmes decreased (by 17% and 25% respectively) compared to 2020/2021.

strengthening safety services – 654 completed referrals (39% fewer than in 2020/2021, when there were 1,077 referrals). The number of completed programmes decreased by 37% compared to 2020/2021.

¹ www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/.

² Tables for family violence offences, aspects of the Family Violence Court, protection order applications are excluded from this release due to technical issues.

³ 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.

⁴ ‘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.

⁵ 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.

⁶ The percentages will not add to 100% as the victim 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 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 Remand at large, means the person is free to go until their next appearance; and remand on bail, means that the person is released on conditions.