

Adults convicted and sentenced

Data notes and trends for 2021

Statistics for adult conviction and sentencing are produced by the Ministry of Justice and published by Stats NZ.¹ The statistics include information on adults (aged 18 years and older from 1 July 2019 onwards, or 17 years or older up to 30 June 2019)² with charges finalised in court from the year ending December 1980 to the year ending December 2021.³ This summary compares 2021 with previous years.

COVID-19 affected several areas of the justice system, potentially impacting trends in the data for 2020 and 2021. Therefore, the reader should bear this in mind when drawing conclusions using the 2020 and 2021 statistics.

The number of charges and the number of adults charged has continued to fall since 2009

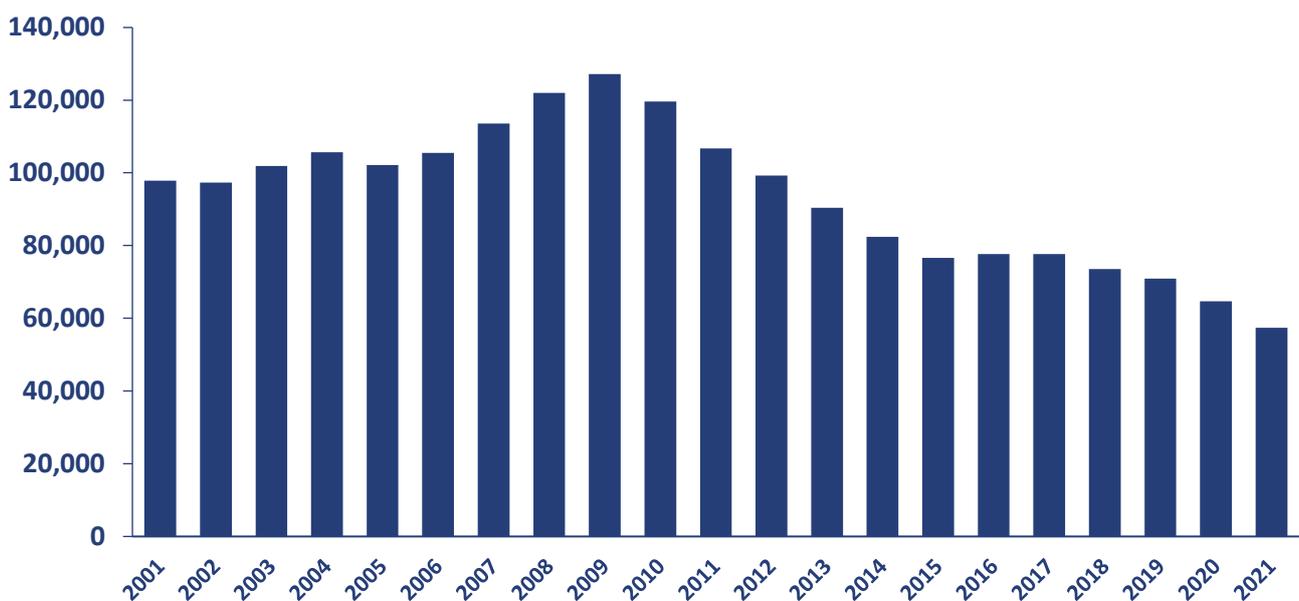
In 2021, there were 170,645 charges finalised against adults (counting each charge individually). This was 15% fewer than the number of charges in 2020. However, 2020 and 2021 were impacted by COVID-19 and should be treated with caution.

Nevertheless, this decrease over the past year continues a long-term trend of the number of charges finalised against adults decreasing since 2009.

In 2021, 57,391 adults were charged with at least one offence (Figure 1).⁴ The number of adults charged has more than halved since the peak in 2009.

The decrease in the number of adults charged also follows a decrease in the rate per 10,000 adults. In 2021, 145 adults (aged 18 years or more) were charged for every 10,000 New Zealand adults. In 2012, there were 292 adults (aged 17 or more) charged per 10,000 adults.

Figure 1: Following the peak in 2009, the number of adults charged has decreased



Traffic offences and offences against justice are the most common convicted charges

Most charges resulted in a conviction (124, 097; 73%) in 2021. The most common offence types⁵ for convicted charges were:

- traffic offences (28,994; 23% of convicted charges)
- offences against justice, such as breaching a community sentence (25,272; 20%)
- theft (15,001; 12%)
- assault (12,722; 10%)
- drug offences (7,612; 6%).

Most adults charged receive a conviction

People may be convicted of multiple charges per year as they can appear in court and be convicted more than once (for repeat offending) or be convicted of multiple offences (each of which is a separate charge) at the same time. The following figures count adults once per year for their most serious convicted charge in that year.⁶

In 2021, 45,802 adults (80% of all adults charged) were convicted of at least one offence. A further 7% had an 'other proved' outcome (discharge without conviction or diversion), 13% had a 'not proved' outcome (including being found not guilty, and withdrawal or dismissal of the charge) and less than 1% had an 'other' outcome (they were found unfit to stand trial or not guilty by reason of insanity) as their most serious outcome. The proportion of adults convicted in 2021 was similar to the proportion convicted in 2020, although it has been decreasing since 2014 (when it was 83%).

In 2021, the number of adults convicted was 12% less than in 2020 (when 51,848 adults were convicted), this number is also 29% lower than it was in 2017 when 64,364 adults were convicted. Meanwhile, the percentage of adults whose most serious outcome was 'not proved' has continued to increase. In 2017, it was 9%, whereas in 2021 it was 13%. This decrease in conviction rate is mostly due to an increased rate of withdrawal.

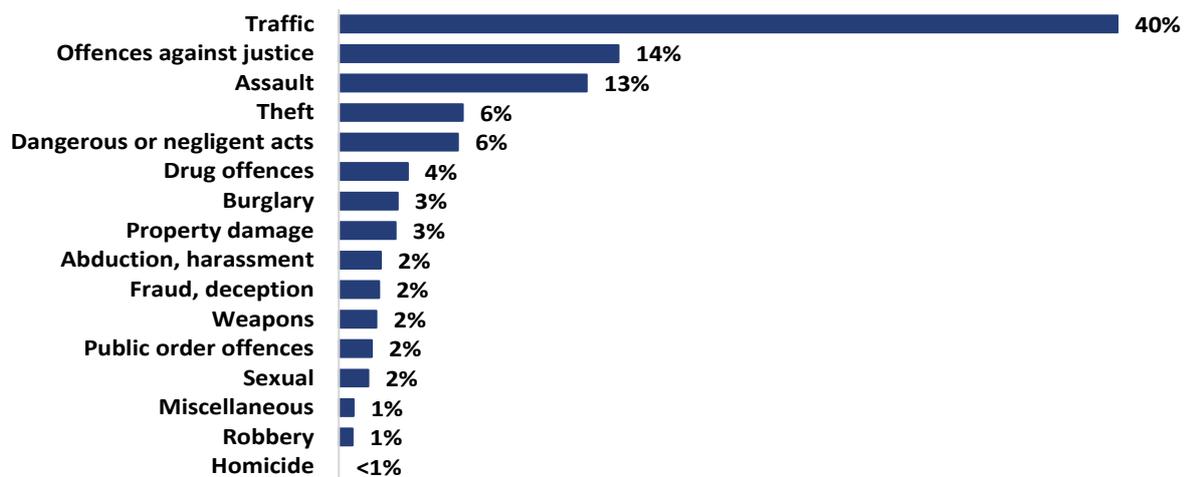
More than a third of adults charged had a traffic conviction as their most serious conviction

When we count offence types for convicted adults, we only count their most serious conviction each year. This means the most common offence types can differ between convicted charges and adults convicted. For example, while drug convictions (e.g. possession offences) are common, they are often not an adult's most serious conviction in the year (as they are likely to also have other more serious convicted offences).

In 2021, the most common offence types for convicted adults (counting an adult once per year for their most serious conviction in the year) were (Figure 2):

- traffic offences, such as exceeding the prescribed content of alcohol or other substance limit (40%)
- offences against justice, such as breaching a community sentence (14%)
- assault (13%)
- theft (6%)
- dangerous or negligent acts (mostly dangerous driving) (6%).

Figure 2: Traffic convictions was the most common conviction for adults (counting their most serious conviction)



The number of adults convicted has fallen across all ethnicities

Since 2012, the number of convicted adults has fallen across all ethnicities (Figure 3). In 2021, 45% of convicted adults were Māori and 38% were European. A smaller proportion were Pacific Peoples (9%), Asian (3%), or other ethnicities (2%), 9% were unknown.⁷

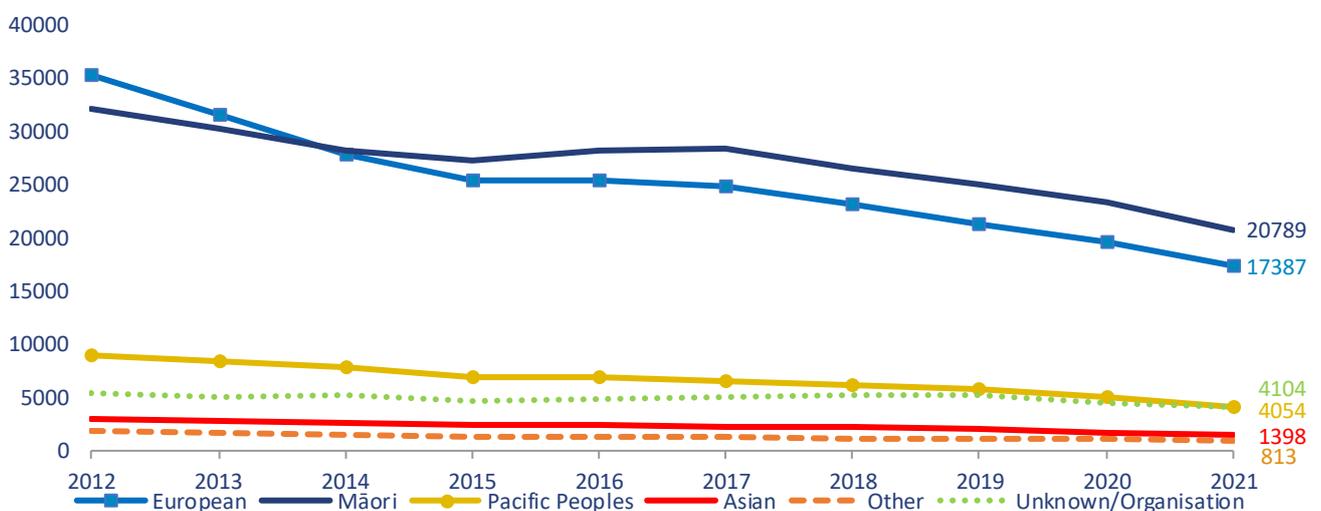
The number of convicted Māori adults has fallen significantly since 2017. A 27% decrease from 28,395 Māori adults convicted in 2017 to 20,814 in 2021 (Figure 3).

Since 2017, Pacific Peoples have also seen a decrease in the number of adults convicted. In 2017, 6,597 Pacific adults were convicted whereas in 2021, 4,054 were convicted (a 39% decrease).

Most convicted adults are male

More than three-quarters (79%) of adults convicted in 2021 were male, 20% were female and less than 1% were organisations/unknown. The ratio of males to females with a convicted charge has changed little over the past 40 years.

Figure 3: The number of convicted adults has decreased across all known ethnicities since 2012



Just under a quarter of convicted adults were aged under 25 years old

In 2021, almost half (42%) of convicted adults were aged under 30 years when their most serious offence occurred and just under a quarter (22%) were aged under 25 years.⁸

The proportion of convicted adults who were under 25 years old when their most serious offence occurred has been steadily decreasing since 2009 (when it was 43%). This decrease is expected to continue, especially as 17-year olds are now part of the youth justice system (as of 1 July 2019).

Community and monetary sentences were the most common sentence types

A person may receive more than one sentence when convicted of a charge.⁹ This data counts the most serious sentence received by each adult in a year.

The proportion of adults receiving a prison sentence is at a similar level to what it was in 2012 (10%) (Figure 4). However, since then, the number of adults

receiving a prison sentence has decreased from 7,961 (in 2012) to 5,045 in 2021.

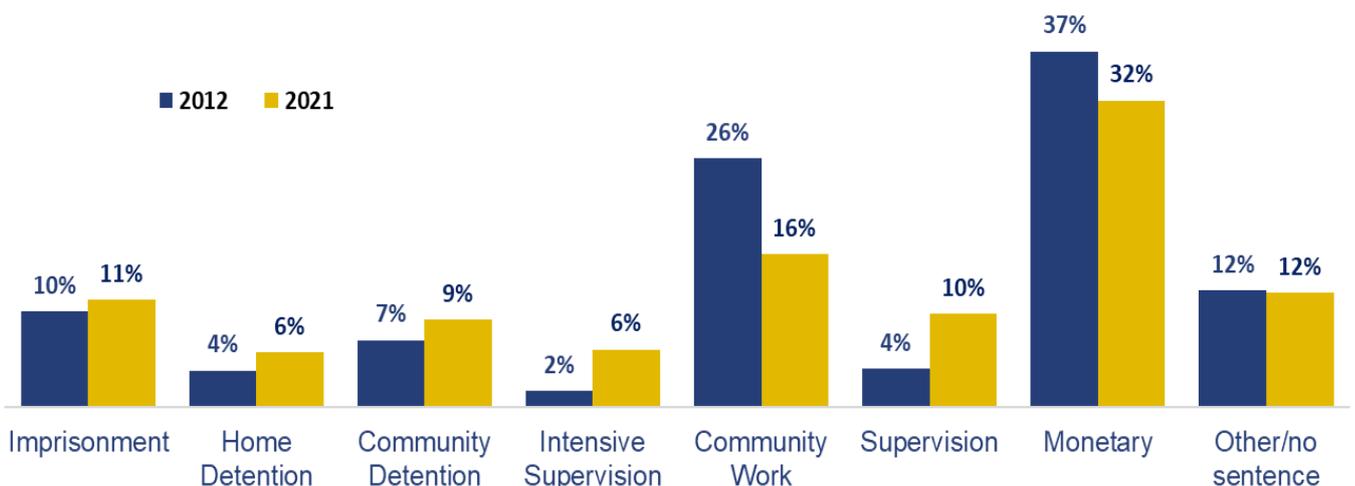
In 2021, the most serious sentences received by convicted adults were (in order of seriousness):

- imprisonment (11%)
- community sentence (including home detention, community detention, intensive supervision, community work or supervision) (46%)
- monetary penalties (32%)
- other sentence types (7%)
- no sentence recorded (where a person has been 'convicted and discharged' or ordered to pay court costs) (5%).

The percentage of convicted adults receiving the more serious community sentences (home detention, community detention, and intensive supervision) as their most serious sentence continues to increase each year. In 2012, 12% of adults received a more serious community sentence as their most serious sentence, while in 2021 it has risen to 21%.

Since 2012, the proportion with community work as their most serious sentence decreased (from 26% to 16%), along with monetary penalties (from 37% to 32%).

Figure 4: Since 2012, the percentage of convicted adults receiving the more serious community sentences increased, while community work and monetary penalties decreased



¹ <http://nzdotstat.stats.govt.nz> under 'Justice'. More detailed information on specific offences and charge outcome types are available in the data tables published on the Ministry's website <https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/>

² From 1 July 2019, 17-year olds became part of the youth justice system under the Oranga Tamariki Act 1989. Charges for 17-year olds, filed from 1 July 2019 onwards, are treated and counted as 'child and young person' charges, and are not included in the adult statistics; they are included in the 'child and young person' statistics. Charges filed prior to this date are 'adult' charges and are therefore included in these statistics. Note that there are a small number of 17-year olds with finalised charges included in the adult data in 2021 as their charges were filed prior to 1 July 2019.

³ Stats NZ publishes separate tables for children and young people (aged 10 - 16 years; and from 1 July 2019 up to 17 years).

⁴ People may have multiple charges in court each year as they may be brought to court more than once in the year for repeat offending or be charged with multiple offences at one time. When counting the number of adults per year, each adult is counted once for each year where they were charged with at least one offence, regardless of the number of charges against them in that year.

⁵ The Australian and New Zealand Standard Offence Classification (ANZSOC) is used to categorise offences into 16 divisions (which are further categorised into

subdivisions and groups). More information can be obtained from:
<http://www.abs.gov.au/ausstats/abs@.nsf/mf/1234.0>.

⁶ A range of information is used to determine which charge is a person's most serious in a year. This includes information such as charge outcome, sentence type, sentence length/amount, remands in custody and bail and maximum offence penalties.

⁷ 'Multiple ethnicity' information is used for these statistics. This means for each ethnicity a person is counted once per year (e.g. they may be counted in both European and Māori).

⁸ This only includes people aged between 18 and 30 years

⁹ Sentences include (in order of seriousness): imprisonment (life imprisonment, preventive detention and imprisonment), community sentences (home detention, community detention, intensive supervision, community work and supervision), monetary, other (including deferment, and orders related to driving (e.g. disqualification from driving, alcohol interlock order, zero alcohol order, attend driving course), orders related to forfeiture and confiscation (e.g. order for forfeiture and order for confiscation of motor vehicle, prohibition of interest in motor vehicle, destruction of animal), Final Protection Order (Sentencing Act), Child Protection Register, and order to be committed to a facility on conviction) and no sentence recorded (where a person is convicted and discharged and where a person is ordered to pay court costs).