Adults convicted and sentenced
Data notes and trends for 2020/2021

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 June 1981 to the year ending June 2021.³ This summary compares 2020/2021 with previous years.

COVID-19 affected several areas of the justice system, impacting trends in the data for 2019/2020 and 2020/2021. Therefore, the reader should be cautious when drawing conclusions using the 2020/2021 statistics.

The number of charges and the number of adults charged has decreased since 2009/2010

In 2020/2021, there were 204,094 charges finalised for adults (counting each charge individually). This was 4% greater than the number of charges in 2019/2020. However, 2019/2020 was impacted by COVID-19 and should be treated with caution.

Despite this increase over the past year, charges finalised for adults has been decreasing as part of a long-term trend since 2009/2010.

In 2020/2021, 67,123 adults were charged with at least one offence (Figure 1).⁴ The number of adults charged has almost halved since the peak in 2009/2010.

The decrease in the number of adults charged also follows a decrease in the rate per 10,000 adults. In 2020/2021, 170 adults (aged 18 years or more) were charged for every 10,000 New Zealand adults. In 2011/2012, there were 306 adults (aged 17 or more) charged per 10,000 adults.

Figure 1: Since 2009/2010, the number of adults charged has decreased

![Graph showing the decrease in the number of adults charged from 2000/2001 to 2019/2020](image-url)
Traffic offences and offences against justice are the most common convicted charges

Most charges were convicted (73% of charges in 2020/2021). The most common offence types for convicted charges in 2020/2021 were:

- traffic offences (23%; 34,404)
- offences against justice, such as breaching a community sentence (21%; 30,866)
- theft (12%; 17,729)
- assault (10%; 14,890)
- drug offences (6%; 9,490).

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. In 2020/2021, 53,782 adults (80% of all adults charged) were convicted of at least one offence. A further 8% had an ‘other proved’ outcome (discharge without conviction or diversion), 12% 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 2020/2021 was similar to the proportion convicted in 2019/2020, although it has been decreasing since 2013/2014 (when it was 84%).

In 2020/2021, the number of adults convicted was 3% greater than in 2019/2020 (when 52,368 adults were convicted), however this number is still 17% lower than it was five years ago. The proportion of adults convicted in 2020/2021 was similar to the proportion convicted in 2019/2020, although it has decreased over the past five years (from 83%). Meanwhile, the percentage of adults whose most serious outcome was ‘not proved’ has continued to increase. Five years ago (in 2015/2016) it was 8%, whereas in 2020/2021 it was 12%. 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 be different to the most common offence types for convicted charges as not all convicted charges are counted when we count one conviction per adult. 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 2020/2021, 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 (39%)
- offences against justice, such as breaching a community sentence (14%)
- assault (13%)
- theft (7%)
- dangerous or negligent acts (mostly dangerous driving) (7%).
The proportion of convicted adults who are Māori has risen since 2011/2012, although the total number has fallen

In 2020/2021, 45% of convicted adults were Māori and 37% were European. A smaller proportion were Pacific Peoples (10%), Asian (3%), or other ethnicities (2%), 9% were unknown.7

Since 2011/2012, the number of convicted adults has fallen across all ethnicities (Figure 3).

Although the number of convicted Māori adults has fallen, the number of Europeans has fallen at a faster rate. In 2011/2012, Māori comprised 39% of adults convicted whilst European adults comprised 44%. In the past five years, Pacific Peoples have seen one of the largest percentage decreases in adults convicted. In 2016/2017, 6,719 Pacific adults were convicted whereas in 2020/2021, 5,229 were convicted (a 22% decrease).

Most convicted adults are male

More than three-quarters (79%) of adults convicted in 2020/2021 were male, 21% were female and 1% were organisations/unknown. The proportion of males to females with a convicted charge has changed little over the past 40 years.
Almost half of convicted adults were less than 30 years old

In 2020/2021, just under a quarter (23%) of convicted adults were aged under 25 years when the offence occurred and almost half (43%) were aged under 30 years.

The proportion of convicted adults who were under 25 years old when the offence occurred has been steadily decreasing since 2009/2010 (when it was 43%). This decrease is expected to continue, 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. This data counts the most serious sentence received by each adult in a year.

In 2020/2021, the most serious sentences received by convicted adults were (in order of seriousness):

- imprisonment (10%)
- 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 proportion of adults receiving a prison sentence is at a similar level to what it was 10 years ago (in 2011/2012; 10%) (Figure 4). However, during this period, the number of adults receiving a prison sentence has decreased from 8,043 (in 2011/2012) to 5,508 in 2020/2021.

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 2011/2012, 11% of adults received a more serious community sentence as their most serious sentence, while in 2020/2021 it has risen to 21%.

Since 2011/2012, 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 2011/2012, the percentage of convicted adults receiving the more serious community sentences increased, while community work and monetary penalties decreased

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 2020/2021 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. 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).