

# Justice Statistics data tables

## Notes and trends for 2018/2019

The Justice Statistics data tables contain details on people going through the courts or accessing justice services (including children, young people, and adults) from 2009/2010 to 2018/2019. The tables are published on the Ministry website every six months.<sup>1</sup>

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

### All charges and convicted charges

In 2018/2019, there were 213,318 charges finalised in court (for children, young people and adults). The number of charges decreased by 4% from 221,758 charges in 2017/2018 and by 38% from 346,717 charges in 2009/2010 (Figure 1).

The most common charges finalised in 2018/2019, were for offences against justice (e.g. for breaching a community sentence, 21%; 44,016 charges) and traffic offences (18%; 39,396 charges) (Figure 2).

In 2018/2019, 73% of charges were convicted (155,896 charges). The percentage convicted has changed over time; most recently increasing from 65% in 2005/2006. The remaining charges in 2018/2019 had 'other proved' (7%), not proved (20%) and other (less than 1%) outcomes.

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

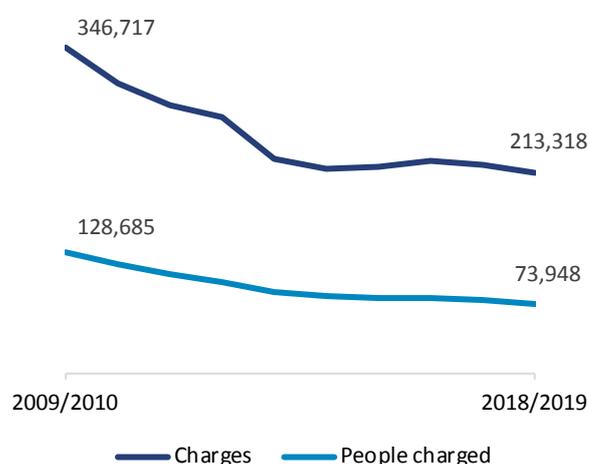
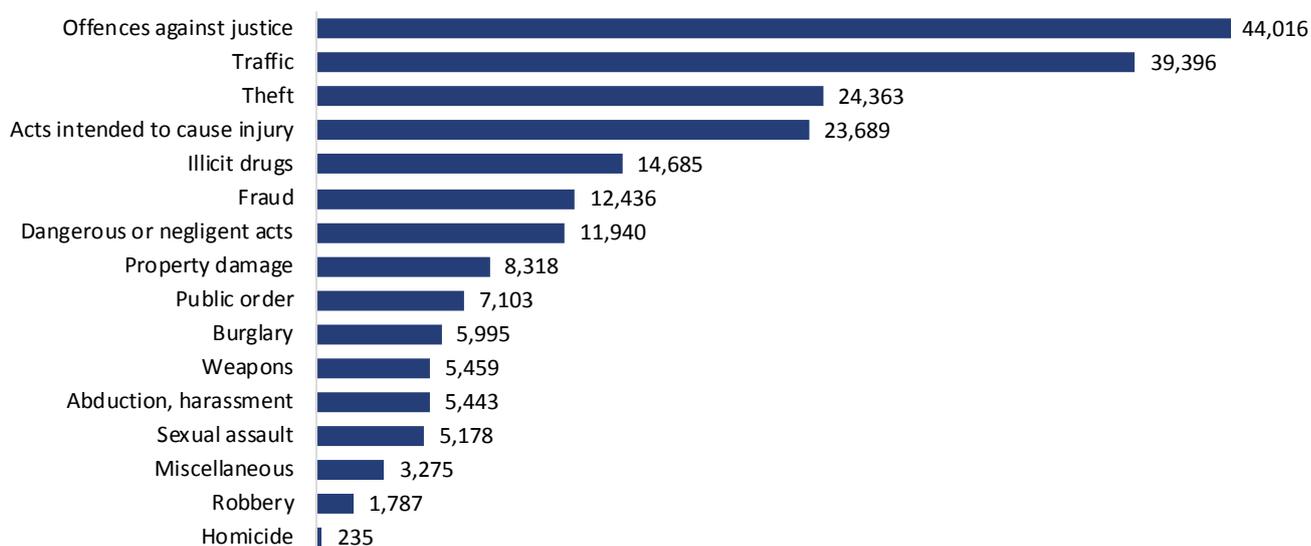


Figure 2: Charges for offences against justice and traffic offences were the most common in 2018/2019



## People charged and convicted of offences

In 2018/2019, 73,948 people had charges finalised in court. The number of people charged also decreased 4% compared to 2017/2018.

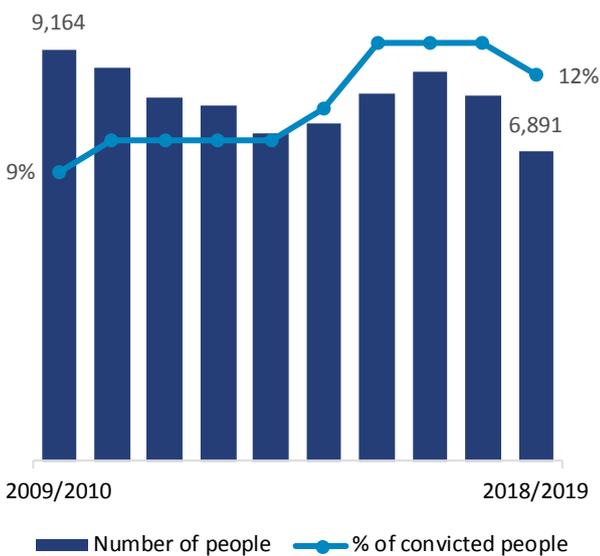
Of the people with charges finalised in 2018/2019, their most serious charge outcomes were:

- convicted (80%)
- other proved - Youth Court outcomes, discharge without conviction, adult diversion (9%)
- not proved - the person was found not guilty or the charge was dismissed or withdrawn (11%)
- other - such as 'found not guilty by reason of insanity' or 'found unfit to stand trial' (less than 1%).

The percentage of people who are convicted has been 80% or higher since 2011/2012.

For 12% (6,891) of people convicted in 2018/2019, imprisonment was the most serious sentence. Both the number and percentage with imprisonment decreased over the past year (Figure 3).

**Figure 3: The number and percentage of convicted people who received a prison sentence fell in 2018/2019**



This decrease is attributed to a change in sentencing practice, whereby people who would have received a short prison sentence previously are given non-

custodial sentences such as intensive supervision instead.

Community sentences were the most serious sentence for 44% (25,758 people), including home detention, community detention, intensive supervision, community work or supervision.

In 2018/2019, 78% of people convicted were male (46,071 people). Around half (48%; 28,494 people) were aged under 30 years (including 19 years and under, 20-24 and 25-29). Additionally, 44% were Māori, 37% were European, 10% were Pacific Peoples and 3% were Asian.<sup>3</sup>

## Children and young people with charges finalised in any court

The number of charges for children and young people (aged 10-16 years) finalised in any court (including the Youth, District and High Courts) in 2018/2019 fell by 12% compared to 2017/2018.<sup>4,5</sup> This has almost halved since 2009/2010 (from 15,642 to 7,785 in 2018/2019).

In 2018/2019, 41% of charges against children and young people were proved and received a section 282 absolute discharge and 38% were proved and received a section 283 order; 2% of charges were convicted and sentenced in adult court.

The most common offence types for charges against children and young people in 2018/2019 were for:

- theft (34%)
- burglary (12%)
- assault (acts intended to cause injury; 9%).

Like the number of charges, the number of children and young people with charges finalised in court has more than halved since 2009/2010 (from 4,251 to 1,497 in 2018/2019).

The percentage of children and young people in court who were Māori fell from 66% in 2017/2018 to 63% in 2018/2019, after increasing every year over the last 10 years. A further 24% of children and young people in court in 2018/2019 were European, 10% were Pacific Peoples and 1% were Asian.<sup>3</sup>

The number of children and young people in court accounts for 2% of all people charged in court in 2018/2019.

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

In 2018/2019 there were 7,557 charges finalised in the Youth Court (including those later transferred to the District Court for sentencing). This fell by 11% compared to 2017/2018. About half of all charges for children and young people were finalised in the Youth Court.

The number of children and young people with charges finalised in the Youth Court has more than halved since 2009/2010 (from 3,621 in 2009/2010 to 1,422 in 2018/2019).

In 2018/2019, 56% of children and young people with charges finalised in the Youth Court had their most serious offence proved and received a section 282 absolute discharge. A further 24% had their most serious charge proved and received a section 283 order.

In 2018/2019, 64% of children and young people with charges finalised in the Youth Court had Māori as one of their ethnicities. A further 23% were European, 10% were Pacific Peoples and 1% were Asian.<sup>3</sup>

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## Homicide offences

In 2018/2019, 193 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 more than half of these people (58%; 111 people).

In 2018/2019, 73% of people charged with a homicide offence were convicted (140 people). Conviction was most likely for people charged with driving causing death (82% convicted).

In 2018/2019, all people convicted of murder (100%) and attempted murder (100%) and most people convicted of manslaughter (85%) were sentenced to prison.

Only 23% of people convicted of driving causing death received a prison sentence; more than half (55%) received a community sentence as their most serious sentence.

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## Sexual offences

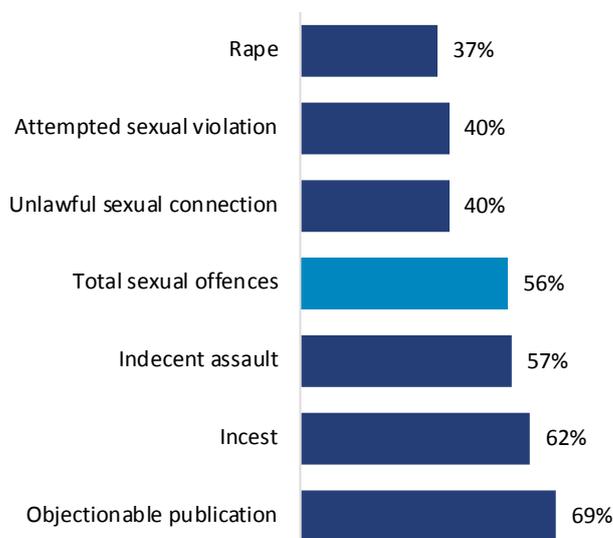
In 2018/2019, there were 5,178 charges for sexual offences. Half were convicted (50%; 2,605 charges) and 45% were 'not proved' (e.g. the person was found not guilty, or the charge was withdrawn or dismissed).

Around half (48%) of sexual offence charges in 2018/2019 were for indecent assault (2,488 charges). Other offence types included unlawful sexual connection (1,073 charges; 21%), objectionable publication (881 charges; 17%) and rape (563 charges; 11%).

There were 1,350 people charged with a sexual offence in 2018/2019. More than half of these people were charged with an offence against a child under 16 years (52%; 705 people).

Overall, more than half (56%) of people charged with sexual offences were convicted for their most serious offence (751 people), however this percentage varies by victim type and offence type (Figure 4).

**Figure 4: People charged with rape in 2018/2019 had the lowest conviction rate for sexual offences**



In 2018/2019, 54% of all people convicted of a sexual offence had imprisonment as their most serious sentence. People convicted of rape as their most serious sexual offence were most likely to receive a prison sentence (92%), while people convicted of indecent assault (51%) and objectionable publication (39%) were least likely.

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## Family violence offences

Family violence offending is covered by a range of different offence types that are not easily identifiable as involving family violence. The Ministry uses six specific offence types to produce consistent statistics: 'breach of protection order', 'common assault (domestic)', 'male assaults female', 'assault on a family member', 'coercion into marriage/civil union', and 'strangulation/suffocation'. These represent around 50% of family violence related offences in court each year.

In 2018/2019, the total number of charges for these family violence offences decreased by 1% compared to 2017/2018 (from 14,644 to 14,457 charges). This was driven by a 21% decrease in 'common assault (domestic)' (from 3,222 to 2,539 charges) and an 11% decrease in 'male assaults female' (from 6,096 to 5,397 charges). Although the decrease in 'male assaults female' is related to the introduction of 'assault on a family member', which has started to be used instead.

However, 'breach of protection order' increased 3% (from 5,326 to 5,477 charges).

Both the number of people charged, and the number of people convicted of family violence offences decreased slightly in 2018/2019 (4% decrease for people charged and 5% decrease for people convicted).

Most people charged with a family violence offence in 2018/2019 were male (92%). However, 25% of people charged with a 'common assault (domestic)' offence were female.

In 2018/2019, 25% of all people convicted of any of these family violence offences received imprisonment as their most serious sentence. This has increased from 17% in 2009/2010.

'**Assault on a family member**' has the same maximum penalty as 'male assaults female' (2 years imprisonment). There have been 914 charges finalised since this offence was introduced on 3 December 2018. Of these, 67% were convicted and 25% had a 'not proved' outcome. This distribution is similar to 'male assaults female' in 2018/2019.

'**Strangulation/suffocation**' is a serious offence with a maximum penalty of 7 years imprisonment. There have been 130 'strangulation/suffocation' charges finalised since the offence was introduced in December 2018. These 130 finalised charges represent only a small proportion of the total number of 'strangulation/suffocation' charges filed. Of the charges finalised, 36% were convicted and 63% had a 'not proved' outcome (all of which were withdrawn or discharged). However, as most charges filed 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 extreme caution.

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## Driving under the influence offences

In 2018/2019, 17,432 people were charged with driving under the influence offences (driving under the influence of alcohol and/or drugs, and driving causing death involving alcohol/drugs). Of these, 96% were convicted (16,716 people).

The number of people convicted of driving under the influence offences has increased by 4% since 2016/2017 but has almost halved over the last 10 years (from 29,874 in 2009/2010 to 16,716 in 2018/2019).

In 2018/2019, people convicted of driving under the influence were most likely to receive a monetary penalty (58%) as their most serious sentence.<sup>6</sup>

Alcohol interlock orders became mandatory for repeat drink drivers and those with excessively high blood or breath alcohol concentration in July 2018. As a result, in 2018/2019 there were almost 10 times as many people who received an order compared to 2017/2018 (from 391 to 3,773 people).

However, it is unlikely that all people would have had the device installed due to installation and maintenance costs.

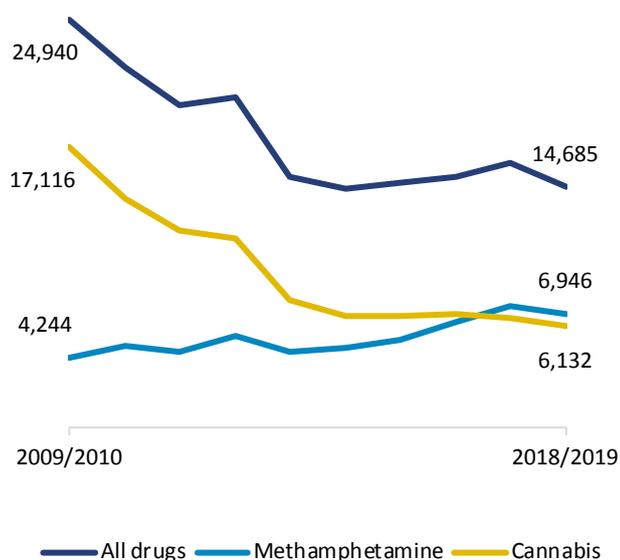
## Drug offences

In 2018/2019, there 14,685 charges for drug offences. This had decreased 9% from 2017/2018 when there were 16,202 charges.

In 2018/2019, 47% of drug charges were for methamphetamine offences, while 42% were for cannabis offences. More than half of charges (56%) were for possession and/or use offences (including utensils), while 33% were for dealing or trafficking, 9% for manufacture or cultivation and 2% for importation or exportation.

Since 2009/2010, the number of charges for drug offences has fallen by 41% (Figure 5). This long-term decrease is mostly related to a decrease in cannabis offences, which have more than halved since 2009/2010. However, over the same period the number of methamphetamine charges has more than doubled, overtaking cannabis offences for the first time in 2017/2018.

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



Over the past year the number of people charged with drug offences decreased by 3%, with 6,333 people charged in 2018/2019 compared to 6,513 in 2017/2018.

## Cannabis offences

In 2018/2019, there were 6,132 charges for cannabis offences (8% decrease from 2017/2018). More than half of these charges were for possession and/or use of cannabis (56%; 3,453 charges).

Between 2009/2010 and 2018/2019, the number of charges for cannabis offences decreased by 64% (from 17,116 to 6,132 charges).

In 2018/2019, there were 3,821 people charged with a cannabis offence, with 77% convicted of their most serious cannabis offence (2,936 people).

More than half of people convicted of cannabis offences in 2018/2019 received a community sentence (home detention, community detention, intensive supervision, community work or supervision) as their most serious sentence (57%; 1,638 people). Imprisonment was the most serious sentence for 16% of people convicted of cannabis offences in 2018/2019 (473 people). However, only a small number are convicted and sentenced to imprisonment for cannabis offences only (23 instances in 2018/2019).<sup>7</sup>

Since 2009/2010, the number of instances where people were convicted of cannabis offences only (where they were not convicted of any other offence types on the same day) has decreased (from 4,007 in 2009/2010 to 923 instances in 2018/2019).

## Methamphetamine offences

In 2018/2019, there were 6,946 charges for methamphetamine offences. This decreased by 5% compared to 2017/2018. However, the number of charges for methamphetamine offences has more than doubled over the past 10 years (from 4,244 in 2009/2010 to 6,946 in 2018/2019).

In 2018/2019, 59% of methamphetamine charges were for possession and/or use (including utensil related offences, 4,075 charges) and 39% were for dealing or trafficking (2,692 charges).

There were 3,313 people with finalised charges for methamphetamine offences in 2018/2019. Most people were convicted for their most serious

methamphetamine offence (76%; 2,517 people). This conviction rate has risen steadily since 2009/2010 when 65% were convicted.

In 2018/2019, 30% of people convicted of methamphetamine offences received imprisonment as their most serious sentence (759 people). This proportion has fallen over the past two years (from 40% in 2016/2017). This corresponds with an increase in the proportion of people convicted with possession/use as their most serious methamphetamine offence, which has the lowest rate of imprisonment.<sup>7</sup>

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### **Psychoactive substances offences**

In 2018/2019, 176 people were charged with psychoactive substances (“synthetic cannabis”) offences and 143 people (81%) were convicted.

Imprisonment was the most serious sentence imposed for 21% of people convicted of psychoactive substances offences in 2018/2019.

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### **Harmful Digital Communication Act offences**

In 2018/2019, 92 people were charged with Harmful Digital Communications Act offences and 56 people (61%) were convicted.

People convicted of these offences in 2018/2019 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 (68%; 38 people) and 16% received imprisonment (9 people).

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### **Discharge without conviction**

The number of people discharged without conviction has dropped substantially over the past 10 years (from 4,312 people in 2009/2010, to 2,302 in 2018/2019).<sup>8</sup>

In 2018/2019, assault (acts intended to cause injury) was the most serious offence for 34% of people discharged without conviction (788 people).

Younger people comprise a larger proportion of people discharged without conviction. In 2018/2019, 24% of people discharged without conviction were aged under 20 years (550 people). However, this proportion has fallen from 28% of people discharged without conviction in 2009/2010.

A quarter of people discharged without conviction in 2018/2019 were Māori, but 42% of all people charged, while Europeans comprise 37% of both people charged and people discharged without conviction.<sup>3</sup>

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

In 2018/2019, 180 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 (acts intended to cause injury) (40%; 72 people), followed by sexual offences (12%; 22 people).

In 2018/2019, 28 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**

In 2017/2018, there were 60,522 people remanded on 'bail' or 'at large'.<sup>9</sup> Three-quarters of these people were on 'bail' (75%, including 3% on electronically-monitored bail) rather than 'at large' (25%). The total number on bail or at large decreased by 2% compared to 2016/2017.

The most common offence types for which people were remanded 'on bail' or 'at large' in 2017/2018 were traffic offences (49%) for people remanded 'at large' and assault ('acts intended to cause injury', 25%) for people remanded on bail (considering the person's most serious offence).

In 2017/2018, there were 31,031 offences committed while people were on 'bail' or 'at large'. This decreased by 6% compared to 2016/2017.

The most common offences committed while on bail or at large differ by remand type. The most common offence types for charges committed while remanded at large were traffic offences (27%; 917 charges). The most common offence types for charges committed while on bail were theft (20%; 5,452 charges).

In 2017/2018 around 23% of people remanded on bail were convicted of an offence committed while on bail (10,349 people) and around 12% of people remanded at large were convicted of an offence committed while at large (1,874 people).

### Final name suppression

In 2018/2019, there were 1,286 charges finalised in the District or High Court where final name suppression was granted for the defendant. Over the past 10 years, the total number of charges with final name suppression decreased by 40% (from 2,129 in 2009/2010 to 1,286 in 2018/2019).

In 2018/2019, almost half of all charges where final name suppression was granted were for sexual offences (617 charges; 48%).

In 2018/2019, 315 people had charges finalised where final name suppression was granted. Of these people, 56% were convicted of their most serious suppressed offence (176 people). This conviction rate has increased since 2009/2010 when 24% were convicted.

The number of people with final name suppression who had an 'other proved' outcome (e.g. discharge without conviction or diversion) decreased 90% from 2009/2010 to 2018/2019 (from 607 to 58 people). This decrease is related to changes in Police practice, such as the Policing Excellence initiative.

In 2018/2019, of the 176 people convicted of an offence where final name suppression was granted, 56 (32%) received imprisonment as their most serious sentence.

### “Three strikes” offences

In 2018/2019, 1,419 people received a first warning for a stage-1 offence ('first strike'), 105 people received a final warning for a stage-2 offence ('second strike') and 4 people had a stage-3 offence ('third strike'). There have been 8 people with stage-3 offences overall.

In 2018/2019, people with warnings for stage-1 offences were most likely to be convicted for sexual offences (36%), robbery (27%) or assault (26%) as the most serious offence they received the warning for.

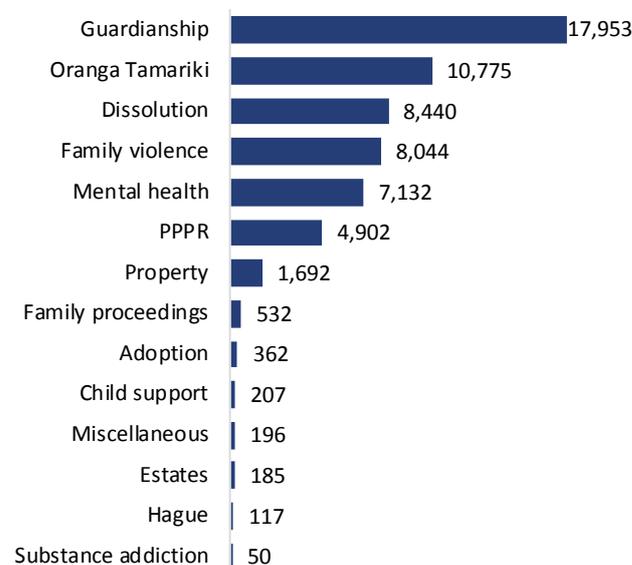
In 2018/2019, 90% of people with stage-1 offences and 98% of people with stage-2 offences were male.

### Family Court applications

In 2018/2019, there were 60,587 substantive applications filed in the Family Court. This was similar to the number in 2017/2018 (60,552 applications).

The largest number of applications were for 'guardianship' cases, which relate to the Care of Children Act 2004 (excluding Hague) (30%; 17,953 applications), followed by applications for care or protection under the Oranga Tamariki Act 1989 (18%; 10,775 applications) (Figure 6).

**Figure 6: Guardianship cases had the highest number of substantive Family Court applications in 2018/2019**



In 2018/2019, almost half (47%) the Care of Children Act 2004 (excluding Hague) applications were for parenting orders (8,446 applications); another 10% (1,807 applications) were for parenting order variations and 2% (418 applications) for discharging a parenting order.

The proportion of parenting order applications filed 'without notice' has increased over time. Prior to legislative changes in early 2014 less than a third of applications were filed 'without notice' compared to nearly three-quarters filed from 2014/2015 onwards. In 2018/2019, 72% (6,114 applications) were filed 'without notice' and 28% (2,332 applications) were filed 'on notice'.

### Protection Order applications

In 2018/2019, there were 5,492 applications filed for Protection Orders. This was similar to the number of applications in 2017/2018 (5,554 applications).

In 2018/2019, most applications were filed 'without notice', where urgent protection was being sought (78%; 4,287 applications) (Figure 7). The number of 'on notice' applications has decreased over the past decade, and now only represent 3% of applications (compared to 13% in 2009/2010).

Sentencing Act Protection Orders allow the Judge to issue a final Protection Order at the time a person is convicted of family violence offending. In 2018/2019, there were 940 applications for these final Orders (17% of all applications).

**Figure 7: Most Protection Order applications in 2018/2019 were 'without notice' applications, where urgent protection was sought**



The percentage of applications filed in the Family Court ('on notice' and 'without notice' applications) which are granted has increased slightly over the last 10 years, from 57% in 2009/2010 to 59% in 2017/2018 (some applications filed in 2018/2019 are still before the courts).

In 2018/2019, most applications filed in the Family Court (78%; 3,488 applications) included a temporary Order being granted during the application process.

The majority of applications involve children. In 2018/2019, 65% of all applications included one or more child. The proportion of applications that are ultimately granted is similar for applications that do and don't involve children.

In 2018/2019, most applicants (and other protected adults) were female (86%) and most respondents (and associated respondents) were male (88%).

### Children adopted

In 2018/2019, 164 adoption applications were filed in New Zealand. This number has steadily decreased over the past 10 years, with 238 adoption applications filed in 2009/2010.

If an application is granted, it represents the adoption of one child. In 2018/2019, 79% of applications with an outcome resulted in an adoption, with 165 children being legally adopted.

In 2018/2019, just under half of all adopted children (47%, 77 children) were aged under 12 months.

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## Legal Aid grants

In 2018/2019, there were 77,058 legal aid grants in total. This was similar to the number in 2017/2018. However, the total expenditure for legal aid increased 12% that year, from \$147.9 million to \$165.8 million.

In 2018/2019, there were 58,106 criminal legal aid grants. The number of grants has increased each year since 2013/2014 and increased 1% compared to 2017/2018. The amount of criminal legal aid expenditure also increased each year, from \$45.0 million in 2012/2013, to \$96.5 million in 2018/2019. The increase in the most recent year was 19%, or \$15.4 million.

In 2018/2019, there was a 2% decrease in the number of family legal aid grants and a 5% decrease in civil grants compared to 2017/2018. Despite these decreases, expenditure increased by 4% for family grants (to \$46.8 million) and 6% for civil grants (to \$6.1 million).

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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/)

<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 (eg 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> Note that these statistics refer to charges finalised in the Youth Court up to the end of June 2019, so they do not reflect the extension of the Youth Court's jurisdiction to 17-year olds, which came into place in July 2019.

<sup>5</sup> The Youth Court is closed to the public, so any details that may identify an individual child or young person cannot be reported. To protect the confidentiality of individuals, all numbers for children and young people in court (including

The number of Waitangi Tribunal grants increased 44% between 2017/2018 and 2018/2019 (from 206 to 296 grants). Expenditure increased 3% over the same period, from \$147.9 million to \$165.8 million.

In 2018/2019, the majority of criminal legal aid grants were to people aged under 40 years (74%) or to males (69%).

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## Collections

In 2018/2019, the closing outstanding balance (for fines, fees or reparations that are still owed) for the Collections Unit was \$591.8 million. This was a 2% decrease (of \$9.9 million) from the closing balance in 2017/2018.

For more, go to  
[justice.govt.nz/justice-sector-policy/research-data/justice-statistics](http://justice.govt.nz/justice-sector-policy/research-data/justice-statistics)

children and young people with charges finalised in the Youth Court) are randomly rounded using a modified version of Stats NZ's method of base 3 random rounding.

<sup>6</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>7</sup> Note that a person's sentence may be influenced by their previous offending history. As such, the people convicted and sentenced to imprisonment are likely to have an extensive conviction history, including previous imprisonment sentences and/or previous convictions for drug cultivation/manufacture/supply.

<sup>8</sup> Note that the overall number of people charged has also decreased substantially over the same period.

<sup>9</sup> Data for 2018/2019 is not provided, as people with charges filed in 2018/2019 may not have had the opportunity to be considered for release on bail or at large by the end of the year.