

# Trends in Conviction and Sentencing in New Zealand

## 2011

### Key findings in this report

The *Conviction and Sentencing Statistics 2011* show:

- fewer criminal charges being laid in court, and fewer people appearing in court – across all ethnic groups
- more charges resulting in conviction
- a decrease in overall serious and violent offences in the past five years
- fewer people being sentenced to imprisonment for less serious offences, and
- young males, and Maori still being over-represented in court statistics.

## 1. About this report

This report presents key trends in the latest Conviction and Sentencing Statistics released by the Ministry of Justice and Statistics New Zealand. It covers the calendar years from 1992 to 2011, with detailed analysis of the most recent years (2007 to 2011).

The volumes of people appearing in court are heavily influenced by a lower crime rate and the actions of police. The Conviction and Sentencing Statistics 2011 reflect trends in the [2011 recorded crime statistics](#), released by the New Zealand Police.

Police are placing a greater emphasis on crime prevention and working more closely with communities. Those that are apprehended for low-level offending are increasingly being dealt with outside of the courts – with for example, warnings and cautions.

## 2. Change in the justice sector

### 2.1. Reducing crime is a government priority

On 15 March 2012, the Prime Minister announced 10 results-driven focus areas for the public service. Justice sector agencies have been asked to focus on reducing total crime, violent crime, youth crime and reoffending. The Government expects to see reduced numbers in the next three to five years. In 2011, recorded crime decreased by 4.8 percent, and the *Conviction and Sentencing Statistics 2011* show declines in the number of people appearing in court and the number of criminal charges being laid in court.

Government agencies are working together to address the drivers of crime. Many of the influences on criminal behaviour occur outside of the justice sector. Work to address these [drivers of crime](#)<sup>1</sup> is expected to have a positive impact on prosecution numbers. Agencies from across government are working together to target four priority areas that are known to contribute to people becoming involved in crime: improving support for new parents; addressing behaviour problems in children; reducing the harm caused by alcohol; and managing low-level (less serious) repeat offenders.

### 2.2. Police practices have a major impact on the numbers coming through the justice system

The New Zealand Police began the Policing Excellence programme in 2009. Benefits from the programme will ensure that police are better equipped to deal with changing demands. This means, for example, preventing crime before it happens, putting police resources where and when they are most needed, and responding better to the needs of victims.

Police are making greater use of discretion, including pre-charge warnings and written traffic warnings, rather than prosecuting people in court. For example, the 2011 police apprehension statistics show that a much greater proportion of adult (17 years and over) apprehensions resulted in a warning or caution (27 percent, compared with 13 percent in 2007).

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<sup>1</sup> See the Drivers of Crime homepage on the Ministry of Justice website ([www.justice.govt.nz/justice-sector/drivers-of-crime](http://www.justice.govt.nz/justice-sector/drivers-of-crime)).

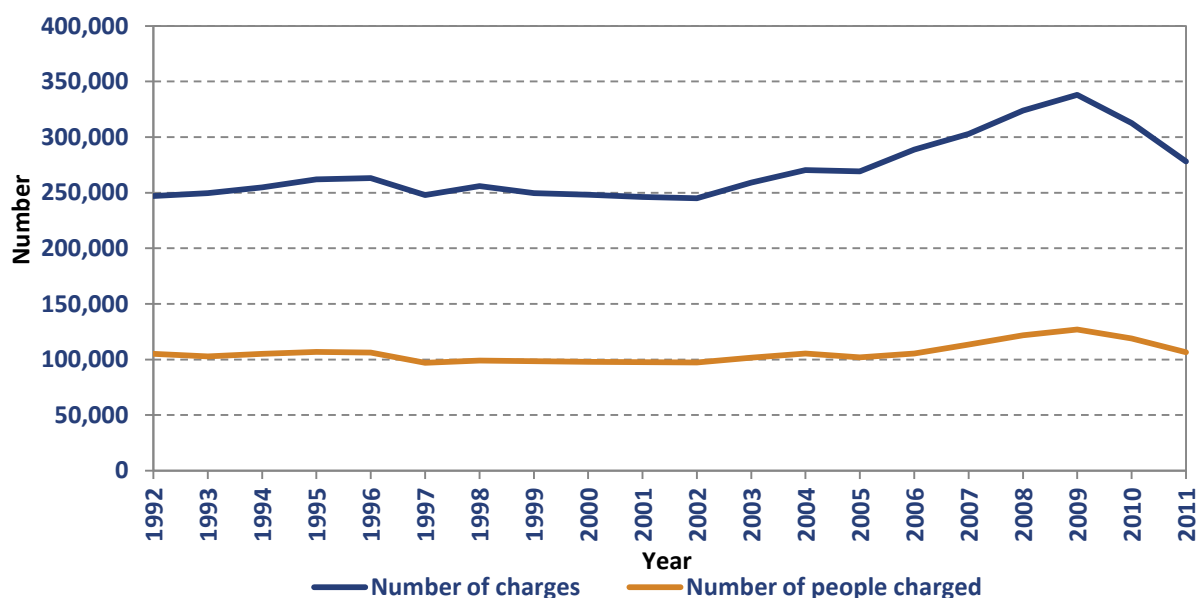
## 3. Trends in court numbers

### 3.1. The number of charges and people in court has declined considerably since 2009<sup>2</sup>

After growth for seven years, the total number of charges laid in court has declined considerably since 2009, from 338,090 to 278,020 in 2011 (a drop of 18 percent). By 2011, the number of charges had returned to a similar level to 2004 (Figure 1). As mentioned in the previous section, changes in police practices through the Policing Excellence programme have contributed for a large part to this decline.

The number of people charged in court also declined considerably after 2009, from 126,985 to 106,522 in 2011 (down 16 percent). The [justice sector forecast](#)<sup>3</sup> projects that the number of people entering the criminal justice system will continue to decline over the next few years.

Figure 1: Number of charges and people charged in court, 1992-2011



<sup>2</sup> People often face multiple charges in court, and can receive multiple sentences for a single charge. So to get the number of people, we only count them once per year for their most serious charge. Further details on the different ways of counting and using justice sector data are included in the last section of this report.

<sup>3</sup> See the Justice sector forecast homepage on the Ministry of Justice website ([www.justice.govt.nz/justice-sector/forecasts](http://www.justice.govt.nz/justice-sector/forecasts)).

## 3.2. Characteristics of the people who appear in court

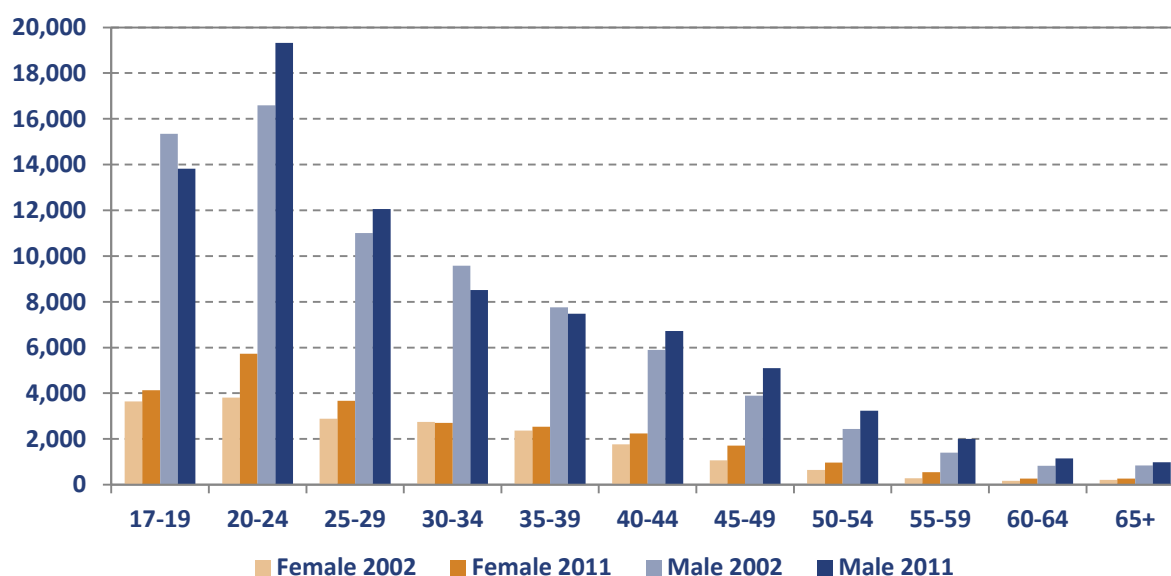
### Young males are still overrepresented in court statistics...

Almost a third of the people charged in 2011 were males aged between 17 and 25. This is about the same proportion compared with 10 years ago (Figure 2). These young males dominate the number of people charged, but they only make up about 10 percent of the New Zealand adult population.

### ...but the share of females has increased

While the total number of people (both male and female) appearing in court has decreased in recent years, the proportion of females has increased from 21 percent in 2002, to 24 percent in 2011.<sup>4</sup> For females, the greatest increase was seen for those aged 20 to 24, and 45 years and over. Women were most commonly charged with traffic and vehicle-related offences.

Figure 2: Age and gender distribution of people charged in court, 2002 and 2011



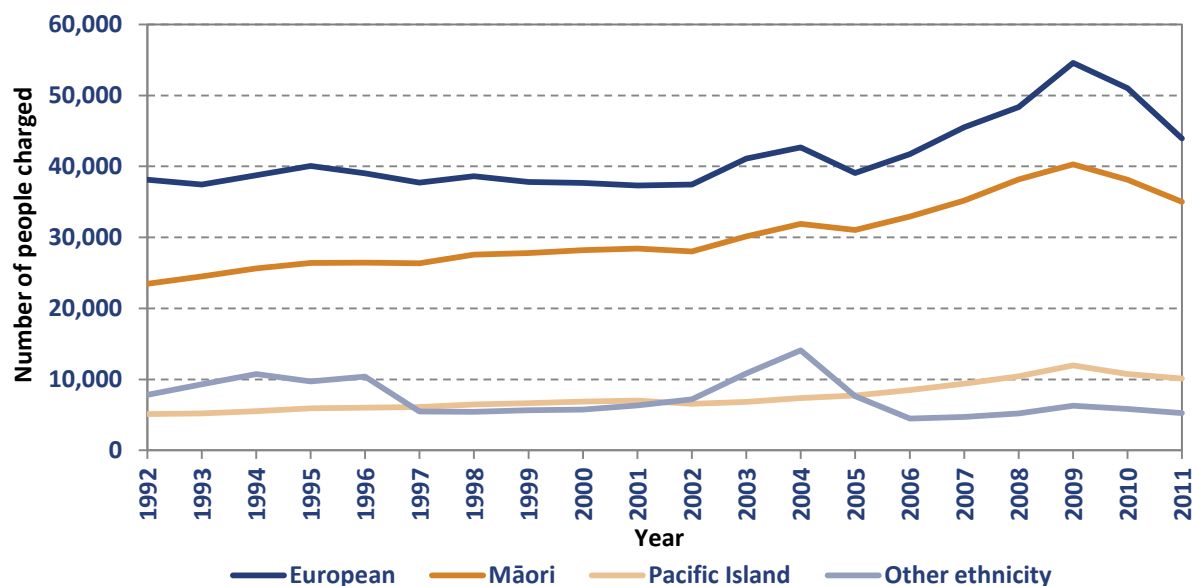
### The number of people charged has decreased across all ethnic groups...

Since 2009, the number of people charged has decreased across each major ethnic group, with Europeans showing the sharpest decrease (20 percent). The number of Māori people charged decreased by 13 percent, and the number of Pacific Island people charged decreased by 16 percent (Figure 3).<sup>5</sup>

<sup>4</sup> Counts and percentages exclude people with no gender or age recorded.

<sup>5</sup> Ethnicity is usually identified by the police at the time of the person's apprehension, and only one ethnicity is recorded for each person.

Figure 3: Number of people charged in court by ethnicity, 1992-2011<sup>6</sup>



### ...but Māori are still over-represented

While the numbers of Māori appearing in court has declined in recent years, the decline has been faster for European and Pacific Island people. The share of people in court that were Māori was 37 percent in 2011. Māori make up an estimated 13 percent of the adult population.

The proportion of Pacific Island people going to court has been reasonably stable in the past five years at about 11 percent. By comparison, people of Pacific Island descent made up about eight percent of New Zealand's population.

Both the Māori and Pacific Island populations in New Zealand have a younger age distribution than the population as a whole. The median age of the New Zealand population as a whole was 36 years for males and 38 years for females in 2011, whereas the median age for Māori was just 23.<sup>7</sup> It is younger people who are more likely to come into contact with the criminal justice system, as seen earlier in Figure 2.

### Effects of the Christchurch earthquakes were seen in court workloads

Between 2010 and 2011, Christchurch saw the most dramatic drop in the number of charges of all the District and High Courts (a 31 percent decrease compared with the New Zealand average of an 11 percent decrease). Decreases in the number of charges were seen for all types of offences.

There was a drop in recorded crime in the Christchurch area during the aftermath of the earthquakes. It has been suggested that this was influenced by fewer opportunities to commit crime, fewer offences being reported, and a stronger sense of community in the area.

<sup>6</sup> A change to the way courts data was captured from 2004 onwards has impacted on the proportion of people with 'Other' ethnicities.

<sup>7</sup> Source: [Statistics New Zealand population estimates and projections](#), accessed March 2012.

Twenty-two people were charged in court in 2011 under the new Canterbury Earthquake Recovery Act 2011, for contravening certain restrictions and prohibitions put in place after the September 2010 and February 2011 earthquakes, such as entering a restricted 'red' zone.

### 3.3. Charges laid in court

#### More charges are resulting in conviction

The proportion of charges resulting in a conviction has increased from 70 percent in 2007 to 75 percent in 2011, even though fewer charges are being laid in court overall (Table 1). Many fewer charges are resulting in Diversion or Not proved outcomes, indicating that appropriate charges are being prosecuted in court – with police dealing with less serious offences outside of the courts.

Table 1: Outcomes of charges laid in court, 2007-2011<sup>8</sup>

| Charge outcome                       | 2007           |      | 2008           |      | 2009           |      | 2010           |      | 2011           |      |
|--------------------------------------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|
|                                      | Count          | %    | Count          | %    | Count          | %    | Count          | %    | Count          | %    |
| <b>Convicted</b>                     | 212,419        | 70.1 | 230,279        | 71.1 | 241,376        | 71.4 | 228,233        | 73.0 | 207,233        | 74.5 |
| <b>Discharged without conviction</b> | 6,335          | 2.1  | 5,934          | 1.8  | 5,706          | 1.7  | 4,960          | 1.6  | 4,163          | 1.5  |
| <b>Diversion</b>                     | 12,650         | 4.2  | 14,281         | 4.4  | 15,327         | 4.5  | 12,931         | 4.1  | 8,814          | 3.2  |
| <b>Not proved</b>                    | 70,888         | 23.4 | 72,714         | 22.5 | 75,298         | 22.3 | 65,966         | 21.1 | 56,990         | 20.5 |
| <b>Other</b>                         | 610            | <1   | 724            | <1   | 383            | <1   | 549            | <1   | 820            | <1   |
| <b>Total</b>                         | <b>302,902</b> |      | <b>323,932</b> |      | <b>338,090</b> |      | <b>312,639</b> |      | <b>278,020</b> |      |

#### Serious and violent offences have decreased in the past five years

The number of charges for most offence types has decreased since 2007, with the largest falls seen since 2009. This includes the most serious offences of homicide and related offences (down 27 percent since 2009) and acts intended to cause injury (down 14 percent). However, sexual assault and related offences increased over this period.

Public order offences showed the largest decrease in both number (down by 15,774) and percentage (down 47 percent) since 2009. This is likely due to the increased use of warnings by police for the less serious offences.

Only a few offence types increased in number since 2007. The largest increase was seen for offences against justice procedures, which increased by 18 percent. This includes offences like breaching a Community Service Order. The increase in this type of offending was driven by the police proactively enforcing breaches of the Parole Act 2002, together with a large increase in the number of community sentences imposed since 2007 – which are monitored by the police and the Department of Corrections.

<sup>8</sup> People often face multiple charges in court at a single appearance, or within a year. This section counts all of the charges faced by people in court, so numbers will be higher than in the previous section.

Table 2: Types of offences for which charges are laid in court, 2007-2011<sup>9</sup>

| Offence – ANZSOC Division  | 2007           | 2008           | 2009           | 2010           | 2011           | % change<br>2007 - 2011 | % change<br>2009 - 2011 |
|--|----------------|----------------|----------------|----------------|----------------|-------------------------|-------------------------|
| Homicide and related offences  | 204            | 214            | 223            | 232            | 163            | -20.1                   | -26.9                   |
| Acts intended to cause injury  | 27,170         | 30,680         | 33,118         | 30,661         | 28,443         | 4.7                     | -14.1                   |
| Sexual assault and related offences  | 4,160          | 4,386          | 4,453          | 4,916          | 4,657          | 11.9                    | 4.6                     |
| Dangerous or negligent acts endangering persons                                    | 20,467         | 20,455         | 19,666         | 17,064         | 14,636         | -28.5                   | -25.6                   |
| Abduction, harassment and other offences against the person                        | 4,743          | 5,315          | 5,846          | 5,465          | 5,137          | 8.3                     | -12.1                   |
| Robbery, extortion and related offences  | 1,544          | 1,660          | 1,834          | 1,489          | 1,268          | -17.9                   | -30.9                   |
| Unlawful entry with intent / burglary, break and enter                             | 9,219          | 9,852          | 9,914          | 9,201          | 8,006          | -13.2                   | -19.2                   |
| Theft and related offences   | 29,321         | 31,157         | 31,132         | 28,430         | 24,826         | -15.3                   | -20.3                   |
| Fraud, deception and related offences  | 19,940         | 22,280         | 24,048         | 21,995         | 18,450         | -7.5                    | -23.3                   |
| Illicit drug offences  | 18,600         | 20,266         | 23,627         | 23,914         | 19,607         | 5.4                     | -17.0                   |
| Prohibited and regulated weapons and explosives offences                           | 6,232          | 6,122          | 6,608          | 5,757          | 4,954          | -20.5                   | -25.0                   |
| Property damage and environmental pollution  | 13,288         | 14,041         | 14,202         | 13,114         | 11,502         | -13.4                   | -19.0                   |
| Public order offences  | 29,919         | 31,683         | 33,779         | 28,024         | 18,005         | -39.8                   | -46.7                   |
| Traffic and vehicle regulatory offences  | 58,766         | 61,704         | 62,225         | 57,028         | 54,182         | -7.8                    | -12.9                   |
| Offences against justice procedures, government security and government operations | 46,258         | 51,333         | 56,896         | 56,970         | 54,396         | 17.6                    | -4.4                    |
| Miscellaneous offences   | 13,071         | 12,784         | 10,519         | 8,379          | 9,788          | -25.1                   | -6.9                    |
| <b>Total</b>   | <b>302,902</b> | <b>323,932</b> | <b>338,090</b> | <b>312,639</b> | <b>278,020</b> | <b>-8.2</b>             | <b>-17.8</b>            |

### Drink driving continues to be the most common offence charged in court

Drink driving makes up over half of the offences in the traffic and vehicle regulatory offences category, and is the most common offence for which people appear in court. Over 30,000 drink driving charges were laid in 2011 (11 percent of all charges laid in court). Drink driving has consistently been the most common charge laid in court over the past ten years, and is strongly influenced by the number of breath tests conducted by police.

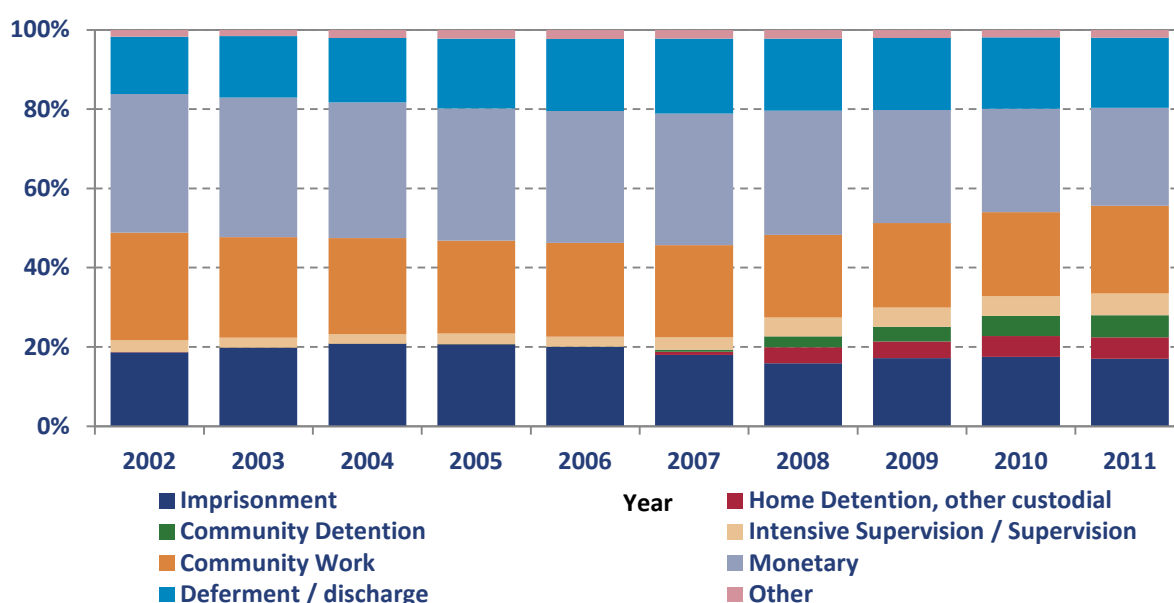
<sup>9</sup> Offences are classified using the Australian and New Zealand Standard Offence Classification (ANZSOC). For full details on the classification please see the [Australian Bureau of Statistics website](#).

### 3.4. Sentences imposed by the court

#### A wider range of sentences are being handed down

Since the introduction of the Sentencing Amendment Act 2007, a wider range of sentencing options has been available to the courts. Home Detention and other forms of supervision in the community are now being handed down in place of imprisonment, monetary penalties and community work (Figure 4).

Figure 4: Types of sentences handed down in court, 2002-2011<sup>10</sup>



#### Fewer people overall are being sentenced to imprisonment...

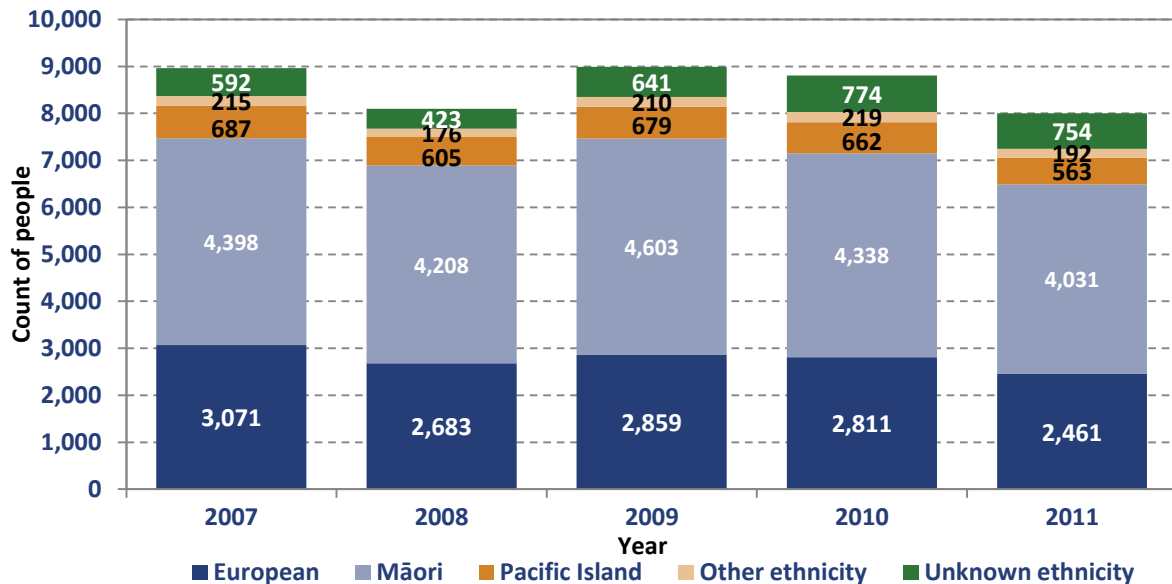
Like other numbers in the justice sector, the number of people sentenced to imprisonment has decreased since 2009 – from 8,992 to 8,001 in 2011, a decrease of 11 percent (Figure 5). In line with the charges laid in court, the decline in the number of people sentenced to imprisonment is seen across all ethnic groups.

Māori are overrepresented in imprisonment statistics – making up 50 percent of the people sentenced to imprisonment in 2011, but 13 percent of the New Zealand adult population.

<sup>10</sup> People who are convicted of offences are then either discharged, or sentenced by a judge in the District or High Court. People can receive more than one type of sentence for a single charge, or within a year. This section analyses the most serious sentence received for each charge. For more information on the types of sentences handed down in court, see the *Convicted Offenders* tables on [Statistics New Zealand's Table Builder](#).



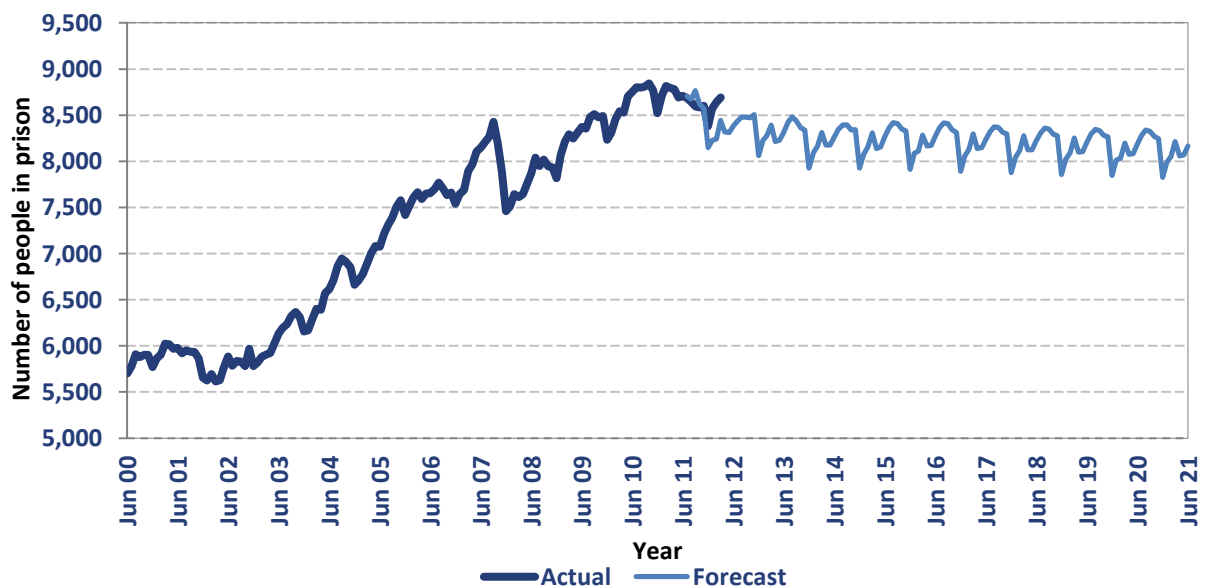
Figure 5: Number of people sentenced to imprisonment by ethnicity, 2007-2011



### ...and the decline is set to continue

The Ministry of Justice prepares the Justice Sector Forecast, which includes a forecast of the New Zealand prison population. The [Justice Sector Forecast 2011-2021](#), released in September 2011, shows that the prison population is forecast to continue to decline (Figure 6).

Figure 6: Number of people in prison, actual (June 2000-2012) and forecast (June 2012-2021)



### **...but the most serious offenders are sentenced to imprisonment**

For homicide and related offences in 2011, 95 percent of offenders were sentenced to imprisonment; for sexual assault 65 percent were sentenced to imprisonment; and for robbery, 62 percent.

The majority of those not sentenced to imprisonment for these offences were sentenced to home detention.

## 4. Access more detailed statistics online

This report and the Conviction and Sentencing Statistics on the Statistics New Zealand website exclude children and young people (aged 10 to 16 years) who appeared in the Youth Court. These young offenders are covered in separate data tables also available on [Statistics New Zealand's website](#). A summary analysis of these statistics is also available on the [Ministry of Justice website](#).

### 4.1. Detailed conviction and sentencing statistics are available

The information in this report is a summary of the data now available on the Statistics New Zealand website. [Conviction and Sentencing Statistics](#) are available in five detailed tables that contain full calendar year data from 1980 to 2011. Below is a summary of what each table contains:

#### **Prosecuted Charges**

This table shows the total number of criminal charges in court each year. People often face multiple charges in a year, and sometimes one incident may lead to several charges in court, in one or more different offence categories. For example, people charged with fraud often face a number of related charges.

Each charge is counted separately in this table, and each charge has a separate outcome. This table provides a useful indicator of the volume and type of offences prosecuted in the New Zealand courts each year, and therefore court workloads. This table can be broken down by court, offence type, and the outcome of the charge (e.g. Convicted, Not proved or Discharged).

#### **Prosecuted People**

There are two tables relating to prosecuted people. These tables show the number of alleged offenders being dealt with by the courts. The *Most Serious Prosecution* (per person) table counts each person only once in a year for their most serious offence, regardless of which court in New Zealand they appeared in. The *Multiple Prosecution* table counts each person in each offence category they were charged with (if they were charged with more than one offence), and in every court they appeared in (even if they appeared in more than one court for the same offence type).

Information in these two tables is available about the person's gender, ethnicity, age at the time of the offence, offence type and the location of the court they appeared in.

#### **Convicted Offenders**

There are two tables relating to convicted offenders. These tables show the number of people convicted in court each year, by the type of sentence they received. The *Most Serious Sentence* (for convicted offenders) table counts each person only once in a year for the most serious sentence they received, regardless of which court in New Zealand they appeared in. The *Multiple Sentence* table counts the most serious sentence each person received for each offence type they were convicted of, and in every court they appeared in.

## **4.2. Upcoming Ministry of Justice data releases**

The *Child and Youth Prosecution Statistics 2011* will be released on the 26<sup>th</sup> of June 2012.

An update to the *Conviction and Sentencing Statistics* and *Child and Youth Prosecution Statistics*, including data for the first six months of 2012, will be released on the 25<sup>th</sup> of September 2012.

For other information, please contact us at [justiceinfo@justice.govt.nz](mailto:justiceinfo@justice.govt.nz).