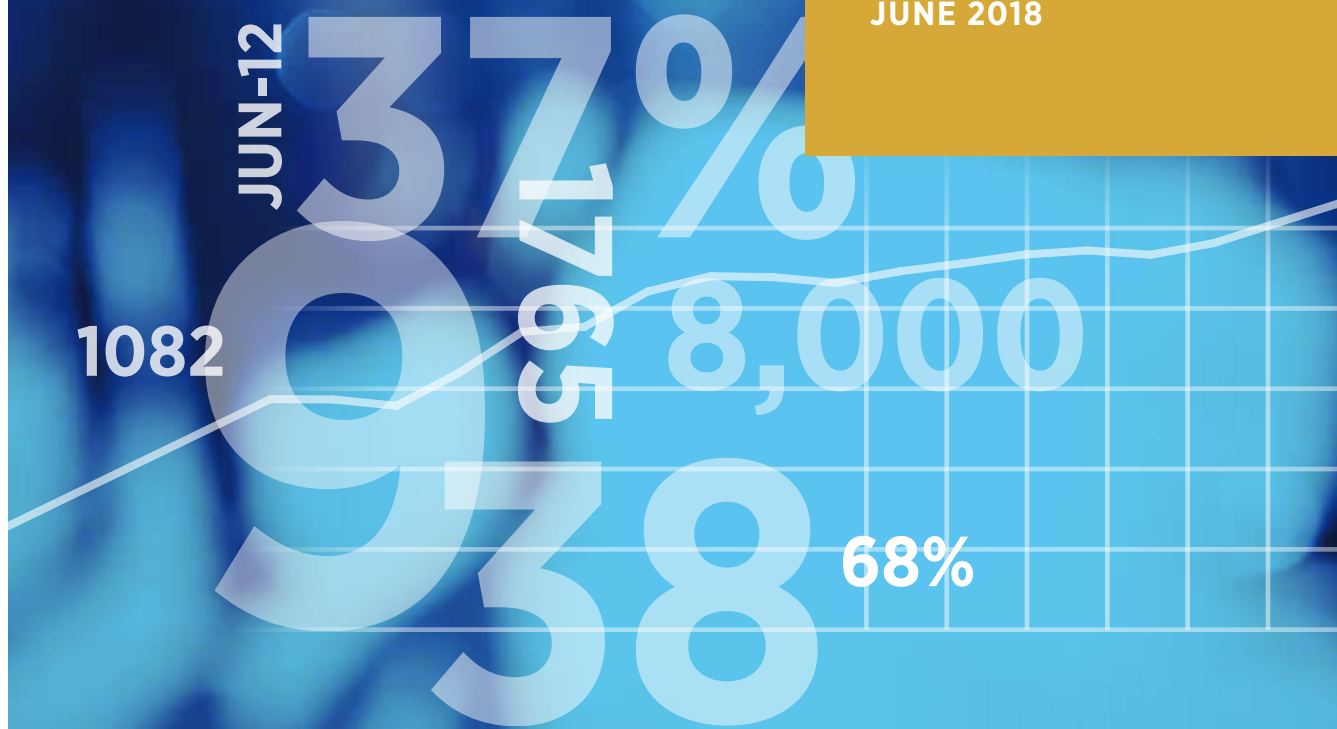


Flows in New Zealand's Justice system

Compiled by the Sector Analysis and Modelling Team – Ministry of Justice

JUNE 2018



MINISTRY OF
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Introduction

This data pack from the Ministry of Justice provides resource information about New Zealanders' interaction with the criminal justice system for policy makers and researchers.

It begins with a visual overview of the criminal justice system. Reported crime is placed in the context of total crime, and victimisations and offences reported to Police are shown.

The court process is described, focussing on long-term trends in court volumes and sentencing. Operational data describing system management are provided separately, and can be complemented by annual workload statistics available on the Courts of New Zealand website, at www.courtsofnz.govt.nz/Plone/publications/annual-statistics.

Information on people in prison is divided into the people serving sentences and those held in custodial remand. Finally, this pack includes international comparisons and additional information about the social and mental health needs of people in the justice system.

For more information about our work, visit www.justice.govt.nz/justice-sector

Prosecuted by
Corrections
5,000

Prosecuted by
other agencies
2,000



People
proceeded
against by
Police
106,000

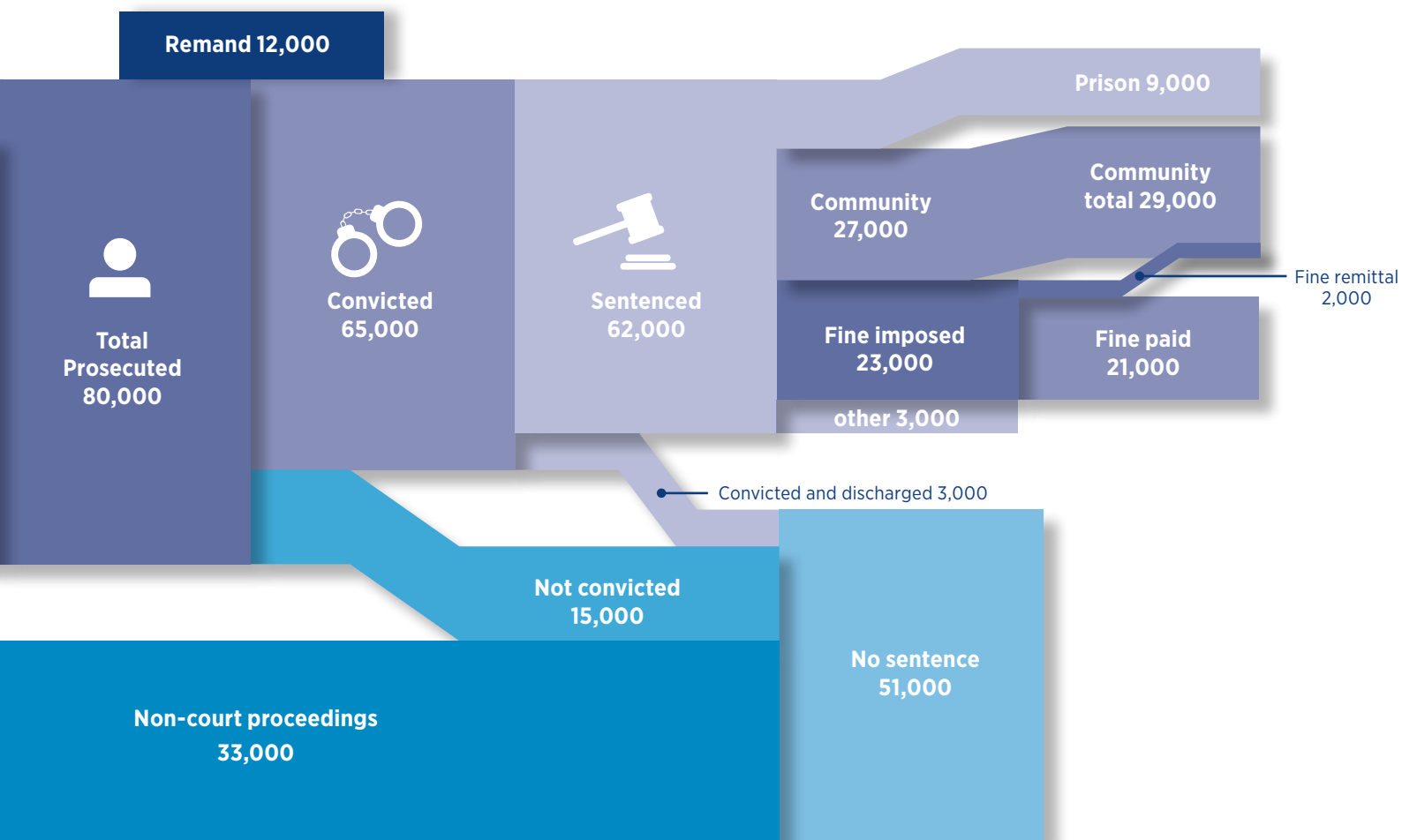


Prosecuted
by Police
73,000

Overview of the criminal justice pipeline

Figure 1 shows the number of people who entered each stage of the criminal justice pipeline at least once during the year ending June 2017. Categories are prioritised from the top of the graphic, so if, for example, 9,000 people started a prison sentence during the year ended June 2017; 29,000 started a community sentence but did not start a prison sentence during that year, and so on.

Figure 1. Number of people passing through each stage of criminal justice system annually (June 2017)

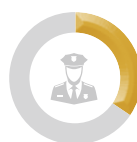


A man with a beard, wearing a red baseball cap and a brown leather jacket, is shown in profile, looking down at a smartphone he is holding in his hands. The background is a blurred city street at night, with warm yellow and orange bokeh lights from street lamps and buildings. The overall mood is quiet and focused.

Reported and unreported crime

Reported and unreported crime

The most recent New Zealand Crime and Safety Survey (NZCASS) in 2013 asked, where someone experienced an incident of crime, whether it was reported to Police.



31% of crime
was reported to Police.



24% of violent interpersonal offences
were reported to Police.

The New Zealand Crime and Victimization Survey, which replaces NZCASS, is currently underway and the results will be available from early 2019.

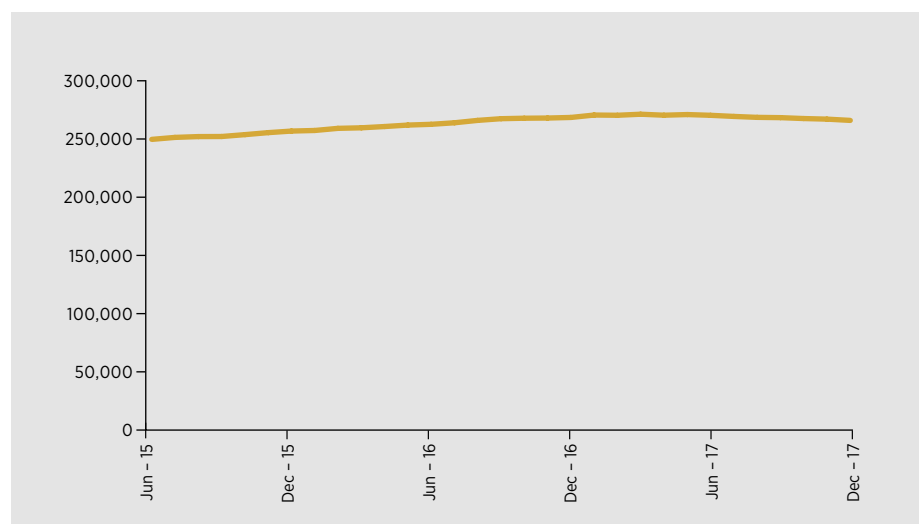
Source: <https://justice.govt.nz/justice-sector-policy/research-data/nzcass/survey-results/>

Victimisations reported to Police

The Recorded Crime Victims Statistics dataset (RCVS) was introduced in 2014. The dataset counts the number of victimisations for offences which have a clearly identifiable victim or victims. It includes all victimisations reported to Police. Under-reporting is known to be high for some types of offences, particularly family violence and sexual violence. Increases in reported victimisations may reflect greater Police activity to increase reporting rates rather than any change in criminal behaviour.

Figure 2 shows the number of recorded crime victimisations. Each point on the graph shows the recorded victimisations in the previous 12 months.

Figure 2. Number of recorded victimisations in preceding 12 months



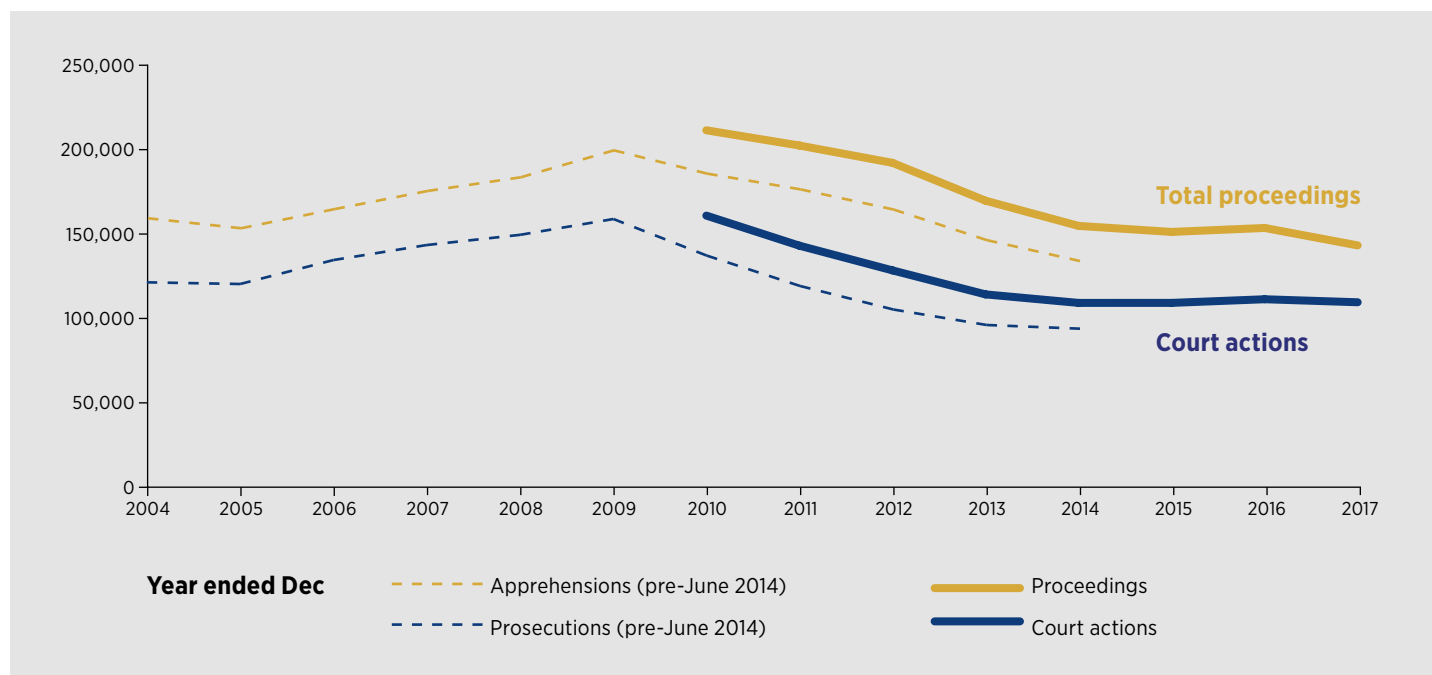
Under-reporting is known to be high for some types of offences, particularly family violence and sexual violence.

People apprehended by Police

The number of court actions brought by Police decreased by a third (32%) between 2010 and 2014, due to falling crime and Policing Excellence initiatives.

Court actions brought by Police decreased by a third (32%).

Figure 3. Total Police proceedings and those resulting in court action
Adults aged 17 and over



Note: Police changed their reporting system in 2014. The dotted lines above reflect the pre-2014 reporting system (where apprehensions and prosecutions were the counting units) and the solid lines the new system (where proceedings and court actions are the counting units). The rules used for counting and grouping charges were different but the trends are very similar.

Further information: <http://www.police.govt.nz/about-us/publications-statistics/data-and-statistics>

Court volumes

Figure 4 shows the number of cases beginning the court process. Each point on the graph shows the number of new cases in the previous 12 months.

Cases are shown by category. Offences are categorised based on the maximum penalty that could be imposed. Higher numbered categories include offences with more serious maximum penalties. More information about offence categorisation is provided in Appendix 1.

The total number of cases has decreased over the last decade. However, the decrease has predominantly been in category 1 and particularly category 2 cases. The more serious and time-consuming category 3 and 4 cases now make up a higher proportion of cases in court, although they remain below the levels seen in 2009 and 2010.

Figure 4. New cases coming to court - number in preceding 12 months

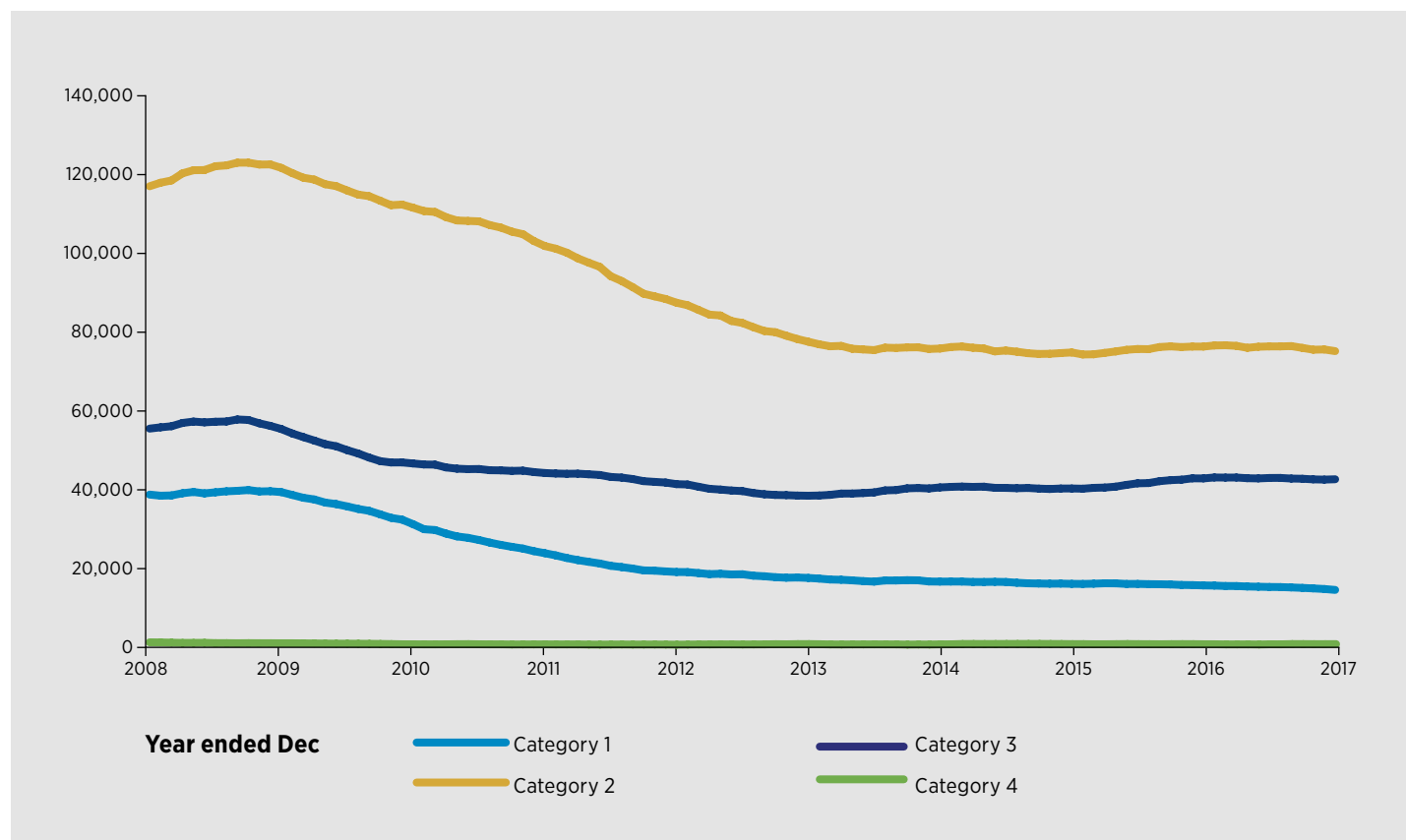


Table 1. New criminal cases by ANZSOC¹ division

	Year ended Dec-12	Year ended Dec-16	Year ended Dec-17	Change in last year	Change in last 5 years
Homicide and related ²	72	139	151		
Acts intended to cause injury	15,644	15,352	14,864	-3%	-5%
Sexual assault	1,195	1,332	1,347	1%	13%
Dangerous or negligent acts	8,049	7,239	7,327	1%	-9%
Abduction and harassment	2,255	3,010	2,843	-6%	26%
Robbery	916	1,064	1,262	19%	38%
Burglary	5,193	4,463	4,166	-7%	-20%
Theft	11,690	11,689	11,765	1%	1%
Fraud and deception	2,952	3,139	3,032	-3%	3%
Illicit drug	6,541	5,010	4,925	-2%	-25%
Weapons	2,279	2,433	2,310	-5%	1%
Property damage	5,312	3,804	3,662	-4%	-31%
Public order	7,242	3,117	3,407	9%	-53%
Traffic and vehicle	41,808	34,974	33,783	-3%	-19%
Offences against justice	33,581	34,685	34,354	-1%	2%
Miscellaneous	1,993	2,270	2,042	-10%	2%
Total	146,722	133,720	131,240	-2%	-11%

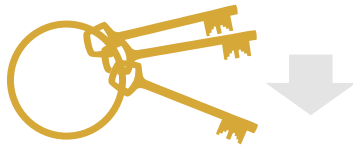
1 Australian and New Zealand Standard Offence Classification

2 From the middle of 2012 new offences for *driving causing death* were included in the Homicide and related classification



People remanded in custody

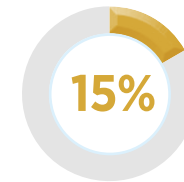
Remand inflow



- **From 2010 to 2014** the number of people being remanded in custody fell along with the number of cases coming into court – though not as quickly (so the remand rate increased).

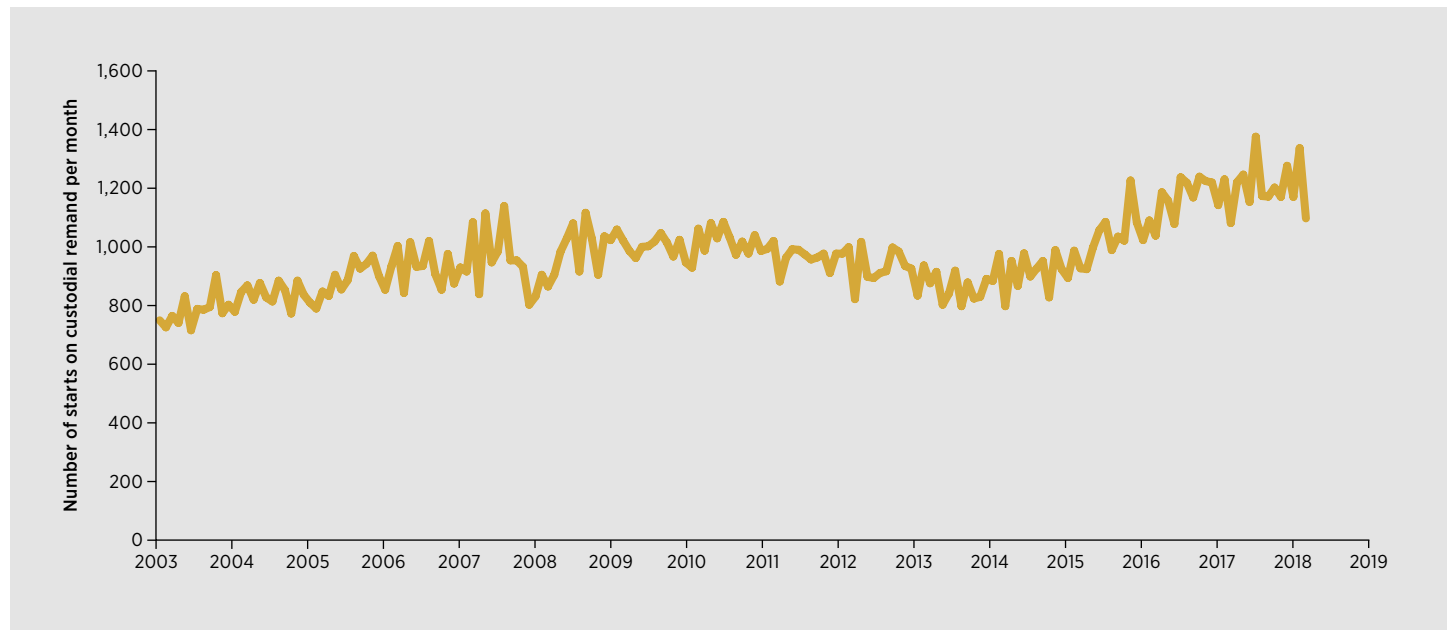


- **From 2014 to 2017** the number of people being remanded in custody increased. This coincided with the changes under the Bail Amendment Act 2013 and with other changes to police practice. These include greater focus on family violence and increased scrutiny of bail decisions by Police.



- **15% of adults** whose charge was finalised in 2017 spent some time in custodial remand.

Figure 5. Numbers starting remand in custody

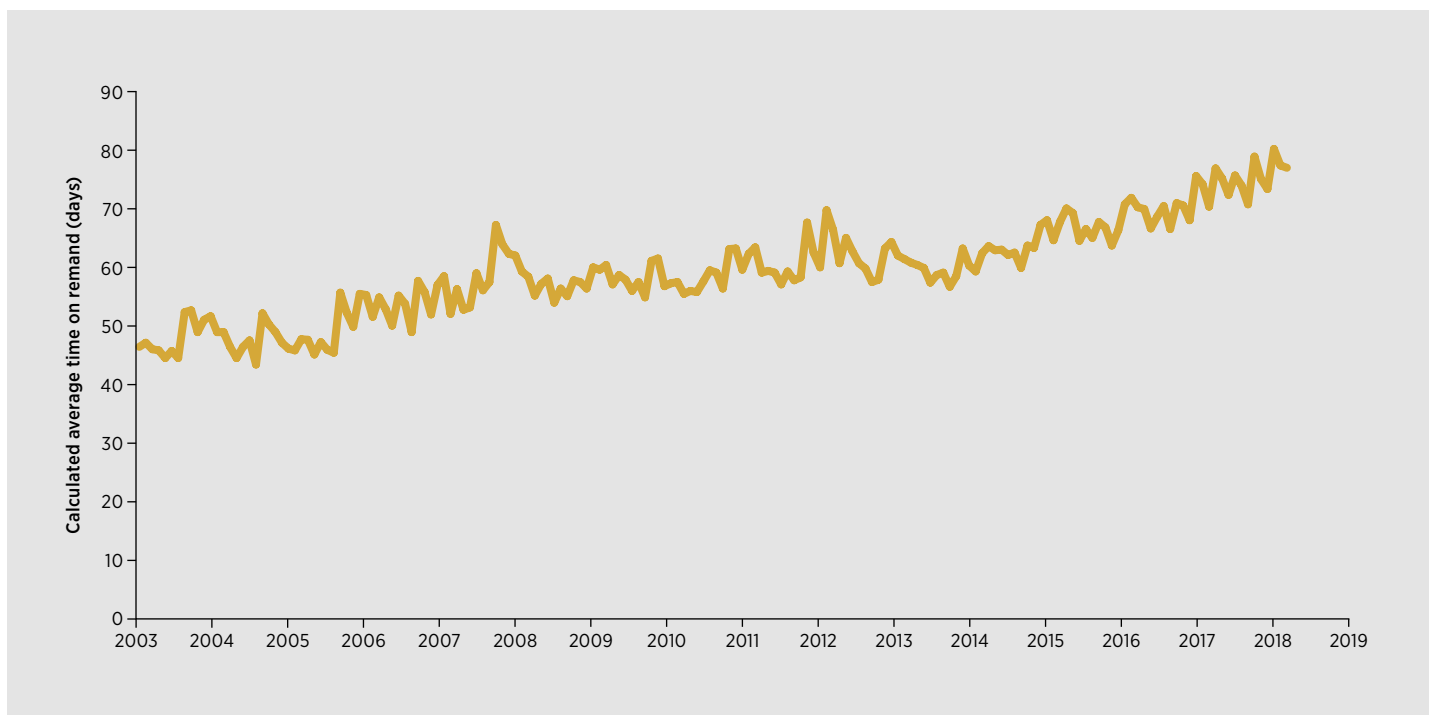


Time on remand

There has been long-term growth in average time spent in custodial remand. Growth slowed from 2008 to 2014, then increased from late 2014 following the Bail Amendment Act 2013 which made it more difficult to get bail for repeat serious violence or Class A drug dealing offences.

Changes to restorative justice and the Victims' Right Act in December 2014 also contributed to the longer remand time by, for example, prolonging the time people spend in remand while the restorative justice process is completed.

Figure 6. Time on remand (calculated)

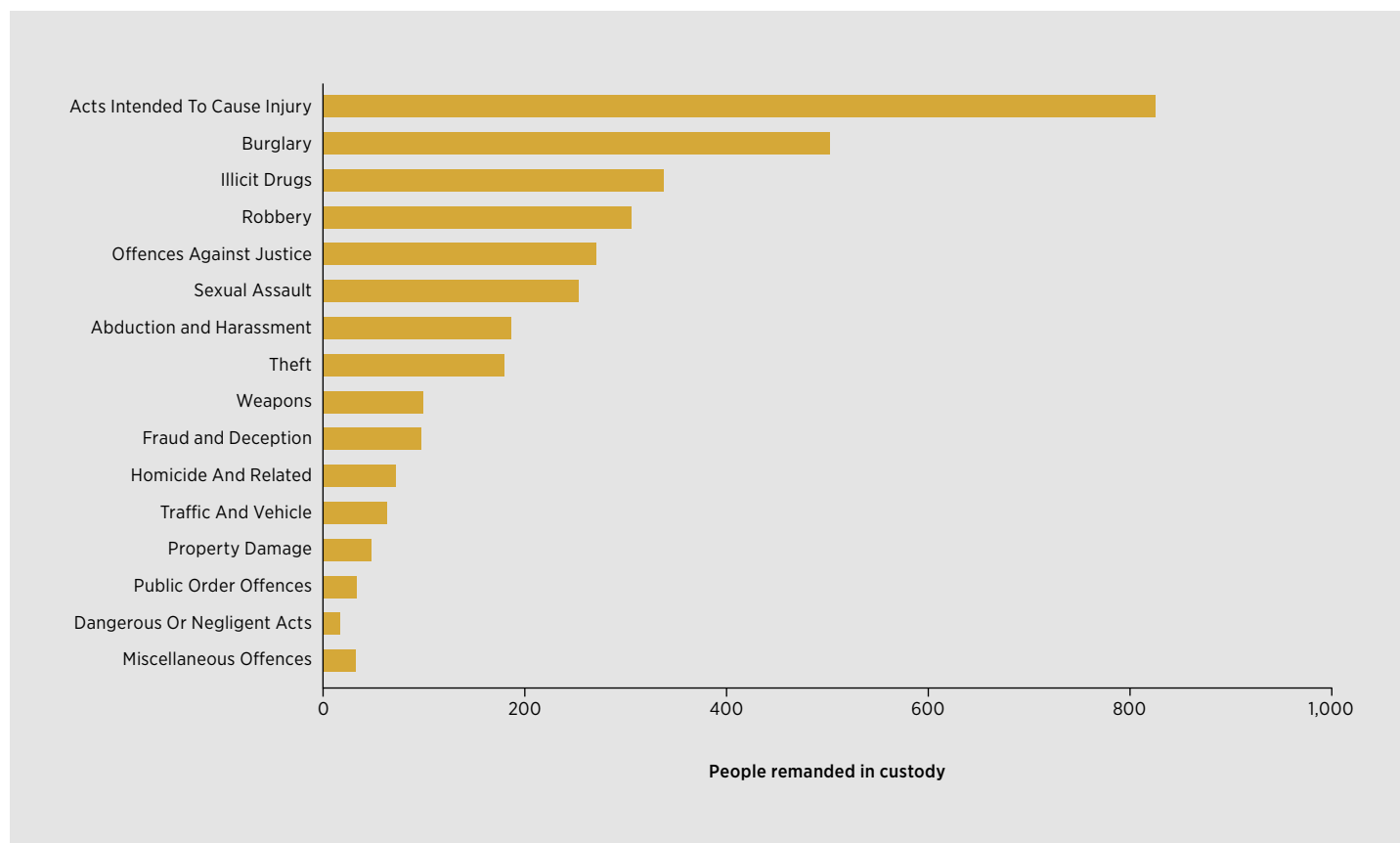


There has been long-term growth in average time spent in custodial remand.

People remanded in custody

Figure 7 shows the number of people on custodial remand by most serious offence. 41% of people on custodial remand have been charged with a violent offence (excluding sexual violence). 15% have been charged with burglary and 10% with drug offences.

Figure 7. Remand prison population by ANZSOC³ division of their most serious offence (at 28 Feb 2018)



3 Australian and New Zealand Standard Offence Classification

Remand outcomes

59%

59% of people who spend some time in remand go on to receive a custodial sentence. Approximately 80% of the time spent in custodial remand is subsequently counted against prison sentences. Only 4% of people who spend no time in remand receive a prison sentence.

30%

Another 30% of people who spend some time on remand receive a non-monetary sentence (mostly a community sentence such as Community Work or Home Detention).

9%

9% of people who spend some time in remand are not convicted.



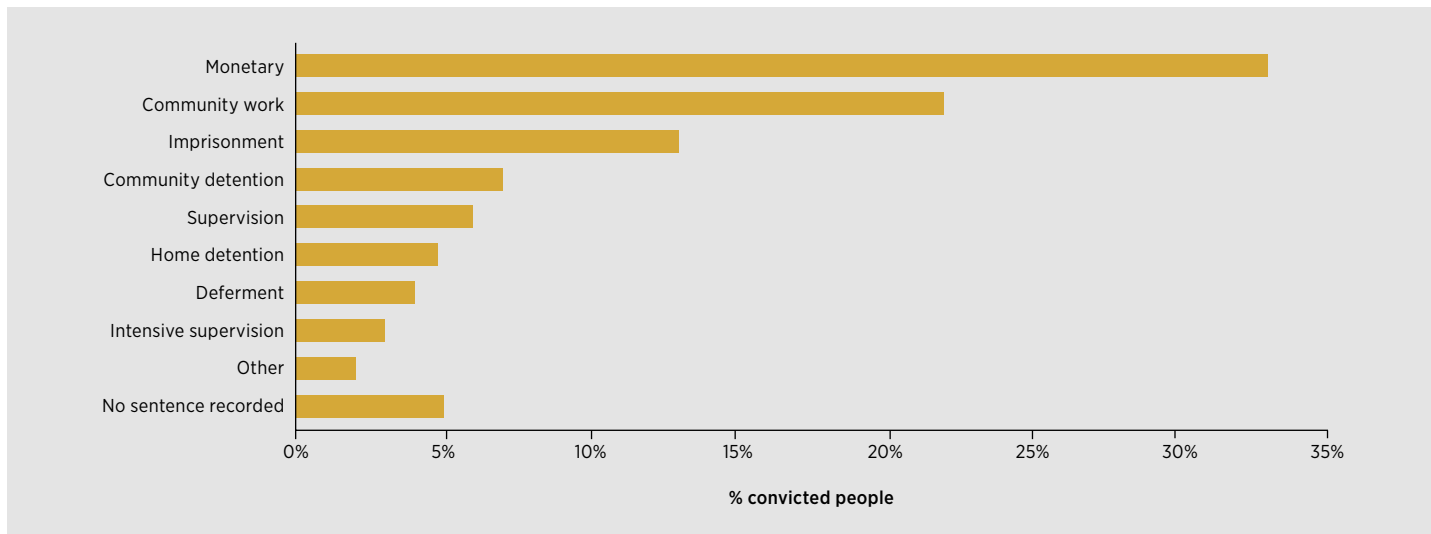


People sentenced to prison

Sentencing

In 2017, 64,490 people were convicted of one or more offences in New Zealand courts. Figure 8 shows the most serious sentence received by each convicted person in the 2017 year. Thirteen percent of convicted people were sentenced to imprisonment. A further 5% were sentenced to home detention. One third (33%) received fines or reparations only, and 22% received community work as their most serious sentence.

Figure 8: Most serious sentence received for people convicted in 2017



Note: 'Other' sentences include Final Protection Order (Sentencing Act), Committed to a facility on conviction, Order for forfeiture and Disqualification from driving. Instances of 'No sentence recorded' include where a person has been Convicted and discharged and where a person has been ordered to pay court costs or reparation.

Prison sentences

Custodial sentences

The number of custodial sentences has increased by 21% since 2013/2014 however the long-term trend has remained stable.

Figure 9. Number of custodial sentences per annum

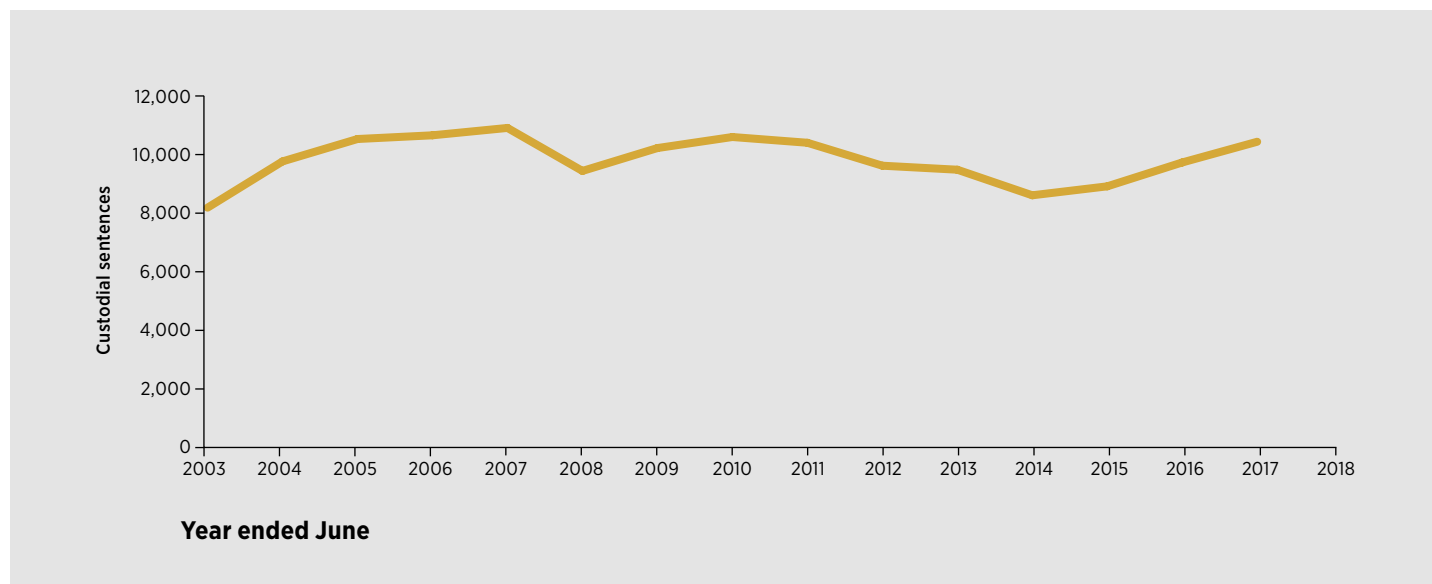


Table 3. Number of custodial sentences by ANZSOC⁴

ANZSOC Division	Year ended Jun-12	Year ended Jun-16	Year ended Jun-17	Change in last year	Change in last 5 years
Homicide	38	36	44	-	-
Acts intended to cause injury	1,691	1,725	1,769	3%	5%
Sexual assault	404	434	435	0%	8%
Dangerous or negligent acts ⁵	106	84	115	37%	8%
Abduction and harassment	232	311	328	5%	41%
Robbery	345	345	393	14%	14%
Burglary	1,317	1,167	1,237	6%	-6%
Theft	1,037	1,028	1,201	17%	16%
Fraud and deception	311	407	476	17%	53%
Illicit drug	658	623	695	12%	6%
Weapons	169	257	314	22%	86%
Property damage	191	174	174	0%	-9%
Public order offences	169	134	113	-16%	-33%
Traffic and vehicle	913	710	706	-1%	-23%
Offences against justice	2,022	2,293	2,438	6%	21%
Miscellaneous	25	11	16	-	-
Total	9,628	9,739	10,454	7%	9%

⁴ Australian and New Zealand Standard Offence Classification

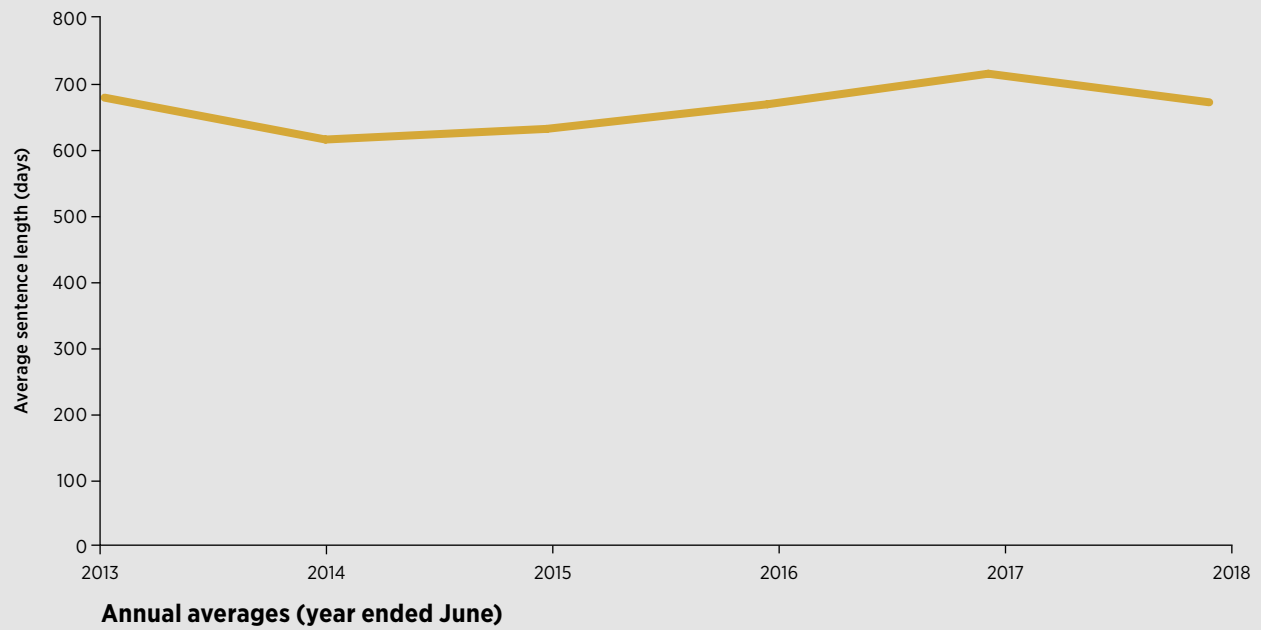
⁵ The majority of offences in this category relate to dangerous or negligent operation of a vehicle, including driving under the influence of alcohol or other substance.

Average sentence length imposed

The average imposed length of fixed-term sentences has remained stable over the last decade.

This figure does not include Life or Indeterminate sentences.

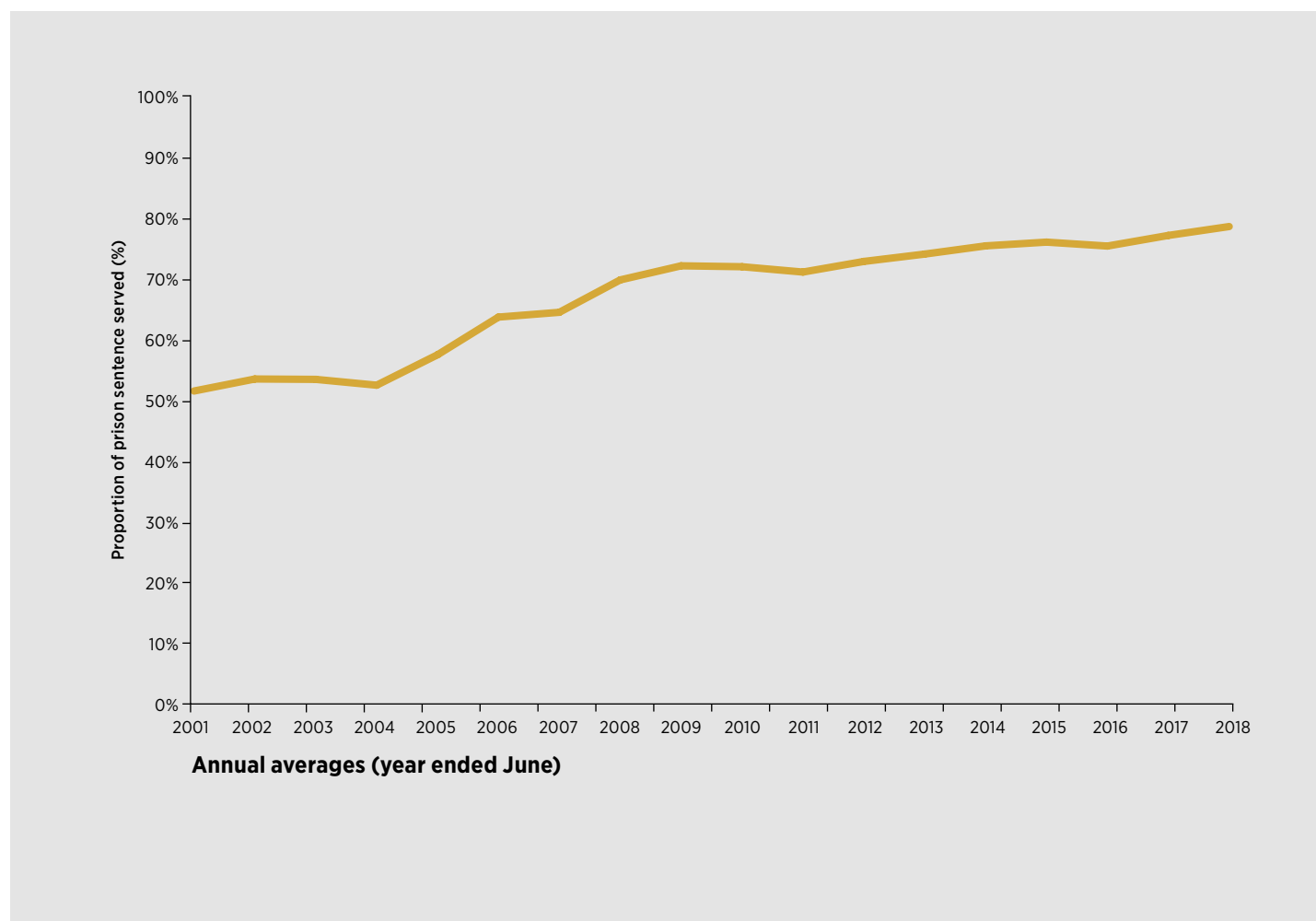
Figure 10. Average sentence length imposed



Proportion of sentence served

There has been a large change in the proportion of prison sentence served following the Parole Act 2002. This Act created the Parole Board in its current form and made release dependent on risk for those subject to the parole regime. This change started to impact in 2004, about two years after the Act came into effect, as it applies only to people serving a prison sentence of two years or more imposed on or after 1 July 2002. Most of the impact was seen by 2008, though the proportion served has continued to drift upwards since then.

Figure 11. Proportion of prison sentence served by people with sentences of two years or more (including time on remand)



Distribution of proportion of sentence served, 2003 compared to 2017⁶

Many more people are now serving all, or nearly all, of their imposed sentences.

Figure 12. Sentences of more than two years imposed length, excluding serious violence

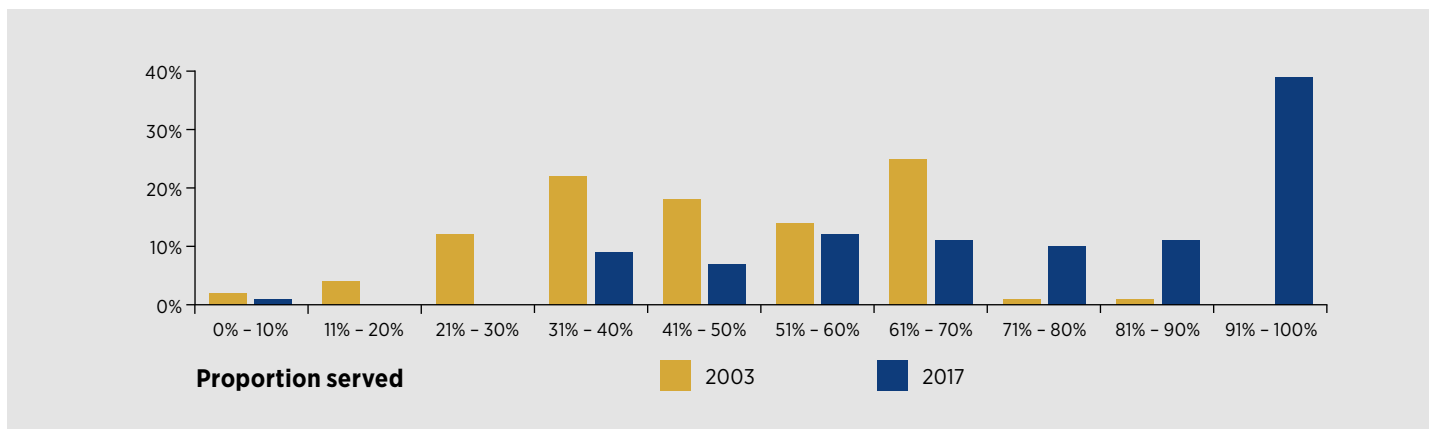
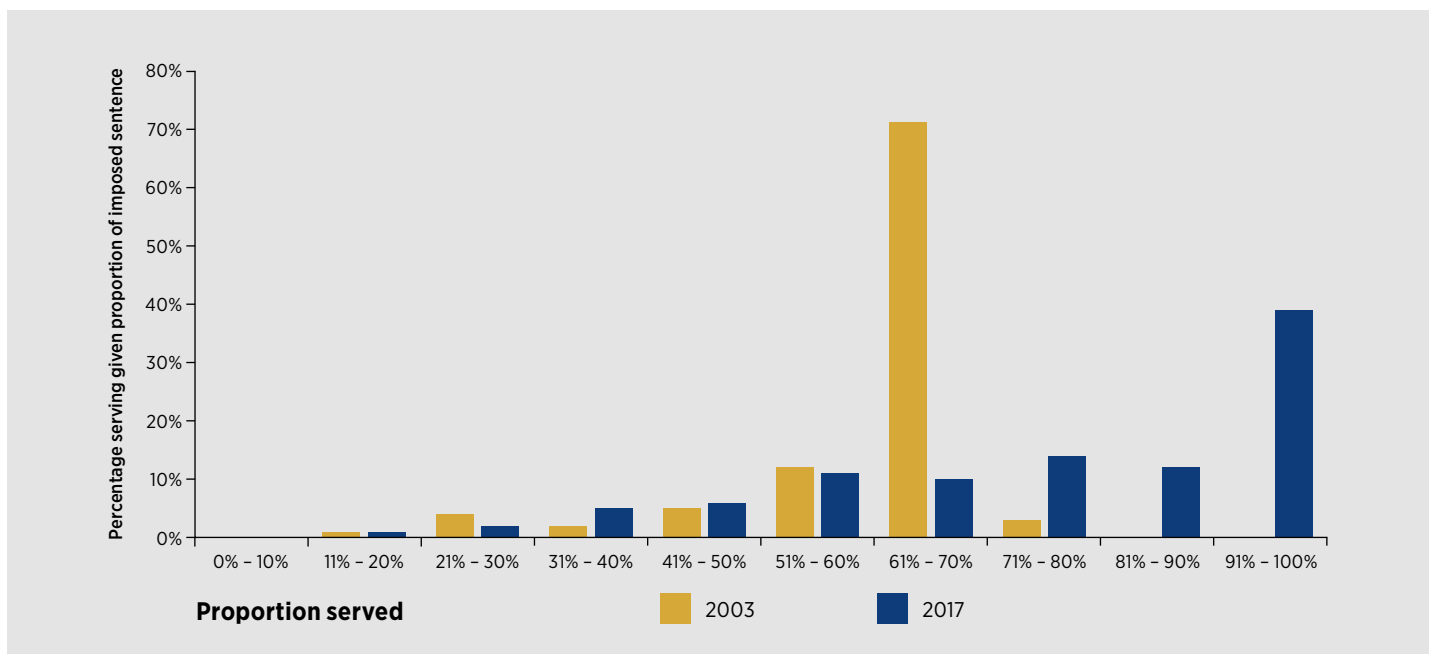


Figure 13. Serious violence sentences, more than two years imposed length



⁶ The graphs showing proportion served include people released early on compassionate release, on appeal or who died while serving a prison term.



About people in prison

JUN-12

37%
1765
338



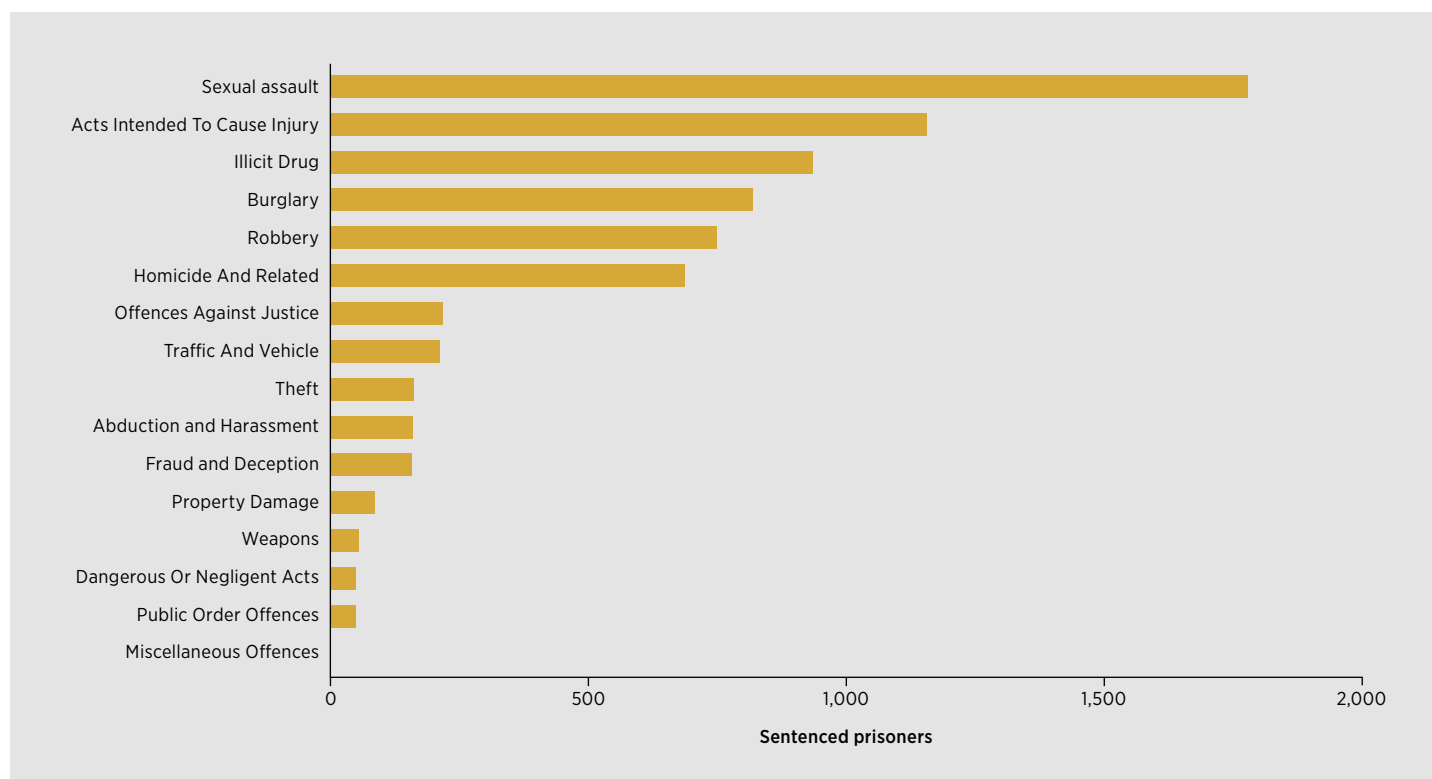
About people in prison

People remanded or sentenced for violent, sexual and serious drug-related offending account for over 70% of prison beds. People may be sentenced to prison for more than one offence and serve these concurrently; Figure 14 shows the most serious offence for which each person is in prison.

The most serious sentences of people currently serving prison sentences are for:

- sexual assault offences (24%)
- acts intended to cause injury e.g. assault (16%)
- illicit drug offences e.g. dealing and trafficking (13%)
- burglary (11%)
- robbery (10%)
- homicide (9%)

Figure 14. People serving prison sentences by ANZSOC⁷ division of their most serious offence (at 28 Feb 2018)



Note: People may be convicted of offences across multiple categories. This information is based on the sentenced person's most serious convicted offence.

⁷ Australian and New Zealand Standard Offence Classification

People in prison also have high health and social needs.

55%

of prisoners had been receiving a welfare benefit prior to imprisonment⁸

65%

Nearly 65% of prisoners haven't achieved NCEA level 1 in literacy and numeracy⁹

38%

of prisoners had abused methamphetamine or been dependent on it. Over half had used methamphetamine at some point in their lives.¹⁰

83%

of teens who commenced a prison sentence before the age of 20 had prior involvement with CYF¹¹

An in-depth study into mental health and addiction of people in prison conducted by the Department of Corrections in 2016¹² found that

62%

had been diagnosed with a mental health or substance use disorder in the previous 12 months.

87%

had a lifetime diagnosis of a substance use disorder, and just under half (47%) had a 12-month diagnosis of a substance use disorder.

52%

of women in prison and 22% of men in prison had been diagnosed with Post-Traumatic Stress Disorder

8 http://www.corrections.govt.nz/about_us/Our_vision_goal_and_priorities/our_priorities.html

9 http://www.corrections.govt.nz/about_us/Our_vision_goal_and_priorities/our_priorities.html

10 Bowman, J. 2017. Methamphetamine use disorders among New Zealand prisoners. http://www.corrections.govt.nz/resources/newsletters_and_brochures/journal/volume_5_issue_2_november_2017/methamphetamine_use_disorders_among_new_zealand_prisoners.html

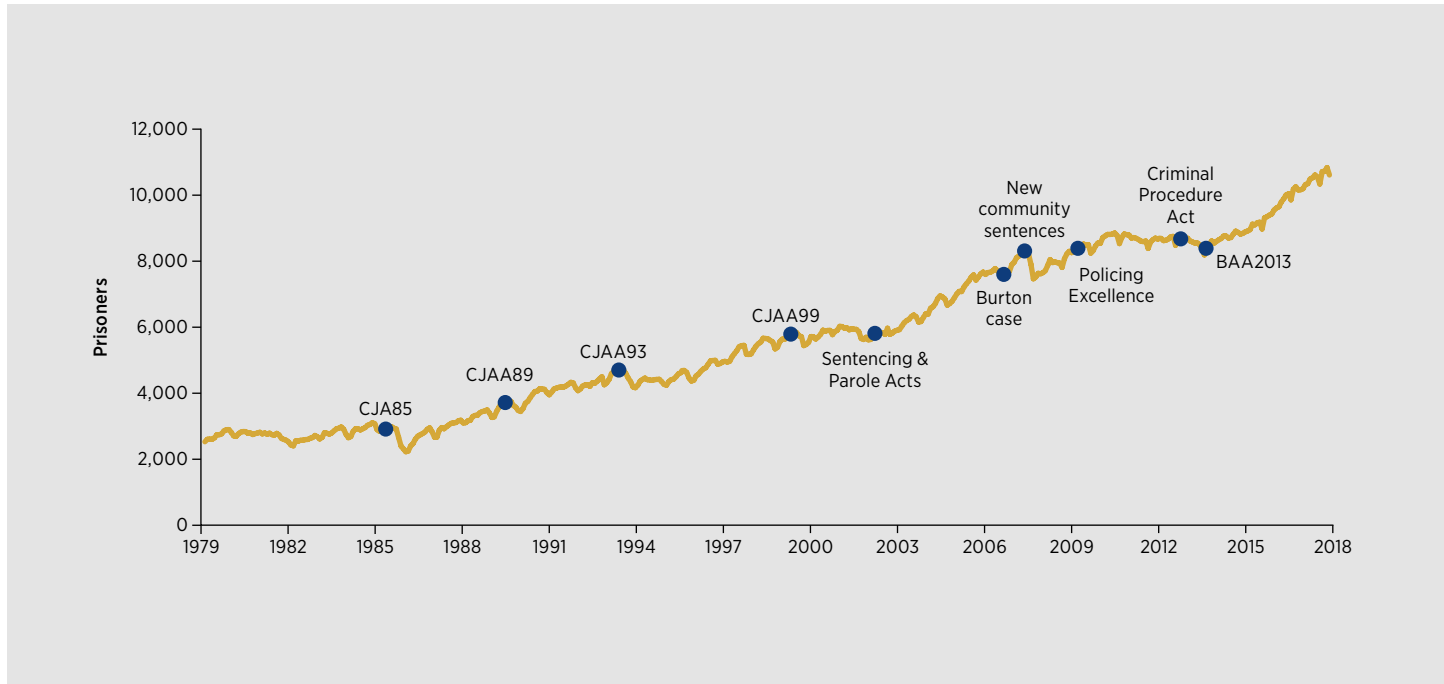
11 Ministry of Social Development Centre for Social Research and Evaluation 2010 Crossover between child protection and youth justice, and transition to the adult system. Unpublished report ref A4967765.

12 http://corrections.govt.nz/resources/research_and_statistics/comorbid_substance_use_disorders_and_mental_health_disorders_among_new_zealand_prisoners.html

Prison growth – contributing factors

The influence of various policy changes on the number of people in prison can be seen on the graph below.

Figure 15: Prison population



The prison population has risen faster than the total population since the mid-1980s.

See Appendix 2 for information about policy changes and Acts.



Additional Information

Additional information

Poverty and deprivation among people who offended

50%

of people convicted of offences¹³ live in the 20% most deprived areas of New Zealand.

30%

live in the 10% most deprived areas.

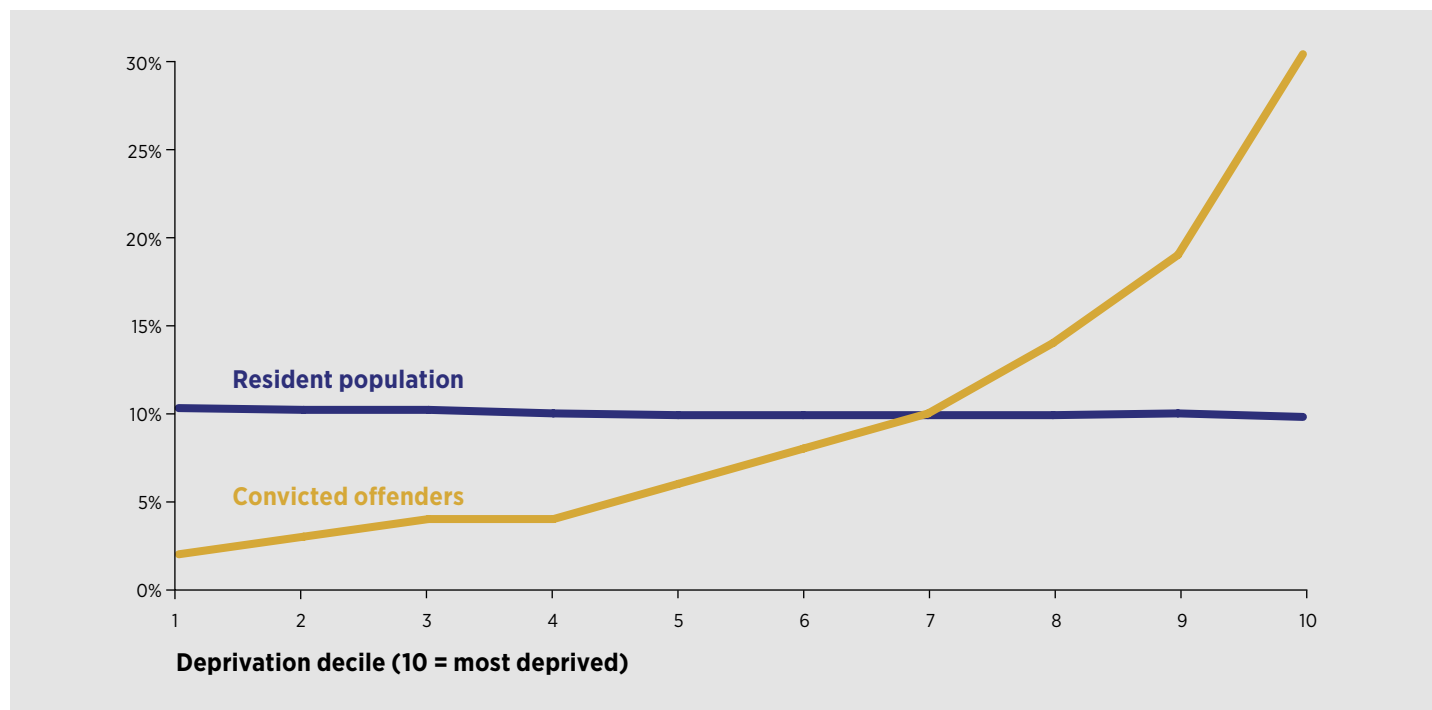
24%

of Māori live in decile 10 areas (most deprived decile), compared with 7% of non-Māori.

38%

of people living in the most deprived areas are Māori.

Figure 16. Distribution of people convicted of offences across deprivation deciles¹⁴



¹³ Ministry of Justice analysis using 2013 offence data and NZDep2013

¹⁴ For more information on NZDep2013 Index deprivation deciles, see www.health.govt.nz/publication/nzdep2013-index-deprivation

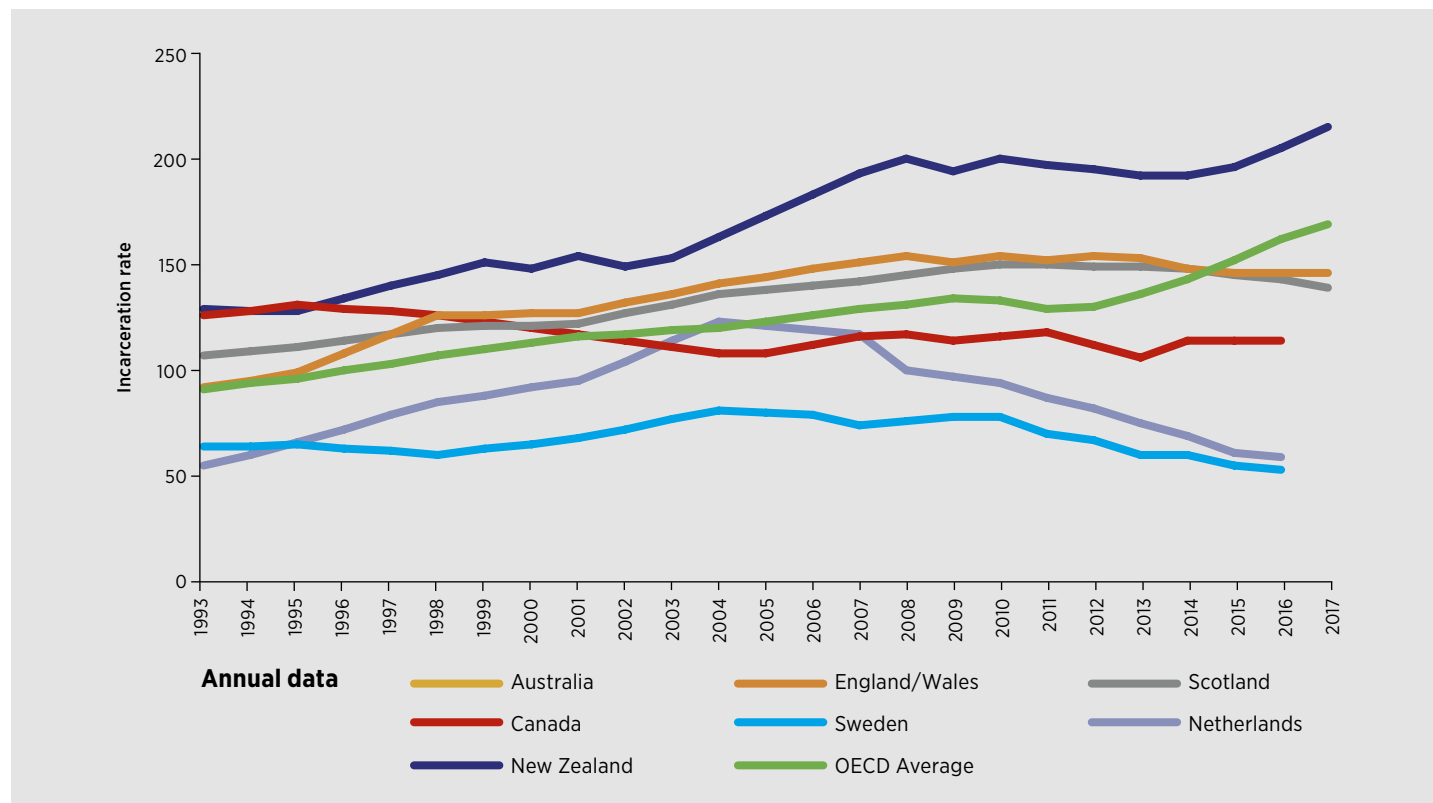
International comparisons

International imprisonment rates

New Zealand's imprisonment rate is relatively high compared to similar jurisdictions.



Figure 17. Comparative imprisonment rates per 100,000 people



Note: A further potential comparison country, the USA, currently has a rate of about 700 people in prisons and jails per 100,000 people. Showing this value on the above graph would change the scale and hide the detail between the other comparison countries.

Comparative rates of imprisonment – contributing factors

An internal review comparing imprisonment rates in New Zealand with England and Wales, Scotland, Australia and the USA undertaken in 2013 found:

- Similar levels of recorded crime for the major offence types
- Prosecution and conviction rates that are not dissimilar overall
- A very different sentence mix – in New Zealand, a considerably lower proportion of people who offend are given monetary sentences and a much higher proportion are given community sentences
- Substantially longer prison sentences.

This work suggests that criminal justice system responses (especially differences in sentence length) play a significant role in the relatively high imprisonment rate in New Zealand (rather than higher levels of crime).



Appendices

Appendix 1: Court offence categories

The Criminal Procedure Act 2011 sets out categories of offences and types of trials. Offences are categorised on the basis of maximum penalty. The exception is category 4 offences which are treated differently because of their significant seriousness, complexity or public symbolism.

Each category of offence has a default trial type, being either a Judge-alone trial or a jury trial. In some cases, a Judge-alone trial may be presided over by Justices of the Peace or Community Magistrates. The main characteristics of each category are summarised below. For full details, see the Criminal Procedure Act 2011.

Defendants charged with offences incurring maximum penalties of 2 or more years' imprisonment have the right to elect trial by jury.

Category 1 offences are punishable by a fine only. These go to a judge-alone trial in a District Court and are typically dealt with in a single hearing.

Category 2 offences are those with a maximum sentence of less than two years' imprisonment, and are normally dealt with in a judge-alone trial in a District Court.

Category 3 offences are those punishable by imprisonment for two years or more, and may be heard by a judge alone or, if the defendant chooses, by a jury trial.

Category 4 offences are very serious offences (for example murder and manslaughter) that usually require a jury trial in the High Court.

Appendix 2: Acts and policy changes with influence on prison population

- The **Criminal Justice Act 1985** introduced a presumption of imprisonment for sexual and violent offences (along with an off-setting presumption against imprisonment for property offences). Various amendments were made to this Act including:
 - **Criminal Justice Act Amendment 1999**, which lowered the threshold for imposing non-parole periods
 - Amendments made in 1989 and 1993 related to parole, non-association orders and concurrent sentences
- Major reforms to the criminal justice system followed the **1999 citizen-initiated referendum** in which the public expressed support for tougher penalties for offenders. These reforms included:
 - **Bail Act 2000**, which made it harder for those accused of serious offences to be released on bail, and changes to the Bail Act implemented in September 2013 (see below).
 - **Sentencing Act 2002**, which may have slightly increased the rate of imprisonment by removing the presumption against imprisonment for property offences, reducing the number of non-custodial sentences and replacing explicit guidance on the use of imprisonment (for serious violent offences) with more general sentencing principles
 - **Parole Act 2002**, which established the New Zealand Parole Board and resulted in people with long sentences serving longer proportions (in some cases all) of the sentence in custody
- High profile cases of offences committed on release from prison (e.g. William Bell and Graeme Burton) also reduced tolerance for risk to the community
- **The Bail Amendment Act 2011**, which made it harder for those charged with serious offences to get bail, introduced a stricter bail test for young defendants and increased the likelihood of remand in custody pending sentencing to ensure proceedings are progressed within a reasonable timeframe
- **The Bail Amendment Act 2013**, which made it harder for those charged with repeat serious violent offences or repeat Class A drug dealing offences to obtain release on bail
- **Operational changes** as a result of Police training on the application of the new bail legislation
- Impacts arising from the **Victims' Rights Amendment Act 2014**, which provided more opportunities for victims to be involved in criminal justice processes, and the **Sentencing Amendment Act 2014**, increasing the likelihood of adjournments for restorative justice



JUN-12

37%

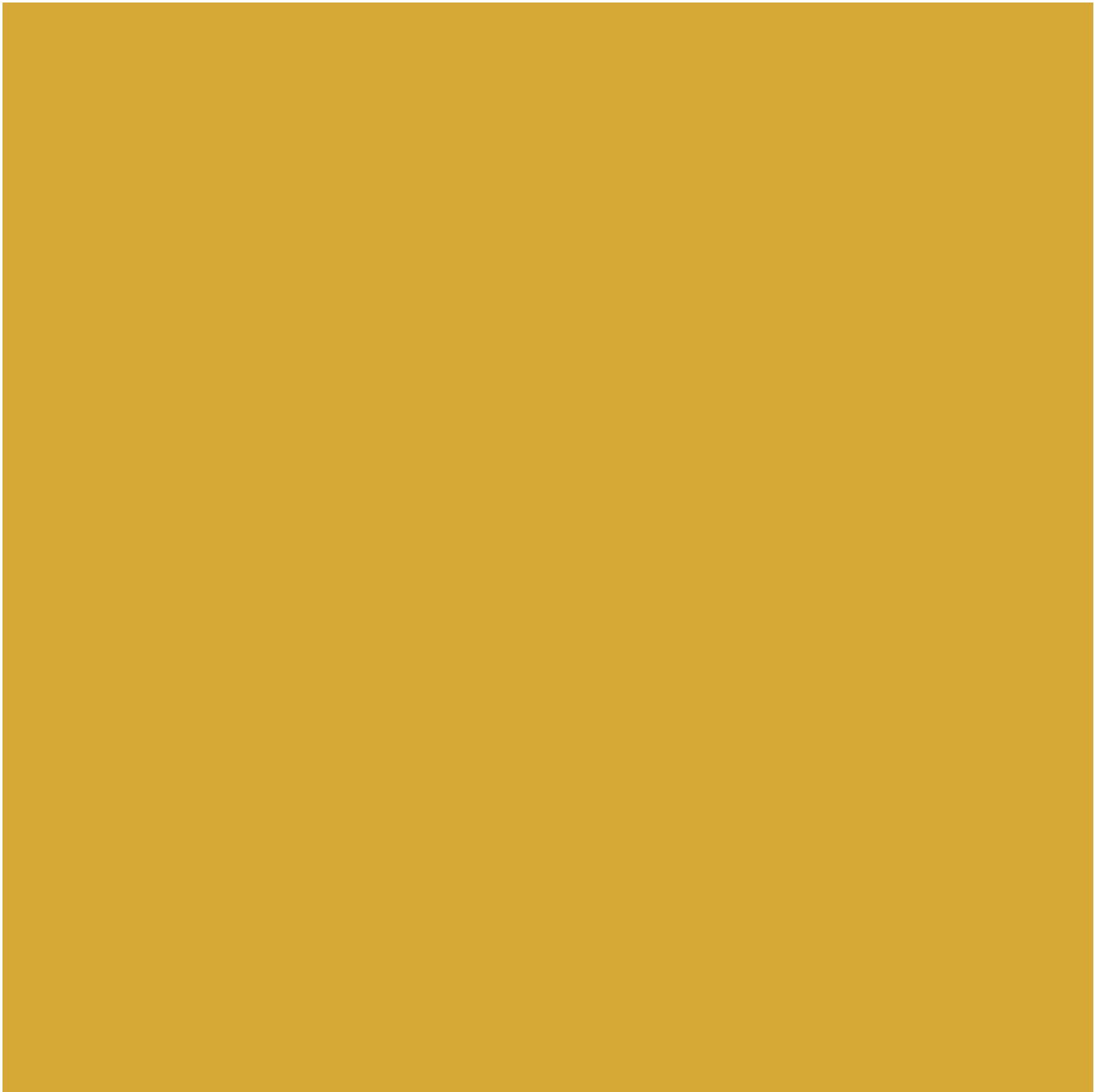
1765

8,000

68%

1082

938



JUN-1

1082

1765

8,000

68%



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