

# Trends for people with finalised charges in court

These statistics summarise information published by the Ministry of Justice for finalised charges and people with finalised charges in court for the year ended December 2023.<sup>1</sup> A finalised charge is a charge which has reached a conclusion in court. There are multiple ways this could be achieved such as the charge is convicted and sentenced or withdrawn. Charges that are still active in court are not included. These statistics measure the end point of the court process and reflect a combination of operational factors, such as the number of charges coming into court and the time for charges to be finalised. Unless otherwise specified, this report compares key trends for the calendar year 2023 with the previous year (2022) and five years ago (2018).

## Key trends:

**The number of people with finalised charges and convicted charges has continued to increase over the last year but remains lower than five years ago.**

- The number of people with finalised charges for serious offences has increased at a faster rate than for overall offences and is now similar to numbers seen five years ago.
- Despite the recent increase, the number of people with finalised charges for violent offences and family violence offences is lower than five years ago. However, on average there were more finalised charges per person than five years ago.
- There was an increase in the number of people who received prison sentences over the last year.

**The number of children and young people with charges finalised in court also increased over the last year and is now higher than 2020 which is the earliest year that comparable data is available.<sup>2</sup>**

- The increase over the last year is higher for those aged 10 to 16 than for those aged 17.
- A third of children and young people with orders had robbery as their most serious offence.

## The number of people with finalised charges and convicted charges has continued to increase over the last year, but is lower than 2018

People are counted once per year for their most serious charge finalised in the year, and only the details of that charge are shown in this data.<sup>3</sup>

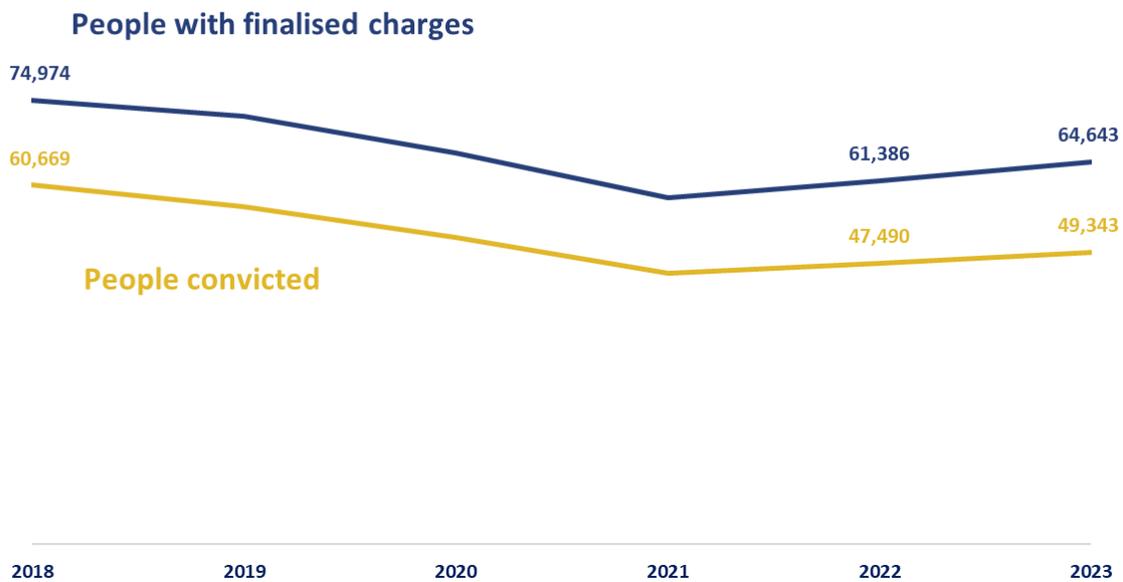
There were 64,643 people with finalised charges in 2023. This was a 5% increase from 61,386 people in 2022. Despite the recent increase, the number of people with finalised charges is still fewer than in 2018 (Figure 1).

There were 49,343 people convicted. This was a 4% increase from 47,490 people in 2022, but a 19% decrease from 60,669 people in 2018. The number of people convicted is also lower than in 2018.

The proportion of people with finalised charges that were convicted (76%) was similar compared to 2022 (77%).

There were 27,425 Māori with a finalised charge for an offence (6% more than in 2022, 13% fewer than in 2018). There were 21,833 Māori convicted of at least one offence (5% more than in 2022, 18% fewer than in 2018). 42% of all people with finalised charges in court were Māori. The recent increases are similar to those for the general population.

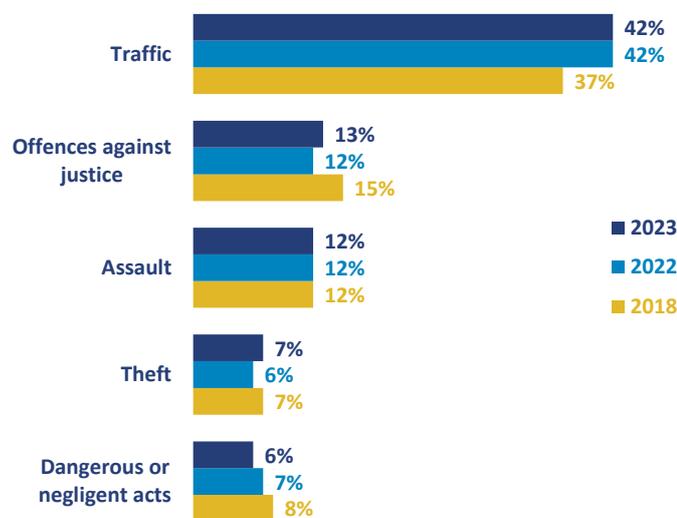
**Figure 1: Despite the increase over the last two years, the number of people with finalised charges and convicted charges is lower than five years ago**



### A person’s most serious convicted offence was most commonly a traffic offence

Almost half (42%) of convicted people had traffic offences as their most serious convicted offence (Figure 2). Other frequent offence types that were the most serious conviction included offences against justice (13%), assault (acts intended to cause injury; 12%), theft (7%), and dangerous or negligent acts (6%).

**Figure 2: Traffic offences are often a person’s most serious conviction**



### The number of people with finalised charges for serious offences has increased at a faster rate and is now similar to 2018

Serious offences made up 21% of all finalised charges, which was similar in 2022 (22%). Serious offences include offences such as homicide, sexual violation, and burglary. Not all serious offences are violent offences, for example burglary is not included as a violent offence.<sup>4</sup>

There were 15,072 people with finalised charges for serious offences (9% more than in 2022, 1% fewer than in 2018). The majority (62%) of those people were convicted.

### Finalised charges for violent offences and family violence offences are back to 2018 levels. However, there are fewer people with those charges than in 2018

**Violent offences** – 16% of all finalised charges are violent offences, which was similar in 2022 (16%). Violent offences include offences such as homicide, sexual violation, and assault. Not all violent offences are serious offences, for example common assault is not included as a serious offence.<sup>5</sup>

There were 32,631 finalised charges for violent offences (8% more than in 2022, 3% more than in 2018).

There were 15,933 people with finalised charges (6% more than in 2022, 9% fewer than in 2018). The majority (63%) of people were convicted.

**Family violence offences** – 15% of all finalised charges are family violence offences, which was similar in 2022 (15%). Family violence offences make up the majority of all violent offences.<sup>6</sup>

There were 30,532 finalised charges for family violence offences (8% more than in 2022, 6% more than in 2018).

There were 12,277 people with finalised charges for family violence offences (6% more than in 2022, 10% fewer than in 2018). The majority (69%) of people were convicted.

There are fewer people with finalised charges for violent offences and family violence offences than five years ago, although on average each person has more finalised charges.

### There was an increase in people who received prison sentences, but still fewer than in 2018

A person may receive more than one sentence when convicted of an offence.<sup>7</sup> This data counts the most serious sentence received by each person in a year.

There was an increase in people who received prison sentences in 2023 (5,962 people, 20% more than in 2022, 22% fewer than in 2018; Figure 3).

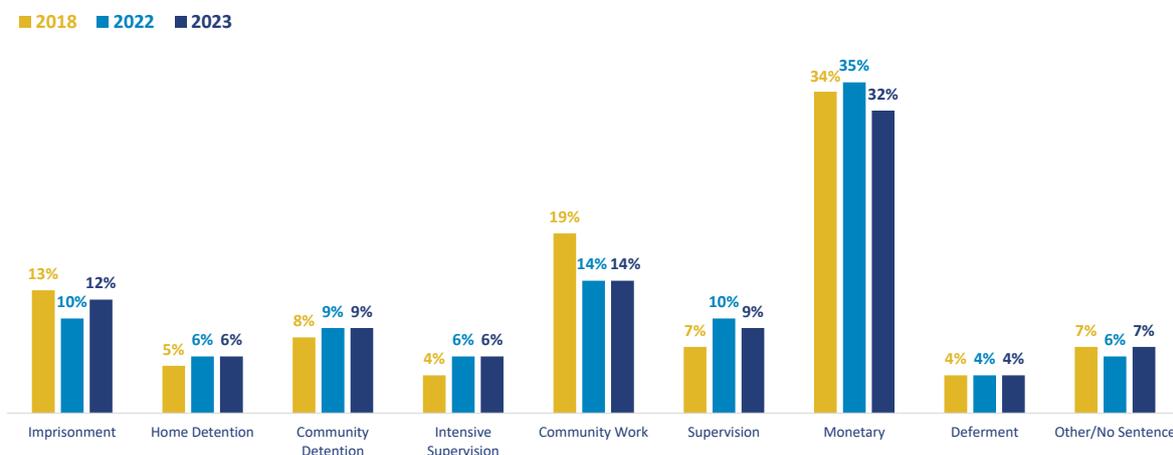
The proportion of people convicted who received a prison sentence was also higher in 2023 (12%) than in 2022 (10%) but is similar to in 2018 (13%).

There were 2,939 people sentenced to home detention (as their most serious sentence). The proportion of convicted people with this sentence (6%) was similar in 2022 (6%) and in 2018 (5%).

People convicted of some offence types are more likely to receive the most serious sentences. For example:

- **Serious offences** – Of those convicted, 37% received a prison sentence. This was higher than in 2022 (33%) and similar to 2018 (38%). Another 20% received home detention as their most serious sentence, which was similar to 2022 (20%) and higher than in 2018 (16%)
- **Violent offences** – Less than a third (29%) of those convicted received a prison sentence, higher than in 2022 (26%) and the same as in 2018 (29%). Another 13% received home detention as their most serious sentence, increasing from 12% in 2022 and 10% in 2018.
- **Family violence offences** – A quarter (26%) of those convicted received a prison sentence. This was higher than in 2022 (22%) and similar to 2018 (25%). Another 10% received home detention as their most serious sentence, increasing from 9% in 2022 and 7% in 2018.

**Figure 3: There has been a slightly greater use of prison sentences over the last year**



## Most offending by children and young people is managed outside the court system

The youth justice system includes children and young people aged 10-17 years (from 1 July 2019 onwards, or 10 to 16 years up to 30 June 2019). They are most often managed by Police in the community. This could be through a police warning or being referred to Police Youth Aid. A family group conference happens in more serious circumstances where the offending can't be managed in the community. Children and young people only appear in court for serious offending, usually in the Youth Court or otherwise in the District or High Court.

## The number of children and young people with finalised charges in court has increased over the last year and is now higher than in 2020

There were 1,671 children and young people who had finalised charges in court (including the Youth,

District and High Court; 18% more than in 2022, 6% more than in 2020; Figure 4). The increase is higher for 10- to 16-year-olds (25% more than in 2022) than for 17-year-olds (3% more than in 2022).

There were 1,026 tamariki and rangatahi Māori who had finalised charges in court (16% more than in 2022, 6% more than in 2020). 61% of all children and young people with finalised charges in court were Māori.

## Most children and young people had their charges finalised in the Youth Court

There were 1,575 children and young people with finalised charges in the Youth Court (21% more than in 2022, 8% more than 2020).

There were 972 tamariki and rangatahi Māori with finalised charges in the Youth Court (18% more than in 2022, 7% more than in 2020).

The remainder (6%) of children and young people had their charges finalised in the District or High Court.

Figure 4: The number of children and young people with finalised charges is higher than in 2020, but those given orders is still lower



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## The majority of children and young people with finalised charges in court had their charges proved

Children and young people usually receive different charge outcomes to adults.<sup>8</sup> The majority had their most serious charge proved and received either an absolute discharge under section 282 (55%) or an order under section 283 (14%). Another 24% had their charge dismissed, discharged, or withdrawn, and 5% were convicted in an adult court (mostly 17-year-olds).

There were 321 children and young people who received orders (5% more than in 2022, 13% less than 2020; Figure 4).<sup>9</sup>

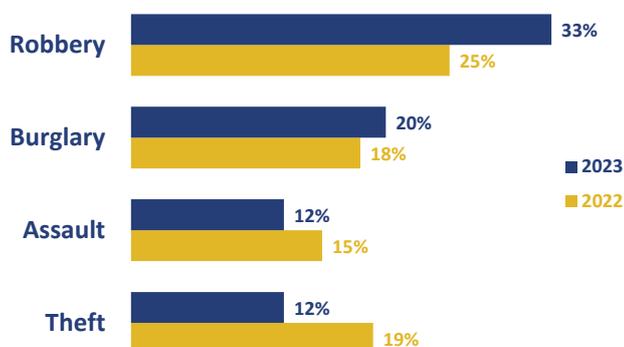
There were 234 tamariki and rangatahi Māori who received orders (4% more than in 2022, 6% fewer than 2020).

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## A third of children and young people with court orders had robbery as their most serious offence

A third (33%) of children and young people with orders given in court had robbery as their most serious offence (Figure 5). Other offence types that were frequently the most serious included burglary (20%), assault (acts intended to cause injury; 12%), and theft (12%). The proportion for robbery has increased from 25% in 2022.

**Figure 5: The majority of children and young people with orders have robbery, burglary, assault or theft as their most serious offence**



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## Children and young people with very serious offending receive adult sentences

The types of orders and sentences the 321 children and young people received in any court were (in order of seriousness, counting the most serious order for each person):

- adult sentences, mostly prison or home detention for very serious offending (25% of children and young people given orders)
- supervision with residence in a youth justice facility (16%)
- supervision with activity (7%)
- supervision or community work (16%)
- education or rehabilitation programmes (such as alcohol treatment or parenting programmes; <1%)
- monetary penalty, confiscation, or disqualification (14%)
- no order recorded (22%)<sup>10</sup>.

Most (81%) of the children and young people who received adult sentences were 17-year-olds.

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<sup>1</sup> The Ministry of Justice also provides data to Stats NZ about charges finalised in court for children and young people, and for adults, for official release on the Stats NZ website.

<sup>2</sup> Prior to 1 July 2019, 17-year-olds were not included in the youth jurisdiction.

<sup>3</sup> For example, if a charge is convicted it is more serious than one that is withdrawn, and a convicted charge with a prison sentence is more serious than one with only a monetary penalty.

This also means that when the factors determining which finalised charge is a person's most serious are considered, the type of offences that are the most common may differ for finalised charges and people. For example, while drug convictions (eg possession offences) are common, they are often not a person's most serious conviction in the year (as they are likely to also have other more serious convicted offences).

<sup>4</sup> Serious offences - offences with a maximum sentence length of 7 years or more imprisonment.

<sup>5</sup> Violent offences - offences within specific Australian and New Zealand Standard Offence Classification (ANZSOC) categories: 011: Murder, 012: Attempted murder, 0131: Manslaughter (does not include ANZSOC group 0132: Driving causing death), 02: Acts intended to cause injury, 03: Sexual assault and related offences, 051: Abduction and kidnapping, 052: Deprivation of liberty/false imprisonment, 061: Robbery.

<sup>6</sup> Family violence offence – offences where the finalised charge is flagged as family violence in the Ministry of Justice Case Management System or involving specific offence types, such as assault on a family member (section 194A Crimes Act 1961). Not all family violence offences are “violent” offences; the behaviour can be associated with many offence types including non-“violent” offences such as breach of protection order, wilful damage, and harassment.

<sup>7</sup> 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 (eg disqualification from driving, alcohol interlock order, zero alcohol order, attend driving course), orders related to forfeiture and confiscation (eg 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).

<sup>8</sup> The Oranga Tamariki Act 1989 details these outcomes:

- an absolute discharge under section 282 of the Act can be ordered when a child/young person admits their offending and successfully completes the plan agreed in their Family Group Conference. The absolute discharge means it is as if the charge against the child or young person was never filed.

- an order under section 283 of the Act may occur when a child/young person commits more serious offences, or they don't stick to their Family Group Conference plan. This is used when a child/young person admits their offending, or the judge determines that the charges are proven and are serious enough to warrant an order under section 283 of the Oranga Tamariki Act 1989.

Children and young people can also be convicted and transferred to the District or High Court for sentencing for very serious offending.

<sup>9</sup> This includes finalised charges with the outcome types 'Youth Court proved (order under section 283)' and 'Convicted and sentenced in adult court'.

<sup>10</sup> The Oranga Tamariki Act 1989 details these orders and sentences:

- s283(o) adult sentences - such as imprisonment or community sentences. For charges finalised in the Youth Court these relate to sentencing reviews for subsequent offending committed while completing a Youth Court order.

- s283(n) supervision with residence - the child/young person is ordered to spend time in a secure youth justice residence (for between 3 and 6 months).

- s283(m) supervision with activity, intensive supervision - the child/young person is placed under supervision (eg of Oranga Tamariki) for up to 6 months, where they attend a specified centre or complete some special programme or activity.

- s283(k)-(l) youth supervision, community work - the child/young person is placed under supervision (eg of Oranga Tamariki) for up to 6 months or make a community work order (of between 20 and 200 hours).

- s283(ja)-(jc) education, rehabilitation programmes - the child/young person and/or their parents are required to attend a parenting education programme, or the child/young person is required to attend a mentoring programme, or alcohol or drug rehabilitation programme.

- s283(c)-(j) monetary, confiscation, disqualification - the child/young person is ordered to return to court, if called upon within 12 months so that the court can take further action, such as ordering: payment of a fine, court costs, reparation or restitution, or forfeiture of property, or confiscation of a vehicle, or disqualification from driving.

- s283(a)-(b) no order recorded - the child/young person is discharged without further order or penalty.