

## District Court Definitions

### *An important note on interpreting the data*

The majority of data in the summaries has been drawn from administrative and service data. As such, they are dependent on reporting and recording practices and cannot be used as indicators of the incidence of family violence in the population. In addition, they cannot be used to comment on trends in the occurrence of family violence over time. Sexual and family violence are often not reported to authorities and so can be very hard to measure from administrative data. Further, the data provided is often provisional (subject to change if new information is gathered) and drawn from dynamic operational databases.

### Introduction

Data for criminal charges are based on the date of the charge outcome (hearing where defendant is convicted or not). Only charges that have been disposed (finalised) are included in the data summaries.

The data summaries published from 2013 onwards include figures obtained from a customised data extract provided by the Ministry of Justice. Prior to 2013 data was obtained from Ministry of Justice data published on Statistics New Zealand's Table Builder (NZ.Stat). All data released is regenerated each release and thus may differ from previous releases. For example, a conviction may be overturned on appeal, or a sentence may be changed, which would affect conviction and sentencing statistics.

From 29 April 2016, the Ministry of Justice source courts data from the new Enterprise Data Warehouse (EDW), rather than the Justice Sector data warehouse used over recent years. Changes in data processing may cause small differences if you compare current data with similar results produced before 29 April 2016.

### Family violence offences

Ministry of Justice statistics categorise offending based on offence descriptions. Family violence offending can be covered by a range of different offence types that are not easily identifiable in Ministry of Justice data as involving family violence, or could involve a non-

family violence situation. To be able to produce statistics which are consistent over time the Ministry of Justice uses three specific offence types to represent family violence. These are Breach of protection order, Common assault (domestic) and Male assaults female. As such, these statistics do not include family violence offending which is charged under different offence types, including more serious offences such as homicide.

### **Breach of Protection Order**

Breach of Protection order includes offences for Contravening a protection order under s49(1)a Domestic Violence Act 1995. A Protection Order protects a person (and any children who regularly live with them) from a violent person who they are, or have been, in a domestic relationship with. Protection Orders include conditions such as no violence and no contact with the people protected by the Order. If the conditions of the Order are breached (e.g. if the violent person stalks the protected people by hanging around where they live, work or study) the police can arrest the violent person and charge them with Breach of protection order. A person convicted of Breach of protection order can be imprisoned for up to 3 years (this increased from a maximum of 2 years imprisonment in 2013).

Data summaries published prior to 2015 also included offences for failing to comply with a Protection Order and Failing to attend a programme as Breach of Protection Order offences. However, as noted in the current legislation (updated with the Domestic Violence Amendment Act 2013 on 1 October 2014) and its previous iterations, these offences are not technically classified as a Breach of Protection Order. This change in reporting was made when the Ministry of Justice went through a process of standardising the definitions and the statistics produced in 2015.

### **Common assault (domestic)**

Common assault (domestic) includes offences under s196 Crimes Act 1961 and s9 Summary Offences Act 1981. This is an assault against a person with whom the offender is in a domestic relationship. A person convicted of Common assault (domestic) can be imprisoned for up to 1 year (if charged under the Crimes Act) or up to 6 months (if charged under the Summary Offences Act).



## Male assaults female

Male assaults female includes offences under s194 Crimes Act 1961. This is an assault by a male on a female (and is usually used for people in a domestic relationship). A person convicted of Male assaults female can be imprisoned for up to 2 years.

## Sexual offences

Sexual offences are extracted using ANZSOC (Australian and New Zealand Standard Offence Classification) Division 03: Sexual assault and related offences. These offences are then categorised, where possible, by the age and/or gender of the victim included in the offence description. For example, offences against:

- Children (under 16 years) include keywords such as child, boy, girl, infant, young person, under 16
- Adult females (16 years and over) include the combination of keywords such as over 16, woman, female, wife, sister, daughter
- Adult males (16 years and over) include keywords such as male over 16
- Unknown age and/or gender includes all other offences not categorised into the 3 other groups.

## Child assault offences

Child assault offences include the five offences under s194 Crimes Act 1961 relating to children: Assaults child (firearm), Assaults child (other weapon), Assaults child (manually), Assaults child (stabbing/cutting weapon), and Other assault on child (under 14 years).

## Terminology

Charge: An offender is held accountable by being charged in court for each breach of law that was committed during an offence.

Prosecuted charges: are the number of charges (each breach of the law results in a charge) and one offender may be prosecuted for several charges for one event.



The figures show the number of prosecuted charges finalised in criminal courts during a calendar year.

Disposed charge: is one that has been finalised in court. The outcome of the charge has been determined (e.g. convicted) and a sentence (where appropriate) has been imposed.<sup>1</sup>

Conviction: includes convicted, convicted and sentenced, convicted and discharged, and convicted and committed (section 34, Criminal Procedure (Mentally Impaired Persons) Act 2003).

Other proved: includes other outcomes where the defendant has admitted guilty or been found guilty, such as Youth Court proved, Discharge without conviction, and Adult diversion/Youth Court discharge.

Not proved: includes where the defendant is acquitted or the charge is withdrawn or dismissed.

Other outcomes: includes being acquitted by reason of insanity or found unfit to stand trial.

Sentence: The sanction imposed by court following a conviction.

An offender may receive more than one type of sentence when convicted of a charge. The most serious sentence is used in these tables. Sentences include (in order of seriousness) Imprisonment, Home detention, Community detention, Intensive supervision, Community work, Supervision, Monetary, Deferment, Other, and No sentence recorded. '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 an offender has been Convicted and discharged and where an offender has been ordered to pay court costs.

Additional sentencing options were introduced from 1 October 2007 (Sentencing Amendment Act 2007). These included Home detention, Community detention, Intensive supervision and Supervision. This means that the number of people who received these sentences in 2007 will be lower than in the following years.



The option to impose a Final Protection Order (Sentencing Act) where no Protection Order was already in place was introduced in July 2010 (s4 Sentencing Amendment Act (No2) 2009). This sentence type now makes up the majority of 'Other' sentences for Common Assault (domestic) and Male assaults female convictions.



## References

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<sup>1</sup> Senior Analyst, Ministry of Justice. (2017, May). [District Court Terminology: Personal Communication].

