

# Justice Sector Projections

2020-2030




MINISTRY OF  
**JUSTICE**  
*Tabu o te Ture*

New Zealand Government



# Contents

- Executive summary..... 4**
- The Justice Sector Projection Overview..... 7**
- The impact of COVID-19..... 9**
  - How did the justice system respond to COVID-19? ..... 9
  - The impact of COVID-19 and the justice system’s response ..... 9
- Projecting long-term trends across the justice system.....11**
  - An increased number of serious offences are projected to enter court over the next ten years .....11
  - The remand rate is projected to continue to increase as more serious cases enter courts .....12
  - The time people spend on remand is projected to increase as court cases take longer to resolve .....14
  - The conviction rate is projected to remain stable over the next ten years .....16
  - The imprisonment rate is projected to remain relatively stable over the next ten years..16
  - Imposed imprisonment sentence length is projected to remain stable over the next ten years .....17
  - The proportion of prison sentences served is projected to remain stable over the next ten years .....18
- Understanding the impact on the prison population .....19**
  - A projected growth in the remand population will drive an increase in the total prison population .....19
  - The projected increase in the time people spend on remand is the main driver for the rising remand population .....20
  - The decrease in time people spend in prison is projected to drive a decrease in the sentenced population .....22
- The Justice Sector projection reflects only one possible future .....23**
  - The Justice System is sensitive to change .....23
  - Sustained criminal justice transformation has the potential to create a very different future.....23



|   |           |
|---|-----------|
| The justice sector is also harnessing COVID-19 ways of working.....   | 24        |
| It is too early to quantify the impact of this work .....             | 25        |
| <b>Appendix 1: Sensitivity analysis .....</b>                         | <b>26</b> |
| Table 1: The impact of each assumption on the prison population ..... | 26        |

# Executive summary

Each year, Sector Group within the Ministry of Justice looks at long-term trends to project what may occur across the criminal justice system over the next ten years.

The future trends for the justice sector are projected based on the latest data, legislation, policy and operational settings. The projection only includes the impact of changes to legislation, policy and practice that have been formally approved, funded and have a clear implementation plan.

Therefore, the projection represents only one possible future – not *the* future. The 2020 Justice Sector Projections provide insight for future court resource and prison capacity planning. It also acts as a catalyst for change and provides a baseline that can be used to assess the collective impacts of future policy, legislative and operational changes. Many sector initiatives currently being planned by sector organisations have the potential to create a different future than the one projected.

Justice Sector<sup>1</sup> Chief Executives have approved this report for public release.

## **COVID-19 and New Zealand’s response to this pandemic has had an impact across the justice system**

COVID-19, and how the justice sector responded, had immediate and on-going impacts across the justice system. For example:

- Victimisations reported to Police fell by half to 12,000 in April. After this, reported victimisations across all Police districts increased but continued to be lower than pre-COVID-19 levels throughout the remainder of 2020;
- Police increased their focus on diverting less-serious Category 1 and 2 offences to be resolved out of courts. This reduced the number of less-serious offences entering the court system;
- Courts operated at a reduced capacity during National Alert Levels 4 and 3, with court hearings involving people in custody being prioritised and jury trials suspended. This led to a build-up of active jury trial cases in courts, which are generally more complex and require more resources and time to resolve; and
- There was an increase in the number of people being bailed, rather than remanded in custody during their court case.

<sup>1</sup> The justice sector includes: Ministry of Justice, New Zealand Police, Ara Poutama Aotearoa: Department of Corrections, Oranga Tamariki – Ministry for Children, Crown Law, and the Serious Fraud Office.

All of these impacts across the justice sector led to the remand<sup>2</sup> prison population falling by around 400 during COVID-19 National Alert Levels 4 and 3. The sustained changes since then resulted in the remand population decreasing by a further 400 people. As at the end of November 2020 the remand population was 3,100.

### **However, many of the long-term trends across the justice sector have not yet changed**

While there have been changes in practice across the justice sector in response to COVID-19, many of the long-term trends across the justice system have not yet changed.

The overall decline in the number of new prosecutions entering court (court inflow) seen since 2008 is projected to continue as less-serious Category 1 and 2 offences<sup>3</sup> are resolved out of court. Further, the inclusion of 17-year olds in the youth jurisdiction is projected to decrease the number of young people moving into the adult system over the long term, which will also contribute to an overall decrease in court inflow.

Conversely, the introduction of the Family Violence (Amendments) Act 2018 and the deployment of new Police task forces dedicated to drug and organised crime is expected to increase the more-serious Category 3 court inflow<sup>4</sup>. As the composition of cases entering courts becomes more serious, the rate at which people are remanded into custody is projected to increase unless other system changes occur over the next 10 years.

Since 2014, defendants have been pleading guilty later in the criminal court process. This means criminal cases now require more court hearings and more resources to be resolved. This trend is projected to continue without further system changes. With less court time available for other cases, further delays across the court system are projected. Addressing delays across the court system remains a continued focus of the justice sector with a number of initiatives in place and additional initiatives currently being developed.

Without changes to the factors outlined above, the remand prison population is projected to increase from 3,100 in November 2020 to 5,100 by June 2030.

Since 2017, there has been increased use of non-custodial sentences such as intensive supervision. This is consistent with a greater focus on rehabilitation. Additionally, the proportion of imprisonment sentences served in prison before release on parole has decreased. This decrease is attributed to changes within the New Zealand Parole Board along-side the work of the High Impact Innovation Programme's 'Parole Ready' initiative. This initiative enabled people to be ready to return to the community sooner by ensuring

<sup>2</sup> In this report, remand refers to people held in custody awaiting trial or sentencing.

<sup>3</sup> Category 1 offences are not punishable with an imprisonment sentence and category 2 offences are punishable by an imprisonment sentence of less than two years. See Part 1, Section 6 of the Criminal Procedure Act 2011 for more detail.

<sup>4</sup> Category 3 offences are generally more-serious and are more likely to result in a person being remanded in custody. These offences are punishable by an imprisonment sentence of at least two years. See Part 1, Section 6 of the Criminal Procedure Act 2011 for more detail.

access to the necessary treatment, support and opportunities for rehabilitation and reintegration.

This has resulted in a decline in the sentenced<sup>5</sup> prison population since 2017. The sentenced prison population has decreased to 5,700 in November 2020 – a level not seen since 2005. The sentenced prison population is projected to continue to decline to 5,500 by June 2030.

Overall, without changes in the justice system the prison population is projected to reach 10,600 by June 2030, of which 48% of people will be held on remand. Of the 8,800 people in prison in November 2020, 36% are held on remand.

### **Criminal justice transformation has the potential to create a very different future**

The 2020 justice sector projection provides a view of what justice sector agencies believe will happen based on current data, legislation, policy and operational settings. It only includes planned changes to legislation, policy and practice that are formally approved, funded, and have a clear implementation plan.

The projection provides a starting point against which the impacts of any future changes can be assessed and evaluated. A number of significant changes in the criminal justice system have been signalled for the next few years. These include working in partnership with Māori to embed te ao Māori approaches into how key justice sector agencies operate to address the harm Māori communities experience through crime and criminal justice. For example:

- Te Huringa o Te Tai, New Zealand Police’s refreshed Māori Strategy;
- Te Ao Mārama, embedding therapeutic principles into mainstream District Court practises alongside addressing inefficiencies in the court process; and
- Hōkai Rangi, Ara Poutama Aotearoa: Department of Correction’s strategy to address the disproportionate number of Māori in prisons, and on community sentences and orders.

These changes have the potential to create a very different future over the long-term and will be factored into future Justice Sector Projections.

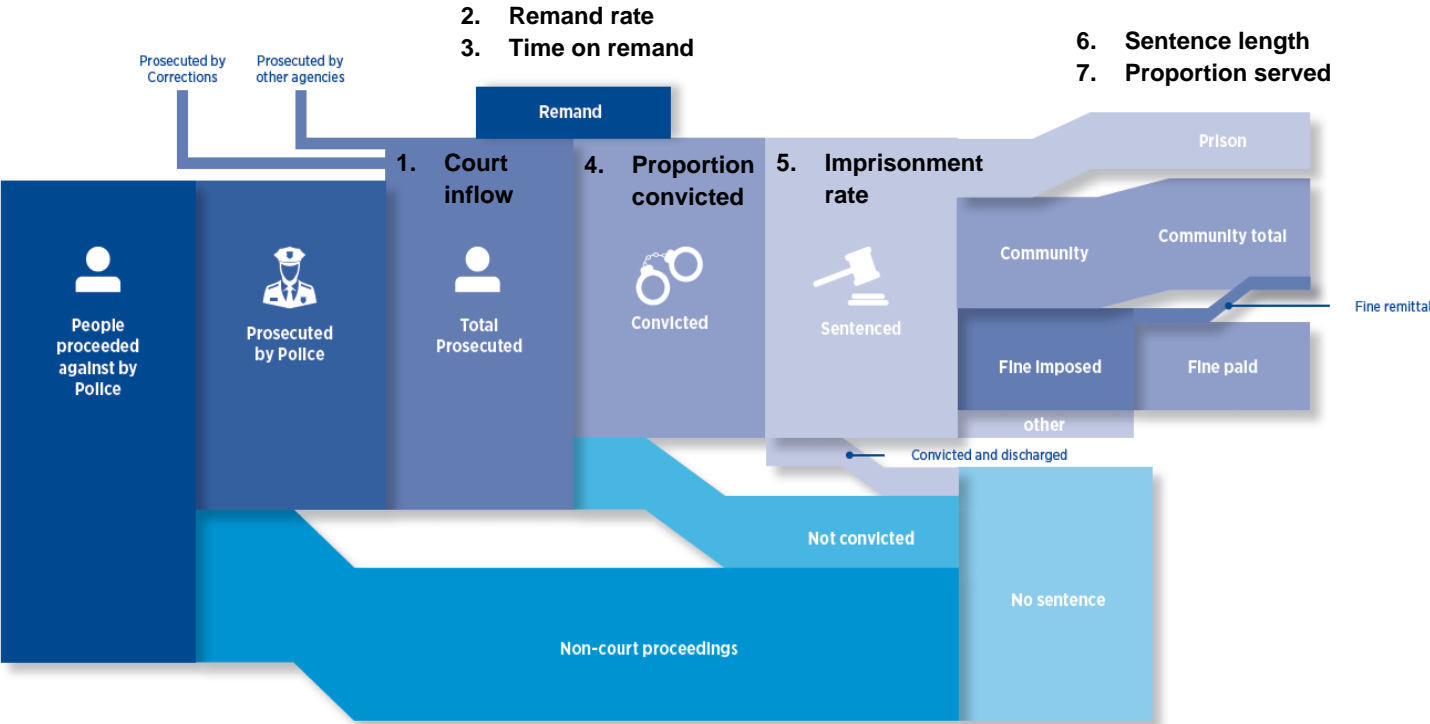
<sup>5</sup> Sentenced refers to people in prison serving a custodial sentence.

# The Justice Sector Projection Overview

Each year, the Ministry of Justice looks at the long-term trends across the justice sector to estimate what will occur in seven key points across the justice system over the next ten years. These points are:

- 1. Court inflow,
- 2. Remand rate,
- 3. Time on remand,
- 4. Proportion convicted
- 5. Imprisonment rate,
- 6. Imposed sentence length, and
- 7. Proportion of the imposed sentence served in prison before release.

Figure 1: The seven key points modelled, reflect the movement of cases and people through the justice system



As indicated in *figure 1*, these seven points provide a simplified view of how people move through the justice system and how long they spend there, which ultimately impacts resourcing across the sector.



This report details how each point is projected to change over the next ten years and how this will impact the total prison population, which is broken down between people held on custodial remand and those sentenced to imprisonment.

Projecting future trends across the justice sector is founded on understanding the latest data, legislation, policy and operational settings. The projection only includes the impact of changes to legislation, policy and practice that have been formally approved, funded and have a clear implementation plan. In essence, it shows us what will happen if nothing else is done. The projection does not try to estimate unknown future government policies, operational initiatives, societal behaviour, or other factors. This means the justice sector projection represents only a possible future – not *the* future.

The development of the 2020 projection commenced at a justice sector projection workshop which was held on 17 September 2020. The workshop was attended by nominated subject matter experts from the Ministry of Justice, New Zealand Police, Ara Poutama Aotearoa: Department of Corrections, Crown Law, the Chief District Court Judge's Chambers, and Oranga Tamariki. At the workshop recent and long-term trends across the justice sector were discussed along with expected changes and their possible impacts. During the workshop, there was clear broad agreement on the future trends. Following the workshop, the projection was further refined with updated data. The justice sector projection was approved by Justice Sector Leadership Board in December 2020.

# The impact of COVID-19

## How did the justice system respond to COVID-19?

The justice system, including the courts, were deemed an essential service throughout the COVID-19 response. Activation of the COVID-19 National Alert Levels 4 and 3 required an immediate response from justice sector agencies.

New Zealand Police's COVID-19 pandemic focus was to maintain public safety, security and public order. This meant Police had to maintain a fine balance between enforcing the law and policing by the consent of the public. This was done by using a graduated response model. In most instances this included engaging with communities, educating people of COVID-19 requirements and encouraging people to comply with rules and requests. Only if it was absolutely necessary did Police resort to enforcement using warnings or deciding to prosecute. Police increased their use of supported resolutions where appropriate.

Courts operated at a reduced capacity during COVID-19 National Alert Levels 4 and 3 prioritising hearings that affected the liberty of an individual, the safety of an individual, and those that facilitated and promoted public order. Many court hearings were administratively adjourned until the next available date and jury trials were suspended until 31 July 2020. Defendants who were in custody appeared before a judge remotely unless appearing in person was unavoidable.

Ara Poutama Aotearoa: Department of Corrections implemented changes to how they operated to keep people in their care safe. This included separating people arriving in prison for their first 14 days and maximising physical distancing. As New Zealand moved to National Alert Level 4, Corrections suspended visits to prisons, suspended non-essential temporary removals and releases, and suspended non-essential home visits and community work. However, parole hearings continued remotely using audio visual links.

## The impact of COVID-19 and the justice system's response

The COVID-19 National Alert Level restrictions and the response from justice sector agencies had an impact across the entire justice system:

- Victimisations reported to Police fell by more than half to 12,000 in April 2020 compared to 27,000 in February 2020. While the number of reported victimisations began increasing post-April, they remained below pre-COVID-19 levels throughout the rest of 2020.
- Less-serious offending was diverted to other supported resolution approaches rather than into courts. In April, the number of Category 1 cases entering courts decreased by around 75% to 200 compared to an average of 850 pre-COVID-19. Category 2 cases decreased by more than half with 2,100 cases in April compared to an average of 6,000 pre-COVID-19.

- With courts operating at a reduced capacity during National Alert Levels 4 and 3, the number of active cases in the District Court increased sharply by around 5,500 cases (+15%). However, post-National Alert Level 3 the District Court was able to resolve significantly more cases which led to the overall number of active cases being lower than pre-COVID-19 by the end of August. This was achieved through reallocating judicial resource from the suspension of the more complex and resource intensive jury trials to other criminal matters. This however meant that jury trial cases increased as a proportion of active criminal cases in the District Court.
- The remand population decreased by 750 (19%) between late March, when New Zealand went into National Alert Level 4, and early August. This was due to fewer people being remanded in custody and the prioritisation of court events when a person was in custody.

# Projecting long-term trends across the justice system

While there have been many changes in practice across the justice sector in response to COVID-19, many of the long-term trends have not changed. Therefore, many of the trends projected in 2020 follow a similar trajectory outlined in the 2019 projection.

## An increased number of serious offences are projected to enter court over the next ten years

Over the last ten years the overall number of prosecutions entering court has declined as fewer less-serious Category 1 and 2 offences are taken to court. This is expected to continue as Police increase their use of supported resolutions for less-serious offences, and 17-year olds continue to be dealt with by a youth justice system which has shown it can reduce youth re-offending.

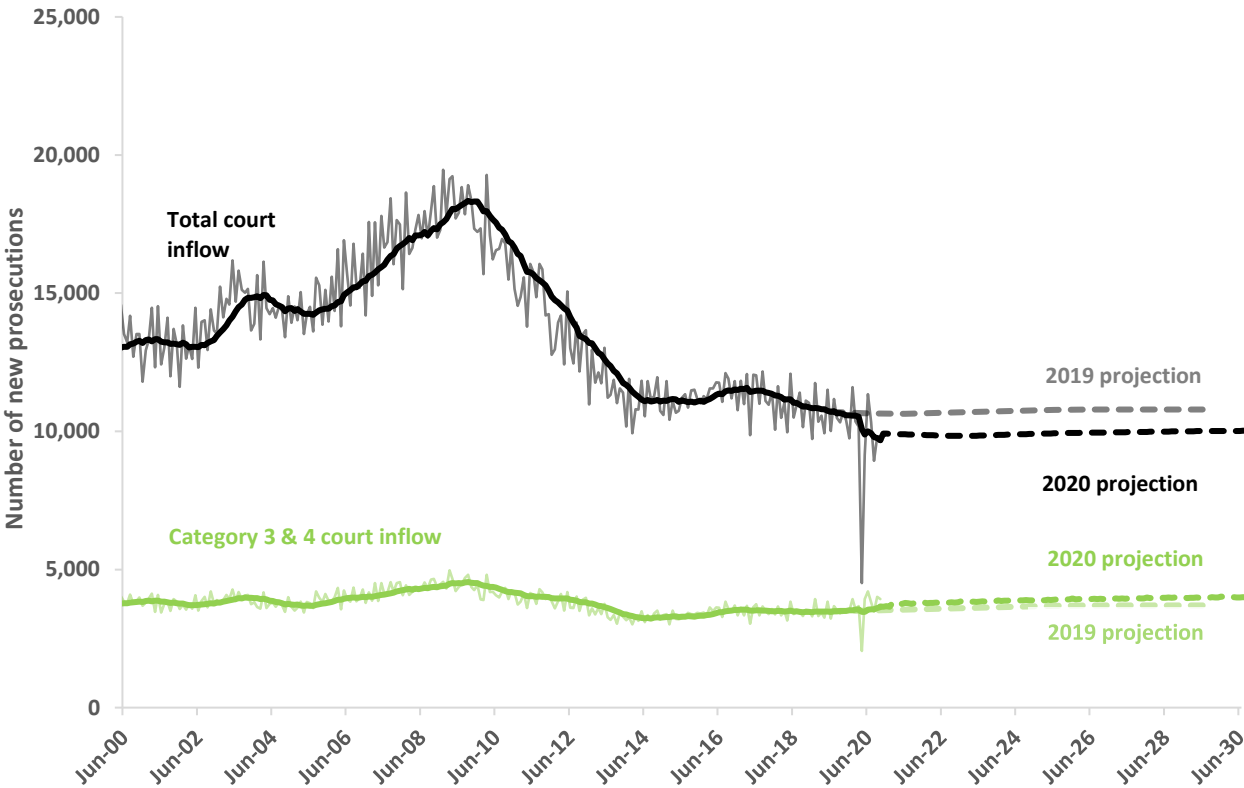
However, the number of more-serious Category 3 offences has increased in recent years. Category 3 cases generally require more time and resources to resolve, have a higher likelihood of the defendant being remanded in custody, and are more likely to result in the defendant being sentenced to prison if found guilty.

The number of Category 3 offences entering the courts increased over the past year. A large part of this increase is attributed to more family violence offences entering courts and an increase in weapons and illicit drug offences.

The number of Category 3 offences entering courts is projected to continue increasing due to continued impact of the Family Violence Act 2018 which is increasing family violence prosecutions, and the continued deployment of Police taskforces focusing on drug and organised crime.

In 2030 approximately 10,000 prosecutions are projected to enter court each month, of which approximately 4,000 will contain Category 3 offences.

Figure 2: Court inflow, actual and projected



### The remand rate is projected to continue to increase as more serious cases enter courts

The total remand rate is projected to continue increasing at a similar rate to what was projected in the 2019 projections, albeit from a higher level. The higher projected rate in 2020 is due to the drop in Category 1 and 2 court inflow which has a much lower remand rate.

Since 2010 there has been a continual increase in the total rate at which people have been remanded into custody. This increase in the total remand rate has been driven by two factors: an increased likelihood of people being remanded into custody despite having similar circumstances (for example a similar charges and a similar number previous convictions) to those bailed previously, and a higher proportion of Category 3 offences entering the courts.

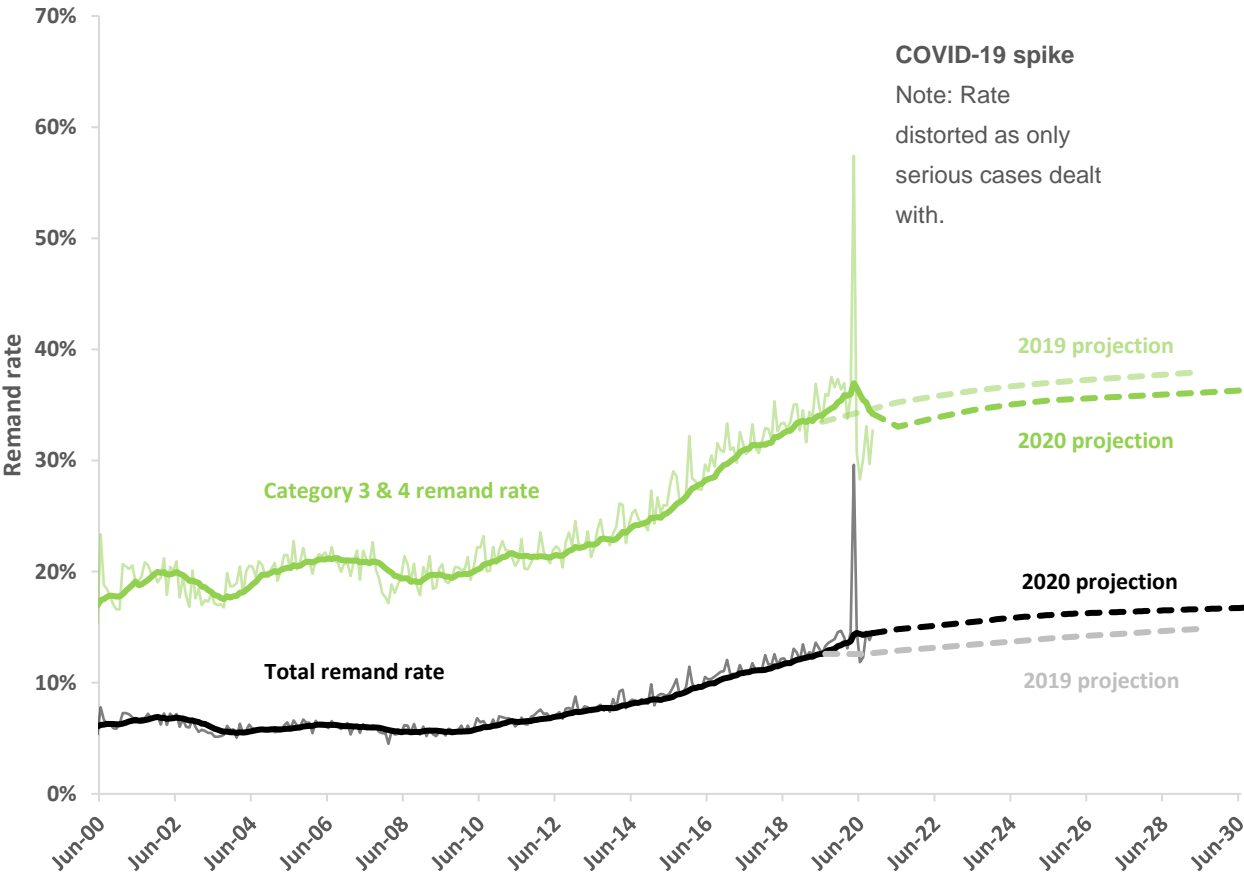
In response to COVID-19 justice sector partners including the Police Prosecution Service, the High Impact Innovation Programme and the judiciary coordinated to ensure defendants, where possible, were bailed with appropriate conditions and support rather than remanded in custody.

Justice sector agencies are looking to continue this more coordinated approach. This is why the Category 3 remand rate is projected to remain at this lower level over the short-term.

However, the rate at which people are remanded into custody has continuously increased over the last ten years. Despite starting at a lower point, this historical upward trend is projected to continue longer-term without further system changes.

By 2030, it is projected that 17% of court cases will have a defendant remanded into custody. For people with Category 3 offences, this is projected to be 36%.

**Figure 3: Remand rate, actual and projected**



## The time people spend on remand is projected to increase as court cases take longer to resolve

On average, people are spending longer on remand as their court cases are taking longer to resolve. Historically, this increase in the time to resolve court cases has been due to a complex set of factors, namely:

- Later guilty pleas in the criminal court process which has led to more court hearings which require more court resources;
- An increase in the number of days between each court hearing for a case due to the lack of court resources to administer the additional court hearings required; and
- An increase in Category 3 cases entering courts, which require more time and resources to resolve compared to Category 1 and 2 cases.

It is expected that cases will continue to take longer to progress through the court system. As well as the factors outlined above, the COVID-19 suspension of jury trials between 23 March 2020 and 31 July 2020 has resulted in jury trials making up a higher proportion of active criminal cases in the District Court. This has resulted in an increase in complexity of cases within the court system which will require more time and resources to resolve. With less court time and resources available for other cases, there will be further delays across the entire court system resulting in people spending longer on remand.

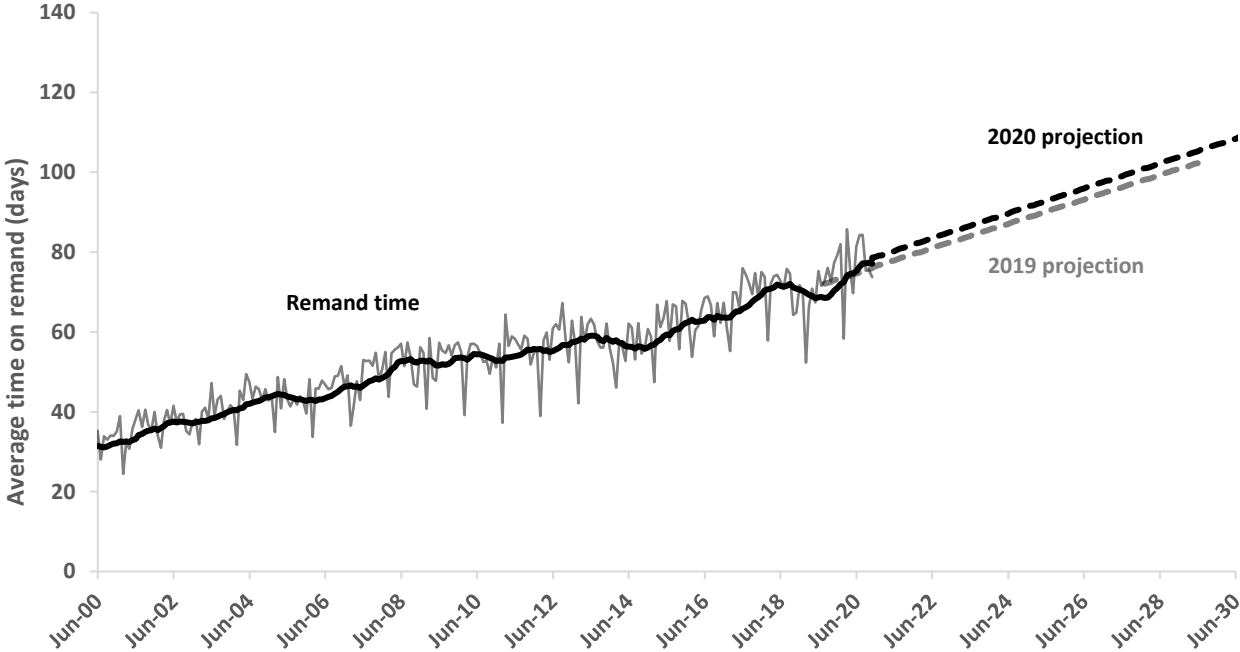
Since 2018 there have been a number of initiatives put in place to slow down the increase in remand time including:

- The High Impact Innovation Programme's<sup>6</sup> Bail Support Services pilot: which supports people to put forward timely proposals for bail and supports people on bail. This has been trialled in a few large courts resulting more people achieving bail and achieving bail faster for those who received this service. Budget 20 funded national pre-trial services which will provide early support to reduce the number of people entering (or remaining in) custody.
- Increased judicial capacity from Budget 19: To help with the increased workload in the District Court the 2019 Wellbeing Budget allocated \$54 million over four years to cover the cost for an additional ten judges and corresponding court resources. These extra District Court judges were in place by mid-2020.
- Increased judicial capacity to address COVID-19 backlogs: As part of the COVID-19 Budget, the Government provided an extra \$50 million in funding to increase the number of judges and corresponding court resources to manage the backlog of court cases following COVID-19 National Alert Levels 4 and 3. This funding is for an additional five District Court judges, four High Court judges, one Associate Judge and 40 full-time support staff. It also provides funding to Police prosecution, Oranga Tamariki for child-related matters and Crown prosecutions. These extra resources will be in place in early 2021.

<sup>6</sup> [https://www.corrections.govt.nz/resources/strategic\\_reports/statements-of-intent/statement\\_of\\_intent\\_2018-2022/our\\_operating\\_environment](https://www.corrections.govt.nz/resources/strategic_reports/statements-of-intent/statement_of_intent_2018-2022/our_operating_environment)

These initiatives have and will continue to slow the growth in time on remand relative to what it would have otherwise been. While not included in these projections, further initiatives currently under development have the potential to reduce remand time such as the cross-sector Criminal Process Improvement Programme. However, with the anticipated increase in more complex cases entering court and more people pleading guilty later, the growth in remand time is unlikely to be eased without further system changes. The average time people spend on remand is projected to reach 108 days by June 2030.

Figure 4: Time on remand, actual and projected

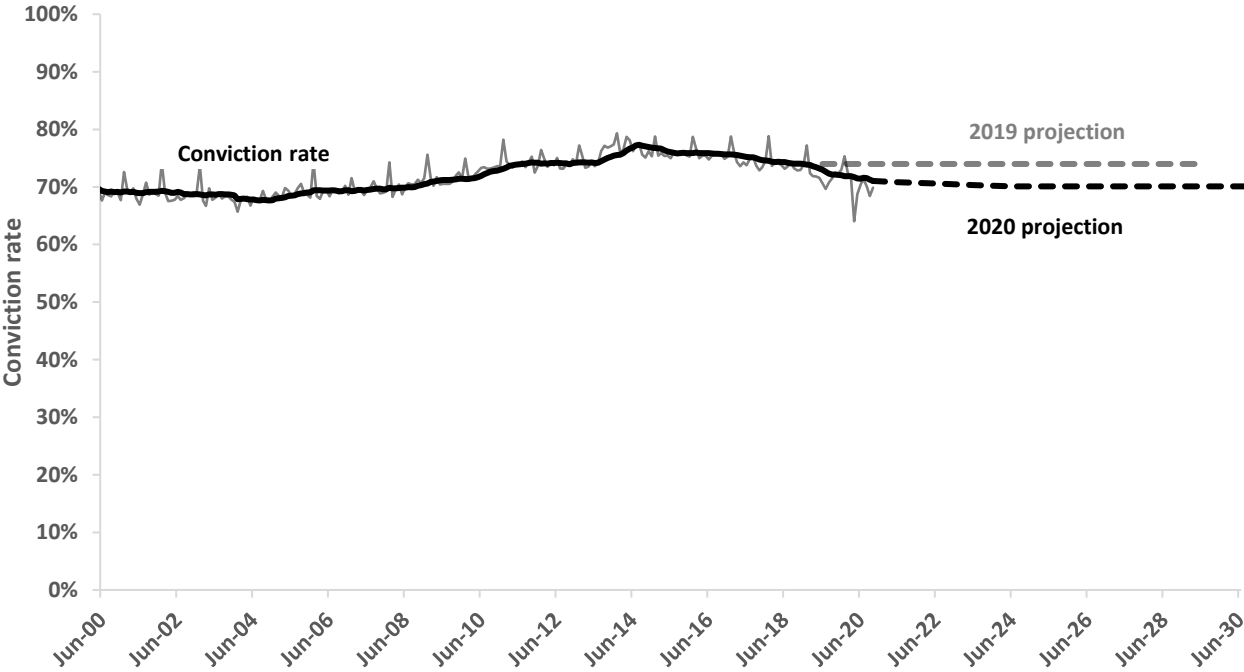




# The conviction rate is projected to remain stable over the next ten years

Between 2004 and 2014 the conviction rate increased from 67.7% to 76.8%. Since then it has declined to 71.0%. As with the remand rate, conviction rate is influenced by the composition of court inflow, with more-serious Category 3 offences having a lower conviction rate than less-serious Category 1 and 2 offences. Additionally, the conviction rate is influenced by the use of alternative resolutions such as diversion, discharge without conviction, and the withdrawal of charges as part of plea negotiations. It is projected that the conviction rate will remain stable around 70.1% which is similar to the rate seen in 2008.

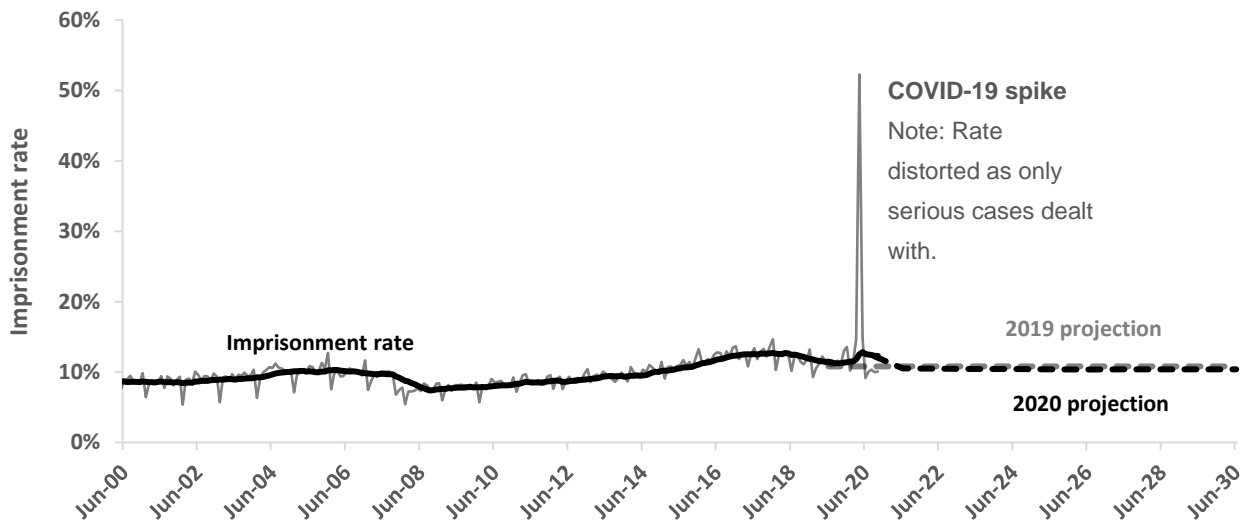
Figure 5: Conviction rate, actual and projected



# The imprisonment rate is projected to remain relatively stable over the next ten years

Between June 2018 and activation of COVID-19 National Alert Level 4, the number of convicted people sentenced to imprisonment had been declining. This was due to increased use of non-custodial sentences such as intensive supervision. Despite the spike during National Alert Level 4, the imprisonment rate is projected to hold stable at around 10% for the next ten years.

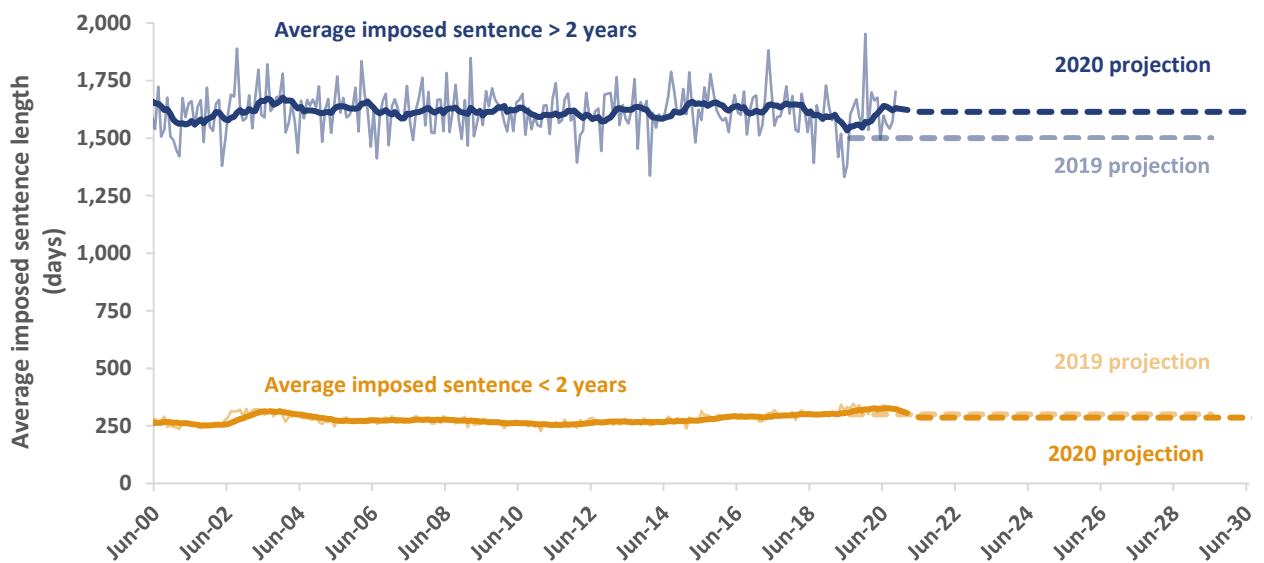
Figure 6: Imprisonment rate, actual and projected



## Imposed imprisonment sentence length is projected to remain stable over the next ten years

While there is month-on-month variability, the average imposed sentence length has remained relatively stable over the last 20 years. While justice sector agencies believe that the Zhang v R decision<sup>7</sup> for methamphetamine related offending may decrease the imposed sentence of a subset of cases, the overall impact on imposed sentence length is expected to be small. Therefore, it is projected the long-term stability will continue.

Figure 7: Average imposed sentence length, actual and projected



<sup>7</sup> <https://www.lawsociety.org.nz/news/legal-news/zhang-v-r-2019-nzca-507-new-sentencing-guidelines-for-methamphetamine-related-offending/>

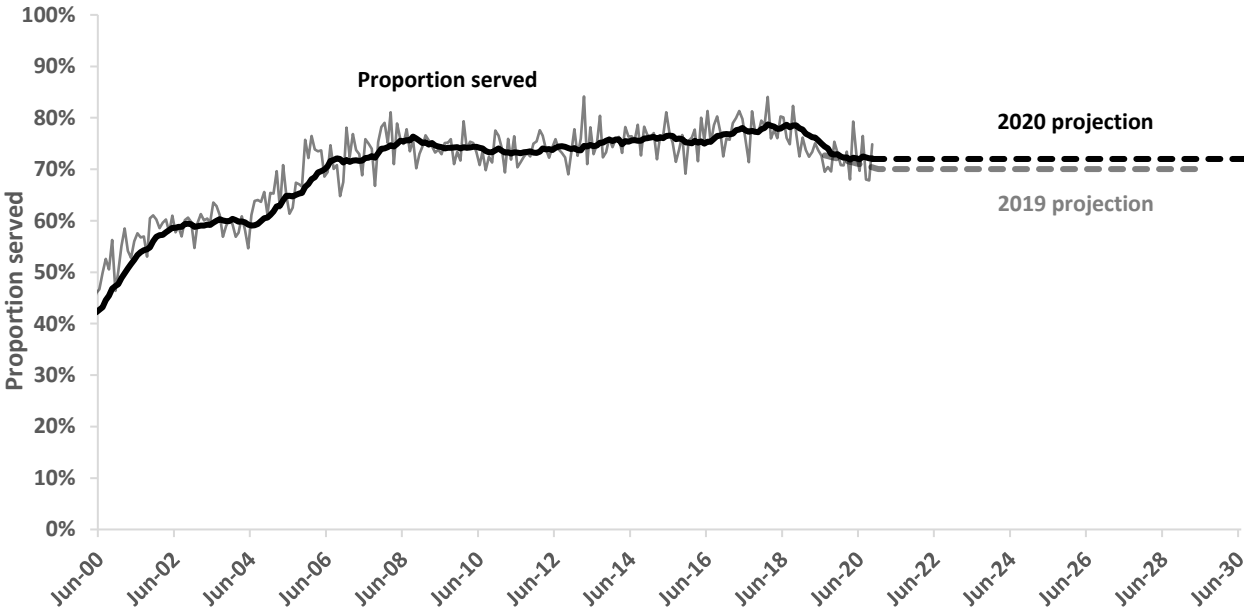
# The proportion of prison sentences served is projected to remain stable over the next ten years

Between June 2018 and January 2020, the average proportion of sentences served (for imprisonment sentences greater than two years<sup>8</sup>) decreased from 80% to 73%. This decrease has been attributed to changes within the New Zealand Parole Board alongside the work of the High Impact Innovation Programme’s ‘Parole Ready’ initiative<sup>9</sup>.

The Parole Ready initiative enabled people to be ready to return to the community sooner by ensuring access to the necessary treatment, support and opportunities for rehabilitation and reintegration. As a result, people in the care of Ara Poutama Aotearoa: Department of Corrections spend more of their sentence reintegrating into the community under the supervision of a probation officer.

The average proportion of a sentenced served is projected to be stable over the next ten years.

**Figure 8: Proportion served, projected and actual**



<sup>8</sup> People serving sentences of less than two years are released after serving half of their sentence. They are not seen by the Parole Board. For people sentenced to more than two years in prison, they become eligible for parole after serving one-third of their sentence (unless a longer minimum non-parole period has been set). For more details see: [https://www.corrections.govt.nz/working\\_with\\_offenders/prison\\_sentences/release/parole](https://www.corrections.govt.nz/working_with_offenders/prison_sentences/release/parole)

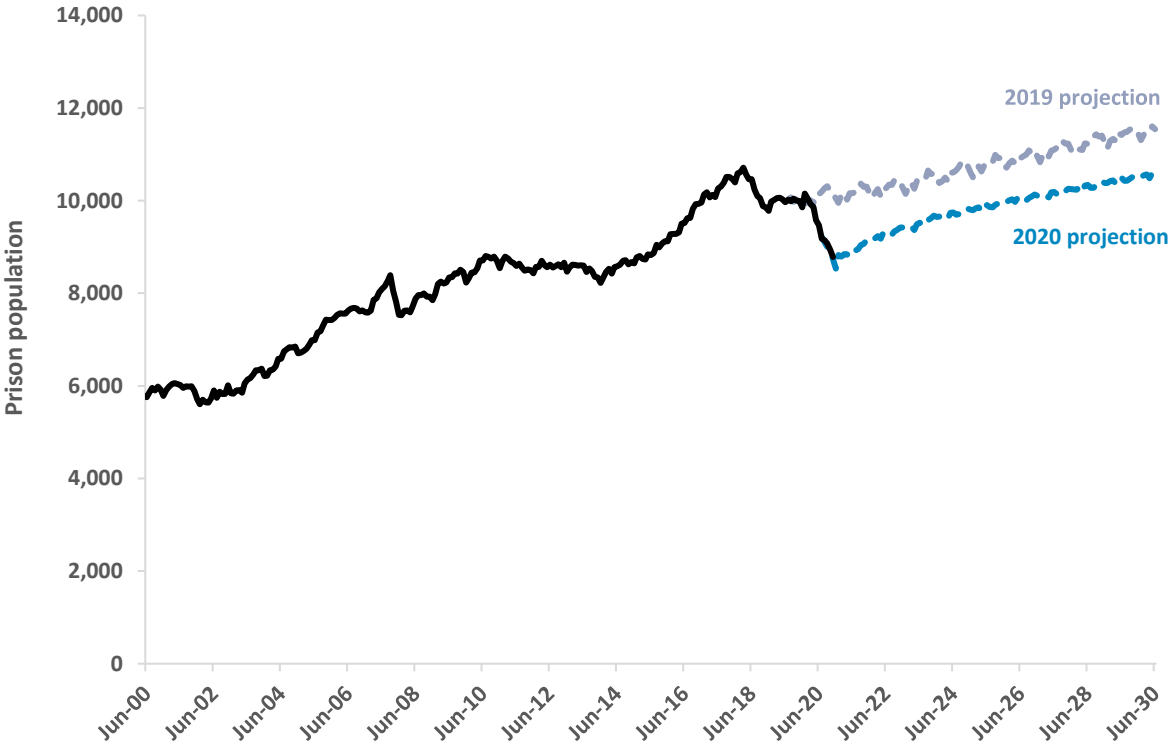
<sup>9</sup> [https://www.corrections.govt.nz/resources/strategic\\_reports/statements-of-intent/statement\\_of\\_intent\\_2018-2022/our\\_operating\\_environment](https://www.corrections.govt.nz/resources/strategic_reports/statements-of-intent/statement_of_intent_2018-2022/our_operating_environment)

# Understanding the impact on the prison population

## A projected growth in the remand population will drive an increase in the total prison population

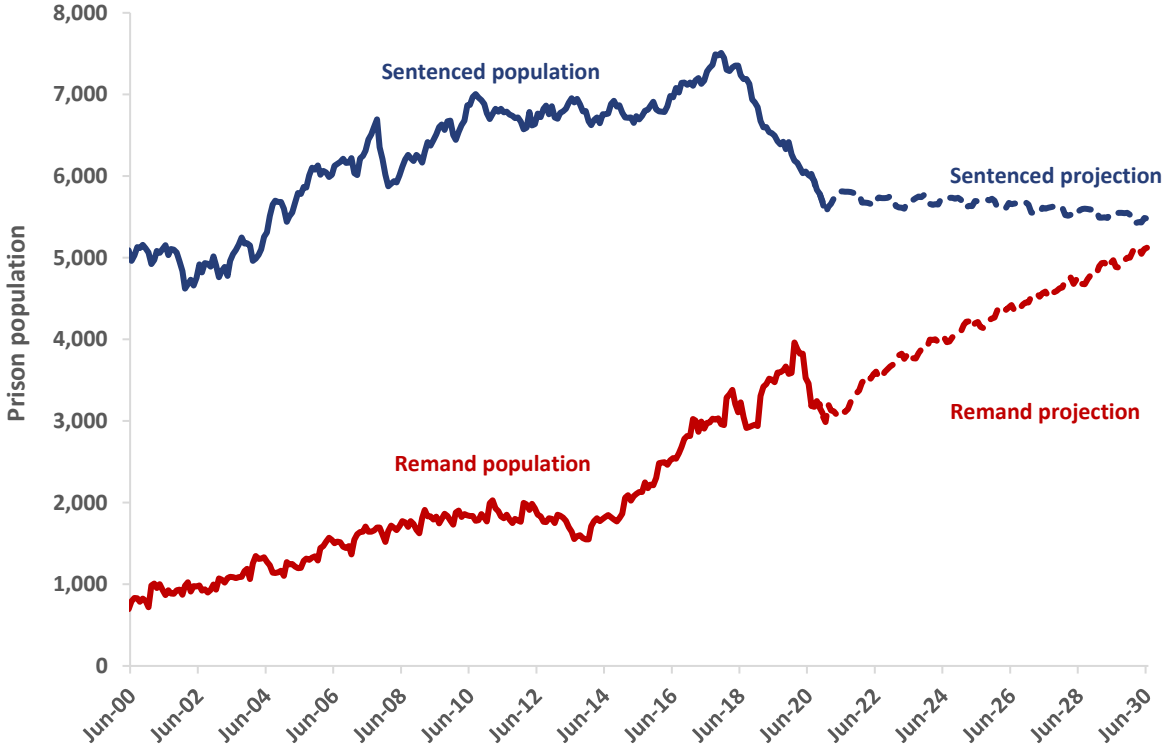
If the justice sector projection eventuates, the total prison population will rise by 1,800 over the next ten years. This represents a rise in the total prison population from 8,800 in November 2020 to 10,600 in June 2030 (see Figure 9). This trajectory is similar to what was estimated for the 2019 projection although it starts from a lower point due to the fall in the prison population throughout 2020.

Figure 9: Total prison population, actual and projected



The 2020 projection estimates that the sentenced population will continue to decline and that the remand population will resume its long-term growth in 2021. By June 2030 the remand population is expected to make up 48% of the total prison population.

**Figure 10: Prison population broken down into sentenced and remand populations, actual and projected**

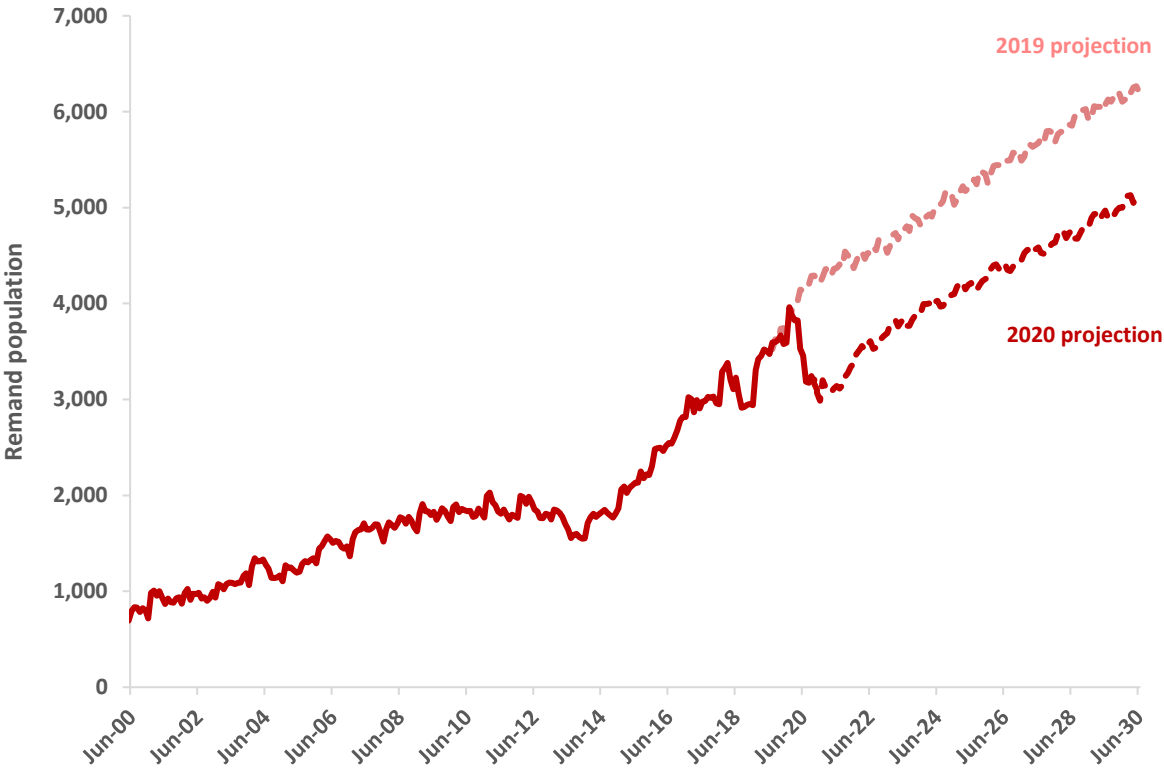


### The projected increase in the time people spend on remand is the main driver for the rising remand population

The remand population is expected to reach 5,100 by 2030 with the remand population making up 48% of the total prison population.

Overall, the long-term upward pressure on the time to resolve cases in court is projected to continue, resulting in people spending longer on remand. Despite the reduction in the remand rate, justice sector agencies agree that the number of more-serious cases entering courts will result in more people entering the remand prison population. However, the recent decline in the remand prison population has given us a much lower starting point. Therefore, the remand population projected in 2020 is lower than what was projected in 2019.

Figure 11: Remand population, actual and projected



# The decrease in time people spend in prison is projected to drive a decrease in the sentenced population

Since December 2017 there has been a decrease in the sentenced population. This was initially due to fewer people entering the sentenced population as the result of a lower imprisonment rate. These benefits are still ongoing as some of the people who were sentenced to imprisonment in 2017 are yet to be fully released. During 2019, a reduction in the proportion of a sentence served in prison for imposed sentences over 2 years further contributed to the reduction of the sentenced population.

As projected in 2019, the sentenced population has continued to decrease. This has been driven by fewer people being sentenced to imprisonment and more recently a decrease in the time spent in prison before they achieve parole.

While there are many factors reducing the sentenced population, there are also upward pressures. The number of people sentenced to imprisonment is projected to increase due the increases in the number of Category 3 offences, which are generally more serious and more likely to result in an imprisonment sentence. However, sentenced inflow is unlikely to exceed levels seen in 2017. Overall the 2020 projection suggests that the sentenced population will continue to decline to 5,500, similar to what was projected in 2019.

Figure 12: Sentenced population, actual and projected



# The Justice Sector projection reflects only one possible future

The 2020 Justice Sector projection reflects only one possible future; one based on current policy and operational settings.

In this way, the projection helps inform strategic planning including the resources required for effective policing, court operations, community-based sentences and the prison network.

The 2020 projection also provides a baseline against which the impact of any future change to the system can be assessed. Future changes can span government policy, legislation, and operational policy and practice.

## The justice system is sensitive to change

The justice system is sensitive to changes within the system and across society. This is evidenced by the reduction in the remand population in 2018, the reduction in the sentenced population since 2017 and the impact of COVID-19 in 2020.

Also, operational improvements have resulted in positive change in the past. For example, the High Impact Innovation Programme's 'Bail Support Services' and 'Parole Ready' initiatives have contributed towards decreasing the remand and sentenced prison populations respectively.

Given the system's sensitivity to change and the projection model's status quo settings, it is important to note that the 2020 justice sector projection represents only one possible future. Other possible futures therefore need to be considered, most notably the Government's agenda for criminal justice transformation.

## Sustained criminal justice transformation has the potential to create a very different future

The Government has made a commitment to create a more effective criminal justice system and a safer Aotearoa New Zealand. In 2018 the Hāpaitia te Oranga Tangata, Safe and Effective Justice programme was established to guide the transformation of the justice system. The programme has had a focus on developing long-term solutions to the system's high use of imprisonment and its disproportionate impact on Māori.

Building on the work of Hāpaitia te Oranga Tangata, chief executives on the Justice Sector Leadership Board (JSLB) have agreed a Strategic Plan 2020-23. The JSLB Strategic Plan



is focused on transforming criminal justice and acknowledges strengthening Māori-Crown relationships and the Treaty of Waitangi as critical for framing any transformation activity and system performance.

The JSLB Strategic Plan is helping to guide transformational change across the work of individual justice sector agencies. Transformation change strategies, spanning operational policy, practice and organisational culture are now in place. They are helping to ensure agencies are actively pursuing partnerships with Māori at national, regional and local levels.

The prominent transformational change strategies with potential to improve justice sector outcomes are:

- The Child and Youth Wellbeing Strategy – to improve outcomes for children and young people, including work to address family violence
- NZ Police’s Te Huringa o Te Tai Strategy<sup>10</sup> – to improve service delivery to Māori by co-designing with Māori interventions that reduce offending and victimisation
- Te Ao Mārama – the judiciary’s model to change the way the District Court operates by directly responding to the root causes of crime i.e. the cultural, social and economic needs of people in the system
- Ara Poutama Aotearoa’s Hōkai Rangi Strategy<sup>11</sup> – designed to address Māori overrepresentation in the system, including key work to develop a kaupapa Māori based pathway through the prison system and post release.

All these strategies aim to ensure the protection of rights embodied in the New Zealand justice system. They are enhanced by a people-centred approach to transformation, which is strongly connected to upholding the wellbeing of our communities, particularly Māori.

## **The justice sector is also harnessing COVID-19 ways of working**

A further JSLB Strategic Plan priority is to improve system performance. COVID-19 has shown that positive change can happen quickly when agencies work to a shared goal and there is a call to collective action by leaders. Agencies are now working together to leverage opportunities presented by COVID-19 to embed alternative ways of working, proven to work through COVID-19 National Alert Levels, into ongoing good practice. For example, the Criminal Process Improvement Programme is a new cross-sector work programme that aims to address ongoing backlogs and delays in the criminal justice system.

<sup>10</sup> <https://www.police.govt.nz/news/release/police-launches-te-huringa-o-te-tai>

<sup>11</sup> [https://www.corrections.govt.nz/resources/strategic\\_reports/corrections\\_strategic\\_plans/hkai\\_rangi](https://www.corrections.govt.nz/resources/strategic_reports/corrections_strategic_plans/hkai_rangi)

## It is too early to quantify the impact of this work

It is too early to quantify the possible impacts of the JSLB Strategic Plan and individual agency strategies which aim to deliver transformative change. Therefore, any impact of these has not been factored into the 2020 justice sector projection. It should be noted that, in the youth justice system, comparable strategies have been pursued for much longer and improvements, such as significantly lower rates of offending, have been realised.

While there is alignment across the justice sector and strategies in place, there has not been a shift in the disproportionate impact of the adult justice system on Māori. For example, while 16% of the general population identify as Māori, more than half the people in New Zealand's prisons are Māori. Wāhine Māori make up an even higher proportion (65%) of the female prisoner population.


Nevertheless, the initiatives described above, and others anticipated to emerge from policy makers over the coming years, can be expected to affect the trends across the justice sector over the next ten years. Justice sector agencies will collectively monitor the projection to ensure future impacts are understood and where appropriate incorporated into future justice sector projections. Successful delivery of these transformative change strategies will significantly and positively impact these projections.

# Appendix 1: Sensitivity analysis

A sensitivity analysis was undertaken to better understand how each of the model assumptions impacts the total prison population. As seen in Table 1, a 5% reduction to each assumption has a significant overall impact on the prison population, resulting in a reduction of 1,500 people. This 5% reduction is not linked to any current or future policy, legislative or operational changes. It simply allows us to understand the sensitivity of each individual assumption.

**Table 1: The impact of each assumption on the prison population**

|                         | June 2020 | projection assumption (June 2030) | 5% reduction compared to June 2030 | Impact on prison population |
|-------------------------|-----------|-----------------------------------|------------------------------------|-----------------------------|
| Court inflow            | 120,000   | 120,000                           | 114,000                            | -350                        |
| Remand rate             | 14.4%     | 16.7%                             | 15.9%                              | -170                        |
| Remand time             | 76 days   | 108 days                          | 103 days                           | -150                        |
| Conviction rate         | 71%       | 70%                               | 67%                                | -130                        |
| Imprisonment rate       | 12.6%     | 10.4%                             | 9.9%                               | -120                        |
| Imposed sentence length | 680       | 680                               | 650                                | -120                        |
| Proportion served       | 72%       | 72%                               | 67%                                | -140                        |
| Total prison population | 9,500     | 10,600                            | 9,100                              | -1,500                      |



Considering each assumption in isolation, a reduction in court inflow would have the greatest impact on the prison population. This is because court inflow occurs at an early stage of the criminal justice system and has a flow-on effect for the number of people entering both the remand and sentenced populations.

It is important to note that these assumptions are interrelated; changing one assumption can impact other assumptions. For example, a significant reduction in court inflow would result in reduced impacts from changes in the remand rate.

**Ministry of Justice**  
**Tāhū o te Ture**

**justice.govt.nz**

info@justice.govt.nz

0800 COURTS  
0800 268 787

National Office  
Justice Centre | 19 Aitken St  
DX SX10088 | Wellington | New Zealand

