

Trends in Child and Youth Prosecutions in New Zealand

2002-2011

Key findings in this report

The number of youth entering the court system has decreased, with the most marked decrease happening in the last few years.

The decline in youth appearing in court is widespread across most ethnicities, ages and offence types.

Overall, the most serious youth offending has also decreased. The number of young people convicted of the most serious offences fell by over half between 2007 and 2011.

Around 40 percent of charges against young people are for property damage, theft and burglary type offences.

Only the most serious offending reaches court. Nearly 80 percent of youth offending is dealt with by intention-to-charge Family Group Conferences, and Police alternative action, including warnings and diversion programmes.

About this report

This report presents key trends in the latest [Child and Youth Prosecution Statistics 2011](#) released by the Ministry of Justice, and published on the Statistics New Zealand website. It covers the calendar years from 2002 to 2011.

The bulk of the analysis in this bulletin focuses on the characteristics of, and the outcomes for, children and young people who face charges in court. We have included content from other youth justice agencies (New Zealand Police and Child, Youth and Family) at the start of this bulletin to show the broader engagement of children and young people within the justice sector. As the report shows, the children and young people who appear in court are only a small proportion of those that enter the justice sector.

In the youth justice system, children are defined as being aged 10 to 13 years, and young people are aged 14 to 16 years.

1. Change in the justice sector

1.1. Reducing youth crime is a government priority

On 15 March 2012, the Prime Minister announced ten results-driven focus areas for the public service. One of the areas justice sector agencies have been asked to focus on is reducing youth crime. The Government expects to see a reduction in youth crime over the next five years.

On 3 July 2012, the Prime Minister and the Minister of Justice released 'Delivering Better Public Services: Reducing Crime and Reoffending Results Action Plan'. The targets in the action plan are a reduction in violent crime, re-offending and crime overall. The Results Action Plan also contains a target for the reduction in youth crime. The target is for a 5 percent decline in the number of appearances of 14 to 16 year olds in court by 2017. The target will mean that by 2017, 600 fewer 14 to 16 year olds will be appearing in court each year compared with 2011.

The number of court appearances is an interim measure for youth offending. It lets us focus immediately on the more serious end of youth offending, while less serious offending is managed using other interventions. Justice and social sector agencies are collaborating on a new suite of youth justice performance measures, and once a new measure of youth crime is identified, a new target will be set.

The *Child and Youth Prosecution Statistics 2011* shows a fall in the number of youth appearing in court since 2002 — from 4,161 in 2002 to 3,582 in 2011. There has been a large drop since 2007 — predominantly due to greater Police use of alternative actions such as diversion. While the youth population over the period from 2007 to 2011 has also fallen, court appearances have fallen faster.

1.2. This is the first year we have statistics on the 2010 'Fresh Start' reforms

The Children, Young Persons and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act took effect on 1 October 2010 and introduced new options for dealing with serious and persistent youth offenders. The reforms include creating longer sentences for persistent and serious youth offenders, and providing new powers for the Youth Court to order parenting, mentoring and drug and alcohol programmes. These 'Fresh Start' reforms enable justice sector agencies to work more intensively with these young people over a longer period of time.

The statistics in this report present the first full year that these reforms have been in place. Future reports will include a focus on the impact of these reforms on youth appearing in court.

2. Pathways through the youth justice process

The youth justice system is a complex set of pathways and interventions involving many agencies. This section explains the most common activities within the youth justice system as an introduction to the prosecution statistics in section 3. Figure 1 on page 5 presents the most common pathways for youth through the New Zealand justice system.

2.1. The youth justice process starts when Police apprehend a young person

The youth justice process, as measured in this report, begins when Police apprehend a child or young person. In day to day activities, Police address the behaviour of many children and young people without the need to apprehend them. An apprehension does not always result in arrest, particularly in the youth justice process where diversionary measures are preferred where possible. The majority of child offenders who are apprehended are dealt with by Police through some form of alternative action.

There are four main options once Police apprehend a young person:

- Police may refer the young person to Police Youth Aid where the youth is issued with a warning
- Police may refer the youth to Police Youth Aid where the youth is given an 'Alternative Action'¹
- The youth may be referred to Child, Youth and Family (CYF) for the purpose of an 'Intention to charge Family Group Conference' (FGC) where the youth has not been arrested, but Police intend to proceed with the case
- If a youth is arrested, charges may be laid against the youth directly in Court.

2.2. Family Group Conferences are a key feature of the youth justice system

One of the distinctive elements of the youth justice system is the critical role of the Family Group Conference.² A FGC is a meeting between everyone involved in the case, including the child or young person, their family and sometimes the victim of the crime. Where a victim chooses not to attend, they can make their views known to the FGC in a variety of ways, including having a person represent them, or making a written submission. The FGC process lets everyone involved have a say. Everyone at the meeting discusses what should happen next, and works on a plan for the child or young person to account for the offending and to address the child's or young person's needs that led to the offending. After the FGC, the agreed plan has to be completed by the child or young person. The plan is reviewed by CYF to make sure all the tasks are done.

¹ Examples of alternative action include: informal community work, counselling, agreements to pay reparation, apology letters, maintenance of school attendance, or completion of an assignment about the effects of their offending.

² For more information on the FGC process see the youth justice section of the Child, Youth and Family website (<http://www.cyf.govt.nz/youth-justice/index.html>)

2.3. Pre-Court action occurs for more serious offending

Where a child's or young person's offending is more serious, or there is reoffending after an initial Police resolution, Police may refer the case to CYF for an intention-to-charge FGC to be held. As well as considering how the child or young person can make up for and be held to account for their offending, the conference attendees agree on a plan that makes sure the child or young person is safe and well cared for by the family. If the plan is not being carried out as agreed, a youth justice coordinator talks to the family about getting things back on track. Should the plan not work out, the Police have the option to prosecute the case in the Youth Court.

Of the 6,500 to 7,000 referrals for a Youth Justice Family Group Conference (FGC) made to Child, Youth and Family each year, around 50 percent are intention-to-charge referrals. The other 50 percent are FGCs ordered by the Youth Court following a Police decision to prosecute (Para 2.4 below).

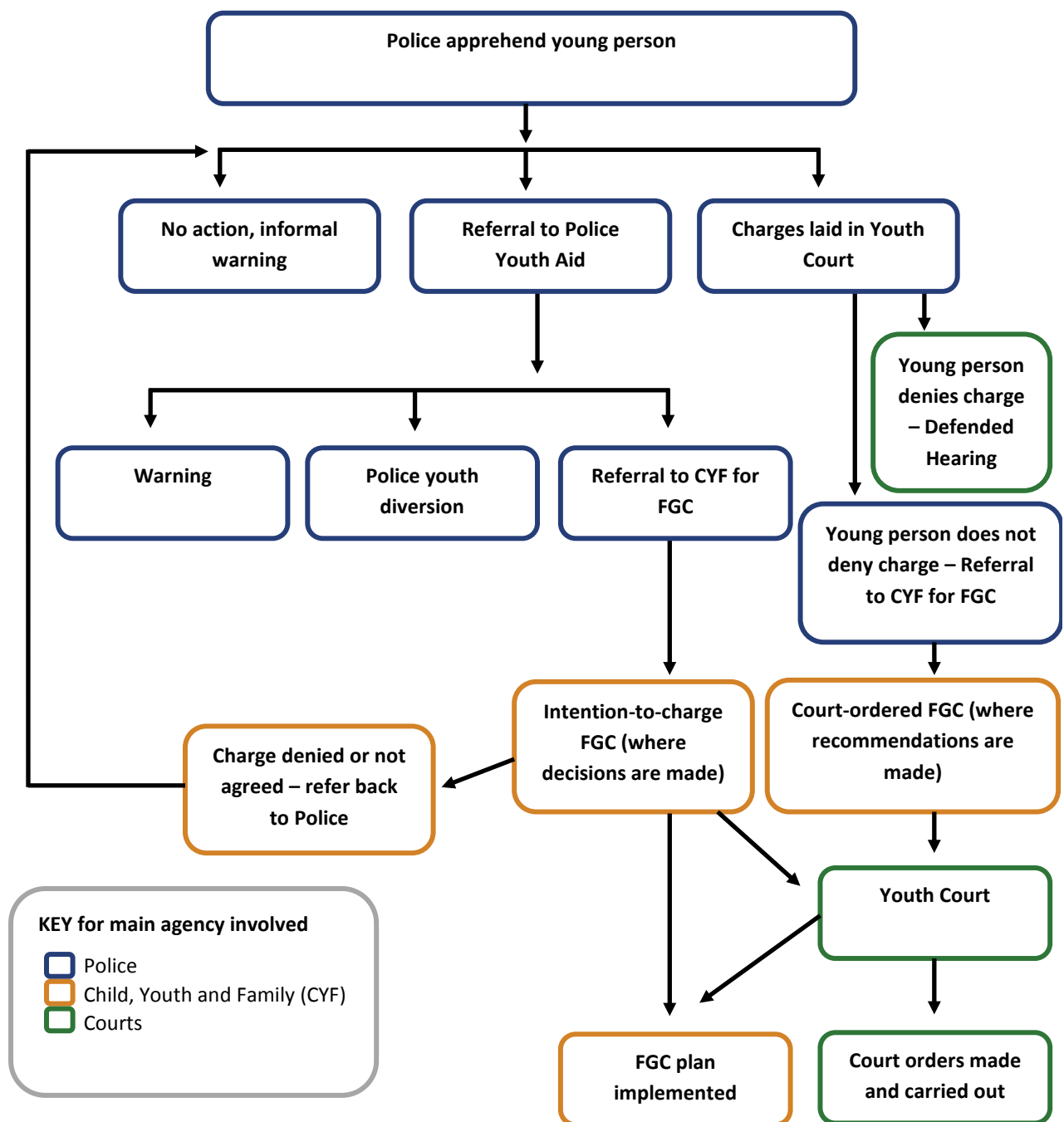
2.4. Youth appear in court if Police lay charges

When Police lay a formal charge, the Youth Court deals with most young offenders.³ The Youth Court aims to hold young people accountable for their actions and prevent re-offending. If a young person appearing in Youth Court does not deny a charge, they will be referred to CYF for a 'Court ordered' FGC. Depending on the plan that is agreed at this FGC, and how the plan is achieved, the charges may be withdrawn.

Children and young people are usually not 'Convicted' of offences in the Youth Court. If an offence has been 'Proved' through a Family Group Conference process, a Response (or Order) may be given in the Youth Court if the offending was serious, or if the agreed plan has not been followed sufficiently. Only one of the many orders available to the Youth Court results in a conviction, and that is reserved for the most serious offending. If a young person is convicted of an offence in any court, they will be sentenced in the District or High Court.

³ The Youth Court hears all cases to do with young people, except murder and manslaughter, non-imprisonable traffic offences, or when a young person chooses to have a jury trial, in which case they are transferred to the District or High Court. Children or young people facing non imprisonable traffic offence charges (such as Careless Driving) will be heard if they are also charged with other offences that are within the coverage of the Youth Court.

Figure 1: Pathways through the youth justice process in New Zealand^{4,5}



⁴ This is a simplified representation of the pathways a young person can follow through the youth justice process. Some pathways have been excluded.

⁵ Source: Achieving Effective Outcomes in Youth Justice: Final Report, Ministry of Social Development, Wellington: 2004.

3. Trends in youth apprehensions and court appearances

3.1. The rate of apprehensions of children and young people is declining

The number of apprehensions made by Police is the best indicator of youth offending. While it only captures the apprehensions for detected offending, it does include all youth who enter into the formal youth justice process. A young person may be apprehended multiple times for different offences, so the number of apprehensions recorded by Police will exceed the actual number of individuals apprehended. The number of apprehensions of children and young people decreased by 23 percent between 2002 and 2011 (from 43,225 to 33,481 apprehensions)⁶. It is not currently possible to count the number of young people apprehended, as Police administrative data only counts the number of apprehensions. It is estimated that the number of distinct young people apprehended is around half (or less) of the number of apprehensions.

Changes in the size of the population can drive the volumes in the youth justice sector. For example, if the number of young people in the population grew, the number of apprehensions could generally be expected to increase. Throughout this report we often analyse the data by the 'rate' of offending. The rate shows numbers of apprehensions, removing the impact of changes in population size.⁷

The rate of apprehensions of children and young people has continued to decline, reaching 804 apprehensions per 10,000 of population in 2011. There was a substantial decrease in the rate of apprehensions between 2010 and 2011, particularly for young people aged 14 to 16 (from 1,563 apprehensions per 10,000 of population in 2010 to 1,421 in 2011) (Figure 2).

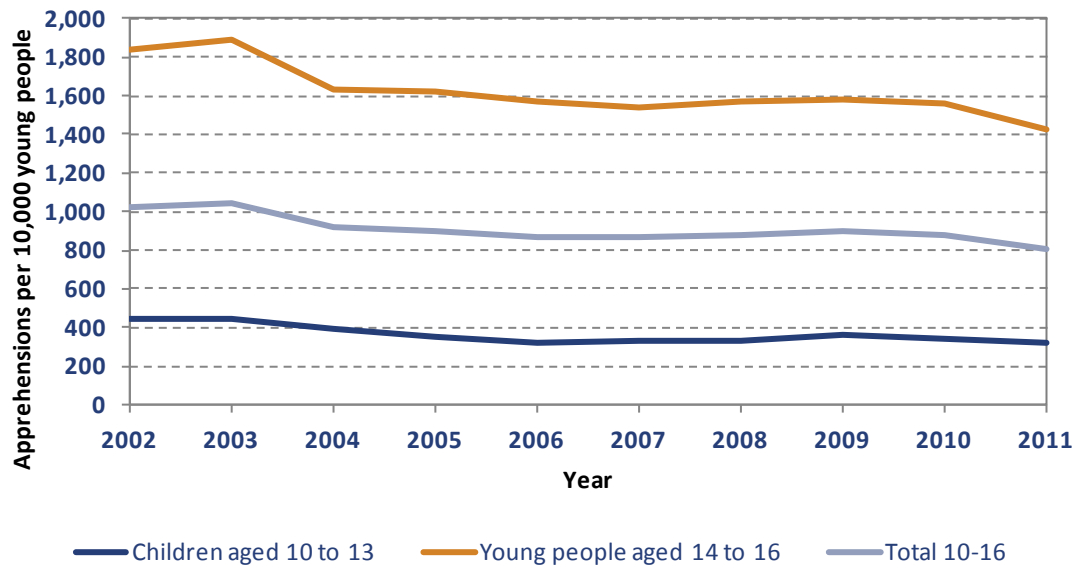
The decline in the apprehensions of youth coincides with a similar decline for the adult population (see [Police apprehension statistics](#)). These declines have been attributed, in part at least, to Policing Excellence initiatives introduced in 2009. One of the benefits from the programme is that Police are better equipped to deal with changing demands. This means, for example, preventing crime before it happens, putting police resources where and when they are most needed, and responding better to the needs of victims.

In 2011, 68 percent of apprehensions of children and young people were resolved through alternative action by Police Youth Aid (343 apprehensions per 10,000) or a warning or caution (206 apprehensions per 10,000 of population). A further five percent were resolved via the plan implemented during an intention-to-charge FGC.

⁶ Police data excludes apprehensions for traffic offences.

⁷ Rates are calculated as the number of apprehensions for every 10,000 children and young people in the New Zealand population.

Figure 2: Police apprehension rates (per 10,000) for children and young people by age group, 2002-2011⁸



⁸ In June 2005 Police replaced the Law Enforcement System (LES) with the National Intelligence Application (NIA). This system change caused a step-change in recorded crime and apprehension statistics, varying between different crime types and police districts. Caution should be observed when making inferences from these statistics about trends in the incidence of crime in New Zealand or the number of apprehensions made by Police.

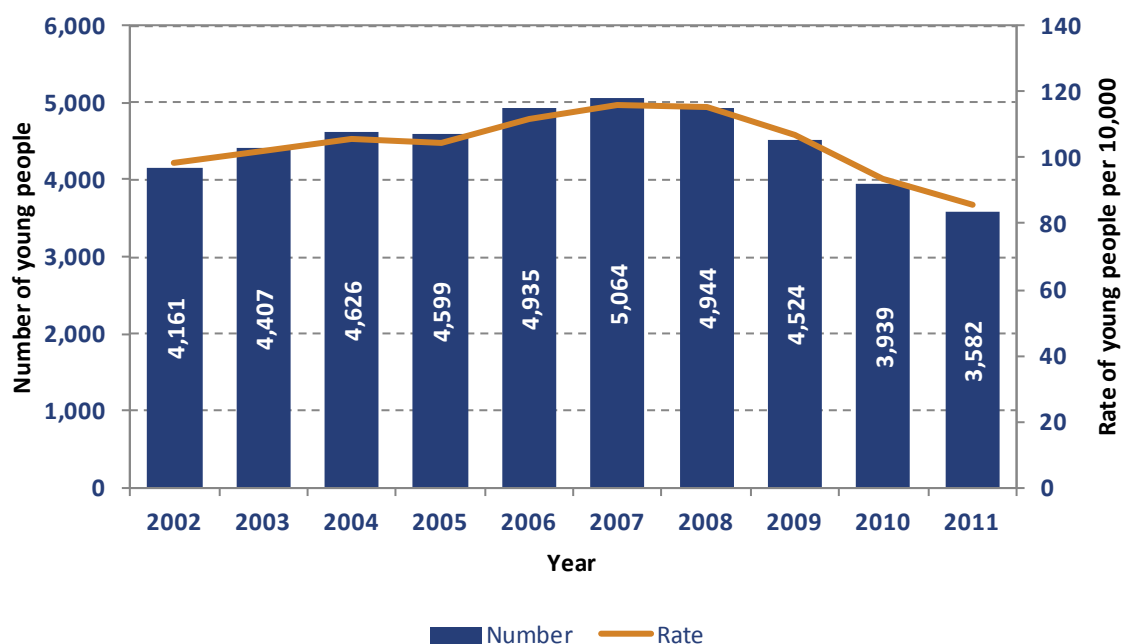
3.2. The number, and rate, of children and young people appearing in court continues to decline

As mentioned in section 2, the majority of youth offending is dealt with out of court via Alternative Action and intention-to-charge FGCs (also Figure 1). The remainder of this report focuses on those children and young people whose offending is serious enough to be dealt with in court.

Similar to recent trends for adults, the number of children and young people appearing in court has declined substantially in the past few years (Figure 3). Since 2007, the number of children and young people appearing in court has decreased by 29 percent, reaching 3,582 in 2011.

Not only has the number of children and young people appearing in court declined, but so has the rate. In 2007, 116 children and young people per 10,000 of population appeared in court. Since 2008, the rate has decreased each year, reaching 86 children and young people appearing in court per 10,000 of population in 2011. Over the same period, the population of children and young people has fallen by 5%.

Figure 3: Number and rate of children and young people appearing in court, 2002-2011



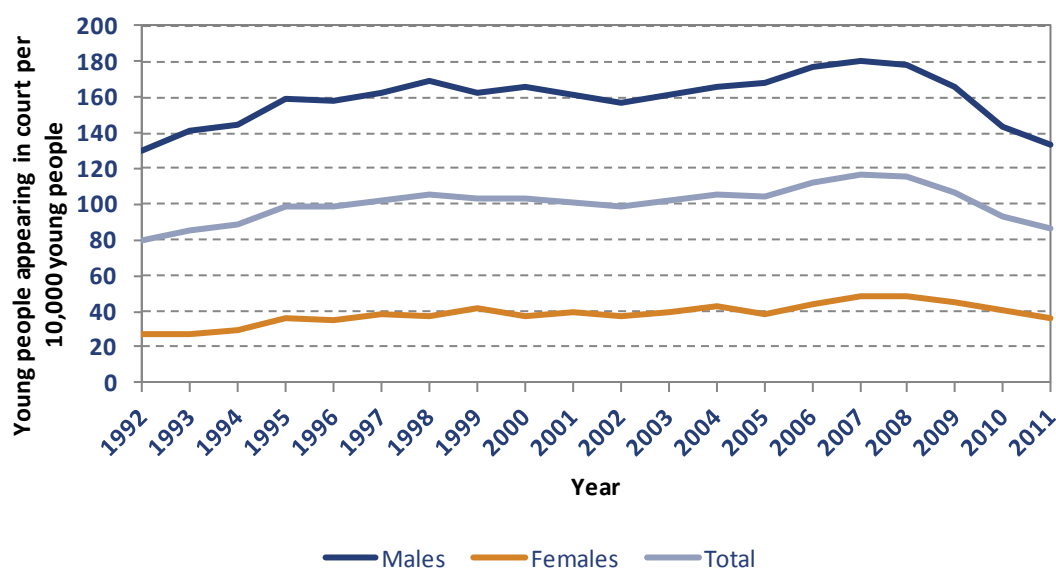
3.3. Characteristics of the young people who appear in court

The rate of males appearing in court has decreased

As with adult prosecution statistics, the majority of young people appearing in court are male. In 2011, males accounted for 79 percent of all young people appearing in court.

Figure 4 shows that the rate of young males appearing in court has decreased substantially over the last three years, from 180 per 10,000 of population in 2007 to 133 in 2011.⁹ The rate of young females appearing in court has also declined since 2007, from 48 females per 10,000 of population to 36 in 2011, although the decline is less marked than for males, causing their share of youth court appearances to rise slightly.

Figure 4: Rate (per 10,000) of children and young people appearing in court by gender, 1992-2011



The strongest decline in court appearances was for European youth¹⁰

The number of children and young people recorded as European¹¹ coming to court has been declining since 2007 (Figure 5). Between 2002 and 2011, the number of European children and young people appearing in court decreased by 18 percent.

The number of children and young people recorded as Māori coming to court decreased between 2008 and 2011, from 2,307 to 1,860. Nevertheless, Māori children and young people are still overrepresented in court statistics. Māori make up around 20 percent of the youth population, yet they made up 54 percent of all children and young people in all courts in 2011.

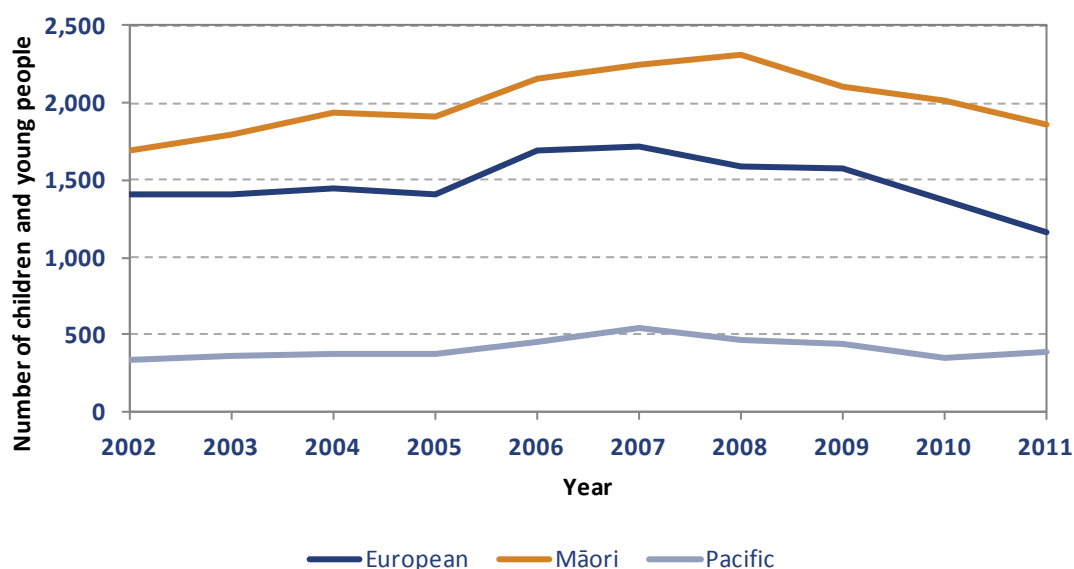
⁹ Records prior to 1992 are not comparable due to Youth Court legislation changes.

¹⁰ Data is not presented as 'rates' here as annual population estimates by ethnicity and age are not available.

¹¹ Court data does not follow the standard ethnicity classification, so comparisons across ethnic groups and with other statistics should be made with caution.

The rate of young Māori appearing in court is more than double the rate for all young people appearing in court - 194 Māori children and young people per 10,000 of population compared with 86 for the entire youth population.

Figure 5: Ethnic distribution of children and young people appearing in court, 2002-2011¹²



3.4. Charges laid against young people in court

Property-related offences make up a large proportion of offences committed by youth

Table 1 presents the offence type distribution for children or young people charged over the period 2007 to 2011. Around 45 percent of charges laid against children and young people in 2011 were for 'Unlawful entry with intent/burglary, break and enter', 'Theft and related offences' or 'Property damage and environmental pollution'. These offence categories consistently make up around 40 percent of charges faced over time by young people.

The number of offences committed by children or young people decreased across most offence categories across 2009, 2010 and 2011. In particular, the number of youth charged with 'Dangerous or negligent acts endangering persons', and 'Traffic and vehicle regulatory offences' declined by 41 percent each between 2009 and 2011.

¹² Records where ethnicity was recorded as 'Other', 'Unknown', or left blank are excluded from this analysis.

Table 1: Number of children and young people charged in court for each offence they committed, 2007-2011

Offence – ANZSOC Division	2007	2008	2009	2010	2011
Homicide and related offences	12	12	6	12	12
Acts intended to cause injury	1,053	1,050	948	960	906
Sexual assault and related offences	78	78	114	81	90
Dangerous or negligent acts endangering persons	1,020	924	765	627	453
Abduction, harassment and other offences against the person	213	228	204	207	198
Robbery, extortion and related offences	447	429	393	357	339
Unlawful entry with intent / burglary, break and enter	1,245	1,209	1,200	1,158	1,116
Theft and related offences	1,668	1,629	1,479	1,431	1,332
Fraud, deception and related offences	90	108	102	75	78
Illicit drug offences	273	261	267	273	216
Prohibited and regulated weapons and explosives offences	405	384	372	306	279
Property damage and environmental pollution	990	1,005	951	861	900
Public order offences	912	876	840	726	666
Traffic and vehicle regulatory offences	1,155	1,089	951	756	558
Offences against justice procedures, government security and government operations	606	540	405	363	339
Miscellaneous offences	9	9	9	9	9
Total number of children and young people¹³	5,064	4,944	4,524	3,939	3,582

¹³ Each child or young person is only counted once in the total, but may be counted in multiple offence categories. For this reason the numbers in the columns do not add to the given totals.

Young people appearing in court were most often discharged (under s282)¹⁴

Children and young people who appeared in court in 2011 most often received a section 282 discharge at the end of the process. In most cases, this meant that the young person had admitted their offending and successfully completed the set of interventions and programmes¹⁵ that were agreed at their Family Group Conference. A section 282 discharge signals the end of the process and it is as if the child or young person was never charged.

If a child or young person committed a more serious offence or did not stick to their plan, a section 283 order is made. This is recorded as a 'Youth Court Proved (s283)' outcome and is used when young people admit their offending, or the judge determines that the charges are proven and are serious enough to warrant an order under section 283 of the Children, Young Persons, and Their Families Act 1989.¹⁶

In 2007, 576 children and young people were convicted of an offence (11 percent of all youth charged with an offence). Since then, the number of children and young people convicted of an offence has decreased substantially, reaching a low of 204 in 2011 (Table 2). Around half of these convictions are for non-imprisonable traffic offences appearing solely in the District Court.

Table 2: Outcomes for children and young people charged in court, by most serious outcome per year, 2007-2011

Charge outcome	2007		2008		2009		2010		2011		% change 2007-2011
	Count	%	Count	%	Count	%	Count	%	Count	%	
Convicted¹⁷	576	11	468	9	420	9	321	8	204	6	-65
Youth Court Proved (s283)	1,281	25	1,242	25	1,071	24	924	23	780	22	-39
Youth Court Proved and Discharged (s282)	2,199	43	2,247	45	2,106	47	1,872	48	1,812	51	-18
Withdrawn or Not Proved	1,005	20	987	20	924	20	822	21	786	22	-22
Total number of children and young people	5,064		4,944		4,524		3,939		3,582		-29

¹⁴ A small number of young people receiving a 'diversion' or 'discharge without conviction' in the District Court are included in this category.

¹⁵ The interventions and programmes able to be given are quite flexible. Examples of some of the interventions and programmes are: drug and alcohol counselling, community work, reparations, and curfews.

¹⁶ Section 283 orders are discussed further in section 3.5.

¹⁷ Young people can be convicted in any court, but are sentenced in the District or High Court.

3.5. Orders and Sentences imposed on children and young people

Children and young people who get a 'Youth Court Proved (s283)' outcome are given an 'Order' to complete. Those who are convicted (in the Youth, District or High Court) are given a 'Sentence'. This section analyses the orders or sentences for 'Youth Court Proved (s283)' or 'Convicted' outcomes.

A child or young person may be given several orders or sentences. Only the most serious order or sentence imposed for each child or young person each year is counted here.

By far the majority of young people going to court do not get a Youth Court Proved (s283) order, usually by successfully completing a Family Group Conference plan. Between 2007 and 2011, on average 24 percent of young people appearing in court received an order, with this figure reaching 22 percent in 2011.¹⁸

Youth Court orders most often involved supervision or community work

Over the past five years, around 27 percent of all offences resulting in a 'Youth Court Proved (s283)' outcome in court received a 'supervision' or 'community work' order. The next most common orders were 'fine, reparation, costs, restitution, forfeiture of property, disqualification from driving' and section 283 'discharge' (Figure 6).

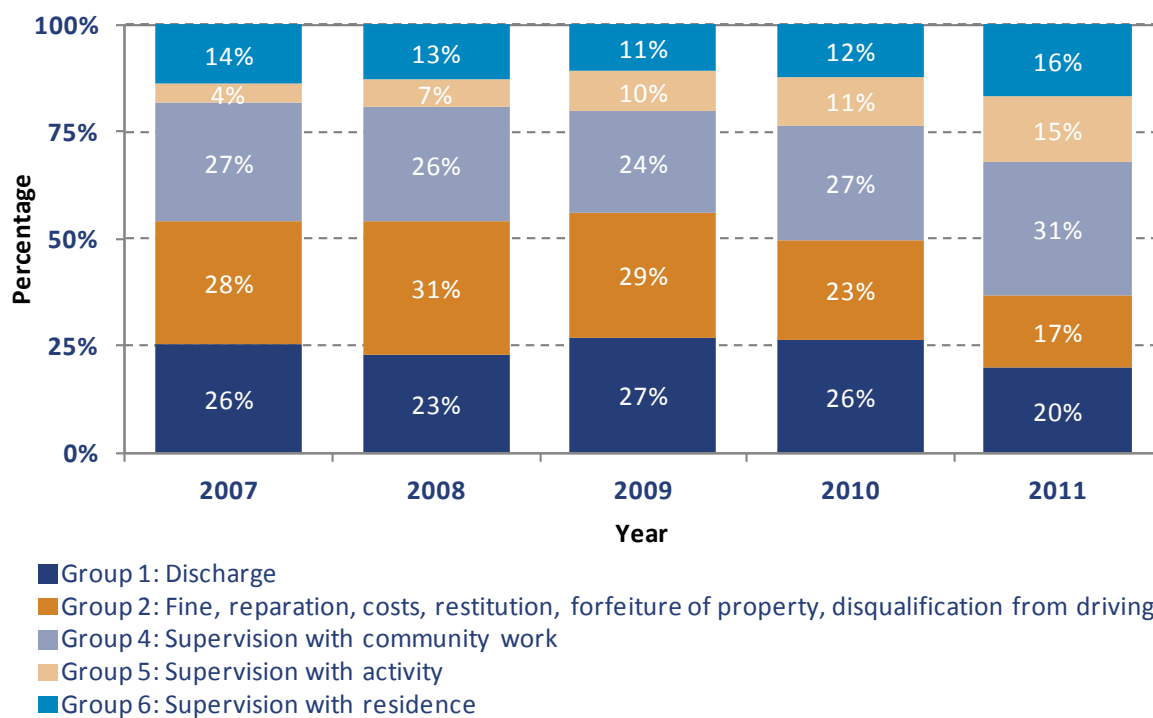
When a 'discharge' is given, the young person is discharged from proceedings without any further order or penalty. It is still a formal order of the Youth Court and the young person's court appearance is recorded.

A small number of children and young people have been ordered to complete a parenting education programme¹⁹, mentoring programme or alcohol or drug rehabilitation programme since the Children, Young Persons and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act took effect in October 2010. In 2011, 9 young people received one of these orders as their most serious order.

¹⁸ Excludes orders to transfer a convicted youth to the District or High Court under section 283(o) of the Child, Young Person, and their Families Act 1989.

¹⁹ The order may also be given to a parent, guardian, or other person caring for the young person.

Figure 6: Distribution of orders imposed on young people with a s283 Youth Court Proved outcome, by most serious per year, 2007 to 2011²⁰



²⁰ A small number of education and mentoring programmes (Group 3 responses), which were introduced in 2010, are excluded from this chart.

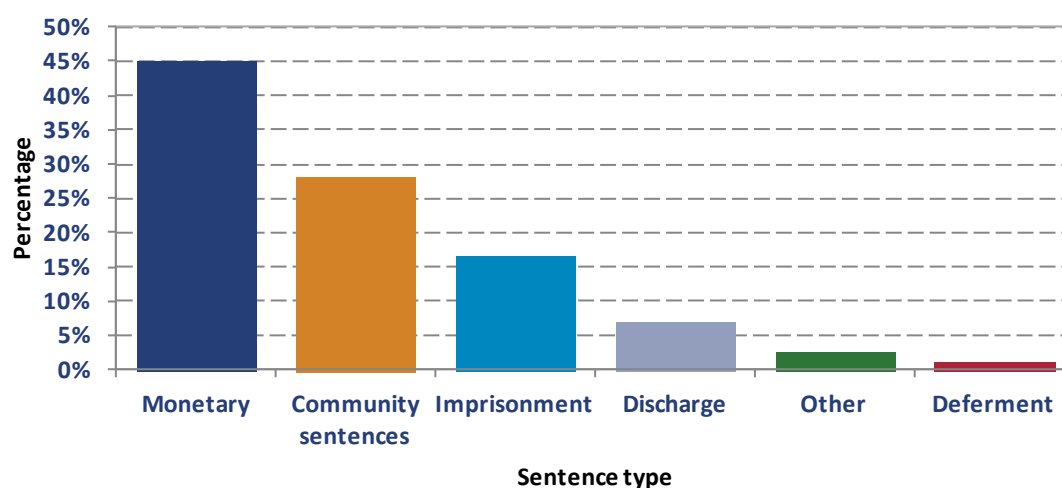
Monetary penalties are the most common penalties imposed on young people in the District or High Court

Young people who are convicted of an offence in any court are transferred to the District or High Court for sentencing. The most common sentences that children and young people received as their most serious sentence in 2011 were fines and reparations (45 percent of all sentences received). Nearly all of these young people were convicted of a traffic offence. Fines and reparations have consistently made up the largest proportion of sentences over the past 10 years.

Just under one-third of convicted young people received some form of community-based sentence. Community sentences include home detention, community detention, intensive supervision, supervision and community work.

The number of convicted young people sentenced to imprisonment has decreased from 76 in 2002 to 33 in 2011.

Figure 7: Distribution of sentences imposed on convicted youth, 2011²¹



²¹ 'Other' includes orders under section 118 Criminal Justice Act 1984 (for 2003 and prior) or section 34 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (for 2004 and onwards) for treatment or care of the offender in a psychiatric hospital or secure facility (secure treatment).

4. Access more detailed statistics online

4.1. Detailed child and youth prosecution statistics are available

The information in this report is a summary of the data now available on the Statistics New Zealand website. [Child and Youth Prosecution Statistics](#) are available in four detailed tables that contain calendar year data from 1992 to 2011.

Most serious prosecution - contains the counts of children and young people prosecuted in the Youth, District or High Court during a calendar year. For each year, information is available on the outcome of their most serious prosecution by offence category.

Most serious order or sentence - contains the counts of children and young people given orders or sentences in the Youth, District or High Court during a calendar year. For each year, information is available on their most serious order or sentence given by offence category.

Multiple-offence type prosecution - contains the counts and population rates of children and young people prosecuted in the Youth, District or High Court during a calendar year for each offence category for which they were prosecuted. For each year, information is available on the most serious prosecution outcomes for every offence category.

Multiple-offence type order or sentence - contains the counts and population rates of children and young people given orders or sentences in the Youth, District or High Court during a calendar year for each offence category for which the offenders were given orders. For each year, information is available on the most serious order or sentence given for every offence category.

Expanded reporting: most serious offence versus multiple offence types

Child and youth prosecution statistics are reported in two ways. To produce a count of the actual number of children and young people who appear in court, we count only their most serious charge in a calendar year based on the type of offence they committed. Expanding on this measure, we have recently introduced a new calculation 'multiple offence type', based on all the offences that an offender is charged with. This new calculation allows users to see the variety of offences committed, rather than just the most serious, providing valuable extra information for policy and decision makers.

Numbers versus rates

Child and youth prosecution statistics are also available in two measures on [Statistics New Zealand's Table Builder](#) – *numbers* of charges and *rates* of offending. The actual number of charges laid against children and young people shows the volume of work carried out by the court. The per capita rate of charges and the proportion of children and young people charged show the underlying trend in offending with the impact of population changes removed.

Convicted young people

Children and young people who are convicted of an offence are now included in the *Child and Youth Prosecution Statistics*. These children and young people were previously included in the adult offending statistics – *Conviction and Sentencing Statistics*. Including convicted children and young people in the

Child and Youth Prosecution Statistics provides a clearer picture of what is happening for youth offenders in the Youth Court, District Court, and High Court, rather than those who appear solely in the Youth Court.

This report and the data on the Statistics New Zealand website excludes adult offenders (aged 17 years and over). Adult offenders are covered in separate data tables also available on [Statistics New Zealand's website](#). A summary analysis of these statistics is also available on the [Ministry of Justice website](#).

All numbers in this report are rounded to the nearest multiple of three, with the exception of zeroes, which remain as zeroes. The Youth Court is closed to the public, so any details that may identify an individual young person cannot be reported.

Changes in legislation, improved analysis methods, or corrections to earlier data, mean that the tables are recalculated each year and may be slightly different to those published in previous years.

4.2. Upcoming Ministry of Justice releases

We are accelerating the release of data for both adults and young people. From September, we will be releasing statistics every six months, three months after the end of the reference period (compared with a current release of six months after the end of the reference period).

The release of data on 25 September will be an update to the data stored on the Statistics New Zealand Table Builder tool, including data for the period from January until June 2012. In early 2013, we will add data for July to December 2012, and will also update this statistical bulletin with the data for 2012.

For other information, please contact us at justiceinfo@justice.govt.nz.