

Children and young people in court

Data notes and trends for 2019

Statistics for children and young people with charges finalised in court are produced by the Ministry of Justice and published by Stats NZ.¹ The statistics include information on children (aged 10 - 13) and young people (aged 14 – 16; and from 1 July 2019, up to 17 years)² who have charges finalised in any court from the year ending December 1992 to the year ending December 2019.³ This summary compares 2019 with previous years.

Youth justice system

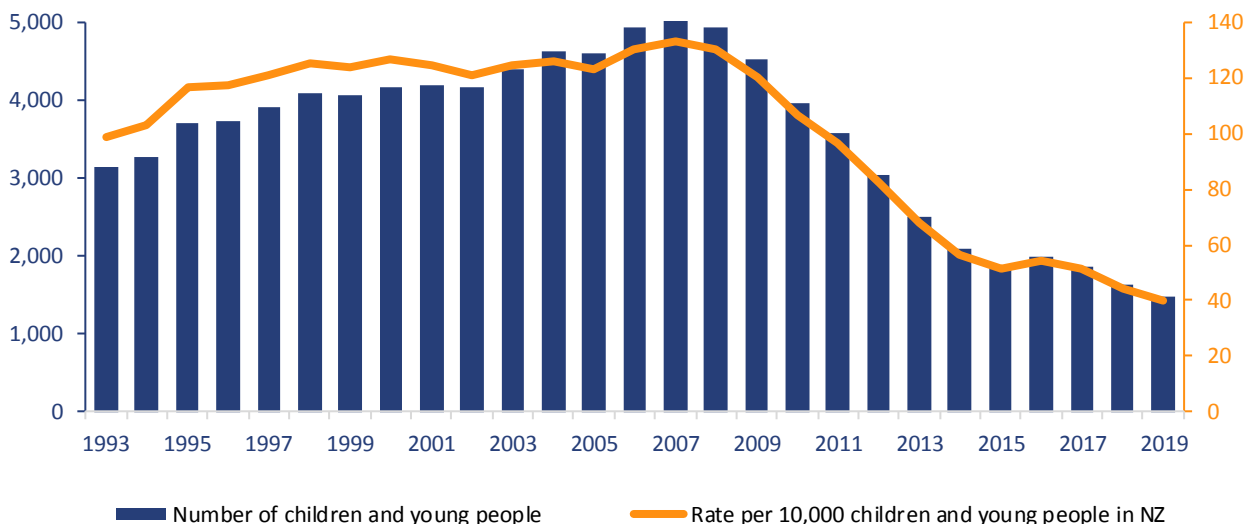
Most children and young people in the youth justice system don't go to court but are instead dealt with by Police in the community. This could mean getting a Police warning or being referred to Police Youth Aid. A family group conference happens in more serious circumstances where the offending can't be dealt with in the community. Children and young people only appear in court for the most serious offending, usually in the Youth Court. Offending such as murder or manslaughter is dealt with in the High Court.

On 1 July 2019, there were several changes to the youth justice system — 17-year olds are now included and minor traffic offending (that can't receive a prison sentence) that had been dealt with in the District Court is now dealt with in the Youth Court. 17-year olds charged with an offence will first appear in the Youth Court. If the offence is a serious offence specified in Schedule 1A Oranga Tamariki Act 1989 they will then automatically be transferred to the District or High Court.

Children and young people in court most often receive an absolute discharge (section 282 Oranga Tamariki Act) at the end of the process. Usually, this means that the child or young person has admitted their offending and successfully completed the set of interventions and programmes (such as drug and alcohol counselling, community work, reparations, and curfews) that were agreed at their family group conference. A section 282 absolute discharge signals the end of the process and it is as if the charge against the child or young person was never filed.

If a child or young person commits a more serious offence or does not adhere to their family group conference plan, a section 283 order (the Youth Court equivalent of a sentence) can be made. This is used when children and young people either admit their offending, or the judge determines that the charges are proven and are serious enough to warrant an order. In serious cases, young people may be transferred to the District or High Court for sentencing, where they will receive an adult sentence.

Figure 1: The number of children and young people in court has continued to fall, down 10% from 2018



The number of children and young people in court continues to fall

In 2019, 1,467 children and young people had charges finalised in any court (this includes Youth, District and High Courts).⁴ Despite the inclusion of 17-year olds with charges filed from July 2019 onwards, there were 162 (10%) fewer children and young people in total in 2019 than in 2018 (Figure 1).

Over the past 10 years, the number of children and young people in court has dropped by 63%. The decrease in the rate per 10,000 children and young people has followed the same pattern. In 2019, 39 children and young people were charged for every 10,000 children and young people in New Zealand.

In 2019, children and young people accounted for only 2% of all people who appeared in court.

Property offences are the most common

Children and young people may be charged with more than one offence in a year. This section refers to their most serious court charge in 2019. Children and young people in court were most likely to have theft (21%), burglary (19%), robbery (17%) or assault (16%) as their most serious court charge.

The number of children and young people whose most serious offence was robbery decreased by 17%

in 2019 (from 297 in 2018 to 246 in 2019), following a 71% increase between 2015 and 2018 (174 to 297 people).

In 2019, compared to 2018, fewer children and young people had burglary (10% decrease) or theft (14% decrease) as their most serious offence. However, the number in court who had assault as their most serious offence increased for the first time in 10 years (11% increase).

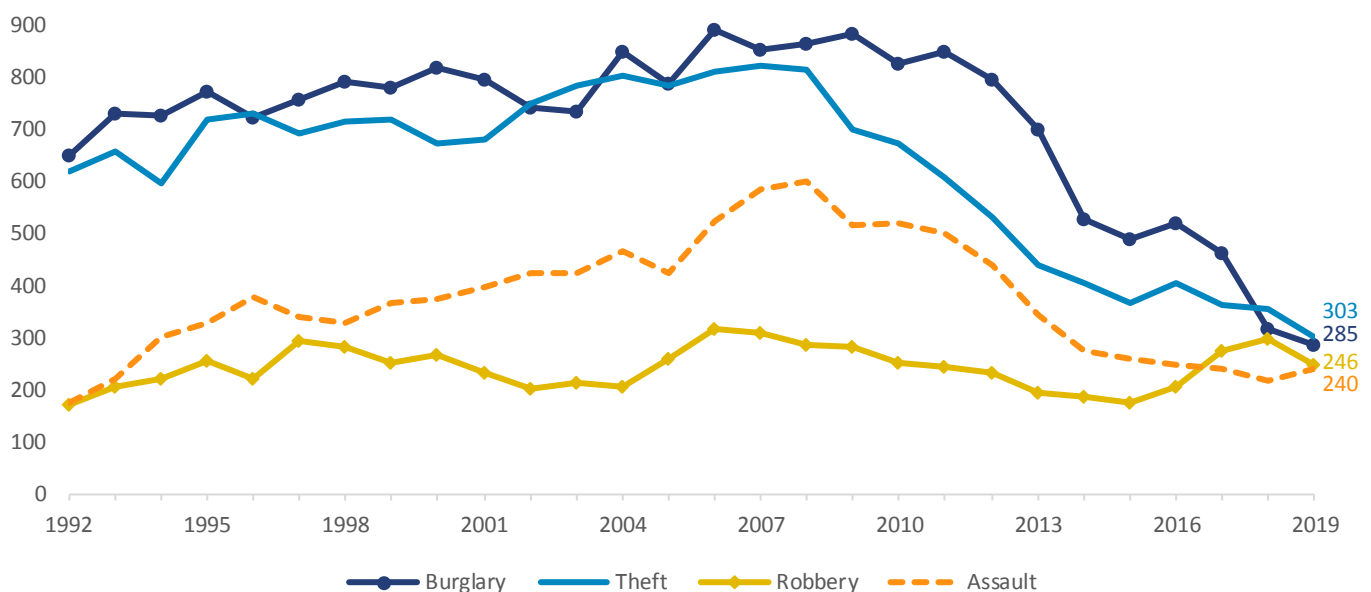
Most children and young people in court are male and most are 15 or 16 years old

Of all children and young people with charges finalised in 2019, 79% were male and 21% were female. The percentage of females has fluctuated between 18% and 22% over the past decade.

In 2019, 8% of all children and young people with charges finalised in court were 17 years old (114 people; although they have only been in the youth justice system since July 2019). The majority were 15 (29%; 432 people) or 16 years old (35%; 507 people), and another quarter (26%) were 14 years old (378 people). A small proportion were aged 12 or 13 years (2%; 27 people); none were 10 or 11 years.

There are other 17-year olds with charges filed between July and December 2019, but their charges are still active in court; these will be included in the next statistics released in September 2020.

Figure 2: The number of children and young people charged with burglary or theft has continued to decrease, while assault increased for the first time in more than 10 years



The number of 15 and 16-year olds in court has decreased over the past year, by 20% and 23% respectively. The number of 14-year olds has remained steady, while the small number of children (aged 10 to 13) has decreased.

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The proportion of children and young people in court who are Māori has fallen for the first time in the past 10 years

In 2019, 61% of children and young people with charges finalised in court were Māori and 25% were European. In total there were 900 Māori children and young people, 366 European (25%), 135 Pacific Peoples (9%), 21 Asian (1%), 9 of other ethnicities (less than 1%) and 63 whose ethnicity was not recorded (4%) (Figure 3).⁶

Looking at the last 10 years, the number of children and young people in court has fallen across all ethnicities. However, there have been differences in the rate of the decreases for each group.

Between 2010 and 2016 the number of Māori children and young people fell at a slower rate than other groups. As a result, the proportion of Māori

children and young people in court grew over this period.

However, over the past three years, and especially in 2019, the number of Māori children and young people has decreased faster than for other ethnicities. In 2019, this has resulted in the proportion of children and young people in court who are Māori decreasing from 65% to 61%. At the same time, the proportion who were European increased from 23% to 25%.

Most children and young people had their charges proved

In 2019, most children and young people (1,101; 75%) had their most serious charge proved.⁵ As a result, they were either discharged under section 282 (771; 53% of children and young people charged), received a Youth Court order under section 283 (20% of children and young people charged) or were convicted and sentenced in an adult court (3% of children and young people charged) for their most serious charge. Most of the other children and young people had their most serious charge withdrawn (21%; 303 people).

More than half (55%) of the 17-year olds with charges filed and finalised between July and December 2019 had their most serious charge withdrawn. However, many of these 17-year olds had other charges that were still active in court as at 31 December 2019.

Figure 3: The number of Māori, European and Pacific children and young people in court has continued to fall⁶

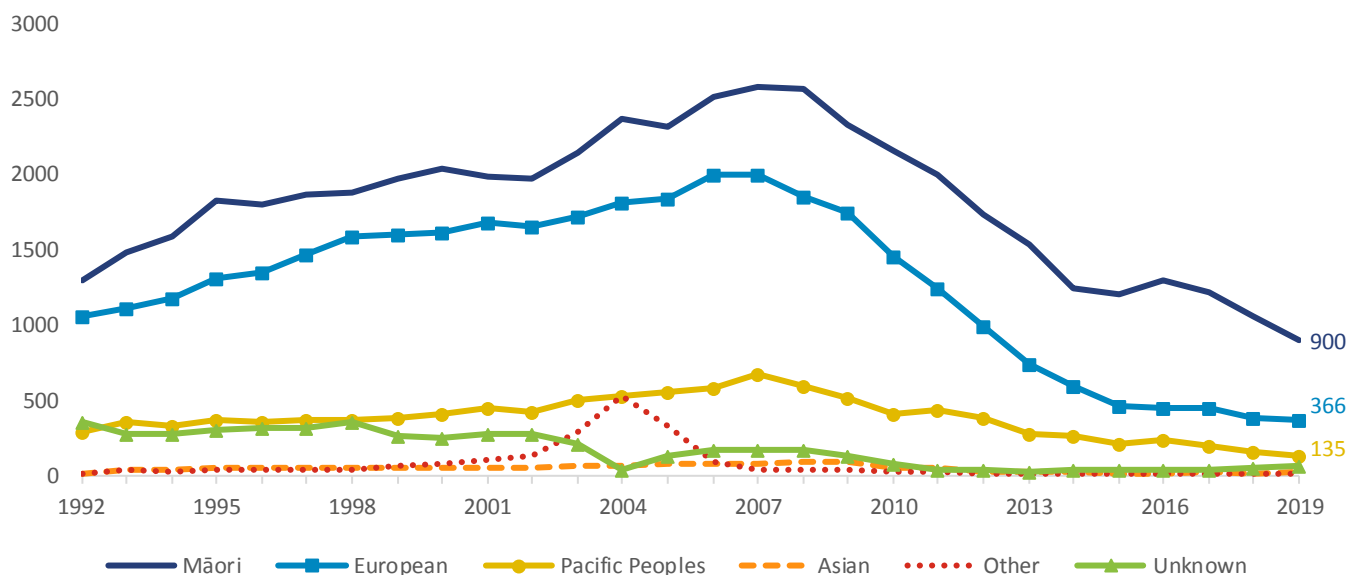
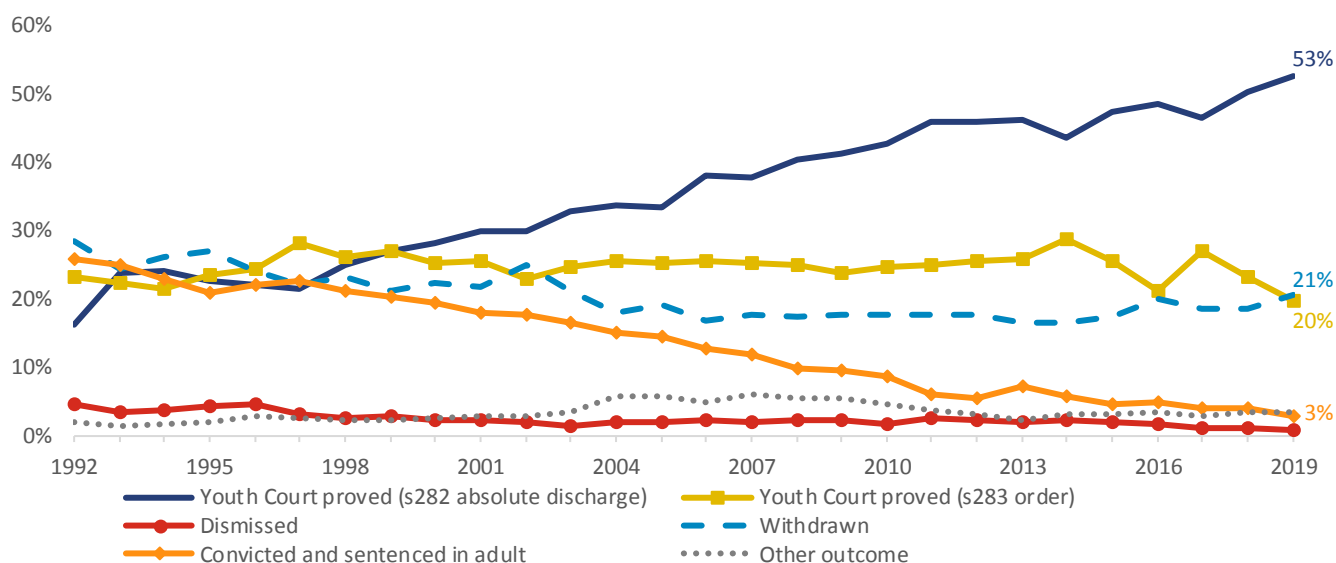


Figure 4: Most children and young people had their most serious charge proved



Since the data series began in 1992, there has been a steady increase in the proportion of children and young people who receive an absolute discharge under section 282 for their most serious charge (from 43% to 53% over the past 10 years) (Figure 4). In contrast, there has been a steady decrease in the proportion of children and young people whose most serious charge is convicted and sentenced in an adult court (from 8% to 3% over the past 10 years).

Nearly a quarter of children and young people in court received orders for their offending

Children and young people who receive a Youth Court proved charge outcome with an order under section 283 of the Oranga Tamariki Act, or who are convicted in an adult court, can receive an order or sentence. A person may receive more than one type of order or sentence. This section refers to the most serious order received by each child or young person.

There were 333 children and young people who received a Youth Court order or adult sentence in 2019.⁷ This was a decrease of 25% compared to the previous year. Their most serious orders were (in order of seriousness):

- adult sentences, mostly imprisonment or home detention for very serious offending (6% of children and young people with orders)
- supervision with residence in a youth justice facility (23%)⁸
- supervision with activity (12%)⁹
- supervision or community work (23%)¹⁰
- education or rehabilitation programmes (such as alcohol treatment or parenting programmes) (1%)¹¹
- monetary penalty, confiscation or disqualification (14%)
- discharge or admonishment (22%).

All orders and sentences contributed to this overall decrease in the past year. However, the majority came out of monetary penalties (33% decrease) and supervision sentences such as supervision with activity (54% decrease) and supervision with residence in a youth justice facility (24% decrease).

Orders that decreased but at a slower rate included supervision or community work (4% decrease) and discharge or admonishment (4% decrease).

The small number of children and young people who receive adult sentences has also decreased over the past year (from 33 children and young people in 2018, to 21 in 2019).

¹ <http://nzdotstat.stats.govt.nz> under 'Justice'. More detailed information on children and young people in court is available in the data tables published on the Ministry's website <https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/>.

² From 1 July 2019, 17-year olds became part of the youth justice system. Charges for 17-year olds, filed from 1 July onwards, are treated and counted as 'child and young person' charges, and are not included in the adult statistics; they are included in these 'child and young person' statistics. Charges filed prior to this date are 'adult' charges and are therefore not included in these statistics.

³ Stats NZ publishes separate tables for adult (aged 17 years or older; and from 1 July 2019, 18 years and older) conviction and sentencing statistics.

⁴ All data is randomly rounded to counts of three and all percentages are calculated off these rounded numbers.

⁵ Proved outcomes include 'Youth Court proved (absolute discharge under s282)', 'Youth court proved (order under s283)' and 'Convicted and sentenced in adult court'. If a child or young person has more than one charge in a year, their most serious charge in the year is used in the statistics. For this, seriousness is determined by a range of factors, including whether charges were proven or not, and if so, the type of order or sentence given. Charges that are 'Convicted and sentenced in adult court' are treated as the most serious, except where the offence is for a non-imprisonable traffic offence. This is done so that relatively low seriousness traffic offences heard in the District Court are not ranked higher than more serious offences heard in the Youth Court (e.g. a 'Youth court proved (order under s283)' charge for serious assault).

⁶ 'Multiple ethnicity' information is used for these statistics. This means for each ethnicity a person is counted once per year (e.g. they may be counted in both European and Māori). In 2004 the Ministry changed to the CMS electronic case management system. This resulted in an increase in the number of children and young people with ethnicities classified as 'Other' around this time.

⁷ Note that statistics for children and young people with orders/sentences use a slightly different counting rule to children and young people with proved charges. The most serious 'Youth court proved (order under s283)' or 'Convicted and sentenced in adult court' charge outcome and order/sentence is used regardless of whether the charge was for a non-imprisonable traffic offence heard in the District Court or not.

⁸ 'Supervision with residence' orders involve the child or young person being placed in custody (usually in a Youth Justice residence) for between 3 to 6 months.

⁹ 'Supervision with activity' orders are similar to supervision orders, with the additional requirement that the child or young person undertakes a specified programme or activity.

¹⁰ 'Supervision' orders require the child or young person to comply with specified conditions including reporting to a social worker and residing at an approved address.

¹¹ This does not include children and young people who complete education or rehabilitation programmes as part of their family group conference plan rather than as a formal order, or those who receive orders to complete an education or rehabilitation programme alongside more serious orders.