

Children and young people in court

Data notes and trends for 2020

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 - 17 from 1 July 2019 onwards, or 14 - 16 years up to 30 June 2019)² with charges finalised in any court for the year ending December 1992 to the year ending December 2020.³ This summary compares 2020 with previous years.

COVID-19 affected several areas of the justice system, potentially impacting trends in the data for 2020. Therefore, the reader should be cautious when drawing conclusions using the 2020 statistics.

Youth justice system

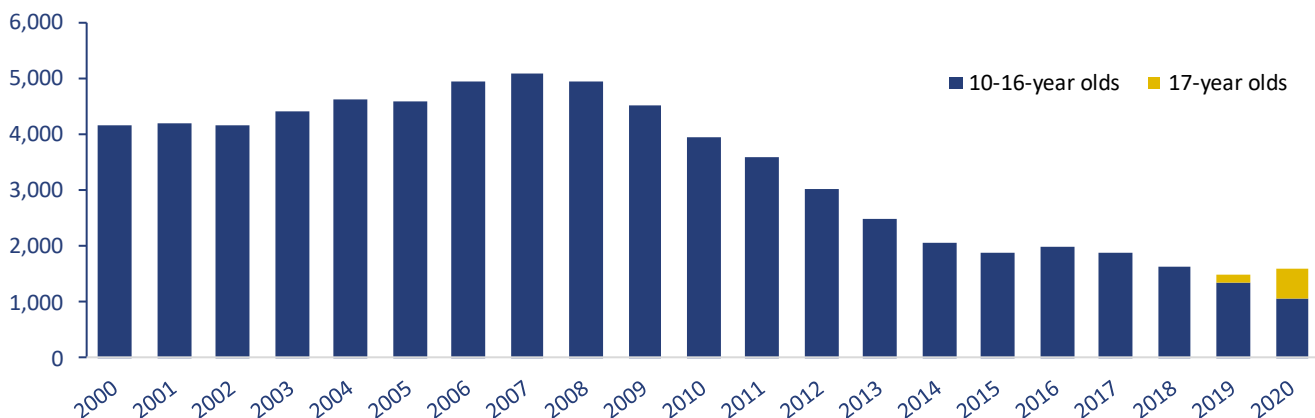
Most children and young people in the youth justice system don't go to court but are instead dealt with by Police in the community. This could be through a Police warning or being referred to Police Youth Aid. A family group conference happens in more serious circumstances where the offending can't be 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 total number of children and young people in court increased this year, due to 17-year olds being included in the youth justice system from 1 July 2019



The number of children and young people aged 10-16 years in court continues to fall

In 2020, there were 1,584 children and young people who had charges finalised in any court (including the Youth, District and High Courts).⁴ This is slightly higher than in 2019 when there were 1,503 children and young people. However, there are 507 17-year olds who had charges finalised in 2020 whereas there were only 156 in 2019, due to the youth jurisdiction being extended part-way through that year.

In 2020, there were 1,077 children and young people aged 10-16 years in court. This was a 20% decrease compared to 2019 (when there were 1,347 10-16-year olds).

Since 2011, the number of children and young people in court has dropped by 56%. The decrease in the rate per 10,000 children and young people has followed the similar trend. In 2020, only 30 children and young people were charged for every 10,000 children and young people in New Zealand (compared to 85 in 2011).

Children and young people make up a very small proportion of all people with charges finalised each year; accounting for only 2% in 2020.

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 charge in 2020. The offence

types that were most frequently a child or young person's most serious charge have remained the same as the previous year: theft (318 children and young people; 20%), burglary (288 people; 18%), assault (270 people, 17%), and robbery (246 people, 16%)

However, 17-year olds with finalised charges had a slightly different mix of offence types. They were most likely to have a theft (16%), assault (16%), burglary (15%) or traffic offence (12%) as their most serious charge.

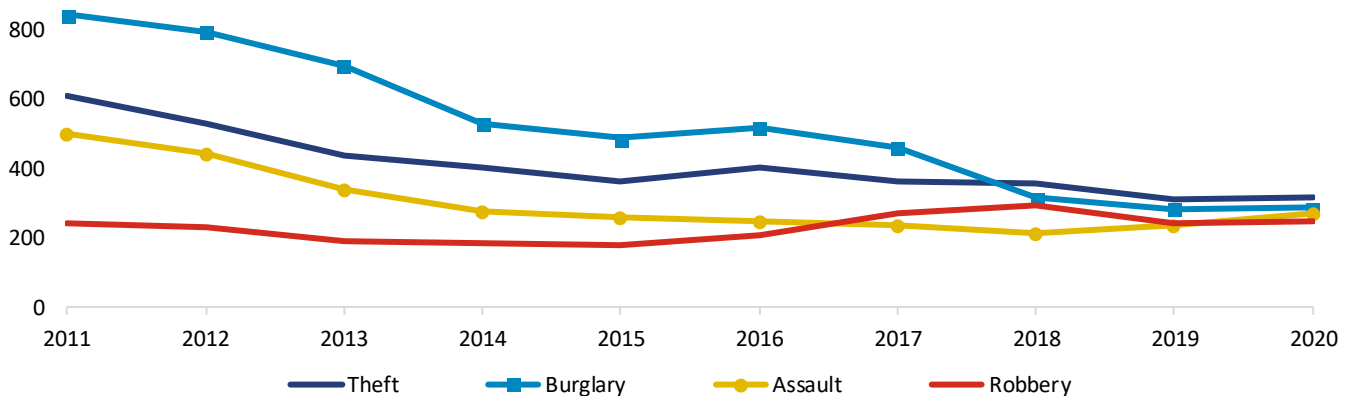
Most children and young people in court are male and most are 15 to 17 years old

Of all children and young people with charges finalised in 2020, 83% were male and 17% were female. Compared to last year, the proportion who were male increased (in 2019, 79% were male).

In 2020, nearly one-third (32%) of all children and young people with finalised charges were 17 years old (507 people). The remainder were mostly 16 years old (26%; 405 people) or 15 years old (23%; 363 people), followed by 14-year olds (18%; 282 people). A small proportion were aged 12 or 13 years (1%; 21 people) and none were aged 10 or 11 years.

Although the youth jurisdiction was extended to include 17-year olds from 1 July 2019, there are still a small number of 17-year olds with finalised charges in the adult courts in 2020 as their charges were filed prior to 1 July 2019. Therefore, it should be expected that the proportion of children and young people who are 17-years old will increase in the future as more charges are finalised.

Figure 2: Most children and young people with finalised charges continue to have burglary, theft, robbery or assault as their most serious offence



Māori continued to make up the majority of children and young people in court

In 2020, 61% of children and young people with finalised charges were Māori and 26% were European. In total there were 969 Māori children and young people, 414 European, 129 Pacific Peoples (8%), 21 Asian (1%), 12 of other ethnicities (less than 1%) and 69 whose ethnicity was not recorded (4%) (Figure 3).⁶

Since 2011, the number of children and young people with finalised charges has fallen across all ethnicities. However, there have been changes to the proportions of each group.

Despite decreasing recently, the proportion of Māori children and young people in 2020 (61%) is still greater than what it was in 2011 (when it was 56%).

In contrast, the proportion of those who are European (26%) has increased since 2016 (when it was 23%), after having fallen since 2011.

Most children and young people had their charges proved

In 2020, most children and young people (1,194; 75%) had their most serious charge proved.⁵ As a result, they were either discharged under section 282 (816; 52% of children and young people charged), received a Youth Court order under section 283 (18% of children and young people charged) or were convicted and sentenced in an adult court (6% of children and young people charged) for their most serious charge.

Most of the other children and young people had their most serious charge dismissed, discharged or withdrawn (23%; 357 people).

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 46% in 2011) (Figure 4).

Figure 3: Since 2011, the number of children and young people in court has fallen across all known ethnicities.⁶

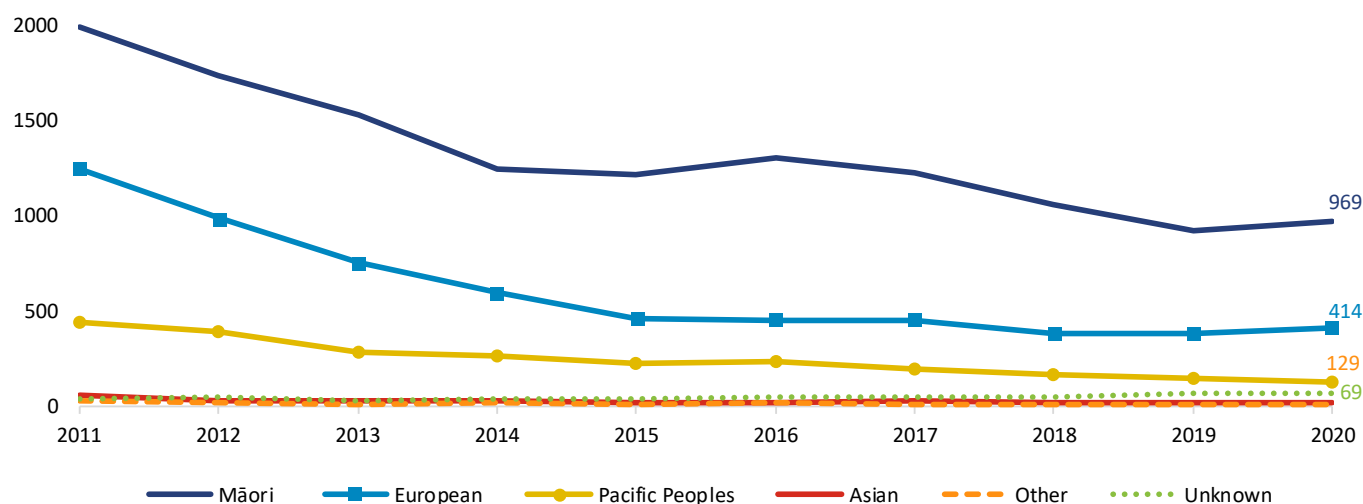
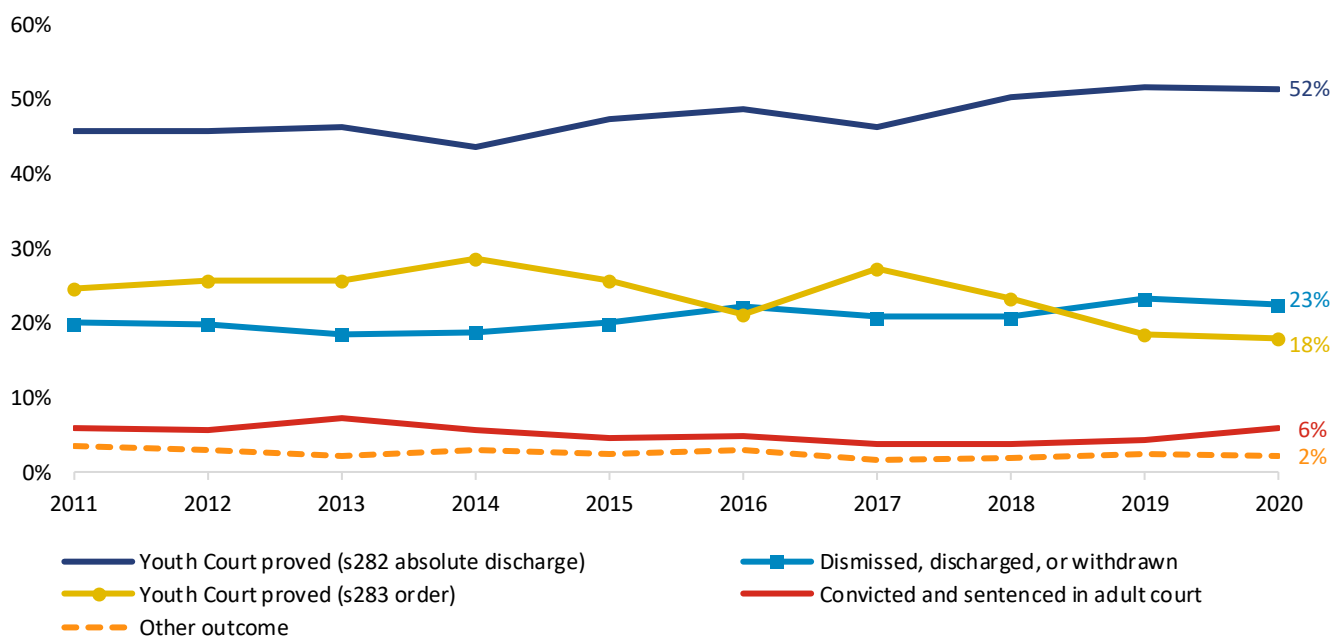


Figure 4: Most children and young people have their most serious charge proved



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 378 children and young people who received a Youth Court order or adult sentence in 2020.⁷ This was an increase of 36 (11%) compared to the previous year, however 153 of these orders or sentences were for 17-year olds (40%). The types of orders children and young people received were (in order of seriousness, counting the most serious order for a child or young person):

- adult sentences, mostly imprisonment or home detention for very serious offending (20% of children and young people with orders)

- supervision with residence in a youth justice facility (14%)⁸
- supervision with activity (9%)⁹
- supervision or community work (20%)¹⁰
- education or rehabilitation programmes (such as alcohol treatment or parenting programmes) (less than 1%)¹¹
- monetary penalty, confiscation or disqualification (13%)
- discharge or admonishment (24%).

The increase in children and young people who received orders or sentences mostly came from an increase in adult sentences (from 27 in 2019 to 75 in 2020), 63 of which were for 17-year olds.

Despite the overall increase in those who received orders and sentences, the number who received a sentence for supervision with residence in a youth justice facility decreased by 25% in the past year.

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 prior to July 2019 where the offence was 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).

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.