

Children and young people in court

Data highlights for 2018

This summary highlights key data trends in the statistics for children and young people with charges finalised in court. These 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) who have charges finalised in any court from 1993 to 2018.²

Youth justice system

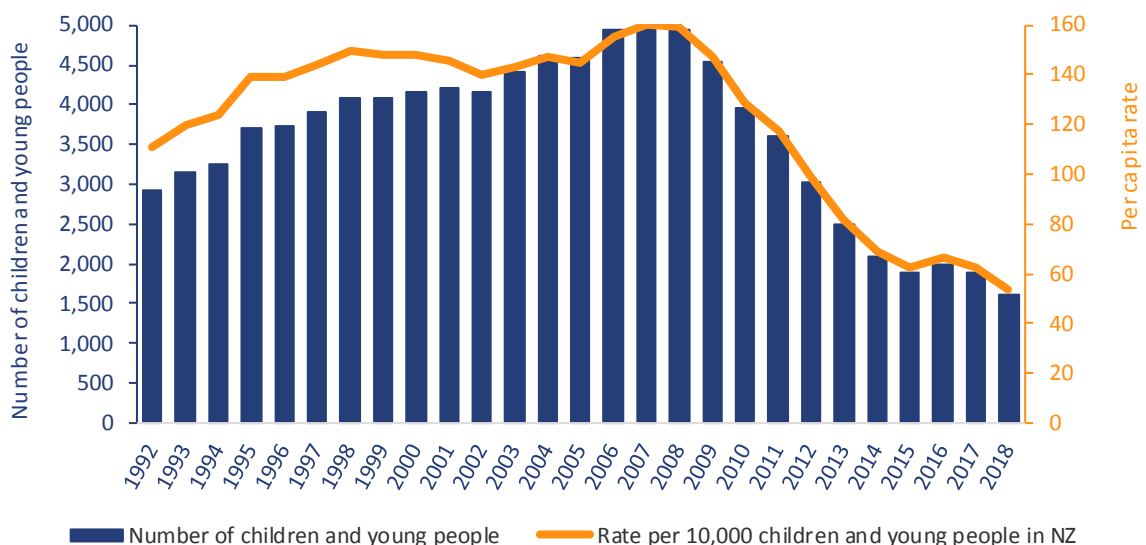
Most children and young people who get into trouble with the law don't go to court but are instead dealt with by Police in the community. This could mean getting a Police warning or being referred to Police Youth Aid. A family group conference happens in more serious circumstances where the Police can't deal with the offending in the community. Only for the most serious offending do children and young people appear in court. This is usually the Youth Court, however minor traffic offending may be dealt with in the District Court, while serious offending (such as murder or manslaughter) will be dealt with in the High Court.

Children and young people who appear in court most often receive an absolute discharge (section 282 Oranga Tamariki Act) at the end of the process. In most cases, this means that the child/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 with charges finalised in court has decreased 64% over the last 10 years



Number of children and young people with charges finalised in court continues to fall

1,620 children and young people had charges finalised in any court in 2018 (this includes Youth, District and High Courts).³ This is approximately 260 (14%) fewer than in 2017 (Figure 1). Over the past 10 years, the number of children and young people in court has dropped by 64%, mostly due to substantial decreases between 2009 and 2015.

In 2018, children and young people accounted for only 2% of all people who appeared in court.

Property offences are the most common and robbery offences have increased

Children and young people in court may be charged with more than one offence. This section refers to their most serious charge in 2018. Children and young people in court most often had theft as their most serious charge (21%), followed by burglary (19%) or robbery (19%). This is the first time in the past 15 years that the number of children and young people with theft as their most serious charge has exceeded the number with burglary as their most serious charge. It is the second consecutive year that robbery has exceeded assault (13%).

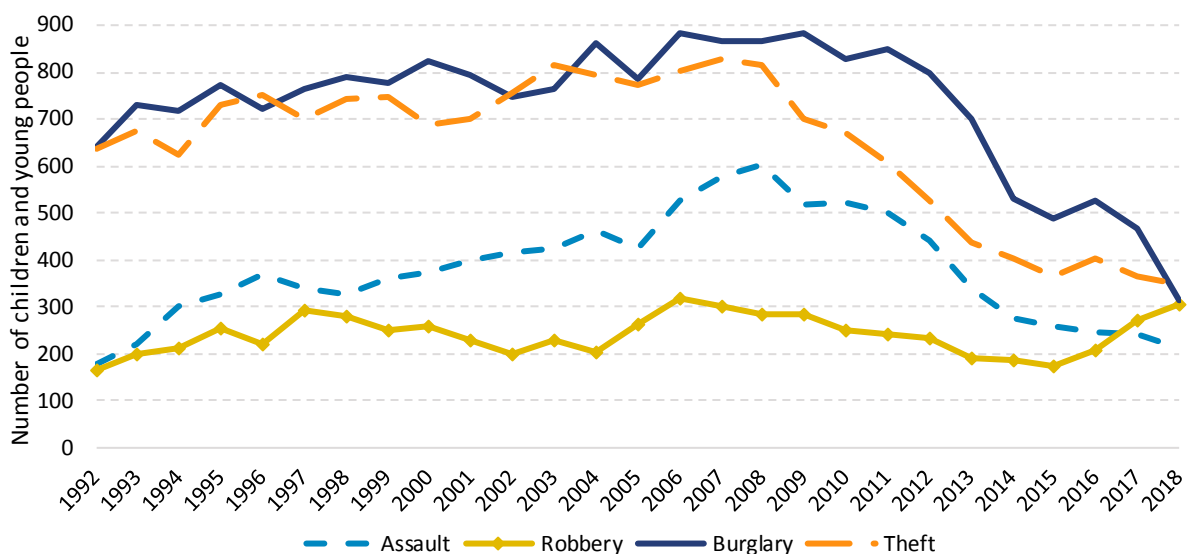
The number of children and young people whose most serious offence was robbery has continued to increase in 2018 (12% increase from 273 in 2017 to 306 in 2018), despite an overall decrease in the number of children and young people in court compared to the previous year. In contrast, over the same period there were fewer children and young people whose most serious offence was burglary (32% decrease, from 465 to 315 children and young people), assault (12% decrease, from 243 to 213) and theft (4% decrease, from 348 to 348). This is consistent with the downward trend in these offences over the last 10 years (Figure 2).

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 2018, 78% were male and 22% were female. The percentage of females has fluctuated between 18% and 22% over the past decade.

In 2018, 74% (1,194) of children and young people in court were 15 or 16 years old. The number of 14, 15 and 16-year olds in court has decreased over the past year, while the small number of 10 to 13-year olds has continued to increase slightly. Over the past ten years, the percentage of children and young people in court who are 16 years old has fallen from 54% in 2009 to 40% in 2018.

Figure 2: The number of children and young people charged with burglary, theft or assault has been decreasing, however robbery has increased over the last two years



Most children and young people who appear in court are Māori

In 2018, Māori made up 63% of children and young people with charges finalised in court. There were 1,026 Māori children and young people in court, 360 European, 153 Pacific Peoples, 21 of other ethnicities and 63 of unknown ethnicity.

Over the past 10 years, the number of children and young people in court has fallen across all ethnicities (Figure 3). In 2018, the number of Māori children and young people in court fell by 14% (from 1,194 to 1,026) compared to 2017, while the number of European children and young people in court fell by 17% (from 432 to 360), and the number of Pacific children and young people in court fell by 12% (from 174 to 153).

Between 2009 and 2017, the number of Māori children and young people in court 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, the proportion of children and young people in court who are Māori has been stable over the past year.

Most children and young people had their charges proved

In 2018, most children and young people (78%) had their most serious charge proved.⁴ As a result, they were either discharged under section 282 (50% of children and young people), received a Youth Court order under section 283 (24% of children and young people) or were convicted and sentenced in an adult court (4% of children and young people) for their most serious charge.

Since the data series began in 1992, there has been a steady increase in the proportion of children and young people in court who receive an absolute discharge under section 282 for their most serious charge (from 41% to 50% over the past 10 years). In contrast, there has been a steady decrease in the proportion of children and young people in court whose most serious charge is convicted and sentenced in an adult court (from 10% to 4% over the past 10 years) (Figure 4).

Figure 3: The number of children and young people with charges finalised in court has fallen for all ethnicities over the last 10 years⁵

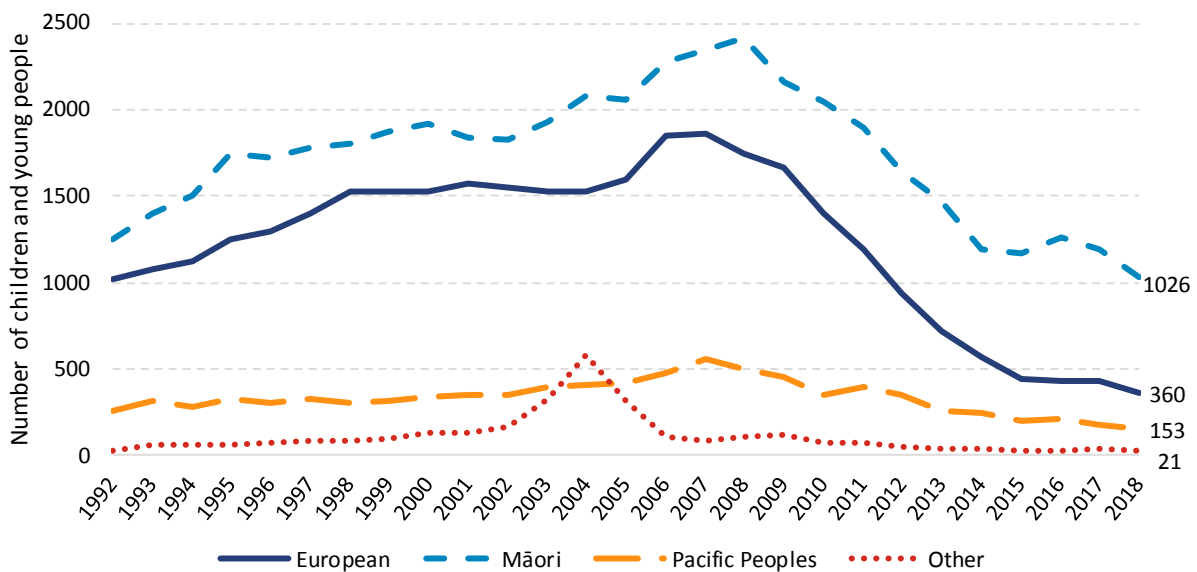
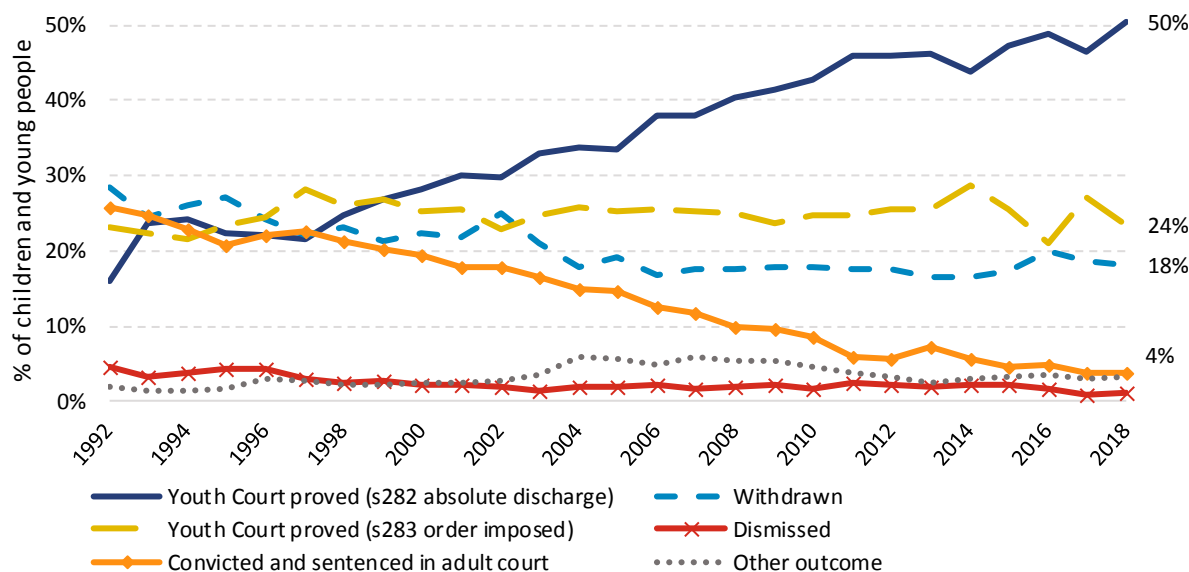


Figure 4: Most children and young people had their most serious charge proved



More than 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 in 2018.

There were 444 children and young people (27%) who received a Youth Court order or adult sentence in 2018.⁶ This decreased by 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 (33 children and young people; 7% of children and young people with orders)
- supervision with residence in a youth justice facility (105; 18%)⁷ supervision with activity (78; 18%)⁸
- supervision or community work (81; 18%)⁹

- education or rehabilitation programmes (such as alcohol treatment or parenting programmes) (3; 1%)¹⁰
- monetary penalty, confiscation or disqualification (72; 16%)
- discharge or admonishment (72; 16%).

The decrease in children and young people who received orders or sentences in the past year has mostly come out of less serious orders such as monetary penalties (48% decrease) and discharge or admonishments (47% decrease). The number receiving more serious orders has either decreased at a slower rate (for example, supervision with activity or intensive supervision decreased by 10%) or increased (for example, supervision with residence increased by 21%).

For more, go to
justice.govt.nz/justice-sector-policy/research-data/justice-statistics

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 Stats NZ publishes separate tables for adult (aged 17 years or older) conviction and sentencing statistics.

³ All data is randomly rounded to counts of three and all percentages are calculated off these rounded numbers.

⁴ 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).

⁵ 'Unknown' ethnicities are not shown. 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.

⁶ 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.

⁷ '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.

⁸ '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.

⁹ '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.

¹⁰ 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.