

# Children and young people in court

## Data highlights for 2018/2019

This summary highlights key data trends in the statistics for children and young people with charges finalised in court. The statistics are produced by the Ministry of Justice and published by Stats NZ.<sup>1</sup> The statistics include information on children (aged 10 - 13) and young people (aged 14 - 16) who have charges finalised in any court from the year ending June 1993 (1992/1993) to the year ending June 2019 (2018/2019).<sup>2</sup>

### Youth justice system

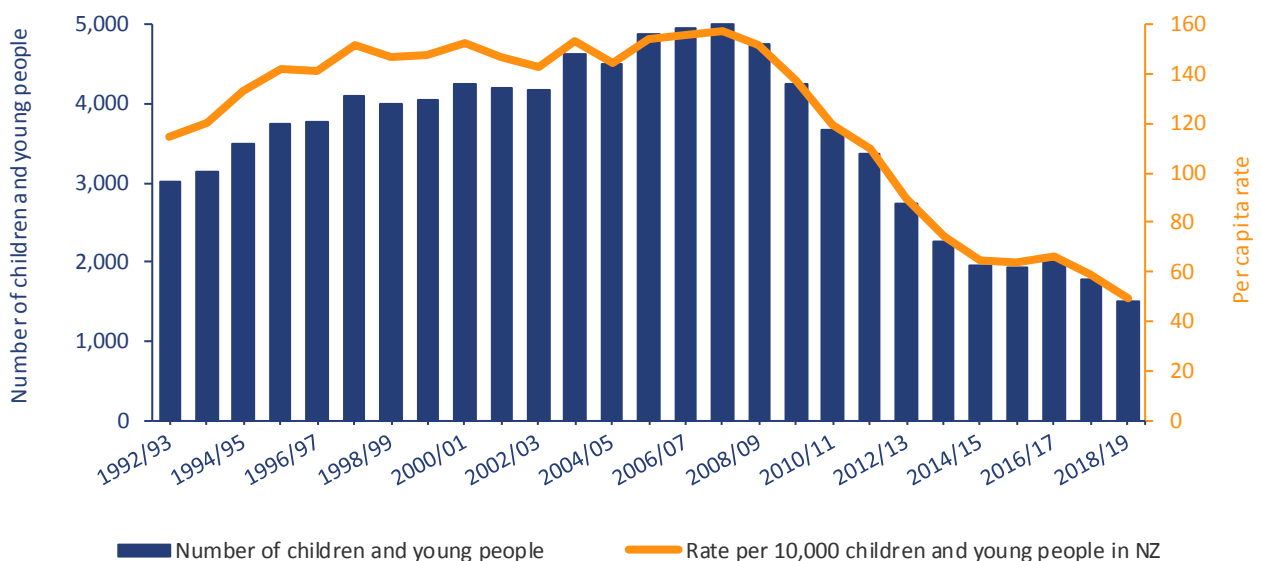
Most children and young people who get into trouble with the law don't go to court but are instead dealt with by Police in the community. This could mean getting a Police warning or being referred to Police Youth Aid. A family group conference happens in more serious circumstances where the Police can't 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 65% over the last 10 years**



## Number of children and young people in court continues to fall

1,497 children and young people had charges finalised in any court in 2018/2019 (this includes Youth, District and High Courts).<sup>3</sup> This is 282 (16%) fewer than in 2017/2018 (Figure 1). Over the past 10 years, the number of children and young people in court has dropped by 65%, mostly due to substantial decreases up to 2014/2015.

In 2018/2019, 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 in court may be charged with more than one offence. This section refers to their most serious court charge in 2018/2019.

Children and young people in court were most likely to have theft (21%), burglary (19%) or robbery (19%) as their most serious court charge.

The number of children and young people whose most serious offence was robbery decreased slightly in 2018/2019 (3% decrease from 288 in 2017/2018 to 279 in 2018/2019), following an increase between 2015/2016 and 2017/2018 (66% increase from 174 to 288) after a long downward trend.

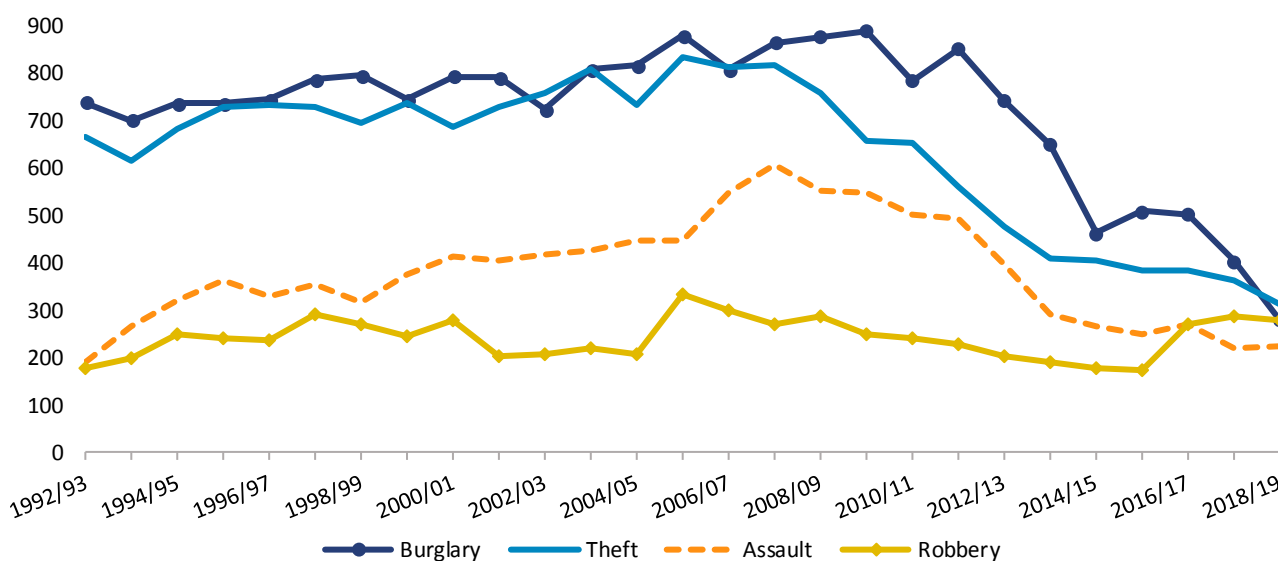
Compared to the previous year, fewer children and young people in court in 2018/2019 had burglary (30% decrease, from 405 to 282 children and young people), or theft (14% decrease, from 366 to 315) as their most serious offence, while assault remained steady. This is consistent with the downward trend in these offences over the last 10 years (Figure 2). Due to burglary decreasing faster than theft over the past two years, the number of children and young people with theft as their most serious charge now exceeds the number with burglary.

## 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 2018/2019, 78% were male and 22% were female. The percentage of females has fluctuated between 18% and 22% over the past decade.

In 2018/2019, 72% (1,083) 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, with 16-year olds falling at the fastest rate. The small number of 10 to 13-year olds in court has remained steady.

**Figure 2: The number of children and young people charged with burglary or theft has continued decreasing**



## Many children and young people in court are Māori, but this proportion has fallen for the first time in the past 10 years

In 2018/2019, Māori made up 63% of children and young people with charges finalised in court. There were 936 Māori children and young people in court, 354 European (24%), 150 Pacific Peoples (10%), 18 Asian (1%), 9 of other ethnicities (less than 1%) and 57 whose ethnicity was not recorded (4%).<sup>5</sup>

Over the past 10 years, the number of children and young people in court has fallen across all ethnicities (Figure 3). However, between 2009/2010 and 2017/2018, 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, over the past year the number of Māori children and young people has decreased faster than other groups (20% decrease for Māori, compared to a 12% decrease for European and Pacific Peoples). As a result, in 2018/2019 the proportion of children and young people in court who are Māori has fallen

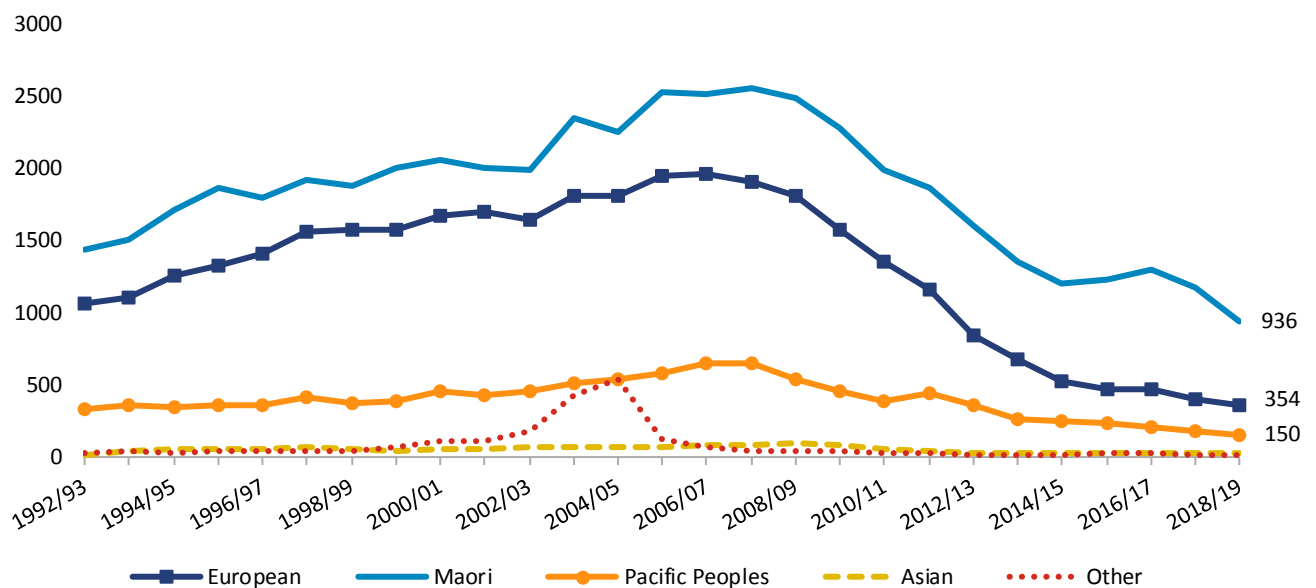
for the first time in the past 10 years, from 66% in 2017/2018 to 63% in 2018/2019.

## Most children and young people had their charges proved

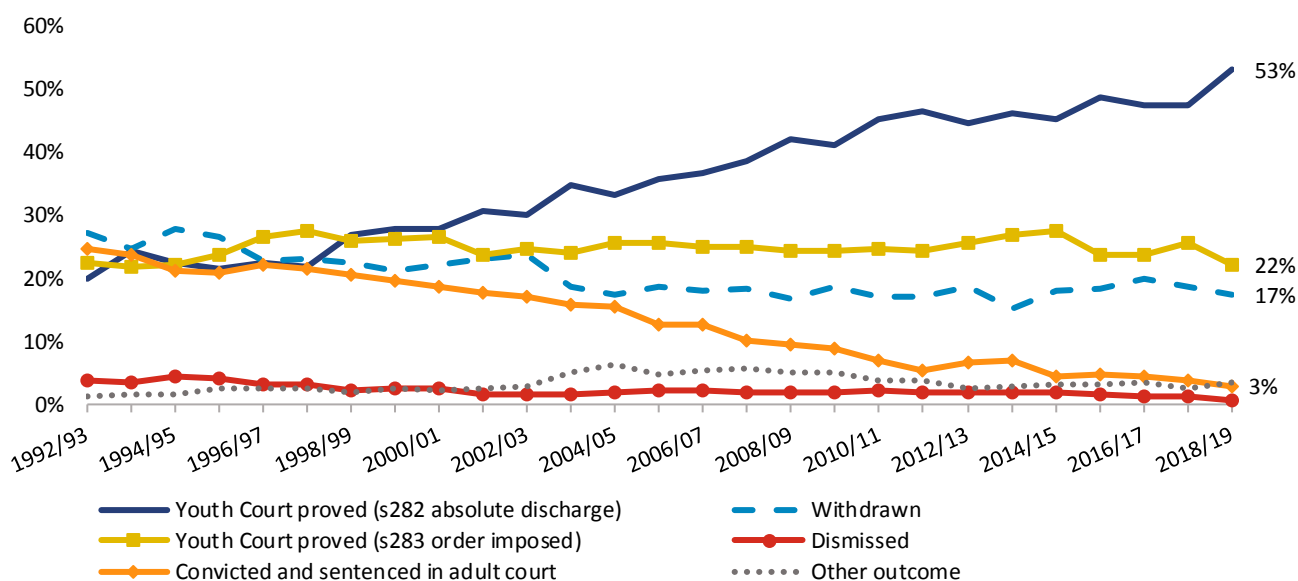
In 2018/2019, most children and young people (78%) had their most serious charge proved.<sup>4</sup> As a result, they were either discharged under section 282 (53% of children and young people charged), received a Youth Court order under section 283 (22% of children and young people) or were convicted and sentenced in an adult court (3% of children and young people) for their most serious charge.

Since the data series began in 1992/1993, 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 41% to 53% over the past 10 years). 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 9% to 3% 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 years<sup>5</sup>**



**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 2018/2019.

There were 387 children and young people (26%) who received a Youth Court order or adult sentence in 2018/2019.<sup>6</sup> This decreased by 26% 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 (5% of children and young people with orders)
- supervision with residence in a youth justice facility (26%)<sup>7</sup>
- supervision with activity (18%)<sup>8</sup>
- supervision or community work (19%)<sup>9</sup>

- education or rehabilitation programmes (such as alcohol treatment or parenting programmes) (1%)<sup>10</sup>
- monetary penalty, confiscation or disqualification (17%)
- discharge or admonishment (12%).

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 discharge or admonishments (58% decrease) and monetary penalties (37% decrease). The number receiving more serious orders has either decreased at a slower rate (for example, supervision with activity or intensive supervision decreased by 23%) or increased (for example, supervision with residence increased by 6%).

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 2017/2018, to 21 in 2018/2019).

For more, go to [justice.govt.nz/justice-sector-policy/research-data/justice-statistics](https://justice.govt.nz/justice-sector-policy/research-data/justice-statistics)

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<sup>1</sup> <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/>.

<sup>2</sup> Stats NZ publishes separate tables for adult (aged 17 years or older) conviction and sentencing statistics. Note that these statistics refer to charges finalised before June 2019, so they do not reflect the extension of the Youth Court's jurisdiction to 17-year olds, which came into place in July 2019.

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

<sup>4</sup> 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).

<sup>5</sup> '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). '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.

<sup>6</sup> 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.

<sup>7</sup> '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.

<sup>8</sup> '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.

<sup>9</sup> '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.

<sup>10</sup> 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.