

Youth Court Offending Rates

Final Report to the Department for Courts

Gabrielle Maxwell and Elisabeth Poppelwell

**Crime and Justice Research Centre
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PO Box 2750
Wellington
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Abstract

Comparisons of offending by young people over time and across areas has been bedevilled by the lack of appropriate statistics. Recent changes to recording systems have now made it possible to use data on Youth Court appearances to compare rates of offending over time and by sex, ethnicity and area. This report describes a methodology for making these comparisons and sets out the relevant data from 1988 to 2001.

The results show that rates of Youth Court appearances dropped markedly with the introduction of the Children, Young Persons and Their Families Act 1989, but have risen slightly over the subsequent ten years. These rises are consistent with increases in the number and seriousness of all offending in New Zealand. Differences between girls and boys and as a function of ethnicity are described and discussed. Data is also presented for 16 main Youth Court areas, showing how each area compares to the national average in terms of cases and in patterns of reappearances in the same court in the same year. Such data can be used in future to explore the impact of local practice on numbers of Youth Court referrals and offender reappearances.

Introduction¹

There are two main indicators of the amount and type of youth offending. “Police offences” are the number of offences that the Police have attributed to offenders and this is available by age, sex and ethnicity. It is this data that is most often quoted in the newspapers. When it is quoted, those using it will often compare it with a single earlier point in time and this point is often chosen to suit the message that the writer is intending to convey. Thus, prior to the 2002 parliamentary elections, politicians reported rises in youth offending by making comparisons with 1990 or 1991 when, for various reasons, apprehensions of young people were down. Had the writers chosen another point in time, they could easily have claimed that young offending was decreasing – for instance, if they had quoted population adjusted rates over the last three years.

There are other problems with the Police offences data:

- The actual number of offenders is not available – only the number of offences;
- There is no check on whether or not the offences were committed by a particular young person to whom they are attributed, or that the level and details of charging are appropriate;
- These data have not been able to be related to general population numbers.

A second and potentially more satisfactory source of data is information on Youth Court appearances. There are three different ways commonly used to report Youth Court statistics. Until recently, the most commonly available data was based on the number of separate **charges** (or information) **laid** in Youth Court. As a particular offender was often charged with several offences, the number of charges was not an accurate reflection of the number of people appearing. A second way of reporting what happens is to collect data on **distinct cases**. A distinct case is a specific appearance by one person or groups of charges laid on a particular date. The third way of reporting data is by counting **distinct offenders**. These latter statistics describe the number of different people who appear in a particular Youth Court on at least one occasion in the course of a year. In the run up to the 2002 elections there were numerous claims in the media that the increased number of charges laid in the Youth Court, compared with 10 years ago, indicated that the Youth Court was grossly overloaded and that this was an indication that the system was not being effective in dealing with young offenders. However, there are many different reasons why there have been changes in the number of Youth Court charges. Most importantly, data comparing numbers of charges and numbers of cases show that more charges are now being preferred (on average) per distinct case. Increases in the numbers of young people in the population and increased offending across all age groups are other important factors. Furthermore, as this report will shortly demonstrate, had 1987/88 been chosen as the base year, the headlines could

¹ Acknowledgements: The Principal Youth Court Judge, Judge Andrew Becroft was responsible for proposing and facilitating this study. Critical information was supplied by the New Zealand Police (Derek Cooper), Statistics New Zealand, Ministry of Justice (Philip Spier) and Department for Courts (Wayne Goodall and Sue Triggs), Leo Williams assisted with analysis of the data. Jeremy Robertson read and commented on the final draft. Our thanks to all these people for their advice and support, and to Angela Lee of the Department for Courts who managed the project contract.

have claimed that the Youth Court is experiencing great success, as the number of cases has dropped markedly since then.

There are also other problems with the data from the Youth Court that has been available previously. For instance, in the Ministry of Justice publications on Sentencing and Convictions, until recently, the data only gave detailed information on the total number of charges laid and not the number of cases heard. Nor was information available on the number of offenders reappearing in the same year, so anecdotal evidence of large numbers of reappearances of the same young person created alarm and cast doubt on the system. Another problem with the data was that it was not adjusted for population changes, although in recent years the population in the most likely offending ages for young people has been increasing.

Now, however, it is possible to examine Youth Court data by the number of distinct cases and the number of distinct offenders in each particular year. It is also possible to obtain data on age, sex, ethnicity, outcome and on whether the appearance was the first or a second appearance in that year. Most of this data is also available separately for each Youth Court. And we have recently been able to obtain data from Statistics New Zealand, the Department for Courts, and the New Zealand Police that enables us to examine population rates over recent years in each of the larger Youth Court areas. With these new data it is possible to calculate estimates of the rates at which young people appeared in each Youth Court throughout the country from 1987 to 2001.

In April 2002, the Department for Courts contracted the Crime and Justice Research Centre at Victoria University of Wellington to undertake an analysis of the new data:

To provide information to the Department for Courts on rates of appearances of distinct offenders and distinct cases for each of the Youth Court areas throughout the country and over time.

Information on the numbers of cases appearing before Youth Courts is important in the management of the Courts and it also says something about the amount of youth offending occurring in the area. When information is also available on the number of different offenders involved in these cases, an estimate of the amount of reoffending occurring locally in a particular year is also provided. When this information is available, over time, trends can be analysed, especially when the data can be related to the number of young people in each Youth Court area.

Method

The nature of the methodology and the principal steps taken are dealt with under the following headings:

1. Determining the number of distinct cases and distinct individuals that are related to charges laid in each Youth Court for each year;
2. Determining the geographical areas served by each Youth Court in a manner that can be matched with population information;
3. Obtaining population data for 14-16 year olds for the whole country and for each Youth Court; and
4. Data analysis and presentation.

1 Determining distinct cases and distinct individuals appearing in Youth Courts

The Ministry of Justice provided data on charges, distinct cases and the distinct offenders appearing in each Youth Court for each year from 1987/88 to 2000/01. The overall data for each Youth Court is presented in Appendix 2 as Tables B1 and B2.

2 Determining geographical areas served by each Youth Court

The Department for Courts does not have geographical boundaries for the Youth Court areas. However, the cases coming before them are effectively defined by the Police stations when they lay charges and Police do have information on the TA (Territorial Authority) areas covered by each Police Station. These TAs are areas reported on by the census and thus population information from Statistics New Zealand can be obtained for each TA. The Office of the Commissioner of Police supplied a list of police stations and associated TA areas. A number of police officers throughout the country provided information about which courts the stations in their general area or district referred Youth Court cases to.

A total of 66 different Youth Courts are listed in Appendix 2 (see Table B3). For many of these, the numbers are too small for reliable comparisons from year to year. As a result of discussions with the Department for Courts these 66 separate Youth Courts were grouped into 16 Youth Court Areas for the purpose of statistical profiling. Table B3 in Appendix 2 sets out the details of this recategorisation and includes details of the relevant TAs.

3 Obtaining population data

The final set of information needed in order to develop data on rates was information on the population in each area by age groups. National population estimates for each year of age are published annually and these enable rate comparisons to be made nationally for the data provided for each year. However, these estimates are not broken down by TAs and it was necessary to find another source of age information for each TA in the intercensal years. Data on the numbers of 14-16 year olds in each TA was obtained from Statistics New Zealand for each of the four most recent censuses (1986, 1991, 1996, 2001). This data was graphed and estimates of numbers in intercensal years were made by reading off data from trend lines on

the graphs of the population for each Youth Court Area from 1986 to 2001. The final data for each year for each Youth Court Area are set out in Table B4 of Appendix 2.

4 *Data analysis and presentation*

Rates of distinct cases and distinct individuals were calculated for each year for each Court area.² These area data are presented in the form of numbers in Appendix 1 as Tables A1-A16 and as graphs in Appendix 1 (Figures A1a-A16a). Similarly, rates have been calculated for girls and boys, and for Maori, Pacific and European ethnicities. These data are presented in graphs in the Results section below (see Figures 2-6) and as tables in Appendix 2 (see Tables B5 and B6).

Rates for each area of cases and offenders were compared to the national average rate of cases and offenders for each year. Charts showing these data for each area are included in Appendix 1 (see Figures A1b to A16b). These data indicate how each area differs from the national average over the period 1988 to 2001.

In addition, a ratio of the differences between distinct cases and distinct young offenders was calculated for each year. This can be called the “within year reappearance ratio” (WYRR). It can be used as an indicator of success in preventing reoffending. However it is likely to be affected by mobility and police practice in referring relatively non-serious offences in different areas (see Figures A1c-A16c in Appendix 1).

Limitations of the data

This data will provide information previously unavailable, but there will still be a number of limitations to it:

- The TAs, which are the source of population data estimated for Youth Court areas, have been subject to some changes over the four censuses and these may be a source of error;
- The population estimates for inter-censal years for each Youth Court area will not be entirely accurate and these could also be a source of error; and
- Despite the amalgamation of smaller courts with adjacent ones, numbers of cases are still quite small in any particular year in many areas so that apparent differences between areas may not be statistically significant.

Nevertheless, these data will be much more robust than the data on number of charges laid in each Youth Court, which was all that was previously available. It is also unlikely that any of the above limitations will result in serious errors in comparing larger court areas with one another and in making comparisons across time.

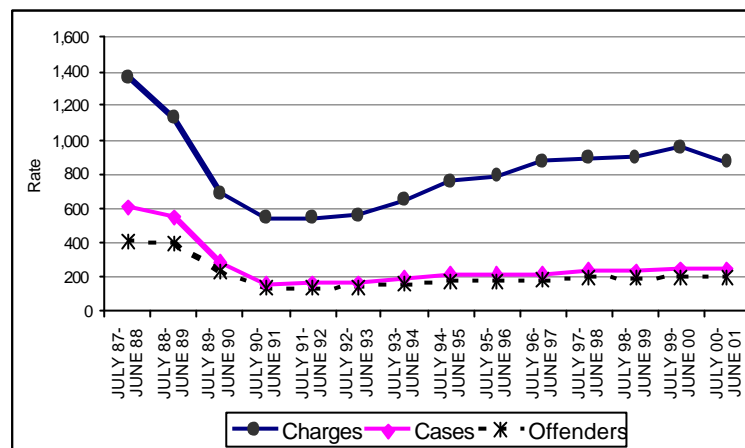
² Data has also been collected on numbers of charges but is not reported in this paper. Reasons for this are the possible unreliability of charge information as an indicator of offending, as described in the discussion of Figure 1 in the results section of this report.

Results

Youth Court national data

Figure 1 presents data on the rates for all offenders appearing in the Youth Court from 1988 to 2001 by graphing the rate per 10,000 young people (10-16 years) of distinct cases and distinct offenders in each year.

Figure 1 Rates per 10,000 aged 10–16 years of charges, distinct cases and distinct offenders in the Youth Court for the June/July years 1987 to 2001.



The data in Figure 1 show that the rates of charges, distinct cases and distinct young people appearing in the Youth Court decreased considerably from 1988 to 1991, following the introduction of the Children, Young Persons and Their Families Act 1989. The rate of charges dropped by about 60%, the rate of distinct cases decreased to less than a quarter of the number prior to the Act, and the rate of offenders appearing dropped to less than a third of the previous rate. In terms of numbers as well as rates, it is clear that the greatest decrease occurred in the number of charges being laid.

Since 1991 there has been a rise in the rates of charges, distinct cases and distinct offenders but these rises do not in any way reach the levels prior to the introduction of the 1989 Act. In the year 2000 compared with 1991, rates of charges had increased by 61%, distinct case rates by 58% and distinct offenders by 48%. As with the earlier drop, the amount of change is greatest in the rate at which charges are laid and least when distinct offenders are considered. It is possible that the greater changes with relation to charges could be accounted for by changes in Police charging practice over the period.³

³ For example, the reports by Maxwell et al (2002a) and b)) on *Achieving Effective Outcomes in Youth Justice* and *Police Youth Diversion* shows that Police Practice in laying charges in the Youth Court (compared to referring for a diversionary family group conference) varies across the country and over time in particular areas.

Youth Court national data by sex

Figures 2 and 3 graph the rates per 10,000 young people for each year of distinct cases and distinct offenders in each year by sex.

Figure 2 Rates of distinct cases per 10,000 boys and girls aged 14-16 years for 1988-2001 in all Youth Court areas.

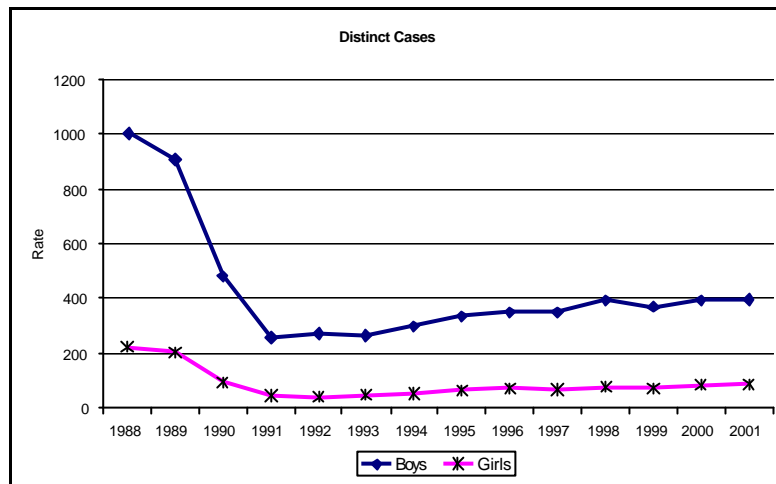
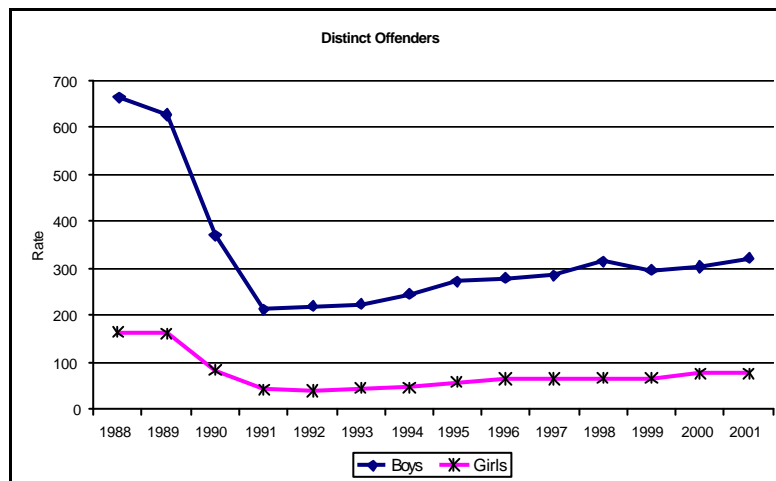


Figure 3 Rates of distinct offenders per 10,000 boys and girls aged 14-16 years for 1988-2001 in all Youth Court areas.



The data in Figures 2 and 3 show a similar overall pattern for both boys and girls: rates dropped markedly for both cases and offenders with the introduction of new legislation but, since 1991, rates have gradually increased to about double the 1991 figure.

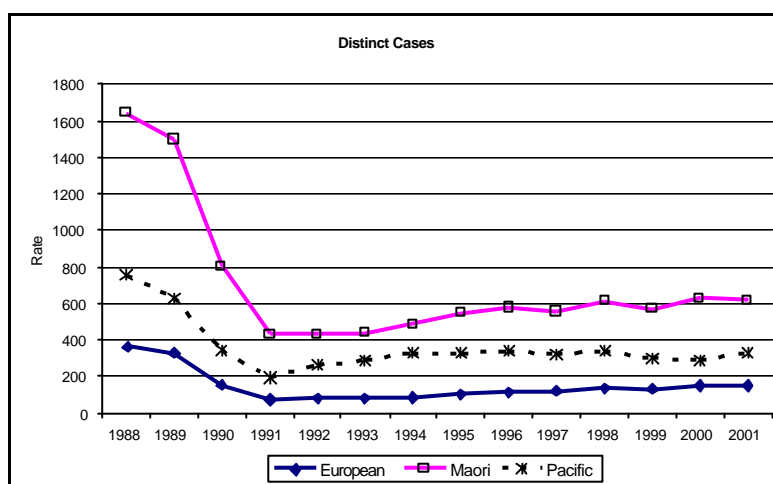
However, boys appear in the Youth Court at a significantly higher rate and have a higher ratio of distinct cases to distinct offenders than girls. The data for boys show a gradual increase between 1991 and 2001 by nearly 50% in both rate of cases (from

257 to 399) and rate of distinct offenders (from 214 to 322). For girls the differences in the number of cases compared to offenders (see Figure 3) is generally smaller indicating that girls, not only offend less often, but that they are also less likely to reappear in the same court in the same year compared to boys. This pattern remained fairly consistent over the entire period.

Youth Court national data by ethnicity

The patterns of changes in rates of distinct cases are similar across all ethnicities in showing major decreases from 1988 until 1991. Data show that European⁴ rates of distinct cases (see Figure 4) nearly double over the following 10 years (78 cases to 150 cases per 10,000 population).

Figure 4 Rates of distinct cases per 10,000 European, Maori and Pacific youth aged 14-16 years for 1988-2001 in all Youth Court areas

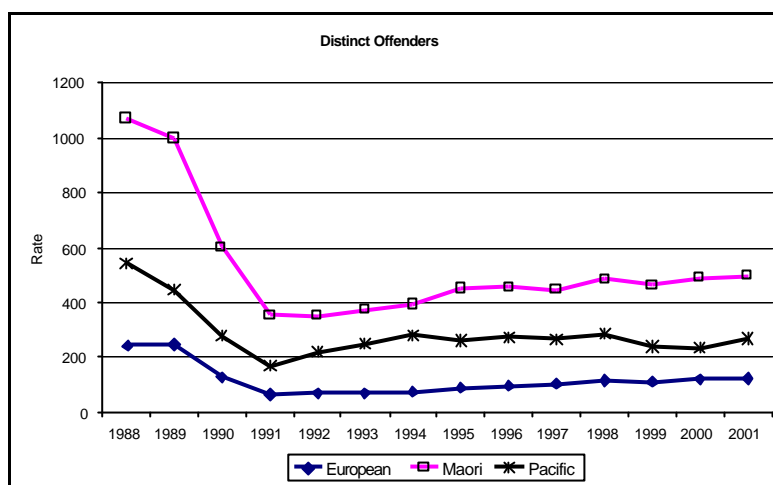


This pattern is repeated for Maori rates, except that the rates are much higher in every year. In 1991 the rate (432 cases) was over four times the European rate, and the rate of cases (618) in 2001 was just over four times the rate for European.

For Pacific young people, the pattern is somewhat different from 1991 to 2001. The biggest increase in rates occurred from 1991 to 1993 (a rate of 197 to 292 cases per 10,000 Pacific young people) with a fluctuating pattern from 1998 to 2001. Overall the rate of cases involving Pacific young people is approximately twice the rate for European young people but only about half the rate of Maori.

⁴ The data referred here as “European” also includes all other who are not classified as “Maori” or “Pacific Island” on the Youth Court statistics.

Figure 5 Rates of distinct offenders per 10,000 European, Maori and Pacific youth aged 14-16 years for 1988-2001 in all Youth Court areas



Comparisons of distinct offenders for each year and each ethnicity are set out in Figure 5. These data show identical patterns for distinct offenders to that for distinct cases. Over all years, the rate for Maori young people is approximately four times that for European young people and twice that for Pacific Island young people.

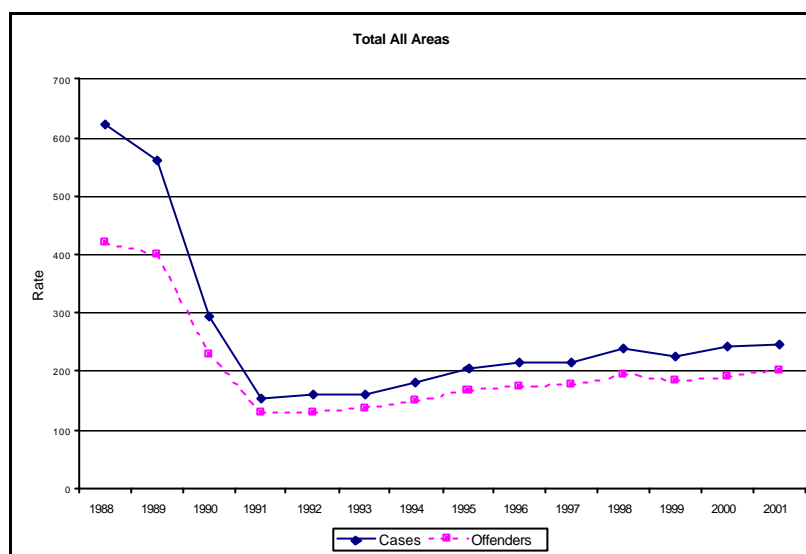
Youth Court area data

Figures A1a-A16a in Appendix 1 set out the rates of distinct cases and distinct offenders for each Youth Court area from 1988 to 2001. Detailed numbers of cases and offenders for the years 1988-2001 for each Youth Court area are set out in the Appendix 1 Tables A1-A16, along with data on the population in each Youth Court area for that year. These data have been analysed and graphed in these different ways.

Distinct cases and distinct offenders by area

The Figures labelled a) that describe the rates per 10,000 young people of distinct cases and distinct offenders can be compared with Figure 7 below, which presents the same data for the whole country drawn to the same scale.

Figure 6 Rates of distinct cases and distinct offenders per 10,000 population aged 14-16 years for 1988-2001 in all Youth Court areas.



From 1991 the graphs show a pattern developing where areas have either:

- a) doubled their rates of cases and/or rates of offenders, or
- b) show a noticeable increase, although not a doubling of the rates, or
- c) show little change or stable rates of cases and offenders.

The Youth Court areas where the rate of distinct cases in 2001 was double those in 1991 were in Northland, Christchurch, Otago and Southland. Areas that saw increases in 2001 from 1991 rates were Greater Auckland, Central Plateau, East Coast, Taranaki, Wanganui, Manawatu, Greater Wellington and Nelson/Manawatu. Those areas where rates from 1991 had remained relatively stable for the last 10 years were Waikato, Bay of Plenty, Hawkes Bay and the West Coast.

The Youth Court areas where the rate of offenders in 2001 were double those of their 1991 rate were Northland, Taranaki, Christchurch and Southland. Areas that saw increases in 2001 from 1991 rates were Greater Auckland, Central Plateau, East Coast, Waikato, Wanganui, Manawatu, Greater Wellington Nelson/Manawatu, West Coast and Otago. Those areas where rates from 1991 had remained relatively stable for the last 10 years were Bay of Plenty and Hawkes Bay.

Comparing distinct cases and distinct offenders by area

For each area, a Figure b) graphs changes in rates of cases in a slightly different way. These graphs compare the rate of cases from 1988 to 2001 as a percentage of the national average rate of cases in each year. In each figure, the national average is drawn as a straight line.

These graphs show a variety of patterns:

- a) The rate of cases is usually below the national average: Greater Auckland, Manawatu, Nelson, West Coast.
- b) The rate of cases is usually above the national average: Bay of Plenty, Central Plateau, East Coast.
- c) The rate of cases has risen over time compared to the national average: Northland, Taranaki, Greater Christchurch, Southland.
- d) Rate of cases has declined over time compared to the national average: Waikato, Hawkes Bay, Wanganui.

In addition, the rate of cases has risen and then declined in Greater Wellington, while the opposite has occurred in Otago.

Ratio of cases to offenders by area

The final group of graphs for each area compare the data on cases with the data on offenders. The bigger the difference between cases and offenders, the more reappearances will have occurred in a particular court for a particular person in the same year. These data have been expressed as a ratio of cases to offenders (WYRR) and graphed for each area against the total ratio of cases to offenders for all areas. (Figures A1c-A16c).

Several areas are fairly similar to the main pattern; for example, Greater Auckland, Central Plateau, Manawatu, Wellington and Otago. Two areas, Christchurch and Southland, show a generally higher rate of reoffending than for the total over all areas. Northland, however, showed less reoffending overall compared to the total over all areas. Wanganui showed some fluctuation with somewhat more reoffending in some years compared to others.

Two areas, Waikato and Bay of Plenty, showed more reoffending in the early years after the introduction of the Act, but in more recent years are similar to the overall pattern. On the other hand, Taranaki and Hawkes Bay show a pattern where the ratio of cases to offenders is rising, possibly indicating more reoffending. The remaining areas have relatively small numbers of cases, and differences from the overall pattern are therefore unlikely to be significant.

In general, one might expect that the large urban areas where there tends to be more serious offending, would show higher rates of Youth Court cases and offenders. That this is not always so could be a function of two factors. First, where the relative population of Maori is high in areas without very large population cases, this could explain why figures are sometimes similar to or greater than the national average. Another important factor is undoubtedly patterns of Police practice; in some areas at some points in time, Police charge more relatively non-serious cases to the Youth Court rather than referring them directly for a family group conference (Maxwell et al 2002a).

In conclusion

The data reported here for the first time enable comparisons of population-adjusted rates of distinct cases and distinct offenders over time. The period described in this paper starts prior to the introduction of the Children, Young Persons and Their Families Act 1989 and continues up to 2001. The data clearly indicates that the initial impact of the Act was a massive lowering of the rate at which young people appeared in the Youth Court. Over the subsequent ten years the rates of charges, cases and offenders rose again but they have not shown increases that in any way match the decrease that followed the 1989 legislation. Other data on changes in the seriousness of youth offending (Maxwell et al 2002(a), 2002(b)) indicate that over this period there was a similar tendency for the numbers of relatively serious offences to increase, matching the trend reported for the adult population. The changes in seriousness may largely account for the increasing numbers of Youth Court appearances. Another likely factor could be changes in Police practice: data from Maxwell et al (2000a and 2000b) indicate a trend towards more use of the Youth Court by Police for offences of moderate seriousness rather than referrals to CYF for a family group conference.

These data also show differences depending on the sex and the ethnicity of the young offenders. Boys are referred in larger numbers and are more likely to reappear in the same court in the same year than girls.

Data on the rates of cases for European, Maori and those of Pacific Island ethnicities show similar patterns over time but large differences in the rates. The Maori rate is about four times the European rate in 2001. The rate for Pacific Island young people lies almost exactly between that of the other two groups. It is about twice the rate of European and almost half the rate of Maori.

When areas are compared there are many differences. Some courts show increasing rates of appearances, others declining rates, and others fluctuate or are stable. It is likely that many of these changes reflect changes in local practice in handling cases. Statistical data alone cannot provide insights into the reasons for these changes. However, local Youth Courts may be able to provide the information to evaluate the effectiveness of their practice both with respect to referrals to the courts and in responses to offending.

Finally, it is important to note that these data support the conclusion that the present youth justice system continues to be more effective than methods of the past in diverting young people from criminal proceedings. However, the amount of diversion from the Youth Court by the use of other strategies, such as direct referrals for a family group conference, appears to have declined since 1991. The ongoing provision of information like this may enable Youth Courts to monitor their own performance and make changes to practice that will increase their effectiveness in responding to youth offending.

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