

Children and young people in court

Data notes and trends for 2020/2021

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 June 1993 to the year ending June 2021.³ This summary compares 2020/2021 with previous years.

COVID-19 affected several areas of the justice system, potentially impacting trends in the data for 2019/2020 and 2020/2021. Therefore, the reader should be cautious when drawing conclusions using the 2020/2021 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 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 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

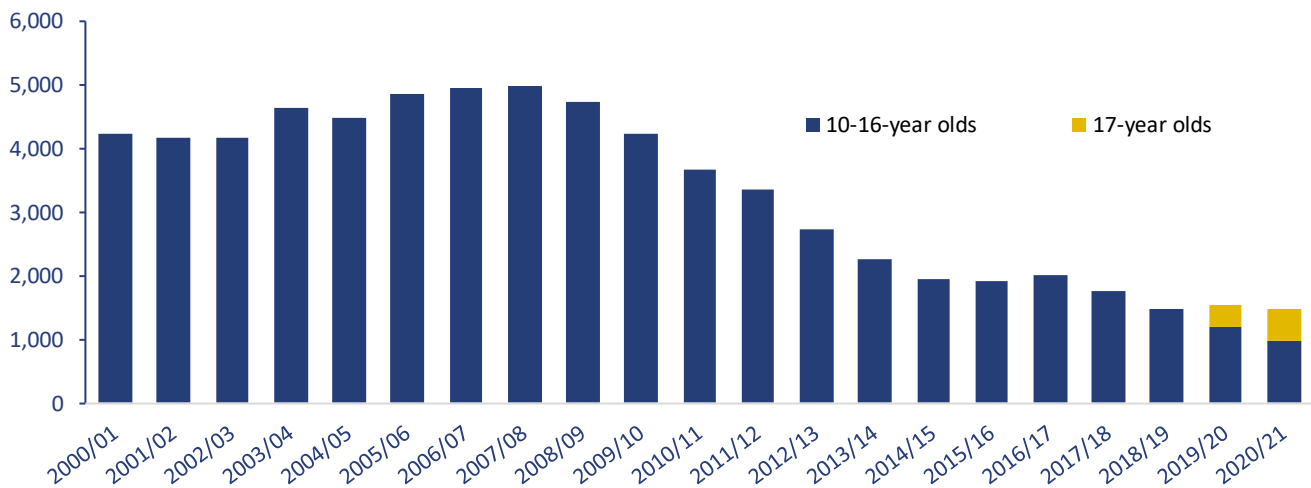
The number of children and young people aged 10-16 years in court continues to fall

In 2020/2021 there were 1,494 children and young people (aged 10-17) who had charges finalised in any court (including the Youth, District and High Courts). Despite the inclusion of 17-year olds from 1 July 2019, this number is 26% fewer than in 2016/2017.

In 2020/2021, there were 978 children and young people aged 10-16 years in court. This number has decreased by at least 10% every year since 2017/2018. In this past year, it decreased by 18%. The rate per 10,000 children and young people has also decreased since 2017/2018. In 2020/2021, only 28 children and young people aged 10 to 16 were charged for every 10,000 children and young people aged 10 to 16 in New Zealand (compared to 41 in 2017/2018).

Children and young people make up a very small proportion of all people with charges finalised each year; accounting for only 2% in 2020/2021.

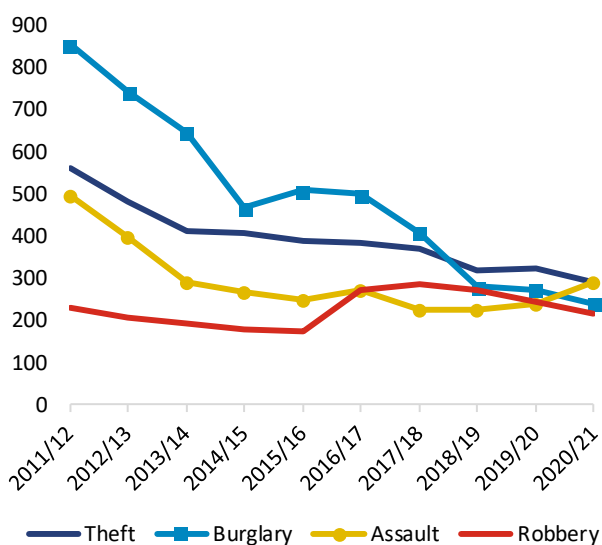
Figure 1: The number of 10-16-year olds with charges finalised in court continues a long-term trend of decrease



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 2020/2021. 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 (291 children and young people; 19%), assault (291 people, 19%), burglary (240 people; 16%), and robbery (216 people, 14%)

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



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 2020/2021, 84% were male and 16% were female. Compared to last year, the proportion who were male increased (in 2019/2020, 81% were male).

In 2020/2021, over one-third (35%) of all children and young people with finalised charges were 17 years old (516 people). The remainder were mostly 16 years old (26%; 387 people) or 15 years old (22%; 324 people), followed by 14-year olds (16%; 243 people). A small number were aged 12 or 13 years (1%, 18 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 2020/2021 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 stabilise in the future as more charges are finalised.

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

In 2020/2021, 59% of children and young people with finalised charges were Māori and 26% were European. In total there were 882 tamariki and rangatahi Māori, 387 European, 129 Pacific Peoples (9%), 27 Asian (2%), 12 of other ethnicities (1%) and 81 whose ethnicity was not recorded (5%) (Figure 3).⁵

Since 2011/2012, 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 2020/2021 (59%) is still greater than what it was in 2011/2012 (when it was 55%).

In contrast, the proportion of those who are European (26%) has increased since 2017/2018 (when it was 23%), after having fallen since 2011/2012.

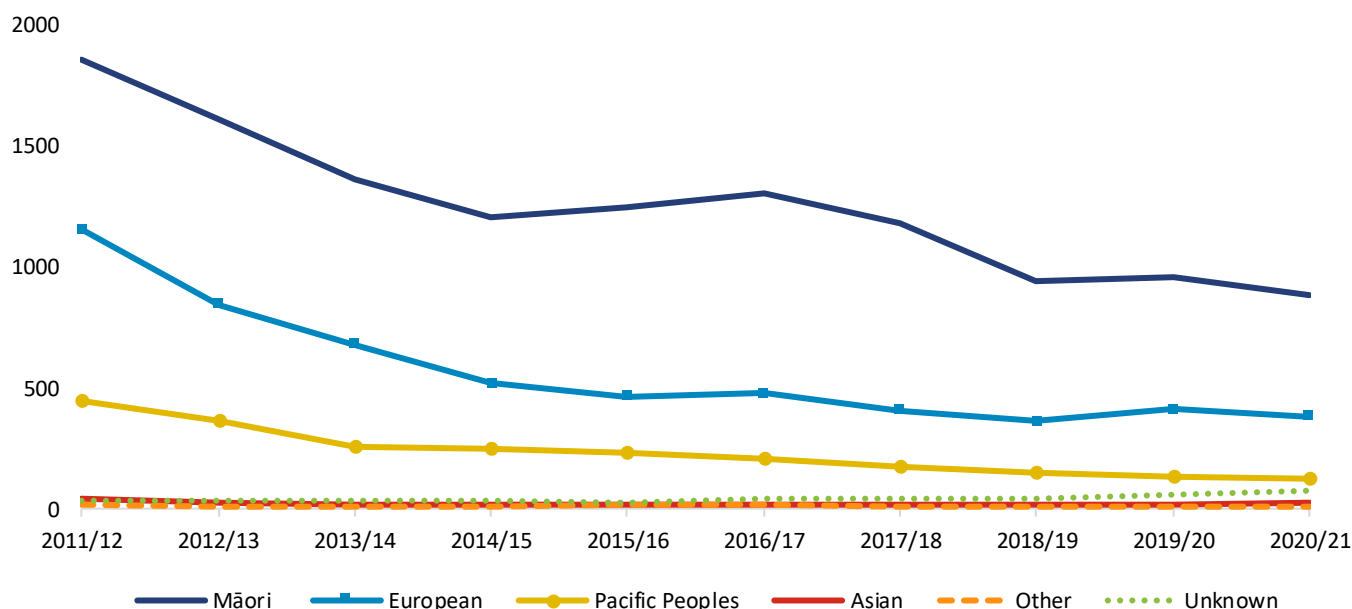
Most children and young people had their charges proved

In 2020/2021, most children and young people (1,104; 74%) had their most serious charge proved.⁴ As a result, they were either discharged under section 282 (741; 50% 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 (354; 24% of children and young people charged).

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 20% in 1992/1993 to 50% in 2020/2021) (Figure 4).

Figure 3: Since 2011/2012, the number of children and young people in court has fallen across all known ethnicities.⁵



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 363 children and young people who received a Youth Court order or adult sentence in 2020/2021.⁶ This was an increase of 5% on the previous year. 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):

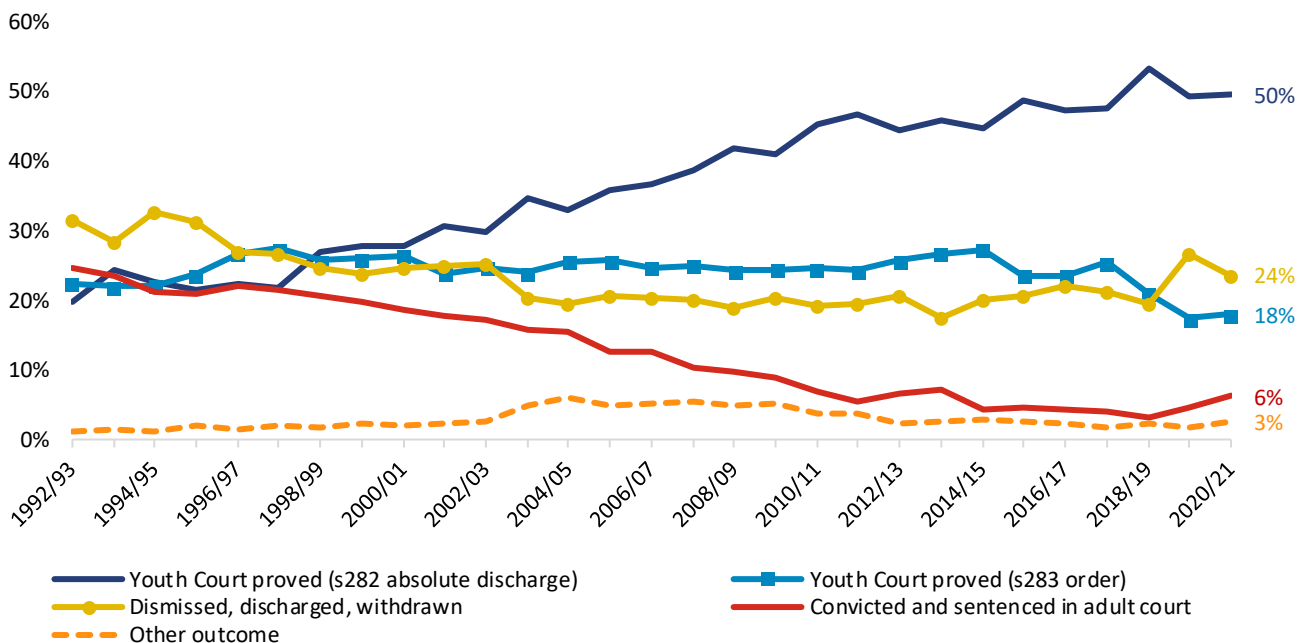
- adult sentences, mostly imprisonment or home detention for very serious offending (22% of children and young people with orders)

- supervision with residence in a youth justice facility (12%)⁷
- supervision with activity (11%)⁸
- supervision or community work (16%)⁹
- education or rehabilitation programmes (such as alcohol treatment or parenting programmes) (less than 1%)¹⁰
- monetary penalty, confiscation or disqualification (16%)
- discharge or admonishment (23%).

The increase in children and young people who received orders or sentences mostly came from an increase in adult sentences (from 39 in 2019/2020 to 81 in 2020/2021), most of these were for 17-year olds (69 adult sentences).

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 or supervision with community work decreased by 21% and 17% respectively in the past year.

Figure 4: The proportion of children and young people whose most serious outcome was an absolute discharge continues a long-term trend of increase



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 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).

⁵ '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).

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.