

STATISTICAL REPORT

# Child and Youth Offending Statistics in New Zealand: 1992 to 2007



MINISTRY OF  
**JUSTICE**  
*Tābū o te Ture*



**Child and Youth Offending Statistics  
in New Zealand:  
1992 to 2007**

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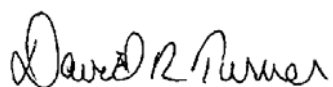
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## Key Statistics – Police

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- 2006 and 2007 had the lowest child (10 to 13 year old) and youth (14 to 16 year old) apprehension rates since 1995; the rates for children were 320 and 333, while the rates for youth were 1,571 and 1,540 per 10,000 population of the relevant age groups.
- The child apprehension rate peaked at 543 per 10,000 population in 1996, decreasing to 333 in 2007. The youth apprehension rate peaked at 1,926 per 10,000 population in 1996, steadily decreasing since 2003 from 1,886 to 1,540 per 10,000 population in 2007.
- Property offences consistently comprised the largest proportion of child and youth apprehensions over the 1995 to 2007 period. In 2007, 69.7% of child apprehensions and 60.2% of youth apprehensions were for property offences.
- 2007 recorded the lowest child and youth apprehension rates for property offences since 1995.
- The child apprehension rate for violent offences fluctuated over the 1995 to 2007 period; 2002 had the highest rate at 41 per 10,000 population, while 2007 recorded an increase from the lowest rate of 29 in 2006, to the second equal highest at 40 per 10,000.
- The youth apprehension rate for violent offences generally trended upwards from 1995 to 2007; the rate peaked at 194 per 10,000 population in 2007, compared to 167 in 1995.
- 17 to 20 year olds had the highest apprehension rate of any age group for violence in 2007 (281 apprehensions per 10,000 population), followed by 21 to 30 year olds (214 per 10,000).
- Since 1995 apprehension rates for males have trended down for children and youth, while those for females have been relatively stable; as a result a greater proportion of apprehensions is now attributable to females although their actual rate has changed little.
- Māori children's apprehension rate is more than five times that of Pacific and NZ European or other children, while Māori youth's apprehension rate is more than three times that of Pacific youth and NZ European or other youth.
- Prior to 2006, over half of child apprehensions were dealt with by Police Youth Aid alternative action, decreasing to 44.9% in 2007. Prior to 2005, over half of youth apprehensions were resolved this way, decreasing to 37.1% in 2007.
- Youth prosecutions are trending upwards, with the proportion of apprehensions resolved by prosecution increasing from 13.2% in 1995 to 28.1% in 2007. In 2007 the proportion of child and youth apprehensions resolved by warning or caution was at its highest over the 1995 to 2007 period at 44.1% and 24.8%, respectively
- The proportion of child apprehensions resolved by an 'intention to charge' Family Group Conference (FGC) increased over the last four years from 2.3% to 5.5%, while the proportion of youth apprehensions resolved by an 'intention to charge' FGC declined overall from 9.3% to 6.6% from 1995 to 2007.

## Key Statistics – Courts

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- From 2004 to 2007 the number of prosecuted cases involving young people (excluding non-imprisonable traffic offences) fluctuated, increasing overall by 1.9% (from 5,932 to 6,044); the rate of cases prosecuted per 10,000 population fluctuated, decreasing overall by 1.6% (from 318 to 313).
- The number of cases proved in the Youth Court decreased overall by 8.9% (from 1,760 to 1,604) from 2004 to 2007; the rate of proved cases decreased by 11.7% (from 94 to 83 per 10,000 population).
- From 2004 to 2007 the proportion of youth cases resulting in conviction in the District or High Court decreased slightly, from 4.8% to 3.9%; the rate of convictions decreased by 20.0% (from 15 to 12 per 10,000 population).
- The number of cases not proved in the Youth Court fluctuated, increasing overall by 6.3% (from 1,784 to 1,896); the rate also fluctuated, increasing overall from 96 to 98 per 10,000 population.
- Since 2000, a section 282 discharge from the Youth Court has been the most common outcome of prosecuted cases involving young people (37.8% of cases in 2007); from 2004 to 2007 the rate increased by 6.3% (from 111 to 118 per 10,000 population).
- In 2007, 37.8% of prosecuted cases against young people resulted in a section 282 discharge from the Youth Court, 31.4% were not proved in the Youth Court, 26.5% were proved in the Youth Court and 3.9% resulted in conviction in the District or High Court.
- Most of the cases prosecuted against young people in 2007 involved males (83%) and, where ethnicity was known, over half of the cases involved Māori (53%).
- In 2007, nearly half (46.6%) of all prosecuted cases involving young people were for property offences (2,816 out of 6,044).
- In 2007, 25.1% (1,516 out of 6,044) of all prosecuted cases involving young people were for violent offences. Of these, 37.0% were not proved, 28.0% were proved in the Youth Court and resulted in a section 282 discharge, while 6.0% resulted in conviction in the District or High Court.
- Supervision with residence and supervision with activity are the top tariff orders available for proved cases in the Youth Court. In 2007, supervision with residence was imposed for 13.4% of proved cases and supervision with activity for 4.5% of proved cases in the Youth Court. An order of supervision alone was imposed for 20.5% of proved Youth Court cases. For 14.9% of proved cases in the Youth Court, the most serious order imposed was a monetary sanction.
- In 2007, 23.0% of young persons' convictions in the District or High Court resulted in imprisonment and 29.4% in an adult community-based sentence. A monetary sanction was the most serious sentence imposed in 20.4% of convicted cases in 2007.

# Executive Summary

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This report, the second in an annual series, presents statistics on children (aged 10 to 13) and youth (14 to 16) involved in the child offending and youth justice processes.<sup>1</sup> It examines trends in Police apprehensions for both age groups from 1995 to 2007, and in prosecutions, convictions and sentencing of young people from 1992 to 2007.

Information has been sourced from New Zealand Police, Statistics New Zealand and the Ministry of Justice. The previous Law Enforcement System (LES) was replaced with the current Case Management System (CMS) in 2003. Because this report uses data drawn from LES and CMS, caution should be exercised when interpreting changes in the number of court cases across the system transition period.

## Child offending and youth justice processes

New Zealand has separate justice processes for under 17 year olds – the child offending process for 10 to 13 year olds and the youth justice process for 14 to 16 year olds. These processes, which are governed by the Children, Young Persons and Their Families Act 1989 (CYPF Act), have a dual focus on accountability and rehabilitation and are diversion-focused.

## Police apprehensions and resolutions

An apprehension is recorded when a person has been dealt with by the Police in some manner to resolve an alleged offence. Apprehensions represent the number of alleged offences but not the number of offenders (or distinct individuals), as people who are apprehended for more than one offence are counted once for each offence. An apprehension does not always involve an arrest, and, due to the diversionary nature of the youth justice process, most youth apprehensions will not result in a prosecution. Similarly, most child offending apprehensions are dealt with without recourse to the Family Court.

Both child and youth apprehension rates declined over the 1995 to 2007 period, with 2006 and 2007 having the lowest child and youth apprehension rates since 1995. The rates for children were 320 and 333 per 10,000 population aged 10 to 13, while the rates for youth were 1,571 and 1,540 per 10,000 population aged 14 to 16. In 2007, 17 to 20 year olds had the highest overall apprehension rate of any age group at 2,109 per 10,000 population aged 17 to 20.

While property offences consistently comprise the largest proportion of child and youth apprehensions, 2007 recorded the lowest child and youth apprehension rates for property offences since 1995. In 2007, 69.7% of child apprehensions and 60.2% of youth apprehensions were for property offences.

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<sup>1</sup> The first report was titled 'Youth Justice Statistics in New Zealand'. With the inclusion of child offending statistics, the report series has been retitled 'Child and Youth Offending Statistics in New Zealand'.

In contrast to the decrease in property offence apprehensions, those for violence have been increasing, in all age groups, with children aged 10 to 13 recording the smallest increase. The child apprehension rate for violent offences has been fluctuating, with the lowest in 2006 (29 per 10,000) and the highest in 2002 (41 per 10,000). The population-adjusted rate for children in 2007 was 40. The youth apprehension rate for violent offences generally trended upwards from 1995 to 2007, with the rate peaking at 194 per 10,000 population in 2007, compared to 167 in 1995. Adult apprehension rates for violence have also been trending upwards with 2007 recording the highest rate since 1995.

Apprehension rates for other offence categories such as offences against good order, drug offences and offences against justice (mainly breaches of bail or other conditions) are either relatively stable or declining.

Since 1995 apprehension rates for males have trended down for children and youth, while those for females have been relatively stable. As a result a greater proportion of apprehensions is now attributable to females although their actual rate has changed little.

Māori children's apprehension rate is more than five times that of Pacific and NZ European or other children, while Māori youth's apprehension rate is more than three times that of Pacific youth and NZ European or other youth.

There has been a change over time in the way Police respond to offending by children and youth. Prior to 2006, over half of child and youth apprehensions were dealt with by Police Youth Aid alternative action, decreasing to 44.9% for children and 37.1% for youth in 2007. The proportion of child and youth apprehensions resolved by warning or caution was at its highest in 2007 at 44.1% and 24.8%, respectively. Referral to youth justice family group conferences for children has increased over the last four years from 2.3% to 5.5%, while the proportion of youth apprehensions resolved by 'intention to charge' family group conferences declined overall from 9.3% to 6.6% from 1995 to 2007. Youth prosecutions are trending upwards, with the proportion of apprehensions resolved this way increasing from 13.2% in 1995 to 28.1% in 2007.

Although the number of youth apprehensions for all of New Zealand has remained very stable across this period, there is variability amongst Police districts. The Tasman District had the largest percentage increase in youth apprehensions over the 1995 to 2007 period (56.6%), while Auckland had the largest decrease (24.8%). These districts also have the highest and lowest rates of youth apprehensions with Tasman at 2,384 and Auckland at 1,012 per 10,000 population aged 14 to 16.

## Outcomes of prosecutions

For the purposes of statistical reporting, a 'case' aggregates charges against the same individual and may involve multiple charges (one for each offence), laid in court at the same or proximate point of time. Since each case may have more than one charge, the charge taken to represent the 'case' is the one that resulted in the most serious penalty.

Over the last four years there has been an overall increase in the number of prosecuted cases (excluding non-imprisonable traffic offences) involving young people by 1.9% (from



5,932 to 6,044), while the rate of cases prosecuted per 10,000 population has fluctuated around a mean of 311.

Since 2004 there has been a slight increase in convictions overall, but a slight decrease in youth convictions in the District or High Court. The proportion of convictions involving youth has dropped from 4.8% to 3.9%, while the rate of youth convictions has also decreased from 15 to 12 per 10,000 population. Following a similar trend, the rate of Youth Court proved cases has decreased for young people in the last four years, by 11.7% (from 94 to 83 per 10,000 population).

Since 2000, a section 282 discharge from the Youth Court has been the most common outcome of prosecuted cases involving young people (37.8% of cases in 2007), with the number of these cases increasing overall by 10.1% (from 2,076 to 2,285) from 2004 to 2007. Over the same period the rate of section 282 discharges increased by 6.3% (from 111 to 118 per 10,000 population).

Most of the cases prosecuted against young people in 2007 involved males (83%), while 16 year olds accounted for the largest proportion (43%) of cases prosecuted involving young people. Where ethnicity was known, over half of the cases prosecuted against young people involved Māori (53%), while 33% involved NZ Europeans, 12% Pacific peoples and 1% people of other ethnicity.

Nearly half of the prosecuted cases involving young people were for property offences, while just over a quarter involved violent offences and 12% involved imprisonable traffic offences.

There were 6,044 prosecuted cases involving young people in 2007. Of these, 90.9% were finalised in the Youth Court and the remainder in the District or High Court. New Plymouth recorded the lowest number of cases finalised in the Youth Court at 151 cases, and Christchurch the highest at 777.

From 2004 to 2007, the number of cases proved in the Youth Court or resulting in a conviction in the District or High Court declined overall by 9.9% (from 2,045 to 1,842). The pattern of proved cases involving young people is similar to that for apprehensions and prosecutions. Since 2004, the proportion of proved cases for property offences decreased from 53.5% to 47.0%. Over the same period, the proportion of proved cases for violent offending increased from 22.2% to 28.0%. Imprisonable traffic offences have also increased, with the proportion of such cases increasing from 10.9% to 13.7% of proved cases involving young people.

## **Youth Court orders and District or High Court sentences**

The Youth Court imposes orders on young people whose cases are proved, while in the District and High Courts the adult terminology of “sentences” is used. Also proved cases may result in multiple orders or sentences. Only the most serious order or sentence is presented for each proved case in this report series.

In 2007, nearly half (46.6%) of all prosecuted cases involving young people were for property offences (2,816 out of 6,044). In 2007, 25.1% (1,516 out of 6,044) of all prosecuted cases

involving young people were for violent offences. Of these, 37.0% were not proved, 28.0% were proved in the Youth Court and resulted in a section 282 discharge, while 6.0% resulted in conviction in the District or High Court.

Supervision with residence and supervision with activity are the top tariff orders available for proved cases in the Youth Court. In 2007, supervision with residence was imposed for 13.4% of proved cases and supervision with activity for 4.5% of proved cases in the Youth Court. An order of supervision alone was imposed for 20.5% of proved Youth Court cases. For 14.9% of proved cases in the Youth Court, the most serious order imposed was a monetary sanction. In 2007, 23.0% of young persons' convictions in the District or High Court resulted in imprisonment and 29.4% in an adult community-based sentence. A monetary sanction was the most serious sentence imposed in 20.4% of convicted cases in 2007. This pattern has changed from 2004, when adult community-based sentences were 30%, followed by a monetary sanction (24.8%) and imprisonment (18.6%).

Non-imprisonable traffic offences are not included in this report, but Youth Court proved cases resulting in a driving disqualification increased from 110 to 150 cases from 2004 to 2007, while convictions for such cases in the District or High Court were stable at between six and eight. The number of Youth Court proved cases resulting in a deferred order fluctuated from 2004 to 2007, declining overall from 92 cases to 70, while convictions for these cases increased from 5 to 12.

From 2004 to 2007, an average of 85.0% of proved cases were finalised in the Youth Court. The remaining 15.0% of cases were mostly finalised in the District Court; with very few being finalised in the High Court (14 out of 1,842 in 2007). Offences most likely to be finalised in the Youth Court were property and drug offences (91% and 87% respectively), followed by imprisonable traffic offences (85%) and offences against justice (84%). Miscellaneous offences were the least likely to be finalised in the Youth Court (21%).

There is considerable variability in the number of proved cases finalised in youth courts around the country. This reflects the size of the catchment areas, how often the court meets and a range of other factors. Of the 1,573 proved cases finalised in the Youth Court, Christchurch recorded the highest case number at 204 cases, followed by Manukau with 166 cases. Of the 269 cases where young people were convicted in the District or High Court, Manukau recorded the highest number of cases at 37, followed by Christchurch with 19 cases, and Invercargill and Rotorua with 15 cases each.

# 1 Introduction

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## 1.1 Background

This report, the second in an annual series, presents statistics on children and youth involved in the child offending and youth justice processes. It examines trends in Police apprehensions of 10 to 13 and 14 to 16 year olds over the period 1995 to 2007, and in prosecutions, convictions and sentencing of young people (14 to 16 year olds) over the period 1992 to 2007.

Police apprehension statistics examine non-traffic offending overall, offences categorised into groups, the gender and ethnicity of youth apprehended and apprehensions by Police district. Police resolution statistics report on trends for prosecution, referral to 'intention to charge' Family Group Conference (FGC), referral to Police Youth Aid for alternative action, warning/caution and 'other' outcomes.

The report also examines prosecution and conviction trends for Youth Court proved, section 282 discharge, discharge without conviction, and not proved outcomes, by overall offending, offence groups, gender, age and ethnicity. Courts where cases were finalised and the types and seriousness of cases proved are also examined.

In this report, a child is defined as persons aged 10, 11, 12 or 13 while youth/young people include those aged 14 to 16 inclusive on the day they allegedly broke the law. Chapter 2 provides an overview of the processes for dealing with children (10 to 13) and young persons (14 to 16) who offend.

The development of this report series is an iterative process. Some enhancements have been made to this edition, such as the inclusion of apprehension data for 10 to 13 year olds and graphical presentation of some tables. The Ministry of Justice will continue to develop the report over subsequent editions as more data becomes available.

## 1.2 Source of the data

This report presents Police statistics over the period 1995 to 2007 and courts' statistics over the period 1992 to 2007.<sup>2</sup> It also explains reasons for any changes in these statistics, where the reason is known. Prior to 2006, youth justice statistics were presented in the annual report series titled 'Conviction and Sentencing of Offenders in New Zealand'.

This report also uses population data from Statistics New Zealand. See Appendix 1 for information about the population statistics used in this report.

For information about Police apprehension statistics presented in Chapter 3, see Appendix 2.

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<sup>2</sup> Police apprehension statistics are available from 1995 onwards; Youth Court statistics are available from 1992 onwards.

Appendix 3 describes courts' statistics and methodologies used to produce tables presented in Chapters 4 and 5. It also explains the offence seriousness scale used in Chapter 4.

### 1.3 Offence classification

The offence categories reported on are grouped into:

- violent offences
- other offences against the person
- property offences
- drug offences
- offences against good order
- offences against the administration of justice
- imprisonable traffic offences
- offences not otherwise classified (i.e. miscellaneous offences).

For each of the grouped offence categories, detail is provided on the offences that were most frequent, most serious, or thought to be of particular interest. See Appendix 4 for the list of offences that are in each of the categories.

### 1.4 Youth justice data work programme

The development of comprehensive and consistent child offending and youth justice data is central to targeting and implementing effective interventions, policy and practice. A lack of good quality information on offending and reoffending by children and young people has, however, been of concern to the New Zealand justice sector for several years. This report, the second in an annual series, represents a significant development in response to this concern. Future editions of the report will be enhanced as more data becomes available and the opportunities for greater trend analysis increase over time.

The development of the Youth Justice Dataset (YJD) is another significant response to the justice sector's concern about a lack of access to good quality youth justice data, by enhancing the nature, extent and quality of data available. The initial iteration of the YJD contains youth justice data from the Youth Court and Police, with future iterations including youth justice data from Child, Youth and Family.<sup>3</sup> Work is also progressing on having shared unique identifiers across justice sector agencies, which will facilitate the tracking of depersonalised individuals through the youth justice system. Longer-term goals include the tracking of depersonalised individuals between the youth and adult justice systems. Work continues on ensuring that privacy implications are assessed and appropriately addressed as the YJD continues to develop.

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<sup>3</sup> Child, Youth and Family and the Ministry of Social Development merged on 1 July 2006.

## 1.5 Quality of the courts' data

This report presents the most accurate data available at present. Neither the data extracted from CMS nor LES, however, can be regarded as absolutely accurate. It would be impossible to guarantee perfect accuracy even in the best of circumstances, because of the enormous number of charges. Incorrect codes are occasionally entered into the computer system, and duplicate records sometimes arise for a variety of reasons (e.g. appeals). Some of the data problems were corrected in the production of this report and, while there may be small errors in some of the figures shown, the data is sufficiently accurate to indicate trends over time in prosecutions, convictions, orders and sentences.

Information is presented in the report on the gender, age, and ethnicity of offenders. This data is usually recorded by the prosecuting authority (mostly the Police) at the time of arrest. Data on the gender and date of birth (used to calculate the age) of offenders is generally accurate. During the arrest process, it is general practice for Police officers to ask offenders to identify their ethnic group for recording purposes. Where this is not practical, officers will use their judgement or knowledge about a person to record that person's ethnicity. Recording ethnicity in this way potentially categorises people into an ethnic group that they may not personally identify with. Police record just one ethnic group per individual for each arrest, rather than allowing a person to be classified into more than one ethnic group. Data on the ethnicity of offenders convicted in 2007 was available for 88% of cases. Cases where ethnicity was not recorded often involved minor traffic offences or miscellaneous offences (for which the prosecuting authority is not usually the Police).

Offenders who receive a community work sentence, community work order, supervision order or supervision with activity order can have their sentence or order reviewed if they have failed or are unable to comply with any condition or requirement of the sentence or order. This sometimes results in some other (possibly more serious) sentence or order being imposed. However, resentencing data needs to be treated with caution as it may not have been reported in all cases. In addition, resentencing data is handled differently in LES and CMS (see Section A3.5 in Appendix 3 for more detail).

Over the 1992 to 2007 period covered by this report legislative changes have affected the number of minor offences (both traffic and non-traffic) proceeded against by way of infringement notice. Therefore, sometimes a large change in the number of prosecutions, and thus proved cases and convictions, was due to the decriminalisation of an offence rather than a change in offending patterns. Where possible, this has been highlighted in the report.

## 1.6 Comparability with previous reports

Some figures appearing in this report may be different from those in previous publications. This is largely due to the effects of changes in the data sources used to produce this report and changes relating to the calculation of seriousness scores. The seriousness of offence scale was updated early in 2005, and all the seriousness scores appearing in this report have been recalculated accordingly to take account of this change.

Since the annual publications were first produced, the following changes have been made to the data reported:

- the way that charges are formed into cases has changed
- the formats used to group offences into the main offence categories and the offence subcategories have been modified
- the Ministry's seriousness of offence scale was updated in 1995, 2000, and 2005.

The changes mean that the figures presented in the earlier publications in the series cannot always be compared with those in the current publication. Consequently, when comparing the data presented in this report with earlier reports, it is necessary to read the accompanying commentaries to identify relevant changes for particular years and/or periods of coverage.

## 1.7 Structure of this report

Chapter 3 presents statistics on Police apprehensions of 10 to 13 year olds and 14 to 16 year olds from 1995 to 2007. These figures give a better indication of overall trends in offending by young people than do court statistics, as many young offenders are dealt with by means other than formal prosecution in court. It presents information for 2007 on the gender, age and ethnicity of Police apprehensions involving child and young offenders and child and youth apprehension rates per 10,000 population. To enable child and youth offending data to be examined in the broader context of trends in adult offending, apprehension statistics for people aged 17 and over are also presented. Finally, the chapter examines Police resolution trends and youth apprehensions by Police district.

Chapter 4 focuses on the types of offences for which young offenders were prosecuted in court from 1992 and 2007. The figures are presented for young people aged 14 to 16 who come before the Youth Court as well as those transferred to District or High Court for trials. It presents information for 2007 on the gender, age and ethnicity of cases prosecuted involving young offenders. It also examines changes in offence seriousness over the period for proved cases involving young offenders.

Chapter 5 looks at orders that the Youth Court can impose on young people and sentences that the District and High Courts can impose on young people. It also examines trends in the orders and sentences imposed for proved cases from 1992 and 2007.

Appendices 1 to 4 provide information on sources of data and the Ministry's offence classification (see Sections 1.2 and 1.3). Appendix 5 contains a glossary list of terms and categories used in this report.

Police apprehensions and selected conviction and sentencing datasets are accessible through the Table Builder function on the Statistics New Zealand website ([www.stats.govt.nz](http://www.stats.govt.nz)). The online conviction and sentencing statistics provide some of the data now provided through the printed report. Online conviction and sentencing statistics are updated annually.

## 2 Child offending and youth justice processes

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### 2.1 Introduction

- New Zealand has separate justice processes for under 17 year olds – the child offending process for 10 to 13 year olds and the youth justice process for 14 to 16 year olds.
- The child offending and youth justice processes are governed by the Children, Young Persons and Their Families Act 1989.
- Both processes have a dual focus on accountability and rehabilitation.
- The processes are diversion-focused.
- A range of options is available to respond to child and youth offending depending on the age of the offender and the seriousness of the offence.
- Unique elements of both the child offending and youth justice processes are Police Youth Aid alternative action and Family Group Conferences.

### 2.2 Background

The Children, Young Persons and Their Families Act 1989 (CYPF Act) sets out separate justice processes for children (aged 10 to 13) and youth (aged 14 to 16).

The separate systems are based on the premise that the vulnerability of younger people and their generally more immature judgement means that they ought to be treated differently from adult offenders. Our child offending and youth justice processes recognise that children and young people need to be held to account for their offending in a way that acknowledges their needs and vulnerability. The way child and youth offenders are dealt with varies depending on their age and the nature of their offending.

#### Definition – child and youth

In New Zealand criminal responsibility begins at age ten;<sup>4</sup> however, under the CYPF Act children aged 10 to 13 cannot be prosecuted for offences other than murder and manslaughter. Police still have a range of options available to respond to offending by 10 to 13 year olds, as described in Section 2.2. Youth aged 14 to 16 can be formally charged and prosecuted for any offence.<sup>5</sup> Young people aged 17 or over are dealt with in the same manner as adults.<sup>6</sup>

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<sup>4</sup> Section 21 of the Crimes Act 1961 sets out that no person under the age of 10 years shall be convicted of an offence.

<sup>5</sup> The CYPF Act defines a 'child' as a boy or girl under the age of 14 years and a 'young person' as a boy or girl of or over the age of 14 years but under 17 years; but does not include any person who is or has been married.

<sup>6</sup> Offenders aged 17 or over may be offered diversion by the Police (generally first time offenders) or be dealt with in the District Court or, if the offence is serious, the High Court.

## Children, Young Persons and Their Families Act 1989 overview

The CYPF Act introduced major changes in the way children and youth who offend are dealt with in New Zealand and was considered ground-breaking legislation. It established a system of dealing with child offenders through the Family Group Conference (FGC) and Family Court, and with youth offenders through the FGC and Youth Court (excluding non-imprisonable traffic offences, which are usually dealt with in the District Court).

The object of the CYPF Act is to promote the well-being of children, young persons and their families/whānau. Where a child or young person offends, their well-being is to be promoted by holding them accountable for their offending and encouraging them to accept responsibility for their behaviour; and dealing with them in a way that acknowledges their needs and will give them the opportunity to develop in responsible, beneficial and socially acceptable ways.

The CYPF Act also contains several principles specific to youth justice, including that criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter; that criminal proceedings should not be used solely for welfare purposes; that measures for dealing with offending should strengthen the family/whānau and foster their ability to deal with offending by their children and young persons; that children and young people who offend should be kept in the community where this is practicable and consonant with ensuring public safety; and that due regard should be given to the interests of victims of offending.

### Alternative action

The youth justice principle that criminal proceedings should not be instituted against a child or youth if there is an alternative way of dealing with the matter means that most child and youth apprehensions are dealt with by warning, caution or Police 'alternative action'. Alternative action is a diversionary response to child and youth offending, designed for lower-level offending that can be appropriately dealt with without recourse to an FGC or court. Alternative action is delivered by Police Youth Aid.<sup>7</sup> Youth Aid officers have a lot of flexibility in how they apply alternative action; it may include any action considered likely to reduce continued offending. Practical examples include informal community work, counselling, agreements to pay reparation, apology letters, maintenance of school attendance, or completion of an assignment about the effects of their offending. Families and victims are often involved in the development of alternative action plans. In some cases the family may have developed a response before Police Youth Aid became involved. Where this is the case, Police may use the family's response as the basis for the alternative action.

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<sup>7</sup> Police Youth Aid is a specialist section of the New Zealand Police, dedicated to dealing with child and youth offending. They work alongside frontline officers dealing with young offenders and are involved in the vast majority of apprehensions involving child or youth offenders.



## Family Group Conference (FGC)

The FGC lies at the heart of the youth justice system, which has a dual focus on accountability and rehabilitation. An FGC involves the child or young person, his or her advocate (where one has been arranged), family/whānau or family group members, the victim(s) or their representative, the Police and the Youth Justice Coordinator (YJC). The role of the FGC is to hold young people accountable for their offending and encourage them to take responsibility for their behaviour. FGCs for child offenders will also focus on care or protection issues present and family/whānau issues contributing to the offending. To this end, the FGC formulates a plan for the child or young person making recommendations as it sees fit (which, for young persons, may include prosecution). Common elements of FGC plans include an apology, reparation, work for the victim or community, a donation to charity, curfews, counselling or training programmes. The FGC may also recommend that proceedings be discontinued or that a formal Police caution be issued.

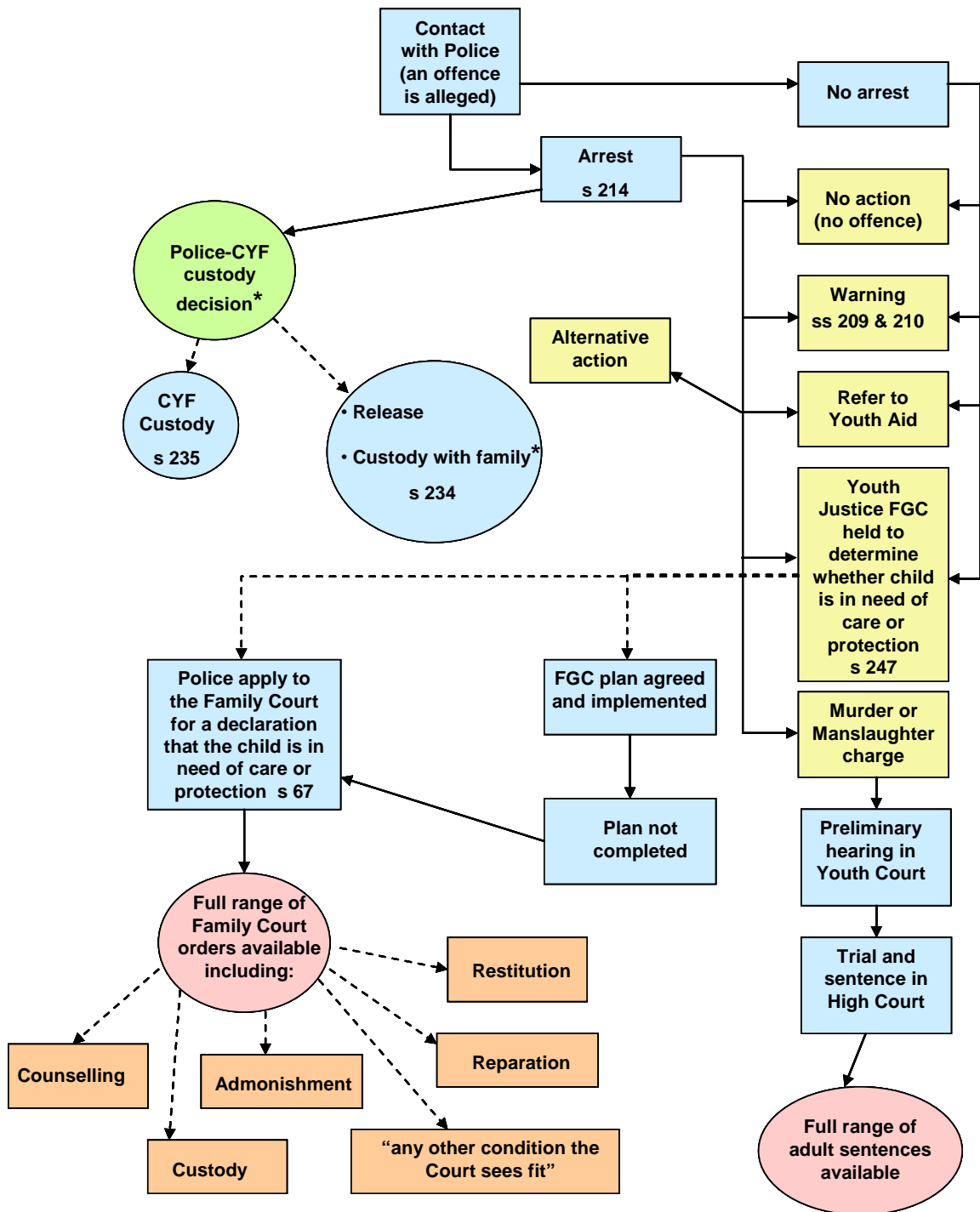
### 2.3 Process for dealing with child offenders aged 10 to 13

Children aged 10 to 13 cannot be prosecuted except for the offences of murder and manslaughter. Where a child is alleged to have committed murder or manslaughter the preliminary hearing of the charge takes place before the Youth Court, and is then automatically transferred to the High Court for trial and sentencing. Children can be sentenced to imprisonment for murder or manslaughter and be detained in a Child, Youth and Family Youth Justice Residence under the custody of the Chief Executive of the Ministry of Social Development. Child offenders who are declared in need of care and protection can be detained in a Care and Protection Residence under the custody of the Chief Executive of the Ministry of Social Development.

Figure 2.1 outlines the Police and court processes for dealing with child offenders aged 10 to 13. For offences other than murder or manslaughter, children under 14, whether or not they have been arrested can:

- have no action taken; or
- be issued a warning or formal caution by Police; or
- be referred to Police Youth Aid, who may arrange an alternative action (diversion) after consultation with victims, the child and their family/whānau; or
- be referred to a Child, Youth and Family YJC for a Family Group Conference (FGC) if the number, nature or magnitude of their offence(s) give serious concern for their well-being or
- be referred to the Family Court, subsequent to an FGC, where their offending may be proceeded against by way of a declaration that the child is in need of care or protection, provided the Court is satisfied that the child knew either that the offence was wrong or contrary to law.

Figure 2.1: Process for dealing with child offenders aged 10 to 13



Notes:

\* S 234 (c) states that a child or young person following arrest can be delivered into the custody of:  
 Any parent or guardian or other person having the care of the child or young person; or  
 With the agreement of the child or young person, any Iwi Social Service or Cultural Social Service; or  
 With the agreement of the child or young person, any other person or organisation approved by the chief executive or member of the Police for the purpose.

Between initial contact and the decision to arrest, the Police have significant discretion in deciding how to proceed. The CYPF Act limits the use of arrest, but this does not minimise the accountability of children and young people. Section 234 (c) states that following arrest a child (or young person) can be delivered into the custody of:

- any parent or guardian or other person having the care of the child or young person; or
- any Iwi Social Service or Cultural Social Service, with the agreement of the child or young person; or
- any other person or organisation approved by the Chief Executive or member of the Police for the purpose, with the agreement of the child or young person.

Where a child is referred to an FGC, it may recommend that proceedings be discontinued, that a formal Police caution be issued, that the child make reparation to the victim(s), and/or agree to some form of assistance (e.g. request a psychological assessment, referral to a rehabilitative programme). The FGC can also agree for an application to the Family Court for a declaration that a child is in need of care or protection where the number, nature or magnitude of the offending is such as to give serious concern for the well-being of the child. When the Family Court makes such a declaration, Section 83 Orders of Court on making of declaration can include one or more of the following:

- discharge
- order that the child or parent come before the Court if called upon in two years
- counselling
- services
- restraining
- support
- custody
- appoint a guardian.

Other orders may also be made where a declaration is made on the grounds of a child's offending. Section 84 Power to make other orders where declaration made on grounds of child's offending can include one or more of the following:

- admonish
- reparation
- restitution
- forfeiture.

Further, if a support order is made under sections 91 or 92, the Court has the power to impose additional conditions under section 96 including one or more of the following:

- if a declaration is made under section 14(1)(d) or (e): non-association; attend/remain at a Centre; any other conditions the Court thinks fit to reduce offending
- examination/treatment/counselling/therapy
- any other condition the Court sees fit.

## 2.4 Process for dealing with youth offenders aged 14 to 16

Youth aged 14 to 16 can be formally charged and prosecuted for any offence. Where a youth is alleged to have committed murder or manslaughter the preliminary hearing of the charge takes place before the Youth Court before being automatically transferred to the High Court for trial and sentencing. Youth can be imprisoned for murder, manslaughter and purely indictable (jury trial only) offences. They can also be detained in a Child, Youth and Family Youth Justice Residence under the custody of the Chief Executive of the Ministry of Social Development.

Figure 2.2 outlines the Police and court process for dealing with youth offenders aged 14 to 16. For offences other than murder or manslaughter, the young person can, whether or not they have been arrested can:

- have no action taken; or
- be issued a warning or formal caution by Police; or
- be referred to Police Youth Aid, who may arrange an alternative action (diversion) after consultation with victims, the young person and their family/whānau; or
- be referred to a Child Youth and Family YJC for an 'intention to charge' FGC; or
- be arrested and have charges laid against them in the Youth Court.

Between initial contact and the decision to arrest, the Police have significant discretion in deciding how to proceed. The CYPF Act limits the use of arrest but this does not minimise the accountability of the child or young person, as follows.

Section 234 (c) states that following arrest a young person can be delivered into the custody of:

- any parent or guardian or other person having the care of the child or young person; or
- any Iwi Social Service or Cultural Social Service, with the agreement of the child or young person; or
- any other person or organisation approved by the Chief Executive or member of the Police for the purpose, with the agreement of the child or young person.

Where a young person is referred to an FGC and does not complete the plan, the FGC can be reconvened or the matter may be brought before the Youth Court. What happens then depends on the offence (see Figure 2.2):

- murder or manslaughter can only be finalised in the High Court
- for a purely indictable offence the Youth Court has jurisdiction for the deposition hearing, and trial by jury is then in either the District or High Court. However, the Youth Court may offer the young person the opportunity to forgo jury trial and be dealt with in the Youth Court

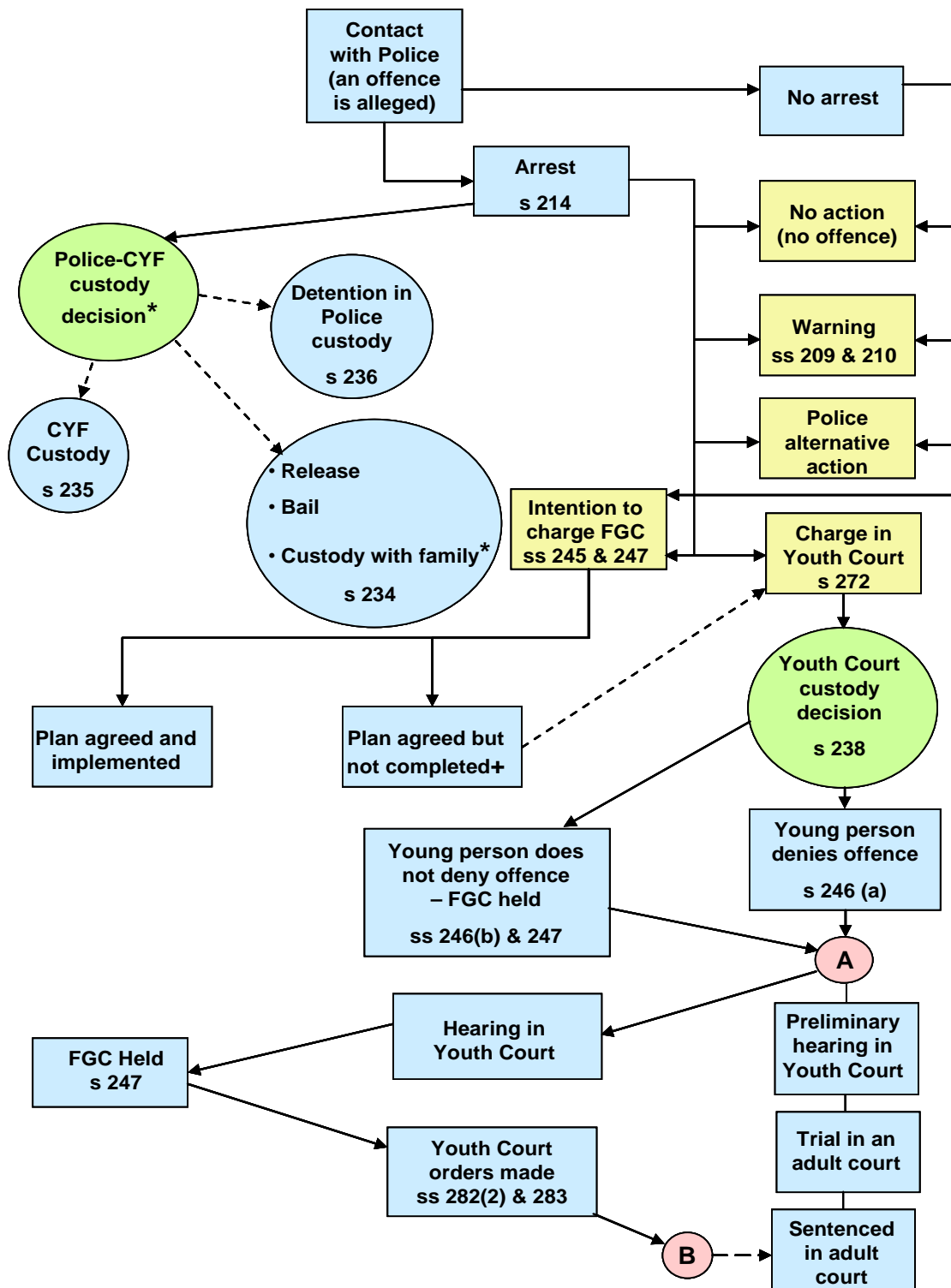
- where a young person is charged with a non-purely indictable offence punishable by more than three months imprisonment, the young person may elect trial by jury and be committed for trial in the District or High Court. The Youth Court can, however, offer the young person the option of forgoing trial in the District or High Court, and instead be dealt with in the Youth Court.

Where an offence is proved in the Youth Court, young people may be served with a Youth Court Order or discharged. In some circumstances the judge may order the offender to appear for sentence in the District Court.

The Youth Court is part of the District Court and deals with youth who were aged 14 to 16 when they offended. If a youth's offending is serious (for example, arson and aggravated robbery) the District or High Court has jurisdiction to hear the case. However the Youth Court may offer the young person the opportunity to forgo jury trial and be dealt with in the Youth Court. As noted above, where a youth is alleged to have committed murder or manslaughter the preliminary hearing of the charge takes place before the Youth Court before being automatically transferred to the High Court for trial and sentencing. It is also possible to transfer a case to the District Court for sentencing after it has been proven in the Youth Court. However, most cases are resolved in the Youth Court, with the exception of non-imprisonable traffic offences, which are usually dealt with in the District Court. The CYPF Act provides the Youth Court with a range of 'sentencing' options referred to as Youth Court orders (see Section 5.1). Lower tariff orders include admonishment, fines, reparation and restitution. Higher tariff orders are supervision, community work, supervision with activity and supervision with residence. The supervision with residence order is the sole custodial order available to the Youth Court.

If a youth denies the charge in the Youth Court then there is a defended hearing. If the charges are proved, then an FGC is held. Similarly, if a youth does not deny the offence they are referred to an FGC. The FGC meets and decides a plan for holding the young offender accountable and encouraging them to take responsibility for their behaviour. This plan needs to be approved by the Youth Court judge. If the young person completes the plan then the charge is usually withdrawn or discharged.

Figure 2.2: Process for dealing with youth offenders aged 14 to 16



Notes:

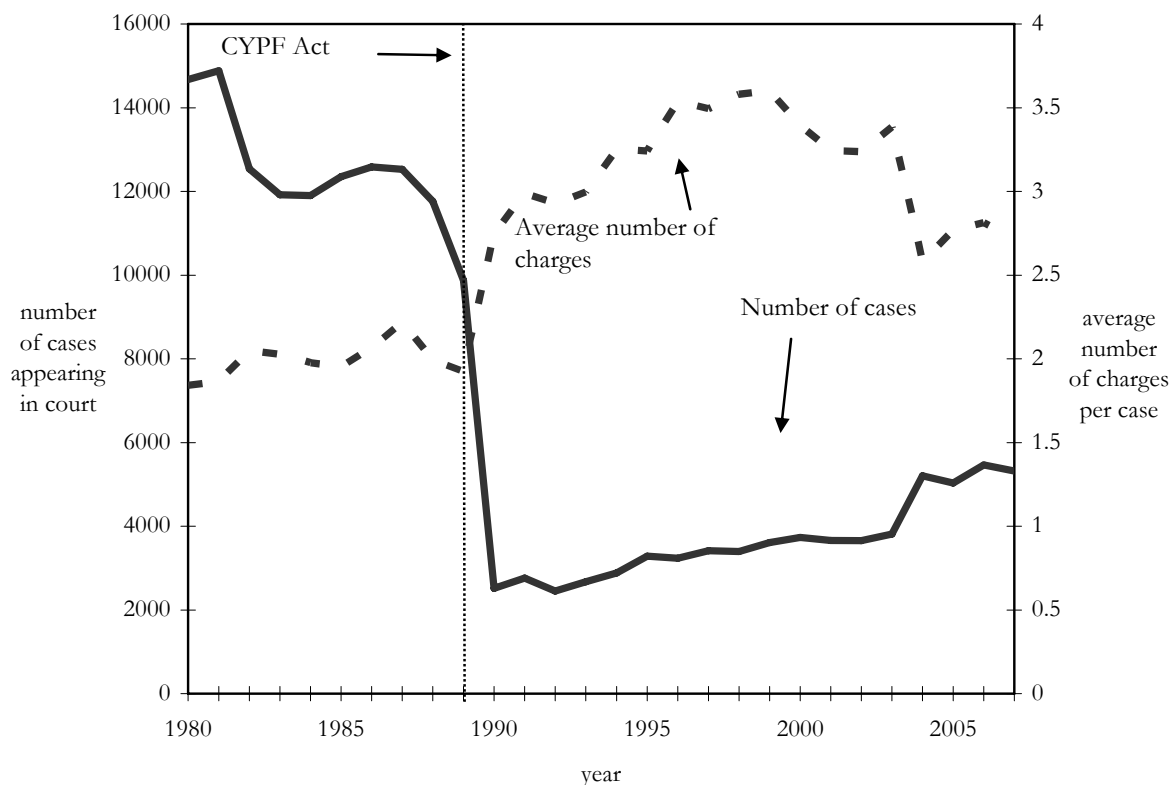
\* S 234 (c) states that a child or young person following arrest can be delivered into the custody of:

- Any parent or guardian or other person having the care of the child or young person; or
- With the agreement of the child or young person, any Iwi Social Service or Cultural Social Service; or
- With the agreement of the child or young person, any other person or organisation approved by the chief executive or member of the Police for the purpose.

+ If the young person has not completed the plan, the FGC could be reconvened or the matter may be brought before the Youth Court.

Figure 2.3 shows the number of cases and the average number of charges per case for those aged 14 to 16 on their last day in court (Youth, District or High Courts). The Youth Court deals with young people who were aged 14 to 16 when they offended, but not necessarily in that age group when they appeared in court. Because an offender's age when an offence was committed is not available prior to 1992, it is not possible to produce figures based on age at the time of the offence for the entire 1980 to 2007 period. However, it is clear that the CYPF Act led to a dramatic reduction in the numbers of young people dealt with in the court system after 1989 (see Figure 2.3). Also of note is the corresponding rise in the average number of charges per case as only more serious offending reached court.

**Figure 2.3: Number of cases involving 14 to 16 year olds and average number of charges per case, 1980 to 2007<sup>1,2</sup>**



**Notes:**

- 1 Data in this figure only counts those aged 14 to 16 on their last day in court (Youth, District or High Courts). The Youth Court deals with young people who were aged 14 to 16 when they offended, but not necessarily in that age group when they appeared in court. Because an offender's age when an offence was committed is not available prior to 1992, it is not possible to produce figures based on age at the time of the offence for the entire 1980 to 2007 period.
- 2 The courts data used to produce this figure was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1980 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.





## 3 Police apprehensions and resolutions

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### 3.1 Introduction

This chapter examines Police apprehensions of children aged 10 to 13 and youth aged 14 to 16 over the period 1995 and 2007.<sup>8</sup> In doing so it examines:

- child apprehension rates per 10,000 population aged 10 to 13
- youth apprehension rates per 10,000 population aged 14 to 16
- adult apprehension rates per 10,000 population aged 17+, by comparison
- the gender and ethnicity of children and youth apprehended
- how Police deal with apprehended children and youth (resolutions)
- youth apprehensions by Police district.

As discussed in Appendix 2, an apprehension means that a person is recorded as having been dealt with by the Police in some manner to resolve an alleged offence (e.g. warning, alternative action, referral to youth justice ‘intention to charge’ FGC, prosecution). An apprehension does not always involve an arrest. In some circumstances ‘dealt with by the Police’ may mean that no further action is taken other than to document the offence, for example where the offender has been found to have a mental health condition or is already in custody. Most youth apprehensions will not result in a prosecution, due to the diversionary nature of the youth justice process. Children, other than those arrested for murder or manslaughter, cannot be prosecuted. Responses through FGC or Family Court are possible for child apprehensions, but like youth apprehensions, most will be dealt with through diversionary measures such as warning or alternative action.

### 3.2 Points to note when reading this chapter

#### Apprehensions

Apprehensions represent the number of alleged offences but not the number of offenders (or distinct individuals), as people who are apprehended for more than one offence are counted once for each offence. For example, one offender apprehended for five burglaries is counted as five apprehensions. Also, apprehensions do not necessarily mean that an offender has been charged so they do not tell us the proportion of offences proven.

It should also be noted that apprehension numbers present the raw number of apprehensions and are not adjusted to account for population changes.

Police apprehension statistics do not include traffic and infringement offences; see Section A2.2 for more detail.

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<sup>8</sup> As noted in Section 1.1, Police apprehension statistics are available from 1995 onwards.

## Apprehension rates

Apprehension rates are population-adjusted (per 10,000 population for the corresponding age group) apprehension statistics. This takes into account the effect of any population increase in the corresponding age group over this period. As population estimates have been revised based on the 2006 Census, rates calculated in this report may differ from those published in the *Youth Justice Statistics in New Zealand: 1992 to 2006* report, which were based on the 2001 Census. Where apprehension rates are used in this chapter, tables for the numbers of offences can be found in Appendix 2.

## Factors influencing official Police apprehension statistics

While Police apprehension statistics provide an indication of trends in recorded offending by children and young persons, changes in reporting and recording practices, policy and legislation, and Police practice can significantly influence apprehension statistics and thereby distort offending trends. In addition, children and young people are generally less experienced at offending and often offend in groups and in public, which makes them more likely to be apprehended by Police.

As people who are apprehended for more than one offence are counted once for each offence, it is unclear whether any increase in apprehensions represents an increase in the number of offenders or the number of apprehensions.

Also, where apprehension numbers and rates are small, small increases or decreases in these numbers result in large percentage changes. In addition, caution is advised in making inferences about increases or decreases in apprehension numbers or rates over short time periods, for example, one or two years, as longer time periods are needed to establish whether any changes represent a trend.

Section 22 of the Crimes Act 1961 states that no person aged 10 to 13 inclusive shall be convicted of an offence for any act or omission, unless s/he knew the act or omission was wrong or contrary to the law.<sup>9</sup> Accordingly, Police will often take appropriate action other than apprehension. It is therefore recommended that Police child apprehension data not be used to make quantitative inferences about levels or trends in offending by children.

It should also be noted that overall adult apprehension rates are grouped according to the entire adult age range of 17 to 99 years. Thus, overall adult apprehension rates are calculated on a much larger population base than that for children or youth. The effect is that the comparatively lower apprehension rate of the 51 to 99 age group dilutes the overall adult apprehension rate of those aged 17 and over.

Finally, following the change from the Law Enforcement System (LES) to the National Intelligence Application (NIA) in 2005, caution should be observed when comparing data before 2005 with data from 2005 onwards. See Appendix 2 for more detail on statistics sourced from New Zealand Police.

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<sup>9</sup> Section 272(1) of the CYPF Act states that proceedings shall not be commenced against 10 to 13 year olds other than for murder or manslaughter.

### 3.3 Apprehensions of children and youth for non-traffic offences

#### Apprehension rates by offence categories for all age groups

Table 3.1 presents Police apprehension data as apprehension rates per 10,000 population, by offence categories and all age groups in 2007 (see Appendix 1 for more detail on population statistics). As discussed in Section 3.2, Police apprehension statistics count the number of alleged offences, not the number of offenders, so while Table 3.1 does not provide actual offender rates it does control for the changing population size.

**Table 3.1: Police apprehension rates per 10,000 population for non-traffic offences, by offence category and age group, 2007<sup>1,2</sup>**

Offence category	0 to 9	10 to 13	14 to 16	17 to 20	21 to 30	31 to 50	51+	Over all ages
Violent	1	40	194	281	214	122	17	96
Other against persons	0	8	50	94	57	33	5	27
Property	9	232	927	838	349	114	14	189
Drug	0	8	63	164	111	55	5	45
Against justice	0	1	35	125	87	43	4	34
Good order	1	36	220	400	174	71	11	82
Miscellaneous	1	7	51	207	73	22	4	32
Overall	12	333	1540	2109	1066	460	60	505

Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. For consistency with the court statistics in this report, offences are grouped using the Ministry of Justice offence classification rather than the Police classification. The miscellaneous category includes a small number of apprehensions that were classified as unknown. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using population estimates in Table A1.1. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.

Taking population size into account, Table 3.1 shows that in 2007, the 14 to 16 age group had an overall apprehension rate of 1,540 per 10,000, second only to 17 to 20 year olds at 2,109. In 2006, 14 to 16 year olds had an overall apprehension rate of 1,571 per 10,000, with the 17 to 20 age group at 2,039. Thus the apprehension rate for 14 to 16 year olds declined from 2006 to 2007, whereas the rate for 17 to 20 year olds increased.

Table 3.1 also shows that in 2007, the 10 to 13 age group had an overall apprehension rate of 333 per 10,000 (compared to 320 in 2006). In 2007, 21 to 30 year olds were apprehended at a rate of 1,066 per 10,000 and 31 to 50 year olds at the rate of 460 per 10,000. This compared to apprehension rates for these age groups in 2006 of 1,019 per 10,000 and 439 per 10,000 respectively. Thus from 2006 to 2007 the apprehension rates for the 21 to 30 and 31 to 50 age groups both increased. Table 3.1 also shows that in 2007, the apprehension rate over all ages was 505. It is important to note that this overall rate is skewed by the inclusion of the 0 to 9 and 51+ age groups, who comprise a large proportion of the population but a low proportion of apprehensions.

The 17 to 20 age group has the highest apprehension rate for all offence categories other than property, as they did in 2006. In 2007, 14 to 16 year olds had the highest apprehension rate of any age group for property offences at 927 per 10,000 population (compared to 971 in 2006), with 17 to 20 year olds the next highest at 838 per 10,000 (compared to 835 in 2006).

Table 3.1 also shows that 17 to 20 year olds have the highest apprehension rate for violent offences (281 per 10,000 population) followed by 21 to 30 year olds (214 per 10,000) and 14 to 16 year olds (194 per 10,000). The rate for 10 to 13 year olds for violent offences is considerably lower at 40 per 10,000 population.

Figure 3.1 presents Police apprehension rates per 10,000 population by offence category and age group<sup>10</sup> in 2007 (Table 3.3 data in graph format). This shows that the 10 to 13 age group has the lowest apprehension rate for all offence categories other than property.

### **Overall apprehension rates – children, youth and adults**

Tables 3.2, 3.3 and 3.4 present, respectively, Police apprehension data for children aged 10 to 13, youth aged 14 to 16, and adults aged 17 and over as apprehension rates per 10,000 population (see Appendix 1 for population estimates). Figures 3.2 and 3.3 present Police apprehension data for children aged 10 to 13 and youth aged 14 to 16, respectively, as apprehension rates per 10,000 population in graph format.

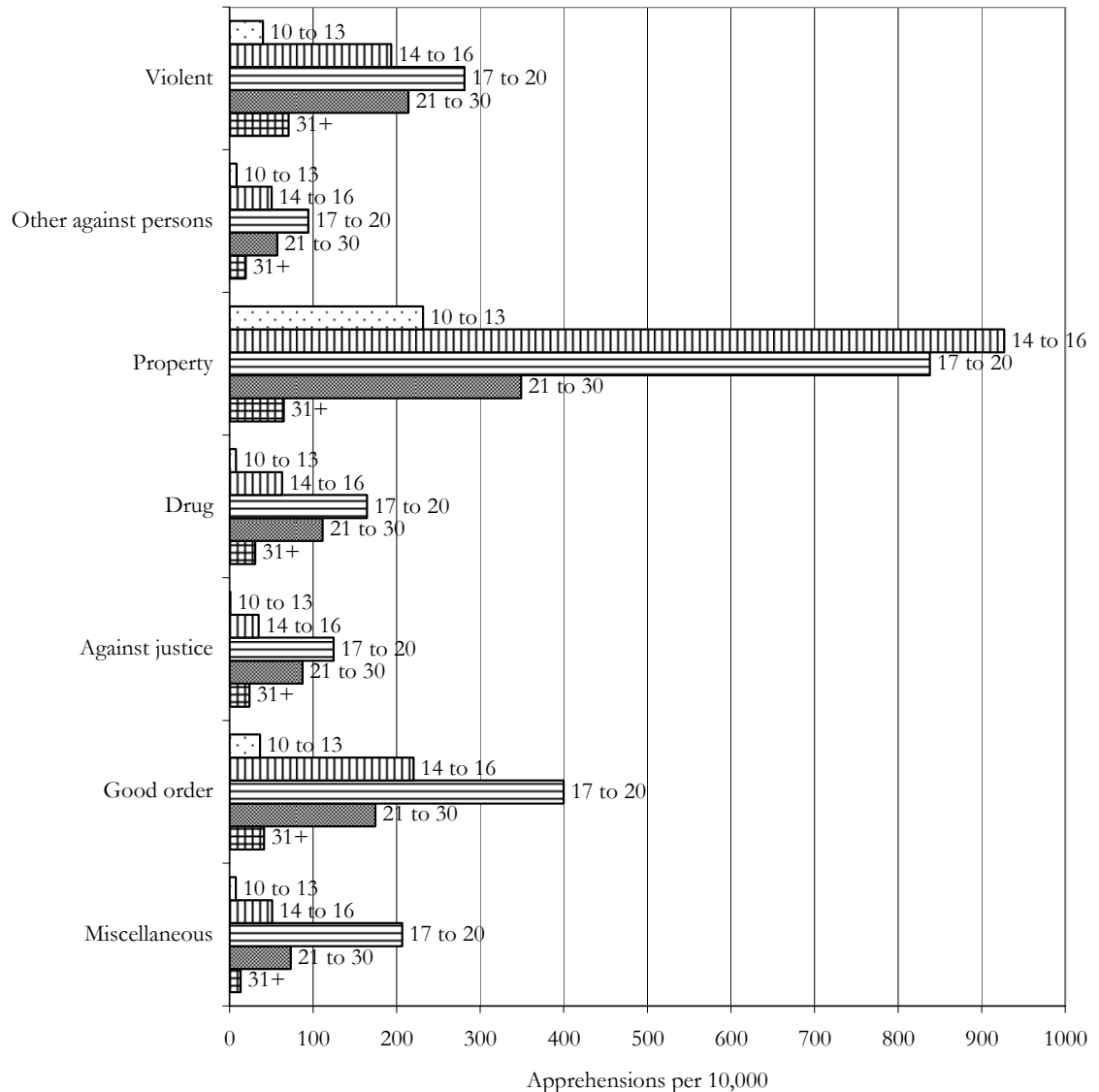
The lowest child and youth apprehension rates since 1995 were in 2006 and 2007. Table 3.2 shows that the child apprehension rate was highest in 1996 at 543 per 10,000. In 2006, the overall child apprehension rate was the lowest recorded over the 1995 to 2007 period at 320 apprehensions per 10,000 population; 2007 recorded the next lowest rate at 333. Similarly, Table 3.3 shows that the youth apprehension rate was highest in 1996 at 1,926 per 10,000. In 2007, the overall youth apprehension rate was the lowest recorded over the 1995 to 2007 period at 1,540 apprehensions per 10,000 population; less than the previous low of 1,571 in 2006. The figures show that child apprehension rates and numbers generally declined over the 1995 to 2007 period. Youth apprehension rates trended steadily downward over the same period, while youth apprehension numbers have remained stable (averaging around 31,000 annually).

Table 3.4 shows that the adult apprehension rate was highest in 1995 at 575 per 10,000 and lowest in 2005 at 491. The third highest adult apprehension rate over the 1995 to 2007 period was in 2007 at 545. It is important to note that these adult apprehension rates are calculated on a much larger population base than that for children or youth. The effect is that the comparatively lower apprehension rate of the 51 to 99 age group dilutes the overall adult apprehension rate of 17 year olds and over. The 17 to 20 and 21 to 30 age groups actually have higher apprehension rates for many offence categories than children and youth, as shown in Table 3.1.

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<sup>10</sup> Excluding the 0–9 year old age group.

**Figure 3.1: Police apprehension rates per 10,000 population for non-traffic offences by offence category and age group, 2007<sup>1,2</sup>**



**Notes:**

- 1 The data used to produce this figure was sourced from New Zealand Police. For consistency with the court statistics in this report, offences are grouped using the Ministry of Justice offence classification rather than the Police classification. The miscellaneous category includes a small number of apprehensions that were classified as unknown. The figure does not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using population estimates in Table A1.1. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.

### Apprehension rates – property offences

Property offences consistently comprised the largest proportion of child and youth apprehensions over the 1995 to 2007 period. In 2007, 69.6% of child apprehensions and 60.2% of youth apprehensions were for property offences. Apprehension rates for property offences have declined for all age groups. Table 3.2 shows that the child apprehension rate for property offences declined by 43.4% from 1995 to 2007 (from 410 to 232), while Table 3.3 reveals that the equivalent rate for youth declined by 28.1% (from 1289 to 927). For both children and youth, 2007 recorded the lowest apprehension rate for property offences since 1995. Figures 3.2 and 3.3 illustrate these declining trends in graph format. By comparison, Table 3.4 shows that the adult apprehension rate for property offences also followed a decreasing trend, from a high of 257 in 1995 to a low of 163 in 2005, rising a little to 174 in 2007.

### Apprehension rates – violence offences

Over the 1995 to 2007 period, population-adjusted violence apprehensions increased for all age groups, with children recording the lowest increase. Table 3.2 shows that 2002 had the highest rate of child apprehensions for violence over the 1995 to 2007 period at 41 per 10,000. Overall, the child apprehension rate for violent offences showed a fluctuating trend from 1995 to 2007, which is illustrated in Figure 3.2 in graph format. Table 3.2 also shows that 2007 recorded an increase from the lowest child apprehension rate for violence over this period of 29 in 2006, to the second equal highest at 40 per 10,000.

Table 3.3 and Figure 3.3 illustrate that the youth apprehension rate for violent offences per 10,000 population showed a generally increasing trend from 1995 to 2007. Table 3.3 shows that the rate was highest in 2007 at 194, compared to 167 in 1995 and a low of 162 in 1997. Similarly, Table 3.4 shows that the adult apprehension rate for violence trended upwards, rising from 84 in 1999 to a peak of 112 in 2007 (from 1995 to 1999 the figures trended downward).

### Apprehension rates – good order offences

While variable, the rate of apprehensions for good order offences seems to be declining for children, and relatively stable for youth and adults. Table 3.2 shows that the child apprehension rate for good order offences ranged between 48 to 61 over the 1995 to 2003 period, then declined from 45 to 36 from 2004 to 2007. For youth, Table 3.3 illustrates that the apprehension rate for good order offences fluctuated over the 1995 to 2007 period, reaching a peak of 253 in 2003 and a low of 207 in 1996 and 2005. Figures 3.2 and 3.3 illustrate these trends in graph format. By comparison, Table 3.4 shows that the adult rate for this offence generally increased until 2003, when it peaked at 106. Since then, the rate declined to 87 in 2005 before climbing to 92 in 2007.

### **Apprehension rates – drug offences**

Drug offence apprehension rates have decreased for all age groups since the turn of the century. For children, Table 3.2 shows that the rate has dropped from 15 to 8 per 10,000 population. For youth, the apprehension rate for drug offences generally increased from 1995 to 2000, with a peak of 120 apprehensions per 10,000 population in 1997 (see Table 3.3). From 2001 to 2007 the rate declined, except in 2006, reaching a low of 63 in 2007. Figures 3.2 and 3.3 illustrate these trends in graph format. Similarly, Table 3.4 shows that the adult apprehension rate for drug offences generally increased from 1995 to 1998, when it peaked at 83. From 1999 to 2007 the rate declined, except in 2005 when it reached a low of 54, just below the rate of 55 in 2006 and 2007.

### **Apprehension rates – miscellaneous offences**

The apprehension rates for miscellaneous offences generally followed a decreasing trend for children and youth. Child apprehension rates for miscellaneous offences ranged between 10 and 14, before peaking at 20 in 2003 and since declining to lows of 5 in 2006 and 7 in 2007. For youth, rates for this offence increased until 1998, peaking at 123, before generally declining and reaching a low of 44 in 2006 and 51 in 2007. Figures 3.2 and 3.3 illustrate these trends in graph format. By comparison, Table 3.4 shows that the adult rate for miscellaneous offences per 10,000 population has fluctuated over the 1995 to 2007 period, peaking at 38 in 2007 and reaching a low of 19 in 2001.

### **Apprehension rates – against justice offences**

Child apprehensions for offences against justice account for a very small proportion of offences they are apprehended for, comprising only 0.3% in 2007. For youth, the rates for this offence generally increased until 2002, peaking at 83. It is likely that this increase was due at least in part to a greater Police focus on compliance with bail conditions after the Bail Act 2000 came into force on 1 January 2001. Since 2002, rates for this offence have declined, to a low of 35 in 2007. Figures 3.2 and 3.3 illustrate these trends in graph format. By comparison, Table 3.4 shows that the adult rates for offences against justice per 10,000 population have generally increased over the 1995 to 2007 period, from a low of 20 in 1995 to a high of 43 in 2007.

### **Apprehension rates – other against persons offences**

Tables 3.2, 3.3 and 3.4 show that the rate for other against persons offences has generally trended upwards for children, youth and adults over the 1995 to 2007 period. In 2007, this offence only comprises 2.5% and 3.3% of child and youth apprehensions, respectively, and 5.8% of adult apprehensions.

**Table 3.2: Police apprehension rates per 10,000 population of 10 to 13 year olds for non-traffic offences, by offence class, 1995 to 2007<sup>1,2</sup>**

Offence class	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Homicide <sup>3</sup>	0	0	0	0	0	0	0	0	0	0	0	0	0
Violent sexual <sup>4</sup>	2	2	2	1	1	2	1	7	2	3	2	2	2
Aggravated robbery	1	2	2	2	2	2	1	2	2	1	2	1	1
Robbery	2	2	2	1	1	2	2	1	1	3	1	1	2
Grievous/serious assault <sup>5</sup>	6	6	8	7	7	8	8	7	7	8	8	8	12
Minor assault <sup>6</sup>	21	24	24	19	22	24	23	22	19	22	18	15	21
Other violent	1	1	1	1	1	1	2	2	1	1	1	2	2
<b>Subtotal—Violent</b>	<b>34</b>	<b>37</b>	<b>40</b>	<b>32</b>	<b>33</b>	<b>39</b>	<b>37</b>	<b>41</b>	<b>32</b>	<b>39</b>	<b>33</b>	<b>29</b>	<b>40</b>
<b>Other against persons</b>	<b>4</b>	<b>5</b>	<b>7</b>	<b>5</b>	<b>5</b>	<b>10</b>	<b>7</b>	<b>6</b>	<b>7</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>8</b>
Burglary	50	67	60	50	50	67	47	43	46	37	40	38	41
Theft	248	235	223	183	216	205	176	171	171	157	125	111	104
Motor vehicle conversion	15	13	13	11	9	10	10	9	12	8	8	7	6
Arson	6	10	10	9	10	12	12	9	11	8	9	8	8
Wilful damage	53	62	62	51	59	67	61	55	54	51	49	53	57
Other property <sup>7</sup>	37	39	37	30	28	24	23	30	28	18	19	15	15
<b>Subtotal—Property</b>	<b>410</b>	<b>426</b>	<b>406</b>	<b>334</b>	<b>372</b>	<b>384</b>	<b>328</b>	<b>318</b>	<b>322</b>	<b>279</b>	<b>249</b>	<b>233</b>	<b>232</b>
<b>Drug</b>	<b>6</b>	<b>10</b>	<b>10</b>	<b>8</b>	<b>11</b>	<b>15</b>	<b>14</b>	<b>14</b>	<b>11</b>	<b>9</b>	<b>9</b>	<b>7</b>	<b>8</b>
<b>Against justice</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>
<b>Good order</b>	<b>51</b>	<b>51</b>	<b>61</b>	<b>48</b>	<b>48</b>	<b>58</b>	<b>56</b>	<b>55</b>	<b>54</b>	<b>45</b>	<b>40</b>	<b>38</b>	<b>36</b>
<b>Miscellaneous</b>	<b>10</b>	<b>13</b>	<b>13</b>	<b>12</b>	<b>12</b>	<b>14</b>	<b>12</b>	<b>12</b>	<b>20</b>	<b>9</b>	<b>8</b>	<b>5</b>	<b>7</b>
<b>Overall</b>	<b>517</b>	<b>543</b>	<b>538</b>	<b>440</b>	<b>483</b>	<b>522</b>	<b>456</b>	<b>448</b>	<b>449</b>	<b>388</b>	<b>347</b>	<b>320</b>	<b>333</b>

Notes:

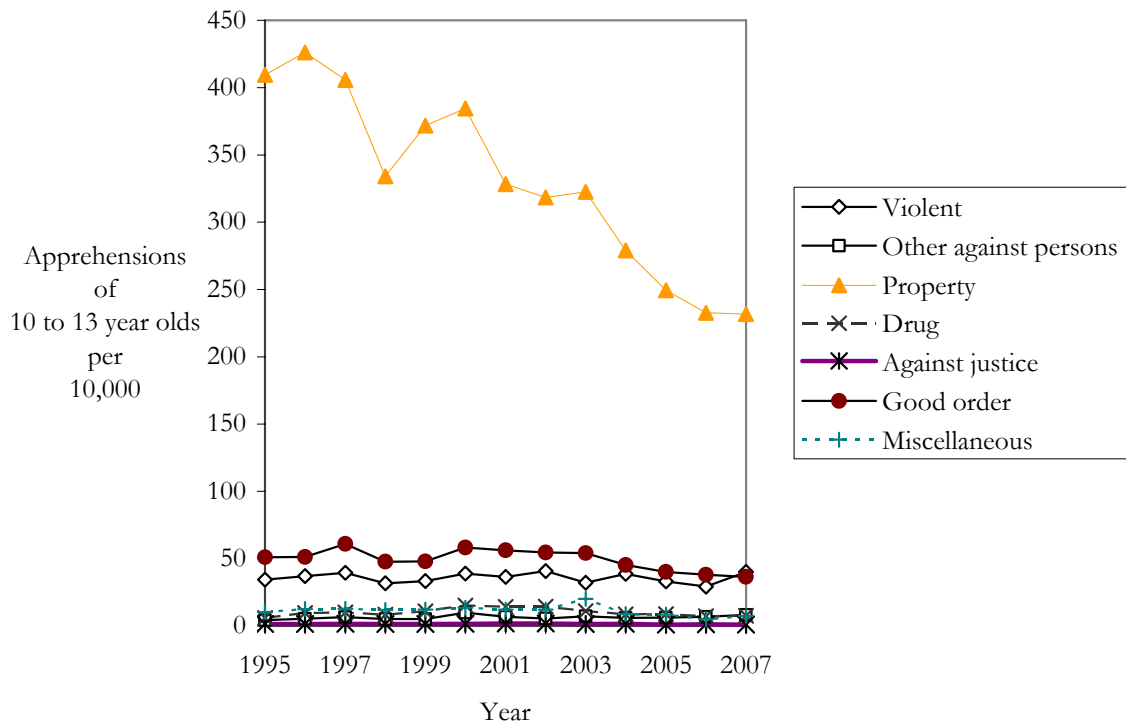
- 1 The data used to produce this table was sourced from New Zealand Police. For consistency with the court statistics in this report, offences are grouped using the Ministry of Justice offence classification rather than the Police classification. The miscellaneous category includes a small number of apprehensions that were classified as unknown. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using Statistics New Zealand population estimates in Table A1.1. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.
- 3 Murder, manslaughter and attempted murder.
- 4 Sexual violation, attempted sexual violation and indecent assault.

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- 5 Grievous and serious assaults, including assaults by males on females and assaults on children. Grievous assaults include assault with a weapon, wounding with intent and injuring with intent, but also include aggravated wounding or injury, disabling, doing a dangerous act with intent, acid throwing and poisoning with intent to cause grievous bodily harm. Serious assaults include common assault under the Crimes Act 1961, but also include assault with intent to injure, injuring by an unlawful act and aggravated assault (including assault on a Police officer or a person assisting the Police under the Crimes Act 1961).
- 6 Mainly common assault under the Summary Offences Act 1981.
- 7 Mainly unlawfully getting into or interfering with a motor vehicle, unlawfully taking a bicycle, receiving stolen property and fraud-related offences.

**Figure 3.2: Police apprehension rates per 10,000 population of 10 to 13 year olds for non-traffic offences, by offence category, 1995 to 2007<sup>1,2</sup>**



**Notes:**

- 1 The data used to produce this figure was sourced from New Zealand Police. For consistency with the court statistics in this report, offences are grouped using the Ministry of Justice offence classification rather than the Police classification. The miscellaneous category includes a small number of apprehensions that were classified as unknown. The figure does not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using Statistics New Zealand population estimates in Table A1.1. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.

**Table 3.3: Police apprehension rates per 10,000 population of 14 to 16 year olds for non-traffic offences, by offence class, 1995 to 2007<sup>1,2</sup>**

Offence class	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Homicide <sup>3</sup>	0	0	0	0	0	0	0	0	0	1	0	0	0
Violent sexual <sup>4</sup>	6	6	5	6	4	5	5	7	7	7	4	6	4
Aggravated robbery	13	11	15	12	11	10	10	11	12	10	15	16	14
Robbery	9	8	7	6	5	8	6	7	6	6	9	10	11
Grievous/serious assault <sup>5</sup>	54	53	50	52	58	59	58	60	61	66	69	78	78
Minor assault <sup>6</sup>	77	81	74	78	77	77	82	77	78	73	70	72	74
Other violent	9	9	10	9	10	10	9	11	11	11	12	11	12
<b>Subtotal—Violent</b>	<b>167</b>	<b>169</b>	<b>162</b>	<b>164</b>	<b>166</b>	<b>171</b>	<b>171</b>	<b>174</b>	<b>176</b>	<b>173</b>	<b>180</b>	<b>193</b>	<b>194</b>
<b>Other against persons</b>	<b>25</b>	<b>28</b>	<b>28</b>	<b>31</b>	<b>29</b>	<b>35</b>	<b>34</b>	<b>38</b>	<b>39</b>	<b>37</b>	<b>36</b>	<b>44</b>	<b>50</b>
Burglary	231	243	231	215	210	247	208	189	196	182	184	190	178
Theft	535	520	438	447	473	460	432	461	454	427	406	347	344
Motor vehicle conversion	141	137	126	104	94	81	94	99	98	82	87	75	72
Arson	9	10	9	12	11	14	11	8	13	12	11	13	13
Wilful damage	157	170	200	160	200	212	210	183	206	182	211	213	201
Other property <sup>7</sup>	216	214	206	206	174	173	163	183	196	140	134	133	119
<b>Subtotal—Property</b>	<b>1289</b>	<b>1294</b>	<b>1209</b>	<b>1145</b>	<b>1161</b>	<b>1187</b>	<b>1118</b>	<b>1123</b>	<b>1163</b>	<b>1025</b>	<b>1033</b>	<b>971</b>	<b>927</b>
<b>Drug</b>	<b>74</b>	<b>92</b>	<b>120</b>	<b>114</b>	<b>117</b>	<b>119</b>	<b>113</b>	<b>105</b>	<b>96</b>	<b>71</b>	<b>67</b>	<b>68</b>	<b>63</b>
<b>Against justice</b>	<b>29</b>	<b>36</b>	<b>47</b>	<b>59</b>	<b>62</b>	<b>80</b>	<b>77</b>	<b>83</b>	<b>69</b>	<b>58</b>	<b>50</b>	<b>41</b>	<b>35</b>
<b>Good order</b>	<b>212</b>	<b>207</b>	<b>236</b>	<b>216</b>	<b>228</b>	<b>224</b>	<b>244</b>	<b>248</b>	<b>253</b>	<b>221</b>	<b>207</b>	<b>209</b>	<b>220</b>
<b>Miscellaneous</b>	<b>92</b>	<b>101</b>	<b>107</b>	<b>123</b>	<b>114</b>	<b>73</b>	<b>64</b>	<b>69</b>	<b>91</b>	<b>51</b>	<b>54</b>	<b>44</b>	<b>51</b>
<b>Overall</b>	<b>1889</b>	<b>1926</b>	<b>1907</b>	<b>1851</b>	<b>1878</b>	<b>1889</b>	<b>1821</b>	<b>1838</b>	<b>1886</b>	<b>1635</b>	<b>1626</b>	<b>1571</b>	<b>1540</b>

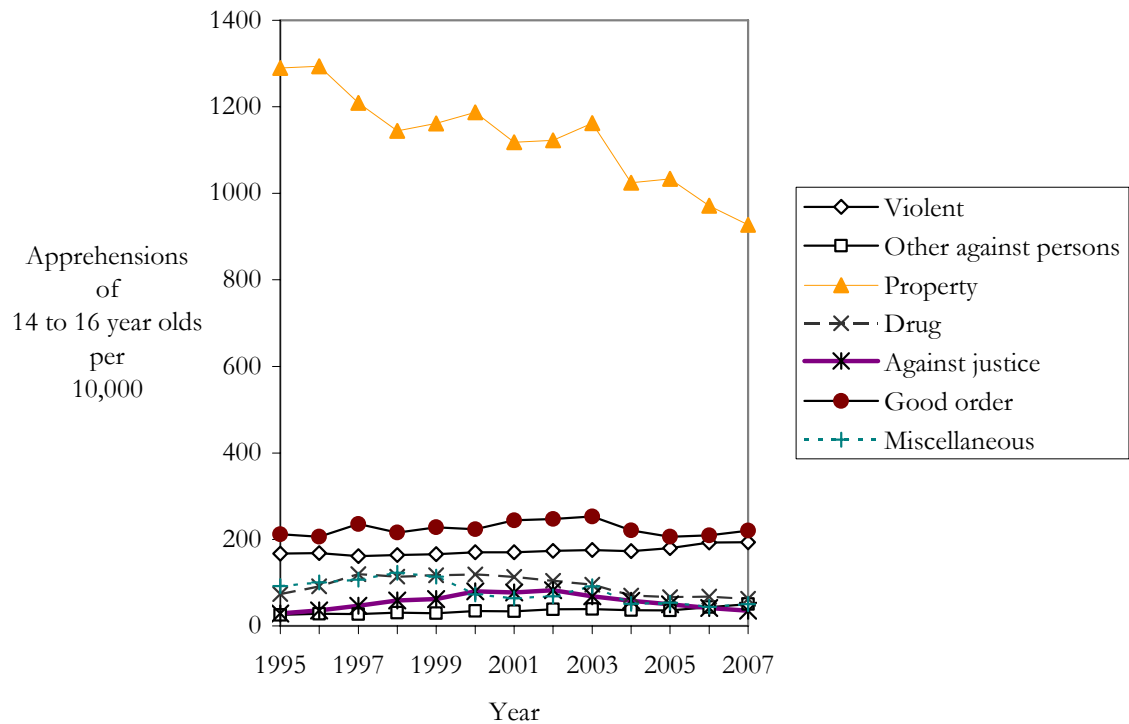
Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. For consistency with the court statistics in this report, offences are grouped using the Ministry of Justice offence classification rather than the Police classification. The miscellaneous category includes a small number of apprehensions that were classified as unknown. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using Statistics New Zealand population estimates in Table A1.1. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.
- 3 Murder, manslaughter and attempted murder.
- 4 Sexual violation, attempted sexual violation and indecent assault.

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- 5 Grievous and serious assaults, including assaults by males on females and assaults on children. Grievous assaults include assault with a weapon, wounding with intent and injuring with intent, but also include aggravated wounding or injury, disabling, doing a dangerous act with intent, acid throwing and poisoning with intent to cause grievous bodily harm. Serious assaults include common assault under the Crimes Act 1961, but also include assault with intent to injure, injuring by an unlawful act and aggravated assault (including assault on a Police officer or a person assisting the Police under the Crimes Act 1961).
- 6 Mainly common assault under the Summary Offences Act 1981.
- 7 Mainly unlawfully getting into or interfering with a motor vehicle, unlawfully taking a bicycle, receiving stolen property and fraud-related offences.

**Figure 3.3: Police apprehension rates per 10,000 population of 14 to 16 year olds for non-traffic offences, by offence category, 1995 to 2007<sup>1,2</sup>**



**Notes:**

- 1 The data used to produce this figure was sourced from New Zealand Police. For consistency with the court statistics in this report, offences are grouped using the Ministry of Justice offence classification rather than the Police classification. The miscellaneous category includes a small number of apprehensions that were classified as unknown. The figure does not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using Statistics New Zealand population estimates in Table A1.1. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.

**Table 3.4: Police apprehension rates per 10,000 population of 17+ year olds for non-traffic offences, by offence category, 1995 to 2007<sup>1,2</sup>**

Offence category	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Violent	93	92	89	88	84	87	89	92	93	92	94	98	112
Other against persons	21	22	21	23	23	26	27	27	28	26	26	28	32
Property	257	214	199	187	176	188	183	186	188	174	163	173	174
Drug	68	70	78	83	79	75	74	70	68	59	54	55	55
Against justice	20	23	28	30	30	35	37	38	38	36	36	40	43
Good order	85	88	88	88	88	95	98	102	106	96	87	91	92
Miscellaneous	30	34	33	37	31	22	19	24	33	35	31	34	38
Overall	575	544	537	536	511	528	528	538	554	518	491	519	545

Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. For consistency with the court statistics in this report, offences are grouped using the Ministry of Justice offence classification rather than the Police classification. The miscellaneous category includes a small number of apprehensions that were classified as unknown. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using Statistics New Zealand population estimates in Table A1.1. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.

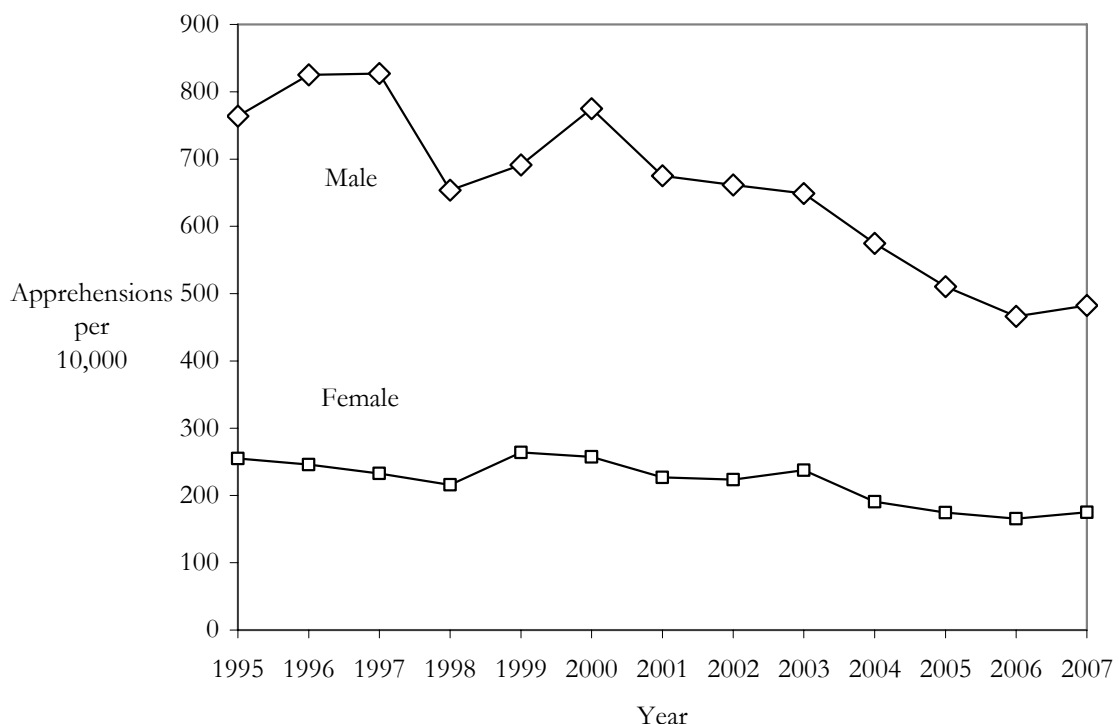
### 3.4 Gender and ethnicity of apprehended children and youth

#### Gender

Tables A1.2 and A1.3 in Appendix 1 show the breakdown by gender of 10 to 13 year olds and 14 to 16 year olds from the estimated resident population for 1995 to 2007. In general, males comprise about 51% of the population.

Since 1995 apprehension rates for males have trended down for children and youth, while those for females have been relatively stable for both age groups. As a result a greater proportion of apprehensions is now attributable to females although their actual rate has changed little. Figure 3.4 shows 10 to 13 year old apprehension rates per 10,000 population for non-traffic offences, by gender, from 1995 to 2007, while Figure 3.5 shows the rates for 14 to 16 year olds. Figures 3.4 and 3.5 show that when population is taken into account, the apprehension rates for 10 to 13 and 14 to 16 year old males have declined over time. Figure 3.4 shows that the apprehension rate for 10 to 13 year old females fluctuated over the period, declining overall, while Figure 3.5 shows that the rate for 14 to 16 year old females remained stable with only small fluctuations over the period.

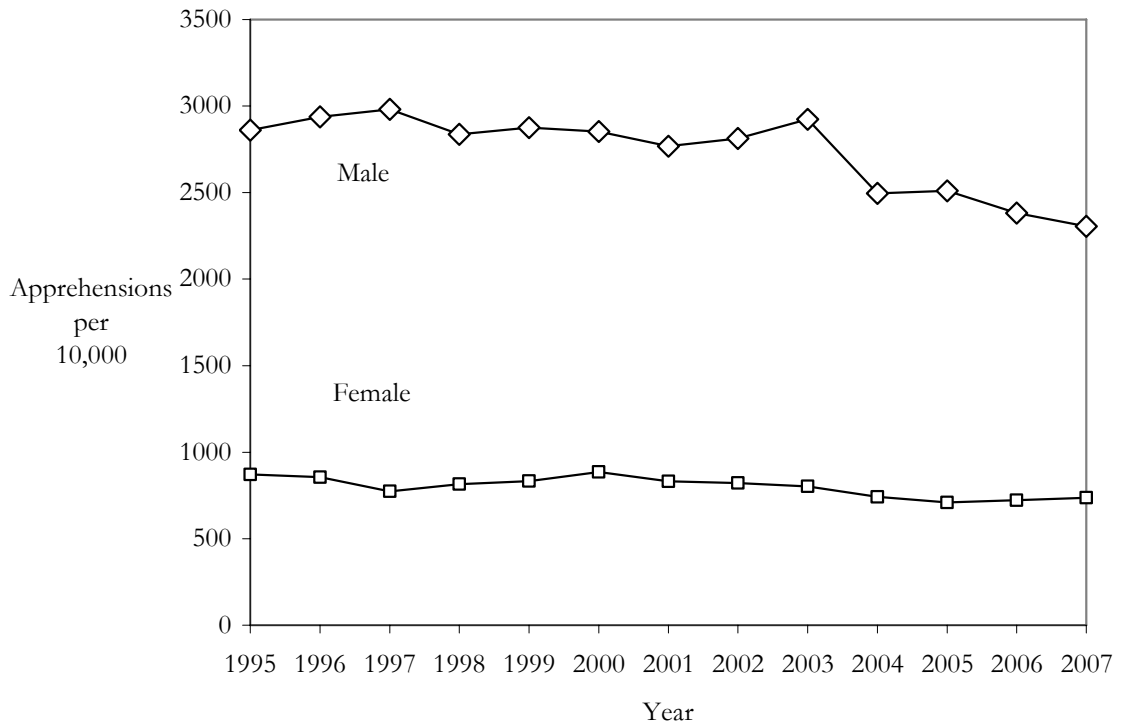
**Figure 3.4: Police apprehensions per 10,000 population of 10 to 13 year olds for non-traffic offences, by gender, 1995 to 2007<sup>1,2</sup>**



**Notes:**

- 1 The data used to produce this figure was sourced from New Zealand Police. The figure does not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using Statistics New Zealand population estimates of 10 to 13 year olds by gender in Table A1.2. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.

**Figure 3.5: Police apprehensions per 10,000 population of 14 to 16 year olds for non-traffic offences, by gender, 1995 to 2007<sup>1,2</sup>**



**Notes:**

- 1 The data used to produce this figure was sourced from New Zealand Police. The figure does not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using Statistics New Zealand population estimates of 14 to 16 year olds by gender in Table A1.3. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.

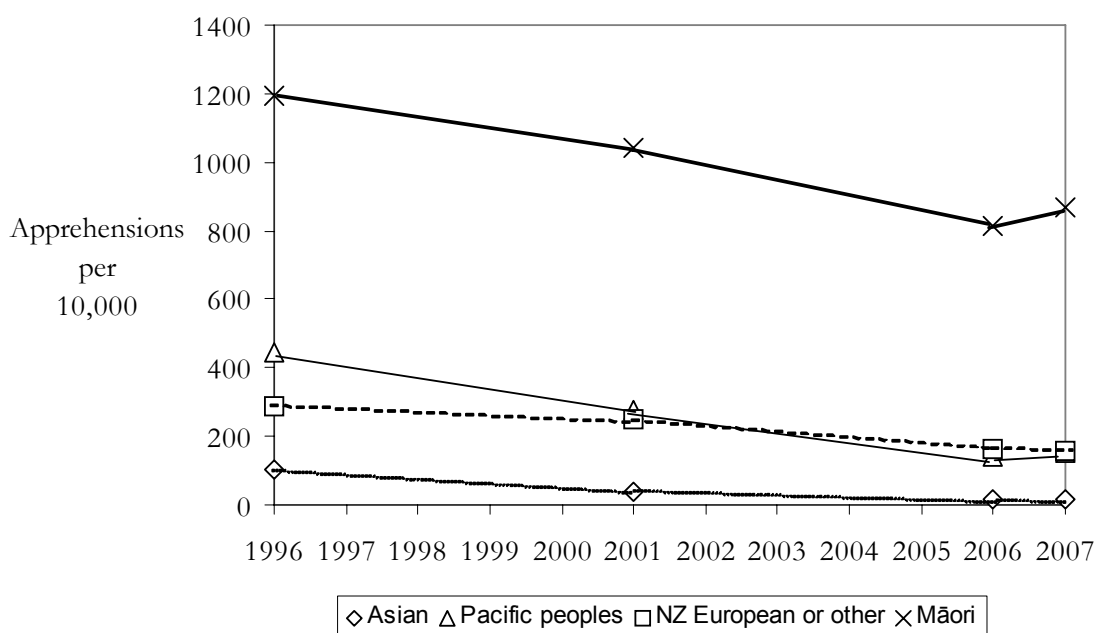


## Ethnicity

Tables A1.4 and A1.5 in Appendix 1 provide ethnic population projections for 10 to 13 and 14 to 16 year olds from 1996 to 2007.<sup>11</sup> To take changing ethnic population size into account, Figure 3.6 shows 10 to 13 year old apprehension rates per 10,000 population for non-traffic offences, by ethnicity, from 1996 to 2007, while Figure 3.7 shows the rates for 14 to 16 year olds.

When population is taken into account, Figure 3.6 shows that in 2006 and 2007, Māori children's apprehension rate is more than five times that of Pacific and NZ European or other children. Figure 3.7 shows that Māori youth's apprehension rate is more than three times that of Pacific and NZ European or other youth. Asian children's and youth's apprehension rates are much lower than other ethnic groups. Over the 1996 to 2007 period, child apprehension rates for all ethnic groups except Māori and Pacific peoples decreased; the 2006 rates for Māori and Pacific children followed an upwards trend to 2007. Youth apprehension rates for all ethnic groups except NZ European or other youth decreased over the 1996 to 2007 period; NZ European or other youth's rates show an upward trend from 1996 to 2001 before trending downwards to 2007.

**Figure 3.6: Police apprehensions per 10,000 population of 10 to 13 year olds for non-traffic offences, by ethnicity, 1996 to 2007<sup>1,2</sup>**

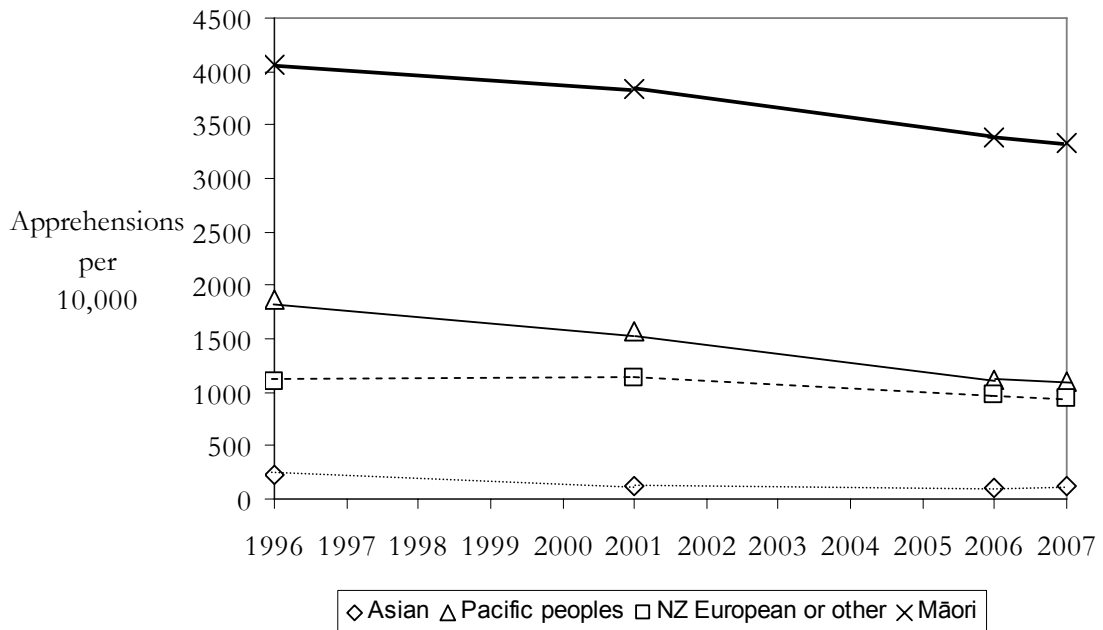


### Notes.

- 1 The data used to produce this figure was sourced from New Zealand Police. The figure does not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using the Statistics New Zealand ethnic population figures of 10 to 13 year olds in Table A1.4. Figures available are ethnic population estimates for census years 1996, 2001 and 2006, and population projections for 2007. See Appendix 1 for more detail on population projections sourced from Statistics New Zealand.

<sup>11</sup> Figures are available for ethnic population estimates over census years 1996, 2001 and 2006, and for population projections in 2007. See Appendix 1 for more detail.

**Figure 3.7: Police apprehensions per 10,000 population of 14 to 16 year olds for non-traffic offences, by ethnicity, 1996 to 2007<sup>1,2</sup>**



Notes:

- 1 The data used to produce this figure was sourced from New Zealand Police. The figure does not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using the Statistics New Zealand ethnic population figures of 14 to 16 year olds in Table A1.5. Figures available are ethnic population estimates for census years 1996, 2001 and 2006, and population projections for 2007. See Appendix 1 for more detail on population projections sourced from Statistics New Zealand.

### 3.5 Police resolutions of child and youth apprehensions

Tables 3.5 and 3.6 present statistics on how the Police dealt with child apprehensions for non-traffic offences over the period 1995 to 2007 (Police resolutions). The figures show that of the 8,079 child apprehensions recorded in 2007:

- 44.9% were dealt with by Police Youth Aid alternative action<sup>12</sup>
- 44.1% were issued a warning or formal caution by Police
- 5.5% were referred to Child Youth and Family for a youth justice FGC (recorded as an 'intention to charge' FGC)
- 3.5% were resolved by other means
- 2.1% were referred to the Family Court for declaration of being in need of care and protection under s14(1)(e) of the CYPF Act (recorded as a prosecution).

<sup>12</sup> Police Youth Aid is a specialist section of the New Zealand Police, dedicated to dealing with child and youth offending. Police Youth Aid delivers alternative action programmes (a form of diversion – see Chapter 2 for an explanation of alternative action) and works alongside frontline officers dealing with young offenders; they are involved in the vast majority of apprehensions involving child or youth offenders.

Tables 3.7 and 3.8 present statistics on how the Police dealt with youth apprehensions for non-traffic offences over the period 1995 to 2007 (Police resolutions). The figures show that of the 29,758 youth apprehensions recorded in 2007:

- 37.1% were dealt with by Police Youth Aid alternative action
- 28.1% were prosecuted (only some of these prosecutions result in the charge being proven in the Youth Court or a conviction in the District Court)
- 24.8% were issued a warning or formal caution by Police
- 6.6% were referred to Child Youth and Family for an 'intention to charge' FGC
- 3.3% were resolved by other means.

Police Youth Aid may choose to refer apprehended young persons to a youth justice coordinator for an 'intention to charge' FGC (see Section 2.3). Therefore the number of apprehensions recorded as being resolved through an 'intention to charge' FGC may undercount the number finally resolved in this manner.

### **Prosecutions and referral to Youth Aid**

There is a trend for fewer child apprehensions to be dealt with by Police Youth Aid alternative action. Table 3.6 shows that prior to 2006 over half (between 57.5% and 64.6%) of child apprehensions were dealt with by Police Youth Aid alternative action, decreasing to 48.8% in 2006 and 44.9% in 2007.

As with children, there is a trend for fewer youth apprehensions to be dealt with by Police Youth Aid alternative action, while youth prosecutions are trending upwards. Table 3.8 shows that prior to 2005 over half (between 53.4% and 57.4%) of youth apprehensions were dealt with by Police Youth Aid alternative action, decreasing to 46.3% in 2005, 38.7% in 2006 and 37.1% in 2007. The proportion of youth apprehensions resolved by prosecution increased in the 1995 to 2007 period from 13.2% to 28.1%. There was a particularly marked increase from 2004 to 2005 (17.2% to 22.8%) and again from 2005 to 2006 (22.8% to 28.7%).

### **Warnings, cautions and referral to youth justice/'intention to charge' FGC**

Warnings and cautions for children have shown a recent increase, while the proportion of child apprehensions resolved by youth justice FGCs has fluctuated, increasing over the last four years. Table 3.6 shows that in 2007, the proportion of child apprehensions resolved by warning or caution was at its highest at 44.1%; up from 42% in 2006. From 1995 to 2005 the proportion was relatively steady at 30% to 35%. The proportion of child apprehensions resolved by a youth justice FGC fluctuated over the 1995 to 2007 period, increasing over the last four years from 2.3% to 5.5%. The proportion of 10 to 13 year olds dealt with in 'other' ways has fluctuated between 1.7% and 3.8% of apprehensions over the 1995 to 2007 period.

As with children, warnings and cautions for youth have shown a recent increase. Table 3.8 shows that in 2007, the proportion of youth apprehensions resolved by warning or caution was at its highest at 24.8%; from 1995 to 2005 the proportion was relatively steady at around 20%. There has been a fairly consistent downward trend in youth apprehensions resolved by

'intention to charge' FGCs (see Table 3.7); the proportion of youth apprehensions resolved by an 'intention to charge' FGC declined overall from 9.3% to 6.6% from 1995 to 2007. The proportion of 14 to 16 year olds dealt with in 'other' ways has stayed fairly stable at around 3% of apprehensions.

**Table 3.5: Number of Police apprehensions of 10 to 13 year olds for non-traffic offences, by resolution type, 1995 to 2007<sup>1</sup>**

<b>Resolution type<sup>2</sup></b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Application for Declaration <sup>3</sup>	58	95	117	57	63	79	87	64	61	60	130	157	167
Youth Justice FGC <sup>4</sup>	335	388	566	353	356	271	204	141	289	221	287	339	447
Police Youth Aid alternative action <sup>5</sup>	6778	7189	6969	6362	7165	8016	7043	7043	7041	5754	4957	3847	3624
Warned/Cautioned <sup>6</sup>	3521	3768	3914	2998	3369	3830	3492	3667	3567	3413	2920	3316	3559
Other <sup>7</sup>	245	285	270	175	211	212	299	215	338	294	330	231	282
<b>Total</b>	<b>10937</b>	<b>11725</b>	<b>11836</b>	<b>9945</b>	<b>11164</b>	<b>12408</b>	<b>11125</b>	<b>11130</b>	<b>11296</b>	<b>9742</b>	<b>8624</b>	<b>7890</b>	<b>8079</b>

Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Resolution is the method by which Police deal with an offender. It does not provide information on the number of proved cases or convictions.
- 3 Referred to the Family Court for an application for declaration of being in need of care and protection under s14(1)(e) of the CYPF Act (recorded as a 'prosecution').
- 4 An FGC involving a child offender convened under the youth justice provisions of the CYPF Act (s.247(a)).
- 5 Alternative action is a form of diversion, often undertaken after consultation with victims, the child and their family/ whānau.
- 6 A warning is where an alleged or admitted offence is dealt with by way of Police warning a child or young person. Where an offence is admitted or proved to have been committed by a child or young person, an FGC recommends a formal Police caution, where the child or young person is formally cautioned by Police.
- 7 The resolution category of 'Other' indicates that the offence was resolved, but none of the specified resolution actions are recorded as having occurred. This could be for a variety of reasons, such as death of the alleged offender, the mental health condition of the alleged offender, or the offender already being in custody for a more serious offence.

**Table 3.6: Percentage of Police apprehensions of 10 to 13 year olds for non-traffic offences, by resolution type, 1995 to 2007<sup>1</sup>**

<b>Resolution type<sup>2</sup></b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Application for Declaration <sup>3</sup>	0.5	0.8	1.0	0.6	0.6	0.6	0.8	0.6	0.5	0.6	1.5	2.0	2.1
Youth Justice FGC <sup>4</sup>	3.1	3.3	4.8	3.5	3.2	2.2	1.8	1.3	2.6	2.3	3.3	4.3	5.5
Police Youth Aid alternative action <sup>5</sup>	62.0	61.3	58.9	64.0	64.2	64.6	63.3	63.3	62.3	59.1	57.5	48.8	44.9
Warned/Cautioned <sup>6</sup>	32.2	32.1	33.1	30.1	30.2	30.9	31.4	32.9	31.6	35.0	33.9	42.0	44.1
Other <sup>7</sup>	2.2	2.4	2.3	1.8	1.9	1.7	2.7	1.9	3.0	3.0	3.8	2.9	3.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Resolution is the method by which Police deal with an offender. It does not provide information on the number of proved cases or convictions.
- 3 Referred to the Family Court for an application for declaration of being in need of care and protection under s14(1)(e) of the CYPF Act (recorded as a 'prosecution').
- 4 An FGC involving a child offender convened under the youth justice provisions of the CYPF Act (s.247(a)).
- 5 Alternative action is a form of diversion, often undertaken after consultation with victims, the child and their family/ whānau.
- 6 A warning is where an alleged or admitted offence is dealt with by way of Police warning a child or young person. Where an offence is admitted or proved to have been committed by a child or young person, an FGC recommends a formal Police caution, where the child or young person is formally cautioned by Police.
- 7 The resolution category of 'Other' indicates that the offence was resolved, but none of the specified resolution actions are recorded as having occurred. This could be for a variety of reasons, such as death of the alleged offender, the mental health condition of the alleged offender, or the offender already being in custody for a more serious offence.

**Table 3.7: Number of Police apprehensions of 14 to 16 year olds for non-traffic offences, by resolution type, 1995 to 2007<sup>1</sup>**

<b>Resolution type<sup>2</sup></b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Prosecution	4026	4325	4426	4778	4854	5145	5251	5159	5655	5241	7098	8727	8361
'Intention to charge' FGC <sup>3</sup>	2814	2878	2585	2361	1856	1497	1198	1340	2219	1303	1607	1855	1965
Police Youth Aid alternative action <sup>4</sup>	16673	16728	16576	16340	17366	17991	16870	17947	18534	16808	14398	11772	11053
Warned/Cautioned <sup>5</sup>	5916	6393	6592	5863	5772	5881	6432	6757	6521	6189	6352	7073	7388
Other <sup>6</sup>	960	947	848	657	817	810	1040	892	1065	959	1644	1024	991
<b>Total</b>	<b>30389</b>	<b>31271</b>	<b>31027</b>	<b>29999</b>	<b>30665</b>	<b>31324</b>	<b>30791</b>	<b>32095</b>	<b>33994</b>	<b>30500</b>	<b>31099</b>	<b>30451</b>	<b>29758</b>

Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. Following the change from the Law Enforcement System (LES) to the National Intelligence Application (NIA) in 2005, caution should be observed when comparing data before 2005 with data from 2005 onwards. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Resolution is the method by which Police deal with an offender. It does not provide information on the number of proved cases or convictions.
- 3 Youth justice FGCs for young people may be initiated through two routes: 'intention to charge' FGCs initiated by Police and those arising from charges laid in the Youth Court once the young person admits they committed the offence or it has been proven.
- 4 Alternative action is a form of diversion, often undertaken after consultation with victims, the young person and their family/ whānau.
- 5 A warning is where an alleged or admitted offence is dealt with by way of Police warning a child or young person. Where an offence is admitted or proved to have been committed by a child or young person, an FGC recommends a formal Police caution, where the child or young person is formally cautioned by Police.
- 6 The resolution category of 'Other' indicates that the offence was resolved, but none of the specified resolution actions are recorded as having occurred. This could be for a variety of reasons, such as death of the alleged offender, the mental health condition of the alleged offender, or the offender already being in custody for a more serious offence.

**Table 3.8: Percentage of Police apprehensions of 14 to 16 year olds for non-traffic offences, by resolution type, 1995 to 2007<sup>1</sup>**

Resolution type <sup>2</sup>	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Prosecution	13.2	13.8	14.3	15.9	15.8	16.4	17.1	16.1	16.6	17.2	22.8	28.7	28.1
'Intention to charge' FGC <sup>3</sup>	9.3	9.2	8.3	7.9	6.1	4.8	3.9	4.2	6.5	4.3	5.2	6.1	6.6
Police Youth Aid alternative action <sup>4</sup>	54.9	53.5	53.4	54.5	56.6	57.4	54.8	55.9	54.5	55.1	46.3	38.7	37.1
Warned/Cautioned <sup>5</sup>	19.5	20.4	21.2	19.5	18.8	18.8	20.9	21.1	19.2	20.3	20.4	23.2	24.8
Other <sup>6</sup>	3.2	3.0	2.7	2.2	2.7	2.6	3.4	2.8	3.1	3.1	5.3	3.4	3.3
Overall	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. Following the change from the Law Enforcement System (LES) to the National Intelligence Application (NIA) in 2005, caution should be observed when comparing data before 2005 with data from 2005 onwards. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Resolution is the method by which Police deal with an offender. It does not provide information on the number of proved cases or convictions.
- 3 Youth justice FGCs for young people may be initiated through two routes: 'intention to charge' FGCs initiated by Police and those arising from charges laid in the Youth Court once the young person admits they committed the offence or it has been proven.
- 4 Alternative action is a form of diversion, often undertaken after consultation with victims, the young person and their family/ whānau.
- 5 A warning is where an alleged or admitted offence is dealt with by way of Police warning a child or young person. Where an offence is admitted or proved to have been committed by a child or young person, an FGC recommends a formal Police caution, where the child or young person is formally cautioned by Police.
- 6 The resolution category of 'Other' indicates that the offence was resolved, but none of the specified resolution actions are recorded as having occurred. This could be for a variety of reasons, such as death of the alleged offender, the mental health condition of the alleged offender, or the offender already being in custody for a more serious offence.



### 3.6 Youth apprehensions by Police districts

Table 3.9 examines youth apprehensions for non-traffic offences by Police district over the period 1995 to 2007. Although the number of youth apprehensions for all of New Zealand has remained very stable across this period, Table 3.9 shows that some Police districts have experienced increases in youth apprehensions, while some have experienced decreases. The Tasman District had the largest percentage increase in the number of youth apprehensions over the period 1995 to 2007, from 1,192 to 1,867 (56.6%), followed by Northland District with 978 to 1,413 (44.5%). In contrast, Auckland had the largest percentage fall in apprehensions, with a decrease from 2,071 to 1,557 (24.8%) over this period.

Table A1.6 in Appendix 1 provides population projections by Police district from 2001 to 2007. To account for the different numbers of young persons living in each Police district, Figure 3.8 shows the youth apprehension rates per 10,000 population for each Police district in 2007. This shows that there are substantial differences between the districts, with Tasman District recording the highest rate at 2,384, and Auckland the lowest at 1,012 youth apprehensions per 10,000 population. Eastern and Southern Districts had the second and third highest rates at 2,213 and 2,190, respectively. Bay of Plenty, Northland, Waikato, Central and Canterbury had rates ranging between 1816 and 1607, while Wellington, Waitematā, Counties/Manukau and Auckland had lower rates, ranging between 1,267 and 1,012.<sup>13</sup>

Table 3.10 examines how Police dealt with youth apprehended in different Police districts in 2007. In 2007, the Canterbury District dealt with the highest number of youth apprehensions (3,682 – down from 4,244 the previous year), and Northland the lowest number (1,413). Other notable trends in 2007 include:

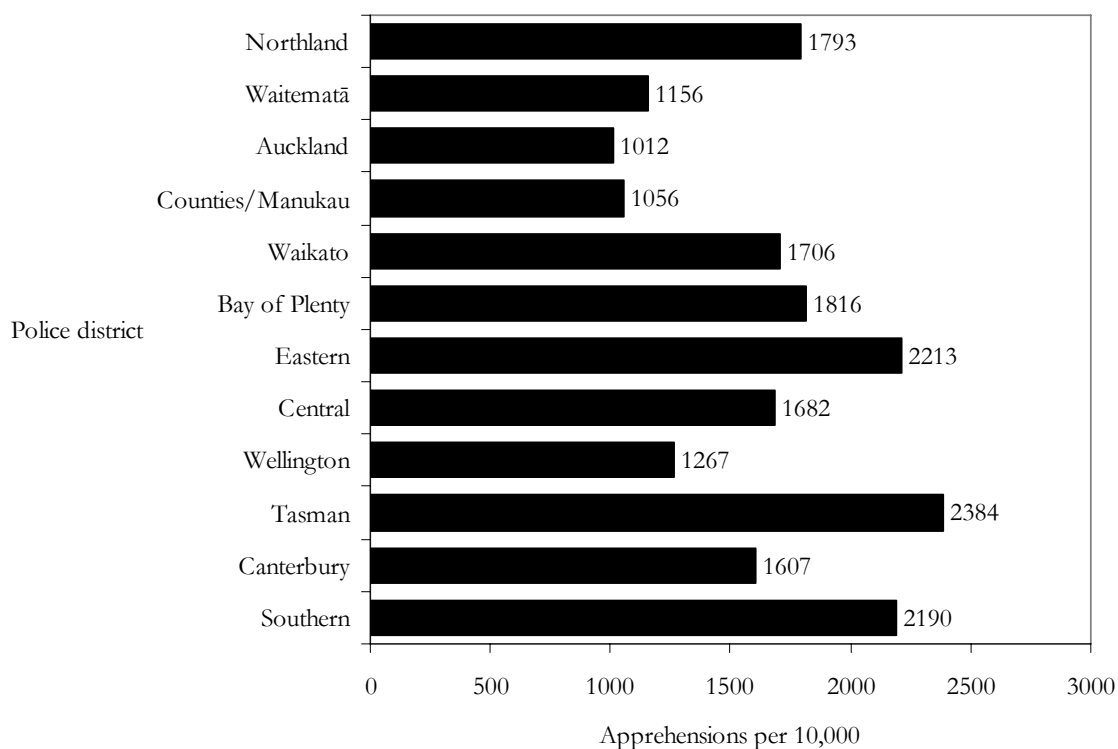
- The highest rates of youth prosecutions were recorded by Eastern, Auckland, Southern and Waitematā Districts (36%, 36%, 33% and 33% respectively), while Tasman recorded the lowest (12%).
- The Southern and Northland Districts had the highest proportion of youth apprehensions sent directly to an 'intention to charge' FGC (both at 14%), while Eastern and Counties/Manukau recorded the lowest (both at 2%).
- Tasman has the highest proportion of 14 to 16 year olds dealt with by Police Youth Aid alternative action at 58% of youth apprehensions, compared to a low of 26% recorded by Southern District.
- Youth apprehensions in Wellington are twice as likely to result in a warning or caution than in Auckland or Northland.
- Auckland had the second lowest number of apprehensions (1,557) but the second highest proportion of apprehensions prosecuted (36%).

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<sup>13</sup> The Northshore-Waitakere District was renamed the Waitematā District in 2006.

- Tasman had the greatest increase in apprehensions (see Table 3.9), but the lowest proportion of apprehensions prosecuted (12%) and the highest proportion of apprehensions referred to Police Youth Aid alternative action (58%).

**Figure 3.8: Police apprehensions per 10,000 population of 14 to 16 year olds for non-traffic offences, by Police district, 2007<sup>1,2</sup>**



**Notes:**

- 1 The data used to produce this figure was sourced from New Zealand Police. The figure does not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Rates per 10,000 have been calculated using the Statistics New Zealand population projections of 14 to 16 year olds by Police district in Table A1.6. See Appendix 1 for more detail on population projections sourced from Statistics New Zealand.

**Table 3.9: Number of Police apprehensions of 14 to 16 year olds for non-traffic offences, by Police district, 1995 to 2007**

Police district	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Northland	978	1275	1106	1097	1219	1623	1744	1559	1276	1151	1249	1209	1413
Waitematā	2128	2511	2254	2380	2139	2782	3120	3313	3180	2831	2782	3185	2765
Auckland	2071	2527	1715	1889	1741	1874	1705	1731	1813	1421	1611	1471	1557
Counties/ Manukau	2599	3070	3049	2721	2690	3025	3110	2723	3411	2719	2321	2804	2658
Waikato	2985	3179	3069	2813	3070	2783	2640	2580	2684	2405	2641	2563	2659
Bay of Plenty	2811	2607	2826	2910	2764	2796	2441	2742	3221	3256	3255	2975	2952
Eastern	2025	1963	2052	1853	1816	1969	1931	2211	2010	1754	2482	2047	2247
Central	3434	3003	3513	3474	3316	3283	3008	2893	3405	2830	2480	2879	2797
Wellington	3234	3285	2996	2820	2636	3177	3272	3568	3594	3181	3342	2742	2478
Tasman	1192	1120	1096	1063	1317	1459	1326	1740	1767	1971	1846	1643	1867
Canterbury	4016	3743	3667	3845	4893	4060	3898	4255	3822	4262	4216	4244	3682
Southern	2916	2988	3684	3134	3064	2493	2596	2780	3811	2719	2874	2689	2683
<b>Total</b>	<b>30389</b>	<b>31271</b>	<b>31027</b>	<b>29999</b>	<b>30665</b>	<b>31324</b>	<b>30791</b>	<b>32095</b>	<b>33994</b>	<b>30500</b>	<b>31099</b>	<b>30451</b>	<b>29758</b>

Note: The data used to produce this table was sourced from New Zealand Police. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. See Appendix 2 for more detail on statistics sourced from New Zealand Police.

**Table 3.10: Number of Police apprehensions of 14 to 16 year olds for non-traffic offences, by resolution type and Police district, 2007<sup>1,2</sup>**

Police district	Prosecution		'Intention to charge' FGC <sup>3</sup>		Police Youth Aid alternative action <sup>4</sup>		Warned Cautioned <sup>5</sup>		Other <sup>6</sup>		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Northland	349	25	196	14	640	45	214	15	14	1	1413	100
Waitematā	899	33	220	8	797	29	644	23	205	7	2765	100
Auckland	564	36	99	6	543	35	234	15	117	8	1557	100
Counties/Manukau	787	30	58	2	1235	46	508	19	70	3	2658	100
Waikato	533	20	184	7	1091	41	730	27	121	5	2659	100
Bay of Plenty	799	27	316	11	1059	36	635	22	143	5	2952	100
Eastern	817	36	54	2	681	30	672	30	23	1	2247	100
Central	686	25	156	6	1049	38	769	27	137	5	2797	100
Wellington	695	28	103	4	875	35	776	31	29	1	2478	100
Tasman	227	12	52	3	1077	58	473	25	38	2	1867	100
Canterbury	1109	30	141	4	1300	35	1046	28	86	2	3682	100
Southern	896	33	386	14	706	26	687	26	8	0	2683	100
<b>Total</b>	<b>8361</b>	<b>28</b>	<b>1965</b>	<b>7</b>	<b>11053</b>	<b>37</b>	<b>7388</b>	<b>25</b>	<b>991</b>	<b>3</b>	<b>29758</b>	<b>100</b>

Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. The figures in this table do not refer to distinct offenders, as people who are apprehended for more than one offence are counted once for each offence. Following the change from the Law Enforcement System (LES) to the National Intelligence Application (NIA) in 2005, caution should be observed when comparing data before 2005 with data from 2005 onwards. See Appendix 2 for more detail on statistics sourced from New Zealand Police.
- 2 Resolution is the method by which Police deal with an offender. It does not provide information on the number of proved cases or convictions.
- 3 Youth justice FGCs for young people may be initiated through two routes: 'intention to charge' FGCs initiated by Police and those arising from charges laid in the Youth Court once the young person admits they committed the offence or it has been proven.
- 4 Alternative action is a form of diversion, often undertaken after consultation with victims, the young person and their family/ whānau.
- 5 A warning is where an alleged or admitted offence is dealt with by way of Police warning a child or young person. Where an offence is admitted or proved to have been committed by a child or young person, an FGC recommends a formal Police caution, where the child or young person is formally cautioned by Police.
- 6 The resolution category of 'Other' indicates that the offence was resolved, but none of the specified resolution actions are recorded as having occurred. This could be for a variety of reasons, such as death of the alleged offender, the mental condition of the alleged offender, or the offender already being in custody for a more serious offence.

## 4 Outcomes of prosecutions

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### 4.1 Introduction

This chapter examines the outcomes of cases involving young people coming before the courts from 1992 to 2007.<sup>14</sup> In doing so it examines:

- the number and percentage of cases prosecuted involving young people
- rates per 10,000 population of outcomes of cases prosecuted involving young people
- outcomes of cases by young people's gender, age and ethnicity
- the court regions where cases were finalised
- the types and seriousness of proved cases against young people.

Young people aged 14 to 16 who come before the courts are generally prosecuted in the Youth Court. However, if a young person's offending is serious (for example, arson and aggravated robbery) the case can be transferred to the District or High Court for trial and/or sentencing. The information in this section includes cases eligible to be heard before the Youth Court (including those later transferred to higher courts), for all who were:

- 10 to 13 years old and charged with murder or manslaughter offences
- 14 to 16 years old when their cases were finalised
- 17 years old at the time their cases were laid, but who offended when they were aged under 17 (regardless of their age at case finalisation).

Cases involving non-imprisonable traffic offences have been excluded from the statistics as they are not usually dealt with under the provisions of the CYPF Act.

Table 4.1 shows the outcomes of all cases prosecuted in court involving young people. All offences except non-imprisonable traffic offences are included.

The outcomes of court cases fall into six categories:

- convicted (convicted in the District or High Court)
- discharged without conviction (in the District or High Court under section 19 of the Criminal Justice Act 1985 or section 106 of the Sentencing Act 2002, after the offender is found guilty or pleads guilty)
- Youth Court proved (cases proved in the Youth Court; these cases are not recorded as convictions, but as proved cases)
- discharged under section 282 of the CYPF Act (this allows the Youth Court to discharge a complaint laid against a young person, so that the complaint is deemed never to have been laid. In the vast majority of such cases, the young person would have admitted the

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<sup>14</sup> As noted in section 1.1, Court statistics are available from 1992 onwards.

offence, been sent to an FGC, and complied with the recommendations made at the conference, before having the case discharged by the court)

- not proved (cases that were withdrawn, dismissed, discharged (excluding cases discharged under section 282 of the CYPF Act), struck out, not proceeded with, or acquitted)
- other (includes cases where there was a stay of proceedings. Also includes cases where the person was found to be under disability or was acquitted on account of insanity, and an order was made under section 115 of the Criminal Justice Act 1985 and sections 24 & 25 of the Criminal Procedure (Mentally Impaired Persons) Act 2003).

Cases that result in a conviction or discharge without conviction have been finalised in the District or High Courts, while cases proved in the Youth Court or discharged under section 282 are specific to the Youth Court. The *not proved* and *other* outcomes can occur in all courts. A *not proved* final outcome does not always mean that the court determined that the defendant was not guilty. When a young person admits an offence in the Youth Court, the case is adjourned for an FGC to be convened, and if agreement is reached at the conference, the case may be withdrawn (one of the *not proved* outcomes).

## 4.2 Points to note when reading this chapter

The data used for this chapter was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this chapter uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007.

Figures presented in Chapter 4 were extracted in August 2008. Caveats pertaining to the data are discussed in Section 1.5 in Chapter 1.

### Cases and charges

This chapter uses cases as the unit of measurement. A 'charge' refers to each separate offence prosecuted in the criminal court system. For example, where a defendant is charged with three different offences, these will be counted as three separate charges. For the purposes of statistical reporting, a 'case' is defined as follows:

- a 'case' aggregates charges against the same individual
- a 'case' may involve multiple charges, laid in court at the same or proximate point of time
- where there is more than one defendant involved in the same case, a new 'case' is counted for each defendant
- the charge taken to represent the 'case' is the one that resulted in the most serious penalty; this is calculated using a hierarchy.

As cases were not explicitly identified in LES (i.e. 1992 to 2003), a method was developed to determine which charges would most likely belong to the same case. Charges against one person were combined to form a case if they had either the first or final court hearing date in

common. Where a case involved more than one charge, the charge taken to represent the case was the one that resulted in the most serious penalty, calculated using a hierarchy using (in order of importance) charge outcome, order or sentence type, and seriousness score.

For CMS case statistics (i.e. 2004 to 2007), the identification of cases was based on the way that cases are joined in CMS, with two minor adjustments:

- 1 Only charges relating to a single individual were combined to form a case. In CMS, charges against different people may be joined into the same case. Since case-based statistics require that the charges in a case relate to the same person, charges for different people joined into the same case were not combined to form a case for the purposes of this report.
- 2 Associated charges not linked in CMS were combined to form a case when a person received two or more:
  - custodial orders or sentences on the same day
  - community-based orders or sentences on the same day
  - supervision orders on the same day

(NB: when a person received two or more different orders or sentences on the same day the charge taken to represent the case was the one that resulted in the most serious penalty).

A 'case' is therefore a way of approximating the number of persons prosecuted. Because the most serious outcome is selected to represent a case, less serious outcomes are under-represented in case statistics.

### **Proved cases**

In the interests of brevity, the term 'proved cases' is often used to refer to both *cases proved* in the Youth Court and *convictions* in the District and High Court, as proved cases comprise the vast majority of cases.

### **Factors influencing official court statistics**

It is not possible to precisely determine the relationship between the total number of offences committed and the number of offences prosecuted in court. Not all offences committed are discovered by, reported to, or recorded by the Police. In addition, not all offences that come to Police attention result in a prosecution, and there are significant differences between the resolution/clearance rates and prosecution rates for different types of offences. Charge and case numbers can also be affected by legislative and administrative changes, technical adjustments to the collection and enumeration of offence data, as well as alterations in the availability and prioritisation of Police resources for detecting and investigating offences. For these reasons, changes in the number of criminal charges and cases processed by the courts do not necessarily reflect real changes in the volume of criminal behaviour.

Also, it should be noted that where case numbers are small, small increases or decreases in these numbers result in large percentage changes. In addition, caution is advised in making

inferences about increases or decreases in case numbers over short time periods, for example, one or two years, as longer time periods are needed to establish whether any changes represent a trend.

For more information on courts' statistics, see Appendix 3.

### 4.3 Outcomes of prosecuted cases involving young people

Tables 4.1 and 4.2 and Figure 4.1 present the outcomes of cases involving young people coming before the courts (Youth, District and High Courts). Figures on the outcomes of cases involving all people coming before the courts are presented in Tables 4.3 and 4.4, which enables youth prosecution data to be examined in the broader context of trends in all prosecutions.

#### Overall prosecuted cases

Over the last four years there has been an overall increase in the number of prosecuted cases.<sup>15</sup> Table 4.1 shows that the number of prosecuted cases involving young people increased by 57.7% from 1992 to 2003, from 2,594 to 4,092. From 2004 to 2007 they fluctuated, increasing overall by 1.9%, from 5,932 to 6,044. By comparison, Table 4.3 shows that the number of prosecuted cases for all age groups recorded a 4.5% increase from 1992 to 2003, from 112,360 to 117,366, and a 9.9% increase from 2004 to 2007, from 139,815 to 153,642.

#### Convictions

Since 2004 there has been a slight increase in all age convictions, but a slight decrease in youth convictions in the District or High Court. Table 4.2 shows the proportion of young people convicted in the District or High Court (after the case was transferred for trial and/or sentencing) decreased from 10.5% in 1992 to 6.2% in 2003. From 2004 to 2007, the proportion of young people convicted in the District or High Court decreased slightly, from 4.8% to 3.9%; Figure 4.1 illustrates this in graph format. When compared to cases prosecuted for all age groups, Table 4.3 shows that conviction is the most frequent outcome of a prosecution. Table 4.4 shows that the proportion of all prosecutions resulting in a conviction for all age groups decreased from 75.1% to 72.8% from 1992 to 2003. From 2004 to 2007, the proportion increased slightly from 68.3% to 71.5%.

#### Youth Court proved cases

Overall, the number of Youth Court proved cases has decreased for young people in the last four years. Table 4.1 shows that the number of cases proved in the Youth Court increased from 779 in 1992 to 1,341 in 1999, before decreasing to 1,291 in 2003. From 2004 to 2007 the number of proved cases decreased overall by 8.9%, from 1,760 to 1,604; Figure 4.1 illustrates this in graph format. Table 4.2 shows that the proportion of proved cases fluctuated over the 1992 to 2003 period, with a low of 26.3% in 1994 and a high of 34.5% in 1997. From 2004 to 2007, the proportion decreased from 29.7% to 26.5%.

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<sup>15</sup> Only cases finalised in the calendar year are included, not new cases introduced.



**Table 4.1: Number of cases prosecuted involving young people for all offences except non-imprisonable traffic offences, by outcome, 1992 to 2007<sup>1</sup>**

		← LES →												← CMS →			
Court	Outcome	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Adult Court	Convicted <sup>2</sup>	273	347	376	358	359	412	380	369	314	289	292	254	285	271	278	238
	Discharge without conviction <sup>3</sup>	3	6	10	9	8	13	5	12	11	11	13	7	24	11	14	13
Youth Court	Youth Court proved <sup>4</sup>	779	828	840	1033	1072	1296	1249	1341	1307	1267	1103	1291	1760	1617	1641	1604
	Section 282 discharge <sup>5</sup>	502	828	875	930	927	926	1110	1238	1318	1351	1354	1556	2076	1905	2209	2285
	Not proved <sup>6</sup>	1037	949	1088	1325	1146	1105	1062	1112	1055	1084	1135	979	1784	1815	2050	1896
	Other <sup>7</sup>	0	0	3	7	15	4	2	7	11	9	1	5	3	0	3	8
<b>Total</b>		<b>2594</b>	<b>2958</b>	<b>3192</b>	<b>3662</b>	<b>3527</b>	<b>3756</b>	<b>3808</b>	<b>4079</b>	<b>4016</b>	<b>4011</b>	<b>3898</b>	<b>4092</b>	<b>5932</b>	<b>5619</b>	<b>6195</b>	<b>6044</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 Convicted in the District or High Court.
- 3 Discharge without conviction in the District or High Court under section 19 of the Criminal Justice Act 1985 or section 106 of the Sentencing Act 2002, after the offender is found guilty or pleads guilty.
- 4 Cases proved in the Youth Court. These cases are not recorded as convictions, but as proved cases.
- 5 Section 282 of the CYPF Act allows the Youth Court to discharge a complaint laid against a young person, so that the complaint is deemed never to have been laid. In the vast majority of such cases, the young person would have admitted the offence, been sent to an FGC, and complied with the recommendations made at the conference, before having the case discharged by the court.
- 6 Cases that were withdrawn, dismissed, discharged (excluding cases discharged under section 282 of the CYPF Act), struck out, not proceeded with, or acquitted.
- 7 Includes cases where there was a stay of proceedings. Also includes cases where the person was found to be under disability or was acquitted on account of insanity, and an order was made under section 115 of the Criminal Justice Act 1985 and sections 24 & 25 of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

**Table 4.2: Percentage of cases prosecuted involving young people for all offences except non-imprisonable traffic offences, by outcome, 1992 to 2007<sup>1</sup>**

		LES												CMS			
Court	Outcome	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Adult	Convicted <sup>2</sup>	10.5	11.7	11.8	9.8	10.2	11.0	10.0	9.0	7.8	7.2	7.5	6.2	4.8	4.8	4.5	3.9
Court	Discharge without conviction <sup>3</sup>	0.1	0.2	0.3	0.2	0.2	0.3	0.1	0.3	0.3	0.3	0.3	0.2	0.4	0.2	0.2	0.2
Youth	Youth Court proved <sup>4</sup>	30.0	28.0	26.3	28.2	30.4	34.5	32.8	32.9	32.5	31.6	28.3	31.5	29.7	28.8	26.5	26.5
Court	Section 282 discharge <sup>5</sup>	19.4	28.0	27.4	25.4	26.3	24.7	29.1	30.4	32.8	33.7	34.7	38.0	35.0	33.9	35.7	37.8
	Not proved <sup>6</sup>	40.0	32.1	34.1	36.2	32.5	29.4	27.9	27.3	26.3	27.0	29.1	23.9	30.1	32.3	33.1	31.4
	Other <sup>7</sup>	0.0	0.0	0.1	0.2	0.4	0.1	0.1	0.2	0.3	0.2	0.0	0.1	0.1	0.0	0.0	0.1
<b>Total</b>		<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 Convicted in the District or High Court.
- 3 Discharge without conviction in the District or High Court under section 19 of the Criminal Justice Act 1985 or section 106 of the Sentencing Act 2002, after the offender is found guilty or pleads guilty.
- 4 Cases proved in the Youth Court. These cases are not recorded as convictions, but as proved cases.
- 5 Section 282 of the CYPF Act allows the Youth Court to discharge a complaint laid against a young person, so that the complaint is deemed never to have been laid. In the vast majority of such cases, the young person would have admitted the offence, been sent to an FGC, and complied with the recommendations made at the conference, before having the case discharged by the court.
- 6 Cases that were withdrawn, dismissed, discharged (excluding cases discharged under section 282 of the CYPF Act), struck out, not proceeded with, or acquitted.
- 7 Includes cases where there was a stay of proceedings. Also includes cases where the person was found to be under disability or was acquitted on account of insanity, and an order was made under section 115 of the Criminal Justice Act 1985 and sections 24 & 25 of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

**Table 4.3: Number of cases prosecuted for children, youth and adults and all offences except non-imprisonable traffic offences, by outcome, 1992 to 2007<sup>1</sup>**

		LES											CMS				
Court	Outcome	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Adult Court	Convicted <sup>2</sup>	84386	89360	91255	91032	91589	84928	87735	85869	80866	81636	80813	85496	95513	96066	101276	109795
	Discharge without conviction <sup>3</sup>	1200	1481	1798	1859	1994	2170	2273	2512	2402	2262	2309	2758	5115	3926	3761	4106
Youth Court	Youth Court proved <sup>4</sup>	801	836	844	1040	1078	1306	1264	1352	1316	1278	1114	1297	1792	1631	1659	1612
	Section 282 discharge <sup>5</sup>	516	845	884	949	937	937	1124	1249	1331	1381	1363	1570	2091	1920	2223	2296
	Not proved <sup>6</sup>	25423	22325	24533	27610	26554	24832	24273	24482	24313	24385	24928	26070	35183	32940	33634	35690
	Other <sup>7</sup>	34	53	50	135	104	113	86	103	127	134	128	175	121	130	109	143
<b>Total</b>		<b>112360</b>	<b>114900</b>	<b>119364</b>	<b>122625</b>	<b>122256</b>	<b>114286</b>	<b>116755</b>	<b>115567</b>	<b>110355</b>	<b>111076</b>	<b>110655</b>	<b>117366</b>	<b>139815</b>	<b>136613</b>	<b>142662</b>	<b>153642</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 Convicted in the District or High Court.
- 3 Discharge without conviction in the District or High Court under section 19 of the Criminal Justice Act 1985 or section 106 of the Sentencing Act 2002, after the offender is found guilty or pleads guilty.
- 4 Cases proved in the Youth Court. These cases are not recorded as convictions, but as proved cases.
- 5 Section 282 of the CYPF Act allows the Youth Court to discharge a complaint laid against a young person, so that the complaint is deemed never to have been laid. In the vast majority of such cases, the young person would have admitted the offence, been sent to an FGC, and complied with the recommendations made at the conference, before having the case discharged by the court.
- 6 Cases that were withdrawn, dismissed, discharged (excluding cases discharged under section 282 of the CYPF Act), struck out, not proceeded with, or acquitted.
- 7 Includes cases where there was a stay of proceedings. Also includes cases where the person was found to be under disability or was acquitted on account of insanity, and an order was made under section 115 of the Criminal Justice Act 1985 and sections 24 & 25 of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

**Table 4.4: Percentage of cases prosecuted for children, youth and adults and all offences except non-imprisonable traffic offences, by outcome, 1992 to 2007<sup>1</sup>**

		← LES												CMS →			
Court	Outcome	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Adult Court	Convicted <sup>2</sup>	75.1	77.8	76.5	74.2	74.9	74.3	75.1	74.3	73.3	73.5	73.0	72.8	68.3	70.3	71.0	71.5
	Discharge without conviction <sup>3</sup>	1.1	1.3	1.5	1.5	1.6	1.9	1.9	2.2	2.2	2.0	2.1	2.3	3.7	2.9	2.6	2.7
Youth Court	Youth Court proved <sup>4</sup>	0.7	0.7	0.7	0.8	0.9	1.1	1.1	1.2	1.2	1.2	1.0	1.1	1.3	1.2	1.2	1.0
	Section 282 discharge <sup>5</sup>	0.5	0.7	0.7	0.8	0.8	0.8	1.0	1.1	1.2	1.2	1.2	1.3	1.5	1.4	1.6	1.5
	Not prove <sup>6</sup>	22.6	19.4	20.6	22.5	21.7	21.7	20.8	21.2	22.0	22.0	22.5	22.2	25.2	24.1	23.6	23.2
	Other <sup>7</sup>	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
<b>Total</b>		<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 Convicted in the District or High Court.
- 3 Discharge without conviction in the District or High Court under section 19 of the Criminal Justice Act 1985 or section 106 of the Sentencing Act 2002, after the offender is found guilty or pleads guilty.
- 4 Cases proved in the Youth Court. These cases are not recorded as convictions, but as proved cases.
- 5 Section 282 of the CYPF Act allows the Youth Court to discharge a complaint laid against a young person, so that the complaint is deemed never to have been laid. In the vast majority of such cases, the young person would have admitted the offence, been sent to an FGC, and complied with the recommendations made at the conference, before having the case discharged by the court.
- 6 Cases that were withdrawn, dismissed, discharged (excluding cases discharged under section 282 of the CYPF Act), struck out, not proceeded with, or acquitted.
- 7 Includes cases where there was a stay of proceedings. Also includes cases where the person was found to be under disability or was acquitted on account of insanity, and an order was made under section 115 of the Criminal Justice Act 1985 and sections 24 & 25 of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

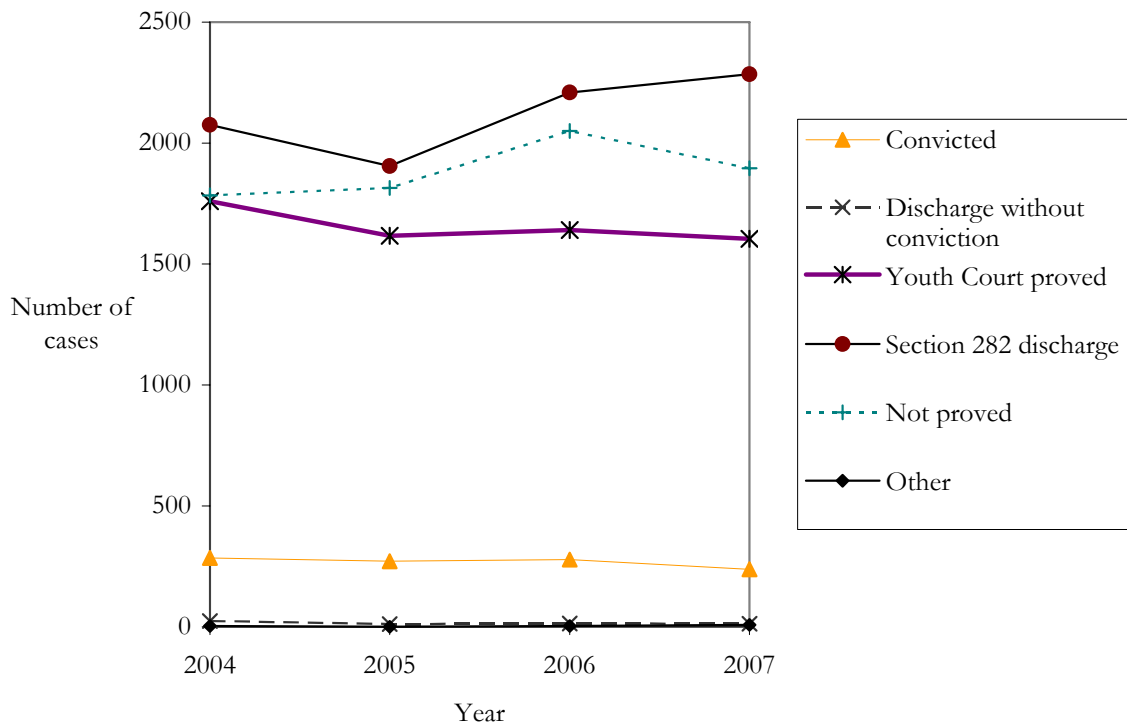
**Table 4.5: Rate per 10,000 population of outcomes of cases prosecuted involving young people for all offences except non-imprisonable traffic offences, 1992 to 2007<sup>1,2</sup>**

		LES												CMS			
Court	Outcome	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Adult Court	Convicted <sup>3</sup>	17	22	24	22	22	25	23	23	19	17	17	14	15	14	14	12
Adult Court	Discharge without conviction <sup>4</sup>	0	0	1	1	0	1	0	1	1	1	1	0	1	1	1	1
Youth Court	Youth Court proved <sup>5</sup>	49	53	53	64	66	80	77	82	79	75	63	72	94	85	85	83
Youth Court	Section 282 discharge <sup>6</sup>	32	53	56	58	57	57	68	76	79	80	78	86	111	100	114	118
	Not proved <sup>7</sup>	66	60	69	82	71	68	66	68	64	64	65	54	96	95	106	98
	Other <sup>8</sup>	0	0	0	0	1	0	0	0	1	1	0	0	0	0	0	0
<b>Total</b>		<b>164</b>	<b>188</b>	<b>203</b>	<b>228</b>	<b>217</b>	<b>231</b>	<b>235</b>	<b>250</b>	<b>242</b>	<b>237</b>	<b>223</b>	<b>227</b>	<b>318</b>	<b>294</b>	<b>320</b>	<b>313</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 Rates per 10,000 have been calculated using Statistics New Zealand population estimates in Table A1.1. See Appendix 1 for more detail on population estimates sourced from Statistics New Zealand.
- 3 Convicted in the District or High Court.
- 4 Discharge without conviction in the District or High Court under section 19 of the Criminal Justice Act 1985 or section 106 of the Sentencing Act 2002, after the offender is found guilty or pleads guilty.
- 5 Cases proved in the Youth Court. These cases are not recorded as convictions.
- 6 Section 282 of the CYPF Act allows the Youth Court to discharge a complaint laid against a young person, so that the complaint is deemed never to have been laid. In the vast majority of such cases, the young person would have admitted the offence, been sent to an FGC, and complied with the recommendations made at the conference, before having the case discharged by the court.
- 7 Cases that were withdrawn, dismissed, discharged (excluding cases discharged under section 282 of the CYPF Act), struck out, not proceeded with, or acquitted.
- 8 Includes cases where there was a stay of proceedings. Also includes cases where the person was found to be under disability or was acquitted on account of insanity, and an order was made under section 115 of the Criminal Justice Act 1985 and sections 24 & 25 of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

**Figure 4.1: Number of cases prosecuted involving young people for all offences except non-imprisonable traffic offences, by outcome, 2004 to 2007**



### Section 282 discharges

Discharges under Section 282 of the CYPF Act have increased slightly. Under section 282 of the Act, the Youth Court can discharge a charge laid against a young person so that in effect the charge is deemed never to have been laid. In most cases, the young person would have admitted the offence, been sent to an FGC, and complied with the recommendations made at the conference. The percentages in Table 4.2 show that a s282 discharge was the most common outcome for prosecutions involving young people since 2000. Table 4.1 shows that from 2004 to 2007, the number of cases resulting in this outcome increased overall by 10.1%, from 2,076 to 2,285; Figure 4.1 illustrates this in graph format. Table 4.2 shows that from 2004 to 2007 the proportion of s282 discharge cases increased overall from 35.0% to 37.8%.

### Not proved

Not proved cases increased from 2004 to 2006 before decreasing in 2007. Table 4.1 also shows that the number of cases recorded as not proved was at a low of 949 cases in 1993, increasing to 1,325 in 1995, then averaging around 1,100 cases before decreasing to 979 in 2003. From 2004 to 2007, the number of not proved cases fluctuated, increasing overall by 6.3%, from 1,784 to 1,896. Figure 4.1 illustrates this trend in graph format.

## Discharge without conviction and 'other'

Cases resulting in a discharge without conviction in the District or High Court, or recorded as 'other', comprise a very small number and proportion of cases (less than 1%), as shown in Figure 4.1, Tables 4.1 and 4.2 respectively.

## Overall rates of prosecuted cases

To take changing population size into account, case data is presented according to rates per 10,000 youth population (see Appendix 1 for more detail on population statistics). As population estimates have been revised based on the 2006 Census, rates calculated in this report may differ from those published in the *Youth Justice Statistics in New Zealand: 1992 to 2006* report, which were based on the 2001 Census.

Table 4.5 presents the outcomes of cases prosecuted involving young people as a rate per 10,000 population from 1992 to 2007, for all offences except non-imprisonable traffic offences. This takes into account the effect of the increase in the 14 to 16 year old population over this period. As explained at the beginning of this section, although court statistics include some young people over age 16, the 14 to 16 population has been used for the population base, as they account for most of the cases shown.

Table 4.5 shows that from 1992 to 2003, the rate of cases prosecuted involving young people per 10,000 population showed a generally upward trend, with a low of 164 in 1992 and a high of 250 in 1999. From 2004 to 2007, the rate fluctuated, decreasing overall by 1.6%, from 318 to 313.

Table 4.5 also shows that in 2007, the most common population-adjusted outcome of cases prosecuted involving young people was a s282 discharge, with a rate of 118 per 10,000 population, followed by a not proved outcome at 98, and Youth Court proved at 83. Convictions were the next most common outcome, with a much lower rate of 12 cases prosecuted per 10,000 population of 14 to 16 year olds.

## Rates of convictions

From 1992 to 2003 the rate of convictions involving young people fluctuated, ranging between 14 and 25, whereas from 2004 to 2007, it decreased by 20.0%, from 15 to 12.

## Rates of Youth Court proved cases

Since 2004, the rate of proved cases has dropped. The rate of Youth Court proved cases involving young people showed a generally upward trend from 1992 to 2003, with a low of 49 in 1992 and a high of 82 in 1999. From 2004 to 2007 it decreased by 11.7%, from 94 to 83.

## Rates of Section 282 discharges

Table 4.5 shows that the rate of s282 discharges showed a generally upward trend, ranging between 32 in 1992 and 86 in 2003. From 2004 to 2007 the rate increased by 6.3%, from 111 to 118 per 10,000 population of 14 to 16 year olds.

## Rates of not proved cases

Table 4.5 also shows that from 1992 to 2003, the rate of not proved cases involving young people fluctuated, ranging between 54 in 2003 and 82 in 1995. From 2004 to 2007 the rate also fluctuated, increasing overall from 96 to 98 per 10,000 population.

**Table 4.6: Outcomes of cases prosecuted involving young people for all offences except non-imprisonable traffic offences, by offence category, 2007**

Offence type	Adult Court				Youth Court								Total	
	Convicted		Discharge without Conviction		Youth Court proved		Section 282 discharge		Not proved		Other		No.	%
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
Violent	93	6	0	0	422	28	430	28	565	37	6	0	1516	100
Other against persons	4	4	1	1	19	18	41	39	40	38	0	0	105	100
Property	64	2	3	0	802	28	1215	43	731	26	1	0	2816	100
Drug	2	3	0	0	13	16	28	35	37	46	0	0	80	100
Against justice	8	4	0	0	54	27	42	21	97	48	1	0	202	100
Good order	19	4	5	1	76	15	193	37	225	43	0	0	518	100
Imprisonable traffic <sup>1</sup>	37	5	0	0	215	29	326	44	170	23	0	0	748	100
Miscellaneous	11	19	4	7	3	5	10	17	31	53	0	0	59	100
<b>Total</b>	<b>238</b>	<b>4</b>	<b>13</b>	<b>0</b>	<b>1604</b>	<b>27</b>	<b>2285</b>	<b>38</b>	<b>1896</b>	<b>31</b>	<b>8</b>	<b>0</b>	<b>6044</b>	<b>100</b>

Note:

- 1 Cases involving traffic offences that are not punishable by imprisonment are not usually dealt with under the provisions of the CYPF Act, thus cases relating to non-imprisonable traffic offences have been excluded from the above figures.

## Overall prosecuted cases – offence category

Table 4.6 shows the outcomes of cases involving young people prosecuted in court in 2007, by offence category, for all offences except non-imprisonable traffic offences. The figures show that miscellaneous offences were most likely to result in conviction (19% of these cases); further analysis of this data indicates that 73% involved minors breaching local liquor bans. Miscellaneous offences were also most likely to be not proved (53% of miscellaneous cases). In contrast, only 2% of property offence were convicted. Nearly half (46.6%) of all prosecuted cases in 2007 involved property offences (2,816 out of 6,044), with 43% resulting in a section 282 discharge, over a quarter (28%) Youth Court proved and 26% a not proved outcome.

Table 4.6 also shows that 25.1% of all prosecuted cases involved violent offences (1,516 out of 6,044); 37.0% were not proved, 28.0% proved in the Youth Court and a section 282 discharge, while 6.0% resulted in conviction in the District or High Court. Twelve percent of all prosecuted cases involved imprisonable traffic offences (748 out of 6,044), with 44% of these resulting in a section 282 discharge, 29% Youth Court proved, 23% not proved and 5% a conviction.



## 4.4 Gender, age, and ethnicity of young people prosecuted

### Gender

The information presented in this section describes the outcomes of cases by gender, age, and ethnicity of young people prosecuted. In general, the patterns of disposition for both males and females are similar, although the raw numbers are much lower for females. Table 4.7 shows the outcomes of cases involving young people prosecuted in court for all offences except non-imprisonable traffic offences, by gender. This shows that, in 2007, most of the cases prosecuted against young people involved males (83%). In 2007, a section 282 discharge was the most common outcome for males at 36.7% (1,831 of 4,986), followed by a not proved outcome at 31.0% (1,546 of 4,986) and Youth Court proved at 27.7% (1,382 of 4,986). Convictions were the next most common outcome, but only comprised 4.1% of case outcomes for males (206 of 4,986).

Table 4.7 shows that a section 282 discharge was also the most common outcome in 2007 for females at 42.9% (453 of 1,055), followed by a not proved outcome at 33.1% (349 of 1,055) and Youth Court proved at 21.0% (222 of 1,055). As with males, convictions were the next most common outcome for females, but only comprised 2.9% of case outcomes (31 of 1,055).

**Table 4.7: Outcomes of cases prosecuted involving young people for all offences except non-imprisonable traffic offences, by gender, 2007**

Court	Outcome	Male		Female		Unknown		Total	
		No.	%	No.	%	No.	%	No.	%
Adult Court	Convicted	206	87	31	13	1	-	238	100
	Discharge without conviction	13	100	0	0	0	-	13	100
Youth Court	Youth Court proved	1382	86	222	14	0	-	1604	100
	Section 282 discharge	1831	80	453	20	1	-	2285	100
	Not proved	1546	82	349	18	1	-	1896	100
	Other	8	100	0	0	0	-	8	100
Total		4986	83	1055	17	3	-	6044	100

Note: Column percentages are calculated excluding cases where gender was not known.

A dash '-' indicates that percentages are not calculated for the gender category 'Unknown'.

### Age

Table 4.8 presents the outcomes of cases involving young people prosecuted for all offences except non-imprisonable traffic offences in 2007, by age. It includes some people over age 16 as the youth justice system includes those aged 17 and over when the case was laid if they were under 17 when they offended. The figures show that 16 year olds accounted for the largest proportion (43%) of cases prosecuted involving young people in 2007 (2,585 of 6,044), followed by 15 year olds at 25% (1,532 of 6,044) and 17 year olds at 22% (1,349 of 6,044). In 2007, 8% of cases involved a young person aged 14 when the case was finalised (501 of 6,044).

The disposition pattern is similar for each age group, except for the oldest two age groups which also have the smallest numbers. Table 4.8 shows that in 2007, the most common outcome of prosecution cases involving young persons aged 14 to 16 years was a s282 discharge at 38.3% (1,771 of 4,618), followed by a not proved outcome at 34.3% (1,582 of

4,618) and Youth Court proved at 25.2% (1,163 of 4,618). The most common outcome for people aged 17 and over was also section 282 discharge at 36.0% (514 of 1,426), followed by a Youth Court proved outcome at 30.9% (441 of 1,426) and not proved at 22.0% (314 of 1,426).

**Table 4.8: Outcomes of cases prosecuted involving young people for all offences except non-imprisonable traffic offences, by age<sup>1</sup>, 2007**

Court Outcome	14 years		15 years		16 years		17 years <sup>2</sup>		18 years <sup>3</sup>		19+ years <sup>4</sup>		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Adult Convicted	0	0	12	5	76	32	131	55	17	7	2	1	238	100
Court Discharge without conviction	0	0	4	31	4	31	5	38	0	0	0	0	13	100
Youth Youth Court proved	79	5	373	23	711	44	425	26	13	1	3	0	1604	100
Court Section 282 discharge	228	10	608	27	935	41	507	22	4	0	3	0	2285	100
Not proved	192	10	535	28	855	45	279	15	12	1	23	1	1896	100
Other	2	25	0	0	4	50	2	25	0	0	0	0	8	100
Total	501	8	1532	25	2585	43	1349	22	46	1	31	1	6044	100

Notes:

- 1 Age of the person when the case was finalised.
- 2 People aged 17 at the time the case was finalised who were under 17 when they offended.
- 3 People aged 18 at the time the case was finalised who were under 18 when the case was laid, but were under 17 when they offended.
- 4 People aged at least 19 years at the time the case was finalised who were under 18 when the case was laid, but were under 17 when they offended.

## Ethnicity

Table 4.9 presents the outcomes of cases involving young people prosecuted for all offences except non-imprisonable traffic offences in 2007, by ethnicity. This shows that about half of the cases finalised in 2007 for which the ethnicity was known involved Māori (53%). Of the remainder, 33% involved NZ Europeans, 12% Pacific peoples and 1% people of other ethnicity.

**Table 4.9: Outcomes of cases prosecuted involving young people for all offences except non-imprisonable traffic offences, by ethnicity, 2007<sup>1,2</sup>**

Court Outcome	NZ European		Māori		Pacific peoples		Other		Unknown		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Adult Convicted	69	33	115	54	25	12	3	1	26	-	238	100
Court Discharge without conviction	3	27	6	55	1	9	1	9	2	-	13	100
Youth Youth Court proved	503	32	895	57	167	11	13	1	26	-	1604	100
Court Section 282 discharge	813	38	1093	50	234	11	26	1	119	-	2285	100
Not proved	528	29	955	53	281	16	35	2	97	-	1896	100
Other	1	14	6	86	0	0	0	0	1	-	8	100
Total	1917	33	3070	53	708	12	78	1	271	-	6044	100

Notes:

- 1 Column percentages are calculated excluding cases where ethnicity was not known. A dash '-' indicates that percentages are not calculated for the ethnicity category 'Unknown'.
- 2 Note the comments in Section 1.5 on how ethnicity data is collected and the implications this has for data quality.

The figures in Table 4.9 also show that Māori had the highest proportion of cases across all outcomes in 2007. Of those cases resulting in a section 282 discharge in 2007, Māori comprised 50%, compared to 38% for NZ Europeans and 11% for Pacific. Māori comprised 53% of cases for not proved outcomes, compared to 29% for NZ Europeans and 16% for Pacific young people. Of those cases resulting in a Youth Court proved outcome, Māori

comprised 57% of cases, compared to 32% for NZ Europeans and 11% for Pacific young people. Similarly, for convictions, Māori comprised 54% of cases, compared to 33% for NZ Europeans and 12% for Pacific young people.

## 4.5 Court regions where cases were finalised in 2007

Tables 4.10 and 4.11 look at outcomes by court region in 2007, and the number and proportion of cases finalised in the Youth Court for each region, respectively. All offences except non-imprisonable traffic offences are included.

Table 4.10 shows that a total of 6,044 prosecuted cases involving young people in 2007. Of these, 5,491 cases were finalised in the Youth Court, while 553 were finalised in the District or High Court. New Plymouth recorded the lowest number of cases finalised in the Youth Court at 151 cases, and Christchurch the highest at 777. Table 4.11 shows that approximately nine out of ten cases involving young people were finalised in the Youth Court in 2007 (90.9%).

**Table 4.10: Number of cases prosecuted involving young people for all offences except non-imprisonable traffic offences resulting in each outcome, and number finalised in the Youth Court, by court region, 2007**

Court region	Adult Court		Youth Court				Total	Finalised in the Youth Court Total
	Convicted	Discharge without conviction	Youth Court proved	Section 282 discharge	Not proved	Other		
Whangarei	9	2	62	137	95	1	306	278
North Shore	9	1	48	73	61	0	192	168
Waitakere	10	2	97	176	233	0	518	488
Auckland	13	0	71	144	290	0	518	474
Manukau	36	0	210	222	259	4	731	667
Tauranga	14	4	107	133	78	0	336	301
Hamilton	13	1	112	102	102	0	330	299
Rotorua	19	0	96	151	96	1	363	323
New Plymouth	9	0	53	73	38	0	173	151
Palmerston North	9	0	41	128	40	0	218	187
Napier	16	0	131	68	39	0	254	220
Gisborne	8	0	48	68	55	0	179	160
Wellington	20	1	98	192	186	0	497	452
Nelson	7	0	56	70	37	0	170	155
Christchurch	21	1	272	330	198	1	823	777
Dunedin	9	1	42	140	56	1	249	225
Invercargill	15	0	61	78	33	0	187	166
<b>Total</b>	<b>237</b>	<b>13</b>	<b>1605</b>	<b>2285</b>	<b>1896</b>	<b>8</b>	<b>6044</b>	<b>5491</b>

Table 4.11 shows outcomes of cases prosecuted in 2007 involving young people for all offences except non-imprisonable traffic offences, including:

- The highest proportion of cases finalised in the Youth Court was recorded in Christchurch and Waitakere (94.4%), and the lowest in Palmerston North (85.8%).
- Invercargill recorded the highest proportion of convictions (8.0%), followed by Napier (6.3%), while Waitakere recorded the lowest (1.9%).

- Napier had the highest Youth Court proved rate (51.6%), followed by Hamilton (33.8%), while Auckland recorded the lowest (13.7%).
- Palmerston North recorded the highest proportion of cases prosecuted resulting in a section 282 discharge (58.7%), followed by Dunedin (56.2%), while Napier recorded the lowest (26.8%).
- Auckland Youth Court recorded the highest number of cases prosecuted resulting in not proved (56.0%), followed by Waitakere (45.0%), while Napier recorded the lowest (15.4%).

**Table 4.11: Percentage of cases prosecuted involving young people for all offences except non-imprisonable traffic offences resulting in each outcome, and percentage finalised in the Youth Court, by court region, 2007**

Court region	Adult Court		Youth Court				Total	Finalised in the Youth Court Total
	Convicted	Discharge without conviction	Youth Court proved	Section 282 discharge	Not proved	Other		
Whangarei	2.9	0.7	20.3	44.8	31.0	0.3	100	90.8
North Shore	4.7	0.5	25.0	38.0	31.8	0.0	100	87.5
Waitakere	1.9	0.4	18.7	34.0	45.0	0.0	100	94.4
Auckland	2.5	0.0	13.7	27.8	56.0	0.0	100	91.5
Manukau	4.9	0.0	28.7	30.4	35.4	0.5	100	91.2
Tauranga	4.2	1.2	31.8	39.6	23.2	0.0	100	89.6
Hamilton	4.2	0.3	33.8	30.8	30.8	0.0	100	90.3
Rotorua	5.2	0.0	26.4	41.6	26.4	0.3	100	88.7
New Plymouth	5.2	0.0	30.6	42.2	22.0	0.0	100	86.7
Palmerston North	4.1	0.0	18.8	58.7	18.3	0.0	100	85.8
Napier	6.3	0.0	51.6	26.8	15.4	0.0	100	87.4
Gisborne	4.5	0.0	26.8	38.0	30.7	0.0	100	89.4
Wellington	4.0	0.2	19.7	38.6	37.4	0.0	100	90.9
Nelson	4.1	0.0	32.9	41.2	21.8	0.0	100	91.2
Christchurch	2.6	0.1	33.0	40.1	24.1	0.1	100	94.4
Dunedin	3.6	0.4	16.9	56.2	22.5	0.4	100	90.4
Invercargill	8.0	0.0	32.6	41.7	17.6	0.0	100	88.8
Overall	3.9	0.2	26.5	37.8	31.4	0.1	100	90.9

## 4.6 Types and seriousness of cases that were proved

This section focuses on proved cases against young people — those that had a final outcome recorded as proved in the Youth Court or resulted in a conviction in the District or High Court. Figure 4.2 shows the categories of offences committed by young people for proved cases over the period 2004 to 2007, and Figure 4.3 shows in percentages the categories of offences committed by young people for proved cases in 2007.

Tables 4.12 and 4.13 show the numbers and percentages of the categories of offences committed by young people for proved cases over the period 1992 to 2007. All offences except non-imprisonable traffic offences are included.

Table 4.14 shows the classes of property offences committed by young people for proved cases over the period 1992 to 2007, while Tables 4.15 and 4.16 show those for violence and

traffic offences, respectively, over the same period. Tables 4.17 and 4.18 show the number and percentage, respectively, of proved cases involving young people with each level of offence seriousness and the average seriousness of these offences for each of the years 1992 to 2007.

### **Number of proved cases**

Table 4.12 illustrates that the number of proved cases involving young people showed a strong upward trend from 1992 to 1999, when it peaked at 1,710, before declining to 1,545 in 2003. From 2004 to 2007, the number of proved cases declined overall from 2,045 to 1,842, a decrease of 9.9%. The focus of this section is on violence, property and traffic offences as these constitute the bulk of proved cases.

### **Percentage of proved cases**

Table 4.13 shows that property offences declined relatively steadily as a proportion of proved cases from 1992 to 2003. From 2004 to 2007 the percentages declined from 53.5% to 47.0%.

Proved cases for violent offending have been increasing. Violent cases accounted for around one-quarter of proved cases involving young people each year from 1992 to 2003. From 2004 to 2007 violent proved cases increased from 22.2% to 28.0%.

Imprisonable traffic offences and offences against justice have been more variable. Imprisonable traffic offences fluctuated between 8.3% and 13.7% over the 1992 to 2003 period. Over the last four years the figures increased from 10.9% to 13.7%. Table 4.13 also shows that offences against justice proved cases fluctuated between 2.3% and 5.2% over the 1992 to 2003 period. From 2004 to 2007, they declined from 6.7% to 3.4%. Good order proved cases ranged between 1.8% and 3.9% over the 1992 to 2003 period. Over the last four years they increased from 3.3% to 5.2%. Figure 4.2 shows trends in the number of proved cases by offence category from 2004 to 2007 in graph format, while Figure 4.3 shows the percentage of proved cases by offence category for 2007.

### **Property offences – proved cases**

Since 2004, proved cases involving property offences (as the most serious outcome) have decreased. Table 4.14 shows that proved cases against young people involving property offences generally increased from 1992 to 1999, when they peaked at 940 cases, before declining to 751 cases in 2003. From 2004 to 2007 proved property cases decreased from 1,094 to 866, a decline of 20.8%.

Burglary, the most common proved property case involving young offenders, fluctuated from 1992 to 2003, with a low of 335 in 1992 and a high of 494 in 2000. From 2004 to 2007, the figures fluctuated, declining overall from 488 to 431, a decrease of 11.7%.

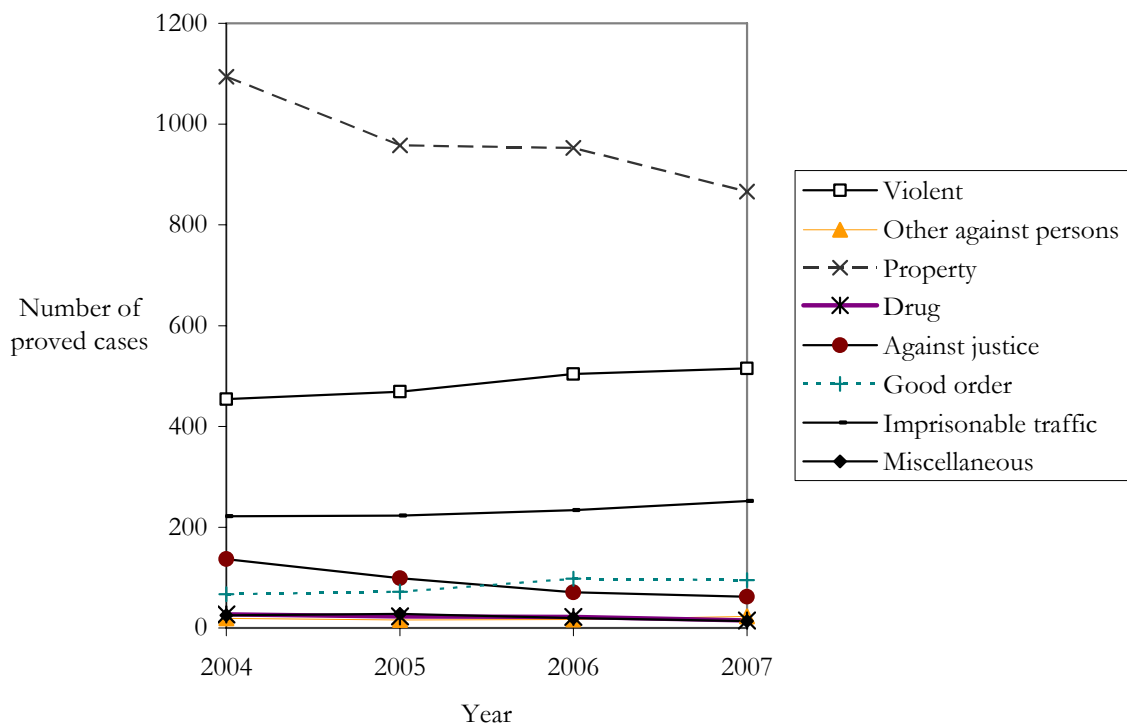
Proved theft cases against young people showed an upward trend from 1992 to 1999, when they peaked at 130 cases, before declining to 76 cases in 2003. From 2004 to 2007, they declined from 180 to 128, a decrease of 28.9%. Further analysis of this data indicates that

each year, the value of the property stolen was under \$500 in between 55.5% and 72.7% of cases.

Proved cases for motor vehicle conversion fluctuated from 1992 to 2003, with a low of 94 in 1993 and a high of 160 in 1997. From 2004 to 2007, the figures declined from 158 to 109, a decrease of 31.0%. Proved cases for other property offences also fluctuated from 1992 to 2003, with a low of 70 in 1992 and a high of 130 in 1997. From 2004 to 2007, proved cases for other property offences declined overall from 171 to 118, a decrease of 31.0%.

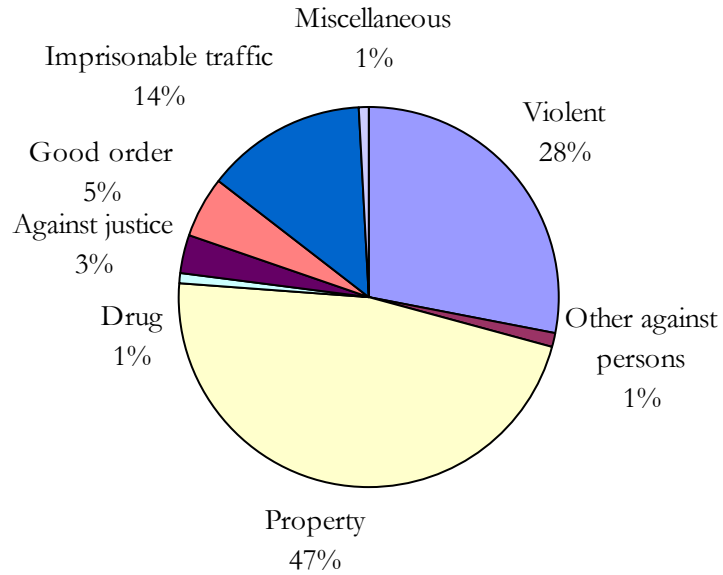
Table 4.14 also shows that proved cases involving young offenders for arson fluctuated from 1992 and 2003, with a low of 13 in 1999 and a high of 33 in 2000. The figures remained steady from 2004 to 2006 at 35, 38 and 37 arson cases respectively, declining to 21 in 2007. Proved cases involving young offenders for wilful damage offences trended upwards from 1992 and 2003, from 15 to 46 cases. From 2004 to 2007, there were 62, 72, 73 and 59 cases respectively.

**Figure 4.2: Number of proved cases involving young people for all offences except non-imprisonable traffic offences, by offence category, 2004 to 2007**



Note: In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.

Figure 4.3: Percentage of proved cases involving young people for all offences except non-imprisonable traffic offences, by offence category, 2007



Note: In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.

**Table 4.12: Number of proved cases involving young people for all offences except non-imprisonable traffic offences, by offence category, 1992 to 2007<sup>1,2,3</sup>**

Offence category	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Violent	235	273	307	376	398	427	468	400	400	426	347	390	454	469	504	515
Other against persons	9	13	12	9	16	14	20	18	15	9	16	14	19	16	17	23
Property	612	671	646	765	776	896	780	940	904	789	693	751	1094	958	953	866
Drug	15	15	21	15	15	23	24	36	29	23	13	18	27	23	22	15
Against justice	24	27	50	35	45	78	84	58	74	61	50	79	137	99	71	62
Good order	28	21	28	33	38	44	41	54	38	49	54	47	67	72	98	95
Imprisonable traffic <sup>4</sup>	117	121	119	131	119	189	161	155	139	152	185	212	222	223	234	252
Miscellaneous	12	34	33	27	24	37	51	49	22	47	37	34	25	28	20	14
<b>Total</b>	<b>1052</b>	<b>1175</b>	<b>1216</b>	<b>1391</b>	<b>1431</b>	<b>1708</b>	<b>1629</b>	<b>1710</b>	<b>1621</b>	<b>1556</b>	<b>1395</b>	<b>1545</b>	<b>2045</b>	<b>1888</b>	<b>1919</b>	<b>1842</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 3 The numbers in this table cannot be compared directly with the apprehensions that resulted in prosecution in Table 3.7 because of different counting rules, and the fact that the year a case is finalised is not necessarily the same year the offender was apprehended.
- 4 Cases involving traffic offences that are not punishable by imprisonment are not usually dealt with under the provisions of the CYPF Act; thus cases relating to non-imprisonable traffic offences have been excluded from the above figures.



**Table 4.13: Percentage of proved cases involving young people for all offences except non-imprisonable traffic offences, by offence category, 1992 to 2007<sup>1,2</sup>**

Offence category	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Violent	22.3	23.2	25.2	27.0	27.8	25.0	28.7	23.4	24.7	27.4	24.9	25.2	22.2	24.8	26.3	28.0
Other against persons	0.9	1.1	1.0	0.6	1.1	0.8	1.2	1.1	0.9	0.6	1.1	0.9	0.9	0.8	0.9	1.2
Property	58.2	57.1	53.1	55.0	54.2	52.5	47.9	55.0	55.8	50.7	49.7	48.6	53.5	50.7	49.7	47.0
Drug	1.4	1.3	1.7	1.1	1.0	1.3	1.5	2.1	1.8	1.5	0.9	1.2	1.3	1.2	1.1	0.8
Against justice	2.3	2.3	4.1	2.5	3.1	4.6	5.2	3.4	4.6	3.9	3.6	5.1	6.7	5.2	3.7	3.4
Good order	2.7	1.8	2.3	2.4	2.7	2.6	2.5	3.2	2.3	3.1	3.9	3.0	3.3	3.8	5.1	5.2
Imprisonable traffic <sup>3</sup>	11.1	10.3	9.8	9.4	8.3	11.1	9.9	9.1	8.6	9.8	13.3	13.7	10.9	11.8	12.2	13.7
Miscellaneous	1.1	2.9	2.7	1.9	1.7	2.2	3.1	2.9	1.4	3.0	2.7	2.2	1.2	1.5	1.0	0.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 3 Cases involving traffic offences that are not punishable by imprisonment are not usually dealt with under the provisions of the CYPF Act; thus cases relating to non-imprisonable traffic offences have been excluded from the above figures.

**Table 4.14: Number of proved cases involving young people for property offences, by offence class, 1992 to 2007<sup>1,2,3</sup>**

Offence class	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Burglary	335	355	345	427	410	462	402	483	494	418	352	392	488	452	476	431
Theft	64	66	74	74	72	85	96	130	119	105	88	76	180	152	128	128
Motor vehicle conversion	112	94	100	122	143	160	112	147	115	105	125	125	158	133	122	109
Arson	16	26	27	14	21	21	24	13	33	27	17	32	35	38	37	21
Wilful damage	15	31	27	26	33	38	29	38	41	44	36	46	62	72	73	59
Other property	70	99	73	102	97	130	117	129	102	90	75	80	171	111	117	118
<b>Total</b>	<b>612</b>	<b>671</b>	<b>646</b>	<b>765</b>	<b>776</b>	<b>896</b>	<b>780</b>	<b>940</b>	<b>904</b>	<b>789</b>	<b>693</b>	<b>751</b>	<b>1094</b>	<b>958</b>	<b>953</b>	<b>866</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 3 The numbers in this table cannot be compared directly with the apprehensions that resulted in prosecution in Table 3.7 because of different counting rules, and the fact that the year a case is finalised is not necessarily the same year the offender was apprehended.

**Table 4.15: Number of proved cases involving young people for violent offences, by offence class, 1992 to 2007<sup>1,2,3</sup>**

Offence class	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Homicide	7	2	4	3	3	6	3	1	4	4	11	3	7	3	4	6
Violent sexual	17	29	29	39	38	31	30	38	22	38	31	38	37	46	39	29
Aggravated robbery	75	76	89	115	95	138	153	135	144	121	93	98	125	170	166	147
Robbery	28	43	54	48	54	56	62	50	42	56	44	55	49	53	73	55
Grievous/serious assault	58	78	78	112	141	138	146	124	132	145	124	156	172	145	168	226
Minor assault	33	26	27	33	31	31	29	23	29	21	24	20	28	27	21	19
Other violent	17	19	26	26	36	27	45	29	27	41	20	20	36	25	33	33
<b>Total</b>	<b>235</b>	<b>273</b>	<b>307</b>	<b>376</b>	<b>398</b>	<b>427</b>	<b>468</b>	<b>400</b>	<b>400</b>	<b>426</b>	<b>347</b>	<b>390</b>	<b>454</b>	<b>469</b>	<b>504</b>	<b>515</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 3 The numbers in this table cannot be compared directly with the apprehensions that resulted in prosecution in Table 3.7 because of different counting rules, and the fact that the year a case is finalised is not necessarily the same year the offender was apprehended.

**Table 4.16: Number of proved cases involving young people for traffic offences, by offence class, 1992 to 2007<sup>1,2,3</sup>**

Offence class	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Drive E.B.A <sup>4</sup>	75	67	81	77	71	103	89	91	81	100	105	127	111	100	115	119
Drive while disqualified	17	21	16	14	16	27	22	17	13	11	19	24	24	21	31	31
Reckless/danger.driving <sup>5</sup>	16	16	13	27	19	35	34	34	23	21	40	35	51	60	50	61
Other imprisonable traffic <sup>6</sup>	9	17	9	13	13	24	16	13	22	20	21	26	36	42	38	41
<b>Total</b>	<b>117</b>	<b>121</b>	<b>119</b>	<b>131</b>	<b>119</b>	<b>189</b>	<b>161</b>	<b>155</b>	<b>139</b>	<b>152</b>	<b>185</b>	<b>212</b>	<b>222</b>	<b>223</b>	<b>234</b>	<b>252</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 3 The numbers in this table cannot be compared directly with the apprehensions that resulted in prosecution in Table 3.7 because of different counting rules, and the fact that the year a case is finalised is not necessarily the same year the offender was apprehended.
- 4 Driving with an excess blood or breath alcohol level, under the influence of drugs, or refusing to supply a blood specimen.
- 5 Reckless or dangerous driving.
- 6 Cases involving traffic offences which are not punishable by imprisonment are not usually dealt with under the provisions of the CYPF Act, thus cases relating to non-imprisonable traffic offences have been excluded from the above figures.

## Violence – proved cases

Proved cases of violent offending have increased since 2004. Table 4.15 shows that the number of proved cases involving a violent offence (as the most serious outcome) increased from 235 in 1992 to 468 in 1998, declining to 390 in 2003. From 2004 to 2007, they increased from 454 to 515, an increase of 13.4%.

The number of grievous or serious assault cases proved against young offenders showed a strong upwards trend from 58 cases in 1992 to 156 cases in 2003. The figures fluctuated from 2004 to 2007, increasing overall by 31.4%, from 172 to 226. The number of aggravated robbery cases proved against young people showed a generally upward trend from 1992 to 1998, when they peaked at 153 cases, before declining to 98 cases in 2003. Aggravated robbery cases increased from 125 in 2004 to 170 in 2005, declining to 147 in 2007.

Table 4.15 also shows that there were 28 robbery cases proved against young people in 1992, a peak of 62 in 1998, decreasing to 55 cases in 2003. From 2004 to 2007, there were 49, 53, 73 and 55 cases respectively. From 1992 to 2003 minor assaults fluctuated, declining overall from 33 to 20 proved cases. From 2004 to 2007, they decreased from 28 to 19 cases. Because these case numbers are small, significant percentage changes were recorded for these offences over these periods.

## Imprisonable traffic – proved cases

Table 4.16 shows that imprisonable traffic offences trended steadily upwards from 117 in 1992 to 212 in 2003. From 2004 to 2007 the figures were 222, 223, 234 and 252 respectively. Just under half (119) of the traffic cases in 2007 involved driving with excess alcohol, under the influence of drugs or refusing to supply a blood specimen, while nearly a quarter (61) involved reckless or dangerous driving, and 16.3% (41) other imprisonable traffic offences.

## Seriousness – proved cases

The Youth Court primarily deals with more serious youth offending. Most of the less serious offences committed by young people are dealt with by some form of alternative action (diversion) rather than the formal court process. Tables 4.17 and 4.18 show the number and percentages of proved cases involving young offenders with each level of offence seriousness and the average seriousness of these offences for each of the years 1992 to 2007. The tables include all cases proved in the Youth, District or High Court against young offenders. All offences except non-imprisonable traffic offences are included.

As discussed in Section A3.5 in Appendix 3, the seriousness scale is based on historical sentencing patterns; the scale gives imprisonable offences a score according to how serious judges have deemed each offence in terms of the use of imprisonment over the 2000 to 2004 period (for more detail about the seriousness scale, see Section A3.5 in Appendix 3).

From 1992 to 2003 the average seriousness of proved cases involving young people fluctuated, with an average of 253. In 2004, the average score increased from 216 to 250,

255 and 250 in the following three years, respectively. Table 4.18 shows that in 2007, over half (60.2%) had a seriousness score over 50.

In the report titled 'Conviction and Sentencing of Offenders in New Zealand: 1996 to 2006', Table 2.5 showed that the average seriousness of all cases resulting in conviction in the District or High Court in 2006 was 40. The much higher average seriousness figure for young people dealt with in the Youth Court – 255 in 2006, compared to 40 in 2006 for the District of High Court – reflects the fact that the Youth Court primarily deals with more serious youth offending. Also of note is that this report excludes cases involving non-imprisonable traffic offences whereas all offences including non-imprisonable traffic offences are counted in the Conviction and Sentencing report.

**Table 4.17: Number of proved cases involving young people for all offences except non-imprisonable traffic offences, by level of offence seriousness and average seriousness of offences, 1992 to 2007<sup>1,2,3</sup>**

Seriousness score	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0-1	113	150	168	141	144	203	179	198	163	217	214	242	265	258	305	264
>1-10	160	146	145	179	141	217	211	204	214	189	205	188	311	284	234	292
>10-50	100	114	101	127	138	158	164	191	151	142	110	128	250	176	188	177
>50-100	148	159	181	189	243	281	270	266	237	213	221	233	300	269	245	223
>100-500	407	465	457	556	563	610	557	637	650	576	464	550	703	627	676	625
>500	124	141	164	199	202	239	248	214	206	219	181	204	216	274	271	261
Overall average	239	241	251	278	262	261	264	233	251	257	249	253	216	250	255	250

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 3 The seriousness of offence scale was updated in 2005. The figures for each year in this table are calculated using the new scale. They may differ from figures in earlier publications.

**Table 4.18: Percentage of proved cases involving young people for all offences except non-imprisonable traffic offences, by level of offence seriousness and average seriousness of offences, 1992 to 2007<sup>1,2,3</sup>**

Seriousness score	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0-1	10.7	12.8	13.8	10.1	10.1	11.9	11.0	11.6	10.1	13.9	15.3	15.7	13.0	13.7	15.9	14.3
>1-10	15.2	12.4	11.9	12.9	9.9	12.7	13.0	11.9	13.2	12.1	14.7	12.2	15.2	15.0	12.2	15.9
>10-50	9.5	9.7	8.3	9.1	9.6	9.3	10.1	11.2	9.3	9.1	7.9	8.3	12.2	9.3	9.8	9.6
>50-100	14.1	13.5	14.9	13.6	17.0	16.5	16.6	15.6	14.6	13.7	15.8	15.1	14.7	14.2	12.8	12.1
>100-500	38.7	39.6	37.6	40.0	39.3	35.7	34.2	37.3	40.1	37.0	33.3	35.6	34.4	33.2	35.2	33.9
>500	11.8	12.0	13.5	14.3	14.1	14.0	15.2	12.5	12.7	14.1	13.0	13.2	10.6	14.5	14.1	14.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 3 The seriousness of offence scale was updated in 2005. The figures for each year in this table are calculated using the new scale. They may differ from figures in earlier publications.



## 5 Youth Court orders and District or High Court sentences

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### 5.1 Introduction

This chapter examines proved cases involving young people. Proved cases statistics are presented over the 1992 to 2007 period, by Youth Court order and District or High Court sentence type, and the final courts where orders or sentences were imposed.<sup>16</sup>

The range of orders available to the Youth Court differs from those that the District or High Court can impose (the Youth Court imposes orders on young people whose cases are proved, while in the District and High Courts, the adult terminology of 'sentences' is used). The Youth Court can make a range of orders under the CYPF Act, which ensure that young people are held accountable and are encouraged to accept responsibility for their offending. Where a case against a young person is proved in the Youth Court it results in a proved case, not a conviction.

The Youth Court orders, generally in ascending order of seriousness as set out in s282 and s283 of the CYPF Act, are:

- Discharge as if Information never laid (s282)
- Discharge without further order (s283(a))
- Admonishment (s283(b))
- Order to come up for further action if called on (s283(c))
- Fine (s283(d))
- Contribution to costs (s283(e))
- Reparation (s283(f))
- Restitution (s283(g))
- Forfeiture of property (s283(h))
- Disqualification from driving (s283(i))
- Confiscation of motor vehicle (s283(j))
- Supervision order (s283(k))
- Community work order (s283(l))
- Supervision with activity (s283(m))
- Supervision with residence (s283(n))
- Conviction and transfer to the District Court for sentencing (s283(o)).

The Youth Court cannot impose the Sentencing Act 2002 community-based sentences of home detention, intensive supervision, community detention, community work and

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<sup>16</sup> As noted in Section 1.1, Court statistics are available from 1992 onwards.

supervision (nor previously the community-based sentences under the Criminal Justice Act 1985 of periodic detention, community programme, community service and supervision) or imprisonment sentences (including the now abolished corrective training for 16 to 19 year olds). These sentences can only be imposed in the District or High Court, and are recorded as a conviction.

This chapter examines many of the orders made in the Youth Court under section 283 of the CYPF Act and sentences imposed on young people in the District or High Court, including:

- Corrective training (abolished from 30 June 2002)
- Imprisonment (proved cases or convictions that resulted in any type of custodial sentence)
- Adult community (i.e. periodic detention, community programme, community service or supervision before 30 June 2002, community work or supervision after 30 June 2002, and also home detention, intensive supervision or community detention from 1 October 2007)
- Supervision order (order placing the young person under the supervision of the Chief Executive of the Department administering the CYPF Act. This includes all supervision orders, that is: supervision, supervision with activity and supervision with residence)
- Community work order (for not less than 20 and not more than 200 hours, within a period not exceeding 12 months)
- Monetary
- Driving disqualification
- Deferment (to come up for sentence if called upon, or a suspended prison sentence before 30 June 2002)
- Admonished (where a case is proved, the Youth Court judge can admonish (reprimand) the young person)
- Discharged (cases finalised in the District or High Court where the offender was convicted and discharged, and cases where the final outcome in the Youth Court was proved, but no court order was made)
- Other sentences (e.g. order for deportation or an order under section 34 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 for treatment or care of the offender in a psychiatric hospital or secure facility).

### **Supervision, Supervision with Activity and Supervision with Residence orders**

A supervision order places a young person under the supervision of the Chief Executive of the Department that administers the CYPF Act (the Ministry of Social Development), or under the supervision of any other specified organisation for a period not exceeding six months. A supervision with activity order requires the offender to undertake a specified activity or programme for a period of up to three months. The court may order an additional period of supervision for up to three months to follow the activity order. Supervision and supervision with activity orders have standard conditions; however, the court may also impose additional conditions. Standard conditions include the young person reporting to the supervisor when required to do so, not residing at an address the supervisor has directed the young person not to reside at and/or not associating with specified persons. Additional conditions include a

contribution to costs or reparation, undergoing a specified medical examination and treatment or psychological or psychiatric examination, counselling and therapy, and/or any other conditions the court thinks fit to reduce the likelihood of reoffending. A supervision with residence order, the most intensive of the three supervision orders, places a young person in the custody of the Chief Executive of the Ministry of Social Development for a period of three months (served in a youth justice residence). The court must also order a period of supervision for up to six months to follow a residence order.

### **Community work orders**

A community work order requires the young person to undertake work in the interests of the community for not less than 20 and not more than 200 hours, within a period not exceeding 12 months. This work is performed under the supervision of a social worker or some other approved person or organisation.

### **Transfer to the District or High Court**

Young people can also be convicted and transferred to the District Court for sentencing once a case has been proved. For certain offences, young people may, after a preliminary hearing in the Youth Court, be tried in the District Court or High Court. If a case is finalised in the District or High Court then any of the full range of penalties available to these courts can be imposed on the young person.

### **FGC recommendations**

Section 258(e) of the CYPF Act allows an FGC to 'consider how the young person should be dealt with for [an] offence, and to recommend to the Court accordingly.' Information on decisions of FGCs is not recorded in the data used to produce this report. In some cases where a young offender had only a minor order or sentence imposed by the court, he or she may have undertaken some particular action or activity as a result of an FGC decision. For example, it could be that an FGC decided that a young person should undertake some work as compensation to the victim of an offence, and the court awarded a deferred order or sentence so the offender could be brought back to court if the work was not completed.

## **5.2 Points to note when reading this chapter**

### **Source of data**

This chapter uses cases as the unit of measurement. In terms of Youth Court data, in CMS (i.e. 2004 to 2007), supervision orders are recorded according to each order, that is, supervision, supervision with activity and supervision with residence. In LES (i.e. 1992 to 2003), data did not distinguish between supervision orders, recording them under the general category of 'supervision order'. A free-text field in LES recorded additional information on the supervision orders imposed, however, this information needs to be treated with caution as this field may not have been completed in all cases. In 2003, for 26% (158) of the cases where a supervision order was made, the free-text field mentioned a residence order, and for 16% (98) of the cases where a supervision order was made the free-text field mentioned an activity order.

In addition, CMS Youth Court orders and District or High Court sentencing data takes into account new orders or sentences imposed following appeals and reviews. Data extracted from LES only included appeals and reviews occurring within two years of the original sentencing date.

In the interests of brevity, the term 'proved cases' is often used to refer to both *cases proved* in the Youth Court and *convictions* in the District and High Court, as proved cases comprise the vast majority of cases.

Proved cases may result in multiple orders or sentences. Only the most serious order or sentence is presented for each proved case in this chapter. Thus, less serious orders or sentences are under-represented in case statistics.

See Section 4.2 for additional points to note in this chapter.

### 5.3 Youth Court orders and District or High Court sentences

Tables 5.1 and 5.2 show the number and percentage, respectively, of proved cases in the Youth Court involving young people by order type from 1992 to 2007. They also show the number and percentage, respectively, of proved cases involving young people by each type of supervision order over this period. Tables 5.3 and 5.4 show the number and percentage, respectively, of convictions in the District or High Court involving young people by sentence type from 1992 to 2007. Only the most serious order or sentence imposed in each case is shown in these tables and all offences except non-imprisonable traffic offences are included.

#### Imprisonment (District or High Court)

As described earlier, corrective training (up to June 2002), imprisonment or an adult community-based sentence can only be imposed on a young person if that person has been transferred to the District or High Court for trial and/or sentencing. Over the last four years, the number of convictions resulting in imprisonment fluctuated, increasing overall, while the proportion of such cases increased every year. Table 5.3 shows that the number of convictions that resulted in imprisonment (other than corrective training) increased steadily from 26 in 1992 to a peak of 97 in 1997, before declining to 58 cases in 2003. From 2004 to 2007, convictions that resulted in imprisonment fluctuated, increasing overall from 57 to 62, an 8.8% increase. Table 5.4 shows that from 1992 to 2003, the proportion of convictions resulting in imprisonment fluctuated, from a low of 8.1% in 1993 to a high of 23.5% in 1997. From 2004 to 2007, the proportion increased from 18.6% to 23.0%.

#### Adult community-based sentence (District or High Court)

Table 5.3 also shows convictions resulting in an adult community-based sentence, which includes home detention, intensive supervision, community detention, periodic detention, community programme, community service, and supervision before 30 June 2002; and community work and supervision thereafter. Over the last four years there has been a decrease in the number of convictions resulting in an adult community-based sentence, while the proportion of such cases has fluctuated. Table 5.3 shows that these convictions were 120 in 1992, peaking at 170 cases in 1996, before declining to 99 cases in 2003. From 2004

to 2007, adult community-based sentence cases declined from 92 to 79, a decrease of 14.1%. Table 5.4 shows that from 1992 to 2003, the proportion of convictions involving young people that resulted in this sentence trended downwards from 44.0% in 1992 to 39.0% in 2003. From 2004 to 2007, the figures fluctuated, from a low of 27.7% in 2006 to a high of 31.7% in 2005.

### **Supervision, Supervision with Activity and Supervision with Residence orders (Youth Court)**

Since 2004 the number of proved cases resulting in supervision orders has fluctuated, decreasing overall, while the proportion of such cases increased from 2004 to 2006, before declining in 2007. Table 5.1 shows that the number of proved cases resulting in Youth Court supervision orders (supervision, supervision with activity and supervision with residence) increased steadily from 342 in 1992 to 595 in 1999, declining to 492 in 2002, before increasing to 590 in 2003. From 2004 to 2007, proved cases resulting in this outcome fluctuated, decreasing overall from 686 to 605, a decline of 11.8%. Table 5.2 shows that from 1992 to 2003 the proportion of proved cases resulting in a supervision order (as the most serious order) showed a generally upward trend, with proportions ranging from a low of 42.5% to a high of 47.9%. From 2004 to 2006, the proportion increased from 39.5% to 44.9%, before declining to 38.5% in 2007.

Looking at the type of supervision orders young people received (as the most serious order), Table 5.1 shows that from 2004 to 2007, around half of these proved cases resulted in a supervision order, while around a third resulted in a supervision with residence orders. Supervision with activity orders accounted for an average of 14.3% of Youth Court supervision orders from 2004 to 2007, declining overall from 16.8% to 11.7%. While these proportions remained relatively stable, Table 5.1 shows that as the overall number of cases resulting in supervision orders declined, so did the overall number of cases resulting in each type of supervision order. Table 5.2 shows that from 2004 to 2007, the percentage of proved cases resulting in each type of supervision order, as a proportion of all order and sentence types, followed different trends. Over this period, as a proportion of all order and sentence types, proved cases resulting in social welfare supervision orders remained at 20.5% in 2004 and 2007, supervision with activity order cases decreased overall by 2.1% (down from 6.6% to 4.5%), while supervision with residence order cases increased overall by 1% (up from 12.4% to 13.4%).

### **Community work orders (Youth Court)**

Tables 5.1 and 5.2 show that proved cases resulting in community work orders trended downwards from 130 to 71 cases (16.7% to 5.5%) over the 1992 to 2003 period. Table 5.1 shows that community work order cases decreased from 125 in 2004 to 72 in 2006, before rising to 82 in 2007. Over this period, Table 5.2 shows that the proportion of proved cases resulting in community work orders decreased from 7.2% in 2004 to 4.5% in 2006, before increasing to 5.2% in 2007.

### **Monetary penalty (Youth Court and District or High Court)**

Table 5.1 shows that over the 1992 to 2003 period, there was a low of 86 proved cases resulting in a monetary penalty in 1992, peaking at 222 cases in 1997 before declining to 205 cases in 2003. From 2004 to 2007, monetary penalty cases declined by 11%, from 263 to 234. Table 5.2 shows that the proportion of cases resulting in a monetary penalty fluctuated, from a low of 11% in 1992 to a high of 18% in 1996, declining to 15.9% in 2003. From 2004 to 2007, the proportion of proved cases resulting in this outcome decreased slightly overall from 15.1% to 14.9%.

Table 5.3 shows that convictions resulting in a monetary penalty fluctuated over the 1992 to 2003 period, from a low of 34 in 1992 to a high of 94 in 2002 then fell to 76 in 2003. From 2004 to 2007, convictions resulting in this outcome also fluctuated, declining overall by 27.6%, from 76 to 55. Table 5.4 shows that the proportion of convictions resulting in a monetary penalty generally trended upwards from 1992 to 2003, increasing overall from 12.5% to 29.9%. From 2004 to 2007, the proportion of convictions resulting in this outcome fluctuated, declining overall from 24.8% to 20.4%.

### **Driving disqualification (Youth Court and District or High Court)**

Tables 5.1 and 5.2 show that proved cases resulting in a driving disqualification fluctuated between a low of 39 cases (5%) in 1992 and a high of 113 cases (8.8%) in 2003. From 2004 to 2007, the figures increased from 110 (6.3%) to 150 cases (9.5%).

Tables 5.3 and 5.4 show that convictions resulting in a driving disqualification ranged between a low of 1 (0.3%) in 1996 to a high of 10 (2.7%) in 1994. From 2004 to 2007, the figures were 7 (2.3%), 8 (3.0%), 6 (2.0%) and 7 (2.6%) respectively.

### **Deferred order (Youth Court) or sentence (District or High Court)**

Tables 5.1 and 5.2 show that the number of proved cases resulting in a deferred order trended downwards from 116 cases in 1992 (14.9%) to 62 cases in 2003 (4.8%). From 2004 to 2007, deferment cases fluctuated, declining overall from 92 cases to 70, a decrease of 23.9%. Over this period the proportion of cases resulting in this order was steady, ranging from 4.5% to 5.3%.

Tables 5.3 and 5.4 show that convictions resulting in a deferred sentence ranged between a low of 3 (1.2%) in 2003 to a high of 15 (4.2%) in 1996. From 2004 to 2007, the figures were 5 (1.6%), 7 (2.6%), 9 (2.9%) and 12 (4.5%) respectively.

### **Discharged (District or High Court)**

Tables 5.3 and 5.4 show that cases where the offender was convicted and discharged ranged from 5 (1.8%) to 19 (5.1%) over the 1992 to 2003 period. The number of convictions decreased from 34 in 2004 to 28 in 2006, increasing slightly to 29 in 2007, while the proportion fluctuated, from 9.1% in 2006 to 12.5% in 2005.

**Table 5.1: Number of proved cases in the Youth Court involving young people for all offences except non-imprisonable traffic offences, by order type, 1992 to 2007<sup>1</sup>**

Order <sup>2</sup>	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Imprisonment <sup>3</sup>	0	0	0	0	0	0	0	0	0	0	0	0	1	2	1	0
Adult community inc. HD <sup>4</sup>	0	0	0	0	0	0	0	0	0	0	0	0	6	10	11	3
Supervision with Residence	-	-	-	-	-	-	-	-	-	-	-	-	215	251	236	211
Supervision with Activity	-	-	-	-	-	-	-	-	-	-	-	-	115	108	95	71
Supervision	-	-	-	-	-	-	-	-	-	-	-	-	356	326	393	323
<i>Subtotal—Supervision order<sup>5</sup></i>	<i>342</i>	<i>371</i>	<i>402</i>	<i>447</i>	<i>471</i>	<i>552</i>	<i>568</i>	<i>595</i>	<i>591</i>	<i>538</i>	<i>492</i>	<i>590</i>	<i>686</i>	<i>685</i>	<i>724</i>	<i>605</i>
Community work order	130	116	94	125	102	116	97	107	98	80	58	71	125	107	72	82
Monetary	86	106	116	150	193	222	181	170	185	193	173	205	263	245	235	234
Driving disqualification	39	52	56	72	61	108	81	78	54	72	85	113	110	116	121	150
Deferment <sup>6</sup>	116	85	89	94	94	99	80	108	89	68	60	62	92	82	83	70
Other	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Admonished <sup>7</sup>	62	79	52	136	136	160	224	264	273	295	220	247	450	365	362	428
Discharged <sup>8</sup>	4	19	31	9	15	39	18	19	17	21	15	3	4	5	3	1
<b>Total</b>	<b>779</b>	<b>828</b>	<b>840</b>	<b>1034</b>	<b>1072</b>	<b>1296</b>	<b>1249</b>	<b>1341</b>	<b>1307</b>	<b>1267</b>	<b>1103</b>	<b>1291</b>	<b>1737</b>	<b>1617</b>	<b>1612</b>	<b>1573</b>

Notes:

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- 2 Orders made by the Youth Court under section 283 of the CYPF Act (where a case is proved). The totals in this table cannot be directly compared with the Youth Court prosecution outcome statistics in Table 4.1 as sentencing statistics may differ slightly depending on whether the youth or adult court is recorded as the court of final prosecution outcome.
- 3 Note that there are a small number of cases recorded as finalised in the Youth Court by 'imprisonment', which is a District Court sentence.
- 4 Note that there are a small number of cases recorded as finalised in the Youth Court by 'Adult community inc. HD', which is a District Court sentence.
- 5 Order placing the young person under the supervision of the Chief Executive of the Department administering the CYPF Act. This includes all supervision orders, that is, supervision, supervision with activity and supervision with residence. In CMS (i.e. 2004 to 2007), supervision orders are recorded according to each order. In LES (i.e. 1992 to 2003), data did not distinguish between supervision orders, recording them under the general category of 'supervision order'. A free-text field in LES recorded additional information on the supervision orders imposed, however, this information needs to be treated with caution as this field may not have been completed in all cases. In 2003, for 26% (158) of the cases where a supervision order was made, the free-text field mentioned a residence order, and for 16% (98) of the cases where a supervision order was made the free-text field mentioned an activity order.
- 6 Includes order to come up for further action if called on.
- 7 Where a case is proved, the Youth Court judge can admonish (reprimand) the young person.
- 8 Cases where the final outcome in the Youth Court was proved, but no court order was made.

**Table 5.2: Percentage of proved cases in the Youth Court involving young people for all offences except non-imprisonable traffic offences, by order type, 1992 to 2007<sup>1</sup>**

Order <sup>2</sup>	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Imprisonment <sup>3</sup>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.0
Adult community inc. HD <sup>4</sup>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.6	0.7	0.2
Supervision with Residence	-	-	-	-	-	-	-	-	-	-	-	-	12.4	15.5	14.6	13.4
Supervision with Activity	-	-	-	-	-	-	-	-	-	-	-	-	6.6	6.7	5.9	4.5
Supervision	-	-	-	-	-	-	-	-	-	-	-	-	20.5	20.2	24.4	20.5
<i>Subtotal—Supervision order<sup>5</sup></i>	<i>43.9</i>	<i>44.8</i>	<i>47.9</i>	<i>43.2</i>	<i>43.9</i>	<i>42.6</i>	<i>45.5</i>	<i>44.4</i>	<i>45.2</i>	<i>42.5</i>	<i>44.6</i>	<i>45.7</i>	<i>39.5</i>	<i>42.4</i>	<i>44.9</i>	<i>38.5</i>
Community work order	16.7	14.0	11.2	12.1	9.5	9.0	7.8	8.0	7.5	6.3	5.3	5.5	7.2	6.6	4.5	5.2
Monetary	11.0	12.8	13.8	14.5	18.0	17.1	14.5	12.7	14.2	15.2	15.7	15.9	15.1	15.2	14.6	14.9
Driving disqualification	5.0	6.3	6.7	7.0	5.7	8.3	6.5	5.8	4.1	5.7	7.7	8.8	6.3	7.2	7.5	9.5
Deferment <sup>6</sup>	14.9	10.3	10.6	9.1	8.8	7.6	6.4	8.1	6.8	5.4	5.4	4.8	5.3	5.1	5.1	4.5
Other	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Admonished <sup>7</sup>	8.0	9.5	6.2	13.2	12.7	12.3	17.9	19.7	20.9	23.3	19.9	19.1	25.9	22.6	22.5	27.2
Discharged <sup>8</sup>	0.5	2.3	3.7	0.9	1.4	3.0	1.4	1.4	1.3	1.7	1.4	0.2	0.2	0.3	0.2	0.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 Orders made by the Youth Court under section 283 of the CYPF Act (where a case is proved).
- 3 Note that there are a small number of cases recorded as finalised in the Youth Court by 'imprisonment', which is a District Court sentence.
- 4 Note that there are a small number of cases recorded as finalised in the Youth Court by 'Adult community inc. HD', which is a District Court sentence.
- 5 Order placing the young person under the supervision of the Chief Executive of the Department administering the CYPF Act. This includes all supervision orders, that is, supervision, supervision with activity and supervision with residence. In CMS (i.e. 2004 to 2007), supervision orders are recorded according to each order. In LES (i.e. 1992 to 2003), data did not distinguish between supervision orders, recording them under the general category of 'supervision order'. A free-text field in LES recorded additional information on the supervision orders imposed, however, this information needs to be treated with caution as this field may not have been completed in all cases. In 2003, for 26% (158) of the cases where a supervision order was made, the free-text field mentioned a residence order, and for 16% (98) of the cases where a supervision order was made the free-text field mentioned an activity order.
- 6 Includes order to come up for further action if called on.
- 7 Where a case is proved, the Youth Court judge can admonish (reprimand) the young person.
- 8 Cases where the final outcome in the Youth Court was proved, but no court order was made.



**Table 5.3: Number of convictions in the District or High Court involving young people for all offences except non-imprisonable traffic offences, by sentence type, 1992 to 2007<sup>1</sup>**

Sentence <sup>2</sup>	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Corrective training <sup>3</sup>	71	64	65	68	66	56	43	54	19	13	3	-	-	-	-	-
Imprisonment	26	28	45	51	64	97	78	60	81	60	63	58	57	55	66	62
Adult community inc. HD <sup>4</sup>	120	163	163	157	170	166	161	143	141	111	106	99	92	86	85	79
Supervision with Residence	-	-	-	-	-	-	-	-	-	-	-	-	3	4	7	6
Supervision with Activity	-	-	-	-	-	-	-	-	-	-	-	-	0	2	2	0
Supervision	-	-	-	-	-	-	-	-	-	-	-	-	11	4	11	7
<i>Subtotal—Supervision order<sup>5</sup></i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>14</i>	<i>10</i>	<i>20</i>	<i>13</i>
Community work order <sup>5</sup>	0	1	0	0	0	0	0	0	0	0	0	0	2	1	3	4
Monetary	34	64	70	56	36	64	76	81	48	82	94	76	76	62	82	55
Driving disqualification	3	6	10	4	1	4	5	3	6	2	8	4	7	8	6	7
Deferment <sup>6</sup>	14	13	12	7	15	9	8	9	8	7	9	3	5	7	9	12
Other	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Admonished <sup>5</sup>	0	0	0	0	0	0	0	0	0	0	0	0	20	8	8	8
Discharged <sup>7</sup>	5	8	11	14	7	16	9	19	11	13	9	14	34	34	28	29
<b>Total</b>	<b>273</b>	<b>347</b>	<b>376</b>	<b>357</b>	<b>359</b>	<b>412</b>	<b>380</b>	<b>369</b>	<b>314</b>	<b>289</b>	<b>292</b>	<b>254</b>	<b>307</b>	<b>271</b>	<b>307</b>	<b>269</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 Sentence in this table refers to sentences imposed in the District or High Court (where a conviction is entered). The totals in this table cannot be directly compared with the Youth Court prosecution outcome statistics in Table 4.1 as sentencing statistics may differ slightly depending on whether the youth or adult court is recorded as the court of final prosecution outcome.
- 3 Corrective training was abolished from 30 June 2002.
- 4 Includes adult sentences – i.e. home detention, intensive supervision, community detention, periodic detention, community programme, community service or supervision before 30 June 2002, and community work and supervision thereafter.
- 5 Note that there are a small number of cases recorded as convicted in the District or High Court by supervision or community work, which are Youth Court orders.
- 6 Includes to come up for sentence if called upon, or a suspended prison sentence (before 30 June 2002).
- 7 Where the offender was convicted and discharged.

**Table 5.4: Percentage of convictions in the District or High Court involving young people for all offences except non-imprisonable traffic offences, by sentence type, 1992 to 2007<sup>1</sup>**

Sentence <sup>2</sup>	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Corrective training <sup>3</sup>	26.0	18.4	17.3	19.0	18.4	13.6	11.3	14.6	6.1	4.5	1.0	-	-	-	-	-
Imprisonment	9.5	8.1	12.0	14.3	17.8	23.5	20.5	16.3	25.8	20.8	21.6	22.8	18.6	20.3	21.5	23.0
Adult community inc. HD <sup>4</sup>	44.0	47.0	43.4	44.0	47.4	40.3	42.4	38.8	44.9	38.4	36.3	39.0	30.0	31.7	27.7	29.4
Supervision with Residence	-	-	-	-	-	-	-	-	-	-	-	-	1.0	1.5	2.3	2.2
Supervision with Activity	-	-	-	-	-	-	-	-	-	-	-	-	0.0	0.7	0.7	0.0
Supervision	-	-	-	-	-	-	-	-	-	-	-	-	3.6	1.5	3.6	2.6
<i>Subtotal—Supervision order<sup>5</sup></i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>4.6</i>	<i>3.7</i>	<i>6.5</i>	<i>4.8</i>
Community work order <sup>5</sup>	0.0	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.7	0.4	1.0	1.5
Monetary	12.5	18.4	18.6	15.7	10.0	15.5	20.0	22.0	15.3	28.4	32.2	29.9	24.8	22.9	26.7	20.4
Driving disqualification	1.1	1.7	2.7	1.1	0.3	1.0	1.3	0.8	1.9	0.7	2.7	1.6	2.3	3.0	2.0	2.6
Deferment <sup>6</sup>	5.1	3.7	3.2	2.0	4.2	2.2	2.1	2.4	2.5	2.4	3.1	1.2	1.6	2.6	2.9	4.5
Other	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0	0.0	0.0	0.0	0.0	0.0
Admonished <sup>5</sup>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.5	3.0	2.6	3.0
Discharged <sup>7</sup>	1.8	2.3	2.9	3.9	1.9	3.9	2.4	5.1	3.5	4.5	3.1	5.5	11.1	12.5	9.1	10.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Notes:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 Sentence in this table refers to sentences imposed in the District or High Court (where a conviction is entered).
- 3 Corrective training was abolished from 30 June 2002.
- 4 Includes adult sentences – i.e. home detention, intensive supervision, community detention, periodic detention, community programme, community service or supervision before 30 June 2002, and community work and supervision thereafter.
- 5 Note that there are a small number of cases recorded as convicted in the District or High Court by supervision or community work, which are Youth Court orders.
- 6 Includes to come up for sentence if called upon, or a suspended prison sentence (before 30 June 2002).
- 7 Where the offender was convicted and discharged.

## 5.4 Final court where order or sentence imposed

### Proved cases by final court (Youth, District or High Court)

Table 5.5 shows the percentage of proved cases involving young offenders that were finalised in each type of court over the period 1992 to 2007. All offences except non-imprisonable traffic offences are included.

From 1992 to 2003, an average of 76.5% of proved cases involving young offenders were finalised in the Youth Court, with the proportion being at least 80% since 2000. From 2004 to 2007, an average of 85.0% of proved cases were finalised in the Youth Court. The remaining 15.0% of cases were nearly all finalised in the District Court. Further analysis shows that in 2007, only 14 of the 1,842 proved cases were finalised in the High Court (0.8%).

**Table 5.5: Percentage of proved cases involving young people for all offences except non-imprisonable traffic offences finalised by court, 1992 to 2007<sup>1,2</sup>**

Final court	LES												CMS			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Youth Court	74.0	70.5	69.1	74.3	74.9	75.9	76.7	78.4	80.6	81.4	79.1	83.6	85.0	85.6	84.0	85.4
District or High Court	26.0	29.5	30.9	25.7	25.1	24.1	23.3	21.6	19.4	18.6	20.9	16.4	15.0	14.4	16.0	14.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note:

- 1 The courts data used to produce this table was sourced from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because this report uses data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See Appendix 3 for more detail on courts' statistics.
- 2 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.

## Proved cases by offence category and final court

Table 5.6 shows the court where proved cases were finalised in 2007, by the category of offence (as the most serious offence). All offences except non-imprisonable traffic offences are included. In 2007, offences most likely to be finalised in the Youth Court were property and drug offences (91% and 87% respectively). Miscellaneous offences were the least likely to be finalised in the Youth Court (21%), followed by good order (77%) and violence (80%).

Correspondingly, the 2007 figures show that 79% of miscellaneous offences were proved in the District or High Court, while 9%, 13%, 20% and 23% of property, drug, violence and good order offences, respectively, were finalised in the District or High Court.

**Table 5.6: Court where proved cases involving young people for all offences except non-imprisonable traffic offences were finalised, by offence category, 2007<sup>1</sup>**

Offence category	Youth Court		Final Court District or High Court		Total	
	No.	%	No.	%	No.	%
Violent	414	80	101	20	515	100
Other against persons	19	83	4	17	23	100
Property	786	91	80	9	866	100
Drug	13	87	2	13	15	100
Against justice	52	84	10	16	62	100
Good order	73	77	22	23	95	100
Imprisonable traffic <sup>2</sup>	213	85	39	15	252	100
Miscellaneous	3	21	11	79	14	100
Total	1573	85	269	15	1842	100

Notes:

- 1 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 2 Cases involving traffic offences that are not punishable by imprisonment are not usually dealt with under the provisions of the CYPF Act, thus cases relating to non-imprisonable traffic offences have been excluded from the above figures.

## Proved cases and convictions by court location, order and sentence type

Table 5.7 shows the number of proved cases involving young people that were finalised in each Youth Court in 2007, by order type. All offences except non-imprisonable traffic offences are included. Table 5.8 shows the number of convictions involving young people in each District or High Court in 2007, by sentence type. All offences except non-imprisonable traffic offences are included. Courts are listed geographically from north to south, rather than alphabetically.

### Youth Court

Table 5.7 shows that there were 1,573 proved cases finalised in the Youth Court, with Christchurch recording the highest number at 204 cases, followed by Manukau with 166 cases. Due to small numbers of cases, some court locations have not been highlighted for comparison; however, key trends in Table 5.7 for courts with more than 10 proved cases in total include:

- Napier (30 cases), Whakatane (11 cases), and Timaru (17 cases) Youth Courts recorded over 60% of proved cases resulted in supervision orders.

- Upper Hutt (4 of 11 cases), Nelson (10 of 26 cases), and Invercargill Youth Courts (20 of 53 cases) recorded over a third of proved cases resulted in a monetary penalty.

### ***District or High Court***

Table 5.8 shows that in 2007 there were 269 convictions involving young people in the District or High Court. In locations where there is both a District and High Court, the case figures have been combined. Further analysis shows that of the 269 convictions in 2007, 255 cases (94.8%) were in the District Court and 14 cases (5.2%) in the High Court. Table 5.8 also shows that Manukau recorded the highest number of cases resulting in conviction at 37, followed by Christchurch with 19 cases, and Invercargill and Rotorua with 15 cases each. Due to small numbers of cases, some court locations have not been highlighted for comparison; however, key observations from Table 5.8 when considering the courts with the highest throughput include:

- Manukau recorded 13 of 37 convictions resulted in imprisonment (35%), while Auckland recorded 7 of 13 such cases (54%).
- Invercargill recorded 40.0% of convictions resulted in an adult community-based sentence (6 of 15 proved cases), while Manukau recorded 10 of 37 such cases (27.0%).
- Christchurch recorded 7 of 19 convictions (37.0%) resulted in a monetary penalty.

Table 5.7: Number of proved cases involving young people for all offences except non-imprisonable traffic offences, finalised in each Youth Court by order type, 2007<sup>1</sup>

Court location	Order <sup>2</sup>																	
	Imprisonment		Supervision order		Community work order		Monetary		Driving disqualification		Deferment		Admonished		Discharged		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Kaitia	0	0	1	13	1	13	0	0	0	0	2	25	4	50	0	0	8	100
Kaikohe	0	0	3	16	1	5	2	11	3	16	0	0	10	53	0	0	19	100
Whangarei	0	0	13	43	0	0	3	10	0	0	4	13	10	33	0	0	30	100
Dargaville	0	0	3	60	0	0	0	0	0	0	1	20	1	20	0	0	5	100
Auckland	0	0	28	39	4	6	8	11	4	6	2	3	25	35	0	0	71	100
Waitakere	0	0	32	33	3	3	16	16	1	1	7	7	38	39	0	0	97	100
North Shore	0	0	7	15	6	13	14	29	3	6	0	0	18	38	0	0	48	100
Manukau	0	0	86	52	3	2	14	8	13	8	5	3	45	27	0	0	166	100
Papakura	0	0	6	29	0	0	2	10	4	19	0	0	9	43	0	0	21	100
Pukekohe	1	5	5	26	1	5	0	0	1	5	0	0	11	58	0	0	19	100
Thames	0	0	4	67	0	0	0	0	0	0	0	0	2	33	0	0	6	100
Huntly	0	0	5	45	0	0	2	18	3	27	0	0	1	9	0	0	11	100
Waihi	0	0	0	0	0	0	2	33	0	0	0	0	4	67	0	0	6	100
Morrinsville	1	7	5	36	0	0	0	0	5	36	2	14	1	7	0	0	14	100
Hamilton	0	0	28	39	0	0	12	17	9	13	11	15	12	17	0	0	72	100
Te Awamutu	0	0	2	50	0	0	1	25	0	0	0	0	1	25	0	0	4	100
Tauranga	0	0	18	24	6	8	16	21	16	21	4	5	16	21	0	0	76	100
Whakatane	0	0	11	69	2	13	2	13	1	6	0	0	0	0	0	0	16	100
Opotiki	0	0	1	17	2	33	1	17	1	17	0	0	1	17	0	0	6	100
Tokoroa	0	0	3	25	0	0	2	17	1	8	0	0	6	50	0	0	12	100
Rotorua	0	0	13	18	6	8	2	3	15	21	2	3	34	47	0	0	72	100
Te Kuiti	0	0	0	0	0	0	1	33	0	0	0	0	2	67	0	0	3	100
Taupo	0	0	1	13	1	13	1	13	1	13	1	13	3	38	0	0	8	100
Gisborne	0	0	18	56	2	6	2	6	0	0	0	0	10	31	0	0	32	100
Wairoa	0	0	2	13	1	6	5	31	1	6	0	0	7	44	0	0	16	100
Taumaranui	0	0	2	67	0	0	0	0	0	0	0	0	1	33	0	0	3	100
New Plymouth	0	0	16	41	1	3	7	18	2	5	0	0	13	33	0	0	39	100
Napier	0	0	30	64	0	0	3	6	6	13	5	11	3	6	0	0	47	100
Hastings	1	1	30	39	8	11	8	11	4	5	5	7	20	26	0	0	76	100

Continued on next page

Court location	Order <sup>2</sup>																	
	Imprisonment		Supervision order		Community work order		Monetary		Driving disqualification		Deferment		Admonished		Discharged		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Hawera	0	0	4	36	1	9	3	27	1	9	0	0	2	18	0	0	11	100
Wanganui	0	0	6	67	0	0	1	11	1	11	0	0	1	11	0	0	9	100
Waipukurau	0	0	1	25	0	0	0	0	0	0	3	75	0	0	0	0	4	100
Feilding	0	0	0	0	0	0	0	0	0	0	0	0	2	100	0	0	2	100
Palmerston North	0	0	6	40	2	13	4	27	1	7	1	7	1	7	0	0	15	100
Levin	0	0	5	56	2	22	2	22	0	0	0	0	0	0	0	0	9	100
Masterton	0	0	4	44	1	11	1	11	2	22	0	0	1	11	0	0	9	100
Porirua	0	0	12	57	1	5	4	19	0	0	1	5	3	14	0	0	21	100
Upper Hutt	0	0	1	9	2	18	4	36	1	9	0	0	3	27	0	0	11	100
Lower Hutt	0	0	11	34	2	6	0	0	8	25	4	13	7	22	0	0	32	100
Wellington	0	0	11	50	1	5	1	5	3	14	3	14	3	14	0	0	22	100
Nelson	0	0	7	27	1	4	10	38	1	4	0	0	7	27	0	0	26	100
Blenheim	0	0	7	24	3	10	7	24	2	7	2	7	8	28	0	0	29	100
Westport	0	0	1	25	0	0	2	50	0	0	0	0	1	25	0	0	4	100
Greymouth	0	0	2	29	0	0	3	43	1	14	0	0	1	14	0	0	7	100
Christchurch	0	0	102	50	13	6	24	12	10	5	3	1	52	25	0	0	204	100
Rangiora	0	0	4	24	0	0	4	24	4	24	0	0	5	29	0	0	17	100
Ashburton	0	0	3	38	0	0	2	25	1	13	0	0	2	25	0	0	8	100
Timaru	0	0	17	61	2	7	7	25	0	0	0	0	2	7	0	0	28	100
Oamaru	0	0	6	60	0	0	1	10	1	10	0	0	2	20	0	0	10	100
Queenstown	0	0	0	0	0	0	0	0	0	0	0	0	1	100	0	0	1	100
Alexandra	0	0	0	0	0	0	2	100	0	0	0	0	0	0	0	0	2	100
Dunedin	0	0	9	30	0	0	6	20	4	13	2	7	8	27	1	3	30	100
Gore	0	0	1	17	0	0	0	0	4	67	0	0	1	17	0	0	6	100
Invercargill	0	0	12	23	3	6	20	38	11	21	0	0	7	13	0	0	53	100
Total	3	0	605	38	82	5	234	15	150	10	70	4	428	27	1	0	1573	100

Note:

- 1 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 2 Orders imposed in the Youth Court under section 283 of the CYPF Act. Note that there are a small number of cases recorded as finalised in the Youth Court by 'imprisonment', which is a District Court sentence.



Table 5.8: Number of convictions involving young people for all offences except non-imprisonable traffic offences, in each District or High Court by sentence type, 2007<sup>1</sup>

Court location	Sentence <sup>2</sup>																			
	Imprisonment		Adult community inc. HD		Supervision order		Community work order		Monetary		Driving disqualification		Deferment		Admonished		Discharged		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Kaikohe	0	0	1	20	0	0	0	0	3	60	0	0	0	0	0	0	1	20	5	100
Whangarei	3	75	0	0	0	0	0	0	1	25	0	0	0	0	0	0	0	0	4	100
Warkworth	0	0	1	33	0	0	0	0	2	67	0	0	0	0	0	0	0	0	3	100
Auckland	7	54	3	23	0	0	0	0	1	8	0	0	0	0	0	0	2	15	13	100
Waitakere	0	0	6	60	0	0	0	0	3	30	0	0	1	10	0	0	0	0	10	100
North Shore	0	0	1	17	1	17	0	0	3	50	0	0	1	17	0	0	0	0	6	100
Manukau	13	35	10	27	2	5	0	0	4	11	1	3	0	0	2	5	5	14	37	100
Pukekohe	1	33	0	0	0	0	0	0	2	67	0	0	0	0	0	0	0	0	3	100
Thames	0	0	1	50	0	0	0	0	0	0	0	0	0	0	1	50	0	0	2	100
Huntly	0	0	0	0	0	0	0	0	1	100	0	0	0	0	0	0	0	0	1	100
Waihi	0	0	1	33	0	0	0	0	2	67	0	0	0	0	0	0	0	0	3	100
Hamilton	2	17	3	25	0	0	0	0	2	17	0	0	3	25	0	0	2	17	12	100
Te Awamutu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	100	1	100
Tauranga	2	18	5	45	0	0	0	0	2	18	0	0	0	0	0	0	2	18	11	100
Whakatane	1	50	0	0	0	0	0	0	1	50	0	0	0	0	0	0	0	0	2	100
Opotiki	0	0	0	0	1	100	0	0	0	0	0	0	0	0	0	0	0	0	1	100
Tokoroa	0	0	2	67	0	0	0	0	1	33	0	0	0	0	0	0	0	0	3	100
Rotorua	4	27	3	20	1	7	0	0	1	7	0	0	0	0	0	0	6	40	15	100
Taupo	0	0	2	40	0	0	3	60	0	0	0	0	0	0	0	0	0	0	5	100
Gisborne	3	50	1	17	0	0	0	0	2	33	0	0	0	0	0	0	0	0	6	100
Wairoa	0	0	1	50	0	0	0	0	0	0	0	0	0	0	0	0	1	50	2	100
New Plymouth	1	17	0	0	1	17	0	0	2	33	0	0	0	0	0	0	2	33	6	100
Napier	5	45	4	36	2	18	0	0	0	0	0	0	0	0	0	0	0	0	11	100
Hastings	0	0	3	38	1	13	0	0	1	13	0	0	2	25	1	13	0	0	8	100
Hawera	3	50	1	17	0	0	0	0	0	0	0	0	1	17	0	0	1	17	6	100
Dannevirke	0	0	0	0	0	0	0	0	1	100	0	0	0	0	0	0	0	0	1	100
Palmerston North	3	43	2	29	0	0	0	0	1	14	0	0	0	0	0	0	1	14	7	100
Levin	0	0	1	20	0	0	1	20	1	20	1	20	1	20	0	0	0	0	5	100

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Court location	Sentence <sup>2</sup>																			
	Imprisonment		Adult community inc. HD		Supervision order		Community work order		Monetary		Driving disqualification		Deferment		Admonished		Discharged		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Masterton	0	0	0	0	1	33	0	0	0	0	0	0	0	0	2	67	0	0	3	100
Porirua	0	0	2	33	0	0	0	0	2	33	1	17	0	0	0	0	1	17	6	100
Upper Hutt	0	0	5	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	100
Wellington	3	33	2	22	0	0	0	0	3	33	0	0	0	0	0	0	1	11	9	100
Nelson	0	0	3	38	0	0	0	0	3	38	1	13	0	0	1	13	0	0	8	100
Greymouth	0	0	1	50	0	0	0	0	0	0	0	0	0	0	1	50	0	0	2	100
Christchurch	4	21	3	16	2	11	0	0	7	37	0	0	1	5	0	0	2	11	19	100
Rangiora	0	0	0	0	0	0	0	0	1	100	0	0	0	0	0	0	0	0	1	100
Ashburton	0	0	1	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	100
Timaru	0	0	1	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	100
Oamaru	0	0	1	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	100
Alexandra	0	0	0	0	0	0	0	0	0	0	0	0	1	100	0	0	0	0	1	100
Dunedin	3	50	2	33	0	0	0	0	0	0	0	0	0	0	0	0	1	17	6	100
Gore	0	0	0	0	1	50	0	0	0	0	1	50	0	0	0	0	0	0	2	100
Invercargill	4	27	6	40	0	0	0	0	2	13	2	13	1	7	0	0	0	0	15	100
<b>Total</b>	<b>62</b>	<b>23</b>	<b>79</b>	<b>29</b>	<b>13</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>55</b>	<b>20</b>	<b>7</b>	<b>3</b>	<b>12</b>	<b>4</b>	<b>8</b>	<b>3</b>	<b>29</b>	<b>11</b>	<b>269</b>	<b>100</b>

Notes:

- 1 In the interests of brevity, 'proved cases' refers to cases proved in the Youth Court and convictions in the District and High Court, as proved cases comprise the vast majority of cases.
- 2 Sentence in this table refers to sentences imposed in the District or High Court. Note that there are a small number of cases recorded as convicted in the District or High Court by Youth Court orders.

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Statistics New Zealand website: [www.stats.govt.nz](http://www.stats.govt.nz).



# Appendix 1: Population statistics

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## A1.1 Overview

To present population-adjusted statistics, this report uses two sets of New Zealand population statistics:

- population estimates dataset (see Section A1.2)
- population projections dataset (see Section A1.3).

The information about these population statistics is sourced from Statistics New Zealand website ([www.stats.govt.nz](http://www.stats.govt.nz)).

## A1.2 Population estimates

The population estimates dataset records annual estimates of population made in years between censuses. The estimated resident population of New Zealand is an estimate of all people who usually live in New Zealand at a given date. Visitors from overseas are excluded. It is based on the census usually resident population count with adjustments for residents missed or counted more than once by the census (net census undercount), and for residents temporarily overseas on census night.

The estimated resident population for the years 2001–2006 has been revised using results from the 2001 and 2006 Censuses of Population and Dwellings, while the estimates for 2007 were obtained by updating the base population at 30 June 2006 for births, deaths and net migration during the ensuing period.

As the population estimates have been revised based on the 2006 Census, rates calculated in this report may differ from those published in the *Youth Justice Statistics in New Zealand: 1992 to 2006* report, which were based on the 2001 Census.

This report uses population estimates for mean year ended 31 December. Information about the population estimates states that for the calculation of rates when the numerators or 'top lines' relate to data covering calendar years, mean year ended 31 December population estimates are appropriate as denominators or 'bottom lines'.

See Section A1.2.1 for population estimates dataset by age and Section A1.2.2 for population estimates dataset by gender.

### A1.2.1 Population estimates for age of populations

The population estimates by age group are sourced from Statistics New Zealand website. The estimates in this report cover the calendar years 1992 to 2007.

See Table A1.1 for the estimated resident population of New Zealand, by age group from 1992 to 2007. This shows that the estimated resident population in New Zealand increased by 19.7% over the period, rising from 3,533,030 in 1992 to 4,230,750 in 2007. Over the

same period, the total population of 10 to 13 year olds rose by 16.8% (from 207,880 to 242,870), while the total population of 14 to 16 year olds rose by 22.2% (from 158,090 to 193,210).

The population estimates are used to calculate the Police apprehension rate information presented in Chapter 3 and the rates per 10,000 population for outcomes of cases prosecuted in Section 4.3.

### **A1.2.2 Population estimates for gender of populations**

The gender population estimates by age group are sourced from Statistics New Zealand website. The estimates in this report cover the calendar years 1995 to 2007. See Tables A1.2 and A1.3.

The gender population estimates presented in Tables A1.2 and A1.3 are used in Section 3.4 to calculate the Police apprehension rate by gender.

## **A1.3 Population projections**

Population projections are estimates of the size and composition of the population at a future date. Projections are available for regional populations and various ethnic populations. The demographic projections are designed to meet both short-term and long-term planning needs, but are not designed to be exact forecasts or to project specific annual variation. These projections are based on assumptions made about future fertility, mortality, net migration and inter-ethnic mobility patterns of the population. Although the assumptions are carefully formulated to represent future trends, they are subject to uncertainty. Therefore, the projections should be used as guidelines and an indication of the overall trend, rather than as exact forecasts. The projections do not take into account non-demographic factors (e.g. war, catastrophes, major government and business decisions), which may invalidate the projections.

See Section A1.3.1 for 2007 population projections dataset by ethnicity and Section A1.3.2 for population projections dataset by Police districts.

### **A1.3.1 Population projections by ethnicity**

The ethnic population figures used in this report are provided by Statistics New Zealand (see Tables A1.4 and A1.5). Figures shown in Table A1.4 and A1.5 include:

- ethnic population estimates for census years 1996, 2001 and 2006 (see Section A1.2 for more detail on population estimates)
- population projections for 2007 (based on 2006 census and for year ended 30 June).

It is important to note that the ethnic populations discussed are not mutually exclusive because people can, and do, identify with more than one ethnicity.

The population statistics used in this report cover census years 1996, 2001 and 2006, plus projection year 2007. The ethnic population figures presented in Table A1.4 and A1.5 are used in Section 3.4 to calculate the Police apprehension rate by ethnicity.

### **A1.3.2 Population projections by Police districts**

The 2007 population projections by Police districts are provided by Statistics New Zealand from the 2006 Census and for year ended 30 June. See Table A1.6.

Estimates for Police districts are derived by proportioning estimates for area units over the meshblocks within the Police area.

The projection statistics in this report cover the calendar year 2007. The population projections by Police districts presented in Table A1.6 are used to calculate the Police apprehension rate by Police districts in Section 3.6.

**Table A1.1: Estimated resident population of New Zealand, by age group, 1992 to 2007**

Age	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0 to 9	555810	564200	572930	582310	590830	595890	595920	591170	585160	577220	575540	576650	577790	576930	578080	582380
10 to 13	207880	208490	209720	211670	215840	220140	225860	231260	237630	243980	248570	251730	251030	248320	246520	242870
14 to 16	158090	156940	157430	160840	162360	162670	162070	163300	165810	169060	174600	180270	186510	191210	193870	193210
17 to 20	234080	227190	222290	217660	216090	216150	216020	216520	217540	221030	228590	235510	237490	239570	243380	249580
21 to 30	570670	570400	569380	568290	568440	565100	555860	541880	528790	518400	520820	528890	535690	539760	545510	553000
31 to 50	979850	1005170	1036220	1067460	1097140	1119760	1130670	1137490	1144190	1150370	1169820	1193800	1211750	1222580	1230710	1229400
51+	826650	841280	853610	867590	883150	902850	929400	955710	981050	1006980	1033250	1060790	1088400	1117650	1148870	1180310
Total	3533030	3573670	3621580	3675820	3733850	3782560	3815800	3837330	3860170	3887040	3951190	4027640	4088660	4136020	4186940	4230750

Note: The data used to produce this table was sourced from Statistics New Zealand. Please note that 2007 estimates are provisional. See Section A1.2 for more detail on population estimates sourced from Statistics New Zealand.

**Table A1.2: Estimated resident population of 10 to 13 year olds, by gender, 1995 to 2007<sup>1,2</sup>**

Gender	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Male	108860	110790	112900	115770	118440	121590	124610	127270	129160	129030	127710	126560	124590
Female	102800	105060	107250	110080	112810	116030	119360	121290	122580	121990	120620	119970	118280
Total	211670	215840	220140	225860	231260	237630	243980	248570	251730	251030	248320	246520	242870

Notes:

- 1 The data used to produce this table was sourced from Statistics New Zealand. Please note that 2007 estimates are provisional. See Section A1.2 for more detail on population estimates sourced from Statistics New Zealand.
- 2 Due to rounding, individual figures in this table do not always sum to give the stated totals.

**Table A1.3: Estimated resident population of 14 to 16 year olds, by gender, 1995 to 2007<sup>1,2</sup>**

Gender	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Male	82330	83500	83590	83030	83520	84620	86480	89180	92010	94960	97310	98990	98970
Female	78510	78860	79080	79040	79770	81200	82580	85410	88250	91540	93880	94910	94230
Total	160840	162360	162670	162070	163300	165810	169060	174600	180270	186510	191210	193870	193210

Notes:

- 1 The data used to produce this table was sourced from Statistics New Zealand. Please note that 2007 estimates are provisional. See Section A1.2 for more detail on population estimates sourced from Statistics New Zealand.
- 2 Due to rounding, individual figures in this table do not always sum to give the stated totals.



**Table A1.4: Population statistics of 10 to 13 year olds, by ethnicity, 1996 to 2007**

<b>Ethnicity</b>	<b>1996</b>	<b>2001</b>	<b>2006</b>	<b>2007</b>
Māori	49400	56020	56520	55890
Pacific peoples	19180	24620	27790	28080
Asian	13710	16890	23740	23640
NZ European or other	168510	182370	177780	174550

Note: The data used to produce this table was sourced from Statistics New Zealand. Figures available are ethnic population estimates for census years 1996, 2001 and 2006, and population projections for 2007. Ethnic populations are not summed in the table as they are not mutually exclusive because people can, and do, identify with more than one ethnicity. See Section A1.3 for more detail on ethnic population projections sourced from Statistics New Zealand.

**Table A1.5: Population statistics of 14 to 16 year olds, by ethnicity, 1996 to 2007**

<b>Ethnicity</b>	<b>1996</b>	<b>2001</b>	<b>2006</b>	<b>2007</b>
Māori	35740	36380	42550	42280
Pacific peoples	14130	15050	20500	20600
Asian	12840	14100	19670	19770
NZ European or other	125380	125910	139830	139100

Note: The data used to produce this table was sourced from Statistics New Zealand. Figures available are ethnic population estimates for census years 1996, 2001 and 2006, and population projections for 2007. Ethnic populations are not summed in the table as they are not mutually exclusive because people can, and do, identify with more than one ethnicity. See Section A1.3 for more detail on ethnic population projections sourced from Statistics New Zealand.

**Table A1.6: Population projections of 14 to 16 year olds, by Police district, 2007**

<b>Police District</b>	<b>2007</b>
Northland	7880
Waitematā	23910
Auckland	15380
Counties/Manukau	25160
Waikato	15580
Bay of Plenty	16250
Eastern	10150
Central	16620
Wellington	19550
Tasman	7830
Canterbury	22900
Southern	12250
<b>Total</b>	<b>193450</b>

Notes:

- 1 The data used to produce this table was sourced from Statistics New Zealand. The total in this table can not be directly compared with the provisional estimates for the same age group in Table A1.1. See Section A1.3 for more detail on population projections sourced from Statistics New Zealand.
- 2 Due to rounding, individual figures in this table do not always sum to give the stated totals.



## Appendix 2: Police apprehension statistics

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### A2.1 Overview

The Police apprehension statistics from 1995 to 2007 used to produce tables in Chapter 3 were sourced from New Zealand Police. These statistics record the number of offender apprehensions and how those apprehensions were resolved (Section A2.2 for definition).

While Police apprehension statistics do provide an indication of trends in offending by young people, reporting and recording practices, and policy and legislative changes can significantly influence apprehension statistics and thereby distort offending trends. Children and young people are also generally less experienced at offending and often offend in groups and in public, which makes them more likely to be apprehended by Police.

Statistics New Zealand makes a number of Justice Sector datasets available on its website ([www.stats.govt.nz](http://www.stats.govt.nz)). In referring to the New Zealand Police data on apprehension statistics, as published on the Statistics New Zealand website, it was noted that:

In June 2005 Police replaced the aging Law Enforcement System (LES) with a newer National Intelligence Application (NIA). The system change caused a step-increase in recorded crime statistics, coincident with the system replacement. This step-increase varied in magnitude between different crime-types and Police Districts. Caution should therefore be observed when making inferences from statistics in 2005 and 2006 about trends of the incidence of crime in New Zealand.

Police apprehension statistics do not include traffic and infringement offences; see Section A2.2 for more detail.

### A2.2 Apprehensions

It is important to note that apprehensions do not count distinct individuals. An 'apprehension' represents the number of alleged offences, as people who are apprehended for more than one offence are counted once for each offence. For example, one offender apprehended for five burglaries is counted as five apprehensions. Also, apprehensions do not necessarily mean that an offender has been charged so they do not tell us the proportion of offences proven.

An 'apprehension' means that a person has been dealt with by the Police in some manner (e.g. a warning, alternative action, referral to youth justice FGC, prosecution) to resolve an offence. An apprehension does not always involve an arrest. In the youth jurisdiction, apprehensions seldom mean that prosecution will follow. In some circumstances 'dealt with by the Police' may mean that the offender has been found to have a mental health condition or is already in custody, so no further action is taken other than to document the offence.

For consistency with the rest of the report, offences for Police apprehension information in Chapter 3 were grouped using the Ministry of Justice offence classification (see Appendix 4)

rather than the Police classification.<sup>17</sup> The miscellaneous category includes a small number of apprehensions that were classified as unknown.

### **Traffic offences**

Police apprehension statistics do not contain information on traffic offences reported to or discovered by the Police. Before the merger of the Police and Traffic Safety Service on 1 July 1992, not all traffic offences were dealt with by the Police. The systems for dealing with traffic offences and other offences were not merged on LES after the organisations joined, and still remain separate. As a result, traffic offences are not included in Police apprehension statistics used in Chapter 3.

### **Infringement notices**

Police apprehension statistics do not contain information on infringement offences. Some offences, such as a minor drinking or possessing alcohol for consumption in a public place, may be prosecuted in court or treated as an infringement, at Police discretion. If the Police decide to issue an infringement notice, the infringement is recorded in a different part of the system to Police apprehension statistics. If the Police decide to apprehend the person, the offence is added to the offence system and the data is included in the Police apprehension statistics.

## **A2.3 Tables**

This section includes a number of tables used to calculate percentages and rates (per 10,000 population for the corresponding age group) on Police apprehension statistics.

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<sup>17</sup> Police apprehension statistics on the Statistics New Zealand website use the Police classification.

**Table A2.1: Number of Police apprehensions for non-traffic offences, by age group, 1995 to 2007**

Age	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0 to 9	1795	1714	1811	1407	1566	1790	1520	1308	1242	1212	1048	717	726
10 to 13	10937	11725	11836	9945	11164	12408	11125	11130	11296	9742	8624	7890	8079
14 to 16	30389	31271	31027	29999	30665	31324	30791	32095	33994	30500	31099	30451	29758
17 to 20	46156	46887	46817	47378	45137	44551	44450	45561	50053	46072	45212	49627	52632
21 to 30	59945	59303	58729	57325	53065	55438	54248	55385	57527	53610	51446	55513	58958
31 to 50	45933	39521	40072	42234	42638	46399	48498	51915	53260	52872	50271	53016	56496
51+	4408	4667	4833	4823	4802	5205	5768	5959	6363	6494	6198	6270	7105
Total	199563	195088	195125	193111	189037	197115	196400	203353	213735	200502	193898	203484	213754

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.2: Percentage of Police apprehensions for non-traffic offences, by age group, 1995 to 2007**

Age	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0 to 9	0.9	0.9	0.9	0.7	0.8	0.9	0.8	0.6	0.6	0.6	0.5	0.4	0.3
10 to 13	5.5	6.0	6.1	5.1	5.9	6.3	5.7	5.5	5.3	4.9	4.4	3.9	3.8
14 to 16	15.2	16.0	15.9	15.5	16.2	15.9	15.7	15.8	15.9	15.2	16.0	15.0	13.9
17 to 20	23.1	24.0	24.0	24.5	23.9	22.6	22.6	22.4	23.4	23.0	23.3	24.4	24.6
21 to 30	30.0	30.4	30.1	29.7	28.1	28.1	27.6	27.2	26.9	26.7	26.5	27.3	27.6
31 to 50	23.0	20.3	20.5	21.9	22.6	23.5	24.7	25.5	24.9	26.4	25.9	26.1	26.4
51+	2.2	2.4	2.5	2.5	2.5	2.6	2.9	2.9	3.0	3.2	3.2	3.1	3.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.3: Number of Police apprehensions for non-traffic offences, by offence category and age group, 2007**

Offence category	0 to 9	10 to 13	14 to 16	17 to 20	21 to 30	31 to 50	51+	Total
Violent	47	975	3740	7018	11844	14968	2065	40657
Other against persons	12	202	973	2348	3157	3996	640	11328
Property	522	5625	17916	20920	19287	13990	1616	79876
Drug	12	185	1215	4104	6158	6803	603	19080
Against justice	1	27	676	3108	4830	5266	500	14408
Good order	52	886	4255	9979	9642	8721	1263	34798
Miscellaneous	80	179	983	5155	4040	2752	418	13607
<b>Total</b>	<b>726</b>	<b>8079</b>	<b>29758</b>	<b>52632</b>	<b>58958</b>	<b>56496</b>	<b>7105</b>	<b>213754</b>

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.4: Percentage of Police apprehensions for non-traffic offences, by offence category and age group, 2007**

Offence category	0 to 9	10 to 13	14 to 16	17 to 20	21 to 30	31 to 50	51+	Total
Violent	6.5	12.1	12.6	13.3	20.1	26.5	29.1	19.0
Other against persons	1.7	2.5	3.3	4.5	5.4	7.1	9.0	5.3
Property	71.9	69.6	60.2	39.7	32.7	24.8	22.7	37.4
Drug	1.7	2.3	4.1	7.8	10.4	12.0	8.5	8.9
Against justice	0.1	0.3	2.3	5.9	8.2	9.3	7.0	6.7
Good order	7.2	11.0	14.3	19.0	16.4	15.4	17.8	16.3
Miscellaneous	11.0	2.2	3.3	9.8	6.9	4.9	5.9	6.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.5: Number of Police apprehensions of 10 to 13 year olds for non-traffic offences, by offence class, 1995 to 2007<sup>1</sup>**

Offence class	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Homicide <sup>2</sup>	0	0	0	1	0	0	1	0	0	1	0	0	0
Violent sexual <sup>3</sup>	42	34	45	24	27	43	35	185	51	83	51	43	47
Aggravated robbery	29	35	42	49	36	40	34	41	41	28	56	29	36
Robbery	38	40	37	33	29	37	40	18	32	65	29	34	46
Grievous/serious assault <sup>4</sup>	134	138	182	156	153	201	188	173	184	212	202	192	285
Minor assault <sup>5</sup>	454	523	533	438	498	573	555	547	467	555	449	360	501
Other violent	31	28	33	16	28	31	38	48	34	26	35	61	60
<b>Subtotal—Violent</b>	<b>728</b>	<b>798</b>	<b>872</b>	<b>717</b>	<b>771</b>	<b>925</b>	<b>891</b>	<b>1012</b>	<b>809</b>	<b>970</b>	<b>822</b>	<b>719</b>	<b>975</b>
<b>Other against persons</b>	<b>92</b>	<b>116</b>	<b>147</b>	<b>115</b>	<b>120</b>	<b>235</b>	<b>166</b>	<b>139</b>	<b>180</b>	<b>150</b>	<b>153</b>	<b>168</b>	<b>202</b>
Burglary	1059	1448	1325	1131	1154	1593	1142	1076	1161	917	989	926	997
Theft	5254	5073	4904	4134	4997	4861	4284	4262	4306	3944	3093	2740	2516
Motor vehicle conversion	319	278	296	252	206	240	244	216	298	197	207	183	154
Arson	134	220	226	195	235	277	296	233	287	208	219	197	194
Wilful damage	1124	1335	1374	1153	1366	1598	1494	1378	1365	1291	1225	1313	1389
Other property <sup>6</sup>	778	842	808	681	641	566	550	751	701	449	462	376	375
<b>Subtotal—Property</b>	<b>8668</b>	<b>9196</b>	<b>8933</b>	<b>7546</b>	<b>8599</b>	<b>9135</b>	<b>8010</b>	<b>7916</b>	<b>8118</b>	<b>7006</b>	<b>6195</b>	<b>5735</b>	<b>5625</b>
<b>Drug</b>	<b>125</b>	<b>211</b>	<b>224</b>	<b>189</b>	<b>252</b>	<b>363</b>	<b>345</b>	<b>358</b>	<b>278</b>	<b>217</b>	<b>220</b>	<b>178</b>	<b>185</b>
<b>Against justice</b>	<b>29</b>	<b>29</b>	<b>38</b>	<b>31</b>	<b>31</b>	<b>40</b>	<b>45</b>	<b>45</b>	<b>37</b>	<b>40</b>	<b>25</b>	<b>28</b>	<b>27</b>
<b>Good order</b>	<b>1079</b>	<b>1105</b>	<b>1342</b>	<b>1079</b>	<b>1108</b>	<b>1385</b>	<b>1371</b>	<b>1358</b>	<b>1364</b>	<b>1135</b>	<b>998</b>	<b>941</b>	<b>886</b>
<b>Miscellaneous</b>	<b>216</b>	<b>270</b>	<b>280</b>	<b>268</b>	<b>283</b>	<b>325</b>	<b>297</b>	<b>302</b>	<b>510</b>	<b>224</b>	<b>211</b>	<b>121</b>	<b>179</b>
<b>Total</b>	<b>10937</b>	<b>11725</b>	<b>11836</b>	<b>9945</b>	<b>11164</b>	<b>12408</b>	<b>11125</b>	<b>11130</b>	<b>11296</b>	<b>9742</b>	<b>8624</b>	<b>7890</b>	<b>8079</b>

Notes:

1 The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

2 Murder, manslaughter and attempted murder.

3 Sexual violation, attempted sexual violation and indecent assault.

4 Grievous and serious assaults, including assaults by males on females and assaults on children. Grievous assaults include assault with a weapon, wounding with intent and injuring with intent, but also include aggravated wounding or injury, disabling, doing a dangerous act with intent, acid throwing and poisoning with intent to cause grievous bodily harm. Serious assaults include common assault under the Crimes Act 1961, but also include assault with intent to injure, injuring by an unlawful act and aggravated assault (including assault on a Police officer or a person assisting the Police under the Crimes Act 1961).

Continued on next page

- 5 Mainly common assault under the Summary Offences Act 1981.
- 6 Mainly unlawfully getting into or interfering with a motor vehicle, unlawfully taking a bicycle, receiving stolen property and fraud-related offences.



**Table A2.6: Number of Police apprehensions of 14 to 16 year olds for non-traffic offences, by offence class, 1995 to 2007<sup>1</sup>**

Offence class	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Homicide <sup>2</sup>	8	5	4	6	1	3	5	7	5	12	3	8	5
Violent sexual <sup>3</sup>	89	99	88	102	69	91	89	127	127	130	82	125	80
Aggravated robbery	216	184	240	201	179	171	170	192	215	180	290	310	276
Robbery	138	138	118	94	87	139	94	128	111	106	177	185	206
Grievous/serious assault <sup>4</sup>	862	858	815	840	953	980	987	1049	1097	1235	1324	1512	1501
Minor assault <sup>5</sup>	1231	1308	1209	1263	1250	1272	1394	1344	1412	1370	1345	1392	1438
Other violent	146	149	156	152	169	173	146	188	199	197	223	211	234
<b>Subtotal—Violent</b>	<b>2690</b>	<b>2741</b>	<b>2630</b>	<b>2658</b>	<b>2708</b>	<b>2829</b>	<b>2885</b>	<b>3035</b>	<b>3166</b>	<b>3230</b>	<b>3444</b>	<b>3743</b>	<b>3740</b>
<b>Other against persons</b>	<b>409</b>	<b>459</b>	<b>448</b>	<b>495</b>	<b>477</b>	<b>578</b>	<b>571</b>	<b>666</b>	<b>701</b>	<b>687</b>	<b>689</b>	<b>847</b>	<b>973</b>
Burglary	3721	3943	3750	3487	3430	4093	3514	3295	3529	3386	3516	3677	3437
Theft	8608	8442	7123	7250	7722	7628	7308	8053	8185	7962	7766	6733	6654
Motor vehicle conversion	2260	2218	2042	1681	1534	1347	1581	1720	1767	1527	1666	1461	1391
Arson	142	159	153	197	175	227	193	138	227	226	211	254	250
Wilful damage	2528	2766	3248	2600	3269	3519	3552	3202	3714	3399	4040	4129	3879
Other property <sup>6</sup>	3481	3478	3347	3335	2835	2873	2753	3193	3535	2609	2562	2574	2305
<b>Subtotal—Property</b>	<b>20740</b>	<b>21006</b>	<b>19663</b>	<b>18550</b>	<b>18965</b>	<b>19687</b>	<b>18901</b>	<b>19601</b>	<b>20957</b>	<b>19109</b>	<b>19761</b>	<b>18828</b>	<b>17916</b>
<b>Drug</b>	<b>1184</b>	<b>1492</b>	<b>1950</b>	<b>1851</b>	<b>1910</b>	<b>1977</b>	<b>1917</b>	<b>1829</b>	<b>1723</b>	<b>1315</b>	<b>1275</b>	<b>1312</b>	<b>1215</b>
<b>Against justice</b>	<b>467</b>	<b>586</b>	<b>759</b>	<b>952</b>	<b>1018</b>	<b>1331</b>	<b>1308</b>	<b>1444</b>	<b>1240</b>	<b>1082</b>	<b>956</b>	<b>804</b>	<b>676</b>
<b>Good order</b>	<b>3412</b>	<b>3354</b>	<b>3839</b>	<b>3501</b>	<b>3720</b>	<b>3712</b>	<b>4127</b>	<b>4322</b>	<b>4560</b>	<b>4119</b>	<b>3950</b>	<b>4059</b>	<b>4255</b>
<b>Miscellaneous</b>	<b>1487</b>	<b>1633</b>	<b>1738</b>	<b>1992</b>	<b>1867</b>	<b>1210</b>	<b>1082</b>	<b>1198</b>	<b>1647</b>	<b>958</b>	<b>1024</b>	<b>858</b>	<b>983</b>
<b>Total</b>	<b>30389</b>	<b>31271</b>	<b>31027</b>	<b>29999</b>	<b>30665</b>	<b>31324</b>	<b>30791</b>	<b>32095</b>	<b>33994</b>	<b>30500</b>	<b>31099</b>	<b>30451</b>	<b>29758</b>

Notes:

- 1 The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.
- 2 Murder, manslaughter and attempted murder.
- 3 Sexual violation, attempted sexual violation and indecent assault.
- 4 Grievous and serious assaults, including assaults by males on females and assaults on children. Grievous assaults include assault with a weapon, wounding with intent and injuring with intent, but also include aggravated wounding or injury, disabling, doing a dangerous act with intent, acid throwing and poisoning with intent to cause grievous bodily harm. Serious assaults include common assault under the Crimes Act 1961, but also include assault with intent to injure, injuring by an unlawful act and aggravated assault (including assault on a Police officer or a person assisting the Police under the Crimes Act 1961).
- 5 Mainly common assault under the Summary Offences Act 1981.
- 6 Mainly unlawfully getting into or interfering with a motor vehicle, unlawfully taking a bicycle, receiving stolen property and fraud-related offences.

**Table A2.7: Number of Police apprehensions of 17+ year olds for non-traffic offences, by offence category, 1995 to 2007**

Offence category	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Violent	25375	25350	24985	24842	23987	24908	25893	27087	28071	28265	29290	31010	35895
Other against persons	5666	6165	5984	6548	6520	7356	7834	7967	8438	8116	8181	8729	10141
Property	69981	59228	55791	52923	50157	54002	52994	54987	56706	53330	50845	54953	55813
Drug	18584	19485	21857	23406	22389	21641	21300	20557	20535	18087	16719	17384	17668
Against justice	5390	6379	7880	8606	8697	10034	10853	11087	11470	11029	11172	12723	13704
Good order	23232	24387	24628	25014	24981	27224	28493	30029	31970	29484	27176	28810	29605
Miscellaneous	8214	9384	9326	10421	8911	6428	5597	7106	10013	10737	9744	10817	12365
Total	156442	150378	150451	151760	145642	151593	152964	158820	167203	159048	153127	164426	175191

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.8: Number of Police apprehensions of 10 to 13 year olds for non-traffic offences, by gender, 1995 to 2007**

Gender	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Male	8314	9141	9339	7568	8185	9422	8415	8417	8381	7413	6515	5902	6008
Female	2623	2584	2497	2377	2979	2986	2710	2713	2914	2327	2107	1988	2071
Unknown	0	0	0	0	0	0	0	0	1	2	2	0	0
Total	10937	11725	11836	9945	11164	12408	11125	11130	11296	9742	8624	7890	8079

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.9: Percentage of Police apprehensions of 10 to 13 year olds for non-traffic offences, by gender, 1995 to 2007**

Gender	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Male	76.0	78.0	78.9	76.1	73.3	75.9	75.6	75.6	74.2	76.1	75.5	74.8	74.4
Female	24.0	22.0	21.1	23.9	26.7	24.1	24.4	24.4	25.8	23.9	24.4	25.2	25.6
Unknown	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.10: Number of Police apprehensions of 14 to 16 year olds for non-traffic offences, by gender, 1995 to 2007**

Gender	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Male	23550	24526	24912	23554	24018	24135	23932	25078	26903	23700	24429	23586	22814
Female	6839	6744	6112	6444	6647	7189	6859	7017	7087	6796	6668	6862	6942
Unknown	0	1	3	1	0	0	0	0	4	4	2	3	2
Total	30389	31271	31027	29999	30665	31324	30791	32095	33994	30500	31099	30451	29758

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.11: Percentage of Police apprehensions of 14 to 16 year olds for non-traffic offences, by gender, 1995 to 2007**

Gender	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Male	77.5	78.4	80.3	78.5	78.3	77.0	77.7	78.1	79.1	77.7	78.6	77.5	76.7
Female	22.5	21.6	19.7	21.5	21.7	23.0	22.3	21.9	20.8	22.3	21.4	22.5	23.3
Unknown	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.12: Number of Police apprehensions of 10 to 13 year olds for non-traffic offences, by ethnicity, 1995 to 2007**

Ethnicity	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
NZ European	4367	4702	4694	3614	4424	5059	4415	4388	4048	3673	3018	2650	2546
Māori	5560	5904	6223	5563	5886	6400	5843	5950	6063	5178	4863	4589	4858
Pacific peoples	808	855	740	606	674	768	677	624	937	654	499	395	425
Asian	104	143	50	73	77	70	68	71	91	114	63	35	34
Indian	53	41	36	27	28	28	34	30	41	37	30	33	36
Other	18	15	26	13	36	37	33	35	67	50	45	42	49
Unknown	27	65	67	49	39	46	55	32	49	36	106	146	131
Total	10937	11725	11836	9945	11164	12408	11125	11130	11296	9742	8624	7890	8079

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.13: Percentage of each ethnicity for Police apprehensions of 10 to 13 year olds for non-traffic offences, 1995 to 2007**

<b>Ethnicity</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
NZ European	39.9	40.1	39.7	36.3	39.6	40.8	39.7	39.4	35.8	37.7	35.0	33.6	31.5
Māori	50.8	50.4	52.6	55.9	52.7	51.6	52.5	53.5	53.7	53.2	56.4	58.2	60.1
Pacific peoples	7.4	7.3	6.3	6.1	6.0	6.2	6.1	5.6	8.3	6.7	5.8	5.0	5.3
Asian	1.0	1.2	0.4	0.7	0.7	0.6	0.6	0.6	0.8	1.2	0.7	0.4	0.4
Indian	0.5	0.3	0.3	0.3	0.3	0.2	0.3	0.3	0.4	0.4	0.3	0.4	0.4
Other	0.2	0.1	0.2	0.1	0.3	0.3	0.3	0.3	0.6	0.5	0.5	0.5	0.6
Unknown	0.2	0.6	0.6	0.5	0.3	0.4	0.5	0.3	0.4	0.4	1.2	1.9	1.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.14: Number of Police apprehensions of 14 to 16 year olds for non-traffic offences, by ethnicity, 1995 to 2007**

<b>Ethnicity</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
NZ European	12882	13540	14538	13813	14295	14603	13987	14778	15180	13235	13126	12882	12542
Māori	14277	14511	13969	13810	14111	14175	13938	14436	15527	14240	14966	14382	14116
Pacific peoples	2633	2639	1913	1826	1771	1997	2350	2190	2618	2312	2107	2284	2274
Asian	272	288	282	251	197	205	166	270	224	303	218	207	225
Indian	167	106	116	107	96	88	89	131	120	104	119	139	125
Other	32	77	52	94	96	138	141	131	206	196	178	169	181
Unknown	126	110	157	98	99	118	120	159	119	110	385	388	295
<b>Total</b>	<b>30389</b>	<b>31271</b>	<b>31027</b>	<b>29999</b>	<b>30665</b>	<b>31324</b>	<b>30791</b>	<b>32095</b>	<b>33994</b>	<b>30500</b>	<b>31099</b>	<b>30451</b>	<b>29758</b>

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.

**Table A2.15: Percentage of each ethnicity for Police apprehensions of 14 to 16 year olds for non-traffic offences, 1995 to 2007**

<b>Ethnicity</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
NZ European	42.4	43.3	46.9	46.0	46.6	46.6	45.4	46.0	44.7	43.4	42.2	42.3	42.1
Māori	47.0	46.4	45.0	46.0	46.0	45.3	45.3	45.0	45.7	46.7	48.1	47.2	47.4
Pacific peoples	8.7	8.4	6.2	6.1	5.8	6.4	7.6	6.8	7.7	7.6	6.8	7.5	7.6
Asian	0.9	0.9	0.9	0.8	0.6	0.7	0.5	0.8	0.7	1.0	0.7	0.7	0.8
Indian	0.5	0.3	0.4	0.4	0.3	0.3	0.3	0.4	0.4	0.3	0.4	0.5	0.4
Other	0.1	0.2	0.2	0.3	0.3	0.4	0.5	0.4	0.6	0.6	0.6	0.6	0.6
Unknown	0.4	0.4	0.5	0.3	0.3	0.4	0.4	0.5	0.4	0.4	1.2	1.3	1.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: The data used to produce this table was sourced from New Zealand Police. See Sections A2.1 and A2.2 for more detail on Police apprehension statistics.



# Appendix 3: Court statistics

## A3.1 Overview

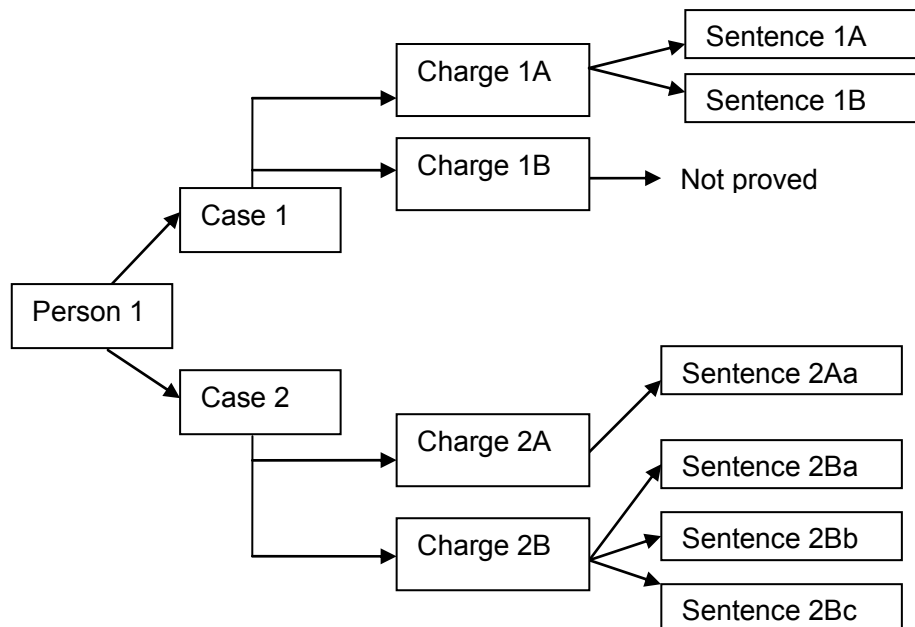
The majority of offences committed by young people, in particular more minor offences, do not reach court. Therefore court statistics are more useful when examining serious offending by young people.

The processes for responding to children and young people (aged under 17) who offend differ from how the criminal justice system deals with older people. Under the provisions of the Children, Young Persons and Their Families Act 1989 (CYPF Act), many cases involving child and youth offenders are dealt with without a formal court appearance (e.g. by Police Youth Aid or at an FGC).

It is important to note that changes in the number of criminal charges and cases processed by the courts do not necessarily reflect real changes in the volume of criminal behaviour. Numbers can be affected by legislative and administrative changes, technical adjustments to the collection and enumeration of offence data, as well as alterations in the availability and prioritisation of Police resources for detecting and investigating offences.

An individual may be prosecuted with multiple charges in one or more criminal court cases; these charges may result in multiple outcomes and orders or sentences (see Figure A3.1).

Figure A3.1: Court statistics relationship diagram



## A3.2 Source of Courts' data

Chapters 4 and 5, which present courts' case data from 1992 to 2007, source data from two databases. Prior to mid-2003, data on criminal charges was stored within the Law Enforcement System (LES); thereafter LES was replaced by the Case Management System (CMS). Because these chapters use data drawn from both LES and CMS, caution should be exercised when interpreting changes in the number of cases across the system transition period: 1992 to 2003 and 2004 to 2007. See section A3.3 for the definition of cases for statistical reporting purposes.

Figures presented in Chapter 4 were extracted in August 2008. Caveats pertaining to the data are discussed in Section 1.5 in Chapter 1.

## A3.3 Definitions

The information presented in Chapters 4 and 5 uses cases as the unit of measurement. A 'charge' refers to each separate offence prosecuted in the criminal court system. For example, where a defendant is charged with three different offences, these will be counted as three separate charges. For the purposes of statistical reporting, a 'case' is defined as follows:

- a 'case' aggregates charges against the same individual
- a 'case' may involve multiple charges, laid in court at the same or proximate point of time
- where there is more than one defendant involved in the same case, a new 'case' is counted for each defendant
- the charge taken to represent the 'case' is the one that resulted in the most serious penalty; this is calculated using a hierarchy.

A 'case' is therefore a way of approximating the number of persons prosecuted. Because the most serious penalty is selected to represent a case, less serious penalties are under-represented in case statistics.

For methodologies applied to identification of 'cases', and handling of appeals and reviews, see Section A3.4.

## A3.4 Cases

### LES (1992 to 2003)

As cases were not explicitly identified in LES, a method was developed to determine which charges would most likely belong to the same case. Charges against one person were combined to form a case if they had either the first or final court hearing date in common. However, it is feasible that charges without a first or a final court hearing date in common could potentially still belong to the same case.

Where a case involved more than one charge, the charge taken to represent the case was the one that resulted in the most serious penalty. If two or more charges resulted in the same type and length or amount of penalty, then the charge taken to represent the case was



the one where the type of offence committed had the highest seriousness score using the seriousness of offence scale described in Section A3.5.

The structure of the LES data meant that it was difficult to identify charges that had been appealed or reviewed (particularly charges that were under appeal at the end of each year). When a charge was under appeal or review at the end of a year, the same charge could appear in the data extract for the next year, sometimes with a different outcome/order or sentence. Duplicated charges were removed from the statistical database, since it was assumed that all of the duplicates were because of appeals or reviews.

The method for counting LES cases has not changed from the previous report, which means that 1992 to 2003 case statistics in this report are the same as those in the *Youth Justice Statistics in New Zealand: 1992 to 2006* report.

### **CMS (2004 to 2007)**

CMS differs from LES and the system changes may have affected statistical trends. Some of the areas that are likely to have been the most affected are the identification of cases and the recording of appeals and reviews.

While the identification of cases was based on the way that cases are joined in CMS, two minor adjustments were made:

First, only charges relating to a single individual were combined to form a case. In CMS charges against different people may be joined into the same case. Since case-based statistics require that the charges in a case relate to the same person, charges for different people joined into the same case were not combined to form a case for the purposes of this report.

Second, associated charges not linked in CMS were combined to form a case when a person received two or more:

- custodial orders or sentences on the same day
- community-based orders or sentences on the same day
- supervision orders on the same day.

(NB: when a person received two or more different orders or sentences on the same day the charge taken to represent the case was the one that resulted in the most serious penalty).

The decision was made to combine such charges to form a single case because it is unlikely that a single individual would receive two or more custodial or community-based orders or sentences, or supervision orders, on the same day for different cases.

While the method for counting CMS cases has not changed from the previous report, each time a new report in this series is issued figures for all CMS years are recalculated. Because of the appeals and review process, some charges that were nominally resolved at the end of a calendar year get transferred to the following year. This means that figures for cases resolved in the previous years may change slightly. Consequently, 2004 to 2007 case

statistics in this report may be different from those in previous publications, including the 2007 *Youth Justice Statistics in New Zealand: 1992 to 2006* report. See Section 1.6 in Chapter 1 for discussion on comparability with previous reports.

### A3.5 Average seriousness of all offences

A seriousness of offence scale was originally developed by the Policy and Research Division of the Department of Justice in 1991 (see Spier, Luketina, & Kettles 1991). The most recent update of the scale was conducted in 2005 by the Ministry of Justice. The scale gives imprisonable offences a score according to how serious judges have deemed each offence in terms of the use of custodial sentences over a specific time period. These scores enable offences to be ranked in terms of their relative 'seriousness', and it is used to examine whether offences that historically carried a tougher sentence were being prosecuted more (or less) often. Conversely, it might show that imprisonment is being imposed for less serious offences than was previously the case.

The scale is based on court sentencing data for the period 2000 to 2004.<sup>18</sup> The seriousness score assigned to each offence is the average number of days of imprisonment imposed on every offender convicted of that offence from 2000 to 2004, where the average is taken over both imprisoned and non-imprisoned offenders. For example, if from 2001 to 2004 there were 100 cases of offenders convicted of a particular offence, and 50 of these cases resulted in a custodial sentence, and the average length of the custodial sentences imposed on these offenders was 30 days, the seriousness score for this offence is  $(30 \times 50/100)$ , or 15.

Offences that became obsolete prior to 2000 were given the same score as any new similar offences, or a score was calculated based on sentencing data before 2000. Imprisonable offences for which there were convictions but no custodial sentences over the period 2000 to 2004, were given a seriousness rating slightly lower than the least of the offences already assigned a seriousness score (i.e. a score of 0.2). Non-imprisonable offences were assigned a seriousness score of zero.

Although seriousness scores are based on judges' determination of seriousness in terms of the use of custodial sentences, there is an upper constraint on scores — i.e. the maximum penalties prescribed in legislation. For example, the highest feasible seriousness score for an offence with a three month maximum penalty (assuming everyone convicted was imprisoned for the maximum term) is 90 ( $3 \times 30$  days), whereas for an offence with a maximum penalty of ten years, the highest feasible score is 3650 ( $10 \times 365$  days).

Because each offence has a seriousness score, the seriousness of offence scale can also be used to compare the seriousness scores of different offences. For example, the seriousness score for burglary where more than \$5,000 worth of goods is stolen is 369, while the score for rape is 3,012. This means that, on average, judges consider the rape offence to be about

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<sup>18</sup> The previous scale was based on court sentencing data for the period 1995 to 1999. The lengths of custodial sentences imposed from 1995 to 1999 were generally shorter than those imposed from 2000 to 2004, so the value of the score for the same offence is likely to be higher on the new scale than on the old scale. Hence, in general, the average seriousness figures presented in this report are higher than the comparable figures presented in the annual series titled 'Conviction and Sentencing of Offenders in New Zealand'.

eight times as serious as the burglary offence in terms of sentence imposed. This is quite a different indication of the relative seriousness of offences than is indicated by maximum penalties prescribed in legislation. For example, the maximum penalty for burglary is 10 years' imprisonment, while for rape, the maximum penalty is 20 years' imprisonment.



## Appendix 4: Offence classification

Offences for courts' information in Chapters 4 and 5 were grouped using the Ministry of Justice offence classification as shown in Table A4.1. Similarly, offences for Police apprehension information in Chapter 3 were also grouped using this classification rather than the Police classification<sup>19</sup>, thus ensuring offence classification consistency throughout the report.

**Table A4.1: Offence classification by Ministry of Justice used in the report**

Offence Category	Offence Class
Violent	Murder Manslaughter Attempted murder Kidnapping or abduction Rape Unlawful sexual connection Attempted sexual violation Indecent assault Aggravated burglary Aggravated robbery Robbery Grievous assault Serious assault Male assaults female Assault on a child Minor assault Threaten to kill or do grievous bodily harm Cruelty to a child Other violence
Other against persons	Non-violent sexual offences Obstruct or resist Intimidation Other offences against the person
Property	Burglary Theft Receiving stolen goods Motor vehicle conversion Fraud Arson Wilful damage Other property

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<sup>19</sup> Police apprehensions statistics on the Statistics New Zealand website use the Police classification.

Offence Category	Offence Class
Drug	Use cannabis Deal in cannabis Other cannabis Use other drug Deal in other drug Other drug
Against justice	Breach community work Breach periodic detention Breach community service Breach supervision Breach conditions of release Failure to answer bail Breach protection or non-molestation order Escape custody Obstruct or pervert the course of justice Other offences against justice
Good order	Riot Unlawful assembly Possess offensive weapon Offensive language Disorderly behaviour Trespassing Other good order offences
Traffic	Driving causing death or injury Driving with excess alcohol Driving while disqualified Reckless/dangerous driving Careless driving Other traffic
Miscellaneous	Arms Act Dog Control Act Tax Acts Liquor-related Fisheries Act Other miscellaneous offences

## Appendix 5: Glossary

All key terms and categories used in this report are defined in Table A5.1.

**Table A5.1: Glossary**

<b>Term</b>	<b>Description</b>
<b>Admonished</b>	Where a case is proved, the Youth Court judge can admonish (reprimand) the young person.
<b>Adult community including home detention</b>	Includes adult sentences — i.e. home detention, intensive supervision, community detention, periodic detention, community programme, community service, and supervision before 30 June 2002; and community work, and supervision thereafter.
<b>Alternative action</b>	A diversionary response to child and youth offending, delivered by Police Youth Aid after consultation with the offender, the offender's family and the victim, including for example, a written apology, community work, counselling, reparation, completion of an assignment about the effects of the offending.
<b>Apprehension</b>	When a person has been dealt with by Police in some manner (e.g. warning, alternative action, prosecution) to resolve an alleged offence. An apprehension may, but does not always, involve an arrest. Apprehensions count the number of offences, not the number of offenders.
<b>Apprehension rate</b>	Population-adjusted (per 10,000 population of corresponding age group) apprehension statistics.
<b>Charge</b>	A measurement unit counted each time Police officially charge a defendant with a criminal offence.
<b>Child or children</b>	Persons aged 10 to 13 years old (inclusive) at the time of their alleged offending.
<b>Caution</b>	Where an offence is admitted or proved to have been committed by a child or young person, an FGC recommends a formal Police caution, and the child or young person is formally cautioned by Police.
<b>Case</b>	A measurement unit that counts charges against the same individual. A 'case' may involve one or multiple charges. Where multiple charges are present, the most serious charge is taken to represent a case.
<b>Community detention</b>	A community-based sentence imposed by the District or High Court that requires the offender to comply with an electronically monitored curfew imposed by the court. Offenders can be placed under curfew for up to 6 months, for between 2 and 84 hours per week.
<b>Community work order</b>	An order imposed by the Youth Court, with the consent of the young person, that requires youth offenders to undertake work in the interests of the community. The order may require between 20 and 200 hours of community work, to be completed within 12 months of the order being made.
<b>Community work sentence</b>	A sentence imposed by the District or High Court that requires offenders to do unpaid work for non-profit organisations and community projects. Offenders can be sentenced by the court to between 40 and 400 hours of community work for an offence punishable by imprisonment or specifically punishable by a community-based sentence. For the purposes of statistical reporting community work also incorporates community service and periodic detention until these sentences were abolished in 2002.
<b>Convicted/ conviction</b>	The District or High Court finds a defendant guilty of a criminal offence. A conviction is recorded on a person's criminal record.

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<b>Term</b>	<b>Description</b>
<b>Conviction and discharge</b>	A sentence imposed by the District or High Court when a defendant pleads or is found guilty, and the court considers that obtaining a criminal record alone is sufficient punishment. This sentence may not be imposed when legislation specifies a mandatory minimum sentence for an offence.
<b>Corrective training</b>	A 'short, sharp, shock' custodial sentence for a maximum of three months for offenders aged 16 to 19 years old (inclusive), which was abolished from 30 June 2002.
<b>Court Management System (CMS)</b>	A database used to store justice-related data from 2004 onwards.
<b>Child Youth and Family (CYF)</b>	Child, Youth and Family – part of the Ministry of Social Development since 1 July 2006; administer the Children, Young Persons and Their Families Act 1989.
<b>CYPF Act</b>	Children, Young Persons and Their Families Act 1989.
<b>Deferment</b>	An order to come up for sentence if called upon. This includes suspended sentences until this type of sentence was abolished in 2002.
<b>Discharge without conviction</b>	This outcome may occur in the District or High Court when a person pleads or is found guilty, but the court considers that the imposition of a criminal record is disproportionate compared to the seriousness of the offence or will have a disproportionately negative impact upon the offender.
<b>Drug offences</b>	Offences involving the use or dealing of drugs, the possession of drug-related utensils, or allowing a premises or vehicle to be used for a drug offence.
<b>Family Court</b>	A division of the District Court established under the Family Court Act 1980 that, among other things, deals with child offenders in need of care and protection.
<b>Family Group Conference</b>	A formal meeting between the child or youth offender, their family, the victim, the Police and a CYF Youth Justice Coordinator to decide how the offender can be held accountable and address the causes of the offending. There are two types of FGCs: 'intention to charge' FGCs initiated by Police, and those arising from charges laid in the Youth Court once the young person admits to the offence or it has been proven.
<b>Home detention</b>	A sentence imposed by the District or High Court that requires an offender to remain at an approved residence at all times under electronic monitoring and close supervision by a probation officer. Offenders can be placed under home detention for a minimum period of 14 days and a maximum of 12 months.
<b>Intensive supervision</b>	A rehabilitative community-based sentence similar to supervision, imposed by the District or High Court. It may be imposed for up to 2 years, may include participation in residential treatment and training programmes, and requires regular reports to be made to the Court about sentence compliance.
<b>Law Enforcement System (LES)</b>	A database colloquially known as the 'Wanganui Computer', which was used to store justice-related data until mid-2003.
<b>Miscellaneous offences</b>	Those offences not included in the other categories. For example, liquor-related offences such as liquor ban breaches and offences under the Sale of Liquor Acts 1962 and 1989, as well as offences under the Tax Acts 1976 and 1994, the Arms Control Act 1983, the Dog Control Act 1996, and the Fisheries Act 1983.
<b>Not proved</b>	Includes charges that were withdrawn, dismissed, discharged, struck out, not proceeded with, or acquitted.
<b>Offences against good order</b>	Offences involving disorderly behaviour, offensive language, carrying offensive weapons, trespassing and unlawful assembly (see Appendix 4).

Continued on next page



<b>Term</b>	<b>Description</b>
<b>Offences against justice</b>	Offences involving sentence breaches, breaching a condition of release, failure to answer bail, breach of a protection order, or other offences relating to court procedure (see Appendix 4).
<b>Other offences against the person</b>	Typically those offences involving obstructing and/or resisting police officers or other officials, or sexual or intimidation offences not included within the violent offence category (see Appendix 4).
<b>'Other' prosecution outcomes</b>	This category includes charges that resulted in a stay of proceedings, the defendant was found to be under disability, acquitted by reason of insanity and an order made under section 115 of the Criminal Justice Act 1985, or found unfit or acquitted on account of insanity and an order made under section 24 or section 25 of the Criminal Procedure (Mentally Impaired Persons) Act 2003.
<b>'Other' sentences</b>	Mainly driving disqualifications or sentences imposed under section 34 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 for treatment or care of an offender in a psychiatric hospital or secure facility. Deportation is also included in this category.
<b>Police Youth Aid</b>	A specialist section of the New Zealand Police, dedicated to dealing with child and youth offending.
<b>Property offences</b>	Offences such as burglary, theft, fraud, arson, motor-vehicle conversion, receiving stolen goods and wilful damage (see Appendix 4).
<b>Prosecution</b>	Taking court proceedings against a person accused of a criminal offence, including laying charges against a youth in the Youth Court and making an application for declaration to the Family Court that a child is in need of care or protection.
<b>Proved cases</b>	Cases proved in the Youth Court. In the interest of brevity, 'proved cases' often refers to cases proved in the Youth Court <i>and</i> convictions in the District and High Court, as proved cases comprise the vast majority of cases.
<b>Resolution</b>	The method by which Police deal with an offence (e.g. warning, alternative action, referral to 'intention to charge' FGC, prosecution).
<b>Section 282 discharge</b>	Discharge of a charge by the Youth Court, as if the charge had never been laid. In the vast majority of such cases, the young person would have admitted the offence, been sent to an FGC, and complied with the recommendations made at the conference, before having the case discharged by the court.
<b>Sentence review</b>	Occur when an offender defaults on the payment of a monetary penalty; has their community work sentence replaced with imprisonment; or, prior to the abolition of suspended sentences in 2002, had a suspended sentence of imprisonment activated.
<b>Supervision order</b>	An order imposed by the Youth Court placing a young person under the supervision of the Chief Executive of the Department administering the CYPF Act, or an approved organisation, for up to 6 months. The Youth Court can add certain conditions to the supervision order.
<b>Supervision with activity order</b>	An order imposed by the Youth Court, with the consent of the young person, that requires the young person to attend any specified centre or undertake any specified programme for up to 3 months. The Youth Court may also make a supervision order at the same time, for up to 3 months, which follows the activity/programme component of the order.
<b>Supervision with residence order</b>	An order imposed by the Youth Court placing a young person in the custody of the Chief Executive of the Department administering the CYPF Act for 3 months (served in a CYF youth justice residence). The residence component is followed by a supervision period of up to 6 months.

Continued on next page

<b>Term</b>	<b>Description</b>
<b>Supervision sentence</b>	A rehabilitative community-based sentence that requires offenders to report regularly to a probation officer. It includes restrictions on living and work arrangements, and association with specified people. It may also involve participation in rehabilitative and training programmes. Supervision sentences range from 6 months to a maximum of one year.
<b>Traffic offences</b>	Includes all prosecuted traffic offences such as driving causing death or injury, driving with excess alcohol, driving while disqualified, and careless driving. It does not include infringements such as speeding.
<b>Violent offences</b>	Offences that involve either a direct act of violence against a person or the threat of such an act (see Appendix 4).
<b>Warning</b>	Where an alleged or admitted offence is dealt with by way of the Police warning a child or young person.
<b>Young person/youth/young people</b>	Persons aged 14 to 16 years old (inclusive) at the time of their alleged offending, and up to 18 years old at the time charges are laid (in Youth Court).
<b>Young adult</b>	Persons aged 17 to 20 years old (inclusive) at the time of their alleged offending.
<b>Youth Justice Coordinator (YJC)</b>	A person appointed under the CYPF Act to manage the FGC process.
<b>Youth Court</b>	The Youth Court is part of the District Court and deals with youth who were aged 14 to 16 (inclusive) when the alleged offending occurred.
<b>Youth Court 'proved'</b>	When charges are 'proved' and finalised in the Youth Court they do not result in a conviction. The outcome of such charges is recorded as 'Youth Court proved'. They are not recorded on a person's criminal record.

## Other Annual Statistical Reports Available

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The Research, Evaluation and Modelling Unit within the Ministry of Justice carries out regular statistical reporting in a number of areas. The annual statistical reports listed below are currently available at the Ministry of Justice website –

**<http://www.justice.govt.nz/pubs/reports>**

- Conviction and Sentencing of Offenders in New Zealand
- Family Court Statistics in New Zealand
- Child and Youth Offending Statistics in New Zealand (formerly titled Youth Justice Statistics in New Zealand)



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