

Putting the headlines in context update

Youth Offending: Putting the Headlines in Context

Principal Youth Court Judge, Andrew Becroft

August 2003

Introduction

- In the debate about youth offending, there has been inadvertent reliance placed on selected statistics that can give a very misleading picture.
- It is important that the real position, as best we know it, is made clear so that sensible and informed discussion can take place.
- In fact there is no centralised collection of statistics and trends about youth offending. What we do know must come from a comparison of figures from Police; Child Youth and Family; Department for Courts, and the Ministry of Justice. Even then, the statistics are sometimes not comparable.
- There is an urgent need for a more co-ordinated and "scientific" approach to the collection of statistics about youth offending, and for one agency to take a clear leadership role in this respect. The Children, Young Persons and Their Families Act came into force in late 1989 and most of the statistics date from soon after the commencement of that Act.
- The Crime and Justice Research Centre, (Victoria University, Wellington), and Philip Spier from the Ministry of Justice have been responsible for most of the recent analysis, but they have been hampered by unsatisfactory data collection.

What is the Real Position About Youth Offending?

Offending attributed to under 17 year olds has increased over the last 12 years, but much less so over the last 7 years:

- The total number of resolved offences attributed to under 17 year olds has increased from 33,500 in 1989, to 45,522 in 2000, dropping slightly to 43,436 in 2001 and increasing to 44,533 in 2002. It has been relatively stable over the last 7 years. (Source: NZ Police) *(It should also be noted that this is not the same figure as the number individual offenders, and does not take into account population growth)*
- Similarly, the non-traffic apprehension rate (per 1,000 population) for 14-16 year olds increased from 148.2 in 1992, to 175.0 in 1993, to 182.8 in 1994, and to 193.4 in 1996. It has remained relatively unchanged since. It was 184.0 in 2001, and 181.0 in 2002, the lowest since 1993.
- More strikingly, the apprehension rate for 10-13 year olds has remained relatively static, being 46.5 in 1992, and 46.2 in 2001, and 44.7 in 2002 (the lowest since 1998). (Source: NZ Police)
- The number of charges processed in the Youth Court has increased from 8,674 in 1990/91, to 14,209 in 2000/01, but again has remained relatively static in the last 5 years and decreased to 13,754 for 2001/2002. (Source: Ministry of Justice)

- The number of offenders (per 10,000) in the Youth Court has increased from 130 in 1990/91 to 197 in 2000/01. It dropped to 185.1 in 2001/2002. It has been reasonably stable in recent years. (Source: Ministry of Justice)

Generally, during the last 5 years there have only been relatively small increases in offending by under 17 year olds, and the trends have been relatively stable. Indeed there have been small drops in 2002.

Police apprehensions of children and young people aged between 10 and 16 increased by no more than 4.8% between 1996 and 2001, a period when the total population in that age group rose more than 8%. (Source: Child, Youth and Family Department)

Offending by under 17 year olds has remained a relatively static proportion of total offending over the last 10-12 years:

Under 17 year olds account for about 22% of total offending. This figure has not significantly changed over the last decade (1994: 22.33%, 2002: 21.90%). In other words, while offending by under 17 year olds has increased, it has not increased at any greater rate than adult offending. (Source: NZ Police figures; Ministry of Justice)

In fact, offending by under 17 year olds in the 2001 year, was a slightly lower percentage of overall crime than in the 2000 year, and similarly for the 2002 year (2000: 23.09%, 2001: 22.12%, 2002: 21.90%). (Source: recent NZ Police figures)

Debate about increasing youth crime should take place in the context of all crime increasing.

Only a small percentage of offending by under 17 year olds is "serious" offending:

- Just over 50% of the offences attributed to young people are dishonesty offences (52% in 2002);
- 20% of all offences attributed to young people are shoplifting;
- Property damage is the next largest offence, about 1 in 8; (12% in 2002).
- Nearly half the offences committed by under 17 year olds and recorded by the Police in a study in 2000/01, were rated by the Police as of minimum seriousness (These were mostly property and dishonesty offences involving goods of less than \$100 in value);
- Violence makes up 1 in 10 of all offences, and has done so since 1994 (2002: 10.7%).
- Drug offences, anti social behaviour and property abuse each made up about one in 20. (Source: Maxwell and Morris, 1998; Maxwell, Robertson and Anderson, "Police Youth Diversion", a report from the Crime and Justice Research Centre, Victoria University 2002)
- The average seriousness of "proved" cases in the Youth Court has fluctuated over the last decade, with no clear pattern, save for significant increases in the most serious offences in the first half of the 1990's.
- The proportion of "proved" cases that resulted in any type of custodial sentence remained between 8-9% from 1992 to 1997, but dropped to 5% by 2001. (Source: Ministry of Justice: Conviction and Sentencing of Offenders in NZ: 1992-2001; Chapter 7)

Is violent offending by under 17 year olds increasing?

Yes. And no. Violent offending attributed to 14-16 year olds has increased since 1991 but only slightly since 1995.

- Apprehensions by the police of 14-16 year olds for violent offences increased from 104 per 10,000 of the population in 1991, to 196 in 1995. It has increased only slightly since then to 210 in 2001 and dropped to 205 in 2002. (Source: NZ Police)

The number of serious offences for 14-16 year olds has remained reasonably static over the last 5 years. For instance there were 354 robberies by 14-16 year olds in 1995, 310 in 2000 and 320 in 2002. (Source: Ministry of Justice)

Violent offending attributed to 10-13 year olds peaked in 1997 but has decreased slightly since then.

- Apprehensions for 10-13 year olds for violent offending increased from 17 per 10,000 of the population to a peak of 47 in 1997. They reduced to 45 in 2000, and 42 in 2002. (Source: NZ Police)

Robberies increased from 66 in 1994, to 77 in 2000, and dropped to 59 in 2002.

It should be noted that over the last decade, the total number of violent offences recorded by the police in New Zealand has increased. For instance the rate per 10,000 of violent offences committed by 31-50 year olds increased more than for 14-16 year olds.

It may be that society is becoming less tolerant of violence and that there are more complaints of violence. Whatever the reason for the increase, an important question is why is our society as a whole (not just young people) apparently becoming more violent?

Also the increase in violent offending does not represent any significant change in the percentage of young people under 17 involved in violence, which has fluctuated from 11 to 13% of all offences recorded by the Police. (13.56% in 2000; 12.99% in 2002).

Moreover, in the Police diversion study, mentioned at point 6 below, 56% of the violent offences were not rated by the Police as of medium or greater seriousness.

Is the age at which under 17 year olds start to commit violent offences decreasing?

The Police certainly believe this to be the case.

The Police are also of the view that the type of violence is becoming more serious. This is the perception of many in the community.

However, there are simply not the figures to prove or disprove this. The lack of statistics upon which informed debate can take place is concerning.

What is clear is that over the last 10 years the proportion of young offenders in each of three different age groups under 17 has remained approximately the same:

- Under 10 year olds form about 3% of under 17 year old offenders (1.7% in 2002);
- 10-13 year olds form about 24% of under 17 year old offenders (21.8% in 2002); and

- 14-16 year olds form about 70% of under 17 year old offenders (76.5% in 2002).

Also the percentage of total offences in each age group which are violent has remained very stable over the last 7 years:

- For under 10 year olds about 5-7% (6.2% in 2002);
- For 10-13 year olds about 7-9% (9.3% in 2002);
- For 14-16 year olds 10-11% (11.3% in 2002).

(Source: NZ Police; Ministry of Justice; Maxwell, G. Crime and Justice Research Centre, Victoria University 2002)

Nearly 80% of youth offences are dealt with by the Police by "alternative action" through a diversionary approach, and do not result in a Youth Court appearance:

- Only 16% of cases are referred by the Police directly to the Youth Court. That is where the nature or amount of the offending is considered too serious to be dealt with by diversion.
- A further 8% of cases are referred to a Family Group Conference for consideration as to whether a charge should be laid.
- 76% of all cases are dealt with by diversion, written warnings of other community based approaches co-ordinated by Police Youth Aid.

(Source: Final Report "Police Youth Diversion", Crime and Justice Research Centre, Victoria University, Wellington, Jan 2002)

The number of Family Group Conferences for Youth Offenders has remained much the same over the last decade: about 6,000 per annum:

- There were 6,806 FGCs in 1994/95 when the figures were first computerised. There were 6,831 in 2000/2001; 5,964 in 2001/2002; 6,529 in 2002/2003.
- Court ordered Family Group Conferences arising from charges laid in the Youth Court rose from 3,113 to 3,990 from 1994/95 to 2000/2001.
- Family Group Conferences convened before prosecution in the Youth Court dropped from 3,693 to 2,841. In the same period.
- However in the last 2 years the number of Court ordered Family Group Conferences and pre-charge Family Group Conferences have been about even.

(Source: Department of Child, Youth and Family Services)

Charges processed in the Youth Court have increased over the last 10 years, but have remained stable in the last 5 years and dropped last year:

- The number of charges processed in the Youth Court in 1990/91 was 8674. (This is not the same thing as offenders, as one youth offender may face several charges)
- The number of charges processed in the Youth Court peaked in 1999/2000 at 15,588.
- The number of charges processed in the Youth Court dropped in 2000/01 to 14,209, and in 2001/02 to 13,754.

(Source: Ministry of Justice; Department for Courts, 2002)

Claims that the workload of the Youth Court has tripled (e.g. Dominion Newspaper, 29 March 2002) are therefore without foundation and wrong.

Note: Only the most serious youth offending comes to the Youth Court. Only the most serious of those offences are transferred for sentence in the District or High Courts.

In the last ten years, though there have been fluctuations, there has been no change in that "transfer" figure: 254 young offenders were convicted in the District or High Court in 1991; 254 were convicted in 2000; 238 in 2001 and 226 in 2002.

Conversely, 60% of charges in the Youth Court in 2001 were the subject of a s.282 discharge (absolute discharge) usually following a successful FGC, or were not proved.

(Source: Ministry of Justice)

Numbers of young persons in the Youth Court have dropped in the last 2 years even though the population has increased:

- There has been a significant decline in the Youth Court rolling 12-month volumes (of offenders), from 7602 in 2000 to 6947 in February 2002, 6889 in February 2003.
- In February 2000, 728 offenders appeared in the Youth Court; in February 2002, only 537 appeared; and in February 2003, 588 appeared.

Note: This is still just under half the number of young offenders who appeared in the old Children and Young Persons' Court, which existed before the Children Young Persons and their Families Act, 1989, was introduced.

(Source: Department for Courts)

There are huge regional variations in youth offending throughout NZ:

Far from youth offending increasing, in some areas it has significantly reduced.

This is usually due to good local practice and co-operation between government agencies and the community, and particularly because of pro-active and creative policing by the Police Youth Aid section.

Recent Police Statistics Relied Upon by the Media can be Misleading.

Police Statistics are based on "apprehensions" and are not offender based:

- An apprehension is not the same thing as a charge. There may be an apprehension without a charge being laid, e.g. for breach of bail conditions.
- Also police apprehension statistics do not represent a count of individual offenders.

[Note: Administration of Justice issues. Increase Breach of Bail Charges, Breach of Bail Conditions re Charge].

"Apprehensions" are not necessarily a reliable statistical indicator of Youth offending:

The number of apprehensions is heavily influenced by:

- Police resourcing;
- Increases in the number of constables; and
- Increases or decreases in offending being reported.

An increase in apprehensions does not necessarily mean that offending has increased. Police figures can be heavily influenced by Police policy and practice such as the targeting of certain offence types.

Police Statistics, may include non-imprisonable traffic offences which do not come within the Youth Court jurisdiction

In using Police Statistics, care should be exercised that any increase in "apprehensions" is not attributable to the increase in non-imprisonable traffic offences such as careless driving, driving without a seat belt which are not even within the jurisdiction of the Youth Court.

Conclusion

- Offending by young people should always be taken seriously and should concern any community. Many, but by no means all, young offenders are tomorrow's adult criminals.
- A young person who offends should be held accountable, must make amends to the victim wherever possible, and be dealt with so that the risk of reoffending is reduced as far as is possible.
- However, important and necessary recent public discussion about youth offending has been based on some misleading and incomplete statistics. It is important that the real position, as best we know it, is made clear so that sensible discussion can take place.

It has been rightly said that each generation unfavourably compares the young people of today with previous golden ages. However an analysis of the available statistics shows that the popular belief that youth offending is rapidly increasing and out of control is not actually accurate, and does not accord with the experience of those working with young people.

First Published April 2002.

Updated August 2003