

# **Youth Offending: Introductory Notes**

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*Andrew Becroft  
Principal Youth Court Judge  
Te Kaiwhakawa Matua o Te Kooti Taiohi*

## **1. Legal framework for offenders under 17**

- The age of criminal liability in New Zealand is 10.
- However, until a young person reaches the age of 14, he/she cannot be charged with any offence in a criminal Court except murder or manslaughter.
- Offenders aged 10-13 years are called “child offenders”. They can be arrested by the Police and if necessary delivered in to CYFS custody. If the nature, magnitude and quantity of their offending raise serious concern as to their care and protection, a Family Group Conference can be convened, and then if necessary they can be dealt with in the Family Court. Child offenders are dealt with in the Family Court on the basis that their offending is caused by lack of parental care and protection.
- Offenders aged 14-16 years are called “youth offenders” and they can be dealt with in the Youth Court.

## **2. Trends in Youth Offending (until 2007)**

- Police apprehension rates for 14–16 year olds has been decreasing since 2004. Apprehension rates for this age group increased in the first four years of the last decade, then remained relatively unchanged until 2004. The 2007 rate was the lowest rate in 13 years.
- The apprehension rate for 10-13 year olds has also shown a general decline, but increased by 4% in 2007, the first increase in five years.
- Only a small percentage of offending by under 17 year olds is "serious" offending. 60% is property offending involving values less than \$100. Property offending has dropped significantly since 1995. The 2007 rate was the lowest for ten years.
- Violent offending by under-17 year olds remained relatively stable until 2002. However, serious assaults rose noticeably in 2004, 2005 and 2006 (but not in 2007). This may be a trend, and is causing concern. It involves a group of about 700 –1,000 young people.
- Apprehensions of 10-13 yr olds for violent offences dropped in 2005 & 2006, but rose significantly in 2007.
- 62% of all youth offending is dealt with by warnings or Police supervised community diversionary programmes, and does not come to Court. (While this is the officially recorded figure, there is doubt about its accuracy due to limits on the way informal action by Police is recorded. The true figure may be as high as 80%). A further 7% of cases are resolved by pre-charge Family Group Conference. Most of these result in no charges being laid in the Court. These rates of diversion lead the world but are little recognised in New Zealand.
- About 20% of youth offending comes to the Youth Court. This figure has been slowly increasing over the past 13 years, from 13% in 1995.
- **Generally, rates of apprehensions and offending by under 17 year olds have been relatively stable or slowly decreasing.**
- **The real concern is the recent rise in violent offending, particularly serious assaults.**

### 3. What we know about youth offenders ...

- Up to 80% of young offenders commit about 20% of offences (a huge generalisation). They are described in the literature as “adolescent-onset offenders”.
- However, 5-15% of young offenders commit 40-60% of offences; e.g. Invercargill where 11% of young offenders commit 48% of offences. They are variously referred to in the literature as “life course” / “early on-set” / “serious young offenders”.
- If we look more closely at the 5% of serious “hard core” offenders, we can observe the following common characteristics:
  - 83% are male. However the number of young women who offend, especially violently, seems to be increasing.
  - Many, estimated up to 70-80%, have a drug and/or alcohol problem, and a significant number are drug dependent/addicted.
  - Most, estimated up to 70%, are not engaged with school – most are not even enrolled at a secondary school. Non-enrolment, rather than truancy, is the problem.
  - Most experience family dysfunction and disadvantage; and most lack positive male role models.
  - Many have some form of psychological disorder, especially conduct disorder, and display little remorse, let alone any victim empathy. Some will also have a specific learning disability, eg dyslexia, although research is required to establish the extent of this problem.
  - At least 50% are Maori and in some Youth Courts; in areas of high Maori population the Maori appearance rate is 90%. This figure is a particular challenge to the youth justice system, and to all working with young offenders.
  - Many have a history of abuse and neglect, and previous involvement with Child, Youth and Family Services.

Offenders like these pose a serious problem for every Western country and present a challenge for any youth justice system. Many in this small group continue to re-offend. No youth justice system yet, has been able to eliminate all re-offending by this hard core group.

The challenge for the Youth Court:-

***“How to influence aggressive, impulsive, truanting, teenage boys (disproportionately Maori), often alcohol and/or drug dependent, and who have personality disorders from disadvantaged and dysfunctional families with anti social friends!?”***