

2001:2002 Youth Court Amalgamated Report

The Youth Court is a division of the District Court. 45 District Court Judges are designated as Youth Court Judges. No Youth Court Judge sits permanently in the Youth Court. Most would sit as Youth Court Judges about 2-3 days per month. Youth Courts sit in every area where a District Court is located. The Youth Court accounts for about 4% of total District Court work.

The Youth Court deals with criminal offending by 14-16 year olds - excluding murder and manslaughter, which are finally resolved in the High Court. Only about 16% of total youth offending comes to the Youth Court. 76% of youth offending is dealt with by community based Police alternative action. A further 8% is dealt with by way of Family Group Conference (FGC) prior to any charge being laid, and only rarely do Court proceedings subsequently eventuate.

The vast majority of 16% of youth offending that does come to the Youth Court is serious offending. It is serious as to its nature and magnitude, often purely indictable offending; or, it is serious as to the number of offences or because of repetitive offending by a young person.

In a period when there have been some tragically high-profile violent crimes involving young people, youth offending has nevertheless remained remarkably stable.

Statistics

While there are no centralised collection of statistics and trends about youth offending, we can be reasonably clear about the following points:

- Under 17 year olds account for about 22 percent of total offending, and this figure has not significantly changed over the last decade.
- Offending attributed to under 17 year olds has increased over the last 12 years, in some cases quite significantly, but there has only been a slow increase over the last five years.
- Only a small percentage of offending by under 17 year olds is serious, violent offending.
- Violent offending by under 17 year olds has increased only slightly since 1995 although there were significant increases in the first five years of the 1990's. Violent offending attributed to 10-13 year olds peaked in 1997, but has decreased slightly since then.
- It may be that the age at which under 17 year olds start to commit violent offences is decreasing, and that the type of violence committed is more serious, but there are no statistics which prove or disprove this contention.
- The number of Family Group Conferences for Youth Offenders has remained much the same over the last decade about 6,000 per annum.
- Charges processed in the Youth Court have increased over the last 10 years but have remained stable in the last five years and have dropped in the last two years. Recent claims that the workload of the Youth Court has significantly increased, even tripled (Dominion Newspaper, 29 March 2002) are without foundation and wrong.
- Numbers of young persons in the Youth Court have dropped in the last two years, even though the population has increased.

Overall, when addressing Youth Offending trends, there is room for cautious optimism.

Ministerial Taskforce

A major initiative in youth justice was the Ministerial Taskforce on Youth Offending, which delivered its final report in November 2001. The Youth Offending Strategy, which was produced by the Taskforce, will be a blueprint for developments within the youth justice sector for the next ten years.

The Taskforce identified three areas for priority action including inter-agency practice; co-ordination and collaboration at a local level; and national co-ordination and leadership.

As a result, a clear structure for the leadership of youth justice in New Zealand has now been instituted:

1. A National Minister's Group which oversees the development of youth justice sector;
2. A National Youth Justice Leadership Group (NYJLG), made up of representatives from key Government agencies involved in youth justice, led by the Ministry of Justice.
3. Local Youth Offending Teams (YOT's) to ensure local co-ordination and collaboration between Police Youth Aid, Child Youth and Family Services, Health and Education. 30 YOT's have been established throughout New Zealand.
4. An Independent Advisory Group (IAG), chaired by the Principal Youth Court Judge, to provide independent, community based advice on youth justice issues to the NYJLG and to the Minister's group.

Youth Offending Strategy

The Youth Offending Strategy identified seven key focus areas summarised as follows:

- Co-ordination and leadership
- Information
- Early intervention
- Children and young people at risk
- First contact with Police
- Family Group Conferences
- Serious young offenders
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The Youth Offending Strategy represents the most major advance in addressing Youth Offending for many years, and has already had implications for the way the Youth Court is organised. Each Youth Court now has one Judge primarily in charge of that Youth Court, who, wherever possible, will sit in that Court to ensure continuity. It is recognised that Judicial continuity for young offenders is enormously advantageous and should be best practice.

There is now a strong group of regional Youth Court Liaison Judges who meet quarterly in Wellington to discuss current Youth Court issues.

The high number of remands of young people in Police cells, due to unavailability of bed space in Child Youth and Family secure residences remains a pressing concern. Police cell remands are taking place at record levels. It is now Youth Court policy for no Police cell remands to be for more than one night except during weekends, with constant, daily reviews. Equally, those in long remand at CYFS residences are subject to a case conference every 35 days.

A benchbook for Youth Court Judges is being developed in conjunction with the Institute of Judicial Studies.

A national conference for Youth Court Judges was held in July 2001.

Projects

Several important projects are being led by Youth Court Judges to address youth offending issues. Judge Carolyn Henwood pioneered the development of a programme to cater for high-risk recidivist youth offenders. The programme will target young men and women who would otherwise be facing significant periods of imprisonment. It will probably be piloted in Hamilton.

The Christchurch Youth Drug Court pilot project, led by Judge Walker, uses the Youth Court process to refer young offenders with serious drug and alcohol problems for assessment and if accepted onto the programme, for treatment under regular Judicial supervision. The pilot commenced operation in February 2002 and a full review will be completed by the end of 2004.

Judge Chris Harding is working with the Child Youth and Family Service and Youth Aid to ensure that a comprehensive assessment tool analysing risks and needs of young offenders is in operation by 2004.

The periods to which this report relate have been dominated by the work of the Ministerial Taskforce. This report concludes, by echoing a central message received by the Taskforce:

"The overwhelming message received by the Taskforce throughout the country is that there is widespread community and Government agency support for the legislative basis of youth justice system. However, there are significant concerns that the innovative aims and philosophies of the youth justice provisions of Children Young Persons and Their Families Act 1989, widely acclaimed internationally, are being thwarted by inadequate resourcing, inconsistent inter-agency co-operation, and a lack of national leadership and direction".