**Reoffending patterns for participants of youth justice Family Group Conferences held in 2011 and 2012**

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**Disclaimer**

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# Contents

[Contents 3](#_Toc450138679)

[Executive summary 1](#_Toc450138680)

[Part 1 – Introduction 3](#_Toc450138681)

[Part 2 – Methodology 5](#_Toc450138682)

[Part 3 – Profile of FGC participants 6](#_Toc450138683)

[Part 4 – Intention-to-charge FGCs 8](#_Toc450138684)

[Part 5 – Court-ordered FGCs 13](#_Toc450138685)

[Part 6 – Discussion 18](#_Toc450138686)

[Appendix A: Measuring reoffending 19](#_Toc450138687)

[Appendix B: ANZSOC offence divisions 22](#_Toc450138688)

# Executive summary

Family Group Conferences (FGCs) are the cornerstone of the youth justice system in New Zealand. The FGC process seeks to hold children and young people accountable for their offending, while also encouraging them to change their behavior and not reoffend. However, there is a lack of evidence in New Zealand as to whether youth justice FGCs are effective at reducing or stopping reoffending.

This report describes the profile and patterns of reoffending observed for nearly 6,800 participants of youth justice FGCs held in the 2011 and 2012 calendar years. Two FGC cohorts were examined:

* 3,936 intention-to-charge (ITC) FGCs
* 2,828 court-ordered FGCs.

Caution must be taken in interpreting reoffending outcomes as they are not always a measure of the effectiveness of an intervention alone. For example, a person may reoffend less often simply due to the fact that they were caught by the Police and made to account for their actions, regardless of the particular intervention applied.

Measuring the relative effectiveness of the FGC cohorts would require a robust statistical approach such as a matched comparison analysis. This was not in scope for this analysis.

## Key findings

#### Profile of youth justice FGC participants in 2011 and 2012

* Around eight out of every 10 attendees of FGCs were male, with the figure being slightly lower for ITC FGCs than court-ordered FGCs.
* Just over half of FGC participants were identified as Māori and around one-third were European.
* Around 70% of all youth justice FGC participants are 15- or 16-years-old when the FGCs were held, with the average age being just under 16 years. While they were aged 16 years or younger when they offended, around one in every 10 of the FGC participants were aged 17 years or older at the time the FGC was held.

#### An escalation in offending prior to the FGCs was curtailed for both cohorts

* For both cohorts, an escalation in the frequency and seriousness of offending by young people prior to the FGCs was followed by a reduction in both measures after the FGCs.
* The vast majority of the decrease in the number of offences after both of the FGC cohorts was due to large drops in the three most common offence divisions: theft-related, burglary and property damage.

#### Participants of ITC FGCs generally had more positive reoffending outcomes than those with court-ordered FGCs, though this could be expected

* Research has shown that prior offending is generally a good predictor of future offending. For example, it could be expected that those with less extensive offending histories would be less likely to reoffend than those with extensive offending histories. This analysis showed that prior to the FGCs, participants of ITC FGCs had committed fewer offences and also less serious offences, on average than participants of court-ordered FGCs. It could therefore be expected that reoffending outcomes for ITC FGCs would be more positive than those seen for court-ordered FGCs.
* Thirty percent of participants of court-ordered FGCs did not reoffend, whereas the figure was higher at 36% for ITC FGCs.
* The proportion of young people who reduced the frequency and/or seriousness of their offending was similar for both FGC cohorts at around 70%. In contrast, a little over 20% of participants of both FGC cohorts increased the frequency and/or seriousness of their offending after the FGCs.
* Participants of court ordered FGCs (12%) were much more likely to receive a custodial sentence in the 12 months after the FGCs compared with ITC FGC participants (4%).

### Overall outcomes 24 months after the FGCs held in 2011

The 24-month reoffending outcomes for the participants of FGCs held in 2011 were examined in brief. Comparable figures were not yet available for FGCs held in 2012.

* The proportion of court-ordered FGC participants who did not reoffend within 24 months of the FGCs being held in 2011 was 18%, while the figure for ITC FGCs was higher at 23%.
* Comparing the 24-month period after the FGCs held in 2011 to the same period prior, at least six out of every 10 young people reduced the frequency and/or seriousness of their offending for both FGC cohorts.
* A much higher proportion of young people received a custodial sentence in the following 24 months for court-ordered FGCs (19%) than ITC FGCs (8%).

### Further research

A key youth justice Principle in the CYP&F Act is that “*unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter*”. We are therefore interested in identifying whether there are groups of young people being dealt with by the Youth Court who could achieve similar or better reoffending outcomes from ITC FGCs, as the Principle would be better met by not having the young person appearing in court. The feasibility of such an analysis would need to be investigated.

# Part 1 – Introduction

Family Group Conferences (FGCs) are the cornerstone of the youth justice system in New Zealand. The FGC process seeks to hold children and young people accountable for their offending, while also encouraging them to change their behavior and not reoffend. It is important therefore to understand whether they are effective. However, there is a lack of evidence in New Zealand as to whether youth justice FGCs are effective at reducing or stopping reoffending.

Accordingly, this report examines patterns of reoffending following around 6,800 youth justice family group conferences (FGCs) held between 1 January 2011 and 31 December 2012. The two FGC cohorts examined were:

* 3,936 intention-to-charge (ITC) FGCs
* 2,828 court-ordered FGCs.

This report provides a descriptive analysis of the profile of the young people in these three FGC cohorts, and the patterns of offending observed before and after their FGCs.

Caution must be taken in interpreting reoffending outcomes as they are not a measure of the effectiveness of an intervention. For example, a person may reoffend less often simply due to the fact that they were caught by the Police and made to account for their actions, regardless of the particular intervention applied. There may also be a general effect from the person aging and maturing.

Measuring the relative effectiveness of the FGC cohorts would require a robust statistical approach such as a matched comparison analysis. This was not in scope for this analysis.

## Youth Justice Family Group Conferences

A youth justice FGC is a meeting convened by a youth justice co-ordinator when a young person who has offended has been referred to Child, Youth and Family by either the Police (for an ITC FGC) or the Youth Court (ie a court-ordered FGC). The parties involved in the conference may include: the alleged offender, a parent or guardian, a family member, the victim(s), the youth justice co-ordinator, the Police, a youth justice social worker and a youth advocate (the young person's lawyer).[[1]](#footnote-1) The parties talk about how to help the young person to:

* own up to what they did wrong and learn from their mistakes
* find practical ways to put things right and make up for what they did
* look at why they offended and find ways to help them turn their life around. This may include programmes that help with life skills, employment or education, or activities like team sports and mentoring.

If the young person admits to their offending, then a FGC plan will likely be put in place. The young person and their family initially talk about a plan to put things right. After this, they report their ideas back to the meeting. Everyone talks about it and decides if they agree on this or an alternative plan. Parties will also discuss a timeframe for when tasks need to be done, and who will monitor the tasks.

If all parties cannot agree on the way to proceed, or if the young person does not admit to their offending, then the police or the court will decide what to do next.

### Intention-to-charge FGCs

Where a young person is alleged to have committed an offence but has not been arrested, and the Police believe that the institution of criminal proceedings against the young person is required in the public interest, they can make a referral to Child, Youth and Family to convene an ‘intention to charge’ FGC under s247(b) of the Children, Young Persons, and Their Families Act 1989 (CYP&F Act).

The FGC attendees consider whether the young person should be prosecuted or whether a diversionary plan can be put in place to deal with the matter without the court being involved (providing the young person admits the offending).

If an ITC FGC plan is agreed to and is subsequently completed by the young person, the police will agree not to charge the young person and this is the end of the matter.

### Court-ordered FGCs

When a young person has been arrested by the Police and brought before the Youth Court to answer the charge(s), unless they have denied the charge, the court will not enter a plea and the judge will direct an FGC to be convened under s247(d) of the CYP&F Act. The proceedings will then be adjourned until the FGC had been held.

The FGC will consider whether the young person should be dealt with by the court or whether the matter can be dealt with in some other way. If an FGC plan is agreed to and is subsequently completed by the young person, the case is often discharged by the court under s282 or 283(a) of the CYP&F Act.

The Youth Court can also order a youth justice FGC to be convened in other situations:

* when a young person denies a charge and the court makes an order for the detention of the young person pending the determination of the charge (s247(c));
* when a charge against a young person is proved before a Youth Court and an FGC has not had the opportunity to consider sentencing options (s247(e))
* during any stage of proceedings when the court deems that it is necessary or desirable for an FGC to be convened (s281B).

The following sections of the report cover the methodology, a profile of the young people attending youth justice FGCs, and offending patterns before and after the FGCs.

# Part 2 – Methodology

Insights MSD, Ministry of Social Development, produced all summary analyses in this report using data sourced from New Zealand Police (Police) and Child, Youth and Family.

Only ITC and court-ordered FGCs recorded as ‘new’ in CYRAS[[2]](#footnote-2) were included in the analysis. This excludes reconvened FGCs, and FGCs to review whether plans were completed. If a person had more than one new FGC held within a calendar year, only the first FGC in that year was included in the analysis. Just under 1,000 individuals had an FGC in both 2011 and 2012, so they appear twice in the combined 2011 and 2012 analysis.

The court-ordered FGCs analysed did not include those convened under s247(c) of the CYP&F Act to consider the remand status of the young person.

The date each FGC was held was the reference point for all analyses. Patterns of offending over the 12 months after the FGCs were held were compared with those in the 12 months before the FGCs.

Offending patterns were measured using ‘offence occurrence’ data from Police. Further details on this data and how measures were calculated can be found in Appendix A.

The types of offences committed by young offenders were categorised according to the offence divisions of the Australian and New Zealand Standard Offence Classification (ANZSOC), 2011. Examples of the more detailed types of offences committed by young people within each of the offence divisions can be found in Appendix B.

Changes in the seriousness of offending were examined using the Justice Sector Seriousness Scale produced by the Ministry of Justice. See Appendix A for further details.

### Cautionary notes about the data

Not all youth justice FGCs result in a diversionary plan being put in place for the child or young person to complete. Prosecution is the likely result if the young person denies the offence, or if agreement cannot be reached between parties at the FGC.

An offence occurrence does not necessarily result in a charge being laid in court or imply that the offence has been proven in any formal way, although proceeding by diversionary approaches such as Police Alternative Action first requires an admission of guilt by the young person. However, offence occurrences provide a consistent measure of offending patterns for youth who are often diverted from prosecution.[[3]](#footnote-3) Given the type of data used, the reoffending rates presented in this report are likely to be higher than figures reported elsewhere using other recidivism measures such as repeat FGCs, arrests or prosecutions.

# Part 3 – Profile of FGC participants

Overall, fewer FGCs were held in 2012 than 2011 (Table 1). This is in line with a reduction in youth offending seen over the last five years.

Table 1: Characteristics of young offenders attending FGCs in 2011 and 2012, by FGC type

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Intention-to-charge | | Court-ordered | |
|  | 2011 | 2012 | 2011 | 2012 |
| Number of FGCs held1 | 2,086 | 1,850 | 1,544 | 1,284 |
| **Gender** |  |  |  |  |
| Male | 77% | 78% | 82% | 82% |
| Female | 23% | 22% | 18% | 18% |
| **Primary ethnicity**2 |  |  |  |  |
| European | 39% | 34% | 31% | 30% |
| Māori | 48% | 54% | 53% | 55% |
| Pacific people | 10% | 11% | 13% | 13% |
| Other | 3% | 2% | 3% | 2% |
| **Age when FGC held** |  |  |  |  |
| 12 or 13 years | 1% | 1% | 1% | 1% |
| 14 years | 21% | 21% | 17% | 18% |
| 15 years | 29% | 30% | 30% | 32% |
| 16 years | 39% | 39% | 41% | 39% |
| 17+ years3 | 10% | 10% | 11% | 10% |
| **Region where FGC held** |  |  |  |  |
| Te Tai Tokerau | 7% | 7% | 6% | 6% |
| Auckland | 25% | 24% | 28% | 25% |
| Midlands | 24% | 25% | 17% | 18% |
| Central | 20% | 23% | 26% | 26% |
| Southern | 24% | 21% | 23% | 24% |

Notes:

1. Figures show the number of ‘new’ FGCs. This excludes reconvened FGCs, and FGCs to review FGC plans. For people with more than one new FGC in a calendar year, only the first FGC was included in the analysis.
2. Ethnicity figures exclude a small number of cases (mostly ITC FGCs) where the ethnicity of the young person was not recorded in the data.
3. People aged 17 years or older can have matters dealt with in the Youth Court for offences they committed prior to their 17th birthday.

Source: CYRAS.

For both FGC cohorts, around eight out of every 10 young people were male. Māori were over-represented in both ITC and court-ordered FGCs.

The distribution across primary ethnic groups was similar for ITC and court-ordered FGCs, with around half the young people being Māori and about a third being European.

Around 70% of all youth justice FGC participants are 15- or 16-years-old when the FGCs were held, with the average age being just under 16 years. While they were aged 16 years or younger when they offended, around one in every 10 of the FGC participants were aged 17 years or older at the time the FGC was held.

# Part 4 – Intention-to-charge FGCs

A total of 3,936 intention-to-charge (ITC) FGCs were held between 1 January 2011 and 31 December 2012. Of those involved:

* 77% were male and 23% were female
* 51% were Māori, 37% were European, 10% were Pacific people and 2% belonged to other ethnic groups
* 7% were from Te Tai Tokerau, 25% were from the Auckland region, 24% were from the Midlands region, 22% were from the Central region and 23% were from the Southern region
* the average age at first recorded offence was 13.3 years (ranging from 4.7 to just under 17.0 years)
* the average number of years between the first recorded offence and the FGC being held was 2.6 (ranging from 0 to 11.5 years)
* the average age when the FGCs were held was 15.9 years (ranging from 12.4 to 18.7 years).

#### Half of the ITC FGC participants reoffended within seven months

Overall, a quarter of all ITC FGC participants had come to the attention of Police with a new offence within two months of the FGC, and half had come to the attention of Police with a new offence within seven months (Figure 1). Within 12 months of the ITC FGCs, 64% of young people had reoffended. Apart from the first few months after the ITC FGCs, Europeans reoffended at a slightly slower rate than Māori and Pacific people.

Figure 1: Percentage of participants of ITC FGCs held in 2011 and 2012 who reoffended within 12 months, by ethnicity



#### An escalation in the frequency and seriousness of offending prior to the FGCs was curtailed

The average frequency and seriousness of offending by the young people escalated prior to being referred to the ITC FGCs, but both measures reduced after the FGCs (Figures 2 and 3). Over the 12 months since the FGCs, the average number of offences committed by attendees was 3.2 (ranging from 0 to 46), compared with an average of 5.2 offences over the 12 months before the FGCs (ranging from 0 to 121). The average seriousness of all the offences committed in the 12 months following the orders (434) was less than in the 12 months before the orders (747).

Figure 2: Average frequency of offences dealt with by Police before and after ITC FGCs were held in 2011 and 2012



Figure 3: Average total seriousness of offences dealt with by Police before and after ITC FGCs were held in 2011 and 2012



#### Most offence types dropped considerably in number after the FGCs

The total number of offences committed by ITC participants in the 12 months after the FGCs was 39% lower than in the 12 months before the FGCs. There was a drop in the frequency of offending for all offence divisions, except for offences against justice which increased by 40% (Figure 4). Overall, the majority of the decrease was due to large drops in the three most common offence divisions: theft-related offences (36%), burglary offences (46%) and property damage (49%). Violent offences[[4]](#footnote-4) and sexual offences reduced by 38% and 70% respectively. Within the violent offences, the number of injury causing acts or homicide offences was over 1,000 lower in the 12 months after the ITC FGCs compared to the 12 months prior.

Figure 4: Change in the total frequency of offences committed by participants of ITC FGCs held in 2011 and 2012, by ANZSOC offence division



Figure 5: Percentage of participants of ITC FGCs held in 2011 and 2012 who committed one or more offences within the ANZSOC offence division



Just over half of the ITC FGC participants had committed a theft-related offence in the 12 months prior to the FGC, but in the 12 months after the proportion was much lower at one-third (Figure 5). The proportion committing burglary also dropped by 18 percentage points from 38% to 20%.

For many of the common offence types, the number of offences reduced substantially more than the percentage of FGC participants committing these offences. This suggests that the high frequency offenders are more likely to commit fewer offences after the ITC FGCs than stop their offending completely.

### Overall outcomes 12 months after ITC FGCs

Table 2 provides 12-month reoffending outcomes for the participants of ITC FGCs.

#### Over a third of ITC FGC participants had not reoffended within 12 months

* In the 12 month period following the ITC FGCs, 36% of participants did not reoffend.
* Females (46%) were much more likely to have not reoffended than males (33%).
* Europeans (38%) were slightly more likely to have not reoffended than Māori or Pacific people (33% and 34% respectively).

#### Seven out of every ten of the FGC participants reduced the frequency and/or seriousness of their offending

* 71% of ITC FGC participants offended less often, including 35% who did not reoffend at all[[5]](#footnote-5) and 35% who reoffended at a lower rate than before. Twenty per cent of young people offended more often and 9% offended at the same rate as before.
* 72% of participants reduced the total seriousness of their offending, including 35% who achieved this by not reoffending at all and 36% who reoffended at a lower level of seriousness than before. A quarter of participants committed more serious offences and 3% committed offences of the same total seriousness.
* 70% of participants reduced the seriousness of the most serious offence, including 35% who achieved this by not reoffending at all and 34% who reoffended at a lower level of seriousness than before. Twenty-four per cent of participants committed a more serious offence and 6% committed an offence of the same seriousness.
* Just over three-quarters of females reduced their frequency and/or seriousness of offending compared with around 70% of males.
* There was little difference in the proportion of young people in each ethnic group who reduced the frequency and/or seriousness of their offending.
* 12-month reoffending outcomes were similar for ITC FGCs held in 2011 compared with those held in 2012 (not shown in the report).

Table 2: Outcomes 12 months after ITC FGCs were held in 2011 and 2012, by ethnicity

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Outcome  (reductions compare after period to same period before) | European (n=1,439) | Māori (n=1,999) | Pacific people (n=405) | Overall (n=3,936) |
| Did not reoffend | 38% | 33% | 34% | 36% |
| Reduced frequency of offending1 | 72% | 70% | 70% | 71% |
| Reduced total seriousness of offending1 | 72% | 71% | 71% | 72% |
| Reduced seriousness of most serious offence1 | 70% | 69% | 69% | 70% |
| Received a custodial sentence | 3% | 5% | 4% | 4% |

Note:

1. Figures include individuals who did not reoffend.

#### Four per cent received a custodial sentence within 12 months of the FGCs being held

* Four per cent of young people received a custodial sentence (Supervision with Residence or imprisonment) in the 12 months after the ITC FGCs. Another 6% received Supervision with Activity or stand-alone Supervision orders (Table 3).

Table 3: Most serious sanction received within 12 months of ITC FGCs being held in 2011 and 2012, by ethnicity

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sanction  (Youth Court supervision orders or imprisonment) | European (n=1,439) | Māori (n=1,999) | Pacific people (n=405) | Overall (n=3,936) |
| No imprisonment or supervision orders | 92% | 88% | 90% | 90% |
| Stand-alone Supervision order | 3% | 4% | 4% | 4% |
| Supervision with Activity order | 1% | 2% | 2% | 2% |
| Supervision with Residence order | 2% | 3% | 2% | 2% |
| Imprisonment | 1% | 2% | 2% | 2% |

Note: Figures may not total exactly 100% due to rounding.

### Overall outcomes 24 months after the FGCs held in 2011

The 24-month reoffending outcomes were examined in brief for the participants of ITC FGCs held in 2011. Comparable figures were not yet available for FGCs held in 2012.

* In the 24 month period following the 2011 ITC FGCs, 77% of participants had reoffended and 23% had not reoffended.
* Comparing the 24-month period after the ITC FGCs held in 2011 to the same period prior, 62% of participants offended less often and 65% offended less seriously.
* Eight per cent of young people received a custodial sentence in the 24 months after the 2011 ITC FGCs.

# Part 5 – Court-ordered FGCs

A total of 2,828 new court-ordered FGCs were held between 1 January 2011 and 31 December 2012. Of those involved:

* 82% were male and 18% were female
* 54% were Māori, 31% were European, 13% were Pacific people and 2% belonged to other ethnic groups
* 6% were from Te Tai Tokerau, 27% were from the Auckland region, 18% were from the Midlands region, 26% were from the Central region and 24% were from the Southern region
* the average age at first recorded offence was 12.9 years (ranging from 5.1 to just under 17.0 years)
* the average number of years between the first recorded offence and the FGC being held was 3.0 (ranging from 0 to 11.9 years)
* the average age when the FGCs were held was 15.9 years (ranging from 12.7 to 19.4 years).

#### Half of the court-ordered FGC participants reoffended within five months

Overall, a quarter of all court-ordered FGC participants had come to the attention of Police with a new offence in under two months of the FGC, and half had come to the attention of Police with a new offence within five months (Figure 6). Within 12 months, 70% had reoffended. Apart from the first few months after the FGCs, Europeans reoffended at a slightly slower rate than Māori and Pacific people.

Figure 6: Percentage of participants of court-ordered FGCs held in 2011 and 2012 who reoffended within 12 months, by ethnicity



#### An escalation in the frequency and seriousness of offending prior to the FGCs was curtailed

There was an increase in the average frequency and seriousness of offending leading up to the court-ordered FGCs, followed by a reduction in both measures after the FGCs (Figures 7 and 8). Over the 12 months since the FGCs, the average number of offences committed by attendees was 4.4 (ranging from 0 to 105). This is less than the average of 7.4 offences over the 12 months before the FGCs (ranging from 0 to 74). The average seriousness of all the offences committed in the 12 months following the Youth Court monitored FGCs (622) was less than half that in the 12 months before the FGCs (1,273).

Figure 7: Average frequency of offences dealt with by Police before and after court-ordered FGCs were held in 2011 and 2012



Figure 8: Average total seriousness of offences dealt with by Police before and after court-ordered FGCs were held in 2011 and 2012



#### Most offence types dropped considerably in number after the FGCs

The total number of offences committed by FGC participants in the 12 months after the FGCs was 40% lower than in the 12 months before the FGCs. There was a drop in the frequency of offending for most offence divisions, with the exceptions being offences against justice, traffic offences and miscellaneous offences. Overall, the majority of the decrease was due to large drops in the three most common offence divisions: theft-related (36%), burglary (52%) and property damage (45%). Violent offences and sexual offences reduced by 43% and 68% respectively.

Figure 9: Change in the total frequency of offences committed by participants of court-ordered FGCs held in 2011 and 2012, by ANZSOC offence division



Figure 10: Percentage of participants of court-ordered FGCs held in 2011 and 2012 who committed one or more offences within the ANZSOC offence division



The proportion of court-ordered FGC participants who committed a theft-related offence dropped from 58% in the 12 months prior to the FGCs to 38% in the 12 months after (Figure 10). The proportion committing burglary dropped by a slightly greater 22 percentage points from 49% to 27%.

For many of the common offence types, the number of offences reduced substantially more than the percentage of FGC participants committing these offences. This suggests that the high frequency offenders are more likely to commit fewer offences after the FGCs than stop their offending completely.

### Overall outcomes 12 months after Youth Court monitored FGCs

Table 4 provides 12-month reoffending outcomes for the participants of court-ordered FGCs.

#### Three out of every ten court-ordered FGC participants had not reoffended within 12 months

* In the 12 month period following the FGCs, 30% of participants did not reoffend at all.
* Females (39%) were much more likely to have not reoffended than males (28%).
* Europeans (32%) were marginally more likely to have not reoffended than Māori or Pacific people (27% and 30% respectively).

#### Seven out of every ten of the FGC participants reduced the frequency and/or seriousness of their offending

* 72% of court-ordered FGC participants offended less often, including 29% who did not reoffend at all and 43% who reoffended at a lower rate than before. Around 22% of young people offended more often and 6% offended at the same rate as before.
* 74% of participants reduced the total seriousness of their offending, including 29% who achieved this by not reoffending at all and 45% who reoffended at a lower level of seriousness than before. Twenty-three per cent of participants committed more serious offences and 3% committed offences of the same total seriousness.
* 69% of participants reduced the seriousness of the most serious offence, including 29% who achieved this by not reoffending at all and 40% who reoffended at a lower level of seriousness than before. Twenty-three per cent of participants committed a more serious offence and 8% committed an offence of the same seriousness.
* A higher proportion of females reduced their frequency and/or seriousness of offending compared with males after Youth Court monitored FGCs.
* Europeans were slightly more likely than Māori and Pacific people to have reduced the frequency and/or seriousness of their offending.
* 12-month reoffending outcomes were very similar for Youth Court monitored FGCs held in 2011 compared with those held in 2012.

#### Twelve per cent received a custodial sentence within 12 months of the FGCs being held

* 12% of young people received a custodial sentence (Supervision with Residence or imprisonment) in the 12 months after the FGC (Table 5). Another 13% received Supervision with Activity or stand-alone Supervision orders.
* Nine per cent of Europeans received a custodial sentence in the 12 months after the court-ordered FGCs, while the proportions were slightly higher for Pacific people (12%) and Māori (14%).

Table 4: Outcomes 12 months after court-ordered FGCs were held in 2011 and 2012, by ethnicity

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Outcome  (reductions compare after period to same period before) | European (n=871) | Māori (n=1,526) | Pacific people (n=362) | Overall (n=2,828) |
| Did not reoffend | 32% | 27% | 30% | 30% |
| Reduced frequency of offending1 | 73% | 72% | 69% | 72% |
| Reduced total seriousness of offending1 | 77% | 73% | 71% | 74% |
| Reduced seriousness of most serious offence1 | 72% | 69% | 64% | 69% |
| Received a custodial sentence | 9% | 14% | 12% | 12% |

Note:

1. Figures include individuals who did not reoffend.

Table 5: Most serious sanction 12 months after court-ordered FGCs were held in 2011 and 2012, by ethnicity

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sanction  (Youth Court supervision orders or imprisonment) | European (n=871) | Māori (n=1,526) | Pacific people (n=362) | Overall (n=2,828) |
| No imprisonment or supervision orders | 82% | 71% | 75% | 75% |
| Stand-alone Supervision order | 6% | 10% | 7% | 8% |
| Supervision with Activity order | 3% | 6% | 6% | 5% |
| Supervision with Residence order | 5% | 9% | 9% | 7% |
| Imprisonment | 4% | 5% | 4% | 5% |

Note: Figures may not total exactly 100% due to rounding.

### Overall outcomes 24 months after the FGCs held in 2011

The 24-month reoffending outcomes were examined in brief for the participants of court-ordered FGCs held in 2011. Comparable figures were not yet available for FGCs held in 2012.

* In the 24 month period following the FGCs, 82% of participants had reoffended and 18% had not reoffended.
* Comparing the 24-month period after the court-ordered FGCs held in 2011 to the same period prior, 65% of participants offended less often and 69% offended less seriously.
* Nineteen per cent of young people received a custodial sentence in the 24 months after the FGCs.

# Part 6 – Discussion

Young people who participate in ITC FGCs generally have less serious prior offending profiles than those who participate in court-ordered FGCs. As such, it is not surprising that ITC FGC participants generally have more positive offending-related outcomes afterwards.

There is interest in the relative effectiveness of the two FGC types in reducing or stopping reoffending. A key youth justice Principle in the CYP&F Act is that “*unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter*”. If there are groups of young people being dealt with by the Youth Court who could achieve similar or better outcomes from ITC FGCs, then the Principle would be better met by not having the young person appearing in court.

The feasibility of conducting an analysis to compare the relative effective of the two types of FGCs could usefully be investigated.

# Appendix A: Measuring reoffending

Insights MSD extracted details from CYRAS on all young people who had attended a new ITC FGC or a new court-ordered FGC between 1 January 2011 and 31 December 2012.

The names and birth dates of the young people in the FGC cohorts were linked to data from the Police National Intelligence Application (NIA) to identify each person’s NIA Person ID.

## Estimating offending patterns

Police extracted occurrence data for these young people from NIA on 21 July 2014.[[6]](#footnote-6) Occurrence data represents a history of contact with Police dating back to July 2005. Before this time, the data is less reliable as it was not compulsory for such data to be entered in NIA. An occurrence can be either an offence that is believed to have taken place or an incident where there is police contact that is not offence-related, eg a truant episode. Incidents (including those involving breaches of Police bail) are excluded from the analyses in this report.

An offence occurrence does not necessarily result in a charge being laid in court, or imply that the offence has been proven in any formal way, although proceeding by diversionary approaches such as Police Alternative Action first requires an admission of guilt by the young person. Offence occurrences provide a more consistent measure of offending patterns than court outcomes data for young people, given a large proportion of offences are diverted from prosecution. For example, in the 2013/14 fiscal year, 69% of apprehensions involving young people were dealt with by means other than prosecution.[[7]](#footnote-7)

The date an offence was committed was used to assign the offence to the period before or after a FGC.

Police also extracted court outcomes data for young people who had been imprisoned (including home detention) by the District or High Court since their FGC. This, together with information from CYRAS on supervision-type orders, allows us to calculate post-FGC custodial and supervision order sentence rates as a result of reoffending.

***Should some offences be excluded?***

Recidivism analyses take many forms, and it is not uncommon for certain types of offences to be excluded from such analyses. For example, breaching the conditions of a court order may be excluded as this is not really new offending. In other cases, certain types of minor offences may be excluded from measures, particularly if the intervention is at the more serious end of the spectrum, so the person is not regarded as a reoffender if they only commit a minor offence. In New Zealand, for example, the Department of Corrections calculates ‘reconviction’ rates for people who receive community-based or custodial sentences that they administer. These reconviction rates exclude any convictions that do not result in a new sentence back to the Department.

Minor traffic offences and some minor non-traffic offences for which an infringement notice can be issued were excluded from the analyses for this report. This was to avoid categorising young people as having reoffended if these were the only offences committed. Traffic offences excluded covered the following ANZSOC offence groups: regulatory driving offences, driving without a licence, driver licence related offences, registration offences, roadworthiness offences, pedestrian offences, parking offences and exceeding the legal speed limit.[[8]](#footnote-8) Non-traffic infringement offences excluded were: breaching a local liquor ban, liquor-related offences involving minors, and littering.

## Measuring offence seriousness

The Justice Sector Seriousness Scale was developed by the Ministry of Justice as a way of comparing the seriousness of different types of offences based on actual court sentencing data. A seriousness score of 200 for an offence implies that, on average, the courts impose sentences that are twice as severe as those imposed on an offence with a score of 100. However caution is required with this interpretation as the way in which scores are calculated means there is sizable variance in some averages, particularly for offences of ‘moderate’ seriousness where the types and lengths of sentences imposed can vary considerably.[[9]](#footnote-9)

In this report, total seriousness scores are calculated for a period of interest before the FGCs, and compared to total seriousness scores after the FGCs. For example, if a young person committed one of each of the offences shown in Table A1 in a period of interest, their total seriousness score would be 783.8.

Table A1: Examples of offence seriousness scores

|  |  |
| --- | --- |
| Offence | Seriousness score |
| Robbery (by assault) | 379.1 |
| Shoplifts (estimated value of goods <$500) | 15.2 |
| Wilful damage | 9.5 |
| Burglary (estimated value of goods $500 to $5,000) | 380.0 |
| Total | 783.8 |

Seriousness scores are a statistical representation of the average number of days of imprisonment imposed by the courts for each offence. Statistical equivalences are used for people who receive community-based sentences or fines. Because of the rather convoluted methodology, it is not possible to calculate error variances for the seriousness scores. However, because it needs to be acknowledged that the raw seriousness scores and therefore summary values calculated from them have error variance, it was decided to use a 5% margin of error around total seriousness scores when comparing the pre-intervention period with the post-intervention period. In effect this means that total seriousness scores need to differ by more than 10% to be considered different.

The Justice Sector Seriousness Scale is developed from District and High Court sentencing data relating to adults. While there could be debate over the applicability of the scale to offending by young people, developing a similar scale based on the diverse range of ways in which cases are dealt with in the Youth Justice system would be problematic. In any case, the interest in seriousness scores is primarily in terms of assessing relative changes rather than in the absolute value of the scores.

# Appendix B: ANZSOC offence divisions

For each ANZSOC offence division, the most frequent types of offences committed by FGC participants are shown in the table below.[[10]](#footnote-10)

Table B1: Most common offences by young people within each ANZSOC offence division

|  |  |  |
| --- | --- | --- |
| ANZSOC Offence Division | Shortened name | Most common offences for FGC participants |
| Homicide and related offences1  AND  Acts intended to cause injury | Injury causing acts or homicide | All minor, serious and grievous assaults (with common assault being the most frequent) |
| Sexual assault and related offences | Sexual | Indecent assault; unlawful sexual connection; doing an indecent act; rape |
| Dangerous or negligent acts endangering persons | Dangerous acts | Dangerous, careless or reckless driving; sustained loss of traction |
| Abduction, harassment and other offences against the person | Abduction & harrassment | Behave or speak threateningly; threaten to kill or do grievous bodily harm |
| Robbery, extortion and related offences | Robbery-related | Aggravated robbery; robbery; assault with intent to rob; demands to steal |
| Unlawful entry with intent/burglary, break and enter | Burglary | Burglary |
| Theft and related offences | Theft-related | All types of theft (with shoplifting being the most frequent); unlawfully takes or gets into a motor vehicle; receiving stolen property |
| Fraud, deception and related offences | Fraud & deception | Take, obtain or use a document or credit card for percuniary advantage; obtain by deception |
| Illicit drug offences | Illicit drugs | Possess cannabis or drug-related utensils; using cannabis |
| Prohibited and regulated weapons and explosives offences | Weapons-related | Possess offensive weapon or knife |
| Property damage and environmental pollution | Property damage | Wilful damage including graffiti-related offences; unlawfully interfere with motor vehicles; intentional damage; arson |
| Public order offences | Public order | Wilful trespass; disorderly behaviour; unlawfully in an enclosed yard, area or building; fighting in a public place; possessing instruments for car conversion; possessing instruments for graffiti |
| Traffic and vehicle regulatory offences | Traffic | Driving with excess alcohol; driving while disqualified |
| Offences against government procedures, government security and government operations | Against justice | Escaping lawful custody; resisting police; breach of bail; obstructing police; failing to furnish name and address |
| Miscellaneous offences | Miscellaneous | Used a telephone for a fictitious purpose, plus various other offences not included in the categories above |

Note:

1. Due to the low number of homicide-related offences this division was merged with acts intended to cause injury.

newzealand government (black)

1. ITC FGCs don’t usually have a lawyer involved in the case. [↑](#footnote-ref-1)
2. CYRAS is the Child, Youth, Residences and Adoption System database and case management recording system managed by MSD. [↑](#footnote-ref-2)
3. In the 2013/14 fiscal year, 69% of apprehensions of 14-16 year olds by the Police were dealt with by means other than prosecution. See Appendix A for further details. [↑](#footnote-ref-3)
4. For this report, violent offences are taken to be the total of the injury causing acts or homicide, robbery-related, and abduction and harassment offence divisions. [↑](#footnote-ref-4)
5. This figure is slightly lower than the overall proportion who did not reoffend as a small number of the non-reoffenders committed no offences in the 12 months before and after the FGC, hence their offending rate was categorised as the same as before. For these people, their prior offending occurred more than 12 months, but less than 24 months before the FGC, and it took some time to be reported or for a person to be apprehended. [↑](#footnote-ref-5)
6. Data is shared for statistical and research purposes under a Memorandum of Understanding between the two agencies. [↑](#footnote-ref-6)
7. Annual Apprehensions for the latest Fiscal Years (ANZSOC), NZ.Stat, Statistics New Zealand. [↑](#footnote-ref-7)
8. The majority of minor traffic offences excluded involved an unlicensed driver failing to comply with a prohibition, or a driver failing to stop for the flashing lights on a police car. Police 4-digit offence codes that indicated that a motor vehicle was impounded were excluded from analyses as these are present in the data for statistical purposes only. [↑](#footnote-ref-8)
9. For more information on the Scale see: <http://www.justice.govt.nz/justice-sector/statistics/justice-sector-working-papers/justice-sector-offence-seriousness-score-faq>. [↑](#footnote-ref-9)
10. Offences are categorised by the Australian and New Zealand Standard Offence Classification (ANZSOC), 2011. [↑](#footnote-ref-10)