

Victims of offending by children who had a family group conference in 2020/21

Acknowledgements

The Oranga Tamariki Evidence Centre works to build the evidence base that helps us better understand wellbeing and what works to improve outcomes for New Zealand's children, young people and their whānau.

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Introduction and method

Introduction

The Chief Victims Advisor to Government states that the effectiveness of a justice system depends on the trust, confidence, engagement, and participation of victims.¹ The Victims Code of Rights sets out how people can expect to be treated when they are a victim of crime in New Zealand.²

For the youth justice system, some victims' rights are also expressed in the Oranga Tamariki Act 1989 ('the Act'), including the s208 youth justice principle that:

- i. in the determination of measures for dealing with offending by children or young persons, consideration should be given to the interests and views of any victims of the offending (for example, by encouraging the victims to participate in the processes...for dealing with offending); and
- *ii.* any measures should have proper regard for the interests of any victims of the offending and the impact of the offending on them.

Research suggests that justice and recidivism outcomes are better when victims participate in justice processes, particularly restorative justice processes.³

Victims of a crime committed by a child or young person are entitled under s251 of the Act to attend their youth justice family group conference (FGC). This gives the victim an opportunity to have their say on how the crime has affected them, and to help the child or young person face up to what they have done.

However, the level of victim participation in youth justice FGCs is relatively low. For example, a study of a sample of 'intention-to-charge' FGCs held in 2019 showed that only 21% of the 360 victims physically attended the FGC, 28% provided a submission, and 51% did not participate in the FGC process.⁴

Little is known however about the characteristics of victims of crime by children aged 10 to 13, and their rates of FGC participation, and this research addresses that gap. The information can be used to target victim subgroups with low FGC participation levels.

The focus of this report is on the victims associated with youth justice FGCs for children who offended when aged 10 to 13. These are FGCs convened by a youth justice coordinator under s247(a) of the Act following a referral from, and consultation with, a police officer who believes the child is "*in need of care and protection*" on the ground specified in s14(1)(e) of the Act. This is where the child has "committed an offence or offences of sufficient number, nature, or magnitude to cause serious concern for their well-being".

⁴ <u>www.orangatamariki.govt.nz/about-us/research/our-research/intention-to-charge-fgcs/</u>.



¹ <u>https://chiefvictimsadvisor.justice.govt.nz/rights-and-system/heart-of-the-system/.</u>

² <u>https://victimsinfo.govt.nz/assets/Victims-code/Victims-Code.pdf</u>.

³ <u>www.orangatamariki.govt.nz/about-us/research/our-research/maximising-victim-participation-and-engagement/</u>.

Method

Researchers from the Oranga Tamariki Evidence Centre undertook an analysis using a base sample of all FGCs that were held between 1 July 2020 and 30 June 2021 for children who offended when aged 10 to 13. Police and Oranga Tamariki FGC-related documents and case-notes in CYRAS⁵ were manually reviewed to capture information on the characteristics of victims, the offences committed against them, and their relationships to the children who offended.

All victims were coded separately, and a total of 580 victims were associated with 114 FGCs for children. This is a mean of five and median of four victims associated with each FGC. The 114 FGCs involved 107 distinct children, with seven children having two FGCs within the year that involved different offences and victims.

When the 580 offences with victims were committed, 2% of the children were aged 10, 7% were aged 11, 22% were aged 12, and 69% were aged 13.

The length of time between offences being committed and FGCs being held differs from case to case. On average, the 114 FGCs were held 4.2 months after the offences were committed, and for around one in five FGCs at least six months had elapsed. Some of the variation occurs because offences are not always reported to police straightaway, and on occasion it may take some time for police to identify the offender. Further, once police make a referral to a youth justice co-ordinator, s249 of the Act allows for up to three weeks for the FGC to be convened (organised) and a further month, at most, for it to be held.

Some children therefore had birthdays after they committed the offences and before the FGCs were held. When the 114 FGCs were held:

- most children (around three in four) were male, around one in five were female, and the remainder were of another gender
- 76% were Māori, a further 11% were both Māori and Pacific peoples, another 6% were Pacific peoples, and 7% were European⁶
- none of the children were aged 10, 5% were aged 11, 13% were aged 12, 55% were aged 13, 24% were aged 14, and 3% were aged 15.

When reviewing cases in CYRAS it quickly became apparent that children often offended when in the company of other children, young people, or young adults. The researchers therefore decided to capture information from police 'Summary of Facts' documents on the numbers of co-offenders or associates who were present with the child when he or she offended, and if available, their ages.

⁵ CYRAS is the main online case management system for frontline staff in Oranga Tamariki.

⁶ Frontline staff can capture one or more ethnicities for a child or young person in CYRAS, and these should be self-identified. For this analysis, Māori and Pacific ethnicities were prioritised over any other ethnicities recorded in CYRAS. The 7% of children who did not have Māori or Pacific ethnicities were all European.

Victim characteristics

Victim types

Victim identities can be established in CYRAS, and these can be linked to an FGC record as a participant with the role of 'Victim'. The gender of a victim can be recorded when they are a person, but other types of victims (e.g., businesses or schools) are not categorised in a structured way.

If a victim was an individual, but their gender was not recorded in CYRAS, it was populated with the gender identified by police if specified in their referral documents, or it was imputed based on pronouns used to refer to them (e.g., he or she).⁷

Where an offence occurred against an entity, the name of the entity was used to group these victims into categories. While the intent of offences against entities (such as shoplifting and burglary) may not be to cause direct harm to any individual, people are invariably impacted by having to deal with the trauma, loss, or damage caused by the offences.

Most (78%, 450) of the 580 victims of offending by children were individuals, with the remaining 22% (130) being entities of various kinds (Figure 1).



Figure 1: Types of victims of children who had a youth justice FGC held in 2020/21

Victims who were individuals were more often male than female (45% and 33% of all victims respectively)

Fifteen percent of all victims were businesses or organisations. Most of these (13% of all victims) were retail businesses including grocery stores, department stores, specialty stores, petrol stations, and shopping malls. Two percent of all victims were other types of businesses and organisations such as accommodation and food

⁷ Gender can be captured in CYRAS as 'Male', 'Female', or 'Another gender'. It was recorded for only 185 of the 450 individual victims. Police data and imputation were used to populate the gender of the other victims, and it should be noted that some of these victims coded as male or female may have self-identified as being of another gender if they were asked.

services, construction, other professional services, and non-government organisations who deliver social assistance services.

Four percent of all victims were schools and 3% were local and central government organisations (including councils, Oranga Tamariki, and NZ Police⁸).

Age group of victims

Of the 450 individual victims, 80% were an adult⁹ aged 18 years or older and 19% were aged 17 or younger, while for 2%, their age could not be identified. Further:

- Adult individuals accounted for 62% of the total 580 victims.
- While exact age was available for only 211 of the 450 individual victims, the average age of these 211 victims was 29, with around one in four being aged 40 or older.
- While the exact age of the 85 victims who were aged 17 or younger could not always be identified, there appeared to be relatively even numbers of young people aged 14 to 17 years and children aged 13 or under. Ten of the child victims were aged under 10 when the offences were committed.

Victim ethnicity

Ethnicity could only be identified in CYRAS or in police referral documents for 97 (22%) of the total 450 individual victims, making it difficult to draw judgments about the distribution of victim ethnicity.

However, ethnicity was recorded for the majority (49) of the 85 individual victims who were aged 17 or younger. Of these 49 younger victims, 57% were European and 43% were Māori. Caution still needs to be taken in interpreting these figures because of the level of missing data and uncertainty about how victim ethnicity was captured.

Victim's relationship to the child who offended

Individual victims

In most cases, Police Summary of Facts documents mention the relationship between the offender and victim, including stating if they are not known to each other. For the remaining minority of cases, if no relationship was stated by police, and no other information in CYRAS indicated a relationship, it was assumed that there was none i.e., the victim and child who offended were strangers. This assumption could, however, be wrong in some cases. The relationship could not be determined for three of the 450 individual victims e.g., because a Summary of Facts document could not be found in CYRAS.

⁹ Where the age of an individual victim was not known, they were imputed as being adults if their motor vehicle was stolen or interfered with, or their house was burgled. This decision was taken as almost all (96 of the 97) victims of such offences whose age was known were aged 18 or over.



⁸ The victim was coded as 'NZ Police' for 10 offences committed against police officers while they were performing their duties.

Most (87%) of the 447 victims with information available did not have a relationship to the child prior to the offending, whereas 13% did.

In 9% of cases, the victim and child were known to each other as friends, acquaintances, or they attended the same school. In 4% of cases, the child offended against a whānau member (most commonly a sibling) or a caregiver.

Female victims were more likely than male victims to have a prior relationship to the child who offended (Appendix A, Table A1). Victims who were children and young people were much more likely than adult victims to have a prior relationship to the child who offended (Appendix A, Table A2).

Entities who were victims

Victim-offender relationships are generally less meaningful for offences against entities (e.g., theft or burglary offences where the offender enters or breaks into a shop to steal goods).

However, we examined the 23 instances where the victim was a school to see whether the child who offended was enrolled in that school. Police noted that in eight of the 23 instances the child was enrolled at the school they offended against and in the other 15 instances they were not enrolled at that school.

Types of offences experienced by victims¹⁰

Thirty-eight percent of the 580 victims had their motor vehicle stolen, with the child who offended being identified as the driver or a passenger (Figure 2). Stolen vehicle offences accounted for 48% of the 450 offences against individual victims, but only 4% of the 130 offences against entities (Appendix A, Tables A3 and A4).





¹⁰ See Appendix B for offence type definitions.

Thirteen percent of all offences experienced by victims were burglary. Victimisation by burglary was much more prevalent among businesses/organisations (32%) and schools (74%) than individuals (7%).

Twelve percent of the 580 victims had their property damaged by the child, including 8% by unlawful interference with their motor vehicle, and 4% by wilful damage or arson. Ten percent of the 450 individual victims experienced an unlawful interference offence, but none of the 130 entitles experienced this offence. In contrast, 9% of the entities were victims of wilful damage or arson, compared to 3% of individual victims.

Shoplifting and other forms of theft of property (excluding stolen vehicle offences) accounted for 9% of all victimisations. This proportion was much higher for businesses/organisations (41%) than individuals (4%).

Nine percent of all victims experienced an injury causing act. Of these 52 victims:

- 44% were female, 40% were male, and 15% were officers of NZ Police
- 52% were adults and 46% were children or young people, with age being unknown for 2%
- 60% did not have a relationship to the child prior to the offending, 31% were previously known to each other, and 10% were whanau or a caregiver.

Eight percent (44) of all victims experienced a robbery-related offence. Of these 44 victims:

- Most (89%, 39) were individuals of whom:
 - 29 were male and 10 were female
 - 33 were children or young people, five were adults, and one was of unknown age
- 11% (5) were retail businesses.

Three percent (17) of all victims experienced a sexual offence. Of these 17 victims:

- 12 were female and five were male
- 12 were children, three were adults, and two were young people •
- nine were whanau (e.g., siblings or cousins) of the child who offended, five knew the child (e.g., attended the same school), and three had no prior relationship with the child.



Co-offenders or associates present when children offended

Numbers of co-offenders and associates

Police Summary of Facts documents usually specify whether children offended alone or offended when in the company of other children, young people, or adults. Sometimes police indicated that the child had one or more 'co-offenders' who also actively participated in the offence against the victim. In other cases, police indicated that the child was in the company of one or more 'associates' (e.g., friends or acquaintances) who were present but did not participate directly in the offence.

Sometimes the co-offender and associate terms were used interchangeably when they appeared to help commit the offence. Therefore, only total numbers of cooffenders and associates present were recorded. For 27 (5%) of the 580 offences, we were unable to determine whether there were any others present.

Of the 553 victims for whom information was available, 24% were victimised by the child alone but 76% were victimised by the child in the presence of one or more cooffenders or associates (Figure 3). This includes 30% of victims who were offended against by the child in the company of three or more others. Across the 553 victimisations, there were a total of 1,072 co-offenders or associates identified as present with the children who offended.



Figure 3: Number of co-offenders or associates present at the offence for children who had a youth justice FGC in 2020/21 (n=553)

There were considerable differences between offence types as to whether the child offended alone or with others present (Figure 4). Nearly all (95%) of the robbery-related offences were committed by the child in the company of one or more co-offenders or associates. In the majority (53%) of the 43 instances, robberies were committed by the child in the company of three or more others.

At least three-quarters of the stolen vehicle, burglary, shoplifting/other theft, and public order offences were committed by the child with others present. Injury causing acts were committed by the child in the company of others in 63% of instances.

In contrast to the other offence types, all 17 sexual offences were committed by the child alone.

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Figure 4: Proportion of victimisations where co-offenders or associates were present with the child, by offence type, for children who had a youth justice FGC in 2020/21



Ages of co-offenders and associates

Co-offenders and associates present at offences were often named (when known by police) and their ages or dates of birth were sometimes specified. Age could be identified for 650 of the total 1,072 co-offenders or associates.

Of these 650 co-offenders or associates, 47% were other children (aged 13 or under), 50% were young people (aged 14–17), and 3% were young adults (aged 18–20).

As noted earlier, 131 offences were committed by the child alone and 422 were by the child in the company of one or more others. Complete information on the ages of all co-offenders and associates present could be determined for 241 of the 422 offences. For these 241 offences, each child offended against the victim in the company of one or more other:

- children only (34%)
- children and young people (32%)
- young people only (27%)
- young people and young adults (6%)
- children, young people, and young adults (1%).

Victim participation in FGCs

Victims can participate in FGCs in several ways, including personal attendance, sending a representative on their behalf, or providing a submission to be read at the FGC. However, over half (57%) of the 580 identified victims of offending by children did not participate in the FGC in any of these ways.

Only 9% (52) of the 580 victims attended the FGC in person and a further 1% (7) sent a representative on their behalf. One-third (189) of the 580 victims provided a submission to be read at the FGC (e.g., by the youth justice coordinator).

Of the 59 victims or victim representatives who attended the FGCs, most (49) were individuals. Ten attendees were from entities which had been victimised by the children, including five from businesses/organisations, three from schools, and two from local and central government organisations.

Female victims were slightly more likely than male victims to attend the FGC or send a representative, but males had slightly higher submission rates (Figure 5).



Figure 5: Victim participation in youth justice FGCs held in 2020/21 for children, by victim type

Only 6% of the 88 businesses victimised by a child had the proprietor or a representative attend the FGC and a further 30% made a submission.

Only three of the 23 schools victimised by a child had the school principal or a representative attend the FGC and six made a submission. Seven of the 19 local or central government organisations participated in the FGCs by attendance or submission.

The rates of victims (or their representatives) physically attending the FGC varied considerably by offence type (Figure 6). Attendance rates were highest for sexual offences (29%), injury causing acts (21%), and property damage (16%). For the 17 sexual offences, four of the five victim attendees were parents or grandparents acting as victim representatives for children who had been victimised.



Figure 6: Victim participation in youth justice FGCs held in 2020/21 for children, by type of offence

Note: FGC participation rates are not shown for offence types if there were fewer than 10 offences.

Attendance rates at FGCs were especially low for public order (0%), shoplifting/other theft (4%), robbery-related (5%), and stolen vehicle (8%) offences.





Understanding victim characteristics can help improve their FGC participation

This research was conducted to understand the characteristics of victims of crime by children aged 10 to 13, and these victims' FGC participation rates. This information can be used to target victim subgroups with low FGC participation rates.

The base cohort was the 114 FGCs for children who offended¹¹ held in the 12 months to 30 June 2021. Most of these children who offended were male (around three in four), of Māori ethnicity (87%), and aged 13 when they offended (69%). In total, there were 580 victims associated with the 114 FGCs.

Most victims of offending by children were individuals, and most were adults

Most (78%, 450) of the 580 victims of offending by children were individuals, with the remaining 22% (130) being entities of various kinds.

Victims who were individuals were more often male than female (45% and 33% of all 580 victims respectively). Eighty percent of the 450 individual victims were adults and 19% were children or young people aged under 18.

Victim ethnicity was sparsely recorded overall but was available for 49 of the 85 victims who were children or young people. While caution is still needed with interpreting this data, the majority (57%) of the 49 younger victims were European and 43% were Māori.

Fifteen percent of all 580 victims were businesses or organisations, including 13% that were retail businesses such as grocery and specialty stores, petrol stations, and shopping malls. Four percent of all 580 victims were schools, and 3% were local or central government organisations.

Most individual victims were strangers to the children who offended

Most (87%) of the individual victims were strangers to the child prior to the offending. The remaining 13% did have a prior relationship, including 9% where they were friends, acquaintances, or attended the same school, and 4% where the child offended against a whānau member or caregiver.

Offences by children commonly involved victims' motor vehicles¹²

Nearly half (46%) of the 580 victims experienced an offence against their motor vehicle with it either being stolen (38%) or interfered with (8%). Thirteen percent of all victims experienced a burglary, and 9% experienced a shoplifting/other theft offence.

Nine percent of the 580 victims experienced an injury causing act (assault) by the child. Four in 10 victims of assault had a prior relationship with the child, and six in 10 were strangers.

Eight percent of the 580 victims had a robbery-related offence committed against them, with 89% of these victims being individuals and 11% being retail businesses.

¹² See Appendix B for offence type definitions.



¹¹ FGCs convened by a youth justice coordinator under s247(a) of the Oranga Tamariki Act 1989.

The distribution of offences by children against individuals and entities differed considerably. For example, 58% of the 450 individual victims had their motor vehicle stolen or interfered with, compared to 4% of the 130 entities. Conversely, 73% of businesses/organisations and 74% of schools had been victims of shoplifting/other theft or burglary, compared to 11% of individuals.

Most victimisations were by the children in the company of others

Of the 553 victims for whom information was available, 76% were victimised by the child in the presence of one or more co-offenders or associates. This included nearly a third (30%) of victimisations where three or more others were present with the child. The remaining 24% of victims were offended against by the child alone.

Nearly all the robbery-related offences were committed by the child in the company of co-offenders or associates. In contrast, all 17 sexual offences were committed by the child alone.

Age data was available for the majority (650) of the 1,072 co-offenders or associates, with 47% being other children (aged under 14), 50% being young people (aged 14–17), and 3% being young adults (aged 18–20).

Peer groups, including older peers, appear to be a significant factor associated with children's offending.

Most victims did not attend the children's FGCs

Research suggests that justice and recidivism outcomes are better when victims participate in justice processes, particularly restorative justice processes.

Only 9% of the 580 victims attended the FGC in person and a further 1% sent a representative on their behalf. A third of the 580 victims provided a submission to be read at the FGC. The remaining 57% of victims did not participate in the FGC in any of these ways.

Female victims (14%) were slightly more likely than male victims (9%) to physically attend the FGC. Only five of the 88 businesses and three of the 23 schools victimised by a child had someone (e.g., the business proprietor or school principal) attend the FGC.

Victim attendance rates at the FGC were especially low for public order (0%), shoplifting/other theft (4%), robbery-related (5%), and stolen vehicle (8%) offences. Victim attendance rates were highest for sexual offences (29%), injury causing acts (21%) and property damage (16%).

A review of victim engagement procedures may provide opportunities for improving the low FGC participation rates for some victim subgroups such as males, entities, and victims of public order, theft, stolen vehicle, and robbery offences.

Appendix A: Additional tables

Victim relationship to	Male	Female	All individuals
child who offended	(n=257)	(n=190)	(n=447)
None (strangers)	93%	80%	87%
Known to each other ²	5%	13%	9%
Whānau/caregiver	2%	7%	4%
Total	100%	100%	100%

Table A1: Relationship between individual victims and the children who offended and had a youth justice FGC in 2020/21, by gender of victims¹

Notes:

1. Table excludes three victims for whom the relationship with the child who offended could not be determined.

2. Friends, acquaintances, or attend the same school.

Table A2: Relationship between individual victims and the children who offended and had a youth justice FGC in 2020/21, by victim age group¹

		· ·		
Victim relationship to child who offended	Adult (n=357)	Child or young person	Unknown (n=7)	All individuals (n=447)
		(n=83)		
None (strangers)	94%	57%	100%	87%
Known to each other ¹	4%	30%	0%	9%
Whānau/caregiver	2%	13%	0%	4%
Total	100%	100%	100%	100%
N1 /				

Notes:

1. Table excludes three victims for whom the relationship with the child who offended could not be determined.

2. Friends, acquaintances, or attend the same school.

Table A3: Types of offences committed by children who had a youth justice FGC in2020/21, by individual victim gender

Offence type	Male	Female	All individuals
	(n=259)	(n=191)	(n=450)
Stolen vehicle	49%	47%	48%
Property damage	13%	12%	13%
Injury causing acts	8%	12%	10%
Robbery-related	11%	5%	9%
Burglary	9%	5%	7%
Shoplifting/other theft	3%	6%	4%
Sexual assault	2%	6%	4%
Other ¹	5%	6%	6%
Total	100%	100%	100%

Note:

1. Due to small numbers, some offence types were combined including threating behaviour, public order, traffic, dangerous acts, fraud, possessing weapons, and offences against justice.

Offence type	Business/ organisation (n=88)	School (n=23)	Local/central government ² (n=19)	All entities (n=130)
Burglary	32%	74%	0%	35%
Shoplifting/other theft	41%	0%	0%	28%
Public order	14%	S	S	11%
Property damage	S	17%	32%	9%
Injury causing acts	0%	0%	42%	6%
Robbery-related	6%	0%	0%	4%
Stolen vehicle	5%	S	S	4%
Other ³	S	S	16%	4%
Total	100%	100%	100%	100%

Table A4: Types of offences committed by children who had a youth justice FGC in 2020/21, by victim entity type¹

Notes:

 Very small numbers have been suppressed (shown as "s").
 Includes 10 offences against officers of NZ Police while they were performing their duties.
 Due to small numbers, some offence types were combined including dangerous acts, possessing weapons, and offences against justice.



Appendix B: Offence type definitions

The offence categories used in this report are outlined below.

Offence type ¹	Offences by children who had a youth justice FGC	
Stolen vehicle ²	Most often unlawfully taking or getting into a motor vehicle, with some instances where an unsuccessful attempt was made to steal the vehicle, or the victim's bicycle was stolen	
Burglary	Burglary occurs when someone enters, or remains in, a building, structure, or enclosed yard without authority and with intent to commit an imprisonable offence	
Property damage	Most often interfering with a motor vehicle (i.e., attempted entry to motor vehicle with intent to either steal it or remove something from it), wilful damage, or arson	
Shoplifting/other theft ²	Shoplifting, all other forms of theft (excluding stolen vehicle offences), and occasionally receiving stolen property	
Injury causing acts	All assaults ranging in seriousness from common assault to wounding with intent to cause grievous bodily harm	
Robbery-related	Robbery is theft accompanied by violence or threats of violence. Most offences were aggravated robbery (i.e., robbery causing serious injury, robbery with a weapon, or robbery with one or more other people), with the rest being robbery, assault with intent to rob, and demanding with intent to steal offences	
Public order	Most often wilful trespass, with the rest being unlawfully in an enclosed yard or building, or disorderly behaviour	
Sexual	Most often indecent assault, with the rest being sexual violation, doing/inducing indecent acts, or sexual connection with a child	
Threatening behaviour ³	Speak or behave threateningly, or threatening to kill or do grievous bodily harm	
Traffic	Failing to stop after a non-injury accident	
Dangerous acts	Dangerous driving	
Other	Fraud, possess offensive weapon, present a firearm, obstruct/hinder police	

Notes:

1. Offences were categorised according to the Australian and New Zealand Standard Offence Classification (ANZSOC).

2. Because of the large number of unlawful taking of motor vehicle offences, the 'Theft and related' offence division was split into two categories: 'Stolen vehicle' offences and 'Shoplifting/other theft' offences.

3. Threatening behaviour offences are a subgroup that is part of the 'Abduction, harassment and other offences against the person' ANZSOC offence division. In this study, all the offences in this offence division involved threatening behaviour, so this subgroup name was used instead of the offence division name.

