

EVIDENCE CENTRE
TE POKAPŪ TAUNAKITANGA

YOUTH REMAND TRENDS:

2011/12 to 2015/16

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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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EXECUTIVE SUMMARY

This report examines the types of remand used for youth whose cases commenced in the Youth Court between 2011/12 and 2015/16. The term 'remand' is used here to describe the use of the custody and release options available to the court under s238(1) of the Oranga Tamariki Act 1989 (OT Act). This report also examines the extent to which breaching bail conditions and reoffending while on bail may contribute to bail ending and youth instead being detained in custody. Minimising the use of custodial remand as far as is practicable is a key focus area for Oranga Tamariki—Ministry for Children.

Remand decisions

Between 2011/12 and 2015/16, just over 10,000 court cases involving youth commenced in the Youth Court and involved more than one hearing (ie, they required a remand decision to be made). In two-thirds of these cases, the youth remained on the same type of remand (eg, bail) throughout the court case, while in the remaining one-third of cases, the remand being used changed (eg, bail followed by custodial remand). Periods of remand can occur while matters are being considered by the court, and also while young people carry out plans agreed to at a court-ordered family group conference.

Bail is the most common remand decision used in the youth justice system

Across the five-years examined, bail remained the most common remand decision used in the youth justice system. Around 80% of youth were granted bail at their initial hearing. In total, around 90% of all court cases included a period on bail.

Detention in custody at the initial court hearing doubled in use between 2011/12 and 2015/16

The use of detention in custody at the initial hearing doubled from 7% of cases in 2011/12 to 14% in 2015/16. Most often, this was detention in the custody of the Chief Executive (CE) of the Ministry of Social Development (now Oranga Tamariki), with smaller numbers being detained in police custody.

The proportion of cases where the youth was detained in the custody of the CE at the initial hearing increased from 5% of cases in 2011/12 to 12% of cases in 2014/15, and then dropped slightly to 11% in 2015/16. However, the proportion of youth detained in police custody at the initial hearing increased from 1% in 2014/15 to 3% in 2015/16. This higher police custody figure in 2015/16 was likely in part due to reduced capacity in the Christchurch youth justice residence from early-2016, with more youth being detained in police custody until a bed became available in a residence.

The use of detention in custody varies considerably on a regional basis

There is large variation in the proportion of youth initially detained in custody in different regions, with particularly high figures occurring in Counties Manukau (28%) and Auckland City (26%) in 2015/16. This compares to a low figure of only 2% of cases in Tasman in the same year.

Other remand options are used relatively infrequently

The two other non-detention remand provisions are used much less often than bail. In 2015/16, 5% of youth were released with no conditions at their initial court appearance and less than 1% were delivered into the custody of their parents, guardians or other persons having their care, or any person approved by the CE for the purpose. Release with no conditions was used less in the last two years than in the three earlier years.

Court cases involving youth are taking longer on average to finalise

The average case duration (from the first court appearance until final disposition) remained fairly stable between 2011/12 and 2013/14 at around 164 days, but then increased to 176 days (nearly six months) in 2015/16. The data shows that case duration generally increases with increased

seriousness of the offending being dealt with. Therefore, this recent increase in average disposal time may be related to an increase in the last two years in the average seriousness of the offences for which youth were appearing in court.

Bail conditions, breaches and reoffending

Bail conditions can be imposed by the court to help ensure the youth appears in court when required, does not interfere with any evidence or witness, and does not offend while on bail. For example, according to Ministry of Justice data, almost all youth cases involving bail had the condition of residing at a specified address imposed, around three-quarters had a curfew imposed, and around 70% had an order not to associate with co-offenders or contact victims. The number of bail conditions imposed per case averaged between four and five between 2011/12 and 2014/15, but increased to six in 2015/16.

Nearly 70% of all custodial remands occur after the youth has been on bail

Non-compliance with bail requirements can lead to the court revisiting whether bail should continue, and possibly instead detaining the youth in custody. The analysis here showed that over the five-years examined, nearly 70% of all custodial remands occurred following the youth being on bail in the same case. The findings described below show that bail condition breaches and/or reoffending almost always occurred in these periods of bail that preceded detention in custody.

There may be potential for a large number of custodial remands to be avoided if, for example, improved supports were in place to help youth comply with their bail conditions and not reoffend.

The likelihood of multiple bail breaches being recorded increased considerably over the period examined

The proportion of bail episodes for which there was a recorded breach of conditions increased from 49% to 69% over the period examined. Youth with three or more bail breaches became much more common over time (from 22% of bail episodes in 2011/12 to 41% in 2015/16). With changes to the Bail Act 2000 in late-2013, this increase could be due to a change in police practice (eg, carrying out more checks of compliance with curfews), rather than an increase in the extent of breaching by youth.

The exact nature of the bail conditions that were breached in each case was not readily available. This would have been useful to understand if there are particular bail conditions youth find difficult to comply with. Further work could usefully be undertaken to better understand compliance issues with particular bail conditions, and what supports could assist improved compliance.

The majority of youth did not reoffend while on bail, however, four out of every ten did

Over half of the youth on bail did not reoffend. However, reoffending on bail did occur in 44% of cases. Theft-related offences and burglary accounted for the majority of offences committed while on bail. Violent offences while on bail are less common. In 2015/16, injury causing acts were committed in 4% of bail episodes, and robbery-related offences occurred in a further 4%. This 2015/16 figure for robbery-related offences was the highest recorded in the five-year period examined.

In the total 12,604 bail episodes between 2011/12 and 2015/16, 69% of youth either breached their bail conditions or reoffended, including 34% who did both.

Breaches or reoffending while on bail occurred for nearly all youth subsequently remanded in custody

Not all youth who breach their bail conditions or reoffend while on bail will be subsequently detained in custody. However, youth who were remanded in custody after being on bail were much more likely to have both breached their bail conditions *and* reoffended than youth who remained on bail.

Focusing on the 1,517 cases where the youth was bailed at their initial court appearance, but was subsequently remanded in custody in the same case, 94% either breached their bail conditions or reoffended, including 61% who did both. For the 6% of cases there were no recorded bail condition

breaches or reoffending, a manual review of CYRAS showed that bail breaches had occurred in the majority of cases, but these were not recorded in the Police data.

Custodial remand

Over the five years examined, there were 2,855 court cases that included a total of 4,692 distinct custodial remand episodes. The number of custodial remands was 11% greater in 2015/16 than 2011/12. This is in contrast to the total number of court cases, which was 32% lower in 2015/16 than 2011/12.

Youth spend an average of around 40 days remanded in custody

The average duration of all custodial remand episodes in the five-years examined was 40 days, with the figure being marginally longer in 2014/15 and 2015/16 than in the three previous years.

Not all youth remanded in custody are placed in a youth justice residence

The decision as to where a youth remanded in custody will be placed rests with the CE as custodian. In 2015/16, 63% of youth on custodial remand were placed in a youth justice residence. This is down from a peak of 72% in 2013/14. (Note: placement details were not available in all cases.)

Over the five-years examined, one-fifth of all custodial remands were placed in the community in the Boys or Girls Lighthouse or KaitiakiLink in Auckland. The proportion of youth in such placements increased from 17% in 2012/13 to 23% in 2015/16. These placements are, however, not always sustained, with the youth being arrested and instead placed in a youth justice residence in just under 20% of cases. This may be because of issues with absconding or reoffending.

Youth are rarely detained in custody for their entire court case

Only a small proportion (4%) of youth are detained in custody at the beginning of their court case and then remain in custody for the remainder of the case. Instead, the vast majority of youth initially remanded in custody are later released, usually on bail.

Only a minority of youth remanded in custody receive a custodial sentence at case finalisation

There is interest in the extent to which cases involving a remand in custody result in custodial sentences at case finalisation. Of the total 2,855 cases between 2011/12 and 2015/16 which included custodial remands, 20% resulted in a custodial sentence. Other types of sentence were imposed in 28% of cases, while 45% of cases resulted in admonishment, a s283(a) discharge without order or penalty, or a s282 discharge of the charge.

For the total 367 cases between 2011/12 and 2015/16 where the youth was detained in custody for the entire case, a custodial sentence was much more likely on case finalisation, with 51% of these cases having such an outcome. These cases tended to involve more serious offences than cases that included a custodial remand for only part of the case.

Conclusions

This research shows that bail is used in the vast majority of court cases involving youth. However, these periods on bail are not always sustained. Whether it is bail breaches, offending while on bail, or other factors, considerable numbers of youth are ending up being subsequently remanded in custody. Changing this pattern has the potential to avoid many custodial remands.

While this research answers some questions, it raises others that need attention. Qualitative research on remand decision-making recently undertaken by the Oranga Tamariki Evidence Centre will provide further useful insights into this issue.

Work is currently underway in Oranga Tamariki to identify ways to better support youth to be successful on bail.

INTRODUCTION

Purpose of the report

This report examines trends between 2011/12 and 2015/16 in the use of each type of remand while cases involving children and young people proceed in court. Data from three government agencies are brought together:

- Ministry of Justice data on prosecutions commencing in the Youth Court
- NZ Police data on breaches of bail conditions, and offending histories to examine reoffending while on bail
- Oranga Tamariki—Ministry for Children data on where youth were placed on custodial remand.

Integrating the data above allows a clearer picture of how often youth are bailed or remanded in custody; where in court cases custodial remands occur; whether breaching bail conditions or reoffending on bail may have led to the youth being remanded in custody; and where youth are placed when they are remanded in custody.

The Youth Court process

In New Zealand, jurisdiction to take proceedings against a child or young person is determined by the age of that person on the date they allegedly committed the offence:

- Children aged under 10 years cannot be prosecuted for any offence.
- Children aged 10 or 11 years can only be prosecuted for murder or manslaughter.
- Children aged 12 or 13 years can only be prosecuted for serious or persistent offending, as defined in s272 of the OT Act.
- Young people aged 14 to 16 years can be prosecuted for any offence.
- Youth who have reached their 17th birthday (or beyond) can still fall within the jurisdiction of the youth justice system, as defined above, if their offending occurred before age 17.

The path that youth take between the initial court hearing and the final disposition of the case depends on a number of factors, including whether they deny the offending.

If a youth does not deny the charge(s), the court will order a family group conference (FGC) to consider how to deal with the offending. If the young person admits the offending at the FGC, and a plan is agreed to and completed, the court will commonly discharge the matters under s282 of the OT Act. Charges that are discharged under this section are deemed never to have been laid. The youth is usually released on bail or sometimes released without conditions throughout this process.

If the charges are denied by the youth, the court will determine how to deal with the case, and this may include a defended hearing in the Youth Court, or a jury trial in an adult court in a small number of cases. A young person can only elect trial by jury if charged with a category 3 or 4 offence (other than murder or manslaughter), as defined in the Criminal Procedure Act 2011.

When a youth is prosecuted, if the case is not going to be resolved at the initial court hearing, the court will decide whether to release them, bail them, order their delivery into a named persons custody, or detain them in custody until their next court appearance. The remand status can be reviewed at any subsequent hearings.

The analysis showed that some youth with Supervision or Supervision with Activity orders had court appearances and remands subsequent to being sentenced. These resulted from breach action taken against them for failure to comply with the conditions of their order.

Legislation underpinning remand decisions

The OT Act sets out how a child or young person will be dealt with when they offend. The OT Act is the primary legislation that applies for children and young people when bail is being considered, and once a decision has been made. However, the provisions in Part 3 of the Bail Act 2000 (Bail Act) also apply, with modifications by Schedule 1 of the OT Act.

The remand options available to the court under s238(1) of the OT Act are:

- (a) release (with no conditions)
- (b) release on bail with specified conditions
- (c) deliver the youth into the custody of the parents, guardians or other persons having their care, or any person approved by the CE for this purpose
- (d) detention in the custody of the CE, an iwi social service or a cultural social service
- (e) detention in Police custody.

Section 239(1) of the OT Act lists grounds for detaining a youth in the custody of the CE as being:

- they are likely to abscond
- they may commit further offences
- to prevent the loss or destruction of evidence relating to the offence with which they are charged, or to prevent interference with any witness in respect of any such offence.

Section 239(2) lists grounds for detaining a youth in police custody as being:

- they are likely to abscond or be violent
- suitable facilities for the detention in safe custody are not available to the CE.

International obligations also provide guidance on detention in custody

As well as the legislation above guiding remand decisions, New Zealand also has international obligations which should be considered. The United Nations Convention on the Rights of the Child (UNCROC) and the Beijing Rules¹, advocate that the detention in custody of children² who are awaiting trial should be a measure of last resort, and be for as short a period as possible.

The Beijing Rules also state that whenever possible, detention should be replaced by alternative measures such as close supervision or intensive care.

Terminology used in this report

The following terms are used in this report:

Remand

The use of the custody and release options available to the court under s238(1) of the OT Act. It refers to the arrangements made for the youth between court appearances.

Custodial remand

Remands in the custody of the CE under s238(1)(d) of the OT Act.

¹ The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, often referred to as the Beijing Rules.

² The Convention defines a child as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. This is currently the case in New Zealand, where it applies to those below the age of 17 years.

Detention in custody

Refers to both types of detention in custody available under s238(1) of the OT Act:

- custody of the CE, under s238(1)(d)
- police custody, under s238(1)(e).

The decision as to where a youth will be detained under s238(1)(d) rests with the CE as custodian. Youth will be held in a youth justice residence in the majority of cases, but can instead be placed in the community with a person or organisation, provided that the detention requirements are still met. The CE's operational practice guidance references the need for adequate support and monitoring, and an understanding by the youth that they are not free to roam and that they commit an offence if they abscond.

A youth detained under s238(1)(e) will be held in police cells, usually for only a short period of time, such as one or two days.

Community remands

Remands under s238(1) of the OT Act where the person is not detained in custody. This includes:

- release, under s238(1)(a)
- release on bail, under s238(1)(b)
- delivery into the custody of the parents, guardians or other persons having their care, or any person approved by the CE for that purpose, under s238(1)(c).

When an order is made under s283(1)(c), the youth must go with the 'custodian' (parent or guardian etc) to their home and follow their rules. The custodian is responsible for providing day-to-day care for the youth.

Sentence

Refers to a response made under s283 of the OT Act, or a sentence imposed in an adult court.

Youth

A collective term for all children and young people who appeared in court.

METHODOLOGY

The analysis in this report brings together data from three government agencies.

Ministry of Justice data

In June 2017, the Ministry of Justice provided Oranga Tamariki with data on all proceedings that commenced in the Youth Court in the 2011/12 to 2015/16 fiscal years. This data included:

- dates and location of court hearings and remand decisions made
- the offences people were charged with
- the disposition (outcome) of cases, including any sentences imposed
- birth date, gender and primary ethnicity of the youth
- information on the types of bail conditions imposed (eg, a curfew).

Court case definition

Court proceedings for individuals were analysed as “cases”. A court case can involve either a single charge, or a group of charges that are being proceeded against at the same time.

However, identifying which charges for a youth belonged to the same case was not always straightforward. For example, a person could have two charges for which they initially appeared in court. These charges could be split into two cases if, for example, one charge was not denied and they proceeded to an FGC, and the other charge was denied and proceeded to a defended hearing. Also, if the person reoffends, the new charge(s) may be absorbed into an existing case, or form a new case.

As the focus here was on the use of the various types of remand, the case definition had to be such that periods of remand were not double-counted for an individual. As such, if an individual had more than one charge, the charges were grouped into the same case if they:

- commenced on the same day, or
- concluded on the same day, or
- involved the same custodial remand episode.

Cases involving only a single court hearing were excluded from the analysis as they do not involve periods of remand. Often such cases involved the charge(s) being withdrawn by police.

Due to the case definition used here, the number of cases identified in this analysis will likely not coincide with case numbers produced elsewhere in the justice sector.

Remand data

The data included the type of remand used at each hearing. The following business rules were applied to this data to improve quality:

- Remand records were excluded from the analysis if the start and end dates were the same.
- Remands recorded as ‘adjourned’ or ‘enlarged’ were excluded from the analysis, as the remand status was not known.
- If more than one type of remand was recorded for a period (for different charges in the same case), only the most serious remand type was used in the analysis. The order of remands used, from least serious to most serious, was: release with no conditions, bail, custody of parents etc, police custody, custody of CE.
- In a small number of cases, the data showed the youth was on custodial remand when they were serving a Supervision with Residence (SwR) order in a youth justice residence. While this could be

possible, these remands in custody were excluded from the analysis because the youth was primarily being held on the SwR order.

Seriousness of offending

When a case involved more than one offence, the *Justice Sector Seriousness Scale* was used to identify the most serious offence the youth was charged with.

Police data

Bail breach data

In July 2017, NZ Police provided Oranga Tamariki with bail breach data relating to incidents recorded in the National Intelligence Application (NIA) under codes "6D" (Bail Breach) or "6E" (Electronic Monitoring Bail Breach). This data included the date of the bail condition breach, but not the nature of the breach (eg a breach of curfew). There is likely a small proportion of bail breaches discovered by Police that do not get entered in NIA, as a review of cases in CYRAS³ (described below) showed some bail breaches that were not recorded in the Police data.

Offending while on bail data

This report also examines reoffending while on bail. Police provided the offending histories for each person in the cohort of interest. This data was the occurrence details of all criminal offences linked to each individual with an 'offender' role in Police records from July 2005 to July 2017.

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. Offence occurrences provide a more consistent measure of offending patterns than court outcomes data for children and young people. This is because the majority of offences by youth are diverted from prosecution.

The date each offence was committed was used to determine whether individuals reoffended while on bail.

Oranga Tamariki data

Information was extracted from CYRAS on the placement details for custodial remands. In the majority of cases this is a youth justice residence, but placements in the community also occur. Placement details were not readily available for between 5% and 10% of cases each year. To get an understanding of the types of placements that were not being entered in CYRAS, a manual review of case notes in CYRAS was undertaken for some of these records. The missing placement types spanned a wide range of custody options including: youth justice residences, adult prisons, community providers, and police cells.

If the placement type was identified in the exercise above, the data was updated with this information. This imputation of missing information will mean the placement types reported here may not coincide exactly with placement information reported elsewhere from CYRAS.

There were 95 cases where the youth was bailed at the initial hearing, before being remanded in custody, but no breaches or offences were recorded in the Police data for the period they were on bail. Case notes in CYRAS were manually reviewed for most of these cases to understand why bail ended and custodial remand commenced.

³ Oranga Tamariki's main case management system that provides for all Care and Protection, Youth Justice, Residential and Adoption Services (CYRAS) task recording requirements.

REMAND DECISIONS

Overview

This chapter presents information on the custody and release (remand) decisions made under s238 of the OT Act in all cases commencing in the Youth Court between 1 July 2011 and 30 June 2016.

The remand decision made at the initial hearing can be reviewed at subsequent hearings. The analysis here showed the remand type changed in a third of cases, sometimes on many occasions.

What remand decisions were made at the initial appearance?

The vast majority of youth were granted bail at their initial hearing

Table 1 shows that from 2011/12 to 2015/16, the vast majority of youth were released on bail at the initial court appearance. The proportion bailed was a little lower from 2013/14 (80% to 81% of cases) compared to the two previous years (84% of cases).

Table 1: Type of remand used at the initial Youth Court appearance for cases involving youth, by fiscal year

Initial remand type ¹	2011/12 (n=2,705)	2012/13 (n=2,248)	2013/14 (n=1,876)	2014/15 (n=1,793)	2015/16 (n=1,828)
Release with no conditions	7.6%	6.5%	8.2%	5.4%	5.1%
Bail	84.4%	83.8%	79.8%	80.9%	80.3%
Parents or other person custody	1.1%	0.9%	0.9%	0.9%	0.8%
Custodial remand	5.4%	7.8%	10.5%	11.7%	11.1%
Police custody	1.5%	1.1%	0.6%	1.1%	2.7%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Note:

1. Remands under sections 238(1)(a) to 238(1)(e) respectively of the OT Act.

Source: Ministry of Justice data.

The use of detention in custody doubled between 2011/12 and 2015/16

The proportion of cases where the youth was detained in the custody of the CE (custodial remand) at the initial hearing more than doubled from 5% of cases in 2011/12 to 12% of cases in 2014/15. The proportion in 2015/16 was only marginally lower at 11%.

Detention in police custody was rarely used at the initial hearing between 2011/12 and 2014/15, with the proportion being around 1% each year. However, this figure more than doubled to just under 3% in 2015/16. This higher figure in 2015/16 was likely due in part to reduced capacity in the Christchurch youth justice residence from early-2016 due to operational reasons. That is, greater numbers of youth were likely held in police custody until a residential bed became available.

Other remand options are used relatively infrequently

The proportion of cases where the youth was released with no conditions has been lower in the past two years (5%) than in the three previous years (6% to 8%).

Orders to deliver the youth into the custody of the parents, guardians or other persons having their care or any person approved by the CE for this purpose is rarely used at the initial court appearance, with the proportion being around 1% each year. These remands are not a form of detention. When this order is made, the youth is expected to go with the custodian (parent or guardian etc) to their home and follow their rules. The custodian is responsible for providing day-to-day care for the youth.

Remand decisions may have been influenced in part by changes in the seriousness of cases appearing in court

The trends above, particularly the greater use of detention in custody in recent years, may have been influenced in part by an increase in the average seriousness of offending being dealt with in court over the last three years (Appendix A, Table A1).

It is important to note that this increase in average seriousness was not due to a greater number of serious offenders appearing in court. Rather, it was a result of the decrease in court cases over the period examined being greater for less serious offending than more serious offending. For example, offences of 'low' and 'low to medium' seriousness both dropped in number by around 60% over the five-year period examined, whereas offences of 'high' seriousness dropped by only 25%.

Does the use of detention in custody differ by gender, ethnicity, age, and district?

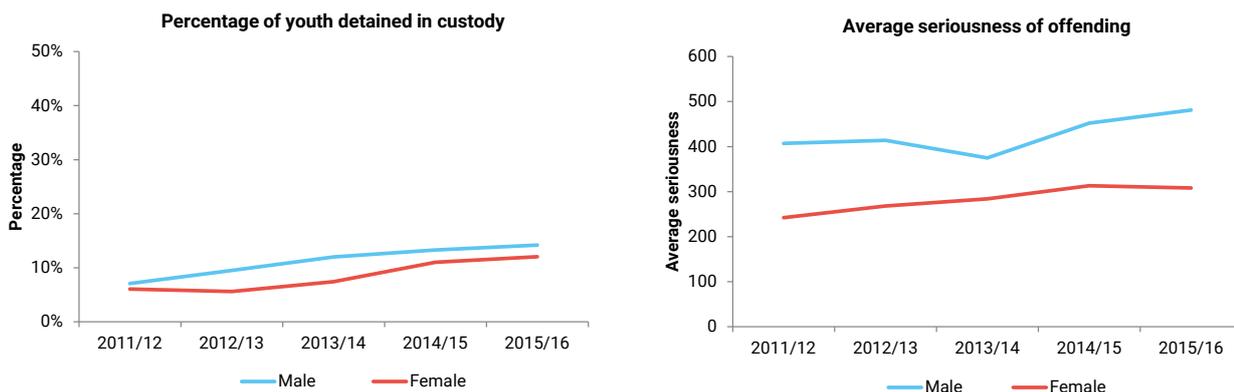
The following analyses compare the use of detention in custody at the initial hearing according to gender, ethnicity, age and police district. This information is contrasted to changes in the average seriousness of offending for the same subgroups. For each court case, the most serious offence in the case was identified as the offence with the highest seriousness score according to the *Justice Sector Seriousness Scale*. The 'average seriousness of offending' shown in the graphs below is the average of the highest seriousness score in each case.

Trends for the two measures do not always move in unison, which indicates that factors other than just the seriousness of offending have an influence on the use of detention in custody.

The use of detention in custody was fairly similar for both genders in the last two years, despite the average seriousness of offending being much lower for females

The use of detention in custody at the initial hearing doubled over the period examined for both genders (Figure 1). Despite the average seriousness of offending by female youth being considerably lower than that by male youth, the use of detention in custody for females was only slightly lower than that for males in the last two years.

Figure 1: Percentage of cases where youth were detained in custody at the initial appearance, and average seriousness of offending, by gender and fiscal year

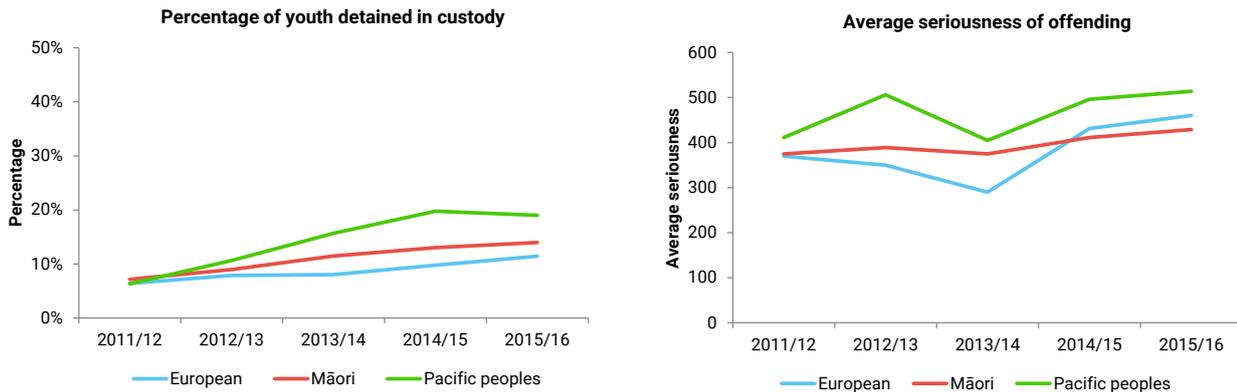


Source: Ministry of Justice data.

Pacific youth had the largest increase in the use of detention in custody

While an increase in the use of detention in custody occurred for all three ethnic groups across the period examined, the size of the increase differed (Figure 2). Pacific youth showed the largest increase, which may be due in part to a higher average seriousness of offending by Pacific youth compared to the other two ethnic groups.

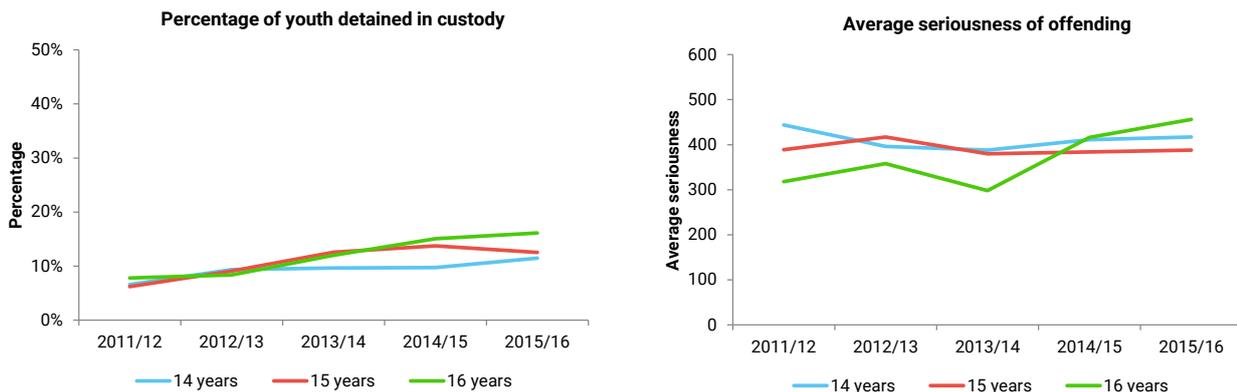
Figure 2: Percentage of cases where youth were detained in custody at the initial appearance, and average seriousness of offending, by prioritised ethnicity and fiscal year



Trends in the use of detention in custody were more mixed according to age

The use of detention in custody at the initial court appearance increased over the period examined for young people of all ages (Figure 3). The higher proportions for 16-year-olds in the last two years could be due in part to the average seriousness of their offending being greater in these years.

Figure 3: Percentage of cases where youth were detained in custody at the initial appearance, and average seriousness of offending, by age at initial hearing and fiscal year



Children aged 12 or 13 years can only be proceeded against for serious offences, so relatively few appear in the analysis here. In the five years examined, there were a total of 114 cases involving children – 1% of all cases commencing in the Youth Court. Of these 114 cases, 11% were detained in custody at the initial court appearance.

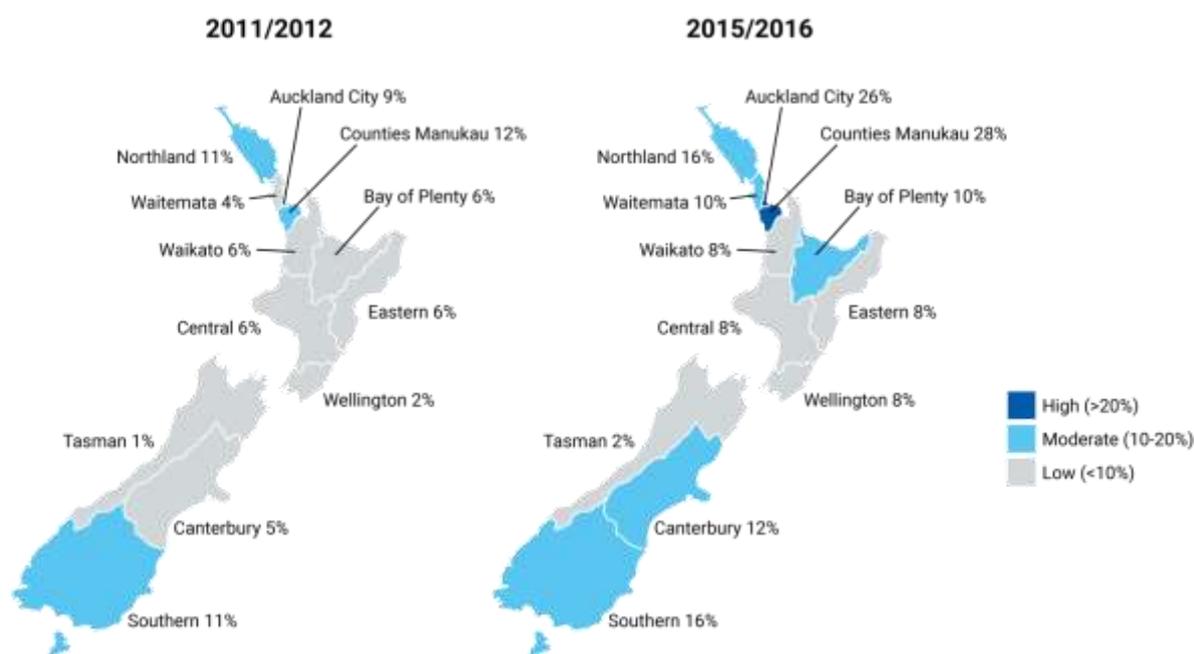
There is substantial regional variation in the use of detention in custody

Figure 4 contrasts the proportion of court cases in 2011/12 and 2015/16 where youth were detained in custody, according to the police district where the initial hearing was held. Districts are shaded according to whether the detention rate was 'low' (grey), 'moderate' (light blue) or 'high' (dark blue).

Auckland City and Counties Manukau stand out from the other districts in 2015/16 with over a quarter of youth being detained in custody at their initial appearance. For both these districts, the 2015/16 figure was more than double that in 2011/12. There were increases in the average seriousness of the offending being dealt with in these two Auckland districts over the five years examined (Appendix A, Figure A1). However, other factors may also have influenced the large increase in the use of detention in custody.

Waikato, Central, Wellington, Tasman and Canterbury consistently had lower rates of detention in custody than the national average.

Figure 4: Percentage of cases where youth were detained in custody at the initial appearance, by police district, 2011/12 and 2015/16



While the volume of cases in Tasman is much lower than in other districts, only one of the 50 cases in 2015/16 was initially detained in custody. This compares to a detention rate of 13 or 14 out of every 50 cases in Auckland City and Counties Manukau respectively.

How often do remand types change in court cases?

The type of remand changed for a third of youth, sometimes on many occasions

Over the five-years examined, 67% of youth remained on the same remand for their entire case – most commonly bail in 59% of cases. However, in 12% of cases one change in remand occurred, and in 21% of cases, two or more changes occurred (including the second most common remand sequence in 5% of cases – bail, then custodial remand, then bail again). In 11% of court cases in the last two years, the remand being used changed five or more times.

Table 2 summaries the first and second (where a change occurred) remand types used in each court case. For around 80% of all cases, these were the only remands in the case. For the remaining one-fifth of cases, further remand changes occurred.

The majority of youth are remanded in the community throughout the court case, usually on bail

Over the five-years examined, the majority of youth remained on remand in the community, either throughout, or for most of their court case. However, this proportion decreased from 78% in 2011/12 to 67% in 2015/16. In the majority of cases, youth remained on bail throughout their case – around 56% of cases in each of the last three years, down from a little over 60% in the previous two years.

Detention in custody is more likely to occur after a period on bail, than from the start of the case

In 2011/12, detention in custody followed a community remand (usually bail) in 15% of cases, whereas it occurred from the initial hearing in only 7% of cases (total of the 'Detention / community' and 'Detention only' figures in Table 2). However, these figures became slightly closer over time. In 2015/16, detention in custody followed community remands in 19% of cases, while it occurred from the beginning in 14% of cases. The extent to which bail breaches and reoffending on bail may be leading to the court ending bail and instead detaining the youth in custody is examined later.

Table 2: First two remands used for cases involving youth, by fiscal year case began

First two remand categories ¹	2011/12 (n=2,705)	2012/13 (n=2,248)	2013/14 (n=1,876)	2014/15 (n=1,793)	2015/16 (n=1,828)
Community only	78.4%	75.6%	70.6%	68.2%	67.1%
<i>Bail only</i>	63.5%	61.2%	56.5%	55.9%	56.0%
<i>Release n.c. only²</i>	5.9%	5.0%	5.8%	4.0%	3.1%
<i>Bail followed by release n.c.³</i>	5.3%	6.2%	4.7%	4.7%	4.4%
<i>Release n.c. followed by bail³</i>	1.6%	1.4%	2.2%	1.1%	1.8%
<i>Other community only³</i>	2.1%	1.8%	1.3%	2.4%	1.9%
Community / detention	14.7%	15.5%	18.3%	19.0%	19.2%
<i>Bail followed by custody CE³</i>	12.5%	13.5%	16.5%	16.8%	14.6%
<i>Bail followed by police custody³</i>	2.0%	1.9%	1.4%	2.0%	4.4%
<i>Other community followed by detention³</i>	0.2%	0.2%	0.4%	0.2%	0.3%
Detention / community	4.3%	5.3%	6.0%	8.2%	8.9%
<i>Custody CE followed by bail³</i>	3.4%	4.7%	5.4%	7.3%	7.1%
<i>Police custody followed by bail³</i>	0.6%	0.4%	0.2%	0.4%	1.4%
<i>Other detention followed by community³</i>	0.2%	0.2%	0.4%	0.6%	0.4%
Detention only	2.6%	3.6%	5.1%	4.6%	4.9%
<i>Custody CE only</i>	1.8%	2.7%	4.6%	4.0%	3.4%
<i>Police custody followed by custody CE^{3,4}</i>	0.8%	0.9%	0.5%	0.7%	1.4%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Notes:

1. "Community" remands are release with no conditions, bail, and delivery into the custody of parents, guardians or other persons. "Detention" remands are detention in the custody of the CE, and detention in police custody.
2. Release n.c. is release with no conditions.
3. In some cases there were further changes in remand.
4. As well as cases where the first two remands were detention in police custody followed by detention in the custody of the CE, figures also include small numbers of cases where the order of remands was the other way around. Most likely, these were cases where the youth was initially placed on custodial remand with a community provider, but the youth absconded and was later arrested and held in police custody until they could be brought before the court.

Source: Ministry of Justice data.

Only a small minority of youth are detained in custody for the entire case

The majority of youth detained in custody at the beginning of their court case are later released, most often on bail. Over the five-years examined, only 4% of youth were detained in custody for the entire court case, with the proportion increasing from 3% in 2011/12 to 5% in 2013/14, and remaining at this higher level in the next two years (Table 2).

How often is each type of remand used overall?

As noted earlier, some cases involved many changes in remand status. It is useful, therefore, to examine how often each type of remand is used for at least part of court cases.

Nine out of every ten court cases include a period on bail

Table 3 shows that between 89% and 92% of court cases involving youth included bail for all or part of the court case in each of the five years examined.

Cases in the last two years were more likely to include a period of detention in custody

The proportion of cases including custodial remand increased from 22% in 2011/12 to 32% in 2014/15, and stayed at this level in 2015/16.

The proportion of cases including detention in police custody more than doubled over the five year period from 5% in 2011/12 to 11% in 2015/16. As noted earlier, the much higher figure in 2015/16 was

likely influenced by reduced residence capacity from early-2016, with greater numbers of youth being held in police custody until a residential bed became available.

Table 3: Proportion of court cases involving youth including each type of remand, by fiscal year

Remand type included in the case	2011/12 (n=2,705)	2012/13 (n=2,248)	2013/14 (n=1,876)	2014/15 (n=1,793)	2015/16 (n=1,828)
Release with no conditions	14.5%	14.4%	15.4%	12.7%	12.5%
Bail	91.2%	91.6%	89.0%	90.7%	92.0%
Parents or other person custody	3.1%	2.8%	2.9%	4.0%	3.7%
Custodial remand	21.6%	24.1%	29.9%	32.5%	32.1%
Police custody	4.9%	4.3%	3.2%	5.5%	10.8%

Note: Figures do not total to 100% as some cases included more than one type of remand.

Source: Ministry of Justice data.

Orders to deliver the child or young person into the custody of parents, guardians or other persons occurred in only 3% to 4% of cases over the five-year period.

Release with no conditions was used slightly less in 2014/15 and 2015/16 than in the three previous years (Table 3).

How long do court cases take to finalise?

There is interest in how long it takes for court cases involving youth to be resolved from the initial court appearance until final disposition. One of the general principles expressed within Section 5 of the OT Act is that decisions should, whenever possible, be made and implemented within a time-frame appropriate to the child or young person's sense of time.

Court cases are taking longer on average to finalise

Over the five-year period examined, court cases involving youth took an average of a little under six months (168 days) to be disposed of. The average duration of court cases remained fairly stable between 2011/12 and 2013/14 at around 164 days, but increased in the next two years to 176 days in 2015/16.

The data shows that case duration generally increases with increased seriousness of the offending being dealt with. The recent increase in the average disposal time may be related to an increase in the last two years in the average seriousness of the offences for which youth were appearing in court.

In 2014/15 and 2015/16, 9% of court cases involving youth took over 12 months to be disposed of. Between 2011/12 and 2013/14, the proportion was lower at 7%.

BAIL: BREACHES AND REOFFENDING

Overview

This chapter examines how long youth spend on bail, the extent to which they breach their bail conditions, and the level of reoffending that occurs on bail. Also examined is the extent to which custodial remands followed periods of bail where bail breaches or reoffending occurred.

When a youth is released on bail, they will have conditions imposed, as considered reasonably necessary by the court, to help ensure they appear in court when required, do not interfere with any evidence or witness, and do not offend while on bail. These conditions can be varied or revoked, or other conditions substituted, as cases proceed.

Section 240 of the OT Act gives the court the option to impose the condition that the youth will not, during a specified period, be absent from home, or engage in a particular activity, without the consent of the parents, guardians or other persons having their care. This power to impose a “curfew” on youth is in addition to powers to impose bail conditions conferred on the court by s30 of the Bail Act.

Ministry of Justice data showed that between 2011/12 and 2014/15, there was an average of between four and five bail conditions imposed per case. The 2015/16 figure was however slightly greater, with an average of six bail conditions per case. The most common bail conditions imposed on youth in the period examined (aside from around 70% of cases with the condition recorded as “Other”) were:

- residing at a specified address (97% of cases involving bail)
- a curfew eg, not leaving home between 7pm to 7am unless accompanied by an adult (74%)
- not to associate with co-offenders or contact victims (69%)
- not to consume alcohol or drugs (51%).

A youth who fails to attend court when required is in breach of his or her bail release conditions. This can result in the court issuing a warrant to arrest, which police execute, to have the youth brought back before the court to reconsider the question of bail. The court can warn the youth for the bail condition breach and allow bail to continue, or deny bail and detain the youth in custody. The Ministry of Justice data does not include information on whether court warnings occurred for bail breaches.

The Bail Amendment Act 2013 inserted s214A in the OT Act from September 2013. This new section allows Police to arrest a child or young person without a warrant for breaching bail conditions if they have breached conditions on that bail on two or more previous occasions. In such circumstances, the youth will be brought before the court to have their bail reconsidered. The Amendment Act also added the ability for police to place a youth arrested under s214A in the custody of the CE if they have reasonable grounds to believe the youth will continue to breach bail.

If a person granted bail reoffends and is apprehended by police, the question of bail may be reconsidered when they next appear in court.

Over the five-years examined, 91% (9,505) of the total 10,450 cases included bail for all or part of the case. Some cases had more than one period on bail with another type of remand, most often custodial, in between. In total the 9,505 cases included 12,604 distinct periods of bail.

How long are youth on bail?

Bail episodes have been slightly shorter, on average, in the last three years

The average duration of bail episodes over the five-years examined was a little under four months (113 days), with the average duration being around one week shorter in the last three years than in the two previous years (Appendix A, Table A2).

This shorter duration was due to a slightly higher proportion of bail episodes ending within 30 days between 2013/14 and 2015/16 than in the two earlier years. A large increase in the occurrence of multiple bail breaches (discussed later) may have led to more periods on bail ending prematurely, and the youth then being remanded in custody.

Over the five years examined, 37% of bail episodes were for four months or longer, including 18% which were for longer than six months.

Appendix A, Table A3 presents information on the average duration of bail episodes according to gender, ethnicity, age and police district. Key findings from these analyses were:

- Male youth tend to spend slightly longer on bail than female youth, with this difference being larger in the last two years at around three weeks, compared to less than a week in earlier years.
- European youth tend to spend slightly longer on bail than Māori and Pacific youth.
- The length of time spent on bail showed no clear trends according to age.
- Youth in Northland, Waitemata and Tasman spent longer on bail than the national average in every year between 2011/12 and 2015/16. In contrast, youth in Counties Manukau, Bay of Plenty and Wellington spent less time on bail than the national average.
- In Counties Manukau, the average length of time spent on bail decreased by 23 days over the five years examined. This may be associated with the considerable increase in the use of detention in custody in this district.

How often are bail conditions breached?

Nearly seven out of every ten youth on bail in 2015/16 breached the conditions of their bail

Of the 12,604 distinct periods on bail between 2011/12 and 2015/16, 59% involved at least one bail condition breach, as recorded in the police data. The proportion of bail episodes that included a condition breach increased considerably from 49% in 2011/12 to 69% in 2015/16 (Table 4).

Table 4: Proportion of bail episodes where conditions were breached, by fiscal year bail episode began

Number of bail breaches during bail episode	2011/12 (n=3,104)	2012/13 (n=2,624)	2013/14 (n=2,219)	2014/15 (n=2,287)	2015/16 (n=2,370)
None	51.2%	44.1%	39.6%	36.2%	31.1%
One or more	48.8%	55.9%	60.4%	63.8%	68.9%
1	16.9%	18.5%	14.8%	15.6%	16.9%
2	10.0%	9.7%	10.2%	10.1%	11.5%
3 or more	21.9%	27.7%	35.4%	38.2%	40.5%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Bail episodes: Ministry of Justice data. Bail breach incidents: NZ Police data.

There was a large increase in bail episodes involving three or more breaches over the period examined

Bail episodes involving three or more breaches increased from 22% to 41% between 2011/12 and 2015/16. In contrast, the proportion of bail episodes involving one or two breaches remained reasonably stable over the five year period (between 25% and 28%).

The increase in recorded bail breaches may be due to more bail checks rather than less compliance

One explanation for the growth in multiple bail breaches is that youth compliance with bail conditions has worsened. However, it seems more likely that police practice has changed, and the increase in multiple breaches has been driven by Police carrying out more bail checks of compliance with curfews. Legislative changes, enacted in September 2013, gave police greater powers to arrest a youth without warrant who has breached their bail conditions, and has on two or more previous occasions breached a condition of that bail.

Appendix A, Tables A4 to A7 show information on the number of bail condition breaches recorded in the police data per bail episode according to gender, ethnicity, age and police district. Key findings from these analyses were that:

- There was little difference between male and female youth in the likelihood of breaching their bail conditions, particularly three times or more.
- Pacific and Māori youth were more likely than European youth to have breached bail.
- In general, the older the individual, the less likely they were to have bail breaches, and in particular, three or more breaches recorded.
- There was considerable variation between districts in the likelihood of bail breaches being recorded for youth. In 2015/16, over three-quarters of youth in Auckland City and Counties Manukau breached their bail conditions at least once. In contrast, under 60% of youth in Northland and Southern breached their bail conditions.
- The Eastern district showed the least growth in bail breaches, primarily because the breach rate was already high in 2011/12 at 67%. The 2015/16 figure was 72%.

How often do youth reoffend while on bail and what offences do they commit?

At least four out of every ten youth on bail reoffended

Over half of the youth did not reoffend while on bail (Table 5). Reoffending did however occur in 44% of the 12,604 bail episodes between 2011/12 and 2015/16. The proportion of youth who reoffended while on bail fluctuated between 40% and 47% over the period examined with no clear trend.

Table 5: Most serious offence committed by youth while on bail, by fiscal year case began

Most serious offence committed while on bail ¹	2011/12 (n=3,104)	2012/13 (n=2,624)	2013/14 (n=2,219)	2014/15 (n=2,287)	2015/16 (n=2,370)
No offence	59.9%	55.0%	57.6%	53.1%	54.3%
Offended on bail	40.1%	45.0%	42.4%	46.9%	45.7%
<i>Theft related</i>	9.6%	12.5%	11.4%	14.0%	13.3%
<i>Burglary</i>	11.2%	12.6%	10.4%	12.1%	12.1%
<i>Injury causing acts</i>	4.9%	4.8%	4.2%	5.0%	4.2%
<i>Public order</i>	3.3%	3.7%	3.6%	3.8%	3.3%
<i>Property damage</i>	2.4%	3.2%	3.7%	3.2%	3.1%
<i>Robbery-related</i>	1.9%	2.7%	2.8%	2.6%	3.9%
<i>Abduction or harassment</i>	1.3%	0.9%	1.2%	1.3%	1.2%
<i>Weapons-related</i>	1.2%	1.1%	1.7%	0.8%	0.9%
<i>Against justice</i>	1.2%	1.0%	0.7%	1.5%	1.1%
<i>Illicit drugs</i>	1.5%	0.9%	0.9%	0.9%	0.8%
<i>Other²</i>	1.7%	1.6%	1.6%	1.7%	1.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Notes:

1. Offences were categorised according to the Australian and New Zealand Standard Offence Classification (ANZSOC). The most serious offence in a case was selected using the *Justice Sector Seriousness Scale*.
2. Due to small numbers, the following ANZSOC offence divisions were combined here: Traffic; Sexual; Fraud & deception; Dangerous acts; Homicide-related; and Miscellaneous.

Source: Bail episodes: Ministry of Justice data. Reoffending: NZ Police data.

Theft and burglary account for the majority of offences committed while on bail

In 2015/16, a quarter of all youth on bail committed either a theft-related offence (eg, unlawfully taking a motor vehicle or shoplifting) or burglary. These two offence types made up over half of all offences committed while on bail between 2011/12 and 2015/16. This proportion is similar to the proportion of prosecutions in the Youth Court involving these offence types.

Violent offences on bail are much less common. Over the five-years examined, 5% of youth committed an injury causing act and 3% committed a robbery-related offence while on bail. The proportion committing a robbery-related offence was marginally higher in 2015/16 than previous years. In 2015/16, 18% of all offences on bail involved either of these violent offences – a lower figure than the 28% of all prosecutions in the same year that involved these offences.

Appendix A, Tables A8 to A11 show information on the most serious offence committed while on bail according to gender, ethnicity, age and police district. Key findings from this analysis were:

- Male youth were a little more likely than female youth to offend while on bail (eg, 47% and 41% of cases respectively in 2015/16).
- Females were less likely than males to commit a burglary while on bail, but were more likely than males on bail to commit a theft-related offence, and marginally more likely to commit an injury-causing offence or a robbery.
- Across the five-years examined, Māori and Pacific youth generally remained slightly more likely to offend while on bail than European youth.
- Māori youth were slightly more likely than European and Pacific youth to have committed a burglary while on bail.
- For 14- to 17-year-olds, the older the youth, the less likely they were to offend while on bail, and in particular commit a burglary.
- Rates of reoffending while on bail varied considerably by region. For example, in 2015/16, 36% of youth on bail in Bay of Plenty reoffended, compared to 54% who reoffended in Canterbury. Youth on bail in Canterbury generally had the highest rates of reoffending in each year.

How often do youth breach their bail conditions and reoffend while on bail?

Over two-thirds of all youth on bail either breached their bail conditions or reoffended, including a third who did both

In the total 12,604 bail episodes between 2011/12 and 2015/16, 69% of youth either breached their bail conditions or reoffended, including 34% who did both. The remaining 31% had no recorded bail condition breaches nor did they reoffend.

The proportion of youth who both breached their bail conditions and reoffended increased from 28% in 2011/12 to 38% in 2014/15, and stayed at this level in 2015/16.

For all bail episodes over the five years examined, key findings were:

- Male youth were more likely than female youth to have both breached their bail conditions and reoffended (35% and 29% respectively).
- Māori youth (36%) and Pacific youth (34%) were more likely than European youth (30%) to have both a bail breach recorded and reoffend while on bail.
- The likelihood of both breaching bail conditions and reoffending reduced with age. For example, 43% of 14-year-olds and 30% of 16-year-olds did both.
- There was substantial variation across regions. In Canterbury and Tasman, 40% of youth breached their conditions and reoffended over the five-year period examined. Rates were much lower in Southern (25%) and Bay of Plenty (27%).

To what extent do bail breaches or reoffending on bail occur prior to youth being remanded in custody?

As earlier, failing to comply with bail conditions or reoffending while on bail could lead to the court reconsidering whether bail should continue, and instead detaining the youth in custody.

Table 6 presents information on all cases in the five year period where the youth was bailed at the first court appearance, according to whether bail breaches or reoffending occurred during this period on

bail, and whether the remand type subsequently changed. We could not tell from the data whether the breaches or reoffending were solely responsible for any remand change, as other factors may also have influenced this decision. However, the very high frequency of breaches and reoffending on bail in the period before a custodial remand commenced is likely to indicate that these factors were relevant to the decision to end bail and remand the youth in custody.

Table 6: Whether bail breaches or reoffending occurred for youth bailed at their initial court appearance, according to whether a change in remand type occurred, 2011/12 to 2015/16 combined

First two remand types within the case	Number of cases	No bail breach or reoffending	Bail breach only	Reoffend only	Bail breach & reoffend	Total
Bail only	6,178	41.2%	24.1%	10.5%	24.2%	100.0%
Bail then other community remand	649	38.5%	21.1%	8.6%	31.7%	100.0%
Bail then custodial remand	1,517	6.3%	21.4%	11.3%	61.0%	100.0%
Bail then police custody	238	2.5%	20.2%	13.4%	63.9%	100.0%
Overall	8,582	33.8%	23.3%	10.6%	32.4%	100.0%

Source: Remands: Ministry of Justice data. Bail breaches and reoffending: NZ Police data.

Six out of ten youth who had been on bail and then were detained in custody breached their bail conditions and reoffended

For youth who were initially bailed, but later were remanded in custody, 94% breached their bail conditions or reoffended while on bail, including 61% who did both. Most of the youth who breached their bail conditions did so on more than one occasion.

A small proportion (6%) of youth remanded in custody after initially being on bail had no breaches or reoffending recorded in the Police data. However, manual review of CYRAS records for these youth revealed that bail breaches had occurred in at least half the cases, but these were not recorded in the Police data. This sometimes included the youth failing to appear in court and often going missing for an extended period of time before being arrested, and subsequently remanded in custody by the court. In some of the other cases, the bail placement became untenable due to the youth's poor, and sometimes violent, behaviour, or there were safety concerns for the youth at their bail address.

For youth remanded in police custody after initially being on bail, the distribution of breaches and reoffending on bail were fairly similar to those who were remanded in custody after being bailed. Just under half of these youth detained in police custody were subsequently remanded in custody, while the remainder were remanded back into the community.

For those who remained on bail, or changed to another community remand, around 40% did not breach their bail conditions nor reoffend on bail. They were also considerably less likely than those detained in custody to have both breached bail and reoffended.

How long are youth on bail before being remanded in custody?

For all cases in the five years examined where the youth was remanded in custody after having been on bail in the same case, the average duration spent on bail was 72 days. This average figure reduced from 80 days in 2011/12 to 61 days in 2015/16.

In 2015/16, 40% of youth were on bail for at most 30 days before being remanded in custody. This figure included 10% who were on bail for at most a week, and 21% who were on bail for at most a fortnight, before being remanded in custody.

CUSTODIAL REMAND

Overview

This chapter examines how long youth are remanded in custody; where they are placed on custodial remand (ie in residence or elsewhere); the sequencing of custodial remands relative to other types of remand within court cases; and the final outcome of cases involving a remand in custody.

As seen earlier in Table 3, the proportion of cases involving a custodial remand for all or part of the case increased from 22% in 2011/12 to 32% in 2014/15, and stayed at this level in 2015/16.

Over the five years examined, there were 2,855 cases that included a total of 4,692 distinct custodial remand episodes. A total of 1,798 cases involved a single custody episode, and the remaining 1,057 cases involved two or more distinct custody episodes, most often separated by periods on bail.

The number of distinct custodial remand episodes was 11% greater in 2015/16 than 2011/12. This is in contrast to the total number of court cases, which was 32% lower in 2015/16 than 2011/12.

How long are youth remanded in custody?

There has been little change in the average duration of custodial remands

The average duration of the 4,692 custody episodes in the five-year period examined was 40 days, with the average duration being marginally longer in 2014/15 and 2015/16 than in earlier years (Appendix A, Table A12). As noted earlier, overall case disposal times have increased in recent years.

Around one-fifth of custodial remand episodes are for one week or less. In contrast, just under 10% last for more than three months.

Appendix A, Table A13 presents information on average duration according to gender, ethnicity, age and police district. Key findings are that over the five years examined:

- Male youth spent longer on average on custodial remand than female youth (41 days and 33 days respectively), although the gap closed in 2015/16 when the figures were 41 days and 39 days respectively.
- Pacific youth (43 days) and Māori youth (41 days) spent longer on average on custodial remand than European youth (35 days).
- The length of time on custodial remand showed no clear pattern by age. Children aged under 14 years can only be prosecuted for serious offences. The small number of children who were remanded in custody in the five years examined spent an average of 59 days in custody.
- There was substantial variation across regions. The average duration on custodial remand varied from 30 days in Canterbury to just over 50 days in Auckland City and Central.

Where are youth placed on custodial remand?

While the majority of youth remanded in custody are placed in a youth justice residence, placements in the community are common

The decision as to where a youth will be remanded in custody rests with the CE as custodian. Youth are held in a youth justice residence in the majority of cases, but can instead be placed in the community with a person or organisation, provided that the detention requirements are still met. The CE's operational practice guidance references the need for adequate support and monitoring, and an understanding by the youth that they are not free to roam and that they commit an offence if they abscond.

Table 7 shows that the proportion of youth who were placed in a youth justice residence at the commencement of their custodial remand increased from 60% in 2011/12 to 72% in 2013/14. This proportion then decreased in the next two years to 63% in 2015/16. The location of the remand placement was not available for 6% of cases overall, so the actual proportions placed in residence may be higher than stated.

Table 7: Initial placement of youth on custodial remand, by fiscal year case began¹

Custodial remand initial placement	2011/12 (n=916)	2012/13 (n=858)	2013/14 (n=873)	2014/15 (n=1,031)	2015/16 (n=1,014)
Youth justice residence	60.5%	67.5%	72.3%	69.4%	63.3%
Lighthouse or KaitiakiLink ²	19.9%	16.7%	19.1%	21.1%	23.3%
Other community ³	7.9%	5.7%	2.5%	1.3%	2.6%
Adult prison ⁴	2.8%	2.9%	1.7%	2.0%	2.6%
Other custody ⁵	0.9%	0.6%	0.2%	0.9%	1.4%
Not specified ⁶	8.1%	6.6%	4.1%	5.2%	6.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Notes:

1. There was a subsequent change in the type of custodial remand placement for 5% of custody episodes shown in the table. In most cases, this change was from a community placement to a youth justice residence, possibly as a result of absconding or reoffending.
2. Facilities provided by Youth Horizons Trust and Youthlink Family Trust (now Reconnect Family Services) in Auckland.
3. Placements in the community with a variety of NGOs or caregivers.
4. Remands in an adult prison of youth who were aged 17 years or older when their case commenced in the Youth Court.
5. Small numbers of placements were made into a care and protection residence, and for some s238(1)(d) orders, it was found that no beds were available in a youth justice residence, so the youth was held in police cells.
6. The placement location could not be determined from the available administrative data.

Source: Custodial remand episodes: Ministry of Justice data. Placement type: Oranga Tamariki data.

Not all custodial remand placements in the community are sustained

Over the five years examined, one-fifth of all custodial remands were placed in the community in the Boys or Girls Lighthouse or KaitiakiLink in Auckland. The proportion placed in these facilities increased from 17% in 2012/13 to 23% in 2015/16. These custodial remand placements were however not always sustained, with 18% of these youth subsequently being placed in a youth justice residence within the same custodial remand episode. This may be because of issues with absconding or reoffending.

A small minority of custodial remands were placed in the community with some other non-government organisation, a Supervised Group Home, in a family home or with an individual caregiver. The higher proportions in 2011/12 and 2012/13 were due to a number of placements in these years in the Will Street Whare – a community home in Dunedin which was subsequently phased out (although more recently it has been re-opened as a group remand home).

Where do custodial remands occur relative to other remands?

Table 8 presents information on whether custodial remand episodes occurred at the initial hearing or whether they followed some other type of remand. Information is presented for each of the 4,692 distinct custody episodes (rather than at the case level as presented in the 'Remand decisions' chapter). For example, if a youth had a remand sequence in their case of custodial remand, then bail, then custodial remand again, they would appear twice in the table. The first custody episode occurred at the initial hearing, and the second custody episode followed a period on bail.

The majority of custodial remand episodes followed periods of bail in the same case

The large majority of all custodial remand episodes in the past five years followed the youth being on bail in the same case. Between 2011/12 and 2014/15, at least 70% of all custodial remand episodes

directly followed a period on bail in the same case, but the proportion fell in 2015/16 to 64%. This is an important finding as it shows there may be potential for a large number of custodial remands to be avoided if, for example, improved supports were in place for some youth to aid their compliance with bail conditions, including not reoffending.

Table 8: Type of remand preceding remand in custody episodes for youth, by fiscal year case began

Custodial remand sequencing	2011/12 (n=916)	2012/13 (n=858)	2013/14 (n=873)	2014/15 (n=1,031)	2015/16 (n=1,014)
Release n.c. then custodial remand ¹	0.7%	0.6%	1.8%	1.4%	1.1%
Bail then custodial remand	71.9%	71.0%	70.7%	70.0%	64.1%
Parents' etc, then custodial remand ²	2.2%	1.2%	1.4%	1.2%	1.0%
Custodial remand at initial hearing	15.9%	20.4%	22.6%	20.4%	19.9%
Police custody then custodial remand	9.3%	6.9%	3.6%	7.1%	13.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Notes:

1. Release n.c. is release with no conditions.
2. Parents' etc, is orders to deliver the youth into the custody of the parents, guardians or other persons having their care or any person approved by the CE for this purpose.

Source: Ministry of Justice data.

In 2015/16, 20% of custodial remand episodes occurred at the start of the court case, with a further 14% following a short period in police custody. The proportion of custodial remands following a period in police custody was higher in 2015/16 than in previous years. This may be due to increased pressure on youth justice residence beds from reduced capacity in this year, with a result that youth were more likely to be held in police custody until a bed in residence became available.

Only a small proportion of custodial remands directly follow either the youth being released with no conditions, or placed in the custody of parents, guardians or other persons having their care.

What is the final outcome/sentence for youth remanded in custody?

There is interest in the extent to which cases involving remand in custody result in custodial sentences once the case is finally disposed of by the court.

For a number of reasons, we would not expect every case involving a custodial remand to result in a custodial sentence. These reasons include:

- Some charges are not proved (and therefore no sentence can be imposed).
- The grounds for detaining a youth in custody are not primarily focused on the seriousness of the charges being faced. The grounds under s239 of the OT Act relate to the perceived risk of the youth absconding, reoffending, or interfering with evidence or witnesses.
- In reaching a decision on the appropriate response to proven offending, the judge will consider a number of things including: outcome recommendations made at the FGC and/or in the social worker report, the factors to be taken into account on sentencing listed in s284, and direction given in s289 to impose the least restrictive outcome adequate in the circumstances. Once these are assessed, a custodial sentence may not be considered appropriate.

One-fifth of cases including a custodial remand resulted in a custodial sentence at case finalisation

Over the five years examined, 20% of all cases including a custodial remand resulted in a custodial sentence at case finalisation, with the proportion varying between 18% and 22% with no clear trend (Table 9). Custodial sentences for this analysis included Supervision with Residence orders, imprisonment and home detention.

Table 9: Outcome and most serious sentence imposed for cases including custodial remand, by fiscal year case began¹

Outcome / sentence	2011/12 (n=583)	2012/13 (n=542)	2013/14 (n=561)	2014/15 (n=582)	2015/16 (n=587)
Custodial sentence ²	19.9%	20.5%	19.3%	21.6%	18.1%
Community-based sentence ³	16.3%	17.0%	22.5%	15.3%	17.2%
Other sentence ⁴	10.6%	12.2%	9.3%	9.5%	10.6%
Proved, no sentence ⁵	18.4%	20.3%	18.9%	19.1%	18.4%
Section 282 discharge ⁶	27.1%	23.2%	24.1%	29.4%	27.8%
Not proven ⁷	6.9%	6.1%	5.2%	3.8%	5.1%
Other ⁸	0.9%	0.7%	0.9%	1.4%	1.0%
Unknown ⁹	0.0%	0.0%	0.0%	0.0%	1.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Notes:

1. All cases commenced in the Youth Court, but some cases were sentenced in an adult court. Information on the outcome and sentence is presented here for each case including one or more custodial remands, rather than for each custodial remand episode.
2. Supervision with residence, imprisonment or home detention.
3. Supervision with activity, supervision, community work, community detention, or intensive supervision.
4. Driving disqualification, alcohol or drug rehabilitation programme, mentoring programme, reparation, or come up for sentence if called upon.
5. Discharge without further order or penalty, admonishment, or convicted and discharged.
6. Discharge under s282 of the OT Act with charges deemed never to have been filed.
7. Charges that were withdrawn, dismissed, or not proceeded with, or the youth was acquitted.
8. Stay of proceedings, or the youth was found unfit to stand trial due to mental impairment.
9. Most of these cases had not been finalised when data were extracted in June 2017.

Source: Ministry of Justice data.

A little under 30% of youth whose cases included a remand in custody received either a community-based or some other sentence, while over 40% had the charges proven, but received a discharge of some type or admonishment.

For the total 367 cases in the five years examined where the youth was detained in custody for the entire case, a custodial sentence was much more likely on case finalisation, with 51% of these cases having such an outcome. This higher level of custodial sentences being imposed, may be because these cases tended to involve more serious offences than cases that included a custodial remand for only part of the case.

CONCLUSIONS

This research shows that bail is used in the vast majority of court cases involving youth. However, these periods on bail are not always sustained. Whether it is bail breaches, offending while on bail, or other factors, considerable numbers of youth are ending up being subsequently remanded in custody. Changing this pattern has the potential to avoid many custodial remands.

While this research answers some questions, it raises others that need attention:

- Are the bail conditions imposed on youth fair and appropriate, and are they reviewed often enough as cases proceed?
- Do youth fully understand their bail conditions and the implications of not complying with them?
- Is there enough on-going support for youth to comply with their bail conditions and not reoffend, thereby avoiding the need for custodial remand in these cases?
- Given the changing pattern of bail breaches in recent years, is the enforcement of bail conditions by police fair and appropriate?
- For youth detained in the custody of the CE who are placed in the community, are sufficient supports in place to help them not abscond or reoffend and then be placed in a youth justice residence?
- Why are there such large regional variations in the use of detention in custody, and is this justified?
- Why is the use of detention in custody for female youth so close to that of male youth, when the average seriousness of offending by females is so much lower than males?
- Why do court cases take so long to be finalised (nearly six months on average in 2015/16) and where are the opportunities to reduce this?

Qualitative research on remand decision-making recently undertaken by the Oranga Tamariki Evidence Centre will provide further useful insights into the issues above.

Work is currently underway in Oranga Tamariki to identify ways to better support youth to be successful on bail.

APPENDIX A

Seriousness of offending

Table A1: Number of youth appearing in court with each level of offence seriousness and average seriousness of offending, by fiscal year¹

Seriousness level of most serious offence	2011/12 (n=2,705)	2012/13 (n=2,248)	2013/14 (n=1,876)	2014/15 (n=1,793)	2015/16 (n=1,828)	% change
Low ²	240	173	151	117	95	-60%
Low-medium ³	224	141	116	93	97	-57%
Medium ⁴	525	446	380	353	398	-24%
Medium-high ⁵	896	804	664	624	623	-30%
High ⁶	820	684	565	606	615	-25%
Average seriousness	377	389	358	424	444	+18%

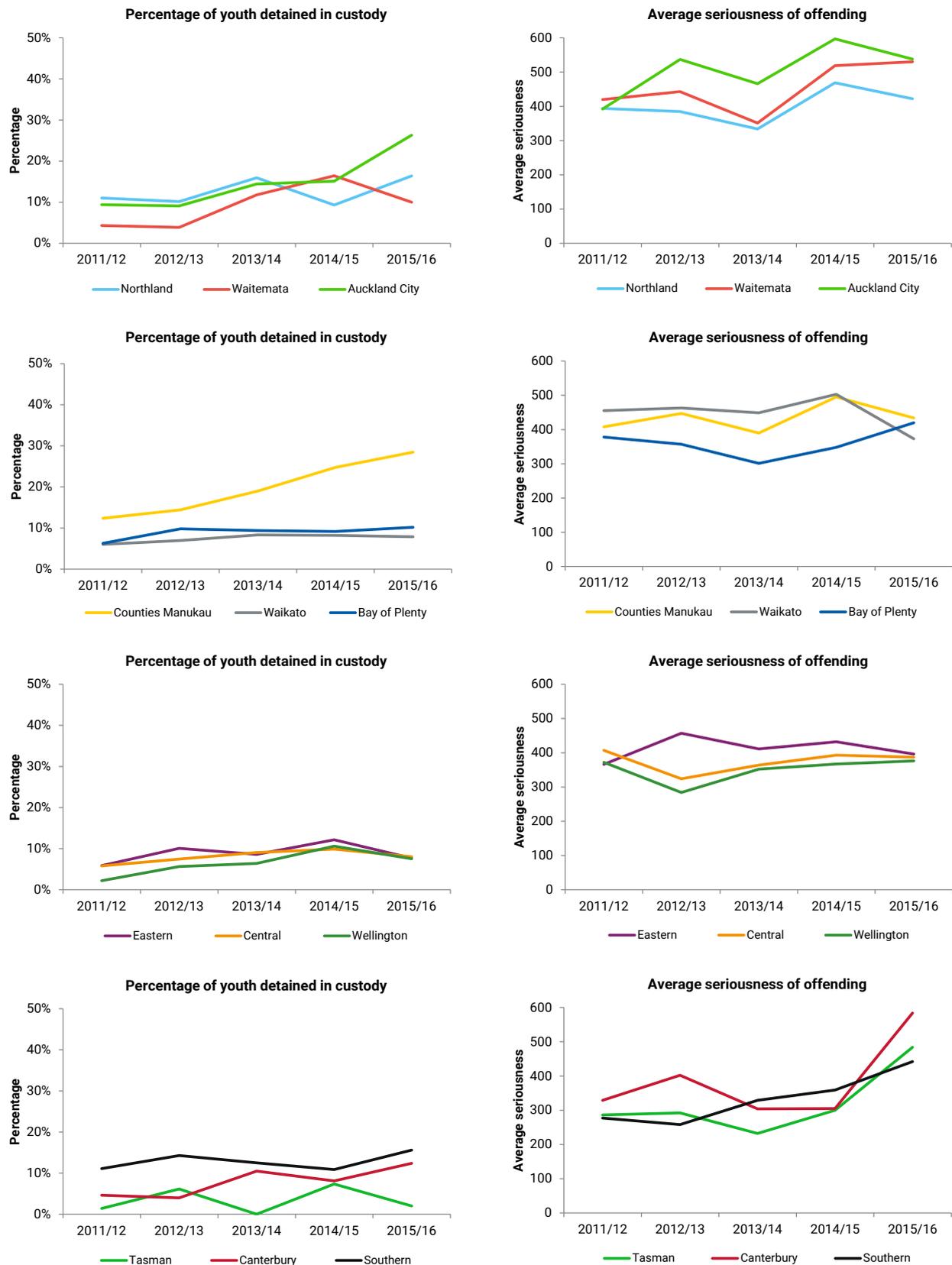
Notes:

1. The most serious offence in each case was identified as that with the highest seriousness score according to the *Justice Sector Seriousness Scale*. These highest seriousness scores in each case were grouped into seriousness levels as outlined below.
2. *Low*: seriousness scores of 14 or less.
3. *Low to medium*: seriousness scores over 14 and up to 30.
4. *Medium*: seriousness scores over 30 and up to 160.
5. *Medium to high*: seriousness scores over 160 and up to 380.
6. *High*: seriousness scores over 380.

Source: Ministry of Justice data.

Use of detention in custody and average seriousness of offending according to Police district

Figure A1: Percentage of cases where youth were detained in custody at the initial appearance, and average seriousness of offending, by police district and fiscal year



Duration of bail episodes

Table A2: Duration of bail episodes, by fiscal year case began

Duration of bail episode	2011/12 (n=3,104)	2012/13 (n=2,624)	2013/14 (n=2,219)	2014/15 (n=2,287)	2015/16 (n=2,370)
1–14 days	7.6%	8.8%	8.5%	10.3%	10.3%
15–30 days	8.4%	9.5%	11.5%	12.5%	10.5%
>1–2 months	15.6%	14.5%	16.2%	16.4%	15.7%
>2–3 months	15.4%	14.0%	15.0%	13.0%	13.2%
>3–4 months	15.3%	14.2%	13.5%	13.6%	13.4%
>4–6 months	19.3%	19.6%	18.7%	15.5%	18.4%
>6 months	18.4%	19.4%	16.6%	18.7%	18.4%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
Average (days)	118	117	110	109	111

Source: Ministry of Justice data.

Table A3: Average duration of bail episodes (in days) according to gender, primary ethnicity, age and police district, by fiscal year

	2011/12	2012/13	2013/14	2014/15	2015/16
Gender					
Male	119	118	111	114	116
Female	114	114	107	91	96
Primary ethnicity					
Māori	117	116	113	106	107
European	123	121	111	119	125
Pacific peoples	112	121	92	103	108
Other	128	66	115	135	116
Age at start of bail episode					
12 or 13 years	186	117	166	162	160
14 years	124	128	127	114	109
15 years	127	115	115	103	109
16 years	110	117	96	111	116
17 years or over	99	93	109	105	89
Police district					
Northland	134	156	130	124	130
Waitemata	150	141	118	128	135
Auckland City	110	122	126	116	111
Counties Manukau	113	107	94	95	90
Waikato	112	128	142	125	115
Bay of Plenty	102	94	84	94	104
Eastern	121	115	121	108	110
Central	122	121	123	118	111
Wellington	108	93	92	90	97
Tasman	136	145	116	150	140
Canterbury	131	124	115	115	110
Southern	103	100	108	105	143
National	118	117	110	109	111

Note: The ethnicity figures exclude nine bail episodes where ethnicity was not recorded.

Source: Ministry of Justice data.

Bail breaches

Table A4: Proportion of bail episodes where conditions were breached, by gender and fiscal year

Gender and number of breaches per bail episode	2011/12	2012/13	2013/14	2014/15	2015/16
Male	(n=2,563)	(n=2,191)	(n=1,804)	(n=1,793)	(n=1,818)
None	50.3%	43.3%	38.8%	36.6%	30.6%
One or more	49.7%	56.7%	61.2%	63.4%	69.4%
1	17.4%	18.6%	14.7%	15.7%	17.5%
2	10.3%	9.6%	10.4%	9.5%	11.3%
3 or more	22.1%	28.5%	36.1%	38.1%	40.5%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
Female	(n=541)	(n=433)	(n=415)	(n=494)	(n=552)
None	55.8%	48.5%	43.1%	34.4%	32.6%
One or more	44.2%	51.5%	56.9%	65.6%	67.4%
1	15.0%	18.2%	15.2%	15.4%	14.9%
2	8.3%	9.9%	9.2%	11.9%	12.0%
3 or more	20.9%	23.3%	32.5%	38.3%	40.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Ministry of Justice data (bail episodes); NZ Police data (bail breaches).

Table A5: Proportion of bail episodes where conditions were breached, by primary ethnicity and fiscal year

Primary ethnicity and number of breaches per bail episode	2011/12	2012/13	2013/14	2014/15	2015/16
Māori	(n=1,837)	(n=1,647)	(n=1,417)	(n=1,499)	(n=1,604)
None	46.9%	40.4%	38.2%	34.4%	29.4%
One or more	53.1%	59.6%	61.8%	65.6%	70.6%
1	16.8%	18.2%	13.9%	14.9%	18.3%
2	10.6%	10.4%	9.6%	11.2%	11.5%
3 or more	25.7%	31.0%	38.2%	39.5%	40.8%
European	(n=850)	(n=636)	(n=513)	(n=502)	(n=461)
None	56.1%	54.6%	49.1%	46.6%	39.5%
One or more	43.9%	45.4%	50.9%	53.4%	60.5%
1	17.5%	18.2%	15.4%	15.7%	15.8%
2	9.2%	8.8%	11.1%	7.8%	9.8%
3 or more	17.2%	18.4%	24.4%	29.9%	34.9%
Pacific peoples	(n=377)	(n=305)	(n=269)	(n=258)	(n=261)
None	60.7%	43.0%	27.9%	27.1%	26.1%
One or more	39.3%	57.0%	72.1%	72.9%	73.9%
1	15.6%	20.7%	18.6%	18.2%	11.1%
2	9.0%	7.5%	11.2%	8.1%	15.3%
3 or more	14.6%	28.9%	42.4%	46.5%	47.5%
Other	(n=37)	(n=36)	(n=18)	(n=28)	(n=40)
None	54.1%	41.7%	50.0%	28.6%	32.5%
One or more	45.9%	58.3%	50.0%	71.4%	67.5%
1	24.3%	22.2%	11.1%	25.0%	10.0%
2	5.4%	8.3%	11.1%	7.1%	5.0%
3 or more	16.2%	27.8%	27.8%	39.3%	52.5%

Note: Figures exclude nine bail episodes where ethnicity was not recorded in the data.

Source: Ministry of Justice data (bail episodes); NZ Police data (bail breaches).

Table A6: Proportion of bail episodes where conditions were breached, by age and fiscal year

Age at start of episode and number of breaches per bail episode	2011/12	2012/13	2013/14	2014/15	2015/16
12 or 13 years	(n=17)	(n=17)	(n=25)	(n=25)	(n=34)
None	58.8%	58.8%	44.0%	56.0%	23.5%
One or more ¹	41.2%	41.2%	56.0%	44.0%	76.5%
14 years	(n=641)	(n=545)	(n=464)	(n=496)	(n=575)
None	45.1%	36.9%	29.7%	27.4%	24.7%
One or more	54.9%	63.1%	70.3%	72.6%	75.3%
1	18.3%	20.6%	17.2%	14.1%	13.9%
2	9.0%	9.9%	11.9%	10.1%	11.5%
3 or more	27.6%	32.7%	41.2%	48.4%	49.9%
15 years	(n=1,002)	(n=894)	(n=712)	(n=779)	(n=809)
None	49.3%	42.7%	40.3%	33.6%	30.5%
One or more	50.7%	57.3%	59.7%	66.4%	69.5%
1	16.8%	17.1%	14.2%	17.1%	15.6%
2	10.2%	10.6%	8.6%	10.1%	12.7%
3 or more	23.8%	29.5%	36.9%	39.2%	41.2%
16 years	(n=1,225)	(n=992)	(n=874)	(n=812)	(n=811)
None	54.6%	47.2%	42.9%	40.3%	34.2%
One or more	45.4%	52.8%	57.1%	59.7%	65.8%
1	16.2%	19.2%	14.1%	16.0%	18.0%
2	10.5%	9.2%	11.8%	9.1%	10.4%
3 or more	18.6%	24.5%	31.2%	34.6%	37.5%
17 years or over	(n=219)	(n=176)	(n=144)	(n=175)	(n=141)
None	58.4%	55.1%	47.2%	50.3%	44.7%
One or more	41.6%	44.9%	52.8%	49.7%	55.3%
1	18.7%	16.5%	15.3%	13.7%	28.4%
2	8.7%	8.0%	4.9%	14.3%	13.5%
3 or more	14.2%	20.5%	32.6%	21.7%	13.5%

Note:

1. Due to small numbers, information is not shown on multiple bail breaches for children.

Source: Ministry of Justice data (bail episodes); NZ Police data (bail breaches).

Table A7: Proportion of bail episodes where conditions were breached, by police district and fiscal year

Police District and number of breaches per bail episode	2011/12	2012/13	2013/14	2014/15	2015/16
Northland	(n=149)	(n=164)	(n=150)	(n=139)	(n=143)
None	53.0%	46.3%	50.7%	37.4%	42.7%
One or more	47.0%	53.7%	49.3%	62.6%	57.3%
1	18.1%	18.3%	14.7%	12.2%	11.9%
2	9.4%	10.4%	5.3%	11.5%	12.6%
3 or more	19.5%	25.0%	29.3%	38.8%	32.9%
Waitemata	(n=255)	(n=154)	(n=117)	(n=175)	(n=212)
None	56.9%	46.1%	38.5%	35.4%	25.9%
One or more	43.1%	53.9%	61.5%	64.6%	74.1%
1	9.4%	24.0%	18.8%	17.1%	19.8%
2	10.2%	5.2%	9.4%	10.9%	12.7%
3 or more	23.5%	24.7%	33.3%	36.6%	41.5%
Auckland City	(n=151)	(n=143)	(n=132)	(n=149)	(n=131)
None	51.0%	37.1%	30.3%	32.2%	22.9%
One or more	49.0%	62.9%	69.7%	67.8%	77.1%
1	19.2%	15.4%	10.6%	12.8%	14.5%
2	11.3%	7.7%	10.6%	8.1%	11.5%
3 or more	18.5%	39.9%	48.5%	47.0%	51.1%
Counties Manukau	(n=540)	(n=466)	(n=412)	(n=475)	(n=453)
None	59.4%	41.2%	31.8%	30.5%	24.1%
One or more	40.6%	58.8%	68.2%	69.5%	75.9%
1	17.0%	21.2%	17.7%	18.5%	17.0%
2	8.0%	12.0%	12.4%	9.1%	14.6%
3 or more	15.6%	25.5%	38.1%	41.9%	44.4%
Waikato	(n=181)	(n=199)	(n=167)	(n=152)	(n=177)
None	54.1%	51.8%	44.9%	40.8%	29.4%
One or more	45.9%	48.2%	55.1%	59.2%	70.6%
1	15.5%	18.1%	14.4%	16.4%	12.4%
2	10.5%	8.0%	10.8%	10.5%	12.4%
3 or more	19.9%	22.1%	29.9%	32.2%	45.8%
Bay of Plenty	(n=430)	(n=297)	(n=296)	(n=287)	(n=261)
None	53.0%	48.1%	45.9%	39.4%	36.0%
One or more	47.0%	51.9%	54.1%	60.6%	64.0%
1	14.4%	15.8%	19.3%	15.0%	19.2%
2	10.2%	9.8%	7.8%	11.1%	10.0%
3 or more	22.3%	26.3%	27.0%	34.5%	34.9%
Eastern	(n=237)	(n=210)	(n=183)	(n=180)	(n=173)
None	33.3%	36.2%	33.3%	33.3%	28.3%
One or more	66.7%	63.8%	66.7%	66.7%	71.7%
1	18.6%	19.5%	7.7%	16.7%	21.4%
2	12.2%	8.1%	9.8%	11.7%	11.0%
3 or more	35.9%	36.2%	49.2%	38.3%	39.3%
Central	(n=256)	(n=252)	(n=212)	(n=182)	(n=236)
None	45.3%	38.9%	38.2%	37.4%	31.8%
One or more	54.7%	61.1%	61.8%	62.6%	68.2%
1	19.9%	18.3%	12.7%	15.4%	18.6%
2	9.8%	11.5%	12.3%	9.3%	11.4%
3 or more	25.0%	31.3%	36.8%	37.9%	38.1%

Table A7: continued

Police District and number of breaches per bail episode	2011/12	2012/13	2013/14	2014/15	2015/16
Wellington	(n=265)	(n=180)	(n=145)	(n=160)	(n=159)
None	48.3%	49.4%	33.8%	35.0%	37.1%
One or more	51.7%	50.6%	66.2%	65.0%	62.9%
1	18.5%	15.6%	12.4%	13.8%	13.2%
2	10.2%	9.4%	11.7%	11.9%	8.2%
3 or more	23.0%	25.6%	42.1%	39.4%	41.5%
Tasman	(n=151)	(n=105)	(n=101)	(n=69)	(n=59)
None	46.4%	38.1%	39.6%	49.3%	30.5%
One or more	53.6%	61.9%	60.4%	50.7%	69.5%
1	15.2%	22.9%	13.9%	13.0%	23.7%
2	7.3%	9.5%	10.9%	5.8%	6.8%
3 or more	31.1%	29.5%	35.6%	31.9%	39.0%
Canterbury	(n=264)	(n=283)	(n=187)	(n=218)	(n=254)
None	50.0%	48.8%	40.6%	38.5%	34.6%
One or more	50.0%	51.2%	59.4%	61.5%	65.4%
1	17.8%	14.5%	12.8%	10.1%	13.4%
2	10.2%	9.9%	10.2%	8.7%	7.9%
3 or more	22.0%	26.9%	36.4%	42.7%	44.1%
Southern	(n=225)	(n=171)	(n=117)	(n=101)	(n=112)
None	52.0%	46.2%	59.0%	42.6%	42.0%
One or more	48.0%	53.8%	41.0%	57.4%	58.0%
1	22.2%	20.5%	16.2%	23.8%	20.5%
2	12.0%	9.4%	8.5%	11.9%	13.4%
3 or more	13.8%	24.0%	16.2%	21.8%	24.1%

Source: Ministry of Justice data (bail episodes); NZ Police data (bail breaches).

Offending while on bail

Table A8: Most serious offence committed while on bail, by gender and fiscal year

Gender and most serious offence committed while on bail	2011/12	2012/13	2013/14	2014/15	2015/16
Male	(n=2,563)	(n=2,191)	(n=1,804)	(n=1,793)	(n=1,818)
No offence	58.9%	53.6%	56.7%	51.8%	52.9%
Offended on bail	41.1%	46.4%	43.3%	48.2%	47.1%
Theft-related	9.6%	12.2%	10.9%	13.1%	12.7%
Burglary	12.3%	14.1%	11.6%	13.6%	14.0%
Injury causing acts / robbery-related	6.7%	7.2%	7.4%	7.6%	7.6%
Public order / property damage	5.8%	7.3%	7.3%	7.4%	6.6%
Any other offence	6.7%	5.6%	6.1%	6.5%	6.2%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
Female	(n=541)	(n=433)	(n=415)	(n=494)	(n=552)
No offence	64.9%	61.9%	61.7%	58.1%	58.7%
Offended on bail	35.1%	38.1%	38.3%	41.9%	41.3%
Theft-related	9.2%	13.9%	14.0%	17.4%	15.6%
Burglary	6.1%	5.3%	5.1%	6.5%	5.8%
Injury causing acts / robbery-related	7.6%	9.0%	5.8%	7.9%	9.8%
Public order / property damage	5.4%	5.1%	7.5%	5.5%	5.8%
Any other offence	6.8%	4.8%	6.0%	4.7%	4.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Ministry of Justice data (bail episodes); NZ Police data (offending histories).

Table A9: Most serious offence committed while on bail, by primary ethnicity and fiscal year¹

Primary ethnicity and most serious offence committed while on bail	2011/12	2012/13	2013/14	2014/15	2015/16
Māori (n=1,837)		(n=1,647)	(n=1,417)	(n=1,499)	(n=1,604)
No offence	58.3%	52.8%	56.0%	52.0%	53.2%
Offended on bail	41.7%	47.2%	44.0%	48.0%	46.8%
<i>Theft-related</i>	9.6%	13.4%	11.9%	13.8%	14.2%
<i>Burglary</i>	13.3%	14.4%	11.3%	13.3%	13.2%
<i>Injury causing acts / robbery-related</i>	7.5%	7.2%	7.8%	8.2%	8.2%
<i>Public order / property damage</i>	5.6%	7.8%	6.7%	6.7%	6.0%
<i>Any other offence</i>	5.7%	4.4%	6.3%	6.0%	5.2%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
European (n=850)		(n=636)	(n=513)	(n=502)	(n=461)
No offence	61.1%	60.7%	60.6%	58.2%	56.4%
Offended on bail	38.9%	39.3%	39.4%	41.8%	43.6%
<i>Theft-related</i>	10.2%	10.8%	9.7%	11.8%	10.8%
<i>Burglary</i>	8.4%	8.3%	8.6%	10.4%	9.8%
<i>Injury causing acts / robbery-related</i>	5.2%	6.4%	6.2%	6.4%	7.6%
<i>Public order / property damage</i>	5.8%	5.0%	9.0%	6.4%	6.5%
<i>Any other offence</i>	9.4%	8.6%	5.8%	7.0%	8.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
Pacific peoples (n=377)		(n=305)	(n=269)	(n=258)	(n=261)
No offence	65.0%	53.8%	59.9%	48.8%	54.8%
Offended on bail	35.0%	46.2%	40.1%	51.2%	45.2%
<i>Theft-related</i>	7.4%	12.1%	12.3%	20.2%	13.8%
<i>Burglary</i>	8.2%	11.5%	9.3%	9.3%	10.0%
<i>Injury causing acts / robbery-related</i>	8.2%	11.8%	4.8%	7.4%	8.8%
<i>Public order / property damage</i>	6.1%	6.2%	8.2%	10.1%	8.4%
<i>Any other offence</i>	5.0%	4.6%	5.6%	4.3%	4.2%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
Other² (n=37)		(n=36)	(n=18)	(n=28)	(n=40)
No offence	59.5%	63.9%	61.1%	60.7%	65.0%
Offended on bail	40.5%	36.1%	38.9%	39.3%	35.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Notes:

1. Figures exclude nine bail episodes where ethnicity was not recorded in the data.

2. Due to small numbers, information is not shown for this group on the types of offences committed while on bail.

Source: Ministry of Justice data (bail episodes); NZ Police data (offending histories).

Table A10: Most serious offence committed while on bail, by age and fiscal year

Age and most serious offence committed while on bail	2011/12	2012/13	2013/14	2014/15	2015/16
12 or 13 years	(n=17)	(n=17)	(n=25)	(n=25)	(n=34)
No offence	76.5%	64.7%	56.0%	56.0%	64.7%
Offended on bail ¹	23.5%	35.3%	44.0%	44.0%	35.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
14 years	(n=641)	(n=545)	(n=464)	(n=496)	(n=575)
No offence	51.2%	48.3%	51.3%	45.2%	45.7%
Offended on bail	48.8%	51.7%	48.7%	54.8%	54.3%
<i>Theft-related</i>	12.5%	16.1%	13.6%	14.9%	15.0%
<i>Burglary</i>	15.8%	16.9%	13.4%	15.5%	15.3%
<i>Injury causing acts / robbery-related</i>	7.3%	7.0%	9.5%	9.1%	9.2%
<i>Public order / property damage</i>	6.9%	7.5%	8.0%	8.3%	8.0%
<i>Any other offence</i>	6.4%	4.2%	4.3%	7.1%	6.8%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
15 years	(n=1,002)	(n=894)	(n=712)	(n=779)	(n=809)
No offence	56.5%	50.6%	55.8%	52.6%	54.6%
Offended on bail	43.5%	49.4%	44.2%	47.4%	45.4%
<i>Theft-related</i>	10.6%	12.2%	14.6%	14.1%	15.2%
<i>Burglary</i>	13.3%	15.9%	10.7%	11.9%	11.6%
<i>Injury causing acts / robbery-related</i>	7.6%	9.2%	5.9%	8.5%	7.4%
<i>Public order / property damage</i>	5.6%	6.8%	7.6%	7.1%	6.4%
<i>Any other offence</i>	6.5%	5.4%	5.5%	5.8%	4.7%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
16 years	(n=1,225)	(n=992)	(n=874)	(n=812)	(n=811)
No offence	64.8%	59.6%	61.9%	56.5%	57.7%
Offended on bail	35.2%	40.4%	38.1%	43.5%	42.3%
<i>Theft-related</i>	7.8%	11.7%	7.9%	13.4%	11.2%
<i>Burglary</i>	8.3%	8.4%	8.9%	10.6%	11.1%
<i>Injury causing acts / robbery-related</i>	6.8%	6.4%	6.6%	6.4%	8.9%
<i>Public order / property damage</i>	5.2%	7.3%	7.1%	7.1%	5.8%
<i>Any other offence</i>	7.0%	6.8%	7.6%	5.9%	5.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
17 years or over	(n=219)	(n=176)	(n=144)	(n=175)	(n=141)
No offence	72.6%	71.0%	61.8%	61.7%	64.5%
Offended on bail	27.4%	29.0%	38.2%	38.3%	35.5%
<i>Theft-related</i>	6.8%	8.0%	11.1%	13.7%	8.5%
<i>Burglary</i>	4.6%	6.3%	6.9%	10.3%	7.8%
<i>Injury causing acts / robbery-related</i>	2.7%	8.0%	7.6%	6.3%	5.0%
<i>Public order / property damage</i>	5.9%	3.4%	6.3%	3.4%	4.3%
<i>Any other offence</i>	7.3%	3.4%	6.3%	4.6%	9.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Note:

1. Due to small numbers, information is not shown for this group on the types of offences committed while on bail.
Source: Ministry of Justice data (bail episodes); NZ Police data (offending histories).

Table A11: Most serious offence committed while on bail, by police district and fiscal year

Police District and most serious offence committed while on bail	2011/12	2012/13	2013/14	2014/15	2015/16
Northland	(n=149)	(n=164)	(n=150)	(n=139)	(n=143)
No offence	59.7%	54.3%	63.3%	68.3%	56.6%
Offended on bail	40.3%	45.7%	36.7%	31.7%	43.4%
<i>Theft-related</i>	8.1%	9.8%	5.3%	5.8%	7.0%
<i>Burglary</i>	16.8%	13.4%	9.3%	7.9%	12.6%
<i>Injury causing acts / robbery-related</i>	4.0%	7.3%	4.7%	5.0%	11.2%
<i>Public order / property damage</i>	5.4%	9.1%	10.0%	5.8%	2.8%
<i>Any other offence</i>	6.0%	6.1%	7.3%	7.2%	9.8%
Waitemata	(n=255)	(n=154)	(n=117)	(n=175)	(n=212)
No offence	54.1%	59.7%	55.6%	51.4%	50.9%
Offended on bail	45.9%	40.3%	44.4%	48.6%	49.1%
<i>Theft-related</i>	16.1%	12.3%	17.1%	15.4%	17.5%
<i>Burglary</i>	6.7%	9.1%	5.1%	9.1%	10.4%
<i>Injury causing acts / robbery-related</i>	10.6%	5.8%	9.4%	6.9%	8.5%
<i>Public order / property damage</i>	6.3%	5.2%	4.3%	8.6%	6.6%
<i>Any other offence</i>	6.3%	7.8%	8.5%	8.6%	6.1%
Auckland City	(n=151)	(n=143)	(n=132)	(n=149)	(n=131)
No offence	63.6%	52.4%	57.6%	45.6%	56.5%
Offended on bail	36.4%	47.6%	42.4%	54.4%	43.5%
<i>Theft-related</i>	15.2%	13.3%	9.1%	24.2%	16.8%
<i>Burglary</i>	7.9%	18.9%	8.3%	13.4%	6.1%
<i>Injury causing acts / robbery-related</i>	7.3%	6.3%	11.4%	10.1%	9.2%
<i>Public order / property damage</i>	2.0%	2.1%	6.8%	3.4%	7.6%
<i>Any other offence</i>	4.0%	7.0%	6.8%	3.4%	3.8%
Counties Manukau	(n=540)	(n=466)	(n=412)	(n=475)	(n=453)
No offence	61.5%	48.3%	55.3%	45.3%	50.6%
Offended on bail	38.5%	51.7%	44.7%	54.7%	49.4%
<i>Theft-related</i>	10.2%	17.0%	16.0%	17.5%	18.3%
<i>Burglary</i>	11.1%	13.1%	10.9%	14.5%	11.9%
<i>Injury causing acts / robbery-related</i>	7.0%	10.1%	6.1%	9.1%	9.7%
<i>Public order / property damage</i>	5.2%	7.3%	7.8%	8.6%	7.1%
<i>Any other offence</i>	5.0%	4.3%	3.9%	5.1%	2.4%
Waikato	(n=181)	(n=199)	(n=167)	(n=152)	(n=177)
No offence	64.1%	59.8%	58.1%	49.3%	54.2%
Offended on bail	35.9%	40.2%	41.9%	50.7%	45.8%
<i>Theft-related</i>	5.0%	11.1%	6.0%	13.8%	10.2%
<i>Burglary</i>	11.6%	12.6%	13.8%	19.1%	17.5%
<i>Injury causing acts / robbery-related</i>	10.5%	5.0%	7.8%	6.6%	4.5%
<i>Public order / property damage</i>	4.4%	7.5%	9.0%	6.6%	7.3%
<i>Any other offence</i>	4.4%	4.0%	5.4%	4.6%	6.2%
Bay of Plenty	(n=430)	(n=297)	(n=296)	(n=287)	(n=261)
No offence	67.7%	65.7%	64.5%	58.9%	64.0%
Offended on bail	32.3%	34.3%	35.5%	41.1%	36.0%
<i>Theft-related</i>	4.9%	8.4%	8.4%	12.9%	8.4%
<i>Burglary</i>	10.0%	10.4%	10.1%	8.4%	11.5%
<i>Injury causing acts / robbery-related</i>	5.6%	6.1%	5.7%	7.0%	6.1%
<i>Public order / property damage</i>	6.5%	4.4%	5.7%	7.0%	4.2%
<i>Any other offence</i>	5.3%	5.1%	5.4%	5.9%	5.7%

Table A11: continued

Police District and most serious offence committed while on bail	2011/12	2012/13	2013/14	2014/15	2015/16
Eastern (n=237)		(n=210)	(n=183)	(n=180)	(n=173)
No offence	55.3%	57.6%	50.8%	55.6%	53.2%
Offended on bail	44.7%	42.4%	49.2%	44.4%	46.8%
<i>Theft-related</i>	7.6%	12.9%	14.8%	9.4%	12.1%
<i>Burglary</i>	16.0%	11.0%	13.7%	11.1%	19.7%
<i>Injury causing acts / robbery-related</i>	6.3%	6.2%	7.7%	8.9%	5.2%
<i>Public order / property damage</i>	6.3%	9.0%	5.5%	4.4%	5.8%
<i>Any other offence</i>	8.4%	3.3%	7.7%	10.6%	4.0%
Central (n=256)		(n=252)	(n=212)	(n=182)	(n=236)
No offence	56.6%	59.9%	59.9%	57.7%	54.7%
Offended on bail	43.4%	40.1%	40.1%	42.3%	45.3%
<i>Theft-related</i>	9.8%	9.1%	11.8%	14.8%	12.7%
<i>Burglary</i>	10.9%	11.9%	9.0%	7.7%	11.4%
<i>Injury causing acts / robbery-related</i>	6.3%	6.7%	8.0%	7.7%	7.2%
<i>Public order / property damage</i>	6.6%	7.5%	5.7%	5.5%	7.2%
<i>Any other offence</i>	9.8%	4.8%	5.7%	6.6%	6.8%
Wellington (n=265)		(n=180)	(n=145)	(n=160)	(n=159)
No offence	57.7%	54.4%	61.4%	59.4%	62.9%
Offended on bail	42.3%	45.6%	38.6%	40.6%	37.1%
<i>Theft-related</i>	7.9%	13.3%	9.0%	10.0%	9.4%
<i>Burglary</i>	14.7%	13.9%	9.7%	10.6%	10.1%
<i>Injury causing acts / robbery-related</i>	7.5%	6.7%	6.9%	10.0%	7.5%
<i>Public order / property damage</i>	5.7%	8.3%	4.8%	7.5%	5.0%
<i>Any other offence</i>	6.4%	3.3%	8.3%	2.5%	5.0%
Tasman (n=151)		(n=105)	(n=101)	(n=69)	(n=59)
No offence	55.0%	48.6%	51.5%	50.7%	47.5%
Offended on bail	45.0%	51.4%	48.5%	49.3%	52.5%
<i>Theft-related</i>	11.9%	15.2%	13.9%	10.1%	16.9%
<i>Burglary</i>	6.6%	17.1%	8.9%	13.0%	13.6%
<i>Injury causing acts / robbery-related</i>	6.0%	6.7%	6.9%	5.8%	10.2%
<i>Public order / property damage</i>	7.3%	5.7%	10.9%	5.8%	s
<i>Any other offence</i>	13.2%	6.7%	7.9%	14.5%	s
Canterbury (n=264)		(n=283)	(n=187)	(n=218)	(n=254)
No offence	53.0%	44.5%	46.0%	46.3%	46.5%
Offended on bail	47.0%	55.5%	54.0%	53.7%	53.5%
<i>Theft-related</i>	12.9%	14.5%	13.9%	16.5%	15.7%
<i>Burglary</i>	14.4%	14.1%	14.4%	17.9%	14.2%
<i>Injury causing acts / robbery-related</i>	5.7%	12.0%	8.0%	6.0%	8.7%
<i>Public order / property damage</i>	7.6%	7.8%	11.8%	8.3%	8.3%
<i>Any other offence</i>	6.4%	7.1%	5.9%	5.0%	6.7%
Southern (n=225)		(n=171)	(n=117)	(n=101)	(n=112)
No offence	64.9%	58.5%	68.4%	66.3%	57.1%
Offended on bail	35.1%	41.5%	31.6%	33.7%	42.9%
<i>Theft-related</i>	8.9%	9.9%	6.8%	5.9%	7.1%
<i>Burglary</i>	7.6%	8.8%	6.8%	7.9%	2.7%
<i>Injury causing acts / robbery-related</i>	5.8%	5.3%	5.1%	5.9%	10.7%
<i>Public order / property damage</i>	4.0%	7.6%	6.8%	8.9%	9.8%
<i>Any other offence</i>	8.9%	9.9%	6.0%	5.0%	12.5%

Note: Figures were suppressed (shown as "s") where counts related to fewer than three youth. Secondary suppression was used for other figures as necessary so the suppressed count cannot be recalculated.

Source: Ministry of Justice data (bail episodes); NZ Police data (offending histories).

Duration of custodial remand episodes

Table A12: Duration of custodial remand episodes, by fiscal year case began

Duration	2011/12 (n=916)	2012/13 (n=858)	2013/14 (n=873)	2014/15 (n=1,031)	2015/16 (n=1,014)
1–2 days	8.5%	8.7%	7.1%	5.6%	7.3%
3–7 days	15.3%	11.9%	11.0%	9.2%	11.5%
8–14 days	12.4%	12.9%	12.5%	13.2%	12.6%
15–30 days	24.6%	24.1%	26.0%	26.6%	24.5%
>1–2 months	20.7%	24.4%	25.2%	25.2%	24.8%
>2–3 months	9.2%	8.4%	9.0%	11.3%	10.0%
>3 months	9.3%	9.6%	9.2%	8.9%	9.4%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
Average (days)	40	39	38	41	41

Source: Ministry of Justice data.

Table A13: Average duration of custodial remand episodes (in days) according to gender, primary ethnicity, age, and police district, by fiscal year

	2011/12	2012/13	2013/14	2014/15	2015/16
Gender					
Male	41	41	41	43	41
Female	31	30	28	33	39
Primary ethnicity¹					
Māori	38	41	40	43	41
European	37	32	33	34	38
Pacific peoples	49	45	37	40	44
Other	65	18	42	32	24
Age at start of episode					
12 or 13 years ²	8	19	99	58	56
14 years	38	35	36	40	36
15 years	43	46	39	41	42
16 years	38	37	36	41	41
17 years or over	40	29	49	45	45
Police district					
Northland	52	44	43	49	38
Waitemata	24	32	36	39	39
Auckland City	49	62	49	57	45
Counties Manukau	37	37	41	40	40
Waikato	56	41	29	27	24
Bay of Plenty	44	44	34	36	48
Eastern	46	36	43	42	32
Central	50	59	43	52	50
Wellington	29	41	41	31	38
Tasman	42	35	34	43	44
Canterbury	23	29	25	30	41
Southern	46	26	44	65	56
National	40	39	38	41	41

Notes:

- Figures exclude one custody episode where the ethnicity of the youth was not recorded.
- Caution should be taken in interpreting the average figures for 12 and 13 year olds due to small numbers, and the influence outliers (very high or very low numbers) can have on averages.

Source: Ministry of Justice data.

