



# WHAT'S BEHIND THE DEMAND FOR REMAND?

*Philip Spier*  
*Senior Research Analyst*  
*Evidence Centre*

# Focus of presentation

- What is remand?
- Why are we interested in (custodial) remand?
- This research and the data used
- Key findings
- Other Oranga Tamariki initiatives.

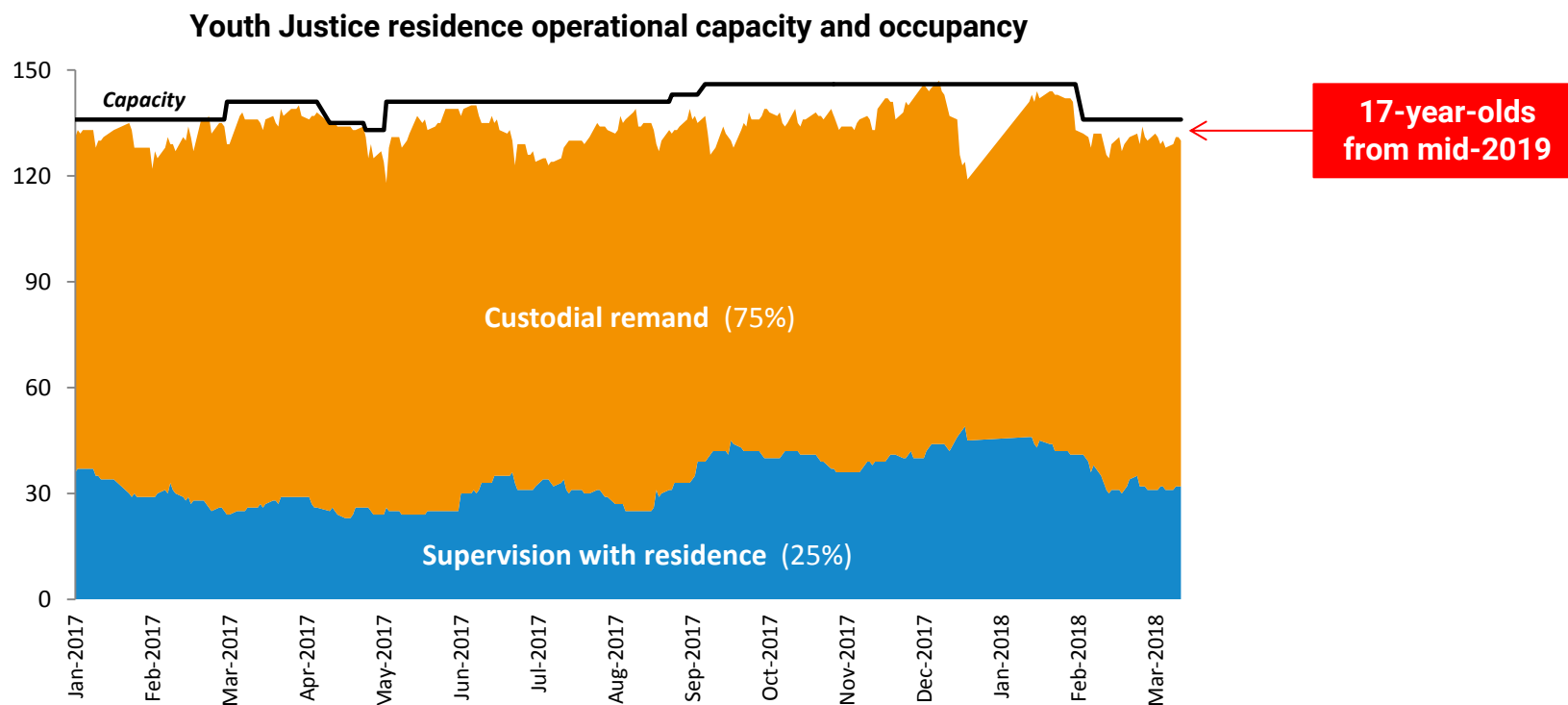
# What is remand?

- **The custody or release arrangements made for youth between court appearances.**
- Under s238(1) of the Oranga Tamariki Act 1989 this is either:
  - (a) release
  - (b) bail
  - (c) delivery into the custody of a named person
  - (d) detention in the custody of the chief executive
  - (e) detention in police custody.

# Why are we interested in custodial remand?

- **United Nations Convention on the Rights of the Child**  
*Detention of a child shall be a measure of last resort and for the shortest appropriate period of time.*
- **Oranga Tamariki Act 1989**  
*A child or young person who offends should be kept in the community so far is practicable and consonant with public safety.*
- **Expert Panel Final Report**  
*Given the negative impacts of residential care...future youth justice services should reduce the number of young people remanded to secure residences.*

# Why are we interested in custodial remand?



Source: This data is manually collated by Oranga Tamariki for operational purposes.

# This research

Reducing the use of custodial remand is a key priority for Oranga Tamariki, as well as in the Youth Crime Action Plan.

This research was commissioned to support options to reduce youth custodial remands by providing information on:

- the relative use of the five types of remand
- duration on bail and the nature of bail conditions imposed
- the extent of bail breaches and reoffending while on bail, and how often these lead to remand in custody
- how has the seriousness of offending changed
- how have the above changed by region and other factors.

# Data used in the research

## **Ministry of Justice**

All cases commencing in the Youth Court between 2011/12 and 2015/16:

- hearing dates and remand decisions
- offence types
- case outcomes and sentences
- demographics of youth
- types of bail conditions imposed.

## **New Zealand Police**

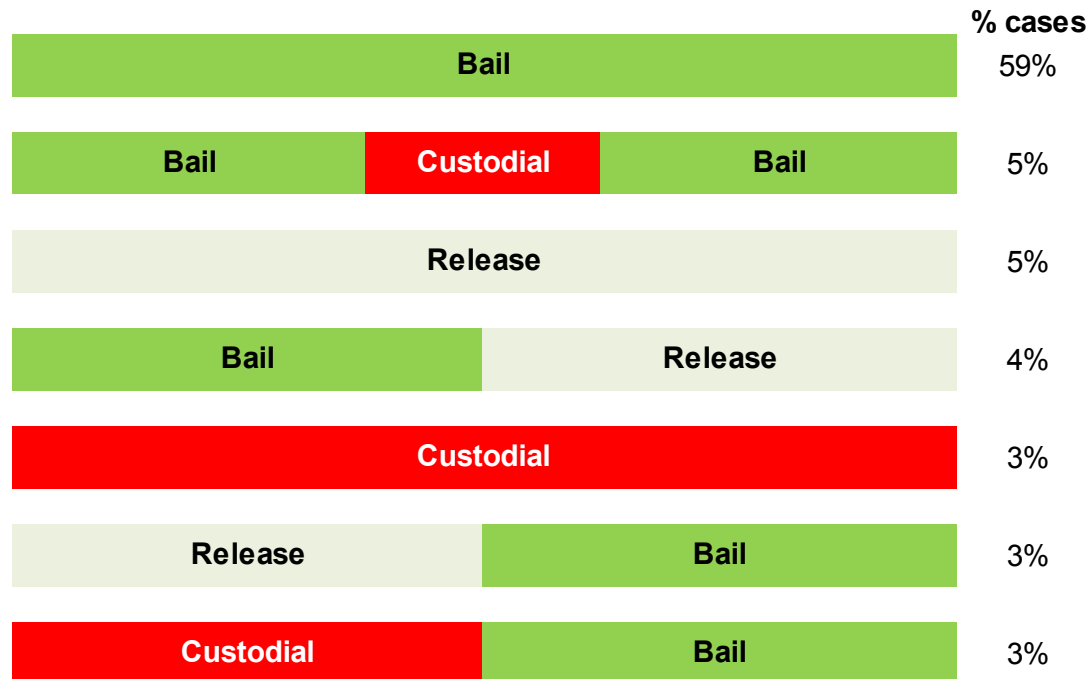
- offence occurrence histories
- bail breach incidents.

## **Oranga Tamariki—Ministry for Children**

- placement details for custodial remands.

# Challenges in the analysis...

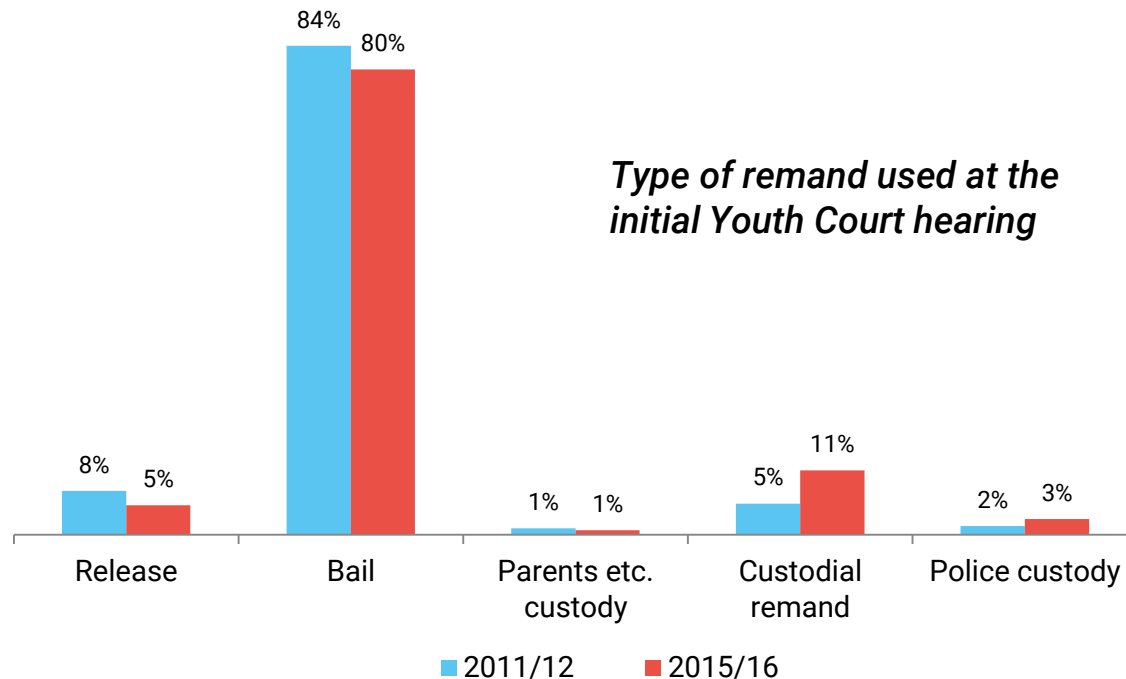
- Identifying “cases” in the data.
- Over 400 different remand sequences (most common shown below).





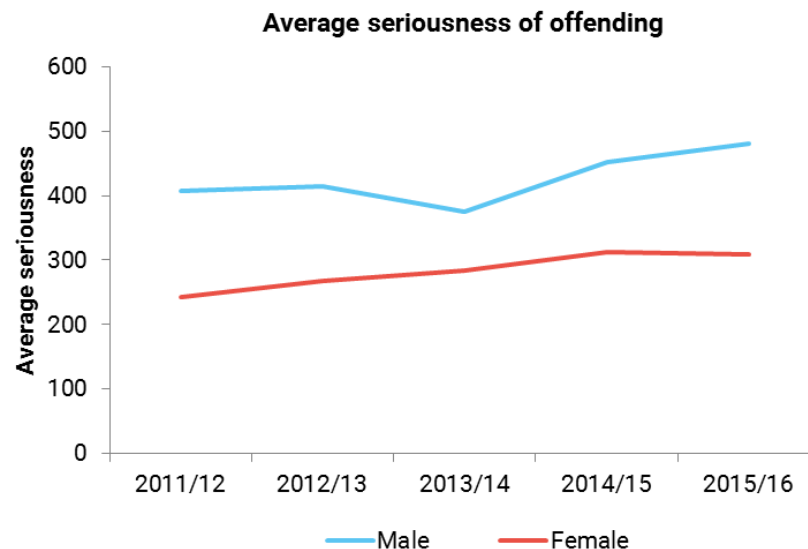
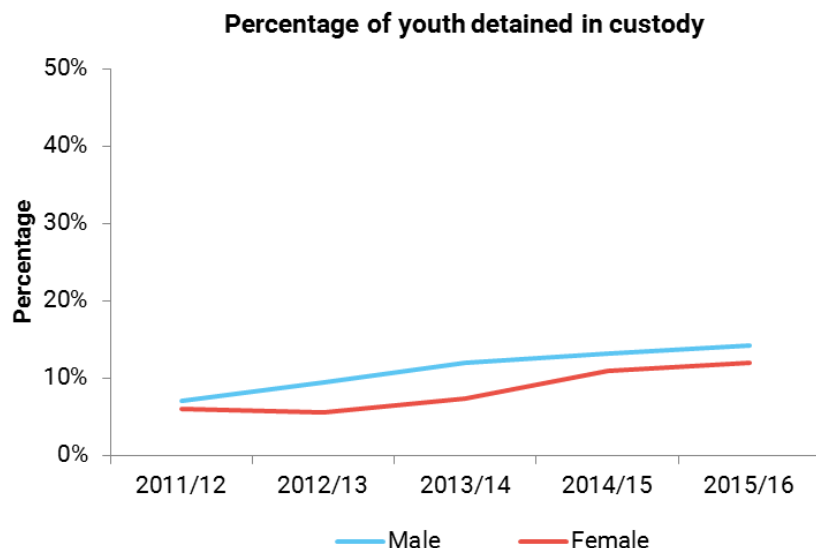
# Key findings: initial remand decision

- Bail is the most common remand decision.
- However, the use of detention in custody has grown.



Source: Ministry of Justice data.

# Key findings: detention in custody by gender

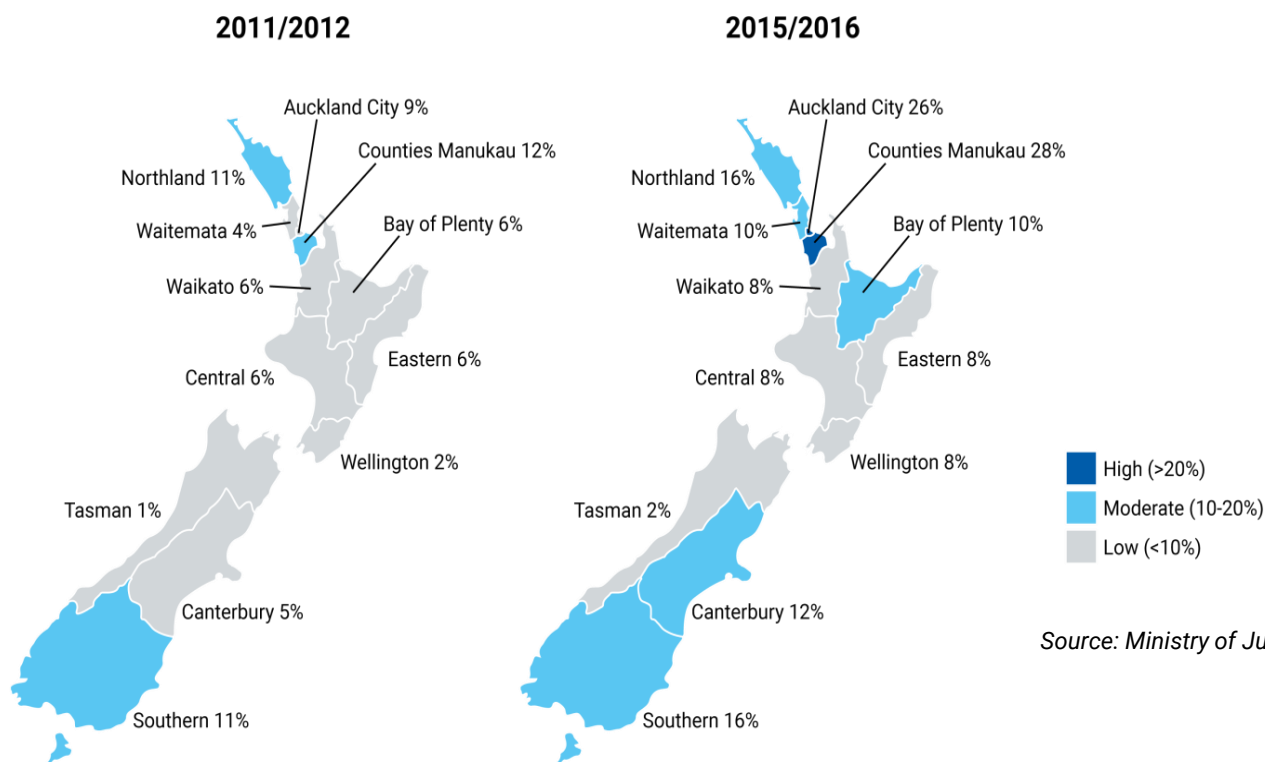


Source: Ministry of Justice data.

***Question:** 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?*

# Key findings: detention in custody by region

- The use of detention in custody at the initial hearing varies widely by region.

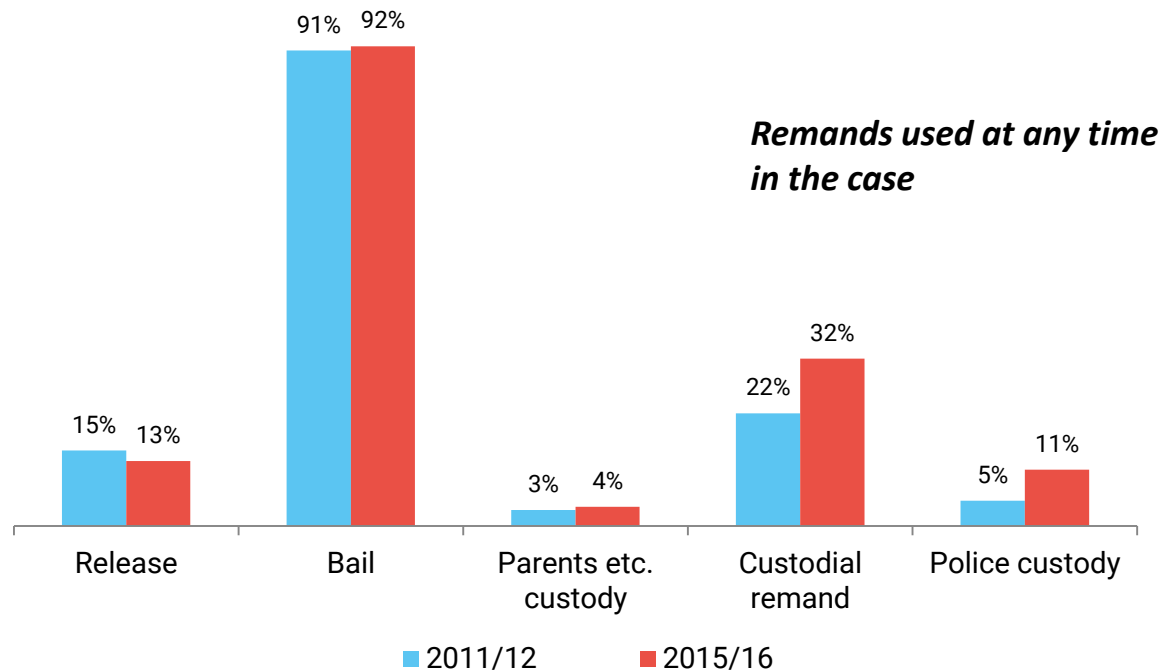


Source: Ministry of Justice data.

*Question: Why are there such large regional variations in the use of detention in custody, and is this justified?*

# Key findings: All remands

- Bail is used in over 90% of court cases.
- Custodial remand was used in one-third of cases in 2015/16.



Source: Ministry of Justice data.

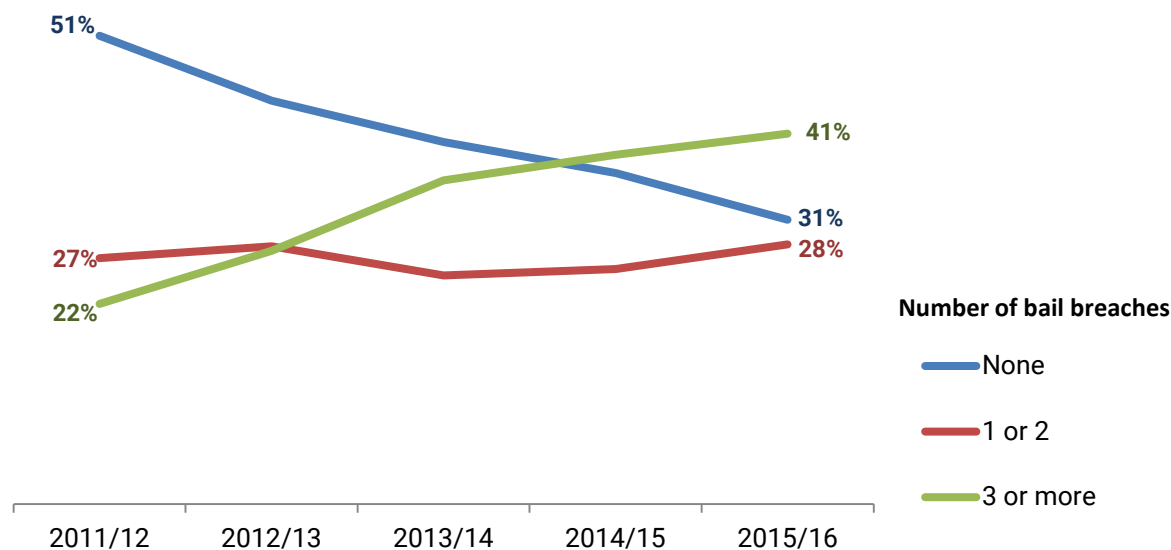
# Key findings: Conditions of bail

- When bail is granted, four or more conditions are imposed in most cases.
- According to MoJ data, most commonly these are:
  - to reside at a specified address (97%)
  - a curfew (74%)
  - not to associate with co-offenders or contact victim (69%)
  - not to consume alcohol or drugs (51%).

# Key findings: Breaches of bail conditions

- The proportion of bail episodes involving a recorded breach increased from 49% to 69% over the five-year period.
- The proportion with 3 or more breaches increased from 22% to 41%.

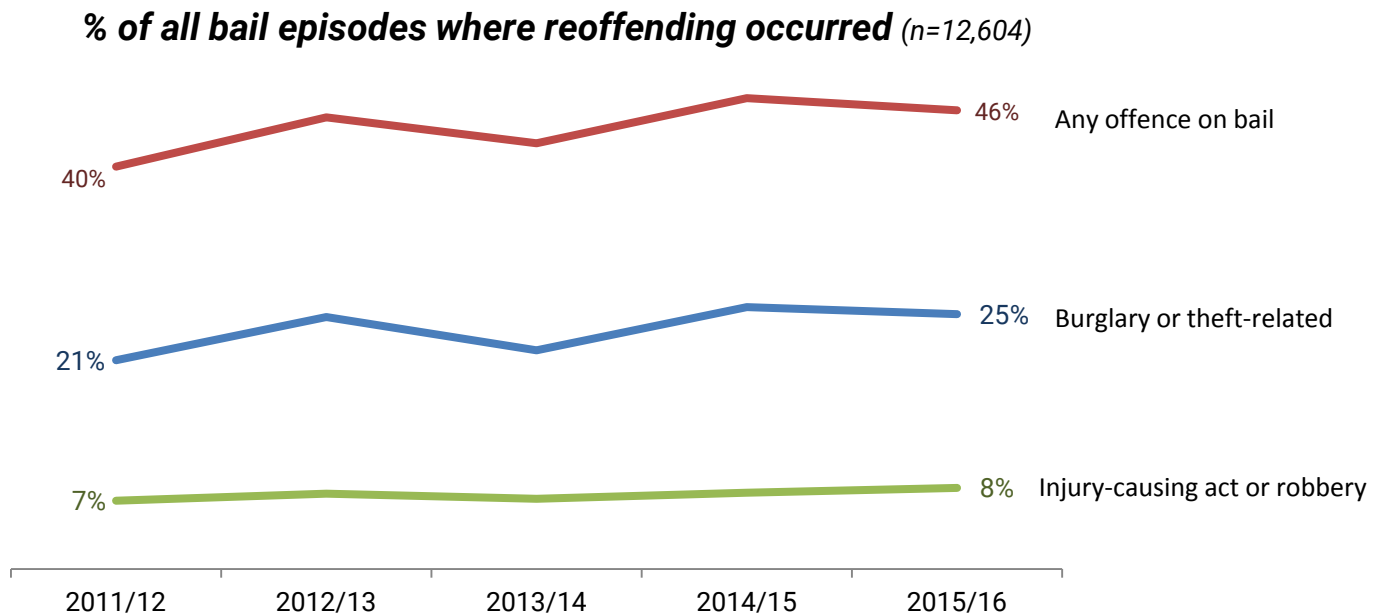
**% of all bail episodes where breaches occurred** (n=12,604)



Source: Number of bail breach incidents recorded in NZ Police data.

# Key findings: Reoffending while on bail

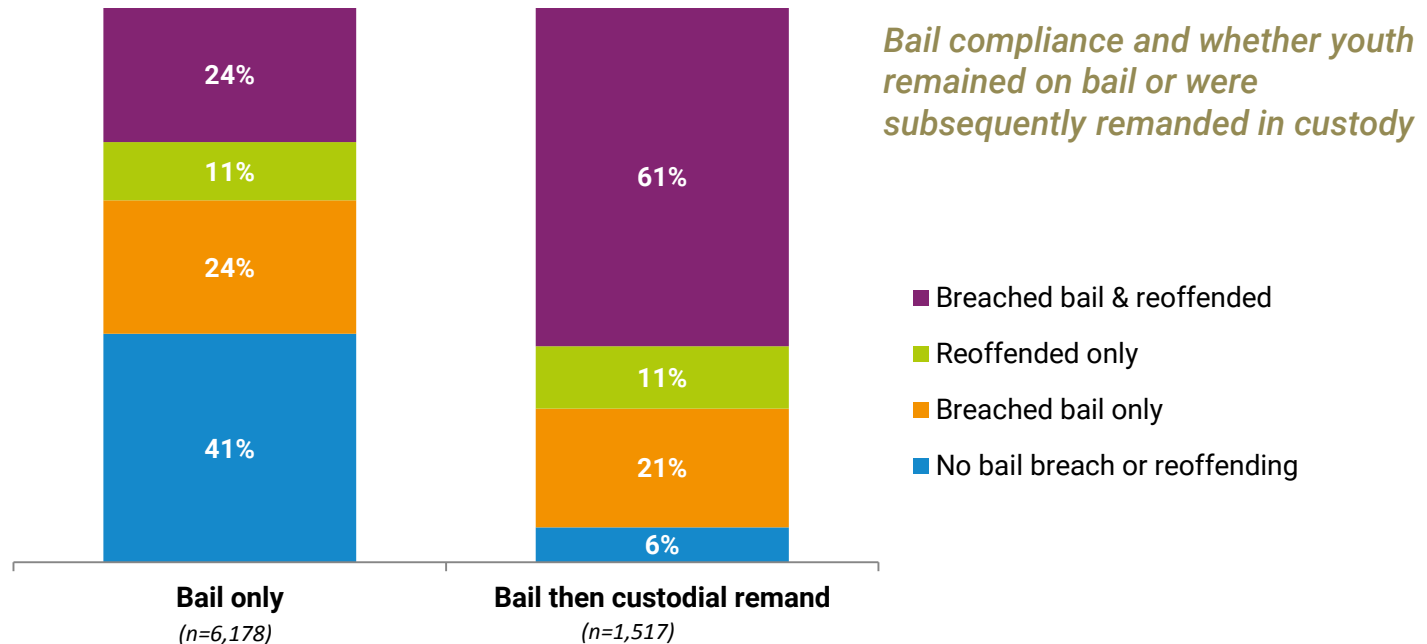
- The majority of youth do not reoffend while on bail.
- Reoffending did, however, occur in 44% of bail episodes.
- Burglary and theft account for the majority of offences on bail.



Sources: NZ Police offence occurrence data. MoJ remand data.

# Key findings: Bail breaches and reoffending

- Bail breaches and/or reoffending while on bail occurred in at least 94% of bail episodes that ended in favour of custodial remand.
- However, many youth remained on bail despite breaches or reoffending.



Sources: NZ Police offence occurrence data. MoJ remand data.



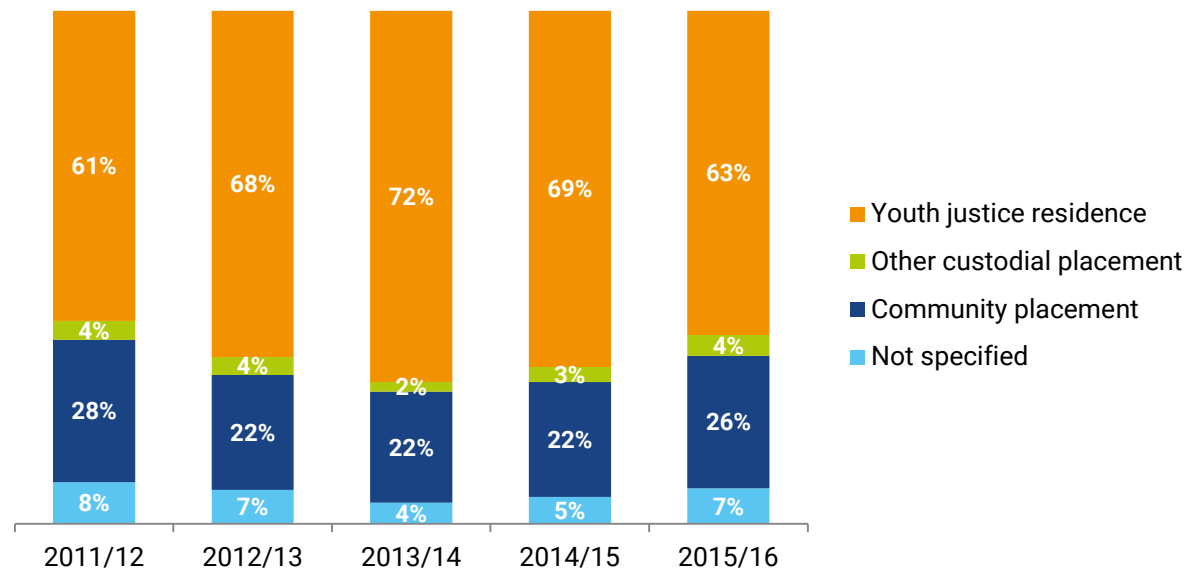
# Key findings: Questions arising around bail

- Are the bail conditions imposed on youth fair and appropriate (eg, 24 x 7 curfews), 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?

# Key findings: Custodial remand placements

- The majority of youth detained in the custody of the CE are placed in a YJ residence.
- In 2015/16 at least a quarter of placements were in the community.

**Initial placement of youth detained in the custody of the CE** (n=4,692)

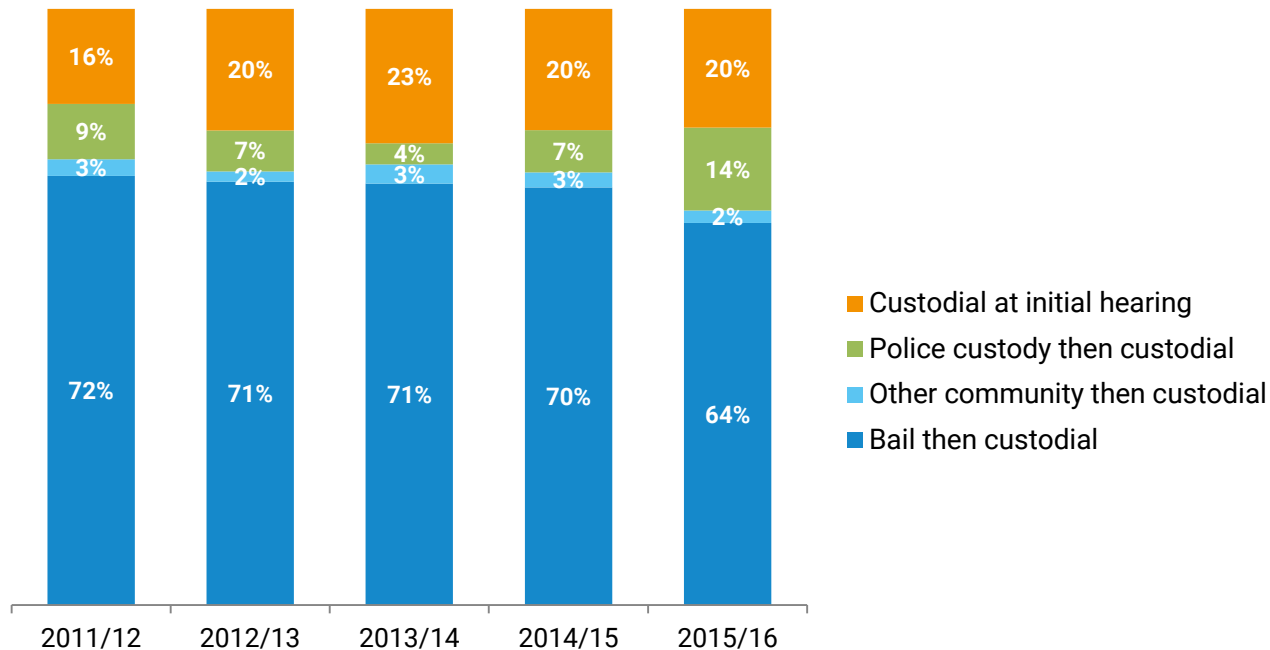


Sources: MoJ remand data. Oranga Tamariki placement data.

# Key findings: Sequencing of custodial remands

- Only a minority of custodial remands occur at the initial hearing.
- The majority of all custodial remands follow periods on bail.

*% of all custodial remands with each type of sequencing (n=4,692)*



Source: MoJ remand data.

# Conclusions

- This research shows that bail is used in the vast majority of court cases involving youth.
- However, bail is 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.

# Oranga Tamariki initiatives

- **Qualitative research** by the Evidence Centre into remand decision-making undertaken in late-2017. A report is expected around mid-2018.
- Four **group remand homes** as alternatives to custodial remand in residences.
- **Remand Options Investigation Tool** to inform remand options when police oppose bail.
- Investigating ways to better **support young people to be successful on bail.**



**The end**





**EVIDENCE CENTRE**  
TE POKAPŪ TAUNAKITANGA

## **UNDERSTANDING WHAT WORKS FOR TAMARIKI**

The Oranga Tamariki Evidence Team 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.

**Our web page:**

<https://www.orangatamariki.govt.nz/news/category/research>

**Our email:** [research@ot.govt.nz](mailto:research@ot.govt.nz)