

“Court in the Act”

**The Youth Court; The Children, Young Persons, and their Families Act 1989;
And topical issues arising for NZ Youth Justice practitioners**

A newsletter co-ordinated by the Principal Youth Court Judge for the Youth Justice community.

Contributions, feedback and letters to the Editor are not only acceptable, but encouraged.

Youth Court Website: <http://www.courts.govt.nz/youth/>

No.17, July 2005

(Now includes database of all reported and unreported Youth Court cases)

“I knew my children were growing up when they stopped asking where they came from and refused to tell me where they were going.”

See: Grapevine Magazine, Issue 2, 2005 at p63.

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Purpose of “Court in the Act”

“COURT In The Act” was originally designed as a newsletter for Youth Court Judges. However, it soon became obvious that the wider youth justice community in New Zealand was interested in much of the material that was being circulated. Also, there is no national youth justice publication as to current issues, relevant cases, and important overseas developments.

I will continue to produce “Court In The Act” – but simply as a foretaste of a more organised and regular publication to come, perhaps co-ordinated by the Ministry of Justice. Until the arrival of a new publication, my office will act as a “clearing house” for all matters of interest regarding youth justice. I am happy to send out any items of national interest that people want to send me.

We have also collated a significant database of those receiving “Court In The Act”. If you

know of others who should be on the list please contact my PA, Jo Petrie at: Jo.Petrie@justice.govt.nz

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1. Guest Editorial If all else fails, buy your kids a tractor!

Guest contributions, articles etc are very welcome. This one comes from Peter Clague, the Principal of the Senior School, Kristen College at Albany, Auckland. It is a thoughtful message for anybody involved in youth justice.

I am considering writing to the LTSA and suggesting a change to the driver licensing laws. My plan is that, upon acquiring their Restricted Drivers Licence, it should be compulsory for teenagers to abide by a requirement that they can only drive a tractor for the first twelve months. Tractors are marvelous things with many exciting applications but, as I have learned since owning one for the past few years, their greatest virtue is that they are slow. Very slow. You can do countless things with a tractor but whatever you do, it will be slow.

Although a positive side-effect of my proposal would be a much needed reduction in the road toll, it is not the main intent. The real purpose would be to compel young people (and perhaps even a few older ones) to take the time necessary to absorb and reflect on all that they are cramming into their lives. Grinding along at the glacial pace of a tractor allows time for contemplation. In fact, it demands it.

For those of us used to making the most of every waking moment, doing multiple tasks, usually all at once, mainly at high speed, tractor driving takes some getting used to. First, you need to resign yourself that little you can do is going to accelerate the process. No matter which gear you select, you will crawl along at a set rate. Short cuts, squealing tyres, and hair-raising overtaking manoeuvres are out of the question. Even the prospect of a quick diversion to the drive-through wanes. Fast food becomes slow food.

Secondly, most tractors are not equipped with DVD players, are too noisy to listen to the iPod, and vibrate enough to make texting impossible. Starved of electronic media, tractor drivers are forced to content themselves with engaging with the

environment around them and/or reflecting on their life. Last week while mowing, I saw eight baby quail evade a hawk, invented a new activity for Camp involving plastic straws, inner tubes and a large hill, watched the sun slide west and noticed from a distance that my daughter had grown tall. Such insights rarely come in the morning traffic jam.

Finally, tractors give you time to see the consequences of your behaviour and to take evasive action. If an obstacle looms in your path, there is ample time to steer away from it. Young people who crash during their adolescent lives, either literally or figuratively, usually do so because they are moving too fast to see where they are going or to avoid looming dangers. In my experience, there is often little difference between losing control of a vehicle and losing control of your life. Your velocity increases incrementally, without you even realising, until a change in the environment occurs and you are suddenly unable to manoeuvre.

Parents of teenagers should look to instil periods of reflection into their children's lives and to model pace and balance in their own. Teach your kids that disconnecting and contemplating occasionally is not lazy, it's wise. If all else fails, buy them a tractor.

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2. More about Serious Young Offenders

"[We followed a group of] ..75 young offenders. All had conduct disorder and 68% had ADHD during the ..school years. Between the ages of 6 and 30 the 75 offenders were sentenced for a total of 12,000 crimes, which allowing for [unreported and unsolved crimes] can be estimated to 1,000 crimes per individual."

Darteg and Levander 1998, Moffitt T 1993 *Adolescence-limited and life-cycle persistent antisocial behaviour: A developmental taxonomy* Psychological Review n100 p 674-701

Court In The Act No. 14, which had a special focus on serious young offenders, excited considerable interest. The great majority of offenders before the Youth Court are life course serious offenders whose characteristics and profile are distressingly similar.

The Capital and Coast District Health Board has recently conducted a case study of all young people for whom s 333 reports (psychological/psychiatric reports) were ordered from 1 January 2000 to 1 March 2004.

Two hundred and seventy six young people were studied. The following is their profile. The profile is all too familiar, and tells its own silent story.

1. 83% were male.
2. Maori were over-represented – constituting 48% of the young people.
3. Only 12% were living with both parents; 28% with one parent.
4. 61% were in some form of Child, Youth & Family Services care.
5. 18% had been sexually abused; 45% had been physically abused.
6. 70% faced significant alcohol issues; 72% faced significant cannabis issues. 10% were “profoundly” drug dependent; 14% were “profoundly” alcohol dependent.
7. Only 18% were attending school. 28% were attending a course or some form of training. 45% were unemployed.
8. Only 45% had attended one school only.
9. 35% had lived in more than three houses.
10. Only a small percentage had an identifiable psychiatric disorder – about 12%. However, 24% had a conduct disorder; 10% suffered from ADHD; 4% from oppositional defiance disorder. 7% had some form of learning disability.

This profile is depressingly similar to that conducted by the Auckland Youth Forensic Service in 2000/2001. It is also similar to a profile of 4,000 young offenders in England and Wales conducted in 2003.

In New Zealand, as discussed in ***Court In The Act***, (Volume 14 – May 2005), it seems that 5-10% of all youth offenders may commit as much as 50-60% of total youth offences. The message is that these young offenders fit a very common, alarmingly stereotypical profile. This recent Capital and Coast District Health Board study simply confirms the growing research that paints a consistently clear picture of the serious young offenders who appear before our Youth Courts.

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3. Search on for Site for New (Fourth) Youth Justice Residence

The search for the future site of a new youth justice facility is well under way in the central North Island. It will be the fourth Youth Justice Residence in New Zealand. The three existing Youth Justice Residences are in Auckland, Palmerston North and Kingslea in Christchurch. Here is a recent press release from CYFS.

“The facility, Youth Justice Central, will be a secure youth justice unit that can accommodate up to 24 young offenders between 14 and 16 years old.

The search was launched on 25 February with the first meeting of the Site Selection Working Group (SSWG).

The SSWG is made up of community leaders from the Waikato/Bay of Plenty region and its communities, and senior managers from relevant government agencies (the Police, Ministry of Justice and Child, Youth and Family).

SSWG Chairperson Gordon Blake (former South Waikato District Council Mayor) says he is honoured to have been asked to chair the group and looks forward to working with the others involved.

“As much as we might wish otherwise, there is a need for this facility and I believe that in the long-term it will benefit the young people involved, and in turn the wider community,” he says.

Part of the site selection process is a call for potential sites from the public, to which there has been a very positive response to date.

“More than two dozen sites have been put forward to the Site Selection Working Group. The positive response has provided a range of options for the group to consider,” said Mr Blake.

Ken Rand, Manager Residences, says Youth Justice Central will be the fourth purpose-built facility of its kind. This facility will offer Waikato/Bay of Plenty young people the same positive advantages for rehabilitation and reintegration currently available in Auckland and the South Island.

“Currently, Waikato/Bay of Plenty young people sentenced to supervision with residence must be sent out of the district, away from their families. The lack of youth justice facilities in the region also means many young people remanded in custody are being held in police cells, alongside adult offenders. Clearly, neither situation is acceptable,” says Ken.

“Youth Justice Central will help at-risk Waikato/Bay of Plenty young people and their families by enabling them to stay close to each other, aiding the rehabilitation process.”

The SSWG will conduct the site search and make a recommendation to the Minister. Selection of the site for Youth Justice Central will be made by the Minister before the end of 2005.

Picture:

The site search area for Youth Justice Central.
[S:\Communications\projects\Youth Justice\Youth Justice Central\Site Search Area low res.pdf](#)”

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**4. Replacing the
Christchurch Youth
Justice Residence –
“Youth Justice South”**

This will replace the Youth Justice Residence at Kingslea in Christchurch and will add 12 beds to the 90 Youth Justice beds currently available. That will mean there will be 102 beds nationally-available for young people sentenced to supervision with residence or placed on remand in the custody of the Chief Executive of CYFS, pending final resolution of their case. A recent CYFS press release comments as follows:

“Construction of the new 32-bed Youth Justice South facility at Rolleston is well underway and expected to be completed towards the end of this year.

“We’re making great progress with the construction, all of the buildings have walls up and many have had roofs placed as well,” says Lynne Dovey, Director Residential Services Strategy Programme.

Youth Justice South began construction last year - the second new youth justice residence from the Residential Services Strategy.

“One of the key recommendations of the Residential Services Strategy is a building programme to increase bed capacity and to build separate youth justice residences,” says Lynne.

“It also recommended a move away from the traditional ‘wing’ style facilities towards more campus style ‘pod’ designs. Youth Justice South will be the second youth justice residence built in this new model,” she says.

Shirley Johnson, current manager of Kingslea Residence and future manager of Youth Justice South, is excited about the new design.

“This facility is exciting as it is purpose built to our needs. It is based on a campus-style pod design which means we will have separate eight-bed units, all with their own school room. The units are light, spacious, and have been designed to incorporate a range of spaces for different activities. There has also been real attention given to security and safety features for both staff and residents,” says Shirley.

“The design of the eight-bed units will provide a significant improvement in opportunities for staff to do more intensive intervention work with young people,” she says.

Another exciting feature of the design has been the close collaboration with Te Runanga o Taumutu. They provided design input into several features, particularly concept design of the internal wall panels and the design and landscaping of the cultural unit’s courtyard.

Well-known artist Catherine Brown, who passed away last year, undertook the design work on behalf of Te Runanga o Taumutu.

Lynne says Child, Youth and Family is thrilled with the design input from Te Taumutu, and looks forward to an ongoing close relationship between the facility and Te Taumutu.”

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5. More about “Serious Young Offenders”

A Risk-Need Profile Using Four Measures for Youth Offenders Incarcerated in Young Offender Units

The following study again seems to emphasise what we know about young offenders. That is that there is a small group of life course offenders who by the age of 17 are a significant drain on our corrections/prison system. This recent study of 17 year olds, who are therefore just out of the youth justice system is again very revealing and presents a similar message to the material in our previous ***Court In The Act, Vol 14*** which focussed on serious young offenders.

*Dr Nick Wilson & Rehina Rolleston
Dept of Corrections Psychological Service
January 2005*

A summary, provided by Rhonda Thompson, Research Counsel to the Principal Youth Court Judge.

The Department of Corrections has established a “risk-needs profile” to assist in identifying the adult criminals of tomorrow amongst the youth offenders of today. The profile uses several risk assessments to determine whether young people are short-term adolescent offenders or life course, serious, persistent offenders. The profile also makes a number of interesting findings. It revealed that 71% of those surveyed had psychopathic tendencies in that they showed little remorse, had a callous disregard for their victims and did not accept responsibility for their actions. And 80% were stimulation seeking, impulsive and irresponsible youths lacking goals.

The study of 69 youth offenders aged around 17 was evenly split between Maori and Pakeha participants and all were incarcerated in Youth Offender Units. Most had received their first conviction at about 15 years of age and had carried out aggravated robberies and dishonesty offences. A worrying 70% had committed serious violence or sexual crimes. The mean number of total convictions was 17 and “criminal versatility” was high with the mean number of offence types being four.

The study used four different risk assessments to establish a risk-needs profile for a representative sample of youth offenders. It

considered dynamic risk factors, such as family, education/employment, peer relations and substance abuse problems along with non-dynamic factors such as childhood behavioural disorders. Research focuses on dynamic factors because they are things that can readily be changed whereas non-dynamic factors cannot.

The RSYO risk assessment divides youth offenders into three groups – the “kids who did something silly” and who, once apprehended, are unlikely to re-offend; the “adolescence limited offenders” who mostly begin offending at age 13 and cease before early adulthood; and, the youth headed towards an adult lifetime of offending and other adult problem behaviours. The RSYO procedure can identify whether a youth belongs to one of these three groups and recommends that resources and rehabilitative services be focussed on the latter group. Factors which may identify which group a young person belongs in may include date of first offence and whether the young person has a conduct disorder or ADHD during the school years. For example, American data revealed that more than 50% of youth who ultimately progressed to adult crime had committed their first non-trivial offence before turning 12 years of age and almost 90% before turning 14 years.

The study made a number of recommendations influenced by the fact that the mean length of prison sentence amongst the survey group was two years and eight months. As most of the youth were eligible for parole after a third of their sentence there were only 10-11 months in which to address their troubled behaviours. In view of this, the study recommended flexible and better targeted intervention, preferring individual specialist psychological treatment services over group treatment. Further, the study stated that while some dynamic risk factors could be dealt with using individual treatment, other needs should be addressed through comprehensive integration plans that deal with employment and antisocial peer problems.

Given the high number of the sample who had committed violent crimes, it was recommended that a targeted and intensive youth violence prevention programme be developed for use in Youth Offending Units.

The study recommended that the sample group be followed up in a year’s time to provide some data on predictive validity.

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6. The Link Between Youth Offending & Learning/Behavioural Difficulties

There are many educators who feel that undiagnosed learning difficulties, such as dyslexia, can often result in school failure, school alienation, truancy, non-enrolment and then involvement in criminal offending. There is a current proposal, still to be confirmed, in which Massey University may be able to assess the extent of learning difficulties across the population of young people in youth justice residences. This study has the potential to highlight learning disabilities as a key indirect factor that may eventually contribute to criminal offending. Watch this space.

British Dyslexia Association Publishes Report on Dyslexia and Youth Offending ...

"By the age of thirteen Roy had been disruptive and aggressive in school for some time. His behavioural problems led to a psychological assessment and a medical check. These resulted in a diagnosis of ADHD and a prescription for Ritalin. He received no educational support, and already in the lowest groups for everything, soon dropped out of school.

Roy (not his real name), with time on his hands, fell in with the wrong crowd and started a career of petty crime – shoplifting and vandalism. As he got older he moved on to stealing cars and thrill seeking crimes like joy riding. Having breached various court orders and community sentences, by the age of 17 he was in custody with a list of convictions, "as long as your arm".

Roy is dyslexic – but his dyslexia was not identified until this year when he took part in a study carried out by the British Dyslexia Association with the Bradford Youth Offending Team (YOT). Their research, published today, suggests that over half of young offenders are dyslexic. Also, the more serious the offence, or the greater the number of offences, the higher the incidence of dyslexia.

It has long been known that most young offenders have problems with literacy. "Amongst our 15 and 16 year olds," says Paul O'Hara, Bradford YOT Manager, "a reading

age of eight or nine is normal." Even seven is not uncommon, and this despite the fact that the young offenders assessed in the BDA study proved not to be of particularly low IQ.

"Many are not in school," adds O'Hara, either because they have been excluded or dropped out, "They are not part of mainstream society. They see themselves as outsiders and one thing leads to another." This 'route to offending' - failure in school, departure from mainstream education, hanging out on the streets and falling into offending – has been recognised for some time. But the BDA's research highlights an area that, though suspected, has so far been ignored.

"There have recently been considerable efforts to improve basic skills education for young offenders, but they haven't had the expected success," says Boden, "Now dyslexia is coming onto the radar." The aim of the BDA in carrying out this research was not only to produce statistics and highlight the problem, but also to work within the Youth Justice System to find practical ways to improve the situation.

As well as providing practical support through the legal process, the BDA project trained YOT staff in dyslexia awareness, helped the YOT create and strengthen links with the Local Education Authority and Youth Service, and introduced educational tools – many of them computer based - that are known to work for dyslexics as well as non-dyslexics.

Bradford YOT has announced that it will implement all the recommendations in the BDA report, and the BDA will be contacting YOTs around the country to try to get them to do the same."

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7. 2005 Budget to Boost Youth Justice Services

Rhonda Thompson, the Principal Youth Court Judge's Research Counsel has prepared the following summary of budget initiatives that appear to be directed towards improving the delivery of youth justice services in New Zealand.

The 2005 budget heralds a significant boost for youth justice in New Zealand. The budget promises to deliver \$11.6 million over four

years to fund additional Police youth services including around 20 sworn and four non-sworn staff. These new constables and non-commissioned officers will increase Police capability in working with young people. And an additional six, two person youth development teams will deliver specific Youth Development programmes aimed at youth at risk of offending.

The budget also promises improved early intervention programmes aimed at supporting and educating vulnerable families. Programmes include a Family Court parenting information programme, childhood centre based parent support pilots and an intensive home-visiting social service.

A massive \$25.8 million to the end of the 2005/06 financial year has been promised in the Budget to deal with increasing numbers of abuse and neglect notifications. CYFS received 31,781 notifications in 2002/03, 43,314 in 2003/04 but 51,281 are forecast for the current year.

The budget promises \$2.1 million to the end of the 2005/06 financial year to set up a differential response model for the delivery of statutory care and protection services by CYFS. The new model will allow more flexibility to respond to the high numbers of care and protection cases received and improve the timeliness and efficiency of service delivery.

The budget also will ensure that average working hours for Strengthening Families Co-ordinators will increase from 25 to 30 through an injection of \$2.3 million over four years. This will assist Co-ordinators to better collaborate services to vulnerable children, young people and their families.

The Families Innovation Fund receives nearly \$1.8 million over the next four years to help with the development of more responsive family services in local communities. An example of their services is the 211 Family and Community Helpline that provides access to services for families and communities.

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8. Queen's Birthday Honour Award for Prominent New Zealand Youth Aid Officer

In the most recent Queen's Birthday Honours List Sergeant Ross Kneebone of Pukekohe, a Senior Youth Aid Officer in New Zealand, was awarded a MNZM. This marks Sergeant Kneebone's very dedicated and proficient professional commitment to New Zealand Police Youth Aid Service and to the Youth Justice Community as a whole. We offer him our very warm congratulations.

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9. Welcome to New Youth Court Judges

Several District Court Judges have been recently designated as Youth Court Judges. We welcome them to the team of Youth Court Judges that operate around New Zealand. All recently attended our Youth Court Judges Orientation Programme in Wellington on 7 and 8 June 2005. The new Youth Court Judges are:-

1. Judge Lisa Tremewan – Waitakere Youth Court.
2. Judge Tony Fitzgerald – Auckland City Youth Court.
3. Judge Greg Hikaka – Based in Rotorua, and presiding in the Rotorua Youth Court along with Judge Paul Geoghegan, and also in Taupo and Tokoroa when required.
4. Judge Jill Moss – Wellington City Youth Court.
5. Judge Tony Zohrab – will sit in the Youth Court when required in Nelson and Blenheim.
6. Judge Mary O'Dwyer – will sit in the Dunedin Youth Court as part of the team there with Judge Stephen O'Driscoll with help when required from Judge John MacDonald.

Judge Rob Murfitt (New Plymouth) and Judge Tom Ingram (Tauranga/Bay of Plenty) also attended the Orientation Programme. While they will not be designated as Youth Court Judges, from time to time they will

occasionally sit as Youth Court Judges in their areas.

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10. Youth Court Decisions on Internet

Youth Court decisions are now available on the Internet.

The database website includes summaries of around 300 reported and unreported judgments that will be accessible free of charge.

Principal Youth Court Judge Andrew Becroft says that Youth Court judgments are currently scattered throughout a variety of law reports.

“Reported Youth Court cases are spread through family, criminal and even administrative law reports. This makes them difficult to find. Of particular concern is that some significant are not reported at all. This database will improve access to these cases and ensure consistency in the application of the law.”

“Youth justice practitioners such as Youth Aid officers within the Police, Youth Justice Co-ordinators from Child Youth and Family Services and lawyers who work as Youth Advocates will find the database tremendously helpful”.

The database can be found at <http://www.justice.govt.nz/youth/decisions>

The database includes case summaries from 1989, when the Children Young Persons and Their Families Act 1989 was passed, until the present day. Many summaries are from reported judgments by Brookers and LexisNexis NZ and others are provided by Linx. The office of the Principal Youth Court Judge wrote the majority of the case summaries. The database will continually be updated as new Youth Court cases are found or decided.

Links to full judgments will be available in the future but at the moment the judgments summarised by legal publishers may be accessed in their law reports and practitioners may contact the office of the Principal Youth Court Judge to access copies of unreported judgments.

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11. Report from 32nd USA National Juvenile Justice Conference attended by their Honours Judge Neal and Judge Mill

Summary of Judge Neal's comments

The brain does not fully mature until 24 years of age. That was the finding of researchers who presented a key paper at the 32nd National Conference on Juvenile Justice in Orlando, Florida in March this year. Judge Neal from Tauranga and Judge Mill from Wellington attended the conference and noted the researcher's findings that young people's decision making is the result of emotions and hormones until the brain begins working on all sites at around 24 to 25 years of age.

The conference also wrestled with the problem that a large percentage of juveniles coming before the justice system present with mental health issues. Methods to ensure that mental health and juvenile justice services work together were seen as vital for this group. An example of these services working together is the Juvenile Mental Health Court in San Jose, where a multi-disciplinary team are available to the Court to ensure public safety, accountability and treatment.

The conference heard that methamphetamine abuse has reached epidemic proportions in some US states and there is a trend towards lacing cannabis with methamphetamine to market the drug to young people. A notable difficulty in freeing teens from substance abuse is that many are in the care of parents who use or manufacture methamphetamines.

Some US states provide statutory authority for Courts to make orders in respect of parents, guardians, step-parents or other adults living in the home. Judges can order certain conduct by, or the drug testing of, parents – and in some Courts there are drug-testing facilities in the Court building.

A workshop detailing the results of controlled studies examining the whole body of research on what works with juvenile offenders, noted that recidivism was reduced where current rather than historical risk factors were

addressed. For example, lower class origins and personal distress/self-esteem were low risk factors but poor parent/child relationships, poor education and vocational achievement, temperament, misconduct, self-control, anti-social attitudes and associates were all high risk factors. Effective interventions dealt with more than one current risk factor. Ineffective approaches included drug prevention classes focused on fear, shaming offenders, boot camps and vague unstructured rehabilitation programmes.

Key lessons from the studies were:

- (1) that it was important to note who you put into the programme and pay attention to their risk factors;
- (2) that what you target in the programme is important – there must be a focus on crimeogenic needs; and
- (3) how you target the change is important – behavioural approaches must be used.

Vicarious trauma in youth justice professionals, including Judges, was also addressed.

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12. THE LAST WORD

What Kids Need: Dads Who Are Friends

This article from the Grapevine Magazine Issue 3/96 is reprinted with the permission of Grapevine Magazine.

“Sounds obvious, doesn’t it. But it’s amazing how many dads rob their kids of that friendship. They’re so busy working (chasing the mighty dollar or that new car, boat, house, promotion, trip, whatever) that they forget about the little guys back home who couldn’t care less about Dad’s work – they just want Dad to be their friend!

So come on, Dad: When was the last time you gave your kids breakfast in bed! Or challenged them to an arm-wrestle? Or kidnapped them for a chocolate-dip ice-cream? Or brought them home a “guess-what-I’ve-got-for-you”?

Friends are MADE. They don’t just happen. And friendship with your kids is something worth working at. While they’re young, kids will always do their part. They’ll hungrily grab any attention they can from their Dad.

Friends put each other first – even when they’re busy with other things. And Dads were meant to be enjoyed. So give your kids a chance to enjoy you!

And please: don’t wait until they’re teenagers. By then it may be too late. Do it now, while you’ve got it going for you. Pump some freshness into your family each week. Dish it out in big doses – like preventative medicine – and you’ll help ensure that your kids enjoy life far too much to get into trouble.”

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