

“Court in the Act”

A regular newsletter for the entire Youth Justice Community

THE YOUTH COURT OF NEW ZEALAND | TE KŌTI TAIOHI O AOTEAROA

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Intensive Monitoring Group—Fast track processing for youth offenders

A multi-disciplinary review of family group conference plans for high-risk persistent youth offenders is already showing impressive results. The following article first appeared in *Kia Puawai* the Newsletter of Youth Horizons. It is reprinted with their kind permission. Youth Horizons is a non-profit organisation, working with young people who are at risk of poor life outcomes due to complex behavioural and/or mental health needs, including conduct disorder and antisocial behaviours. *Kia Puawai* can be found at <http://www.youthorizons.org.nz/kia-puawai--youthorizons-newsletter/>.

Initiated by Judge Fitzgerald, the IMG (Intensive Monitoring Group) is a specialised, problem-solving Youth Court that sits in Auckland every second Monday. It works with high risk young offenders who have a mental health and/or drug and alcohol component to their behaviour. It is a joint project of the Auckland Central Youth Court, the Regional Youth Forensic Service (RYFS), Child, Youth and Family Services, the Police, the Ministry of Education, Youth Horizon's Trust and Odyssey House.

A vital aspect of the court is the high level of co-operation within the multi-disciplinary team chaired by the judge. The IMG team includes the Court clerk, the Police prosecutor, youth advocates, Youth Justice co-ordinators, social workers from CYF, Group Special Education, RYFS, and service providers such as Youth Horizons and Odyssey House. The team draws on additional expertise as necessary.

The IMG combines a professional team approach with therapeutic jurisprudence (the law's impact on emotional life and psychological well-being). Another key factor in its success is consistency. The young offenders meet with the same judge and team every time. This helps to keep them focused and on task.

Why was the IMG established?

‘Young people with complex needs typically have the most complex family group conference plans. These aim at addressing the victim’s needs and holding the young person accountable, as well as dealing with things in their life that need to be put right to avoid further offending, says Judge Fitzgerald.

‘The plans are complex because of the various things in them that need to be done and in particular those addressing the young person’s mental health concerns and/or drug and alcohol problems. It’s not possible to do justice



Auckland Bridging Programme Manager Clare Babbage and Judge Fitzgerald

to such complex plans during a normal court day, which can include anything from 30 to 50 cases. An approach was needed that would do justice to these young people with complex needs and plans.

‘In my experience successful plan completion using traditional methods was more often than not very poor, with breakdowns in delivery of the necessary services meant to be provided. These could stem from appointments not made or lack of follow-up. There was a disturbingly high rate of plans not completed. There had to be a better way of delivering justice to these young people at high risk of re-offending.’

The IMG opened on 16 July 2007. An interim assessment of the IMG undertaken after one year in operation showed that young people who have been through the pilot show a 38 per cent reduction in the risk of re-

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offending. The Judge says that interest has been expressed in the IMG throughout the country by other Youth Court judges.

Aims of the IMG Court

The objectives of the IMG Court include applying the principles of the CYP&F Act, holding the young person accountable and ensuring victim issues and interests are addressed. Other goals include treating the underlying cause of the young person's offending behaviour, finding solutions that are strength-based, child-centred, family-focused and culturally appropriate, promoting and maintaining inter-agency co-operation and accountability and, most important, keeping communities safer by reducing recidivism.

Challenges for the IMG

'The first practical challenge was getting the IMG off the ground and the next is sustaining it,' says Judge Fitzgerald. 'There is no extra funding to run the IMG. Everyone on the team is playing their part within their existing resources, which are already limited. For many people involved it's tough to provide this time and effort.

'Another challenge has been the process involved in building a team, getting the necessary co-operation from everyone. With two major NGOs and five government agencies on board, all with different cultures and approaches, it was initially a challenge to get co-ordination of services. This required patience, persistence, making a commitment and being energetic about playing their part in the team. And they have. It's so encouraging. Meetings are now very productive with good positive input from everyone.'

A Youth Horizons' perspective

Youth Horizons Auckland Bridging Programme Manager Clare Babbage is a member of the IMG team and an enthusiastic advocate of this type of highly collaborative multi-agency approach.

'Eighty per cent of crime is committed by 20 per cent of offenders. We're targeting that 20 per cent and targeting them at a young age to reduce the harm they may do in the community in the future,' says Clare. 'We want to have the greatest impact where the greatest need is, in order to prevent further harm. High risk persistent offenders need the most intensive intervention to promote change. A complex high intensity plan needs to be closely monitored over six months.'

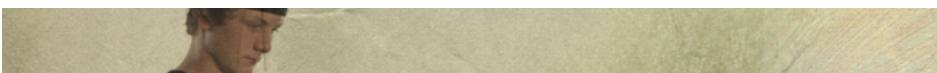
The IMG Court asks what it needs to do to be responsive to the young person.

What is the level of risk involved? What sort of needs are there and what type and level of input is required? Drug and alcohol? Mental health? Family/whanau? Social, educational or therapeutic?

'In the past, things could stall. Now problems are solved much quicker. In the year we've been meeting as a group, we've established strong and effective working relationships. If a big issue crops up with a young person we know the right person to call. The IMG gives us a direct conduit into each organisation.

'The IMG has already proved effective in helping young people to achieve their action plans within the agreed timeframe. This gives the young person a feeling of achievement. Throughout the whole review process the young person has a chance to speak directly to the judge. This is a big difference. The youth has a voice and feels heard,' she says.

'I require honesty from the young person from our first meeting. I want to know what's going on and what problems they're experiencing. If they are doing well, doing community work, paying reparation to victims, achieving and earning behaviour points in Youth Horizon residences, their pride in themselves becomes apparent and it's reflected in them becoming more interested in pro-social activities. They are encouraged and praised when they do well. If they're pushing boundaries, they know that every fortnight when they're in front of the IMG they may face sanctions.'
Judge Fitzgerald.



How the IMG works

The young person's case is separated out from the regular Youth Court after a 'non denial', or a charge has been proved. Depositions are withheld in order to monitor his/her compliance, responses, progress and rehabilitation in the light of specialty services provided over the period of an FGC (Family Group Conference) plan, which includes a treatment plan.

Once the judge approves the FGC plan, the young person is offered the opportunity of taking part in the IMG.

If the young person accepts, he/she is remanded (usually) on appropriate bail terms, incorporating the plan, to re-appear on an IMG Court day and thereafter as directed (fortnightly in most cases). The frequency of appearances is determined by the circumstances of each particular case.

After acceptance, there is unbroken continuity of involvement of that judge in monitoring progress of the young person with that plan. Participation requires continued commitment by the young person. Failure to comply/commit means return to usual court process and the sanctions available there.

Characteristics of the process:

- Co-ordinated approach from a multi-disciplinary team.
- Efficient and appropriate sharing of relevant information between agencies.
- Non-adversarial approach based on the principles of therapeutic jurisprudence involving frequent judicial reviews.
- The court oversees and monitors the provision of services for young people and their family, usually within a vigilant network of community-based supervision.

YORST – Police Youth Offender Screening Tool

Police Youth Aid are expanding a pilot programme of YORST, a screening programme designed to provide a systematic evaluation of the likelihood of a child or young person offending.

What is YORST?

YORST is a risk screening programme for the systematic evaluation of the likelihood of a child or young person re-offending. It helps identify those young people who are most likely to persist in their offending or anti-social behaviour. It can also highlight factors that contribute to the offending and provide the foundation for a targeted and appropriate response.

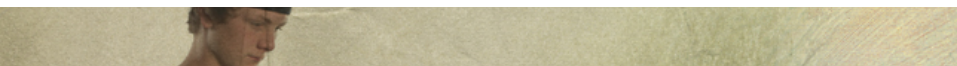
YORST provides 14 questions concerning the prevalence of known risk factors for offending, in a child or young person's life. Those questions cover –

- offending history
- peer group;
- education or employment involvement;
- drug and alcohol use;
- care and protection history; and
- family factors.

This tool is used for every child offender (aged 10 -13 years old) after their second offence, and for every young offender (aged 14 – 16 years old) who is referred to a youth justice family group conference, or who is referred to Child Youth and Family for care and protection due to serious offending.

Why was YORST developed?

YORST was developed in response to the Youth Offending Strategy 2002 which reported that youth justice agencies were not able to systematically or consistently identify the risk of youth offenders re-offending, or the factors to be addressed to reduce that risk.



YORST—from CYFS perspective

Chris Polaschek, Manager of Youth Justice, CYF, says that, while YORST is a paradigm shift for social workers because it focuses on specific criminogenic needs, “in reality, it is not a change to the fundamental social work processes for which they are trained”.

The role of the social worker is to ensure that a family group conference has as much information as possible before they make their decisions. “The intent is that the family group conference is fully informed when making their deci-

sions including risk factors, health and education information where relevant, resilience factors and potential options. [...] YORST supplies our social workers with information that helps them make decisions about what level of assessment they might need to undertake,” Mr Polaschek says.

“Given the relationship with police is a key one for us, the opportunity to work in a joined up way [...] is very valuable.”

In addition, the review after the death of Michael Choy into the delivery of services to the children and young people convicted in relation to his death, highlighted the need to improve early identification of and intervention with child offenders who are likely to become persistent adolescent and adult offenders.

The use of YORST supports the objects of the Children Young Persons and Their Families Act 1989, particularly section 4 (f)(ii) which states that where children or young persons commit offences, they are dealt with in a way that acknowledges their needs and that will give them the opportunity to develop in responsible, beneficial, and socially acceptable ways.

- The use of YORST supports the objects of the Children Young Persons and Their Families Act 1989, particularly section 4 (f)(ii) which states that where children or young persons commit offences, they are dealt with in a way that acknowledges their needs and that will give them the opportunity to develop in responsible, beneficial, and socially acceptable ways.
- YORST was developed, evaluated and reviewed and then launched in a pilot in the Waikato and Bay of Plenty districts in 2007. It will be “rolled out” nationally by mid-2009.
- ### What are the benefits of YORST?
- Better inter-agency communication – The use of a standard assessment tool allows everyone to “speak the same language” and increases understanding across agencies.
 - Improved decision making – Users have found that the tool results in better, more consistent decisions because they rely on a standardised set of predictive criteria which systematically structure professional discretion.
 - More targeted response – questions about dynamic risk factors help identify not only the child or young person's offending-

related needs, but also the intensity of intervention or assessment required.

- Easier file transitions – decisions are more transparent and key information is recorded, so transitions between staff or between agencies is faster and more systematic.
- Increased efficiency – over the long term, risk screening tools save staff time and ensure more efficient use of resources and services.
- Improved youth offender data – the information collected can be aggregated both locally and nationally to create a clearer picture of the youth offending population. This information can be used to inform ongoing policy and programme development.



Superintendent Bill Harrison

“YORST is an example of agencies understanding the benefit of working together on a shared strategic imperative. It forces us to mature through the “who is responsible” question, and answer - WE ARE!”

Superintendent Bill Harrison, NZ Police

Addressing the underlying causes of offending – What is the evidence?

The Institute of Policy Studies, Victoria University recently hosted a forum designed to present the best research-based evidence into the causes of offending. The forum brought together leading researchers, practitioners and policy makers for two days of presentations and discussions. The first day was devoted to the issues of the offending of children and young people. The second day looked at the broader criminal justice system. The institute will produce a book of the papers from the forum within the next month. Those papers can meanwhile be found at http://ips.ac.nz/events/previous_events-2009.html. Of particular interest to the youth justice community were the following presentations.

Dr Cindy Kiro

Children, parenting and education from the perspective of addressing the causes of offending

Judge Andrew Becroft

Addressing causes of offending: Are there lessons to be learnt from the Youth Court

Prof Tony Ward

Punishment and correctional practice; Ethical implications

Robert Ludbrook

New Zealand's obligations under international law. What influence have they had on our criminal justice system?

Chief of Ahipara, Haami Piripi

Misconceptions about indigenous, intellectual and cultural property

Dr Ian Lambie and Dr John

Langle

"Facts, facets and fallacies": the truth about youth justice in New Zealand – current status and future possibilities

Lavinia Nathan

Maori youth offenders: What works and what does not work – cultural assessment

Susan Baragwanath

Boys in prison: What about their education

Julia Hennessy

Reflections from the practice: The UK "Every Child Matters" Children's strategy

Prof David Fergusson

The prevention, treatment and management of conduct problems in childhood and adolescence

Dr Jan Jordan

Lest we forget: Recognising and validating victims' needs

Dr Gabrielle Maxwell

Changing crime rates?

Judge Russell Johnson

Challenges for criminal courts

Justice Lowell Goddard

Human rights and policing

Mike Webb

Policing in a changing world: Key issues facing New Zealand Police

Dr Jan Jordan

Lest we forget: Recognising and validating victims' needs

Tony Paine

Victim support, victims' rights: an agenda for prevention

Assoc Prof Michael Rowe

Policing and 'cracking down on crime': tough questions and tough answers

Dr Simone Bull

Changing the broken record: Contemporary theory and data on Maori offending

Kim Workman

Prisoner reintegration: Towards a model of community partnership

Boot Camps – What do we mean by the term?

As the government announces its "Fresh Start" programme and the introduction of the Children Young Persons and Their Families (Youth Courts Jurisdiction and Orders) Amendment Bill, there has been a lot of discussion in the media about "boot camps", although this term has not been used by the government to date.

It is important in this discussion that the term "boot camp" is understood and used in a proper sense. The danger in the current media-generated debate is that the term "boot camp" is used in a variety of senses and the debate becomes confused. It is interesting that only the media are using the term "boot camp". For clarity, it is important to discuss the classic definition of boot camp and what has been its history and success as an intervention for serious young offenders.

What are boot camps?

Boot camps are an idea that originated in the USA in the late 1980s. They are traditionally a programme of military-style training that emphasises discipline and vigorous physical activity. It was thought that these programmes would benefit young people by introducing routine and discipline, teaching them new skills and the ability to control their behaviour. They would be a major departure from the normal pattern of life, and the "short, sharp, shock" would produce changes to attitudes, values and behaviour.

Recent programmes in the USA have

placed less emphasis on the military-style discipline, and more emphasis on rehabilitation through the provision of education or skills training, alcohol and drug treatment, pro-social skills treatment and mentoring. They have sometimes provided transitional support to help successful re-integration back into the family and community. (See National Institute of Justice report)

Boot camps in New Zealand

New Zealand had boot camps in the form of Corrective Training between 1981 and 2002. The Criminal Justice Amendment Act 1975 abolished borstals and introduced a three-month custodial sentence of corrective training for youths aged between 15 and 19. The emphasis in corrective training was on discipline.

In 1983 the Department of Justice produced a report evaluating the effectiveness of corrective training in terms of reducing recidivism. It found that the typical trainee was between 16 and 18 years old, had one or more previous convictions, probably relating to burglary, theft or car conversion, and had previous involvement with the Depart-

ment of Social Welfare. It also found that the post-release rate of re-conviction within 12 months was 71 per cent (Walker and Brown).

In 1988, an analysis of Ministry of Justice data found a re-conviction rate of 92%, the highest of any sentence in that year.

International research on boot camps

In the 1980s and 90s boot camps proliferated in the USA. By 1995 there were 75 boot camps for adults, and 30 boot camps for juveniles. By 2000 one-third of camps had closed.

The US National Institute of Justice conducted research over a 10 year period into the effectiveness of boot camps. The study found that boot camps had three goals – to reduce recidivism, reduce prison populations and reduce costs.

It found that while boot camps were somewhat successful at reducing prison populations and costs, they con-

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sistently did not reduce recidivism regardless of whether their emphasis was militaristic or rehabilitative. In some cases graduates of boot camps had higher rates of recidivism.

The current debate

In the current climate, it would be better to dispose of the term "boot camp". It is a "value laden" and unhelpful term. Also, boot camps in the classical use of that term have been shown by the research not to work. If we mean an outdoor adventure programme, even a "military-style" training programme for three months, followed by a comprehensive family-based holistic rehabilitation programme for young offenders, then this is not a boot camp. This appears to be what the government is proposing.

For comment and research on boot camps box see the box below.

<p>New Zealand study</p> <p>Walker, W and Brown, R "Corrective Training – An Evaluation" (1983) published by Department of Justice</p> <p>International Studies</p> <p>National Institute of Justice, Department of Justice, USA, "Correctional Boot Camps – Lessons from a Decade of Research", 2003. http://www.ncjrs.gov/btxfiles1/nij/197018.txt</p> <p>Lipsey M.C., and Cullen F.T. (2007). The Effectiveness of Correctional Rehabilitation. A Review of Systematic Reviews. <i>Annual Review of Law and Social Sciences</i>. http://www.ministerievanjustitie.nl/images/Review%20correctional%20rehabilitation%20Lipsey%20Cullen%202007_tcm34-85922.pdf</p>



Young and Accountable— Should New Zealand lower the (practical) age of criminal prosecution?

A position paper on the age of criminal responsibility has been prepared for UNICEF New Zealand. It concludes that any reduction in the age of criminal responsibility would be a breach of children's rights and a backward step. The following are excerpts from the paper. The full paper can be found at http://www.unicef.org.nz/store/doc/MicrosoftWord-UNICEFY&A_final%5B1%5D.pdf

Overview

Some politicians, lobbyists and members of the public believe that existing measures to deal with young offenders, sometimes as young as 10 years old, are ineffective.

They assert that young/child offenders who commit serious crimes should be accountable in the same way as adult offenders. In short "adult punishment for adult crimes".

There are different views

Others, including those working with young people, justice issues, and initiatives to prevent youth offending, believe that there is no case for lowering the age.

Harsh approaches to youth offending do not work

A wealth of credible international and local research shows that severe punishment and detention do not deter young offenders. There is good evidence that punishment does not reduce offending but appropriate assistance can.

Contrary to what proponents of harsher sentences for young people propose it is known that:

- "Getting tough" interventions (boot camps, scared straight, shock probation, paramilitary training) almost always fail. Punishment and detention are

not effective forms or rehabilitation.

- The greatest change in expected re-offending rates for persistent offenders was not achieved through deterrent sentencing. Likelihood of re-offending increases 25% after a deterrent sentence.

UNICEF New Zealand's position

At 10 years old, New Zealand's general official age of criminal responsibility is one of the lowest compared to other western countries.

Any reduction in the age of criminality would not only be a breach of children's rights, and contrary to our obligations under the United Nations Convention on the Rights of the Child, signed by New Zealand in 1993, but a backward step in New Zealand's response to young offenders. It will not reduce youth offending, since it does not deal with the source of the problem. Further it would take New Zealand in the opposite direction to that proposed by international and national experts on criminality and human rights bodies (refer to CYPF Act, UN-CROC, Beijing Rules, the legal principle of *Doli incapax*).

Our responsibility as an enlightened society in the 21st century reaches further than just locking children away from the public. Such children would have little chance of becoming safe and responsible adults.

We do not reduce the problem of crime by reducing the age of criminality.

Short-term, punitive intervention is likely to have a greater negative impact on child and youth offenders and inhibit their ability to become productive citizens.

Preventing crime is the most effective way of reducing the prison population, in the long term. More attention to the environments that grow damaged children is likely to achieve better results. Children's rights to survival, protection, education and to be treated fairly are at the heart of preventing juvenile crime.

Official Age of Criminal Responsibility	
Age	Jurisdiction
7	Tasmania (Australia), Bangladesh, Ireland, Kuwait, Pakistan, Sudan, Zimbabwe
8	Scotland
10	Australia (most states), New Zealand, United Kingdom (except Scotland), United States (some states)
12	Canada
13	Chad, France, Poland
14	Austria, Bulgaria, China, Croatia, Germany, Hungary, Italy, Japan, Libya, Romania, Russia, Rwanda, Slovenia, Yemen, Yugoslavia
15	Czech Republic, Denmark, Egypt
16	Argentina, Portugal, Spain
18	Belgium, Colombia, Guatemala, Mexico

Submissions from the Youth Justice Independent Advisory Group

The Youth Justice Independent Advisory Group (IAG) was established in 2003 by the then government, and members were appointed by the Minister of Justice in order to provide oversight and feedback to relevant ministers on the implementation of the Youth Offending Strategy 2002. Since that time the IAG has met several times a year and engaged with a range of ministers and officials with regard to the Youth Offending Strategy and matters of youth justice generally. Its members are Principal Youth Court Judge Andrew Becroft (Chairperson), Frank Mout, Anni Watkin, Kaye McLaren, La Verne King, Dr Ian Lambie, and Dr John Langley. The Group has recently produced the following submissions on Alternative Education and on How to Reduce the Prison Population (on page 8).

1. Alternative Education

Background

It is clear from the work of the IAG and the agencies that they engage with that those involved in youth offending have a number of characteristics in common. These are:

- dysfunctional family settings;
- frequent early onset of antisocial behavior;
- male;
- substance/alcohol abuse;
- lack of ability to establish normal healthy relationships with peers and other significant individuals in their lives;
- school failure; and
- ultimately, school exclusion.

It is the last two points, school failure and school exclusion, that are of most concern to this submission, although it must be remembered that they do not exist in isolation but are a consequence of the other factors.

It is clear from data obtained from the Youth Court that some 80 per cent of those who appear before it are not engaged in education. While it is not argued that exclusion by itself is an automatic cause of youth offending, it is hard to escape the conclusion that keeping young people within the education system is likely to be a most effective means of reducing the rates of that offending.

Alternative Education

Alternative education (AE) is a provision provided by the Ministry of Education for secondary aged young people who, for various reasons, are not attending a mainstream school. Usually those reasons include academic failure, poor relationships with teachers and peers, lack of interest in schooling and, commonly, various forms of antisocial behaviour.

As at the 1st of July there were some 1800 places available in AE across New Zealand. This represents some 0.2 per cent of the total compulsory school

population. Given that studies indicate that some five to six per cent of our young people have significant behaviour disorders alone, it seems unlikely that the current provision goes anywhere near meeting the need.

It is worth noting that in AE there is no requirement for those in teaching positions to be either trained or registered teachers. It seems extraordinary that any responsible system would place some of its most difficult students in the hands of those who are the least trained regardless of how well meaning they might be.

It is also noted that there are no prescribed staff/student ratios in AE programmes although they generally tend to be low.

The funding for each place on an AE programme is \$11,100 per place. While there is no maximum term for any given placement, the goal is to transition the young person back into a mainstream school or employment.

Suggestions for future direction

Given that it is both desirable and necessary to keep young people in the education system until they are at least 16 years of age, the provision of high quality and effective AE programmes is an essential part of the configuration of education provisions within New Zealand.

It should not be forgotten, however, that mainstream secondary schools should demonstrate a commitment to providing reasonable programmes and resources for young people with educational or social difficulties prior to their ever being considered for AE. In other words, AE should be seen as a last resort, not a dumping ground for schools who want to rid themselves of difficult and challenging young people.

In order to foster greater commitment to young people who may be on the way to AE, a possible initiative would be to provide mainstream schools that can demonstrate successful educational

or social interventions with some additional resources or "bonuses" for doing so. At present anecdotal evidence suggests that some schools already spend a great deal of time and money on such programmes while others seem more than happy to off-load the problem onto others.

In terms of the AE programmes

themselves it is the view of the IAG that improvements need to focus on six areas. They are -

- the nature of the programmes offered and the learning environment;
- the quality of the staff;
- the quality of physical resources provided;
- accessibility;
- the indicators of programme success; and
- the relationship between AE and mainstream schools.

Nature of the programme.

There are a number of research programmes that have identified the characteristics that are required for the implementation of successful programmes for this group of young people. These are outlined in a number of recent reports including Dr John Church's report on the Definition, Diagnosis and Treatment of Children and Youth with Severe Behaviour Difficul-

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ties (2003) and the Interagency Plan for Conduct and Severe Antisocial Behaviour (2007). In general these programmes are highly structured with clear learning and behaviour goals and are coupled with strong reinforcement schedules. Staff/student ratios tend to be low, and there are clear links between what is attempting to be achieved at school with similar changes in the home and community environments.

The quality of the staff.

The research is also clear that the best progress with this group of young people is achieved by those who have a high level of specialized training in order to operate education programmes. In many cases this is at Masters level and requires close professional supervision by other teachers who have high levels of expertise in the area. It is simply not good enough to expect well-meaning people who have limited knowledge and skills to be able to work successfully with this group of young people. In many ways asking them to do so is reckless, and speaks volumes for the importance that policy-makers have placed on this area of education. Clearly identified training and supervision standards must be identified and introduced, coupled with sufficient incentives for those who chose to go and work in this most difficult area.

The quality of resources.

Physical facilities, while not a primary cause of learning by themselves, do send out a very strong message about the importance of any particular endeavour. They also provide a more effective learning environment in which teachers and young people can operate. If that is so then it is clear that AE is regarded at the bottom of the heap. Many of the facilities around the country are substandard in an educational sense and barely adequate from a health and safety perspective. There are harrowing stories of the kinds of places that these young people are sent, including the infamous "Black Stump" in Mt Maunganui and others housed in garages. What this does is give the teachers, young people and community a clear message – AE programmes are the bottom of the heap and we do not think them worth investing in. It is little short of a disgrace.

Accessibility.

It must be noted that many students in AE programmes have limited means of transport. Funding for transport and accurate monitoring of attendance are a critical part of these programmes.

Success indicators.

In many ways the matter of success

indicators is the most important aspect of any programme, AE or otherwise. It is particularly important in the case of AE programmes as significant progress must be made if the ultimate goal of transition back into mainstream education is to occur. In any AE programme an individual education and development plan must be developed for the young person. It must contain accurate diagnosis, clear goals, explicit statements about how the goals will be met and the means by which outcomes will be measured. The effectiveness of any AE programme should be evaluated annually on this basis and further funding should be dependent on that performance.

Relationship with regular education.

The purpose of AE is ultimately for students to be transitioned back into mainstream schools. This presupposes a close working relationship between AE programmes and the schools involved. It is fair to say that this relationship is often, at best, inconsistent. Schools that have students move into an AE programme should be required to contract in their ongoing involvement with the student while they are in the AE programme, and work with the staff of the AE programme in order to ensure a smooth progression back into the school or employment.

Schools Plus

In principle the IAG supports the Schools Plus initiative. Having great fluidity between schools and post-school options is long overdue and seen as a positive development. The impact it will have, however, is unclear.

With an anticipated additional 21,000 15 to 17 year olds in education when Schools Plus is fully rolled out, the implications are profound. Keeping young people in education is one thing, what they do when they are there is completely another. The need to not only provide educational programmes, but relevant and engaging educational programmes for this group will be the challenge and will require considerable shifts in the thinking of many in secondary schools. If young people currently see what they are doing in secondary schools as tedious and irrelevant then there is little reason to think that will change unless the nature and delivery of programmes changes.

It is also clear that with the increase in numbers attending school under the Schools Plus initiative it will mean that more students will present themselves for AE programmes. The current number of funded places will simply be more inadequate than it already is.

One possibility for the future develop-

ment of AE is to build it into the Schools Plus framework as a "regular" part of that framework with specific options available for a range of students, not just those who have failed academically or are difficult to manage, although that should remain the key skill set for those working in AE. So, rather than being



seen as a dumping ground and "end of the road" placement for a young person, it could be seen as one of a range of options that can be entered and exited on the basis of need and progress.

Conclusions

The IAG strongly supports AE programmes that are well-funded and of the highest quality. In order to achieve that, the following areas require considerable focus-

- The conceptual place of AE within the education system, particularly as it relates to Schools Plus.
- The qualifications of teachers.
- The quality of physical resources.
- The ability of young people and their families to access programmes.
- The way in which successful outcomes are identified and assessed.
- The relationship that must exist between AE programmes and regular schools if successful transition back into schools is to occur.

The accomplishment of all of these will require a considerable shift in the funding required to make this a high quality provision within education compared to what it currently is – the very poor relation.

Dr John Langley for the IAG

2. How to reduce the prison population

The Hon Annette King, former Minister of Justice asked for advice from the IAG on how the youth justice sector can help reduce the prison population. The IAG offered the following three recommendations designed to “turn off the tap” of young offenders into the adult criminal justice system. The final recommendation tentatively suggests changes to the adult justice system in light of lessons learned from the youth justice system.

Recommendation 1- Prioritise Research on the Outcomes of the Youth Justice System

Our current youth justice system has been in operation for nearly 20 years, and is often touted as “world-leading”, yet we have very little information about its efficacy in terms of reducing re-offending. There is little or no research being undertaken to guide programme delivery. Most services currently funded by government to treat youth offenders are not being researched as to their efficacy. Certainly we have no systematic, time series information about the re-offending rates of young people dealt with through the youth justice process.

We do not have good information on the number of young offenders that go on to become adult offenders, or on the proportion of adult offenders that have youth justice histories. This information is vital to help us know whether or not what we are doing is effective. Such information could help to identify whether there are particular problem areas within our response, and thus guide effective policy development.

We strongly urge the development of the Youth Justice Dataset so that we can examine re-offending and offending trajectory information systematically, on a national basis and over time. This area was a subject of strong recommendations in Key Focus Area Two of the Youth Offending Strategy.

We also encourage evaluation of elements of the youth justice process, such as the research now being conducted by the Ministry of Social Development on a selection of Youth Court orders – the first such research ever undertaken, to determine the effectiveness of our approach in reducing re-offending.

To increase the quantity of research in the youth justice sector and to facilitate such research being undertaken by students and researchers, a contest-

able youth justice research fund could be established. The New Zealand Fire Service Contestable Research Fund is one possible model for consideration.

Recommendation 2— Adopt a ‘prevention science framework’ for new programmes

The youth justice response (both the overall process set out by the CYPF Act and the specific intervention programmes delivered), and indeed the adult criminal justice response, would benefit from a principled review in terms of alignment with models and programmes that are demonstrated to be effective.

The initiation and development of new programmes for young offenders and young people at risk should adopt a prevention science framework, whereby a problem is defined, risk and protective factors are identified, effective programmes are identified from meta data and then thoroughly piloted and evaluated before full-scale implementation. It is crucial that a more systematic, evidence-based way of developing and funding youth justice programmes is established.

Prevention research has identified key features of robust programme evaluation including:

- random assignment to the program versus a comparison condition or a strong quasi-experimental design;
- precise specification and measurement of the outcomes to be achieved;
- experimental evaluation that controls for the possibility that factors other than the intervention led to the outcome;
- long term follow-up of the effects of the program over developmental periods; and
- replication of the evaluation in real-world settings.

Through rigorous evaluation, a number of policies and programmes have been identified that have demonstrated efficacy to prevent the development of problems of human health and behaviour. Promising programmes for children and young people demonstrating or at risk of health and behaviour problems (including offending) include:

- Functional Family Therapy;
- Multi-Systemic Therapy; and
- Therapeutic Foster Care / Multi-dimensional Treatment Foster Care.

Promising policies once a child or young person begins offending include:

- dealing with matters at the lowest possible level ;
- assessing and targeting needs related to the offending;
- keeping people in the community (as opposed to custody) wherever possible; and
- fostering engagement in education or employment.

Recommendation 3 - Improve current youth justice practice

The Youth Offending Strategy 2002, which is due to be reviewed over the next two years, sets out a list of 73 recommendations to improve our response to preventing and reducing youth offending. Some of these recommendations have been completed well; some have seen very little, if any, progress. Our advice is to fully implement the Youth Offending Strategy.

In our view, areas requiring urgent attention include:

- specialist training for all youth justice personnel, both government and non-government. It makes little sense to duplicate some core youth justice training issues across agencies and community groups;
- ongoing resources to implement and meet the requirements of the Child, Youth and Family Youth Justice Capability Review (including continuous improve-

Continued

ment of Family Group Confer- ences);

- additional Youth Aid resource at Police National Headquarters, and better training of front-line Police as to dealing with young offenders;
- an even greater commitment to diversion/Youth Aid alternative action by the Police, with the goal being to charge no more than 10% of youth offenders;
- further development of health and education assessments;
- identification and development of appropriate responses to offending by young Maori;
- increased used of Supervision with Activity and a decreased use of Supervision with Residence;
- more community based rehabilitation programmes which must also be rigorously assessed for best practice;
- greatly enhance the transition services for young people coming out of residence, further reduction of police cell remand rates, and urgent priority to increasing the number of community based remand facilities and "homes" including supported bail
- provision of a national youth forensic mental health service.

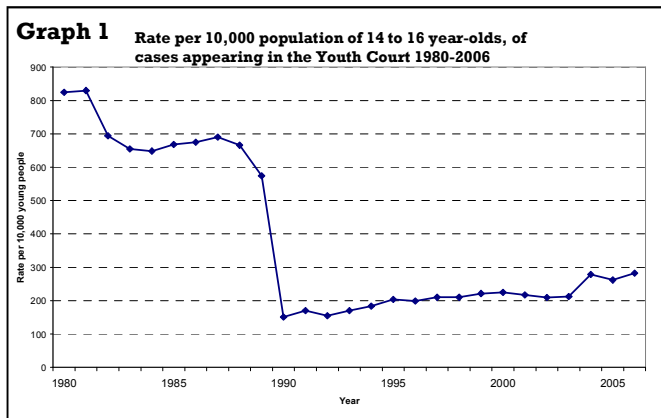
Workforce development is a critical aspect of improving our youth justice response. Youth justice requires professionally trained staff – across police, clinical psychology, education, health, youth work, social work. At the moment we struggle for enough professionally trained staff in many areas and there is a need to address this issue with the training institutions, specifically – Universities and Polytechnics. Failure to do so will result in poor and incompetent delivery of treatment programmes, wasted resources and poor outcomes for young people and their families. A professional and effective workforce is at the cornerstone of all good international treatment programmes.

Recommendation 4 - Consider the diversionary nature of the youth justice system for the adult system

The youth justice system arguably pro-

vides some important lessons for reducing the use of the court (charging) and court sanctions (especially imprisonment).

The number of cases of 14 to 16 year olds appearing in court has dropped dramatically since the introduction of the Children, Young Persons and Their Families Act 1989 (the Act) (See graph 1).

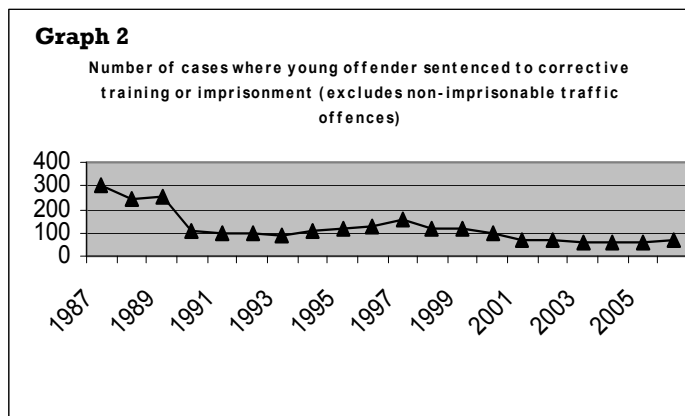


The framework set out in the Act for young offenders takes a strong diversionary focus. As a result, there is a significant use of diversion with young offenders, and court is reserved for the most serious offenders/offences. There is still significant research to be done as to whether comprehensive diversion for adults (without recourse to charging first) would be more successful in reducing offending than bringing all adult offenders to court.

The use of imprisonment is also restricted for under 17 year olds, available only for the most serious (purely indictable) offences. Imprisonment numbers dropped dramatically with the introduction of the Act. (See graph 2)

Relevant youth justice principles in summary include:

- unless the public interest re-



quires otherwise, criminal proceedings should not be used if there is an alternative;

- children and young people should be kept in the community as far as possible (while ensuring public safety concerns are met);
- sanctions should take the least restrictive form appropriate

Research by Kaye McLaren, one of the YJIAG members, suggests that young people are least likely to re-offend when dealt with at the lowest level of the youth justice system possible taking into account the nature of their offending.

Youth justice principles also heavily emphasise the role of family/whanau in addressing the offending behaviour of young people.

A focus such as that of the youth system, which has resulted in a massive drop in the use of custodial sanctions, may also be applicable in the adult jurisdiction. While we are not suggesting the adult criminal justice process should take the exact form of the youth justice process, we do consider that elements of the youth justice system, such as its emphasis on diversionary options, and restriction on the availability of imprisonment for only the most serious offences, could be examined when considering responses to adult offending.

Principal Youth Court Judge Andrew Becroft

YJIAG Chair

Writing a letter of apology in the youth justice system— Lifting the Expectations

Tell the victim about yourself

- What is your full name?
- Where does your name come from and what does it mean?
- Why did your parents give you that name?
- Do you play sport or have any hobbies?
- Do you go to school and if so, what class and subjects do you take?
- What do you like best about school (there must be something you liked)?
- If you don't go to school, why not?
- What do you want to achieve with your education?
- What type of job or work would you like to do?
- What qualifications do you think you will need to get that type of job or work?
- What do you see yourself achieving in the next five or ten years ?

Tell the victim about your family

- How many people are there in

your family?

- Where does your family come from, what area do you live in?

Talk about your offence

- What was your part in the offence that brought you to the attention of the Police?
- What started the incident and why?
- Why did you behave like that?
- Talk about how you and your family feel about what you have done.
- What does your family think of your behaviour?
- What do you think of your behaviour now?
- What would you think of a person who did the same thing to you?
- What are your feelings now about your behaviour?
- Are you sorry for what you did?
- What will you do in the future if you find yourself in the same circumstances again as the ones that led you to come to the notice of the Police?



‘Don’t worry that children never listen to you; worry that they are always watching you.’ - Robert Fulghum

“Court in the Act “

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We welcome contributions to the newsletter from anyone involved in youth justice in New Zealand or internationally.

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