



**CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND  
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE  
Judge Jan-Marie Doogue**

**PRINCIPAL YOUTH COURT JUDGE OF NEW ZEALAND  
TE KAIWHAKAWĀ MATUA O TE KŌTI TAIOHI  
Judge John Walker**

**16 August 2018**

*Statement for immediate release*

## **District Court responds to high incidence of disabilities**

The District Court is to consider adopting a different approach to young adult offenders to take account of the high incidence of neurodisabilities among those appearing in court.

The Chief District Court Judge, Jan-Marie Doogue, and the Principal Youth Court Judge, John Walker, have been monitoring the mounting evidence about the impact of neurodisability, mental illness, intellectual disability and acquired brain injury on young offenders.

Together they are exploring how to apply latest knowledge about the way these factors impact on the developing brain, particularly to young adults who appear in the District Court.

Chief Judge Doogue believes that there are lessons to be learnt from Youth Court processes that could be adopted to better recognise the needs of young adults appearing in the District Court.

Judge Walker says the Youth Court is confronted by the disabilities affecting young people which include foetal alcohol spectrum disorder, autism, communication disorder, dyslexia and those suffering from acquired brain injury.

“These disabilities occur at a very much higher rate in those who appear in court than in the general population,” Judge Walker says.

“When this is added to the increasing identification of mental illness and intellectual disability and the delayed brain developments that affects all young adults, the scale of the issue becomes apparent.

“These disabilities are fixed and do not stop when a young person reaches 17 and enters the District Court,” Judge Walker says.

The Youth Court has well developed processes to respond to the complex needs of these young people, whereby their disability and lack of maturity is taken into account in the way the court runs. These include having multi-disciplinary teams in court and ways for young people to participate in their court case. However, these processes do not generally extend into the adult court.

Chief Judge Doogue says if the District Court is to deliver effective responses to offending, the defendant needs to be able to understand what is happening and to be able to fully participate in the hearing.

“Many European courts have special processes for young adults and have had those processes for a long time. Recent reports in Europe and the United Kingdom have highlighted the need for these processes.

“It just needs us as Judges to appreciate that we cannot treat all young adults like they are fully developed adults.”

The Chief Judge’s Advisory Board will continue to work on next steps at its next meeting in September, and how it can adapt current processes to better reflect individual needs.

Chief Judge Doogue stresses that this is a court process issue and does not require any changes to legislation. Sentencing already takes account of age and disability. Any change in process would avoid a blanket approach so the response would be better tailored to individual needs.

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(The Youth Court is a division of the District Court, and deals with offenders aged between 14 and 17.)

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