**Australasian Juvenile Justice Administrators Meeting**

**13 - 14 November 2014**

**Sydney**

**New Zealand**

**Jurisdictional Report**

Contents

[1. New Zealand Youth Justice Statistics 3](#_Toc400525431)

[1.1. New Zealand Police Apprehensions 2012-2013 3](#_Toc400525432)

[1.2. Child, Youth and Family – Youth Justice Activity 2010-2014 4](#_Toc400525433)

[1.3. Rangatahi Court 6](#_Toc400525434)

[1.4. Iwi Co-facilitation 7](#_Toc400525435)

[2. Youth Justice Initiatives 8](#_Toc400525436)

[2.1. Fresh Start 8](#_Toc400525437)

[2.2. Reinvigorating the Youth Justice Family Group Conference 8](#_Toc400525438)

[2.3. The Youth Crime Action Plan (YCAP) 9](#_Toc400525439)

[2.4. The Assessment Centre 10](#_Toc400525440)

[3. Research, Reviews and Publications 11](#_Toc400525441)

[3.1. Latest results from the Military Activity Centre (MAC) 11](#_Toc400525442)

[4. Key Positions and Contact Numbers 12](#_Toc400525443)

# New Zealand Youth Justice Statistics

Youth crime in New Zealand as identified through all key indicators, apprehensions by Police, referrals to Family Group Conference, young people appearing in court, and those receiving high end court orders, continues to decline. This has been the pattern for the last 3 years. In 2012 Government set a target of reducing youth crime by 25% by 2017 and this has already been exceeded with crime down 30%. This includes all categories of crime except serious violence where there has been a marginal increase. A new target is expected to be set in the near future.

The data used in this report is a combination of Police apprehensions and Child Youth and Family operational data. In addition the Ministry of Justice provide another set of data based on their own parameters. Because of this we are unable to present a 'single client view' or to provide data based on understanding the progress and outcomes for individuals as the pass through the Juvenile Justice system. This is a known problem and is currently being worked on as part of the Youth Crime Action Plan. From 1July 2014 the first iteration of an integrated minimum data set should be available.

## New Zealand Police Apprehensions 2012-2013

**24%**

**2%**

**24%**

**46%**

**4%**

A total of 27,219 apprehensions for 10-16 year old age-group in 2012-2013, a decrease from the total of 32,581 in 2011-2012.

A total of 27,641 (46%) of apprehensions were resolved through Police Youth Aid diversionary intervention (Alternative Action). While the overall number of apprehensions has decreased compared to the previous year, the percentage resolved by alternative action has actually increased. A further 24% were resolved by way of Police cautions and warnings.

A total of 6,482 or 24 per cent were Warned or Cautioned, a decrease from 8,009 which represented 25 per cent in 2011-2012.

Note that the Police record that only 1,127 or 4 per cent of youth apprehensions were resolved through a Youth Justice Family Group Conference. That figure excludes Youth Justice Family Group Conferences referred to Child, Youth and Family following arrest, or charges being laid. It also does not capture pre-court Family Group Conference referrals where the offence was not resolved, and charges were subsequently laid at Youth Court. Police figures under report Youth Justice Family Group Conferencing activity, which is better captured by Child, Youth and Family data below.

## Child, Youth and Family – Youth Justice Activity 2010-2014

Official statistics from Statistics New Zealand report 408,969 children and young people (10-16 old population) in New Zealand in 2013-2014. Although New Zealand experienced a continued decline for this age group population from 2010 to 2013, this age group population experienced an increase of 1 per cent to a total of 408,969 in 2014.

Youth Justice Family Group Conference Referrals to Child, Youth and Family declined by 30 per cent between the 2009-2010 and 2013-2014 financial years. This has resulted in fewer Youth Justice Family Group Conferences held in 2013-2014, a 32 per cent reduction from 2009-2010. In 2013-2014 there were 2,798 distinct clients referred for a Youth Justice Family Group Conference, a 34 per cent reduction from 4,480 distinct clients in 2009-2010.

High end tariff Youth Court orders decreased from 659 in 2009-2010 to 499 in 2013-2014, representing a 24 per cent reduction.

There were 18 transfers to District Court for sentencing in 2013-2014. This represents a decrease of 70 per cent from 61 transfers to District Court for sentencing in 2009-2010. In part this reduction may be due to the lower volumes of Youth Court throughput, and in part to the impact of the Fresh Start for Young Offenders reforms of 2010 which effectively doubled the length of the most intensive Youth Court orders, including the courts’ ability to order the young person’s detention in a Youth Justice Residence.



Although Child, Youth and Family continues to experience overall a steady decline of volumes through its youth justice services, young Maori continue to be over-represented for each financial year, and show a percentage increase in each key category presented above between 2009-2010 and 2013-2014.

Statistics New Zealand report that in 2013 (30 June), Maori make up 16% of the total NZ population, however for the 10-16 age range, young Maori make up 24% of the general 10-16 age range population.

Although the total number of High End Tariff court orders declined by 24 per cent between 2009-2010 and 2013-2014, Supervision with Residence orders remained constant. The overall number of young people placed on remand in a Youth Justice Residence awaiting a Youth Court decision is increasing and is a Youth Crime Action Plan area of specific focus.

## Rangatahi Court

The concept of Ngā Kooti Rangatahi was developed by the Judiciary and was informed by the experience of the Koori Courts in Australia. Through Rangatahi Court, part of the Youth Court process, the monitoring of Family Group Conference (FGC) plans, is undertaken at a marae in an attempt to reconnect young offenders with their culture, improve their compliance with Family Group Conference plans and reduce their risk of reoffending.

Rangatahi Court may be offered as the venue for appearances subsequent to the young person’s first appearance in Youth Court.

Judges involved in the establishment of Rangatahi Court consider that rangatahi offending is related to a lack of self-esteem, a confused sense of self-identity and a strong sense of resentment which in turn leads to anger and ultimately leads to offending.

An evaluation of the early outcomes of Nga Kooti Rangatahi (Rangatahi Court)(cultural equivalent to Youth Justice Court) submitted to the Ministry of Justice, 17 December 2012, assessed the implementation of Rangatahi Courts and identified the early outcomes for those rangatahi who had their Family Group Conference Plan monitored through the Rangatahi Court.

Early observable outcomes for rangatahi include:

* The marae venue was observed to establish a strengths based process
* Rangatahi developed a stronger sense of cultural identity and self identity
* Rangatahi left court with a sense of purpose and a positive attitude

Rangatahi who were identified as “success cases” shared some commonalities, including:

* they had stable living arrangements
* they were engaged in some form of education or training
* they had active and innovative lay advocates
* they had strong social workers, and
* their whanau had strong support from service providers.

Outcomes for the Whanau (family grouping) include:

* they felt respected and welcome at court
* understood the court process and what was required of them
* felt included and actively engaged in the court process
* felt a sense of pride in their rangatahi
* felt supported in their parenting role.
* Some whanau also reported that communication was enhanced and relationships were strengthened within their whanau.

Outcomes for the Marae Community include:

* Hosting Rangatahi Court validates the mana (position of authority) of the marae as a venue for cultural and community engagement
* Mobilising part of the Maori community to support youth on the wrong side of the law.
* Wider community support during the powhiri process, and ongoing running of the Marae during the Rangatahi Court. Members of the community established a relationship with the marae, and some community members re-established their relationship with the Marae.
* Making a connection with rangatahi through the Rangatahi Court, and maintaining that connection with rangatahi after Rangatahi Court.
* Enhanced respect for the law within the community.

It should be noted that the legal processes in the Rangatahi Court are the same processes that apply in the Youth Court so the legal system is being applied in the same way. By going to the marae, the court automatically opens itself up to the strengths and opportunities of the Maori community. Recently the Principal Youth Court Judge for New Zealand, His Honour Judge Andrew Becroft, and his fellow judge Heemi Taumaumu recently attended a First Nations Conference in Canada at the University of British Columbia, presenting on the Rangatahi Court. There is international interest in similar work being pioneered in both Canada and Australia.

The Ministry of Justice is doing a further evaluation of the Rangatahi Courts at this time however it will be several years before sufficient volumes have passed through the courts and time elapsed to make for a meaningful evaluation.

## Iwi Co-facilitation

The term ‘co facilitation’ is used to describe the different ways iwi may choose to engage in the Family Group Conference process, which includes preparation, holding, monitoring and reviewing. Whilst the current New Zealand legislation does not allow for the appointment of external coordinators, there is room for increased connection with iwi that is not limited only to the actual meeting.

The reinvigorating Family Group Conference project (see 2.2 below) will pilot new models of convening and facilitating FGCs in partnership with iwi and will evaluate the effectiveness and outcomes of such conferences. The approach will be to work in partnership with iwi in a co facilitation model under the current legislation. We need to enhance practice and supporting processes, to encourage Māori mokopuna and whānau participation, and improve the FGC experience for them. The Chief Social Worker, summed up Māori responses received as part of the recent review:

* More could be done to engage whānau, hapū and iwi
* Whakapapa search needs strengthening
* Practice needs to reflect more strongly Māori values and traditions
* Practice needs to reflect partnership rather than be adversarial

Meetings have been held with four iwi, Ngati Porou, Ngai Tuhoe, Waikato-Tainui and Nga Puhi regarding the co facilitation of family group conferences. Iwi have expressed an interest in a stronger involvement in the FGC process and specific meetings have been had with Ngati Porou, Ngai Tuhoe and local CYF managers to progress this.

Steps are underway for piloting a co facilitation model for 'Intention to Charge' FGCs, which has been developed by Tairawhiti Youth Justice and Ngati Porou.

# Youth Justice Initiatives

## Fresh Start

In 2013-2014, the number of young offenders[[1]](#footnote-1) participating in Fresh Start programmes included:

* 297 low-level offenders in community youth development programmes to develop positive social attitudes, values and behaviours
* 622 in mentoring programmes that provided individualised and intensive support and guidance
* 184 in parenting education programmes to develop parenting skills
* 281 in community day programmes and 50 in residential programmes to help with alcohol or drug addictions
* 221 on Supported Bail with intensive community-based support and services to reduce the likelihood of offending on bail and a subsequent remand to a Youth Justice Residence.

The Fresh Start programme targets young offenders, holds them accountable for their offending and manages the risk of them reoffending in their communities.

## Reinvigorating the Youth Justice Family Group Conference

A Youth Justice Family Group Conference (YJFGC) is a meeting between a young offender, their family, victims and stakeholders such as the Police, a social worker or a youth advocate. The purpose is to discuss how to address the young person’s offending.

The YJFGC process allows us to step in early before offending escalates. Following a Family Group Conference, most young people do not come back to our attention within a year of the offending.

In 2013-2014, we held 5,633 YJFGCs[[2]](#footnote-2). We prepared YJFGC Plans for 3,213 children and young people, of whom 96 per cent met the objectives of their plans[[3]](#footnote-3). There was a total of 9,350 victims identified, and 1,929 (21 per cent) took part in YJ FGCs[[4]](#footnote-4).

We are currently reviewing our delivery of YJFGCs, looking at:

* new YJFGC standards
* more support and training for Youth Justice co-ordinators, in particular training on the new assessment framework (Tuituia) process
* more victims and other key attendees taking part in Family Group Conferences
* an earlier, more integrated care and protection response to reduce the number of children entering the youth justice system.

## The Youth Crime Action Plan (YCAP)

The New Zealand government has identified 10 *Better Public Services* (BPS) targets for the State Agencies. There are two that relate to offending behaviour one of which relates to youth offending. The expectation is that youth offending will reduce by 25% by 2017. The main way that this will be measured (although not exclusively) is through reducing the volume of young people appearing in Youth Court. It should be noted that detected youth crime has dropped significantly in the last three years. The target has been met earlier than the projected date. A new target is likely to be set in the new year once the sustainability of the current gains is established.

The strategy for meeting the BPS target is the Youth Crime Action Plan.

The YCAP is a 10 year strategy which has three elements:

* **Reducing escalation** which is focused on preventing young people from entering the formal justice system
* **Early and sustainable exits** for young people who have entered the justice system focused on ensuring that the first intervention is effective and that any subsequent intervention if it needs to occur, is the most effective it can be
* **Partnering with communities** which recognises that the state agencies need to work effectively in a coordinated and complimentary way with each other and their local communities if both other strategies are to be successful.

Underpinning the strategies are three building blocks:

* Effective governance of Youth Justice from the national level down to local communities
* Workforce development for both state agencies and the non-government sector
* Quality information, this includes a minimum youth justice data set to help communities and agencies understand their environment better, the effectiveness of what they are doing, and for planning purposes.

The YCAP has 30 identified actions to be undertaken in the first two years of its existence. These are a mixture of actions which can be completed within the timeframe and others which are first steps and will need additional work into the future.

The YCAP was launched in October 2013 so there has not been a great deal of time to see progress however there are actions in progress including:

* Police and CYF have piloted an early decision making model which effectively means making considered decisions about who will be prosecuted and, where there is to be an alternative action, whether it should be Police led or CYF led.
* Linked to this are other process improvements by Police including the referral of all cases to Youth Aid (Police Youth Services) where there is to be a prosecution before the prosecution proceeds, and close tracking of Police decisions to prosecute to improve consistency of decision making nationally.
* In terms of promoting early and sustainable exits a large part of the work is around reinvigorating the family group conference project. Key actions that have occurred are the development of performance standards, promulgation of information for professionals participating in FGCs, the recruitment of 12 practice experts who will work with coordinators as 'accreditors' and mentors.
* Within the community development space, tools have been developed to help communities establish their own YCAP plans and work has begun with one area (Hamilton) to trial processes. In terms of a challenge, this is the strategy that will take the most work. There are a variety of initiatives happening in communities all attempting to do the same things so the challenge is to engage without placing duplicate demands on these communities. We also want to avoid creating too many bureaucratic hurdles, seeking input without creating unrealistic expectations about resources, identifying and working with diverse communities (both geographical and communities of interest) who may not have established governance arrangements, and getting to those 'hard to reach' communities that may be reluctant participants. Information has been developed to help communities to engage and Youth Justice Managers have been invited to start thinking about how they might develop and include YCAP strategies into their local plans. The majority of the 32 existing Youth Offending Teams (YOTs) which include members of Health, Education, Police and Child, Youth and Family and which provide national coverage, are chaired by either CYF or Police so it is easy to engage with them and promote the purpose of YCAP. There remains a challenge of how sub-communities within those YOT catchments are engaged

## The Assessment Centre

Associated with the YCAP strategy of early sustainable exits is the development of an assessment centre in one of the national residences, Korowai Manaaki at Auckland, with a view to creating a centre in each of the four residences. The purpose of the centres is to reduce the length of time young people spend in residences on remand. In addition the centres will intensively assess young people for their FGCs and seek to risk plan for their safe return to the community at the earliest possible time.

The centre uses health, education and work placement staff, along with field and residential social workers to fully assess the young person within the first 10 days that they are in residence. Supported bail or electronic monitoring will be used at the earliest possible time to safely return young people to the community. Where custody is the best decision, this will have been fully tested.

Progress to date is that two of the seven Auckland youth justice sites have worked with the residence to establish the processes necessary and from 1 April 2014 all the Auckland sites started using the established processes. A governance structure has been put in place and it is expected that there will be a roll out to all residences over the next four to five months.

# Research, Reviews and Publications

## Latest results from the Military Activity Centre (MAC)

MACs were introduced in 2010 to provide the Youth Court with an option for dealing with the most serious young offenders, who would otherwise be sent on to the adult justice system.

The MAC programme involves:

* a residential phase, including a wilderness camp and interventions to address the young person’s individual needs
* a community phase, with on-going support for the young person and their family.

Enhancements were made to the MAC programme by:

* adding a post-release development programme to support the young person’s transition back into their home community
* ensuring all young people are offered mentoring support and are linked with a youth employment service on release
* tailoring the length of the Supervision with Residence period so MAC graduates can be released promptly when they complete the MAC phase of their Order
* introducing training in motivational interview techniques for MAC social workers. The process requires accreditation and we are working with the University of Canterbury to complete this.

The outcomes with a 12-month follow-up period for the 47 young people who successfully completed a MAC between July 2011 and December 2012 (MAC Three to MAC Eight) show:

* Nineteen per cent did not offend (i.e. come to the attention of police with a new offence) in the 12 months after exiting the residence.
* Eighty-one per cent reduced frequency of offending.
* Eighty-nine per cent reduced total seriousness of offending.
* Seventy-seven per cent reduced seriousness of most serious offence.
* Seventeen per cent received a custodial sentence (Supervision with Residence order or imprisonment) in the 12 months after completing a MAC.

Between July 2013 and July 2014 (MAC 11 to MAC 14) a further 25 young people successfully completed a MAC programme as part of a Supervision with Residence Order[[5]](#footnote-5).

# Key Positions and Contact Numbers

|  |  |  |  |
| --- | --- | --- | --- |
| **Position** | **Name** | **Work Phone** | **E-mail Address** |
| General Manager, Operations | Paula Attrill | (04) 918-9168 | Paula.Attrill001@cyf.govt.nz |
| General Manager, Residential & High Needs Services | Nova Salomen\* | (04) 918-0045 | [nova.salomen001@cyf.govt.nz](mailto:nova.salomen001@cyf.govt.nz) |
| Chief Social Worker | Paul Nixon | (04) 918-9164 | Paul.Nixon004@cyf.govt.nz |
| General Manager, Youth Justice Support | Chris Polaschek | (04) 918-9176 | Chris.polaschek002@cyf.govt.nz |

\*Note Chris Polaschek is currently looking after the Youth Justice Residences and this may continue into next year.

1. Some young offenders have benefitted from participating in multiple Fresh Start programmes. The total number of Fresh Start programmes does not represent the total number of young offenders. [↑](#footnote-ref-1)
2. Some young people had more than one YJFGC. The total number of YJFGCs does not represent the total number of children and young people. [↑](#footnote-ref-2)
3. A YJFGC does not necessarily result in a Family Group Conference plan being agreed on. [↑](#footnote-ref-3)
4. Not all YJFGCs have an identified victim eg offences involving property damage. [↑](#footnote-ref-4)
5. March 2014, Knowledge & Insights Group produced the Reoffending Patterns of Military-style Activity Camp Participants report. [↑](#footnote-ref-5)