"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

Youth Court Website: http://www.courts.govt.nz/youth/ **No. 22, July 2006**
(Now includes a database of reported and unreported Youth Court cases)

"Young men are apt to think themselves wise enough, as drunken men are apt to think themselves sober enough."

Lord Chesterfield

In this Issue …

[Press the heading for hyperlink access]

This Month in "Court in the Act"

Principal Youth Court Judge A J Becroft

FIRST things first – a big thank you for all your emails letting us know you find *Court in the Act* useful. This is a great encouragement and we hope that you will continue to send in your thoughts and stories on youth justice.

In this edition of *Court in the Act* we feature two responses to Mike Doolan's articles on restorative justice in the Youth Court. We have news of things that are working well overseas – such as the effect improved nutrition in prisons is having on re-offending in the United Kingdom plus concerns about the introduction of Teen Courts in the United States. And there's news of something that didn't quite go to plan – curfews for under 16 year olds in UK cities. Closer to home we report on a YOT conference in the Far North and Youth Aid Officer, Chris Te Whare, fills us in on a day in the life of a Youth Aid Officer.

We have 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, Lavina Monteiro, ph. (04) 914 3446.

Email comments or news stories to Rhonda.Thompson@justice.govt.nz.

Click to go back to contents

1. Guest Editorial: Young Offenders (Serious Crimes) Bill: Another Shambles!

John Langley, Dean of Education, University of Auckland; Member of the Ministerial Independent Advisory Group on Youth Offending

NEW Zealand once again faces a policy shambles in the justice area. The Young Offenders (Serious Crimes) Bill seeks to reduce the age of offenders who can be prosecuted in criminal courts from 14 to 12 years of age. The impact of this would be to remove the jurisdiction of the current Youth Court from virtually all criminal offences involving young people.

This misguided idea follows hot on the heals of an equally unfortunate piece of public policy which provided for increased sentences for a number of crimes, based on the false premise that sentence length and offending rates are somehow connected. The result of that initiative has simply filled our jails to bursting point while having no impact on offending rates at all.

When developing any form of policy three options, or combinations of those options, can be adopted. The first is to develop policy more or less on public opinion, based on the premise that if the majority of people think something is the case, it must be so. That is how prison sentences were increased. Several years ago a referendum was held asking the populous whether or not we wanted longer sentences for some crimes? Most of the 90 odd per cent who voted in favour of longer sentences almost certainly did so because they thought it would deter others and the crime rate would fall. Wrong!

Despite all of the evidence, despite all of the good and bad practice that we could have called on, the policy-makers were guided by public opinion and it has created a mess of monumental proportions.

The second means of developing and implementing policy is based on some form of philosophy or dogma. For example, neo conservative groups tend to view human nature and behaviour in pessimistic terms, which leads them to a view that the way to deal with aberrant behaviour is to punish and punish hard. Some of this stems from various biblical examples such as “spare the rod and spoil the child”. The result of this in terms of justice policy is a greater emphasis on punishment then on rehabilitation. It is not a coincidence that the National Party seems to be very reluctant to revisit its stance on the use of prisons even in the face of groups such as the Sensible Sentencing Trust who seem to be more open-minded.

The current Young Offenders Bill is an example of the influences of both public opinion and dogma. It is based on the view that somehow this might be what the public wants in terms of getting tougher on young offenders. It is also based on the mistaken view that by making children appear in an adult court it will, by definition, expose them to the same level of punishment as those adults and, thus, stop others offending. Neither is either sensible or supported by any semblance of evidence.

> ***“To suggest that by simply increasing a sentence length or reducing an age when children appear in a particular court will make one iota of difference is nothing short of a fantasy.”***

Is anyone seriously suggesting that a young person who is about steal a car or burgle a house think to themselves, “I better not do this as I might have to appear in the District Court instead of the Youth Court”? When put like this it seems ridiculous. That is because it is. The responses people make, old and young, the stimuli they respond to and the behaviour they engage in is not governed by such reasoning and never has been.

Finally, policy can be determined on the basis of evidence and research. What we think is obvious is not always so. Very often what we witness in terms of offending, both from young people and adults, is influenced by many and varied factors. To suggest that by simply increasing a sentence length or reducing an age when children appear in a particular court will make one iota of difference is nothing short of fantasy. Worse, it is a waste of our time and money for no other gain than a short-term political expediency.

What is required here is to better understand the factors that influence the offending of our children and young people and to address those factors. There are many common elements. Of the mostly boys and young men who come before the youth justice system very few, if any, would benefit from appearing before the District Court. That is because for the most part they do not need to be kept away from us. To have them appear before the District Court rather than the Youth Court will remove the options, flexibility and innovativeness that our system has the potential to deliver. It will simply result in more of the same – harsher penalties, lock them up sooner and for longer and beat our chests in a futile display of societal toughness in dealing with those we have failed. It is little short of a disgrace!

> ***"It will simply result in more of the same … lock them up sooner and for longer and beat our chests in a futile display of societal toughness in dealing with those we have failed."***

There are a small number of young people who do need to be locked up, but it is only a very small number. What the vast majority of these young people need is the exact opposite. They need to come to trust the rest of us. They need to learn stuff. Most of all they need to know that there is a place for them somewhere in our families, schools community and workforce. The profile for most is depressingly similar. Many are from very dysfunctional families; most have lived in many places and attended many schools. Most have learned not to trust the adults in their lives because they have constantly been let down by them. Many have suffered abuse and have been scarred in ways that most of us will never understand. And, in an overwhelming number of cases they are barely literate, numerate and have never learned to relate to others in other than destructive ways.

None of that is an excuse. It is the starting point.

The good news is that with the correct interventions, carried out by those who know what they are doing it is entirely possible to make significant changes in the lives of these children and young people. But those interventions must be determined on the basis of sound evidence and practice, not public prejudice or the blowing of a particular political wind. Of course public opinion and political whim are going to play a part. They always have and it would be unrealistic not to expect that in the future. That said, both of these influences must be balanced by good research and what we actually know to be the case, not just what we think it is. The two are not the same.

Unless such a balance is achieved in key areas of justice policy there is little doubt that we will blunder on making the same mistakes we have in this area and wonder why it hasn't worked. That is what happened when some sentences were increased. It is exactly what will happen if Ron Mark is successful in having children appear in the adult courts. We don't have any more time to waste on this kind of legislation.

So, responses to criminal offending, particularly from young offenders should be considered and intelligent. Instead of assuming that tougher is always better let's start looking for the real cures and bravely pursuing them. And let's accept the fact that within the youth justice system, for all its faults, there is much greater opportunity to bring about change than anything suggested in this misguided Bill.

Click to go back to contents

2. Curfews Challenged in United Kingdom

THE HIGH Court in the United Kingdom dealt a blow to the government's attempts to reign in binge drinking youths in urban areas recently.

The Anti-Social Behaviour Act 2003 gave Police and councils the authority to designate child curfew zones where anti-social behaviour had become significant and the public had been intimidated by that behaviour.

A child curfew zone was set up in Richmond, to the west of London, for a short period of time over Christmas and New Year 2004/2005 following a large number of disturbances related to "non-seated drinkers" and low level anti-social behaviour. But a 15-year old who

had been stopped by Police in the centre of Richmond challenged the curfew saying young people should not be stopped by Police if they are acting lawfully.

The High Court agreed and held that the Act did not confer any power to interfere with the movement of someone under the age of 16 who was acting lawfully within the designated area between the hours of 9pm and 6am. The Act gave Police the power to take a young person home if they were willing to be taken home.

See *The Queen on the Application of W v Commissioner of Police for the Metropolis The London Borough of Richmond-upon-Thames & The Secretary of State for the Home Department* [2005] EWHC 1586 (Admin).

Click to go back to contents

3. CYFS Youth Justice Capability Review

A REVIEW of CYFS youth justice capability has promised an extra 46 frontline youth justice staff. And the Review stated that an "ideal" social work caseload should amount to no more than 18 young people at any one time and that Youth Justice Co-ordinators should convene between 1.75 and 2 FGCs each week. There will be a return to dedicated, Youth Justice only, social workers.

Immediate actions listed in the Review to improve youth justice services in the short-term include:

- practice leaders or senior staff to attend Youth Court hearings;
- staff will be reminded about the expected level of professional conduct, dress standards, and the need to attend Youth Court hearings;
- all social workers will be reminded of the departmental standards and templates with regard to communicating with the Youth Court and ensuring that all court documentation is approved by a senior member of staff before it is forwarded to the Youth Court;
- the Youth Court liaison function is to be further developed, including specifying the respective roles and responsibilities, and implementing this function within the regions;
- provide clarification for youth justice co-ordinators' practice regarding holding FGCs, the timeframes for convening and holding FGCs, use of the "special reasons" provision, and the adjournment of FGCs; and
- Legal Services working with the Operations Group to provide front-line staff with access to legal advice and support.

The Review stresses that inter-agency work is crucial to the success of the youth justice system and that there is a need for a renewed emphasis by all agencies on the philosophy of the youth justice system. An example of this is to ensure that all front-line workers from all agencies understand the principles of the youth justice system and are able to incorporate these into their everyday practice.

The Review states that further work is required between CYFS, Police, Youth Advocates, Courts and the Judiciary to explore the opportunities for joint efficiencies and the means by which these could be put in place. Some examples of efficiencies include ensuring that victim and family details are provided promptly by Police to the department in order to ensure there are no delays in convening an FGC, ensuring that offending by young people is being dealt with at the most appropriate level, ensuring that Courts pass on the details of the direction to convene a FGC to the department in a timely manner, and ensuring effective and timely communication between departmental staff and Youth Advocates.

The latest report focuses on Phase II of the three phase Review. It was initially aimed at examining capability across CYFS service delivery units but the scope of the Review was subsequently extended to incorporate all departmental staff roles, including National Office roles and functions, involved in the delivery of these services and to capacity issues affecting service delivery. The purpose of this was to ensure a "whole of organisation" approach was taken and that all drivers of service delivery were considered.

The Review is being conducted in three phases:

Phase I, completed in September 2004, involved an extensive national information gathering exercise and identified the key capability issues to be addressed. A key finding of this work was that there was considerable variation in understanding across the country about CYF's roles and responsibilities in the youth justice system as well lower than required staffing and resourcing levels.

Phase II, conducted throughout 2005, is the substantive and foundational work of the Review and responds to the key capacity and capability issues identified in Phase I.

Phase III is the system development and field implementation process. This will involve increasing the staffing levels as well as implementing the systems and tools designed in Phase II. A project plan for this phase of the review has been approved by the Department's Executive Committee and the work is progressing.

Click to go back to contents

4. Poor Diet Causes Anti-social Behaviour say Researchers

Rhonda Thompson, Research Counsel to Principal Youth Court Judge summarises two articles on diet and offending

IN A move that would make Jaimie Oliver proud, UK scientists have published research showing poor diets cause anti-social behaviour. The research revealed that where vitamin pills were dished out in prisons a significant dip in re-offending rates followed.

Hot on the heels of Jaimie's TV show featuring tiny tyrants turned good by veggies and fruit, the scientists have called for a ban on junk food in prisons. Salt, saturated and hydrogenated fats and refined sugars are now the culprits.

Researchers found links between brain function and nutrition – a finding that has lead to studies into the effects of nutrient intakes on depression, dementias, ADHD, learning difficulties and antisocial behaviour.

In one study at HMYOI Aylesbury (Gesch, et al, 2002) 231 volunteers between the ages of 18 and 21, many of whom usually made poor food choices, were given either a placebo or a real vitamin, mineral and essential fatty acid capsule for up to nine months. Astoundingly, those who received the nutrients committed an average of 26.3% fewer offences compared to the control group. The reduction was 37% for the most serious offences.

One author of the study stressed that many complex issues behind offending receive expensive evaluation when improved nutrition could be a relatively straight-forward and cheap solution. For example, the public cost of testing cognitive skills approaches in prisons in England and Wales cost £150,000,000 (according to *The Times,* 18/11/03) and was found to be ineffective. This amount would have paid for the nutritional approach for the entire prison population of the United Kingdom for the next 40 to 50 years.

A further two studies demonstrate that better childhood diets appear to prevent a significant proportion of antisocial behaviour and crime in later life (Raine A, et al, 2003; Liu, et al, 2004). Perhaps this result is not unexpected – in 1942 the British government supplemented the diet of all children with cod-liver oil and orange juice and the architect of the idea speculated that, among other ills, poor diets could lead to antisocial behaviour.

These studies deserve a closer look - some other types of intervention have been found to increase crime rather than reduce it but the only risk from a nutritious diet is better health. (And a prison stay that includes cod-liver oil should have a significant deterrent effect!).

Articles summarised:

Influence of Supplementary Vitamins, Minerals and Essential Fatty Acids on the Antisocial Behaviour of Young Adult Prisoners, *Randomised, Placebo-Controlled Trial*, Gesch, Hammond, Hampson, Eves and Crowder, British Journal of Psychiatry (2002) 181, 22-28.

"Food for Court", Bernard Gesch of Oxford University, Magistrate magazine, Vol 61 No 5, May 2005.

Click to go back to contents

5. Whakanoho Manawa Conference 2005

FAR North Youth Offending Teams got together for a conference recently to up-skill on youth justice processes and the resources available in their *rohe*. Organisers say the conference was in response to concerns from youth workers who had been finding that some agencies expected them to deal with difficult cases despite their lack of training and resourcing.

The Kaikohe Youth Offending Team and Far North Safer Community Council operated the 2-day conference to bring together key players from agencies, community and iwi. The conference was funded by the Ministry of Justice Youth Offending Team, Ministry of Justice Crime Prevention, Department of Internal Affairs Youth Worker Fund, Child Youth and Family, Police, and the Far North Dare Committee.

Around 100 people from Northland attended the conference in Kaitaia that was so gripping a number of presenters stayed for the entire conference. Presenters outlined agency processes and focussed on community and iwi providers. In particular, the focus was on Drug and Alcohol services for youth, truancy services in the Mid North and the SAFE programme satellite in Northland.

The conference considered ways to ensure that Iwi organisations and the various agencies were working from similar knowledge levels. Gaps in service delivery were also identified – for example the issue of who takes responsibility for accepting payment of youth reparations was addressed.

Attendees saw a huge benefit in getting to know each other and to have influential people attending who now have a greater understanding of the dynamics of Northland.

Click to go back to contents

6. Teen Court: Justice in Jeans

Rhonda Thompson, Research Counsel to the Principal Youth Court Judge

IT LOOKS like a Court – there are defence and prosecution lawyers, a Judge and possibly even a jury – but on closer inspection you'll see that some of the "players" are teenagers. This is the "Teen Court", a model that the Office of Juvenile Justice and Delinquency Prevention reports is spreading rapidly across America with 675 Teen Courts now in operation in that country.

Teen Courts work on the principle that, just as antisocial peers encourage bad behaviour, prosocial peers can move a youth towards prosocial behaviour. They are voluntary and are aimed at 10 to 15 year old first offenders charged with less serious offences.

Most Teen Courts follow the "adult judge" model where youth volunteers serve as prosecution and defence lawyers but an adult volunteer acts as the judge. There are three other models including one where a youth peer jury is used instead of youth defence and prosecution lawyers.

Creative and restorative approaches to sentencing typify Teen Courts. Restitution, community service and classes in subjects such as improved decision-making are often imposed.

Research shows mixed results for Teen Courts in the US. In two States low recidivism rates were reported but in two others the drop in re-offending was statistically insignificant. However, research did show that teen offenders were left with improved attitudes towards the criminal justice system as a result of their Teen Court experience.

His Honour Judge Harding, an Administrative Youth Court Judge from Tauranga, commented that the Teen Court's low rates of recidivism were unsurprising given that they dealt with young first offenders who were unlikely to re-offend regardless of their Court experience. Judge Harding stressed that, although Teen Courts have potential benefits, they do fail to provide procedural safeguards as provided for in the traditional criminal justice system.

Judge Harding commented: "Teen Courts seem to be just another manifestation of well known research, and may even have the spin-off of providing lessons in civics for those who are involved on the prosecution and judicial side!"

Check out the Office of Juvenile Justice and Delinquency Prevention website at http://ojjdp.ncjrs.org/index.html.

Click to go back to contents

7. Letters to the Editor: Restorative Justice in the Youth Court

IN THE last edition of *Court in the Act* we asked for your responses to Mike Doolan's restorative justice articles and, in particular, the issue of whether the youth justice process is restorative (if you missed this, back copies of *Court in the Act* are available on www.justice.govt.nz/youth/media). The following letters include responses to the Doolan articles:

Dear Editor,

I am just re-reading some back issues of "Court in the Act" and want the Judge and Editor to please keep the issues coming!! I have just copied an article for the CP Co-ordinators from a back issue – excellent stuff relevant to all of us – on Dr Bruce Perry's work. This is not the first time I have copied stuff for others. Please keep doing what you do.

Kia ora
Merania Katene
YJ/CP Co-ordinator, Dunedin
(abridged)

Dear Editor,

Mike raises some very interesting points. From victim feedback I have received in discussing restorative justice, they generally experience FGCs as centered on offender/family empowerment.

This can often leave the victim (if present at all) on the fringes, & sometimes even disempowered by an unrepentant offender. Therefore the essential restorative element of meeting the victim's needs can be missing.

This is not to deny that some individual FGCs are restorative or contain some restorative elements, such as genuine remorse or appropriate victim involvement. However this does not seem to be their primary aim.

I also wonder if the restorative justice conference process being community based, rather than being part of a government run process as FGCs are, enables it to be more attuned to the needs of all involved i.e. the community involved in, and affected by, the offence.

Unfortunately, describing FGCs as restorative justice can be confusing for the public. Negative experiences and generalisations can lessen openness towards the restorative justice conference process.

Other features we would regard as core to the restorative justice process are described in the attached response written by our group's facilitator, Sheryl Papistock.

I hope this contribution is helpful to the discussion. We would appreciate being informed of any outcome from this.

Sincerely
Kay Whelan
Hawke's Bay Restorative Justice
Te Puna Wai Ora Inc

Restorative Justice Conferences/FGCs – What are the differences?

I have not attended a FGC. My knowledge of these conferences has come from actual participants when, as a Restorative Justice facilitator, I have interviewed them for a RJ conference. Their first reaction is "I've been to heaps of these." They seem to think that a RJ conference is a FGC – that is until after the RJ conference and they talk about how very different the two are.

Restorative justice conferences are voluntary – each participant is choosing to attend, including the victim and offender. If one or the other decides to decline, a conference probably would not happen – although some go ahead without the victim, providing

supporters attend on the victim's behalf and with his/her permission.

For a RJ conference, preparation is the key to a successful outcome. Each participant is interviewed and knows the process well enough to feel safe about participating. The offender has already pleaded guilty and has voiced his/her need to apologise and make an attempt to make amends. The supporters for the offender know their attendance is to support the apology and the offer of "putting things right" or restoring the balance.

The victim and supporters are prepared to know that it's okay to come to the conference to voice any anger or sadness at what has happened. (The offender is prepared for this also.)

Each knows ahead exactly what the conference will look like, i.e. whether or not we will sit around a table. They know the facilitator who, after introductions, sets some ground rules, and that each person has uninterrupted speaking time. They know too that the conference has structure – the facilitator asks particular questions and those questions are answered by the participants, to open up dialogue.

The conference is offence centred – the focus is on how to put things right or restore the balance, rather than punishment.

An offender will often discover for the first time how affected his/her parents have been. Parents take on shame and blame also. The facilitator asks "have you anything to say to your parents?" Emphasis is put on the offending having been a choice by the offender, not his/her parents.

Agreements are documented and signed by all who attend. The facilitator follows this up some weeks later. Evaluations show that most recommend RJ conferences.

Sheryl Papistock
Hawke's Bay Restorative Justice
Te Puna Wai Ora Inc

Click to go back to contents

----Legal Focus----

8. FGC Certificates

Summary of advice from Stewart Bartlett of Child Youth and Family Services

RECENTLY one Youth Court wrestled with the issue of whether it is necessary to file a certificate with an information, showing that an intention to charge FGC had been held (where this had happened). This confusion springs from Rule 15 of the CYPF Rules, revoked in 2002, which stated:

> (3)Where a family group conference is held in respect of any child or young person who is the subject of any proceedings to which these rules apply, there shall be filed in the Court-
>
> (a)A duly completed certificate in form CYPF 4 certifying that the family group conference has been held; and
>
> (b)A copy of the written record made pursuant to section 29(3) or section 262 of the Act in relation to that conference.

However, it is unlikely that this Rule ever actually applied to the Youth Court. This view is strengthened when the certificate form, now revoked, is considered. It referred to section 30 of the CYPF Act only and not to the sections on youth justice. (The reference to section 262 is for the purposes of child offender conferences).

Further, there is uncertainty as to which CYPF Rules apply to the Youth Court and from what year. The Rules do not apply to criminal proceedings and this would exclude the Youth Court from their ambit. This view is strengthened by the fact that Rule 29, which is the one Rule that is generally accepted to apply to the Youth Court, and which refers to proceedings under Part IV of the CYPF Act, is specifically excepted from the exclusion.

However, when the Family Court Rules were passed in 2002, the CYPF Rules were amended to redefine court to mean "Youth Court" thereby making it clear that from that

time the Rules clearly applied to Youth Court - despite not applying to criminal proceedings.

However, although this is a difficult issue, the clear, unambiguous fact is that from 2002 the Family Court rules explicitly obliged the filing of FGC Certificates in the Family Court (r 279 - though note they curiously omit reference to section 262 records).

There are *no provisions* applicable to the Youth Court in relation to Certificates - only an obligation to file the record itself in section 265(2) CYPFA.

Note: Certainly , however, when an "intention to charge/pre-charge" FGC has been held, it is very helpful to file with the information laid in Court, a certificate recording the prior FGC and a record of the Conference itself.

Click to go back to contents

----Legal Focus----

9. Social Work Reports and the meaning of "One Working Day"

Rhonda Thompson, Research Counsel to Principal Youth Court Judge

AN issue has recently arisen as to the meaning of "*one working day* before the sitting of the Court" in section 191(2) Children, Young Persons and Their Families Act 1989 ("CYPFA"). The question was whether these words mean that social work reports should be supplied by the Court on 10am of the day before the Court sitting or at some time on the penultimate day before the Court sitting.

Section 334 of the CYPFA states that the Court may, before making a section 283 order, obtain a social worker report. Section 191 applies to social worker reports supplied to the Youth Court.[1] It lists the people to which reports must be supplied by the Court registrar and adds at section 191(2):

> (2) Every such copy shall, wherever possible, be supplied not later than 1 working day before the sitting of the Court.

The CYPFA definition states that "working day" means "a day of the week" other than weekends and various listed public holidays.[2]

The law generally considers the term "day" to refer to the period from midnight on one day until midnight the succeeding day but a "day" may also denote any period of 24 hours.[3] Assistance is provided by section 35(4) of the Interpretation Act 1999 that states:

> **35 Time**
> (4) A period of time described as ending *before* a specified day, act, or event *does not* include that day or the day of the act or event.
>
> (emphasis added)

Section 191(2) states that the social worker report shall, wherever possible, "be supplied not later than 1 working day *before* the sitting of the court". Thus, the period of time (1 working day) must be calculated to end "before" the day of the court sitting. This means that 1 working day cannot be calculated as 24 hours before 10am on the day of the Court sitting as the sitting day cannot be included in the calculations.

This conclusion is supported by section 35(5) of the Interpretation Act 1999 that states:

> (5) A reference to a number of days between 2 events does not include the days on which the events happened.

Thus the calculation of "1 working day" must not include the day on which the report is supplied or the day on which the Court sits. Section 35(5) embodies this "exclusionary rule" that excludes the whole day on which an event occurs from any calculation of time.[4]

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[1] Children, Young Persons and Their Families Act 1989, s339.

[2] Children, Young Persons and Their Families Act 1989, s2.

[3] NZ Research Tools/The Laws of New Zealand/The Laws of New Zealand/TIME/PART I. THE DIVISIONS OF TIME/(3) WEEKS, DAYS, AND HOURS/11. Day and night.

[4] Bennion *Statutory Interpretation: A Code* (3rd Ed, 1997) quoted in *AWE New Zealand Pty Limited* (14 February 2006, HC, Wellington, CIV-2005-485-1500, Miller J).

This rule and New Zealand case law dealing with it support the view that the day on which the report is supplied and the day of the Court sitting cannot be included in the calculations. Thus, one full working day must ensue between these two events. For example, if the Court sitting is set down for the Wednesday, then the social work report must be supplied in accordance with section 191 CYPFA by the end of the Monday.

The term "*working* day" supports the conclusion that those receiving the report should get one full day to "work" on it – rather than merely receive it. Those who are to receive the reports, such as barristers and solicitors, persons having care of the child and the chief executive of CYFS, require time to consider the content of the report before attending, and possibly being heard at, the Youth Court hearing.

Click to go back to contents

Special Feature:

"The Day the Judge came to Town"
by Police Youth Aid Officer Chris Te Whare

Kia ora!

My name is Chris Te Whare and I am the Youth Aid Officer for the Te Kuiti Police. My role is to work with children and young people who are at risk and look at ways of stopping or reducing youth crime within the Te Kuiti /Otorohanga area.

Te Kuiti is a small rural town approximately 80 kms south of Hamilton, 160 kms north of New Plymouth and 100 kms northwest of Taupö. Employment is based around dairy, beef and sheep farming, and there are just over 1,000 secondary students and over 1,500 primary students in my area.

Being a rural Youth Aid Officer means that there are very limited social services. I have Court only once a month and it takes a serious offence to take a matter that far. Normally we have 2-3 young people in Youth Court and this is only after all other means of dealing with the offence have been tried and explored.

Recently, I had the pleasure of hosting Judge Andrew Becroft. His Honour had come to take Youth Court in Te Kuiti and also in Te Awamutu. He was in the area for two days so I was keen to show him as much of our work as possible.

In working with Youth I try to find as many different role models/guest speakers as I can to put in front of the students in the area. In my area there are 3 secondary schools and 16 primary schools all trying to get across the same sorts of positive messages. Students often need to hear the same messages from different sources to really take it in so to have the Principal Youth Court Judge come and speak is a great bonus.

Day 1: Rugby provides a "Foot in the Door"

First we had Youth Court and apart from a custodial issue this went well. Then it was off to a local Primary school whose students hardly ever get referred to Police. It was a strange concept but here was a Judge saying thanks for trying hard and because you are, you will never see me again so this is also "goodbye". The kids were rapt to hear the Judge speak. We then went to Te Awamutu for Court and a stakeholder's meeting.

At this time of the year, Police staff from our area try and play our local secondary schools in rugby. We play the local under-15 teams, as this gives us a chance of winning! But more importantly it gives Police staff an opportunity to mix with our youth on a informal basis - they are not being spoken to about crime and it helps

show these boys that we are dads, parents and ordinary guys as well. We as adults sometimes need to be reminded that we were kids once too; we made mistakes and had some good times. Our staff often comment on how boys from the games wave out to them as they drive by and this goodwill is important in a small community like ours. It helps us "get a foot in the door" so to speak and parents see us actively engaging with their sons in a positive way.

At the end of the game we present them with a signed Chiefs rugby ball - a koha/gift from the old men of the district to the up and coming young men who will take our places in years to come. The boys can do what they want with the ball - raffle it, sell it - or, more usually, they give it to the most improved player of the year. These balls have become highly sought after. Unfortunately we were unable to organise a game for the Judge to play or watch.

Day 2:Secondary Schools a Key Resource

Day 2 began in Te Awamutu with a breakfast meeting with rural Youth Aid staff. Then it was off to Otorohanga College where His Honour spoke to the Year 9 and 10 students about being a Judge and how the Court process works. Both groups seemed highly appreciative of Judge Becroft and his message.

Secondary schools are a huge resource for Youth Aid Officers in our community and I believe it is important that we nurture this relationship. Often matters can be sorted without becoming a Police report and issues such as truancy can be quickly addressed before they balloon into more serious problems. Having a great rapport with your schools means this can happen.

Secondary schools can provide me with leaders for the National Rainbow's End Day – where Police Blue Light takes primary aged kids to the Rainbow's End theme park – and supervisors for my reward trips. I have taken about 600 kids on these reward trips in the last five years – we take them rock climbing, to a Lion park or swimming – to say well done for working hard at school. Too often money is spent on the difficult kids and the good kids miss out. Secondary Schools can also help me identify potential role models from within schools that I can use to try and link with primary aged students. This gives the primary aged students someone who can support them and that they can look up to.

I also run two social events for teachers at our local Police Station. One is a "Footy, Fish and Fries" night where teachers can come and watch a Super 14 game and in Term 2 I run a quiz evening. Teachers from primary and secondary schools as well as Police staff combine for a fun evening. These nights are held as there are very few forums for these groups to meet informally and discuss the good things they are doing. We are all trying to put positive messages out there and by meeting we can share ideas.

Following this, it was to Te Kuiti High where a staff member's daughter, one of the potential future leaders selected to meet the Judge, told her father her work was going to be "judged" that day!

Then to Youth Court to try and check progress on the custodial issue that had begun a day earlier. Basically this involved a young person going into CYF's care or Police custody because there were no beds to be had. This is obviously not a new problem but was able to be sorted on the day.

Next it was off to Piopio College for lunch and His Honour spoke with Year 13 students on the virtues of good leadership and about joining the work force.

Youth Aid is the only branch of the Police to have the word "Aid" in it. Aid means to assist and help children and young persons. As Judge Becroft has said many times if we reduce youth crime this must have a flow on effect and reduce adult crime thus creating a better NZ to live in.

Having "the Judge" come to town allowed me to put another role model in front of my students, to show them that someone nationally cares about kids and their upbringing, and allows messages to be reinforced. The feedback from his visit has been great.

On behalf of Youth Aid Officers across the country, I wish to acknowledge Judge Becroft and his team of Youth Court Judges for the work they do in trying to change students' lives. It is important that we as Youth Aid Officers have faith in the system and having a Judge come to our small towns can inspire us all as we continue to try and reduce youth crime and youth issues in our respective areas.

Kia ora.