

# “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/>  
(Now includes a database of summaries of reported and unreported Youth Court cases)

**No. 24, October 2006**

*“We must not build the future for our youth, we must build our youth for the future.”  
Franklin D. Roosevelt*

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**In this Edition of  
“Court in the Act”**

*Rhonda Thompson, Research Counsel to  
Principal Youth Court Judge A J Becroft*

JUST when you thought it was “always winter and never Christmas” - to borrow a line from “Narnia” - Spring arrives and we breath a collective sigh of relief!

And in keeping with this positive frame of mind our editorial this issue is from Peter Clague, Principal of Albany's Kristen College who argues that when great things are expected of young people, they rise to the challenge. And on page 4 we report on the great things that are being attempted by the Christchurch Youth Drug Court. Initial research suggests this is an effective advance in dealing with young offenders with addictions.

Good news stories also continue to come out of Family Group Conferences – see page 4 for just one example of a tragic incident being met with an incredible act of grace. And on page 9 the Wanganui Encounter Programme demonstrates how interagency cooperation can work wonders with disruptive and antisocial youth.

Please feel free to send contributions, feedback and letters to us at [Rhonda.Thompson@justice.govt.nz](mailto:Rhonda.Thompson@justice.govt.nz). 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 Judge Becroft's PA, Lavina Monteiro, ph. (04) 914 3446.

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## 1. Guest Editorial: Great Expectations

*By Peter Clague, Executive Principal of Kristin College, Albany, Auckland*

FOLLOWING the recent FIFA World Cup in Germany, researchers have made a startling discovery about what it takes to be one of the world's best footballers. It turns out that the vast majority of Europe's top teenage football players are born in January, February or March. Half of England's elite players were born in those three months; in Germany 52 of the best players were born then compared to just four between October and December.

Explanations abound, ranging from the astrological benefits of being born under Aquarius or Pisces, through to the possibility that sports-mad parents are more likely to conceive in the Northern Spring at the height of the soccer season.

The actual reason is much less colourful, but highly instructive. It turns out that in Europe most sports clubs for children organise themselves by age groups when selecting teams. The cut-off date being 31<sup>st</sup> December, those children born a full twelve months prior in January, and to a lesser extent in February or March, are usually bigger, stronger and more physically mature than the others on the bracket. Not surprisingly, coaches pick them first. Naturally as a result, these children get early training, early encouragement and, given their relative size, early success.

All of which just serves to give them a head start. But how do they go on to become elite players so much more frequently than the other kids? The answer is expectation. By being picked first, the top of their field, those children get early access to a major confidence boost. For the first few years of their soccer career, gleeful sideline parents tell them that they are the saviours of the team and their esteem grows rapidly. Long after their physical advantage is overhauled by their peers, they remain winners because they expect, and are expected, to be. It is a simple yet powerful truth that young people, perhaps

all people, float, sink or rise to the standards we expect of them.

I saw a fine young man earlier this week, an ex-student from my first years at Kristin. He currently lives overseas but stopped in on a brief and unexpected trip back home. It meant a lot that he made time to come and see me. He is making progress in his chosen career, a challenging yet highly creative field. Intelligent, focussed, witty, quietly spoken, he left me a poignant reminder of the power of expectation.

"You're making it." I congratulated him. "You always thought I would," he said. It was the best possible thing he could have said to a teacher.

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## 2. Letters to the Editor

Dear Editor,

Some years ago *The Economist* summarized all the social science research it had published over 150 years as follows:

1. Stay at school until you get qualified.
2. Get a job; keep it until you find a better one.
3. Get married, stay married.

The editor said that you can break one of the three rules without ruining your life.

I mention this because I reckon that one of the problems we face is that in a society with few rules, kids and older people who have few family resources, don't really have a source of guidance. One of the best things I have read is Nash and Harkers (Massey University) "*Succeeding Generations*". It has really helped me see how to change the world.

John Gill  
Chief Executive  
**Datacom Employer Services**

Dear Editor,

Just wanted to say received this edition of *Court in the Act* and it's great to receive such interesting and thought provoking information....

I know it must be a lot of work collating and sending this through to everyone, but we

REALLY do appreciate your efforts. Thanks so much,

Gabrielle Carroll  
**DARE NZ**

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### 3. Some Useful Websites

Several *Court in the Act* readers have emailed through some interesting youth justice websites:

A fascinating paper from the Child Trauma Academy deals with the importance of touch and emotional attachment in human development. If children are neglected and miss out on important human interactions the result is permanent damage to their cognitive capacities and ability for caring behaviour. Technology is singled out as one cause of fewer family and peer interactions in modern life. See Bruce D Perry of the Child Trauma Academy: "Childhood Experience and the Development of Genetic Potential: What Childhood Neglect Tells us About Nature and Nurture at:

<http://www.childtrauma.org/ctamaterials/MindBrain.pdf>

You can access further research and information about high risk children at:

<http://www.childtrauma.org/>

A useful article by the International Justice Project on teen brain development, culpability and the death penalty is available at:

<http://www.internationaljusticeproject.org/pdfs/juvBrainDev.pdf>

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### 4. Youth Offending Stable - Ministry of Justice Figures

APPREHENSION rates for 14 to 16 year olds have dropped with the 2004 figure being the

lowest in the ten years up until that date. The Ministry of Justice's annual summary of crime stats, "*Conviction and Sentencing of Offenders in New Zealand: 1995-2004*", reveals the drop in the overall youth apprehension rate to 2004 but also records some worrying trends.

The most concerning is that rates of "grievous/serious assault" increased between 1995 and 2004. However, the rate of violent offending, when figures for population increase are taken into account, was only 4%. Thus, rates of violent offending are relatively stable overall. As "grievous/serious assault" covers all Crimes Act assaults, it is difficult to say which offences have increased at the greatest rate. Rates of "minor assault", a term which describes mainly common assaults under the Summary Offences Act 1981, decreased.

Intention to charge FGCs appear to have fallen out of favour with numbers of this type of FGC halving since 1995. It appears that Police are now preferring to handle cases themselves through alternative action/warnings, or, where there has been an arrest, by bringing the matter before the Court. This change is reflected in a 4% increase in prosecutions between 1995 and 2004.

There has been little change in the ethnicity of young people being apprehended. Between 1995 and 2004 the proportion of young NZ Europeans apprehended each year fluctuated between 42% and 47% of all youth apprehensions. Young Maori accounted for between 45% and 47% and Pacific Island young people accounted for between 6% and 9% of all youth apprehensions across the decade.

And the figures show that New Zealand continues to lead the world in the numbers of young people diverted away from the criminal justice system. Between 75% and 83% of cases are handled without recourse to the Youth Court.

Apprehension rates have shot up in the Tasman District where there has been a 65% increase in the number of youth apprehensions between 1995 and 2004 – the largest of any region. But Tasman District has recorded the lowest proportion of youth apprehensions actually prosecuted (9%). The South Island apprehension rates are generally much higher than the North Island rates although North Shore/Waitakere recorded a 33% increase in youth apprehensions between 1995 and 2004. Auckland had the largest fall

in apprehensions with a 31% decrease over the 1995 to 2004 period.

The regions also varied in how young people were dealt with. For example, Canterbury and Southern police districts have the highest rate of youth prosecutions with 28% and 22% respectively of youth apprehensions being prosecuted compared to the national average of 17%.

There are also clear regional variations in the use of section 282 discharges and the use of section 283(o) conviction and transfer to the District Court orders. It may be that this reflects no more than regional variations as to the seriousness of the charges.

The proportion of proved cases that resulted in any type of custodial sentence (i.e. corrective training or other imprisonment) remained at 9% between 1995 and 1997, but dropped in the next six years to just over 3% in 2004.

The full report is available online at <http://www.justice.govt.nz/pubs/reports/2005/c/onviction-sentencing-1995-2004/statistics.html>

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## 5. Amazing Grace for Youth Offender

*From Judge Harding, Administrative Youth Court Judge, Tauranga*

A DRUNK driver who hit and killed a respected father was met with an amazing act of grace by the dead man's family recently.

At a Family Group Conference the victim's whanau heard how the 16-year-old driver had tried to drive home after drinking 7-8 large bottles of beer. His car struck the victim who was walking beside the road, throwing him 10 metres through the air and he died a short time later at the scene. The youth stopped further down the road to inspect his car and, thinking he had hit a bank or a possum, continued on his way home.

The young person was charged with careless driving causing death – a charge with a maximum penalty of 3 months imprisonment or a \$4,500 fine and disqualification for at least six months. Drivers found guilty of this offence do not usually receive a sentence of imprisonment. The young person was also

charged with failing to stop and ascertain injury and failing to render assistance after the accident.

The resulting FGC was very emotional and charged with regret but, despite their huge loss, the victim's family insisted that the youth should not do community work but should instead continue working and complete his apprenticeship.

The young person read out a letter of apology that was to be typed and presented to the dead man's whanau for inclusion in memorabilia to be presented at the Maumaharatanga (unveiling) of his headstone. It was agreed that the young person's family would pay the \$6,000 for the headstone for the "loving, hard working and respected father".

The offender's whanau accepted an invitation from the victim's whanau to be present at the unveiling of the headstone.

The young person received a section 283(b) Children, Young Persons and Their Families Act 1989 admonishment and was formally disqualified from driving for a period of 12 months.

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## 6. Youth Drug Courts – A Model of Good Practice

*From the Howard League for Penal Reform, Canterbury: Fact Sheet 40*

A REPORT into the effectiveness of New Zealand's first Youth Drug Court suggests it has resulted in lower re-offending rates, better inter-agency co-ordination and improved supervision and accountability.

The innovative Youth Court Pilot opened in Christchurch in March 2002. It aimed to improve treatment of young people with alcohol and drug dependency issues appearing initially in the Youth Court. The Court facilitated early access to effective help for young people with moderate to severe alcohol and/or other drug problems linked to their offending. Similar Courts operate in Australia, Ireland, USA and Canada where they are considered to be effective although many operate as adult drug Courts.

Two phased evaluations of this pilot have been carried out. The first examined the operation of the Court over its first 18 months (*Process Evaluation of the Christchurch Youth Drug Court Pilot, Dr Sue Carswell, Ministry of Justice 2004*). Several principle strengths were identified including the fact that the same Judge dealt with the young person on each appearance before the Court, the strong multidisciplinary team approach, good interagency coordination, better identification of drug problems and immediacy of response.

The second evaluation followed up on 30 young people who appeared before the Youth Drug Court in its first year of operation (*Christchurch Youth Drug Court Pilot: One year follow-up study, W Searle & P Spier, Ministry of Justice, February 2006*). Although the sample is small and possibly unreliable, results are encouraging. Those completing their Court requirements were found to have lower re-offending rates than those not completing the requirements.

The Youth Drug Court was found to be particularly strong in:

- Engaging young people and their families
- Increasing motivation to change
- Providing timely and in-depth assessment
- Facilitating access to treatment
- Developing a positive and effective relationship between the judiciary and young people and their family/whanau
- Positive inter-agency coordination
- Support provided to young people and their families
- Supervision and accountability.

The report considered that these strengths should be built on and considered for wider adoption within the general Youth Court system. Features which the report suggested as applicable to the Youth Court generally included:

- The same Judge dealing with a young person at each of their Court appearances
- Closer monitoring of the young person to ensure compliance with FGC plans and any Court orders (normally in the form of bail conditions) by a multidisciplinary team including representatives of several government agencies.
- Aiming to involve the young person in a range of positive, socially normal activities

that will replace alcohol and drug activity, such as education, work and sport.

- Involve and train families, partners and friends in effective supervision, discipline and communication so that the people closest to the young person can encourage and support them in changing their lives.

However, recent statements by Judge Jane McMeekan, South Island Youth Court Judge in charge of the Youth Drug Court suggest that a shortage of residential drug and alcohol treatment programmes for young people seriously inhibits the effectiveness of the Court. Day programmes are also lacking. The inadequate planning for and resourcing of treatment facilities for addicted youth is “of great concern”. Odyssey House plans opening such a facility this year.

The Youth Drug Court was the brainchild of Judge John Walker who pioneered this work and for several years flew to Christchurch every fortnight to conduct Youth Drug Court hearings and to develop its processes. The Youth Drug Court is now in the hands of Judge Jane McMeeken, a Christchurch based Youth and Family Court Judge, who is building on the lessons learned and the findings of this recent research.

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## 7. Foetal Alcohol Syndrome and Youth Justice

*Taken from information sent to us by Christine Rogan, Alcohol Healthwatch Group*

MANY youth offenders have little capacity to control their actions due to prenatal exposure to alcohol. Canadian medical researchers have concluded that alcohol, despite being a socially acceptable drug, can wreak havoc on babies in the womb leaving them with permanent brain damage.

This damage is in the form of Foetal Alcohol Spectrum Disorders (FASD) which can cause a number of problems including hyperactivity, difficulty learning from consequences, poor impulse control and immature behaviour. Symptoms of FASD are not behaviour problems within the child’s control – they are the result of permanent irreversible damage to the brain.

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***“More than a fifth of youth offenders are behaviourally impaired due to prenatal alcohol consumption”***

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And these problems are significant to youth justice. Researchers studying the criminal justice system in British Columbia found that of 287 youth remanded to an assessment unit, 1 had full Foetal Alcohol Syndrome, and 64 had Foetal Alcohol Effects (Fast, Conry, Loock, J Dev Behav 20:370-372, 1999). Thus, more than a fifth were behaviourally impaired due to maternal alcohol consumption prior to their births.

However, FASD is unlikely to be considered a mitigating factor in American Courts (see for example, *Brown v State*, 659 N.E. 2d 671 (Ind. Ct. App. 1996)).

FASD young people are less able than other young people to cope with the criminal justice process and, having poor social and adaptive behaviours, may be victimised in any youth justice facility (*“Is There Justice in the Juvenile Justice System? Examining the role of FASD”*, Justice Policy Journal, Vol 3, No 1, Spring 2006).

Researchers argue that criminal justice systems must try to identify and appropriately deal with defendants with a FASD. David Boulding, a Canadian lawyer, stresses the importance of keeping probation orders very simple and using what he calls “the external brain”. This amounts to appropriate supervision 24/7 and designing appropriate structures that create opportunities for the person to be successful. In one case, the entire probation order was “YOU MUST BE HOME BY 7 O’CLOCK EVERY NIGHT” and many in the defendant’s community knew of the curfew. From 6.30pm people would remind the defendant to go home and he reduced his re-offending by 50%.

More information is available on <http://www.asantecentre.org>.

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**8. Interviewing Youth Offenders: The Importance of Oral Language Competence**

Summary of “Interviewing Juvenile Offenders: The Importance of Oral Language Competence” by P Snow and M Powell in Contemporary Comments, November 2004, Current Issues in Criminal Justice, Vol 16, No 2.

YOUNG offenders often struggle to communicate effectively placing them at a disadvantage when interviewed by Police or giving evidence in Court.

Researchers found that youth offenders often have difficulty “telling a story” – although the ability to tell *their* story may be vital in interactions with the Police and the Courts (Snow and Powell (2004)). Youth offenders often come up with poorly constructed stories with less specific detail than their non-offending counterparts and often leave out important details. They are also not good at “conversational repair” - that is, recognising that the other person has misunderstood a piece of information and rectifying the deficiency.

Youth offenders often have significant difficulty understanding figurative or abstract language. Often embarrassed by their lack of oral language competency and pressured to respond young people may adopt strategies to cover up their limitations such as repeating words and phrases back to the interviewer, providing a stereotypical response or replying “yep” or “dunno”. Snow and Powell found that a likely consequence of these responses was that they were interpreted as insolence or guilt and prompted leading and persistent questioning which could in turn contaminate the evidence, reducing the likelihood that the statement will then be heard in Court.

The following are some key points that legal practitioners should know about oral language deficits in young people (from Snow and Powell, 2004):

- Oral language problems are pervasive among juvenile offenders, but may be difficult to identify. They may masquerade

as boredom, evasion or resistance to participating in an interview. They may be masked by a desire to appear co-operative and/or competent.

- Young people with oral language deficits can usually engage in superficial social exchanges without any apparent difficulties. Their verbal responses become deficient, however, in situations where their processing and production skills are more taxed, for example, when responding to a question or proposition which contains non-literal language, or when needing to formulate a coherent account of events.
- People interviewing young offenders need to modify the complexity of their own language, to make allowances for reduced processing capacity. This means taking care to minimise the use of figurative language, and reducing the length/complexity of sentences that are spoken.
- Investigative interviewers and legal professionals are likely to benefit from specialised training in the identification of language impairment among young offenders and the use of effective strategies to maximise the reliability, detail and accuracy of statements obtained from them (for example, through the use of open-ended questions and grammatically simple sentences).
- It is important to genuinely check the young offender's level of understanding, for example, by asking the same question in different ways and checking the consistency of responses.
- Interviewers need to allow extra time for responses when interviewing alleged juvenile offenders, and they need to provide clear cues when aspects of the account are not understood or are lacking in detail."

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## 9. REAL Work!

YOUTH work in Aotearoa has come under the microscope in a new report from the National Research Project. A comprehensive survey of the youth work sector in New Zealand was carried out and its findings were published in "Real Work: a report from the national research project on the state of Youth Work in Aotearoa".

The survey was carried out by the Youth Workers Network with the support of the Department of Internal Affairs, the Ministry of Youth Development and JR McKenzie Trust. More than 1,000 volunteers and paid youth work professionals across New Zealand were quizzed to get a picture of the kinds of youth work going on in New Zealand and the types of people doing it.

The survey asked whether youth workers really do only last 18 months, whether youth work isn't just another branch of social work and whether youth work is a "real" job. The first step in answering these questions was to provide a definition of youth work. The definition adopted stated that "youth workers enter the worlds of young people aged 10 – 24 years and contribute to their development by:

- Providing services and meeting needs;
- Building relationships; and
- Building connection to and participation in communities."

The report came up with a number of recommendations. You can check them out - along with the rest of the report - on <http://www.youthworkers.net.nz/Documents/RealWorkLOWRES.pdf>

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## 10. Youth Offenders and Child Support Liability

*By Steph Martin, Community Liaison Officer, Child Support, Inland Revenue Department*

CHILD Support is money paid by parents who are not living with their children, to help financially support them. It is administered by Inland Revenue's Child Support Agency, which calculates how much child support must be paid by the paying parent, collects the payments and passes them on to:

- The child's custodian to help with care of the child, or
- The government, if the custodian is receiving a sole parent benefit like the Domestic Purposes Benefit.

There is no current age restriction on assessing liability and a minimum monthly assessment applies to those with limited or no income.

A paying parent can apply to stop or reduce child support payments in some situations. These include long-term hospitalisation, long-term imprisonment (13 weeks or more) and if they are aged under 16 years and cannot meet the minimum payments.

It is important to note that Child Support exemptions are not automatic; and the monthly child support assessment continues to build up until the liable parent applies for an exemption.

For the exemption to start from the first date of imprisonment or hospitalisation, an application form (IR 105) must be completed during the term of imprisonment or within 3 months of discharge from hospital.

A minor can apply for an exemption up to 3 months after their eligibility for exemption ends, ie, 3 months after their 16<sup>th</sup> birthday. If the paying parent does not apply for an exemption within the required time, they must pay their entire child support liability, plus any late payment penalties.

Community Liaison Officers from Inland Revenue visit every prison in New Zealand to get completed exemption forms from prisoners and applications can also be made by mail.

The Corrections Department does not give Inland Revenue a list of prisoners liable to pay child support. We rely on the paying parents,

their friends, family and the general public to let us know when someone who needs an exemption is in prison.

A prisoner must be held in legal custody as defined in the Corrections Act 2004 to qualify for exemption. So a youth who is liable to pay child support, and is being held in a Youth Justice Residential Centre under the Children, Young Persons and their Families Act 1989, will only qualify for an exemption if the judge has requested they be imprisoned with Child, Youth and Family Services instead of Corrections, at which time the provisions of the Corrections Act 2004 apply.

Any young person held in these circumstances must be made aware of the exemption process so they know what action to take if they are sent to a mainstream prison.

Inland Revenue Community Liaison Officers work hard to provide education and promote awareness within the community so unnecessary debt can be avoided. We recognise that owing large amounts of money to Inland Revenue will not help the rehabilitation process.

Community Liaison Officers can be contacted by phoning 0800 221 221 and asking to speak to the Officer in your region. A list of Community Liaison Officers and the services they can provide is also available on the Inland Revenue website [www.ird.govt.nz/childsupport](http://www.ird.govt.nz/childsupport).

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***“Common sense is the collective prejudices you have accumulated by the age of 18”***

*Mark Twain*

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## 11. Boot Camps Lose Their Shine

BOOT camps, the darling of “common sense” politicians faced with youth crime, are starting to lose their shine. “Criminological Highlights”, a round-up of criminological research



published by Toronto University, reports that boot camps for youth offenders are no more effective than prison.

Research in the *Journal of Offender Rehabilitation* charts the rise of boot camps and the early scepticism of politicians in the face of negative research. Faced with research showing that boot camps were ineffective the then Governor of Georgia stated: "We don't care what the study thinks". The findings of the study were considered less valuable than data-free "common sense". However, in a victory for systematic knowledge over incorrect "common sense", studies consistently showed the ineffectiveness of boot camps.

The writers conclude: "At some point, in the light of accumulated evidence, the "common sense" approach to corrections that justified boot camps began to have as much credibility as the "common sense" practice a few centuries ago of bleeding sick people to rid them of disease".

You can read more on this in Cullen, Francis T, Kristie R Blevins, Jennifer S Trager, P Gendreau (2005) *"The Rise and Fall of Boot Camps: A Case Study in Common Sense Corrections"*, *Journal of Offender Rehabilitation* (40 (3/4), 53-70) reported in *Criminological Highlights*, Vol 8 No 1.

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## **12. Profiting from Prisons - a False Economy**

PRIVATE "for-profit" companies provide cheaper incarceration of youth offenders in the short-term but are more expensive in the long-run according to American research. A study carried out in Florida which focussed on youths aged 17 years and under and sentenced to moderately or highly restrictive facilities found that one year after release, youths in for-profit facilities were about 6-8% more likely to be charged for an offence than youth assigned to county, state or private non-profit facilities. This was so despite statistical controls being applied for characteristics of the youth, the neighbourhood and the "restrictiveness level" of the facility.

For-profit facilities provided significant savings but, in the long-run, increased recidivism rates meant that the savings were short-lived. This was so despite social and prosecutorial costs not being included in the equation causing the authors to conclude: "nobody but the for-profit company benefited from for-profit management of youth facilities in Florida".

See Bayer, Patrick and Pozen, David E (2005) *"The Effectiveness of Juvenile Correctional Facilities: Public Versus Private Management"*, *Journal of Law and Economics LVIII*, 549-589 reported in *Criminological Highlights*, Vol 8 No 1.

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## **13. Arrest no Deterrent Against Future Offending**

AN ARREST does not make young people consider themselves more likely to be caught if they offend again in the future.

American researchers asked young people what they considered the likelihood was of their being apprehended if they attacked someone and if they stole something worth more than \$50.

Four years later the young people were asked the same questions and also whether they or their close friends had broken the law. Researchers concluded that the number of times the respondent was arrested between the two interviews was unrelated to the respondent's estimate of the change in the perceived certainty of apprehension. This was true for both theft and violence-related offences and for those with a high rate of offending prior to the first interview and those with relatively low rates of offending. In fact, those with high rates of offending were less likely to think that they would be apprehended in the future.

Deterrence theory assumes that a person will consider the likelihood of being caught and the likely punishment in deciding whether to commit a crime. This research demonstrates that, for young people, actual experience of being caught has no deterrent effect on later crimes.

See Pogarsky, Greg, KiDeuk Kim, and Ray Paternoster (2005). *Perceptual Change in the*

*National Youth Survey: Lessons for Deterrence Theory and Offender Decision-Making. Justice Quarterly, 22 (1), 1-29* reported in Criminological Highlights, Vol. 8 No. 1.

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## 14. Dyslexia not Recognised in New Zealand

Summary of Article "New Zealand Attitude to Dyslexia Stuns" from The Press 22/7/06

DYSLEXIA is not recognised as a condition in New Zealand – a situation a British academic describes as “absolutely astounding”.

Dyslexia expert and Edinburgh University senior lecturer Gavin Reid’s criticisms of the New Zealand Government’s position were quoted in *The Press* on 22/7/06 following an interview with Education Minister Steve Maharey on TV One’s *Close Up* programme.

The Ministry of Health and the Ministry of Education do not recognise dyslexia – a stance Reid argues adds stigma to the frustrating condition and is “out of step with the whole world”.

Dyslexia sufferers have difficulty processing information and Reid says this can be recognised in brain scans. However, on the *Close Up* programme Mr Maharey said he did not accept that dyslexia exists as a learning disability and went on to describe it as “a range of behaviour which in some countries people have chosen to call dyslexia but in most countries has been difficult to categorise”.

Mr Maharey said that 1% of young people had such “learning difficulties” compared with a figure of 5% provided by dyslexia charity “SPELD”.

The Minister of Education reports that the Ministry provides specialist support for children identified as having learning difficulties but the advice of the Ministry is that there is no specific medical diagnosis for dyslexia.

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## 15. The Wanganui Encounter Programme

### What is it?

The Encounter Programme is an in-school support programme for students displaying severely disruptive/anti-social behaviour. The programme is currently running in two Wanganui High Schools.

The Wanganui Youth Offending Team wanted to highlight the Encounter Programme with the YJLG, as they see such programmes as very important in reducing youth offending.

The programme was developed in 2005 by a Wanganui secondary school in response to the behaviour of a group of Year 9 students. The students’ behaviours were of such concern, both within the school and externally, that the school felt the students were close to exclusion at the end of the first term of school. The school contacted Police Youth Aid to see what could be done. A Youth Aid Officer initiated an interagency meeting with Child Youth and Family (CYF), Group Special Education (GSE), Resource Teachers: Learning and Behaviour (RTLB) and Work and Income NZ (WINZ). These agencies were identified as the key players in terms of providing funding and support for an intervention, as most of the students were known to at least one of those agencies.

### How does it work?

The school developed a programme where the students receive support and guidance from a teacher and an RTLB to facilitate engagement in school. A key concept was that the students should not be withdrawn from their usual classes, or form a “behaviour group”. Thus, the school devised a timetable where the students meet on Monday mornings as a group with the teacher and RTLB to discuss their weekend and offload any bad experiences.

The students then set goals for themselves for what they want to achieve at school that week. Initially these goals included such things as “not getting kicked out of science”, but as the year progressed became “to get 80% in the maths test”. On Wednesday afternoons the group meet again to update their progress, and also for specific teaching in numeracy and literacy where required. Over the week students can earn points related to their goal

setting and achievement. If they earn sufficient points, the students are then able to attend a lifeskills based programme on Fridays.

All staff at the schools have a role in supporting and monitoring the goals the students set for themselves. Parents and students also met with the school principal at the outset of the programme where the purpose of the group was explained to them and the importance of the parents' support communicated.

### **What are the results?**

The programmes report significant success. Where students were truant, abusive and disengaged, they are now leading school powhiri, attending fulltime and becoming successful learners. Notifications of bad behaviour within the schools have reduced from approximately 14 in one term, to three over three terms.

Both schools are continuing the programme during 2006, despite some issues with funding. The schools are looking to extend the programme so that it covers Year 9 and 10 students, and the RTLB's would like to see the programme working for Year 8 students at Intermediate level.

### **How is the programme funded?**

Last year CYF provided around \$70,000 to one high school for young people that meet their criteria. Students at the other high school did not meet CYF criteria.

GSE offered seven hours support worker time plus approx 0.1 specialist teacher.

RTLB contributed approximately five hours per week support time plus some funding for travel expense and around 0.2 RTLB time to each school for the programme.

WINZ provided a youth worker to one school.

Both schools have supported the programme by releasing staff to run the groups – approx 0.6 in addition to normal staffing levels.

Schools have had to go ahead in 2006 without confirmed funding support.

The RTLB's have done some work around ideal funding levels to support the programme and have arrived at a figure of around \$40,000 a year to run a group for 10-12 students.

Both schools have the opportunity to apply for some MOE contestable funding later in the year, though this is short term funding. RTLB will also be seeking assistance if possible from community groups this year.

The Youth Offending Team and those involved in running the programme would like to see a situation where schools are given additional funding from MOE to run the programme each year.

### **Contact person:**

Clare Shepherd  
Service Manager  
Group Special Education, Wanganui  
[Clare.shepherd@minedu.govt.nz](mailto:Clare.shepherd@minedu.govt.nz)  
06 345 5224  
027 272 6122

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## *Special Feature:* **Assessment, Treatment and Management of High Risk Incarcerated Youth Offenders**

*By Dr Nick J Wilson, Senior Advisor Research, Corrections Psychological Service<sup>1</sup>*

“The area of youth offender risk assessment and treatment is one that has received a lot of attention, both from the public and from correctional authorities. Research carried out in early 2004 by the writer used a representative sample of imprisoned youth offenders (69), aged between 16-18 years of age (half identified as Maori). The study had four different measures of recidivism risk, that included both static (e.g., past offending), as well as dynamic or changeable factors (e.g., criminal beliefs, antisocial associates). Participants were typically serving short sentences (average sentence, 2 years 8 months), usually for aggravated robbery. When violent and sexual crimes were added, 70% had index offences for serious violence/sexual offending. Analysis of their histories of detected offending indicated criminal versatility, a noted risk factor (average 17 convictions per study participant).

The study risk measures identified a significant proportion, 30% of the sample, as at high risk of serious recidivism (based in the main on indications of psychopathic personality and past criminality). The 30% at high risk is the same proportion as found in imprisoned adult offenders, confirming the chronic and pervasive nature of recidivism risk.

In examining treatment needs for the high risk youth offender group, the study found that 20% indicated family difficulties, 78.5% problems with education-employment, 74% substance abuse issues, 33% little or no structured or prosocial leisure-recreational activities, 32% with antisocial attitudes and orientation, and 42% were viewed with antisocial personality. These personality difficulties were characterised by lack of remorse, shallow emotional range, callousness/lack of empathy, and a lack of responsibility for criminal behaviour.

### **Conclusions and implications**

The finding of the study that many incarcerated youth can be categorised as at high risk of serious reoffending may not appear a major revelation. However, it was important to establish that the measures of risk used in the study were reliable and valid for a New Zealand population in order to both enable and encourage their use by clinicians. In the writer’s experience, few clinicians use actuarial and or structured measures of risk in their assessments of youth offenders appearing before judicial authorities. The increased use of risk

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<sup>1</sup> The full report on the research quoted in this article is available at -  
<http://ccm.corrections.govt.nz/cornet/research/risk-need-profile-youth-offenders/index.html>

measures by clinicians in assessing youth offenders would enable judicial authorities to include this information on risk and treatment needs in their consideration of sentencing options.

There is a major difference in the treatment options available to adult and youth high risk offenders. It is noted that treatment for participants in the study typically involved a low intensity group based programme that was focused on all offence types rather than specific offending ('one-size' fits all), delivered by paraprofessionals rather than clinicians. Such programmes in New Zealand and International corrections' settings have been found to have only weak to nil treatment success in reducing recidivism, and are not recommended for high risk offenders. Indeed, adult high risk offenders who are similar to the youth high risk sample in terms of the level of assessed risk and identified treatment needs are directed to attend intensive specialist treatment.

Adult offender treatment of high risk offenders increasingly recognises personality factors and chronic procriminal offender beliefs. However, youth offender treatment is still primarily focused on addressing systemic, environmental issues (e.g., family supports), that are not proving successful, rather than including a strong focus on individual factors that have been found to significantly reduce reoffending.

Effective intensive programmes that address individual factors are typically of up to 9 month duration (350 therapy hours plus), tailored to an offence type such as violence or sex offending, with treatment delivered by psychologists experienced in the forensic area and personality pathology. However, a limitation for implementing such programmes is the finding that youth offenders while imprisoned for serious or repeated crimes, had short periods of imprisonment, especially with most eligible for parole after a third of their sentence.

It is recommended therefore, that any intervention needs to be flexible, delivered by trained clinicians, targeted to the high risk youth offenders, and focused on the highest priority treatment need, rather than whatever programme is easiest to access. In addition, while low intensity group treatment is the current norm to ensure the greatest number receive treatment, short periods of imprisonment, high risk, and a range of index offence (including 14.5% for sexual offences) mean individual specialist psychological treatment services will be required. While some of the treatment needs can be addressed through targeted psychological interventions, others will require inclusion in a comprehensive reintegration plan. Examples of treatment needs that may be better addressed through a viable reintegration plan are employment or association with antisocial peers. Finally, in view of the high number of the sample with violent index offences, a targeted and intensive youth violence prevention programme should be considered for use in the current Youth Offender Units."

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**Note:** The views expressed in this article are those of the author and not necessarily those of the Department of Corrections (nor do they reflect Government policy).