

# “Court in the Act”

Issue 1: June 2001

Continuing the best traditions of my predecessor, this is the first of what I hope will be a regular newsletter to all Youth Court Judges. Feedback, letters to the editor (I will start an open forum if there are replies), and abuse are not only acceptable, but encouraged.

## **THANK YOU**

I greatly appreciate your warm encouragement and support as I commence this new role. I look forward to working with you all. One Judge (not a Youth Court Judge) reassuringly reminded me that the Youth Court only accounts for about 5% of District Court work and he couldn't see what the fuss was about! Only later did I think to remind him that we deal with 100% of tomorrow's criminals!

## **TRANSITION PERIOD**

I have just returned from three days in Wellington, where David and I were able to begin a (dis)orderly transition process. David has left comprehensive memos, fired off like a machine gun, and I now better understand the parameters of the job and some of the current issues. While in Wellington I met with the CEO of CYFS (Jackie Brown) and with the Police Commissioner and Youth Aid personnel. I also met the Secretary of the Ministerial Task Force on youth crime.

It will probably be at least two months before I am "disengaged" from Wanganui and the current sitting obligations there, and complete the shift to Wellington. Tony Walsh and I

were shocked that there has been no stampede of transfer applicants to Wanganui! A brand new Judge will need to be appointed. I understand the interview process is about to begin.

Margaret McKenzie and David have helpfully freed up some time for me to devote fully to my new role. I will have about three weeks available before the end of July, with more time in August. I will probably not be fulltime in Wellington until about September. (No luck yet with a house)

## **APPEAL FOR HELP**

In the meantime, I would very much appreciate your assistance, should the need arise, at a local level. In particular, if there are invitations to speak at local functions, or to visit community initiatives, I will pass them on to the Youth Court Liaison Judges (listed at the end of this newsletter) for them to action. They have already

agreed to this arrangement. It may be that they prevail upon you to assist. In the short term I hope this is acceptable. But please continue to direct to me any individual cases that come to your attention because of complaints of lack of resources, inadequate facilities.

**Otherwise, it is business as usual!**

### **HOW TO CONTACT ME**

Carol Turner, with her wealth of accumulated knowledge, continues in the role of Personal Assistant. She can be contacted between 7.45 am (slightly before I normally arrive!) and 4.15 pm, DDI 3446. I will mainly be in Wanganui at 06 349 0745, DDI 3745.

### **YOUTH COURT JUDGES' CONFERENCE**

You will shortly be receiving the full conference programme, to be held in Auckland at the Sheraton Hotel on 19 & 20 July. I think it looks very exciting. If, however, you are disappointed, please direct your comments to the outgoing Principal Youth Court Judge. All plaudits will be accepted by Carolyn Henwood, Tina Pope (IJS), and myself.

### **FAREWELL FOR DAVID**

David is very reluctant for there to be any formal, public farewell. He says he will still be keeping a paternal eye on the Youth Court and there is no need to farewell him because he remains a Judge and is still very much on the scene. But as we all recognise, he has made an immense contribution. It will certainly be appropriate to acknowledge this at the conference. This will be done at the Thursday evening formal dinner.

The occasion will begin with an entertainment feature organised by Carolyn Henwood. The Chief Justice will address us before the dinner

commences. Carolyn Henwood and Peter Boshier will propose thanks to David between courses, with a possible right of reply. The after dinner speaker will be Mick Brown, the progenitor and godfather of the Youth Court!

### **IF THE MEDIA CONTACT YOU.....**

Sometimes there are opportunities to respond to **newspaper** inquiries at a local level regarding the operation and ethos of the Youth Court. In general, I think we should respond to them in a careful, considered and consistent way.

If you receive inquiries of this kind, I am more than happy to discuss them with you, and I would appreciate being kept informed.

I think most of us, especially in provincial areas (where the opportunities most often arise), have found newspaper reporters very co-operative and willing to allow us to check any article for accuracy and detail before publication. The presence of the Registrar at any interview is a good practice.

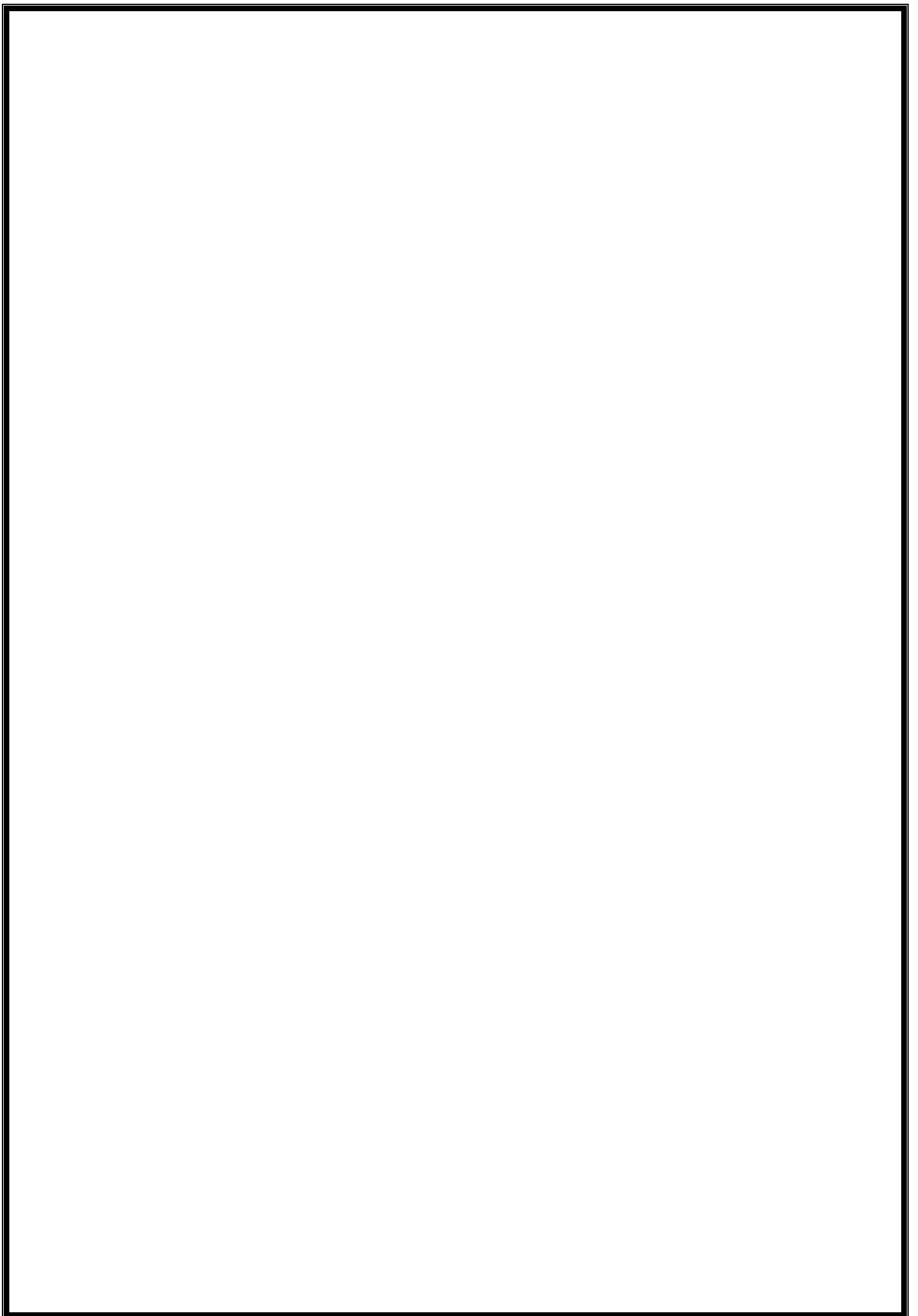
Neil Billington is of course available for any specific inquiries regarding how to respond to newspaper requests. (He has helped prepare this column).

As an example of a possible approach, recently Jane McMeeken was asked by the Whangarei *Northern Advocate* to answer a series of pre-prepared questions. She enlisted Peter Boshier's help. I enclose, with his permission, a copy of the answers provided. They may be of assistance to you if you receive similar inquiries.

If you receive inquiries from the **national print media**, then I would suggest that these be discussed with the Chief District Court Judge and myself before responding.

The same reserve should apply to requests by **radio** and **TV**. These can be much more controversial for the judiciary. In my view they should be

rarely, if ever, undertaken and only with the prior approval of the Chief District Court Judge.



## **SPECIAL FOCUS: SECURE CUSTODIAL FACILITIES**

It is no secret there is a critical shortage of secure facilities for young offenders. I enclose a copy of a strongly worded letter to the Minister of Justice, jointly signed by Ron Young and David Carruthers. The Minister has recently responded, promising to "investigate urgently".

There are 3 secure facilities in New Zealand providing youth justice beds, with a total of 75 beds available. Approximately 70% of those beds are usually taken up with young persons on supervision with residence orders (s311). If that level continues, that means there are only 21 beds available for s238(1)(d) remands. (Note: the Northern Residential Centre cannot take violent offenders because of the Deed of Settlement it operates under.)

This presents both a *crisis* and a *challenge*.

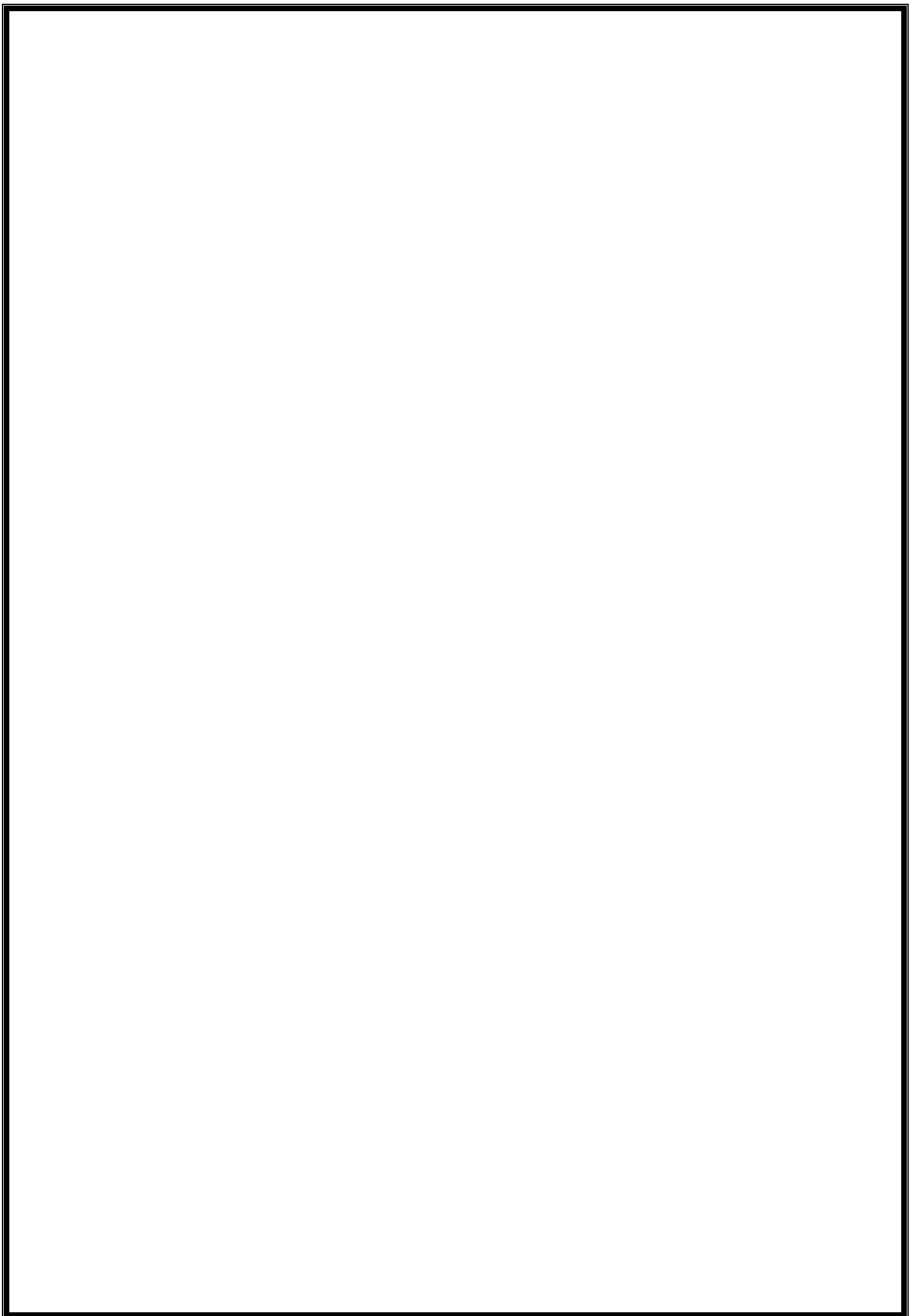
It is a *crisis* because although more beds are needed, no more will be available for two years. (And then only 15!). That is the earliest, due to difficulties obtaining planning consents and the like, that new facilities can be built. It is also a *crisis* because of the temptation, which the Government might find irresistible, to house young persons under s238(1)(d) in a youth prison, which would be an entirely retrograde step and contrary to the whole ethos of the Act. It might be a trend difficult to ever reverse

It is also a *challenge*, to manage the limited beds available for those young persons who really need it. On the one hand we should all be assiduous in ensuring that a s238(1)(d) order is only made when required. On the other hand, it does not mean we should shrink from making a necessary order just because of bed space pressure.

When last in Wellington, I attended a "long remands" meeting where all these issues were addressed, with representatives from Police Youth Aid, CYFS and Youth Advocates. I enclose the report that was tabled at the meeting.

An obvious, associated danger is that because of the lack of availability of suitable secure facilities, there is an increase of remands in Police custody (s238(1)(e)). Nobody wants this, and we should be very careful before we make such an order. Ask any Judge who has conducted a Coroner's Inquest into a Police cell suicide, as to the profoundly traumatic and unexpected effects solitary confinement in a small cell can have on a 15 year old youth. When I met the Police Commissioner, he emphasised that this was a particular concern and exposed the Police to risk.

I found this information revealing and disturbing. I think you should know of it.



## ***RESTORATIVE JUSTICE***

As we know, the Youth Justice System has a restorative justice ethos. I enclose herewith a very helpful and detailed paper from Fred McElrea on restorative justice. It draws on his experiences in the Youth Court.

## ***REDUCING THE USE OF IMPRISONMENT***

I enclose the executive summary of the recent Department of Corrections "*About Time*" report which introduces 10 options for reducing imprisonment. "Option 4" directly impacts on the Youth Court. The full report is available upon request through Carol Turner.

***"Know the feeling?"***

### **YOUTH COURT LIAISON JUDGES**

#### ***NORTHERN REGION:***

Judge Heather Simpson, Manukau City

#### ***WAIKATO/BAY OF PLENTY REGION***

Judge James Rota, Hamilton  
Judge David McKegg, Tauranga  
Judge Paul Whitehead, Rotorua

#### ***CENTRAL REGION:***

Judge Barry Lovegrove, Palmerston North  
Judge Chris Harding, New Plymouth

#### ***WELLINGTON REGION:***

Judge Carolyn Henwood, Wellington  
Judge John Walker, Nelson

#### ***SOUTHERN REGION:***

Judge Trish Costigan, Christchurch  
Judge Oke Blaikie, Dunedin  
Judge Phil Moran, Invercargill

