"Court in the Act"
A regular newsletter for the entire Youth Justice Community
THE YOUTH COURT OF NEW ZEALAND | TE KŌTI TAIOHI O AOTEAROA

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Alcohol related offending before the Courts

The Law Commission has recently released 'Alcohol in our Lives', a report on the impact of alcohol in New Zealand. The following are extracts from the District Court's submissions to the Law Commission on its experience of alcohol related offending, with a heavy emphasis on the experience of the Youth Court. The full Law Commission report can be found at www.lawcom.govt.nz.

The extent of alcohol related offending

Judges in the District Court report that at least 80% of defendants coming before the criminal courts have alcohol or other drug (AOD) dependency or abuse issues connected with their offending. It is estimated that in 80% of those cases the drug involved is alcohol. It is exceptional for intoxication not to be mentioned in a police summary of facts in relation to violent offending, and in relation to offensive and disorderly behaviour offences and other street disorder.

In order to provide a better indication of the extent of the problem this percentage needs to be translated into the number of defendants. More detailed analysis of the numbers needs to be carried out, but the following calculation, is sufficiently conservative to be realistic.

In the week of 4 May 2009, 11,001 people appeared once or more on summary charges in the District Courts and 485 young people appeared in the Youth Courts in that week.

These figures, at least, are known. Recognising that a large number will have appeared before Justices of the Peace on minor offences including traffic infringements and taking a very conservative estimate of those who made an appearance before a Judge in a District Court as 6000 in that week the percentages translate to approximately 3800 people with alcohol consumption connected with their offending. That is just one week.

'AOD' is a term used to convey the inclusion of alcohol as a drug rather than something separate.

To answer the question 'when does alcohol related offending start?' we turn to the Youth Court experience. The same percentages apply in the Youth Courts.

The Youth Court deals with offenders aged 14 – 16. The very

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large number of those young people whose offending has alcohol consumption as an underlying cause reflects the now normalised behaviour of "binge drinking". Young people in the Youth Court have little idea that their drinking is even problematic because their drinking is the same as all those around them. Serious dependency does not stand out in this crowd and often goes untreated until very well established.

A significant number come into the Youth Court with this well established alcohol dependency. It is not uncommon for the use of alcohol by these young people to have started when they were children. This early use of alcohol is documented in the AOD assessments provided to the Youth Court when dependence has been identified.

S said that she first tried alcohol with friends at age 13 and at this time drank 5% refreshers. She began regular use at the start of this year, drinking with friends. She regularly drinks on the weekends, Friday and Saturday nights, drinking four cans of 12% spirits. S described herself as "fine" with this amount however that she is unable to stop if offered more to drink and at this point begins to black out. S described binge drinking for a week, day and night, and said that she had begun to sell things to purchase alcohol. She said that she experiences blackouts every few weeks when binging.

An extract from a recent AOD assessment to the Youth Court

M now states she first got drunk at age 12 years on vodka. She has continued to follow a binge pattern of use that is limited only by availability. She admitted she would drink more and daily if she could get it. Her drinking increased this year with an increase in tolerance especially over the last six months. She will consume a case between herself and another person spending $40-50 per week as her contribution.

Judge McMeeken is a Family Court Judge, and Youth Court Judge and presides in the Christchurch Youth Drug Court. She makes the following observations:

> It is my strongly held view, and one which I become more certain of with every passing month working in the Youth Justice System, that the cost in financial, criminal and social terms of alcohol abuse and dependency amongst the young is absolutely astronomical.
>
> In my experience alcohol abuse has a hugely detrimental impact on the lives of young people who begin drinking early. It clearly interferes dramatically with their schooling which in turn impacts upon their sport and community involvement and their general development.
>
> There is certainly a perception that P use is a problem and the party pills are abusive. Those substances are abused as is cannabis but by far and away alcohol abuse is the major issue for offenders in both the Youth Court and the Youth Drug Court.

I often comment when I am sitting in Youth Court that if I only had to deal with young offenders who offended whilst sober, I would have very, very little work to do. That is a chilling statement to make when most of the young people I see are 14 and 15 years of age.

In an average Youth Court List in Christchurch of approximately 30-35 young people, at least 70% of them are drunk when they offend. That proportion is much higher in respect of young people who commit serious acts of violence.

When reviewing the files of these young people I find that most of them are not at school and that in many, many cases they have been excluded from school because of factors that directly relate to their abuse of alcohol. They either truant because they are hung-over, they steal from pupils and teachers because they need money, they are irritable and aggressive because they are hung-over or withdrawing and they are uninterested or unable to learn because they have inadequate sleep and nutrition as a result of their drinking.

Judge Fitzgerald, a Youth Court Judge in Auckland who presides in the specialist Intensive Monitoring Group hearings within

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the Youth Court details his experience in dealing with AOD dependant young offenders:

> The ages at which young people start using alcohol is disturbingly low in many cases. It is not uncommon to read of alcohol use beginning before age 10 and to have reached significant levels by age 13. The dependency can therefore be quite entrenched by the time the young person reaches Court. It is also often the case that this is occurring in young people with mental health issues; typically conduct and anxiety disorders. Indeed the alcohol (and often cannabis) use is often a form of self-medication by the young person; the alcohol (and/or cannabis) dependency masking the underlying disorder and making treatment and recovery more complex.
>
> Some offending by young people in this category (given their usually limited means – including ineligibility for state benefits – most have been excluded from school) is in order to obtain money to purchase alcohol or other drugs.

K said that he first started drinking alcohol at 10 years of age and would drink "when I could". At 13 years of age he said this increased to drinking once a week or once a fortnight. When he was 14 years he did not drink for two months but reported he now drinks every night to "get drunk".

L stated that he first tried alcohol when he was at primary school. He described an incident where he came home drunk at the age of 7 or 8. L said he started drinking regularly about the age of 13 due to peer pressure. He says that he currently tries to limit himself to one or two beers during the week, as he doesn't want to get too tipsy but that he will "get hammered" on the weekends. He said that he will drink as much as he can and has had several times of alcoholic blackout. He laughed when relating "I've been told a few shocking things" (by other people about what he is like when drunk). He also said there has been at least one time when he has vomited blood and also said that he has passed blood in his urine. He also mentioned being taken to hospital at the age of 13 with alcohol poisoning. L stated that "everyone calls me an alcoholic, but I'm not".

Judges in all Youth Courts will share these experiences described by these two judges.

It seems to judges that what we are seeing in the adult courts follows on from what we see in the Youth Courts.

It must be remembered that a high percentage of youth offending is dealt with by alternative action and is never seen in the Youth Court and so the extent of alcohol related youth offending is much greater than what comes before the court.

Current District Court Intervention Processes and the Practical Difficulties

In those cases where alcohol dependency or abuse is identified as a possible contributing cause of offending, Judges have the ability to call for an AOD assessment and report as part of the sentencing process. AOD Assessors are required to have recognised qualifications and are approved by a selection process. The reports which they provide have to meet specifications and provide a treatment plan which can form the basis of a court-directed intervention. Having advice as to what is required to deal with an underlying cause of offending is one thing, having the treatment provided is much more difficult.

If the recommendation is for residential treatment there are likely to be waiting lists. Judges cannot direct that treatment be provided and must rely on others to find a bed. The options are limited. There is one provider of adult residential treatment in Wellington (short duration programme), there is one in Hawkes Bay which does not admit anyone with a current court matter, there are two in Auckland, one in Christchurch, Dunedin and Blenheim.

The options for residential treatment for women are more limited than those for men.

Treatment in the community is easier to obtain particularly the

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non-intensive weekly counselling type. Intensive day programmes, sometimes a viable alternative to in-patient treatment, are more difficult to find.

The unavailability of residential treatment for young people is also a difficulty for the Youth Court. There is one facility in Auckland, one in Otane, and one in Christchurch. There is some uncertainty about the future of a residential programme in Hamilton.

In both the adult and Youth Courts, waiting lists for counselling and day programmes and residential treatment stand in the way of using the court processes to encourage engagement in treatment.

Current international research shows that it does not matter if engagement in treatment is mandated by a court or purely voluntary, the outcomes are the same. It is retention in the programme which determines outcome. The notion that a person has to be "motivated" to enter treatment for treatment to have any chance of success is outmoded. Motivation or readiness to change can be part of the intervention which moves the person towards change.

When treatment is available the court has a number of options to encourage entry into treatment and continued engagement. The fact of arrest and appearing in court can be a catalyst for change. Taking advantage of this can be an option where a sentence short of imprisonment is appropriate.

Treatment can be part of a sentence, for example part of a sentence of home detention. Sentencing can be deferred providing the offender with an opportunity to undergo treatment while on bail and having the outcome taken into account on sentence.

All of this is, of course, dependent upon treatment being available. Unfortunately, more often than not, it isn't.

B reported that she tried alcohol at a very young age (undisclosed), and that she started to drink alcohol "hard out" from about 13 years of age. She recalled that she often became "too drunk", and would not remember most things during those times. Over the last month before her arrest in January 2008, B reported drinking alcohol every day until she felt "wasted" and her "head spins". She further explained that she would drink to get drunk, and that she would also take drugs. B reported an increasing tolerance for alcohol and that she could go through two 1.5 litre bottles of vodka mixers (50% alcohol) over a day and a night.

Links to media coverage on alcohol and the youth justice system

The Listener

'The demons of drink'
By Rebecca Macfie

August 29—September 4 2009

An examination of the impact of alcohol in the criminal justice system, beginning with a description of the Christchurch Youth Drug Court. Included are interviews with Judge Jane McMeeken and Judge John

http://www.listener.co.nz/issue/3616/features/13879/the_demons_of_drink.html

Weekend Herald

'A past and a future: Therapeutic justice for youth offenders'
By Catherine Masters

5 September 2009

An in-depth article on the Intensive Monitoring Group, an initiative of Judge Tony Fitzgerald in the Youth Court at Auckland.

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10595243

Maori TV

Native Affairs
An interview with Judge Andrew Becroft at the Porirua Youth Court and with Judge Hemi Taumaunu about the Marae-based Youth Court.

Monday September 7th 2009

http://www.maoritelevision.com/Default.aspx?tabid=349&pid=212&epid=4705

DNA Profiling of Young People

When can the Police take a DNA sample from a young person? What criteria must be met before such a sample can be taken? Determining the answers to these questions from the Criminal Investigations (Bodily Samples) Act 1995 is no easy task. What is more, in February the government introduced a Bill expanding those powers. The Youth Court's submissions on that Bill are available on request from the Editor. It is timely therefore, to provide an overview of the Act, together with the proposed changes in the Bill, and a summary of the Select Committee's recommendations.

There are currently two purposes for which the Police can obtain a bodily sample from a young person under the Criminal Investigations (Bodily Samples) Act 1995 –

Suspect Sample – For the investigation of a particular criminal offence under Part 2 of the Act; and

Databank Sample - For storage on the DNA profile databank under Part 3 of the Act.

The Criminal Investigations (Bodily Samples) Amendment Bill provides, in a new Part 2A, additional, expanded criteria for taking Databank Samples. I will outline the criteria for the existing purposes on this page, and for the additional criteria in the Bill, on the following page.

Criteria	Suspect Sample **Existing Part 2—for the purpose of investigating a particular indictable criminal offence (s5)**	Databank Sample **Existing Part 3— for the purpose of storage on the DNA Profile Databank which can be used by the Police to solve unsolved crimes and future crimes**
Criteria for taking the sample	• Police must have reasonable grounds to believe an analysis of the sample would tend to confirm or disprove the suspect's involvement in the offence (s6); AND • Either the young person and the parents have both consented; OR the police obtain a juvenile compulsion order under section 18 of the Act (s5); AND • The sample is taken in accordance with the procedures in Part 4 of the Act.	• The police must serve a databank compulsion notice on the young person (and explain it to them); AND • Take reasonable steps to also serve it on the young person's parents; AND • The sample must be taken in accordance with the procedures in Part 4. Police may issue a databank compulsion notice if the person has been convicted of a relevant offence (section 39). Note, that adults can consent to have a sample taken under Part 3 (without the need for a databank compulsion notice), but that option is not available for young people. If the young person or their parents believe that they have grounds for a hearing under section 41, they may request a databank compulsion notice hearing before a Youth Court Judge (or District Court or High Court Judge, if the young person was sentenced in those Courts).
Criteria for storing the sample	The DNA profile derived from a bodily sample may be stored on the DNA Profile Databank if – • The young person is convicted of the offence being investigated, or a related offence, (or the Youth Court finds that the charge against the young person is proved); AND • The offence is a relevant offence (s26(a)). 'Relevant offence' includes the offences listed in Parts 1 and 2 of the Schedule of the Act. The Bill expands the range of relevant offences by including some less serious offences .	There are no additional criteria before a profile derived from a sample taken under Part 3 can be stored on the databank.
Criteria or timeframe for removal of sample from the databank	Currently a young person's profile which is stored on the databank is stored indefinitely. The Bill proposes that these profiles be removed under the same criteria and timeframes as Part 2A profiles (see over page).	While the bodily sample may only be retained long enough to obtain a DNA profile from it, the profile itself can be stored on the databank indefinitely.

Following on from the existing legislative provisions on the previous page, this page presents the additional, expanded criteria proposed in the Criminal Investigations (Bodily Samples) Amendment Bill 2009 for samples taken for the purpose of storage on the DNA Profile Databank.

Criteria	Databank Sample **Proposed New Part 2A— for the purpose of storage on the DNA Profile Databank which can be used by the Police to solve unsolved crimes or future crimes**	Select Committee Recommendations **Recommended changes to Proposed New Part 2A by Justice and Electoral Select Committee**
Criteria for taking the sample	EITHER – • The young person is in lawful custody and detained in respect of a relevant offence; OR • The police have good cause to suspect the young person of committing a relevant offence and they intend to bring proceedings in relation to that offence against the young person, - AND EITHER – • The offence in question carries a maximum penalty of 7 years imprisonment; OR • The young person has had a previous conviction, or an alternative resolution imposed, or been the subject of a youth justice family group conference. (proposed s24K)	The Justice and Electoral Select Committee report recommends that this criteria be simplified to remove the last two points, and amend the first two criteria to - EITHER - • Those young people who have been arrested; OR • Those young people for whom the police have good cause to suspect of committing a relevant offence and they *intend to bring proceedings*.
Criteria for storing the sample	A DNA profile derived from a bodily sample can be stored on a temporary databank if the young person is charged with the triggering offence or a related offence (section 24P). That DNA profile can be stored on the main DNA Profile Databank if – • The young person is convicted of the triggering offence or a related offence, (or the charge against the young person is proved in the YC), and those offences are 'relevant offences' (proposed section 26 (ab)); AND • The young person is imprisoned, or an order under sections 282 or 283 of the Children, Young Persons and their Families Act 1989 or under section 106 of the Sentencing Act 2002 is made in respect of the young person (proposed section 26(ab) and (ac)).	
Criteria and timeframe for removal of sample from the databank	The length of time that a profile remains on the databank depends upon the criteria under which the young person's profile is stored there. If a young person is sentenced by the District Court to a term of imprisonment, the profile remains on the databank indefinitely. If the young person received a s282 order or a s106 order under the Sentencing Act 2002, the DNA profile must be removed within 4 years (unless they have subsequently been convicted of, or received another s282 order in respect of an imprisonable offence). If the young person was convicted in the District Court (but didn't receive imprisonment), or received a s283 order, the DNA profile must be removed within 7 years (unless they have subsequently been convicted of, or received another s282 order in respect of an imprisonable offence).	The Justice and Electoral Select Committee report recommends that the profiles should stay on the databank for 10 years if the young person received an order under section 283 or a conviction in the District Court (but no sentence of imprisonment). It felt that this is consistent with evidence that if the young person reaches the age of 25 without reoffending, the chance of them reoffending is very small. It recommended that the profile should stay on the system for 4 years if the young person received an order under section 282 (and a finding that the offence was proved). If the young person received a further conviction or order while their profile is stored, then it can be stored on the databank indefinitely in most cases.

Legal aspects of the CYPF Act 1989

Can a young person be convicted and transferred to the District Court for sentencing if the District Court is unable to impose imprisonment?

Answer: Yes.

Before a Youth Court Judge can impose an order under section 283(o) of the Children, Young Persons and Their Families Act 1989 (the Act) to convict and transfer a young person to the District Court for sentencing, he or she must be satisfied that the conditions in subsection 290(1) and (2) of the Act have been met—

Section 290(1) - No order shall be made under paragraph (n) or (o) of section 283 of this Act in respect of a young person unless—

(a) The offence is a purely indictable offence; or

(b) The nature or circumstances of the offence are such that if the young person were an adult and had been convicted of the offence in a Court other than a Youth Court, a sentence of imprisonment […] would be required to be imposed on the young person; or

(c) The Court is satisfied that, because of the special circumstances of the offence or of the offender, any order of a non-custodial nature would be clearly inadequate.

Section 290(2) - No order shall be made under section 283(o) of this Act unless the Court has considered all other alternatives available to it under this Part of this Act and is satisfied that none of them is appropriate in the circumstances of the particular case.

The District Court can only impose imprisonment on a young person if the offence is purely indictable (s18 Sentencing Act 2002). Is this relevant to a decision under s290(1)(b) that imprisonment would be imposed if the young person were an adult, or under s290(1)(c) that a non-custodial order would be clearly inadequate?

The question posed in s290(1)(b) is a hypothetical question. It does not ask whether it is possible to sentence the young person now before the Court to imprisonment, rather whether an adult convicted of the same offending would be sentenced to imprisonment.

In respect of the condition in section 290(1)(c), consideration of whether the young person now before the Court could be sentenced to imprisonment, is similarly irrelevant. There are only two relevant considerations in this subsection—

- Any special circumstances of the offence or of the offender; and
- Whether those circumstances make a non-custodial order clearly inadequate.

The Youth Court must make a judicial assessment as to the adequacy of all other options short of a custodial sentence. Issues as to the purpose to be achieved by District Court sentencing, or whether the District Court has the power to impose a custodial order, are irrelevant.

For further information see the following decisions -

Wilson v Police (High Court, Timaru, CRI 2006-476-000021, 9 February 2007

Apiata v Police (HC CHCH A174/98 10 September 1998 Panckhurst J

Police v MM (Youth Court, Napier CRI 2007-241-000106, 27 June 2008, von Dadelszen J

When a young person has admitted a purely indictable offence (but not murder or manslaughter) and Youth Court jurisdiction is declined, which Court should they be sentenced in?

Answer: Usually the District Court.

Where a young person is charged with a purely indictable offence (which is not murder or manslaughter), the preliminary hearing proceeds in the Youth Court under section 274 (1)(a) CYPF Act 1989, and in accordance with Part 5 of the Summary Proceedings Act 1957.

If before, or in the course of those preliminary proceedings, the young person indicates a desire to plead guilty, the Youth Court's next step is to consider whether to offer Youth Court jurisdiction - section 276(1). If Youth Court jurisdiction is declined, section 276 does not indicate what should happen.

However, sections 160 and 161 of the Summary Proceedings Act 1947 provide guidance for when a defendant pleads guilty before committal. That section is incorporated by reference into the youth justice system by section 274(2)(a) CYPF Act.

Section 161(1) provides for the young person to plead guilty, and section 161(3) sets out the consequences of that plea.

Section 161(3) -

If the defendant pleads guilty, then

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[…] the Court must record the plea and, -

(a)if— […]

(ii) the offence is an indictable offence under any enactment (other than an offence referred to in Part 2 of Schedule 1A of the District Courts Act 1947); […]

The Court must either proceed immediately to sentence the defendant, or adjourn the proceedings for the sentencing of the defendant in accordance with section 28F of the District Courts Act 1947;

(b) in any other case, commit the defendant to the High Court for sentence.

Very few of the offences listed in Part 2 of Schedule 1A of the District Courts Act 1947 are relevant to young people. The offences that may be relevant include -

- Attempted murder;
- Conspiracy to murder;
- Accessory after the fact to murder;
- Aiding and abetting suicide;
- Surviving party of a suicide pact;
- Killing unborn child;
- Procuring abortion;
- Blackmail.

In the case of one of these indictable offences, the young person must be committed to the High Court for sentence. For all other indictable offences, the proceedings must be adjourned for sentencing in the District Court.

Correct procedure where a young person indicates a desire to plead guilty and Youth Court jurisdiction is declined

1. The young person indicates a desire to plead guilty;
2. Youth Court proceedings are adjourned for a family group conference to consider whether Youth Court jurisdiction should be offered—s281B CYPF Act;
3. Youth Court considers the family group conference recommendation and determines whether Youth Court jurisdiction should be offered—s276(1) CYPF Act;
4. If Youth Court jurisdiction is declined, committal proceedings continue in the Youth Court;
5. At any time before committal the young person may ask to plead guilty—s160 Summary Proceedings Act 1957;
6. Young person may plead guilty pursuant to s161(1) Summary Proceedings Act 1957;
7. If guilty plea is made, the plea is recorded and the proceedings are adjourned for sentencing in the District Court—s161 (3)(a) Summary Proceedings Act 1957 (unless offence is one of the few listed in Part 2 of Schedule 1A District Courts Act, in which case the young person must be committed to the High Court for sentence—s161(3)(b) Summary Proceedings Act 1957);
8. If the young person does not plead guilty then committal proceedings continue in the Youth Court. (Note that Youth Court jurisdiction may have to be addressed again, pursuant to s275 (1) CYPF Act when all the evidence has been given);
9. If sentencing is likely to require a prison term of more than five years, sentencing in the District Court should be done by a jury-warranted Judge. In other cases, any District Court Judge can sentence the young person up to a maximum of five years imprisonment, pursuant to s28F(4)(b) District Courts Act 1947 .
10. If there is reason for the sentencing to be conducted in the High Court (for example, co-offenders are already before the High Court), then the District Court Judge should decline jurisdiction to sentence under s28F(3)(b) District Courts Act 1947, and commit the young person to the High Court for sentence.

Wanted: Inspirational or interesting stories about FGCs

The Henwood Trust, in collaboration with MSD, the Police and the Principal Youth Court Judge is recognising 20 years of the CYPF Act1989 by publishing a book celebrating the valuable contribution of family group conferences.

We are seeking interesting or inspirational stories about family group conferences across a range of offending and outcomes.

If you know of a family group conference which you think epitomises the philosophy of the Children, Young Persons and Their Families Act, please email the Editor at

Linda.mciver@justice.govt.nz.

A Survey of Recent Articles on "What Works" in Youth Justice

The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview Mark W. Lipsey

The following is a summary of the article which can be found in *Victims and Offenders*, 4:124-147, 2009

This paper analyses data from a comprehensive meta-analysis of programmes for reducing the recidivism of juvenile offenders. Its aim was to test a broad range of intervention factors in a manner that allowed identification of the general principles and distinct intervention types associated with the greatest reductions in recidivism.

The broad range of interventions examined by the meta-analysis fell into several categories—Counselling, Multiple Services (typically used in diversion, where the juvenile is referred to various services to address their needs), Skill building, Restorative, Surveillance, Deterrence, and Discipline.

The factors examined in each intervention included the characteristics of the juveniles receiving the intervention, the treatment philosophy, and the level of justice system supervision.

The paper includes the following conclusions—

- The risk level of the individual juvenile participants was more important than the treatment philosophy in determining levels of recidivism;
- After the risk level of the juveniles, the next most important factor was the quality of programme implementation;
- Interventions involving juveniles with aggressive or violent histories showed greater rates of reoffending;
- Interventions with higher proportions of males had greater rates of reoffending;
- Mean age and ethnic mix had no effect on rates of reoffending;
- The therapeutic interventions (counselling, multiple services, skill building, and restorative interventions) had the largest effects on reducing offending;
- When controlled for differences in the characteristics of the participating juveniles, differences in effectiveness among the therapeutic interventions were negligible, other than restorative programmes which showed slightly smaller effects on reducing offending;
- Interventions emphasizing discipline showed notably smaller impact on reducing offending.

Prevention and intervention programmes for juvenile offenders

Peter Greenwood

Similarly to the previous paper, this study, from the Executive Director of the Association for the Advancement of Evidence-Based Practice, reviews recent research on what works. It can be found at http://futureofchildren.org/futureofchildren/publications/docs/18_02_09.pdf

In this paper Peter Greenwood argues that we have over ten years of solid evidence about what works in juvenile justice. Implementation of these programmes has been slow, and the challenge now is to push these reforms into the mainstream of juvenile justice.

It costs billions of dollars a year to arrest, prosecute, incarcerate and treat juvenile offenders. Investing instead in delinquency prevention programmes that have been proven to work can save taxpayers seven to ten dollars for every dollar invested in the prison system.

This paper discusses the nature of evidence-based practice, its benefits and the challenges it may pose for those who adopt it. It reviews the methods being used to identify the best programmes and the standards they must meet. It discusses meta-analysis, cost-benefit analysis and the difficulties in defining successful programmes.

According to Greenwood, researchers have identified a dozen "proven" delinquency prevention programmes, and there are another twenty "promising" programmes still being tested. He provides a comprehensive overview of programmes that have been proven to work at various stages of a young person's development and includes some details on programmes that are proven

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failures.

Those proven programmes include —

- Nurse Family Partnership;
- The Perry Preschool;
- Bullying Prevention Program;
- Life Skills Training;
- Project STATUS;
- School Transitional Environmental Program (STEP);
- Functional Family Therapy;
- Multisystemic Therapy;
- Intensive Protective Supervision;
- Correctional Program Inventory;
- Cognitive Behavioural Therapy;
- Family Integrated Transitions; and
- Multidimensional Treatment Foster Care.

Finally Greenwood provides guidance on how jurisdictions can implement best practices and overcome potential barrier to successful implementation of evidence-based programmes.

Less crime, lower costs: Implementing effective early crime reduction programmes in England and Wales

Max Chambers, Ben Ullman & Professor Irvin Waller. Edited by Gavin Lockhart

The following is a summary of the article from Policy Exchange, a British independent think tank committed to an evidence-based approach to policy development. This paper can be found at http://www.policyexchange.org.uk/images/publications/pdfs/Less_Crime_Lower_Costs.pdf

The estimated cost of crime to the UK is around £78 billion a year. This equates to £3,000 per household every year. While there have been some falls in certain categories of crime in the last decade, the Prime Minister's Strategy Unit estimates that 80% of these reductions have been caused by wider economic factors, rather than any successful government crime reduction strategy.

Government spending and policy have been overwhelmingly focused on enforcement measures rather than tackling the causes of crime. Since 2007 there has been a shift in government policy, focussing on social exclusion and families at risk. However the most recent strategy—the youth crime action plan—announced unsustained ad hoc funding, did little to clarify responsibility for cutting crime and increased pressures on departmental budgets.

The lack of knowledge as to what to do next persists. A number of structural, financial and political barriers remain -

- There is no leadership;
- There is no effective vehicle for evaluating programmes or establishing an evidence base;
- Funding provided for prevention projects is piecemeal and unsustained;
- Prevention programmes are not reaching the people they need to;
- There is confused responsibility for cutting youth crime;
- Perverse incentives and funding stream problems have not been rectified.

This report argues that policymakers in England and Wales should learn from prevention programmes that have proved effective and cost-effective in other countries.

The evidence about what works is strong. The best prevention programmes target the known risk factors for offending and are designed to counteract them at every stage of a child's development. More than 40 years of scientific research has establish a body of knowledge that criminal justice policymakers and practitioners can draw upon to develop and deliver programmes that are both effective and cost-effective. Some reap rewards of as much as $25 for every dollar invested. The potential savings are substantial.

This report identifies ten examples of programmes that are proven to have significant impact on future offending as well as being cost-effective.

Nurse-Family Partnership

This programme consists of home visits during infancy. A meta-analysis found that the key to success of these programmes was implementation—the best implemented programmes reduced delinquency by 12% on average. Another rigorous meta-analysis found that for every $1 spent on the nurse-family programme, $2.88 was saved through projected reductions in crime.

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High/Scope Perry Preschool

This preschool intellectual enrichment programme aims to increase thinking and reasoning abilities and to increase later school achievement. Longitudinal studies have assessed the programme which randomly assigned children to an experimental group and to a control group. By age 27, the experimental group had half as many arrests as the control group.

Olweus Bullying Prevention Programme

This programme attempts to restructure the school environment to reduce opportunities and rewards for bullying. Several evaluations have demonstrated reductions in bullying, other problem behaviour and delinquency - some as much as 50%.

The Life Skills Training Programme

This programme teaches the social skills required to resist peer pressures to smoke, drink and use drugs; to develop greater self-esteem and self-confidence; and to cope with anxiety.

Evaluations involving control groups have shown significant positive impact on substance use, delinquency and violence. A meta-analysis found a saving of $25.61 for every dollar spent on the programme.

Triple P-Positive Parenting Program

A multi-level parenting and family support strategy, focussed on enhancing the knowledge, skills and confidence of parents.

Randomised controlled trials have shown positive results on disruptive child behaviour, dysfunctional parenting, parental distress, relationship conflict and parental self-efficacy.

Functional Family Therapy (FTT)

This programme targets at-risk 11—18 year olds by engaging the family, developing family strengths and counteracting risk factors for problem behaviour. Rigorous studies have shown FTT to be effective in reducing crime and other behavioural problems. A meta-analysis found that for every $1 spent on the programme, $13.25 was saved through reductions in crime.

Big Brothers Big Sisters

An evaluation of this mentoring programme compared to a control group found that after 18 months, mentored young people were 46% less likely to start using drugs and 32% less likely to have hit someone than their control group counterparts.

Multisystemic Therapy

This programme is an intensive family and community –based treatment for serious antisocial young people. It aims to empower parents with better parenting skills, and young people with skills to cope with family, peers, school and neighbourhood problems. Evaluations of serious young offenders in the programme have shown reductions of 25—70% in long-term rates of re-arrest; reductions of 47—64% in out-of-home placements; extensive improvements in family functioning; and decreased mental health problems. A meta-analysis showed an average 10.5% reduction in crime, and a saving of $2.26 to the criminal justice system, and $3.01 to victimisation for every $1 spent on the programme.

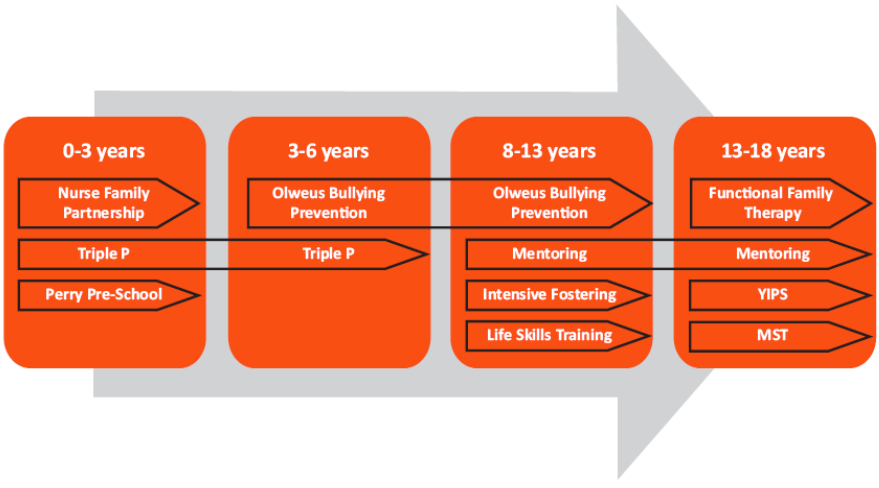
Multidimensional Treatment Foster Care

Well trained and supervised foster families provide treatment and intensive supervision at home, school and in the community. Evaluations show significant reductions in criminal behaviour, self-harm, and risky sexual behaviour. A meta-analysis demonstrated an average 22% reduction in crime, and a saving of $4.74 to the criminal justice system, and $7.57 to victimisation for every $1 spent on the programme.

Youth Inclusion Programme

This programme operates in the most deprived, high crime neighbourhoods, and gives young people somewhere safe to go, where they can learn new skills, take part in activities and get support with education and career guidance. An evaluation showed significant reductions in arrest rates amongst participants.

Figure 1: Ten Effective Crime Prevention Programmes



Recent Good News Stories From The Media

Businessman gives rogue teenager second chance by Joelle Dally

The following article appeared in The Star newspaper, 5 June 2009, and is reprinted here with permission.

If someone threw a rock through your shop window, what would you do to the culprit?

Thomas Brown gave his a job.

The Spreydon furniture maker offered to have the 15-year old do her 40 hours community work sentence at his shop. She completed the hours a few weeks ago. Mr Thomas was so impressed with her work ethic, he offered to be her referee.

Thomas Brown is happy to act as referee for a youth who completed community service at his store

The Cashmere girl, who for legal reasons cannot be named, was intoxicated when she threw a rock through the Barrington St store window on Show Weekend last year. She was 15 at the time. It caused $1298 damage. Police arrested her that night, and she was processed by Youth Aid.

The community work was arranged and she started working at Thomas' Furniture a couple of days a week after school. The girl said she was worried Mr Brown would be annoyed with her, but was surprised by his reaction.

"He was really nice to me about it. When I knew how nice Thomas was, I felt really bad," she said.

Soon she was washing, vacuuming, stripping chairs and couches, making furniture and removing staples.

Mr Thomas said she was "a great kid". He said even when she struggled with the work, she would persevere until the job was done.

"We've all done stupid things. It's the normal story, beer is in, brain is out," he said. "I just thought, let's give the kid something to work for, something to live for. Not go back to something that has happened. The past is the past," he said.

The girl said she had learnt a lot from the experience. "I feel really bad about what I did. I just wasn't myself. Smashing everything and not thinking about the consequences," she said. "I've changed quite a bit since then. I'll never let myself get that intoxicated again."

When her 40 hours of community service were up, Mr Thomas sent her off with a giant cushion for her work.

"She filled it and we sewed it up," he said.

But the girl said she was more interested in veterinary work than furniture making.

"If I go for a job, I will definitely get Thomas to be my referee,"

The pity of our lost kids — Sex, drugs, booze–and she is just 14

by Laura Jackson

The following article appeared in the Manawatu Standard newspaper, 21 March 2009, and is reprinted here with permission.

Forcing delinquents to face their victims, feel ashamed, and learn their actions have consequences, is how the Feilding and Districts Youth Board is keeping children out of court. Laura Jackson looks at youth offending and meets a teenager who has turned her life around.

Irresponsible parenting is behind every case that comes to the Feilding and Districts Youth Board, says co-ordinator Ted Iraia.

"Sometimes we go to see the kid's parents at 11am to find mum and dad already drinking or sitting in an armchair smoking drugs," he says. "No kid says 'I'm going to go out and offend today' - something happens to make it that way."

He thinks a big problem in the community is the number of single parents who have lost control of their children.

The board did its own study and found two-thirds of the 30 to 40 offenders they see each year come from single-parent families.

"Many come from small beginnings, they have no money at home, we need to work out what is going on with the family."

Looking beyond the offender to the family situation is a huge part of the board's plan.

They try to find the reasons be-

hind the offending to prevent re-offending.

They also try to re-empower parents and get them to take back the responsibility.

Once youth are referred to the board by the police, a needs assessment for the youth and their family is done.

This includes looking at the family dynamics, how they talk to and treat each other. "Often we are fighting against a generation of offending or bad parenting. We say to these parents, 'If nothing is done before your child turns 18, they will end up in an adult court with a criminal record'."

As a former Manawatu truancy officer, Mr Iraia also thinks the link to doing badly at school comes back to the parents.

"Kids skip school because something is happening at home. Whether it's not having the money for school supplies, or because mum and dad stay up late and don't think to send the kids to bed."

It is not just a problem of poverty. Wealthy parent are often even more irresponsible, he says. "Sometimes they won't even let us in the door. When we talk to them, they lie for their kids and say 'my child wouldn't do that'. They turn a blind eye."

Feilding police senior constable and youth aid officer John Samuela thinks teenagers offend for a number of reasons.

He puts it down to no accountability by parents, domestic violence, poor money management at home driving kids to steal, peer pressure, alcohol and drug use, and truancy.

"Alcohol use is higher than drug use in Feilding at the moment. The offending is also getting younger—13 to 14 year olds are now doing what 16 year olds used to do," Mr Samuela says.

Sarah* was an out-of-control teen.

So out of control her mum said that if the police did not step in, Sarah was going to kill her.

The 14-year old was doing badly at school, hanging out with kids who were taking drugs, drinking alcohol, tagging, and having sex… feet firmly on the path to court. Her mum was a solo parent with no family support.

When Sarah took off with her mum's credit card and went on a shopping spree, her mum finally decided she needed to call for help.

"I rang the police and said 'you better get here or there's going to be a murder'."

She was directed to the Feilding and Districts Youth Board.

"I contacted them because I needed a situation dealt with and my style of discipline wasn't working."

Co-ordinator Ted Iraia went to their home and showed mum how to take responsibility for her daughter.

Sarah was ordered to do community work at an animal shelter for three weekends—hard work she wasn't used to.

"I thought I was going to get to work with the animals, but I had to pick dog poo up. I came home on the first day and said, 'I don't want to go back'. I'd rather be a slave for mum than for them."

Her mum found it hard to adjust to the alternative style of discipline too.

"I thought, 'This is worse than a hiding'. I felt her despair and found it hard to keep sending her, but Ted gave me the confidence to hang in there." He told them if the punishment was easy she would just re-offend.

The second part of the programme was for Sarah to find a way to repay the money she stole. Together, she and her mum came up with the idea of making food to sell in the community.

Sarah also had to say goodbye to her old friends and find new ones.

"I had to ditch them, they were getting me into trouble."

The final step is for her and her mum to complete the Te Manawa parent and child 15-week counselling programme.

*Sarah's name has been changed.

Narrowly escaping Youth Court: Fielding and Districts Youth Board co-ordinator, Ted Iraia, left, chairman John Macdonald and Feilding police youth aid officer John Samuela set punishments for offenders with input from the family to help keep youth off the path to Court.

The Children, Young Persons and Their Families Act Quiz

So, you think you are a CYPF Act expert? Do you know your FGC from your YJC and your SWA? Why not test your knowledge against our panel. Thank you to the MSD Youth Justice legal specialists Chris Holdaway, Jonathan Ruthven, Jackie Anderson, Margaret Gifford and Sharon Masseurs for their assistance in compiling the questions and providing the answers.

The Questions	*The Answers*
1.Why is the phrase "not denied" almost invariably used in the Youth Court in place of "admitted", and is it necessary?	It is a funny double negative, developed to cover every situation that is not covered by s246(a). Section 246(a) describes the procedure when a young person "denies" the charge (the charge shall then be heard and determined by the Youth Court). In every other case (i.e. where the charge is "not denied") the proceedings are adjourned for a family group conference to be held. The family group conference will determine whether the young person admits the offence. Until that time, it is more correct to refer to the charge being "not denied". After the family group conference, the charge should be referred to as "admitted".
2. Can observers attend a family group conference? If so, what is the procedure for permitting their attendance?	Yes. Observers can attend pursuant to s256. All entitled members who attend the conference would need to agree at the start of the conference that particular people are allowed to observe. It is not for any individual to decide this prior to the conference.
3. Can the Court ask a Youth Justice coordinator to provide details about the respective positions taken by parties at a family group conference?	No, the Court cannot ask for such information. In *W v Hohaia & Chief Executive of CYFS* (HC, Auckland, 3 October 2002, M793/02), Justice Randerson held that the Youth Justice Coordinator's obligation under section 262 did not extend to reporting on the various positions of the parties at the family group conference, when that conference could not reach an agreement. He found that there would usually be other ways in which that information could be available to the Court if needed, such as through the Social Worker's report, or asking the parties directly in Court.
4. Can a reparation order be made directly against a 14 or 15 year old?	Section 283(g) has been interpreted to allow a reparation order to be made either against a 14 or 15 year old or their parents, but both orders cannot be made together.
5. Where there is the possibility of laying two charges against a young person and one is more serious, is there a requirement to lay the least restrictive?	No. There is no statutory or common law principle to that effect.
6. Can a Youth Court Judge re-convene a family group conference?	No. A family group conference can only be reconvened by a youth justice coordinator at his or her own motion or at the request of at least two members of the conference—s270. However, section 281B allows the Court to direct a new family group conference at any stage in the proceedings on any stipulated matter.

Continued

Continued

7. Can the Police refer to section 282 discharges in relation to bail applications?	Yes. Section 282 discharges are part of a young person's "behaviour history" that the Court takes into account when determining bail applications. However, such information cannot be taken into account when deciding whether to make any order under section 283.
8. If the Land Transport Act 1998 sets out mandatory penalties, is there a discretion in the Youth Court to vary those penalties for a young person?	Section 293A(1) gives the Youth Court the discretion to impose the adult mandatory penalties. However, if the Youth Court decides to do so, it does not have the discretion to alter the length of those adult penalties.
9. If a young person is transferred to the District Court for sentencing under section 283(o), is subsequently sentenced to intensive supervision or community detention (for example), and then breaches those orders, which Court deals with the review of sentence or any charge of breaching those orders?	The District Court deals with any cancellation or review of the order resulting from the breach. If the young person is charged with failure to comply with the order, that offence is dealt with in the Youth Court (if they were still under 17 when they failed to comply).
10. When a charge is denied and the Youth Court makes a finding at the defended hearing that a young person was unlawfully arrested and the charges are dismissed, what protections exist to ensure that this does not disadvantage the young person by putting their case again to the back of the queue in order for the Police to commence the intention-to-charge process?	At present there is no protection to ensure that the case will not be put to the back of the queue.

Some light relief—Are you the father?

A father passing by his son's bedroom was astonished to see the bed was nicely made, and everything—books, clothes etc had been picked up from the floor and put away.

Then, he saw it—an envelope, propped up prominently against the pillow. It was addressed, 'Dad'. With the worst premonition, he opened the envelope and with trembling hands, read the letter.

It read…

Dear Dad,

It is with great regret and sorrow that I'm writing to you. I have had to elope with my new girlfriend Stacy, because I wanted to avoid a scene with you and mum.

I've been finding real passion with Stacy. She is so nice, but I knew you wouldn't approve of her because of all her piercings and tattoos, and because she is so much older than I am.

But it's not only the passion, Dad. She's pregnant. Stacy said that we will be very happy. She owns a trailer in the woods, and has a stack of firewood—enough for the whole winter. We share a dream of having many more children.

Stacy has opened by eyes to the fact that marijuana doesn't really hurt anyone. We'll be growing it for ourselves, and trading it with the other people in the commune for all the cocaine and ecstasy we want.

In the meantime, we'll pray that science will find a cure for AIDS, so that Stacy can get better. She sure deserves it!!

Don't worry, Dad, I'm 15 and I know how to take care of myself.

Someday, I'm sure we'll be back to visit, so you can get to know your grandchildren.

With love, your son,

John.

PS. Dad, none of the above is true. I'm over at Tony's house. I just wanted to remind you that there are worse things in life than the school report that's on my desk.

I love you!

Call when it is safe for me to come home.

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We welcome contributions to the newsletter from anyone involved in youth justice in New Zealand or internationally.

Back copies of the newsletter can be viewed or downloaded from our website.

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