

“Court in the Act”

A regular newsletter for the entire Youth Justice

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THE YOUTH COURT OF NEW ZEALAND | TE KŌTI TAIOHI O AOTEAROA

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EDITORIAL

“Of Codys, Swarming and Kronic”

(Some lessons learned from Murupara and Waitati)

Principal Youth Court Judge Andrew Becroft

One of the tensions of my role is balancing time spent theorising about young people against time actually working with them. Put another way it is the tension between the time I spend in the Youth Court as a judge, meeting and hearing from young people, and my involvement in wider policy and community discussions about youth justice and the associated reading, discussion and thinking about the issues young people face. It is a difficult balance. Both aspects are indispensable. But Youth Court sitting time and working with young people is surely the basis for good policy and analysis. In my view, good policy/thinking follows (and results from) face-to-face experience with young offenders, not the reverse.

With this in mind, I was pleased to meet with young people recently at Murupara and Waitati. Both towns are quite a long way away – literally and metaphorically – from the eighth floor of my (hopefully earthquake-proof) office in a building on the Terrace, in Wellington, where I spend (too) much of my time.

Murupara, fifty minutes southeast of Rotorua, was a purpose-built, once thriving, forestry town of over six thousand people. Now the population is eighteen hundred and dropping. It is a shell of its former self. The secondary school once had a role of four hundred. I am told it is now ninety, with real challenges regarding truancy. The town is in a state of erosion. Yet I was struck by the commitment, inspiration and dedication of those providing social services in the area. I was invited by Jacob Te Kura and his team at Te Ika Whenua Hauora, and the community constable Sarah Fitzgerald. Included in

my visit was an hour or so with about twenty young people. I heard from them as to the key issues they faced. Todd McLay, the local MP, was part of this meeting. The young people were very frank and insightful. But more of that later.

Waitati, twenty minutes north of Dunedin, is the site, amongst other things, of the Mirror Trust’s drug and alcohol counselling day programme for teenagers with significant dependency issues. These young people were equally engaging as the teenagers in Murupara. They raised similar issues. I reflect on some of the lessons from these visits...

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1. Young people are very clear about the key issues they face. Reassuringly, what they raised closely matched my list compiled through my lens in the Youth Court. Their list included:

- Growing violence amongst their peers, especially girls;
- Bullying – in and out of school;
- Alcohol and drugs. Cannabis and Codys cropped up consistently. Codys are RTDs (ready to drink) bourbon and coke mixtures that come in various alcohol strengths. I also learnt about Kronic;
- Constant use of violent video games;
- Easy access to internet pornography;
- Violence in the family, violent fathers and male figures in their lives;
- Disengagement with school; “school is boring and not worth going to”;
- Peers: “my friends made me do it”.



2. Over my years in this role, most of the fundamental issues have remained the same.

3. That said, there are “trends”

to be kept up with. For instance, in Murupara, I learned of “swarming”. “What is there to do in Murupara?” I asked. “Swarming”, said the girls. “What’s that?” I responded, “I haven’t heard of it?”. The reply, “This is when we get together, at night, and decide to target another girl and give her the bash.” They explained how they “swarmed” like bees around the streets until they found the girl they were after.

4. Young people’s candour is remarkable. Yet what they are telling me as a Judge and a parent of teenagers is profoundly disturbing. They can also provide some very interesting information.

5. For most young people who binge drink, RTDs are easily accessible and are their drink of choice. For boys in particular “Codys” seems the current preference. I am told they are usually obtained from older teenagers or bought directly from liquor outlets with fake, or sometimes no ID. I remember in the Hastings Youth Court there were two quite serious “street” aggravated robberies where the young offenders had admitted their involvement. In each case, those involved were said to have consumed “a tray of Codys”. They come in packs of 12, 15 or 18. After that court hearing I went to the local bottle store. Brown tubes or cans of Codys were clearly displayed, stacked in their trays. They came in various strengths – 5%, 8% and 10% alcohol. Codys are, at the moment, part of the teenage male binge drinking culture. It



feeds youth offending. RTDs of all types figure prominently. The young people (all under 18) said they assumed the RTDs were made for them.

6. Kronic. In the Dunedin Youth Court I was asked to impose a bail condition, quite typical, “not to consume alcohol or illegal drugs”. So far, I understood. But I was asked to add “and not to consume Kronic”. I asked how you spell that: “C-h-r-o-n-i-c? Do you mean in respect of serious long-term drug users?” The police explained to me that Kronic is a sort of manufactured tobacco, which young people smoke, like cannabis, and which either gives them a relaxed, spaced-out feeling, or they react to it very badly and get quite sick. Everyone in the Youth Court agreed, including the young person’s advocate and the young person’s family - they wanted that condition, even though the substance isn’t illegal to use.

Kronic cropped up the next day when I was at Waitati. Many of the nine young people there told me they were regular users of Kronic. One boy said “Don’t you know about it? It is a form of synthetic THC – it sort of has the same effect as cannabis, but it is legal. We can’t get busted

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for it". He was actually very articulate. He said you had to be eighteen to get it. Supposedly. "We can tell you the dairy where you can buy it from if you want, judge," they said.

That information was confirmed by three quarters of the stage-three criminal justice Law School class at Otago University, to whom I delivered a guest presentation on youth justice a few hours later. They knew the very dairy, also.

So, after class, Professor Geoff Hall and I went to the recommended dairy to make a "controlled" Kronic purchase. Sure enough, there were packets of Kronic, in different sizes and flavours, all displayed behind the counter. There appeared to be at least ten different varieties. I asked for "Pineapple Express", as advised by the young people in Waitati. The shop assistant said that was a good choice, as it was by far the most popular. She also told us that although there was a lot of Kronic on display, it would sell out very quickly, probably "gone in a day". Pineapple Express sells out first, she said. Then she said, "I don't suppose it will stay legal for long." She said it had bad effects on people. Indeed, one of the young people in Waitati said "it is mean shit, boss". I don't doubt his expert knowledge. My Kronic however, remains (unsmoked) in my wallet.

Some concluding reflections: -

1. Keeping up to speed with trends involving young people requires constant dialogue and questioning.
2. RTDs are "hot property". In the language of the day they

are "contestable". It is understood that liquor manufacturing companies engage the services of PR companies and lobby groups to meet with politicians to argue for RTDs not to be targeted. Legitimately, they will argue that unlawful supply can hardly be their fault. This, of course, will all be a matter for the Government, and not an issue for judicial opinion. I can only report what I see. But there are surely important questions as to the availability of RTDs and their usage by under 18 year olds. As was submitted by Youth Court judges to the Law Commission, if alcohol was removed from the Youth Court, so might be removed 80% of violent offending. It is also worth reflecting on the commonly held view that whatever the legal age for supply of alcohol, the "de-facto" age will be two or three years lower. For fourteen and fifteen year olds, certainly those appearing in the Youth Court, accessibility to and supply of RTDs (and alcohol generally) is easy. The discussion in the community about this is crucially important.

As for Kronic, no doubt there will always be new substances manufactured under the radar, that harm young people. We take a while to respond. Have we made the right response to Kronic? When Police are asking for non-use of Kronic to be a condition of bail, supported by lawyers and



families, I wonder if we have? What will the next innovation be? We must always be vigilant.

And as a last observation about Kronic, I quote Wikipedia. John Huffman led the research in developing cannabinoid compounds to aid in research of multiple sclerosis, AIDS and chemotherapy. This research provided understanding of diseases and information for medication development. However, in the late 2000's, two of Huffman's cannabinoid compounds began being sold in Germany as marijuana alternatives, known as K2 and Spice. He is quoted as saying, -

"I figured once it got started in Germany it was going to spread. I am concerned that it could hurt people...I think this was something that was more or less inevitable. It bothers me that people are so stupid as to use this stuff."

Huffman, angered by the accusation that he is blamed for its abuse says, -

"If you go around paying forty dollars for a packet of leaves that contains who knows what and smoke it, you are not a very responsible person. This is akin to playing Russian roulette."

I wish the dairy in Dunedin, and the young people who buy it, were aware of these comments.

Youth Advocates' Conference—Te Papa, Wellington, 16 & 17 May 2011

The New Zealand Law Society held a Youth Advocates' conference this month, the first in seven years. It was well attended by over 150 youth advocates, Judges, and public sector youth justice specialists.

The Papers

A big year for youth justice

His Honour Judge Andrew Becroft,
Principal Youth Court Judge

Communicating with youth offenders

Dr Ian Lambie, Associate Professor,
Clinical Psychology, University of
Auckland

A young defendant—a vulnerable client

Clare Bennett, Barrister, Auckland

Being young is different—how international jurisprudence can work for us

Sonja Cooper, Solicitor, Wellington

Arrests and nominated persons

Craig Horsley, Adams & Horsley,
Tauranga

Custody and Bail; The care and custody of young people pending disposition by the Youth Court

Gary Earley, Barrister, Auckland

Steering the waka to new shores - Analysing the amendments to the 1989 Act

Claire Ryan, Crown Prosecutor,
Auckland and Jackie Anderson, Senior
Solicitor, Ministry of Social
Development

Indictable jurisdiction in the Youth Court

Lance Rowe, Crown Solicitor,
Whanganui

Rangatahi Courts of New Zealand

His Honour Judge Heemi Taumaunu,
Youth Court Judge; Philip Dreifuss,
Rishworth Wall & Mathieson, Gisborne;
and Ophir Cassidy, Manukau Law,
Manukau

Mental impairment, fitness to plead and recent decisions

Anne Stevens, Barrister, Dunedin

Attendees' Impressions

Jeremy Sutton, Barrister, Manukau and Auckland

Three highlights—

- The speech of Judge McMeeken—this was moving and witty. Giving us all an insight into the quake and the effects on the legal profession in Christchurch.
- The young person- he liked to sit rather than stand in court. He would rather have a court at home. I asked him what the court was like - it smelled like a court. This is why we do this sort of work when we hear this type of person. He was very articulate and infectious.
- There were very full papers on a range of topics. The challenge is to explain this in a language and a way our young people can understand.

There was a genuine warmth from people towards each other at the conference. It was a supportive group with a common focus. I like to see that. It makes me want to carry on this sort of work.



Mike Gardam, Barrister, Whangarei, Chair New Zealand Law Society Youth Justice Committee

I think that the talk by the young person was a highlight. It's great to see a success story coming out of the Youth Court process. In many ways his address epitomises what the Youth Court is all about. I join with everyone else in wishing him well in the future.

The presentation on the Rangitahi Courts was impressive, truly a revolutionary initiative. The waiata was great too.

The DVD presentation about meeting your client drew a lot of laughter but also elicited much constructive discussion on how to take instructions from a young person.

I thought that the more legally technical presentations were all of a high standard and the accompanying papers were also outstanding.

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Finally Judge McMeeken's after dinner speech about the effects of the earthquake on her and the Christchurch bar and indeed the whole of the Christchurch community was both informative and moving. Well done.

Richard Swarbrick, Beattie Rickman Legal—Te Awamutu Branch

Three highlights—

- The skilful way in which the Rangatahi Court system was explained—I am an instant convert;
- The challenging reminder that we practice in a branch of the Criminal Courts—not an extension of the Care and Protection jurisdiction. Presentations by Craig Horsley and Gary Earley stood out in this regard.
- The boy who spoke on Monday afternoon. I was the questioner about his mainstream school history, and found as I suspected, a discipline issue leading to expulsion. I guess that about 90% of our clients in Te Awamutu and Te Kuiti are out of



mainstream schooling. In smaller towns with good liaison between YAOs and Secondary Schools, Police are onto this and are either acting preventatively, or if that fails, can at least supply Youth Advocates with an education history when charges are laid. Does this happen in our larger centres?

Fergus More, Scholefield Cockcroft Lloyd, Invercargill

There are three specific matters that stood out for me which can be summarised as follows—

- I need to remind myself often of what Section 10(2) and what Section 11 contains (duties of the court and Counsel to explain proceedings and encourage and assist participation).
- That Family Group Conferences should always consider parenting education, mentoring and drug rehabilitation programmes, whether or not such programmes are applicable, and whether or not providers of these programmes have yet to be appointed.
- Noting the importance of the Criminal Procedure

(Mentally Impaired Persons) Act 2003.

Karol Hadlow, Barrister, Auckland

A general comment—so much was discussed and considered through the papers presented, that it could only benefit all those who attended.

Highlights—

- The possibility of relying on international conventions to support a client's case. In particular, the recommendations adopted by the United Nations from The Beijing Rules, The Riyadh Guidelines and the UN Rules for Treatment of Juveniles deprived of their Liberty. Under these UN Rules, a child is a child until they turn 18 years of age and they support the need to seriously consider retaining proceedings in the Youth Court. Youth Advocates should be referring to these Rules as an additional argument in favour of matters remaining in the Youth Court jurisdiction.
- I found the presentation of Philip Dreifuss in relation to the Rangatahi Court very helpful and enlightening. It

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is only natural that as a sign of respect for our Maori youth and their whanau, we as Youth Advocates make the effort to acknowledge their customs and language. We can do this through introductions and acknowledgements (in Maori) prior to presenting the substantive matters of the particular case at hand. It is a positive way in which we can also find acceptance by those we claim to represent.

- With the new legislation it is vital that Youth Advocates continue to utilise the different options available and aim to be more creative with the plans. At the end of the day, we often have only one chance to make a difference in the lives of our young clients and I believe that the Act, now revised, opens the doors for a more broad approach to rehabilitation and overall accountability.

John Hancock, Youth Advocate and Principal Advisor, Office of the Children's Commissioner, Auckland

It was a great conference - I found it incredibly valuable for both my Youth Advocate legal work and my OCC policy work.



Highlights included—

- The papers and presentations were all very informative and provided valuable insights into both legal practice and the wider social and developmental issues concerning young people.
- The discussions regarding the impact of last years amendments were also very useful and highlighted the complexities in the law.
- The course materials are an extremely valuable resource for professionals working in the sector.
- It was a great collegial environment and reinforced what a privilege it is to work in this area.

Claire Robertson, Solicitor, Meredith Connell, Auckland

Three challenges which emerged from the conference—

- To think outside the square and explore how international jurisprudence can work for us.
- To look beyond black letter law, and where relevant look at science and how it can assist.
- To find the right balance between being passionate, compassionate and dispassionate.



Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders (US)

This study is a large collaborative, multidisciplinary project following 1354 serious youth offenders aged 14–18 (184 females and 1170 males) for 7 years after conviction. It is designed to examine the factors that lead young people who have already committed serious offenses, to continue or desist from further offending.

The study produced four clear findings—

1. Most youth who commit felonies greatly reduce their offending over time, regardless of the intervention.

Approximately 91.5 percent of all youth in the study reported decreased or limited illegal activity during the first 3 years following their court involvement.

The groups of males who continued high offending rates, and the groups of males who decreased their high offending rates had both experienced the same rates of imprisonment or detention, the same rates of supervision and the same rates of community-based services.

Study Design

- Enrolment occurred between 2000 and 2003. Data collection concluded in 2010.
- Young people came from metropolitan Phoenix, Arizona and Philadelphia County Pennsylvania.
- Young people were 14 to 17 years old at enrolment and had been found guilty of at least one serious violent crime, property offence or drug offence.
- Extensive interviews at enrolment, with follow-up interviews every 6 months for the first 3 years, and annually thereafter;

2. Longer stays in juvenile institutions do not reduce recidivism.

In one study of 921 youth offenders, 502 received probation and 419 were placed in institutions. After controlling for 64 variables that may cause different outcomes, the study found no significant difference in the rate of re-arrest or of self-reported offending.

The researchers also found that, from the youths placed in institutions for between 3 and 13 months, there was little or no difference in their rates of re-arrest between those youths with shorter stays, than youths with longer stays.

3. Community-based supervision after a residential placement effectively increases school or work attendance and reduced offending.

Increasing the duration of community supervision also reduced reported reoffending and youths who received community-based services were more likely to avoid offending than those who did not.

4. Substance abuse treatment reduces both substance use and criminal offending, at least in the short term

Youth who received drug or alcohol treatment for at least 90 days and where there was significant family involvement, showed significant reduction in alcohol use, marijuana use, and offending over the following 6 months.

Conclusion

- Even adolescents who have committed serious offences are not necessarily on track for adult criminal careers;
- The difference between the desisters and the persisters was the existence of substance use and stability in daily routines;
- Incarceration may not be the most appropriate or effective option, even for the most serious adolescent offenders; and
- Substance use is a major factor in continued criminal activity by serious adolescent offenders.

The original article can be found at -

<http://fulltextreports.com/2011/03/24/highlights-from-pathways-to-desistance-a-longitudinal-study-of-serious-adolescent-offenders/>

UK Youth Justice Board Audit—Lessons for New Zealand

In the previous edition of *Court in the Act*, we outlined the findings of the Auditor General's report into the costs of dealing with offending by young people in the United Kingdom and the performance of the Youth Justice Board in reducing reoffending. Principal Youth Court Judge Andrew Becroft makes the following observations in light of that report.

As a follow up to the article on the UK Youth Justice Board and the national audit of its performance, contained in the last edition of *Court in the Act*, there is news that the Youth Justice Board will be closed down.

Part of the reason for that is the new English government's commitment to taking responsibility directly for key matters of policy, rather than delegating the responsibility to separate Boards and Crown Entities. The other reason is that the YJB was criticised for only spending 0.5% of its overall budget on research in recent years. The government criticised the YJB for being unable to answer key questions as to whether the Youth Justice Board, and its key intervention programmes, deliver value for money and reduce re-offending.

Similar criticisms could be levelled at the New Zealand youth justice system. For many years, there has been a consistent and strong call for a better research base as to the effectiveness of the top-end Youth Court orders, particularly;

- Supervision;
- Community work;
- Supervision with activity;
- Supervision with residence.

Some MSD research on these sentences was released in February last year, but much more is required to provide clear and definitive answers.

This will be especially important in terms of the new orders available to the Youth Court since 1 October 2010.

In particular, it will be important to provide research as to the relative effectiveness of supervision with activity and supervision with residence – being two top-end sentences with one community-based, the other being served in a youth justice residence, under lock and key. It will also be important to provide research into the relative effectiveness of the different types of supervision with activity programmes – between those that are a day programme and those which provide a “live-in” component.

There are some deeper and more fundamental questions about our youth justice system that have cried out to be answered for several years. One is the extent to which youth offenders go on to appear in the adult court system. A related question is what percentage of adult offenders, appearing for the first time, have an existing Youth Court record.

In terms of the so-called “pipeline” through the criminal justice system, it is also very important to get clear evidence as to how many “child offenders” (10-13 year old offenders) go on to become youth offenders. And, as a later question, how many child



Photo courtesy of Mike White, North and South Magazine

offenders go on to become adult offenders.

Some research in each of these areas has commenced. However, a co-ordinated research approach is required.

In my view the New Zealand youth justice system is equally susceptible to the same criticism, firmly delivered in England, that there is not a sufficient research base about the efficacy of Youth Court orders. Nor is there a comprehensive understanding of the youth justice system and its relationship to the adult system on the one hand, and the child offender system on the other.

It is our plea that research be carried out in all these areas as a priority.

Tu ana te Toa—Application of contemporary psychological models in the context of Tikanga Maori for working with Maori youth offenders and their families—by Ricki Tan, Tane Keepa and Hone Stevens

He Waka Tapu is a Maori focus service in Christchurch which exists under the mana whenua of iwi kainga. Among the range of professional services available for whanau whaiora at He Waka Tapu, the Rangatahi Team aspires to facilitate young Maori to develop cultural pride, positive cultural identity, their relationship with whanau and whakawhanaungatanga.

Drawing on Tikanga Maori and guided by research, a robust and innovative psychological intervention concept, “Tu ana te Toa” has been created for assisting male Maori youth offenders and their families. The aims of Tu ana te Toa are to increase pro-social behaviour, reduce anti-social behaviour particularly violence; and achieve well-being in a measurable, sustainable and culturally-appropriate way.

Tu ana te Toa adheres to the Risk-Need-Responsivity (RNR) principles (Andrews, 2006, and Hoge & Andrews, 2006) as follows:

- treat moderate and higher risk youth offenders,

- provide more intensive treatment for a longer duration for higher risk youth offenders,
- assess and target criminogenic needs and match the type of treatment to these needs,
- match the characteristics of staff and methodology of interventions to the learning styles and other specific personal attributes of young people and their families,
- use evidence-based approaches to treatment.

Theoretical Framework

The theoretical framework underpinning Tu ana te Toa is based on the General Personality and Social Psychological Theory of Criminal Conduct (Hoge & Andrews, 2006). This suggests that youth offending stems from the effects of a range of psychological and social conditions. These include the characteristic ways that an individual thinks, feels and

About the authors

Ricki BT Tan is a Registered Psychologist and has worked in the area of child, adolescent and family psychology in Christchurch for over 20 years. He has extensive clinical experience in the Youth Justice sector, particularly in working with high risk, recidivist and violent youth offenders.

Tane Keepa is trained in the fields of Social Work, Alcohol and Drug, Youth Work and Counselling. He has worked in these fields for 19 years, particularly in various capacities within the criminal justice system. Tane also has widespread experience in Taiaha, Kapa Haka and various sporting activities. Ngati Pikiao, Ngati Mahuta, Ngai Tahu.

Hone Stevens is well-versed in the use of Mahi Nga Tupuna for helping rangatahi to develop their potential in life. He has trained in the Youth Work, and Alcohol and Drug and Counseling and has worked with rangatahi and whanau for the past 15 years. He is particularly knowledgeable and skilled in the art of Taiaha and its practice for achieving mental and physical wellness. Ngai Tahu

behaves, and the influence of the individual’s environment and interpersonal relationships.

The theoretical assumption is that antisocial behavior patterns emerge, shape and are maintained as the result of a multifaceted interaction of these psychological and social factors. These include: social-developmental history; attribute of family situation; personality, behavioral and cognitive traits; educational and employment experiences; peer group associations; and beliefs, values and attitudes particularly those towards antisocial activities (Hoge & Andrews, 2006).



Tane Keepa, Ricki Tan, Hone Stevens

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A second assumption is that intervention with high-risk youth offenders can be effective in reducing offending. Furthermore, effective intervention should be developed based on a functional analysis of the behaviors and the relevant psychological and social conditions. The result is an assessment-derived formulation of the specific factors functionally related to each particular young person's offending behaviour. Based on this an individually tailored intervention plan targeted to the specific criminogenic needs of the young person can be developed.

The specific areas targeted for intervention in Tu ana te Toa include: Family circumstances/parenting; education/employment; peer relations; Alcohol and other drugs; leisure/recreation; personality/behaviour; and attitudes/orientation. These social and psychological conditions have been identified by research as the major determinants of adolescent antisocial behaviors, and the strongest predictors of youth crime. The Youth Level of Services/Case Management Inventory (Hoge & Andrews, 2006) is used for assessing and identifying these factors and collating standardized data of

treatment progress and outcomes.

Integration of Tikanga Maori and Contemporary Psychological Models

In working with Maori young people (rangatahi) and their whanau, the psychological and social conditions need to be conceptualized from the perspectives of Maori world view. From this standpoint, the waiora (well-being) of an individual is reliant on the strength of "Te Whare Tapa Wha", or the keystones of well-being (Durie, 2005): Te Taha Wairua (spiritual well-being), Te Taha Hinengaro (mental and emotional well-being), Te Taha Tinana (physical well-being) and Te Taha whanau (family well-being).

These cultural-specific indigenous values provide a fundamental framework based on Tikanga which guides a person's thoughts and actions towards achieving social harmony, personal and familial well-being and most of all spiritual wellness. In today's society this would manifest in rangatahi developing self-control, humility and compassion, as well as a sense of morality, identity and connections with the community.

In keeping with the Responsivity principle (Andrews, 2006) psychological models employed in Tu ana te Toa have been fine-tuned and packaged to match the Maori communication and learning styles, and essentially inspired by the wisdom, intrinsic value system and philosophy of living specific to te ao Maori - the Maori world.

In a traditional Maori setting children were nurtured within the wider context of whanau and hapu, which is a family structure

in which a child is the responsibility of a collective group. Hence daily activities in which the young people engaged aimed to foster their development towards eventually being initiated into the Whare Wananga (i.e. schools of high learning).

Entry into the Whare Wananga was not an entitlement and each individual child would be selected according to his/her abilities and natural propensities. With the various Whare Wananga, specific skills and knowledge for the survival of both the individual and the wider collective would be taught and cultivated to a level of mastery. Hence, a rangatahi would be embedded within a key system in which internal locus of control, goal-directed behaviors and pro-social attitudes and beliefs, interests, and coping skills are reinforced and maintained.

Tu ana te Toa

The therapy process followed by Tu ana te Toa has its roots in the traditional Maori school of weaponry or Whare Tu Taua. These schools were exclusive and had a clear purpose for developing young men to become not only skilled in combat but also equipped with a clear understanding of their responsibilities to the wider community. Tu ana te Toa consists of four main stages: (1) Whakaritenga (Preparation), (2) Tomokanga (Initiation), (3) Whare Wananga (entering schools of high learning) and (4) Mohiotanga (heightened awareness). The rangatahi and their whanau are assisted to progress through these stages over an extended period of up to two years. The rangatahi are referred by the Child, Youth and Family and Police Youth

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Aid. Whanau members are engaged at the outset and high frequency of contact (including evenings and weekends) with the rangatahi individually, the whanau and significant others is pivotal to the ongoing process.

Of central significance to Tu ana te Toa is to maximize engagement with the rangatahi and whanau by drawing on Tikanga (correct processes), Te Reo (language) and acknowledgement of Te Taha Wairua (spiritual dimension); mana (dignity) and tapu (sacredness) of each person.

The rangatahi attend weekly group sessions at He Waka Tapu and participate in planned activities consist of certain Nga Taonga Tuku Iho (i.e. treasures handed down by the ancestors). These encompass Waka Ama, Taiaha, Harekeke, Mahi Kohatu, Mahinga Kai, Wananga and Kapa Haka. These activities provide the avenues for applying psychological models adapted for Tu ana te Toa which include: Motivation

Interviewing; Relapse Prevention; and Cognitive-Behavioral Therapy (e.g. Mindfulness Integrated Cognitive Behavioral Therapy (MiCBT), Core Belief Theory). The relevance of their learning experiences to each individual's daily life and criminogenic needs is processed with the rangatahi in group discussion. For example Taiaha may be used as a vehicle for learning to be mindful of one's own thoughts, feelings and behaviors.

The Powhiri model of engagement presents a basis for continual review of the individual's level progress; and guides the process of setting realistic treatment goals in the course of intervention. Hence Tu ana te Toa is a progressive stage-by-stage process whereby the rangatahi and whanau are facilitated to reach their "Taumata Whakakitenga" (a place of vision and inspiration), in order to make transformation in the contexts of Whanau, Hapu and Iwi.

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Education Officers in the Youth Court—initial small study shows encouraging results

Background

A pilot of Education Officers for the Manukau and Porirua Youth Courts began on 15 February 2010.

The purpose was to place Ministry of Education staff in the Youth Court to provide immediate education information and advice to the judiciary about youth offenders appearing before the court.

The pilot is receiving positive feedback from agencies involved in the Youth Court process and is achieving the objectives of -

- The provision of timely, useful and accurate information about a young person's education status to the Youth Court;
- Supporting the Family Group Conference process by identifying education issues that need to be addressed;
- Assisting the ministry to re-engage young people in education or vocational training.

Analysis of the pilot education service

An initial small scale study was conducted on the pilot service. That study suggested that Education Officers are having a positive effect on reoffending, but the sample is perhaps too small to be confident yet.

That study produced the following indications—

School attendance and non-enrolment

- Over half of the young people who had the

involvement of an Education Officer in their Youth Court appearance continued to attend some form of education or vocational training.

Literacy and numeracy levels

- Very few of the youth offenders had any literacy or numeracy NCEA credits prior to their involvement with the education service.

Re-offending rates

Reoffending rates for the small sample were compared with a group of young people who did not have the involvement of an Education Officer in their Youth Court appearance.

- Young people who were assisted by the Education Officer were significantly less likely to reoffend than the control group. 13% of the pilot sample reoffended compared to 46% of the control group.
- Maori young people who were assisted by an Education Officer were significantly less likely to reoffend than Maori young people who are not assisted.

We emphasise, however, that while these results are encouraging, the sample size was small. All that can be concluded is that at this stage, the service is looking positive.

Information Technology trial

At the beginning of the pilot Education Officers experienced

difficulty accessing immediate information from ministry databases on a young person's educational history and engagement. To mitigate this, an information technology pilot was trialled. Through the use of laptops, portable printers, data cards and remote access technology a successful remote working environment has been established.

Benefits

All the data indicates that Education Officers are assisting the Youth Courts by—

- Providing factual information regarding education history that either supports or contradicts that provided to the court by the young person and/or their family;
- Facilitating appropriate directions and programmes to match the achievement levels and maturity of the young person;
- Strengthening the decision-making process for placement conditions.

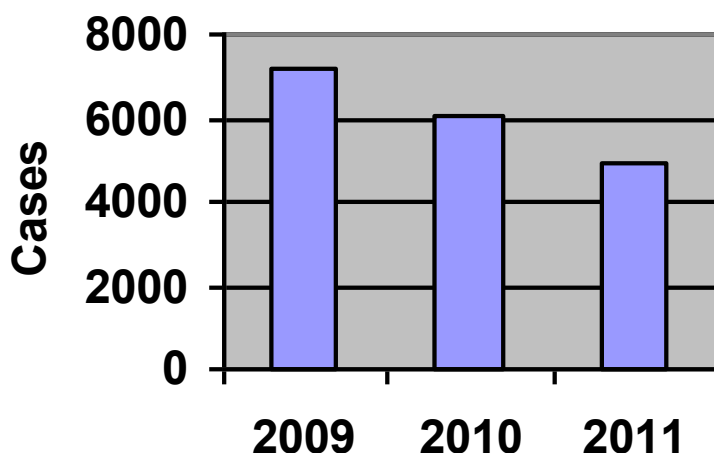
The Future

The service have recently been extended to the Christchurch Youth Court which has the highest number of young people making appearances and highest frequency of sittings.

Latest Youth Court Throughput Data

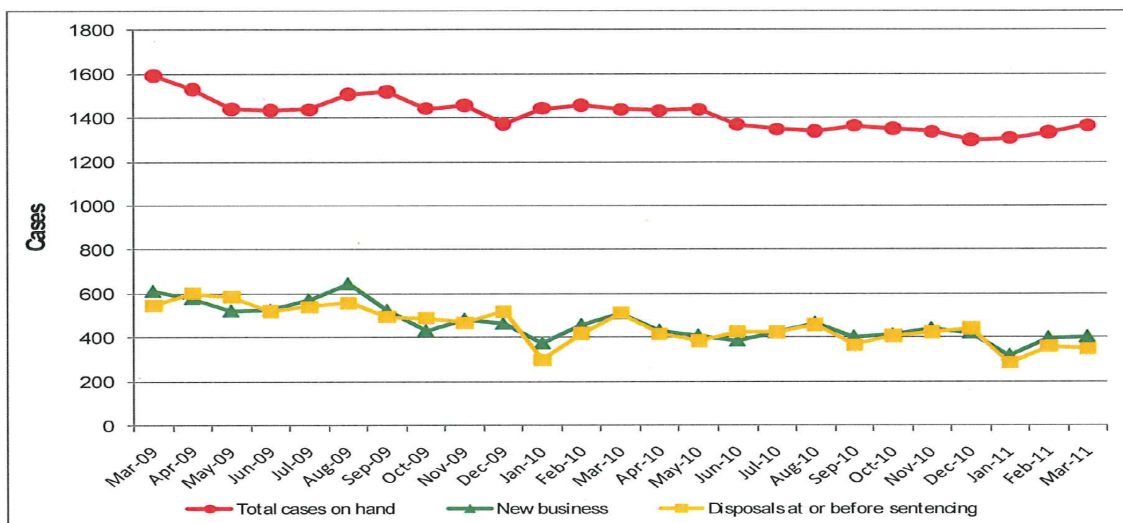
This excerpt from the Ministry of Justice Report to the Courts Executive Council, dated 3 May 2011 shows that levels of Youth Court new business remain relatively stable with a small overall decline across three years.

Youth Court New Business (Number of cases for 12 months)



New business for the 12 months ending March 2011 showed a 19% drop on the new business for the 12 months ending March 2010, and a drop of 31% against the new business for the year ended March 2009.

National Total Youth Court Summary Throughput Data



New business on a monthly basis remains at previous levels of 400 cases a month on average with value changes in this jurisdiction remaining at insignificant levels.

“Court in the Act”

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We welcome contributions to the newsletter from anyone involved in

Editor: Tim Hall, Linda McIver
Phone (0064) 04 914 3465
Email tim.hall@justice.govt.nz
linda.mciver@justice.govt.nz