

"Court in the Act"

A regular newsletter for the entire youth justice community

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

Youth Justice and Schools – a collection of new research

In this edition of Court In The Act, we focus on, amongst many other things, new research and writing into the relationship between at-risk young people and the school that they either do, or, in many cases, don't attend. We start this review with a quote from a report prepared by the NZ Parliamentary Education and Science Select Committee in 1995.

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"A particular concern the committee has is evidence of an increase in dysfunctional, at-risk families, which in turn produce at-risk children who are unable to benefit effectively from the schooling system and who are likely to perpetuate a cycle of disadvantage."

"For the schooling system itself to address the needs of children at risk through truancy and behavioural problems, it requires three fundamental components to succeed. All three are equally essential and function like three legs of a tripod. The first is teachers trained fully to recognise and deal with children at risk; the second is support at the classroom level to assist teachers to deal with at-risk children; the third is in-school and off-school site programmes for children who need interventions to change their behaviour. The committee considers that with these fundamental components in place the New Zealand education system will be well placed to produce citizens able to respond successfully to the challenges of the twenty-first century."

Education and Science Select Committee Report
44th New Zealand Parliament 1995

"...I don't drink when I fight coz I don't know who I'm hitting..."

*Nat, aged 16
The Girls' Project Research Report*

Schools as protective and aggravating factors for youth offending

New Zealand youth justice researcher Alison Sutherland revisits her 2007 research for an article in the June 2011 issue of the Social Policy Journal of New Zealand.

It is common knowledge that many of the young people appearing in the New Zealand Youth Court are no longer 'engaged' with mainstream education. In this article Alison Sutherland reports on her conversations with 25 young people

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remanded or sentenced to 3 of CYF's youth justice residences. The article poses questions about the relationship between school and offending, and if school can be a positive influence as well as a negative one.

Is school a factor in youth offending or visa versa?

Sutherland places school-based risk factors for youth offending into 7 categories:

- Coping with the transition periods, when children move from preschool to primary, to intermediate, or to secondary. The move from primary to secondary is the most difficult because the academic cultures are so dissimilar, and it is worse for girls who might also be going through puberty at the same time.
- An unhealthy environment at school. Poor teaching, poor organisation, despondent and absent staff, and despondent and absent students.
- Academic failure and academic discrimination.
- Relationships with anti-social peers, plus rejection and isolation from pro-social ones. The practice of grouping anti-social children together in school detention is also questioned.
- Spiralling bad interactions between students and school staff. This occurs when staff are pushed to react to minor behavioural problems with irritability, fear, counter-aggression and negative thinking
- Deliberate mistreatment of students by staff.
- Disciplinary practices and zero-tolerance policies such as stand-downs, suspensions, exclusions and early leaving exemptions. These practices just provide at-risk and alienated young people with more chances to socialise, unsupervised with anti-social peers.

Themes that emerged

A number of common primary messages emerged from the conversations with the young people. These included feelings of academic failure, alienation, victimisation, impossible behavioural demands, and the belief that school rules didn't apply to them.

Principals vs deputies

Participants seemed to have more respect for, and felt they were treated more fairly by school principals than deputy principals.

Teachers

All but one of the interviewees had negative views of teachers. Some teachers were described favourably, but unfair use of punishments was a common theme.

Friendships

Sutherland found that the young people she interviewed had made deliberate decisions to seek out anti-social peers, and that these friendships were most 'toxic' for girls.

Justifying themselves

Sutherland reports that participants' stories were permeated by reasoning that deflected responsibility for anti-social actions and justified the breaking of school rules.

What would they change?

When asked to design a better school environment, the young people said they would change learning practices to help students who were struggling academically and employ better teachers. Detention would be made fairer, and school would be made safer with more adult supervision.

Conclusions

Sutherland concludes that negative experiences at school do not cause offending, but they do propel already vulnerable young people toward truancy and dropping out—which are both well known risk factors.

She also describes a "tsunami effect" that operates by compounding negative experiences at school until the young person feels completely alienated and is either expelled following a volatile altercation, or just simply walks away.

Despite these negative reports, Sutherland says she also found that the young people were prepared to give credit to teachers who were caring, respectful and took the time to explain things.

Correspondence to Alison Sutherland can be sent to alison@xtra.co.nz.

New approaches to dealing with bullying and making school a safe environment

The New Zealand Council for Educational Research (NZCER) has recently released a summary report looking at the issue of bullying in schools. Alison Sutherland tells us (as reported elsewhere in this issue of CIA) that children who are verbally and physically aggressive are at particular risk of becoming criminal offenders. This is because their behaviour isolates them from pro-social peers, aggregates them together with other anti-social children in detention settings, and can subject them to stand-downs, suspensions and exclusions. The brochure can be downloaded from the CER site at www.nzcer.org.nz/research/wellbeing-at-school.

Bullying—what is it?

The CER brochure summarises bullying as containing three distinct elements:

- Deliberately harmful aggressive behaviour
- Behaviour that is repeated over time
- Involving a power imbalance between bullies and those being bullied

There are also four widely recognised types of bullying: verbal, physical, social and cyber.

The drivers of bullying

Expert thinking about what causes bullying is now turning from explanations involving individual factors to those which look at the overall 'ecology' of the system in which it occurs. This approach brings together individual factors:

- Bullying as part of a child's developmental process
- Bullying caused by an aggressive or low-empathy personality
- Bullying learned at home

With social factors such as bullying as an expression of group power relationships in society, wider social values, and even violence in the media.

Dealing with bullying in a principled way

Given that bullying seems to be a socio-ecological phenomenon, the authors of the CER brochure say that it make sense to deal with the issue in a whole-of-school way. This means thinking of the school as a system of interconnecting parts that encompass all levels of activity at and about school. The three broad layers that can be considered as part of a whole-of-school approach include: ethos and environment, curriculum, teaching and learning, and community connections. The idea is that each of these layers supports and builds on the efforts of the others. Health promotion is one area where schools currently use a whole-of-

school approach.

Because each school and each school community is different, there is no single prescription for how to do a whole-of-school approach, but the CER brochure does set out a broad framework for undertaking a change of policy and practice in relation to bullying.

On a personal level

Working with students will be just one aspect of a whole-of-school approach to bullying. The CER brochure summarises some less traditional thinking about how best to work with students to reduce bullying. An example of this kind of non-traditional 'youth development' approach is in the area of problem solving and conflict resolution.

Restorative justice (adult led) by family group conferencing is a conflict resolution practice that the New Zealand youth justice system currently uses to address young people's offending. Many primary and secondary schools in New Zealand are currently using some form of restorative justice procedures.

Two other modern methods of conflict resolution mentioned in the brochure are the Pikas Method of Shared Concern, and the Support Group (or No Blame) Method.

There are also student-led approaches to problem solving. The most common of these is peer mediation, which stemmed from studies which showed that bystanders were often involved in bullying behaviour, and that bullying stopped faster when peers intervened.

Approaches such as restorative justice can be contrasted with more traditional thinking, such as theories of behavioural management, which operated on the basis that young people can be encouraged to change their behaviour based on sanctions and rewards. Behavioural approaches rely on adults dealing with specific incidents of bullying once those incidents are reported to them. Unfortunately, research has found that many bullying incidents are not

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reported, and the reporting of incidents actually makes the bullying worse.

Also, the evidence shows that there is a difference between a 'zero tolerance attitude' and a 'zero tolerance behaviour management approach' to bullying. Developing a generally safe and caring school environment is valuable, while a more punitive approach which relies on expulsions to deal with the issue is less well supported.

Removing children and young people from school—the reasons and the numbers

The New Zealand Ministry of Education has released its latest statistics, updating the figures on how many children and young people have been stood down, suspended, excluded and expelled from school, and for what reasons. Non-engagement with school is a significant risk factor for youth offending, and many of the young people appearing in the Youth Court are permanently 'lost' to the school system. The relationship between conduct disorders and offending can also be traced through to the fact that behavioural issues are the most common reasons why students are stood down or suspended from school in New Zealand. The data sets behind these figures can be found at www.educationcounts.govt.nz/indicators/data/student-engagement-participation/3721.

Schools in New Zealand have an escalating suite of options available for removing students from their classrooms, both temporarily and permanently.

Stand-down

Students can be stood down from school for up to 5 days at a time, after which they can return automatically.

Suspension

Students who are suspended remain away from school until the Board of Trustees holds a suspension meeting and decides whether to let them return or, instead, whether they should be excluded or expelled from the school permanently.

Of all the suspensions imposed on students in 2009, Boards of Trustees decided to:

- Lift 44%
- Extend 20%
- Exclude 32% and
- Expel 4%

Exclusion

Suspended students who are not allowed back to school but are under 16 years old can be permanently excluded from one school but must enrol at another school immediately.

Expulsion

Suspended students who are not allowed back

Youth Court workload statistics now available publicly

The Courts of New Zealand website now includes recent figures on numbers of cases in all of the country's Youth Courts. The statistics include numbers of new cases, disposed or finalise cases, and cases still active. These spreadsheets can be downloaded from www.courtsofnz.govt.nz/from/statistics/annual-statistics/annual-statistics-2011/district-courts-workload-statistics.

to school but are 16 years old or older can be permanently excluded from school and are not required to enrol at another. There are three options for young people who find themselves in this situation: either they can continue learning by correspondence through Te Aho o te Kura Pounamu, or with an Alternative Education provider, or they can 'drop out' of the education system.

The good news and the bad news

The Ministry of Education admits that non-engagement of students is disruptive to learning and has a high impact on levels of achievement.

On the other hand, the Ministry say that stand-downs can offer an opportunity to reduce tension and for the students to reflect on their actions. In 2009 the Ministry released a special action plan for managing disruptive behaviour in schools which was designed to provide proactive support for parents, teachers and schools by focussing on achievement as well as discipline and student-teacher relationships.

Some statistics:

Stand-downs

In 2009 15,848 students (2.2% of the school population) were stood down from school in a total of 20,146 cases. Secondary schools were responsible for 71.3% of these stand-downs, and only 5.7% of secondary schools did not use

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stand-downs at all. More than half of primary schools (55.8%) did not use stand-downs in 2009.

Maori students were stood down at a higher rate than any other ethnic group in 2009, and this was the case in every socio-economic quintile. Students from schools in the lowest socio-economic quintile (deciles 1 and 2) were almost four times more likely to be stood down than students from deciles 9 and 10 schools. Asian students were stood down least. These figures also took account of the fact that most stand-downs occur between the ages of 13 and 15. Male students were 2.4 times more likely to be stood down than females.

Physical assaults on other students and continual disobedience were the two main reasons for stand-downs in 2009. Verbal assaults on staff was the next most common reason.

Suspensions

Although suspension numbers have decreased in the ten years up to 2009, all the other features of the stand down statistics (above) are mirrored in the statistics for suspensions:

- Maori students and male students are over-represented
- Only 8.5% of secondary schools do not use suspensions
- Students from decile 3 and 4 schools are more likely to be suspended

The most common reasons for suspensions were continual disobedience (30.2%) and drugs (22.6%).

Exclusions and Expulsions

Maori students are excluded from schools more than any other ethnicity, but Pasifika students are expelled more frequently.

Despite the clear correlation between socio-economic status of schools and their exclusion and expulsion rates, the gap between the numbers of students excluded and expelled from schools in rich and poor areas has closed in recent years.

Continual disobedience, assaults, and drugs have continued to be the main reasons for exclusions and expulsions in the latest figures.

Education officers in Youth Courts pilot proves its worth

Three New Zealand Youth Courts now have resident Education Officers. Youth Courts in Manukau, Porirua and Christchurch are regularly attended by Ministry of Education staff who provide immediate education information and advice about the young people appearing in Court to Youth Court judges. Education officers in Youth Courts began as a pilot scheme in February 2010 in Porirua and Manukau, and after positive feedback, the scheme was extended to Christchurch in early 2011. The main objectives of the scheme are: to provide timely and accurate information about a young person's education status, to support family group conferences by identifying a young person's education issues, and to assist the Ministry of Education to re-engage young people in education or training. The Ministry of Education have recently reported to their Minister on developments in the pilot of Education Services in Youth Courts.

As an initial measure of the value of education officers in Youth Courts, some analysis was done on a random sample of young people who had appeared in the Manukau and Porirua Courts in the first half of last year.

School attendance

Over half of the young people sampled continued to attend some form of education or vocational training in the later part of 2010. The Ministry believes this shows that education officers provide services that are relevant and appropriate.

Literacy and numeracy

Of the 30 young people in the sample, only 4 were found to have any NCEA literacy or numeracy credits. The Ministry says this shows that Education Officers are needed to support young people in the youth justice system.

Reoffending

Compared with a large sample of young people who appeared in the Youth Court a year earlier (without access to an education officer), those in the pilot group were significantly less likely to reoffend.

Links with other education initiatives

Education officers in Youth Courts are able to connect to other services and programmes designed to give young offenders better educational outcomes. These include: the *Youth Guarantee Programme* (increasing educational achievement among 16 and 17 year olds), and *Youth Transition Services* (helping young people aged 15 - 19 make the transition into further education or employment, supported by Work and Income New Zealand).

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Drivers of Crime

The education officer scheme is being linked to the Government's Drivers of Crime focus, in particular, the area of 'Managing Low-Level Repeat Offenders'.

More education officers

The education officer service is now also

operating in Christchurch, which has the highest number of young people appearing as well as the most sittings.

Unfortunately, any ideas for education officers in other courts will not be able to proceed until there is more specific funding available.

Fresh Start - the first 11 months

In 2010, the New Zealand Government introduced a new source of funding to respond more effectively to the small group of serious and persistent young offenders that make up the highest proportion of appearances in the Youth Court.

Fresh Start money is administered by Child Youth and Family (CYF), and although they say it is too early to expect comprehensive data, or to assess long term effectiveness, they claim they are making good progress on rolling out new programmes and adapting to new practices. CYF have released a report into the first 11 months of the Fresh Start programme, and it can be found at <http://www.msd.govt.nz/about-msd-and-our-work/newsroom/media-releases/2011/fresh-start-reforms-in-operation.html>.

New orders

Another element of Fresh Start is a collection of new and extended orders, available to the Youth Court. These include mentoring orders and the doubling of the length of supervision orders. Fresh Start aims to provide individualised support and services to address the underlying causes of their offending.

Innovation Fund

As part of the Fresh Start package, CYF are administering a fund that aims to help local communities develop their own responses to the particular underlying causes of youth offending in their area. A particular focus of the Innovation Fund is to address the over-representation of young Maori in the youth justice system.

MAC programme

Fresh Start created a programme of military-style activity camps, designed as a 'last chance' for serious young offenders who would otherwise be in danger of being transferred to the District Court and sentenced to imprisonment.

At the time of writing this reports, only 17 young people had completed one of these camps. Of these, only 4 had subsequently been sent to prison, and of the ones who had reoffended, more than half had reoffended less seriously or less often.

Child Offenders

Arguably the most significant Fresh Start legislative reform enacted in 2010 was the expansion of the Youth Court's jurisdiction to include some, particularly serious, child

offenders aged 12 and 13. Previously, these children had been subject only to the care and protection (welfare) provisions of the Children, Young Persons and Their Families Act 1989.

Challenges

CYF admit that the implementation of the Fresh Start programmes cannot be expected to happen without on-going and comprehensive cross-agency work. They are also expecting challenges with providing certain services to some areas of the country.

CYF also state that it is too early to assess the effectiveness of the reforms as there is not yet enough data to make these judgments.

More money for Police YDPs and CCMs

Fresh Start has increased the number of Youth Development Programme (YDP) places by 650 and made it possible to initiate the Child Case Manager Initiative (CCM).

The YDP provides non-residential, intensive wraparound programmes for lower-risk young offenders. YDP can get young offenders and their families into community-based and mentoring programmes, and will contract with community providers for work programmes and other activities.

CCMs work with children aged 8—13 years and provide case management, as well as facilitating access to a wide range of community-based social services. The number of CCMs have recently been increased to 22 in 10 police districts. Each CCM carries a caseload of up to

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40 children.

Fresh Start Innovation Fund

CYF manages this fund, which aims to encourage and stimulate communities to deliver their own promising solutions to local youth offending problems. So far, approximately 1700 young people have benefited from programmes funded by the Innovation Fund.

New Orders

CYF report that Youth Courts are making good use of the longer supervision orders introduced by amended youth justice legislation which came into force on 1 October 2010 (see CIA #49, and #52). A majority of supervision with activity and supervision with residence orders for the more serious young offenders have included longer sentences. The overall numbers of supervision with activity orders have increased, although, as yet, no intensive supervision orders under s296G of the Children, Young Persons and Their Families Act 1989 have been made [check].

The effectiveness and general compliance of supervision with activity and other residential programmes is also being assessed and monitored through established monitoring tools (YOSEC) and newly-created safe management standards for providers (especially in residential placement roles).

More youth justice residence places

30 new youth justice residential beds have now been added with the completion of Te Maioha o Parekarangi facility in Rotorua.

CYF have also implemented new programmes and services at other youth justice residences.

Monitoring and evaluation

Measuring the success (or otherwise) of the Fresh Start measures is being done with quantitative as well as qualitative analysis, plus factoring in movements in youth offending statistics to see whether it is possible to assess which features of which programmes are producing effective outcomes and, ultimately, reducing reoffending.

Recent monitoring of young people sentenced to supervision with activity (the second most serious Youth Court order) has shown that, of the small percentage of those who have reoffended by committing imprisonable offences, most have done so less frequently,

and less seriously. 88% of young people in this survey had not committed any imprisonable offences after completing their supervision with activity order.

Maori

A major focus of Fresh Start is to be more effective for Maori young people and their families.

Fresh Start's Innovation Fund is being used to support the Youth Court judges initiative of marae-based family group conference-monitoring courts called Te Kooti Rangatahi. Innovation Fund money will, at least partly, provide support for the development of live-in marae based programmes that seek to improve whole whanau engagement and participation with the Court process.

What else is CYF doing?

Over the next year CYF will be working to improve the effectiveness of its family decision making models, especially family group conferences. It will be focussing on increasing participation in FGCs, as well as enhancing the information available to conferences so that FGC plans can be informed by, for example, health and education assessments for the young person.

Better research and statistics

The Ministry of Social Development (MSD) are hoping to improve the Fresh Start initiatives by producing more and better research into youth offending and the effectiveness of programmes and Youth Court orders.

Police

Police also have a number of Fresh Start-specific issues including: the more consistent application of the YORST screening tool, a lack of information and evidence about programme initiatives, and a shortage of programme providers, which limits police alternative action options in some regions.

The latest report on conduct problems - effective services for 8-12 year olds, and the parallel paradigms of 'prevention science' and 'kaupapa Maori'

Following on from their report into prevention, treatment and management of 3-7 year olds with conduct problems, the New Zealand Advisory Group on Conduct Problems (AGCP) has now released a report into effective services for 8 to 12 year olds. The report is published by the Ministry of Social Development and is available online at www.msd.govt.nz/about-msd-and-our-work/publications-resources/research/conduct-problems-best-practice/conduct-problems.html.

The parallel paradigms

This report begins by setting out some underlying assumptions used by the authors. Most important is the acknowledgment that their basic methodology for identifying effective programmes to deal with conduct problems is a 'prevention science' approach. This means that identifying effective programmes is based on available scientific evidence, and encourages programmes to be implemented with proper evaluation using pilot studies and randomised trials.

Alongside this background statement is the additional acknowledgment that a kaupapa Maori paradigm for dealing with behavioural difficulties in children is emerging, and is "not fully consistent" with the prevention science approach. The AGCP has embraced this inconsistency with an in-depth presentation of issues from a Maori perspective. The report accepts that there are a "number of fundamental differences about the nature of explanation and evidence" and reiterates a solution based on articles 2 and 3 of the Treaty of Waitangi, which was first proposed in a previous report in this series.

The solution involves:

- setting up a separate Maori advisory group to provide policy advice on conduct problems from a te ao Maori perspective, while
- including Maori in the provision of generic services to all New Zealanders, that are delivered in a way that is culturally appropriate and meets obligations of equality and partnership under the Treaty.

Cultural imperatives inherent in kaupapa Maori models have the capacity to add meaningfulness and sustainability to the programme content of generic programmes with Maori clients.

The report explains that the policies and interventions proposed in the report are based on prevention science and designed for all New Zealanders (including Maori). Despite this, the report says that nothing should stop the development of conduct problem services that are 'by Maori for Maori', or that programmes for children with conduct problems should be evaluated from both perspectives, and the effectiveness of these programmes should be assessed by evidence from both frameworks. The AGCP believes this is the best route to the reconciliation of these two fundamentally different approaches.

Developmental trajectories

The report summarises knowledge about patterns of antisocial development in children, and highlights the influence of important relationships between children and those they live with, and go to school with "persistent antisocial behaviour at 3 or 4 years of age changes the nature of the child's interactions with parents, siblings, teachers and peers".

Effective programmes

The AGCP identified 21 different programmes and classified them in 3 different ways:

- Recommended or Promising: programmes that were agreed to be effective based on trial evidence, or programmes that were agreed to be effective but where the evidence was

indicative.

- Types: parent and family programmes; school, teacher and classroom programmes; and multi

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-modal.

- Clinical tiers: non-clinical programmes delivered to broad based groups or generally 'at-risk' populations; targeted clinically based interventions providing treatment for established conduct problems; or intensive therapeutic programmes who show severe conduct problems or where targeted programmes have not been successful.

The common features of all recommended or promising programmes were:

- all used non-punitive problem solving approaches
- all were based on a clearly articulated theoretical framework
- all were manualised and therefore easily transferable to a new context
- evaluation of the programmes was based on a prevention science model and the use of randomised controlled trials
- many required clinical oversight by trained psychologists, psychiatrists or social workers.

Delivering these programmes in NZ

The AGCP are of the view that any of the programmes that have made it onto their list as either recommended or promising are likely to be effective in a New Zealand context, as long as they are appropriately implemented and evaluated.

The AGCP are also encouraged by the recent progress by government and non-government agencies to set up the policy and organisational infrastructure that can effectively support these programmes. Despite this. Further work is required in some areas.

The report has also identified three important barriers to the development of New Zealand's capacity to deliver these programmes:

- Organisational, the AGCP believes that the current system of referrals of children with conduct problems by 3 different agencies (Health, Education, Social Development) using 3 different pathways is seriously flawed and in urgent need of reform.

- Workforce capacity, increasing investment in evidence based services will increase the need for trained registered psychologists and child psychiatrists, increase the need for other trained practitioners, increase the need for more trained teachers and social workers, and highlight the need for detailed implementation plans.

- increased investment will be needed into a research and evaluation infrastructure to ensure that programmes can be evaluated from both scientific and kaupapa Maori perspectives.

The report concludes with a series of recommendations across all areas within the scope of the project, and ends with this poem by Phil Dinham (MSD) which illustrates the 'braided rivers' metaphor that seeks to bring together international approaches and Maori perspectives to improve the experiences of children with conduct problems, their families and communities.

The Flax Leaf and the Raindrop

A raindrop falls on the mountainside
He mea ngātahi, It is one
The mountain guides it to the stream
The stream tumbles down to the river
The river flows to the sea
As it flows it carves the land
As a toki cuts the tree
He mārohi, it is strong.

A raupō is stripped from the harakeke
He mea ngātahi, it is one
We braid the leaf into the rope
The rope binds the wood and the stone
To craft the axe that fells the tree
To carve a waka that cuts the waves
The rope holds secure and safe
He mārohi, it is strong.

We trace the river back to its source
We hand the rope to our generations to come
We borrow, we learn, we grow stronger
Surrounded by the spirits of our ancestors
We pass on knowledge as we pass through.

Aotearoa I am your raindrop
Aotearoa you are my river
Aotearoa we are your flax leaves
Aotearoa you are our rope
Together, braided,
He iwi mārohirohi, we are strong.

Phil Dinham, MSD

(Police) Alternative Actions that Work

New Zealand Police Youth Services Group have released a comprehensive review into the research on police warnings and alternative actions. The review has been written by respected New Zealand youth justice researcher Kaye McLaren. The review can be downloaded from the New Zealand police website at www.police.govt.nz/new-zealand-police-evaluation-reports.

Kaye McLaren's review of Alternative Action research describes 23 effectiveness principles, and then distils those into 11 key findings.

1. Police diversion works to reduce youth offending

One of the key messages from the research is that diversion (Warnings and Alternative Action) can be effective in reducing crime and making a positive difference for children and young people who offend. Part of the reason for this is that approaches that work outside the formal Youth Court system appear most effective.

2. Diversion works for all kinds of children and young people

Police Warnings and Alternative Action are effective for all kinds of children and young people, including the most at risk. Police work is particularly effective with young women, lower risk cases and children under 13 years of age. Children and young people with a high risk of re-offending need Alternative Action meetings, but also comprehensive plans and a lot of support. Children, young people and victims also tend to be more satisfied with processes such as Alternative Action rather than when they have contact with the formal court system.

3. Good intel leads to good decisions

Good intelligence means knowing which children and young people are the most at risk, who is most likely to get in trouble again, and who needs the most support to change their behaviour. This helps to guide how intensive the intervention should be. To obtain this knowledge, Police need to apply a brief screening tool to assess their risk level so they know who is at high, medium or low risk of re-offending. Knowledge about what is leading a young person to offend is needed most for high risk children and young people; those at greatest risk of serious offending. Using assessment tools is not the only way to access good information - visits to homes and victims can also be useful, along with cultural assessments where relevant.

4. 'Less is more' for children and young people at low risk of re-offending

In the case of those who commit less serious and fewer crimes and have minimal or no needs, it appears that the best thing the Police can do is make them accountable. A Warning or an Alternative Action meeting with a very simple plan focusing on 'deeds' rather than 'needs' seems to be all they require. For some, just the shame of being brought home by the Police might be enough. What DOESN'T work for low risk children and young people is letting them progress too far through the formal youth justice system.

5. High risk children and young people need interventions and support

Children and youth at risk of long careers of chronic and persistent offending also do better when they are dealt with outside the formal court system as much as possible, but unlike the lower risk cases they need a LOT of input from Police and other agencies. For these young people an Alternative Action meeting is vital, with a plan that addresses the issues/needs that contributed to the offending. Assessment of cultural needs is also encouraged for high risk young people to make sure that plans are tailored appropriately and therefore more likely to be complied with.

6. Get children and young people and their families on board for better results

Getting young people and their families on board with Police Alternative Action plans is important in making them work. While not essential, having family buy-in and cooperation from the young person seems to make the whole process more effective. One way of doing this is to visit families and encourage their involvement. Setting goals in partnership with families and young people can help engage them. Relating to families in ways that they feel comfortable with – including showing sensitivity about cultural matters – can also help get them on board.

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7. Children and young people need to make amends for their wrong doing

Whatever their risk level, children and young people need to get a clear message that what they have done is not right and they must make up for it in some way. One thing that definitely works in reducing offending is making sure that young people do something to make up for the wrong they have done. Making amends is therefore an essential part of any plan although the activities will vary depending on the seriousness of the offence. For children and young people with a lower risk of re-offending, making amends may include doing community work or writing an apology. Meeting the victim of the crime and apologising in person is part of making amends, but only where the victim feels able to cope with such a meeting. Paying reparation to the victim is also effective, although paying money to a charity does not seem to work as well.

8. Good Police plans are critical

When it comes to Police diversion, the heart of what works is a good Alternative Action plan. This should set out what the child and young person must do to address the consequences of their deeds – such as community work or reparation. For those who have a moderate to high risk of future offending, it also sets out how their needs will be addressed; which will usually be through referral to services of other agencies. The focus here is on the needs that directly contribute to offending. Unless these needs are addressed, there will only be a very modest reduction in offending, if any. The intensity of the plan should reflect the amount of input required to turn that child or young person around. If they are addressed the impact on crime is proven to be much greater. Plans seem to work best when everyone involved (victim, child or young person, family, and Police) agree on what should be in it. They are also more likely to be effective when they set out consequences for actions.

9. Give plans support to make sure they work

Someone needs to take responsibility for monitoring the plan to make sure the young person complies with it. The good news is that plans that are developed through restorative justice processes like Police Alternative Action seem to get higher compliance from children

and young people than plans that come through more formal channels, such as Youth Court.

10. Staff do make a difference

Having good staff is important to having a positive influence on children and young people. Staff qualities most linked with reduced offending by youth are being firm but fair, skilful communicators, competent and good role models of positive, law-abiding values and behaviour. Good staff training does make a difference to impact on offending. This includes good initial training and regular follow-up training

11. Staff need back-up to be their best

Like plans, staff also need support. This includes regular supervision from competent people who are familiar with 'what works' in policing and who work outside the organisation. Such supervision has shown the potential to help staff keep doing the things that are known to work. Cultural supervision by someone who understands Police work and is expert in the culture of some of the youth and families that Police work with.

Lastly, good manuals that give a clear and full picture of what is expected of staff and how to do their job are also useful for keeping staff on track with 'what works'.

More ladders, fewer snakes:

Two proposals to reduce youth disadvantage

The New Zealand Institute, a local privately funded think tank, recently released a report by Rick Boven, Catherine Harland, and Lillian Grace focused on the link between unemployment and youth disadvantage in New Zealand. The report is available from the Institute's website www.nzinstitute.org.

This report highlights the greater disadvantage experienced by young people in New Zealand, compared to other OECD countries. Specifically, NZ youth perform lower than the OECD averages in a range of measures, including unemployment. Young people aged 15-19 can be 'shielded' from unemployment by keeping them in education or training, however, New Zealand has the lowest median age of leaving school in the OECD. The report offers 2 recommendations:

More e-learning

The report's authors say NZ youth need to be more engaged at school, and that one way of achieving this is through providing e-learning to students. There is compelling evidence of positive impacts on engagement and learning gained from implementing e-learning, and supporting it by providing services and technology, according to the report. The authors point to the academic success of two low decile schools (Manaia View School in Whangarei and Point England School in Auckland) following the implementation of e-learning programmes.

Better school-to-work transition

The report proposes stronger pipelines that can guide young people through school, and into tertiary study and employment. A central careers agency is also proposed to offer advice, that is informed by workforce supply and demand needs.

The cost

The New Zealand Institute indicate that their proposals should cost around \$200 million per year to implement. They balance this against the \$900 million that is lost to NZ each year in youth unemployment, youth incarceration, sole parent benefits, and taxes forgone.

What works in the USA

The New York branch of Fight Crime: Invest in Kids is promoting evidence-based approaches for dealing with young offenders that they say can save money and reduce reoffending. The full text of a report that brings together conclusions on effective juvenile justice research from other US states can be found at www.fightcrime.org/state/New-York/research/troubled-kids. The Getting Juvenile Justice Right in New York report highlights five effective approaches that can reduce reoffending:

1. The most serious and troubled juveniles in custody need effective interventions to become productive citizens instead of career criminals.

Missouri found that by moving teens who need confinement from large, impersonal institutions to smaller facilities and helping them learn to control their anti-social behaviours, reconviction rates within three years of release could be cut 40 percent below the rates experienced in New York State.

2. Use intensive foster care as an alternative to lock-up for less dangerous juveniles.

Many delinquents in custody who are not in high-security lock-up would re-offend less if placed in intensive foster care. Strict, specially-trained, foster parents ensure these medium-risk teens learn how to avoid criminal behavior while their parents are being trained to use the same methods to keep their children on track and away from crime when they leave foster care and return home.

3. Combine community sanctions with effective interventions as an alternative to out-of-home placement for many youth.

Many young delinquents committing serious or repeated crimes may not need placement outside the home.

4. Reduce pretrial detention for low-risk juveniles following arrest.

Data show that nationwide six out of 10 teens brought before courts are unlikely ever to return on new charges, yet many of them wind up being held in pretrial detention.

5. Collect data and increase accountability.

Florida and Washington State systematically collect data on juvenile and adult repeat offending and use that data to increase accountability in their states.

Girls Violence report released

New Zealand researcher Donna Swift has now released her major report into the nature and extent of girls' violent and anti-social behaviour. Copies of *The Girls' Project – Girl Fighting: An investigation of young women's violent and anti-social behaviour* can be obtained from Stopping Violence Services Nelson, PO Box 896 Nelson 7040, phone 03 548 3850, email manager@svsnn.org.nz.

Donna Swift's report is the culmination of 2 years research in the Tasman police district. She hopes her research will help inform the work of Stopping Violence Services Nelson, and also result in the development of best practice guidelines for other agencies to use when working with young women and girls.

Donna Swift's research involved both quantitative and qualitative methods. Over 3400 questionnaires were collected from Year 9 and 10 boys and girls to gauge the involvement of young people and provide a gender comparison. Focus groups of girls aged between 12 and 18 were also conducted to provide a more mainstream perspective on the issues.

From Donna's point of view though, the most important research findings came from the more than 100 interviews done with girls who came to the researchers' attention, or were referred by authorities because of their involvement with violent behaviour.

The **key points** from a survey of the **questionnaires** were:

- 97.6% of Year 9 and 10 boys and girls report involvement in a climate of peer related violence, suggesting a normalising of this behaviour amongst adolescents.
- almost as many boys as girls engage in relational aggression, challenging the stereotype that this is female behaviour.
- violence and antisocial behaviour for both genders is not just an urban problem, as findings indicate it occurs slightly more in provincial locations.

Key points from the **interviews** and **focus groups** were:

- Girls' violence and antisocial behaviour exists along a continuum of intensity beginning with relational aggression and progressing to serious physical altercation. The further along

the continuum the girl operated the more her behaviour extended beyond her female peers to include male peers, parents, extended family, teachers and police.

- Violence within a household was commonplace with sibling violence between sisters intensifying to cause physical injury, and sometimes serving to hone street fighting skills.
- Girls with little respect for their mothers responded to them with the same violence as they did their female peers. Girls were more hesitant to physically fight fathers, acknowledging differences in strength.
- Many girl fights are instigated through competition for peer popularity and male attention.
- Girl fighting is frequently viewed as entertainment, particularly by boys who rarely intervene and sometime actively encourage it.
- Not only do some girls fight to keep themselves safe and secure, but they earnestly defend those they value.
- Some girls rationalised and ritualised violence as 'normal' and a 'natural' part of their world. Therefore, violence for the purpose of defence is viewed as a morally acceptable action.
- Violence for some girls fosters their reputation and is key to their social identity; hence it was perceived to be better to take a hiding than to back down.
- It is common for a girl with a reputation to be asked to fight on behalf of another girl.. The arrangement has mutual benefits, yet to an outsider it can obscure where responsibility should be assigned.
- Girls also turned to violence to impose their own standard of retribution for perceived injustices that affronted them, not trusting in conventional systems of justice.
- Issues of concern associated with girls use of violence and anti-social behaviour include gender specific issues emeshed with youth risk factors.
- Prevention and intervention needs to be gender specific, gender responsive and trauma informed and needs to coincide with identified windows of opportunity to be most effective.

Two important sentencing decisions from the higher courts

Geros v R

31 March 2011, CA321/2010 [2011] NZCA 122, Chambers, Chisholm and Venning JJ

Sentencing. Wounding with intent.

17 year old appealing sentence. Whether Youth Court history can be taken into account. Held that while YC history cannot be taken into account under s9(1)(j) of the Sentencing Act 2002, it does not mean that it is irrelevant. Held that sentencing Courts may 'off set' a person's Youth Court history against a discount that would otherwise be available to them due to their age.

Decision

Appeal dismissed.

Police v Haehae Greaves

18 May 2010, High Court, Auckland, CRI 2009-204-507, Justice Harrison

Sentencing. Aggravated wounding. Aggravated robbery.

Home invasion with three others. Attacked occupiers with golf clubs and metal bars. Serious injuries to victims. Tariff band 3. On Youth Court bail at the time. Offending worst of its kind. Starting point of 14 years imprisonment.

Mitigating factors: guilty plea, co-operation, age (16 yrs 7 months). 55% discount.

Decision

Six and a half years imprisonment.

"Court in the Act" is published by the office of the Principal Youth Court Judge of New Zealand.

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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.

Address  <http://youthjustice.co.nz/>



Remember, the Youth Justice Learning Centre lists all the youth justice training opportunities available in New Zealand, as well as a host of youth justice information, resources and links.

www.youthjustice.co.nz