

# “Court in the Act”

**More Youth Court information and Youth Court decisions on [www.justice.govt.nz/](http://www.justice.govt.nz/)**

*The latest issues facing the Youth Court and Youth Justice practitioners in New Zealand*

*A newsletter co-ordinated by the Principal Youth Court Judge for the Youth Justice Community*

## Special points of interest:

- What are “YOTS”
- Rangatahi Sports Day
- Youth Court Case Summaries
- Poems by a former youth justice facility resident
- Sample FGC plan
- Letters to the Editor—Foetal Alcohol Syndrome

## In this Issue ...

**Making positive changes in the lives of our most serious young offenders is an ongoing challenge to all involved in youth justice.**

**One method reporting some success is Multisystemic Therapy. In this bumper issue Justine Harris of MST New Zealand explains exactly what Multisystemic Therapy is and reports on some encouraging initial results.**

**We also report on a showing of the “Gridiron Gangs” movie for youth in Waitakere City and include their thoughts on the youth gang problem. The youth of Waitakere have been well catered for with a sports day which 220 attended (see page 7).**

**We also report on a new truancy initiative being taken in Porirua, called “RAAYS” and discuss some sticky Youth Court**

**issues such as Youth Advocate representation at the intention to charge FGC stage.**

**Note that, as always, more information and Youth Court summaries are available on our website [www.justice.govt.nz/youth](http://www.justice.govt.nz/youth).**

**If you would like to be added to the e-mailing list or send a letter or article, please contact [lavina.monteiro@justice.govt.nz](mailto:lavina.monteiro@justice.govt.nz).**

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## Guest Editorial: Multisystemic Therapy (“MST”) in New Zealand

*MST in New Zealand Promising Initial Outcomes and Future Prospects*

*By Justine Harris*

*John was in trouble again. He had wagged school for the third day in a row; he didn't think the teachers cared whether he was there or not. He found some mates in town and spent the day riding around in a car that one of the other boys had stolen. By the time he thought about going home, he knew he was going to be in trouble*

*for being late, real trouble if Dad was on the booze again, so decided it was safer to stay with his friends. He didn't say no when they offered him booze and weed. When the police pulled them over at 1am in the morning John was beyond caring. He struggled alongside his mates with the police as he was put into their car. He was pleased that the Sergeant said they would keep him in the station for the night, anything was better than being with Dad. He*

*heard the Police talking about how he was just like his old man and how he was heading for prison like his older brother. He wished his Mum was still living with them.*

Whilst at times struggling with youth with antisocial behaviour can seem overwhelming, in the past decade there have been significant advances in treatment that provides hope for communities and families struggling with these young people. Three programmes are showing promising international results with this population

## MST in New Zealand (cont'd)

*"MST has a 20 year history of rigorous scientific evaluation to show its long term effectiveness."*

in reducing criminal behaviour: Functional Family Therapy, (FFT; Alexander & Sexton, 2002); Multisystemic therapy (MST; Curtis, Ronan, Heiblum, Reid & Harris, 2002) and Multidimensional Treatment Foster Care (MFC; Chamberlain, 1998). (For a full account of these approaches see John Church's 2003 report). Of these treatments, MST is the only approach that is available in New Zealand.

With the willingness of Richmond NZ to establish the necessary national infrastructure to bring MST to New Zealand, the first teams started delivering MST to New Zealand families in 2001. Three initial teams were funded by the Ministry of Health: the Hutt Valley DHB Intensive Clinical Service; the Youth Horizons Waikato/Bay of Plenty Intensive Clinical Service and the Richmond NZ MST team in Christchurch. The Reducing Youth Offending Programme (RYO) a joint initiative between the Department of Corrections and Child, Youth and Family Services was launched in 2003 with three teams (one in Christchurch and two in Auckland). Youth Horizons has added three more teams in the last two years. Since 2001 over 600 families have received MST. Two new teams for youth with alcohol and other drug problems will begin in May in the Lower North Island.

### What is MST?

Multisystemic Therapy (MST) is a family and community based treatment approach that

has achieved long-term positive outcomes with antisocial youth (aged 10 to 17) by addressing the multiple determinants of serious antisocial behaviour. Although essentially a combination of "best practice treatment models, MST is distinguished by three key features.

Firstly, MST is provided within the context of the family, and is focused on empowering parents and others to develop the necessary skills and competences to help the youth reduce problematic behaviour and function more effectively. Therapists are available 24 hours, seven days a week to families in order to be helpful at times that are most convenient to families. Therapists work alongside families to develop interventions that fit with their unique values and cultural needs and that build on existing strengths. MST views the caregivers as key players in achieving long-term sustainable change. Treatment is time limited with an emphasis on the family taking ongoing responsibility for the management of the young person with the direction and guidance of the MST therapist - usually five months.

Secondly, MST has a 20 year history of rigorous scientific evaluation to show its long term effectiveness. International empirical findings indicate that MST has long-term efficacy in treating serious antisocial behaviour in adolescents (e.g., Henggeler, Melton, Smith,

Schoenwald, & Hanley, 1993; Henggeler, Schoenwald, Pickrel, Rowland, & Santos, 1994), as well as a variety of co-occurring problems such as substance abuse, sexual offending, and severe emotional disturbance (Henggeler, et al., 1994).

Thirdly, an intensive quality assurance process has been developed to help MST programmes maintain strict adherence to the treatment model. MST outcome studies clearly demonstrate that treatment adherence is predictive of positive treatment outcomes (e.g., reduced rates of offending and out of home placements, improved school attendance). Indeed, failure to maintain adherence has been found to compromise treatment outcomes across numerous research trials (Henggeler, Rowland et al., 1997). In response to this emphasis on adherence MST New Zealand (MST NZ) was created to train providers and ensure agencies maintain strong fidelity to the treatment model. This is done through assistance with all aspects of programme development, clinical consultation, staff training and implementation. Whilst small caseloads, 24/7 coverage, and extensive quality assurance adds to the costs of this programme, it is considered value for money when the favourable results are taken into account.

### Does it Work in New Zealand?

Although the provision of MST in New Zealand is only 6 years old and evaluation



## MST in New Zealand (cont'd)

of MST treatment outcomes in New Zealand is ongoing, the results so far are extremely encouraging. Information on therapist adherence and treatment outcome data has been collected. Preliminary findings from the first three teams suggested that in comparison to pre-treatment assessments youths who had completed the MST programme showed improved school attendance, reduced days in out of home placement and decreases in both severity and frequency of offending. Consumer satisfaction was also high with 97% of families reporting that they would recommend MST to other families. Comments the researcher received from families that had experienced MST included: "My husband and I feel that we are back in charge of our family" "I feel more hopeful...than I have ever felt before" "I want MST to be a success for other parents and families like us"

A comprehensive article outlining Dr Curtis's findings will soon be available on the MST NZ website ([www.mstnz.co.nz](http://www.mstnz.co.nz)).

MST has been trialed in New Zealand with serious young offenders through the Reducing Youth Offending Programme that completed its three year pilot in June 2006. This programme, unlike other MST teams, targeted youth aged 15-19 years, who were at high risk of progressing to chronic adult offending. The results showed that there was a reduction in offending post-treatment, an increase in

school/work/ training attendance and a reduction in out-of-home placements. There were no significant differences in outcomes between Maori and Pakeha youth. Additionally there was no significant difference between this finding and the results from a group of youth receiving "usual services" (as reported in archival data). When looking for explanations for these results, a number of hypotheses have been put forward, including the fact that almost half the client group was over 17 years (3 years older than the recommended MST cohort); a lower than expected therapist adherence to the treatment model and the seriousness of their youth's prior offending placed them at high risk of being imprisoned during the treatment phase if any breaches of their court orders occurred. However, the pilot showed enough potential that Child, Youth and Family have decided to continue the project with two MST teams serving a younger group of offenders and with a focus on increasing caseworkers adherence to the model.

More recently, a summary of treatment outcomes from the eight MST teams' over the past year (i.e. February 2006 to January 2007) are extremely encouraging across all ethnicities served. Two hundred and six clients received MST with seventy percent completing treatment. By the end of treatment seventy-four percent of the young people were living at home, seventy percent were in

school or working and over seventy percent had no new offences. Seventy-five percent of the families had improved their parenting skills and seventy percent had improved family relations. Over sixty percent of the young people were involved with prosocial peers and activities.

### Summary

Whilst the use of MST in New Zealand is still in its infancy, the encouraging results from initial research, and MST NZ ongoing quality control process suggests that we have an approach that has a potential to dramatically reduce offending in young people. In addition MST is also increasing young people's involvement in school, peer activities and improving family functioning. It is also encouraging that the approach is equally well received by both Maori and Pakeha families. It appears that MST has promise as a valuable addition to existing services and it is exciting to see the expansion of MST in New Zealand as more and more agencies adopt its use. It now has a proven track record in New Zealand.

For more information about MST and a directory of nationwide MST teams either check out the MST NZ website ([www.mstnz.co.nz](http://www.mstnz.co.nz)) or contact Justine Harris, National Director/Chief Executive, MST NZ at or 04 476 8295.

### References

Alexander, J.F. & Parsons, B. V. (1982). *Functional Family Therapy: Principles*

*"Whilst the use of MST in New Zealand is still in its infancy, the encouraging initial results ... suggest that we have an approach that has the potential to dramatically reduce youth offending."*





## MST in New Zealand (cont'd)

and procedures. Carmel, CA: Brooks & Cole.

Chamberlain, P. (1998). *Family Connections: A treatment foster care model for adolescents with delinquency*. Eugene, OR: Castalia.

Church, J. (2003). *Church Report - the definition, diagnosis and treatment of Children and Youth with Severe Behaviour Difficulties*. Ministry of Education. (www.minedu.govt.nz/index.cfm)

Curtis, N; Ronan, K. Heiblum, N., Reid, M &

Harris, J. (2002). Antisocial behaviour in New Zealand youth: prevalence, Interventions and promising new directions. *New Zealand Journal of Psychology*, 31(2) 53-58.

Henggeler, S. W., Melton, G. B., & Smith, L. A. (1992). Family preservation using multisystemic therapy: An effective alternative to incarcerating serious juvenile offenders. *Journal of Consulting and Clinical Psychology*, 60, 953-961.

Henggeler, S. W., Rowland, M. D., Pickrel, S. G., Miller, S. L., Cunningham, P. B., Santos, A. B., Schoenwald,

S. K., Randall, J., & Edwards, J. E. (1997). Investigating family-based alternatives to institution-based mental health services for youth: Lessons learned from the pilot study of a randomised field trial. *Journal of Clinical Child Psychology*, 26, 226-233.

Henggeler, S. W., Schoenwald, S. K., Pickrel, S. G., Rowland, M. D., & Santos, A. B. (1994). The contribution of treatment outcome research to the reform of children's mental health services: Multisystemic therapy as an example. *Journal of Mental Health Administration*, 21,

## Word Games

Sent to us by Constable Pete Campbell, New Brighton Youth Aid, Christchurch

**DORMITORY:**  
When you rearrange the letters:  
*DIRTY ROOM*

**PRESBYTERIAN:**  
When you rearrange the letters:  
*BEST IN PRAYER*

**ASTRONOMER:**  
When you rearrange the letters:  
*MOON STARER*

**THE EYES:**  
When you rearrange the letters:  
*THEY SEE*

**GEORGE BUSH:**  
When you rearrange

the letters:  
*HE BUGS GORE*

**THE MORSE CODE:**  
When you rearrange the letters:  
*HERE COME DOTS*

**SLOT MACHINES:**  
When you rearrange the letters:  
*CASH LOST IN ME*

**ANIMOSITY:**  
When you rearrange the letters:  
*IS NO AMITY*

**ELECTION RESULTS:**  
When you rearrange the letters:  
*LIES - LET'S RECOUNT*

**SNOOZE ALARMS:**  
When you rearrange the letters:  
*ALAS! NO MORE Z 'S*

**A DECIMAL POINT:**  
When you rearrange the letters:  
*IM A DOT IN PLACE*

**THE EARTHQUAKES:**  
When you rearrange the letters:  
*THAT QUEER SHAKE*

**ELEVEN PLUS TWO:**  
When you rearrange the letters:  
*TWELVE PLUS ONE*

**AND FOR THE GRAND FINALE:**

**MOTHER-IN-LAW:**  
When you rearrange the letters:  
*WOMAN HITLER*



## Gridiron Gangs

By Christine Birrell & Colin A. Nathan  
Community Action for Youth and Drugs: CAYAD  
Safe Waitakere

HENDERSON Police in conjunction with Safe Waitakere, Waitakere City Council, West Auckland Youth Services, Waitemata Wardens, Tertiary Education Commission, and Waitakere Alternative Education Consortium invited students and tutors from Alternative Education and TEC establishments to a preview screening of Gridiron Gang in Waitakere City. Niu FM and West City Village Cinema donated their time and resources for free.

The film is based on a true story of a Youth Correctional facility in Los Angeles, USA where the re-offending rate was around 75%. One of the guards decided to 'make something' of these young men, forming a Gridiron

team to help these young men become part of something other than the gang culture. The theme of the movie was to create an environment of discipline, kinship, and trust to bring young offenders together to work as a team.

17 organisations registered to attend, with 109 students aged between 13 years and 17 years, and tutors from each program. There was a split of 60% male to 40% female.

Evaluation forms were given to all attendees to gauge the usefulness and impact of the event. (Feedback comments are attached). The tutors followed up with workshops exploring the themes and messages of the film.

It was our privilege to have

had the opportunity to attend this event and witness the outstanding and mature behaviour displayed by our young people. They were great ambassadors for their respective institutions and ought to be very proud. To the credit of the establishments, students and staff, the event was incident free, which was even more impressive given the pre-conceived stereotype with regards to this demographic.

*On behalf of Safe Waitakere I would like to thank Fagaesea Siaki (NZ Police Pacific People's Liaison Officer) and Bernadette Molloy (Road Safety Co-ordinator, Waitakere City Council) for giving us the opportunity to be part of this event.*

**See page 15 for what the teens thought of the movie and their ideas on dealing with youth gangs.**

*"The theme of the movie was to create an environment of discipline, kinship, and trust to bring young offenders together to work as a team."*

## Youth Offending Teams ("YOTs")

**Everything You Ever Wanted to Know but were Afraid to Ask!**

By Zoey Caldwell and Pete Armstrong, Youth Offending Team Advisors  
Ministry of Justice  
Wellington

Youth Offending Teams (YOTs) are multi-agency collaborative teams that take a strategic approach to responding to youth offending in their area. They were set up in late 2002 under the Government's Youth Offending Strategy (available at [www.justice.govt.nz/pubs/](http://www.justice.govt.nz/pubs/)

[reports/2002/youth-offending-strategy/index.html](http://reports/2002/youth-offending-strategy/index.html)).

### Role of Youth Offending Teams

The overall aim of YOTs is to coordinate and improve youth justice service delivery to young offenders at a local level, through overseeing the operation of the youth justice system in their area and troubleshooting specific issues or service failures.

What does this mean in practice?

- Making sure the right people are connected

and working well.

- Identifying and supporting best practice.
- Monitoring overall outcomes for young people in the youth justice system (looking at Police apprehension data, alternative action outcomes, FGC outcomes, Youth Court numbers, Youth Court outcomes etc).
- Identifying and responding to specific issues or problems in the local responses to young offenders.
- **Note:** YOTs are not service delivery or case management teams.

*"The overall aim of YOTs is to coordinate and improve youth justice service delivery to young offenders at a local level."*

## Youth Offending Teams ("YOTS") cont'd

### Youth Offending Team membership

YOTs core membership comprises a manager and a practitioner from the following government agencies: Police (Youth Services), Child, Youth and Family (Site Managers, Youth Justice Coordinators, Youth Justice Social Workers), Health (services for children and young people such as mental health and drug and alcohol services) and Education (Student Support and Special Education).

Many YOTs also have membership from other organisations such as the local council, iwi, social services, youth advocates, youth court, schools, NGOs etc.

### Operation of Youth Offending Teams

YOTs meet once a month, and are usually chaired by a Police or CYF member, but may be chaired by any of the government agencies.

The activities of Youth Offending Teams are generally led by the action plans and priorities of the individual YOTs, but are all structured around the central aim of improving

local service delivery to young offenders.

YOTs are required to report monthly to the Youth Justice Leadership Group (a senior officials group based in Wellington) via the Ministry of Justice. The Ministry of Justice has two staff, based in national office, to support YOTs.

### Location of Youth Offending Teams

#### North Island

Kaikohe  
Whangarei  
North Shore  
Waitakere  
Auckland City  
Counties Manukau –  
Manurewa  
Counties Manukau East &  
Counties Manukau West  
(both being developed)  
Papakura/Pukekohe  
Hamilton  
Tauranga  
Rotorua  
Whakatane  
Hawkes Bay (Napier/  
Hastings)  
Tokoroa  
Taupo  
Gisborne  
Taranaki (New Plymouth)  
Wanganui  
Manawatū (Palmerston  
North)  
Horowhenua (Levin)  
Wairarapa (Masterton)  
Hutt Valley

Porirua/Kapiti  
Wellington

#### South Island

Nelson  
Marlborough (Blenheim)  
Christchurch & North  
Canterbury  
South and Mid Canterbury  
(Timaru)  
West Coast  
Otago (Dunedin)  
Southland (Invercargill)

### Where to for 2007

YOTs are starting to widen their community networks and gain a better profile within their local area. Many YOTs have been revising and strengthening their Action Plans for the coming year. The YOTs have successfully been building their capacity for the future but require additional support to extend beyond initial expectations. The Ministry of Justice is also undertaking a process review to look at how YOTs meet objectives and to develop clear guidelines for enhancing capability.

For contact details of the chairpersons of any YOT or for further information please contact  
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Ph: (04) 494 9965.

## Schools Getting Serious About Truancy

### **An Initiative to Consider**

By Rebecca Stevenson—  
Kapi Mana News, Porirua—  
used with permission

A COLLABORATIVE approach taken by government agencies and schools to combat truancy has massive potential, says

Porirua Kapiti YOT chairperson Kathryn Berkett.

R A A Y S ( R a i s i n g Achievement Across the Youth Sector) is a programme developed by Porirua's local Youth Offending Team targeting truancy.

Based on a programme

used in Hamilton, it's essentially a process whereby colleges, the Ministry of Education (MOE), Child Youth Family Service and police are accountable for intervening in truancy and dealing with the issues which lead a child to truancy.

The four colleges in Porirua

## Getting Serious About Truancy (cont'd)

RAAYS is a series of letters sent home to families if a child has an unexplained absence from school.

The first letter is a standard school letter. The second letter steps up the warning and an email is sent to the agencies informing them the child is truanting.

The third letter is hand delivered by a uniformed police officer in a marked patrol car.

If the situation isn't rectified after the third letter a conference is called with the family and representatives from CYFS, police, MOE and the college.

Plans are then made to get the child back into school, working out any problems the child may have which are keeping them from attending.

If this still doesn't work, police will prosecute the parents of the absent child, but Ms Berkett stresses prosecution is not the aim of RAAYS.

"The intent is to make sure the families identify the barriers for the student attending school."

It's also about increasing the communication between all agencies involved in a child's life, from CYFS through to health workers,"she says.

"We are closing the gaps and making all the agencies accountable, everyone is talking."

Simply having all the government logos on the letters has an impact for families, says Ms Berkett.

Statistics have shown truancy is a major cause in youth offending so it's appropriate for all the agencies to be involved, she says.

But RAAYS has been driven by the schools.

"It has taken us 18 months to get the project up and running because we were going back and forth between the agencies and schools making sure it was a programme they wanted

and would work."

And it's so far so good. Since RAAYS was implemented at the two colleges, 12 "letter threes" have been sent out. There has been no call for letter four yet, she says.

Sergeant Greg Clark, Porirua Police youth services co-ordinator, says he's delivered about 10 of those letters.

"Initially it's a bit of a surprise [for the families], but then after further discussion they realise that RAAYS is serious, and we are serious about getting their kids back into school."

He says it's a fantastic initiative and police are in behind any programme that helps to keep kids in school.

RAAYS could in the future be rolled out into Kapiti, but first it will go into Tawa, Aotea and Bishop Viard colleges. Then the true effectiveness of the programme will become clear, says Ms Berkett.

*"Initially it's a bit of a surprise [for the families], but then after further discussion they realise that RAAYS is serious, and we are serious about getting their kids back into school".*

## Rangatahi Sports Day

By Christine Birrell & Colin A. Nathan  
Community Action for Youth and Drugs: CAYAD  
Safe Waitakere

### Aims

Rangatahi Sports Day was held at the Trusts Stadium, Waitakere City (T4WRSD06 Term 4 Waitakere Rangatahi Sports Day 2006). The initial concept of the Rangatahi Sports Day was to bring young "at risk" rangatahi from Alternative Education Units together.

The planned outcomes of the day were:

- To increase the participation in and understanding of the benefits of healthy exercise and physical activity to rangatahi
- To develop and establish a strong partnership with relative organisations and providers in the community that benefit the youth of Waitakere City
- To develop partnerships with potential sponsors
- To provide the rangatahi of Waitakere City and Tamaki Makaurau with an opportunity to engage and participate in an event specifically designed to meet their needs
- To increase young peoples connectedness to their communities and decrease the level of youth offending in Waitakere City. For young people to stop, think and consider alternatives.
- To provide the rangatahi



*"260 students took part in the Rangatahi Sports Day ... sports included Basketball, Volleyball, Touch Football, Netball and Quiztek".*

## Rangatahi Sports Day (cont'd)

of Waitakere City and Tamaki Makaurau with an opportunity to learn about social services.

- To create opportunities for the rangatahi encouraging positive social cohesion.

### Sponsorship and Partnerships

Partnerships between four key organisations were established; Waitakere City Alternative Education Consortium and TEC, Sport Waitakere, Te Whanau O Waipareira Trust, and Safe Waitakere. The major sponsors were Te Whanau O Waipareira Trust (the legal entity), and Safe Waitakere. Many others contributed their time, expertise, resources and spot prizes including SENZ Training, Henderson Police, Waitemata Wardens, and Community Partners.

Mayor Bob Harvey opened the event with media coverage from Western Leader and Te Karere. Other guests included John Tamihere, Evelyn Taumaunu (Chairperson of Te Whanau O Waipareira Trust) and Councillor Cooper.

### Event

260 students took part in the Rangatahi Sports Day activities, this included AE providers from South Auckland (1), Auckland Central (5), North Shore (2) and Waitakere City (9).

The sports included: Basketball, Volleyball, Touch Football, Netball and a new inclusion a game called Quiztek involving promotional stands.

Approximately 220 supporters (young people, tutors and other adults) attended as well as 80 volunteers including Waitemata Wardens and Police Youth Development Team. In addition to this, 24 tents promoted local education and other services to the rangatahi providing spot prizes and giveaways.

Five trophies were awarded on the day: Te Mana Toa (overall aggregate winners); Fair Play Team; Te Kotahitanga (teamwork); Te Korowai (best team uniform); and Te Matauranga (Quiztec).

Positive Maori rangatahi role models were present throughout the day. These included:

Hemi Tahuri - 2005/06 member of the New Zealand Men's Touch Team;

Pauline Tahuri - current member of the New Zealand White Sox Softball Team; and

Turuki Tahuri - currently studying to be a Doctor, majoring in Maori Health Sports.

### Evaluation

A questionnaire was distributed to all participants. A box was provided on the day to collect evaluations and a \$25.00 Warehouse voucher was offered to the winning draw.

### Results

- 67% of the students thought the day was either great or brilliant. Not one student considered the day's

experience to be a poor one. This is an overwhelming endorsement of the event from the participants' point of view.

- Students clearly indicated that there was value in the stalls being included in the programme. This is a great response from the students, as the sports day was established to assist those providers and services in promoting themselves to the young rangatahi.
- Only 1 out of the 54 respondents thought that the day should not go ahead next year. This can be seen as a very overwhelming endorsement of the concept.
- The major objectives were for the students to have fun in a safe environment. Fair play and participation were just as important as winning. The young people's endorsement of these messages parallels the overriding concept of the day.
- Most importantly it highlighted the talent and ability of all the youth who participated either on the field or as supporters. The event was incident free, the behaviour exemplary and conducted in the spirit of sporting ideals. It also demonstrated the importance of connectedness and community participation between people of all ages. The invaluable partnerships formed both during the planning



## Rangatahi Sports Day (cont'd)

stages and with the actual event will continue to strengthen and grow. It was a pleasure and a privilege to be part of the event.

### Next step

Planning Rangatahi Sports Day 07 is underway which will require additional support and assistance. The emphasis will be on rangatahi participation from planning through to implementation and completion.

### Acknowledgements

On behalf of Safe Waitakere I would like to thank Hape Purutanga (Waitakere City Secondary Schools Alternative Education Programme), Robert Wilson (Alternative Education National Body Auckland North/West Region Rep), Mumsy Purutanga (Waipareira Trust Kaupapa Maori Day Programme), Sport Waitakere Kylie Hill (Youth Development Advisor) and Rocky Tahuri (Kaiwhakahaehae), Henderson Police (in particular Fagaesea Siaki - NZ Police

Pacific People's Liaison Officer and Sgt Mark Veale) as well as Kathryn Davies (Unitec Student, Events Management) for giving us the opportunity to be part of and support this event.

Special thanks to the Rangatahi who participated and supported the day and making it the success it clearly was.

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## *Legal Focus:* Intention to Charge FGCs

INTENTION to charge Family Group Conferences continue to provoke debate amongst youth justice professionals.

One on-going issue is legal representation at the intention to charge FGC stage. Section 323 CYPF Act states that Youth Advocates may be appointed in the case of "a young person ... *charged with an offence*". This suggests that there is no ability for the Court to appoint Youth Advocates for intention to charge FGCs because, of course, a young person has not been charged at this stage.

This is not a new issue—in 2002 the Ministry of Justice's "Youth Offending Strategy" noted that work was required to determine whether the CYPF Act should be amended to allow Youth Advocates to represent young people at non-Court directed FGCs.

There are some cases

where it is quite unsatisfactory that Youth Advocates are not present at intention to charge FGCs — particularly where a young person faces serious charges, will obviously be going to Court and would benefit from legal representation at this early stage in the proceedings.

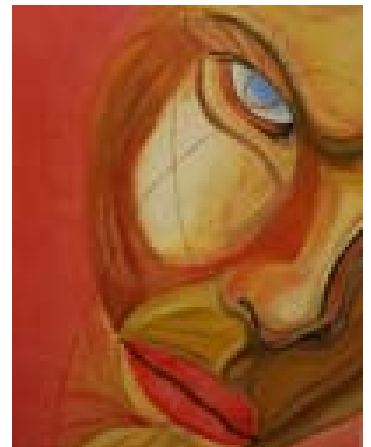
There are some Court Registrars who, in these circumstances, are happy to appoint Youth Advocates. This seems a sensible and pragmatic approach.

Further, there has been debate recently on the role of the intention to charge FGC. A reading of section 258(b), s259 and s260 CYPF Act suggest that an intention to charge FGC is not limited to deciding whether a charge should be laid (s258(b)) but can also ascertain whether the young person admits the offences (s259) and can make recommendations and formulate plans (s260). This adds weight to the

argument that a young person should be represented by a Youth Advocate during an intention to charge FGC. The FGC is not limited due to the early stage of the proceedings — we are aware of one case where the FGC recommended a supervision with residence order.

The practical effect of this is that if, after a charge has been laid and a Youth Advocate has been appointed, the Youth Advocate calls into question any outcome of the intention to charge FGC, the Judge may have no option but to order that the conference be held again.

The legal bar to appointing Youth Advocates to intention to charge conferences is a long standing gap in the youth justice system. In the view of the Principal Youth Court Judge it requires urgent attention.



*Picture by a youth offender in the United Kingdom*

## *Legal Focus:* **Whether to Convict and Transfer to the Adult Court**

*Police v WMT (28 July 2006, YC, Hastings, CRI 2005-220-53; CRI 2006-220-7; CRI 2006-220-60) Judge Watson*

Sentencing of WMT (15 years of age) on a charge of wounding with intent to injure and other summarily laid charges.

Elderly victim found WMT on her balcony and WMT told her he was being chased. The victim invited the young person inside to phone his father but the number was disconnected. The victim said she would call the Police for assistance and WMT, misunderstanding her desire to help, hit her over head with ornament creating a 6cm wound.

Whether to convict and

transfer to the District Court under s283(o) CYPF Act. Background of recent offending including aggravated robbery and recent escape from s283 (1)(d) CYFS custody.

Section 284(1) CYFP Act; thirteen factors from Judge Harvey in *Police v James (A Young Person)* [1991] 8 FRNZ considered. Judge particularly noted seriousness of offending, history of offending, no victim empathy and that WMT had already been in a custodial situation for 4 months.

Noted rehabilitative options available in the Youth Court and that WMT's age weighed heavily in his favour. Family willing but unable to offer assistance and Australian whanau's

offer to have WMT live with them not feasible until after sentence served. Victim traumatised and wishing to see WMT imprisoned.

Court concerned about number of serious violent youth offenders appearing before it; where there are instances of serious gratuitous violence, sentences of imprisonment must be imposed.

**Decision:** Not to convict and transfer to the District Court. Section 4, s208 CYPF Act principles - sentence of supervision with residence followed by structured sentence of supervision for 6 months ordered. Rehabilitative option would produce a more positive outcome for the community in the long-term.

## *Legal Focus:* **Young Person Jointly Charged with Adult**

*Hudson v YC at Palmerston North & the Attorney-General (16/10/06, HC, Palmerston North, CIV 2005 454 274, Young J)*

**Case Summary Provided by LINX:** CRIMINAL PROCEDURE - judicial review sought - [adult] applicant convicted by jury in District Court on indictable charge of wounding with intent to cause grievous bodily harm - sentenced to 6 years imprisonment - no appeal of conviction or sentence - [adult] applicant charged jointly with a young person Ms S - following preliminary hearing applicant committed for trial to High Court - case "middle-banded" and trial took place in District Court - Ms S offered opportunity to be

tried in Youth Court - offer accepted and she was ultimately acquitted at a hearing before a Youth Court Judge - applicant sought judicial review of decision to commit him for trial - lack of jurisdiction - failure to offer chance of being tried in YC - declarations sought that committal to HC for trial unlawful and invalid - applicant accepted no orders could be made declaring trial a nullity - applicant's main submission that s277 Children, Young Persons, and Their Families Act 1989 a "mini code" where a young person and an adult are charged jointly - dominant provision which deals exhaustively with how a young person and adult are to be dealt with when jointly

charged - no jurisdiction to hold preliminary hearing and therefore committal invalid.

**HELD:** declarations refused - HC rejected central submission that applicant should have been offered right of trial in YC - if applicant correct (1) s277 Children, Young Persons, and Their Families Act 1989 creates a new type of criminal charge where offence would ordinarily be categorised as indictable triable summarily or purely indictable - applicant to be tried summarily or by a jury depending on decision of a Youth Court Judge rather than on basis of how information laid - offences defined by whether a young person and adult jointly charged rather than on

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### *Legal Focus:* **Young Person Jointly Charged with Adult (cont'd)**

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basis of seriousness of criminal offending - (2) right to elect trial by jury under New Zealand Bill of Rights Act 1990	where young person and adult jointly tried - dependent on exercise of discretion by YCJ - (3) would remove advantages	ordinarily available to a young person under s275, s276 Children, Young Persons, and Their Families Act 1989.
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### **Poems by a *Real* "Kiwi Battler"**

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*These poems are by a resident in a youth justice facility in New Zealand and are used with his permission*

#### Demon's Game

*As I sit in my room  
With anger and pain  
Demons inside me  
Won't go away  
Swirling around me  
Screaming my name  
I think that the demons  
Love this game*

"My poem is about all the anger inside me.

I grew up in Dunedin with my father and didn't know my mum until I was 13. I'm Pakeha/Maori, my dad was a skin head and I was brown. I don't know how I came along.

I started getting into trouble when I found out my dad was dying. I've been to residence twice now, first time I went to YJ Nth and now LNYJ. I've been independent since a young age.

While I've been here at LNYJ I have grown up a bit and learnt a lot more through going to school here. The first time I came to LNYJ I was really angry and hated everything. Now that I've got a course and a job when I get out - all because of this place."

#### Demon

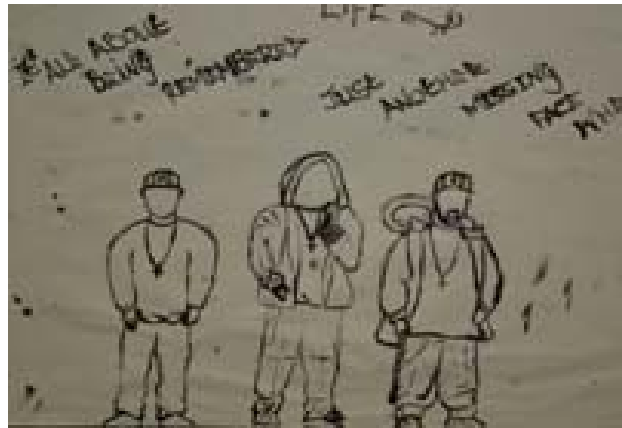
*The demon in me cries  
One day I'll be free  
He won't control what I do  
One day I'll show the true me  
I'm always sitting in the darkness  
I need light so I can see  
All of my future in front of me  
So demons let me go, and let me free  
Let me be what I wanna be*

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*This is kind of the bad side of me that won't go away, so now I'm trying to get it out and start my life again. Start a new life, be who I wanna be, not what everyone else wants me to be.*

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*Art by a youth  
offender  
in the United  
Kingdom.*



## FGC Plan Promotes Accountability and Rehabilitation

THIRY-TWO people including the young person, his family, 5 victims and their support people attended a recent Family Group Conference for a 15-year old facing 8 charges of indecent assault.

A further 3 victims did not attend but the young person and his parents had written apology letters to each of the victims. All charges were admitted and the Court-directed FGC decided that the young person should complete 80 hours of community work and work with a psychologist to address his sexually inappropriate behaviours.

Child, Youth and Family Services was requested to provide half the funding for a psychologist and the young person's parents were to provide the other half.

Because the offending took place at public swimming pools, the FGC decided that the young person should not attend public swimming pools for a specified period.

Further, because one young victim had withdrawn from a swimming competition at short notice due to being indecently assaulted, and the swimming club had been forced to pay the competition fee of over \$300, the young person

was to pay this amount plus pay a donation to a local swimming association.

Money for reparations and donations was to come from \$500 the young person had saved towards buying himself a scooter and the securing of a part-time job.

The young person also faced: a ban on alcohol and non-prescribed drugs for the duration of the FGC plan and on-going monitoring as to his whereabouts outside school hours and family activities.

Each factor on the list included a detailed plan for implementation and monitoring.

## Letter to the Editor

*Thanks for all your positive feedback and constructive input. We always appreciate your comments and input.*

Dear Editor,  
I note that Judge Becroft came in for a bit of flack on TV3 last night for suggesting youth offending might begin prenatally. He is absolutely correct in what he said and that is backed up by a growing

body of evidence and I for one wish to thank and encourage him in his efforts.

Even adult diseases are now being linked to what happens to the fetus (the Barker Hypothesis).

Sadly it is a subject that is uncomfortable sensitive territory to traverse and as we know from what

happened to Celia Lashley it is usually the first to speak up that bears the brunt of that. It's a message that needs a strengthening collective voice and a ton of high level education so that commentary is informed rather than knee jerk as we saw from Mr Harewera.

I think many people know that the spotlight is focussing at the wrong end



## Letters to the Editor (cont'd)

of the development spectrum and we need a "whole of life approach" which will begin to protect the next generation. There are many of us in the community who are there to support given the opportunity so please call on my support anytime.

Ironically I received two emails on this very subject this morning from Saskatchewan and BC Canada which I have cut and pasted below FYI.  
Best wishes

**Christine Rogan**  
*Alcohol Healthwatch*

### **Breakthrough provides hope**

Leader Post. Regina, Sask.:  
Jun 27, 2006. pg. B.7

Provincial Court Judge Mary Ellen Turpel-Lafond has been a tireless and outspoken proponent of the need to do more to help young people with fetal alcohol spectrum disorder.

A judge for seven years, Turpel-Lafond knows from first-hand experience the often-tragic lives led by kids with FASD. On average, she deals with five to 10 young people daily in her courtroom who are affected by FASD.

And, she is not alone – 60 per cent of young offenders are affected in some way by the various forms of FASD.

Such disturbing statistics have led to the creation of more and better programs to deal with the syndrome in Saskatchewan. Most important are those programs that educate expectant mothers about

the dangers of drinking during pregnancy. This is, after all, a 100- per-cent prevent-able condition that can be eliminated entirely if alcohol is not consumed during pregnancy. Other welcome initiatives that have come on stream in recent years include earlier diagnosis and more comprehensive treatment of those with fetal alcohol related problems.

Certainly, there is no arguing FASD is a major societal problem that impacts a wide range of jurisdictions, from justice, to health, to social services, to education. The human toll includes birth defects, brain damage and developmental delays. Economically, it costs Canadians about \$4 billion annually in terms of treatment, lost productivity, legal difficulties and other problems.

Now, there is word of a scientific breakthrough that could help society deal better with this disorder. Medical researchers, as reported at a weekend meeting of the Society of Obstetricians and Gynecologists of Canada, have devised a new way to detect fetal alcohol syndrome in newborns. While some babies have features that might suggest fetal alcohol syndrome, a definitive diagnosis is sometimes not made for many years, and often not until the person comes into conflict with the law.

What is most important about this new test is that a diagnosis before the age of two, accompanied by a good treatment plan, can greatly reduce the problems that occur later in life.

If this new test can be put to practical use, and quickly followed up with effective treatment, there will be a much greater chance for those with FASD to lead better, more productive lives.

Matthew Ramsey. The Province. Vancouver, B.C.:  
Jul 30, 2006. pg. B.3

### **FETAL ALCOHOL DAMAGE**

The effect of alcohol abuse by pregnant women is a growing source of criminality in British Columbia, according to a survey that found that as many as 30 per cent of young offenders are victims of the disorder. Most worrying? That figure appears to be rising.

Thirty per cent of young offenders have brain damage caused by their mothers' drinking while pregnant, say experts who work in the criminal justice system.

And precious little is being done to prevent youth with fetal alcohol spectrum disorders from becoming chronic, repeat offenders as adults, they add.

The results of a one-day "snapshot" study of 500 Greater Vancouver and Fraser Valley youth on probation showed that 30.4 per cent of the youth either had a previous FASD diagnosis or had signs of, and family histories consistent with, FASD. The Province has learned.

The snapshot is part of a larger three-year provincial government probe of the issue.

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*"Some babies have features that suggest FAS but a definitive diagnosis is sometimes not made for many years."*

*"The problems don't go away with medication because brain damage is forever. When supports aren't there impulsivity can manifest as criminal behaviour."*

## Letter to the Editor

The results also suggest the problem may be growing. A 1999 study of 287 young offenders in B.C. and the Yukon found 23.3 per cent with problems associated with FASD.

The founder of B.C.'s only facility expressly designed to diagnose FASD says the problems are sometimes easy to overlook.

Children with FASD (but not full-blown fetal alcohol syndrome) don't look any different from other kids, says Dr. Kwawdo Asante from his office at the Asante Centre for FAS in Maple Ridge, which submitted the report.

The centre provides diagnosis, out-patient assistance and counselling for those who care for such youth.

The children are often outgoing, sociable and speak well. But many behave erratically and are hyperactive. By the time they are six or seven and in school, most will be diagnosed with Attention Deficit Hyperactivity Disorder.

The problems don't go away with medication, because brain damage is forever. When supports aren't there, impulsivity can manifest as criminal behaviour.

"They need it, they want it, somebody else is not using it, so they [steal] it," Asante says. "That gets them into trouble at home and it extends. They repeat [the behaviour]. Even if they are punished for it, they do it again . . . They don't see cause and effect."

And so they find themselves in jail where

they can't follow rules and are beaten up because they can't recognize when they should be quiet.

After release, they miss probation appointments and are breached right back.

Most of the youth remanded to Asante's centre for assessment have convictions for break-and-enter, theft, auto theft and possession of stolen property.

"We see them as chronic offenders," says Andrew Boyd, executive director of the West Coast Genesis Society. The society operates a 20-bed New Westminster halfway house for adult male prisoners reintegrating into the community. Six of the beds are generally filled by men with FASD. It is the only FASD-specific facility for adult male offenders in B.C. At least one-third have been in and out of jail since their teens, Boyd says.

It's clear that correctional programs are not working, Boyd observes, because they are run on the assumption that the participant will see the gains that life skills might provide once outside prison walls.

"The research shows the FASD individual will not internalize those gains. The correctional programs will not stick," Boyd says.

Even if there are programs available outside the correctional setting, FASD people are "likely to get kicked out" because without a solid diagnosis and nothing on the surface to suggest a disability due to brain damage, they are written off as resistant and

unco-operative.

In May, the Ministry for Children and Family Development announced it would provide a \$10-million grant to the Victoria Foundation to "promote prevention and support projects for children and youth" with FASD. The FASD Action Fund will spend \$7 million of that on demonstration projects in all five regions of the province and \$2 million on prevention and education. The projects have yet to begin.

Statistics for the Asante snapshot study were gathered in a voluntary online survey completed by 41 of 51 youth probation officers working in an area covering the Lower Mainland, Fraser Valley, Sunshine Coast and the Sea-to-Sky corridor. Caucasian youth made up the majority of the sample group (57 per cent), followed by 23 per cent First Nations young people, five per cent Asian, four per cent South Asian and 11 per cent "other," but the snapshot did not report on the overall ethnic breakdown of young offenders believed to have FASD.

*"Just cause you're  
in jail doesn't  
mean you are  
worthless."*

## Teens Respond to the "Gridiron Gang" Movie

Continued from page 5

### Thoughts about the Film

- It was very good to watch cause it relates to what we do
- I thought that the movie was good and that it is sending messages to the gangsters in NZ
- I thought the movie was pretty awesome. It sent a message to all the youth gangs in our area. It was a movie that a lot of us young ones can relate to.
- I think that the movie was good and that it is a movie that could change people's lives.
- It was an awesome movie I reckon, the acting on the movie gave me a look back when I used to play league. My team sucked and we used to fight and we didn't like one another so we had to work together as a team.
- It was amazing and it was cool how there was a mean story line to it. It's pretty mean aye I really liked it because it involved people like ourselves

### Key Issues in the movie

- Just cause you're in jail doesn't mean you are worthless.
- That everyone is not a loser and that you have to have heart.
- Just everyone hurting each other and being locked up. Just not really caring about the consequences. Home life- that's where most of it starts from.
- That you need to think positive and not to think that you are a loser.
- Be firm with the young ones, but also be quick to love and care for them. Don't "cotton wool" them. Be open to change, admit your mistakes, show your kids you are human as well. Be with the youth at the highest and the lowest points in their lives. Have a let out, discuss and share your high and lows of your life with people like your family etc.
- Showing us how well we can use our talents in sports... and also showed us that we could do something with the future.
- Team work
- That young people should do activities instead of going in the streets.

### What we can apply to life

- Winning as a team
- Respect
- Forgiving others who have wronged us
- Acceptances of others who are different
- Violence gets you nowhere
- Have the right attitude to life and believe in yourself
- Stay out of trouble
- Leave the gangster way in the past.
- Keep trying to help others no matter how bad it gets
- Get a hobby and stick to it.
- Work as a team and don't join gangs cause they stuff your life up
- Working as a team, working with the person that you don't even like and being in gangs
- Being in a gang is not all that it seems to be
- Get along with people and set aside our differences.
- Never give up and accept

help from others

- Learn how to treat others with respect. Stay determined and try your best.
- Don't judge people
- Discipline
- Respect
- Listen first, don't react.

### Thoughts about youth gangs

- These are the worst types of groups that youth have formed. Ones that have no hope - no direction, education in life. I do not agree with the colours thing.
- Personally I think that they are a big fat joke! But we need to be understanding of the youth and their home situations.
- They are just wannabes and that they have no idea of how it all started.
- I don't see how people can't just be mates instead of having to be in a gang. I think it's stupid because someone ends up getting hurt whether it be your mate, the enemy or you
- I think that it's not cool because they are killing a lot and I know that I don't want to die.
- Don't like them, a negative group doing negative things. You can have good gangs/groups who do positive things like grid iron gang. Gangs are lost. Youth need love direction and good leadership.
- It's not good aye because one of your family and friend members could die and then you would want revenge.

## Teens Respond to the “Gridiron Gang” Movie (cont’d)

*“Give them something challenging to do that gives them an adrenaline rush—like pig hunting.”*

### Ideas for Solutions to youth gangs problem

- Work with families and find positive role models in the family to mentor them. Uncle, Auntie etc. This could save money for the government
- Give them something challenging which gives them an adrenaline rush like pig hunting, sport
- Ban gangster music
- Training providers need to be stringent on gang clothing, hoodies, bandanas, colours etc. they need to be banned
- Give time for us young people to tell our stories and what it is like for us during our school times.
- More social workers on the street who are friendly and caring.
- I personally do not believe that this is a problem, I believe this is more deeper than that. These gangs desperately need full on attention in every aspect in their lives, mentally, physically, spiritually, financially and academically. They should learn to focus on goals and achievements they really want to reach. Find inspiration and forgiveness in their hearts and try to make something with their lives, because they all have the potential to do more than what anyone could expect. They should take responsibility for their actions and consequences. Become independent, strong and disciplined, grow and surround themselves with positive and respectful role models, search for good friends who influence and encourage the best. They should be involved with learning and growing activities to evolve and enhance their special talent and gift. Learning how to be self controlled and self motivated.
- Something similar to Gridiron gang to help all gangs get together as one.
- Give them the bash
- Make a kick boxing tournament so they can have a 1 out! And then it will show them that they aint shit when they get a hiding.
- Ban them
- As suggested in the movie – the idea of forming a team in this case a sports team, to fill the void or replace the attributes and attitudes missing in youths lives – setting realistic achievable goals for our youth.
- More support for alternative education units
- Get the leaders together for a korero
- Stop wearing gang colours
- Stop fighting about crips and bloods
- It begins within the home, parents need to be educated in how to best support and deal with teenagers and more proactive preventative measures need to be taken by government agencies like CYFS and the police
- Give them more things to do
- Tell them that killing people is not going to make them famous
- Open more youth groups or places for people to go
- Pay attention to our problems and needs. Not make us feel anymore little than we are. Be aware that we are young and we will make mistakes!
- Bring more sports out or make more fun times at school
- Boot camp
- Get activities for people to do
- The youth gangs should come together and make a football team then work as a team together with the people they hate so much and then they will see what happens.
- Have a meeting with all the gangs and have a guest speaker talk to them like someone who has been through all the tough stuff.
- More outside basketball hoops
- More activities eg socials dance comps to involve the youth to get them off the street



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## Deduction in Sentence for Time Spent in Custody

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The recent decision of *Police v Moala* (2 March 2007, HC, Auckland, CRI 2006-404-389, Harrison J) has highlighted the issue of whether a deduction in sentence can be given for time spent in custody prior to sentence. In fact, the situation differs depending on whether a young person is subject to a sentence of imprisonment or a supervision with residence order.

### ***Supervision with Residence***

Time spent in custody prior to a supervision with residence order being imposed under s311 CYPF Act in the Youth Court *cannot* be deducted from the term of that order. This may be because the custodial segment of the

supervision with residence order is short and only runs for 3 months - in practice it is virtually always reduced to two months (s314 CYPF Act). The full two or three month term is needed to carry out structured rehabilitative programmes which are more effectively operated once a young person has been sentenced and is no longer subject to the uncertainty of remand.

### ***Term of Imprisonment***

In *Police v Moala*, Harrison J noted that a sentence of imprisonment should *not* take account of time spent in custody in a youth justice residence prior to sentencing. Harrison J emphasised that the legislature now prohibits Judges from taking that course (Parole Act 2002, s91(2)(b), Sentencing Act

2002, s82).

However, it should be noted that section 90 of the Parole Act 2002 states that when calculating "key dates of imprisonment" (as defined in the Act), non-parole periods, an offender's statutory release date and parole eligibility date, an offender is deemed to have been serving the sentence during any period that the offender has spent in "pre-sentence detention". The Parole Act expressly includes time spent by a young person in police custody and in a youth justice residence as "pre-sentence detention" for the purposes of that Act (Parole Act s91(2)(b)).

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