

## Merry Christmas!

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On behalf of us here at the Principal Youth Court Judge’s Chambers, we would like to wish you all a restful and meaningful Christmas break, full of enjoyable time with whanau and friends.

At a recent morning tea, we asked attendees from various agencies to each outline their biggest highlight for youth justice in 2012. They listed many truly exciting ones, such as the introduction of education officers and/or education reports in eleven new Courts, the rise of lay advocates across the country and examples of instances where young people’s voices have been at the centre of policy decisions. The growth of the new youth forensic service was also commented on by several—and this forms the centre of our special report on page 2 of this month’s Court in the Act. Each of these highlights is representative of the hard work of talented people in this sector, committed to achieving change for young people.

At this time of the year, we also remember the challenges that the year posed—and our thoughts remain with those of you working in Christchurch as you continue to work in a city that is constantly changing and slowly rebuilding itself.

We hope that you all come back in 2013 feeling energised, and having had a really great break. And we take the opportunity to sincerely thank you for your commitment to youth justice and your tireless, energetic contribution, often unacknowledged, but never undervalued!

We leave you with the following quote which, though from 1944, is still so relevant today and emphasises the importance of all of you and what you do.

“To-day we have our theories and our psychologies, our plans and movements, even our clubs and youth centres, but have we the men and women who will give themselves unreservedly to the service of the boys and girls who need them most? It is the worker of a youth centre and not the furniture that matters.”

**-1944 Guardian article: “What these delinquents need”**

Arohanui,  
Judge Becroft, Emily and Steven—the Principal Youth Court Judge’s team



# Special Report

## Youth Forensic Services - What's Been Happening ?

In December 2011, the exciting announcement was made that forensic mental health services would be boosted by \$33 million (spread over four years) to improve early intervention and treatment services for young offenders. This article details progress to date.

### Firstly—What is the Role of Youth Forensic Services?

Youth Forensic Services provide:

- Brief screening and assessments in the Youth Court, for mental health issues. Many Youth Courts have forensic nurses (part of the Youth Court team) who sit in the Court in order to be able to conduct these screenings. It is planned that all Youth Courts will have access to youth forensic clinicians by June 2015;
- Assessment and interventions for youth offenders with mental health issues in community and justice settings (CYF residences and youth units in prisons);
- Planning and support for transitioning young people who have been in specialist care or residential settings back into the community
- Facilitate access to secure in-patient services (when available) for young people whose mental health needs require this
- Consultation and liaison support to other mental health, alcohol and drug, and disability services within the health sector and to other agencies (CYF, Justice, Corrections and Education)

### What has happened so far?

- Since December 2011, the Ministry has agreed with District Health Boards on the allocation of 25 new full time employees working in youth forensic services across the country.
- The Ministry is holding interagency workshops on models of practice – to drive national consistency
- Working with Health Workforce New Zealand on training and workforce development arrangements to support DHBs
- Recruiting experienced clinicians from Child and

forensic, Maori mental health and alcohol and drug services to deliver youth forensic services. The Ministry has noted the need for training to address the transition to the youth forensic sub-specialty.

- Considering e-learning resources and regional workshops that include existing and new staff and involve other agencies to ensure nationally consistent practice



### What's next?

- 15 further full time youth forensic employees will be allocated across the country by June 2015;
- Further plans will be made for workforce development; and
- The focus will now be on creating a secure inpatient facility. This inpatient facility will have 8-10 beds. There is a tendering process taking place.



A CYF Youth Justice Residence (Te Maioha O Parekarangi).  
Source: [www.teara.govt.nz](http://www.teara.govt.nz), 2010.



# What do you do?

**Bridget Roche** is the director of Challenge 2000, and Youth Development, Community and Family Social Work agency, which provides services for the youth justice sector.

## Where do you work?

Challenge 2000 – a Youth Development Agency based in Wellington.

## Describe an average day on the job for you? (if that's even possible!!)

Have a plan, change that plan, make a new plan, amend that too, then give up and go with the flow...

Seriously though, an average day can include any (or all) the following: admin (checking emails, correspondence, writing reports), meeting with staff, funding applications, meeting with young people and families, attending meetings with other professionals, greeting visitors, planning programmes, or attending a celebration for one of our young people who has a birthday or has achieved something. I love that there is such a huge variety in my role!

## Do you work with other agencies in your role? If so, who?

Challenge 2000 works with a wide range of other individuals and agencies. My role in particular includes other people and organisations based in the local community, other youth providers in the greater Wellington area, various government agencies including CYF, Police, Work and Income, health services, education providers and now increasingly I am seeking to build partnerships with businesses who might be able to support our work with young people through providing skills, work experience opportunities etc.

## What do you love about your role/what's the highlight?

Where do I start? I love working with people, and in my role I get to meet a whole lot of people from different places and different walks of life.

I love seeing the transformation that can occur when a young person feels genuinely valued and respected. I can't count the number of times I have met young people walking through our door for the first time with their heads bowed and barely saying a word. To see



Bridget (right) with fellow Challenge 2000 staff

those same young people several weeks later with heads held high, often smiles on their faces, getting involved, offering to make a milo for someone else, passing their learners licence etc. It's awesome!

I love those 'little' moments when something happens that reminds me of why I am here. For example last weekend we had a children's Christmas party, there were 40 children a whole lot of adults, teenagers helping out and everyone was having such a great time! There were people from all over Wellington, with very different life stories and circumstances, but in that place everyone was the same – families having fun together!

My current role involves a lot of strategic planning and organisational development, but also gives me a lot of scope for being creative and thinking outside the box! I am really enjoying the challenge of linking our vision and mission into the day to day life of the organisation, and thinking about new and creative ways of supporting young people through our services.

## What are the most challenging aspects of your role?

Coming face to face with the harsh and heartbreaking realities that some people in our communities face. It is humbling and incredibly challenging to meet with someone who is in such pain, and feels so helpless.

The challenge for me as an individual and for organisations like Challenge 2000, is what we do with these stories, and how we advocate when the systems and structures of our society that are there to help but are often inaccessible or oppressive. I find it hard to see amazing, talented young people who don't believe in themselves and end up getting into some terrible



# What do you do?

situations, through their abuse of drugs and alcohol, crime etc. Sometimes when the young people who have made great progress, but slip back for a while, it can be discouraging as you know

as you know what they are capable of and just want the best for them.

There is always more to be done, and sometimes it can be hard to feel like you are getting your priorities right, especially managing time with people and time behind the desk applying for funding writing reports etc.

## **From your perspective, what are the biggest challenges facing the youth justice sector? Are there any solutions you would propose?**

That we never forget that each young person we come into contact with is a unique individual with huge potential to contribute to their families, communities and our nation.

That sometimes boxes are created (eg: services, contracts etc) that are designed to help, and create accountability, but become rigid and young people fall through the gaps. So, it's a big challenge for us to make sure these boxes are able to be expanded and contracted to get the right 'fit' for the young people. I think that best response to this issue is always about the individuals working within the system, I can think of numerous occasions where there has been fantastic interagency collaboration to ensure that the needs of a young person are met! However, this type of collaboration and creative thinking needs to be at all levels of the organisations otherwise it doesn't work.

The reality that young people who commit crimes, including very serious offences don't just turn up one day and decide to 'be bad'. It is usually the 'unmet needs' in their life that are the primary drivers of their offending eg: transient lifestyle, family circumstances, previous care and protection involvement, abuse, trauma, learning difficulties and the list goes on. A focus on intervening early and addressing these risks is really important.

Ultimately though, I think we all need to take personal responsibility to make a difference in our world, to be good neighbours, to build community where we are,

and to realise that we are all people and to have compassion for each other!

## **What in the youth justice system can we be particularly proud of?**

We have fantastic people working within the youth justice system. My experience is of really passionate, committed professionals who want young people to live full and meaningful lives, and contribute to our country. I have witnessed professionals sitting in a court room pondering what they can do to really help a particular young person, trying to make good decisions, willing to be challenged, willing to try something else and eventually, most of the time seeing something good happen that spurs them on to try again for the next young person!

We also have a great legislation that provides us with opportunities to work in really meaningful, collaborative ways with young people, their whanau, the community and with other professionals.



If you know someone who should be profiled in Court in the Act in 2012, get in touch with Emily: [emily.bruce@justice.govt.nz](mailto:emily.bruce@justice.govt.nz).

We'd love to hear your stories!



# Legal Update

## Bail Reform

The Bail Amendment Bill has been through its first reading, and been reported back from the Law and Order Select Committee.

This memorandum outlines the changes that the Bill in its current state (as reported from the Law and Order Select Committee) would make to the Children, Young Persons and their Families Act 1989 (“the Act”). It also traverses the changes that the initial Bill recommended but that the Law and Order committee removed.

### Changes Made by Bill in Current State

A constable may now arrest a child or young person without a warrant if:

- the child or young person has been released on bail; and
- the constable believes, on reasonable grounds, that –
  - the child or young person is in breach of a condition of that bail; and
  - the child or young person has previously repeatedly breached a condition of that bail (whether or not the same condition). (cl 26(3))

If the child or young person has been arrested in these circumstances, and is likely to continue to repeatedly breach a condition of that bail, s 235 of the Act applies, and the young person must be placed in the custody of the chief executive as soon as practicable and not later than 24 hours after the arrest. (cl 26(4))



Photo: [www.socialmedianz.com](http://www.socialmedianz.com)



Photo: Steven Bishop

### Changes Made by Initial Bill – Now Removed

Originally, a constable also had the power to arrest without warrant a child or young person in breach of bail if “the breach is a breach in a significant respect.” (old cl 26(3)). The Committee noted that “significant” is open to interpretation, and likely to complicate police officers’ decision-making.

The initial Bill empowered the Youth Court to order the detention of a child or young person in the custody of the chief executive or an iwi/cultural social service, if that child/young person had significantly or repeatedly breached a condition of bail and was likely to continue to do so (old cl 26(6)). The Committee noted that this provision could lead to young people being detained unnecessarily, contravening international obligations, and that the court’s ability to reconsider bail decisions at any time renders this unnecessary.

The Police had the power to uplift defendants younger than 17 years old found in breach of their bail and return them to the custody of their parents/caregivers (old cl 26(7)). The Committee noted that if the defendant failed to comply with police’s attempts to uplift and return him or her to compliance, the intended outcome would be unclear, and that police would not have any of the safeguards or powers associated with an arrest power of a child or young person. It also felt that this could complicate the relationship between existing care and protection provisions in the Act and the youth justice system.



## “Ray of Hope in Youth Crime Gloom”

-Peter Calder, New Zealand Herald

I'll call him Oscar, though his real name, like the names of everyone appearing before the Youth Court, is permanently suppressed.

But with his permission, and a lot of delicate negotiation, I'm sitting in on a family group conference where a plan is being hammered out between representatives of various agencies to try to keep him on the straight and narrow.

It's one day short of a year since Oscar, then only 14, first appeared before the court on several dishonesty offences including three burglaries. It's taken more time than normal to sort through some procedural matters, notably whether the youngster, who has a mild intellectual impairment, is fit to plead to the charges.

But on a weekday morning in a meeting room at the CYF Henderson office, a psychologist, social worker and the police's youth aid officer join lawyer Helen Bowen and Oscar's mum to talk about where he'll live, what he'll do after school, what other skills education he can undertake. The plan, once agreed to, will be presented to the judge as an alternative to a punitive sentence.

The man from CYF wants to start with a prayer, and the youth aid policeman, Senior Constable Steve Waters, is quick to suggest Oscar might like to lead it. The boy looks taken aback but quickly sits forward and bows his head. "Thank you God for this meeting and stuff," he says. "I wish I can get this sorted. Amen."

As prayers go, it's modest but a big step up from the sullen, alienated boy who first came before the court. In the past year, he's stopped seeing the gang that led him into trouble; he's all but completed 100 hours of community service, picking up rubbish; and he's scrupulously observed his 7pm to 7am curfew.



In this area of practice, Bowen is known as a youth advocate, rather than a lawyer. The distinction is an important one: her job is not to get

Youth advocate Helen Bowen says the money put in at this end of the justice system pays off. Photo / Natalie Slade

anyone off, but to ensure her clients face up to what they've done and to advocate for them as they learn to straighten up and fly right. The work in which she specialises came under threat from changes to the legal aid payment regime proposed by Simon Power, Justice Minister in the last Cabinet. The concern was they didn't take into account the long and complicated processes that Youth Court advocates have to go through. Power's successor in the portfolio, Judith Collins, has backed off the more extreme proposals and the system is plainly delivering good value for money.

Bowen says cases often drag on as the assessments of various agencies are compiled. "In the meanwhile it can be a process of, for example, getting programmes in place for after school: Oscar's keen on touch and basketball, he's starting to learn waka. It's not a lawyer's job but we're doing it because unless you co-ordinate everybody you can lose your client."

Catching them young is the secret, says Bowen. "The question is: do you want that person turning into an adult criminal, who will cost \$90,000 a year to keep in prison? That's a lot of money compared with the \$28,000 average annual cost of one specialist Youth Court lawyer. It has the potential to be a very good return on the investment if he becomes productive or a good father."

"It costs a lot of money but our argument is that we have seen really good things happen."

As the discussion drones on, Oscar is bowed over, absorbed in creating an ornate and fantastical doodle, equal parts space monster and mermaid, on a sheet of legal pad. Waters throws his notebook down on the seat with a sudden slap.

"I'm going to do something I've never done before," he says. Addressing Oscar directly, he says if the boy completes the six-month plan agreed to, "I'll withdraw the charges". His additional requirement is for the budding artist to produce a work to give to the court.

The boy smiles as the implications of the offer dawn on him. Handshakes are exchanged and Oscar leads the meeting in a closing prayer. Amid all the despair that characterises our public discussion of youth crime, it looks like a chance at a cheering outcome, even if the story has a few chapters to run yet.



# Upcoming



## The Drivers of Positive Youth Development

**A MUST ATTEND FOR 2013**

The Collaborative Trust's 5th Annual Research Hui  
Thursday 11<sup>th</sup> and Friday 12<sup>th</sup> April 2013

**REGISTER ONLINE NOW**

We hear a lot about the drivers of crime.  
But wouldn't you really like to know more about what drives young people to develop well?

The Collaborative Trust's 5<sup>th</sup> Annual Research Hui  
is dedicated to just that!

Come and join us for two days of interactive discussion and learning with some of New Zealand's top youth researchers and practitioners.

This hui will be led by Simon Denny and Terry Fleming, members of the Auckland Health Research Group, and leading the 2012 collection of data.

Other presenters including: Rod Baxter & his team of youth from BGI (Boys & Girls Institute), Sue Bagshaw & Lucy Daeth and Jane Higgins & Peter Young will lead a selection of interactive workshops designed to facilitate putting PYD into action.

Cost: Waged full registration \$160,  
Waged early bird registration (closes March 15<sup>th</sup> 2013) \$130,  
Non/low-waged (earning < \$12,000 p.a.) and students \$80

Registration forms available online at  
<http://collaborative.org.nz/products-page/conferences/>

Venue: University of Canterbury Teachers College Campus, Christchurch



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# Stop Press

## Evaluation of the Early Outcomes of Ngā Kooti Rangatahi”

This year, the Ministry of Justice contracted Kaipuke Consultants Ltd to prepare a qualitative initial evaluation of the Rangatahi Courts. The evaluation report, entitled “Evaluation of the Early Outcomes of Ngā Kooti Rangatahi” was released on Wednesday 19 December 2012, at a launch at Hoani Waititi marae. **The final report is available here:** <[www.justice.govt.nz/publications/global-publications/r/rangatahi-court-evaluation-of-the-early-outcomes-of-te-kooti-rangatahi/publication/?searchterm=Evaluation%20of%20the%20Early%20Outcomes%20of%20Ng%C4%81%20Kooti%20Rangatahi](http://www.justice.govt.nz/publications/global-publications/r/rangatahi-court-evaluation-of-the-early-outcomes-of-te-kooti-rangatahi/publication/?searchterm=Evaluation%20of%20the%20Early%20Outcomes%20of%20Ng%C4%81%20Kooti%20Rangatahi)>

The evaluation involved visits to five Rangatahi Courts and was based on observations of court sittings and interviews with key informants, rangatahi and their whānau, judges, youth justice professionals and marae representatives.

Findings included that :

- Operational processes guiding the implementation of Ngā Kooti Rangatahi are being delivered consistently across the five sites;
- Rangatahi have experienced positive early outcomes, including:
  - High levels of attendance (by rangatahi and whānau);
  - Rangatahi feeling welcome and respected, understanding the process and perceiving it as legitimate, and having positive relationships with those working in ngā kooti
  - Rangatahi showing improved attitudes and behaviour, and demonstrating responsibility for their offending; and
  - Rangatahi establishing connections with the marae and taking on leadership and mentoring roles.
- Whanau, agencies and marae communities have experienced positive early outcomes, such as:
  - Whanau feeling respected and welcomed, and understanding the process;
  - A number of whanau reporting a sense of being supported in their parenting role;
  - Enhanced communication and strengthened relationships within whanau;
  - Agencies reporting having had the opportunity to develop networks with the wider Māori community; build relationships with whānau; and increase their own cultural competency;
  - Validation of the mana and identity of the marae community and creating opportunities for people within it.



The Hon. Chester Borrows, Minister for Courts, at the launch of the evaluation

The report made suggestions to allow those working in Ngā Kooti Rangatahi to be better supported to fulfil their roles, such as: having information available about Ngā Kooti Rangatahi to disseminate to stakeholders; having access to training and development including cultural competency/marae orientation training and enhanced systems and creating streamlined processes which allow for more reliable remote access.

The report also suggested good practice responses to key challenges faced. These included educational representation at court sittings, a multisectoral “triage” approach to assessing education and health needs and the provision of tikanga programmes for rangatahi, and support programmes and services affiliated with the marae that rangatahi are able to be referred to on completion of their FGC plan.

Everyone who attended the launch of this evaluation would like to warmly thank Hoani Waititi Marae for hosting this event.