

Court in the Act

A regular newsletter for the entire youth justice community

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



Nau mai Welcome

to the 69th edition of Court in the Act.

In this issue

Editorial: "All the World is Watching"	1
World Congress Reports	2
World Congress Paper	5
Case Brief: s 283(o) convict and transfer for sentence	7
Case Note: <i>R v Pora</i>	9
Special Report: Making Good - Unlocking Dyslexia in the Youth Justice System	11
Special Report: The Military Way - Courage, Commitment, Comradeship & Integrity	13
STOP PRESS: Youth Justice statistics	16
Feature Article: Three Boys	18
From the NZLJ: Discharge without conviction for first time young offenders	22
Sports: one of the "big four" domains	25
Book Launch: New Zealand's Gift to the World - the Youth Justice Family Group Conference	26
Latest Research/Articles	27
Notices/Pānui	29

Court in the Act is a national newsletter/broadsheet dealing with Youth Justice issues. It is coordinated by research counsel attached to the office of the Principal Youth Court Judge. It receives wide circulation and we are keen for the recipients to pass it on to anyone they feel might be interested.

We are open to any suggestions and improvements. We are also very happy to act as a clearing-house, to receive and disseminate local, national and international Youth Justice issues and events.

If you would like to contribute an article, report or link to current research, please email all contributions to sacha.norrie@justice.govt.nz

"ALL THE WORLD IS WATCHING"

Reflections on the First World Congress on Juvenile Justice,
Geneva, Switzerland – January 2015



Ninety-one countries. Five languages interpreted simultaneously. Eight hundred and fifty delegates. All of whom share the same passion and commitment to delivering the best possible specialist youth justice system in their respective jurisdictions. What a memorable occasion to be part of. Such was my privilege and that of Judges Heemi Taumaunu and Max Courtney, when we attended this unique World Congress in Geneva in January. Reflections on the Congress by all three New Zealand judicial participants are set out later in this first bumper edition of Court in the Act 2015. I hope you find them both interesting and challenging.



Judge Heemi Taumaunu presenting to the Congress on the Rangatahi Courts

It is perhaps only when we leave our home country that we truly appreciate its strengths and weaknesses. The purpose of this editorial is to convey the humbling realisation which struck all three of us in Geneva - that Aotearoa New Zealand is closely watched, and enormously respected internationally in terms of its youth justice system.

Court in the Act

A regular newsletter for the entire youth justice community

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



Judge Becroft presenting to the Congress on the role of the family in youth justice

In the context of a huge international arena, it struck us afresh how our system is regarded as one of the most specialised, developed and well-resourced in the world. We were frequently engaged in conversation with representatives from other countries who remarked on how fortunate we were to be part of New Zealand's system; how much respect was accorded our system; and how much was read and known about it worldwide. In the best sense of the phrase, we realised that "we are being watched". It was hard to take in that our country of 4.6 million people, on the edge of the world, is in a position to exert so much international influence in terms of one small part of its criminal justice system.



The sobering reminder for me was that with that recognition comes significant responsibility - to ensure our system operates at the best and most efficient level possible. We must not rest on our laurels. We must continue to develop effective, creative, and principled approaches to the increasingly small group of young offenders before the Youth Court who represent our most problematic and challenging young people. To

reinforce that the numerical size of the problem we now face is actually more manageable than ever, I urge you to carefully study the hot off the press "Infographic" produced by the Ministry of Justice which appears at the end of this newsletter. It vividly portrays both the drop in child and youth apprehensions, and the decreasing numbers of young offenders who appear before the Youth Court, along with their characteristics and our responses to that offending.

In a youth justice environment such as ours, there can be no excuse for formulaic approaches, failure to properly hold young offenders accountable, or omissions to identify the deep-seeded causes of offending. Nor should we settle for anything less than to address these with effective, evidence-based interventions. And at the heart of this process is the Family Group Conference. There is a real challenge here for us all.

For my part, I am committed to leading a Youth Court that reaches the highest operational best practice standards - that is, a multi-disciplinary team approach with specialised intervention which will enable proper attention to be given to our serious young offenders. I look forward to 2015 and hope that you will join me and our team of 42 Youth Court Judges in delivering on this commitment to professional excellence in the Youth Court.

Andrew Becroft

Principal Youth Court Judge of New Zealand
Te Kaiwhakawā Matua o te Kōti Taiohi

You can view video footage of the Judges' Congress presentations on YouTube:

Judge Taumaunu:

https://www.youtube.com/watchv=DJa7SvRcBX8&feature=player_embedded
(begins at 153:05)

Judge Becroft:

<https://www.youtube.com/watch?v=Hg0IbE3ZUQ4>
(begins at 6:00)

https://www.youtube.com/watch?v=DJa7SvRcBX8&feature=player_embedded
(begins at 22:10)

Judges share their 10 point list of learnings from the World Congress on Juvenile Justice

Judge Heemi Taumaunu:

1. Aotearoa New Zealand has an excellent reputation for creativity and leadership within the international youth justice community.
2. The international youth justice community holds the Family Group Conference in high regard as an appropriate and best practice process for dealing with young people (who have seriously offended) and their families.
3. Notwithstanding Aotearoa New Zealand's excellent youth justice reputation, there are improvements that can be made to our system of youth justice. It is recognised that Aotearoa New Zealand has yet to extend the definition of a young person to include 17 year olds in accordance with the UN Convention on the Rights of Children.
4. The sovereign states that constitute the international youth justice community are at different stages in the development of their individual youth justice systems. Some are more advanced than others.
5. The sovereign states that constitute the international youth justice community differ markedly in the level of compliance each has achieved in respect of their obligations and responsibilities pursuant to the UN Convention on the Rights of the Child. Some have fully complied. Others have a great deal of work to do to become compliant.
6. Although Aotearoa New Zealand may be responsible for creating the Family Group Conference, we cannot afford to rest on our laurels. There is much work to be done to improve the way that FGCs are conducted, and to improve the quality of the plans that are produced as a result of FGCs.
7. The international youth justice community strongly recommends that the detention of young people should only be imposed as a measure of last resort.
8. The Aotearoa New Zealand youth justice system is well advanced in areas of restorative justice, therapeutic justice, and problem solving courts, in comparison to youth justice systems in other countries around the world.
9. It is important that the Aotearoa New Zealand youth justice system does not become complacent.
10. The Aotearoa New Zealand youth justice system is ahead of its time and is a world leader as a result of the excellent efforts of the early pioneers like Judge Mick Brown, and the more recent work led by Judge Sir David Carruthers and building on their efforts, our current Principal Youth Court Judge Andrew Becroft. Our youth justice system is very much on the boundary of creative development in the context of youth justice internationally. In forging the path as we have done, there remains a danger that we may take things for granted after becoming over familiar and comfortable with our achievements to date. That danger needs to be recognised and avoided. We must continually strive to improve the quality of our processes and also improve the quality of the substantive outcomes achieved by the young people and their families who we serve.

Judge Max Courtney:

1. The congress was attended by over 800 delegates from 91 countries. Many delegates represented nations with developing youth justice systems.
2. A study from the United States of America showed the cost to society for a juvenile who continues to offend is between \$US1.7m and \$US2.3m.
3. In Northern Territory, Australia it costs \$88 per day to send a child to school and \$700 per day to keep them in detention. Switzerland has an "education sentence" and France has "supervised education" as part of the juvenile justice system.
4. It is estimated there are 1 million juveniles in detention worldwide - 75% are detained on pre-trial detention and 60% are for petty offences. In many countries, juveniles stay under arbitrary detention following the end of their sentence because of debts owed.
5. Four countries - Yemen, Saudi Arabia, Sudan and Iran - have the death penalty for juveniles. In the past five years, 14 juveniles have been executed and 11 are currently on death row. 39 countries use corporal punishment as a sentence for juveniles, which includes beating and/or whipping. In Iran, custodial sentences up to 5 years are imposed on juveniles.
6. New Zealand is non-compliant with the United Nations Convention on the Rights of the Child, and is out of step with most countries, by including 17 year olds in the adult jurisdiction.
7. The quality of the youth justice process is sometimes more important than the outcome. This is reflected in the Rangatahi Court process.
8. Should New Zealand continue to deal with juveniles in the High Court for murder and manslaughter? As children/young people why aren't they dealt with in the Youth Court?
9. New Zealand, and particularly the Family Group Conference, is held in high regard throughout youth justice systems worldwide.
10. Whilst New Zealand has been, and still is, a world leader in youth justice (and is far removed from some of the extremes referred to above) we cannot rest on our laurels. Some of the countries that have implemented the FGC may be doing it better than we do. We must continue to re-examine FGC practice and the use of pre-trial detention.

Judges Becroft shares his 10 point list of learnings from the Congress

1. The fundamental “takeaway” from the Congress was the centrality of the international covenants and instruments. The Aotearoa New Zealand youth justice system gives insufficient prominence to these covenants relative to the focus and constant reference that overseas countries give them. Indeed, in many countries, they are the starting point of most youth justice discussions. These instruments provided a common vision and certainly ignited discussion between the 91 countries at the Congress. In that context, it soon became very obvious, and a matter of some embarrassment, that Aotearoa New Zealand was one of a very small number of countries that has not included 17 year olds in its youth justice system, despite ongoing United Nations criticism regarding this persistent failure.
2. The absolute of importance of diverting young people away from Youth Court in order to avoid a world-wide over-reliance on Court-focussed youth justice approaches. In this respect, a trained non-corrupt Police force to deal with young offenders is a necessary starting point. In this respect, also, our 250 highly trained and specialist New Zealand Police Youth Aid Constables probably lead the world in providing a comprehensive, targeted Police response to most youth offending, which does not require a charge or a Court appearance and which can be dealt with more effectively with prompt, creative community responses.
3. Equally, Aotearoa New Zealand’s team of specialist Youth Advocates that provided to all young offenders irrespective of means, again is unparalleled in the world. This enables a child rights-based process, which offers a consistently high quality of specialist legal representation for all young offenders charged in the Youth Courts of New Zealand.
4. Also, it was reassuring to realise that, because all Youth Court Judges in Aotearoa New Zealand are District Court Judges - either Family or Jury Trial Judges, or both - they come from a level in the judicial hierarchy that is more senior, it would seem, than most other countries in the world. The presence of specialist Youth Court Judges, as well as specialist Police, specialist Youth Advocates, specialist Lay Advocates, specialist youth justice Family Group Conference Coordinators and specialist youth justice social workers, specialist Education Officers and health personnel, and the vast array of specialist non-government organisations that exist to deal with young offenders, make the New Zealand youth justice system arguably the most specialised youth justice system in the world. “The kumara does not tell of its own sweetness” - and I certainly would not want to be quoted on this! However, I left the Congress feeling that in New Zealand we all too easily underestimate the strengths of our youth justice system and its sophistication and specialisation relative to the rest of the world.
5. The developing brain science, emanating especially from the United States and now expertly presented by New Zealand organisations such as the Brainwave Trust, is not well understood internationally. It is less influential and less understood than I would have expected. The “judging children as children” or “young people as young people” movement is slowly growing within the international arena. On this issue, the presentation of Judge Michael Corriero, a District Court Judge from New York, was inspiring.
6. Although there isn’t such a thing, the closest thing to a magic bullet to reduce youth offending is participation or reengagement in the formal education system. Virtually nothing is more important in terms of building resilience and laying a platform for positive life outcomes.
7. Detention in youth custody, whether on remand or sentence, really should be a last, last, *last* resort. And, there should be a very transparent and trusted complaints system that young people can use when placed in custody.
8. It is of fundamental importance of all those in a youth justice system that we understand the prevalence of mental health and neurodevelopment issues such as dyslexia, learning disabilities, autism, foetal alcohol spectrum disorder and mental health and intellectual capacity issues etc. I think we underestimate their prevalence and significance, and too many of these disabilities go undiagnosed.
9. The Congress was clear in its conclusion that approaches to indigenous offending should not be informal or operate completely outside the statutory youth justice system. This creates too much room for idiosyncratic and variable approaches. However, the approach shown by Aotearoa New Zealand with Rangatahi Courts and Australia with Koori Courts, excited significant interest. These Courts are seen as providing an adapted and culturally appropriate response to indigenous young offenders within the existing youth justice system and operating consistent with the existing legislative framework.
10. The stand out factor for me was the absolute genius of our Family Group Conference system as providing a mechanism for young offender, family, victim and community participation in order to resolve youth offending. The FGC is unparalleled in its ability to provide a means of holding a young offender accountable, addressing the causes of offending, and ensuring the young person’s needs are addressed in a way that enables them to develop as a responsible and productive member of our community. In this respect, Aotearoa New Zealand is so often held up as an exemplar of best practice. The challenge is for us is to live up to our reputation. The recent work of Child, Youth and Family in rejuvenating the Family Group Conference and insisting upon best practice standards will represent a significant leap forward. I left the Congress realising that Aotearoa New Zealand is being watched. And analysed. All of us have an obligation to ensure that our Family Group Conferences are practiced with the upmost skill, care, creativity and energy. In this respect, our youth justice Family Group Conference Coordinators, on our behalf, bear a significant responsibility. It seems that in youth justice circles, all the world is talking about restorative justice, or at least, restorative practices (although I observe that latter definition is seldom defined). And, Family Group Conferences are understood by the rest of the world as the central method for the delivery of an effective restorative approach.

Congress Paper

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

It's All Relative: the Absolute Importance of the Family in Youth Justice (a New Zealand Perspective)

Paper delivered at the World Congress on Juvenile Justice, Geneva, Switzerland: 26-30 January 2015

*by His Honour Judge Andrew Becroft
Principal Youth Court Judge for New Zealand
Te Kaiwhakawā Matua o te Kōti Taiohi*

Abstract: the absolute importance of family involvement is often easier said than done

*Kī mau ki ahau he aha te mea nui o te ao
Māku e kī atu – he tangata, he tangata, he tangata*

If you ask me what is most important in this world
I will reply, it is people, it is people, it is people

It would be hard to imagine that anyone involved in a 21st century youth justice system would argue against the absolute centrality of the family - both in understanding and explaining serious youth offending, and in constructing a rehabilitative response.

Even for the 80% or so of youth offenders who will usually only come into conflict with the law as teenagers, a family based response will be crucial. Most of these teenagers do not need to be charged. Youth justice systems which invoke a formal, legal, Court-based response do these young people and their families a disservice and, counter-intuitively, increase the likelihood for re-offending. As with all teenagers - whose pre-frontal lobe is a work in progress until their mid-twenties - these offenders engage in risk-taking and sometimes grossly irresponsible behaviour that, in their case, is in collision with the law. However, this large cohort of offending adolescents will typically come from relatively stable environments. With the application of good interventions that mobilise family and community support and strengths they will quickly "age out" of offending. These offenders are not the central focus of this paper, but the role of the family in holding them to account and addressing the causes of their offending should not be under-estimated.

On the other hand, there is a much smaller group of youth offenders - up to 10-15% of all youth offenders - who come from seriously fractured and disadvantaged family backgrounds, and who typically present with a number of other co-occurring and interrelated problems. For these offenders, all roads usually lead back to family-based risk factors, which heighten the chances of adverse life outcomes.

As previously observed, who would deny that the genesis of these young people's offending behaviour is inexplicable without reference to their family background? Nor would most experts deny the importance of involving the family in any response. Whereas adult criminal justice systems assume that adults who offend are autonomous and individually responsible human beings, youth justice systems rest on different principles. While properly recognising that youth offenders must be held accountable for their offending, youth justice legislation does so by adopting a youth specific approach. This approach, amongst other things, recognises the importance of involving family structures when responding to that offending.

Given that most youth justice systems recognise the centrality of family, why is delivering this unarguable principle so difficult in practice? Why is it that, sadly, the responses delivered by youth justice systems typically alienate families and disempower them? Why is it that the response is often criticised as an imposition of state decision-making on young offenders and their families? Why has it been so difficult to achieve meaningful and effective family participation in both constructing and delivering an appropriate response? And finally, what are the best mechanisms for doing so? Answering these central questions is perhaps the prime focus of this paper.

This paper first identifies three imperatives that demand family participation in youth justice. It then explores one effective mechanism for ensuring family participation, not only in the rehabilitative response to serious recidivist youth offending, but also in constructing and determining that very response: the New Zealand Family Group Conference (FGC). The FGC is analysed and explored as a method of decision-making, which is partially delegated by the state to the family. The FGC can be legitimately offered as a low cost and community based approach to serious offending that offers genuine hope as a "new paradigm" for family involvement in responding to Youth offending.

Therefore, New Zealand's youth justice system represents something internationally unique. The Children, Young Persons and Their Families Act 1989 (CYPF Act), while embodying international norms, goes one step further by placing families at the heart of youth justice decision-making. The principles of the legislation and the FGC model provide for familial status, participation and empowerment.

You can access the full paper here:

Issue 69 March 2015 | www.youthcourt.govt.nz



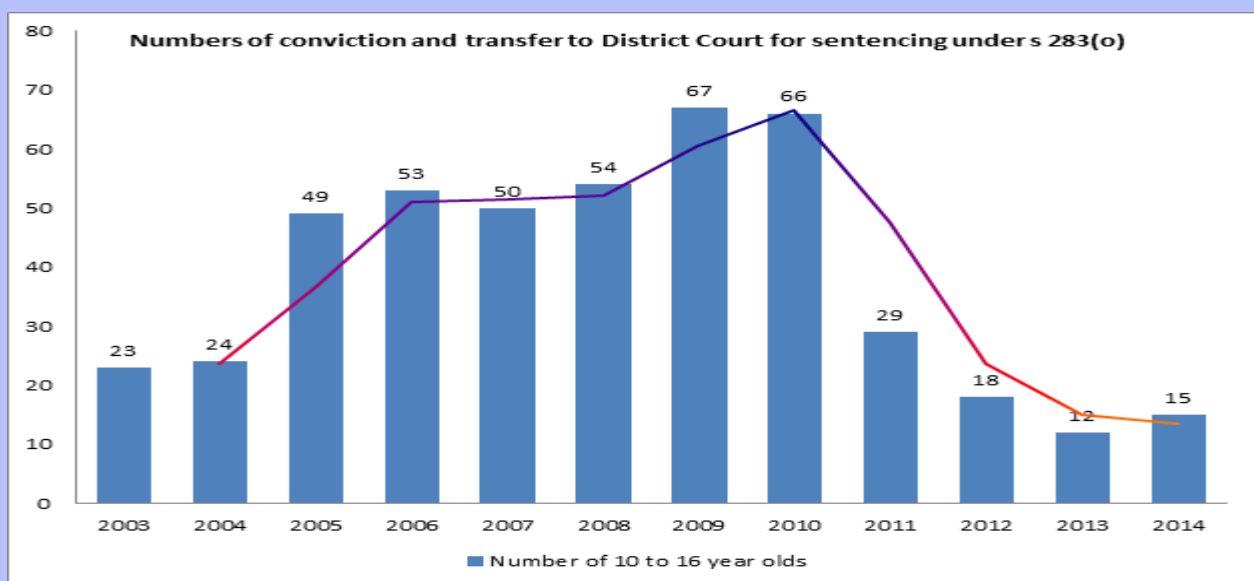
Adobe Acrobat
Document

Case Brief

The landscape surrounding the transfer of young people to the District Court to receive an “adult response” to youth offending has changed dramatically over the past five years.

In 2010, in response to attitudes that the scope of Youth Court orders was not sufficient to deal with the top-end offending, the Children, Young Persons and their Families (Youth Court Jurisdiction and Orders) Amendment Act 2010 reorganised the hierarchy of formal Youth Court orders available, introduced an additional suite of orders, and doubled the maximum length of supervision with residence. A sentence of up to 30 months may now be imposed in the Youth Court. The sentencing powers available to the Youth Court are now more akin to those available in the District Court.

Consequently, there has been a significant reduction in the number of cases transferred to the adult District Court for sentencing. In 2010, 66 young people were transferred to the District Court. That number dropped dramatically to 29 in 2011 and last year, only 15 young people were transferred to the District Court for sentencing. Apparently Youth Court Judges are now more satisfied that public safety and accountability can be appropriately achieved through Youth Court orders and are consequently more willing and able to keep young people within the Youth Court jurisdiction.



In deciding whether to convict and transfer a young person, the court can only do so where it considers that less restrictive orders are clearly inadequate. Often, the judges look ahead to the possible benefits that they can see for a young person, if they are transferred out of the Youth Court for sentencing.

The case of *Police v J G* is a recent example of the circumstances in which a transfer to the District Court has been deemed to be the only appropriate response.

Name: *Police v J G*

File number: CRI-2014-246-000083

Court: Youth Court New Plymouth

Judge: Judge Lynch

J, aged 14 years and 8 months old, was charged with aggravated robbery. J had a significant offending background, which included a number of aggravated robberies, one of which was committed less than three weeks after being released from a three month period in residence resulting from an earlier aggravated robbery. The Crown sought a conviction and transfer to the District Court.

Before dealing with the circumstances particular to J, the Judge first emphasised that transfers to the District Court for sentence are rare, reflecting first, the ethos or principles of dealing with a young person under the CYPF

Issue: Whether to make an order under s 283(o) to convict and transfer to the District Court for sentencing?

Act; and second, the extended period of six months for residential placement under s 311, following which a supervision order is imposed.

To illustrate how rare transfers are, it was noted that in 2014 there had been only [15] transfers to the District Court, against the [66] in 2010 when the maximum period in residence was three months. The period changed to six months from 1 October 2010. The Judge reflected that these statistics alone invited significant care in such applications, but which also must be balanced with the relevant statutory factors.

Case Brief



**THE YOUTH COURT
OF NEW ZEALAND** | **TE KOOHI TAIOHI
O AOTEAROA**

Submissions and social worker's report

The Crown submitted that J had not previously been deterred by serious sanctions in the Youth Court and had formed a predilection for this type of offending. The Group 6 sanction had not proved sufficient protection to the community, nor had it deterred J's criminal behaviour. It was further submitted that J has little whānau oversight, which would be the key to J avoiding further offending.

J's Youth Advocate submitted that J's early offending was committed when he was 13 years old and a child in terms of the legislation. The latest offending was committed when J was 14 years old. Emphasis was given to the fact that a sentence of imprisonment will be life altering and will, "...in all likelihood set him on an irreversible course of living his adult life in and out of prison." It was contended that now may be the only chance for J to change the course of his life. A sentence of imprisonment would create a situation where J's whānau could potentially forget about him, and it would guarantee gang membership. J would emerge from jail a "generally hardened and a more criminally savvy adult" of greater risk to the public on release than he is now. It was submitted that the least restrictive outcome would be a Group 6 response, supervision with residence.

The social worker's report noted that J presents with a wide range of issues which contribute towards his offending behaviour including his tendency towards violence, alcohol and drug abuse, gang connections and criminal associates. J has not responded positively to assistance and support offered by his whānau and various professionals. The report recommended supervision with residence. However, it was noted that Child, Youth and Family had essentially run out of options for J.

Discussion on s 284 considerations

The Judge emphasised that sentencing in the Youth Court promotes, in a way that sentencing in the District Court cannot, the purpose that young people are to be held accountable and encouraged to accept responsibility for their behaviour, while being dealt with in a way that acknowledges their needs and will give them the opportunity to develop in responsible, beneficial and socially acceptable ways. Particular regard was given to the s 208 principles, specifically principles (d), (e) and (f).

The Judge stated that before the Court could decline to sentence, bearing in mind the need to impose the least restrictive outcome and that in imposing a sanction, any less restrictive outcome must be, "clearly inadequate", it must have regard to the s 284(1) considerations:

- s 284(1)(a) - *nature and circumstances of the offence*: J was involved in the planning of the robbery, the decision to be armed and to wear disguises. J had a weapon.

- s 284(1)(b) - *relevant personal history, social circumstances and personal characteristics*: The various reports relating to J made for sad reading. J had disengaged from the norm and displayed very concerning attitudes. One psychological report documented J stating he didn't care about being involved with the police and that he would, "Shoot cops, they deserve it". J articulated a sense of belonging and affiliation with two predominant gangs.
- s 284(1)(c) - *attitude towards the offence*: J expressed remorse by rote. However, true remorse requires maturity and perception which J may not have yet achieved. J's family did not want him transferred to the District Court; however they are unable to exert any real control or influence over him.
- s 284(1)(f) - *effect of the offence on the victim*: There was no prospect of reparation for emotional harm being paid. It was the victim's view that "... they should go to jail ... as it was serious coming into the shop with knives and robbing me. I don't want to have to deal with them again."
- s 284(1)(g) - *previous offending and orders*: The FGC and social worker recommendation was that J should stay in the youth justice system. However, the "...elephant in the room is that this is a young man who is on a path of committing serious offending as if he thinks he is untouchable"
- s 284(1)(i) - *causes of offending*: J is a complex young man. He has been out of school and lacking structure for most of his life. J's needs include alcohol and drug dependency, mental health, education and therapy for grief and assistance with distress tolerance and emotional dysregulation.

Conclusion

The Judge concluded that, despite being troubled by J's young age and the overarching imperative to keep young people in the youth justice system, a transfer to the District Court for sentence was appropriate. This was primarily because the offending was serious; J's propensity to violence of this kind; all other interventions (including residence) providing no deterrence at all; and the public needing protection.

Result: convict and transfer to District Court for sentence pursuant to s 283(o).

Pora v R [2015] UKPC 9

On 3 March 2015, the Privy Council quashed Teina Pora's conviction for the rape and murder of Susan Burdett. This decision was significantly informed by expert forensic evidence, which concluded that Pora suffered from a particular form of Foetal Alcohol Spectrum Disorder (FASD). The nature and effect of this neuro-developmental disorder as explained by the experts led the Privy Council to conclude that this condition may have influenced Pora's giving of a false confession when interviewed by Police. Pora was 17 years old at the time.

Dr McGinn

35. Dr Valerie McGinn is a clinical neuropsychologist based in Auckland. She and Dr Immelman were asked by the appellant's lawyers to "conduct an investigation into whether Mr Pora has a neurodevelopmental disability and if so the nature of that disability". Dr McGinn's role was to carry out a neuropsychological examination while Dr Immelman was to undertake a psychiatric evaluation.
36. Having taken a history from Pora's father, Cedric Rangī, and his aunt, Matekino Matengi, about the appellant's mother's drinking habits during her pregnancy with Pora and having conducted an interview with him and administered tests to establish whether he suffered from foetal alcohol spectrum disorder (FASD) Dr McGinn concluded that he Mr Pora fulfils the diagnostic criteria of an alcohol related neurodevelopmental disorder (ARNO) also known as static encephalopathy (alcohol exposed).
37. On the basis of this diagnosis, Dr McGinn reached a number of highly important conclusions. In the Board's estimation the most significant of these were:
 - (i) "The higher thought processes of judgment, reasoning, planning and organising, as well as adjusting to changing situational demands are important in regulating behaviour and behaving appropriately. These executive functions are required to plan and think through to the consequences of one's actions and realise the effects of these on others. These are the last cognitions to fully develop in the teenage brain and are known to be significantly affected by serious neurological insult including prenatal alcohol exposure. Deficits can be reflected in poorly regulated and egocentric behaviour. As a teenager Mr Pora certainly seemed to display these characteristics from the information available. On testing he showed significant deficits in most aspects of executive brain function."
 - (ii) "Despite not presenting as impulsive during the assessment, Mr Pora made a high number of impulsive errors on a task sensitive to this tendency, the D-KEFS Colour Word Interference task. He was required to firstly name coloured squares (red blue

Case Note



and green) and then read the words of these colours and he did this efficiently and without error. On the Inhibition condition Mr Pora was required to name the colour ink a word was written in, suppressing the more dominant urge to read the word. He did this quickly but with a high rate of errors (seven errors, more errors than 99% of his same age group). When the demands of the task were increased on the more difficult switching condition that required Mr Pora to respond according to two different rules depending on whether the word was presented in a box or not, he slowed down and worked more carefully making fewer impulsive errors. However, he attained a lowest possible score for his efficiency to complete the task, indicating that this was a challenging demand for him to switch attention and inhibit responses. In everyday life these results indicate that Mr Pora has deficits of regulatory control and this is a common feature in those with FASD who struggle to regulate their moods and actions. When placed in a complex situation Mr Pora is likely to show a tendency to act impulsively with reduced capacity to think through to consequences.

In terms of his FASD diagnosis, Mr Pora has significant impairments of executive function including impaired reasoning, literal and limited thinking, cognitive rigidity and deficits of regulatory control.”

(iii) “Mr Pora's developmental history was, in my opinion, entirely consistent with a child with an undiagnosed FASD. He was clearly alcohol exposed with a low birth weight. He was described consistently as being slow and having difficulty with communicating from a very young age. There was mention made of his immaturity, being easily led and engaging in impulsive behaviours without considering the consequences, all primary neuro-behavioural features of FASD. Children with FASD are known to be vulnerable to being victimised and it seems that Mr Pora was scapegoated and more severely mistreated in his upbringing than other children in the family. With an unrecognised disability, he would inevitably have been set up for school failure and could not have functioned successfully within a mainstream educational programme. Sadly the life course experienced by Mr Pora in his teenage years is all too common in New Zealand where young people with FASD tend to be gullible and readily targeted by gangs and attracted to antisocial activities unless they are closely protected, supervised and provided with pro-social influences. Without his disability diagnosed and recognised, even had there been responsible family members to raise him, they

would not have known how to cater optimally to his special needs.”

(iv) “FASD is often described as ‘Swiss cheese brain damage’, with some processes remaining intact while others are in deficit. It is the variability of function that is typical but can be deceptive with those affected often seeming more capable on the surface than they actually are. Intellect is lowered but not always in the retarded range, even with full FASD. Many adults with FASD function in the Borderline to Low Average range intellectually as Mr Pora does. However, adaptive function is known to be more affected and they are functionally disabled in their everyday life and tend to lack common sense. Mr Pora shows impairment of his daily living skills in the areas of functional academics, community use, self-care, leisure and social function. Conceptual and social domains were impaired while practical skills were strong when living in a well-structured and supported environment.”

(v) “Most notable on testing was Mr Pora's impairments of executive functioning. He showed no capacity for abstract thought, interpreted sayings entirely literally and could not appreciate deeper or implied meaning. He was cognitively rigid, sticking to one way of responding and was unable to appreciate a range of differing options. This indicates that he will get something in his mind and stick to it even when the evidence is contrary to it. He will not be well able to match his thinking to the circumstances and adapt with changes of situational demands. Mr Pora also showed deficits of regulatory control suggesting that he will tend to respond without due consideration especially in complex situations. As well as behavioural dysregulation those with FASD tend to be emotionally dysregulated and cannot tolerate or manage stress well. They require others to provide a high level of direct assistance to be productive and remain emotionally settled. These types of higher thought process deficits seriously affect a person with FASD's capacity to self-monitor, realise the thoughts and feelings of others, and appreciate how their actions may be perceived. Due to brain limitation Mr Pora will tend to say and do what seems to his advantage at the time, without a realisation that he is doing this. This tendency can be perceived as manipulative and self-serving until the underlying brain damage is considered and it is appreciated that this is not wilful or intentional. A lack of insight into one's own limitations is a universal feature of FASD and in my opinion Mr Pora was not well able to understand that he has a disability when this was simply explained to him. This is because individuals with FASD can only view situations from their

Case Note

own perspective and lack the capacity to step out of their own shoes to appreciate the perspectives of others and compare themselves to others. ...”

(vi) “Having diagnosed and treated more than 200 children and young people with FASD, many of whom were youth offenders I am able to provide my opinion about the FASD limitations that Mr Pora would have shown at the age of 17 years when interviewed by the police and charged. I have viewed the evidence including transcripts and DVD footage. In my opinion at the age of 17 years Mr Pora was thinking and acting like a much younger child of about eight to ten years of age. He was not able to comprehend the meaning of complex words or sentences, grasping parts but missing much of the meaning. He lacked insight into his limitations and tended to respond as if he understood. When asked directly if he understood he would often say no, but he did not volunteer this information. What was most evident when reviewing police interviews was the paucity and simplicity of speech displayed by Mr Pora, and the long delays in his responding where he seemed confused and did not know how what to say. ...”

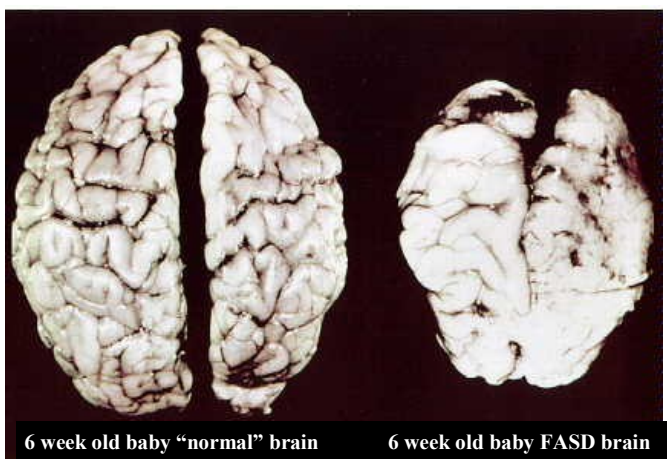
(vii) “Mr Pora showed significant verbal memory deficits although with repetition he has some learning capacity. When listening to two simple stories at an eight and ten year old level of complexity, very little was apprehended and retained. The general gist of each story was not grasped and Mr Pora confused one with the other. Even when asked questions about the stories and required to pick the correct answer out of three options, one being correct, Mr Pora's responding was no better than by chance guessing. This result indicates that when in a situation that requires listening to, comprehending, retaining and recalling verbal information, Mr Pora will be severely limited. His span of apprehension is four simple pieces of information, when compared to about seven being usual for an adult. Adding to this limitation is the before mentioned extremely limited understanding of the meaning of words and the inability to compare one thing to another. Results of this assessment show that Mr Pora is markedly impaired in his capacity to engage in conversation or comprehend and respond to even quite simple questioning. This is a brain based problem and part of his FASD disability.”

(viii) “People with FASD, most especially when they have memory and executive deficits are prone to confabulate; that is make up stories to fill in the gaps that are not in keeping with the

truth. This is different to lying as it is not intentional and is a feature of executive brain impairment. Mr Pora did confabulate on Professor Gudjonsson's testing and also showed this tendency on my memory testing, although it failed to reach significance. At the age of 17 years Mr Pora's brain, although damaged, was still in a phase of rapid development. I would expect that his executive functioning was even more impaired at the time of police interview and when charges were laid. When working with families of young people with FASD who confabulate, we advise that things they may say should be taken 'with a grain of salt' and suggest that they double check with a reliable source. The persons with FASD cannot be considered a reliable informant and this is in my opinion the case for Mr Pora.”

You can access the full judgment here:

<https://www.documentcloud.org/documents/1679737/privy-council.pdf>



You can read more on FASD and the youth justice system here:

Court in the Act - Issue 53:

<http://www.justice.govt.nz/courts/youth/publications-and-media/principal-youth-court-newsletter/issue-53#6>

Foetal Alcohol Spectrum Disorder - key research:

<http://www.rethinking.org.nz/Default.aspx?page=4343>

Foetal Alcohol Spectrum Disorder Judge S J O'Driscoll (2011) NZLJ 119

Two leading Canadian cases:

R v Charlie [2012] YKTC 5

R v Harper [2009] YKTC 18



MAKING GOOD: Unlocking Dyslexia in the Youth Justice System

Guy Pope-Mayell, Chair of Trustees, Dyslexia Foundation of New Zealand

Youth offending is the dark side of learning difference, the outcome of low self-esteem, alienation, anti-social behavior and/or drug use fuelled by perceived failure to achieve or disengagement from the education system. For a young person with learning differences that render them ill-equipped to understand and deal with the justice system, Dyslexia Foundation of New Zealand (DFNZ) contends the default should be a family inclusive, restorative approach. In line with this, DFNZ is backing calls to raise the Youth Court age from its current level of 16 years. It also wants to see changes to the Statement of Facts prepared by the prosecution for sentencing purposes.

Dyslexics are no more prone to criminal behaviour and committing theft, assault, arson, manslaughter or murder than any other population base. Yet they are grossly overrepresented in the youth justice system and prison population. In New Zealand, an estimated 10% of the population is dyslexic, yet percentages climb as high as 90% in our prisons. These figures are a stark indictment of a justice system failing to take account of the impact that dyslexia can have on an individual's ability to comprehend the process, understand exactly what they are pleading guilty to and discern the consequences.

This year, DFNZ has a key focus on youth justice. It contends that it is impractical, inconsistent and unjust, as well as in breach of New Zealand's obligations to the United Nations, to continue to exclude 17 year olds from the youth justice jurisdiction. In simple terms, this is about ensuring dyslexic youth are not entrapped in a system that treats them unfairly as adults. Difficulty with the acquisition of basic skills like reading and spelling, slower cognitive processing speeds and comprehension, among other things, can contribute to this.

In the court system, learning difference may present as reduced capacity to follow the legal process, less ability to withstand pressure to make a guilty plea and ignorance of the right or benefit to have a nominated adult in attendance when dealing with police or court officers. A young person 17, 18, 19 or even 20 who has a comprehension age of 13 or communication difficulties is easily manipulated by legal process, and often duped into incriminating themselves as the path of less resistance. And once convicted many young people, unless strongly supported, will be on the slippery slope to career criminal.

There are stark correlations between neurodisabilities, such as dyslexia, and youth offending. These are well documented in a 2012 report published by the Office of the Children's Commissioner for England, "Nobody Made the Connection: The prevalence of neurodisability in young people who offend", which showed 43-57% reported prevalence of dyslexia amongst young people in custody, 23-32% learning disabilities, and 60-90% communication disorders. In New Zealand, Kate Peirse-O'Byrne's last year published the first comprehensive analysis of neurodisability and youth offending specific to New Zealand, using legal and pragmatic arguments to highlight the importance of identifying and responding to neurodisability in the youth offending population.

The figures are damning; they tell us the current system is broken and wrong. It has been estimated 65-70% of offenders that come before the Youth Court are not formally engaged within the education system. With young people currently tried as adults after age 16, these figures flow through into the

prison population. Results from a Ministry of Education screening tool trialed in 2008 on 197 prison inmates showed that 90% were not functionally literate and 80% were not functionally numerate. British, American and Swedish studies all estimate that 30-50% of prisoners are dyslexic.

The impact of dyslexia on the judicial journey

The average 17 year old is not an adult. Brain development is not fully complete, they are often naïve, impulsive, full of themselves, confrontational, unwilling to believe they need help, foul-mouthed and/or anxious and withdrawn. Anyone who has a 17 year old child, or remembers themselves at 17, will recognize these traits. These traits alone are ample argument as to why 17 year olds should not be tried as adults. In some cases, these characteristics are compounded and amplified by learning difference; in others the dyslexic individual may withdraw and shut down to the reality of the judicial process – or simply not recognise it for what it is.

Dyslexia is often misunderstood as just a problem with reading and writing. However, it can affect a spectrum of skills including motor skills, cognitive processing speeds and comprehension, auditory and visual perception, planning and organising, and short-term memory and concentration. Brain research, including studies from Yale and Auckland universities, has shown that while it is common to use the 'verbal' left side of our brain to understand words, dyslexic people use the 'pictorial' right side. Dyslexic individuals thus tend to think in pictures rather than words, receiving and retrieving information in a different part of the brain to neurotypical, word-based thinkers. Put simply, translating these 'pictures' back into words, whether spoken or written, takes extra time and considerable effort.

This extra time and effort is the crux of the issue. At school, unless accommodations such as reader/writer assistance and extra time are granted, dyslexics will most likely underachieve. Frustrated, alienated and with resultant low self-esteem, many will act out and disengage. When they come into contact with the judicial system, where all procedures are essentially word-based, a dyslexic's inability to quickly process information and comprehend leave them open to potential manipulation and entrapment. Propensities to take statements literally, to become confused by information and sensory overload, to act impulsively and to speak before thinking make it difficult to navigate the complexities and nuances of the legal process. Police and court processes are designed to deliver a specific result – a guilty plea and a conviction. These are key performance indicators of the judicial system. When this KPI meets dyslexic propensities, many dyslexic individuals will cave under the pressure.

Special Report

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



The Statement of Facts

The Statement of Facts is a pivotal document in the judicial process. Prepared by the prosecution, it is intended to present all pertinent information to the judge for the purposes of sentencing. However, in failing to note where an individual has a learning difference that impacts comprehension, this statement of 'facts' is clearly incomplete. It lacks context and material information that can red flag whether the details of the situation as presented are truly understood and agreed to by the accused and, equally importantly, whether the subsequent charge and potential consequences have been fully understood. Social awkwardness, apparent smugness, or similar persona should not be mistaken for guilt. Above all, it is vital to remember that dyslexia is a hidden disability. But just as you wouldn't ask a person in a wheelchair to run a marathon; you shouldn't ask a dyslexic to read and agree to something they do not comprehend.

This is not an apologist argument for letting a dyslexic individual off the hook. Rather it is an argument for ensuring the full facts are placed before the judge and by being required to do so, alerting police to the circumstances. If an individual is dyslexic this is material in itself. In dealing with youth offenders, it is essential to turn the 'dyslexic radar' on and consider whether accommodations that already exist in the system, such as warnings, diversion and recommendations from the police, should be applied more generously.

With all this in mind, DFNZ is advocating a change to the Statement of Facts to include educational background. Answers to these kinds of questions could shape a simple addition to the Statement of Facts:

1. Do you attend school, and if not, what age did you leave school?
2. Why did you leave school?
3. What school qualifications do you have?
4. Did you enjoy school or did you find learning challenging?
5. Did you receive any learning support and/or has anyone ever suggested that you are dyslexic, or other specific learning difference?

Answers to these may flag a material issue with dyslexia or learning difference that requires further investigation and understanding. More questions and less assumptions are what's needed.

Raising the youth court age

The arguments for raising the Youth Court age beyond its present level of 16 years have been well rehearsed. The weight of evidence correlating learning differences/neurodisabilities and youth offending is one of four key reasons DFNZ contends that the Government must raise the Youth Court age from its current level of 16 years. The other four reasons are:

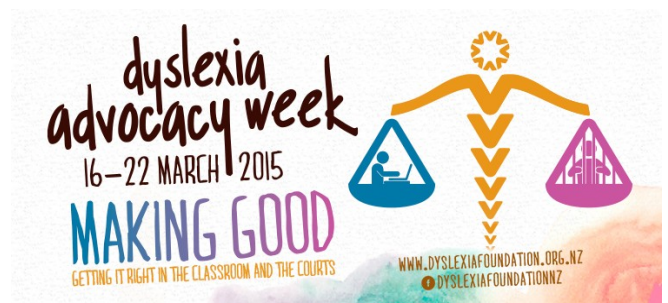
- That New Zealand, through its youth justice system, responds differently to young people compared to adults by virtue of their cognitive capability. So it must be that young

people with a learning difference equally deserve a response that takes this into account. Lifting the Youth Court age would help deliver this

- That the threshold of 16 years is out of step with much of the Western world and is in breach of the United Nations Convention on the Rights of the Child (UNCROC), which defines a child as anyone under age of 18. Despite ratifying this convention in 1993, New Zealand remains in breach by not including 17 year olds in the youth justice system. This breach was further criticized by UNCROC in 2011, and it recommended that the age be raised to 18. The Government is due to make its Fifth Periodic Report under UNCROC in May this year. In its draft report, it explicitly rejects a further UNCROC recommendation to raise the age of criminal majority to 18 years. As part of the public consultation process on the draft report, DFNZ has made a submission contending that the Government must reconsider its position on this
- That the current threshold of 16 years makes no sense on a practical level as it is also out of step with a raft of other New Zealand legislation – including the Minors' Contracts Act 1969, Care of Children Act 2004 and Wills Act 2007 – which define youth as adults from age 18, and with the legal age of majority which is 20. In addition, the Vulnerable Children Act 2014, Part 1, 5(1)a, defines a child as a person who is under the age of 18 years
- That a wealth of credible international and local research shows that severe punishment and detention do not deter young offenders. There is good evidence that punishment does not reduce offending but appropriate assistance can. Getting tough interventions (boot camps, scared straight, shock probation, paramilitary training) almost always fail. Punishment and detention are not effective forms of rehabilitation, and the likelihood of reoffending increases 25% after a deterrent sentence (Unicef NZ summary position paper October 2008)

Conclusion

The correlations between neurodisabilities such as dyslexia and youth offending can no longer go ignored. At the level of the statistics, it is blindingly obvious there is a gross disconnect when a population incidence of 10% dyslexia converts to three, four, five or more times this in the youth justice and prison populations. As responsible adults, we must all seek to understand what is happening and how best we can address this. A raise to the Youth Court age and the addition of educational background to the Statement of Facts will be a welcome start.





The Military Way: Courage, Commitment, Comradeship & Integrity

Ricki Tan, Consultant Psychologist, Youth Development Unit, New Zealand Defence Force

The Limited Service Volunteer programme is a six week motivational and training programme for young people, between the ages of 18-24, run by the New Zealand Defence Force in conjunction with, and on behalf of, Work and Income New Zealand. The course provides participants with life skills, motivation, learning and job options while operating from a challenging, physical, activities-based environment run by the New Zealand Defence Force. The programme emphasises self-discipline, support, guidance and good role-modelling from the New Zealand Defence Force staff. This free course is run in military camps in Burnham (Christchurch), Hobsonville (Auckland) and Trentham (Upper Hutt). There are 1,500 places available each year. The New Zealand Defence Force is constantly refining and developing the curriculum and programme. Mr Ricky Tan, a consultant and registered psychologist, recently joined the NZDF and has been working on programme development, training NZDF staff and providing clinical oversight. Mr Tan is well-known to many in the youth justice field. He writes about his involvement and contribution as follows:

Limited Services Volunteers (LSV) is a youth-focused programme delivered by the Youth Development Unit of the New Zealand Defence Force (NZDF), which aims to facilitate young New Zealanders aged 18 – 24 years to develop motivation and self-efficacy in order to re-engage with the workforce, or enter employment or further training. This paper describes the overarching principles and rationales underpinning the LSV programme.

In essence LSV is a comprehensive and coordinated system of interventions delivered by the NZDF that is supported by collaborative input from an integrated network of support services including Employers, New Zealand Police, Ministry of Social Development, Ministry of Education and NGOs.

The conceptual development of LSV programme has been guided by the fundamental principles of New Zealand Military Doctrine (NZDDP-D 3rd Ed) which embraces four core values of: **courage, commitment, comradeship and integrity**. These values provide a fundamental framework which guides a person's thoughts and actions towards achieving social harmony and personal development, accepting responsibility for one's own actions; and embracing social and cultural diversity. In today's society this would manifest in young people developing self-efficacy, self-control, humility and compassion, as well as a sense of morality, identity and connections with the community. The overarching framework of LSV is based on these four values of NZDF which are the tenets of its foundations and structure.

Also at a theoretical level, key themes highlighted in the international literature on current knowledge of Child and Adolescent Psychology and Positive Youth Development (PYD) provide some bases for understanding of the needs and behaviours of young people, so that interventions and programmes can be planned and have empirical rationales and accountability.

At the programme level, some strategies adapted and integrated in LSV are derived from contemporary psychological models and approaches (e.g. Social Learning Theory, Motivational Interviewing, Sports Psychology, Organizational Development Team-Building and concepts of Cognitive-Behavioural Therapy) which relate specifically to

the delivery and methods of intervention (e.g. team building, teaching affect regulation skills, self-instruction and social skills training).

Belonging & Teamwork

The essential military values of taking care of one self while also being responsible for and to someone else teaches young people to function as team members upon whom others can count, and success hinges on how efficiently and harmoniously a unit, platoon or team performs. Military Initial Training cultivates a sense of collectivism which teaches young people that they're part of a team and that the team only succeeds if all members of the team do what they are supposed to do. The aim of the Initial Training is to produce trainees who are sufficient, self-disciplined and effective team members.

By the same token the young people learn that their actions have an impact on everyone ranging from their family members and friends to the organisations they work for and colleagues. This instils an ethos of discipline, accountability, and achievement.

Team building fosters empathy and a commitment to helping others in the process of which self-focus attitudes, beliefs and behaviours are reduced incidentally. The essential elements of team building include: the development of a norm of group belonging and responsibility; problem-solving as a group and engaging in activities or projects that serve the community.

The outcome expected is development of a socially motivated orientation of "care and concern", which emphasizes relationship, group cohesion and stability, effective communication, high degree of trust and confidence in self and Platoon members. The military structure generates experience of personal acceptance and a sense of belonging to a positive peer group wherein the young people matter, are depended on, and their presence or absence is noticed.

Special Report

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



Motivation, Self-Discipline & Mentoring

Discipline is central to the military model. The discipline imposed on the young people participating in LSV is to help them understand that there are positive and negative consequences for behavior; and they are responsible to authority figures, their peers (i.e. fellow trainees), and themselves. For some of the young people it may be the first time they have had to face with, directly and immediately, the consequences of their choices or actions.



The ultimate goal of discipline is to have young people take responsibility for their own behavior and the aim is to shift from external control to internal control (i.e. self-discipline) gradually over the course of the programme. Thus the imposed discipline provides a structure for young people to build on. The staff at YDU do not take a “boot camp” or oppressive approach, but working from a model of “teach, coach, and mentor” whereby it is equally important to acknowledge positive behavior and accomplishments. This teaches the young people that their behavior results in a tangible benefit or cost. Unhelpful behaviours patterns are identified, and alternatives are encouraged via positive modelling by the YDU staff, and consistently applying limits and boundaries.

Structure & Routine

The young people are immersed into the military environment from the outset. After intake processing, they begin to learn the standard operating procedures and protocols (e.g. no-fraternization policy) regarding routines, dress, behavior, hygiene, maintenance of personal belongings and barracks, expectations, mealtime procedures and demands of the programmes. This serves to restore morals, values, structure and routines.

The initial two weeks of LSV is a period of adjustment for the young people, some of whom have lived unstructured lives. They may be disengaged from school, have been using drugs or alcohol habitually, unemployed, and/or have experienced a spectrum of psychosocial difficulties and/or physical and mental health problems. Of note is that some young people go through a process of detoxification from their former lifestyle of habitually using drugs and alcohol.

For some young people who have come from chaotic and unpredictable home environments and had exposure to adverse life experiences in their early lives (e.g. family violence, abuse, disrupted attachment and neglect) they may have developed a view of the world as threatening and unsafe. These experiences are likely to increase

vulnerability to emotional difficulties characterised by poor self control, outbursts, anger and poor emotional regulation. Structure and routines give young people a sense of stability, consistency and predictability thus enable them develop self-discipline/self-regulation. Routines help young people to learn to take charge of their own actions and activities, which in turn increases their sense of mastery, self-efficacy and competence.

A predictable routine and structured environment allows the young people to feel safe, and to develop a sense of mastery in order to take on new challenges and developmental task. As this sense of mastery is strengthened they can tackle larger changes. Therefore central to LSV is the creation of a structured milieu which is safe, non-coercive and empowering, which reinforces constructive behaviours in promoting personal growth and fostering the development of prosocial skills.

Recognising, Valuing & Believing Every Young Person Can Succeed

Some of the young people have suffered multiple risk factors prior to attending the LSV programme. One role of LSV is to build some protective factors with the aim of promoting resilience. Resilience refers to the process of overcoming the negative effects of risk exposure, coping successfully with traumatic experiences, and avoiding the negative trajectories associated with risks (Rutter, 1985).

Resilience theory of psychology focuses on the presence of protective factors that either helps bring about a positive outcome or reduce or avoid a negative outcome in spite of exposure to risks. The protective factors may be either that associated with characteristics of individual young person (e.g. competence, coping skills, and self-efficacy) or social environmental influence including experiences of achievement, personal support or adult mentoring.

There is some crossover between *resilience theory* and the *strengths-based practice*. Resilience based work with young people is based on a strengths based practice or strategy, which works from identifying positives in a person's situation (Gilligan, 1999). Strengths-based approach provides the rationales underlying strategies for creating positive experiences of young people to foster and enhance their self-esteem and self-efficacy.

Self-esteem is a concept that can be enriched by positive relationships, and sense of self efficacy can be promoted by experiences of accomplishment and acknowledgement of these successes.

Recognition for any contribution is an essential part of the military tradition and context. With respect to LSV, young people are embedded within a culture of military which conveys a belief in the capacity of a young person to achieve, and motivating them via responsibility for actions, reinforcement of prosocial behaviours and helping peers, and affirming them for completing challenging tasks and activities and achievement of goals. Experiences of achievement and affirmation for these help offset the effects of poor self-efficacy beliefs, and are of crucial significance as the key to all aspects of resilience.

Special Report

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



Summary

The LSV programme is an approach to youth development that is delivered within a military structure which enables young people to experience a strong sense of belonging, affiliation and identification. It is a social milieu which fosters resilience, self-efficacy, motivation and self-discipline and legitimizes the young person's aspirations, and inspires them to have ambitions in life, culminating in a cumulative sense of mastery.

The LSV provides a pathway on the continuum of a young person's development whereby internal locus of control, goal-directed behaviours and pro-social attitudes and beliefs, interests, and coping skills are reinforced and maintained. Within this context YDU staff assist the young people in generating hope, belief in, creation of, and realisation of opportunities.

References:

Asch, B.J. (1994). Military Support for Youth Development: An Exploratory Analysis. (Santa Monica, California: RAND, December 1994).

Larson, R.W. (2000). Toward a Psychology of Positive Youth Development. *American Psychologist*, Vol.55, No.1, 170-183.

Lerner, R.M., Lerner, L.J. & Phelps, E. (2009) Waves of the future: The first five years of the 4-H study of positive youth development. Medford, MA: Tufts Univ., Institute for Applied Research in Youth Development.

Maxwell, R.J. (2008). "Sticking the boot in' - The role of goal setting in motivational intervention programmes" *Social Policy Journal of New Zealand*, 33:15-31.

Maxwell, R.J. (2007). Limited Service Volunteers evaluation report: Intake 02/07 (Unpublished report). Wellington: New Zealand Defence Force.

Maxwell, R.J. (2011). "What do boot camps really achieve?" - A means-end analysis of the Limited Service Volunteers programme. *Social Policy of New Zealand*, issue 37, June 2011.

Rutter M. (1985). Resilience in the face of adversity: Protective factors and resistance to psychiatric disorder. *Br. J. Psychiatry*, 147:598-611

Gilligan, R. (1999). Enhancing the resilience of children and young people in public care by mentoring their talents and interests. *Child and Family Social Work*, 4, 187-196.

Gilligan, R. (2000). Adversity, resilience and young people: the protective value of positive school and spare time experiences. *Children and Society*, 14(2000), 37-47.

STOP PRESS

The Ministry of Justice has recently produced an excellent "Infographic" of youth justice statistics. This will become a standard and widely circulated "go to" document for statistical information about Police apprehensions and prosecutions in the Youth Court.

You are encouraged to examine it closely - it contains a wealth of information. You will note both the drop in child and youth apprehensions, and the decreasing numbers of young offenders who appear before the Youth Court, along with their characteristics and our responses to that offending.

Please feel free to circulate this document widely. We think it is fantastic - we hope you do too!

Trends in Child and Youth Apprehensions

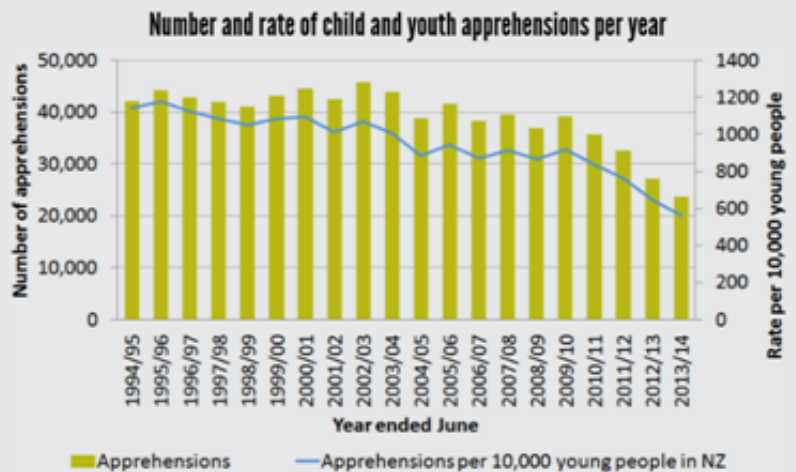


Apprehension statistics for 10-16 year olds for the year ending June 2014

The number of apprehensions of children (10-13) and young people (14-16) is the lowest in over 20 years

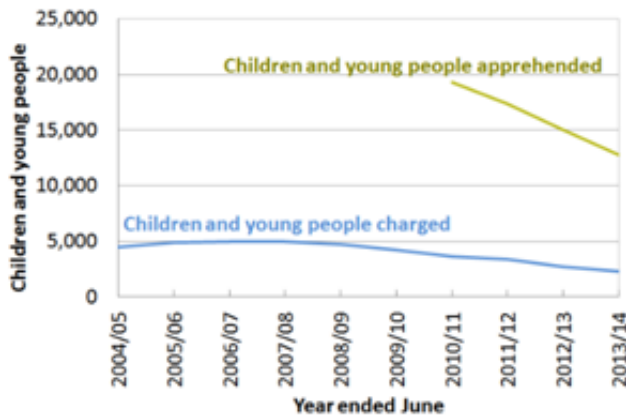
The number of apprehensions of children and young people:

- ↓ decreased by 13% since 2012/13
- ↓ decreased by 40% since 2009/10
- ↓ is 15% of all apprehensions (was 20% in 2004/05)



One in five of those apprehended is charged

Children and young people apprehended and charged



Property offences most common

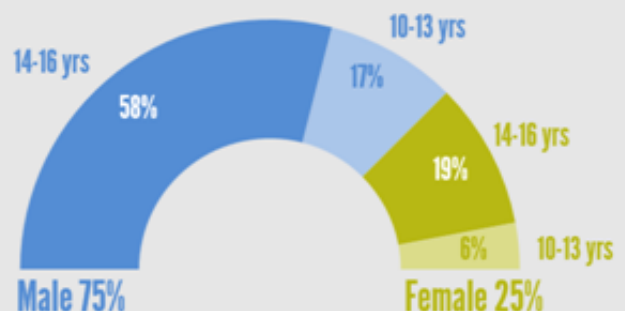
- 46% burglary or theft
- 29% property damage or public order
- 16% offences involving robbery or violence

↓ Apprehensions for all offence types have decreased over the last five years

Decrease in apprehensions seen across ethnic groups

	Māori	European	Pacific people
2009/10	20,081	15,018	2,909
2013/14	13,364	7,314	2,179
Decreased by	-33%	-51%	-25%

Three quarters of those apprehended are male



For more information contact us at justiceinfo@justice.govt.nz. More detailed data about apprehensions is also available on the Statistics NZ website, www.stats.govt.nz/nzdotstat under 'Crime/ Calendar years'.

Children and young people charged in Youth Court

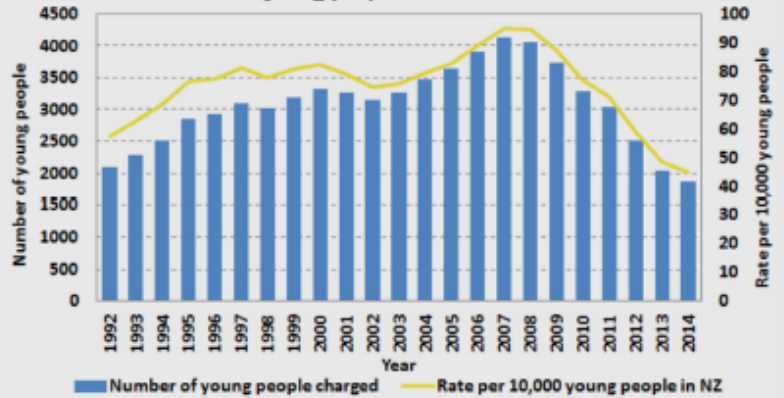
Youth Court statistics for 10-16 year olds in the year ending December 2014

The number of children (10-13) and young people (14-16) charged in court is the lowest in over a decade

The number of children and young people who appeared in the Youth Court:

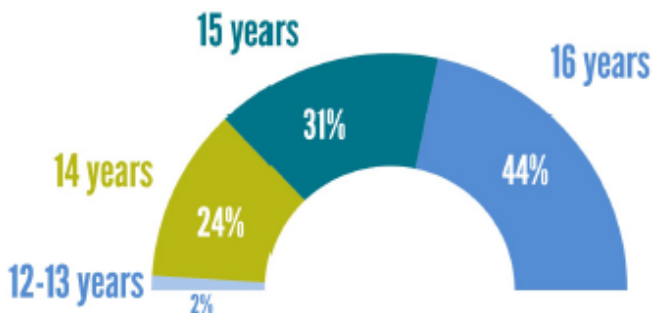
- ↓ Decreased by 8% since 2013
- ↓ Decreased by 55% since 2007 peak
- ◀ Made up 2% of all people appearing in any court in 2014

Children and young people in Youth Court 1992 - 2014



Decline in last 5 years seen across age groups, gender and ethnicity

80% are male



	Māori	European	Pacific People
2010	1,800	1,092	312
2014	1,140	450	219
Decreased by	37%	59%	29%

Proportion in Youth Court who are Māori is increasing



Most charges are proved, and plans formulated at Family Group Conferences are followed

Instead of undertaking a Family Group Conference plan, some children and young people receive these formal court orders

- 120 orders for custodial detention which must be followed by supervision
- 105 orders for a compulsory community programme which may be followed by supervision
- 66 community work orders
- 243 supervision orders

The number of transfers from Youth Court to District Court for sentencing is dropping



Murder and manslaughter, jury trials and most traffic offences must be dealt with in the District or High Courts.

All figures refer to children and young people who had at least one initial Youth Court appearance for a charge (or charges) in the given year. For more information contact us at justiceinfo@justice.govt.nz.

Feature Article

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

Joe Nunweek shares some experiences from practicing in community law regarding young people and educational involvement. All views expressed in this article are the author's own.

Three Boys by Joe Nunweek*

“Approximately six in every thousand NZ kids are excluded or expelled from school each year. What seem like low numbers conceal a world of hurt, snap decisions, double standards and long-lasting consequences. Here's what happened to three boys, including one that got away with it...”



Boy A wasn't even there when the deal went south. His friend Jayesh (more of an acquaintance, really) turned up at school with a foil ball of yellowing and stinky cannabis one morning. He exchanged part of it for sixty dollars behind the windowless back of H Block with another kid, clandestine clouds of breath in the June air. The other kid wasn't as smart. "I can get you all weed now, anytime," he explained in a stage whisper at second period. "Jayesh is my supplier".

The legend of the tactless dealer travelled fast through Year 13. By the end of the day, both he and Jayesh were caught red-handed, and the school fell into an enveloping reefer panic.

Bringing drugs to school is, and always has been, curtains. Students that get caught face near-certain suspension, then exclusion or expulsion. For students over the age of 16, it means they won't be coming back, most likely won't be able to attend conventional school anywhere.

The school didn't stop there. They questioned the circle of friends, anyone who had seen a telltale glint of foil that day. They were all interviewed and told they needed to come forward with the names of any boy who was smoking dope at the weekend, at home – wherever.

Boy A's name was mentioned a number of times on the scrawled confess-all statements. And Boy A had inadvertently incriminated himself, though he didn't

know it. For the past several months, he'd been seeing a school guidance counsellor for depression. In the sessions, he openly described having the same recreational alcohol and drug habits of virtually every 18-year-old boy in the country. The investigating vice-principal availed himself of the records, citing critical school safety reasons. He had his smoking gun.

Boy A was suspended immediately for a nebulous form of gross misconduct. He had done drugs, but he didn't do them at school, but he had done drugs with the boys who did do drugs at school. Plus, it was on the record.

Suspensions have to go before a disciplinary subcommittee of a school's Board of Trustees. Its members can choose between the school management's recommendation (generally, to exclude or expel the student), or they can reach an understanding that the kid comes back on certain conditions.

The student and their family are invited to attend the meetings and explain themselves. The meetings are not fun for anyone. School principals and vice-principals are asked how they can sleep at night. Board members with no legal background have to hold a student's future and the school's needs in their hands and hope they get the balance right.

Boy A's parents didn't have fun, either. Questioned on what they knew of his drug use, they spoke openly and honestly about how they let Boy A's friends gather at theirs and drink in the garage sometimes, because it was better to have a bunch of 17-year olds wake up with blinding hangovers on a pool table than have them wander the streets at night or worse, climb into their Mitsubishi Mirages. Of course they snuck down to the garden for a toke, probably.

The parents were raked over the coals for it by the board and vice-principal alike. Did they know what they were doing was criminal? Did they want to explain that to the parents of the other young men? Then, the clincher – "I can see where some of these attitudes to drugs and alcohol might be coming from." Boy A's mother was set to leap over the table and hit someone, or walk out, or anything to stop the horrible mission drift of the investigation. Just who was on trial here? And what was it they'd done that broke the school's rules?

Amid the shouting match, the lay advocate law grad who had accompanied Boy A's family eventually stammered out a few words about natural justice – pointing out that the parents' decisions weren't a relevant consideration, that the only reason anyone was in the room was that Boy A had chosen to be honest with an adult in the first place, and that if you wanted to make your school counselling service next to useless, the best message you could send to the students would be: "We reserve the right to later use anything you say in confidence against you". This sounded more clumsy at the time than it does here – I know this, because the advocate was me.

Somewhere in the stammer, the message got through. Boy A, who had two terms of school left, who just needed to eke out enough credits to have a halfway decent choice of tech courses, would be allowed to return. He agreed to submit to a strict written behaviour agreement with the school, including random drug tests. If this still seems harsh and not lucky – if you know anything about teenage boys, peer pressure, how long THC stays in the system – then there's something else to know. In this system, you take what you can get.

Boy A was over 16, so if he had been expelled from school, no one else would

Feature Article

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

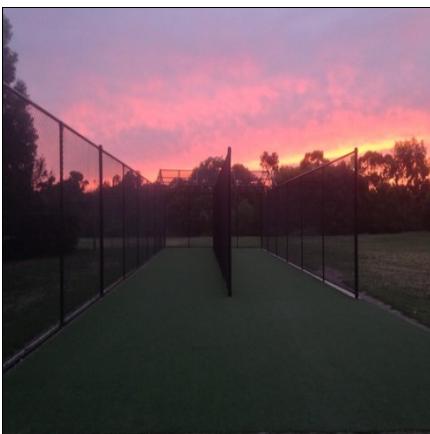


have had to take him. If you disagree with the school board's decision, you can complain to the Education Review Office, but they don't intervene lightly, and can't actually take any action to fix the situation beyond a report to the Minister. Or you can go to New Zealand's nationwide Ombudsman, inundated from everything from Canterbury earthquake disputes to complaints about the withholding of free and publicly available datasets. If and when they get through their year-plus backlog, their powers are limited to a non-binding recommendation that schools don't have to follow.

Those are the free options. Boy A's parents – lots of parents – say they'll go to court if they need to. And they can, but a judicial review in the High Court of New Zealand costs between \$25,000 and \$30,000. It takes months if not years to go through the motions. At the end, with no guarantee of success, the student has still been out of school the whole time.

Lost time is not a currency that you can easily estimate and compensate, though no small amount of legal arithmetic goes into trying to do so. But as it passes by, it costs you dearly. If you miss a year of school at 16, you're paying it back at 26 – at 36 – beyond.

So if you think the school will fall over to appease you because someone delved into your counselling records, the shoe's on the other foot. The shoe is always on the other foot. A boy like you doesn't have parents that have a spare \$25,000 lying around. And you don't have a spare two years.



Boy B didn't spend nearly a month in daily humiliation and bed-pissing terror just to get himself in trouble the first time he fought back. A classmate at the start of his fourth form year took an instant dislike to him, his weak, tense amicability, the way he couldn't throw a cricket ball. Boy B's bully was a head taller and could get him square in the nuts with a footy ball with an expertly-placed kick, 20 metres out.

Usually he didn't bother with a show of skill when a swinging whack in the back of the head with a maths textbook would do, or the pinprick agony of a compass in his shoulder, waiting for him to lean back. It was erratic – two, maybe three days at a time without. Somehow, that made it worse.

One afternoon at the start of math, the bigger kid picked up a plastic chair. In a fluid arc worthy of WWE Smackdown, he brought it crashing down on Boy B's head. And in front of a class of 30, Boy B spun around, pale limbs akimbo, and dealt the bigger kid one across the face.

It was a nasty hit for no training and no coordination. The bigger kid reeled with a bloody nose, a purple eye, a narrow gash from a wayward thumb. And then Boy B and his tormentor realised the teacher was about to come in, and they spontaneously did what they thought was a very clever thing to prevent things getting a lot worse for both of them. They marched to the school nurse and formulated a story on the five minute walk. Boy B had been standing on a chair to change a light for Mr Stanton; it was stuck in the fitting and when it came loose with a jolt, he'd inadvertently elbowed his dear classmate in the face. What do you expect when you get the most uncoordinated boy in the fourth form to carry out a menial task?

This seemed even more clumsy at the time then it does here. I know this, because Boy B was me.

My school had, and still has a zero-tolerance approach to violence. Physical assault on another student falls under the

category of "gross misconduct" that can cop an immediate suspension, but neither I nor the other kid ended up excluded, let alone in front of a Board. There might have been some flicker of leniency because of the bullying aspect of it, or a weird "law of the jungle" reluctance to intervene. They'd violently made their peace; let well enough alone.

More likely is the fact that we were each high-achieving students in the top stream for our year, with respectable extracurricular involvement. We were also both (mostly) white.

As of 2013, New Zealand schools booted out around 3.7 times more boys than they do girls. That's predictable - the ethnic breakdown even more so. If you're Māori or Pasifika, you're between 30 and 60 per cent more likely to get expelled than your Pākehā counterparts. It's the beginning of a long and exceedingly expensive trail of over-representation. You found yourself in trouble more often at school until they kicked you out.

Then you're at home, or somewhere, with no education and nothing to do, and you're finding yourself in trouble more often everywhere else. A 2001 UK study of 263 excluded young people found that 117 had no recorded offences prior to expulsion but offended later. Conversely, only 14 had offended before being expelled and stayed clean afterward.

Crime or otherwise, the life chances of a student who's kicked out flag immediately. Our WINZ offices swell with the ranks of the expelled - many of whom won't have attained a formal school qualification, more of whom won't do anything after school.

The 2001 UK study painted the following picture:

"Permanent exclusion (triggers) a complex chain of events which serve to loosen the young person's affiliation and commitment to a conventional way of life. This important transition was characterised by...the loss of time structures, a re-casting of identity, a changed relationship with parents and siblings, the erosion of contact with pro-social peers and adults, a closer association with similarly situated young people and heightened vulnerability to police surveillance."

Feature Article

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



Enough literature paints a picture of what happens after a school expulsion, but we don't know a great deal about how students have performed beforehand. A generous stereotype of the expelled student is the troubled yet brilliant loner who blows up the science lab or performs an elaborate prank on the teachers. At the other end of the spectrum, you've got the would-be school shooter who needs to be taken out of the system to protect himself and others.

Most students who get kicked out of school, I suspect, are neither. They're average-to-poor students and average-to-poor sportsmen with little extracurricular value to their college, and if there's not an implicit assumption that they're no one's great loss, there's not the counter impetus to try and remain responsible for their management and welfare that might apply if they were a lot smarter, faster or stronger.

And assuming for a moment that you endorse zero-tolerance rules for otherwise tolerant schools, that you think that everyone who breaks the rules should be punished equally, there's a compounding unfairness to this. Because a lot of the bright kids are usually better at breaking the rules and not getting caught.

Which is to say: we smoke our weed and sink our piss circumspectly, and we bully others to the brink of abject, desperate misery without leaving a trace you'll ever be able to find. When we're bored, and we're always bored, we'll egg on one of the less fortunate kids – the ones without self-control, who perform for attention, who are too impulsive for their own good – until they do something stupid and funny. And then we watch the fireworks from a safe distance.

If you're an educator, this is what at least some of your little stars do virtually every day of the week. You could redress the balance by redesigning school and everything around it, the internet included, as a sort of panopticon for teens. Chances are, you'd rather try and figure out something that doesn't involve monitoring them all, and that doesn't let those at the bottom of the heap cop the consequences.



Boy C was at a Wellington co-educational school, and 16, and lonely. Diagnosed with a double-whammy of ADHD and Aspergers, his record wasn't fantastic. It ran to several pages of late arrivals to class, getting out of his chair and wandering when he'd been told not to, of petty and poorly-concealed thefts, of pulling hair or punching in the back when ignored or upset. He was too small for his age to ever do any harm, and honest to a fault when he was inevitably caught red-handed. And he was always caught, and so his list grew.

The school holidays after he turned 16 were spent the way he usually spent them – under a sporadically-adjusted sea of medication, feeling as though he didn't have a friend in the world. His parents relaxed the tough rules on devices and screen-time they set to try and get him to focus on his homework during termtime. He'd go on Facebook, live vicariously through the statuses and photos of classmates who never gave him the time of day during term. Then on the last day of holiday, he was added to a group chat. A bunch of guys and girls, and they were talking about sex.

They asked him if he'd ever done it.

"yes"

And they didn't believe him, the jokes and the "fuck offs" streaming into a blur. Who with? He had a flash of inspiration – and before his better judgment caught up, he'd typed in the name of his history teacher.

Suddenly, they were all interested, egging him on, asking for more details on when, the positions, what it was like. It felt good, typing, them laughing, wanting more. And then the next day they all showed Ms Shelton the history teacher the Facebook conversation and he was suspended.

At the Board of Trustees meeting, Boy C's parents were told he was facing expulsion for continual disobedience. The Ms Shelton affair had been the last straw – she would no longer have him in his class. For his parents, it was just another setback. They had sacrificed pay and regular working hours to both be at home with him as much as possible. They had worked with the school constantly and co-operatively.

For their part, the school had dug into its entitlements from the government for a while (NZ schools receive a Special Education Grant of non-individualised funding, which they can choose how to spend; individual students, with their parents' help, can apply for the Ongoing Resourcing Scheme, which can secure things like teacher aides and help from specialists). But after the teacher aide who worked best with Boy C had to move on at the end of one year, the funding lapsed.

Asked about what had happened to it at the meeting, both the vice-principal and board deflected. They were responsible for over a thousand students, and the funding was very limited. Not everything could be devoted to being one boy's keeper.

Towards the end, Boy C asked to read a statement had prepared. It was probably the longest and most controlled speech he'd ever given, even as he trembled and focused on his handwritten refill. He was sorry for everything he'd done. He'd never had a girlfriend, or a friend, and he just wanted to keep being talked to and keep being included. He said he could try to explain how as the medication wore off he stopped thinking of consequences and just acted on impulse, but that he knew it wasn't an excuse. He said he just wanted to stay, that he would even do some days at home to avoid trouble. He wanted to finish NCEA Level 1 and then find a course somewhere. He just wanted one last chance.

The Board took four minutes to decide that Boy C would be expelled. When they did, he hid his face behind his sheet so they wouldn't see him burst into tears.

Feature Article

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



If Boy C's family had taken it further and sought a judicial review of the decision, there's a possibility the Board's decision may have been overruled. In February, the High Court did the same for a student at Auckland's Green Bay High. His exclusion was found to be illegal, and there was a failure to take into account his special recommendations or the opinion of a child psychologist before making the decision. But it's tens of thousands of dollars to get to that point. For someone with special educational needs, it can be a marginalising, deeply isolating thing – it was if his last link with the normal warp and weft of daily life had suddenly been severed.

A sudden media focus on court reviews of BOT decisions earlier this year attracted comment. Nigel Latta furthered stated that parents who invoked a civil right and brought lawyers into a Board of Trustees matter were "wrong". Perhaps more usefully, Professor Bill Hodge pointed out that the community volunteers who act as administrators shouldn't have to go to bed wondering if they'll end up on the wrong side of a High Court judgment. To do otherwise isn't a very satisfactory mode of existence. The answer, as ever, is access.

Youthlaw's 2012 report Out of School, Out of Mind found that England, South Africa, and certain provinces of Canada have an

administrative structure in place for school exclusions to go to an independent appeal panel. As a regime, it's faster and less costly for both school and family. It also hasn't had a floodgate effect – only a quarter of all appealed cases found in favour of the pupil. Even on those stats, more New Zealand students would be getting wrongful decisions overturned under such a system than are right now.

Access isn't just about a vindicating day in court for protective mothers or fathers. The lower stakes could mean schools waste less time defending poor decisions than explaining their own poor circumstances. For their own part, without wearing the hat of school administrators, a panel could decide a matter on natural justice and not resource constraints.

In doing so, they'd send an implied message to the Ministry of Education: you're letting your schools down, and the effect is that they let their neediest down. It's no more activist than the tenor of certain recent High Court decisions, but it closes a vast gulf between that forum and stale biscuits and Bushells in the staffroom on a Wednesday night.

These kids are not political priorities, though their potential future cost suggests they should be. A similar panel in NZ is probably years down the track – even if that's the case, the best schools and

boards are already realising that youth misconduct and discipline is a dynamic event. Offenders and victims trade places on a dime, the worst behaviour is a symptom and not a disease, parents need empowering and psychologists, social workers – even lawyers – have a part in facilitating a fair outcome. I've seen them do it, and they do so against fearful financial odds.

The students that benefit from these environments will be the lucky ones. But facing expulsion from school in New Zealand isn't always fair, and a lot of the time it can be final. Sometimes you squeak through, or sometimes you're too smart and too rich to have to squeak through in the first place. And sometimes you won't even be in with a chance. Sometimes never.

Certain details, including locations and names where used, have been changed to protect former students, their families, and those school staff and boards.

**This article was first published on 24 November 2014 in the Pantograph Punch. The article has been reproduced with the author's permission. You can view the original article here: <http://pantograph-punch.com/post/three-boys>*

Issues Facing the Education Sector: A Youth Court Perspective

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

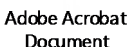


Some Background Notes

Wellington, 25 February 2014
Andrew Becroft
Principal Youth Court Judge
Te Kaiwhakawa Matua o Te Kooti Taiohi

"As Principal Youth Court Judge, I claim no expertise in education law or policy. However, to be involved in the Youth Court is daily to confront young offenders, almost all of whom are not part of the education system. While there are no accurate figures, anecdotally it is thought that up to 65-70% of offenders in the Youth Court (and only the most serious 20% of offending results in Youth Court charges) are not formally "engaged" with the education system. The word "engaged" is used advisedly. Technically, many are not truants, because they are not meaningfully enrolled at a secondary school to be a truant from. They are simply not in the formal education system. They are drifting. They are between schools. They may have been excluded, are not now enrolled elsewhere, or are awaiting placement in alternative education. Or they have drifted out of alternative education and are waiting for a course, seeking employment, or sadly, and too often, simply doing nothing..."



You can access the full report here: 



Copyright of the *New Zealand Law Journal* is the property of LexisNexis NZ Ltd and its content may not be copied, saved or emailed to multiple sites or posted to a listserv without the copyright holder's written permission. However, users may print, download or email articles for individual use.

[2014] NZLJ 430

This article has been reproduced with the permission of LexisNexis Ltd

Discharge without conviction for first time young offenders

Shane Campbell, Christchurch, looks at sentencing options for adolescents

Attendance at any District Court in the country, on any day of the working week, immediately brings into sharp relief the burden which young offenders (interpreted broadly) place on the criminal justice system. This is a problem not only in New Zealand, and is part and parcel of the human developmental experience.

That said, it does appear that New Zealand has particularly acute difficulties with adolescent criminality and social degradation. In a May 2011 report from the Prime Minister's Chief Science Advisor, entitled *Improving the Transition: Reducing Social and Psychological Morbidity During Adolescence*, the following observation was made (at 1):

Adolescents in New Zealand relative to those in other developed countries have a high rate of social morbidity. While most adolescents are resilient to the complexities of the social milieu in which they live, at least 20% of young New Zealanders will exhibit behaviours and emotions or have experiences that lead to long-term consequences affecting the rest of their lives.

This paper will argue that that the Courts have within their arsenal a sentencing weapon which can enable them, if properly utilised, to make a real and meaningful impact on this cancerous reality. That tool is the under-utilised discharge without conviction for first time offenders.

PSYCHOLOGY OF ADOLESCENT BEHAVIOUR

Churchward v R [2011] NZCA 531, (2011) 25 CRNZ 446 is a leading Court of Appeal judgment detailing the relationship between youth and offending. It provides insight into the psychology of young people (at [50]–[55]). In abridged form, the comments of the expert psychiatrist can be reduced to several observations about young offenders. First, they have a reduced ability to “hot” process information. Second, various factors result in them making immature and bad choices, with further negative influence coming from extraneous sources such as family structure and substance abuse. Third, youth have a focus in the present, not the future, which results in a reduced ability to calculate the consequences of their actions and impulsivity. Fourth, they are by definition in their formative years, which leads to behaviour directed to ascertaining their own identities. This can result in seeking out unstable environments and risky behaviours. Finally, the majority of these offenders will emerge from youth into a stable life free from criminality.

In November 2009 the UK Sentencing Guidelines Council published a “definitive guideline” entitled *Overarching Principles — Sentencing Youths*. This document largely repeats the sentiments in *Churchward* but also notes (at para 3.2):

... in most cases a young person is likely to benefit from being given greater opportunity to learn from mistakes without undue penalisation or stigma, especially as a court sanction might have a significant effect on the prospects and opportunities of the young person, and, therefore, on the likelihood of effective reintegration into society.

In the Chief Science Advisor's report it was stated that:

Adolescence is now a prolonged period in the human life course. Its length is influenced by the declining age of puberty as child health has improved and by the rising age at which young people are accepted as adults. This has both societal and biological elements, the latter reflecting recent findings that brain maturation is not complete until well until the third decade of life and that the last functions to mature are those of impulse control and judgment.

In a recent article entitled “Culpability of Young Killers” [2013] NZLJ 158 Brenda Midson observed that:

The overall conclusion reached by cognitive neuroscience is that adolescence is a developmental stage, during which the brain is still under construction ... The prefrontal cortex is the last region of the brain to fully develop, and this process extends well beyond adolescence ... The regions of the brain that are responsible for impulse control, risk assessment, decision-making and emotion take the longest to mature ...

The point is that if society, of which lawyers and the judiciary are necessarily component parts, can nurse young people through these difficult and formative years free from criminal sanction, they will emerge as better, more productive members of society. This is a desirable sentencing outcome by any measure. Indeed, the principle of *doli incapax* (Crimes Act 1961, ss 21 and 22) give express effect to the differing psychological development and culpability of young people. This is consistent with New Zealand's general approach to youth justice (see Judge Andrew Becroft “Access to Youth Justice in New Zealand: ‘the Very Good, the Good, the Bad and the Ugly’” (2012) 18 Auckland University Law Review 23). This paper merely advocates that those principles be taken one step further, whilst remaining squarely within the bounds of the existing legislative rubric.

JUDICIAL APPROACH

Courts are not immune to social realities. Cases provide many examples where young people appear to be given differential treatment because of their age. In *Fraser v Police* [2014] NZHC 2437, Gendall J recognised the consequences



Copyright of the *New Zealand Law Journal* is the property of LexisNexis NZ Ltd and its content may not be copied, saved or emailed to multiple sites or posted to a listserv without the copyright holder's written permission. However, users may print, download or email articles for individual use.

[2014] NZLJ 430

a conviction could have on a young person charged with possession of a small quantity of cannabis. He stated that (at [15]):

... in appropriate cases young people in circumstances such as Mr Fraser now finds himself should be permitted one chance to avoid the lifelong stigma associated with a conviction, particularly for drug offending, albeit minor. This is Mr Fraser's chance... He may not get another one like it and he would be well advised needless to say to make the most of it.

Fraser also referred to the decision in *Boonen v Police* HC Wellington CRI-2003-485-41, 14 October 2003, where it was observed that (at [14]):

The huge and lasting impact of a conviction in terms of overseas travel, but particularly job prospects, has persuaded a number of High Court Judges to allow appeals such as this. That is, appeals by basically decent young people with bright prospects who have committed aberrant offences blotting an otherwise clean copybook.

Another recent example is the (arguably controversial) decision of Winkelmann J in *R v M* [2014] NZHC 1848, which involved the young man who assaulted Auckland student Stephen Dudley after rugby training. There the defendant's age was regarded as important in terms of both his prospects for rehabilitation and culpability (at [25] & [29]). In deciding to grant a discharge without conviction, Winkelmann J observed (at [38]):

I consider there is a real and appreciable risk that your transition into adulthood, given your current prospects and educational ambitions, will be significantly prejudiced should a conviction for violence be entered against you. The fact of a criminal conviction can significantly damage a young person's employment and educational opportunities and have an exaggerated impact upon their development.

In *Rodrigo v Police* [2014] NZCA 68 the Court of Appeal stated (at [18]):

Ordinarily drug dealing is too serious to grant a discharge without conviction but that is not to say that the test for granting one can never be met. Here the offending was low-level drug dealing for minimal profit by a young offender who was otherwise of good character, whose ADHD was undiagnosed and untreated, who has now taken steps to treat his condition, and who is unlikely to reoffend. These matters place the gravity of the offending at the low end...

Youth has also played a role in the following decisions to grant a discharge without conviction:

- *Cook v Police* [2014] NZHC 282 (male assaults female);
- *Latimer v R* [2013] NZCA 562 (burglary);
- *Goggin v Police* [2013] NZHC 2710 (assault);
- *Strickland v Police* [2013] NZHC 2704 (disorderly behaviour and possession of cannabis);
- *Milton v Police* [2013] NZHC 2537 (discharging a firearm with reckless disregard for safety of others);
- *Papuni v Police* [2013] NZHC 1958 (driving with excess blood alcohol);
- *Thompson v Police* [2013] NZHC 1369 (discharging a firearm (paintball gun) without reasonable excuse);

- *Tuisila v Police* [2012] NZHC 3416 (using a document to obtain a pecuniary advantage);
- *Bigy v Police* [2012] NZHC 2852 (possession of a class C controlled drug for supply);
- *McDonnell v Police* [2012] NZHC 2480 (assault with intent to injure);
- *Dickins v R* [2012] NZCA 265 (indecent assault on a girl under 16);
- *Bullock v Police* [2012] NZHC 1374 (possession of class B drug for supply); and
- *Tabitahi v Police* [2012] NZHC 663 (2 counts of wilful damage and 1 count of common assault).

WHERE TO FROM HERE?

The power to grant a discharge without conviction is found in ss 106 and 107 Sentencing Act 2002. Although s 107 is expressed as "guidance" on the use of the power, it is in fact a mandatory gateway through which the case must pass before reaching the s 106 discretion. A helpful guide in the approach to be taken was described by the Court of Appeal in *R v Hughes* [2008] NZCA 546, [2009] 3 NZLR 222, supplemented in *Blythe v R* [2011] NZCA 190, [2011] 2 NZLR 620 and further clarified in *Z v R* [2012] NZCA 599, [2013] NZAR 142, namely:

- (a) identify the gravity of the offending (involving an assessment of the aggravating and mitigating factors of the offending and the offender: *Z v R*, above, at [27]);
- (b) identify the direct and indirect consequences of the entry of a conviction; and
- (c) analyse whether the consequences of a conviction would be out of all proportion to the gravity of the offending.

The above three-step process is the s 107 gateway. Only once the Court is satisfied the gateway is passed can the Court then move to consider whether it should exercise its discretion. For a recent discussion of the term "satisfied" see *Working Capital Solutions Holdings Ltd v Pezaro* [2014] NZHC 1020, [2014] 3 NZLR 379. It has been observed that whether the s 107 gateway has been passed is not a matter of discretion, but a matter of fact requiring judicial assessment: *H v R* [2012] NZCA 198. This categorisation is clearly important in terms of appeals. Finally, it would only be in very rare cases that the discretion would not be exercised once the gateway is passed: *Blythe v R*, above, at [13]; *Z v R*, above, at [27].

As an assessment of the gravity of the offending is inherently fact-specific, the first step is to identify typical consequences, direct and indirect, of a conviction for a young person. These would include:

- (i) a conviction in itself as a severe punishment;
- (ii) international travel can be rendered difficult, if not precluded in many cases;
- (iii) difficulty in obtaining employment;
- (iv) admission to careers or organisations with character or morality requirements can be more difficult or precluded; and
- (v) social stigma.

In terms of proportionality, developmental immaturity is a relevant factor in all cases involving young offenders. It would be disproportionate to impose the massive consequences of a conviction upon a young person who is unable



Copyright of the *New Zealand Law Journal* is the property of LexisNexis NZ Ltd and its content may not be copied, saved or emailed to multiple sites or posted to a listserv without the copyright holder's written permission. However, users may print, download or email articles for individual use.

[2014] NZLJ 430

to ascertain and process the long-term ramifications of their actions, in circumstances where they have the vast majority of their lives ahead of them and have an otherwise clean record.

Related to this is the argument that direct and indirect consequences should not be assessed by reference to a moment frozen in time; potential prospects should also be considered. Further, in many cases a discharge without conviction is the least restrictive outcome available in the circumstances (Sentencing Act 2002, s 8(g)) and gives paramountcy to the principles of rehabilitation and reintegration (s 7(1)(h)).

Each case is unique and requires consideration on its merits. This involves assessing, among other things, the seriousness of the offence, the extent of harm resulting from the offence, the age and maturity of the offender, the potential for the offender to commit further offending and the likely result of any further offending. It is acknowledged that the road to criminal sanction starts long before the Courts. The police play a significant part in deterrence, issuing warnings and granting diversion. Prosecutorial discretion is also an important component in dealing with young offenders. However, little will bring home to a young offender the gravity of their actions like the formality and solemnity of the formal court processes, and the consequences of being an unwilling participant in its machinery. It is at this stage that there exists an opportunity to punish, condemn and tersely warn, without adding an increased layer of difficulty to their lives, which will follow them forever.

In invoking the jurisdiction to discharge without conviction, there is much scope for judicial creativity. Court costs, restitution and reparation can be ordered, and it is not

unknown to make the discharge conditional upon donation of a sum of money to charity (see for example *Fraser v Police*, above, at [17]). So, there is scope to impose tangible punishment, and concomitant tangible benefit to victims, while still affording the young offender one further opportunity to stay beyond the clutches of a criminal conviction. It is submitted that in many cases such judicial creativity is not only more beneficial for the young offender, but also for the victims who receive some tangible recompense.

CONCLUSION

The fundamental question is whether it is proportionate to impose on young people the lifelong burden and stigma of a conviction, when they are insufficiently developed to appreciate, let alone process, the full weight of the consequences that will result from their actions.

In my submission such imposition is in many cases completely disproportionate. A more appropriate course may be to allow young people the opportunity of correcting their behaviour before their misguided decisions, along with the substantial consequences that follow, become irrevocable. If, after being permitted a second chance, a young person is seized of insufficient wisdom to resile from their ways, then inevitably their next court appearance will be treated more harshly by the presiding Judge. However, the point is not about ensuring outcomes, but about ensuring the provision of opportunity. Where a person enters the Court with a clean slate, it is beneficial for everyone if they can exit in the same way. □

Continued from page 405

Section 107 provides that the practice rules of the NZLS are binding on all lawyers and former lawyers, whether or not they are members of the NZLS (note that s 64 of the Act makes clear that membership of the NZLS is voluntary). In addition, s 121 of the Act requires the NZLS to establish a complaints service to receive complaints about lawyers and former lawyers. Section 126 requires the establishment of one or more Lawyers Standards Committees as part of the NZLS's mandated complaints service. Accordingly, it is clear from the drafting of the legislation that the NZLS has a wide jurisdiction over the legal profession, covering as it does both practising and former professionals.

The Lawyers and Conveyancers Act (Lawyers: Complaints Service and Standards Committees) Regulations 2008 are made under the Act and establish the lawyers' complaints service and provide for the publication of information about it.

Sections 226 and 227 require the creation of a body known as the New Zealand Lawyers and Conveyancers Disciplinary Tribunal. The functions of the Tribunal include hearing and determining any charge against a practitioner or former practitioner that is made to it by a standards committee.

There are a number of sanctions at the disposal of the standards committee and/or the Tribunal. These are detailed in ss 156 and 242 and include:

- censure or reprimand (although s 188 contains stringent confidentiality provisions; unless there is a publication order, decisions are confidential to those involved in the complaints process);
- requiring an apology to the complainant;
- striking the lawyer's name from the roll;
- suspension; and
- a financial penalty.

Under s 253 there is a right of appeal to the High Court against any decision or order made by the Tribunal.

In conclusion, there are a number of features of the statutory disciplinary framework established for lawyers which are reflected in the disciplinary arrangements for engineers as seen in the *Harding* case. Nevertheless, it would appear that the NZLS enjoys broader jurisdiction over its members than IPENZ since a lawyer who is not — indeed who has never been — a member of NZLS may still fall within its jurisdiction in matters of professional conduct. □

Sports: one of the “big four” domains



In the context of the youth justice system, there is incredible value of “at risk” youth being involved in sport.



The current thinking on this issue tends to be framed as the need to promote resilience in young people, particularly young people that are “at risk”.

It is well documented by practitioners, researchers, policymakers and communities that there are a few critical ingredients that contribute to a young person’s potential involvement in crime. This rhetoric is often framed as a young person’s “risk” or “resilience”. There are the “big four” domains from which risk and resilience emanate:

1. family;
2. community;
3. school; and
4. peer group.

Dysfunction in any of the “big four” areas in which a child’s development takes place can lead to criminal behaviour, or at least reduce resilience and heighten

risk. For example, a negative family characteristic, such as poor parental supervision or parental criminality, is often identified as a risk factor for future offending, and children who come from such homes are believed to be at greater risk or are more likely to commit offences than children who do not. When the reverse occurs – such as a child growing up in a loving and supportive home – these variables are referred to as protective factors, as they promote a child’s resilience or provide protective barriers against the onset of criminal involvement – even in the light of adverse conditions

In the New Zealand context, some common “risk factors” or early life experiences that are associated with offending by young people (and which, not surprisingly, are all linked to the family) include:

- not being cared for as a child;
- having a young parent and parents separating or living apart;
- showing signs of psychological disturbance from a young age;
- the family having little money and/or living in many places;
- parental criminality and involvement in the use of drugs;
- harsh physical punishment, physical, sexual and/or emotional abuse;
- witnessing family violence or bullying;

- the family not knowing where their children were when they went out, or not supervising children’s leisure activities;
- the child not having a relationship with their father; and
- associating with anti-social peers.

The converse of risk factors are protective factors, or networks that build resilience. Sport is one of the major protective factors and domains that build resilience in all “big four” domains (family, community, school, and peer group). When a young person is involved in sports, they are introduced to new to new social groups and activities which don’t involve antisocial behaviour, there can be improved parental participation and more positive school engagement. Sport also helps:

- teach young people to be good role models;
- to model a team ethic;
- to identify with and feel part of something bigger;
- to connect with the wider community and
- to use their time in a more productive and healthy way.

For more on risk and resilience, see “Tough is Not Enough—Getting Smart on Youth Crime”, research by the Ministry of Youth Affairs (June 2000).



If you are involved with a sports organisation working within the youth justice sector and want to share some of your experiences, we would love to hear from you.

Book Launch



THE YOUTH COURT
OF NEW ZEALAND

TE KOOTI TAIOHI
O AOTEAROA

New Zealand's Gift to the World: the Youth Justice Family Group Conference

Carolyn Henwood and Stephen Stratford

"This book is a New Zealand story, a celebration of the innovative family group conference as a process – a human strategy where the state, whānau and families, young people who have offended and victims come together.

Here is an engaging exploration of the powerful tool for resolving youth crime using true stories and real youth justice family group conference outcomes. Here you will find opinions from New Zealanders working within the field of youth justice inside and outside government.

This remarkable interface between the law, the community and young people who offend shows the human cost of crime and the human commitment to repair harm. Not only does this book look at how it is done and why it is done, it also considers the future of the youth justice family group conference. New Zealand has done well and has much to celebrate but is there more to do?"

Review in NEW ZEALAND LISTENER written by Catherine Masters

You can order the book from: <http://www.henwoodtrust.org.nz/book-order-form>



The book was first launched at Te Papa on Monday 1st December 2014. It was later launched at Hoani Waititi Marae on Tuesday 10 February 2015. Photographs from the launch at Hoani Waititi Marae below. All photographs are credited to Cherrilee Fuller, Taiao Photography



Celebrated author: *New Zealand's Gift to the World: The Youth Justice Family Group Conference* author Judge Carolyn Henwood.



The three Principal Youth Court Judges since 1989 are from left: Sir David Carruthers, Retired Judge Mick Brown (the first PYCJ who established the new system throughout New Zealand) and Current Principal Youth Court Judge Andrew Becroft.



The wharenui, Hoani Waititi Marae

Latest Research / Articles



New Zealand

Title: *Public attitudes toward youth offenders: a national survey of public attitudes toward youth offenders and managing their offending*

Authors: Sarah Miles and Dr Ian Lambie

Source: University of Auckland, December 2014

Abstract: The purpose of this study was to explore public attitudes toward various responses to youth offending, including rehabilitative and punitive approaches. In doing so, the study aimed to reduce recidivism by providing evidence of a mandate from the general public to implement what works in addressing youth offending.

Title: *Engaging youth in youth justice interventions: well-being and accountability*

Authors: Samuel Henry, Mark Henaghan, Jackie Sanders and Robyn Munford

Source: <http://yji.sagepub.com/content/early/2014/12/11/1473225414562636.full.pdf+html>

Abstract: This article argues that youth justice interventions which combine both accountability and well-being components (comprehensive) are most likely to be effective in terms of improving quality of life of youth and reducing the likelihood of reoffending. It also argues that effective interventions are those that actively engage youth and their families in the development of plans and in intervention processes (engagement). It draws on two case studies from a large national mixed-methods study: The Pathways to Resilience research programme.

Title: *Youth Justice Co-ordinators' perspectives on New Zealand's Youth Justice Family Group Conference process*

Authors: Christine Slater, Ian Lambie and Heather McDowell

Source: (2014) *Journal of Social Work* <http://jsw.sagepub.com/content/early/2014/10/01/1468017314552159>

Abstract: The article describes an evaluation of New Zealand's Youth Justice Family Group Conference process from the perspectives of Youth Justice Co-ordinators. The study aimed to understand the development of practice, to identify factors constituting best practice and areas of process weakness. Data was obtained from semi-structured interviews with Youth Justice Co-ordinators. The Youth Justice Family Group Conference process was reported by participants to be effective for the majority of young people, but inadequate for recidivist, high-risk offenders. Best practice included: aligned professional approaches to conference philosophy and practice, service delivery by trained Youth Justice Co-ordinators, conference preparation quality, victim inclusion, and determining a strengths-based personalised plan for the young person. Several process weaknesses were identified.

Australia

Title: *Out of step and out of touch: Queensland's 2014 youth justice amendments*

Author: Jodie O'Leary

Source: (2014) *Current Issues in Criminal Justice* 26 (2) 158

Abstract: Early in 2014 Queensland significantly transformed its Youth Justice Act 1992. The amendments included removing the principle that detention should be a last resort, providing for the automatic transfer of 17 year olds in detention to adult correctional facilities and a mandatory boot camp order for recidivist motor vehicle offenders in Townsville. This article demonstrates that these amendments are out of step with other Australian jurisdictions, conflict with international obligations and are out of touch with the evidence as to best practice in youth justice.

United Kingdom

Title: *Community involvement in restorative justice: lessons from an English and Welsh case study on youth offender panels*

Author: Fernanda Fonesca Rosenblatt

Source: *Restorative Justice* 2(3) December 2014

Abstract: Restorativists have always promoted and fiercely defended the involvement of the community in restorative justice programmes. Nevertheless, in order to justify community participation in recuperative processes, they have often relied on assumptions that have not yet been empirically verified. The research on which this article is based was aimed at confronting such assumptions. A case study approach was adopted to examine the involvement of the community in one selected practice of restorative justice, namely youth offender panels in England and Wales.

Canada

Title: *An opportunity for equality Kokopenace and Nur at the Supreme Court of Canada*

Author: Rosemary Cairns Way

Source: *Criminal Law Quarterly* 61(4) December 2014

Abstract: This article discusses the emergence of an expanded conception of criminal law in Canada which takes into account the constitutional value of equality, focusing on the Supreme Court of Canada cases *R v Kokopenace* and *R v Nur* which deal with the scope of an Aboriginal defendant's constitutional right to a representative jury roll and the constitutionality of a mandatory criminal sentence for the offence of gun possession.

Latest Research / Articles



United States

Title: *Calculating the full price tag for youth incarceration*

Authors: Justice Policy Institute

Source: <http://www.justicepolicy.org/research/8477>

Abstract: The report documents the direct, state-by-state costs to incarcerate youth and, using new methodologies advanced by academics and researchers in the field, provides an estimate of the long-term costs of unnecessarily confining young people in secure facilities. The report shows that the impact of confining youth is not limited to just economic or fiscal costs, and that the costs to taxpayers and policymakers are not justified by the outcomes.

Title: *Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings*

Authors: National Institute of Corrections

Source: <http://nicic.gov/library/O29603>

Abstract: This is necessary reading for anyone involved with educating incarcerated youth. "Providing high-quality education in juvenile justice secure care settings present unique challenges for the administrators, teachers, and staff who are responsible for the education, rehabilitation, and welfare of youths committed to their care".

Europe

Title: *A decade of progress: promising models for children in the Turkish juvenile justice system*

Author: Brenda McKinney

Source: (2013) *Journal of Islamic & Near Eastern Law* 12(1) <http://escholarship.org/uc/item/Oxz1n2q0#page-9>

Abstract: Turkey has improved its approach to interacting with children in conflict with the law over the past decade, moving closer to a system that ensures its children the opportunity to strive for a better future. This Article focuses on two promising Turkish reforms that hold potential to improve juvenile justice systems internationally, namely: open model incarceration and Turkey's approach to diversion. This Article demonstrates how a child-centred juvenile justice system can improve public safety and outcomes for youth. It also addresses potential challenges to each model and identifies broader issues that may require reform.

In Local News...

Franklin County News
TUESDAY DECEMBER 9, 2014 • 217 KING STREET, PUKEKOHE www.franklincountynews.co.nz AUDITED NET CIRCULATION 31,150 COPIES

Copped on the canter

By SHAUN EADE

The New Zealand Police Commissioner might have to consider issuing some of his officers with lassoes after they made a *Wild West*-styled horseback arrest in Tuakau.

Constables Lorraine Borrell, Cathy Cullen and Laura Swan had just finished taking part in the Tuakau Christmas Parade on Saturday afternoon with horses Chief, Captain and Shadow when they heard a burglary reported over the radio.

The three were on the other side of town but Borrell said they decided, with the crowded streets, it was a good job for them.

They set off for Madill Rd, Tuakau where two teenagers were seen fleeing from the scene of a house burglary with a large bag of stolen electrical equipment.

"We trotted through town and went to where the location was and luckily at that time, a description came through (on the radio) of the offenders and we saw them trying to sneak off through the crowds," Borrell said.

She took pursuit of the first offender while Cullen and Sergeant Tod Kirker, who was on foot, chased the second.

"I cantered after [the first] one and jumped off my horse and handcuffed him to the church rail, which he was not very impressed about," she said.

Pukekohe's Inspector Mick Woods described the offender as "a 16-year-old local youth, well known to local police".

His accomplice managed to get away but was identified and arrested on Sunday.

Both teenagers have been referred to Youth Aid.

Borrell said it was an unusual way to catch a thief.

"It was a bit different to the normal style, that is for sure.

"It was a great catch and it was really good for the victim to get some closure and get all the property back."

She sent a warning to any outlaws roaming the wild south-west of Auckland, the trio will be back on patrol with their horses for the Waiuku Christmas Parade this Saturday.

ON PATROL: Constable Laura Swan, left, riding Smoke; Constable Cathy Cullen on Captain and Constable Lorraine Borrell with Chief, during the Tuakau Christmas Parade. The made a rare horseback arrest shortly after the parade finished on Saturday afternoon.

Notices/Pānui

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

Youth Crime Action Plan Information Sharing Guide

The Ministry of Justice [YCAP Information Sharing Guide](#) is now available online:

<http://www.justice.govt.nz/policy/crime-prevention/youth-justice/youth-crime-action-plan/publications/global-publications/y/youth-crime-action-plan-information-sharing-guide>

The YCAP Information Sharing Guide is part of the [YCAP toolkit](#):

<http://www.justice.govt.nz/policy/crime-prevention/youth-justice/youth-crime-action-plan/policy/crime-prevention/youth-justice/youth-crime-action-plan/youth-crime-action-plan-toolkit>

This guide is for:

- Groups that are developing and implementing youth crime action plans for their local community, and
- Agencies wanting to share information to better manage a young person's case.

Sharing information about at-risk children and young people enables us to harness our collective strength, make better decisions and make a real difference to young people's lives.

When we're making decisions about sharing information, we need to make sure we protect people's privacy. Many of you have asked for additional guidance on how to decide whether it is OK to share a young person's information. This guide will help you do that.

At the heart of the guide is a simple five-step checklist that will help you make decisions about sharing personal information. More detailed guidance is provided alongside each question.

This guide should be read together with any specific guidelines produced by your agency on privacy and information sharing. This guide is part of the 'YCAP toolkit', a collection of how-to guides and resources to help government agencies and communities work well together.

Launch of Te Kōti Rangatahi ki Tauranga Moana



Aotearoa New Zealand's thirteenth Rangatahi Court will be launched at Opopoti Marae ki Maungatapu in Tauranga on Saturday 14 March.

Rangatahi Courts are a judicial initiative aiming to provide the best possible rehabilitative response to Māori young offenders by encouraging strong cultural links and involving communities in the youth justice process. Kaumātua and kuia (respected elders) provide support and assistance to the Judges and rangatahi. Te reo Māori and tikanga Māori (Māori language and custom) are incorporated into the court process.

The hearings take place on a marae rather than in a Youth Court courtroom, although the process does not remove the Youth Court's business from the courtroom to the marae on a wholesale basis. The purpose of having the subsequent hearing or hearings on the marae is for the Judge to monitor the progress of the Family Group Conference (FGC) Plan and to ensure that appropriate resources and programmes are in place. If the FGC Plan breaks down, or a formal order is to be made, the matter is returned to the Youth Court for the process to continue there.

Evaluation of the Rangatahi Court has shown that young people feel a sense of accomplishment and pride after completing the process, that they take accountability for their actions and often stay engaged with the marae after their involvement with the court has ended.

Te Kōti Rangatahi ki Tauranga Moana will be predominantly presided over by Judge Louis Bidois and Judge Alayne Wills.

An update on the launch will feature in the next edition of the Rangatahi Court Newsletter.

Upcoming Youth/Lay Advocates Conference

Advance Notice of Youth Advocates Conference and Lay Advocates Conference – claim the dates

In an exciting first, there are two youth justice conferences planned for Monday 13 and Tuesday 14 July in Auckland. One is for Youth Advocates, the other for Lay Advocates. The two conferences will be held at the same venue (Ellerslie Event Centre) to allow some sessions in common but each conference will also have specialist sessions for its advocates. Pencil in those dates now and plan to attend. For those who normally have Youth Court on a Monday or Tuesday the Principal Youth Court Judge has arranged that there will be no courts held on those days.

Youth Advocates can register their interest with NZLS CLE at <http://www.lawyerseducation.co.nz/shop/Conferences+2015/16YAC.html> and they will then be automatically informed when registrations open. Lay Advocates will be sent information directly shortly.