

# COURT IN THE ACT

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



This is my last “Editorial” for Court in the Act, in fact a farewell message.

My term as Principal Youth Court Judge comes to an end with my retirement today. I want first to take this opportunity to pay tribute to all who work in youth justice and those who work tirelessly to keep young people away from our court. The success of the work is evidenced by the statistics. Contrary to the impression that might be gained from media coverage of the recent spate of ram raids, offending by young people has been steadily declining for many years. This is reflected in the numbers coming into court. The rate of Youth Court appearances more than halved (51 per cent reduction) between 2016 and 2021 and it is encouraging to see that this reduction was largely driven by the reduction in young Māori coming into the court.

While the numbers in the Youth Court are down,

the complexity of the cases we are left with is increasing. Those who are in court are facing very serious charges and have high and complex needs. The prevalence of exposure to trauma, neurodiversity, substance addiction and mental illness characterises this group. The sadness for me is that these needs have been around for a very long time and have been there to be seen long before offending behaviour brings a spotlight on them. In the Youth Court, with the multi-disciplinary team and the access to assessments and reports, we are able to look closely at the life course which has brought the young person to the court and we see all too often the opportunities for effective intervention which have been missed along the way.

When a young person comes into the Youth Court with entrenched and long-standing challenges, I often have the feeling that we are playing “catch up” and trying to interrupt the trajectory into long term offending in a very short time frame while they remain in our jurisdiction. It is a tribute to all who work with these young people that you so often succeed. The latest Youth Justice Indicators Summary Report shows very significant reductions in reoffending rates for those who have been in the Youth Court.

I expect that we are yet to see the effects of the COVID-19 pandemic and the disruptions that has caused. We learned some very good lessons, particularly the strategies that were used to reduce the number of young people in custody. These strategies were born out of the need to keep space available in Youth Justices Residences for isolation and they succeeded. If we were able to achieve the reduction for that reason then we should be able to continue to look for alternatives

to custody as a matter of general practice and it seems we are doing this.

There has been ongoing focus on keeping young people out of police cell custody wherever possible. Each morning my office receives the details of young people in police cells. Mostly there are one or two, sometimes five after some joint offending, and then only for a few hours before coming to court. The interagency work that goes on seven days a week around the clock to find appropriate placements for these young people following their arrest is nothing short of outstanding and reflects the very best of application of youth justice principles. Holding cells in police stations are no place for vulnerable young people.

I continue to have concern for the children who grow up witnessing family violence and in some cases being hurt themselves by those who should be caring for them. We know that this exposure causes trauma which affects brain development as well as giving rise to a belief that such behaviour towards intimate partners is normal and acceptable. The criminal justice response to family harm concentrates on the perpetrator and the primary victim with the provision of intervention programmes. The silent victims, the children, are largely ignored. These children, sadly, will be the victims and perpetrators of the future unless that trajectory can be interrupted.

When we consider the shameful statistics – 150,000 police call outs a year for family harm investigations with an estimate that this represents only 20 per cent of the incidents actually happening, and then recognise that in 80 per cent of those call outs children are present – there are many thousands of children at risk. I imagine these children standing by their bedroom door while the police talk to the adults, waving a red flag and calling out: “*What about me?*”. Doing something about them will include providing them with support, ensuring that schools are aware of the trauma they are suffering and accommodating this in their time at school, ensuring that they become aware that what they are experiencing is unacceptable, identifying what other barriers they may have

in their development, and generally addressing their needs which will be many. We ought not to wait until the effects of witnessing family harm play out in offending behaviour, as they almost certainly will.

I am very proud to have been a part of our youth justice system for nearly 28 years as a Youth Court Judge and for six of those years as Principal Judge. We have been innovators in what we do and have inspired changes in the wider justice system and we should never stop seeing what we can do better, together.

This whakatauki I think reflects the Youth Court: *E hara taku toa i te toa takitahi, he toa takitini – my strength is not as an individual, but as a collective.*

I extend my warmest congratulations to Judge Ida Malosi on her appointment as my successor. I know that the Court is in safe and nurturing hands.

Haere rā

John Walker