

# Rangatahi Māori and Youth Justice

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## Oranga Rangatahi

Research undertaken for the Iwi Chairs  
with the support of the Henwood Trust  
and the Law Foundation



# Reflection

## *On the opening of the new Rangitahi Court in Christchurch*

The Chief Justice, Dame Sian Elias, in her address, raised three main points about the current youth justice climate in Aotearoa New Zealand. First, young people always have got into trouble, and will always do so. But now more than ever, we know about the connections between offending and neuro-disability, alienation from whānau, school and community, substance abuse, and young people who have been victims themselves of abuse and neglect. This knowledge must be seized upon.

Second, most young people grow out of their offending behaviour – they are at a transitional phase in their development. However, some young people are irreparably damaged by their circumstances and also by the system. In this respect, it is vital that we in the youth justice system “get it right” when we respond to these young people.

Third, it is through socialisation, inclusion and connection, not punishment, that young people learn to obtain respect for others by respecting themselves. As a community, we are all invested in growing healthy, respectful and supported young people.

The Chief Justice reflected that the Rangatahi Courts acknowledge a certain kind of alienation for young Māori – alienation caused by inter-generational processes of urbanisation, the loss of tribal connections and the loss of te reo Māori. In this respect, the Rangatahi Court is about fostering a sense of belonging and an attempt to bring rangatahi “home”.







## RESEARCH PAPER

# Rangatahi Māori and Youth Justice

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PREPARED FOR IWI CHAIRS FORUM

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### COMPILED WITH THE ASSISTANCE OF THE

Henwood Trust  
New Zealand Law Foundation  
Todd Foundation



*Henwood Trust is a purpose-designed charitable trust working to achieve effective strategies for young offenders. The trust was established in 2004 by Judge Carolyn Henwood, James Johnston (Ngāti Porou) and Neil Gray. Current trustees: Judge Carolyn Henwood, Peter Johnston (Ngāti Porou), Dai Henwood. Development Director: Jennifer George*

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## Comments from Judge Carolyn Henwood CNZM, Chair of the Henwood Trust

When we wrote our book *New Zealand's gift to the world: The youth justice family group conference*, we wanted to explore the youth justice family group conference (FGC) as a method of resolving youth offending.

We were taken by surprise at some of the difficulties that were revealed to us. The system exposed the lack of effective engagement with Iwi and the low number of Māori children in the youth justice system being dealt with in terms of their cultural needs.

One problem is that the law provides for specific sentences for offending, such as a secure placement in a youth justice residence. There are other alternatives for young people who have the support and a well-thought-out plan arising from the FGC, but for many young Māori offenders there is no alternative plan available and the default practice is a formal sentence in a secure placement. This of course paves the way to prison in later life. Without meaningful engagement with Iwi, the potential to structure a well-thought-out plan does not happen.

We asked, could Iwi offer more to the youth justice system without becoming an agent of the state?

My view was that before help can be offered, a clear picture of the youth justice system needs to be available for people to scrutinise. Only then can effective solutions be designed.

Our goal is to provide Iwi Chairs with sufficient information to make interventions based on the sound information provided by our data. There may be other data to access, but we hope this current information will be useful to guide thinking, ignite ideas and find solutions.

At the end of this project I would like to highlight some areas which stand out to me as important. These also raise the larger question: How committed is the New Zealand government to working with Iwi to reduce the incarceration of Māori?

### **Systems**

1. The power and policy structure controlling and managing youth justice is cumbersome and almost impossible to understand. In the structure there are ministers of the Crown, government departments, chief executives and a principal Youth Court judge.
2. It is hard to see where Iwi fit into the process in a meaningful way.
3. Even though successive governments have, over the years, expressed a will to work with Iwi for better outcomes for Māori, I cannot see a national plan or taskforce to do this. There are individual initiatives, but there is neither a high-level strategic plan developed in partnership with Iwi nor mobilisation of a workforce tasked to make this happen across the country.
4. The system appears to contain little or no accountability. If there are problems, it is hard to know where Iwi can go for resolution. There is no independent tribunal or authority set up to deal with complaint issues affecting young people or whānau.

### ***Persistent offenders***

I believe that the most persistent young offenders have a background of care and protection. The current system does not deal effectively with their needs. Many tend to move on to adult offending after the age of 17. This is supported by the statistics produced by the Department of Corrections. Of those aged 17, 18 or 19 years in prison as at 31 January 2017 – namely 356 – only 41 have no prior background with the Department of Child Youth and Family, now known as the Ministry for Vulnerable Children, Oranga Tamariki.

### ***Police***

1. Police have a key role in youth justice and it would be worthwhile engaging with them to develop positive practice.
2. Youth Aid officers do not usually carry out the arrests; it is other police officers who arrest at the scene. They use the power of discretion to arrest or not, and this may vary nationwide.
3. Police decide who gets charged, and the gravity and number of charges laid. For example, a group of young people acting together in taking a hat from someone could all be charged with aggravated robbery – a high-end Crimes Act offence – or they could be charged with one of a number of lesser menace or disorder offences.
4. Youth Aid officers make a decision about whether the case will be dealt with by warning, by Youth Aid diversion, or by referral to an FGC.
5. Police Youth Aid officers at the FGC also have influence to approve an FGC plan for the court, or push for a sentence of secure residence.

### ***Youth Justice Family Group Conference***

The youth justice FGC is very important for whānau and victims. It is a chance to have a say in the outcome for the young person. It is so important to have a good turnout at the conference. It is sometimes hard for social workers or Youth Justice Co-ordinators in Oranga Tamariki to connect with Iwi in this process. I am not clear what can be done to clarify the obstacles in the way of locating whānau, and Iwi registers would help.

### ***Sentences***

The legislation provides for sentences, and whānau can offer alternatives. These are recommended by the FGC and put in place by a Youth Court judge.

Instead of a formal sentence, the development of a well-thought-out plan which can be managed by whānau is one option. The sentence of Supervision with Activity is also available. This sentence can incorporate whānau or Iwi placements or support.

I think there is plenty of potential in these two options, and there is a need for a suitably trained workforce to design and supervise this type of sentence.

When these are not an option, a custody sentence often follows by default.

### ***Remand: An area of greatest need***

1. Remand is a very serious problem. Many youths have to wait for a placement, and this means they may be placed into a secure youth justice residence in the interim. There they mix with young people who have been sentenced. Sometimes they wait for months without a resolution or plan for them. This is a space where Iwi could assist by connecting with these young people and finding options for them.
2. The figures show a recent drop in the number of FGCs being held. This may be a good thing, but there is also a marked increase in the number of young people being contained on remand. The question is: Are young people being contained in custody because earlier FGCs have failed them?



3. There is a lack of quality community places for young offenders with complex needs.
4. The number of young people in police cells is of concern. We really need to remove police cells as an option, except in an extreme emergency and only overnight. I believe the problem exists because there are not enough beds provided either in Oranga Tamariki or in the community.

### ***Training***

The state has not yet devolved placement of rangatahi who offend to Māori/Iwi except in a few exceptional cases. There is a clear need for a trained and skilled workforce, and it would be well worthwhile to invest further in training and education in the caregiver and youth worker roles in Iwi communities. This will help with the devolution process.

### ***Communication and access***

1. The process of communication between the Youth Court and Iwi has been operationally difficult. I have heard from the lawyers that they often do not know how to locate extended whānau of the young offender so that they might be brought into the system.
2. Rangatahi Courts are a positive initiative with potential for development. They are a government court and not a Māori/Iwi justice pathway.
3. The new Oranga Tamariki Act creates uncertainties but also presents an opportunity as youth justice work is developed in the Ministry. It is not yet clear if Iwi have had a role in developing the architecture of the Ministry and its systems of service delivery.
4. Good data that can identify where youth offending is taking place and the types of offences is publicly available. Iwi can study their communities and see what is driving criminal behaviour in their region. They may be able to have a role in breaking the cycle of crime. The modern role of the Māori warden and the Lay Advocate may be worth noting.

We have considered some ideas for solutions, and offer these to you for discussion. I believe some big interventions are needed if there is to be a decrease in the incarceration of young Māori.

### ***Iwi collective action***

It is very important to recognise that the following ideas are not about becoming an agent of the state. But Iwi might consider acting collectively to:

1. Establish a National Iwi Research and Development Agency.
2. Establish a National Iwi Watchdog for policy in the justice sector and in care and protection.
3. Establish an independent Iwi Service to hear from people who have concerns about state care and abuse of their children. This will assist with resolving cases for whānau and force accountability where there is systems breakdown.
4. Strengthen education and training to a high level through existing relationships with universities, or establish Iwi training and development for:
  - a. whānau;
  - b. social workers;
  - c. youth workers; and
  - d. lay advocates.
5. Develop a National Iwi Remand Strategy with the hope that each year between 10 and 20 young people can be placed with and supported by whānau who are highly skilled and knowledgeable in working with young Māori who persistently offend and who have complex underlying needs.

6. Lobby for Iwi representatives in every court. Ensure that Iwi representatives know when and where their young people are in FGCs, at court appearances, or needing support, and make sure this happens.

A taskforce for campaign management as well as expertise in logistics will be needed to make sure that these ideas work in practice.

***Each Iwi might consider***

1. Building a justice unit inside each Iwi to take leadership. It would:
  - a. be the home of the Iwi register and first port of call when a young person appears in the Youth Court;
  - b. lead engagement with state agencies;
  - c. understand the drivers of crime in specific regions;
  - d. assist whānau to engage with state agencies;
  - e. provide a “Serious Crash Unit” that offers options for resolution of individual cases;
  - f. build resources and capacity – in health, education and other programmes; and
  - g. support Rangatahi Courts with tikanga.
2. Offering safe, highly trained alternatives to placing rangatahi
  - a. in police cells when there is no other place to go;
  - b. in youth justice residences while on remand or on bail;
  - c. in Supervision with Activity programmes; and
  - d. in programmes that form part of Youth Justice FGC plans.

# Executive Summary

## Rāpopoto Matua

This report seeks to understand the involvement of rangatahi Māori (14- to 16-year-olds) in the youth justice system in this country. We ask why so many of the young people moving through this system are Māori, and describe some of the actions being taken to reduce rangatahi Māori engagement with it.

E whai ana te pūrongo nei kia mārama ki te urunga o ngai rangatahi Māori (14 ki te 16 ngā tau Pakeke) ki te pūnaha manatika rangatahi ki tēnei whenua. Ka tukuna te pātai he aha kē i pēnei rawa ai te maha o ngai rangatahi Māori ki waenga i te pūnaha nei ā, me te hora i ngā kaupapa e mahia ana kia heke iho ai te tatau o ngai rangatahi Māori ki te pūnaha manatika rangatahi.

We consider when the hearing of a young person aged 14, 15 or 16 is transferred from being formally warned through to being formally charged, appearing in court and being sentenced (see Figure 1).

Ina mauheretia he uri rangatahi e ngā pirihiimana mō ngā hara kua whakapaehia kei reira ngā momo huarahi ka tohua mō rātou mai i te tuku tūpato ō-kawa tae atu ki te tuku hāmene ō-kawa me te tū ki te aroaro o te kōti hara (Tauira Tuatahi).

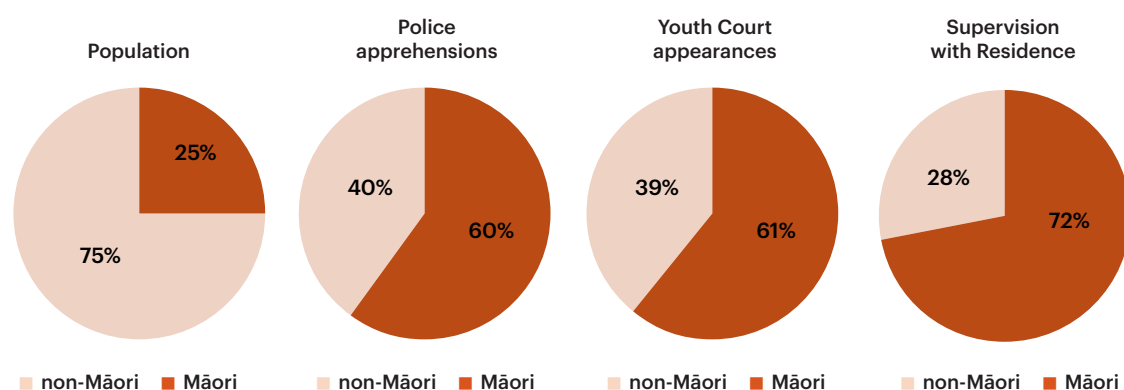


Figure 1: Representation of rangatahi Māori (14–16 years)

The goal of the youth justice system is diversion: that is, finding pathways for young people who offend that do not lead them to receiving a criminal conviction. Overall, the number of apprehensions of young offenders has been declining in recent years. Increasing Māori over-representation in the youth justice system is occurring because the rate of Māori youth offending is not declining as quickly as the rate of non-Māori youth offending.

Ko te taumata o te pūnaha manatika rangatahi he autaki arā, kia rapu huarahi mō ngai rangatahi e taka ana ki te hē e kore ai rātou e whiwhi tohu hara. Ko te hanga nei e heke haere ana te maha o ngā mauhere i te hunga hara rangatahi i waenga o ngā tau pātata ki muri. Ko te maha



kē atu o ngai Māori kei waenga o te pūnaha manatika rangatahi i ēnei wā nā te maha kē o ngā hara a ngai rangatahi Māori kihei i ōrite ki te hekenga o ngā rangatahi momo kē.

The underlying causes of Māori youth offending include a disruption of Māori cultural identity that can be traced back to breaches of the Treaty of Waitangi; Māori economic exclusion and segregation; and the challenging lifestyle circumstances of many whānau and rangatahi.

Ko ngā taketake mō ēnei raru hara a ngai rangatahi Māori e pā atu ana ki ngā pōrarua kua pā ki o rātou tuakiri ahurea Māori mai i ngā momo take whawhati i te Tiriti, te aukati urunga, te āta ārai mārika i a ngai Māori ki ngā take ohaoha tae atu ki te oranga noa o ia whānau tae noa ki te hunga rangatahi hoki.

“Crossover” youth are those who move from our child welfare system into our youth justice system. Young people who have been in care and protection are at increased risk of having a Corrections record by the time they are 20 years old.

Rangatahi Huawhiti ko rātou kua nuku mai te pūnaha toko i te ora taitamariki ki te pūnaha manatika rangatahi. Ko ngai rangatahi kua noho ki waenga o ngā kaupapa tiaki haumarua hoki ka piki ake ngā pānga pōrarua mō tō rātou whiwhi tohu hara i mua o te huritau rua tekau.

Youth justice pathways begin with the police.

Ko te tīmatanga o te huarahi manatika rangatahi kei ngā pirihihana.

- While only one in every four young people (aged 14–16 years) in this country is Māori, one in every two young people apprehended by police for suspected offending is Māori. Ahakoa kotahi noa iho o ia hunga rangatahi tokowhā (waenga i te tekau mā whā me te tekau mā ono tau) o tēnei whenua he uri Māori, kotahi o ia tokorua e mauherehia ana e ngā pirihihana mō ngā whakapae hara he uri Māori.
- Young people apprehended by the police may receive a warning or alternative actions. One in five offences results in a police warning, and around one-third of young people experience alternative actions. Ko te hunga rangatahi kua mauherehia e ngā pirihihana tērā pea ka whiwhi tohu tūpato whakarite kē atu rānei. Kotahi o ia hara e rima ka whiwhi tohu tūpato ā, e toru tekau mā toru ōrau o te hunga rangatahi ka whiwhi whakarite kē atu.
- Police can refer a young person to a Youth Justice Family Group Conference (FGC) when they intend to charge a young person. Around 8 percent of young people detected in alleged offending receive a direct referral to an “intention to charge FGC”. E āhei ana ngā pirihihana ki te tonu i ngā hunga rangatahi ki te huihuinga-ā-whānau a te manatika rangatahi mena e aro ana rātou ki te hora hāmene ki ngā hunga rangatahi. Kei ngā takiwā o te waru ōrau o te hunga rangatahi kua tae ki te whakapae hara ka whiwhi tohu tōtika atu ki te huihuinga-ā-whānau hanga hāmene.

The second pathway for referring young people to a Youth Justice FGC is when they appear in Youth Court (see below).

Ko te tuarua o ngā huarahi mō te hunga rangatahi e anga atu ai ki te huihuinga-ā-whānau a te manatika rangatahi ko tō rātou taenga ki te Kōti Taiohi (Tirohia ki raro iho nei).

- In 2016, just under 2,500 young people were involved in Youth Justice FGCs. I te tau 2016 tata ki te rua mano rima rau hunga rangatahi i uru atu ki ngā huihuinga-ā-whānau.
- The format of an FGC is flexible and will usually involve: information and advice giving, discussion and decisions, recommendations and plans.

He māmā te takahuri i ngā take whakahaere huihuinga-ā-whānau me te puta ake o ngā pārongo o ngā tohutohu hoki hei whiriwhiri e oti ai ngā whakatau me ngā mahere.

Reasons for arresting a young person include: ensuring they appear in court; preventing them from reoffending; and/or preventing the loss of evidence or witnesses.

Ko ngā take e mauherehia ai ngā hunga rangatahi e pā atu ana: mātua kia tae ki te kōti; kia kaua ano e taka ki te mahi hē; me te tiaki kia kore ai e ngaro ngā taunakitanga e raru ai rānei ngā kaititiro.

- The most common of the serious offences young people (14–16 years) were charged with in 2015/16 was “Unlawful entry with intent/burglary, break and enter”. Around two-thirds of young people charged with this as their most serious offence were Māori. Ahakoa kotahi noa iho o ia hunga rangatahi tokowhā [waenga i te tekau mā whā me te tekau mā ono tau] o tēnei whenua he uri Māori, kotahi o ia tokorua e mauherehia ana e ngā pirihiimana mō ngā whakapae hara he uri Māori.

When a young person is charged with an offence they will usually be referred to the Youth Court (unless their offence warrants a referral to the District or High Court).

Ka whiua he whakapae ki tētahi hunga rangatahi tērā ka tonoa ki te Kōti Rangatahi (Erangi mena ko ana raru e tika kē ana kia tukua atu ki te aroaro o te Kōti ā-Rohe Kōti Teitei rānei).

- In 2016, most of the young people appearing before a Youth Court were 14–16 years old. I te tau 2016 ko te nuinga o ngai taiohi e putaputa atu ana ki te Kōti Rangatahi kei waenga i te tekau mā whā me te tekau mā ono ngā tau.
- Eight out of every ten young people appearing before a Youth Court were male; six out of ten were Māori. Tokowaru o ia kahui taiohi tekau ka puta atu ki te aroaro o te Kōti Rangatahi he taitama, tokoono o aua tekau he uri Māori.
- The percentage of Māori aged 14–16 years appearing in some Youth Courts tops 90 percent. That is, almost all 14–16-year-olds appearing in some Youth Courts are Māori. Kō atu i te iwa tekau ōrau o ngā hunga e puta atu ana ki ētahi o ngā Kōti Rangatahi he uri Māori i waenga i ngā tau tekau mā whā ki te tekau mā ono. Arā tata tonu ko te katoa o te hunga waenga o ngā tau tekau mā whā ki te tekau mā ono e puta atu ana ki ētahi Kōti Rangatahi he uri Māori.

There are currently 14 marae-based Youth Courts. A young person can appear before a Rangatahi Court when this is part of their FGC plan.

I tēnei wā tekau mā whā ngā Kōti Rangatahi ā-marae. E āhei ana te taiohi kia puta ki te Kōti Rangatahi mena kua honohia atu ki te mahere a te huihuinga-ā-whānau.

- In 2016, 389 young people appeared before a Rangatahi Court. I te tau rua mano tekau mā ono toru rau, waru tekau mā iwa ngā hunga taiohi i puta atu ki te Kōti Rangatahi.
- A 2012 evaluation of Rangatahi Courts found that the cultural relevance of the marae and the cultural processes followed were critical success factors. He aromātai mai o te tau rua mano tekau mā rua o Ngā Kōti Rangatahi ka kitea ko te whai patanga o te marae me ōna kaupapa ahurea he tohu whai hua.

Most of the charges against young people are proved in Youth Court, and the plans agreed to at their FGC are followed.

Young people on remand are waiting for their next Youth Court appearance or waiting for a placement or a resolution. They can be remanded at large or on bail in the community, or detained in the custody of the Chief Executive of Oranga Tamariki. Young people on remand in youth justice residences mix with those who have received a sentence from the Youth Court.

Ko ngā hunga rangatahi kua herea ki te hāmene tārewa ka tatari kia tae ki mua o te Kōti Rangatahi ā, e tatari kē ana rānei kia tohua he whakarite he nohonga hoki. Ka tāea te tohu hāmene tārewa ki te matawhānui, te tohu taurangi ki te pāpori, te herehere rānei ki raro i te mana o te Tunuaki o Oranga Tamariki. Ko aua hunga taiohi kua herea ki te hāmene tārewa ki ngā ohu manatika rangatahi ka tāpiri atu ki ērā kua oti kē te whakatau hāmene mai i te Kōti Rangatahi.

- In 2015/16, there were 531 rangatahi Māori on remand in youth justice residences, an increase of 37 percent from 2011/12.  
I ngā tau rua mano tekau mā rima mā ono rima rau tekau mā toru ngā taiohi Māori kua whiwhi hāmene tārewa kei roto i ngā ohu manatika rangatahi, he pikinga mā te toru tekau mā whitu ōrau mai ngā tau rua mano tekau mā tahi mā rua.
- The average stay in a youth justice residence for those on remand was 39.6 days.  
Ko te taurite mō te wā noho ki ngā ohu manatika rangatahi mō rātou kua whiwhi hāmene tārewa ko te toru tekau mā iwa ira ono rā.

A young person may be detained in police custody if they are determined to be violent or likely to abscond.

Tērā ka herea he ira taiohi ki ngā kati o ngā pirihihana mena ka tohe kē rātou ki te tumatuma ki te kotiti poka noa rānei.

- In 2015/16, young offenders spent at least 24 hours in police cells on 151 occasions.  
I ngā tau rua mano tekau mā rima mā ono kotahi rau rima tekau mā tahi ngā wā i herea ngā hunga hara taiohi mō te rā katoa ki ngā whare pupuri a ngā pirihihana.

Young people may receive a Supervision with Residence order when they appear in the Youth Court. They will then spend time in a youth justice residence.

Tērā pea ka whiwhi tohu Nohonga me ngā Whakahaere Tikanga mai tō rātou putanga ki te Kōti Rangatahi. Mai tērā ka riro atu rātou ki ngā ohu manatika rangatahi mō tētahi wā.

- In 2016, two-thirds (N=78) of the young people receiving a Supervision with Residence order were Māori.  
I te tau rua mano tekau mā ono e rua wāhanga o te toru o ngā hunga taiohi kua whiwhi tohu Nohonga me ngā Whakahaere Tikanga he uri Māori.

At 31 January 2017 there were no prisoners under the age of 17 years in this country's prisons or correctional facilities.

I te mutunga o Kohitātea rua mano tekau mā whitu hore kau he mauhere raro iho i te tekau mā whitu te Pakeke ki roto o ngā tūmomo whare herehere ā-motu.

In contrast to this, at 31 January 2017 there were 356 young people aged 17 to 19 years in the youth section of the adult prison system.

Ko te tauaro ki tēnei mō taua wā tonu toru rau rima tekau mā ono ngā hunga taiohi tekau mā whitu mā iwa kei roto o te wāhanga taiohi o te pūnaha herehere taipakeke.



# **Environmental Scan of the Current State of Youth Justice**

All [six] of the [Māori] participants were between nine and 13 years of age and were with their peers when they first started getting into trouble with the police. Wanting to feel part of something often triggered this. Tyler, for example, claimed she engaged in activities she might not have normally in order to feel connected:

*I just wanted to be part of my family and what they wanted to do . . . We would just steal cars and that . . . I would be the sheep and follow.*

Criminal activity was also associated with substance use. As Mike explained:

*Every time I'm on weed and alcohol I get into like a criminal mind. I just go, ah yeah, I just want to go rob something, and like when I am angry I want to rob something.*

Other participants attributed their offending to a need to acquire drugs. Toni, for example, talked about her addiction to “synthetic cannabinoids” and how she would steal money in order to buy them.

# What's Happening for Young Māori Apprehended by Police for Suspected Offending?

The youth justice system in Aotearoa New Zealand deals with children (10–13 years) and young people (14–17 years). Children have a different pathway through the system than young people. The focus of this report is on young people, particularly rangatahi Māori.

All statistics included in this report are for 14–16-year-olds.

Rangatahi Māori aged 14–16 years are over-represented in all aspects of the youth justice system. While one in four young people in this age group is Māori (25%), nearly six out of every ten 14–16-year-olds apprehended for alleged offending are Māori (58%), and six out of every ten young people who appear in the Youth Court are Māori (61%) (Youth Court of New Zealand, 2015). The over-representation of rangatahi Māori within this system increases the further they move along a youth justice pathway (Modernising Child, Youth and Family Expert Panel, 2016; see Figure 1).

This section of the report highlights the journey of rangatahi in the youth justice system: what the system is and what statistics say about the representation of rangatahi Māori.

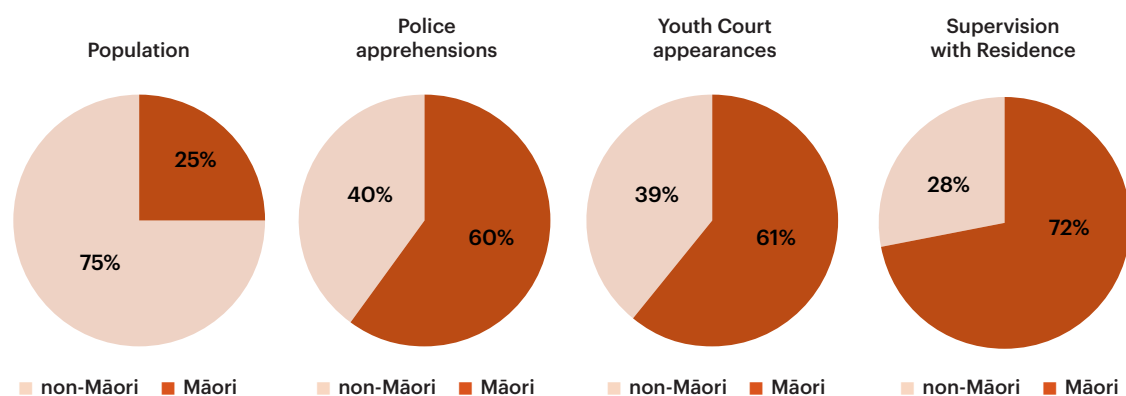


Figure 1: Representation of rangatahi Māori (14–16 years)

## *The Youth Justice System*

The formal structure of the youth justice system highlights the levels at which Iwi might have input into youth justice policy (see Figure 2, overleaf). “Genuine engagement and productive relationships” between the Crown and Māori is also a key responsibility of Te Puni Kōkiri (2017b).

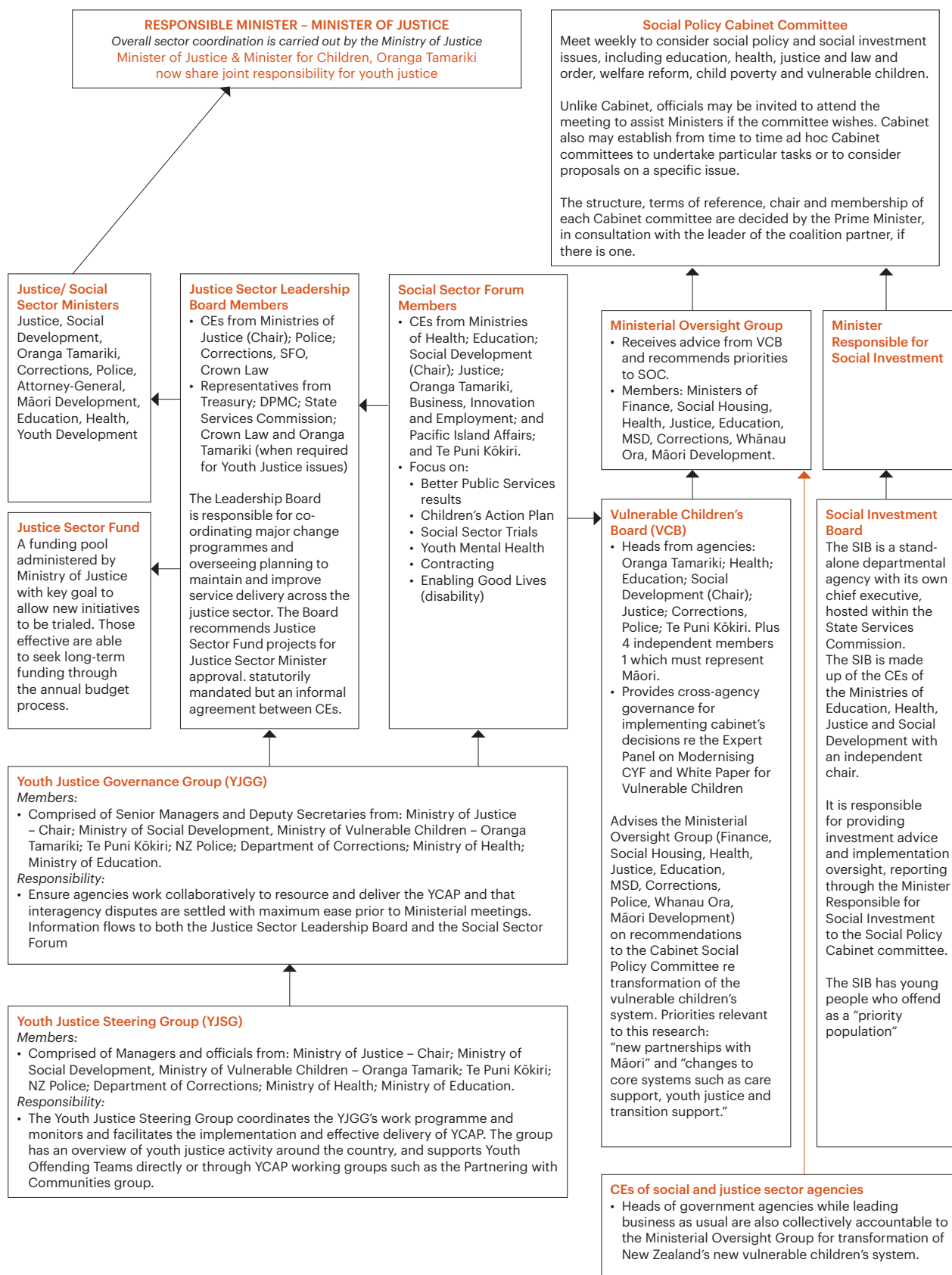


Figure 2. Youth Justice sector governance

## ***Legislative Context for Youth Justice***

Youth justice is currently governed by the Oranga Tamariki Act 1989, formerly the Children Young Persons and Their Families Act 1989.<sup>1</sup> The overarching goal of the youth justice system is diversion: that is, attempting to reach resolution when young people offend so that they do not receive a criminal conviction (CYF, 2016). Actions taken by the police consider the seriousness of the offending, the young person's history of offending, and public safety. The age range in the Act means that those 17 years and older are treated as adults within our justice system.<sup>2</sup> The Youth Justice principles in the Oranga Tamariki Act 1989 (s208) state:

- (c) the principle that any measures for dealing with offending by children or young persons should be designed—
  - (i) to strengthen the family, whanau, hapu, iwi, and family group of the child or young person concerned; and
  - (ii) to foster the ability of families, whanau, hapu, iwi, and family groups to develop their own means of dealing with offending by their children and young persons

As of 1 April 2017 the Ministry for Vulnerable Children, Oranga Tamarki is responsible for youth justice.<sup>3</sup>

The purpose of the youth justice system is to prevent children and young people from offending and reoffending and to hold young people to account for their offending behaviour. Breaking this cycle is about evidence-based interventions focusing on both the child and the environment (in which parents play the key role) (Ministry of Social Development, 2017).

The initial themes of the practice framework for the Ministry for Vulnerable Children include “the importance of enabling a Māori world view to be a lens through which practice is guided” (Ministry of Social Development, 2017).

The heads of the Ministries of Health, Education, Justice and Social Development, alongside the New Zealand Police and the Department of Corrections, are also accountable for protecting and improving the lives of vulnerable children (Ministry of Social Development, 2017). Te Puni Kōkiri has a statutory role in monitoring these agencies to ensure that they are held accountable, as “the Minister for Māori Affairs is seen to have particular responsibility for the impacts of government policy on Māori people” (Te Puni Kōkiri, 2017a).

An update on progress can be found in Appendix 3, “Progress in Implementing the New Vulnerable Children Operating Model”. This outlines the first three months of operation since 1 April 2017.

1 Appendix 1: Excerpts relevant to youth justice.

2 The Modernising Child, Youth and Family Expert Panel (2016) recommended that the age be raised to 18 years and this is incorporated into the new Act but not yet implemented.

3 Appendix 2: Ministry for Vulnerable Children, Oranga Tamariki.



## ***Youth Crime Action Plan 2013–2023***

The Youth Crime Action Plan 2013–2023 (YCAP)<sup>4</sup> was launched by the government in 2013 with the aim of reducing the number of young people moving into and through the youth justice system (Ministry of Justice, 2013). The three strategies in the plan are: partnering with communities, reducing escalation (of young people through the youth justice system), and early and sustainable exits for those who offend. The first of these strategies is examined here in more detail.

Partnering with communities is about working together to prevent offending and re-offending ... it's about building on what is already producing results and outcomes, and strengthening coordination at every level within the community (p.12).

The action statements for this strategy then describe “[g]overnment agencies will work with local communities to ... ensure coordinated responses to children and young people who come to notice”. While the Youth Crime Action Plan does not reference the Treaty of Waitangi, Iwi are mentioned in the differences the plan will make:

- Family group conferences co-led with iwi will be piloted as a way to better engage families, whānau, and communities.
- Links will be made to hapū, iwi, the Māori community, service providers and community-led initiatives to manage youth offending as appropriate. Local organisations and networks will provide support for children, young people and their whānau or families (p.27).

If the plan is working, the outcomes we might expect to see will include:

- Improved whānau, iwi and community engagement in, and support for, family group conferences.
- Improved engagement of local iwi and NGO social services when working with children, young people and their families, with some family group conferences being co-facilitated with iwi or appropriate cultural groups (p.27).

Iwi are also mentioned as important partners in the transition of rangatahi back into their community so that they are successfully reintegrated and do not reoffend:

- The young person’s cultural background and identity, and that of their family, are considered and their whānau and iwi are consulted.

Iwi and other community social services and networks are engaged in the process.

<sup>4</sup> [www.justice.govt.nz/justice-sector-policy/key-initiatives/cross-government/youth-crime-action-plan/](http://www.justice.govt.nz/justice-sector-policy/key-initiatives/cross-government/youth-crime-action-plan/)

# Underlying Causes of Youth Offending

One of the principles of the Youth Justice part of the Oranga Tamariki Act 1989 is:

the principle that any measures for dealing with offending by a child or young person should so far as it is practicable to do so address the causes underlying the child's or young person's offending.

The focus of the new Ministry for Vulnerable Children is the prevention of offending by ensuring “vulnerable children and their families receive the services those children require” (Ministry of Social Development, 2017). It is argued here that these services need to respond to the determinants of offending and reoffending.

This section identifies some of the underlying causes of youth offending. Professor Sir Mason Durie's wellness model, *Te Pae Mahutonga* (1999), has been used to understand the challenges that whānau face in fulfilling their childrearing roles and responsibilities, and that rangatahi face in finding their place in this world.<sup>5</sup>

## ***Mauri Ora – Cultural Identity***

The right of Māori to be Māori is enshrined in the Treaty of Waitangi and, more recently, the United Nations Declaration on the Rights of Indigenous Peoples, as well as other UN conventions and declarations (United Nations, 2007). However, this citizenship and rangatiratanga right has never been fully realised under a colonial government. This is a root cause of current disparities (Public Health Commission, 1994).

Most research is clear that this disproportionality is the result of a combination of both long term social and economic disadvantage dating back to New Zealand's colonisation and current systemic discrimination (Becroft, 2015, p.7).

Dissatisfaction from both Pākehā and Māori with the treatment of Māori whānau within the social welfare system led to a 1988 ministerial inquiry. The result was the report “Puao-te-Ata-tu” (Daybreak), with its conclusion:

5 Mason Durie's *Te Pae Mahutonga* uses the symbolism of the Southern Cross, with the constellation's four stars representing: *Mauri Ora* (access to the world of Māori, cultural identity); *Waiora* (environmental protection); *Toiora* (healthy lifestyles) and *Te Ōranga* (participation in society). The pointer stars represent the context and resources required to achieve these outcomes: *Ngā Manukura* (effective leadership) and *Mana Whakahaere* (autonomy).

At the heart of the issue is a profound misunderstanding or ignorance of the place of the child in Māori society and its relationship with whānau, hapū, iwi structures' (Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare, 1988, p.7).

The first two recommendations of “Puao-te-Ata-tu” were about tackling cultural racism and eliminating deprivation. The report also recognised the need for the social welfare system to be responsive to, and appropriate for, Māori through true partnership. Our social welfare system, however, remains a key feeder of rangatahi into the youth justice system (Modernising Child, Youth and Family Expert Panel, 2016).

## ***Te Ōranga – Participation in Society***

Whānau vulnerability and marginalisation are being sustained by these families' socio-economic circumstances (Cram, 2011; Expert Advisory Group on Solutions to Child Poverty, 2012d).

### **Economic exclusion**

The Expert Advisory Group on Solutions to Child Poverty, established by the Commissioner for Children in 2012, recommended that child poverty be defined as:

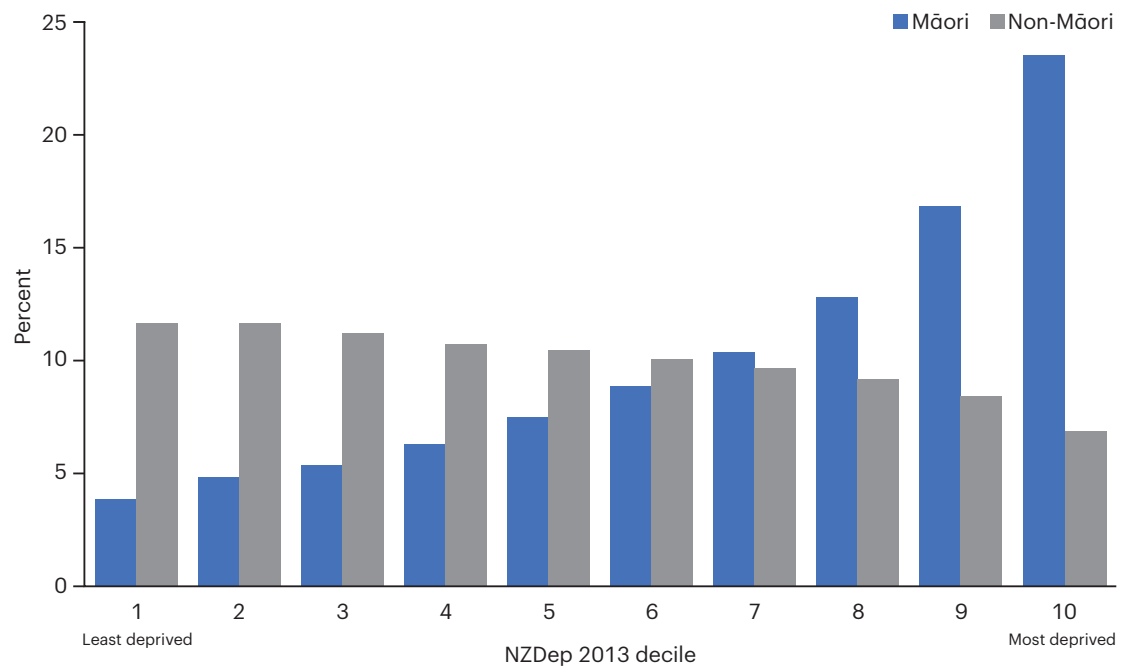
Children living in poverty are those who experience deprivation of the material resources and income that is required for them to develop and thrive, leaving such children unable to enjoy their rights, achieve their full potential and participate as full and equal members of New Zealand society (2012b, p.11).

Findings from the Dunedin and Christchurch longitudinal studies, along with national and international research, point to the negative impacts that child poverty has in later life, including poorer health and criminal activity. “Incontrovertible evidence now exists showing that child poverty has long-lasting negative effects across multiple life domains” (Expert Advisory Group on Solutions to Child Poverty, 2012a, p.8). Māori children are more at risk of this than Pākehā children, as they are more likely to grow up in severe poverty and to live in households receiving benefits or low incomes (Expert Advisory Group on Solutions to Child Poverty, 2012c). Poverty prevents whānau from participating fully in society, including the Māori world (Hohepa, 1998; Reedy, 1979). Children's social exclusion, in particular, has “deep emotional costs” (Egan-Bitrán, 2010, p.28). Childhood poverty is a breach of this country's obligations under the UN Convention on the Rights of the Child (UNICEF, 2008).

### **Segregation**

Māori whānau are less likely to live in areas that are described as least deprived in NZDep13 – a small-area deprivation index based on nine socio-economic variables for the Census. Figure 3 shows that the majority of whānau live in Deciles 7–10: that is, the most deprived areas (deprivation increases from 1, least deprived, through to 10, most deprived).

This segregation impacts on transport, employment opportunities, education, and access to other goods (e.g. quality of groceries) and services (Pearce, Hiscock, Blakely and Witten, 2009; Scott, Laing and Park, 2016). The Ministry of Health (2015) reports that non-Māori are more advantaged than Māori across several socio-economic indicators, including school completion, employment, personal income, telecommunications and accommodation (see Appendix 4).



**Figure 3. Neighbourhood deprivation distribution (NZDep13), Māori and non-Māori, 2013**

Results from the 2002/03 and 2006/07 New Zealand Health Survey speak to segregation in the form of racism (Harris et al., 2012). Māori are almost twice as likely as non-Māori to experience racial discrimination. These experiences are linked to poor health outcomes. Harris and colleagues found “significant associations between experience of racial discrimination and physical health measures, self-rated health and lower physical functioning” (2012, p.413).

## ***Toiora – Healthy Lifestyles***

This section looks at some of the challenging lifestyle circumstances of whānau and rangatahi.

### **Care and protection**

The phrase “crossover” youth describes young people who move between the child welfare and youth justice systems (Lambie, 2016, p. 28). This movement is more likely when the young person has experienced childhood abuse and/or neglect, and when they have not had supportive relationships, a stable home or school environment, and have not received adequate healthcare while in the child welfare system.

Nearly three out of every four young people in the youth justice system have had concerns raised about abuse or neglect during their childhood (Becroft, 2015). Compared with those young people who have no record with child welfare services, young people who have been in care are 15 times more likely to have a Corrections record by the time they are 19–20 years old (Lambie, 2016). Even so, the majority of children in care and protection do not go on to become involved in the youth justice system (Centre for Social Research and Evaluation, 2010). The development of a “crossover” list enables judges in the Youth Court to address care and protection and youth justice issues for these young people and their families (Becroft, 2015).

### **Family violence harm**

An internal police analysis reported by O'Reilly (2014, p.4) found that family violence contributes in particular to repeat youth offending (as well as to the victimisation of Māori women).

### **Drugs and alcohol**

Judge Becroft has written, "The connection between youth offending and drug and alcohol use cannot be denied. Drugs and alcohol are part of the personal stories of most young offenders in New Zealand" (2009, p. 2). Of the young people who come before the Youth Court, only around 4 percent are there for drug offences. However, most misuse drugs and/or alcohol, with around one in five having chronic dependency on drugs and/or alcohol (Becroft, 2009). In Auckland, young people who have care and protection issues and who are at high risk from addiction or mental health concerns appear before the Intensive Monitoring Group (IMG) Court, established by Judge Fitzgerald in 2007. These young people must also be suitable for a therapeutic, solutions-focused youth justice approach.

### **Neuro-developmental disorders**

Becroft calls for "greater understanding, diagnosis and response to neuro-developmental disorders" (2015, p.3). Likewise, Johnson (2015) names neurological disorders alongside addiction, family upbringing and disengagement from education as one of the most common drivers of youth offending. A study in England found a high prevalence of neurodisability among young offenders (Hughes, Williams, Chitsabesan, Davies and Mounce, 2012), and commonsense dictates that the same link would be found here (Becroft, 2015). Appendix 5 shows the reported prevalence of neuro-developmental disorders in this study.

Childhood neurodisability occurs when there is a compromise of the central or peripheral nervous system due to genetic, pre-birth or birth trauma, and/or injury or illness in childhood. This incorporates a wide range of specific neurodevelopmental disorders or conditions, with common symptoms including: muscle weakness; communication difficulties; cognitive delays; specific learning difficulties; emotional and behavioural problems; and a lack of inhibition regarding inappropriate behaviour (Hughes et al., 2012, p.8).

This section offers by no means a full account of the complex issues facing whānau and rangatahi that may make rangatahi more at risk of offending. It is important to look for the causes of offending. If disengagement in education is a driver of rangatahi Māori offending, then we need to ask why rangatahi are not engaged in education. We need to ask after, understand and respond to the "trapped lifestyles" that challenge the health and wellbeing of whānau and leave young people vulnerable to offending (Durie, 2003).



# The Youth Justice Pathway<sup>6</sup>

When a young person is apprehended, they may be referred to Police Youth Aid or be arrested and enter a court process. Police Youth Aid may take alternative actions or refer the young person to an “intention to charge Family Group Conference” (FGC). If a young person appears in a Youth Court, they will also attend an FGC. They may also be held at an Oranga Tamariki youth justice residence in the period between being arrested and discharged. More detail about these steps in the youth justice system is provided in this report.

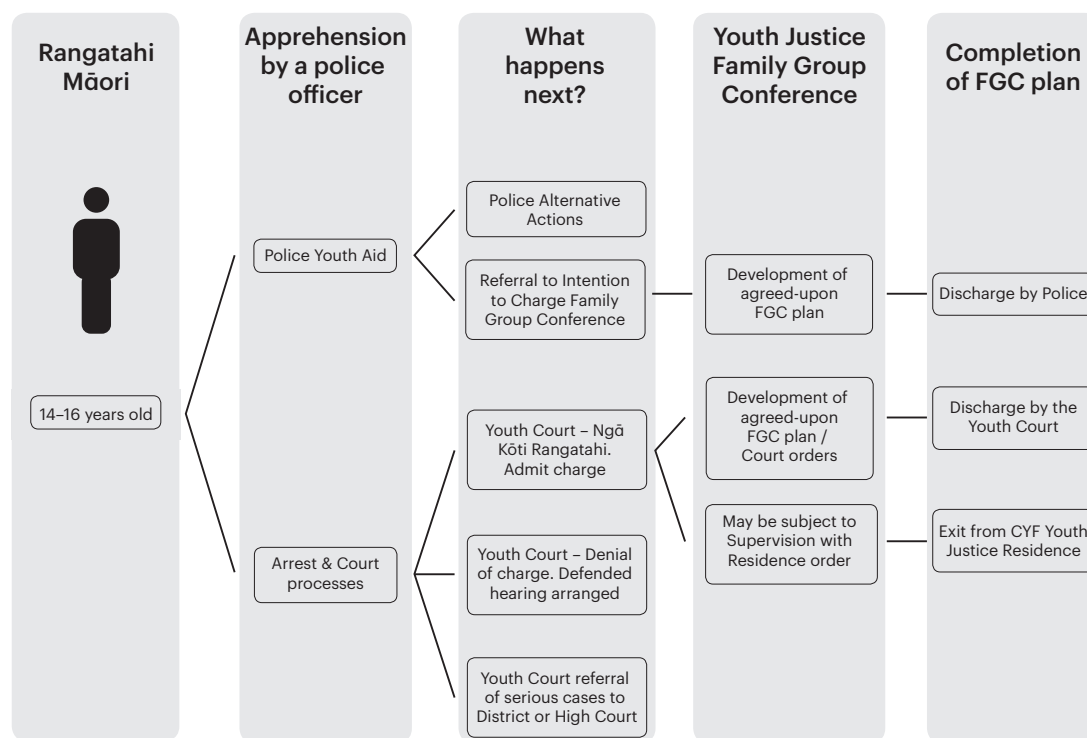


Figure 4: Youth Justice pathway

Apprehensions of both Māori and non-Māori young offenders are decreasing. The reason for the increasing over-representation of rangatahi Māori in the system is because their rate of offending is not decreasing as fast as the non-Māori rate. As Judge Andrew Becroft says, “This disproportionality is unacceptable” (Becroft, 2015, p.8).

6 A more detailed flowchart from the Ministry of Justice can be found in Appendix 6.

# Police Responses Without Charges or Prior to Charges

When a young person aged 14–16 years is detected in alleged offending, there are three high-level responses available to the police: “no action” (with this possibly including an informal warning); Police Youth Aid actions without or prior to the laying of charges; or the laying of charges in the Youth Court (or District Court or High Court for serious offences).

Most youth offences (83%) are dealt with by Police Youth Aid in ways that do not involve court (Youth Court of New Zealand, 2016). New Zealand is the only country to have a dedicated specialist task force, Youth Aid, to respond when young people are apprehended for suspected offending (Becroft, 2004).

There are about 240 Youth Aid officers throughout the country and about 55 police Youth Development staff. A map of police districts in which these services operate is found at Appendix 7.

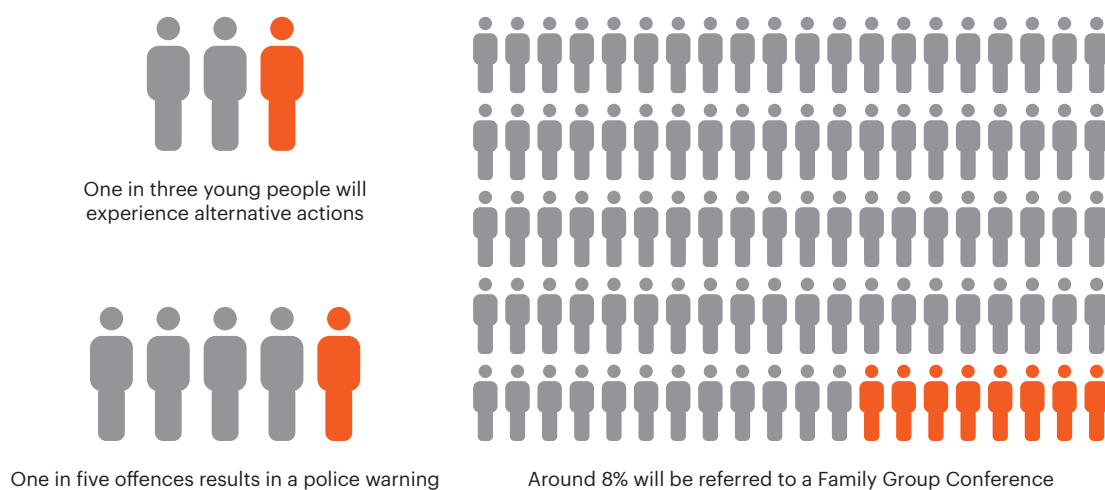


Figure 5: Police responses when 14–16-year-olds are apprehended

## Police Warning

A police warning not to reoffend is an alternative to criminal prosecution. A warning given to a young person is accompanied by a letter from Police Youth Aid to the young person’s parents/ caregivers, advising of the matter. One in five offences (22%) result in a police warning, with no further action taken. Māori make up around half of the young people (49%) cautioned by police.

### ***Police Alternative Actions***

The police can take alternative actions, in consultation with victims, whānau and young people (Youth Court of New Zealand, 2016). Around a third (32%) of the young people who are detected in alleged offending experience alternative actions, also referred to as diversion (Youth Court of New Zealand, 2016). These actions may involve a young person becoming involved in pro-social activities or education, or abiding by a curfew (CYF, 2016).

### ***Police Referral for a Youth Justice Family Group Conference***

A referral to a Youth Justice FGC occurs when the police intend to charge a young person (Youth Court of New Zealand, 2016). This is known as an “intention to charge FGC” (CYF, 2016). Around 8 percent of young people who are detected in alleged offending receive a direct referral to an FGC (Youth Court of New Zealand, 2016).

### ***Police Caution as a Recommendation from a Youth Justice FGC***

One of the actions that an FGC can recommend is a formal police caution, which will be given by a senior police officer at a police station and in the presence of the young person’s whānau (Community Law, 2016).

## **Tūwharetoa – Oranga Tamariki – Police**

Site Manager: Oranga Tamariki Taupō/Tokoroa

Ariki Adviser: Danny Morehu

Taupō District Area Commander: Warwick Morehu

Target: Tamariki, whānau.

Background: Oranga Tamariki in Taupō/Tokoroa has a new site manager who has been in her position for the last two years. The revamp of Oranga Tamariki has presented opportunities to refocus the way they do things.

### **Key change elements:**

Collaboration:

1. Iwi – Tūwharetoa are one of the larger iwi that fall within the boundaries for this site. A key (if not the most important) factor in developing this collaboration is the relationship the site manager has with the iwi. Tūwharetoa are also one of the few iwi to maintain and recognise Arikitunga. Tumu Te Heuheu, the Ariki in Tūwharetoa, has one of his advisers working closely with this site manager. This has resulted in a big shift in culture for Oranga Tamariki. They have identified an alignment of values between the iwi aspirations and Oranga Tamariki, and have gone about embodying these in such actions as:

- the Ariki getting six-weekly updates on Oranga Tamariki activities;
- a change in the capacity of the workplace to manaaki manuhiri. Staff have learned how to do pōhiri, waiata, karakia, etc;
- the Ariki's adviser supports and advises on major issues when Oranga Tamariki are called out to whānau homes;
- Oranga Tamariki staff are developing their abilities to maintain and interact with the core principles of manaaki and aroha when working with whānau.

2. Police – The district commander and his team have obvious crossovers with Oranga Tamariki in terms of the activities each agency undertakes. The relationship the commander has with iwi is similar to the relationship between the site manager for Oranga Tamariki and iwi, and a strong relationship between all three entities seems to be key. The commander has been building understanding and relationships between his staff and iwi so that it starts to become normal for staff to consider iwi in their day-to-day mahi (work). As with Oranga Tamariki, the Ariki adviser supports the police

in any major incidents. The commander says this has been vital in defusing situations which could have easily escalated.

The collaboration between these organisations and iwi is making them better at their jobs, is opening new avenues that were once closed, and is starting to build innovation in the ways they are working with whānau.

**Arikitanga:** Unlike most iwi who have only a tribal organisational structure such as Rūnanga, Tūwharetoa also have a recognised Ariki. This has great benefits. Having the support of the Ariki has opened doors for both the police and Oranga Tamariki, and made staff more considerate as well as more effective. This needs to be explored further.

**Relationship:** The relationships among these three people (the recognised Ariki, the police district commander and the Oranga Tamariki site manager) goes beyond their capacity as leaders in their respective organisations. There is a high level of trust between them and they care for one another. This has also played a vital part in their ability to change the culture of their organisations and become more effective.

**Leadership:** These three people seem to be effective leaders who grow and adapt to the environment they are seeing in their area. They understand the power of collaboration. The elements of their leadership would need to be looked at further to pinpoint what characteristics are most effective in this situation.

See Appendix 8, “Scoping Iwi Relationship with the Youth Justice System”, for an overview of the rationale and methodology for developing this case example.



# Youth Justice Family Group Conferences

There are two referral pathways for a young person to a Youth Justice Family Group Conference (FGC):

1. prior to a young person being charged, when police have told them they intend to charge but are referring them to an FGC first;
2. after a young person has been charged and has appeared in Youth Court.

If the young person admits the police charge, the FGC should give them an opportunity to develop a plan for restitution and personal development. If the FGC cannot come to agreement on this plan, or if a young person does not complete the plan the FGC has agreed on, then their case may be referred to the Youth Court. Completion of an agreed-upon plan can result in the young person's case being closed without a conviction recorded (YouthLaw Aotearoa, 2017).

The purpose of the FGC is to not to shame the young person, but rather to:

- hold the young person accountable and responsible for their offending;
- provide for the interests of the victims of the offending; and
- deal with the risks and needs of the young person, while at the same time attempting to address the underlying causes of their offending (Taumaunu, 2014).

The young person is also to be given:

- the opportunity to develop in responsible, beneficial and socially acceptable ways.

In 2013, CYF became involved in the lives of over 3,000 young people because they were referred to a Youth Justice FGC. In 2016, just under 2,500 young people were involved in FGCs throughout the country. Some young people may be involved in more than one FGC during a year, and more than one young person could attend a single FGC (see Table 1).

**Table 1. Total and distinct young people involved in Youth Justice Family Group Conferences**

Type of Family Group Conference	F2013	F2014	F2015	F2016	F2017
New	5,353	4,744	4,535	4,530	4,403
Reviewed	115	86	123	108	111
Reconvened	791	803	660	648	710
Total young people involved in Youth Justice FGCs	6,259	5,633	5,318	5,286	5,224
Distinct young people involved in Youth Justice FGCs (counted once in the period)	3,335	2,798	2,594	2,463	2,424

Note: Figures in the above table include a small number of child offenders.

**Table 2. Regional and distinct young people involved in Youth Justice Family Group Conferences – operational area<sup>7</sup>**

Region	Operational Area	F2012	F2013	F2014	F2015	F2016	F2017
Te Tai Tokerau Region	Te Tai Tokerau	257	236	208	189	176	187
Auckland Region	Waitematā	543	393	328	348	326	303
Auckland Region	Counties Manukau	600	495	436	454	451	426
Midlands Region	Waikato	323	269	232	214	196	196
Midlands Region	Bay of Plenty	571	453	371	348	320	275
Central Region	Western	251	215	179	138	141	142
Central Region	Eastern	282	240	207	177	150	173
Central Region	Lower North Island	158	177	152	120	133	113
Central Region	Greater Wellington	215	164	145	130	97	108
Southern Region	Upper South	181	129	117	96	86	94
Southern Region	Canterbury	361	330	248	188	200	214
Southern Region	Otago / Southland	284	234	175	192	187	193
Distinct young people (counted once in the period)		4,026	3,335	2,798	2,594	2,463	2,424

### ***Youth Justice Co-ordinators***

Youth Justice Co-ordinators consult with the young person, their whānau and any victim to inform them about the FGC. A social worker and a member of the police may also be invited to attend, along with others who are concerned about or involved with the young person's welfare (Modernising Child, Youth and Family Expert Panel, 2015).

The Co-ordinator convenes and facilitates the FGC, and records and communicates the outcomes with all involved. They may also negotiate with the police for diversion rather than a FGC (Youth Court of New Zealand, 2016).

### ***Family Group Conference Format***

The format of the FGC is flexible, with the usual stages including: information and advice giving, discussion, and decisions, recommendations and plans (Community Law, 2016). The role of whānau is crucial; they will be with the young person after the conference and may need support themselves. The FGC is confidential, apart from the Co-ordinator's record of decisions, recommendations and plans. Following the FGC, the young person and their whānau receive support from Oranga Tamariki (e.g., youth justice social worker) to implement the plan (CYF, 2016). Having the victim present makes a significant impact, but if a victim does not want to attend the FGC then the Youth Justice Co-ordinator will speak for them (Henwood and Stratford, 2014).

### ***Hui-A-Whānau***

As part of the third strategy of the Youth Crime Action Plan 2013–2023, Early and Sustainable Exits, the Ministry of Justice has been piloting iwi-led FGCs (Ministry of Justice, 2013, p.40).

<sup>7</sup> <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics/cyf/interventions.html>

# Police Laying Charges

The arrest of a young person is considered necessary to:

- ensure their appearance in court,
- prevent them reoffending, or
- prevent loss of evidence or interference with witnesses (Youth Court of New Zealand, 2016).

The most common of the most serious offences young people (14–16 years) were charged with in the 2015/16 fiscal year was “Unlawful entry with intent/burglary, break and enter”, followed by “Theft and related offences” (see Figure 6, below). Around two-thirds of the young people charged with these as their most serious offence were Māori. Rangatahi Māori also made up around two-thirds of the young people charged with “Robbery, extortion and other related offences”, “Public order offences” and “Prohibited and regulated weapons ...” offences as their most serious offence.<sup>8</sup>

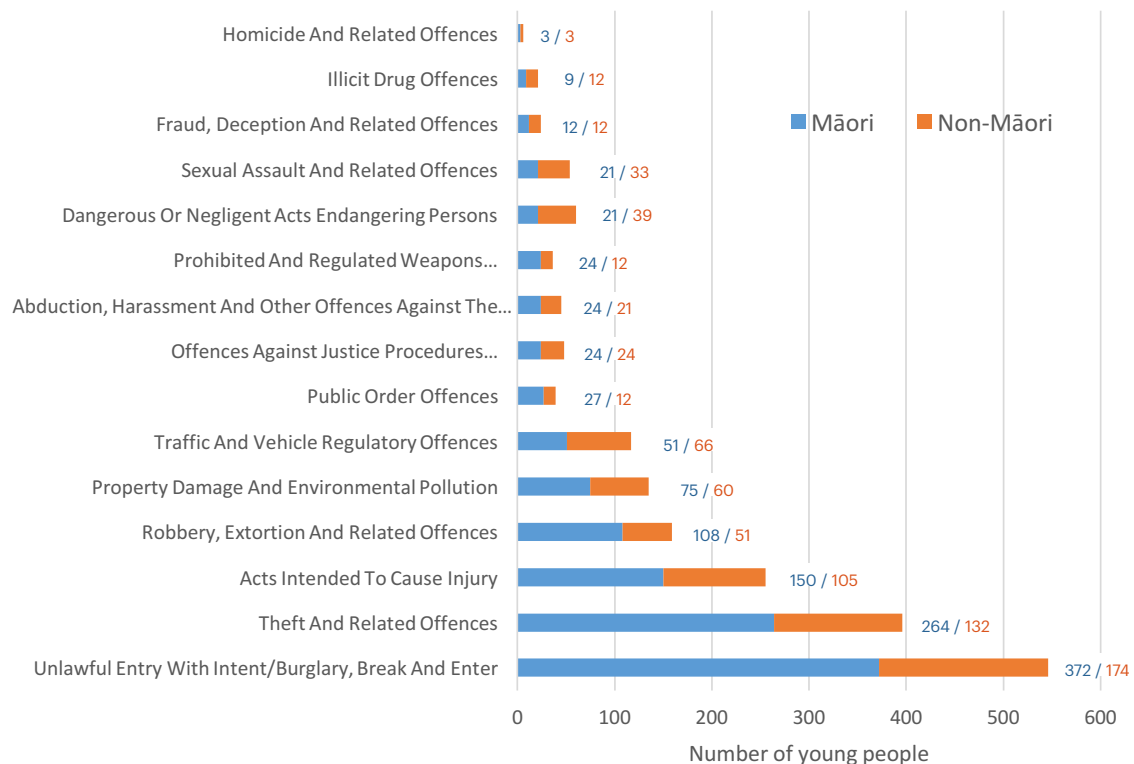


Figure 6. Types of offences, 14–16-year-olds, 2015

<sup>8</sup> This data does not take into account the outcomes from these charges. Also see box on page 49 and Appendix 10 for examples of all charges laid.

**Table 3. Number of proceedings against offenders aged 10 to 16 years for the years ending 30 June 2016 and 2017 broken down by ethnicity<sup>9</sup>**

	Year ending 30 June 2016	Year ending 30 June 2017
African	41	33
Asian	59	68
European	4,341	3,275
Indian	76	92
Latin/Hispanic	14	6
Māori	9,210	7,711
Middle Eastern	30	13
Pacific Island	1,598	1,253
Not elsewhere classified	95	91
Unknown	601	703
Total	16,065	13,245

<sup>9</sup> Statistics obtained under Official Information Act 1982 Request to NZ Police, 14 July 2017.

## Description of the Youth Court

Young people who go to the Youth Court have what is called a hearing. This is where the young person goes into the court and the Judge hears their case. The young person must have a lawyer with them at their hearing. The court will appoint a specialist youth lawyer called a Youth Advocate for free.

However, the young person can also choose to pay for their own lawyer if they want to.

The Youth Advocate will contact the young person and their family/whānau before the hearing to talk about what to expect.

The court may appoint a Lay Advocate to support the young person and their whānau/family in court. Lay advocates are people with mana or standing in the young person's community. They make sure the court understands any cultural matters to do with the case, as well as representing the family's views.

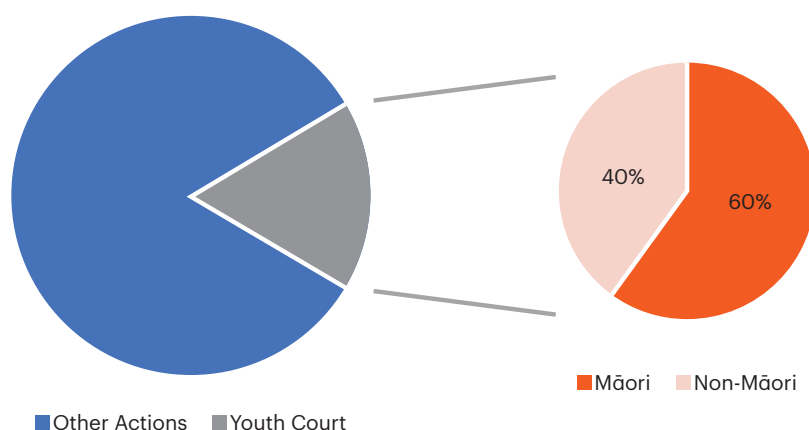
# Youth Court

When a young person is charged with an offence that is too serious to be dealt with by the police in the community, they will usually be referred to Youth Court. The Youth Court is part of the District Court, and the structure and locations are at Appendices 6 and 9. The exceptions are for non-imprisonable traffic offences, jury trials, manslaughter and murder. These are dealt with in the District and High Courts (Ministry of Justice, 2017).

Seventeen percent of young people detected by police in alleged offending have charges laid in the Youth Court. In 2015, 1,801 young people (including 1,161 rangatahi Māori) appeared before a Youth Court. Nearly all (98%) of these young people were 14–16 years old, with three out of every four aged 15 (31%) or 16 (43%) (Ministry of Justice, 2017). Eight out of every ten young people appearing in the Youth Court are male. Six out of every ten young people appearing in the Youth Court are Māori.

All (100%) of the young people aged 14–16 years who appeared in five of the Youth Courts in 2015 were Māori. Table 4 also shows that rangatahi Māori made up 70–96 percent of appearances in 18 other Youth Courts. Overall, the representation of Māori in Youth Court has increased from four in ten young people (44%) in 2005, to six in ten young people (63%) in 2015 (Rangatahi Courts Newsletter, 2016).<sup>10</sup>

Young people are not asked to plead guilty or not guilty in the Youth Court. Rather, they are asked whether they deny the charge. Almost all of the charges laid in the Youth Court are not denied (98%) (Henwood and Stratford, 2014). If a young person denies the charge, the Judge will arrange for a Youth Court defended hearing. If a young person does not have a lawyer, the Youth Court will appoint a Youth Advocate to support them (YouthLaw Aotearoa, 2017).



**Figure 7. Proportion of Youth Court: young Māori offender vs. young non-Māori offender (14–16 years)**

<sup>10</sup> The increasing over-representation of Māori can be accounted for by a smaller decrease in the number of rangatahi Māori appearing in the Youth Court (-2% from 2014–2015) compared with the decreases for European (-23%) and Pacific (-15%) young people. Overall the number of children and young people charged in courts is at a 20-year low (Ministry of Justice, 2017).

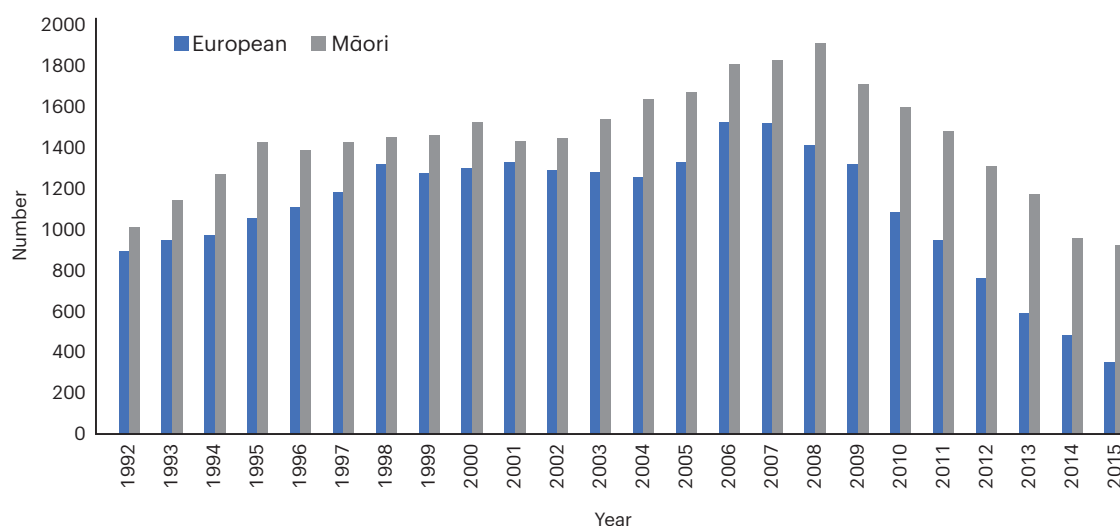


One of the first tasks of the Youth Court is to refer the young person to a Youth Justice FGC. For the FGC to proceed, a young person must admit they committed the crime(s) they are charged with. Unless the young person has committed a serious offence, they will usually make up for their offending through diversion (e.g. a fine, restitution to a victim, supervision, driving disqualification) (Citizens Advice Bureau, 2016). The FGC may decide that Youth Court proceedings should end (YouthLaw Aotearoa, 2017).

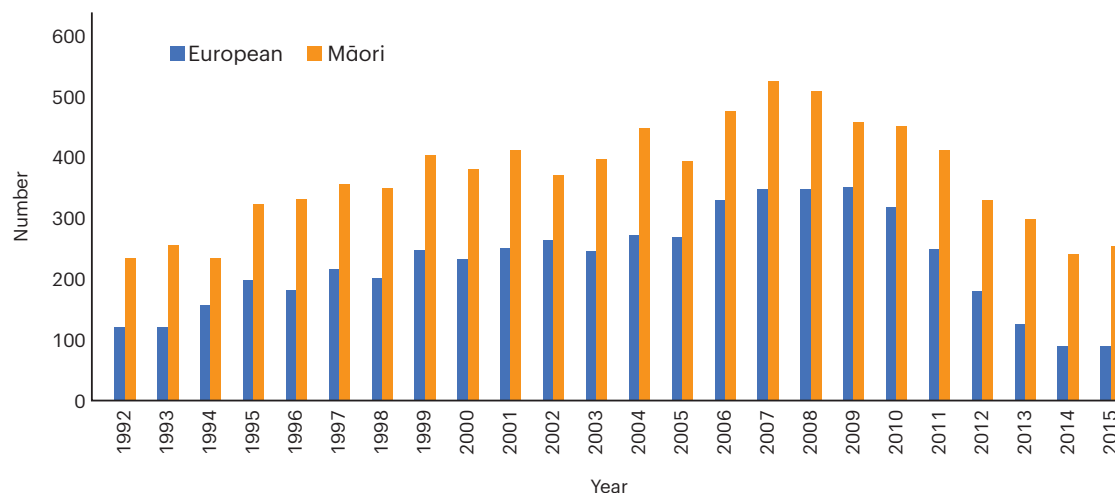
The number of 14–16-year-old males charged in court peaked in 2007 (for European) and 2009 (for Māori) (Figure 8). Since then there has been a drop-off in the number charged each year, with a steeper decline for European young people. In 2016, the number of Māori appearing in Youth Court increased by 9 percent from 2015 (from 1,164 to 1,272).

The number of female 14–16-year-olds charged in court has consistently been lower than the number of males, but also peaked in 2007 (Figure 9). The decline in numbers for both Māori and European females in this age group dropped to a low in 2014, with a slight increase in 2015 for Māori females.

**Figure 8. 14-, 15- and 16-year-old Māori and European males charged in court – most serious offence, 1992–2015**



**Figure 9. 14-, 15- and 16-year-old Māori and European females charged in court – most serious offence, 1992–2015**



**Table 4. Youth Courts where young Māori offenders (14–16 years) represent more than 70% of those appearing in the court, 2015**

Location	% Māori	Total young people	Total Māori
National	63%	1801	1,135
Hamilton	76%	127	97
Tauranga	76%	70	53
Papakura	80%	55	44
Te Awamutu	80%	5	4
Whanganui	78%	41	32
Taupō	78%	23	18
Hāwera	< 70%		
Masterton	< 70%		
Hastings	79%	57	45
Napier	76%	37	28
Dargaville	75%	4	3
Kaikohe	<70%		
Rotorua	85%	95	81
Whakatāne	92%	38	35
Whangarei	88%	84	74
Thames	100%	1	1
Waihi	<70%		
Kaitiāia	89%	36	32
Huntly	94%	16	15
Opōtiki	<70%		
Wairoa	88%	8	7
Gisborne	96%	53	51
Kaikohe	90%	40	36
Taumarunui	90%	10	9
Taihape	<70%		
Te Kuiti	100%	5	5
Dannevirke	100%	2	2
Queenstown	100%	1	1

### ***Youth Court Outcomes***

Most of the charges against young people are proved in the Youth Court, and the plans agreed to at the young person's FGC are followed (Ministry of Justice, 2017). A small number of young people do not undertake an FGC plan. Instead, with proved charges, they receive one of the following as their most serious order (from Ministry of Justice, 2017):

- 126 monetary, confiscation, or disqualification
- 99 community work order or supervision order
- 54 compulsory community programme which may be followed by supervision
- 90 Supervision with Residence.

In 2016, 33 young people received an adult sentence (compared with 162 young people in 2006). See Table 7.

Table 5. Outcomes for young males 14–16 years charged in Youth Court 2016

Total Ethnicity							Māori						
Total Outcomes	Youth Court proved (absolute discharge under s282)	Youth Court proved (order under s283(a)-(o))	Dismissed	Withdrawn	Convicted and sentenced in adult court	Other outcome	Total Outcomes	Youth Court proved (absolute discharge under s282)	Youth Court proved (order under s283(a)-(o))	Dismissed	Withdrawn	Convicted and sentenced in adult court	Other outcome
1527	732	387	27	264	75	45	936	447	258	21	147	36	27

Table 6. Outcomes for young females 14–16 years charged in Youth Court 2016

Total Ethnicity							Māori						
Total Outcomes	Youth Court proved (absolute discharge under s282)	Youth Court proved (order under s283(a)-(o))	Dismissed	Withdrawn	Convicted and sentenced in adult court	Other outcome	Total Outcomes	Youth Court proved (absolute discharge under s282)	Youth Court proved (order under s283(a)-(o))	Dismissed	Withdrawn	Convicted and sentenced in adult court	Other outcome
399	213	75	6	84	15	12	264	150	48	3	51	9	3

Table 7. Orders given for 14–16-year-old young offenders: Youth Court proved and convicted and sentenced in the adult court 2016

Total Ethnicity								Māori							
Total Sentences	Adult sentences	Supervision with residence	Supervision with activity, intensive supervision	Supervision, community work	Education, rehab programmes	Monetary, confiscation, disqualification	Discharge, admonish	Total Sentences	Adult sentences	Supervision with residence	Supervision with activity, intensive supervision	Supervision, community work	Education, rehab programmes	Monetary, confiscation, disqualification	Discharge, admonish
534	33	90	54	99	6	126	129	348	18	51	39	63	6	81	93

## Ngā Kōti Rangatahi – Rangatahi Courts

Marae-based Youth Courts (Rangatahi Courts, or Te Kōti Rangatahi) were initiated by Judge Heemi Taumaunu, with the first court held at Te Poho-o-Rāwiri marae in Gisborne. Judge Taumaunu is now the National Rangatahi Courts Liaison Judge. The New Zealand Law Society (2010) describes these courts as “an attempt to use the traditional values of tikanga Māori to turn around the lives of young Māori offenders”. There are 14 Rangatahi Courts operating around the country, and they have the same powers and responsibilities as any Youth Court (see Table 8). In 2016, 389 young people appeared in the Rangatahi Courts: that is, 41 percent of the young people who appeared in the Youth Court.

They have a pōwhiri and speeches and then kai, so the atmosphere is totally different and much more relaxed than a normal court. For many of them, the marae is a completely new experience and they are a bit overwhelmed by it. But they are respectful of the marae and elders and, in my experience, they think it’s awesome (Waapu, quoted in New Zealand Law Society, 2010).

A Rangatahi Court is a Youth Court that is held on a marae, and the Māori language and Māori protocols are incorporated as part of the court process. The young person first appears in



Picture 1. Te Kooti Rangatahi ki Tūwharetoa launch, December 2015. SOURCE: RNZ

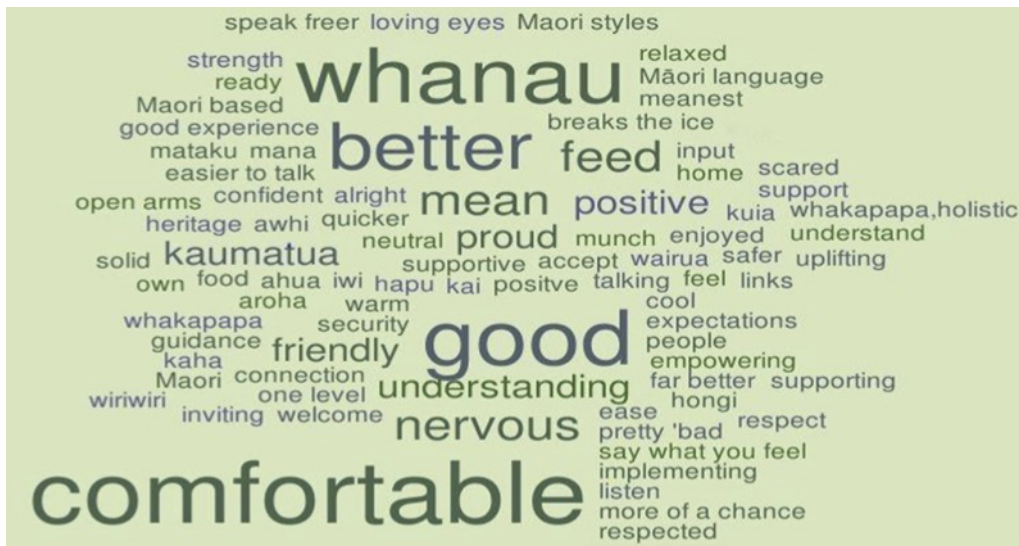


Figure 10. What young people say about the Rangatahi Court

the Youth Court, and attends his or her Family Group Conference (FGC); this may then include referral to the Rangatahi Court to monitor the plan. Referral of a young person to a Rangatahi Court by the Youth Court is incorporated into their FGC plan if the young person and the whānau wish this to happen and the FGC agrees to it (Taumaunu, 2014). Their FGC plan is also likely to include the young person learning about themselves as Māori. In addition, the plan may include community work at the marae, supervised by the marae. A Lay Advocate appointed for each young person as a standard practice in Te Kōti Rangatahi helps them research their background and learn their mihi, or speech of greeting (Taumaunu, 2014).

In summary, Rangatahi Courts allow Māori youth who appear before them an opportunity to learn about who they are and where they are from; an opportunity to participate in Māori protocols and customs; an opportunity to understand where they fit in as young Māori people in New Zealand. Rangatahi Courts also provide greater opportunity for kuia, kaumatua, and local marae communities to contribute to, and participate in, the operation of the Rangatahi Court (Taumaunu, 2014).

A 2012 initial evaluation of Ngā Kōti Rangatahi concluded that “the cultural relevance of the marae venue and the inherent cultural processes were critical success factors that increased the likelihood of positive engagement by rangatahi and whānau” (Kaipuke Consultants, 2012, p.11).

### A kuia offers her insights into the Rangatahi Court

A kuia who attended the Rangatahi Court at her marae described how she would dress up in good clothes each time and then address the young person who was before her. She would say to them that she had got up that morning and put on her good clothes, and then she would ask them if they knew why she had done that. When they shrugged that they didn't know, she told them that she had dressed up for them, because she knew they were coming and she knew that they were a special visitor. She then went on to tell them how she knew they were special by connecting them to the marae and to their wider whānau. She ended her story (which was much better than my retelling) by saying that when she finished addressing a rangatahi, they and their whānau were often in tears. It was with this sign that she knew they would be okay in the Rangatahi Court.

– Story told to F. Cram, May 2016

**Table 8. Rangatahi Court and associated marae**

Ngā Kōti Rangatahi	Marae
Te Kōti Rangatahi ki Ōrākei	Ōrākei or Ruapotaka in the alternate
Te Kōti Rangatahi ki Hoani Waititi	Hoani Waititi
Te Kōti Rangatahi ki Manurewa	Manurewa
Te Kōti Rangatahi ki Papakura	Ngā Hou e Whā, Pukekohe
Te Kōti Rangatahi ki Pukekohe	Papakura
Te Kōti Rangatahi ki o Kirikiriroa	Kirikiriroa
Te Kōti Rangatahi ki Rāhui Pōkeka	Waahi Pā
Te Kōti Rangatahi ki Tauranga Moana	Maungatapu and Huria
Te Kōti Rangatahi ki Mātaatua	Wairaka
Te Kōti Rangatahi ki Te Arawa	Taharangi
Te Kōti Rangatahi ki Tūwharetoa	Waipahihi
Te Kōti Rangatahi ki Te Poho-o-Rāwiri	Te Poho-o-Rāwiri or Turanga Ararau in the alternate
Te Kōti Rangatahi ki Waitara	Ōwae
Te Kōti Rangatahi ki Ōtautahi	Ngā Hau e Whā, Christchurch

# Remand

When a young person is on remand they are waiting for their next Youth Court appearance, for a placement or for a resolution. They may be remanded at large or on bail in the community, or they may be detained in the custody of the Chief Executive of Oranga Tamariki. The Chief Executive has discretion about where to detain young people, but the majority are placed in a youth justice residence. Other remand options include placement in the custody of a person approved by a social worker or remand into a police cell. This most often occurs when it is deemed that it is not suitable for an offender to stay in the community.

Different types of remand are used in the New Zealand judicial system, depending on the age of the individual and the severity of the case. Non-custodial remand is considered to be the first choice for those in the youth justice system.<sup>11</sup> But if a suitable location cannot be found young people may instead be remanded to an Oranga Tamariki youth justice residence, where they are mixed with young people who have been sentenced to Supervision with Residence.<sup>12</sup> Most of those held at these residences have been remanded in custody by court order (Morris, 2004).

The number of young people on remand in youth justice residences has risen over the past five years. This increase is largely due to a growing number of Māori youth on remand: from 387 in 2011/12 to 531 in 2015/16 – an increase of 37 percent. There was a 74 percent growth in the number of young Māori women on remand in this same time period – from 89 in 2011/12 to 155 in 2015/16 (see Table 9).

The average duration of young people's stay in a youth justice residence was 39.6 days in 2015/16. In that time period nearly two-thirds of young people (63.0%) stayed less than 42 days, while just over one-third (37.0%) stayed 42 days or longer.

The Oranga Tamariki Act (s238(1)(d)) has provision for a young person to be held in the custody of an iwi social service or cultural social service. However, according to Henwood and Stratford (2014, p.123) "it would appear that no iwi or cultural social service has been authorised to do this work".

11 Non-Custodial Remand, also known as community placement, is simply when the young person stays within the community while they await court processing. This process is most typically done with a parent/guardian, but a young person can be placed with any member of the community deemed suitable by the Youth Court. Precise data on this type of remand is harder to come by, as it is not a fully formalised process, unlike the Youth Justice residences or prison remand.

12 If rangatahi Māori are not processed by the Youth Court because of the severity of their crime, they will be remanded to a secure youth justice residence. This results in a supposedly short-term stay in custody while awaiting a court appearance. This custody can occur in "police cells, court cells, psychiatric facilities, or in prison" (Statistics New Zealand, 2016).



**Table 9. Number (%) of admissions on remand to youth justice residences, by fiscal year, gender and ethnicity**

	2011/12		2012/13		2013/14		2014/15		2015/16	
Gender	n (595)	%	n (653)	%	n (745)	%	n (775)	%	n (737)	%
Male	506	85	562	86	626	84	612	79	582	79
Female	89	15	91	14	119	16	163	21	155	21
Ethnicity										
European/Other	149	25	150	23	156	21	163	21	133	18
Māori	387	65	418	64	484	65	535	69	531	72
Pacific peoples	65	11	85	13	104	14	78	10	81	11

Notes.

1. Figures include post-arrest custody placements under s235 of the CYPF Act, as well as custodial remands under s238(1)(d) of the CYPF Act
2. Source: Insights MSD, draft research report. Data were produced for research purposes and are not official statistics

**Table 10. Remand numbers for young offenders 14–16 years, 1 July 2015–30 June 2016 and YTD to 28 February 2017**

Year	Number of young people	Male Māori	Female Māori	Total Māori
YTD: at February 2017	378	216	49	265
2017%		57%	13%	70%
2016	521	293	78	371
2016%		56%	15%	71%

The Office of the Children’s Commissioner is calling for improved youth justice facilities:

Young people on remand must no longer be mixed with those who have received a sentence from the Youth Court. Sentenced young people must experience a safe, secure, therapeutic environment.

Care and protection residences must be much smaller and more family-like. All residential settings must be designed to support young people to heal, learn new skills and develop their identity as confident young people, proud of their identity and heritage (Office of the Children’s Commissioner, 2017, p.6).

Of the young people on remand in 2016, 72% were sent to one of the four secure youth justice residences (see Table 11).

**Table 11. Remand numbers for young offenders 14–16 years, 1 July 2015–30 June 2016 and YTD to 28 February 2017, showing where they were placed**

			Residence		Community		
Year	Number of young people	C&P	YJ residence	C&P residence	Youth Horizons	Youthlink Family Trust	Other
YTD: at February 2017	378	96	212	1	31	35	31
2017%		25%	56%	0.3%	8%	9%	8%
2016	521	118	377	3	57	63	21
2016%		23%	72%	0.6%	11%	12%	4%

## Police Custody

The Youth Court can make an order for the detention of a young person in police custody only if it appears to the court that, before the charge is determined, the young person is likely to abscond or be violent, and suitable facilities for the detention in safe custody of that child or young person are not available to the Chief Executive.

**Table 12. Number of children and young people detained in police cells for more than 24 hours, by average duration in police custody, for the 2012 to 2016 financial years, broken down by region**

Region	Financial Year Ending 30 June									
	2012		2013		2014		2015		2016	
	Number	Average duration (days)	Number	Average duration (days)	Number	Average duration (days)	Number	Average duration (days)	Number	Average duration (days)
Auckland	73	1.7	48	1.9	27	1.8	16	1.8	42	1.7
Central	32	1.8	41	2.1	5	1.8	8	1.4	27	2.2
Midlands	53	1.8	30	1.9	12	2.1	5	1.4	9	1.9
Southern	27	1.8	35	2.0	5	1.9	18	2.1	62	2.0
Te Tai Tokerau	25	1.9	19	2.4	13	1.6	5	2.2	12	2.0
Total	210	1.8	173	2.0	62	1.8	51	1.9	152	2.0

Media reports indicate that young offenders spent at least 24 hours in police cells on 151 occasions from June 2015 to 2016 – an increase of nearly 200 percent on the previous year (Youth Custody Index, 2017).

### Christchurch judge accuses Government of breaching child's rights November 28 2016

A 15-year-old boy has spent a sixth day in solitary confinement in Christchurch's police cells because there is nowhere else to put him.

A judge has lashed out at the Government for its handling of the teen's situation, accusing it of breaching the United Nations Convention on the Rights of the Child.

The accusation came after a Youth Court sitting in Christchurch on Monday, where the 15-year-old was remanded in custody in police cells for a sixth day.

Judge Robert Murfitt said the boy was being held in solitary confinement because there was nowhere else to put him following the mothballing of a wing at Christchurch's youth justice facility, Te Puna Wai.

"He has no books. He has no paper. Apart from exercises he might do in the confined space of his cell he has no exercise activities. In my view, this situation is in breach of the United Nations Convention."

The judge said the boy was before the Youth Court for committing several offences including offending on bail.

His age, personality, and background meant he did not have the self-discipline to comply with his bail conditions, and it was necessary to remand him in custody.

"The situation is extraordinarily unsatisfactory," Judge Murfitt said.

The boy was not only a youth offender, but was in the custody and guardianship of the state because of the circumstances of his upbringing.

The same state was responsible for providing for safe, secure, humane detention of youth offenders.

There was a nationwide shortage of youth justice beds, despite an "entire wing" of Te Puna Wai being vacant and "in effect mothballed" by the ministry, Judge Murfitt said.

Another facility was not suitable because of the personalities and the "contagious environment" it would pose for the boy.

For the safety of the boy and the public, it was not practical to grant bail because he would end up in further trouble.

The judge "regretfully" remanded the boy in police custody for another 24 hours pending a placement.

Judge Murfitt said he was making his comments public because it was a matter of significant public interest.

The boy's youth advocate, Kristy O'Connor, said police cells were not an appropriate place for a 15-year-old boy and the system was letting him down.

"The police do their very best, but they're . . . not trained social workers.

"A vulnerable youth should not be held for six days, let alone seven, eight, nine." O'Connor said she was aware other children were being held in police cells last week. Child, Youth and Family (CYF) run four youth justice residences in New Zealand, offering about 130 beds. Ten beds in the Auckland facility are undergoing maintenance.

Of those 130 beds, just 30 are in the South Island, at Te Puna Wai near Rolleston. Earlier in the year, outgoing Child Commissioner Russell Wills found Te Puna Wai was causing active harm to children. . . .

In the year to June 30, 2015, CYF recorded 51 young people as having spent more than 24 hours in police custody. The year before, it was 62.

— *Stuff*

## Supervision with Residence

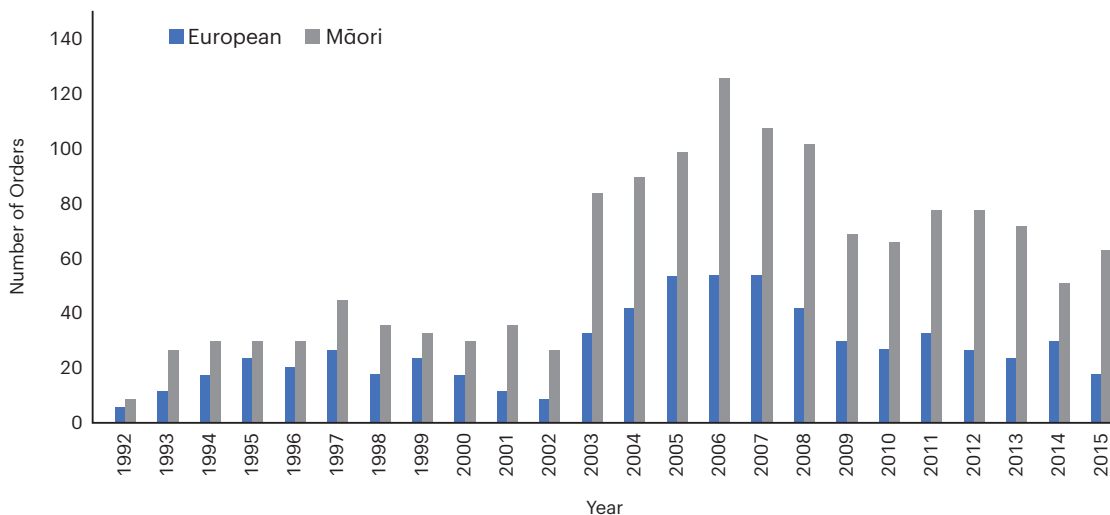
A Supervision with Residence (SWR) order is described in s311 of the Oranga Tamariki Act 1989: “If a charge against a young person is proved before the Youth Court, the court may make an order placing the young person in the custody of the chief executive for a period of not less than 3 months and not more than 6 months.” This means the young person will live in a secure youth justice residence and be unable to leave until the order is complete.

There are 140 youth justice beds in four youth justice residences in New Zealand:

- Korowai Manaaki in South Auckland can have up to 46 young people
- Te Maioha o Parekarangi in Rotorua can have up to 30 young people
- Te Au rere a te Tonga in Palmerston North can have up to 30 young people
- Te Puna Wai ō Tuhinapo in Christchurch can have up to 40 young people.

The number of orders in court for SWR given to Māori 14–16-year-olds peaked in 2006 (n=126). Since 1992 the number of orders given to Māori has exceeded the number given to European young people. This disparity has been more or less the same since 2003.

**Figure 11. Number of orders for Supervision with Residence given to European and Māori 14–16-year-olds, 1992–2015**



In 2016, two-thirds (69%) of young people receiving Supervision with Residence orders were Māori (see Table 13).

**Table 13. Supervision with Residence (SWR) orders given to young offenders 14–16 years old, 1 July–30 June 2016 and YTD 1 July 2016–28 February 2017**

SWR orders at March 2017 (CYF website)							
Year	SWR Orders	Māori Male	Māori Female	Total Māori	C&P status (at SWR order)	Total Male	Total Female
2017 (YTD)	67	39	9	48		53	14
2017%		58%	13%	72%		79%	21%
2016	113	70	8	78	35	99	14
2016%		62%	7%	69%	31%	88%	12%

Seven out of ten young people placed in a youth justice residence are Māori (Modernising Child, Youth and Family Expert Panel, 2016). A long stay at one of the residences (e.g. over two weeks) may signal that a safe community remand placement cannot be found for a young person, rather than that there is something “wrong” with that young person.

There is provision within the Oranga Tamariki Act 1989 for Māori and Iwi providers to provide accommodation for rangatahi with a SWR order. A young person who is held in custody while awaiting a court hearing can be “detained in the custody of . . . an iwi social service or cultural social service” (Ministry of Justice, 2013, p.31). This provides an opportunity not only for supervision but also for mentoring and supporting rangatahi, and possibly their whānau, to complete the young person’s FGC plan, and plan for their transition out of the youth justice system.

### Examples of youth offending incurring a SWR order, July 2016–February 2017

- Forbidden Driver. ULTMV X4. Fail to Stop for Police. Dangerous Driving X2. Shoplifts X2. Male Assaults Female. Theft ex Dwelling X. Speaks Threateningly. Aggravated Robbery. Theft Property X3. Committing Burglary with a Weapon. Aided Driving in a Dangerous Manner. Theft.
- Injures with Intent to Injure. Wilful Damage.
- ULIEY. Wilful Trespass. Aggravate Robbery. Theft X7.
- ULGIMV X2. Unlicensed Driver X2. Fail to Stop for Police X2. Dangerous Driving X2. ULTMV X4. Shoplifts X2. Theft. Burglary X6. Receives Property. Burgles X4. Theft of MV. Wilful Trespass. Aggravated Robbery. Wilful Damage.
- ULGIMV X4. ULTMV X2. Escapes Lawful Custody X4. Fail to Stop for Police. Dangerous Driving.
- Burglary X7. ULTMV X5.

**Table 14. Ages, locations and offences of 10 of the 48 young Māori (14–16 years) given Supervision with Residence (SWR) orders, 1 July 2016 to 28 February 2017<sup>13</sup>**

Gender	Age order given	Region	Operational Area	Site	Sub-site	Offending	C&P Status
Male	16	Southern Region	Otago/ Southland Operations	Otago Urban	Otago YJ	Theft ex Dwelling. Assault with Intent to Injure.	Yes.
Male	16	Auckland Region	Waitematā Operations	Westgate	Westgate	Possess Instruments for Conversion. ULGIMV X3. Escapes Lawful Custody X4. Burglary. ULTMV X3. Shoplifts X2. Failure To Answer District Court bail. Receives Property X2. Burgles X4. Intentional Damage. Attempted ULTMV.	No.
Male	16	Te Tai Tokerau	Te Tai Tokerau Operations	Whangarei	Whangarei	Injures with Intent to Injure. Wilful Damage.	Yes.
Male	15	Central Region	Eastern Operations	Napier	Napier	Burglary X2. Aggravated Burglary.	Yes.
Male	16	Midlands Region	Bay of Plenty Operations	Tauranga	Tauranga YJ	Aggravated Robbery. Theft X7.	No.
Female	16	Auckland Region	Counties Manukau Operations	Manurewa	Manurewa YJ	Aggravated Robbery. Shoplifts X3. Party to Aggravated Robbery. Possess Offensive Weapon. Wilful Damage. Theft Ex Car.	No.
Male	15	Central Region	Western Operations	Taranaki	Taranaki YJ	Theft Ex Car X3. Shoplifts X2. Theft. Burgles.	No.
Male	16	Southern Region	Canterbury Operations	Christchurch East	Christchurch East YJ	Burgles X2. Take Credit Card X2. Receives Property X3. Burglary. Burgles. Escape Lawful Custody. Possession of Utensils for Cannabis X2. Wilful Damage.	Yes.
Male	16	Central Region	Lower North Island Operations	Manawatū	Lower North Island YJ	GBH Wounding with Intent with Weapon.	No.
Female	15	Midlands Region	Waikato Operations	Waikato East	Waikato East	ULGIMV. Burglary. Assault with Weapon. Theft. Forbidden Driver. Assault with Intent to Rob. Threatens to Kill. Assault with Intent to Injure. Common Assault X4.	Yes.

<sup>13</sup> For the complete list refer to Appendix 10.

The legislative mechanisms designed to allow Māori communities to look after their own rangatahi have not eventuated. The “remand provision” in s238(1)(d) provides for young offenders to be delivered into the custody of an approved Iwi Social Service or approved cultural service, as well as the Chief Executive of the Ministry for Vulnerable Children. This provision affirms the aspirations for increased Māori self-determination and protection that were originally incorporated into the Act, and which are increasingly affirmed in modern legal and constitutional discourse in New Zealand. However, this provision has been dormant for 25 years and has, by and large, remained unused to date (Becroft, 2015, pp.9–10).

## **Te Arawa – Chantelle Walker, Te Toa Matataki**

### **Chantelle Walker – Founder**

Target: Young people aged 14–17 in the custody of Oranga Tamariki.

Background: Chantelle Walker, a member of Te Arawa iwi, identified that a lot of young people of Te Arawa descent were being consumed by the YJ system. When these young people got into trouble with the law there was no safe place for them to go, and often they were thensent on remand to a youth justice residencial facility. She saw the opportunity to support these young people by creating a community residence for them to come to where they could gain skills and life experience, and become well equipped for their reintegration back into society.

The overarching theme that runs through this kaupapa is supporting young people in their transition into adulthood. Young people are supported to gain independence by identifying and building on their natural inherent strengths and the skills they have that can benefit their community.

The programme is delivered in a whānau home environment in an isolated area of the Te Arawa region. It is a place of calm contemplation for our young people, who often come from challenging, disadvantaged family backgrounds.

However, this initiative met many obstacles on its journey to realisation. It took more than two years of battling with CYF to get permission.

Key elements:

1. Driven by passion – it is easy to see that Chantelle is dedicated and passionate about this kaupapa. Despite the road bumps, the initiative has continued.
2. Ground up – this was started by an iwi member who saw a need for her people and did something about it.
3. Support – although there was limited support initially, the nature of her kaupapa has meant it has attracted support even from those who did not back her at the start.

These elements need to be explored further to gain a clearer picture of why this works.

See Appendix 8, “Scoping Iwi Relationship with the Youth Justice System”, on the rationale and methodology for developing this case example.

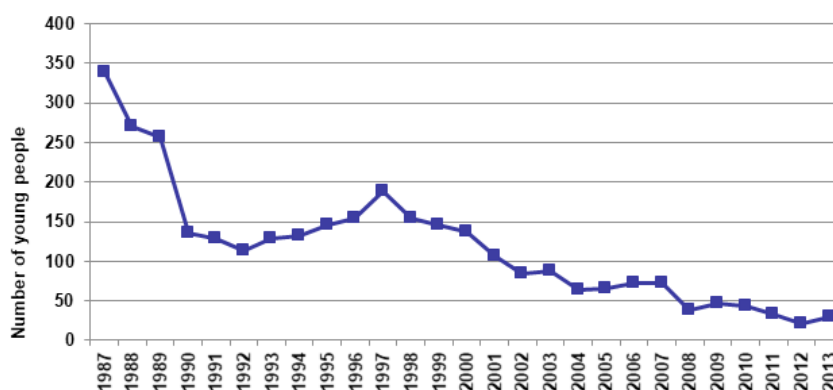
When a young person's hearing is transferred from the Youth Court to the District or High Court, that young person can be subject to any sentence under the Sentencing Act 2002. These cases occur for youth offenders facing serious charges, whose sentencing outcome is likely to include a term of imprisonment. The number of young offenders sentenced to corrective training or imprisonment has been declining over the past 20 years. As at 31 January 2017, there were no prisoners in the department's prisons or correctional facilities under the age of 17 years (see Appendix 11 for data on 17–19-year-olds in prison). There were only three Māori offenders under the age of 17 years on community-based sentences.

Prisoners who are aged under 18 years must be kept apart from older prisoners (s179 of the Corrections Regulations 2005). Young men are housed in one of two youth units (at Hawke's Bay Prison and Christchurch Men's Prison), and they can also request to be kept separate from the youth population in these units. There are no youth units for young women due to the small numbers in custody.<sup>15</sup>

Particularly vulnerable sentenced 14-, 15- or 16-year-old offenders may be placed in an Oranga Tamariki youth justice residence to serve all or part of their sentence of imprisonment.

The department maintains involvement with the young person, alongside Oranga Tamariki.

Soon after a young person arrives in prison, they are assigned a case manager who develops an offender plan with them. Young offenders serving community-based sentences and those on home detention are dealt with on a case-by-case basis. Probation officers may refer young offenders to external providers, including Iwi services.



**Figure 12: Number of young offenders who were sentenced to corrective training or imprisonment, 1987 to 2013**

<sup>14</sup> Unless stated, the information in this section is drawn from the Department of Corrections response to an official information request, 9 February 2017. The age range is extended in this section to those under 18 years of age as this is the information that was supplied to us by the Department. Youth – Correction Act Placements (CAP) in prisons are those aged 14–16 years. Youth – prisoners 17 years of age are automatically placed in youth units as well.

<sup>15</sup> If young offenders (14–16-year-olds) are sentenced but are particularly vulnerable, they may serve all or part of their sentence in Oranga Tamariki's Korowai Manaaki youth justice residence in Auckland. This is the only Oranga Tamariki residence with approved Corrections Act beds. The young people then "remain in the legal custody of the relevant prison's prison director" (Department of Corrections, 2017).



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## Appendix 1

### Provisions of the Oranga Tamariki Act 1989 Relevant to Youth Justice

#### **1. Title and commencement**

(1)

This Act may be cited as—

the Oranga Tamariki Act 1989; or

(b) the Children's and Young People's Well-being Act 1989.

#### **4. Objects**

Among the objects in Section 4, Part 1 of the Act are:

The object of this Act is to promote the well-being of children, young persons, and their families and family groups by—

- a. establishing and promoting, and assisting in the establishment and promotion, of services and facilities within the community that will advance the well-being of children, young persons, and their families and family groups and that are—
  - i. appropriate having regard to the needs, values, and beliefs of particular cultural and ethnic groups; and
  - ii. accessible to and understood by children and young persons and their families and family groups; and
  - iii. provided by persons and organisations sensitive to the cultural perspectives and aspirations of different racial groups in the community:
- b. assisting parents, families, whanau, hapu, iwi, and family groups to discharge their responsibilities to prevent their children and young persons suffering harm, ill-treatment, abuse, neglect, or deprivation:
- c. assisting children and young persons and their parents, family, whanau, hapu, iwi, and family group where the relationship between a child or young person and his or her parents, family, whanau, hapu, iwi, or family group is disrupted:
- d. assisting children and young persons in order to prevent them from suffering harm, ill-treatment, abuse, neglect, and deprivation:
- e. providing for the protection of children and young persons from harm, ill-treatment, abuse, neglect, and deprivation:
- f. ensuring that where children or young persons commit offences,—
  - i. they are held accountable, and encouraged to accept responsibility, for their behaviour; and
  - ii. they are dealt with in a way that acknowledges their needs and that will give them the opportunity to develop in responsible, beneficial, and socially acceptable ways:
- g. encouraging and promoting co-operation between organisations engaged in providing services for the benefit of children and young persons and their families and family groups.

#### **5. General Principles**

Section 5 sets out the 'Principles to be applied in exercise of powers conferred by this Act':

Subject to section 6, any court which, or person who, exercises any power conferred by or under this Act shall be guided by the following principles:

- a. the principle that, wherever possible, a child's or young person's family, whanau, hapu, iwi,

and family group should participate in the making of decisions affecting that child or young person, and accordingly that, wherever possible, regard should be had to the views of that family, whanau, hapu, iwi, and family group:

- b. the principle that, wherever possible, the relationship between a child or young person and his or her family, whanau, hapu, iwi, and family group should be maintained and strengthened:
- c. the principle that consideration must always be given to how a decision affecting a child or young person will affect—
  - i. the welfare of that child or young person; and
  - ii. the stability of that child's or young person's family, whanau, hapu, iwi, and family group:
- d. the principle that consideration should be given to the wishes of the child or young person, so far as those wishes can reasonably be ascertained, and that those wishes should be given such weight as is appropriate in the circumstances, having regard to the age, maturity, and culture of the child or young person:
- e. the principle that endeavours should be made to obtain the support of—
  - i. the parents or guardians or other persons having the care of a child or young person; and
  - ii. the child or young person himself or herself—  
to the exercise or proposed exercise, in relation to that child or young person, of any power conferred by or under this Act:
- f. the principle that decisions affecting a child or young person should, wherever practicable, be made and implemented within a time-frame appropriate to the child's or young person's sense of time:
- g. the principle that decisions affecting a child or young person should be made by adopting a holistic approach that takes into consideration, without limitation, the child's or young person's age, identity, cultural connections, education, and health.

#### **Part 4, Section 208 of Oranga Tamariki Act 1989 or Children's and Young People's Well-being Act 1989**

##### ***206. Principles – Youth Justice***

Subject to section 5, any court which, or person who, exercises any powers conferred by or under this Part or Part 5 or sections 351 to 360 shall be guided by the following principles:

- a. the principle that, unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter:
- b. the principle that criminal proceedings should not be instituted against a child or young person solely in order to provide any assistance or services needed to advance the welfare of the child or young person, or their family, whanau, or family group:
- c. the principle that any measures for dealing with offending by children or young persons should be designed—
  - i. to strengthen the family, whanau, hapu, iwi, and family group of the child or young person concerned; and
  - ii. to foster the ability of families, whanau, hapu, iwi, and family groups to develop their own means of dealing with offending by their children and young persons:

- d. the principle that a child or young person who commits an offence should be kept in the community so far as that is practicable and consonant with the need to ensure the safety of the public:
- e. the principle that a child's or young person's age is a mitigating factor in determining—
  - i. whether or not to impose sanctions in respect of offending by a child or young person; and
  - ii. the nature of any such sanctions:
- f. the principle that any sanctions imposed on a child or young person who commits an offence should—
  - i. take the form most likely to maintain and promote the development of the child or young person within their family, whanau, hapu, and family group; and
  - ii. take the least restrictive form that is appropriate in the circumstances:
- fa. the principle that any measures for dealing with offending by a child or young person should so far as it is practicable to do so address the causes underlying the child's or young person's offending:
- g. the principle that—
  - i. in the determination of measures for dealing with offending by children or young persons, consideration should be given to the interests and views of any victims of the offending (for example, by encouraging the victims to participate in the processes under this Part for dealing with offending); and
  - ii. any measures should have proper regard for the interests of any victims of the offending and the impact of the offending on them:
- h. the principle that the vulnerability of children and young persons entitles a child or young person to special protection during any investigation relating to the commission or possible commission of an offence by that child or young person.

## Appendix 2

### Ministry for Vulnerable Children, Oranga Tamariki

The establishment of Ministry for Vulnerable Children, Oranga Tamariki in April 2017 is a new stand-alone ministry and incorporates Child, Youth and Family, some MSD and Community Investment functions, and the Children's Action Plan Directorate, including Children's Teams, ViKI and the Vulnerable Children's Hub.

The new Ministry focuses on five core services:

1. Prevention services
2. Intensive Intervention services
3. Care support services
4. Youth Justice services
5. Transition support services

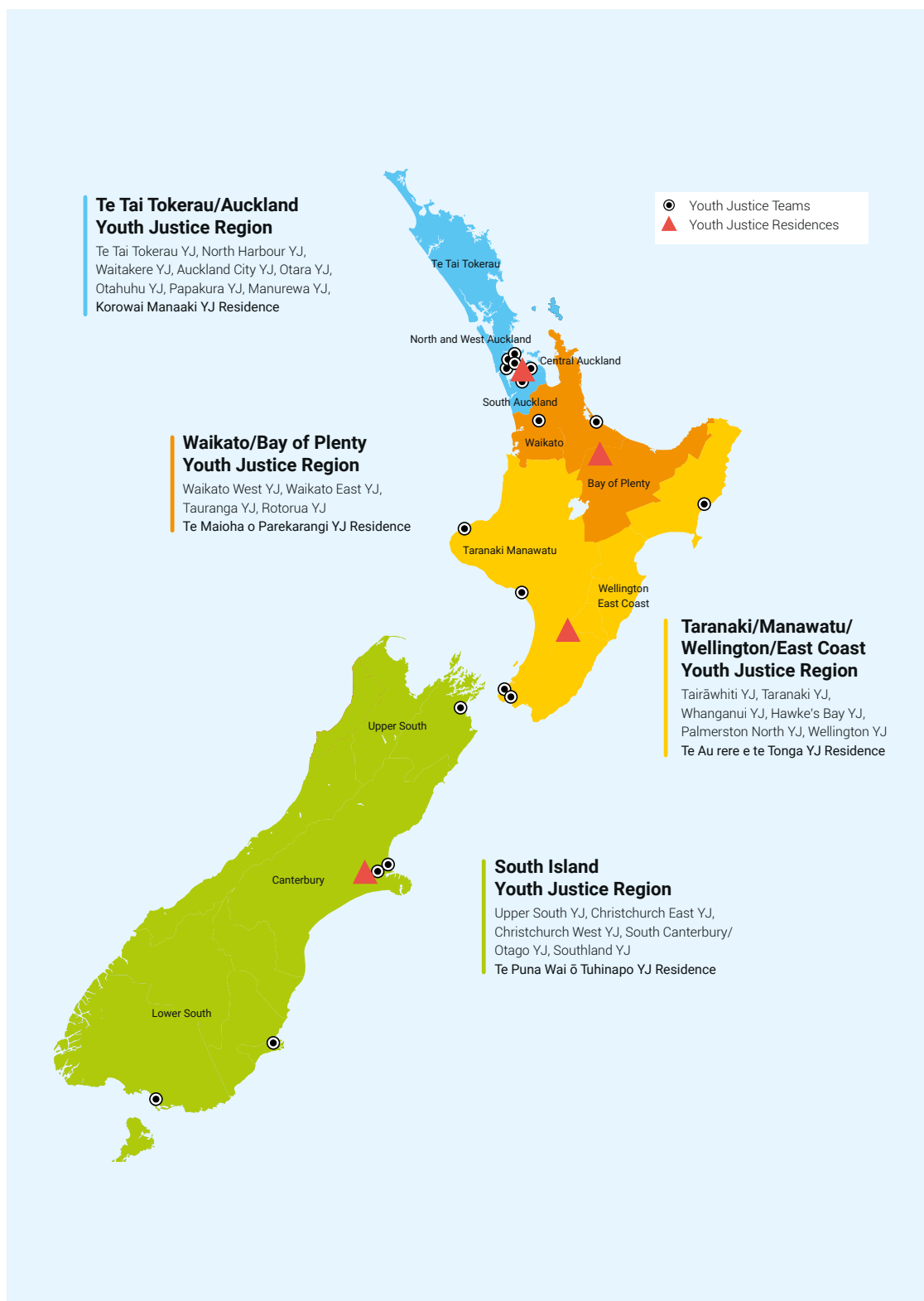
The new organisational structure includes 3 clusters:

- Services comprising:
  - Partnering for Outcomes group,
  - Two Services for Children and Families groups (North and South),
  - Youth Justice Services group, and
  - Care Services group
- Voices and Quality comprising:
  - Tamariki Advocate/Voices of Children group; and
  - Chief Social Worker/Professional Practice group
- Enabling Functions comprising:
  - Policy, Investment and Evidence group; and
  - Leadership and Organisational Development group.





## Oranga Tamariki – Youth Justice Services Regional Boundaries



## Appendix 3

### Progress in Implementing the New Vulnerable Children Operating Model Three Months 1 April 2017 to 1 July 2017

Office of the Minister for Children

Chair  
Cabinet Social Policy Committee

#### PROGRESS IN IMPLEMENTING THE NEW VULNERABLE CHILDREN OPERATING MODEL

##### Proposal

1. This paper updates Cabinet on progress in designing and implementing the new operating model for the Ministry for Vulnerable Children, Oranga Tamariki (The Ministry). It sets out the Ministry's approach to stabilising and transforming services for vulnerable children and young people, at both the agency and system level. It outlines the progress that has been made in the Ministry's first three months to put the new operating model in place and discusses next steps in the four to five year transformation journey.
2. 

S 9 (2)(f)(iv) Active Consideration
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##### Executive summary

3. The Ministry for Vulnerable Children, Oranga Tamariki (the Ministry) has successfully embarked on an ambitious stabilisation and transformation programme. In the first three months of the Ministry's operation, considerable progress has been made in stabilising existing services, with a focus on challenging sites and areas of high demand, and beginning to address front-line capacity issues. It has also begun to put in place the new operating model by making a range of practical 'on the ground' changes for children and young people, caregivers and staff.
4. At the same time, work has continued to develop the building blocks for the wider service and system transformation. This includes such initiatives as the investment approach, the system performance framework and the Vulnerable Children's Plan, legislative change and service design for the five services areas. We are on track to deliver these fundamental changes.
5. This paper sets out the strategic intent of the transformation work under three dimensions: the Ministry, the system, and the wider community. It also provides a number of practical examples of how we have started to bring the new system to life and what the next steps are for the programme, with a focus on the next twelve months.

##### Background

6. In response to the Expert Panel's findings, Cabinet has agreed to undertake an extensive reform programme to improve outcomes for our most vulnerable children and young people. On taking recommendations to Cabinet on the response to the Expert Panel Report, I emphasised the fundamental nature of the changes including the fact that the future system needs to re-orient from a social welfare system to a cross-sector investment system. Over time this will tilt the system towards prevention and remediation, with the objective of improving children's immediate and long-term wellbeing, and away from short-term and reactive responses designed primarily to minimise harm.
7. This includes the establishment of the Ministry for Vulnerable Children, Oranga Tamariki (the Ministry) with its wide set of responsibilities including system leadership and acting as a single point of accountability for vulnerable children and young people. Cabinet has also made major changes to the legislative framework to support this transformation.
8. Cabinet has previously received reports on specific aspects of this transformation. This includes the establishment of VOYCE - Whakarongo Mai, the independent advocacy service for care-experienced children and young people, arrangements for Ministerial oversight of the transformation programme, and work to develop care standards.
9. Cabinet has invited me to provide further reports on specific aspects of our work as follows:
  - report back by 30 June 2017 on progress in implementing the new operating model [CAB- 17-MIN-066]
  - report back by 30 June 2017 on further progress in the development of the system performance framework [CAB-17-MIN-066]
  - report back progress by 31 August 2017 on the Community Investment Strategy [CAB-17- MIN-0101 refers]
  - report back by 31 August 2017 on progress in developing the care standards regulations [SOC-16-MIN-0139 refers].

## Overall approach

10. The key leadership challenge in the reform process right now is in balancing the need for a fundamental and system wide transformation, with the requirement to deal with immediate issues and crisis management, and to respond to legacy issues. The system as a whole must transform while continuing to provide for and support vulnerable children and young people, their families, whanau, hapo, iwi and other family groups. We must also manage the rightfully very high expectations New Zealanders have that the new Ministry and enhanced system will make a significant difference to the lives of our most vulnerable children.
11. Good progress has been made on putting in place some of the fundamental building blocks for this transformation, including legislative change, the investment approach, and a new agency performance framework. The Ministry has put in place a number of immediate improvements to services and ways of working. In each case there has been a deliberate linking of shorter-term initiatives to the broader strategic intent, so they will also align with and contribute to the achievement of our longer-term goals – see the attached appendix for examples of these early enhancements to the system.
12. Wherever possible, the Ministry is starting with immediate high-impact initiatives, refining them as it improves its understanding of effectiveness, and using investment model insights to guide it and then bring up to scale quickly if successful. Remaining agile and taking opportunities as they arise to make tangible changes across the Ministry, the system, and the wider community is key.
13. The Ministry is fully aware of the scale of the challenge ahead. The transformation programme is highly ambitious in terms of the outcomes it is seeking for children and young people, it entails the fundamental re-design of a complex system, and it needs to address a large set of long-standing issues.
14. Over the past twelve months, the focus has been on getting the foundations for the transformation in place, standing up the two new agencies and VOYCE – Whakarongo Mai, and putting in place some early enhancements to the care and protection and youth justice system.
15. Over the next stage of the transformation programme, the most significant internal challenges for the Ministry will be building its own capacity and capability, embedding culture and practice changes so they become part of the DNA of the agency, and moving from a low trust external environment to one where people genuinely want to engage with and work alongside the new agency.
16. At the system level, a concerted focus will be required across agencies on the design and implementation of a system performance framework and a first Vulnerable Children's Plan. This joint commitment will also be necessary to ensure vulnerable children, their families and whanau get access to the services they need. A further key challenge will be developing and embedding a system practice framework across the children's workforce.
17. At a community-level, building and growing partnerships with iwi, Maori and other community providers will be crucial. This will need to involve the co-design of new ways of working, to experiment, innovate and learn as it goes, while at the same time ensuring continuity and quality of care for the vulnerable population the Ministry is serving. Where necessary we will support community partners to build their own capability and capacity.
18. A good start has been made across these areas but there is still significant work ahead to realise our vision for vulnerable children and young people.

## Stabilising and strengthening the Ministry for Vulnerable Children, Oranga Tamariki

### *Summary*

19. This section covers the work the Ministry has done and is doing to 'get their own house in order' by stabilising and strengthening the core foundations. This is a necessary first step for a number of reasons, including the need to quickly improve the performance of the Ministry and the quality of services provided to children and young people. As a major provider of care, the Ministry must become an exemplar of good practice and a role model, if it is to be credible in playing a leadership role in the system. As the Government's lead on the transformation of the vulnerable children's system, it has an obligation to 'be the change you want to see'. All of this requires investment in internal capacity and capability.

### *Providing clear leadership*

20. High-quality, experienced leaders, focused on delivering services to children and young people are fundamental to driving change both in the Ministry and in the wider system. The Ministry has a predominantly new and strong second tier leadership team, reflecting the breadth and depth of the changes that need to be made over this transformation period. Deputy chief executives are making day-to-day improvements in their own areas of operations, as well as coming together to plan the staging, design and implementation of the major system reforms.
21. The Ministry has reduced the number of management layers between senior leaders and the 60 Site Managers and eight Residence Managers who are closest to the experiences of vulnerable children and young people. These managers will play a pivotal role through the transformation process.
22. The Ministry has established a new team to build leadership and management skills across the organisation, as these will be especially critical as system changes are implemented over the next five years. Over the next twelve months, priority competency areas include leading in a child-centred way, building staff capability and performance, judgement, decision-making and commercial competency, cultural competency, as well as collaboration and partnering.
23. The Expert Panel and many other commentators were clear that changing the values, culture and behaviour in

both the Ministry and the wider system would be critical to improving outcomes. Accordingly, the Ministry is making values and culture a major part of its leadership focus. Not only were the Ministry's value statements developed by care experienced children and young people, these young people made the final decisions about the values and branding. The Ministry values are already being widely used and appear to resonate with staff and external stakeholders.

24. The Ministry has also focused on being clear about its role and what success looks like. This is expressed most strongly in the new agency performance framework. The Ministry has identified fewer than 40 measures, (down from 185 KPIs for Child, Youth and Family) that hone in on what children and young people have said is most important to them, and on those aspects of its day-to-day work that are likely to make the biggest difference to outcomes for children. These are aligned to the wellbeing domains that have been used to shape the investment model (see paragraph 42 below) and will be used to drive expectations and performance in the organisation. The focus for the next twelve months is developing measures that provide a truer picture of the outcome of interest (eg a stable and loving home) and designing a performance framework for the wider system. This work is well underway

#### *Stabilising service delivery and developing new sites*

25. The new Ministry faces some legacy issues associated with current services, so there is an initial focus on stabilising service delivery, particularly in challenging sites or areas of high demand such as youth justice remands.
26. The Ministry is closely monitoring sites where there are significant performance challenges. In one such site, the Ministry has just put in place a 'recovery' plan that involves strong engagement and partnership with the community, iwi, partner agencies and NGOs as well as improvements to the capacity, capability and leadership at the site.

s 9(2)(f)(iv)

27. The Ministry has also identified four large sites<sup>1</sup> - where demand is currently high - and are in the process of splitting these to create four new sites. While this project was originally driven from a stabilisation perspective, the Ministry has taken a more strategic approach, using this opportunity to also build a significantly different way of working that better supports the achievement of long-term outcomes. The Ministry has run a co-design process with over 375 people in 27 separate workshops to shape the design of these new sites and how they will work. The foundations for the new ways of working will be implemented in the new sites within the next twelve months.

#### *Increasing front-line capacity*

28. We know that caseloads are too high in some areas and this can be a barrier to staff being able to provide sufficient time to children and young people and caregivers. The Ministry is making some relatively quick increases to front-line capacity. For example, an additional 42 social workers are being funded from within baseline to meet the growing demand for court ordered reports to support custody proceedings, thereby freeing up the same amount of social worker time to work directly with children and families.
29. An additional focus is filling social worker vacancies which may have existed for some time. The Ministry has begun a nationwide recruitment programme for additional frontline staff that has been designed to focus on attracting high quality staff. The Ministry is already receiving higher numbers of applications of a higher calibre than in the past.
30. In the youth justice area, high demand for residential remand has stretched the Ministry's ability to respond appropriately. While longer-term initiatives are being developed to prevent this, in the short-term the Ministry is focussed on increasing the capacity in the system to safely and effectively provide remand facilities. This includes initiatives such as opening 10 additional residential beds at the Te Puna Wai residence, opening a new community based Home near Rotorua (Te Toa Matataki) that will provide community based rehabilitation for five young people on remand, and planning for a new facility in Whangarei with an anticipated opening date in late 2017.

#### *Building quality social work practice*

31. A critical priority for the Ministry is being clear about what good social work practice is, what behaviours are needed to support the Ministry's new mission and values, and measuring the extent to which high quality practice is embedded across all its sites.
32. At the centre of this is the design and implementation of a Ministry child-centred practice framework that provides clear guidance on the must do's and minimum standards. This practice framework is on track for being implemented by July 2018. A number of practice areas have been fast-tracked for early implementation, including ensuring the greater participation and engagement of children and young people, as well as whanau decision making.
33. The Ministry is also strengthening on-going professional learning and development for its social workers and other front-line staff; for example, training to help ensure children take part in decisions that affect them, including in Court, and in Family Group Conferences. The Werry Workforce Wharaurau (formerly the Werry Institute) has also designed the Ministry three foundational e-learning modules on trauma-informed practice

<sup>1</sup> Whangarei, Waikato East and West sites, and Tauranga.

and these are now available to all staff. The Ministry is ‘re-purposing’ such high quality material and has made this training available to caregivers and to other children’s workers. It is being well received and is being seen as an indication that they and the work they do, are valued and supported.

34. In parallel, the Ministry has strengthened the mandate for sites to provide practice leadership, coaching and support, and a new supervision approach to help embed quality mentoring and coaching. This will be implemented over the next twelve months.
35. Ensuring quality new recruits is part of the broader capability challenge the Ministry faces. Looking ahead, the Ministry will work with the Tertiary Education Commission and tertiary providers to help ensure it has a supply of social work graduates with the kind of skills and knowledge needed to support the Ministry’s wider goals and aspirations.
36. Finally, the Ministry is committed to supporting its managers, particularly front-line managers, to effectively manage services, resources and staff. Delegation levels have changed so that site and residence managers now have the people and financial decision-making rights that allow them to operate effectively. The Ministry is up- skilling its Site and Residences Managers to know how and when to act when performance issues arise. When they take appropriate action to address performance issues, they will have the backing of the organisation. Wherever possible processes are being streamlined to reduce the administrative burden on site managers and frontline staff, for example providing them with debit cards to meet child-related costs where appropriate.
37. The focus of all these efforts is to increase the quality of social work practice with children, young people, families and whanau. Through the new agency performance framework and the quality monitoring systems the Ministry is putting in place, it will be able to measure the extent to which this is a reality. The amount of face-to-face time frontline workers have with children is also one of the Ministry’s primary performance measures and will be tracked and monitored as a matter of course.

## Working with the Wider System

### Summary

38. This section sets out how the Ministry is working alongside other agencies to ensure an effective and integrated system that meets the needs of vulnerable children. The Ministry has been charged with providing the single point of accountability for meeting the needs of, and thereby improving the long-term outcomes for, vulnerable children and young people. Through co-design with other agencies, the Ministry is leading work to develop key parts of the system infrastructure. This includes the development of the system performance framework and preparatory work on the first Vulnerable Children’s Plan.
39. The Ministry is also taking the opportunity to trial and test new ways of working with partner agencies and providers, in advance of the detailed insights that will in future be available from the investment model. The design of these initiatives has drawn on findings from recent evaluations of existing programmes, wider evidence of effectiveness from other sectors, and successful innovations from front-line services. A range of system level initiatives to manage demand and quality of services are being implemented (eg for youth justice residential care, creating pathways to health and education services for children in care, or at risk of entering care and the development of a range of partnerships with iwi and Maori organisations).

### Creating the authorising environment for system transformation

40. Legislative changes have established the broad mandate and system leadership role of the Ministry. Legislation has also placed greater emphasis on children and young people’s voices and introduced greater flexibility about which professions can discharge functions under the Oranga Tamariki Act 1989. The legislation also supports the chief executive of the Ministry to be the single point of accountability for meeting the needs of vulnerable children and young people.
41. Further legislative changes are to be phased in over the next two years and will help further clarify the mandate of the Ministry by updating the purposes of the Act, promote more child centred practice through changes to the principles of the Act and a new information sharing framework. It will also support the improvement of outcomes for Maori through new duties on the chief executive to provide for a practical commitment to the Treaty of Waitangi, strengthening the focus on long-term outcomes and clarifying accountabilities.
42. A crucial part of this authorising environment is the development and implementation of the investment approach.

s 9(2)(f)(iv)

In summary, the Ministry has designed and built a ‘first of its kind’ model of New Zealand’s children and young people, and how their wellbeing during childhood connects to adult outcomes and future fiscal spend. This has involved the implementation of a comprehensive wellbeing construct, mapping cross-agency data and observations to the wellbeing domains of safety, security, wellness and development; with a fifth domain, stability, to come in the next iteration.

43. The recently completed wellbeing assessment of the vulnerable children’s population indicates three vulnerable population groups (segments). This first assessment confirms the priorities in the transformation plan, and provides a good starting point for agencies working together to identify priorities for the Vulnerable Children’s Plan and system performance framework.
44. These identified population groups, and some early indications of potential priorities within each of those groups, are as follows:

- **Care and protection and youth justice population**

s 9(2)(f)(iv)

Current areas of focus aligned to this group are caregiver recruitment, retention, support and placement, alternatives to remand, reducing reoffending, transition support services, treatment foster care, care standards, new service models in four sites, social worker practice framework, feedback and complaints. Potential priorities within this group include children and young people with complex needs beyond immediate safety needs.

- **Intensive intervention population**

s 9(2)(f)(iv)

Current areas of focus aligned to this group are new models for youth justice workforce and practice improvement, operational aspects of raising the age, and the design and implementation of the intensive intervention model incorporating the Children's Teams. Potential priorities within this group include young people with unsupported and unplanned pregnancies, children and young people exposed to adult mental health issues, substance abuse, intimate partner violence, and other children and young people with apparent complex needs but who are not known to the Ministry.

- **Prevention population**

s 9(2)(f)(iv) Active consideration

Current areas of focus aligned to this group are the design of the prevention services, Family Start, mental health pathways and access to services.

45. Funding for the Ministry has been, for the first time, appropriated in line with the segmentation of the population. This will allow the Ministry to adapt its service delivery over time within a flexible multi-category appropriation that directly aligns to its understanding of the children and young people it serves. Over time, as the model matures, it will begin to inform more of the Ministry's understanding of performance against these appropriations – as well as the performance of the system as a whole – which will be able to be understood in terms of the achieved impact on wellbeing and long term outcomes for children and young people.
46. The system performance framework is underway, with metrics to be agreed with agencies and the measurement monitoring and reporting framework still to be finalised. This will be finalised in line with the completion of the first Vulnerable Children's Plan, due later this year. The system performance framework and the Vulnerable Children's Plan will provide transparency about who is responsible for delivering services to vulnerable children, the effectiveness of those services and the outcomes they are achieving.
47. A draft set of national care standards have been developed and the Ministry is on track to develop recommendations to Cabinet on regulations and associated implementation requirements by the end of this year.

s 9(2)(f)(iv) Active consideration

*Collaborate with other agencies to achieve better long-term outcomes*

48. The focus on long-term outcomes, the investment approach and the new legislative accountabilities for long-term outcomes all drive the need for a more collaborative and integrated approach between the Ministry and its partner agencies.
49. A number of critical early enhancements have begun. Agencies are testing direct purchasing of partner services for children and young people in care -we currently have 201 children and young people in the demonstration of whom 20 per cent require direct purchasing and 20 per cent require brokerage in order to access services. The Ministry is also seeking some immediate improvements in service access for young people.
50. Another example of this focus to support children and young people in care is the agreement to include vulnerable children and their carers on the list of groups that should be prioritised for social housing.
51. The Ministry is also running a number of pilots and other initiatives to improve service collaboration and integrated delivery. Examples include the mental health focussed Mana Toa Pilot in the Hawkes Bay which is a preventative service for youth with at-risk behaviours, and the collaborative work programme with the Auckland DHB on acute mental health issues for young people in care. Family Start services in Auckland are being expanded to work more effectively with families with children aged 0-5 years of age, and to work with children and whanau associated with gangs.
52. There are also a number of good examples of collaborative initiatives in youth justice, such as the establishment of s 9(2)(f)(iv) the Huntly youth justice programme and the establishment of small community based intensive rehabilitation facilities such as Te Toa Matataki, located near Rotorua.

*Partner with Maori to improve outcomes for tamariki Maori*

53. The Ministry is continuing to drive the creation of a system that understands and better meets the needs and aspirations of Maori, including partnering with Iwi and Maori organisations to deliver on the high aspirations we have for vulnerable Maori children and young people. The new performance framework will ensure the entire Ministry, and wider system, is clear that achieving improved outcomes for Maori is a core accountability.
54. The Ministry is doing a range of work to support increased whanau participation and to help identify whanau connections for children and young people, as well as supporting whanau to develop and own realistic solutions for children and young people. This includes expanding the Mokopuna Ora programme to South Auckland, which is a partnership arrangement between Waikato Tainui and the Ministry to keep tamariki



connected with their whanau, hapu and iwi. If successful it will prevent children and young people coming into the statutory care system. The Ministry is also expanding hui-a-whanau and whanau searching initiatives to 21 sites.

#### *Move from a community investment strategy to partnering for outcomes*

55. The Ministry is in the process of refreshing what was formerly known as the Community Investment Strategy. This recognises that the current framework for working with community based organisations needs adjustment if it is to get better outcomes for vulnerable children. It is also consistent with the Expert Panel's report that recommended major changes to the way in which the future agency needed to work with its partners and providers. The nature of this shift is accurately reflected in the new Ministry's renaming and reshaping of Community Investment to Partnering for Outcomes.
56. Over the last year the Ministry has utilised data driven analysis to allocate services, such as the reallocation of building financial capability services, engaged stakeholders in large-scale co-design exercises for sexual violence services and continued the move to results-driven contracts, (eg additional funding in Family Start having to meet results-oriented targets).
57. The recent focus of the emerging Partnering for Outcomes function has been on:
  - Developing the service delivery partnership model
  - Developing the commissioning approach that:
    - defines and outlines the processes of the commissioning cycle, including ways of encouraging partnership with agencies and the provider community at each step
    - provides the Ministry with a broad range of models for delivering services, and the conditions under which these could be applied
    - provides commissioning staff with practical guidance on progressing through each stage of the commissioning cycle.
58. The Ministry is undertaking an initial analysis of its contracted services and service providers to review the match between service supply and demand. This will allow the development of a prioritised approach to meet market gaps by reviewing the level and nature of demand and supply, the capability and strength of current providers and key risks across the sector. Further work is required to understand what changes are required across the social sector to support the development of a sustainable and innovative provider community that achieves better outcomes for vulnerable children.
59. The key components of any future Partnering for Outcomes strategy will need to be the development of partnerships that allow providers to co-design the optimal support required for vulnerable children and young people. Flexible funding agreements that focus on outcomes, support innovation and value strong local knowledge and relationships will be needed. There will need to be a better understanding and alignment of service demand and supply.

### **Engaging and Communicating with the Community**

#### *Summary*

60. The Ministry cannot itself provide the loving stable homes and broad range of support and services that vulnerable children and young people need. The operating model is therefore strongly focused on building the motivation, capacity and capability of all the people who support, engage with and provide services to vulnerable children. This includes children and young people, caregivers, and the wider New Zealand community. The Ministry's three main communication and engagement priorities are to:
  - use the voices of care-experienced children and young people to shape the future
  - engage directly with and seek support from New Zealanders
  - increase the size and quality of our all-important caregiver base.

#### *Using the voices of children to shape the future*

61. The Ministry is actively and regularly seeking the voices of care experienced children and young people to improve current services and also to shape the future. A good start has been made at embedding children's voices as central to the organisation and its strategy. The new Tamariki Advocate/ Deputy Chief Executive Voices of Children role is designed to ensure co-design remains a core feature of how the Ministry works. Children and young people have driven the design of its brand and values and worked alongside the Ministry and their philanthropic and NGO partners to design and stand-up VOYCE - Whakarongo Mai. Eleven connection events for care experienced children and young people have been held around the country, with the next two events due to take place by the end of July.
62. Children and young people have contributed to the development of a range of key changes including national care standards, specialist foster care for remand options, new model sites and transition services. The Ministry worked with education providers to enable young people who helped with the design of remand options to gain NCEA credits for the work they produced through this co-design process. The Ministry has established community based design hubs in Christchurch and South Auckland to provide working spaces in communities where clients, including children and young people can participate in designing the future system.
63. The Ministry is also making some major changes to its feedback and complaints processes: see paragraphs 68 - 70 below.

#### *Communicating and engaging with New Zealanders*

64. The Ministry is progressing work to build trust, confidence and engagement with the broader New Zealand

public. The Ministry aims to change the public narrative to a more positive one that sees children in care as our potential leaders, doctors, teachers and parents. The Ministry is therefore actively building its engagement and communication ability - recently it has:

- Launched the Oranga Tamariki Facebook page. Through a Facebook presence the Ministry is able to engage directly with people and demonstrate its values in a way that is instantly accessible to a large and growing proportion of its population. The Ministry use the page to help its clients and to engage New Zealanders. Between 21 June and 14 July 2017, Facebook activity reached over 826,000 users and has had over 300,000 video views.
- Released the first three of the Trails of Taonga series of videos via the new Facebook page. The videos feature care-experienced young people sharing their stories about moments when members of the community helped or positively influenced them in some way. This initiative was designed on the basis of research indicating people are more likely to take action if they are confident it will result in positive outcomes.
- Partnered with Sport New Zealand to connect children in care to New Zealanders through sports, recreation and culture. The Ministry is also in a planning phase for a project to connect care-experienced young people to supported employment opportunities that align with their career goals/interests. The aim is to connect at least 20 care experienced young people with relevant employers by 30 June 2018.

#### *Build the size and quality of the caregiver base*

65. The future operating model is predicated on an increase in the number of caregivers and a higher quality of care in all caregiving settings, including the Ministry's own residences. This involves a significant programme of work. Some key building blocks have already been put in place including the provision of 24/7 support, prototype establishment of caregiver peer support networks, providing trauma training and resources and the expansion of Mokopuna Ora.
66. With funding through Budget 2017, the Ministry is creating more specialist Caregiver Social Worker positions to provide more support for caregivers, is creating more targeted support for people caring for high needs children and young people, developing further training and support programmes for caregivers, and undertaking a policy review of financial support for people caring for vulnerable children.
67. Work is underway on a caregiver attraction strategy which will be multi-faceted and co designed. The aim is to have communications activity live by November 2017. This will be the start of an on-going multi-year caregiver recruitment communications programme that aims to generate and then maintain a large and diverse pool of suitable caregivers. The programme will comprise communications that focus on both formal and informal types of care, and will have a number of strands in place, targeting relevant audiences. The goal is to generate enough interest, for children and caregivers to be matched according to suitability and for the child to have the ability to choose from appropriate options.

#### **How will we know that we are making a real difference for vulnerable children?**

##### *Client feedback will tell us if the Ministry is doing better*

68. The Ministry has established a centralised feedback and complaints function and processes to lift consistency and transparency in this area. New resources have been introduced, specifically aimed at ensuring children and young people in contact with the Ministry know how they can provide feedback and raise concerns. A new tool, setting these processes out, and accompanied by a voiceover by a young person, is now available online on the Ministry's website and a link to this information is also available on the VOYCE - Whakarongo Mai website.
69. The Ministry has trialled a digital tool to help capture children and young people's needs and concerns and to communicate those directly to social workers, supervisors and/or the national complaints centre (whomever the young person chooses). Early indications are that this tool helped facilitate the communication of important and sensitive information: the tool was used 222 times by 103 individual children and young people to share their views on 282 topics during the short trial. In the next year, the Ministry will develop a strategic case for a new IT tool to help young people raise concerns and share their insights to improve care.
70. The Ministry is working with its partners, including the Children's Commissioner and VOYCE - Whakarongo Mai, to ensure appropriate independent support is available to children and young people to raise concerns with their social worker and Site Manager, enabling escalation of those concerns to national office where they cannot be resolved at site level. The next stage also includes creating an aggregate picture of client feedback and complaints so that those views can inform future service design.

##### *The attitudes and involvement of the wider New Zealand public*

71. The Ministry is seeking to understand how successful it is in transforming the attitudes of New Zealanders towards vulnerable children. It has undertaken benchmark research in June 2017 with 2,800 New Zealanders about child vulnerability, their proximity to it, their beliefs about responsibility in relation to child wellbeing, relevant actions they may have taken in the last three months and their openness towards becoming a caregiver. This will become an annual survey in order to track any emerging trends and the impact of the reforms

##### *Independent monitoring and oversight of children's services*

72. s 9(2)(f)(iv)



#### *System wide information on outcomes*

73. The investment approach helps identify the factors that underpin children at risk and will support the Ministry and wider system to focus social sector resources on those children at risk of poor life outcomes. The associated evaluation framework will assess the performance of each intervention and its effect on the life-course outcomes of the children that receive these interventions. This will assist the Ministry and wider system to understand what is working for children in supporting them to get better life outcomes and where future effort should be focused. It will also give the Ministry a perspective on where to redirect investment away from what is not working to those activities that are achieving better outcomes.
74. The first Vulnerable Children's Plan will detail the cross-sector actions that are targeted at achieving Government's priorities for improving wellbeing and life outcomes for vulnerable children and young people. This plan is being developed by the Ministry in conjunction with the Ministries of Health, Education, Justice and Social Development, and the New Zealand Police, and will also include consultation with other agencies including Corrections, Te Puni Kokiri and the Ministry for Pacific Peoples. The plan is due to be completed later this year, and progress against the plan will be monitored by the Vulnerable Children's Board, as well as through annual public reporting on the plan. It is expected that each agency will be held to account for their performance against the plan and collectively for the overall achievement of the Plan's goals.
75. A key way of monitoring and assessing the performance of the Vulnerable Children's Plan will be through the system performance framework. The system performance framework will set the performance targets and on-going measurement metrics across the social sector that will drive better outcomes for vulnerable children.
76. Initially, for the next year (2017/2018) these metrics will leverage existing agency and Better Public Service metrics and report on the performance for the vulnerable children population. Future development will focus on identifying the most appropriate metrics to measure the effectiveness of interventions and achieving better outcomes for vulnerable children. Monitoring and driving performance against these metrics will be the responsibility of each agency and collectively through the Vulnerable Children's Board

#### **Consultation**

77. The following agencies have been consulted on this paper: the Department of Corrections, the Ministries of Education, Health, Justice, Pacific Peoples, Social Development and Women, the New Zealand Police, the New Zealand Treasury, Te Puni Kokiri, the Social Investment Unit and the State Services Commission. The Department of Prime Minister and Cabinet has been informed. The Vulnerable Children's Board has also provided input into the paper.

#### **Financial implications**

78. There are no direct financial implications associated with this paper.

#### **Human rights implications**

79. There are no direct human rights implications arising from this paper.

#### **Legislative implications**

80. There are no legislative implications associated with this paper.

#### **Regulatory impact and compliance cost statement**

81. This paper does not require a regulatory impact and compliance cost statement.

#### **Gender implications**

82. There are no direct gender implications arising from this paper. The youth justice components of the overall transformation programme are expected to disproportionately benefit boys and young men as they are significantly over-represented within the youth justice system. Measures that increase effective support for parents, family and whānau, including initiatives relating to intimate-partner violence, are expected to disproportionately benefit women because they are more likely to have primary care responsibilities. Increased support to care leavers to help them take up education, employment and training is likely to disproportionately benefit young women as they are more likely to be disengaged from the labour market and formal education and training.

#### **Disability perspective**

83. Children and young people with disabilities are over-represented among the children and young people engaged with the Ministry for Vulnerable Children and its services. The transformation programme includes a number of initiatives specifically designed to enhance the system response to the aspirations and needs of these children and young people and it presents a significant opportunity to improve their quality of life and long-term outcomes.

#### **Publicity**

84. There is no publicity associated with this paper.

## Recommendations

85. It is recommended that the Committee:

1. **note** the Ministry for Vulnerable Children, Oranga Tamariki was due to report back to Cabinet on:
  - progress in implementing the new operating model by 30 June 2017 [CAB-17- MIN-066]
  - further progress in the development of the system performance framework by 30 June 2017 [CAB-17- MIN-066]
  - progress on the Community Investment Strategy by August 2017 [CAB-17-MIN- 0101]
2. **note** the progress in the implementation and design of the new operating model for the Ministry for Vulnerable Children, Oranga Tamariki, set out in this paper
3. **note** insights from the first iteration of the lifetime investment model are being used to guide both investment decisions within the Ministry for Vulnerable Children, Oranga Tamariki and cross-agency work on the Vulnerable Children's Plan
4. **note** the Minister for Children will engage with relevant colleague Ministers to confirm the priorities and direction of the Vulnerable Children's Plan early in the next term of Government
5. **direct** the Ministry for Vulnerable Children, Oranga Tamariki, in consultation with officials from the Ministries of Education, Health, Justice, Pacific Peoples and Social Development, the New Zealand Police, the Department of Corrections and Te Puni Kokiri to report back by 30 November 2017 on the proposed set of system performance measures and a joint assessment of current performance
6. **note** the progress set out in this paper on the Community Investment Strategy and that as part of work to build strategic partnering, this strategy has been re-named and re shaped into the broader Partnering for Outcomes function of the Ministry for Vulnerable Children, Oranga Tamariki.

*Hon Anne Tolley  
Minister for Children*

## Appendix One: Further detail on medium-term components of the transformation plan and short-term improvements

### *Key medium-term components of the transformation plan*

The next few years (2018 to 2021) will see a continued focus on reform to underpin better outcomes for tamariki and, in particular, will see outcomes in the following areas:

- Children can receive care and transition support till the age of 25
- Rehabilitation for trauma will be a key feature of support for children and young people
- The youth justice system will support 17 year-old young people
- There will be adequate sustainable alternatives to care and residential remand
- Caregivers will feel supported and capable of delivering care to the standard expected
- Social worker practice will be focused on and achieving the best outcomes for children
- Vulnerable children will have priority access to a range of critical services that underpin quality life-courses
- The community will have an increased level of trust in the Ministry for Vulnerable Children, Oranga Tamariki to do the right thing by children and whanau
- The Ministry will have a number of service delivery partnerships that allow the provider community to deliver the best outcomes for children
- All social services agencies will be able to assess their performance with regard to vulnerable children
- The Ministry will be focused on prevention services and reducing vulnerability for children prior to issues becoming acute
- The Ministry will have clarity on the effectiveness of services and interventions and direct funding to those services that are most effective in achieving the best outcomes for vulnerable children.

*Further detail on planned short-term improvements*

**Stabilising and strengthening the Ministry for Vulnerable Children, Oranga Tamariki**

Strategic Intent	Dimension	Achievement
Provide clear leadership	Performance Framework	The new performance measurement framework is being implemented in the Ministry. It identifies the key levers that will be used to improve performance over time (face to face time with children, the experience of children and young people and staff engagement).
Stabilise service delivery	Increased youth justice residential capacity	Te Puna Wai Youth Justice Residence opened five additional beds in March 2017, and another five beds are due to be available in August. This will bring Te Puna Wai up to its full operating capacity of 40 beds. Planning is underway to open a new remand home in Northland, which will reduce the need for young people to be transported out of the area to other homes, be held in residences or held in police cells. The aim is to have the home in operation by August 2017. This will increase options for safe places to house young people and keep them connected to their communities and whanau support. It may also serve as a "step down" from residences and reduce pressure on residential beds. The plan is to have programmes delivered in the home by Iwi Social Services such as Ngati Kahurangi Trust or Ngapuhi Iwi Services.
Increase front-line capacity - to increase the level and quality of services	Creating new sites	The Ministry is creating four new sites using a co-design approach and have held co-design workshops with over 350 people including children and young people, iwi caregivers, partner agencies, NGOs and providers and staff. The Ministry will invest additional resources, including practice support, into both the 4 new and the 4 existing sites to ensure they are better able to meet the needs of their children and young people.
Strengthen practice and increase capability	Recruitment	A nationwide recruitment programme for frontline staff is being delivered by a specialist firm and has a strong focus on obtaining high quality staff through co-design of the process and running formal assessment centres. A holistic induction programme is also being designed for these new staff to ensure that they are able to do good quality work and are retained in the organisation. The Ministry is already seeing the impact of the more positive perception of the organisation, in the improved quality and number of candidates for existing roles.
Support managers to manage — and staff to focus on children	Front-line Managers – Delegations	HR and financial delegations have been changed to allow Site Managers to make their own staffing decisions and to manage site finances directly. Authorisation processes for the purchase of items for children in care have been streamlined, to reduce double-handling by Site Managers.

**Engaging and communicating with the community**

Strategic Intent	Dimension	Achievement
Use the voices of care experienced children to shape the future	Design hubs in the community	The Ministry has established a design hub in Porirua, and is finalising a second design hub in South Auckland, co-locating with two community and agency partners. A design hub is a working space located in client communities where clients can come in to participate in design by telling their stories, investigating challenges, assessing ideas and testing prototypes.
	Receiving and acting on direct feedback from clients	Mind of My Own App pilot and Storypark applications provide children and young people in care with an easy way of providing feedback and information to the Ministry. The Ministry has also redesigned its complaints and feedback service.
Communicate and engage with New Zealanders seek greater support for children	Connecting children in care to opportunities	The Ministry has partnered with Sport New Zealand to connect children in care to New Zealanders through sport, recreation and culture. It is also in the planning phase of a project to connect care experienced young people to support employment opportunities that align with their career goals.
Build the size and quality of the caregiver pool	24/7 Support for Caregivers	A new 24/7 Guidance and Advice Line trial began on 30 June 2017. To start with a dedicated weekend and after hours phone line staffed by social workers is being trialled. This will be followed by a four month pilot of a more extensive service in 6 sites and will provide advice and guidance to caregivers 24 hours per day.
	Peer support for caregivers	A pilot is underway to provide a peer support network for caregivers to assist them in providing each other with support, advice and information.
	Caregivers in Blenheim	The Ministry has worked in partnership with hapu, iwi and the Maori Women's Welfare League to identify, train and support hapu carers for mokopuna Maori. Five hui have been held to establish processes including, selecting and endorsing kaitiaki/carers, interview/assessment processes and training for the kaitiaki and their wider whanau with a strong cultural component and delivered by iwi and professionals from community.

## Influencing and leading the system

Strategic Intent	Dimension	Achievement
Collaborate with other agencies to achieve better outcomes	Prioritising service access for vulnerable children and their caregivers	Minister Bennett has agreed to add vulnerable children and the people caring for them to the list of identified groups that are to be prioritised for housing options under the Social Housing Scheme. The Ministry is working with MSD to develop the criteria for prioritisation.
	Mana Toa (mental health) Pilot in Hawkes Bay	The Mana Toa Pilot Programme has been established in Hawkes Bay to provide a preventative service for rangatahi displaying a number of at-risk behaviours. The Ministry has teamed up with Child and Adolescent Mental Health Services and Youth Forensic Mental Health and the service is co-delivered by psychologists, addiction services staff and Ministry social workers.
	Collaboration with Auckland DHB on Mental Health	The Ministry has agreed a collaborative work programme with the Auckland District Health Board, to better meet the acute mental health needs of young people. Any child or young person in the custody of the Chief Executive will have their needs prioritised to ensure their unique circumstances are addressed.
	Family Start initiatives in Auckland	Family Start Mangere has worked with the South Auckland Social Investment Board. As a result, Family Start workers now accompany Lead Maternity Carers on joint visits to families who may be eligible for Family Start. The Social Investment Board is also looking at where improvements/innovations could be made to the continuum of home-visit services to increase coverage, active engagement, workforce capability development and quality services. Family Start Manukau gained approval from local Mongrel Mob leaders to work with their children and to support their whanau. This follows a successful approach made on Family Start Manukau's behalf by a woman who has grown up in the gang. A similar initiative is underway between Family Start Manukau and the Black Power gang.
	Our providers working with us to achieve more intensive intervention	Lifewise have trialled an intensive support service in an attempt to reduce the numbers and duration of children in care. The support service means that the parents of children returning home are offered intensive in-home support (up to 60 hours weekly) as children adjust. Over time as the parents become more confident and the children grow accustomed to being back with their parents the in-home support gradually decreases. Due to the positive outcomes of this trial, Lifewise has been contracted to also provide this service in four other Auckland-based sites - Waitakere, Westgate, Grey Lynn and Hamai.
	Whangarei Rangatahi Court	The Ministry has worked with Police, Justice and Health to establish a Rangatahi Court in Whangarei. The group is working closely with a number of iwi including Ngapuhi, Ngati Wai, Ngati Hine and Ngati Whatua. Four marae have been nominated and iwi are identifying Kaumatua and Kuia to support this process.
Work with others in youth justice to lower demand	Youth Justice — alternatives to residential remand	Te Toa Matatiki Community Home located 50kms out of Rotorua has been officially launched. The Home will provide community based holistic rehabilitation for rangatahi on remand. Staff will be on duty 24 hours a day and the home will provide placements for up to 5 rangatahi. The young people will be enrolled with Te Kura, with staff supervising their learning. Tikanga Maori education will also feature as well as gaining transition to independence skills. The home is located on a farm, so the young people will also learn gardening and hunting.
	Huntly youth justice programme	On 1 July 2017 the Ministry launched a programme to prevent young people in Huntly from entering the youth justice system. The programme run by the Ministry will focus on young people and their whanau, where young people are at risk of coming into the youth justice system. As well as working with rangatahi and whanau, social workers are engaging with local council, iwi, NGOs and other government agencies to ensure a better outcome for rangatahi. This is a one-year trial.
Partner with Maori to improve outcomes for tamariki Maori	Extension of Mokopuna Ora	The Ministry has partnered with Tainui Waikato Iwi Project Leaders to pilot a Mokopuna Ora Programme in the Papakura area. The aim of the pilot is to strengthen Tainui mokopuna links to whanau, hapo, and iwi, and help support the safe return of mokopuna to whanau care.
	FGC partnerships	An iwi partnership has been developed with Rangitane ki Wairarapa to roll out co-facilitation of Family Group Conferences (FGC). Best practice and legislative training has been delivered.

## Appendix 4

### Socioeconomic Indicators, by Gender, Māori and Non-Māori, 2013

Indicator	Māori			Non-Māori		
	Males	Females	Total	Males	Females	Total
School completion (Level 2 Certificate or higher), 15+ years, percent, 2013	42.1	47.8	45.1	65.2	63.4	64.3
Unemployed, 15+ years, percent, 2013	9.8	10.9	10.4	3.9	4.1	4.0
Total personal income less than \$10,000, 15+ years, percent, 2013	23.0	25.0	24.1	14.8	21.7	18.4
Receiving income support, 15+ years, percent, 2013	23.1	36.7	30.4	10.9	16.4	13.8
Living in household without any telecommunications, all age groups, percent, 2013	3.1	2.9	3.0	1.0	0.8	0.9
Living in household with internet access, all age groups, percent, 2013	69.4	68.6	69.0	84.3	83.2	83.8
Living in household without motor vehicle access, all age groups, percent, 2013	8.1	9.3	8.7	3.7	5.0	4.4
Living in rented accommodation, all age groups, percent, 2013	48.3	50.5	49.5	27.7	27.3	27.5
Household crowding, all age groups, percent, 2013	18.3	18.8	18.6	7.8	7.6	7.7

#### Notes.

- Crude rates and prioritised ethnicity have been used – see Ministry of Health, 2015, Ngā tapuāe me ngā raraunga: Methods and data sources for further information.
- Telecommunications include telephone, cell/mobile phone, facsimile and internet.
- The household crowding measure is based on the Canadian National Crowding Index. This calculates a required number of bedrooms for each household (based on the age, sex and number of people living in the dwelling), then compares it with the actual number of bedrooms. A household is considered crowded when there are fewer bedrooms than required.

Source: Statistics New Zealand, at Ministry of Health (2015)

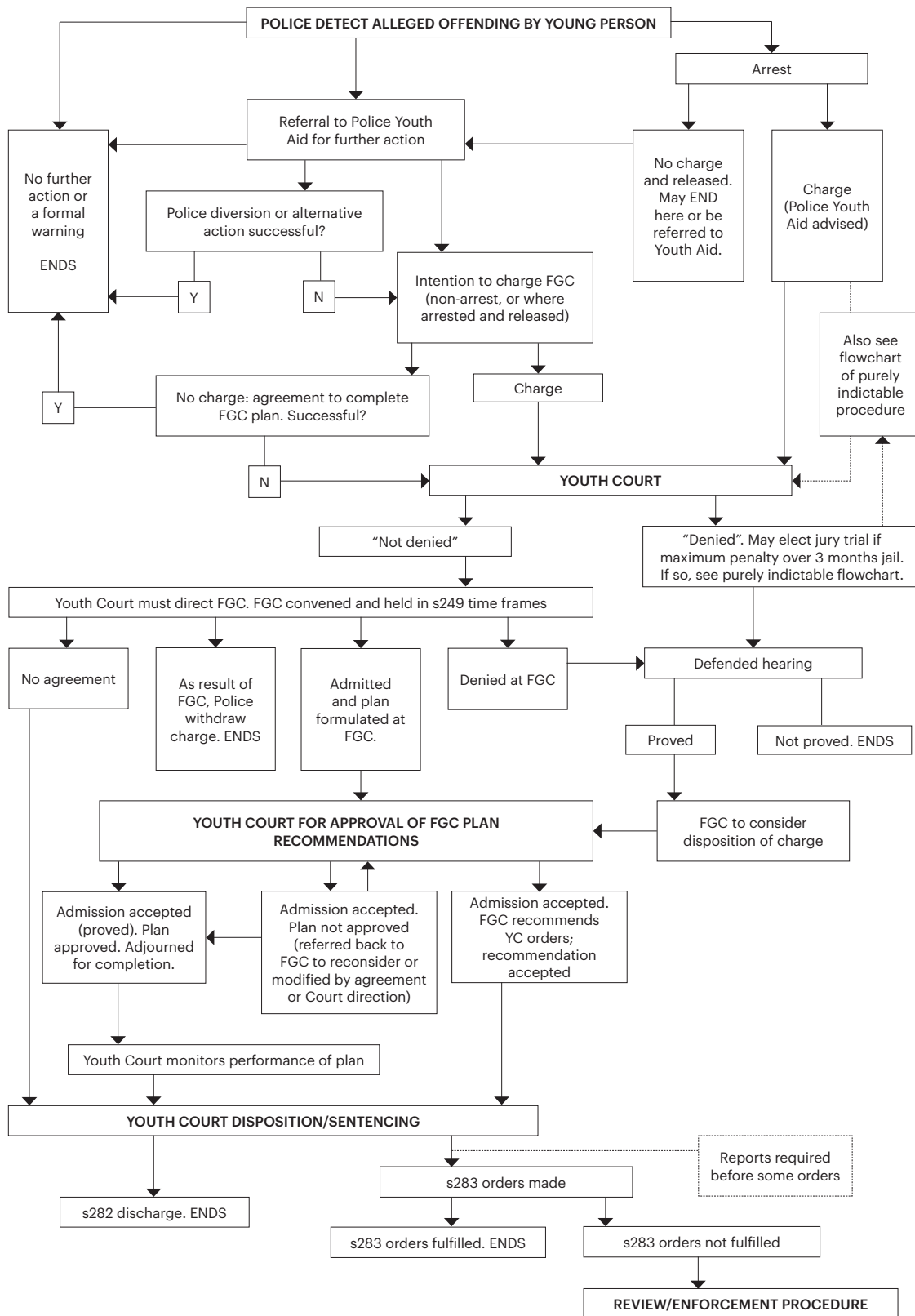
## Appendix 5

### The Prevalence of Neuro-developmental Disorders

Neurodevelopmental disorder	Reported prevalence rates amongst young people in the general population (%)	Reported prevalence rates amongst young people in custody (%)
Learning disabilities	2–4	23–32
Dyslexia	10	43–57
Communication disorders	5–7	60–90
Attention deficit hyperactive disorder	1.7–9	12
Autistic spectrum disorder	0.6–1.2	15
Traumatic brain injury	24–31.6	65.1–72.1
Epilepsy	0.45–1	0.7–0.8
Foetal alcohol syndrome	0.1–5	10.9–11.7

Source: Hughes et al., 2012.

## Appendix 6 Flowchart of the Youth Justice System



Source: Ministry of Justice, 2007 (from Johnson, p.16)  
See also <https://practice.mvcot.govt.nz/service-pathways/youth-justice/index.html>



## Appendix 7 Police Districts

New Zealand Police is divided into 12 districts, nine in the North Island and three in the South. Each district is divided into areas and has a central station from which subsidiary and suburban stations are managed.



## Appendix 8

### Scoping Iwi Relationship with the Youth Justice System

PREPARED BY HAIMONA WAITITI

#### **Purpose**

The purpose of this project is to better understand the relationship iwi have with the youth justice system (YJS) in Aotearoa New Zealand.

Over the years, iwi have engaged with the YJS in many different ways. Four of these ways have been identified as common to YJS initiatives:

1. Iwi organisations that have a social arm playing a direct role in the YJS;
2. NGOs have strong relationships with the iwi they reside in and incorporate iwi involvement throughout their operations;
3. Government agencies that run programmes for youth justice engage local iwi to be a part of the processes they run; and
4. Individuals or groups from specific iwi mobilise themselves to enact change for the betterment of the young people of their iwi.

#### **Proposal**

Visit examples of these approaches in action to gain a better understanding of what they do and identify where there are grounds to undertake further in-depth research. The organisations and iwi I would visit are:

1. Tuwharetoa – Oranga Tamariki, Police relationship; and
2. Te Arawa – Chantelle Walker, Te Toa Matataki.

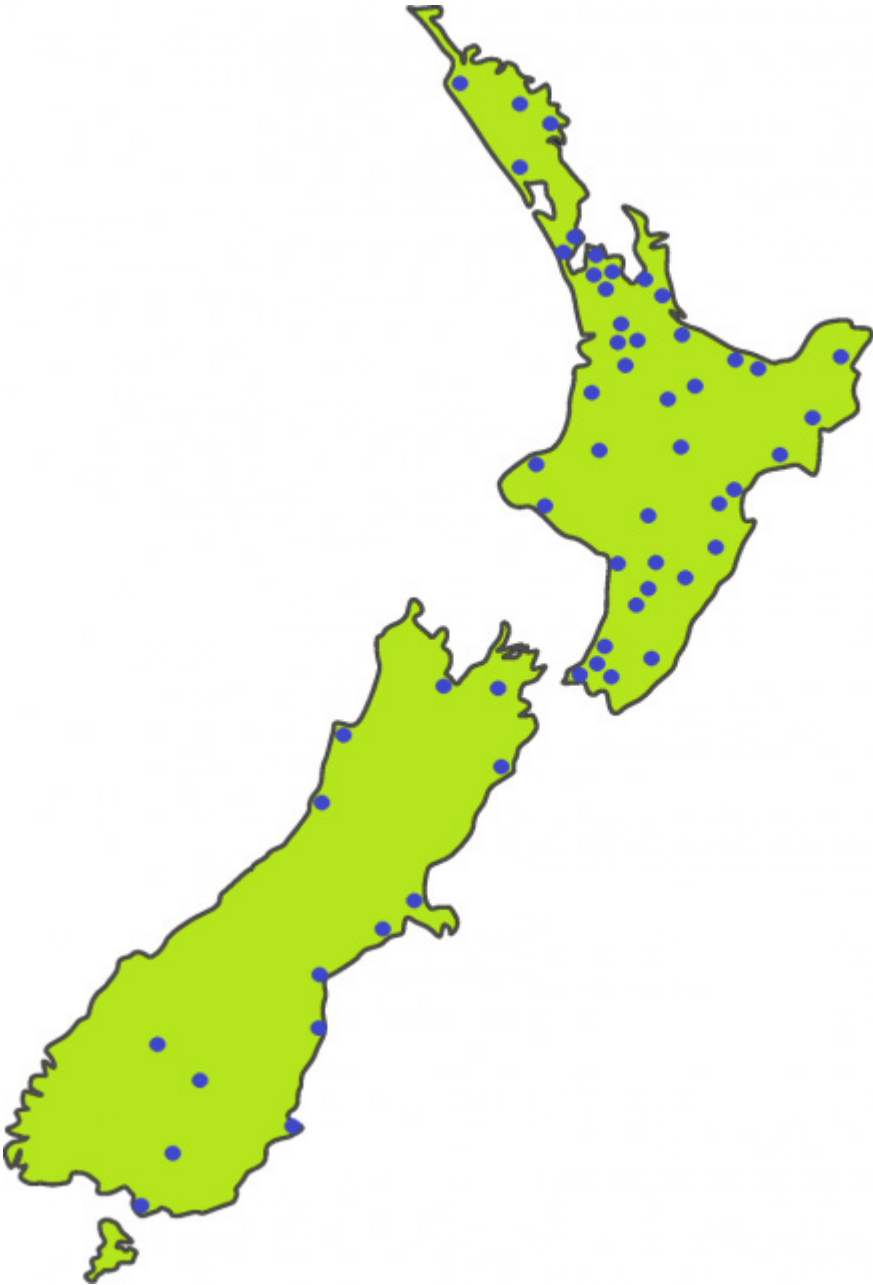
Focus of the visits/ questions (why, what, how):

- Who they are focused on (young people, serious offending, whanau)?
- What they do? Outline of the programme including tikanga and connection with iwi. What is the nature of the relationship with iwi? How are iwi involved? At what level, consultation, reporting to, etc)
- How do they know their work is effective for young Māori who offend?
- What are their thoughts on what would make them more effective for young Māori who offend?

#### **Outcome**

This scoping project will provide some understanding on how these different approaches operate and their identified benefits. This will then identify the value of a more extensive research project to expand and extend the learnings.

Appendix 9  
Location of the Youth Courts



## Appendix 10

### Details of Supervision with Residence Orders Given to Māori 14 to 16 years

Supervision with Residence (SWR) orders for Māori 14–16 years old, 1 July 2016 to 28 February 2017 detailed (n=48)

	Gender	Age*	Region	Operational area	Site	Sub-site	Offending	C&P Status
1	Male	16	Southern	Caterbury	Papanui	Christchurch West YJ	Confidential	Yes
2	Male	16	Southern	Otago/Southland	Otago Urban	Otago YJ	Burglary. ULTMV X3. Theft ex person.	Yes
3	Male	16	Southern	Otago/Southland	Otago Urban	Otago YJ	Theft ex Dwelling. Assault with Intent to Injure.	Yes
4	Male	16	Auckland	Waitematā	Westgate	Waitakere City YJ	YLGIMV. Aggravated Robbery. ULTMV. Reckless Driving. Fail to stop for Police.	Yes
5	Female	16	Auckland	Counties Manukau	Papakura	Papakura YJ	Aggravated Robbery X3. Escapes Lawful Custody.	Yes
6	Male	16	Central	Eastern	Napier	Hawkes Bay YJ	Burglary	No
7	Male	17	Southern	Canterbury	Papanui	Christchurch West	Aggravated robbery. Possession of Cannabis Plant. Possession of Utensils for Cannabis. ULTMV.	Yes
8	Male	16	Auckland	Waitematā	Westgate	Westgate	Possess Instruments for Conversion. ULGIMV X3. Escapes Lawful Custody X4. Burglary. ULTMV X3. Shoplifts X2. Failure To Answer District Court bail. Receives Property X2. Burgles X4. Intentional Damage. Attempted ULTMV.	No
9	Male	17	Auckland	Waitematā	Grey Lynn	Auckland City YJ	Aggravated Robbery. Injures with Intent to Injure. ULGIMV.	No
10	Male	16	Te Tai Tokerau	Te Tai Tokerau	Whangarei	Whangarei	Injures with Intent to Injure. Wilful Damage.	Yes
11	Male	16	Central	Eastern	Gisborne	Tairāwhiti YJ	Offences not listed in YJ Record	Yes
12	Male	15	Auckland	Waitematā	Westgate	Waitakere City YJ	ULIWMV X3. ULGIMV. Intentional Damage. ULTMV X12. Burgles X7. Prepare to Commit Crime. Fail to Stop for Police. Dangerous Driving. Theft ex Car X3. ULIBuilding. Attempted ULTMV. Possess Instruments for Conversion.	No
13	Male	16	Auckland	Waitematā	Westgate	Waitakere City YJ	Intentional Damage. Attempted Escape Lawful Custody X. ULTMV X5. Reckless Driving. Fail to Stop for Police. Possess Instruments for Conversion. Escape Lawful Custody X4. Burgles. Burglary X9. Attempted ULTMV X2. Common Assault X2. Shoplifts. Failure to Answer District Court Bail.	Yes
14	Male	15	Central	Lower North Island	Manawatū	Lower North Island YJ	Shoplifts. Theft. ULIEY. Wilful Trespass.	Yes
15	Male	16	Auckland	Counties Manukau	Manurewa	Manurewa YJ	Wounds with Intent to Cause GBH.	No
16	Male	16	Auckland	Waitematā	Grey Lynn	Auckland City YJ	ULIWMV X3. ULGIMV X8. Burglary X9. ULTMV X2. Escapes Lawful Custody X2. Attempted ULTMV. Possess Instruments for Conversion. Attempted Burglary. ULIEY X2. Aggravated Robbery. Wilful Damage X2. Received Property. Resist Police Arrest X2. Fail to Stop for Police. Dangerous Driving. Possess Instruments for Meth.	Yes

\* Age when order given

	Gender	Age*	Region	Operational area	Site	Sub-site	Offending	C&P Status
17	Male	15	Central	Eastern	Napier	Napier	Burglary X2. Aggravated Burglary.	Yes
18	Male	16	Midlands	Bay of Plenty	Tauranga	Tauranga YJ	Aggravate Robbery. Theft X7.	No
19	Male	16	Auckland	Counties Manukau	Mangere	Ōtāhuhu YJ	Confidential	No
20	Male	17	Auckland	Counties Manukau	Manurewa	Manurewa YJ	Burglary. ULGIMV X9. Other Aggravated Robbery X3. Assault with Intent to Rob. Resist Police Arrest X2. Fail to Stop for Police. Reckless Driving. ULIWMV. ULIEY X2. Speaks Threateningly. Possess Instruments for Conversion X2. Wilful Trespass. Other Burglary. Escape Lawful Custody. Wilful Damage.	No
21	Female	16	Auckland	Counties Manukau	Manurewa	Manurewa YJ	Aggravated Robbery. Shoplifts X3. Party to Aggravate Robbery. Possess Offensive Weapon. Wilful Damage. Theft Ex Car.	No
22	Male	16	Southern	Canterbury	Papanui	Christchurch West YJ	ULGIMV X2. Unlicensed Driver X2. Fail to Stop for Police X2. Dangerous Driving X2. ULTMV X4. Shoplifts X2. Theft. Burglary X6. Receives Property. Burgles X4. Theft of MV. Wilful Trespass. Aggravated Robbery. Wilful Damage.	No
23	Male	15	Midlands	Waikato	Hauraki	Hauraki	UL Driver. Burglary. ULTMV X2.	Yes
24	Male	15	Central	Western	Taranaki	Taranaki YJ	Theft Ex Car X3. Shoplifts X2. Theft. Burgles.	No
25	Male	17	Midlands	Waikato	Waikato West	Waikato YJ	Confidential	No
26	Female	15	Central	Western	Taranaki	Taranaki YJ	Aggravated Robbery	No
27	Male	15	Central	Greater Wellington	Porirua	Porirua	Offences not listed in YC Record	Yes
28	Male	16	Central	Western	Taranaki	Taranaki YJ	ULTMV. Unlicensed Driver. Fail to Stop for Police X2. Reckless Driving.	No
29	Male	16	Te Tai Tokerau	Te Tai Tokerau	Kaikohe	Te Tai Tokerau YJ	Burgles. Wilful Damage X3. Resist Police Arrest. Aggravated Robbery.	No
30	Female	16	Auckland	Counties Manukau	Mangere	Ōtāhuhu YJ	ULGIMV X3. Shoplifts. Aggravated Robbery. Wilful Damage X2.	Yes
31	Male	15	Auckland	Waitematā	Grey Lynn	Auckland City YJ	Fail to Stop for Police X4. ULTMV X7. Possess Instruments for Conversion X3. Reckless Driving. Escapes Lawful Custody X4. Dangerous Driving X2.	Yes
32	Male	17	Central	Lower North Island	Manawatū	Lower North Island	ULTMV X3. Burgles X3. Theft. UL Driver. Attempted ULTMV X3.	No
33	Male	16	Southern	Canterbury	Christchurch East	Christchurch East YJ	Burgles X2. Take Credit Card X2. Receives Property X3. Burglary.	Yes
34	Male	16	Auckland	Waitematā	Takapuna	North Harbour YJ	Reckless Driving. Fail to Stop for Police. ULTMV.	No
35	Female	16	Auckland	Counties Manukau	Manurewa	Manurewa YJ	ULGIMV X4. ULTMV X2. Escapes Lawful Custody X4. Fail to Stop for Police. Dangerous Driving.	No
36	Male	16	Auckland	Counties Manukau	Otara	Otara YJ	ULTMV X2. ULGIMV X5. Possess Instruments for Conversion X2. Burglary X4. Escapes Lawful Custody X2. Possession of Cannabis. ULIWMV.	No
37	Male	15	Southern	Canterbury	Christchurch East	Christchurch East YJ	Confidential	No
38	Male	15	Central	Lower North Island	Manawatū	Lower North Island	Dangerous Driving Causing Death X2. Dangerous Driving Causing Injury ULGIMV. Fail to Stop for Police. Forbidden Driver. Intent to Intimidate and Threatening to Injure Person.	No
39	Male	15	Southern	Otago/ Southland	Otago Urban	Otago YJ	ULIWMV. Assault Police. Possess Knife in Public Place. Aggravated Robbery.	No

	Gender	Age*	Region	Operational area	Site	Sub-site	Offending	C&P Status
40	Male	16	Central	Lower North Island	Manawatū	Lower North Island YJ	GBH Wounding with Intent with Weapon	No
41	Male	16	Te Tai Tokerau	Te Tai Tokerau	Kaikohe	Te Tai Tokerau YJ	Aggravated Robbery X2. Wounding with Intent of Cause GBH	No
42	Female	16	Auckland	Waitematā	Westgate	Waitakere City YJ	Assault with Intent to Rob. Aggravate Robbery.	No
43	Female	15	Midlands	Waikato	Waikato East	Waikato East	ULGIMV. Burglary. Assault with Weapon. Theft. Forbidden Driver. Assault with Intent to Injure. Common Assault X4.	Yes
44	Male	16	Midlands	Waikato	Waikato East	Waikato East YJ	Burglary X7. ULTMV X5.	No
45	Male	16	Central	Western	Whanganui	Whanganui YJ	Shoplifts X2. Wilful Trespass X2. Assaults Police. Possess Offensive Weapon. Behaves Threateningly.	No
46	Male	15	Central	Eastern	Napier	Hawkes Bay YJ	Burglary X3	No
47	Female	14	Midlands	Waikato	Waikato West	Waikato YJ	Theft. Shoplifts. Aggravated Robbery X2.	No
48	Female	15	Central	Western	Whanganui	Whanganui YJ	Theft ex Person. Common Assault. Injures with Intent to Injure.	No

## Appendix 11

### Prison – Youth Aged 17, 18 or 19 Years in Adult Prison

When a young person reaches 17 years and commits an offence, they are then dealt with in the adult criminal justice system and the Department of Corrections manages their sentence. The department considers youth offenders to be under the age of 20 years. (From 2019 all lower-risk 17-year-old offenders will be dealt with in the youth justice system, but 17-year-olds who are serious, violent offenders who commit a range of offences like murder, manslaughter, sexual assaults, aggravated robbery, arson or serious assaults will continue to be dealt with by adult courts.)

Youth prisoners have quite a different level of management and accommodation from adult offenders. The department has two youth units which are entirely separate from the adult population: one at the Hawke's Bay Prison and a second at Christchurch Men's. However, not all 17-, 18- or 19-year-olds are placed in these youth units.

The following (remand and sentenced) categories of prisoners are approved to be placed in a youth unit:<sup>1</sup>

1. **Youth – Correction Act Placements (CAP):** prisoners aged 14 to 16 years.
2. **Youth:** Youth: prisoners 17 years of age are automatically placed in youth units.
3. **Vulnerable Young Adults:** prisoners aged 18 and 19 years and assessed as suitable (by the Test of Best Interests for Men (TBI)) for placement in a youth unit.
4. Youths and vulnerable young adults who are actively “at risk” of self-harm will be placed in the At-risk Unit and not a youth unit.

Those male youth prisoners aged 18 and 19 not placed in the youth units are managed as adult prisoners and placed in a unit appropriate to their sentence plan. There are no specific youth units for female prisoners due to the small number of women in custody, and there are policies to guide the management of female prisoners under the age of 18 years.

There are a range of programmes available specifically for youth prisoners, including education, bicultural rehabilitative programmes and vocational training, although these prisoners may also engage in programmes available to the wider offender population.

Almost 80 percent of the young people in the adult prison system have already been through the youth justice system, while 83 percent of them have been through the state care and protection system. Eighty-eight percent of them have a previous background with Child Youth and Family (now Oranga Tamariki).

<sup>1</sup> [http://www.corrections.govt.nz/resources/policy\\_and\\_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.html](http://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.html)

At 31 January 2017:<sup>2</sup>

1. The average annual cost of imprisoning an offender under 20 years was just over \$164,000.
2. There were 356 offenders aged 17, 18 or 19 years under Corrections management in prison:

- 192 were on sentence (54%):
  - 96 for violence offences;
  - 59 for burglary offences;
  - 11 for dishonesty offences;
  - 14 for sexual offences.
- Of the 192 on sentence:
  - 79 sentence length was less than 2 years (41%)
  - 94 sentence length was 2–5 years (49%)
  - 13 sentence length was greater than 5 years (7 %)
  - 6 sentence was life imprisonment (3 %).
- 215 were Māori (60%)
  - 27 of these identified an iwi affiliation (13%)

Ngāpuhi	11
Ngāti Maniapoto	3
Ngāti Kahunungu	2
Ngāti Porou	2
Tāwharetoa	1
Tainui	1
Rangitane	1
Manawatū/ Horowhenua/ Wellington iwi	1
Te Arawa	1
Nga Ruahine	1
Nga Rauru	1
Ngāiterangi	1
Ngāti Toa	1

- 164 of those were on remand (46%)
  - 73 for violence offences
  - 49 for burglary offences
  - 19 for dishonesty offences
  - 8 for sexual offences.

Movement of prisoners aged 17, 18 or 19 years:

- Movement from one prison site (or youth justice residence where the offender is managed by Correction) to the other, occurs for a wide range of reasons.
- From 1 February to 31 January 2017, prisoners aged 17, 18 or 19 years at the date of transfer were moved 831 times. This is an average of 16 young people transferring each week.
- Within this timeframe, 9 transfers occurred involving a prisoner aged under 17 years at the date of transfer.

<sup>2</sup> Obtained under Official Information Act 1982 Request to Department of Corrections, November 2016. See Appendix 11.



Of the 356 prisoners aged 17, 18 or 19 years, data shows that 315, or 88 percent, of these young people had a previous background with what was formerly Child Youth and Family:

- 55 had care and protection only
- 20 had youth justice only
- 240 had both care and protection and youth justice
- 41 had no Child Youth and Family background.

There were 2,029 offenders aged 17, 18 or 19 years on community-based sentences under Corrections management. Of these, 1,250 were Māori (62%).

In 2010, 83 percent of prisoners aged 17, 18 or 19 years had a previous background with the former Child Youth and Family, and 50 percent had both a care and protection and a youth justice background. In 2010, 17 percent had had no background with the department.

#### Number of prisoners aged 17, 18 or 19 years by ethnicity, as at 31 January 2017

Ethnicity	Number of prisoners
European	69
Māori	215
Pacific	56
Other	2
Not recorded	14
TOTAL	356

#### Number of prisoners aged 17, 18 or 19 years by remand and sentenced status, as at 31 January 2017

Status	Number of prisoners
Remand	164
Sentenced	192
TOTAL	356

#### Number of prisoners aged 17, 18 or 19 years by imposed sentenced length, as at 31 January 2017

Sentence length	Number of prisoners
> 6 months	8
6 months to 1 year	20
1 to 2 years	51
2 to 3 years	64
3 to 5 years	30
Over 5 years	13
Life imprisonment	6
TOTAL	192

**Number of youth offenders subject to a community-based sentence or order  
by age group and ethnicity, as at 31 January 2017**

<b>Ethnicity</b>	<b>Under 17 years</b>	<b>17, 18 or 19 years</b>	<b>Total</b>
European	—	519	519
Māori	3	1250	1253
Pacific	—	227	227
Asian	—	16	16
Other	—	16	16
<b>TOTAL</b>	<b>3</b>	<b>2029</b>	<b>2032</b>

**Number of prisoners aged 17, 18 or 19 years by previous background with CYF,  
as at 31 January 2017**

<b>Prior status</b>	<b>Number of prisoners</b>
Care and Protection only	55
Youth Justice only	20
Care and Protection and Youth Justice	240
No CYF background	41
<b>TOTAL</b>	<b>356</b>



