



## Youth Crime Action Plan: Generating good ideas from experience.

Ministry of Justice Discussion Paper August 2012

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### Introduction

Aotearoa New Zealand Association of Social Workers (ANZASW) is the professional body for more than **4,000 social workers**, many of whom have day-to-day involvement with the young people who either offend or are in social situations where risk taking behaviours may lead to law breaking behaviours.

We have the unique identity of biculturalism as our defining characteristic. Social work is informed by the art of combining the disciplines of relationship-building and social science. It is a tradition that empowers people to take charge of their own lives in the context of their own values and aspirations. In undertaking this we work from a systemic approach and view behaviours in the context of the family and social systems that impact on the lives of young people. Social work looks at dimensions other than monetary to describe vulnerability. This includes the wider socio-economic and political conditions that marginalize people and families within their own communities.

This submission represents our views on challenges and issues that need to be considered in relation to the Youth Crime Action Plan. We welcome the opportunity to contribute and are strongly supportive of the focus of reducing the number of young people being caught up in

the justice system.

We agree with the opening statement that New Zealand's justice system for children and young people is among the best in the world and we have made submissions regarding changes to the legislation that support that view. In these earlier submissions we did not however support some of the proposed law changes believing that the legal system we had was robust and appropriate for New Zealand and that there was strong evidence to show it was working. We did however advise that the preventative measures, the diversionary measures and the creativity that the law enabled, was significantly compromised by not being valued and resourced. It is pleasing to note that the "Fresh Start" initiatives that have recently been introduced have for the first time since the early 1990s provided a vision and resourcing to practices and practitioners in youth offending that the CYP&F Act (1989) enabled but had not delivered.

Our submission also contends however that to focus on offending behaviours is still too late and we would want to promote the views of positive youth development that have been agenda items of the Ministry of Youth Development since its inception. While we understand the notion of targeted interventions we are concerned at the labelling and stigmatizing that this can create for groupings of people. The youth development strategy suggests that when working alongside young people the focus should be:

#### BEYOND

- Focusing ... on 'at risk', negative labels, problems ...
- Blaming ... teachers, parents, TV ...
- Reacting ... in an ad hoc manner to youth issues
- Fixing ... single youth problems in isolation

#### TOWARDS..

- Understanding ... young people as partners in their development
- Encouraging ... adults to be supportive mentors
- Planning ... being intentional, having a plan and setting high goals
- Achieving ... an inclusive economy/society - where young people are innovative and energetic participants <sup>1</sup>

We therefore strongly support the main platforms of the Youth Crime Actions plans as outlined, of

- intervening in offending behaviour earlier, through engaging with children and young people, and their family and whanau
- improving collaboration between frontline agencies, although we have some cautions about what may be expected through the information sharing part of this development
- increasing opportunities for early and sustainable exits from the justice system, particularly for Maori children and young people
- enabling whanau and community groups to develop local solutions.

Whilst not included in the action plan discussion paper we note there is strong government rhetoric that requires all new initiatives to be "evidenced based". We understand the intent

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<sup>1</sup> Ministry of Youth Development (2002) *Youth Development Strategy Aotearoa New Zealand; Action for Children and Youth Development*. Wellington, New Zealand

behind this but as we have positive legislation in relation to our child offending we need to take care not to simply seek and apply overseas models of “best practice” that have not been normed or adapted to the New Zealand situation. This we believe would further disadvantage Maori and Pacific peoples as most researched treatment and care comes from the USA and Great Britain and does not necessarily apply here.

We are aware of creative initiatives that are developing in New Zealand and see that one plank of the Youth Crime Action plan could be to encourage new initiatives and assist by way of supporting programme evaluation so that if successful they can be part of what we can describe as “best practice”. It was pleasing for us to hear of programmes that have been developed like the trail in Fielding of a community restorative approach and of work in the Wellington YOSS on “Growing Young Men” as well as an initiative called “Life to the Max Trust” in Whanganui. This is a holistic intervention approach that works with children/young people between the ages of 5 -13 years who are either offending or have the potential to offend due to risk factors in their lives. It is exciting to note this programme which has received positive evaluations has aspects of its kaupapa being embraced in other regions.

We seek to ensure the development of the Youth Crime Action Plan has a holistic vision. We challenge it to find ways to increase employment opportunities for young people and to enable a view of education that is valued beyond simply school attendance and NCEA results which a number of young people can not achieve or see no value in obtaining. We see current measures as suitable for the majority of young people but for those who experience educational shortcomings the challenge is to find how they learn and enable them to find activities they can succeed in and build on so as to feel valued and valid participants and contributors to society.

## Context of the Youth Action Plan

The plan is to reduce youth crime by at least 5% by 2017 and tackle hard-to-solve issues like the disproportionate number of Maori children and youth people in the justice system, and the fact that this is not improving.

This statement, in the way that it is written, suggests that there are not noticeable improvements in youth crime but many reports suggest that while improvements can be made significant positive changes are already evidenced.

Police Statistics reported in 2010<sup>2</sup>, show from 1995 to 2008 a significant trending down of offending (based on apprehension rates)

12 –13 year old 1995. 517 per 10,000 down to 336 in 2008

14 -17 year olds 1995 1889 per 10,000 down to 1572 in 2008

In this report it is however noted that the rates for apprehension for Maori young people is remaining static and is three times the rate of all other ethnicities .

This is of concern to our members who, while acknowledging the statistics, know from our work that the likelihood of being stopped and questioned by police for “suspicious” behaviour is significantly higher for Maori young people and thus the greater focus on this population

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<sup>2</sup> Ministry of Justice (April 2012) *Child and Youth Offending Statistics in New Zealand: 1992 to 2008*, Wellington, New Zealand

will inevitably mean greater levels of apprehension. Media headlines such as “Police target 10 worst crime families” also shows the labelling and vigilance.

Maxwell et al (2004)<sup>3</sup> indicates significant progress has been made over the 15 years since 1989 in achieving a more restorative and less retributive youth justice system.

Key findings emerging from this research are:

- Cases going to court have dropped from 600 (per 10,000 cases) in 1987 to 250 in 2001
- Incarceration has dropped from 300+ in 1987 to well under 100 in 2001
- 80% of cases dealt with by police diversion
- 70% of young persons' having an FGC have only one Conference
- 85% + of family group conferences reach agreement
- 80% of FGC plans included repair of harm that had been caused
- Half the plans include re-integrative provisions
- Victim presence promotes restorative outcomes
- Whole system has become more restorative and less punitive over time

Further, the research contends that negative effects result from:

- Embeddedness in the criminal justice system;
- Severe and retributive outcomes;
- Stigmatic shaming

And positive effects result from:

- Empowerment of family and community;
- Repair of harm;
- Re-integrative outcomes.

This major and significant research finds that most of the issues relating to implementation of the law are practice concerns, not concerns with the legislative scheme.

Doolan<sup>4</sup> says that in addition to their specific roles and activities with young people all youth justice practitioners have a collective responsibility to ensure that the implicit mandate of the Children, Young Persons and Their Families Act, is fulfilled.

This includes:

1. Measures that ensure that the young person is held accountable, accepts responsibility for their offending, promote ways in which they can repair harm that they may have caused and that recognise the communities need for appropriate protection.
2. Ensuring that both the young person themselves and their family, whanau, hapu, iwi and family groups are substantively involved in decisions that affect them. This includes ensuring that any measures undertaken focus on strengthening and maintaining the relationship between the young person and their family, whanau, hapu, iwi and family groups.

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<sup>3</sup> Maxwell, G., Robertson, J., Kingi, V., Morris, A. & Cunningham, C. (2004). *Achieving Effective Outcomes in Youth Justice: An overview of findings*. Wellington, NZ: Ministry of Social Development

<sup>4</sup> Mike Doolan *Understanding the Purpose of Youth Justice in New Zealand*, ANZASW Review, September 2008, volume XX, number 3

3. Developing and effecting plans that allow young people to develop in positive ways including linking them and their families to programmes and services that address unsatisfactory life conditions. This also involves working to maintain young people in their communities and therefore reducing the need for and use of custodial provisions.
4. Employing the Care and Protection provisions of the Children, Young Persons and their Families Act 1989 where a compulsion to undertake treatment is necessary and working to develop strategies to address levels of offending in communities.

From this perspective solutions to youth offending are based on a wider perspective that acknowledges that the determinants of youth offending are more holistic than considering individual deviance or behaviour alone.

This also ensures that the focus on work with young people who offend is clearly within the context of their support system and recognises how the child or young person lives. The work of the child poverty action group<sup>5</sup> highlighting the inequities that increasingly affect the lives of children and young people needs to be acknowledged as a core consideration in the Youth Crime Action Plan. We strongly support their guiding principle “ the right for every child in New Zealand to security, food, shelter, education and healthcare” which of course reflects United Nations Convention on the Rights of the Child which New Zealand upholds. It is however clear that many children and youth who do offend do not have some of these basic needs met appropriately. We also know that many children exhibit behaviours at a young age that impact on their well-being and achievements. Early signs such as emotional and physical health problems, bedwetting, attachment difficulties, educational struggles as well as bullying or victim behaviours if not attended to can lead to more risk taking behaviours in adolescence. This was acknowledged in the meeting held on the *Drivers of crime – Ministerial Meeting 2009*<sup>6</sup> which identified early maltreatment, poor attachment and negative family circumstances all play a part in shaping offending behaviour. At that meeting it was also stated that there was an over-emphasis in policy on responding to crime and the lack of priority given to building well-functioning communities. It was suggested that there is a need to build resilience in communities and families, strengthen cultural identities and to adopt positive strategies that provide alternatives to crime for young people.

This reflects McLaren's<sup>7</sup> research which demonstrates that a large number of offences committed by children and young people are opportunistic. She states that if children have the necessary strength and resilience factors, they will be able to deter themselves and their peers away from involvement with these negative behaviours. In her view any further work on offending by children must also include discussion on how support services can build strong resiliency and protective factors into the lives of New Zealand's children.

We believe this can be achieved by adopting a positive youth development strategy.

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<sup>5</sup> [www.cpag.org.nz](http://www.cpag.org.nz)

<sup>6</sup> Ministerial meeting held on 3 April 2009. Ministry of Justice.

<sup>7</sup> McLaren, K (2000) *Tough is not enough – Getting smart about youth crime*. Ministry of Youth Development Publication, New Zealand

## Positive youth development strategy<sup>8</sup>.

Youth development means growing and developing the skills and attitudes young people need to take part in society, now and in the future.

Youth development is about young people gaining a:

- sense of contributing something of value to society
- feeling of connectedness to others and to society
- belief that they have choices about their future
- feeling of being positive and comfortable with their own identity.

It's about building strong connections and active involvement in all areas of life including:

- family and whānau
- schools, training institutions and workplaces
- communities (sports, church, cultural groups)
- peer groups.

It's also about young people being involved and having a say in decisions that affect them, their family, their community and their country and putting into practice and reviewing those decisions.

This strategy also is clear that it is known how things can be done better saying:

There is a great deal of evidence on what young people need to develop in positive ways. They need to be successful: at school; in relating to friends and partners; at work; and emotionally. Building a youth development strategy on this information base makes it more likely that all young people will enjoy this success and that fewer will suffer from mental illness, unemployment, addiction, unwanted pregnancy, loneliness or become involved in crime.

It also outlines that;

Research shows that those who are unemployed or underemployed, especially for long periods, experience worse mental health than those who are fully employed. Meanwhile, unpaid work, while a source of potential skill development and a significant contribution to many communities, does not earn status of paid work.

A positive work environment for young people provides:

- contact with adults who are likely to interact in ways that promote social confidence and competence
- opportunities for skill development
- financial rewards that reflect the nature of the work and are equitable with others
- opportunities for interacting with peers in purposeful activities
- a recognition or a belief that the work is of value
- a sense of purpose and achievement.

The report also outlines the protective factors that strengthen young people such as;

- Warm, accepting family relationships make a difference in the lives of young people, particularly when they are linked with clear limits, age-appropriate consequences and parents taking an interest in where young people are and what they are doing.
- Feeling positive about school and building sound learning skills greatly improves their chances of doing well in other parts of their lives, especially at work.
- The support available within their neighbourhoods, for young people and their parents, can determine whether outcomes are positive.

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<sup>8</sup> Ministry of Youth Development *Youth Development Strategy 2002* – [myd.govt.nz](http://myd.govt.nz)



- Peer groups - Healthy relationships among young people with similar experiences or interests are very important for positive development.

## **A view from a Youth Development perspective on one type of programme for youth.**

### Adventure programmes

These community based programmes have existed for a long period in New Zealand using challenges that young people experience in the outdoors that have proved effective. Programmes like Project K, Adventure Development Ltd, as well as a recently evaluated programme run by the Waipuna Trust in Christchurch (Pumanawa Atawhai with Young People and their Families Programme). The latter programme has been evaluated utilising a Youth Development framework and is seen by the participants, referrers and facilitators as being very effective. As part of this review the most commonly recognised and admired strength of the programme was the facilitator's skill and ability to form effective relationships with the young people. Every focus group gave examples of how facilitators used experiences to create positive change with the young people, through their relationship with them.<sup>9</sup> The report cites Martin's model of development (p22) "Its not what we do but how we do it that makes the difference. Using power will result in the other party experiencing weakness, this tends to cycle with a lose/lose for all. However using authority gives the ability to form a meaningful relationship that honours and respects all parties" Similar findings came from the positive evaluations from the other programmes.

It is this ability to engage with young people, include them in all levels of decision making and ensure that they are well informed about choices available to them that will mark effective programmes. This is often less about the programme but more often about the desire to work from a strengths based, enabling philosophy and being credible and accessible to young people. This is more than just believing in young people and being liked by them. It also implies the need to have clear professional boundaries, to be able to set limits and to be accountable for actions as a helping professional.

## **What we know from young people who end up in care in New Zealand**

McKay et al<sup>10</sup> found that young people all had many factors in their environments which would make them more vulnerable to harm including family history of AOD use and mental illness, parents with low socio-economic status some of whom were in prison, and frequent changes of living circumstances. Many came from homes and neighbourhoods in which violence was common. There were also low rates of participation in education amongst participants, such as not engaging well at school and leaving school early.

<sup>9</sup> McKay S, Donaldson K and Schroder R. *Adventure Therapy: Pumanawa Atawhai with Young People and their Families Programme Evaluation*. The Collaborative for Research and Training in Youth Health and Development

<sup>10</sup> McKay S, Bagshaw S *The Health Needs of young people in CYFs Residential Care*. The Collaborative for Research and Training in Youth Health and Development Trust July 2009

In spite of all these factors the young people reported a number of positive health factors as well; these included feeling safe in their homes, feeling they had family that cared about them, and having positive thoughts about their futures. Many also said that they took part in community groups especially sport, and they had clear ideas about what they wanted to ensure that they could fulfil their goals.

Not all of the participants linked their health and wellbeing to broader social problems, but those that did were emotive in relating the effect that issues such as these had on both their current circumstances and their ability to rise above them. In particular they linked youth offending with their lack of ability to support themselves because of barriers to employment such as low education and 'having a criminal record'. The effect of poverty on themselves and their family circumstances was also significant as was the impact of poor parenting, negative family role modelling and low family support. Some participants were also able to connect youth offending with other issues such as unresolved emotional issues, peer pressure, boredom, wanting instant gratification and poor personal choices.

While a number of young people recognised such things as their individual bad choices and the need to take responsibility for their situation they also connected broader social issues such as cycles of poverty, growing up in low socio economic areas, low education and poor parenting with their current circumstances and their ability to succeed in the future.

#### Important points from the study:

When participants were asked about success in the future, such as not re offending, issues related to their ability to ensure their wellbeing once they left residence, were very significant for them. The need for comprehensive transitional support when they went back into the community was key.

#### This included:

- the lack of addiction services for people under 18
- access to counselling to address underlying emotional issues
- meaningful opportunities and options for education and employment
- help with accommodation, living skills and resources to take care of themselves
- most importantly having a well-planned and resourced plan in place – one in which the young person has been involved in developing, then they will feel that they have ownership over it, and will be more likely to follow it.

In fact in spite of all of the deficits in their lives 86% of the young people in the survey were still able to say that they had plans for and hope in the future.

This shows that many of the young people want to succeed and therefore it is important for us to work with them to help them do so. The group of young people transitioning from CYFs care is especially vulnerable and it is pleasing to see that there is a strong focus on this emerging. From this perspective we see it as important that we move beyond the rhetoric of holistic service delivery and integration of services to actually enabling it to happen.



## Holistic or “joined up” approaches to service delivery

We are aware of many initiatives that work towards a whole approach when considering the needs of young people. Youth One Stop Shops (YOSS) are good examples as are the Christchurch initiatives at the Youth Hub Barbadoes<sup>11</sup> and Right Services Right Time<sup>12</sup> which states that Outcomes for children, young people and families improve if services are integrated, coordinated and flexible to meet diverse needs. The earlier that challenges facing families are addressed, the less likely they are to escalate and the better the outcomes for children and young people. We are concerned however to hear that some of these initiatives face difficulties in contracting with various government funders who still view their role in distributing their contracted funding from a ‘silo’ based framework which is in contradiction to the “joined up” view of collaboration and holistic services that the Government is promoting.

Whanau ora is an example of service delivery that has a number of government partners. Promotion from all the partners is however variable and we have members who are concerned that there is not enough understanding and acceptance of working from a kaupapa Maori perspective in working with rangatahi. An example of working from this approach is Kia Piki Te Ora O Te Taitamariki – the Maori component of the New Zealand Youth Suicide Prevention strategy.

McLaren (2000)<sup>13</sup> says effective youth offending interventions “touch the four corners of a young person’s life; family, school/work, peer group and neighbourhood”; such “interventions are multi-faceted and multimodal, that is, they target multiple causes of offending using multiple techniques” ( p10). The Werry Centre literature review supports this saying that wraparound interventions are important as they allow a more systemic and targeted approach. This ensures that the young person’s behavioural problems that are offending in nature, together with mental health and/or addiction issues are dealt with in an ecologically comprehensive way (Wilson, 2009)<sup>14</sup>.

## Early interventions

As a profession we support early interventions as being the most cost effective for society. We know the costs and effects, both for society and for the child and young person when hope is lost. Then offending becomes a chosen behaviour and the costs are high for all. The cost of care, both in CYFs and later in prison are well known. The cost of aggregation with other young offenders has always been known as a risk in terms of entrenching negative behaviours and although residential care and treatment providers influence many to take up the invitation to change their lifestyles, the negative contagion effect we believe is still very high.

While monetary cost may appear high, to support effective programmes such as “The incredible years”, Triple P Parenting etc. makes economic sense. Families who are able to be supported to participate in such programmes are equipped with skills and knowledge that can break the family cycle of abuse, neglect and lack of awareness on the developmental

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<sup>11</sup> [www.youthhub.org.nz](http://www.youthhub.org.nz)

<sup>12</sup> [www.rightservice.org.nz](http://www.rightservice.org.nz)

<sup>13</sup> McLaren, K (2000) *Tough is not enough – Getting smart about youth crime*. Ministry of Youth Development Publication, New Zealand

<sup>14</sup> Wilson T, Nicholson E. Bir J (2009) *A Literature review: Mental health and alcohol and other drug, screening, assessment and treatment for Youth Justice populations*. Auckland: The Werry Centre for Child and Adolescent Mental Health Workforce Development.

needs of their children.

We also support early screening such as in the B4 Child checks as well as the recently development "Gateway Assessments" (the full health assessment for all children and youth coming into the care of CYFs). It has been long known that C&YP who do come into care have significant unmet health, education and social needs.

The High/Scope Perry Preschool Programme<sup>15</sup> (Ypsilanti Michigan 1958-1962) at the 40 year follow up identified higher levels of educational attainment, enhanced participation in the labour market, higher incomes, lower levels of offending and lower levels of benefit dependence than the control group who had no pre-school participation.

## What Works – one social workers experience

As a summary here is one social worker, who has worked in youth justice for 10years, views on what does and does not work.

What works?

- Relationships with young people - understanding their history and not expecting that it has not impacted on their ability to function in a day to day manner
- Knowing what if any difficulties they may have e.g. Foetal alcohol, conduct disorder, low IQ and the impact that this has on the ability to remain offending free
- Support on an intensive level - walking alongside young people getting them to appointments
- Kaupapa Maori based programmes that are delivered in a traditional manner
- Finding out what they want for their future
- Structure
- Understanding the impact of alcohol, drugs and lack of boundaries on a young persons ability to be compliant

What doesn't work?

- Leaving them to their own devices
- Expecting more than they can deliver
- lack of knowledge re their history, whanau background and what they have suffered in their early years
- expecting them to be an adult
- Expecting them to know right from wrong
- lack of something better in their lives

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<sup>15</sup> Belfield Clive R; Nores Milagros, Barnett Steve & Schweinhart Lawrence The High/Scope Perry Preschool Program; Cost Benefit analysis Using Data from the Age- 40 Followup