

Report: The Fresh Start Reforms in Operation

Executive Summary

Almost ten per cent of New Zealanders (approximately 420,000) are children or young people aged between 10 and 16 years old. Most children and young people live the lives that we want for them and do not offend.

Those at higher risk of offending or who do offend, do so for a short period of time or commit only a few offences and then they stop. If they do offend, diversion from formal youth justice processes has been proven to be more effective. The New Zealand Police deal with most of these young offenders through warnings and cautions or alternative action. Fresh Start also provides Break-Away School Holiday programmes and Community Youth Development Programmes.

A small group of serious and persistent child and youth offenders are responsible for nearly half the crime committed by young people, and often go on to continue to offend into adulthood. They cause significant harm to themselves, others and their communities, and are more likely to end up in prison. This group's behaviour is difficult to change. Fresh Start was introduced to respond more effectively with this group.

Fresh Start aims to improve community safety and help address the underlying causes of offending by children and young people. The design and implementation of Fresh Start was undertaken with full reference to the evidence-base around what works to stop offending and reoffending by our most at-risk children and young people. Fresh Start represents the most major change to youth justice legislation and practice since the introduction of the Children, Young Persons, and Their Families Act in 1989.

Implementation of significant changes in youth justice practice, bringing in different orders, and developing and contracting programmes and services has brought with it substantial challenges. It is too early to provide complete and comprehensive data or to make judgements on the long-term effectiveness of the reforms. Information gathered to date shows promise, with some good progress on rolling out programmes (see Table 1) and adapting to the new processes and procedures.

Table 1: Uptake of Fresh Start programmes between 1 July 2010 and 31 May 2011

Fresh Start Programmes	Number of placements made to date	Total number of places budgeted for
Community Youth Development Programmes	254	350
Mentoring	248 ^A	300
Parenting	238 ^B	700
Alcohol and Other Drug (Community)	116 ^C	200
Alcohol and Other Drug (Residential)	36 ^D	32
Electronic Monitoring	0	30
Supported Bail	223	175
Court Supervised Camp	166	200
Supervision with Activity	149	175
MAC	20 ^E	40
Transfers to District Court for Sentence	24	Down from 61 in 2009/10

^A These include 23 formal Court Orders and 225 community based placements.

^B These include 5 formal Court Orders, 148 community based placements, 65 residential based placements, and 20 young persons

on MAC programmes who completed a Parenting Education programme.

^C These include 2 formal Court Orders, 94 community based placements, and 20 young persons on Military-style Activity Camps who were assessed and treated for alcohol and other drug issues.

^D These include 3 formal Court Orders and 33 residential based placements.

^E These include the young people who were on the second MAC programme, suspended due to earthquake. The figure does not include the 17 participants on the two concept tests of the MAC programme.

There is further development of systems for monitoring and reporting on effectiveness. For example, the Ministry of Social Development, in partnership with the New Zealand Police, is sharing data to use with a new methodology which will improve the tracking of young offenders. From August 2008 to June 2010, 132 young people who were on a Supervision with Activity order were tracked. Results were positive; 88 per cent have not committed imprisonable offences following their Supervision with Activity order. Of those young people who have re-offended, 78 per cent have done so less frequently and 68 per cent less seriously. Although early days, the longer Supervision with Activity orders, underpinned by access to more intensive therapeutic interventions, are providing a strong framework for addressing the underlying causes of offending.

Background

This Government is focussed on ensuring opportunities for New Zealand's youth. Over the last three years, a series of initiatives have been rolled out to improve the lives of young people at risk of poor outcomes. In August 2009, the Youth Opportunities package was introduced, and more recently the Trialling New Approaches to Social Service Delivery initiative has been developed. There is also work underway that aims to help to address the growing problem of young people who are not in employment, education or training. The Ministry of Social Development and the justice sector are working together on Addressing the Drivers of Crime, and is closely aligned with Whānau Ora and the Positive Behaviour for Learning Action Plan. The Fresh Start for Young People package was introduced in 2010. The package included legislative amendment to The Children, Young Persons, and Their Families Act 1989.

New Zealand's care and protection and youth justice systems deal effectively with most children and young people who break the law. The Children, Young Persons, and Their Families Act 1989 is well regarded internationally. The Act and the family group conference process allow victims the opportunity to take part in the justice process, and to have their voice heard. The youth justice system in New Zealand also has excellent rates of diversion. Diversion and the family group conference process are effective at holding young people to account and have been shown to be effective in reducing reoffending.

In New Zealand, a child under 10 years of age is not criminally responsible and cannot be convicted of an offence. Police can, however, respond to offending by children under 10 years old in an informal way, or in a care and protection context. Children aged 10 to 13 are dealt with by the child offender system, a hybrid of the youth justice and care and protection principles and procedures, if the number, nature or magnitude of any offending gives serious concern for the wellbeing of the child. Young people aged 14 to 16 are subject to the youth justice system, and can therefore, if their offending is serious and persistent enough, be prosecuted in the Youth Court (or the District Court or High Court for the most serious offences).

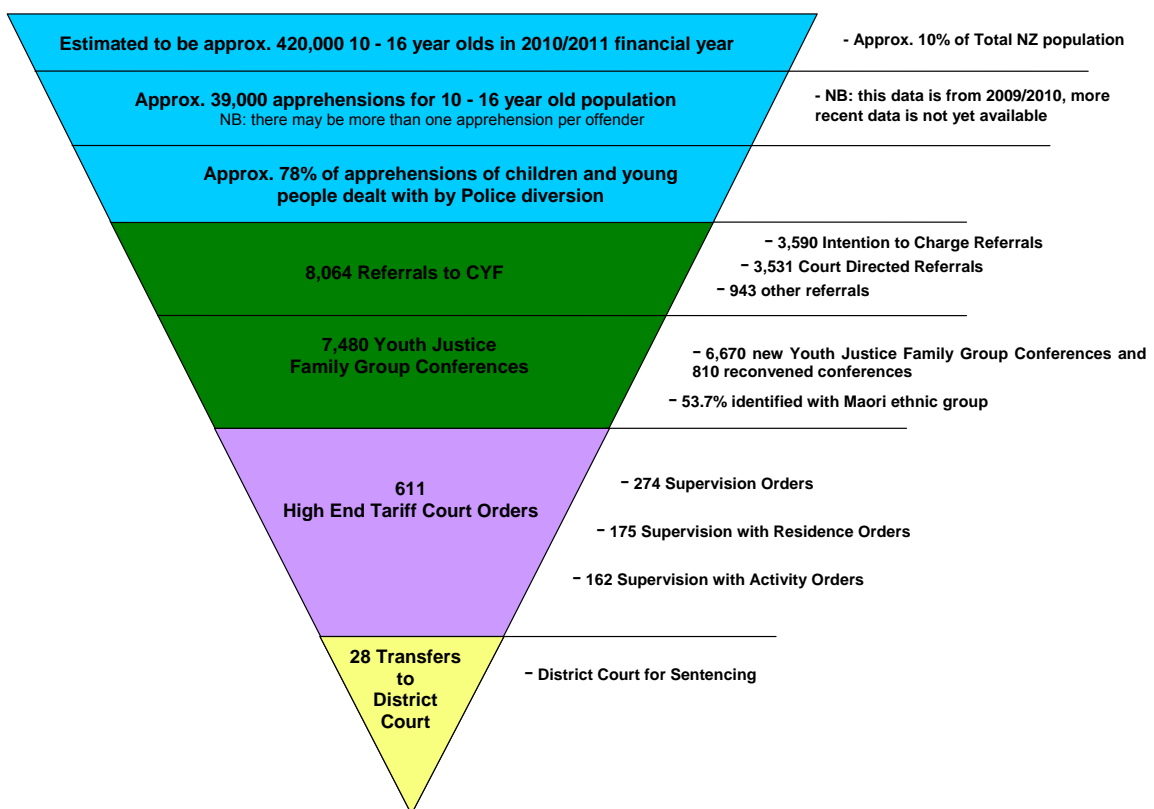
In the wake of the Fresh Start reforms, our youth justice system offers a robust framework for providing programmes based on research, monitoring and evaluation. Improving the response to child offenders through earlier intervention will help stem the number of child offenders entering the youth justice system, and will lead to fewer youth offenders progressing to adult and life-course offending.

Youth Justice Statistics

As is shown in Figure 1 below, a high number of young people are diverted from the formal youth justice system. Approximately 78 per cent of apprehensions of children and young people by the Police are dealt with by Police alternative action or warnings or cautions. Nearly 50 per cent of all family group conferences do not result in Court proceedings.¹ Of the 39,000 apprehensions of children and young people in the 2010/2011 year, only 611 went on to be dealt with through high-end Court orders, with 28 cases being transferred to the District Court for sentencing. This compares to 61 cases transferred to the District Court in the 2009/2010 year.

The rate of diversion from incarceration of young people in New Zealand is comparable to similar jurisdictions. In Australia, of offences that go to court and result in conviction, penalties are overwhelmingly non-custodial (92 per cent in 2006-2007).² In England and Wales, the proportion of sentences given that are non-custodial is around 94 per cent.³

Figure 1: Youth justice data for 2010/2011 financial year.⁴



* Please note that the data for High End Tariff Court Orders should be considered provisional only as it is subject to change.

More males than females appear in court. In 2008, the number of males appearing in the Youth, District or High Court in 2008 was 4.1 times greater than the number of females.⁵

Supervision orders (supervision (21 per cent), supervision with residence (13 per cent) or supervision with activity (7 per cent) are the most commonly imposed type of Youth Court order, totalling 41 per cent of all Youth Court orders.⁶

The apprehension rate of Māori children is more than five times that of Pacific or New Zealand European children, while Māori youth's apprehension rate is more than three times that of Pacific or New Zealand European youth.⁷ Males are over-represented in Police apprehensions statistics, at 74 per cent.⁸

The youth justice system is effective in managing most child and young offenders through diversion and effective family group conference plans. However, a small group of persistent young offenders are responsible for over half of the crime committed by young people, estimated to be between 40 and 60 per cent. Most young people in this group tend to continue offending well into their twenties and beyond.⁹

Reoffending by this group of young people is an ongoing problem also experienced by similar judicial systems.

- In Australia, 71% of juveniles in New South Wales who received their first supervised (community-based) order were reconvicted of a further offence within four years. Similarly, 79% of juveniles placed on supervised orders in Queensland between 1994 and 1995 had progressed to the adult correction system by 2002.¹⁰
- In England and Wales in 2009, 36.9% of young offenders committed an offence within one year following a court conviction or an out-of-court disposal.¹¹

While only about one percent of teenagers end up in prison, the Department of Corrections accrued¹² costs of more than \$78 million for a cohort of people born in 1989 who had either a community based or prison sentence before 30 June 2009. Over \$64 million (83 per cent) of this cost will be spent on young people previously known to Child, Youth and Family. Many of these children become tomorrow's life course persistent offenders, estimated to cost society \$3 million each over their life span.¹³

Further youth justice statistics are provided in Appendix A.

The Fresh Start Reforms

With the Fresh Start reforms, this Government committed to protecting New Zealand communities and holding children and young people accountable for their offending. Fresh Start has a strong focus on addressing the specific underlying causes of the child or young person's offending, so they can get out of the crime cycle and go on to lead socially responsible and beneficial lives. Reducing offending by children and young people also means there will be fewer victims, as well as directly reducing costs to the justice sector, to government, and to communities and families.

The Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010 came into force on 1 October 2010. However, much of Fresh Start, including Break-Away for School Holidays, was not reliant on legislative changes and was implemented before October 2010. Fresh Start builds on existing Child, Youth and Family and Police resources and existing community-based programmes by adding longer orders, new Court orders and additional funding for programmes.

Ongoing monitoring and evaluation of Fresh Start will determine the effectiveness of the Government's youth justice reforms and ensure that lessons learnt during implementation will inform further development.

What works for at-risk children and young people

Offending behaviour often has roots in very early life experiences. Most young people who become involved in serious criminal offending have been subjected to a cumulative process of adverse experiences which combine to increase the risk of offending.¹⁴ The Prime Minister's Chief Science Advisor states that the experiences of infancy and childhood have a major impact on adolescent outcomes, and prevention and intervention strategies applied early in life are more effective in altering these outcomes.¹⁵

In general, research on the key features of programmes that work with young offenders identifies such factors as the development of personal and social problem-solving skills, the development of relevant cognitive and social skills, having an authority structure with clear rules, incorporation of anti-criminal modelling, and reinforcement of pro-social behaviour.¹⁶

Fresh Start and the youth justice system aim to provide a tailored, individual programme of intervention for each child and youth offender. These programmes hold young offenders to account and manage their risk to the community. This will ensure a planned, sustained and more intensive wrap-around response supported by services that address needs and risks assessed to inform the family group conference. These services reinforce self-discipline, personal responsibility and community values.

Research shows us that taking part in positive activity can be beneficial for participants. It significantly increases their resilience, builds social skills, improves attitudes to school, builds self-esteem and confidence, and reduces instances of risky behaviour.

Fresh Start includes the Break-Away School Holiday Programme. Break-Away increases and improves the range of school holiday opportunities to help young people build their skills so that they can manage and respond positively to challenges, and make positive choices about their lives. It includes:

- one-week holiday activity programmes for 11 to 17 year olds who would otherwise have limited opportunities for such activities. In 2010/2011, a wide range of providers were contracted to provide up to 30,000 places in areas lacking in social or economic advantages
- residential respite camps and recreational programmes for five to 12 year old children in out-of-home care. These 500 places are provided by Children's Health Camps, Te Puna Whaiora
- the Prime Minister's Youth Programme for 14 to 17 year olds who have overcome adversity and made a sustained attempt to make positive life changes. Two programmes have been held so far, during the final week of the summer secondary school holidays in early 2010 and 2011. Evaluation of each programme informs development for the subsequent year.

Critical to building resilience in the face of adversity, effective crime prevention strategies for young people at risk of offending include support for young people and their families over a period of time.¹⁷ Recent research has shown that those at lower risk of reoffending do well if Police action is limited and proportionate, focused on accountability for offences and keeping them out of the formal Court system.¹⁸ It has also been shown that ensuring children and young people make amends for wrongdoing is an essential part of any response to their offending.¹⁹

Community Youth Development programmes for lower level youth offenders are designed with the existing evidence-base on effectiveness in mind. Police is funded to deliver 650 Youth Development Programmes annually while Child, Youth and Family is funded to deliver 350 programmes.

Research shows that the most effective way to reduce serious or persistent offending is to provide intensive community-based interventions that address the individual, family and community problems that led to the offending.²⁰ Community-based interventions that work best have a timeframe of six to 12 months, have low staff ratios, provide at least two contacts per week, and work intensively with families.

The Fresh Start Innovation Fund encourages communities to develop their own solutions to youth offending, with their understanding of the particular underlying causes of offending in their own communities. The Innovation Fund focuses on initiatives that address the over-representation of young Māori in the youth justice system.

Research shows that, for the small group of serious and recidivist young offenders, too short a time in an intervention can mean that they do not get enough support and treatment to make long-term change. A residential or custodial treatment of up to six months can work if done the right way and if followed by well-supported, community-based rehabilitation and reintegration back into community, family and whānau.

The Report of the Prime Minister's Chief Science Advisor notes that parents often feel they do not have the capacity or the knowledge to put boundaries on their children.²¹ Providing parents of serious young offenders with training and support in parenting skills, and information about the diagnosis and treatment of key risk factors (such as drug involvement, school failure, anti-social peers and abuse at home) can reduce youth offending.

Having a positive relationship with at least one significant adult has been shown to be a protective factor for young people. Evidence shows that to succeed with at-risk young people, it is necessary to provide sustained, supportive, pro-social relationships through programmes such as long-term mentoring, education and skills training. Support to become drug and alcohol free and appropriate treatment for key mental health issues is also important.²² A large number of young offenders have problems with alcohol or other substance abuse and there is much evidence to suggest that their offending behaviour is linked to that abuse.

Fresh Start legislation (The Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010) introduced changes to Youth Court provisions to provide additional tools for working with young offenders. These include:

- new orders for mentoring, parenting education and drug and alcohol rehabilitation programmes
- extending the maximum length of Supervision with Activity and Supervision with Residence orders followed by extended supervision
- intensive supervision including electronic monitoring whilst on curfew in the community
- extending the jurisdiction of the Youth Court to deal with the most serious 12 and 13 year old child offenders
- increasing Youth Court powers to ensure compliance with Court orders.

The Youth Court can also oversee Court supervised camp programmes for first time offenders appearing in the Youth Court, these programmes can be included as a component of a court ordered family group conference plan.

Evaluations of military-style activity camp²³ programmes have shown they are not effective at reducing recidivism unless they include a wrap-around response with extended support. The Office of Justice Programs of the U.S. Department of Justice²⁴ has suggested that for “boot camps” to be effective, they must incorporate a full range of rehabilitative services and programs, including education, substance abuse treatment, individualised case management and mental health care. Evaluations of programmes run by Prison Services in the United Kingdom showed in 2002 showed a reduced frequency and severity of offending following intensive, military-style programmes that included “throughcare”, “resettlement” and education elements.²⁵ Australian research shows that

military-style training for young offenders can be effective in reducing recidivism when combined with therapeutic elements.²⁶ Where military-style programmes do not include these additional services, they have been shown to have no effect on, or in fact, increase, offending.

The Fresh Start military-style activity camp programmes (MAC programme) concept test developed a model that assimilated the above elements. The MAC programme was introduced as a “last chance” opportunity to rehabilitate young offenders who would otherwise be at high risk of transfer to the District Court jurisdiction due to the serious nature of their offending. That transfer would generally lead to a substantial custodial sentence.

Recent research indicates that interventions that ensure medium and high risk child offenders are held to account for their offending, and identify and address the causes of their offending are most effective.²⁷ Early, targeted engagement with these children and high-risk young people can reduce the risk of chronic negative long-term outcomes, including poor physical and mental health, lack of education achievement, unemployment, welfare dependency, offending and prison.

The Fresh Start legislation created a dual track system for 12 and 13 year old children charged with certain serious offences. Care and protection proceedings in the Family Court continue to be available for these children, but the Youth Court now also has jurisdiction to deal with them.

Child Offenders

There have been recent improvements in care and protection practice, and Fresh Start has improved youth justice responses. There is, however, a perceived gap in the available response to child offenders.

Section 14(1)(e) of the Children, Young Persons, and Their Families Act 1989 states that a child offender is a child of or over the age of 10 years and under 14 years who has, or is alleged to have, committed an offence or offences, the nature, number, or magnitude of which gives serious concern for the child’s wellbeing.

The Social Services Committee is undertaking an inquiry into the identification, rehabilitation, and care and protection of child offenders. The terms of reference for the Committee’s inquiry are to:

- determine what, if any, are the identifiers of potential child offenders, and how services provided by the Ministry of Social Development could minimise the likelihood of future offending
- consider the evidence-based rehabilitative programmes provided by the Ministry of Social Development for child offenders, and assess their effectiveness in changing offending patterns
- examine the correlation between the timeframes for referral of children into the care and protection system by the Family Court and the effectiveness of the rehabilitation programmes in addressing the underlying behaviour, and consider options for streamlining the referral process
- consider whether the care and protection model is effective in meeting the needs of key stakeholders and whether improvements could be made.

The Committee has received and heard public submissions and is currently drafting its report to Parliament. It is not known when their report will be submitted to the House, however a government response is required within 90 days of the Committee submitting the report.

Fresh Start Implementation

Fresh Start is the most fundamental change to the youth justice system since the introduction of the Children, Young Persons, and Their Families Act 1989. The Ministry of Social Development, the New Zealand Police, the Ministry of Justice and the broader justice sector are in the process of implementing the changes to the system, and adapting to the new processes and procedures.

It is too early to provide complete and comprehensive data or to make judgements on effectiveness of the reforms. However, data on the uptake of new programmes and the impact of legislative changes is available, as is information on the development of systems for monitoring and reporting on effectiveness.

One of the key challenges in implementing Fresh Start and youth justice reforms is trying to make a difference with a high-risk group of children and young people. Evidence from New Zealand and other jurisdictions has shown that rates of success for persistent offenders are lower than success from early intervention.²⁸

Careful attention has been paid to the design of interventions to ensure that young people receive individualised support and services needed to address the underlying causes of their offending. The causes of recidivism, however, are complex. There are also likely to be some issues with the provision of some services. Existing providers will take time to build the capacity to supply the additional services required. For example, there have been reports that in some, usually more rural, areas there has not been a locally available service to support some Youth Court orders, such as alcohol or drug rehabilitation programme orders and parenting education programme orders.

Much of the work being undertaken requires ongoing and comprehensive cross-agency work. The Ministry of Social Development (Child, Youth and Family, Family and Community Services, the Ministry of Youth Development and the Centre for Social Research and Evaluation) and the Police each have responsibility for implementing and monitoring different parts of the Fresh Start initiatives.

Early intervention and lower-risk child and youth offenders

Fresh Start includes the Break-Away School Holiday package. Break Away aims to increase and improve the range of school holiday opportunities, to help young people build their skills so that they can manage and respond positively to challenges and make positive choices about their lives. The programme also provides some early respite support to higher-risk families and children.

New Zealand Police

Police alternative action is focused on holding children and young people accountable for their offending, redressing the harm that was done and making amends to the victim. Police Youth Development Programmes (YDPs) also aim to initiate early, targeted interventions with lower-risk offenders.

Fresh Start funding has enabled Police to expand the capability of Youth Development Programmes by 650 places, and to implement the Child Case Manager initiative. The Child Case Managers (CCMs) work with agencies, community organisations and families to provide early and targeted interventions for child offenders to reduce the risk of re-offending and prevent offending by children at risk of offending.

There are currently 35 YDPs across the country providing non-residential, intensive and wrap-around programmes for young offenders aged 14 to 16 years. In the 2009/10 financial year, 2,100

young people participated in YDPs. Figures for 2010/11 are currently in preparation; Police anticipate around 2,750 young people will participate.

YDPs provide intensive case management and a range of community-based and mentoring approaches that address both young offenders and their families. YDPs also contract community organisations for the provision of services, such as community work programmes. In this area, there is a particular focus on the culturally specific programmes. For example, the marae-based programme He Kanae Rere in Tauranga and the programme recently agreed with Tuhoe in Whakatane.

An evaluation of YDPs in 2001 found that all programmes had reduced factors related to offending and most demonstrated a reduction in actual offending. YDPs also built relationships with agencies and community groups and providers, and had positive secondary outcomes such as participation in education.

CCMs work with children aged eight to 13 years. In addition to case management, CCMs facilitate access for referred children and their families to community-based social services such as parenting, mentoring, anger management and education support. CCMs also refer to Child, Youth and Family services if required. Following the positive findings of a formative evaluation completed in 2010, the initial pilot group of six CCMs has been expanded to 22 in 10 Police Districts. Each CCM carries a caseload of up to 40 children. An outcome evaluation is planned for the end of 2012/2013.

The New Zealand Police is currently in the process of developing a new Youth Policing Plan to further increase Police's effectiveness in responding to and preventing child and youth offending. This Plan will align with and contribute to other aspects of Police strategy, such as the organisational priority given to preventative activities, high risk offenders, and reducing victimisation.

The Youth Policing Plan is in the early stages of development, but it is likely to have a particular focus on:

- improving the consistency of approach across Police in regard to youth justice activities
- improving the quality and increasing the use of non-prosecution interventions such as alternative action plans
- continuing to develop the evidence and information base, to better monitor current activity, understand emerging trends, and inform decisions around current and future interventions.

As part of ongoing development of the evidence base around Police's work with children and young people, Police has recently completed research on warnings and alternative action.²⁹ This research has had a focus on practical implications for the work of frontline staff. This includes reiterating that skilled and trained staff are key, as is good information and evidence base, and that high quality alternative action plans, with appropriate support and follow up, are vital for success.

Child Youth and Family

The Fresh Start Innovation Fund aims to encourage and stimulate communities to deliver their own promising solutions to local youth offending problems, with a particular focus on addressing the needs of Māori children and young people. The Innovation Fund covers a variety of programmes. There have been three rounds of the Innovation Fund to date. In 2010/2011, 27 providers had their applications approved and funding was given to explore their community initiative. This equates to approximately 1700 young people who will have benefited from participating in these programmes. Examples of providers from round two are; Advance Training Centres Ltd (Auckland), working with young Māori males reconnect them with their families, culture and community, and Canterbury

Youth Development and Te Ora Hou Otautahi (Christchurch) helping young people to engage or re-engage in work employment and training.

The uptake of Community Youth Development Programmes and Court Supervised Camps, in place since 1 July 2010, has increased significantly since January 2011, by 49 per cent and 43 per cent respectively. Community Youth Development programmes are also being used as an early intervention option.

Serious and repeat child and youth offenders

Youth Offending Risk Screening Tool (YORST)

Police, in consultation with the Ministry of Social Development, developed a risk screening tool in 2003 following the recommendations of the 2002 Youth Offending Strategy. Following a formal review of the tool, it was revised and rolled out nationally in 2009. It examines a range of issues, including education, alcohol, peer groups and demography to provide a standardised account of the static and dynamic factors related to each case. Further refinements to the tool are currently being considered.

The information gathered through the use of YORST is shared by Police, the Ministry of Social Development and providers to inform decisions as to the risk of further offending and whether referral is required. It also assists in identifying offending-related needs so they can be addressed and interventions can be targeted.

Child, Youth and Family

A Child, Youth and Family outcomes framework provides a way of analysing information to interpret the responsiveness of the youth justice system and the effectiveness of interventions. Ongoing work on the framework will include additional data from the New Zealand Police, the Ministry of Justice and the Ministry of Social Development to improve the accuracy and our capacity to monitor, report, and to improve performance. The framework focuses on community safety, improving the young person's behaviours, attitudes and values, and ensuring the right service is provided to the young person and his or her family at the right time. Indicators track reoffending, the completion of orders and family group conference plans, and the number of young people that are educated, trained, or employed.

The uptake of mentoring programmes, alcohol and other drug community (day) treatment programmes and parenting education programmes is increasing steadily as familiarity with the legislation and awareness of the programmes improves. A true picture of demand will emerge over the next six to twelve months. Initially, however, there has been some lack of use of parenting education places. Between 1 October 2010 and 31 May 2011 only 248 places of the 700 budgeted for have been used.

Feedback from the Principal Youth Court Judge (and Chair of the Youth Justice Independent Advisory Group) is that generally drug and alcohol and mentoring orders are being utilised well. The low number of parenting education orders may be due to a lack of understanding in the whole Youth Court sector. Although agreement to take part in parenting education by the recipient of the parenting order is preferred, it is not required for the order to be made.³⁰

The Supported Bail programme is effective in providing a viable community-based alternative to holding a young person in custody, such as a Child, Youth and Family Residence, while he or she is on bail. Annual volumes are projected to exceed the approved annual allocation. National coverage has been increased with placements now available in Kaikohe (Ngapuhi Iwi Social Services), Tauranga (Te Tuinga Whanau Support Services), Gisborne (Te Runanga O Turanganui A Kiwa), Palmerston North (Highbury Whanau Centre), Blenheim (Maataa Waka Ki Te Tau Ihu),

Nelson (Whakatu Marae Committee Inc), Timaru (Barnabas Christian Trust) and Dunedin (Te Hou Ora Otepoti). Due to the increase in the number of providers delivering the programme, placement levels have increased by 32 per cent in the last year. Child Youth and Family is looking at increased provider flexibility to get even greater coverage for the supported bail programme.

There have been no Intensive Supervision orders made to date. This is a positive indicator; intensive judicial monitoring and electronic monitoring are for young people who do not comply with their court ordered plans. There are, however, indications that there is a small number that are progressing through the system and may be required in the near future.

Longer orders for serious offenders are well integrated into sentencing options. Fifty two per cent of Supervision with Residence Orders and 69 per cent of Supervision with Activity Orders made between 1 October 2010 and the end of March 2011 made use of the longer available period for orders.

The uptake of Supervision with Activity orders has increased from 103 in the fiscal year ending 30 June 2010 to 162 ending 30 June 2011. This highlights the fact that serious young offenders are being held accountable for their behaviour and that the additional 50 places funded through Fresh Start are on track to be utilised. Fresh Start has also allowed for programme coverage to be extended, to include Kaikohe (Ngapuhi Iwi Social Services), Hamilton (Raukura Waikato Social Services), Gisborne (Te Runanga O Turanganui A Kiwa), Blenheim (Maataa Waka Ki Te Tau Ihu), Nelson (Whakatu Marae Committee Inc), Timaru (Barnabas Christian Trust) and Dunedin (Te Hou Ora Otepoti). Greater national coverage for these programmes means that young people can complete their orders within their own communities.

Child, Youth and Family has been working closely with a group of community providers for young people serving Supervision with Activity orders. This has involved using the Young Offenders Services Effectiveness Checklist (YOSEC), a tool that enables providers to be evaluated. YOSEC is an assessment of governance structures, organisational preparedness and programme effectiveness. The process is completed by Child, Youth and Family and the provider together and identifies areas for improvement. Each provider now has a development plan which will be reviewed later in 2011.

Child, Youth and Family has also developed a set of standards for higher tariff, more intensive programmes, such as Supervision with Activity or where a young person may spend some time in a community residential placement. The standards have been consulted with providers and are in the final stages of sign off. In the interim, a due diligence process was completed with the providers to ensure that interim standards of care were adequate to ensure the safe management of young people attending the programmes.

The military-style activity camp programme (MAC programme) is intended to reduce the likelihood of the most serious, repeat young offenders being sent to adult prisons. Of the 17 participants in the two concept tests, only four young people have since been sent to prison. Of those young people that have re-offended, 60 per cent have offended less seriously and 53 per cent are offending less frequently. The Principal Youth Court Judge (and Chair of the Youth Justice Independent Advisory Group) supports the MAC programme, deeming it a success and encouraging extension of the programme to other locations.³¹

The Government is increasing the number of beds in youth justice residences for young people who the Courts have decided need to be placed with Child, Youth and Family because of their serious offending.

- Te Maioha o Parekarangi, a new youth justice residence near Rotorua, opened in August 2010. It has 30 new beds and has increased youth justice residential bed capacity by 26 per cent.
- The bed capacity of the youth justice residence in Palmerston North is also increasing. Construction is underway and there will be 10 new beds available by early 2013.

Total youth justice residences bed numbers are therefore rising from 116 to 156, an increase of 34 per cent. This supports the ability of the Courts to impose longer Supervision with Residence orders, which previously were only for three months. The Government has amended legislation so that the Courts can now impose Supervision with Residence orders of not less than three, and up to six, months.

Child, Youth and Family has also implemented new programmes and services at our youth justice residences to help these serious young offenders turn their lives around. The programmes aim to change behaviours, build on strengths, and address vulnerabilities. They include positive life skills, drug and alcohol programmes, family relationship and parenting programmes, education and vocational training, physical fitness, emotional wellbeing, and culture and identity programmes.

There are still some issues with the transition of young people from residential services. There is a need for more comprehensive planning, better use of available Fresh Start programmes (particularly for alcohol and drug treatment, and mentoring and extended supervision), and strengthened monitoring. There needs to be improved strategies for transitions from residences and supervision with activity programmes to be effective. Split sentencing, introduced in the Fresh Start legislative changes, allows for better planning for transitions and increases the relevance and currency of transition plans. There is also policy development work underway to help address the growing problem of young people who are not in employment, education or training.

The new assessment tool TRAX, designed to identify the underlying causes of offending behaviour in serious young offenders, has been used 282 times between October 2010 and the end of March 2011. This has helped to inform planning for young people receiving high end court orders, child offenders, and young people with care and protection and youth justice status.

The Substance and Choices Scale (SACS) is now being used widely (559 young people as at 31 March 2011) enabling better identification of young people with drug and alcohol issues, including those that may require residential treatment. Of the 32 new residential placements available since 1 October 2010, 23 young people received intensive treatment before the end of March 2011. Projections are that demand for places will exceed available places by 1 July 2011. Police Youth Aid staff are currently being trained in the use of SACS.

Child, Youth and Family have worked with Victim Support Groups to develop and implement the Youth Justice Reparation Accord to support the payment of reparation to victims. Child, Youth and Family data shows us that over 80 per cent of victims reported that they felt their views and expectations had been heard and considered at the family group conference. Over 75 per cent reported being satisfied that the family group conference outcome would help “put things right” for the participants, including themselves.

Monitoring and evaluation

In New Zealand, there is a lack of comprehensive data and research on child and youth offending and the youth justice sector. There have been repeated calls from throughout the sector to improve and increase the information available.³² The Prime Minister’s Chief Science Advisor and the Advisory Group on Conduct Problems (AGCP) note that it is a matter of high priority to set up a consistent programme of research and evaluation to develop high-quality early intervention programmes (and to cull ineffective and, in some cases, potentially harmful programmes) for at-risk

children and young people. It is important that any such research programme takes into account both Māori and Pasifika perspectives.³³

Monitoring and evaluation of the Fresh Start youth justice reforms covers quantitative analysis of outcomes achieved (both individual and programme outcomes); qualitative analysis (eg case studies to support and enrich the quantitative work); assessment of any movement in youth offending statistics; and whether or not it is possible to identify what components, or combination of components, are achieving outcomes and for which young people, with a particular focus on what works for Māori children and young people.

The Ministry of Social Development, in partnership with the New Zealand Police, is sharing data to use with a new methodology which will improve the tracking of young offenders. From August 2008 to June 2010, 132 young people who were on a Supervision with Activity order were tracked. Results were positive; 88 per cent have not committed imprisonable offences following their Supervision with Activity order. Of those young people who have re-offended, 78 per cent have done so less frequently and 68 per cent less seriously.

Effectiveness for Māori

The youth justice system needs to be effective for all young New Zealanders. Māori young people are significantly over-represented in youth offending statistics. In the 2006 Census, 70.4 per cent of young people aged 12 to 24 identified as European, 19.5 per cent as Māori, 9.3 per cent as Pacific, 13.1 per cent as Asian and 1.2 per cent as other ethnicities. In youth offending cases prosecuted in 2007 for which the ethnicity was known, 53 per cent involved Māori, 33 per cent involved New Zealand Europeans, and 12 per cent involved Pacific young people. Family group conferences are culturally responsive, not only for Māori but also for many other cultures represented in New Zealand.

To ensure Fresh Start programmes are effective for Māori and Pacific young people, the agencies involved ensure that culturally appropriate services are contracted and that monitoring can inform improvement of effectiveness for Māori and Pacific children and young people. Programmes will reflect the needs of young Māori in particular, and draw upon best practice from existing programmes that work with Māori and Pacific children and young people.

Te Kooti Rangatahi (marae-based Youth Courts) and Pasifika Courts are a judicial response to the disproportionate number of young Māori and Pacific youth in the youth justice system. Rangatahi and Pasifika Courts are not a separate system of youth justice. All young offenders are required to first appear at the Youth Court, but may be offered the opportunity to have subsequent hearings held at the Rangatahi and Pasifika Courts. While they specifically support tikanga Māori and Pacific culture, they are not exclusively for Māori or Pacific youth. The aim of Rangatahi and Pasifika Courts is to reduce reoffending by Māori and Pacific youth and to provide the best possible rehabilitative response, by encouraging strong cultural links and meaningfully involving local Māori and Pacific communities in the youth justice process.

There are currently seven Te Kooti Rangatahi across the country. The first was opened in Gisborne in 2008, with others established in Hamilton, New Plymouth, Manurewa, Waitakere, Auckland. Most recently, Te Kooti Rangatahi o Mataatua was launched on 11 June 2011 in Whakatane. The Pasifika Youth Court has been operational in Mangere since June 2010. A second Pasifika Court will be launched on 30 September to be based in Avondale, Auckland.

To support Te Kooti Rangatahi, an Innovation Fund application has been granted for two organisations for the development and implementation of a tikanga programme to support young people and their whānau who have their matters heard in Te Kooti Rangatahi. Turanga Ararau Te Runanga O Turanganui A Kiwa in Gisborne and Hoani Waititi Marae Trust in Auckland have agreed to develop the initiative. The initiative is a live-in marae based programme that seeks to

improve whole whānau engagement and participation with the Court process, therefore improving the outcomes for the young people involved. Approximately 160 young people will have access to the programme over the next twelve months.

Improving the effectiveness of Fresh Start and the youth justice reforms

Child, Youth and Family is continuously improving service delivery in all aspects of work. Building Brighter Futures, the business plan for 2010-2011, outlines the renewed focus on keeping children safe, getting it right for high needs children, providing the best of care and supporting Home for Life, as well as helping young offenders.

There is room to improve and strengthen the family group conference so that families and participating professionals are able to make well-informed and appropriately targeted plans that will make a difference to the young person. Child, Youth and Family track family group conferences and their completion through a range of measures based on operational data.

Disengagement with education is a key risk factor for child and youth offenders. Education Officers have been introduced into the Youth Court and the Government has also recently introduced comprehensive education and health assessments to inform care and protection family group conferences. There is, however, known to be some under-utilisation of education assessments for youth justice family group conferences. This can be due to delays in accessing education profiles. There is also work underway which aims to improve youth engagement with education or training. Increased engagement with schools and information sharing with the wider education system would also improve the child and youth justice system.

The Ministry of Social Development has included work on revitalising and reinvigorating all family group conferences and other family decision-making models in the work programme for the next twelve months. Child, Youth and Family is focussing on improving the outcomes achieved in family group conferences by increasing participation and enhancing the information available to attendees in their decision making. For example, ensuring all health and education assessment information is available, to provide comprehensive information on the offender to inform the family group conference plan.

Child, Youth and Family has a number of actions in progress to support ongoing development of operational practice. This includes:

- targeting early interventions with child offenders by working with the Judiciary to streamline processes and resolve complex cases quickly and effectively
- targeting Community Youth Development Programmes to the siblings of young people who offend, and targeting parenting education programmes to families where the offender has siblings, to reduce the likelihood that they too will become offenders³⁴
- targeting young offenders' families for parenting education programmes as early as possible, in some cases where the problem is emerging before offending occurs or becomes serious
- improving the transition of young people from residential placements, including the MAC programme, through more comprehensive planning, better use of available Fresh Start programmes (particularly for alcohol and drug treatment and mentoring) and by strengthening monitoring to inform development
- working to improve the quality and relevance of assessment information to family group conferences and the Youth Court by engaging with health services and schools to ensure that health and education assessments are completed. This will ensure programmes and services can be targeted to where they are needed most
- working with regional teams to closely track the allocation of programmes against demand, to ensure that resources are used more effectively for young people and their families, and to

ensure these programme options are available to child offenders and their families as an early intervention option

- ongoing and updated staff training.

The Ministry of Social Development's Centre for Social Research and Evaluation is also working on a range of work that will inform the improvement of Fresh Start. This includes:

- increasing the range of information being gathered on young offenders. This will help inform policy makers, enable better tracking of young offenders and programme effectiveness and provide information to the justice sector
- working with Supervision with Activity providers to improve the quality of reporting and ensure effective outcomes from their programme (including using YOSEC, the Youth Offending Services Effectiveness Checklist)
- ongoing analysis of reoffending data on young people who have completed Supervision with Activity programmes, to inform programme improvement
- undertaking further work on the effectiveness of family group conferences, identifying gaps in practice and in knowledge
- tracking and reporting on reoffending rates for young people who have completed Supervision with Residence orders by 1 December 2011. A plan to monitor and report on reoffending rates by other groups of offenders is currently being developed and will be available in July 2011
- the Ministry of Social Development working with the Department of Corrections to improve programme provision for juvenile offenders, increase information sharing, particularly around the management of offenders moving between jurisdictions, and to explore options to improve programmes for young people in custody
- monitoring and outcomes evaluation of the MAC programme, including reoffending rates.

Specific to Fresh Start implementation, there are a range of issues that are being addressed or are planned to be addressed by the New Zealand Police. These include:

- issues of consistency across Police Districts (for example, in the utilisation of YORST), which is intended to be a priority in the Youth Policing Plan presently in development
- a limited evidence and information base for initiatives such as CCMs, pending the publication of the process and outcomes evaluation
- a shortage of service providers or limited range of service provision in some areas, which limits the scale and nature of alternative actions Police can undertake with child and youth offenders.

Child, Youth and Family, in the 2010-2011 Business Plan, aims to work on identification and responding early to child offending, specifically by tailoring plans that take advantage of the full range of Fresh Start options.

What will happen next?

Over time, the range of extended Fresh Start monitoring and evaluation will provide information on the effectiveness of programmes, services, and orders. As data is accumulated there will be improved access to performance data and information to enable outcomes to be understood and to inform the justice sector. This information will inform ongoing development and modification of all aspects of Fresh Start.

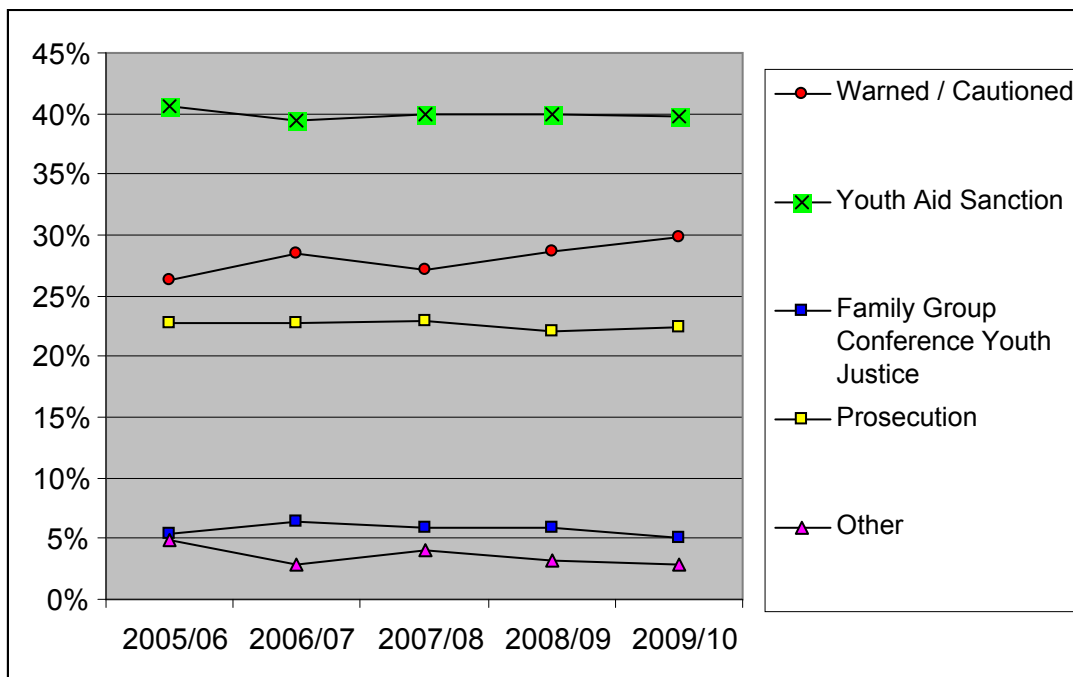
The Ministry of Social Development will continue to provide regular reports to the Government on implementation of Fresh Start. Ongoing monitoring and evaluation of Fresh Start will also provide information on value for money. The New Zealand Police will also report regularly on child and youth offender outcomes.

The Social Services Select Committee inquiry on child offenders has received and heard public submissions and is currently completing drafting its report to Parliament. The Ministry of Social Development is working closely with the New Zealand Police and the Ministry of Justice on the Select Committee inquiry on child offenders, including providing a government-wide response to any recommendations by the Committee.

Appendix A - Youth Justice Statistics

Police data shows us that over the last five years, about 78 per cent of Police apprehensions of children and young people have been resolved through Police alternative action or warnings/cautions (refer Figure 2). If this diversion is successful, the young person may not come into contact with Child, Youth and Family or the Court process. Additionally, on average over the last five years, a further 5.1 per cent of child and youth apprehensions were resolved through youth justice family group conferences (convened as an alternative to court proceedings).

Figure 2: Percentage of apprehensions resolved through each type of resolution, 2005/2006 to 2009/2010.

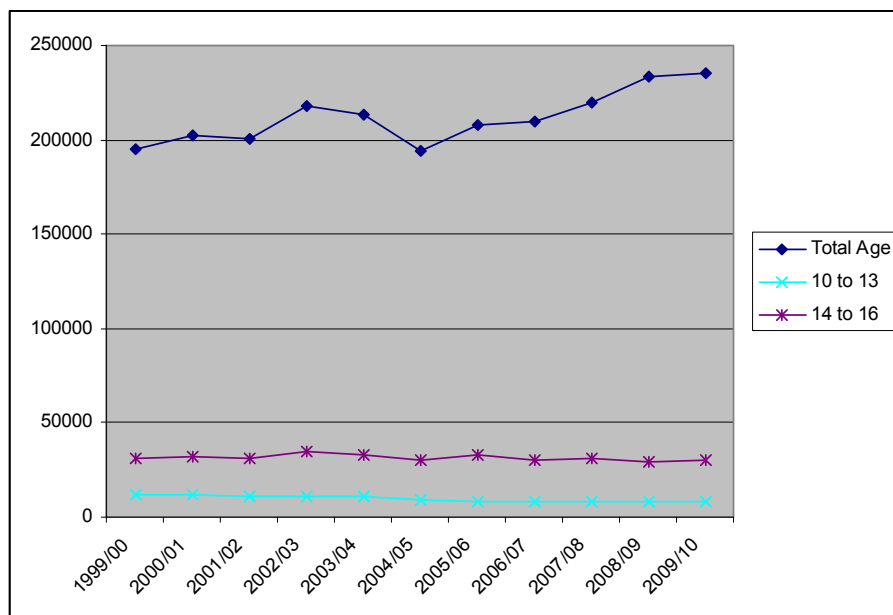


Of apprehensions of young people, only about 20 per cent are prosecuted and end up in formal Court processes. Just over one per cent of child offenders are prosecuted. This is comparable to some Australian states that also take a strong diversionary approach: in Victoria, only 25 per cent of all police contacts proceed to court.³⁵

Police apprehensions

Police data indicates an overall decline in apprehensions³⁶ of children (10 to 13 year olds) and youth (14 to 16 year olds) in the period 1999/00 to 2009/10 (refer Figure 3). Meanwhile, the total number of apprehensions (for all ages) has increased; therefore there is a downward trend in terms of youth apprehensions as a proportion of all apprehensions.

Figure 3. Total annual apprehensions for the previous ten fiscal years for all ages (Total Age), children aged 10 to 13 years and young people aged 14 to 16 years.³⁷



The youth crime profile for 2010 continues to be dominated by property and dishonesty offences. Specifically theft and related offences, motor vehicle offences and property damage and environmental pollution.³⁸

The breakdown of resolutions for youth apprehensions has been stable over the last five years, with approximately 26 per cent receiving a warning or caution, 38 per cent dealt with by Youth Aid Sanction, six per cent by a family group conference and 28 per cent by way of prosecution.

Youth are over-represented amongst victims as well. According to the results of the New Zealand Crime and Safety Survey, 54 per cent of 15-24 year olds had been victimised once or more in 2008 compared to 37 per cent of the population as a whole.

The public concern around serious youth violence is recognised. However, analysis of Police apprehensions does not support the hypothesis that there has been an increase in real violence over the last 10 years. The increase in recorded violence is attributable to a combination of factors, including: changes in Police recording practices and IT systems in 2005, reduced public tolerance, an increased propensity to report particular offences (in particular family violence) and population growth in the 14 to 16 age group.³⁹ Also, the recorded increase in the youth apprehension rate for violence is at a slower rate than the adult apprehension rate for violence.⁴⁰ It should also be noted that in 2010, youth apprehensions for violent offences accounted for less of the total youth apprehensions (14.2 per cent) compared to adult apprehensions (23 per cent).⁴¹

Prosecutions, orders and sentences

For young people attending Youth Court, the most common outcome is a section 282 discharge, where the Court discharges a charge as if it had never been laid. A section 282 discharge recognises that young people who complete a court supervised plan and respond positively after their offending often deserve a second chance. The rate of young people discharged under section 282 increased significantly over the 1992 to 2008 period, from 41 per 10,000 population in 1992 to 65 in 2008.⁴²

The number of apprehensions of child and youth offenders who were prosecuted by Police have been relatively stable over the last five years (actually falling from 9450 in 2005/06 to 8792 in 2009/10). In proportionate terms, the tables below also show a very stable trend in recent years, with approximately 78 per cent of child and youth apprehensions dealt with by alternative resolutions, versus only 22 per cent being resolved by way of prosecution.^{43 44}

Table 2: Numbers of child and youth apprehensions, and how they were resolved.⁴⁵

	2005/06	2006/07	2007/08	2008/09	2009/10
Prosecution	9450	8736	9079	8169	8792
Other resolutions	33,045	30,196	31,034	29,430	31,069
<i>Total</i>	<i>42,495</i>	<i>38,932</i>	<i>40,113</i>	<i>37,599</i>	<i>39,861</i>

Table 3: Resolution “split” for child and youth apprehensions.⁴⁶

	2005/06	2006/07	2007/08	2008/09	2009/10
Prosecution	22.2%	22.4%	22.6%	21.7%	22.1%
Other resolutions	77.8%	77.6%	77.4%	78.3%	77.9%

Reoffending by high risk child and young offenders

As part of information provided to the Select Committee inquiry into child offenders, Child, Youth and Family estimated that approximately 50 offenders aged 12 and 13 years per year would be progressed to the Youth Court.⁴⁷ Between 1 October 2010 and 31 May this year, 14 child offenders have appeared in the Youth Court. These cases are still before the Youth Court and are yet to be determined.

This is lower than predicted numbers, and most child offenders are being referred back to the Family Court. However, an increase is likely as frontline Police and Child, Youth and Family become more familiar with procedures. It has also been reported that despite legislation being in place, many of those that work within the child offender system and who know it well are reluctant to progress 12 and 13 year olds to formal court processes.⁴⁸

New Zealand Police data from 2008 shows that there are regional differences in the rates of apprehensions of young people, and in resolutions for those apprehensions. Police are currently working to better understand the reasons behind the variation to ensure this it is as a result of genuine differences in the nature of offending.

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³⁶ Police apprehension statistics represent the numbers of apprehensions but not the numbers of offenders. An 'apprehension' means that a person has been dealt with by the Police in some manner to resolve an alleged offence. Police may also take appropriate action other than apprehension when dealing with children. Police apprehension statistics exclude traffic offences and infringement offences.

³⁷ Source: New Zealand Police data sourced through Statistics NZ.

³⁸ Source: New Zealand Police.

³⁹ Source: New Zealand Police.

⁴⁰ Source: Police apprehension data from Statistics NZ.

⁴¹ Source: New Zealand Police.

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⁴³ Due to migration from the Law Enforcement System (LES) to the National Intelligence Application (NIA) (Police data collection systems) in 2004/2005, figures from before that date are not directly comparable.

⁴⁴ Source: New Zealand Police.

⁴⁵ Source: New Zealand Police.

⁴⁶ Source: New Zealand Police.

⁴⁷ The Children, Young Persons, and Their Families Amendment Act 2010 widened the jurisdiction of the Youth Court to include 12 and 13 year olds charged with certain serious criminal offences (other than murder or manslaughter).

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