

## **Introduction**

The National Youth Custody Index 2016 (YCI) has been prepared, as in previous years, by a group of four students from St Thomas of Canterbury College, Christchurch. Our first Youth Custody Index was released in September of 2014. The students involved in this project are aged from 16 to 18 years old. The YCI is our shared contribution to the ongoing debate about the incarceration of young New Zealanders. Our College follows the teachings of Edmund Rice, founder of the Christian Brothers. Edmund and his actions in Waterford Ireland in the 1800's are the inspiration of the core values that our College is built upon (See Appendix A).

This index is designed to provide New Zealanders with an insight into the youth of our nation and how they live their lives in custody. This index is not intended to be a comprehensive and complete assessment of all the relevant statistics and information. This Index has been compiled to provide an avenue by which the public can be educated regarding the rehabilitation of young people on the margins in an effort to create a better society. This index has been created by young people for other young people who have walked a different path in life. They spend the years of their youth behind fences. This Index aims to be a voice for the voiceless, and to help those on the margins of our society.

Our continued journey in obtaining information from different government agencies under the Official Information Act (OIA) remains not an easy one. Once again we have been refused fully requested information, or provided with poor responses, from two agencies including:

New Zealand Treasury; and

Ministry of Education.

However, we are saddened to have had no information released from Ministry of the Social Development (MSD). We worked through the Christmas holidays to make sure questions were ready to go live end of January 2016. We made a series of requests (contained in this Index) and have been confronted with extensions and an inability to meet legally mandated time frames. We have pleaded with MSD to release what information they do have, personally complained to MSD Minister Anne Tolley, who last year affirmed our Index, and the Office of the Ombudsman.

This has been time consuming, disappointing and a negative part of this year's journey. The Office of the Ombudsman has been of assistance but their resources are stretched, and we have a number of new matters from this year, and previous year being pursued by the Ombudsman.

We have attempted to, where possible, in the absence of officially provided information, put together a picture from alternative sources and used the media to assist us in identifying the journey of youth in custody.

We have created an extremely broad coverage of a range of aspects about youth in custody. This study could run the risk of being too superficial and simplistic. We have attempted to avoid this by creating a basic format and simply describing the information attained and placing it in the public arena. In subsequent years, a similar approach will be adopted.

Along with adding to previously collective information we have increased the coverage of the YCI to include:

- The rights of youth in custody and how they are communicated;
- How the mental health needs of youth are identified and what interventions are available;
- Female youth in custody;
- Cultural deficits in the operation of MSD/CYF sites;
- Looking at the custodial arrangements for youth sexual offenders; and
- Military dimension to training youth held in custody.

These new streams of information are material and both directly and indirectly relevant in the lives of youth in custody.

As in previous years our purpose is to inform the public debate. We do not offer explicit solutions to the issues raised but we do see the results of this year YCI as a sadness, there is no marked improvement in the custodial indicators we measure. These presented results indicate our '*Collective Shame – The Loss of Youth*'. Every report or assessment on youth in custody, we have accessed, doesn't provide positive or uplifting reading.

We do seek, no matter how bluntly to be the voice for our brothers and sisters who are locked up for a variety of reasons. We don't see hope that all youth are provided with the necessary individual support and attention required, as a result society continues to create a loss in the potentiality of many youths.

Thank you for your interest.

**Joseph Devine**

**Facilitator**

**Youth Custody Index (2016)**

**Index:**

- 1. Education**
- 2. The Army's attempt at training education**
- 3. Police**
- 4. Youth in Prisons**
- 5. Youth in Care and Protection and Youth Custody Residencies (MSD)**
- 6. Youth in Sexual Offenders Unit**
- 7. What the experts say reports/papers**
- 8. Diet and what the media say?**
- 9. Our message to government agencies**
- 10. Conclusion**

## **The process**

Since March of 2014 till June 2016 we have been collecting and accessing publicly available material – primarily searches of websites, publicly available reports and some media comment around youth in custody for annualised release. Once we ascertain the information available we then proceed to fill in the gaps through Official Information Act requests to a wide range of government agencies. We have experienced a range of behaviours from a lack of timely response to issues relating to the adequacy and sufficiency of responses from the following agencies: The Treasury, Ministry of Social Development, and Ministry of Education. We have concluded and provided a final assessment and write up of information in June 2016 (on occasion we have added to existing information and comment made in last year's Youth Custody Index - 2015).

This is a continual journey – and forms part of a continual journey and stock take of those young people in prison and how they are cared for via the provision of government funded facilities and interventions.

We have structured this report in the form of a journey from sentencing to facility, either prison or youth residence through to the provision of education.

We currently have complaints with the Ombudsman relating to the adequacy or sufficiency of information provided.

### **Researched Agencies (2016):**

New Zealand Defence Force

Treasury

Ministry of Social Development

Ministry of Education

Ministry of Justice

Department of Corrections

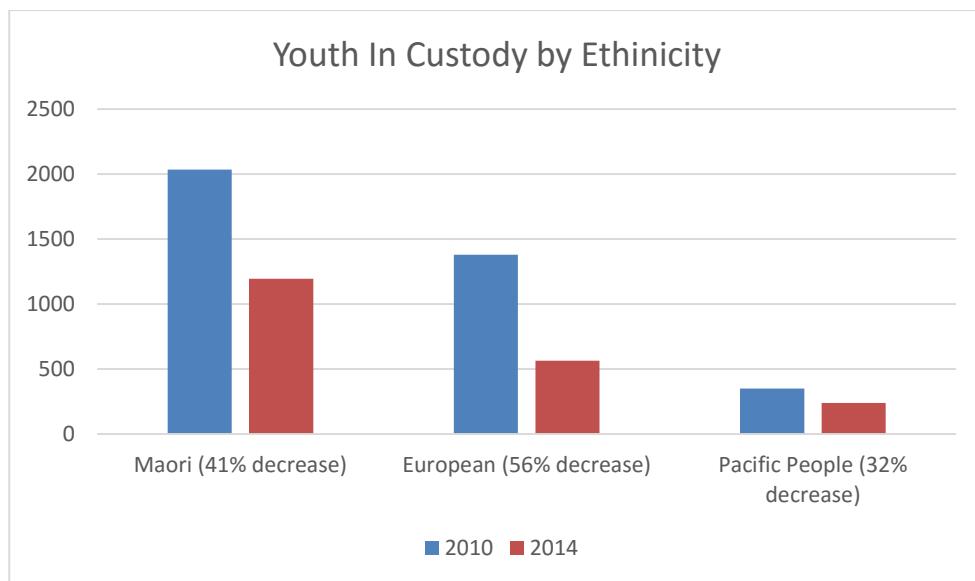
New Zealand Police

## **Release of Report:**

Edmund Rice Youth in Custody Index – 2016. A media briefing will take place at the Nga Hau e Wha Marae on 29 June 2016. This event will be co-hosted by Community Law Canterbury and Nga Maata Waka /Nga Hau e Wha Marae. The report for 2016 is available on the College website: [www.stc.school.nz](http://www.stc.school.nz)

## **Trends:**

The offending statistics for youth are on the decline but there remains the disturbing feature of high Maori representation in the published statistics. In terms of apprehension rates of children and young people\_Maori are over represented. A snap shot from 2012 records total apprehensions: Maori 11,033; Non-Maori 9,917. Further, 20% of the youth population are Maori, 53% of apprehended youth are Maori; and total apprehensions also resulted in more serious outcomes for Maori. In terms of young people Maori rates remain four to five times higher than for non-Maori\*.



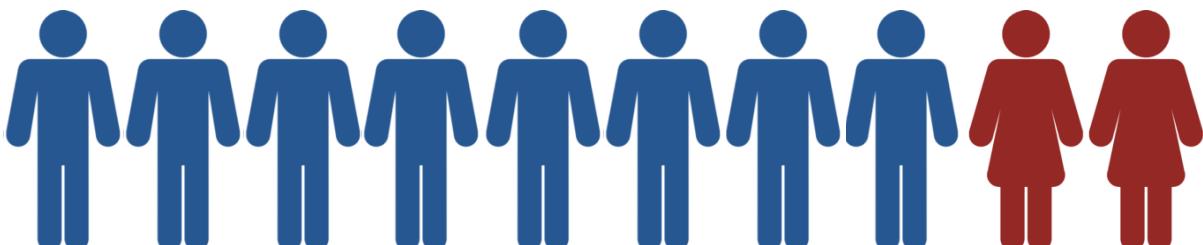
Decrease by -41% (Maori)

-56% (European)

-32% (Pacific People)

\*Source: <http://www.justice.govt.nz/publications/global-publications/youth-crime-action-plan-full-report/the-youth-crime-action-plan/the-strategies>

There are more male youth in custody than females. 81% OF Youth in Custody are male.



Number of children and young people in court is decreasing.

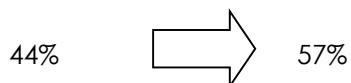
- Decrease by 16% since 2013
  - Decreased 59% since peak in 2007
  - Account for less than 3% of all people charged in court

**Table: 2 (C) Declines in Offending**

<b>Year</b>	<b>Maori</b>	<b>European</b>	<b>Pacific People</b>
2010	2,034	1380	351
2014	1,194	564	240
<b>Decrease by</b>	<b>-41%</b>	<b>-56%</b>	<b>-32%</b>

Proportion of youth in court who are Maori has increased in the last 10 years:

Year 2005 2014



Most charges are proved, and plans formulated at Family Group Conferences are followed. Instead of undertaking a Family Group Conference, 20% of the children and young people with proved charges receive one of these as their most serious order:

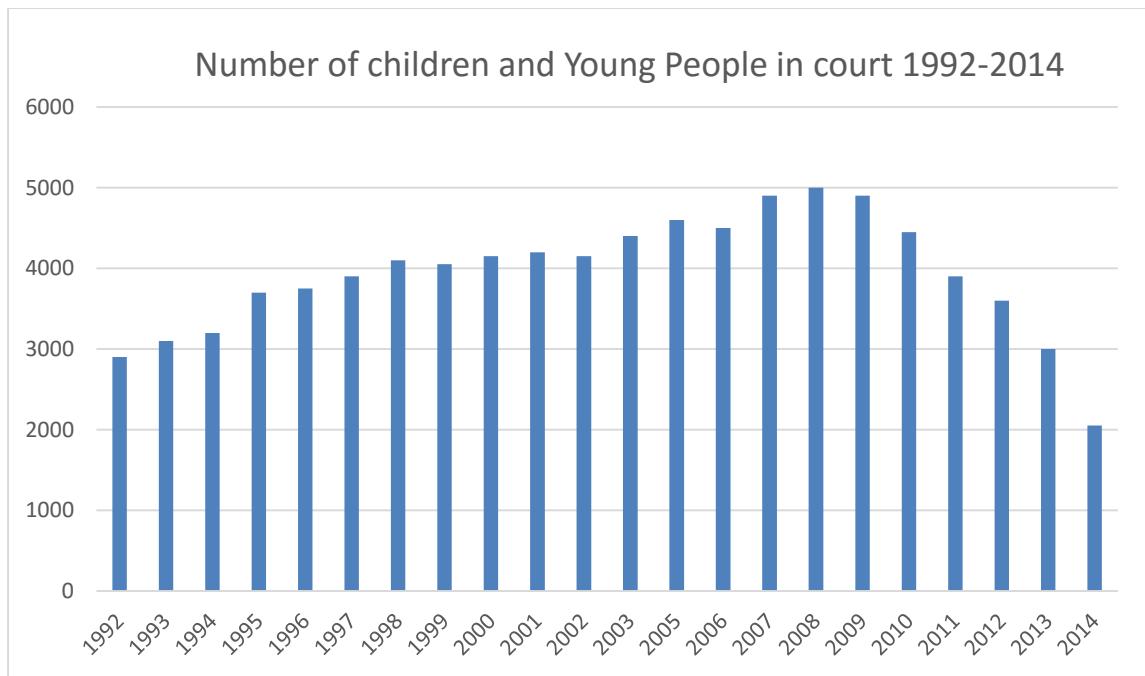
- 9% community work order or supervision order
  - 5% compulsory community programme which may be followed by supervision
  - 6% custodial detention which must be followed by supervision.

The number receiving adult sentences has dropped by over two thirds over the last 10 years:

Year 2005 2014



\*These statistics include all children and young people in any court, including Youth, District and High Courts.



(Source: New Zealand Ministry of Justice Website: <http://www.justice.govt.nz>)

In sum, there continues to be large representation of young Maori in the legal system and youth custody.



## **1. Education**

All education providers for youth in custody across New Zealand, have each provided data on student numbers, gender and ethnicity. This information is provided in Appendix B.

### Who are the Providers of Education for those in Custody?

Korowai Manaaki Residence (Youth Justice)	A youth justice residence located in Auckland which provides 24 hour safe and secure care for up to 40 young people aged from 14-17 years. In addition, the residence also provides six placements for young people subject to District Court custodial sentences. Education provided by Creative Learning Scheme.
Te Maioha o Parekarangi (Youth Justice)	A youth justice residence located in Rotorua which provides 24 hour safe and secure care for up to 30 children and young people aged from 12-17 years. Education is provided by Kingslea School.
Te Puna Wai o Tuhinapo Residence (Youth Justice)	A youth justice residence located in Christchurch which provides 24 hour safe and secure care for up to 40 young people aged from 12 to 17 years. In addition, the residence also provides six placements for young people subject to District Court custodial sentences. Education is provided by Kingslea School.
Te Au rere a te Tonga Residence (Youth Justice)	A youth justice residence located in Palmerston North which provides safe and secure care for up to 30 young people aged from 14 to 17 years. Education is provided by the Central Regional Health School.
Puketai Residence (Care and Protection)	A care and protection residence located in Dunedin which provides 24 hours safe and secure care for up to eight children and young people aged from 10-16 years. Education is provided by Kingslea School.
Te Oranga Residence (Care and Protection)	A care and protection residence located in Christchurch which provides 24 hours safe and secure care for up to 10 children and young people aged from 10-16 years. Education is provided by Kingslea School.
Whakatakapokai Residence (Care and Protection)	A care and protection residence located in Auckland which provides 24 hour safe and secure care for up to 20 children and young people aged 10-16 years. Education is provided by Creative Learning Scheme.
Te Poutama Arahi Rangatahi Residence	A specialist residential treatment facility located in Christchurch. The service, which is managed by Barnardos under contract from Child, Youth and Family, provides residential treatment for young men aged from 12-17 years who have engaged in harmful sexual behaviour and who can no longer be treated within their own communities. Education is provided by Barnardos.

Table 1(a): National Costs of Providing Education 2012-2015

<b>Site</b>	<b>Education Provider</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Te Poutama Arahi Rangatahi – Youth Justice Residence	Christchurch Barnardos	323,101.56	323,101.56	161,550.78	250,430.00
Te Maioha o Parekarangi – Youth Justice Residence	Kingslea School	2,638,708.64  (All four sites)	2,784,631.08  (All four sites)	1,401,773.91*  (All four sites)  *to June 2015	\$2,856,626.00
Te Puna Wai o Tuhinapo – Youth Justice Residence	Kingslea School				
Te Oranga – Care and Protection Residence	Kingslea School				
Puketai – Care and Protection Residence	Kingslea School				
Te Au ere a te Tonga – Youth Justice Residence	Central Regional Health School	867,807.14	887,632.21	444,753.82	818,966.38
Korowai Manaaki – Youth Justice Residence	Creative learning Scheme	1,730,470.20	1,730,470.20	865,235.518*  *to June 2015	1,557,380.10

Epuni – Care and Protection Residence	Kokiri Marae Keriana Trust	587,175.72	600,066.96	301,086.58	(Ceased to exist)
Epuni – Care and Protection Residence	Central Regional Health School	xxxx	xxxx	xxxx	422,380.53

Education Provider	2012	2013	2014	2015*	2016*
Creative Leaning Solutions	6,894.30	5,749.07	5407.72	6,554.81	14, 692.27
Central Regional Health School	4,226.62	7,718.54*	2,850.98	4,239.01	4,925.98
Kingslea School	7,269.17	6,552.07	5,964.99	7,336.63	8,789.62
Te Poutama Barnardos	Not Provided	Not Provided	Not Provided	18,396.81	15,651.88

\*Calculated on the operations grant, including staff remuneration, divided by reported student numbers per year.

### Remuneration Ranges

All education providers reported consistent salary ranges. It is regrettable all education providers (perhaps advised by the Ministry of Education where the request was first made and who collated responses) gave a consistent response; due to the small size of all schools involved to identify job roles with salary bands will enable individuals to be identified. We have complained to the Ombudsman on this point, in so far as the schools a medium in size, there is a strong public interest in both the transparency and accountability of schools. Creative Learning refused to identify the Principal's salary as it was not in residential budget so their ranges went from just \$35,000 - \$74,645 across sites. The Central Health School (CRHS) range across its sites Te Au rere a te Tonga and Epuni Care and Protection Residence went from a range of \$150,000 - \$160,000 to lowest paid of \$5493.41 (Te Au rere a te Tonga) and \$14, 482.53 (Epuni Care and Protection Residence).

At Kingslea School the highest Salary range started at \$150,000.00-\$160,000.00 and descended to \$8,000-10,000 At Barnardos - Te Poutama (Te Poutama) report a highest salary of \$80,000 with a lowest salary of \$38,000.

### **Student Rights**

At the CRHS it is reported all young people are advised of their rights at the time of their admission. Hard copies of grievance procedures are displayed in all the units. Further information regarding the young people's rights may be requested from CYF. CRHS also state:

*...young people have well explained access to the grievance process. There have not been any grievances lodged by young people that relate to the school. It is also worth noting the school staff met with grievance panel members at CYF events and when panel members visit the sites.*

All students entering the four Kingslea School sites are inducted by CYF about their rights as set out in the CYF regulations. Classroom teachers also have guidelines covering safety and wellbeing. A well-established grievance procedure operates and is administered by CYF. In terms of Te Poutama they report they follow the Residential Care Regulations 1996. Young people are advised of the existence of these and given a very brief overview in their home book which is given to them at the pre-admission meeting. On admission the youth are provided with a condensed version of the regulations (this is a document created by Te Poutama). Te Poutama also has monthly meetings with the youth about Regulations and Rules (this is requirement of the regulations).

### **Staff Turnover**

Creative Learning report a relatively low staff turnover. In 2015 six tutor's/teacher aides left their roles for a variety of reasons including: maternity leave and finding better paid employment but no teachers were exited with assistance from HR due to misconduct or non-representation. These levels are consistent with the CRHS. It has made three permanent appointments during 2015. All were vacancies that had occurred when teachers left – two to go out of the area, one to a leadership role at a school in the area. In the interim two of the positions were filled by fixed term appointments. A third permanent appointment was made when the other teacher left. The Assistant Principal was appointed late 2014 and took up the position in February 2015. With respect to Epuni Care and Protection Residence, two new full time permanent appointments were made at the end of 2014 to commence at the beginning of 2015. One teacher resigned at the end of 2015 as she had shifted out of the area. At Kingslea School two positions were advertised in 2015 –for Assistant Principal and Homeroom Teacher. Te Poutama reported in February 2015 four Teacher Aides were employed - one permanent and three casuals. Further, this year Te Poutama could not renew one casual contract as the number of students dropped.

### **Personal Grievances**

No education provider has reported any personal grievances.

## **Support students with mental health needs**

Creative Learning through discussions with stakeholders at a multi-agency level, discuss what supports and considerations can assist with students in their learning. Kingslea School asserts a well-being curriculum, individual plans and data, trauma informed practices, Positive Behaviour for Learning Pilot, Educational Psychologist intern.

CRHS, Te Au rere a te Tonga, report students have access to mental health and AOD services through CYF and Epuni Care and Protection Residence. Further it states:

*that CRHS has a large number of students on the health school roll who present with mental health conditions. Staff have strong links with other CRHS teachers who can access the support and expertise of these teachers. CRHS also provides education at specialist mental health units in Porirua – including the new national forensic mental health unit.*

Te Poutama notes each student has an assigned Clinician and all concerns are referred to them. Clinicians access community providers for treatment assistance as required.

## **Professional Development**

All education providers engage in professional development; ensuring good opportunities exist for all staff. Each provider reported the reason for conference for professional development but not necessarily who made the decision to attend, the role of the person attending and how the leanings from specific courses or conferences were shared with other staff in sum, what the return is to the provider in terms of enhanced learning or teaching opportunities. CRHS identify all airfares and accommodation costs for all staff of each provider and the reason/purpose for travel. Te Au rere a te Tonga staff were engaged in two days all staff conference. SRHS proudly states they used three mini buses with minimum travel costs. Facilitation and course costs were also provided for the following:

- First aid 513.95
- eASTLE 350.00
- ipads 180.00
- Massey University – Literacy 12,145
- Massey University – Leadership 525.00
- Accommodation for AP to attend leadership meetings in Wellington 293.00
- Epuni Care and Protection Residence staff attended the same two-day conference.
- Facilitation and course costs:
- Tertiary course costs for a teacher 3717.56
- Teaching students who have experienced trauma \$1200
- Massey University – Narrative assessment \$3000
- Numeracy \$1425
- Group supervision \$440.

Creative Learning states what professional development opportunities were provided and the costs. For 2015 the costs were \$19,512.43 and included accommodation. Good feedback was provided insofar as staff attending were required to give feedback and reflection at next whole PLG – professional learning group discussion time held weekly. Professional Development is linked to the annual plan and also staff members' appraisal goals

Kingslea School reports a wide range of courses including PPTA courses, First Aid, cluster meetings, and Principal workshops. The Principal has enjoyed five conferences, Assistant Principals' three and one for an Educational Psychology. Offshore professional development included one staff member in attendance at seven events/conferences ranging in locations from Melbourne, Hull and visits to Calgary. It is not apparent if this was one staff member in attendance or several. Four staff enjoyed professional development on financial capacity skills for the classroom. No information was provided on how the leanings were shared with the balance of staff. No information was provided on the costs of professional development including the overseas travel identified or role specific attendees.

Te Poutama reports a variety of conferences (Head Teacher and Fulltime Permanent Teacher Aide – Bi-annual National Alliterative Education Conference @ \$300 per person) and Red Cross courses (6 attendees). Efforts are made to attend all free or low cost trainings which have included: University of Canterbury – Youth and Disengagement in Education where six staff members attended and Barnados Non-Violent Crisis Intervention training, attended by seven staff members. Finally, a Rite Journey – Rite of Passage for Adolescents course was attended by one staff member.

**In conclusion** we feel Te Poutama is too reliant on teacher aides and not registered teachers. We have concerns that the Education Review Office do not visit and make assessments at Te Poutama. No Board of Trustees oversees the education at this facility and believe this is an issue in terms of accountability and transparency. Other schools include Central Health School and Kingslea School are subject to such independent assessments.

There appears to be a full professional development programme in place at each school but very poor information was provided as to who makes decisions in terms of attendance, with the exception of one case, how are the leanings of courses/conferences feed back into the school to provide better learning and/or teaching opportunities.

Due to the pattern of professional development engaged in, diversity of courses many international, a mechanism needs to be put in place to share best practice and the learning's from international conferences/events within and between the schools who work in this very specific area of youth in custody.

We have concerns that all education providers chose not to provide job roles which were aligned to remuneration rates. The average cost of education has fallen at Te Poutama (due to falling student numbers) and have risen at Creative Learning for no apparent reason.

## **2. The Army's attempt at youth training/education**

The New Zealand Defence Force (NZDF) has become a player in youth training and education. There are two programmes facilitated by the NZDF:

1. Military-style Activity Camp (MAC) Programme;
2. Limited Service Volunteer (LSV) programme

The MAC programme, introduced in October 2010 as part of the Government's Fresh Start reforms, targets 40 of the most serious and persistent youth offenders in New Zealand each year. MACs are delivered in partnership with Child, Youth and Family (CYF) and the NZDF. Students in CYF facilities attend these programmes.

### **Description of the MAC programme:**

The MAC programme was designed to provide intensive wraparound support for the 40 most serious and persistent young male offenders each year to assist them to make good-social choices (e.g. not reoffending) and ultimately make a successful transition to adulthood.

### **What does the typical MAC participant look like?**

The typical MAC participant is a 16-year-old Maori male from the North Island who presents with an array of risk factors. This participant commonly lacks a positive male role model in his life, is known to the care and protection arm of CYF, and has disengaged from school at an early age, misuses alcohol and/or drugs, and associates with antisocial peers. Most such participants have one or more of the following: mental health concerns, anger management issues, learning difficulties, cognitive problems, and/or issues from past grief or trauma. In terms of their offending, typically they first came to the attention of the NZ Police for offending at around the age of 12, have an average of around 30 prior offences, and were sent to the MAC for offences such as aggravated robbery, burglary or serious assault.

### **The programme includes:**

- A nine week residential programme (based in Christchurch). This utilises NZDF adventure-based learning facilities, combining military-type activities as part of a broader residential intervention programme, which includes therapeutic and educational interventions.
- Transition back into the community, on a Supervision order. When released from residence, each young person must serve a Supervision order between six and 12 months' duration with ongoing support by a social-service provider. The development of a plan to return the young person to the community, and the successful implementation of that plan, is crucial to the overall effectiveness of the MAC programme.

An evaluation [Ministry of Social Development — Evaluation Report (September 2013)], was carried out between February and June 2013. This evaluation identifies parts of the MAC programme that are working well or not so well and examines early evidence regarding the overall effectiveness of the programme. The evaluation used several methods of data collection, including qualitative interviews with residential and community-based staff and a small number of young people; an analysis of CYP administrative data; in-depth case studies of four young people; and a reoffending outcomes analysis for MAC participants taking place six months and 12 months after completion of their Supervision and Residence (SwR) orders.

### **What impact is the MAC programme having on reoffending?**

Between October 2010 and July 2013, MAC residential programmes were run with a total of 80 young people starting the programme, with 70 of those students/young people completing it. At the time of the evaluation, 35 of these 70 young people had been back in the community for at least 12 months to allow their reoffending patterns to be meaningfully examined.

Reoffending data available from June 2013 suggest that the MAC programme is achieving some promising results. Seventeen per cent (six) of 35 MAC graduates did not reoffend within 12 months of being released from residence, and 83 and 74 per cent, respectively, reduced the frequency and/or seriousness of their offending.

It is our collective view (Youth Custody Index students); that with the small numbers of youth who have completed the programme - it is too early to say whether these results are any different from what might have been achieved by a standard SwR order.

### **What was working well according to the Evaluation Team?**

The Evaluation Team modestly comment that:

*The involvement of the NZDF in the MAC programme was critical to its success. The uniform was respected by the young people. Suing team work and a mix of structured and routine activities, the NZDF staff helped break down barriers and promote the principles of equity, respect for authority, and self-discipline in the young people.*

Many participants were able to achieve some qualifications while on the residential programme. For example, within the MAC intakes Three to Eight, over half of the young people were able to achieve NCEA Level 1 credits, including a small number who achieved Level 2 credits. In additional, all of the participants in MACs Three to Eight passed the Site Safe course, and almost all achieved their OSH Forklift certification. Eleven young people also at their leaner licence tests.

Around one in five young people graduating from the MAC programme had a clearly successful transition back into the community. They had not reoffended in over 12 months or had committed only a single offence of a minor nature. These young people were often living in a different location from before the MAC programme, with a supportive member of the wider family, and also had another adult in their lives for support, such as a mentor.

### **What could be improved upon according to the Evaluation Team?**

The right people were not always being selected for the MAC programme.

A decision to refer someone to the MAC programme is usually made at a Family Group Conference (FGC). The evaluation shows that special workers, who provide advice at the FGC about a young person's suitability for the MAC programme, varied in their adherence to the selection criteria. MAC participants could all be described as serious or persistent offenders (but not necessarily both) and many were on the cusp of transferral to the adult justice system.

A lack of alternatives to the MAC programme was a factor in some referrals. Some Youth Justice (YJ) social workers recognised the potential benefits of thee therapeutic aspects of the MAC programme and felt that if their young person had to go to residence it was preferable to go on the MAC programme, even if they did not meet all the criteria.

Moreover, the number of potential candidates for the MAC programme (i.e. young people with SwR orders) is falling, CYF operational data shows SwR orders have fallen over 20 per cent in two years which, in part, reflects a significant drop in recent years in the number 14 to 16 year olds apprehended by the NZ Police – down by 18 per cent between 2009/10 and 2011/12. This could have implications for the number and types of young people who are available to participate in future MAC programmes.

### **Other possible improvements:**

- Improving the flow of information between Te Puna Wai o Tuhiapō (TPW) Youth Justice Residence and social workers, family and mentors in the community.

- Better integration of residential programme components, and clear definition of the overall goals and intended outcomes.
- Working to overcome some of the drawbacks of delivering the MAC residential phase in the only one location, e.g. engagement with family/whanau not located in Christchurch. This has subsequent implications for transition back into their home community.
- It is reported significant improvements are required for the community phase. Any gains made from the residential environment would need to be identified, retained and built on during the transition. Unfortunately, in contrast to the consistency of delivery and adherence to standards sought during the nine-week residential programme, there are a number of significant gaps or limitation in the support currently provided to the young people after they leave TPW.
- Establishing and maintaining stronger links to education, training or employment for MAC participants. The design of the MAC intervention stipulated that these links are expected to be more robust than previously, as these links are key factors in the young person's successful transition to independence. However, these links were difficult to establish and maintain for a number of reasons, including:
  - MAC graduates often have very low levels of educational achievement, which meant they did not have the required skills and knowledge to participate in many existing education or training courses. Some interviewees suggested there was a need for bridging courses.
  - The age or location of the young person made gaining a place on any course or finding work challenging. For example, those living in smaller towns or in more remote locations had fewer options.
  - The young people often did not have the life skills to cope with what was required to maintain engagement in education, training or employment; they needed more support.

Comment was also made that structure need to be put in place to ensure young people receive the level of support they need from various other professional sources in the community phase. Examples included:

- Additional counselling or other services may be required to address ongoing needs or risk factors.
- Time needs to be used constructively where the supports required for the young people cannot be provided in a timely manner (e.g. the date of their release from residence may not coincide closely with course commencement dates, or there may be long waiting times for community-based programmes such as AOD counselling).
- The level and extent of the role performed by mentors is variable and sometimes insufficient to meet the needs of the young person.
- It was reported that there can be significant costs for CYP sites associated with meeting the requirements of the Supervision order plans (e.g. sending social workers, mentors and family to Christchurch – particularly from provincial North Island locations; and provision of intensive mentoring).

#### Outcomes:

The number of MAC successful graduates, between October 2010 and June 2013, were 70 young people. In excess of 80 people commenced the programme.

*Two people decided to pull out before completion, four were removed early, and four took part to varying degrees but not sufficient to graduate. Ongoing disruptive behaviour, lack of engagement or effort, or physical/verbal abuse towards staff were*

*often cited as the reasons for non-completion. In at least two cases, this behaviour was said to have stemmed from serious mental health issues.*

We suggest that appropriate mental health screening needed to be in place and this information should have been held by either CYFs or the special education providers before students were provided the opportunity to participate in the MAC programme.

Further, the latest monitoring figures show that as of August 2013 – 42 MAC participants had graduated from MAC programme and had been back in the community for the last 12 months. From recent graduates:

- 17 per cent (7) had not reoffended at all
- 31 percent (13) had received a custodial sentence of Supervision with Residence (SwR) or prison.
- Reoffending is reported to have reduced. Comparing the 12 months after the MACs to the 12 months before for these 42 young people:
  - 83 per cent (35) reduced the frequency of their offending
  - 76 per cent (32) reduced the seriousness of their offending.

The total number of crimes committed by the 42 MAC participants halved from 660 offences in the 12 months after exiting the residence (a reduction of 335 or 51 per cent if they had continued to offend at the same rate):

- 80 per cent (259) were committed by half (17) of the 35 MAC graduates who reoffended. The 18 other re-offenders committed a total of 66 offences between them.
- The total number of robbery-related offences committed by the 42 MAC participants reduced by 64 per cent, while the number of offences involving acts intended to cause injury dropped by 25 per cent.
- Seven MAC participants did not reoffend within 12 months, while further three committed one offence, and five other committed two offences.
- Of the eight young people who committed one or two offences in the 12 months after the MAC, six committed minor offences with no direct physical harm to any member of the public. Examples of such offences were breach of a local liquor-ban, a learner driver being unaccompanied and a graffiti offence.

MAC programme reoffending rates are similar to or slightly better than reoffending rates for non-MAC participants sentenced to a custodial order (SwR). This is a significant concern given the investment into the MAC programme and other non-NZDF options that could be available for this government expenditure.

For 172 young males sentenced to SwR orders (but who did not attend the MAC), in the 12 months after release:

- Eleven per cent (19) did not reoffend;
- Thirty per cent (51) received a custodial sentence;

Comparing the 12 months after the SwR orders to the 12 months before;

- 72 percent (123) reduced the frequency of their offending; and
- 77 per cent (133) reduced the seriousness of their offending.

### **Limited Service Volunteer (LSV) programme**

It was not our intent to investigate this programme as the LSV is deemed ‘voluntary’ and **NZDF has strenuously pointed out is voluntary in nature**. We stumbled into this programme, we were initially confused between MAC programme and LSV programme, and the NZDF were not proactive in providing clarity. However, once engaged with this programme, we wanted to compare it to the MAC programme, in terms of training, quality of performance and outcomes.

We asked questions relating to the years 2013 to 2015. NZDF reported that 3,732 trainees have completed the LSV programme. During the programme a number of training modules are delivered:

- New Zealand Red Cross fires aid certificate;
- Department of Work and Income job exposition
- Vocational training opportunities
- Fire Safety
- ‘Life Change’ programmes
- Drill and discipline
- Problem solving teamwork skills
- Public speaking
- Employment contract obligations
- Tenancy rights and obligations
- Civil and community law
- Budgeting
- Dining Etiquette
- Personal hygiene
- Family planning
- Drug and alcohol awareness
- Personal presentation and grooming
- Physical training and sport
- Healthy lifestyles and skills
- Outdoor therapy and wilderness experiences
- Conservation
- Adventure training.

### **LSV Outcomes**

We asked the question what evidence exists that the programme generates or develops ‘...self-discipline self-confidence and positive attitudes to enhance their employment opportunities’?

ROPELOC trainee surveys (an NZDF initiative to measure the support provided by NZDF’s Youth Development Unit (YDU) to supply the LSV programme) were conducted externally by ‘1000 Minds’ to evaluate self-discipline, cooperation, confidence and respect. The NZDF

does not hold this information, and the initiative has now been completed. We challenged this response from NZDF.

We asked questions around the audit and accountability of the LSV Programme. We also asked how health and safety risks are identified and managed. We learnt an organisation called Challenge 2000 are contracted to provide Social Worker Services. The NZDF reports it complies with external checks and audits required by relevant legislation and reviews by Work Safe NZ. Management of physical and mental health risks of youth is provided by staff who actively manage all risks and are regularly checked for compliance with orders and procedures. Safety Audits are conducted to identify risk and ensure mitigations are in place. Comprehensive mental health support and risk identification is provided by platoon staff, a clinical psychologist, social workers and chaplains. We asked what were the volume of incidents that have occurred on each site over past three years and to please specific the nature of each incident and how each incident changed practice. NZDF responded '*In accordance with new legislation the Command focus of this data has only been collected since January 2016. No incidents have been reported within this time frame.*' **We do not believe that no incidents have occurred over the past three years with over 3,732 trainees. We have challenged this response.**

Further, we asked NZDF to identify the numbers of Police call outs to any LSV programme to deal with incidents – we asked please outline the nature of the incidents and when they occurred? We were told:

*The NZ Police have not been called in to deal with any specific incidents. Each intake has an embedded NZ Police mentor. These mentors do not report back to the NZDF regarding their interactions with trainees.*

### **Complaint Procedures**

We asked NZDF what complaint procedures exist for young people to complain about any aspect of the LSV course including complainants about staff and training/course activities. NZDF commented:

*On their first day all students are briefed on how to make a complaint via their platoon training staff. Many complaints are received at the beginning of a course as trainees 'bed in' to the course and are required to conform to course rules and timings. Interestingly, complaints dwindle by course end as trainee's fitness and willingness to participate and cooperate improves.*

*It is not possible to list all complaints and resolutions without an extraordinary research and collection effort.*

### **Costs**

The current per capita training rate charged to MSD is \$5,944.35 (per course), or approximately \$145.00 per day. The annual cost of running these programmes in total is \$6,754,538. This cannot be broken down clearly or accurately by site, as a number of costs involved are not site specific.

### **Public Accountability**

We asked them to list all guests and the agencies they are from, including politicians who have visited the programme? NZDF stated:

*What is recorded, but would require a significant amount of research to compile, is a list of those who have served as a Patron of an LSV intake, mostly senior officers in the NZDF, significant employers or people with influence in the wider New Zealand community. They visit the intake they support three times, mingle with the trainees. Their interaction seeks to inspire trainees and motivate them towards employment and respect towards themselves and others.*

We asked NZDF to provide copies of all participant feedback on the program?

All trainees are asked to provide feedback, which is fed back to staff to continually improve training or develop instructors. This feedback is, however, reported to be destroyed once examined for constructive comment. This part of your request is therefore refused under section 18(e) of the OIA as it does not exist. We challenged this response and do not believe feedback is not formalised in the context of such a programme focused on assisting youth and run in conjunction with other government agencies.

Further, we asked how many students have dropped out of the programme and for what reasons? We were advised, '*In the period of time specified in your request, 855 trainees have dropped out of the LSV programme. This is for reasons relating to discipline, pre-existing and sustained medical issues, and at their own request.*' We have also challenged this response.

### **A unique New Zealand point of difference**

We asked NZDF what other jurisdictions operate similar programmes and what features are drawn upon on the New Zealand programmes? The NZDF is not aware of any other agency using the LSV programme as either a template or bench-mark.

We also consulted New Zealand Treasury on its view of NZDF operation of the LSV. The Acting Manager, Labour Market and Welfare responded on 27 April 2016. The new Treasury stated in relation to the 2015 Budget process that:

*Initial Recommendation (2015) to Anne Tolley (MSD) – DO NOT SUPPORT – the initiative is targeted at young people at risk of long term benefit dependency. – Across the 2010 and 2011 cohorts LSV participants, the average income support savings a close to zero (\$37 +/-471). There are likely to be other Crown savings (e.g. justice) however these have not been message to date. Greater confidence in participants and other social benefits (these have not been formally assessed).*

From the evidence available we have obtained on the journey of the LSV programme as operated by the NZDF it appears it is a programme which success is marginal in terms of benefit to youth.

### **An update to our concerns on LSV programme:**

NZDF provided a supplementary response to our formalised concerns on 23 May 2016.

- a. Feedback on courses 'As explained previously, the ROPELOC trainee surveys were carried out externally by a third party. Accordingly, the NZDF does not hold the survey material...' We suggest as this work was done under contract to NZDF ownership of material exists and associated complied reports.

- b. NZDF provided another response to our request for feedback from all participants, all collective feedback, in the LSV programme? Initially we were told it was destroyed – under 18 (e) of the Official Information Act (OIA) and does not exist.

NZDF note stated:

**Upon further review, this advice was partially incorrect.** While the collated course feedback to instructors for considerations not recorded or retained, some of the raw participant feedback material from YDU North has been kept on paper file at that location and on archive from YDU Central. Additionally, both YDU North and YDU South have the current staff validation and course validation surveys to hand, in preparation for collation and feeding back to instructors. However, the volume of this information is considerable; a single staff of course validation survey is (on average) seven pages long. Trainees fill out five of these during the programme. At 35 pages per trainee, the amount of collation and copying involved to produce this information, not to mention the required redaction of personal information from each document, becomes swiftly daunting: so refused under Section 18 (f) of the OIA.

The net effect is no information has been provided. The information now does exist but cannot be provided.

- c. NZDF responded to our concerns with an inept response as to why trainees left the LSV. NZDF said the reasons were ‘...discipline, pre-existing and sustained medical issues, and trainees wishing to leave at their own request.’ We were once again told a further breakdown is not possible without an extraordinary research and collation effort through each individuals ‘paper based records- 18(f) OIA refusal. Once again for a national programme dealing with vulnerable youth we do not consider this response is adequate.

We did receive a response to our request for information on any military investigations or employment investigations undertaken by NZDF staff in relation to incidents relating to LSV programmes and participants over the past three years (Table). We also asked for the outcomes of these investigations

**Table 2 (a) YDU Discipline Register**

Date	YDU	Rank	Service	Offence	Outcome
5 March 13	North	CPL	Army	Using threatening, insulting or proactive language	Summary Trial due to take place mid-March. Staff member had previously submitted his MD717 and is due to Charge resulted in a reprimand depart the NZDF in April.  Charge resulted in Reprimand

4 May 13	North	CPL	Army	Using threatening insulting or proactive language.	Charge resulted in two days extra work and drill and a Reprimand
26 Sept 13	North	SGT	Army	Disobeying a lawful command of his superior officer	Charge resulted in a \$500 fine and a Reprimand
2 Oct 13	South	CLP	Army	<ul style="list-style-type: none"> <li>- 3x charges of Doing an act likely to prejudice service discipline</li> <li>- 2x charges of failing to comply with written orders</li> <li>- 2x charges of making a false official document</li> <li>- 2x charges of making a false or misleading statement in order to obtain a benefit</li> <li>- Making a false entry in an official document</li> <li>- Disobeying a lawful command of your superior officer</li> </ul>	Remanded to Court Martial
21 Nov 14	North	CLP	Army	Using threatening insulting or proactive language	Charge resulting in a Reprimand
31 Jan 15	North	CPL	Army	Absent without leave	Charge resulted in a \$100 fine and a Reprimand
25 Feb 15	South	AYDI	Navy	Drunkenness 2x Disobeying a lawful command	Charge resulted in five days confinement to Barracks
March 15	Central	2LT	Army	Absent without leave	Charge resulted in \$687.44 Fine and a Reprimand
9 Aug 14	North	AYDI	Navy	Negligently failing to perform a duty	Charge resulted in a \$304.25 fine
15 Oct 15	South	PO	Navy	Failing to comply with written orders	Charge resulted in seven days Stoppage of Leave.

In sum, based on the evidence provided from NZDF there are no significant returns apparent or positive gains for youth occurring as a result of the NZDF venture into the training and education of youth. Although not directly relating to our focus, Youth in Custody, we provide the comment the LSV programme is achieving negligible results for youth in our community.

### **3. The Police**

The number of youth held in police custody has in most districts decreased in 2015 (see Table 3 (a)). This pattern of decrease is also mirrored in youth held in custody for over 24 hours.

**Police Youth Statistics Table 3(a)**

District	2013 Count Custody Total	Cont Custody over 24 Hours	2014 Count Custody Total	Cont Custody over 24 Hours	2015 Count Custody Total	Cont Custody over 24 Hours
<b>Northland</b>	316	12	250	17	311	12
<b>Waitemata</b>	371	9	297	4	420	8
<b>Auckland City</b>	456	13	435	9	526	15
<b>Counties/Manukau</b>	827	25	705	27	710	22
<b>Waikato</b>	660	9	647	10	549	8
<b>Bay of Plenty</b>	911	37	764	9	633	14
<b>Eastern</b>	719	35	620	25	641	20
<b>Central</b>	848	17	773	14	587	17
<b>Wellington</b>	958	15	820	11	685	12
<b>Tasman</b>	246	10	232	11	153	17
<b>Canterbury</b>	505	7	367	8	429	15
<b>Southern</b>	354	24	219	7	202	27
<b>Total</b>	<b>7171</b>	<b>213</b>	<b>6129</b>	<b>152</b>	<b>5846</b>	<b>187</b>

Youth in Police custody informed of their rights verbally. These rights are given pursuant to Sections 215 to 232 of the Children, Young Persons and their Families Act (1989).

We asked Police to identify the number and nature of youth complaints made against Police over the past two years? Police stated, '*This is not data that Police collect so your request is declined pursuant to Section 18(f) of the OIA in that information requested cannot be made available without substantial collation or research.*' We do not agree with this response – it would be perfectly fine to have asked us to approach the Independent Police Conduct Authority, however **Police have indicated the information is available but is not going to be shared with us as substantial collation or research. This lack of response and message is concerning.**

In terms of the youth Police custody journey we sought clarity on which ways female and male youth suspects are treated different from adult males. Police advised:

*In general terms youth are kept separate from adults and males and females are also kept separate. In addition, age and needs appropriate supervision is provided on a case by case basis.*

Legislatively there are additional requirements within the act to notify parents and/or guardians and time restrictions on how long they can remain before being taken to court.

Police interventions used to calm and restrain youth in custody include a ‘number of tactical options that can be used with any person based on the total circumstances of any situation. These options range from communication to the use of Taser and firearms. It is important to note that the use of any option must be justified in law and members of Police are criminally responsible for any unjustified excessive force used. In addition to this in the custody area there are restraint boards available.’

When a youth presents in Police custody, mental health issues are a significant point of awareness. When youth comes into the custody suite the electronic ‘Custody Management Console’ (CMC) process begins. The CMC process was developed to ensure consistency in Police practice with all people who come into custody and to reduce risk. Part of that process is a series of questions aimed to, in part, assess that person’s mental health or other risk taking behaviour. If concerns are identified with a Youth, then the Ministry of Health ‘Duly Authorised Officers’ are contacted and may assess. CYF may also be contacted to provide support. A decision is also made about the level of monitoring provided.

We asked Police to identify the number of Youth who have attempted self-harm in Police custody for the past three years? Police stated:

*Data is not kept on the ages of people who attempted self-harm when in Police custody so I am unable to provide that information. I am informed however that a recent change to the IPCA data system now means they collect a person’s data by age; that will likely mean in the future more age specific data will become available.*

**We are astonished to learn this data is not kept by the Police and cannot understand why it is not recorded. Further, we have difficult to understand why data on youth self-harm is not recorded by Police or complaints made against them by youth.**



#### **4. Youth in Prisons**

The Department of Corrections (Corrections) state its overreaching vision is to create lasting change by breaking the cycle of reoffending. In order to support this goal, we provide young people in prison with a wide range of rehabilitation and reintegration initiative aimed at assisting them to lead an offence free life on release from prison.

Youth units are located within the main grounds at Christchurch Men's and Hawkes Bay Prisons, but are entirely separate from the adult population. The Waikeria Prison Youth Unit was repurposed as a high security unit in 2015, as the youth muster, which had been steadily declining nationally, no longer justified three youth units. The need for space for adult prisoners has increased recently so it was believed that the unit would be more useful as a high security unit for adults.

Young prisoners in the youth units are provided with a structured and active daily routine, including approximately 30 hours of rehabilitative programmes, vocational training, and long education each week.

School work is mandatory for youth under the age of 16.

Our Youth units are established with the aim of creating a safe developmental environment for all imprisoned male youth under the age of 18, and young adult males aged 18 and 19 years deemed vulnerable, in a manner appropriate to their age, level of maturity, and statutory requirement.

#### **Mental Health Needs of Youth in Custody**

On 1 February 2016, Corrections is reported to have introduced a new assessment which measures young people's vulnerability and risk to others, to help us determine the best placement for them within the Prison system. The new assessment is the Test of Best Interest – Revised (TBI-R).

Corrections report that interventions and assessment processes are in place for the managed of physical and mental health risks for youth in custody. In addition to risk assessments carried out for all prisoners entering a prison, all males entering prison who are aged 18 and 19 years of age are assessed using a 'Prison Youth Vulnerability Scale' to determine vulnerability to suicide or self-harm, and risk of victimisation within the mainstream prison population.

We asked Corrections to provide information on youth who are identified as having mental health issues. This was refused '*in order to identify this type of specific information, we would require to manually reviewing a large number of files - Section 18(f), 2(a) & 9(1) of the OIA*'. We believe this response is of concern that no collation and reporting is occurring on youth with mental health issues.

We also asked what mental health resources are available within prison to assist in managing and treating mental health issues. Corrections reported:

*All males entering prison who are aged 18 and 19 years of age are assessed using a 'Prison Youth Vulnerability Scale' to determine vulnerability to suicide or self-harm, and the risk of victimisation within the mainstream prison population.*

All prisoners aged over 18 are screened as part of the arrival process to assess if they have mental health need. If they have a mild to moderate mental health need they can be referred to the prison doctor or receive counselling, including if eligible, cognitive behavioural therapy.

All prisoners with serious mental health needs are managed in partnership with their local Regional Forensic Mental Health Services.

In acute cases prisoners may be transferred to a secure forensic mental health facility. These services are managed by District Health Boards.

We also wanted to learn how much money of the annual budget for each Youth Unit goes specifically into mental health support and assistance. We were refused this information as the costs of health and interventions are not collated through to unit level, and therefore cannot be broken down into specific youth unit totals (Refusal 18(g) of the OIA).

**We also received a follow up letter from Corrections on 12 May 2016** following our formalised concerns about their earlier response in the year. We asked for the last three years' data to identify the number of self-harm incidents in each of the youth custody units. Corrections stated:

The Department records incidents of self-harm, which include threat to life and threat to life categories. Self-harm – threat to life is defined as prisoners who were involved in self-harm incidents where they would have been unlikely to survive without staff intervention.

#### **Self-Harm Incidents in youth custody units 2012/13 to 2014/15**

	Prison	Self-Harm No Threat to life	Self-Harm Threat to life
<b>2012/13</b>	Christchurch Men's Prison Youth Unit	1	0
<b>2013/14</b>	Waikeria Prison Youth Unit	2	1
<b>2014/15</b>	Hawkes Bay Prison Youth Unit	2	0
	Christchurch Men's Prison Youth Unit	1	0

#### **Complaint procedures for youth in Prison Custody**

All prisoners are able to raise concerns or complaints via the internal prisoner complaints system using a complaint form. This process applies whenever prisoner, or other person acting in the interests of a prisoner, formally draws attention, either orally or in writing, to any action which the complainant wishes to have investigated or reviewed.

We drilled down for further feedback about the number of complaints made by youth in the past three years and the responses by Corrections.

Corrections stated:

*Unfortunately, we cannot readily extract all complaints made by youth prisoners and the responses by Corrections, from our electronic records. In order to identify this type of specific information, we would be required to manually review a large number of files - Section 18(f) OIA 'substantial collation or research'.*

### **Rights of Youth in Custody**

We see the proactive advising and exercising of rights by Youth in Custody as part of civil society. We asked a range of questions from Corrections are this area of focus. Corrections stated:

*When an offender is first received into custody in a prison they undertake an induction. As part of this process, it is explained to them the policies and procedures of the prison.*

*All prisons including youth have the right to be treated with humanity, dignity and respect while in prison. There are a number of human rights standards in place to ensure safe detention. These include legislative requirements such as the Human Rights Act 1990, Corrections Act 2004, and the Correction Regulations 2005.*

### **Transparency and Accountability**

We are advised by Corrections, in response to our question what outside agencies review youth in prison to ensure youth are safe both physically and emotionally, 'that All Youth Units are monitored by the Office of the Ombudsman who reviews the safety of all people in prison, under their role as a National Preventive Mechanism. Previous visits have been carried out with representatives from the Office of the Children's Commissioner.'

We hold a series of concerns about the lack of information provided as a result of the following requests:

Please identify the frequency and nature of incidents involving youth; that have required police call out, medical intervention and what if any change in process/practice has occurred?

*The information that you have requested does not currently exist in a form that can be readily supplied to you, and would instead require initiation of a project to extract, analyse and present the data in the form requested.*

*Therefore, this part of your request is declined under section (g) of the OIA, as the information requested is not held by the department, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency*

Please identify the incidents or rates of self-harm per youth custody unit?

*As your request currently stands, it does not contain (provide) due particularity as required by section 12(2) of the OIA. Therefore, your request is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.*

Please identify the number and nature of complaints against staff by youth and the number of staff versus staff complaints per unit?

Refused 18(f) of OIA

Please provide copies of all inmate feedback on youth units?

Refused 9(2)(a) and 9(1) of OIA.

#### **Length of Stay in Prison**

We asked Corrections to provide details of all those youths in custody, it failed to provide further information; ‘we cannot readily extract information relating to the average stay of an offender in a youth unit from our electronic record. In order to identify this type of specific information, we would be required to manually review a large number of files – section 18(f).’

**It appears no such difficulties were experienced, by Corrections, in previous years when supplying information to former students completing previous Indexes.**

This response is difficult to understand when we have previously been provided with this information (see table below):

Youth Offender Unit	Bed Capacity as at 1 June 2014	Average number of beds in use (snap shot 2013-2014 financial year)	Average stay in days	Average stay in days	Average stay in days
			2011-2012	2012-2013	2013-2014
<b>Waikeria</b>	35	21.3	49.3	37.8	26.3
<b>Hawke's Bay</b>	30	16.8		13.7	18.2
<b>Christchurch Men's</b>	45	27.7	30.5	38.1	26.9

#### **Outcomes/Transitions**

We are advised the Department currently has a project underway called the Youth Strategy Acceleration project. Part of this is to see Youth Units as Centres of Excellence. Corrections consider that these units are one way that the department can support a young person's transition to adulthood. Therefore, alongside addressing the criminogenic needs of a young person to support a reduction in re-offending, Corrections are also offering a range of life-skills to support a young person successfully living independently, this includes cooking, budgeting etc. Corrections are also partnering with Work and Income to streamline a young person's referral to a Youth Service for benefit and employment support upon release. Youth prisoners are also eligible for our Intensive Out of Gate service.

Despite these aspirations expressed by Corrections, the recidivism rates for youth are high compared to other age cohorts and remain unacceptable.

#### **Recidivism Index – 12 Months follow up (Percentages) for 2012/13**

		Released from Prison		Beginning community Sentence	
Category	Group	Re-imprisoned	Reconvicted	Imprisoned	Reconvicted
All (2013/2015)		25.9	41.7	4.4	26.4
Gender	Female	12.9	30.1	2.1	18.8
	Male	27.2	42.9	5.0	28.4
Ethnicity	Maori	29.3	46.2	5.9	30.9
	European	23.7	38.2	3.6	25.0
	Pacific	16.9	31.9	3.6	24.7
	Other (incl. Asian)	11.3	22.0	2.8	20.7
Age (at prison release or start of community sentence)	<20 years	39.5	64.6	5.9	41.1
	20-24 years	29.3	50.3	4.7	30.0
	25-29 years	31.1	47.2	4.9	26.5
	30-39 years	25.2	39.0	4.7	25.1
	40 and above	16.3	26.9	2.6	16.5

Source: Department of Corrections Annual Report 2013/14 p. 122

#### **Costs**

We sought from Corrections the bed capacity which was available in each youth unit. Also we sought information on bed capacity, occupancy rates, and per day costs for each youth. Corrections provided details of cost and capacity: Hawkes Bay Prison Youth Unit 30; Christchurch Men's Prison 40. Corrections failed to supply the numbers of youth inmates for the past year but kindly referred us to their website (annual report for this information).

#### **Annual Operating Costs of Youth Units (Units & Youth Specific Programmes & Education)**

	<b>Hawkes Bay Prison (\$)</b>	<b>Christchurch Men's Prison (\$)</b>	<b>Waikeria Prison (\$)</b>
<b>2014/15</b>	1,412,168	1,370,692	1,245,134
<b>2013/14</b>	1,366,172	1,426,218	1,363,672
<b>2012/13</b>	715,080	1,387,811	1,363,672

#### **Employment Relations - Professional development for Staff**

Corrections have stated staff from all front line roles can be nominated as a Youth Champion. They receive a specialised two-day training package that outlines, youth development,

including brain function and growth; and the Department's Practice Principles for working with young people. The training has been provided to all staff within our two Youth Units. No further information was provided.

In addition to providing enrichment opportunity to all staff in support youth in custody remuneration is also provided. The remuneration rates for those taking care of the most vulnerable youth in custody are not excessive. (See table below)

<b>Corrections Officer</b>	<b>Salary</b>
Commencement	47,569
After Initial Training Course	49,888
Level 3	54,181
Level 4	58,590
Senior Corrections Officer	Salary
On appointment	63,232
Level 4	66,711
Principal Corrections Officer	Salary
On appointment	71,352
Level 5	74,835

Source: Collective Agreement 2013-15

We gratefully acknowledge the information with respect to remuneration but what is not provided is how many Youth Unit staff are within what bands of remuneration. Further, it is of a concern that Corrections cannot produce staff turnover figures to the nation's two Youth Units (Section 18(f)) OIA. Information was also sought on the circumstances of staff leaving and whether exit interviews were in place. We were advised:

*The Department is committed to engagement surveys as a key indicator of organisational performance.*

*Your Say – The Corrections Workplace Survey, helps the department gain a clear picture of what it is like to work at Corrections, where we are doing well, and where we can improve. Surveys have been conducted approximately every 18 months since 2011.*

*Exit surveys provide Corrections with valuable information on employee's experiences of working for Corrections and the reasons why they leave. The information also helps identify what is being done well and any issues that need to be addressed.*

Corrections refused to provide any information of how many personal grievances have been lodged by staff in youth custody units (Sections 9(2)(a) & 9(1) of the OIA).

### **Programmes Provided to Youth in Prison Custody**

A range of rehabilitative and reintegrative programmes available to Youth in Custody include:

- Young Offenders Programme or Mauri Toa Rangatahi: our two medium intensity programmes
- Education: literacy numeracy etc., provided by internal tutor, Te Wangana o Aotearoa, or the Open Polytechnic
- Online Learning: (specific website approved by the department)
- Trades training: either onsite with our own instructors or delivered by external facilitators such as CPIT

- Alcohol and other drug intervention
- Bible Studies
- Problem solving First Aid
- Farming courses
- Forklift
- Drivers Licence programmes
- Parenting programmes
- Tikanga Maori interventions
- Life-skills

Further Corrections report:

*Young people are encouraged to take advantage of educational and employment opportunities available to them, including obtaining qualifications. Young people have their educational needs assessed within seven days of being received into the unit. Young people with identified literacy needs will receive specific tuition.*

*A youth person's educational needs will be identified via their initial education assessment that informs the case management process and forms part of their offender plan. Specialised case managers work closely with individual prisoners to create their offender plans. The plans contain the specific interventions each prisoner needs to address the factors that contribute to their offending, including education, motivation, background and circumstances and potential employment skill deficiencies. Custodial staff will be provided encouragement to undertake educational activities through active management.*

### **Provision for Female Youth in Custody**

In New Zealand there are no specific Youth Units for female prisoners as the number of young women prisoners in custody is extremely low. Corrections report it is believed that housing these young women with others in mainstream prisons is in their best interests and therefore complies with our responsibilities under United Nation's Convention of the rights of the Child (UNCROC).

We also enquired of Corrections what efforts have been made to adhere to United Nations guidelines in providing different facilities for female youth who it is recommended should not be imprisoned with adult females.

Corrections responded:

*The Department manages a low number of young women prisoners. In this regard we believe that housing these young women with others is in their best interests and therefore does comply with our responsibilities under the (UNCROC) to place a young person in line with their best interests.*

The Minister of Justice referred us to an academic article, Goldingay (2007) to justify this lack of provision. The article noted at present in Aotearoa New Zealand, young female prisoners aged 14 to 19 years are either mixed with adult prisoners, or kept separate from them within the mainstream environment. Due to the practical difficulties of keeping young women separate in this environment, they may have few opportunities for participating in rehabilitative

and therapeutic programmes or education, and may face extended lock-up hours. Young male prisoners aged 14 to 17 are treated differently: for example, they are placed in Young Offender Units, where they are provided with age-appropriate services and interventions.

Further,

*The differences in treatment available to young men and young women have been explained in the past by anecdotal practice wisdom around the mother-daughter nature of the relationships between adult women prisoners and young women prisoners. The current study explores the social context within a women's prison, through in-depth interviews, in order to learn more about the nature of the relationships between adult and young women prisoners. While these are only preliminary observations based on a small number of participants, it appears that in Christchurch Women's Prison a culture of respect for older women may exist among the young women prisoners. Participants indicated that for a number of reasons ongoing close relationships with adults are essential for their wellbeing.*

We disagree with the approach of Corrections and the view expressed by Goldingay (2007). Issues we think relevant are also referred to in the article:

*Exploration of the 'jail mum' metaphor in the young prisoners' talk has shown that for some of the women in this sample, emotional wellbeing tended to be enhanced by the mother-daughter type relationship that were forged. Within these relationships, some young women described feeling understood, supported and nurtured. Is it possible that such relationships provided some protection against victimisation? It is also possible that such support may have minimised damage to the mental health and personality development of young women targeted for bullying in the form of standovers, coercion, isolation and exclusion by the wider 'in group'.... the jail mums were also described as providing appropriate and needed guidance and chastisement for wayward youth, keeping them in line and intervening in fights between young people.*

*There were contradictions in participants' talk regarding the issue of role modelling. Some older prisoners appeared to model repeat imprisonment. Furthermore, while some participants noted they received useful advice and help to 'mature', some adults appeared set in their own criminal behaviour and difficulties. Further exploration is required to generate possibilities for role models for youth in woman's prisons.*

We believe best and agreed practice, as asserted by the United Nations, need to be followed irrespective of costs and young females need to be treated the same as young males in custody.

In conclusion, we believe there are significant gaps in the reporting of information. We remain unsure if this is due to our specific questions but we are also concerned of the variance in responses. In previous years' information was provided but not this year. Further there appears to high level of reoffending amongst youth in custody. We still have concerns about the lack of provision for female youth in custody.

In terms of employment relations and professional development we note the relatively low pay rates for those charged with caring for the young and vulnerable in youth custody.

## **5. Youth in Care and Protection and Youth Custody Residencies (MSD)**

CYF is the government service charged with protecting children. CYF is a service arm of the Ministry of Social Development (MSD). It has legal powers to intervene to protect and help children who are being abused or neglected or who have serious problem behaviour, or have committed offences. It employs around 3000 staff who delivers services from 76 nationwide sites. With around 1000 front line social workers, CYF is the largest employer of social workers in New Zealand. In addition, CYF supports around 45000 caregivers who provide foster care or respite care to children around the country.

The Ministry of Social Development operates both Youth Justice and Care and Protection Residences.

### **Youth Justice Residence**

Children and young people who are ordered by the Youth Court to spend time in a Child Youth and Family youth justice residence often come from a difficult background and have already exhausted all other available options designed to address their offending behaviour.

A child or young person may be ordered to a residence for the following reasons:

- They have been arrested by the Police and their offending warrants them being placed in the custody of Child, Youth and Family until they go to Youth Court.
- They have been remanded by the Youth Court and are directed to a residence until the Court deals with the case.
- They have been sentenced by the Youth Court for a period between three to six months; once they leave the residence, they will be subject to six to twelve months' supervision in the community.  
If a young person is sentenced to prison they may be admitted to a residence for some of this time.

CYFS has six beds available in Auckland's Korowai Manaaki youth justice residence for those children and young people considered too vulnerable for an adult prison. This occurs by assessment and agreement between the Department of Corrections and Child Youth and Family and the agreement ends when their sentence finishes or when they turn 17 years of age. At this point they are transferred to an adult corrections facility.

Child Youth and Family have programmes and services at youth justice residences to help these serious young offenders turn their lives around. The programmes aim to change behaviour, 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 programmes.

**We are saddened to have had no information released from MSD. We worked through the Christmas holidays to make sure questions were ready to go live end of January 2016. We made series of requests (contained in this Index) and have been confronted with extensions and an inability to meet legally mandated time frames. We have pleaded with MSD to release what information they do have, personally complained to MSD Minister Anne Tolley, who last year affirmed our Index, and the Office of the Ombudsman.**

## **Our questions to MSD/**

**24 January 2016**

Brendan Boyle  
Chief Executive  
Ministry of Social Development  
P O Box 1556  
Wellington 6140  
New Zealand

### Questions:

We ask these questions and would like responded to for the years 2013, 2014 and 2015 for young people laced in CYPS family/community homes throughout New Zealand:

1. Please outline the procedures, processes, systems and third parties in place to ensure youth in MSD facilities can raise concerns about staff and the operational environment faced by those in CYPS homes.
2. Provide copies of all complaints from young persons and details about the outcomes of these complaints.
3. The number of young people in homes?
4. How many homes and where are the homes situated?
5. The costs per night per young per home? or the costs per home per year, the occupancy rate of each home, the gender occupancy rates of each home?
6. The costs of staffing and operating each home? The rates of pay for those operating each home? Details of the professional training and development of people employed in these homes?
7. The number of police and ambulance call outs each year – what is the reason for the call outs and what processes and procedures changes as a result?
8. How many incidents of self-harm were reported per home?
9. How are young people informed of their rights in each home and what are the rights?
10. What measures/support are in place to ensure both the physical and emotional safety of young people in each home?
11. How many young people leave each home without permission, for how long, for what reasons?
12. Please identify how many personal grievances were lodged against CYPS/MSD by those employed in the homes?
13. How successful are the transitions from the homes for each young person – where are they transitioned to? What are the recidivism rates for young people in each home?
14. What are the menu plans and what steps and procedures are in place to ensure a nutritious diet?
15. What is the cost per day for food?
16. How are birthdays and religious events celebrated in homes?
17. Do all young people in homes attend school? What are the truancy rates for young people in each house?
18. Are young people screened before entry to a home for their safety and the safety of other young people in each home?
19. What is the average stay of young persons in each home?
20. Please provide all copies of reports and assessments provided on each home and CYPS homes in general?

21. What is the staff turnover for each home?
22. What are the pay rates for those employed in homes? How many staff are placed in terms of role at what pay rates?
23. How much pocket money do young people receive per week?
24. What are the arrangements for visiting by friends and family?
25. What different practices and procedures are employed for female and male young people in homes?
26. What are the age breakdowns for young people in homes and the ethnic breakdown of those in homes?
27. Do young people get their own rooms?
28. Please provide a summary of young person versus young person complaints from CYPS homes, what were the complaints and how were they resolved?
29. What incidents of sexual misconduct were reported for each home – as between young people and employed adults and young people?
30. What activities or opportunities are available in each home in addition to school?
31. Please provide copies of all research contributed to or undertaken which concerns young people in homes or the nature and structure of CYPS homes in the community.
32. Please provide details on the Mangere supervised group home in Auckland and all other supervised group homes, and all reports, media releases, media coverage and assessments on them.
33. With respect to mental Health: please explain how each young person is assessed for mental health issues upon entry to a home and during their stay, what are the interventions available, are there any barriers to youth receiving timely and fit for purpose mental health interventions, what support is available in each home, for physical health and mental health, and is it consistently provided across the country?

**27 January 2016**

Brendan Boyle  
Chief Executive  
Ministry of Social Development  
P O Box 1556  
Wellington 6140  
New Zealand

Questions:

Please answer the questions below for the past three years i.e. 2013, 2014 and 2015 in respect to care and protection and youth justice facilities:

1. A copy of any research or reports/assessments MSD has commissioned, participated in or contributed to on youth in custody (i.e. care and protection and youth justice facilities) over the past two years.
2. For each residence please identify on salary scales the highest paid salary and the lowest paid salary or remuneration.
3. Please outline the remuneration packages for each manager of residence?
4. Please provide details of the qualifications and experience of each of the residence managers?
5. Please provide details of the staff turnover of each residence for all roles?
6. Please provide details of all staff at residences on leave due to Accidents – the length of time they have been off site.
7. Please provide details of personal grievances lodged at each site and the reasons for these grievances.
8. Please provide the costs of providing professional development at each residence and break this figure down into externally provided professional development?
9. Please outline how many incidents have involved the call out of Police and/or ambulances to each residence and a nature of each incident.
10. How many incidents, per residence, have occurred – staff against staff member, staff incidents involving youth.
11. Procedures and processes where youth can make a complaint against staff members or complain about the programme – also please identify how many concerns have been raised at each residence and the nature of each complaint?
12. Details of the daily food budget per youth and a copy of menus?
13. Please outline how individuals' birthdays of residents are celebrated for individual's youth and how religious days/events are celebrated?
14. Please provide copies of all press releases relating to each residence and all communications relating to employment matters, and education providers on each site?
15. Please outline all transition statistics relating to transitions of youth once they leave each residence.
16. What is the average stay in each residence for youth?
17. Please provide details of any report or communication involving the contracting out of services within each residence and of core services currently provided directly by MSD with respect to youth.
18. Please provide details of the numbers of youth in each facility – the cost per night per resident, night occupancy rates, and total cost for each facility?
19. What provision is made for the mental health of each resident?

20. When are mental health assessments made for youth i.e. on admission?
21. What mental health interventions are available?
22. How many youths per year present with mental health issues?
23. How many youths develop or are identified with mental health issues once in a residence?
24. Each year how many youth, per site, would have mental health issues?
25. What percentage of each site operation budget is devoted to addressing and assisting with mental health issues?
26. Who are the outside providers that assist with mental health issues on each site and what is the cost?
27. Identify all incidents of self-harm per site and please identify the reason and what follow up was put in place in terms of the individual and any revisions in terms of policy and procedures.
28. Are there any barriers to youth receiving timely and fit for purpose mental health interventions?
29. How are youth made aware of complaint procedures on each site and their rights to complain and raise concerns?
30. Please outline bed capacity at each unit?
31. What are the ages, genders and cultural background of youth in custody?
32. Please provide all communication around Te Puna Wai o Tuhiapo and the decision making to keep open the female unit and why the current numbers of youth on site is reduced on previous years.
33. Please outline the crimes committed by youth that have led to their placement in each youth justice/care and protection site.
34. Number of children and young person who have close family within a 200 miles' radius of each facility.
35. What are the recidivism or readmission to each Youth Justice Residences and Care and Protection Residences – please provide a gender and cultural break down of the youth involved.
36. In relation to staff on each residence – please identify the number of permanent staff and their roles, part time staff and their roles and causal staff and their roles and any contractors employed and their roles.
37. For each of the above categories please identify how if employment ended under what circumstances also please provide details of all exist survey or exit interviews.
38. Staff who were employed permanently on each site and left their positions please explain why i.e. resignation, dismissal, retirement et al.
39. On each site how many personal grievances were raised by staff and what were the outcomes?
40. Outline any remuneration increases for all roles on each site and the reason for any increases (this request includes both management and those employed pursuant to or covered by collective employment agreements).

**24 January 2016**

Brendan Boyle  
Chief Executive  
Ministry of Social Development  
P O Box 1556  
Wellington 6140  
New Zealand

Questions:

We ask these questions and would like responded to for the years 2013, 2014 and 2015 for young people placed in CYPS family/community homes throughout New Zealand:

1. Please outline the procedures, processes, systems and third parties in place to ensure youth in MSD facilities can raise concerns about staff and the operational environment faced by those in CYPS homes.
2. Provide copies of all complaints from young persons and details about the outcomes of these complaints.
3. The number of young people in homes?
4. How many homes and where are the homes situated?
5. The costs per night per young person per home? or the costs per home per year, the occupancy rate of each home, the gender occupancy rates of each home?
6. The costs of staffing and operating each home? The rates of pay for those operating each home? Details of the professional training and development of people employed in these homes?
7. The number of police and ambulance call outs each year – what is the reason for the call outs and what processes and procedures changes as a result?
8. How many incidents of self-harm were reported per home?
9. How are young people informed of their rights in each home and what are the rights?
10. What measures/support are in place to ensure both the physical and emotional safety of young people in each home?
11. How many young people leave each home without permission, for how long, for what reasons?
12. Please identify how many personal grievances were lodged against CYPS/MSD by those employed in the homes?
13. How successful are the transitions from the homes for each young person – where are they transitioned to? What are the recidivism rates for young people in each home?
14. What are the menu plans and what steps and procedures are in place to ensure a nutritious diet?
15. What is the cost per day for food?
16. How are birthdays and religious events celebrated in homes?
17. Do all young people in homes attend school? What are the truancy rates for young people in each house?
18. Are young people screened before entry to a home for their safety and the safety of other young people in each home?
19. What is the average stay of young persons in each home?
20. Please provide all copies of reports and assessments provided on each home and CYPS homes in general?
21. What is the staff turnover for each home?

22. What are the pay rates for those employed in homes? How many staff are placed in terms of role at what pay rates?
23. How much pocket money due young people receive per week?
24. What are the arrangement for visiting by friends and family?
  
25. What different practices and procedures are employed for female and male young people in homes?
26. What are the age breakdowns for young people in homes and the ethnic breakdown of those in homes?
27. Do young people get their own rooms?
28. Please provide a summary of young person versus young person complaints from CYPS homes, what were the complaints and how were they resolved?
29. What incidents of sexual misconduct were reported for each home – as between young people and employed adults and young people?
30. What activities or opportunities are available in each home in addition to school?
31. Please provide copies of all research contributed to or undertaken which concerns young people in homes or the nature and structure of CYPS homes in the community.
32. Please provide details on the Mangere supervised group home in Auckland and all other supervised group homes, and all reports, media releases, media coverage and assessments on them.
33. With respect to mental Health: please explain how each young person is assessed for mental health issues upon entry to a home and during their stay, what are the interventions available, are there any barriers to youth receiving timely and fit for purpose mental health interventions, what support is available in each home, for physical health and mental health, and is it consistently provided across the country?

**2 April 2014**

Brendan Boyle  
Chief Executive  
Ministry of Social Development  
P O Box 1556  
Wellington 6140  
New Zealand

Questions:

We ask these questions and would like responded to for the years 2013, 2014 and 2015

1. Provide the numbers at all homes, facilities MSD operates directly or contacted out who provided accommodation or treatment programmes for youth sexual offenders including Te Poutama Ārahi Rangatahi?
2. Where is each unit based?
3. What is the cost per unit per year and for each student?
4. Provides copies of all evaluations, reports and assessments conducted on each unit and its performance.
5. Outline all incidents involving youth at each facility including what caused the incident, how it was managed and the follow up.
6. Outline what food is provided to each youth per day. What are the menu plans and what steps and procedures are in place to ensure a nutritious diet? What is the cost per day for food?
7. What education is provided to youth, how successful is it – and provides all documentation relating to education outcomes.
8. Outline the age and cultural back ground of all youth.
9. Where do youth transition to post programme and where are they referred from into the programme.
10. Outline the roles of staff at each unit and pay scales for role at each unit. Provide details of the professional training and development of people employed in these homes?
11. Outline how the physical, medical health and religions needs of youth are met in each unit.
12. Outline the occupancy rates of each unit and criteria for entry.
13. Provide details of the number of police and ambulance call outs each year – what is the reason for the call outs and what processes and procedures changes as a result?
14. How many incidents of self-harm were reported per unit?
15. How are young people informed of their rights in each unit and what are the rights?
16. Please identify how many personal grievances were lodged against CYPS/MSD by those employed in the units?
17. How are birthdays and religious events celebrated in homes?
18. What is the average stay of young persons in each unit?
19. What is the staff turnover for each unit?
20. What are the pay rates for those employed in homes? How many staff are placed in terms of role at what pay rates?
21. What are the arrangement for visiting by friends and family?
22. What different practices and procedures are employed for female and male young people in units?

23. What are the age breakdowns for young people in homes and the ethnic breakdown of those in homes?
24. Please provide a summary of young person versus young person complaints from units, what were the complaints and how were they resolved?
25. What activities or opportunities are available in each unit in addition to school?
26. Please provide copies of all research contributed to or undertaken which concerns young people in these units?
27. With respect to mental Health: please explain how each young person is assessed for mental health issues upon entry to a unit and during their stay, what are the interventions available, are there any barriers to youth receiving timely and fit for purpose mental health interventions, what support is available in each unit, for physical health and mental health, and is it consistently provided across the country?

**2 April 2015**

Brendan Boyle  
Chief Executive  
Ministry of Social Development  
P O Box 1556  
Wellington 6140  
New Zealand

Questions:

I request all MSD reports, evaluations, feedback on the Military-Style Activity Camp – (MAC) Programme operated in New Zealand for the past three years.

Please answer all the following questions with information relating to the past three years.

1. How many students have attended this programme and where do they come from?
2. How many students from Kingslea School, and similar schools, have attended programmes over the past three years?
3. What is the legal basis of their attendance – please very clear and site the statue or regulation. Is there attendance voluntary?
4. Please provide all student or participant feedback on the courses over the past three years?
5. What topics are delivered to participants?
6. What evidence exists that the programme generates or develops 'develop self-discipline, self-confidence and positive attitudes to enhance their employment opportunities'?
7. What complaint procedures exist for students to complain about any aspect of the course including complainants about staff and training/course activities? Please identify what complaints have been received and how have they been resolved.
8. Please provide details of the daily or weekly food budget for each participant?
9. Please provide copies of the standard food menus per site?
10. What are the costs per student per night or per course?
11. What efforts are put into transition for all participants post the programme?
12. Do students repeat the programme and if so under what circumstances?
13. What outside agencies review the programme to ensure participants are safe both physically and emotionally?
14. Do participants have access to fire arms, and/or training – if so what is the purpose of such training?
15. What feedback has been received from referring agencies including Kingslea School (and other schools) – how is this solicited and collated?
16. What is the cost per day of each participant?
17. Management physical and mental health risks of youth?
18. Please list all guests and the agencies they are from, including politicians who have visited the programme?
19. What training and professional development is provided to staff?
20. What are the pay rates of all staff involved in the programme – please identify each role and rank highest to lowest pay rates?
21. What in the volume of incidents have occurred on each site over past three years – please specific the nature of each incident and how each incident changed practice.

22. All reports, evaluations and research on the operation of the programme, including reports made which has drawn on material provided by NZ Defence?
23. What are the annual costs of running these programmes (please provide financial breakdowns for all sites)?
24. What agencies refer and provide accountability of the programme – please provide copies of all reports on the review of operations of the programme?
25. What other jurisdictions operate similar programmes and what features are drawn upon on the New Zealand programmes?
26. How are the religious needs met of students on the programme?
27. Please provide details of each course – i.e. timetables of each week/day – with activities included?
28. Please identify the number of time the Police have been called to the programme to deal with incidents – please outline the nature of the incidents and when they occurred?
29. How is the programme funded?
30. How are birthdays of participants celebrated on the programme?
31. Please provide a schedule of tutors and visitors outside the employment of NZ Defence who assist in the course – and explain what they do?
32. Please provide details of the arrangements for friends and family visiting the participants on the programme?
33. Please provide copies of all press coverage and media releases relating to the programme.
34. Please provide copies of all participant feedback on the programme?
35. How many students have dropped out of the programme and for what reasons?
36. What is the ethnic and gender break down of participants?

### **Cultural Capacity CFY'S**

It is of real concern that weaknesses exist in terms of not meeting the cultural needs of youth in CFY care. Sufficient priority is not being given. Once again we draw upon the recent findings of the Children's Commissioner in his report - State of Care 2015 - released in August 2015. The report stated:

*What does differ between children from different cultures, including mokopuna Maori is how these services can best be delivered to them in a culturally appropriate way. This can be the different between positive and transformational experiences with CYF, and a negative and destabilising one.*

*Therefore, when the majority of children in CYF care and in youth justice residences Maori, it is of upmost importance that CYF sites and residences ensure their care workers and social work staff are well equipped to deliver culturally responsive services to mokopuna Maori. While we found examples of sites and residences that were doing an exceptional job of this, and many had made some effort, (by, for example, including goals for mokopuna Maori in the site planning, or establishing roopu of Maori staff) our overall finding was that, at most sites and residences cultural capacity was not given sufficient priority.*

*Despite promising policies and frameworks, cultural capability is not being prioritised in the daily practice of most sites and residences. At most the sites and residences we visited, the efforts that had been made to build cultural capability was not sufficient to produce improved outcomes for mokopuna Maori.*

A disappointing common practice was for oversight of culturally appropriate practice at a site or residence to be left solely to a group of Maori staff, so that Maori staff often ended up with extra responsibilities on top of their daily work, without accompanying resources or on-going support and acknowledgement of this additional work. Formal cultural supervision was often limited, and dedicated training opportunities for staff to develop expertise in culturally appropriate social work practice were rare. While staff may have access to ad hoc guidance and support from their Maori colleagues, which they value highly, there is little access to formal cultural supervision.

In conclusion we note despite not being provided with any responses to information requests by MSD, but based on the material released by the Children's Commissioner (2015) we have shared concerns about cultural practices in place.

## **6. Youth in Sexual Offenders Unit Barnardos - Te Poutama – Christchurch**

Te Poutama is a residential treatment centre for high-risk, sexually abusive male adolescents aged 12–16 years who are unsuited to treatment in the community. It is based in Christchurch, and has a capacity of 12 beds. It began operation in 1999 in response to the clear need for such a specialised treatment facility. Barnardos delivers the therapeutic programme under contract to CYF.

We are fortunate in that CYF contracted the Crime and Justice Research Centre at Victoria University of Wellington undertook an evaluation of Te Poutama over a period of five years, 2001–2006 (Kingi & Jeremy Robertson, 2007). It aimed to see whether the programme met its process and therapeutic aims, looking at short, medium- and longer-term outcomes for those in Te Poutama.

The evaluation team assessed the Te Poutama experience from several perspectives, essentially:

- Progress made in the programme, covering a wide range of 'life outcomes', including application of therapy skills, educational and vocational achievements, and relationships with others; and
- Data on any reoffending after discharge, based on Ministry of Justice records of convictions until mid-January 2007.

The evaluation found that young people were clear they were at Te Poutama to deal with their sexually abusive behaviour, and they acknowledged other reasons: their own victimisation, their violence and their failure to engage with therapy in the community. They described the fact that they thought Te Poutama was better than 'living in care' or being in another residence. While they were initially generally resistant to being there, their views changed positively over time. They said they usually felt safe there and that they were learning useful skills at Te Poutama, both to help them address their sexual offending or other deviant behaviour and to prepare them for a better life in the community.

By the time of subsequent interviews, most of the young people said that they had changed for the better on most of the health dimensions the researchers identified, and that they felt they were dealing better with their sexual and other issues. They expressed some anxieties about leaving Te Poutama.

Youths were interviewed in the community twice after they left Te Poutama. Most of the first interviews were carried out at least six months after the young people had left Te Poutama, and half of the second interviews took place two years or more after discharge. They were

asked a range of questions relating to their lives since Te Poutama. Most had found the transition difficult and missed the structures and safety of Te Poutama but they were generally happy with life. Most said that they felt good about themselves as a result of relationships, work or study-related achievements; they reported that they had contact with their families and felt closer to them, and that they looked forward to the future.

The majority had some involvement with therapy at a CBT after leaving Te Poutama but had mixed feelings about its efficacy and whether or not they personally needed it. They remembered the skills they learned at Te Poutama and most said they still used them daily to cope with challenging or risky situations and when interacting with others. Anger management was one of the most useful skills; most regarded the safety plan developed at Te Poutama as useful.

More than half of the youths were confident that they were no longer at risk of sexual offending, although others were more cautious and thought there would always be some level of risk.

Families of the young people were interviewed at two points in time: while the youths were in the residence and after they were discharged. Family members understood what Te Poutama was and that they would be involved in their son's treatment. Generally, they felt positive about their contact with Te Poutama and were hopeful that it would help their son achieve change and take responsibility for his actions.

They thought over time that their young people had improved in the areas of dealing with their sexual offending, thinking and acting respectfully, managing problematic thoughts and feelings, setting goals, and recognising stress and anger.

After discharge, family members said the young person had grown up. They were considered to be more positive, open, confident and self-aware, and to have better coping skills. Their families were generally proud of them. However, families were less positive about whether the youth was equipped for reintegration into the community and thought that the process of finding placements for them needed to be managed better.

Therapists were asked about 17 youths who had been discharged from the programme during the main data collection phase of the evaluation. They were asked how these youths had changed during their time in Te Poutama and about issues related to discharge.

The therapists felt that the youths had made significant progress even though nine of the 17 had not completed the STEPS programme. The changes in them were many and included taking more responsibility for their offending; being more honest, positive and open; having better self-esteem and a greater degree of management of their emotions; having better coping and social skills; and generally being more pro-social. The views of therapists were mixed as to whether the youths were equipped for reintegration into the community. Most were felt to be deficient in one way or another, as regards individual skills or adequate support systems. The level of initial damage was such that even though improvements had been made, it was fairly inevitable that there would continue to be problems.

Another measure of programme success is the extent to which each young person completes the STEPS programme and graduates.

Rates of sexual and non-sexual offending by youth post Te Poutama are described. Few youths reoffended sexually although the figures for non-sexual offending were higher.

### **Youth Rights**

Te Poutama is required to follow the Residential Care Regulations 1996. Young people are advised of the existence of these and given a very brief overview in their home book which is given to them at the pre-admission meeting. On admission the youth are provided with a

condensed version of the REGS (this is a document created by Te Poutama). Te Poutama also has monthly meetings with the youth about Regulations and Rules (this is requirement of the regulations).

### **Outcomes: Data on reoffending**

One measure of programme success is reconviction data, another is identified as the extent to which the youths complete the STEPS programme and graduate. The results indicate that less than half the young people (17 out of 41) 'graduated' from the programme after completing all STEPS; some of the group of eight, discharged on turning 17 years and unable to graduate because of the nature of the provisions of the CYP&F Act, completed a substantial part of the programme. Eleven of the 41 participants were discharged early from Te Poutama because of behavioural issues and a further five were discharged at various points after their progress in therapy stalled.

Youth discharged early had greater rates of violent and aggressive behaviour prior to attending Te Poutama, had absconded more often, were more likely to deny their offending and were less likely to accept responsibility. Those discharged for lack of engagement had sometimes completed substantial parts of the programme.

Information in discharge reports confirmed that those discharged early had made little progress in addressing major features of therapy, such as victim empathy. Those who graduated had generally made improvements on these clinically significant variables, but most were still judged to be at high or moderate risk of reoffending by their therapists.

A reported analysis of convictions data from the Ministry of Justice for youths who had left Te Poutama showed a high rate of general non-sexual reoffending, with three-quarters of them convicted at least once. Almost half of those who had reoffended had been imprisoned, reflecting the relatively serious nature of some of the offending (e.g. aggravated robberies and assaults).

The main goal of Te Poutama is to reduce rates and seriousness of sexually abusive behaviour. Ministry of Justice data indicated that of the 41 youths who left the programme during the period of this research, three were convicted of a sexual offence after leaving Te Poutama. One graduated from the programme, a second completed most of the STEPS and the third was discharged early. Two other youths had come to the attention of the Police for sexual offences but did not appear in reconviction data. It is not possible to establish a sexual reoffending rate in New Zealand with which to compare the young people from Te Poutama. Estimates from overseas research show a range of figures against which the Te Poutama figure compares reasonably favourably.

### **Costs**

The average cost per youth in Te Poutama has varied greatly, because of variations in the number of young people in residence.

Te Poutama costs when it is full seem lower than the cost of high end one-to-one supervision. If the residence is not full, as has been the case for the last four to five years, then average costs per youth rise to a level that may make other options more cost efficient. A full residence costs on average \$210,612 a year per youth, while on current numbers it costs \$280,000 on average.

This is a very expensive programme for a small number of high needs youth, compared to Department of Correction Youth Units and those placed in Youth Justice or Care and Protection facilities. This is a cost society is required to pay.

We have been highly relevant on the work of the evaluation team (Kingi & Robertson, 2007) in assessing Te Poutama. No evidence exists to suggest the best possible outcomes are not being realised with these high-risk youths in custody.

## 7. What the experts say reports/papers

In October 2012 a joint thematic review of young persons in Police detention was concluded. The three partners included the Human Rights Commission, Children's Commissioner and Independent Police Conduct Authority. The reported noted there is no disputing the inappropriateness of detaining young people in Police cells. The aim of the youth justice system is to help young people to face up to, and move on from, their offending. In addition to calling into question New Zealand's compliance with international obligations, detention in a Police cell can be seen as a missed opportunity to respond constructively to a young person's offending. The importance of treating these young people in a fair and humane manner should not be underestimated.

The report stated:

*We must redouble our efforts to make sure that Police detention is only ever used as a last resort and for the shortest possible period of time. We must also strive to improve the conditions of detention and to ensure young people are always treated with respect and in a way that builds their sense of dignity and worth rather than undermining it.*

Further,

*Since 2009 there has been a steady increase in the number of young people spending time in Police detention which has resulted in criticism of New Zealand from both international and domestic bodies, including from the United Nations Committee on the Rights of the Child. However, it should be noted that the situation has improved dramatically since the very high levels of youth detention in 2006.*

The practices highlighted by the submissions to this review were inconsistent with accepted human rights standards, and include:

- Having cell lights on 24 hours a day (to allow suicide monitoring)
- It being difficult for family to visit
- A lack of ventilation and natural light
- Cells being unclean
- A lack of showering facilities/privacy
- Inadequacy of food
- Lack of access to exercise, recreation and education.

The reported experiences of those who are detained in Police custody further illustrate the practical realities for the young person of New Zealand failing to meet human rights standards. Young people reported:

- Being treated as an adult, not as a young person (i.e. not having their special needs, as a young person, taken into account)

- Being treated unfairly
- The use of force
- Feeling discriminated against
- Not having their medical and/or mental health needs met.

Reference was made in the report for ensuring young people's knowledge of their rights. This is a theme picked up in this year's Youth Custody Index. The ideal is presented at each stage of the process the young person's knowledge of their rights and the degree and quality of support they receive are critical to ensuring they are treated fairly, that legal requirements are complied with, and that the risks associated with detention in a Police cell are mitigated.

The issue become blurred as the law requires that in every case a child or young person is informed of their rights in a way that is appropriate and takes into account their age and level of understanding. Because every young person is different, and Police will deal with a range of ages and abilities to understand, it is important that Police take care in each case to ensure the young person understands their rights and has access to support. This point needs continued emphasis in Police training. It is also important that Corrections and those working with youth in custody continue to pay attention to the issue of informing the young of rights as well as observing them.

The report, October 2012, turned its attention to improving the treatment of young people in detention. The findings were the overall the treatment of young people in Police cells is variable. *'In part, this is to do with the physical conditions of detainment including the state of the particular cell in which the young person is detained. Police cells were not intended or designed to detain people for any length of time, especially young people. But also there are issues around training and levels of understanding about best practice in dealing with young people in custody'.*

Deficits were identified as a general lack of training for those involved in the custodial care of young people in Police detention. 'Police offer some very general youth-specific training for constables but no youth-specific custody training (although there is specialised training available for those who want to pursue a career in the Youth Aid Section). Authorised officers, who regularly perform constabulary duties in the watch house, will have had custodial training, but not often, no youth-specific training'. There exist potential training gaps for social workers applying the custody provisions of the Act. After-hours Child, Youth and Family social workers may be care and protection workers who are not trained in the youth justice provisions of the CYPFA and may not be family with the legal framework for youth detention. This is problematic as the provisions of the Act can be difficult to apply.

Although not directly relevant to our Youth in Custody Index (2016) we note the recommendations of Hopkins (2015) for an improved youth justice model, in terms of ensuring young New Zealand do not miss out on legal advice.

Approximately 80 percent of youth charges are addressed informally, before court processing and the appointment of a lawyer. Drawing on interviews and observations from all phases of youth justice – from apprehension through sentencing – the report argues that increasing young person's meaningful access to trained Youth Advocates can ensure their individual rights when faced with state intervention whilst also promoting youth development. Mindful of budgetary restraints, but also with the need to promote equity, the report recommends five specific actions that can align New Zealand's youth justice sector with principles expressed in CYPFA; the UN Convention on the Rights of Children; and positive youth development:

- Appoint a Youth Advocate to each child or young person within twenty four hours of arrest
- Require the presence of a Youth Advocate for all Police interviews with young people
- Provide a legal-advice scheme for young people offered alternatives to prosecution as well as independent oversight of the alternative action programme
- Invite Youth Advocates to each 'intention to charge' family group conference
- Update and promulgate practice standards for Youth Advocates.

**The enquiry of Dame Paula Rebstock (2016)** in to Child Youth and Family has resulted in an adopted recommendation that child (youth) "at risk" will be funded to get extra health, education and counselling services under radical new child protection reforms announced today. An expanded child protection agency with a broader remit than the current Child, Youth and Family (CYF) will get extra funding to "directly purchase services for young people from other government agencies, district health boards, non-government organisations and other specialist service providers to get children and young people the care they need". We acknowledge the Rebstock report has made widespread recommendations for the reform of CYFs. As part of the recommendations Youth Advocates are suggested. Although provision has been made for initial funding/scoping to implement the recommendations of this report – operationally reforms won't go live until mid-2018. We don't believe the proposed reform of CYF in isolation will make much material difference to the lives of youth in custody.

In sum, the nation's expert body reveal a picture of disjoined services and support for youth at risk. There is very little affirmation that fit for purpose and well-funded services are available to meet the needs of youth.

## 8. Diet and what the media say?

We have taken a core sample of media reports concerning youth in custody and youth held in generalised CYF community care.

A number of articles and reports have focused on the leaving of youth in Police cells for excessive period of time in the absence of any alternative CYF faculty or bed. This reflects on comments we have previously made, support by external reports, there is no integrated system as between agencies for them to work together to support youth.

There were reports notifying of significant reports released on the care of children – one already covered in the Index being the report from the Children's Commissioner (2015) which concluded that youth are probably no better off in state care.

Staff at Christchurch Men's Prison Youth Unit are reported to be working on a new initiative to get young prisoners repairing old bikes that have been left around the site. Youth have begun building a bike stand and have been collecting the old bikes, getting them ready to fix up. The initial aim of the initiative is to supply a bike to each Low Security Unit, for staff to respond to emergency situations.

Significantly one education provider, Kingslea School, appears to have a disproportionate number of positive news stories. They focus on creativity and innovation and recently the instruction of youth in the practice of yoga.

We learn that what structures exist are at risk. The Children's Commissioners role is to change. This agency monitors of Child Youth and Family residences. It is clear the Children's Commissioner's office had been unable to stick to its goal of visiting Child Youth and Family sites annually due to the costs (see Appendix D). The Children's Commissioners Office has made it clear due to static funding over the past few years is the prime reason. The official Government response is a focus on the extra \$347m to help transform childcare and protection and that the role of the Commissioner's role was likely to change as a result and would review funding.

We believe the reduced role of the Children Commission from its role of visiting youth custodial sites, due to funding constraints, is a dangerous step in the context of civil society and take away one of the few independent opportunities for youth in providing voice to grievances and practice.

### **The Best Food in Custody**

MSD – CYFS facilities offer a very basic menu at under \$5.00 per inmate per day. For those in Youth Custody units operated by Corrections the inmate meal cost is approximately \$5.00 per day. The Youth inmates have eight different menus catering for normal meals and a variety of specific requirements such as low-fat, vegan, and diabetic for both male and female prisoners. Any specific dietary needs for prisoners are noted and the food is adjusted accordingly. Medical staff may also recommend specific diets or the addition of certain foods (e.g. for diabetics). The menus for both institutions are attached (Appendix C).

The best and most diverse selection of food is provided by the NZDF, who operate the LSV Programme, the menu is attached and a daily food rate is \$19.62 per trainee is in place.

### **9. Our Message to Government Agencies**

The OIA is based on the Principal of availability, which means official information must be made available on request unless there is 'good reason' to withhold it (Section 5 - OIA). The Act lists 'good reasons' for withholding official information. Some reasons are 'conclusive' – if they apply, the information can be withheld (Section 6 - OIA). Other reasons are subject to a 'public interest test' – if they apply, the decision maker must go on to consider whether the need to withhold is outweighed by the **public interest** to disclose (section 9 - OIA).

An agency should consider the public interest consideration favouring disclosure. They should consider:

1. The purpose of the request; and
2. The nature and context of information.

We have been clear our purpose is to gain a real time insight into the lives of our brothers and sisters in custody. To make this information available with a view to decision makers making well informed decisions and to encourage public debate on the issues raised.

Section 4(a) of the OIA states one of the purposes is to increase progressively the availability of official information to the people of New Zealand in order –

- To enable their more effective **participation** in the making and administration of laws and policies; and
- To promote **accountability** of Ministers of the Crown and officials;

and thereby to enhance respect for the law and promote good government of New Zealand.

Key elements of the OIA are transparency, accountability and participation. Informed public participation leads to better decisions that are more likely to be accepted. In the area of Youth in custody large amounts of public money is spent and as a result we would expect better and more timely responses to our questions.

We further remind agencies the disclosure of requested information

- Acts as an incentive to agencies and staff to use public money wisely; and
- Promotes public trust and confidence in the proper and prudent expenditure of public money.

While we acknowledge clear and full responses from some agencies this is not yet the norm. Our purpose is clear and unchanged, for the past three years, we seek the requested information to gain insight into the daily lives of youth in custody and to ensure where necessary they are improved.

## **10. Conclusion**

- We note the decrease in youth being subject to custodial sentencing from our analysis of statistical information. However, we observe no material reduction in the costs of interventions with respect to education provision or custodial arrangements to reflect this proportional decrease. Also of concern is the high levels of youth reoffending which suggests the quality of interventions in terms of custodial arrangements and education need review.
- The continual high rate of Maori involved in all custodial environments remains unacceptable.
- There is a clear acknowledgement that children and youth require different responses from those with adult status. Our research has indicated this view exists with respect to existing custodial structures.
- We believe separate prison custodial facilities for female youth are long overdue. The current practice is a breach of United Nations guidelines and unacceptable in a civil society. The separation of juvenile detainees from the adult prison population, in accordance with Rule 8(d) of the UN Standard Minimum Rules on the Treatment of Prisoners.
- The welfare of people needs to be a continual priority – so that treatment, support and guidance (that meets their needs) trumps punishment, retribution and deterrence. We are disturbed to learn there is variance in practice in place within MSD and Corrections facilities with respect to youth.
- We believe a greater focus needs to be provided to ensure a culturally sensitive practice at all MSD facilities.
- An unacceptable variance exists in advising youth in custody of their rights in various environments.
- There is a lack of feedback, accountability and transparency in a number of youth facilities.

Police practice needs significant improvement in recording all incidents of youth self harm while in custody, which information is apparently not collected, and complaints made by youth while in custody.

Recording of self harm information and number of interventions need to occur to encourage good decision making.

- Different education provision is evident and Te Poutama needs to be subject to regular Education Review Office visitations and consider having teachers responsible to an education governance structure like other similar schools. Further there needs to be better reported practice around determining who is eligible to attend professional development opportunities including courses and conferences. Further consistent practice needs to occur in the reporting back to other staff of learnings and some analysis used as to how learnings will impact on enhanced learning and teaching practices.
- Employment Relations – good remuneration rates need to exist.
- Regular patterns or cycles of self improvements need to be in place on all MSD/CYF sites not the standard knee jerk reactions to a significant report to change or adjust practice and procedures.
- Variance in the Information supply by government agencies – which appears to change by the year. Good decision making requires good information and therefore requires its timely and accurate collection. A failure appears to exist and extend to a number of agencies. An example was Corrections refusing any assistance initially this year and then continuing to assert a standard response of:

This information is held in notes on individual cases filed. Ministry would have to manually review hundreds of files. As such, I refuse your request under section 18 (f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

- Inequalities across agencies supporting youth needs to be addressed – especially in relation to the provision of food.

In sum, rates of youth receiving custodial sentences are decreasing but reoffending rates continue to remain high. Maori youth languish in custody at disproportionately high rates. The total numbers of youth in custody have declined. It appears funding should be available, with the diminishing youth base line, to look at the effectiveness of current custodial programmes provided by Corrections/MSD and educational programmes. It is apparent the current models are not working effectively, it is representative of a collective shame of our entire community – it equates to a loss of youth.

#### **International Best Practice – A recognised right to a (Quality) Education**

**The right to education features strongly across a number of international human rights instruments. Under the United Nations Convention on the Rights of the Child (UNCROC) (UNCRC, 1989), children and young people have not only the right to education, but also to leisure, freedom from violence, play, culture and freedom of expression on all matters affecting them.**

## **References:**

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- Ministry of Social Development (September 2013) Evaluation Report for Military-style Activity Camp (MAC) Programme
- Venezia, K & Robertson, J. (10 August 2007) Evaluation of the Te Poutama Ārahi Rangatahi residential treatment programme for adolescent males – Joint thematic review of young persons in Police detention – Human Rights Commission, Children's Commissioner – Independent Police Conduct Authority (Crime and Justice Research Centre Victoria University of Wellington)



Appendix A:

**Edmund Rice (1762 – 1844)**

**Disciple – businessman – husband – father – widower – brother – educationist – champion of the poor – founder**

The 250th anniversary of the birth of Edmund Rice, the founder of the Christian Brothers (a pontifical congregation) and the Presentation Brothers (a diocesan congregation), will be observed and appropriately celebrated throughout the world on 1 June 2012.

- Disciple, Businessman
- Husband and Father
- Founder
- A man of God

The fourth of seven sons, Edmund was born in Callan, Ireland, in 1762 to devout Catholic parents who, by the standards of the day, were reasonably well-off. He received a good education before being apprenticed to his uncle, Michael Rice – a wealthy merchant in the thriving seaport of Waterford. Having displayed business acumen, legal expertise, practical common sense, and a capacity for hard work, Edmund eventually inherited and successfully expanded his uncle's business which supplied food and materials for trading vessels. He became an influential and highly respected citizen of his adopted city – a man of means who moved easily among the social elite.

Having personal touch, testimonies to his piety and charity at this time abound; but he was not unique among the businessmen of Waterford in this regard. As a class they were generous in providing alms for the desperately poor people who flocked to the city in search of employment. If Edmund Rice stood out among his contemporaries, it was because of the deeply personal aspect of his charity. Moved by the stark contrast between his own affluence and the sorry lot of the poor slum dwellers, he did more than give money to the needy. He gave them his time, his hospitality, and finally his life. Of special concern to him were the wild and uncared for boys who gathered around the timber stacks on the quay. He brought them to his home in Arundel Lane and provided them with food and clothing.

For many years, even after he founded a religious institute, Edmund's solicitude also extended to the prisoners in the Waterford county jail. He visited them and, in the case of those sentenced to death, assisted them to make their peace with God. Traumatic as the experience must have been for him, he met condemned men on the morning of their execution and accompanied them to the scaffold.

Source: <http://www.edmundrice.org.au/cbop/about-us/blessed-edmund-rice>

## **Appendix B: Education Providers – Breakdown of Student Demographics**

Creative Solutions:

Term One 2015 – Whakatakapokai Care and Protection

Age Break down	Actual Number	%
8	-	-
9	-	-
10	-	-
11	1	5.56%
12	2	11.11%
13	7	38.89%
14	3	16.67%
15	3	16.67
16	2	11.1%
17	-	-
Year Level	Actual Number	%
4	-	-
5	-	-
6	-	-
7	-	5.56%
8	2	11.115
9	4	22.22%
10	6	33.33%
11	2	11.11%
12	3	16.67
13	-	-

Ethnicity	Actual Number	%
NZ Maori	15	83.33%
NZ European	1	5.56%
Samoan	1	5.56%
Australian	1	5.56%

Total Number of Young people in Term one	18
Teaching Days in Term 1	43
Average Teaching Days in School Per Young Person	30.94 days

Term Two 2015 – Whakatakapokai Care and Protection

Age Break down	Actual Number	%
8	-	-
9	-	-
10	-	-
11	1	4.35%
12	4	17.39%
13	5	17.39%
14	7	30.43%
15	3	13.04%
16	3	13.04%
17	-	-
Year Level	Actual Number	%
4	-	-
5	-	-
6	-	-
7	1	4.35%
8	4	17.39%
9	5	21.74%
10	7	30.43%
11	3	13.04%
12	3	13.04
13	-	-

Ethnicity	Actual Number	%
NZ Maori	17	73.91%
NZ European	4	17.39%
Samoan	1	4.35%
Australian	1	4.35%

Total Number of Young people in Term Two	18
Teaching Days in Term 1	43
Average Teaching Days in School Per Young Person	30.94 days

Term Three 2015 – Whakatakapokai Care and Protection

Age Break down	Actual Number	%
8	-	-
9	-	-
10	-	-
11	-	-
12	-	-
13	6	31.58%
14	8	15.79
15	3	15.79
16	2	10.53%
17	-	-
Year Level	Actual Number	%
4	-	-
5	-	-
6	-	-
7	-	-
8	2	<b>10.53</b>
9	5	26.32
10	7	36.84
11	3	15.79
12	2	10.39
13	-	-

Ethnicity	Actual Number	%
NZ Maori	14	73.68
NZ European	5	26.32

Total Number of Young people in Term Three	19
Teaching Days in Term 1	49
Average Teaching Days in School Per Young Person	37.89 days

Term Four 2015 – Whakatakapokai Care and Protection

Age Break down	Actual Number	%
8	-	-
9	-	-
10	-	-
11	1	4.35
12	3	13.04
13	7	30/43
14	8	34.78
15	2	8.7
16	2	8.7
17	-	-
Year Level	Actual Number	%
4	-	-
5	-	-
6	-	-
7	-	-
8	3	<b>13.04</b>
9	4	17.89
10	8	34.78
11	4	17.39
12	3	13.04
13	1	4.35

Ethnicity	Actual Number	%
NZ Maori	18	78.26
NZ European	53	13.04
Samoan	2	8.70

Total Number of Young people in Term Four	23
Teaching Days in Term 1	46
Average Teaching Days in School Per Young Person	37.89 days

Term One 2015 – Korowai Manaaki Youth Justice North

Age Break down	Actual Number	%
8	-	-
9	-	-
10	-	-
11	-	-
12	-	-
13	-	-
14	10	10.99
15	30	32.97
16	46	50.55
17	5	5.49
Year Level	Actual Number	%
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-
10	5	5.49
11	25	27.47
12	45	49.45
13	16	17.58

Ethnicity	Actual Number	%
NZ Maori	68	74.7
Cook Island	2	2.2
Tongan	5	5.49
Samoan	3	3.3
European	7	7.69
Niuean	4	4.40
Chinese	1	1.10
Middle Eastern	1	1.10

Total YP admissions	91
Teaching Days	43
Average days in school	18 days
Secure admissions 25/91 students	17.56%

Term Two 2015 – Korowai Manaaki Youth Justice North

Age Break down	Actual Number	%
8	-	-
9	-	-
10	-	-
11	-	-
12	-	-
13	1	1.04
14	14	14.58
15	35	36.46
16	44	45.83
17	2	2.08
Year Level	Actual Number	%
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	1	1.04
10	14	14.58
11	30	31.25
12	47	48.96
13	4	4.17

Ethnicity	Actual Number	%
NZ Maori	66	68.75
Cook Island	11	11.46
Tongan	8	6.25
Samoan	4	4.17
European	4	4.17
Niuean	3	3.13
Chinese	2	2.08

Total YP admissions	96
Teaching Days	52
Average days in school	19.8 days
Secure admissions 31/96 students	32.29%

Term Three 2015 – Korowai Manaaki Youth Justice North

Age Break down	Actual Number	%
8	-	-
9	-	-
10	-	-
11	-	-
12	-	-
13	-	-
14	11	11.58
15	35	36.84
16	42	44.21
17	7	7.3
Year Level	Actual Number	%
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-
10	16	16.8
11	35	36.8
12	41	43.16
13	3	3.16

Ethnicity	Actual Number	%
NZ Maori	65	68.4
Cook Island	1	1.05
European	11	11.58
Tongan	5	5.26
Samoan	7	7.39
Other Pacific	2	2.11
Middle Eastern	1	1.05
Niuean	3	3.16

Total YP admissions	95
Teaching Days	49
Average days in school	22 days
Secure admissions 25/95 students	26.3%

Term Four 2015 – Korowai Manaaki Youth Justice North

Age Break down	Actual Number	%
8	-	-
9	-	-
10	-	-
11	-	-
12	-	-
13	-	-
14	11	13.25
15	23	27.71
16	42	50.60
17	7	8.43
Year Level	Actual Number	%
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-
10	4	4.92
11	14	16.87
12	35	42.17
13	29	34.94
14	1	1.20

Ethnicity	Actual Number	%
NZ Maori	62	74.7
Cook Island	1	1.20
European	6	7.23
Tongan	2	2.41
Samoan	6	7.23
Other Pacific	2	2.41
Niuean	2	2.41
British & Irish	1	1.20
Not Stated	1	1.20

Total YP admissions	83
Teaching Days	46
Average days in school	21 days

### **Central Regional Health School:**

Youth Justice and Epuni Data for 2015:

Roll – Admissions and Withdrawals

	<b>Starting roll</b>	<b>Admission</b>	<b>Withdrawn</b>
Te Au rere a te Tonga & Epuni	39	224	222
Te Au rere a te Tonga		192	224
Epuni		32	39

Gender

	<b>Male</b>	<b>Female</b>
Te Au rere a te Tonga	162	49
Epuni	30	11
Total	192	60

	Male	Female
Te Au rere a te Tonga	77%	28%
Epuni	73%	27%

Ethnicity

<b>Ethnicity (no of students)</b>	<b>Total</b>	<b>Te Au rere a te Tonga</b>	<b>Epuni</b>
NZ Maori	193	164	29
NZ European	40	29	11
Niue	2	2	
Samoan	5	5	
Cook Island Maori	6	6	
Middle East	1	0	1
Tongan	5	5	
Roll Total	252	211	41

## Ethnicity

<b>Ethnicity (no of students)</b>	<b>Total</b>	<b>Te Au rere a te Tonga</b>	<b>Epuni</b>
NZ Maori	77%	78%	71%
NZ European	16%	14%	27%
Niue	1%	1%	
Samoan	2%	2%	
Cook Island Maori	2%	3%	
Middle East			2%
Tongan		2%	

## Student Age Range

Student age years	Te Au rere a te Tonga	Epuni
10		1
10.5		
11		
11.5		1
12		
12.5		1
13		4
13.5		8
14	2	3
14.5	21	5
15	30	3
15.5	28	4
16	39	2
16.5	33	4
17	41	5
17.5	16	
18	1	
18.5		
Age range	14yr mth -18yr 2 mth	10yr 1 mth – 17yr 2mths

## Year Level

<b>Student year level</b>	<b>Te Au rere a te Tonga</b>	<b>Epuni</b>
4		1
5		
6		
7		
8		3
9		7
10	7	10
11	50	9
12	66	5
13	81	6
14	7	
Range	Yr 10-14	Yr 4-13

Length of Time on Roll

<b>Weeks on roll</b>	<b>Te Au rere a te Tonga</b>	<b>Epuni</b>
1	31	2
2	25	2
3	18	1
4	20	1
5	12	2
6	14	1
7	8	2
8	10	3
9	7	
10	5	2
11	3	3
12	6	1
13	3	1
14	6	
15	6	4
16	4	
17	2	
18	3	1
19	2	3
20	1	2

<b>Weeks on roll</b>	<b>Te Au rere a te Tonga</b>	<b>Epuni</b>
21	2	1
22	1	1
23	3	4
24	4	1
25	1	
26	2	
27	1	
28	1	
29	1	
30	2	
31		
32		1
33	1	
34	1	1
35		
36		
37		
38	2	1
55	1	
57	1	
59	1	
Total	211	41

### **Kingslea School – Operational & Staffing Grant \$2,856,626.00**

Number of students, who attend last year, – their average stay.

- 325 students
- Average stay 76 days

The ages and ethnicity of students instructed by providers Kingslea School

<b>Age</b>	<b>NZ Maori</b>	<b>NZ European</b>	<b>Pacific Nation</b>	<b>Other</b>	<b>TOTAL</b>
10	1				1
11	1	2			3
12	4	1			5
13	8	14		1	23
14	21	14		3	42
15	68	25			101
16	84	21		1	106
17	27	8	7		42

Barnardos - Te Poutama

The total operational costs of providing education to each provider - site break down required?  
\$250,430

The ages and ethnicity of students instructed by providers/The number of students who attend last year – their average stay.

<b>YP</b>	<b>Age</b>	<b>Ethnicity</b>	<b>Length of Stay (months)</b>
1	15	M	24
2	16	E	12
3	16	E	17
4	14	M	4
5	16	M	27
6	15	M	18
7	15	M	11
8	14	E	27
9	15	M	17
10	15	E	22
11	12	E	Current
12	15	E	Current
13	14	E	Current
14	14	E	Current
15	12	M	Current
16	13	E	Current

## **Appendix C: Diet - Food Provision**

NZDF –MAC Camp

Week One: Monday - sample

<b>Breakfast</b>		<b>Lunch</b>		<b>Dinner</b>	
Cereal 1	Muesli	Soup	Soup of the Day	Soup	Soup of the Day
Cereal 2	Light and Tasty	Vegetables - Fresh seasonal vegetables	Fresh seasonal vegetables	Vegetables - Fresh	Vegetables - Fresh
Cereal 3	Weebix	Vegetables - Fresh	Fresh seasonal vegetables	Vegetables - Fresh	Vegetables - Fresh
Cereal 4	Kornies	Vegetables (QF)	Quick frozen veg	Vegetables (QF)	Quick frozen veg
Cereal 5	All Bran	Starch	Parsley Potatoes	Starch	Roast Potatoes
Cereal 6	Porridge	Starch	Rice	Starch	Noodles
Meat Option 1	Bacon	Vegetarian	Vegetarian Pizza	Vegetarian	Vegetable Cobbler
Meat Option 2	Saveloy	Choice 1	Beef Korma	Choice 1	Lamb Hot Pot
Egg Option 1	Scrambled	Choice 2	Roast Chicken Thighs	Choice 2	Laksa Steamed Fish
Egg Option 2	Poached	Sauce	Gravy	Choice 3	Cajun Pork Chops
Hot Option 1	Spaghetti	Choice 3	Hot & Sour Diced Pork	Choice 4	Beef & Vegetable Stir-fry
Hot Option 2	Baked Beans	Choice 4	Meat Lovers Pizza	Salads	Selection of 4 constructed salads

Hot Option 3		Salads	Selection of 4 constructed salads	Desert Hot	Hot Chocolate & Coconut Mud Cake
Fresh Fruit Whole 1	Seasonal	Smalls	Biscuits	Desert - Cold	Fruit Salad
Fresh Fruit Whole 2	Seasonal	Smalls	Cake	Desert sauce	Yoghurt
Fresh Fruit Whole 3	Seasonal	Cheese Board	Three Cheeses selection with crackers & Nuts	Cheese Board	Three Cheeses selection with crackers & Nuts
Fresh Fruit Tinned 1	Natural or unsweetened Fruit of the day	Fresh Fruit 1	Seasonal	Fresh Fruit 1	Seasonal
Fresh Fruit Tinned 2	Natural or unsweetened Fruit of the day	Fresh Fruit 2	Seasonal	Fresh Fruit 2	Seasonal
Yoghurt	Daily Choice x1	Fresh Fruit 3	Seasonal	Fresh Fruit 3	Seasonal
Bread 1	Molenberg – Light Grain Toast Bread	Fresh Fruit 4	Seasonal	Fresh Fruit 4	Seasonal
Bread 2	Freya's – Dark Rye Roggenbrot	Bread 1	Molenberg – Light Grain – Toast Bread	Bread 1	Molenberg – Light Grain – Toast Bread
Bread 3	Freya's – Soya & Linseed	Bread 2	Freyas – Dark Rye – Roggenbrot	Bread 2	Freyas – Dark Rye – Roggenbrot
Cold Beverage 1	Simply squeezed	Bread 3	Freyas – Soy & Linseed	Bread 3	Freyas – Soy & Linseed

	Orange Juice				
Milk Option 1	Light Blue	Cold Beverage 1	Orange cordial	Cold Beverage 1	Orange cordial
Milk Option 2	Trim	Cold Beverage 2	Raspberry Cordial	Cold Beverage 2	Raspberry Cordial
Hot Beverage 1	Hot chocolate	Cold Beverage 3	Milk or Flavoured Milk	Cold Beverage 3	Milk or Flavoured Milk
Hot Beverage 2	Tea	Hot Beverage 1	Hot Chocolate	Hot Beverage 1	Hot Chocolate
Hot Beverage 3	Coffee Instant	Hot Beverage 2	Tea	Hot Beverage 2	Tea
Spreads	Margarine/Butter	Hot Beverage 3	Coffee Instant	Hot Beverage 3	Coffee Instant
Preserves 1	Jam	Spread	Margarine/Butter	Spread	Margarine/Butter
Preserves 2	Marmite				
Preserves 3	Peanut Butter				
Preserves 4	Honey				
Preserves 5	Marmalade				

**CYF'S Youth Justice & Care and Protection Facilities:**

Monday		Friday	
Breakfast	Weetbix x 2  Milk x 300 ml  Toast x 3  Margarine x 15 g  Spread 20 g  Bran x 1 dstsp  Sugar x 35 g	Breakfast	Weetbix x 2  Milk x 300 ml  Toast x 3  Margarine x 15 g  Spread 20 g  Bran x 1 dstsp  Sugar x 35 g

	Tea		Tea
Lunch	3x sandwich Luncheon & pickle Coleslaw and mayo Vegemite 1x piece of fruit Tea	Lunch	3x sandwich Carrot & Relish Peanut Butter Cheese 1x piece of fruit Tea
Dinner	Roast Beef 1x Piece of fruit Milk x 300 ml  Gravy  Potatoes 180G serve – Manager Choice  Vegetables (Seasonal Availability) 2x serves managers choice		Meat Pie 1 Pieces Fruit Tea  Tomato Sauce  Potatoes 180G serve – Manager Choice  Vegetables (Seasonal Availability) 2x serves managers choice
Supper (Served with evening meal)	2x slices buttered bread		Supper (Served with evening meal) 2x slices buttered bread

## **Appendix D - Media**

CYF failed teen kept in police cell, says lawyer

11:02 am on 28 September 2015

An Auckland teenager spent four frightening nights in a police cell because Child, Youth and Family could not find a bed for her in a youth justice facility, her lawyer says.

The 16-year-old was facing 18 charges when she was taken into custody earlier this month.

Her lawyer, Jenny Verry, said the girl was held in a cell by herself but was distressed and unsettled.

"She had to listen to adult prisoners screaming, carrying on, during the night," said Ms Verry.

She said the teenager suffered from attention deficit hyperactivity disorder (ADHD).

Ms Verry said she knew of at least three other similar cases in Auckland.

She told *Morning Report* she understood Child Youth and Family's national office had made a policy decision not to take girls at the youth justice centre in Auckland instead sending them to Palmerston North or Christchurch.

The judge in the case was not impressed, Ms Verry said. "Her Honour's view was that Child, Youth and Family were not meeting their statutory obligations to provide beds for our girls and our boys in the largest city in the country."

Labour Party children's spokesperson, Jacinda Ardern, said it was not the first time CYF had used a prison cell to inappropriately house a young person.

She said it beggared belief the agency did not have enough available beds in the country's biggest city.

An Auckland judge was furious a 16-year-old girl spent four days in a police cell.

JOHN BISSET/FAIRFAX NZ

### **An Auckland judge was furious a 16-year-old girl spent four days in a police cell.**

A teenage girl was kept in a West Auckland police cell for four days while Child, Youth and Family searched for a place to keep her.

The girl's lawyer said it was a frightening experience for her client but it was not an isolated case and she knew of at least four other similar cases.

In May the girl was arrested and charged with assault, resisting arrest, possession of cannabis utensils and disorderly behaviour. She was arrested for breaching bail on September 10 but no beds were available at a youth justice facility.

When she appeared in the Waitakere District Court on September 14, Judge Lisa Tremewan was unimpressed to hear she was still in police custody, the New Zealand Herald reported.

"In my view this is unacceptable. I am very concerned that you have been at the police station since last Thursday night."

"That is not a suitable arrangement for you. I would have thought that something suitable would have been arranged by now."

Judge Tremewan ordered CYF to immediately find the girl a bed. A bed was eventually found in Palmerston North.

The girl's lawyer, Jenny Verry, said she knew of at least three other girls in similar situations in Waitakere and one girl in Manukau had spent five nights in a cell.

She understood CYF was sending girls to Palmerston North and Christchurch, a policy change that occurred after an incident with a particularly unruly bunch of girls in Auckland.

But sending the girls away from Auckland meant they were separated from their families, friends and lawyers.

"That's what the judge was saying; she believes CYF is not meeting their statutory obligations to these children."

"These young people just feel they're on their own, I know my girl was pleased it was going to be in the paper."

In a written statement, residential and high needs services general manager Nova Salomen said both male and female youths had to move because of "operational requirements".

"This is the reality of operating a national service in a small country; however, we have the young person's interests front and centre."

Plans to transfer the girl by air to Palmerston North were delayed by fog and because of her refusal to travel, road options were not safe for staff, she said.

"It was unfortunate this young person had to be held in Police cells over the weekend and that would not have been our choice, however she was visited daily by a social worker and her wellbeing assessed."

### **Drop in child crime reflects better collaboration in youth justice**

Xavier, 15, (not his real name) started getting into trouble with police at age 12.

MARION VAN DIJK

Xavier, 15, (not his real name) started getting into trouble with police at age 12.

As youth crime rates plummet across the country, government agencies are praising New Zealand's youth courts as "the jewel in the crown of our justice system", Adele Redmond reports.

Fifteen-year-old Xavier\* started getting into trouble with police from age 12.

He grew up in Murchison with his Nan, but the day he was due to travel home from a trip to Nelson she died, leaving him to live with his mother there.

"It was hard because I had lived with my Nan for 10 years; my Nan was like my mum. I didn't know my mum, I thought she was my sister," he said.

"I didn't know her that well so I would try to get into trouble."

But after a youth court set him up with counsellors, community work and education targets Xavier achieved a 100 per cent attendance record at school, letters of praise from his principal and the forgiveness of those he offended against.

An offshoot of the judiciary, New Zealand's youth courts are rarely in the public view but Nelson Bays Police Sergeant Karl Parfitt believes they are "the jewel in the crown of our justice system".

"I don't want to sound like I'm cheerleading, but it's a world leading process and we're very lucky to have it."

Data from the Ministry of Justice shows youth crime rates have hit new lows.

Five years ago New Zealand police apprehended about 39,000 10 to 16 year olds, 40 per cent more than they do today, and charged about 2000 more with offences like theft, property damage or violent behaviour.

Between a peak in 2007 and the 2014/2015 financial year, youth court appearances have dropped by 61 per cent nationally, from 4998 to 1959, and 67 per cent across Nelson, Marlborough and the West Coast, down from 189 appearances to 63.

Minister of Justice Amy Adams credited the drop to the government's community-minded 2013 Youth Crime Action Plan, and from every side of Nelson's youth justice system the message was the same: Closer collaboration between police, schools, government agencies and community organisations to better support families to address their children's offending is what's making the difference.

Youth courts favour a flexible 'alternative action' approach which focuses on accountability and making amends.

Only the most serious charges reach the courtroom; most are addressed through Family Group Conferences (FGCs) where the accused, their victims, social workers, court-appointed youth advocates, friends and whanau form a plan that empowers the young person to change.

Child, Youth and Family (CYF) youth justice supervisor Ange Couch said a FGC's success depended largely on the family taking responsibility for their child's offending and "underlying factors like drug and alcohol issues, and that can be quite hard for a family".

CYF Youth Justice Coordinator Reid Carnegie said getting the right family members involved "works wonders".

The offenders were ashamed and embarrassed when they saw the consequences of their actions.

"The idea is to get them out of the justice system as soon as possible because there is a sense that once you're in, it's quite hard to get out."

A Nelson lawyer and youth advocate since 1992, John Sandston said the move towards FGCs was "not a panacea", but an opportunity for wrap-around social services to address the causes of youth offending and prevent recidivism.

"You often see kids change when they have to confront a victim. The kids have a bit of empathy for what's going on when they're a few metres from their families and friends," Sandston said.

"It's very, very rare that I see some of my youth court clients graduate to the district court. About six years ago I had 23 young people in one afternoon and there were 32 on the [court] list that day. It was like a railway station at peak traffic."

"Nowadays you would typically have six to eight youths. The wave has been stopped and it has been turned back."

But Sergeant Parfitt said the decrease in youth crime had made little difference to the workload of Nelson police, who were dealing with more serious, more violent and younger offenders and staying involved with them for longer.

"Eighty per cent of the kids we deal with we only ever see once, it's the 20 per cent, the top-end kids that create 80 per cent of our work."

"There has been a big increase in the number of family violence incidents that police attend, and I think people are now seeing past a male hitting a female and seeing a 14-year-old girl hitting her mother as family violence, or a 16-year-old boy abusing the family because he wants to use the computer."

"The top 20 per cent [of young offenders] without exception have got care and protection issues going on in their lives and that does happen in Nelson sadly."

Principal youth court judge Andrew Becroft said police now know which offenders needed to be dealt with in their communities and which needed to go to court.

Seventy-six per cent of youth court appearances were already known to CYFs, he said.

"Most have been victims and offended against before they come to court and that's a sad reality. We're trying to rebuild shattered lives."

"They are often children who come from seriously deprived backgrounds with dads that might be in prison and mothers who have trouble monitoring links with education."

In the United Kingdom 23 -32 per cent of youth court attendees have learning disabilities compared to 2 to 4 per cent of the general population and although the correlation had not been investigated here, Becroft suspected "given the binge drinking culture here, it might be worse".

He said it was encouraging to see schools working hard to retain problem students.

"Exclusion and suspension is really a rare thing now, I think the system realises that it's best to keep troubled youth close. It keeps them from congregating with other young offenders, having the most violent people together is not exactly a recipe for success."

"There's no silver bullet, but if there was, it would be education."

With these recent successes and the knowledge that recidivism is highest amongst those who receive criminal convictions before the age of 20, Minister Adams said cabinet was now considering including 17-year-olds in the youth justice system.

"Changing the youth court's jurisdiction is not a straightforward matter, and would need discussion with and input from a number of agencies.

"There isn't a one-size-fits-all way to solve the complex issues that lead to youth crime."

Helen Aiken, a CYF operations manager and social worker in Nelson since the 1970s, said that while some youth offenders were more hardened, it was a testament to the efficacy of a system where links between agencies are becoming better established and youth justice more specialised.

"Alternative action allows us to put our efforts where they are needed.

"An important part of youth justice in Nelson is that the team has been here a long time and that's really helpful. You can see really good outcomes from the knowledge and the fact that people really believe in what they're doing.

"The important thing about this type of work is that we don't lose the passion. It's an intergenerational type of work we do and that's where we have to hold it close."

#### 'IT SHOWED HOW MANY PEOPLE CARED FOR ME'

Xavier said his family group conference, attended by his mother, two aunties, social workers and police, showed "how many people care for me," he said.

"It was really hard and embarrassing having them read out what I had done because I didn't tell my mum the full story of what had happened. She was really disappointed.

"I got sent to Murchison for four or five months and lived on a farm. It gave me enough time to realise what I was doing. When I came back I changed, I just stayed home but before that I was on the street at night and stuff."

Now that he's completed his youth court plan he's looking forward to finishing his schooling.

"Next year I want to do an NMIT trades course. I want to be a builder when I'm older."

\* Not his real name.



Dean Kozanic

Kingslea School pupils are often very creative, and get the chance to do practical subjects to put that to the test.

The laser wood engraving workshop is a favourite with many of Kingslea School's teenagers.

Many Kingslea School pupils were isolated from mainstream schools before being picked up by the youth justice system.

Kingslea School's library looks like many other state school classrooms, but internet access is very strict.

Some young offending pupils can work on projects to be given to the community or even family.

One of the houses that accommodates 10 pupils is based around military ideals, with even uniforms to reflect that obedience.

Hayden, 16, spent the last five years not in school, but now shines in the Kingslea School Young Enterprise award-winning group.

Sonny, 16, hopes to be able to read by the time his time at Kingslea School ends.

Students at Kingslea School are divided into groups of ten, chosen by Child, Youth and Family to ensure no co-offenders work together.

Kingslea School principal Tina Lomax said the teenagers in Te Puna Wai o Tuhinapo are still children who need an education.

Kingslea School assistant principal Rachel Maitland said it was like putting a puzzle together when new offenders arrived on to the school's roll with often little schooling history

15-year-old held in police cell overnight

6:00 pm on 8 April 2016

Youth Justice must not be left out of the CYF overhaul

**Friday, 8 April 2016, 11:03 am**

**Press Release: JustSpeak**

**Youth Justice must not be left out of the CYF overhaul**

**Date: 7 April 2016**

Some of today's announcements about the future of Child, Youth and Family are really promising and very welcome. But the Government has missed the opportunity to increase the age at which young people can access the youth justice system at the same time they increased the age of state care.

"Decisions about youth justice should not be disconnected from decisions about state responsibility for the care and protection of children" says Director of JustSpeak, Katie Bruce.

"We are talking, far too often, about the same young people". 20% of young people with care and protection issues have received a custodial sentence by age 21 while 40% have received a community based sentence. "Young people need consistency in the way that we support them to have bright futures as adults, both in care and protection and youth justice. It makes no sense to have different age caps".

A young person enters adult court and adult prison on their 17th birthday, which is now out of alignment with the new minimum age of state care of 18. The legislation reviewed within the overhaul of CYF is the same legislation that defines the age cap for inclusion in the Youth Court. Today the Government has missed the opportunity to increase the age of youth justice jurisdiction despite this being a recommendation of the CYF review.

"This disconnect is on the one hand telling us that at 17 years old young New Zealanders are not prepared for the responsibility of leaving home and managing their lives on their own, yet that they are mature enough to cope in an adult justice system, which for some will involve imprisonment" says JustSpeak Director Katie Bruce.

The announcement from the Ministry of Social Development today acknowledges that 17 year olds are at a stage in development where they are in need of targeted and appropriate care. This needs to include age appropriate responses to offending. The Government has indicated that it will consider raising the age of youth justice jurisdiction by June this year

"It's important that justice does not get left behind in the conversation. A holistic approach is essential to deconstruct the complex issues underlying the need for state care."

JustSpeak looks forward to working further with relevant Ministers leading up to the anticipated decision on the age of youth court jurisdiction in June.

Girls moved by CYF to make way for boys

8:31 pm on 28 September 2015

Child, Youth and Family is transferring girls to secure youth justice facilities in Palmerston North and Christchurch, to make way for boys.

The policy change came to light after a 16 year-old girl spent four nights in police cells after Child Youth and Family failed to find her a bed in a youth justice facility.

Child, Youth and Family residential and high needs services general manager Nova Salomen said the decision was made earlier in the year, when there was an overflow of Auckland boys.

Ms Salomen says the boys were sent to Rotorua, Palmerston North and the South Island, while most of the girls' resident at the time were from the middle and lower North Island.

She said at the time the decision made operational sense and she believed it still did.

Ms Salomen said the latest case was exceptional.

She said the girl was under the influence of a serious drug and was a danger to staff and police.

Ms Salomen could not say how many young people spent nights in police cells last month, but in June there were two and July there were six.

She said on average those children spent 1.7 nights in police cells.

Ms Salomen said while there are no beds for girls in the country's largest city, there are other options such as community providers and electronic bail.

The girl's lawyer, Jenny Verry, said the girl was held in a cell by herself but was distressed and unsettled as she heard adult prisoners screaming during the night. She said the teenager suffered from attention deficit hyperactivity disorder (ADHD). The teenager was facing 18 charges when she was taken into custody earlier this month.

Lawyer Jim Boyack was involved in the High Court trial of two boys accused of killing west Auckland dairy owner Arun Kumar.

He said a young person in police custody is held in isolation, and police cells do not have the facilities for holding people for long periods of time.

"For anybody to spend that amount of time in police cells without the amenities available in a remand youth justice facility for young people would in my opinion be tantamount to torture."

Ms Verry said the judge in the case was not impressed and had stated Child Youth and Family was not meeting its statutory obligations.

Two other girls, aged 15, were held in police cells for four nights in 2013.

At the time, deputy chief executive of Child Youth and Family criticised her staff's handling of the case, describing it as "too low, too slow".

The agency said as a result, a policy change meant cases involving young people in police cells would be referred to managers.

Kids probably no better off in state care

5:12 pm on 27 August 2015

Max Towle - max.towle@radionz.co.nz and Demelza Leslie - demelza.leslie@radionz.co.nz  
The Children's Commissioner's first annual report has strongly criticised Child, Youth and Family for what it calls a dump and run culture of neglect



Dr Russell Wills says it is doubtful children are better off in state care. Photo: RNZ / Alexander Robertson

In his first annual report, *State of Care 2015*, commissioner Russell Wills finds systemic failures in the service and says it is doubtful children are better off in state care.

*If you have fostered a child for CYF and want to share your story, email us at iwitness@radionz.co.nz*

"We don't know if children are any better off as a result of state intervention, but the indications are not good," it said.

The report said too many children were bounced from one placement to the next.

"In the course of our preparation for this report, we heard of children who had had upwards of 20, 40, and in one case over 60 care placements in their short lives," it said.

Supervisors and social workers did not understand their roles and responsibilities, and there was often very little supervision of children.

"Some providers went so far as to characterise CYF's attitude to these placements as 'dump and run'."

Many workers lacked the right qualifications or experience, and were not properly supervised.

Dr Wills said other ministries, such as justice, health and education, must work with CYF, to get the changes needed. "I think we've got a culture where the other agencies expect CYFs to do all the work, that's not right and that's not fair," he told *Morning Report*.

District health boards, adult mental health induction services and child and adolescent mental health services and paediatricians should prioritise these children, he said. "We don't do that nearly enough, and yet these are the most vulnerable kids we have, and they are there through no fault of theirs."

The report also found a high staff turnover - many workers would burn out and leave due to stress.

"Some sites and residences told us they struggle to recruit staff and many hold unfilled vacancies," it said. Others would gain some experience at CYF, then go elsewhere in the sector.

#### **Key points from State of Care 2015:**

- Abuse: 117 children in CYF care were reported to have been abused in 2013/14. Of these, 88 children were in the care of a CYF caregiver, 25 were living with their parents but officially in CYF custody and 5 were living with an unapproved caregiver or in an unapproved placement. Physical abuse was the most common.
- Education: About 20 percent of children in care left school with NCEA Level 2 in 2012. For Maori children the figure was 15 percent.

Court: In 2014, 328 young people aged 14-16 with open care and protection files committed an offence which ended in the Family Court. 30 percent of children in care between the ages of 14 and 16 are being charged with offences, compared to about 1 percent of children this age from the general population.

#### **Murals light up prison visits**

Young men in Christchurch Men's Prison youth unit have been splashing some colour into family visits over the past eight months.

**One of the happy murals painted by young men in the youth unit of Christchurch Men's Prison.**



They have finished a series of murals to engage and entertain children visiting family. Principal Corrections Officer Barry Noakes said the low security visitors' area was now "much more appealing" to all, staff included.

"It had been a very drab, beige area," he said.

The project was part of the prison art programme which encourages offenders to learn new ways of communicating.

"Apart from providing a more pleasant environment, the mural also gives children something to do while the adults talk," Noakes said.

Men could have fun with their children finding the hidden objects in their work.

Visits were an important part of rehabilitation and reintegration back into home and community. The young men could see they had made a difference and learned employable skills.

Canterbury Prisons art tutor Corina Hazlett, project leader, is delighted with the cheerful look. The mural includes hidden items and themes – an alphabet train, and astronaut, monster truck, planet and spaceship themes, a sunflower theme and a pirate ship.

"For some, painting and drawing was a completely new experience." Hazlett said.

### Yoga classes for teens in Christchurch youth justice centre

EMILY SPINK

Last updated 15:24, December 27 2015



IAIN MCGREGOR/FAIRFAX NZ

Kotte Aguilar wants to give her students at Te Puna Wai o Tuhinapo another chance through yoga classes.

Become a Kiwi Guardian [doc.govt.nz/kiwiguardians](http://doc.govt.nz/kiwiguardians)

These Holidays Take Your Kids on Awesome Adventures in Christchurch!

Students at Christchurch's youth justice residence are learning the art of yoga and meditation to help them take control of their lives.

Yoga teacher Kotte Aguilar, 25, went through a box of tissues during the graduation of her students at Te Puna Wai o Tuhinapo, a youth justice residence south of the city.

From 6.30am Monday to Friday, Chilean-born Aguilar got a group of young people moving through a series of yoga moves and meditation, as part of their Military-style Activity Course (MAC) programme.



IAIN MCGREGOR/FAIRFAX NZ

Students at Te Puna Wai o Tuhinapo, a youth justice residence near Christchurch, have graduated from a nine week-intensive yoga initiative.

Her students were in the residence because they had been remanded or sentenced by the Youth Court. The MAC programme was their last shot at changing their ways.

The residence had the capacity to hold up to forty 14 to 17 year-olds arrested and put in Child, Youth and Family care before a court hearing, remanded in custody, or given a custodial sentence.

"I believe to stop crime we need to focus on the youth, and once you bring them their awareness they're going to go out and be like 'ok, my dad is a drug dealer, my mum is an alcoholic, but I want to be someone'."

During the class, they move swiftly from warrior pose to a relaxation pose on the floor.

"Relax the tongue, the hips, the brain, the eyes and hips," Aguilar tells them.

A big inhale, and exhale, and their focus was in the room.

"They looked down and then today, I walked in and they're all looking up, standing proud and tall. I know that's the yoga but I'm not taking ownership with just the yoga - it is team work."

The first few weeks were a "big struggle" for Aguilar, who found herself up against negative attitudes regarding yoga.

"They weren't really keen to try. It was a hard group to be honest, but this group came out really nice. Through the weeks, and by bringing some awareness, they started to be themselves. They didn't arrive as themselves but as a shadow," she said.

"You can't force it but when they left it was all really natural."

Students King\* and Aroha\* were yoga converts.

"I thought it was going to be dumb. It was hard at the start but when it came to the end, it was easy," King said.

He now knew how to do downward dog pose, and sleep better.

"I struggled to sleep before we did yoga – too many stuff on my mind."

King tried to do a little extra yoga or meditation every day.

"Those meditations are good. Kotte said it helps your mind."

The teen could not have been prouder to have his family by his side on graduation day.

The graduating class was Aguilar's third and she would repeat the course in February next year.

"Up to week four was a bit difficult for me because they had a lot of anxiety and a lot of things in their head. When you teach them how to take control of their mind, they learn how to take control of their life and that's making the job of everyone here quite nice."

For, Aroha\* graduation day marked the "first time in a while" that she had achieved something.

"I loved it."

The art of meditation was her favourite new-found skill.

"In the morning Kotte said to 'imagine and instead of thinking about the worst things, think about the good things and imagine the birds and the traffic ... yeah, it was cool!'

Some of Aguilar's former students had gone on to study, work or were "doing great". Others had let their old ways creep back in.

"It's giving them something to take home because this is not the challenge. The challenge starts when they get out and they have old influences back."

\*Names were changed to protect the identity of the young people.



Nelson Police Station Photo: RNZ / Alexander Robertson

The Ministry of Social Development confirmed the teenager could not be transferred to a youth residence until Thursday because beds were full.

He had appeared at the Youth Court earlier that day.

In a statement, CYF general manager of residential and high needs Nova Salomen said youth residences had a high turnover, and when beds were full, social workers found alternative arrangements in the community.

"Residences have a high turnover, with young people coming and going every day. At any one time there are likely to be young people transitioning into or out of a residence."

"As in other areas of government activity, such as hospital treatment and education, it is not feasible to have special facilities in every city."

She said if a young person was deemed unsafe, they remained in police cells until a secure bed was found.

Last week another 15-year-old Nelson boy spent three nights in a cell over the Easter break and could not be transferred due to holiday hours.

Ms Salomen said the process of a young person entering or leaving a residence wasn't simple.

"Both typically require a court decision, although police have the power to assign a young person to a residence out of normal working hours."

She said it was rare for a young person to stay in a police cell for more than 24 hours.

A spokesperson for the Ministry of Social Development said the situation arose during a long weekend, and required the co-ordination between the courts, social workers and police to ensure there was a bed for the teenager.

"Checks were completed to ensure the young person's wellbeing while held by police."

He said the boy was moved to a residence on the Tuesday following the three-day weekend.

15-year-old held in police cell overnight - Radio New Zealand

[www.radionz.co.nz/news/.../15-year-old-held-in-police-cell-overnight](http://www.radionz.co.nz/news/.../15-year-old-held-in-police-cell-overnight)

Apr 8, 2016 - A 15-year-old boy spent the night in a police cell in Nelson on Wednesday because ... **Nelson Police Station Photo: RNZ / Alexander Robertson**

29 May 2016

The Labour Party says a lack of funding Children's Commissioner role to change

5:40 pm on 28 May 2016

**Funding for the Children's Commissioner, which the Labour Party says is not enough for what it needs to do, will remain low at least until the sector is overhauled.**



Labour spokesperson for children Jacinda Ardern and Minister for Social Development Anne Tolley.

for the Office of the Children's Commissioner will affect the monitoring of Child Youth and Family residences.

Labour's spokesperson for children, Jacinda Ardern, said the Children's Commissioner's office had been unable to stick to its goal of visiting Child Youth and Family sites annually due to the costs.

She said Children's Commissioner Russell Wills had told that to a parliamentary select committee last year.

The Office had also made other cuts because of static funding over the past few years, she said.

Minister for Social Development Anne Tolley said the government had announced an extra \$347m to help transform childcare and protection.

She said the Commissioner's role was likely to change as a result and she would look at funding once that became clearer.

### **More protection for young in CYF overhaul**

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Thu, 7 Apr 2016



Anne Tolley

Families with children judged to be "at risk" will be funded to get extra health, education and counselling services under radical new child protection reforms announced today.

An expanded child protection agency with a broader remit than the current Child, Youth and Family (CYF) will get extra funding to "directly purchase services for young people from other government agencies, district health boards, non-government organisations and other specialist service providers to get children and young people the care they need".

The new department has been earmarked to spend \$1.3 billion a year by 2019-20 to support up to 230,000 children. Cabinet papers and the report by an expert panel led by Dame Paula Rebstock show its budget would be about \$524 million a year higher than the CYF's current \$783 million budget.

The panel recommends that most of the extra cost (\$421 million) should be taken from the existing budgets for Health, Education, Corrections and Work and Income. That would leave a net increase in total spending of \$103 million a year, a 13% increase on CYF's current budget.

Cabinet papers say the new department's target group has not yet been worked out exactly, but could be up to one in every five children.

A fact sheet issued by Social Development Minister Anne Tolley said the new agency would be "a single point of accountability so that one agency is responsible for the long-term welfare of these vulnerable children and young people, rather than funding and services being scattered across multiple agencies".

It said the new model would be similar to the Accident Compensation Corporation, which can buy health services from state and private hospitals to get immediate treatment for accident victims.

"Specialist services such as counselling, trauma, psychology, education and health will be able to be purchased on behalf of the child when they are needed," it said.

"This is similar to the ACC model, and means staff won't have to spend time trying to negotiate with agencies to get kids the help they need, and can spend more time working with children.

"Services could be purchased from DHBs, education providers, NGOs, and specialist services such as psychologists. Some of the funding for this approach could be reallocated in future years from relevant departments."

Mrs Tolley said: "It's acknowledged that the new system will require additional funding. The total amount will only become clearer once the detailed work on the operating model is complete, and following a comprehensive look at what funding, if any, can be reallocated from other departments."

Services supporting children in care, and work with families before they need state intervention, will be set up as separate services within the new child protection agency to ensure that the agency does not become preoccupied with investigations at the expense of long-term care - a criticism levelled at CYF by the review panel chaired by Dame Paula Rebstock and by Children's Commissioner Dr Russell Wills.

The new agency will have five separate services:

- Prevention: "Support families to develop stable and loving relationships to avoid young people having to end up in state care."
- Intensive intervention: "A single point of entry for identifying and assessing the needs of vulnerable children, young people and their families."
- Care support: "Focus on getting children into a stable and loving caregiving family at the earliest opportunity."
- Youth justice: "Using an investment approach child with complex needs who offend will be treated as a priority group, and evidence-based services which reduce offending and reoffending will be increased. Where appropriate and with public safety in mind, alternatives

will be found for some young people currently remanded in secure residences to reduce the unintended long-term negative impacts this has on them."

- Supported transitions into young adulthood: "The minimum age of state care will be raised to a young person's 18th birthday, with options being developed to allow some young people to remain or return to care up to age 21. Consideration will also be given to having some kind of support in place, depending on needs, up to age 25."

The reforms aim to cut long-term welfare and crime costs. About 87% of children born in 1990-91 who spent time in state care ended up on welfare, and 28% were jailed, before they turned 21.

Put the other way around, more than 60% of all young people jailed before age 21, and almost half of young parents on benefits with their own children by that age, had been notified to CYF for care and protection reasons in their childhoods.

Sixty percent of the 5139 children in state care at the end of 2015 were Maori. More than one in every three (35%) of Maori children born from 2005 to 2007 were reported to CYF before reaching school age, compared with 11% of non-Maori children.

### **Child groups welcome changes**

The radical upheaval has been generally welcomed by sector groups.

Children's Commissioner Dr Russell Wills, who wrote a damning report on CYF's current operation last year, described the new plan as "visionary".

"If all the recommendations are accepted and implemented and resourced well, we would have a system that is world-leading," he said.

Otago University associate professor Nicola Atwool, who wrote a 2010 report on children in care for previous Children's Commissioner John Angus, said the Government had adopted everything on her "wish list".

"There are no glaring holes from my perspective."

She said a plan to fund the new department to buy services for vulnerable children from other state and non-state agencies, in the same way that ACC now buys health services for accident victims from public and private hospitals, would ensure that needy children got help much faster than many did now.

Unicef advocacy manager Deborah Morris-Travers said the review was "the most comprehensive example of Government actively seeking to hear diverse voices, including those of children, and shape systems that respond to what children have said".

"We hope that every step in the implementation of the new system will honour those voices and deliver what it is that children have asked for: to be involved in plans and strategies," she said.

Fostering Kids chief executive Linda Surtees said she was excited by the new plan.

"It's pretty much what we have hoped for in many ways," she said.

"It's great that there seems to be an acknowledgment of the importance of the caregiving role if you are going to provide the best level of care for a child in need, and probably then you have to do that through care of the family as a whole. It's good to see that we are going to care about them and work with them in the context of a family rather than in isolation."

### **Labour and Greens supportive**

The reallocation of funding from already-stretched health and education services is shaping up as the main battleground for the reform.

"Talk of funding reallocation in the future raises some major flags - taking from other areas, such as health where there is already significant underfunding, is playing with fire," warned Labour children's spokeswoman Jacinda Ardern today.

Labour and the Greens both welcomed other elements of the new plan, including creating a new agency to advocate for children in care and raising the age of leaving state care from 17 to 18, with an option to stay in care to age 21 and with some support continuing to age 25.

"Labour has long advocated for a Children's Ministry, which is what the new entity talked about in the report should become," Ms Ardern said today.

"The recommendation that the age of care be lifted is particularly welcome. Alongside groups like Lifewise and the Dingwall Trust, we have campaigned for this change for years and are delighted the panel has taken that on board.

"However, it should have gone hand in hand with raising the age of juvenile court jurisdiction. Anne Tolley says only that it will be investigated. The proposals contained in the report are long overdue, and the introduction of a youth advocacy service is also welcome."

However, Ms Ardern said the new plan would only work if the Government gave more funding to early intervention, without taking it from areas that were already stretched, such as health.

Green Party co-leader Metiria Turei said the reforms were "promising" but "should not overshadow that there is still an urgent funding crisis in CYFS".

"There aren't enough social workers, they don't have enough time, the carers need support, and families are waiting," she said.

"Reforming CYFs is one part of the solution for families. The families that need help with their kids need a living wage, healthy and secure housing, and access to high quality early childhood and primary and secondary education."

## **Corrections go by bike**

**Wednesday, 10 February 2016, 11:18 am**  
**Press Release:** [\*\*Department Of Corrections\*\*](#)

## **Corrections go by bike**

Corrections sites across the country are getting involved and supporting Bikewise national Go by Bike day.

Wednesday 10 February marks the annual Go by Bike day - a one-day event where Kiwis ditch their cars, trains or buses and cycle to work or school. Corrections is embracing this initiative and at some sites, corrections officers already use bikes to get from the gatehouse to the units and around the prison.

"The wellbeing of staff is a priority for the Department," says Deputy National Commissioner Rachel Leota. "Motivating staff to get active and bike to work encourages our staff to lead a healthy lifestyle and supports our philosophy that when we are fit and well, we can be most effective in our roles."

It's not just about staff "going by bike". Prisoners and offenders around the country are also getting involved, building bike tracks and repairing bikes which allows them to gain constructive life and employment skills while giving back to the community.

Corrections aims to provide quality employment activities, the opportunity to attain recognised qualifications, and vocational training.

"By assisting prisoners to reintegrate into the community, they are less likely to re-offend," says Mrs Leota. "Getting offenders involved in repairing bikes and these community projects teaches them valuable employment skills that can help them find sustainable work after release. It also gets them thinking about their own health and wellbeing, and encourages them to make more positive lifestyle choices."

Across the regions, Corrections has a range of initiatives involving the use of bikes that take place all year round.

- Since November 2015, prisoners from **Northland Region Corrections Facility** have been involved in the development and maintenance of over 40 world-class bike trails totalling approximately 70km in the Waitangi Mountain Bike Park (WMBP) in Bay of Islands. The NRCF crew is there five days a week from 7.30am to 1pm and is helping clear the way through gorse and pine slash before the diggers can get to work shaping the trails.
- Community offenders in **Napier** and prisoners in **Tongariro / Rangipo Prison** and **Hawke's Bay Regional Prison**, are giving back to the community by fixing unclaimed bikes that were stolen or damaged and had been recovered by Police. The newly repaired bikes are then donated to the local community and school children.
- In **Whanganui**, community-based offenders are involved in on-going maintenance of Araheke Mountain Bike Park near Whanganui Prison.

- In **Bell Block** near **New Plymouth**, offenders on community work do weekly grounds maintenance at the Velodrome. Other activities at the Velodrome include building a mini BMX track and tree-planting.
- Offenders working with **Invercargill Community Corrections** help maintain Graham Cockcroft Cycle Park, providing services including weeding, mowing lawns, sweeping road areas.
- Offenders from **Greymouth, Hokitika, Ross** and **further south** have been helping construct the West Coast Cycleway Trail for more than six years. The workers started off scrub and gorse cutting and moving dirt. Five years on, alongside a group of keen local helpers, the offenders have helped with planting trees and clearing scrub along the new Ross section of the cycle trail; planting more than 2000 trees in two weeks. With the final section of the trail being opened on 24 October last year, the offenders will now be assisting with further development and maintenance work.
- Staff at **Christchurch Men's Prison Youth Unit** are working on a new initiative to get young prisoners repairing old bikes that have been left around the site. The prisoners have begun building a bike stand and have been collecting the old bikes, getting them ready to fix up. The initial aim is to supply a bike to each Low Security Unit, for staff to respond to emergency situations.

#### **Youth Custody Index Students - 2016:**

**Including: Xavier Ngaata (Year 13) and Joseph Devine (Year 13) Index Leaders**

