



Youth crime action plan

YCAP

2013–2023

SUMMARY





**THE ARTWORK USED IN YCAP PUBLICATIONS
WAS CREATED BY YOUNG PEOPLE STAYING
AT CHILD, YOUTH AND FAMILY RESIDENCES**



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Introduction

New Zealand is recognised internationally as having a world-leading approach to responding to child and youth offending. Most children and young people¹ in this country live positive and productive lives and do not come into contact with the justice system.

But for those who do offend, our system recognises that they need to be held to account in a way that acknowledges their needs and vulnerability. A significant proportion of these children and young people are successfully dealt with outside the formal justice system. There is, however, a small group who commit a significant amount of youth crime.

The reasons children and young people offend are complex and varied. However, strategies that involve the environment in which a young person lives – their family, whānau, and community – are more likely to be effective than those that focus solely on the individual.

The Government's Better Public Services target for reducing youth crime is the driving force behind the Youth Crime Action Plan. To achieve the target, the justice sector needs to work differently – in particular, more collaboratively – with the social sector, communities, and Māori to reduce crime and address the factors that lead to offending.

The Youth Crime Action Plan sets out to make a difference to the lives of the children and young people behind the statistics. This is about stopping problems before they develop, dealing with them fairly but firmly when necessary, and putting systems in place to stop re-offending.

Responsiveness to rangatahi Māori and their whānau, focusing on their strengths, needs, and aspirations, is essential for the effectiveness of the Youth Crime Action Plan.

This document provides an overview of the key strategies of the Youth Crime Action Plan as well as 'best practice' guidelines for those working in the youth justice sector.

¹ In this plan, children and young people are referred to in the context of the Children, Young Persons, and their Families Act 1989 (a child is aged 10–13 years and a young person is aged 14–16 years).

The strategies



Partnering with communities

Partnering with communities is about working together to prevent offending and re-offending. It is not about duplicating efforts or adding more meetings – it's about building on what is already delivering results and outcomes, and strengthening coordination at every level within the community.

The Youth Crime Action Plan's approach to partnering with communities is based on the fact that some family, whānau, and communities are capable of designing, developing, and delivering their own solutions to address youth crime because they know their people and their circumstances best. It also recognises that some communities are not yet ready to lead in this way, and that others already have existing structures or initiatives in place. Because of this, local coordination will adapt to complement the best practices and experiences of what is already working in each community. It will begin by leveraging off existing structures and mechanisms, such as youth offending teams (YOTs).

Reducing escalation

The idea that children and young people should be dealt with outside the formal justice system is central to New Zealand's legislation. It is also recognised internationally by United Nations guidelines, conventions, and rules. Research on New Zealand Police Alternative Actions also shows that diverting children and young people away from the formal justice system can reduce their chances of re-offending (McLaren, 2011²). Delivering interventions that are fair and proportionate to the nature and seriousness of the young person's offending is therefore a central strategy.

Reducing escalation – dealing with a young person at the lowest appropriate level – requires a number of important factors.

High-quality decision-making using specialist skills and knowledge is one way of reducing escalation. Such decision-making must be well informed and based on good information. The development and use of a short screening tool, which highlights potential risks of re-offending, will be one important element.

The use of such a tool will be complemented by the Police and Child, Youth and Family working more closely to identify the best response to each child or young person. As such, both agencies will develop a process where they consult very early in a case.

² McLaren, KL. (2011). *Alternative actions that work: A review of the research on Police warnings and alternative action*. Police Youth Services Group, NZ Police: Wellington, New Zealand.

Early and sustainable exits

Intervening early and ensuring that every youth justice intervention has a positive influence on offending behaviour are essential pieces in the jigsaw of reducing re-offending. This is especially significant for Māori, who have frequent contact with the system.

Complementing the actions in Strategies 1 and 2, early and sustainable exits emphasises the delivery of the best-quality interventions at the right time. Failing to intervene early and provide opportunities for children and young people can be costly to victims, the offenders themselves and society as a whole. This strategy includes actions to address recommendations from the Social Services Select Committee Inquiry into the Identification, Rehabilitation, and Care and Protection of Child Offenders. The challenge for frontline workers is to make each intervention the last justice sector intervention for the young person and their family, no matter what that intervention is.

Existing mechanisms, such as Police Alternative Action and family group conferences, will be strengthened to focus on delivering the best services to reduce re-offending. Agency, family, whānau, and community participation will play an important role in identifying those most at risk.

Alternatives to remand will be developed for children and young people who require more formal responses. These will be developed with an emphasis on keeping young people in the community, such as supported bail. As part of this, a new process will be developed for reviewing whether young people held on remand in custody need to remain there.

Sustaining positive change following youth justice interventions often relies on links to education, training or employment. Making the most of opportunities and programmes during transitions is central to reducing the risk of re-offending.



Making the strategies happen

Three building blocks will underpin the successful implementation of these strategies.

This includes the development of an improved governance arrangement and a focus on recruiting, retaining, and developing the required workforce.

It will also ensure that the information required for a cohesive and effective youth justice system is available and distributed to those who need it at the right time.

Making a difference

How the Youth Crime Action Plan will work in the community

A wealth of knowledge on child and youth justice already exists, and the Youth Crime Action Plan is not about re-inventing the wheel. It is about building on the best of what works and focusing on ways to make a real difference for children, young people and communities.

The following section presents a picture of best practice today and helps to frame the type of practice and systems changes expected with the Youth Crime Action Plan. Some 11 central components of the youth justice system are used in sequence to depict current and future practice.

Prevention

There are three key approaches that are recognised as the most effective way of preventing offending by children and young people³. Having a balance of activities spanning each of the three approaches will generate the most success in preventing youth crime.

APPROACH 1

Crime prevention through community development

Children and young people do not offend in isolation. Strong communities with good-quality schools – where people feel connected and able to contribute to their community – protect children and young people and allow them to thrive. Sports teams, events, activities and schools play an important role in developing a sense of community for children and young people, as well as sometimes being communities in their own right. Children and young people who regularly attend school and are engaged in learning are more likely to experience positive life outcomes and are less likely to become involved in youth offending.

What does this mean in practice?

- Families, whānau and communities are encouraged and supported to build strong foundations for their children and young people, provide programmes and services that are responsive to rangatahi Māori, and allow young people to realise their potential.
- Agencies work with the community to ensure that all children and young people regularly attend early childhood education services and school, and that these positively engage Māori children and young people to achieve educational success.
- Language and culture are recognised and young people's links with families, whānau, and communities are strengthened.
- Those working with children and young people encourage them to develop a sense of who they are, resilience, and self-management, and build positive relationships with whānau, adults and peers.

APPROACH 2

Delivering early interventions for those at risk of offending

The benefits of intervening early in the life of a child or young person at risk of offending to promote positive development opportunities are widely recognised. Initiatives aimed at early intervention are more likely to be successful in preventing crime, and will also lead to a range of other positive outcomes.

These initiatives take a holistic view of a child or young person's needs, and work with their family and whānau rather than merely with each person.

Successful interventions:

- interact with the four main areas of a young person's life – family/whānau, school/work, peer group and community – by using youth development and culturally appropriate approaches when working with children and young people
- are mana-enhancing and promote individual, family and whānau resilience
- incorporate a therapeutic, culturally-appropriate component that addresses social, behavioural, and addiction issues, and enable a young person to learn new skills, values and constructive behaviours
- work to ensure that the environment they return to provides opportunity and support for their positive development.

What does this mean in practice?

- Effective, early and coordinated public services are provided, supported by shared information.
- At-risk children and young people are identified at an early stage. For example, children and young people who offend share many of the same underlying issues as those who have been maltreated or are at risk of abuse and/or neglect.

³ Further information on crime prevention can be found on the United Nations Office on Drugs and Crime website www.unodc.org/documents/justice-and-prison-reform/crimeprevention/10-52410_Guidelines_eBook.pdf

- Underlying health issues that influence offending behaviour are addressed. For example, identifying and addressing the misuse of alcohol and other drugs, mental health issues, learning disabilities, hearing and vision problems, and conduct disorders as soon as possible can make a real difference to prevention efforts.

APPROACH 3

Reducing opportunities and designing-out the immediate precursors to offending

A significant proportion of offending is opportunistic and can be attributed to risk-taking and pushing boundaries associated with adolescence. Initiatives to prevent opportunistic offending are effective when they increase the effort and risks involved in committing the offending and reduce the rewards derived from it.

What does this mean in practice?

- Agencies and the community share information about the nature of a local youth crime problem and gather further information to inform the analysis. This may be done, for instance, by identifying factors in the design of public spaces.
- Agencies determine, or agree with the owner of the property, what alterations should be made to reduce the opportunities and incentives for youth crime.
- The effects of the change are monitored.

Current best-practice scenario

In a small community there is a youth crime issue involving drug and alcohol-induced offending, particularly disorder, graffiti and burglary. After robust analysis has been undertaken, the Social Sector Trial (SST) begins developing a response to the underlying youth issues.

All partners to the trial feed information to the agency coordinated youth offending team (YOT), which formulates this response.

- The Neighbourhood Policing Team raises awareness of the issues, providing advice to local residents on how to keep themselves safe.

- A neighbourhood clear-up day is organised, involving the whole community for the purpose of restoring pride. This includes cutting down low branches and removing rubbish from houses to allow better visibility, and painting over graffiti.
- The YOT initiates a programme for young people at risk of offending through a local NGO with referrals from local schools and Police.
- A truancy-free town centre initiative is implemented by the council and the business association.
- Iwi run a cultural awareness programme at the marae every Friday night.
- The district health board funds additional alcohol and drug treatment services for young people in this community to which the Police and CYF can refer young people where necessary.

After three months, these young people are engaged in community activities and crime is reduced.

Where will the Youth Crime Action Plan make a difference?

- Guidance and tools on youth justice will be introduced for practitioners and community groups to develop local action plans to reduce offending.
- Information and monitoring on progress against actions plans will be coordinated from a national level to share what is working and what isn't, including prevention strategies.
- Access to social sector services that address the underlying causes of offending will be improved.

How will we know if it is making a difference?

- Offending is reduced, particularly offending by Māori.
- Stronger partnerships exist between local Police, social sector agencies, and communities.
- Regular referrals to social sector services, including programmes run by Māori whānau, hapū, iwi and hard-to-reach-Māori community groups.
- Re-offending frequency and severity is reduced.

Youth offending teams (YOT)

Youth offending teams coordinate cross-agency responses to young offenders at a local level. There are 32 of these teams (see justice.govt.nz), each made up of frontline people from Police, CYF, Health, and Education.

The role of YOTs is to ensure agencies are working together in the most effective way to reduce youth crime, actively engaging and involving local stakeholders and non-government organisations (NGOs).

An effective youth offending team has the following features:

- It has the right people connected and involved in designing, developing, and implementing responses to young offenders.
- It has joint training, problem-solving and information-sharing ability.
- It monitors and evaluates local performance – identifying performance trends, barriers to quality service delivery, potential risks, and innovative best practice.
- It collates and monitors local, regional, and national data and trends (inclusive of NGO information) about children and young people who offend, re-offend, or are at risk of offending.
- It identifies and addresses service gaps by developing initiatives to solve problems, and informs the community on youth justice initiatives.

YOT composition that reflects best practice

The following table lists most of the key people who work with young people who offend.

Agency	Roles
Police	Police youth aid officer Youth aid or station sergeant
Child, Youth and Family (CYF)	Youth justice coordinator Youth justice manager
Health	Child & Adolescent Mental Health Service (CAMHS)/Youth Forensic Services and/or alcohol and other drug clinician District health board manager – funding and planning

Agency	Roles
Education	Manager and practitioner from Group Special Education (GSE) and Education Curriculum and Performance Team (ECP)
Non-government organisations	Youth justice NGOs
Other local stakeholders	Youth Court representatives, city council representatives, iwi representatives, school representatives, for instance from District Truancy Service (DTS)

What does this mean in practice?

- Police and CYF work together and jointly chair the local YOT.
- The right people are actively engaged and involved in YOT decisions and activities (such as, a school principal or representative).
- Problem-solving action plans are developed in partnership with local communities by:
 - determining how well the YOT is working by completing a SWOT (strengths, weaknesses, opportunities and threats) analysis, and analysing local, regional, and national youth justice statistics
 - identifying problems that require action by the YOT
 - creating achievable goals from the problems identified.

Where will the Youth Crime Action Plan make a difference?

- Agencies will work in partnership with the local community to develop their strategic priorities, identify local crime problems, develop plans to address those problems, and ensure coordinated responses to offenders.
- Each community will determine for itself the way in which it will fulfil those requirements.
- Each community will also regularly advise the central operational support group on issues affecting service delivery and the actions taken to resolve them.
- This information will be used to drive performance improvement, inform strategy development, and influence national policies.

How will we know if it is making a difference?

- Communities are actively involved in designing, developing, and implementing responses to children and young people who offend, resulting in more effective responses.
- The delivery of services and programmes to young offenders is effectively targeted and coordinated.

Police decision-making

Police has responsibility for the most important decision following the apprehension of a child or young person: how to resolve that apprehension. Frontline Police currently have three options to resolve an apprehension, warn the offender, refer them to Police Youth Aid, or, where certain conditions dictate, arrest them.⁴

If the decision is made to refer the child or young person to Youth Aid, a further set of options open up – a warning, an Alternative Action (such as reparation, an apology to the victim, or low-level interventions, such as mentoring and short-term community work), or referral to family group conference.

What does this mean in practice?

Police responding at the frontline:

- refer offenders to Youth Aid – when a warning is not sufficient
- charge – if no other action is appropriate and the circumstances and seriousness of the offence require it.

Youth Aid officers consider the circumstances of the referral and take these steps as appropriate:

- Find out the young person's background by:
 - checking their history

⁴ In smaller centres where there is no Police Youth Aid section, frontline Police can resolve the apprehension by Alternative Action, but across the country this only accounts for small numbers of apprehensions.

- making a home visit
- checking with schools and welfare and community agencies.
- Consider this information against the factors described below to help determine whether the child or young person should be dealt with by:
 - warning
 - Alternative Action
 - referral to a family group conference.
- Make the decision in a manner consistent with the offender's sense of time and avoiding any unnecessary delay.

Factors that Youth Aid officers consider when deciding how to resolve an offence:

- the nature and circumstances of the offence, including the offender's degree of involvement
- the effect of the offence on the victim, and the victim's views on the proposed course of action
- response to any proposal to make reparation or apologise to the victim
- previous offending and the effect of previous sanctions
- youth justice principles as set out in the Children, Young Persons, and their Families Act 1989
- the public interest – does it require criminal proceedings?

Current best-practice scenario

Scenario 1

Police are called to a large retailer where security has stopped Andrew from leaving the store with clothing he has not paid for. A background check undertaken on the officer's mobile device establishes that this is Andrew's first offence. Because he has apologised to the shop manager, Police decide to issue him with a warning.

Scenario 2

Police are called to a house party as things get out of hand. They arrive in time to stop a fight between Esther and Sue, and find that Sue has two deep cuts to her head caused by a glass bottle. Witnesses confirm Sue's version of events, that Esther, after some provocation, had thrown the bottle. Esther is arrested to prevent the risk of the fight sparking up again, and Sue is taken to hospital for stitches.

On the way to the Police station Esther says she is sorry for what she did, and that she has been making efforts to catch up at school. Her history is checked and it is discovered she has

been apprehended twice before, but not in the past six months. Esther's mother is her nominated adult, and she is contacted. She says she is disappointed and frustrated at what has happened because Esther has made real progress at school since her last contact with Police, and has recently been playing netball for a local team.

The arresting officer decides that Esther's offending does not require charges to be laid at this stage and releases her into her mother's care. Esther's file is referred to Youth Aid, and an officer visits Esther and her mother at their home. The officer is told Esther has returned to school and is continuing with her netball. She is sorry for losing her temper and recognises that what she did was wrong. The officer explains that the public interest means she will be referring the matter to CYF for a family group conference due to the seriousness of the violence and the injuries caused.

Where will the Youth Crime Action Plan make a difference?

- The ability of frontline Police to issue warnings and decide to press charges will be limited so that almost all decisions will be made by Police Youth Aid.
- A shortened version of the youth offending risk-screening tool, based on a small number of questions, will be used to obtain a more accurate picture of the child or young person's risk of re-offending, to inform the decision on how to resolve the apprehension.
- Police Youth Aid will actively consult Child, Youth and Family about everyone referred to them to improve the quality of Youth Aid decision-making.

How will we know if it is making a difference?

- Decision-making will be better informed and more systematically take into account the young person's risk of further offending, rather than history determining their future.
- The consistency and quality of decision-making will increase.
- Fewer offenders will be escalated to family group conferences or the Youth Court.

Assessing the underlying causes of offending

Quality assessments help identify the underlying causes of offending so that children, young people and their families can receive the most appropriate services at the earliest opportunity. They support a holistic response to make sure the system is heading in the right direction to enable the best outcomes for young offenders (refer to Effective Interventions to Reduce Re-Offending on page 18).

It is critical that assessments are timely, and that practitioners use the information available to make good decisions at family group conferences, create effective plans, and track the progress of those plans. It is recognised that to get the best results, these young people and their families must be engaged in the assessment process and be referred to the most appropriate services after consideration of the available options.

What does this mean in practice?

- Whānau, families and agencies identify each offender's needs, risks, and strengths – in particular, those factors that are driving their offending behaviour – and create plans that respond to them.
- Assessments of young offenders are comprehensive and include information about them, their family and the context in which they live.
- Assessments highlight other important issues such as care and protection needs.
- The family and young person understand all the issues that need to be addressed.
- The family group conference is fully informed and enabled to make good decisions.
- Progress against the plan is continually reviewed so they can be modified to ensure the plan achieves the desired outcomes.

Current best-practice scenario

Jack gets into a serious fight with a classmate and the Police are called. They decide to refer him for a family group conference (FGC). They also complete a youth offending risk assessment, which identifies his history of fighting and that he has been missing school regularly. The youth justice coordinator notes these concerns and, after discussion with a supervisor, refers Jack for a youth justice health and education assessment. These assessments identify that he has problems with his vision and is struggling to keep up in school, which are contributing to him skipping school.

Before the FGC, Jack is helped to get glasses, and when the FGC considers schooling it finds this is no longer an issue. The FGC does, however, direct him to attend an anger management programme. The programme provider is at the FGC and they work out a programme time that suits Jack and his family. Jack apologises to his classmate and completes 30 hours of community work at his marae under the guidance of his koro (grandfather).

A year later, the youth justice coordinator receives a letter from Jack's mother thanking her for helping her son. Since getting glasses, Jack has been able to keep up with the other young people in his class, who are now supportive of him. He has not been in any further fights.

Where will the Youth Crime Action Plan make a difference?

- In all cases referred to Youth Aid, Police will consult with Child, Youth and Family to identify young offenders who are at risk of further offending and provide the appropriate intervention in a timely fashion.
- Assessments for children and young people in the youth justice system are prioritised so they can receive the necessary services early and exit the system as quickly as possible.
- Assessment results contribute to quality decision-making and family group conference plans which clearly address the issues identified.

How will we know if it is making a difference?

- All children and young people receive an assessment before a family group conference.
- There is an increased uptake of youth justice health assessments and education assessments.
- Lower-risk children and young people are receiving appropriate screening and assessments.

- Information from assessments can be clearly seen in family group conference plans, reports, and reviews.
- Participants at family group conferences, and in court, can see that the underlying causes of offending have been fully identified and addressed.

Helping those affected by youth crime

The victims of youth crime can expect the youth justice system to respond in a way that meets their needs and addresses the harm caused by offending. A fundamental role of government agencies and communities is to provide victims of youth crime, especially those at the highest risk of further victimisation, with information and high-quality services. By engaging appropriately with victims of youth crime and reducing the likelihood of repeat victimisation and re-traumatisation, we will get one step closer to creating communities where individuals are safe and feel safe.

What does this mean in practice?

Victims are:

- treated with respect, courtesy, and compassion at every point of engagement
- made to feel safe and supported throughout their experience with each organisation
- provided with a safe environment so they can share their views and express how the young offender can put things right
- fully informed about the youth justice process and of their rights and their role in that process, with a focus on the family group conference
- kept up to date on the case that relates to them
- helped to access information about support services and programmes that may help to address their needs. This includes medical help, legal services, financial support and other local support services (such as victimsinfo.govt.nz).

Agencies:

- are aware of victims' particular needs and vulnerabilities and respond appropriately
- work closely with appropriate community services and use them to strengthen responses to protect vulnerable people, particularly repeat victims
- share relevant information in a timely way so victims are not re-traumatised by having to re-tell their story to each agency or service provider they come into contact with.

Redressing the harm done to victims is considered part of every **Police Alternative Action Plan and family group conference.**

Current best-practice scenario

Rafe's house was burgled by Annie late on Sunday afternoon. She has broken a window to get in and has stolen a laptop, spilled alcohol on the carpet, and smashed ornaments. A neighbour hears the noise and rings 111.

Annie is spoken to by the Police at the scene. She is 14 years old and has had previous dealings with them. The laptop is recovered but the damage to the property amounts to \$575. After discussion between Child, Youth and Family (CYF) and Police, it is agreed that an intention to charge family group conference (FGC) will be convened. Police tell Rafe that given Annie's age, an FGC will be held and a youth justice coordinator from CYF will be in touch.

Rafe receives a letter from CYF that gives some introductory information about FGCs and the role of victims. The youth justice coordinator, Cathy, arranges to meet Rafe and explains the role of FGCs and how important his participation in the conference will be, that he will have the right to speak, and to agree or disagree with the outcome. He can take support people along. If he feels unable to take part, he can tell Cathy what he would like to say to Annie and she will pass it on at the conference, or he can have someone else attend in his place.

Cathy asks him where and when he would like the conference to be held, and says she will do her best to meet that request. Rafe decides to attend and will take his son as support. He says he prefers the conference to be after 4pm at the local CYF office because he feels it will be a safe place. Annie and her family agree to these requests.

Annie is also alleged to have committed two counts of wilful damage by tagging a dairy and a sports store. The owners do not want to be involved in the FGC, but give Cathy statements to be read at it.

At the FGC, Cathy encourages Rafe to say how the burglary has affected him. Annie, by seeing her victim in person and listening to his story, realises what she has done and she makes a personal apology to Rafe, supported by her family. Annie's parents agree to pay for the damage at \$40 a week and Cathy arranges for them to make payments in the Youth Justice Reparation Accord*. Rafe asks how Annie will repay her parents for this and the FGC agrees that she will help with household chores for her parents and grandparents.

The FGC also agrees that Annie will complete 60 hours of community work under the supervision of her grandfather, and that other supports will be put in place for her at school and for her parents to better manage her behaviour. The plan is completed successfully and Rafe receives a cheque from Victim Support when the reparation is paid in full. He is confident that Annie, having done as she agreed to do and with the support of her family, will not re-offend.

* Child, Youth and Family's Youth Justice Services has developed a reparation accord in partnership with the National Council of Victim Support Groups (Victim Support) to facilitate the collection of reparation from offenders, and reimbursement of victims for all family group conferences. Further information can be found at practicecentre.cyf.govt.nz

Where will the Youth Crime Action Plan make a difference?

There will be a greater level of information and support for victims during the earlier stages of the youth justice process.

How will we know if it is making a difference?

- There are fewer victims of youth crime.
- More victims attend family group conferences.
- Victims of youth crime know their rights and have a good understanding of the youth justice system.
- Victim surveys conducted by Child, Youth and Family reflect higher levels of satisfaction.

Police Alternative Action Plan

Police Alternative Action is an innovative and complex response by Police to youth offending. Alternative Action comes from the term 'alternative means', as specified in section 208(a) in the Children, Young Persons, and their Families Act 1989. It provides another option for diverting youth from the formal court system which, like family group conferences, is restorative in nature and allows for referral to rehabilitative services where needed but occurs earlier in the youth justice process.

The performance standards for an effective Police Alternative Action are:

- **Standard 1 – Evidence at a sufficient level**
Before Police undertake an Alternative Action there is enough substantive evidence required by law for the offence on the file (such as, for a burglary, unlawfully entering a property with intent to commit an offence). The file must be of such a standard that if it were to progress through to court there would be sufficient evidence to mount a successful prosecution.
- **Standard 2 – Information gathering and sharing**
Information is gathered from all relevant sources to provide a full picture of the circumstances of the young person, including their risk of re-offending. This allows an informed decision to be made.
- **Standard 3 – Engagement with victims, young people and their families**
Victims are consulted and their views identified in relation to the offending and its effect on them. Police engage with the young person and their family to ensure active participation, assess the level of commitment and determine the support needed for an effective Police Alternative Action Plan. Where needed, engagement with the young person and their family is supported by other government agencies, non-governmental organisations, iwi, community partners, and communities.

- **Standard 4 – Developing a Police Alternative Action Plan**
A Police Alternative Action Plan addresses the underlying causes of a young person's offending as well as ensuring they accept accountability for their actions. This may involve an apology letter to the victim. The nature, length and intensity of the Alternative Action Plan is agreed with the young person and their family, based on accurate information, the willingness of the community to take ownership, and the level of risk the young person poses to community safety.
- **Standard 5 – Accountability**
All aspects of an Alternative Action Plan are actively monitored and timely action is taken to address any deviations from it. The young person and their family are supported to achieve the plan, and consequences (positive and negative) are clear and timely. Victims are advised of progress throughout and at the completion of the plan.

Current best-practice scenario

Police are called to an address where a mobile phone, eftpos card, driver licence and a small sum of cash have been taken from a table near an open front door. Police search the immediate area and come across Rob, who is in possession of a mobile phone with no SIM card. He cannot account for how he came to have the phone, and then admits the offence. The file is passed to Youth Aid.

Police discuss an outcome with the victim, and check the Police National Intelligence Application. This check shows Rob was apprehended three months previously for shoplifting and was taken home for his care and protection after being found out drunk and alone. It is decided that the seriousness and frequency of the latest offending does not require an intention to charge family group conference, rather it is decided the matter can be dealt with by Youth Aid in conjunction with the local iwi.

The Youth Aid officer and a representative of the local iwi meet Rob and his parents at home. It is agreed Rob may benefit from alcohol and drug counselling and reconnection with his wider whānau and cultural background. As a result, Police refer him for this counselling through the primary health organisation and mental health service. The iwi agrees to deliver and monitor the aspects of the Alternative Action Plan relating to cultural reconnection and to arrange for Rob to apologise to the victim.

Two months later, Youth Aid receives a copy of the apology letter to the victim, and are informed by the iwi that Rob is engaged with the marae on a regular basis. The Alternative Action Plan is closed and the victim informed.

Where will the Youth Crime Action Plan make a difference?

- The risk of re-offending will be identified earlier through improved risk screening using a shortened version of the Youth Offending Risk Screening Tool (YORST).
- The majority of cases will be referred to Police Youth Aid following apprehension.
- In all cases referred to Youth Aid, Police will consult Child, Youth and Family to identify young offenders who are at risk of further offending and provide the appropriate intervention in a timely fashion.
- Local communities will be more involved in solving youth crime issues.
- Improved intelligence and planning will lead to better access to social sector services that address the underlying causes of offending.

How will we know if it is making a difference?

- Re-offending is reduced by addressing underlying causes.
- There is less regional variation in resolutions.

The family group conference in youth justice

Youth justice family group conferences are intended to deal with children and young people who offend. Young people, members of their immediate and extended family or whānau, the victim, the Police, and others as required (such as a social worker or youth advocate) are brought together to determine whether the child or young person admits the offence, then to produce a plan of action that is agreed to by all parties. A youth justice coordinator or a delegated social worker manages the convening of the conference.

Family group conferences aim to:

- support the young person in taking responsibility for their actions and changing their behaviour
- address the impact of the young person's actions on their victims
- strengthen the whānau or family of the young person and foster the young person's ability to develop their own means of dealing with the offending.

What does this mean in practice?

- There is consultation about the date, time, and place of the family group conference so it can be held without undue delay with the attendance of all those who wish to be involved.
- The youth justice coordinator prepares everyone attending so they can each fully participate in decision making.
- The families or whānau are able to fully participate in the family group conference, and the diverse health and cultural needs of whānau are considered and responded to.
- The victim or victims attend and are ready, willing and able to express their points of view.
- All relevant information is available, including health and education information and the identified factors that are driving the young person's offending, so the family group conference can make informed decisions and create an appropriate plan.
- Barriers to participation in family group conferences are identified, considered and responded to.
- The plan ensures that the young person is held accountable for his or her offending and is supported to undertake activities and participate with services so they do not offend again.
- Family group conference participants are able to agree that the plan is an appropriate response to the offending and is likely to be effective.
- In the case of a court-directed family group conference, any recommendations made to the Youth Court judge are clearly articulated.

Current best-practice scenario

Bill is alleged to have committed wilful damage and a number of burglaries. He is also found in possession of cannabis. Police refer him to CYF for a family group conference (FGC). The youth justice coordinator, Marti, arranges a pre-FGC case conference with the youth justice supervisor and practice leader. A social worker is appointed to work with Bill and his family to complete the relevant assessments. Marti and the social worker work together to gain buy-in from Bill and his family. Marti also collects information from Bill's school and makes contact with the victims of the offending. Because there are drug issues for Bill, the social worker engages a local counselling service for him who, with his and his family's consent, begins working with them immediately.

Marti meets all of the victims. None of them wish to attend the FGC, but five of them agree to provide submissions. Marti also meets with Bill's family members a number of times to explain the FGC process and the importance of family involvement.

The FGC is held with Bill, his mother, father and other family members attending. A representative from a local NGO also attends, along with the Police. The social worker gives the conference her findings in regard to Bill's circumstances. Marti facilitates the conference, which is held in a community hall near Bill's home. The family ask that the FGC open and close with a karakia, with Bill's grandfather welcoming the participants and reading the prayer.

Bill admits the offences and says he knew what he did was wrong. The FGC is provided with the victims' views. All the information is shared and discussed and after the family have taken the opportunity to discuss the matter in private, a comprehensive plan is developed.

Where will the Youth Crime Action Plan make a difference?

- New performance standards will be introduced for family group conferences to improve their consistency and quality. These standards will be monitored, reported on, and include feedback from participants.
- A new accreditation system will be introduced for family group conference coordinators.

- Interagency participation at family group conferences will be increased. Input from health and education, in particular, will lead to better informed family group conferences and more effective plans.
- Family group conferences co-led with iwi will be piloted as a way to better engage families, whānau, and communities.
- Links will be made to hapū, iwi, the Māori community, service providers and community-led initiatives to manage youth offending as appropriate. Local organisations and networks will provide support for children, young people and their whānau or families.
- The management of cases for children and young people who have both care and protection needs and youth justice risks will be improved.
- The voices of children and young people will be built into their family group conference plans and reviews.
- Family group conference plans will be clear and realistic, specify the support to be provided to address the offending, and link to other plans or goals set by the family or whānau.

How will we know if it is making a difference?

- Victim attendance at family group conferences increases to 30% by the end of 2014, and victim participation increases.
- Improved whānau, iwi and community engagement in, and support for, family group conferences.
- A reduction in children and young people having a repeated family group conference for new offending.
- Increased attendance and participation of key family members at family group conferences.
- Improved engagement of local iwi and NGO social services when working with children, young people and their families, with some family group conferences being co-facilitated with iwi or appropriate cultural groups.
- Appropriate assessments are completed before family group conferences are held.

Effective interventions to reduce re-offending

Offending starts in the communities that offenders come from and usually return to, so tackling offending needs to happen in that social context. Keeping a child or young person out of the youth justice system where possible is critical. This requires finding ways of keeping offenders in their community and promoting behavioural change in their home environments. Good interventions that reduce re-offending are based on key principles to ensure they are effective when implemented, and include key components to make them more effective.

To ensure interventions are effective they:

- start with a good assessment of a young person in the context of their friends, family, whānau, and community to identify needs and re-offending risks
- work with the young person holistically to provide timely and appropriate support by a suitably qualified professional
- involve the young person, their whānau, and community in identifying how their needs will be addressed
- focus on getting a young person back into education and training tailored to their abilities, interests and learning style
- focus on transition back into the community
- ensure that the first intervention for a young person in the justice system is the most appropriate intervention necessary to manage their future risk of re-offending.

Effective interventions address dynamic risk factors, such as antisocial attitudes and association with criminal peers. They help young people develop skills for school or work, and they take into account environmental issues such as family problems.

What does this mean in practice?

- Interventions:
 - respond to a young person's needs
 - enhance their motivation to change
 - include a therapeutic component, such as cognitive behavioural therapy
 - use positive reinforcement
 - engage the community to provide ongoing support
 - focus on the transition back into the community.
 - are delivered earlier and at an appropriate level of intensity to the severity of the need, offence(s), and assessed risk of future offending.
- Interventions and programmes are guided by evidence that they are delivering reductions in re-offending.

Current best-practice scenario

A local youth justice programme provider identifies that one of their clients may have unmet mental health needs influencing their behaviour. The provider contacts the local district health board (DHB) to discuss the issue. They discover that the DHB operates a mobile intensive clinical support service using the multi-systemic therapy⁵ model for young people with mental health and behavioural needs. The programme provider advises the CYF social worker who speaks to the family and school of the young person about using this service. Together they create a plan that allows the young person to access the mental health service and remain in school. Now getting the right service, the young person stays out of trouble.

Where will the Youth Crime Action Plan make a difference?

- Methods will be developed to evaluate community programmes and initiatives.
- An online practice tool will be developed for youth justice practitioners and community groups to encourage use of an evidence-based approach to practice.

⁵ Multi-systemic therapy is an intensive family and community-based treatment that addresses the multiple causes of serious anti-social behaviour in young offenders.

- Workforce awareness of, and skills in, cultural competency will be increased through a collaborative training programme.

How will we know if it is making a difference?

There will be a reduction in:

- truancy rates
- exclusion rates due to behavioural difficulties and alcohol and drug use
- the proportion of young people entering the youth justice system with a previous care and protection intervention
- the youth crime rate and the number of young people reaching the Youth Court
- the number of young Māori entering and returning to the youth justice system.

Youth Courts

The Youth Court is a division of the district court and is governed by distinct principles set out in the Children, Young Persons, and their Families Act 1989. While the Youth Court preserves the dignity and authority of other district courts, it functions in a qualitatively different way. It is more participatory and inclusive. It works hard to ensure that its processes are understood and respected by young people and their families.

The Youth Court seeks to make sure the voices of children and young people are heard. It also has a greater level of flexibility, so that in some cases a child or young person may have their family group conference (FGC) plan monitored in a specialist court such as Ngā Kōti Rangatahi, Pasifika Court, Auckland Intensive Monitoring Group Court or the Christchurch Youth Drug Court.

The Youth Court deals with 14 to 16 year olds and some 12 and 13 year olds who have been charged with serious offences. Children and young people appearing in the court may have previously been dealt with by Police Youth Aid, given warnings, or been involved in an intention to charge FGC.

If charges are laid in court and not denied, then the court must direct that a FGC be held. When a FGC formulates a plan to address the causes and consequences of the offending, this is presented to the court for approval.

If the plan is approved, the case is adjourned for the young person to undertake the actions in the plan. If they are completed, the court will often discharge the young person under section 282 of the Act, which is as if the charges were never laid.

The court also needs to ensure that decisions made in FGCs are fair and proportionate to the offending. Where no agreement is possible or when the FGC accepts the offending was so serious that formal court orders need to be made, the Youth Court will make appropriate judicial decisions. These can include reparation, supervision, community work, drug and alcohol rehabilitation, parenting education, supervision with activity, or supervision with residence. In the most serious cases, the Youth Court can convict a young person and transfer them to the district court for sentencing.

The court may order psychological, social work, and education reports to help the FGC's deliberation.

An effective Youth Court has the following key features.

- Children, young people and their families are kept informed of decisions that affect them.
- Children, young people and their families have court processes and possible outcomes explained to them in a manner and language they understand.
- Decisions made in court:
 - strengthen the family to develop their own means of dealing with offending
 - keep the young person in the community as far as practicable, while also ensuring public safety
 - promote the development of the child or young person
 - are made without unnecessary delay
 - give proper consideration to the victims' interests and concerns
 - are made after full consideration of the recommendations of the FGC
 - should take into account the young person's age and particular vulnerability.

- Measures ordered by the court:
 - hold the young person accountable and encourage them to accept responsibility
 - address the underlying causes of the young person's offending
 - impose the least restrictive outcome adequate in the circumstances of the case.
- FGC plans are supervised and monitored to ensure they are conducted in accordance with the Children, Young Persons, and their Families Act 1989, and that decisions, recommendations, and plans are fair and proportionate.
- Youth Court judges who are specialists chosen because of their training, experience, personality and understanding of different cultural perspectives and values.
- Youth advocates who are specialist youth lawyers chosen because of their personality, cultural background, training and experience.
- Lay advocates who have sufficient standing in the relevant culture by reason of their personality, cultural background, knowledge and experience.

Youth Court participants

Participant	Roles
Youth Court judges	Ensure that the relevant principles of the Act are being upheld and that participants in the court process behave with integrity and respect
Children, young people and their families	Attend court and engage as much as possible with court processes and other court participants
Police Youth Aid	Provide prosecution services in court
Ministry of Justice court staff	Provide court administration and support for the judiciary
Coordinators of FGCs	Coordinatate FGCs
Child, Youth and Family social workers	Provide youth justice social work reports
Professional staff	Provide appropriate information necessary and may attend court hearings. For example, education officers attend seven Youth Courts, while education reports are provided to a further seven. A number of Youth Courts also have forensic health nurses and access to forensic clinicians. This would also include youth and community workers from relevant non-governmental organisations

Participant	Roles
Youth advocates	Provide advice and representation for the young person in court
Lay advocates	Support the young person in court, ensure the court is aware of all cultural matters relevant to the proceedings, and represent the interests of the young person's family or whānau

What does this mean in practice?

- Youth Court sittings are well organised, delays are minimised, and they are tailored to respond to the developmental differences that children and young people exhibit.
- Children, young people and families know what to expect and who has what role in the Youth Court, and are encouraged and supported to speak in court.
- Medical, psychiatric or psychological reports about children and young people are available to be ordered by the court.
- Education, health, cultural, social work and lay advocate reports are available to the court.
- The court can access information about a child or young person's care and protection history from their Family Court file, if a Family Court judge approves this.
- A variety of support people, such as specialist teachers, community representatives, kaumātua, kuia, and Pasifika elders can attend and participate in the court.
- Cultural differences are addressed and responded to, in particular with respect to Māori children and young people.
- Good decisions are made that both hold children and young people accountable and address their needs and underlying causes of their offending, so they can become responsible, contributing members of our community.

Current best-practice scenario

Tahu is arrested for burglary after he and two friends stole computer gear from a house. It is the second time he has been arrested for burglary in the past year. He appears in the

Youth Court and a family court conference (FGC) is directed. The judge wants to ensure that the FGC has all the information it needs to come up with the right plan for Tahu, so she orders a psychological report and uses the information sharing protocol between the Youth Court and the Family Court to get information about his care and protection history.

This information reveals issues with Tahu's family and living arrangements, so the judge directs the FGC to consider care and protection as well as youth justice measures in the plan. When the plan comes back to court for approval, the judge coordinates the Youth Court and Family Court orders. This means Tahu's offending is dealt with quickly and takes into account his longer-term care and protection needs.

Because his offending is persistent, the FGC recommends a plan with an emphasis on counselling, life skills, mentoring, tikanga and job training, which the judge agrees with. She notes that Tahu's lay advocate participated in the FGC and supported the FGC recommendation for Tahu to attend a special tikanga programme. At Tahu's final appearance, after completing his plan, the judge comments that Tahu seems to have made some real changes in his life and says she hopes to not see him back in court.

Where will the Youth Crime Action Plan make a difference?

- Courts will implement improvements to communications with children, young people and their support persons in the Youth Court.
- Courts will ensure the timeliness of Youth Court scheduling.

How will we know if it is making a difference?

- Children, young people and whānau will have access to information on the processes in court that they can easily understand.
- Waiting times at court will be reduced.
- Decisions and resolutions of the Youth Court are appropriate for the specific offences and the young person and are directed towards prevention of further offending.

Bail and custody

Under the Children, Young Persons, and their Families Act 1989, there is flexibility around where a child or young person can be held pending a court hearing. The child or young person can be:

- released
- released on bail (which could include supported bail or electronic monitoring)
- placed with parents or guardians or someone approved by a social worker
- detained in the custody of the chief executive (on remand), an iwi social service or cultural social service
- detained in Police custody (on remand).

Bail

Bail is to be considered when a case cannot be decided in Youth Court at the first appearance and the court releases them with bail conditions. In determining bail, the court aims to balance the person's rights with the interests of any victims, the effective administration of the youth justice system and the concerns and safety of the wider community.

Remand

Remand in custody is to be used only when the child or young person is likely to abscond or commit further offences. It is also used to prevent the loss or destruction of evidence or to prevent interference with witnesses.

What does this mean in practice?

- Risk factors of re-offending are assessed quickly.
- Consultation between Police, CYF and the youth advocate occurs before the Youth Court hearing.
- Alternatives to custody are carefully discussed, including options such as supported bail and electronic bail.
- The remand period is as short as possible.
- Bail conditions are realistic, well explained, achievable and regularly reviewed to assess ongoing appropriateness.
- Custody family group conferences are convened and held at the earliest possible time.

Current best-practice scenario

Jacob, 15, is arrested for burglary while on bail for earlier offending. As part of the new alleged offending, he has breached his non-association and curfew bail conditions. The judge remands him in custody due to a risk of re-offending. Planning begins for a family group conference (FGC) to review his need for ongoing remand in custody. The custody FGC must take place within 14 days.

The social worker leading this process talks to family, Police and the youth advocate. The social worker identifies placing Jacob with an uncle in another town away from his co-offenders as an option. Jacob gets on well with his uncle who is considered a positive role model. The social worker, the Police and the youth advocate agree to place Jacob on a supported bail programme to help him and his uncle.

An application to the supported bail provider is made and accepted. Within a week, submissions are made to the Youth Court on the bail proposal and approval is given. Due to this work happening quickly, the custody FGC is no longer required and planning is under way for the FGC to address the burglary charge.

Where will the Youth Crime Action Plan make a difference?

- Police will charge young offenders only when custody or bail with conditions is required.
- Alternatives to remand in residential facilities will be increased, such as supported bail and electronic bail.
- In all cases referred to Police Youth Aid, Police will consult Child, Youth and Family to identify young offenders who are at risk of further offending and provide the appropriate intervention in a timely fashion.
- A new assessment centre approach for young people on remand in custody will be trialled in Auckland.

How will we know if it is making a difference?

- Fewer young people are remanded in custody, and the length of time on remand is reduced.
- More young people are safely placed on bail conditions in the community.

Getting young people back into the community successfully

It is essential that young people are returned to their community successfully and as soon as possible from an out-of-home placement. These can include remand in custody and live-in programmes such as supervision with activity and supervision with residence orders.

Young people returning from live-in programmes, such as supervision with activity and supervision with residence orders, have their transitions managed either by the programme provider or by a social worker. Good planning can minimise the disruption and harm that can occur during these transitions.

What does this mean in practice?

- Planning involves the social worker, the young person and key family members.
- The family is supported to manage their own affairs as the young person returns to their home and community.
- The young person's cultural background and identity, and that of their family, are considered and their whānau and iwi are consulted.
- Iwi and other community social services and networks are engaged in the process.
- Social workers work closely with other professionals who have been supporting the young person, if they have been in an out-of-home placement.

Current best-practice scenario

Hone, 16, is a recidivist offender. He has been involved with the Police and CYF since he was arrested at age 14 for stealing cars. His offending has continued to escalate despite the best efforts of agencies supporting him. He has recently been involved in several burglaries and an aggravated assault. He is sentenced in the Youth Court to supervision with residence for six months,

to be followed by an eight-month supervision order. His social worker, Tommy, writes both reports and plans after talking to Hone's mother, the youth justice coordinator and the Police.

When Hone is nearly two-thirds of the way through his sentence the residential case leader, Jane, begins to prepare the pre-release report for the court. If Hone has behaved satisfactorily he will be released after four months into his supervision order. Jane knows the supervision order has already been made by the court, that Tommy has been in contact twice since Hone was admitted and that Tommy has visited Hone's parents to make sure they are ready for him to come home sooner than expected.

Hone is granted early release by the court and returns home. Tommy calls in a week later to go over the supervision plan with him. Hone manages to complete his supervision order, but requires considerable support from his social worker who has maintained Hone's focus on completing the requirements of his plan.

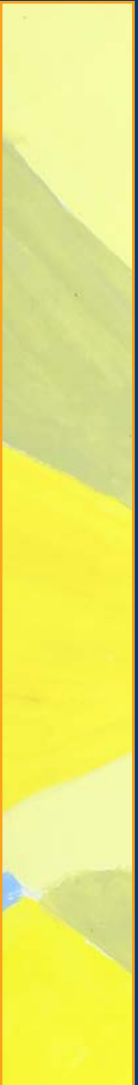
Where will the Youth Crime Action Plan make a difference?

- The transition model used for young people in residences will be expanded to all out-of-home placements.
- The expected standards will be identified and applied consistently with partner agencies.
- Social workers will be more active in transitions, motivating and supporting young people and their families, as well as marshalling resources.

How will we know if it is making a difference?

- Young people transitioning from out-of-home placements back to the community will have a comprehensive plan.
- Young people will be in suitable placements and gainfully occupied at the end of their youth justice intervention, including those transitioning to independence.
- The frequency and severity of re-offending following transitions is reduced.







For more
information, go to the
Ministry of Justice
website

justice.govt.nz/policy/crime-prevention/youth-justice

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