



MINISTRY OF
SOCIAL DEVELOPMENT
Te Manatū Whakahiato Ora

report

The Fresh Start Reforms in Operation to 31 October 2012

Purpose of the report

- 1 This report summarises the key programmes, orders and initiatives introduced under the Fresh Start for Young Offender reforms, their objectives, and the results achieved since Fresh Start's inception.

Executive summary

- 2 Over the past few years we have seen a significant decrease in youth crime, as indicated by reductions in a number of key indicators including apprehensions of young people by the Police, youth justice family group conferences, and formal orders imposed by the Youth Court. Contributing to this decline in youth crime are the reductions in the frequency and severity of offending following the delivery of youth justice interventions by Child, Youth and Family, as part of the Fresh Start reforms.
- 3 The report details the results to date broken down by the different types of programme, formal Youth Court order, and intervention.

Introduction

- 4 Over the past few years we have seen a significant decrease in youth crime, as indicated by reductions in a number of key indicators including apprehensions of young people by the Police, youth justice family group conferences, and formal orders imposed by the Youth Court. Contributing to this decline in youth crime are the reductions in the frequency and severity of offending following the delivery of youth justice interventions by Child, Youth and Family, as part of the Fresh Start reforms.
- 5 Almost 10 per cent of New Zealanders (approximately 420,000) are children or young people aged between 10 and 16 years old. Most children and young people do not offend.
- 6 Those who do offend usually do so for a short period of time or commit only a few offences and then they stop. Diversion from formal youth justice processes has been proven to be more effective in cutting short this offending path.
- 7 The New Zealand Police deal with most of these young offenders through warnings and cautions or alternative action. Where this approach fails to stop the offending, Police can either prosecute the young person or refer to Child, Youth and Family for the offending to be resolved through a family group conference. Victims are entitled to attend the family group conference, and any plan to resolve the offending must be agreed by all attendees, including Police and victims as well as the young person and their family. Where agreement is not possible, the young person can be referred to the Youth Court.
- 8 A small group of serious and persistent child and youth offenders are responsible for nearly half the crime committed by young people, and often go on to continue to offend into adulthood. They cause significant harm to themselves, others, their communities, and are more likely to end up in prison. This group's behaviour is difficult to change. The Fresh Start for Young Offenders Reforms introduced in October 2010 were introduced to respond more effectively to this group.
- 9 Fresh Start aims to improve community safety and help address the underlying causes of offending by children and young people. The design and implementation of Fresh Start was undertaken with full reference to the evidence-base around what works to stop offending and reoffending by our most at-risk children and young people. Fresh Start represents the most major change to youth justice legislation and practice since the introduction of the Children, Young Persons, and Their Families Act in 1989 and provides the Youth Court with additional powers, including new and extended formal Youth Court orders, and made new programmes available to Child, Youth and Family. Additionally, Fresh Start provides more programmes and interventions in support of family group conference plans. These changes aim to address the underlying causes of the offending and hold the young person to account.
- 10 Implementation of significant changes in youth justice practice, bringing in different formal Youth Court orders, and developing and contracting new programmes and services has brought with it substantial challenges. It is too early to provide complete and comprehensive data or to make judgements on the long-term effectiveness of the reforms. Information gathered to date shows promise, with some good progress on rolling out programmes and adapting to the new processes and procedures.

Youth Justice at a glance

Youth Justice family group conference referrals

- 11 In 2009/2010 there were 8,650 youth justice family group conference referrals made to Child, Youth and Family. This number reduced in 2010/2011 by 6 per cent to 8,089 referrals made and then by another 6 per cent in 2011/2012 to 7,575 referrals made.
- 12 During this time Intention to Charge family group conference referrals reduced from 3,940 in 2009/2010, to 3,628 in 2010/2011, and finally to 3,286 in 2011/2012.
- 13 Court Directed family group conference referrals also reduced from 4,346 in 2009/2010, to 4,111 in 2010/2011, and finally to 3,947 in 2011/2012.

Youth Justice family group conference's held

- 14 In 2009/2010 there were 8,289 youth justice family group conferences held. This number reduced in 2010/2011 by 10 per cent to 7,423 family group conferences held and then by another 5 per cent in 2011/2012 to 7,069 family group conferences held.

High-end tariff Youth Court orders

- 15 In 2009/2010 a total of 659 high-end tariff Youth Court orders were made, these included Supervision with Residence, Supervision with Activity, and Supervision. This number increased in 2010/2011 by 12 per cent to 739, before reducing in 2011/2012 by 11 per cent to 655.

Transfers to the District Court

- 16 In 2009/2010 a total of 61 transfers were made from the Youth Court to the District Court. This number decreased in 2010/2011 by 54 per cent to 28 transfers, before reducing again in 2011/2012 by 18 per cent to 23.

Youth Court Jurisdiction

Description

- 17 Fresh Start included an amendment to the Children, Young Persons and Their Families Act 1989 to extend the jurisdiction of the Youth Court to include 12 and 13 year olds accused of very serious offences. Previously these children would have been dealt with by the Family Court.

Purpose

- 18 A small minority of child offenders aged 12 and 13 years old are offending at a level too serious for the Family Court. The Youth Court has a wider range of interventions available to it to respond to serious offending. This change allows these children to be dealt with in a more appropriate manner, regardless of their age. When a 12 or 13 year old appears in the Youth Court they are subject to the same protections and options available to all young people subject to that jurisdiction.

Result

19 As at 31 October 2012, 31 child offenders aged 12 or 13 year old have been referred to the Youth Court, for offences such as aggravated robbery, burglary, sexual violation, and arson.

20 We can say the following about these child offenders:

- 16 still have their matters before the Youth Court, of which three have received a formal Youth Court order.
- 15 have had their matters discharged from the Youth Court, including three being transferred to the Family Court for Care and Protection matters and one case that was transferred to the District Court due to the severity of the offending; in this case the charge was one of murder.
- Over time, as these children reach their teens and we have greater volumes, we will be better placed to see what the impact of their referral to the Youth Court has been on their reoffending rates.

Extended Youth Court orders

Description

21 Prior to Fresh Start, Supervision with Residence¹ and Supervision with Activity² orders – the highest level of orders available to the Youth Court – could last a maximum of three months. A mandatory period of up to six months supervision followed all Supervision with Residence orders. The legislation was amended as part of Fresh Start to increase the maximum length of these orders to up to six months, and allow for a mandatory follow-on supervision period of no less than six months and no more than 12 months for Supervision with Residence orders.

Purpose

22 The three month maximum set an arbitrary limit without regard to the rehabilitative needs of the young person. This often meant that they were unable to complete rehabilitative programmes, such as alcohol and other drug (AOD) treatment, as their order ended before the programme was completed. Evidence from research shows that when offending is this entrenched, most programmes need longer to have an impact.

23 Longer orders allow the Youth Court much greater flexibility to tailor a programme which meets the needs of each individual young person who offends.

¹ The Supervision with Residence programme provides a residential option for the most serious offenders aged 12 to 17 years old and is the only custodial sentence available in the Youth Court. Orders made for this programme vary in duration from three to six months long.

² The Supervision with Activity programme offers a wide range of options for those aged 12 to 17 years old, who have committed serious offences. This programme is an alternative to custody and is the highest non-custodial sentence available to the Youth Court. Orders made for this programme vary in duration up to a maximum of six months.

24 Longer orders also provided an option for some young people who may have been transferred to the District Court because of their offending, to be retained within the Youth Court.

Result

25 As at 31 October 2012, 386 young people have received a Supervision with Residence order from the Youth Court. Of which, 59 per cent (227) of these were extended orders.

26 Also as at 31 October 2012, 339 young people have received a Supervision with Activity order from the Youth Court. Of which, 70 per cent (237) of these were extended orders.

27 The earliest point, at which we can meaningfully measure reoffending after a programme has been completed, is where a young person has had a minimum of six months out in the community following the completion of that programme. While it is still too early to meaningfully report on the impact of extended Supervision with Residence orders, we will have this information available in 2013.

28 In the meantime we can say the following about the 237 young people who have received an extended Supervision with Activity order:

- 124 have completed their extended orders and have had a minimum of six months' time elapsed since completion. This allows us to compare their offending behaviour in the six months before they received their extended Supervision with Activity order with the six months following completion of that order.
- In the first six months following the completion of those orders, 35 per cent (44 young people) did not reoffend.
- Of the 80 young people who did reoffend, 54 per cent (43) did so at a lower frequency than in the six months prior, and 68 per cent (54) committed offences of a less serious nature than previously.
- Overall, there was a 38 per cent drop in violent offending by the 124 young people.
- The total number of crimes committed reduced by 45 per cent from 718 offences to 395 (a reduction of 323) after the extended Supervision with Activity orders were completed. Of these 395 offences, 60 per cent (238) were committed by 20 of the 80 young people who had reoffended.

Prior to Fresh Start

29 Before the introduction of the Fresh Start reforms, shorter maximum orders meant that some young people were not able to be engaged in effective rehabilitation for the length of time needed to make a real difference.

30 Of 222 young people who received Supervision with Activity orders in 2008 and 2009, 33 per cent (73 young people) did not reoffend in the first six months after the completion of their order.

31 Of the 149 young people who did reoffend, 64 per cent (95) did so at a lower frequency than in the six months prior, and 73 per cent (109) committed offences of a less serious nature than previously.

32 Of the 316 young people who received Supervision with Residence orders in 2008 and 2009, 26 per cent (82 young people) did not reoffend in the first six months after the completion of their order.

- 33 Of the 234 young people who did reoffend, 67 per cent (156) did so at a lower frequency than in the six months prior to completing the order, and 70 per cent (164) committed offences of a less serious nature than previously.

Military-style Activity Camps (MACs)

Description

- 34 Military-style Activity Camps (MACs) are currently accessed through a Youth Court Supervision with Residence order. MACs take up to 40 of the most serious youth offenders each year (out of approximately 7,500 youth justice referrals to Child, Youth and Family in 2011/2012), and operate from Te Puna Wai o Tuhinapo Youth Justice Residence near Christchurch. They combine rehabilitative and educational programmes with a military/wilderness component, designed to help the young person develop discipline, confidence, and team-work skills. This is run in partnership with the New Zealand Defence Force.

Purpose

- 35 Prior to Fresh Start, the youth justice sector lacked a tool of last resort to deal with serious youth offenders for whom Supervision with Residence was not enough. MACs provided the Youth Court with one final opportunity to deal with the most serious young offenders, who would otherwise be sent on to the adult justice system.
- 36 In the year prior to Fresh Start (2009/2010), 61 young offenders were transferred to the Adult Jurisdiction for sentence, whereas in the following two years this dropped to 28 in 2010/2011 and to 23 in 2011/2012.

Result

- 37 To make accurate judgements about the long-term impact of MAC, we need a large enough group of young people, who have been out of MAC for a minimum of six months before we can monitor how their behaviour has changed over time. Because MAC only takes up to 40 young people per year, we do not yet have enough data to make a statistically robust evaluation of MAC Camps.
- 38 With that caveat, we can report that:
- During the period 1 October 2010 to 31 October 2012, 57 young people attended a MAC, with 49 completing the course, while eight young people did not.³
 - Of these 49 young people, 31 completed the MAC and left the residence no later than April 2012⁴. This allows us to compare their offending behaviour in the six months before they attended the MAC, with the six months following completion of the MAC.
 - There was a 52 per cent drop in violent offending by the 31 MAC participants (from 25 to 12 offences) after MAC as compared to offending prior to MAC.

³ Figures given exclude the two MAC concept-tests run in September 2009 and April 2010 as these pre-dated legislative changes to enable MAC Camps, and so are not appropriately comparable to proper MAC Camps. Also excluded is MAC Two which commenced in January 2011, but it was not completed due to the February 2011 earthquake in Christchurch.

⁴ Some young people stayed in residence for up to two months after completing the MAC, hence have not been in the community for the required minimum six months necessary to report effectiveness.

- In the first six months following the completion of their MAC, 39 per cent (12 young people) did not reoffend.
- Of the 19 young people who did reoffend, 63 per cent (12) did so at a lower frequency than in the six months prior, and 63 per cent (12) committed offences of a less serious nature than previously.
- The total number of crimes committed by the 31 MAC participants reduced by 50 per cent from 284 offences to 143 offences (a reduction of 141) after the MAC. Of these 143 offences, 88 per cent (126) were committed by 10 of the 19 MAC graduates who had reoffended. This means that the other nine MAC graduates who reoffended committed only 17 offences between them.

Prior to Fresh Start

39 Because the intention of MAC Camps is to take the 40 most serious young offenders each year, it is difficult to find a direct comparison group (although a robust methodology for doing this is currently being developed by the Ministry of Social Development). The closest comparisons we currently have are for young people who received a Supervision with Residence order prior to Fresh Start (results for this cohort are shown at paragraphs 32 to 33 above).

Supported Bail

Description

40 Under Fresh Start, the Supported Bail programme has been increased by an additional 25 places from the previously Child, Youth and Family funded 150 places, which gives us a total of 175 places per fiscal year. Child, Youth and Family have taken the opportunity to expand national coverage by providing programmes to an additional eight locations.

Purpose

41 Supported Bail is a six week programme that assists children and young people to comply with their bail conditions. This intervention enables children and young people to remain in the community while awaiting a Youth Court ordered family group conference outcome. It is a community-based alternative for those who could otherwise be detained on remand in a Child, Youth and Family youth justice residence. Supported Bail is for children and young people aged between 12 and 17 years old who are serious and persistent offenders.

Result

42 As at 31 October 2012, 393 young people spent a period of time remanded on Supported Bail by the Youth Court.

43 Information was available on the start and end dates of periods of supported bail for 187 of these young people offered the programme in the first year under Fresh Start. This allowed us to examine the rate of offending for this cohort while subject to Supported Bail.

- 68 per cent (128) of the young people did not reoffend while on Supported Bail.
- 32 per cent (59) of the young people offended while on Supported Bail.

- For three-quarters of these 59 young people, the most serious offence committed was property-related including: burglary (17), theft (10), wilful damage (seven) or car conversion (six). For nine young people, the most serious offence involved violence.

Prior to Fresh Start

- 44 While Supported Bail was available to young people prior to October 2010, Fresh Start provided an increase of 25 placements (from 150 to 175) from 2010/2011 that has allowed Child, Youth and Family to be more flexible in how we manage residential remand placements. As a result young people who would have normally been placed in a residential facility are now more likely to be supported and placed in their local community completing their family group conference plans and formal Youth Court orders.

Parenting Education programmes

Description

- 45 Fresh Start included an amendment to the Children, Young Persons and Their Families Act 1989 that requires all family group conferences to consider whether a young person or the parents or guardians of children or young people, require Parenting Education.
- 46 Attendance at a Parenting Education programme may be agreed to at the family group conference or ordered by the Youth Court under section 283(ja) of the Children, Young Persons and Their Families Act.

Purpose

- 47 Parenting Education programmes support parents or guardians of young offenders, or young offenders who are parents (or who are soon to be parents) to develop appropriate parenting skills. They focus on building effective parenting knowledge and skills, improving communication, behaviour management, and resolving conflict.

Result

- 48 As at 31 October 2012, 977 young people who are, or are soon to become parents, or those who are parents or guardians of young offenders, have received a Parenting Education programme as part of their family group conference plan, while a further 38 were subject to formal Youth Court orders.
- 49 As these programmes are provided as one part of a larger family group conference plan, and are just one component of a range of interventions, it is difficult to separately evaluate their effectiveness at this stage. However, future work will include evaluating these programmes when they are made as a formal Youth Court order, once we have sufficient volumes completing these orders.

Prior to Fresh Start

- 50 While there were components of Parenting Education available to young people prior to October 2010, Fresh Start provided a further \$490,000 to Child, Youth and Family to ensure that a comprehensive Parenting Education programme was contracted for 700 placements each year, from 2010/2011.

Mentoring programmes

Description

51 Fresh Start included an amendment to the Children, Young Persons and Their Families Act 1989 that requires all family group conferences to consider whether the child or young person requires mentoring. The objectives are to improve community safety and assist in addressing the underlying causes of offending by children and young people. Attendance at a Mentoring programme may be agreed to at the family group conference or ordered by the Youth Court under section 283(jb) of the Children, Young Persons and Their Families Act 1989.

Purpose

52 Mentoring programmes seek to deliver an individualised and intensive service to motivate, support, and guide young offenders toward achieving identified goals in their lives. This service is targeted at serious and persistent child and young offenders.

Result

53 As at 31 October 2012, 1,251 young people received a mentoring programme as part of their family group conference plan, while a further 122 were made subject to formal Youth Court orders.

54 As these programmes are provided as one part of a larger family group conference plan, it is difficult to separately evaluate their effectiveness at this stage. However, future work will include monitoring the impact of these programmes on reoffending when they are made as a formal Youth Court order, once we have sufficient volumes.

Prior to Fresh Start

55 While there were components of Mentoring available to young people prior to October 2010, Fresh Start provided a further \$1,125,000 to Child, Youth and Family to ensure that a comprehensive Mentoring programme was contracted for 300 placements each year, from 2010/2011.

Alcohol and Other Drug (AOD) rehabilitation programmes

Description

56 Fresh Start included an amendment to the Children, Young Persons and Their Families Act 1989 that requires all family group conferences to consider whether the child or young person requires treatment for AOD. The objectives are to improve community safety and assist in addressing the underlying causes of offending by children and young people. Attendance at a AOD rehabilitation programme may be agreed to at the family group conference or ordered by the Youth Court under section 283(jc) of the Children, Young Persons and Their Families Act 1989.

Purpose

57 The AOD rehabilitation programmes are available to young people aged 10 to 17 years old who have been assessed as requiring treatment for specific AOD needs, and are referred to Child, Youth and Family under section 247 of the Child, Young Persons and their Families Act, for a family group conference.

58 There are two forms of AOD rehabilitation programmes:

- community based programmes for young people who are assessed as having hazardous and/or harmful AOD use
- residential based programmes for young people who are assessed as being AOD addicted or dependent.

Result

59 In the period since the introduction of the amendments to the Children, Young Persons and Their Families Act 1989 in 2010, up to 31 October 2012, 1,876 young people have had their alcohol and drug issues addressed in community placements. An additional 177 young people with significant problems were treated in AOD residential programmes. The majority agreed to treatment as part of their family group conference plan and only a small number required a formal Youth Court order, 18 of the community based programmes and 14 of the residential programmes.

60 The impact of AOD community programmes is difficult to demonstrate as this option often forms only one component of an intervention plan and may also only be related in part to the offending. Options will be explored in 2013 as to how reoffending can be meaningfully measured for this group.

61 Of the 177 young people who received an AOD residential treatment programme:

- 47 have completed the programme no later than April 2012 thus giving a minimum follow up period of six months back in the community after the intervention. This allows us to compare their offending behaviour in the six months before they attended the AOD residential rehabilitation programme, with the six months after exiting the programme.
- For this group of 47 there was a 100 per cent drop in drug-specific offences.
- 13 young people (28 per cent) did not reoffend at all.
- Of the 34 young people who reoffended, 23 (68 per cent) did so at a lower frequency than in the six months prior to going into treatment, 21 (62 per cent) committed offences which were of a less serious nature than previously.
- In the reoffending by the 47 young people after attending the programme, there was a 46 per cent drop in violent offending.
- In the six months prior to going into treatment this group of 47 young people were responsible for 261 recorded offences of all types. This reduced to 162 offences (a reduction of 99 (38 per cent) in the six months after the AOD residential rehabilitation programmes. 125 (77 per cent) of these offences were committed by 14 of the 34 young people who had reoffended, in other words less than half the young people who reoffended were responsible for the majority of the reoffending.

Prior to Fresh Start

62 While there were components of AOD community and residential rehabilitation available to young people prior to October 2010, Fresh Start provided Child, Youth and Family with a further:

- \$400,000 to ensure that a comprehensive AOD community programme was contracted for 200 placements each year, from 2010/2011.

- \$675,000 to ensure that a comprehensive AOD residential programme was contracted for 32 placements each year, from 2010/2011.