



YOUTH JUSTICE POLICY ANNOUNCEMENT
NEW ZEALAND NATIONAL PARTY

LYNFIELD PARK, AUCKLAND, 11AM

13 AUGUST 2017

POLICY SUMMARY

The National-led Government has made great strides in reducing youth crime, which is down 31% since June 2011. There remains, though, a small group of around 150 young people who commit large numbers of very serious offences. It is clear more needs to be done to deal with this small, hardened group.

If re-elected National will:

- Create a new category of young offenders – Young Serious Offenders (YSOs);
- Better hold negligent parents to account; and
- Incentivise local communities to reduce reoffending.

Young Serious Offenders classification:

- MVCOT, the Police and Judges will have new powers to detain young serious offenders
- Tougher penalties on young offenders who abscond from custody
- Provide for Monitored Release for YSOs where they are normally on bail. We will also remove the three warnings for breach of bail conditions before arrest and/or returning the offender to Court.
- Create Training and Development orders to be served at a defence-led Junior Training Academy, based at Waioru.
- Guardians of serious young offenders for Monitored Release will be required to be conviction free for 10 years, and mandate a single accountable guardian to be responsible for them.
- Increase the Youth Court jurisdiction for YSOs to serve up to 12 months in Youth Justice Facilities, as well as undertake up to eighteen months supervision in the community.
- Remove the eligibility for YSOs to be referred to a Family Group Conference.
- Remove the ability for YSOs to qualify for early release from youth justice facilities.
- YSOs of 14 or older who commit subsequent serious offences will be subject to automatic transfer to the adult court system in the same way as 17 year old offenders are.

Better holding negligent parents to account:

- Fixing a loophole to ensure that breaches of orders relating to parents are recorded on the parent's record
- Allow the Youth Court to impose parenting education programmes/other parental order even if they discharge the charge against a young person.
- Make the decision as to whether to impose parenting orders no longer subject to the requirement that the Youth Court should impose the least restrictive intervention against the young person.

We are also announcing a \$30m contestable fund for local communities to bid for to fund local programmes to reduce young offending.

YOUNG SERIOUS OFFENDERS

The National-led Government has made great strides in reducing crime. Since 2011, we have reduced total crime by 13 per cent, the number of reoffenders is down 27 per cent and youth crime has reduced by 31 per cent.

There remains, though, a small group of around 150 young people who commit large numbers of very serious offences.

To be deemed a Young Serious Offender, a young offender – either male or female - needs to be under 18 years old and have:

- Committed an offence which carries a maximum sentence of fourteen years in jail or more; and
- Score 70 points or more on the Police Youth Offending Risk Screening Tool; and
- Seriously offended subsequent to spending time in a Youth Justice or Adult Custodial Facility.

To be classified as a young serious offender, once Police are aware they meet the criteria, the Police Commissioner can deem a young offender to be a YSO. Judges will have the discretion to consider others outside of the above criteria who may pose a significant risk and therefore should be dealt with better through this system.

If a young offender thinks they have been unfairly classified, they can make an urgent application to the District Court. The grounds of appeal will be limited to (a) wrongfully classified and (b) unfairly classified. A judge of the District Court will make a determination within 48 hours of the application being lodged.

YSO classifications will last for two years, if there is no further offending during that two year period the classification is removed. If there is further offending while being classified as a YSO, the classification remains and will become part of their adult criminal record.

All offenders under the age of 14 and those over 14 who commit less serious offences will stay in Youth Court and be subject to the new rules outlined on the next page, while offenders over the age of 14 who commit subsequent serious offences will go to adult court under their usual processes, and may have TDOs imposed.

NEW POWERS FOR AGENCIES TO DEAL WITH YSOs

Current Law	National will...
Currently there are no strong powers for the Police or MVCOT to detain young offenders, burden falls on police to catch them if they escape. Especially when MVCOT transfers youth offenders from Police stations to secure facilities	Give MVCOT and the Police the power to detain young serious offenders, including when transporting them, and place tougher penalties on young offenders who abscond from custody.
Currently bail is available – and used for – the vast majority of cases, meaning young offenders are out in the community with few conditions placed on them.	Replace bail as we know it for YSOs (with limited exceptional circumstances) and introduce Monitored Release for YSOs where they are released on electronic monitoring with specific conditions.
Under Section 214(A) of the CYFS Act, Police have to give three warnings for breach of bail conditions before arrest and/or returning the offender to Court	Support zero tolerance and remove the requirement to give warnings for YSOs before arrest and/or returning the offender to Court.
There are few qualifiers around who young people can be bailed to as guardians	Ensure guardians who have serious young offenders on Monitored Release are conviction free for 10 years, and mandate a single accountable guardian to be responsible for them.
Young offenders can spend up to six months in a Youth Justice Facility.	Increase the youth court jurisdiction for YSOs to serve up to 12 months in Youth Justice Facilities, as well as undertake up to eighteen months supervision in the community.
Currently young offenders are eligible to attend a pre-hearing Family Group Conference, which may mean they avoid court altogether.	Remove the eligibility for YSOs to be referred to a pre-trial Family Group Conference.
<p>Young people subject to a supervision with residence order are entitled to an early release after two-thirds of the order if the Youth Court is satisfied that:</p> <ul style="list-style-type: none"> • the young person has not absconded or committed any further offences; and • their behaviour and compliance have been satisfactory (or any misbehaviour or non-compliance has been minor); and • they have complied satisfactorily with specified programmes/activities. 	No early release for YSOs in Youth Justice facilities.
There is currently the ability for all 17 year olds, and some 14-16 year olds, to be directed up to the District Court for serious and recidivist offences.	We will amend the rules for direct referral to the adult court include YSOs of 14 years and older. That means if you are a YSO and you commit a subsequent serious offence you are automatically transferred to the adult courts.

TRAINING AND DEVELOPMENT ORDERS

For YSOs 14 and over who commit further serious offences their cases will be automatically transferred to the adult courts where Judges will be able to suspend a full adult court sentence subject to the YSO completing one year at a defence-lead Junior Training Academy, based at Waioru.

TDOs will....	Why...
Last for one year	One year is considered the right period of time to break the cycle of offending and the behaviours that led to that offending and to provide offenders with the skills they need to transition back to society successfully.
Be a joint venture between Defence, MSD, Justice, and Education.	It is a multi-disciplinary issue involving multiple different agencies.
be served at a Junior Training Academy, based at Waioru, and staff will be from military background	Onsite at an army base pushes the structure and self-discipline factor, gives a range of options and resources to staff not available at other sites.
It will involve literacy, numeracy, and regular curriculum achievement	It's important for these serious young offenders – who generally have other poor life skills – to be given other opportunities to reduce their chances of reoffending.
If needed, TDOs can include specialist Alcohol and Drug treatment sessions to treat addiction	Allowing access to AOD treatments will help to further reduce reoffending and future cost to the government.
If young offenders abscond on a TDO they serve the full adult sentence	TDOs are not a soft option. They should not be treated as a holiday away from home. They're there to reduce offending and enforce discipline and good role models on serious young offenders.
At the same time as YSOs are completing a TDO, Whānau Ora navigators will help parents and guardians with reintegrating YSOs back into the community safely.	We need to ensure the families are getting the help they need to manage their young people, and deal with issues such as family violence, drug and alcohol dependency.

We will also investigate the workability of a success entitlement available to those YSOs who do not reoffend in the two year period, stay in education/work/trades training with the view to seeing improved achievement by the end of the 24 month period, and avoid contact with police for minor misdemeanours. The entitlement will be available to repay living and/or training costs incurred.

KEEPING IRRESPONSIBLE PARENTS ACCOUNTABLE

We will expand parental orders to allow courts to order that parents attend training and included additional requirements as part of such orders (i.e. that they ensure a youth offenders attendance at school and that one of them (in a relationship) or another responsible adult be home at night to supervise him.)

We will also give Police the ability to issue instant infringement notices (instant fines) to parents for children under the age of 14 who are out walking the streets or without adult supervision between the hours of 12 and 5am.

We will also:

Current Law	National Will...
Currently breaches of orders directed at a young person's parent are recorded on the young person's record rather than the parents.	Fix this loophole by having the breach recorded against the parent and any breaches included on their records.
The Youth Court cannot impose parenting education programmes/other parental order if they discharge the charge against a young person.	<ul style="list-style-type: none">• Fix this loophole by allowing the Youth Court to impose both at the same time.• Unlink the requirement that parenting education orders must be considered against the principle requiring the Court to impose the least restrictive intervention against the young person.

At the same time as this, we recognise there are many good parents who are doing their very best but – for whatever reason – cannot support or control these young offenders.

Police will have the discretion to either proceed with any of the aforementioned measures, or instead refer parents/guardians to support groups/community organisations/other agencies who can help provide support for the family.

INCENTIVISING LOCAL COMMUNITITES TO REDUCE REOFFENDING

Groups like the Billy Graham Naenae Youth Charitable Trust do excellent work in keep young vulnerable kids off the streets and engaged in positive reinforcement. They help reduce offending in our communities and give better opportunities for young people to realise their potential.

However, we know that it's hard for rural communities and smaller communities especially to find groups who will work with young offenders/young people at risk to avoid a life of crime.

We also know that local communities know their people better and are generally better suited to offering local solutions. We will offer a contestable \$30m fund for local community groups with programmes that seek to reduce offending, reoffending (or both) for young people over a twelve/twenty four month period.

These groups could be of any type, such as local scouts, cubs, youth groups, church or sport groups, or local NGOs.