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# **ARE WE FAILING THEM?**

## **An Analysis of the New Zealand Criminal Youth Justice System: How Can We Further Prevent Youth Offending and Youth Recidivism?**

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# Abstract

Youth crime is a prominent social issue in New Zealand that causes emotional and physical harm and loss to the numerous victims. This research provides an analysis of the current youth criminal justice system in New Zealand, beginning with a timeline of the history and evolution of the youth justice system to illustrate how New Zealand has arrived at the present system. The drivers of youth crime and youth involvement in criminal offending were found to be initially born from a lack of engagement with education; neurological disorders; learning difficulties and mental illness; as well as the impact of young people's childhood, which can include exposure to family violence; drug and alcohol abuse.

Comparative policy evaluation was applied with comparative methodology and comparative cross national research to undertake an analysis of the youth justice system in New Zealand. International comparisons were used to discover plausible and practical improvements to the current youth justice system in New Zealand. The OECD countries used in the comparative analysis included Canada, Scotland, England & Wales, United States and Austria, who between them have significantly diverse and contrasting youth justice models ranging from welfare, care and protection centred models, to community-based rehabilitation models; preventative education and support to punitive models in their response to youth crime.

It was found that several aspects of New Zealand's current youth justice system function well when compared internationally. However, the comparative analysis also highlighted that New Zealand's youth justice system presents a problematic gap in both the sheer lack of preventative methods in response to youth offending as well as community support during the rehabilitation stage.

A number of policy recommendations are included within this report in response to the present shortcomings of the existing youth justice system in New Zealand. These policy recommendations provide practical solutions; adopting a preventative policy focus with plausible improvement suggestions to the existing youth justice system. The objectives are to ameliorate the youth justice system to better support youth offending and youth recidivism.

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# Dedication

*For my father, Peter,  
For filling me with self-belief.*

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# Preface

The story of Aiden.

Aiden was 16 years He was intelligent. He displayed understanding and a good comprehension between the differences of right and wrong. Aiden arrived at the Youth Court door facing 17 burglary and dishonesty charges. Most of these burglary crimes were committed for small technology devices such as cell phones, iPad and laptops so that he could conceal them in his backpack and walk away. Others were for a credit card he has stolen and used on the internet for a number of financially insignificant purchases, putting credit on both his, and his friends mobile phones and ‘Trademe’ accounts in which he was now facing criminal prosecution for.

Aiden appeared before the Youth Court. He was defiant. He displayed a poor attitude toward the charges he faced and the victims of his crimes. His aunty sat in the back of the Court in tears. She addressed the Judge in Court saying “Please help him, I don’t know what to do, and he doesn’t listen to a thing I say.”

Because of his defiant attitude and offending history he was placed in Korowai Manaaki youth justice residence while the matter progressed through the Youth Court as there was a significant risk to him reoffending if

was granted bail and his aunty had advised the Court that she did not feel that she could control him at all any longer.

Aiden had only minor contact with his mother who herself struggled with a severe alcohol addiction for years, he had little contact with his father during childhood but had not seen his father for a number of years. Aiden despised both his mother and his father.

Aiden was offered a life-changing opportunity, which was to attend an outdoor adventure educational camp alongside other youths not too dissimilar to him. Initially, he rejected the offer, however, he reluctantly accepted once given a choice between the camp and further remand at Korowai Manaaki.

As part of the camp, Aiden was challenged physically, mentally, emotionally and spiritually. The change in his overall attitude and consequential behaviour was amazing. The camp empowered Aiden, giving him a positive focus and outlet for his previously negative energy. Upon the conclusion of the camp Aiden worked with his aunty, who had also been given a toolbox of practical skills to support Aiden, enabling him to maintain his positive behaviour; he managed to return to school, subsequently passing NCEA Level 2 before obtaining an apprenticeship. This was an achievement that would have been most unlikely without the positive intervention occurring.

The story of Aiden, although entirely fictional, is reflective of the typical problems the youth justice system faces. The story illustrates the substantial positive effects of a preventative and rehabilitative strengths-based approach; an approach that is born from basic support mechanisms in a youth's personal community setting. These community based rehabilitative programmes are few and far between. These programmes are often used as a reactive last resort measure, once a youth has entered the youth justice system. There is a significant lack of both prevention social policy and community based support to assist with the issue of youth crime in New Zealand.