



NEW ZEALAND COUNCIL OF CHRISTIAN SOCIAL SERVICES

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SUBMISSION TO THE LAW AND ORDER SELECT COMMITTEE ON THE YOUNG OFFENDERS (SERIOUS CRIMES) BILL

Introduction

1. The New Zealand Council of Christian Social Services (NZCCSS) represents six denominations: the Anglican, Baptist, Catholic, and Presbyterian social services agencies, as well as the Methodist and the Salvation Army churches.

NZCCSS works for a just and compassionate society in Aotearoa New Zealand. We see this as a continuation of the mission of Jesus Christ. In seeking to fulfil this mission, we are committed to giving priority to poor and vulnerable members of our society and Te Tiriti O Waitangi.

2. Collectively, our six members are responsible for over 500 social service delivery sites in their networks throughout New Zealand.

Our members deliver a wide range of services that cover such areas as child and family services, services for older people, foodbank and emergency services, housing, budgeting, disability, addictions, community development and employment services.

Further details on NZCCSS are at Appendix I.

3. NZCCSS would welcome the opportunity to speak to this submission, and would be represented by Major Campbell Roberts of the Salvation Army, David Hanna of Wellington's Wesley Community Action, and Jeremy Irvine, Executive Officer, all of whom can be contacted through the NZCCSS Secretariat on 04 473 2627 or via admin@nzccss.org.nz.

4. NZCCSS' submission focuses on the overall impact of the Bill, rather than specific clauses of the proposed legislation.

NZCCSS is opposed to this Bill.

A just and compassionate society

5. NZCCSS urges that the Bill not proceed beyond Select Committee. We believe the Bill undermines the principles of a civil and robust society and that New Zealand should invest further in supportive and preventative services for children and families. The proposed legislation would have negative impacts on young people flowing to increased negative outcomes for families and communities; it fails to recognise that youth crime is currently relatively stable; and, and is counter to our core Christian beliefs.
6. The paper 'Towards a Robust Society: A Statement from the Church Leaders, May 2005' presented to the Prime Minister and senior Government ministers highlighted the principle of a robust society in describing the type of society we would like to see in New Zealand.¹ It noted that to be robust "our society must offer to everyone support and opportunity, shelter and freedom, resources and vision."
7. NZCCSS believes that the mark of a mature society is the extent to which it cares for, and upholds the dignity and worth of its most vulnerable members and refrains from indulging in politics of exclusion, which most often takes the form of scapegoating certain groups for society's ills.
8. We are deeply concerned that this Bill focuses blame on children who offend and treats them as adults at a time in their life when they are not expected to act, think or even just 'be' adult. This does not mean we should ignore young people who offend, holding them to account is vital, but this needs to happen within a caring, progressive society which has at its core the principles of compassion, justice and fairness.

¹ Towards a Robust Society: A Statement from the Church Leaders, May 2005, p.1.
<http://www.nzccss.org.nz/uploads/publications/Civil%20Society%20Church%20Leaders%20Paper%20May%202005.pdf>. Accessed June 27, 2006.

It is also important to recognise victims of crime and their pain. Their needs and the support we as a society provide to the victims of crime must be at the forefront of our thinking and our concerns.

We argue that this Bill will not help nor will it lessen systemically the amount of overall pain suffered, and indeed our fear is that this Bill will increase it.

9. We believe that as a mature, responsible society, New Zealand should look at itself and the ways we, as members of our society, respond to extremely difficult issues and societal problems. If we are determined as a society to allow young offenders to be dealt with as the legislation proposes, then we must be prepared to accept the consequences of these decisions and the impacts it will have on these people's lives.
10. Nelson Mandela once said "There can be no keener revelation of a society's soul than the way in which it treats its children."

This proposed Bill says much about us as a society. It says much about us as people and the way we treat each other. It says that punishing our children in the manner suggested is just, fair and compassionate. It says to look not at the causes of the problems this country faces, but at the effect. It says we can not strive to do better. It is regressive in its vision and visionless at its core.

11. NZCCSS poses this question in response to the Bill: Can we not do better as a society than passing legislation that potentially could see children as young as ten imprisoned?²

Underlying causes

12. The legislation ignores the underlying causes of offending and as such it looks at these issues from a 'bottom of the cliff' approach, which infers that there are not other ways to address the challenges young people face. At the same time as this legislation is being proposed, many community-based family support agencies are

² Executive summary of opinion by PD Green on the Young Offenders (Serious Crimes Bill) 2006, 2006 p. 10.

struggling due to lack of funding³. The focus of the Ministry of Social Development is on preventive intervention with families and young people; the merger of Child, Youth and Family and the Ministry of Social Development draws attention to the desire to allocate more resources to these preventive, early intervention and effective remedial services. The Bill is entirely counter to that philosophy.

NZCCSS believes the political will from all parties is vital to address these issues around crime and offending. Research provides some clear and consistent pointers in how we can build on our sound foundations. We need agreement on long-term strategies that reduce intergenerational poverty, for example. Workforce development, increased cooperation between government agencies, along with greater focus on restorative justice and better resourcing for the youth justice system.

13. The Salvation Army's report 'Beyond the Holding Tank – Pathways to Rehabilitative and Restorative Prison Policy' notes that "the majority of offenders who are in our prisons suffer or have suffered from a mental illness, personality disorder, or drug or alcohol addiction. The majority have low educational qualifications, a poor work record and few social and life skills."⁴
14. Kaye McLaren's view underlines the Salvation Army's point. She notes that the "worst cases need the most attention"⁵ and that the main characteristic of persistent young offenders is that they come from families overloaded with problems and also under equipped with coping skills. Issues including poverty, unemployment, violence and substance abuse are identified as problems these young people face. A 2004 report by the Ministry of Social Development also provides further evidence and details the myriad of difficult issues young offenders had when they attended Family Group Conferences.⁶

³ NZCCSS media release 'Budget 2006 – We're Not There Yet', 2006.

<http://www.nzccss.org.nz/uploads/resources/NZCCSS%20media%20release%20re%20Budget.pdf>. Accessed June 27, 2006.

⁴ Beyond the Holding Tank – Pathways to Rehabilitative and Restorative Prison Policy, Salvation Army Social Policy and Parliamentary Unit, 2006, p. 47

⁵ Tough is not Enough – Getting Smart about Youth Crime, Ministry of Youth Affairs, 2000, p. 9.

⁶ Achieving Effective Outcomes in Social Justice, Ministry of Social Development, 2004. <http://www.msdc.govt.nz/documents/publications/csre/achieving-effective-outcomes-youth-justice-full-report.pdf>. Accessed June 28, 2006.

15. NZCCSS believes that tackling one of these problems in isolation (and countless others which our members work with people every day throughout New Zealand) will not work. Instead of dealing with the 'bottom of the cliff' scenarios, all involved with families and services to them should be focused on stopping families from getting to the edge of the 'cliff' in the first instance.

NZCCSS' 2006 report investigating six member agencies⁷ and how they undertook effective practice noted that the key components of effective best practice within these agencies included working in ways that empowered families (allowing families to identify issues and address them at their own pace); and having the opportunity to work in flexible and responsive ways to meet a wide range of needs for families.

As McLaren observed "one thing that almost all studies agree on is that the most effective way of changing...risk factors for the better is to target one or more of them, and use a variety of techniques to change them."⁸

Impacts of putting young people in prison

16. The Salvation Army report notes that prisons "may also exacerbate the causes of crime" and states that unless the causes of the offending are not been addressed "it is highly likely that [offenders] will re-offend."⁹

17. Research further shows that people released from prison and re-entering society were "worse off along almost every single variable that is comparable to the normal population."¹⁰ Furthermore, prisoners can find a 'society' within prison and identify with it, as the Salvation Army report notes. NZCCSS strongly concurs with the report's contention that even if the offender wants to get back into mainstream society, prejudice and discrimination against people who have been in prison makes

⁷ Effective Practice in Preventative Services: Six NZCCSS Member Case Studies, NZCCSS, 2006.

⁸ Tough is not Enough – Getting Smart about Youth Crime, Ministry of Youth Affairs, 2000, p. 10.

⁹ Beyond the Holding Tank – Pathways to Rehabilitative and Restorative Prison Policy, Salvation Army Social Policy and Parliamentary Unit, 2006, p. 47

¹⁰ Skardhamar, 1993, p.52

it difficult, and further argues that for young people with relatively little life experience, these experiences would be all the more harder.

18. NZCCSS believes that given the definition of the serious crime in the proposed legislation that increased numbers of young people will end up in the adult justice system. Statistically, young people who end up in adult prisons are eight times more likely to commit suicide and are more likely to offend more frequently, more quickly and with more serious offences than those that are dealt with through the youth justice system.¹¹

19. Incarcerating young people won't reduce young offending. Ministry of Justice figures note that nearly three quarters of all released inmates in New Zealand were reconvicted within two years of their release, with eighty-six percent reconvicted within five years.¹²

Youth crime is stable

20. Statistics indicate that youth offending is stable¹³ or has actually decreased¹⁴. Judge Andrew Beecroft observed in 2003 that “what is clear is that over the last 10 years the proportion of young offenders ... under 17 has remained approximately the same.” Judge Beecroft also stated the “percentage of apprehended offenders in each age group who are violent has remained very stable over the last 8 years.”¹⁵

Building a system that works even better

¹¹ Less Hype, More Help: Reducing Juvenile Crime, What Works—and What Doesn't www.aypf.org/publications/mendel/index.html. Accessed June 27, 2006.

¹² Spier, P., (2002) Reconviction and reimprisonment rates for released prisoners (Research and Evaluation Unit, Ministry of Justice). Wellington, New Zealand: Ministry of Justice

¹³ Youth Offending: Putting the headlines in context. Principal Youth Court Judge Andrew Beecroft <http://www.justice.govt.nz/youth/media/rates1204.html>. Access June 27, 2006.

¹⁴ Executive summary of opinion by PD Green on the Young Offenders (Serious Crimes Bill) 2006, 2006 p. 12.

¹⁵ Youth Offending: Putting the headlines in context. Principal Youth Court Judge Andrew Beecroft <http://www.justice.govt.nz/youth/media/rates1204.html>. Accessed June 28, 2006.

21. NZCCSS believes that the intended review of the Children, Young Persons and their Families Act 1989 provides an opportunity to build positively on the youth justice framework New Zealand has.

22. In terms of Family Group Conferences (FGCs), a matter raised in the proposing of the legislation, a report by the Ministry of Social Development found that, “it is not true that the family group conference is a soft response to offending.”¹⁶ The report noted that young offenders did not find FGCs to be easy. “At the conference, they were required to face their victims and their family and they were expected to apologise and to repair the harm that they had done. Going to court and receiving an order, according to some young people, was much simpler and easier.”¹⁷

23. It is recognised that “New Zealand’s youth justice system is generally working well.”¹⁸ NZCCSS concurs with the comments from our colleagues in the Salvation Army in their submission on this Bill that the investment into the Act should continue and supports any action to address the challenges highlighted in the Ministry of Social Development report in 2004 noted above. NZCCSS also notes the comments from the Ministerial Taskforce on Youth Offending which stated that “the Children, Young Persons, and Their Families Act 1989 is recognised internationally as an effective and progressive way of dealing with youth offending.”¹⁹

NZCCSS believes a reasoned, sensible approach to the issues that the legislation attempts to address is to increase resources to family support services to avoid, as much as possible, children and young people offending, and to maximise the investment in the Children, Young Persons, and Their Families Act 1989.

¹⁶ Achieving Effective Outcomes in Social Justice, Ministry of Social Development, 2004, p.18.
<http://www.msd.govt.nz/documents/publications/csre/achieving-effective-outcomes-youth-justice-full-report.pdf>. Accessed June 28, 2006.

¹⁷ Achieving Effective Outcomes in Social Justice, Ministry of Social Development, 2004, p.18.
<http://www.msd.govt.nz/documents/publications/csre/achieving-effective-outcomes-youth-justice-full-report.pdf>. Accessed June 28, 2006.

¹⁸ Report on the Ministerial Taskforce on Youth Offending, 2002, p.5.
<http://www.cyf.govt.nz/documents/MinisterialTaskforceReport.pdf>. Accessed June 28, 2006.

¹⁹ Report on the Ministerial Taskforce on Youth Offending, 2002, p.5.

24. NZCCSS draws the Select Committee's attention to the Ministry of Justice's innovative work in establishing a pilot project in the Waikato, based on best international practice, called Te Hurihanga (the turning point). It focuses on intense preventative work with young men aged 14 to 17 and their families, who are on the 'fast track' to adult prison. According to the Ministry, "the programme will be tailored to the specific needs of each young person, delivered by trained and highly skilled staff, and provide for a graduated, intensively supervised, reintegration to the young person's home and community."²⁰

NZCCSS supports this programme, which will target those young people with the greatest likelihood of re-offending who require the most intensive level of intervention. We commend the Ministry of Justice for this initiative and support the restorative kaupapa which underpins it.

Conclusion / recommendation

25. NZCCSS recommends that the Bill not proceed. We believe it undermines the principles of a civil and robust society. We believe there are other, better ways to work with young offenders than responding in the manner outlined in the Bill. We urge the Committee to consider the strengths New Zealand already has through the Children, Young Persons, and Their Families Act 1989 and build further on these, as well as investing more in preventative services which assist children, young people and their families.

²⁰ Report into the Recommendation to Locate the Te Hurihanga Residence at Te Ara Hou Village, Ministry of Justice, 2006, <http://www.justice.govt.nz/pubs/reports/2006/te-hurihanga/appendix-7.html>. Accessed July 11, 2006.

Appendix I – Overview of NZCCSS

The New Zealand Council of Christian Social Services (NZCCSS) represents six denominations: the Anglican, Baptist, Catholic, and Presbyterian social services agencies, as well as the Methodist and the Salvation Army churches.

Collectively, these six members are responsible for over 500 social service delivery sites in their networks throughout New Zealand.

Our members deliver a wide range of services that cover such areas as child and family services, services for older people, foodbank and emergency services, housing, budgeting, disability, addictions, community development and employment services.

This size and diversity in services are amongst the many reasons for NZCCSS to celebrate its membership and the work that they do to meet people's needs throughout New Zealand.

NZCCSS Mission and Role

NZCCSS works for a just and compassionate society in Aotearoa New Zealand. We see this as a continuation of the mission of Jesus Christ. In seeking to fulfil this mission, we are committed to:

- giving priority to poor and vulnerable members of our society
- Te Tiriti O Waitangi

The key roles of NZCCSS are to represent the common interests and vision of our members at the national level; to supply information and networking opportunities to support members provide quality services; and to develop, critique and advocate for policies that will assist poor, vulnerable and disadvantaged members of society.

A national Council, made up of two representatives from each denomination, governs NZCCSS.

A small Secretariat team carries out the day-to-day work of the Council. This includes gathering and distributing information, research on social policy issues, and building relationships with government officials and others working in the community sector.

A Policy Group oversees the policy and research work that NZCCSS does in three key areas: child and family, housing and poverty and services for older people. Each Policy Group is made up of at least two council representatives plus social services managers, academics or others with particular expertise in that area. This means that the work that NZCCSS does is well informed by what is happening in our members' communities.

www.nzccss.org.nz