

DEVELOPMENT OF A NEW ZEALAND NATIONAL SECURE PROGRAM FOR SENTENCED OFFENDERS AGED BETWEEN 14 AND 17 YEARS

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THIS PAPER DESCRIBES HOW THE NEW ZEALAND CHILDREN & Young Persons Service is responding to the need to provide secure custody for sentenced offenders aged between 14 and 17 years of age.

It outlines the situation in New Zealand in the 1980s prior to the Children Young Persons and their Families Act becoming law in November 1989 and the recent developments in the management of young offenders since its enactment.

The reasons for the establishment of a national secure program will be highlighted and the goals and objectives that have been established for the program will be outlined.

Incidents Which Led to the Development of a National Secure Program

In 1991 there were three murders committed by children or young persons in New Zealand that shocked the nation. The fact that the three murders occurred within a few months of each other, and that two were committed by 15-year-old youths and another by a 14-year-old, created an enormous amount of media attention.

The murder of a 12-year-old boy in the South Island provincial city of Timaru (population 35 000 approximately) by a 15-year-old youth created the most media attention and public outcry. The reasons for this were twofold:

- The incident had no apparent motive as the boy was unknown to his assailant.

- The offender, who was a short time later arrested and charged with the murder, was on home leave from Kingslea, a Social Welfare youth justice residence located in Christchurch.

The Children, Young Persons and their Families Act became law in New Zealand on 1 November 1989. For the Department of Social Welfare, the government department with the responsibility for administering the Act, it brought very significant changes. The Act was seen as a reinvestment in the power of families and is the first comprehensive attempt by a New Zealand government to take account of the cultural values and perspectives of Maori & Pacific Island peoples in dealing with issues of care and protection or offending.

Social Welfare Residences in the 1980s and 1990s

In the mid-1980s the Department had faced a considerable amount of criticism for the way it operated its residential programs. Much of this criticism came from Maori groups who were concerned about the very high proportion of young Maori, particularly in the North Island, who in some youth residences comprised 80 to 90 per cent of the residences' clientele. The young people who were in long-term training were often detained hundreds of miles from their homes and were placed in what was to them, a very "foreign" environment where they could remain for one year or longer.

To the Maori people, the way the Department dealt with their young people was distasteful and disempowering and they sought the right to develop programs to care for their own young people.

The Human Rights Commission was also critical of the Department in a report presented in 1982.

The Department of Social Welfare acknowledged that the concerns raised by the Maori Groups and the Human Rights Commission were real and that the residential programs needed to change. The Department of Social Welfare responded to the concerns in two ways:

- By sponsoring the development of *Matua Whangai* programs. Essentially, these are fostering programs run by Maori for Maori with the aim of keeping young Maori out of institutions and within the extended family structure.
- By developing community based alternatives using funds freed up by a massive reduction in the number of residences and residential beds provided.

The process of restructuring residential services began in 1986. Services were reduced gradually from 23 institutions nationally, with an open bed capacity of 721 and a secure bed capacity of 161. There was a final restructuring in May 1990. At this point the Department felt it had sufficient capacity and geographic spread in its residential facilities to meet the demands created by the new Act.

The shape of Department of Social Welfare residences following the 1990 restructure was:

- Youth justice facilities
 - 20 beds at Weymouth - Auckland
 - 20 beds at Epuni - Wellington
 - 20 beds at Kingslea - Christchurch
- Care and protection facilities
 - 8 beds at Weymouth - Auckland
 - 6 beds at Kingslea - Christchurch
 - 8 beds at Elliot Street - Dunedin

All these residences are mixed gender facilities and all have secure units. The details of the secure facilities are:

Weymouth

A 13-bed, 1970s purpose built facility designed for adolescent girls. Nine beds are for youth justice use and four are for care and protection purposes.

Epuni

A six-bed facility of outmoded design suitable only for short-term care, due to cramped living space. There are plans to build a new secure unit within the next two years. The proposed unit will have fourteen beds in total.

Kingslea

A 15-bed modern unit opened in 1989 comprising three high containment rooms; eight medium containment rooms; and four low containment rooms as well as one time out room. Eleven of the rooms have been used for youth justice purposes and four for care and protection clients. Since 1 July, the resource has effectively been collapsed into a single purpose youth justice unit. This was possible due to low care and protection use, averaging one resident at any given time. Care and protection clients now receive one to one staffing and are separated from the youth justice residents for some activities.

Dunedin

A three-bed modern purpose built facility introduced in 1990. It was designed to meet care and protection needs but some short-term youth justice remand clients have been held there.

In 1992 the bed capacity at the Weymouth Youth Justice Centre was increased to 25 beds and Kingslea's youth justice capacity to 24 beds, including those designated for the National Secure Program. Also a five-bed

secure unit at Hamilton has been opened to handle short-term secure remands for the Central North Island area.

Thus, in 1991, when faced with the prospect of having to provide secure facilities for serious offenders, such as the three youths convicted of murder, the Department had no designated facility providing a secure program for sentenced youth offenders. In New Zealand, young people under 17 years, who are sentenced to terms of imprisonment can, by agreement between the Secretary of Justice and the Director-General of Social Welfare, spend, by way of formal transfer, the period up to their seventeenth birthday in a Social Welfare residence.

Mason Report

Two separate occurrences ultimately led to the Department deciding to set up a National Secure Program. The first arose from the public outcry relating to the abovementioned murders committed by young people but, more importantly, mounting pressure from the police to have the new Children, Young Persons and their Families Act tightened up. This led to the Minister of Social Welfare commissioning a review of the Act. The police had not been happy with aspects of the Act since its inception and had been particularly embarrassed in a rather well publicised murder case. In 1991 they charged a young person, aged 15 years, with the murder of a farmer in a rural area of New Zealand but due to the police not correctly following procedures laid down in the law, the case was dismissed. The police officer interviewing the young person had failed to warn the young person in terms of Section 215 of the Children, Young Persons and their Families Act. This section requires that before questioning any child or young person in relation to an offence allegedly committed by that child or young person, an enforcement officer must give the child or young person specific information about his or her rights.

A retired Judge, Ken Mason, was appointed to chair the review. In carrying out the review, the Mason team not only looked at the new Act from the viewpoint of possible changes to the legislation, but also looked at the processes and mechanisms the Department had in place to resource the Act. A number of recommendations made related to the Department's residential resources.

The Mason review team reported to Government that it was greatly supportive of the work being done in the residences but considered that the Department did not have sufficient residential resources to meet the demands of the Act. The team was especially concerned about young serious offenders. They recommended the Department develop a "stand alone" unit with therapeutic programs for such young people.

In its funding for the Department of Social Welfare in 1992-93, the Government provided funding to develop such programs.

Weymouth Situation

A second and totally unrelated situation was developing at Weymouth in Auckland where the local community had become increasingly vocal about

the type of clients the Department was housing in their community. A number of abscondings where houses were broken into and cars stolen had been the catalyst for community unrest. The community challenged the Department's right to use the facility for potentially dangerous young offenders and were able to force the issue through town planning procedures. The result was an out of court agreement that the Department would not keep young people at Weymouth who had been charged with violent offences. Effectively, this means Weymouth is unable to provide programs for young persons on remand or sentenced for offences such as murder, rape, violent assaults and serious aggravated robberies.

The Weymouth situation meant Kingslea was the only suitable residence the Department of Social Welfare was operating that could run the National Secure Program.

Youth Justice Residences 1990-93

In April 1992 the Department of Social Welfare was divided into five business units. The social work division became known as the New Zealand Children & Young Persons Service and it was shortly after the formation of this service that the decision was made to develop a National Secure Program at Kingslea.

Planning for this unit started in September 1992 and Liz Nielsen was appointed in October 1992 to lead and manage the development.

In essence, what Ms Nielsen found on taking over this role was a youth justice residential program at Kingslea which, although doing some very good work, did not have a clear youth justice focus. The program was "youth justice" in principle but "welfare" in practice. In 1989 when the new Act came into force the residential programs in New Zealand did not change in practice overnight, but rather carried on using a welfare model of care, based on the previous Act. Residential programs were offered in both boys or girls units. It was not until the May 1990 review of residential services, that the Department effectively created separate youth justice and care and protection residences.

Once the units became operational in September 1990 they were staffed by residential social workers whose work experience was based on a welfare model of residential care. On top of this, restructuring meant that a large number of staff left, so about one-third of the staff of the restructured residential services were new recruits. As the focus of this paper is on youth justice, we will refer only to developments in that area. Essentially, the managers of the residences had only the new Act and its principles to follow when they set up their new programs.

The results of this have been that the youth justice residences in New Zealand have struggled to develop youth justice residential programs particularly in their open units, that meet the requirements of the Act, specifically keeping remanded and sentenced young offenders in safe custody.

The most obvious manifestations of this struggle are the unacceptably high rates of absconding that occurred in all the residences. Although these

rates of absconding have been reduced, for example at Kingslea, we had an average of 20 abscondings per month in the first year of operation. The rate now is down to around six to seven abscondings per month; however, this still remains a problem.

A primary objective of the national secure program and the changes for the youth justice residential program associated with it will be the development of a youth justice model of residential work that recognises the responsibility to keep young people in safe custody while at the same time to address their needs through excellence in programming.

National secure unit

The national secure unit is not a prison, nor is it a residential home. It is a safe and secure environment in which the developmental and rehabilitative needs of a select group of young people are addressed. Our foci are the effective containment of young offenders and addressing the developmental needs of these young people with a specific emphasis on recognising the consequences of their criminal behaviour.

Philosophy

It must be remembered that these young people are serious, high profile offenders, but it is equally important to recognise that they are first and foremost young people with all the developmental needs common among their peers in the community, regardless of their legal status. These young people have come from the community and will eventually return to the community. Many will serve the majority of their sentences in adult penal facilities before their return to the community. Kingslea strives to prepare these young people for successful integration into their future environments by adequately equipping them with the skills necessary to meet the everyday challenges, complexities and uncertainties of life in either prison or society. The focus of our programming is on activities, interactions, interventions and responsibilities designed to enable our clients to:

- function at their age appropriate levels;
- behave in responsible, independent, self-interested and autonomous fashions;
- learn to recognise risk and develop skills in order to keep themselves safe and functioning effectively; and
- address their offending and the antecedent factors that led to their conflict with the law.

Our aim is to reduce the likelihood of reoffending through practical, targeted interventions in a structured environment, while at the same time minimising the negative effects of long-term incarceration.

Central to our philosophy is the belief that young people:

- require proper guidance, support and supervision from adults who provide positive role models;
- need opportunities to exercise reasonable control over their own lives;
- have developmental needs in the social, educational, emotional and spiritual areas;
- are part of cultural, family and peer systems which influence their behaviour;
- can be expected to learn reasonable decision making, problem solving, communication and coping techniques;
- often have special needs based on ethnic or family background as well as physical, mental or emotional condition;
- are capable of making amends for their actions; and
- can learn to make choices to act in ways that are in their own best interests without compromising the interests of others.

An environment which accurately reflects and supports community values and is conducive to growth is essential. Programs are designed to assist young people achieve a greater degree of personal control, self-esteem, autonomy, responsibility and accountability. Practical opportunities to learn and acquire skills and knowledge are provided through the implementation of educational, recreational, leisure and life skills training programs. The development of positive and healthy relationships between staff and clients and between clients and the community, along with the maintenance of the security aspects of the unit, provide the structure within which prosocial attitudes and behaviours are fostered.

Objectives

The national secure unit provides services and programs tailored to both the individual and collective needs of the residents. The primary objective is to meet our statutory obligations under the Act and provide effective containment of serious offenders within a humane environment.

Our secondary objectives are:

- To maintain the physical and psychological health of residents by providing a positive and safe environment through adequate care, appropriate supervision, timely interventions, stable routines, clear expectations and the enforcement of rules.

- To provide effective and comprehensive case management from the orientation process through to release/transfer and beyond with specific attention to the individual needs of each resident.
- To provide for the educational needs of the residents regarding basic literacy and numeracy skills so that they are better able to pursue other interests and further their education.
- To assist residents develop and enhance their skills in the areas of communication, cooperation, problem solving, decision making and other fundamental social and life skills.
- To ensure prosocial attitudes and behaviours are reinforced through appropriate behaviour management training and incentive programming.
- To ensure that young people who transfer into the adult penal system are adequately prepared.
- To assist residents develop skills in the areas of recreation and leisure so that they may learn to pursue appropriate activities in their spare time.
- To meet the special needs of young people in our custody from the initial assessment to intervention and treatment.
- To meet the developmental needs of residents in the areas of social, cultural, emotional, relational, and personal skills enhancement so that individuals may become more empowered to function successfully once released from the unit.
- To encourage family and community involvement and support them in the development of supplementary caregiving skills so that they may provide residents with care and support that extends into the new environment upon release/transfer.
- To minimise the negative effects of incarceration by providing opportunities to live as normal a life as possible within the institution.
- To ensure the well-being of staff by providing for their safety and by meeting their training and professional developmental needs.

Security

There needs to be an appropriate level of security in an environment which houses serious offenders. However, security measures should not be excessive nor detrimental to active and positive interaction between staff and residents.

The primary goals of our security measures are:

- Protection of staff
- Protection of residents
- Protection of the community
- Prevention of unauthorised activity
- Removal of temptation from residents

Staff, management and residents share the responsibility of creating a safe environment. Rehabilitation requires that residents not be distracted by problems of personal safety and survival that they may have encountered in past dysfunctional environments.

Particular attention is directed at:

- The physical environment and ensuring the unit is safe, secure, free of contraband and able to be monitored adequately.
- Emergency response where drills are conducted regularly, staff support each other and situations are debriefed.
- Checks, inspections and searches of rooms, the unit and residents form part of the daily routine and are either planned or randomly completed.
- A proactive behaviour management approach serves both to avert potential breaches as well as ensure cooperation during crisis situations.
- Suicidal awareness—the custodial population includes many who are at risk of harming themselves. Often the reality of being in custody in itself is an event disposing some young people towards suicidal behaviour.

Behaviour management

Young people are granted custody orders, not only for the protection of society, but to provide the young person with an opportunity to develop the self-reliance and discipline necessary to successfully integrate back into the community or into another environment to which they may be transferred, and in order to address the antecedent problems which precipitated the incarceration. It follows then that the goal of behaviour management in a secure facility should be to facilitate the learning and development of prosocial behaviour by young people.

The primary goals of the behaviour management program in the national secure unit are to control behaviour, to facilitate learning on the part of the young person, to reinforce appropriate standards of conduct, and to establish

clear and effective techniques for addressing problematic behaviours. Positive, healthy, supportive and mutually respectful relationships between staff and residents is absolutely the most effective behaviour management tool available to staff.

The program ensures open, honest communication and adult role modelling; peer interaction and cognitive reasoning within a safe environment becomes the normal and accepted way of life. Social existence requires a willingness to compromise due to the understanding that the goals of the community as a whole must be considered vis-à-vis personal interest. Through empowering interaction, residents' contributions have real significance in actively influencing positive change among the peer group. The aim of full participation of all residents and staff in daily life decisions must be recognised as the key to the socialisation of residents in preparation for their return to the community or transfer to an adult institution.

Daily rhythms

A structured lifestyle of clear guidelines, expectations and responsibilities sets limits within which flexibility can be negotiated. Routines provide the framework for stability and normality and encourage responsible lifestyle development and define limits and expectations for residents. The rhythm provides a balance between regularly scheduled activities that cannot be altered and program time within which flexibility may occur.

Client services

Programs are offered which challenge and encourage young people to learn to overcome problems and further develop strengths. The focus is on areas which will improve the societal circumstances from which the youth may have come and to which that youth will ultimately return/transfer. Programs are reviewed and evaluated regularly for effectiveness and to ensure they remain targeted appropriately.

The primary goals of client services are

- To increase the specific skill level of residents.
- To provide an opportunity for volunteers, community agencies, families, staff and others to interact with residents.
- To provide an opportunity for family and significant others to develop and/or enhance relationships.
- To enhance the young person's level of self-awareness and confidence, and to stimulate growth and contribute to the young person's willingness to assume responsibility for his/her actions.
- To identify personal strengths and provide opportunities for their development.

- To facilitate change in clients' attitudes and behaviours through proactive educational measures and awareness activities.
- To assist residents overcome the barriers to developing independence and a crime free lifestyle.
- To assist young people address their own needs in a systematic, organised and coordinated fashion.

Programming options include but are not limited to, vocational training, lifeskills, literacy/numeracy, treatment, addiction/deviance counselling, family projects, community resources, cultural experiences, leisure pursuits, prison preparation, recreational activities and volunteer opportunities.

Community resources program: It is important for the social normalisation of institutionalised young people that a community presence exists in such a closed environment so residents do not become further isolated and alienated from the community. Also, because these young people are, quite literally, captive, it is essential that they have provided for them access to the "outside world" should they feel they are not being treated fairly. This provides the appropriate checks and balances in a world that can appear to young people to be completely controlled by others, leaving them often feeling vulnerable and powerless over their own circumstances and over the decisions which affect them. Of course certain personal, cultural, spiritual and educational needs will need to be addressed on a case by case basis.

Community agencies provide the vital link between institutions and the community. A certain amount of assistance must come from outside the institution and not from those responsible for keeping them incarcerated. Community agencies also can make the transition from the institution to the community less traumatic since community agencies can be accessed from within the institution and can continue to be accessed once the resident is discharged from the institution.

Agencies must be thoroughly screened to ensure they offer services in a manner that promotes full involvement of the client in the decision making process which affects them. A Community Resource Manual is being developed which contains all relevant information available on the entire range of community resources for potential clients. It must be understood that crime, and especially youth crime, is not entirely a single individual's problem. Crime is a community problem and the best work any justice institution can perform is in the area of community awareness about the effects of crime on all involved and the responsibility communities have to their members.

Education program: The school at Kingslea is well resourced. It allows those held in custody for long periods of time to maintain or advance their academic levels; it identifies aptitudes and needs; it provides remedial programs; and it encourages students to continue their studies once they leave the centre.

Family program: Consistent with our governing legislation, families, where appropriate, are afforded the fullest possible consultation and involvement in the case management of each client. Involvement includes an initial introduction and orientation to the program, opportunities to visit on a regular basis, consultation regarding treatment and referrals, and support to develop tertiary care giving skills.

The Family Visitation Program involves travel to the centre by prearrangement. Accommodation is provided. There is access to the family therapist for caregiving skills training and to address issues of communication and relationships within the family. Active steps are taken to foster and encourage family involvement while the young person is in custody (here and elsewhere), so that transition from the centre to the new environment is supported by family involvement.

The Children, Young Persons and their Families Act 1989, acknowledges that, in all cultures, the family has the first responsibility and is the main authority in matters concerning its own children and young persons. Better support networks can be established if adequate attention is focused on the family. Assistance must be provided for families to access appropriate resources. Staff must remain sensitive to the possibility of family stress which may be caused in part by the Department.

Health care program: Clients undergo a complete physical examination upon admission to the centre and a medical profile is completed that summarises each resident's medical history to date. Appropriate medical interventions are pursued.

Leisure programs: Some time is spent by residents developing their own interests and self-reliance. Residents should be introduced to the notion of "time alone" and assisted by staff in the exploration of leisure activities that will assist them to make more constructive use of their free time both in and out of custody. These activities could involve music, homework, letter writing or crafts.

Lifeskills programs: The focus here is on long-term planning and addressing issues that are most relevant to detainees' current and future situations. Programs are sensitive to the reality that most clients will not be reintegrated into the community for some time so it is important that staff do not promote any unrealistic expectations. The primary focus should be on fundamental skill development in the areas of communication, anger management, self-awareness, decision making, problem solving, self-discipline, emotional and sexual development and coping skills. This can be achieved through a variety of methods either overtly or covertly.

Conclusion

This paper has outlined why the New Zealand Children and Young Persons Service decided to develop a national program for sentenced offenders under 17 years of age. The purpose of the program and how it operates on a day-to-day basis has also been described. This is the first time in New Zealand that a

program of this type has been established. Sufficient funding and good staffing structures ensure that the program begins with strong hopes of success. The development of the national secure program at Kingslea has been achieved in conjunction with significant changes to the youth justice open program.

The changes that have been made should ensure that we are service leaders in the area of secure and open programs for youth offenders.