

## Announcement: Young serious offender and Military-style academy declaration and military-style academy pilot

<b>To</b> Rt Hon Christopher Luxon, Prime Minister Hon Karen Chhour, Minister for Children			
<b>Date</b>	18 June 2024	<b>Deadline</b>	Not applicable
<b>Reference number</b>	B-0208	<b>Priority</b>	High
<b>Key contact</b>	Phil Grady, Deputy Chief Executive, System Leadership	<b>Contact number</b>	9(2)(g)(ii) [REDACTED]
<b>Security</b>	In-confidence		

### Purpose

- 1 This aide memoire provides you with background information regarding the announcement of the Youth Serious Offender Declaration and the Military Style Academy Pilots planned for 23 June 2024.
- 2 Both initiatives were allocated funding through Budget 2024 and are intended to support the Government target to reduce child and youth offending by 15 percent by 2029.

### Background

- 3 One of the government's priorities is to restore law and order and to address serious youth offending.
- 4 Our current responses are not sufficient for a small group of young people who continue to offend seriously and persistently and commit a significant proportion of the total offences by young people.
- 5 Oranga Tamariki has worked closely with officials from the Ministry of Justice, New Zealand Police, and other key agencies in designing the YSO declaration and Military-Style Academy order, and the pilot.
- 6 The purpose of both the YSO declaration and the Military-Style Academy order is to enable faster, stronger and more targeted responses to serious and persistent offending by young people.
- 7 These legislative changes are needed to drive more immediate, intense, and long-lasting interventions that address the underlying factors that contribute to serious offending behaviour in young people and to prevent them becoming life-course persistent adult offenders.

### Youth Serious Offender Declaration

- 8 A young person will be eligible for a YSO declaration if the young person is **14 to 17 years old** at the time of offending; has had **two offences punishable by imprisonment of 10 years or more proven in court**, and is likely to reoffend and previous interventions have been unsuccessful.
- 9 When a young person meets the eligibility criteria, Police will be able to apply to the Youth Court to consider making a YSO declaration.
- 10 The YSO declaration will last for two years, with some scope for a judge to discharge or vary it according to circumstances.
- 11 A YSO declaration will trigger a differentiated response to young people who repeatedly commit serious offences, despite previous interventions. This will include intensive and targeted rehabilitative support.
- 12 The new powers that would be “unlocked” by the YSO declaration will allow for faster intervention and more intensive monitoring, including by the Courts and Police and includes the removal of all mandatory FGCs (except those required to determine custody and care arrangements).
- 13 The Military-Style Academy order will be a new sentencing option, available once a YSO declaration has been made.

### Military-Style Academy pilots

- 14 The pilot has been designed in parallel with the work underway on the legislative changes for the YSO declaration and future Military-Style Academy order.
- 15 Following discussion at the Cabinet Social Outcomes Committee the residential component of the pilot has been extended from 10 weeks to three months.
- 16 The pilot will involve up to 10 young males aged between 15 and 17 years (at the time of the offending) and will be based at Te Au rere a te Tonga, an existing youth justice residence in Palmerston North. It will run for 12 months, of which three months will be within the residence and the remainder will be focused on the transition back into community.
- 17 During the intensive residential component, the pilot will involve a well-developed syllabus that is targeted at understanding and addressing criminal behaviours and establishing structure and routine. The programme will include physical activities, education, vocation, and employment pathways, as well as gaining life skills that the teenagers need to succeed and change their life path, and therapeutic and cultural components weaved throughout.
- 18 The pilot will operate within existing legislative settings, which means participants will be drawn from those sentenced to an existing Supervision with Residence order, with court-approved plans that include participating in the pilot.

- 19 The financial information in the paper has been strengthened to include a robust analysis of the forecast budget and to outline the approach to assessing the efficiency and return on investment of the pilot. These changes outline the current assessed costs of the pilot, including reduced forecast expenditure from using Oranga Tamariki staff instead of recruiting a new external workforce, and from scaling back project and administrative costs.
- 20 The pilot is underpinned by intensive case management for each teenager involved in the pilot, which is a key lesson from previous Military-style camps.
- 21 The pilot will include whānau from the outset and for the full 12 months of the programme. The teenagers will also have a consistent mentor throughout.
- 22 In future, eligibility for the Military-Style Academy order will be linked to the making of a YSO declaration. The standalone order will allow for a longer programme, with more flexibility around the types of programme components and locations.
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**The following funding has been provided through Budget 2024 for youth offending**

- 24 Through Budget 2024, \$7.3 million has been invested for the 2024/25 financial year (plus \$1 million capital funds) in Youth Serious Offender legislative work, with a total of \$28 million invested over four years.
- 25 Of the operating funding, \$5.7 million is for the 12-month Military-Style Academy pilot and \$1.6 million is for legislative work.
- 26 Another initiative that focuses on Youth Offending and was funded through Budget 2024 is the Fast Track Youth Offending Programme. Fast Track is an intensive programme providing wrap-around support to serious and persistent child offenders aged 10 to 13.
- 27 This has received \$7.7 million of funding, with \$30.6 million invested over four years.
- 28 A key component of Fast Track is that within 48 hours of referral, agencies and community organisations must have developed an initial plan and puts wrap around supports in place.
- 29 The programme is set to be extended to 14 to 17-year-olds and is running in nine locations. These are Whangārei, Counties-Manukau, Waitemata, Auckland City, Dunedin, Hamilton, Rotorua, Lower Hutt, and Christchurch.
- 30 As of 31 May 2024, there have been 786 referrals since the program began, with 72 percent of young people not being referred again.

**Attachments**

31 The following items are attached to this aide memoire:

- Appendix One: Draft media release
- Appendix Two: Q&A

<b>Sign-off</b> Oranga Tamariki	<b>Sign-off</b> Minister for Children
 Phil Grady <b>Deputy Chief Executive, System Leadership</b> Date signed: 18 June 2024	Hon Karen Chhour <b>Minister for Children</b> Date signed:

<b>Minister comments</b>

<b>Satisfaction</b>
Please select your level of satisfaction with this Aide Memoire <input type="checkbox"/> Outstanding <input type="checkbox"/> Good <input type="checkbox"/> Acceptable <input type="checkbox"/> Poor <input type="checkbox"/> Unacceptable

## **Appendix One**

### **Draft Media Release**

#### **Government committed to addressing youth crime**

Legislation will be introduced later this year to create a new Young Serious Offender (YSO) declaration and Military-style Academy order to ensure that our most serious young offenders are held accountable and receive the targeted rehabilitative support they need to reduce their reoffending, Children's Minister Karen Chhour announced today.

The establishment of a YSO declaration delivers on a coalition commitment and supports the Government's priority to address serious youth offending.

Under the planned new legislation, a young person will be eligible to be declared a Young Serious Offender if they are 14 to 17 years old at the time of offending; have had two offences punishable by imprisonment of 10 years or more proven in court; and are assessed as being likely to reoffend, with previous interventions having proven unsuccessful. A Youth Court judge will have the final say on making a declaration.

Those young people declared to be Young Serious Offenders will face a stronger and escalated response. This will include new powers for the Youth Court and Police to respond to their offending. The Military-style Academy order will become a new sentencing option, available once a YSO declaration has been made.

"The young people who are likely to be eligible for this new declaration are some of our most serious and persistent young offenders, but they also have complex needs. That is why a Young Serious Offender declaration will trigger a differentiated response", Minister Chhour said.

"This will include intensive, targeted rehabilitative support, a new Military-style Academy order, longer Youth Court orders, greater use of electronic and judicial monitoring, and Police will have the power to arrest a young person without warrant for non-compliance with conditions of an order or a breach of their bail conditions".

Alongside the legislation, the design and development of a Military-Style Academy Pilot is progressing, Minister Chhour said.

Under the new legislation, eligibility for a Military-style Academy Order will be linked to the making of a YSO declaration. This will allow for a longer programme, with more flexibility around the types of programme components and locations.

The pilot which will feature a 12 week residence stage, followed by a 9 month community phase and include 10 young people. They will follow a specially created curriculum and syllabus, with daily activities to support their health, learning and wellbeing. This will include military style activities.

Minister Chhour says the team tasked with developing the Pilot has looked to understand what will give the teenagers taking part the best chance of success and have embedded this into the programme they have designed.

“The key difference from what we’ve done before is that the majority of time will be spent focusing on transition back to the community, making sure the teenagers are well set up for the future including a pathway into education, training or employment.”

## Appendix Two

### Q&A

#### Military-Style Academies

##### Back Pocket Q&As

##### **Q: What is a YSO declaration?**

A YSO declaration will enable the Youth Court to declare a young person to be a YSO, unlocking an intensive and targeted rehabilitative response, and giving greater powers for the Youth Court and Police to respond to the young person's offending.

The powers include the availability of a new Military-style Academy order, longer Supervision and Supervision with Activity orders, the removal of early release from a Supervision with Residence order and strengthened sentencing considerations accounting for whether the young person has livestreamed, posted online a record of, or shared by digital communication a record of their offending.

Young people declared to be a YSO will also be eligible for greater use of electronic monitoring and judicial monitoring; the Chief Executive of Oranga Tamariki will have to consider the risk of absconding and offending when making any placement decisions; and Police will have the power to arrest the young person without warrant for non-compliance with conditions of an order or a breach of their bail conditions.

Alongside this a tailored operational response will also be enabled, including rehabilitative support, intensive case management and an enhanced transition response.

##### **Q. How long will a young person remain declared to be a YSO?**

The YSO declaration will last for two years unless extended, reviewed for early discharge or the variation of the YSO declaration, or when the young person turns 19 years old.

##### **Q: Why is there a need for a YSO declaration and a Military-style Academy order?**

The coalition Government's Action Plan for New Zealand committed to restoring law and order. This includes establishing a Youth Serious Offender Declaration and making Military-style Academies a standalone sentencing option for the Youth Court.

Responses in the youth justice system have not been sufficient for the small cohort of young people who seriously and persistently offend. This small cohort of young people commit a large portion of the total offences and often continue to offend despite interventions.

##### **Q: Who will be eligible for a YSO declaration?**

The YSO declaration provides an escalated response for young people aged **14 to 17 years old**, who have **two proven offences punishable by 10 years or more imprisonment** and where previous interventions have not been successful, and the young person is likely to re-offend.

**Q: How many young people are you expecting to be declared to be a YSO each year?**

We estimate that **102 young people will be eligible to be declared to be a YSO per year**. However, the actual number of young people who receive a declaration will depend on a number of factors including judges' discretion to make a YSO declaration.

**Q: Why is the YSO declaration targeting only a small cohort of young people?**

The purpose of the YSO declaration is to target a small group of young people who most seriously and persistently offend. The declaration offers a stronger response for young people where their offending behaviour has continued despite previous interventions. The purpose of the YSO declaration is not to target young people where this is their first interaction with the law, but rather is an escalated response for those young people who continue to seriously offend. It is part of a range of wider actions the Government is taking to address youth offending.

**Q: Why are children 10 to 13-years-old excluded from the YSO declaration? What is being done to address their offending?**

Only a very small number of children (modelling suggests two per year) would meet the proposed YSO declaration eligibility criteria.

There are also specific considerations around children's rights and welfare and the effectiveness of particular approaches that need to be taken into consideration to effectively address offending in this age group.

The government is currently considering options on how best to respond to children with offending behaviour and expects to announce these measures around the time the YSO legislation is introduced.

**Q: How is this going to contribute to achieving the Government's targets on youth offending?**

Introducing the YSO declaration and Military-style Academies are part of a package of actions towards delivering the Government's commitment to address youth offending. However, the relatively small numbers of young people likely to be declared a YSO and participate in Military-style Academies mean these interventions are unlikely to have a significant impact towards the targets in the short term.

For this reason, I have directed Oranga Tamariki and New Zealand Police to take forward immediate operational changes to address serious youth offending.

Further complementary actions are being developed under the Youth Offending Delivery Plan, which I will be in a position to share shortly.

**Q: What support services will young people declared a YSO be able to access?**



The intention is for young people declared a YSO to have access to more intensive rehabilitative support services. They will be able to access more timely and enhanced service responses from government departments, social service providers and community, iwi and Māori organisations.

**Q: What is the difference between the Military-style Academy pilot and the Military-style Academies legislation?**

Lessons from the Military-style Academy pilot will inform the operational elements of the future Military-style Academies. The pilot is being conducted within existing legislative settings, by drawing eligible participants from the cohort of young people on a Supervision with Residence order. This is to allow us to rapidly test an operational approach.

The Military-style Academy order will be available in future as a standalone sentencing option, linked to the making of a YSO declaration.

**Q: Are you confident in Oranga Tamariki to deliver given their track record with residences?**

I am confident that Oranga Tamariki know what is expected of them and that they will deliver a suitable pilot. There will be lessons learned along the way which will be incorporated into the design of the more enduring Military-style Academies and the proposed legislative changes.

**Q: What consultation has there been with Māori, given that young people are likely to be overrepresented in Military-style Academies and the YSO declaration?**

The urgent need for legislation means that there has not been time for consultation with Māori to date, but Māori will have opportunities to be involved through the Select Committee process.

We are working with mana whenua in Palmerston North around implementation aspects of the Military-style Academies pilot and therefore the final form of the Military-style Academies.

**Q: What is the expected cost of the YSO declaration and the Military-style Academy pilot?**

Funding of \$35.204 million operating and \$1.966 million capital was approved through Budget 2024/25 for both the Military-style Academy pilot and future YSO and Military-style Academy legislation. This includes funding across Oranga Tamariki, Justice/Courts and Police.

**Q: How long with the the Military-style Academy pilot run and where will it be located?**

A 12-month Pilot will launch at Te Au Rere Au Te Tonga, Youth Justice Residence in Palmerston North at the end of next month. It is being run within existing legislative settings and will test the operational approach for the future Military-style Academy.