

Young Serious Offender (YSO)

There are two high-level options for creating a YSO category.

Option 1: Introduce an operational (non-legislative) definition of YSO to drive more intensive services for this cohort. This could include increased support from NGOs and greater monitoring. YSOs would be identified using offending history and criminogenic assessments (aimed at identifying the underlying drivers of offending). This could be progressed alongside targeted legislative changes to strengthen existing Youth Court powers and responses, such as sentencing. **[Recommended]**

Option 2: Establish a legal definition of YSO within the Oranga Tamariki Act 1989 that provides the Youth Court stronger powers for YSOs. A legal definition of a YSO and a decision-making process for declaring a young person a YSO would need to be established in the Act. This would require significant and complicated legislative changes and would reduce flexibility in targeting the appropriate cohort of young offenders.

Key points and risks

- ✓ Government, iwi, and community organisations need to provide more intensive, evidence-based, and longer-term services to address the underlying drivers of offending behaviour for this cohort, which often includes unmet health, housing and educational needs.
- ✓ A legislative YSO category may result in: delayed court proceedings; young people glorifying the 'YSO' label (this occurred in Australia); and, restricting or delaying the ability of the Police and courts to access any strengthened powers to a narrow 'YSO cohort'.
- ✓ Eligibility for a legislative YSO category would need to be based on *proven* offending in court. Most offending by children and young people is dealt with outside the formal court system (around 93%). Approximately 55 – 85 children and young people would be eligible to be a YSO each year based on criteria of two proven offences with either a 7- or 10-year maximum imprisonment term.
- ✓ Quality criminogenic assessments would provide a much more accurate indication of future reoffending risk than fixed criteria set in legislation, which would likely be too narrow and miss a high-risk cohort of young people.

Military Academy for YSO

There are three high-level options for a military academy programme for young people.

Option 1: Military academy as a programme required to be completed as part of a (existing) Supervision with Activity order (Recommended – no legislative change required for a programme up to 6 months)

Option 1a: Military academy as a programme required to be completed as part of an enhanced Supervision with Activity order (legislative change required for a longer duration or wider range of eligible providers)

Option 2: Military academy as a programme required to be completed as part of a (existing) Supervision with Residence order (no legislative change required for a programme up to 6 months)

Option 2A: Military academy as a programme required to be completed as part of an enhanced (e.g. longer duration and greater range of eligible providers) Supervision with Residence order (requires legislative change)

Option 3: Military academy programme as a new standalone Youth Court response to offending (requires legislative change)

Key points and risks

- ✓ Evidence tells us that military academies alone are not effective at reducing recidivism for youth offenders.
- ✓ A military academy could take various forms and involve community and/or iwi Māori organisations. Providing rehabilitative and transition support, trauma-informed approaches, and building in components of best practice is considered essential if military academies progress (alternatively other programmes incorporating these elements could be progressed).
- ✓ There will be an impact on a range of departments and trade-offs will need to be made, we recommend consulting relevant Ministers regarding this advice.
- ✓ A legislative YSO category would likely only provide a small number of possible referrals to military academies (around 10-30 per year).