Process Evaluation of the Christchurch Youth Drug Court Pilot

Dr Sue Carswell
Foreword

Alcohol and drug abuse are often significant factors in youth offending. The aim of the Youth Drug Court Pilot has been to facilitate better service delivery to young people with alcohol and drug dependency in order to reduce their offending. The pilot has been run out of the Youth Court in Christchurch and essentially provides an augmented Youth Court process – suspending the formal disposition of the case until the young person successfully completes their programme or is discharged back to the Youth Court or District Court.

There has been considerable international interest in the potential of “therapeutic jurisprudence” – where the court plays a central role in managing and overseeing a treatment programme and can use the court’s authority to overcome barriers to progress – and this pilot has provided the first opportunity to assess its application to the New Zealand setting. I wish to acknowledge District Court Judge John Walker, who has played a crucial role in the establishment and ongoing operation of the Christchurch pilot.

Interagency working has been a major feature of the Youth Drug Court Pilot. The pilot has reinforced the clear message of the Ministerial Taskforce, and the Youth Offending Strategy subsequently adopted by the Government, that relevant agencies can intervene more effectively when they work collaboratively and with a shared understanding of the factors influencing a young person’s offending behaviour. The pilot has also given weight to the Strategy’s emphasis on the importance of involvement by health and education agencies in responses to young offenders.

The Youth Offending Strategy and contemporary public policy approaches emphasise the importance of evaluation so that effectiveness can be accurately assessed. Ongoing evaluation has been an integral part of the Youth Drug Court Pilot from its inception. The evaluation process involves two stages; the first – the subject of this report – is a process evaluation examining operations over the 18 month period from March 2002 to August 2003, while the second will report on the young people participating in the pilot 12 months after they left, to assess the extent to which their participation has contributed to reductions in the incidence and severity of offending. While the second report will provide some important information regarding the longer term efficacy of this approach, the findings of this first report will provide useful information for government to make decisions on how best to utilise our collective resources in responding to young offenders.

Belinda Clark
Secretary for Justice
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Glossary of Abbreviations

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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CYF</td>
<td>Department of Child, Youth and Family Services</td>
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<td>FGC</td>
<td>Family Group Conference</td>
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<td>GSE</td>
<td>Group Special Education</td>
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<td>MoE</td>
<td>Ministry of Education</td>
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<td>MoH</td>
<td>Ministry of Health</td>
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<td>MoJ</td>
<td>Ministry of Justice</td>
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<td>YDC</td>
<td>Youth Drug Court</td>
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<td>YSS</td>
<td>Youth Speciality Services</td>
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Executive Summary

Background

The Christchurch Youth Drug Court pilot (YDC) was established by the Ministerial Taskforce on Youth Offending and started operating on 14 March 2002. It is based on an initiative developed by Judge Walker who identified a need for addressing the linkage between alcohol and other drug use and offending. The aim of the YDC model was to facilitate better service delivery to young people, including treatment for their alcohol and other drug dependency, thereby helping to reduce their offending.

The pilot’s overall objectives are to:

- improve the young people’s health and social functioning and to decrease their alcohol and/or drug use;
- reduce crime associated with alcohol and/or drug use; and
- reduce criminal activity.

A number of process issues with the Youth Court were identified and the YDC pilot was designed to improve on these processes in order to facilitate better service delivery and help achieve the overall objectives. These process issues are:

- Facilitate early identification of young offenders with alcohol and other drug dependency that contributes to their offending.
- Reduce time delays in service delivery and facilitate immediacy of response.
- Facilitate more effective interagency co-ordination.
- More closely monitor the young people to facilitate their treatment process.

Key features of the YDC pilot

The Christchurch Youth Drug Court pilot is based on a diversionary model of the drug court and adapted to the New Zealand context. While the Christchurch Youth Drug Court has some different features to an ordinary Youth Court, the pilot essentially operates as a Youth Court under the Children, Young Persons and their Families Act (CYP&FA 1989). The Family Group Conference (FGC) process is integral to the YDC and young people are expected to achieve the goals set out in the FGC recommendations. An offender is not sentenced until they either successfully complete their goals or they are discharged back to the ordinary Youth Court or District Court. The YDC is voluntary for the young people identified as suitable candidates and they can elect to go back to the Youth Court at any time.

The underlying philosophy of the drug court model is therapeutic jurisprudence, which views the law ‘as a social force that produces behaviours and consequences’ (Wexler 1:n.d.a). In the context of a drug court the therapeutic jurisprudence approach recognises that Court processes, and in
particular the role of the Judge, can be used to facilitate treatment processes. Key features of the YDC model are the consistency of seeing the same Judge on a regular basis and the use of the Judge’s authority to positively recognise progress and to sanction non-compliance. The therapeutic jurisprudence approach recognises that the way the Judge treats young people can be an important influence because of the Judge’s symbolism and authority.

The drug court model uses an interagency approach with a multidisciplinary team (YDC team) to provide and refer young people to services to address their various needs. The Christchurch YDC team is made up of the following practitioners:

- YDC Judge;
- YDC Social Worker (Department of Child, Youth and Family Services);
- Youth Justice Co-ordinator (Department of Child, Youth and Family Services);
- Police Prosecutor (NZ Police);
- Youth Advocates (lawyers) representing YDC participants;
- Youth Speciality Services co-ordinator of the alcohol and other drug stream and mental health team (Ministry of Health);
- Group Special Education Team Leader (Ministry of Education);
- YDC Court Clerk (Ministry of Justice).

Young people are identified as having an alcohol and/or drug problem linked to their offending through a voluntary screening process conducted by a Youth Speciality Services (YSS) clinician who is onsite at the Youth Court. The target group are recidivist youth offenders aged 14-16 who have moderate – severe alcohol and/or drug dependency linked to their offending.

Young people on the YDC start with regular fortnightly remands to monitor their progress. The YDC social worker prepares a report on each young person for the Judge and the YDC team for every YDC hearing. The cases are reviewed by the YDC team before the YDC sits to discuss any issues to be addressed and the Judge consults with the team about the best course of action. This process endeavours to get young people into treatment as quickly as possible and respond quickly to non-compliance and changes in need. Members of the YDC team also monitor young people’s obligations to their victims and to the community.

During the first year of operation the YDC had an average monthly intake of 2.5 participants. The number of participants at any one time was approximately 20 which is ideally the maximum capacity for the YDC with its present resourcing. The length of time attending the YDC varied greatly from five to 74 weeks, with the median being 45 weeks.

**The Evaluation**

To examine both the processes and effectiveness of the YDC pilot, the evaluation is divided into two phases. The first phase, the subject of this report, is a process evaluation and examines operations for the first 18 months (14 March 2002 to August 2003). This report includes aggregated information on all the 30 young people who entered the YDC during the first year of the pilot, 14 March 2002 – 13 March 2003.
The second phase follows up the same sample of 30 young people approximately twelve months after they have left the pilot. The primary purpose of the follow-up assessment is to examine to what extent it is perceived that participation in the YDC processes contributed to any improvements in these young people’s lives.

The methods used for the process evaluation included interviews, observation, file analysis, and reoffending analysis on prior and accumulated offending while on the YDC. Interviews were conducted with 12 young people, 11 family/whānau representing eight young people and 38 key respondents.

The small number of the sample group (30) means that statistical data regarding these young people should be treated with caution.

**Profile of the YDC sample group**

**Demographics of YDC sample group**

Nearly twice as many young men (19) as young women (11) entered the YDC pilot in the first 12 months of operation and most of the participants were 15 or 16 years of age. Two-thirds of participants were Māori, and one-third were Pakeha. Young Māori women (10), young Pakeha men (9) and young Māori men (8) were the largest groups in terms of ethnicity and gender.

**Alcohol and other drug use**

All of the sample group were diagnosed as having either moderate or moderate-severe alcohol and/or other drug dependency and nearly all were diagnosed with conduct disorder.

**Offending history**

The median number of active charges the YDC sample participants had transferred to the YDC was six. The most serious offence for over half the sample was property offending, in particular burglary. No young people were transferred to the YDC with only drug offences as the three with drug offences were all facing charges for other offence types as well.

Prior offending was analysed and included offences for which young people were transferred to the YDC. Prior offences excluded incidents that did not result in the young person being formally charged. Approximately half of the YDC sample participants had committed fewer than ten prior offences. The median number of offences was 11.

**Key Findings**

While the structural attributes of the Christchurch Youth Drug Court pilot have remained the same, some of the processes have evolved or been changed to enhance the pilot and it continues to develop. This evaluation report covers the first eighteen months of operation up until August 2003.
In regards to the process issues the pilot sought to address the main findings were:

**Early and efficient identification of young people with alcohol and other drug dependencies**

The pilot does facilitate more efficient identification of young people with alcohol and other drug problems that contribute towards their offending behaviour through the onsite YSS clinicians screening at Youth Court. Furthermore the screening process and the timeframes for the YDC generally facilitated faster access to full assessments from YSS. YSS respondents also noted that the YDC process ensured that young people attended full assessments.

There were some process problems in the beginning for identification and screening of young people, which were mainly due to a lack of awareness among some practitioners about the pilot and how to refer young people to it. However, key respondents report the process has improved with the increased awareness of practitioners and the proactive role of YSS clinicians during Youth Court screening times.

**Reducing time delays**

The YDC facilitated the timeliness of certain processes compared to the Youth Court, including the actioning of treatment delivery. Importantly, the two-weekly remands the YDC participants begin with facilitate the accessing of programmes and services. Key respondents reported that compared with the Youth Court this process ensures the treatment plan is actioned sooner rather than later.

The ongoing monitoring provided the YDC team with the ability to quickly respond to treatment needs and other issues young people have, which was considered an improvement on current processes. However, timeliness was dependent on resources including suitable programmes, courses and accommodation placements.

**Interagency co-ordination**

The team approach was identified as one of the major strengths of the YDC pilot and was considered to be working very well in practice. The formalised inclusion of a broader range of agencies, in this case Youth Speciality Services and Group Special Education, provided a more comprehensive approach towards service delivery. The YDC team provided a forum for systematic and regular review and discussion between agencies and has thus far resulted in enhanced communication and co-ordination between agencies. While there were a few changes, the continuity of the personnel in the team was seen as a major strength.

**Monitoring of young people’s progress**

The YDC processes provide intense monitoring of young people, which aims to facilitate their alcohol and other drug treatment, hold them accountable for their offending and reduce further offending. The YDC process reportedly improves on Youth Court processes through the following mechanisms:
1 Regular remands and immediacy of response

Graduated remands from fortnightly to monthly provided intense monitoring of young people’s progress and were very important for being able to respond to situations and to keep the young people on track.

2 Multidisciplinary team approach

As stated, the YDC multidisciplinary team approach, particularly with the addition of health and education to the justice sector was regarded as very effective in monitoring and addressing young people’s issues in a more holistic way.

3 Judge’s role

The consistency of Judge was important for the Judge to build up knowledge of the case and for the development of a ‘contractual’ relationship with the young person. The ‘contractual’ relationship between the Judge and young person had a positive influence on some of the young people progressing through their treatment plan and FGC goals.

The YDC environment has some differences to the Youth Court in that young people are scheduled for 15 minutes which provides an opportunity for the Judge to discuss issues with them and with their family/whānau/caregivers and other support people. The young person sits in the witness stand next to the Judge rather than the dock in front; this was found to facilitate the development of the relationship between the young person and the Judge. Young people felt more respected, listened to and understood.

4 YDC social worker

The YDC social worker is dedicated to the YDC and performs an extensive monitoring and co-ordination role of the treatment plan. Many of the key respondents regarded the YDC process as efficient because a social worker was dedicated to regularly monitoring these young people.

The YDC social worker’s monitoring has developed into primarily monitoring the treatment plan, and other issues were to be addressed by the CYF social worker assigned to a young person. During the period covered by this evaluation the co-working role between the YDC social worker and the other CYF social workers was still being developed.

Justice Processes

Bail conditions

Bail conditions were used extensively by the YDC. The lifting of conditions such as curfews was used in response to young people’s behaviour. However sanctions for breaches of bail were limited to tightening of conditions and ultimately discharging from the YDC as the legislation does not allow for much else.
Police were unable to regularly check many of the young people’s curfews due to being under resourced. Some police did not feel it was worthwhile arresting for bail breaches as there were limited consequences.

Use of encouragement and sanctions

The sanctions and rewards did have an effect on some young people although the findings were mixed for different young people. Interviews with young people and family/whānau indicate that for many of the young people encouragement and support of the YDC had a positive effect on them. Some young people were deterred by the prospect of a custodial sentence and getting into further trouble; they also wanted rewards such as lifting of curfews. However for other young people the restrictive bail conditions such as curfews appeared to have little influence on their behaviour, as they perceived that there were minimal consequences for breaching bail.

Accountability

Some key respondents regarded the following YDC processes held the young person accountable for their actions: regular remands, particularly the young person explaining what they had been doing to the Judge and Court; the constant monitoring by professionals; and the extensive bail conditions over a substantial period of time. Other key respondents thought that young people were not being held accountable for their offending in terms of being given too many chances, limited sanctions for reoffending, and some recidivist offenders receiving section 282 of the CYP&FA discharges which do not appear in their criminal histories.

Victims’ rights

Some key respondents expressed concern for the rights of victims in the YDC process, and in particular the long time it takes for young people to go through the YDC means outcomes and closure for victims can take a long time. Some key respondents queried whether young people were being made as accountable for what they have done to victims with the YDC focusing so much on young people’s rehabilitation.

The strategies developed by the YDC team to address concerns about victims’ rights are progress reports from the young people to victims who want them, and getting young people to address their obligations to victims as soon as possible. For example, young people can be encouraged to start paying any reparation, as recommended in the FGC outcomes, as soon as possible, rather than waiting for the Court to make a Reparation Order. The necessity of giving victims realistic expectations about the amount and timely delivery of reparation was also emphasised by some respondents. However, this is also an issue in the Youth Court.

Views of young people and family/whānau

All the young people, and family/whānau interviewed were very positive about the YDC and thought that it should continue. They identified a few issues that they thought should be improved or that frustrated them but on the whole thought that the YDC was much better
than their experiences of the Youth Court. In particular they thought it provided much more support and help.

Most of the young people said they thought going every fortnight was alright and some said that it was much better than going to the normal Youth Court, while others found it annoying. Young people and family/whānau interviewed generally regarded bail conditions as fair. Some young people admitted to breaches, particularly of curfews. The family/whānau interviewed thought the regular monitoring was very good. Reasons given included that they felt more informed about what was happening and issues could be addressed more quickly than in the Youth Court process.

All the young people and family/whānau interviewed thought that the YDC Judge was excellent in the way he interacted with them because he was easy to talk to, listened, asked why they did things, understood their views, and showed respect. While a few thought that he was a bit lenient at times, others found him firm but fair.

**Programmes and services**

The YDC utilised a variety of programmes and services to address young people’s alcohol and other drug problems, educational and vocational needs, accommodation and support. The ability of skilled professionals to engage with young people was highlighted in interviews with young people and their family/whānau. These relationships were given as the main reason why young people did, and did not, like programmes and services.

The educational needs of the YDC sample were not always easy to address as many had been out of the school system for some time and were more focused on obtaining employment. While many of the young people attended alternative education and vocational courses it was sometimes difficult to follow through to employment. Employment was identified as an important factor for successful outcomes.

**Service gaps**

The YDC highlighted a number of service gaps that have been an issue for Youth Justice and the Health sectors in Christchurch for quite some time.

- In regards to alcohol and other drug treatment the main gap in service provision was a lack of a youth residential facility in or near Christchurch. For many young people attending residential facilities in the North Island made it more difficult to facilitate successful outcomes because they were away from their support networks. Currently government is funding the establishment of a youth alcohol and other drug residential facility in Christchurch.

- The lack of suitable places to accommodate young people if there is no appropriate family/whānau to place the young people with. The issue of suitable accommodation for young people was not just a Youth Drug Court issue and key respondents identified this as an ongoing problem for Youth Justice, Care and Protection, Mental Health and alcohol and other drug clients.
• Other service gaps for alcohol and other drug treatment were a lack of programmes for Māori and Pacific young people, in particular young Māori women.

**Resourcing**

The main resourcing issues identified for the YDC in the first 18 months of operation were:

• The current allocation of FTEs does not always reflect the extra work that is being carried out by practitioners.
• Lack of appropriate back-up for key positions such as the YDC social worker.
• Lack of infrastructure in regards to placement facilities outside families and residential alcohol and other drug programmes for youth.

Government agencies and service providers identified a range of additional expenses that were being managed by YDC participants as part of the pilot. For government agencies, these activities would require special funding if the pilot was to be extended beyond its current term or introduced at another site.

**Progress of young people during their participation in the YDC**

Young people and family/whānau interviewed attributed the YDC processes with helping to reduce alcohol and other drug use and reducing offending for some of the participants. This included linking them with appropriate services; facilitating attendance at programmes and courses; and by providing constant monitoring and support.

Of the 28¹ YDC participants who had finalised charges as at April 2004, 17 (61%) had completed the requirements of the YDC. The remaining 11 YDC participants did not complete the requirements and were transferred back to the Youth Court to have their charges dealt with by the usual youth justice provisions.

**Alcohol and/or other drug use**

The alcohol and other drug diagnosis was examined for the 28 young people from the sample group at the time they exited the YDC and the two young people from the sample group who were still attending the YDC at the time of writing this report.²

Of the 30 young people 22 had either stopped or reduced their alcohol and/or other drug use and eight had no change.

Of the 22 who had either stopped or reduced their alcohol and/or other drug use, 10 young people were in full remission for all their alcohol and/or drug use, which means they no longer met any of the criteria for substance dependence or abuse. Two young people had partial remission for all their alcohol and/or drug use which means while they met one or more criteria for dependence or abuse they did not meet the full criteria for dependence. A

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¹ The other two young people from the sample group of 30 were still attending the YDC at this time.
² An update on these two young people was also obtained in June 2004 to provide a full sample comparison.
further two had a mix of full and partial remission, for example, a young person may have full remission of their alcohol dependence and partial remission for their cannabis dependence.

Eight from this group of 22 had a mixture of success in reducing the usage of different substances with a mix of full and partial remission; a decrease in their dependency diagnosis such as going from moderate to severe alcohol dependency to mild to moderate alcohol dependency; and some of their substance use had no change.

**Offending**

The YDC pilot aims to reduce offending in terms of both frequency and seriousness. For this report prior and accumulated offending was assessed using offences that a young person admitted, or was found guilty of in a court of law, and therefore excludes offences dealt with by Police diversion or other means.

The annual rate of offending while attending the YDC was compared to the annual rate prior to attending the YDC for the 28 young people who had left the YDC. It was found that the rate of offending while attending the YDC was lower for 19 (68%) than their rate for prior offending. For the other nine (32%) young people their rate of offending was higher while they attended the YDC. Seven young people did not accumulate any more charges while they attended the YDC.

Comparison between those young people who completed the YDC and those that did not complete and were transferred back to the Youth Court or to the District Court was not done for this report. A more comprehensive offending analysis will be done for the follow-up assessment report, which will compare the YDC sample’s offending after they have left the YDC with prior and accumulated offending while on the YDC.

**Identified protective and risk factors**

Protective factors identified included YDC processes such as regularly going to Court and seeing the same Judge and the support of the multidisciplinary team. Young people identified supportive relationships with people they respected to be very helpful in their recovery process. Other protective factors were not associating with previous peer group; employment; maturity and better relationships with family/whānau.

Risk factors included mixing with their old peer group; difficulty in fighting their addiction; unsafe family situations; boredom and personal problems.

**Suggested improvements**

It is suggested to further improve the YDC pilot that:

- Government agencies collaboratively produce a YDC operational manual and thorough job descriptions for the YDC team.

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3 This includes one young person who had a charge that was withdrawn.
• Communication between the YDC team and other practitioners in government agencies and non-governmental service providers be further developed. This would inform others about the YDC and continue to develop working relationships.

• Processes in regards to addressing victims’ rights be clarified.

• Processes be put in place to better follow-up young people when they are discharged from the YDC. Only some have ongoing support from service providers such as YSS and Odyssey Day Programme.

• There be continuing discussion and education regarding the use of the selection criteria among all the practitioners in order to respond to the type of young people appearing in the Youth Court.
1 Introduction

The Christchurch Youth Drug Court pilot (YDC) was established by the Ministerial Taskforce on Youth Offending and started operating on the 14 March 2002. It is based on an initiative developed by Youth Court Judge Walker who identified a need for addressing the linkage between alcohol and other drug use and offending and facilitating better service delivery to this group. Judge Walker wrote a paper ‘A proposal for early court intervention for drug dependent young offenders appearing in the Youth Court’ (28 November 2000), advocating the use of the drug court model in New Zealand. The intention of Judge Walker was to adapt a form of the drug court model to the New Zealand environment.

The Ministerial Taskforce on Youth Offending created a governmental interagency working party including representation from the Ministry of Justice (MoJ), Ministry of Social Development (MSD), Department of Child, Youth and Family (CYF), New Zealand Police, Ministry of Health (MoH) and the Ministry of Education (MoE) to develop the proposal. At that time MoJ and MSD had joint leadership of Youth Justice policy and these government departments co-lead the development of the YDC pilot. MoJ wrote up the pilot proposal in consultation with the interagency working party.

The pilot’s overall objectives are to:

- improve the young people’s health and social functioning and to decrease their alcohol and/or drug use;
- reduce crime associated with alcohol and/or drug use; and
- reduce criminal activity.

A number of process issues with the ordinary Youth Court were identified and the YDC pilot was designed to improve on these processes in order to help achieve the overall objectives. These process issues are:

- **Early Identification**
  The YDC process is designed to facilitate the early identification of young offenders with moderate to severe alcohol and other drug dependency that contributes to their offending. Their alcohol and other drug dependency can be linked to their offending behaviour when offending for the purposes of obtaining drugs and alcohol; offending under the influence of these substances; and committing drug related offences.

- **Time delays**
  The YDC process aims to reduce time delays in service delivery to young people and facilitate immediacy of response.
• **Interagency co-ordination**
  The YDC process aims to facilitate more effective co-ordination of services to address the complex needs of these young people and co-ordinate delivery of services that will help improve their well-being and reduce their offending.

• **Monitoring of young person’s progress**
  The YDC process aims to more closely monitor young people to encourage them to attend their treatment programme and progress in all areas of the treatment plan designed for them.

### 1.1 The drug court model

The drug court model started in the United States of America in 1989 and has grown exponentially into a large movement of over 1000 courts encompassing mainly adult drug courts but also an increasing number of youth drug courts and family drug courts. The drug court model is applied in a number of forms and can also be found in countries such as Australia, Ireland and Canada.

The underlying philosophy of the drug court model is therapeutic jurisprudence.

> Therapeutic jurisprudence is a perspective that regards the law as a social force that produces behaviours and consequences. Sometimes these consequences fall within the realm of what we call therapeutic; other times antitherapeutic consequences are produced. Therapeutic jurisprudence wants us to be aware of this and wants us to see whether the law can be made or applied in a more therapeutic way so long as other values, such as justice and due process, can be fully respected. (David Wexler n.d.a.)

When therapeutic jurisprudence is applied to the drug court model it is ‘the use of the Court and the sanctions available to it in conjunction with treatment programmes to effect a reduction in reoffending… It is a new role for a Judge attempting to change behaviour and acting in a preventative way by intervention’. (Judge John Walker 2000)

The Christchurch Youth Drug Court pilot was based on diversionary models of drug courts and adapted to the New Zealand context. While the Christchurch Youth Drug Court has some different features to an ordinary Youth Court, the pilot essentially operates as a Youth Court under the Children, Young Persons and their Families Act (CYP&FA 1989). The Family Group Conference (FGC) process is integral to the YDC and young people are expected to achieve the goals set out in the FGC recommendations. Offenders are not sentenced until they either successfully complete their goals or they are discharged back to the ordinary Youth Court or District Court. Young people are promised that if they successfully complete their alcohol and other drug treatment plan and other FGC goals they will not be given a custodial sentence. The YDC is voluntary for young people identified as suitable candidates and they can elect to go back to the Youth Court at any time.

The drug court model uses an interagency approach with a multidisciplinary team to provide and refer young people to services to address their various needs including: alcohol and other drug treatment; programmes to address offending behaviour; accommodation needs, cultural,
educational and vocational courses. Court processes are used to facilitate a young person’s treatment process through intense monitoring with the view that rehabilitation will reduce further offending and improve young people’s well-being. This process endeavours to get young people into treatment as quickly as possible and respond quickly to non-compliance and changes in need. Members of the YDC team also monitor young people’s obligations to their victims and to the community.

The YDC Judge plays an important role in overseeing the monitoring of young people. Key features of the YDC model are the consistency of seeing the same Judge on a regular basis and the use of the Judge’s authority to positively recognise progress and to sanction non-compliance. The therapeutic jurisprudence approach recognises that the way the Judge treats young people can be an important influence because of the Judge’s symbolism and authority.

1.2 Establishment of the Christchurch Youth Drug Court pilot

The development of the Christchurch Youth Drug Court pilot was established through a series of interagency meetings conducted both at the national and regional level. Christchurch Youth Court was chosen as a suitable site for the pilot for the following reasons:

1. The perceived intensity of the drug problems amongst the Youth Court population.
2. The relatively high numbers of young persons going through the Youth Court.
3. The services available for alcohol and other drug treatment.
4. Youth Speciality Services in Christchurch performs dual diagnosis of alcohol and other drug and forensic mental health with young people.
5. The geographical layout of Christchurch meant that one Youth Court serviced a large metropolitan area where other areas such as Wellington were more geographically dispersed with disparate services.
6. There was an assumption that there would be a reasonably culturally homogenous population so that the pilot programme could be designed and evaluated relatively easily. Other centres such as Manukau have many different cultural groups that would need to be considered in the design.

MoJ conducted formative evaluation work to assist in the development of the pilot, particularly the selection criteria for participants. This included a scoping exercise during November 2001 where a ‘snapshot’ of young offenders appearing in Christchurch Youth Court was taken to inform agencies about the needs of young people and how many were likely to be eligible for the pilot. The focus was on the extent of alcohol and other drug dependency among young people, criminal histories, and educational background.

Previous research on youth alcohol and other drug treatment providers indicated that the pilot would have a capacity of 30-40 participants in a 12 month period, in order not to jeopardise placements of other young persons on to the available alcohol and other drug

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4 This assumption was incorrect as the demographic data in Section 2 demonstrates.
treatment programmes. It was recommended that the capacity for placements be regularly reviewed.

1.3 The evaluation of the YDC

To examine both the processes and effectiveness of the YDC pilot, the evaluation is divided into two phases. The first phase, the subject of this report, is a process evaluation and examines operations for the first 18 months (14 March 2002 to August 2003). This report includes aggregated information on all the 30 young people who entered the YDC during the first year of the pilot, 14 March 2002 – 13 March 2003. This report builds on the Interim Findings Report completed in November 2002 that examined the first six months of the pilot’s operation.

The second phase follows up the same sample of 30 young people twelve months after they have left the pilot. The primary purpose of the follow-up assessment is to examine to what extent it is perceived that participation in the YDC processes contributed to any improvements in these young people’s lives. It is recognised that a wide range of variables contribute to a young person’s status at any one time. The follow-up report will combine data on reoffending with the perspectives of young people, family/whānau/caregivers and professionals in regards to identifying major changes in the lives of these young people in the follow-up period. This material will be documented in a follow-up assessment report.

The purpose of this report is to provide information about how the YDC processes have been operating, including identifying the strengths and weaknesses of the pilot to inform both operational and policy decision-making processes. This report is therefore directed towards two main audiences: firstly the practitioners5 who operate the YDC to aid them in operational decisions; secondly, the policy advisers from the key stakeholder agencies to inform them how the pilot is progressing for decisions regarding continuation of the pilot and resources and funding.

1.4 Overview of YDC process

The pilot targets young offenders appearing at Youth Court who have been identified as having moderate to severe alcohol and/or other drug dependency that is linked to their offending behaviour. They may be identified by various means such as Police, their Youth Advocate, CYF, or arising from a Family Group Conference that has already been held. If they agree they are then referred to a screening by a YSS clinician to determine their eligibility for YDC. A YSS clinician is based at Christchurch Youth Court on List Court days (every Tuesday) to conduct screenings onsite. To be eligible for the YDC young people should meet the following criteria:

- age of 14-16 years at time of offence;
- moderate-severe alcohol and/or other drug dependency linked to offending behaviour;

5 Front-line staff working with young people.
Introduction

- recidivist offender defined as appearing in the Youth Court two or more times in the previous twelve months;
- sexual offending is excluded;
- some violent offending may be excluded and is assessed on a case by case basis;
- the offence[s] before the Youth Court have been proved or have not been denied.

Following the screening, the Department of Child, Youth and Family Services Court Officer will advise the Judge of the opinion. If the criteria are met, then the Judge will decide whether to remand the young person to the Youth Drug Court. If the presiding Youth Court Judge decides to transfer the young person to the Youth Drug Court then the remand will be to a date which will provide sufficient time for a full assessment by Youth Speciality Services, and the development of a detailed plan of treatment through the FGC process.

The process from initial identification to the first Youth Drug Court appearance should take approximately three to four weeks. The young offender and his/her Youth Advocate then attend a hearing of the Youth Drug Court to hear the outcome of these reports and the recommendations of the FGC. If the young person is found suitable and agrees to participate in the YDC process, the Judge will accept the young person into the YDC.

The Youth Drug Court team approach requires members from each agency to regularly be in contact with each other and work closely together to address the needs of the young person. The YDC sits fortnightly and the team meets before the court sits to review cases. This is designed to facilitate information sharing and co-ordination between agencies represented on the YDC team.

To monitor young people’s progress they start on fortnightly remands, graduating to monthly remands if they are complying with their plan. Bail conditions are used extensively to try and reduce continued offending and to get young people to attend their programmes, courses and counselling. As stated, a particular feature of the YDC is the consistency of having the same Judge presiding over cases and monitoring the young person’s progress. The Judge in consultation with the YDC team changes the young person’s plan in response to progress and circumstances.

If the plan breaks down and the young person breaches their bail conditions they are answerable to the YDC Judge, who decides whether they should be sanctioned and remain on the pilot, or be returned to the standard Youth Court process. In the final sentencing the Judge takes into account the young person’s progress on their alcohol and other drug treatment programme and the other requirements of their plan, such as obligations to victims, training and educational goals. As stated if they successfully complete the YDC they will receive a non-custodial sentence.
2 Methodology

The YDC evaluation combines qualitative and quantitative methodologies to determine what effect the YDC has had on participants and how this has been achieved. The advantage of using mixed methods is that it provides a more comprehensive picture of what is occurring. While quantitative methods document how much and how often, for example, reoffending analysis or programme attendance, qualitative methods examine why something is occurring, for example, why someone is offending or why they are not attending their treatment programme. The methods used for this evaluation included interviews, observation, file analysis, and reoffending analysis. These methodologies are discussed below.

It should be noted that the programmes attended by YDC participants as part of their treatment plan operate independently of the YDC. These programmes are not the subject of this evaluation, although it is recognised they have a significant bearing on outcomes for young people participating in the pilot. Service provision is investigated only in terms of whether there were appropriate services available to meet the needs of this target group, whether referrals were made to appropriate services, and whether young people attended and completed the treatment programmes.

2.1 Process evaluation objectives

The objectives of the process evaluation are to:

- describe the implementation of the pilot;
- document the numbers, characteristics and progress (including reoffending) of those who have been screened; accepted into the pilot; completed or dropped out of the pilot to date;
- examine whether the Youth Drug Court process facilitates referrals to treatment services in regards to early and efficient identification of young people with moderate-severe substance dependency, referral to appropriate service(s) and time taken to commence treatment;
- examine whether the Youth Drug Court process facilitates the monitoring of a young person’s attendance at their treatment service(s);
- identify to what extent the alcohol and other drug providers’ programmes matched the needs of this group of young people;
- identify the strengths and weaknesses of Youth Drug Court processes, including factors that are critical for successful implementation and those that act as barriers to implementation;
- describe any process problems and how they were resolved;
• examine to what extent the Youth Drug Court process is perceived to lead to improved integration of services for young offenders compared to the Youth Court processes for similar types of offenders;
• examine some of the costs of the Youth Drug Court processes for government agencies and enquire what the ongoing operational capacity should be.

2.2 Project management and advice

Consultation

At the beginning of the evaluation a consultation round with policy and operational people from the key stakeholder agencies was undertaken to identify their evaluation requirements. The main objectives they identified were to examine whether the YDC processes reduced offending and improved the young person’s general functioning. Agencies were also interested in the costs of the YDC in comparison to current Youth Justice processes.

There has been ongoing consultation with policy and operational people about the timing of reports to meet policy requirements, and discussion on the various components of the evaluation.

The Justice Sector Ethical Review Group reviewed the evaluation proposal. The Department of Child, Youth and Family Services Research Access Committee approved access to CYF staff and data for research purposes. A Memorandum of Understanding was drawn up with New Zealand Police to access National Intelligence Application data and Youth Aid files.

Evaluation Advisory Group

The Ministry of Justice convened an evaluation advisory group (EAG), consisting of representatives of key stakeholder agencies. Meetings are convened and comment sought as required throughout the project.

Personnel from the following agencies participate in the EAG:
• Department of Child, Youth and Family Services (CYF);
• New Zealand Police (Police);
• Department for Courts (as at 1 October 2003 Ministry of Justice);
• Ministry of Justice (MoJ);
• Ministry of Health (MoH);
• Ministry of Education (MoE).

The role of the evaluation advisory group is as follows:

1. To identify the contributing agencies’ information needs in relation to the project;
2 To advise the Ministry of Justice in its management of the project in the following areas:

- scope of the evaluation;
- the objectives;
- feasibility of proposed methodologies;
- access to data;
- any major issues that arise during fieldwork;
- review of evaluation proposal, draft reports, and interview schedules.

### 2.3 Data sources and analysis

In order to meet the process evaluation objectives and provide robust analysis, information was obtained from interviews, statistical sources, file analysis and observation.

#### 2.3.1 Interviews

Interviews were an important way to find out about how the processes of the YDC were implemented and the various perspectives on the effectiveness of those processes. Interviews were conducted with 12 young people, 11 family/whānau representing 8 young people, and 38 key respondents.

The interviews were semi-structured and were conducted with interview schedules that were based on the research objectives (see Appendix 1). The interview schedules were peer reviewed by the evaluation advisory group.

**Young people participating in the YDC and their family/whānau/caregivers**

The sample of participants that the evaluation focuses on is the 30 young people who entered the pilot during the first 12 months of operation. The sample of family/whānau/caregivers was obtained by asking the young people who were interviewed if they would consent to someone close to them being interviewed and, if so, to nominate someone. Due to resource constraints it was decided to conduct only one family/whānau interview per young person. On occasion two family members have been interviewed at the same time. Young people and their family/whānau were asked for their perspectives on the various elements of the YDC and what their experiences were. This was also an opportunity to ask young people and their family/whānau about how offending and alcohol and other drug use was linked in each case and what they found was effective in reducing offending.

Where possible two interviews are being conducted with pilot participants, the first interview occurred when they exited the pilot and the second interview twelve months after they exit the pilot. This report includes data from the initial exit interviews; data from the second interviews will be included in the follow-up assessment report. Family/whānau/caregivers are also being approached for a second interview 12 months later.
As at 22 April 2004 28 participants from the sample have left the drug court and twelve of those have been interviewed. Six of the interviewees completed the YDC and six did not complete the YDC and were transferred either back to the Youth Court or to the District Court.

Key respondents

The key respondents were members of the Youth Drug Court team, NZ Police Youth Aid Officers, CYF Youth Justice social workers and those involved in the development and management of the pilot at regional and national offices of key stakeholders and included representatives from:

- Judiciary;
- Department of Child, Youth and Family Services;
- New Zealand Police;
- Department for Courts (as at 1 October 2003 Ministry of Justice);
- Youth Speciality Services (YSS) (Ministry of Health);
- Special Education (Ministry of Education).

Key respondents from the Odyssey House Day Programme were also interviewed as 50% of the sample attended this programme.

Many of the key respondents were interviewed twice, initially for the interim process evaluation report and then approximately 10-12 months later when they were asked to reflect on the development of the pilot. For the present report 26 key respondent interviews were conducted (with a total of 38 people). This included four focus group interviews with five staff from YSS, five Youth Advocates, three staff from Odyssey House Youth Day Programme and three CYF Youth Justice social workers. This report expanded the key respondent interviewing that was conducted for the interim report to include personnel from a number of management positions in the key agencies, NZ Police Youth Aid officers and CYF Youth Justice social workers. This report included interviews with five Youth Justice social worker and four Youth Aid officers.

Interview analysis

The software package NVIVO was used to code the interview data into different topic areas. The themes that emerged from this data were then used in the analysis of the process evaluation objectives.

2.3.2 Ethical and cultural considerations for interviews

Young people were initially approached for an interview via the Youth Drug Court social worker to see if they would consent to be interviewed. The Youth Drug court social worker provided them with an information sheet about the evaluation and described the importance of finding out what the young person thought of the YDC. Key respondents and family/whānau/caregivers were approached directly by the MoJ evaluator to see if they would consent to be interviewed.
Cultural considerations

An interviewer of Māori ethnicity with an understanding of kaupapa Māori methodologies was contracted to interview Māori and Pacific participants and their family/whānau. The contracted interviewer underwent training about the project and was supervised by the MoJ evaluator. All the key respondents and the Pakeha participants and their family members were interviewed by the MoJ evaluator.

Informed consent

Prior to the interview, procedure included going through an informed consent form with the interviewee. This included the purpose of the research; what their involvement will be; their right to not participate; they could refuse to answer any of the questions; they could stop the interview at any time and their right to withdraw their consent up until the time their information is to be incorporated into the research analysis. Key respondents gave verbal consent to being interviewed and young people and their family/whānau were asked to sign a consent form.

At the end of the first interview the young people were asked if they would consent to a follow-up interview in twelve months time. If they consented, they were asked what is the best way of contacting them and if there is a person the interviewer could contact who would know their whereabouts in 12 months time.

Confidentiality

People who were interviewed for this research were guaranteed confidentiality. That is, research material collected about individual young people was not seen by anyone other than the MoJ evaluator working on the project or those contracted by MoJ.

Key respondents were told that any information they tell the MoJ evaluator will be kept confidential and will only be used for research purposes and not passed on to anyone else.

Anonymity

No identifying information specific to the youth offender, their case or their family is included in any of the evaluation reports. The data is mainly presented in aggregated form. No one in the justice sector was informed about which young people participated in an interview.

Key respondents in professional positions were made aware that as part of their informed consent that anonymity might not be possible. It is possible that they will be identifiable in the evaluation report by their designation.
What happens to interview material

The interviews were taped with the consent of interviewees and the tapes and transcripts kept securely at the Ministry of Justice. Interviewees were asked if they agreed to being anonymously quoted, and whether they would like to check these quotes. Interviewees were informed as to how the evaluation material will be used and to whom it will be disseminated.

2.3.3 Offending analysis

Data was extracted from the Courts operational database about the young people’s charges both before they entered the YDC and during their attendance at the YDC. This information was analysed using SAS software to generate descriptive statistics about the young people’s offending.

Data sources

- Law Enforcement System;
- Ministry of Justice Data Warehouse (information obtained from the Courts database Case Management System).

Ethical and cultural considerations

Data is kept strictly confidential with only members of the Ministry of Justice Research and Evaluation Unit assisting with the project accessing the data. The data is kept in locked storage at the Ministry of Justice and in accordance with the Ministry’s retention and disposal policy, data will be stored securely for two years following the report publication and then confidentially destroyed.

2.3.4 File analysis

Youth Drug Court files

Youth Drug Court files were examined to provide demographic and quantitative data on both the young people and the YDC processes. Electronic coversheets for individual files were developed in order to record number, time and outcomes of YDC appearances and a record of youth advocate costs for each participant. The information on Youth Advocate costs will be included in the follow-up assessment report.

Youth Speciality Services screening forms

A screening form was developed with Youth Speciality Services specifically for the YDC to provide an indication of the young person’s alcohol and other drug use and any links with offending behaviour. Section 4.3 outlines the screening process and analysis of the screening forms. The screening forms were examined to provide quantitative data on the levels of alcohol and other drug use and the link with offending. The forms also provided information on the total number of persons screened and how many of those did not enter the drug court for various reasons.
Ministry of Justice files

Information on the development of the pilot was obtained from Ministry of Justice files on the Youth Drug Court. MoJ was responsible for writing the pilot plan and co-leading the development of the pilot with the Ministry of Social Development.

2.3.5 Observation

Observation at Youth Drug Court sittings and at Youth Drug Court team meetings was conducted at every second YDC sitting for the first year of operation. The purpose of this was to obtain more descriptive information on YDC processes, the roles of personnel, and problem solving approaches used. Information from observations has been incorporated throughout this evaluation as this method provided valuable contextual information about the processes of the YDC.

Ethical and cultural considerations

The YDC team was made aware that observation was taking place for the purposes of the evaluation and agreed that observation could take place.

The Judge gave permission for observation to take place in the Youth Drug Court.

All information relating to these observations is kept confidential and no identifiable information in regards to young people discussed at YDC team meetings or Court proceedings is included in the evaluation reports.

2.4 Limitations

Resources

There is only one MoJ evaluator assigned to this evaluation at .5 FTE, with a limited budget and this should be taken into consideration when contemplating the scope of this evaluation. There was, however, opportunity to utilise expertise from the MoJ Research and Evaluation Unit when required to assist with statistical analysis and peer review.

Cost analysis

It is beyond the scope of this evaluation to compare the cost of operating the Youth Drug Court and the Youth Court, or to analyse any possible long term caseflow benefits for Courts. This is due to a lack of adequately detailed data on current Youth Court costs with which to compare the Youth Drug Court. The resources provided for this evaluation are not sufficient to do a separate costing of the Youth Court.

Any comparison between the costs of both Courts would therefore have to be based on the processing of comparable youth offenders. The identification of suitable comparison groups is fraught with difficulties that are discussed below. It is proposed that qualitative data from
the key respondent interviews will also provide views on comparative costs and any perceived long term benefits.

Comparative costs for the other agencies involved (CYFS, Police, MoE and MoH) are also problematic due to the lack of readily accessible analysed data on current costs for this type of target group. Underlying this is the difficulty in being able to identify a comparative sample group.

**Comparative data**

In order to compare the YDC processes with the Youth Court it would be ideal to have some form of reference or comparison group. A purely experimental design of randomly chosen participants for the pilot and a control group was not feasible because the small number of participants projected for the pilot made it statistically unviable. As stated, 30 young people entered the pilot in the first 12 months of operation.

An ethical dilemma is also raised because this pilot intends to provide better service delivery to a particular group of young people who are identified as having moderate to severe alcohol and/or drug dependency. To randomly choose people who will not participate in the pilot could be seen as not giving them the same opportunities for recovery available to the YDC participants at that particular time in the Christchurch district. This is further complicated by the upper age limit (16 years at time of offence) of the Youth Court and of the Youth Drug Court, which could mean those eligible offenders reaching the upper age limit may not get another chance to participate in the pilot.

Reasons why a comparative design was not used in this study include:

1. **Comparability of groups** – The comparison group would have to be matched to the Youth Drug Court group in terms of offending history, demographic variables and the linkage between alcohol and other drug use with offending behaviour. The similarity of groups is an important factor in determining what impact the intervention had on reoffending, as opposed to other factors. The Youth Drug Court participants are a very specific target group as they have to meet certain criteria in order to enter the drug court. It would not be possible to match them with a comparison group given limitations in the available data.

2. **Youth Justice data** – Matching offending histories, particularly prior to entering the Youth Court, may not be possible due to the differences in police and CYFS recording practices.

3. **Statistical viability** – As with control groups above, the small number of participants who went through the Youth Drug Court makes comparative statistical analysis difficult and would only provide tentative indicators at best.

4. **Location differences** – If comparison groups were chosen from different areas it would be difficult to isolate what impact the Youth Drug Court had on the young person's reoffending as opposed to other differences between Youth Court locations. For example, there are regional differences in service provision and police practice that may impact on offence rates.

5. A further possibility for a comparison group was those young people who met the criteria to enter the drug court but did not consent to go into the pilot. However, this group is
very small and therefore not statistically viable to compare with the Youth Drug Court group.

Some comparisons can be made between those Youth Drug Court participants who satisfactorily completed the pilot and those who dropped out early. However, again because of the small numbers these comparisons will only give us tentative indicative results.

Young persons participating in the pilot (both those who exit the pilot early and those who complete) will be asked to reflect on their past experiences in the Youth Court and how that process compares to the Youth Drug Court.

2.5 Conclusion

There are many reasons why young people may reduce or desist offending and the evaluation takes this into consideration by interviewing participants and family/whānau members (separately) to ask their perspectives on the Youth Drug Court process. To obtain comparative data they are asked to reflect on their past experiences in the Youth Court and how that process compares to the Youth Drug Court. This is in order to identify what are the significant factors for them that may have impacted on offending.

In this type of research it is difficult to make any direct causal links between an intervention and an outcome. Therefore it is important to use a combination of data sources including offending analysis, interviews, and Youth Drug Court documentation to identify what impact the pilot has had on the participants and why.
3 Youth Drug Court participants

This chapter provides information on the demographics, offending and alcohol and/or other drug use by the 30 young people who entered the Youth Drug Court from 14 March 2002 to 13 March 2003. The small sample size of 30 young people means that percentages, in particular, should be treated very cautiously.

3.1 YDC sample group - demographic information

To provide some context, the YDC sample is compared to demographic information from 1999 to 2003 at the Christchurch Youth Court. The Youth Court data counts cases while the YDC sample counts individuals. It should also be noted that the YDC participants are included in the Youth Court data for 2002 and 2003 as the YDC is not distinguished in the Ministry of Justice database. Given the above limitations and the fact that the YDC sample is relatively small means this comparative analysis should be treated cautiously and is only presented to give an indication of any differences and provide some context with which to view the demographics of the YDC sample.

Table 3.1 shows that nearly twice as many males (19) entered the YDC as females (11). The normal Youth Court consistently had 18-20% females and 80-82% males over the five year period of 1999 to 2003. This is compared to 37% females and 63% males for the YDC.

Table 3.1 Gender composition of the YDC sample and comparison with the Youth Court sample

<table>
<thead>
<tr>
<th>Gender</th>
<th>YDC 14/3/02 – 13/3/03</th>
<th>Youth Court 1999</th>
<th>Youth Court 2000</th>
<th>Youth Court 2001</th>
<th>Youth Court 2002</th>
<th>Youth Court 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
<td>No. %</td>
</tr>
<tr>
<td>Female</td>
<td>11 36.7</td>
<td>92 19.4</td>
<td>88 18.2</td>
<td>86 20.0</td>
<td>68 18.0</td>
<td>82 18.5</td>
</tr>
<tr>
<td>Male</td>
<td>19 63.3</td>
<td>382 80.6</td>
<td>396 81.8</td>
<td>342 80.0</td>
<td>310 82.0</td>
<td>362 81.5</td>
</tr>
<tr>
<td>Total</td>
<td>30 100.0</td>
<td>474 100.0</td>
<td>484 100.0</td>
<td>428 100.0</td>
<td>378 100.0</td>
<td>444 100.0</td>
</tr>
</tbody>
</table>

Table 3.2 compares the ages of the YDC participants with those in the Youth Court. The proportions are relatively similar with the majority of young people being 15 or 16 years old. The YDC counts more young people as aged 17 years because although they would have been 16 at the time the offence was committed they were transferred to the YDC from the Youth Court when they were 17 years. The Youth Court and YDC gives these young people until they are aged 17.5 years to complete their obligations. If they commit an offence when they are aged 17 they automatically go to the adult jurisdiction.
Table 3.2  Ages of the YDC sample and comparison with the Youth Court sample from 1999-2003

<table>
<thead>
<tr>
<th>Age</th>
<th>YDC 14/3/02 – 13/3/03</th>
<th>Youth Court 1999</th>
<th>Youth Court 2000</th>
<th>Youth Court 2001</th>
<th>Youth Court 2002</th>
<th>Youth Court 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>13 years</td>
<td>0</td>
<td>0.0</td>
<td>2</td>
<td>0.4</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>14 years</td>
<td>4</td>
<td>13.3</td>
<td>79</td>
<td>16.6</td>
<td>95</td>
<td>19.6</td>
</tr>
<tr>
<td>15 years</td>
<td>11</td>
<td>36.7</td>
<td>174</td>
<td>36.7</td>
<td>175</td>
<td>36.2</td>
</tr>
<tr>
<td>16 years</td>
<td>11</td>
<td>36.7</td>
<td>215</td>
<td>45.3</td>
<td>213</td>
<td>44.0</td>
</tr>
<tr>
<td>17 years</td>
<td>4</td>
<td>13.3</td>
<td>4</td>
<td>0.8</td>
<td>1</td>
<td>0.2</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100.0</td>
<td>474</td>
<td>100.0</td>
<td>484</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 3.3 compares the ethnicity\(^6\) of the YDC sample with the average proportions of ethnic groups attending the Christchurch Youth Court from 1999-2003; and the ethnic composition of Christchurch City from the 2001 Census. There were a higher number of Māori (60%) entering the YDC than would have been expected given the composition of the Youth Court population and the Christchurch population. The ethnicity of young people appearing in the Christchurch Youth Court over the five year period 1999-2003 remained fairly consistent with Pakeha 51-62%; Māori 33-40%; Pacific Peoples 2.7-6.6%; Other 0.4-1.8% and Unknown 0.4-2%.

Table 3.3 Ethnic composition of YDC sample compared to the Youth Court 1999-2003 and Christchurch City from the 2001 Census

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Youth Drug Court 14/3/02 – 13/3/03</th>
<th>Youth Court 5 years 1999-2003</th>
<th>Ethnic composition of Christchurch City from the 2001 Census</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Pakeha</td>
<td>10</td>
<td>33.3</td>
<td>1291</td>
</tr>
<tr>
<td>Māori</td>
<td>18</td>
<td>60.0</td>
<td>786</td>
</tr>
<tr>
<td>Pacific Peoples</td>
<td>2</td>
<td>6.7</td>
<td>86</td>
</tr>
<tr>
<td>Asian</td>
<td>0</td>
<td>0.0</td>
<td>-</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0.0</td>
<td>22</td>
</tr>
<tr>
<td>Unknown</td>
<td>0</td>
<td>0.0</td>
<td>23</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100.0</td>
<td>2208</td>
</tr>
</tbody>
</table>

Table 3.4 examines ethnicity by gender. Māori females (33%) make up the largest proportion of participants in the YDC, followed by Pakeha males (30%) then Māori males (27%). The percentage of cases in the Christchurch Youth Court from 1999-2003 for Māori females was

\(^6\) Where a young person belongs to more than one ethnic group the Statistics New Zealand Census criteria was followed to identify only one ethnic group. Ethnicity data was obtained from both Police charge information sheets and the CYF YDC social worker. The young people were not asked which one ethnic group they identify with.
Youth Drug Court Participants

8.4% and for Māori males was 27.2%. While the proportions of Māori males are nearly the same in the Youth Court as the Youth Drug Court there were nearly four times as many Māori females in the YDC sample. However, again the YDC demographic proportions should be treated cautiously as there are very small numbers involved.

Table 3.4  Comparison of ethnicity by gender for the first twelve months of the YDC pilot

<table>
<thead>
<tr>
<th>Gender</th>
<th>Pakeha</th>
<th>Māori</th>
<th>Pacific Peoples</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Male</td>
<td>9</td>
<td>30.0</td>
<td>8</td>
</tr>
<tr>
<td>Female</td>
<td>1</td>
<td>3.3</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>33.3</td>
<td>18</td>
</tr>
</tbody>
</table>

3.2  YDC sample group - alcohol and other drug use

3.2.1  Alcohol and other drug use by participants when they first entered the YDC

Table 3.5 shows the alcohol and other drug diagnosis of the YDC participants when they first entered the pilot. The criteria for alcohol and other drug abuse and dependence follow the Diagnostic and Statistical Manual of Mental Disorders, version four (DSMIV). Only those who have dependence are classified as either mild-moderate or moderate-severe. The differentiation between mild-moderate and moderate-severe is addiction discontrol. That is, moderate dependence with discontrol that meets 4-5 of the DSMIV criteria.

Table 3.5  Diagnosis of alcohol and other drug use and conduct disorder of the YDC participants when they first entered the pilot

| Nature and severity of substance dependence problem and Conduct Disorder | Number of young people
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol abuse</td>
<td>2</td>
</tr>
<tr>
<td>Alcohol dependence mild – moderate</td>
<td>3</td>
</tr>
<tr>
<td>Alcohol dependence moderate</td>
<td>7</td>
</tr>
<tr>
<td>Alcohol dependence moderate – severe</td>
<td>12</td>
</tr>
<tr>
<td>Cannabis abuse</td>
<td>2</td>
</tr>
<tr>
<td>Cannabis dependence moderate</td>
<td>14</td>
</tr>
<tr>
<td>Cannabis dependence moderate – severe</td>
<td>12</td>
</tr>
<tr>
<td>Inhalant dependence</td>
<td>1</td>
</tr>
<tr>
<td>Opioid abuse</td>
<td>1</td>
</tr>
<tr>
<td>Conduct disorder childhood onset</td>
<td>12</td>
</tr>
<tr>
<td>Conduct disorder late onset</td>
<td>17</td>
</tr>
</tbody>
</table>

1  A young person could appear more than once in Table 3.5.
Alcohol and cannabis were the primary drugs used. All of the YDC participants were diagnosed as having either moderate or moderate-severe alcohol and/or cannabis dependence. Polydrug dependency, that is using more than one drug, was common with 22 young people appearing in one of the categories for both alcohol and cannabis. For example, they could have alcohol abuse and have moderate-severe cannabis dependency. Notably five young people were diagnosed with moderate-severe dependency for both alcohol and cannabis.

It is important to note that nearly all of the young people (29) were diagnosed with conduct disorder.

### 3.2.2 Alcohol and other drug use by participants when they exited the YDC

Table 3.6 shows the diagnosis of the sample group: 28 young people at the time they exited the YDC and the two young people from the sample group who were still attending the YDC at the time of publishing this report.7

Of the 30 young people, 22 had either stopped or reduced their alcohol and/or other drug use and eight had no change. Of the 22 who had either stopped or reduced their alcohol and/or other drug use, 10 young people were in full remission for all their alcohol and/or drug use, which means they no longer met any of the criteria for substance dependence or abuse. Two young people had partial remission for all their alcohol and/or drug use, which means while they met one or more criteria for dependence or abuse they did not meet the full criteria for dependence. A further two had a mix of full and partial remission, for example, a young person may have full remission of their alcohol dependence and partial remission for their cannabis dependence. Eight from this group of 22 had a mixture of success in reducing the usage of different substances with a mix of full and partial remission; a decrease in their dependency diagnosis such as going from moderate to severe alcohol dependency to mild to moderate alcohol dependency; and some of their substance use had no change.

<table>
<thead>
<tr>
<th>Diagnosis</th>
<th>No. of young people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full remission</td>
<td>10</td>
</tr>
<tr>
<td>Partial remission</td>
<td>2</td>
</tr>
<tr>
<td>Mix of full and partial remission</td>
<td>2</td>
</tr>
<tr>
<td>Mixed results1</td>
<td>8</td>
</tr>
<tr>
<td>No change</td>
<td>8</td>
</tr>
</tbody>
</table>

1 Mixed results included those with a mix of full or partial remission; a decrease in their dependency diagnosis; and some of their substance use had no change.

7 An update on these two young people was also obtained in June 2004 to provide a full sample comparison.
The alcohol and other drug status of the 28 young people who had left the YDC and the two young people still attending are presented by diagnosis in Table 3.7, which updates Table 3.5.

Table 3.7  Nature and severity of alcohol and other drug use of the YDC sample group when they exited the pilot including two who were still attending

<table>
<thead>
<tr>
<th>Nature and severity of substance dependence problem</th>
<th>Partial remission</th>
<th>Full remission</th>
<th>Decrease in dependency diagnosis</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol abuse</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Alcohol dependence mild – moderate</td>
<td></td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol dependence moderate</td>
<td></td>
<td>4</td>
<td>1 (mild)</td>
<td>2</td>
</tr>
<tr>
<td>Alcohol dependence moderate – severe</td>
<td>3</td>
<td>4</td>
<td>1 (mild-mod)</td>
<td>4</td>
</tr>
<tr>
<td>Cannabis abuse</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Cannabis dependence moderate</td>
<td>2</td>
<td>4</td>
<td>1 (mild-mod)</td>
<td>7</td>
</tr>
<tr>
<td>Cannabis dependence moderate – severe</td>
<td>2</td>
<td>5</td>
<td>1 (mild-mod)</td>
<td>3</td>
</tr>
<tr>
<td>Inhaling dependence</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Opioid abuse</td>
<td></td>
<td></td>
<td></td>
<td>1 (sustained)</td>
</tr>
</tbody>
</table>

1  A young person could appear more than once in Table 3.7.

3.3  YDC sample group - proved or admitted offending prior to and during attendance at the YDC

3.3.1  Charges transferred to the Youth Drug Court

This section presents information on the number and types of charges that were transferred from the Youth Court to the Youth Drug Court, for those 30 young people identified in the sample.

Table 3.8 shows that two-fifths of the YDC participants had between one and four active charges transferred to the YDC and a similar proportion had between five and nine active charges. The average number of active charges was 7.6 and the median number was 6.8 The maximum number of active charges for a YDC participant was 28.

8 The ‘average’ equals the sum of all numbers divided by the sample size. The ‘median’ equals the middle number when all the numbers are ranked in order. It should be noted that an ‘average’ can be sensitive to extreme values such as one or two people with a large number of charges compared to the others. The ‘median’ is more reliable, particularly for a smaller sample, as it is not affected by extreme values.
Table 3.8  Number of active charges faced by Youth Drug Court participants

<table>
<thead>
<tr>
<th>Number of active charges</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 4</td>
<td>12</td>
<td>40%</td>
</tr>
<tr>
<td>5 – 9</td>
<td>11</td>
<td>37%</td>
</tr>
<tr>
<td>10 – 19</td>
<td>4</td>
<td>13%</td>
</tr>
<tr>
<td>20 +</td>
<td>3</td>
<td>10%</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100%</td>
</tr>
</tbody>
</table>

Note: 1 Not all active charges resulted in a 'proved' outcome being entered against the young person's criminal history.

Table 3.9 shows the most serious offence faced by each young person at the time their case was transferred to the YDC. The most serious offence was selected as the offence with the highest seriousness rating according to the seriousness categories published in Maxwell et al. (2004).

Property offences (in particular, burglary) were the most serious offence for over half (57%) of the sample. Traffic offences were the most serious offence type for around one-fifth (17%) of the sample and violent offences were the most serious offence for 10% of the sample.

Table 3.9  Most serious offence faced by Youth Drug Court participants

<table>
<thead>
<tr>
<th>Most serious offence</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent2</td>
<td>3</td>
<td>10%</td>
</tr>
<tr>
<td>Other against person3</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>Property4</td>
<td>17</td>
<td>57%</td>
</tr>
<tr>
<td>Drug5</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>Against justice6</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>Good order7</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>Traffic8</td>
<td>5</td>
<td>17%</td>
</tr>
<tr>
<td>Miscellaneous9</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100%</td>
</tr>
</tbody>
</table>

Notes:
1 Not all active charges resulted in a ‘proved’ outcome being entered against the young person’s criminal history.
2 Mainly assault, although also includes robbery.
3 Obstructing / resisting arrest.
4 Mainly burglary, theft and motor vehicle conversion.
5 Using or dealing in cannabis.
6 Absconding from CYF residence or failing to answer bail.
7 Mainly disorderly behaviour and trespassing.
8 Reckless or careless driving, driving while disqualified and driving with excess alcohol.
9 Offences against the Arms Act 1983.
As 26 YDC participants had more than one active charge, the number of participants facing charges of each specific type of offence was investigated. Table 3.10 shows that most (28) of the YDC participants had active property offences when their case was transferred to the YDC and 11 young people had active violent offences transferred to the YDC.

No young people were transferred to the YDC with only drug offences, as the three young people with drug offences transferred to the YDC were all facing charges for other offence types as well. One-third of the participants had traffic offences transferred to the YDC, including two who were facing charges for driving with excess alcohol.

Table 3.10 Number and percentage of Youth Drug Court participants with active charges of specific offence types

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>11</td>
<td>37%</td>
</tr>
<tr>
<td>Other against person</td>
<td>2</td>
<td>7%</td>
</tr>
<tr>
<td>Property</td>
<td>28</td>
<td>93%</td>
</tr>
<tr>
<td>Drug</td>
<td>3</td>
<td>10%</td>
</tr>
<tr>
<td>Against justice</td>
<td>7</td>
<td>23%</td>
</tr>
<tr>
<td>Good order</td>
<td>9</td>
<td>30%</td>
</tr>
<tr>
<td>Traffic</td>
<td>10</td>
<td>33%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>1</td>
<td>3%</td>
</tr>
</tbody>
</table>

Notes:
1 Not all active charges resulted in a ‘proved’ outcome being entered against the young person’s criminal history.
2 This percentage is calculated from the total number of YDC participants (30).
3 See the notes to Table 3.9 for actual crimes grouped into each offence category.

### 3.3.2 Charges accumulated while on the Youth Drug Court

This section presents information about the charges that were laid during the period that the 30 young people were attending the YDC. These ‘accumulated’ charges were not necessarily transferred to the YDC as, for example, the offender was 17 at the time the ‘accumulated’ offence was committed and therefore the charge was automatically laid in the District Court.

Table 3.11 shows that six (one-fifth) of the sample participants had no accumulated charges while they were on the YDC. The average number of accumulated charges for the 30 sample participants was 6.7 and the median number was 4.5. The maximum number of accumulated charges for a single participant was 26.

Most (86%) of the accumulated charges were for offences committed while the young person was attending the YDC. The other offences had been committed before the young person started attending the YDC, but charges were laid after the young person had started attending the YDC. Six young people accumulated their charges in the District Court, as they were 17 at the time of their offending.
Table 3.11  Total number of accumulated charges faced by Youth Drug Court participants

<table>
<thead>
<tr>
<th>Number of accumulated charges</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>6</td>
<td>20%</td>
</tr>
<tr>
<td>1 – 4</td>
<td>9</td>
<td>30%</td>
</tr>
<tr>
<td>5 – 9</td>
<td>8</td>
<td>27%</td>
</tr>
<tr>
<td>10 +</td>
<td>7</td>
<td>23%</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100%</td>
</tr>
</tbody>
</table>

Note:
1 Not all accumulated charges resulted in a ‘proved’ outcome being entered against the young person’s criminal history.

Nineteen YDC participants accumulated more than one charge while they were attending the YDC. Table 3.12 shows that 21 out of the 30 participants (70%) accumulated charges for property offences. One-third of the participants accumulated charges for traffic offences, including five for driving with excess alcohol. Four young people (13%) accumulated charges for drug offences. Seven young people (23%) accumulated charges for crimes against justice, with most of these charges being for escaping custody (25 offences). There was only one accumulated charge for failure to answer District Court bail. A young person can be arrested for breaching bail conditions, on the grounds under section 214 of the CYP&F Act⁹, and taken before the Court. However, young people and adults can not be charged with an offence of breaching bail conditions.

Table 3.12  Number and percentage of Youth Drug Court participants with accumulated charges of specific offence types

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>5</td>
<td>17%</td>
</tr>
<tr>
<td>Property</td>
<td>21</td>
<td>70%</td>
</tr>
<tr>
<td>Drug</td>
<td>4</td>
<td>13%</td>
</tr>
<tr>
<td>Against justice</td>
<td>7</td>
<td>23%</td>
</tr>
<tr>
<td>Good order</td>
<td>6</td>
<td>20%</td>
</tr>
<tr>
<td>Traffic</td>
<td>10</td>
<td>33%</td>
</tr>
</tbody>
</table>

Notes:
1 Not all accumulated charges resulted in a ‘proved’ outcome being entered against the young person’s criminal history.
2 This percentage is calculated from the total number of YDC participants (30).
3 See the notes to Table 3.9 for actual crimes grouped into each offence type.

⁹ Section 214 of the CYP&F Act 1989 outlines the grounds on which the Police can arrest a young person without a warrant. This includes ensuring the appearance of the young person before the Court; preventing the young person from committing further offences; or preventing the loss or destruction of evidence relating to offences committed by the young person; Police have reasonable cause to suspect that the young person has committed a purely indictable offence, and Police believe that the arrest is required in the public interest.
Table 3.13 shows that two-fifths of the sample participants had a property offence as the most serious accumulated charge. A quarter of the sample participants had a traffic offence as the most serious accumulated charge.

Table 3.13  Most serious accumulated offence faced by Youth Drug Court participants

<table>
<thead>
<tr>
<th>Most serious offence</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No accumulated charges</td>
<td>6</td>
<td>20%</td>
</tr>
<tr>
<td>Violent</td>
<td>2</td>
<td>7%</td>
</tr>
<tr>
<td>Property</td>
<td>12</td>
<td>40%</td>
</tr>
<tr>
<td>Drug</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Against justice</td>
<td>2</td>
<td>7%</td>
</tr>
<tr>
<td>Good order</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>Traffic</td>
<td>7</td>
<td>23%</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100%</td>
</tr>
</tbody>
</table>

Notes:
1. Not all accumulated charges resulted in a ‘proved’ outcome being entered against the young person’s criminal history.
2. See the notes to Table 3.9 for actual crimes grouped into each offence type.

3.3.3 Court outcomes for the sample participants

This section presents information about the court outcomes of charges that were transferred to the YDC, as well as charges that were accumulated while the young person was attending the YDC. Note that some charges were not transferred to the YDC as, for example, the offender was 17 at the time the ‘accumulated’ offence was committed and therefore the charge was automatically laid in the District Court. At the time this report was written, two of the YDC participants in the sample still had their charges before the YDC. For the remaining 28 participants their charges had been finalised.

Table 3.14 shows the total number of charges finalised against each young person, including both charges initially transferred to the YDC and charges accumulated while attending the YDC. Over half of the sample participants had ten or more charges at the time their case was finalised. The average number of finalised charges was 14.3 and the median number was 10. The maximum number of finalised charges for a YDC participant was 48.

Of the 28 YDC participants with finalised charges, 17 (61%) had completed the requirements of the YDC. The remaining 11 YDC participants did not complete the requirements of the YDC and they had their charges dealt with by the usual youth justice provisions.

Of the 17 YDC participants who completed the requirements of the YDC, six had ‘proved’ outcomes entered on their criminal history for their YDC charges. The other eleven YDC participants were discharged under section 282 of the CYP&F Act, with no ‘proved’ outcome entered on their criminal history. One of these 17 participants was ordered to come up for sentence if called upon within one year, and three were disqualified from driving by the YDC.
Seven of the 17 participants had reparation orders made against them, for total amounts ranging from $100 to $4,000.

### Table 3.14 Total number of finalised charges against Youth Drug Court participants

<table>
<thead>
<tr>
<th>Number of finalised charges</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 4</td>
<td>6</td>
<td>21%</td>
</tr>
<tr>
<td>5 – 9</td>
<td>6</td>
<td>21%</td>
</tr>
<tr>
<td>10 – 19</td>
<td>10</td>
<td>36%</td>
</tr>
<tr>
<td>20 +</td>
<td>6</td>
<td>21%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>28</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Note:
1. Not all finalised charges resulted in a ‘proved’ outcome being entered against the young person’s criminal history.

Six of the 17 YDC participants who completed the requirements of the YDC also faced charges in the District Court at the time they completed the requirements of the YDC. Four of these six had convictions entered for their District Court charges and the other two had their District Court charges withdrawn. One young person received a sentence of imprisonment by the District Court, and two were sentenced to adult community work. (See section 7.11 Exiting from the YDC, for guidelines used by the YDC to determine completion discharges or transference from the YDC.)

Of the 11 participants who did not complete the requirements of the YDC, two had convictions entered against them in the District Court and both were sentenced to adult community work. The other nine had ‘proved’ outcomes entered on their criminal histories and had supervision orders made against them, placing them in the care of the Chief Executive of the Department administering the CYP&F Act. Two of these 11 participants had reparation orders made against them, for total amounts of around $1,100 and $8,200.

### 3.3.4 Offences committed prior to entering the YDC

This section presents information about offences that were committed before each of the 30 young people started attending the YDC. For the purposes of this report, a ‘prior offence’ was defined as an offence that was committed before the young person started attending the YDC that the young person admitted, or was found guilty of, in a court of law. This definition includes the following types of charges as ‘prior offences’:

- Charges that resulted in a conviction being entered by the District or High Courts
- Charges discharged without conviction under section 19 of the Criminal Justice Act 1985 or section 106 of the Sentencing Act 2002
- Charges that resulted in a ‘proved’ outcome being entered against the young person’s criminal history by the Youth Court
- Charges admitted by the young person that were discharged under section 282 of the CYP&F Act or that were admitted and withdrawn.
This definition of prior offences includes the offence(s) that resulted in the young person being transferred to the YDC. The two young people who still had their charges before the YDC at the time this report was written were included in these figures. It also includes offences committed before entering, but accumulated while attending, the YDC.

This definition of a prior offence excludes incidents that did not result in the young person being formally charged with an offence. There are many reasons that an incident may not result in the young person being charged, including: the young person being under the age of 14 at the time of the offence, the incident not being serious enough to justify a formal court appearance or the young person not being apprehended. A lot of youth offending is dealt with by Police diversion and this data was not included in the analysis of prior offending. Therefore, the data reported here should be viewed cautiously because a fuller picture of prior offending was not analysed for this report.

Table 3.15 shows the total number of prior offences for each young person. Nearly half of the YDC participants had fewer than ten prior offences. The average number of prior offences was 16.7 and the median number was 11. The maximum number of prior offences for a single YDC participant was 58.

<table>
<thead>
<tr>
<th>Number of prior offences</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 4</td>
<td>6</td>
<td>20%</td>
</tr>
<tr>
<td>5 – 9</td>
<td>8</td>
<td>27%</td>
</tr>
<tr>
<td>10 – 19</td>
<td>7</td>
<td>23%</td>
</tr>
<tr>
<td>20 +</td>
<td>9</td>
<td>30%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>30</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Note:
1. Not all prior offences resulted in a ‘proved’ outcome being entered against the young person’s criminal history.

Fifteen YDC participants had some prior offences in addition to the offences that were transferred to the YDC. All of the other 15 YDC participants’ prior offences were those that were transferred to, or accumulated while attending, the YDC.

As young people can generally only be prosecuted for offences committed while aged at least 14 years old\(^{10}\), and each of the 30 participants entered the YDC at different ages, the rate of prior offending was investigated.

For the purposes of this report, the ‘rate of prior offending’ was calculated as the young person’s total number of prior offences divided by the number of years between the young person’s 14\(^{th}\) birthday and the date that the young person started attending the YDC. For example, if a young person turned 14 on 1\(^{st}\) January 2002 and started attending the YDC on

\(^{10}\) The only offences committed that a person younger than 14 years old can be prosecuted for are murder and manslaughter when aged 10 to 13.
1st July 2002 and had two offences for this six month period, their rate of prior offending would be $2 / 0.5 = 4$ offences per year.

Table 3.16 shows the rate of annual ‘prior offending’ for all the sample participants. Only two young people had rates of prior offending of less than one offence per year. One-third of the participants had rates of prior offending of 1 to 4 offences per year. One-fifth of the participants had rates of prior offending of 5 to 9 offences per year and one-quarter had rates of 10 to 19 offences per year. Just under one-fifth of the YDC participants had rates of prior offending of at least 20 offences per year. The average rate of prior offending for the sample was 9.1 offences per year and the median rate was 6.5 offences per year.

<table>
<thead>
<tr>
<th>Rate of prior offending</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1.0</td>
<td>2</td>
<td>7%</td>
</tr>
<tr>
<td>1.0 – 4.9</td>
<td>10</td>
<td>33%</td>
</tr>
<tr>
<td>5.0 – 9.9</td>
<td>6</td>
<td>20%</td>
</tr>
<tr>
<td>10.0 – 19.9</td>
<td>7</td>
<td>23%</td>
</tr>
<tr>
<td>20.0 +</td>
<td>5</td>
<td>17%</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100%</td>
</tr>
</tbody>
</table>

Note:
1 Number of prior offences committed per year. See text for a fuller description.

Table 3.17 shows the most serious prior offence for each young person. The most serious offence for five young people was a violent offence, in particular aggravated robbery. Half of the young people's most serious prior offence was a property offence (mainly burglary). None of the most serious offences committed by the YDC participants prior to attending the YDC were drug offences.

<table>
<thead>
<tr>
<th>Most serious offence</th>
<th>Number of YDC participants</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>5</td>
<td>17%</td>
</tr>
<tr>
<td>Other against person</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>Property</td>
<td>15</td>
<td>50%</td>
</tr>
<tr>
<td>Drug</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Good order</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td>Traffic</td>
<td>6</td>
<td>20%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>2</td>
<td>7%</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100%</td>
</tr>
</tbody>
</table>

Notes:
1 Not all prior offences resulted in a ‘proved’ outcome being entered against the young person’s criminal history.
2 See the notes to Table 3.9 for actual crimes grouped into each offence type.
Almost all (93%) of the YDC participants had committed some kind of property offence before they started attending the YDC, as shown in Table 3.18. The most common property offences committed were theft, burglary and motor vehicle conversion. Just over half of the participants had committed a violent offence before they started attending the YDC (mainly assaults and robbery). One-quarter of the participants had committed a cannabis-related drug offence and one-third had committed a traffic offence. Three young people had driven with excess alcohol before they started attending the YDC.

Table 3.18  Number and percentage of Youth Drug Court participants with ‘prior offences’ of specific offence types

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>Number of YDC participants</th>
<th>Percentage²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>16</td>
<td>53%</td>
</tr>
<tr>
<td>Other against person</td>
<td>2</td>
<td>7%</td>
</tr>
<tr>
<td>Property</td>
<td>28</td>
<td>93%</td>
</tr>
<tr>
<td>Drug</td>
<td>7</td>
<td>23%</td>
</tr>
<tr>
<td>Against justice</td>
<td>10</td>
<td>33%</td>
</tr>
<tr>
<td>Good order</td>
<td>13</td>
<td>43%</td>
</tr>
<tr>
<td>Traffic</td>
<td>11</td>
<td>37%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>2</td>
<td>7%</td>
</tr>
</tbody>
</table>

Notes:
1  Not all prior offences resulted in a ‘proved’ outcome being entered against the young person’s criminal history.
2  This percentage is calculated from the total number of YDC participants (30).
3  See the notes to Table 3.9 for actual crimes grouped into each offence type.

The YDC pilot aims to reduce offending in terms of both frequency and seriousness. The annual rate of offending while attending the YDC was compared to the annual rate prior to attending the YDC for the 28 young people who had left the YDC. It was found that the rate of offending while attending the YDC was lower for 19 (68%) than their rate for prior offending. For the other nine (32%) their rate of offending was higher while they attended the YDC. One quarter of the 28 young people did not accumulate any more charges while attending the YDC.

Comparisons between those young people who completed the YDC and those who did not complete and were transferred back to the Youth Court or to the District Court were not done for this report. A more comprehensive offending analysis will be done for the follow-up assessment report, which will compare the YDC sample’s offending after they have left the YDC with prior and accumulated offending while on the YDC.
3.4 Summary

Demographics of YDC sample group

- Nearly twice as many young men as young women entered the YDC pilot in the first 12 months of operation.
- Most of the participants were 15 or 16 years of age.
- Two-thirds of participants were Māori, and one-third were Pakeha.
- Young Māori women (10), young Pakeha men (9) and young Māori men (8) were the largest groups in terms of ethnicity and gender.

Alcohol and other drug use

- All of the participants were diagnosed as having either moderate or moderate-severe alcohol and/or other drug dependency and nearly all of the participants were diagnosed with conduct disorder.
- Of the 30 young people, 22 (73%) had either stopped or reduced their alcohol and/or other drug use and eight (27%) had no change when they left the YDC.
- Of the 22, 10 young people were in full remission for all their alcohol and/or drug use, which means they no longer met any of the criteria for substance dependence or abuse. Two young people had partial remission for all their alcohol and/or drug use, which means while they met one or more criteria for dependence or abuse they did not meet the full criteria for dependence. A further two had a mix of full and partial remission, for example, a young person may have full remission of their alcohol dependence and partial remission for their cannabis dependence.
- Eight from this group of 22 had a mixture of success in reducing the usage of different substances with a mix of full and partial remission; a decrease in their dependency diagnosis such as going from moderate to severe alcohol dependency to mild to moderate alcohol dependency; and some of their substance use had no change.

Offending history

- The median number of active charges the YDC sample participants had transferred to the YDC was 6. The most serious offence for over half the sample (57%) was property offending, in particular burglary. No young people were transferred to the YDC solely for drug offences.
- Seven young people did not accumulate any more charges while they attended the YDC. The median number of accumulated charges for the sample was 4.5. The most serious accumulated charge for two-fifths of the sample was property offending and a further quarter had a traffic offence as the most serious accumulated charge.
- Of the 28 YDC participants who had finalised charges, 17 (61%) had completed the requirements of the YDC (two YDC participants still had their charges before the YDC at the time of writing this report). Of the 17, six had ‘proved’ outcomes entered on their criminal history for their YDC charges and the remaining 11 were discharged under

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11 Includes one young person who had a charge withdrawn.
section 282 of the CYP&F Act, with no ‘proved’ outcome entered on their criminal history. Seven of the 17 participants had reparation orders made against them.

- The remaining 11 YDC participants who did not complete the YDC requirements were transferred back to the Youth Court to have their charges dealt with by the usual youth justice provisions. Two of them had convictions entered against them in the District Court and both were sentenced to adult community work. The other nine had ‘proved’ outcomes entered on their criminal histories and had supervision orders made against them. Two of these 11 had reparation orders made against them.

- Prior offending was analysed, including offences that the young person was transferred to the YDC with. Prior offending was assessed using offences that a young person admitted, or was found guilty of in a court of law, and therefore excludes offences dealt with by Police diversion or other means. Nearly half of the YDC sample participants had committed fewer than ten prior offences. The median number of prior offences was 11.

- The most serious prior offence for five young people was a violent offence, in particular aggravated robbery. Half of the young people’s most serious prior offence was a property offence (mainly burglary).

- The annual rate of offending while attending the YDC was compared to the annual rate prior to attending the YDC for the 28 young people who had left the YDC. It was found that the rate of offending while attending the YDC was lower for 19 (68%) than the rate prior attending. For the other nine (32%) the rate was higher while they attended the YDC.
4 Entry into the Youth Drug Court pilot

This chapter describes the criteria and process for selecting participants for the YDC pilot including identifying young people to be screened by Youth Speciality Service (YSS) clinicians; the YSS full assessment; the role of the Family Group Conference (FGC), and acceptance on to the pilot. Strengths and weaknesses of these processes are examined, and suggestions for future improvement by the key respondents are outlined. Where applicable, comparisons between YDC and Youth Court processes are made.

4.1 Selection criteria

The pre-pilot interagency planning meetings decided that the target group should be those young people who had the most serious substance dependency and offending problems. A major consideration in making this decision was the limited numbers that could be taken onto the YDC. While it was recognised that people with less severe problems would benefit from the YDC approach and would likely be ‘easier’ to work with, it was felt that the more severe cases should be addressed first. The following criteria was developed for selection of young people for the YDC pilot:

- the young person consents to go onto the YDC;
- 14-16 years of age at time of offence;
- moderate-severe alcohol and/or other drug dependency linked to offending behaviour;
- recidivist offender defined as appearing in the Youth Court two or more times in the previous twelve months;
- not involved in sexual offending;
- violent offending to be assessed on a case by case basis and may be excluded;
- the offence[s] before the Youth Court have been proved, admitted, or have not been denied.

Linkage between alcohol and/or other drug use and offending

The linkage between alcohol and/or other drug use and offending is conceptualised in three ways:

1. offending under the influence of alcohol and/or other drugs;
2. offending to obtain alcohol and/or other drugs;
3. drug offences.

Table 4.1 provides information on the linkage between offending and alcohol and other drug use of the YDC sample and is based on young people’s self-report to YSS. In many cases this data was corroborated by information from the Police Summary of Facts. Notably none of the young people’s offending was related solely to drug offences. A third of the young people
only offended under the influence and the same proportion offended under the influence and to obtain alcohol or drugs.

**Table 4.1 The linkage between offending and alcohol and other drug use by the YDC sample**

<table>
<thead>
<tr>
<th>Linkage between offending and alcohol and other drug use</th>
<th>Number of young people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Both offend under the influence and to obtain alcohol or drugs</td>
<td>11</td>
</tr>
<tr>
<td>Only offend under the influence</td>
<td>10</td>
</tr>
<tr>
<td>Only offend to obtain alcohol or drugs</td>
<td>5</td>
</tr>
<tr>
<td>Offend under the influence and have drug offences</td>
<td>2</td>
</tr>
<tr>
<td>Offend under influence, to obtain alcohol and other drugs, and drug offences</td>
<td>2</td>
</tr>
<tr>
<td>Only commit drug offences</td>
<td>0</td>
</tr>
<tr>
<td>Total YDC participants</td>
<td>30</td>
</tr>
</tbody>
</table>

**Recidivism**

There has been some flexibility in applying the recidivist criteria to YDC entrants. In a few cases where the seriousness of their first offence in the Youth Court was linked to a severe dependency problem, and it was thought likely that they would reoffend, the young person had been admitted to the YDC. Several key respondents thought that this flexibility in regards to recidivism was good as they considered the initial criteria for offending too restrictive given that most youth offending does not reach the Youth Court.

**Sexual and violent offending**

The reason sexual offenders are excluded and serious violent offenders are examined on a case by case basis is because a young person who committed these offences could not be assured of a non-custodial sentence. The YDC uses the incentive of a non-custodial sentence as a reward for successfully completing the pilot and fulfilling all their objectives. A respondent stated that the treatment plan for sexual offenders would not fit easily into the YDC process.

**4.2 Intake and length of stay on the pilot for the YDC sample group**

A formative evaluation conducted before the pilot gave an indication of the number of young people matching the YDC criteria per month. Of the 116 young people who attended the Youth Court during a four week period in November 2001, three matched similar criteria to the YDC. This number was thought to be a manageable monthly intake for the resource capacity of the YDC and for alcohol and other drug service providers. While there has been fluctuation in the monthly intake, the average has been 2.5 participants per month in the first

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12 The criteria were: moderate to severe alcohol and/or other drug dependency; a total of ten or more offences; exclusion of sexual offending and age of 14-16 years at time of offence.
year. The number of participants at any one time has been approximately 20 which is ideally the maximum capacity for the YDC with its present resourcing. (See Chapter 8 on resources).

**Figure 4.1** The monthly intake and number of current YDC participants over the first year of operation

4.2.1 **Length of stay on the YDC**

Of the 30 participants who entered the YDC between 14 March 2002 and 13 March 2003, 28 had exited the drug court by end of April 2004. The length of stay in the YDC varied greatly from five weeks to 74 weeks. These extremes on a small sample number make a calculation of the average length of stay problematic. The mode\(^\text{13}\) was 48 weeks and the median was 45 weeks.

The sections below discuss the processes for entering the YDC and are outlined in a flowchart in Figure 4.2. There are some variations to the process, which are discussed in section 4.3.4.

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\(^{13}\) Mode is the most commonly occurring value.
Figure 4.2  Pathways into the Youth Drug Court (YDC)

- CYF Court Officer, Youth Justice (YJ) co-ordinator, Care & protection or YJ social worker
- Family/whānau or caregiver
- Identified at a Family Group Conference (FGC) as a possible candidate. YDC recommended in FGC plan. Identified and screened by YSS when return to Court to approve FGC plan. May also be identified at a non-arrest FGC.
- Identified by practitioners and/or family at Youth Court as suitable for screening
- YSS screen young person at Youth Court
- Youth Court Judge decides whether to remand to YDC
- Remand to YDC
  - In the interim:
    - Full YSS assessment to be done
    - An FGC will be convened if necessary and conducted by the YDC
    - YJ Co-ordinator
    - YDC socialworker meets young person and their family/whānau
- First YDC Hearing. YDC Judge decides whether to accept young person onto YDC based on above reports.
  - Young Person decides whether to go into YDC
- Continue with Youth Drug Court process
4.3 Identification and screening of YDC participants

This section describes the identification and screening process which aims to facilitate early and efficient identification of young people with alcohol and other drug problems linked to their offending.

4.3.1 Identification

Young people who may be suitable for the YDC are identified by professionals such as Police, social workers, Youth Justice co-ordinators, Youth Court CYFS Liaison Officer, the Youth Court Police Prosecutor, Youth Advocates, Youth Speciality Services (YSS) screening clinicians, or by family/whānau and caregivers.

The YSS clinician is onsite at the Christchurch Youth Court on list days (every Tuesday), to screen young people to determine if they may be suitable for the YDC. It was originally anticipated that professionals would identify young people on Youth Court list days, and they would be asked if they would agree to be screened by YSS. What has often happened is that a young person is identified at an FGC rather than at Youth Court. This is because there is more time at an FGC to explore these issues. The FGC plan may then recommend the YDC. A screening is then carried out at their next Youth Court appearance when the FGC recommendations are considered.

During the first five months of the pilot the CYF YDC social worker acted as a co-ordinator identifying young people for screening by the YSS clinician on Youth Court list days. This entailed checking CYF databases and asking Youth Advocates, social workers, Youth Justice co-ordinators, the Youth Court CYF Liaison Officer, the Youth Court Police Prosecutor and families/whānau/caregivers if they thought the young person was suitable for screening. However, due to the increasing workload of the YDC social worker the co-ordination role was subsequently taken over by YSS clinicians. While a difficult role initially, as YSS staff were unfamiliar with Court systems, it has provided positive spin-offs with the building of closer relationships between YSS staff and Youth Justice professionals.

4.3.2 Screening

A screening form was developed with Christchurch YSS clinicians for the YDC. The screening form administered by a YSS clinician sets out to give an indication of the following:

- provisional diagnosis of alcohol and or other drug use;
- charges faced and A&D related past crime;
- type of linkage between substance use and offending;
- family history;
- suicide risk;
- recommendations.

Young people who have been identified as suitable for screening are told what the screening process involves and what it is for and then asked if they would consent to being screened.
The screenings are done by the YSS clinician at Youth Court list days in one of the Court interview rooms beside the Youth Court for privacy and take approximately 10-15 minutes.

**Screening results**

Analysis of the screening forms completed over an 18 month period from the beginning of screening on 15 February 2002 until 15 August 2003 shows that the recorded number of screenings during that period was 129. Four people were screened twice, therefore the total number of people screened was 125. There were 77 Youth Court list days during this period, therefore the YSS clinicians screened an average of 1.8 people per day.

Of the 125 screened, 54 (41%) met the YDC entry criteria and 41 of the 54 (75% of those eligible) have been accepted onto the YDC during the review period. The remaining 13 did not enter the YDC for the following reasons:

- did not consent to go onto the Youth Drug Court;
- currently under a Supervision with Residence Order (section 31114 of the CYP&FA) or the Youth Court outcome was a s311;
- moving away from Christchurch;
- entering a not guilty plea;
- awaiting pending charges.

**4.3.3 Decision to remand to Youth Drug Court**

The Youth Advocate presents the result of the screening to the Youth Court Judge who then makes the decision of whether to remand a young person to the YDC. If they are remanded to the YDC the Judge may direct an FGC if one has not taken place and also directs a full assessment by YSS. The Youth Court Judge plays an important role in making this decision as this acts as a ‘checking mechanism’ and does not leave the decision solely to the YDC Judge. The decision about whether a young person is accepted onto the YDC is made jointly by discussion between the YDC Judge and the YDC team who assess the young person’s suitability based on the full assessment and the FGC recommendations. As noted, young people take part in this decision and have to consent to go on to the YDC.

**4.3.4 Strengths of implementation of identification and screening processes**

Facilitated identification and assessments

All the key respondents thought that the YDC process was much more efficient at identifying and assessing young people with alcohol and other drug issues linked to offending than the Youth Court. Having the YSS clinician onsite was seen as a major improvement as young people could potentially be screened soon after arrest. Another advantage of the onsite clinician was that an appointment for a full assessment could be initiated immediately making it a more timely and accessible process.

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14 This is a custodial sentence at a CYF residential facility.
Increased awareness of alcohol and other drug issues

Respondents reported difficulties identifying young people at the beginning of the pilot because there was not enough education of professionals about the identification process. The key respondents generally thought that the process had improved as the pilot had progressed due to more awareness among practitioners about the pilot processes and about alcohol and other drug issues. This was facilitated by the proactive role of YSS during the identification and screening process and ongoing contact with the YDC team.

The Youth Drug Court also gave more focus to alcohol and other drug issues and linkages with offending. With normal Youth Court processes, young people would be identified as needing alcohol and other drug treatment through the FGC. However some key respondents thought alcohol and other drug use was treated as a secondary issue and therefore it was not always investigated through the FGC process.

Conversely one key respondent thought that once alcohol and other drug concerns were raised at an FGC then the focus was on sending the young person to the YDC. This respondent was concerned that there was too much focus on alcohol and other drug issues where this had not been a major contributor to offending. This raises the importance of the YSS role in determining the linkage between substance use and offending.

There was still concern that some young people were not being identified and there was some inconsistency among professionals in regards to suggesting young people who might benefit from the YDC.

Provision of monitoring data on alcohol and other drug use of other Youth Offenders

The YDC has produced several positive flow-on effects to the Youth Court:

- If a young person does not meet the YDC criteria but still has an issue with alcohol and other drugs, they are potentially identified earlier through screening and referred to appropriate services. The screening forms showed that a further 15 young people were categorised as not being suitable for YDC but the clinician recommended further follow-up either immediately or if the young person’s situation deteriorated. The YSS clinician would notify people associated with the young person such as their Youth Advocate, family/whānau/caregiver or social worker.
- The screenings also provide baseline data whereby YSS can monitor those who are diagnosed as alcohol and/or other drug abuse or mild-moderate, and re-screen to assess whether the young person’s problem has increased.

4.3.5 Barriers to effective implementation of identification and entry

Delays to entry processes

Some key respondents noted timeframes could be pushed out by various aspects of the process to enter the drug court and the process was not as streamlined as it could be. A few also thought that some young people attended too many court appearances during the entry process. The main issues were:
• Identification at an FGC made the process longer as opposed to identification at their first appearance after arrest at the Youth Court.

• When young people were identified as suitable through screening, on occasion the Youth Court Judges did not specify when ordering an FGC that the conference assesses whether the young person is suitable for the YDC and they also did not order a YSS full assessment. This would cause further delays.

**Tension over interpretation of selection criteria**

There was some tension between some professionals and YSS over the alcohol and/or other drug dependency criteria. On occasion some professionals thought that a young person did have a serious dependency but the YSS screening and assessment reported that they did not. This is a reflection of debates over who the YDC target group should include.

**4.3.6 Suggestions for improvement**

A YSS clinician suggested it would have been very useful if YSS had been able to meet the Youth Advocates earlier in the development of the pilot to facilitate the identification process, as the Youth Advocates play an important role in this. It should be noted that for new clients it is difficult for Youth Advocates to make a judgement as to whether there is any alcohol and other drug issues related to offending. They are more easily able to comment on clients they know and those they have been to an FGC with.

YSS respondents commented that they thought some young people were missed and there could be more education for frontline practitioners on what to look out for. Improvements could also be made in communication between frontline staff and the YDC team. Frontline staff could be encouraged where possible to be more informative about a young person’s alcohol and other drug issues. It was also suggested that anybody with a drink driving charge should be screened.

In regards to the selection criteria, a respondent suggested that they be viewed as guidelines rather than strict criteria. They were interested in making the programme available to a wider group of participants. This would be dependent on the capacity of the YDC to expand and take more young people.

**4.4 Full assessment by Youth Speciality Service**

Before young people appear at the YDC they should have attended an FGC and completed a full assessment with YSS. The full assessment conducted by a YSS clinician provides information to the YDC team on alcohol and/or other drug use as well as other areas such as mental health, education and relevant family history. The information comes from interviews

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15 Occasionally young people who have been identified at an FGC and the YDC is recommended in the plan, have been remanded to the next YDC sitting without allowing time to do the YSS full assessment. Youth Court list day is on Tuesday and the YDC sits fortnightly on Thursdays. A young person can be back at Court in two days and then remanded again for another fortnight so a YSS assessment can be done.

16 A consultant psychiatrist is assigned to oversee the cases and supervises the YSS clinician. To provide consistency YSS try to get same clinician who screened the young people to do the full assessment.
with young people and their family/whānau/caregivers, and other professionals in the health and education areas. These assessments are very important as they provide the YDC with comprehensive information and a treatment plan which ‘sets the whole basis for future interventions’.

Ideally the full assessment would take place before an FGC is convened so the report can be considered. But this is not always possible due to time constraints and the fact an FGC may have already been held.

4.4.1 Barriers to effective implementation of full assessment

Youth Court list day was changed from Fridays to Tuesdays at the end of September 2002. YSS accordingly shifted their screening to Tuesdays. However, this has caused a delay in assigning clinicians to do full assessments, as new clients are not distributed until Mondays, resulting in a week being lost in an already tight timeframe.

The shorter timeframe imposed on the YDC assessments means that sometimes not all the information can be collected in time due to being unable to contact other agencies or family members. Where there are gaps, it is stated in the assessment report that other information still needs to be collected.

4.4.2 Comparison with the Youth Court

The average time for a full assessment from the date of screening until the date the assessment report is sent to the YDC is 3.2 weeks (median 3 weeks). Key respondents said that often it could take approximately 5-6 weeks for a full assessment to be completed for the Youth Court.

The shorter timeframe required YSS to prioritise YDC participants and to be more persistent in trying to contact them; normally there would only be three attempts at trying to contact the young person and their family. The prioritisation of YDC participants was not identified as an issue by YSS interviewees. The YSS co-ordinator of the alcohol and other drug stream and mental health team said that there were not enough young people coming through from the YDC to jeopardise the service delivery of other clients. It was difficult for the YSS co-ordinator to estimate how many extra resources were devoted to YDC full assessments because ‘some of that is bread and butter, we would be doing that anyway through Youth Justice. We would not be doing them all but we would be doing quite a few of them.’ However, the overall additional workload of involvement with the YDC including screening days, meetings and administration work was estimated to be more than the extra half time position YSS had received funding for the YDC (see section 8.3.2 on YSS resourcing issues).

A key respondent commented that one difference between the YDC and the Youth Court was the ‘hit and miss’ situation of the Youth Court depending on which organisation assessed the young person.

17 An average of 2.5 young people from the YDC a month.
Some organisations are more vigilant than others are and they have higher criteria than others do in their assessments. Sometimes it was just the young person’s bad luck which organisation they got that continued with them. That I found had a lot of bearing on the success rate.

There was a very high level of satisfaction among the key respondents with the services that YSS provided.

4.5 Family Group Conference

4.5.1 Description of process

The Youth Justice Family Group Conference (FGC) is a statutory decision-making body established under the Children Young Persons and their Families Act (1989). When a young person appears in the Youth Court for an offence an FGC is ordered. The CYF Youth Justice (YJ) Co-ordinator organises the FGC. They invite the victims, young person and their family/whānau or caregiver, the assigned Youth Advocate and Youth Aid Officer and any other significant professionals such as social workers and counsellors.

The purposes of an FGC are to determine whether the young person committed the alleged offence and, where admitted, to develop a plan. The plan should address the following three areas, to:

- put it right for the victim;
- decide what can be put in place to stop the person reoffending;
- decide what consequences need to be considered for this type of offence.

If everyone at the FGC agrees to a course of action that addresses the above three purposes these are put forward as recommendations in the FGC Plan. The plan is presented at Youth Court for the Judge’s approval. Ordinarily in Youth Court the young person may get three to six months to complete the goals in the plan for example: community service; reparation to the victim(s); write letters of apology; attendance at specific courses; attend any treatment recommended. The progress of the young person is then reviewed and depending on their achievements they may be sentenced or allowed further time to complete the plan.

CYF has assigned a YJ co-ordinator (0.5 FTE) to the YDC to manage FGCs for the pilot participants and to oversee the FGC outcomes. If the young person is identified as suitable at their first Youth Court appearance after arrest, the Youth Court Judge may order the YDC YJ co-ordinator to conduct the FGC. This is referred to in this report as a YDC FGC. Essentially there should be no difference between an ordinary FGC and a YDC FGC in that they both address the above three areas. However, the main difference is that the YDC regularly monitors the FGC plan with fortnightly or monthly remands over a longer period of time. A Supervision Order with residence is not recommended in the YDC FGC because part of the inducement to successfully complete the YDC is that no custodial sentence will be given. However this does not preclude recommending a Reparation Order.
As with the Youth Court, the FGC Plan is presented to the YDC Judge for approval. For nearly all the young people who graduate from the YDC the YDC Judge directs a reconvened FGC or an FGC under section 281(b) of the CYP&F Act 1989\textsuperscript{18}. This is to address any of the victims’ needs that have not been dealt with and to discuss follow-up recommendations for the young person. The YDC YJ co-ordinator commented that this was still not a smooth process and she had reservations about inviting a victim a year after the incident.

*I think there are some ways to do a lot of tightening up things for victims. If it is possible and if it can happen, then I am quite keen on those reparation orders being made at the start. Often that is what people want. So if reparation orders could be made early in the piece and that is got out of the way, then that is fine.*

An important debating point surrounding the YDC has been the balance between treatment of the youth offender and legal obligations to the victim. The YDC aims to get youth offenders to a position where they can fulfil their obligations to their victims and complete any community sentences. Furthermore, the philosophy of the YDC is to treat the underlying causes of offending to prevent further offending and victimisation. The way this has been implemented has met with some criticism and is discussed in the following sections.

A development over the last year has been that the YDC social worker incorporates the FGC plan at the beginning of her fortnightly reports to the YDC. This helps to keep the FGC plan to the forefront and remind the team, including the Judge, what the goals are.

Outlined below are a number of issues in regards to FGCs and the YDC that key respondents raised.

### 4.5.2 Barriers to effective implementation of FGC process

**Pilot planning**

- Some respondents from both CYF and the Police expressed concern that the YDC FGC process and the roles of the different professionals were not clearly set out at the beginning of the pilot. This was part of a wider concern that there was not detailed planning and guidelines for the pilot.

- Some Youth Aid Officers were unclear about their role in putting forward recommendations at an FGC for potential YDC candidates. This was because some of them thought that YDC had a predetermined plan to only address the alcohol and other drug issues of the young people. Some felt that the function of the FGC to provide a forum for everyone to have input, including the Police and victims, was being ‘side-stepped’ once the YDC was recommended. However several of the Youth Aid Officers interviewed had been putting forward recommendations at FGCs that addressed victims’ needs, including Reparation Orders, which had been accepted by the YDC.

\textsuperscript{18} A reconvened conference is where all those attending the first conference are invited back. Under section 281B of the CYP&F Act 1989 a Judge can direct an FGC on anything so attendees are selected accordingly.
Suggestions for improvement:

1. Training days for professionals, particularly CYF and Police.
2. Writing up operational guidelines for the YDC. For example, CYF is in the process of writing up guidelines for the YDC social worker.

Development of FGC plan

- The suitability of the FGC plan developed is largely dependent on the YJ co-ordinator. Occasionally YJ co-ordinators have just included ‘refer to the YDC’ as an outcome without a comprehensive list of outcomes. This was because in the earlier stages of the pilot some YJ co-ordinators initially thought the plan would be developed later under the YDC.
- The reviews of FGC plans that do not align with the YDC have been problematic.
- Several respondents raised the issue of addressing matters in previous plans. There was concern about when these plans would be reviewed and victims updated on progress. In one case a respondent thought that the previous FGC plan had been negated because it had recommended a Supervision Order and there are no Supervision Orders given to YDC graduates.
- There was an issue regarding communication raised by several respondents, particularly Youth Aid, where they would like to be better informed about whether an FGC plan had been accepted and progress was being made in regards to the goals concerning victims and accountability to society. They did receive the fortnightly YDC social worker reports but felt that these were very focused on the treatment goals. They were also concerned that victims were not being updated in regards to outcomes concerning them (see section below).
- There can be administrative issues with FGC plans for the YDC, for example, protocols for financial payment of services funded by CYF.

Suggestions for improvement:

As some participants will continue to be identified at FGCs CYF are continuing to train YJ co-ordinators to develop a comprehensive list of outcomes that will fit in with the YDC principles. This includes addressing both rehabilitation of the offender and compensating the victim and society. The Southern Regional Manager – Co-ordinators said that ‘the plan can still keep some of the outcomes open for negotiation as to what the treatment will be but it gets it really clear what the restoration to the victims should be’.

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19 To provide CYF funding for young people to go on a (CYF approved) programme via the Youth Court, the programme has to be recommended by an FGC, and that FGC plan approved by the Youth Court or in this case YDC Judge. Some of the ordinary FGCs did not specify programmes.
20 The Southern Regional Manager – Co-ordinators and the YDC YJ co-ordinator held a training session with other co-ordinators at the time of the review and there was another training session planned.
4.5.3 Comparison with the Youth Court

A major difference of the YDC model is the intense monitoring of the plan by having regular fortnightly appearances at Court. The intensive monitoring of the FGC plan by the YDC was seen as a very positive advantage over normal Youth Court processes. Normally FGC plans are reviewed in three months and respondents stated that quite often conditions had not been completed and the case had to be adjourned to await completion. This could be for various reasons including the capacity of CYF social workers to contact young people and various programme providers to help facilitate the outcomes. A lot could also depend on family or caregivers and their ability to support young people in completing FGC goals. Data from the report Achieving Effective Outcomes in Youth Justice (2004:97-101) showed that while official files emphasised the role of professionals in monitoring FGC plans, interviews with young people emphasised the role of families in making sure they completed their plans.

4.6 Victims’ rights

A number of issues have been raised in regards to victims’ rights in the YDC process. Victims may have views about reparation and community work as well as bail conditions, such as curfews and staying away from their area. They may also have input on what they think are appropriate education and rehabilitation programmes. Victims can express their views either at the FGC or to the YJ co-ordinator to be conveyed at the FGC.

From the outset the YJ co-ordinators were to explain to victims that issues of reparation and any community based sentences will be addressed after the young person has made suitable progress in their alcohol and other drug treatment. This is because it is highly unlikely a youth offender will be able to make reparation if they are still impeded by a serious drug or alcohol problem.

Every time a new offence with a victim is committed an FGC is convened in order to address victims’ needs. As discussed nearly all the young people exiting the YDC have a final FGC to address any outstanding obligations to victims.

4.6.1 Barriers to effective implementation of victims’ rights

Criticisms from a few key respondents in regards to victims’ rights were:

- Victims’ needs are being set aside while the focus is on the young person and their alcohol and other drug dependence. A major part of the FGC process is to put it right for the victim and the YDC process is seen by some as marginalising the victim’s rights.
- The time victims are expected to wait for their needs to be addressed is seen as unreasonable by some respondents.
- No clear process for notifying victims whether the young person has been accepted into the YDC and information on what has been put in place for victims and when this is likely to happen.
4.6.2 Strategies to address victims’ rights developed by the YDC team and suggestions for further improvements

1. During the FGC victims should be a part of the decision making processes regarding the YDC and the FGC outcomes. Various key respondents commented that most victims understand, and while some want financial compensation as soon as possible, others want the young person to turn their life around. A key respondent commented that the intense monitoring by the YDC of the FGC outcomes provides reassurance to victims that the young person will be held accountable. (See section 7.8).

2. Victims should be well informed prior to a YDC FGC about the YDC process and given realistic expectations about when to expect reparation and any community sentence outcomes. It was suggested that victims should be advised by letter straight after the first YDC hearing as to whether the young person has been accepted into the YDC; what has been put in place to make it right for the victim; and that this process can take up to a year.

3. Young people are expected to fulfil FGC outcomes that they can manage as soon as possible, such as verbal and written apologies, reparation and community service. For example, if the FGC has recommended a certain amount of reparation the young person can start paying reparation as soon as possible without waiting until formal orders by the Court are made.

4. If victims agree, they can be informed of the progress of the young person. Participants coming towards the end of their time in the YDC often wrote a report on their progress and this was passed on to victims if they wanted to receive it. However it was still unclear if CYF or Police should send this to the victims and it was suggested there should be an official letter either from the Court or CYF updating the victim. This could be done at a specified time such as 3-6 months.

4.6.3 Comparison with the Youth Court

In regards to victims’ needs such as reparation, it is difficult to compare the Youth Court and YDC timeframes on fulfilment of these outcomes. The amount and payment of reparation was often an issue in the ordinary Youth Court so the problem was by no means unique to the YDC. One respondent viewed the YDC as being harder on young people in terms of reparation than the Youth Court; further analysis would need to be conducted to verify this.

Addressing their substance dependency was seen as a very positive step in helping them meet their obligations to victims as well as trying to prevent future victimisation caused by further offending.

The Southern Regional Manager Co-ordinators stated that they are learning from the YDC experience and there will be flow-on effects of good practice generally to YJ co-ordinators in Christchurch, particularly in regards to getting a balance between treatment of offenders and legal obligations to victims. He suggested that the YDC participants’ cases not extend past six months because he was concerned detachment from the victims was appearing to occur.
4.7 Acceptance on to the Youth Drug Court

The process from screening to acceptance in the Youth Drug Court for the first 30 participants took an average of 4.5 weeks. This timeframe is slightly longer than the initial 4 weeks proposed. The time ranged from 2 to 7.5 weeks due to a variety of factors including timing of FGCs and YSS assessments (see section 4.3.5).

4.7.1 Description of first Youth Drug Court hearing

The young offender, his/her Youth Advocate and sometimes support people such as family/whānau and social worker, attend the Youth Drug Court to hear the recommendations of the FGC and YDC team. If the young person is found suitable the Judge explains to the young person about the YDC and emphasises the honesty and commitment that will be required on their part. The Judge asks them if they want to be in the YDC. It should be noted that the YDC social worker and the Youth Advocate should have previously explained about the YDC processes and the young person had the opportunity to think about it and decline before their first YDC appearance. If they accept, the YDC Judge verbally agrees to take them onto the YDC. The Judge will remand the young person to appear in a fortnight’s time usually with bail conditions that reflect in detail the programme required to be undertaken.

4.7.2 Why young people consented to enter the YDC

The twelve young people interviewed for this evaluation said they were informed about the YDC by either their Youth Advocate; a YSS clinician; YDC YJ co-ordinator or YDC social worker. Most remembered being told that the YDC would treat their alcohol and other drug issues and some also said that it was presented to them as a second chance; a way of getting rid of charges; and a focus on alcohol and other drug issues rather than punishment. A few of the young people did not think they were told much about the YDC and one thought they should have been told more.

Most of the eleven family/whānau interviewed (representing eight of the young people) had been with their young person at the beginning of the YDC and had been informed about the pilot. They were told it was a pilot that focused on treating the alcohol and other drug issues of youth offenders to try and reduce further offending and that it provided an opportunity for the young people to have reduced charges if they did well. Some liked the idea of the regular monitoring with fortnightly remands and others commented that they thought it was good to focus on the alcohol and other drug issues that were causing offending. A few commented that they were keen for their young person to try the pilot, as they were not getting anywhere through the Youth Court system.

The young people interviewed decided to enter the YDC for a combination of reasons including getting help with their alcohol and other drug use and not getting the same penalties as going through the normal Youth Court such as a Supervision with Residence Order. Several young people expressed that they did not want to go to the CYF residence Kingslea. In this sense some thought that the YDC would be easier than the Youth Court. Many of them thought it might actually help them with their alcohol and other drug problems and other problems.
These reasons were corroborated by the interviews with family/whānau. They thought the young people decided to go on the YDC due to a combination of it appearing easier with the possibility of a lighter sentence, and as a way to get help with alcohol and other drug problems.

### 4.8 Youth Drug Court environment

In regards to the physical set up in the Court, the YDC differs from the Youth Court in the following respects:

- Once young people are accepted on to the YDC they do not stand in the dock in front of the Judge but rather sit in the witness stand adjacent to the Judge. This closeness to the Judge is to facilitate conversation between the two.

- The Youth Advocate and Police Prosecutor do not stand when presenting their case. People in the YDC only stand when the Judge enters and leaves the court. This is designed to foster a more relaxed atmosphere.

- Young people are booked for 15 minute time slots at YDC for all their appearances. This is to allow time for a discussion to take place between the Judge, the young person and any family or support people they bring along. Feedback is also sought from the YDC team including the YDC social worker, Police Prosecutor, Youth Advocate and any attending officials such as the young person’s youth worker or counsellor.

- The cases are reviewed at a YDC team meeting before the YDC sits therefore all the professionals are in agreement when the case is discussed in court. This takes away the adversarial nature of the Court.

### 4.9 Summary

**Early and efficient identification of young people with alcohol and other drug dependencies**

- Respondents believed the YDC process facilitated earlier identification of young people with alcohol and other drug issues related to their offending than the Youth Court. The onsite YSS screening at Christchurch Youth Court list days makes the identification process more accessible than the previous Youth Court processes.

- The data available showed that of 125 young people screened between 15 February 2002 – 15 August 2003, 54 (41%) met the YDC entry criteria and 41 of the 54 (75% of those eligible) have been accepted onto the YDC. The remaining 13 did not enter the YDC for a variety of reasons including the young person did not consent; they were currently under a Supervision with Residence Order; they were entering a not guilty plea; they were awaiting pending charges or they were moving from Christchurch.

- The identification and screening processes were ‘hit and miss’ at the beginning of the pilot and have improved with the increased awareness of practitioners and the more proactive role of YSS. This has been particularly important to identify the not so well-known and
new offenders who are potential candidates for the YDC. Young people were easier to identify at the beginning of the pilot due to an accumulation of well-known cases.

**Intake and length of stay on the YDC**

- During the first year of operation the YDC had an average monthly intake of 2.5 participants. The number of participants at any one time was approximately 20, which is ideally the maximum capacity for the YDC with its present resourcing. The length of time attending the YDC varied greatly from five to 74 weeks, with the mode 48 weeks and the median 45 weeks.

**Reducing time delays in assessment and commencement of treatment**

- The YSS full assessments are able to be carried out in a shorter timeframe due to the extra resources (0.5 FTE) and commitment of the YSS staff.

**Victims’ rights**

- A few key respondents thought there were issues over the victims’ rights in the YDC process namely timeliness of any restitution from the young people; and the accountability of the young people for what they have done to victims.
- The strategies developed by the YDC team to address concerns about victims’ rights are progress reports from the young people to victims who want them, and getting young people to address their obligations to victims’ as soon as possible. The necessity of giving victims realistic expectations about the amount and timely delivery of reparation was also emphasised by some respondents.

**Why young people consented to go into the YDC**

- Young people chose to attend the YDC because they thought it would be an opportunity to get help with their alcohol and other drug problems; it provided them with a second chance, and an opportunity to get a lighter sentence, which made young people think the YDC was easier than the Youth Court.

**Suggested improvements**

- Continuing discussion and education regarding the use of the selection criteria among all the practitioners in order to respond to the type of young people appearing in the Youth Court.
- At the present capacity of the YDC the maximum number of young people attending the YDC at any one time is 20. It was suggested the selection criteria in regards to recidivism and alcohol and other drug diagnosis be used flexibly to manage the caseflow through the drug court. The link between offending and alcohol and other drug use and all the other criteria would apply.
YDC compared with the Youth Court in Christchurch

- Generally the respondents thought the YDC system more efficient at identifying and assessing this type of young offender than the Youth Court.
5 Programmes and services

This chapter provides information about the programmes and services that were used by the YDC sample participants from 14 March 2002 to 15 August 2003. While alcohol and other drug treatment is a major focus of the YDC, other needs of the young people are also considered very important by the YDC team. Therefore a wide range of programmes and services were used to address alcohol and other drug issues, offending behaviour, educational and vocational needs, and provided mentoring and support.

A treatment plan for alcohol and other drug issues is developed for each young person based primarily on the YSS full assessment. The YDC team discusses programmes and services to address other needs and decisions about where to place young people, which are determined by factors such as suitability and availability. The placement of the young people on programmes is often facilitated by the YDC social worker and funding is organised by the appropriate agencies. The YDC YJ co-ordinator and YDC social worker actively canvass different providers to find out more about what they provide and inform them about the work of the YDC.

This chapter looks at what programmes and services the YDC sample used, who funded the young people, gaps in service provision and impacts of the YDC on the two main service providers: Odyssey House Day Programme and Youth Speciality Services.

5.1 Programmes and services utilised by YDC participants

5.1.1 Alcohol and other drug services

Alcohol and other drug services are classified into three categories for the purpose of this evaluation:

1 Residential;
2 Day programme;
3 Counselling.

In total there were 13 providers for alcohol and other drug treatment. The YDC predominantly used four of these providers for the YDC sample:

1 Residential
   • Odyssey House Residential Programme (Auckland)
   • Rongo A’tea Residential Programme21 (Hamilton)

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21 Rongo A’ta is no longer available to young people outside the Midland Health District due to funding reasons, which are discussed in section 5.4.
2 Day programme
   • Odyssey House Day Programme (Christchurch)
3 Counselling
   • Youth Speciality Services (Christchurch)

Tables 5.1 to 5.4 list the alcohol and other drug services accessed by the YDC sample and the number of young people who have used each service during the review period. Information on who funds the young people is also given.

### Table 5.1 Service accessed for full assessments, number of young people and funding arrangement

<table>
<thead>
<tr>
<th>Full Assessments</th>
<th>No. of young people</th>
<th>Young person funded by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Speciality Services</td>
<td>30</td>
<td>DHB</td>
</tr>
</tbody>
</table>

### Table 5.2 Services accessed for residential alcohol and other drug programmes, number of young people and funding arrangements

<table>
<thead>
<tr>
<th>Alcohol and other drug Residential Programmes</th>
<th>No. of young people</th>
<th>Young person funded by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odyssey House (Auckland)</td>
<td>7</td>
<td>DHB/CYF</td>
</tr>
<tr>
<td>Rongo A’tea (Hamilton)</td>
<td>5</td>
<td>DHB/CYF</td>
</tr>
<tr>
<td>St Marks (Adult service over 17 years of age, Blenheim)</td>
<td>2</td>
<td>DHB</td>
</tr>
</tbody>
</table>

### Table 5.3 Service accessed for alcohol and other drug day programmes, number of young people and funding arrangement

<table>
<thead>
<tr>
<th>Alcohol and other drug Day Programmes</th>
<th>No. of young people</th>
<th>Young person funded by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odyssey Day Programme</td>
<td>15</td>
<td>DHB</td>
</tr>
</tbody>
</table>

### Table 5.4 Services accessed for alcohol and other drug counselling, number of young people and funding arrangement

<table>
<thead>
<tr>
<th>Counselling</th>
<th>No. of young people</th>
<th>Young person funded by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Speciality Service – individual and group counselling</td>
<td>17</td>
<td>DHB</td>
</tr>
<tr>
<td>Riki Tan (CYFS)</td>
<td>3</td>
<td>CYF</td>
</tr>
<tr>
<td>Odyssey Day Programme - individual counselling</td>
<td>2</td>
<td>DHB</td>
</tr>
<tr>
<td>Te Rito Arahi Māori Alcohol and Drug Resource Centre</td>
<td>2</td>
<td>DHB</td>
</tr>
<tr>
<td>Methodist Alcoholics Anonymous</td>
<td>1</td>
<td>Community</td>
</tr>
<tr>
<td>Alcoholics Anonymous Blenhiem</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Narcotics Anonymous Christchurch</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Pacific Island Evaluation Centre Alcohol and Drug programme</td>
<td>1</td>
<td>DHB</td>
</tr>
<tr>
<td>Waipuna Trust – individual counselling</td>
<td>1</td>
<td>Community/DHB</td>
</tr>
</tbody>
</table>
From the YDC sample of 30, 14 young people accessed residential programmes; 15 accessed the Odyssey House Day Programme; and 22 accessed counselling services. A young person might have accessed several of these services during their time on the drug court. This can be a reflection of their different treatment needs over time or the difficulty of finding a suitable treatment provider for a young person.

### 5.1.2 Social work and residential support services

The following tables list the social work and residential support accessed by the YDC sample participants. It should be noted that a young person may have accessed several of these services. Information on who funds the young people is also given.

#### Table 5.5 Services accessed for social workers and youth workers, number of young people and funding arrangements

<table>
<thead>
<tr>
<th>Social worker, Youth Worker</th>
<th>No. of young people</th>
<th>Young person funded by</th>
</tr>
</thead>
<tbody>
<tr>
<td>CYFS field social worker assigned</td>
<td>30</td>
<td>CYF</td>
</tr>
<tr>
<td>Christchurch City Council Police Youth Project</td>
<td>4</td>
<td>Christchurch City Council and Police</td>
</tr>
</tbody>
</table>

#### Table 5.6 Services accessed for non-alcohol and drug residential programmes, number of young people and funding arrangements

<table>
<thead>
<tr>
<th>Residential Programmes</th>
<th>No. of young people</th>
<th>Young person funded by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richmond Fellowship (Christchurch)</td>
<td>1</td>
<td>CYF</td>
</tr>
<tr>
<td>Pacific Development Trust (Auckland)</td>
<td>1</td>
<td>CYF</td>
</tr>
</tbody>
</table>

#### 5.1.3 Services addressing offending

While it could be argued that many of the services helped to address offending in some way, the following services in table 5.7 directly addressed offending behaviour.

#### Table 5.7 Services accessed for programmes to address offending behaviour, number of young people and funding arrangements

<table>
<thead>
<tr>
<th>Programmes specifically addressing offending behaviour</th>
<th>No. of young people</th>
<th>Young person funded by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anger management courses:</td>
<td>3</td>
<td>CYF</td>
</tr>
<tr>
<td>Kingslea</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stopping Violence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Challenging Offending Kingslea</td>
<td>1</td>
<td>CYF</td>
</tr>
</tbody>
</table>

Participants who were required to do community service hours were often referred to the Youth Cultural Development organisation that organised this work.
5.1.4 **Services providing education and training courses**

There was quite a range of providers for education and courses. Five of the 30 young people attended secondary school during their participation in the YDC although some of this attendance was sporadic. Many of the young people expressed a desire to find a job rather than go back to school, and a number of vocationally orientated courses were utilised to facilitate this. Information on employment is in section 5.1.5 below.

Table 5.8 lists courses accessed by the YDC participants including vocational courses. Table 5.9 looks more specifically at educational services accessed by the young people. It should be noted that a young person may have accessed several of these services.

### Table 5.8 Services accessed for training courses, number of young people

<table>
<thead>
<tr>
<th>Courses</th>
<th>No. of young people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salvation Army Jump Start and Employment Plus courses</td>
<td>1</td>
</tr>
<tr>
<td>YMCA Starting Point and Stepping Out courses</td>
<td>4</td>
</tr>
<tr>
<td>Avon City Ford course</td>
<td>1</td>
</tr>
<tr>
<td>Fishing course</td>
<td>1</td>
</tr>
<tr>
<td>Carich Computer Training course</td>
<td>2</td>
</tr>
<tr>
<td>Academy School</td>
<td>1</td>
</tr>
<tr>
<td>Polytech course</td>
<td>1</td>
</tr>
<tr>
<td>Ngā Ma’atawaka</td>
<td>1</td>
</tr>
<tr>
<td>Rehua Marae course</td>
<td>1</td>
</tr>
<tr>
<td>Te Rakau Theatre Group (Jim Moriarty)</td>
<td>1</td>
</tr>
<tr>
<td>Kimihia Adventure Programme (Linwood College)</td>
<td>1</td>
</tr>
</tbody>
</table>

### Table 5.9 Services accessed for education and alternative education, number of young people

<table>
<thead>
<tr>
<th>Formal and alternative education</th>
<th>No. of young people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Special Education involvement</td>
<td>7</td>
</tr>
<tr>
<td>Secondary School</td>
<td>5</td>
</tr>
<tr>
<td>Whanau class (Māori cultural focus Hagley College)</td>
<td>1</td>
</tr>
<tr>
<td>Te Kaupapa Whakaora (Part of Papanui High School alternative education)</td>
<td>2</td>
</tr>
<tr>
<td>CYF Kingslea Residence School</td>
<td>1</td>
</tr>
</tbody>
</table>

Group Special Education (GSE) were involved with seven young people from the sample, this included conducting educational assessments, arranging correspondence and supporting some of them to go to secondary school and others to alternative education. The GSE representative attends all the YDC meetings and a GSE representative has attended some of the FGCs with those young people they were involved with.

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22 Key respondents said that the identification of young peoples educational needs were picked up in YSS full assessments that were conducted prior to young people entering the YDC.
GSE had increasing involvement with YDC participants as the pilot progressed primarily because more of the young people attended school. Many of the YDC participants tended to be older and have been out of the education system for longer and were more difficult to re-engage with education. GSE do not normally work with young people who are not at school and therefore found it difficult to become more involved with many of the YDC participants.

Issues identified for progressing educational needs of YDC participants were:

- Some difficulties obtaining an exemption for young people to leave school, which caused delays when they wanted to start a course.
- There were difficulties with some schools keeping YDC participants with them.
- Young people sometimes prefer alternative education as they saw it as a softer option.
- Several key respondents thought that accessing The Correspondence School took too long.

### 5.1.5 Employment services

Many of the YDC participants expressed a desire to enter employment and Judge Walker was very keen to forge alliances with industry to give young people in the Court system more opportunities. The main employment service used by the YDC was Action Works, which is funded by the Christchurch City Council, WINZ, and Canterbury Development Corporation Ltd. Eight young people from the sample group have utilised the service, although not all found work. Several more were referred to Action Works but did not use the service. Odyssey House Day Programme also assists young people find employment.

Table 5.10 shows the number of young people involved in employment. Five young people appear twice in the employment categories; therefore fifteen young people in total were involved in some kind of employment. The data was not adequate to calculate how long they stayed in employment and indications from the YDC social workers’ reports and YDC observations were that this varied considerably. Six young people were employed when they left the YDC.

One key respondent thought that getting employment was the biggest factor contributing to long term recovery from alcohol and other drug dependency and not reoffending. This would be an important factor to explore in the follow-up assessment evaluation report, which examines the sample 12 months after they leave the YDC.

Many of the key respondents said it was difficult for these young people to find employment because of their lack of qualifications, experience, and for some, their readiness for work. While there were work schemes that paid employers to take inexperienced youth, sometimes the young people lacked motivation and did not turn up or were difficult.
5.2 What young people and family/whānau liked about programmes

Young people interviewed for the evaluation were asked what they liked and did not like about the programmes, courses and counselling they attended. A major theme that came through was the importance of having the right people providing the services and the relationships the young people formed with them. Young people most often mentioned they liked or disliked a programme because of the staff. Other participants on programmes could also influence whether young people liked the programme or not. The information they gained was also a reason mentioned for liking a programme. A couple also commented on certain activities programmes provided that they enjoyed. Below is a sample of quotes from the young people’s interviews.

“They were awesome to me. I knew how to get straight, to stop smoking pot and alcohol. I knew it wasn’t hard the way they were talking about it, and it wasn’t.”

Interviewer: What did you like about that programme?
Young person: Some of the staff. That is it.

Yes I found it quite useful although a lot of others there didn’t… it was helping me, making me figure out why I was doing this and putting it all together.

What I liked about it was that it changed the way I am now.

For example, quite a few of the respondents were impressed with the personnel at Odyssey House Day Programme:

“I met another girl that worked there [Odyssey House Day Programme], and she was up at the Youth Drug Court one day… she was really nice, she was good with kids too. They are sort of like mates but she is sending them messages on “start thinking clearly” and all the rest of it… I don’t know if I ever had anything negative to say about them [programme provider], very positive, very supportive, would do anything to try and help.”

The influence of individual professionals was further emphasised when young people were asked about people who helped them or did not help them. The young people spoke about the way professionals treated them and how much certain people had helped them. This is discussed further in Chapter Six.
When asked about what services the young people attended family/whānau commented on meeting the needs of young people. This included factors such as the type of treatment offered, location, and cultural appropriateness of the services. Timing was mentioned too as some of the young people had tried services before and had not engaged.

### 5.3 What young people and family/whānau did not like about programmes

Some of the young people interviewed had attended residential programmes in the North Island and the main thing many of them did not like was being so far away from their family and friends. Family/whānau also did not like how far away the residential programmes were and a family member said:

> I think we should have something down here in the South Island as well. It is only a day programme down here, which wouldn’t have helped __________, when you go to a programme during the day and then get stoned at night. I think there should be some sort of live-in situation down here too.

Several of the young people interviewed did not like the strictness of some of the residential programmes, particularly that they could not smoke cigarettes.

In regards to other alcohol and other drug treatment services several young people said they did not like the YSS weekly group sessions and would have preferred individual counselling. One reason was that they felt uncomfortable talking about their problems in front of other young people. Some did not like the individual counselling either. Several commented about how far away YSS was and that could cause transport problems.

Chapter seven on monitoring looks at whether young people and their family/whānau thought the YDC helped attendance at programmes and courses.

### 5.4 Funding of programmes

This section provides information on several issues raised by key respondents in regards to the sharing of costs between the Health sector and CYF: 23

1 Access to Rongo A’tea residential programme in Hamilton for YDC participants (or any young person from Christchurch) ceased in early 2003 due to a change in funding structure24. Rongo A’tea was identified as an important programme, particularly for Māori youth, and one of only two options for residential alcohol and other drug treatment for young people under 17 years. Key respondents stated that it was very disappointing to lose this option.

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23 As stated previously it was beyond the capacity of this evaluation to examine costs of the YDC in any detail.

24 When Midlands Health, who had a funding agreement with Rongo A’tea, realised that some young people were not from their DHB area they withdrew the subsidy that previously made this programme financially accessible for CYF clients who lived outside the area (including YDC participants).
2 CYF has national funding for six places (2190 bed nights) at the Odyssey House Residential programme in Auckland per year. The young people have to be under CYF care, such as section 238 (1)(d)\textsuperscript{25} to be eligible for CYF funding. The Ministry of Health also has funding for bed nights at Odyssey House Residential programme and there has been sharing of funding for YDC participants. Exactly how this arrangement is shared would take further research. It was noted that many of the YDC participants’ families do not have much money to contribute towards transport or residential programme costs.

YSS stated that they had used MoH funding to get YDC participants on to the Odyssey Residential programme. MoH has a policy of not funding a person’s airfare back to Christchurch unless they have stayed on the programme for three months. A difficulty arises in funding a young person’s airfare if they leave the programme before this period. YSS have had to approach CYF to pay.

3 Prior to the YDC, CYF Service Delivery Units (SDU) in Christchurch were sending a very small number of young people up to Odyssey House in Auckland. This could partly be because the youth residential programme at Queen Mary in Hamner was still operational. Queen Mary closed its youth residential programme just prior to the YDC becoming operational. CYF National office recoups part of its bed night funding from the SDU that referred the young person. Consequently this is an increased cost for Christchurch SDUs, including the travel costs.\textsuperscript{26} For the 2003/04 financial year YDC participants have comprised approximately 20\% of the CYF clients admitted to Odyssey in Auckland.

### 5.5 Impact of YDC on Odyssey House Day Programme and YSS

Odyssey House Day Programme (OHDP) is the main day programme service provider and Youth Speciality Services is the main non-residential service provider for the YDC. Interviews were conducted with focus groups from each of these two services. This section examines the relationship between these services and the YDC, and any impacts the YDC has on their service.

#### 5.5.1 Odyssey House Day Programme

The OHDP is a modified therapeutic community programme that young people attend between 10am to 3pm, four days a week. Fifteen of the YDC sample have attended this programme. OHDP staff were asked if the YDC impacted on their programme in any way and the following points are the major themes identified by Odyssey staff.

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\textsuperscript{25} Section 238 (1)(d) of the CYP&FA 1989 provides for the custody of a young person pending hearing either by the Chief Executive, an Iwi social Service or a Cultural Social Service subject to section 239 (1). Section 239 (1) says the Court can not make an order under section 238(1)(d) unless the young person is likely to abscond; or commit further offences; or it is necessary to prevent the loss or destruction of evidence relating to the offence with which the person is charged with, or interfering with a witness.

\textsuperscript{26} Note when a young person travels they have to be accompanied.
1 Capacity: Odyssey has a maximum capacity of 10 to 12 young people enrolled at any one time. They found that the YDC had increased their referrals and at times there had been a waiting list. Generally though they found that the numbers fluctuated a lot with an average of six to eight young people who were predominantly YDC referrals. Prior to the YDC most of Odyssey’s referrals came from CYFS and FGC outcomes through the Youth Court, so some of the YDC referrals would have been among their usual client group.

2 Clustered effect: At the first interview key respondents from OHDP noted that the YDC process had produced a clustered effect whereby two or three YDC participants would start at OHDP at once, reducing the opportunity for the group as a whole to bond. Particularly as the YDC young people not only have significant alcohol and other drug problems but also offending problems. Prior to the YDC, young people of this nature would attend Odyssey but not in such a clustered pattern. At the second interview key respondents from Odyssey said they prepared themselves for new entrants by knowing from assessments who is likely to cause trouble. They also noted that the programme was flexible enough to accommodate new people coming in because of the 12 week cycle of repeated modules.

3 Changed dynamics: At the first interview a key respondent from OHDP said the most notable impact of the YDC on their programme was the changed dynamics because the influx of generally more difficult young persons had resulted in a harder group for the staff to work with. At the second interview staff noted the group dynamics could vary as they had had some non-YDC young people on the programme who were not at the ‘harder end’ and they had often had a positive influence on the YDC participants and acted as role models.

4 Gender: Initially OHDP had more females referred from the YDC who were the same as males in terms of dependence and offending. This changed and OHDP key respondents noted that now the young women on the YDC who meet the criteria for ODHP, tend to get sent to a residential programme or they go to alternative education programmes. Staff commented that some young women who were not from the YDC felt intimidated by the number of males.

5 A key respondent from Odyssey thought they tended to have the more chaotic YDC young people in the day programme and that young people are referred to a residential programme when they have more stability in their lives. Consequently some of the young people who would have done well on the day programme are referred straight into residential.

5.5.2 Youth Speciality Services

Youth Speciality Services (YSS) provide the screening and full assessment services described in Chapter four. They also provide individual counselling and a weekly motivational group session for young people and a parallel session for parents who wish to attend.

As stated in Chapter four the number of young people going through the YDC did not impact greatly on YSS. It is difficult to tease out how many of the young people from the
YDC would have been referred to them ordinarily as these young people are among YSS main client group. When asked how many of the YDC participants they would normally have seen anyway YSS estimated two thirds and commented:

YSS: Whether you would actually be able to maintain seeing them, without them being in the Youth Court process. I think some would be withdrawn before they even get here, because they wouldn’t get to the first appointment. It is quite interesting that a lot of them when I ring up to check, that have come through the system, that they have never actually been assessed because they have never turned up.

Interviewer: Do you see the Drug Court as facilitating coming to you and getting some help?

YSS: Yes. I do. I think it increases the accessibility of the Service, because [previously] it might be a referral through Youth Justice and they miss and then they miss a second time and they haven’t got a social worker who has necessarily got that focus, then they wouldn’t necessarily be [assessed].

Chapter seven will describe more fully how the YDC facilitated attendance to programmes.

YSS was more persistent in contacting YDC young people than other young people and because they are generally a harder group to contact, trying to make appointments and see these young people and their families could be very time consuming.

5.6 Service provision gaps

Tables 5.1-5.9 demonstrated the range of services and their utilisation by the YDC participants. What stands out in regards to alcohol and other drug treatment is that there are no residential programmes in the South Island and that there is only one day programme in Christchurch for youth. In 2003 funding was made available to provide an alcohol and other drug youth residential facility in Christchurch, which is currently in the process of being established and will go some way towards addressing concerns below.

5.6.1 No youth alcohol and drug residential programme in Christchurch

All the key respondents saw the lack of alcohol and other drug services as a major issue and barrier to the YDC operating more effectively. The main issues in regards to there being no residential programme in Christchurch, or the South Island, were outlined in the six month interim findings report and were reiterated by respondents in interviews for this report:

1 Importantly, the young people themselves want a residential facility in Christchurch. Most have been in residential treatment away from Christchurch and have been very homesick. Young people can feel displaced when they are separated from their families, whānau, care-givers and local professional support by going to residential facilities in the North Island.

27 Many youth (aged 16-19 years) can and do access other residential services.
2 If families, whānau and care-givers are included in any treatment process, then they can be educated to help the young person when they come out of residential treatment. This support cannot happen if the residential treatment service is not reasonably close at hand.

3 Because some of them want to go home, or for other reasons do not want to stay at the residential facility, they run away. This creates the possibility of further offending, and very real safety concerns. For example, it can be very dangerous for these young people on the streets of Auckland where they possibly have nowhere to go and no money.

4 If a young person does run away from a residential facility or breaks one of the programme rules, there is a stand down period before they can be accepted back on to the programme. It would be much easier if the residential facility was in Christchurch and they were able to go home for that period.

5 There is considerable cost involved in transporting and escorting young people up and down the country to residential programme facilities. This is also true for transporting young people to CYF Northern Residences when beds at Kingslea are not available, and has been an issue for a number of years.

6 At present, the YDC monitors the young people in residence in the North Island via telephone conferencing. This is not ideal and inhibits the practice of the philosophy of the YDC, that is, developing a relationship between the young person and the Judge and YDC team to facilitate, monitor and encourage the young person’s treatment processes.

7 Waiting lists for some residential programmes have meant that a few young persons have had to spend considerable time in custody in CYFS residences.

5.6.2 The types of alcohol and other drug services required

The key respondents considered that any residential facility should be well resourced with a constructive programme based on international models of best practice working with young people.

Some key respondents emphasised that working with young people requires a very different approach; for example, a much higher staff to client ratio is required to treat young people. A youth residential programme also requires more flexibility because of the range in maturity of the young people.

For young people who were required to be in custody, the YDC team considered that a medical detoxification facility attached to Kingslea may be appropriate. However, it was also noted that international research shows that the place of incarceration should be physically separate from the treatment facility, possibly to ensure that the treatment programme is not negatively associated with the incarceration facility.
5.6.3 Lack of suitable accommodation for young people

Another major issue is the lack of suitable places to accommodate young people if there is no appropriate family/whānau to place the young people with. This is a difficult group for CYF to find alternative placements for. The issue of suitable accommodation for young people was not just a Youth Drug Court issue and key respondents identified this as an ongoing problem for Youth Justice, Care and Protection, Mental Health and alcohol and other drug clients.

CYF have family homes to provide accommodation such as Pensacola family home in Christchurch, which often has a high demand on beds. However, there have been some concerns expressed about placing young offenders together, where they are able to associate with other young offenders and be tempted to get into trouble.

Many respondents identified the need for a facility that provided accommodation and respite care while the young person attended their programmes and courses. A key respondent explained:

Not their home but not residential. Like respite care provision for those that need to be extracted from their environment, but could be dealt with in a day programme with the supported residences.
Not everybody needs a residential [alcohol and drug programme].

5.6.4 Lack of services for young Māori

The evaluation scoping study in 2001 indicated a lack of alcohol and other drug service providers for Māori youth, particularly young Māori women. This has important implications considering 60% (18) of the YDC sample were Māori and the largest proportion, a third (10) were young Māori women.

A few key respondents believed networking had improved among Māori service providers; however there has been no significant increase in the number, and variety of services. The importance of providing services that relate to young people’s experiences of who they are, particularly in regards to ethnicity was expressed by one key respondent:

For me an important issue is in the clubs or service providers who we can call upon, so that the client isn’t just presented with this one methodology to get him better. That the method that has been presented is taking into consideration his ethnicity, his upbringing, his exposure to his ethnic group etc.

5.6.5 Other service provision gaps

Key respondents also identified other areas where service provision could be improved.

- A more holistic approach to working with young people which includes working more with their families. A key respondent stated:

Something like MST (Multi-systemic Therapy). A more intensive way of working with young people. I think that the Drug Court promises a lot and it doesn’t always provide what it should
provide. If you are going to monitor young people so intensively, then I think you need to offer more holistic services really.

- More alternative education courses that can deal with young people’s alcohol and other drug problems.
- More vocational courses that will give young people marketable skills, for example, the mechanics course that Avon City Ford operates.
- Key respondents noted a gap in service provision for young people around the age of fifteen who would not fit back into mainstream education and who were too young to go into training courses.
- Few options for educational or vocational service providers for Pacific young people.
- More mental health facilities including residential beds.

### 5.7 Summary

The YDC utilised a variety of programmes and services to address young people’s alcohol and other drug problems, educational and vocational needs, accommodation and support.

- The educational needs of the YDC sample were not always easy to address as many had been out of the school system for some time and were more focused on obtaining employment. While many of the young people attended alternative education and vocational courses it was sometimes difficult to follow through to employment. Employment was identified as an important factor for successful outcomes and this will be examined in the follow-up assessment report.

- The ability of skilled professionals to engage with young people was highlighted in interviews with young people and their family/whānau. These relationships were given as the main reason why they did and did not like programmes and services.

### Service gaps

The YDC highlighted a number of service gaps that have been an issue for Youth Justice and the Health sectors in Christchurch for quite some time.

- In regards to alcohol and other drug treatment the main gap in service provision was not having a youth residential facility in or near Christchurch. For many young people sending them to residential facilities in the North Island made it more difficult to facilitate successful outcomes because they were away from their support networks. Other service gaps for alcohol and other drug treatment were a lack of programmes for Māori and Pacific young people, in particular young Māori women.

- Another major gap identified was the lack of suitable accommodation. Respondents identified a variety of solutions including respite care, extra beds at CYF residences and family homes.
6 Interagency co-ordination

One of the aims of the YDC pilot is to increase co-ordination and communication among agencies who deal with young people referred through the Youth Justice system. This chapter describes the extent to which the pilot has improved interagency co-ordination and communication to better progress and monitor young people’s fulfilment of their treatment plan, and other objectives identified in their FGC outcomes.

6.1 Interagency co-ordination - the Youth Drug Court team processes

6.1.1 The Youth Drug Court team

The key mechanism for the co-ordination of services in the YDC pilot is a multidisciplinary team called the YDC team. The holistic approach towards addressing young people’s offending behaviour has been widely recognised in the literature as beneficial and a unique feature of the YDC team is the close integration of health and education services with justice services.

The YDC team is made up of the following practitioners:

- Judge;
- YDC Social Worker (Department of Child, Youth and Family Services);
- YJ Co-ordinator (Department of Child, Youth and Family Services);
- Police Prosecutor (NZ Police);
- Youth Advocates (lawyers) representing YDC participants;
- Youth Speciality Services co-ordinator of the alcohol and other drug stream and mental health team (Ministry of Health);
- Group Special Education Team Leader (Ministry of Education);
- YDC Court Clerk (Ministry of Justice).

6.1.2 Processes for communication between agencies

1 YDC social worker’s report

Reports on participants are prepared by the YDC social worker before every YDC hearing they attend to inform the Judge, relevant YDC team members, Youth Aid Officers, and CYF social workers about the progress of the young people. The information for the report is gathered from service providers and the social worker’s meetings with the young person and their caregivers.
2 **Pre YDC case review meetings**

The YDC team meets fortnightly at the case review meeting prior to the YDC sitting to review the cases and discuss the appropriate responses.

3 **YSS case review meetings**

Members of the team apart from the Judge, Court Clerk and Youth Advocates, meet at YSS on a fortnightly basis to discuss cases. A representative from Odyssey House Day Programme also attends these meetings.

4 **E-mail group**

The team developed an email group during the initial stages of the pilot to facilitate communication between the fortnightly YDC sittings. The Judge was initially on the email group. However this caused some concern, particularly for the Youth Advocates, as they felt it could prejudice the Judge's decision making in regards to the case. The Judge is therefore not normally copied group emails regarding YDC participants. Youth Advocates are only copied emails that refer to their clients.

5 **Telephone conferences**

Telephone conferences are automatically conducted on YDC days for those young people who are in alcohol and other drug residential programmes in the North Island or in CYFS Northern Residences. Telephone conferences were sometimes conducted with young people between YDC fortnightly sittings to monitor their progress. This occurred when Judge Walker was not available in Christchurch and/or the young person was not in Christchurch.

6 **Operational review meeting**

The YDC team and their immediate managers attended an operational review meeting in August 2002. A representative from Odyssey House Day Programme also attended. The review meeting was generally regarded as very useful as it gave people an opportunity to discuss operational matters and recommend solutions. This was an important opportunity as there is not time to do this in a systematic way during the fortnightly case review meetings. There was also an opportunity for several presentations by stakeholders, informing the YDC team about their initiatives. An operational review meeting would have been beneficial earlier in the development of the Youth Drug Court, and it is recommended that they be held on a regular basis.

7 **Communication with Youth Aid Officers and CYF Youth Justice personnel**

The Judge, the YDC social worker and the MoJ evaluator met with Youth Aid Officers, CYFS Youth Justice personnel and Youth Advocates during the first months of the pilot to explain the YDC processes and answer questions.

While some frontline staff from CYF and Police were involved in the consultation meetings during the development of the pilot many respondents thought there should have been more contact and education about the pilot before it started. This is particularly important when considering that most YDC team members represent an agency of operational staff who interact with the Youth Justice sector and consequently
the YDC. If they do not have the support of their colleagues this can impede the processes of the YDC.

6.2 How is the concept of the YDC team working in practice?

Key respondents were asked how they thought the concept of the YDC team was working in practice. Their responses indicated that the YDC team concept provided a number of benefits, such as:

- better communication across a broader range of agencies;
- more co-operation between agencies;
- better monitoring of young people’s progress;
- more immediate response to young people’s behaviour and needs through the intensive monitoring;
- a more co-ordinated response across agencies to young people’s behaviour and needs through the intensive monitoring;
- YDC represents a good practice model and what should be happening in the Youth Court anyway;
- collegial team that works well together, although one key respondent did not think the team was working as well as it could;
- dedication and commitment of team;
- importance of recruiting people with the appropriate skills and qualities for the YDC team.

Comments from key respondents included:

*Personally I find working with the team enormously satisfying. I think that the work they do with these people as a team is just fantastic, and they are simply a pleasure to work with. They’re all dedicated to what they’re doing. I couldn’t operate without the team operating properly.*

Judge Walker stated,

*I think that when the team has developed over the whole time of the Drug Court, it is I think a very cohesive team at present. It has been for quite a while. They are a privilege to work with. I can’t speak highly enough of the team, as I have often said. I spend 15 minutes, 30 minutes at the most, with these participants every fortnight, but they are dealing with them day in day out. I probably see them at their best a lot of the time. They see them having their ups and downs. We know that some of them are really really very difficult, with complex problems. So they are brilliant as a team, and individually.*

A YSS key respondent said that working with the team is a far more organised approach and they are able to work more closely with Youth Justice than previously. This was identified as very important with this target group because they could be very difficult to work with.
If we don’t all keep on top of it and know what each other is doing they will split us and therefore we have to work really closely together to know what each other is doing. Because these kids move so fast, there one minute, gone the next, you really do have to co-operate well together to be able to make this work.

I think the inter-agency bit is working particularly well...I think those Tuesday meetings are excellent [held fortnightly at YSS] because we might go away from those with a piece of work to do that needs to be done by the Thursday [YDC sitting]. Generally we will get that piece done. Or we go away with our thinking caps on and try and have a solution ready for the meeting on the Thursday morning. Because they do tax your resources in terms of what is out there, or where can we go, what is the next move. Sometimes you don’t have answers at your fingertips.

Once again it is a best practice model and that is the way it should be. We should be all working together for the same sort of answer really. And people doing what they do best, rather than someone trying to do the lot. As I say, that is why it is the best practice model and I totally believe if we did it with every kid that appeared in the Youth Court, we would have a different rate of recidivism there as well.

Many felt that it was more their goodwill than the appropriate resourcing and agency backing that had kept things going. There were also concerns over the capacity of the YDC social worker role and managing annual leave and sick leave. This role was not seen as interchangeable and is discussed in section 7.1.

Solutions identified by key respondents

- Appropriate resourcing (see chapter 8).
- More communication between the YDC team and CYF Youth Justice personnel and Youth Aid Officers. For example, CYF personnel had been invited to observe a YDC sitting to facilitate a better understanding of the processes and encourage involvement.

6.3 Summary

The achievements of the YDC team approach were facilitated by:

- The same representatives of the various agencies working together over a period of time and the close working relationships with Health and Education representatives.
- Consistency of Judge was regarded as very important and the Judge was generally regarded as the team leader.
- Structural attributes of the YDC process:
  - YDC communication strategies including the YSS meeting, case review meeting and email group provided a formalised forum for agencies to work together to solve issues and map out the most appropriate course of action for young people. While it was noted some of this communication had been happening before, the case review meetings in particular meant everyone was fully informed about different interrelated
aspects of a young persons situation and the team could work out together what to do.

- timeframes, particularly the more frequent two-weekly remands, which maintained the momentum of agency monitoring and response to young people’s behaviour and requirements.

- At the time of this review there was concern about appropriate resourcing of the YDC team and in particular the lack of backup for the YDC social worker role and managing annual leave and sick leave.

- To encourage more co-operation and understanding between the YDC team and other CYF and Police personnel it was suggested that there needed to be more communication. For example, CYF personnel had been invited to observe a YDC sitting to facilitate a better understanding of the processes and encourage involvement.
7 Monitoring of YDC participants

The YDC pilot aimed to more closely monitor the young people to encourage them to attend their treatment programmes and progress in all areas of the plan designed for them. This chapter describes the processes for monitoring the young people on the YDC and examines how the processes were implemented. The chapter begins by looking at monitoring by CYF social workers and particularly the role of the YDC social worker.

7.1 Monitoring by social worker

The YDC social worker indicated that their role was to ensure the treatment plan is being carried out and to support the young person and their family through that process. The YDC social worker sees this role as still evolving and as a mix of process, task and co-ordination.

The YDC social worker undertook the following tasks in monitoring and co-ordinating the treatment plan:

- Attend fortnightly YDC sittings and case review meetings;
- Attend fortnightly meetings with YDC team members from YSS, Police, GSE and Odyssey House Day Programme staff at YSS;
- Maintain contact with programme providers to the YDC participants;
- Follow-up on tasks arising out of YDC sittings and YDC team meetings;
- Co-ordinate where necessary YDC appearances with Court, families, Police and Youth Advocates;
- Provide support to YDC participants and their families;
- Inform key stakeholders such as the Judge, YSS, Police, Youth Advocates and social workers when any significant information/incident about a YDC participant comes to attention e.g. arrest, discharge from programmes;
- Establish and maintain links with appropriate community agencies;
- Work alongside field social workers.

The YDC social worker gathered information and prepared written reports on each of the participants prior to their appearances at the YDC. Information for the reports was gathered from the young person, family/whānau/caregiver, field social worker, alcohol and other drug treatment providers, and any other programme providers and involved professionals.

The reports contained information on treatment progress including attendance, engagement with programmes and vocational courses, use of alcohol and other drugs, issues such as living arrangements, and family feedback or problems. Information in regards to recent offending and breaches of bail conditions are only included in the reports if the young person appears in Court, as this is when CYF is notified and records this information. Police do not notify the
YDC social worker prior to the laying of charges. A lot depended on what has been happening as to how extensive the reports were and the YDC social worker gives verbal reports at the case review meetings to flesh out the written reports. One key respondent was critical that the verbal feedback of the YDC social worker and the YDC team are not recorded anywhere.

When the number of young people is over the optimum capacity of 20 it has been difficult for the YDC social worker to see all the young people personally between fortnightly sittings. Therefore the YDC social worker perceived that one of her main tasks was to monitor the treatment plan and that it was the assigned field social workers role to pick up other goals in the FGC plans and any care and protection issues that may arise. At the time of interviewing (mid 2003) the co-working relationship between the YDC social worker and the assigned CYF social workers required further development and clarification.

The YDC social worker said she would like to see more CYF social workers take a more active role in the YDC. The CYF social worker can assist in keeping the young person on track and accountable. The YDC social worker said that in effect the CYF social workers also become part of the ‘YDC team’. This also means that if the young person is transferred back to the Youth Court the CYF social worker can continue to work with them and they are very familiar with the young person’s history and progress. A CYF social worker thought it was helpful to have regular contact with the YDC participants they were assigned to. This included going to the YDC to support the young person and reporting back to the YDC on their progress.

The experiences of the interviewed young people and family/whānau with CYF social workers before attending the YDC varied a lot. Consistency was an issue, with parents and young people mentioning how important it was for social workers to follow through with promises and on how things were going. Some young people and family interviewed thought social workers did a very good job and they were kept well informed and were very supportive. Others had negative experiences and were critical of social workers.

Some key respondents commented that the monitoring of a young person in the Youth Court, for example, under a Supervision with Activity Order, varied according to the quality of the social worker and their case load. Many of the key respondents regarded the YDC process as more efficient because a social worker was dedicated to regularly monitoring these young people. Part of the monitoring process was to provide information on their progress and any issues that may have arisen immediately back to the Judge and the interdisciplinary team. This provided an opportunity to quickly respond to the situation. However, appropriate services or placements were not always available (see Chapter four on programme providers and service provision).

### 7.2 The Judge’s role in monitoring

Under this model, it was widely believed that the role of the judge, with its symbolism and authority, would serve to galvanize the treatment process into a more powerful and accountable form of rehabilitation than previously (or recently) available in the criminal justice setting. (JS Goldkamp 2000:4)
As previously stated when a young person enters the YDC the Judge explains the honesty and commitment necessary to stay in the YDC and that if they successfully complete the YDC they will be discharged without a custodial sentence. However if they do not comply with their treatment programme and continue to re-offend they will be transferred back to the Youth Court. The young person is then asked if they consent to go on to the YDC. The young person's verbal consent and the Judge’s explanation of the YDC form the basis of a ‘contractual’ relationship between the young person and the Judge. It is the dynamics of this relationship that according to therapeutic jurisprudence helps to facilitate treatment goals. The Judge uses their authority to provide encouragement and praise when progress is made and also sanction non-compliance. This approach endeavours to encourage young people to attend treatment, where hopefully they will become engaged in the treatment processes to address their alcohol and/or other drug problems. It is also used to facilitate other recommendations of the FGC plan such as attending educational and vocational courses.

The extensive use of the Court system to facilitate the progress of young people through their treatment plan and the FGC recommendations provides a different role for the Judge. This section describes the role of the Judge in the YDC pilot and examines this role in relation to the following key features of the YDC model:

- ‘contractual’ relationship between Judge and young people;
- consistency of Judge;
- balancing therapeutic and jurisprudence approaches;
- regular remands;
- immediacy of response;
- YDC interdisciplinary team approach;
- YDC case review meetings;
- YDC social worker reports;
- Court environment.

This evaluation report covers the period that Judge Walker was the YDC Judge and therefore all references to the YDC Judge refer to Judge Walker and not Judge McMeeken who is the current YDC Judge. The transition to Judge McMeeken happened in the second half of 2003.

**7.2.1 ‘Contractual’ relationship between Judge and young people**

Judge Walker considered the ‘contractual’ relationship between the Judge and a young person involved establishing trust. The consistency of having the same Judge at each hearing gave an opportunity for a relationship to become established and allowed the Judge to gain an understanding of their case. Judge Walker thought it was important for the Judge to have patience about what was happening, and putting boundaries in when they are obviously required, but getting to a stage in the relationship when those boundaries are respected and accepted.

The Judge and many of the key respondents believed that encouraging and recognising achievement was probably the most important of all the tools that the Judge brings to the position in the Drug Court. Judge Walker thought this was because many YDC participants
have usually spent a lifetime being punished and ignored by people in authority so to have achievement recognised could be very special for them. He stated:

So that’s how I see that role and it involves creating a situational relationship in the drug court where the young person doesn’t want to come along having not done something, having failed in some respect. Not only does it involve explaining that to the Judge and letting the Judge down in that situation, I suppose it seems to them, but also the whole team in that same way. They don’t actually want to do that. I think that’s what keeps people engaged in the drug court as well. If it wasn’t a place that people felt they were comfortable in I don’t think we would have the retention rate. Because they don’t overlook the fact that they could just do supervision with residence, a maximum of three months.

The relationship between the Judge and the young person was assisted by YDC processes such as the regular contact through fortnightly remands and the time spent with each case at Court (15 minute appointment slots). The YDC environment was slightly different to the Youth Court with the young person sitting in the witness stand near the Judge rather than standing in the dock in front of the Judge. A key respondent observed ‘I think for a lot of kids he doesn’t look down on them. When you sit on that [witness stand] you are looking eyeball to eyeball. I think that plays a big part in how kids see it.’

Many of the key respondents were impressed with the Judge’s handling of the young people, including professionals who are experienced working with youth. For both the interim report and this evaluation report some key respondents thought he had improved over time and had developed a style that they thought was very appropriate.

Actually I have been impressed with the Judge and really that fits in with my understanding of working with these young people… it is not realistic to expect that the kids are going to go from ‘A’ to ‘B’ just like that. Some of them might be able to do it and if they do fall over on their journey then you are able to support them in a way where they learn from their experience and they are able to move on. Also to have the opportunity to offer some support. I think what I have found especially for young people, personal relationships are really important. I think that is how you establish some genuine ability to work with these young kids. I think by them fronting up to the court every two weeks, they front up to the same judge and over time they get to understand and they get to build a relationship with this person. I guess through the other systems there is that different judge and it is also about just looking at the facts but not looking at the person. Where I think through Judge Walker they are able to do that. My feedback I have got from the kids is that they have felt that Judge Walker has not been too critical. Like if he needs to point things out he will. They say that he is cool, that he has some understanding of where they are at and I think that is important for the kids. I think it is about the relationship overall.

Other respondents also emphasised the importance of relationship to young people and thought that this development of a consistent relationship with the Judge was an important part of the pilot. However others were critical of the Judge’s style and this is discussed below in section 7.2.4.

The Judge often placed emphasis on honesty and there were various reports from key respondents about the level of honesty of young people when they reported to the Judge about their use of alcohol and other drugs and what they had been doing to achieve their
goals. Some key respondents suggested random urine testing should be done on a more regular basis to monitor the alcohol and other drug levels of participants. It should be noted that the Judge did not rely on self report and also had information from the YDC social worker’s report and the YDC team at the case review meetings, particularly the YSS clinician.

The next section looks at how young people and family/whānau perceived their relationship with the Judge.

7.2.2 What young people and family/whānau thought about the YDC Judge

The young people and family/whānau who were interviewed were asked several questions about the Judge’s role including how the Judge treated them, what they thought of having the same Judge, and how it compared to going to the Youth Court. All the young people and family/whānau interviewed thought that Judge Walker was excellent in the way he interacted with them because he was easy to talk to, listened, asked why they did things, understood their views, and showed respect. While a few thought that he was a bit lenient at times, others found him firm but fair.

Young person: He understood me. He could understand what I said and that, because usually people really don’t understand me.

Young person: It depends how I was getting on. Because one stage I went from doing not too good and then yeah he sort got a bit grumpy but it was understandable.

Young person: Judge Walker was great. Like if I told him how many times I got stoned that week or whatever, he would be pissed off at me. But talk to you firmly and say “this is shit pretty much”, but respect you as well at the same time.

Young person: . . . you know it is no good lying to the man [Judge Walker]. They get to know you so well, your personality.

Interviewer: So he would know if you are having him on about something?

Young person: Yes, that’s dead right. And also if you know someone, you are more likely to be truthful or something, like some Judges would never ask you all these personal questions…

Young person: But the Judge always could see it from my view, which was a real big help. He saw my point of view in where I was coming from. When I was saying they expect me to do this, they expect me to do that. It is hard. I have come a long way through Drug Court.

Family/whānau: It is the only place I have ever been with [young person] where the Judge has treated me with respect and listened to what I had to say, and he actually put a lot of things in place that I told him.

Family/whānau: Awesome. The Judge was awesome. Sometimes I would like to have seen him be, when I say tougher I don’t mean that he was soft, and it was a pleasant change from maybe the harshness of dealing with the Police who were totally black and white. But he wasn’t flexible. It wasn’t that he could be manoeuvred. I thought he was awesome.
Family/whānau: Very fair. I thought Judge Walker was wonderful, to the point where there was so much grace given to [young person] sometimes I don’t think it kind of helped.

Family/whānau: He was great. He is very supportive and very much concentrating on the positive things. You can imagine every two weeks, at first not everything went smoothly and [young person] would perhaps play up and not exactly stick to curfews and things like that. He sort of took it, to note that okay we need to address these sorts of things, but he always more concentrated on the positive things that [young person] was doing right to keep encouraging him. He responded really well to that.

7.2.3 Consistency of Judge

Many key respondents, young people and family/whānau commented on the very different styles of Youth Court Judges in the way they approached youth offenders and others in the Youth Court. All agreed that it was beneficial to have one Judge as they would then become more informed about the young person’s case, thereby providing greater consistency in dealing with them.

Young person: When I kept going and talked to him more than the other Judges because you know what he was kind of like. I could talk to him and be knew things that the other Judges... at Youth Court it is just different Judges all the time.

Young person: Yes whereas in Youth Court, they don’t really talk to you as a person. They can’t really get to know you or understand why you are going through, to understand why you did it or the circumstances you are in.

Key respondent: I think we have a high number of Youth Court judges in Christchurch. So the young person is seeing heaps and heaps of judges. But the young people certainly respond to seeing the same judge all the time. Consistency is important for them. They work hard to honour their contract with the judge. That is important to them, they have given their word and they don’t want to let him down.

Some key respondents thought that the Youth Court in Christchurch could benefit from having fewer Judges on the circuit to provide greater consistency. One key respondent stated that the increased involvement of Judges with a young person’s case could be achieved in the normal Youth Court if the current Court system was changed.

I like the Drug Court process in that there is more involvement by the Judges and there is more involvement by the professionals in the court process. But that could happen in the normal Youth Court if they altered the system and did it [Youth Court] every day and spread it out a bit more.

7.2.4 Balancing therapeutic and jurisprudence approaches

In defining therapeutic jurisprudence David Wexler (1:nda) states,
Monitoring of Youth Drug Court participants

Basically, therapeutic jurisprudence is a perspective that regards the law as a social force that produces behaviours and consequences. Sometimes these consequences fall within the realm of what we call therapeutic; other times antitherapeutic consequences are produced. Therapeutic jurisprudence wants us to be aware of this and wants us to see whether the law can be made or applied in a more therapeutic way so long as other values, such as justice and due process, can be fully respected.

The drug court approach and the underlying philosophy of therapeutic jurisprudence can be controversial as it challenges the orthodox roles of legal actors, which is particularly pronounced for the role of the Judge. Some key respondents regarded the Judge’s role in the YDC approach as leaning too much towards the therapeutic side at the expense of jurisprudence. These respondents were critical that the Judge was too lenient on young people. This highlighted the tension between different approaches to Youth Justice. Some key respondents wanted to see a firmer style while others thought the Judge did balance his encouragement of the young people with boundary setting and sanctions. Here are a few quotes from key respondents:

I think what he was doing was very appropriate. I suppose sometimes he did perhaps lean a wee bit on the leniency side, but that was to try and engage with the young person to get on and do the things that they could. But I see that as part of the process. I mean you have to. I wouldn’t say that I was a softie, although when you are dealing with these young kids you are dealing with adolescents. Therefore they are not as worldly-wise. So sometimes you perhaps have to be a little bit soft, if you like, if you want to call it that word.

I actually think his processes were working through with these kids. He doesn’t rush in. He lets stuff lie on the table for a while. He comes back and revisits it with them and gradually builds the plan up for the next fortnight. It is a really effective process, definitely.

I think that he operates more in a social work role than he does in a judicial role. . . I personally think and I acknowledge that there has been some positive gains made to some of the kids. I think that it could have been a lot more effective than it has been, with a more staunch and tougher Judge and tighter controls.

The tension was also in consistency of approach with some respondents wanting clearer guidelines and goal setting and others preferring to work with young people on a case by case basis. (See 7.7 for further discussion of the use of encouragement and sanctions.)

7.3 The multidisciplinary team approach

Chapter six described the YDC team and the importance of the multidisciplinary approach. The YDC Judge is part of the YDC team and was generally regarded as the team leader. The Judge was informed about the young people’s progress by team members, firstly by the YDC social worker’s report and then at the case review meetings before the YDC sits. The YDC team discusses any issues to be addressed and the Judge consults with them about the best course of action. Judge Walker gave the following comment in regards to the Judge’s role and working with the YDC team in decision making about treatment options:
To me they are the expertise in the court, in terms of the treatment which is being supervised by the court. I rely on them for that expertise. The Judge isn’t the social worker and the Judge isn’t the drug clinician. Although a Judge becomes informed through the process and just through being exposed to all of the opinions and discussion and reading the reports, you can’t help but become informed about matters. But having said that, you would never become expert in those fields just by the information washing over you and being part of it. So the Judge should never consider himself or herself the person who can override a recommendation or come to a conclusion himself or herself as to what the appropriate treatment is. Of course the Judge may ask questions, or express some thoughts, as any member of the team can do.

The Judge was also informed by the young person at Court, and verbal reports from people who may accompany the young person such as caregivers, programme providers and social workers.

Members of the YDC team provide input into the monitoring of young people through their various speciality areas. When they come together as a team at the YSS meetings and the case review meetings they discuss what the most pressing issues are and what the best course of action would be. At the case review meetings the Youth Advocates are the first to give feedback about the situation of their client. Other members of the team then have input and there is a general discussion on the best course of action.

7.4 Involvement of family/whānau/caregivers with the YDC

Family/whānau/caregivers who were interviewed were asked about the way they were treated in the YDC and also asked to compare their experiences in the normal Youth Court. Most of the interviewees thought that the YDC process gave them an opportunity to voice their concerns, more so than the normal Youth Court. Family/whānau had opportunities to have input either through attendance at YDC where the Judge would ask them if they would like to say anything or through other members of the YDC team. The YDC social worker would often be in touch with them and they could have input through her, or she may have collected information from other CYF social workers assigned to the young person. Family/whānau may also be talking to other members of the YDC team such as YSS clinicians and Youth Advocates. Two family/whānau members stated:

It is the only place I have ever been with [young person] where the Judge has treated me with respect and listened to what I had to say, and he actually put a lot of things in place that I told him.

I guess that I felt like my opinions were valued a lot more and that you were listened to more than through the Youth Court process... I felt comfortable going to any of them and saying “hey this is what I think, this is how I am feeling”. But then on the other hand I could also say “I don’t know” and that was fine too.

A few thought their views were not being considered as much as they would have liked and one family/whānau respondent made the point that she did not realise that her views were conveyed via the YDC social worker to the Judge and the rest of the team at the case review meetings. This respondent viewed this as positive but wishes she had known sooner.
I was a bit lost at the beginning, but I sort of got with the programme towards the end and I started to understand. But it wasn’t really explained, at first I really felt like I was just being ignored, on what I was saying and what I was concerned about. Like I didn’t know that before each court the social worker would sit down and talk with the Judge in a meeting with the lawyers and things, as to okay this is what the mum is saying about what is happening at home. I didn’t know that until towards the end, so I was totally lost at the beginning thinking nobody is listening to me. I soon found out towards the end that what I was saying was taken into account. I just didn’t know about it.

Many family/whānau interviewed said that the YDC process gave them a lot more support than they had previously received from agencies. They particularly liked the consistency of personnel and the regular monitoring. While some said they received more help through the YDC, at the same time a few commented that the process did put a lot on families in the sense of having to get young people to appointments and courses, keep them occupied during curfews and try to keep them at home. This could be very stressful for some families.

7.5 Regular remands

When the young person enters the YDC they are put onto fortnightly remands to monitor their progress. They are moved to a four-weekly remand when they have demonstrated progress in their treatment objectives. While this was successful for some of the young people others started to regress without the regular fortnightly monitoring.

The young people and family/whānau interviewed were asked what they thought of the regular fortnightly remands. There was a variety of views expressed. The family/whānau interviewed thought the regular monitoring was very good. Most of the young people said they thought going every fortnight was alright and some said that it was much better than going to the normal Youth Court, while others found it annoying. Here are some of the comments from young people and family/whānau:

Young person: It was good. It was better than going like a month or something like the normal court.

Young person: Youth Court is just really once every 2 months or so, drug court every fortnight, they just really support you that is the best thing. Lots of support, support to get you through it.

Young person: It was frustrating, quite annoying.

Young person: It was fine. I think it is good time fortnightly, I thought that was good. But after a while it got a bit of a drag.

Young person: That was good, better really because at least they know they are doing things, if you have to go every fortnight and you go there and they give the big report what you have done every fortnight. They know that they actually trying to help you.

Young person: It got a bit annoying, but you know, I knew I had to be there so, sweet.
Young person: It was a pain in the arse.

Family/whānau: She wasn’t happy about it at first, but after a while, once she get to know Judge Walker, she really looked forward to it.

Family/whānau: It was brilliant, I had quite a bit of contact with the justice system before the drug court, and it was really hard to know what was going on all the time. I thought that everyone getting together every two weeks made it really clear what [young person] was doing and what everyone else was doing, you felt really informed and you knew what was happening. A couple of years before that, even though we have been involved with agencies, you never knew who anybody was or what was happening. I liked that, lots of contact.

Family/whānau: It is like he is very closely monitored, that he is sticking to the guidelines and the programmes that they are setting out for him. With having to return every two weeks. . . If there is a problem you don’t have to wait a month before you can talk to anybody about it, or address it. I think it is pretty important that once something starts happening and going wrong, you need to sort of get on top of it as soon as possible. That is where every two weeks it is really good.

Key respondents thought that regular remands were good for these type of young people who had severe problems. See section 7.8 for further discussion.

7.6 Bail conditions

Typically in the Youth Court young people would be subject to conditions such as having to reside at a specific address, complying with a curfew and non-association with other potential co-offenders. Bail conditions in the Youth Court are used as a means of containment and ‘a carrot for getting to the end of the FGC plan, when the curfews and other controls would end at that time’.

The YDC utilises the same types of bail conditions along with additional conditions such as attendance at programmes, appointments and school. Therefore the main difference between the Youth Court and the YDC is that the drug court tends to use additional bail conditions directed towards treatment. This is in line with the aims of the drug court model to address alcohol and other drug problems linked with offending, in order to reduce offending.

7.6.1 Monitoring of bail conditions

Bail conditions are primarily monitored by Police who may arrest a young person for breach of bail. The Police use curfew checks and intelligence gathering to ascertain if there have been any breaches of bail conditions.

The Police or the YDC social worker may be informed by programme providers and family/whānau/caregivers if the young person is breaching their bail conditions. The Judge would be notified at the young person’s next YDC appearance either via the YDC social worker’s report or by the YDC Police Prosecutor. However, if frontline Police caught young people not complying with their bail conditions they would arrest them.
The therapeutic jurisprudence approach created some tension for Police. The Police prosecutor role is more focused on the victim rather than on the recovery of the offender and this can sit uneasily alongside the need for discretion and flexibility in managing a case through the YDC system. The YDC Police prosecutor’s role is to bring to the Court’s attention any further offending of the young people. They also liaise with Police Youth Workers, Youth Aid Officers and the Youth Crime Unit. The YDC Police prosecutor attends YDC team meetings at YSS and the case review meetings.

Curfew checks

Curfews were used primarily to monitor and limit young people’s movements to prevent further offending and involvement in at-risk situations. Curfews required an offender to reside at a specific address between certain hours and could range from 24-hour curfews to staying home each night. In regards to curfew checks the YDC participants are treated the same as other offenders and it was up to frontline Police whether they checked them. This was primarily determined by Police resources and the severity of the offending. The Canterbury District has a district-wide squad, the Youth Crime Unit, which targets the top 30 youth offenders. Some of the YDC participants were targets and therefore were more intensely monitored by police, including regular curfew checks.

Most young people said they did break their curfew at some stage. A couple of young people said that they were scared to go out at the beginning but when the Police did not come to check, after a while they did not worry about it. The long time that many young people were on curfew, some for over a year, meant they got really tired of it. For others who constantly flouted curfew this meant an accumulation of bail breaches.

The lifting of curfew was used as a reward for progress in achieving their alcohol and other drug treatment goals and other FGC goals. The Judge in many cases did make allowances in curfew times for activities that were regarded as important for the rehabilitation of the young people.

A Police respondent commented that some parents were critical of Police for not conducting more curfew checks. They noted that it was not just up to the professionals to monitor young people’s behaviour and their families and caregivers were responsible as well.

But then you have got the parents or whoever are the caregivers involved have got to give just as much, put as much effort into it as well. Everyone has got to do their bit, not only the youth workers or social workers or the police. It has got to get an overall involvement from everyone involved, including the families.
7.6.2 Bail breaches

Police would like more clarification on what should happen if the young person breached bail, e.g. not turning up to their programme. In regards to Odyssey House Day Programme, from the beginning of the pilot there has been communication between staff and Police regarding non-attendance at their programme and consultation over decisions to arrest for breach of bail. One Police respondent suggested they arrest young people so that there were immediate repercussions. However, the YDC Judge did not like the idea of young people spending considerable time in the cells awaiting the next available court sitting, which could be the next day. A police respondent stated:

"Consequences. The tighter you can keep the boundaries and they are aware of the boundaries. Because you hear too many times during every fortnight someone wanting to come and relax their boundaries. "I don't think this curfew is appropriate" . . . Or someone complaining that the Police are always knocking on the door. All excuses. Personally I believe if they are given a condition of bail, it is a court imposed condition anyway, so if they are checked and they are not there they should get arrested. It comes from the Judge."

A Police key respondent felt like they were in a ‘catch 22’ situation in regards to programme participation as they were criticised for arresting young people at their programmes for previously not attending. Some Police key respondents thought there were often no consequences for bail breaches and therefore they felt they were not being backed up by the Judge.

"Then when you are minimised by the system, then why are we going to put resources into that when we can deal with other people on bail that will have consequences from their bail?"

The Police would also like clarity around responses to a young person who is both in the custody of CYF under s238 (1)(d) CYP&F Act 1989 and on bail. Confusion arises for Police when a person may be in breach of their bail condition but not in breach of custody. There was a liability issue for Police in regards to wrongful arrest and they wanted to ensure that they have responded appropriately. Police would prefer the status to be either one of the options but not both. The reason both are used is so a young person can be placed in CYF custody and found a suitable placement under s238(1)(d), and bail conditions can be used to try to direct young people’s behaviour.

Suggested improvement identified by key respondents

- A graduated approach was suggested at the Operational Review meeting (August 2002) towards young people who were having difficulty attending programmes when they first entered the pilot. A youth worker or social worker could provide initial assistance in getting young people to programmes. If the young person still does not attend their programmes after a set period of time then the Police will arrest for breach of bail.

- A key respondent suggested that the FGC process could play more of a role in determining the kinds of sanctions that could be applied for breaches of bail. For example, an FGC could recommend that the young person apologises and explains to victims why they have delayed the plan or breached their bail. Consequences could be
Monitoring of Youth Drug Court participants

built into the plan and approved by the Court so that the young person knows what the likely consequences of their actions are.

- Another suggestion was mandatory random urine testing and sanctions if they are not reducing their alcohol and other drug use after a certain time period leading to discharge from the YDC.

7.6.3 Young people and family/whānau views on bail conditions, breaches and Police monitoring

Generally most family/whānau and young people interviewed thought that the bail conditions were fair and could understand the reasons for them. When asked about the consequences for breaching bail many of these respondents did not think that there were any consequences apart from tightening of conditions, particularly curfew conditions. One young person noted that if you breached bail too many times then you would get ‘kicked out’ of the YDC.

Interviews with young people and family/whānau revealed a variety of perspectives about their experience with Police. Many did not really have much to say about the YDC prosecutor. One family member thought the YDC prosecutor played an important role in maintaining a balance between the therapeutic and jurisprudence approaches:

I think it actually kind of needs to be like that because you have got the Judge we talked about and you have got the social workers and the family it is all very, you know helping [young person]. Then it was only the Police who said . . . it kind of would just bring you back to actually what [young person] had been doing and what has happened. There wasn’t really any focus on that during the process except from what the Police contributed and think it needed to be there, definitely needed to be there.

Some respondents talked about good relationships with some Police. One young person commented they found the Police supportive and they felt more supported than targeted although they realised the Police were trying to do both at the same time. However, some family/whānau and young people interviewed described very negative experiences with some Police including being physically assaulted and others recounted hearsay about treatment of young people, which influenced their perception of Police.

7.7 Use of encouragement and sanctions

The YDC process uses encouragement and sanctions to facilitate the treatment process. The ultimate sanction is discharge from the YDC back to other Courts where the young person has to face the possibility of custodial sentences. Other sanctions within the YDC processes are included in the bail conditions and are facilitated by the regular monitoring of the young person as described above.

A key respondent noted that while the legislation limited what was available to the YDC to sanction youth offenders in terms of curtailment of liberty, e.g. curfews, non-association, both sanctions and rewards potentially came out of the relational dynamics of the YDC process. This refers to the feedback given by the Judge and the YDC team in response to
either the progress or non-compliance of young people. This would be dependent on the engagement of the young person with the Judge and YDC team.

*It is not going to happen straight away. It is a thing over time that they do not like to come to Court having not complied with something. You can see, you sense that and often that process will result in engagement for the next two weeks. It is that regular fronting up to the team within the formality of the Court. It seems to work. We didn’t expect that would be the way it would happen, but this is my impression.*

As stated, when a young person demonstrates progress in their treatment process and is not reoffending they will go onto four-weekly remands. Bail conditions such as curfews can be relaxed and lifted altogether to encourage progress. There is also verbal encouragement and praise from the Judge and members of the YDC team when a young person is doing well. Interviews with young people and family/whānau indicate that for many of the young people encouragement and support of the YDC had an effect on them.

*Interviewer: What do you think was more effective, the threats they made or the rewards?*

Young person: The rewards. You were still able to go in there [YDC] and tell them what you had done, that made you feel good about yourself, rather than them pointing the finger.

Another young person stated that they kept to their bail conditions far more in the YDC than the ordinary Youth Court because they saw that Judge Walker cared about them. The restrictive bail conditions such as curfews appeared to have little influence on the behaviour of many of the young people interviewed, as they perceived that there were minimal consequences for breaching bail. Some of the young people interviewed made it clear that threats did not deter them and that ultimately it was their decision whether they kept to the bail conditions. For example, when one young person was asked whether they thought their curfew was fair they stated:

*Young person: From another point of view, it probably is. But it is not like your parents are going to keep you at home. It is fully up to the person if they want to break it. No matter how many threats they make.*

In the normal Youth Court, if a young person was not complying with their FGC outcomes then the Youth Justice social worker would submit a ‘failure to comply’ report to the Youth Court. The Judge may order an FGC or sentence the young person with formal orders because the FGC plan is not working. In these cases the young person also goes up the sentencing tariff. A few key respondents thought that the YDC gave young people too many chances and some of them abuse that. They suggested clear time frames and goals, e.g. moving on to different levels so the young people knew the boundaries and knew when there would be sanctions or rewards.

It was identified as a difficult balance to achieve the appropriate use of sanctions with these young people. While some key respondents preferred more defined guidelines to assist both young people and practitioners, others saw the merits of working with young people on a more individualised basis. For example, an Odyssey House Day Programme respondent said that some young persons react better to clear boundaries and bottom lines while for others you have to allow some flexibility and get alongside them. This was not about being too
punitiive or too ‘loose’, it is about working with the individual. They thought that through the relationship the Judge was developing with each young person that he was being perceptive to who ‘you can have some flexibility with and who you need to be quite direct and clear and for some things negotiable.’ Working in this way required getting the balance right between being flexible and using sanctions.

All the family members who were interviewed thought that the Judge usually did achieve this balance, one family member stated:

*Family:* When it was time to chide, he did so. When it was time for praise, he also did so. Each was dished out at the correct equilibrium if you like. I thought he handled it very well, the Judge. Very well indeed.

### 7.8 Accountability

The debates over sanctions and encouragement raised the issue of whether the young people were being held accountable for their offending. This was also in regards to their compliance with FGC outcomes and the final sentence. Key respondents were split over these issues with many feeling that the young people were being held accountable both in terms of their compliance with FGC outcomes and through the YDC process itself. These respondents regarded the following YDC processes held the young person accountable for their actions: regular remands, particularly explaining what you had been doing to the Judge and Court; the constant monitoring by professionals; and the extensive bail conditions over a substantial period of time. Some respondents thought that the obligations that YDC participants had were more onerous than going through the Youth Court.

The young people who did not comply with the FGC outcomes and treatment plan as directed by the YDC and/or continued to offend were discharged back to the Youth Court.

Other key respondents thought that young people were not being held accountable for their offending in terms of being given too many chances, limited sanctions for reoffending, and some recidivist offenders receiving section 282 of the CYP&FA discharges.

### 7.9 Attendance and engagement with programmes

The YDC aims to facilitate the treatment process by encouraging and coercing young people to attend their treatment programme where it is hoped they will engage with the treatment provided. A young person may be bailed to attend programmes and even to attend specific appointments. The therapeutic measures include the encouragement of the YDC team that can be in conjunction with encouragement from family, other professionals and support people involved with young people.

Many of the key respondents thought that the constant monitoring of the YDC process did facilitate young people attending their programmes. An Odyssey House Day Programme staff member thought that for some of the young people who have attended Odyssey previously, the YDC had contributed towards improved attendance. The relationship they
had previously with Odyssey was an important factor also. A YSS respondent said prior to the YDC it used to be frustrating as the young people would not be held accountable for not attending treatment.

Key respondents pointed out how the serious nature of young people’s alcohol and or other drug dependency, and their living situation, was a real barrier for some to even attend programmes or courses. A key respondent stated:

Well they just don’t know how to get up in the morning, and they have no motivation. Cannabis dependency is chronic. They may not have family there to help get them out of bed. They just have never been held accountable in the past. They have just drifted. They haven’t been at school for three/four years, and nobody has chased them up around that.

The YDC team responded to problems such as programme attendance and suitability to the best of their abilities with the resources available. The YDC team also endeavours to provide practical solutions to problems that may be stopping young people from going to their treatment such as transport. The following section examines attendance at the Odyssey House Day Programme.

7.9.1 Attendance at Odyssey House Day Programme

Odyssey House Day Programme (ODHP) runs in 12 week cycles and young people can begin and end the programme at any time. Odyssey uses a level structure to recognise young people’s achievements, provide opportunities for responsibility and reward with privileges (Odyssey Youth Services Information for Young People). Young people start with orientation and then move through from levels one to four at their own pace. It is also possible for them to drop a level if changes are not maintained.

Fifteen young people from the sample group attended OHDP as part of their YDC treatment plan. While the number is too small to be statistically meaningful, the following analysis provides some indications on attendance and progress.

• Nine young people had previously attended OHDP. Of the nine, five had previously been discharged for breaking the programme rules, three had exited for other reasons, and one had graduated from the OHDP.
• The 15 young people attended OHDP from 1 to 83 days with an average attendance of 27.5 days.
• The time they were enrolled to attend the programme ranged from 8 to 124 days. The young people attended 56% of the days during their enrolment they were supposed to attend.
• Of the 15 who attended as part of their YDC treatment plan seven were discharged due to breaking the programme rules. Eight exited due to a variety of reasons including being transferred to an alcohol and other drug residential programme, shifting out of the area and finding full time employment.

28 This excludes any days that the young people were not required to attend such as non-contact weeks, public holidays and times a few of the young people were employed.
• There was a marked difference in average attendance between the young people who were discharged due to breaking the rules; they attended on average 13.6 days and the young people who exited the programme for other reasons attended on average 39.3 days.

Table 7.1 shows the level of the programme the young people reached while they attended OHDP through the YDC. It is difficult to draw any conclusions about the progress of the 15 young people as eight exited before they could complete the programme due to other reasons. The young people who had already attended the programme had previously reached a variety of levels.

<table>
<thead>
<tr>
<th>Level of Odyssey Day Programme reached</th>
<th>Number of young people at each level from the sample of 15 YDC participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>no level reached</td>
<td>3</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
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<tr>
<td>2</td>
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<td>5</td>
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Odyssey respondents stated they thought that a lot of people get caught up in the need to assess or show the numbers of young people who are cured. In their view the reality is not as clear-cut because progress can be sporadic and measured over a variety of factors including severity and frequency of offending, alcohol and other drug use and behaviour. Improvements can be very subtle such as the way a young person is communicating. For example, attending the course for three days and then ringing in to say they were not coming can be an improvement on previous behaviour. Odyssey staff came to the YDC as they thought it was important that one of them was there to be part of the feedback in terms of progress, whether it is positive progress or some concerns regarding attendance and participation.

### 7.9.2 Did the YDC help attendance at programmes?

Many of the young people and family/whānau interviewed said that the YDC did help attendance for a variety of reasons.

• The relationship with the Judge was an important influence for some young people wanting to attend programmes:

  Interviewer: *Was there anything about going to the Drug Court that helped you to go to your programmes and courses?*

  Young person: *Just Judge Walker’s hope for me.*

  Family/whānau: *Well (young person) felt quite comfortable going there and talking to him, didn’t he. He always wanted to make sure he sort of had done the things that he was expected to do, so*
that when he fronted up there that he could feel good about that. So that in itself was a major for him wanting to do that.

- The sanctions and rewards did have an effect on some young people as they did not want to get into trouble and they also wanted rewards such as lifting of curfews.
- Some young people said they attended their programmes because they wanted to stay on the YDC.
- The curfew conditions made one young person stay at home and not get into trouble, this helped them become closer to their family which helped make them want to change things.

What motivated many of the young people to continue attendance was that they wanted to change themselves. Various programme providers helped young people to do this and there was high praise for particular personnel from some of the different services. An Odyssey staff member said that if they did not want to be here they would not continue to attend, whether there was some legal requirement or not.

The YDC provides a little window of opportunity and actually coming on to the programme, when they turn up for one day … they go away thinking well hey it is okay, I will come tomorrow. So it is just trying to build on that.

Reasons young people gave for not attending programmes

- They could not keep their ‘head straight, it goes all over the place instead of focusing on one thing’.
- They did not go because they slept-in.
- They were motivated to go to YDC but not to their courses.

7.10 Did the YDC process influence changes in alcohol and other drug use and offending?

While any changes to offending can be recorded and there is evidence (see section 3.2) available on changes to alcohol and other drug use, this does not tell us why changes occurred. One of the main purposes of the evaluation is to find out if the YDC process achieves its aims and, if so, how. It is recognised that no one thing causes changes in a complex set of behaviours such as alcohol and other drug dependency and offending.

Seventeen young people from the sample of 30 received a completion discharge. When young people receive a completion discharge from the YDC, the YDC team have to be satisfied that they are in a stable condition, which included reduced alcohol and other drug use and reduced offending, with preferably no recent offending (see section 7.11). Analysis of apprehended offending while on the YDC is in Chapter 3.

This section summarises what the young people and family/whānau interviewed said about changes in alcohol and other drug use and offending over the time young people attended the YDC. This information provides qualitative evidence about alcohol and other drug use and
offending behaviour which can give an insight into why people think something has changed or not changed.

### 7.10.1 Changes in alcohol and other drug use

Family/whānau all said that there had been reductions in alcohol and other drug use while the young person was on the YDC but for a few their use was ‘up and down’ over this period. All but one of the 12 young people interviewed, who were a mix of completers and non-completers of the YDC, said that they had in some way reduced their alcohol and/or other drug use. Some reported the ‘up and down’ pattern family/whānau had mentioned. Most young people at the time of interviewing reported that they had changed and wanted to sustain their reduction or abstinence from alcohol and other drugs.

The reasons given that helped reduce alcohol and other drug use (in no particular order) were:

- Support of the YDC including the Judge’s understanding and encouragement;
- Different peer group (this was encouraged through the YDC through involving young people in other groups and activities and through non-association orders);
- Mixing more with family;
- Alcohol and other drug treatment programmes and individual counselling – particular personnel were mentioned as important influences;
- Wanted to change themselves because wanted a good future and recognised drinking and drug use could jeopardise that;
- Being in a CYF residential facility helped by giving space to be straight for a while;
- Maturity.

One young person summed up how it was a combination of reasons that influenced their reduction in alcohol and other drug use.

*Drug Court taught me a few things, rehab taught me a few things, life has taught me a lot of things and willpower has helped, and mum and dad have helped, everything is just pow, put together and that’s it.*

The risk factors for continuing alcohol and other drug use given by young people (in no particular order) were:

- Mixing with old peer group;
- Reaction to personal problems;
- Hard to fight the addiction.

Key respondents identified some family situations as unsafe because of the alcohol and other drug use encouraged in the home.
7.10.2 Changes in offending

Most of the young people and family/whānau interviewed reported that offending had stopped or there had been a decrease in the severity and frequency of offending. The main reasons given for the reduction in offending (in no particular order) were:

- Reduction in alcohol and other drug use so not offending under the influence or to obtain money for alcohol and other drugs;
- Did not associate with previous peer group, or at least did not associate with them while they were offending;
- Learnt how to control impulses better such as anger;
- Turned 17 and did not want to go to prison;
- Do not want to get into trouble because limit future options such as going to courses, jobs, travel;
- No need to offend because employed and earning money, also occupying time as several young people recognised boredom as a factor in committing crime;
- Maturity.

Several young people reported no change in their offending and they were still continuing to offend at the same rate. The risk factors for continuing offending were similar to those for continuing alcohol and other drug dependency.

7.10.3 Other things that had changed since young people had been in the YDC

Young people were asked if there were any other things in their life that had changed besides offending and alcohol and other drug use, since they had been through the YDC. Family/whānau were also asked if they thought any other things had changed in the young peoples lives. While a few reported no changes some young people said they had a much better relationship with either one or both their parents. A family/whānau respondent reported their young person was a lot more independent, confident, and capable of looking after themselves. They were also healthier and ‘just a better person all around I think’. Several other family/whānau also made similar comments.

One young person stated:

> Just my whole look at this world. There is no need to do a crime, because it is just going to land you in jail. There is no reason to do drugs because it just makes your head all bunged.

7.11 Exiting from the YDC

The YDC Judge took the approach that when there is nothing more that the YDC process can usefully do for a young person then it is time for them to exit the YDC.

> That same test can apply at any point in the process. It can apply early when the person demonstrates they just will not engage for whatever reason, or they are continuing to offend at a
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...and it equally applies at the very end with the successful completion of treatment... we can stay in here until we are sure about this. That the living circumstances are settled, that they have got a job. That all of the hard work that has been done isn’t just put at risk because you exit too quickly. You get to that stage where everybody feels happy and satisfied that it is okay, that the safety nets are in place.

7.11.1 Completion discharge

The young people who are regarded as successful participants of the YDC are discharged by the YDC when the YDC Judge and team decide they have completed, or nearly completed all the requirements and there is consensus that there is no need for further YDC overview. For the purposes of the evaluation these young people are said to have received a ‘completion discharge’. The following guidelines are considered when deciding if young people are to be discharged.

- Completion or near completion of FGC outcomes. It should be noted that the treatment plan may differ to that of the original FGC plan. For example, a young person attends residential treatment rather than a day programme as may have been envisaged at an FGC. Reparation and community service may become Orders to allow the young person to exit from the YDC and complete these obligations over a longer time period. In the case of reparation, for example, the amount may be too much for the young person to pay in the short term.
- The YDC aims for harm minimisation rather than abstinence and therefore looks for a decrease in alcohol and other drug use.
- Stability in their current situation, for example, attending course, school, or employed, supportive home environment, involved in sports or cultural activities, not associating with other youth offenders.
- No recent offending and therefore no outstanding matters before the Youth Drug Court.
- Matters in the Youth Drug Court are able to be finally determined.
- Consensus among the YDC team members that there is no further need for YDC overview.

7.11.2 Non-completion discharge

A young person can be remanded back to the Youth Court or other Courts for the following reasons:

- further offending committed that precludes the YDC, such as type of offence; accumulation of offences; age of offender; the young person wants to exit the Youth Drug Court;
- the young person is not complying with their treatment programme and the Judge and the YDC team thinks that no useful purpose will be served by the young person continuing in the drug court.

For the purposes of the evaluation this is called a ‘non-completion discharge’.

29 If a young person is aged 17 and over when they commit an offence they come under the adult jurisdiction of the District Court.
7.11.3 Young people’s reasons for leaving and staying

The young people interviewed for the evaluation were asked if they ever felt like leaving the YDC. Many of them answered that they often felt like leaving because the process took so long and at times they found it difficult to handle for a variety of reasons. One young person said:

Yes, just because of the time it dragged on with. Like now, I don’t think it was so long but for a young person that is hyperactive, it takes so long – a week seems like a month... because now I have something to occupy my time. Like there when you are doing nothing and you run out of things to do, you get quite bored. It must have an effect on crime.

This young person identified the importance of having something constructive to do with their time and reinforces key respondents’ comments about having programmes and activities to keep young people occupied. Other young people felt they had to sacrifice quite a bit, particularly being on restrictive bail conditions for such a long time. Some young people said that they did not feel like leaving and wanted to stay on longer than they did.

The reasons young people gave for deciding not to leave included their own determination to successfully complete the pilot; to not have a record so that they could do more things like travel; to prove to others that they could do it; to not have warrants out for their arrest if they ran away; to not have a custodial sentence; and to not progress on to District Court because they were 17 years old.

7.11.4 Exit plans

While the decision to give young people a completion discharge included consideration of the stability of their situation, and in some cases ongoing monitoring by agencies, some key respondents expressed concern about the lack of follow-up after young people leave the YDC. A key respondent stated:

That is the concern I have about the Drug Court. It promises things and doesn’t always have the resources to follow through. There should be follow-up monitoring. But then there should be for a lot of young people that CYF work with, but CYF don’t provide it.

This issue is not just specific to the YDC and another key respondent made the point that nationally CYF did not transition young people out of the Department very well and do follow-up monitoring.

7.12 Comparison with Youth Court

Key respondents, young people and family/whānau were asked to compare their experience of the YDC with the ordinary Youth Court. A number of good practices in the YDC were identified and regarded as transferable to the Youth Court. Some key respondents thought that some of the good practices were being implemented in the Youth Court process and pointed out that if the Youth Court, particularly CYF had more resources they would be able to more intensely monitor young people.
The features of the YDC model that were highlighted as good practice for the Youth Court were:

- multidisciplinary team approach with established communication processes;
- consistency of Judge;
- the consistency of professionals through the YDC team;
- intensity of supervision and monitoring;
- the Court’s proactive case management approach ensuring what needs to happen on remand does happen so when a case is called it can be dealt with as intended;
- immediacy of responses;
- accountability of young person on an ongoing basis;
- accountability of agencies.

In regards to consistency of the Judge, many respondents talked about the number of different Judges a young person sees in the Youth Court. A case might be called five times and a young person might see five different Judges. Respondents saw the advantage of consistency of Judge in regards to an opportunity for a Judge to build up knowledge about a young person and their case and for the young person to develop a sense of responsibility towards that Judge.

Many key respondents observed that the monitoring of a young person’s FGC plan in the Youth Court, for whatever reason, was not always done consistently and was sometimes done just before the Youth Court review date. One key respondent summed up what many respondents said:

In the normal Youth Court the monitoring doesn’t get done. It just doesn’t happen. The only reason that people follow up quite often is because they are back again. Time and time again we get told “we never heard from anyone” or “we have heard from the Youth Justice social worker once and things haven’t happened”. The kid goes “I am in trouble so I need to do something about it”. But after four or five weeks nothing has happened. They are going “hang on, nothing happens so why would I bother worrying about it. I will carry on”. Whereas in the Drug Court it in their face every two weeks. They have got an incentive to get out of there. That is why I say that is the biggest thing that shows me that the YDC is the best practice model. But it is a resourcing issue of course.

Young people and family/whānau who were interviewed were asked to comment on any differences they saw between the normal Youth Court and the YDC. As previously discussed many of them commented that they preferred having one Judge and some liked the regular monitoring. The main difference they noted was that there was not as much support going through the normal Youth Court and it was a very different experience from the YDC. At Youth Court the focus was more punitive. Here are some of their general comments about differences they experienced:

Young person: They [YDC] let me talk. Talk things out instead of going bang.

Young person: . . . this is the way that I would look at it, it provides a hell of a lot more support, they check up on you a lot more, every fortnight, but that’s understandable, because if they want to help you then they have to check up on you and I think it’s a lot more effective. You just get more support, friendlier people, they keep in contact with you, they don’t just say bail or remand and not
speak a word and then hit you with something and go back, they check up on you. If you do well they reward you, the youth court doesn’t do that, if you do well you get bail lifted, they give you the help you need and they also punish you fairly when you should be punished, you don’t just piss around and get thirty slaps on the band before you get anything for it, so yeah it’s a lot better.

Young person: The only difference I can see is that it takes a lot longer. With the other one you just get charged and that is it.

Family/whānau: The normal court is more about punishing, whereas the Youth Drug Court is more about rebuilding and rehabilitating as opposed to just punishing...

Family/whānau: I suppose with the normal court he only really went when he got into trouble, and it is an instant “okay this is where you go when you play up and you get caught”. Whereas the Youth Drug Court it was more about, well be did see as a court system, but it was a regular, like support system. You are not going there every two weeks to get punished. You are just sort of getting checked up on, make sure everything is going along nicely and all the rest of it. Whereas the other one is just …. “you are here because you have done something wrong and now you are going to get punished. This is what we are going to do to you.” You have two totally different systems. I think the second system was a lot more effective really. A lot more supportive.

### 7.13 Summary

One of the process issues identified in the development of the YDC was to improve the monitoring of young people through their FGC plans to achieve their goals. The YDC processes provide intense monitoring of young people, which aims to facilitate their alcohol and other drug treatment, hold them accountable for their offending and reduce further offending. The YDC process reportedly improves on Youth Court processes through the following mechanisms:

1. **Regular remands and immediacy of response**

Graduated remands from fortnightly to monthly provided intense monitoring of young people’s progress and were very important for being able to respond to situations and to keep the young people on track. Timeliness was dependent on resources, including suitable programmes, courses and placements.

2. **Multidisciplinary team approach**

As outlined in Chapter six the YDC multidisciplinary team approach, particularly with the addition of health and education to the justice sector, was regarded as very effective in monitoring and addressing young people’s issues in a more holistic way.

3. **Judge’s role**

The consistency of Judge was important for the Judge to build up knowledge of the case and for the development of a ‘contractual’ relationship with the young person. The ‘contractual’
relationship between the Judge and young people had a positive influence on some of the young people progressing through their treatment plan and FGC goals.

While the YDC was still very much a Court environment the major change of having the young person sit in the witness stand next to the Judge reportedly facilitated the development of the relationship with the Judge and made the young people feel like they were not being looked ‘down on’.

4 YDC social worker

The YDC social worker is dedicated to the YDC and performs an extensive monitoring and co-ordination role of the treatment plan. Many of the key respondents regarded the YDC process as more efficient because a social worker was dedicated to regularly monitoring these young people. The YDC social worker co-ordinates and monitors the young people’s treatment plan and provides reports on their progress and any issues that may have arisen to the Judge and the multidisciplinary team. This provided an opportunity to quickly respond to the situation.

YDC social worker monitoring had developed into primarily monitoring the treatment plan and other issues were to be addressed by the CYF assigned social worker. This was primarily due to the capacity of the YDC social worker with the numbers of young people going through the YDC. During the period covered by this evaluation the co-working role between the YDC social worker and the other CYF social workers was still being developed.

The following summarises the use of bail conditions; encouragement and sanctions.

Bail conditions

Bail conditions were used extensively by the YDC. The lifting of conditions such as curfews was used in response to young people’s behaviour. However sanctions for breaches of bail were limited to tightening of conditions and ultimately discharging from the YDC as the legislation does not allow for much else.

Police were unable to regularly check many of the young people’s curfews due to being under resourced. Some Police did not feel it was worthwhile arresting for bail breaches as there were limited consequences.

Encouragement, sanctions

The sanctions and rewards did have an effect on some young people as they did not want to get into trouble and they also wanted rewards such as lifting of curfews. Interviews with young people and family/whānau indicate that for many of the young people encouragement and support of the YDC had a positive effect on them. The restrictive bail conditions such as curfews appeared to have little influence on the behaviour of many of the young people interviewed, as they perceived that there were minimal consequences for breaching bail. Some were deterred by the thought of leaving the YDC and the possibility of getting a custodial sentence and proved charges which would limit their future opportunities.
Accountability

Some key respondents regarded the following YDC processes held the young person accountable for their actions: regular remands, particularly explaining what you had been doing to the Judge and Court; the constant monitoring by professionals; and the extensive bail conditions over a substantial period of time. Other key respondents thought that young people were not being held accountable for their offending in terms of being given too many chances, limited sanctions for reoffending, and some recidivist offenders receiving section 282 of the CYP&FA discharges.

Views of young people and family/whanau in regards to monitoring

The family/whänau interviewed thought the regular monitoring was very good. Most of the young people said they thought going every fortnight was alright and some said that it was much better than going to the normal Youth Court, while others found it annoying.

Young people and family/whänau interviewed generally regarded bail conditions as fair. Some young people admitted to breaches particularly of curfews.

All the young people and family/whänau interviewed thought that Judge Walker was excellent in the way he interacted with them because he was easy to talk to, listened, asked why they did things, understood their views, and showed respect. While a few thought that he was a bit lenient at times, others found him firm but fair.

Young people and family/whänau who were interviewed had previously had mixed experiences with social workers. They appreciated those who followed through with promises and many liked the consistency and support of the YDC social worker. However some of these respondents had had negative experiences with social workers.

Young people and family/whänau interviewed also had mixed experiences with Police. This included some very positive comments about support they had received from Police and also some very negative accounts about treatment of young people.

Outcomes for young people during participation in the YDC

Young people and family/whänau interviewed attributed the YDC processes with helping to reduce alcohol and other drug use and reducing offending for some of the participants. This included linking them with appropriate services; facilitating attendance at programmes and courses; and by providing constant monitoring and support.

Protective factors identified in the interviews included YDC processes such as regularly going to Court and seeing the same Judge, and the support of the multidisciplinary team. Young people identified supportive relationships with people they respected to be very helpful in their recovery process. Other protective factors were not associating with previous peer group; employed; maturity, and better relationships with family/whänau.

Risk factors included mixing with their old peer group; difficulty in fighting their addiction; unsafe family situations; boredom and personal problems.
See section 3.2 and 3.3 for analysis of alcohol and other drug use and offending by participants.

**Suggested improvements**

To provide clear guidelines it is suggested government agencies collaboratively produce an operational manual for the YDC.

It was suggested there could be better follow-up of young people when they are discharged from the YDC. Only some have ongoing support from service providers such as YSS and Odyssey Day Programme.
8 Resourcing for the YDC pilot

This chapter describes how some of the resources have been utilised by the YDC in the first 18 months of the pilot and highlights the resourcing issues identified by the government agencies and Odyssey House Day Programme.

All the government agencies involved with the YDC had some difficulty in distinguishing between core business and additional costs incurred by operating the YDC. This is mainly due to the fact that the young people would have been processed through most of the agencies involved anyway. It is also difficult to predict what offending may have occurred during the equivalent time the young people were on the YDC that would have required resources.

Limitations of undertaking a cost analysis of the Youth Drug Court were outlined in an earlier section (2.5). It was beyond the scope if this evaluation to compare the cost of operating the Youth Drug Court and the Youth Court, or to analyse any possible long term caseload benefits for courts. This was due to a lack of adequately detailed data on current Youth Court costs with which to compare the Youth Drug Court.

8.1 Government personnel allocated to the YDC

This section looks at the FTE (full-time equivalent) staffing that is allocated to the YDC by each government agency. The agencies have funded the YDC out of their baseline budget. Table 8.1 presents estimations of the FTEs allocated to the YDC over the first 18 months of operation and estimations of FTEs that should be allocated to the YDC in the future. Both estimations are based on fortnightly YDC sittings with approximately 20 young people participating in the pilot at any one time. It was clear that if the number of participants were to consistently exceed 20 then additional resourcing would have to be considered in terms of extra court days, FTEs and subsequent overhead costs.

Apart from Police, Group Special Education and YSS the government agencies involved in the YDC estimated that no additional FTEs will be required for future operations of the YDC if the maximum capacity is maintained at 20 young people at any one time. Extra funding was received from the government agencies for YDC social worker position (1 FTE) and a half time YSS clinician position (0.5 FTE). The other positions were funded out of existing local baseline funding from the agencies.
Table 8.1 Present and predicted FTE for government agencies operating the YDC

<table>
<thead>
<tr>
<th>Government Agency</th>
<th>Approximate FTE used for the YDC and funded out of each agency's baseline for first 18 months of pilot</th>
<th>FTE required for the YDC to continue at present capacity of fortnightly sittings (estimated)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Justice (previously Department for Courts)</td>
<td>0.5 FTE YDC court clerk</td>
<td>0.5 FTE YDC court clerk</td>
</tr>
<tr>
<td>Department of Child, Youth and Family Services</td>
<td>1 FTE YDC social worker 0.5 FTE YDC YJ co-ordinator</td>
<td>1 FTE YDC social worker 0.5 FTE YDC YJ co-ordinator</td>
</tr>
<tr>
<td>Youth Speciality Services</td>
<td>0.5 FTE**</td>
<td>1 FTE</td>
</tr>
<tr>
<td>New Zealand Police</td>
<td>0.2 FTE Police prosecutor (Constable) 0.3 FTE Police prosecutor</td>
<td>0.3 FTE Police prosecutor</td>
</tr>
<tr>
<td>MoE Special Education</td>
<td>0.1 FTE</td>
<td>0.2 FTE</td>
</tr>
</tbody>
</table>

* extra funding received from agencies to fund these positions
** funding for YSS was originally provided by Ministry of Health and is now base-lined into District Health Board funding.

8.2 Resourcing issues raised by government agencies

The following resourcing issues were identified for government agencies during the first 18 months of operation up to August 2003. It should be noted that as the pilot develops some of these issues may have been addressed in the interim.

8.2.1 Ministry of Justice

- The present capacity of the YDC for one Court day a fortnight is around 20 cases at any one time. If the number of cases increases, particularly over a sustained period of time this would necessitate an extra Court day and additional resources. The YDC is however able to manage the intake of young people to a certain degree by considering the selection criteria in light of their capacity.

- Court Registry Officer costs for the fortnightly YDC sitting is above the normal allocation for Court Registry Officers’ time.

- At times there can be an extra hour of security personnel time required for YDC sittings as appointments can run past the 5pm Court closing time. No additional funding has been provided for this.

- It was noted that judicial costs are now met by Christchurch District Court with the changeover from Judge Walker to Judge McMeeken who is a locally based Judge. This effectively means that there is one day a fortnight of judicial time taken up with the YDC that would have been used in other Court work.

- There were concerns over how much Youth Advocate services were costing. Their costs would most likely be higher for YDC participants than other clients because of the increased time spent accompanying clients to the fortnightly remands and attending case review meetings.
An analysis of Youth Advocates costs for the sample group will be prepared for the follow-up assessment report as this will allow for the inclusion of another financial year.

**8.2.2 Department of Child Youth and Family Services**

**YDC social worker role**

- The YDC model demanded intense monitoring from the YDC social worker and estimates for the maximum case load at any one time varied from 15 to 20. This would be dependent on the co-work situation with the field social workers. If the capacity of the YDC was to increase then extra funding for additional social work support for YDC will be required.

- Key respondents identified that generally social workers had too much other work to do which impacted on their capacity to assist with the YDC.

- Increased case numbers and scheduling of cases in the latter part of the day to accommodate programme attendance meant the YDC sittings could run past 5pm. This impacted on the YDC social worker in terms of work that may be required after CYF hours such as finding placements for young people as there was limited back-up to help her. Working in isolation like this was identified as a risk.

- Appropriate back-up for the YDC social worker to go on holiday or take sick leave. This issue was important as the YDC social worker role facilitated the intense monitoring of the young people’s treatment plan through contact between appearances and gathering information for the YDC reports. Consistency and familiarity with the case were considered important elements of the YDC model. This issue was being addressed at the time of interviewing in mid-2003.

- One key respondent thought the amount of time on the YDC was too long and that you should be able to do something for these young people in a shorter time period which may require more intensive service delivery in some instances. This key respondent observed that there was only positive gain to be made up to a certain point in terms of cost benefit and the YDC should aim to get them to that point and then monitor some maintenance for a short period then release them.

**YDC YJ co-ordinator role**

- No extra funding was received for the 0.5 FTE YDC YJ co-ordinator. It was difficult to differentiate how much of YDC YJ co-ordinator’s work load was extra as many of the cases may have had those FGCs convened anyway. Estimated approximately 0.25 FTE extra with the YDC.

- At the present capacity of 20, a 0.5 FTE is a sufficient resource for the co-ordination role but would require an increase to 1 FTE if the YDC expands. However, 0.5 FTE allowed little leeway for other aspects of this role such as community networking and informing other YJ co-ordinators about YDC processes.
• Issue of appropriate back-up for the YDC YJ Co-ordinator to go on holiday or take sick leave.

8.2.3 **NZ Police**

The Police are finding it difficult to stretch resources to fill the 0.2 FTE YDC prosecutor role. Through the trial period the role has been shared between the sole specialist Youth Court prosecutor in Christchurch and a Constable responsible for Police Youth Development projects. Both individuals have had to sacrifice their roles in other areas to meet the demands of the YDC. This approach was adopted by Police as a temporary measure only.

8.2.4 **Ministry of Education Special Education**

If the pilot was to continue there would need to be some recognition within the current output plan that Special Education has with the MoE that this group of students from the YDC could be broader than the group their behaviour team traditionally works with, particularly in terms of their age and behaviour problems. It should be noted that there was no resistance to working with this broader range of young people. The funding required for the YDC was identified as minimal at the present capacity and selection criteria, although over time the number of young people utilising Special Education through the YDC had increased as more of them had been at school.

8.3 **Resourcing issues raised by programme providers**

8.3.1 **Odyssey House Day Programme**

The YDC has impacted on Odyssey House Day Programme resources. This has become a real issue for the organisation as they have received no extra funding. A staff member has been assigned to work with YDC young people at Odyssey and liaise with agencies over their progress. The liaison relationship requires attending extra meetings and supporting the young people when they attend YDC hearings. The clustered intake of generally more demanding young people referred by the YDC required extra work from the Odyssey staff.

8.3.2 **Youth Speciality Services**

While YSS prioritised YDC participants this was not identified as an issue for seeing other young clients. However this could possibly place stress on secretarial staff. As well as the alcohol and other drug assessments and therapy work, the YDC provides the following additional work for YSS clinicians particularly the YSS co-ordinator:

• Added work load going to Youth Court weekly to screen young people.
• YSS meeting with other YDC team members fortnightly.
• YDC case review meeting and sometimes attending YDC sittings for young people who are on their case load fortnightly.
• Additional following-up of young people and their family through phone calls and visits.
• Additional administrative work for clinicians when sending a young person to a residential programme.
• Additional urine tests for alcohol and other drug levels.

Note YSS thought that possibly two-thirds of the YDC participants would have been referred to YSS anyway. The question was whether they could maintain seeing them without the young people being in the Youth Drug Court process. YSS respondents were concerned that some would not have got to the first appointment, as one observed ‘it is quite interesting that a lot of them when I ring up to check, that have gone through the system, that they have never actually been assessed because they have never turned up’.

8.4 Gaps in service provision

The major gaps in service provision identified were the lack of residential alcohol and other drug treatment facilities for young people in the Christchurch area and suitable placements outside of the family. The pilot highlighted these problems and the importance of having adequate infrastructural support in place for a drug court. An alcohol and other drug residential facility for young people is in the process of being established in Christchurch. In regards to placements a key respondent stated:

"There is real pressure on the availability of care services in general here in Christchurch, placements for young people. That inevitably impacts on something like this. That if these young people need placement outside of their families, there is a real pressure on the services that we have got available. Whether it is our own services, family homes, caregivers or the providers around town.

Many key respondents identified that more services to work with the families as a whole would be very beneficial as many young people’s problems were interrelated with family problems.

8.5 Summary

All the government agencies involved with the YDC had some difficulty in distinguishing between core business and additional costs incurred by operating the YDC.

The main resourcing issues identified for the YDC in the first 18 months of operation were:

• Particularly in the first year of operation extra resources used by agencies to support the YDC did not always receive any extra funding.
• The current allocation of FTEs does not always reflect the extra work that is being carried out by practitioners.
• Lack of appropriate back-up for key positions such as the YDC social worker.
• Lack of infrastructure in regards to placement facilities outside families and residential alcohol and other drug programmes for youth.
Government agencies and service providers identified a range of additional expenses that were being managed by YDC practitioners as part of the pilot. For government agencies, these activities would require special funding if the pilot was to be extended beyond its current term or introduced at another site.
9 Conclusion

This chapter draws together the findings on the implementation of the YDC pilot and examines how effective the pilot is in achieving the process issues it set out to address. The process issues refer to efficient identification of young people with alcohol and other drug issues; timeliness of service delivery; interagency co-ordination to improve service delivery and the monitoring of young people. The chapter starts by summarising the strengths and barriers to effective implementation of the YDC pilot under these process headings along with suggested improvements.

Justice processes including victims’ rights are then discussed. This is followed by young people and their families/whānau perceptions of the YDC. Programmes and services including service gaps are discussed and the main resourcing issues are then outlined. The chapter ends summarising the progress of the sample participants while they attended the YDC including in regards to alcohol and other drug use and offending.

9.1 Early identification

9.1.1 Process strengths

The pilot does facilitate more efficient identification of young people with alcohol and other drug problems that contribute towards their offending behaviour through onsite YSS clinicians screening at Youth Court.

The YDC selection criteria are set at the right level to reach the target group the pilot is presently aimed at; that is, the more severe end of dependency and offending. It is recommended on current resources that twenty young persons be the maximum number attending the YDC at any one time.

9.1.2 Barriers to effective implementation

There were some process problems in the beginning for identification and screening of young people which were mainly due to a lack of awareness among some practitioners about the pilot and how to refer young people to it. However, key respondents report the process has improved with the increased awareness of practitioners and the proactive role of YSS clinicians during Youth Court screening times.
9.2 Reducing time delays

9.2.1 Process strengths

The YDC facilitated the timeliness of certain processes compared to the Youth Court. The screening process and the timeframes for the YDC generally facilitated faster access to full assessments from YSS. For the sample group the median time for a full assessment from the date of screening until the date the assessment report is sent to the YDC was three weeks (average 3.2 weeks), compared with five to six weeks it reportedly took for a full assessment for the Youth Court. YSS respondents also noted that the YDC process ensured that young people attended full assessments.

Importantly, the fortnightly remands the YDC participants start on facilitate the accessing of programmes and services. Key respondents reported that compared with the Youth Court this process ensures the treatment plan is actioned sooner rather than later.

The ongoing monitoring provided the YDC team with the ability to quickly respond to treatment needs and other issues young people have, which was considered an improvement on Youth Court processes.

9.2.2 Barriers to effective implementation

Timeliness of service delivery was dependent on the availability of resources such as finding suitable programmes, courses and accommodation placements.

9.3 Interagency co-ordination

9.3.1 Process strengths

The team approach was identified as one of the major strengths of the YDC pilot and was considered to be working very well in practice. Ultimately it was the dedication and commitment of the practitioners on the team that could be seen as the pilot’s greatest asset. It should be noted that the Youth Court in Christchurch has good working relationships between the Police prosecutor, CYFS Court Officer, the Court staff and the Youth Advocates. The features of the YDC team that enhanced interagency co-ordination and provided an enhanced service were:

- The formalised inclusion of a broader range of agencies, in this case YSS and GSE, to provide a more comprehensive approach towards service delivery.
- The formalised recognition of the linkage between alcohol and other drug dependencies and offending allowed for a closer working relationship between Youth Justice and Health.
- The opportunity for Education to work more closely with the Youth Justice sector.
- Provision of a forum for systematic and regular review and discussion between agencies which has thus far resulted in more communication and co-ordination between agencies.
• The YDC team provided a forum for understanding the connection between the work of the different agencies and being able to identify areas where they could work more co-operatively. It also provided a knowledge base on issues to do with young people and the opportunity to share that knowledge to find solutions. This also meant practitioners were well informed about the young people which, for example, made it more difficult for young people to manipulate practitioners.

• The consistency of Judge was identified as very important in building the relationship with the young person and monitoring their case and also providing leadership to the YDC team.

• Having a dedicated social worker was seen as an improvement on Youth Court practice.

• The continuity of personnel in the team was seen as a major strength.

• The provision for a collective working relationship with young people and their family/whānau/caregivers and making collective decisions.

There are indications that the YDC process provides for a more co-ordinated link in with other service providers by providing a forum for agencies and Youth Advocates to learn in a more systematic way about the various providers. This is either via discussions in YDC meetings or presentations such as at the operational review meeting held in August 2002. It appears that the YDC team could also provide a useful forum for service providers to link in with youth justice. It should be noted that there are various structures where youth justice practitioners interact with other agencies and service providers such as the Youth Justice Group, Strengthening Families, and the Youth Workers Collective.

9.3.2 Barriers to effective implementation

At the time of the review there were varying degrees of support for the YDC within Police and CYF. There was a need for more communication about the YDC and clarification of roles between YDC personnel and the other staff in Police and CYF.

9.3.3 Strategies implemented by agencies and suggested improvements

• It is suggested that there be a collaborative process between the government agencies to write a YDC operational manual. At the time of the review CYF was documenting how the YDC social work role and the YJ co-ordinator role are working with the YDC with the view to establishing some guidelines.

• It was suggested there could be more sharing of information between the YDC team and agencies about the progress of the YDC. A respondent suggested an e-news to agency staff with a summary every couple of months on how the YDC is going. To inform other social workers about YDC processes CYF had encouraged them to go and sit in the YDC for half a day.

• Regular workshops to identify practices of working across agencies.
9.4 Monitoring of young person’s progress

9.4.1 Process strengths

The YDC processes provide intense monitoring of young people, which aims to facilitate their alcohol and other drug treatment, hold them accountable for their offending and reduce further offending. The YDC process reportedly improves on Youth Court processes through the following mechanisms:

1. Regular remands and immediacy of response

Graduated remands from fortnightly to monthly provided intense monitoring of young people’s progress and were very important for being able to respond quickly to situations and to keep the young people on track.

2. Multidisciplinary team approach

As stated the YDC multidisciplinary team approach, particularly with the addition of health and education to the justice sector was regarded as very effective in monitoring and addressing young people’s issues in a more holistic way.

3. Judge’s role

The consistency of Judge was important for the Judge to build up knowledge of the case and for the development of a ‘contractual’ relationship with the young person. The ‘contractual’ relationship between the Judge and young people had a positive influence on some of the young people progressing through their treatment plan and FGC goals. What the YDC Judge said to many of the young people interviewed did matter to them. Some young people compared it to the way some other Judges had spoken to them, for example, calling them useless and dumb. It was evident that the theory of therapeutic jurisprudence has validity as what authority figures, like Judges in the Court room context, say had an effect on some of these young people.

Key respondents, young people and family/whānau thought that the young people were treated with more respect and in turn gave the YDC more respect than was often the case in the Youth Court.

The YDC environment has some differences to the Youth Court in that young people are scheduled for 15 minutes, which provides an opportunity for the Judge to discuss issues with the young person and with their family/whānau/caregivers and other support people. The young person sits in the witness stand next to the Judge rather than the dock in front; this was found to facilitate the development of the relationship between the young person and the Judge. Young people felt more respected, listened to and understood.

4. YDC social worker

The YDC social worker is dedicated to the YDC and performs an extensive monitoring and co-ordination role of the treatment plan. Many of the key respondents regarded the YDC
process as efficient because a social worker was dedicated to regularly monitoring these young people.

They were in regular contact with young people and their caregivers and with their programme providers, in order to address any issues. The YDC social worker reports on the young person’s progress to the YDC Judge and appropriate members of the YDC team.

### 9.4.2 Barriers to effective implementation

Some key respondents would like to see more of a balance between the therapeutic approach and the young person being held accountable for their offending. They thought there were insufficient sanctions put on young people when they breached bail or were not complying with their treatment plan. More resources were required to monitor young people’s bail conditions as, for example, Police were not able to regularly check all the young people on curfew. (See section 9.5 below.)

The YDC social worker primarily focused on monitoring the treatment plan and relied on working in with the young peoples’ assigned field social workers to monitor care and protection issues and other aspects of the plan. During the review period the co-working relationship was still being developed and required clarification.

### 9.4.3 Suggested improvements

Key respondents identified that more work with families was necessary as in some cases the treatment progress of young people was being hindered by their home environment. Furthermore there was concern that not enough was being put in place for young people when they completed the YDC in terms of follow-up and support. However, some services such as YSS and Odyssey Day Programme continued to support young people.

### 9.5 Justice processes

#### 9.5.1 Bail conditions

Bail conditions were used extensively by the YDC. The lifting of conditions such as curfews was used in response to young people’s behaviour. However sanctions for breaches of bail were limited to tightening of conditions and ultimately discharging from the YDC as the legislation does not allow for much else.

Police were unable to regularly check many of the young people’s curfews due to being under resourced. Some Police did not feel it was worthwhile arresting for bail breaches as there were limited consequences.

#### 9.5.2 Use of encouragement and sanctions

The sanctions and rewards did have an effect on some young people although the findings were mixed for different young people. Interviews with young people and family/whānau indicated that for many of the young people encouragement and support of the YDC had a
positive effect on them. Some young people were deterred by the prospect of a custodial sentence and getting into further trouble, they also wanted rewards such as lifting of curfews. However for other young people the restrictive bail conditions such as curfews appeared to have little influence on their behaviour, as they perceived that there were minimal consequences for breaching bail.

9.5.3 Accountability

Some key respondents regarded the following YDC processes held the young person accountable for their actions: regular remands, particularly explaining what you had been doing to the Judge and Court; the constant monitoring by professionals; and the extensive bail conditions over a substantial period of time. Other key respondents thought that young people were not being held accountable for their offending in terms of being given too many chances, limited sanctions for reoffending, and some recidivist offenders receiving section 282 of the CYP&FA discharges which do not appear in their criminal histories.

9.5.4 Victims’ rights

A few key respondents expressed concern for the rights of victims in the YDC process, and in particular the long time it takes for young people to go through the YDC means outcomes and closure for victims can take a long time. Some key respondents queried whether young people were being made as accountable for what they have done to victims with the YDC focusing so much on young people’s rehabilitation. While some respondents say many victims understand the need for the young person to address their dependency first before any compensation to themselves, others were concerned victims can be disempowered by this process.

The strategies developed by the YDC team to address concerns about victims’ rights are progress reports from the young people to victims who want them, and getting young people to address their obligations to victims as soon as possible. For example, young people can be encouraged to start paying any reparation, as recommended in the FGC outcomes, as soon as possible, rather than waiting for the Court to make a Reparation Order. The necessity of giving victims realistic expectations about the amount and timely delivery of reparation was also emphasised by some respondents. However, this is also an issue in the Youth Court.

9.6 Young people and families/whānau perceptions of the YDC

Young people and families/whānau were asked what they thought were the best things about the YDC and what they thought the worst things were about the YDC. They were very positive about the YDC and thought that it should continue. They identified some issues that they thought should be improved or that frustrated them, but on the whole these respondents thought that the YDC was much better than their experiences of the Youth Court. It should be noted that half of the young people interviewed for the evaluation did not complete the YDC and were transferred back to the Youth Court and even these young people were very positive about it.
9.6.1 Young people - the best things about the YDC

The best things that young people identified about being on the YDC were:

- Generally the amount of support they received to help them with their problems.
- The way the Judge treated them.
- Opportunity for a second chance, which meant that they had a better future with opportunities to get employment and travel, which they would not have had if they had received a proved outcome on their criminal record in the Youth Court. As one young person said ‘It has changed my life and it has got me going somewhere.’
- The treatment they received that helped reduce their alcohol and other drug use and offending.
- Help to get employment.
- Meeting people in the same situation.
- Did not have to go to Youth Court or District Court.

9.6.2 Family/whānau - the best things about the YDC

Family/whānau who were interviewed were asked to identify what they liked about the YDC and many of them compared this with their experiences of the Youth Court. Many liked the YDC Judge in regards to the way he treated the young people and family/whānau. The Judge would ask young people, family/whānau and everyone else in court what had been going on and then listen to them. These respondents said he treated people with respect and this engendered respect from many of the young people and also from families. Family respondents reported that it did matter to young people what the Judge thought of them and what he said to them had an influence. Some also commented that the Judge balanced his encouragement of young people with appropriate sanctions.

Some family/whānau noted the threat of going back to the Youth Court and receiving a custodial sentence did deter some young people from further offending and they wanted to stay on the YDC. The YDC was seen as a second chance and an opportunity to make a new beginning.

The support and help of the YDC team was regarded as very important as team personnel linked them into services quickly and followed up on how things were going. Generally they found the whole YDC process much more supportive than the Youth Court process. The constant monitoring was appreciated by many of the family/whānau and they found this very supportive. This included the contact with the YDC social worker and other people involved with the YDC. The relationships young people formed with key people involved in the YDC or service providers were seen as crucial in helping young people to deal with their problems and change their lives. A family/whānau member said:

*The young generation, their life is to do with the relationships they have. It is huge. That is one of the major things in their life. If they have got positive influences in their life, then they have more of a chance of lifting up their standard if they want to lift the standard. That person can say I am cool but I don’t do that. To me that is the biggest thing.*
All the families interviewed had high praise for the YDC and many had been frustrated previously by not getting the services and help they needed. One family respondent thought that the YDC was a more realistic way of dealing with young people with alcohol and other drug problems as going through the Youth Court had not helped them. Many were very thankful and said they do not know what else would have worked.

**9.6.3 What young people did not like about the YDC**

The main complaints young people made were in relation to curfews being too strict and curfew checks, and some did not like the regular remands and the warrant to arrest if they did not show up. However one young person thought that the curfew they had was too loose and relaxed too soon which led to them abusing their curfew. They recommended that young people be kept on a stricter curfew time for longer with being allowed out with family members.

A few mentioned the amount of time it took to go through the YDC and a couple had experienced long periods waiting for a place in a residential facility or a suitable placement. The time away from family and friends when they were at a North Island residential facility for alcohol and other drugs was also identified as difficult for them.

Several would have preferred individual counselling rather than YSS group therapy. A few did not like the constant monitoring and regarded it as an invasion of their privacy. Some young people felt the pressure of expectations from family/whānau, the YDC and service providers.

**9.6.4 What family/whānau did not like about the YDC**

About half the family/whānau had no negative things to say about the YDC. Some family/whānau identified the lack of service provision stated above, in regards to residential facilities in Christchurch and suitable placements. Several respondents thought that their young person, who had completed the YDC, had been discharged too early.

One respondent found the regular remands difficult because of work and family commitments and they also did not like the wider Court environment because of all the adult offenders. However they did think the regular monitoring was great because it kept an eye on the young people.

**9.7 Programmes and services**

The YDC utilised a variety of programmes and services to address young people’s alcohol and other drug problems, educational and vocational needs, accommodation and support. The ability of skilled professionals to engage with young people was highlighted in interviews with young people and their family/whānau. These relationships were given as the main reason why young people did, and did not, like programmes and services.

The educational needs of the YDC sample were not always easy to address as many had been out of the school system for some time and were more focused on obtaining employment.
While many of the young people attended alternative education and vocational courses it was sometimes difficult to follow through to employment. Employment was identified as an important factor for successful outcomes.

9.7.1 Service gaps

The YDC highlighted a number of service gaps that have been an issue for Youth Justice and the Health sectors in Christchurch for quite some time.

- In regards to alcohol and other drug treatment the main gap in service provision was not having a youth residential facility in or near Christchurch. For many young people sending them to residential facilities in the North Island made it more difficult to facilitate successful outcomes because they were away from their support networks. Currently government is funding the establishment of a youth alcohol and other drug residential facility in Christchurch.

- The lack of suitable places to accommodate young people if there is no appropriate family/whānau to place the young people with. The issue of suitable accommodation for young people was not just a Youth Drug Court issue and key respondents identified this as an ongoing problem for Youth Justice, Care and Protection, Mental Health and alcohol and other drug clients.

- Other service gaps for alcohol and other drug treatment were a lack of programmes for Māori and Pacific young people, in particular young Māori women.

9.8 Resourcing

The pilot is funded from government agencies baseline budgets with the exception of CYF which received extra funding after the first 12 or 15 months of operation for the 2003/04 and 2004/05 financial years. While the other government agencies have signalled that they can fund the pilot from baseline it is clear from interviewing practitioners involved in the pilot that extra resources would have been beneficial from the outset. The main resourcing issues identified for the YDC in the first 18 months of operation were:

- The current allocation of FTEs does not always reflect the extra work that is being carried out by practitioners.

- Lack of appropriate back-up for key positions such as the YDC social worker.

- Lack of infrastructure in regards to placement facilities outside families and residential alcohol and other drug programmes for youth.

Many of the resourcing issues are not specific to the YDC and are reflective of the general resourcing constraints agencies and organisations have to work within. The Christchurch YDC pilot has not had a high level of resourcing when compared to overseas models, some of which have, for example, a manager and/or administrator, and attached alcohol and other drug treatment facilities, and residential facilities.
9.9 Progress of the YDC sample participants while they attended the YDC

Of the 30 sample participants 28 had left the YDC by April 2004. Of the 28, 17 had completed the YDC and 11 had been transferred back to the Youth Court. Respondents identified that the pilot worked better than the Youth Court for some of the young people with serious alcohol and other drug problems because of the early identification, immediacy of response, getting them to assessments and into treatment and the constant monitoring of their treatment plan. This created an opportunity for them to engage in treatment and supported them in making changes to their behaviour. For most of the young people it is certainly a very difficult road with many setbacks along the way and there are many factors that may influence their behaviour. One of the strengths of the YDC process was how the Judge and YDC team were supportive of the young person through this process and facilitated as much as possible appropriate treatment and addressed other issues.

While young people could be encouraged, supported and coerced into addressing their alcohol and other drug use and offending, it was ultimately up to them whether they made changes, as one young person said:

*I think it should keep going, it will help a lot of people if they want to help themselves then it will help, if they don’t it’s just like anything, if something’s there to help someone and that someone doesn’t want to help themselves then it’s not going to do anything.*

Other positive effects of reducing alcohol and other drug use and offending were the forming of better family relationships, educational and work opportunities and better health. The YDC provided a lot of support for families, and those interviewed felt that the process provided more of an opportunity for their concerns to be listened to than their experience of Youth Court. Although many key respondents thought that more work could be done with young people’s families.

9.9.1 Protective and risk factors

Protective factors that helped young people to comply with their treatment plan and reduce their alcohol and other drug use and offending were identified from interviews with young people, families/whānau and key respondents. The protective factors identified included YDC processes such as regularly going to Court and seeing the same Judge and the support of the multidisciplinary team. Young people identified supportive relationships with people they respected to be very helpful in their recovery process. Other protective factors were not associating with previous peer group; employment; maturity and better relationships with family/whānau.

The risk factors that did not help young people to comply with their treatment plan and reduce their alcohol and other drug use and offending were identified from interviews with young people, families/whānau and key respondents. They included mixing with their old peer group; difficulty in fighting their addiction; unsafe family situations; boredom and personal problems.
9.9.2 Young people’s alcohol and other drug use after leaving the YDC

The alcohol and other drug diagnosis was examined for the 28 young people from the sample group at the time they exited the YDC and the two young people from the sample group who were still attending the YDC at the time of publishing this report.  

Of the 30 young people 22 (73%) had either stopped or reduced their alcohol and/or other drug use and eight (27%) had no change.

Of the 22 who had either stopped or reduced their alcohol and/or other drug use, 10 young people were in full remission for all their alcohol and/or drug use, which means they no longer met any of the criteria for substance dependence or abuse. Two young people had partial remission for all their alcohol and/or drug use, which means while they met one or more criteria for dependence or abuse, they did not meet the full criteria for dependence. A further two had a mix of full and partial remission, for example, a young person may have full remission of their alcohol dependence and partial remission for their cannabis dependence.

Eight from this group of 22 had a mixture of success in reducing the usage of different substances with a mix of full and partial remission; a decrease in their dependency diagnosis such as going from moderate to severe alcohol dependency to mild to moderate alcohol dependency; and some of their substance use had no change.

9.9.3 Young people’s offending while on the YDC

The YDC pilot aims to reduce offending in terms of both frequency and seriousness. For this report prior and accumulated offending was assessed using offences that a young person admitted, or was found guilty of in a court of law, and therefore excludes offences dealt with by Police diversion or other means.

The annual rate of offending while attending the YDC was compared to the annual rate prior to attending the YDC for the 28 young people who had left the YDC. It was found that the rate of offending while attending the YDC was lower for 19 (68%) than their rate for prior offending. For the other nine (32%) young people their rate of offending was higher while they attended the YDC. Seven young people did not accumulate any more charges while they attended the YDC.

Comparisons between those young people who completed the YDC and those that did not complete and were transferred back to the Youth Court or to the District Court was not done for this report. A more comprehensive offending analysis will be done for the follow-up assessment report, which will compare the YDC sample’s offending after they have left the YDC with prior and accumulated offending while on the YDC.

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30 An update on these two young people was also obtained in June 2004 to provide a full sample comparison.
31 This includes one young person who had a charge that was withdrawn.
9.10 Conclusion

The process evaluation covers the first eighteen months of the YDC operation. Respondents identified the pilot processes as a demonstration of good practice for the Youth Court, if time and resources were available. The pilot has on the whole made improvements on the process issues it sought to address through the following mechanisms:

- The multidisciplinary YDC team from different government agencies, Youth Advocates and the Judge.
- The consistency of Judge and YDC team personnel and their availability to the young people and their family/whānau.
- The regular monitoring of the young person by the YDC team facilitated by regular remands; YDC social worker reports; YDC team communication and meetings including the case review meetings.
- Immediacy of response to getting young people into programmes and responding to issues.
- Addressing addictions associated with offending.
- The accountability of young people on a regular basis.
- The involvement of families.

Nearly all respondents agreed with the concept of the YDC. A few thought this model was placing too much emphasis on the Court process where the CYP&F Act was trying to keep young people out of the formal criminal justice process as much as possible. Interestingly young people and families interviewed felt more listened to, supported and respected in the Youth Drug Court than they did going through the Youth Court process.

Some respondents from Police and CYF were dissatisfied with the way the YDC had been implemented. Other key respondents, including some from CYF and Police, and young people and families thought that the YDC had done very well and wanted to see the YDC continue, despite there being a few process issues to iron out. Nearly two-thirds of the sample group had reduced their offending and over two-thirds had stopped or reduced their alcohol and/or other drug use during their attendance at the YDC.

The follow-up assessment report examining the status of the YDC sample group approximately 12 months after they have exited the YDC will be available at the end of 2004.
References


Appendix 1  Interview schedules and informed consent forms

Information Sheet for participants in the Youth Drug Court

The Youth Drug Court is a trial programme and we want to find out what you thought about being in it. The Ministry of Justice is doing some research and would like to interview you because we think it is very important to find out your views on this new type of Youth Court.

Who will interview you?

The Ministry of Justice researcher, Sue Carswell, can interview you, or if you would like someone from your own cultural background we can arrange for Māori or Pacific interviewers.

What will the interview involve?

The Judge will not know if you chose to be interviewed or not so your decision would have no effect on your final sentence. The interview will take about half an hour. The questions will be about how you found going through the Youth Drug Court and what you thought about it compared to the normal Youth Court.

The interviewer will ask if you mind the interview being taped so that what you have to say is recorded accurately. The tape will only be heard by your interviewer. You can say no if you don’t like being taped. The interviewer will ask you if you would like to check the typed up interview notes to make sure they are correct. They will also ask you if you agree to be quoted. Your name will not be used with the quote or anywhere in the research reports.

The interviewer will ask you if you would like to check any direct quotes that will be used in the Youth Drug Court research reports.

What will be done with the information?

The information you give will be confidential and not given to anyone else to read except the Ministry of Justice researcher, Sue Carswell. All the
information you give will be mixed together with information given by other young people and presented as a summary in the research report. Your name will not be used in any reports so you will remain anonymous. You will be asked if you would like a summary of the research results.

Your choice

You can choose whether you want to be interviewed. You can also choose not to answer a question. You have the right to withdraw the information you gave in your interview up until the time it becomes part of the research.

Your contribution towards this research will be very important and much appreciated. If you need to get in touch with the Ministry of Justice researcher, Sue Carswell, her contact details are:

Dr Sue Carswell
Research and Evaluation Unit
Ministry of Justice
Ph. 04 494 9863
I agree to take part in an interview for the Youth Drug Court evaluation

Signed____________________________ Date________________

Print name__________________________

Family/whānau/caregiver interviews
We would like to get an idea of what the people closest to you thought about the Youth Drug Court compared to the normal Youth Court processes. Whether they thought this was a better system or not. Would you like to nominate someone close to you for us to interview?

☐ Yes ☐ No

Nominated person and their contact details:

Follow-up interview
In twelve months time we would really like to catch up with you for another interview to see how you are going. Would this be okay with you?

☐ Yes ☐ No

What would be a good way of getting in touch with you? Is there someone who knows you well that we could contact?

Your Contact details: 

Nominated contact person and their contact details:

Would you mind if we contacted YSS or CYFS to find out where you are?

Yes ☐ No
Youth Drug Court Pilot Evaluation Interview questions for young people

Introduction

- Read through informed consent form and make sure they understand the main points.
- Tell them the interview is going to be some questions on what they thought about being on the Youth Drug Court. Emphasise that we want to find out what they honestly think about it and that what they have to say will be important for our research.
- Ask them if they agree for the interview to be taped. [Note: before interview check have relatively fresh batteries and a spare pair just in case! Check recorder working.]

Questions

Preparedness
1. Can you tell me what you were told about the drug court before you went on it? [Find out who informed them and if they understood what was going to happen in the drug court.]

2. Why did you decide to go on the drug court?

Judges Role
3. So what did you think of having to go along to the drug court every fortnight? [Probe to find out how they felt having to turn up every fortnight and front up to the Judge to explain what they had or had not done. How did this compare to going through the normal Youth Court?]

4. How did the Judge treat you? [Probe to find out about the way the Judge talked to them and treated them. Probe for how they felt about the way the Judge treated them, the positives and negatives.]

5. How did you feel about having the same judge all the time in the YDC? [Probe to find out if this was a different experience to the Youth Court where they may have had more than one Judge.]
**Use of rewards and sanctions**

6. Can you tell me about the bail conditions he used? How did they change? Do you think they were fair?

7. Has there been any change in your feelings about them? Like, looking back, how do you feel about them (bail conditions) now?

8. Did you stick to your bail conditions? [Probe to find out if this was different from their behaviour in the past under Youth Court bail conditions – if applicable]

9. What happened if you didn’t stick to your bail conditions under the drug court? [For example, were there curfew checks, what happened when they didn’t go to programmes that were under bail conditions.]

**YDC team roles**

10. What did you think of the way you were treated by the drug court social worker? [find out how this compared to going through the normal Youth Court]

11. How about the way you were treated by the Police? [ask about police at drug court and then police generally; find out how this compared to going through the normal Youth Court]

12. Are there any other people from the drug court you would like to tell me about? [Probe for those that helped and those who they thought were not very helpful or could have done things differently.]

**Young person’s agency**

13. Did you ever feel like leaving the drug court before you actually finished there? [If so find out why they wanted to leave and what changed their minds. Also interested in whether anyone persuaded them to stay and who that person was.]

**A&D link to offending**

14. Can you tell be a bit about how using drugs/alcohol was related to your offending? [find out how strong this link was and whether the charges related to possession, offending to obtain or offending under the influence]
Experience of YDC services offered
15. What alcohol and drug treatments were you getting while you were on the drug court?

16. What did you like/ not like about _____ treatment programme? [If they attended a residential programme ask them about how they found that, particularly how they found being in the North Island.]

17. Besides alcohol and drug treatment did the drug court send you to any other activities or courses? [Probe e.g. cultural groups; education; sports; employment training; community work]

18. What did you think of those? [Probe to find out likes and dislikes, what they thought helped them]

Treatment/programme attendance
19. Was there anything about going to the drug court that helped you go to your programmes and courses?

20. Have you been on any alcohol and drug treatment programmes before you went onto the drug court?

If yes go to Q 21. of no go to Q 22.

21. Was there any difference between your turning up to your course or programme before the drug court and your turning up while under bail conditions at the drug court? [If so, find out what the reasons would be, for example, liked programme better, ready for it; transport to get there; didn’t want police picking me up if didn’t go etc]

Response to YDC process
22. Has your drug and alcohol intake changed since you have been through the drug court? [Probe to find out what sort of changes (reduction, increase, different substances) and why they think that is.]
23. How about your offending, has that changed? [Find out how offending may have changed in terms of the link with alcohol and drugs, i.e. offending to obtain; offending under the influence; A&D related charges. Do they think their offending has stayed the same, reduced or increased in terms of number of offences and severity of offence.]

24. Have other things in your life changed since you have been on the YDC? Can you tell me about these?

**Assessment of the YDC process**

25. What have been the best things about being on the drug court?

26. What have been the worst things about being on the drug court?

27. What do you think the drug court could do better?

28. What was the difference between going to the drug court and going to the normal youth court? [Probe for positives, negatives, which system they liked better and why.]

29. So overall do you think the Drug Court has helped or not helped you? [Probe to find out how it has helped them. If it has not helped them find out why they think it has not.]

30. What other things do you think [helped you/didn’t help you] during this time?

**Future plans**

31. Are you getting any treatment now you have left the drug court? [Probe to find out what courses they are on and what assistance if any they are getting from various agencies]

32. Have you got any ideas about what you’d like to do now? [Probe regarding future plans, vocation, ask about living situation]

Thank the respondent for there valuable contribution to the research.
Ask the young person whether they agree for a family/whānau/caregiver to be contacted for an interview. Explain this is so we can find out what they thought of the drug court. If they agree then go through the process of getting contact details. Then ask them if they would agree to be contacted again for a follow-up interview in 12 months time to see how they are going. If they agree, go through the process of getting contact details for themselves and another person whom is likely to know where they are.

Note: Remember to write name and date on tape.
Youth Drug Court Pilot Evaluation Information Sheet (for family/whānau)

The Ministry of Justice is conducting an evaluation of the Christchurch Youth Drug Court Pilot. You are invited to take part in an interview as a family/whānau member or caregiver to a young person who has participated in the Youth Drug Court.

The need for evaluation and Family/whānau/caregiver interviews
The Youth Drug Court is a trial programme designed to address the drug and alcohol problems of some young people who commit crime. The Youth Drug Court aims to help the young person get the treatment they need so that they will decrease their alcohol and drug use. Because some of a young person's offending is due to their alcohol or other drug use, a decrease in their drug and alcohol intake should reduce their criminal offending.

The research is being done to determine to what extent the Youth Drug Court Pilot has met these aims and therefore inform any future decision making. As someone close to one of the young people involved, you can provide valuable information about what effect you think the Youth Drug Court process has had for him or her.

Reporting of Evaluation Results
The results will be published in two reports, the first one in the middle of 2004 and the second one will be released at the end of 2004.

About the interviews
The interviews will take about 60 minutes. The interviewer may ask you if they can tape the interview. This is for the purposes of accurate recording and will only be used by your interviewer. If you are uncomfortable with being taped you have the right to refuse.

You have the right to decline to be interviewed, to decline to answer any question, and to withdraw your information up to the point that we start the research analysis. Anything you tell us will be kept confidential, and will be used only for the research and will not be passed on to anyone else. Your name will not be used in any reports so you will remain anonymous.

The interviewer will ask you if you would like to check the typed interview notes for accuracy. They will also ask you if you agree to be quoted
anonymously, and would like to check any direct quotes that will be used in the reports.

We appreciate your contribution and if you have any questions or concerns please contact the Ministry of Justice researcher Sue Carswell.

Dr Sue Carswell
Research and Evaluation Unit
Ministry of Justice
Phone: 04 4949 863
email: sue.carswell@justice.govt.nz
I agree to take part in an interview for the Youth Drug Court evaluation.

Signed ___________________________ Date ______________

Print name __________________________

Follow-up interview
In twelve months time we would really like to catch up with you for another interview to see how things are going. Would this be okay with you?

☐ Yes    ☐ No

Your Contact details:
Youth Drug Court Pilot Evaluation Interview questions for family/whānau/caregiver

Introduction

• Read through informed consent form and make sure they understand the main points.
• Tell them the interview is going to be some questions on what they thought about [young person] being on the Youth Drug Court. Emphasise that we want to find out what they think about it and that what they have to say will be important for our research.
• Ask them if they agree for the interview to be taped. [Note: before the interview check you have relatively fresh batteries and a spare pair just in case! Check recorder working.]

Questions

Preparedness

1. Can you tell me what you were you told about the drug court before [young person] went on it? [Find out if they understood what was going to happen in the drug court and who informed them about drug court.]

2. What do you think made [young person] decide to go on the drug court?

Judges Role

3. What did you think of [young person] having to go along to the drug court every fortnight? [Probe to find out if they thought this regular monitoring was helpful in facilitating the young person going to their programmes and reducing their offending.]

4. What did you think of the way [young person] was treated by the Judge? [Probe to find out what they thought about the way the Judge talked to the young person and to them. Did they feel their concerns as whānau/caregivers were taken into consideration.]

5. Have you got any comments to make about having the same Judge all the time? [Probe to find out if they have had any experience with Youth Court and how this compares with having different Judges.]
Appendix 1

Use of rewards and sanctions
6. What did you think of the bail conditions the Judge imposed on [young person]? Do you think they were fair?

7. Did anything happen when they did not stick to their bail conditions? [For example, were there curfew checks, what happened when they didn’t go to programmes that were under bail conditions.]

YDC team roles
8. What did you think of the way [young person] was treated by the drug court social worker? [find out how this compared to going through the normal Youth Court]

9. What did you think of the way [young person] was treated by the Police? [ask about the police at drug court and the police in general; find out how this compared to going through the normal Youth Court]

10. Are there any other people from the drug court or other organisations that you would like to tell me about? [Probe for those that helped and those who they thought were not very helpful or could have done things differently.]

Family/whānau/caregiver role
11. What did you feel about your involvement with the drug court? [Probe to find out positives and negatives and how they see their role]

A&D link to offending
12. Can you tell be a bit about how using drugs/alcohol was related to [young person] offending? [Find out how strong this link was and whether the charges related to possession, offending to obtain or offending under the influence.]

Experience of YDC services offered
13. Can you tell me what alcohol and drug treatment [young person] had during their time at drug court?
14. What did you like/ not like about ______ treatment programme? [If they attended a residential programme ask them about how they found that, particularly how they found being in the North Island.]

15. Besides drug and alcohol treatment did the drug court send [young person] to any other activities or courses? [Probe e.g. cultural groups; education; sports; employment training; community work]

16. What did you think of those? [Probe to find out likes and dislikes, what they thought helped them]

Treatment/programme attendance

17. Were there things about [young person] going to the drug court that you think helped them go to their programmes and courses?

18. Were there any differences between their attendance at the treatment programme under Youth Court and under drug court? [Probe to find what the reasons would be e.g. liked programme better, ready for it; transport to get there; didn’t want police picking them up if didn’t go etc]

Response to YDC process

19. Were there any differences between going to the drug court and going to the normal youth court? [Probe for positives, negatives, which system they liked better and why. Has the drug court had an impact on their family.]

20. Do you think [young persons] drug and alcohol intake has changed since they have been through the drug court? [Probe to find out if what sort of changes (reduction, increase, different substances) and why they think that is.]

21. How about any changes to their offending? [Find out how offending may have changed in terms of the link with alcohol and drugs, i.e. offending to obtain; offending under the influence; A&D related charges. Do they think their offending has stayed the same, reduced or increased in terms of number of offences; and severity of offence.]
22. Have other things in [young persons] life changed since they have been on the YDC? Can you tell me about these?

Assessment of the YDC process
23. What do you think have been the best things about [young person] being on the drug court?

24. What have been the worst things about [young person] being on the drug court?

25. What do you think the drug court could do better?

26. What other things do you think [helped you/didn’t help you] during this time?

Future plans
27. Are they getting any treatment now that they have left the drug court? [Probe to find out what courses they are on and what assistance if any they are getting from various agencies – follow-up processes].

Thank the respondent for their valuable contribution to the research.

Ask the family/whānau/caregiver if they would agree to be contacted again for a follow-up interview in 12 months time to see how the young person is going. If they agree, go through the process of getting contact details.

Note: Remember to write name and date on tape.
Youth Drug Court Pilot Evaluation Information Sheet (for key respondents)

The Ministry of Justice is conducting an evaluation of the Christchurch Youth Drug Court Pilot. You are invited to take part in an interview as a key respondent who has knowledge of the Youth Drug Court.

The need for evaluation and key respondent interviews

The Youth Drug Court is a pilot project with the following objectives:

- to improve the young persons’ health and social functioning and to decrease their alcohol and/or drug use;
- to reduce crime associated with alcohol and/or drug use; and
- to reduce criminal activity.

The evaluation is being conducted to determine to what extent the Youth Drug Court Pilot has met these objectives and therefore inform any future decision making. Key respondent interviews are a very important component of this evaluation research project. The key respondents to be interviewed are drawn from all those involved in the Youth Drug Court, including community organisations that have provided services to the youth offenders participating in the pilot. Personnel can provide valuable information about the realities of their job and knowledge from their experience. This information will complement data from other sources such as observation at court; government agency files and interviews with youth offenders and their family members.

The objectives of the evaluation are:

Process Evaluation

10 To describe the implementation of the pilot.
11 To document the numbers, characteristics and progress (including reoffending) of those who have been screened; accepted into the pilot; completed or dropped out of the pilot to date.
12 To examine whether the Youth Drug Court process facilitates referrals to treatment services in regards to early and efficient identification of young persons with moderate-severe substance dependency, referral to appropriate service(s) and time taken to commence treatment.
13 To examine whether the Youth Drug Court process facilitates the monitoring of a young person’s attendance at their treatment service(s).
14 To identify to what extent the alcohol and drug providers’ programmes matched the needs of this group of young persons.
15 To identify the strengths and weaknesses of Youth Drug Court processes, including factors that are critical for successful implementation and those that act as barriers to implementation.
16 To describe any process problems and how they were resolved.
17 To examine to what extent the Youth Drug Court process is perceived to lead to an improved integration of services for young offenders compared to the Youth Court processes for similar types of offenders.
18 To examine some of the costs of the Youth Drug Court processes for government agencies and enquire what the ongoing operational capacity should be.
Follow-up Assessment
1. To examine patterns in offending behaviour among Youth Drug Court participants.
2. To examine patterns in crime associated with alcohol or other drug use among Youth Drug Court participants. To identify to what factors professionals, the participants and sample group of family/whānau/caregivers attribute any improvements or deterioration in offending behaviour.
3. To ascertain to what extent there has been any improvement in the health and wellbeing of the participants, and whether there has been any decrease in their alcohol or other drug use on completion or exit from the pilot and up to twelve months afterwards. To identify to what factors professionals, participants and sample group of family/whānau/caregivers attribute any improvements or deterioration in wellbeing and alcohol or other drug use.

About the interviews

The interviews will take about 60 minutes. The interviewer will ask you if they can tape the interview. This is for the purposes of accurate recording and will only be used by your interviewer. If you are uncomfortable with being taped you have the right to refuse.

You have the right to decline to be interviewed, to decline to answer any question, and to withdraw your information up to the point that research analysis has started. Anything you tell us will be kept confidential, will be used only for the research and will not be passed on to anyone else.

The interviewer will ask you if you would like to check the typed interview notes. They will also ask you if you agree to be quoted and would like to check any direct quotes that will be used in the reports that may be identifiable by your job title.

Reporting of Evaluation Results

The results will be presented in three reports. The first report was a six monthly review and was completed in November 2002. The second report will present the results of the process evaluation and will be published at the beginning of 2004. The final report, documenting the results of the follow-up assessment will be produced at the end of 2004. While your name will not be used in these reports, you may be identifiable by the professional position you hold.

We appreciate your contribution and if you have any questions or concerns please contact the project manager.

Dr Sue Carswell
Research and Evaluation Unit
Ministry of Justice
Phone: 04 4949 863
email: sue.carswell@justice.govt.nz
Youth Drug Court key respondent questionnaire (for interim process evaluation report 2002)

- Go over information sheet pointing out ethical considerations [see attached document]
- If it is a telephone interview ensure that if the respondent consents to be taped they are aware of when taping starts.

I am going to ask you a series of questions about the different parts of the Youth Drug Court (YDC) process and I’d like you to describe each part generally and also describe your specific role? I’ll be asking about your thoughts on the strengths and weaknesses of the YDC later.

Identification, referral, FGC and development of plan

1. Can you tell me about processes for identifying participants for the YDC? [probe for various ways a young person can be identified, if applicable their specific role]

2. How does this process compare with Youth Court process for identifying young people with alcohol and drug problems? Is it more or less efficient in your view?

3. What is your understanding of the criteria used to determine eligibility and acceptance into the YDC? [probe for links between alcohol and drug use and offending, any discretion in applying the criteria and reasons why, YSS data on why weren’t eligible]

4. Do you think the screening has any implications for young persons who were screened but do not have mod-severe alcohol or drug dependency – in terms of identification, referral to services? [probe for what ways it might have an impact]

5. Can you tell me about the assessment procedures after the person is remanded to the Youth Drug Court? [probe for who does full assessments, any issues, comparisons with Youth Court in regards to range of assessments and timeliness]

6. Have you any comments on the way the FGC process deals with victims’ needs?

7. Are there any other issues with FGCs?

8. Can you comment on timeframes for the various YDC processes? Is each stage longer or shorter than the Youth Court?
   - YSS assessment;
   - Family Group Conference convened;
   - Alcohol and Drug programme provider assessment and entry into programmes;
   - educational assessment and implementation of any educational or training courses for YDC participants;
   - Court times

Programmes

9. Could you tell me which alcohol and drug treatment programmes are being used at the moment?
10. Are there any improvements to referral processes to appropriate alcohol and drug services that could be made?

11. Do you think the pilot is having any impact on the alcohol and drug service providers? [probe for ways the YDC may be having an effect, particularly in terms of their capacity to take young people from other sources]

12. Are you able to tell me the sources of funding for those programmes?

13. What other sorts of programmes or activities are the young persons engaged in?

14. Are there any improvements to referral processes to these services that could be made?

15. Do you think the pilot is having any impact on these service providers? [probe for ways the YDC may be having an effect, particularly in terms of their capacity to take young people from other sources]

16. Are you able to tell me the sources of funding for those programmes?

17. Over all do you think the necessary types of services are available to meet the needs identified for the YDC participants?

18. If not, what were the gaps in service provision?

**Case management, monitoring and interagency co-ordination**

19. I’d like you to describe the case management and monitoring procedures and particularly your role in this? [their responsibilities, any issues]

20. Have you any comments on the YDC administration procedures in comparison to the Youth Court in regards to your work? What is better if anything? What is worse, if anything?

21. What information do you provide to the Judge and the YDC Team? How often is that usually made available? Is there any information that you receive from the YDC?

22. Can you outline the co-ordination and co-operation that is required with other agencies and community providers to do your job? [ways agencies co-ordinate response, main issues]

23. How do you perceive the Judges role in regards to the monitoring of agencies?

24. How about the Judges role in regards to the monitoring of the young person?

25. How do you think the concept of the YDC team is working in practice? [probe for comments on interagency co-ordination, communication]

26. How would you compare it to your experience of the Youth Court? What is better? What is worse?
27. How do you think this impacts on service delivery to young people? [prompt for timeliness; range of delivery service; assistance and advice to young person]

28. Do you think the Youth Drug Court has any impact on the young persons attendance at their programmes (prompt esp. D&A)

29. What about compliance and engagement with the programmes?

30. Any comments on previous attendance before they went on the YDC? What are some of the other factors that could aid or hinder their attendance and engagement with programmes?

Costs and capacity
31. Can you comment on approximate costs of drug court operations for your agency? How do these compare with Youth Court costs?

32. What resources would you identify as being necessary for the YDC to continue in its present form?

Strengths and weaknesses of pilot
33. What do you think are the strengths of the YDC process?

34. What do you think are the weaknesses of the YDC process?

35. What do you think are the barriers to the YDC operating more effectively?

Problem solving
36. Can you give me any examples of process problems on the YDC?

37. How were these process problems dealt with and do you think this improved the effectiveness of the YDC process?
Data kept on young persons

These questions are to find out what information on the young people would be available on your files. If you could tell me whether or not you keep the following data and any comments you may have about the information. Do you keep:

- The total number of persons screened for pilot eligibility.
- The number of persons found eligible for the pilot and accepted on to the YDC.
- Number of eligible persons who were not admitted to the pilot; the reasons for non-admission.
- Characteristics of persons admitted to the pilot, including date of arrest, date of admission to the drug court pilot, age, gender.
- Do you have information on: ethnicity, family status, employment status, educational current status and involvement, current charge(s), criminal justice history, drug use history, alcohol and other drug treatment history, mental health treatment history, medical needs (including detoxification), and nature and severity of substance dependence problem.
- Treatment recommendations from FGC plan and record of treatment regimen followed by each participant.
- Costs of programmes, activities to your agency.
- Number and characteristics of persons who have been terminated from the pilot, reasons for termination, and length of time in the pilot before termination.
- Criminal justice sanctions imposed on those who exit from the YDC before they complete the treatment process.
- Number of participants who fail to appear at drug court hearings and number of bench warrants issued for participants, by stage of participation in the pilot.
- Rearrests during involvement in the drug court to date.
- Fines and restitution paid by each participant to date.
- Community service hours provided by each participant to date.
- Would the progress reports you produce for court give me information on whether the alcohol and drug provider programme was effective for each YDC participant in terms of their attendance, compliance, progress and completion?
- Principal accomplishments of each participant while in the pilot to date (e.g., advancement to new phase in treatment provider programme, attainment of educational objective as specified in FGC plan, employment)
Youth Drug Court key respondent questionnaire (for interviews in mid 2003)

- Go over information sheet pointing out ethical considerations [see attached document]
- If it is a telephone interview ensure that if the respondent consents to be taped they are aware of when taping starts.

I would like to catch up on what has been happening in the Youth Drug Court since I interviewed you last and find out if there have been any changes since last September to the running of the drug court and what the main issues are now.

Identification, referral, FGC and development of plan

1. Can you tell me if there has been any changes to the processes for identifying and referring participants for the YDC? [probe for any changes to the various ways a young person can be identified - if applicable their specific role]

2. Has there been any changes to the criteria used to determine eligibility and acceptance into the YDC? [probe for links between alcohol and drug use and offending, any discretion in applying the criteria and reasons why]

3. Do you think the screening has any implications for young persons who were screened but do not have mod-severe alcohol or drug dependency – in terms of identification, referral to services? [probe for what ways it might have an impact]

4. Can you tell me if there has been any changes to the assessment procedures after the person is remanded to the Youth Drug Court? [probe for who does full assessments, any issues, comparisons with Youth Court in regards to range of assessments and timeliness]

5. Have you any comments on changes to the FGC process? (deals with victims’ needs? Main barriers to implementation, strengths to implementation)

6. Can you comment on what the current timeframes are for the various YDC processes? Is each stage longer or shorter than the Youth Court?
   - YSS assessment;
   - Family Group Conference convened;
   - Alcohol and Drug programme provider assessment and entry into programmes;
   - educational assessment and implementation of any educational or training courses for YDC participants;
   - Court times

Programmes

7. Could you tell me which alcohol and drug treatment programmes are being used at the moment? [any new programmes being used]
8. Are there any improvements to referral processes to appropriate alcohol and drug services that could be made?

9. Do you think the pilot is having any impact on the alcohol and drug service providers? [probe for ways the YDC may be having an effect, particularly in terms of their capacity to take young people from other sources]

10. Are you able to tell me the sources of funding for those programmes?

11. Are there any changes to the other types of programmes or activities the young people are engaged in since I last spoke to you? Any programmes that you use more now, or less now? Why? [any new programmes]

12. Are there any improvements to referral processes to these services that could be made? [timeliness]

13. Do you think the pilot is having any impact on these service providers? [probe for ways the YDC may be having an effect, particularly in terms of their capacity to take young people from other sources]

14. Are you able to tell me the sources of funding for those programmes?

15. Over all do you think the necessary types of services are available to meet the needs identified for the YDC participants?

16. If not, what were the gaps in service provision?

**Case management, monitoring and interagency co-ordination**

17. Has there been any changes to the case management and monitoring procedures of the YDC participants? [their responsibilities, any issues]

18. Have you any comments on the YDC administration procedures in comparison to the Youth Court in regards to your work? What is better if anything? What is worse, if anything?

19. What information do you provide to the Judge and the YDC Team? How often is that usually made available? What information does the drug court provide for you?

20. Can you outline the co-ordination and co-operation that is required with other agencies and community providers to do your job? [ways agencies co-ordinate response (e.g. YSS meetings), main issues]

21. How do you perceive the Judges role in regards to the monitoring of agencies? [any changes]

22. How about the Judges role in regards to the monitoring of the young person? [any changes]
23. How do you think the concept of the YDC team is working in practice? [probe for comments on interagency co-ordination, communication, changes]

24. How would you compare it to your experience of the Youth Court? What is better? What is worse?

25. How do you think this impacts on service delivery to young people? [prompt for timeliness; range of delivery service; assistance and advice to young person]

26. Do you think the Youth Drug Court process has any impact on the young persons attendance at their programmes (prompt esp. D&A)

27. What about compliance and engagement with the programmes?

28. Any comments on previous attendance before they went on the YDC? What are some of the other factors that could aid or hinder their attendance and engagement with programmes?

**Costs and capacity**

29. Can you comment on approximate costs of drug court operations for your agency? How do these compare with Youth Court costs?

30. What resources would you identify as being necessary for the YDC to continue in its present form?

**Strengths and weaknesses of pilot**

31. Generally what do you think are the main strengths of the YDC process in the way it is currently going?

32. What do you think are the main weaknesses of the YDC process?

33. What do you think are the barriers to the YDC operating more effectively?

34. Have you got any suggestions for improvement?

**Problem solving**

35. Have there been any new examples of process problems on the YDC?

36. How were these process problems dealt with and do you think this improved the effectiveness of the YDC process?