

# Youth Justice Professionals and the Youth Court

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# Introduction

## International

Different youth justice procedures implemented across the globe.

International legislation:

- United Nations Convention on Rights of the Child (UNCRC) is particularly relevant to the NZYJS.

## NZYJS

Guiding legislation

- Oranga Tamariki Act

Three arms of NZ YJS response

- Police - Alternative Action
- Oranga Tamariki - Family Group Conferences
- Youth Court

# Challenges to youth participation

Development

Communication

Understanding

Language

Cultural disparities

Neurodiversity

- ID
- ADHD
- ASD
- FASD

Traumatic Brain Injury

Trauma

## Current Research

1. What are the perspectives of YJP in relation to the level of **understanding** youth have of the nature, purpose, or possible consequences of Youth Court proceedings?
2. What are the perspectives of YJP in relation to the level of **communication** skills youth have, to meaningfully participate in Youth Court?
3. What have YJP found to be **barriers and facilitators** to youth participation in Youth Court?
4. What **challenges do YJP face in supporting** youth to fully participate in Youth Court proceedings?

# Methodology

## **Participants:**

14 YJ Professionals from across Aotearoa New Zealand

## **Procedure:**

- Semi-structured interviews
- Approx 45-60mins

## **Reflexive Thematic Analysis:**

1. Familiarisation
2. Initial Codes
3. Identifying Themes
4. Reviewing themes
5. Defining and naming
6. Producing report

# Participant Demographics

|              |   |   |
|--------------|---|---|
| Profession   | Youth Justice Social Worker                           | 4 |
|              | Youth Justice Coordinator                             | 3 |
|              | Youth Advocate  | 2 |
|              | Police Prosecutor                                     | 2 |
|              | Communication Assistant                               | 1 |
|              | Programme Facilitator                                 | 1 |
|              | Youth Court Officer/Practice lead                     | 1 |
| Ethnicities: | NZ European<br>Māori<br>Samoan<br>Chinese<br>European |   |

- Professionals had extensive experience in YJS
- Included large urban centres to smaller regional areas

# Themes

## 1. Who are rangatahi (youth)?

- Youth are all different
- Individual challenges
- Whānau (family) and Support
- Let down

## 2. Challenges in Court

- Physical environment
- Process
- Communication
- Relational

## 3. Resourcing

## 4. Facilitators in Court

- Youth Justice Professionals
- Responsivity
- Effective communication

## 5. Where to next?

# 1. Who are rangatahi (youth)?

- Youth are all different
- Individual challenges
- Whānau (family) and Support
- Let down

YJP viewed youth as being characterised by several factors which influenced their experiences in the YC, e.g.,

- Historical experiences
- Whānau (family)
- Personal characteristics
- Support systems

*"We really need a very, very flexible approach where there isn't one way of doing something. It's going to really depend on our young person and who they are and who the whānau is and what they're there for." - Participant 7*

## 2. Challenges in Court

Professionals highlighted several factors that influenced the level of engagement and participation of youth in the YC.

- Overarching challenge - lack of responsiveness to the needs of youth.

*"I think it's really scary for rangatahi for their first offence. Going into a court hearing and then having the judge up there and you know all these other people and the police in their number ones .... and you know it takes the element of friendliness away." - Participant 4*

- Physical environment
- Process
- Communication
- Relational

### 3. Resourcing

Biggest issue identified - lack of resources available for youth

YJP faced barriers

- Accessing support for youth
- Helping them find suitable alternatives to offending.

*“I mean, in terms of the funding and the resources, I mean I've been a social worker for 7 and a half, 8 years. There is always high caseloads, there's always never enough funding, there's never enough resources”. - Participant 10*

## 4. Facilitators in Court

- Youth Justice Professionals
- Responsivity
- Effective communication

YJP noted that youth participation was facilitated by strong relationships with professionals:

*From my experience, it's all about relationships for young people and following through with what you say you're going to do. - Participant 10*

## 5. Where to next?

Factors participants viewed as working well in some courts and could be used more widely to:

- Improve the responsiveness of the YJS
- Facilitate youth engagement in the process

Key factors:

- Youth centred approach
- Individualised process
- Ensuring youth are part of the process
- Supporting youth in informed decision making

# Recommendations

- Prioritise a youth centred approach
- Address court layouts to foster connection & reduce power differences
- Process - more efficient use of court time
  - Allow space for youth participation and understanding
  - Increase pre-court discussions
  - Focused discussions in court
- Actively include cultural frameworks
- Actively engage whānau/families and other supports
- Reduce legal jargon
- Use communication styles that are appropriate for youth
- Foster relationships between youth and professionals as well as inter-professional relations.

# Conclusion

This study provides important insights into the experiences of professionals in the Youth Court in Aotearoa New Zealand.

Identifies need to improve the court experience for youth and provide more support for professionals.

Need a youth justice system that is tailored to the unique needs and cultural context of youth.

*"I'm relying on the young people like you [referring to the researcher] to change this horrible antiquated system" - Participant 8*

# Thank you!

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