

Social Services and Community Committee  
Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill

January 2025

# Advocacy and collaboration to improve access and equity

# Royal Australian and New Zealand College of Psychiatrists submission

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### **About the Royal Australian and New Zealand College of Psychiatrists**

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) is a membership organisation that represents more than 8400 members, including more than 5900 qualified psychiatrists and 2400 trainees. Psychiatrists are clinical leaders in the provision of mental health care that prepares doctors to be medical specialists in the field of psychiatry, supports and enhances clinical practice, advocates for people affected by mental illness and advises governments on mental health care.

The RANZCP and is guided on policy matters by a range of expert committees made up of psychiatrists and community members with a breadth of academic, clinical, and service delivery expertise in mental health.

### **Introduction**

Tu Te Akaaka Roa, the New Zealand National Committee of the RANZCP, welcomes the opportunity to provide feedback to the Social Services and Community Committee's Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill (the Bill).

The recommendations contained within this submission have been made in consultation with expert committees, including the Section of Child and Adolescent Forensic Psychiatry Committee, which is made up of specialist psychiatrists with extensive experience working in child, adolescent and forensic psychiatry and youth justice settings. Due to the breadth of academic, clinical and health service delivery expertise, we are well positioned to provide evidence-based insights on this issue.

### **Key Messages**

Tu Te Akaaka Roa strongly opposes the introduction of legislative measures creating harsher punishments and expanding the use of military-style academies, or 'boot camps,' for adolescents in the criminal justice system, due to the:

- Lack empirical evidence for the effectiveness of military style academies,
- Potential long-term harm for individuals and communities,
- Disproportionate impact on rangatahi Māori and other vulnerable groups of individuals,
- Lack of cultural considerations and likely exacerbation of inequities which breach Te Tiriti o Waitangi.

Instead of unjustified and fiscally irresponsible measures, we recommend investing in culturally responsive, health-led interventions that address the root-causes of offending behaviour.

### **Recommendations**

Tu Te Akaaka Roa is disappointed at the Government's decision to introduce more punitive measures for young people in the criminal justice system and continue the implementation of military-style academies, despite the overwhelming evidence and expert advice against such measures. (1-3) We strongly oppose the Bill and urge Select Committee to recommend the Bill be rejected.

#### **Lack empirical evidence for the effectiveness of military style academies.**

While we acknowledge the complex nature of youth justice, mental health and public safety, the evidence against the proposed measures is clear. Research has consistently shown that boot camps are ineffective for reducing recidivism. In fact, recidivism rates in similar programs are higher than for those subject to traditional judicial approaches. (1, 3) In line with international evidence, previous attempts to

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address youth offending behaviour in Aotearoa New Zealand with military-style boot camps have failed to demonstrate any value of the proposed measures. The Military-style Activity Camp Programme established in 2010 was discontinued after six years due to its high cost and limited effect; although a full evaluation report of the 2024 pilot programme is not yet available, multiple participants reoffended shortly after their return to the community. (4, 5)

The Bill, in its current form, makes no provisions to ensure rangatahi receive appropriate support in line with their individual needs, during or after the period of detention, and are able to live in accordance with tikanga. Instead, the Bill introduces longer sentences, harsher punishments, and expands the use of force without sufficient safety measures. These provisions will likely increase the risk of physical and psychological harm, while providing no long-term benefits for individuals or communities.

### **Potential for long-term harm to individuals and communities**

The danger of military-style academies has been exemplified by Te Whakapakari Youth Programme. The report published by the Royal Commission of Inquiry into Abuse in State Care detailed physical and sexual abuse experienced by the programme participants which had lasting impacts on their health and wellbeing, and perpetuated offending behaviour. (6) The proposed boot camps are not only strikingly similar to Te Whakapakari, but the Bill also fails to adequately address any of the identified contributing factors, including separation from whānau, disregard of cultural needs, underlying mental health concerns, or disabilities, lack of oversight and inadequate staff training. Without addressing these issues, we risk repeating the harms of the past.

In addition to the military-style academy orders, the Bill introduces youth offender declarations, harsher punishments, and removes most mandatory Family Group Conferences which create further risk of psychological, social, and cultural harm. Punitive measures are known to be ineffective for reducing crime, particularly for young people who lack the neurobiological and psychosocial maturity to fully comprehend the consequences of their actions and criminal proceedings. (7-10) In fact, young people in the justice system are more likely to reoffend. Even low-intensity contact with the justice system can have the unfortunate and unintended consequence of signalling to the child that offending, and being a “young offender”, is part of their identity, increasing the risk of recidivism. (11) Declaring someone to be a ‘Young Serious Offender’ will likely reinforce these views.

Family group conferences (FGCs) are an important part of the Aotearoa New Zealand’s youth justice system. FGCs are based on the Māori principles of reparation and healing and promotes collective decision making together with whānau, iwi, and hapū. Removing FGCs not only impacts the offender but may deny the victim a pathway for restorative justice which can be an important part of the healing process.

Moreover, the Bill permits the use of force in several situations, including ‘where an activity is delivered outside of a residential setting’ without specific safety measures, mandated staff training, or specific reporting requirements. Permitting the use of force outside of the residential setting creates substantial risk of abuse due to the lack of monitoring through existing systems such as OPCAT visits. Due to racial bias, the risk of abuse is particularly great for rangatahi Māori who are more likely to be subject to adverse treatment within youth detention settings than tauwiwi. (12, 13)

### **Disproportionate impact on vulnerable individuals**

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The Bill specifically targets rangatahi aged 14-17 with a history of offending behaviour, who are among the most vulnerable populations in our communities. The strongest predictors of youth offending are childhood trauma and psychosocial disadvantages. The impacts of adverse child events on neurological and psychosocial development are well documented and must be considered when developing new policy frameworks. (14-17) For example, trauma-related dysregulation of the hypothalamic-pituitary adrenal (HPA) axis can trigger stronger responses to environmental stress and reduce responsiveness to punishment. (18-21) However, the Bill appears to disregard these aspects and focuses predominantly on short-term improvements in public safety, against the Government's duty of care as per the Oranga Tamariki Act 1989, New Zealand Bill of Rights, and the UN Committee of the Rights of the Child.

Young Māori and Pacific peoples, as well as adolescents with intellectual disabilities, neurodivergence, and mental health concerns are overrepresented in youth offending statistics and are therefore more likely to be impacted by the proposed measures. Māori and Pacific adolescents are also more likely to be subject to seclusion, restraint, and ill treatment within the justice system, which further increases their risk of experiencing harm as a result of this Bill.

This disproportionate impact on rangatahi Māori, as well as the lack of cultural considerations, and failure to consult with iwi and hapū Māori during the development of the legislation violates Te Tiriti o Waitangi and is likely to exacerbate existing inequities.

### **Invest in culturally safe alternatives**

As noted previously, a 'tough on crime' approach to justice, fails to address the root causes of youth offending and does not provide any long-term benefits for individuals or our communities. (22) The UN Committee on the Rights of the Child and the UN Committee Against Torture have previously urged Aotearoa New Zealand to invest into the targeted youth wellbeing services to eliminate the disparities that contribute to the emergence of criminal behaviour.

Tu Te Akaaka Roa emphasises the need to ensure that child and youth justice strategies, programs and infrastructure aim to rehabilitate young people and, wherever possible, divert them away from detention and the youth justice system to avoid causing further harm. Unless psychosocial disadvantages are addressed (e.g. through social support services or parent education programmes), most adolescents will return to the same, potentially maladaptive, environments that were driving their offending behaviours.

Instead of harsh and unjustified punishments, we advocate for the expansion of culturally safe and trauma-responsive services including early intervention and diversion programmes, education, mental health and community services.

Thank you for the opportunity to provide feedback on this important matter. We strongly urge the government to reject the Bill and invest into welfare services that target risk factors, eliminate disparities, and show tamariki and rangatahi the care and protection they need to thrive. If you have any further questions regarding this letter, please contact the New Zealand National Office - Tu Te Akaaka Roa.

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