



Submission on Oranga Tamariki (Responding to Serious Youth Offending) Bill

New Zealand Psychological Society

Prepared by the NZ Psychological Society Executive

Who We Are

The New Zealand Psychological Society (NZPsS, “the Society”) is the premier professional and scientific association for psychologists in Aotearoa/ New Zealand and is committed to supporting quality practice, education and research in psychology. The Society is making a submission on the Oranga Tamariki (Responding to Serious Youth Offending) Bill as many of our members work with youth offenders and we are familiar with evidence-based best practice for the rehabilitation of these youth and minimising reoffending.

The NZPsS represents over 2000 members and students and encompasses a broad range of practice in psychology in Aotearoa/New Zealand, including clinical, counselling, health, criminal justice and forensic, community, organisational and educational. As an organisation we have a strong commitment to Te Tiriti o Waitangi, as noted in our position statement:

As a Society, we honour the mana of He Whakaputanga and Te Tiriti o Waitangi and recognise their historic, current and future importance in Aotearoa.

We uphold the kawana tapu (sacred covenant) of He Whakaputanga and Te Tiriti o Waitangi by living our values as reflected in our policies, practices and actions.

He Whakaputanga and Te Tiriti o Waitangi are the foundations by which we become culturally competent, aware and safe practitioners in alignment to our code of ethics, core competencies and code of conduct.

We are committed to bicultural perspectives and practice and have substantial Māori representation on our decision-making bodies, including the Executive, having recognised the significance of our partnership with Māori, consistent with Te Tiriti, through the establishment of a National Standing Committee on Bicultural Issues in 1991 (now renamed National Standing Committee on Te Tiriti Issues.)

The Society advocated for and, with other professional and regulatory bodies, established a new Code of Ethics in 2002 that strongly reflects our commitment to Te Tiriti and to principles relating to the pursuit of social justice and social wellbeing.

Overview

The NZPsS does not support this amendment to the Oranga Tamariki Act and recommends that it is abandoned.

The labelling of young people as Young Serious Offenders (YSO) and the introduction of military-style academies (MSA's) are actions fundamentally opposed to the stated intention of the Bill to reduce youth offending and protect the rights of victims of crime. These actions are also opposed to the aims of the Oranga Tamariki Act 1989, which is intended to centre children and young persons rights, promote their best interests and advance their wellbeing.

Punitive tactics, such as those proposed, have been tried many times in the past and have failed to achieve the stated aims. Research has shown that military-style academies do not reduce reoffending and in some scenarios actually increase it. We commend the government for wanting to reduce youth offending and therefore recommend taking the actions most likely to achieve those results – this would mean addressing the underlying drivers of crime and offering practical support alongside psychological support or therapy.

Punitive Measures Ineffective

- a) The YSO designation, with associated higher levels of punishment/less opportunity for restorative options, and the introduction of military-style academies with the specific authority to use reasonable force are designed to be punitive measures rather than rehabilitative.
- b) The intention with these measures is to enforce or encourage behavioural change. As psychologists, we are experts in behavioural change and the evidence shows that punishment and/or coercion do not result in long-term effective change¹.
- c) Decades of research has proven that a punitive approach is ineffective for reducing reoffending—particularly when used with young people²—and that at best, boot camps fail to reduce reoffending³. At worst, these measures can increase the likelihood of reoffending⁴, leading to poorer outcomes for young people and the communities in which they live.

¹ Gershoff, E. T., & Grogan-Kaylor, A. (2016, April 7). Spanking and Child Outcomes: Old Controversies and New Meta-Analyses. *Journal of Family Psychology*. Advance online publication. <http://dx.doi.org/10.1037/fam0000191>

² Fagan, J. (1998). Punishment or treatment for adolescent offenders: Therapeutic integrity and the paradoxical effects of punishment. *QLR*, 18, 385.

³ Wilson, D. B., MacKenzie, D. L., & Mitchell, F. N. (2005). Effects of Correctional Boot Camps on Offending. *Campbell Systematic Reviews*.

⁴ Gaffney, H., Farrington, D. P. & White, H. (2021). Boot Camps: Toolkit technical report. *Youth Endowment Fund*.

- d) The proposal for MSA's also directly contradicts the recommendations from the *Abuse in Care Report*⁵, as well as the Department of Justice's own analyses⁶ of the ineffectiveness of these types of interventions.
- e) The *Abuse in Care Report*⁷ highlights that MSA's and the use of "reasonable force", harm our young people. They cause further trauma, distress and a mistrust of authority figures – negatively impacting the young person, their whanau, their community and increasing the chance of recidivism.
- f) Social and economic factors have significant exclusionary effects upon young people⁸ and this plays a large part in their offending. Labels such as YSO and punitive measures like MSA's ignore this and put all the responsibility onto the individual.

What is the alternative?

Effectively addressing youth crime and reducing reoffending requires addressing the young peoples' emotional and practical needs. Legislation should enable young people to have access to a working therapeutic relationship, support persons, and guidance in building 'pro-social' living skills. Practical support for economic, educational, health and disability needs is also necessary.

- A working therapeutic relationship is perhaps the single most important feature of effective interventions aimed at changing behaviour⁹. The few MSA – style interventions that showed some positive impact included therapeutic interventions and/or counselling¹⁰
- Instead of simply being punished for what they have done, young people need support and time to learn new behaviours. Positive reinforcement of these is more effective in reducing recidivism.¹¹.
- Research consistently shows that the most effective interventions for justice-involved young people are those that address the root causes of offending and

⁵ See <https://www.abuseincare.org.nz/reports/whanakatia/preliminaries/executive-summary/>

⁶ From <https://newsroom.co.nz/2024/03/10/putting-the-boot-in/>

⁷ See <https://www.abuseincare.org.nz/reports/whanakatia/preliminaries/executive-summary/>

⁸ MacDonald, R. (2015). Youth transitions, criminal careers and social exclusion. In *Youth, crime and justice: critical issues* / (pp. 209–223). SAGE.

⁹ Baier, A. L., Kline, A. C., & Feeny, N. C. (2020). Therapeutic alliance as a mediator of change: A systematic review and evaluation of research. *Clinical Psychology Review*, 82, 101921. <https://doi.org/10.1016/J.CPR.2020.101921>

¹⁰ Gaffney, (2021). Ibid

¹¹ Kaminski, J. W., & Claussen, A. H. (2017). Evidence Base Update for Psychosocial Treatments for Disruptive Behaviors in Children. *Journal of Clinical Child & Adolescent Psychology*, 46(4), 477–499. <https://doi.org/10.1080/15374416.2017.1310044>

build pathways toward positive change, such as mentoring, cognitive-behavioural therapy, and family therapy.¹²

- The risk of young Māori coming into contact with the criminal justice system can most effectively be reduced by addressing their emotional and practical needs¹³.

Conclusion

We urge Parliament to abandon this amendment and follow the evidence to implement measures that work.

Making this amendment to the Act and implementing military-style academies would be a significant waste of funds in a fiscally constrained environment. Those funds could be more effectively used to support the rehabilitation of young people involved with the justice system. Implementing systems to enable positive therapeutic relationships, mentoring and improving their economic circumstances would be transformative - creating positive futures for the young people and meeting the Government's aims to reduce crime and protect the community.

¹² Farrington, D. P., Gaffney, H. & White, H. (2022). Effectiveness of 12 Types of Interventions in Reducing Juvenile Offending and Antisocial Behaviour. *Canadian Journal of Criminology and Criminal Justice*, 64(4), 1-22.

¹³ Poa, D., & Wright Monod, S. (2017). The Youth Guarantee Education Initiative and Its Impact on Criminality: Māori Youth Perceptions. *Youth Justice*, 17(1), 41-56.
<https://doi.org/10.1177/1473225416665821>