



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

21 SEP 2016



Dear 

On 28 July 2016, you emailed the Ministry requesting, under the Official Information Act 1982, the following information regarding Youth Justice and Care and Protection Residences and Residential Homes:

- *How many youth who have been charged with a crime have spent time in one of these facilities?*
- *How many youth who have been charged with a crime have absconded under the relevant section of the Act?*
- *How many times has each individual youth who absconded done so? I.e. Did Person A escape 5 times?*
- *For each individual (names not required) How many times were they subsequently arrested following absconding - and for what crimes?*
- *For each individual (names not required) what crime or crimes did they commit following their absconding?*
- *You have suggested that for privacy reasons, you are unable to name specific residences/homes/facilities - can I have a break down by region.*

Before I answer your specific questions above, I have provided you with some background information regarding care options and the Care and Protection and Youth Justice Residences.

When concerns are raised that a child or young person is at risk of abuse or harm, Child, Youth and Family has a range of responses depending on the level of need for the child or young person and their family/whānau.

Youth Justice Residences are part of the range of care placements across a continuum of care options, depending on the specific needs of the child and young person in care. Child, Youth and Family aims to match children and young people's needs with the right care placement depending on whether they have moderate, high or intensive needs. Care placements range from trained or specialist family/ whānau and foster carers, through to intensive 24/7 supervised care, and Care and Protection and Youth Justice Residences.

Care and Protection Residences

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When concerns are raised that a child or young person is at risk of abuse or harm, Child, Youth and Family has a range of responses depending on the level of need of the child or young person and their family/whānau. A Care and Protection Residence is a safe and secure place where children and young people will go if they cannot live in the community for a period of time. Children and young people might be at a residence if:

- there are worries about the child or young person's safety
- their actions are putting themselves at risk
- or they are putting others around them at risk.

Child, Youth and Family currently operate four Care and Protection Residences in New Zealand. These are:

- Whakatakāpokai, Auckland – 20 care and protection beds
- Eponi, Lower Hutt – 10 care and protection beds
- Te Oranga, Christchurch – 10 care and protection beds
- Puketāi, Dunedin – 8 care and protection beds.

Youth Justice Residences

Children and young people who are ordered by the Youth Court to spend time in a Child, Youth and Family Youth Justice Residence often come from a difficult background and have already exhausted all other available options designed to address their offending behaviour.

A child or young person might be ordered to a Residence for the following reasons:

- they have been arrested by Police and their offending matters warrant them being placed in the custody of Child, Youth and Family until they go to Youth Court
- they have been remanded by the Youth Court and are directed to a residence until the Court deals with the case
- they have been sentenced by the Youth Court for a period between three to six months; once they leave the residence, they will be subject to six to twelve months supervision in the community
- if a young person is sentenced to prison they may be admitted to a residence for some of this time.

Child, Youth and Family currently operate four Youth Justice Residences in New Zealand. These are:

- Korowai Manaaki, Auckland – 40 youth justice beds and six Criminal Procedure Act beds
- Te Maioha o Parekarangi, Rotorua – 30 youth justice beds
- Te Au rere a te Tonga, Palmerston North – 30 youth justice beds
- Te Puna Wai o Tuhinapo, Christchurch – 30 youth justice beds.

Child, Youth and Family have six beds available in Auckland's Korowai Manaaki Youth Justice Residence for children and young people considered too vulnerable for an adult prison. These beds can be for males or females. This occurs by assessment and agreement between the Department of Corrections and Child, Youth and Family

and the agreement ends when their sentence finishes or when they turn 17 years of age. At this point they are transferred to an adult corrections facility.

You can view the full text of the Children, Young Persons and Their Families Act 1989 and the Criminal Procedure act 2011 online at www.legislation.govt.nz.

Please note that a young person can be charged with the same range of offences as adult offenders. You can also find more information about Child, Youth and Family's youth justice service and custody pathways on the Child, Youth and Family Practice Centre website at: <http://www.practicecentre.cyf.govt.nz/service-pathways/youth-justice/index.html>.

Your request

The Ministry routinely publishes information about the number of young people placed in Youth Justice and Care and Protection Residences. This information, as well as other national and local level data regarding residences can be found on the Child, Youth and Family website at <http://www.cyf.govt.nz/about-us/key-statistics/kids-in-care.html>.

Absconding in general

The term 'absconder' refers to a child or young people in the custody of the Chief Executive, including those in custody by way of sections 235 and 238(1)(d) of the Act, who have run away. In the case of Supervised Group Homes, Family Homes and caregiver placements, this can be an unauthorised absence, or the child or young person may be missing. In the case of an unauthorised absence, a child or young person's whereabouts is known or can quickly be established through a phone call or other contact, to friends or family.

When a child or young person, who is in the custody of the Chief Executive, absconds or escapes from their placement, part of Child, Youth and Family's response is to file a missing persons report with the Police. The Police send through weekly reports to Child, Youth and Family which have the number of open missing person reports as at the date the Police report is sent. This enables Child, Youth and Family to report the number of missing children and young people as at a particular date in time. As at 19 July 2016, there were 28 children and young people under Child, Youth and Family care, who had been reported missing. Some children and young people go missing on a regular basis. If multiple reports are being made, review meetings are held to establish the underlying causes of the behaviour and develop an appropriate response.

Information about the Joint Protocol with New Zealand Police and how Child, Youth and Family work with Police to manage missing children is available at:

<http://www.practicecentre.cyf.govt.nz/policy/caring-for-children-and-young-people/key-information/reporting-and-managing-missing-children-and-young-people-in-care.html>

Absconding from Care and Protection and Youth Justice Residences

'Absconding' relates to a child or young person, in a Care and Protection Residence, who leaves the premises or runs away from staff on an outing, without permission. 'Escapes custody' relates to children or young people on remand in a Youth Justice Residence, who leaves the premises without permission or runs away from staff when away from the residence. It is likely that the escape would be referred to Police and the child or young person would possibly be charged with escaping custody. Where a young person is sentenced to a Supervision with Residence order, and they run away from a Residence, they are absconders from custody.

As stated above, young people are in a Youth Justice Residence when they have been charged with a crime. Consequently, all young people who have escaped custody whilst on remand from a Youth Justice Residence have also been charged with a crime.

Children or young people will be placed in a Care and Protection Residence when concerns are raised that the child or young person is at risk of abuse or harm.

I can confirm that there were no incidents of young people escaping custody from Youth Justice Residence between 1 July 2014 and 31 December 2014. Between 1 January 2015 and 1 June 2016, there were two events of young people escaping custody. One of these events involved two young people escaping from a Residence at the same time. I can advise that in all of the cases of young people escaping custody, the young people were male.

The young people involved were aged between 13 and 16 and were charged with escaping lawful custody, burglary and aggravated robbery (relating to an incident that occurred in the process of escaping). The Ministry is unable to provide further detail, including a breakdown by region, as this could identify the young people involved, and as such is refused under section 9(2)(a) of the Official Information Act to protect the privacy of natural persons. Between 1 July 2014 to 30 June 2016 no young people sentenced to a Supervision with Residence order absconded from a Youth Justice Residence.

Between 1 July 2014 to 30 June 2016 there were eight events of young people absconding from a Care and Protection Residence. Of those eight events, nine young people involved were male, and two female. Three of the eight events involved two young people absconding at the same time, and the remaining five one young person absconded. None of the young people who absconded from Care and Protection Residences were charged with a crime following their absconding.

During this period two young people have escaped or absconded from a Youth Justice or Care and Protection Residences twice or more; both of these young people were male.

There are also occasions where children and young people, who are placed in a Residence, abscond whilst in the community; for example, on activity outings, access visits or at court appearances. This information is recorded on a child or young person's individual case file and is monitored on a case by case basis; however this data is not collated by Child, Youth and Family in manner that can be centrally reported.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public after ten working days. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this decision with us, please feel free to contact OIA_Requests@msd.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Murray Edridge

Deputy Chief Executive, Child, Youth and Family