



People Against Prisons Aotearoa

Submission to the Justice Committee on the Ram Raid Offending and Related Measures Amendment Bill

People Against Prisons Aotearoa (PAPA) is a prison abolitionist organisation working for a fairer, safer, and more just Aotearoa. Established in 2015, PAPA advocates for prisoners to ensure their human rights are met. We also push for changes to the Aotearoa New Zealand criminal justice system to create more just outcomes.

PAPA is submitting in opposition to the Ram Raid Offending and Related Measures Amendment Bill (“**the Bill**”) in its entirety. As will be addressed below, our submission is based on the following grounds:

1. The Bill proposes measures that are based on the out-dated and debunked assumption that tougher penalties prevent crime;
2. The Bill will further criminalise a group of vulnerable people, increasing the criminal dragnet which ultimately leads to cascading harms;
3. The Bill is unnecessary and ineffective in the approach it takes to reducing harm from ram raids.

We strongly urge the committee to reject the Bill. We recommend the Government pass evidenced-based legislation and not succumb to moral panic.

This submission has been prepared on behalf of PAPA by Tom, Laura, Lin, Amber and Holly.

The Ram Raid Offending and Related Measures Amendment Bill is an unnecessary, poorly conceived and deeply harmful piece of legislation. The stated purpose of the Bill is to reduce criminal offending by increasing accountability for people who engage in the specific offence created by the Bill. The Bill will instead negatively impact the lives of the young people captured by it, increase their likelihood of reoffending, and perpetuate cycles of harm that will see more victims, not fewer.

We acknowledge the significant harm and cost caused by ram raids. However, rather than seriously addressing or preventing this harm, it seems this Bill was introduced to parliament as an attempt to improve political appearances in the lead-up to an election in which criminal offending has dominated popular and media narratives. It reflects the penal populism that has become entrenched in our political system. It is our hope that the Justice Select Committee will recognise the Bill as such, and reject it in its entirety.

This submission raises three related objections to the Bill: it targets young people, using measures that are out-dated and lacking in evidence; it targets a group of vulnerable people and will lead to cascading harms; and it is unnecessary and ineffective in reducing or preventing youth offending. The submission concludes with some possible alternatives to the approaches taken by the Bill, which are beyond the scope of this legislation but are included to demonstrate what evidence-based attempts to reduce harm might look like.

Throughout this submission we have included excerpts from letters sent to People Against Prisons Aotearoa by incarcerated people. They convey through lived experience some of the serious harm that approaches like this Bill can have on people, both directly and through the cycles of harm that these approaches create and perpetuate.

The Bill proposes measures that are based on the out-dated and debunked assumption that tougher penalties prevent crime.

The stated goal of the Bill is to reduce criminal offending by increasing accountability for people who engage in the specific offence created by the Bill. The Bill intends to respond in a:

practical and meaningful way to address offending that is predominantly undertaken by young people. It will disincentive that behaviour by better holding to account those young people and ensuring that there are greater interventions and consequences for their criminal behaviour.¹

The Bill creates a new offence, inserted in the Crimes Act 1961, designed to capture the act commonly known in the media as “ram raiding”. However, this Bill goes further. Notably, the Bill amends the Oranga Tamariki Act 1989 to allow 12 and 13 year olds to be proceeded against for the new ram raid offence in the Youth Court without being a previous offender. The Bill adds three aggravating factors. Livestreaming the offence is proposed as an aggravating factor in the Oranga Tamariki Act 1989, and Livestreaming the offence and aiding and abetting a young person to commit a crime are proposed to be added to the Sentencing Act 2002.

¹ Ram Raid Offending and Related Measures Amendment Bill, Explanatory note

It is clear, therefore, that to “increase accountability” this Bill contemplates extending criminalisation to very young persons, and increases the severity of a punishment where the aggravating factors above are present. This is clearly an attempt at deterring crime by increasing the “severity” of a potential punishment. However, this theory of deterrence lacks any substantial evidence.

First, carrying out a ram raid is already illegal. The new offence carries the same maximum penalty as the offence of Burglary, which largely captures ram raiding under the current criminal legislative scheme.² This means that clearly the current threat of criminal penalty is not acting as an effective deterrent.

The Bill notably extends the potential for the sentences of up to 10 years to 12 and 13 year olds with no previous offending. This relies on an assumption that more severe punishment such as incarceration will prevent such young people from offending. This goes against the face of evidence. The rational theory of criminal deterrence assumes that people commit crimes due to a cost/benefit analysis. Under this framework, establishing a harsher punishment means that persons will therefore see less reward and more risk, and, as such, reduce their offending.

However, evidence has found that the threat of incarceration does not decrease youth offending, and lengthier incarceration can actually increase the severity of offending.³ Young people’s motivations for offending are frequently to pursue reward-seeking and risk-taking behaviour.⁴ Young people are more likely to be impulsive, and people at the age targeted by this Bill are still developing the future planning and self regulation skills that adults take for granted.⁵

Many of the young people entering the justice system are also neurodivergent. This includes people with fetal alcohol spectrum disorders, cognitive impairments, and barriers to learning such as attention-deficit/hyperactivity, dyslexia or autism spectrum disorders.⁶ There is a

² Crimes Act 1961, Section 231

³ Mendel, Richard. 2023. “Why Youth Incarceration Fails: An Updated Review of the Evidence – the Sentencing Project.” The Sentencing Project. March 2023.
<https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>.

Lambie, Ian, and Isabel Randell. 2013. “The Impact of Incarceration on Juvenile Offenders.” *Clinical Psychology Review* 33 (3): 448–59. <https://doi.org/10.1016/j.cpr.2013.01.007>.

Silver, Bex. 2023. “Being ‘Tough on Crime’ Is Too Easy – and Ignores the Evidence.” Newsroom. Newsroom. September 21, 2023. <https://www.newsroom.co.nz/being-tough-on-crime-is-too-easy-and-ignores-the-evidence>.

⁴ Ioane, Julia. 2023. “Pasifika People in Youth Justice System Report.” Massey University School of Psychology, *Health Research Council of New Zealand*.
<https://pasefikaproud.co.nz/assets/Uploads/Pasifika-People-In-Youth-Justice-System-Report-2023.pdf>

⁵ Steinberg, Laurence. 2010. “A Dual Systems Model of Adolescent Risk-Taking.” *Developmental Psychobiology*, April 2010. <https://doi.org/10.1002/dev.20445>.

Lynch, Nessa, and Huhana Ginty. 2022. “Young Adults in the Criminal Justice System in Aotearoa New Zealand: A principled framework for reform.” *Michael & Suzanne Borrin Foundation*, April 2022.
<https://www.borrinfoundation.nz/wp-content/uploads/2022/05/Young-Adults-in-the-Criminal-Justice-System-in-Aotearoa-NZ-report.pdf>

Lambie, Ian. 2020. “What Were They Thinking? A Discussion Paper on Brain and Behaviour in Relation to the Justice System in New Zealand.” *Auckland.ac.nz*, January 2020. <http://hdl.handle.net/2292/51311>.

⁶ Lambie, Ian. 2020. “What Were They Thinking? A Discussion Paper on Brain and Behaviour in Relation to the Justice System in New Zealand.” *Auckland.ac.nz*, January 2020. <http://hdl.handle.net/2292/51311>.

growing body of evidence that traditional approaches to justice are ineffective, especially deterrent approaches.⁷

My first arrest happened when I just turned 14. I was given a ... social worker from OT that never cared to look at what may be the root problem of my offending. Despite countless offers to get a psychologist that was paid for privately to work with me, the social worker blocked the notion because she was listening to a stupid 14 year old who would rather spend time at a mall stealing than sit through therapy.

Sadly the lack of enthusiasm for paperwork has been inherited by corrections too. As I grew and nurtured my nature I learned stealing was bad. The penny dropped at the age of 19. Yet still have never sat down with a professional to work out why I have certain behaviour issues now or when I was a child. And it seems like no-one cares...still.⁸

This means increasing the severity of punishment to prevent crime will be largely ineffective for this targeted cohort. Twelve and thirteen year olds - and indeed most young people - are not carefully weighing up the carrot and the stick. This Bill will not reduce criminal offending, but only widen the criminal dragnet further.

The result is that this Bill will simply cause more young people to enter the youth justice system at a very young age, to spend a longer time within that system, and in some cases to enter the adult justice system or be held on remand with other adults despite all evidence on the harms that this causes.⁹

Furthermore, it is concerning that Police have refused to break down the data by ethnicity, meaning no analysis can be done on whether this disproportionately impacts on rangatahi Māori, and consequently whether this legislation violates the Crown's obligations under te Tiriti O Waitangi.¹⁰

Harm caused by the Bill

⁷ Gibbs, Anita, and Kesia Sherwood. 2017. "Putting Fetal Alcohol Spectrum Disorder (FASD) on the Map in New Zealand: A Review of Health, Social, Political, Justice and Cultural Developments." *Psychiatry, Psychology and Law*. May 3, 2017. https://www.tandfonline.com/doi/abs/10.1080/13218719.2017.1315784?casa_token=U3K-VU3F8HMAAAA%3ABrCYIRZtERwBfEP4ssLcM1Fv-IPVD5iwn_adW0ALCIPHwAIFzQfSW6aUjNs6uwkc_8cW-KG02Izrrg.

⁸ Personal correspondence from an incarcerated person to People Against Prisons Aotearoa.

⁹ Tie, David and Elizabeth Waugh. 2001. 'Prison Youth Vulnerability Scale: Administration and Technical Manual' (Wellington: Department of Corrections, 2001),

https://www.corrections.govt.nz/_data/assets/pdf_file/0015/10671/pyvsmanual.pdf.

Soler, Mark. 2002. 'Health Issues for Adolescents in the Justice System', *Journal of Adolescent Health* 31, no. 6 (December 2002): 321–33, [https://doi.org/10.1016/S1054-139X\(02\)00494-9](https://doi.org/10.1016/S1054-139X(02)00494-9).

Lambie, Ian, and Isabel Randell. 2013. "The Impact of Incarceration on Juvenile Offenders." *Clinical Psychology Review* 33 (3): 448–59. <https://doi.org/10.1016/j.cpr.2013.01.007>.

¹⁰ New Zealand Police National Headquarters, *Request for Information*. July 2022.

<https://www.police.govt.nz/sites/default/files/publications/official-information-act-request-information-ram-raid-activity-july2022-ly.pdf>

The disproportionate impact on young people is also a significant concern with this Bill because the youth justice system in Aotearoa is not fit for purpose. There is a lack of rehabilitative options, a lack of mental health and disability services coupled with a high proportion of young people with unaddressed mental health needs, and our youth justice residences make frequent use of harmful isolation practices and have a high frequency of assaults.¹¹

Compounding the poor state of the youth justice system is the fact that young people also suffer more harm than adults from the justice system in a variety of ways.

Experiences in the criminal justice system become a significant impediment to education and workforce participation for young people.¹² This in turn harms their integration or reintegration into a community, their opportunities for future employment, and makes them much more likely to reoffend.

Involvement in the youth justice system is the single biggest predictor of whether a young person's offending remains limited to their adolescence (as is the case with most young people) or continues into their adulthood.¹³ This Bill therefore risks putting a cohort of young people on the trajectory of life-long offending. For many young people intervention is necessary, but this intervention needs to be evidence-based and restorative, rather than retributive.¹⁴

I've been coming back to prison since I was 17 years old. I'm now 35 – in all that time that I've been locked up, I have assaulted prison officers, inmates. I've been tattooed. I've watched people being stabbed up. I've lost so much of my life and if I was given the tools to see a different path, I'm not saying I would necessarily change, but at least I would have had those courses presented to me.¹⁵

¹¹ Walker, Grace, Joseph Boden, David Fergusson, and John Horwood. 2019. "Examining the Associations between Offending Trajectories in Adolescence/Young Adulthood and Subsequent Mental Health Disorders." APA PsycNet. 2019. <https://psycnet.apa.org/record/2018-46117-001>.

Mana Mokopuna: Children & Young People's Commission. 2023. "UN Calls out New Zealand's Youth Justice Record." Mana Mokopuna. August 1, 2023.

<https://www.manamokopuna.org.nz/publications/media-releases/un-calls-out-new-zealands-youth-justice-record/>.

McVilly, Keith, Molly McCarthy, Andrew Day, Astrid Birgden, and Catia Malvaso. 2022. "Identifying and Responding to Young People with Cognitive Disability and Neurodiversity in Australian and Aotearoa New Zealand Youth Justice Systems." *Psychiatry, Psychology and Law*. November 1, 2022.

https://www.tandfonline.com/doi/abs/10.1080/13218719.2022.2124548?casa_token=kybhoMFuJTIAAAAA%3A882C2c9yl-J0Eu8CKpUvPc73gNle8HBJHRsdsABSpkQOyRh7HxgPb5KVO-1PzK-AxZjaoZ9jEeSmuA.

¹² Mendel, Richard. 2023. "Why Youth Incarceration Fails: An Updated Review of the Evidence – the Sentencing Project." The Sentencing Project. March 2023.

<https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>.

¹³ Rhoades, Kimberly A, Leslie D Leve, J. Mark Eddy, and Patricia Chamberlain. 2016. "Predicting the Transition from Juvenile Delinquency to Adult Criminality: Gender-Specific Influences in Two High-Risk Samples." *Criminal Behaviour and Mental Health* 26 (5): 336–51. <https://doi.org/10.1002/cbm.1957>.

¹⁴ Office of the Prime Minister's Chief Science Advisor, *It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand*. June 2018.

<https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcsa-Its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

¹⁵ Personal correspondence from an incarcerated person to People Against Prisons Aotearoa.

Involvement in the youth justice system also harms the physical and mental health of young people. It can traumatise, or retraumatise in the case of many youth offenders, people who are much more likely than the general population to have early childhood trauma.¹⁶ The ill-effects of involvement in the youth justice system are life-long, with adolescent involvement strongly correlated with poor mental and physical health in adulthood, particularly depression and anxiety.¹⁷

By the time I was released from these places nothing but a shell with no trust in the system and changed forever by the time I was 15 I was using intravenous drugs, heroin and morphine, to try and forget the abuse the state put me through. I was angry, didn't trust the state, was putting class A drugs in my arm. That kind loving child that loved sport was now stuck in a cycle of hate, rage, and anger, and started lashing out at society, self-destructing because I felt I had no worth and couldn't understand why the people who make laws, protect us, did all this to me and why, all my trust gone.¹⁸

Of primary concern is that the Bill makes it easier for children as young as 12 or 13 to enter the criminal justice system. This is significantly out of step with international standards, as well as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁹ Earlier involvement in the youth justice system is also a much greater risk factor for adult offending.²⁰

As our understanding of cognitive and neurological development has improved, significant ethical questions have been raised around whether children this young should be held criminally responsible.²¹ In many jurisdictions, for example Australian Central Territories and Tasmania, this is prompting moves to raise the age of criminal responsibility.

¹⁶ Mana Mokopuna: Children & Young People's Commission. 2023. "UN Calls out New Zealand's Youth Justice Record." Mana Mokopuna. August 1, 2023.

<https://www.manamokopuna.org.nz/publications/media-releases/un-calls-out-new-zealands-youth-justice-record/>

Mendel, Richard. 2023. "Why Youth Incarceration Fails: An Updated Review of the Evidence – the Sentencing Project." The Sentencing Project. March 2023.

<https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

¹⁷ Barnert, Elizabeth S, Rebecca Dudovitz, Bergen B Nelson, Tumaini R Coker, Christopher Biely, Ning Li, and Paul J Chung. 2017. "How Does Incarcerating Young People Affect Their Adult Health Outcomes?" *Pediatrics* 139 (2).

<https://doi.org/10.1542/peds.2016-2624>

Walker, Grace, Joseph Boden, David Fergusson, and John Horwood. 2019. "Examining the Associations between Offending Trajectories in Adolescence/Young Adulthood and Subsequent Mental Health Disorders." APA PsycNet. 2019. <https://psycnet.apa.org/record/2018-46117-001>.

¹⁸ Personal correspondence from an incarcerated person to People Against Prisons Aotearoa.

¹⁹ UN Committee Against Torture, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Concluding observations on the seventh periodic report of New Zealand*. August 2023.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FNZL%2FCO%2F7&Lang=en

²⁰ Rhoades, Kimberly A, Leslie D Leve, J. Mark Eddy, and Patricia Chamberlain. 2016. "Predicting the Transition from Juvenile Delinquency to Adult Criminality: Gender-Specific Influences in Two High-Risk Samples." *Criminal Behaviour and Mental Health* 26 (5): 336–51. <https://doi.org/10.1002/cbm.1957>.

²¹ Lynch, Nessa, Ian Lambie, Andrew Becroft, and Tamara Wilson-Tasi. 2021. "Four Urgent Changes for the Youth Justice System." *Victoria University Wellington*. October 2021. https://www.wgtn.ac.nz/_data/assets/pdf_file/0008/1976084/Four-Urgent-Law-Changes-for-the-Youth-Justice-System.pdf

Legislation that increases criminal penalties for children as young as 12 in Aotearoa is therefore not only incredibly harmful, but also deeply regressive and unethical.

Unnecessary and ineffective

Evidence discussed so far strongly suggests that use of the youth justice system to address the issue of ram raids will lead to significant harms. This is especially troubling given the Bill is not necessary, nor will it be effective at actually stopping ram raids.

As discussed in-depth above, the Bill is based on flawed logic of deterrence. Carrying out a ram raid is already illegal and may involve committing several offences in the Crimes Act. There is no need for a specific offence, nor is the threat of criminal penalty acting as an effective deterrent currently.

However, by allowing for sentences of up to 10 years' imprisonment the Bill also relies on an assumption that incarceration will rehabilitate the young people prosecuted for ram raids. It will not: incarceration does not decrease youth offending, and lengthier incarceration can actually increase the severity of offending.²²

Even for young people who avoid incarceration, outcomes in the youth justice system in Aotearoa are poor, and more than half will reoffend within two years.²³

There are several reasons for this. Youth offending is often driven by similar activity among peers, so ensuring that young people are surrounded by peers who have also offended increases their risk of recidivism.²⁴ It can disrupt more healthy, pro-social relationships with family or other friends:

I ended up meeting like minded people, who like me were angry and in the same mindset, so we all found common ground in our experiences, and became family of sorts, and organised our rage, anger, self-destructive behaviours in family, in the form of becoming gangsters to push back at the same society that hurt us. So we did and obviously the same state that made us pushed back even harder, and the cycle perpetuated for years.²⁵

²² Mendel, Richard. 2023. "Why Youth Incarceration Fails: An Updated Review of the Evidence – the Sentencing Project." The Sentencing Project. March 2023. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>.

Lambie, Ian, and Isabel Randell. 2013. "The Impact of Incarceration on Juvenile Offenders." *Clinical Psychology Review* 33 (3): 448–59. <https://doi.org/10.1016/j.cpr.2013.01.007>.

Silver, Bex. 2023. "Being 'Tough on Crime' Is Too Easy – and Ignores the Evidence." Newsroom. Newsroom. September 21, 2023. <https://www.newsroom.co.nz/being-tough-on-crime-is-too-easy-and-ignores-the-evidence>.

²³ Ministry of Social Development, *Offending by children in New Zealand*. September 2016. <https://msd.govt.nz/documents/about-msd-and-our-work/publications-resources/research/child-and-youth-offending-patterns/offending-by-children-in-new-zealand-sept-2016-publication.docx>

²⁴ Lynch, Nessa, Ian Lambie, Andrew Becroft, and Tamara Wilson-Tasi. 2021. "Four Urgent Changes for the Youth Justice System." *Victoria University Wellington*. October 2021. https://www.wgtn.ac.nz/_data/assets/pdf_file/0008/1976084/Four-Urgent-Law-Changes-for-the-Youth-Justice-System.pdf

²⁵ Personal correspondence from an incarcerated person to People Against Prisons Aotearoa.

Young people can also become socialised into viewing criminal behaviour, and the associated time spent in prison or youth justice facilities, as normal.²⁶ Worse, time spent in a youth justice facility, or other youth justice outcomes like wearing an electronic monitoring bracelet, can become desirable in-group signifiers rather than deterrents.²⁷

Finally, police data suggests that the prevalence of ram raids was a short-lived spate of copy-cat behaviour, and is already rapidly to the mean levels seen in 2018-2019.²⁸ If this downward trend in ram raids continues there will be very few people to prosecute under this Bill. In light of the potential harms discussed in this submission, this raises significant questions about the necessity of this Bill in the first place.

Alternatives

Instead of criminalising children, we should be looking at evidence of what supports are effective in preventing young people from engaging in harmful behaviour in the first place.

For young people currently in the youth justice system, as well as for young people who are at risk of engaging in dangerous or criminal risk-taking behaviours, this starts with their environment. Experts have commented that a significant problem for many young people already in the justice system is that they get out and the environment they return to, which prompted them to offend in the first place, is usually still there and unchanged.²⁹

I used to run away, get caught by the police, tell them "please don't take me back there, they are doing bad things to me", but they just took me back anyway. So I had the state abusing me, police that kept taking me back to my abusers, both departments sworn to protect me, and the most vulnerable, "Me" and others like me.³⁰

²⁶ Lal, Shaneel. 2023. "Tough Approaches Overlook the Cause of the Crime Issue." NZ Herald. NZ Herald. June 25, 2023. <https://www.nzherald.co.nz/nz/shaneel-lal-tough-on-crime-approaches-overlook-the-cause-of-the-issue/BIFRB6N61FCADGNCCZDTU5QXKA/>.

²⁷ Hatton, Emma. 2023. "Defining Issues: What Is the Youth Crime Problem We're Trying to Solve?" Newsroom. Newsroom. September 21, 2023. <https://www.newsroom.co.nz/defining-issues-what-is-the-youth-crime-problem-were-trying-to-solve>.

²⁸ New Zealand Police. 2023. "Criteria Classifying a 'Ram Raid' and Frequency and Quantity of 'Ram Raids' - an Official Information Act Request to New Zealand Police." FYI.org.nz. February 12, 2023. <https://fyi.org.nz/request/21807-criteria-classifying-a-ram-raid-and-frequency-and-quantity-of-ram-raids?nocache=incoming-81802#incoming-81802>.

²⁹ Hatton, Emma. 2023. "Defining Issues: What Is the Youth Crime Problem We're Trying to Solve?" Newsroom. Newsroom. September 21, 2023. <https://www.newsroom.co.nz/defining-issues-what-is-the-youth-crime-problem-were-trying-to-solve>.

³⁰ Personal correspondence from an incarcerated person to People Against Prisons Aotearoa.

It is also important to understand what individual factors can lead to young people engaging in criminal offending. Factors like economic stress, poor mental health and boredom all contribute to the kind of risk-seeking behaviour that is involved in ram raids.³¹

Solutions must address both individual and environmental factors. We need to ensure young people have opportunities to engage in society, have a voice in their community, and that they have healthy and supportive relationships with the people in their lives.³² Having a stable family life, as well as broader social stability, economic stability, and positive connections to the community, such as through a church or sports club, are all known to reduce the chances that a young person will offend.³³

My mother passed away when I was 10 years old. I rebelled, I pushed boundaries, and also pushed my family members to the point where they could no longer care for me, but I honestly think, if my family had taken the time to hold me, or talk to me, I don't think I would be where I am today.

This stance that the government is taking on the tough on crime, tougher punishments, is a backwards step. I fully support prevention, healing, accountability, and fairness. Prevention, in my experience and a lot of the people that are currently in prison, most of our issues arose when we were kids.³⁴

Appropriate resourcing is therefore needed for parents, schools and communities to engage and support young people. Programmes specifically aimed at supporting parents to have more consistent, positive interactions and greater emotional communication with their children help to reduce the chances of children offending as teenagers.³⁵ More broadly, reducing the economic and social stressors on parents will ensure all families are positive, supportive environments that nurture healthy young people.³⁶

³¹ Ioane, Julia. 2023. "Pasifika People in Youth Justice System Report." Massey University School of Psychology, *Health Research Council of New Zealand*. <https://pasefikaproud.co.nz/assets/Uploads/Pasifika-People-In-Youth-Justice-System-Report-2023.pdf>

³² Hatton, Emma. 2023. "Defining Issues: What Is the Youth Crime Problem We're Trying to Solve?" Newsroom. Newsroom. September 21, 2023. <https://www.newsroom.co.nz/defining-issues-what-is-the-youth-crime-problem-were-trying-to-solve>.

³³ Ioane, Julia. 2023. "Pasifika People in Youth Justice System Report." Massey University School of Psychology, *Health Research Council of New Zealand*. <https://pasefikaproud.co.nz/assets/Uploads/Pasifika-People-In-Youth-Justice-System-Report-2023.pdf>

³⁴ Personal correspondence from an incarcerated person to People Against Prisons Aotearoa.

³⁵ Office of the Prime Minister's Chief Science Advisor, *It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand*. June 2018. <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcsa-Its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

³⁶ Sampson, R, and J H Laub. 1994. "Urban poverty and the family context of delinquency: a new look at structure and process in a classic study". *Child Development* 65 (2): 523-540. <https://pubmed.ncbi.nlm.nih.gov/8013238/>

Finally, support and resourcing is needed for schools and teachers to implement positive behaviour management plans, focused on ensuring regular attendance and avoiding stand-downs, which are both known to contribute to youth offending.³⁷

Truancy measures should involve building trusting and supportive partnerships between whānau and schools, and identifying any barriers to regular attendance. Truancy measures cannot merely rely on fines or punishments for parents, because these act only to further disadvantage students.³⁸

Avoiding stand-downs involves supporting positive behaviour and engagement with learning before any significant harm is caused.³⁹ Accessing the existing support for students at risk of these behaviours is currently a long process that involves significant amounts of teacher and school leadership time. The kind of full, wrap-around support that is needed for continuity between home and school in some cases remains unavailable. Many schools also need support to implement restorative justice programmes, which can avoid stand-downs by helping to address harmful behaviour before it escalates.⁴⁰

Schools also need more resourcing and support to address young people's increasingly complex learning, social and emotional needs, to ensure that all young people experience success. Success at school is associated with a raft of positive outcomes that reduce offending.⁴¹

We wish to acknowledge some of the work done by the government to provide evidence-based supports outside of the justice system, such as the Kotahi te Whakaaro and He Poutama Rangatahi programmes.⁴² However these programmes are available only to a very small number of people. Ensuring supports of this kind are widely available will address this issue much more effectively than this Bill.

³⁷ Office of the Prime Minister's Chief Science Advisor, *It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand*. June 2018. <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcsa-Its-never-too-early-Discussion-paper-on-preventing-youth-offending-in-NZ.pdf>

³⁸ Ministry of Education. 2010. "Improving Attendance: Case management of truancy and the prosecution process". *Ministry of Education*. <https://www.education.govt.nz/assets/Documents/School/Running-a-school/Managing-students/Managing-student-attendance/ImprovingAttendance2010.pdf>

³⁹ Ministry of Education. 2023. "Positive Behaviour For Learning". <https://pb4l.tki.org.nz/>

⁴⁰ Restorative Practices Development Team. 2003. "Developing Restorative Practices in Schools: A Resource". *School of Education, University of Waikato*. https://www.waikato.ac.nz/_data/assets/pdf_file/0018/240903/Restorative_Practices_for_Schools_A_Resource-1.pdf

⁴¹ OECD. 2021. "Education at a Glance 2021." OECD Indicators. September 16, 2021. <https://www.oecd-ilibrary.org/content/publication/b35a14e5-en>.

⁴² Davis, Kelvin, Chris Hipkins, and Carmel Sepuloni. 2022. "Circuit Breaker Introduced to Stop Children Re-Offending." *The Beehive.govt.nz*. December 8, 2022. <https://www.beehive.govt.nz/release/circuit-breaker-introduced-stop-children-re-offending>.

Work and Income: Te Hiranga Tangata. 2021. "He Poutama Rangatahi - Youth Employment Pathways." *Work and Income.govt.nz*. MSD. 2021. <https://workandincome.govt.nz/providers/programmes-and-projects/he-poutama-rangatahi-youth-employment-pathways.html>.

Ultimately, the alternatives to address and prevent the kind of harm raised by this Bill are well understood. They involve providing the resources to families and communities to alleviate poverty, alienation, and effectively support young people. Such solutions are within our reach, and harmful, hastily-conceived, knee-jerk legislation like this Bill stand in direct opposition to them. **We once again strongly urge the committee to reject this Bill in its entirety.**

Every year I've been in one way, shape, or form locked behind a door I can't open, made to conform to rules that I have no control over. My life from an early age was written out. I'm a product of the system.⁴³

⁴³ Personal correspondence from an incarcerated person to People Against Prisons Aotearoa.