Youth Justice – Legislation & Practice

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The New Zealand Children, Young Persons, and Their Families Act 1989 became effective on November 1, 1989; the legislation introduced new principles and procedures for dealing with young people who offend against the law. The new law provides for jurisdictional separation between children and young persons in need of care and protection and those who offend against the law.

Measures for dealing with young offenders are designed to eliminate the blurring of principles and processes between care and protection and youth justice, which characterized the previous approach.

Theoretical Base

Debate in most western countries about how best to deal with young offenders has centred on two basic paradigms – the welfare model and the justice model. The two models are often represented as opposites, with clear distinctions of ideology, practice imperatives and outcome goals. Ideologically, there has been a shift in New Zealand towards the principles underlying the justice model, but without embracing that model's more doctrinaire aspects which contribute to the model's "just desserts" pseudonym.

Rather than embrace the just desserts approach, which attributes offending to full choice of the offender who must be held responsible for the offence, the principle of justice is perceived in a wider context as argued by Holt (1985). The origins of crime may be seen in a broader macro-economic and social context, with well-known relationships, for example, between incidents of crime and unemployment. This does ignore the need for individual responsibility for crime, but an approach informed by this perspective avoids a system designed to deal with individual and family pathology. The role for the criminal justice system is to avoid adding further injustice to existing social, and economic injustice. This wider perspective on justice may also be used to justify a welfare approach although Tutt (1982) notes that the use of an individually oriented treatment response is incompatible with the model. (R Crawford, unpublished paper 1989).

Self-report research suggests that there is little to distinguish most young offenders who are caught from those who are not. Moreover, young offenders who are subject to formal procedures are more likely to reoffend than those who, having committed the same offence, are dealt with without such formal procedures. This may be explained in part by labelling theory, which argues that formal involvement initiates a process of self-labelling, and labelling by others, of the offender as criminal, thus helping to determine

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further decisions to offend. It may also be explained by the increased opportunity to associate with, and learn from, other offenders. (Woodward, 1985).

Juvenile justice systems work in a discriminatory way against members of ethnic minorities and working class youth. Welfare considerations play a significant part in this discrimination (Holt, 1985). In New Zealand, Maori and Pacific Island youth are more fundamentally at risk of the more coercive, intrusive welfare dispositions, under guise of treatment and in pursuit of rehabilitation, than are their Caucasian counterparts. The fact that most professional decision-makers in the youth justice system are from the dominant white culture and are rarely identified as working class contributes directly to this state of affairs.

Contrast of Welfare and Justice Models

Official responses to youthful offending will be formed according to which of two basically contrasting conceptual frameworks are embraced, by legislation on the one hand, and practitioners on the other.

The basic assumptions of the welfare framework are that: (Morris et al 1980)

- Deviant behaviour has antecedent causes which explain it. These causes can be discovered and that discovery makes possible the treatment and control of such behaviour.
- The earlier the intervention, the more effective treatment will be.
- The main purpose of intervention is to work in the best interests of the offender. Treatment should continue for whatever time is necessary to achieve this. The goal is rehabilitation.
- Delinquency gets worse without treatment and
    * treatment does not have harmful side effects
    * involuntary treatment is possible
    * involuntary treatment is not punishment.
- Because the approach's main purpose is to achieve the best interests of the offender, due process is not a major concern.
- Informal procedures staffed by experts can best determine what the needs of the offender are.

In contrast, the basic assumptions of the justice framework are that:

- Much behaviour that can be classed as "criminal" is a relatively common aspect of growing up. The majority of adolescent offending is petty. Some individuals become serious offenders.
- Much "criminal" behaviour stops as individuals grow up, leave school, find work, stop going out with mates.

- Social work treatment may help with some problems, but its influence on criminal behaviour is likely to be limited.

- Intervention by way of the criminal justice system should be delayed for as long as possible. Such interventions will introduce individuals to associations which are likely to make behaviours worse, not better.

- The interests of the offender are balanced with the interests of victims and the wider community. Diversionary and formal court procedures must have regard to these competing interests.

- The purpose of the criminal justice system is to determine guilt and provide a sanction commensurate with the gravity of the offence. Thus, the principle of "justice" applies to procedure, by providing for due process, and to outcome, by providing just sanctions.

Youth Justice reform in New Zealand, then, beckons the practitioner away from the excessive pursuit of rehabilitation, from attempts to explain criminality in the contexts of individual and family pathology, from dispositions which are frequently more intrusive, coercive and inherently unjust, and from an approach which provides little opportunity for the viewpoints of victims, and even of offenders themselves, to be recognised.

Instead, we are encouraged to pursue the twin goals of ensuring that young people face up to the reality of their offending and its effects on others, and to seek ways of responding which reduce the likelihood that further offending will occur – ways that focus less on treatment and punishment (often indistinguishable in the perceptions of young people) and more on putting right the wrong that has been done.

Social Background

The legislation was shaped by a number of issues which emerged contemporaneously:

1. There was a growing dissatisfaction among practitioners (reflected in the wider community) about the effectiveness of work with young offenders. Practitioners laboured under the unreal expectation that they could control offending behaviour through treatment programmes; gradually, a loss of confidence in the goal of rehabilitation built up. The loss of confidence, when not explicit or recognized, was often expressed as failure to resource the work adequately, a marked lacked of enthusiasm for doing the work at all, and advocacy for ill-defined preventive work directed toward at-risk young people with all its net-widening effects.

2. There were new and more determined efforts by Maoridom to secure self determination in a mono-cultural legal system which demonstrably discriminates against Maori and places little value in Maori custom, values and beliefs. The Maori renaissance contributed, in turn, to a renewed awareness of the plight of Pacific Island cultures in New Zealand society.

3. Related to Maori concerns, but also an issue for the wider community, was the growing rejection of the paternalism of the state and its professionals, and a need

to redress the imbalance of power between the state and its agents and individuals and families engaged by the criminal justice system.

4. Sixty years of paternalistic welfare legislation had had little impact on levels of offending behaviour. Costly therapeutic programmes that congregated young offenders, particularly in residential settings, emerged as part of the problem rather than part of the solution. Decarceration and deinstitutionalisation became the buzz words for both those seeking to free up locked-in resources for other uses and those seeking more positive outcomes for individuals.

5. Concerns emerged for more decided justice, in both process and disposals. Courts were beginning to dismiss cases where prosecuting authorities had failed to exercise strict procedural safeguards in the questioning and/or arrest of juveniles; the indeterminate guardianship order as a response to the serious young offender was being used less and less. Increasing numbers of young offenders were being sent to the adult court for sentence (over 2,000 in 1988), an indication of the inability of the juvenile system to deal with them effectively.

The Reform Process

A newly-elected 1984 Labour Government determined that problems with the care and protection aspects of the Children and Young Persons Act of 1974 could not be remedied by amendment and authorised a full review of the children and young persons legislation. How long the review would take or how radical the outcomes would be could not have been conceived at that time. The legislation was debated exhaustively over a four year period. Much of the attention focused on care and protection issues: arguments for and against mandatory reportingt of child abuse; arguments for and against professional expert power; and debate about whether it was possible to harness the energy and commitment of extended family systems in European, Maori and Pacific Island cultures to counter the incidence and effects of physical and sexual abuse.

The reforms underway in youth justice elicited little debate, either because they were swamped by the child abuse debate, or because they had widespread acceptance. The process of reform went as follows.

1. A government-appointed working party (without Maori representation) was appointed in 1984.

2. A public discussion document was issued by the working party in December 1984, with a call for submissions.

3. A bill was introduced in December 1986; it followed the line adopted by the working party in most major respects.

4. Widespread public dissatisfaction with the bill was expressed to the Select Committee of the House of Representatives. Maori people were particularly critical of its failure to establish culturally relevant ways of approaching care and protection and offending issues. Criticisms also centred on the bill's complex, bureaucratic and professionally dominated provisions.

5. Following an election in August 1987, and the return of the Labour Government, the new Minister of Social Welfare, having considered the weight of submissions, established a new working party within the Department of Social Welfare to review the bill, and to advise the Select Committee how the bill could be recast to make it simpler, more flexible, more culturally relevant, and more directed to providing resources for services rather than for infrastructure.

6. That working party reported in December 1987; from February to April 1988, the Select Committee travelled to Maori marae and Pacific Island centres throughout the country hearing submissions on how to recast the bill.

7. From April 1988 until the bill was returned to the House for its second reading in 1989 (some 2 1/2 years after its introduction), the Select Committee and officials worked together to produce what was, in effect, a new piece of legislation – one that had an immediately favourable response from Maori and Pacific Island interests. The young offender aspects of the bill achieved almost total political unanimity, although this may have been more apparent than real.

Features of the New Law

(i) Principles

Youth justice aspects of the Act have their own set of principles distinct from principles governing care and protection issues. For the first time, a legislative base exists for diversion, and emphasis is given to diversionary measures which strengthen families and foster their own means of dealing with their offending young people. The principles also establish the entitlement of young people to special protection in the course of criminal investigations.

(ii) Limitations on Arrest and Procedural Safeguards During Investigations

The law limits the power of police and other enforcement agencies to arrest in preference to proceeding by way of summons. Prior to implementation, in excess of 60% of the young persons facing charges in the Children and Young Persons Courts in New Zealand had been arrested. Whether or not a young offender has been arrested is likely to affect later disposals. The new procedure governs enforcement authorities' actions in questioning children and young persons they suspect of offences and establishes the rights of the young people to consult with others. No statement made by a child or young person will be admissible as evidence unless made in the presence of a trusted or neutral adult who is not a member of the enforcement authority. There was a reaction by some enforcement agencies to what they regarded as law aimed at frustrating criminal investigations and lacking in trust of police generally. The legislature was persuaded by objective evidence, however, that the former procedural guidelines contained in rules were not always followed. Those rules now have the force of law.

(iii) A New Diversion Process and the Family Group Conference

Previous diversion mechanisms adopted in New Zealand had two major defects. They had been largely constructed around panels of officials and professionals – the Children's

Boards and Youth Aid Conferences – and functioned as quasi-judicial bodies. Second, they have always been bypassed whenever police exercised their powers of arrest. With more than 60% of young offenders appearing on arrest, less than 40% of those who appeared had been considered for a diversion option. Worse still, there was evidence (Morris and Young, 1987) that the diversion mechanisms were having a net-widening effect, by drawing into their ambit very petty offenders who should and could have been handled in much less formal ways.

The policy imperatives were to find a diversion mechanism that was not bypassed by arrest, that was not susceptible to net-widening, and which eliminated the quasi-judicial panel approach. The result is the family group conference, convened and facilitated by a new statutory official, known as the Youth Justice Coordinator. A family group is defined in law to recognize different cultural understandings of family. It includes whanau, hapu, and iwi for Maori and equivalents in the various Pacific Island cultures. Basically, it means extended family, something more than the nuclear caregiver family. A family group conference is a meeting of the culturally-defined family group with officials.

Features of the diversion process are:

1. Where a child or young person is charged with an offence, no information may be laid until a family group conference has been held. The prosecuting authority must refer the matter to the Youth Justice Coordinator.

2. Where the offender has been arrested, the court may not accept a plea, but must refer the matter to a Youth Justice Coordinator to convene a family group conference. Exceptions are where the charge is a purely indictable offence, or where on legal advice, the young person indicates a not-guilty plea. About 95% of cases are estimated to be available for diversion.

3. The family group conference is authorized to find alternatives to prosecution in dealing with an offender who admits guilt.

4. Families are entitled to deliberate in private and to arrive at decisions and plans, which must then be negotiated with the officials present.

5. Where a family group conference agrees on an alternative measure, the Youth Justice Coordinator is bound to try to persuade the prosecuting authority to accept that decision.

6. Where a family group conference does not agree on an alternative, the matter proceeds to court for adjudication. The law provides, however, that the court be informed of the wishes of the family group, so that prosecuting authorities may be held accountable should they override the plans, decisions or recommendations of the family group without acceptable cause.

7. The conference has a role in advising courts on appropriate sanctions for the young offender where the family group conference is unable to prevent a prosecution.

(iv) The Youth Court

The new law maintains the distinction between a child and young person. The legal age of criminal responsibility is 10 years but, except for charges of murder and manslaughter, no child between 10 and 13 years may undergo criminal proceedings. Instead, they must be dealt with under care and protection legislation in the New Zealand Family Court system (previously confined to marriage and dissolution and child custody issues). A young person is defined as someone of 14 and up to the age of 17 years. A new Youth Court, of purely criminal jurisdiction and applying due process procedural safeguards, is established for young persons charged with offences. Features of the new Youth Court are:

1. No judge may be designated a Youth Court judge unless he or she is suitable to deal with matters within the jurisdiction by means of his or her training, experience, personality, and understanding of the significance and importance of different cultural perspectives and values. Provision is made for a Principal Youth Court Judge to be appointed.
2. All young persons must be legally represented with the Court appointing a youth advocate where no private arrangements have been made.
3. Courts may, in addition, appoint lay advocates to ensure the court is made aware of all cultural matters relevant to the proceedings.
4. The family group has a status in any proceedings and has the right to make representations.
5. Hearings of the Youth Court are to be held separately from any other court. By scheduling hearing times, courts are to minimize waiting times, the association of offenders awaiting hearings, and the extent to which parents are obliged to congregate in common waiting facilities.

(v) Court Orders

The Youth Court has the standard disposal options of discharge, admonishment, conditional discharge, and orders for fines, restitution and forfeiture of property.

Disposals involving long term and more coercive sanctions, have been carefully constructed to reflect the practice principles described below.

The orders available, in ascending order of severity are:

1. Supervision order, with or without conditions, limited to a maximum of six months.
2. Community work order. With the consent of the young person, the court may order not less than 20 hours and not more than 200 hours of supervised work in the interests of the community, within a 12 month period.

3. Supervision with activity order. With the consent of the young person, a three month order may be made for structured supervision activity. It may be followed by a three month supervision order.

4. Supervision with residence order. This is an order which totals nine months in all, the first three months of which is spent in the custody of the Department of Social Welfare. The custodial period reduces automatically to two months provided the young person does not offend while in, or abscond from, the custodial placement. The appropriate place of custody is determined by the Director General of Social Welfare, not the Court.

5. Transfer to the district (adult) court for sentence. This may occur when the Youth Court declines to sentence, usually on the grounds of seriousness of the offence(s). Only 15 and 16 year olds may be so transferred.

The Court may not order supervision with residence or transfer to the district court unless the offence is purely indictable; or the nature and circumstances of the offence, had it been committed by an adult, would have resulted in a mandatory whole-time custodial sanction for that adult; or the Court is satisfied that because of the special circumstances of the offence or the offender, any order of a noncustodial nature would be clearly inadequate.

The Court may not order supervision with activity, unless the nature and circumstances of the offence are such that, but for the availability of the order, the Court would have considered a supervision with residence order. Thus, while a custodial option is provided for, the Court also has a clear option of a high tariff community based alternative. New resources have been obtained from government to resource this new order. Orders other than supervision with residence may nominate, with their consent, any person or organization (formerly only the Department of Social Welfare) willing to carry out the administration of the order. This opens the way to tribal and cultural authorities to take a direct role in work with their young people who offend. The Department of Social Welfare will resource this work.

(vi) Plans and Report Back to Courts

The Youth Court may not make any of the orders until it receives a plan detailing how that order is to be implemented. The plan must include the arrangements made for the care and control of the young person in custody or under supervision, and the nature of any programme that would be provided to the young person during the period. The plans are to be prepared by the person or organization which agrees to administer the order, or by a social worker where the Department seeks the order.

The person or organization nominated by the order is required to report in writing to the Court on the effectiveness of the order, the young person's response to it, and any other matter considered relevant by the writer. This provides both a means of ensuring accountability to courts for the administration of orders and building credibility with courts regarding community-based sanctions.

Seven Principles to Guide Practice

The Youth Justice provisions of the Children, Young Persons, and Their Families Act 1989 can be seen to embody a set of principles and concepts which should be the signposts for all those working with the law. These principles apply to criminal investigations, to the diversionary processes established by the law, and to the Youth Court itself. They are described briefly, as follows:

1 *Responsibility* – Anyone who offends should be held to account for that offending. Youthfulness is not a consideration in determining culpability, but may be a consideration in arriving at an appropriate penalty. Victim rights and the public interest are to be recognised in arriving at appropriate resolutions.

2. *Diversion* – As much offending by young people is opportunistic, trivial and transient, it is vitally important that our responses to it do not catapult young people into associations, or situations, which have the potential to confirm the development of delinquent careers. Thus, formal interventions by way of arrest and court appearances are to be avoided except where sufficient public interest considerations exist. Preference is given to alternative means of confronting offending behaviour which strengthen family systems and foster their ability to develop their own means of dealing with their youthful offenders. This principle seeks to avoid formal interventions, and if they cannot be avoided, to minimise the harmfulness of their impact. Thus, where a custodial sanction seems imminent, this principle motivates the search for a community-based alternative. Where custody is inevitable, the principle seeks to see that sanction carried out in a Children & Young Persons institution rather than a penal setting.

3. *Proportionality* – This is a limiting principle, aimed at restraining any undue harshness of sanctions, or excessive attempts at rehabilitation. It is a commentary on our previous provisions, that this principle limits the types of sanctions available for young people to those that could have been applied to the offenders had they been adults. This principle alone precluded the inclusion in the new law of the former Guardianship Order as a response to offending behaviour.

4. *Equality* – Generally speaking responses to like offences ought to be similar. This principle seeks to limit the influence of personal, social, cultural or economic status factors in determining outcomes for individuals. Its expression in the new law is that the more coercive, controlling interventions and sanctions are limited to certain classes of *offence*, rather than classes of *offender*.

5. *Determinancy* – Where some determinate order did occur in previous law relating to youth offending, some timeframes were so extended (eg the 3 year supervision order) that they appeared indeterminate to young people. This principle holds that, for all offenders, interventions and sanctions should have definite time limits, known in advance. For young people, timeframes are required which are relevant to the young person's sense of time – before Christmas, the next school term, the next birthday, are examples of how young people anchor future events in time.

6. *Specificity* – Just as people are entitled to know the length of time they are to be subjected to intervention or sanction, they are entitled to know its nature. Responses which are nonspecific (a good-behaviour bond, for example) are unfair. Vague responses or sanctions fail to tell young people what is acceptable or unacceptable behaviour. This principle finds its expression in the law in the requirement to present plans to court in which certain dispositions are proposed, and in the need to obtain the consent of young people to noncustodial sanctions.

7. *Frugality* – A problem that bedevils effective work with young people is the persistency of relatively minor offending. The temptation to escalate responses because of this persistency, rather than the nature of the offence itself, is strong. The problems with this is twofold:

   (i) Escalating responses to a string of minor offending can push the young person towards custody too quickly. English practitioners have referred to these as the Mars Bars Kids – the young people committed to custody for shoplifting chocolate bars.

   (ii) Because the escalating of sanctions draws young people into programmes with other offenders, the risk of confirming criminal identity exists, along with the risk of introducing the young offender to make serious and sophisticated offending possibilities. Practitioner frustration with and overreaction to minor or petty offending can result in sanctions which produce more undesirable behaviours, where a more frugal response might have contained the situation.

   The principle seeks the least restrictive alternative in dealing with young persons. It seeks to keep responses localised, in community and preferably in the context of usual family activity. It encourages practitioners to underplay their hand, rather than overdo it. Sanctions may be inevitable or even necessary, but we should be parsimonious with them. There are alternative means to encourage young people to confront their offending behaviour and its impact.

Towards New Practice

The first three years of practice give us a glimpse of the possible shape of Youth Justice practice of the future. In my view, it should be firmly rooted in creating opportunities for young offenders to put things right. First, we need a fundamental reappraisal of our own attitudes and a recognition of how young people currently perceive the system.

Australian Research (O'Connor & Sweetapple, 1988) discloses that:

- Young people misunderstand and misconstrue much of what happens to them.
- Processes prior to, during and after Court, tend to prevent youth participation.
- Formally and informally, young people are pressured into passivity and relegated to the status of objects to be dealt with.
- Young people come to the justice process disempowered by their belief about their

likely treatment, by anticipation of physical or psychological violence and overstated warnings about their likely sentence.

- Given the threats, their expectation of the system centres on sentencing and their expectations of sentence are often out of all proportion of the crime itself – the expected sentence, rather than the misdeed, is focal.
- Courts are there to *deal* with them, rather than being places of enquiry into allegations and a place where an alleged wrong can be put right.
- Most young people describe their appearance as an event – primarily as an outcome – rather than a process.
- The dynamics of power, from the point of apprehension to disposal in Court, systematically strips from young people a capacity to assert themselves. Ironically, the legalisation of process in Courts, in the interests of justice, is a direct contributor to enforced passivity.
- The process of the system, with its reliance on threat and warning and the limitations on defendant participation, undermine any potential of the system to respond to young offending in an effective way. The process shifts attention from the offence, its context, the consequences for the victim and what the young person can realistically do to right the wrong, to a determination of the young person's fate.

In summary, it can be argued that Youth Justice services are not about offending, but about power. Offending represents, in part, a breach of structures of power in our society. Young offenders are interpreted and dealt with as challenges to the patterns and processes of authority and domination. Processing and sentencing seeks to reinstate or reinforce the normal relations of power. It is only in this context, that the language and practice of threat is explainable. (O'Connor & Sweetapple, 1988).

The O'Connor & Sweetapple research findings have an empirical validity for people working with offending youth and while related to youth perceptions of courts, have an applicability in the arrest, detention, and Family Group Conference processes as well. In New Zealand, the language of threat and intimidation is pandemic and it is difficult to eschew. We have a constant battle with our own frustration and a sense of personal affront when young people refuse to respond to our interventions. The urge to hit back, to punish, to teach them a lesson, is very strong.

If the focus remained on the offending behaviour however, rather than on our rattled emotions in respect of the offender, then the language of youth justice might change from threat and intimidation, to putting right the wrong that has been done – we might talk of reparation, rather than of punishment.

It is possible to envisage a Youth Justice system, from point of apprehension until the point of final disposal, which not only seeks justice for young persons and their victims but which inhibits the development of criminal careers and further offending. Threat and

punishment have characterised our approach for generations, and have been signal failures in their ability to prevent or affect further offending behaviour, other than probably to make it worse. The usual response to this failure is a call to toughen up, to do more of what has already failed, and to do it harder and longer. The Children, Young Persons, and Their Families Act 1989 sets the platform for a different response, a response which recognises that offending behaviour disrupts social connections – that criminal behaviour affects other people and destroys the harmony that should exist between an individual and his or her associates, family and wider community.

Young persons who offend have a right to respect, as citizens and as persons with rights and responsibilities. Practitioners can do most for society and for the youthful offender, when they are oriented towards guiding them through the process of reconciliation and reparation with those affected by their offending behaviour. Victims have a right to justice too – to "get their own back", to have returned to them, in fact or in kind, that which was taken away from them. They have a need to express their anger and hurt at being offended against, and they have a right to express this directly to the offender, not through the medium of a court of law where the legalisation of process inevitably weakens the likelihood of a personal reconciliation between them. The Family Group Conference provides the environment in which this direct exchange becomes possible. It remains an open question as to whether the Youth Court will adapt its processes to provide the same.

The question remains also, whether Youth Courts will accept the opportunity to lead Youth Justice reform in practice. For the community, the youth, offenders and victims, courts are the centre of State-sanctioned responses to youth offending. Courts inevitably gain an informed overview of youth offending, and the contexts in which it occurs. O'Connor (1989) argues that the power and authority of Courts, and their overview of offending patterns, provides courts with a potential to ensure the development of local strategies to address youth offending. Instead of confining its inquiry to the background and life conditions of individuals, O'Connor argues that the Court should use its traditional processes to enquire into the real causes of youth offending and to call to account those whose acts or omissions may have contributed in some way. The Court could act as catalyst, giving communities and their local institutions a well-deserved prod from time to time.

The Act creates the opportunity for a new and meaningful process to develop – one that upholds the right and dignity of offender and victim alike, that focuses on the nature of the offence and its impact on others, and where effort is devoted to restoring social connectedness not only for offenders, but often for whole families, who become isolated by the behaviours of their offending young people. The challenge for practitioners – police, social workers, lawyers and judges alike – is to abandon the language of threat and the exercise of power and domination over young people, and to seek a new language in its place.

It's worth a go, isn't it?

REFERENCES AND PUBLICATIONS FOR FURTHER READING

(*denotes reference in text)

Bowen J and Stevens M., "Justice for juveniles – a corporate strategy in Northampton" *Justice of the Peace* 24 May 1986.

Cooper J, "Time for Change" *Community Care* 22 October 1986.

*Crawford R, Unpublished paper held on a Head Office file, Department of Social Welfare, Wellington, NZ. 1989.

Doolan M P, *From Welfare – To Justice (Towards new Social Work Practice with young offenders* (Unpublished) Department of Social Welfare, Wellington, December 1987.

Ely P, Swift A, Sutherland A, *Control without Custody*, Scottish Academic Press, Edinburgh, 1987.

Freiberg A, Fox R and Hogan M, *Sentencing Youth Offenders*, The Commonwealth of Australia Law Reform Commission Sentencing Research Paper No. 11, 1988.

Gibson B, "The abolition of custody for juvenile offenders", *Justice of the Peace* 26 November 1986.

Giller H and Tutt N, "Police cautioning of juveniles: the continuing practice of diversity", *Criminal Law Review*, 1987 pp367–374.

Griffin C and Griffin B, *Juvenile Delinquency in Perspective* Harper and Row, New York.

* Holt J, *No Holiday Camps*, Association for Juvenile Justice, Groby, Leicester, 1985.

Miller A and Giller H, *Understanding Juvenile Justice*, Croom Helm, London 1987.

*Morris A, Giller H, Gowed H and Geach H, *Justice for Children*, Macmillan Press 1980.

Morris A and Young W, *Juvenile Justice in New Zealand: Policy and Practice,* Study series 1, Institute of Criminology, Victoria University of Wellington 1987.

New Zealand Department of Social Welfare, *Review of Children and Young Persons Legislation,* Wellington, December 1984.

New Zealand Department of Social Welfare, *A Guide to Children and Young Persons Legislation, Wellington*, December 1986.

New Zealand Department of Social Welfare, *Review of the Children and Young Persons Bill,* Wellington, December 1987.

New Zealand Government, *Children and Young Persons Bill, 1986.*

*O'Connor I and Sweetapple P, *Children in Justice,* Melbourne, Longman Cheshire, 1988.

*O'Connor I, *Can the Children's Court Prevent further Offending?* Preventing Juvenile Crime Conference Proceedings (No.9) edited by Julia Vernon and Sandra McKillop, Australian Institute of Criminology, Canberra ACT: July 1989.

Parker H et al, *Receiving Juvenile Justice*, Blackwell, Oxford 1981.

Parker H, Jarvis A and Summer M, "Under New Orders: The Redefinition of Social Work with Young Offenders", *British Journal of Social Worker* 1987, 17, 21–43.

Pratt J and Grimshaw R, "A Juvenile Justice Pre-Court Tribunal at Work", *The Howard Journal.* 24, 3 August 1985.

Ruhland D, Gold M and Hekman R, "Deterring Juvenile Crime: Age of Jurisdiction" *Youth and Society*, 13, 3 March 1982.

*Tutt N, "Justice of Welfare", *Social Work Today*, 14, 7, 19 October 1982.

Tutt N and Giller H. "Police Cautioning of Juveniles: the practice of diversity" *Criminal Law Reform.* 1983, pp587–595.

*Woodward K "Avoiding the juvenile justice merry-go-round", *Community Care*, 12 September 1985.