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# JOURNEY TO JUSTICE

AOTEAROA, NEW ZEALAND  
MARCH 2025

Presentation to the San Francisco  
Juvenile Probation Commission  
April 9, 2025

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# Journey to Justice System Stakeholders

- Julia Arroyo, *Young Women's Freedom Center*
- Hilary Bass, *National Institute for Criminal Justice Reform*
- Julia Cervantes, *San Francisco District Attorney's Office*
- Meredith Desautels, *Youth Law Center*
- Sherrice Dorsey-Smith, *Department of Children, Youth & Their Families*
- Brian Ford, *Alameda County Probation Department*
- Emily Goldman, *SF Public Defender's Office*
- Kisai Henriquez, *Huckleberry Youth Programs*
- Hon. Scott Jackson, *Alameda County Superior Court*
- Nicole Lee, *Urban Peace Movement*
- Dan Macallair, *Center on Juvenile & Criminal Justice*
- Alphonso Mance, *Alameda Public Defender's Office*
- Elisa Márquez, *Alameda County Board of Supervisors*
- Katy Miller, *San Francisco Juvenile Probation Department*
- Vamsey Palagummi, *Communities United for Restorative Youth Justice (CURYJ)*
- Frederick Shavies, *Oakland Police Department*
- April Smith, *Alameda District Attorney's Office*
- Alex Volpe, *Beloved Village*

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# Journey to Justice Funders & Planning Team



- Dori Alexandre, *Cacica Ventures*
- Michela Bowman, *Impact Justice*
- Alex Busansky, *Impact Justice*
- Matt Cervantes, *Sierra Health Foundation*
- Raymond Colmenar, *Akonadi Foundation*
- Brandon Johns, *San Francisco Foundation*
- Allison Magee, *Zellerbach Family Foundation*
- Amy Price, *Zellerbach Family Foundation*
- Jamie Schenker, *The California Wellness Foundation*
- Dina Sigal, *Change Consulting*
- Aishatu Yusaf, *Impact Justice*

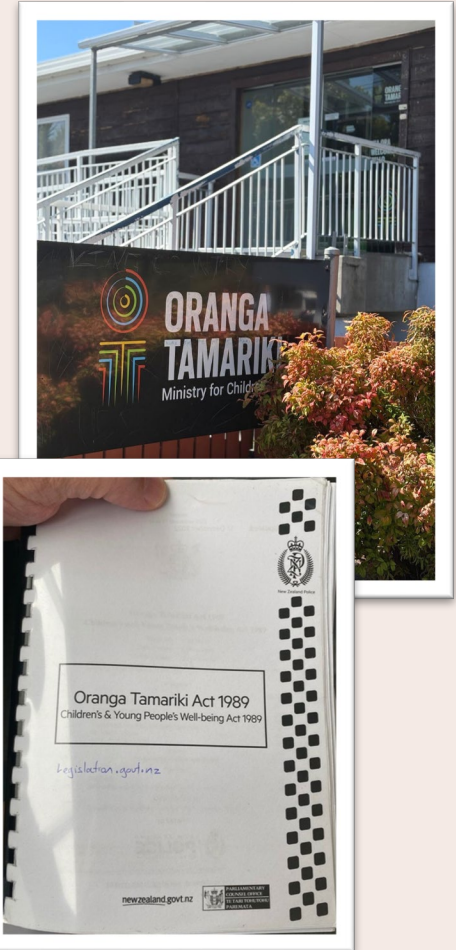
# Key History

- In the 1980s, Aotearoa/New Zealand faced skyrocketing youth incarceration rates, an overburdened system and lack of police confidence in diversion (often used for net widening).
- The country had significant, longstanding overrepresentation of indigenous Māori youth compared with white youth.
- System responses lacked family engagement and cultural relevance, and was dominated by “professional’ decision-making”.
- **In 1989, Aotearoa/New Zealand passed groundbreaking legislation: the Children’s and Young People’s Well-being Act, also called the Oranga Tamariki Act, designed to address all of these issues.**



# OrangaTamariki Act 1989

- A seismic shift in youth justice in Aotearoa/New Zealand, the Oranga Tamariki Act 1989:
  - Enacted strict limitations on police arrest power without a warrant.
  - Preserved **separate** child welfare and juvenile justice responses
  - Expanded the **age of jurisdiction** for youth court
  - Integrated **Family Group Conferences** as a standard practice
  - Instituted formal court processing as a **last resort**
  - Centered deep **family engagement & indigenous cultural practices**
- While not designed to be restorative justice, the OT Act created a process that has become an **international restorative justice model**.
- Young people can receive **transitional support up to age 25**.

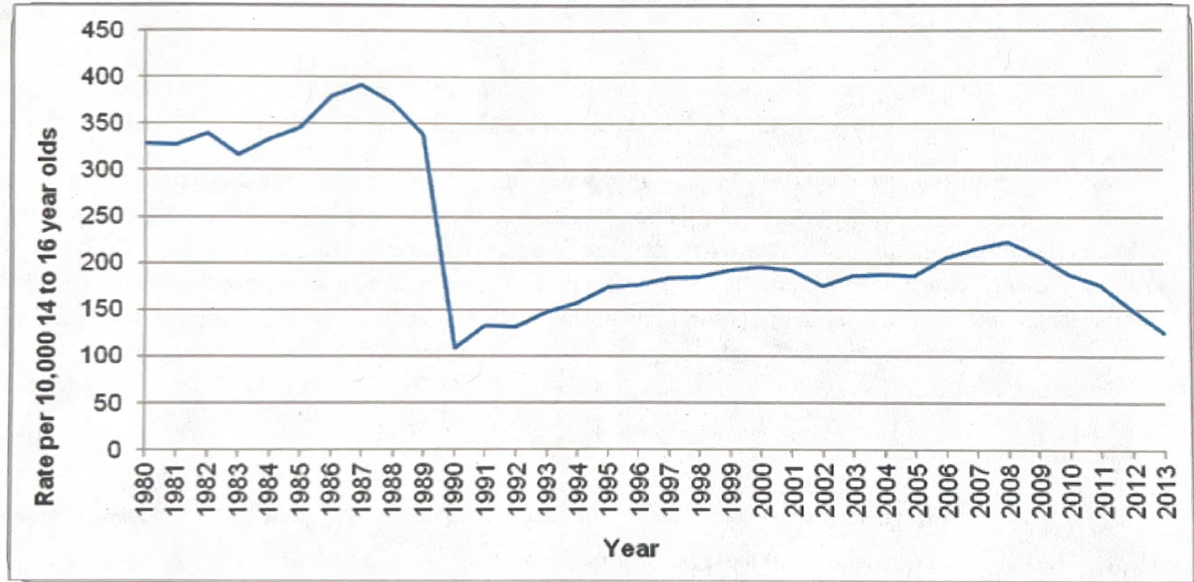


# OrangaTamariki Act 1989, continued

Following its passage:

- Court cases plummeted;
- Government youth residences/prisons were closed;
- Youth offending stopped increasing.

Number of young people charged in the Youth Court



Source: New Zealand Ministry of Justice

# Centering Māori Culture

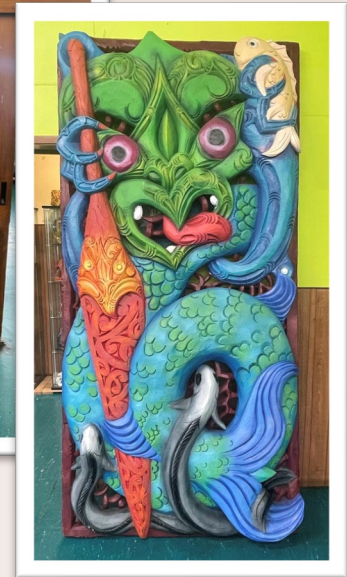
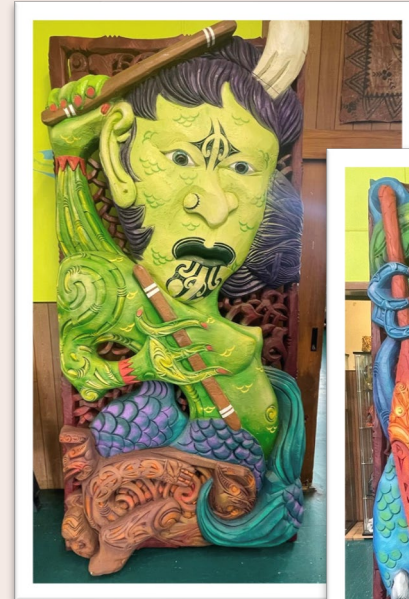
• **Māori language** grounds processes –including civic/government proceedings

• **Whānau – family**

- Me
- Generations behind me
- Generations around me
- Generations to come

• **Pepeha – personal story**

- Ko \_\_\_\_\_ te maunga (*My mountain is \_\_\_\_\_*)
- Ko \_\_\_\_\_ te awa/moana (*My river/sea is \_\_\_\_\_*)
- Ko \_\_\_\_\_ te waka (*My canoe is \_\_\_\_\_*)
- Ko \_\_\_\_\_ te hapu (*My sub-tribe is \_\_\_\_\_*)
- Ko \_\_\_\_\_ te iwi (*My tribe is \_\_\_\_\_*)
- Ko \_\_\_\_\_ te marae (*My meeting house is \_\_\_\_\_*)
- Ko \_\_\_\_\_ te whānau (*My family name is \_\_\_\_\_*)
- Ko \_\_\_\_\_ te ingoa (*My first name is \_\_\_\_\_*)





# Centering Māori Culture

- **Powhiri – welcoming ceremony**
  - Call of welcome
  - Speeches
  - Songs
  - **Hongi** (pressing noses – “exchange of breath”)
  - Sharing food
- **Mana** – spiritual force, essence, presence
  - Goal: be mana enhancing, not mana diminishing



# New Zealand Police

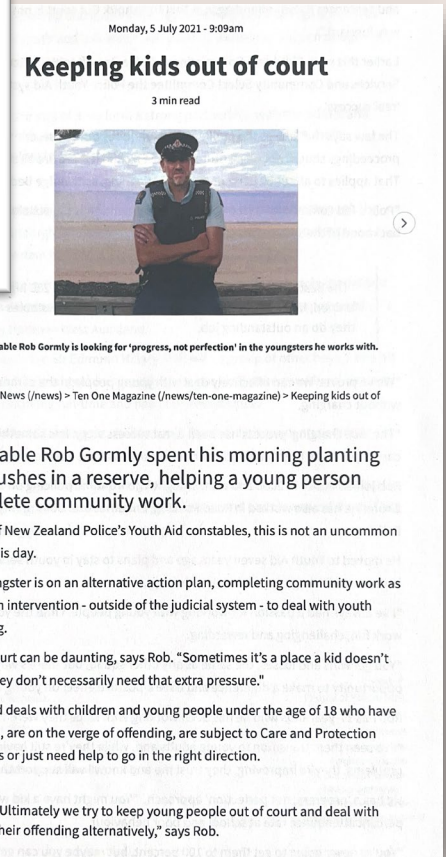
“Unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter.”

-Oranga Tamariki Act 1989,  
Section 208(a)

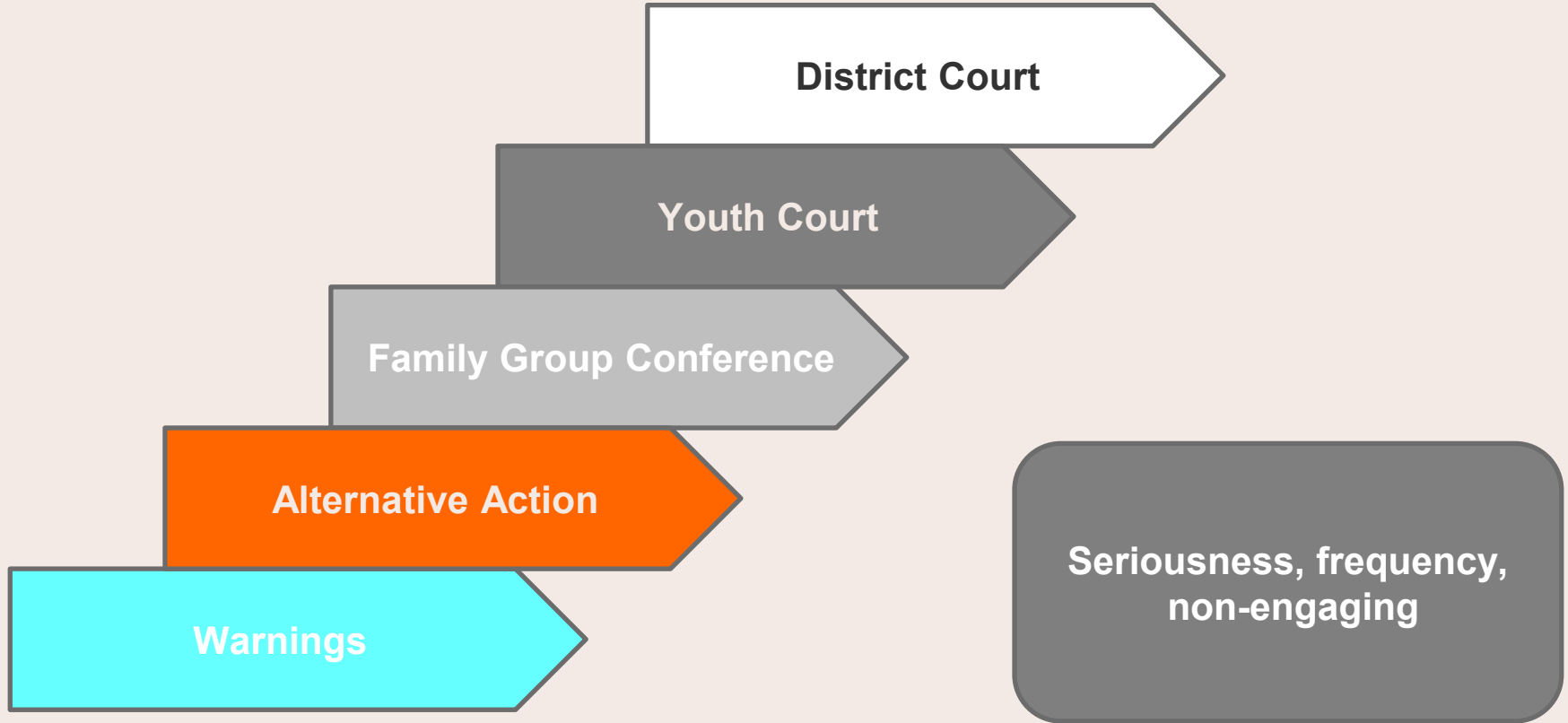


# Police & Youth Aid Officers

- Police have an **expansive role** in NZ's youth justice system.
- Their duties intersect with multiple government agencies here:
  - **Police functions:** NZ police interact with youth at point of incident, where they have a multitude of options.
  - **Prosecution functions:** NZ police determine whether to bring court charges against a young person.
  - **Probation functions:** NZ police engage with youth/caregivers to develop plans, and monitor their completion of plans/services to decide whether further action is necessary.
- **Youth Aid Officers** are a unique team of the police agency; interested officers **must apply and demonstrate qualifications**.



# Aotearoa/New Zealand Youth Justice “Staircase”



# Family Group Conferences (FGCs)



- FGCs give young people – with their families, victims and professionals/service providers – a chance to **help find solutions** when they have offended.
- FGCs can take place at **any point in the case process once the police decide to “lay charges”**
- **Eligibility:** *tamariki* (aged 10-13) and *rangatahi* (aged 14-18)
- **Participants:**
  - Youth, their *whānau*, and “everyone who plays an important role in their life”
  - Victim and their support people
  - Police Youth Aid Officer
  - Youth Advocate (lawyer)
  - Oranga Tamariki Social Worker (akin to probation officer in CA)
  - Other professionals: teachers, health workers, community providers



# Family Group Conferencesprocess

Police or court may initiate FGC referral across all stages of a case:

- **Intention to Charge FGC:** Youth is alleged to have committed offense and has not been arrested (or arrested & released) and police intend to “lay charges”. **The second most common type of FGC** – between 1/3 and 1/5 of all FGCs annually.
- **Custody Conference FGC:** youth denies charge, but Court orders youth placed in CYFS/police custody. FGC focuses on whether detention should continue.
- **Court Directed FGC:** youth does not deny charge in court. Triggers FGC without absolute admission of culpability. **Most common type of FGC** – over 50%.
- **FGC as to orders to be made by Youth Court:** charge is admitted or proved in court and there has not been a previous FGC to determine actions/penalties.
- **FGC at Youth Court discretion** – at any stage where court feels necessary/desirable.

# Family Group Conferences process continued

- Police or court initiate referral to Oranga Tamariki (youth ministry)
- FGC is arranged by an **Oranga Tamariki Youth Justice Coordinator**, who identifies location where participants feel comfortable.
- Police summary of facts is read out.
  - **If the youth agrees** with the summary, everyone discusses how to make things right.
  - **If the youth does not agree, the FGC ends** and the Police or Youth Court determine next steps.
- **Participants discuss** the circumstances of the incident, impact on victim, youth and family.
- **Victim shares views and ideas** on how to repair the harm.

# Family Group Conferences process continued

- Youth and family develop a clear, realistic plan and presents to the full group.
  - Plans include **practical ways to make amends**, such as community service/work to pay damages.
  - Plans may also include **steps to address risk behavior**, such as anger management/substance abuse treatment.
  - Plans also include **setting goals for the future**.
- If everyone agrees, a **legally binding plan is created** and must be completed with support of family and professionals. If the group cannot agree on a plan, the matter is referred back to the Police or Youth Court.
- The **Oranga Tamariki Social Worker** supports & monitors the youth as they complete their plan, and reports to the court. Social Workers have an **average caseload of 8** so they can actively engage with the youth and family.

# Family Group Conferences sample plan

IN-CONFIDENCE

## RECORD OF DECISIONS

AND RECOMMENDATIONS MADE, AND PLANS  
FORMULATED, BY FAMILY GROUP CONFERENCE UNDER

### PART IV OF ACT

(Section 202, Oranga Tamaki Act 1989)

Name of child or young person:	John Juvie
Name known by	J.J
Date of birth:	11 June 2007
Age:	17 Years
Date family group conference reached decision:	Tuesday 18 February 2025
Person's present (and relationship to child or young person)	

#### Whānau/Family

John Juvie	Rangatahi
Mary Juvie	Māma
Jane Smith	Kōkai/Caregiver

#### Professionals

Susan Jones	Youth Justice Coordinator
Kirsten Lewis	Youth Justice Social Worker
Constable Jason Davis	Youth Aid Officer
Catherine Adams	Youth Advocate

#### Apologies

Constable Alex Bruce	Youth Aid Officer
Christine Martin	Youth Justice Coordinator
Kelly Thomas	Mana Inc

Offences in respect of which family group conference convened and whether young person admitted commission of offence:

Charge		Date
CRN:24255000115 Burgles (over \$5000)	Admitted	18/02/2025
CRN:24255000116 Unlawful Takes Motor Vehicle	Admitted	18/02/2025

Enforcement agency: New Zealand Police

Family group conference convened under:

Section 247(d) Family Group Conference

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Decisions and recommendations made, and plans formulated by  
the Family Group Conference: 247(d)

1. **Victim**
  - 1.1 Victim's views shared
2. **Placement**
  - 2.1 J.J resides with his whānau at 25 Short Street, Papakura
  - 2.2 Jane and J.J remain happy with the living arrangements.
3. **Korero o te Whānau**
  - 3.1 Jane shared that J.J is helpful around their home, and when asked to help will always help.
  - 3.2 Jane disclosed that J.J independently and promptly readies himself for course every morning.
  - 3.3 Jane confirmed that J.J is a good routine and fits in well with the house routine.
  - 3.4 When asked, Jane declined any further additional support.
  - 3.5 Jane can provide transportation for J.J to get to Mana Inc.
4. **Korero o te Rangatahi**
  - 4.1 J.J occupies his time between whānau and the Mana Inc programme.
  - 4.2 J.J is currently participating in an 8-week Health Challenge and has identified personal dead lift goals.
  - 4.3 J.J acknowledged that there are better ways to get money, further adding that he would like to gain employment.
  - 4.4 When asked, J.J shared that he was interested in scaffolding.
  - 4.5 J.J recently obtained his learner's licence
5. **Supports**

Mana Inc – Update Provided by Ms Lewis

  - a) J.J is engaged with Mana Inc Monday -Friday 9:50am -2:00pm
  - b) Engagement will continue as per plan
  - c) Mana Inc is supporting J.J to attending Vertical Horizons Pre-Trades course.
  - d) Ms Lewis gave positive reviews of both J.J's s attendance and interaction while at Mana Inc.

Vertical Horizons Pre-Trade – Update Provided by Ms Lewis

- a) J.J is scheduled to engage with Vertical Horizons Pre-Trades Programme.
- b) The Pre-Trades Programme is a 1-month Programme based in Papakura.
- c) The programme will focus on:
  - a. First Aid Training
  - b. Health and Safety in the workplace
  - c. Site Safety requirements
  - d. Train to work

Youth Justice Social Worker

- a) Ms Lewis will continue weekly visits to support J.J

Solomon Group

- a) J.J receives youth payments from Solomon group
- b) J.J continues to be committed to his obligations as below:

IN-CONFIDENCE

- a. Attend Mana Inc programme
- b. Appointments with a Youth Coach
- c. Budgeting

#### 6. Korero o te Pirihimana

- 6.1 Constable Davis acknowledged Valin's positive attitude.
- 6.2 Constable Davis disclosed that there has been no further offending.
- 6.3 Constable Davis recognised the impact on the victims and tabled the need for
  - a) 30 Community hours
  - b) Mahi Toi – Art Project for each offence.

#### 7. Righting the Wrong

- a) 30 Community hours
- b) 2 x Mahi Toi – Art Project

#### 8. Plan Duration

- a) 4 Month Plan
- b) Completion date Friday 27 June 2025.
- c) Review scheduled Friday 7 March 2025 12:00pm

#### 9. Disposition

- 9.1 Disposition discussion will be deferred and confirmed at the review Family Group Conference scheduled for Friday 7 March 2025 12:00pm

#### Outcome:

The conference participants agreed to a 4-month plan, where J.J will complete 30 community hours and 2 Mahi Toi – Art Projects. Although disposition was not confirmed, it will be discussed at a review Family Group Conference Friday 7 March 2025 12:00pm. Matters are respectfully returned to the Presiding Judge for consideration.

I certify that the above is a true and correct record of the decisions, recommendations and plans of the family group conference.

Date:	Tuesday 18 February 2025
Signature of Youth Justice Co-ordinator:	
Name of Co-ordinator:	Susan Jones
Oranga Tamaki Office	Papakura
Phone:	(09)277 7700
Cell phone:	027277 7700
Free phone:	0508 FAMILY (326 459)
Email:	susan.jones@ot.govt.nz

# Youth Court- TeKōti Taiohi

- Handles cases of all **young people charged with an offense** other than murder, manslaughter, and traffic violations.
  - *Rangatahi* 14-18; some *tamariki* 12-13 for particularly serious offenses.
  - 17-year-olds charged with a serious offense (“Schedule 1A”) first appear in Youth Court and are then transferred to District Court or High Court.
- At court, the judge will order a **Family Group Conference**. If the FGC is successful in developing a plan, the youth brings the plan back to the Youth Court for approval and oversight.
  - If the FGC does not produce a consensus plan, the court will **order another FGC or ask the OT Social Worker to recommend a plan**.
- In cases of serious offending, the judge can order a youth into a **Youth Justice Residence** (secure facility) or **transfer to District Court** to consider a prison sentence.



# Rangatahi & Pasifika Courts

- Apply Youth Court laws, processes and consequences on a marae or in a Pasifika community setting – with **deep centering of cultural processes and inclusion of families and communities.**
- There are 16 Rangatahi (Māori) Courts – held on various marae - and 2 Pasifika Courts – held in Pasifika churches & community centers.
- These courts serve youth who have admitted the charges they face and completed an FGC. The courts **monitor FGC plans** – typically, youth come before the court every 2 weeks until their plans are completed.



# Rangatahi& Pasifika Courts



- **Rangatahi Court sessions** begins with a *powhiri* (welcome ceremony) and refreshments.
- Respected elders sit alongside the judge and talk to the young people about their progress and challenges.
- The young person sits alongside their *whānau* and are expected to perform their *pepeha* (traditional tribal greeting). Police, social worker, Youth Advocate, Lay Advocate and victim also may attend.
- **Pasifika Court sessions** begin and end with prayer. Elders from the youth's cultural background speak to the youth and family and offer support.

# Community-Based Services & Supervision

- Nongovernmental organizations (NGOs) partner/work alongside the Oranga Tamariki to provide critical components of New Zealand's youth justice system. **ReConnect** is one of the larger organizations, with an annual budget of \$16M, contracted to provide community components. Justice programs include:
  - **Supported Bail:** 6-week program for youth 12-18 who have appeared in Youth Court, to assist with bail conditions compliance and provide youth/family support during remand period. Youth is picked up at 9 am and returned home at 4 pm Monday-Friday; sometimes electronic monitoring is also used.
  - **Community Care:** Up to 14 caregivers (10 *whānau* & 4 non-kin placements) – similar to our RFAs
  - **Kaitiaki Residential:** community-based, nonsecure “remand homes” for young men detained in OT custody – 2 homes, 5-youth capacity each, up to 8 weeks
  - **Enhanced Fast Track:** 5-youth case management caseloads for most vulnerable youth, “as long as it takes”
  - **Korowai (Māori) & Vocational Mentoring**



# Community-Based Services & Supervision



**VOYCE** provides Kaiwhakamana – advocates for all young people in out-of-home care – both as 1:1 support and to elevate the voices of children and youth in care.



A variety of organizations support justice-involved youth and prevent youth crime – while also advocating for change to the youth justice system. These include **Mana Inc.**, created by a community member and mother in response to community concern about “ram raids”; the Police-created **Genesis Youth Trust**, and **Mana Mentoring Youth & Community Trust**, created by a community member after his own lived experience navigating the care system.

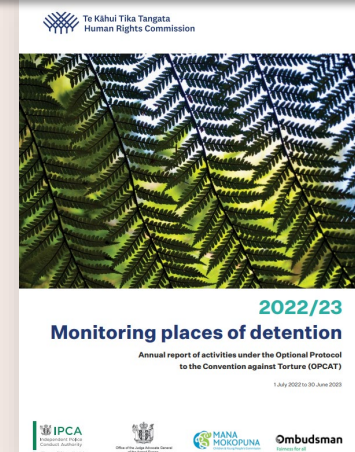
# Youth Justice Community Homes

- Youth Justice Community Homes are **nonsecure facilities** for *rangatahi* who have offended or are alleged to have offended.
  - **Police may place youth in Community Homes while awaiting court.**
- The goals are to remain close to their community, with physical visits hopefully made easier, existing engagement with social service providers to continue, and for a *rangatahi* and their *whānau* to form new relationships with services that can continue once the *rangatahi* has left OT custody.
- There are approximately **15 Community Homes** in operation – 3 run by Oranga Tamariki, **12 by community providers, including Māori iwi/organizations**, most opening in the last 8 years as an intentional effort to reduce reliance on secure confinement.
- Most have 3-5 bedrooms; some care for *rangatahi* on a 1:1 basis.



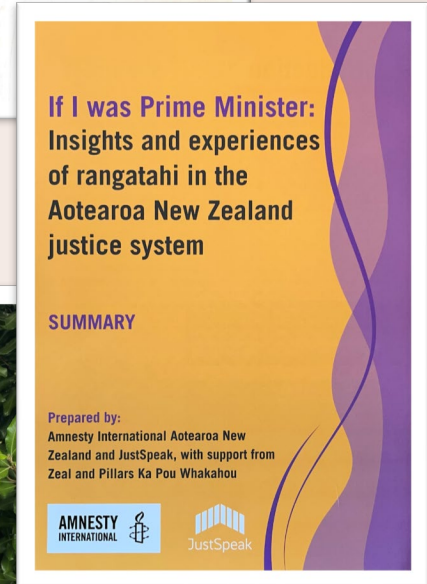
# Youth Justice Residences

- Youth Justice Residences are **secure facilities** where *rangatahi* (youth ages 14-18) may get placed under the following circumstances:
  - Arrested and put in Oranga Tamariki care until they go to Youth Court
  - Remanded by Youth Court until the case is settled (can take up to 3 weeks, or longer if youth denies charge)
  - Sentenced by Youth Court for **3 to 6 months**. If things go well, may leave earlier with 6-12 months community supervision
  - Sentenced to prison – they could serve some of that time in a residence.
- There are **5 Youth Justice Residences** across the country with a **total of 171 beds**. These facilities are typically full.



# Ongoing Challenges

- Juvenile crime as a manifestation of **unmet social & economic support**
  - Lack of food/basic needs
  - Impacts of forced assimilation on Māori families
- **Disproportional representation** of Māori youth across all decision points – and particularly in Youth Residences
- **Recidivism**
  - 53% adjudicated in Youth Court reoffend within 2 years.
  - 86% of youth who serve a custodial sentence reoffend within 12 months.
- **Vision vs reality:**
  - *Whānau/iwi* inclusion
  - Community as solution
  - Restoration



# Similarities, Differences, Key Takeaways



- **Similar elements, different balances:**
  - Community-based support, Make it Right & CFTs, community placements (group and foster homes), family inclusion.
  - Diversion versus court involvement
  - Confinement time
- **Similar governmental functions, different configurations:**
  - Broader role of police versus prosecutor, probation
  - NZ's equivalent of probation (Oranga Tamariki social workers) are not sworn/law enforcement.
- **Similar challenges – except for guns**

## Key Takeaways:

- Centering culture and process is procedural justice
- Alternative Actions & Family Group Conferences as the “go to’s” – rather than court

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# **Perspectives from the San Francisco Journey to Justice Cohort**

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# What's Next?

- **Knowledge Sharing**
  - Stakeholders who couldn't attend
  - Additional key stakeholders and partners
- **Debriefing & Dialogue**
  - What would make sense to implement in SF?
- **Planning**
  - What would need to happen to implement?
    - What requires partnership?
    - What requires investment?
    - What requires policy change?
    - What requires legislative change?



# Acknowledgements

- **Jono Brooker** - National Manager Youth Justice North, Youth Justice Services and Residential Care, Oranga Tamariki
- **Her Honor Ophir Cassidy** – Judge, District Court and Te Kōti Rangatahi Courts
- **Inspector Craig Clark** - Manager: Youth Response, Iwi and Community, Police National Headquarters
- **Hunia Mackay** - Cultural Advisor, Voyce Whakarongo Mai
- **Kelly Manning** – Chief Executive Officer, Reconnect
- **Audry McLaren** - Head of Funding, Foundation North
- **Her Honor Judge Ida Malosi** - Principal Youth Court Judge, New Zealand
- **Simulata Pope** - Acting Manager, Rights and Advocacy Team, Children and Young People's Commission



# Sources

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- VOYCE Whakarongo Mai, <https://voyce.org.nz>
- [Rangatahi Courts & Pasifika Courts | Youth Court of New Zealand](#)
- [Youth justice family group conferences | Oranga Tamariki — Ministry for Children](#)
- [Youth Justice Community Homes | Oranga Tamariki — Ministry for Children](#)
- [Youth justice residences | Oranga Tamariki — Ministry for Children](#)