

Aide Memoire: Meeting with Ministers of Defence and Police 31 January – Military Academies

To Hon Karen Chhour, Minister for Children			
Date	30 January 2024	Deadline	n/a
Report number	B-0059	Priority	High
Key contact	Tusha Penny, Deputy Chief Executive Transformation and Residences	Contact number	9(2)(g)(ii)
Second contact	Charlotte Beaglehole, General Manager Policy	Contact number	9(2)(g)(ii)
Security	Budget-Sensitive		

Wednesday, 31 January 2023, 1:00-1:30pm

Purpose	<p>This Aide Memoire provides background information ahead of your meeting with the Ministers of Police and Defence on 31 January 2024 to discuss key decisions relating to the introduction of a new military academy programme, including a pilot programme starting in 2024.</p> <p>This follows the meeting held on 23 January 2024 with Ministers Goldsmith and Mitchell where initial decisions were made to progress changes to the youth justice system in line with the Government's 100-day priorities.</p> <p>These decisions will inform Budget 2024 initiatives which are due to the Minister of Finance and The Treasury by 16 February 2024.</p> <p>Key issues for discussion include:</p> <ul style="list-style-type: none"> • Which agency/agencies will lead and be involved in delivery of the military academy programme • Confirming the role of the New Zealand Defence Force (NZDF) role in the programme, and defining the NZDF role assuming participation • NZDF's current capacity to support delivery, including potential numbers of skilled personnel available for deployment for both the pilot and the post-pilot, permanent programme • Assessing potential locations for delivery of both the pilot and any post-pilot, permanent programme, and • The Budget initiative currently under development, and any NZDF inputs and assumptions that will need to inform this initiative.
Expected Attendees	<p>Hon Judith Collins, Minister of Defence Hon Mark Mitchell, Minister of Police Hon Karen Chhour, Minister for Children</p> <p>From Oranga Tamariki: Chappie Te Kani, Chief Executive Tusha Penny, Deputy Chief Executive – Transformation and Residences</p>
Background	<p>Justice Sector Ministers met on 23 January 2024 and discussed initial decisions to progress with the introduction of a military academy programme as a response to serious and persistent youth offending as part of the Government's 100-day plan.</p>

The main points agreed in respect of a military academy programme were:

- That the military academy should be a programme delivered as a new standalone Youth Court sentencing response to offending (i.e. Option 3 in report B-0029). This response should be implemented in this Parliamentary term, noting it will take time to pass legislation and establish the programme.
- As an interim approach, a Military Academy will be piloted within current legislation (i.e. Option 2 in B-0029) in an existing youth justice residence or defence base to ensure responses to serious and persistent offending start quickly while legislation is progressing. This would require Oranga Tamariki leading the initiative in partnership with NZDF in addition to involvement by Police and iwi.
- A joint Budget initiative would be submitted by you and the Minister of Justice, which is under development. This initiative will address both funding for the broader set of decisions taken on Young Serious Offenders (YSOs), and funding for a pilot of the military academy programme. Key decisions on the design of the programme are needed to progress this work, including agency roles and leadership model.
- Ministers confirmed that there is no funding available for a purpose-built facility. Ministers wanted other options explored, including repurposing existing Defence locations (e.g. Whenuapai and Burnham) and/or using an existing youth justice residence. A third option raised was repurposing the Te Oranga care and protection residence – you have received informal advice on some of the challenges with using Te Oranga within the timeframe envisaged for the pilot.
- NZDF has since advised it has concerns about placing a young person in a Defence Area where they could potentially gain access to dangerous equipment and other restricted areas. It has stated its lack of ability to provide the wraparound requirements (e.g., overnight accommodation, food, and medical care for the young person). NZDF has advised that they have no spare/vacant Defence locations for a military academy.
- More broadly, NZDF has advised there will be considerable impacts on it if its personnel are involved in a military academy response to young serious offenders and would require a choice between transferring Youth Development Unit staff (shutting down or downscaling) other voluntary initiatives for youth OR drawing and retraining staff from the wider NZDF which would have an impact on other outputs. NZDF also has concerns about the suitability of its staff given the high needs of this cohort and that approximately 80 percent have a confirmed or suspected mental health or disability-related diagnosis.
- Ministers further noted that the link between military academies and the legislative regime for YSOs needs to be further clarified, noting the military academy pilot can start within existing legislative settings without having this regime in place.

Agencies will seek further decisions on the ongoing design and funding for the military academy programme (Option 3) post-pilot and following its evaluation.

Key Issues

Officials have started developing a model to pilot the military academy programme starting from September 2024, with a potential second pilot starting in March 2025. This model is being used as the foundation for the Budget bid currently under development.

Based on current assumptions, we propose to pilot a military academy model which envisages:

- 1-2 intakes of 8-10 young people (males) aged 15-17 years old
- using the existing Supervision with Residence to identify eligible participants¹,

¹ The total number of young people sentenced to a Supervision with Residence Order in 2023 was 64. This figure would need be adjusted to reflect their age at the time the order is made (14-year-olds not proposed as eligible) and the appropriateness for some young people of a military academy programme (e.g. some young people sentenced under SWR may be physically/mentally unwell, unsafe to themselves or others or otherwise unsuitable for such a programme). Sentencing decisions made by the judiciary will further affect the

- piloting the programme across 1-2 existing Oranga Tamariki youth justice residence sites OR an alternative location.
 - This would most likely be Korowai Manaaki (Auckland), Te Puna Wai o Tuhinapo (Christchurch) or Te Au rere a te Tonga (Palmerston North). All locations are Youth Justice residences in close proximity to military bases.
 - The idea for running the pilot in two locations is to tackle a major issue for the future feasibility of the programme which is ensuring a sustainable intake. Two locations would enable more frequent intakes to occur, which may make it more likely for a judge to refer a young person to the programme (since the young person cannot remain on bail or custodial remand for an extended period while waiting for the next intake)
- a programme duration between 8 weeks and 4 months².
- that the military academy be delivered primarily as a partnership between NZDF and Oranga Tamariki, with the involvement of Police and Community providers.

Key decisions are needed to inform the Budget bid and continue the design of the programme:

- **Leadership and roles:** Which model should be adopted to deliver the academy programme, which agency will lead and the respective roles of NZDF and any other agencies or providers involved in delivery.
- **Programme location:** Confirm that NZDF has no suitable facilities available that could support delivery of the programme. Assess if it is feasible for NZDF to deliver the programme in the Youth Justice residences currently being considered for the pilot, and whether these locations would suit the post-pilot, permanent programme
- **Programme duration:** assess if it is feasible for NZDF to deliver a four-month programme in the pilot year starting in September 2024 as proposed, and what duration could be realistically considered for the post-pilot, permanent programme.
- **Cohort size:** assess if the NZDF considers it has sufficient skilled personnel to deliver the pilots for a group of 8-10 young people per intake and understand its delivery capability for the post-pilot, permanent programme cohort.
- **Budget impact:** understand what NZDF, Oranga Tamariki and other agency cost assumptions need to be reflected in the Budget initiative currently under development.

Officials are working on these issues.

Funding Information or Data	As above, a joint Budget initiative is under preparation, and is due with you on 9 February 2024 and the Minister of Finance/The Treasury on 16 February 2024. NZDF is being consulted on the costing assumptions underpinning this initiative.
Next Steps	<p>Complete and submit Budget initiatives in line with Ministerial decisions.</p> <p>Continue the design of the military academy programme (including the pilot and the post-pilot programme) as directed by Ministers and provide more detailed advice on the design and timeframes for implementation.</p> <p>Start to engage with community organisations and iwi.</p> <p>Develop legislative options to include the military academies as a new standalone sentencing response to offending.</p>

timing and extent to which SWR is used, and the flow of young people eligible for the programme. Numbers of young people receiving a residence order vary month to month, from anywhere between one and ten each month.

² Under current legislative settings, SWR can be imposed for 3-6 months, with eligibility for early release at two thirds of the order. This means that for a 3-month order, if early release is granted, the programme would only be able to be imposed for around 8 weeks. For a 6 month order, where early release is granted, this would allow for a programme of up to 4 months.

Attachments

Appendix One: Talking Points

Sign-off
Oranga Tamariki

Sign-off
Minister



Tusha Penny
Deputy Chief Executive
Transformation and Residences
Date signed: 29/ 01/ 2024

Hon Karen Chhour
Minister for Children
Date signed:

Minister comments

Satisfaction

Please select your level of satisfaction with this Aide Memoire

- Outstanding Good Acceptable Poor Unacceptable

Appendix One: Talking Points

Talking Points: Military Academy Programme: NZDF role and capacity

Scene-Setting

- Following the direction in the 100-day Plan, Justice Sector Ministers, including myself, have agreed in principle that we wish to explore the introduction of a military academy programme as part of a broader package of measures to crack down on serious youth offending.
- We will be looking to introduce legislation for the establishment of a Young Serious Offender Category by mid-2024.
- But reflecting the desire to move quickly, we think it should be possible to pilot a military academy programme within existing legislation from September 2024, with a view to rolling out a permanent programme once that pilot has been evaluated and any additional legislative changes (for example, affecting the duration of the programme, or the ability to direct young people to attend it) have been worked through.
- While no final decisions have taken, we would like to explore piloting a model across 2024-25 involving 1-2 intakes of 8-10 young people (males) aged 15-17 years old, across 1-2 residential sites. This would be done using an existing Youth Court Supervision with Residence Order to determine eligibility for the programme, as well as its duration (8 weeks-4 months).
- I would like to hear your views on the potential role and involvement of the NZDF; the potential design of the pilot programme (including its location, duration, and eligible cohort); and any potential Budget and/or capability implications for the NZDF from delivering the pilot and programme.

Role of agencies, including NZDF

- I understand that Oranga Tamariki has been engaging with the NZDF, alongside the Ministry of Justice, Police, and Corrections, to understand past experiences of military-style activity programmes, and what capacity the NZDF might have to support the delivery of any new military academy programme.

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Budget and capability impacts

- I would be interested to understand the overall impacts and trade-offs that might be required of the NZDF in order to deliver a pilot along these lines.

IN-CONFIDENCE

- Oranga Tamariki is consulting closely with NZDF on the costing assumptions underpinning a joint Budget bid for delivery of the youth offending package, including the pilot military academy programme.