

Tough Talk: youth offenders' perceptions of communicating in the youth justice system in New Zealand

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What's the problem?

There is a growing body of research showing that oral communication difficulties are over-represented in youth offenders

- A recent systematic review found 17 studies on the topic that met criteria, and found a universally "strong association between youth offending and language impairments" (Anderson, Hawes & Snow, 2016)
- New Zealand study found that 64% of 33 male youth offenders fulfilled language impairment criteria (Lount, Purdy & Hand, in press)
- Difficulties with comprehension and expression
- Independent of nonverbal IQ
- Mostly undiagnosed



The New Zealand Youth Justice system

- Internationally acclaimed system based on restorative justice principles (*Children, Young Persons & their Families Act, 1989*)
- In 2012-13, 64% of proven charges against YP were given a discharge/ diversion with a Family Group Conference, not a court case & record (typical figures)
- A small percentage (~17%) of those charged in court are sentenced to supervision with residence (Ministry of Justice, 2013)
- (but) 56% are Maori, 29% are Pakeha, 12% are Pasifika
- Problem: restorative justice processes (e.g. the FGC) are verbally-based systems – as are many other justice processes
- Youth justice (YJ) residence programmes and processes are also highly verbally mediated.

<http://www.justice.govt.nz/justice-sector/statistics/child-and-youth-prosecution-statistics-highlights-2012-13-pdf>



Consequences?

Only half of young people interviewed about their experiences in the youth court in New Zealand said they understood what was happening (Ministry of Justice, 2011):

"I don't understand what they are saying ... they start talking about something that I don't even know what they are talking about. I don't even know what the words are."



Why talk to the young people?

- many aspects of the youth offenders' language skills are being investigated
- BUT
- There is an increasing focus across jurisdictions to include the voice of the young people and their experience of communicating in the YJ system
 - The NZ Youth Crime Action Plan emphasises listening to the voices of young people (Ministry of Justice, 2013)
- There is a general rise in the theme of listening to the voices of children and young people in SLT contexts (and others) (Roulston & McLeod, 2011)
- There is a need to understand young people's perceptions, priorities, and how they interpret the problem, to inform best practice.



Aim of this study

to discover how youth offenders and those on remand in YJ residences experience communicating (hearing, speaking, understanding) in the YJ system:

- what they find easy
- what they find hard
- what helps when things get difficult.



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Participants & methods

8 young people (YPs) from one YJ residence:

- No major psychiatric disorder, brain injury or intellectual impairment;
- 5 NZ Māori; 2 Cook Island Māori; 1 Pākehā/Samoan/NZM
- English as first or equal language;
- 1 bilingual (English/CIM); 2 spoke Māori as children
- All male, >16 years of age (16.1 to 16.8 years);
- 2 sentenced in adult court; 1 sentenced in youth court; 5 on remand (very different court experiences)
- One-on-one semi-structured interviews (duration 15:44 to 23:44);
- Thematic analysis* (Braun & Clarke, 2006).

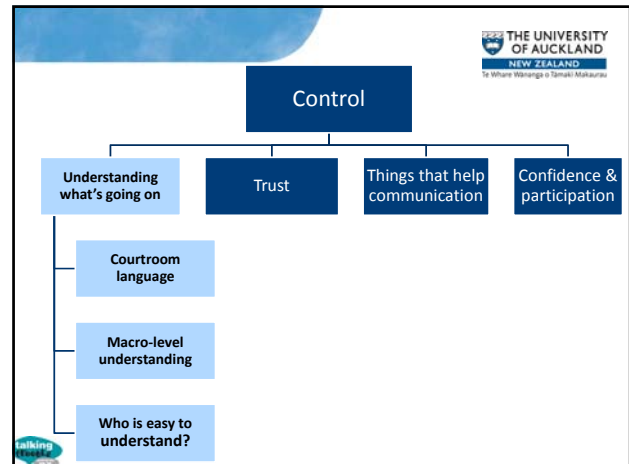
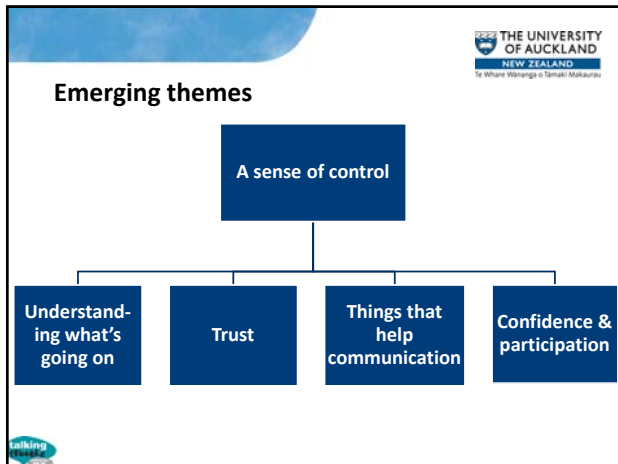
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Specific questions about communication:

- Tell me what it's like talking with [e.g. your lawyer].
- Who is the easiest/hardest to understand/talk to?
- What helps when you find it hard?

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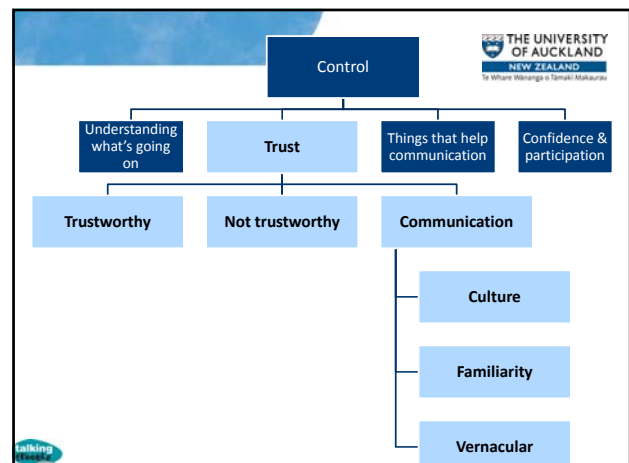
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Understanding what's going on

3 subthemes:

- Courtroom language**
"I didn't know what they were talking about. Like they use long words, and I can't understand what they're saying"
"they all go fast and a bit quiet"
- Macro level understanding**
Researcher: *"What bits were a little bit hard about [court]?"*
YP: *"Just...why I'm in here."*
- Who is easy to understand?**
"[the staff] they talk to you like they're your brother or sister, they don't say fancy words"
Researcher: *"Who do you find the easiest to understand?"*
YP: *"My lawyer and my social worker and the staff".*

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Trust

Trust was the basis of what made communication possible and easier, as these young people saw it

It was built on relationships

"with the staff that you know it's easy, but, meet new staff and you probably have to build that relationship first."

- mostly with an individual rather than their role
- all either said or implied they knew when someone was there to help
- Centred around the person/their culture and that they had a relationship with the young person
- not necessarily an explicit knowledge that these factors helped with communication, but that trust was key

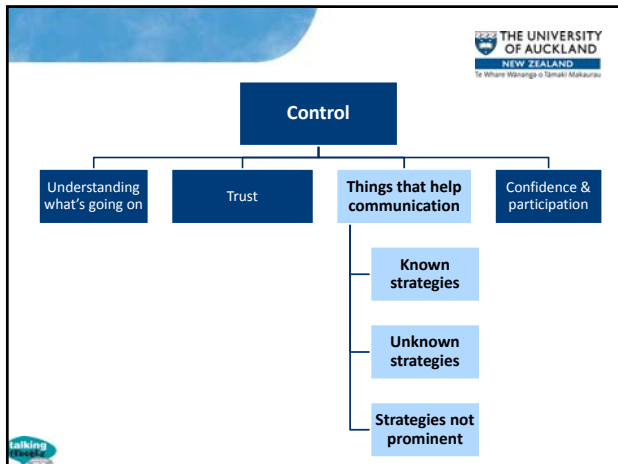
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Communication partner (cont'd)

- People there to help
"I know my lawyer or my social worker is just maybe there to help me"
- People not to trust
Researcher: *"Did you find [the Police] easy or hard to talk to?"*
YP: *"Pretty hard. 'Cause you say something and they put it into different words"*
- Culture & familiarity
Researcher: *"What do you think makes it easy to understand them [the staff]?"*
YP: *"They talk to you like they're your brother or your sister, they don't say fancy words..."*
- Street language regains control/freedom
Researcher: *"And is that helpful to have your own language?"*
YP: *"Yeah, just so they don't know what we're up to! Because they're always just listening to us, watching us, 24-7"*

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Things that help communication

This theme was mostly from responses to specific questions about what helped communication, rather than spontaneous

- most young people may know strategies that could help (e.g. asking questions), but observations and anecdotal evidence suggests they often don't use them
- In court:
 - most young people struggled to use strategies that could have helped
 - most reported that all they were doing was waiting for outcome of the hearing (would they get bail?) and did not expect or attempt to understand what was being said

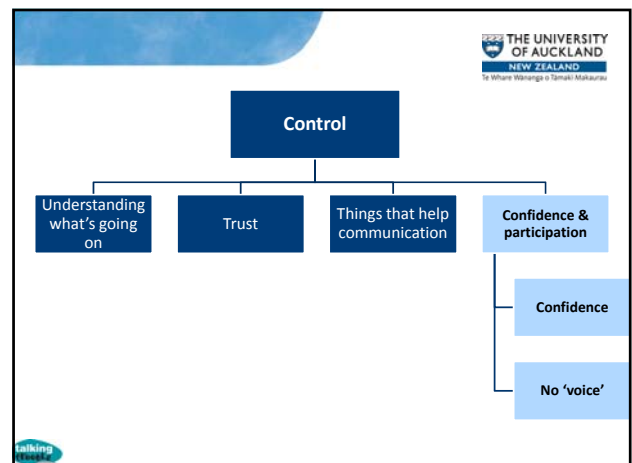
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3 subthemes :

- Known strategies
"If you don't understand it, you just ask questions, so I tried to ask heaps of questions"
Researcher: *"What do you think would make it easier for young people in court?"*
YP: *"I reckon someone that can stand by your side, and if you don't understand, then you give them a tap and ask"*
- Unknown strategies
Some of the participants didn't mention or acknowledge any strategies
- Strategies not prominent
Researcher: *"Is there anything you would change to make it easier [in court]?"*
YP: *"Probably...oh...I don't even know miss"*

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Confidence and participation

- Confidence

Researcher: *Were you given the chance to ask questions if you needed to?*
 YP: *Yep, but I never did. [ok] Nah, I was just too shy - I woulda asked questions but I just, yeah, I'm just not a very good communicator.*


vs:


Researcher: *Were you given the chance to say things if you wanted to?*
 YP: *Oh, I just said it anyway*
- No voice/passive passenger in system

Researcher: *Did you get the chance to say you were finding it hard?*
 YP: *No, because they just skip to the next subject*

Researcher: *Were you given the chance to ask any questions about it?*
 YP: *Nup.*

YP: *they should have gave me a chance to talk.*





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Summary

Young people's experiences are not primarily focused on their communicative competence:


- More about whether person/system is hostile or trustworthy
- All young people said there were aspects of their court appearance they didn't understand
- Some had the confidence to participate, others didn't
- Don't know whether those who had confidence were the ~40% of youth offenders without language impairment




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Implications for partnering SLTs with professionals and young people in the YJ system:

- Self-confidence in abilities/participation varies
- Awareness of communication strategies varies
- Need to spend time working with young person – relationship needs to be built
- Trust and showing support for the young person is very important
- Support/educate residence staff and YJ professionals on how to tailor language for young people with communication difficulties



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References

Anderson, S. Hawes, D., & Snow, P. (2016). Language impairments among youth offenders: A systematic review. *Children and Youth Services Review*, 65, 195–203.

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101.


Lount, S.A., Purdy, S.C., & Hand, L. *Hearing, auditory processing and language skills of male youth offenders in Youth Justice Residences in New Zealand*. Journal of Speech, Language and Hearing Research [in press].

Ministry of Justice. (2011). Youth Court Research: Experiences and views of young people, their families and professionals. [Research Report]. Wellington: Ministry of Justice. Retrieved from <http://www.justice.govt.nz/publications/> on 8 August 2013.

Ministry of Justice. (2013). *Trends in Child and Youth Prosecutions: court statistics for 12-16 year-olds for the year ending 2013*. Retrieved from <http://www.justice.govt.nz/justice-sector/statistics/child-and-youth-prosecution-statistics-highlights-2012-13-pdf> on 4 March 2013.

Ministry of Justice (2013). *Youth Crime Action Plan 2013-2023*. [Report]. Wellington: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/YCAP-full-report.pdf> on 24 January 2016.

Roulstone, S. McLeod, S. (eds) (2011) *Listening to children and young people with speech, language and communication needs* J&R Press Ltd; Guildford, UK

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Number of YPs per subtheme

(YP can appear in more than one category per subtheme)

Theme	Subthemes	No.
Locus of control	Passive passenger in YJ system	6
	Ways to regain some control/freedom	7
Understanding what's going on	Courtroom language difficulties	8
	Macro-level understanding difficulties	5
	Things/people that make it easier	8
Social factors; communication partner	trust	8
	people there to help	6
	people not to trust	4
	culture	4
	familiarity	7
Communication breakdown strategy	common vernacular	4
	mentioned using strategies	4
	mentioned, or recognised prompted strategies	6
	strategy not prominent (all relate to court)	5
Confidence/participation	Participated	3
	Didn't participate	5

