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PREDICTING OFFENDING WITHIN THE NEW ZEALAND YOUTH JUSTICE SYSTEM

Evaluating Measures of Risk, Need, and Psychopathy

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EXECUTIVE SUMMARY

Youth offending in New Zealand is an often touted problem. The reality is that, although many young people break the law as part of normal adolescent behaviour, the number of youth committing antisocial acts has decreased over the past decade. There is however one exception. The number of young people who exhibit patterns of persistent, chronic and violent offending behaviour is increasing. Recent theoretical approaches have attempted to conceptualise these complex young people by considering the numerous interacting causal factors associated with their offending. These models can inform appropriate assessment, treatment, and prevention strategies. To date, social learning models incorporating risk and need factors have been the best supported. However, new developmental approaches have also been applied, including the downward extension of psychopathy: an adult personality disorder associated with recidivistic offending and treatment non-compliance. Based on these theories, promising new actuarial risk assessment measures have been developed. These measures are being increasingly employed by youth justice systems internationally as a means of identifying and case managing persistent and serious offenders. However, these measures are not widely used in New Zealand, and virtually none have been empirically examined with New Zealand youth. This gap in evidence-based practice is perplexing given the international recognition and respect afforded to New Zealand's youth justice system. The current study therefore sets a number of objectives. Firstly, it aimed to identify a profile of youth offenders across the New Zealand youth justice system by providing data on demographics, offending behaviours, education/ employment status, and mental health using the Massachusetts Youth Screening Inventory - 2 (MAYSI-2). Secondly, the study evaluated

the predictive validity of three assessment measures of youth offending. These measures were the Youth Level of Service/ Case Management Inventory (YLS/CMI), the Youth Psychopathic Traits Inventory (YPI), and the Inventory of Callous/ Unemotional Traits (ICU). Finally, the study explored the utility of these measures within a restorative justice system whereby limited resources could be matched to those most at risk of re-offending.

Using a prospective study design, two samples aged between 14 and 17 were selected. These samples represented youth offenders at two opposing ends of the youth justice system. The "Diversion" sample initially consisted of 70 youth offenders whose matters had been diverted by Police Youth Aid Officers in Counties-Manukau. All measures were administered during a 90-minute initial assessment phase. After 6-months, 63 (90%) were followed up to complete a self-report measure of offending behaviour committed since the first assessment. The "Clinical" sample initially consisted of 59 youth offenders who had been referred for a psychological assessment by a Youth Court within the Auckland region. The YLS/CMI was part of the assessment process. A total of 44 (75%) of the clinical participants were followed up after six-months. All measures, including the self-reported offending measure, were administered to this cohort.

Male gender, Māori ethnicity, and previous police contact were overrepresented within both samples. Approximately 40% of participants from both samples were either not attending school or were unemployed. Theft and dishonesty index offences were the most prevalent for both samples, however nearly 60% of the clinical sample was charged with a violent offence. The MAYSI-2 mental health screen revealed that approximately half of both samples scored on the Caution range or above for Alcohol/ Drug Use, while over 30% of both samples reported difficulties with Anger and Irritability. Over 60% of the Clinical sample received a

formal clinical diagnosis, with conduct disorder and substance use disorders being the most prevalent. The two samples were merged to describe the results of the assessment measures. The YLS/CMI total produced fair internal consistency (α = .79). Total scores from the Clinical sample were significantly higher than the Diversion sample. Internal consistency was excellent for the YPI (α = .92) and fair for the ICU (α = .77). There were no significant differences in scoring between the two samples on these psychopathy measures. All three risk measures correlated with each other; while the re-test reliability of the YLS/CMI was significant (.79). Māori ethnicity was associated with higher total scores on the YLS/CMI and the YPI. Māori youth were also more likely to come into police contact during the six-month follow-up period. Medium to large associations were found between the three risk assessment measures and the seriousness of self-reported offences, contact with police, and contact with the youth court. Binary logistic regression, multiple regression, and Receiver Operator Curve (ROC) analyses confirmed the overall predictive validity of three measures, however the YLS/CMI total score was superior to the psychopathy screening measures across all analyses. Finally, results show that many participants who scored highly on the YLS/CMI received a higher level of intervention service during the follow-up period. However, a similar number of high risk youth received little or no services.

It was concluded that the YLS/CMI, the YPI, and the ICU have a high level of predictive validity over a short time frame. These findings have direct implications for assessment, prevention, and intervention practices. However, it is argued that new assessment measures relevant to both restorative justice practices and New Zealand's youth offenders be developed that compensate for the limitations of these generic international measures. Overall, this research has been successful in adding to the accumulating literature on youth offender risk assessment, as well as the conceptualisation of psychopathic traits within youth.

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TABLE OF CONTENTS

Executive Summary……..….ii

Acknowledgements……v

Table of Contents……vi

List of Tables……..viii

List of Figures……...x

List of Appendices……..xi

Preface…….xii

CHAPTER ONE

Introduction.....1

A PROFILE OF YOUTH OFFENDING IN NEW ZEALAND……...2

THE DEVELOPMENT OF YOUTH OFFENDING……...12

THE ASSESSMENT OF YOUTH OFFENDING……...……27

THE NEW ZEALAND YOUTH JUSTICE SYSTEM……....…51

OBJECTIVES OF THE STUDY…….…..61

CHAPTER TWO

Method……62

RESEARCH PARTICIPANTS……63

MEASURES……67

PROCEDURE……..75

CHAPTER THREE

Results……..……85

THE PROFILE OF YOUTH OFFENDERS IN THIS STUDY……..…86

DESCRIPTIVE STATISTICS OF THE RISK ASSESSMENT MEASURES……...……90

CONVERGENT VALIDITY OF THE RISK ASSESSMENT MEASURES…….……..100

THE SELF-REPORTED OFFENDING SURVEY……...104

ASSOCIATIONS BETWEEN THE RISK ASSESSMENT MEASURES

AND THE SELF-REPORTED OFFENDING SURVEY……108

PREDICTING SELF-REPORTED OFFENDING……111

MATCHING RISK LEVEL WITH INTERVENTION SERVICES…….124

CHAPTER FOUR

Discussion…….....127

PRIMARY FINDINGS OF THE RESEARCH……..……128

IMPLICATIONS OF THE RESEARCH FINDINGS……...……140

LIMITATIONS OF THE RESEARCH……146

CONCLUSIONS AND FUTURE DIRECTIONS…….……149

Postscript……....152

References……...…….…… 154

Appendices……...……179

LIST OF TABLES

TABLE

1. Description and Purpose of the Measures……...……67

2. Initial Assessment Demographic Statistics for the Diversion and Clinical Samples……...87

3. Index Offending Characteristics for the Diversion and the Clinical Samples……88

4. Mental Health Descriptive Statistics Identified in the Clinical Sample……..……89

5. Descriptive Statistics and *T* Test Scores of the YLS/CMI for the Diversion and the Clinical Sample during Phase One of the Study……91

6. Descriptive Statistics and Paired Sample *T* Test Results for the YLS/CMI Clinical Sample Phase One and Phase Two……...……93

7. Descriptive Statistics for the YPI for the Diversion (*N* = 70) and Clinical Follow-Up (*N* = 44) Samples……..……95

8. Descriptive Statistics and T Test Result of the ICU for the Diversion (*N* = 70) and Clinical Follow-Up (*N* = 44) Samples……..……96

9. Percentage Rates of Scoring Levels across the MAYSI-II Domains for the Diversion (Initial Assessment/ Phase One) and Clinical (Follow-Up/ Phase Two)……..……98

10. Pearson Product-Moment Correlations between the YLS/CMI, the YPI and the ICU for the Diversion Sample (*N* = 70)……...……100

11. Pearson Product-Moment Correlations between the YLS/CMI, the YPI and the ICU for the Clinical Sample (*N* = 44)…….....101

12. Point-Biserial Pearson Product-Moment Correlations between the Three Risk Assessment Measures and Selected Descriptive Statistics for the Diversion Sample……...……102

13. Point-Biserial Pearson Product-Moment Correlations between the Three Risk Assessment Measures and Selected Descriptive Statistics for the Clinical Sample…….……102

14. Descriptive Statistics from Part One of the Self-Reported Offending Survey (SROS) Self-Reported Offending……..……105

15. Percentage Rates of Self-Reported Offending Survey Categories……106

16. Descriptive Statistics for Self-Reported Seriousness of Offending Scores (SROS)……...……107

17. Pearson Product-Moment Correlations between the Three Risk Assessment Measures and Self-Reported Outcome Variables for the Total Sample (*N* = 107)……..……110

18. Areas Under the Curves (AUCs) of the Receiver Operating Characteristic Analysis Comparing the YLS/CMI, YPI, and the ICU: Total sample – Police and Court Contact……..……112

19. Logistic Regression Analysis: YLS/CMI, YPI, and ICU Total Scores Predicting Police Contact after Controlling for Ethnicity and Previous Police Contact (*N* = 107)……...……116

20. Forward Stepwise Logistic Regression: Risk Measure Items Predicting Police Contact after Controlling for Ethnicity and Previous Police Contact (*N* = 107)……..…117

21. Forced Entry Logistic Regression Analysis. YLS/CMI, YPI, and ICU Total Scores Predicting Police Contact During a Six-Month Follow-Up Period (*N* = 107)……118

22. Forward Stepwise Logistic Regression: Risk Measure Items Predicting Court Contact after Controlling for Ethnicity and Previous Police Contact (*N* = 107)……..……120

23. Summary of Hierarchical Regression Analysis for Risk Assessment Measure Total Scores Predicting Self-Reported Offending Behaviour in the Total Sample (*N* = 107)…….……122

24. Summary of Forward Stepwise Multiple Regression Analysis for Risk Assessment Measure Total Scores and Individual Indices Predicting Self-Reported Offending Behaviour in the Total Sample (*N* = 107)…….……124

25. Categorised Levels of Service Intervention Received by Participants (*N* = 107) Level of Service Intervention and YLS/CMI Categories of Risk/ Need……..……125

26. Relationship between the YLS/CMI Risk Categories and Level of Service During Follow-Up…….....126

LIST OF FIGURES

FIGURE

1. The New Zealand Youth Justice System……52

2. Flow diagram illustrating the procedure for participant recruitment and measure administration for the Diversion sample and the Clinical sample……..…76

3. Distribution of Phase One YLS/CMI total scores for the Diversion sample (*N* = 70)……...…92

4. Distribution of Phase One YLS/CMI total scores for the Clinical sample (*N* = 70)……...……92

5. Distribution of Phase Two YLS/CMI Total Scores for the Clinical sample (*N* = 44)……...91

6. Distribution of YPI Total Scores for Diversion sample……..……92

7. Distribution of YPI Total Scores for the Clinical sample……....93

8. Distribution of ICU Total Scores for the Diversion sample……97

9. Distribution of ICU Total Scores for the Clinical sample……..……97

10. Distribution of Seriousness of Offending Scores (converted to Z-scores) for the total sample who completed Phase Two of the study (*N* = 107)…...……107

11. Receiver Operating Characteristic Curve of the YLS/CMI, the YPI, and the ICU as a function of sensitivity and specificity at identifying Police contact (*N* = 107)……113

12. Receiver Operating Characteristic Curve of the YLS/CMI, the YPI, and the ICU as a function of sensitivity and specificity at identifying Court contact (*N* = 107)……..……113

LIST OF APPENDICES

APPENDIX

A. INTENSIVE MONITORING GROUP CASE STUDY……...184

B. GEOGRAPHIC DISTRIBUTION OF PARTICIPANT REFERRALS……...….211

C. MEASURES USED IN THE STUDY…….…….213

D. DEVELOPMENT OF THE SELF-REPORTED OFFENDING SURVEY (SROS)…… 228

E. CONSENT FORMS AND INFORMATION SHEETS: DIVERSION SAMPLE……..……238

F. CONSENT FORMS AND INFORMATION SHEETS: CLINICAL SAMPLE…….253

G. ADDITIONAL RESULTS……266

PREFACE

If I said that my interest in the field of forensic mental health came from taking lectures and readings throughout undergraduate psychology training, it would be a lie. In truth, this interest arose during my own experience of adolescence. Now I'm not saying that I was some hard core rebellious teenager, in fact, if there was a group at the opposite end of this spectrum then I would have blended in with them quite well. However, at the time I could never understand why the "cool" guys were the ones who "tagged" in public places and bragged about drag racing up the Pakuranga Highway on the weekends. For me, it just never really "felt" right when I tried to "pull a burn out" on the streets of Howick, or when we pushed over fully laden porto-loos on construction sites across Botany Downs. It didn't really make me popular either, and it certainly wasn't worth the anxiety of my parents finding out through the Police. Regardless, this deep seated desire for excitement and social approval ensured I repeated similar reckless and immature acts numerous more times throughout my adolescence, and I guess I have always wondered why. Additionally, it was as a teenager that I watched a lot of TV, movies, and read mostly crime novels. It intrigued me that these sensationalised mediums would often depict criminals as cold, calculating, and cunning individuals who were pursued by equally cunning and determined police detectives, spies, scientists, criminal profilers, and/ or some combination of the above. So for me, not only were bad guys being portrayed as "cool" but those that understood the bad guys were even "cooler". Since I clearly wasn't cut out for the former, perhaps studying psychology was to be my way of releasing an inner James Bond or Alex Cross? Obviously this hasn't happened yet, but the decision did set me on a long and challenging path that I have not yet regretted.

After completing a Masters in Forensic Mental Health and learning about offenders from text books, my "real" training into the minds and behaviours of those who committed antisocial acts began by working at the Department of Child, Youth and Family Services (CYFS) as a Youth Justice Social Worker in Manurewa, South Auckland. I learnt a number of things from my time at CYFS that directly relate to this thesis topic. The first, and most difficult, was the need to dispel my personal judgements on who youth offenders were, and where they came from. I quickly learnt that not all youth offenders came from "bad" families, had "bad" attitudes, smoked cannabis, and hated school. These young people were all different, and as individuals, the paths that had led them to steal your car or rob your home were equally different. Very few were the sinister and violent individuals portrayed in popular media (although a small number most definitely fitted that bill). Many were likeable young men and women who were genuinely sorry for their mistakes, while some others had no remorse for their victims and did not particularly care for the work of those who were trying to help them. Many families were overly concerned and bent over backwards to help their son or daughter, while a small number stood back and were unwilling to become involved. Some identified heavily with their cultural and religious beliefs, while others were dismissive or vehemently against learning about their background. Some offended alone, while others offended in groups. Some were leaders, others were followers. Some were very capable students, while others had never completed intermediate school. Some were superb athletes and represented their codes domestically and internationally, while others were overweight, unhealthy, and had little interest undertaking any meaningful leisure activity whatsoever.

It was not until I worked as a CYFS Youth Justice Family Group Conference (FGC) Co-ordinator that I began to think more seriously about how these individual differences could best be used to predict and prevent recidivism. I felt that many of the youth justice FGC plans

I presented to the Youth Court differed very little and did not reflect the variability of either the young people, or the offences they committed. This personal reflection was exacerbated by two common frustrations that I shared with many of the youth justice social workers, youth advocates, and police youth aid officers who worked tirelessly with these young people. Firstly, my judgement alone was not a good predictor of recidivism. I was often surprised by some young people who failed their youth justice plans, as I was equally surprised by others who did not re-offend. Few resources were available to assist me in understanding which young people were more likely to re-offend, and why it was that this recidivism occurred. The second frustration was the lack of evidence-based intervention services available for these young people. Even when the needs were obvious, obtaining the scarce support from within the community was often difficult and expensive. In addition, many of these services did not provide adequate evidence of their effectiveness, which only served as a further grievance when the young people referred to them would reoffend.

I was involved with CYFS for three years prior to beginning my training as a clinical psychologist. During this time I had become aware that professionals who work with New Zealand's youth offenders would greatly benefit from not only more knowledge as to why our young people offend, but also how their individuality could be best assessed and managed. I also believed that the ability to predict youth at high risk of recidivism was of supreme importance given the lack of intervention services available. The young people most at risk of becoming adult offenders require the most urgent access to these limited resources in order to prevent further costs to themselves, their families, and their communities. Undertaking this doctoral thesis has afforded me the opportunity to combine my experience and interest in youth offending and shed light on some of my questions and concerns. As to whether this makes me "cooler" or not… well I guess I'll have to wait and see.