

NEW ZEALAND'S

MINDHUNTER

If you ever seen *Cracker*, you already know who Nigel Latta is. As one of the country's leading psychologists, he has delved into the minds of New Zealand's sickest and most notorious criminals. Now SIMON JONES turns the tables on Latta and asks: just what makes anyone want to sexually abuse a child?



MIND HUNTER: Nigel Latta

Nigel Latta pauses outside the anonymous looking building deep in the heart of South Auckland. He's an ardent people watcher, someone who reads and analyses casual glances and body language with all the skill of a master linguist interpreting a foreign language.

Within a matter of seconds he provides damning verdicts on the lives of lonely, shifting, strange figures based purely on the flinch of an eyelid.

He didn't used to be this good. A few years ago his success rate at spotting sex offenders was barely 40%.

Now it's up to 90%. One by one as they shuffle into the building, Nigel has already decided who are the rotten eggs even before he has met them.

You see people-watching has become more than a habit for Nigel, it's become his life's work.

He's a private clinical psychologist working mainly for the police and the courts. If you've ever seen Robbie Coltrane in *Cracker*, you already know who Nigel is.

He's also an author, using his years of experience with the sick and twisted to produce his own fictional novel based on a convicted killer on America's Death Row.

"The first night I ever went along to a sex offenders group I sat outside trying to spot who the sex offenders were



Just two of the dozens of missing children across the Tasman, believed abducted and murdered. In New Zealand, the cases of Kirsa Jensen and Teresa Cormack remain unsolved.



and who wasn't," he recalls. "I decided all the creepy, grubby looking people were sex offenders. I got a small percentage of them right, yet most of my predictions were wrong. Many of the creepy guys carried on walking!"

Ten years down the track he knows how to spot them now, and not many sport black, curly greasy hair and don grubby rain coats. "Some still fit the stereotype," he says. "But mostly I base my predictions on a combination of how they look physically, what their face is like, how they react when people come into the room. How they stare at people.

"They can be anybody and everybody. They can be the socially awkward, loner, loser types. Or they can be the highly successful lawyer."

He doesn't just deal with sex offenders of course. The 35-year-old father of a newly born baby counsels and offers therapy to anyone from credit card fraudsters to murderers. More importantly, he also helps their victims too.

In doing so, Nigel prepares pre-sentence reports, works to prevent re-offending and to shine light on the black hole of human psychology: what makes an apparently sane individual want to rape an eight-year-old girl?

"Why do they do it?" he muses, sitting back to sip an overflowing bowl of Latte coffee and a trendy Mt Eden cafe. "On one level it is simple," he says. "They want the sex and they think they can get away with it.

"Going back from that, you can spend a long time answering the 'why' question. Sometimes it's bitterness at the world, sometimes it's revenge. Whenever I get a Catholic Priest who has sexually offended, you can bet your bottom dollar that they are gay and they have never faced up to their sexuality. So as soon as you see the offender you can make a whole lot of deductions about their personality and what led to them offending."

Part of Nigel's job is to get inside the mind of an offender, almost to become the offender himself. By doing

so he can understand their thought process and what may help them stop re-offending in the future. Inevitably that means Nigel has got to hold out the hand of friendship, a task which often isn't as difficult as it seems.

"It's difficult work to do, you have to always keep in the front of the mind what this guy did," he notes. "Because some of these people are immensely likable, they can be charming and convincing and you want to like them. So you've got to keep in your head all the time this is the guy who pinned down an eight-year-old girl and raped her.

"You've also got to find a way to build up a rapport so that you can work with them in a way which isn't faking it. At the end of the day all you've got is your relationship with this person. So often you've got to sit with someone who has done the most appalling things and find some way to get along with them. Sometimes it's easy and sometimes it's difficult."

He says that around half of all sexual offenders will start their criminal careers on the bottom rung as adolescents stealing underwear from clothes lines.

"With serial rapists a number of studies have shown that they will have their first burglary offence when they are 15," he notes. "And their first rape at 25. Often they will have a pattern of offending that goes back. With sexual offenders, it's not always typical sexual offences. But they will have some kind of property-related crimes and other types of nuisance offences."

Typically many were once victims themselves, and it's undoubtedly the biggest tragedy that Nigel will see the same kids from CYPs ten years down the line in Mt Eden prison, almost like an never ending conveyor belt of offending which isn't stopped, mainly because of the lack of resources and mostly because no-one really cares - least of all the 'carers'.

"There are youngsters we know will go on to offend as adults," he says. "Yet fixing them up isn't that hard - take any screwed up, mixed up, abused neglected kid, put them

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I don't believe movies make people want to kill. I've never met a person who a week ago, was a normal, happily married, warm, caring father. Then suddenly as soon as he read a book or watched a movie he became a **socio-pathic, bank robbing, drug-taking maniac**

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into a caring, stable environment and all of a sudden you find this screwed up kid starts to behave like a normal person again.

“At the moment the kids that are the most neglected get the worst possible care,” adds Nigel “It's a budget issue because there isn't the money there to provide good care. If you pay care givers \$10 an hour, you only get a small percentage of care givers who are there for the right reason and can do a good job. Then you get others who are there for the wrong reasons, who are unskilled and shouldn't be doing it.”

Of course, not everyone from a troubled background will automatically end up in jail. Research shows that out of 20 males who have been sexually abused, only three or four will go on to offend themselves. “I've met adults who have had the most appalling lives,” he says. “Yet instead of using that as an excuse to do bad things to other people, they use it as a reason to become better people themselves. Problems of background are excuses which are mostly bullshit and I am not really interested in.”

These days Latta is a freelance psychologist, having found that working for a large firm brings its own problems. The problem with psychologists is that they all love talking, so making the sim-

plest of decisions takes an inordinate amount of time. “Now my only staff meeting is with my dog, Ringo,” smiles Nigel. “And the only discussion point is whether we go for a walk - and he always wins.”

As part of his Ph.D, Latta worked with the criminal profiling unit in South Auckland which was involved in the hunt for serial rapists Joseph Thompson and Malcolm Rewa. Their work was principally to build up a detailed psychological analysis of an offender - what makes an offender, where are they likely to live, what will they look like - and more importantly, when will they strike next.

During the Rewa case they gradually whittled down a comprehensive database of 146,000 potential suspects to just 5000 - based on past offences, the type of offences committed, traits and geographical location.

And the irony was when Rewa was arrested in 1997 (and subsequently convicted for raping 18 women), his profile was sitting in the next 100 potential suspects to be looked at.

“They are the most incredible bunch of people,” says Latta. “You hear a they lot about what the police aren't doing and their mistakes. These guys are experienced, they know all the international research on sexual offenders.”

Now Latta is involved in pioneering work of his own on victims, rather than

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INVESTIGATE

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Stephen King said that the people who do that kind of thing are always going to do it, **“but maybe they read my book and decided to kill that person in a particular way, if they hadn’t they would have killed them in a less creative way.”**

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offenders, called EMDR. EMDR (eye movement desensitisation re-processing) was discovered in the late 80s as new way of helping the brain deal with the enormity of their situation.

It works by training their eyes on an object, forcing them to focus in different ways and in doing so stimulating the brain to process information in a different way. “The argument used to be ‘does it work?’,” says Nigel. “Now the argument is more *how* does it work. Me? I don’t care as long as it works. I had a guy, he was a Kurd and been in an Iraqi prison after the Gulf War - and we did 20 minutes of EDMR and we fixed up his problems.

“Before when the person remembered past events, it used to have a huge emotional trauma. Now because his brain processes information in a different way, it doesn’t have any impact at all and he can feel positive about himself.

“It’s almost like they try to think in the same way as before but they can’t. The horrors of their memory just won’t bite any more. You almost see them poke themselves in the head to force it to bite, but it won’t. It takes them a while to get used to.”

Surprisingly, Nigel doesn’t find it difficult to switch off from his work. Once the clock strikes five he’s happy to trade his life as a psychologist for the sick and twisted to a normal, family man. Equally surprising is his method for switching off - watching action movies, the more violent the better.

“As a student I used to watch a lot of arty-style films, now I refuse to go to those. I watch a lot of action films, violent movies. I like to look at a movie poster and know there are good guys and bad guys and that the good guys are going to win.

“I don’t believe movies make people want to kill. I’ve

never met a person who, a week ago, was a normal, happily married, warm, caring father. Then suddenly as soon as he read a book or watched a movie he became a socio-pathic, bank robbing, drug-taking maniac.

“I remember Stephen King once got asked about *Carrie*, which featured a woman who got pinned to a wall with knives. A similar murder occurred in America and he got asked whether the book caused that to happen. He said that the people who do that kind of thing are always going to do it, but maybe they read my book and decided to kill that person in a particular way, if they hadn’t they would have killed them in a less creative way.”

Nigel’s own creation, *Execution Lullaby*, which has just been released by HarperCollins, is a fictional myriad of previous cases and experiences, centering on a convicted serial rapist who has just been given his execution date. Before he dies, he wants to tell the world what really happened in a tortured tale of bizarre sexuality told from an unusual viewpoint.

It’s compulsive, if not disturbing reading, and Nigel is hoping that his first book will provide the springboard to an alternative career...writing.

Born in Oamaru, a place not too dissimilar to the fictional US town of Bedford where the book is set, Nigel already has plans to work on a second book, hoping to buck the trend of Kiwi writers struggling to make it big on the international stage.

Yet he doesn’t think being a Kiwi is a hindrance, in fact he believes it is an advantage. “I set the book in the US to try and create interest overseas,” he said. “I used to think it was a disadvantage living here, yet since the HarperCollins people picked it up, they have whacked it off to agents in US and Australia. So it can be a backdoor to places I wouldn’t normally have a chance of getting into. Trying to get an agent in New York on your own is near impossible.

“I’ve always wanted to be a writer and I haven’t really got a choice about that,” he adds. “It’s almost if a psychologist is what I do, yet a writer is what I am.

“If I sold the film rights to this book I would give up psychology tomorrow,” he laughs.

The book poses a deep psychological question which many of us would find hard to answer. What would you do if you found a blood stained object in the boot of a loved-one’s car which belonged to a murder victim? Would you shop them in?

It’s a six million dollar question which opens a veritable hornet’s nest of human emotions and instincts, revealing what we are all capable of doing in extreme circumstances where love and sex blur a normal, rational mind.

Nigel is pretty sure that given the same set of extreme circumstances in which the fictional character in his book finds himself on Death Row, many of us would be capable of doing the same thing.

It’s a worrying concept, a fleeting and uneasy look behind the net curtains of human psychology. Net curtains most of us like to keep closed.



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FOR CRIMES AGAINST HUMANITY

Seven Kiwi detectives are hot on the trail of Europe's most notorious war criminals. **SIMON JONES** talks to them direct from the International War Crimes Tribunal in The Hague, Netherlands:

As three judges sit on a bench looking compassionately at a witness; everything is a haven of political correctness and human civility. The stenographer is dressed in jeans and a white shirt. "How is your hotel," remarks the judge to the witness. "I hope everything is to your liking." Only when you glance further around the court do you realise the magnitude of the proceedings. The blue benches are lined by rows and rows of interpreters and officials. Witnesses sit in secret behind large venetian blinds.

But ultimately, what really gives the specialist nature of this proceedings away is the type of language employed. "When the bodies were laid out, dead, on the football pitch, did there seem many more of them than when you had seen them alive and crowded in the gym?" asks a lawyer.

Welcome to the Hague, and the International War Crimes Tribunal. During one special hearing the only survivor of 7,000 men and boys massacred is asked by the judge whether he wants to say anything.

Incredibly, he seeks forgiveness of those who perpetrated the crime, believing they were misled by anonymous men regaled in superior army uniforms, wearing only the finest medals.

Sitting at the back of the court, listening intently to the jargon, and fine tuning his ear piece to ensure the muffled sounds of French, Spanish, Italian and German make way for English, is a Kiwi detective.

In fact, it is a little known fact over here that seven of New Zealand's finest are leading the hunt for some of our generation's most notorious war criminals, people who ordered killings of hundreds of thousands of innocent civilians. Top of the list is former Serbian leader, Slobodan Milosevic.

It's a far cry from South Auckland where all of them, at one stage of another, plied their trade. And the types of crimes they investigated there - as horrific and graphic as they seemed to us at time - pale into insignificance compared to the crimes of genocide, mass murder and torture they are investigating now.

Between them, Brett Simpson, Peter Mitford-Burgess, Steve Upton, Paul Basham, Pete Hackshaw, Ross Ardern and Pete Steward have spent up to six years in the Hague, helping to plough through some 2.5 million documents containing details of some of the most horrific war crimes witnessed since World War II.

They are part of an institution with a budget of almost \$100 million, with 832 staff working as judges, lawyers, intelligence analysts, field investigators, forensic experts and translators.

"Why are we over here?" answers Hackshaw, who has spent 14 years in the New Zealand force as a Detective Sergeant. "It provided new investigative opportunities for us. It is one thing to investigate domestic crimes, but this is on a far grander scale. We are investigating wars or any number of conflicts. The opportunity to work on



DESTRUCTION: Nato bombs hit Milosovic's party HQ

something that can never be surpassed on the scale of magnitude is probably the biggest challenge we will ever have."

Indeed, they are not just investigating one conflict or one war, but five to be exact, all played out on Europe's battlegrounds between 1991 and 1995.

Conflicts that started in the former Yugoslavia in 1991 when the Yugoslavian national army fought against the Croats. From there the Bosnian conflict erupted between 1992 and 1995, and out of that came a new conflict in 1994 between the Bosnian government and the Bosnian Muslims. Next in this long line of bloody war, is the major conflict in Kosovo which erupted in 1995, which in itself, led to countless new battles.

Each involving blinkered, history-driven, views of ethnic supremacy. Notions which perhaps are too alien for many of us to understand 12,000 miles away in New Zealand.

"I'm looking at the Bosnian Muslims vs the Serbs between 1992 and 1995," says Brett Simpson, who has spent 21 years in the force as a Detective Senior Sergeant, predominantly based out of Otahuhu.

"During that time we had several notorious instances where a large number of people were killed. We had the establishment of concentration camps and it is very well known the crimes that were committed within those camps," he says.

"Essentially what we try and do is link those incidents that are so notorious they demand an investigation. Having said that, there are an awful lot of incidents we don't investigate because there are too many of them. You have to be reasonably selective, but at the end of the day we have got to prove the crime against the people who actually pulled the trigger, and more importantly, link those crimes through to the leadership. They are the people we are looking for."

In total there are around 130 police officers from 28



THE AVENGERS: Kiwi detectives Peter Hackshaw, Peter Steward, Ross Ardern, Peter Mitford-Burgess, Stephen Upton, Paul Basham and Brett Simpson. LOWER RIGHT: War usually ends in death. PHOTO: Alma Hromic

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Paul Basham is working on an investigation involving a Bosnian fire fighter who, within a space of two weeks, went from being a petty criminal to a **mass murderer**.

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different countries scrutinising the events of recent history, all mostly taking unpaid leave from their job. Steve Upton is an investigative commander, responsible for a team of detectives, and he answers to the chief of investigations, who in turn answers to the deputy prosecutor. Leading the 130-member group is Chief Prosecutor, Carla Del Ponte, a woman who is supposedly independent of political pressure and answers directly to the United Nations.

“We are interested in both the people who pulled the trigger and the people who ordered it,” adds Simpson.

“But we don’t investigate every single incident, because it is simply not possible.”

Not all are high profile military leaders. For example Paul Basham, who has spent 15 years in the force as a detective sergeant, is working on an investigation involving a Bosnian fire fighter who, within a space of two weeks, went from being a petty criminal to a mass murderer.

He pleaded guilty to 95% of the charges laid against him, except the most important one and one on which he was subsequently acquitted: genocide. Now the war crime investigators are appealing the decision. “It is an example of a low-level notorious perpetrator that came out of no-where and was part of the machine during the war,” says Basham.

To give you some idea of the workings of the tribunal and the length of time a prosecution takes, in its first year 46 people were accused of ‘serious violations of international humanitarian law’ by the tribunal. They were related to events which occurred in both Croatia and Bosnia and to atrocities committed against Bosnian Muslims, Bosnian Croats and Croatians.

They include the establishment of “death camps”, the campaigns of terror following the takeover by Serb military forces in towns like Prijedor, Bosanski Samc, Brcko, and the firing of rockets into cities like Zagreb. The investigations are looking at the deportation of civilians, the shelling of civilians, the plunder and destruction of prop-

erty, the destruction of sacred sites, the sniping campaign in Sarajevo and the targeting of UN peace keepers.

Flicking through the list of those indicted is chilling and harrowing reading. Pluck out any name at random from the list of mostly meaningless, anonymous, commanders and you get a graphic and disturbing account of the crimes they are accused of. Take for, example, Goran Jelasic, one of the commanders responsible for running the Luka camp, a detention centre in Brcko where hundreds of men, and a few women, were held after Serbs took control of the town in 1992. They deliberately killed numerous Muslim detainees as part of a campaign of ethnic cleansing. According to the indictment Jelasic referred to himself as "Serb Adolf". He is accused of 16 murders, four beatings and four cases of plunder of property. He is charged with genocide, crimes against humanity, violations of the laws or customs of war and graves breaches of the Geneva Conventions.

He is just one of many accused of similar atrocities. The wheels of justice in The Hague are notoriously slow. Not only does it take years to bring those accused to this wholly independent part of Europe, but when their case eventually reaches court it can take up to three years to serve judgement.

In March, in a case involving the Kiwi investigators, Bosnian Croat General Tihomir Blaskic was sentenced to 45 years in prison for orchestrating the bloody ethnic cleansing against Muslims during the 1992-1995 Bosnian War. Blaskic, the most senior figure yet to be prosecuted, will see out the rest of his existence in a small prison built especially for war criminals. The verdict ended a 25-month trial in which 158 witnesses were produced with more than 3,000 pages of evidence.

At a cost to the United Nations of \$360 a day, each prisoner gets art classes twice a week, video, a coffee machine, satellite TV and conjugal visits. It's a stark contrast to the hardship now faced by their countrymen.

"It is difficult pinning down the military leaders because you've got to prove they had the command and control of people who carried out the crime," says Upton.

Indeed, the biggest fish of all has yet to be fried - Commander in Chief, Slobodan Milosevic. If he is arrested he will be the first democratically elected leader to face the justice of an international court, theoretically laying the framework of a system that could try Russia's president elect for Chechnya and could have tried Nixon for Chile or Cambodia. Upton, the most senior of the Kiwi investigators, is quick to point out that the tribunal only has terms of reference to look at events between 1991 and 1995. The Americans, ironically, are the most fervent opponent of a permanent international court.

But could British or American commanders and politicians be indicted over Serbian bombing campaigns which killed countless of innocent civilians? It's a thorny question, and one which you sense, the Kiwi investigators are reluctant to answer. "The answer is yes, they could under the current terms of reference, theoretically be indicted if

you could prove they were actively engaged in armed conflict with a State. You've got to look at the interpretations and definitions of the statutes," remarks Upton.

When analysing what is a war crime, the Article two of the International Tribunal states that it has the power to prosecute individuals who committed or ordered to be committed grave breaches of the Geneva Conventions, namely:

- (A) wilful killing;
- (B) torture or inhuman treatment, including biological experiments;
- (C) wilfully causing great suffering or serious injury to body or health;
- (D) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (E) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;
- (F) wilfully depriving a prisoner of war or a civilian of the rights of a fair and regular trial;
- (G) unlawful deportation or transfer or unlawful confinement of a civilian;
- (H) taking civilians as hostages.

The statute goes on to outline other terms which could lead to possible prosecution, including the violations of the laws of customs of war (ie poisonous weapons, attack or bombardment of undefended towns); genocide (killing members of a group), crimes against humanity (rape, torture or murder).

Upton was the first Kiwi investigator to arrive in the



Hague in 1994. In those days it was an organisation trying to walk before it could crawl. "We had the problems of setting up house, through to working out how to investigate war crimes," says Upton. "We had to blend together various different legal systems into one."

"Now the place is like an island. We have our own statute, our own courts, even our own prison. Yet outside these walls we have nothing, we have no authority. It is a very unique situation from a prosecution point of view."

Simpson says the most frustrating part of working in the Hague is the sheer length of time to get anything done. "Everything we do generally has to go through governments. It is not like being in Otahuhu and being able to drive down the road and knock on a door!"

Most of their day is spent sifting through hundreds of thousands of documents, much of which is written in an alien language. That means more time has to be spent getting them translated.

No doubt the fact they worked in South Auckland, the country's crime hub, was seen as a key advantage when they were selected after a long and arduous interviewing process. The Kiwis quickly earned a reputation for getting things done and nearly all have been promoted during their time at The Hague.

"The investigators come from a wide variety of backgrounds with a wide variety of experience," said Mitford-Burgess, who has 30 years experience with the force as a Detective Senior Sergeant. "Everyone has well-rounded investigative abilities, but some don't have the all-round flexibility we have, so we tend to get on with the job because our skills are rather more varied."

Living in The Hague has also proved to be a challenge with the climate, landscape and culture poles apart from what they are used to.

"From my point of view being away from home for so many years makes me appreciate just how lucky I was being born in New Zealand," says Simpson. "We have a quality of life back home second to none. The quality of life at home is far, far superior to here." Those harsh reali-



A mass grave at Mezar



A Serb policeman opens fire, a Bosnian dies

ties from living away from home are softened by the fact all were allowed to bring their families. Most have preschool children who have learnt to grow up as Europeans, even perhaps showing signs of enjoying soccer more than rugby, and wearing the fluorescent orange colours of Holland rather than black. "Don't get me on to that subject," laughs Simpson.

The realities of life are also cushioned by the fact that all are paid in US dollars and receive an undisclosed salary that makes many police wages in New Zealand look like an expense account. Yet, as Burgess, is quick to point out, living costs in The Hague are 30-40 per cent higher than New Zealand.

And, believe it or not, the same debate goes on in The Hague about the lack of resources as South Auckland. "We hear that Hawkins (Police Minister George Hawkins) wants to take away cellphones and they are turning up at training college in civvies!" laughs Simpson. "But seriously, we talk about resources up here a lot as well. It might surprise people what our resources are compared to the massive job we have got to do, so it is all relative. No matter what job you are in you never feel you have sufficient resources to do a job but you still do it. That's why perhaps Kiwis do so well. We do tend to get on with it and people can see that."

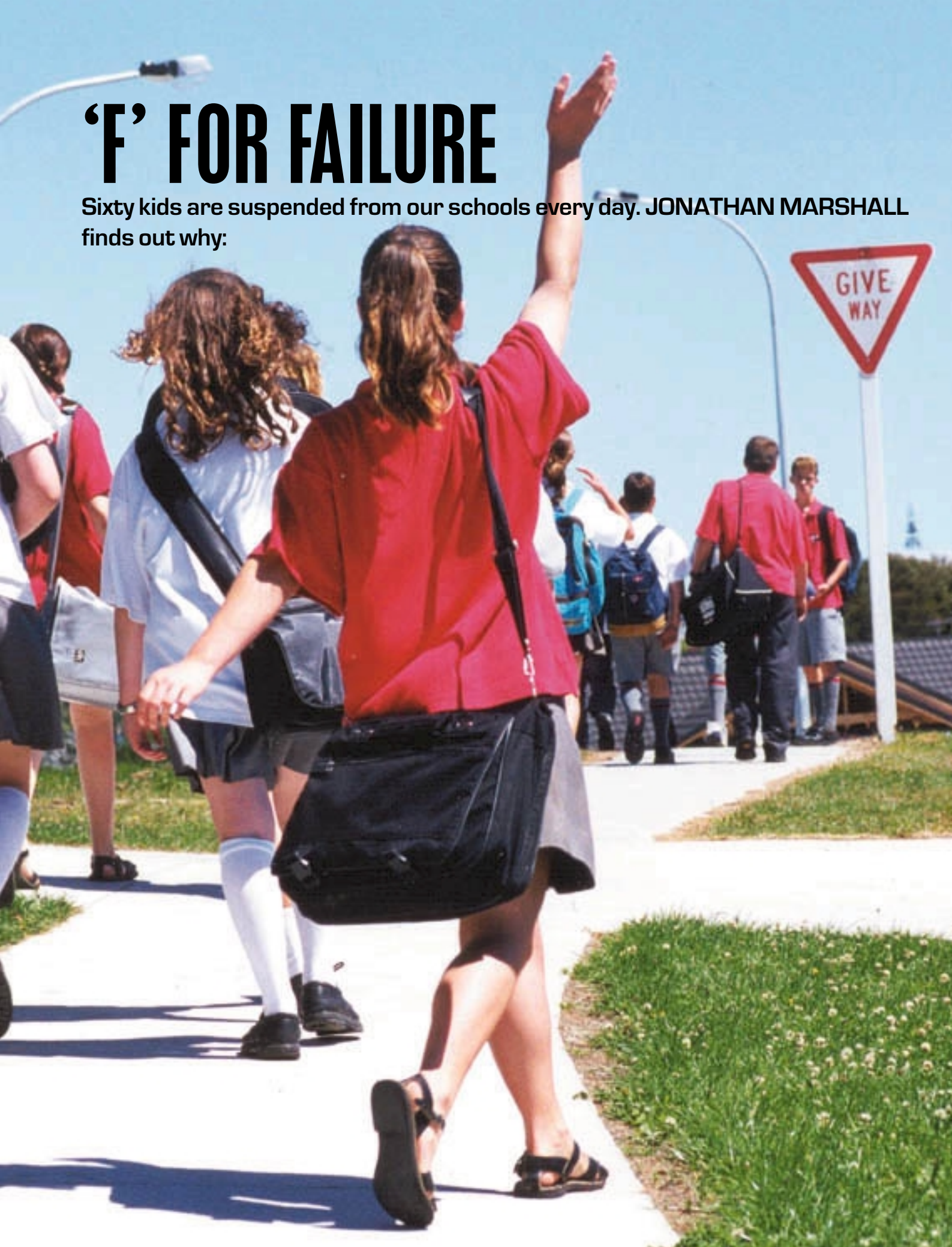
All agree that with varying lengths of time served in the New Zealand police, and particularly with the challenges of South Auckland, it was time for a change. Yet all, with the exception of Upton who has retired, are sure they will return to the New Zealand police once their five-year unpaid tenure is over.

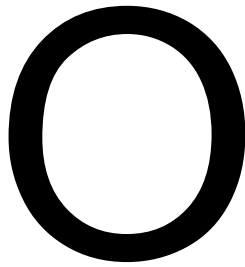
No doubt the police service in this country will be all the better upon their return. Instead of leaving a skills gap back home, Simpson and co prefer to talk about the benefits of their time in The Hague, including the experience and broader perspective their time has given them, "But you won't find one Kiwi here who intends to stay forever," he says. "We will always return home."



'F' FOR FAILURE

Sixty kids are suspended from our schools every day. JONATHAN MARSHALL finds out why:





ur schools are failing the next generation. In 1998, on average 61 per day students were suspended for a range of offences from wearing unorthodox hairstyles to getting stoned in the school bush. Why? Because the management structures within New Zealand

schools are failing to cope with the behaviour of our youngsters.

In July 1999 the government made some adjustments to the education law surrounding formal school discipline but according to the Youth Law office these new laws are still not holding schools accountable who are unfairly suspending their students.

The new laws mean that school principals can stand-down a student for a period of no more than five school days a term and no more than ten school days a year. A principal can do this when a student has displayed gross misconduct or been continually disobedient which is a harmful example to other students.

having said in February 1998 that New Zealand has a social crisis on its hands with youth suicide and high rates of school suspensions. Shipley notes: "Adults must take responsibility and says the government will do its part". Did National ever do its part to improve this social problem? No, and Labour haven't done any better. The rate of suspensions have increased over time and the trend being illustrated is that drugs are to blame in spite of countless expensive drug-education programs that some schools have attempted to trial. These programs are not working and either is the education system which parents of New Zealand have been naive enough to rely on.

Suspension figures may seem down but this is just a "blur, an attempt to make the situation look better than it really is" according to Long Bay College's principal. Before the new laws were enforced in July 1999 there were 11,929 (1998) cases dragged through a formal process of suspension. Now, the new law is in place and with the 'stand-down' component available to schools there have been 20,879 formal cases. There has been a 57% increase. All praise to the system - you have turned these



One of the major problems with the new system is that school boards are "uneducated on the system" and "have too much **discretion and power**" according to one Wellington lawyer who says they are "stuffing up badly" and suspending or **excluding** students **unfairly**.



The modifications to the Education Act were made to reduce the number of students being suspended and to keep students at school longer. Although the graph above would make it perfectly clear to even a mathematics under-achiever that the number of students being suspended has decreased since 1997, although now there is a new way of disciplining students called a 'stand-down'.

They can now, using their own personal discretion, deprive a student of their education for a specified period. The law does not tell them [school principals] exactly what behaviour constitutes a stand-down and they can therefore be prejudice, racist, biased and sexist in standing down students- and according to students who have spoken to *Investigate* schools are taking full advantage of this loop-hole in our legislation.

The other change in the law was that students who seriously offended would be suspended and put before the board where they could, if over the age of sixteen, expel the student or, if under sixteen, exclude the student and *try* and find them another school attend. A spokesman for Youth Law John Hancock says schools "have been pretty good in finding students new schools to attend".

National leader Jenny Shipley is on public record for

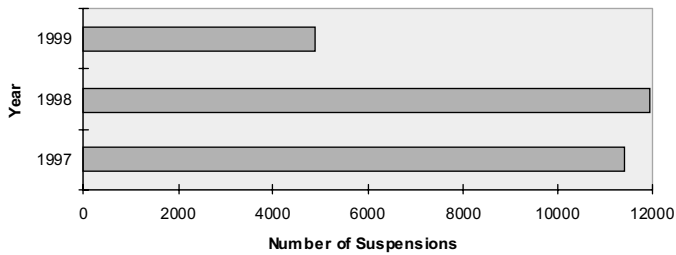
cases into something that is as popular as an outbreak of herpes in a Russian brothel.

"No system will be perfect" says Auckland Girls Grammar principal Liz Thompson and indeed the more stories *Investigate* is exposed to the more this phrase becomes a discouraging reality. One of the major problems with the new system is that school boards are "uneducated on the system" and "have too much discretion and power" according to one Wellington lawyer who says they are "stuffing up badly" and suspending or excluding students unfairly.

The only ways families can seek justice when their children have been dealt with unfairly is to either contact their local Ministry of Education office which usually adopts an attitude of indifference, according to youth-lawyer David Flemming. The Ombudsman is another avenue which is a "very slow process" responded Flemming who said that then leaves the High Court as your only option.

In 1990 the Palmerston North Boys High School board was taken to court as was Auckland Grammar School, both for issues surrounding school suspensions. According to educational solicitor, John Hancock, this process costs thousands of dollars and unfortunately this type of

Suspensions in New Zealand Schools



money is not available to all families, especially those in low socio-economic areas.

In July 1999 the Education Review Office reviewed Howick College and found that “At present the suspension process does not comply with the requirements of the Education Act 1989. The Act requires that all suspensions be made by the legally designated principal. Trustees should ensure that this requirement is met and that suspended students receive reasonable and practicable guidance and counselling in all the circumstances of the suspension”. Schools are required to offer counselling and guidance for all students who have been stood-down or suspended. It is evident this too is not being

ment of suspension, exclusion or stand-down automatically follows the commission of an offence. This includes “zero tolerance” and “three strikes and you are out” approaches to discipline; excluding for an offence that clearly does not reach the standard of gross misconduct in the eyes of any reasonable person; Asking or advising parents to remove their child from school without referring to or using the procedures that the law provides for that very purpose. *Investigate* was contacted by a 16-year-old youth who lives with his solo mother in the Auckland suburb of Browns Bay, Adam Campbell. Campbell attended one of Auckland’s largest secondary schools, Rangitoto College, located in an area described by the Ministry of Education as “extremely affluent” until three weeks before School Certificate when he claims he was “asked to leave” by the school. Adam has dreadlocks down to his neck, a pierced tongue and a part-time job at Burger King. According to Campbell Rangitoto College deemed his lunch-time behaviour of fruit throwing, muttering obscene language to staff members and talking too much in class as so reprehensible that if he didn’t pack up and leave the school on his own accord then he would be put before the school board and face suspension.

A principal of another school which has close ties with Rangitoto College told *Investigate* that this is a classic example of a “Kiwi Suspension” - A suspension where a principal tells a student that if he/she doesn’t leave school



adhered to by schools.

The free law advocacy service, Youth Law based in Auckland released a report stating some of the more common mistakes that principals and Boards of Trustees make when suspending students: Not allowing students to present their version of what happened at the time of the incident and at hearings and interviews that follow; having an inflexible discipline policy where the punish-

ment voluntarily or leave school for a specified period then he/she will be stood-down or face suspension. Peter Field of the Auckland Secondary School’s Centre says there has been no change in the number of kiwi suspensions occurring in New Zealand schools since the July 99 laws were enforced compared with the years prior to the laws. Another problem which exists with the new system is that young people aren’t clearly informed about their situ-

ation by their respective schools, whose responsibility it is. "Marcia", for example from Long Bay College genuinely believed she had been "suspended" and consequently left to find a job during her important fifth form school-certificate year as a hairdresser.

But Long Bay College told *Investigate* within the parameters of the Privacy Act 1993 that in fact the student hadn't been suspended. This constant lack of communication is causing serious misunderstandings throughout the country at the exorbitant expense of our children's futures.

Taupo Intermediate was praised in its 1999 ERO report which stated that "Since management has introduced a consistent schoolwide behaviour management plan, there has been a dramatic reduction in suspensions. The focus on decisive discipline with dignity places responsibility for positive behaviours firmly on the students". The disappointing factor is that not all schools are acting in this manner and it would seem it was definitely not the primary aim of many school management systems to bring the suspension rate down.

So what alternatives do principals and school boards have from suspending, standing-down or excluding/ex-pelling students?

The government currently funds several activity centres throughout the country, although a rapid decline of such facilities is apparent. These centres are classified as alternative education providers and have students considered as "at risk" referred to them by subscribing schools. The Auckland Secondary School's Centre (ASSC) located in the exclusive up-market suburban area of Herne Bay is run by director Peter Field who has been a teacher for 30 years and involved in centres such as the ASSC for some 22 years. Robert McArthur is the on-site tutor and has worked at the ASSC for six years. Director, Peter Field says the main aim of his centre is "to keep students in the education system and off the streets".

He believes that the current New Zealand curriculum "doesn't meet the needs of all its students" and especially adolescents who suffer Attention-Deficit-Disorder (ADD) because "they are not catered for as the system is not geared up to deal with them".

He believes it is the role of society to change this, not schools because "schools don't push society - they reflect society". The ASSC has a roll of 12-13 students at any one time and pushes through 50-60 students every year.

The cost of having a student at the centre costs the taxpayer more than three times as much as it does to have them at a state school which is about \$8,000.00 a year. Peter Field says that a few years ago the system was able to cater for "problem students" but due to economic-factors this is not now possible with limited economic resources available at the government's disposable.

Peter Field also recognises that "just about all of the students that attend the centre have had some problems at home in their pasts". This presents the predictable, long-running argument that problems at school stem from

UK Experience

Surprise, surprise. The number of suspensions and expulsions are up in New Zealand schools. The same sudden leap in statistical graphs happened in Britain five years ago. Strangely, it just happened to coincide with the introduction of performance driven league tables which placed schools in order of their academic merit.

The greater number of students passing their exams, the more points the school accrued and hence the higher placing they enjoyed in the educational rat race.

The theory sounded good to the then Conservative government. Parents would be able to flick through the tables to find the best and worst schools.

The problem is many schools, given the chance, decided to kick out their worst performing students when any slight behavioural problems occurred.

Those who didn't fit the mould were either found new places at the worst performing schools, thus compounding their problems, or were simply taught at home. In the worst cases some children took more than a year before finding a school willing to take them on.

Before this system was introduced, schools were less reliant on academic success and actually spent money and time helping less academically gifted children. Now, by adopting the same approach, they are effectively penalised by an educational funding system which matches academic success with money.

Surely this can't be happening in New Zealand schools, is it?
- Simon Jones

the family, this long running debate continues to be discussed on talkback radio throughout the country.

In a recent Ministry of Education report titled 'What's Happening' prepared for the use by school management systems it was illustrated that there have been several suspensions of school aged children aged between five and seven. Peter Field agrees that such students would have absolutely no idea about what a suspension entails from a formal administrative aspect, but says that "principals are suspending the students to protect other kids", are we protecting our kids education? Other findings of the report include:

86% of suspension cases involved secondary-aged students, 15% of suspension cases involved primary-aged students, 31% of all suspensions were for drugs, 74% of stand-downs were given to male students.

Although Maori students represented only 20% of the school population 40% of stood-down students were Maori

Of the students suspended 10% left school and 7% were awaiting enrolment at the time of the report, the ministry were unsure about the outcome of 38 students.



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