

# Escape from 'Alcatraz'

What really happened to boys sent to a boot camp on a remote island?

BY MATT NIPPERT/PHOTOGRAPHY BY DAVID WHITE



Great Barrier Island, 100km northeast of downtown Auckland and nearly two-thirds nature reserve, is rightly regarded by locals as a slice of paradise.

Near the tiny settlement of Whangaparapara on the west coast is a small islet guarding the entrance to Mangati Bay. This 7ha scrub-covered rocky outcrop rising 80m from the sea is known officially as Whangara, or Cliff Island. But for more than two decades, hundreds of youngsters knew it simply as "Alcatraz".

This informal prison island was part

of the youth justice programme run by Child, Youth and Family (CYF) through the Mangati Bay-based Whakapakari Youth Trust. It took some of the nation's most out-of-control young people on three-month "wilderness camps" to wean them off drugs and learn subsistence survival skills and Maoritanga.

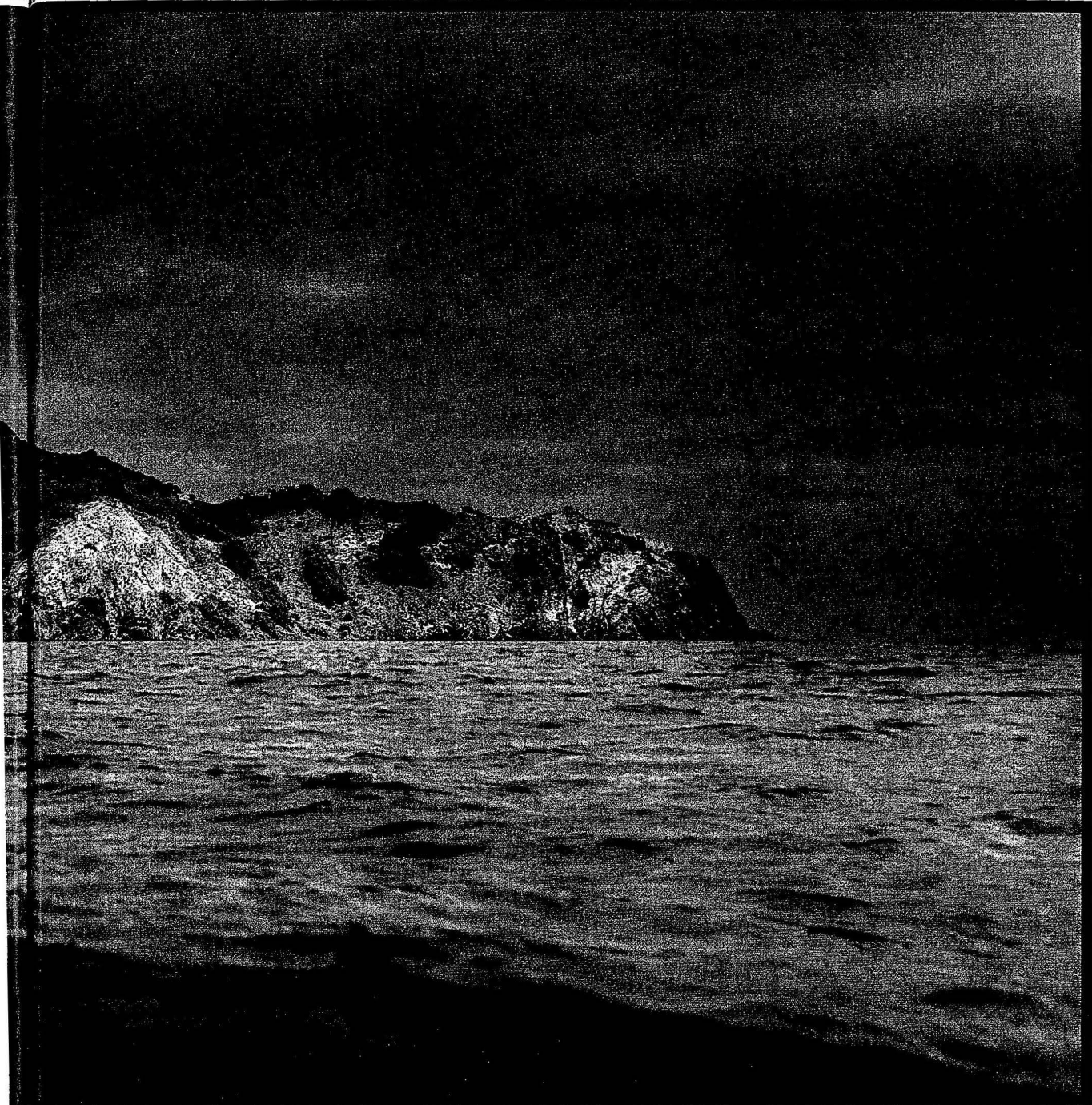
Alcatraz was where misbehaving boys, some as young as 13, were banished for breaking camp rules. Some report they were abandoned overnight without food, water, supervision or bedding, sleeping rough in the mud beneath manuka.

CYF knew about Alcatraz for more than

a decade, yet repeated directives not to use it were not enforced.

Today Alcatraz is uninhabited. The steep trail from the stony beach to the top of the jutting rock is overgrown and a makeshift campsite is slowly rotting. On March 15, 2004, the last 18 youths on the Whakapakari programme were evacuated. The camp was closed, and an internal CYF email from around this time notes there was "strong evidence to suggest that there was a pervasive environment of institutionalised violence throughout the programme".

No one knows how many young people



completed the programme during its 27-year existence, but nearly 400 residents were placed there, and \$2.6 million was paid for their care, between 1998 and 2004.

The chain of events that led to the closure began early in 2004 after a complaint from a young man who was supposed to go to the camp. He had heard that residents were routinely "given the bash" by adult staff and other youths on the programme. CYF began a formal investigation.

According to a police summary, on October 8, 2003, camp supervisor James Harold Cook took exception to a group

of youths discussing plans to escape from the Whakapakari Trust camp. Cook, then 41, picked up a stick and smacked a 15-year-old boy on the head, causing a cut that required three stitches. After a year-long investigation, Cook pleaded guilty to a charge of common assault. He was discharged without conviction.

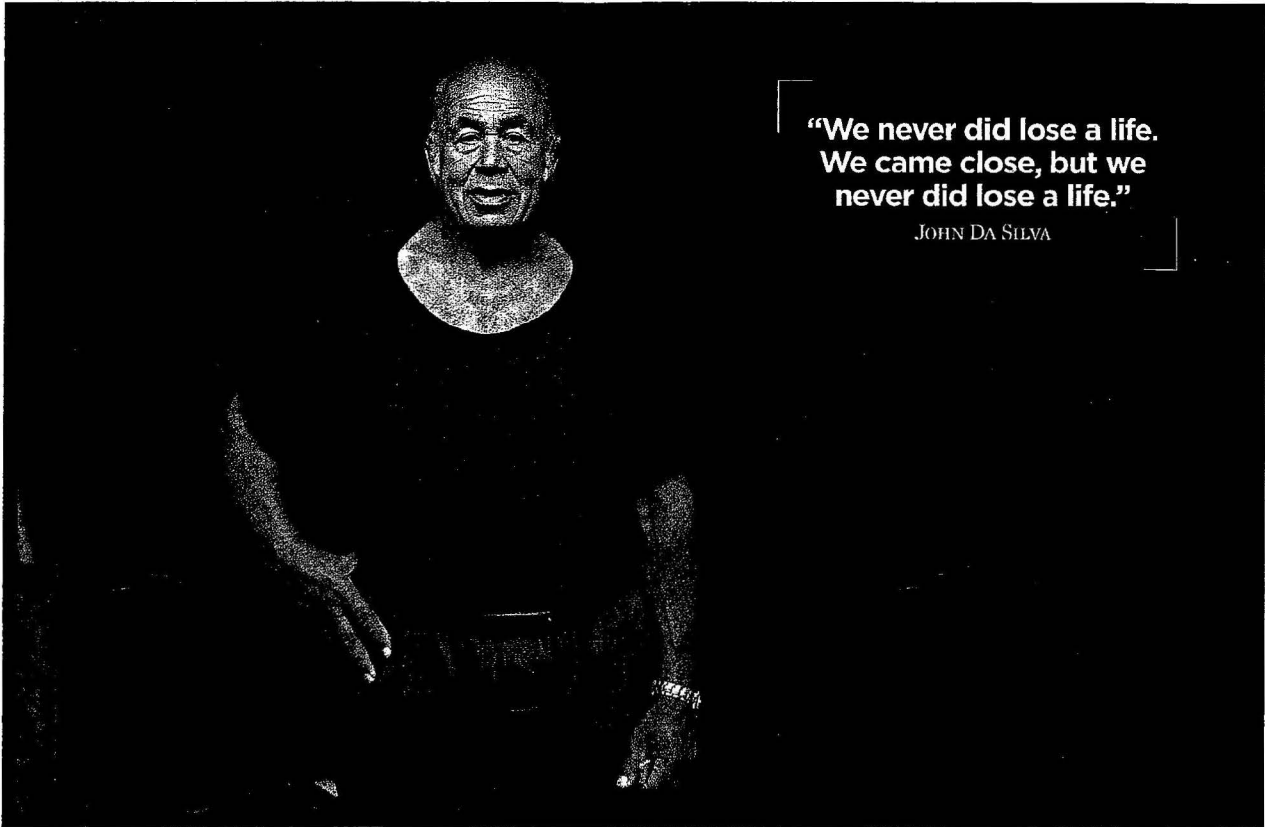
But interviews and documents obtained under the Official Information Act suggest Cook's court appearance was just the tip of the iceberg. Most of the 19 former residents interviewed for an official CYF report on Whakapakari said they saw serious assaults. One alleged several

#### **Whangara, known simply as Alcatraz.**

sexual violations by a staff member, but this young person "was too scared to lay [a] complaint with police".

Transcripts of social workers' interviews conducted with residents described assaults by staff that were so commonplace that slang terms had been coined to differentiate between kicks. A "toe-hack" was a kick up the backside, while a "punt" was a kick sideways. Some youngsters were deputised as enforcers, known as the "Flying Squad", to physically discipline their peers.

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“We never did lose a life. We came close, but we never did lose a life.”

JOHN DA SILVA

Wellington lawyer Sonja Cooper referred several young people to Whakapakari in her role as a youth advocate – but with hindsight she would “absolutely not” do it again. Cooper’s firm is representing 18 former residents of Whakapakari who are launching civil suits against CYF’s parent body, the Ministry of Social Development.

Two cases involving Whakapakari have already been filed at the High Court in Wellington. One man, who cannot be named for legal reasons, alleges that as a 16-year-old he was repeatedly sexually violated by a camp supervisor 10 years ago.

Another, Luke Boyd, says he was part of the “Flying Squad” and was instructed by adult supervisors to “deal to” other youth considered to be misbehaving.

Cooper’s claimants each want \$500,000 in damages for harm they say occurred while they were in state care.

“The fact is many were beaten and sexually abused – sodomised and raped – but they also lived in an environment where they were scared, they were bullied, where they were always at risk of violence,” says Cooper.

And although childhood bruises and wounds may heal, the effects may last a lifetime. “They were told they were useless, they were told they were going to end up in prison – and that became a self-perpetuating and self-fulfilling prophecy.”

These cases are just a small fraction of the civil suits being brought against the Government. Cooper is representing nearly 800 former wards of the state who allege mistreatment at residences around the country over the past six decades. Hundreds of claims have already been filed in the Wellington High Court, but legal technicalities could prevent those who say they suffered abuse having their day in court.

The Ministry of Social Development is denying all allegations – including those of negligence, assault and battery, and

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SONJA COOPER

false imprisonment – in the two Whakapakari claims Cooper has filed so far. Garth Young, manager of historic claims at the ministry, says six other former Whakapakari Trust youths have also filed civil papers in court.

On the charge of negligence, Cooper says there was a decade-long line of warning flags. “There were concerns and complaints made about assaults and about sexual abuse.”

The facility’s isolation and the alleged culture of violence were a toxic blend, Cooper says: “I don’t think it’s too far removed from *Lord of the Flies*.”

To John Da Silva’s eyes, the happenings were anything but savage. A former Olympic and professional wrestler who was a fixture on television’s *On the Mat* series in the 1970s, Da Silva set up the camp on his family’s land in 1977 to offer back-to-basics living for troubled youth.

“Most of those young people think he is a god, because he was a big-time wrestler,” says Wilhelmina, Da Silva’s wife. The couple say this reputation was a boon in dealing with street-smart youth who distrusted traditional authority figures.

Cooper’s lawsuits are against the Ministry of Social Development, not the Da Silvas. Physical and sexual abuse is alleged to have been perpetrated by staff the Da Silvas hired and managed, but the couple are mystified about why the allegations have surfaced now.

“All this so-called abuse happened years ago,” says Wilhelmina Da Silva. “There’s been plenty of opportunities for them to say, ‘Hey, listen.’ And I would have to say it’s all about the money, isn’t it?”

John Da Silva says the camp’s toko-toko sessions, or group meetings, should have been where youths raised concerns. “Every day of every week we had toko-toko sessions to talk about these matters.”

However, a child welfare advocate says raising complaints of abuse in the presence of alleged abusers is not considered best practice. Mike Doolan, the chief





social worker for CYF until 2001, says it can actually stifle complainants.

"It can become a kangaroo court and young people can find themselves under pressure to perhaps go along with a group opinion rather than assert their rights in a particular situation."

While not condoning them, the Da Silvas acknowledge physical assaults did occur at the camp, but the vast majority were among the youths themselves.

Callum McGillivray, a police constable on Great Barrier Island between 1993 and 1999, says "some terrible kids were sent there". William Bell attended during the 90s, before he committed three murders at Auckland's Mt Wellington RSA.

**The abandoned Whakapakari campsite at Mangati Bay. Tents were once pitched on these now-rotting platforms.**

John Da Silva says the youths sent to his programme were predisposed to violence. In "any business of this nature, you're going to get that sort of problem. Kids are going to get into fights."

And his advancing years also made it increasingly difficult for John Da Silva – widely respected in police and youth justice circles – to maintain control. Da Silva, now 74, had a heart bypass operation a decade ago that necessitated moving his sleeping accommodation away from the camp and closer to medical help.

"When we weren't there, you don't have the same control, do you?" says Wilhelmina Da Silva. The incident that saw the camp closed in 2004 occurred while the couple were at their new home in Whangaparapara, 3km from Whakapakari.

But by no means did all youth placed with the trust leave with grievances. Erin Eggleston, now a clinical psychologist at Wanganui Community Health, wrote a glowing article in the *Social Policy Journal of New Zealand* in 2000 based on a month-long visit he made to the camp in 1993 and follow-up interviews a year later with 10 participants.

## Boys' own stories

"I just want to see an apology."

A former Whakapakari Youth Trust ward who is suing the Ministry of Social Development says he just wants an expression of regret from the government department.

The man reckons his problems stemmed from being spoiled by the grandparents who raised him.

"Everything I wanted, I'd get. And I started stealing little things, and smoking dope, and it was all over after that ... The first time in jail, I got out, and they bought me a [Mitsubishi] Evo 1 turbo."

Now serving time for aggravated robbery with a knife, the man says he was

repeatedly beaten up by a supervisor while on Great Barrier.

"It wasn't like GBH, but it would have been assault with intent to injure."

He says Whakapakari certainly didn't help him turn his life around: "I'm in here doing eight years and I'm facing a 14-year max charge at the moment – another charge – so nah."

Luke Boyd is also in prison, serving a 10-year-sentence for two rape convictions.

He spent his youth in a variety of homes but, even so, believes the camp "makes *Treasure Island* look like a holiday camp".

He says the physical violence he saw at the camp was part of surviving.

"You're given power and control; you've got boys from dysfunctional backgrounds and everything. Some of them, all they know is physical violence; for some of them, that's even a nurturing aspect."

Boyd says he most remembers black eyes from the camp: "They were everywhere."

And why is he suing? "At the end of the day, it's all about accountability isn't it? I was a child – f---ing hell – everyone's got to be held accountable for their actions."

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"All participants looked favourably on Whakapakari as a time when relationships were good," he wrote. The emphasis on Maori culture, as well as the bare-bones lifestyle, had an appeal even to a university-trained psychologist.

"There was certainly something special, and indeed spiritual, about living a traditional subsistence lifestyle and practising the culture that goes with it."

This lifestyle involved living in tents, working to gather food, gardening, fishing and extensive kapa haka practice. The isolated location of Whakapakari was chosen for a reason, says John Da Silva. There was no chance that runaways could make it back to the mainland and the influences that had led them astray.

Although the isolation helped reduce escapes, the distance between Great Barrier Island and the government agencies that monitored Whakapakari was far greater than the 100km of water separating the island from Auckland. The isolation and low pay (Wilhelmina Da Silva says Whakapakari was the cheapest residential programme contracted to CYF) combined to make recruiting appropriate supervisors difficult.

Supervisors worked six weeks on, two weeks off, and were each responsible for up to five youths with whom they also shared a tent. The workload was stressful, says John Da Silva. "There was the argument 'you're asking too much from a human being'."

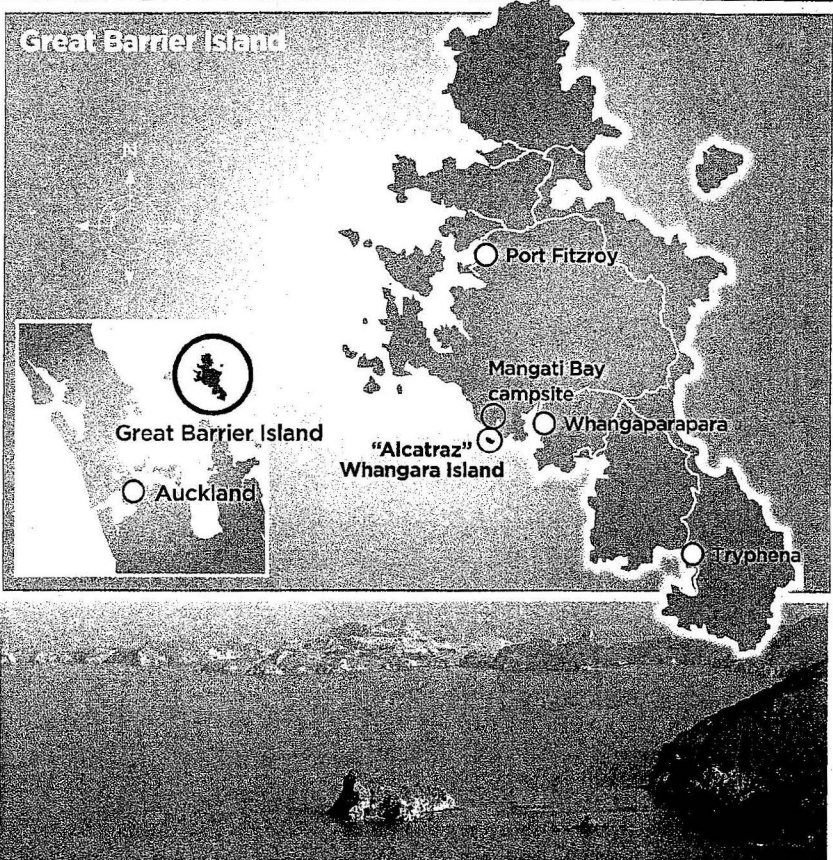
He says he assessed his supervisors by sight; criminal records were not consistently checked. The frontier nature of Whakapakari is illustrated by Da Silva's volunteering that youth were subjected to strip-searches on arrival in order to ensure they were drug-free.

"Here is an example where you're going against the law, perhaps," he says, arguing that the need to keep drugs off his campsite justified his actions.

"You use what I call common sense. You won't find that in a book."

**A**t the heart of Cooper's negligence claim are more than 400 pages of Official Information Act releases chronicling abuse allegations covering more than a decade and consistent problems with CYF's management of Whakapakari.

The earliest report on Whakapakari notes a 1989 incident in which a boy was beaten over the course of two hours by a supervisor and six youths as punishment for stealing tobacco. The boy was taken to a doctor, and was found to be badly bruised with cigarette burns on his arms. The supervisor was dismissed and was later revealed to have criminal convictions.



A subsequent letter from the assistant-director of Social Welfare used strong language in its call for the programme to be suspended until staffing issues were resolved: "I cannot allow this department to allow youths attending camps to be subject to Whakapakari justice as it is dispensed by way of banishment to the island called 'Alcatraz'."

Despite this, Alcatraz remained a favoured tool for punishment. John Da Silva denies allegations that youth were

**"It seems to me that there are some real problems, and by either staff or other youngsters, people are getting assaulted."**

CYF EMAIL, 1997

left alone and without food, water and bedding, and says Alcatraz was used only after consultation with the youths' social workers.

Until 1995, girls as well as boys were admitted to the residential programme. The change to a single-sex facility was sparked by a relationship that developed between a 24-year-old supervisor and a 15-year-old girl at Whakapakari. After the girl completed the programme, the supervisor travelled to her hometown and she later became pregnant. Docu-

ments obtained by the *Listener* indicate the supervisor faced a charge of unlawful sexual connection over this incident.

The harsh environment also drew official censure. A CYF review in 1995 into allegations of substandard conditions concluded that "the standards at this camp are unacceptably lacking against all existing standards" - including human rights legislation and the United Nations Convention on the Rights of the Child.

And, in 1997, a serious assault at the camp by two youths against another boy caused worried emails at CYF. "A supervisor was on the island with these three boys only. How they could be left alone is beyond me," one said. "It seems to me that there are some real problems, and by either staff or other youngsters, people are getting assaulted."

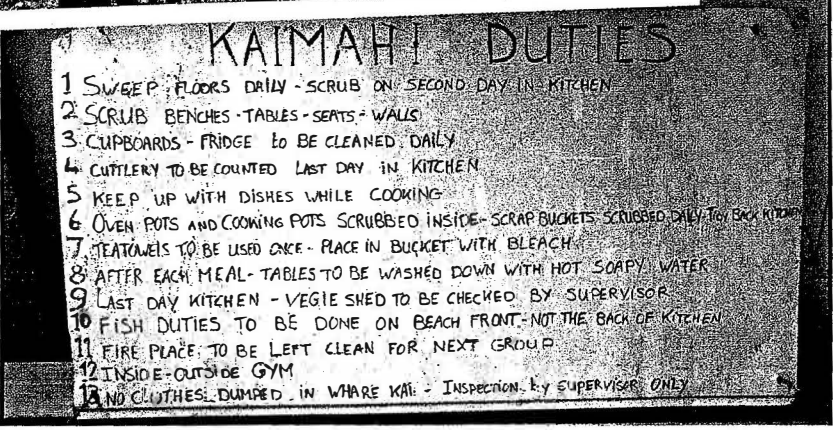
**I**t was not just within CYF that eyebrows were being raised. Gabrielle Maxwell, now a senior associate at Victoria University's Institute of Policy Studies, worked at the Commissioner for Children's Office in the early 1990s. She says there were concerning whispers about Whakapakari.

"It had a lot of positive things being said about it, but at the same time these rumours were about then that it was fairly rough and ready, some of the disciplinary techniques being used."

But Peter Topzand, head of the northern



**Camp residents after a successful day on the water. Below: work rules posted in the camp kitchen.**



region of CYF, defends his department's handling of matters involving the trust. "We had a group of really difficult kids we wanted to keep out of the prisons."

Some inter-youth violence is unavoidable, he says. "Kids will beat each other up. They will do horrible things to each other. It happens in school every day."

He says complaints were investigated as they arose, but it was only the "terrible set of allegations" in 2004 that were sufficiently corroborated to justify closing Whakapakari.

Topzand visited the camp unannounced in 1994 to investigate complaints made to local police that youths who had escaped had been subjected to "ritualised abuse".

"I wanted to check it and I can vividly remember that day," he says. After interviewing all the youths present, and offering to take any who were unhappy back to the mainland - none took up the offer - Topzand concluded the allegations were unfounded.

"These kids gave us the impression that they were completely comfortable there and wanted to stay - which was in contrast with what these two kids who ran away said. I'm totally happy with the call we made that day - I don't think we got that wrong."

But when specific aspects of Whakapakari are discussed, Topzand acknowledges some shortcomings. Police checks

for staff dealing with youth have been a long-running requirement by CYF, and numerous reports - from 1989 until the camp's closure - show Whakapakari staff were often not screened.

Topzand says Whakapakari managers should have conducted individual checks, but CYF was responsible for conducting audits to ensure individuals with serious convictions were not put in charge of youth.

Repeated directives to stop using Alcatraz, and repeated allegations from young people that it remained as a tool of punishment, puzzle Topzand. "It was very clear, and it was reiterated that it should not be used."

Asked whether CYF is happy with the way it managed complaints about Whakapakari, Topzand pauses and considers his words: "It's a hard question to answer. I think at the time we acted in



**CYF's Peter Topzand (left) and Ministry of Social Development's Garth Young.**

good faith and acted in the best interests of those kids.

"And like many things in life, it doesn't always go like you'd want it to. But were we negligent? I don't think we were."

The case against Whakapakari is part of a much wider series of claims against the Ministry of Social Development that, if successful, could see the Government pay out hundreds of millions of dollars in compensation and court costs.

In addition to the 18 of Cooper's clients who attended Whakapakari, she has a further 600 who also plan to file civil suits over alleged abuse in state care. Cooper has lodged nearly 200 claims in the Wellington High Court, and several other law firms have filed hundreds more.

The claims involve 17 different institutions, ranging from the well-known Epuni Boys' Home, Weymouth and Kingslea to more eccentric wilderness retreats like Whakapakari. Alleged abuse, including beatings with wet leather straps, sexual violation, and solitary confinement in cages, stretches back to the 1940s - and Cooper is seeking half a million dollars in damages for each claimant.

Cooper's client list includes many former and current high-profile prisoners, such as murderer Antonie Dixon, and she acknowledges the public may be critical of many of the claims.

Luke Boyd is serving 10 years in prison for two rape convictions, one of a 13-year-old girl, but Cooper says not all are hardened criminals. The boy who claimed he was sexually abused as a 16-year-old has served two jail terms for car theft, burglary and drink-driving. He now lives in the lower North Island and works at a bakery.

The scope of this legal action is huge, but the claims face serious legal obstacles. A test case heard at the High Court in Wellington - brought by Cooper on behalf of two brothers who alleged they were physically and sexually abused in the 60s and 70s while staying at Hokio Beach Training School and Epuni Boys' Home - was unsuccessful last year.

The judge said that despite strong evidence of abuse occurring, the claims were filed too late and there was insufficient evidence to directly link abuse to harm done.

Similar obstacles remain for Cooper's Whakapakari cases. Prominent Wellington lawyer John Miller says they will have trouble overcoming Accident Compensation Corporation law that bars claims seeking compensatory damage.

"The young guy [who alleges he was

WHAKAPAKARI PHOTOS COURTESY JOHN DE SILVA



## YOUTH JUSTICE

sexually abused at the camp] seems to have suffered his mental injury from either physical abuse or a sexual crime and thus comes under ACC legislation and so the claim is barred."

Exemplary damages are not barred under ACC law, but Miller points to the contractual status of Whakapakari, which may reduce the Ministry of Social Development's liability. Cooper is "not suing the actual perpetrator, but the ministry", he says. And limitations will again pose a hurdle: the Limitations Act says people have two years in which to file claims – although for young people this two-year period doesn't start until they turn 20.

The man claiming sexual abuse had his claim filed two days before he turned 26. The courts can grant leave to hear applications within six years, but this is up to the presiding judge. "There are many cases of judges refusing leave," says Miller.

Because of the outcome of last year's court decision, the Legal Services Agency has begun a slow process of reassessing legal aid funding for Cooper's clients. In a review begun earlier this year, 35 claims have been assessed so far and all have had their funding withdrawn.

Robyn Nicholas, grants manager at the Legal Services Agency, says even if these legal barriers can be overcome, the cost of going to court is likely to be much more than any damages awarded. Last year's case had a legal aid bill of over \$400,000 but damages would probably total only about \$100,000.

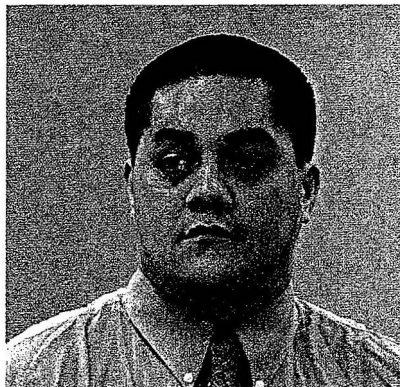
Nicholas says although she feels for people who have experienced abuse, her decisions are made according to statutory criteria, not sympathy.

Cooper says she would like to avoid the courts altogether because of the expense and instead settle her claims through a commission of inquiry. "Australia's done it – for Christ's sake, Australia is not exactly what I perceive to be the human rights leader of the world."

The 2004 Australian Senate report *Forgotten Australians* set up a framework for compensation and offered a broad apology to the many thousands of people who had suffered as children in state care.

Cooper would like to see a settlement that was more about social services than cash. "In Canada they've set up a one-stop-shop where it was components of apology, acknowledgement of abuse, and then it looked at what their actual needs were."

Canada's settlement offers former state wards assistance with education, housing and tattoo removal. There is a cash-payment component, but Cooper says the amount is "token".



**Triple-murderer William Bell was a Whakapakari Trust ward in the mid-90s.**

This collective approach at dealing with historic grievances is in sharp contrast to the New Zealand Government's usual approach. In 1993, the *Listener* chronicled the case of the "Lost Boys", British children sent to the colonies between 1922 and 1967 – including nearly 600 to New Zealand – who were often cut off from their families and subjected to abuse.

Both Australia and the UK have held government inquiries into these children's care, and expressed regret. And a redress scheme recently set up in Australia for children abused in state care has allowed the "Lost Boys" access to compensation. By contrast New Zealand has provided neither an inquiry nor compensation.

**"It's a pretty prime responsibility of government to ensure that people get a fair go."**

RUTH DYSON

Social Development Minister Ruth Dyson says a broad approach in dealing with historic claims of abuse against her department has been considered – and discounted.

"For me, it's a question of balance," she says. "We can't deny people the access to the form of justice they feel is appropriate and we can't have a blanket resolution for individuals who feel that their story needs to be told."

Garth Young, the Ministry of Social Development's historical claims manager, says negotiations are under way with individuals but only three cases have been settled so far – with cash settlements ranging from five to low six-figures – and another five are close to completion.

Young says the ministry recognises it has a responsibility to put things right in some cases. He says he has made offers "where we don't believe we have a legal liability, but where we clearly believe we have a moral obligation – and so we're making a payment on that basis. I'm

not trying to make us out as a beneficent organisation, but we are very determined to do the right thing."

Dyson says this sort of approach will continue, but individuals always have the right to legal action if they feel such a move is necessary. Informed of the Legal Services Agency's moves to withdraw funding to Cooper's clients, Dyson is surprised. "I didn't realise that. Maybe it's one of those things that slips through the gaps between the Ministry of Social Development and the Ministry of Justice. I will have some discussions with [Justice Minister] Annette King about that.

"These cases are not easy for the people to take at any time, and often they've been traumatised and it's a pretty prime responsibility of government to ensure that people get a fair go."

While these legal battles rage in Wellington, back on the Barrier the Da Silvas are smarting. They say they had the best of intentions and still can't understand why Whakapakari remains closed.

John Da Silva, who was awarded a Queen's Service Medal in 1994 for services to youth and sport, says he and his wife feel let down by CYF and he reckons other private-sector social workers will be put off by their experience. He says problems at the camp weren't major.

The spirits that guarded Whakapakari against real tragedy are probably still around, he says. "We never did lose a life. We came close, but we never did lose a life."

Despite the chapter seemingly being closed on Whakapakari Trust, Da Silva sees a glimmer of hope, believing the approaching election might bring salvation. Why? "Because John Key wants to bring back boot camps," he says.

(The Opposition leader gave a speech to the Sensible Sentencing Trust in April calling for up to three months' residential training for young offenders. "The New Zealand Army may work with others to provide these programmes," Key said.)

Until then, perhaps, the Mangati Bay campsite will continue its slow deterioration. The home-made tents on Alcatraz have frayed and strands of blue plastic fabric flutter in the breeze like broken spider webs. At the main campsite, lilies are growing through the rotting steps.

There is little sign that this now-quiet campsite played host to hundreds of youths considered to be society's pests and worse. Few artefacts remain from 2004 when the camp so hurriedly closed. But on one platform is an abandoned blue-and-yellow bottle of mosquito spray.

The brand? "Banish." ■