



**HE TURE  
KIA TIKA**  
LET THE LAW BE RIGHT

**LET THE LAW BE RIGHT FOR WHĀNAU EXPERIENCING  
MENTAL DISTRESS AND/OR ADDICTION WHILE IN THE  
CRIMINAL JUSTICE SYSTEM**

Final report, October 2023

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## WHAKAUTAUĀKĪ

E kore e taea e te whenu kotahi ki te raranga i te whāriki  
kia mōhio tatou ki a tātou  
Mā te mahi tahi o ngā whenu, mā te mahi tahi o ngā kairaranga,  
ka oti tēnei whāriki  
I te otinga me titiro tātou ki ngā mea pai  
ka puta mai  
Ā tana wā, me titiro hoki  
ki ngā raranga i makere nā te mea,  
he kōrero anō kei reira.

The tapestry of understanding cannot be woven by one strand alone. Only by the working together of strands and the working together of weavers will such a tapestry be completed. With its completion let us look at the good that comes from it and, in time, we should also look at those stitches which have been dropped because they also have a message.

Nā Kūkupa Tirikatene

## KUPU WHAKATAUĀKĪ – FOREWARD

Our report recommends that the Government implement our proposed solutions for developing a trauma-informed justice system that collaborates with a diverse network of community-based resources. Our action plan involves redistributing government funds to prioritise Kaupapa Māori services and peer support, which are at the forefront of establishing such a trauma-informed system. We emphasise the Government's responsibility to support Kaupapa Māori services; the communities who contributed to this research demonstrated exemplary trauma-informed care practices that incorporate te ao Māori and lived experience.

In recent years, Aotearoa has implemented a criminal justice reform plan with the goal of improving the system by utilising evidence in all aspects. Our research indicates that achieving this transformation requires culturally appropriate methods of gathering evidence at the grassroots level, in collaboration with government agencies and sectors involved in the criminal justice system. We acknowledge that this evidence may deviate from traditional Western scientific interpretations. The primary objective of He Ture Kia Tika was to partner with whānau who have experienced incarceration to co-create a more effective justice system in Aotearoa.

The Māori community has long expressed the need to improve access to Kaupapa Māori services that cater to their holistic needs and align with their cultural values and beliefs. Initiatives led by the community that cater to the diverse realities of the most vulnerable and underserved are best led by those with lived experience and intimate knowledge of those realities. This is especially important as navigating a health system that does not prioritise te ao Māori or tikanga Māori principles can pose challenges. Our research supports the implementation of whānau, hapū, and iwi-centred approaches to service delivery that are grounded in mātauranga Māori and tikanga. To achieve equitable health outcomes for the Māori community, it is crucial to address funding inequities and increase investment in Kaupapa Māori services.

Stella Black, Katey Thom, Dave Burnside and Jessica Hastings

He Ture Kia Tika research team

## WHAT DO THE HE TURE KIA TIKA ACTION POINTS MEAN TO OUR CO-DESIGN RŌPŪ?

For nearly 200 years, the legal and health system has failed to deliver justice for iwi Māori and, in doing so, has breached the Crown's obligations pursuant to Te Tiriti o Waitangi. This includes the delivery of equitable services and also the acknowledgement, protection and honouring of our tikanga, our whānau and our ways of knowing and being. Any authentic transformation of the system must include the voices of those who have borne the brunt of these inequities and the trampling of mana Māori and our tino rangatiratanga. This research centres those voices, our experiences and our expertise of our own condition that should underpin any reform to shift the dial to ensure better outcomes and flourishing lives for all peoples of Aotearoa.

- Khylee Quince

The extent that people have transformed their own lives indicates that systems transformation is possible.

- Brian McKenna

If WE as a society are asking individuals to change, then OUR society needs to do the same. A society without compassion and that denies people HOPE is no society at all.

- Martin Burke

Disrupting mainstream ideology and thinking more holistically about wellbeing

- Rob Tua

## WHAT WAS YOUR EXPERIENCE OF BEING PART OF HE TURE KIA TIKA?

Seeing how dysfunctional our current system is and working collaboratively and more intentionally with Kaupapa Māori and lived experience systems for better outcomes.

- Rob Tua

A greater understanding of the value and richness of "communities"; that their solutions lie within them, and they just need to be resourced to get on with the mahi.

- Brian McKenna

Being part of the process has given me a greater awareness of my own re/discovery, and reinforced the spiritual principles that resonate so strongly throughout the stories of my brothers and sisters.

- Martin Burke

It's an amazing privilege to be part of a rōpū that knows how important this work is because we see the long-term impact on whānau every day. Hearing, seeing and feeling the words in the whānau pūrākau matters because as Dame Whina Cooper said; "for how the children grow; so will be the shape of Aotearoa."

- Tracey Cannon

Beginnings are not easy. Many fail. We all do in life. But if we just go on beyond the harbour entrance, we have made a massive start. If we go out a little further beyond the breakers, we gain the courage to go even further. One day, we get out of sight of land. And then we have the ability and skill to go where we need to regardless of wind and tide.

Have faith in your ability to have the skills to navigate one day. Surround yourself with people on their journey. But have courage, always have courage, to make the changes to equip you on your journey. Pai marire.

- Jason Haitana

## THE GIFTING OF OUR NAME

On March 19, 2019, Stella, Khylee, Katey, and Dave had a meeting with Dame Naida Glavish (Ngāti Whātua) and Riki Nia Nia (Ngāi Tūhoe, Ngāti Kahungungu) to discuss the focus of their research project. They all shared a common interest in mental health, addiction, and the negative impact of the justice system on Māori communities.

Dame Naida shared several whakataukī with us. One that stuck with us was once said by Āperahama Taonui of Ngā Puhi in 1834.

He taniwha kei te hāere mai. He taniwha taikuhu, taihuna. E kore rawa koutou e kitea. Kia kitea rā anō koutou i ngā kanohi ā ō mokopuna. Inā tae ki tēnā. Kua e patu i āu mokopuna, engari hipokingia ki te korowai aroha ā te whānau. He māuiui kē ēna mea, ehara mō ngā pirihihana kia mauherengia ai ā tātou mokopuna.

There is a demon on its way. It is a demon that will arrive stealthily. It is a demon that will arrive deviously. You will not even see it coming. You will not even know that it is here until you see it in the eyes of your mokopuna. Those things are an illness. It is not for the policemen to imprison our grandchildren.

Dame Naida went on to elaborate:

“And that demon is drugs. So when you see the effect in the eyes of your mokopuna (grandchildren), do not punish them, instead, clothe them with a korowai (cloak) of love. Those caught up by that demon belong to the mental health world, not prison”.

The hui resulted in a taonga being gifted to us in the form of a project title, which the rōpū were yet to devise. We settled on He Ture Kia Tika: Let the Law be Right.

## NGĀ MIHI – ACKNOWLEDGEMENTS

The He Ture Kia Tika rūpū acknowledges Hoani Waititi Marae for supporting this rangahau. We pay particular thanks to matua Shane White, who has guided us with his wisdom and shared, beyond this project, how we can find the strength to live positive lives through our cultural connections, acceptance of difference, and our deep sense of belonging.

The He Ture Kia Tika rūpū sincerely thank the whānau who participated in this project. Their powerful pūrākau of transformational change has helped us envisage a justice system that supports whānau experiencing mental distress and/or addiction.

Ngā mihi to hapori for making their mahi what it is today – diverse kaupapa striving for better ways to support whānau. We thank the thirty three kaimahi for sharing how transformational change can be supported by hapori who sit alongside whānau collaboratively, sowing seeds of change. Special thankyou to:

Hoani Waititi Marae, Anti-P Ministry, Rongopai House, Te Mana o Ngāpuhi Kōwhau Rau, Whakaoranga Whānau, Ngāti Hine & 155 Community Law.

We also wish to thank all the people that helped make this report come to life. Ngā mihi to Ryan Quinlivan who designed all our dissemination pieces, Lance Ryan who contributed his wisdom and research skills, and Amber Older for her close eye for detail and general support of this rangahau.

This project would not have been possible without the generous funding and support from the Michael and Suzanne Borrin Foundation.

## EXECUTIVE SUMMARY

This report presents a series of actionable steps to improve the criminal justice system for whānau experiencing mental distress and/or addiction while in criminal justice environments across Aotearoa. These steps were developed from a multi-year project that focused on finding effective solutions for Māori, guided by Māori perspectives. Our research is based on acknowledging the rights reaffirmed in Te Titiri o Waitangi for Māori, and our approach was guided by tikanga. Our research, “He Ture Kia Tika – Let the Law Be Right”, is underpinned by and prioritises those rights.

Our five-year, four-stage project involved working with whānau and hapori to co-create pūrākau, stories that offer insights into lived experiences of recovery journeys; we also drew on data from whānau moving through the court system, and we connected our findings with a comprehensive literature review of recovery, whānau ora, and the cessation of offending.

Two truths became apparent throughout the stories: many of the whānau in this project had experienced trauma; and the justice system needs to adopt a trauma-informed approach. Trauma can affect a person’s neurological, biological, psychological, spiritual, social, and cultural wellbeing. Thus, to reduce the risk of causing further harm, anyone working with whānau in the criminal justice system must have the tools to understand the impact of trauma.

A trauma-informed approach focuses on acknowledging what has happened to someone rather than trying to identify what is wrong with them. For Māori, a trauma-informed approach considers the importance of the wider community including whānau, hapū, iwi, and hapori. It also acknowledges intergenerational and historical trauma and incorporates a te ao Māori worldview and Māori healing concepts and practices (Abuse in State Care & Royal Commission of Inquiry, 2023).

Trauma-informed care involves nurturing individuals so they can thrive. It prioritises treating people with kindness, humanity, compassion, dignity, respect, and generosity while upholding their mana. The relationship between whānau and those supporting them is critical for whānau healing. These relationships can foster safety, security, hope, and trust. Trauma-informed care also respects the autonomy of whānau. It creates opportunities for them to feel empowered to make their own decisions about their lives and livelihoods (Abuse in State Care & Royal Commission of Inquiry, 2023).

**KEY RECOMMENDATIONS****1. Create the foundations for a trauma-informed justice system**

- Establish a Māori justice authority/entity to provide cross-sector, strategic leadership for trauma-informed justice innovation.
- Grow regional partnership hubs that direct resources to iwi, hapū, and hapori to ensure te ao Māori approaches to trauma and whānau healing across Aotearoa.
- Provide trauma-informed relational engagement education for all professionals interacting with the justice system.
- Create a public anti-discrimination campaign celebrating stories of success.
- Reconsider drug law and policy reform to reduce harm from prohibition.

**2. Strengthen prevention and early intervention**

- Devolve resources to iwi, hapū, and whānau to govern the care and protection of tamariki Māori.
- Bolster whānau ora support to wrap around whānau Māori.
- Co-determine opportunities for schools to be wellness hubs.

**3. Develop a smorgasbord of trauma-informed services**

- Prioritise resourcing restorative kaupapa Māori approaches to trauma and healing.
- Develop specific trauma-informed addiction and mental health support for wāhine.
- Ensure access to diverse and balanced mainstream support.
- Remove barriers to support by offering open access in, out, and back again.

**4. Embed networks of peer support everywhere**

- Establish a lived experience national association to provide autonomous protection and guidance.
- Resource community-based peer networks within and outside specialist trauma-informed services.
- Co-develop, resource, and establish peer navigator roles in police, court, prison, and aftercare settings.

**5. Enhance diversion and court processes through communication and consistency**

- Create a centralised information hub to empower whānau to access support of their choice.
- Enhance communication at points where diversion options are offered.
- Support probation officers to provide holistic whānau ora reporting to support trauma-informed sentencing.
- Ensure consistent use of Te Ao Mārama principles across all courts and monitor rehabilitative sentencing.

**6. Transform the fabric of prisons**

- Resource the Māori justice authority/entity to develop kaupapa Māori alternatives to prison.
- Integrate access to diverse rehabilitative options at every security level.
- Recognise the strengths in whānau and develop opportunities for self-improvement.

**7. Bolster planning and support for reintegration**

- Enable collaboration between probation officers, whānau, hapori, and peer navigators to co-develop whānau ora plans for successful reintegration.
- Resource post-sentence restorative justice processes inclusive of a focus on whānau, hapu, and iwi reconnections.
- Develop a network of opportunities for voluntary work for whānau to connect with the community.
- Co-design, resource, and offer living skills programmes across prison security levels.

**8. Address the growing experiences of financial hardship and poverty.**

## INTRODUCTION

This rangahau responds to the high incidence of mental health and addiction needs amongst populations who commit criminal offences in Aotearoa. Mental health disorders are up to five times more prevalent among prisoners than in the general population (Department of Corrections, 2016). One study found that 91% of prisoners had been diagnosed with a mental health or substance use disorder within their lifetime, with less than half (47%) of this sample receiving treatment (Indig et al., 2016). Young people have expressed an explicit relationship between their offending and the use of drugs, and this is matched in adulthood with alcohol use and offending (Bowman, 2015). Overall, unmet mental health and addiction needs have been repeatedly reported as clearly maintaining a pipeline towards prison (Gluckman, 2018).

Aotearoa has one of the highest imprisonment rates in the OECD. Approximately 220 people per 100,000 population are imprisoned, compared to the OECD average of 147 per 100,000 (Gluckman, 2018). The Office of the Prime Minister's Chief Science Advisor, Sir Peter Gluckman, reported on the association between rising incarceration rates and a culture of retribution embedded in government policy. For example, Aotearoa has a high prison population despite a record low in crime, conviction, and sentencing rates. This means the high incarceration rates likely result from successive governments' pull on the 'tough on crime' rhetoric, resulting in costly, non-evidence-based imprisonment rather than well-evidenced rehabilitative approaches (Pratt, 2013). Gluckman (2018) argued for an evidence-based policy agenda and drew on research to discuss an array of complex vulnerabilities that have impacted those incarcerated and young people at risk of criminal justice outcomes.

Research has shown high imprisonment rates are linked to ongoing colonisation and structural racism. In New Zealand, the incarceration rate for people of European descent is 93 per 100,000 population, while for Māori, it is 704

per 100,000 (Skipworth, 2019). Throughout the criminal justice system, Māori are more likely to be treated unfairly compared to non-Māori for similar offences (Quince, 2007). Māori are also more likely to experience vulnerabilities and risk factors. Despite this, there is a lack of secure investment in indigenous approaches that support the whole whānau (including family, extended family, close connections, and genealogical associations) with their wellbeing needs and connectedness throughout their lives. To address these inequities, offering culturally specific, whānau-centred solutions for Māori in various areas is important.

Two government inquiries into the criminal justice and mental health systems (Burrows et al., 2019; Paterson et al., 2018) have indicated:

- A lack of diverse services across a mental health and addiction care continuum underpinned by dignity, respect, and empathy.
- Victims and family/whānau felt unsupported and disempowered in their pathway through the criminal justice system, with consistent themes of victims feeling unheard and re-victimised.
- For those exiting prison, social care needs, such as work and housing, were absent but considered necessary in assisting successful, pro-social reintegration into the community.
- Widespread concern was voiced regarding the over-representation of Māori in the criminal justice system and the punitive nature of the system, which neglects prevention, rehabilitation, and reconciliation.
- A co-designed process involving new partnerships was recommended, focusing on homegrown solutions, where transformation is led by those grossly over-represented in the criminal justice system (Solomon & Murray, July 2019).

The current criminal justice reform agenda in Aotearoa is moving towards embedding evidence in every aspect of the criminal justice system's transformation. We argue that for this to be realised by the New Zealand Government, evidence must be collected in culturally appropriate ways and from the grassroots. This requires rethinking what "evidence" is and

diverging from Westernised science's definitions and expectations. Some such work includes co-designing with those with lived experience of incarceration to design better system(s), a premise this project began with and used to create a solutions-focused set of actions.

The four stages of the project are detailed below:

**Stage 1.** We collected 45 pūrākau/stories (see table below) of the lived experiences of incarceration, court processes, and mental health and/or addiction issues and considered experiential themes to inform the change process. The focus was on stories of self-defined success, whereby people explained key turning points in their lives and described what helped and hindered their journey towards whānau ora, wellbeing, and stopping offending. Three of these stories were presented as short films; we also created an online book on our website, comprising the stories of most of the whānau who participated in the project.

**Stage 2.** We co-created pūrākau with five hapori/communities who positively impacted people with mental health, addiction, and justice histories. We prioritised iwi-led/kaupapa Māori initiatives, acknowledging that transformational change will need to come from a foundation of by Māori for Māori to influence the reduction in Māori incarceration rates. Two of the hapori have also told their story digitally in a short film; their stories are presented in full on our website.

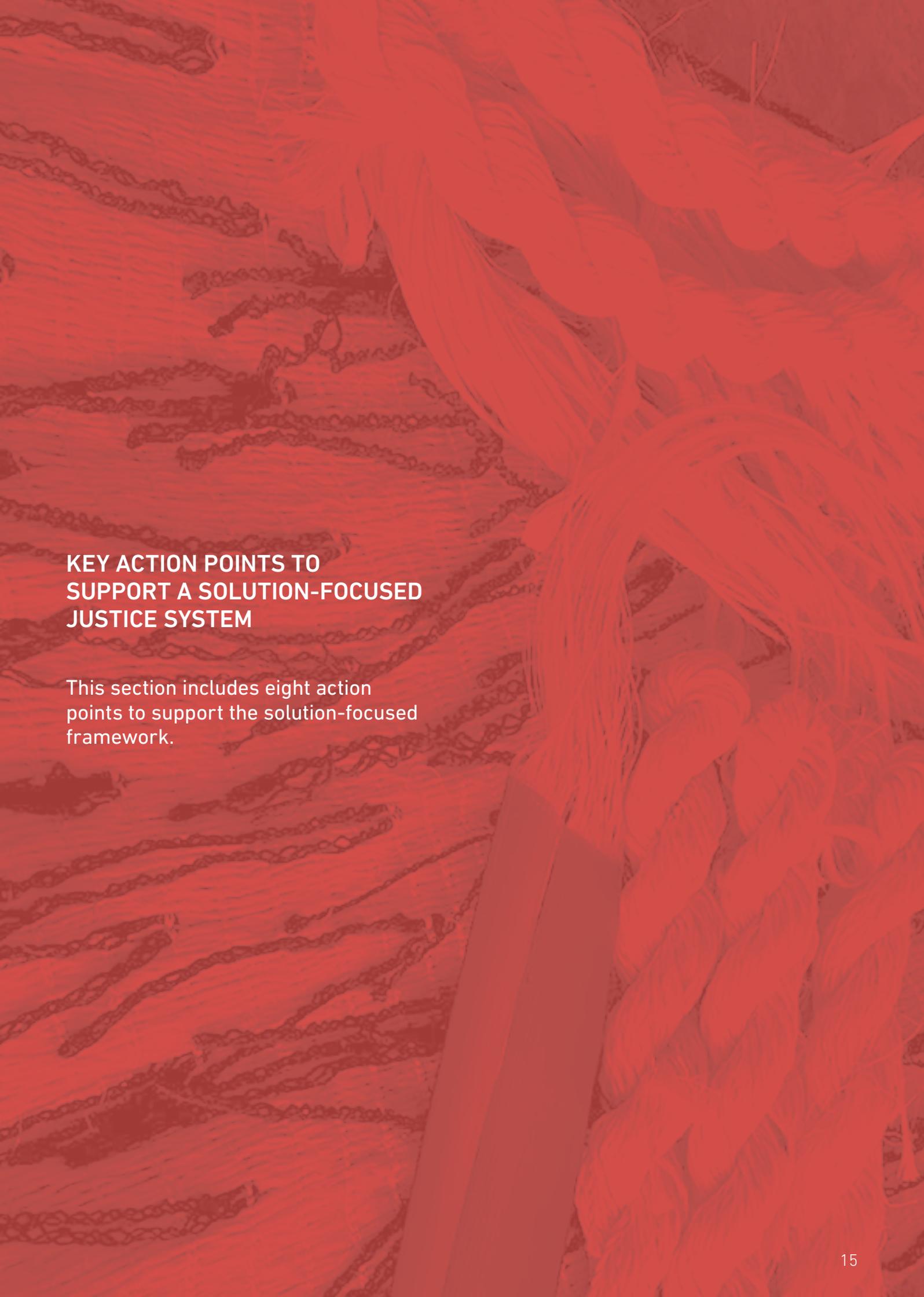
**Stage 3.** We conducted a macro statistical analysis of people going through the court. We spatially mapped that data geographically to existing mental health, addiction, and social services, and we also investigated overlaps with social deprivation indicators.

**Stage 4.** We collated our findings to create a set of action points that inform a whole of system(s) approach to support people who become involved with the criminal justice system while experiencing mental distress and/or addiction. Where necessary, we drew on reviews of other studies and reports from Aotearoa and overseas to explore opportunities for change.

TĀNE / MEN - WHĀNAU PARTICIPANTS	
PĀKEHĀ / EUROPEAN	5
25-34	1
35-44	2
55-64	2
MĀORI	13
35-44	7
45-54	3
55-64	3
MELAA	1
35-44	1
PACIFIC	2
45-54	7
55-64	1
TOTAL	21

WĀHINE / WOMEN - WHĀNAU PARTICIPANTS	
PĀKEHĀ / EUROPEAN	9
25-34	2
35-44	6
45-54	1
MĀORI	7
25-34	3
35-44	2
45-54	2
TOTAL	16

LOST CONTACT / WITHDRAWN	8
<b>GRAND TOTAL</b>	<b>45</b>



## KEY ACTION POINTS TO SUPPORT A SOLUTION-FOCUSED JUSTICE SYSTEM

This section includes eight action points to support the solution-focused framework.

## 1. Create the foundations for a trauma-informed justice system

To better support whānau experiencing mental distress and/or addiction in the justice system, a trauma-informed foundation for the justice system is required. Understanding the trauma experiences of whānau needs to be reflected in supports and processes across justice settings. All other key action areas fall under this core recommendation and aim to support successfully creating and implementing a trauma-informed system. Successful implementation requires Te Tiriti-led transformational change and strongly connected community support.

**To build a trauma-informed justice system, key action areas include:**

- ***Establish a Māori justice authority/entity to provide cross-sector, strategic leadership for trauma-informed justice innovation.***

**Summary:** Resource a Māori justice authority/entity to facilitate collaboration that ensures kaupapa Māori justice innovation and trauma-informed approaches are coordinated, resourced, and eventually devolved to iwi, hapū, hāpori, and community to lead. Lived-experience leadership must be embedded in the Māori authority/entity. A cross-sector and community-centred approach can improve policy planning, resource allocation, and implementation monitoring to reduce innovation silos, structural inequities, and inflexible government contracts.

**Responsible:** Te Aka Whai Ora – Māori Health Authority; Ngā Pirihimana o Aotearoa – New Zealand Police; Te Tāhū o te Ture – Ministry of Justice; Ara Poutama – Department of Corrections; Manatū Wāhine, Manatū Hauora – Ministry of Health; Te Manatū Whakahiato Ora – Ministry of Social Development; Oranga Tamariki – Ministry of Children; Te Puni Kōkiri – Ministry of Māori Development; Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development; Te Arawhiti – Office Māori-Crown Relations.

- **Grow regional partnership hubs that direct resources to iwi, hapū, and hapori to ensure te ao Māori approaches to trauma and whānau healing across Aotearoa.**

**Summary:** Scale-up resourcing to bolster existing partnerships created during hapori-based, kaupapa Māori-informed COVID-19 responses and identify iwi, hapū, and community priorities that enable strategic development planning in the medium term, with the long-term goal to devolve leadership and resources to hapori to work with their whānau.

**Responsible:** Justice, health, and social sectors.

- **Provide trauma-informed relational engagement education for all professionals interacting with the justice system.**

**Summary:** Develop and implement training and learning resources to support police, lawyers, judges, court personnel, Corrections and probation officers, and parole board members to understand how trauma-informed processes will create transformative outcomes for all. Prioritise the resourcing of ongoing professional development led by Māori, Pasifika, and those with lived experience to support the development of a trauma-informed workforce who can engage relationally with diverse whānau, identify trauma needs, and connect whānau with rehabilitative supports.

**Responsible:** Ngā Pirihimana o Aotearoa – New Zealand Police; Te Tāhū o te Ture – Ministry of Justice; Ara Poutama – Department of Corrections.

- **Create a public anti-discrimination campaign celebrating stories of success.**

**Summary:** Build empathy, hope, and compassion across the wider community to reduce the barriers whānau face along their journey to recovery and offending desistance, beginning with sharing widely the stories collected by He Ture Kia Tika. The campaign will address and overcome the racism, stigma, and discrimination faced by many who experience mental illness and addiction, challenges often

compounded by engagement with the justice system.

**Responsible:** With resourcing, the rōpū of He Ture Kia Tika could launch a public campaign.

- **Reconsider drug law and policy reform to reduce harm from prohibition.**

**Summary:** Launch informed public conversations about decriminalisation approaches and focus on a health, rather than legal, response to all drug-related offences.

**Responsible:** Te Tāhū o te Ture – Ministry of Justice; Manatū Hauora – Ministry of Health.

## WHAT WHĀNAU AND HAPORI TOLD US ABOUT THIS KEY ACTION AREA

Trauma was a central theme across all whānau stories and connected strongly to all other key action areas. Our hapori recognised trauma as a core focus for healing but often struggled with structural inequity and self-determination to realise the full potential of the services they offer.

As a Te Tiriti imperative, kaupapa Māori approaches to healing from trauma must be prioritised and resourced, alongside strengthening tikanga-led approaches to trauma across the justice system. Tikanga and connection to te ao Māori are healing; kaupapa Māori approaches are core components of a trauma-informed approach. Police, courts, corrections, and probation must be supported to understand and use these approaches to shape their practice.

Existing contractual arrangements are shaped to fit Crown priorities and do not always capture or reflect the potential of hapori to resolve issues facing their whānau and communities. Instead, kaimahi work creatively around and outside existing Crown contracts to provide culturally relevant, meaningful support to whānau in their communities. In addition, contract evaluations are based on key performance indicators dictated by the Crown and do not

reflect the reality of support that whānau need. For example, tikanga is not something that is learnt and completed over a four-day wānanga; it is a lifetime journey. While hapori may strive to offer ongoing programmes to connect whānau to the marae at the end of court/Corrections-directed initiatives, these programmes are not resourced.

Our hapori stories highlight that the Crown must recognise its obligations to Te Tiriti o Waitangi and devolve funding to hapori Māori to do what they know is best for their whānau — offer Māori solutions to community challenges. Otherwise, hapori remain in a context where the structural inflexibility of the system creates constant blocks, and where community services are reluctant to work together because of the desperate need to hold onto funding.

Structural inequity in the distribution of resources was a strong theme, particularly for hapori in Northland, who described the challenge of leaving their whānau and community to access formal support for their mental health or addiction.

Whānau often experienced the application of tikanga in justice, mental health, and addiction settings as tokenistic, with services dominated by Westernised approaches.

“Many don’t know about recovery, Narcotics Anonymous, Higher Ground, or Wings, and by the time they do come in here, that kind of scares them because it is so ‘Pākehā-fied’ they feel like they are being judged. But they’re not; you’re just being taught how to be in the world.” (Nunu)

Kaupapa Māori trauma-informed approaches must be resourced outside mainstream justice systems to end ongoing harmful colonising practices. However, this must not divert attention from the project of embedding tikanga across the justice system; rather, whānau tell us that both kaupapa Māori and bicultural trauma-informed approaches are useful for ensuring equity and choice; they are not mutually exclusive.

“Yeah, I think it’s important, but I also think the Pākehā side of things is also important. It kind of brings that balance between them. It can’t be too Māori, and it can’t be too Pākehā, kind of like [they should] meet in the middle.” (Nunu)

Sexual and physical violence in State care caused significant trauma to many whānau, implicating the role of the Crown in perpetuating the cycle of distress, addiction, and criminal offending and providing further rationale for why the justice system must take a trauma-informed approach as part of its rehabilitative remit.

It is important to focus on how professionals in powerful positions (e.g., judges, police, corrections and probation officers) interact with whānau, as they can have a significant impact, potentially without realising it. Being trauma-informed means never making assumptions about the experiences the person standing before you may have had, either that day or in their lifetime. Having the strategies to know how to enter safe conversations can be life-changing for whānau. For example, whānau told us that small acts of kindness from people in powerful positions can be significant in the lives of people seeking whānau ora.

“I said to them [police], ‘My biggest fear for the past seven years has been the police and the gangs,’ and they could not believe I was so terrified of them. But I felt like, ever since I had the miscarriage in the police cells, they weren’t on my side. I felt like they always wanted to get a charge; they did not want what was best for me. They said to me, ‘What was your turning point?’ I said, ‘I got spoken to like a human being and not a criminal and got offered help.’ I took the help, and I never looked back.” (Bex)

Hitting “absolute rock bottom” is often when whānau said they feel ready to turn their lives around. Whānau described this as “being sick and tired of being sick and tired”. Many shared how the shame and guilt related to years of offending culminate in their

foundations cracking. At these vulnerable moments of self-awareness, humanistic responses that are respectful, empathetic, transparent, and encouraging have a profound impact.

“...The guy [custody officer] starts talking to us, saying, ‘You are all beautiful young girls, what are you doing? Why do you want to lose your freedom and be in prison? I want to share with you guys that about nine years ago, I got cancer. I thought I was going to die. My wife left me. I was at the lowest point of my life. Slowly, I got better. I put the cancer behind me and started to look at life differently. I was so grateful to live and have a future. The worst thing I could think of was having my liberty taken away from me. That is what I don’t understand: how could people let liberty be taken away from them.’” (Awatea)

Whānau also experienced “compassionate consideration” in judging, which felt tikanga-influenced by being tika, having pono, and showing aroha. Whānau described judges as “letting the T.A.P of Wairua flow over the whānau appearing before them” and shared some examples of helpful practices by social workers, probation officers, and other support people and resources. However, these experiences were inconsistent: We also heard stories of police, corrections, or probation officers showing limited humanity and ignoring an ethic of care. For example, even though incarcerated people are entitled to equal access to healthcare, we heard how little support exists for people held inside risk-filled cells.

“They detoxed me in the pound [in the Women’s prison]. They didn’t put me into ARU [At Risk Unit] because I was covered in sores and scabs and didn’t know what was wrong with me. I looked really, really bad...They held me for a really short time in the cells, and then they got me straight out to the prison. My memory is blurry, and it’s not what I like to remember. But I remember waking up in the pound and then talking to the other

women...Only in retrospect do I understand how crazy it was that they put me straight into the pound to detox me, not ARU.” (Carly)

Advocacy is integral to the mahi of hapori with police, courts, and Corrections; over time, it helps build mutually beneficial relationships. Kaimahi are often translators for whānau when engaging with government agencies, whose processes and language are often stigmatising and complex. Barriers occur when professionals do not move or think outside the box or their prescribed roles, creating a lack of creativity and flexibility in finding solutions together. When productive partnerships happen, hapori and Crown organisations create innovations that work for the whānau in their rohe. Examples include police education around safety planning to reduce and prevent violence, and the coordinated community-court, tikanga-led processes of Matariki Court. These initiatives illustrate how courts can be humanised and work closely with hapori.

Hapori also told us that a firm pushback against some justice professionals is required to sustain relationships with whānau; this can be an enervating aspect of their advocacy:

“I keep saying to Ngahau that the interface now is to challenge the system to be tika and pono. When our people engage in a tika and pono fashion, we have to fight where it isn’t. Often, we’re dealing with basic racism, and you don’t have to go far to see examples.” (Debbie, Te Mana)

Overall, our whānau stories bring to life real journeys towards recovery and desistance from offending and highlight why a trauma-informed approach to justice is so important. As a result, these whānau stories could serve as the foundation of an anti-discrimination campaign to help the public transform their thinking and understand why prioritising rehabilitation over punishment is critical.

## COMMUNITY-LED SOLUTIONS

During the COVID-19 pandemic, tino rangatiratanga (self-determined) responses were evident amongst Māori, who acted quickly to protect their communities, particularly through the prevention of transmission (McMeeking et al., 2020). Iwi, hapū, marae, and whānau initiatives utilised te ao Māori principles to distribute food and other essential supplies, accommodate, and socially support whānau, particularly the elderly, sharing positive and uplifting messages via newsletters, radio, mainstream and social media (Cassim & Keelan, 2023). Kukutai et al. (2020) argue that a sustained “post-COVID reset” is vital for those with insider knowledge and insight into their communities as best placed for making decisions. In Te Tiriti o Waitangi, Māori were promised the right to rangatiratanga for Māori. At the same time, the Crown had kawanatanga over its people, and they shared power as equals that is consensual and conciliatory (Mutu & Jackson, 2016, p. 9).

The health reforms introduced under the Pae Ora (Healthy Futures) Act 2022 heralded significant power-sharing shifts. However, it remains to be seen if kawanatanga continues to be held by the Crown (Rae et al., 2023). The Ministry of Health remains the lead advisor on health, strategy, policy, research, regulation, and monitoring, with the Public Health Agency set up within the Ministry funding services. Te Aka Whai Ora is an independent Māori Health Authority. Its role is to ensure the planning and delivery of services to meet the goals of Māori. Te Whatu Ora (Health New Zealand) is a Crown Agent that implements government policies as directed by the Minister. New localities were formed on the ground to integrate services with Māori, led by Iwi Māori Partnership Boards who were central to co-designing and co-creating services (Tenbensen et al., 2023). Partnership Boards, including Te Aka Whai Ora and Iwi, are “likely to make pro-Tiriti and pro-Equity policy and funding decisions” to improve Māori outcomes (Crampton, 2021, p. 9).

## EXISTING TRAUMA-INFORMED APPROACHES

A trauma-informed approach aims to understand what has happened to whānau rather than focusing on fixing what is wrong with a person. Since 2011, Te Pou, Le Va, and Te Rau Ora have been collaborating on resources to support services to work toward providing trauma-informed approaches. Te Pou (2023) explains:

People have different responses to trauma, and we need to be aware of the event, the experience by a person or a population and the effects of the event. A trauma-informed approach recognises and understands that trauma can negatively affect whānau, groups, organisations, communities, and individuals.

A scoping of community support in Aotearoa suggests the status of trauma-informed approaches here are emergent and lacking an evidence base (Dempster-Rivett, 2018; Peters, 2017) even though trauma-informed care is not a new concept with Aotearoa mental health and addiction services (Pihama et al., 2017). A literature scan suggests that although there is some emerging research out of Aotearoa, the majority is North American. This fails to consider our unique cultural diversity and the context of Te Tiriti o Waitangi and te ao Māori.

Most people in prison have been exposed to trauma during their childhood (Monasterio et al., 2020). Over half of people in prisons have experienced sexual or family violence (75% of women and 56% of men), and a large proportion have identified post-traumatic stress disorder (PTSD) (54% of men and 40% of women). Nearly two-thirds of Māori have experienced one or more traumatic events, compared to half of adults in the general population (Hirini et al., 2015). Despite this, Māori can grow in resiliency via a whānau ora approach that strengthens the capability and capacity of whānau using a focus on cultural practices (Carswell et al., 2017).

Kaupapa Māori research demonstrates that a trauma-informed approach needs to include additional elements (over and above the internationally accepted ones) (Cieslak et al., 2014; Isobel & Edwards, 2017; Substance Abuse and Mental Health Services Administration, 2014): an understanding of the impacts of colonisation on Māori and the impact of historical trauma events; and a focus on resiliency (as it is a strengths-based model) (Leitch, 2017). Part of this need stems from the critique that current trauma

approaches are predominantly based on psychiatric definitions and associated therapeutic structures, which emphasise individual experience over the collective. An individualist approach renders collective experiences of events boxed into diagnostic tools, excluding intergenerational trauma related to assimilative colonial practices (Wirihana & Smith, 2014). He Oranga Ngakau offers a kaupapa Māori approach to trauma-informed care, fit for purpose to support whānau and hapori in Aotearoa (Smith, 2022).

Māori providers have argued that while we can observe emergent increases in the use of trauma-informed approaches in Aotearoa, they show little or no recognition of the need for cultural approaches within such constructs (Pihama et al., 2017). For example, Corrections produced the paper “New Zealand prisoners’ prior exposure to trauma”, which did not mention the effects of colonisation or acculturation (Bevan, 2017). Te Pou resources and trauma-informed care training focus on contextualisation of the behaviour, with trauma experiences being a central, rather than peripheral, issue. This reorientation from asking, ‘What is wrong with the individual?’ to asking, ‘What has happened to the individual?’ is vital to trauma-informed approaches. Despite these efforts, few mental health and addiction policy documents explicitly mention trauma-informed approaches, and we see little of this approach in the justice system (Bevan, 2017).

Although Corrections have asserted that childhood trauma is not causally connected to criminal offending (Bevan, 2017), other commentators have strongly asserted the link (Durie, 2003). Hōkai Rangi, the flagship five-year strategy of Ara Poutama Aotearoa from 2019-2024, included in its “short to medium-term actions” the task to “connect whānau...with the right agencies to ensure they receive the appropriate trauma-informed support where required” (Department of Corrections, 2019). We could find no indications of this approach being expanded across the justice system, and it was not a common experience of whānau who shared their stories in this project.

## APPROACHES TO TRAUMA-INFORMED JUSTICE SYSTEMS INTERNATIONALLY

The North American judiciary and other justice professionals have recognised their need to understand the trauma people in their spaces may have experienced. In some cases, this has led to trauma-informed judges making significant changes in their approach (Substance Abuse and Mental Health Services Administration, 2023). Simple, practical adjustments might include, for example, modifying the court layout to make the court a safer environment for participants, who can then become more engaged in court. Mainstreaming a solution-focused approach, which we often see in specialist courts, is another strategy and reflects that traditional adversarial criminal justice practices often continue the traumatising of people who have offended, as well as their victims. Solutions-focused approaches often include humanistic relational practices that address procedural justice concerns of voice, validation, and respect while enhancing positive social connections. Some of these practices align with the efforts of the judiciary in Aotearoa to implement principles outlined in Te Ao Mārama.

SAMHSA describe trauma-informed practices as those which are person-centred and culturally competent. They advocate for the development of shared responsibility for decisions, interdisciplinary working, and following the “four R’s”: realisation about trauma, recognising signs of trauma, responding through trauma principles, and resisting re-traumatisation.

Realization about trauma requires court actors to understand that many of the individuals they work with may be prior victims of trauma. Learning how to recognize the signs of trauma and how it manifests in various contexts across environments requires staff to identify trauma symptoms as coping mechanisms. SAMHSA’s process acknowledges the potential triggers court-involved individuals may experience throughout the legal system. Court staff trained in this framework can actively minimize triggers, and promote the well-being and safety of all parties (Substance Abuse and Mental Health Services Administration, 2023).

SAMHSA’s GAINS Center in the United States offers training that helps educate criminal justice professionals about the impact of trauma and how to apply a trauma-informed response. They also offer train-the-trainer opportunities to eventually lead to justice professionals being able to self-teach in their organisations (Substance Abuse and Mental Health Services Administration, 2023).

## DRUG POLICY AND LAW REFORM

Advocacy and research indicate the need for informed public discussion on New Zealand drug policy and law reform. In 2011, the Law Foundation detailed the mismatch between drug legislation and National Drug Policy. They recommend a legislative framework to be administered by the Ministry of Health, ensuring:

- Drug laws contribute to demand reduction by providing opportunities for drug treatment and other therapeutic and non-punitive responses to harmful drug use associated with addiction and other mental health issues.
- The harms associated with the criminalisation of drug users are mitigated wherever possible by introducing a more comprehensive menu of legal responses to personal drug use offences.
- Personal drug offending that does not harm others is met with a consistent, proportionate and just response (The New Zealand Law Commission, 2011).

The New Zealand Drug Foundation, Helen Clark Foundation, Drug Policy Alliance, and the World Health Organization have supported the decriminalisation of personal possession and use of illicit drugs. The New Zealand Drug Foundation argues that:

**Drug law reform is vital to ensure everyone needing addiction support can get it. Our current drug law stops people getting help, wastes money on enforcement that could be spent on treatment, creates stigma and leaves thousands of people with convictions that can further impact their addiction. Changing our drug laws is crucial to ensure people with addictions get help (2018, p. 8).**

Research has shown that criminalisation of personal possession and use of substances has not effectively reduced usage (Melchior et al., 2019; Thies & Register, 1993; Unlu et al., 2020), contributing to harm experienced by vulnerable populations. Harms can be created in this context by increasing inequities, social exclusion, and stigma, and deterring substance users from help-seeking (The New Zealand Law Commission, 2011). By continuing to focus on criminalisation, significant resources are used for criminal justice actions, as opposed to health responses, which may be more effective at reducing harm (Drug Policy Alliance, 2015). Criminalisation also exacerbates inequities, particularly concerning Māori, through uneven law enforcement (Fergusson et al., 2003; The New Zealand Law Commission, 2011). Such evidence suggests that a focus is needed on decriminalising personal possession and use of substances as an evidence-based harm reduction intervention (Mayo, 2021). Programmes such as Te Ara Oranga – The Pathway to Wellbeing have successfully piloted an approach where police, health staff, iwi, and local NGOs work together to address social issues and help people access help rather than prosecuting people for their use (Yasbek et al., 2022). It is important to reflect on how decriminalisation may reduce harm from drug law and policies contributing to traumatic experiences for whānau.

## 2. Strengthen prevention and early intervention

This project illustrates how childhood trauma can impact later life trajectories. The first transformative action aims to start early and prevent some trauma experiences contributing to mental distress, addiction, and criminal offending in adulthood. Strong support for a trauma-informed justice system involves committing to existing calls for change in how care and protection of tamariki are governed, and bolstering supports around tamariki, whānau, and hapori to allow for early intervention and prevention.

### **To strengthen prevention and early intervention, key action areas include:**

- ***Devolve resources to iwi, hapū, and whānau to govern the care and protection of tamariki Māori.***

**Summary:** Scale up and prioritise Māori-led solutions for the care and protection of tamariki Māori to reduce existing inequities in trauma experiences for whānau Māori. Action the Waitangi Tribunal recommendation to establish a Māori Transition Authority, which must be independent of the Crown, to identify the changes necessary to eliminate the need for State care of tamariki Māori. Devolve control and resource the care and protection of whānau Māori to iwi authorities. This action is required to reduce the inequitable traumatic experiences of whānau Māori whose feelings of abandonment or disconnection stem from being taken from biological parents and placed into alternative whānau arrangements, foster care, or youth justice facilities.

**Responsible:** Social sector agencies.

- ***Bolster whānau ora support to wrap around whānau Māori.***

**Summary:** Increase investment in existing whānau ora services so whānau can remain safely connected when separation is required to protect tamariki.

**Responsible:** Social sector agencies.

- **Co-determine opportunities for schools to be wellness hubs.**

**Summary:** Create and implement a policy that envisages schools as sites for wellness and community to ensure all tamariki have equitable access to social services, health, and disability support.

**Responsibility:** Social sector agencies.

### What whānau told us about this key action area

Adverse childhood experiences made it difficult for whānau to live without drugs or alcohol; they also experienced a prevalence of offending and mental distress. Many whānau grew up in violent, transient, structureless households and experienced drugs and alcohol at a very young age.

“One of my first memories was being dragged out from underneath the bed with my sister. Lots of abuse, lots of physical and sexual abuse growing up.” (Carly)

Without the positive support of whānau role-modelling another way to live, tamariki, as all children do, followed their parents’ actions.

“We were drinking long-neck beer bottles at five years old. [We were doing the] South Island swallow; my brother was three years older than me and could do a flagon. I could never do the flagon. But that was all my father wanted; it was his goal to one day be able to drink with us at the pub. It was just a party house, with bad people coming into the house. Yeah, it was not good for two kids because he was a solo father. He got sole custody of me. We used to abuse my mum when she rang and make Dad happy.” (Brendon)

The trajectory towards criminal offending in adulthood often began early:

“They had drugs, they had money, all the stuff that a young fella would want, so I ended up

going with them to Auckland. I got involved with the gangs and everything that goes with that. That was my life for quite a while.” (Lester)

Whānau shared stories of being removed from their parents by the State because of unsafe living situations. They expressed long-lasting grief, loss, and deep feelings of disconnection when no connected care or other support pathways were offered to help maintain a relationship with their biological parents. Feelings of abandonment and loss of identity were present in many stories, which reflected strong yearnings for a close connection to biological parents, even when the new whānau arrangements provided foundations for good, safe homes. Using drugs was often a way to ease the pain of this trauma:

“Anything that I could get to fill the loneliness of what had happened to me in the CYFS home, and my dad not being there and my mum being in prison...so yeah, it was quite messy.” (Jennifer)

Many whānau said they did not experience wrap-around whānau ora support that created and maintained safe, pro-social connections and engagement. To maintain whānau relationships, open processes are needed even when separation for safety reasons occurs. Whānau explained that this openness is an important protective factor in keeping whānau relationships/connections strong and reducing traumatic experiences.

Many whānau talked about having “good childhoods” but often referenced a lack of connection to their parents. They now recognise their parents’ struggles with mental distress, excessive drug use, and entanglements with the criminal justice system. The burden of worrying about a parent’s wellbeing was immense and led to whānau developing a seemingly tough exterior as a form of protection. Later in life, through the journey towards recovery, some

whānau realised they had not developed ways to cope with the stressors in life. As adults, they understood the need to grow their emotional intelligence to develop trusting, long-term attachments.

“I think all my relationships have been hard, have never gone well. Other than my relationship with my son, I don’t remember any relationships being really deep; maybe [with] my grandmother. That has been my experience. Even friendships, you know, I struggle to maintain friendships. It’s something I don’t understand.” (Mike)

Schools were not always safe spaces for whānau. Whānau were bullied or were members of groups that bullied others and got into trouble.

“The trauma of bullying and harassment left me uncomfortable in my skin. I became shy and withdrawn. The voices and characters that followed me were sometimes disturbing and comforting.” (Jason)

“I’ve always had this reason to be naughty and just to get attention and be the class clown. That just kicked off my journey to gravitating towards naughty people...I can’t stand pot; it’s not a drug I enjoy. It just wigs me out and makes me feel sick and paranoid. But at that stage, I did it purely to rebel against the school system, [and] what my parents wanted for me...I was naturally intrigued by and attracted to the naughty kids. That’s where my drug use started.” (Troy)

As such, whānau were stigmatised, labelled as troublesome, and even expelled from school, setting them on a trajectory towards further offending. This sometimes led to being put in a State-led home and often led to joining a gang, where whānau structure, financial stability, and notoriety existed. Children and young people who run away, become homeless, and live on the streets sometimes make these choices to escape trauma and abuse; in so doing, they can be

exposed to criminal activities. Lack of early intervention around experiences of mental distress, behavioural problems, and learning difficulties contributes to and compounds trauma experiences. Schools are not always places for tamariki to feel safe and connected, even when provisions of diverse social, health, and wellbeing services may provide meaningful support. Instead, whānau shared that they were often told to leave their school, creating further barriers to full participation in education.

Traditional justice responses to young offending — youth detention and incarceration for young adults — helped cement a negative journey for whānau. That journey was often compounded by forming a dysfunctional whānau network, where members were taught how to be better criminals.

“There was no real intent to be in that world, but the boys’ homes started me off on that path and, to be honest, there was no going back from that.” (Fete)

## STATE CARE

Of the 5048 children under the guardianship of the Chief Executive of the Children's Ministry in 2017, 69.7% were Māori (Oranga Tamariki, 2018). A Māori baby is six times more likely to be uplifted than a non-Māori baby (Neilson, 2019). In 2018, at least 45 babies were taken the day they were born, and more than half were uplifted from young Māori mothers. While the percentage of uplifted Pākehā children has been reported as falling, figures for tamariki Māori continue to rise. Former Race Relations Commissioner Dame Susan Devoy acknowledged tamariki Māori were more likely to be removed from their families and placed in state homes than non-Māori. The Crown fails to ensure children's safety in State care, particularly tamariki Māori. In 2022, over 220 children in State care were abused; 70% were Māori. A Whānau Ora inquiry into State care found that Oranga Tamariki practices remove tamariki from whānau without sufficient investigation or partnership with whānau, hapū, or iwi, and the agency provides little early engagement and wrap-around support for whānau. The report argued that removing tamariki is traumatic for everyone involved and can worsen mental distress and disrupt a sense of connection and identity.

**“Not one more mokopuna is to be taken. Remove ‘Oranga’ out of OT and bring our tamariki back to us.”  
(Dame Naida Glavich)**

Judge Coyle once pointed out that children in Oranga Tamariki care “have a greater risk of appearing in the Youth Court jurisdiction” and described his concern that he is “often left wondering in relation to some children what is the greater harm” (NZFC, 2018, p. 3).

Te Ara Matua was launched in April 2023 in response to the controversial uplift of a seven-day-old baby from its mother in Hawkes Bay Hospital in May 2019. Te Ara Matua is a “bespoke iwi-led partnership between Oranga Tamariki and the iwi” (Sharpe, 2023), Ngāti Kahungunu. The partnership will see iwi and local organisations more involved in decision-making from the outset when whānau require intervention and support. The Ngāpuhi relationship with Oranga Tamariki was strengthened based on the Mahuru Memorandum of Understanding that was launched in 2014 (Davis, 2022). For Waikato-Tainui, a positive evaluation of the Mokopuna Ora pilot in 2018, which aims to support, educate, and empower tamariki, resulted in a substantial boost in funding in 2022 (Grootveld & Brown, 2018). In the Eastern Bay of Plenty, four iwi hauora social service providers formed an alliance to support whānau aspirations with support services. Within this alliance, Ngāi Tūhoe has made a strategic arrangement with Oranga Tamariki to be informed of any concerns for Ngāi Tūhoe pēpē or tamariki. Furthermore, the 2021 review of the Service Management Plan (SMP) outlining the Crown's commitment to improving Ngāi Tūhoe housing, health, education, social support, and development also signalled support for the iwi to reclaim rangatiratanga and pursue their own positive social outcomes. To date, the Crown needs to do more across the board if Ngāi Tūhoe are to reach their aspirations and the Crown is to achieve an honest relationship, partnership, and collaboration (New Zealand Government, 2021).

In 2019, following the aforementioned uplift, Te Ao Pepi and Backbone Collective sent open letters to the Prime Minister highlighting the failures of the Family Court to protect women and children from violence. They forced separation (The Backbone Collective, 2018). Backbone notes that the separation of legislature and judiciary was being used by politicians (of all stripes) to hide from responsibility – claiming powerlessness when it comes to the matters before the Family Court. It goes on to state that change will only be achievable if “those in authority stop continually denying the reality – cease using rhetoric of false equivalence – cast aside their reliance on patriarchal and colonial, command and control models, and start really listening to those who are most in need of being heard”. Quince backs that up, reminding the then Prime Minister Jacinda Ardern of her claimed need for “kindness and kaitiakitanga”, and challenging the Minister for Children's refusal to equate the uplifts of Māori babies with Australia's Stolen Generation of Aboriginal children removed from their families in the 20<sup>th</sup> century (The Backbone Collective, 2018).

In 2019, section 7AA OTA was enacted – the first time in Aotearoa history that Te Tiriti has been mentioned in legislation relating to children. It requires the Chief Executive of Oranga Tamariki to “recognise and provide a practical commitment to the principles of the Treaty of Waitangi”. It required all decision-makers to regard mana tamaiti and the whakapapa of Māori children. Shortly after, this section began to force change (Dunlop, 2019).

Multiple reviews of Oranga Tamariki occurred (Narayanan, 2019), resulting in announcements in 2021 to stop all uplifts (Neilson, 2021). At that time, a review board led by Matthew Tukaki described Oranga Tamariki as “self-centred and constantly looks to itself for answers. Its current systems are weak, disconnected, and unfit for the population of Tamariki it serves, and there is no strategy to partner with Māori and the community” (Neilson, 2021). In 2021, the “subsequent child” uplift rule was repealed (Sachdeva, 2021).

However, despite the rhetoric from Children’s Minister Kelvin Davis, the uplift of children from their whānau increased on average in the four months following his order to change practice (Pennington, 2022). The overall trend was down, but Māori lawyer David Stone asserted that people “are still scared”. He pointed out that families in this situation often cannot access legal representation and, thus, cannot defend themselves. However, since the Ombudsman review in 2019-20, hui with whānau before an uplift application (s78 application) has occurred in more than 80% of cases, compared to less than a quarter previously (Pennington, 2022).

## INTERGENERATIONAL TRAUMA AND EARLY INTERVENTION

Chief Science Advisor Ian Lambie has produced two reports that connect strongly with this key action point and provide further evidence to scale up early intervention and prevention strategies that are by Māori for Māori (Lambie et al., 2022). The authors recognise the significant impact of intergenerational trauma on whānau Māori:

While the personal, social, and economic harm these children have caused by their offending should not be minimised, it is critical to remember that these children were victims first. In the words of one of the lawyers interviewed in this research, ‘Offending does not occur in a vacuum’. Indeed, most would have never escalated to engage in offending behaviour if they and their families had not experienced significant harm themselves—all too often, intergenerationally—or had received timely, effective help that addressed their needs (Lambie et al., 2022, p. 8).

The research showed significant child welfare concerns preceded most child offending and continued into adolescence. The authors’ analysis of integrated data infrastructure (IDI) data showed very high levels of abuse, reports of concern to Oranga Tamariki, stand-downs and suspensions from school, and indicators of social deprivation among children who commit offences. Inequitable experiences reported for Tamariki Māori were stark: “The odds of Māori children and young people offending were almost three times more than for their non-Māori peers” (Lambie et al., 2022). All of these statistics were significantly worse relative to their non-offending peers. Lambie concludes that responses to child offending need to address the welfare concerns of children and their families using culturally appropriate approaches. However, opportunities to wrap support around households with complex needs often went unmet despite a high level of engagement with social and justice systems.

An earlier report by Lambie also argued for an early intervention and preventative approach to address intergenerational trauma. Aligning with this project, the report also spoke to the importance of recognising the vital contribution of the school to the social and emotional learning and wellbeing of students. The report also highlighted the role of targeted assistance for those with behaviours considered challenging. However, Lambie et al. explain that schools are under-resourced in their ability to support children most in need, for example, those with fetal alcohol spectrum disorders, developmental disorders, ADHD, mental health issues, and speech and language difficulties. Unmet need often has severe consequences:

A “school-to-prison” pipeline can also be defined, for example, for primary school children as young as 7 or 8 years, who show challenging behaviour and early offending, who disengage or are excluded from school, spend time on the street and in youth justice residences, and who are already seen as “troublemakers” heading to prison; for these children, a “criminal” education may replace school education (Lambie & Gluckman, 2018, p. 15).

We must recognise the protective and, by extension, a preventative factor that schools play in reducing the risk of future criminal offending and incarceration.

### 3. Develop a smorgasbord of trauma-informed services

Strongly connected community networks of trauma-informed mental health and addiction support are required to support a trauma-informed justice system. A diverse offering of support that enables choice increases equity and equips justice professionals to connect whānau with services in their community. Our project shows that iwi, hapori, and community-based supports have established best practices for supporting whānau with trauma histories. This evidence-based foundation can be built upon, recognising that people require an eclectic mix of tailored approaches to suit their individual needs and support their recovery.

**To develop a smorgasbord of trauma-informed services, key action areas include:**

- ***Prioritise resourcing kaupapa Māori approaches to trauma and healing.***

**Summary:** Scale up across Aotearoa kaupapa Māori approaches to restorative healing from trauma.

**Responsible:** Manatū Hauora – Ministry of Health; Te Aka Whai Ora – Māori Health Authority; Te Whatu Ora – Health New Zealand.

- ***Develop specific trauma-informed addiction and mental health support for wāhine.***

**Summary:** Prioritise therapeutic space for wāhine to heal from trauma, recognising the significant victimisation they have experienced.

**Responsible:** Manatū Hauora – Ministry of Health; Te Aka Whai Ora – Māori Health Authority; Te Whatu Ora – Health New Zealand.

- ***Ensure access to diverse and balanced mainstream support.***

**Summary:** Strengthen tikanga-led approaches to trauma across the justice system as a Te Tiriti imperative, alongside best practices for trauma-informed care. Ensure offerings are responsive to the safety of whānau of diverse ethnicities, genders, and sexual orientations and acknowledge interconnections between acts of violence and trauma experiences.

**Responsible:** Manatū Hauora – Ministry of Health; Te Aka Whai Ora – Māori Health Authority; Te Whatu Ora – Health New Zealand; and broader Non-Government Organisation, health and social care networks.

- **Remove barriers to support by offering open access in, out, and back again.**

**Summary:** Remove the requirement to stop using drugs to enter an addiction service and enable whānau to engage, disengage, and reengage with a community provider or service as needed, recognising the reality that fluctuations in engagement are inherent to pathways to recovery.

**Responsible:** Manatū Hauora – Ministry of Health; Te Aka Whai Ora – Māori Health Authority; Te Whatu Ora – Health New Zealand and broader Non-Government Organisations.

### What whānau and hāpori told us about this key action area

We heard much about this key action from whānau and hāpori and have presented key points thematically.

#### Culture as a transformative element

We learned best practice trauma-informed approaches from the hāpori we engaged in this project. Hāpori told us that culture is a transformative element. The trauma created through the disconnection of hapū, iwi, whānau, and whenua can be healed through cultural support. Assimilation policies have stripped away the cultural foundations for whānau Māori. Education centred on te ao Māori – te reo and tikanga – creates a protective factor for healing and recovery.

“At a time when prisons were solely about punishment, he [Hoani Waititi] set up the first kapa haka group in prison. His vision for inmates healing and rehabilitation acknowledged that without cultural support, inmates would re-offend. [Hoani] saw culture as a transformation element that we have a

right to access; it is not a privilege. You put the right things into the right people at the right time, and good things happen.” (Shane)

The equalising space provided on marae allows people to build a sense of belonging, no matter what they have done and where they are from.

“The thing about Hoani Marae is, it is an equaliser, kia whakanoa i te tangata me te whānau. No one is more important than anyone. When I’m at the marae, I’m Rosie; I will do the dishes. I’m not Rosie, the lawyer; who is that? You are only as good as the last meal you cooked. I love that about the marae because we can have gang whānau days, and the very next day, we’ll have a powhiri for a new judge. That’s what the marae is.” (Rosie, Hoani Waititi Marae)

“[Whānau] look at me [and others who have experienced lengthy sentences] and think, ‘No judgement here’... Our mana is all at the same level. There is no judgement based on what is on the cover...[that way of thinking] is prevalent in our justice and social system, [which is] characterised by stigma and lack of acceptance. At the marae, there is acceptance by the staff and the kids, which is a good start to come onto the marae and feel that. [We have a] history of acceptance on the marae.” (Shane, Hoani Waititi Marae)

The hāpori stories showed us that the lack of judgement and feeling of acceptance was enhanced by the lived experiences of kaimahi supporting whānau on the marae.

“I’m empathetic, and I’m not judging them based on the decisions that they’ve made in their past. I’m not going, ‘Oh, that’s pretty bad, shouldn’t have done that!’, or ‘Oh no, you’re a terrible person,’ things like that. I’m just being understanding and sitting in there with it.” (Shady, Te Mana)

Hāpori aims to provide a space that embraces all whānau, is non-judgemental, and understands that building trusting

relationships takes time. Tikanga directs kaimahi and whānau to do things right, with care and compassion, putting the people first, and sharing in the values of aroha, manaaki, tika, and pono. Through this approach, whānau seeking support feel protected when on the marae or in community space.

However, existing forms of evaluating the programmes run by hapori are shaped to fit Crown, not whānau, priorities. Hapori stories, therefore, have implications for how we assess outcomes. The film featuring kaimahi from Hoani Waititi Marae compares the different priorities of the Crown (e.g., reduction in recidivism) to the marae (e.g., sense of connection, involvement in kapa haka, involvement on marae, noho marae). Measures of recidivism do not acknowledge the gains made at every step of whānau recovery journeys. For example, the benefits gained in one programme may only emerge when involved in a subsequent programme; that means the initial agency may not directly experience the “results” seen later. The measure of “success” is what whānau have taken from their interactions with kaimahi.

“We allow everybody else to define what success is by ‘Did they re-offend?’ That was what they were using to define success. At the end of the day, success is what the person has taken from the interaction with you that helps them on their journey. I heard of a boy the other day who did really well, and then I just heard he had fallen over, and I’m going, ‘Ohhh!’ My heart just dropped, but I know that there’s some stuff in there that you can’t change.” (Debbie, Te Mana)

Success is felt, not measured, and it involves living a life based on tika, pono, and aroha. These principles also serve as sustenance and support in whānau recovery journeys, which require time, patience, commitment, and perseverance.

## Empowering whānau to see they have the solutions

The medicalisation of normal responses to extreme circumstances is detrimental and means whānau often do not get the support they need. Medication may be given, masking the underlying pain of trauma that is too often ignored.

“Psychiatrists taught me to see my greatest problem as a chemical imbalance and distrust my own head, which only robs you of the main resource for recovery – yourself.” (Jason)

A shift from individualistic and pathologised treatment to trauma-informed recovery approaches empowers personal choice, tino rangatiratanga, mana motuhake, through a social process of connection, accessing community resources, and becoming part of the community through redemptive practices of giving back.

The hapori stories in this project showed the positive impacts of empowering whānau and building relationships so that they can do it on their own, and of providing support for whānau wherever they are on their journey. Kaimahi told us they aim is to connect people with the supports that may be helpful for them as tools to avoid going back down the same track. They collaborate with whānau to help them create their strategies, and to avoid co-dependency.

“Working with the whānau, it’s working holistically and about self-determination for the whānau. So, supporting the whānau around where they want to get to. It’s very strong [on] recovery and self-determination... It’s about whānau, culture, recovery, and what is important to the person...supporting the whānau with their tino rangatiratanga.” (Roberta, Rongopai House)

Hapori illustrated the importance of mana-enhancing processes when challenging whānau to see new ways of seeing and being, processes often bolstered by the involvement of people with lived experiences of justice engagement, trauma, distress, family violence, and problematic drug use. Tāne talked about the positive benefits of finding support and empathy to work through their trauma, neglect, and shame to break often intergenerational cycles of abusive behaviours. Usually, this also led to re-thinking the compulsion towards criminal acts:

**“It was harder for me to give up the crime than the drugs. They went hand in hand. Drugs were an occupational hazard, but I was caught up in the crime part.” (Joseph)**

A common theme across our hapori stories was how kaimahi focused on supporting whānau with immediate needs first, followed by the deep work needed to heal, then connecting whānau with more comprehensive support to help them self-determine where they want to go.

**“I figured if you look after the kids, giving them food, formula, nappies and give them somewhere safe to be and hang out for a bit, the mums will bring them in. But it’s the kids who want to keep coming back and bringing their mums. Initially, people come here because people need and want stuff, but once they feel comfortable [they end up getting much] more.” (Dino, Rongopai House)**

Hapori were conscious of the trauma experiences of wāhine and created a safe place for them to connect. Housing is critical for whānau, and helping whānau by advocating for support via WINZ is often required. Housing for whānau coming out of prison was seen as key for stopping a cycle of re-incarceration.

## **Hohou te rongo and restorative whānau-focused approaches for healing**

Trauma in childhood was understood by whānau as connected to their behaviour in adulthood, but many whānau wanted to be sure to state that this was not the reason for their offending. When whānau shared their stories of success with us, having dealt with their trauma, they expressed personal responsibility for their actions that harmed others and found peace to move forward. Hapori told us about the hohou te rongo process of restoring the mana of individuals and the collective, empowering them to see the solutions to their journey, moving forward guilt-free, and without anger. Other whānau talked about restorative approaches to whānau healing while in addiction treatment that allow balance and connection to be repaired.

Some whānau talked about the harm they have caused their whānau, often only realising the deep hurt they caused while receiving whānau-focused therapy. Often, trauma sessions were shared for the first time during whānau sessions.

We have learned from hapori about hohou te rongo, an ongoing process aimed at restoring the mana and sense of belonging of whānau while also addressing harms caused by offending. When tapu and the management of others are disregarded, whakanoa takes place, and kaimahi can engage in the restorative process to reconcile balance. Te Whānau Awhina presents a Māori-centric approach to restoring balance when harm has been experienced, which works for people of all cultures. Hoani Waititi Marae serves as a culturally significant location, especially for rangatahi who appear in Kōti Rangatahi, and their whānau. The proceedings are taken seriously, and the Family Group Conference includes an element of hohou te rongo that reconciles and connects with whānau. The process

extends beyond a series of hui, building a connection to the marae and the wider community.

One of the whānau stories illustrates the power of restorative justice practices. While still in prison, a wāhine initiated a restorative process, writing to each person she victimised. It was a powerful approach that allowed her to see the harm she had caused and, in response, to have self-compassion during her fight for recovery and a positive life.

“That was the hardest, but I wrote them letters. I apologised to each one of them for the actions and property that I took from them and the pain that it caused them to access their property. They all wrote back, and then they wanted to come for a visit, and I allowed them to...They came in to listen to my side instead of standing in the box...on my sentencing day. They saw a whole different point of view and saw the real me.” (Tuchey)

Some families were not given the same chance. They discussed the importance of therapy sessions for families to help their loved ones struggling with addiction. These sessions must focus on long-term healing instead of temporary solutions. Although services can assist, nothing compares to the love and support gained from building strong relationships within the family and with others in recovery. These services can help individuals achieve wellness and find a sense of belonging within their community.

### **Specific support needs for wāhine (including transgender wāhine)**

Intimate partner violence was prevalent in most stories from wāhine. It was interlinked with offending, problematic use of drugs, and distress related to being in a toxic relationship and experiencing coercive control they cannot see a way out of.

“...I tried to get away from him once, and he threw a hammer at my head. If that had gotten me in the right place, it would have killed me. It was absolutely nuts. I tried to put boundaries in place. I remember trying; there were always snippets of me trying, but I didn't know what that looked like, and I didn't know how to hold a boundary once I'd set it.” (Shannon)

Childhood experiences of violence shaped whānau expectations in adulthood of that same violence. Whānau talked about not seeing it as wrong or different when they are in violent relationships.

“A key turning point was the removal of my partner from my life and all the violence that had been present in that relationship. I had tried to leave but was so addicted to drugs and to him that I couldn't. I felt very lucky to be alive. For much of my life, I had been influenced by the men in my life through co-dependency and reliance on drugs. This was a real 'What do I want to do with my life?' moment.” (Jess)

Experiences of addiction often lead to criminal offending because it is the only way to afford prohibited drugs. This situation can also exist in toxic relationships, when wāhine are relying on financial security that their partners may provide or turning to sex work to support their drug usage.

“It became sex to get the drugs to fill the void, to get the drugs. I was never getting anywhere apart from angrier and losing more of myself.” (Jennifer)

The prison was often a safe place to escape from this harmful reality. It allows wāhine (and tāne) to have some time away from the abuse and chaos of their daily lives.

As victims of trauma, it was clear that supports for addiction, mental distress, and healing from trauma in a safe environment

were not always present for wāhine. Wāhine sometimes struggled with the structures of some addiction services. For example, they were being challenged by a group and having day-to-day task dictated to them in residential addiction settings. These issues speak to the need for various offerings, including non-judgemental, gentle, safe spaces for wāhine to recover, underpinned by an understanding of differing experiences of trauma.

The prison setting does not provide such a space for nurturing healing. Wāhine who have pēpē and tamariki are often placed in prison a long way away from their whānau and are not always able to be placed in a mother-and-baby unit. There are no prisons for women in Northland, for example, or there must be more ways to support mothers to stay connected to all aspects of their children's lives and stay with their pēpē.

*“The men have a prison in Ngāwha, which is only an hour away, so that's a lot easier for their family to visit them. The women don't have that, and it's the women that suffer more being away from their children.” (Haley)*

We learned about the positive impacts that hapori can make when women stay connected to their whenua and whānau. Connections between hapori mean whānau can remain where they live and get the support they need. Sometimes specialist services are required but are unavailable in their area, which means whānau may have to leave their homes and communities. This illustrates inequitable access to services. Nonetheless, when that happens, hapori keep supporting whānau. Hapori told us that specialist mental health services can be a site of fear, anxiety, and the potential for re-traumatisation. Whānau ora support can help to ensure the voices of whānau are heard, but there remains the potential for those specialist services to create harmful experiences again.

As our prison rates rise for women, particularly for wāhine Māori, our stories illustrate the need for resourcing a Māori justice authority to explore and resource alternatives to prison where mama and pēpē/tamariki can stay together and be offered support to heal from victimisation. Women spoke of some bicultural mother-and-baby residential addiction services, but they are unavailable across Aotearoa, creating inequitable access.

### **Open access in and out and back again**

Hapori who contributed to this project committed to being there over time, never shutting their doors, and understanding that roads to whānau ora are challenging and involve periods of relapse. This shows the positive impacts of uniquely tailored, grassroots options run by whānau who know their local community.

*“We are a bit of a revolving door; we're not one of these programmes with a start and end date. They come when they come, either because they are moving away, or something happens for them or their family. Unconditional love means that they will know they are always welcome.” (Lucy, Rongopai House)*

This ethos correlated with whānau, who showed us that one programme will never be the silver bullet to recovery. Instead, whānau learn tools and fill their kete as they enter and exit different support initiatives, drawing on these resources during their recovery journey. Sometimes, whānau may not make it through a whole programme to support recovery, but participation can still plant a seed for change. For example, a new connection to other forms of support may be sparked (e.g., with NA), or they may begin processing childhood trauma. Sometimes, whānau experienced barriers put up by services that do not reflect the fluctuating journey of trying to escape from addiction.

“I had a review at the methadone clinic. I had given three dirty urine tests, and my license was removed on medical grounds. I said that I could not make the review; I had no driver’s license and was homeless. They said, ‘Well, we are going to kick you off the programme.’ I said, ‘But I am on the interferon [hepatitis medication]. What am I supposed to do?’ They said, ‘Go out and get drugs, I guess.’” (Mary M)

At other times, waitlists are far too long, or whānau must stop using drugs before going into a service, which is difficult when trying to get addiction support.

Many whānau expressed that treatment cannot be forced; being ready for change needs to be self-determined.

“At the end of the day, all you need is yourself. Look no further than your own hand; help yourself. This is where it starts. You make the start; you make the change...You are not the victim; the person that done that to you is the victim – give it back, don’t hold it, don’t hold it because you are wasting your life and time blaming yourself. There is nothing you could have done. Things like that, people need to hear it.” (Tuchey)

People need several opportunities to get on a positive road to recovery.

“You can’t force people to do anything if they don’t want to do it at the time, and giving people more chances along their way towards recovery would help.” (Jess)

Diversity in offerings, such as brief interventions or long-term residential and connections to community supports, is needed. Having services that help Pasifika and other diverse whānau connect to their culture was an important aspect. Mark said that while he embraced Māori culture in his

healing process, he felt a humbleness that came from learning his own Pasifika culture:

“I need to learn more about my own culture. From then on, I have brought my own culture to the forefront. When I am here, I am chief; when I got to see my cousins [back home], I am boy. I know my role.” (Mark)

Whānau spoke positively about the therapeutic courts, such as the Alcohol and Other Drug Treatment Court, but they often wondered why it took up so long into the addiction journey to be offered support. They enjoyed the programme’s support structure, routine, strict requirements, and accountability, which could also be features of community-based support.

“If it weren’t for the Drug Court, I’d still be in the same position. I was pretty lucky. It was pretty good; the testing kept you honest. I had a pretty cruisy ride through it. It could have been easier, but then I wouldn’t be here.” (Trent)

## THE NEED FOR TRANSFORMATIONAL CHANGE

Many reports, literature, and media stories strengthen this project's suggested action points. Despite two significant inquiries into mental health, addiction, and the criminal justice system, whānau and hāpori in this project had not seen the recommendations fulfilled (Burrows et al., 2019; Paterson et al., 2018). At all entry points into the justice system, diverse community supports are needed to support trauma-informed approaches focused on prevention and rehabilitation.

One key document was the Chief Science Advisor, Sir Peter Gluckman's report, which aimed to draw on evidence to drive justice innovation (Gluckman, 2018). The report overwhelmingly argued for a fundamental transformation of the justice system. It concurred with a Te Puni Kōkiri analysis for developing diverse services to meet the needs of local communities. Running across these diverse services would be a whānau-centred approach to service delivery, focusing on "hard to reach" whānau, a policy that explicitly responds to systemic issues and a flexible funding scheme.

He Ara Oranga, the report on the Mental Health and Addiction Inquiry, aligned with the research highlighted in the Gluckman report (Paterson et al., 2018). The Inquiry strongly emphasised community-based mental health promotion and prevention, which focused on promoting well-being early in life. A "life span" approach, coupled with a whole-of-systems approach to wellbeing, was shown to tackle the social determinants that feed into vulnerability. The report advocated for prevention activities that impact multiple outcomes, including diverting people, where possible, away from the criminal justice system, and supporting mental health and addiction-related outcomes.

He Ara Oranga focused on the unmet mental health and addiction needs of vulnerable populations, including those in prison. The report identified a lack of diverse services across a continuum of care underpinned by dignity, respect, and empathy. Instead, a narrow lens focused on treating mental illness primarily with medication was reported. The Inquiry stated that the initial expansion of culturally appropriate services has stalled, and there has been little investment in respite and crisis support options and earlier access to a broader range of peer, cultural, and talking therapies. For those exiting prison, culturally appropriate services addressed social care needs, such as work and housing, to assist in successful, pro-social reintegration into the community. Key recommendations include expanding access to services for whānau in mental distress to 20% of the population, with diverse options for therapies, alcohol and other drug services, and culturally aligned services. Meeting this new target required transforming primary health care to respond appropriately to mental distress so that people can access care in their communities and that primary, community and secondary services can be seamlessly integrated. The recommendations prioritised the NGO sector in this transformation (Paterson et al., 2018).

As well as greater access to services, people told the Inquiry they wanted different services available. Māori want kaupapa Māori options, and Pacific peoples want access to services that align with their cultural values. Likewise, other groups, such as the Deaf, Rainbow, and refugee and migrant communities, want culturally responsive services that meet their specific and diverse needs (Paterson et al., 2018).

The New Zealand Government's response to the outcome of the Mental Health and Addiction Inquiry was a \$1.9 billion investment in mental health and addiction support for the New Zealand population signalled in the 2019 budget. Within this resource was the allocation of \$128.3 million for mental health and addiction services for people who offend, including support for those who offend in the community. The net of support is cast wide, with targets to support family/whānau, accommodation support for those reintegrating into the community, increased access to talking therapies, and increased addiction treatment and support for those in prison (Davis, 2018).

The Hāpaitia te Oranga Tangata: Safe and Effective Justice Inquiry soon followed and reaffirmed the need for Māori to lead solutions for Māori. The second report (Burrows et al., 2019) called for a comprehensive system transformation to focus on prevention, rehabilitation, reconciliation, and empowerment of whānau and communities. By the end of 2019, the two Auckland-based Alcohol and Other Drug Treatment Courts

(AODT Courts) were made permanent, and another AODT Court was established in Hamilton. Specialist courts are one way to connect whānau with various trauma-informed support that builds community recovery skills. Whānau in this project spoke highly of their experiences in the Auckland AODT Courts, even if they did not complete the programme.

Research on specialist courts in Aotearoa recognised they could not be the solution for all addiction-related offending in all areas of New Zealand, and policy planning needs to consider how therapeutic interventions could be provided across all district courts and at different points of the criminal justice system. Specialist courts could then be left as a last resort for high-risk, high-need people who choose this option voluntarily. This kind of thinking emerges from a concern that (1) specialist courts may lead to unequal access to solution-focused approaches and (2) there were not enough resources available in a small country such as New Zealand to fund specialist courts in every city. Although a specialised approach may be warranted for high-risk, high-need people who offend, and these courts are required in bigger cities to create efficiency, there needs to be more consideration of how similar approaches (such as the core practices of AODT Court) can be incorporated in the daily life of district courts nationally (Thom & Black, 2017). The youth justice system shows how this can be done if there is a strong commitment by all sectors to contribute to culturally appropriate approaches that use tikanga and therapeutic-based practices. An extension of this approach is mainstreaming a specialist court, as outlined in the heading “Te Ao Mārama: Enhancing justice for all” in action point 5 (Enhance diversion and court processes through communication and consistency).

Similar concerns have been raised in Australia whereby specialist solution-focused courts often only deal with a small number of the large proportion of people who offend appearing before the courts from a particular region rather than Statewide (Bartels, 2009; Richardson et al., 2013), a circumstance that has been labelled “justice by geography” or “postcode justice” (Coverdale, 2011). King et al. (2009) have suggested that all courts should have the same resources to adequately problem-solve the underlying causes of offending adequately. As in New Zealand, there are barriers to achieving this in practice philosophically and resource-wise, but mainstreaming therapeutic approaches is one way of addressing this problem.

#### 4. Embed networks of peer support across Aotearoa

To build a trauma-informed justice system, peer support must be acknowledged as a fundamental component of services. This requires rechanneling existing resources heavily weighted towards a clinical workforce response, which is already under significant pressure.

Peer support in various forms was instrumental in helping to create turning points in the lives of whānau who participated in this project. Peer support offers positive role modelling, showing whānau alternative ways of being if they embark on a journey to recovery, whānau ora, and stopping criminal offending. The relationships developed between peers and whānau are vital to empowering transformative change, acting as a catalyst for agency. Peer support gives people a sense of hope, provides a counterbalance to the medicalisation of clinical services, and can act as a connector to recovery networks and support in the community.

In the past, peer support has been a key recommendation across various government reports. However, mainstream services have not fully embraced incorporating peer support into all aspects of service provision, including design and planning. Prioritising peer support will reap benefits, including cost savings, as more whānau find ways to experience a different life and become agents of change within their whānau and communities, spreading recovery contagion and reducing the burden on the health and justice systems.

- ***Establish a lived experience national association to provide autonomous protection and guidance.***

**Summary:** Form a lived experience national association to oversee the peer support workforce, support a trauma-informed justice system, and join up with broader implementation of peers in health and wellbeing services. Empower the national association to protect the autonomy of peers to co-develop justice innovation with Crown agencies, create policy and practice guidance for peer support

workers, and stand in their leadership to avoid clinical/legal co-option. Prioritise a focus of this national organisation to consider tertiary-level opportunities to build the peer workforce. Ensure Māori, Pasifika, and diversity of justice system experiences across the membership.

**Responsible:** Te Whatu Ora – Health NZ; Te Aka Whai Ora – Māori Health Authority; Manatū Hauora – Ministry of Health.

- ***Resource community-based peer networks within and outside specialist trauma-informed services.***

**Summary:** Create a community-based peer network embedded in specialist and community-based trauma-informed services. The diverse peer supports must be given the space to flourish, including through grassroots initiatives that may not be formally connected to health and wellbeing or social services.

**Responsible:** Manatū Hauora – Ministry of Health; Te Whatu Ora – Health NZ; Te Aka Whai Ora – Māori Health Authority.

- ***Co-develop, resource, and establish peer navigator roles in police, court, prison, and aftercare settings.***

**Summary:** Establish peer navigator roles in police, court, prison, and aftercare settings to connect whānau with support, and to enhance communication of and access to trauma-informed rehabilitation. Having peers in police stations, court settings, prisons, and as part of aftercare will support whānau and justice professionals, strengthening a trauma-informed system. Peer support offers a new workforce that can aid whānau in realising the benefit of helping others, further supporting their recovery, and creating the potential for whānau ora through manaakitanga, whanaungatanga, and aroha.

Barriers for peers to enter justice spaces must be removed. For example, whānau spoke of being unable to support others in prison by creating NA/AA meetings because of their own criminal justice histories. Facilitate joined-up

cross-sector solutions among a national lived-experience association, NGOs with existing peer roles, and police, corrections, and community probation to create solid relationships and understandings of what peer support can offer.

**Responsible:** Ngā Pirihimana o Aotearoa – New Zealand Police; Te Tāhū o te Ture – Ministry of Justice; Ara Poutama Aotearoa – Department of Corrections; Te Tāhū o te Ture – Ministry of Justice; Te Whatu Ora – Health NZ; Te Aka Whai Ora – Māori Health Authority; Manatū Hauora – Ministry of Health.

### **What whānau and hāpori told us about this key action area**

Peer support offers a positive example of how their lives could be if whānau continue their journey free from mental distress, addiction, and criminal offending. Role-modelling – seeing other people doing well in recovery – is inspirational. Peer support inspires hope through connection, offering shared experiences, and a non-judgemental foundation to build mutually supportive relationships.

“I am unpacking my cell, and a guy I knew came in (we had done a lot of jail time together). He said, ‘Giddy Dave,’ and I said, ‘What is the deal with this place, mate? What is the way around it...what is the scam?’

“He said, ‘Nah, no scam mate, this is for real... it’s the most fantastic...’ I don’t remember what he said, but he talked for five minutes, and I just stood there with my jaw hanging. I thought, ‘Fuck, you’re different’ – because he used to be really bad. If I was bad, he was a no-hoper. I just had that thought for the first time, ‘I don’t know what you have got, but I want it.’

“I contemplated for the first time what life would be like without drugs. That is really scary when you first have those thoughts. Then he wandered off, and another guy came and more or less did the same thing. I didn’t

even know Sean, but he just said, 'Welcome, good to see you here,' and told me a bit about him...it was just how they talked; they weren't bullshitting. They were real. They were passionate. It just embedded that feeling of 'I actually want this.' So, I embraced the programme." (Dave)

Access to peer support in prison through group NA/AA sessions was vital for creating opportunities for change:

"After the fourth time, I think, 'This shit is real. That is some truth they are talking about there.' I was starting to question everything about what I was up to. I wasn't convinced, but I was like, 'There is something to this to what they are talking about. Talking truth.' It resonated with me. I had come from a world where I had lied about everything. And to hear people being so selfless and sharing without wanting anything from me." (Awatea)

Holding hope for people was an essential part of how participants gave back to others now that they had the strength to be there and support them in this way.

Having good networks of support in a place of recovery was vital for whānau. Moving away from sites of past offending or cutting contact with formerly harmful connections sometimes allowed for a solid recovery pathway. For example, NA/AA provided friendships that, for many whānau, were key to recovery. Sponsors offer a space to discuss difficult issues with close whānau and friends; some issues shared with sponsors would never be shared with anyone else. Being a sponsor also offers a sense of pride in those whānau who can support others on their recovery journey:

"Being a sponsor is the biggest pain in the arse sometimes, and sometimes it is just so beautiful. I have got girls, especially this year during COVID, who have relapsed, and then they have come back, and they are getting six and nine months [drug-free time] up again. Sometimes, I cry and think how lucky I am

that I get to support these women in their lives to make better choices and to change. It is so cool!" (Carly)

However, existing barriers created by Corrections meant some whānau who needed that support were unable to access NA/AA in prison. Whānau said it would be valuable for people who have experienced incarceration to be allowed to run NA/AA meetings in prison. They also mentioned how helpful it would be if they could access technology to attend online meetings in prison.

Our hapori stories illustrate the need for various grassroots support networks for whānau to create opportunities to learn about becoming robust and positive role models.

"You got so much in this approach, and even though we came from whānau who were using, we became new whānau with like-minded people with the same morals and the same values, moving forward together, encouraging each other along the way." (Whakaoranga Whānau)

The stories show how peer support can help influence whānau to break their chains of addiction.

"There is a lot of support on that page [Anti-P webpage], heaps of support. I am pretty much like, they are really, really helpful for the addiction side of it and withdrawal, and there is always someone that can help, and it is always, you know, tips and ideas on how to stay clean." (Bex)

Grassroots peer support can be different from structured peer-led support such as NA/AA; it can reach the whānau who do not know where to start with their recovery journey.

"Online, I just see people reaching out, and it is just finding that place where you feel comfortable. For some, it's NA; it's different for each person. Some people don't believe in a higher power, and some people don't want to have our t-shirts. We've got Christians on

our page, we've got Muslims, all different. We're all coming together. We've got gangs, all the presidents, Black Power, Mongrel Mob, Storm Troopers, and now we've got Head Hunters. We've got all sorts of clubs coming together on the page for the right reason. I love that they are coming together for the right reason and right kaupapa – not to sell drugs. This is a good kaupapa to come together for.” (Brendon, Anti-P Ministry)

Peers can create a non-judgemental space for people to see what recovery looks like and gradually make connections to support services that understand how hapori are modelling and encouraging pro-social behaviours.

“One of my clinical colleagues from Salvation Army Bridge rang me once when I was taking the rōpū to Parakai Hot Pools and said, ‘Matua, where’s the therapeutic intervention in taking them to Parakai Pools?’ I told them they get to learn new pro-social activities. They get to take their tamariki, to be a mother and a father, to learn about recovery, where that means the world to them. Let’s not make recovery all about suffering and pain.” (Whakaoranga Whānau).

## THE URGENT NEED FOR PEER SUPPORT IN ALL JUSTICE SPACES

The public expects that people who offend will serve their time, but to reduce crime rates, people in prison must be able to leave prison better than they were when they entered. The evidence shows that prison is not doing enough to create rehabilitative change despite being funded for that purpose. The high rates of recidivism are causing increasing financial burdens on taxpayers, as well as risks to local communities and disengagement of people from society. Recidivism is a major problem for Correctional authorities and professionals alike, as people who repeat offending often leave behind new victims and return to the same programs that failed to help them the first time. Urgent action needs to be taken. One potential solution is to involve individuals with first-hand experience in the prison system, valuing their reformative success stories, and learning from them to achieve tangible and transformative change.

Peer support provides a unique perspective on distress, addiction, and recovery gained from personal experience. To begin the change process, recovery and desistance require individuals to take charge of their agency. Peers can be great motivators in this process by building solid relationships and modelling their successful change (Burnside, 2022). Emphasising strengths and fostering connections with peers can empower individuals and inspire hope. Developing a workforce of peers with lived experience is critical in transforming the mental health and addiction service landscape. Additionally, there is enormous potential in developing a Māori peer workforce that incorporates mātauranga Māori, tikanga, and kawa (Te Hiringa Mahara — Mental Health and Wellbeing Commission, 2023).

Seppings conducted a Churchill Fellowship project (2015), visiting 65 agencies in the UK, Ireland, Sweden, and the USA. These agencies included government, non-government, universities, and prisons. In her research, she discovered that many agencies led by people who had offended employed former people who had been in prison to provide person-centred services. These people were highly valued as peer mentors and advisors to prison management, government officials, and researchers. They helped struggling individuals to get back on track, informed policy, and acted as agents of positive change. Throughout her research, Seppings realised that lived experience was crucial in helping others turn their lives around:

*My lived experience comes from my journey with a former partner and his revolving prison journey, one of four decades of state care and prison experience. One day, as we walked around the visit centre courtyard, as we had done many times before, he said as once again 'the prisoner', after five years free in the community; I don't know how to be straight! I stopped in my tracks. It hit me. The realisation that no matter what I have given or done personally and professionally or any of us 'straight agencies' hoped to achieve through our obvious mainstream and specialised services, it would never be enough. Prisoners like him, had been telling me for years that the prison programs (violent offender, drug and alcohol, clinical sessions exploring the impact of state care on their addictions and offending) do not work, and they could run them better themselves. They want to change but have forgotten. Forgotten how to live a straight, drug and crime free life — a normal life (Seppings, 2015, p.6).*

Her report recommended incorporating the voice, expertise, and role of people with convictions throughout the criminal justice system to recognise and include them in prison reform, policy development, service delivery, research and media, and as conference keynote speakers. She points out the need for more people who have been in prison to have access to digitised higher education, and the reform of stigmatising language and criminal records (Seppings, 2015).

There is fast-growing evidence that peer support offers unique benefits for people on their recovery journey. Best and Lubman (2012) state that active engagement in the community and immersion in peer support groups and activities were critical predictors of recovery in their studies. James and Harvey (2015) researched the role of peer support in substance misuse and treatment for people who offend. The study found that peer support workers transformed a fragile sense of self into an ability to role-model and guide others through the journey they had experienced themselves. They were able to demonstrate how they had managed a shift in perception and positioning in the world, which comes through clearly in the findings

of this study. Peer relationships provide an ability to connect in different ways as mentors and guides to recovery.

Buck's (2019) study examined how people in early desistance used peer mentors to navigate periods of crisis. The research found that within the peer relationship, there was less focus on outcomes and more on the subtle interpersonal processes, making change more manageable. The peer mentors demonstrated that they had survived the challenges that mentees were facing, thus rendering the unknown more known, and to show that change can happen. Peers use their new sense of self to position themselves in the community as recovery champions. Best et al. (2018) also found that the path to recovery and desistance requires activity and action through a socially mediated shift in social networks.

Peer support also offers people in recovery to gain a sense of being part of the solution, not the problem. Barranger et al. (2020) found that the participants' ability to turn past experiences into something valuable was a key attribute. There was an importance placed on giving back as redemption for past misdeeds and inspiring others to change.

Seppings (2015) expressed frustration that, although peer mentoring is widely practised and gaining popularity worldwide in the mental health and substance misuse fields, it is rare in the criminal justice system. Despite peer workers' positive impact on client recovery, they are reluctant to incorporate their perspectives when supporting people who offend. Unlike in mental health and substance misuse treatment, where input from individuals and groups with experience is valued, Seppings argued that having a criminal record removes a person's right to be taken seriously or to utilise their efforts.

Just as we learned from whānau and hapori in this project, Seppings found that people who had been in prison experienced barriers and discrimination when engaging with incarcerated whānau. Barriers reported in Seppings's (2015) study included agencies that spoke about security clearance processes and the wariness of using reformed people who have offended in adult pre-release programs, but that commencing mentoring before release is vital. Correctional authorities also expressed concerns about perceptions and public scrutiny regarding the risky nature of programmes involving people who have been in prison.

A growing evidence base shows that recovery is contagious, and the primary mechanisms of recovery are spread through peer champions and groups to create visible recovery to actively engage with and support community connections. The peer principles of community connection and assertive linkage offer core resources towards the sustainability of recovery communities (Best et al., 2021). Bliuc et al. (2020) stress that developing networks of pro-recovery peers is increasingly recognised, and the positive effects of post-treatment peer support are emerging. Evidence is clear of the vital role and value of lived experience in offering continuing care to prison populations to support early recovery and sustain change during release into the community (Best et al., 2022).

Maruna (2001) argues that societies that do not believe in the potential for people who have offended to change will end up with people who lack the belief in their ability to change. He also connects desistance from offending and addiction recovery, which involve anti-social behaviour that separates people who offend and people with addictions from their communities. This isolation from the community is where attitudes and behaviours that reinforce criminal and anti-social behaviour develop. Best et al. (2015) suggest that communities can make recovery more visible and accessible to a broader population by emphasising it as a shared responsibility. Peer support can also be instrumental in reintegrating people who have offended and have addictions into their communities, serving as a bridge to change and demonstrating that recovery is possible.

## 5. Enhance diversion and court processes through communication and consistency

For a trauma-informed justice system to be effective, it is crucial to communicate clearly and consistently with whānau so they can seek solutions for sustained recovery success. People need to know where to go for help; this requires a system-wide commitment to rehabilitative options at every point of engagement with the justice system. When whānau are heard and respected, and their options are explained clearly, they are more likely to self-determine a positive pathway that justice professionals can support.

**To enhance diversion and court processes through communication and consistency, key actions include:**

- ***Create a centralised information hub to empower whānau to access support of their choice.***

**Summary:** Centralise and organise information for whānau to make self-determined decisions. The hub will facilitate information-sharing in police, court, and prison settings through peer navigators, staff, and community-based kaimahi.

**Responsibility:** Justice, health, and social sectors. With resourcing, the He Ture Kia Tika rōpū could build on this project and collate information for a national hub.

- ***Enhance communication at all points where diversion options are offered.***

**Summary:** Engage peer navigators to explain options to and connect with whānau, and invite whānau to be curious about taking a different journey, helping whānau realise the potential of choosing diversion options offered by police, judges, and other professionals.

**Responsibility:** Te Tāhū o te Ture – Ministry of Justice; Ngā Pirihimana o Aotearoa – New Zealand Police.

- **Support probation officers to provide holistic whānau ora reporting to support trauma-informed sentencing.**

**Summary:** Create a national policy to support the development of partnerships between probation services and hapori/community services so that reports inform rehabilitative judging.

**Responsibility:** Ara Poutama – Department of Corrections.

- **Ensure consistent use of Te Ao Mārama principles across all courts, and monitor rehabilitative sentencing.**

**Summary:** The integration of Te Ao Mārama in all courts is of utmost importance. Every court in Aotearoa must implement solution-focused judging, effective communication, and tikanga processes collaboratively developed with the community. Communication assistants, such as Talking Trouble, offer ways to upskill professionals working in different justice spaces to learn to communicate and engage with whānau effectively. The Law Commission must be provided with the necessary resources to thoroughly re-examine establishing a Community Sentencing Council, which will enhance transparency and community participation in the application of section 25 of the Sentencing Act, emphasising rehabilitation over imprisonment.

**Responsibility:** Te Tāhū o te Ture – Ministry of Justice, Judiciary.

### What whānau and hapori told us about this key action area

Whānau described not knowing where to go for help and said there was no support from the courts for them to approach services themselves. When trying to take the initiative and conduct their own online searches for support services, whānau found the process confusing and complicated.

*“I didn’t know what the process was – it was a process! It needs to be simplified for people who are going into recovery because I just about gave up; I was at my wit’s end.”*  
(Jessica)

As some whānau are now working as clinicians in justice spaces or mental and addiction services, they recognise that basic information is not always readily accessible and, as a result, whānau do not always get the resources they are entitled to.

*“Working in the prisons now, I have realised if people are not willing to change, then there is not much you can do about it. But if they are willing to give it a go...they need to be informed of basic stuff. There is help here, and you can go here and do this. A lot of people are just oblivious to it.”* (Mark)

Police are frequently in the position to be able to connect whānau with support. However, it appears not all districts have close partnerships with kaupapa Māori or other community-based services, and not all police see beyond a punitive mindset:

*“The police themselves, they are also great. The ones that we’re good with, they’re working really well. But also, the old mindset, you know, mindset that everyone needs to go to jail, or everyone needs to go to court. And they still hold on to that same mindset.”*  
(Glenys, Te Mana)

The previous section of this report highlights examples of people forced to detox dangerously in cells. Wāhine were also in police custody with known vulnerabilities,

such as being involved in sex work or abusive relationships. In such instances, connection to a wrap-around service would be highly beneficial. Peer or whānau ora-focused cultural support could communicate the available provisions to vulnerable wāhine.

Whānau described how they experienced inconsistent judging. They highlighted examples of judges known to be punitive and others considered to be focused on rehabilitation.

“My pre-sentence report recommended home D because of all the work I had done at rehab, etc. I was only prepared for that outcome. Then we got a different judge ‘cause the one I had previously was unwell. My lawyer said to expect the worst. I was still hopeful as I had so much support from my family and recovery community in the court. Then, I was sentenced to four years. I was in a dress and high heels. My support house room awaited me, but I was shipped off to prison. This was a huge shock to me and all my supporters.” (Jess)

The hapori stories show the positive impacts when judges adopt the Sentencing Act’s rehabilitative focus when communicating with whānau, and when they accept the advice of hapori about how best to move forward. The following example speaks to the impact of Matariki Court:

“In the beginning, we say to them, ‘This is the one thing that’s going to be different, we’re not going to be talking for you, neither is the lawyer, you’re going to tell the Judge your story, your way.’” (Whaea Irene, Te Mana)

“First appearance, he had his head down, he’s sweating. Now, he is able to look at the Judge. To be able to sit there, look at the Judge and talk. He is able to be open in his answers and not be scared to say something wrong. I think that’s what the problem of the justice system is. That people don’t have a voice, or they’re too scared to have a voice. They think everything is going to go against

them. I’ve seen that so many times where they are just spoken to, and they walk out, and they don’t even know what just went on in their life. They’re walking out more and more confused.” (Tina, Te Mana)

Here, in Matariki Court and other specialist therapeutic courts, we can observe the strong focus on mental health and addiction support possibilities and the recognition of the trauma behind actions. Whānau experienced therapeutic courts positively but understood the “post-code justice” issue, whereby access to these courts is inconsistent across Aotearoa. The opportunity to enter a specialist court can sometimes come after years of trying to access support. Some whānau talked about the importance of times when a judge gave them a chance to go to rehab instead of prison; these actions did not always have to involve a specialist court. When Joseph appeared in court again after many appearances, he came before a new District Court Judge who had visited New Zealand’s prisons and rehab facilities. The judge told him:

“I’m going to give you a chance, and if you don’t complete it, I will send you to jail for a long time. All the guards were so surprised.”

Joseph remembers this being the first time he walked out the Mount Eden gates where, instead of doing his usual celebratory ritual, he realised the chance he had been given.

“I was bailed with a special condition to attend a residential programme” (Joseph)

## COMMUNICATION ASSISTANCE

There is now a large, convincing – and growing – body of evidence supporting the claim that young people (in particular) who offend have some form of communication difficulty. The statistic most often quoted is that at least 60% of youth who offend have communication difficulties compared to less than 7% of the general population (Howard et al., 2021; Bryan et al., 2015; Snow, 2019). Judicial systems expect young people to function in language-rich environments at a level commensurate with their chronological age rather than their developmental age (Baidawi et al., 2014). Speech, language, and communication needs often present with comorbidities that exacerbate the underlying issues, creating greater vulnerability, and risk of adverse outcomes. These comorbidities include, but are not limited to, specific neuro-disabilities (Farrer et al., 2013; Bower et al., 2018), exposure to prior trauma (Lum et al., 2018; Varese et al., 2012), social or relationship difficulties (Lindsay et al., 2007; Estrem, 2005), and deficits in education, employment and programs (Johnson et al., 2010; Snow & Powell, 2004). In order to most effectively support those in need, speech-language pathologists are ideally trained in the epidemiology of youth offending, including risk factors, comorbidities, and triggers (Snow, 2019).

Communication assistance is a form of specialist support for witnesses and defendants with communication difficulties. Such support is modelled on the role of the intermediary in England and Wales. The British intermediary is the first new, active role to be introduced into the criminal trial process in 200 years – something that may raise alarm amongst some lawyers (Henderson, 2015). Henderson describes the use of intermediaries as nothing short of “revolutionary”. Although by no means perfect, Henderson (2015) reports that more than half of judges and advocates experienced “some issues” with the scheme, yet overall, legal practitioners remained positive. Criticisms were reserved for the system regarding referral access, cost, and the extent of intervention by intermediaries. There were few complaints about the intermediaries’ skill or professionalism. In Aotearoa, professionals overwhelmingly support such a role (Howard et al., 2020). However, the academic literature on all the intermediary systems outside England and Wales is relatively sparse (Howard et al., 2020).

Although Aotearoa has modelled its communication assistance process on the British system, how it functions practically differs. The focus is wider than simply offering aid to give evidence – it promotes broader understanding and participation in the entire judicial process, from early after-contact with police, meetings with lawyers both in and out of the courtroom, parole board hearings, and young people in family group conferences. Of course, all court appearances (call-overs, bail hearings, trials, and sentencing) are included in this list.

Assistance is available for witnesses and defendants, regardless of age or type of crime. In England and Wales, witnesses are afforded access to the regulated statutory system of intermediaries, whereas defendants can only access the unregulated, ad hoc system in Aotearoa (Hoyano & Rafferty, 2017).

The legal test is whether the witness or defendant is, without assistance, sufficiently unable to give evidence or, in a defendant’s case, not sufficiently able to understand the proceedings (ss 80 and 81 of the Evidence Act 2006). Both sections require such deficits to be caused by either a communication disability or a lack of proficiency in English (s 4 of the Evidence Act 2006). The provisions affect those courts and tribunals to which the Evidence Act applies – including the Supreme Court, the Court of Appeal, the High Court, and the District Court (which includes the Family Court and the Youth Court). A notable forum missing from this list is the Coroner’s Court (which is not subject to the Evidence Act). Coroners have the discretion to direct communication assistance for witnesses, but there is no statutory requirement to do so.

Involving communication assistance was introduced in Aotearoa after observing the British intermediaries, and there remains little research. Howard’s (2019) study into the benefits of communication assistance reported three overarching themes:

- It puts the young person at the centre of youth justice
- It provides new knowledge and a fresh perspective on the youth justice system
- It helps the youth justice system function as it ideally should (p. 271).

There are possibilities for communication assistance to benefit the efforts of district courts to enhance communication through further embedding of organisations such as Talking Trouble. Talking Trouble addresses the speech, language, and communication needs of children, youth, and adults involved with justice, care and protection, mental health, and behaviour services ([www.talkingtroublenz.org](http://www.talkingtroublenz.org)).

## TE AO MĀRAMA – ENHANCING JUSTICE FOR ALL

The Te Ao Mārama initiative was introduced in 2000 as being inspired by the concept “mai to pō ki te ao mārama”, meaning “the transition from night to the enlightened world” (Taumaunu, 2020). This model signals a move on the part of the District Court “towards a more enlightened system of justice”. It is recognised that a “punishment-first” focus is particularly ineffective when the “underlying driver of the offending is actually addiction, mental or physical health issues, homelessness, imprisonment, unemployment, cultural dislocation, or past trauma” (Taumaunu, 2022, pp. 3-4). Primarily, it is Māori who are most impacted by the punishment-first focus.

Taumaunu (2022) describes Te Ao Mārama as a kaupapa that provides the space for people to “seek justice and be seen, heard, and understood and meaningfully participate in proceedings that relate to them” (p. 4). These concepts and ideals rely, first and foremost, on the ability of the judicial body (in this case, the District Court) to provide a “level playing field” for participants to communicate in a language and at a level that reflects their humanity.

The Young Adult List for 18-25-year-olds in the Hamilton District Court is an example of this type of device (the third of its kind in the country, after Porirua and Gisborne). Phase One of the List involves introducing best practices from specialist courts (Rangatahi Courts, etc.), such as plain language, solution-focused judging, and alternative courtroom layout. Phase Two establishes support resources such as multimedia formats, and navigators to support people in the court process. Phase Three involves screening consenting participants for neuro-diversities to address barriers to participation (Taumaunu, 2022, p.7).

## INVOLVING THE COMMUNITY TO CREATE CONSISTENCY – SENTENCING COUNCILS

In 2006, the New Zealand Law Commission investigated establishing a Sentencing Council. The purpose was to determine if giving judges more direction in exercising their sentencing powers would be beneficial, and how to accomplish this. The Commission discovered that sentencing across New Zealand varied greatly, and there was only guidance on sentence levels for cases that were being appealed. This lack of direction resulted in significant disparities in sentences handed down by judges and courts, particularly for less severe crimes. The Commission suggested that a Sentencing Council be created to guide sentencing policies, monitoring mechanisms, and avenues for executive input, including a formal request by the Minister of Justice to consider a specific issue (The New Zealand Law Commission, 2006). New Zealand passed legislation in 2007 to create the Sentencing Council, but it was later repealed. Despite the time since the original proposal, it presented an opportunity to involve the community in ensuring transparency and consistency in sentencing.

## 6. Transform the fabric of prisons

To support a trauma-informed justice system, prisons must be considered the last resort, with a core focus on alternative forms of rehabilitation, skills development, and whānau ora. While in prison, options for diverse support for trauma and programmes that help whānau build on their existing strengths will enhance whānau abilities to live pro-social lives on the outside.

- ***Resource the Māori commission/entity to develop kaupapa Māori alternatives to prison.***

**Summary:** Action the recommendations from Ināia Tonu Nei that called for an all of Government envisagement of alternatives to prisons fit for whānau in Aotearoa. Prioritise Māori voice in this action point by resourcing the newly formed Māori entity to create a national strategy to increase alternative options to incarceration across Aotearoa progressively and monitor incarceration reductions.

**Responsibility:** Te Aka Whai Ora – Māori Health Authority; Ngā Pirihimana o Aotearoa – New Zealand Police; Te Tāhū o te Ture – Ministry of Justice; Ara Poutama – Department of Corrections; Manatū Wāhine – Ministry of Women; Manatū Hauora – Ministry of Health; Te Manatū Whakahiato Ora – Ministry of Social Development; Oranga Tamariki – Ministry of Children; Te Puni Kōkiri – Ministry of Māori Development; Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development; Te Arawhiti – Office Māori-Crown Relations.

- ***Integrate access to diverse rehabilitative options at every security level.***

**Summary:** Allow access to a suite of options for rehabilitation at all levels of the existing prison system. Remove barriers to accessing different options for self-improvement from remand to leaving.

**Responsibility:** Ara Poutama – Department of Corrections.

- **Recognise the strengths in whānau and develop opportunities for self-improvement.**

**Summary:** Support peer navigators with iwi/ NGOs to co-design with people in prison a rehabilitation release plan that aims to build on whānau strengths, and identify development opportunities to prepare them for successful reintegration. Extend the aftercare support after release to continue relationships made with the peer navigator upon release. Access to education and skill development are core protective factors for whānau ora.

**Responsibility:** Ara Poutama – Department of Corrections.

### What whānau and hāpori told us about this key action area

For many whānau, being separated from detrimental environments while in prison saved their lives. Whānau said they would have likely died from their addiction or the violence surrounding their usage of drugs had they not been taken away from the life they were living. Wāhine said they may have died from the physical and sexual violence they were experiencing.

“I was comfortable in prison. I had friends. I had a roof over my head. I was free from finding ways and means to get more [drugs]. For the first time, I didn’t have to worry about drugs because they weren’t around. I got to be myself. And when the door closed at night, I knew no one was coming through it. I felt safe for the first time in my life. I think I learned something. I was still only young, but I learned that this is the solution.” (Carly)

However, even though they had been open to rehabilitation before or early on in their prison sentence, whānau had not been offered rehabilitation options when they needed them most, i.e., when they were most ready for change. Whānau said that because of the length of their sentences (either short

or long) or due to security levels, they were not offered options for support in remand or prison. This lack of support was unhelpful.

Whānau spoke about the prison environment creating a “gangsta environment”, leading people to adopt an “outer shield of toughness” to survive. What impacts people in prison is their disconnection from whānau, which Shane witnessed when gang members cried at night at the thought of missing crucial steps in their child’s life, or missing their parent’s funeral.

“[But] then the next day they put on their outer shield of toughness. How gangsta is prison? When you miss out on this. We need to un-gangsta the place.”

A wāhine, Awatea, said she did not experience many glimpses of humanity in prison; rather, she witnessed violence and victimisation of and between women. In response, she built a mentally resilient, physically powerful self – a self she didn’t like, but one she needed to survive:

“Things had become too much for me to be on the unit, and I asked to be shifted to assessment for a break. But the guard said the only place you can go is suicide watch – over there. So, I asked if I could have my phone call. And he goes, ‘What for?’ I say, ‘So I can ring my brother and tell him that I am asking you guys for some respite from the unit, and you’re telling me I can only go to the suicide obs.’ And he is like, ‘OK, hold on.’ And he went on to do the paperwork to send me to assessment. I didn’t have the heart to threaten him with a phone call to my brother. It was just another form of degradation where I became that person that you people say I shouldn’t be, the person that I don’t want to be, but if I want to get any result around here...it made me so angry.”

Some whānau mentioned alternative approaches such as the “Scandinavian models”. These are holistic approaches

based on developing whānau strengths through engagement with life skills education, recognising possible employment opportunities, and understanding the need to get support for their addiction issues. This support model was life-changing for those whānau who accessed trauma-informed counselling through ACC.

However, conversations in prison are often centred around getting better at criminal offending, not self-improvement.

“Prisons need more external input, peer support, sports leaders, business, and education. If we don’t provide examples of what a pro-social life looks like, we can’t expect that putting anti-social elements and traumatised, marginalised people together will lead to anything but embedding the negative attitudes and sense of disconnection they have.” (Dave)

The co-design rōpū in this project were saddened to find that, for some whānau, the prison was the first place they learnt about their culture, whakapapa, and language. It was also where they felt safest, had whānau, and did not feel they had to live in chaotic and unsafe worlds. By focusing on punishment, the system embeds resentment and marginalisation; by the time whānau are released, they have lost their support and strengths and feel further marginalised.

Many whānau were high achievers; despite experiencing traumatic childhoods, they excelled at school. Once in recovery, all whānau discovered they had bright futures and were positive contributors to the community as peer support workers, clinicians and social care practitioners, labourers, tertiary students and lecturers, and advocates. Some whānau in prison had access to education; however, they shared that education was not prioritised despite having the space and time that could be used to gain an education alongside learning other manual skills.

## EXPLORING ALTERNATIVES TO IMPRISONMENT

In August 2018, the Crown held a Criminal Justice Summit. It was the flagship event of the government's Hāpaitia te Oranga Tangata – Safe and Effective Justice programme. There was a distinctive lack of a Māori voice at this summit. In response, a 2019 Rotorua hui produced the Te Ohu Whakatika report, Ināia tonu nei. Hui participants called for abolishing prisons in Aotearoa, citing that Māori wanted community-led responses to offending, with incarceration being the alternative instead of the default (while the Crown moves to phase out prisons as they are currently operating). Ināia tonu nei also argued that the justice system must treat addictions as a health issue rather than a correctional one (Ināia Tonu Nei, 2019).

Prisons are, first and foremost, places of punishment (Drake & Scott, 2017). Although the official policy (and Sentencing Act, s8(g)) requires imprisonment to be the sentence of last resort and the suite of tools available to judges to wield in sentencing decisions has grown substantially,<sup>1</sup> the Aotearoa prison population has increased over the last two decades (despite drops over the last few years), with remand populations growing. The “birth” of the Aotearoa prison system saw the “transplantation of the English penal system into a country which previously had no concept of locking people up for wrongs”. Jackson summed it up the best when he reminded us that Māori had no word for prison – no such concept existed pre-colonisation (Jackson, 2019).

Newbold points out that Aotearoa has rarely developed its “own” penal policy, preferring to adopt imitations of countries like the United Kingdom and the United States. This is evidenced through policies like broken windows (zero tolerance policing), supermax prisons, the three-strikes law, and architecture copies (Newbold, 2007). One of the barriers to prison abolition sits within the rationale of the existence of prisons in the first place – that “prisons are a natural and inevitable response to ‘crime’” (Scott, 2013, p. 10). This mindset is too simplistic, however. Although the relationship between crime and imprisonment is complex and nuanced, “crime” is certainly not the most substantial reason for the existence and persistence of prisons (Gluckman, 2018). Prison abolitionism is not solely about tearing down prisons; this report has also indicated that there need to be positive moves to reshape society by addressing the root causes of societal dysfunction, such as poverty, homelessness, mental health deficits, and addictions (McIntosh & Sawicki-Mead, 2018). Although the “endgame” is the same, opinions differ widely about achieving this end (Alexander, 2012; Brown & Schept, 2017; Buttle, 2017; Tauri, 2014). Lamusse argues that abolitionist scholars and activists have failed to “seriously engage with alternatives to prisons (Lamusse, 2021, p. 2)”.

Mass incarceration encompasses the whole criminal justice system, based on the ideological intention of filling prisons, with scant regard for the societal or financial impacts experienced by people in prison and their whānau (Buttle, 2017). Moreover, problematic social, political, and media narratives of imprisonment and abolition serve as a significant barrier to the conceptualisation of a society without prisons. For example, political rhetoric driven by fear (or to stoke fear in others) portrays an inaccurate connection between prisons and violence, encouraging the view of prison as a necessary safety measure against violence and those who cause harm (Sered, 2019). However, prison need not be an inevitable element of crime and punishment. Some commentators argue that the prison is a system beyond repair and that the only practical and rational solution is to dismantle it and start again (Alexander, 2012; Davis, 2003; Davis & Rodriguez, 2000; McIntosh & Workman, 2017; Pratt, 2017). It is time to critique the immutable nature of the prison within social consciousness and seriously consider the possibility of a world without prisons (Davis & Rodriguez, 2000).

## BARRIERS TO PRISON ABOLITION

In Aotearoa, Moana Jackson (1988) (along with organisations such as People Against Prisons Aotearoa (PAPA) and JustSpeak) has led the discussion on the negative outcomes of incarceration, and advocacy for prison abolition. Despite these efforts, several questions persist regarding the steps required to reach the goal; not least, how and in what context do progressive ideals address the not-unsubstantial

<sup>1</sup> Five community-based sentencing options: home detention, community detention, intensive supervision, community work, and supervision.

obstacles? Workman (2018) posits that Aotearoa must reconsider its conception of justice – by prioritising the accountability of people who have offended their victims and their communities as opposed to the state, thus empowering such people to understand better and visualise the harm they have caused, to whom, and to what extent. There are at least three major obstacles to a prison-free Aotearoa:

1. Entrenchment of public conceptions of justice

The invisibility of prison life enables society to forget the fate of people in prison (McIntosh & Sawicki-Mead, 2018). Lenn has asked, rightly, that those considering the abolition of prisons should consider “why the public has been complicit in the growing presence of the prison industrial complex” (Lenn, 2012, p. 3). As dominant paradigms of justice, and in particular, criminal justice, are displayed and reinforced over time, these norms and belief systems are accepted without critical analysis – leaving the public unable to understand the impact of widespread incarceration and the need for more just (and effective) alternatives (Lenn, 2012).

2. Media

Sensationalist narratives designed to sell newspapers or deliver “clicks” generally focus on individual notorious people in prison<sup>2</sup> rather than the wider prison population, portraying prisoners as highly dangerous, dysfunctional, threatening “monsters”. It is little wonder that prisons become an easy and convenient answer as the only viable solution to crime control (Jewkes, 2018). In “How to Talk About Crime and Justice: A Guide”, Marianne Elliott and Jess Berentson-Shaw offer ways to communicate messages around transformative change that connect with the wider public (Elliott & Berentson-Shaw, 2020).

3. Disconnect between political discourse and criminal justice circumstances

Both sides of the Aotearoa political divide take the opportunity to try to appear to the public to be “tough on crime” and promote the use of prisons (Workman, 2018). Despite moves over the term of the last (and current) Labour Government (2017 onwards) to reduce the prison population, this has not resulted in a corresponding reduction in the percentage of Māori within the prison population. This percentage has increased (Trafford, 2022). Morris notes that the ‘tough on crime’ rhetoric has come at the cost of families, communities, and minority groups – despite Aotearoa crime rates decreasing since the 1970s (Morris, 2018). Reoffending rates remain extremely high, however, demonstrating that prison as the leading response to political opinions on crime and punishment is ineffective and harmful (Morris, 2018).

## STRATEGIES TO MOVE TOWARDS A PRISON-FREE AOTEAROA

“Just as we cannot incarcerate our way out of violence, we cannot reform our way out of mass incarceration without taking on the question of violence” (Sered, 2019, p. 5).

The question of alternatives is a topic of reasonably fierce debate amongst abolitionists. Some reject the need to propose alternatives (Lamusse & McIntosh, 2021). This is critiqued by asking why an automatic reply from the public is, “What do we do instead?” As Lamusse writes, an “inadequate response to this question can make abolitionists seem naïve and utopian” (Lamusse & McIntosh, 2021, p. 249). Lamusse suggests laying a framework for a strategy to move towards abolition via more (or greater use of) alternatives. Firstly, any alternative must lead to more socially just outcomes. Secondly, alternatives must address harm in a more meaningful way for victims. Thirdly, there must be a reduction in social harm due to the alternative. If mob justice or vigilantism results, it cannot be supported. Fourthly, if an alternative can be used oppressively, it should be either heavily regulated and monitored, or discarded altogether. Moreover lastly, if these are all achieved, the system should be “better for everyone” (Lamusse & McIntosh, 2021, pp. 19-20). International projects suggest potential. Danielle Sered’s Common Justice offers an alternative model to imprisonment for violent crime (commonjustice.org). Results are encouraging and are based on restorative justice (RJ) principles. It is similar to the Aotearoa model of RJ and offers participants supervision of a 12–15-month intensive violence intervention programme (Sered, 2019).

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<sup>2</sup> Consider William Bell, Antonie Dixon, Tony Robertson and Graeme Burton.

## OPEN PRISONS / THE NORDIC MODEL

The open prison model, most common in Nordic and other European countries, prioritises social capital by reducing the social distance between inmates and society (Pratt, 2008). By replicating the conditions of free society, this model of imprisonment encourages pro-social behaviour by enabling inmates to live productive lives in society during and following their sentences instead of focusing on punitive punishment. Kos J of the Supreme Court has promoted open prisons, describing them as “prison, but not as we know it. And we need it” (Kós, 2018, p. 28).

Advocates who oppose using prisons often point towards Nordic models as a starting point as they prioritise reform and reintegration over punitive punishment (Jewkes, 2018; Pratt, 2008). Various explanations exist for Nordic exceptionalism: firstly, the social-democratic welfare model emphasising equality and social cohesion is likely to view people who have offended as victims of adverse conditions (Gluckman, 2018), rather than a tool to advance political ideologies (Sharpe, 2010). When compared to the lens through which Aotearoa media portrays crime, this focus on “neutral and informative” exposition sits in stark contrast; our media coverage often “portrays crime as caused by individuals who need harsh punishment, rather than a complex issue” (Gluckman, 2018, p. 14). Through sensationalised representations of crime, the media hold a primary position in the functioning of moral panics (Cohen, 2011).

## COMMUNITY-BASED SENTENCES

The number of people serving community-based sentences has declined from a high of 46,000 in 2010 to approximately 31,000 in mid-2022 (Department of Corrections, 2023). A quarter of these were for traffic offences. It should be noted that the proliferation of community-based sentences is not necessarily a positive thing in terms of moving people out of the criminal “net”. There is a tendency to apply such sentences to those who otherwise would have received a lesser sentence, such as a fine or diversion. This has the effect of “escalating some offenders up the sentencing tariff...widening the net of the criminal justice system to bring more people into the correctional system and ultimately prison” (Criminal Justice Policy Group, 1998, p. 73). So, alternatives to imprisonment simply become alternatives to other alternatives to imprisonment. International evidence suggests that expanding community-based sentencing options reduces the proportion of people who have offended sent to prison but not the number of those sent to prison (Criminal Justice Policy Group, 1998).

## TRANSFORMATIVE JUSTICE PROCESSES

Transformative Justice aims to understand and address the foundational structural issues that lie at the heart of offending (or any harmful behaviour) and, instead of simply restoring relationships, transform the relationship that “perpetrators of harm have to themselves, their victims, and their community” (Lamuse, 2021, p. 11). Generation FIVE and PAPA have written handbooks on running such processes (Shara, 2017; Zionov & Valgre, 2018). Transformative Justice is restorative in focus while also attending to structural conditions that can shape behaviour.

## 7. Bolster planning and support for reintegration

This action point area flows seamlessly from those that have come before; if we create a trauma-informed justice system that reshapes the fabric of prisons, then probation and other supports for successful reintegration must also be woven into journeys towards whānau ora. The approach requires bringing parole board and probation services into the rehabilitative fold, in partnership with iwi, hapū, whānau, and peers, to help remove barriers and ensure successful reintegration. A swathe of actions is integral here, including prioritising planning, building relationships before leaving prison, and providing a post-sentence restorative process to make community connections; programmes to support living skills and networks of employment or community volunteering must be offered within prisons.

### **To bolster planning and support for reintegration, key action areas include:**

- ***Enable collaboration between probation officers, whānau, hapori, and peer navigators to co-develop whānau ora plans for successful reintegration.***

**Summary:** Facilitate partnerships between probation officers, Māori hapori, and peer support navigators to supply parole boards with holistic plans to ensure whānau have basic needs met upon leaving prison and pathways for rehabilitation in the community. Ensure this relationship-building commences well before release (at least six months in advance) to help create relationships between parole officers, peer navigators, and hapori after whānau leave prison. This action point must include advocacy so that people in prison have the basic needs (e.g., cultural, housing, clothes, phone/technology, WINZ entitlements, IDs, and bank accounts) in place.

**Responsible: Ara Poutama – Department of Corrections; Te Manatū Whakahiato Ora – Ministry of Social Development.**

- ***Resource post-sentence restorative justice processes inclusive of a focus on whānau, hapu, and iwi reconnections.***

**Summary:** Facilitate a partnership between kaupapa Māori services, probation, and parole board to create a strong foundation for restoring peace and connectedness before leaving prison. Scale up tikanga-led post-sentence restorative justice by kaupapa Māori services. In previous sections, we have explained how tikanga-led hohou te rongo and general, restorative processes allow for the restoration of mana and the repairing of connections, offering opportunities for restoring a sense of belonging.

**Responsible:** Ara Poutama – Department of Corrections.

- ***Develop a network of opportunities for voluntary work for people exiting prison to connect with the community.***

**Summary:** Aligning with the previously noted action to create a centralised information hub, resource a list of options for employment or voluntary work in the community on release. Ensure meaningful mahi, for example, that connects whānau Māori with their whenua, hapū, iwi, or community.

**Responsible:** Ara Poutama – Department of Corrections; Te Manatū Whakahiato Ora – Ministry of Social Development.

- ***Co-design, resource, and offer living skills programmes across prison security levels.***

**Summary:** Create educational opportunities to prepare whānau for living well in the community, including knowing the resources they are entitled to, and understanding how to engage with probation and peer navigators to plan for their release.

**Responsible:** Ara Poutama – Department of Corrections, Te Manatū Whakahiato Ora – Ministry of Social Development.

## **What whānau and hapori told us about this key action area**

Hapori told us that working with other services was challenging, and they often faced a clash of values with government services. While some people in organisations were great – for example, police officers working on initiatives such as Te Pae Oranga – some refused to align with the values of hapori. It is resource-heavy to try and communicate the kaupapa of hapori to various organisations such as Corrections and Probation. Conscious efforts to create relationships are required of government agencies. It is also hard to support whānau to be tika and pono when organisations and stakeholders are not, for example, when instances of racism arise.

For whānau, the parole board was often seen as a “tick-box” exercise; hapori agreed, saying the parole board process did not connect with the real things whānau need to succeed, including housing, employment, and reconnecting with whānau. Ngāti Hine reports the challenges of working within the strict guidelines and policies required of government agencies. However, having a range of kaimahi using tikanga values and practices in prison and after release is key to reducing recidivism. Te Mana shared that they are working with probation to change their reports from standardised templates to more personalised, positive, and planning-focused whānau ora reports.

Whānau also told us of the need to have a solid plan for leaving prison, including support on the outside. Whānau said probation services can be helpful when they are flexible and supportive of whānau re-engaging positively in working life. However, many whānau said they never experienced any support to reintegrate successfully:

***“A lot of my relapsing comes from all the shame. When I left jail, there was nowhere to go. There were no programmes, no halfway homes, no support network, no fucking***

education...there is nothing for women coming out of jail. Not only is there no support, but they have all that shame of failing their fucking kids and their families, and if they don't have anywhere to go to, of course, they are going to go back to that life they came from. Then, the system has the cheek to call people recidivists. It just makes no sense at all. Then, you blame someone for something they have no control over in the first place. It was the most bizarre experience to be expected to change without the means to do so." (Mary M)

Other whānau spoke of the need for continuing care once out of prison, especially when recovery may have started in prison – for example, in a drug treatment unit (DTU).

When whānau find it challenging to survive in society, prison life can feel like a place of belonging and a haven for rest from chaotic lives and discrimination faced on the outside. Re-offending risks are high if whānau are not supported to develop strategies and tools to cope and thrive.

Whānau leaving prison may face many barriers when trying to make a life for themselves on the outside. These may include barriers to education, or the inability to access seemingly basic services such as housing, insurance, or access to superannuation funds. Housing is critical for a solid foundation to build a recovery pathway. Leaving prison without accommodation to go to or money to pay for lodgings is a recipe for disaster and a road back to using drugs. Wings Trust and Manning Street were given as examples of supportive accommodation options that include people with lived experience supporting others on their recovery pathways.

Sometimes, whānau who have had long periods of using drugs, experiencing mental distress, and being incarcerated need education around fundamental skills for living – managing money, renting a home,

paying bills, cooking, and getting a job. For many different reasons, whānau were never taught these skills growing up.

Employment was a protective factor from reoffending, especially when whānau were trying to stay in recovery. Some highlighted the kind, compassionate, and non-stigmatising actions of businesses that employed people even when they had a conviction. Equally powerful were stories of people in recovery employing whānau new in recovery. The examples reflected how the community, not just the government, can help. However, sharing awareness of employment opportunities could be a way for probation to help support and connect people.

Engaging in meaningful community work can be instrumental in recovery, increasing social inclusion and connection. For many, the impact is amplified when community engagement is grounded in te ao Māori and can be instrumental in whānau ora. An example of this can be seen in mahi on whenua, at the marae/urupa, papakāinga, for kaumātua. Doing mahi in the addiction field keeps some close to the issue that caused them so much pain. This can help whānau stay motivated in recovery. Giving back by supporting others offers ways to make amends or find redemption. It also helps keep whānau on the recovery pathway by giving back to the community. Whānau often go on to help other whānau embark on their own journey towards whānau ora; they see this as their life work.

## STRONG POLICY DIRECTION TO SUPPORT REINTEGRATION

In Aotearoa during the 1960s/1970s, an emphasis on treatment models shifted to the idea that 'nothing works' in the 1980s. Despite recommendations that have included smaller community-based and controlled 'habilitation centres', the Justice Department has resisted the idea of community rehabilitation, and in-prison rehabilitation has been favoured (Mills & Webb, 2022). These policies fail to meet the needs of whānau and contribute to a high recidivism rate. This is due to a lack of wrap-around community support and ongoing stigmatisation, both of which can make reintegration feel overwhelming.

## FACTORS THAT SUPPORT SUCCESSFUL REINTEGRATION

Research has shown that various factors enhance successful reintegration; this evidence aligns closely with the experiences whānau and hapori shared with us. Many barriers involve access to rights we are all entitled to in Aotearoa. These barriers include access to:

- **Basic needs:** The reason many people who have been in prison re-offend is because community reintegration is laden with challenges like having no valid identification or a bank account, alongside more complex factors such as breaking away from anti-social peers, gaining positive social supports, and access to food, clothing, and safe housing.
- **Housing:** A recent study in Aotearoa showed the importance of stable housing after a sentence of imprisonment is seen as a significant factor in preventing recidivism, and it recommended that housing needs assessments are a factor for consideration (Terry et al., 2023).
- **Employment:** Having legitimate employment results in higher self-esteem and a sense of community belonging, reducing re-offending following release, particularly in those with higher wages and higher quality roles (Visher et al., 2005).
- **Māori led programmes:** Community and Māori-led reintegration has been shown to offer hope to whānau and the wider community; the work of kaumātua volunteers and tikanga programmes can also assist whānau with their transition into the community (Bullen, 2018). Workman (2014, p. 43) stated, "There is a fundamental difference between how the criminal justice system conceptualises prisoner reintegration and the preferences of Māori. One of the reasons for the poor Māori recidivism rate is that it exists in a culture which wants to do things to people, whether or not they are willing subjects." Instead, he suggests that Māori reintegration strategies be grounded in kaupapa Māori values, full engagement with whānau, Māori communities, service providers, and staff.
- **Volunteer and peer support services:** Those in the voluntary sector, including 12-Step mentors, peer support, and other volunteers, can provide social bonds and meaningful activities for those incarcerated upon their release (Perrin & Blagden, 2016).
- **Collaboration between organisations:** Research found that within community mental health and reintegration services, inter-organisational cooperation can help foster a multiagency workforce, making it possible for workers to provide fundamental follow-up services, pilot a case management model of service provision and increase psychosocial rehabilitation services within a poorly resourced mental health context (Li & Ma, 2021). Joint initiatives are important given that research from Aotearoa suggests that recidivism for women is triggered by multiple factors, including lack of appropriate support, stress and trauma from relationships, attempting to provide for their family, drug, alcohol and gambling dependence, financial pressures and residing in areas where pro-social support networks and services are not readily available (Bevan & Wehipeihana, 2015).

## STIGMA AND DISCRIMINATION AS A CORE BARRIER TO SUCCESSFUL REINTEGRATION

Stigma and discrimination create significant barriers to experiencing successful reintegration. When entering the community, those who have committed crimes face substantial barriers to employment and the stigma associated with having a criminal record; they are often unable to pursue careers, particularly jobs that best fit their interests (Brown, 2011). Having a criminal record also represents a substantial barrier to many types of legal employment, and these barriers are compounded after a term of prolonged

incarceration, which increases barriers to work and can weaken pro-social connections; having a conviction can also negatively affect wages and job stability (Visher et al., 2005).

The media vilified and stigmatised New Zealand deportees from Australia (Mahadurage, 2022). There has been a rise in the number of 501 Deportees, which can be attributed to the Australian government's extension of their law that allows them to revoke visas if an individual fails to pass the good character test based on their criminal behaviour or alleged gang affiliation (McHardy, 2022). In response, the New Zealand government rushed through legislation allowing another layer of punishment, in which whānau could be questioned, fingerprinted, photographed, DNA tested, and monitored. The majority of the 2684 deportees between 2015 and May 2022 identified as Māori males; most left Aotearoa in their 20-30s and had not been back for up to 40 years (Artus et al., 2023; Hopner et al., 2022). The shock of adjusting to life in New Zealand – being socially isolated, lonely, and displaced, on top of the challenges of trying to access government services, financial support, or obtain employment – were huge barriers they experienced when reintegrating into society.

Another group often stigmatised and discriminated against is those who belong to a gang. The term “gang” is contested; it carries negative connotations upon the rangatira, whānau, and the communities that have formed intergenerational links, connections, belonging, and loyalties. There are over 8800 gang members from 33 different gangs in Aotearoa, and data show many have an average of 38 convictions relating to drug use or possession offences (Gang Harm Insights Centre, 2023; Walton & Martin, 2021). The government has committed funding and a wider rollout of the Te Ara Oranga programme, a multi-agency approach piloted in Northland to tackle the meth problem at a localised level (McDonald, 2022). A recent report by the Prime Minister's Chief Science Advisor states that more needs to be done to understand the world for gang affected and affiliated whānau, if their life trajectory and opportunities are to improve (Walton & Martin, 2021).

According to Breetzke et al. (2022), crime is committed by both victims and perpetrators of gang violence. This is often due to a combination of factors such as socio-economic deprivation, poor education, limited employment opportunities, and unmet physical and mental health needs. The Gang Harm Insight Centre report highlights that best practices across therapeutic and harm reduction services are essential to addressing unresolved trauma to reduce harm and address behavioural issues (Gang Harm Insights Centre, 2023). There are strong calls in the literature for community-based initiatives that are strengths-based and trauma-informed, combined with public health policies related to family harm, youth offending, and drug harm reduction supported by legal reform. Community-led initiatives must be well-resourced to support those doing the frontline work to bring about transformational change and improve outcomes for whānau (Breetzke et al., 2022).

## 8. Address the growing experiences of financial hardship and poverty

Financial hardship and poverty are causally related to criminal offending and are related to the use of mental health and addiction services; if we took eradicating poverty action seriously, we would undoubtedly see more whānau and communities thriving. Whānau experienced poverty financially, socially, and culturally in the ways they were deprived of access to the basic needs of housing, food, school, and connection to their culture and communities.

In this report, we have shown how trauma has affected our whānau. Their stories have illustrated the interconnectedness of trauma, addiction, mental distress, and criminal behaviour. Using the Integrated Data Infrastructure (IDI), we have examined the influences in the use of mental health and addiction services, as well as interactions with social services, on criminal charges and convictions in New Zealand. Our findings confirm what the whānau and hapori shared in their stories.

In our analyses of the population who were charged for criminal behaviour, Māori and Pacific peoples were significantly more likely than non-Māori to be charged. For Māori, the likelihood was nearly three times higher (2.94) than for non-Māori; for Pacific peoples, the likelihood of being charged was nearly double (1.88) that of non-Māori.

Area-level deprivation was also strongly associated with an increased likelihood of being charged. This means that those living in the most deprived neighbourhoods (NZDep13, Atkinson et al. 2014) were twice as likely to be charged as those living in the least deprived neighbourhoods.

As shown on the map, whānau Māori associated with Districts that have higher concentrations of deprivation were significantly more likely to be charged. Add map with this.

Whānau who had utilised publicly-funded mental health services were two-and-a-half times more likely to be charged than those without a mental health service history. Similarly, individuals with a history of addiction are over five times more likely to be charged than those not experiencing addiction.

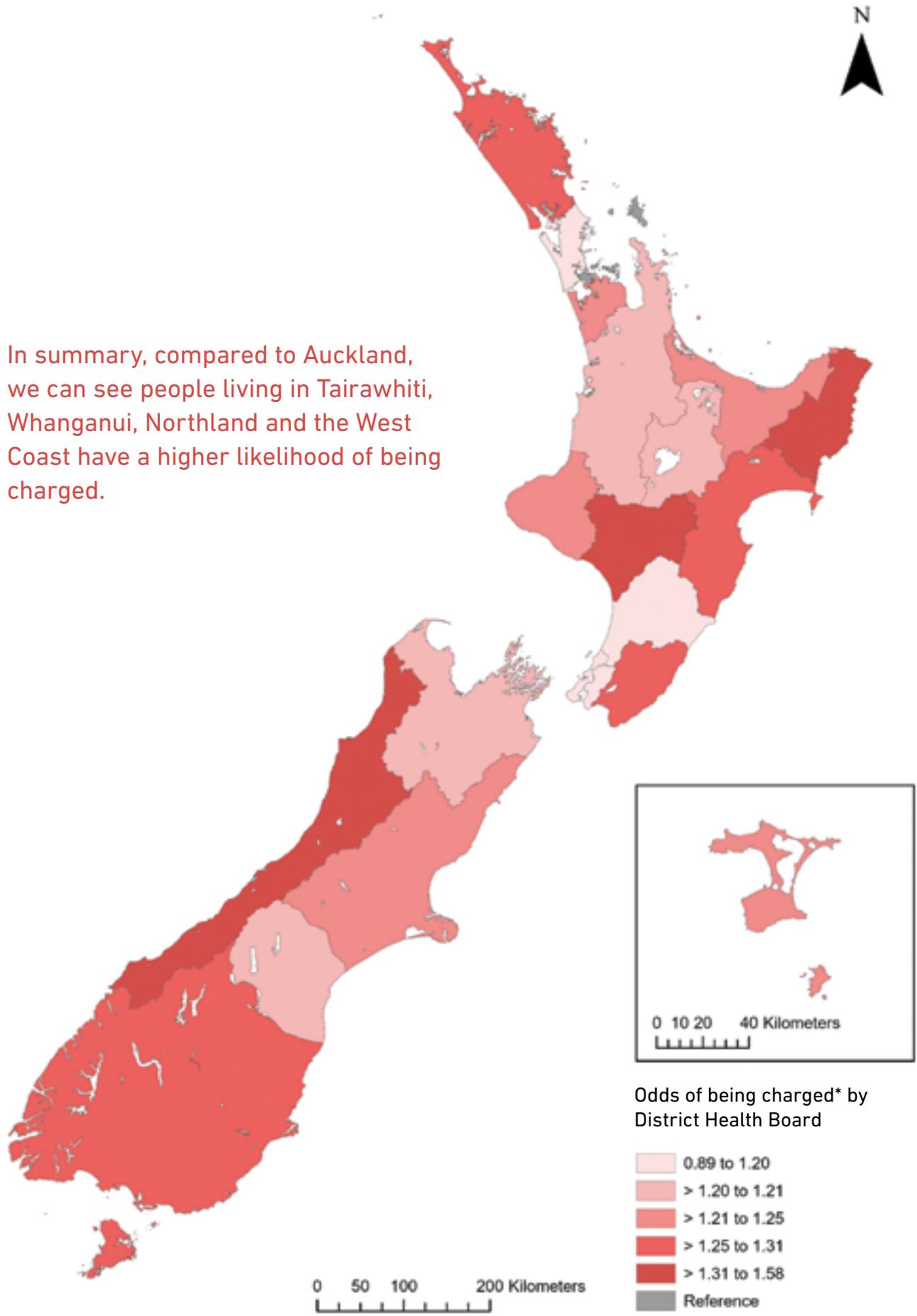
Having previous State care interactions increased the odds of being charged by 2.74 times, and usage of Kainga Ora housing increased the likelihood of being charged by 1.55 times.

We also discovered that receiving the benefit decreased the chances of whānau being charged by around 20%.

A second analysis studied the probability of whānau being convicted after being charged with an offence. It found that whānau who had a mental health event before being charged had a slightly higher chance (1.04 times) of being convicted compared to those who did not have any mental health event. Additionally, those who experienced a mental health event after being charged but before being convicted had a 30% higher likelihood of being convicted than those who did not experience any mental health event.

The recommendations throughout this report establish a smorgasbord of trauma-informed services to complement a trauma-informed justice system. The statistics reported in this section lay down a wero to urgently address the underlying drivers of poverty, financial hardship, and deprivation so that whānau and hapori can thrive.

In summary, compared to Auckland, we can see people living in Tairāwhiti, Whanganui, Northland and the West Coast have a higher likelihood of being charged.



\* Controlling for age, sex, ethnicity, deprivation, mental health, addiction, and social service use

## References

- Abuse in State Care, & Royal Commission of Inquiry. (2023). *From redress to puretumu*. Abuse in Care – Royal Commission of Inquiry. Retrieved 17 September from <https://www.abusein-care.org.nz/our-progress/reports/from-redress-to-puretumu/from-redress-to-puretumu-4/1-1-introduction-3/1-1-introduction-6/>.
- Alexander, M. (2012). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York.
- Artus, J., Davison, L., Bismark, M., & Every-Palmer, S. (2023). Australia's unethical deportation practice discriminates against New Zealanders with mental illness: 'Everybody needs good neighbours!' *Australian & New Zealand Journal of Psychiatry*. <https://doi.org/https://doi.org/10.1177/00048674231193877>.
- Barrenger, S. L., Maurer, K., Moore, K. L., & Hong, I. (2020). Mental health recovery: Peer specialists with mental health and incarceration experiences. *The American Journal of Orthopsychiatry*, 90(4), 479–488. <https://doi.org/https://doi.org/10.1037/ort0000450>.
- Bartels, L. (2009). Challenges in mainstreaming specialty courts. *Trends & Issues in Crime and Criminal Justice*, 383. <https://ssrn.com/abstract=2188698>.
- Best, D., Bird, K., & Hunton, L. (2015). Recovery as a social phenomenon: What is the role of the community in supporting and enabling recovery? In N. Ronel & D. Segev (Eds.), *Positive criminology* (pp. 194–207). Routledge.
- Best, D., Higham, D., Pickersgill, G., Higham, K., Hancock, R., & Critchlow, T. (2021). Building recovery capital through community engagement: A hub and spoke model for peer-based recovery support services in England. *Alcoholism Treatment Quarterly*, 39(1), 3–15. <https://doi.org/10.1080/07347324.2020.1787119>.
- Best, D., Musgrove, A., & Hall, L. (2018). The bridge between social identity and community capital on the path to recovery and desistance. *Probation Journal*, 65(4), 394–406. <https://doi.org/https://doi.org/10.1177/0264550518790677>.
- Best, D. W., & Lubman, D. I. (2012). The recovery paradigm: A model of hope and change for alcohol and drug addiction. *Australian Family Physician*, 41(8), 593–597.
- Bevan, M. (2017). New Zealand prisoners' prior exposure to trauma. *Practice: The New Zealand Corrections Journal*, 5(1), 1–20.
- Bevan, M., & Wehipeihana, N. (2015). *Women's experiences of re-offending and rehabilitation*. [https://www.corrections.govt.nz/\\_\\_data/assets/pdf\\_file/0013/13405/Women\\_s\\_Experiences\\_of\\_Re-offending\\_and\\_Rehabilitation\\_Final.pdf](https://www.corrections.govt.nz/__data/assets/pdf_file/0013/13405/Women_s_Experiences_of_Re-offending_and_Rehabilitation_Final.pdf).
- Bliuc, A. M., Best, D., & Moustafa, A. (2020). Accessing addiction recovery capital via online and offline channels: The role of peer-support and shared experiences of addiction. In A. Moustafa (Ed.), *Cognitive, clinical, and neural aspects of drug addiction* (pp. 251–265). Elsevier. <https://doi.org/10.1016/B978-0-12-816979-7.00012-1>.
- Bowman, J. (2015). Lessons from research into youth desistance. *Practice – The New Zealand Corrections Journal*, 3(1), 14–17.
- Breetzke, G. D., Curtis-Ham, S., Gilbert, J., & Tibby, C. (2022). Gang membership and gang crime in New Zealand: A national study identifying spatial risk factors. *Criminal Justice and Behavior*, 49(8), 1154–1172. <https://doi.org/https://doi.org/10.1177/00938548211034200>.
- Brown, C. (2011). Vocational psychology and ex-offenders' re-integration: A call for action. *Journal of Career Assessment*, 19(1), 333–342. <https://doi.org/https://doi.org/10.1177/1069072710395539>.
- Brown, M., & Schept, J. (2017). New abolition, criminology, and a critical carceral studies. *Punishment and Society* 19(4), 440–462. <https://doi.org/https://doi.org/10.1177/1462474516666281>.
- Buck, G. (2019). "It's a tug of war between the person I used to be and the person I want to be": The terror, complexity, and limits of leaving crime behind. *Illness, Crisis & Loss*, 27(2), 101–118. <https://doi.org/https://doi.org/10.1177/1054137316684452>.
- Bullen, J. R. (2018). *The effectiveness of the Ōrongomai Marae community reintegration programme led by ex prisoners in Aotearoa/New Zealand (Master's thesis)*. Unitec. Auckland.
- Burnside, D. (2022). *An exploration of the role of addiction in the persistence and desistance of criminal offending* Auckland University of Technology. Auckland.
- Burrows, C., McIntosh, T., Jones, C., Whaipooti, J., Money, R., Nair, S., & Hix, Q. (2019). *Turuki! Turuki! Move Together!: Transforming our Criminal Justice System*. Ministry of Justice.
- Buttle, J. (2017). Imagining an Aotearoa/New Zealand without prisons. *Counterfutures*, 3, 99–128.
- Carswell, S., Kaiwai, H., Moana-o-Hinerangi, Lennan, M., & Paulin, J. (2017). *Journeys of resilience: From adverse childhoods to achieving adulthood*. Social Policy Evaluation and Research Unit. [https://thehub.swa.govt.nz/assets/documents/Journeys-of-resilience\\_0.pdf](https://thehub.swa.govt.nz/assets/documents/Journeys-of-resilience_0.pdf).
- Cassim, S., & Keelan, T. J. (2023). A review of localised Māori community responses to Covid-19 lockdowns in Aotearoa New Zealand. *AlterNative: An International Journal of Indigenous Peoples*, 19(1), 42–50.
- Cieslak, R., Shoji, K., Douglas, A., Melville, E., Luszczynska, A., & Benight, C. C. (2014). A meta-analysis of the relationship between job burnout and secondary traumatic stress among workers with indirect exposure to trauma. *Psychological Services*, 11(1), 75–86. <https://doi.org/https://doi.org/10.1037/a0033798>.
- Cohen, S. (2011). *Folk devils and moral panics: The creation of the mods and rockers*. Routledge.
- Coverdale, R. (2011). *Postcode justice – Rural and regional disadvantage in the administration of the law in Victoria*. Deakin University School of Law.
- Crampton, P. (2021). The human and health costs of failure to implement pro-Tiriti and pro-equity health policies: let's act as if we know this. *The New Zealand Medical Journal (Online)*, 134(1542), 8–10.
- Criminal Justice Policy Group. (1998). *The use of imprisonment in New Zealand*. Ministry of Justice.
- Davis, A. (2003). *Are Prisons Obsolete?* Seven Stories Press.
- Davis, A., & Rodriguez, D. (2000). The challenge of prison abolition: A conversation. *Social Justice*, 27(3), 212–218. <http://www.jstor.org/stable/29767244>.
- Davis, K. (2018). *Boosting mental health and addictions services to break the cycle of offending* <https://www.beehive.govt.nz/release/taking-mental-health-seriously#:~:text=%E2%80%9CInvesting%20in%20mental%20health%20and,year%20through%20the%20Corrections%20service>.
- Davis, K. (2022). *First community-led Oranga Tamariki partnership announced*. Wellington: Oranga Tamariki - Ministry for Children.
- Dempster-Rivett, K. (2018). Practice. *Practice: The New Zealand Corrections Journal*, 6(2), 43–46.
- Department of Corrections. (2016). *Prison Facts and Statistics*. Wellington.

ton: Department of Corrections.

- Department of Corrections. (2019). *Hokai Rangī 2019 – 2024*. Wellington Department of Corrections Retrieved from [https://www.corrections.govt.nz/resources/strategic\\_reports/corrections\\_strategic\\_plans/hokai\\_rangi](https://www.corrections.govt.nz/resources/strategic_reports/corrections_strategic_plans/hokai_rangi).
- Department of Corrections. (2023). *Community-based sentence and order facts and statistics: June 2022*. Department of Corrections.
- Drake, D., & Scott, D. (2017). *Prison abolition in question(s): Part one*. The Open University. <https://oucriminology.wordpress.com/2017/02/22/prison-abolition-in-questionspart-one/>.
- Drug Policy Alliance. (2015). *Approaches to decriminalizing drug use & possession: Fact sheet*. Drug Policy Alliance.
- Dunlop, M. (2019, 22 June). New law returns child to whānau in Oranga Tamariki dispute. *New Zealand Herald*. <https://www.nzherald.co.nz/nz/new-law-returns-child-to-whanau-in-oranga-tamariki-dispute/BMPL5XDCL5JFTRP5MLFGSNV7VY/#:~:text=Tears%20of%20joy%20and%20cheers,long%20battle%20with%20Oranga%20Tamariki>.
- Durie, M. (2003). Chapter four: Imprisonment, trapped lifestyles, and strategies for freedom. In *In Ngā kahui pou: Launching Māori futures* (pp. 59–73). Huia.
- Elliot, M., & Berentson-Shaw, J. (2020). *How to Talk About Crime & Justice: A Guide*. The Workshop. <https://www.theworkshop.org.nz/publications/how-to-talk-about-crime-amp-justice-a-guide>.
- Fergusson, D. M., Swain-Campbell, N. R., & Horwood, L. J. (2003). Arrests and convictions for cannabis related offences in a New Zealand birth cohort. *Drug and Alcohol Dependence*, 70(1), 53–63. [https://doi.org/https://doi.org/10.1016/s0376-8716\(02\)00336-8](https://doi.org/https://doi.org/10.1016/s0376-8716(02)00336-8).
- Gang Harm Insights Centre. (2023). *Quarterly Insights Report - June 2023*. New Zealand Police.
- Gluckman, P. (2018). *Using evidence to build a better justice system: The challenge of rising prison costs*. Office of the Prime Minister's Chief Science Advisor. <https://www.dpmc.govt.nz/sites/default/files/2021-10/pmcsa-Using-evidence-to-build-a-better-justice-system.pdf>.
- Grootveld, C., & Brown, T. (2018). *Qualitative process evaluation of Mokopuna Ora: Summary* AIKO.
- Hirini, P., Flett, R., Long, N., & Michelle Millar, M. (2015). Frequency of traumatic events, physical and psychological health among Māori. *New Zealand Journal of Psychology*, 34(1), 20–27.
- Hopner, V., Hodgetts, D., King, P., & Carr, S. (2022). From Crimmigration to [re]integration following the removal of “undesirable” people from Australia to New Zealand. In F. M. Moghaddam & M. J. Hendricks (Eds.), *Contemporary immigration: Psychological perspectives to address challenges and inform solutions* (pp. 263–280). American Psychological Association. <https://doi.org/https://doi.org/10.1037/0000294-014>.
- Ināia Tōnu Nei. (2019). *Te Ohu Whakatika Inaia tonu nei – Now is the time: We lead, you follow*. Hui Māori Report Ināia Tōnu Nei.
- Indig, D., Gear, C., & Wilhelm, K. (2016). *Comorbid substance use disorder and mental health disorders among New Zealand prisoners*. Wellington: Department of Corrections. Retrieved from [https://www.corrections.govt.nz/\\_data/assets/pdf\\_file/0013/13603/Comorbid\\_substance\\_use\\_disorders\\_and\\_mental\\_health\\_disorders\\_among\\_NZ\\_prisoners\\_June\\_2016\\_final.pdf](https://www.corrections.govt.nz/_data/assets/pdf_file/0013/13603/Comorbid_substance_use_disorders_and_mental_health_disorders_among_NZ_prisoners_June_2016_final.pdf).
- Isobel, S., & Edwards, C. (2017). Using trauma informed care as a nursing model of care in an acute inpatient mental health unit: A practice development process. *International Journal of Mental Health Nursing*, 26(1), 88–94. <https://doi.org/doi:10.1111/inm.12236>.
- Jackson, M. (1988). *The Māori and the criminal justice system: A new perspective - He whaipanga hou*. Department of Justice.
- Jackson, M. (2019). *Moana Jackson: Why did Māori never have prisons?* JustSpeak. <https://www.justspeak.org.nz/ourwork/why-did-maori-never-have-prisons>.
- James, N., & Harvey, J. (2015). The psychosocial experience of role reversal for paraprofessionals providing substance misuse and offender treatment: An interpretative phenomenological analysis *Journal of Forensic Practice*, 17(1), 31–42. <https://doi.org/10.1108/JFP-10-2014-0032>.
- Jewkes, Y. (2018). Just design: Healthy prisons and the architecture of hope. *Australian and New Zealand Journal of Criminology*, 51(3), 319–338. <https://doi.org/https://doi.org/10.1177/0004865818766768>.
- King, M., Freiberg, A., Batagol, B., & Hyams, B. (2009). *Nonadversarial Justice*. Federation Press.
- Kós, S. (2018, 20 August). *Better justice: An address to the Legal Research Foundation Annual General Meeting* Legal Research Foundation Annual General Meeting, Auckland.
- Kukutai, T., McIntosh, T., Barnes, H., & McCreanor, T. (2020). Same inequities or engaged te tiriti partnership? *MAI Journal*, 1–16.
- Lambie, I., Reil, J., Becroft, A., & Allen, R. (2022). *How we fail children who offend and what to do about it: A breakdown across the whole system*. Research and recommendations. The University of Auckland. <https://www.pmcsa.ac.nz/topics/criminal-justice/>.
- Lambie, L., & Gluckman, P. (2018). *It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand*. Office of the Prime Minister's Chief Science Advisor. [www.pmcsa.ac.nz](http://www.pmcsa.ac.nz).
- Lamuse, T. (2021). Doing justice without prisons: A framework to build the abolitionist movement. *Socialism and Democracy*, 35(2–3), 300–322. <https://doi.org/10.1080/08854300.2021.2092985>.
- Lamuse, T., & McIntosh, T. (2021). Prison abolitionism: Philosophies, principles and practices In *The Aotearoa Handbook of Criminology* (pp. 289–302). Auckland University Press. <https://doi.org/https://doi.org/10.25455/wgtn.19611696>.
- Leitch, L. (2017). Action steps using ACEs and trauma-informed care: a resilience model. *Health & Justice*, 5(1), 5. <https://doi.org/https://doi.org/10.1186/s40352-017-0050-5>.
- Lenn, C. (2012). *The cage has two sides: An ethical perspective of prison abolition* Oregon State University]. Oregon.
- Li, Y., & Ma, H. (2021). Interorganisational cooperation and its effects on community rehabilitation for people with severe mental disorders in Beijing, China: A case study. *Health & Social Care in the Community*, 29(1), 154–163. <https://doi.org/https://doi.org/10.1111/hsc.13078>.
- Mahadurage, D. (2022). *Key trends in news coverage of the 501 deportees from Australia in prominent Australian and New Zealand news media outlets* Massey University]. New Zealand.
- Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*.
- Mayo, C. (2021). Drug law reform in Aotearoa: The case for decriminalisation of all substances. *New Zealand Medical Student Journal*, 0(33), 32–34. <https://doi.org/https://doi.org/10.57129/RYYB1182>.

- McDonald, K. (2022, 18 June). Meth addiction service launched in Murupara, plans to rollout across eastern BOP. *Te Ao Māori News*. <https://www.teaonews.co.nz/2022/06/18/meth-addiction-service-launched-in-murupara-plans-to-rollout-across-eastern-bop/#:~:text=Meth%20addiction%20service%20launched%20in%20Murupara%2C%20plans%20to%20rollout%20across%20eastern%20BOP,-Friday%2C%20June%202017&text=Meth%20addiction%20programme%20Te%20Ara,incluing%20Whakat%20ne%20C%20%20C5%8Cp%20C5%8Dtiki%20and%20Kawerau>.
- McHardy, C. (2022). Punishment on arrival: New Zealand's Returning Offenders Act 2015. *Punishment & Society*, 24(4), 622-641. <https://doi.org/https://doi.org/10.1177/1462474521999912>.
- McIntosh, T., & Sawicki-Mead, T. (2018, 15 May). *What would the world be like without prisons?* [Interview]. JustSpeak at Tedx. <https://www.justspeak.org.nz/ourwork/a-world-without-prisons-justspeak-at-tedx-wellington>.
- McIntosh, T., & Workman, K. (2017). Māori and prison. In A. Deckert & R. Sarre (Eds.), *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice* (pp. 725-735). Palgrave Macmillan.
- McMeeking, S., Leahy, H., & Savage, C. (2020). An Indigenous self-determination social movement response to COVID-19. *AlterNative: An International Journal of Indigenous Peoples*, 16(4), 395-398. <https://doi.org/10.1177/1177180120967730>.
- Melchior, M., Nakamura, A., Bolze, C., Hausfater, F., EL Khoury, F., Mary-Krause, M., & Azevedo Da Silva, M. (2019). Does liberalisation of cannabis policy influence levels of use in adolescents and young adults? A systematic review and meta-analysis. *BMJ Open*, 9(7), e025880. <https://doi.org/https://doi.org/10.1136/bmjopen-2018-025880>.
- Mills, A., & Webb, R. (2022). Rehabilitation, restoration and reintegration in Aotearoa New Zealand. In M. Vanstone & P. Priestley (Eds.), *The Palgrave Handbook of Global Rehabilitation in Criminal Justice* (pp. 429-448). Palgrave Macmillan, Cham. <https://doi.org/https://hdl.handle.net/2292/61984>.
- Monasterio, E., Every-Palmer, S., Norris, J., Short, J., Pillai, K., Dean, P., & Foulds, J. (2020). Mentally ill people in our prisons are suffering human rights violations. *The New Zealand Medical Journal (Online)*, 133(1511), 9-13.
- Morris, T. (2018, July 2). The side eye: 'Tough on crime' is dead. *The Spinoff*. [https://thespinoff.co.nz/society/02-07-2018/the-side-eye-tough-on-crime-is-dead/?fbclid=IwAR3JOe9D9F-4DW-eIF\\_KcxYFvK-H4KpDJ2op9lytVays4kn3t\\_IxhNRjKtQ](https://thespinoff.co.nz/society/02-07-2018/the-side-eye-tough-on-crime-is-dead/?fbclid=IwAR3JOe9D9F-4DW-eIF_KcxYFvK-H4KpDJ2op9lytVays4kn3t_IxhNRjKtQ).
- Mutu, M., & Jackson, M. (2016). He Whakaaro Here Whakaumu Mō Aotearoa: The Report of Matike Mai Aotearoa-The Independent Working Group on Constitutional Transformation. Auckland.
- Narayanan, N. (2019, 23 August). The stolen generations: Oranga Tamariki 'uplifts' and the systems that permit them <https://www.equaljusticeproject.co.nz/articles/the-stolen-generations-oranga-tamariki-uplifts-and-the-systems-that-permit-them#nbspnbsp2019>.
- Neilson, M. (2019, 13 July). Baby uplifts: Māori-led Oranga Tamariki inquiry launches at Auckland hui. *New Zealand Herald*. <https://www.nzherald.co.nz/kahu/baby-uplifts-maori-led-oranga-tamariki-inquiry-launches-at-auckland-hui/6LUYZ7M-RHH66AI4QCWL5Q2YAA4/#:~:text=In%20an%2022overwhelming%20response%22%2C,only%20one%20led%20by%20M%20%20C4%81ori>.
- Neilson, M. (2021, 29 September). Damning Oranga Tamariki review: Nearly all child uplifts to stop. *New Zealand Herald*. <https://www.nzherald.co.nz/nz/damning-oranga-tamariki-review-nearly-all-child-uplifts-to-stop/VRTKBLZ-PAZHE53C3WLSGBQRCY4/>.
- New Zealand Drug Foundation. (2018). *Submission on the Mental Health and Addiction Inquiry on Thursday, 7 June 2018*. New Zealand Drug Foundation.
- New Zealand Government. (2021). *He Tapuae: SMP. Making the imagined, real*.
- Newbold, G. (2007). *The problem of prisons: Corrections reform in New Zealand since 1840*. Dunmore Publishing Ltd.
- Chief Executive, Oranga Tamariki - Ministry for Children vs JM, 5835 NZFC (2018).
- Oranga Tamariki. (2018). *Kids in care, 2018*. Ministry of Social Development.
- Paterson, R., Durie, M., Disley, B., Rangihuna, D., Tiatia-Seath, J., & Tualamali'i, J. (2018). *He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction*.
- Pennington, P. (2022, 1 April). Māori remain 'scared' despite Oranga Tamariki's shift on uplift of children – lawyer. *Radio New Zealand*. <https://www.rnz.co.nz/news/national/464409/maori-remain-scared-despite-oranga-tamariki-s-shift-on-uplift-of-children-lawyer#:~:text=1%20Apr%202022,-M%20C4%81ori%20remain%20'scared'%20despite%20Oranga%20Tamariki's%20shift,on%20uplift%20of%20children%20%2D%20lawyer&text=The%20uplift%20of%20children%20from,charge%20ordered%20a%20step%20change.&text=However%2C%20the%20overall%20trend%20is,the%20uplift%20of%20newborn%20babies>.
- Perrin, C., & Blagden, N. (2016). Movements towards desistance via peer-support roles in prison. In L. S. Abrams, E. Hughes, M. Inderbitzin, & M. R. (Eds.), *The voluntary sector in prisons: Encouraging personal and institutional change* (pp. 115-142). Palgrave Macmillan.
- Peters, A. (2017). *A short report on implementing trauma-informed care for the New Zealand mental health and addiction workforce*. Te Pou.
- Pihama, L., Tuhiwai Smith, L., Evans-Campbell, T., Kohu-Morgan, H., Cameron, N., Mataki, T., Te Nana, R., Skipper, H., & Southey, K. (2017). Investigating Māori approaches to trauma informed care. *Journal of Indigenous Wellbeing*, 2(3), 18-31.
- Pratt, J. (2008). Scandinavian exceptionalism in an era of penal excess: Part 1: The nature and roots of Scandinavian Exceptionalism. *British Journal of Criminology*, 48(2), 119-137. <https://doi.org/https://doi.org/10.1093/bjc/azm072>.
- Pratt, J. (2013). *A punitive society: Falling crime and rising imprisonment in New Zealand*. Bridget Williams Books.
- Pratt, J. (2017). New Zealand penal policy in the twenty-first Century. In A. Deckert & R. Sarre (Eds.), *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice*. Palgrave Macmillan.
- Quince, K. (2007). Māori and the criminal justice system in New Zealand. In J. Tolmie & W. Brookbanks (Eds.), *In Criminal Justice in New Zealand* (pp. 333-358). LexisNexis NZ Limited.
- Rae, N., Came, H., Bain, L., & McCambridge, A. (2023). A critical tiriti analysis of Te Pae Tata: The Interim New Zealand Health Plan. *The New Zealand Medical Journal (Online)*, 136(1573), 88-93.
- Richardson, E., Thom, K., & McKenna, B. (2013). The evolution of problem-solving courts in Australia and New Zealand: A trans-tasman comparative perspective. In R. Weiner & E. Brank (Eds.), *Problem solving courts: Social science and legal perspectives* (pp. 185-210). Springer Press.
- Sachdeva, S. (2021, 25 November). Govt finally moves to repeal 'subsequent child' uplifts". *Newsroom*. <https://www.newsroom>.

co.nz/govt-finally-moves-to-repeal-subsequent-child-uplifts.

- Scott, D. (2013). Why prison? Posing the question. In D. Scott (Ed.), *Why Prisons?* Cambridge University Press.
- Seppings, C. (2015). *To study the rehabilitative role of ex-prisoners/offenders as peer mentors in reintegration models—in the UK, Republic of Ireland, Sweden and the USA.* <https://www.churchilltrust.com.au/project/tostudy-the-rehabilitative-role-of-ex-prisonersoffenders-as-peer-mentors-in-reintegration-models>.
- Sered, D. (2019). *Until we reckon: Violence, mass incarceration, and a road to repair.* The New Press.
- Shara, N. (2017). *Ending Child Sexual Abuse: A Transformative Justice Handbook* Generation FIVE.
- Sharpe, M. (2010, 30 June). Charity rejection splits Sensible Sentencing Trust. *Dominion Post.* <https://www.stuff.co.nz/national/3867650/Charity-rejection-splits-Sensible-Sentencing-Trust>.
- Sharpe, M. (2023, 26 April). New iwi-led plan sparked by Oranga Tamariki baby uplift should see fewer children in care. *Stuff.* <https://www.stuff.co.nz/national/hawkes-bay/131862342/new-iwiled-plan-sparked-by-oranga-tamariki-baby-uplift-should-see-fewer-children-in-care#:~:text=What%20began%20with%20an%20iwi,support%20for%20children%20and%20wh%20C%81nau>.
- Skipworth, J. (2019). The Australian and New Zealand prison crisis: Cultural and clinical issues. *Australian & New Zealand Journal of Psychiatry, 53*(5), 472-473.
- Smith, L. T. (2022, 20 March). Healing our trauma. *E-Tangata*.
- Solomon, M., & Murray, K. (July 2019). Ināia Tonu Nei—Now is the time: We lead, you follow. Hui Māori Report. In M. o. Justice (Ed.). Wellington.
- Substance Abuse and Mental Health Services Administration. (2014). *Trauma-informed care in behavioral health services: Treatment improvement protocol (TIP)* Substance Abuse and Mental Health Services Administration.
- Substance Abuse and Mental Health Services Administration. (2023). *Trauma training for criminal justice professionals.* Substance Abuse and Mental Health Services Administration. <https://www.samhsa.gov/gains-center/trauma-training-criminal-justice-professionals#:~:text=Trauma%2Dinformed%20care%20is%20an,to%20avoid%20re%2Dtraumatizing%20individuals>.
- Tauri, J. (2014). Criminal justice as a colonial project in contemporary settler colonialism. *African Journal of Criminology and Justice Studies, 8*(1), 20-37.
- Te Hiringa Mahara - Mental Health and Wellbeing Commission. (2023). *Peer support workforce insights paper.* Te Hiringa Mahara - Mental Health and Wellbeing Commission. <https://www.mhwc.govt.nz/assets/Workforce-paper-/Peer-Support-Workforce-Insights-Paper-.pdf>.
- Te Pou. (2023). *Trauma informed approaches.* Te Pou. Retrieved 11 Sep from <https://www.tepou.co.nz/initiatives/lets-get-real/trauma-informed-approaches>.
- Tenbenschel, T., Cumming, J., & Willing, E. (2023). The 2022 restructure of Aotearoa New Zealand's health system: Will it succeed in advancing equity where others have failed? *Health Policy, 134*, 104828. <https://doi.org/https://doi.org/10.1016/j.healthpol.2023.104828>.
- Terry, A., Mills, A., Milne, B., & Lindsay Latimer, C. (2023). *Going straight home? The role of stable housing in reducing reoffending amongst those who have left prison.* University of Auckland. <https://cdn.auckland.ac.nz/assets/auckland/arts/our-research/research-institutes-centres-groups/compass/annual-research-colloquia/2021-colloquium/COMPASS-Colloquium-2021-2-AliceMills.pdf>.
- The Backbone Collective. (2018, 17 June). *Backbone: Open letter to Prime Minister.* <https://www.scoop.co.nz/stories/PO1906/S00201/backbone-open-letter-to-prime-minister.htm>.
- The New Zealand Law Commission. (2006). *R94 Sentencing Guidelines and Parole Reform.* The New Zealand Law Commission.
- The New Zealand Law Commission. (2011). *Controlling and regulating drugs: A review of the Misuse of Drugs Act 1975.* <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R122.pdf>.
- Thies, C. F., & Register, C. A. (1993). Decriminalization of marijuana and the demand for alcohol, marijuana and cocaine. *The Social Science Journal, 30*(4), 385-399. [https://doi.org/https://doi.org/10.1016/0362-3319\(93\)90016-0](https://doi.org/https://doi.org/10.1016/0362-3319(93)90016-0).
- Thom, K., & Black, S. (2017). *Ngā whenu raranga/Weaving strands: #4. The challenges faced by Te Whare Whakapiki Wairua/The Alcohol and Other Drug Treatment Court.* University of Auckland.
- Trafford, W. (2022, 2 May). Maori overrepresentation in prison climbs, minister concedes 'failure'. *Te Ao Maori News.* <https://www.teaonews.co.nz/2022/05/02/maori-overrepresentation-in-prison-climbs-minister-concedes-failure>.
- Unlu, A., Tammi, T., & Hakkarainen, P. (2020). *Drug Decriminalization Policy. Literature Review: Models, Implementation and Outcomes.* Finnish Institute for Health and Welfare. <https://idpc.net/publications/2020/06/drug-decriminalization-policy-literature-review-models-implementation-and-outcomes>.
- Visher, C. A., Winterfield, L., & Coggeshall, M. B. (2005). Ex-offender employment programs and recidivism: A meta-analysis. *Journal of Experimental Criminology, 1*, 295-316.
- Walton, D., & Martin, S. (2021). *The evaluation of Te Ara Oranga: The path to wellbeing. A methamphetamine harm reduction programme in Northland.* M. o. Health. <https://www.health.govt.nz/publication/evaluation-te-ara-oranga-pathway-wellbeing#:~:text=The%20evaluation%20raises%20and%20considers,methamphetamine%2Dusers%20can%20receive%20therapeutic>.
- Wirihana, R., & Smith, C. (2014). Historical trauma, healing and well-being in Māori communities. *MAI Journal 3*(3), 198-210.
- Workman, K. (2014). The social integration of Māori prisoners. *Aotearoa New Zealand Social Work, 26*(1), 39-46.
- Workman, K. (2018, 30 August). *Breaking Down Barriers- Who Are the Victims?" Reflections from the Justice Summit.* Pillars Fund-raising Breakfast. Redwood, Christchurch.
- Yasbek, P., K, M., Elder, H., Crossin, R., & Baker, M. (2022). *Minimising the harms from Methamphetamine.* The Helen Clark Foundation and New Zealand Drug Foundation. <https://helenclark.foundation/app/uploads/2022/09/HCF-NZ-Drug-Foundation-Minimising-the-harms-from-methamphetamine-report-LR.pdf>.
- Zionov, A., & Valgre, M. (2018). *Transformative justice workshop: Practical ways of solving interpersonal harm and conflict in our communities* People Against Prisons Aotearoa. <https://shop.papa.org.nz/shop/transformative-justice-workshop-practical-ways-of-solving-interpersonal-harm-and-conflict-in-our-communities/>.

