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**Māori voices from within: A study of the
perspectives of former offenders and Probation
Officers in the criminal justice system**

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Abstract

This thesis examines Māori offending and rehabilitation from a Māori perspective using kaupapa Māori methodology. The research considers the perspectives of four Māori former offenders and the factors that contributed to their rehabilitation, whilst considering the perspectives on preventing recidivism from Probation Officers who identified as Māori and work in the Community Probation Service.

In order to provide a background for an informed analysis and discussion of the research findings, the thesis discusses the problem of Māori over-representation in prison and explanations of criminal offending from an international and local perspective. The thesis examines Māori traditional society and social control and the impact of colonisation, before considering criminal justice trends in offending and rehabilitation and the theory of desistance. The focus is on positive alternatives for Māori in the criminal justice system, and examines Māori views of the criminal justice system and strategies for recovery, using the *Strategies to recovery* framework postulated by Durie (2003).

Kaupapa Māori informs this research and uses qualitative methods of inquiry as they align with the principles of kaupapa Māori. In-depth interviews with former offenders and a focus group interview with Probation Officers, allows the participants to express their realities from their worldview.

The findings from the research participants advocate: a) Māori solutions to the discourse concerning Māori offending; b) a holistic approach; c) the value of involving whanau in rehabilitative interventions; and d) access to a secure identity and cultural affirmation.

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Chapter 1

The Background

Introduction

Māori are 3.3 times more likely to be apprehended by Police, therefore Māori are more likely to be convicted, sentenced and imprisoned (Doone, 2000, p. 7). The Department of Corrections estimates that Prison musters for Māori are forecast to grow by 1693 before the year 2013 (Department of Corrections, 2003a, p. 2). Despite these statistics, the monocultural nature of the system has meant that the response to Māori offending has been eurocentric (Chapman, 1994; Jackson, 1988, 1995; Wikiriwhi, 1999; Williams, 2001). These writers have expressed concerns about the invisibility of Māori solutions to criminal offending, with explanations and solutions that derive from western epistemology and state responses to criminal offending that reflect an assimilationist mentality.

This eurocentricism has meant that little credence has been given to the voices of those most affected by the system. This lack of voice is not new. Bargen (1995) expressed concern that the voices of youth were absent from youth justice debates. Chapman also argued that Māori who have the problem must be given “the responsibility of participating in a process that will bring about change” (1994, p. 28). More recently, Lashlie has challenged mainstream New Zealand claiming, “the stories of those who have walked the path to prison contain many of the answers we need if we are to make a real difference” (2002, p. 14).

There is a dearth of information on the experiences of Māori within the criminal justice system and virtually no information of successful rehabilitation from a Māori worldview. The rising rate of crime and over-representation of Māori in prisons

suggest that current mainstream programmes and interventions are not responding to or reducing Māori offending. It is hoped that this research might influence change for the betterment of Māori in the criminal justice system.

The aims of the research

This thesis provides some solutions from a Māori worldview for Māori who are offending. The cornerstone of this thesis relates to the experiences of Māori ex-offenders and Probation Officers within the criminal justice system. The questions examined relate specifically to the successful rehabilitation and reintegration of Māori back into the community. The aims are:

- to consider the experiences of Māori ex-offenders within the criminal justice system and the factors that contributed to their rehabilitation.
- to consider the experiences of Māori Probation Officers who work within the criminal justice system and document their views on the factors that contribute to halting offending for Māori.
- to utilise a strengths-based and solutions-based approach to consider proactive interventions within the criminal justice system that enable Māori to stop reoffending and prevent recidivism.
- to provide recommendations that informs policy around the possible interventions for recidivism for Māori from both an offender and Probation Officer perspective.

The first objective of this work is to validate the 'voices' of Māori and secondly, to develop more responsive probation practices, within the criminal justice system. The overall aim of this thesis is to provide positive outcomes to the wellbeing of Māori and contribute to the discourse and debate concerning Māori re/offending.

This chapter examines the emergence of research concerning Māori and provides the broad theoretical background that has informed this thesis. Research and its relationship to Māori are explored, followed by explanations of crime from an international perspective. The final section provides a brief overview of the Department of Corrections, the role of Probation Officers and the correctional debates that have informed the Department of Corrections.

Research and Māori

*Traditionally, research within Western societies is seen to be objective, value free and scientific (positivism) and this approach has dominated research in the social sciences (Smith & Nobel-Spruell, 1986). Positivism suggests people can be studied in a similar way to physical things by way of measurement. They prefer hard data and facts, which can be interpreted by the use of statistics (Rice & Ezzy, 2002). By utilising methods that condense the understanding of the world to issues of measurement, the locus of understanding is fixated on procedural issues. Much research on Māori has been from this approach.

With the coming of the Pākehā to Aotearoa in the 1800s, white males sought to find out about the Māori way of life. These early historians either completed their research by way of direct observation or narrative accounts from Māori (Soutar, 1994b). Their interpretation of Māori history was also shaped by their worldview and was influenced by their intellectual, moral and political beliefs.

Royal (1993) contends that historical research by Pākehā constructed a national norm of Māori history and traditions. These stories affirmed colonisation and assimilation and did little to develop Māori expertise and knowledge. It was also instrumental in grouping all Māori into one category, and failed to acknowledge tribal diversity.

In the 1960s critical theory took hold and people began questioning and articulating their concerns about knowledge and power. This critique emphasised cultural bias and the ideologies that limited or enhanced access to resources and wellbeing depending on one's race or ethnicity. Māori in the late 1960s also began criticising what was written about them. "This challenge has confronted both methodological issues and epistemological concerns: that is, both the techniques of research and the presupposition about knowledge which underlies research" (Mead, 1996, p. 178). Therefore the challenge was against the production of knowledge produced by explorers and travellers to Aotearoa. These views were usually written from a eurocentric viewpoint and often misrepresented or over-generalised Māori society as well as redefining what it was like to be Māori.

Smith equates research as the principal location of the "struggle between the interests and ways of knowing of the West and the interests and ways of resisting of the Other" (1999, p. 2). By indigenous peoples articulating and telling their stories as colonised peoples and by reclaiming their histories and their language, these counter stories provide a powerful mode of resistance.

As Smith states research has been used by the dominant culture to legitimate and validate the dominant culture's perception of what research is. Gate keeping sanctions have also been used to maintain this control. It assumes that legitimate knowledge is common sense, that research is accultural and this assumption is used to exclude "the beliefs and practices of the tangata whenua from those of mainstream Pākehā, New Zealand" (1986, p. 145). Further, Smith claims that research done on Māori has been that of crisis research, the focus being on causes of Māori failure and attempts to solve Māori problems. From this research generalisations have been made on what works and what does not work in Māori society. When research is published it is assumed to be fact, which maintains or perpetuates negative stereotypes.

This thesis is timely and essential, as the statistics relating to Māori offending and imprisonment have not reduced. Key justice sector agencies are failing to provide solutions or positive outcomes for Māori. „As Jackson says despite government organisations working hard to “biculturalise their institutions”, little has changed... our people continue to be caught up in a punitive system which is neither Māori or just” (1998b, p. 14).

Explanations of offending for colonised people

The scarcity of qualitative research conducted with indigenous offenders overseas is also replicated in Aotearoa. What research there is, is accultural, therefore cultural or ethnic considerations are usually not taken into account when conducting research or evaluating programmes (Smith, 1986). „Much of the research is also agentic, where “agency focuses on mastery and control through quantitative methodology” (Smith & Noble-Spruell, 1986, p. 137).

In Canada and Australia there is a growing body of literature that recognises the afflictions that are particular to dispossessed peoples of post-colonial societies. These studies explain in a theoretical sense the factors that pre-dispose some indigenous peoples to a lifestyle of criminality. These studies also make important links between “material and spiritual impoverishment, social collapse and criminality” (Hazlehurst, 1995, p. ix).

Although there are numerous explanations for the over-representation of indigenous peoples in prisons, Hazlehurst offers three explanations:

- The first set of explanations suggests there may be a link between the age structure and population growth of indigenous peoples. Therefore given that indigenous peoples have a youthful population they are more likely to have people arrested for offending.
- The second set of explanations looks at the way indigenous peoples are

treated within the criminal justice system. There are groupings of explanations that focus on racist bias, indigenous visibility, over policing and systemic discrimination (ibid). Theorists in this camp such as McNamara (1995) suggest that discriminatory police practices and racist attitudes and actions by Police have contributed to the high number of indigenous peoples presenting before the Courts and being imprisoned.

In Australia, McNamara (1993) also found that many Aboriginals are more likely to be targeted by Police campaigns, designed to maintain law and order. The deep-rooted attitude by the community and Police that indigenous peoples are a threat to law and order manifest itself in discriminatory policing practices.

The Aboriginal Justice Implementation Commission (1999) set up in Canada found that although Aboriginals committed an inordinate number of crimes, they were also victims of systemic discrimination. Therefore, this overt and covert discrimination manifested itself in all areas of contact with Aboriginal people, namely their first contact with Police, contact with Courts and other Correctional agencies.

More recently, the New Zealand Police and Te Puni Kokiri commissioned studies within Aotearoa on Police and Māori attitudes to one another (James, 2000; Maxwell & Smith, 1998; Te Whaiti & Roguski, 1998). These studies found that Māori had both negative attitudes towards Police and a general distrust of Police. These perceptions were based on their experiences that reinforced their views that the culture of police was racist. This distrust resulted in a reluctance to seek assistance from the police; offer the police assistance; and a general lack of confidence in the Police complaints authority. The study on police perceptions of Māori found that police culture condoned the use of discriminatory language and behaviour (James, 2000).

- The third category centres itself on the socio-economic and demographic factors, which predispose one to criminality. It is suggested that those from poor marginalised communities, with limited education, including limited income are more predisposed to a criminal lifestyle (Hazlehurst, 1995).

Although these three sets of explanations are considered valid, it is argued that many explanations for crime fail to take into account the historical context of people that are subject to colonisation. Therefore, cultural oppression, social inequality, and the loss of self-government explain the over-representation of colonised people (The Aboriginal Justice Implementation Commission report, 1999). This is supported by McNamara who says:

..the continuing reality that the dominant 'system'(encompassing procedural, substantive and other social/political factors) is an imposed system of domination and control which is essentially inappropriate for and in practice discriminatory towards Australia's Aboriginal population (1993, p. 2).

McNamara contends that providing adhoc, culturally sensitive programmes does not address indigenous over-representation in the criminal justice system. He believes that change can only occur by implementing operative strategies "within the context of an exercise by Aboriginal communities of autonomy, based on a constitutionally recognized right of self-government" (1995, p. 2). In Aotearoa, Jackson (1988) advocated for the re-establishment of a Māori justice system. To date, this right to self-government and greater autonomy within the criminal justice system continues to be dismissed as separatist. Although there are supporters of this view, the catch phrase 'there can only be one law for all' remains (Jackson, 1988, 1998; Wickcliffe, 1995).

State responses to offending and Māori

Theory in its most simplistic form provides explanations of human situations and human behaviour (Smith, 2000). Indigenous writers contend that western forms of knowledge have silenced indigenous voices by dismissing traditional modes of sanction as inferior. For Māori, traditional forms of social control were discounted by defining Māori as lawless.

Western views of crime and deviance were first informed by classical theory. Classical theory asserts that rational people are motivated by pleasure to commit crime. Therefore, the avoidance of punishment reduces crime (Moyer, 2001; Newbold, 1992; Pratt, 1992).

Positivism emerged in the late 19th century and challenged classical theory. Positivists “attributes criminal behaviour to either physical or psychological determinants in the individual” (Webb, undated, p. 3). From this viewpoint, people were born criminals because biological and environmental factors determined criminal behaviour (Moyer, 2001). Punishment was considered ineffectual as the criminal had to be cured of their deviant ways. From this perspective, Māori were defined as inherently criminal because they deviated from the monocultural norm. This stance, founded on racist assumptions categorised all Māori as criminal.

The emergence of sociological theories challenged the belief of positivism that people were born criminals and argued that crime could be linked to social conditions (Moyer, 2001; Newbold, 1992). The theory of social disorganisation highlighted “rapid city growth as having an effect on deviance”. Therefore, “normative guidelines for appropriate behaviour become disrupted in areas with changing populations” (Webb, undated, p. 5). Māori offending using this theory links their criminal offending to the urban migration of the 1960s and as a result of “cultural maladaptation in urban areas” (ibid, p. 4). This view of rapid change fails to account for the reasons Māori migrated to the urban areas. Political policies forced many Māori to leave their cultural roots to search for employment, housing, as well

as seeking health, and educational resources to enhance their life. The theory has some merit but by categorising Māori crime as a natural consequence of rapid change, it normalises the “unequal political and social structures of society in Aotearoa” (ibid).

State discussion concerning Māori offending, usually derived from non-Māori theories, conceptualises Māori offending as a problem that needs to be remedied by state intervention. The Department of Corrections formerly an arm of the now restructured Department of Justice has two main functions: provision of information and sentence administration.

The Department of Corrections

Established in October 1995, the Department of Corrections is comprised of the Community Probation Service, the Psychological Service and the Public Prison Service. The Department of Corrections states the primary purpose of the corrections system is to “contribute to the maintenance of a safe and just society” (Department of Corrections, 2003a, p. 10). The Department does this by managing custodial and community-based sentences in a safe and humane way; assisting in the offender’s rehabilitation and re-integration into the community through the provision of programmes; and providing information to the Courts and the New Zealand Parole Board that informs their respective decision-making.

The department sees it’s ‘strategic direction’ as promoting ‘safer communities’ by ‘protecting the public’ and ‘reducing re-offending’. The emphasis towards realisation of these goals in probation is through the delivery of standardised assessments that inform individual casework, the production of consistent Court reports and the delivery of structured programmes (ibid).

History

Probation in Aotearoa was first established in 1886 with the passing of the First Offenders Probation Act. Under the terms of this Act, those convicted of non-violent, minor offending on their first occasion, might be offered supervision as an alternative to imprisonment (Campbell & Marra, 2001). An amendment to the Act in 1903 allowed the Court to impose supervision where offenders had previous convictions. The Probation Officers, many of who were volunteers or providers of allied services, such as the Police, were guided by this Act to provide reports to the Courts concerning the suitability of an offender for a period of supervision and then provide official oversight during that period (ibid).

The passing of legislation in 1954 professionalised the probation service, although Probation Officers continued to focus on the rehabilitation of offenders utilising in the main the British model of advise, assist and befriend (ibid). In 1962, the Act was amended to allow for the introduction of the reparative sentence of periodic detention. Work centres were established in separate locations to administer this sentence and the punitive and rehabilitative arms of probation remained separate until 1996 when a co-location policy was adopted by management to maximise efficiency and "emphasises the inclusive rather than separatist approach to managing offenders" (ibid, p. 208). Further sentences have subsequently been introduced, community service in 1980, community programme in 1993, and home detention in 1999.

The enactment of the Parole Act 2002 and the Sentencing Act 2002 has resulted in the introduction of a new range of sentences (Appendix A): community work (previously periodic detention and community service); supervision; parole; post release conditions set at sentencing; and home detention.

During the 1980s and 1990s, sweeping political changes and reform characterised by hard-line managerial agendas had a number of impacts on the direction and

role of the Probation Service. As Gibbs states, paradigmatic changes emerged and were mirrored by the probation service “from a befriending basis to treatment models; from “nothing works” and minimalist or radical non-intervention to the current era of effectiveness and evidence-based practice” (2000, p. 22). As a result, empirical research has increasingly informed the theories and models employed in probation work (Campbell & Marra, 2001).

Policies

The current ‘themes’ that are most evident within the Community Probation Service filter down from the Department of Corrections Strategic Business Plan, 2003 - 2008. The key themes are: ensuring effective offender management; improving responsiveness to Māori; contributing to reducing re-offending and enhancing capability and capacity.

- The emphasis on these stated themes informs the policies driving Community Probation Service practice. The Integrated Offender Management (IOM) system is a structured and co-ordinated approach to offender management. Designed by the Psychological Services arm of the Department of Corrections, it enables the department to deliver efficient and effective interventions to those offenders assessed as being at the highest risk of re-offending. Risk is determined statistically, and needs factors that directly contribute to offending are identified through the application of standardised assessment tools. An offender’s level of motivation to address offending issues is also taken into account. These processes ensure offenders are matched to interventions in a consistent and standardised manner.

IOM has also impacted on the types of reports provided to Courts and the information contained within the reports. The assessed level of risk of particular offenders determines whether a full (level 2) report that provides a comprehensive or a shorter, less detailed, (level 1) report is provided.

The emphasis on standardisation is said to eliminate the subjective, intuitive approaches employed by probation staff before the implementation of IOM and produce objective and empirical results. Ultimately, the aim of IOM is to maintain a 'best practice' scenario and it represents a significant policy movement away from sociological based models of practice toward psychological models (Campbell & Marra, 2001).

The use of standardised assessment tools that are largely prescriptive have been criticised by some probation staff as undermining their professional freedom (Campbell & Marra, 2001; Gibbs, 2000). The assessment process is also considered restrictive, and "incompatible with whanaungatanga and the establishment of a reciprocal, transparent relationship between the practitioner and the offender" (Masters, Trynes, Kaparu, Robertson, & Waitoki, 2002, p. 54). Whilst the reaction to level 2 reports, from the primary stakeholder has been mixed, judges have criticised the use of psychological jargon within the level 2 reports and the lack of information pertaining to the offender's social circumstances.

The dominance of research and evaluation by the psychological service within the local correctional scene has also been criticised on a number of levels. These criticisms are associated with its concentration on individual pathology; its reliance on mainly quantitative modes of inquiry that are outcome focused that fail to account for process issues or the effectiveness of alternatives that are not programme orientated. The failure to account for systemic or structural inequalities within society or the history of colonisation is also an issue of concern. It is accepted that the service offers many innovative solutions to crime, however it fails to account for the diversity of alternatives and options such as "indigenous, community, and networking approaches" (Gibbs, 2000, p. 29).

One of the stated aims of the Department of Corrections is improving its responsiveness to Māori. In 1999, the Department of Corrections consulted widely by asking the community, department staff and offenders how the department

could meet its responsibilities to the Treaty of Waitangi and provide more effective services for Māori (Department of Corrections, 2003b). The Treaty of Waitangi strategy was developed and ongoing dialogue as summarised in the document *Let Māori take the journey* (Department of Corrections, 2001b), informed the Māori strategic plan 2003 –2008.

Emphasis has been placed on: building partnerships with Māori; being effective for Māori; and being responsive to Māori. In order to achieve these stated aims the department has developed a comprehensive suite of programmes and initiatives, which are briefly described.

Kia Mau is a cultural training package that aims to develop the knowledge and skills of departmental staff on the Treaty of Waitangi, the Māori worldview and the importance of working with Māori and their communities in a positive and proactive way.

FreMo (The Framework for the Reduction of Māori offending) is utilised when undertaking research or projects that involve Māori. It incorporates methodology that draws from both Māori and mainstream literature in consultation with Māori.

Iwi Secondment involves the secondment of Māori staff to iwi organisations to enhance the capacity and the capability of both the department and the iwi organisation.

Cultural supervision enables staff to work effectively with Māori offenders by building on their cultural knowledge and awareness of their behaviour. This process allows staff to reflect on their practice and provides assistance with cultural issues of a complex nature.

Māori Language Strategy is aimed at increasing the proficiency and language skills of staff to increase the use of te reo and improve pronunciation.

Tikanga Māori based programmes address Māori offending from a Māori worldview. Currently the department offers the mau rakau programme, the new life Akoranga run by Mahi Tahi trust based within the prisons and Te Wairua o Ngā tangata. These programmes endorse the principles of te ao Māori and encourage the development of a secure Māori identity. The offenders learn new behaviours; celebrate their uniqueness as Māori, whilst challenging old behaviours and belief systems.

Māori focus units are units based in prisons and provide both therapeutic programmes and tikanga Māori.

The *Whānau involvement plan* recognises the importance of working with Māori whānau and their communities. This initiative incorporates empowering whānau, keeping whānau informed and whānau healing and development.

The Bicultural Therapy model, initiated by the Psychological service, combines both a Māori worldview and western psychological models of practice. Māori offenders are given the opportunity to work with a psychologist, a Māori specialist¹ or both.

The Māori strategic plan and the resulting initiatives are a credit to the Department of Corrections. However, the development and implementation of many of these programmes has been slow, with the full benefits yet to emerge. The lack of buy in from some staff and the devaluing of Māori programmes through lack of support by management can also hinder these initiatives.

Within the Community Probation Service, the demands of core business, the dominance of the integrated offender management system (the computer

¹ A Māori specialist is competent in both tikanga Māori and the healing and treatment of Māori.

technology that supports IOM) and the risk adverse culture can also thwart the attempts by staff to implement these initiatives or work with Māori whānau and communities in a proactive or creative way.

Correctional history of rehabilitation in Aotearoa

Correctional history internationally and locally has been informed by the debates concerning what correctional interventions, programmes and treatments are effective in reducing reoffending. The debates between proponents of punishment and the proponents of rehabilitation have raged since Aotearoa was first colonised, reaching a climax in the 1970s, now known as the what works/ nothing works debate (Anstiss, 2003; McLaren, 1992).

The pendulum shift towards punishment versus rehabilitation was fuelled by rising crime rates and public dissatisfaction about the effectiveness of treatment and interventions (Anstiss, 2003). In 1974, a report by Martinson that claimed correctional interventions failed to reduce recidivism strengthened the argument against investing resources into rehabilitative programmes. Government expenditure during the 1970s and 1980s was put towards strategies such as outdoor pursuits, boot camps and preventative policing (Anstiss, 2003).

Since this time a significant amount of research has been conducted in the area of corrections, much of it refuting Martinson's original conclusions. As Anstiss states the "pendulum has firmly swung back in favour of the notion that corrections based treatment can influence an offender's behaviour in prosocial directions" (ibid, p. 3).

In 1992, McLaren released a report titled *Reducing reoffending: What works now*. In this report a comprehensive literature review was conducted by way of meta-analysis on rehabilitative studies and interventions. McLaren identified that those interventions that were effective in reducing reoffending shared a number of characteristics, the 16 principles of effective interventions (Appendix B).

McLaren acknowledged the review was accultural, as many of the studies failed to take ethnicity or culture into account. She also noted, when conducting this review, she could find no specific examples of interventions that reduced reoffending based on cultural factors.

The 16 principles aligned mostly with cognitive behavioural theory that “teach certain skills, both new behaviours and thinking skills”, and through reward or sanctioning, encourage new ways of thinking and behaving (McLaren, 2000, p. 57).

Risk, needs, responsivity model

The Psychology of Criminal Conduct by Andrews & Bonta (1994) has played a significant role in informing programme intervention in Aotearoa. Andrew & Bonta found that for rehabilitation to have the best effect, programmes must be individualised, targeted towards those at highest risk of reoffending and appropriately matched towards their needs.

The Criminogenic needs inventory is a standardised assessment tool developed by the Department of Corrections to assess an offenders criminogenic needs, their risk of offending and their responsivity in relation to their most serious offence at the time of offending. The tool provides a comprehensive, standardised assessment that is matched and targeted to the offenders identified needs, thereby reducing reoffending. It is based on a cognitive-behavioural model and is underpinned by psychological theory (Department of Corrections, 2001a; Coebergh, Bakker, Anstiss, Maynard & Percy, 1999).

- ✧ Recognising that Māori have unique needs that predispose them to offending, research was conducted and Coebergh et al (1999) found that there were four factors that could increase the likelihood of Māori offending, known as Māori

criminogenic needs (MaCRN). These MaCRNs are identified as cultural identity², cultural tension³, lack or limited contact with whānau⁴ and whakawhanaunga⁵.

Since its inception there has been growing criticism of this model. Firstly, the use of concepts that derive from Māori culture, appear to be forced to fit onto western models of practice, whilst Māori concepts are viewed negatively. It approaches criminality from a deficit approach and does not draw from the positive aspects within Māori culture. The utilisation of this model locates the problem of criminal offending on the individual but ignores issues such as institutional racism. Probation Officer's application of the model is variable, and may in fact reinforce and perpetuate negative stereotypes (Love, Walker, Tuhaka, Campbell, Kopeke & Lawson-Te Aho et al, 2003; Webb, 2003).

More recently, Hemopo (2004) has lodged a claim with the Waitangi Tribunal. He asserts that the MaCRNs and the risk assessment tool used to assess the risk of reconviction and risk of reoffending (RoC/Rol) models introduced by the Department of Corrections breach the Treaty of Waitangi. He argues that the (RoC/Rol) tool utilised to assess risk and likelihood of reconviction is flawed as Māori ethnicity is factored into the risk assessment tool. Hemopo also argues that the MaCRNs developed by the department, distorts Māori culture and treats it as

² "Cultural identity measures whether the offender has a positive pro-social perception about being Māori or whether their perception about being Māori is negative and or anti/social"(Coebergh, Bakker, Anstiss, Maynard & Percy, 1999 p. 17).

³ Cultural tension recognises "that Māori culture has been generally compromised and discouraged in the process of colonisation and it is therefore likely that a number of stressors and tensions associated with differences in cultural values and beliefs between Māori and non-Māori has developed. Cultural tension measures the nature and extent of the cultural tension and the offender's capability of recognising and pro-socially addressing these where it impacts on their personal, social and/or occupational functioning" (ibid, p. 17-18).

⁴ "Whānau is measured in two ways. The first category of assessment is lack of whānau contact and whether this has negatively impacted upon the functioning of the offender. The second category of assessment is the identification of anti-social behaviours and attitudes within the offender's whānau, which may support and maintain offending behaviour" (ibid, p. 18).

⁵ Whakawhanaunga focuses on identifying a variety of relationships an offender has with a group of people who they consider to be like a whānau to them and how these relationships may contribute to offending behaviour" (ibid, p. 19).

inherently violent and criminal. Consequently, the models used are considered discriminatory.

- In 2004, Wilson released a report titled, *New Zealand high-risk offenders: Who are they and what are the issues in their management and treatment?* By utilising the Department of Corrections primary risk assessment tool, the RoC/Rol, he identified those who had more than a 70% risk of serious recidivism. Wilson found that of the 140 offenders that were identified as high risk, over 83% identified as Māori (ibid, p. 3). Whilst this report identifies factors that are both informative and contribute to the discourse on criminal offending, it also paints a disturbing picture, that Māori are high-risk criminals. What the report fails to make transparent, is that the RoC/Rol tool used by Wilson at that time, included Māori ethnicity as a risk factor. The publication of reports that utilise statistical tools that are potentially discriminatory continue to perpetuate the negative stereotypes that permeate throughout Aotearoa.

Rationale for this study

This material provides the foundation and knowledge that sets the scene for this thesis. The plethora of research on offending is in the main based on positivist quantitative analysis that explains and describes treatment of the offender from an individual standpoint. This reliance on research that is based on quantitative data is focused on deficits, makes comparisons between Māori and non-Māori, but fails to acknowledge the differing historical, social and cultural forces that have impacted on Māori. This thesis enters the debate concerning Māori offending and is aimed at providing strengths based solutions from a Māori perspective.

It assumes that the Māori offender cannot be treated and cared for within the current western framework due to the monocultural nature of the system. This thesis considers an alternative, valid view that although Māori share some commonalities with Pākehā offenders, the “Māori offender is a person who is

shaped by cultural values, beliefs and identity which is unique to being Māori" and have diverse realities (Durie, 1995; Wikiriwhi, 1999, p. 2).

Limitations of the research

When conducting research it is important to clarify and make transparent the limitations of one's research. In this study, it is acknowledged that the findings are not representative of all the Māori population, but provides a snapshot of four ex-offenders and six Probation Officers. None the less given the qualitative approach to this research, information rich data has been collated which offers a valid contribution to this topic area. This study has not differentiated between the offence type and gender. However, any issues that were of particular relevance to women have been highlighted.

Thesis Overview

This thesis is divided into seven chapters. Chapter one, 'The Background' gives an overview of the thesis topic. The aims and rationale for this thesis are described, whilst a review of research and its impact on Māori is discussed. Correctional history and the 'what works' debate is outlined as well as the current theoretical debates concerning Māori and indigenous offending is discussed. The Department of Corrections and the current programmes, policies and initiatives that relate to Māori are examined as well as an outline of each chapter.

Chapter Two, 'Literature Review' provides the historical context and the foundation for the thesis. This chapter presents an overview of traditional Māori social controls prior to colonisation. The advent of colonisation and imprisonment is described. Current models and theories that explain Māori offending from a Māori worldview are proffered as well as research on desistance. This literature provides the theoretical base from which the data was analysed.

Chapter Three, 'The Research Journey' identifies the central research question, defines and explains the theoretical stance of the thesis, namely kaupapa Māori theory and elucidates how the theory informed the research design. The chapter concludes with an account of the ethics process.

Chapter Four, 'The journeys of the participants' details the findings from the qualitative interviews of the four ex-offenders. In this chapter their views and solutions to the issue of Māori reoffending are presented. Three major themes emerged from the findings and are complemented by subheadings and quotes from the participants. The key themes are impact of the past, present influences and strategies for recovery and are based on the Māori worldview that one's past, present and future are interconnected.

Chapter Five, 'The Probation Officers' presents the findings from the focus group interview. The Probation Officers represent the perspective of those that work within the Community Probation Service. Their experiences of working with Māori offenders and how they can be more responsive to Māori are outlined in this chapter. The findings are presented in a thematic way: the past, present and future and are based on the Māori worldview that we must look at the past in order to move forward.

Chapter Six 'Analysis of data' provides the links between the literature and the data. The analysis section is structured using the *Themes relating to Māori imprisonment* and the *Strategies to recovery framework* postulated by Durie (2003). Analysis of the findings will be centred around the following themes: lifestyles; justice; identity; Māori in society; individual lifestyle change; whānau healing; cultural affirmation; improved socio economic circumstances; improved access to justice; and autonomy and self governance. The desistance theory will also be examined in the analysis.

Chapter Seven, 'Conclusions', reviews the study and provides both conclusions and recommendations gleaned from the thesis. Finally the study concludes with an emphasis on the strategies for recovery model that highlights the strengths based approach that has informed this thesis.

Conclusion

In summary, although Māori offending continues to rise, Māori solutions to crime from those most affected are largely invisible. The history of research indicates that the dominance of western models of research involving Māori, have largely negated or ignored a Māori worldview. The explanations of offending pertaining to indigenous and colonised peoples provide a broader framework in which to analyse criminal offending. It suggests that Māori offending can be linked to their history of colonisation and also to discrimination that is systemic in nature.

Correctional history and the overview of the Department of Corrections highlight the tension between psychologically derived models and those that derive from a Māori worldview. Therefore, the background chapter sets the scene and provides the rationale for this thesis, namely to validate the voices of former offenders and Probation Officers who identify as Māori. By utilising the strengths and solutions from former offenders who have successfully reformed themselves and the experiences of Probation Officers, proactive interventions may be identified, that enable Māori to stop reoffending and prevent recidivism. The following chapter details the literature review that has informed this thesis.

Chapter Two

Literature Review

Introduction

Since the 1980s, there has been considerable interest and debate in the area of criminal justice in Aotearoa. Māori and non-Māori alike have expressed concern about the rising rate of crime and the over-representation of Māori in prisons.

This literature review examines Māori traditional society and their forms of social control before looking at the history of imprisonment. The current legislation relating to criminal justice, trends in offending and rehabilitation, and the theoretical perspectives that underpin criminal justice in Aotearoa will be considered.

Research on desistance to crime is examined as it relates to the theories of offending cessation and provides an understanding of why people give up crime. Given the thesis focus on positive alternatives for Māori in the criminal justice system, Māori views of the criminal justice system and Durie's strategies for recovery will also be canvassed.

Māori development is concerned with fostering self-determination and implementing policies and services for Māori by Māori that overcome disadvantage and ensure wellbeing. If Māori are to have more control over their involvement in the criminal justice system then there is a real need to have an understanding of the context, in which Māori now find themselves.

Traditional Māori Society

Before European contact, Māori were in control of their social, economic, and cultural destiny. They managed and controlled their land and resources. They

made their own decisions and had systems in place to facilitate the distribution of information (Hopa, 1989). Māori also had their own system of justice in operation. This structure was based on social responsibilities and provided the linkages for people to their wider community through whakapapa. Within this system, it was well understood which actions were hara (unacceptable), and how transgressors would be dealt with. Such systems revolved around the recognition that everybody had a responsibility to the wider community. It was also centred on values, adhering to principles instead of a set of rules (Mead, 2003).

Kōrero tawhito (ancient traditions) provided one way of establishing social control within traditional Māori society. Ranginui and Papatūānuku creation theories and the mythology surrounding their subsequent progeny played an important part in the social order and life of the Māori (Henare, 1988; Mikaere, 2000; Ministry of Justice, 2001; Pere, 1982). These oral traditions provided Māori with explanations about why certain events happened, governed models of behaviour, provided guidelines on what was right (tika) or wrong and the resulting consequences for any transgressions (Ministry of Justice, 2001; Patterson, 1992). These traditions provided the models of behaviour, societal norms and the principles and values that underpinned a Māori justice system.

Tikanga Māori, according to Mead is a vehicle for social control. It governed interpersonal relationships, how they interacted with each other, how they identified themselves, and how they conducted ceremonial occasions. Tikanga Māori was also premised on ethics, therefore it provided Māori with the correct and proper way to do things, a code of morals akin to a normative system. In Māori society, there was a correct way to behave "with processes for correcting and compensating for bad behaviour" (2003, p. 6). Traditionally, tikanga Māori was maintained by a social and ritual force that did not require the state to police it. This system of social control was pivotal in maintaining social order and regulated life within Māori society. Therefore, it was the interweaving combination of mythology,

the authority of chiefs, the interplay of tapu⁶ and noa and adherence to tikanga Māori, which governed the social order of Māori.

The social structure of Māori comprised of whānau, hapū, and iwi, was centred on descent and seniority, and was hierarchical in nature. Whakapapa provided both the membership and linkages to each other and one's tipuna and provided cohesion and structure, by ensuring connections were preserved through a detailed knowledge of bloodlines and continual regard to tribal ancestors (Ministry of Justice, 2001; Pere, 1982). Each whānau had its internal mechanism of authority with kaumātua playing a key role. Kaumātua were considered the storehouses of knowledge and had a pivotal role in the transference of knowledge, traditions, and tikanga to each member of their whānau (Mead, 2003). Kaumātua were the guardians of tikanga Māori, ensuring that traditions and *mores* were passed down to the younger generations. They also played a critical role in the decision making process of whānau, hapū and iwi by providing advice and guidance.

Whanaungatanga is founded on ancestral, historical, traditional, and spiritual ties. It shapes the bond that one forms with whānau, hapū and iwi and how one interconnects and reacts to these kinship groups (Pere, 1982). The principle of whanaungatanga acknowledges the importance of individual rights, but stresses the individual is part of the whānau, hapū and iwi and as such the maintenance of tribal unity and cohesion is more important than the rights of the individual (Patterson, 1992). This concept of collectivity meant that individual rights were inseparable from the welfare of the whānau, hapū, and iwi. Individual members had mutual obligations, which were linked to the precedents passed down by tipuna, consequently whānau had a responsibility and as such had to accept the transgressions of their members. Māori law imposed responsibility for misconduct

⁶ Tapu is literally defined as sacred. Best (1974) states the concept of tapu was utilised as a series of prohibitions. Justice was controlled by the laws of tapu and had an effect on all aspects of life. Tapu assisted with the conservation of scarce resources, to protect the whānau from harm and to maintain law and order (Pere, 1982). Breaches of tapu could result in death or sickness. Therefore the fear of violating tapu ensured that in the main social control and order was maintained.

not only on the transgressor but also the collective (Jackson, 1988). Through the kinship system, every person was connected by bloodlines to varying degrees. Individuals through their actions and behaviour, either good or bad reflected on the whānau, hapū, and iwi and enhanced or detracted from their collective mana⁷.

Values and principles

Reciprocity and the righting of any wrong have played an important part in the issue of social control amongst Māori. It is therefore embodied in the concepts of muru⁸ and utu⁹ (Henare, 1988).

Laws of traditional Māori were based on a spiritual order, which dealt with questions of mana, security, and social stability. Like all legal systems, it included not only specific individual concerns but also that of the collective. According to Jackson "anti-social behaviour resulted from an imbalance in the spiritual, emotional, physical or social well-being of an individual or whānau" (1988, p. 39). This imbalance needed to be corrected by way of addressing the causes of the imbalance and the motives for the offending. In the process of restoration, these imbalances on occasion could assume more importance than the offence itself. This belief led to an emphasis on group rather than individual concerns. Māori law consequently imposed responsibility for wrong doing on the family of an offender, strengthening the sense of reciprocal group obligations. Imbalances of Māori were addressed at the collective level. The purpose of punishment for Māori was to

⁷ Mana can be defined as authority and power (Metge, 1976). In traditional times mana was inherited by whakapapa through rank. The chief of a tribe inherited their mana through birthright and were the leaders of the hapū and iwi. This leadership meant they had the power to punish. Mana was "central to the integrity of the person and group" and is associated with aroha and utu (reciprocity) (Henare, 1988, p. 29). The whānau, hapū, and iwi had an obligation to reciprocate anything either good or bad that they are given to uphold or challenge mana (Pere, 1982). Goodwill would be extended to uphold the mana of their people. In contrast, those that offended against the whānau would be challenged and recompense expected. The offending group would be expected to atone for this insult to ensure that mana was restored.

⁸ Muru to plunder was an important method of redistributing goods in an economy in which there was very little surplus. One of the principle ways of seeking utu was through muru. When someone acknowledged his offence, he and the whānau would passively allow the seizure, destruction, or redistribution of his property. Muru was a custom in which weapons, clothing, tools and food were taken in lieu of fines from those who had suffered misfortune or had been wronged (Henare, 1988).

⁹ Utu embodies the concept of reciprocity, "to right an injustice, to restore the mana of the victim as well as of the offender, the parties involved would agree on an appropriate exchange to achieve reconciliation" (ibid, p. 32) Through the concept of utu, tribal histories relay how major disputes were ameliorated through marriages between iwi or how gifts were given to atone for the wrong done. In many cases utu involved revenge, death and war (ibid).

redress the balance; an equal compensation was demanded for the harm done and payment had to be made to the victim. There was no place for the state and there was no concept of penal confinement.

Classical criminology and colonialism

With the coming of the settlers and cultural invasion by the missionaries, Māori control began to dwindle. The introduction of diseases, alcohol, and venereal disease had a detrimental effect on the health of Māori (Walker, 1990).

Missionaries' conversion of Māori to Christianity and the education system assisted in the colonisation and assimilation of Māori. The introduction of Christianity denied Māori their traditional belief systems. The loss of te reo Māori and the belief through colonisation that Māori culture was inferior and barbaric, justified the enforcement of the white superior belief system on Māori who were now becoming colonised in their minds. The loss of land, the eradication of traditional cultural practices and the effects of disease and intertribal warfare had a debilitating effect on Māori. As Walker said:

The surrender of Māori sovereignty to an alien power, combined with political domination, the alienation of Māori land and the efforts to assimilate Māoris by using mission schools to subvert Māori culture, was for Māori a totally dehumanising process (1982, p. 74).

British settlers came to Aotearoa in the 1800s to set up a problem free Britain in the South Pacific. In order to acquire land and Europeanise the country, they needed to obtain land (by any means) from the indigenous people. Therefore, "colonisation in the nineteenth century not only meant that Britain became the model for New Zealand to follow, it also denied legitimacy to the indigenous way of sanctioning offenders" (Pratt, 1992, p. 26). The advent of colonisation brought significant changes for Māori. Although Māori had their own modes of sanctioning deviant behaviour, the British settlers considered Māori to be lawless. Māori

customs and *lores* were considered quaint but regarded as inferior as they did not correspond to the British model of formal systems.

According to Jackson (1988) given the climate of anarchy, the signing of the Treaty of Waitangi in 1840 meant that Māori would have their traditional possessions protected and continue to have control over their resources and their own people, as well as a guarantee that they would have the same rights and privileges as the British. It also meant that social order and cohesion would be maintained or restored, given that the authority of the chiefs were being usurped by the advent of these new changes (*ibid*). However, to the British colonists the Treaty of Waitangi was utilised to acquire land and control Aotearoa. Given that Māori owned land collectively, the Crown advocated individualised ownership and established the Māori Land Court in 1865, with the expressed aim to individualise Māori land title and acquire more land (Walker, 1982; Mikaere, 2000). Gradually Māori by fair or unjust means were stripped of their cultural base, whilst the Pākehā acquired land, an essential commodity for agricultural production and the establishment of an infrastructure.

For the colonisers the Treaty of Waitangi meant that Māori would become British citizens, adopting British behaviours, ways of life and laws. Through the process of assimilation, Māori would “give up their land, culture and institutions including the power to punish in their own way” (Pratt, 1992, p. 27). Assimilation would have a two-fold effect: firstly it would make Māori more amenable to change as without a cultural base, Māori could then adopt the British way of life and become British citizens. Secondly, it would ensure that under one law, British settlers would be able to settle in Aotearoa safely.

In the 19th and 20th centuries, Māori continued to utilise customary practices such as *muru* to settle offences, depending on the severity. Punishment could include withdrawal of community assistance to banishment. For petty offences, the goals of

reconciliation and restoration of normal social relationships were achieved by a procedure in which there was a substantial measure of equity (Ward, 1973).

In 1846, English law was extended beyond the Pākehā settlements, although Māori in remote and isolated communities continued to practice in a traditional manner. There was no conflict to the law that the Pākehā settlers brought to Aotearoa, provided Māori outnumbered Pākehā and their traditional system was functional. However, the increasing number of settlers and the disputes that occurred, usually concerning the acquisition of land, brought with it much conflict. Settlers began demanding the inclusion of Māori under one law, British law. The idea that Māori law could be maintained was seen as a threat to the notion of one law for all, which was implicit in the Pākehā notion that Māori ceded their sovereignty when they signed the Treaty of Waitangi. It was assumed that Pākehā values and ways of doing things were the only valid ones and that Māori should simply accept them as not doing so stalled the advancement of civilisation.

Consequently, the institutions of Māori law were gradually replaced by the dictates of the settler government (Joint Methodist Presbyterian Public Questions Committee, 1994). Despite opposition and resistance from many quarters, such as the establishment of the Māori King movement by Tawhio, the passive resistance movement of Te Whiti, isolationism used by Ringatu and forceful resistance by Te Kooti, the process of cultural invasion and political domination decimated the cultural fabric of Māori society (Hopa, 1989; Mikaere, 2000; Walker, 1982, 1990). This ensured that the monocultural institution as we know it today was set in place.

As Pratt (1992) states, the classical model imported from Britain meant that criminal offending was the responsibility of the individual, the predominant mode of sanction was confinement, the power to punish was determined by penal policy administered by judges and the place of punishment was private.

History of Imprisonment

Originally, prison was merely a holding place for people awaiting trial or punishment. In 1778, an act for the establishment of penitentiary houses was created in England (Harris, 1977). This system was based on monastic principles of seclusion and contemplation. The penitentiary was expected to achieve the contradictory goals of both punishment and reform (Ministerial Committee of Inquiry into the Prison Systems, 1989).

Before the late 18th century, imprisonment was rarely used in Britain. The main forms of sanctioning were public flogging, whipping, or execution. The most prevalent mode of sanction was usually that of expulsion, with many offenders being sent to America and Australia (Pratt, 1992).

To Māori, imprisonment was an unacceptable mode of punishment as it removed the person from the community, the reason for the offending was not addressed, and the whānau, hapū, and iwi were not compensated.

From the 1840s and onwards three themes underpinned the development of the European Prison system. Firstly, they were places of confinement, secondly penal rules derived from Britain were instituted, and thirdly hard labour was introduced (Pratt, 1992). The assumption was that offending was the result of the decline in morality and through punishment, confinement and hard labour, the offender would see the error of his ways. For Māori, it was assumed they "required British law to supposedly save themselves from their own customs" (Webb, undated, p. 4).

Prior to the 1930s, Māori were not considered a threat to law and order. At that time, Māori crime was generally attributed to their association with "hardened European criminals or a lack of discipline" (Webb, undated, p. 3). It is noted, that resident magistrates of the time commended Māori for their law-abiding behaviour. However, as Pratt (1992) states acceleration of assimilation policies directly resulted in the escalation of Māori being imprisoned. The loss of land, the loss of

te reo, the breakdown of traditional family units and the erosion of their cultural base were the benefits of full citizenship for Māori. Current penology and the ethos of treatment and rehabilitation worked against many Māori. Designed to aid those that had the least, many Māori met this category and as a result were imprisoned for any manner of crimes from those that were minor to the more serious.

Pratt (1992) explains that prison served a number of requirements, it ensured that those that were imprisoned were hidden from view, and it satisfied public perceptions and guaranteed that within the public's eyes, the court system was a credible one. For the penal system, imprisonment was beneficial as it maintained the system, thereby creating and maintaining employment for those required to service the sentence of imprisonment.

The concept of imprisonment has developed over the years but is still a contradictory one. Imprisonment serves a number of aims: punishment or retribution, individual deterrence, general deterrence (the fear of incarceration discourages the population from committing crime), incapacitation (removing offenders from society) and denunciation (societal condemnation of criminal acts) (Ministerial Committee of Inquiry into the Prisons System, 1989, p. 21). The overriding belief is that imprisonment will reduce reoffending. Statistics both locally and internationally confirm that prison is not a deterrent (Triggs, 1997).

In comparison with other western countries, New Zealand imprisons more people per capita, with the exception of the United States. Between 1985 and 1999, annual prison musters climbed by 99% (Department of Corrections, 2001a, p. 24). Between 1987 and 1996, the imprisonment rate per capita increased by 58% (Ministry of Justice, 1998a, p. 25). Although this factor could be solely attributed to the punitive nature of this society, the composition of the prison population indicates that there are a significant number of violent offenders serving terms of five years or more and this length of imprisonment over inflates prison musters (ibid).

Lashlie (2002) contends that sending criminals to prison for long periods of time and making prison more punitive will not reduce imprisonment. From her position, the community needs to work towards solutions that are holistic and realistic.

Analysis of the imprisonment statistics of young adult males imprisoned for the first time reveals that a significant proportion of them have no previous criminal convictions (Department of Corrections, 2001a, p. 4). This figure is disturbing and suggests that more analysis is required to ascertain how many young males are being imprisoned and for what types of offences.

Current legislation relating to the sentence of imprisonment

Three primary pieces of legislation currently guide Community Probation work and sentences of imprisonment. The Criminal Justice Act 1985, the Sentencing Act 2002 and the Parole Act 2002. The Sentencing Act 2002 was designed to reform the 1985 Act. Its enactment abolished the suspended prison sentence and curtailed the ability of judges to impose a combination of custodial, and supervision sentences. The Sentencing Act 2002 also replaced periodic detention and community service sentences with a community work sentence and placed new emphasis on victim issues and the reparative elements of sentencing.

The Sentencing and Parole Acts 2002 were enacted in direct response to the 92% of New Zealanders that voted in favour of the 1999 referendum on law and order. A report on the use of imprisonment in 1998 also found that the principles of imprisonment being a "last resort" was a fallacy and that the Criminal Justice Act had failed to prevent the persistent rise in those being incarcerated (Ministry of Justice, 1998b).

In respect of law and order, the public wanted greater clarity, consistency and transparency in sentencing and to ensure that those who committed the most

serious crimes would receive the maximum term of imprisonment. The Sentencing Act now provides for restorative justice processes, raises the profile of reparation, and has only two clearly defined community based sentences, namely supervision and parole. A single Parole Board replaced the 17 District Prison Boards (Department of Corrections, 2002).

Statistics

The use of statistics to measure the extent of Māori offending needs to be analysed with caution. Statistics are used as a descriptive measurement. As such, they cannot describe the causes of an issue.

The first criticism when using statistics to measure crime is that not all offending is reported. Criminal statistics are based on what is reported and prosecuted by the Police. Changes in policing practices can affect the types of crimes detected and reported by Police (Jackson, 1988; MacKenzie, 1973; Statistics New Zealand, 2001). The white-collar theory suggests that one is less likely to be detected or prosecuted, if one falls within the following categories: white collar criminal and affluent (Mackenzie, 1973; Newbold, 1992).

The second criticism concerns the determination of ethnicity. It is argued that identifying who is Māori maybe subject to bias (Fergusson et al, 1993; Jackson, 1988). Ethnicity can be self identified or identified by the observer (namely members of Police and Department of Correction employees). The definition of Māori if based on an official's judgment may be biased, if ethnicity is based on name or colour and not self- identification.

Statistics have been used to make comparisons between Māori and Pākehā, highlighting winners and losers and reinforcing stereotypes. Much of the literature uses such statistics to reinforce a deficit theory approach to crime for Māori. In the context of this thesis, no comparisons will be made.

In 1872 Māori made up only 2.3 per cent of the prisoners received; by 1902, 2.8 per cent; 1912, 3.1 per cent; by 1934, this figure had climbed to 8.9 percent (Pratt, 1992, p. 243). In 2001, 53% of the male prison population and 58% of female prison population were identified as Māori (Department of Corrections, 2003c, p. 9). More disturbing is the data released in 2002 by Spier. His report on reconviction rates indicates that within 2 years of being released 78% of Māori were reconvicted of another offence with 43% of Māori being more likely to be imprisoned (Spier, 2002, p. 14). These statistics are unacceptable and tell us that the criminal justice system is failing Māori.

Māori and Criminal Justice Policy Development and Reviews in Aotearoa

Before the 1980s, little attention was given to the growing problem of Māori offending. The Penal Policy Review Committee 1981, headed by Sir Maurice Casey (High Court Judge) was the first review that made provision for offenders from different ethnic groups. Although there was little input from Māori, the committee recognised the merit of offenders, in appropriate cases, being dealt with "in accordance with the practice of cultural or ethnic groups to which they might belong" (Williams, 2001, p. 35). These cases were subject to conditions, namely at the Courts discretion and within the bounds of the law. The report reflected a move away from prisons and advocated greater community involvement. It was envisaged that the move towards a greater utilisation of community based sentences, would reduce the number of offenders being sent to prison. Again, the report emphasised that New Zealanders were subject to one justice system.

The Casey review had a direct impact on the Criminal Justice Act 1985, which included a number of provisions specifically designed for Māori offenders. One key proviso was the introduction of section 16. This section of the Act allowed laypersons to present cultural factors relevant to the offending, at sentencing.

A recent study, on the use of Section 16 concluded that 15 years on, it was under utilised by Māori in the sentencing process. The study found that whilst an understanding of cultural factors could have some bearing on sentencing outcomes, lawyers, judges, and community probation staff, were not informing offenders or their whānau of the availability of this proviso (Chetwin et al, 2000).

In 1987, a report from the *Ministerial Committee of Inquiry into violence* was released. Although the report's primary aim was to address the public's growing concern about violent offending, the issue of Māori offending and a Māori perspective were included in the report. Overall, the report was sympathetic to Māori concerns. It acknowledged the failure of Pākehā to address the problem of Māori offending and accepted that Māori must be given the opportunity to provide their own solutions (Williams, 2001).

In 1989, the Roper report on prisons, *Te Ara Hou* was released. The enquiry acknowledged that imprisonment, as a means of reducing crime was a failure. The report also concluded, "the existing prison system fails to rehabilitate or deter, and our high recidivism rate is a clear indication of that" (Ministerial Committee of Inquiry into the Prisons System, 1989, p. 3).

The committee argued that rehabilitation in a prison environment was impossible and proposed the development of community habilitation centres. The centres would be based in the community, be therapeutic and equip offenders for life. The report also recommended the inclusion of an independent Corrections Commission, made up of both Māori and Pākehā, and responsible for policy and recommendations (Williams, 2001). Furthermore, habilitation centres provided greater opportunity for partnership with Māori, than the prison system that was guided by Pākehā values and concepts of justice. They also championed Māori requests to be adequately resourced to work with their own.

He Whaipaanga Hou, a report written by Jackson in 1988, linked the current high proportion of Māori in the criminal justice system to the history of British colonisation and assimilation policies. Jackson said that the justice system in Aotearoa was monocultural, racist and served the interests of the dominant culture. As such, he called for systemic change in the present system or a parallel justice system for Māori so that they could assert their own rangatiratanga as guaranteed under the Treaty of Waitangi.

The request for a parallel justice system, however, was rejected. The Minister of Justice at that time, Geoffrey Palmer, made it clear there was one law for all. The report received very little public attention until 1993, when the issue of marae justice for Māori child sexual abusers received media attention in combination with the Courts Consultative committee and their call for cultural defence which highlighted the under representation of Māori on juries (Joint Methodist Presbyterian Public Questions Committee, 1994).

Wickcliffe (1995) also supported the basic philosophical position proposed by Jackson and agreed there was merit in a Māori criminal justice system. She argued that a separate system was not new and provided examples of legislation in place up until 1962 that transferred the power to exercise Māori customary law by way of bylaws, into the hands of Māori.

Wickcliffe (1995) argued that the transference of power to Māori was allowed provided "the sovereignty of the Crown was unchallengeable" (1995, p. 25). The public outcry created by Jackson's call for a separate justice system, was because it challenged this basic belief. Māori, she argued, have a right to self-government, referring to human rights instruments that were applied to indigenous peoples in the 1990s through the United Nations Commission on Human Rights as well as article 2 of the Treaty of Waitangi (ibid).

Wickcliffe also expanded on the notion of one law for all. She argued that the law is not culturally neutral but supports and upholds the values and belief systems that underpin the dominant culture. The law aids and protects the values of that culture. As the Joint Methodist Presbyterian Public Questions Committee said, when the law "defines as unacceptable those acts which directly threaten the economic status quo, or is based on the direct protection of property interest, it reflects the ethos and ideology of capitalism" (1994, p. 2). The law therefore becomes a profound and powerful cultural statement and supports the status quo thereby protecting the interests of the power holders.

Liberal / non retributive models

Despite the rejection of the Jackson report, there was growing disquiet that the criminal justice system was not working. Judge McElrea and Jim Consedine, key proponents of restorative justice began advocating for the replacement of the current retributive system, with a system that endorsed restorative justice principles. These principles were derived from Māori concepts of justice, that of righting the wrong to the victim, collective responsibility and restoring the balance between the victim, offender and wider community. McElrea (1995) argued that the criminal justice system did not work because it advocated an adversarial approach to justice. Therefore, crime violated the state and its laws, and focused on establishing guilt. The offender was not held accountable or responsible for his actions to the victim and the offender was pitted against the state. Restorative justice aims were to identify needs and obligations, ensure that the victim and offender had central roles and that healing took place (Consedine, 1995; McElrea, 1994, 1995; Zehr, 1994, 1995).

The Family Group Conferencing model was introduced in Aotearoa in the 1990s. Designed to deal with youth offenders in the youth justice system it utilises principles that underpin restorative justice (McElrea, 1994). Longitudinal research conducted by Maxwell and Morris although pertinent to young offenders demonstrated that the Family Group Conference process might reduce offending.

Although the findings were inconclusive, it suggested that Family Group Conferences were more likely to reduce offending if a number of factors were present. These factors were: the conference must be based on restorative justice principles that stress offender accountability and involves the victim. The process must "treat both the offender and offenders parents with respect" and "could have a positive effect on their offending, when combined with rehabilitation" (1999, p. 41).

The current Sentencing Act has formalised the use of restorative justice within the criminal justice system. This acknowledges an indigenous Māori framework, but may lead to what Tuari (1998) refers to as the myth of indigenous empowerment. Traditional Māori practices are subsumed within the dominant culture, renamed, and redefined. Although, these processes claim to be more culturally sensitive, the underlying inequalities within the system fail to be addressed.

Desistance Literature

In Aotearoa very little is known about why people stop offending, what motivates them, and what strategies they use to prevent recidivism.

In 1993, Dr Julie Leibrich interviewed 50 former offenders; who had previously been imprisoned, been conviction free for three years and were last sentenced to supervision, and asked them why they went straight.

Leibrich found that people were more likely to give up crime when they acquired things of value in life and revised their value of life. The common denominators or persuaders to desistance, were reconsideration of their personal values, the development of self-respect, meeting domestic responsibilities, re-evaluating what mattered to them, finding faith in God and envisaging hope for a better future. The acquisition of valued life assets such as having a child, finding a new partner, obtaining a home and employment were also factors that persuaded them to go straight (1993, p. 52-53).

The strategies they used to go straight were, receiving support for an underlying problem, removing themselves from negative whānau or acquaintances, being motivated by good role models, learning ways to avoid trouble, making new friends, and learning ways to control their anger (ibid, p. 54).

Leibrich also found that punishment did not dissuade people from crime. However, the fear of future consequences associated with imprisonment, such as the fear of losing their children or partner, stopped them from committing crime.

Internationally, there is a growing body of literature on the theory of desistance. In a study conducted in England by Farrall (2002), 199 offenders and their supervising Probation Officers were interviewed. One of the key aims of this study was to investigate what works in probation. Farrall examined the processes that occurred during probation supervision that either contributed to desistance or led to further offending. Farrall found that probation practice was overly influenced by; increasing threat, by way of sanction or imprisonment and addressing offence related factors. He concluded that reductions in offending increased when Probation Officers focused on desistance related factors. He said that by improving the legitimate opportunities available to the offenders, their risk of offending decreased. Therefore he believed it was critical that Probation Officers assist the offender to find employment, ameliorate strained familial relationships or find adequate housing.

In his work on desistance, Maruna (1999) examined the autobiographical narratives of 20 ex-offenders who had stopped offending. Due to the similarity of their narratives, he found sufficient evidence to conclude that these offenders had a "prototypical reform story" that integrates a person's past mistakes into a generative script for the future" (ibid, p. 13). From these scripts, he found that the ex-offenders attributed much of their criminal past to environmental factors beyond their control. Lifestyle changes were also attributed to external influences such as sympathetic people who could see beyond the ex-offenders past mistakes, which

gave them the opportunity to reform. Most of the ex-offenders provided accounts of giving back to society in recognition of the harm they had caused their victims

Prevention and Rehabilitation strategies

The trajectory theory of the origin of criminal behaviour suggests, "tomorrow's serious adult offenders can be found among the children of today's socially and economically disadvantaged families" (Department of Corrections, 2001a, p. 4). By targeting youth who fit the trajectory profile and intervening by way of social, educational and justice services, it is suggested their progression along this trajectory may be interrupted.

In Aotearoa, there is a significant body of research and government reports that have identified the risk factors that predispose one to a criminal lifestyle. These risks, it is suggested, can lead to chronic and serious offending (Department of Corrections, 2001a; Doone, 2000; Maxwell & Morris, 1999; McLaren, 2000; Singh & White, 2000; Te Puni Kokiri, 2000; Zampese, 1998).

McLaren (2000) from her literature review identified that the most serious offenders start offending at a relatively young age and have a number of common risks factors (Appendix C) that occur in four environments, namely family, school/work, positive peer group, and community development. Hema (1999) also found that not all youth exposed to risk factors commit crime or become persistent offenders and in fact there were three subgroups of factors that protect against this risk (Appendix D).

The risk model suggests that by focusing on needs that may lead to offending and utilising interventions that have a good match to the offender, reductions in offending will occur. McLaren found that the most effective interventions for youth involved a multifaceted approach that focused on a number of risk areas, utilised cognitive-behavioural techniques and taught them new skills (2000, p. 57-58). It was also acknowledged that the literature was unclear on what works for Māori.

A literature review conducted by Singh & White found that for ethnic and indigenous youth, the most successful programmes in reducing offending shared four common components. The components were:

- a holistic approach incorporating different strategies
- involvement of significant others such as family and community
- staff who are sensitive, culturally appropriate and with whom youth identify
- incorporation and emphasis of cultural material (2000, p. 10)

Singh & White also acknowledged that whānau involvement might provide the key ingredient to effective strategies to reduce Māori offending.

Criticisms of the risk approach are: not all youth with identified risk factors offend, therefore the youth not the characteristics of risk should be targeted by government agencies. The risk model and its link to criminality, presumes that crime can be universally applied to all societies. This model fails to look at the history of colonisation and the unequal power base between Māori and non-Māori (Webb, 2003). The utilisation of this model overlooks the cultural variables particular to Māori offenders and ignores aspects of culture that may be relevant in terms of effective intervention (Singh & White, 2000; Webb, 2003).

The use of theoretical approaches to crime, derived from international experiences, to explain offending by Māori has also been challenged. This challenge is based on the application of risk factors and interventions based on overseas models that do not take into account the differences, between Māori and non-Māori (Te Puni Kokiri, 2000).

A report prepared by Te Puni Kokiri (2000) found there was little research that identified the risks or interventions that would reduce reoffending for Māori youth.

Te Puni Kokiri conducted research in Aotearoa and found that Māori young offenders shared the following risk factors:

- *unsupportive whānau environment which included exposure to violence, gang involvement, drug and alcohol abuse and offending, unstable living circumstances, difficult family relationships, neglect and physical, mental and sexual abuse*
- *lack of positive identity and role models – this included lack of positive personal and cultural identity. For some of the participants this meant that loss of identity can result in a loss of direction, with the gap being filled by gangs, crime and foreign cultures, peer pressure and the need for acceptance*
- *peer pressure and the need for acceptance*
- *lack of awareness of consequences of offending*
- *boredom*
- *lack of places to socialise*
- *drug misuse and abuse: Some of the participants said they used substances to block out the past whilst others were committing crimes to pay for their habits.*
- *desire for money and possessions*
- *poverty*
- *problems with schooling, this includes truancy, poor educational achievement.*
- *lack of basic skills and qualifications which includes low levels of literacy, numeracy and life skills*
- *difficulties finding a job*
- *discrimination against Māori youth*
- *mental health problems*
- *abuse of girls and young women (2000, p. 7-8).*

The report made several recommendations. Firstly, government agencies needed to adopt an integrated and holistic approach to address the wide range of factors associated with offending. Secondly, Māori needed to be involved in programme and service design and delivery and thirdly, government agencies needed to communicate and provide better information to Māori and their communities (Te Puni Kokiri, 2000, p.12-13).

In 2000, Doone released his report on combating and preventing Māori Crime: *Hei Whakarurutanga Mō Te Ao*. Doone highlighted the effects of colonisation on Māori and argued that crime prevention programmes based on tikanga Māori, and which incorporated traditional Māori practices such as conflict resolution may be more successful than programmes currently being offered by criminal justice agencies. This report discounted a link between being Māori and criminality, but identified that Māori had more risk factors than non- Māori.

Doone said it was critical that criminal justice agencies take action to reduce Māori offending rates by improving their responsiveness to Māori. He advocated a holistic and integrated approach that focused on prevention, risk factors, and criminal justice responses, which reduced Māori offending.

Māori theory of crime

Jackson (1988) contends that the causes of Māori crime relate to system-based factors such as the police, courts and criminal justice agencies and offender-based factors. Jackson identifies the following as features of his offender-based stance:

- Te wāhanga ki te Ao Māori (the place of the Māori community),
- Te wāhanga ki te whānau Māori (the place of the Māori family)
- Te wāhanga ki nga rangatahi Māori (the place of Māori youth)
- Te wāhanga kia ngawari ai te ngakau o te Māori (the place of Māori peace of mind) and;
- Te wahi whakawhitiwhiti whakaaro (the place of changing attitudes).

He states it is the system and offender-based factors that place Māori at greater risk of offending and being categorised as offenders. He argues that the central factors that cause Māori to offend stems from cultural denigration and deprivation, which occurred with the dishonouring of the Treaty of Waitangi. Cultural denigration is when Māori culture is seen as inferior to that of Pākehā culture. This has led to acts of institutional racism and social policy such as assimilationist education and urbanisation that have resulted in cultural deprivation by denying Māori economic and emotional resources to retain and transmit their cultural values. Cultural denigration and deprivation have created a Māori community that is now largely landless and struggling to preserve its language and culture. Māori live in a world of cultural limbo, not knowing their cultural place and all that entails in terms of language and identity. This constructs a world of insecurity and damages self-esteem, thus characterising the Māori world of today.

Turia also says, with "personal identity inextricably tied to whānau, hapū and iwi indigenous people have to counter the problems of the conspiracy of alienation, assimilation and deculturation launched against them well over a century ago" (2000, p. 2). Therefore to Turia many Māori are suffering from Post Colonial Traumatic Stress disorder¹⁰. Colonisation has had a destructive impact on the whānau, hapū and iwi. The by-product of this weakened social structure is a dispossessed and dislocated people who are over represented in prisons, mental institutes and are on the bottom layers of most social indices thereby affecting health and wellbeing.

There is a dearth of information on the experiences of Māori and the criminal justice system. However, in 1999, the Law Commission released *Justice: The experiences of Māori women*. The rationale for this work was to enhance justice sector agencies understanding and response to the needs and values of Māori

¹⁰ Post Colonial Stress disorder refers to the trauma of colonisation that results in low self-esteem, and dysfunction (Turia, 2000).

women. The report indicated that the justice system had failed to meet the needs of Māori Women. Māori Women in this study did not have access to the legal system and did not feel a part of the criminal justice system. Key findings indicated that cultural disregard for Māori values and socio-economic issues were barriers to positive experiences of the criminal justice system. Suggestions for change were an acknowledgment of Māori values, recruitment of Māori in the justice sector, the option of services by Māori for Māori, and training of all justice sector employees to deal with the public and cultural issues (Law Commission, 1999).

In 2001, the Department of Corrections consulted with Māori to ascertain how the department could be more responsive. A number of key themes emerged; programme design based on tikanga Māori should be developed and delivered by Māori for Māori. An intersectoral approach was advocated, as the problem of offending could not be viewed in isolation. Problems were considered to be global, therefore education, housing and unemployment, were contributors to offending. Many believed that early intervention and prevention was critical in stemming the numbers of Māori being incarcerated (Department of Corrections, 2001b).

In regards to 'what works' for Māori, it was said that tikanga must be valued and have status. Whanaungatanga was also seen as critical to the positive rehabilitative outcomes for offenders. Many of those in prison said that whānau were the key to successful rehabilitation. Whānau involvement in the offender's reintegration into the community was pivotal because it ensured that whānau understood and were involved in the changes made by the offenders so that these changes could be sustained in the community (ibid).

Māori have also argued that a holistic approach needs to be taken into account, when dealing with Māori. From a Māori worldview, there is an understanding that society can only function if all things physical, emotional, mental, and spiritual are held in balance. Therefore, these elements are fundamental to wellbeing and health. Individualism promulgated by western epistemology compartmentalises

human functioning into parts, thereby highlighting problems and deficits and seeking to ameliorate that particular component in isolation to the whole. From this worldview individualism is an anathema that fails to recognise the connections of people through whakapapa to their whānau, hapū and iwi, the land and their ancestry. The holistic approach emphasises wellness and strengths and refers to cultural healing not treatment.

One tangata whenua model that encompasses the holistic approach is the Te whare tapa whā model developed by Durie (1998). This model is used to represent Māori health as the dynamic interaction of four dimensions.

Taha wairua requires some exploration of cultural identity and spirituality in its broadest sense. Taha hinengaro

is about knowledge, information, and control of behaviour. Taha tinana calls for attention to physical health. Taha whānau links the individual with family and the wider social and environmental institutions (Durie, 2003).

Durie (2003) identified six strategies for recovery (Appendix E), in his indigenous approach to imprisonment. The six strategic directions are "Individual lifestyle change; Whānau healing; Cultural affirmation, creating a secure identity; Improved socio-economic circumstances; Improved access to justice; and Autonomy and self-governance" (ibid, p. 72).

Conclusion

In summary, Māori were in control of their own destiny and had a system of social order in place that was based on tikanga Māori. With the coming of Settlers and cultural invasion by the missionaries, colonisation and assimilation policies designed to eradicate the Māori cultural base were instituted, and the power to punish in their own way was usurped.

The penal system based on the British legal system was introduced in Aotearoa. Criminal offending was the responsibility of the individual; the power to punish was determined by penal policy and administered by judges.

Māori offending was not considered a concern until the 1930s, although it was not until the 1980s that criminal policy and reviews began to acknowledge a Māori perspective. In 1988, Jackson claimed the criminal justice system was monocultural, racist and served the interests of the dominant culture. As the criminal justice system failed to meet the needs of Māori and was contributing to Maori imprisonment, he called for a parallel system for Maori. The government rejected this and argued that all New Zealanders would be subject to one law.

Māori offending can be linked to their history of colonisation and dispossession. The result of this dispossession is a Māori in no-man's-land neither Māori nor Pākehā. The negation of a Māori worldview, limited participation in society, lack of access to a secure identity has resulted in some Māori presenting negatively on all indices that define health and wellbeing.

Solutions from Māori derive from their worldview. A holistic approach is advocated, where the power of whānau is recognised. Māori autonomy and self-determination is requested. The recognition of programmes developed and delivered for Māori by Māori is suggested as pivotal in facilitating change.

This thesis contributes to the discourse concerning Māori offending, by validating the voices of former offenders and Probations Officers and examining their solutions to Māori offending from their worldview. The following chapter discusses the methodology of how this research was conducted.

Chapter 3

The Research Journey

This chapter provides discourse about Māori research methodologies, which contain an indigenous theoretical perspective through which the emancipatory goal of critical theory can be practiced. This chapter begins with a brief overview of the historical aspects of research on Māori. Kaupapa Māori theory informs this research, its definition and characteristics will be examined. Qualitative research and focus group interviews provide the basis for the methods used, and are therefore the rationale. The research design, which includes ethical considerations, the data collection process and data analysis will be examined in the final section of this chapter.

A brief overview of historical aspects of research on Māori

Research of Māori is marked by a history that has shaped the attitudes and feelings Māori people have held towards research. Research is implicated in the production of Western knowledge, in the nature of academic work, in the production of theories, which have dehumanised Māori and in practices which have continued to privilege Western ways of knowing, while denying the validity for Māori of Māori knowledge, language and culture (Smith, 1999, p. 183).

Smith highlights a number of important points when discussing research that involves Māori. Firstly, Māori have a long history of being researched mostly by others (non-Māori). Research is seen to have minimal value or benefit for Māori (Durie, A.1985; Stokes, 1985; Te Awekotuku, 1991). The descriptive nature of research has highlighted the negative aspects of Māori life, reinforced prejudice but

has failed to proffer solutions and strategies to address the issues (Durie, A. 1985; Teariki et al, 1992). The comparative nature of research has been used to emphasise existing stereotypes, by making comparisons with non-Māori, utilising the "supposedly 'universal' norms of western society and disregarding the unique history, society and culture of Māori people" (Powick, 2002, p. 3). As A. Durie says, "public and professional perceptions are shaped and reinforced by findings" perpetuating the view that Māori are deficient, whilst locating culpability on Māori for failing to meet non-Māori standards (1985, p. 6; Cram, 2001). This deficit model "has been used to describe Māori status and offered Pākehā solutions to the 'Māori problem'" (Walsh-Tapiata, 1997, p. 135) whilst telling Māori what they already know.

The second point concerns the broader role research has played in influencing the way society and its members are perceived. Therefore, research cannot be divorced from the political domain and has been influential in redefining Māori reality. By classifying Māori as 'the savage' in need of saving, research has been used to benefit those in power and has legitimated colonisation (Bishop, 1996; Bishop & Glynn, 1992). Māori have had a difficult time in trying to refute and reclaim their history as the process of colonisation in Aotearoa can be viewed as stripping away the mana of Māori and undermining their rangatiratanga (Cram, 2001).

The third point concerns the dehumanising manner in which Māori experiences and reality have been denigrated. As Teariki et al assert, "research has been used to sustain one group and disempower another" (1992, p. 2). Research has privileged the Western worldview by presenting their perspective as the only way of knowing. This monopoly on knowledge has been legitimated by scientific research and has made invisible the experiences of others, namely indigenous people and women.

Permeating through Māori research procedures is a strong anti-positivist viewpoint as the result of research experiences that have historically been abusive (Mead, 1996; Smith, 1999; Stokes, 1985; Teariki et al, 1992). Because of this continuing marginalisation, Māori reframed and reclaimed their worldview and knowledge and demanded a greater control over research that involved Māori.

Kaupapa Māori Research

According to Graham Smith (1997), kaupapa Māori theory is about empowerment and Māori control. The focus of both the researcher and the researched is in the Māori world and that worldview takes centre stage. Kaupapa Māori theory aligns itself to critical theory and in itself can be used to critique present day society by challenging the power relations that exist and the ways in which the dominant group have maintained their dominance on knowledge and ways of knowing.

Kaupapa Māori research is an indigenous approach to research that has emerged following a growing dissatisfaction with the negative consequences of research on Māori. Kaupapa Māori research is developed and is accountable to Māori (Bishop, 1996; Edwards, 2003). While there are varying descriptions of kaupapa Māori research, there is no finite definition (Bishop, 1996; Bishop & Glynn, 1992; Cunningham, 1998; Irwin, 1994; Mead, 1996; Powick, 2002). In this research kaupapa Māori research as espoused by Graham Smith (cited in Mead 1996, p. 200) is endorsed. Therefore kaupapa Māori research:

- is related to being Māori
- is related to Māori values and principles
- takes for granted the value and legitimacy of Māori, the importance of Māori language and culture; and
- is concerned with the struggle for autonomy over our own culture and wellbeing (ibid).

Given the formative nature of this approach, as Edwards (2003) states there are a number of basic principles that must be considered when undertaking research

that involves Māori. In this research, I will examine two of these principles that relate to this research, namely: the principle of whānau and kaupapa Māori as intervention and resistance.

The principle of whānau

Whānau is a core feature of kaupapa Māori research (Bishop, 1996; Bishop & Glynn, 1992; Irwin, 1994; Mead, 1996). The definition of whānau within a research context extends beyond its most common meaning that of family connected by whakapapa. The predominant role of whānau within a research context is to provide a supervisory structure or an organisational structure for handling research (Edwards, 2003). This whānau is formed for a purpose and has been coined by Irwin (1994) as a 'whānau of supervisors' or as Bishop (1996) states a 'whānau of interest'.

A whānau of supervisors was utilised in this research. The prerequisites for selection of supervisors from the researchers perspective were that they be Māori and women. This whānau included two Massey University supervisors, a Māori woman academic who works in the Department of Corrections and who understands the realities of working in the Department of Corrections, whilst sharing a similar worldview and knowledge of the conflicts of being a public servant and Māori. Kaumātua who are from my whānau and were cognisant of a Māori worldview were available to provide guidance with cultural matters as required. As Irwin (1994) states having a supervisory whānau with credentials will satisfy not only the academic world but also Māori.

Whanaungatanga is described as "the process of establishing relationships ...through culturally appropriate means" (Bishop, 1996, p. 215). The importance of establishing links by asking the questions, ko wai koe and nō hea koe were important because it was one of the ways for both the researcher and the participants to connect through whakapapa. Through this connection, participants were put at ease and the information flowed. All interviews were at least two hours

long and were intermingled with tears and laughter from both the researcher and the participants. Love refers to whatumanawa as “the need to express emotions fully”(1999, p. 250). This expression takes varying forms such as karanga, whaikōrero or tears. Within the context of this research, I was sharing and expressing the reality of the participants, their pain and their joy.

Kaupapa Māori as intervention and resistance

This research used a method that was reflective of a Māori worldview. It acknowledged the impact of colonisation, particularly the legal and criminal justice systems, based on British law and imported from Britain. This research accepted as a starting point that a Māori worldview and system of justice was ignored, denigrated and rejected and has had a debilitating impact on Māori. Through this understanding and standpoint, a form of resistance is formulated. Kaupapa Māori is also about looking for positive alternatives and given the research topic, it was one of the aims of this thesis.

Research methodology and rationale

Methodology is important because it frames the questions being asked, determines the set of instruments to be employed and shapes the analyses (Smith, 1999, p. 143).

Smith draws a distinction between methods, which is the technique, used to collect data, and methodology that is informed by the underlying theoretical and philosophical viewpoints, which guide the research process. Within the context of this research, it was important to align the methods used in this research with its theoretical orientation, which was kaupapa Māori. This research utilised qualitative research by way of in-depth interviews and the focus group method. These methods were utilised as they aligned with the tenets of kaupapa Māori theory.

Qualitative research

Qualitative research “draws on an interpretative orientation that focuses on the complex and nuanced process of the creation and maintenance of meaning” (Rice & Ezzy, 2002, p. 1). The interpretative nature of this research allows the researcher to discover the meaning behind life events of the individuals who have experienced them and express these realities from the worldview of the participant.

Jayaratne & Stewart (1991) claim the relationship between the researcher and the researched is more humane and less mechanical. This approach supports the theoretical stance that advocates a relationship between the researcher and the researched as being mutually beneficial whilst negating the positivist stance of the ‘detached observer’ (Bell, 2003; Rice & Ezzy, 2002). My participants were therefore given permission to articulate their experiences fully and without censure.

Qualitative research is concerned with the process and outcome (Hoepfl, 1997). This endorses the principles of kaupapa Māori research, which espouses that research should be of benefit to Māori, contribute to Māori development and be answerable to Māori needs (Te Awakotuku, 1991).

This research is also about empowerment. Therefore, qualitative methods assist with highlighting issues that are important to Māori. As Spicker (1995) asserts the strength of this method is in the meanings and interpretations gleaned from the reality of the participants and provide for the development of new meanings and interpretations, whilst legitimating new sets of theories. Therefore, this research used an inductive approach. The facts to theory approach starts with a set of observations, and then seeks to find commonalities and patterns that fit with the observation. From these observations, one can make generalisations and or theories (Babbie, 1989).

Focus groups

As Khan & Manderson state (as cited in Rice, & Ezzy, 2001, p. 72) a focus group interview is a qualitative method that describes the "perceptions, interpretations, and beliefs of a select population to gain understanding of a particular issue from the perspective of the group's participants". This approach was utilised as it aligned closely with tikanga Māori, that those that have expertise in a subject should be the ones that debate and discuss the topic. It is also accepted as a valid method of collecting data amongst non-Māori researchers.

In depth interviews

"In-depth interviews involve the co-construction of biographies, by interviewer and interviewee" (Rice & Ezzy, 2002, p. 52) and give the participants an opportunity to construct their life story. It was important that the method used allowed the participants to speak from their lived reality. As the researcher, it was important to listen and construct meaning from their narratives from a Māori worldview. The method also provided the participants with a sense of 'restoration', detailed their struggles and celebrated their survival and ultimately their success.

An interview guide (Appendix F) was used to ensure that the participants expressed themselves in a manner that was relevant to them but was pertinent to the research topic. With a qualitative approach, topics and issues covered are identified in advance, in outline form (Patton, 1990). Although fluidity of their voices was important, it was equally essential that clarification or follow up questions were asked as the need arose to ensure clarity of meaning.

The interview guide used a set of open questions. Proponents of this type of questioning suggest that participants are more likely to express themselves freely and ensure the questioning does not suggest the answer (Foddy, 1993).

The Research design

Research design from a kaupapa Māori perspective involves matching the issue with an "'appropriate' set of investigative strategies" (Smith, 1999, p. 173).

Therefore, as Smith asserts when proposing to complete research a number of key questions need to be asked:

- Who defined the research problem?
- For whom is this study worthy and relevant. Who says so?
- What knowledge will the community gain from this study?
- What knowledge will the researcher gain from this study?
- What are some likely positive outcomes from this study?
- What are some possible negative outcomes?
- How can the negative outcomes be eliminated?
- To whom, is the researcher accountable?
- What processes are in place to support the research, the researched, and the researcher (ibid)?

The research data was collected through in-depth interviews with the ex-offender participants and through focus group interviews with the Probation Officers. This section answers the questions posed by Smith by discussing the ethical issues that are pertinent when conducting research on Māori from a kaupapa Māori theoretical base. This section then discusses the sample, access to participants, conflict of interest, and the data analysis process.

Ethics

Ethics relates to minimising risk to the participant by ensuring that their involvement in the research is undertaken with their full and informed consent and confidentiality is maintained (Bell, 2003; Tolich, 2001).

When conducting research on Māori a significantly broader approach needs to be taken. Therefore, research ethics for Māori is about tikanga and what is tika (Cram 2001; Powick, 2002). Ethics also necessitates that research must make a positive contribution to Māori individual and collective wellbeing (Cram, 2001; Durie, 1996). It must maintain the mana of the people (Te Awakotuku, 1991) and be seen to provide some tangible benefit (Bishop & Glynn, 1992).

In this research, the researcher was ethically bound to ensure that the work was accountable in terms of academic standards and was culturally bound to Māori, given the topic and the participants. This refers to what Irwin (1994) describes as double accountability.

The first set of principles as prescribed by Mead (1996) and endorsed by Cram (2001) provided ethical principles for the researcher in cultural terms. The second set of guidelines, were those prescribed by the Massey University Code of Ethical Conduct for Research and Teaching Involving Human Subjects. For me it was important to ensure that both sets of standards were met.

Ethical considerations for Māori

Using Meads (1996) and Crams (2001) ethical guidelines, each is considered and examined in relation to its relevance to this thesis.

Aroha ki te tangata (a respect for people). This concept challenges the hierarchical relationship between the researcher and the researched, which is espoused by western research approaches. In this research, I was not an objective, detached bystander but ensured that the power of the research relationship was shared with the researched.

This was accomplished by facilitating an interview venue that was suitable, safe, and chosen by the participants. In this way, the participants were tangata whenua

and I was manuhiri. The mana and power during what Irwin (1994) terms as the 'ritual of first encounter' was handed over to the participants. The interview process for all participants commenced and ended with karakia, with the formal process involving mihi and pepeha. Connections were made through whakapapa, and a rapport developed which allowed the interviews to flow.

Space refers to mediation at the highest level, with the whānau, hapū, and iwi. Before the commencement of this research, local kaumātua cognisant with the kaupapa of this research and local Māori staff, within the Community Probation Service were consulted, and provided verbal endorsement of this kaupapa.

The researcher is Māori and has expertise in this practice area, having worked in the criminal justice area for 15 years. Māori voices also needed to be heard within the criminal justice system. It also felt culturally right to undertake this research, in order to give me an opportunity to contribute to Māori research.

He kanohi kitea is the "importance of meeting with people, face-to-face" (Cram, 2001, p. 43). However, in this case I had to rely on the intermediaries because of the conflict of interest, in terms of my role in the Department of Corrections. In all cases where the intermediary had talked to the participant face to face, the participant then contacted the researcher. The importance of this contact cannot be underestimated. This is reinforced by Soutar (1994a) who said Māori do not like to be sent letters of invitation only as they consider it impolite and cold. Instead, they prefer people to state their case face to face (*he kanohi kitea*).

Titiro, whakarongokōrero (look, listen ...speak). Within tikanga Māori, value is placed on looking and listening. In this research, the researcher allowed the participants to maintain control over their kōrero. Listening with the inner ear¹¹, and looking with spiritual eyes were the prerequisites. While the researcher had a

¹¹ Inner ear and spiritual eyes was discussed with my kuia Vapi Kupenga. In my kōrero with her these concepts are the closest description of the presence of wairua, which was evident when interviewing the participants.

guideline of questions, in most instances I allowed the narratives to flow. This gave me the opportunity to listen to the narratives, not just on face value but to appreciate the wairua of the participants in expressing their pain, and celebrating their joys and successes.

Manaaki ki te tangata refers to a collaborative research setting. In this setting, it is expected that knowledge is shared and flows between the participants and the researcher. From a Māori worldview, respect and acknowledgment is given to the valuable contribution both parties bring to an issue. All participants were advised that the research was an opportunity to provide solutions and perspectives from people who had been successful in turning their lives around. In addition, Probation Officers views were sought in relation to Māori. Without exception, all participants endorsed the value of this research. From their perspective, there was little doubt that policy makers knew very little about the experiences of Māori and it was envisaged that their narratives and experiences would provide some solutions.

Sharing results with the participants, and the wider community is a prerequisite of kaupapa Māori research. Participants were advised that they would receive a summary of findings on final examination of the thesis. The researcher has also been asked to present the findings to Māori staff in my geographical area, employed by the Community Probation Service and Head office staff of the Policy arm within the Department of Corrections. It is hoped that the sharing of this knowledge will contribute to the empowerment of Māori and inform the current debate within the Māori research community.

The sharing of refreshments (kai) was also an essential part of the process, which incorporated tikanga and involved sharing of manaakitanga.

Kia tūpato is about "being politically astute, culturally safe and reflective about our insider/outsider status" (Cram, 2001, p. 46). In this research, I acknowledged my insider status as tangata whenua. I also decided to conduct the research on my

tūrangawaewae. This served two purposes. Firstly as a novice researcher, I felt that it was culturally appropriate to remain in my rohe, which provided vital links to my whānau, kaumātua, and kuia. Secondly, the subject matter was of a sensitive nature. In fact, given the time frame for this research, it was unrealistic to consider undertaking this research outside my rohe.

I am an employee of the Department of Corrections and a student enrolled in academic study therefore I am an insider to the academic fraternity and to the Department of Corrections. However, to the ex-offenders I was viewed as an outsider, given my role as a researcher and as an employee of the Department of Corrections. My stance as a researcher reflected my unique role. Firstly, I am able to see Māori reality and advocate for Māori through our shared cultural realities. Secondly, I am able to utilise my skills as a researcher, my knowledge of the criminal justice system, to advocate for change within the system, not outside it.

Irwin (1994) also examines the issue of the researcher being culturally safe. Participants were consulted and agreed to the interview commencing and ending with a karakia. This provided all parties with protection that was both cultural and spiritual.

Kaua e takahia te mana o te tangata – Do not trample on the mana of your people and *Kaua e mahaki* – do not flaunt your knowledge (Cram, 2001, p. 47-49). The first concept refers to a process, which respects a person's dignity, essence, and being. The research was conducted in this manner as it ensured that respect involved not only the individual participants but also the Māori community as a whole. The participants were advised that they would receive a summary of findings after final examination. The researcher was cognisant of her responsibility to the whānau, hapū, and iwi; to disseminate and share the findings to the wider community to benefit Māori.

The second concept refers to the importance of the researcher remaining humble. The onus is also on the researcher to proceed with caution, presenting accurately the realities of the participants.

While the intermediaries gave participants information sheets, it was important for the researcher to also discuss the research face to face with the participants. They were encouraged to ask questions and if unsure to ask for clarification.

Academic ethical guidelines

The academic framework that informed this work was the Massey University Code of Ethical Conduct for Research and Teaching Involving Human Subjects. The code is intended to protect the researched (human subjects), the researcher, and the university from harm (Massey University Human Ethics Committee Handbook). An application was made to the Human Ethics Committee at Massey University (Appendix F). This submission presented the committee and researcher with the ethical issues pertinent to this study, particularly in the areas of benefits, harm, and impact on Māori, access to participants, informed consent, confidentiality, minimising harm and conflicts of interest and role.

Informed consent

Informed consent refers to a participant's willing agreement to take part in research. It suggests that the participant is competent in giving consent and that the consent is both voluntary and fully informed (Bell, 2003; Wilkinson, 2001). Coercion and force are the antithesis of informed consent.

In this study, it was critical that the participants did not feel forced or coerced to participate. This was particularly important for the ex-offenders, given entry into the criminal justice system is of a non-voluntary nature. I was also mindful of what Liebrich said that ex-offenders were a vulnerable group who were more likely to comply with people in authority (1993). These participants had previously been

imprisoned. Consequently, they may have felt obliged to participate or believed that agreement or refusal to participate in the research would result in negative or positive consequences.

In order to resolve this issue the participants were informed about the purpose of the research, the role of the researcher, their role, the reason for selection, how the information would be used, and their rights to withdraw. This information was given in both written and oral form. I also emphasised that there was no positive or negative consequences should they agree or decline to take part in this research. Permission to tape the interviews was requested and at this point, they were given the opportunity to decline, withdraw, or exit the interview at any stage. The participants signed a consent form, agreeing that they had read the information sheet, had the details of the study explained, agreed to be interviewed by audiotape and understood that their name would not be used without their permission.

Te Awakotuku (1991) also maintains that the interests of Māori must take priority, before that of sponsors and that consent must be obtained from the Māori community of interest prior to the commencement of the study. Through my networks as an insider and in consultation with the Community Probation Service whānau and local kaumātua, the researcher sought and gained endorsement for this research proposal. The most important issue for the whānau of interest was that this research would be potentially beneficial to Māori.

It is also important to ensure that the information given to the researcher is not misrepresented or used to disadvantage the participants. Therefore, the ex-offender participants were advised that they would be given an opportunity to critique and read the edited transcripts as well as delete or amend the information from the transcripts.

Confidentiality

Confidentiality refers to the safeguarding of all identifiable features of the participants, such as their name and where they live. In this research, it was impossible to guarantee confidentiality for the Probation Officers, given that they were privy to the names of the other participants. However, to minimise the likelihood of confidentiality being breached, an agreement was explained and signed by all members of the focus group.

Anonymity could not be guaranteed due to the size of the Probation Officer population and the size of the country. The researcher is also known within the profession and locally. However, this research was written in a manner that reduced the likelihood of individuals being recognised, as identifying features were omitted.

To minimise the risk of the ex-offenders being identified, pseudonyms were used. The researcher also adopted the same approach as mentioned previously for the Probation Officers and all identifying features were omitted. As the narratives described their life histories, the participants were given their edited transcripts and the opportunity to amend or delete the research data.

The participants were all advised that the audiotapes would be transcribed by the researcher and all tapes, forms and transcripts would be stored in a secure locked cabinet. They were told that all information stored on computer would be accessible by use of a password, known only to the researcher.

Least Harm

Te Awēkotuku maintains, “the rights, interests and sensitivities of the people studied must be acknowledged and protected” (1991, p. 68). Māori have a history of suspicion and distrust towards research that has been disparaging of and has failed to validate a Māori worldview (Bishop & Glynn, 1992; Durie, 1996; Walsh-

Tapiata, 1997). Therefore, the researcher was cognisant that the research needed to be a positive and uplifting experience for the participants, especially former offenders, given the subject matter. As Leibrich (1993) asserts harm, distress and shame may occur when former offenders who have 'done their time', must relive their past. Given this, I was mindful, that should any participant exhibit signs of distress or self-harm, they would be referred immediately to an appropriate agency.

To ensure that the researcher was sufficiently protected, a trusted colleague was advised of each interview, the address, location and approximate start and end times of the interview. A phone call was made to the colleague at the start and conclusion of the interview.

The Probation Officers and participants were clearly informed of the research process and given the option to withdraw at any time. They were informed that their names would not be used in the final thesis, whilst the ex-offender participants had the right to choose a pseudonym of their choosing.

Truthfulness

Te Awekotuku (1991) says researchers should not exploit the information received for their own personal gain. This posed an ethical dilemma given that the research was being completed to gain a Masters degree. The researcher was also aware of the historical perceptions by Māori that research was done for self-interest and academic kudos (Stokes, 1985; Teariki et al, 1992). However, the primary motivation was to provide research that gave a voice to Māori experiences that would positively contribute to the discourse on Māori within the criminal justice system. In order to ensure transparency, all participants were informed of the topic and purpose of the research as well as the acknowledgment that the completion of this research would result in the researcher meeting the requirements of her Masters degree.

The Sample

The sample of four ex-offenders was purposely selected using criterion sampling. Rice & Ezzy claim the aim of purposefully selecting the participants was “to select information-rich cases for in-depth study” (2002, p. 43). The ex-offenders were then selected as they met some common criteria (Patton, 1990). In this research, that criterion was: identified as Māori, had served a term of imprisonment, and had not been convicted of any offence ‘reoffended’ within a 3-year period.

Homogenous sampling was used to select the six Probation Officers who identified as Māori. The advantages of this selection process are that it minimises variation and maximises the sameness of the group. This type of sampling was used because the sample population were Māori and had knowledge and expertise of the criminal justice system.

Access to participants

When accessing participants within organisations, the Privacy Act 1993 provides the parameters and guidelines for the right to use such information (O'Brien, 2001). In order to protect and maintain the privacy of individuals, intermediaries are used.

Access to the Probation Officers and former offenders was gained by being granted conditional approval¹² by the Policy Development arm of the Department of Corrections to contact both Probation Officers and former offenders. An intermediary contacted the potential ex-offender participants, in the first instance. The intermediary either approached the participants in person or handed them the information sheet. Only the intermediaries knew the potential participants. In regard to the Probation Officers, an intermediary placed an advertisement on the Area notice board, which asked the Probation Officers to contact me. Given my

¹² Approval was conditional on the following; that any communication in writing from department staff to potential research participants be sent in plain envelopes and with a clear return address that did not include the Department's logo. Potential participants were also to be given a clear message that participation in the research (or otherwise) would not affect the treatment of that person by Corrections at any further point.

timeframes, the first four ex-offenders and first six Probation Officers that met all prescribed criteria and contacted me were interviewed for this research.

Conflict of interest or Conflict of roles

I am employed as a Service Manager for the Department of Corrections and awarded a Chief Executive Scholarship to undertake this thesis. Given these roles it was important to clarify any potential conflict of interest with the participants. This conflict was minimised by using an intermediary. Participants then made contact with me voluntarily.

As a Service Manager, a conflict of interest could arise as some Probation Officers may directly report to me. In this research, participants were informed from the outset that there would be no advantage or disadvantage in participating in this research. I also clearly indicated that in this instance I was a researcher.

A conflict of interest could arise when recruiting former offenders to participate in this study. However, the participants were no longer part of the criminal justice system and were told that there was no incentive to participate in the research, except to tell their stories and contribute to the positive outcome for Māori.

Data analysis

Grounded theory is where "theories are grounded in the empirical data and built up inductively through a process of careful analysis and comparisons" (Rice & Ezzy, 2002, p. 254-255). The experiences of the participants were analysed by comparing and contrasting the data with the literature. The data that was rich with information (over 120 pages of typed data) was coded using 'content analysis'. Content analysis is described as "the process of identifying, coding and categorising the primary patterns of data" (Patton, 1990, p. 381). The researcher looked for patterns, common themes, and sub-themes that emerged from the taped transcripts. Reading the transcripts a number of times and allowing similar

themes to emerge achieved this. The common threads were placed under three major themes, with the quotes and notes recorded on the typed transcript and highlighted by colour coding. Once the initial themes and key linkages were formulated, the researcher by using the computer then used the copy and paste functions to link the common threads and quotes together whilst formulating new documents, that could be printed and amended whilst writing up the findings. Links were then made to the literature. The analysis of the data is centred on the narratives of the participants, which allowed their voices to be heard. The researcher had interviewed all the participants and transcribed all the tapes, so the finer detail was known (Cunningham, 1998).

Conclusion

In summary, Māori attitudes towards research have mainly been negative, influenced by the plethora of research that has ignored, misrepresented, and denigrated a Māori worldview and reality. Research has perpetuated the marginalisation of Māori and as such, Māori have fought to gain control over research methodologies and procedures that involve Māori to ensure that a Māori worldview is acknowledged and validated. Kaupapa Māori research evolved from this historical context, and provides assurance that research that involves Māori is culturally sensitive and safe and empowers the participants. Kaupapa Māori research is located in being Māori, and legitimates a Māori worldview.

Māori experiences of the criminal justice system were the focal point of this thesis, therefore kaupapa Māori research was employed. Two principles of kaupapa Māori research were examined, namely whānau and kaupapa Māori as a strategy for intervention and resistance.

Qualitative methodology was utilised as it aligned with the principles of kaupapa Māori research and gave the participants opportunity to express their realities from their worldview. The participants co-constructed their biographies by way of in-depth interview, whilst the Probation Officers were interviewed using a focus group

interview approach as this allowed those from a select population (both Māori and Probation Officers) to discuss their views and perceptions of a particular topic.

Given that this research involved Māori, a significantly broader approach to ethicality was required. In this study, I was accountable to Māori, the Department of Corrections, and the academic fraternity. From a kaupapa Māori perspective, I had to ensure that this research made a positive contribution to Māori, maintained the mana of the people, and provided some tangible benefit. It has also meant that my accountability extends beyond the attainment of my Masters degree but ensures my ongoing responsibility to contribute to Māori empowerment by participating in the discourse concerning Māori and the criminal justice system.

Introducing Chapters 4 and 5

The voices of the participants and Probation Officers are presented in two chapters. Data from the interviews is structured in this manner as the narratives are representative of different perspectives; namely that of former offenders and Probation Officers.

Chapter 4 represents the voices of three Māori men and one Māori woman, who have undergone imprisonment and since being released, have remained conviction free for at least three years. These voices provide the human face to the statistics of prison over-representation. Their narratives are the focal point of this thesis and are given prominence in the discourse on criminal justice where Māori perspectives and solutions are largely invisible. Biographical narratives are presented and provide a richness of information that was both in-depth and compelling. This chapter is dedicated to the life histories of four Māori who have travelled the road to prison and the solutions that enabled and empowered them to go straight.

The Probation Officers and their views are detailed in Chapter 5. The Probation Officers are Māori and are employed by the Community Probation Service arm of the Department of Corrections. Their narratives give their perspectives of working as Māori and as Probation Officers within the criminal justice system. This chapter legitimates their collective voice by allowing them the opportunity to offer some insight and solutions to the problem of offending from a Māori worldview and a practice perspective.

Chapter 4

The Journeys of the participants

Introduction

The presentation of this chapter commences by introducing each participant. The participants views are then grouped under three themes: the impact of the past, the influences of the present and finally a focus on the future - strategies for recovery. Each theme will conclude with a summary of the key findings. The thematic approach utilised in this thesis is depicted by the Māori worldview that the past, present, and future are interwoven. As Puketapu-Hetet said "Māori have a different time concept, which means we cannot separate ourselves from our ancestors or the generations in front of us. Our past is our future and is also our present, like the eternal circle" (1989, p. 5). This framework has been selected as it provides a graphic description of the life histories of the participants and allows their voices to be heard in the manner in which their narratives and journeys were expressed.

The past highlights influences from birth and childhood. It encompasses the participant's formative years and describes their childhood. It is important to start with the beginning, as this is where our histories begin. The influences of the present depict the here and now. The participants describe the catalysts to change, the key factors that have been significant in their life journeys, and the reasons why they made the decision to go straight. The future and the strategies for recovery provide the answers to the questions on reform from the perspectives of the participants. This section includes the importance of their culture, their views on rehabilitation and the interventions and strategies that were significant in their journey towards achieving their potential, and remaining offence free.

Presenting the participants

Huna is in her forties and has been imprisoned on 3 occasions for drug importation. Huna has travelled the world. She says she committed her crimes for the excitement. She made a decision to go straight for her children's sake and after attending drug rehabilitation in prison. Her journey, she says has been difficult but she is determined to maintain this commitment.

Hugh is in his fifties and was imprisoned once for car conversion, over 40 years ago. Prison was a terrible experience for him and cemented his decision never to reoffend again. Hugh is employed in a helping agency and is determined to model the positives of being Māori, for his children and the people that he counsels.

Harold has been to prison on numerous occasions for gang related crimes such as extortion and drug related offending. He made his decision to go straight in the 90s and acknowledged the road to recovery is ongoing. Harold is committed to maintain his change through his commitment to his children.

Jermaine is the youngest of the participants and his profile includes numerous prison sentences for gang related crimes. He decided to stop offending in the 90s and says his journey has been both difficult and challenging.

Impact of the past

People are affected by the past. When they come across the screen of our life, it brings back those memories, like bitterness, because there are memories that are associated with people from the past. Whatever they are, these things are like burdens. That one's hate, that one's bitterness. And that's when I realised where many of our people are. Unresolved issues, they use drugs to blot out, to escape it, because their things are heavy (Jermaine).

The key issues of the past will be identified because of their impact on the present and future of the participants. For Huna, Jermaine, and Harold, their pasts have shaped their present. So in order to move forward their past lives required resolution.

Huna's story

The past for Huna is characterised by abuse both physical and sexual. She recalls feelings of abandonment, hate and lack of trust for society. She started using alcohol and drugs to blot out the memories. This is her story.

I was brought up by alcoholic parents who molested me and abused me, quite viciously, even my aunts did. They were Māori, that's my Māori side, and there's a lot more there too. I learnt generosity, I learnt how to open my home to people and welcome them. I learnt my taha Māori in a good sense on life and I learnt how to keep secrets. I first started drinking when I was nine. When I was older, I'd steal two bottles of vodka a day. So, I learnt how to survive. I was a tough little kid. I was abusive and you wouldn't look at me the wrong way without me smacking your head in. When I was young, I hated myself, and I hated everyone around me, I didn't trust society and I see this in our children today. I recognise the symptoms of a child being abused by their parents and having nowhere to go. The system says you can't, so yes I had a big problem with authority. I was bright because I didn't like my home life. I put all my energies into my schooling and excelled. I sat school certificate when I was 14. So, when I went back to my mum she put me into college in Auckland. But I couldn't stand it, too big, not much Māori kaupapa there. I didn't fit in as it was really institutionalised. I just wagged.

Hugh's story

Hugh has fond memories of his childhood. The past for Hugh encapsulates a world of warmth, love, and support. Raised by his grandparents in a small rural

community, he completed his schooling there. He left home in 1968 to pursue a career in the army. Hugh's story is quite different to the other participants. He recounts being raised in a secure and safe environment.

My upbringing was very very good. I am a whāngai. My grandparents, who are my parents, they came and got me out of the hospital and they brought me up from a little wee 2-day-old child. They have been my parents ever since. I have been sheltered and I was spoilt.

I attended a brilliant high school, we had three All Blacks at the school. I left school in 1968. I went to cadet school, aged 16. I never used to drink before I joined the army. I used to go to the gym, pump weights and keep fit. I never used to drink until one night someone was promoted and I had a couple. Well it affected me to the point where I looked forward to having a drink every night.

Harold's story

Raised by alcoholic parents, Harold describes his father as very violent and remembers feelings of being unsafe and fear. The past for him represents a childhood of neglect, survival, and violence. Harold had limited schooling, truanted, and joined the Mongrel Mob when he was 18. For 30 years, Harold's allegiance was to the bulldog¹³. The Mob represented whānau and involved a life of violence and crime. This allegiance was so strong that his family (wife and children) were inconsequential to his commitment to the Mongrel Mob. He raised his sons to be prospects whilst his daughters were used as sexual objects to entertain the boys¹⁴. Harold vividly remembers burying six of his brothers. These brothers had served tours of duty in Vietnam and he says they died from Agent Orange poisoning. This is his story.

¹³ The bulldog is the insignia or mascot of the Mongrel Mob.

¹⁴ Boys refers to Mongrel Mob members

I was born in Te Awa o Waipiro (river of beer). With my father, there was a lot of violence. Beer was paramount. Ask for bread, you got a hiding. Ask for anything, you got a hiding. Yeah we had no kai but there was always beer on the table. There are 15 in our family, I'm number 13. My dad was a 28 Māori Battalion freak. All my brothers went to Vietnam. My father and I ended burying six of them. That was one of the saddest parts of my life. My father was so violent that at 10 years old, I beat him up with a baseball bat and put him in a wheel chair, so we could be safe and my mother especially. So, he never walked around. I was 18 when I joined the Mongrel Mob. There were 18 of us. We didn't go to school for two years and they weren't (parents) even worried. The only time we went home was when the Police took us home and then we got a hiding.

The Mongrel Mob was a significant part of Harold's life and is detailed in his narrative.

When I was in the gang, I did extortion and pushed drugs until 1999. I never had a job in my life but I built my house through the herb. My allegiance was to the bulldog. When they say what about your family, you can't see them. Especially my two oldest girls, they still call me monster. I used them to pay the boys from out of town. I thought it was natural. My son's were prospects. I turned into my dad. I became an abuser to my wives. When they left, I didn't understand. I thought it was the norm, man the provider, man the liar, and man the wanker.

Jermaine's story

The past to Jermaine includes parents who provided little interaction or family support and a mother who was violent. He recalls a childhood of survival, heaps of kids and no money. Jermaine found school difficult and although he received remedial tuition, he couldn't read until he was 18. He started stealing when he was young and was regularly in trouble as a youth. Jermaine gravitated towards the

Mongrel Mob in his formative years and was sent to borstal, aged 14 years. This is his story.

When I think of my past, I don't have any happy memories at all. I remember my mother. I used to think she was trying to kill me. It wasn't just a whack, it was for the eyes, the head. I just curled up in a foetal position trying to protect my eyes and my head. I can remember my father saying "don't hit the boy on the head, the bugger will go silly". We never interacted in our home. They (parents) couldn't have a kōrero, there was no support, not at school, nothing. When I'd say "Mum can I play rugby on Saturday". It was, "what the bloody hell do you want to do that for". There was nothing. I started stealing when I was about 9. I'd go to the shop to buy the stores and just chuck three things in, so I'd have money to buy some lollies. I found school difficult, I couldn't read until I was 18. I'd been through remedial programmes right through school. So, I got a lot of tuition right through my schooling, but I had no recall, so depending what the words were, I didn't have a clue what the story was. I was sent to borstal at 14. I think this could have had a devastating impact on me, but there were fellas from home that I knew, so it didn't seem so bad. I joined the Mongrel Mob because they had pride. To me they were bold and daring and people were scared of them. However, in the Mob, I think you probably experience the full emotions that you can have. Incredible highs and incredible lows and everything in between, but the lows far outnumber the highs. Understand this, people hate you and hate all that you stand for, represent, act, and behave.

Summary

In summary, the keys themes that emerge from these narratives suggest that the formative years of the participants formed the basis for future choices and decisions. Three of the participants derived from unsupportive whānau environments. These environments exposed them to violence, alcohol abuse,

unstable living circumstances, difficult family relationships, and feelings of abandonment, neglect, and lack of love.

Hugh's narrative is in direct contrast to the other participants. His formative years were secure, loving, and safe, although he did admit that he misused alcohol, whilst in the army.

Alcohol, drug abuse, and misuse featured in the narratives of three of the participants. In Huna's case, she used drugs and alcohol to mask the pain of abuse. For Harold he mirrored his father and used alcohol, whilst maintaining his usage of alcohol and then drugs when he entered the gang.

A key factor that emerged from the narratives was the lack of positive identity and role models. All of the participants lived within Māori communities. However, for Huna, Harold, and Jermaine, their whānau provided no positive role models and provided little positive personal or cultural identity.

Jermaine identified that he started stealing because of the lack of money at home and poverty featured in two of the narratives. Jermaine and Harold identified problems with schooling, and truancy that resulted in their poor educational achievement and literacy issues. Huna said she excelled initially, until she moved to Auckland and started truanting.

Jermaine and Harold both joined the Mongrel Mob and their gang affiliation involved a lifestyle of crime. Huna said her distrust of society and the anger she felt towards authority contributed to her lack of respect for authority.

The influences of the present

The influences of the present represent the key factors that were catalysts for change and influential in the participant's decision to go straight. Throughout this

theme, the journeys of the four participants are described separately. The summary amalgamates the key themes that emerged from the narratives.

Huna's story

From Huna's perspective, prison was not a deterrent. However being separated from her children and wanting to be a positive role model were influential in her decision to go straight. Huna received counselling for her drug, alcohol and anger issues whilst in prison. These programmes enabled her to deal with her problems and allowed her the space to make informed decisions. The decision to go straight involved a long journey, of giving up drugs and alcohol and the fear of losing her children. Counselling enabled her to reconcile the past and was an indicator that Huna was on the road to a full recovery. One of her first tasks was to apologise to her children and reconcile past hurts.

Prison was not a deterrent. I decided I didn't need prison anymore. I wasn't scared of prison. I've never been scared of getting caught. Prison doesn't frighten me. I think the worst part of prison is being separated from your children. I decided then, that for the good of my children, what sort of message am I giving them. The third time I went to prison, my son was in the house when the cops came and busted me. I said, "I'm going to prison". He said, "Again"! He was not even shocked, quite an indifference there. That was a big wake up call. It took me a long time to realise. It took me three prison sentences, the loss of my children, the loss of my relationships. I believed I wasn't an addict or an alcoholic. I even spiritually abused my religion. I understand now that there is a way to live. I will never, not be an alcoholic. I will never, not be a drug addict. I know that I don't have to use (drugs) today. I choose not to.

I made the decision (to go straight) when I did my work in rehab¹⁵ at Arohata Prison¹⁶, when I realised in an NA¹⁷ meeting that I was responsible for a lot

¹⁵ Rehab refers to a drug and rehab centre.

of people dying. I became quite vicious in my drunken stupor, because you are triggered back. When I did my study on alcohol addictions, I realised a lot of it came back to the abuse. Severely molested children take on different personas. I used to think I was crazy until I did a workshop on anger management. I realised there was a lot of unresolved stuff. My counsellor said, now you have to go and apologise to your children for all your addict ways. I want you to say sorry for what I've done. I'm working on a path now and I'm trying not to do that again. I saw my aunt at a tangi the other day. It was the first time I was able to put my arms around her and say how are you. She in turn realised that I had forgiven her and myself.

Hugh's story

Hugh was 19 when he was convicted of car conversion whilst on leave from the army. He remembers drinking at a party, taking a car, going for a joy ride, and returning the vehicle. Before returning to the army and a tour of duty to Vietnam, he made his first appearance before the Court. Hugh received no legal advice and had no knowledge of the justice system. He believes that lack of legal advice led to his imprisonment. He was sentenced to 6 months imprisonment for car conversion. From Hugh's perspective, prison was a deterrent. On his release, he made the decision, never to go back. He gave up alcohol and returned to fulltime employment whilst his partner and whānau supported his lifestyle changes.

I went straight to prison. I didn't expect to be locked up. I expected to be flying back to Papakura. They didn't offer me legal advice. Nobody asked a question of a little Māori boy. I did 6 months and sure, I made a mistake. When I got out, I said I'm not going to do that again, this place sucks and I meant it. When I got out, I came back home, I got a job, and then I moved and spent the rest of my time in Wellington, doing various jobs. Prison was a deterrent, not having the freedom, only smoking when they wanted you too.

¹⁶ Arohata Prison refers to a Prison for Women situated in Wellington.

¹⁷ NA is defined as Narcotic Anonymous.

After a few years, I also decided to give up alcohol. This was easy once I put it in my head that this was what I wanted to do.

Harold's story

Harold started to make changes in 1994. Although he had been imprisoned many times, prison was not a deterrent for him. The catalyst for change was his wife and children leaving him. While coping with this separation, he sought help for his anger management problems. Through the assistance of his counsellors and spiritual guidance of his tipuna and God, Harold made the decision to leave the Mongrel Mob. He also gave up alcohol and reduced his drug intake. Terminating his 30-year Mob affiliation, involved significant risk and reprisal. However, his commitment to change for himself and his children outweighed his fear of death. Part of Harold's journey has meant apologising for the hurt he inflicted on his children and wife and reconciling the past. Harold represents the face of the Mongrel Mob member and this is his journey to recovery.

They've asked why I've changed. I must say it was my kids and losing my wife in the process. I also made a promise to God, I can't lie to him. There's a piece in the bible "walk towards the most important thing in your life, that means the most to you" and now I know it's my family. I had to make the change for my children. What's more important your drugs or us. There was no choice after that. My dad didn't do very well and see it was the truth, so I had to show the way. In 1992, I was crying, sitting with mum and dad in the urupā, daking¹⁸. I don't know my heart wasn't happy and I couldn't sleep. I sat with my parents for three days. I don't know something happened and then I realised that my family was the most important to me and that was the choice I made. I still go to the urupā every Sunday. I talk to my mum and dad and all my brothers and I always go back to church. I call it repentance. I love my parents now, even my dad.

¹⁸ Daking refers to smoking marijuana

It took me 7 years to get out of the Mob. The first step was talking to my children. I apologised to my girls and told my boys to take their prospect patches off. They said, fuck you too. You take your patch off first. I said let's burn them together. So, we had a big party, in 94. I made a big bon-fire and we put our regalia in. Then the boys (Mongrel Mob) came around, smashed the house up, smashed me over, and I'm lucky to be alive. I moved my boys to Auckland, so they'd be safe. I said to them, if I die, I want to be buried over there. This is the path that I took because I knew the rule of the Mob. They've got no rules.

When I started going to anger management, the counsellor gave me a mirror. I looked in the mirror and he said you're just like your old man. I looked at myself for five minutes. It was hard. It made me cry.

Jermaine's story

The influences of the present involve Jermaine's decision to go straight. This was a long process that evolved over a number of years. The decision was influenced by his views about prison, his wife leaving him and a reassessment of his life. His commitment to change meant that he made a decision to leave the Mongrel Mob. His spiritual beliefs (finding God) and seeking help for his anger problems precipitated and aided him with his decision. On leaving the gang, Jermaine said he started thawing out and began to experience empathy. This is his story.

I hated being in jail. It wasn't as if I made a conscious decision to stop doing crime. I think what happens is that you become much more careful in what you do, until you realise that an intelligent man won't do it. I had to think down the track, this is what's going to happen, have foresight. I think the power of decisions and thinking is incredible.

When my wife left me, I followed her to Wellington. That was the first time I started questioning my allegiance to the Mongrel Mob. That was the first

time, I started realising. Sometimes you can't see it; you have to be stepped away. That's what started it; so much time there was a commitment, a loyalty, and a romantic notion. I really thought I could make a difference in the Mob, be professional, make money, and have legitimate businesses. People own their own homes, nothing can stop us. The delusion is who you're working with. You haven't got the people that are going to run with the vision. I remember going down to the beach and crying because I realised it was not going to happen and I was really going to leave the mob.

I went to counselling once maybe twice, sort of being economic with the truth by conveniently leaving things out. But the second time, I thought open up, it can't be that bad. But after that one I realised I'm hurt. I think that's the problem with people is addressing issues of the past, hurts of the past and memories.

In the Mob, your whole emotional life is shut right down. You can't feel and that's what happened to me. It took a long time for me to thaw out. It took a long time for me to feel things and respond to them. People died and I never felt anything. But when I started thawing out, I thought I was going to go porangi. I didn't know what was going on. I started having mean flashbacks, yelling, screaming. The head wasn't ok. What I'd done to people, real horrific things, and my conscience started coming alive, so to speak.

Summary

The key factors that were influential in facilitating change for the participant's were: motives for going straight; persuaders to going straight; dissuaders from crime; strategies for recovery, making connections and system issues.

Motives for going straight

The participants were able to articulate the key motivators and reasons why they made a decision to stop offending. Jermaine described a period of re-evaluation. The catalyst occurred for Harold when his wife and children left him. At that time, he re-assessed what mattered in his life and decided his children were more important than drugs, alcohol, the gang, and prison. The key motivators that influenced the participants were a reassessment and re-evaluation of their lives and what mattered to them, whilst the shock and shame of prison provided sufficient motivation to deter Hugh from crime.

Persuaders to going straight

The key factors that were active persuaders or positive influences that inspired them to change were as one participant said, the spiritual guidance, and assistance received when he found God. Whilst Harold, Hugh and Huna said they changed for their children, so they would have a better future.

Dissuaders from crime

Several factors dissuaded some of the participants from committing crime. These dissuaders were linked to the fear of future consequences for the participants. These consequences were the fear that they may lose their children and outgrowing prison.

Strategies for recovery

Strategies for recovery described the aids and strategies used that assisted the participants to stop offending. All the participants described tackling a problem, by seeking help for their anger, drug, and alcohol issues. One of the participants said he obtained spiritual guidance from his tipuna. Reconnecting with their culture and the development of a secure cultural identity was also described as an aid to recovery. A secure cultural identity gave them a sense of belonging and a sense of who they were. From this new understanding, they were empowered to change.

One of the most powerful and recurrent themes involved the development of victim empathy and reconciliation with the past. Victim empathy enabled them to understand the hurt and suffering they caused others. The participants were then able to apologise to their whānau for the hurt and abuse they inflicted on them. Reconciliation of the past involved the participants working through the abuse they suffered in their childhood and forgiving both themselves and their abusers.

Making connections

Making connections refers to the strategies utilised by the participants to connect to new or different experiences that distanced them from their past lives. Leaving the Mongrel Mob was crucial in the road to recovery for two of the participants. Relocating and removing themselves from negative peers or whānau was seen as critical, because of the resultant peer pressure to commit crime.

System issues

The lack of legal advice was one factor highlighted by Hugh. This factor highlights the importance of gaining access to legal advice that is both helpful and informative. Sound legal advice enables one to make informed decisions concerning the options available to you within the criminal justice system.

The Future- Strategies for Recovery

This section outlines the solutions and answers to reform from the perspective of the participants. The solutions mirror their journeys. For Huna, Hugh, Harold and Jermaine it was essential that they acknowledge the victims of their abuse and offending. This was pivotal to their success in turning their lives around.

Huna's story

For Huna the future represents being drug, alcohol and crime free. This future ensures that the wellbeing of her children and herself is sustained. Maintaining her recovery involves sobriety, finding employment, giving back, and contributing to society. Huna stresses the importance of finding herself and reclaiming her culture.

The strategies for her recovery have included good role models (Probation Officer) and removing herself from negative peers and whānau. She also provides insights into her solutions to the problem of Māori over-representation in prisons. This includes Māori focus units and programmes that are developed and run by Māori for Māori. However as Huna said, the decision to go straight ultimately rests with the person, they have to want to change.

My Probation Officer in Auckland was very instrumental in me staying out of prison. I have a family that are known¹⁹. I had to remove myself from my family, and my Probation Officer knew it. She insisted. She wouldn't let me go to the court cases. She said if I hear that you're at those court cases, you're going back to prison, because that means your associating with known drug users. I said they're my family. I want to support them. She said no, they're drug dealers. What are you getting out for and what's the big picture?

Part of my recovery was finding employment. When I got out of rehab, they said, what are you going to do to stay clean and stay off drugs? So one of my goals was to have a job, pay taxes and get back into society, because that's part of your healing as an alcoholic addict. I didn't want to go into employment, as I was scared because of my background.

I've learnt that if you want to stay clean, be ruthlessly honest. It doesn't work for everyone. The secret that people don't understand is that you can't change anyone, they have got to do it themselves.

When you say how do you stay out of prison. Firstly, you have to find out who you are. I had a very strong sense of my identity when I was a child, so strong that the only iwi I had ever heard of was Ngā Puhi. Everyone else was Ngāti Porou.

¹⁹ Known refers to Huna's family members that were known to her Probation Officer as they were currently on a sentence or were presenting before the Court for criminal offending.

You need to have a Māori focus group for women. It needs to be around a rehab system. Most Māori women in prison may not be in for drug crimes but are on drugs. If they're in there for fraud, they're usually feeding a drug habit. That's where your system fails to see. When you get a case manager they go on your crime, so if you've got a drug crime you get a drug programme. If you've got a fraud crime, you get nothing, as they don't know how to help you.

Hugh's story

The future for Hugh represents healthy lifestyles for Māori. Hugh has not reoffended for more than 30 years and provides counselling within a kaupapa Māori framework. From his perspective, prevention is the key. It's about having a secure and stable home life and the right role models that provide positive values and environment. Hugh advocates programmes developed by Māori for Māori as Western programmes do not work because the solutions reside within the Māori community.

We need programmes run by Māori for Māori as you need to be Māori to understand. I decided to get inside this system and make it work for our people. My job is to make sure that they don't do what they did to me. Western programmes are not working for our people, because they are created by somebody else, for justification²⁰. Māori know where our people are coming from. We know what's happening to them and we understand it better than a Pākehā would. A lot of our people have been brain washed not to trust. Specifically because Pākehā came over here, they gave us these diseases, stole our land and they're still doing it now. They're controlling us, by saying this is what you will do and you will jump.

²⁰ Refers to justification of their employment or job

Harold's story

For Harold the future-strategies for recovery represent reclaiming his culture by learning te reo and holding fast to the positive traditions of his tipuna. His ongoing healing involves his own counselling. In the process, he has become a counsellor himself. Harold sees the need to atone for his past. He acknowledges the hurt and suffering he has caused others and makes amends by giving back to society and helping youth at risk. He has removed himself from negative influences and continues to pursue his spiritual journey and his promise to God and his children to stay straight.

Harold has completed a tertiary qualification and has recently secured voluntary employment. Education has been important in his journey, as he discovered who he is and has succeeded in his pursuit of a positive lifestyle. He believes that the transition from prison to the community (reintegration) is critical in ensuring Māori do not return to prison.

I believe in Māori for Māori, tikanga and taha Māori as it makes me complete.

Hurting people, it stays in you all the time. It never goes away. You've got to learn how to control it, or else you'll go porangi. That's why I'm finding redemption. I always have a karakia for everyone I've done damage to.

I was asked to go to Mangaroa²¹ to help the boys. I said, I can't, I'll re-offend, too many memories over there. I know I'll go back to where I was. That's the feeling I got. They'll say come on man, let's go. See, that peer pressure again. So I won't go back because my children, they're number 1,2,3,5. There's no one else.

²¹ Mangaroa Prison

Reintegration is the key. The Bro's go back inside because they cannot relate to society. For people who do longer than two years, all you see are the people in your block. Your whānau is within that complex. You get out then whoa, there are 100 people. A bro came out of prison. The first place he came to was mine. Can I stay here bro? I can't handle it. I want to go back to prison to be safe. It's about reconnecting with their whānau but a lot of them don't want them, the awahi is not there.

Jermaine's story

The future - strategies for recovery represent reconciliation with the past. Jermaine learnt through his church that unlocking the past provides the road to recovery. Wellbeing for Jermaine starts at a young age. It involves a secure, loving, and supportive environment. For Jermaine, people have to want to change and counsellors need to be skilled enough to facilitate that change.

When you visit the past with our people, it's locked inside. What's really happening, what do they really think behind the mask, behind the façade? That's why I like the church, it's about visiting the past and being reconciled. That's where a lot of our people are. They have unresolved issues and use drugs to blot out and escape, because these things are heavy. Reconciliation is the key, because you're always locked up. People have been molested, people have been raped, and what's happened. It's still alive in the memory and it comes back again every time - the rot, the pirau. Unless you reconcile your past and forgive (yourself and the perpetrator), you will always have it.

I think the main one is a stable home life, where parents invest their love and support. They provide guidance and I think that is where you learn those things and have values.

I think people need to get people into the position to want to make changes. You need people that get them to look at their life, look at their past and look at them, that's probably the challenge.

Summary

The future and strategies for recovery that were important from the participants' perspectives involved many factors. Their journeys to recovery did not happen overnight but involved many years of healing, self-discovery and were accurately depicted by the Māori worldview that our past, present, and future are interrelated and connected.

The decision to change

The participants agreed that the decision to change rests with the individual. In their narratives they made a conscious decision to change, had key motivators that influenced them to change and utilised strategies to aid that change. For the participants the key to rehabilitation was the ability of skilled counsellors to facilitate change.

A Holistic approach

A holistic approach to recovery was evident throughout the narratives. The most salient factor apparent from the interviews was the need to deal with personal problems, namely alcohol, drug, and violence issues. It was also evident that dealing with the issue in isolation did not guarantee change. The participants needed to participate in society by way of employment or retraining to improve their chances of employment. New connections enabled them to undergo new experiences and provided access to positive role models. It was also very important that they had access to adequate housing, healthcare, and some hope of a better future. As one of the participants said, being straight is difficult.

Reconnecting to one's culture and secure cultural identity

Learning the positive traditions of one's tipuna, through te reo was seen as important for three of the participants. In their narratives, this knowledge gave them a sense of identity and security. It also allowed them to celebrate and have pride in being Māori.

Redemption and atonement

The development of victim empathy was a reoccurring theme in the narratives. Through empathy, the participants acknowledged the harm and hurt suffered by their victims. Two of the participants described seeking redemption for their crimes and atoned by giving back to society by way of assisting those in need.

A secure and supportive whānau environment

A safe and supportive whānau environment was a recurring theme throughout the narratives. Prevention was seen as the key. The participants believed it was important that children were provided with a secure home life, where positive role models would instil good values and morals.

Reintegration

Reintegration from prison to the community was seen as crucial. The participants believed that connecting with whānau and working through the problems associated with the transition from prison to the community, prevented recidivism.

Māori programmes developed by Māori for Māori

Māori programmes developed by Māori for Māori was advocated by one of the participants as only Māori could understand Māori. That participant believed the solutions to Māori reoffending resides within the Māori community as Western programmes were not working. A Māori focus unit for women was also advocated.

Good role models

The participants highlighted the importance of good role models, especially within the criminal justice system. It was important that staff modelled the behaviour that they were espousing. Good role models and support also aided recidivism by providing sound support, advice, and assistance when in need.

Systemic issues

A recurring theme that emerged from the narratives was the distrust of the system and Pākehā. The history of colonisation, the impact of laws and policies used to assimilate Māori made them reluctant to trust the system or the people that worked in a system, that has been used to oppress Māori.

The current focus of the Department of Corrections on the offence related factors relative to your crime was considered too narrow. Huna believed it failed to take into account other factors that had an impact on offending. She used the example of gambling. Many women were gambling to feed a drug habit but the tools utilised to assess need failed to capture the usage of drugs or alcohol.

Chapter 5

The Probation Officers

Introduction

This chapter represents the voices of six Probation Officers, of three Māori Men and three Māori Women, who have expertise in this field. The Probation Officers were interviewed for the following reasons. Firstly, they are Māori, they share the cultural reality of the offenders. Secondly, their perspective reflects a Māori viewpoint from practitioners who work inside the criminal justice system. Their collective voice represents an average of 15 years experience and institutional knowledge, of the Community Probation Service. They have expertise in the writing of Court reports, writing Board reports and managing sentences of supervision, parole, home detention, and community work. Their backgrounds include tertiary qualifications in Social Work, work in the health sector, and experience within the farming sector and prisons. They represent a diversity of Māori realities, and represent Māori who work within the Community Probation Service and want to make a difference for their people.

The data was collected by focus group interview and is organised using three common themes: the past, the present, and the future—strategies for recovery. This chapter represents the Māori worldview that we must look into the past in order to move forward. The past depicts the effects of colonisation, which have been a contributing factor in the offending statistics of Māori. The present is characterised by the here and now. It typifies the issues that are prevalent for Māori and what needs to be done to promote and facilitate change. The future- strategies for recovery, suggest solutions, to improve the working practice of Probation Officers and provide insight into the issue of reoffending of Māori from those that work within the criminal justice system.

The Past

Māori have a history of being proud, a history of being leaders. What has happened is that colonisation has forced Māori to live like Pākehā and they're inadequate at living the Pākehā way of life (Focus group interview).

The past for the Probation Officers represents the impact of colonisation and is the precursor to offending by Māori. The excerpts provide illustrations of the impact of colonisation and begin with the breakdown of the whānau, the loss of language and assimilation within the education system. The result is a person dislocated and alienated from their culture, neither Māori nor Pākehā, a person in no man's land.

Breakdown of the whānau

The social structure of Māori, which provided the cohesion, structure, and mores for Māori, was fragmented by the advent of colonisation. Some whānau no longer have the support or guidance within their whānau to provide assistance to those, in times of trouble.

Māori offending can be linked to the failure or breakdown of the whānau structure and support that we knew in our day. The whānau all stuck together. In that short time, 2-3 generations, our youth have not grown up with the whānau and the type of support that our mothers and fathers gave us.

The loss of language and loss of culture

The loss of language and subsequent loss of culture has had an adverse impact on Māori. One's language provides the basis for one's identity and the medium in which the values and beliefs of a people can be transmitted.

The destruction of our language also came with colonisation. I often ask Mum and Dad, why they did not talk to us in Māori. They said they were told that Pākehā ways were first and foremost.

When you lost the language, you lost part of you. When you lose part of you, you start going off the track. It's only the good management of your family and their support that brings you through. Those that do not have that, that's when it falls back to lack of whānau support.

Assimilation

From the perspectives of the Probation Officers, assimilation policies within the education system have resulted in poor educational outcomes for Maori. Inadequate educational achievement can lead to limited employment prospects and limited income or dependence on the state. Assimilation policies that were used to colonise Māori have not worked. Māori are now in a process of recovery. This involves reclaiming their language, their culture and demanding their rights to be Māori in their own country.

The education system made us assimilate, but the education system has let a lot of Māori down. And some people can overcome that, but the majority can't. It's all in the name of assimilation. They tried to make brown people white, it hasn't worked for us.

Summary

In summarising the impact of the past, it is necessary to have a historical understanding of the impact of colonisation. The destruction of Māori culture, by way of colonisation and assimilation has led to dysfunctional families and people alienated from their cultural heritage. The various sections discussed here have had a profound impact on some Māori, the result being that a significant number of Māori are presenting before the criminal justice system and being imprisoned. For Māori, wellbeing is centred within a secure identity and is fostered within systems

and structures that are accepting of a way of life that is supportive of your right to be Māori.

The Present

The present represents the current issues that are pertinent to Māori offending. These include the problem of alcohol and drug use and the issues of education, employment, housing, and health. The Probation Officers advocate working with Māori holistically to promote wellbeing and healing. A holistic approach involves working with the whole offender (Durie, 1994). This includes working on the physical, emotional, mental, and spiritual elements of the offender and ensuring these elements are held in balance. They also acknowledge the importance of the whānau in the rehabilitation of the offender.

My view on Māori offending is that it comes back to education, employment, housing, and health. Many offenders are identified as either partially or totally illiterate. We need programmes that meet that need. From there, we go to employment. The more things that our offenders do out there, such as sport, education, work, the less we are likely to see them, because they are doing the things that they want, rather than forcing them. So, these four components would fit into a holistic approach and these different parts could be utilised to try to help develop an intervention programme for the offender.

Alcohol and drug usage is a pronounced feature in the profiles of the offenders presenting before the Community Probation Service.

It's alcohol, it's drugs, and it's the more modern times. It's all the frilly things and we Māori, in general cannot cope with that. They want more and more and what you've got is a frustrated people who turn to alcohol, turn to drugs and go out and steal, to get to that level where they feel adequate.

Access to justice was a recurring theme in the focus group interview and refers to the monocultural nature of the criminal justice system. This includes a lack of access to good legal advice. It also includes a lack of understanding of the Court system (institutional jargon) and the legal processes.

I found a lot of offenders when they were arrested, I said, "what did you do"? They said, "I didn't do that". I said, "why did you plead guilty? I just wanted to get it over and done with". I found that they didn't comprehend what was actually being said in Court and they don't know how to access their rights.

Probation Officers are there to write reports. We provide the information to the Courts. If in some cases we see that there is clearly some injustice done, then maybe we should get an advocate to help them, or someone to exercise their rights and change their plea. And I know that many Probation Officers have done this and I have done this on many occasions. If I know that they are railroaded into something, I say exercise your rights. Go and change your plea.

Summary

The present outlines some of the current problems that Probation Officers deal with such as the prevalence of alcohol and drugs and systemic issues. They advocate a holistic approach when working with Māori, which incorporates working with the offender to ensure they also have adequate housing, access to employment, education and good health. The importance of whānau was acknowledged by the Probation Officers in assisting the rehabilitation of offenders. The systemic issues include lack of understanding of the system and lack of access to information. The Probation Officers suggest that better communication and information within the criminal justice system ensures that the Māori offender is able to make informed decisions based on the available options.

The Future – Strategies for Recovery

This section considers “what works” to reduce Māori reoffending from the Probation Officers viewpoint. The acknowledgment of Māori as active participants in society is one of the fundamental statements that underpinned the focus group interviews. Followed by the recognition of Māori cultural values within the criminal justice system in order to ensure that the Department of Corrections is truly responsive.

The solutions from the Probation Officers involve working in a holistic manner with Māori offenders and whānau involvement. Incorporating traditional practices of conflict resolution (marae justice) is seen to have merit. Emphasised is offender accountability for offending to the victim and the community. Interventions from a Māori worldview are emphasised as essential to reducing reoffending.

The Holistic approach

The Probation Officers responses aligned with the whare tapa whā model as espoused by Durie (2003), it incorporates working with the whole person and encompassing the spiritual, physical, mental, family/whānau, and social wellbeing of the offender.

Probation Officers need to work in a holistic manner with whānau, not just individual. That is why Home Detention is quite successful as we are working with the whānau in a holistic manner.

The Probation Officers gave an illustration of the benefits of working holistically with offenders, citing a Māori Health organisation whose philosophical base is underpinned by holistic principles.

I placed an offender at Te Poho²². He hasn't reoffended, because they worked with him in a pro-social manner. They supported him with his

²² This is a fictitious name

accommodation and social endeavours, such as employment. All I had to do was monitor his progress. I know that if it weren't for those people influencing his life, making sure that he was safe in order to make sure the community was safe from him, he would have well and truly reoffended.

The Role of the Whānau and Whānau Involvement

The importance of whānau and the role they play in promoting and assisting change in the offender was stressed as critical for effective rehabilitation and reintegration into the community. Whānau involvement should incorporate holistic principles and promote Māori cultural values as being important. Whānau involvement was advocated in all areas of the Probation Officers' work. Working with whānau removes obstacles, promotes support and knowledge of the journey that the offender is taking and provides aid and help in times of need or risk.

It is important that Probation Officers work with the whānau by having more whānau contact and getting their support. So it's more than working with the individual, you have to work with the whole family. Our Act doesn't allow for that. This is where our Act and our Department (of Corrections) profile are in basic conflict. The Department is individually focused but Māori don't work like that. Māori are a part of the collective, unless you can get something from Head Office to say we can do it and give us the resources then nothing is going to change.

I think it would be a better idea to do the induction process²³ in the home, involve the family, because the family are then aware of the specific sentence. It makes it so much easier for us it closes the gap. Another thing that makes it more comfortable working with our people is that it takes them out of this environment. They've just come from an environment like this and they're coming back into one.

²³ The induction process involves the offender being given clear information about the corrections system and the sentence they received via the Court. They are advised of their rights and their obligations in regard to the sentence.

Interventions from a Māori worldview

The Probation Officers advocated programmes and interventions that were Māori focused. These programmes or services should be developed by Māori, provided by Māori, and driven by Māori. Although there were benefits in operating Māori focus units within prison, the need for tikanga Māori programmes within the community was seen as a priority area as the whānau could be involved in the rehabilitation of the offender.

I believe the Māori focus units are successful simply because they actually have the whānau concept operating and they get to identify their whakapapa, whether they all come from different iwi and hapū. Māori programmes are about empowerment and self-worth. We need more follow up tikanga Māori programmes in the community but the funding needs to be real and the community needs to be empowered to succeed. I think that what is missing from our Service is follow up tikanga Māori programmes that are developed for those that are released from prison.

Some Probation Officers thought that inducting the offender onto a sentence might be better done on a marae. The marae provides a safe, warm, and welcoming environment that is non-threatening and neutral. The marae also commands respect. If the offender relates genealogically to the marae, it would also be an added bonus.

If you've got six new starts²⁴ for the week, what's wrong with taking the family and the new start to the marae? Do the induction there, because I've had experience where I've found that violent offenders are actually mindful of what a marae means. They're mindful that they're not only there for them but also their tipuna. You can actually see them changing. If we take it back to that base, that's a strong base for a lot of Māori offenders.

²⁴ New starts is institutional jargon that refers to new sentences

A greater use of marae justice was considered to have merit within the Community Probation Service. It was felt that the criminal justice system failed to make the offender accountable to the victim of the crime. By using marae justice, the causes of the offending would be dealt with, whilst restitution, compensation, and restoring balance could occur. It was emphasised that this process was not another form of punishment but was centred on healing and promoting change.

There is no accountability. It's all been eroded. You are not accountable; your actions don't affect you. Marae justice involves being face to face and involves the victim. To me marae justice should not just be seen as a way of handing out punishment, but it should be there to assist with the rehabilitation of the offender.

Barriers to effective interventions from a Māori worldview

The Probation Officers believed that interventions developed from a Māori worldview were set up to fail or denigrated by: inadequate funding, lack of support from management, inappropriate resource allocation and providers that lacked the capability to sustain the long-term viability of their service.

The Government doesn't fund the programmes properly. I think they're playing lip service. They only give you a certain amount. They know they're going to fall down. I know there are Managers out there that don't subscribe to anything Māori and they will not support their staff. We have all these bright ideas, we try and initiate them but there's a criteria that prevents us from going any further or there's red tape.

Summary

The views of the Probation Officers add value to this research as they have insider knowledge of the criminal justice system and share a similar cultural reality to the offender group.

The Probation Officers believe that tikanga Māori must be valued and given status within the criminal justice system. This recognition involves the acknowledgment that Māori are tangata whenua and Māori models of practice are valid.

They advocated working in a holistic manner with the offenders and supported the whare tapa whā model promulgated by Durie (1994). A holistic approach also included working with the offender to ensure that their basic needs were met. The Probation Officers believed that the involvement of whānau is an essential component in offender rehabilitation.

Although the Department of Corrections stated it was responsive to Māori, the Probation Officers highlighted examples where barriers thwarted their attempts to be more responsive. These barriers included: lack of support by management or staff for things Māori; the slow development of tikanga Māori programmes and policies; and the demands of core business negated their ability to work with Māori in a holistic manner. The rigidity and monocultural nature of the department made it difficult to implement strategies and practices that were innovative because of the 'red tape' involved in obtaining management approval. Other barriers to effective interventions were lack of adequate resourcing and funding to ensure tikanga programmes could be sustained long-term and the predominance of psychologically derived models of practice that focused on the individual.

The Probation Officers advocated a greater use of marae or restorative justice practices post sentencing. This process was considered important as it stressed offender accountability and gave the victim an opportunity to participate in a process that enabled them to obtain recompense for the harm done to them.

Chapter 6

Analysis of data

Introduction

The objective of this chapter is to discuss and analyse the findings from both the interviews and the literature. The chapter commences with a discussion on the importance of being Māori with all their diverse realities. The chapter is also structured by using the three themes identified in Durie's *Themes relating to Māori imprisonment* and the *Strategies for recovery* models as a framework to discuss the key findings. The framework is utilised, as it typifies the complexity of the issues and the strategies required to address the offending of Māori. It is also representative of the holistic approach that is advocated in this thesis; therefore factors that relate to Māori offending cannot be looked at in isolation but must be viewed in its entirety.

Three further themes are discussed relating to Māori imprisonment, the desistance literature and Strategies to recovery. By utilising these broad themes, it is considered that where links can be made between Māori models of practice and non-Māori or mainstream models, this has been done.

Being Maori

All ex-offender participants commenced their narratives with a pepeha²⁵. Through this process the participants were positioning themselves through whakapapa²⁶.

²⁵ "Pepeha are declarations of who one is in terms of relationship to whānau, hapū and iwi, marae, land, river, sea" (Love, 1999, p. 2).

The researcher knew who they were and from this position of knowing, connections were made on a personal, spiritual and emotional level. As Love (1999, p. 53) states Western definitions of Māori have emphasised "commonality and implies the existence of a homogeneity based on constructed racial, ethnic or cultural criteria". The problem with this model is that Western frameworks define Māori and as such perpetuate the "genocidal policies associated with colonisation processes" (ibid, p. 69). The participants in this study defined themselves as Māori through their whakapapa and self-identification. They represent the contemporary reality of being Māori and do not ascribe to a stereotypical notion based on western terminology. Being Māori incorporates traditional views (whānau and whakapapa) and contemporary Māori realities (of mixed ethnicity, lack of te reo, and lack of access to marae).

Diverse realities

The participants share a number of common attributes but as Durie (1994) concluded Māori live in culturally diverse worlds. A single explanation cannot explain the variations in Māori lifestyles, which are as varied, complex and diverse as any other population that shares a similar ethnic background (ibid). Therefore one set of solutions cannot be generalised or applied to all Māori.

Offending

Māori over-representation in the criminal justice system was a concern for both the participants and the Probation Officers. The participants were unanimous in their belief that the criminal justice system was failing to reduce Māori reoffending.

Imprisonment as a deterrent

Three of the participants claimed that prison was not a deterrent but they acknowledged that prison denied them their liberty. Jermaine said prison was full

²⁶ Whakapapa is translated as genealogy but also encompasses the history, spirituality and place of Māori in the spiritual and temporal order" (Love, 1999, p. 55).

of mobsters who were whānau, and Harold recalls coming out worse than when he went in. For Huna, Harold and Jermaine the fear of imprisonment did not stop them offending. Hugh on the other hand decided that prison “sucked”, acknowledged the shame and stigma of a prison sentence and made a decision to never offend again. This research supports the statistics both local and international that suggests prison is not a deterrent (Triggs, 1997). It also endorses Lashlie's (2002) assertion that making prison more punitive will not reduce the number of people being sentenced to imprisonment.

Theory of maturation

Harold and Jermaine exhibit many of the characteristics described by Wilson (2004) as precursors to chronic criminal offending. They derived from dysfunctional families and they came to the official notice of Police at a young age. Their schooling was characterised by truancy and as Harold said, he did not go to school for two years. They also became gang members. Their profiles and life histories support and parallel the literature that states; the most persistent offenders commence their offending history in their formative years, the offending peaks in their early adulthood and then tapers off or ends by the age of 40. The term age –crime curve, describes the phenomena (Farrall, 2002; McLaren, 2000).

From the interviews, the participant's histories indicate that their involvement in crime was extensive but gradually decreased over time and provides some verification of the theory of maturation.

Cultural identity and rehabilitation

The Probation Officers acknowledged the value and success of the Māori focus units operating in the prison system. They believed the units were successful because they operated from a Māori worldview, were whānau based and promoted the values derived from tikanga Māori. By learning te reo and whakapapa, the offenders were provided with the tools to develop a secure cultural identity. As the Probation Officers said, tikanga Māori programmes were about empowerment and

self-worth. They imbue a sense of pride in being Māori and give the offenders a sense of purpose.

The findings of the participants indicate that learning their language and tikanga gave them a sense of identity and security. Tikanga Māori also gave them a set of principles which included respecting and valuing others and themselves.

The Probation Officers and the participants believed that tikanga Māori programmes would be more effective for Māori, if delivered in the community. Being responsive to Māori meant providing the offender with vital links to the community, programmes and whānau. By informing and involving the whānau, they would be empowered to assist the offender maintain any changes made.

The findings support Singh & White (2000) who found that successful programmes reduced reoffending, if they were delivered by staff who were culturally appropriate, the programmes incorporated cultural material, if family of the offender was involved and a holistic approach that included a variety of strategies was used. The findings also suggest there is value in incorporating cultural identity, cultural values and a cultural worldview with rehabilitative programmes and aligns with the view of Durie (2003).

Development of Victim Empathy and Restorative Justice processes

Prior to the decision to go straight, three of the participants described having no victim empathy. Harold and Jermaine's membership in the Mongrel Mob necessitated that they be hard and staunch. As a result they said they felt little empathy towards the victims of their offending.

Going straight precipitated in what Jermaine calls a "thawing out" process, where he began to feel. This was not a pleasant experience for Jermaine or Harold. In their narratives they described the development of victim empathy, which appeared to be integral to their move towards an offence free lifestyle.

This development of victim empathy connects back to the accountability they felt towards the victim and provides evidence that there is merit in utilising marae justice or restorative justice for some offenders.

One of the most salient factors of this research is the participants were accountable in terms of imprisonment but did not feel accountable to the victims of their offending. This supports Jackson (1988; 1995) who criticises the present criminal justice system as he says it advocates an individualist approach to crime and fails to promote responsibility or reconciliation towards the victim.

Evidence from the Probation Officers also corroborates the benefits of utilising traditional Māori principles of conflict resolution. "You're not accountable, your actions don't affect you. Marae justice involves being face to face and involves the victim " (Focus group, 2004). Through traditional practices the crime is acknowledged, dialogue encouraged whilst through mutual agreement healing is promoted (Jackson, 1988).

Trapped lifestyles

Trapped lifestyles incorporate the risks associated with alcohol and drug misuse that can result in "marginalisation, poor health and offending" (Durie, 2003, p. 62). The precursors to trapped lifestyles involve an intricate interaction of "socio-economic circumstances; confused or partially developed cultural identities; individual and collective journeys which have resulted in diminished self respect; and a lack of voice... the lingering effects of colonisation and political oppression" (ibid, p. 63).

Their collective journeys

Huna, Harold and Jermaine agreed that there were factors in their formative years that made it more likely that they would gravitate towards criminal offending.

For Huna, Jermaine and Harold their formative years were characterised by unsupportive whānau environments. They were exposed to violence, alcohol abuse, unstable living circumstances, and difficult family relationships. Memories of their childhood evoked feelings of abandonment, neglect, as well as a lack of love. This correlates with Durie's description of whānau tūkino (1997). In these families, little respect for others is exhibited, whilst sexual and physical abuse is prevalent.

Risk factors

The use of alcohol and drugs was a significant issue for Huna. She admits she used substances to erase painful memories of sexual and physical abuse. Hugh associates his alcohol usage with the culture of army life, whilst Harold's abuse of alcohol can be attributed to being raised in a familial environment in which he describes "*alcohol as paramount*".

Harold and Jermaine joined the Mongrel Mob in their youth and have a long history of offending. They exhibit many of the major risk factors in the risk profile espoused by Wilson (2004). Both Harold and Jermaine reported early contact with authorities, both reported problems with their education and as Harold said, "I didn't go to school for two years". The antisocial nature of gang life as well as significant levels of violence, are prevalent in their narratives. From Jermaine's perspective "committing crime is synonymous with the gang".

The risk factors contributing to Huna, Harold and Jermaine's criminal lifestyles align with the literature, that persistent offenders share some common characteristics or risk factors, which predispose them to a lifestyle of crime (Doone, 2000; McLaren, 2000; Singh & White, 2000; Te Puni Kokiri, 2000). In particular the risk factors identified in the narratives mirrored those outlined in the report by Te Puni Kokiri (2000).

Lack of access to te ao Māori

Lack of positive identity and role models was a common theme that emerged from the narratives. The participants identified and lived within Māori communities. However, within their whānau of origin, there was a lack of positive personal and cultural identity and a lack of positive role models. As Huna said, "I grew up in pubs. I spent my whole childhood sitting in a car, at a pub. It was my job to keep my aunty awake, while she drove back home, full of 'piss'" (Huna, 2004). For Harold, there were no positive role models within his whānau. He recalls alcohol usage being rife and says little has changed, even now.

Protection against risk

Hugh was sentenced to imprisonment on one occasion and has not offended for over 30 years. His narrative suggests that he had limited exposure to the risk factors that contribute to criminal offending. In Hugh's interview, it was evident that he had excellent whānau support, a caring partner, good employment and social networks. When released from prison, he gained employment and continued to have the ongoing support of his partner and whānau. Hugh's narrative endorses the research of Hema (1999). She found that not all youth exposed to risk factors commit crime or become persistent offenders. The factors that provide protection against risk are highlighted by Hugh's journey. In Hugh's narrative he exhibited sound social orientation. He also had good social bonding that included affective and supportive relationships. Hugh had the assistance of his whānau and had a set of healthy beliefs and clear standards. From his narrative, his whānau of origin provided positive anti-criminal norms and good work ethics.

The impact of colonisation

The Probation Officers maintain that the history of colonisation needs to be considered when examining Māori offending. In their narratives they describe the destruction of the language by way of assimilation policies through the education system. For the Probation Officers, te reo Māori is the vehicle in which cultural values and tikanga are transported. The denigration of the language and

subsequent breakdown of the whānau, hapū and iwi had a detrimental impact on some Māori. The resulting effects of urbanisation and assimilation policies are difficult obstacles to overcome and these factors are contributors to Māori imprisonment. These findings link in well with the literature that asserts that the current over representation of indigenous people in prisons is a direct result of the impact of colonisation (Hazlehurst, 1995; Jackson, 1988, 1995; Jones, 2001; Law Commission, 1999; McNamara, 1995).

The narratives also validate the maxim that cultural reproduction and identity are derived from the social structures of whānau, hapū and iwi. The Probation Officers narratives lend support to what Turia (2000) describes as post-colonial traumatic stress disorder.

The effects of colonisation and resultant offending by some Māori does not excuse offending. But it recognises that Māori like other colonised peoples are still recovering from the impact of colonisation. Māori have had to put themselves back together, and reclaim their culture and identity (Doone, 2000; Durie, 2003; Jackson, 1988; Jones, 2001; McCarthy, 1997).

Justice

The Probation Officers concur that some offenders have limited knowledge of the law or their rights. They agreed that the monocultural nature of the system, the jargon used and Court processes and procedures are both foreign and alienating and impede access to information that is sound and understandable.

Hugh also believed that a lack of legal advice and inadequate information resulted in him being imprisoned. He believes that Māori need to know how to access sound legal advice and are provided with understandable information so that they can make choices that are fully informed.

The findings also align with the Law Commission's report on Justice in which the experiences of Māori women highlighted the impact that systemic and personnel disregard for Māori cultural values and socio-economic disadvantage have on Māori (1999). These failures affect their access to information, access to legal services and negative experiences of the system.

Desistance

The literature on desistance indicates that finding employment, forming a significant life-partnership, revising personal values, addressing family responsibilities, finding God and becoming a parent are some of the factors that contribute to offending cessation. Reductions in offending are associated with disassociating oneself from negative peers, a shift in identity (Maruna, 1999) and feeling shame about one's past (Leibrich, 1993), whilst a reassessment of what is important in life can lead to the decision to stop offending

Catalysts, turning points and decisions

It was in 1984. I made the decision when I was 24. I think I started to slowly work things out. It's like a process, not just here to there (Jermaine, 2004).

I made the decision (to go straight) when I did my work in rehab at Arohata Prison (Huna, 2004).

I made the decision to change in 1994 (Harold, 2004).

Going straight for Harold, Huna and Jermaine was not an instant process. Their journeys were long, undulated and were circular in nature. Harold, Huna and Jermaine all eloquently described their journeys, which involved self-discovery, reconciling past hurts and healing. Their narratives support the desistance literature by Leibrich. She found that change could be sudden or gradual, direct or

zigzag. "We may come and go from a decision many times until at last it fits our circumstances or at last our circumstances force the decision" (1993, p. 219).

Throughout the narratives, a common theme emerged. The participants were able to clearly describe when they made their decision to go straight. They were also able to articulate the reasons why they made that decision. As Huna said you have to want to change. This verifies what Leibrich found that those that decide to go straight make a clear and conscious decision.

Both Huna and Harold did not want their children to replicate their lives. Consequently, the wellbeing of their children provided incentive for Huna and Harold to go "straight". In Huna's case she was very proud that her eldest children had been raised in the Hari Krishna faith and were doing well in Australia. In Harold's story, he assisted one of his daughters through university and supported both sons with their employment. He spoke with pride about the educational and employment achievements made by his children, who lived locally and overseas. Harold is focused on providing both unconditional love and support to his youngest daughter. He wants to assist her to achieve both her sporting and educational goals.

I wanted something better (for my children). I didn't want this life for them. It was about my kid's expectations. They never had choices (Harold, 2004).

This links well with what Leibrich describes as one of the persuaders to going straight. Therefore, the motivation for Huna and Harold that was influential in staying straight were their revision of personal values. This meant that their children, the future of their children and the fear of losing their children became more important than their offending behaviour and destructive lifestyles. For Huna and Harold their children were their salvation and the reason for maintaining an offence free lifestyle.

A key dissuader in Hugh's decision to go straight was the shame of the Court and prison experience. The effect of imprisonment, the humiliation and hurt that it brought to his family were influential in the decision to never reoffend.

The desistance literature also suggests that once the decision to go straight is made, there are global methods that assist with this decision. These include both internal mechanisms such as dealing with personal problems or external mechanisms such as removing oneself from peers (Leibrich, 1993). All participants tackled their problems by seeking assistance. In Huna's narrative, the programmes that helped her in prison, were a rehabilitation programme that dealt with her alcohol and drug issues and an anger management programme. These programmes helped her reassess her life and deal with the issues that had made her drug and alcohol dependant. For Hugh he stopped drinking alcohol. Jermaine found God and attended anger management counselling, whilst Harold said Men-for-Change has played a huge role in his desistance from crime.

Huna, Harold and Jermaine removed themselves from negative influences and criminal peers. Huna relocated as many of them were drug users. Harold and Jermaine left the Mongrel Mob. Jermaine described his vision, where the mob would be self-sufficient, run legitimate businesses and become self-employed. Unfortunately his peers did not have his vision. He recalls the sadness he felt on the day he decided to leave the gang.

Both described the Mongrel Mob as the centre-point of their lives. It was a place in which they had mana. In that world, they had a place of standing, they could live outside of society as the mob provided both the norms and values that they lived by. However, when they made the decision to change, they both concluded that gang life and reform were incompatible. In order, to facilitate change, they both decided they needed to leave the mob, whatever the cost.

Strategies for recovery

Strategies for recovery incorporate the importance of working with the individual and whānau to bring about change. Emphasised in this framework is the need to work towards a society that allows Māori the full benefits of citizenship. To participate as equal partners in their own country, to celebrate and reaffirm their right to be Māori.

The holistic approach

For the participants their journeys to recovery included the balancing of taha hinengaro, taha wairua, taha tinana and taha whānau. In Harold's narrative, he obtained help to manage his violence through mainstream counselling and started studying towards a tertiary qualification (taha hinengaro). By acknowledging his abuse and apologising to his wife and children, he was attempting to change the maladaptive and destructive lifestyles of the past (taha whānau). Harold sought spiritual guidance through his tipuna and sought access to a secure cultural identity by learning te reo Māori (taha wairua). Through regular exercise and being alcohol and drug free he maintains his physical health (taha tinana).

In Huna's case, addressing her alcohol and drug issues was her first priority (taha hinengaro). Once she acknowledged her addictions and became drug and alcohol free, Huna was able to commence her journey towards harmony and balance. Huna reaffirmed her Māoritanga and spiritual beliefs (taha wairua). She asked her children to forgive her, whilst reconciling past hurts and reconnecting with her extended whānau. Huna also started studying, gained employment, paid taxes and began participating within society (taha whānau), whilst maintaining her physical health with a healthy diet (taha tinana).

The participant interviews support a Māori worldview that society and individuals can only function if all things physical, emotional, mental and spiritual are held in

balance (Te whare tapa whā model). The participants agreed that addressing their addictions (alcohol, drugs and violence) were vital. However, to ensure full recovery, all other aspects of their lives needed to be in balance. This research negates the individualised approach that permeates through western models of practice. The narratives support a Māori worldview that healthy thinking is integrative not analytical (Durie, 1998).

The Probation Officers also endorsed the merits of a holistic approach by referring to the success of a local indigenous health organisation that works with the whānau, hapū and iwi. From their interviews, they recognised the importance of addressing criminogenic needs (for example, alcohol and drug addictions). However they advocated working with the whānau, as well as providing assistance with their housing, education, employment and health. From their practice perspective offenders cannot be dealt with in isolation.

The role of whānau and whānau involvement

The Probation Officers also supported the merits of working with whānau. Effective rehabilitation and reintegration into the community was assisted by the support and awhi of the whānau. Whānau involvement incorporated a Māori worldview that the individual was part of the whānau, hapū and iwi. Through *kanohi ki te kanohi*, the whānau could be involved in the rehabilitation of the offender. This process was about empowering the whānau and dealing with the offender, within the community or marae in a holistic manner.

Access to a secure identity and cultural affirmation

A secure identity is a necessary pre-requisite for good health and well-being, and cultural identity depends not only on access to culture and heritage but also on the opportunity for cultural expression and cultural endorsement within society's institutions (Durie, 2003, p. 68).

The participants agreed that securing a positive cultural identity was important for Māori and was equally essential when dealing with offending. For Harold being Māori was important as it made him complete. Huna and Hugh were also reconnecting and reclaiming their culture, whilst Probation Officers referred to the loss of the language as losing part of you. It must be noted that not all the Probation Officers felt that a secure identity was reliant on being fluent in te reo Māori and tikanga.

Improved socio economic circumstances

Huna's narrative depicts the difficulty she has coping and maintaining a satisfactory standard of living. Harold talks with pride about his academic achievements and how he secured employment, albeit voluntary.

The Probation Officers believed that providing help and assistance with an offender's employment, housing and education aided offender's recovery by meeting their basic needs.

We need to get the chance to go out into the home and spend the time meeting the family. Our parolees report to the office and we see them for 20 minutes. But many of them are struggling, can't pay the phone, the power, bashing the missus, trying not to tell us, maybe the kids are going without and bunking school. So when you go out there, the whole family is involved in the rehabilitation, whether they're Māori or Pākehā, it's great (Focus group, 2004).

The findings were also consistent with the research by Farrall (2002). He suggests that employment and improving familial relationships improve the likelihood of desistance from reoffending. By focusing on the factors that prevent offending, the Probation Officer can facilitate the legitimate opportunities available to the offender to reduce reoffending.

Improved access to Justice

Improved access to justice incorporates adequate information, and representation, departmental policies, workforce development and laws that reflect Māori custom (Durie, 2003).

Barriers to effective interventions

The Probation Officers believed that interventions developed from a Māori worldview were set up to fail or were denigrated by: inadequate funding, lack of support from management, inappropriate resource allocation and providers that lacked the capability to sustain the long-term viability of their service.

The demands of core business and lack of time negated their ability to work with Māori in a holistic manner. The rigidity and monocultural nature of the department made it difficult to implement strategies and practices that were innovative. The predominance of psychologically derived models of practice that focused on the individual was considered restrictive. This was also confirmed by one of the participants who said the current focus of the Department of Corrections on the offence related factors relative to your crime was too narrow. Huna believed it failed to take into account other factors that had an impact on offending.

A recurring theme that emerged from the narratives was the distrust of the system and Pākehā. The history of colonisation, the impact of laws and policies used to assimilate Māori made them reluctant to trust the system or the people that worked in a system, that has been used to oppress Māori.

Role models

I didn't like authority or people in uniform because of what they were doing. It made me worse (Harold, 2004).

The Probation Officers and the participants were adamant that staff needed to emulate appropriate cultural, ethical and moral behaviour. Unethical behaviour by some Prison and Probation Officers reinforced the participant's negative perceptions of the criminal justice system.

Autonomy and self-governance

Māori services developed by Māori run by Māori and evaluated by Māori was advocated by the participants and the Probation Officers. It was also commented on that there were insufficient follow up programmes for Māori who have participated in the focus units. Through tikanga programmes in the community, the whānau could gain access to knowledge, resources and networks within the community. However the focus group stressed the need for these services to be financed and resourced appropriately to ensure the survival of the service.

Conclusion

The findings from the interviews illustrate the complexity and diversity of the journeys taken by the participants to recovery. The influences of the past conclude that the lingering effects of colonisation have in part contributed to the risk factors that predispose one to criminality. Programme developers need to be mindful of this history and the resultant feelings of frustration and distrust that Māori have towards the system, that has been instrumental in oppressing and marginalising them.

The key themes of offending, trapped lifestyles and justice provide a broad range of issues that perpetuate offending and some of the key strategies required to effect change. Emphasised in the findings was the importance of cultural identity and developing programmes that reflected a Māori worldview.

Future - strategies for recovery are indicative of the need to make changes on a number of levels. The most important area that required addressing was maladaptive lifestyles by way of interventions that incorporated Māori cultural practices. The Probation Officers advocated a holistic approach and the importance of whānau involvement within the process of change. These findings were consistent with Durie's (2003) strategies for recovery. Access to a secure identity and cultural affirmation, Improved socio-economic circumstances and access to justice were illustrated in the analysis and were supported by the literature.

Chapter 7

Conclusions

Our people (Māori) need, help not tomorrow, they need it now. The system needs to be looked at, but it's got to be the right people. They can't palm it on to Policy analysts, because all they do is analyse and guess. They need to come down to the grass roots and ask what is needed? Ask the communities and ask the people most affected. What is needed to stop our jails from filling up as we have the answers (Hugh, 2004).

Introduction

The rising rate of crime and over-representation of Maori in prison is a significant concern and suggests that the criminal justice system is failing Māori. The current system is guided by Pākehā values and is monocultural, with explanations and solutions to Maori offending derived in the main, from western epistemology. The dominance of western models of research involving Māori have largely negated or ignored a Māori worldview. Many of these models are focused on deficits and suggest solutions are generic, implying that programmes and interventions can be applied to all peoples in all societies. Concerns have been expressed about the absence of voice and credence given to those most affected by the criminal justice system.

The objective of this thesis was to provide explanations and solutions for Māori offending that derive from a Māori worldview. The thesis aim was achieved by firstly, examining the perspectives of four Māori former offenders who were successful in rehabilitating themselves and secondly, considering the perspectives that prevent recidivism from Probation Officers who identified as Māori and worked in the criminal justice system.

The narratives from this thesis provide a living account of the discussion on reform within Aotearoa and inform the current debate on reducing Māori reoffending. This thesis has provided a synthesis of the material derived from the narratives and the literature. The conclusions chapter commences with an examination of the diverse realities of Māori. Explanations of Māori offending are then considered as well as solutions from within, which demonstrate the strategies to recovery from the perspective of the participants and the Probation Officers. The final section of this chapter will include recommendations and policy suggestions, which emanate from this study.

Diverse reality

The narratives suggest that Māori share a number of common traits. It also confirms the assertion of Durie (1994) that Maori live in culturally diverse worlds. The profiles of the four participants depict the variation in lifestyles. From these diverse backgrounds, there were many common themes that emerged. One of these themes was the issue of stereotypical constructs and identification as Maori. From the narratives of the participants te reo and tikanga, are important but are not the measure that determine the right to identify as Māori. The narratives also confirm that Māori are not a homogenous group. They derive from differing cultural and socio-economic realities; just like non-Māori and as such one treatment process or broad brushed approach cannot assume to work for all Māori.

The impact of colonisation

The findings indicate that the destruction of Māori culture by way of colonisation and assimilation policies have led to people alienated from their cultural heritage, with lost self-esteem, who involve themselves in risk taking behaviour that can result in offending. The loss of language, loss of culture, loss of land and breakdown of the whānau have had a profound impact on Māori. The findings confirm the theory of cultural denigration and cultural deprivation espoused by Jackson (1988). Colonisation has denied Māori the economic and emotional

resources to retain and transmit their cultural values. The by-product of a weakened social structure is a dispossessed and dislocated people who are over-represented in the prisons, mental institutes and are on the bottom layers of most social indices.

Programmes and interventions that address Māori offending need to be mindful of this history as it provides a broader understanding of those that offend who are dispossessed and marginalised. As Jones (2001) said, western solutions to crime, fail to acknowledge or understand this history. The system through non-colonised eyes validates and protects their worldview. Non-colonised people do not understand what it is like to be unable to practice one's traditions, to lose one's language, to have your culture denigrated or to feel like strangers in one's own country.

This history has meant that many Māori have developed a deep distrust of this system. The system represents and benefits those that hold the power, make the rules, and have been used to marginalise Māori. Some indigenous peoples do not have the same sense of respect for the law. As Jones (a non-indigenous person) says, in 'our reality' cultural, historical and systemic factors are usually protective or neutral. "Government policy has allowed us to vote, to own land, to raise our own children, practice our own religions, speak our own language, develop an economic base for ourselves, and a firm sense of identity" (2001, p. 3).

Jones believes that non-indigenous people have difficulty developing programmes that acknowledge these impacts, because the experiences of colonisation and marginalisation are beyond their experience. This research advocates the development of programmes and interventions by Māori for Māori.

Access to a secure identity

The participants refer to their sense of loss and the resultant feelings of being divorced from their culture. This sense of incompleteness does not excuse their

criminal offending but it provides the setting in which the participants in this research found themselves.

The importance of a secure identity and of 'knowing who you are' is paramount to wellbeing as it provides the foundation of your inner sense of self-worth and assists with the development of values and meaning (Jones, 2001). The participants and Probation Officers agree that programmes must be developed and implemented within the criminal justice that re-connect Māori with te reo and tikanga Māori. This thesis accepts Durie's position that a secure identity is a requirement to good health and wellbeing (2003).

An example of success

The Probation Officers and participants believed the Māori focus units operating in prisons were successful as they operated from a Māori worldview, incorporated whanaungatanga and were underpinned by tikanga Māori. Through tikanga Māori, the values and traditions of Māori provided the participants with a sense of identity, but also promoted a sense of respect and value for others.

Trapped lifestyle and risk factors

The findings correlate with Durie's theory of trapped lifestyles (2003). The participants exhibited partially developed identities. They misused drugs and alcohol and the individual journeys of three of the participants reflected formative years in unsupportive whānau environments. This explanation for Māori offending from this perspective demonstrates the interplay between confused and partially developed cultural identities. The participants believed that a safe, secure and supportive whānau environment was paramount. In a safe environment, values and morals would be instilled in children through positive role modelling. Prevention was considered the best strategy for reducing Māori offending.

Explanations of offending from western epistemology

The findings correlate with the risk model as described by the literature (Department of Corrections, 2001; Doone, 2000; McLaren, 2000; Te Puni Kokiri, 2000; Wilson, 2004;). The participants derived from lower socio-economic backgrounds, with unsupportive whānau environments, their schooling history was mixed and two of the participants were members of a gang. The participants' narratives lend support to the literature that postulates that there are a number of characteristics that predispose one to offend.

However, there are a number of criticisms of the risk model that informs the interventions and strategies used to combat offending in Aotearoa. Cultural factors are rarely mentioned in the mainstream literature (McLaren, 2000). The risk model is based on overseas models, focuses on deficits and does not take into account the differences between non-Māori and Māori. The model assumes that because Māori have similar risks to non-Māori, then the same interventions and solutions can be applied to all offenders with the same effect, regardless of ethnicity (Jones, 2001).

There is a dearth of literature on the risks and interventions that reduce Māori offending. However, a report by Te Puni Kokiri (2001) found that although the risk factors were similar, discrimination against Māori youth and lack of positive personal and cultural identity also featured as a risk for Māori.

Protection against risk

Hema (1999) says there are a number of factors that protect against risk. Hugh's narrative correlates with the findings of Hema. These factors included a sound social orientation, affective and supportive relationships and the support of his whānau. This model highlights how influential positive support from the whānau has in the rehabilitation of an offender. This supports the notion that intense work needs to be done with whānau.

Solutions from within

Solutions to offending from a Māori worldview discussed in this section are reconciliation with the past, development of victim empathy, the redemptive approach, whānau involvement and the holistic approach.

Reconciliation with the past

The findings from this research validate the Māori worldview that our past, present and future are interrelated and connected. Reconciliation with the past was a powerful determiner of healing for the participants. In their narratives, they described the healing process that evolved when they dealt with issues that had affected them in their youth.

For Huna, it was being able to forgive her whānau for past abuse. Harold stated that forgiving his father's violence was paramount in his journey. Jermaine also expressed how past issues affected him and many of his peers with drugs and alcohol being used to blot out and escape reality.

These unresolved issues, are associated with emotions of hate and bitterness, and manifest when memories from the past resurface. For the participants full recovery could not occur until these issues were addressed. The conclusion drawn from the narratives suggests that healing and recovery involves an understanding of the individual that includes, both past and present.

The development of victim empathy

It became apparent from the narratives that during their offending histories, the participants had no concept of victim empathy. The conclusion drawn from this finding is that the criminal justice system does not make offenders accountable for their actions or the victim.

Current legislation has given greater prominence to victim needs and restorative justice processes. The greater need for processes that bring the offender and victim together in a manner that stresses righting the wrong and accountability

appears to have merit and may increase offender empathy. This finding also reinforces and promotes traditional Māori conflict resolution practices that involve reconciliation, restoration of harmony and reaching a consensus that is acceptable to both parties.

The theory of redemption

A redemptive approach from a Māori worldview implies that whilst one's mana can be diminished by one's actions, through good behaviour and deeds one's mana can be enhanced. In their narratives, the participants recognised the harm done to their victims and recompense was demonstrated by way of voluntary work and a commitment to change by modelling this change through behaviour and actions that were anti-criminal.

The holistic approach

The findings and literature advocate a holistic approach. The journeys of the participants illustrated that their recovery was a result of their physical, mental, spiritual and emotional aspects being in balance.

The holistic approach as described by the Probation Officers, highlighted the significance of ensuring that the offender had adequate housing, and their employment and educational needs were met. The findings lend support to the study by Farrall (2002) who suggests that Probation Officers should focus on desistance related factors. By increasing the legitimate opportunities available to offenders, such as finding them employment, finding adequate housing and ameliorating strained familial relationships, their risk of offending is reduced.

The conclusions derived from the findings accentuate the need for Probation Officers to work in a holistic manner and supports the literature that concludes a holistic approach may assist in reducing reoffending (Department of Corrections, 2001b; Doone, 2000; Durie, 1998, 2003; Singh & White, 2000; Te Puni Kokiri, 2000).

Whānau involvement

This thesis provides conclusive evidence that whānau involvement is one of the key ingredients to effective strategies that reduce Māori offending. This thesis supports the findings of Singh & White (2000) that the involvement of whānau assists with the rehabilitation and reintegration of the offender back into the community.

The Probation Officers acknowledged the importance of involving the whānau at all stages of the criminal justice process. In this way the whānau would be empowered, it would remove barriers and elicit more effective support for the offender.

Programmes delivered and designed by Māori for Māori in the community

This thesis supports the need to have programmes that are delivered and designed by Māori for Māori. Emphasis is placed on facilitating tikanga programmes within the community and more importantly on the marae. This research supports the findings of Singh & White (2000) and advocates programmes that are based on tikanga Māori; are delivered by staff that are Māori; involve the whānau and significant others; and utilises a holistic approach that incorporates a variety of strategies that are considered to be effective in reducing reoffending.

The Desistance literature

The narratives of the participants confirm the presence of factors that lead to desistance and support the desistance literature (Farrall, 2000; Leibrich, 1993; Maruna, 1999).

This research provides evidence that change does occur. The participants changed because they wanted to provide better role models and a better life for their children. They changed because they no longer wanted to go to prison, or they had resolved the underlying issues that led to their offending. The participants articulated when, why and how they achieved change. The narratives also verified

what Leibrich (1993) found that those that decide to go straight make a conscious decision.

In this research, dealing with their drug, alcohol and/or anger problems facilitated their change. One departure from the literature was the importance of their culture and the value placed on being Māori. For the participants, the sense of loss, and alienation from one's cultural roots led to them feeling incomplete.

Access to Justice

Lack of understanding of the system and lack of access to information was a recurrent theme that emerged from this thesis. This thesis concludes that offenders need to access sound legal advice and be given information that is understandable and meaningful. This information needs to be provided at all levels of the criminal justice system, so that offenders can make informed decisions and choices.

This research found that tikanga Māori and a Māori worldview were undervalued and negated within the criminal justice system. The Probation Officers described the lack of support from some staff and management for things Māori; policies and models of practice that negated a holistic approach to working with offenders or interventions derived from a Māori worldview; inadequate resourcing of tikanga Māori programmes; lack of capacity and capability of Māori providers to sustain the long term viability of programmes. Probation Officers also said they were restricted by the demands of core business to work effectively with the offender holistically and to involve the whānau. It was agreed that the Māori strategic plan formulated by the Department of Corrections and the suite of programmes and policies developed were responsive to Māori. However, this responsiveness was thwarted by delays in implementation throughout the country and could be stymied by lack of support from staff. This lack of support was usually not obvious but a case in point was the lack of Māori referred to tikanga Māori programmes, which resulted in programmes being abandoned.

Good role models within the criminal justice system were advocated. In this regard, the participants believed that it was important that staff modelled the behaviour and values that they espoused. Role models were considered aids to recidivism as they provided sound support, advice and assistance for offenders when in need.

Recommendations

A number of recommendations are identifiable from this research. Some recommendations have been made by other researchers, others are new. The recommendations arise from the experiences of those interviewed, from the literature and from a combination of both.

- The acknowledgment of the status and value of tikanga Māori
- Validation of a Māori worldview and Māori models of practice. Tikanga Māori programmes must have equal recognition to Western programmes and interventions
- Māori must be given the opportunity and resources to develop their own solutions to their problems. This resourcing needs to be realistic and adequate to sustain programmes and interventions over the long-term
- Programme design based on tikanga Māori should be delivered and developed by Māori for Māori. Programmes should include traditional Māori practices such as conflict resolution and stress a redemptive approach. A greater emphasis must be placed on tikanga Māori programmes within the community.
- A greater use of marae is important as it provides a culturally safe environment, which is underpinned by tikanga Maori

- The involvement of whānau at all stages of the criminal justice process
- Validation of a holistic approach when working with offenders
- The adequate resourcing of Probation Officers to enable them to work in a holistic manner
- A greater use of restorative justice processes derived from Māori epistemology. This process must promote offender accountability and be centred on restoring the balance between the offender and victim by way of compensation and healing
- Recognition and understanding of the impact of colonisation on Māori and acknowledgment of socio-cultural factors
- More research into what works for Māori offenders by Māori researchers
- Endorsement of the Māori strategic plan of the Department of Corrections.

Suggestions for policy and practice

Suggestions for policy and practice are included in this section and provide some recommendations to inform the Māori Strategic Plan 2003 2008 (Department of Corrections, 2003b). The suggestions for policy and practice that derive from the interviews are as follows:

- Continue with the development of the whānau involvement plan and investigate the provision of a multi-faceted approach, underpinned by kaupapa Māori that supports a holistic approach and involves the whānau, at all stages of the offenders contact with the Department of Corrections

- Investigate and enable greater collaboration with other justice sector agencies and Māori communities to explore greater use of marae/restorative justice practices with offenders post sentencing
- Proactively engage with Māori communities to enhance the capability and capacity of potential tikanga Māori programme providers for offenders
- Enhance the knowledge of Corrections staff on the impact of colonisation, the Treaty of Waitangi and Māori cultural practices and their relationship to the Department of Corrections strategic plan
- Increase the integration between Māori focus units in Prisons and tikanga Māori programmes within the community
- Investigate the employment of kaumātua or cultural advisors within the Service Centre, to enhance our relationship with the community and increase the capacity of Probation staff to work effectively with whānau
- That Māori be involved in the policy decision making within the Department of Corrections.
- That all programmes delivered for Māori be critiqued in terms of their cultural relevance and applicability to Māori
- Investigate what works effectively for Māori by undertaking research that is underpinned by kaupapa Māori theory

In summary, the road to reducing reoffending is a long one, it is about healing, balance and wellbeing. The importance of being Māori was integral to all the participants and the Probation Officers. Being Māori reflects a worldview that is holistic not individualised. The strategies used to prevent recidivism indicated there

was no magic recipe. Interventions that seek to address Māori reoffending need to understand that Māori are still in a process of recovery from colonisation. They need to be mindful of both generic commonalities and cultural differences when developing programmes and that Māori need to be empowered to provide solutions for themselves, within their own communities. The findings stress the importance of cultural identity and developing programmes that reflect a Māori worldview, incorporate the offender's whānau and utilise a holistic approach.

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Glossary

Aotearoa	Original name of New Zealand
Aroha	Love, concern, compassion, sorrow
Awa	River
Awhi	Assist, help
Iwi	Tribe
Hara	Offence, transgression
Hapū	Sub tribe
Hinengaro	mind, intellect
Kai	Food
Kanohi ki te kanohi	Face to face
Karakia	Prayer, Ritual
Karanga	Ritual, call of welcome
Kaumātua	Respected elder/elders

Kaupapa	Rules/norms
Kaupapa Māori	Māori philosophy and practice
Koha	Gift
Kōrero	Dialogue
Kōrero tawhito	Ancient traditions
Kuia	elder woman
Mana	Prestige, power
Manaakitanga	Hospitality
Manuhiri	Guests, visitors
Māoritanga	Māori culture
Marae	Sacred courtyard in front of Māori meeting house
Mihi	Greetings
Mokopuna	Grandchild
Muru	Confiscate, recompense
Noa	Free from tapu or any other restriction
Pākehā	Non-Māori New Zealander

Papatūānuku	Earth mother, female parent
Pepeha	Declaration of who you are in relation to your Mountain, River and Tribe
Pirau	Rot
Porangi	Mental instability
Rangatiratanga	Chieftainship, control
Ranginui	Sky father, male parent
Reo	Language
Rohe	Boundary, district area, region
Taha Māori	Māori perspective
Taha Tinana	Physical health
Tangata whenua	People of the land
Tapu	Restricted, sacred
Te Ao Māori	The Māori world; Māori society
Te reo Māori	The Māori language
Tika	Right

Tikanga	Custom
Tikanga Māori	Māori protocol and customary practice
Tino rangatiratanga	Māori control of Māori resources; autonomy
Tipuna/Tupuna	Ancestors
Tūrangawaewae	A place where you have the right to stand and be heard
Urupā	Graveyard
Utu	Payment, reciprocity
Waiata	Song
Waipiro	Beer
Wairua	Spirit
Whaikōrero	Make an oration, speak in a formal way
Whakapapa	Lineage, genealogy
Whakaoranga	Restoration
Whakatātari	Analysis of problem
Whānau	Family, descent group

Whanaungatanga	Relationships, kinship
Whāngai	Feed, Māori adoption process
Whakawhanaungatanga	the process of establishing and maintaining family and tribal connections
Whare tapa whā	a health based model on a 'four-sided' house
Whakaoranga	restoration
Whakatau	laying the foundations
Whare	House
Ko wai koe?	Who are you
Nō hea koe?	Where are you from
Ngā Puhi	Tribal group, North Auckland
Ngāti Porou	Tribal group, East Coast of the North Island

Appendix A

Community work

Community Work is a community-based sentence which requires offenders to do unpaid work in the community. The aim of Community Work is for offenders to pay something back to the community for the offence they have committed. It also gives offenders an opportunity to take responsibility for their offending and learn new skills and work habits.

Supervision

Supervision is a rehabilitative community-based sentence which requires offenders to address the causes of their offending. Offenders can be sentenced to Supervision for between six months and two years.

Parole

The Parole Act 2002 allows offenders serving sentences of more than two years to be considered by the New Zealand Parole Board for release into the community under the supervision of a Probation Officer of the Department of Corrections' Community Probation Service. This is called parole.

Home detention

Home Detention is a community-based order that allows an offender to serve part of their prison sentence at home or at an approved place of residence. Offenders live at home under electronic surveillance and receive intensive supervision by a Probation Officer.

(Department of Corrections, 2004)

Appendix B

16 principles of effective interventions (McLaren, 1992, p. 11).

- Intervention is based on a social learning model, which treats criminal attitudes and behaviours as learned habits, which can be changed by teaching and reinforcing new , non-criminal attitudes and behaviours.
- Authority structures with clear rules and sanctions
- Modelling and reinforcement of positive alternatives by staff.
- Training offenders in practical, personal and social problem solving skills.
- Community contact
- Empathetic relationships between Corrections staff and offender
- High levels of advocacy and referral
- Staff relate to offenders in warm, enthusiastic ways and support anti-criminal attitudes and behaviour.
- Ex-addict and ex-offender staff are employed in substance abuse interventions to serve as credible models of successful lifestyle change.
- Offenders are involved in intervention planning
- Staff aim to strengthen positive behaviours, rather than attempting to reduce criminal behaviours
- Controlling offender's peer group so that they have less opportunity to reinforce criminal attitudes and behaviour. To encourage the peer group to reinforce positive behaviours.
- Proper resources are provided for therapeutic programmes, with staff having adequate theoretical knowledge, motivation and receiving high quality supervision.
- Use of a combination of intervention tools
- Offenders are taught to recognise and cope with situations where there is a high risk of relapse into criminal behaviour

Appendix C

Risk factors

- *having few social ties (being low in popularity and engaging in few social activities)*
- *mixing with antisocial peers*
- *having family problems, particularly poor parental monitoring of children and negative parent-child relationships*
- *barriers to treatment, whether low motivation to change to practical problems*
- *showing poor self-management, including impulsive behaviour, poor thinking skills and/or poor social/interpersonal skills*
- *showing aggressiveness both verbal and physical, against people and objects*
- *performing and attending poorly at school, lacking positive involvement in and feelings about school*
- *lacking vocational skills and job*
- *demonstrating anti-social attitudes that are supportive of crime, theft, drug taking, violence, truancy, and unemployment*
- *abusing drugs and alcohol*
- *living in a neighbourhood that is poor, disorganised, with high rates of crime and violence, in overcrowded and/or frequently changing living conditions*
- *lacking cultural pride and positive cultural identity (McLaren, 2000, p36-37).*

Appendix D

Factors that act as protectors from risk

Individual

- being female
- high intelligence
- positive social orientation
- resilient temperament

Social bonding

- including affective and supportive relationships with family members or other adults

Healthy beliefs and clear standards

- including family and community norms that are opposed to crime and violence and supportive of educational success and healthy development (Hema, 1999, p. 6).

Appendix E

Durie (2003) identified five strategies for recovery (Appendix E), in his indigenous approach to imprisonment. The five strategic directions are “Individual lifestyle change, Whānau healing, Cultural affirmation –a secure identity, Improved socio-economic circumstances, improved access to justice and autonomy and self-government” (ibid, p. 72).

<u>Strategic Direction</u>	<u>Strategies</u>
Individual lifestyle change	Education and employment Facilitated access to society and economy Facilitated access to te ao Māori Facilitated access to justice
Whānau Healing	Whakatau – laying the foundations Whakawhanaungatanga – affirmation of bonds Whakatātari – analysis of problems Whakaoranga - restoration
Cultural affirmation – a secure identity	Access to cultural resources Access to physical resources

	<p>Access to Māori networks</p> <p>Access to Māori wealth</p>
Improved socio-economic circumstances	<p>Employment</p> <p>Education</p> <p>Housing</p> <p>Income levels</p>
<i>Improved access to justice</i>	<p><i>Costs, representation</i></p> <p><i>Departmental policies</i></p> <p><i>Workforce development</i></p> <p><i>Laws which reflect Māori custom</i></p>
<i>Autonomy and self governance</i>	<p><i>Māori governance over Māori resources</i></p> <p><i>Māori policy development by Māori</i></p> <p><i>Māori Crown partnership</i></p>

Appendix F

Human Ethics Committee

APPLICATION FOR APPROVAL OF PROPOSED RESEARCH/TEACHING/EVALUATION INVOLVING HUMAN PARTICIPANTS

SECTION A

1. **Project Title** Criminal Justice and What works for Māori Offenders
- Projected start date** 5 February 2004 **Projected end date** 28 January 2005

2. **Applicant Details** *(Select the appropriate box and complete details)*

4. **Summary of Project**

Please outline in no more than 200 words in lay language why you have chosen this project, what you intend to do and the methods you will use.

This research examines the views of Māori ex-offenders and Māori Probation Officers and what they believe are the factors that contribute to reducing reoffending. I will conduct this research by interviewing Māori offenders who have been imprisoned and not reoffended for at least 3 years. I will also interview Māori Probation Officers to gain their perceptions of what factors they believe contribute to reducing Māori reoffending. This may give me a wider view of the challenges Māori face within the criminal justice system.

I have chosen this topic, as there is very little research on the experiences of Māori within the criminal justice system and what has contributed to their successful rehabilitation in Aotearoa. As a Māori woman employed by the Department of Corrections I hope the outcomes of this research might influence a change for the betterment of Māori in the Criminal Justice system. Current statistics indicate that Māori are over represented in the prison system²⁷ These statistics reinforce failure. It is hoped that this research will have a positive strengths based approach and will therefore consider why the current system is not working and what might be some proactive approaches that could reduce reoffending to ensure that fewer Māori are presenting to the criminal justice system.

I intend using qualitative interviews, using kaupapa Māori methodology on a sample of ex-offenders as this approach ensures that Māori voices will be heard. I will also conduct a focus group approach asking questions of Māori Probation Officers. This research is research about Maori for Māori by Māori.

5. **List of Attachments (tick boxes)**

Completed "Screening Questionnaire to Determine the Approval Procedure" (compulsory)	<input checked="" type="checkbox"/>	Advertisement	<input type="checkbox"/> 3
Information Sheet/s <i>(indicate how many)</i>	<input type="checkbox"/> 2	Health Checklist	<input type="checkbox"/> NA
Translated copies of Information Sheet/s	<input type="checkbox"/> NA	Questionnaire	<input type="checkbox"/> NA
Consent Form/s <i>(indicate how many)</i>	<input type="checkbox"/> 2	Interview Schedule	<input type="checkbox"/> 2
Translated copies of Consent Form/s	<input type="checkbox"/> NA	Evidence of Consultation	<input type="checkbox"/> NA

²⁷ Spier, P. (2002) Reconviction and reimprisonment rates for released prisoners. Wellington: Ministry of Justice

Transcriber Confidentiality Agreement	<input type="text" value="NA"/>	Letter requesting access to an institution	<input type="text" value="1"/>
Confidentiality Agreement (<i>for persons other than the researcher / participants who have access to project data</i>)	<input type="text" value="1"/>	Letter requesting approval for use of database	<input type="text" value="NA"/>
Authority for Release of Tape Transcripts	<input type="text" value="1"/>	Other (please specify)	<input type="text"/>

Applications that are incomplete or lacking the appropriate signatures will be returned to the applicant for completion. This could mean delays for the project.

Please refer to the Human Ethics website (<http://humanethics.massey.ac.nz>) for details of where to submit your application and the number of copies required.

SECTION B: PROJECT INFORMATION

General

6 I/we wish the protocol to be heard in a closed meeting (Part II). Yes ☐ No ☒
(If yes, state the reason in a covering letter)

7 Does this project have any links to other approved Massey University Human Ethics Committee application/s? Yes ☐ No ☒
 If yes, list HEC protocol number/s and relationship/s.

8 Is approval from other Ethics Committees being sought for the project? Yes ☐ No ☒
 If yes, list the other Ethics Committees.

9 For staff research, is the applicant the only researcher? Yes ☐ No ☐
 If no, list the names and addresses of all members of the research team.

Project Details

10 State concisely the aims of the project.

The aims of this research are to:

- Investigate the experiences of Māori ex-offenders within the criminal justice system and the factors that contributed to stopping offending
- Investigate the experiences of Māori Probation Officers who work within the criminal justice system and document their views on the factors that contribute to stopping offending for Māori, from their perspective
- Provide a strengths based and solutions based approach to working with Māori within the criminal justice system, that may contribute to more proactive interventions being utilised within the criminal justice system, that will better enable Māori offenders to stop offending
- Inform policy on the factors and interventions that are successful in stopping offending for Māori from a Māori offender perspective.

11 Give a brief background to the project to place it in perspective and to allow the project's significance to be assessed. (No more than 200 words in lay language)

The growing number of Māori being imprisoned in this country is of concern. Reconviction rates in Aotearoa suggest that Māori are 43% more likely to be imprisoned²⁸. These statistics are unlikely to change, given that the Department of Corrections estimates that Prison musters for Māori are forecast to grow by 1693 before the year 2013²⁹. The cost of imprisonment is huge not only in economic terms but also in social, political and cultural terms. Māori are disproportionately over represented in prison. This research aims to contribute in some way to addressing this issue, from a Māori offender and Māori Probation Officers perspective. This research is about success and positive solutions from Māori who have had first hand experience of being in the system and beating it.

I have selected this topic as I have worked in the Community Probation Service as a Probation Officer for 10 years and in the past 6 years as a Service Manager. Therefore, I have worked at a practice level with many Māori offenders and have seen the effects of incarceration on Māori offenders and their whānau. This research does not dwell on Māori failure but on Māori success stories of beating the cycle of reoffending and providing solutions from an ex-offender perspective.

12 Outline the research procedures to be used, including approach/procedures for collecting data. Use a flow chart if necessary.

I will administer qualitative interviews using an interview guide on voluntary ex-offenders who identify as Māori. The interviews will be audiotaped with their consent.

I will also use a Focus group approach for Māori Probation Officers who volunteer to participate in this study. I will use an interview guide. The interviews will be audiotaped with their consent.

13 Where will the project be conducted? Include information about the physical location/setting.

The project will be based in. The sample of ex-offenders and Probation Officers will also derive from. All participants will be given the option of their preferred place to be interviewed, i.e the place that makes them feel most comfortable. However, my base will be a neutral setting in.

14 What experience does the researcher/s have in this type of project activity?

Nil

²⁸ Spier, P. (2002) Reconviction and reimprisonment rates for released prisoners. Wellington: Ministry of Justice

²⁹ Department of Corrections (2003) Annual Report: 1 July 2002-30 June 2003. Wellington: Department of Corrections

Participants

15 Describe the intended participants.

Māori Probation Officers

Māori ex-offenders

16 How many participants will be involved? 4-6 Māori Probation Officers and 4-8 ex-offenders.

What is the reason for selecting this number?

(Where relevant, attach a copy of the Statistical Justification to the application form)

In regards to the ex-offender population, the sample size will be small. 4-8 ex-offenders have been chosen, as it is a realistic and manageable number, given the 11-month timeframe. The 4-8 range, is also used given the perceived difficulty to recruit ex-offenders for this research project. Supporters³⁰ of qualitative interviewing also state that there are no rules for sample size in qualitative enquiry but rather that information rich data should be collected. Therefore, it depends on the aims and purpose of the research and whether the information gained will be useful and have credibility.

In regards to the focus group, supporters³¹ of this approach suggest that a number between 6-8 is best. I am using this method, as the participants will be a homogenous group, who will be from a similar cultural background and have similar shared work experiences and knowledge.

17 Describe how potential participants will be identified and recruited?

³⁰ Patton, M. (1990) Designing qualitative studies in *Qualitative evaluation and research methods* (2nd ed.). London: Sage.

³¹ Roc, P., & Ezzy, D. (2002). *Qualitative research methods: A health focus*. Melbourne: Oxford University Press.

The ex-offenders must have served a sentence of imprisonment, not have been convicted of a criminal offence in the past 3 years, be known to either the Probation Service or workers of Prisoners Aid and Rehabilitation Society and identify as Māori.

The Probation Officers must also fit certain criteria 1) they must be Probation Officers 2) identify as Māori and 3) be based in either

Recruitment:

A notice will be sent to Probation Officers and workers of the Prisoners Aid Society asking them to identify potential participants, for my research, that meet the above criteria. The notice will ask them to send an information sheet to all prospective participants. The information sheet will include my contact details and will outline the purpose of the research and what they can expect if they decide to participate in this research. The information sheet will advise that the participants are under no obligation to participate in this research.

In regards to the focus group, I will send an advertisement for the staff noticeboard via the Area Manager of the Community Probation Service requesting volunteers for my research. In this advertisement they will be asked to contact me, if they wish to participate in this research. It will be stressed that participation in the focus group is voluntary and that there will be no positive or negative impact from myself should they choose or not choose to participate in this process. They are under no obligation to participate in the study and will only participate if they are interested in the outcomes of the research.

I acknowledge that I am a Service Manager and members of my team may feel coerced into participating in my research as participants and as intermediaries, but as stated previously the notice will state that Probation Officers are under no obligation to assist or participate in the research.

The pool of potential Probation Officers participants is large, given that will be targeted. Many of the potential Probation Officer participants live in a different location and are not managed by me, therefore they should not feel coerced to participate in this research.

-
- 18 **Does the project involve recruitment through advertising?** Yes ☒ No ☐
(If yes, attach a copy of the advertisement to the application form)
- 19 **Does the project require permission of an organisation (e.g. a school, academic unit of Massey University or a business) to access participants or information?** Yes ☒ No ☐
(If yes, attach a copy of the request letter/s, e.g. letter to Board of Trustees/PVC/CEO etc to the application form. Note that some educational institutions may require the researcher to submit a Police Security Clearance)
- 20 **Who will make the initial approach to potential participants?**
Probation Officers of the Community Probation Service and Prisoner Aid staff from will identify potential participants and send out the information sheets asking potential participants to contact me, if they wish to participate in this research.

The Area Manager will place an advertisement on the staff noticeboard asking Probation Officers who meet the criteria to contact me, if they are interested in participating in this research.
-
- 21 **Describe criteria (if used) to select participants from the pool of potential participants.**

The type of sampling used in the sample selection will be criterion sampling, a form of sampling where cases are picked that meet some common criteria. In this research the criteria for selection of participants will be that they identify as Māori, have served a term of imprisonment, have not been convicted of any offence, i.e "reoffended" within a 3 year period from their last conviction, are known to workers of the Community Probation Service and Prisoners Aid Society and are willing to participate in the research. The first 8 participants that volunteer to participate in the process will be included in this research.

In regards to the participants of the focus group, the first 6 Māori Probation Officers that volunteer to participate in the process will be included in the research.

22 How much time will participants have to give to the project?

2-3 hours for each participant
1-2 hours for the focus group

Data Collection

23 Does the project include the use of participant questionnaire/s?

Yes ☐ No ☒

(If yes, attach a copy of the Questionnaire/s to the application form)

If yes, please describe.

24 Does the project include the use of focus group/s?

Yes ☒ No ☐

(If yes, attach a copy of the Confidentiality Agreement for the focus group to the application form)

25 Does the project include the use of participant interview/s?

Yes ☒ No ☐

(If yes attach a copy of the Interview Questions/Schedule to the application form)

If yes, describe the location of the interview and time length, including whether it will be in work time. (If the latter, ensure the researcher asks permission for this from the employer).

26 Does the project involve audiotaping?

Yes ☒ No ☐

If yes, state what will happen to the tapes at the completion of the project.

(e.g .destroyed, returned, stored by the researcher, archived in an official archive. Include the relevant option in the consent form.)

The ex-offender participants will have the option of having the tapes destroyed or returned to them after final examination. If destroyed the tapes and consent forms will be sent to the researcher's Supervisor at Massey University for disposal.'

The tapes from the focus group will be sent to the researcher's Supervisor at Massey University for disposal.

27 Does the project involve videotaping?

Yes ☐ No ☒

28 If audiotaping is used, will the tape be transcribed?

Yes ☒ No ☐

If yes, state who will do the transcribing.

The researcher will be the only person to transcribe the audiotapes.

29 Does the project require permission to access databases?

Yes ☐ No ☒

(If yes, attach a copy of the request letter/s to the application form)

30 Who will carry out the data collection? **Not applicable**

SECTION C: BENEFITS / RISK OF HARM

31 What are the possible benefits (if any) of the project to individual participants, groups, communities and institutions?

There is a lot of research on the criminal justice system with most of the theories and models of rehabilitation based on overseas experiences. There is however very little information on Māori and the criminal justice system and virtually no information from a Māori ex-offenders perspective. This research provides Māori with a voice and is a chance for Māori to discuss the factors that contributed to their successful rehabilitation. This research is not about normalising failure but normalising success. This research is for Māori not about Māori and seeks to support change, provide solutions and overall be beneficial to Māori. This research may also be used to inform policy and promote change.

32 What discomfort (physical, psychological, social), incapacity or other risk of harm are individual participants likely to experience as a result of participation?

Minimising harm is an issue of importance to both the participants and the researcher. Obviously contacting former offenders who have done their time or paid their dues is difficult. Many may want to forget the past or feel upset and ashamed. My role will be to deal with all contacts in a sensitive and culturally sensitive manner. It will also be my role to assure all participants that this research is about their success not failure.

The identification of participants being interviewed individually will be protected by the use of pseudonyms. While the focus group will know each other, a signed confidentiality agreement will be negotiated with and signed by the focus group. It is acknowledged that anonymity may not be guaranteed given the research is being conducted in the area for the focus group and the ex-offenders, therefore potential for recognition is great. However, given that the researcher is the only one who will know the identity of all the participants and will destroy all interview notes and destroy or return all audiotapes is hoped that the impact to the participants is minimal.

It is also important that any information arising in the interviews that could be damaging to participants remain confidential, given the nature of the research. If any participant exhibits any signs of self-harm, identifies needs that require assistance or are upset or traumatised by the interviews, then they will be referred to the appropriate agency. The researcher has significant local knowledge in the social service area and numerous networks. I believe I am sufficiently equipped to utilise my expertise in this area to refer to the appropriate agency.

33 Describe the strategies you will use to deal with any of the situations identified in Q32.

The identification of participants will be protected by the use of pseudonyms of their choosing. The ex-offender participants will be given the option of having the tapes returned to them or destroyed, after final examination. The researcher prior to the meeting will outline the interview process and the participants will be dealt with in a culturally sensitive manner.

In regard to the focus group, ground rules will be set prior to the hui and a confidentiality agreement will be negotiated and signed. I will ask the group to respect the privacy of all participants and to maintain confidentiality. I will also advise the focus group participants that I will not attribute any specific comments to named individuals.

All ex-offender participants will be given the opportunity to view their comments that will be included in the final thesis. They will also be given opportunity to add, amend or delete their comments by a specified time. All focus group participants will be given a summary of the comments that will be used in the final report, after examination. The participants will be dealt with in a culturally sensitive manner.

34 What is the risk of harm (if any) of 1) the project to the researcher?

2) Any other persons/groups/organizations affected by the research

1) There is a possibility that the researcher may be harmed, given the participant group. I will interview the ex-offender participants at a venue that is preferred by them or a neutral setting.

In order to ensure that I am sufficiently protected, I will advise a trusted local colleague of my intention to interview. My colleague will know the address, location and approximate start and end times of the interview. I will phone my colleague at the start and conclusion of the interview.

2) Māori as a collective may be affected by this research but again I emphasise that this research is about success not failure and giving an otherwise powerless group a voice.

Probations Officers may feel uncomfortable expressing their views, given that Departmental personnel may be privy to the final thesis. The purpose and how the information will be used will be outlined in the information sheet and at the commencement of the hui. Participation in this research is also voluntary as I will have stressed that there is no negative outcome should they decline to participate. When setting the ground rules of the hui I will advise the participants that they will not be identified as no names will be used in the final thesis, however there is opportunity to use a pseudonym.

35 How do you propose to manage the risk of harm for points 1) and 11) above?

- 1) I will contact a local colleague by phone with the interview time, approximate duration of the interview and the address. My colleague will be contacted prior to and at the end of the interview.
- 2) This research is by Māori for Māori. In order to ensure that the ex-offender participants are comfortable with their comments or quotes being included in the report, I will send a copy of the comments and quotations that will be used in the final report and give the participants an opportunity to amend, delete or add to their comments and quotations intended for use in the final report.
- 3) In regards to the Probation Officers, it is acknowledged that it is difficult to offer people confidentiality within focus groups. However, I will make transparent the nature of the protection they will have before they agree to participate in the interview. I will inform all participants of who the other participants are prior to the hui. At this time the participants can choose to withdraw from the process. If they choose to withdraw, knowing the identity of other Probation Officers then they will be asked to keep this confidential and to sign a confidentiality agreement. This should not be an issue for the Probation officers as they are professionals who are guided by ethical principles in their work. At the beginning of the hui, a confidentiality agreement will be negotiated and signed by all focus group participants.

36 Is ethnicity data being collected as part of the project?

Yes ☒ No ☐

(Note that harm can be done through an analysis based on insufficient numbers)

If yes: i) will the data be used as a basis for analysis?

Yes ☒ No ☐

ii) justify this use in terms of the number of participants.

The sample size used in this research is small, however I am undertaking this research using kaupapa Māori methodology. It is acknowledged that much research on Māori has tended to be from outsiders (non-Māori) and "through this process we have been objectified as the 'other'. The emphasis of such research has often been ethnocentric in that we have been compared with what have been described as universal, objective (read Pākehā) norms and found wanting"³². This research is not about perpetuating colonial values in Aotearoa, or about attributing blame on Māori. This research is about providing positive solutions from Māori ex-offenders who have beaten the system.

37 If participants are children/students in a pre-school/school/tertiary setting, describe the arrangements you will make for children/students who are not taking part in the research.

(Note that no child/student should be disadvantaged through the research) Not applicable

³² Cram, F. (2001, p.36) in Research Ethics in Aotearoa New Zealand.

SECTION D: INFORMED AND VOLUNTARY CONSENT

38 By whom and how, will information about the research be given to potential participants?

The researcher will send a notice to Probation Officers and Prisoners Aid Society asking them to forward information sheets to potential ex-offender participants that meet the criteria for inclusion in my research. The researcher will send all participants that contact me directly a consent form.

The researcher will send a notice to the Area Manager of Community Probation Service asking him to place the notice on the e-mail noticeboard for Māori Probation Officers in the. In this notice I will briefly outline the purpose of the research and ask them to contact me should they wish to participate in this research.

Information sheets: The information sheet states that participation in the research is voluntary, and that they are under no pressure to participate in this research if they do not want to. The information sheet will contain contact details and dates by when to contact me, should they wish to participate in the interview.

Interview:

The researcher will contact all participants (who have agreed to be interviewed) to arrange a suitable interview time. At the interview the researcher will explain the purpose of the study, what the participants will have to do and what they can expect from the researcher. The consent forms will be signed. The participants will also be advised that their participation is voluntary and they can terminate the interview at any stage, if they wish.

In regards to the focus group, all participants will be informed of who the other participants are and if they choose to withdraw at this stage then they will be asked to sign a confidentiality agreement. If the participants agree to the focus group interviews, then at the beginning of the hui ground rules, consent forms and confidentiality agreements will be explained, negotiated and signed.

39 Will consent to participate be given in writing?

Yes ☒ No ☐

(Attach copies of Consent Form/s to the application form)

40 Will participants include persons under the age of 16?

Yes ☐ No ☒

41 Will participants include persons who are vulnerable or whose capacity to give informed consent may be compromised?

Yes ☒ No ☐

If yes, describe the consent process you will use.

The informed consent of all participants will be sought. The participants will be informed of the purpose of the research, their role, the reason for their selection, how the information will be used and their rights to withdraw. This information will be given in both written and oral form. I will seek their permission to tape all interviews and they will be given the right to decline, withdraw or not participate with the interview at any stage of the interview. I will also advise that all material in both written or tape form will be destroyed or returned to the ex-offender participants after examination of the final report. In regards to the Probation Officer the tapes will be destroyed and a copy of the summary of the final report after being examined will be made available to them.

The participants will also be advised of my role as a researcher in this instance, why I am conducting the research and that I will be the only one with access to the material. The material will also be given to them in a form that is comprehensive and understandable.

I am aware in my past role as a Probation Officer and now a Service Manager of the Community Probation Service that the ex-offender participants are a vulnerable group who are more likely to comply with people in authority. However, I will ensure that they have sufficient time to make a genuine informed decision, and will highlight in the information sheet that they are under no obligation to participate in the research.

- 42 Will the participants be proficient in English? Yes ☒ No ☐

SECTION E: PRIVACY/CONFIDENTIALITY ISSUES

- 43 Will any information about participants be obtained from third parties? Yes ☒ No ☐

If yes, describe how and from whom.

Probation Officers and Prisoner Aid Society workers will be identifying ex-offenders who meet the following criteria 1) Māori 2) have not offended for at least 3 years and 3) have been imprisoned.

- 44 Will any identifiable information on the participants be given to third parties? Yes ☐ No ☒

- 45 Will the participants be anonymous (i.e. their identity unknown to the researcher?) Yes ☐ No ☒

If no: 1) will the participants be given a unique identifier? YES

2) will the participants' identity be disclosed in publication? NO

- 46 Will an institution (e.g. school) to which participants belong be named or be able to be identified? Yes ☒ No ☐

(Ensure that institutions have been informed of this in your request to access them)

- 47 Outline how and where the data (including tapes/transcripts) and Consent Forms will be stored.

(Note that Consent Forms should be stored separately from data)

The Researcher will transcribe interviews and audiotapes. The researcher will also complete the transcription, classification and analysis. I will also take notes of all interviews. All data will be held separately from Department of Corrections official records. This data will be held in a locked cabinet in my home study and be placed on floppy disk. All information will be held on my personal computer, which will be accessed by a password known only to the researcher. The consent forms will be held separately from the data, again in a locked at my cabinet at my home address

- 48 i) Who will have access to the data/Consent Forms? The researcher only.

ii) How will the data/Consent Forms be protected from unauthorised access?

The data and forms will be locked in a cabinet in my study at my home address. All data will be protected on my personal computer by way of a password.

- 49 Who will be responsible for disposal of the data/Consent Forms when the five-year storage period (ten years for health-related research) is up?

(For student research the Massey University HOD Institute/School/Section / Supervisor / or nominee should be responsible for the eventual disposal of data)

My supervisor, Rachael Selby of the Massey School of Sociology, Social Policy and Social Work has been nominated by me to dispose of all data.

- 50 Will participants be given the option of having their tapes returned to them: Yes

SECTION F: DECEPTION

- 51 Is deception involved at any stage of the project? Yes ☐ No ☒

If yes, justify its use and describe the debriefing procedures.

SECTION G: CONFLICT OF INTEREST

- 52 Is the project to be funded in any way from sources external to Massey University? Yes ☒ No ☐

If yes: i) state the source. The researcher has received a Chief Executive Scholarship from the Department of Corrections, which entitles the researcher to payment of course related costs. It also entitles the researcher to study full time on full salary.

ii) does the source of the funding present any conflict of interest with regard to the research topic?

I do not believe that there is a conflict of interest. The aims and interests of the Department of Corrections have no bearing on the research topic chosen. The Department's interest is purely to fund the project to foster the capability of the researcher. The interests of all the participants take precedence

- 53 Does the researcher/s have a financial interest in the outcome of the project? Yes ☐ No ☒

- 54 Is there any professional or other relationship between the researcher and the participants? (e.g. employer/employee, lecturer/student, practitioner/patient, researcher/family member) Yes ☒ No ☐

- 55 **If yes, describe the relationship and indicate how the resulting conflict of interest situation will be dealt with.** I am employed as a Service Manager for the Department of Corrections and have worked as a Probation Officer. Therefore to ensure that there is no conflict of interest, I will use an intermediary to place a notice on the staff noticeboard. Intermediaries will also be used to send information sheets to potential ex-offender participants. Those Māori Probation Officers and ex-offenders that are interested in contributing to the research and participating in the focus group will make contact with me, in the first instance. It will also be emphasised to all participants that there will be no advantage or disadvantage in participating in the research. This is particularly important to the Probation Officers as some of them directly report to me.
- It is acknowledged that as the Service Manager of the Community Probation Service there may be perceived conflict with recruiting ex-offenders. However, as the participants are ex-offenders who are no longer part of the Criminal Justice system, there will be no incentive to participate in the research, except to tell their stories and contribute to the positive wellbeing of Māori.

SECTION H: COMPENSATION TO PARTICIPANTS

- 56 **Will any payments or other compensation be given to participants?** Yes ☐ No ☒

If yes, describe what, how and why.

(Note that compensation (if provided) should be given to all participants and not constitute an inducement. Details of any compensation provided must be included in the Information Sheet)

SECTION I: TREATY OF WAITANGI

- 57 **Does the proposed research impact on Maori persons as Maori?** Yes ☒ No ☐

If yes describe how.

The proposed research impacts of Māori as they are the target group for this research and it is Māori voices and their experiences that I want to analyse and write about.

- 58 **Are Maori the primary focus of the project?** Yes ☒ No ☐

(If yes, complete Section I, otherwise proceed to Question 65)

- 59 **Is the researcher competent in te reo Maori and tikanga Maori?** Yes ☒ No ☐

If no, outline the processes in place for the provision of cultural advice.

- 60 **Identify the group/s with whom consultation has taken place or is planned and describe the consultation process.**

(Where consultation has already taken place, attach a copy of the supporting documentation to the application form, e.g. a letter from an iwi authority)

The Area Māori network of the Community Probation Service – discussion has taken place with members of the collective and provisional acceptance has been given. I have yet to present my research proposal but the members that I have spoken to are receptive of the project.

Local kaumātua of the Prisoners Aid Society and of the Community Probation Service – I have discussed my topic at a general level and will present the aims and objectives of my research at a hui with both kaumātua.

My whānau of supervisors who are all Māori, Rachel Selby and Wheturangi Walsh-Tapiata from Massey University and Kerry Te Nana, my supervisor from the Department of Corrections have been consulted about the general aims and objectives.

61 Describe any ongoing involvement of the group/s consulted in the project.

The Area Māori Network will be consulted and their blessing and mandate sought for the relevance and credibility of the project. Their ongoing involvement will be at a consultative level only.

My kaumātua will be kept informed on a regular basis about the project to ensure that both the participants and the researcher are culturally safe. A copy of the completed work, after examination will be made available.

There are formal contracts in place with my whānau of supervisors at both Massey and the Department of Corrections to ensure that my research is progressing and to offer advice both cultural and academic advice to ensure that all participants and myself are safe.

62 Describe how information resulting from the project will be shared with the group/s consulted?

A summary of the findings and recommendations after examination will be sent to all participants.

63 If Maori are not the focus of the project, outline what Maori involvement there may be and how this will be managed. Not applicable.

SECTION J: OTHER CULTURAL ISSUES

64 Are there any aspects of the project that might raise specific cultural issues, other than those covered in Section I? Yes ☐ No ☒

SECTION K: SHARING RESEARCH FINDINGS

72 Describe how information resulting from the project will be shared with participants.

All participants will be given a summary of the final report after examination. I will also advise that a copy of the thesis after being examined will be available from me as the researcher. A copy will be held at the Department of Corrections library at Head Office, Wellington and a copy will be held in the Massey University library at Palmerston North.

SECTION L: INVASIVE PROCEDURES/PHYSIOLOGICAL TESTS

75 Does the project involve the collection of tissues, blood, other body fluids or physiological tests? Yes ☐ No ☒

(If yes, complete Section L, otherwise proceed to Section M)

SECTION M: DECLARATION *(Complete appropriate box)*

Ko Hikurangi toku maunga
Ko Waiapu toku awa
Ko Te Awe Mapara me Ngati Oneone toku hapu
Ko Te Aowera me Te Poho O Rawiri oku marae
Ko Ngati Porou toko iwi
Ko Matire Kupenga-Wanoa taku ingoa

Tena Koe

My name is Matire Kupenga-Wanoa and I am currently enrolled as a student at Massey University completing a Masters of Social Work (Applied). I have worked for the Department of Corrections Community Probation Service since 1988, initially as a Probation officer and since 1996 as a Service Manager. I have been awarded a full time scholarship from February 2004 – January 2005 to complete my studies. My contact number is ~~06-350-5799~~ 5. My main interest in this study is to make a difference for Maori in the Criminal Justice system. This research is about Maori for Maori and by Maori.

What is this study about?

The main aim of this research is to find out what works for Maori offenders to stop reoffending. In my study I want to interview ex-offenders who identify as Maori and have not reoffended for 3 years or more. I want to hear their stories and experiences and find out what factors contributed to their success in beating the system and staying out of trouble.

I would also like to interview Maori Probation Officers and hear about your views and experiences on reducing Maori reoffending. As Maori Probation Officers your experiences are very important and relevant to this study as you have the ability to offer the most accurate knowledge and insights into this area.

Recommendations from this research will benefit Maori within the Criminal Justice system by providing positive information and positive solutions to ensure fewer Maori are presenting to the Criminal Justice system.

What will the participants have to do?

If you agree to participate in this study, I will interview you in a focus group. There will be 6 participants and each member of the focus group will be advised the names of all participants prior to the hui. The interview should take between 1-2 hours and will be at a time and place that suits you.

It is acknowledged that you may feel some discomfort at expressing your views given that you are employed by the Department of Corrections. However, please note that there is no pressure for you to participate in this research and there will be no consequence either positive or negative in respect of the decision that you make.

If you agree to participate in the interview process, I will contact you and arrange a suitable place and time that suits for an interview. During our discussion I will ask questions about what you believe as Probation Officers are the factors that contribute to stopping Maori from reoffending and whether the Department of Corrections is responsive to Maori?

What can the participant expect from the researcher?

If you agree to participate in this study, you can expect that any information you provide will be treated with the utmost confidentiality, and that your identity and privacy are protected by negotiating a confidentiality agreement with all members of the focus group.

During the interview you have the right to ask for the audiotape to be turned off and the right to stop or withdraw from the interview, at anytime. Your withdrawal from this process will not affect your relationship with the researcher or the Department of Corrections. You also have the right to ask any questions throughout the interview process.

I will transcribe the interview. The consent forms, tapes and notes will be held by me in a secure cabinet at my home, separate from the Department of Corrections. In regards to your privacy, it will not be possible to identify you in the final report. I will use an identifier for all participants and you can choose the name you want to be identified by in the research.

You will be given a summary of the findings from this study, after final examination.

A copy of the thesis will be held by me and in the library at Massey University. A copy will also be provided to the Department of Corrections and will be made available to all staff that are employed by the Department.

Thank you for taking this time to read this.

Ko Hikurangi toku maunga
Ko Waiapu toku awa
Ko Te Awe Mapara me Ngati Oneone toku hapu
Ko Te Aowera me Te Poho O Rawiri oku marae
Ko Ngati Porou toko iwi
Ko Matire Kupenga-Wanoa taku ingoa

Tena Koe

My name is Matire Kupenga-Wanoa and I am currently enrolled as a student at Massey University completing a Masters of Social Work (Applied). I have worked for the Department of Corrections Community Probation Service since 1988, initially as a Probation officer and since 1996 as a Service Manager. I have been awarded a full time scholarship from February 2004 – January 2005 to complete my studies. My contact number is ~~06-350-5628~~. My main interest in this study is to make a difference for Maori in the Criminal Justice system. This research is about Maori for Maori and by Maori.

What is this study about?

The main aim of this research is to find out what works for Maori offenders to stop reoffending. In my study I want to interview ex-offenders who identify as Maori and have not reoffended for 3 years or more. I want to hear your stories and experiences and find out what factors contributed to you beating the system and staying out of trouble. I would also like to find out about your views on imprisonment and the Community Probation Service.

What will the participants have to do?

If you agree to participate in this study, I will interview you. This should take between 2-3 hours and will be at a time and place that suits you. There will be approximately 4-8 participants involved. This research is not so much about reliving your re-offending past but about sharing your success and the factors that assisted you to stop offending. The interview is also voluntary, so there is no pressure for you to participate in this research if you do not want to.

If you agree to participate in the interview process, I will contact you and arrange a suitable place and time that suits you for an interview. During our discussion I will ask questions about your background, your experiences and what helped you stop offending. The interview will be audio taped with your consent and can be turned off at any time during the interview, if you request. I will also be taking notes throughout our interview. The entire interview process is confidential and you will not be identified in the report.

What can the participant expect from the researcher?

If you agree to participate in this study, you can expect that any information you provide will be treated with the utmost confidentiality, and that your identity and privacy are protected.

During the interview you have the right to ask for the audiotape to be turned off and the right to stop or withdraw from the interview. Your withdrawal from this process will not affect your relationship with the researcher or the Department of Corrections. You also have the right to ask any questions throughout the interview process.

I will transcribe all the interviews. The consent forms, tapes and notes will be held by me in a secure cabinet at my home, separate from the Department of Corrections. In regards to your privacy, it will not be possible to identify you. I will use an identifier for all participants and you can choose the name you want to be identified by in the research.

You will be given a copy of the comments I intend using in the report, at the conclusion of this study. You will have until 30 September 2004 to add, amend or delete any information that is used from your interview.

A copy of the thesis will be held by me and in the Massey University library at Palmerston North. A copy will also be provided to the Department of Corrections and will be made available to all staff that are employed by the Department.

Thank you for taking this time to read this.

If you are willing to share your story and success and to contribute to a project focused on reducing Maori reoffending then please contact me at [REDACTED] by 30.7.2004

Project contacts.

If you have any queries or questions, please do not hesitate to contact my Supervisor, Rachael Selby at Massey University, phone 06-3505799 or myself in [REDACTED] on [REDACTED]



Criminal Justice law and What works for Maori offenders.

PARTICIPANT CONSENT FORM

This consent form will be held for a period of five (5) years

I have read the Information Sheet and have had the details of the study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I understand I have the right to withdraw from the study at any time up until 30 September 2004 and to decline to answer any particular questions.

I agree to being interviewed

I agree/ do not agree to the interview being audio taped.

I agree to provide information to the researcher on the understanding that my name will not be used without my permission.

I agree to not disclose anything discussed in the Focus Group and the Focus Group agreement.

I agree to participate in this study under the conditions set out in the Information Sheet.

Signature:

Date:

Full Name - printed

Criminal Justice law and What works for Maori offenders.

PARTICIPANT CONSENT FORM

This consent form will be held for a period of five (5) years

I have read the Information Sheet and have had the details of the study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I understand I have the right to withdraw from the study at any time up until 30 September 2004 and to decline to answer any particular questions.

I agree to being interviewed

I agree/ do not agree to the interview being audio taped.

I agree to provide information to the researcher on the understanding that my name will not be used without my permission.

I agree to participate in this study under the conditions set out in the Information Sheet.

Signature:

Date:

Full Name - printed



Criminal Justice law and what works for Maori offenders

CONFIDENTAILITY AGREEMENT

For focus group participants

I(Full Name - printed)

agree to keep confidential all information concerning the project

.....

.....

..... (Criminal
Justice law and what works for Maori offenders)

I will not retain or copy any information involving the project.

Signature:

Date:



Criminal Justice law and what works for Maori offenders

AUTHORITY FOR THE RELEASE OF TAPE TRANSCRIPTS

This form will be held for a period of five (5) years

I confirm that I have had the opportunity to read and amend the transcript of the interview/s conducted with me.

I agree that the edited transcript and extracts from this may be used by the researcher, *Matire Kupenga-Wanoa* in reports and publications arising from the research.

Signature:

Date:

Full Name - printed



Criminal Justice law and what works for Maori Offenders

Tena koe

I am currently enrolled as a student at Massey University completing a Masters of Social Work (Applied). I am undertaking research on what works for Maori offenders. The main aim of my research is to investigate the experiences of Maori ex-offenders and the factors that contributed to stopping reoffending. I would like your help to identify some potential participants for my study. I need to interview 4-8 ex-offenders who meet certain criteria: they must identify as Maori, have been imprisoned and must be conviction free for a period of 3 years or more.

If you know of any ex-offenders that meet the above criteria, then I would like you to send them an information sheet, which outlines my research and gives them my contact details.

You are under no obligation to assist me with my research. However, if you know of anyone that meets these criteria and they want to share their positive experiences and success stories of beating the system, then I would appreciate it if you would send them an information sheet by 30.6.2004.

If you have any queries then please contact me on my e-mail matire.w@xtra.co.nz or phone 06-8689285.

Naku noa, na

Matire Kupenga-Wanoa

Interview schedule with Probation Officers

Commence meeting with a karakia

Tena Koutou – outline the process

Negotiate the group agreement .

Sign the consent forms and confidentiality agreement.

What do you think contributes to reducing Maori reoffending?

Why does this reduce Maori reoffending?

Is the Department of Corrections responsive to Maori?

If yes, Why do you think the Department of Corrections is responsive to Maori.

If no, How do you think the Department of Corrections could become more responsive to Maori?

What impact do you think you have as Maori Probation Officers on reducing Maori reoffending?

Thank you for participating in this study

Close with a karakia

Interview schedule of questions for ex-offenders:

Commence with a karakia

How are you feeling?

Do you feel ok to participate in the interview today? If not reschedule.

Whakapapa:

Ko wai koe?

No whea koe?

Background:

Whanau links. Describe your whanau. Describe your friends/peers. What influence have your whanau, friends or peers had in your decision to stop offending?

Education history. Tell me about your education, when did you leave school, what qualifications do you have.

Employment history. Describe your employment history? Are you in permanent employment? What influence has employment/non employment had on your decision to stop offending?

Alcohol/Drug usage. Describe your usage.

Domestic situation. What is your current domestic situation? How long have you lived in your current address?

Do you have a partner or children? How has this relationship contributed to your decision to stop offending?

Current circumstances. How would you describe your current situation? Has your current circumstances contributed to your decision to stop offending?

What other factors do you believe contributed to your decision to stop reoffending?

Prior offending:

History of offending. Why did you start offending?

In this segment of questions I may use previous criminal history.

When was your last offence?

Have you stopped offending?

Did you make a decision to stop offending?

What factors influenced your decision to stop?

Imprisonment:

When did you last go to Prison?

What was it for?

What programmes did you participate in?

What aspects of imprisonment do you think helped you stop offending?

Support

Whanau

Friends

Accountable

Work/training

Role models in Prison

Maori Prison staff.

What did not help you stop offending?

No tikanga Maori programmes

No programmes

No support

Drugs and alcohol

Offending peers.

What was your experience like on parole?

What aspects of parole do you think helped you stop offending?

Support

Whanau

Friends

Accountable

Work/training

Role modelling from Probation Officers

Maori Probation Officers

What did not help you stop offending?

No programmes

No support

Drugs and alcohol

Offending peers
Poor relationship with Probation Officer
No Maori Probation Officers

Did your experiences contribute to you stopping offending?

What are your experiences of the Criminal Justice system?

How do you think the Department of Corrections could be more responsive to Maori?

Feedback on the process

Thanks for participating in this research

Close with a karakia