

The Rangatahi Courts Newsletter

THE RANGATAHI COURTS
OF NEW ZEALAND

NGĀ KŌTI RANGATAHI
O AOTEAROA

THE YOUTH COURT
OF NEW ZEALAND

TE KŌTI TAIOHI
O AOTEAROA

E mihi ana ki a koutou...

Welcome to the 5th edition of the Rangatahi Court Newsletter

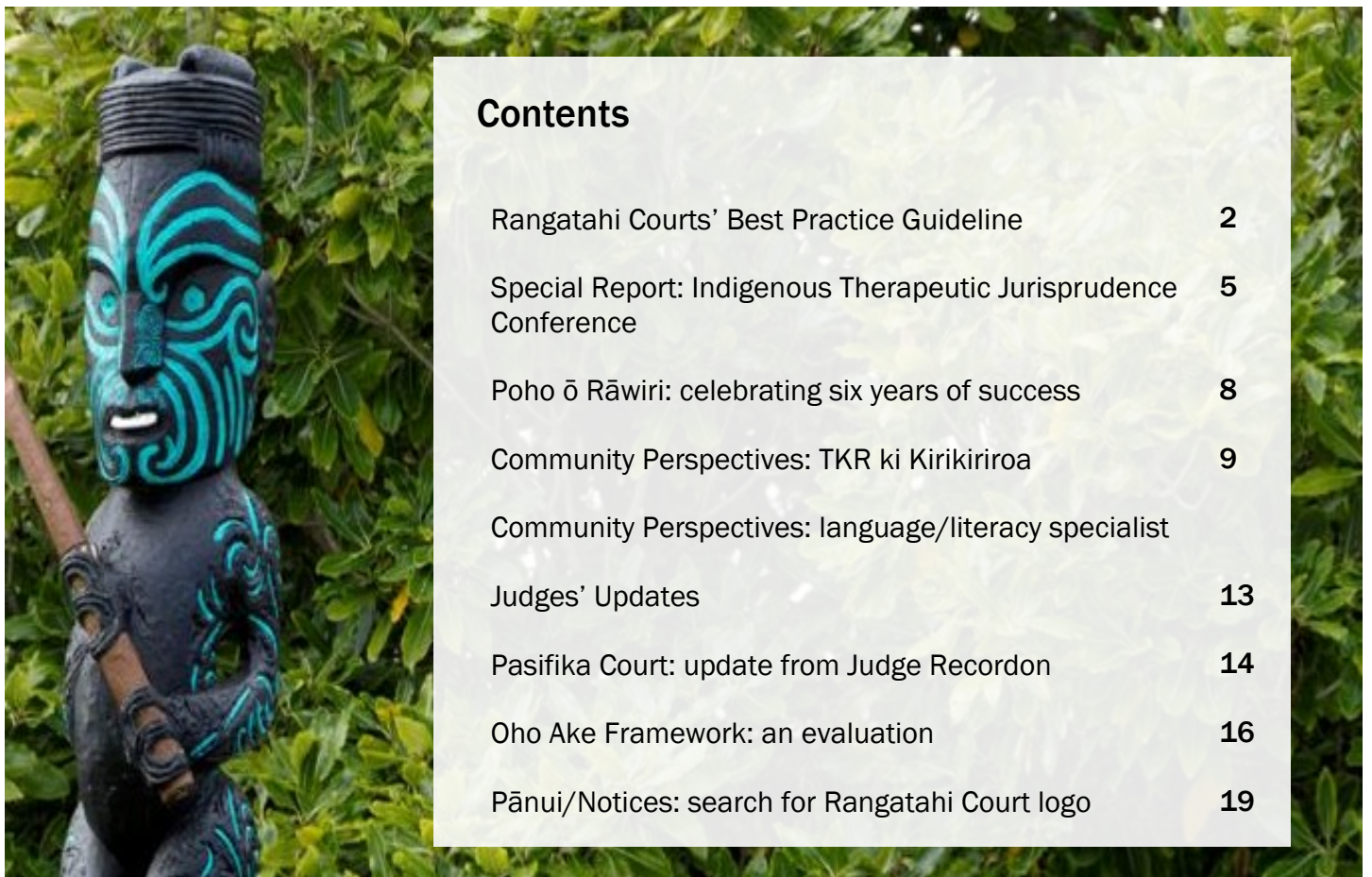
This edition features a number of exciting developments that have taken place both locally and internationally. After returning from a recent trip to an Indigenous Therapeutic Jurisprudence Conference in Canada, Principal Youth Court Judge Andrew Becroft writes:

“I am confident that our careful steps forward with Rangatahi Courts are entirely in line with best practice overseas and that in the best sense we can take heart from the progress to date and the enormous support that has been provided in New Zealand by Māori communities up and down the country. It is also clear that the contribution made by our lay advocates established by legislation is unique and unprecedented anywhere in the world. We need to continue to work to provide training and development for these increasingly important participants in the youth justice process.”

Judge Heemi Taumaunu, National Rangatahi Court Liaison Judge, also accompanied Judge Becroft to Canada. Judge Taumaunu shares some of his whakaaro from this hui on p. 4.

The Rangatahi Court Newsletter relies on the contributions of members of the Rangatahi Court, and wider Youth Justice, communities. Please feel encouraged to send any and all contributions, pānui, news, updates and stories from ngā Kōti Rangatahi, or interesting articles and research to: sacha.norrie@justice.govt.nz (Research Counsel to the Principal Youth Court Judge).

Noho ora mai



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Rangatahi Courts' Best Practice: What have we learnt from May 2008 to November 2014?

Rangatahi Courts have now been in operation on marae throughout Aotearoa since May 2008. It is timely to reconsider best practice in Rangatahi Courts in light of our learning from past experience. In an endeavour to encourage further discussion of best practice, I have highlighted a number of areas where best practice in Rangatahi Courts has evolved over time.

The Qualitative Evaluation

In 2012, the Ministry of Justice contracted Kaipuke Consultants Ltd to prepare a qualitative initial evaluation of the Rangatahi Courts. Five of the ten Rangatahi Courts were visited by the researchers during the course of the evaluation. The evaluation report, entitled "Evaluation of the Early Outcomes of Ngā Kooti Rangatahi" was published on 19 December 2012. The Evaluation Report made the following findings:

- Operational processes guiding the implementation of Ngā Kooti Rangatahi are being delivered consistently across the five sites (with some courts implementing additional strategies considered by the evaluators to be good practice);
- Rangatahi have experienced positive early outcomes, both expected and unexpected. This included, for example:
 - high levels of attendance (by both rangatahi and whānau);
 - Rangatahi feeling welcome and respected, understanding the court process, perceiving the monitoring process as legitimate, and having positive relationships with youth justice professionals and the marae community; and
 - Rangatahi showing improved positive attitudes and behaviour, and demonstrated responsibility for their offending and its impact.
 - Rangatahi nearing the end of the monitoring process established connections with the marae and took on leadership and mentoring roles.
- Whānau, agencies and marae communities have experienced positive early outcomes, such as:
 - Whānau feeling respected and welcomed at Court, and understanding the Court process;
 - a number of whānau reporting a sense of being supported in their parenting role;
 - enhanced communication and strengthened relationships within whānau;
 - agencies reporting having had the opportunity to develop networks with the wider Māori community; build relationships with whānau; and increase their own cultural competency;
 - the marae venue, marae community, kaumātua, kuia, lay advocate involvement, incorporation of tikanga Māori and te reo Māori, validates the mana of the young people and their whānau, while still holding them accountable and responsible. The Rangatahi Courts are not seen as an easy option.

The report also suggested some good practice responses to key challenges faced by Ngā Kooti Rangatahi such as:

- having representation from the Ministry of Education (MoE) at court sittings and having Child, Youth and Family, the Ministry of Health and MoE taking a "triage" approach to assessing education and health needs of rangatahi prior to their court appearance (in response to the issue of young people's education and health needs not being adequately considered/addressed prior to rangatahi appearing before the court);
- the provision of tikanga programmes by host marae (in response to a current lack of programmes);
- the provision of support programmes and services affiliated with the marae that rangatahi are able to be referred to on completion of their FGC plan (in response to a current lack of programmes).

The procedure adopted by each Rangatahi Court is similar but not identical. Each Rangatahi Court is unique and each has distinctive qualities particular to each marae and to each local community. In summary, all of the Rangatahi Courts have been successfully established and well supported by their respective marae and local communities.

The Referral Process

When Rangatahi Courts were first introduced, the youth justice system was unfamiliar with the process of operating on a marae. Refinement of the process develops with time and experience. It is important to note that the Rangatahi Court process does not remove the Youth Court's business to the marae on a wholesale basis. Rather, after a young person has admitted the offending at a Family Group Conference and the FGC plan has been approved in the Youth Court, a judicial decision is made as to whether the FGC plan will be monitored at the Rangatahi Court. If the FGC Plan breaks down, or a formal order is to be made, the matter is usually returned to the Youth Court for the process to continue there. Similarly, if a victim remains strongly opposed to the Rangatahi Court process, it is unlikely that a referral will be made.

The decision to refer a young person to a Rangatahi Court is an exercise of judicial discretion based on relevant factors. Those factors include consideration of the recommendations of the Family Group Conference, the wishes of the young person and his or her whānau, the victim's views, submissions made on behalf of Police or the Crown, Child Youth and Family, and the level of support in the community that can be provided for the young person and his or her whānau by local marae and iwi providers. Other factors will be relevant as they arise on a case by case basis.

Most of the young people who make their first appearance in a Rangatahi Court do not know how to speak Māori and do not know much about tikanga Māori. Some have never been to a marae. Many have never been to their own marae. However, all are aware that they are Māori, and when spoken to about the topic, most have a keen desire to learn about who they are and where they are from. Although it is an unfortunate reality in modern day Aotearoa, the Rangatahi Court in many cases, presents the first opportunity for a young person to learn about his or her identity as a member of a whānau, hapū and iwi.

Many of the young people who are eligible to be referred to the Rangatahi Court are fearful of the expectation that they will be required to recite a pepeha or mihi during their Rangatahi Court appearance. This is completely understandable but is probably misunderstood to a certain extent. The vast majority of young people who appear in Rangatahi Court on their first appearance are unable to recite a pepeha or mihi. This is accepted by the Rangatahi Court as a starting point.

During the time that the young person's performance of the FGC plan is monitored by the Rangatahi Court, it is expected that the young person will work on his or her pepeha with lay advocates, and will further his or her cultural knowledge by attending tikanga wānanga (or a similar learning programme). In most cases, the young person will commit his or her pepeha to memory and will develop confidence to stand and recite it at the Rangatahi Court.

To stand in front of many people on a marae is an intimidating prospect for most people; even more so for young people aged 14, 15 and 16. For many Māori rangatahi, it is easier to remain in the mainstream Youth Court than opt into the Rangatahi Court. The fear of the unknown (the Rangatahi Court) is a powerful disincentive to seek referral to the Rangatahi Court for many Māori rangatahi who appear in the Youth Court.

One way of helping a young person and his or her whānau over-come the fear of the unknown is to make a conditional referral to the Rangatahi Court. This involves an explanation that the young person and his or her whānau will be referred to the Rangatahi Court on the understanding that if there is a desire to return to the Youth Court at any time, then the presiding Rangatahi Court judge will direct a transfer back to the Youth Court. Provided that this proviso is clearly understood by all involved, and is adhered to on a case by case basis, the fear of the unknown should be capable of being managed in a sensible and appropriate manner.

The Pōwhiri and Number of Youth Appearing in a Morning and Afternoon

Rangatahi Courts start at 9.30am with a pōwhiri (this can vary depending on the location of the Rangatahi Court). It is expected that all young people and their whānau and stakeholders will be present for the pōwhiri. The pōwhiri and whakawhanaungatanga session will usually be completed within 30 minutes or thereabouts. The court sittings will ordinarily commence at approximately 10.15am after the whakanoa session (morning tea). Because of the involvement of kaumātua and kuia and their valuable input during each hearing, a maximum of 6 youths should be set down for a morning session. This allows an allocation of 20-30 minutes per young person for each hearing (total 3 hours). The Rangatahi Court should adjourn at 1pm for lunch, and then resume at 1.30pm for the afternoon session. A maximum of 6 youths should be set down for an afternoon session. This will then allow for a pōwhiri, whakawhanaungatanga session (30 minutes) and an allocation of 25-30 minutes per young person (total 3 hours).

The Whakawhanaungatanga

It has now become an integral part of the process of many Rangatahi Courts for a whakawhanaungatanga (round of introductions) to be conducted after the pōwhiri. In some Rangatahi Courts, there is an expectation during the whakawhanaungatanga session that all participants present will stand and recite their pepeha.

The whakawhanaungatanga session is conducted by participants arranging their seats in a wide circle and each participant then stands to address the gathering. This includes the young people and their whānau, and all of the stakeholders. The presiding Judge will participate and will also outline the applicable rules of the Youth Court surrounding confidentiality of names of those young people who are appearing on that day and restrictions on publication of names and photographs etc.

The whakawhanaungatanga session presents an opportunity for those young people who are more advanced in learning and reciting their pepeha to act as role models for those in the beginning stages. The same dynamic applies with stakeholders. The whakawhanaungatanga session is now seen as best practice and all Rangatahi Courts are encouraged to adopt this practice if they have not already.

Lay Advocates

It is very important that lay advocates are proficient in the Māori language and have a good working knowledge of tribal pepeha (or have relationships with kaumātua and kūia who are willing to provide that knowledge), so that they can provide written reports to the presiding Judge setting out the cultural history and cultural circumstances of the young person and his or her whānau, and, so that they can assist young people in the important task of learning their pepeha. This means that the assignment of culturally appropriate lay advocates for Māori youth offenders is crucial. Registrars are to assign culturally appropriate lay advocates for Māori youth to ensure that the benefit of the lay advocate for each young person and his or her whānau is maximised to the fullest extent possible.

Tikanga Wānanga

It is also important that each Rangatahi Court continues to discuss and develop tikanga wānanga (or similar programmes) to assist Māori youth offenders to learn about their culture, and to develop a sense of identity and belonging as a member of a whānau, hapū and iwi. It is clear that each region will need to develop their own wānanga utilising the skills and knowledge of the local people in each area. Funding will continue to be a major obstacle, however, it is important for leaders in each area to rise to the challenge and develop programmes to help the rangatahi in their own areas.

Victim Attendance at Rangatahi Courts

From 6 December 2014, victims will be entitled to attend Youth Court hearings pursuant to s329(ja) Children Young Persons and their Families Act 1989. In the past, there have been a small number of instances whereby victims of offending have attended Rangatahi Courts to observe the hearing of the young person who offended against them. The victims, in the instances that I am aware of, have attended the pōwhiri, and have observed and participated in the hearing of the individual young person. Understandably it can be a deeply emotional process for the victim to participate in, however, if managed properly by the Rangatahi Court, it can be an uplifting process for a victim. Proper management of a victim's attendance and participation in a Rangatahi Court is vital.

The challenge for the future is for key stakeholders, Police, Victims Advisors, Victim Support, and Youth Justice Co-ordinators, to make victims aware of their right to attend Rangatahi Court sittings and to encourage and support their attendance (it is noted that until 6 December 2014 a victim will still need to obtain permission from the Presiding Judge in order to attend a hearing at a Rangatahi Court).

Conclusion

It is anticipated that differing views may be held by various stakeholders and other participants in the Rangatahi Court process about the best practice issues I have highlighted. Hopefully the observations I have made and the views I have expressed in this article will promote further consideration and discussion of what constitutes best practice for Rangatahi Courts at present and into the future.

To that end, I would invite readers to express any view they may have to the chambers of the Principal Youth Court Judge, Judge Andrew Becroft, for all contributions to be collated for further consideration and analysis.

Nō reira, e aku rangatira, koutou ko ngā kaihautū o ngā waka, nā koutou i manaaki, i tautoko te kaupapa rangatira nei. Nei rā a mihi ka rere atu, otirā, ka tuku atu ki a koutou katoa. E kore hoki e mutu ngā mihi ki a rātou te hunga wairua kua wehe atu ki tua o te tāepaepatanga o te rangi. Waihō iho rātou ki a rātou, tātou te hunga ora ki a tātou, tēnā koutou katoa!

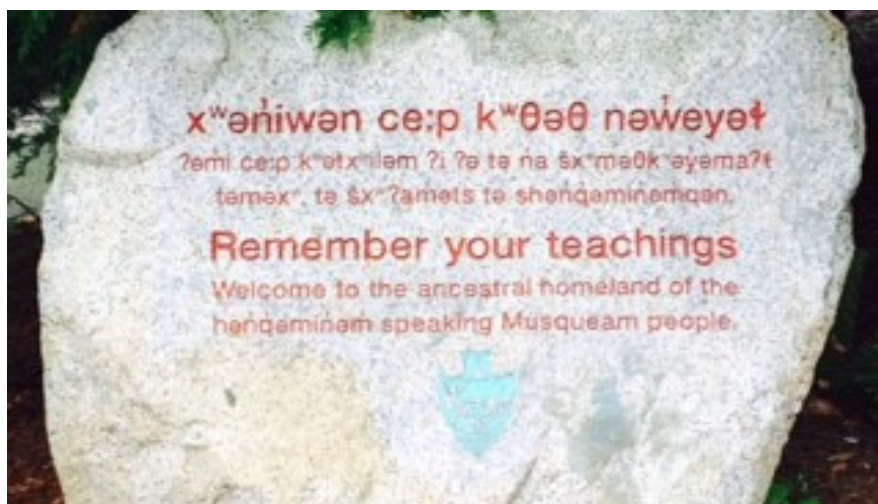
November 2014

Judge Heemi Taumaunu
National Liaison Rangatahi Court Judge

Special Report

Indigenous Therapeutic Jurisprudence Conference

Judge Taumaunu and Judge Becroft recently attended the *Healing Courts, Healing Plans, Healing People* conference on International Indigenous Therapeutic Jurisprudence held in Vancouver, Canada. Judge Taumaunu shares some whakaaro about their time at the conference.



Aboriginal or First Nation people in Canada experienced colonisation in a similar (although not identical) manner to that experienced by Māori tribes in New Zealand in the 19th and 20th centuries. As a result, aboriginal or First Nation people in Canada are disproportionately over-represented in imprisonment rates, negative health statistics and other key indicators of well-being deficiencies. Aboriginal or First Nations people account for approximately 25% of the national prison population, but constitute about 4% of the total Canadian population.

One response to these issues in Canada has been to establish First Nations Courts. These courts have formed part of an international indigenous justice movement, alongside courts operating in NZ, Australia and the USA. It was timely that an international indigenous justice conference was convened recently to look at current issues and trends in this important area of law.

In October 2014, Judge Becroft and I attended the International Indigenous Justice Conference at the University of British Columbia ("UBC"), Vancouver, Canada. Judge Becroft and I both spoke at the conference. The conference was

held at the Long House at UBC on the unceded, occupied, and traditional lands of the First Nation Musqueam Tribe.

The Conference

The Conference was opened by the Musqueam tribal elder, Larry Grant. He welcomed the conference participants on behalf of the Musqueam people in the traditional dialect of his people. He then spoke in the English language and summed up the theme of the conference, by encouraging the ideal of living together in harmony and seeking reconciliation as opposed to incarceration.

Earlier in the week, we had visited the Musqueam people at their tribal headquarters. We spoke with their rangatira, Chief Wayne Sparrow, and a number of the members of his executive committee. They talked about the history of their people and the present day issues that were facing their tribe. We also attended a community meeting at the Musqueam Big House. The Big House was similar in function to a whareniui and wharekai at a marae. Larry Grant and his wife Gina told me that the Musqueam people have

established strong relationships with Māori over the years. The names of Paul Tapsell and Derek Llardelli were mentioned as Māori who had led separate visits to Musqueam territory in the past.

Elder Clifford White spoke in the traditional dialect of his people and lead a prayer for indigenous people living in poverty, those who were incarcerated and those who were unwell and in need of healing.

Patrick and Theresa Smith spoke in the traditional dialect of their people and performed a traditional prayer of thanksgiving to the Creator. Patrick beat a traditional drum as he and Theresa chanted the ancient words of the prayer. It was a memorable and spiritually charged experience.

Prior to the conference, Patrick had led us on a tour of Vancouver's Downtown Eastside. We paid a visit to the Portland Hotel, an apartment block providing long-term residential accommodation for homeless people with addiction issues. We visited the Aboriginal/Indigenous Legal Service and were told about Gladue Reports and the issues surrounding those reports. We also visited a health facility established for the purpose of reducing the number of overdose fatalities amongst the homeless population it serves. Primarily, the facility provides a safe and disease/infection free environment in which drug users can take drugs with clean needles etc. During the course of our tour, I met and spoke with a First Nations man by the name of Earl. He was a person who has experienced first-hand the trials and tribulations of homelessness in Vancouver's Downtown Eastside, drug addiction, and poverty. He has achieved and maintained abstinence for a number of years and works now with Patrick in the community, helping others to find a better pathway.

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Indigenous Therapeutic Jurisprudence Conference

Earl told me that a very powerful part of his own recovery journey has been his return to the traditional values and teachings of his elders. He also said to me, "When you return to your people, take this message to them, tell them that my people are getting stronger". Notwithstanding the fact that Vancouver's Downtown Eastside is a despairing, impoverished and challenging environment, Earl's story and words resonate deeply and illustrate clearly how the resilience and strength of the human spirit can still shine through, even in the most trying circumstances.

Professor Shelly Johnson (whose traditional name is Mukwa Mussayet – Dances with Bears) was the primary organiser of the conference and acted as the Master of Ceremonies. Shelly is an associate Professor in the School of Social Work at UBC and is leading the team of researchers responsible for evaluating the First Nations Court in Vancouver. Shelly outlined the conference programme and said that we would hear the voices of elders, victims, participants, lawyers, researchers, First Nation Judges from Canada and Judges from the USA, NZ and Australia. Shelly said that the conference would strive to share collective vision, and best practice for indigenous courts. Later on in the conference, Shelly and one of her team spoke about their evaluation of the First Nations Court in Canada. They discussed some of their initial research and described some of their early findings. The research and evaluation is ongoing and due for completion in 2016.

I first met Shelly earlier this year when my cousin Dr Fiona Te Momo, from Massey University's Albany Campus, rang me and asked if I could talk to her guests from Canada about Rangatahi Courts in NZ. I agreed and showed them a recent powerpoint and some video footage of the process. Shelly then mentioned that she was organising a conference in Canada about indigenous justice and asked if I would mind showing the powerpoint and video footage at the conference. Shelly explained that the First Nations Courts in Canada had developed over the same period of time as the Rangatahi Courts, however, there had been no cross-



pollination of ideas, and the conference would provide an excellent opportunity for this to occur. Judge Becroft and I agreed that we should both attend the conference and represent the Youth Court (and Rangatahi Courts) of New Zealand.

Chief Littlechild was the keynote speaker. He is a commissioner of the Canadian Truth and Reconciliation Commission. He described in detail the devastating effect of Native Residential Schools on First Nations Tribes. The schools were established essentially to "Kill the Indian in the child". The official policy was one of assimilation of First Nation Tribes. The commission was established to allow the survivors of the schools to give evidence about their experiences while they attended the schools.

Many children died while attending the schools, and physical and sexual abuse against the children while they attended the schools was widespread. Chief Littlechild noted that the intended outcome of the Commission was to ascertain the truth about what occurred, and to then provide an opportunity for apology, forgiveness, healing, justice and reconciliation. In particular, the intended outcome is to promote the restoration of respectful relationships between the State and First Nations tribes whose members suffered the ongoing effects of Residential Schools.

Corrina Sparrow, a relative of the Musqueam Chief Wayne Sparrow, linked the symbol of her tribe, the paddle, with the theme of the conference. Corrina spoke of how the paddle represented her people onboard the traditional canoe striking the water with one heart and one mind, indigenous justice systems to be unified in purpose and belief, on a national and international basis.

Elders Diane Sandy, Ernest Elliott and Kathy Louis all spoke from their perspective as elders of their respective First Nations Court in Canada. Diane Sandy said "(they know) ... we are here, we are listening, we hear you now, let us help guide you in your path." Ernest Elliott said "... we ask them to think of why they are here (in court). ... we remind them of who they are." Kathy Louis made the distinction between holistic indigenous justice and punitive justice. Kathy noted that change in behaviour is possible, and emphasised the need for offenders to reconnect with a higher spirit or Creator and to reconnect with higher purposes to achieve desired outcomes.



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Gerald Kemath spoke of being programmed from a young age to believe he was brought up to be a “drunken Indian”. He spent many years of his life incarcerated until he had a learning moment. Gerald was challenged by one of his relatives who said, “If you hate the system so much, why do you keep perpetuating the system by continually coming back to jail?” From that time onwards, Gerald followed a new path and has connected with a traditional indigenous approach towards life based on pride, dignity and principle.



Corrine Hunt spoke of the holistic approach that is taken towards First Nations victims of crime and how that approach is applied in practice. Freda Ens spoke about the loss of cultural identity from a victim’s perspective and of her personal experience as a victim of abuse. Freda said that at the time she was being abused, there were questions she asked herself: “... Why is this happening to me? ... Who am I? ... Why am I here?”

Justice Joseph Flies-Away is an appeals court judge from the Hualapai First Nation, Grand Canyon, USA. He spoke about indigenous justice in the context of spirituality. He defined the concept of spirituality as “relatedness and connectiveness that human beings share with all creation”. He proposed that part of the solution was for offenders to be guided towards opportunities to connect or reconnect with positive influences and disconnect from those influences that were having a negative impact on their lives. Justice Flies-Away spoke of the Dalai Lama’s suggestion that a “spiritual revolution is needed” and mentioned the Huapai prophecy, “It is the indigenous people of this world who are going to save it”.

Judge Marion Buller-Bennett is a First Nations woman of the Cree tribe. Judge Buller-Bennett is a judge of the Provincial Court of Vancouver. She saw the plight of the First Nations people who were coming before the court and decided that something had to be done. Judge Buller-Bennett created a holistic First Nations Court that deals with all of the legal issues affecting the whole family. The family members are given the responsibility of creating healing plans for themselves. Guidance is provided by the elders in the court as well as the judge and other stakeholders. Once the healing

plan is created and agreed by all, the court monitors the performance and completion of the healing plan. The healing plans strive to address and correct the deep underlying issues to do with trauma and loss of cultural identity.

Magistrate Rose Falla is the first aboriginal person to be appointed a Magistrate of the Victoria Magistrate’s Court in Australia. She spoke about the creation of the Koori Court in response to the 1991 Royal Commission into the high numbers of Aboriginal deaths in custody, and the hugely disproportionate over-representation of aboriginals in the criminal justice system in Australia. The Koori Court has Aboriginal elders who sit alongside the Presiding Magistrate in Court; they provide guidance and advice to the offender as the offender works his or her way through the court process.



Judge Becroft and I spoke about the Youth Court and the Rangatahi Court. It appeared to us that the marae venues that are used for Rangatahi Court sittings make our system unique. Most of the other courts we heard about were conducting hearings with elders, but the hearings were still being conducted within court rooms as opposed to more traditional venues.

Other speakers discussed the First Nations Drug Court Pilot in Vancouver, and the prevalence of FASD amongst First Nations People who appear in First Nations Courts. The conference was both inspirational and challenging. We have much to think about, and there is significant room for improvement and further innovation. I would like to thank Professor Shelly Johnson for inviting us both to attend the conference.

Nō reira, kei te mihi atu ki a koutou katoa.

Judge Heemi Taumaunu
National Liaison Rangatahi Court Judge

A copy of Judge Becroft’s report from the conference can be found at p. 1-2 of **Court in the Act: Edition 67**: <http://www.justice.govt.nz/courts/youth/publications-and-media/principal-youth-court-newsletter/issue-67/view>

Te Kōti Rangatahi ki te Poho-o-Rāwiri Marae: celebrating six years of success

Recently Te Kooti Rangatahi ki Poho o Rāwiri celebrated its 6th year in operation. Gwenda Findlay, Lay Advocate, provides an update of the celebration of this milestone.

Te Kooti Rangatahi Māori

Whakanuia

Nō te rua tekau ma waru o Haratua, te marama kua mahue ake, i whakanuia te ekenga o te ono tau o Te Kooti Rangatahi mai i tana tīmatanga i te marae o Te Poho o Rāwiri. I te tau rua mano ma waru (2008) Āe he tika tonu kia whakanuia. I taua tau i whakahaeretia te kooti tuatahi mo ngā rangatahi ki runga i te marae. Ko te whakaaro nui kia whakawātia ā tātou tamariki i te marae, kua ki roto i ngā kooti a iwi. Ko te āhuetanga whakahirahira e pā ana ki taua whakaritenga, ara kia tū rātou i waenga i ngā pakitara o o rātou tipuna, kia tū ki te takutaku i o rātou pepeha, whakapapa hei tūranga mō rātou kia hī ake ai o rātou wairua, kia mōhio ai rātou he Māori rātou i heke mai i ngā kāwai rangatira.

Ko te tangata rongonui nāna i tīmata tēnei kaupapa arā ko te kaiwhakawā Māori ko Tiati Heemi Taumaunu. I toko ake tēnei whakaaro mai i a ia, me ētahi atu pēra i ngā Pirihimana, Ngā Kaiāwhina Rangatahi, a CYFS me ētahi atu roopu o te hapori.

Nā ngā rangatahi mau rākau i raro i te mana ako o Mike Timu i whakatau te wero pōhiri ki te marea whakaeke ki Tūranga Ararau i te rā i whakanuia ai te rā ekenga ki te ono tau.

Nō tēnei rā ka hoki ngā whakaaro mō te kuia tautoko i te kaupapa mai i te tīmatanga, arā ki a Rawinia Te Kani. He tika tonu kia whakamomori mō te wā whakamaumaharatanga ki a ia me ana mahi i waenga i te hapori. Haere e kui, e kore koe e wareware i a mātou.

Nā konei i tīmata. Inaianei puta noa i te motu, tekau ma rua ēnei tūmomo kooti e whakahaeretia ana i runga i ngā marae hei āwhina i ngā rangatahi kua taka ki te hē. Ko te wawata kāre anō kia peke i te taiapa, ka taea te whakahuri mai anō ki te ara tika.

Te Kooti Rangatahi

Six Year Milestone

On Wednesday the 28th of May 2014, Tūranga Ararau hosted Te Kooti Rangatahi and held a small celebration to mark its 6th year in operation since it was launched at Te Poho o Rāwiri on the 30th May 2008. Judge Heemi Taumaunu, founder and National Rangatahi Courts Liaison Judge, was welcomed along with Youth Advocates, Lay Advocates, Police, CYFS, organisations from the community and rangatahi and their families.

Members of the Mau Rakau school Ngā Rakau Tapu o Te Atua, founded by Mike Timu, performed a Wero Challenge to mark the special occasion. As a part of the day's proceedings, a student from the Tūranga Ararau SYSCO Programme - Papataiohi who completed the 12 Step Moral Reconciliation Therapy Programme (MRT), was presented with a greenstone taonga from Judge Taumaunu.

Judge Taumaunu was instrumental in introducing the MRT Training at the National Rangatahi Courts Conference in 2012 by one of its founders, Dr Ken Robinson from Tennessee America.

Since Rangatahi court commenced at Te Poho o Rāwiri 6 years ago, there are now 12 rangatahi courts operating on marae throughout New Zealand.

In closing, we acknowledge the late Nanny Rawinia Te Kani, who was a staunch supporter of this kaupapa since the beginning. We have fond memories of when Nanny Rawinia travelled through with us to the National Rangatahi Courts Conference to support a presentation we delivered to the rest of the nation about our Te Ara Tuakiri and MRT Programmes.

Haere e kui, e kore e wareware i a mātou.



Te Kōti Rangatahi ki Kirikiriroa: Community Perspectives

Lisa Awatere (Ngāti Hine, Ngāti Maniapoto) is the Deputy Registrar and Court Taker for te Kōti Rangatahi ki Kirikiriroa - the Rangatahi Court in Hamilton. Lisa shares some whakaaro (insights) about the Rangatahi Court and her role.



It's a cold brisk morning at Kirikiriroa Marae. The frost is nipping at the feet of visitors and tui are twittering in the surrounding kowhai. There is an envelope with coins in it changing hands reluctantly and an understanding that the person holding this will speak for the group.

A judge greets young people and their whānau (family), police, youth advocates, lay advocates and social workers at the gate, where all are welcomed on as one.

The karanga (welcoming call) of the kuia (elderly woman) breaks the silence in this strangely urban meeting place and instantly you are in another world. The pōwhiri (welcoming process) begins and those from the Marae invite the visitors with welcoming words and waiata (song). Visitors return the gesture and time comes for all to hariru (shake hands). Our ears are warmed again with a call to break bread and also break the tapu over morning tea. Regular visitors know there's a chance of hot soup or savouries.

You'd be forgiven if you thought this wasn't court – as the feeling here doesn't suggest it.

Cutlery and crockery clang in the kitchen as the announcement is made for court to commence. All those formally appearing are required to gather in the

whareniui (meeting house). A karakia (prayer) is said for one and all by a kaumātua (elderly man) and a mihi (acknowledgment) flows from the sitting judge before giving their pepeha (personal genealogy). Nerves build as lawyers, stakeholders and court staff alike prepare to give their own pepeha.

We are now ready to call our first matter.

The kuia calls in each and every youth, their family and support people before starting the hearing. The kaumātua mihi to each and every youth and their support before the judge speaks.

The same rules apply here at the marae for Te Kooti Rangatahi as at Youth Court held in the courthouse. This is a closed court. Youth advocates and social workers appear for the youth. A police prosecutor appears. The Ministry of Social Development (CYFS) and the Ministry of Education each have court officers present. Hauora Waikato (health services), drug and alcohol counsellors, mentors and Māori wardens are also present. There are people with very important roles that are not usually present at normal youth court sittings – kaumātua and kuia. And now lay advocates. The lay advocate role was created to focus solely on the cultural awareness and/or guidance of the young person. Each youth appearing at Te Kooti Rangatahi is appointed an advocate. This

role has proved in the past to get into homes that other ministry services have otherwise struggled to.

Te Kooti Rangatahi is not an easy option. Court rules apply, but so does tikanga. Kuia are not shy to tell people off or correct them. Each youth is expected to know their pepeha and is requested to do so before any hearing takes place.

Once a hearing commences, everyone is relaxed. Each young person has heard other people say their pepeha and there is a connection made where people recognise iwi, waka, marae, awa (tribe, canoe, meeting house, river). The feeling of whanaungatanga (kinship) is in full swing.

Sometimes this is the first time whānau (families) have been on a marae. Often it has been many years. The marae is often a place many whānau avoid due to embarrassment for not knowing their whakapapa (genealogy) or possibly because they have such close associations with that marae.

Youth Court tends to treat young people in a factory-like manner. However, Te Kooti Rangatahi is a much more cautious process, whereby more time is dedicated to each youth, whānau are more likely to support the youth and kaumātua have involvement in the process through their words of wisdom at the end of each sitting.

Te Kōti Rangatahi ki Kirikiriroa: Community Perspectives

Lisa Awatere (Ngāti Hine, Ngāti Maniapoto) is the Deputy Registrar and Court Taker for te Kōti Rangatahi ki Kirikiriroa - the Rangatahi Court in Hamilton. Lisa shares some whakaaro (insights) about the Rangatahi Court and her role.

When starting the day a young person's tough exterior is obvious. Throughout the day they slowly shed this exterior layer by layer, due to the warmth they receive from the marae and the people there. When they are giving their pepeha there is a vulnerability about them; sometimes the young person beams with pride when completing this task. As youth return (whether to complete community work hours or for appearances), they are more familiar with a marae setting, learning local kawa (protocols) and faces. This can often be the beginning of a long-standing relationship between rangatahi and marae.

At the conclusion of every hearing there is a 'hariru line' that the youth and their supporters must get through before completing matters. Judge, kaumātua and kuia, police, CYFS, education officer and court staff alike are on the receiving line to see off the youth.

As a court taker in Te Kooti Rangatahi, your day consists of more than just juggling a few files. The court taker role can be one where many people rely on you to know not only the court process but the protocols of the marae. It is a role that requires someone who is comfortable in both a court and marae setting. Having a basic knowledge of Te Ao Māori (the Māori World) and its workings is essential for the success of

this role. Having a flexible approach to matters also helps, as you never know what may arise and it is certainly tricky finding a balance between 'court time' and 'marae time'.

I have personally been touched by outcomes and information in my time supporting this particular court: for instance when watching a family of three generations attempt to change their drug habits. There are times when Rangatahi have whanau at their hearing that include younger, more restless family members. Other youth will rarely have whanau support and kuia occasionally move themselves to be seated in support of these youth.

Victims are invited to attend. However, in nearly three years of involvement with Te Kooti Rangatahi I have only ever seen this invitation taken up twice. There have also been tense situations. Some whanau may have gang connections and take exception to being told to remove their 'colours'. A stern warning was once given by kaumātua to supporters wearing bandanas on the Marae. This situation was diffused by apologies and reconciliation before any court proceedings could begin, but it takes up much of the morning to get there. There have been parents who were critical of the concept of Te Kooti Rangatahi - those from urbanised

backgrounds and those with strong beliefs in Māoritanga (Māori practices and beliefs). It doesn't take long for them to catch on to any positive outcomes; usually, by the final visit they see the benefits of the court being held on a marae.

I strongly feel that the success of Te Kooti Rangatahi comes down to those making what was once just a concept into a reality. At Kirikiriroa Marae, the Judges, Police, CYF, Ministry of Education, Youth Advocates, Lay Advocates, support services and most importantly the Marae are all very passionate about keeping the court alive. They each wrap the Rangatahi in their layer of support so that they can progress. They each believe wholeheartedly in Te Kooti Rangatahi.

Potatau Te Wherowhero (the first Māori King) is often beautifully quoted at Kirikiriroa Marae -

"kotahi te kohao o te ngira e kuhuna ai te miro ma, te miro pango, te miro whero" - which literally means "there is but one eye of a needle, through which white, black and red cotton are threaded".

This, I feel, is a provocative reminder of our need in this particular court to recognise our goal as a collective, using our individual roles and knowledge to get there.



Te Kōti Rangatahi: Community Perspectives

Annette Stock, a Language and Literacy Specialist, works with young people who have difficulties in the area of speech, language and literacy development:

“At the invitation of Judge Bidois, I have attended two Kooti Rangatahi sittings in Rotorua. I am from whānau in Gisborne, where the first of these courts was launched, so it had special significance for me as my earlier work, as a speech language therapist in that region, is very close to my heart ...”

... I first became involved in the language/offending link when working with some Ngāti Whakaeue rangatahi. With my awakened curiosity, I then began searching for research around these links and found, to my surprise, that there was emerging evidence to support this:

Pamela Snow's Australian research:

Youth (in)justice: oral language competence in early life and risk for engagement in antisocial behaviour in adolescence
<https://dro.deakin.edu.au/eserv/DU:30050415/powell-youthinjustice-2012.pdf>

American research:

Breakdown in the Language Zone: The Prevalence of Language Impairments among Juvenile and Adult Offenders and Why it Matters
<http://ijlp.law.ucdavis.edu/archives/vol-15-no-1/LaVigne%20and%20Rybroek.pdf>

British research:

Speech and language therapy intervention with a group of persistent and prolific young offenders in a non-custodial setting with previously un-diagnosed SLCD
http://epubs.surrey.ac.uk/7415/50/Gregory_ijlcd_final.pdf

I subsequently made contact with Ian Warringer, a British Speech Language Therapist, recently joining a Youth Offending Team in Britain; and also Judge Becroft, a patron of the NZ Speech Language Therapy Association.

With growing interest under my belt and a determination to further explore this area, I have devoted time to seriously putting experience and research together. Some of what I find is hard to accept. I still keep asking "how come after 6-8 years of schooling are there rangatahi in our community who present with such learning difficulties?" The answers to this complex question are becoming clearer in my mind as I read and observe.

The first key factor is the link between oral language competencies in the first five years of a child's development. The most rapid and dramatic language acquisition typically occurs during the first five years of life (Owens 1996). Without this as a solid base, formal learning can be impeded. Students who, for whatever reason, do not come to a speech language therapist's attention and get suitable intervention during this time, may then carry an Achilles' heel. Research suggests that this is then identified and treated as a behaviour problem: '... an association between aggressive behaviour and poor language skills is now beyond dispute' (Dionne).

If overlooked, undetected, or not dealt with, Oral language

competency (or lack thereof) may then become identified as a 'behaviour' problem, ultimately leading rangatahi into the courts. Further adding to the woes of such rangatahi, is the fact that our legal system is primarily based on 'telling your story' and without this there can be serious limitations:

The connection between language disorder and emotional difficulties is complex ... these individuals often lack the ability to understand and interpret the words and actions of other people (Joseph H. Beitchman et al 1999, 2001).

It has become increasingly clear to me, as a speech language therapist, that this is an initial, huge barrier for those rangatahi appearing in court with this often unidentified communication difficulty or disorder.

The first red flag, indicating that that there may be oral language competency difficulties, came as I sat in the court while each rangatahi delivered their pepeha. To remember a second language and also the order in which the pepeha is delivered, in a stressful situation, is some feat for many rangatahi. A reasonably well developed auditory and visual memory system and oral language competency is needed to confidently perform this task. I watched as some crumpled pieces of paper were reluctantly drawn out of pockets and rangatahi struggled to speak intelligibly in their delivery.

The next red flag appeared when the rangatahi were asked to answer questions. What sort of response was delivered? A simple "yes", "no" or "dunno" answer, with little supporting information, unless teased out by the judge.

Research indicates that one is likely to produce monosyllabic, poorly elaborated and non-specific responses that may be accompanied by poor eye contact and occasional shrugs of the shoulders (Snow and Sanger 2001), indicating a reluctance to be fully engaged, which can so easily be interpreted by other communication partners as rude, non compliant and resistant.

Following on along these lines are the answers to the question, "do you understand?" Most rangatahi seem to answer "yes" for fear, I suspect, of publicly demonstrating their lack of understanding to all those present in the marae. This is also outlined in the research:

Impaired language skills impact a defendant's ability to understand the criminal or juvenile justice process, to communicate with counsel, to understand and comply with terms of bond or probation or parole, to complete programming successfully and ultimately to lead productive lives (La Vigne & Rybroek 2011).

Te Kōti Rangatahi: Community Perspectives

Annette Stock, a Language and Literacy Specialist, works with young people who have difficulties in the area of speech, language and literacy development.

The third red flag for me is if there is knowledge of any hearing loss and whether this knowledge is current. I suspect that earlier hearing problems might have been identified at school, but wonder if these are still prevalent with the older cohort. It seems very unfair to be part of a specifically assembled group of legal, professional and whānau, where the expectation is that the rangatahi will understand the court process, and to not have full hearing capacity. This cognitive and linguistic task may well bury any hearing difficulty. This is reflected in the Roper Report (2008) which deals with the prison population.

The vocabulary around court proceedings, which is outside "normal" conversational language, requires rangatahi to first be able to hear what is going on, process and retain the information and finally, to formulate an appropriate response. All of this is done with the added factor of high stress levels in, what may well be a relatively unknown environment. Some mission for many.

The fourth red flag is the requirement that rangatahi understand the elements of "telling their story." Research indicates that the ability to work out consequences and reconciliation is not evidenced in this 'clinically significant' cohort, as earlier research repeatedly confirms. A high level of cognitive and linguistic ability is required to do this successfully.

My presence was as a casual observer without access to file information regarding school achievement (which might outline reading, writing and numeracy achievement - or lack thereof). Without oral language competency and hearing information, this file would not reflect the whole picture of the rangatahi's capabilities. Additionally, there may also be alcohol and drug abuse, which could possibly cloud the former issues

and take a higher focus. I am then left asking "what came first?" It is possible that earlier oral language competence deficiencies - which may have led to learning difficulties, poor attendance and failure - have led to further drug and alcohol abuse. In which case, the original oral language competency difficulty or disorder may have been long since buried.

Not to mention, the rangatahi may also be very young parents themselves. If so, this cycle is likely to be repeated. Speech language therapists also know, from their case loads and as confirmed by the research, speech language disorders and delays are more prevalent in males.

After karakia, I left on both occasions with a heavy heart. Despite the best efforts of those involved with these rangatahi, there appears to me to be one big gap: the presence of a speech language therapist's input; to be part of helping to unravel these complex youth, who may keep reoffending without the underlying causes ever being uncovered. This is not a happy thought for me, as a professional, to live with.

I am reminded from the Rangatahi Courts Newsletter Issue 4 April 2014:

*Māmā ke te tohutohu tamariki, i te whakatike pākeke
It is better to train up a child than to try repair an adult*

There is only a limited window of time to do this.

Annette Stock
Speech Language & Literacy Specialist

November 2014



Call for contributions...

The Rangatahi Court Newsletter relies on the contributions of the wider youth justice community, and especially from those of you who work with ngā Kōti Rangatahi.

Please feel encouraged to send any and all contributions, pānui, news, updates and stories from ngā Kōti Rangatahi, or interesting articles and research to: sacha.norrie@justice.govt.nz (Research Counsel to the Principal Youth Court Judge).

Judges' Update

Manurewa Rangatahi Court

Manurewa Rangatahi Court continues to be busy and vibrant. It sits fortnightly with a half day one week and a full day the following week. Each court session is fully booked. The ideal number seems to be 6 rangatahi per court session. Any more than that (once or twice it has crept up to 8) and we run into time problems, particularly in the full day sessions as the second pōwhiri is at 1pm.

The tikanga programme run by the marae – *Maia / Rangiatea* – commenced earlier this year. The coordinator Erin Henare is passionate about the project and rangatahi are being referred to it where possible. In the July school holidays, rangatahi on the programme were taken to the Far North to visit sites including the Hokianga, Te Rerenga Wairua and Te Hapua. It was pleasing to see the smiles on the faces of the rangatahi who went on the haerenga, many of whom had never been north of the Harbour Bridge, and who spoke of the beautiful scenery and the manaakitanga and whakawhānaungatanga they experienced.

As has become the practice in most of the courts, a Whakawhānaungatanga session at the commencement of each sitting has the Court officers and all professionals associated with the court introduce themselves to the rangatahi and their whānau by standing and delivering a pepeha, just as we expect the rangatahi to do in court. This has been well received and, although initially nervous, it seems that everyone is starting to enjoy the opportunity to participate.

Elders of the marae attend and contribute tirelessly to each sitting. At times we have up to six kuia and kaumātua offering their aroha and wisdom to our rangatahi. The attendance of an education officer at the hearings is invaluable, as is the commitment and enthusiasm shown by Police, Child Youth and Family, Lay Advocates and various agencies to the kaupapa of the court.

Naku te rourou nau te rourou ka ora ai te iwi: With your basket and my basket the people will live

Judge Frances Eivers

Te Arawa and Mataatua Rangatahi Courts

**E nga mana, e nga reo
E nga mataawaka
Tena koutou katoa**

Te Kooti Rangatahi Courts for Te Arawa at Taharangi Marae Rotorua and Mataatua at Wairaka Marae Whakatane continue to operate well. There is solid uptake, enthusiastic support by whanau and strong commitment by stakeholders. The benefits and value of Te Kooti Rangatahi are obvious to those working within the process. One of the strengths of the process is the presence and knowledge imparted by kaumatua from "Te Tepu". Both waka have played important roles in the possible establishment of other Te Kooti Rangatahi within the Waiariki Rohe.

At midyear, a delegation of Tuwharetoa kaumatua attended Te Kooti Rangatahi at Rotorua and were impressed by the Court led that day by Judge Wills. Myself and a group of kaumatua later attended on Tuwharetoa and engaged in discussions leading to a unanimous decision by those at that hui to establish and operate a Te Kooti Rangatahi ki Tuwharetoa. There is more to come on this.

Mataatua kaumatua supported Judges Clark, Wills and myself at a presentation at Maungatapu Marae to Tauranga Moana kaumatua. The presentation was well received with again a unanimous decision to proceed to establish a Te Kooti Rangitahi ki Tauranga Moana. Tauranga Moana kaumatua also attended at Whakatane to observe the Court in action and were suitably impressed. The commitment of kaumatua from both iwi to travel and support presentations and to host manuhiri is again a demonstration of their support for the kaupapa. I remain indebted to their humble leadership and support.

Both Te Kooti Rangitahi are in good heart as a result. Having consolidated the process the aim must now be to extend the kaupapa so that rangatahi in other rohe are not deprived of what is becoming a fundamental right – to have their matters determined on a marae.

Na, Judge Bidois



Pasifika Court: an update from Judge Recordon



For the past 18 months, Judge Ida Malosi has been sitting with her Samoan brothers and sisters on the Supreme Court bench in Samoa. During this time, Judge Frances Eivers and I were entrusted with the care of the South West and Central Auckland youth in the Pasifika Youth Court, which sits every second week in Mangere (Community Centre) and in Avondale (Church). Judges Hikaka and Taumaunu graced the Court with their presence on the odd occasion that Judge Eivers and I were not available.

What a privilege.

With the Court come the elders: four or so from each of the Cook Islands; Samoa; Tonga; one from Niue. What a wise and fun group they are. Also with the Court comes "appropriate" (as in, a good fit for this special Court) Police prosecutors, Child Youth Family and Court staff from

Manukau, Auckland and Waitakere.

Judge Eivers is Māori, so she "fits", as do Judges Taumaunu and Hikaka. As for me, as an ancient Palagī male with Scottish and French ancestry, I might have struggled were it not for the acceptance and aroha from the elders, the Court staff and most importantly, the youngsters and their families. I expect there were a few laughs when, in the middle of winter in the Mangere Polynesian Community Centre, one heater raised the temperature from zero to one above zero, and I was in sandals and lava-lava! Judge Maslosi and Tony gave me three lava-lava prior to departing, one of which was to be worn only by Mau or with permission of a Mau descendant (they were those who fought for independence) - and one of which was white -- for church!



As with the Rangatahi who choose to go to the marae for the monitoring of their Family Group Conference Plan, the Pasifika youth choose to link with the Pasifika Court for the duration of their FGC Plan. One way in which the Pasifika Court differs from the Rangatahi Court is that in the Pasifika Court there are approximately 12 elders, compared with the 2-4 kaumātua and kuia present at the Rangatahi Court. The obvious reason for this is that different island nations have a variety of languages and cultures.

Fine mats and tapa (traditional bark cloth mats) adorn the floor and table, brought by the various elders – one of which came from Tapu Misa and her husband, which I donated. A mat in the centre has the signature of all the graduates from the court – a ceremony with singing, laughter and tears is part of a graduation. Discussions are on-going as to the graduation process where a plan is not fully or properly completed. A Committee was set up in Judge Malosi's absence. Without her at the helm the elders elected a Chair Secretary and Treasurer, the Treasurer to collect money for occasions such as loss of a mother or other family member (as has been the case).



Prayers are said at the start and end of each youth's appearance. There is no pōwhiri as with the Rangatahi Court. There are appointments throughout the day, with a full day catering for around 10-12 young people. Almost all young people have family with them and many have their community supports, including social workers, with them.

Food is shared at appropriate times and intervals. The elders' preference is salad and fruit; for a while this was not provided, but this and a few other hiccups have slowly been addressed.

Half hour slots mean that we have time with each youngster and their families. Before Court starts, and after we have set the room up, we sit down and go through reports for each case. Most cases we know from 2 weeks prior. The object is to keep the young people in close contact with the elders, with their culture. The young people have marked variations in language, skills and knowledge of their culture.



One objective of the Pasifika Court process is to help the young people learn about their culture, and never embarrass them or their families. Supporting each of the families is a key priority; an elder sits with the family (to translate and support) and two elders sit close to the Judge. The seating has been carefully thought out and is designed to add support and weight to those sharing our Court.

We see enormous change in the weeks and months that a case might continue. The same elders – from the island of the youth's family – start and finish with speeches, encouragement and a prayer. Without a doubt, this works as a mechanism of support for family and youth. Many of the elders support as lay advocates and their visits to the young person and their family are valuable and appreciated.

Judge Malosi was sorely missed. She is back. Now Judge Eivers and I have a huge gap in our judicial lives. It would seem sensible, in future, for the backup for Judge Malosi to be Pasifika. Hopefully this will be the case very soon.



Oho Ake Framework

The Evaluation

The Oho Ake (to awaken) framework was launched in 2010 by Tūhoe in partnership with Whakatane Police. The framework is aimed at Māori tamariki and rangatahi who come into contact with the justice process and provides them with an option to work within a kaupapa Māori health service delivered by the Tūhoe iwi. Oho Ake operates a diversionary “alternative action” model, as provided for by s 208(a) of the Children, Young Persons and their Families Act 1989. The evaluation of the Oho Ake framework was commissioned by Tūhoe Hauora, and prepared by Kay Montgomery, to measure its effectiveness for the rangatahi who have been referred to the framework and their whānau. A summary of this evaluation is provided below.

History and overview

The Oho Ake initiative was the first of its kind in Aotearoa New Zealand, providing iwi and police with an opportunity to work collaboratively to address rising rates of youth offending, particularly by young Māori males. In 2010 youth justice statistics showed that:

- 19% of the 14-16 year old population was Māori;
- 49% of police apprehensions for this age group were Māori;
- 53% of those appearing before the Youth Court were Māori; and
- Up to 66% of those in youth custody were Māori.

In 2010, the Ministry of Justice reported that ‘Māori children’s apprehension rate is more than five times that of Pacific or NZ European children’. At the same time the Ministry of Social Development released the *Te hohounga: Mai i te tirohanga Māori – The process of reconciliation: Towards a Māori view* report, outlining the importance of including ‘knowledge and understandings that can contribute towards a Māori view of conduct problems, to ensure that Māori tamariki, taiohi and whānau experiencing conduct problems receive the most effective and culturally enhancing interventions possible’. These two reports reflect the context in which Oho Ake was launched: there was a strong attitude that ‘indigenous knowledge in action will be instrumental in the implementation and development of kaupapa Māori programmes, as well as enhancing general Māori cultural responsiveness’. More recently the Youth Crime Action plan 2013-2023 also prioritises ‘strengthening existing interventions, such as FGCs and police alternative actions, and improving planning and support for young people returning to their communities’.

The partnership between Tūhoe and the Whakatane Police started as an informal arrangement that grew from the Youth Offending Team (YOT) discussions in Eastern Bay of Plenty. YOTs are responsible for coordinating service delivery to youth offenders at a local level. Initially there was no funding available for the framework and Tūhoe absorbed the additional cost of delivering the framework within their operation budget.

In 2012, an official agreement was reached between Tūhoe and Whakatane Police. The agreement outlined the purpose, approach and outcomes expected from the partnership and framework. It was agreed that:

- Oho Ake is aimed at Māori children and young people who fall into the justice process at all levels (it is noted that Tūhoe requested that the initiative include any ethnicity, not just Māori from Tūhoe);
- Child and youth offending is a catalyst for Police to refer these young people to the iwi, who may in turn address the underlying causes of offending, and prevent other family/whānau members entering or remaining in the justice system; and
- Oho Ake focuses on the application of Mauri Ora based concepts, enabling work alongside whānau to identify or reconnect their whakapapa.

The agreement states that the Oho Ake framework is not an alternative justice system for young offenders, but a partnership with the justice system providing alternative options to address the attitudes, behaviours and causes of offending for these young people. Both Tūhoe and Whakatane Police agree that there are ‘no short term solutions’ and they are prepared to continue to support the Oho Ake framework for ‘as long as it takes’.

Oho Ake Framework Description

The Oho Ake framework is founded in the key principles of Mauri Ora (state of wellbeing). Mauri Ora focuses on the wellbeing of whānau, hapū and iwi, and within that, individual Māori. Tūhoe adopted the broader term of whānau so that all young offenders within their catchment could access Oho Ake regardless of iwi, ethnicity or gender.

The approach outlined in the official agreement between Tūhoe and the Whakatane Police includes the following actions:

- The Police will not change their current practice for dealing with child and youth offenders. When an offence occurs they are referred to Youth Aid. Home visits are made to carry out a Youth Offending Risk Screening Tool to assess risk.
- Police consult with iwi to formulate a collaborative approach. Tūhoe conduct the Ngā Pou/Whānau Ora screening tool to assess the needs of the young offender and their whānau. Iwi decide the level of intervention required.
- Police will not intrude with whānau. They will remain involved normally for three months while iwi continue to work with the young offender and their whānau.

Oho Ake Framework

The Evaluation

Risk factors for each referral are identified by police using the Youth Offending Risk Screening Tool (YORST), which provide Tūhoe with sufficient information to initiate contact with the young person and their whānau. The YORST identifies some of the risk factors that contribute to young people presenting with anti-social behaviour or conduct disorder, which often result in offending. Oho Ake provides an opportunity to engage young offenders and their whānau with the intention of increasing protective factors to counter risk factors.

The major protective factor underpinning all interventions used with rangatahi and their whānau is whakawhanaungatanga (relationship building and strengthening), which reconnects them to tikanga and their whakapapa: 'the concepts of whānau and whakawhānaungatanga highlight a sense of belonging and a sense of relating to others within a context of collective identity and responsibility'. This is also seen in the principles found in the Mauri Ora model; it builds on the strengths of each whānau member and contributes to the whānau as a whole. An individualised intervention impacts the whole whānau and increases protective factors.

A second assessment is then conducted using the Ngā Pou/Whānau Ora screening tool. The Ngā Pou/Whānau Ora screening tool provides a comprehensive collection of information to better understand the needs of the rangatahi. A treatment plan is then developed in conjunction with the young person and their whānau to increase social, health and educational support.

Ngā Pou/Whānau Ora Screening Tool Content			
Hinengaro	Ngākau	Tinana	Wairua
Whakapapa	Kahupo	Physical	Kahupo
State of minds	Toiora	Health	Toiora
Acknowledgement		Behavioural	
		Medication	

More specialised services or programmes are often required due to the complexity of the young person's situation. In this case, the young person and/or their whānau are referred to these services or programmes within Tūhoe.

Tūhoe Clinical Services		
Tamariki/Rangatahi Youth Services	Kaupapa Planned Respite (Mental Health)	Kaupapa Māori Dual Diagnosis Services
Early Intervention	Advocacy Peer and Whānau Support (Mental Health)	
Tūhoe Clinical Programmes		
Tikanga Programmes	Incredible Years Parenting Programme	Community Travel Assistance

All treatment plans are based on the principles of Mauri Ora and cater to the specific needs of the young person. Treatment plans often focus on increasing protective factors and mitigating risk factors. Clinicians will often work in the evenings and weekends if the client and/or their whānau cannot be seen during the day.

Participants

The initial referral is for rangatahi between 13 – 16 years old, but on receipt of the referral, all whānau members are included within the Oho Ake framework.

The demographic accessing Oho Ake are mainly rangatahi and whānau who are:

- Mainly gang families
- Living in serious poverty
- Mainly the 'Mums' doing the fronting
- Mainly rangatahi with multiple layers of issues

The whānau's level of criminal activity, homelessness, violence, alcohol and drug use, employment, support, income and adult mental health issues are the key variables identified as impacting upon whānau wellbeing.

Over the four years since 2010, Police have made 91 official referrals.

Evaluation Summary

The evaluation considered information supplied by key stakeholders involved in the delivery of, or participation in, Oho Ake. These included:

- The Whakatane Police
- Tamariki and rangatahi who participate in the Oho Ake framework
- Whānau who participate in the Oho Ake framework
- Tūhoe Hauora staff

Feedback from the completion of the dynamic section of a YORST identified that on average there were increased protective factors and decreased risk factors within the young people's lives since participating in Oho Ake:

Dynamic Section from YORST	Decreased	Same	Increased
Alcohol and/or other drug use	x		
FAMILY FACTORS:			
Evidence of family violence	x		
Other concerns of family violence	x		
Paternal involvement in crime		x	
Other children's involvement in crime	x		
PEER FACTORS:			
Have whānau become involved with sports/ community groups?			x
Have groups of friends changed?		x	

Oho Ake Framework

The Evaluation

The majority of stakeholders had positive experiences with Oho Ake. Some of the participant feedback included:

- **Communication:** *Understanding; sharing information; talking to one another; better time management; Oho Ake was useful for me to express my concerns, fears, wishes and hopes for my son; being able to know that my child has someone to talk to; very helpful – get to know the providers better.*
- **Availability:** *Support is always there; support to take child to court (transport).*
- **Oho Ake framework:** *Ongoing support – not making me feel “hoha” every time my children offend; always showed respect; respectful to children when engaging them in conversation; they see you when you ask for help – being there; talking to you about family matters out of their time and always ask you how you are; relief at knowing that other people care and want to HELP!; this is the first time I have accessed support from Tūhoe Hauora and am glad of it; Oho Ake can only be of more use to me and other whānau.*
- **Attitude change:** *My children have developed a mutual respect for police because of their supportive behaviour towards them; staying positive no matter what comes your way; strengthen my “trust” of the LAW being involved with my whānau; “trust” in an outside organisation coming into my home and helping.*
- **Behaviour change:** *Made me “step up” more concerning my parenting with my children; making good choices – having whānau around; strengthen my whānau in times of crisis.*
- **Collaboration/interagency work:** *Better input by the Police and CYFS because prejudgment and stigmatising of whānau can and does influence the outlook and outcomes of my sons’ life; Police and CYFS need to show up to these Oho Ake hui so they can be better informed of our whānau progress.*



From left to right: Tūhoe Hauora representatives, Tame Iti, Anita Henry, Angeline Kiwara, Rewiti Hakeke, Ruby Rameke and Pania Hetet, the Tūhoe Hauora practice manager, holding the memorandum of understanding with Sergeant Tom Brooks, EBOP Youth and Community Services Supervisor, and Constable Kevin Raynes, Youth Aid Officer. Photo: Jacky James

The Whakatane Police had similarly positive feedback about the framework. Data on Eastern Bay Youth Cases 2010 – 2013 shows a decrease in youth cases (when a young person comes to the notice of police for an offence or incident) in the Whakatane area of 119 during this period. Incidents include care and protection, truancy and police dealings with young people. Area Youth and Community Services Supervisor for the Eastern Bay of Plenty Tom Brooks states that ‘this is considered quite a significant drop in these types of cases and we attribute it to the Oho Ake framework being delivered in this area’.

Conclusion

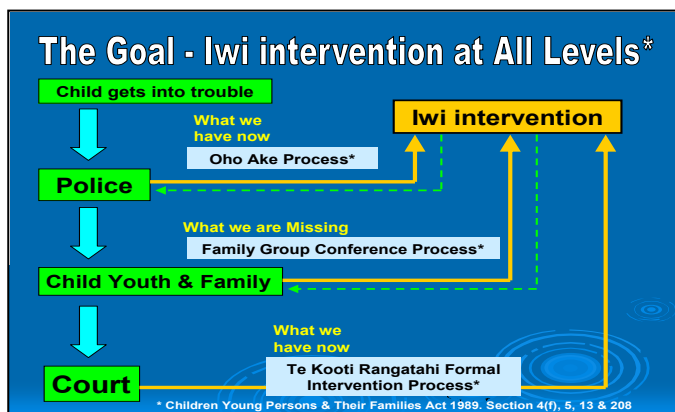
Over the past four years, Oho Ake has received 91 referrals from police. However, this does not represent the full number of people accessing support under the framework. It would not be unreasonable to triple these figures due to the complexity of the young people’s lives and their whānau. The framework is resource intensive and is currently being delivered within the operation budget of Tūhoe, in conjunction with other roles and responsibilities within the iwi.

Evaluation data shows that the Oho Ake framework is working particularly well for young Māori offenders, their siblings and other whānau members. Participants reported a positive change in their attitude, behaviour and interaction with police, responsibility and whakawhanaungatanga. Participants would access further services if required and reported benefits of the Oho Ake framework being delivered within a kaupapa Māori framework. The evaluations further show that the majority of rangatahi have re-entered some form of education or work environment; parents believed that they had become more active in their child’s life; there has been a reduction in substance misuse; and all have benefited by reconnecting to tikanga and their whakapapa.

Police feedback shows a steady decline in youth offending and, in particular, Māori offending in the Whakatane area. There has been a significant drop in re-offending by participants and a growing confidence in community collaboration.

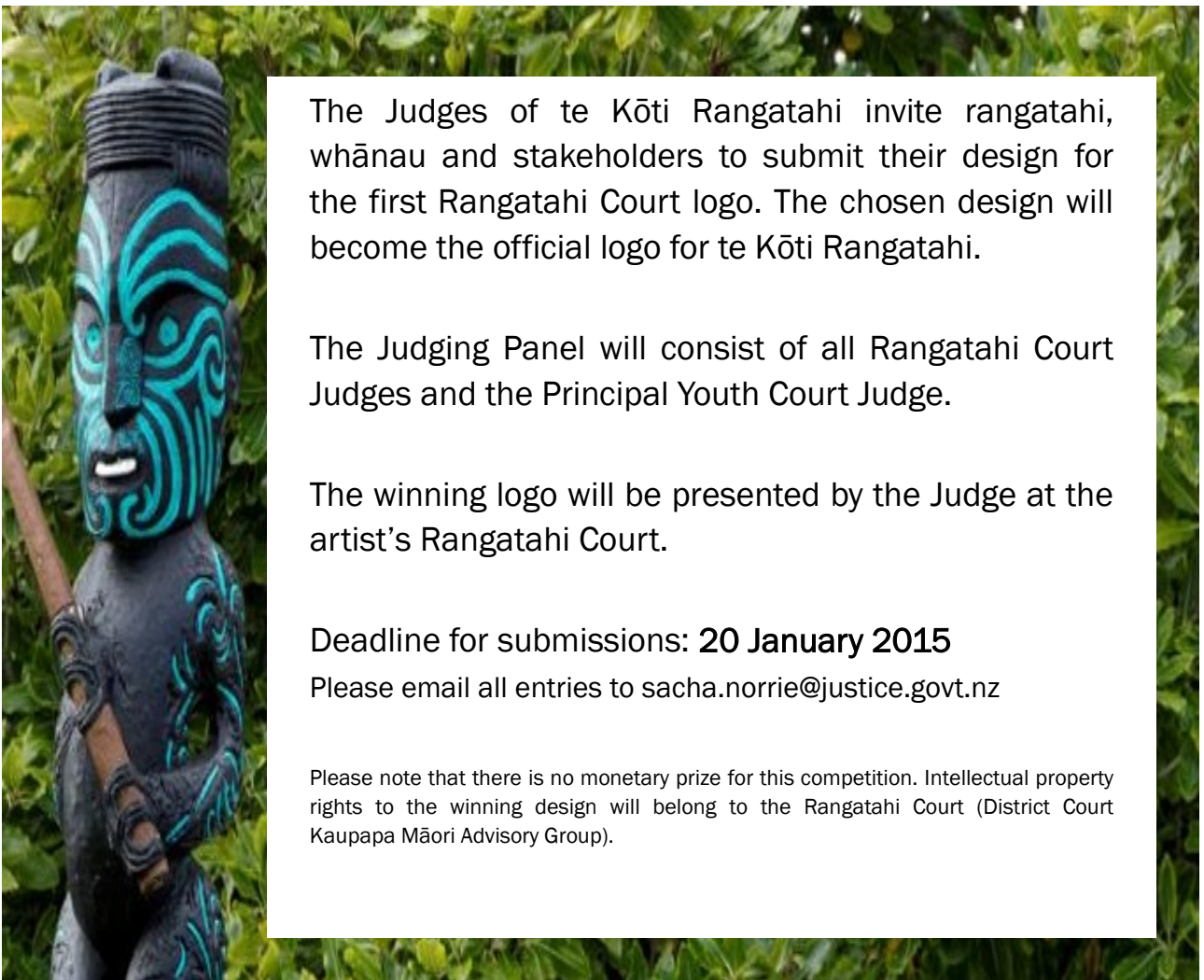
The Oho Ake framework evaluation concludes that Oho Ake has been instrumental in reducing the numbers of youth offending in the Whakatane area. The main influence appears to be the use of whakawhanaungatanga within a kaupapa Māori health service with highly knowledgeable and skilled staff in this area. The positive benefits are reported not only between rangatahi and whānau but also the relationships between Tūhoe, police and whānau.

In addition to the Oho Ake evaluation, Area Youth and Community Services Supervisor for the Eastern Bay of Plenty Tom Brooks mentions that Tūhoe are currently working towards iwi-run Family Group Conferences in conjunction with Oho Ake and Te Kōti Rangatahi:



Pānui/Notices

He Whai Tohu: search for the first Rangatahi Courts Logo



The Judges of te Kōti Rangatahi invite rangatahi, whānau and stakeholders to submit their design for the first Rangatahi Court logo. The chosen design will become the official logo for te Kōti Rangatahi.

The Judging Panel will consist of all Rangatahi Court Judges and the Principal Youth Court Judge.

The winning logo will be presented by the Judge at the artist's Rangatahi Court.

Deadline for submissions: 20 January 2015

Please email all entries to sacha.norrie@justice.govt.nz

Please note that there is no monetary prize for this competition. Intellectual property rights to the winning design will belong to the Rangatahi Court (District Court Kaupapa Māori Advisory Group).